



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, March 14, 2017; 7:00 PM

Town Hall Auditorium

I	CALL TO ORDER, ROLL CALL	
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	B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MS. WOLFE)	
	C. BRECKENRIDGE TOURISM OFFICE (MS. GIGLIELLO)	
	D. BRECKENRIDGE HERITAGE ALLIANCE (MR. BURKE)	
	E. WATER TASK FORCE (MR. DUDICK)	

*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. 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.

- F. BRECKENRIDGE CREATIVE ARTS (MS. LAWRENCE)
- G. BRECKENRIDGE EVENTS COMMITTEE (MR. BERGERON)

X OTHER MATTERS

XI SCHEDULED MEETINGS

XII ADJOURNMENT

*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. 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.

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CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of February 28, 2017 to order at 7:00 pm. The following members answered roll call: Mr. Dudick, Mr. Bergeron, Ms. Lawrence, Ms. Wolfe, Ms. Gigliello and Mayor Mamula. Mr. Burke was absent.

APPROVAL OF MINUTES - FEBRUARY 14, 2017

Ms. Wolfe asked for a change to the meeting minutes of February 14, 2017 on page 3 that would clarify that her comments were in reference to Council Bill No. 2, Series 2017, specifically, and the ordinance isn't a perfect solution but she would vote to pass it that night. With no additional changes or corrections to the minutes, Mayor Mamula declared they would stand approved as amended.

APPROVAL OF AGENDA

Mr. Holman stated there were no changes to the agenda. Mayor Mamula declared the agenda approved as presented.

COMMUNICATIONS TO COUNCIL

A. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)

Mayor Mamula opened Citizen's Comment. There were no comments and Citizen's Comment was closed.

B. Breckenridge Ski Resort Update

Mr. John Buhler, COO of Breckenridge Ski Resort, stated the resort had a strong January and February, and he is now focused on the summer. He also explained that the gondola will be closed April 23-May 1 for construction work, and the Epic Discovery Zipline will take all summer to complete. Also, the challenge course on Peak 8 will be finished before the summer season, with a grand opening by July 1. Ms. Wolfe asked about communications towers that will look like trees, and staff will bring back sample images that were part of the permit application. Mr. Holman stated a storage building and the Falcon Lift are also part of the construction on the mountain this summer. Mr. Bergeron asked about workers parking around the Peaks Trail Parking Lot, and Mr. Buhler stated construction staff will be staging at the Admin Building, and he will work with Chris Blackwell on keeping that area clear.

C. Breckenridge Tourism Update

Mr. Brett Howard, Marketing Director of the BTO, stated Spring Break will peak March 4-11 and March 11-18 this year. He further stated March 18-25 is down 25% compared to last year, and the BTO is boosting advertising dollars for the end of March. Also, the BTO partnered with the Ski Resort and Breck Create for an LGBTQ event and a comedy event in March, for which they are expecting Front Range visitors, and last-minute bookings for lodging packages. Mr. Howard stated a destination marketing committee has been formed to look at capacity issues, and Council asked to see a marketing presentation related to this group.

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2017 - Public Hearings

NEW BUSINESS

A. First Reading of Council Bills, Series 2017 - Public Hearings

1. COUNCIL BILL NO. 4, SERIES 2017 - AN ORDINANCE

CONCERNING THE COMPENSATION OF THE DEPUTY
MUNICIPAL JUDGE

Mayor Mamula read the title into the minutes. Mr. Berry stated the Town needs to engage the services of the Deputy Municipal Judge when the Municipal Judge cannot be present for court. He further stated this ordinance would allow council to set the compensation at an appropriate rate that would be flexible.

Mr. Bergeron moved to approve COUNCIL BILL NO. 4, SERIES 2017 - AN ORDINANCE CONCERNING THE COMPENSATION OF THE DEPUTY MUNICIPAL JUDGE. Ms. Lawrence seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

B. Resolutions, Series 2017

1. RESOLUTION NO. 5, SERIES 2017 - A RESOLUTION MAKING
SUPPLEMENTAL APPROPRIATIONS TO THE 2016 TOWN BUDGET

Mayor Mamula read the title into the minutes. Mr. Waldes stated this is the first of two budget resolutions. He further stated this resolution will make changes to the 2016 Budget.

Mr. Bergeron moved to approve RESOLUTION NO. 5, SERIES 2017 - A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2016 TOWN BUDGET. Ms. Gigliello seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

2. RESOLUTION NO. 6, SERIES 2017 - A RESOLUTION MAKING
SUPPLEMENTAL APPROPRIATIONS TO THE 2017 TOWN BUDGET

Mayor Mamula read the title into the minutes. Mr. Waldes stated this resolution will make changes to our current year budget that have occurred after the budget was approved.

Ms. Gigliello moved to approve RESOLUTION NO. 6, SERIES 2017 - A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2017 TOWN BUDGET. Ms. Wolfe seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

3. RESOLUTION NO. 7, SERIES 2017 - A RESOLUTION APPROVING AN
ENCROACHMENT LICENSE AGREEMENT WITH THE GROLL
CONDOMINIUM ASSOCIATION, INC., A COLORADO NONPROFIT
CORPORATION

Mayor Mamula read the title into the minutes. Mr. Berry stated Town Code allows the council to grant a revocable license agreement, and this resolution would grant a license agreement to the Groll Condominiums, where the majority of their parking spaces do not lie in the Town right of way. He further stated this resolution is at the discretion of council, and if approved, we will need to fix the reference to the number of vehicles allowed from 6 to 7.

Mr. Bergeron moved to approve RESOLUTION NO. 7, SERIES 2017 - A RESOLUTION APPROVING AN ENCROACHMENT LICENSE AGREEMENT WITH THE GROLL CONDOMINIUM ASSOCIATION, INC., A COLORADO NONPROFIT CORPORATION. Ms. Lawrence seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

C. Other

1. Liquor and Marijuana Licensing Authority Appointment

Mayor Mamula stated the Council would now vote to appoint the new Liquor and

Marijuana Licensing Authority member based on the afternoon interviews.

Ms. Lawrence stated she thinks this committee may be too small and it could be beneficial to have additional people on the committee. Mr. Holman stated the committee number would need to be amended by ordinance. Mr. Bergeron stated the candidates are all really good, and Mr. Vatcher has been a volunteer for other things for the Town and he would be a good candidate for this position. Ms. Lawrence stated Mr. Vatcher does so much and we appreciate it, and she thinks Mr. Faust would be a good fit for this committee.

Council conducted a ballot vote and Mr. Timothy Faust was named the new Authority member by a vote of 5-1.

PLANNING MATTERS

A. Planning Commission Decisions

With no request to call an item off the consent calendar, Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

B. Town Project Hearing: Riverwalk Pedestrian Improvements

Mayor Mamula introduced the Town Project: Riverwalk Pedestrian Improvements. Mr. Chapin LaChance presented the plans for the project. He further stated the Planning Commission recommends approval of this project. Mayor Mamula further stated this project requires a public hearing, and he opened the public hearing. There were no public comments and the hearing was closed. Mr. Dudick moved to approve Town Project: Riverwalk Pedestrian Improvements. Ms. Gigliello seconded the motion. The motion passed 6-0. Mr. Burke was absent.

C. Town Project Hearing: Denison Placer 1 Workforce Housing

Mayor Mamula introduced the Town Project: Denison Placer 1 Workforce Housing. Ms. Julia Puester presented the plans for the project. Mr. Pete Weber and Danielle Weber further explained the diagrams presented. Mayor Mamula asked if this would be an HOA, and Ms. Laurie Best answered that yes, it would be an HOA. Ms. Wolfe stated she appreciates the variety of the buildings and it has a nice feel.

Mayor Mamula further stated this project requires a public hearing, and he opened the public hearing. There were no public comments and the hearing was closed. Ms. Gigliello moved to approve Town Project: Denison Placer 1 Workforce Housing. Ms. Lawrence made the second. The motion passed 6-0. Mr. Burke was absent.

D. Call Up Hearing: Lincoln Park Master Plan

Mayor Mamula introduced the call up hearing for Lincoln Park Master Plan. He read into record the script for the hearing (full script available on the audio recording from this meeting). He stated Council called up this application at the meeting on 2/14/17. He further stated the applicant (Poplar LLC) is represented by Courtney Kenady and Alisha Donovan. Ms. Puester stated the proposal is to amend the existing master plan, with minor changes processed as a Class C application. Also, the point analysis results are unchanged from the previous application. She stated the changes include a single lane bridge with pullouts on either side, and a sidewalk that runs on Bridge Street on the Lincoln Park side with sidewalk stops at the vehicular bridge. Additional changes include an allowed maximum standard garage height of 10 feet, and the bus pullout on the Lincoln Park side has been removed. Also, phases 3 and 4 were modified to remove buildings from flood plane, more

landscaping was added, and some building changes were made. Ms. Puester stated the primary change is the phasing of the pedestrian bridges to move up the timing for installing the bridges.

The applicant stated they are in agreement with the proposed settlement. Ms. Lawrence stated for the record that she lives in Wellington Neighborhood, but there is no conflict of interest on this matter. She also asked about current snow storage where the Central Park bridge is to be constructed and Ms. Kenady stated she would have to look into that issue. Ms. Wolfe asked for clarification as to when the bridge will be installed. Ms. Kenady stated they are trying to time the bridges to not be installed during the construction period to ensure safety. Mr. Bergeron stated he is concerned about the timing for the pedestrian bridges because people in Lincoln Park bought with the idea that there would be bus service to that area. Ms. Kenady stated they hope to get the Midnight Sun bridge in this summer. Mr. James Phelps stated that when the bridges are installed it's about 1,000 feet from Lincoln Park houses to the nearest bus stop. Mayor Mamula stated the people in that phase will be using the bridge this summer to get to the bus stop. Mr. Bergeron asked about school bus going over the bridge and is there an opportunity to move the lower Wellington Road bus stop this summer so it is closer to the entrance to Lincoln Park. Staff answered yes to both questions.

Ms. Gigliello moved to approve Call Up Hearing: Lincoln Park Master Plan. Mr. Bergeron seconded the motion.
The motion passed 6 - 0. Mr. Burke was absent.

REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated he had nothing additional to add from the afternoon work session.

REPORT OF MAYOR AND COUNCILMEMBERS

The reports of Mayor and Council members were covered in the afternoon work session.

- A. Cast/MMC (Mayor Mamula)
- B. Breckenridge Open Space Advisory Committee (Ms. Wolfe)
- C. Breckenridge Tourism Office (Ms. Gigliello)
- D. Breckenridge Heritage Alliance (Mr. Burke)
- E. Water Task Force (Mr. Dudick)
- F. Breckenridge Creative Arts (Ms. Lawrence)
- G. Breckenridge Events Committee (Mr. Bergeron)

OTHER MATTERS

Ms. Lawrence stated she thought they agreed that holiday decorations would be down before Presidents Weekend, and Ms. Gigliello stated she remembers that as well. Staff was directed to take them down.

Ms. Puester stated the cell towers the Ski Resort is installing are approved by a staff level permit. In addition, the Town had an application to put a hub next door to Town Hall that runs to the gondola station, and there's also one at Beaver Run, and one that will go through the ski back and through some open space, and to the fun park. She further stated that she expects the Ski Resort to come in with an application for a pine tree tower that will be in Town limits. Ms. Gigliello asked if it was through a specific provider, and Ms. Puester stated they are through a third-party provider.

Mayor Mamula stated regarding the Riverwalk Lawn that it might be time to replace the

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grass with astroturf in that location. Mr. Bergeron stated we water that area a lot and replace the grass often. Ms. Gigliello stated she likes the idea of astroturf. Mr. Holman stated staff will look into this option for the lawn.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:10 pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, Town Clerk

Eric S. Mamula, Mayor

DRAFT

MEMO

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

The second reading of the Deputy Municipal Judge Salary Ordinance is scheduled for your meeting on March 14th. 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

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 14th meeting)

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 14th 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.

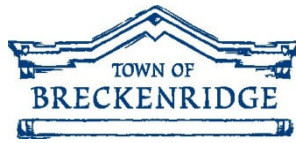
36
37 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
38 PUBLISHED IN FULL this ____ day of _____, 2017. A Public Hearing shall be held at the
39 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
40 _____, 2017, at 7:00 P.M., or as soon thereafter as 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;

Fee Category	Scheduled Annual Increase
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
26
27

28
29 By: _____
30 Eric S. Mamula, Mayor
31

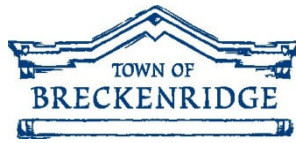
32 ATTEST:
33
34
35
36

37 _____
38 Helen Cospolich
39 Town Clerk
40
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3

500-123\2017\2018 Water Rate Adjustment Ordinance (02-16-17)

2018 WATER RATE ADJUSTMENT ORDINANCE



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
27

28
29
30 By: _____
31 Eric S. Mamula, Mayor
32

33 ATTEST:
34
35
36

37 _____
38 Helen Cospolich, CMC,
39 Town Clerk
40
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47
48

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.

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



printed 3/25/2016
 Town of Breckenridge and Summit County governments
 assume no responsibility for the accuracy of the data, and
 use of the product for any purpose is at user's sole risk.

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 4th 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 30th 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.

Dan Schroder, Chair



Scheduled Meetings, Important Dates and Events

Shading indicates Council required attendance – others are optional

The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them. All Council Meetings are held in the Council Chambers, 150 Ski Hill Road, Breckenridge, unless otherwise noted.

MARCH 2017

Tuesday, March 14, 2017; 8:00-10:00 am; Police Department Parking and Transit Taskforce (Breck Forward)

Tuesday, March 14, 2017; 3:00/7:00 pm **First Meeting of the Month**

Friday, March 17, 2017; 8:00-9:00 am; TBD Coffee Talk

Tuesday, March 28, 2017; 3:00/7:00 pm **Second Meeting of the Month**

APRIL 2017

Tuesday, April 11, 2017; 3:00/7:00 pm **First Meeting of the Month**

Friday, April 14, 2017; 8:00-9:00 am; TBD Coffee Talk

Tuesday, April 25, 2017; 3:00/7:00 pm **Second Meeting of the Month**

MAY 2017

Tuesday, May 9, 2017; 3:00/7:00 pm **First Meeting of the Month**

Friday, May 12, 2017; 8:00-9:00 am; TBD Coffee Talk

Tuesday, May 23, 2017; 3:00/7:00 pm **Second Meeting of the Month**

OTHER MEETINGS

4th Monday of the Month; 4:00 p.m.
1st & 3rd Tuesday of the Month; 6:00 p.m.
1st Wednesday of the Month; 4:00 p.m.
2nd & 4th Tuesday of the Month; 1:30 p.m.
2nd Wednesday of the Month; 12:00 noon
2nd Tuesday of the month; 2:00 p.m.
2nd Thursday of the Month; 5:30 p.m.
3rd Monday of the Month; 5:30 p.m.
3rd Tuesday of the Month; 9:00 a.m.
4th Wednesday of the Month; 9:00 a.m.
4th Wednesday of the Month; 8:30 a.m.
4th Thursday of the Month; 7:00 a.m.
1st Wednesday of the Month; 3:00 p.m.

Cultural Arts Advisory Committee; Riverwalk Center
Planning Commission; Council Chambers
Public Art Commission; 3rd floor Conf Room
Board of County Commissioners; County
Breckenridge Heritage Alliance
Workforce Housing Committee
Sanitation District
BOSAC; 3rd floor Conf Room
Liquor Licensing Authority; Council Chambers
Summit Combined Housing Authority
Breckenridge Tourism Office; BTO Offices
Red White and Blue Fire District; Main Fire Station
Childcare Advisory Committee; Town Hall

Other Meetings: CAST, CML, NWCCOG, RRR, QQ, I-70 Coalition, BEC