



**BRECKENRIDGE TOWN COUNCIL WORK SESSION**

Tuesday, March 14, 2017; 3:00 PM

Town Hall Auditorium

**ESTIMATED TIMES:** *The times indicated are intended only as a guide. They are at the discretion of the Mayor, depending on the length of the discussion, and are subject to change.*

<b>3:00-3:10pm</b>	<b>I</b>	<b><u>PLANNING COMMISSION DECISIONS</u></b>	<b>2</b>
<b>3:10-3:30pm</b>	<b>II</b>	<b><u>LEGISLATIVE REVIEW*</u></b>	
		Deputy Judge Compensation Ordinance	<b>10</b>
		Municipal Court Failure to Pay Ordinance	<b>13</b>
		Collections Agency Ordinance	<b>17</b>
		Water Rate Increases Formalized	<b>20</b>
		Amendment to Town Sales Tax Code	<b>28</b>
<b>3:30-4:00pm</b>	<b>III</b>	<b><u>MANAGERS REPORT</u></b>	
		Public Projects Update	<b>31</b>
		Parking and Transportation Update	<b>33</b>
		Housing/Childcare Update	
		Committee Reports	<b>37</b>
<b>4:00-4:20pm</b>	<b>IV</b>	<b><u>PLANNING MATTERS</u></b>	
		Entrada Water Service Agreement Request	<b>39</b>
<b>4:20-6:30pm</b>	<b>V</b>	<b><u>OTHER</u></b>	
		Child Advocacy Center	<b>43</b>
		100% Renewable Energy Goal	<b>49</b>
		Plant Investment Fee Discussion	<b>52</b>
		E-Bikes Discussion	<b>55</b>
		Accommodations License Discussion	<b>63</b>
		Police Department Annual Report	<b>65</b>

Note: Public hearings are not held during Town Council Work Sessions. The public is invited to attend the Work Session and listen to the Council's discussion. However, the Council is not required to take public comments during Work Sessions. At the discretion of the Council, public comment may be allowed if time permits and, if allowed, public comment may be limited. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item. The public will be excluded from any portion of the Work Session during which an Executive Session is held. Report of the Town Manager; Report of Mayor and Council members; Scheduled Meetings and Other Matters are topics listed on the 7:00 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items.

**MEMORANDUM**

**To:** Town Council

**From:** Peter Grosshuesch, Director of Community Development

**Date:** March 8, 2017

**Re:** Planning Commission Decisions of the March 7, 2017, Meeting.

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***DECISIONS FROM THE PLANNING COMMISSION AGENDA OF March 7, 2017:***

CLASS C APPLICATIONS:

1) Shock Hill Overlook Lot 3 Duplex (MM) PL-2017-0010, 72 & 68 West Point Lode  
Construct a new duplex with 4 bedrooms and 4.5 bathrooms per side for a total of 4,998 sq. ft. density and 6,230 sq. ft. mass. *Approved.*

CLASS B APPLICATIONS: None.

CLASS A APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.

Shock Hill Overlook Lot 3 Duplex  
72 & 68 West Point Lode



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# Breckenridge South



## PLANNING COMMISSION MEETING

The meeting was called to order at 6:00 pm by Chair Schroder.

### ROLL CALL

Mike Giller	Christie Leidal	Ron Schuman
Jim Lamb	Dan Schroder	Gretchen Dudney
Steve Gerard		

### APPROVAL OF MINUTES

Ms. Leidal: I have some changes to the minutes, specifically comments that were made by others but were attributed to me in the Riverwalk and Denison project items. I called and spoke with Ms. Puester prior to the meeting and Ms. Puester has made the changes for the record.

Ms. Leidal: On page 5: With regard to loosing parking spaces. I actually asked if this still retained the 24' drive aisle. (Mr. Schroder stated he actually asked the question regarding the parking spaces.)

Ms. Leidal: On page 8: "Will the storage spaces still be assigned?" I actually asked about the parking in the carport being assigned. Ms. Dudney actually made the comment about the storage maintenance. "Will there be one person in a one bedroom unit?" Ms. Dudney actually made that comment.

Mr. Schuman: On page 5: "It should have read "received" not "gotten".

With no other changes, the February 21, 2017, Planning Commission Minutes were approved as presented.

### APPROVAL OF AGENDA

With no changes, the March 7, 2017, Planning Commission Agenda was approved.

### CONSENT CALENDAR:

1) Shock Hill Overlook Lot 3 Duplex (MM) PL-2017-0010, 72 & 68 West Point Lode

With no requests for call up, the consent calendar was approved as presented.

### WORKSESSIONS:

1) History Colorado: Mark Rodman

Ms. Puester introduced Mr. Mark Rodman, who is the Director of Preservation Programs and Preservation Technical Services Manager for History Colorado. History Colorado oversees the Certified Local Government (CLG) Program, of which we are a member.

Mr. Rodman: You have to be evaluated every four years. I did an evaluation earlier today with Julia and all of your information is very organized and in place. I also come and observe your meeting to see how the meeting is run. A few things about History Colorado: It is a non-profit and state agency. I work with the State Historic Preservation office (government function). I am passing out a booklet on new programs and tax credits.

What it means to be a CLG:

1. Have a preservation ordinance, enforce the ordinance
2. Have people attend a training
  - a. Any planning training will account for this
  - b. Town of Breckenridge is welcome to bring people in for presentations
  - c. We can go to someone else's preservation meeting
3. Have to maintain a publically accessible system of inventory of historic properties and surveys, meeting minutes

4. Options for public to participate should include an item on the agenda regularly for general public comment on any historic issues, buildings etc which are not on the agenda, in addition to your public hearing process for development permits.
5. Any building that is being proposed for designation by a private individual anywhere in the state: Town of Breckenridge Planning Commission needs to comment on the application.
6. National Alliance of Preservation Commissions:
  - a. Code of Ethics (passing this pamphlet around).
  - b. Economic Benefits of Historic Preservation: Expect the booklet to be coming available soon.
  - c. State Historic Tax Credits: Most of the receiving projects have been on the frontrange. We are concerned that they may not get renewed if they are not used elsewhere. Any projects you can get to use the tax credits would help. You can transfer tax credits and are worthwhile to those who do not have State tax liability. Nonprofits can also sell them.

*Commissioner Questions / Comments:*

Mr. Schroder: Are there any other Planning Commissions that also function as the Historic Preservation Commissions in the State? (Mr. Rodman: The only other one is Crested Butte.) Do we know how many projects have been done without the state commercial tax credit program assistance? (Ms. Puester: No projects have use the commercial tax credit program.) (Mr. Rodman: You guys do have projects that have taken the federal state credits, but the state current commercial credit program just started in 2015 and it was authorized for 5 years.) (Mr. Truckey: In terms of public involvement, pretty much any project in the historic district will be subject to a Public Hearing at a Planning Commission.) (Mr. Rodman: My concern would be to ensure that a member of the public could come and comment on a non-agenda historic related item.)

Mr. Gerard: I have seen that before on other Commissions. I think we should add that on our regular agenda. (Mr. Truckey: The Town Council does that also.)

**TOWN COUNCIL REPORT:**

Mr. Truckey presented.

- Water Service for the Berlin Placer (in County by Baldy Road and Sallie Barber). Affordable housing project. Originally came in with 50 to 60 units proposed. Originally 40% deed restricted and 60% free market. We asked to have that reserved and they agreed to that. They are asking for water service. We are going forward with a water service agreement, waiving tap fees for deed restricted units. There were a number of other items involving trailheads, etc., that the applicant has also addressed.
- The Council is also moving forward with the Cross-Tab Agreement. The density is limited per the plat notes. They are asking for an additional 800 sq. ft. to a single family home. The applicants will be purchasing TDRs for the additional density and they have proposed a public benefit, which is a \$5,000 contribution towards trail work on the new trail behind Pinewood I and II and Claimjumper Condos that connects uphill to the Pence Miller trail. It is going to be over a mile of new trail. The Council was pretty comfortable with that moving forward. The actual development proposal will probably be a Class D Major, so the Planning Commission will not see it.
- Riverwalk Pedestrian Improvements: The Council approved the Town Project. The construction was planned for this summer, but they are concerned that construction was planned right in the height of the summer. Council has requested that staff postpone those improvements until the fall.
- Denison Placer Workforce Housing: The Council approved this Town project.

*Commissioner Questions / Comments:*

Mr. Schroder: Is Berlin Placer on the uphill side of Sallie Barber Road? (Mr. Truckey: Actually both sides of the road. All those trails will be preserved but the character may change because of the development. We have really been encouraging housing outside of the Town. There is water

and transit already for the property and it is a logical location for housing. We supported that. Anytime we can get a private developer coming in with a good proposal; that is a win-win for us.)

Mr. Gerard: What kind of units? (Mr. Truckey: 14 single family, 20 duplex, 1 Habitat for Humanity home.)

Mr. Schroder: Did they not plan to do the Riverwalk improvements and the 4'Oclock Roundabout at the same time? (Mr. Truckey: That was the original plan, but that has changed to reduce impacts in that area during peak summer activities like 4<sup>th</sup> of July, NRO, BMF.)

#### **CHILD CARE PROGRAM UPDATE:**

Ms. McAtamney presented.

- The child care program has been around since 2006. Started by Council: teacher turnover, losing employees 1:5 for childcare and 1:4 to housing issues. Council has its own advisory committee. I am here to share with you a little about the program and some info on local families. We support our local non-profit childcare centers, work with our 4 non-profit schools to help them deliver high quality programs.
- We built Coyne Valley. Had a waiting list of up to 100 kids. We went ahead and built that center. We paid off debt and Carriage House and Little Red and asked them to fund a reserve fund (for example, to replace a roof). We also asked them to raise their teacher salaries. When you raise salaries typically, tuition goes up. We created a tuition-assistance program. We created a scholarship program that created a lot of confusion. We don't want a family paying more than 13% to 16% for childcare. Here in Summit, we have one of the highest rates of working parents in the country. We are working with the centers to uncover efficiencies. We help them create new financial procedures. We develop training programs for their Boards of Directors. For a lot of parents, this is their first opportunity to serve. We show them what good governance looks like. Many of these parents go on to serve the community in other capacities.
- \$2.5 to \$2.7 million budget among the centers. 250 kids in care. 120 kids receiving assistance. 48% of our families receive some kind of assistance. Average days a week in care: 3.54 days per week. Families have been here for over a decade on average. Program is aimed at the middle class. Great federal and state programs at the lowest level AMI so we do less there. People are eligible up to 150% AMI.
- Program is focused on the Upper Blue. 70% of families. 45% of them live in the Town of Breckenridge. We also want to support our businesses, so we have a local workforce requirement. If I was a business owner, I would use this as a recruitment tool.
- We serve people all over the county.
- 47% using tuition assistance also live in deed-restricted housing.
- 85% of our parents work compared to 64% statewide.
- 40% of families are low income by national HUD standards.
- Average income for families with Tuition Assistance: \$75,734.
- We do income verification. Over reporting occurs 13% on average.
- AMI by Industry: we work with all incomes. We see couples with very similar income.
- We went in and used a sustainability index provided by the state. We felt it was not reflective in Summit County, so we modified it. We used 30% for housing. We found that someone making \$81,500 was in the hole over \$900 at the end of the year. Even couples making \$130,000 (160% of AMI) still don't have any savings left over at the end of the year after child care expenses.
- Local businesses have benefitted from our program as well as independent contractors. We had 11% of our application audited this year, and we are unable to find any anomalies.
- 10 years after founding: 4 non-profit schools, tuition assistance.
- 35 infants and toddlers on our wait list.
- Still work to do regarding retention, etc. but we know that the program is working.

*Commissioner Questions / Comments:*

- Mr. Schuman: How long will it take to cycle through that waiting list? (Ms. McAtamney: It is unpredictable. Teachers do not have healthcare. We created a program this year that would allow any childcare center teacher access to the health care centers for free. Only about 1/3 of the teachers have care through a spouse.)
- Ms. Dudney: What about the option of sharing a nanny or opening up homes for daycare? (Ms. McAtamney: We don't work with people who are for profit. But the good news is that we can calculate the cost of care for tuition assistance and that assistance goes directly to the center.) Sure, I was just thinking about the overall cost of care and bringing the care down. (Ms. McAtamney: We see our costs are \$74/day for infant care and \$38 for preschoolers.) Is there a regulatory issue that could reduce the cost? (Ms. McAtamney: So much of it is around safety. Maybe you could step back on that but that is not driving the true cost of these centers. The cost structures are all super centers. It is really the people who are driving the cost. We could change ratios but that would not create a good situation.) (Ms. Puester: Although this is not an issue that the Planning Commission deals with directly, we feel that the community looks to the Planning Commission for information and we thought it was important you to know about the new information that we have coming out of this new Childcare position. Ms. McAtamney has been making a lot of headway since she started nearly a year ago.) If there is anything with real estate that could help, you should let us know. (Ms. McAtamney: The nice thing is that our Planning Code does allow for in-home centers.)
- Mr. Schuman: What is the employee program called? (Ms. McAtamney: It is called the Breckenridge Tuition Assistance Program.) Can you email the presentation? (Ms. McAtamney: Yes. It also looks like we have the opportunity to add dental care to the ECARE program.)

**DEVELOPMENT CODE STEERING COMMITTEE UPDATE:**

Mr. Truckey presented.

- The Steering Group met almost two weeks ago. We spent most time focused on Policy 22/R Landscaping. I am just going to go over some of the highlights. There is a provision that requires one tree every 15' along the right of way. This is already covered under the subdivision code but with different tree separation requirements. The Group agreed to eliminate the reference to street trees in the landscaping policy.
- The points assignment under Landscaping have some inconsistencies. In one section it talks about "use areas and privacy" and in another it talks about right of ways and adjacent properties, which has been the main focus of what we do. We are trying to make this consistent.
- We have never awarded 6 positive points for landscaping. Do we still want to have this on the table? The recommendation from the Group is to eliminate the positive 6. There is not that much of a gap between positive 2 and positive 4 points, just tree sizes. We looked at what do you need to get positive 6. We have historic properties with too much landscaping. Positive 6 talks about the largest tree sizes possible which could be overpowering like a jungle. We came up with another thought about getting to positive 4. The Group recommends requiring certain water conservation measures, possibly have a list of choices and you have to meet a few of those. Examples: Rain sensors, drip irrigation, a limit on percent of disturbance envelope, not using non-native sod. The idea is to get to positive 4 points, you have to have a water conservation package.
- Our proposal is to remove the requirements for landscaping by zone. The current code requires landscaping in defensible space Zone 1 (within 30' of the house) for +2 positive points, planting in Zones 1 and 2 for +4 points, etc. We will remove this, because the zones are not relevant to where screening is necessarily needed.
- There is a maintenance provision in 22/A regarding replacement of dead or removed trees and we want that to be highlighted a little more and will require that note on site plans, or as a condition of

- approval.
- We talked about limiting irrigated turf and assigning negative points for excessive areas of irrigated turf.
- Policy 24A The Social Community: Tables that provide negative points above 9 UPA. Since it is assigning negative points, it belongs in a relative policy so we are moving it out of there.
- Our next meeting with the Steering Group is the 30<sup>th</sup> of this month.

*Commissioner Questions / Comments:*

- Mr. Schuman: Has anyone come to us proposing to removing trees that have become overgrown? (Ms. Puester: Yes, we have had this before and if they are meeting the original intent, depending on the extent of removal, we sometimes will allow or require some replanting of smaller sizes. We would allow them to remove trees with a staff level permit if there is structural damage or for wildfire mitigation.)
- Ms. Leidal: There is a section of Policy 22 that specifically allows for thinning for tree health, so staff has flexibility to allow this in appropriate situations.
- Mr. Schuman: I am not sure about limiting irrigated lawn and encouraging xeriscaping. Might not look right in certain applications.
- Ms. Dudney: Peter says that the sod irrigation is our biggest water usage. In the Highlands, we use native summit grass and it looks really nice.
- Mr. Lamb: The applications in the Highlands are different than the historic district. There should be exceptions for things like soccer fields and parks too.
- Ms. Dudney: I think what I would like to see is the exception being the historic district and sports fields. My question is why allow any irrigated turf, unless it is in the historic district?

**OTHER MATTERS:**

1) Saving Places Conference Recap

Ms. Puester: A lot of us went, so I wanted to provide an opportunity to recap the different sessions we went to for the group. One of the sessions I really like was focused on new technology, specifically new apps for historic preservation. Much of this involved how to communicate with the next generation, making this relevant and relatable. Different ways to reach people with new formats. How to involve multiple people at the same time. Linking children, planning, and historic preservation.

Mr. Truckey: There was also an interesting session on video games, etc. and the recognition that the younger generation learns about historic places from some of these games. A teacher from Adams County was discussing how she had her students in the field searching for PokemonGo sites that were all historic buildings.

Ms Puester: I went to one on ADA accessibility that was a little more technical. They had some good examples on handrails, blending in with historic styles with a code compliant height rails which looked different but complimentary, same as the ADA issues.

*Commissioner Comments:*

- Mr. Giller: I went to a law session in CAMP, and they talked about the importance of not using precedent to base development decisions on, or rather stick to the development code.
- Ms. Dudney: I thought the best one was the Yay or Nay session. For a non-design person, that was very helpful because you looked at different designs, voted on if you thought it was done well or not and then the professionals discussed it.
- Mr. Giller: I thought the focus of the conference sessions has become less tactical/technical, and more general.
- Ms. Leidal: I really liked the ADA Accessibility session. I also liked the one on how Main Street meets



- mid-century modern.
- Ms. Dudney: I think the Ski Town Forum was a great interaction with other towns, but the setting was a challenge and it would be great going forward if we could have the opportunity to display visuals.
- Mr. Gerard: I think you could have a session in a typical class room for Ski Town Forum discussion, and then go somewhere else and have an opportunity to interact and ask each other about the projects.

**ADJOURNMENT:**

The meeting was adjourned at 7:55 pm.

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Dan Schroder, Chair

**MEMO**

TO: Town Council  
FROM: Town Attorney  
RE: Council Bill No. 4 (Deputy Municipal Judge Salary Ordinance)  
DATE: March 6, 2017 (for March 14<sup>th</sup> meeting)

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The second reading of the Deputy Municipal Judge Salary Ordinance is scheduled for your meeting on March 14<sup>th</sup>. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 **FOR WORKSESSION/SECOND READING – MARCH 14**

2  
3 **NO CHANGE FROM FIRST READING**

4  
5 Additions To The Current Breckenridge Town Code Are  
6 Indicated By **Bold + DbL Underline**; Deletions By ~~Strikeout~~

7  
8 COUNCIL BILL NO. 4

9  
10 Series 2017

11  
12 AN ORDINANCE CONCERNING THE COMPENSATION OF THE DEPUTY  
13 MUNICIPAL JUDGE

14  
15 WHEREAS, Article 20, Section 6 of the Colorado Constitution provides, in part, that a  
16 home rule municipality has the power to legislate upon, provide, regulate, conduct and control its  
17 municipal court; the definition and regulation of the jurisdiction, powers and duties thereof; and  
18 the election or appointment of the officers thereof; and

19  
20 WHEREAS, Section 8.2(b) of the Breckenridge Town Charter provides that the Town  
21 Council may appointment one or more deputy judges for the Town’s municipal court as it deems  
22 necessary; and

23  
24 WHEREAS, Section 8.2(c) of the Breckenridge Town Charter provides that the deputy  
25 municipal judge shall receive such compensation for services rendered as the Town Council may  
26 determine.

27  
28 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
29 BRECKENRIDGE, COLORADO:

30  
31 Section 1. Section 1-8-3(F) of the Breckenridge Town Code is amended to read as  
32 follows:

33  
34 F. Compensation: The municipal judge shall receive a fixed annual salary  
35 established by the Town Council as part of its approval of the annual Town  
36 budget. Such annual salary shall be payable in twelve (12) equal monthly  
37 installments. The compensation of the municipal judge shall not be increased or  
38 decreased during the judge’s term of office. The deputy municipal judge shall be  
39 compensated for services rendered ~~at the rate of seventy five dollars (\$75.00) per~~  
40 ~~hour, including travel time~~ **as the Town Council may determine.**

41  
42 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the  
43 various secondary codes adopted by reference therein, shall continue in full force and effect.  
44

1           Section 3. The Town Council hereby finds, determines and declares that it has the power  
2 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article  
3 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.  
4

5           Section 4. This ordinance shall be published and become effective as provided by  
6 Section 5.9 of the Breckenridge Town Charter.  
7

8           INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
9 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2017. A Public Hearing shall be held at the  
10 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
11 \_\_\_\_\_, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
12 Town.  
13

14   TOWN OF BRECKENRIDGE, a Colorado  
15   municipal corporation  
16

17  
18  
19   By \_\_\_\_\_  
20   Eric S. Mamula, Mayor  
21

22 ATTEST:  
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27   \_\_\_\_\_  
28   Helen Cospolich, CMC,  
29   Town Clerk  
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**MEMO**

TO: Town Council

FROM: Town Attorney

RE: Ordinance Amending Town Code Concerning Commitment to Jail For Failure to Pay a Municipal Court Fine

DATE: March 6, 2017 (for March 14<sup>th</sup> meeting)

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In 2016 the Colorado legislature passed and the Governor signed into law HB16-1311, entitled “An Act Concerning Court Orders Requiring Payment of Monetary Amounts.” This new Colorado law applies to the Town’s municipal court, and places limitations on the ability of a municipal court judge to imprison a defendant who fails to pay a municipal court fine. These limitations have been deemed necessary by the Colorado legislature in order to comply with the requirements the higher courts have imposed for when an indigent defendant may be imprisoned for failure to pay a municipal court fine.

Specifically, the new law requires that when imposing a monetary obligation on a convicted defendant the municipal court must inform the defendant that if they are unable to pay, the court may not jail the defendant for failure to pay the obligation. Further, the law requires that the court show that the defendant willfully failed to pay before imposing a suspended sentence, revoking probation, or holding a defendant in contempt of court.

It is necessary to amend Section 1-4-4 of the Breckenridge Town Code to comply with the requirements of HB16-1311. A proposed ordinance to do this is enclosed with this memo. The reference to “Section 18-1.3-702, C.R.S.” in Section A near the top of Page 2 of the ordinance is to HB16-1311.

HB16-1311 will make it more difficult for our municipal court to collect unpaid fines. You will recall we discussed this problem before, and you informally authorized the municipal court to engage a collection agency to attempt to collect the delinquent court fines. A formal authorization for the use of a collection agency to collect municipal court fines in the subject of a separate ordinance that is also scheduled for first reading next Tuesday.

I will be happy to discuss this ordinance with you on Tuesday.

1 **FOR WORKSESSION/FIRST READING – MARCH 14**

2  
3 Additions To The Current Breckenridge Town Code Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 COUNCIL BILL NO. \_\_\_\_

7  
8 Series 2017

9  
10 AN ORDINANCE AMENDING SECTION 1-4-4 OF THE BRECKENRIDGE TOWN CODE  
11 CONCERNING COMMITMENT TO JAIL FOR FAILURE TO PAY A  
12 MUNICIPAL COURT FINE  
13

14 WHEREAS, the Colorado legislature passed and the Governor signed into law HB16-  
15 1311, entitled “An Act Concerning Court Orders Requiring Payment of Monetary Amounts;”  
16 and

17  
18 WHEREAS, HB16-1311 applies to the Town’s municipal court; and

19  
20 WHEREAS, it is necessary to amend Section 1-4-4 of the Breckenridge Town Code to  
21 comply with the requirements of HB16-1311.

22  
23 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
24 BRECKENRIDGE, COLORADO:

25  
26 Section 1. Section 1-4-4 of the Breckenridge Town Code is amended to read as follows:

27  
28 1-4-4: COMMITMENT FOR FAILURE TO PAY FINE; **COLLECTION OF**  
29 **MONETARY AMOUNTS DUE FROM A DEFENDANT:**  
30

31 ~~Every person against whom any fine or penalty shall be assessed for a~~  
32 ~~misdemeanor violation of the ordinances of the town, who shall refuse or neglect~~  
33 ~~to pay the same when demanded, upon execution ordered by the municipal judge,~~  
34 ~~may be committed in default thereof to the Summit County Jail or such other~~  
35 ~~suitable place as shall be provided by said town under the direction of the proper~~  
36 ~~officer until said fine or penalty is fully paid and satisfied. Such satisfaction shall~~  
37 ~~be made at the rate of six dollars (\$6.00) per twenty four (24) hour day. Any such~~  
38 ~~person may be required to do any reasonable work; provided, however, that in the~~  
39 ~~discretion of the municipal judge, a stay of execution may be granted to enable~~  
40 ~~the defendant to pay the fine or penalty at a later date or in installment payments.~~  
41 ~~In case the defendant shall refuse or neglect to comply with the terms of the stay~~  
42 ~~of execution, then execution may issue and the defendant may be committed to~~  
43 ~~the Summit County Jail, as hereinabove provided, until such fine, penalty or~~

1 judgment is fully paid or otherwise satisfied. Imprisonment shall not be allowed  
2 in connection with the entry of a judgment of liability for an infraction.  
3

4 **A. Subject to the requirements and limitations of Section 18-1.3-702, C.R.S.,**  
5 **any person who fails to pay a monetary amount owed to the Town as part of**  
6 **a municipal court sentence as and when required to do may be imprisoned in**  
7 **the Summit County Jail.**  
8

9 **B. The maximum period of imprisonment under this section shall not exceed**  
10 **fifteen (15) days, or until the total amount of the unpaid monetary amount is**  
11 **paid to the Town, whichever shall first occur.**  
12

13 **C. The monetary amount owed to the Town by a person who is imprisoned**  
14 **under this section shall be reduced by the sum of six dollars (\$6.00) for each**  
15 **twenty four (24) hour day that such person is imprisoned.**  
16

17 **D. No person shall be committed to jail for failure to pay a monetary amount**  
18 **pursuant to this section unless imprisonment was a possible punishment for**  
19 **the violation of which the defendant was originally convicted.**  
20

21 **E. The municipal judge may order that any monetary amount due to the**  
22 **Town from a defendant be collected in the same manner as a judgment in a**  
23 **civil action.**  
24

25 Section 2. Except as specifically amended by this ordinance, the  
26 BreckenridgeTownCode, and the various secondary codes adopted by reference therein, shall  
27 continue in full force and effect.  
28

29 Section 3. The Town Council finds, determines, and declares that it has the power to  
30 adopt this ordinance pursuant to the powers possessed by home rule municipalities in Colorado.  
31

32 Section 4. This ordinance shall be published and become effective as provided by Section  
33 5.9 of the Breckenridge Town Charter.  
34

35 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
36 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2017. A Public Hearing shall be held at the  
37 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
38 \_\_\_\_\_, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
39 Town.  
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TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich  
Town Clerk



**MEMO**

TO: Town Council

FROM: Town Attorney

RE: Ordinance Authorizing Use of Collection Agency To Collect Unpaid Municipal Court Fines

DATE: March 6, 2017 (for March 14<sup>th</sup> meeting)

---

As you know, recent court decisions as well as a new state law (HB16-1311) have made it more difficult for the Town to collect unpaid municipal court fines.

Many municipal courts throughout the state have elected to employ a collection agency to attempt to collect their unpaid fines.

Staff discussed this issue with the Council several months ago, and the Council indicated at that time that it would be acceptable for the Municipal Court to employ a collection agency to attempt to collect the Town's unpaid court fines.

To avoid any challenge to the use of a collection agency, I have drafted the enclosed ordinance specifically authorizing the employment of a collection agency to collect unpaid municipal court fines, and capping the fee to be paid to the collection agency at 25% of the amount of the unpaid fine. This ordinance has been scheduled for your consideration next Tuesday.

I will be happy to discuss this ordinance with you then.

1 **FOR WORKSESSION/FIRST READING – MARCH 14**

2  
3 Additions To The Current Breckenridge Town Code Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 COUNCIL BILL NO. \_\_\_\_

7  
8 Series 2017

9  
10 AN ORDINANCE AMENDING CHAPTER 8 OF TITLE 1 OF THE BRECKENRIDGE  
11 TOWN CODE CONCERNING THE USE OF A COLLECTION AGENCY TO COLLECT  
12 UNPAID FINES OR FEES IN THE MUNICIPAL COURT

13  
14 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
15 COLORADO:

16  
17 Section 1. Chapter 8 of Title 1 of the Breckenridge Town Code is amended by the  
18 addition of a new Section 1-8-15 which shall read as follows:

19  
20 **1-8-15: USE OF COLLECTION AGENCY: To collect on past due**  
21 **municipal court orders of fines or fees, the Town Manager is authorized to**  
22 **enter into one or more contracts with collection agencies. Any fees or costs of**  
23 **a collection agency shall be added to the amount due, but such fees and costs**  
24 **shall not exceed twenty-five percent (25%) of the amount collected.**

25  
26 Section 2. Except as specifically amended hereby, the BreckenridgeTownCode, and the  
27 various secondary codes adopted by reference therein, shall continue in full force and effect.

28  
29 Section 4. The Town Council hereby finds, determines and declares that it has the  
30 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by  
31 Article XX, Section 6 of the Colorado Constitution; and the powers contained in the  
32 Breckenridge Town Charter.

33  
34 Section 5. This ordinance shall be published and become effective as provided by  
35 Section 5.9 of the Breckenridge Town Charter.

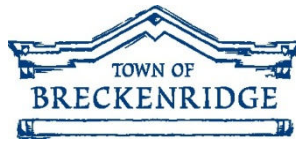
36  
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39 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
40 \_\_\_\_\_, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
41 Town.

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk



**TO:** BRECKENRIDGE TOWN COUNCIL  
**FROM:** BRIAN WALDES, DIRECTOR OF FINANCE  
**SUBJECT:** WATER RATES ORDINANCE  
**DATE:** 3-6-17

The purpose of this memo is to describe the multi-year changes proposed to the Town's water related fees in the attached ordinance, as well as the reasons for creating such an ordinance.

**Background**

Per Council directive, staff has been putting the final pieces in place for the planning and construction of the second water treatment plant. Part of this process has involved generating detailed financial analysis of the additional costs and required revenues associated with the new facility. This analysis has been shared with our citizens and Council. The documents have also been shared with our partners in this development process. One of these entities is the Colorado Department of Public Health and Environment (CDPHE). The CDPHE administers the State Revolving Fund (SRF). The SRF is the program through which the Town plans to borrow the \$53M to fund the planned construction project.

One of the documents shared with the CDPHE is our multi-year utility fund pro forma. The water task force has used this document to forecast the utility fund going out 20 years in an effort to predict the fund's future cash balances based on certain assumptions. These assumptions include the maximum cost of the new facility (\$53M) and an estimate of what it would cost to finance that level of expense (\$3.2M per year for 20 years).

By using the parameters described above, as well as several other assumptions, the task force was able to determine what levels of fee increases would sustain the fund going forward. These increases were shared with Council at our January 24, 2017 work session. They are;

<b>Fee Category</b>	<b>Scheduled Annual Increase</b>
Base Rents - Residential and Commercial	5%
Bulk Water Charges	5%
Mixed Use	5%
Water System Maint. Fee	From \$4 to \$6 / billing cycle in 2018 From \$6 to 8 / billing cycle in 2019
Plant Investment Fees (PIFs)	20% in 2018 10% increase from 2019 on

With these rate increases in place, the utility fund will be able to maintain our current system service levels as well as cover the capital and operational expenses associated with the new facility.

### Next Steps

Staff is moving to secure our debt financing on an accelerated schedule. Our goal is to be approved for the borrow amount sometime this year. The actual funding date is still being determined, but we are seeking to time the funding as close to actual construction as possible to minimize pre-construction interest expense.

Our contacts at the CDPHE /SRF have given us positive feedback on our 20 year pro forma. The Town has shown that, through careful planning and analysis, we can meet the financial challenges associated with improving our water system. A step the Town will be required to take to give the CDPHE confidence that we are, in fact, going to implement the steps outlined in the plan is to formalize the rate revenue assumptions by adopting the multi-year rate increase plan that is in the pro forma. As such, staff has prepared the attached ordinance that will put the assumptions into ordinance form.

This is the first time the Town has put multi-year rate assumptions into ordinance. Our practice has been to adopt rate increases each year as part of the budget process. There are no rules that preclude such a multi-year rate plan.

Staff will be available at both the work session and regular meeting on 3/14/17 to answer any questions the Council or citizens may have.

1 *For Worksession/First Reading 3/14/17*

2  
3 COUNCIL BILL NO. \_\_\_\_

4  
5 Series 2017

6  
7 AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 12 OF THE BRECKENRIDGE  
8 TOWN CODE CONCERNING THE MUNICIPAL WATER SYSTEM OF THE TOWN;  
9 PROVIDING FOR AN AUTOMATIC ANNUAL INCREASE OF CERTAIN FEES AND  
10 CHARGES DUE TO THE TOWN UNDER CHAPTER 4 OF TITLE 12 OF THE  
11 BRECKENRIDGE TOWN CODE; AND PROVIDING DETAILS IN CONNECTION  
12 THEREWITH

13  
14 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
15 COLORADO:

16  
17 Section 1. Findings. The Town Council of the Town of Breckenridge hereby finds and  
18 determines as follows:

19  
20 A. The Town of Breckenridge is a home rule municipal corporation organized and  
21 existing pursuant to Article XX of the Colorado Constitution.

22  
23 B. On April 1, 1980 the people of the Town of Breckenridge adopted the Breckenridge  
Town Charter.

24 C. Section 13.1 of the Breckenridge Town Charter provides in pertinent part as follows:

25 The town shall have and exercise with regard to all utilities . . . all municipal  
26 powers, including, without limitation, all powers now existing and which may be  
27 hereafter provided by the Constitution and the statutes.

28  
29 D. Section 13.1 of the Breckenridge Town Charter further provides that “the right of the  
30 town to construct . . . any public utility, work or way, is expressly reserved.”

31 E. Section 31-35-402(1)(b), C.R.S., authorizes a municipality to operate and maintain  
32 water facilities for its own use and for the use of public and private consumers and users within  
33 and without the territorial boundaries of the municipality.

34 F. Pursuant to the authority granted by the Breckenridge Town Charter and Section 31-  
35 35-402(1)(b), C.R.S., the Town owns and operates a municipal water system.

36 G. Section 13.3 of the Breckenridge Town Charter provides that “(t)he council shall by  
37 ordinance establish rates for services provided by municipality-owned utilities.”

2018 WATER RATE ADJUSTMENT ORDINANCE

1 H. Section 31-35-402(1)(f), C.R.S., authorizes a municipality with respect to a municipal  
2 water system:

3 To prescribe, revise, and collect in advance or otherwise, from any consumer or  
4 any owner or occupant of any real property connected therewith or receiving  
5 service therefrom, rates, fees, tolls, and charges or any combination thereof for the  
6 services furnished by, or the direct or indirect connection with, or the use of, or  
7 any commodity from such water facilities . . . .

8  
9 I. Section 31-35-402(1)(f), C.R.S., further provides that the governing body of a  
10 municipality is empowered to establish the rates, fees, tolls, and charges in connection with the  
11 operation of its municipal water system “without any modification, supervision, or regulation of  
12 any such rates, fees, tolls, or charges by any board, agency, bureau, commission or official other  
13 than the governing body collecting them.”

14 J. The action of the Town Council in setting the rates, fees, tolls, and charges to be  
15 charged and collected by the Town in connection with the operation of its municipal water  
16 system is a legislative matter.

17 K. In connection with the adoption of this ordinance, the Town has reviewed, considered  
18 and relied upon a study of the reasonably anticipated current and future maintenance and  
19 expansion costs for the Town’s municipal water system, including the planned construction of a  
20 second water treatment facility, as prepared by the Town’s Finance Director, and all other  
21 matters, materials and information related thereto or submitted to the Town in connection  
22 therewith. All such materials are to be considered part of the record of the proceedings related to  
23 the adoption of this ordinance.

24 L. It is the belief of the Town Council that water user fees collected from customers of  
25 the Town’s water system should primarily be used to pay for the non-capital costs of operating  
26 the Town’s water system. Additionally, the Town Council believes that customers of the Town’s  
27 municipal water system should pay their fair share of the capital costs associated with the  
28 ongoing operation and the future replacement of the Town’s water system, and that persons  
29 connecting to the Town’s water system should pay at the time of connection their fair share of  
30 the past capital costs incurred by the Town for its water system, as well as their fair share of the  
31 reasonably anticipated future capital costs required to expand the Town’s water system. The  
32 imposition of the Plant Investment Fee as a one-time charge on new customers of the Town’s  
33 water system, and the imposition of the Water Service Maintenance Fee as a periodic charge to  
34 be paid by all users of the Town’s water system, all as provided in this ordinance, are fully  
35 consistent with such beliefs.

36 M. The rates, fees, tolls, and charges imposed in connection with the operation of a  
37 municipal water system should raise revenue required, among other things, to construct, operate,  
38 repair, maintain, upgrade, expand and replace the water system.

39 N. The water user fees imposed by this ordinance will help achieve the Town’s long-

1 term goals and objectives as set forth in Paragraph L of this Section 1.

2 O. The Plant Investment Fee imposed by this ordinance will help achieve the Town’s  
3 long-term goals and objectives as set forth in Paragraph L of this Section 1.

4 P. The Water System Maintenance Fee imposed by this ordinance will help achieve the  
5 Town’s long-term goals and objectives as set forth in Paragraph L of this Section 1.

6 Q. The Plant Investment Fee and Water System Maintenance Fee imposed by this  
7 ordinance are generally applicable service fees designed to cover the capital and infrastructure  
8 costs associated with the operation of the Town’s municipal water system.

9 R. The amount of the Plant Investment Fee and Water System Maintenance Fee imposed  
10 by this ordinance are determined by the Town Council to be reasonably related to the future  
11 capital and infrastructure costs in the adopted capital plan for the Town’s municipal water  
12 system.

13 Section 2. Section 12-4-3 of the Breckenridge Town Code is amended to read as follows:

14

15 12-4-3: PLANT INVESTMENT FEE (PIF); GENERAL: Each person who  
16 desires to receive water service from the water system for an in town water using  
17 property shall pay a plant investment fee (PIF) in the amount of seven thousand  
18 seven hundred three dollars (\$7,703.00) per SFE. PIFs shall be payable prior to  
19 issuance of a building permit. The amount of SFEs to be used to calculate the  
20 required PIF shall be determined by the town in accordance with the table of  
21 single-family equivalents set forth in section 12-4-10 of this chapter.

22

23 Section 3. Section 12-4-4 of the Breckenridge Town Code is repealed.

24

25 Section 4. Chapter 4 of Title 12 of the Breckenridge Town Code is amended by the  
26 addition of a new Section 12-4-23, which shall read as follows:

27

28 12-4-23: ANNUAL ADJUSTMENT OF CERTAIN FEES AND CHARGES:

29

30 A. On January 1 of each year, commencing in 2018 and continuing thereafter, the  
31 amount of the following fees and charges payable to the Town pursuant to  
32 Chapter shall be increased as follows:

33

34 1. On January 1, 2018 the amount of the PIF to be paid to the Town pursuant  
35 to Section 12-4-3 shall be increased by an amount equal to twenty (20%)  
36 percent of the previous year’s PIF. On January 1, 2019, and each year  
37 thereafter, the amount of the PIF to be paid to the Town pursuant to Section  
38 12-4-3 shall be increased by an amount equal to ten percent (10%) of the  
39 previous year’s PIF. The increased PIF rate shall apply to all applications for



1 water service that have not been fully paid by the effective date of such rate  
2 increase.

3  
4 2. the amount of the in Town base user fee for all residential water users to be  
5 paid to the Town pursuant to Section 12-4-11A shall be increased by an  
6 amount equal to five percent (5%) of the previous year's base user fee.

7  
8 3. the amount of the excess use charge to be paid to the Town pursuant to  
9 Section 12-4-11B shall be increased by an amount equal to five percent (5%)  
10 of the previous year's excess use charge.

11  
12 4. each of the in Town base user fees for all nonresidential water users to be  
13 paid to the Town pursuant to Section 12-4-12A shall be increased by an  
14 amount equal to five percent (5%) of the previous year's base user fee.

15  
16 5. the fee due to the Town pursuant to Section 12-4-13 shall be increased by  
17 an amount equal to five percent (5%) of the previous year's fee.

18  
19 6. the bulk water fee due to the Town pursuant to Section 12-4-14 shall be  
20 increased by an amount equal to five percent (5%) of the previous year's bulk  
21 water fee. The connection fee and deposit required by Section 12-4-14 shall  
22 not be increased.

23  
24 B. On January 1, 2018 the water system maintenance fee (WSMF) to be paid to  
25 the Town pursuant to Section 12-4-20 shall be increased to six dollars (\$6.00)  
26 per SFE per billing cycle. On January 1, 2019 the water system maintenance  
27 fee (WSMF) to be paid to the Town pursuant to Section 12-4-20 shall be  
28 increased to eight dollars (\$8.00) per SFE per billing cycle. The water system  
29 maintenance fee (WSMF) as adjusted on January 1, 2019 shall remain in  
30 effect until changed by ordinance duly adopted by the Town Council.

31  
32 C. On January 1, 2018 the water system maintenance fee (WSMF) to be paid to  
33 the Town by each owner whose out of town water using property was  
34 connected to the Town's water system during any portion of the billing cycle  
35 pursuant to Section 12-5-6-1 shall be increased to six dollars (\$6.00) per SFE  
36 per billing cycle. On January 1, 2019 the water system maintenance fee  
37 (WSMF) to be paid to the Town by out of Town water users pursuant to  
38 Section 12-5-6-1 shall be increased to six dollars (\$8.00) per SFE per billing  
39 cycle. The water system maintenance fee (WSMF) as adjusted on January 1,  
40 2019 shall remain in effect until changed by ordinance duly adopted by the  
41 Town Council.

42  
43 D. Not later than thirty (30) days after a fee or charge enumerated above is  
44 adjusted as provided the Town Clerk shall cause to be published a public

## 2018 WATER RATE ADJUSTMENT ORDINANCE

1 notice setting forth the amount of the adjusted fee or charge. Such notice shall  
2 be published one time in a newspaper of general circulation in the Town;  
3 provided, however, that the failure of the Town Clerk to cause such notice to  
4 be published shall not affect the validity of the adjustment to the fee or charge  
5 as made pursuant to this section.  
6

7 Section 5. Except as specifically amended by this ordinance, the Breckenridge Town  
8 Code, and the various secondary codes adopted by reference therein, shall continue in full force  
9 and effect.  
10

11 Section 6. The Town Council hereby finds, determines and declares that it has the power  
12 to adopt this ordinance pursuant to the provisions of Section 31-35-402, C.R.S., and the powers  
13 possessed by home rule municipalities in Colorado.  
14

15 Section 7. This ordinance shall be published and shall become effective as provided by  
16 Section 5.9 of the Breckenridge Town Charter.  
17

18 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
19 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2017. A Public Hearing shall be held at the  
20 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
21 \_\_\_\_\_, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
22 Town.  
23

24 TOWN OF BRECKENRIDGE, a Colorado  
25 municipal corporation  
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28  
29 By: \_\_\_\_\_  
30 Eric S. Mamula, Mayor  
31

32 ATTEST:  
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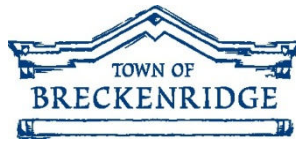
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38 Helen Cospolich  
39 Town Clerk  
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500-123\2017\2018 Water Rate Adjustment Ordinance (02-16-17)

2018 WATER RATE ADJUSTMENT ORDINANCE

Page 6



**TO:** BRECKENRIDGE TOWN COUNCIL  
**FROM:** BRIAN WALDES, DIRECTOR OF FINANCE  
**SUBJECT:** WORKFORCE HOUSING SALES TAX EXEMPTION  
**DATE:** 3/7/17

---

The purpose of this memo is to explain the attached amendment to our sales tax code, specifically the provision for exemptions from local sales tax.

#### Background

Colorado Revised Statutes provide for the exemption from State sales tax construction materials used in affordable/workforce housing projects that meet certain criteria. Our local sales tax ordinance does not currently have such a provision. As such, the workforce housing projects in Town have been required to remit Breckenridge sales tax. Since many of these projects are Town funded, the sales tax impacts the amount the Town pays. While these additional costs do come back to the Town in the form of sales tax remittance, that is not an ideal circumstance. Staff feels that exempting the materials from local sales tax on the front end would be more practical.

#### Next Steps

It is staff's recommendation that Council adopt the attached ordinance that will exempt materials used in the completion of affordable/workforce housing projects from Breckenridge sales tax. Adoption will match the Town's exemptions with those of the State under CRS Section 29-4-227(1). The ordinance also changes our time frame for deficiency notices from 20 to 30 days, which would bring us in line with State practices.

1 **FOR WORKSESSION/FIRST READING – MARCH 14**

2  
3 Additions To The Current Breckenridge Town Code Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 COUNCIL BILL NO. \_\_\_\_

7  
8 Series 2017

9  
10 AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF  
11 TITLE 3 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “TOWN OF  
12 BRECKENRIDGE SALES TAX ORDINANCE”

13 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
14 COLORADO:

15  
16 Section 1. Section 3-1-4 of the Breckenridge Town Code is amended by the addition of a  
17 new Section CC, which shall read in its entirety as follows:

18  
19 **CC. All transactions specified in Section 29-4-227(1), C.R.S. when utilized for**  
20 **the purpose of a project providing housing within the means of persons of**  
21 **low income.**  
22

23 Section 2. Section 3-1-32(B)(2) of the Breckenridge Town Code is amended to read as  
24 follows:

25  
26 2. Promptly thereafter, the finance director shall give to the delinquent taxpayer  
27 written notice of such estimated taxes, penalty, and interest, which notice shall be  
28 sent by first class mail directed to the last address of such person on file with the  
29 finance department. Such estimate shall thereupon become a notice of deficiency.  
30 Within ~~twenty (20)~~ **thirty (30)** calendar days after the notice of deficiency is  
31 mailed, the taxpayer may petition the finance director for a hearing in the manner  
32 provided in section 3-1-41 of this chapter and either may appeal to the district  
33 court as provided in section 3-1-42 of this chapter or to the department of revenue  
34 as provided in section 3-1-43 of this chapter.  
35

36 Section 3. Section 3-1-41(A) of the Breckenridge Town Code is amended to read as  
37 follows:

38  
39 A. If any person contests the finance director's deficiency notice or denial of a  
40 claim for refund, then he may apply to the finance director by petition in writing  
41 within ~~twenty (20)~~ **thirty (30)** calendar days after such deficiency notice is mailed  
42 to him for a hearing and a correction of the amount of the tax so assessed, in  
43 which petition he shall set forth the reasons why such hearing should be granted  
44 and the amount by which such tax should be reduced. The finance director shall  
45 notify the petitioner in writing of the time and place fixed by him for such

1 hearing. After such hearing, the finance director shall make such order in the  
2 matter as is just and lawful and shall furnish a copy of such order to the petitioner.  
3

4 Section 4. Except as specifically amended by this ordinance, the Breckenridge Town  
5 Code, and the various secondary codes adopted by reference therein, shall continue in full force  
6 and effect.  
7

8 Section 5. The adoption of this ordinance does not result in a new tax, a tax rate increase,  
9 or a tax policy change directly causing a net tax revenue gain to the Town within the meaning of  
10 Article X, §20 of the Colorado Constitution.  
11

12 Section 6. The Town Council finds, determines, and declares that it has the power to  
13 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX  
14 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.  
15

16 Section 7. This ordinance shall be published and become effective as provided by Section  
17 5.9 of the Breckenridge Town Charter.  
18

19 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
20 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2017. A Public Hearing shall be held at the  
21 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
22 \_\_\_\_\_, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
23 Town.  
24

25 TOWN OF BRECKENRIDGE, a Colorado  
26 municipal corporation  
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30 By: \_\_\_\_\_  
31 Eric S. Mamula, Mayor  
32

33 ATTEST:  
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37 \_\_\_\_\_  
38 Helen Cospolich, CMC,  
39 Town Clerk  
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# Memorandum

**TO:** TOWN COUNCIL  
**FROM:** Shannon Smith, Interim Capital Projects Manager  
**DATE:** March 8, 2017  
**RE:** Public Projects Update

---

## CIP Project Updates

### Rec Center Renovation and Tennis Center Construction

Schedule: Staff is working with the project architect and contractor to expand the design scope per Council's 2/28 direction. Specifically, the floor plans for the youth programming, strength and weight training, and functional fitness areas are being finalized. The final design and construction approach for the upgraded HVAC system is another current focus for the design team. Developing a final construction schedule, including the timing of any facility closures, is highly dependent on the ongoing design work. Demolition within the existing tennis facility is scheduled to begin on April 3<sup>rd</sup>. Construction of the Tennis Facility is dependent on snowmelt timing and is scheduled to begin in May. Construction staging for the Tennis Center will begin in April.

Budget: On February 28<sup>th</sup> Council approved a \$9.5 million dollar appropriation for the project to accelerate the previously phased portions of the project. The total project budget is now estimated at \$17.2 million dollars. Staff will update the proposed budget with Council once the plans added scope are finalized.

Project Funding	2016	2017	Total
CIP Budget	550,000	7,150,000	7,700,000
CIP Supplemental		9,500,000	9,500,000
Total Budget			17,200,000

### Four O'clock Roundabout

Schedule: Staff is continuing the public notice campaign through the use of social media, special outreach to affected lodging, door-to-door engagement with businesses, correspondence with area HOA's, attendance at local association meetings, notification to emergency responders, email, and newspaper advertisements. Staff has also been working with the Contractor, Columbine Hills Concrete, and with CDOT in order to submit and approve all requirements for the project prior to construction. Construction is still scheduled to begin on April 3<sup>rd</sup>, while the traffic closure of Park Avenue will begin on April 24<sup>th</sup>.

Park Avenue, between the F-Lot Entrance and Ski Hill Road will be closed to through traffic for the duration of the project and traffic will be detoured to Main Street. Access to all Park Avenue businesses will be maintained during the construction. Access to the Tiger Dredge Lot will be

provided on Adams Avenue, which will be signed for two-way traffic with no parking allowed. The closure is scheduled to occur from April 24<sup>th</sup> to July 1<sup>st</sup>.

Pedestrian access to the Riverwalk Center and Blue River Plaza will be detoured to Ski Hill Rd and along the pedestrian pathways on the west side of the Blue River (near River Mountain Lodge).

Budget:

Project Funding	2011	2013	2015	2017	Total
CIP Budget	100,000	150,000		775,000	1,025,000
CIP Supplemental			100,000		100,000
CDOT IGA		600,000	800,000		1,400,000
Total Budget					2,525,000
<b>Project Estimated Cost</b>					<b>2,225,000</b>

**Ski Hill Road Reconstruction (by Alpine Metro District)**

Update: Construction plans for the Ski Hill Road project have been reviewed by Staff and final comments returned to the developer in January 2017. It is our understanding that the Alpine Metro District has made revisions to the final plans and is now routing the roadway construction plans for final approval signatures, including the required entities outside the Town.

The overall Ski Hill Road alignment concepts have been approved by Town Staff. Staff, however, requested and has recently received more detailed information associated with traffic control, erosion control, and protection of the gulch. This new detailed information is under review by Staff.

Schedule: The reconstruction of Ski Hill Road will span over the next two summer seasons and will be completed in four phases. The initial Phase A will begin in May and consists of the demolition of the existing roadway, import of fill materials for the new roadway alignment, and installation of utilities required for the development. Flow of traffic on Ski Hill Road will be maintained during construction.

**CIP projects with no updates:**

North Main Street Restrooms (updated 2-28-17)

Blue River Habitat and Landscaping (updated 1-10-17)

Asphalt Overlay

Sawmill Creek Pipe

Outdoor Rink Turf and Padding

Blue River Parks – Oxbow Park

Old Masonic Hall – Southside Landscaping

Riverwalk Improvements & Minor Repairs





## MEMORANDUM

**To:** Mayor and Town Council  
**From:** Staff  
**Date:** March 7<sup>th</sup> (for March 14<sup>th</sup> work session)  
**Subject:** Parking & Transportation Update

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Below is a brief update on Parking and Transportation projects. Staff will add new projects to this list as they are developed and discussed with Council.

### **Active Projects - New Updates**

#### **Ice Rink Parking Structure** (Work Session 3-14-17)

**Schedule:** Staff has prepared a RFP for the design of a parking structure to be located at the current Ice Rink parking area. The RFP was released on March 6<sup>th</sup> and proposals are due by March 31<sup>st</sup>. Construction of the structure is targeted to begin in 2018.

**Budget:** A budget for design will be established once the proposals are received.

#### **Gondola Feasibility Study** (Work Session 3-14-17)

At the request of Council and with the assistance of Jon Mauch (Leitner Poma), staff solicited contractors to provide a request for quote for a gondola feasibility study. Each contractor was asked to provide a proposal based on the following parameters:

- Alignment and Adequacy of Rights of Way
- Core Initial Configuration and Phasing
- Ridership and Demand
- Impact on Existing Modes (busses, cars, walking, biking)
- Cost
- Economic Impact
- Funding Options
- Visual Simulations
- Political and Community Acceptance Assessment
- Recommendations on Feasibility, and Next Steps as Applicable

Staff has received three (3) proposals from the following contractors:

SCJ Alliance, from suburban northwest Denver, will partner with the transportation and engineering services firm of Fehr and Peers. The partnership with Fehr and Peers would allow SCJ to provide guidance on both ropeways (gondolas) and transportation and how they successfully interact. Their experience includes recent work on similar studies in Banff, Washington DC/Georgetown, San Francisco, and Cleveland.

Design Workshop/Mountainworks, from Denver, will partner with their associate planning firm, Mountainworks. These two firms have gondola study experience in Norway, Sweden, Japan, Austria, China, Crested Butte, Heavenly, and Taos.

SE Group, located in Summit County, plan to partner with LSC Transportation Consultants to provide a well rounded assessment of all aspects of transportation. Together these two firms have experience in gondola feasibility and development in areas including in Lake Tahoe, Snowmass, Squaw Valley, Breckenridge, Beaver Creek, and Ketchum.

Budget: At this time, there is a wide discrepancy in the quoted prices, ranging from \$18k on the low end to \$99k on the high end. The cost is dependent on the scope of work performed. As staff refines the study focus and vets each of the proposals we expect to fine tune the pricing

### **Priced Parking** (Work Session 3-14-17)

#### French Street Survey

Town staff has received a number of parking/traffic complaints from residents on French St. As a result, Police Department staff is reaching out through a survey to obtain input and better understand their concerns. To date letters have been received from eleven (11) property owners on French Street and eleven (11) completed surveys have been received. Respondents include both part-time property owners and full-time residents. Though not fully analyzed at the time of this memo, feedback is mixed with some citizens believing that congestion has increased significantly since paid parking went into effect and others believing there has been little change over previous years. Police Department staff will be presenting the survey results, along with the second 6-week span of paid parking data, to the Breck Forward Task Force on March 14<sup>th</sup>.

### **Riverwalk Pedestrian Improvements** (Work Session 03-14-17)

Schedule: Per Council's direction, Staff has met with the single bidder, Columbine Hills Concrete, to discuss schedule options for the project. The contractor is willing to complete the work in two phases. Phase 1 will construct a portion of the storm water piping prior to July 4<sup>th</sup> and the remaining work would be completed between September 5<sup>th</sup> and November 3<sup>rd</sup>. Mobilization of construction fencing, erosion control installation, and material stockpiling would occur the week of August 28<sup>th</sup>. We are still working with the contractor on parking lot closures required, detours, and the possibility of working on some Saturdays in Phase 2 and will update Council on the impacts a fall project presents to vehicles, pedestrians, and special events.

Budget: Staff is working with the contractor to identify changes to the project to bring it into budget prior to awarding the contract.

Project Funding	2016	2017	Total
Town P&T Funds		1,400,000	1,400,000
P&T Appropriation	250,000		250,000
Budget Total			1,650,000

**Outreach & Communication** (Work Session 3-14-17)

- Summit Daily News’ “What’s Brewing” on 2/28 saw 75 citizens in attendance.
- Outreach for the 4 O’Clock roundabout/Park Ave. closure continues and will increase (social, eblasts, ads, etc.) in March.
- BTO’s weekly enewsletter ‘DMO Download’ continues to link to BreckForward.com on the Community Link button.
- March’s Breck Buzz features a summary of decisions from the 2/14 meeting/retreat.
- “How To” videos (Pay-by-Plate and Passport App) continue to run on local outlets (Outside TV-8, SCTV-10, Welcome Center, ToB.com).

*In Development:* State of the Town (TBD) and animation ‘video’ outlining the variety of upcoming projects.

**Social Media Update** (Work Session 3-14-17)

Facebook

116 new page likes

Twitter

55 new followers

- Breck Forward Tweets with the highest impressions were related to the Riverwalk Pedestrian Improvements discussed at Council

Instagram

360 followers (30 new)

133 likes

### **Active Projects - No Updates**

**Block 11 Bus Turnaround** (Work Session 9-27-16)

**Four O'clock Pedestrian Improvements** (Work Session 9-13-16)

**F-lot Pedestrian Connection** (Work Session 9-13-16)

**Huron Landing Bus Stop** (Work Session 8-23-16)

**Ride Share Partnership** (Work Session 12-13-16)

**Park Ave Roundabouts- S. Main St. & Village Rd** (Work Session 02-28-17)

**Transit & Parking Information Technologies** (Work Session 02-28-17)

### **2017 Completed Projects**

**Village at Breckenridge Pedestrian Crossing Safety Improvements** (Work Session 02-28-17)

**Park Avenue Traffic Modeling** (Work Session 1-24-17)

**MEMO**  
**TO:** Mayor & Town Council  
**FROM:** Rick Holman, Town Manager  
**DATE:** March 9, 2017  
**SUBJECT:** Committee Reports for 3-14-2017 Council Packet

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<b>POLICE ADVISORY COMMITTEE (PAC)</b>	<b>March 1, 2017</b>	<b>Chief McLaughlin</b>
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**2017 Community Representatives:** Dave Askeland, Carrie Balma, Tom Byledbal, Dick Carleton, Jeff Chabot, Claire Drewes, Phil Gallagher, Javier Gaspar, Ramon Gomez, Sandi Griffin, Claudia King, Tessa Rathjen, Jason Smith, Jim Trisler, Hal Vatcher; student representatives Geneva Ascher & Ben Carlson.

The Police Advisory Committee (PAC) held its bimonthly meeting on March 1, 2017. The Chief and PAC members discussed the following:

- **Introductions:** Two new student members from Summit High School were welcomed, Geneva Ascher and Ben Carlson.
- **Department Updates:** The Department has been fully staffed for six months with one anticipated opening coming late spring. There are several people who have recently expressed an interest in working for Breck P.D. so recruiting for the position should not be a problem. Member Dick Carleton thanked Chief McLaughlin for recently addressing the Breckenridge Restaurant Association (BRA) to answer questions arising from the undercover drug operation last fall. Asst. Chief Nicola Erb said the Department will continue to strengthen the relationship with BRA by including a downtown officer at future meetings. Chief McLaughlin reported that paid parking has primarily achieved its intended goal of 15% available parking spaces in Town. Staff is continuing to address other issues that have arisen from changes in the parking plan. The First Annual BPD Awards Dinner will be held in June. Colorado Senator John Cooke, who started his law enforcement career in Breckenridge, is the planned guest speaker. The PAC subcommittee has been reviewing recommendations for Officer/Employee of the Year Award which will be presented at the awards banquet.
- **Volunteer Program:** The Police Volunteer Program has been created and will have its first two members trained soon. In addition, the Department is discussing the potential creation of a Reserve Officer Program and a Summer Student Internship as part of the volunteer program.
- **2016 Annual Report:** Members were provided a copy of the annual report. The Chief fielded questions regarding the increase in arrests in 2016 explaining the difference between custodial and non-custodial arrests. He also discussed factors contributing to the increase in arrests and calls for service.
- **PAC Guidelines:** The group was provided with a copy of the expanded PAC Guidelines (attached at the end of this report) and Chief McLaughlin explained the major components. Committee members requested additional communications from the department prior to issuance of press releases or other events affecting the community at large.
- **Professional Standards:** Assistant Chief Nicola Erb reviewed policy and procedures in handling Response to Resistance Reports. Four incidents where use of force was used have been reported year-to-date, with an additional incident last night. All reports were reviewed previously by the Assistant Chief and Chief and found to be within department guidelines. None of the members had questions or concerns about any of the RTR incidents. A discussion ensued regarding use of police discretion particularly in reference to DUIs.
- **Outreach to Minorities:** Chief McLaughlin addressed the group regarding the current, unpredictable situation with regard to immigration enforcement. The Chiefs of all county agencies are in agreement that there will be no changes at this time in dealing with immigrants. It will remain the responsibility of the Sheriff's Office Jail to determine immigration status on arrestees when necessary and make federal notifications when required. Sgt Esteban Ortega informed the group about efforts to address fear and uncertainty expressed by local immigrant populations. The Chief stressed that rumored immigration round-ups in the County are not true and are contrary to the tenants of Community Oriented Policing and efforts to build trust within the community. Chief McLaughlin announced that a county-wide Latino Citizen's Police Academy will begin in April and is co-sponsored by all the County law enforcement agencies. Immigration concerns will be discussed as part of the academy. Also, Breck PD Sgt. Esteban Ortega will be participating in a community immigration panel on March 13<sup>th</sup> to be hosted by FIRC and held at CMC.

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<b>Committees*</b>	<b>Representative</b>	<b>Report Status</b>
CAST	Mayor Mamula/ Erin Gigliello	No Meeting/Report
CDOT	Rick Holman	No Meeting/Report
CML	Rick Holman	No Meeting/Report

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I-70 Coalition	Rick Holman	No Meeting/Report
Mayors, Managers & Commissioners	Mayor Mamula/ Rick Holman	No Meeting/Report
Liquor and Marijuana Licensing Authority	Helen Cospolich	No Meeting/Report
Summit Stage Advisory Board	James Phelps	No Meeting/Report
Police Advisory Committee	Chief McLaughlin	Included
CMC Advisory Committee	Rick Holman	No Meeting/Report
Recreation Advisory Committee	Jenise Jensen/Scott Reid	No Meeting/Report
Workforce Housing Committee	Laurie Best	No Meeting/Report
Child Care Advisory Committee	Jennifer McAtamney	Included Under Work Session Agenda Item
Breckenridge Events Committee	Kim Dykstra	No Meeting/Report
Parking and Transit Taskforce (Breck Forward)	Shannon Haynes	No Meeting/Report

**Note:** Reports provided by the Mayor and Council Members are listed in the council agenda.

\*Minutes to some meetings are provided in the Manager's Newsletter

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## MEMORANDUM

**TO:** Town Council

**FROM:** Mark Truckey, Assistant Director of Community Development

**DATE:** March 8, 2017 for March 14 Work Session

**SUBJECT:** Entrada Water Service Proposal

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The Council discussed a potential water service agreement for the Entrada property at their October 11, 2016 work session. Since then, staff has worked with Marty Getz, the property owner, and his attorney Steve West to refine the deal points related to the Town providing water service. The attached letter from Steve West outlines a list of points that Mr. Getz is willing to commit to regarding receiving Town water.

Staff believes that the deal points in the attached letter address the relevant issues that have been discussed previously with Council. We do feel there still needs to be some work on several of the deal points to ensure that the Town's interests are being served. If the Council is generally comfortable with the proposal, still will work with the applicant to refine these deal points before placing them in a final water service agreement. A few items we wanted to point out related to the deal points:

- The applicant has indicated they may still be pursuing a quick service/fast food type restaurant in a portion of the building. However, the applicant has agreed that there will be no drive-up window.
- Engineering staff will be discussing item 4 with the applicant in more detail to ensure we have resolution on the issues raised in the item.
- Item 5 regarding architecture is generally acceptable to staff, but we need to work on the final sentence that currently leaves final determination on "substantial" reductions in architectural quality to Summit County.
- Item 6 indicates an agreement to voluntary annexation no earlier than three years after the development has received a Certificate of Occupancy. It also requires the Town to provide road maintenance on CR 450 along the Entrada property. Is the Council comfortable with this?
- Item 7 agrees to transfer of existing water rights on the property to the Town under the condition that the water rights are appraised and that the Town gives credit for the appraised value to PIF fees and, if the value is sufficient, for water service fees. Is the Council comfortable with this?

### **Council Direction**

Staff seeks feedback from the Council regarding whether they are comfortable with the seven deal points outlined in the attached letter, with consideration of the issues listed above.

LAW OFFICES  
**WEST BROWN HUNTLEY PC**  
100 SOUTH RIDGE STREET, SUITE 204  
POST OFFICE BOX 588  
BRECKENRIDGE, COLORADO 80424  
TELEPHONE (970) 453-2901  
FAX (970) 453-0192  
WWW.WESTBROWN.COM

STEPHENC. WEST  
FELICE F. HUNTLEY  
ROBERT N. GREGORY  
LESLEE K. BALTEN

D. WAYNE BROWN  
Retired

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JILL D. BLOCK  
Paralegal

March 7, 2017

**VIA EMAIL (markt@townofbreckenridge.com)**

Mark Truckey, Assistant Director  
Department of Community Development  
Town of Breckenridge

Re: Water Service for Tract A1, Entrada at Breckenridge

Dear Mark:

In connection with the discussion with Town Council on March 14 to determine if out-of-town water service might be provided to Tract A1, Entrada at Breckenridge, I am submitting a bit of background for the request and the general terms on which Marty Getz would pursue an agreement for out-of-town water service.

First, on the background, as you and I have discussed, the negotiations during 2016 with the Town about water service became excessively complex and took on the character of a quasi-annexation discussion. As Marty Getz and I understand it from Thad Noll, in January 2016, when Marty and the County were close to consummating arrangements for the limited augmentation water necessary for the development of Tract A1, the County was advised that, in connection with the Town's plan to construct a new and costly water treatment plant, the Town was going to be pursuing the sale of water to properties outside of the areas currently served with Town water. While the primary focus of such sales was anticipated to be for residential properties and use, it was suggested to the County that Tract A1 would present a good opportunity for the sale of Town water for commercial purposes. Based on the prospect that Town water for Tract A1 might be available, the County suggested to Marty Getz that he attempt to procure out-of-town water service if the conditions were not too onerous.

It is important to note that the development of Tract A1, as currently permitted under the Entrada at Breckenridge PUD, only requires augmentation water from the County for landscaping and for the existing employee unit located on Tract B1 in order for the decreed



water from the on-site well (Decreed Well) to be sufficient to serve the permitted development. And a contract with the County for that augmentation water was approved well over a year ago and is awaiting execution if satisfactory terms for Town water cannot be reached. Some additional water would be required if a coffee shop or quick service restaurant is added as a use permitted on Tract A1, and the availability of such additional water would provide some flexibility in the development and leasing of the building on Tract A1.

It also is important to note that Mr. Getz has made a substantial investment in perfecting the water rights associated with the Decreed Well, which already provides water for the storage facility, including the employee unit and landscaping on Tract B1. While Mr. Getz is only seeking out-of-town water service for Tract A1, as I will explain, he would consider water service for Tract B1 too, but not without some recognition of the value of the Decreed Well that we understand the Town would require to be transferred to it.

Next, the general terms that you and I have discussed and that Marty Getz believes would work for an agreement with the Town for out-of-town water service are as follows:

1. Plant Investment Fees (PIFs) and water service fees would be paid at the out-of-town rate of 1.5 times the in-town rate for such uses as are permitted on Tract A1 by the County.
2. The uses would include 10,000 square feet of climate controlled storage or offices on the 2<sup>nd</sup> floor and 10,000 square feet of commercial uses on the first floor, which could include up to 2,500 square feet for a coffee shop, delicatessen or other similar quick service restaurant facility.
3. Any marijuana dispensary or drive-up facility would be prohibited on Tract A1.
4. A small area of no more than 500 square feet in the southwest corner of Tract A1 would be dedicated for a County Road 450 right turn lane onto Highway 9, and such easement as may be necessary for snow stacking could be provided to the northeast of the dedicated land to accommodate snow removal from the sidewalk. We have concerns about the plan dated 1.27.17 from Town Engineering but are confident that our design team and the Town can work out details that will be acceptable. However, the Town and County must consider potential impacts of the proposed right turn lane on traffic safety, especially in connection with the Summit Stage stop just to the north of where the right turn lane enters Highway 9, which cannot be moved to the north because of potential conflicts with the right-in/right-out driveway near the northwest corner of Tract A1, and assurances will need to be provided in regard to the safety of the right turn lane and the bus stop before the dedication will be made.

Mark Truckey, Assistant Director  
Department of Community Development  
Town of Breckenridge  
March 7, 2017  
Page 3 of 3

5. The architecture and site plan for the building, including the right-in/right-out driveway near the northwest corner of Tract A1, will remain substantially as previously shown to you and will be reconfirmed prior to obtaining a building permit from the County. As long as the architecture and site plan are not changed in a way that results in a substantial reduction in the quality of the architecture or finishes or in a substantial reduction in the amount or variety of landscaping, the Town will not object to the architecture or site plan. A determination that the types of substantial changes described have been made will be made only by the Director or Assistant Director of Community Development and any such determination shall include detailed descriptions of the changes that are not acceptable. A final determination of whether the changes result in a substantial reduction in the quality of the architecture or finishes or a substantial reduction in the amount or variety of landscaping, or if additional changes to address the detailed descriptions are adequate, will be made by County Planning.

6. Upon request from the Town no sooner than 3 years after a CO for the development of Tract A1 is issued, the owner(s) would voluntarily annex Tracts A1 and B1 into the Town, provided that the Town commits to provide Town services to at least the portion of County Road 450 adjacent to Tracts A1 and B1 and that there are no fees or charges associated with such annexation, except fees associated for PIFs at the in-town rate for the Tract B1 uses.

7. Finally, in connection with the transfer of the Decreed Well rights to the Town as required in connection with the annexation, the Decreed Well rights will be appraised and a credit in the amount of the appraised value will be provided to the owner of Tract B1 against PIFs required for Tract B1 at the in-town rate, plus a credit will be provided to the owner(s) of Tracts A1 and B1 against service fees for Tracts A1 and B1 if the appraised value of the Decreed Well rights exceeds the amount due for PIFs for Tract B1.

If the Town Council is agreeable to selling water to Tract A1 on these terms and conditions or on some slightly modified terms, we can work with Tim Berry and you to modify the Town's Out of Town Water Service Agreement form. If, on the other hand, Council has significant additional or different requirements to provide water service to Tract A1, then Marty Getz and I completely understand and will return to working with the County on the modest amount of additional water needed for the development. Thanks for your time on this matter and thanks to the Council in advance for its consideration of this request.

Sincerely,



Stephen C. West



## MEMORANDUM

**To:** Mayor and Town Council  
**From:** Shannon Haynes, Assistant Town Manager  
**Date:** March 8<sup>th</sup> (for March 14<sup>th</sup> work session)  
**Subject:** Child Advocacy Center at BGVCC

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Over the past several months representatives from Summit County Human Services have expressed interest in leasing space (former coffee shop) at the Breckenridge Grand Vacations Community Center. Joanne Sprouse, Director of Human Services, and Nicole Bortot, Child Welfare Manager, have toured the site with members of the Town Facilities team. Joanne, Nicole and the CAC Steering committee feel the site at BGVCC is ideal for the purposes of a Child Advocacy Center (CAC) and would like to move forward with a lease agreement. They are willing to pay a rate similar to other non-profits and may be able to allow other uses depending on need and timing.

The attached memo provides Council with detailed information on:

- What is a Child Advocacy Center (CAC)?
- Who conducts interviews?
- Why does Summit County need a CAC?
- How will Summit County & Breckenridge benefit from the presence of a CAC?
- Is the South Branch library a suitable location for a CAC?
- What is the status of planning for a CAC in Breckenridge?

Staff and representatives from Summit County Human Services will be available during the work session on March 14<sup>th</sup> to answer questions.



**Office of the District Attorney  
Fifth Judicial District**

*Serving Clear Creek, Eagle, Lake, and Summit Counties*  
Bruce I. Brown, District Attorney

March 7, 2017

Ms. Shannon B. Haynes  
Assistant Town Manager  
150 Ski Hill Road  
Breckenridge, CO 80424  
E-mail: shannonh@townofbreckenridge.com

**Re: Child Advocacy Center ("TreeTop Center")  
Prospective Tenancy**

Dear Ms. Haynes:

As you are aware, local child protection stakeholders have been meeting since October, 2016 to discuss the establishment of a child advocacy center in Summit County. We wanted to share with you some additional information in hopes that the Town would consider having the TreeTop Center (a working name) as a tenant at the South Branch Library.

What is a child advocacy center?

A Child Advocacy Center is community based, child focused, facility run programs in which representatives from multiple disciplines work together to investigate, treat, manage, and prosecute child sexual abuse cases. The unifying philosophy among the CACs is that child sexual abuse is a multifaceted community problem that requires a multidisciplinary response that is least detrimental to the victim. We have commitment from all of those required for a multi-disciplinary team.

CAC are typically a non-profit organization that assists social services and law enforcement officers investigating instances where a child may have been exposed to possible criminal conduct such as sexual abuse, or situations in which a child's welfare and care is concerning. Typically, a social service worker, parent, or a law enforcement officer brings a child to a child advocacy center ("CAC") for the purpose of interviewing the child at the earliest stages of an "investigation". The interviews are video and audio recorded for forensic purposes. The CAC model is to work collaboratively by having a 'one-stop shop' that can also house medical examinations and therapeutic services. TreeTop Center hopes to have both medical and mental health at the facility because beyond justice, promoting trust and healing is fundamental to the CAC model.

Treetop Center's mission is to provide a safe place that empowers children and their families to end abuse through intervention, advocacy and support services.

#### Who conducts the interviews?

A forensically trained interviewer conducts the interviews. Two agencies on the multi-disciplinary team have donated their staff time and arranged two interviewers to attend forensic interview training; a child welfare caseworker from the Summit County Department of Human Services and a police officer from the Breckenridge Police Department. Training will be from March to July 2017. At that point, interviewers will be "certified" forensic interviewers and forensic interviews can occur in Summit County given the space and equipment to accommodate.

#### Why does Summit County need a CAC?

Summit County residents who are asked to voluntarily participate in an interview must now go to the nearest CAC, having to travel long distances, over mountain passes and often in bad weather. Transportation is often a barrier to timely interviews. The nearest CAC's to Summit County are River Bridge (Garfield County) and Ralston House (Jefferson County). Summit County is within the Fifth Judicial District, comprised of the Counties of Eagle, Summit, Clear Creek and Lake. It is anticipated that agencies needing to utilize a CAC will see Summit County as an attractive geographic option for forensic interviews. Additionally, contiguous judicial districts, the 14<sup>th</sup> (Grand, Moffatt, and Routt) and the 11<sup>th</sup> (Chafee, Custer, Fremont and Park) also lack a CAC and have expressed an interest in a more local CAC.

Predicting the frequency of forensic interviews at TreeTop Center is difficult due to the number of variables that are attendant to any new venture. Some helpful data, follows:

Eagle County Eagle County population has a population 52,190 and during 2012-2016, the average number of child abuse cases average was 46 annually. (Source I-leads). River Bridge CAC during that same period, interviewed 20 cases each year for Eagle County. (Source River Bridge CAC.)

The Department of Human Services recorded 88 assessments/investigations of child sexual abuse from January 2015 to December 2016 across the 5th Judicial District. This was apportioned in each County as follows: Clear Creek 5, Summit 17, Lake 10, and Eagle 56. This data does not include cases which could be considered appropriate for forensic interviewing at a CAC, such as severe physical abuse, child witnesses to domestic violence, and child trafficking. In other words, the "demand" for a CAC should approximate 50 child interviews in the first year. As awareness and reputation grow, so will the number of children interviewed.

However, it should be noted that even one serious case, can result in a need for several forensic examinations. For example, in a domestic violence related homicide currently pending in Clear Creek County with two child witnesses to the alleged homicide, four forensic interviews

occurred, two for each child. The first was on the date of the crime's occurrence, the subsequent interviews occurred as a result of additional revelations by the children.

How will Summit County and Breckenridge benefit by the presence of a CAC?

Breckenridge is the largest municipality in Summit County and the County Seat, housing the Sheriff's offices and Judicial Complex, including the Courts, probation, and District Attorney's office. Also, it has the largest municipal law enforcement agency in the County, Breckenridge Police Department. Therefore, enormous convenience results for residents in locating a CAC in the Town of Breckenridge.

Summit County is the geographic center of the Fifth Judicial District. Increased usage of a CAC will likely occur by its relative close proximity within the Central Mountain region for many social services and law enforcement agencies. For example, Avon Police Department, Eagle County, has been an active participant in the development of TreeTop Center.

The reputation of Breckenridge as a progressive, forward thinking community will be fostered by the location of a CAC here, one of only 15 CAC's statewide.

Is the South Branch library a suitable location for a CAC?

Yes. The primary purpose of a CAC is that children and families in need of a forensic interview do not have to go to a sterile and sometimes intimidating facility, such as a police department. It goes without saying that not all children feel comfortable in the presence of a law enforcement officer and may be unwilling to disclose abuse to a law enforcement officer. At the CAC, usually a law enforcement officer, prosecutor, and/or social services representative monitor the forensic interview in a room separate from where the interview occurs. The interview room is a private office at the CAC that is comfortable, with couches, white board and markers, for the child to comfortably be interviewed by a neutral, trained interviewer. The facility will have a play room and be a warm and welcoming environment. Since children are already in the habit of going to the library, it is believed the location will be viewed as a neutral, "safe" and welcoming place for children to be. The two entrances of the space could assist in preserving confidentiality as well.

Perpetrators are not permitted at a CAC. No "criminal element" will be introduced to the South Branch library with the presence of TreeTop Center.

What is the status of TreeTop Center?

True grassroots efforts have been demonstrated in the initially planning stages, and there is commitment across disciplines. Local stakeholders including local law enforcement, the District Attorney's office, the Department of Human Services, Forensic Nurse Examiners, private therapists, and representatives from other collaborative agencies have been meeting regularly to discuss planning and implementation of a local CAC. These meetings are ongoing and the planning is still in the relatively early stages with stakeholders forming subcommittees to tackle

key issues such as incorporation into a non-profit, writing a proposed budget, fundraising and training to name a few. Stakeholders are hoping that upon completion of the training for our two forensic interviews, we will be ready to accept children for interviews in August, 2017 in our own CAC setting. Having a space is critical to the planning process.

<><><>

Research demonstrates the effectiveness of the CAC model, and it is clear we are all very passionate about this issue, this project, and improving the experiences of the families we serve. We are appreciative of the opportunity to present this information for the Council's consideration. We are looking forward to expanding opportunities to keep children safe in Summit County and hope that the Council will view this effort as complementary to its mission of serving Breckenridge, Summit County and regional families consistent with the best methods available.

Please don't hesitate to contact us if you would like any additional information.

Sincerely,

*s/Bruce Brown &*

Bruce I. Brown  
District Attorney

bbrown@da5.us or (303) 810-5557



Nicole Bortot

Child Welfare Manger, Summit County Dept. Human Services

Nicole.Bortot@state.co.us 970.668.9168

And the TreeTop Planning Committee:

Jaime FitzSimons, Summit County Sheriff

Joanne Sprouse, Director Summit DHS

Mary Skowron, Forensic Nurse Examiner Program Coordinator

Alison Casias, Child Welfare Law Specialist, Eagle/Lake County

Patricia Gibbons, Lake County DHS Supervisor

Jennifer Laureano, Breckenridge Police Department

Amy Wineland, Summit County Public Health Director

Jessica Gonzales, Advocates for Victims of Assault

Rob Murphy, Director of Advocates for Victims of Assault

Jeremy Holmstrom, Sergeant-Avon Police Department

Nicola Erb, Assistant Chief of Police- Breckenridge

Noelle Saivon, Family & Intercultural Resource Center



NATIONAL  
CHILDREN'S  
ALLIANCE®

ACCREDITED CHAPTER

COLORADO CHILDREN'S ALLIANCE  
Children's Advocacy Centers

303 S. Broadway, Ste. 200-329  
Denver, CO 80209

February 1, 2017

To: National Children's Alliance  
From: Colorado Children's Alliance

As the chapter representation for the National Children's Alliance, I am writing to support the enclosed response to the RFP by the partner agencies in Summit County. The developing Children's Advocacy Center in Summit County and the 5<sup>th</sup> judicial district is being coordinated in full support of the Colorado Children's Alliance's Board of Directors and CAC member agencies.

The partners in Summit County have been using neighboring Children's Advocacy Centers for several years. However, this part of the state is surrounded by mountains, which makes it a hardship for children, families and the partners to travel to one of the other CACs. Therefore, law enforcement, the district attorney, the county department, medical providers, therapists and advocacy organizations have come together to develop an advocacy center of their own.

The Colorado Children's Alliance is providing technical assistance throughout the process. However, the Chapter is not able to offer funding during the development process. Therefore, the applicants would appreciate the support of the National Children's Alliance as this CAC proceeds toward full operation.

Thank you for your consideration.

Andi Leopoldus  
Chapter Coordinator  
Colorado Children's Alliance



## MEMORANDUM

**TO:** Town Council

**FROM:** Mark Truckey, Assistant Director of Community Development

**DATE:** March 8, 2017 for March 14 Meeting

**SUBJECT:** 100 Percent Renewable Goals

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The Town Council was approached a couple months ago by a number of citizens with a request for the Town to commit to setting a goal of achieving 100 percent renewable energy for energy powering Town facilities. The request was to set a target date (e.g., within 10 years) when the Town could achieve that goal and for the Town to work in the next years towards reaching that goal. Staff has conducted some initial research regarding the 100 % goal and a summary is included below.

### **Goal Target**

There are obviously a number of goals that the Town could establish, if the Council was wanting to go in that direction. These include setting a 100 percent goal for:

- Renewable energy sources for electricity use in Town facilities
- Renewable energy sources for heating (e.g., natural gas) in Town facilities
- Renewable energy sources for the Town's vehicle and bus fleet (e.g., electric busses)
- Similar goals to the above that would apply beyond Town facilities and target overall community-wide use by all Town residences and businesses

A number of communities countrywide, including some in Colorado, have established 100 percent renewable goals for electric use community-wide. Environmental organizations such as the Climate Reality Project and the Sierra Club have been actively requesting communities to join on to these 100 percent initiatives. Some of the cities that have established goals have also set forth plans to move towards more renewables for their fleets. The City of Aspen recently released an Electric Vehicle Readiness Plan that outlines a pathway towards getting more electric vehicles in their fleet.

### **Goal Setting by Cities**

A growing number of cities have set 100% goals for electric use, including the usual expected sustainability leaders Aspen, Boulder, and San Francisco. However, the list also includes more diverse communities such as Pueblo, Grand Rapids, MI, and Rochester, MN. Three cities have already reached the 100 percent goal: Aspen, Burlington, VT, and Greensburg, KS. In Aspen's case, their portfolio includes 45 % hydropower, 5 % solar power, and 50 % wind power. Burlington's mix is 50 % hydropower, 30 % woody biomass, and 20 % landfill methane, wind, and solar. A local wind farm provides 100 % of the renewable energy for the small Town of Greensburg. In all three of these cases, the cities harnessed either hydro or wind power for a majority of their renewables.

### **Town of Breckenridge Renewables Portfolio**

The Town's current portfolio of renewables (government-owned lands and facilities only) comes from the following:

	<b>Annual Generation in Kwh (Kilowatt Hours)</b>	
Solar Garden Production 2016	595,690	Based on panels allocated to the Town from McCain, Stillson, and Lake County solar gardens
Power Purchase Agreement (PPA) Production	545,293	Annual average of solar panels on Town facilities (e.g., Rec Center, Police, Ice Rink). Actual claims to Town renewable production cannot occur until panels have been purchased.
<b>TOTAL Annual Estimate</b>	<b>1,140,983</b>	

On average from the years 2011 to 2015 Town facilities used 5,408,698 Kwh annually. Thus, currently the Town is producing about 21 percent of its electric use for Town facilities through renewable sources. In order for the Town to reach a 100 % renewables goal for Town facilities, the Town would need to find renewable sources for the remaining 79 percent of production.

The SustainableBreck Plan contains a 10 % renewable target, but it is for Town-wide electricity use. We are currently well short of that target. On a community-wide scale, the above-listed Town renewables along with private renewable sources (primarily solar panels on individual homes and businesses) account for only about 3.5 % of the total community-wide electric use. There is no Town facilities target established in the SustainableBreck Plan.

### **Options for Achieving More Renewables**

Options to increase our percentage of renewables could include a combination of some or all of the following:

- Adding an additional solar garden on the McCain property or on other Town-controlled properties. The McCain Master Plan currently has a site designated for a second solar garden.
- Participating with and purchasing solar panels in new solar gardens developed in other location in Summit County or adjacent counties.
- Purchasing land in an adjacent County to lease to a solar garden provider and acquiring a percent of the panels in the garden.
- Pursuing other sources of renewable energy, such as small scale wind power or small scale hydro power.
- The Town may also claim some additional percentage of renewable based on the fact that about 23 percent of Xcel’s portfolio currently is made up of renewables, primarily wind. The amount we could take credit for, however, is unknown as a fair amount of Xcel’s wind power has already been allocated to customers that pay a premium for it.
- Purchase of wind power through Xcel’s WindSource energy program. The program provides wind power to customers that pay a premium of \$0.015 per Kwh of use. As an example, to achieve the remaining 79 % renewables for Town facilities the Town would need to pay a premium of about \$64,000 per year.
- Implementing additional energy upgrades and conservation practices in Town facilities. Further reducing energy use would act to increase our existing renewable percentage upwards and thus reduce the additional need for renewables.

If the Council desires to pursue a renewables goal, staff would suggest that to start we focus on a renewables goal for electricity in Town facilities and set a reasonable timeframe such as 10 years to accomplish. Setting a goal first for Town facilities seems appropriate because we control our properties and facilities and

thus can more easily implement renewable sources and conservation practices. In terms of the options listed above, staff suggests the Council consider further exploring some combination of the options. Although WindSource itself could satisfy a 100 % goal, we may wish to be more pro-active and pursue additional renewable sources within the Town or in nearby locations.

Setting a community-wide 100 % renewable goal, as a number of cities has done, is an obviously more ambitious undertaking. Many of the communities that have set these goals have done so with the understanding that it would be necessary to renegotiate contracts with utility providers such as Xcel to require a higher percentage of renewables to be provided by the utility company.

### **Renewables Feasibility Assessment**

If the Council wishes to further pursue renewable goals, an option we may wish to explore is using services from a group such as the National Renewable Energy Lab (NREL) to perform an assessment of all options available to the Town. NREL provides some free services, such as their SolSmart program, that could assist us with identifying additional opportunities for solar energy production. Doing a comprehensive evaluation that included additional renewables such as small-scale wind and hydro would require a contract and have a cost associated with it. NREL could also provide an energy efficiency analysis for the Town that could identify additional measures we could implement to reduce energy use. Some of this information has already been developed by the energy service company that performed an energy audit of town facilities a number of years ago.

### **Council Direction**

Staff would like to hear Council comments on the 100 % renewables request. In particular:

- Does the Council desire to set some goal for achieving more renewables?
- Is there additional information that the Council desires before committing to any renewable goals?
- Does the Council have any initial comments on the different options for achieving more renewables?
- Should staff further explore the potential to use some technical expertise from an agency such as NREL to assist with identifying renewable options?

## MEMORANDUM

To: Town Council  
From: Chris Kulick, Community Development Department  
Subject: Water PIF Issues  
Date: January 13, 2017 for February 14, 2017 Town Council Meeting

At the December 13, 2016 Town Council meeting staff addressed the Council about the need to establish definitions for the food service categories listed in Section 12-4-10 of the Town Code (Schedule of Single-Family Equivalents). At this meeting, the Council requested that staff conduct additional research on how peer communities assess and define water tap fees for different types of food service establishments. Staff reviewed the water tap fee schedule for Aspen, Crested Butte, Frisco and Park City in order to give the Council alternative interpretations of food service categories.

Below are the key points from that research. For consistency between methodologies in the examples below, staff used a typical 1,000 sq. ft. restaurant with approximately 40 seats (dining room is 60% of total restaurant area = 600 sq. ft. / 15 sq. ft. per seat = 40 seats).

- **Aspen**
  - Does not distinguish between different types of food service establishments, fees are based on seating;
  - Fees are calculated at a rate of 0.08 per ECU (Equivalent Capacity Unit);
  - Seasonal outdoor seating is charged at a rate of \$10 per seat, per year;
  - **Example: 1,000 sq. ft., 40 seats x 0.08 x 5,795 per ECU = \$18,544 Tap Fee.**
  
- **Crested Butte**
  - Two categories – Bars, Restaurants and Establishments Serving Food (BR), and Restricted Food Service Establishments (RFS);
  - BRs: Calculated at a rate of 1.36 EQR (Equivalent Residential Use) for establishments with a floor area of 375 sq. ft. or less and each additional 375 sq. ft. of seating space or part thereof adds 0.55 EQR;
  - **Example: 1,000 sq. ft., 40 seats BR: 2.46 x 8,000 per EQR = \$19,980 Tap Fee.**
  - RFS: Include coffee shops with premade baked goods that are added to an existing business space, with no restroom, utilizing paper service, and no dishwasher is required by the State Health Department. Calculated at a rate of 1.0 EQR;
  - **Example: 1.0 x 8,000 per EQR = \$8,000 Tap Fee.**
  
- **Frisco**
  - Does not distinguish between different types of food service establishments, fees are based on seating;
  - Seating capacity fewer than 25 – 1.25 EQR;
  - Second 25 or part thereof – 0.8 EQR;
  - Each additional 25 or part thereof – 0.6 EQR;
  - Each pair of restrooms – 0.4 EQR;
  - **Example: 1,000 sq. ft., 40 seats + restrooms: 2.45 x 3,821 per EQR = \$9,361.45 Tap Fee.**
  
- **Park City**
  - Does not distinguish between different types of food service establishments;

- Based on floor area of restaurant;
- \$402.97 per 15 sq. ft. of floor area;
- **Example: (1,000 sq. ft./ 15 sq. ft.) x \$402.97 = \$28,864.67.**

- **Breckenridge**

- PIF Calculation for 1,000 sq. ft., approximately 40 seats;
- **Example: Snack Bar/ Delicatessen: 0.9 SFEs per 1,000 sq. ft. x \$7,703/SFE (2017 Price) = \$6,933;**
- **Example: Restaurant/ Lounge: 4.5 SFEs per 1,000 sq. ft. x \$7,703/SFE (2017 Price) = \$34,664.**

Based on the research from peer communities, staff has developed several options for the Council to consider.

**Option 1:** Adopt definitions of staff’s current interpretation of Snack Bar/Delicatessen, Restaurant/Lounge and Tasting Room based on past precedents, utilizing the Town’s existing PIF multipliers.

Below are proposed definitions that are consistent with other land use planning codes and Colorado Liquor Code. Based on our current interpretation of past precedents for the water use classifications, staff has drafted the following:

- **Snack Bar/Delicatessen:** A food service establishment, including Tasting Rooms, where food and drink, including liquor, are served on disposable ware only. No dishwashing of tableware, eating utensils or drink ware is permissible.
- **Restaurant/ Lounge :**
  - **Restaurant:** A food service establishment, including Tasting Rooms, where food and drink are served on re-usable ware. Dishwashing of tableware, eating utensils and drink ware is permissible.
  - **Lounge:** An establishment serving alcoholic beverages in which the principal business is the sale of alcoholic beverages at retail for consumption on the premises and where sandwiches and light snacks are available for consumption on the premises.
- **Tasting Room:** An area within the premises of a retail liquor licensed store, liquor-licensed drugstore, brewery, winery or distillery where the sampling of liquor or other edible product occurs.

**Option 2:** Eliminate the Snack Bar/Delicatessen category and adopt the proposed Restaurant/Lounge classification for all food and beverage establishments, utilizing the Town’s existing PIF multiplier.

**Option 3:** Adopt a definition for Restaurants that is tied to an SFE multiplier based on seating capacity and a definition for Bars/Lounges that is based on square footage.

Multiplier example:

- Restaurant (40 Seats): 40 seats x 0.1125 per seat x \$7,703 per SFE = \$34,664
- Bar/Lounge (1,000 sq. ft.): 4.5 SFEs per 1,000 sq. ft. x \$7,703/SFE (2017 Price) = \$34,664

**Questions/Town Council Direction**

1. Does the Town Council support any of the proposed options for addressing Food Service water plant investment fees?
2. Does the Town Council have any other feedback related to the tap fee discussion?



# MEMORANDUM

OPEN SPACE & TRAILS

To: Town Council

From: Open Space Staff and BOSAC

Date: March 14, 2017

Re: eBikes on the Town of Breckenridge Recreation Pathway System

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## Summary

The Breckenridge Open Space Advisory Commission (BOSAC) has reviewed the issue of eBikes on the Town recreation pathway (repath) at several of its meetings in late 2016 and early 2017. At its January meeting, BOSAC voted strongly and unanimously to recommend a prohibition of eBikes on the Town's repath system.

## Background

State and federal definitions of eBikes are consistent; they define an eBike as having 2-3 wheels with operable pedals, an electric motor less than 750 watts, and a max speed of 20 mph. However, many types of eBikes exist within this broad definition, including those with hand throttles and pedal-assist only.

Per state and federal law, eBikes are allowed on Town streets, but state law does not allow eBikes on a bike or pedestrian path, such as the Blue River repath, unless an ordinance is passed by local government specifically allowing their use. In 2011, Town Council reviewed the issue and agreed to allow eBikes on the Blue River repath via an ordinance. The Blue River repath comprises approximately 3.6 miles of the 56 miles of repath throughout Summit County.

In 2016, open space staff and BOSAC were approached by several area bike shops requesting a prohibition on eBikes on the repath in order to be consistent with the remainder of the Summit County repath, on which eBikes are not allowed. Town Council reviewed eBikes at its November 8, 2016 meeting and requested additional information and BOSAC input.

## Recommendation

BOSAC clearly and unanimously recommended that eBikes be prohibited on the repath for the following reasons:

1. Consistency – Currently, the Summit County repath system, excluding the Town of Breckenridge portion, prohibits eBikes. The Town is an outlier amongst its partners, including Summit County Open Space and the U.S. Forest Service (USFS). Throughout most of Summit County, the repath crosses private lands and National Forest lands via trail easements and special use permits that specifically prohibit motorized vehicles. The

U.S. Forest Service views eBikes as motorized vehicles and prohibits eBikes on trails except for those designated as open to motor vehicles.

Prohibiting eBikes would establish a level playing field for area bike shops and allow us to be consistent with our conservation partners.

2. Enforcement – Enforcement of the current ordinance is difficult at best, particularly because eBikes are prohibited north of the Fourmile Bridge on the County recpath when leaving the Town of Breckenridge limits. eBikes have been frequently noted on the recpath system north of Town.

Prohibiting eBikes would enable consistent management of the entire recpath system, making for easier enforcement.

3. Gateway – Allowing eBikes on the recpath opens up the potential for eBikes continuing on to the Town’s extensive natural and soft surface trail system, as there is limited mileage currently available on the recpath for eBikes.

BOSAC expressed concern that continued use of eBikes on the recpath will encourage their illegal use on the natural trail network and sensitive open space areas.

4. Bicycle-Friendly Community – As a gold-level Bicycle Friendly Community, the Town has numerous alternative safe bike lanes, sharrows, and other facilities around town, particularly for those wishing to recreate or commute on a bike or eBike.

### **Conclusion**

BOSAC strongly urged Town Council to re-evaluate eBikes and prohibit them on the Town recpath.

Enclosed please find a memo from Summit County Open Space and white paper from USFS regarding eBikes. Taken together, this information provides a strong rationale for the Town to be consistent with its land management partners.

Staff looks forward to Town Council’s direction.





File Code: 2300; 2350; 7700

Date: MAR 29 2016

Route To:

Subject: Electric Bikes and Trail Management

To: Forest Supervisors

Please find the enclosed memo from the Washington Office regarding the management of electric bikes, also known as e-bikes, on National Forest System land. E-bike use has grown in popularity in the past few years, as have inquiries about where they can be accommodated on our National Forests. The memo is intended to clarify our current guidance of this recreational use. In summary:

The Forest Service's Travel Management Rule (TMR) and E-Bikes: The TMR defines "motor vehicle" as "any vehicle which is self-propelled, other than: (1) a vehicle operated on rails; and (2) any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area." 36 CFR 212.1. E-bikes have a motor, thereby are self-propelled, and are not covered by the exceptions in the definition. Therefore, **e-bikes are motor vehicles** and are subject to regulation under the TMR, which requires designation of National Forest System (NFS) roads, NFS trails, and areas on NFS lands for motor vehicle use. 36 CFR 212.51(a). Direction on e-bikes was included in a response in the Federal Register notice for the final over-snow vehicle rule. The response states: "New technologies that merge bicycles and motors, such as e-bikes, are considered motor vehicles under §212.1 of the TMR." 80 Fed. Reg. 4503 (Jan. 28, 2015).

Currently, e-bikes are allowed with the TMR designations for "Roads Open to All Vehicles", "Trails Open to All Vehicles", "Trails Open to Vehicles 50" or Less in Width", and "Trails Open to Motorcycles Only". In addition, new trail riding opportunities for e-bikes on existing non-motorized trails may be considered and designated as motorized trails by administrative units and ranger districts under travel management planning efforts, based on special vehicle class designations in accordance with 36 CFR 212.55. These motorized trail designation changes would involve appropriate environmental analysis, public participation and designation decisions that, once established, will be reflected on updated Motor Vehicle Use Maps (MVUM) in accordance with the TMR.

If you or your staff have any questions regarding this guidance, please contact Scott Haas, Trails and Dispersed Recreation Program Manager, at (303) 275-5164 or [sehaas@fs.fed.us](mailto:sehaas@fs.fed.us).

JAMES S. BEDWELL  
Director of Recreation, Lands, and Minerals

cc: Scott Haas, Doug Wise, Ann Marie Verde, Dave Loomis



**File Code:** 2300; 2350; 7700**Date:** MAR 24 2016**Route To:****Subject:** Electric Bikes and Trail Management**To:** Regional Foresters

Electric bikes or e-bikes are growing in popularity and offer increased potential for quality recreation experiences, where determined appropriate, that connect people with enjoyment of their National Forests. Given the recent introduction of e-bikes as a use on National Forest System (NFS) land, questions have been raised by Forest Service units, recreationists, user groups, permit holders and law enforcement regarding appropriate routes and areas for this use. The intent of this letter is to provide current guidance on how to classify and manage e-bikes for determining where they are allowed to be operated on NFS lands. It also lays out possible opportunities to expand appropriate e-bike access to NFS lands through special designation routes and areas for e-bikes now and into the future.

The Forest Service recognizes that technology continues to rapidly change, including the design and capability of e-bikes and other related modes of travel. Monitoring of e-bike use for visitor safety, social issues, along with performance metrics and natural resource impacts will continue to develop and advance. As such, we as an agency remain open to potentially re-visiting and adjusting associated agency guidance if and as needed in the future.

As a starting point, certain applicable laws and relevant directives provide a foundational approach to current e-bike management:

The Forest Service's Travel Management Rule (TMR) and E-Bikes: The TMR defines "motor vehicle" as "any vehicle which is self-propelled, other than: (1) a vehicle operated on rails; and (2) any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area." 36 CFR 212.1. E-bikes have a motor, thereby are self-propelled, and are not covered by the exceptions in the definition. Therefore, e-bikes are motor vehicles and are subject to regulation under the TMR, which requires designation of National Forest System (NFS) roads, NFS trails, and areas on NFS lands for motor vehicle use. 36 CFR 212.51(a). Direction on e-bikes was included in a response in the *Federal Register* notice for the final over-snow vehicle rule. The response states: "New technologies that merge bicycles and motors, such as e-bikes, are considered motor vehicles under §212.1 of the TMR." 80 Fed. Reg. 4503 (Jan. 28, 2015).

Disability and Motorized Devices: Questions have been raised in relation to people with disabilities requesting use of e-bikes as an assistive device. The only exception for a person with a disability for use of a device that is self-propelled is if that device meets



both parts of the legal definition of a wheelchair or mobility device as defined above in 36 CFR 212.1 and also defined the same way in FSM 2353.05 as well as in 42 U.S.C. 12107. Under that definition, any device that is both designed solely for mobility for a person with disability and which is suitable for use in an indoor pedestrian area may be used anywhere foot travel is allowed. E-bikes are not solely designed for individuals who have mobility impairments and their suitability for indoor use would be highly questionable. Therefore, e-bikes do not qualify for an exception and may only be used where the Motor Vehicle Use Maps allows that use by all people. An e-bike remains a motor vehicle regardless of who is using it. It is essential that exceptions to TMR designations not be made. Restrictions on motor vehicle use that are applied consistently to everyone have been repeatedly found not to be discriminatory.

Section 504 of the Rehabilitation Act (29 U.S.C. 794): Requires programs on federal lands to provide “reasonable modification” of policies and procedures to allow the participation of qualified people who have disabilities. To be a qualified person the individuals must meet the same essential eligibility requirements for participation in that activity as does a person who doesn’t have a disability. However, no federal agency is to “fundamentally alter” the program in order to allow a person with a disability to participate. To allow a motorized device, that doesn’t meet both parts of the legal definition of a wheelchair, to be used on a route or in an area where use of that class of device is not designated would be a fundamental alteration of that program.

Other Power Driven Mobility Devices (OPDMD): In 2010, the Department of Justice released their Rule on OPDMD. An OPDMD is defined as any vehicle or device that is powered by batteries, fuel or other engines including those not primarily designed for people with disabilities. Under the OPDMD Rule, a person who has a disability is to be allowed to operate an OPDMD anywhere, unless that area has been previously determined not to be appropriate for use of that type of device/vehicle and the information as to what if any devices/vehicles may be operated in that location has been posted. The criteria within the Rule for such a determination includes the same parameters as were used for the Forest Service designations under the TMR. Therefore, the use of any OPDMD is limited to where the use of that specific type of device/vehicle is designated for use by all. It is essential that OPDMD exceptions not be made to the TMR designations.

Currently, e-bikes are allowed with the TMR designations for “Roads Open to All Vehicles”, “Trails Open to All Vehicles”, “Trails Open to Vehicles 50” or Less in Width”, and “Trails Open to Motorcycles Only”. In addition, new trail riding opportunities for e-bikes on existing non-motorized trails may be considered and designated as motorized trails by administrative units and ranger districts under travel management planning efforts, based on special vehicle class designations in accordance with 36 CFR 212.55. These motorized trail designation changes would involve appropriate environmental analysis, public participation and designation decisions that, once established, will be reflected on updated Motor Vehicle Use Maps in accordance with the TMR.

Technology continues to rapidly change, including the design and performance metrics of e-bikes. As such, the Forest Service will remain open to potentially re-visiting and adjusting associated agency guidance, if and as needed, in the future. The Washington Office Recreation, Heritage and Volunteer Resources staff members ready to assist you include Chris Spori, Travel Management Program Manager, [cfspor1@fs.fed.us](mailto:cfspor1@fs.fed.us); Jaime Schmidt, Assistant Program Manager for Trails, [jschmidt@fs.fed.us](mailto:jschmidt@fs.fed.us); and Janet Zeller, Accessibility Program Manager, [jzeller@fs.fed.us](mailto:jzeller@fs.fed.us).



JOE MEADE  
Director, Recreation Heritage & Volunteer Resources

## Murphy, Anne

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**From:** Brian Lorch [Brian.Lorch@summitcountyco.gov]  
**Sent:** Tuesday, November 29, 2016 1:44 PM  
**To:** Murphy, Anne  
**Cc:** Reid, Scott  
**Subject:** Ebikes on Recpath

**Categories:** BOSAC

Hello Anne,

Per your request, this email is to clarify the County's regulations and provide background regarding Electric Bike (ebike) use of the Recreational Pathway System (Recpath). It is my understanding that this was initiated by discussions with multiple bike shop owners, who have indicated that both their business interests and their customers are poorly served by conflicting regulations regarding allowed uses on the Recpath system, and have requested that Town of Breckenridge change its regulations to be in alignment with the regulations of the County and the Towns of Dillon, Silverthorne, and Frisco.

The Summit County Recreational Pathway Regulations approved as BOCC Resolution no. 2004-43 state: "No person shall operate a Motorized Vehicle on the Recpath except as specifically provided herein." The definition of a Motorized Vehicle in this regulation is: "Every vehicle that is self-propelled by an internal combustion engine or electric power, including but not limited to, automobiles, motorcycles, snowmobiles, mopeds, electric bicycles, motorized bicycles, motorized scooters and motorized skateboards. However, such term shall not include self-propelled wheelchairs used for the transportation of physically handicapped individuals." The identified exceptions in the regulation are: limited sections where cars currently utilize the Recpath as access (e.g. Bills Ranch), administrative or emergency uses, and use by handicapped individuals per Americans with Disability Act (ADA) regulations. In addition, Summit County Open Space Regulations (Resolution 2007-59) state "No person shall operate or park a motorized vehicle or mechanized vehicle within any Open Space except on routes, and/or parking areas that are officially designated and posted to permit operations of such vehicle(s)." This resolution utilizes the same definition of a Motorized Vehicle.

In May of 2011, the BOCC reviewed these regulations in response to changing Federal ADA requirements and guidelines. This effort comprehensively reviewed all County facilities, including the Recpath, Open Space properties, and soft surface trails, and included input from multiple County departments and staff from all the Towns. At that time, the Board of County Commissioners considered the option of changing regulations regarding ebikes, partially in response to a request by Lone Star Sports in Breckenridge. The Commissioners determined that this change would not be in the public interest for a number of reasons including:

- Recpath usage has increased over the years with traffic counts exceeding 23,000 uses/month in July, concentrated on relatively few weekend days, prompting user concerns about degradation of user experiences and potential displacement of existing users, and safety considerations associated with dissimilar travel speeds and user ability levels ;
- The number and variety of electric devices on the market and on the horizon made implementing or enforcing a new "partial allowance" of ebikes and/or other motorized vehicles extremely problematic;
- The Summit County Recpath system consists of approximately 55 miles of paved pathways, with approximately 25 miles managed by the County, and the remainder managed by the towns of Silverthorne, Frisco, Dillon and Breckenridge and CDOT. The BOCC viewed seamless management of the Recpath across jurisdictional boundaries as critical to the success of this community investment.
- The majority of the County managed system lies on US Forest Service administered lands where special use permits specifically identify the Recpath as a non-motorized facility. With the exception of the County Commons

and a few short sections on County Open Space, the remainder lies on non-motorized easements with CDOT, non-motorized license agreements with Denver Water, and non-motorized easements negotiated with private landowners over the past three decades.

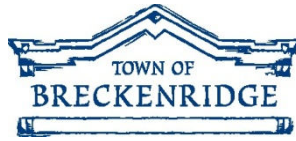
Subsequent to these discussions, the Town of Breckenridge Town Council changed its ordinance to allow ebikes on the few miles of Recpath located within the Town of Breckenridge. This has resulted in difficulties for management and enforcement of regulations on the Recpath system as a whole. County Sherriff and Open Space staff regularly inform bike shop owners of the regulations, with varying levels of compliance and success. An unfortunate example is a shop manager on Main Street in Breckenridge that has publicly stated his intent to continue to either misinform his guests or encourage them to violate the Recpath regulations in all other jurisdictions. This has prompted calls from other bike shops in Summit County, requesting that this use be prohibited.

Thank you for your interest in this issue and please let me know if I can be of further assistance.

*Brian Lorch*

Director, Summit County Open Space and Trails  
P.O. Box 5660  
Frisco, CO 80443  
970-668-4067  
[brian.lorch@summitcountyco.gov](mailto:brian.lorch@summitcountyco.gov)

***Please note new email address***

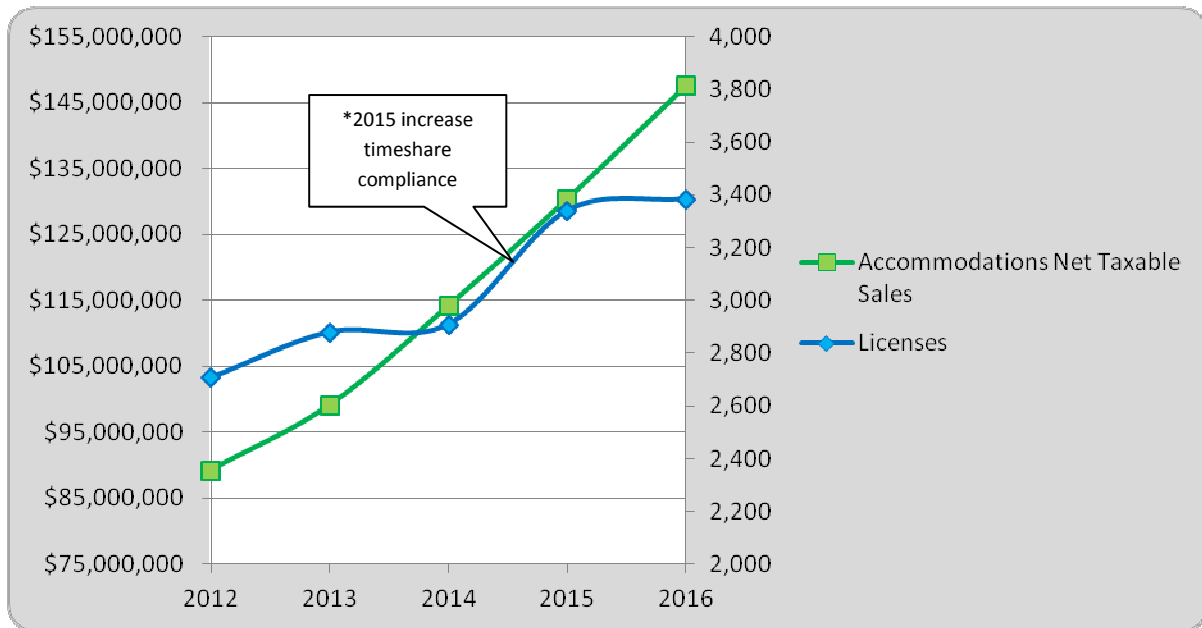


MEMORANDUM

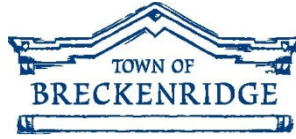
**TO:** BRECKENRIDGE TOWN COUNCIL  
**CC:** RICK HOLMAN, TOWN MANAGER; SHANNON HAYNES, ASSISTANT TOWN MANAGER  
**FROM:** REVENUE SERVICES ADMINISTRATOR – HEATHER PEZZELLA  
**SUBJECT:** ACCOMMODATIONS LICENSE & SALES YEAR TO YEAR COMPARISON  
**DATE:** 3/7/2017

Per Town Council request this memo has been compiled to provide a five year comparison from 2012 to 2016, comparing the total Accommodations licenses within the Town and the net taxable sales in the short-term lodging sector.

Accommodations License & Net Taxable Sales Year to Year Comparison



As the graph above shows, both categories have had substantial increases over the past 5 years. In 2015, the Town implemented a program to ensure timeshare properties were properly licensed, and the resulting spike in licenses can clearly be seen in the graph. This increase in licenses did not have a measurable impact on revenue collected, however, since the properties were already collecting and remitting tax. The timeshares just weren't licensed properly.



The table below shows the relationship between tax revenue collected and the number of licenses in Town. The dollars per license collected has increased 32.2% over the 5 year period, even with the increase in licenses from the timeshare compliance project included. The number of licenses increased 25%. The data shows that the Town has seen a substantial increase in the number of licenses, as well as the amount of revenue that is being generated by each license. This could mean properties are being rented out for more days per year, that average daily rate had increased, or a combination of both.

**Total by Year**

Year	Licenses	Delta	Net Taxable Sales	Revenue per License
2012	2,709		\$ 89,296,780	\$ 32,963
2013	2,882	173	\$ 99,161,964	\$ 34,407
2014	2,911	29	\$ 114,213,132	\$ 39,235
*2015	3,341	430	\$ 130,391,473	\$ 39,028
2016	3,385	44	\$ 147,571,172	\$ 43,596

\*2015 increase of licenses was a result of a compliance effort in timeshare industry.



## MEMORANDUM

**To:** Mayor and Town Council  
**From:** Dennis McLaughlin, Chief of Police  
**Date:** March 7, 2017  
**Subject:** Police Department Annual Report - 2016

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The 2016 Breckenridge Police Department Annual Report has been included in your Council packet.

I will be present at the work session on Tuesday, March 14th to answer questions.



# 2016 ANNUAL REPORT

## Breckenridge Police Department

*A celebration of excellence, innovation, and leadership*

# 2016 has been a **tremendous** year for the Breckenridge Police Department

## Message from the Chief



*Dennis McLaughlin,  
Chief of Police*

The year has, unfortunately, been a somewhat difficult year for law enforcement nationwide. 140 law enforcement officers were killed in the line of duty during 2016, up substantially from recent years. While this fact looms heavily in the back of most officers' minds, the Breckenridge Police Department is fortunate to have a strong working relationship with our community.

The guiding philosophy and operational model for the Breckenridge Police Department continues to be that of community policing. For us, this means developing strong relationships with community members, businesses, guests and other Town Departments. We then take these relationships to the next level and work with all the players to solve problems and improve the quality of life for residents and guests. In fact, because of our positive interaction and work within the community, the Breckenridge Police Department was selected, by way of a highly-competitive process, as the lone department to receive the 2016 Colorado Attorney General's Law Enforcement Agency of Excellence Award.

The Department experienced many other positive high points in 2016. We celebrated the 135<sup>th</sup> Anniversary of the Department,

along with the 10<sup>th</sup> Anniversary of the new building located on Valley Brook Street. Our Honor Guard was invited to present the colors at a Colorado Rockies game and participated in several other key events. The Department launched a new downtown police unit to expeditiously handle calls for service in the downtown core, develop stronger relationships with businesses, and to interact in a positive manner with our transient and homeless population. We were also involved with the roll out of the expanded paid parking initiative — one of the early steps in addressing the Town's parking and congestion concerns.

Other highlights include the conclusion of an undercover drug operation that resulted in 21 arrests; our continued involvement in various mental health and youth educational initiatives; completion of our second year in working with our strategic plan; and our Assistant Police Chief Nicola Erb was invited to Washington, D.C., to facilitate the Rank and File Forum with the Department of Justice for the President's Task Force on 21<sup>st</sup> Century Policing.

We continued to enjoy strong working relationships with the Police Advisory Committee, the Town's Event Permitting

Committee, the Breckenridge Tourism Office, the Breckenridge Lodging Association, and the Family & Intercultural Resource Center.

We accomplished much in 2016, but there is still more to do in 2017. Next year we hope to complete the accreditation process and become accredited through the Colorado Association of Chiefs of Police, evaluate the first-year effectiveness of the downtown police unit, develop a police volunteer program, establish performance measures to determine if the Department is accomplishing its mission and meeting the policing needs of the community, increase foot and bike patrol while decreasing miles driven, continue to identify and target suppliers of illegal drugs leading to overdoses and those that have potential to enter area schools, and continue to enhance community outreach related to crisis intervention and mental health issues.

Finally, I want to express thanks to the community, the Town Council, and other Town Departments for playing such an important role in the success of the Breckenridge Police Department.

*Dennis R McLaughlin*

# A Brief History of the Breckenridge Police Department

For our 135th Anniversary celebration, Department employees made an effort to reconnect with our history and learn about the early policing in Breckenridge.

In 1881, the Breckenridge Town Board hired Sam Blair as its first Town Marshal. He served in the position until 1895. He then served several stints as deputy marshal, night marshal, and ended up as the Town Police Magistrate. Blair served Breckenridge in that position through 1924. Early records indicate that Marshal Blair ordered a Town Marshal's badge and two Deputy Marshal badges. The Marshal's badge was utilized until 1908, when Breckenridge Marshal H.F. King ordered a new badge at a cost of \$3.50, and three Deputy badges for \$1.50 each.



There are many interesting and somewhat humorous stories about the exploits of our early Marshals and Deputy Marshals. The first crime known to be reported in Breckenridge was in 1881. Marshal Blair received a telegram about two horse thieves on their way from South Park to Breckenridge, riding stolen horses and armed with a Henry Rifle and revolver. Marshal Blair and others apprehended the two men in Breckenridge inside Scott McLarren's Saloon. A bit later, one of the thieves jumped on a stolen horse and took off toward Washington Street. The horse thief escaped, but only after Marshal Blair fired at him with his own revolver and gave chase, although without effect.

The most infamous early story involving a Town Marshal occurred on August 11th, 1898 when Pug Ryan and his gang entered the Denver Hotel on Main Street in Breckenridge. After robbing the establishment and several gamblers, Pug and his thugs fled to a remote cabin near Kokomo (near Fremont Pass, then part of Summit County). Summit County Sheriff Jerry Detweiler deputized Ernest Conrad, who served as a Breckenridge Deputy Town Marshal, and charged him to go after the gang. With the assistance of longtime Kokomo resident Sumner Whitney, Conrad traveled to the cabin where the gang was hiding out. After gaining entry, the two were fired upon. Both died instantly, while Pug escaped unscathed. Pug Ryan was later apprehended and died at the state penitentiary in Canon City in 1931.

Some things never change! In 2016, we fret over speeding vehicles on Main Street. In 1908, it was speeding horses. According to the Summit County Journal, June 6, 1908 edition, the Marshal was charged with looking after speeding horses on south Main Street. The Journal reported: "Some horse owners are trying to break the ordinance by fast riding."

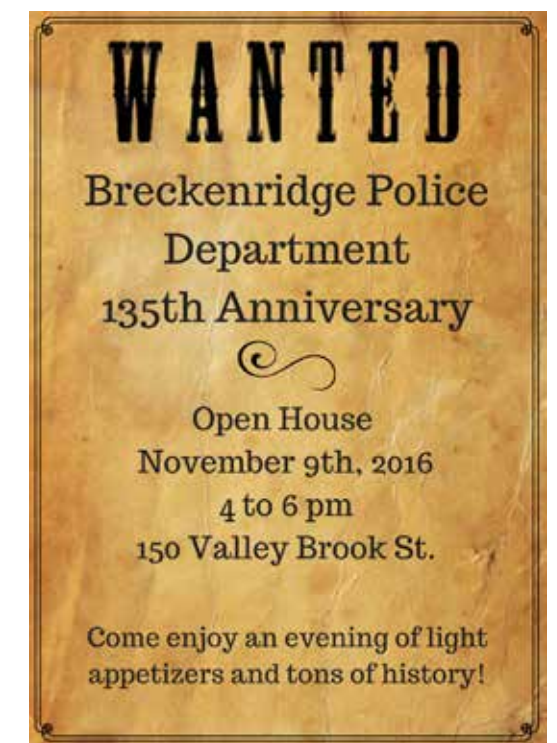
Again, some things never change! The Summit County Journal, July 11, 1908, carried a post-4th of July celebration article: "Now that the observance of the Fourth is past, it is well to mention the fact that Marshal Blair is entitled to credit for keeping cool and even-tempered during the little episodes of the day."

The May 20th, 1911, edition of the Summit County Journal & Breckenridge Bulletin carried a polite plea from

Marshal J.W. McClelland: "As the winter is nearly over and as the disappearance of the snow has posed to view not a few piles of rubbish – tin cans, old brooms, chicken feathers, heaps of old clothes, etc., by the power vested within me, I respectfully ask the citizens of Breckenridge to root out and rid up their trash and rubbish."

The roots of the modern day Breckenridge Police Department go back to 1881 with the appointment of Sam Blair as the first Marshal. Since 1881, Breckenridge has been served by 43 chief law enforcement officers. Current Chief Dennis McLaughlin is the 43rd chief officer to hold the position.

In 2016, the Department proudly celebrated its 135th year as a law enforcement agency.



# 2016 HIGHLIGHTS



*Honor Guard officers march on the field at a Colorado Rockies baseball game.*

## ***Colorado Attorney General's Law Enforcement Agency of Excellence Award***

Through a highly-competitive process, the Breckenridge Police Department was selected as the sole department to receive the 2016 Colorado Attorney General's Law Enforcement Agency of Excellence Award. The award was presented in person by the Colorado Attorney General Cynthia Coffman to Chief McLaughlin and the men and women of Breckenridge Police Department. This award was presented for exhibiting excellence, innovation, and leadership in their approach to community outreach, policing, and citizen engagement.

Excellence in community commitment and outreach was demonstrated through several Department initiatives. While some of these initiatives could stand alone for recognition, the noteworthiness of this award was that a police department the size of Breckenridge consistently demonstrates sincere community engagement in many exceptional ways.

With a small staff of 23 authorized sworn Police Officers, five Community Service Officers, and four civilian professional staff members, the Department developed and was recognized for participation in a variety of traditional and innovative community outreach programs during 2016, including: a community-friendly traffic initiative; a specialized Downtown Unit created to boost

transient/homeless relationship-building and the related community education; social media community outreach; the Family and Intercultural Resource Center (FIRC); the Behavioral Health Team; National Alliance of Mental Illness (NAMI); Department Crisis Intervention Training (CIT); Safe2Tell™ Colorado; a Marijuana Education Program for schools, students, parents, businesses, and the Breckenridge Lodging Association; the Healthy Futures Initiative; Coffee With a Cop; Food for Fines; the Police Advisory Committee; and a D.A.R.E. Program® with a preschool safety program.



## ***Creation of Downtown Policing Unit***

Early in 2016, various members of the community expressed concern with the number of transient and homeless citizens residing in and passing through Town.

Following a community outreach meeting hosted by the Department, the Town Council authorized an additional Community Service Officer to work downtown and address concerns of local businesses, including the transient/homeless population. The Department created a Downtown Unit consisting of the new CSO and a second police officer reassigned from patrol.

The unit's initial step was to conduct a comprehensive survey of downtown businesses and residents, in an effort to engage the community regarding how these officers could best provide quality police services. Information received from over one hundred businesses revealed that top concerns in the downtown district were the transient/homeless population, shoplifting, parking congestion, and traffic. The officers began their assignments by visiting all the downtown district businesses to introduce themselves and discuss the new program.

At the same time, they began developing one-on-one relationships with the transient/homeless population. Their goal was to better understand and classify the needs of the group into those who needed mental health services, were in need of hygiene, food, or transportation services, or who chose to be among the traveler group to enjoy their independence. The officers developed an internal system to identify specific needs of individual members of the population.

# 2016 HIGHLIGHTS



*Patrol Division officers pause their winter patrol to take photos with a local family.*

The downtown officers then identified and developed local resources through community churches and the Family Intercultural Resource Center (FIRC) in an effort to match them with the needs of each individual. Additionally, the officers worked with local mental health services and detoxification services to provide referrals to those in need. Since there was also a community misconception about the rights of the transient/homeless population, the downtown officers offered significant outreach and training on the constitutional rights of those who either chose to be a traveler, or by misfortune, health, or economic circumstance found themselves existing among the transient/homeless population. One of the positive consequences of the officers' relationship-building with this population was that many community members became more at-ease with their presence, and many found renewed empathy toward those in need.

In addition to their work with the transient/homeless population, the downtown officers developed and continue to provide training sessions for local businesses and employees on such topics as safety, dealing with shoplifting, crime prevention, transient education, and mental health awareness. The downtown officers also regularly attend local merchant, lodging, restaurant, and bar association meetings and are active in problem-solving efforts with downtown

businesses and residents. The two officers also work very closely with the Breckenridge Welcome Center to provide the needed assistance and problem-solving solutions for other Town visitors.

## ***Undercover Drug Operation***

In December of 2016, the Breckenridge Police Department concluded a two-month operation involving numerous undercover purchases of illegal or controlled substances. This occurred in collaboration with other law enforcement agencies, including the Summit County Sheriff's Office, Dillon PD, Silverthorne PD, Frisco PD, and the District Attorney's Office. Purchases were made primarily in Breckenridge, but also included other locations throughout our County.

As a result of these combined efforts, 21 individual arrests were made and/or warrants issued, which included over 70 felony charges related to the distribution of illegal narcotics. Other arrests and/or charges filed included possession of dangerous weapons, possession of fraudulent identification, and burglary.

Controlled substances purchased or seized by law enforcement personnel during the undercover operation included: cocaine, GHB, LSD, methamphetamines, and controlled prescription medications. Undercover officers purchased various amounts of illegal substances from numerous

sources and from a variety of venues, including restaurants, bars, businesses, in parks, near schools, and on the street. Over 40 sworn law enforcement personnel were involved in this two-month investigation.



The primary objectives of the operation were to identify and target suppliers of illegal drugs leading to overdoses in Summit County, including those with potential to enter area schools. Illegal drugs are of special concern considering the continued increase in overdose deaths throughout Summit County. The U.S. Drug Enforcement Agency recently called the overdose death epidemic across the Country a "crisis of historic proportions."

While the operational objective was to identify, apprehend, and arrest individuals selling illegal drugs, the broader goal was to save lives and get those who are experiencing substance abuse addictions and related mental health problems into treatment to help facilitate their becoming productive members of the community.

# 2016 HIGHLIGHTS



Administration and CSO Division employees organize holiday gifts for local children.

## ***135th Anniversary of the Breckenridge Police Department & 10 Year Anniversary of the new Police Building***

In 2016, the Department celebrated both the 135th Anniversary of the Police Department and the 10th Anniversary of our new police building. In 1881, the Breckenridge Town Board hired its first Town Marshal, marking the beginning of the present-day Police Department. Part of the preparation for the 135th Anniversary celebration was researching and documenting some of the Department's rich history.



An anniversary police badge was developed for officers to wear during 2016. It replicated the police badge worn by officers in the 1960s through the early 1970s.

2006 marked the groundbreaking of the “new police building” at 150 Valley Brook Street. The Police Department was previously located in Town Hall on Ski Hill Road. Town Hall had become significantly overcrowded, so after a few years discussing the possibility of moving, the Town Council decided to embark on the project. Former Chief Rick Holman lent a hand in the layout and design of the new facility. In November,



Department members held an open house to celebrate both events with the community. The event included historic displays of old Breckenridge Police badges, patches, and other memorabilia. It was well attended by Council members, Town employees, police employees and community members.

## ***Special Operation with the U.S. Postal Inspection Service - Illegal Drug Distribution through the Post Office***

In March of 2016, the Breckenridge Police Department and Federal Investigators of the United States Postal Service concluded a year-long investigation into the shipment of illegal drugs through the U.S. Postal Service. Three arrests were made and a federal search warrant was served, resulting in the seizure of drugs and drug manufacturing equipment. The search warrant revealed evidence of a large-volume manufacturing process that utilized butane to extract hash oil. Butane is extremely flammable and creates a significant public safety risk when used in large quantities to manufacture illegal drugs.

## ***World War II Ammunition Sparks Evacuation by Breckenridge Police Officer***

This is not a typical storyline in Breckenridge, but one that deserves to be called the most noteworthy police response in 2016. A community member brought a collection of unwanted antique ammunition to a fire station in Breckenridge for disposal. It was an old family collection that consisted of what the community member believed was a box of “unwanted bullets.”

Breckenridge police personnel quickly identified the ammunition as a box of World War II hand grenades and bazooka rounds. Officer Galen Peterson, who served as an officer in a U.S. Army artillery unit, noticed that a fuse on at least one of the devices appeared degraded and was at risk of exploding. The police personnel established a command post, and with the assistance of Summit County Sheriff's Office, cordoned off and evacuated the area. The Jefferson County Sheriff's Office Bomb Squad was dispatched to help dispose of the items while local officers secured the scene. Once the Bomb Squad arrived, they determined that the instability and age of the ammunition required it to be turned over to the military. A Bomb Squad was dispatched from Fort Carson. Breckenridge officers remained on scene late into the night until the World War II hand grenades and bazooka rounds were safely turned over to the U.S. Army.

# POLICE ADMINISTRATION

## 2016

The Administration Division of the Breckenridge Police Department includes a Records Supervisor, an Administrative Specialist, an Administrative Analyst, and the Assistant Chief of Police, all of whom report directly to the Chief of Police. The Chief directly oversees the Administration Division as well as the Parking and Community Services Division. The Assistant Chief manages Department operations, including Patrol and Investigations.

The Administrative Staff are collectively responsible for several key organizational activities. These activities include direction and evaluation of police services in the community, public information, professional standards, records management, statistical analysis, planning and oversight, budget management, policy review and development, grant management, performance management, hiring, recruiting, and special research.

### ***Professional Standards Investigations***

Typically, in large police departments, a Professional Standards Unit or Division consists of multiple investigators and a large staff. Due to the size of the Breckenridge Police Department, the duties of professional standards fall to the Administrative Staff. Those duties include personnel recruiting and hiring, tracking Response to Resistance Reports (RTRs), internal affairs investigations, responding to official inquiries, and tracking officer-involved traffic accidents.



### ***Internal Affairs Complaints***

In a continuing effort to develop strong community relationships, it is the policy of Breckenridge Police Department to accept and investigate all external complaints made against officers. The Department also investigates internal issues that arise from violations of policy or other acts.

Typically, a sergeant is responsible for investigating any internal affairs complaint. The Chief of Police, however, has discretion to assign the investigation to a higher level. If an officer is found to be at fault as a result of an internal investigation, disciplinary action commensurate with the violation or act is administered.

In 2016 there were six complaints lodged against officers. Three were externally generated and three internally generated. Each complaint was thoroughly investigated, with four being sustained. The involved officers received discipline or other action commensurate with the violation or act.

### ***Officer-Involved Traffic Accidents***

In 2016, officers were involved in seven motor vehicle accidents. This number is up from 2015, when officers were involved in four traffic-related accidents. Three of the accidents in 2016 were deemed preventable, and resulted in additional training for the involved employees. Snowy and icy conditions were a major contributing factor to the majority of these accidents.

### ***Response to Resistance***

A supervisor is required to complete a Response to Resistance Report whenever physical force, of any nature, is applied by an officer that encountered resistance during an arrest situation. During 2016, personnel were involved in six resistance incidents. This is the lowest number of such incidents in six years.

The predominant type of force utilized during 2016 is categorized as a “Non-compliant Takedown.” Force in this category is generally described as a controlled-takedown technique, used to bring a resisting or violent individual under lawful control. Two of the RTR incidents occurred during day shift, and the remaining four occurred on night shift. In all six cases, the subject who resisted was impaired by alcohol, drugs, or a combination of the two. Each RTR report was thoroughly investigated, reviewed by management staff, and vetted by the Police Advisory Committee. In each of the six instances, the officers were found to be within policy, and had exercised full legal authority in their actions to control the unlawful resistance.

While incidents involving response to resistance vary somewhat from year to year, the Department has increased advanced training for officers to enhance their skills in de-escalating potentially violent situations. Many of these skills are taught through the Crisis Intervention Training (CIT) course. The Department’s goal is that all sworn officers will attend and complete the beneficial CIT course.



# PATROL DIVISION

## 2016

# 907

Arrests made

# 2,471

Reports written

# 13,205

Calls for service

The Patrol Services Division includes the majority of sworn personnel and consists of both police officers and sergeants. Uniformed patrol officers are the most visible members of the Police Department. They provide immediate response to address the safety and security of the Town's community members and guests. Patrol sergeants, who provide supervision to the patrol officers, report directly to the Assistant Chief of Police.

This past year, the Department developed an Officer in Charge (OIC) program and appointed four to the position. An Officer in Charge serves much like a corporal might in another agency. The OIC acts as a shift supervisor in the absence of the sergeant and works very closely with the sergeants and the Assistant Chief of Police. The OIC program has proven to be a valuable leadership development tool for officers.

Members of patrol typically work 10-hour shifts and may be assigned to a day, evening, or night shift. Patrol Services functions around the clock, seven days a week. Duties of patrol include general law enforcement, crime detection and suppression, traffic enforcement and education, crash and

crime investigation, responding to calls for service, problem solving, and development of strong community partnerships. The sergeants and patrol officers work as a team to carry out the Community Oriented Policing philosophy, in an effort to build robust community partnerships. In 2016, the patrol officers made 907 arrests and wrote 2,471 reports.

Patrol officers also have opportunities to participate in a variety of specialized or ancillary assignments, including: Investigations, the SWAT Team, the D.A.R.E. Officer program, Police Training Officer, the Downtown Unit, Bicycle Patrol, Police Ski Patrol, Firearms Instructor, Driving Instructor, Defensive Tactics Instructor, and Advanced Accident Investigations.

### *Problem Solving Projects*

One of the most significant ways in which patrol officers build partnerships in the community is by working with citizens to identify problems and develop constructive solutions that will enhance the quality of life. Toward this effort, officers and sergeants engage in a variety of Problem Solving and Community Policing Projects.

The Department leadership has always held a high standard for these projects. Each must be well thought out, with some projects taking days, weeks or even several months to complete. As each project is identified and begins to take form, it must be recorded on a multi-paged problem solving plan.



# PATROL DIVISION

## 2016

In each community policing project, the steps officers must take to engage include: identifying and describing the primary problem in detail, identifying the root cause(s) of the problem, identifying primary stakeholders and engaging them in the problem-solving effort, developing strategies to solve the problem, and identifying needed resources. The officer(s) consult with the stakeholders to identify which of the strategies appear to be the most effective, then implement them with the assistance of and/or input from stakeholders. Once the strategy has been implemented, it must be assessed for success, as well as its impact on the community. This assessment must occur upon completion of the project and again at one, two, and three month intervals.

These problem-solving projects have served as a tremendous asset to the Town in identifying controllable issues before they become uncontrollable problems. The projects have also served to encourage community members and other Town Departments to take a role in community problem solving. Our problem-solving efforts continue to improve relationships between the Police Department and the community,



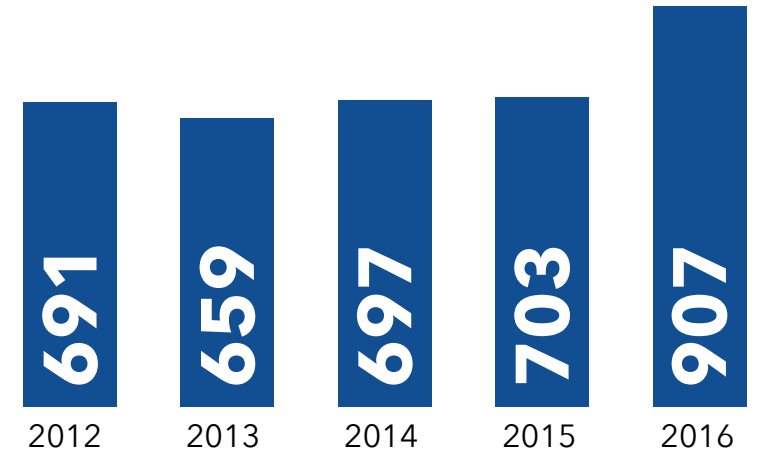
and have served to enhance the quality of police services provided to citizens and visitors. A tremendous positive impact from the Department's initiative in problem-oriented policing has been that of individual professional growth, including enhancing officers' skills in teamwork, communication, professional service, empathy, and relationship building.

A few of the 2016 projects include: a safety assessment of County Road 450 and State Highway 9, following a serious vehicle-pedestrian accident; trash can compliance in east Breckenridge; assessment of the Ski Hill and Main Street pedestrian/traffic congestion problem; speeding vehicles on French Gulch Road, speeding vehicles on French Street; late night noise complaints from specified establishments; traffic problems occurring at the Main Street roundabout; and the creation of a bicycle and ski theft-prevention registration program.

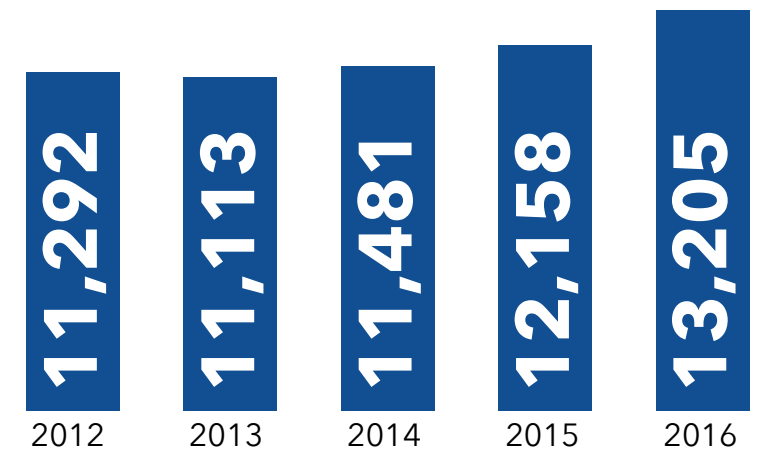
### *Skier Safety during Egress*

An often overlooked but important task that patrol officers handle is the egress of skier traffic out of Breckenridge at the end of busy days during ski season. Officers take key positions throughout the Town and work to control vehicle traffic and ease the departure of our many guests who have come to visit the community. On exceptionally busy days, this task requires almost everyone in the Department to pitch in for assistance. We consider traffic egress on certain days to be an "all hands on deck" function.

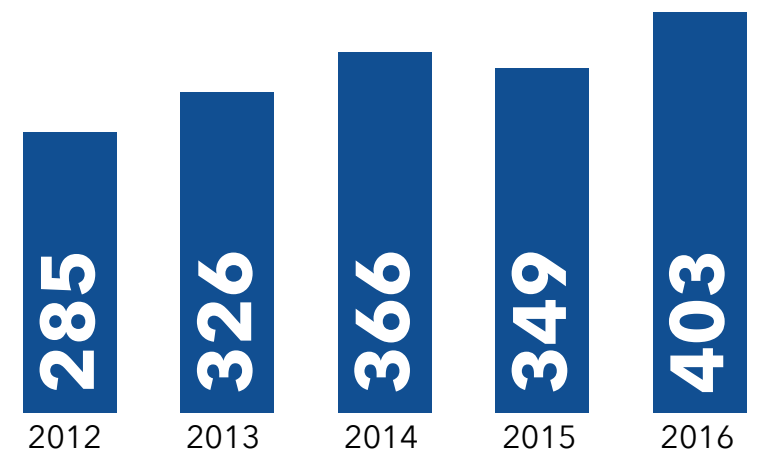
Arrests made per year



Calls for Service, per year



Vehicle accidents, per year



# INVESTIGATIONS DIVISION

## 2016

The Investigations Division is responsible for the coordination of investigative matters; processing, maintaining, and storing evidence; and serving as a Department liaison with local, state, and federal law enforcement agencies. Cases that are complex, or will take considerable time to investigate, are typically assigned to a detective.

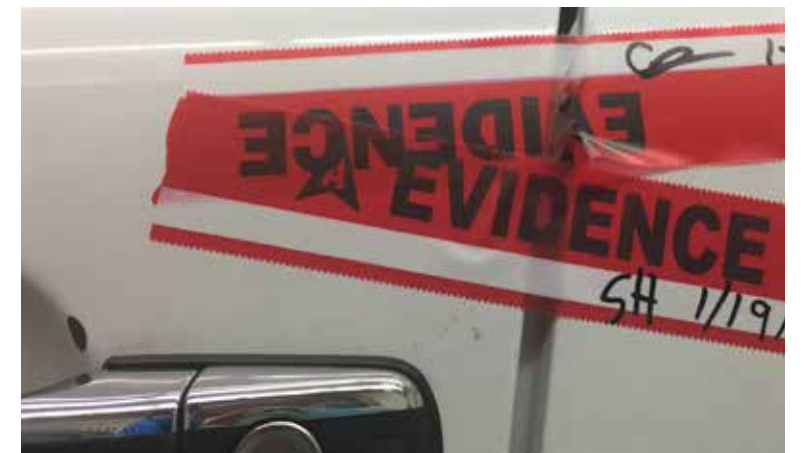
In 2016, the number of cases assigned to investigators increased only slightly over the prior year; however there was a noticeable increase in their complexity. One intricate cyberstalking case took over 1,200 staffing hours to complete and required 13 search warrants. With the rapid increases in technology and the growing use of encryption, most fraud cases require multiple search warrants to fully investigate. Even a simple fraud case involving a smart-phone might require five or more search warrants. Cases assigned to investigators in 2016 included illegal drug sales, burglary, cyberstalking, fraud, embezzlement, assault resulting in serious bodily injury, motor vehicle theft, indecent exposure, and sexual assault.

**1,502**  
Pieces of evidence collected

The marijuana compliance detective, who is assigned to the Investigations Division, is responsible for facility inspections, conducting licensing background checks, investigating various ID fraud cases related to marijuana establishments, and investigating liquor establishment violations. The marijuana detective also provides marijuana education to a variety of audiences.

Additionally, the Investigations Division is responsible for the processing and safekeeping of all evidence and found property. In 2016 detectives took in 1,502 pieces of evidence, found property, and items submitted for safekeeping. This is a 145% increase over 2015, when detectives handled 1,031 items. The handling of evidence and property is time-consuming and must be done meticulously to follow strict Department procedures and Colorado laws.

Breckenridge detectives also meet regularly with other investigators from Summit County agencies to exchange intelligence regarding the crimes and criminals who cross jurisdictional lines. This shared information is invaluable in determining crime patterns across Summit County, and these meetings have resulted in several arrests. The trust and camaraderie built during these exchanges creates a foundation for cooperative investigations that benefit the larger community as a whole.



# COMMUNITY SERVICE & PARKING DIVISION

## 2016

brochures throughout town. The CSOs also participated in “pop up” meetings throughout the community to demonstrate the new parking kiosks and explain the parking payment app available for smartphones.

The role of the CSO has changed from previous years and has become more focused on this new paid downtown parking initiative. Before the introduction of expanded paid parking, CSOs performed a variety of field and administrative duties to assist patrol officers. In 2016, the Division refocused and learned several new systems, including intricacies of the parking kiosks and the mobile payment app. The CSOs troubleshoot system errors and provide customer service on a regular basis. A dedicated customer service phone number was created for users of the parking kiosks or the smartphone app; anyone can call for immediate support or assistance, and they will be routed to an on-duty CSO. The CSOs can either talk the caller through the problem or respond to the location of difficulty to provide personal assistance.

The Community Service and Parking team consists of one sergeant, one administrative specialist, and four Community Service Officers. The CSOs are non-sworn and perform their duties in support of the Department’s community-oriented approach to municipal code and parking enforcement.

The Town made significant changes to parking management in 2016, the biggest being the introduction and implementation of paid on-street and lot parking in early December. The Community Service Division took the lead on contacting and educating the public regarding new systems through “knock and talks” at all businesses in the Town’s core; writing newsletters, emails, and social media posts; and distributing maps and

CSOs also maintain, clean, and service the 70 parking kiosks to ensure that they are in daily working order. Additionally, they provide the majority of the Town’s parking enforcement and are involved with problem solving in all aspects of the Town’s parking decisions.

The CSO program creates an additional benefit of providing each team member with an introduction to law enforcement careers. Oftentimes the Department finds that a CSO would be a good fit as a police officer. In fact, a number of the Department’s current patrol officers have started their careers in the CSO Division. The Department has selected at least one CSO to attend the police academy in each of the past three years.



**70**  
Parking kiosks in operation

**7,749**  
Parking citations issued

# OFFICER TRAINING

Officer training is an important function of the Breckenridge Police Department. The goal of the Department's training program is to promote lifelong learning, and implement consistent training for all personnel in areas of importance and relevance to each position.

The Department provides training both at the recruit level and for tenured officers to increase their knowledge, skills, and abilities. Training sessions are developed based on internal training assessments, as well as the mandated requirements of the Colorado Police Officer Standards and Training Board. There are three categories of training the Department provides personnel: recruit-level field training (the PTO program), in-service training, and specialized training typically provided by outside instructors.

In 2016, sworn officers participated in a combined 2,760 hours of training. This equates to just over 80 hours of training per Department employee. The Colorado Police Officer Standards and Training Board (POST) mandates 24 hours of specific training per year for sworn officers. Twelve of these hours must consist of perishable skills such as arrest control, driving, firearms, and self-defense. Other training required by POST includes community policing, anti-bias training, and incident de-escalation techniques.

Other law enforcement related courses attended by members of the Department in 2016 include transient outreach training, police bicycle certification, active shooter response, interview techniques, basic investigations, Fentanyl exposure safety, Crisis Intervention Training, integrity-based leadership training, managing small law enforcement agencies, bitcoin investigations, Incident Command, workplace violence prevention, and public information.



# 2,760

## Hours of Training Completed by Sworn Officers during 2016

# POLICE ADVISORY COMMITTEE

The Police Advisory Committee (PAC) consists of a diverse group of men and women who are actively engaged in the community, whether as a professional, a business person, or as a private citizen. The Committee meets every other month with Chief McLaughlin presiding. Other Department staff members attend as well, in an effort to strengthen positive relationships with the members and promote meaningful discussion between the Department and the Committee.

Police representatives at the meetings provide Committee members with an overview of Department occurrences since the last meeting. The discussion that follows includes topics such as parking updates, ongoing investigations, staffing, legal updates, community policing efforts, and other topics of interest. Occasionally, a member of the Advisory Committee will participate in a promotional process or other activity alongside Department employees.

In an effort to remain transparent, the Department provides the Police Advisory Committee with an overview of all cases in

which officers used force against an assailant who was resisting arrest. The Committee is encouraged to provide input regarding each of these cases. Members of the Committee are also encouraged to bring concerns, thoughts, and questions to the meetings, including issues they have heard from other residents or guest in the community.

Chief McLaughlin then provides an account of each Police Advisory Committee meeting to the Town Council in their Council packet. Additionally, he attends all Council meetings to be available to answer police-related questions from the Council or address any other concerns they may have.

The current Police Advisory Committee members are:

***Dave Askeland, Carrie Balma, Tom Byledbal, Dick Carleton, Jeff Chabot, Claire Drewes, Phil Gallagher, Javier Gaspar-Guiterrez, Sandy Griffin, Claudia King, Tessa Rathjen, Jason Smith, Jim Trisler, and Hal Vatcher.***



# OFFICER AWARDS

## 2016 Colorado Attorney General's Law Enforcement Agency of Excellence Award

This inaugural award was presented to Chief McLaughlin and the Department for exhibiting excellence, innovation, and leadership in the Department's approach to community outreach, policing, and citizen engagement. Colorado Attorney General Cynthia Coffman and POST Director Cory Amend traveled to Breckenridge in December to personally present the award. Chief McLaughlin later presented each member of the Department a special award bar as recognition for participation in winning the award.



## Breckenridge Police Department Lifesaving Award

In July, Officers Tom Kotz, Jerrod Bundy, and Kevin Crow responded to a medical emergency call involving a woman who was unconscious and not breathing.



The officers began CPR and administered an AED application. When medics arrived on scene, the officers helped carry the woman downstairs to the ambulance. Two of the officers then remained with the victim's small children until a babysitter arrived. Officers then escorted family members to the hospital. The victim was stabilized and transported to Denver by Flight For Life® Colorado. From the reports of the emergency room doctor and fire department paramedics, the quick action of the three officers was credited for saving the woman's life. Officers Kotz, Bundy and Crow were presented the Department's Lifesaving Award by Mayor Eric Mamula at a Town Council meeting.

## Traffic Safety Champion, Colorado Department of Transportation

Officer Galen Peterson received an award from the Colorado Department of Transportation for his work in keeping the roads and highways of Breckenridge and Colorado safe from impaired drivers during 2016. Officer Peterson and Chief McLaughlin attended an annual CDOT awards ceremony in Denver, where the award was presented.



## Breckenridge Police Department Leadership Award

Sergeant Patrick Finley was awarded the Department's Leadership Award in 2016 for demonstrating inspirational leadership, a strong commitment to customer service, and dedication to the community in general. One of Sergeant Finley's strengths is that of teamwork. He is a participative leader who provides input where it is needed and challenges others to grow professionally. He enthusiastically participates in decision making and problem solving, and does so through an innate sense of valuing input and building trusting relationships.



Sergeant Finley is well-thought-of and approachable to members of the Department and the community alike. In addition, Sergeant Finley flew to Dallas, Texas in July to represent the Department at the memorial service honoring five Dallas P.D. Officers who were killed in the line of duty. Sergeant Finley has been a key player in the success of the Department during 2016.

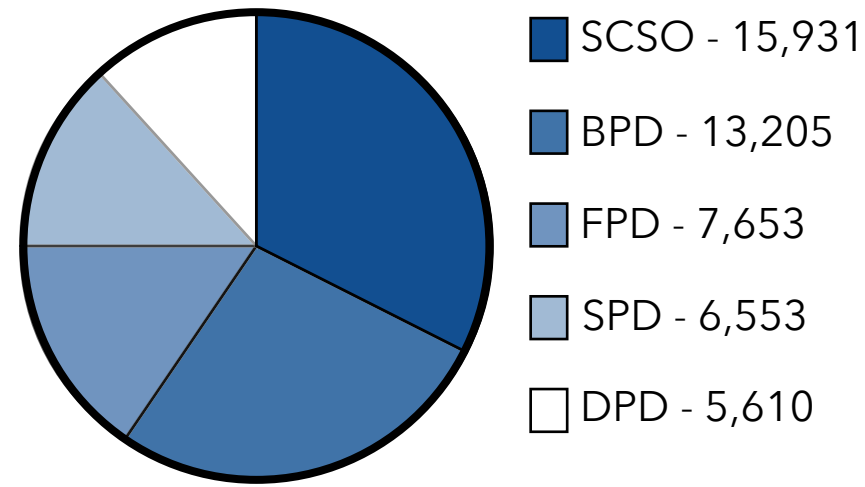
## Chief's Recognition Award

In 2016, the Chief's Recognition Award was created for spontaneous presentation by the Chief of Police. Recipients may be any Department or Town employee who demonstrates community service above and beyond the Department and Town's values of Influence, Relationships, Adaptability, Knowledge, and Communication.

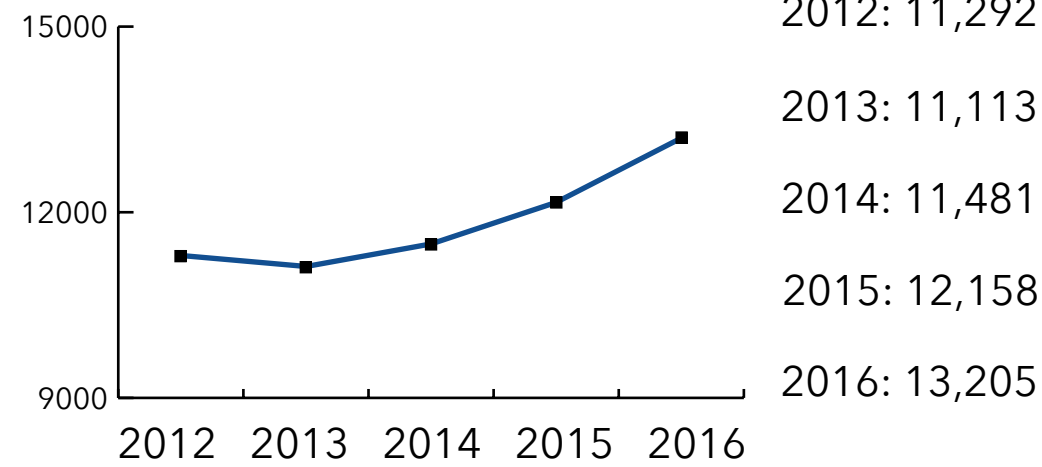


# Breckenridge Police Department Five Year Statistical Summary

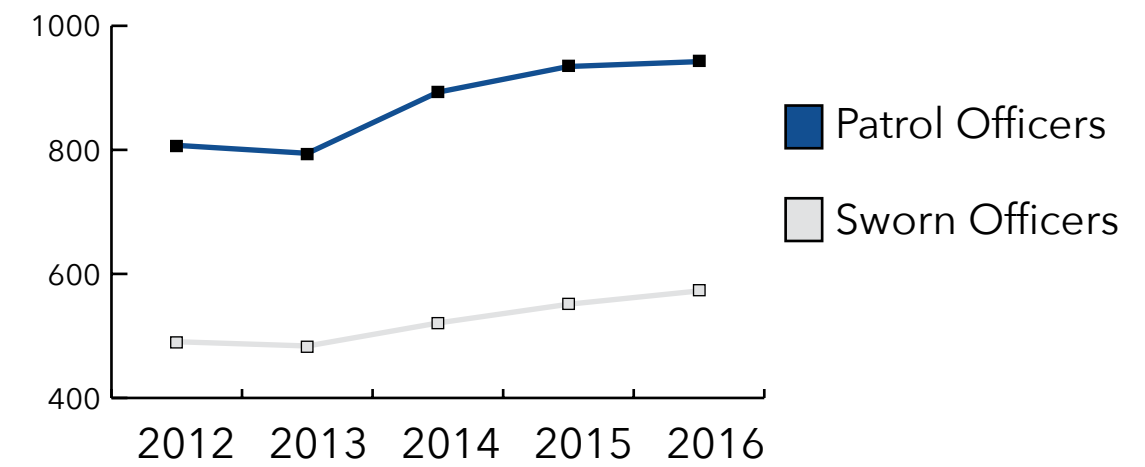
### Calls for Service per Agency



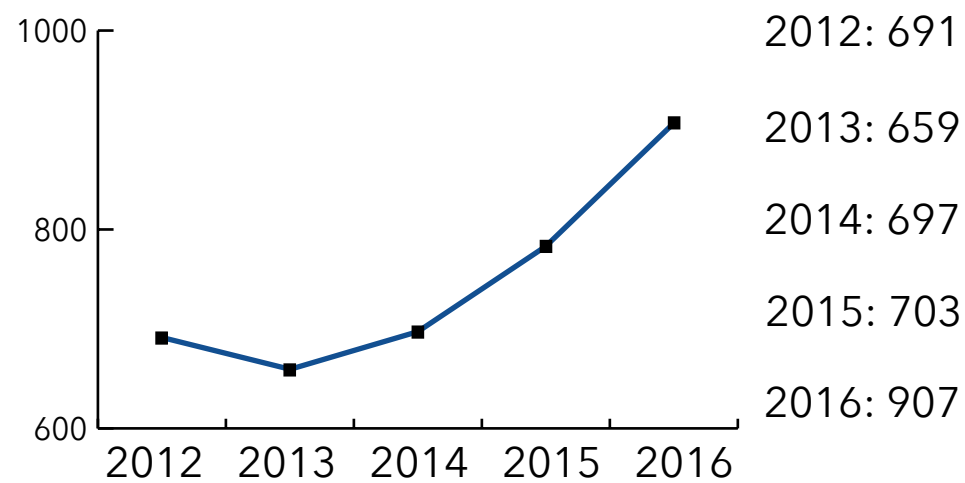
### BPD Annual Calls for Service



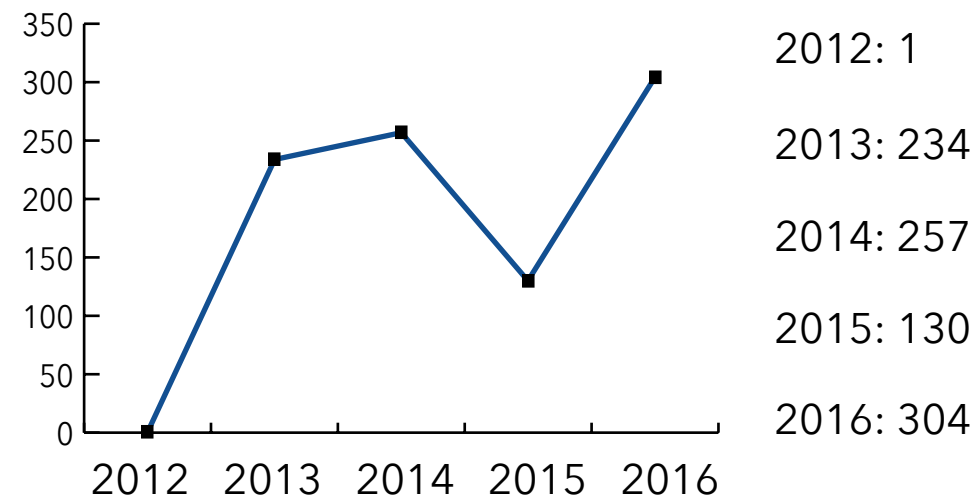
### Annual Calls per BPD Officer



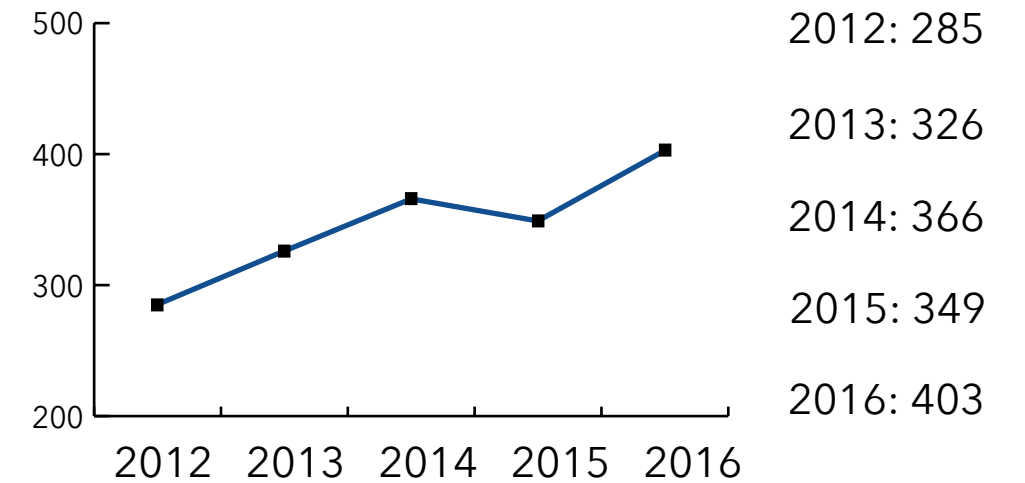
### Annual Arrests by BPD Officers



### Ski Pass Fraud Investigations



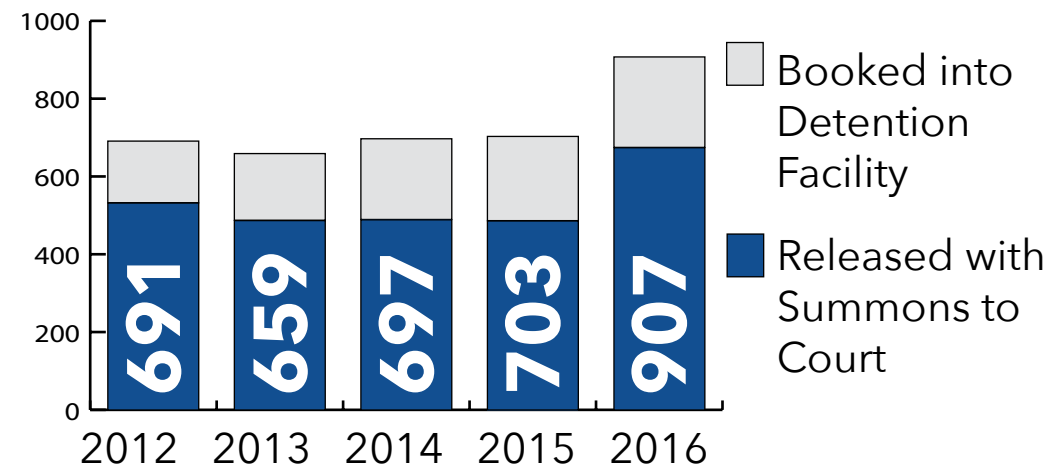
### Motor Vehicle Accident Investigations



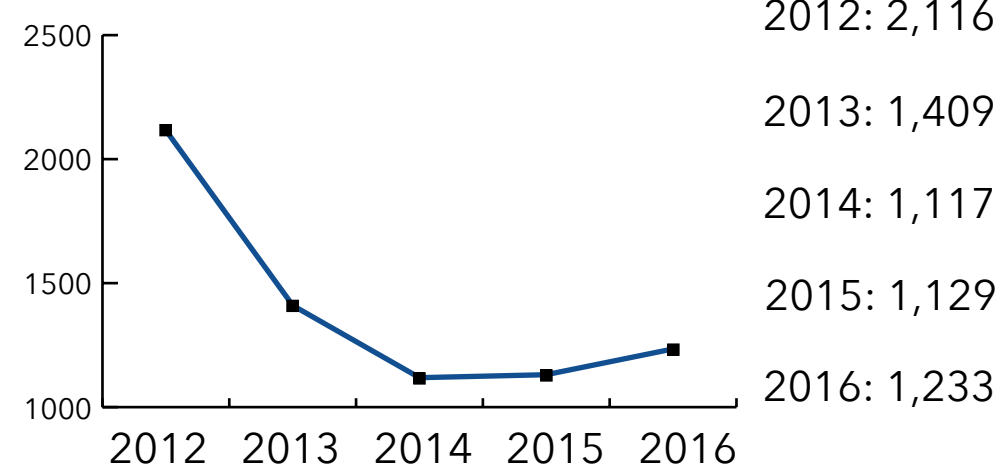


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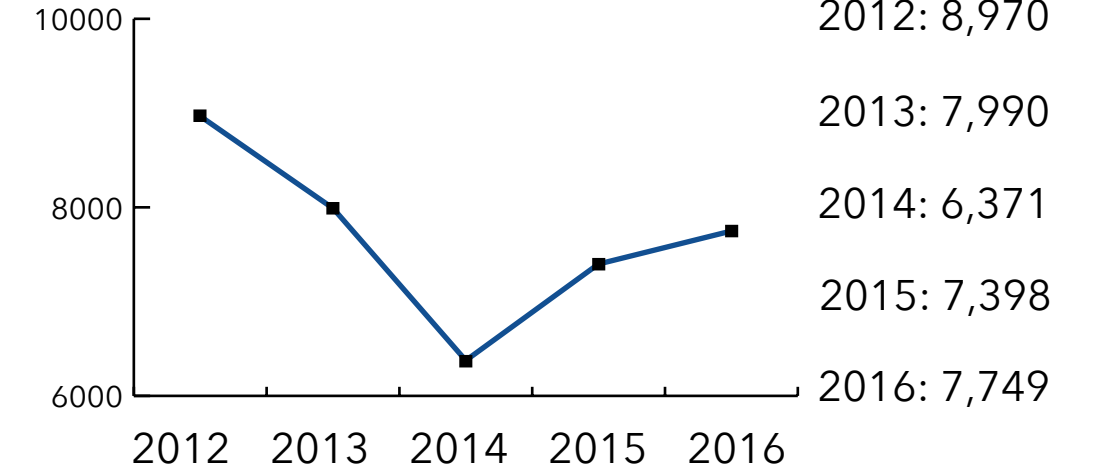
### Annual Arrests: Jailed vs. Released



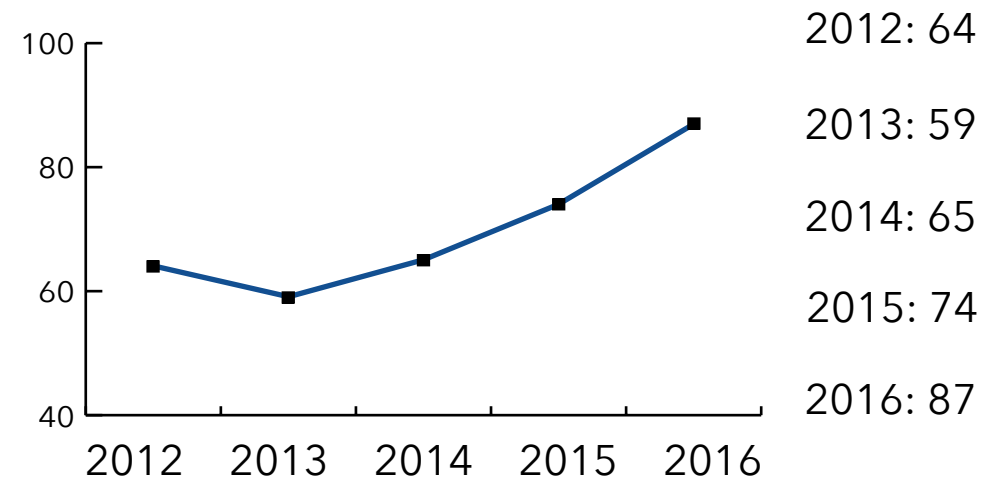
### Annual Traffic Citations Issued



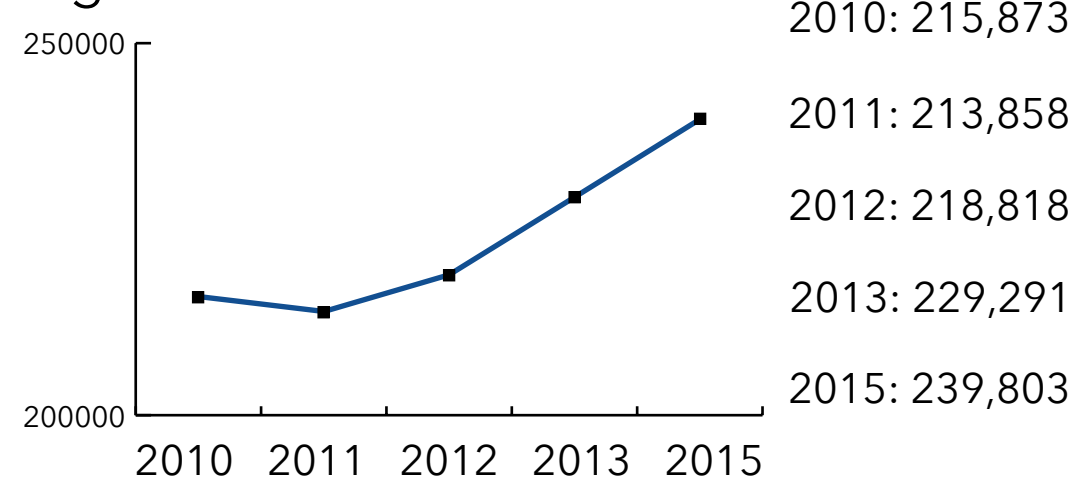
### Annual Parking Citations Issued



### Annual SEPA Permitted Town Events



### Tiger Road Vehicle Counts\*



\*The CDOT traffic counter was not functional for most of 2014. Thus the five-year comparison begins in 2010, skips year 2014, and ends with year 2015.

The CDOT traffic counter was also not fully functional during the first 4 months of 2016, so a complete and accurate traffic flow measurement is not available. However, five of the largest traffic flow months since the year 2000 were measured in 2016; therefore it is reasonable to believe the 2016 traffic counts continued to rise.