



TOWN OF
BRECKENRIDGE

Town Council Regular Meeting

Tuesday, June 9, 2020, 7:00 PM

VIRTUAL Council Chambers

This meeting will be broadcast live, and the public will NOT be permitted to attend the meeting in person due to COVID-19 concerns. If you are interested, please attend the meeting by joining the live broadcast available online. Log-in information is available in the calendar section of our website: www.townofbreckenridge.com.

Questions and comments can be submitted prior to the meeting to Mayor@townofbreckenridge.com or during the meeting using the Q&A feature in the Online Webinar.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

A. TOWN COUNCIL MINUTES - MAY 26, 2020

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

A. CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

B. BRECKENRIDGE TOURISM OFFICE UPDATE

C. BRECKENRIDGE SKI RESORT UPDATE

V. CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2020 - PUBLIC HEARINGS

1. *COUNCIL BILL NO. 22, SERIES 2020 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33 (RELATIVE) OF SECTION 9-1-19 OF THE "BRECKENRIDGE DEVELOPMENT CODE" CONCERNING ENERGY CONSERVATION*

VI. NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2020

B. RESOLUTIONS, SERIES 2020

1. *RESOLUTION NO. 15, SERIES 2020 - A RESOLUTION MAKING SUPPLEMENTAL AND REDUCED APPROPRIATIONS TO THE 2020 TOWN BUDGET*

2. *RESOLUTION NO. 16, SERIES 2020 - A RESOLUTION ADOPTING THE SUMMIT COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE*

C. OTHER

VII. PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS

VIII. REPORT OF TOWN MANAGER AND STAFF

IX. REPORT OF MAYOR AND COUNCIL MEMBERS

A. CAST/MMC (MAYOR MAMULA)

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE

C. BRECKENRIDGE TOURISM OFFICE

D. BRECKENRIDGE HERITAGE ALLIANCE

E. BRECKENRIDGE CREATIVE ARTS

F. BRECKENRIDGE EVENTS COMMITTEE

G. WATER TASK FORCE

X. OTHER MATTERS

XI. SCHEDULED MEETINGS

A. SCHEDULED MEETINGS FOR JUNE AND JULY

XII. ADJOURNMENT

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I) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of May 26, 2020 to order at 7:00pm. The following members answered roll call: Mr. Bergeron, Ms. Gigliello, Ms. Owens, Mr. Gallagher, Mr. Carleton, Mr. Kuhn and Mayor Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – MAY 12, 2020

With no changes or corrections to the meeting minutes of May 12, 2020, Mayor Mamula declared they would stand approved as presented.

III) APPROVAL OF AGENDA

Mr. Holman stated there was one change to the agenda, which was to remove the first reading of Council Bill No. 23, Series 2020, and add as an Emergency Ordinance Council Bill No. 24, Series 2020, the purpose of which is to enact a temporary moratorium on any new permits for amenity clubs. Mayor Mamula declared the agenda approved as amended.

IV) COMMUNICATIONS TO COUNCIL

A) CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

Mayor Mamula opened Citizen's Comment. Citizens were encouraged to email their comments in advance of the meeting.

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

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2020 - PUBLIC HEARINGS

1) COUNCIL BILL NO. 10, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE DEVELOPMENT CODE," BY AMENDING POLICY 24

Mayor Mamula read the title into the minutes. Ms. Nichole Rex stated this policy is intended to increase the amount of employee housing in the community and asks that Council approve this ordinance and remove section 13 regarding density, as discussed in the work session, and adjust the other numbers accordingly. All other changes from first reading are noted in the memo in the packet.

Mayor Mamula opened the public hearing. There were no comments and the public hearing was closed.

Mr. Gallagher moved to approve COUNCIL BILL NO. 10, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE DEVELOPMENT CODE," BY AMENDING POLICY 24. Mr. Carleton seconded the motion.

The motion passed 7-0.

1) COUNCIL BILL NO. 17, SERIES 2020 - AN ORDINANCE AMENDING SECTION 12-4-23 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE WATER SYSTEM MAINTENANCE FEE

Mayor Mamula read the title into the minutes. Mr. Berry stated there were no changes to the ordinance from first reading.

Mayor Mamula opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 17, SERIES 2020 - AN ORDINANCE AMENDING SECTION 12-4-23 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE WATER SYSTEM MAINTENANCE FEE. Mr. Gallagher seconded the motion.

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The motion passed 7-0.

- 2) COUNCIL BILL NO. 18, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING OVERHEAD WALKWAY LIGHTING

Mayor Mamula read the title into the minutes. Ms. Julia Puester stated changes from the first reading (and the work session) are detailed in the memo and include removing the requirement for Class D permits and adding wording for safe pedestrian traffic. In addition, this lighting type will be restricted to public property only, and not allowed on private walkways.

Mayor Mamula opened the public hearing.

There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 18, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING OVERHEAD WALKWAY LIGHTING. Mr. Gallagher seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 19, SERIES 2020 - AN ORDINANCE CONCERNING THE PENALTY FOR VIOLATING CHAPTER 8 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE

Mayor Mamula read the title into the minutes. Mr. Berry stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing.

There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 19, SERIES 2020 - AN ORDINANCE CONCERNING THE PENALTY FOR VIOLATING CHAPTER 8 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE. Mr. Kuhn seconded the motion.

The motion passed 7-0.

- 4) COUNCIL BILL NO. 20, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN PROJECTS

Mayor Mamula read the title into the minutes. Mr. Berry stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing.

There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 20, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN PROJECTS. Mr. Carleton seconded the motion.

The motion passed 7-0.

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2020

- 1) COUNCIL BILL NO. 21, SERIES 2020 - AN ORDINANCE AUTHORIZING THE FINANCING OF THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AND THE REFINANCING OF CERTAIN OUTSTANDING OBLIGATIONS OF THE TOWN; AUTHORIZING THE EXECUTION AND DELIVERY OF AMENDMENTS TO A SITE LEASE AND LEASE PURCHASE AGREEMENT AND APPROVAL OF CERTAIN OTHER DOCUMENTS AND MATTERS RELATED THERETO; AUTHORIZING OFFICIALS OF THE TOWN TO TAKE ACTION NECESSARY THERETO; AND DECLARING AN EMERGENCY

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Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would authorize the town to issue Certificates of Participation for the purposes of paying for part of the cost of the broadband project, paying for construction of the parking garage and paying off and refinancing the balance of the Town's 2007 COPs.

Mayor Mamula opened the public hearing.
There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve emergency ordinance COUNCIL BILL NO. 21, SERIES 2020 - AN ORDINANCE AUTHORIZING THE FINANCING OF THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AND THE REFINANCING OF CERTAIN OUTSTANDING OBLIGATIONS OF THE TOWN; AUTHORIZING THE EXECUTION AND DELIVERY OF AMENDMENTS TO A SITE LEASE AND LEASE PURCHASE AGREEMENT AND APPROVAL OF CERTAIN OTHER DOCUMENTS AND MATTERS RELATED THERETO; AUTHORIZING OFFICIALS OF THE TOWN TO TAKE ACTION NECESSARY THERETO; AND DECLARING AN EMERGENCY. Mr. Gallagher seconded the motion.

The motion passed 7-0.

- 2) COUNCIL BILL NO. 22, SERIES 2020 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33 (RELATIVE) OF SECTION 9-1-19 OF THE "BRECKENRIDGE DEVELOPMENT CODE" CONCERNING ENERGY CONSERVATION

Mayor Mamula read the title into the minutes. Ms. Mark Truckey stated this ordinance would amend the development code policy 33R to be consistent with the current building code, and it addresses positive points for energy efficient solutions.

Mayor Mamula opened the public hearing.
There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 22, SERIES 2020 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33 (RELATIVE) OF SECTION 9-1-19 OF THE "BRECKENRIDGE DEVELOPMENT CODE" CONCERNING ENERGY CONSERVATION. Mr. Kuhn seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 23, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," CONCERNING AMENITY CLUBS

Mayor Mamula stated this ordinance was PULLED.

- 4) COUNCIL BILL NO. 24, SERIES 2020 - AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR NEW PERMITS TO DEVELOP REAL PROPERTY IN THE TOWN THAT PROPOSE THE DEVELOPMENT OF AN AMENITY CLUB; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE

Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would impose a 6-month moratorium for any applications to be received or approved by Planning Commission for amenity clubs. He further stated this ordinance was the result of the conversation at work session regarding amenity clubs and staff will return to Council with a recommendation at that time. Mr. Berry stated this is an emergency ordinance and will become effective immediately.

Mayor Mamula opened the public hearing.
There were no comments and the public hearing was closed.

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Mr. Bergeron moved to approve emergency ordinance COUNCIL BILL NO. 24, SERIES 2020 - AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR NEW PERMITS TO DEVELOP REAL PROPERTY IN THE TOWN THAT PROPOSE THE DEVELOPMENT OF AN AMENITY CLUB; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE. Mr. Gallagher seconded the motion.

The motion passed 7-0.

B) RESOLUTIONS, SERIES 2020

3) RESOLUTION NO. 14, SERIES 2020 - A RESOLUTION CONCERNING THE TEMPORARY CLOSURE OF PORTIONS OF NORTH MAIN STREET AND SOUTH MAIN STREET

Mayor Mamula read the title into the record.

Mayor Mamula then asked to be recused from voting on this item due to his business located on Main Street. Council agreed that he should be recused due to potential conflict of interest.

Mayor Pro Tem Bergeron opened the public hearing.

Ms. Maureen Nichols, a Breckenridge resident, stated her block on Ridge Street is very crowded, and she is concerned about people who might want to drive and park on Ridge Street further making it busy. She also stated people might prefer to drive through town and look at things, and she is concerned people might not see Main Street and will instead take Park Avenue and Highway 9.

Mr. Carol Rockne stated she was concerned about taking away property rights on Main Street without compensation.

There were no additional comments and the public hearing was closed.

Ms. Gigliello stated that during normal times we wouldn't close Main Street but now it will be to allow for temporary dining outside during the pandemic.

Mayor Pro Tem Bergeron stated he thinks this is a special time and if we don't try to close it now, who knows when would we do this.

Mr. Carleton moved to approve RESOLUTION NO. 14, SERIES 2020 - A RESOLUTION CONCERNING THE TEMPORARY CLOSURE OF PORTIONS OF NORTH MAIN STREET AND SOUTH MAIN STREET. Mr. Kuhn seconded the motion.

The motion passed 6-0.

C) OTHER

VII) PLANNING MATTERS

A) PLANNING COMMISSION DECISIONS

Planning Commission Decisions were approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated there were no updates

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

A. CAST/MMC

Mayor Mamula stated there was no update.

B. Breckenridge Open Space Advisory Committee

Ms. Gigliello stated the B&B trailhead parking lot has been expanded, Friends of Breck Trails will adapt for COVID requirements, and BOSAC voted to remove the Fairy Forest and not move it to anywhere else in Breckenridge. She also stated they reviewed a comprehensive Cucumber Gulch report.

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- C. Breckenridge Tourism Office
There was no update.
- D. Breckenridge Heritage Alliance
Mr. Kuhn congratulated the BHA for conducting a nice, virtual Memorial Day ceremony.
- E. Breckenridge Creative Arts
There was no update.
- F. Breckenridge Events Committee
There was no update.

X) OTHER MATTERS

Mr. Carleton stated people have thanked the Town, staff, Public Works and Police Department for their help during the Senior Parade last week. He further stated it was a big success and it was very much appreciated by the kids and families.

Mr. Bergeron asked if the Town could place signage at parking areas for trailheads that talk about social distancing. Ms. Gigliello stated she will take that request to BOSAC.

Mayor Mamula asked if the Bikeful Tower could be a permanent exhibit, and Mr. Gallagher suggested working with the Public Arts Commission to install it somewhere in Town, perhaps in the B&B Parking Lot.

Mr. Holman stated Council should start to look at in-person meetings beginning in July, and for now virtual meetings are working for us. Council members stated they would like to continue to have this kind of public engagement when we shift to in-person meetings. Mayor Mamula and Mr. Holman agreed we should continue to use Zoom to make meetings more efficient.

XI) SCHEDULED MEETINGS

- A) SCHEDULED MEETINGS FOR JUNE AND JULY

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:48pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

Memo



To: Town Council
From: Luke Sponable, Planner I
Date: June 3, 2020 (for meeting of June 9, 2020)
Subject: Second Reading: 33/R Energy Conservation Update

In response to the Sustainable Building Code adopted April 28th, staff proposed modifications to Policy 33/R (Relative) Energy Conservation. The modifications remove positive points for items that are now required in the Sustainable Building Code as well as including new negative points for large outdoor pools and hot tubs and large areas of outdoor heated pavement.

This item was brought to the Council at the worksession on May 12th and first reading on May 26th. Since the first reading, staff has added clarification that the proposed negative point assessment for outdoor heated pools and hot tubs applies only to commercial/multifamily projects and that the individual point assignment for the point schedules of both heated paving and pools/hot tubs are for the full square footages or portions thereof. Proposed code language modifications from first reading are highlighted in the attachment.

Staff recommends Council approve the second reading of Policy 33/R (Relative) Energy Conservation attached and will be available to answer any questions at the meeting.

1 **FOR WORKSESSION/SECOND READING – JUNE 9**

2
3 Additions To The Ordinance As Approved on First Reading Are **Highlighted**

4
5 COUNCIL BILL NO. 22

6
7 Series 2020

8
9 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33
10 (RELATIVE) OF SECTION 9-1-19 OF THE “BRECKENRIDGE DEVELOPMENT CODE”
11 CONCERNING ENERGY CONSERVATION
12

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

15
16 Section 1. Section 9-1-19-33R, “Policy 33 (Relative) Energy Conservation,” of the
17 Breckenridge Town Code is amended to read in its entirety as follows:

18
19 9-1-19-33R: POLICY 33 (RELATIVE) ENERGY CONSERVATION: The goal
20 of this policy is to incentivize energy conservation and renewable energy systems
21 in new and existing development at a site plan level. This policy is not applicable
22 to an application for a master plan. This policy seeks to reduce the community’s
23 carbon footprint and energy usage and to help protect the public health, safety and
24 welfare of its citizens.
25

26 A. Residential Structure Three Stories Or Less: ~~All new and existing residential~~
27 ~~developments are strongly encouraged to have a home energy rating survey~~
28 ~~(HERS)/Energy Rating Index (ERI) as part of the development permit review process~~
29 ~~to determine potential energy saving methods and to reward developments that reduce~~
30 ~~their energy use. For new construction, positive points will be awarded for the~~
31 ~~percentage of energy use reduction of the new residential structure compared to the~~
32 ~~same building built to the minimum standards of the Town’s most recently adopted~~
33 ~~residential provisions of the International Energy Conservation Code¹ residential~~
34 ~~provisions. This shall mean, for an interim period, that the percent energy use~~
35 ~~reduction shall be compared to a baseline 70 HERS/ERI score. Upon adoption by the~~
36 ~~Town of the 2018 International Energy Conservation Code, the percent energy use~~
37 ~~reduction shall be compared to the baseline ERI score required as established in the~~
38 ~~code. As subsequent editions of the IECC International Energy Conservation Codes~~
39 ~~are adopted by the Town, the percent energy use reduction shall be compared to the~~
40 ~~baseline ERI score required established in that code.~~

41
42 For existing residential development, including additions, positive points will be
43 awarded for the percentage of energy saved beyond the energy consumption analysis
44 of the existing structure(s) as compared to the energy consumption of the proposed

1 The International Energy Conservation Code adopted and amended by title 8, chapter 1 of this code (IECC).

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structure remodel.

Positive points will be awarded according to the following point schedule for new construction:

Points	New Structures; Percent Energy Saved Beyond Adopted Residential Energy Code IECC Standard ²
+1	Obtaining a HERS or ERI index
+2	20% - 39%
+3	40% - 59%
+4	60% - 79%
+5	80% - 99%
+6	100+%

6
7

Note:

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2. **See residential provisions of the IECC** International Energy Conservation Code (~~IECC~~) residential provisions.

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11
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13

Positive points will be awarded according to the following point schedule for structures that existed on **July 14, 2020** which undergo major exterior remodels or additions:

Points	Existing Residential (Prior To February 12, 2019 July 14, 2020); Percentage Improvement Beyond Existing HERS/ERI Index ³
+1	Obtaining a HERS/ERI index 10-19%
+2	20 - 39%
+3	40 - 59%
+4	60 - 79%
+5	80 - 99%
+6	100+%

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Note:

1 3. Existing HERS/ERI Index shall be for the structure prior to any modifications.
 2 Where an existing HERS/ERI score exceeds 125, a maximum score of 125 shall be
 3 assigned to the existing structure as a baseline to compare energy improvements to.
 4

5 B. Commercial, Lodging And Multi-Family In Excess Of Three Stories In Height: New
 6 and existing commercial, lodging, and multi-family developments are strongly
 7 encouraged to take advantage of the positive points that are available under this
 8 policy by achieving demonstrable and quantifiable energy use reduction within the
 9 development. For new construction, positive points will be awarded for the
 10 percentage of energy use reduction of the performance building when compared to
 11 the same building built to the minimum standards of the ~~adopted~~ IECC.
 12 The percentage of energy use saved shall be expressed as MBh (thousand
 13 BTUs/hour).
 14

15 For modifications to existing buildings including additions, positive points will be
 16 awarded for the percentage of energy saved beyond the energy consumption analysis
 17 of the existing structure(s) compared to the energy consumption of the proposed
 18 structure remodel. Points shall be awarded in accordance with the following point
 19 schedule:
 20

<u>Points</u>	New Structures; Percent Energy Saved Beyond The IECC Minimum Standards	Existing Structures (Prior To August 14, 2012 <u>July 14, 2020</u> ; Percent Improvement Beyond Existing Energy Consumption
+1	10% - 19%	10% - 19%
+2	20% - 29%	20% - 29%
+3	30% - 39%	30% - 39%
+4	40% - 49%	40% - 49%
+5	50% - 59%	50% - 59%
+6	60% - 69%	60% - 69%
+7	70% - 79%	70% - 79%
+8	80%+	80%+

21 Positive points will be awarded only if an energy analysis has been prepared by a
 22 registered design professional as required by subsection ~~EF1~~ of this section, using an
 23 approved simulation tool in accordance with simulated performance alternative
 24 provisions of the Town's ~~adopted Energy Code~~ IECC.
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C. Excessive Energy Usage: Developments with excessive energy components are discouraged. To encourage energy conservation, the following point schedule shall be utilized to evaluate how well a proposal meets this policy:

Point Range	Design Feature
0	If the Planning Commission determines that any of the following design features are required for the health, safety and welfare of the general public (e.g., heated sidewalk in a high traffic pedestrian area), then no negative points shall be assessed.
-1	1 - 500 square feet heated driveway, sidewalk, plaza, etc.
-2	501 - 999 square feet heated driveway, sidewalk, plaza, etc.
-3	1,000+ 2,499 square feet heated driveway, sidewalk, plaza, etc.
-4	2,500 – 5,000 square feet heated driveway, sidewalk, plaza, etc.
-1	For each additional 5,000 square feet, or portion thereof, of heated driveway, sidewalk, plaza, etc. over 5,000 square feet
1x(-1/0)	Outdoor commercial or common space residential gas fireplace (per gas fireplace).
-1	For each 500 square feet of outdoor heated pool and hot tub; provided no points shall be assessed for the first 100 square feet.
-1	101-500 square feet of outdoor heated pool and/or hot tub in a commercial or multifamily development
-1	For each additional 500 square feet, or portion thereof, of outdoor heated pool and/or hot tub in a commercial or multifamily development over the first 500 square feet
0	Water features powered completely by a renewable energy source (e.g., solar, wind).
-1	Water features powered by conventional energy sources utilizing less than 4,000 watts or less than 5 horsepower.
-2	Large outdoor water features (per feature) powered by conventional energy sources utilizing over 4,000 watts or 5 horsepower motor or greater.

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D. Other Design Features:

1 1x(-2 ~~-4~~+2 ~~±4~~) Other design features determined by the Planning Commission to
 2 conserve significant amounts of energy may be considered for positive points.
 3 Alternatively, other features that use excessive amounts of energy may be
 4 assigned negative points. However, positive points may not be assessed under this
 5 subsection D if the project has ~~incurred~~ **been awarded** positive points under
 6 subsection A or B of this section, ~~with the exception of subsection D(1) of this~~
 7 ~~section.~~ **Higher positive point awards will be given to larger scaled projects**
 8 **that conserve a significant amount of energy. Larger projects that consume**
 9 **large amounts of energy will be assessed more negative points.**

10
 11 (1) 1x(+1) One positive point may be awarded for new construction that has been
 12 built solar and electric vehicle ready. In order to qualify as “solar and electric
 13 vehicle ready”, the following must be provided:

14 a. Design of roof shall allow for a minimum of thirty percent (30%) designated
 15 area for PV (no obstructions or shading):

16
 17 b. Locate and provide space for future required electrical equipment (inverter and
 18 meter):

19
 20 c. Install conduit from roof to future electrical equipment locations:

21
 22 d. Main electrical panel shall have space for future solar.

23
 24 e. Structural live and dead loads included in roof design (only required for
 25 existing buildings):

26
 27 f. A two hundred forty volt (240 v) outlet (or higher voltage) is provided in each
 28 garage bay to allow for charging of electric vehicles. For commercial and multi-
 29 family projects, one (1) 240-volt outlet is provided for each ten (10) parking
 30 spaces.

31 E. **EV Capable and EVSE Installed Spaces: Positive points may be awarded for**
 32 **additional Electric Vehicle (EV) Capable and Electronic Vehicle Supply**
 33 **Equipment (EVSE) installed spaces over the required minimum as determined**
 34 **in the IECC, as follows:**

<u>Points</u>	<u>EV Capable</u>	<u>Points</u>	<u>EVSE Installed</u>
<u>+1</u>	<u>10 additional spaces</u>	<u>+1</u>	<u>1 additional space</u>
<u>+2</u>	<u>20 additional spaces</u>	<u>+2</u>	<u>2 additional spaces</u>
<u>+3</u>	<u>30 or more additional spaces</u>	<u>+3</u>	<u>3 or more additional spaces</u>

36
 37 F. General Provisions:

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2 (1) A projected analysis shall be submitted at the time of development permit
3 application if positive points are requested as well as submittal of a confirmed
4 analysis prior to the issuance of a certificate of occupancy or certificate of
5 completion. A HERS/ERI analysis shall be performed by a certified HERS/ERI
6 rater. An analysis of energy saved beyond the IECC shall be performed by the
7 licensed Colorado engineer of record for the project.
8

9 (2) No development approved with required positive points under this policy shall
10 be modified to reduce the HERS/ERI index, percentage of improvement, or
11 percentage of energy savings above the IECC standards in connection with the
12 issuance of such development permit. (“Required positive points” means those
13 points that were necessary for the project to be approved with a passing point
14 analysis.)
15

16 (3) Prior to the issuance of a certificate of occupancy each development for which
17 positive points are awarded under this policy shall submit a letter of certification
18 showing compliance with the projected energy rating or percentage of energy
19 savings in comparison to the IECC. The required confirmed certification for a
20 residential development three (3) stories or less in height shall be submitted by a
21 certified HERS/ERI rater. The required confirmed certification for a residential
22 development taller than three (3) stories, and for all commercial development,
23 shall be submitted by a licensed Colorado engineer and accompanied by balance
24 and commissioning reports.
25

26 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
27 various secondary codes adopted by reference therein, shall continue in full force and effect.
28

29 Section 3. The Town Council hereby finds, determines and declares that this ordinance is
30 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
31 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
32 thereof.
33

34 Section 4. The Town Council hereby finds, determines and declares that it has the power
35 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
36 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
37 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
38 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
39 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
40 contained in the Breckenridge Town Charter.
41

42 Section 5. This ordinance shall be published and become effective as provided by Section
43 5.9 of the Breckenridge Town Charter.
44

45 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
46 PUBLISHED IN FULL this ____ day of _____, 2020. A Public Hearing shall be held at the

1 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
2 ____, 2020, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
3 Town.

4
5 TOWN OF BRECKENRIDGE, a Colorado
6 municipal corporation
7

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9
10 By: _____
11 Eric S. Mamula, Mayor
12

13 ATTEST:
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17 _____
18 Helen Cospolich, CMC,
19 Town Clerk
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Memo

To: Breckenridge Town Council
 From: Finance Department
 Date: 6.9.20
 Subject: Supplemental and Reduced Appropriations to the 2020 Town Budget

Background

The Town Council approves a budget each year. From time to time, it is necessary to make changes to the budget as circumstances necessitate. These changes must be adopted by Council resolution. Below is a list of those changes and attached is the official resolution submitted for approval.

A supplemental appropriation is required for the payment of new debt service: 2020B Certificates of Participation for the parking structure. While the exact amount of the debt service payment is still unknown, we have included an amount that is greater than the estimated payment in order to ensure sufficient budget authority will be available to make this future payment in December of 2020. The authorization of additional budget authority through this supplemental appropriation was requested by the Town's Bond Counsel.

Additionally, it has been requested that official action be taken to reduce budget appropriations to capital expenditures, in relation to COVID-19 budget reductions previously presented to Council.

Supplemental Appropriations to the 2020 Budget

Below is a list of changes to the 2020 budget:

Capital Program:

Revenue:

Broadband COP Proceeds Reduction	\$ -3,000,000
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Expenditure:

Capital Fund Total Expense	\$ -7,905,000
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Open Space:

Expenditure:

Transfer to Capital for River Park	\$ 35,000
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Parking and Transportation:

Revenue:

Broadband COP Proceeds Reduction	\$ -8,492,354
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Expenditure:

Parking and Transportation Total Expense	\$ -9,279,854
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Debt service for 2020B (Parking Structure/2007 Refunding):

Principal	360,000
Interest	785,000
Debt Issuance Cost	<u>320,000</u>
	\$ -10,744,854

RESOLUTION NO. _____

SERIES 2020

A RESOLUTION MAKING SUPPLEMENTAL AND REDUCED APPROPRIATIONS TO THE 2020 TOWN BUDGET

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2020 budget by making reduced appropriations in the amount of \$26,164,708 in revenue and \$30,392,208 in expenditures; and

WHEREAS, pursuant to Section 10.12(a) of the Breckenridge Town Charter, the Finance Department, on behalf of the Town Manager, has certified that there are available for appropriation revenues in excess of those estimated in the Town's 2020 budget or revenues not previously appropriated in an amount sufficient for the proposed supplemental appropriations; and

WHEREAS, pursuant to Section 10.12(c) of the Breckenridge Town Charter, the Town Council determines that it is necessary and appropriate to reduce certain appropriations previously made in the adopted 2020 budget, all as more fully set forth hereafter; and

WHEREAS, a public hearing on the proposed revised appropriations was held on June 9, 2020, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO that:

Section 1. The 2020 budget is amended, and revised appropriations for the amended 2020 Town budget are made as follows:

Capital Fund (003):

Revenue:

Broadband COP Proceeds Reduction	\$ -3,000,000
Transfer from Excise Reduction	- 4,940,000
Transfer from Open Space for River Park	35,000
Transfer from Parking & Transportation Reduction	- <u>8,979,854</u>
	\$ -16,884,854

Expenditure:

Capital Fund Total Expense	\$ -7,905,000
Parking and Transportation Total Expense	- <u>9,279,854</u>
	\$ -17,184,854

Excise Fund (006):

Expenditure:

Transfer to Capital Reduction	\$ - 4,940,000
Transfer from Parking & Transportation Reduction	- <u>787,500</u>
	\$ -5,727,500

Open Space Fund (008):

Expenditure:

Transfer to Capital for River Park	<u>\$ 35,000</u>
	\$ 35,000

Parking and Transportation Fund (017):

Revenue:

Parking Structure COP Proceeds Reduction	\$ -8,492,354
Transfer from Excise Reduction	<u>-787,500</u>
	\$ -9,279,854

Expenditure:

Transfer to Capital Reduction for CIP	\$ -8,979,854
2020B (Parking Structure/2007 Refunding)	
Principal	360,000
Interest	785,000
Debt Issuance Cost	<u>320,000</u>
	\$ -7,514,854

Section 2. The Town of Breckenridge (the "Town") collects an excise tax of 4.5% on the price paid for each single and multiday ski lift ticket purchased solely for use at the Breckenridge Ski Resort (the "Lift Ticket Tax"). The Town entered into an Agreement Regarding Generation of Revenue For Parking and Transit Related to Ski Area Activities between the Town and Vail Summit Resorts, Inc. ("VSRI") dated as of August 25, 2015. Pursuant to such agreement, VSRI guarantees that the Town will collect not less than a specified amount of the Lift Ticket Tax each year. Pursuant to the Town Code, all revenue collected by the Town from the Lift Ticket Tax (including the revenue guarantee paid to the Town by VSRI), is paid into the Town's Parking and Transportation Fund. Pursuant to Section 3-11-3 of the Town Code, the money in the Parking and Transportation Fund may only be used for specified purposes provided, however, that for federal tax purposes relating to the Town's proposed Tax Exempt Refunding and Improvement Certificates of Participation (for so long as those Certificates are outstanding) and for budgetary planning purposes, the Town hereby determines that the Lift Ticket Tax will be allocable first to the operation of the Town's transit system, then to the costs incurred by the Town in enhancing the movement of persons and vehicles within the Town, and lastly to the operation and maintenance costs of the Town's parking facilities.

Section 3. This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 9th DAY OF JUNE 2020.

ATTEST

TOWN OF BRECKENRIDGE

By _____
Helen Cospolich, Town Clerk

By _____
Eric Mamula, Mayor

APPROVED IN FORM

By _____
Town Attorney Date

Memo



To: Breckenridge Town Council Members
From: Jim Baird, Police Chief
Date: 6/3/2020
Subject: Resolution to adopt the Summit County Hazard Mitigation Plan

The attached resolution, if passed by Council, would adopt the Summit County Multi-Jurisdictional Hazard Mitigation Plan in its most updated form. Participating jurisdictions prepared the updated local hazard mitigation plan to guide hazard mitigation planning in order to better protect the people and property of Summit County from the effects of hazard events. This plan demonstrates the communities' commitment to reducing risks from hazards and serves as a tool to help decision makers direct mitigation activities and resources. The plan is intended to be a living document with ongoing implementation and scheduled updates every five years. The original plan was developed in 2008. The plan was also updated in 2013.

The goals of the plan are to:

- Reduce risk to the people, property, and environment of Summit County from the impacts of hazards
- Protect critical facilities and infrastructure
- Minimize economic losses
- Implement the mitigation actions identified in the plan

This plan was also developed to maintain the Town of Breckenridge and other participating jurisdiction's eligibility for certain federal disaster assistance, specifically the Federal Emergency Management Agency's (FEMA), Hazard Mitigation Assistance (HMA) grants to include the Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA) and Pre-Disaster Mitigation (PDM) program, as well as to ensure the entire county is more disaster resilient.

The updated plan complies with Federal Emergency Management Agency (FEMA) guidance for Local Hazard Mitigation Plans. The update observes the requirements noted in the Disaster Mitigation Act (DMA) of 2000 and FEMA's 2013 Local Hazard Mitigation Planning Handbook. This process was a comprehensive review resulting in updates of each section of the 2013 plan.

FEMA has granted the Summit County Plan update the status of "accepted pending adoption". This means that the plan is approved with no further review required as long as each participating jurisdiction formally adopts the plan through their individual boards/councils.

Staff recommends approval of this resolution. The update process involved several Town departments. Directors Phelps, Reid and Truckey will be available at the June 9th meeting along with myself and Tim Berry to answer any questions. Should you wish to read the entire 685 page plan or portions thereof prior to the meeting. It can be found [here](#).

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk



Memo

To: Breckenridge Town Council Members
From: Mark Truckey, Director of Community Development
Date: June 3, 2020
Subject: Planning Commission Decisions of the June 02, 2020 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, June 02, 2020:

CLASS A APPLICATIONS:

Parkway Center Mixed Use Building, 429 North Park Avenue, PL-2019-0292: A proposal to construct a 16,711 square foot mixed use building containing 6,920 sq. ft. of medical office, 950 sq. ft. of retail, 1,222 sq. ft. of common area, and 14 residential apartments totaling 7,230 sq. ft. *Approved.*

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.



Parkway Center Mixed Use Building, 429 N. Park Ave.



Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 5:34 p.m. by Chair Gerard. The meeting was a virtual electronic meeting through the Zoom platform, as a result of the COVID-19 crisis.

ROLL CALL

Christie Mathews-Leidal	Jim Lamb	Ron Schuman
Mike Giller	Steve Gerard	
Dan Schroder – Was absent	Lowell Moore	

APPROVAL OF MINUTES

With no changes, the May 19, 2020 Planning Commission Minutes were approved as submitted.

APPROVAL OF AGENDA

With no changes, the June 2, 2020 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None.

FINAL HEARINGS:

Parkway Center Mixed Use Building, 429 North Park Avenue, (Class A, Final Hearing; PL-2019-0292)
Mr. Lott presented a proposal to construct a 16,711 square foot mixed use building containing 6,920 sq. ft. of medical office, 950 sq. ft. of retail, 1,222 sq. ft. of common area, and 14 residential apartments totaling 7,230 sq. ft. Staff presented an updated Point Analysis and Findings and Conditions from what was included in the packet.

Staff asked the Commission the following questions related to the Parkway Center Final Hearing:

1. Does the Commission support the proposed changes to the subdivision plat notes?
2. Does the Commission agree with the proposed final Point Analysis?

Mr. Gerard asked the applicant's representative, Tom Begley, if he was okay proceeding to a virtual electronic Final Hearing. (Mr. Begley, agreed to proceed to a virtual electronic Final Hearing.)

Mr. Gerard: Asked if the Commissioners had received the updated Findings and Conditions. (All Commissioners, with the exception of Mr. Lamb, had received the updated Findings and Conditions.)

Commissioner questions:

Ms. Matthews-Leidel: I appreciated the updated Findings and Conditions. Is the roof plan encroaching into the 15' setback? What is the redline to the south of the building? (Mr. Lott: The applicant will answer those questions.) The 15' setback should be an absolute and therefore it can encroach into the setback by 18" for overhangs.

Why are there two different covenants for workforce housing? (Mr. Lott: To receive positive points under Policy 24/R there is a threshold requiring the deed restriction require rental rates not to exceed what is affordable to a household earning 80% of the AMI in addition to occupants working 30 hours or more per week in Summit County. This restriction will be placed on two of the units and a different restriction will be placed on the other five. Because of the two different restrictions, there are two different covenants)

Mr. Schuman: Great presentation, I have no questions.

Mr. Moore: I have no questions.

Mr. Lamb: I have no questions.

Mr. Gerard: No questions, good job.

Tom Begley, Breckenridge Lands, Owner: This project should add some community benefit by providing a new medical facility in the center of Town, provide additional housing and create short-term housing in a non-auto dependent location. To answer Christie's first question, that redline designates the eastern most boundary of the sewer and gas easement that runs through the property. Previously, Airport Road ran through the property. On Condition 10 we are generally both after the same goal in making traffic work off CO Highway 9. We want to have a green light from the Town and CDOT prior to the issuance of building permit but would not install the improvements until prior to receiving a certificate of occupancy. (Mr. Lott: We could eliminate the second sentence to from revised condition number 10 to clarify.) (Mr. Truckey: I think that is fine because installation of improvements is covered under condition 23 already).

Andy Stabile, Allen Guerra Design Build: All overhangs do not encroach beyond 18" and could be cut back further if the Commission requires..

Commissioner questions:

Mrs. Mathews-Leidal: I appreciate the clarification of the encroachments. I think we will need to add a new finding 7. Planning Commission has approved the 18" encroachment into the 15' setback adjacent to the Park Avenue right of way.

Mr. Moore: Are the market rate housing units going to be designed as short-term rentals? (Mr. Begley: Yes. We think that the core of town should have more short-term rentals. If we construct more short-term rentals in town, then some of the more locals neighborhoods will be preserved.)

Mr. Lamb: No questions

Mr. Giller: No questions.

Mr. Gerard: Due to the complexity of the shared parking, I think the applicant should consider getting a detailed parking covenant recorded, it will be helpful in the future.

The application was opened for public hearing. There was no public comment and the hearing was closed.

Commissioner Comments:

Ms. Matthews-Leidel: Were there any previous requirements for roadway improvements for this property? (Mr. Lott: None that are currently applicable.)

Mr. Schuman: Support the project and like how it has come together.

Mr. Moore: No comments or questions. Thanks.

Mr. Lamb: Looks good to me, I am not concerned with the 18" encroachment into the setback.

Mr. Giller: I support the project, Healthcare and housing are a nice mix. Complement staff and applicant for

working through the issues.

Mr. Gerard: The clinic is a big upgrade and housing is a nice bonus. I agree with the revised condition number 10 and 23.

Mr. Truckey: Jeremy has been working on a new condition 23 with Mr. Begley. (Mr. Lott: Condition 23: Any improvements recommended by the traffic study for the property or access permit modifications specific to this application shall be constructed by the Applicant. Any improvements outside of the scope of this application or access permit modification shall not be required to be constructed by the Applicant.)

Ms. Matthews-Leidel: Made a motion to approve, with the revised point analysis, the added finding 7., and revised conditions 10 and 23 that were read into record. The motion was seconded by Mr. Moore and passed unanimously (6-0).

OTHER MATTERS:

1. Town Council Update: A written summary was provided in the packet.

Commissioner Questions / Comments:

Mr. Schuman: When Main Street opens back up will you have a task force for enforcement? (Mr. Truckey: We will have to go out and enforce our regulations as we did before the pandemic and also will be monitoring and enforcing if necessary during the closure despite the relaxed regulations.)

ADJOURNMENT:

The meeting was adjourned at 6:40 pm.

Steve Gerard, Chair



Scheduled Meetings

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.

June 2020

Tuesday, June 9, 2020	3:00 pm / 7:00 pm	Town Hall Chambers	First Meeting of the Month
Tuesday, June 23, 2020	3:00 pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month

July 2020

Tuesday, July 14, 2020	3:00 pm / 7:00 pm	Town Hall Chambers	First Meeting of the Month
Tuesday, July 28, 2020	3:00 pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month

Other Meetings

June 9th, 2020	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 1:30pm
June 10th, 2020	Breckenridge Heritage Alliance	Noon
June 11th, 2020	Upper Blue Sanitation District	5:30pm
June 15th, 2020	Breckenridge Creative Arts	2:00pm
June 16th, 2020	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
June 18th, 2020	Transit Advisory Council Meeting QQ - Quality and Quantity - Water District	8:00am 1:15pm
June 22nd, 2020	Open Space & Trails Meeting	5:30pm
June 23rd, 2020	Board of County Commissioners Meeting	9:00am / 1:30pm
June 24th, 2020	Summit Stage Transit Board Meeting Summit Combined Housing Authority	8:15am 9:00am
June 25th, 2020	Breckenridge Tourism Office Board Meeting Northwest CO Council of Governments RW&B Board Meeting	8:30am 10:00am 3:00pm
July 1st, 2020	Police Advisory Committee Breckenridge Events Committee Childcare Advisory Committee	7:30am 9:00am 3:00pm
July 7th, 2020	Board of County Commissioners Meeting Planning Commission Meeting	9:00am 5:30pm
July 8th, 2020	Breckenridge Heritage Alliance	Noon
July 9th, 2020	Northwest CO Council of Governments I-70 Coalition Upper Blue Sanitation District	10:00am 1:00pm 5:30pm



Scheduled Meetings

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.

July 14th, 2020	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 1:30pm
July 16th, 2020	Transit Advisory Council Meeting	8:00am
July 21st, 2020	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
July 22nd, 2020	Summit Stage Transit Board Meeting Summit Combined Housing Authority	8:15am 9:00am
July 23rd, 2020	Breckenridge Tourism Office Board Meeting RW&B Board Meeting	8:30am 3:00pm
July 27th, 2020	Open Space & Trails Meeting	5:30pm
July 28th, 2020	Board of County Commissioners Meeting	9:00am / 1:30pm
August 4th, 2020	Board of County Commissioners Meeting Planning Commission Meeting	9:00am 5:30pm
August 5th, 2020	Breckenridge Events Committee I-70 Coalition Childcare Advisory Committee	9:00am 10:00am 3:00pm
August 10th, 2020	Breckenridge Creative Arts	2:00pm
August 20th, 2020	Northwest CO Council of Governments	10:00am
TBD	Water Task Force Meeting Art Installation Meeting	8:00am 2:00pm