



**TOWN OF
BRECKENRIDGE**

Town Council Regular Meeting
Tuesday, September 14, 2021, 7:00 PM
Town Hall Council Chambers
150 Ski Hill Road
Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE IS NOW HOLDING HYBRID MEETINGS. THIS MEETING WILL BE HELD IN PERSON AT BRECKENRIDGE TOWN HALL. ALL MEMBERS OF THE PUBLIC ARE INVITED TO ATTEND. MASKS ARE REQUIRED. IN PERSON ATTENDEES MUST NOT ACCESS THE VIRTUAL MEETING WHILE IN COUNCIL CHAMBERS.

This meeting will also be broadcast live over Zoom. Log-in information is available in the calendar section of our website: www.townofbreckenridge.com.

All public comments must be delivered in person in Council Chambers during designated public comment times, by email to mayor@townofbreckenridge.com, or by mailed letter, prior to the meeting.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

- A. TOWN COUNCIL MINUTES - AUGUST 24 AND AUGUST 31, 2021

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

- A. CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)
B. BRECKENRIDGE SKI RESORT UPDATE
C. BRECKENRIDGE TOURISM OFFICE UPDATE
D. SUICIDE PREVENTION MONTH PROCLAMATION

V. CONTINUED BUSINESS

- A. SECOND READING OF COUNCIL BILLS, SERIES 2021
1. *COUNCIL BILL NO. 24, SERIES 2021 - AN ORDINANCE AMENDING SECTION 5-8-8 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE IN PUBLIC SPACES*

VI. NEW BUSINESS

- A. FIRST READING OF COUNCIL BILLS, SERIES 2021
1. *COUNCIL BILL NO. 26, SERIES 2021 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING ACCOMMODATION UNIT LICENSES; PLACING A LIMIT ON THE NUMBER OF*

ACCOMMODATION UNIT LICENSES; AND MAKING MISCELLANEOUS AMENDMENTS RELATED THERETO

B. RESOLUTIONS, SERIES 2021

1. *RESOLUTION NO. 23, SERIES 2021 - A RESOLUTION APPROVING A CASH HANDLING POLICY*
2. *RESOLUTION NO. 24, SERIES 2021 - A RESOLUTION EXPRESSING THE INTENT OF THE TOWN TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING TO CERTAIN CAPITAL EXPENDITURES ASSOCIATED WITH THE FINANCING OF A WORKFORCE HOUSING PROJECT (Lot 4, Block 1, Parkway Center)*

C. OTHER

VII. PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS

B. DE NOVO HEARING: RMU ROOFTOP BAR (CONTINUANCE REQUESTED)

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 (MS. GIGLIELLO)

C. BRECKENRIDGE TOURISM OFFICE (MR. KUHN)

D. BRECKENRIDGE HERITAGE ALLIANCE (MR. KUHN)

E. BRECKENRIDGE CREATIVE ARTS (MS. OWENS)

F. BRECKENRIDGE EVENTS COMMITTEE (MS. SAADE)

G. CHILD CARE ADVISORY COMMITTEE (MS. OWENS)

H. WORKFORCE HOUSING COMMITTEE (MR. CARLETON)

I. SOCIAL EQUITY ADVISORY COMMISSION (MS. SAADE, MR. CARLETON, MS. GIGLIELLO)

X. OTHER MATTERS

XI. SCHEDULED MEETINGS

A. SCHEDULED MEETINGS FOR SEPTEMBER AND OCTOBER

XII. ADJOURNMENT

D) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of August 24, 2021 to order at 7:00pm. The following members answered roll call: Ms. Saade, Ms. Gigliello, Mr. Carleton, Ms. Owens, Mr. Kuhn, Mr. Bergeron, Ms. Owens and Mayor Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – AUGUST 10, 2021

Ms. Saade stated the reference to the Building Code in the discussion of the Planning Commission Decisions should be changed to Development Code. With no additional changes or corrections to the meeting minutes of August 10, 2021 Mayor Mamula declared they would stand approved as amended.

III) APPROVAL OF AGENDA

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

IV) COMMUNICATIONS TO COUNCIL

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

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

Mr. Josh Epperson, a local condo owner, stated he bought his property here for the community and he is concerned about high density housing in the Four O'Clock corridor that is not exempt, as they were built for the skiers and tourists. He further stated he lives right across from the Riverwalk Center and all of those units were built for rental purposes, and should an owner choose to sell, the property value goes down since the license won't be transferable. He stated hotels and timeshares will be exempt, thereby creating a monopoly. He asked Council to consider an exemption for the high density housing in his area.

Mr. Larry Crispell, a local resident, stated he would like to speak in favor of STR caps. He has a STR and uses a management company. He also stated the crux of the problem is that others can't claim connection to their STRs, and they aren't there to be accountable.

Dr. John Warner, a local resident, thanked the council for the work session conversations about STRs. He stated he is also here to thank Council for the generous donation to Building Hope in the name of Todd Perkins. He stated the donation was matched by other community members and the organization raised more than \$26,000 from that event.

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

B) BRECKENRIDGE CREATIVE ARTS UPDATE

Ms. Tamara Park, Director of the BCA, stated she accepted the permanent position as the Director of the BCA. She further stated the BCA board has endorsed a proof of vaccination program, and is working to find security for upcoming events with this policy in place. She also stated the BCA has received funding through PPP and Shuttered Venue Operating Funds, and they anticipate the return of approximately \$170,000 to the Town in the fourth quarter. Ms. Park stated the recommended budget for 2022 will be presented soon and it includes some new programming initiatives, including Precious Plastics, which would be rolled out in July of 2022 as a two-year project.

Ms. Saade stated the AirStage Block Party took place in her neighborhood and it seemed like a mini Town party and people enjoyed it.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2021 - PUBLIC HEARINGS

1) COUNCIL BILL NO. 23, SERIES 2021 - AN ORDINANCE AMENDING SECTION 4-4-2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE AUTHORITY OF

THE LIQUOR AND MARIJUANA LICENSING AUTHORITY TO ACCEPT A FINE-IN-LIEU OF SUSPENSION

Mayor Mamula read the title into the minutes. Mr. Tim 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. 23, SERIES 2021 - AN ORDINANCE AMENDING SECTION 4-4-2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE AUTHORITY OF THE LIQUOR AND MARIJUANA LICENSING AUTHORITY TO ACCEPT A FINE-IN-LIEU OF SUSPENSION. Ms. Saade seconded the motion.

The motion passed 7-0.

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2021

1) COUNCIL BILL NO. 24, SERIES 2021 - AN ORDINANCE AMENDING SECTION 5-8-8 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE IN PUBLIC SPACES

Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would change the current ordinance to a 25-foot limit and add a definition of the term “plainly audible”, among other things as detailed in the memo.

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

Mr. Bergeron moved to approve as an ordinance COUNCIL BILL NO. 24, SERIES 2021 - AN ORDINANCE AMENDING SECTION 5-8-8 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE IN PUBLIC SPACES. Ms. Gigliello seconded the motion.

The motion passed 7-0.

2) COUNCIL BILL NO. 25, SERIES 2021 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE BY AMENDING THE INTERNATIONAL RESIDENTIAL CODE, 2018, AND THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018; EXTENDING INDEFINITELY THE DEADLINE FOR FULL COMPLIANCE WITH THE TRAINING EXERCISE PROGRAM WITH RESPECT TO THE UNITED STATES DEPARTMENT OF ENERGY’S ZERO ENERGY READY HOME NATIONAL PROGRAM; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE

Mayor Mamula read the title into the minutes. Mr. Mark Truckey stated this emergency ordinance would extend the training period for the Zero Energy Homes Program. He further stated this ordinance is necessary because we have run into some issues with contractors and we are trying to be sensitive to those issues and address them appropriately.

Mr. Bergeron asked if all parties were part of this ongoing discussion and Mr. Truckey stated yes.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 25, SERIES 2021 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE BY AMENDING THE INTERNATIONAL RESIDENTIAL CODE, 2018, AND THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018; EXTENDING INDEFINITELY THE DEADLINE FOR FULL COMPLIANCE WITH THE TRAINING EXERCISE PROGRAM WITH RESPECT TO THE UNITED STATES DEPARTMENT OF ENERGY’S ZERO ENERGY READY HOME NATIONAL PROGRAM; DECLARING AN EMERGENCY; AND PROVIDING FOR

AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE. Mr. Carleton seconded the motion.

The motion passed 7-0.

- B) RESOLUTIONS, SERIES 2021
1) RESOLUTION NO. 19, SERIES 2021 - A RESOLUTION APPROVING A DEVELOPMENT MANAGEMENT AGREEMENT WITH GORMAN & COMPANY LLC, A WISCONSIN LIMITED LIABILITY COMPANY (MCCAIN WORKFORCE HOUSING)

Mayor Mamula read the title into the minutes. Ms. Laurie Best stated this resolution would allow the Town to sign a development management agreement with Gorman and Company for the purpose of managing the McCain Workforce Housing project. She further stated a change to the version in the packet includes changing the reference to 80% AMI to 120% AMI.

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

Mr. Bergeron moved to approve RESOLUTION NO. 19, SERIES 2021 - A RESOLUTION APPROVING A DEVELOPMENT MANAGEMENT AGREEMENT WITH GORMAN & COMPANY LLC, A WISCONSIN LIMITED LIABILITY COMPANY (MCCAIN WORKFORCE HOUSING). Ms. Gigliello seconded the motion.

The motion passed 7-0.

- 2) RESOLUTION NO. 20, SERIES 2021 - A RESOLUTION MAKING MISCELLANEOUS AMENDMENTS TO THE TOWN COUNCIL "PROCEDURES AND RULES OF ORDER" CONCERNING VIRTUAL MEETINGS OF THE COUNCIL

Mayor Mamula read the title into the minutes. Mr. Berry stated this resolution would amend the Council rules, and it is the same document that was handed out to Council two weeks ago for the purpose of allowing virtual meeting attendance.

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

Mr. Bergeron moved to approve RESOLUTION NO. 19, SERIES 2021 - A RESOLUTION MAKING MISCELLANEOUS AMENDMENTS TO THE TOWN COUNCIL "PROCEDURES AND RULES OF ORDER" CONCERNING VIRTUAL MEETINGS OF THE COUNCIL. Ms. Gigliello seconded the motion.

The motion passed 7-0.

- 3) RESOLUTION NO. 21, SERIES 2021 - A RESOLUTION APPROVING THE EMPLOYMENT OF PORZAK LAW, LLC AS SPECIAL COUNSEL

Mayor Mamula read the title into the minutes. Mr. Rick Holman stated this resolution would employ the Town's water attorney, Mr. Glen Porzak, and is necessary because his last firm was dissolved.

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

Mr. Bergeron moved to approve RESOLUTION NO. 21, SERIES 2021 - A RESOLUTION APPROVING THE EMPLOYMENT OF PORZAK LAW, LLC AS SPECIAL COUNSEL. Ms. Saade seconded the motion.

The motion passed 7-0.

- 4) OTHER

VII) PLANNING MATTERS

- A) PLANNING COMMISSION DECISIONS

Mayor Mamula declared Planning Commission Decisions would stand approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated there was no report.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

A. CAST/MMC (MAYOR MAMULA)

Mayor Mamula stated there was no update.

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MS. GIGLIELLO)

Ms. Gigliello stated there was a site visit and a meeting yesterday, forest health projects are taking place, the Swan River reconstruction will take place, and the Illinois Creek Trail is now closed due to land disputes and the Town doesn't have an easement to use that trail. She further stated there will be a new hiking-only trail by the Troll next summer and there are ongoing McCain Open Space negotiations.

C. BRECKENRIDGE TOURISM OFFICE (MR. KUHN)

Mr. Kuhn stated there was no report.

D. BRECKENRIDGE HERITAGE ALLIANCE (MR. KUHN)

Mr. Kuhn stated they are exploring funding opportunities for upcoming projects, such as the Milne capital project.

E. BRECKENRIDGE CREATIVE ARTS

Mr. Carleton stated the BCA requested funding in the 2022 Capital Fund for a new projector for the Riverwalk Center, but the money will be spent in 2021 due to a broken projector so Council agreed to do an appropriation for 2021. He also stated the My Colorado App is validated through the State and will be used for checking vaccine status.

F. BRECKENRIDGE EVENTS COMMITTEE (MS. SAADE)

Ms. Saade stated the Breck Film Fest is applying for sidewalk decals again this year, and Council voted to approve it this year, but not for future years.

G. CHILD CARE ADVISORY COMMITTEE (MS. OWENS)

Ms. Owens stated there was no additional update.

H. WORKFORCE HOUSING COMMITTEE (MR. CARLETON)

Mr. Carleton stated there was no additional update.

I. SOCIAL EQUITY ADVISORY COMMISSION

Ms. Gigliello stated there will be a Meet and Greet on September 8 at the Crown.

X) OTHER MATTERS

Mr. Bergeron stated the Quandary Peak shuttle parking is directing people to the wrong place on Airport Road.

Mr. Carleton stated local bike shops are renting the Type 2 e-bikes for use on the bike path, and those are not allowed on the bike path, so other bike shops are expressing some frustration.

Mr. Carleton stated the people crossing French Street to the Tonopah Lot is dangerous and he would like staff to look into solutions for that area.

XI) SCHEDULED MEETINGS

A) SCHEDULED MEETINGS FOR JULY, AUGUST AND SEPTEMBER

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:50pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

D) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of August 31, 2021 to order at 3:00pm. The following members answered roll call: Ms. Saade, Mr. Bergeron, Mr. Carleton, Mr. Bergeron, Ms. Owens and Mayor Mamula. Mr. Bergeron and Mr. Kuhn were absent.

II) APPROVAL OF AGENDA

III) LEGISLATIVE ITEMS

A) RESOLUTIONS, SERIES 2021

1) RESOLUTION NO. 22, SERIES 2021 - A RESOLUTION APPROVING THE EMPLOYMENT OF KIRSTEN J. CRAWFORD AS THE TOWN ATTORNEY OF THE TOWN OF BRECKENRIDGE

Mayor Mamula read the title into the minutes. Mr. Holman stated this resolution would approve the employment of a new Town Attorney, Ms. Kirsten Crawford. He further stated current Town Attorney Mr. Tim Berry will be retiring in October.

Mayor Mamula opened the public hearing.

There were no comments and the public hearing was closed.

Ms. Crawford stated she was happy to be here and is looking forward to working for the Town.

Mr. Carleton moved to approve RESOLUTION NO. 22, SERIES 2021 - A RESOLUTION APPROVING THE EMPLOYMENT OF KIRSTEN J. CRAWFORD AS THE TOWN ATTORNEY OF THE TOWN OF BRECKENRIDGE. Ms. Saade seconded the motion.

The motion passed 5-0.

IV) OTHER MATTERS

Ms. Gigliello and other Council members thanked Mr. Tim Berry for his many years serving the Town.

V) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 3:05pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

Proclamation

Suicide Prevention Month
September 1 - 30, 2021

WHEREAS, in our country, suicide is the second leading cause of death among adolescents; (CDC 2007) and the tenth leading cause for adults (CDC 2019); and

WHEREAS, more than 47,500 people died by suicide in 2019 (CDC 2019); there is 1 death by suicide every 11 minutes; and more than 12 million people in the U.S. seriously thought about suicide in 2019 (CDEC 2019); and

WHEREAS, maintaining a safe and supportive community is consistent with the Town of Breckenridge's overarching goals, and suicide prevention is consistent with many other efforts to protect the safety of our citizens; and

WHEREAS, a person's mental health can affect their performance; depression and other mental health issues can interfere with a person's ability to thrive; and

WHEREAS, a suicide can significantly impact other youth, families and community members; and

WHEREAS, "Building Hope, Summit County", a community coalition comprised of representatives from Summit School District, behavioral health organizations, county agencies, law enforcement, non-profit organizations and the community at large, is dedicated to reducing the frequency of suicide attempts and deaths, and the pain for those affected by deaths by suicide, through educational programs, youth prevention programs and intervention services, has identified September 2021 as SUICIDE PREVENTION MONTH and recognizes:

- Suicide as a critical public health problem in Colorado, Summit County, and the Town of Breckenridge; and
- A need exists to ensure accessible behavioral health services for all children, youth, individuals and families in Breckenridge, and to implement best practices in reducing suicide risk for citizens of all ages and backgrounds; and
- Suicide prevention is a broad community problem in need of a broad community solution that includes public awareness and focused prevention programming at all levels in Summit County and the Town of Breckenridge; and

WHEREAS, Breckenridge continues to be impacted by suicide and strives to prevent another loss of a person's life by working with community organizations and Summit County to:

- Establish and communicate protocols for helping people at risk of suicide;
- Establish protocols for responding to suicide death;
- Provide education and training for the prevention of suicide;
- Offer opportunities for people to learn about suicide prevention;

- Deliver evidence-based suicide prevention strategies to the community; and
- Promote greater resident awareness regarding available crisis intervention services.

NOW, THEREFORE, ~~BE IT RESOLVED THAT~~, Mayor Eric Mamula, do hereby proclaim the month of September 2021 as Suicide Prevention Month, and call upon all residents of Breckenridge to join me in supporting the aims and goals of this effort.

~~Adopted Dated: this _____ day of~~ September ____, 2021.

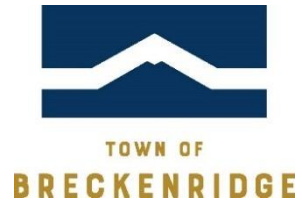
_____/s/_____

Mayor Eric Mamula

Attest:

_____/s/_____

Town Clerk



Memo

To: Town Council
From: Town Attorney
Date: September 8, 2021 (for September 14th meeting)
Subject: Council Bill No. 24 (Noise in Public Places Ordinance)

The second reading of the ordinance to update the Town's noise in public places ordinance is scheduled for your meeting on September 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 – SEPT. 14**

2
3 **NO CHANGE FROM FIRST READING**

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

7
8
9 COUNCIL BILL NO. 24

10
11 Series 2021

12
13 AN ORDINANCE AMENDING SECTION 5-8-8 OF THE BRECKENRIDGE TOWN CODE
14 CONCERNING NOISE IN PUBLIC SPACES

15
16 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
17 COLORADO:

18
19 Section 1. Section 5-8-8 of the Breckenridge Town Code is amended to read as follows:

20
21 5-8-8: RADIOS, MUSICAL INSTRUMENTS AND SIMILAR DEVICES:

22
23 A. It shall be unlawful for any person in a public space to use or operate a radio,
24 stereo, tape player, compact disk player, musical instrument, or ~~similar~~ device
25 that produces or reproduces musical sound in a manner, **including, but not**
26 **limited to an amplifier, such that the musical sound** that is plainly audible
27 to any person ~~other than the player(s) or operator(s) of the device, and those~~
28 ~~who are voluntarily listening to the sound, and which unreasonably disturbs~~
29 ~~the peace, quiet, and comfort of neighbors and passersby~~ **at a distance of 25**
30 **feet in any direction from the source of the musical sound without a**
31 **permit issued pursuant to chapter 13 of title 4 of this code.**

32
33 B. **“Plainly audible” means any sound that can be detected by a person**
34 **using his or her unaided hearing faculties. As an example, if the sound**
35 **source under investigation is a portable or personal sound amplification**
36 **or reproduction device, the enforcement officer need not determine the**
37 **title of a song, specific words, or the artist performing such song. The**
38 **detection of the rhythmic bass component of the music is sufficient to**
39 **constitute a plainly audible sound.**

40
41 Section 2. The definition of “Public Space” in Section 5-8-3 of the Breckenridge Town
42 Code is amended to read as follows:

1 PUBLIC SPACE: Any real property or structure on real property owned by a
2 governmental entity and normally accessible to the public, including, but not
3 limited to, parks and other recreational areas. **For clarification, the term “public**
4 **space” includes, but is not limited to: (i) the Riverwalk as defined in Section**
5 **6-3H-5 of this Code, (ii) the Blue River Plaza, and (iii) a Town park as**
6 **defined in Section 11-2-1 of this Code.**
7 .

8 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the
9 various secondary codes adopted by reference therein, shall continue in full force and effect.
10

11 Section 4. The Town Council hereby finds, determines and declares that this ordinance is
12 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
13 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
14 thereof.
15

16 Section 5. The Town Council hereby finds, determines and declares that it has the power
17 to adopt this ordinance pursuant to the provisions of Section 25-12-108, C.R.S., Section 31-15-
18 103, C.R.S., Section 31-15-401(1)(e), C.R.S., and the powers possessed by home rule
19 municipalities in Colorado.
20

21 Section 6. This ordinance shall be published and become effective as provided by Section
22 5.9 of the Breckenridge Town Charter.
23

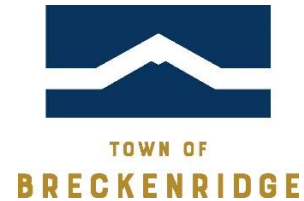
24 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
25 PUBLISHED IN FULL this ____ day of _____, 2021. A Public Hearing shall be held at the
26 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
27 _____, 2021, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
28 Town.
29

30 TOWN OF BRECKENRIDGE, a Colorado
31 municipal corporation
32
33
34

35 By: _____
36 Eric S. Mamula, Mayor
37

38 ATTEST:
39
40
41

42 _____
43 Helen Cospolich, CMC,
44 Town Clerk
45
46
47



Memo

To: Breckenridge Town Council
From: Finance Department
Date: 9.8.21
Subject: Accommodation Unit License Limit

The purpose of this memo is to explain the intent of the attached Accommodation Unit License Limit ordinance.

Background

At our August 24th work session, Council asked staff to submit an amendment to our BOLT ordinance in order to affect an upper limit on the number of non-exempt accommodation unit licenses that can be held within the Town of Breckenridge at any time. This cap on the license population was set at 2,200 individual licenses for the non-exempt category of STR licenses. The non-exempt category of licenses includes those properties that do not have 1) a twenty four (24) hour on-site front desk; 2) a twenty four (24) hour telephone system that is monitored by a person; and 3) twenty four (24) hour security. The attached draft ordinance also specifies that the person staffing the front desk cannot be the same person who is doing security.

Another provision allows for a 60 day temporary STR license to be issued upon request to the purchaser of a licensed property to accommodate existing reservations. Staff plans to establish the details of such a license in the administrative regulations that we will bring to Council if the ordinance passes.

As mentioned above, the ordinance speaks to the establishment of the non-exempt license cap of 2,200. Administration of this cap will require a wait list for applicants. As the license population decreases through property sales, failure to renew, voluntary surrender of licenses, or the revocation of licenses, finance staff will use the wait list to issue a license to the first applicant in line. The specifics of the wait list procedure and administration will also be delineated in the administrative regulations.

Next Steps

Council and staff understand that this cap will not be the only measure required to address the impacts of the STR and tourism economy on our Town. This measure is intended to stabilize the current situation and allow for further research to indicate future steps.

Staff will be at the 9.14.21 work session to answer any questions you may have.

1 ***FOR WORKSESSION/FIRST READING – SEPT. 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 2021

9
10 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE
11 TOWN CODE CONCERNING ACCOMMODATION UNIT LICENSES; PLACING A LIMIT
12 ON THE NUMBER OF ACCOMMODATION UNIT LICENSES; AND MAKING
13 MISCELLANEOUS AMENDMENTS RELATED THERETO

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

17
18 Section 1. The Town Council finds and determines as follows:

- 19
20 A. The Town is a world-class resort community.
- 21
22 B. The Town’s economy is tourist-based, and it is essential to the continued vitality
23 of the Town’s economy that adequate short-term housing be made available to the
24 many tourists who visit the Town each year.
- 25
26 C. Unlike other resort communities, the Town does not have a large number of
27 hotels, motels, and formal lodging establishments. As a result, the Town has a
28 long history of providing lodging for visitors by the use of the short-term rental of
29 residential properties.
- 30
31 D. Short-term rentals are extremely valuable to the Town’s economy.
- 32
33 E. The Town's Historic District includes a portion of the Town designated by the
34 Secretary of the Interior as a National Historic District. The Historic District is a
35 valuable asset that the Town has long ago committed to protect and preserve.
36 Such commitment is reflected in (i) the Town’s Development Code (Chapter 1 of
37 Title 9 of the Breckenridge Town Code), (ii) the Town’s “Handbook of Design
38 Standards (adopted in Chapter 5 of Title 9 of the Breckenridge Town Code), and
39 the “Town’s Historic Preservation Ordinance” (Chapter 11 of Title 9 of the
40 Breckenridge Town Code).
- 41
42 F. Short-term rentals currently exist throughout the Town. They are currently located
43 primarily in the residential neighborhoods located within the Town’s Historic
44 District, as well as in more recently developed residential neighborhoods.
- 45

- 1 G. Although they provide great benefit to the Town, it is the experience of the Town
2 that short-term rentals create significant negative impacts on the Town’s
3 residential neighborhoods, including those neighborhoods located within the
4 Town’s Historic District. Such impacts include, but are not limited to, loud and
5 excessive noise, improper parking, and trash that is not disposed of properly .
6
- 7 H. The short-term rentals within the Town also create additional demands on the
8 local housing inventory as evidenced by the conversion of long-term, workforce
9 housing units into vacation homes that are then licensed as short-term rentals.
10
- 11 I. A short-term rental unit is described in the Breckenridge Town Code as an
12 “accommodation unit.”
13
- 14 J. The rental of an accommodation unit by the owner is the operation of a business.
15
- 16 K. The Town has attempted to regulate accommodation units by requiring them to be
17 licensed, as well as requiring compliance with other regulations as set forth in the
18 Town Code.
19
- 20 L. There has been a steady and dramatic increase in the number of accommodation
21 unit licenses issued by the Town. According to the Town’s Finance Department
22 from 2012 through 2020, the number of accommodation unit licenses issued by
23 the Town was:
24
 - 25 2012 – 2,881 licenses
 - 26 2013 – 2,911 licenses
 - 27 2014 – 3,341 licenses
 - 28 2015 – 3,385 licenses
 - 29 2016 – 3,388 licenses
 - 30 2017 – 3,572 licenses
 - 31 2018 – 3,737 licenses
 - 32 2019 – 3,783 licenses
 - 33 2020 – 3,762 licenses
- 34
- 35 M. As of August 16, 2021 (the most recent data available prior to the adoption of this
36 ordinance) there are currently 3,945 existing accommodation unit licenses issued
37 by the Town. Of this number, 1,469 accommodation units are designated as being
38 “exempt” accommodation units because they are located in a property that has a
39 central phone system, a staff front desk, and a full-time security staff capable of
40 responding to complaints involving the property’s accommodation units within a
41 reasonable amount of time. The remainder of the licensed accommodation units,
42 totaling 2,476 units, are classified as being “nonexempt” accommodation units.
43

- 1 N. The negative impacts associated with accommodation units arise almost entirely
2 from the nonexempt accommodation units.
3
- 4 O. Despite the Town's efforts to regulate them, the nonexempt accommodation units
5 have significantly altered the character of the residential neighborhoods in which
6 they are located.
7
- 8 P. Unless further action is taken to regulate the large number of nonexempt
9 accommodation units within the Town the cumulative negative impacts on the
10 residential neighborhoods in which they are located will continue and will further
11 erode and undermine the character of the Town's residential neighborhoods.
12
- 13 Q. The large number of nonexempt accommodation units pose a real and imminent
14 threat to the quality of life of the residents of the Town.
15
- 16 R. This ordinance is adopted specifically to serve the public interest by:
17
- 18 1. Reducing the substantial negative impacts of accommodation units on the
19 Town's residential neighborhoods by limiting the total number of
20 accommodation unit licenses that are in effect at any one time.
 - 21 2. Limiting the total number of nonexempt accommodation unit licenses that
22 may be in effect at any one time to a maximum of 2,200 licenses, thereby
23 achieving a reduction of approximately 11.15 percent in the number of
24 nonexempt accommodation unit licenses throughout the Town [2,476
25 current nonexempt accommodation units minus 2,200 accommodation
26 units = a reduction of 276 accommodation unit licenses. $276 \div 2,476 =$
27 11.147%]
 - 28 3. Achieving the desired reduction in the total number of nonexempt
29 accommodation unit licenses primarily through attrition and not by
30 immediately invalidating any of the Town's current accommodation unit
31 licenses.
 - 32 4. Allowing those property owners holding valid accommodation unit
33 licenses on the effective date of this ordinance to continue to use their
34 properties as accommodation units until the first to occur of (i) the
35 revocation of the license, (ii) the voluntary abandonment, surrender, or
36 nonrenewal of the license, or (iii) the licensee no longer holds legal title to
37 the real property for which the accommodation unit license was issued.
 - 38 5. Providing that if an accommodation unit license is lost as a result of the
39 licensee no longer holding legal title to the real property for which the
40 accommodation unit license was issued, the Finance Director is authorized
41 to issue a temporary accommodation unit license to the subsequent owner

1 of such real property to allow for reservations existing on the date of the
2 transfer of title of the accommodation unit to be honored.

3 6. Achieving a Town Council goal of aiding in the implementation of the
4 Destination Management Plan that was adopted by the Breckenridge
5 Tourism Office.

6 7. Preserving the character of the Town’s residential neighborhoods and, by
7 doing that, protecting the unique character of the Town.

8 Section 2. Section 4-1-2 of the Breckenridge Town Code is amended by the addition of
9 the following definitions:
10

<u>EXEMPT ACCOMMODATION UNIT:</u>	<u>Means an accommodation unit described in Section 4-1-8-1G.</u>
<u>NONEXEMPT ACCOMMODATION UNIT:</u>	<u>Means an accommodation unit other than those accommodation units described in Section 4-1-8-1G.</u>

11 Section 3. Section 4-1-8C of the Breckenridge Town Code is amended to read as follows:
12
13

14 C. Nontransferable: ~~No license issued pursuant to this chapter shall be~~
15 ~~transferable. Upon transfer of a licensed business or licensed premise the~~
16 ~~transferee shall apply for and pay the fees for a new annual business license,~~
17 ~~provided applicant shall receive a pro rata credit on the license fees for the portion~~
18 ~~of the year remaining on the existing business license.~~
19

- 20 1. **No license issued pursuant to this chapter shall be transferable.**
21 2. **Upon the transfer of a business or premises licensed by the Town pursuant to**
22 **this chapter that is not an accommodation unit, the existing license shall**
23 **terminate. The transferee of such business or premises may apply for a new**
24 **annual business license. The transferee shall receive a pro rata credit on the**
25 **license fees for the portion of the year remaining of the existing business license.**
26 3. **Upon transfer of legal title to real property for which a valid accommodation**
27 **unit license issued by the Town pursuant to this chapter is in effect the existing**
28 **accommodation unit license for such property shall terminate. The new owner of**
29 **such real property may apply for a new accommodation unit license subject to**
30 **the limitations and requirements of Section 4-1-8-4 of this Chapter.**
31

32 Section 4. Section 4-1-8-1G of the Breckenridge Town Code is amended to read as
33 follows:
34

35 G. Exemptions: Condominiums, condominium/hotels, and hotels/lodgings/inns
36 as defined in section 9-1-5 of this Code are exempt from the provisions of this
37 section if they have: 1) **an on-site** twenty four (24) hour staffed front desk; 2) a

1 twenty four (24) hour telephone system that is monitored by a person; and 3)
2 twenty four (24) hour private security capable of responding to complaints
3 involving the property's accommodation units within a reasonable amount of
4 time. Chalet houses as defined in section 9-1-5 of this Code are exempt from the
5 provisions of this section. The person responsible for staffing the front desk
6 cannot be a member of the security personnel. The condominiums,
7 condominium/hotels, and hotels/lodgings/inns described in the preceding
8 sentence shall not be counted when determining the maximum number of
9 accommodation unit licenses that may be issued pursuant to Section 4-1-8-4
10 of this Chapter.

11
12 Section 5. Section 4-1-5A of the Breckenridge Town Code is amended to read as follows:

13
14 4-1-5: ISSUANCE OF LICENSE:

15
16 A. The Finance Director shall issue a license under this chapter upon presentation of
17 a completed license application ~~therefor~~ and payment of the fee required by
18 section 4-1-4 of this chapter. Provided, however, the Finance Director shall not
19 issue more accommodation unit licenses than is authorized pursuant to
20 Section 4-1-8-4A of this Chapter.

21
22 1. The Finance Director shall issue a license for an accommodation unit
23 under this chapter only to the owner of such accommodation unit.

24 B. Except as otherwise provided in Section 4-1-8-4, a license issued under this
25 chapter shall be valid for a period of one year commencing with the date of
26 issuance and shall be renewed annually ~~for so long as such person is subject to the~~
27 ~~licensing requirements of this chapter~~ until the occurrence of an event
28 described in Section 4-1-8-4C.

29 ~~C. Any business and occupational license issued under prior Town law~~
30 ~~shall be valid for the period of time provided by the ordinances of the~~
31 ~~Town which were in effect at the time of the issuance of such license.~~
32 ~~Nothing contained herein shall extend or shorten any business and~~
33 ~~occupational license issued under prior Town law. Upon the expiration of~~
34 ~~such previous license, the licensee shall obtain a license in accordance~~
35 ~~with this section.~~

36 C. If an accommodation unit license is lost because the licensee no longer holds
37 legal title to the real property that is the subject of the license, the Finance
38 Director shall, upon request of the subsequent owner of such real property,
39 issue to such owner a temporary six-month accommodation unit licensee to
40 allow such owner to honor, insofar as possible, reservations for the property
41 that existed on the date that the previous owner's accommodation unit
42 license was lost due to the transfer of legal title to the real property that was
43 the subject of the previous license.
44

1 Section 6. Chapter 4 of Title 1 of the Breckenridge Town Code is amended by the
2 addition of a new Section 4-1-8-4, which shall read in its entirety as follows:
3

4 **4-1-8-4: LIMIT ON THE NUMBER OF ACCOMMODATION UNIT LICENSES.**
5

- 6 A. **Effective _____, 202¹, the maximum number of valid**
7 **nonexempt accommodation unit licenses that may be in effect at any one time**
8 **shall be 2,200. The Finance Director shall not issue any accommodation unit**
9 **license that would result in there being in effect at any one time more than**
10 **2,200 valid accommodation unit licenses.**
11
- 12 B. **Notwithstanding subsection A of this Section, and subject to the**
13 **requirements of subsection C of this Section, the holder of a valid nonexempt**
14 **accommodation unit license on the date set forth in subsection A of the**
15 **Section may continue to renew such license in the manner provided in**
16 **Section 4-1-5B.**
17
- 18 C. **A nonexempt accommodation unit license issued pursuant to this Chapter**
19 **shall be valid until the first to occur of: (i) the license is revoked by the**
20 **Finance Director as provided in Section 4-1-10-2; (ii) the license is**
21 **abandoned, voluntarily surrendered, or not renewed by the licensee; or (iii)**
22 **the licensee no longer holds legal title to the real property for which the**
23 **accommodation unit license was issued.**
24
- 25 D. **The Finance Director shall maintain a list of persons who have requested a**
26 **nonexempt accommodation unit license but who have not been issued such**
27 **license because of the limit on the number of nonexempt accommodation unit**
28 **licenses established in subsection A of this Section.**
29
- 30 E. **Whenever a nonexempt accommodation unit license may lawfully be issued**
31 **by the Finance Director without violating subsection A of this Section, the**
32 **Finance Director shall notify the person who has been on the Finance**
33 **Director's nonexempt accommodation unit license waiting list described in**
34 **subsection D of this section for the longest period of time. Such person shall**
35 **have twenty (20) days to submit a complete nonexempt accommodation unit**
36 **license application to the Finance Director. If such person fails to submit a**
37 **complete license application to the Finance Director within such twenty (20)**
38 **day period, or if such person notifies the Finance Director within such twenty**
39 **(20) day period that such person no longer wants a nonexempt**
40 **accommodation unit license, the Finance Director shall notify the next person**
41 **on the nonexempt accommodation unit license waiting list that a license is**
42 **available and such person may obtain a license in the same manner as set**
43 **forth above. The Finance Director shall continue notifying persons on the**

¹ The Town Clerk shall insert the day that this ordinance becomes effective as provided in Section 5.9 of the Town Charter.

1 nonexempt accommodation unit license waiting list until the available license
2 is issued.
3

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

7 Section 8. Within ninety (90) days from the effective date of this ordinance, the
8 Finance Director shall adopt administrative regulations pursuant to Section 4-1-10B of the
9 Breckenridge Town Code as may be necessary or appropriate for the enforcement of this
10 ordinance.
11

12 Section 9. The Town Council hereby finds, determines, and declares that it has the power
13 to adopt this ordinance pursuant to (i) Section 31-15-103, C.R.S. (concerning municipal police
14 powers); (ii) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses);
15 (iii) Section 31-15-401, C.R.S. (concerning municipal police powers); (iv) the authority granted
16 to home rule municipalities by Article XX of the Colorado Constitution; and (v) the powers
17 contained in the Breckenridge Town Charter.
18

19 Section 10. The Town Council hereby finds, determines, and declares that it has the
20 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by
21 Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
22 Charter.
23

24 Section 11. This ordinance shall be published and become effective as provided by
25 Section 5.9 of the Breckenridge Town Charter.
26

27 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
28 PUBLISHED IN FULL this ____ day of _____, 2021. A Public Hearing shall be held at the
29 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
30 _____, 2021, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
31 Town.
32

33 TOWN OF BRECKENRIDGE, a Colorado
34 municipal corporation
35

36
37 By: _____
38 Eric S. Mamula, Mayor
39

40 ATTEST:
41
42

43 _____
44 Helen Cospolich, CMC,
45 Town Clerk
46

47 400-3-14(Cap Ordinance (09-08-21)(First Reading)



Memo

To: Breckenridge Town Council
From: Brian Waldes, Finance Director
Date: 9.3.21
Subject: Cash Handling Policy

Purpose

The purpose of this memo is to explain the need for and purpose of the attached Cash Handling Policy and associated resolution.

Background

The Town has always had sound cash management practices in place with regards to cash handling at our customer service locations. We have good physical controls (locking cash drawers) as well as procedural controls (system controls and deposit reconciliations). We have not had a written cash handling policy.

As part of our loan application process with Colorado's division of homeland security and emergency management's (DHSEM) office of grant management for the Tarn Dam project, we are required to adopt a written policy reflecting our current practices as well as best practices. This is the attached policy submitted for Council adoption by resolution.

The policy reflects our current practices, as well as some potential areas for improved controls around cash handling when practical. It is important to note that cash receipts do not comprise a large part of our daily revenues, but still need to be handled in an appropriate and secure manner. This policy speaks to best practices in terms of normal cash handling procedures, as well as steps that would need to be taken in the event of loss.

Next Steps

Staff requests approval of the attached cash handling policy in order to both facilitate the application process with DHSEM and to allow Finance to assist other departments with maintaining and improving current cash handling processes.

1 Town Clerk

2

3 APPROVED IN FORM

4

5

6

7

8

Town Attorney Date

9

10

11

12

13

Exhibit A - CASH HANDLING POLICY

I. PURPOSE

The purpose of this policy is to assist all Town departments by defining and communicating what is an acceptable level of control for cash-handling operations and to provide rules and guidance. Due to the decentralized nature of revenue collection within the Town, procedures may vary from location to location.

The objectives of this policy are to set forth minimum standards to ensure clear and consistent practice within the Town for the handling of cash and for limiting not only the Town's losses but also the Town's involvement in investigations of losses of funds. This policy will serve to standardize a sound system of cash controls within the Town as well as to provide guidance to departments on cash handler procedures and accountability. Compliance with this policy will allow the Town to prevent or detect losses related to cash handling and to minimize losses.

Specifically, this policy is designed to avoid the following types of circumstances:

- A loss or losses of funds,
- An inability to detect missing funds,
- Detection of missing funds when recovery is no longer possible,
- An inability to determine who is responsible for a loss or losses, or
- An inability to investigate losses.

II. RESPONSIBILITIES

Cash received by the Town should be guarded carefully. Each employee, from a front-line cash handler to a department director, is expected to demonstrate due diligence in protecting the assets of the Town. A clear responsibility lies with management to install and maintain a cash-handling control system that will prevent, detect, or deter fraud.

A. DEPARTMENT DIRECTORS HAVE THE RESPONSIBILITY TO:

1. Ensure the safeguarding of Town funds.

CASH HANDLING POLICY (continued)

II. RESPONSIBILITIES (continued)

A. DEPARTMENT DIRECTORS HAVE THE RESPONSIBILITY TO: (continued)

2. Ensure that procedures in place in their departments comply with this policy.
3. In the event of a loss, assure appropriate reporting to the Finance Department for adjusting the general ledger, as well as the Human Resources Department and Police Department regarding a potential fraud or theft investigation.

B. CASH HANDLERS HAVE THE RESPONSIBILITY TO:

1. Use due diligence in handling Town assets so that reasonable protection is provided to those assets at all times.
2. Report to their departmental management, or to the Finance Department, any instance which, in the cash handler's judgement, could be deemed to be a serious failure to give proper care to cash, securities, or other valuables whether or not such failure has resulted in a loss.
3. Report to their departmental management, or to the Finance Department, any instance where a Town employee has knowledge or suspicion of defalcation or dishonest act by another Town employee.

C. FINANCE DEPARTMENT HAS THE RESPONSIBILITY TO:

1. Conduct whatever investigations or cash control reviews are necessary.
2. Coordinate and collaborate with Breckenridge Police Department and/or Human Resources where appropriate.
3. Upon request, assist departments with developing controls to mitigate the potential effects of exceptions or deviations from this policy.

III. DEFINITIONS

- A. Cash handling - As used in this policy statement, describes the receiving, transmitting, safeguarding, and depositing of all funds of any type received by the Town.
- B. Cash handler - As used in this policy statement, denotes any employee whose job description includes responsibility for receiving, transmitting, safeguarding, and/or depositing Town funds of any type.
- C. Cash Over/Short - A cash handler is short when an unintentional collection error is made, i.e., does not obtain physical custody of money or a change-making error. A cash handler is over when too much money is collected and the excess cannot immediately be returned to the customer.

CASH HANDLING POLICY (continued)

III. DEFINITIONS (continued)

- D. Loss of Town money results when a cash handler obtains physical custody of money and then, due to negligence, an act of God (such as fire or flood), or theft cannot deposit that money with the Town. Leaving Town money unattended and not properly safeguarded is an example of a cash handler's negligence that could result in a loss.
- E. Dual control describes processing where two individuals have responsibility for funds. The underlying theory is that the two individuals can vouch for each other's actions. Theft is less likely in operations with dual control since it would require the complicity of two individuals.
- F. Single control occurs when an individual is solely responsible for funds. Since only one person has access to the funds, that one individual can be held accountable in the event of a loss.

If funds are under single control, they must not be accessible to others. Therefore, if a safe accessed by multiple cash handlers is used for overnight storage of funds under single control, those funds must be secured separately within the safe. This ensures that individuals with access to the safe do not also have access to the single-controlled funds.

- G. Segregation of duties ensures that no single person handles a transaction from beginning to end. If possible, the following four basic functional categories should be performed by different people within a cash-handling operation:
 - 1. Authorization or approval of transactions,
 - 2. Recording of transactions,
 - 3. Custody of funds and segregation of duties ensures that no single person handles a transaction from beginning to end. The four basic functional categories should be performed by different people within a cash-handling operation when practical.
 - 4. Monitoring to ensure compliance with control procedures.

If one person does perform two or more of these functions, there is no independent check for mistakes, and errors and /or irregularities are very likely to go undiscovered for long periods. If it's not practical to maintain strict segregation of duties due to limited staff size, then add other control measures. Additional control measures could include rotation of duties among personnel and stricter supervision to include special spot-checking of a cash handler's work.

CASH HANDLING POLICY (continued)

IV. CONTROL STANDARDS FOR CASH-HANDLING

A. Procedures should be in place which will ensure that all payments received are processed and that any payment may be traced from initial receipt to final disposition. Each cash-handling operation shall include the following controls, as appropriate;

1. Maintain strict control over all receipts.
2. Use receipts, either manual or computer-generated, for all intakes of money.
3. At a minimum, when issuing manual receipts, use duplicate receipts to allow for a customer copy and a copy that remains in the manual receipt book.
4. Have a space indicating the mode of payment of manual receipt forms.
5. Be sure that receipts are signed or initialed by the person issuing.
6. Maintain strict control over access to funds. Never leave cash or checks unsecured.
7. Place a restrictive endorsement on checks at the time of receipt.
8. Use change funds for making change only. No checks of any type may be substituted for cash. Except when appropriately authorized based on Town policy. **SUBSTITUTING or CASHING OF CHECKS USING TOWN CASH IS STRICTLY PROHIBITED.** The only exception to this policy is for Town of Breckenridge checks issued to replenish petty cash funds may be substituted for cash in a deposit to replenish the petty cash fund.
9. In an environment where a cash register is used, the supervisor should understand register capabilities and limitations. Cash registers should be in good repair with all mechanical controls fully functional.
10. Mail Processing Controls

Proper management of mail collection is particularly important because the person making the payment is not present, and no receipt is issued at the time of collection. At a minimum:

- a. Mail should be worked independently of over-the-counter receipts
- b. Checks should be restrictively endorsed as soon as possible after being opened.

B. SAFEGUARDING FUNDS

Strict control must be maintained over the access to funds at all times. Dual control over the processing and storage of all cash funds should be used, where practical. It is the Town's policy that access to vaults and safes shall be limited, and the following controls over the processing and storage of all cash funds should be used where

CASH HANDLING POLICY (continued)

practical.

1. Individuals handling cash should be provided separate and secure work areas. When single control over cash is expected, each individual should be provided space to achieve single control.
2. Each cash handler is responsible to see that their cash drawer, cash bag, or cash box is locked when they leave their station. No funds are to be left unattended and unsecured.
3. During non-business hours and during business periods where access to cash is not required, all funds are required to be stored in a locked vault, safe, or approved cash storage drawer.
4. Safes, vaults, or storage drawers should be positioned so that they are not visible to the general public. Partitions, rugs, or barriers should be positioned to hide cash storage receptacles where practical.
5. Vault combinations should be limited to the smallest number of individuals practicable, given the business needs of the work unit.
6. Cash handlers are to be in sole possession of their cash drawer, cash bag, or cash box key.
7. Duplicate keys will be placed in a locked key box under dual control.
8. It is the cash handler's responsibility to immediately notify their supervisor in the event a key is lost. No replacement key will be made, but the lock on the cash receptacle in question is to be promptly replaced.

C. TRANSFERRING AND/OR TRANSPORTING FUNDS

It is the Town's policy to require reconciliations whenever Town funds change hands. Whether transferring funds between cash handlers within a work unit or transporting funds between locations, individual accountability can only be maintained by protecting the chain of custody.

1. A cash count and reconciliation will occur whenever Town funds change hands.
2. Transfer of funds between locations or units should be performed under appropriate security. Regular cash deposits will be transported to the bank by armored car, if possible.
3. All transports of cash between locations will be made in appropriate bank bags.

D. RECONCILING AND DEPOSITING FUNDS AND RECORDING TRANSACTIONS

1. Any daily funds must be deposited weekly, at a minimum.
2. Each cash handler should reconcile daily when practical. A formal reconciliation should be prepared by the cashier and then approved by a supervisor. A supervisor's review should confirm that the amount of cash

CASH HANDLING POLICY (continued)

indicated on the reconciliation is accurate. Furthermore, the supervisor should ensure that the total receipts equal the cash totals. Finally, the supervisor should review and approve voids.

3. Independent of the cash-handling operation, periodic reconciliation of bank accounts should be performed, and reconciling items should be identified. All reconciling items must be appropriately resolved with the supervisor of the cash handler.
4. Cash receipts documents should be prepared promptly and should be dated the same day as the funds are deposited in the bank. Additionally, the documents should be included in a monthly recording to the general ledger, at a minimum.

V. HIRING, TRAINING, AND EVALUATING CASH-HANDLING POSITION.

A. Minimum Hiring Qualifications:

An individual may not serve in a Town cash-handling capacity who has a criminal record that includes a conviction for any theft offense within the last five years immediately preceding the commencement of Town employment. A deferred judgment and sentence (but not a deferred prosecution) is a conviction.

- B. Cash-Handling Training - All individuals required to handle Town funds should be properly trained to do so.

VI. WRITTEN ROBBERY PROCEDURES

- A. Cash handlers should be instructed in how to act during and after a robbery to ensure their safety and that of co-workers.
- B. Each department should consult with the Breckenridge Police Department on the development of robbery procedures for their cash-handling environment.



To: Breckenridge Town Council

From: Laurie Best-Community Development Department

Date: 9/8/2021 (for 9/14/2021)

Subject: A RESOLUTION EXPRESSING THE INTENT OF THE TOWN TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING TO CERTAIN CAPITAL EXPENDITURES ASSOCIATED WITH THE FINANCING OF A WORKFORCE HOUSING PROJECT (Lot 4, Block 1 Parkway Center-Justice Center)

Staff has been working with Summit County on a collaboration to construct up to 44 workforce apartments on a parcel, approximately 1.823 acres, that is owned by Summit County. We are considering modular construction and will present an Intergovernmental Agreement (IGA) to the Council at a future meeting once the plans and concept is further refined. The intent is for the County to provide the land, for the Town to obtain financing, and for the County and Town to share in all costs. This is similar to the model that was utilized to develop the Huron Landing Apartments. It is likely that the project will be funded utilizing Certificates of Participation (COPs) and this Resolution will enable the Town to be reimbursed thru the COPs for expenses incurred. The current budget is approximately \$16,000,000 which is approximately \$400/square foot. This will be evaluated as the design details and construction costs are refined, but we believe the project will be close to or under that budget utilizing the modular methodology.

Staff recommends approval of the Resolution as presented.

1 **FOR WORKSESSION/ADOPTION – SEPT. 14**

2
3 RESOLUTION NO. ____

4
5 SERIES 2021

6
7 A RESOLUTION EXPRESSING THE INTENT OF THE TOWN
8 TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING
9 TO CERTAIN CAPITAL EXPENDITURES ASSOCIATED
10 WITH THE FINANCING OF A WORKFORCE HOUSING
11 PROJECT

12 (Lot 4, Block 1, Parkway Center)

13
14 **WHEREAS**, the Town of Breckenridge, Colorado (the “**Town**”) is a legal and
15 regularly created, established, organized, and existing municipal corporation under the
16 provisions of laws of the State of Colorado; and

17
18 **WHEREAS**, the members of the Town Council of the Town (the “**Council**”)
19 have been duly elected and qualified; and

20
21 **WHEREAS**, it is the current intent of the Town to make certain capital
22 expenditures for the construction of a 44-unit for rent workforce housing project to be
23 constructed on Lot 4, Block 1, Parkway Center Sub Amended #1, Town of Breckenridge, County
24 of Summit, State of Colorado, also known as 25 Rankin Avenue and 51 Rankin Avenue,
25 Breckenridge, Colorado 80424 (the “**Project**”); and

26
27 **WHEREAS**, the Council has determined that it is in the best interest of the Town
28 to finance the Project through the execution and delivery of certificates of purchase (the
29 “**Financing**”); and

30
31 **WHEREAS**, the Council has determined that it is necessary to make capital
32 expenditures in connection with the Project prior to the time that the Town arranges for the
33 financing of the Project; and

34
35 **WHEREAS**, it is the Council’s reasonable expectation that when such Financing
36 occurs, the capital expenditures will be reimbursed with the proceeds of the Financing; and

37
38 **WHEREAS**, in order to comply with the provisions of the Internal Revenue Code
39 of 1986, as amended (the “**Code**”), the Council desires that this resolution shall constitute the
40 “official intent” of the Council to reimburse such capital expenditures within the meaning of
41 Treasury Regulation §1.150-2.

42
43 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN**
44 **OF BRECKENRIDGE, COLORADO:**

1 APPROVED IN FORM

2

3

4

5

6 _____ Date

7

8



Memo

To: Breckenridge Town Council Members
From: Mark Truckey, Director of Community Development
Date: September 8, 2021
Subject: Planning Commission Decisions of the September 7, 2021 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, September 7, 2021:

CLASS A APPLICATIONS: None.

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS:

1. Shelden Residence Solar, 208 N. Ridge Street, PL-2021-0298
A proposal to install a flush-mounted solar array on a non-historic, new residence within the Historic District, and on the non-primary elevations. *Approved.*
2. Gold Creek Condos (Odd Lot) Exterior Remodel, 326 N. Main Street, PL-2021-0287
A proposal for a major exterior remodel to include siding; replacement of planters with concrete curbs; new stairs, decks, and railings; additional stairway to roof; parapet walls to screen existing small cell facilities; siding for dumpster enclosure; and parking barriers on the west side. *Called up and continued to the September 21 Planning Commission Meeting.*
3. New West Residence, 119 Boulder Circle, PL-2021-0394
A proposal to build a new 9,902 sq. ft. single family residence with 9 bedrooms, 11 bathrooms, and a 4 car garage. *Approved.*
4. Shoop Residence, 1110 Bright Hope Circle, PL-2021-0096
An updated proposal to the prior denied proposal to build a 6,381 sq. ft. single family residence with 5 bedrooms and 6 bathrooms over the Illinois Creek. *Approved with revised Findings and Conditions.*

TOWN PROJECT HEARINGS: None.

OTHER: None.

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Beckerman.

ROLL CALL

Christie Mathews-Leidal	Mike Giller	Jay Beckerman	Mark Leas
Tanya Delahoz	Steve Gerard –absent	Allen Frechter	

APPROVAL OF MINUTES

With no changes, the August 17, 2021 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the September 7, 2021 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No public comment was heard.

CONSENT CALENDAR:

1. Shelden Residence Solar (SS), 208 N. Ridge Street, PL-2021-0298
2. Gold Creek Condos (Odd Lot) Exterior Remodel (LS), 326 N. Main Street, PL-2021-0287

Mr. Giller made a motion to call up the Gold Creek Condos Exterior Remodel, seconded by Ms. Leidal. The motion was passed 6 to 0 and the project was called up.

Mr. Sponable presented an overview of the proposal which includes new siding and trim; replacement of wood planters with concrete curb in the parking lot; new stairs, decks and railings; addition of a stairway to roof; new parapet walls to screen existing small cell facilities; new siding for the dumpster enclosure to match building; and replacement parking barriers.

Staff question: Does the Commission support the use of metal panels on the east, south and west facades?

Commissioner Questions/Comments:

- Mr. Leas: 1. Yes
- Ms. Leidal: 1. Yes. I am concerned about the height increasing; it is already non-conforming. We just had a discussion about rooftop decks- that plays into it too. My other comment was about an encroachment license and modifying the typo on condition #6.
- Mr. Giller: We do want to see a face lift. I don't see the purpose of the railing, it also raises the height. Since we are in the conservation zone, we want to see a sample of the siding. 1. Yes
- Ms. Delahoz: I am exciting about the exterior renovation. I don't have an issue with the railing. With the small cells there and the screening, it ties in the look aesthetically, and makes it look more complete. 1. I don't have an issue with the metal, the west facing on the south end has a lot of it. Looks like an elevator shaft, but I like the dimension and texture that it brings. Overall I support.
- Mr. Frechter: I echo Mike and Tanya. We need the parapet walls I just wonder if the railing actually draws the eye to it. It doesn't fit in. I like the south elevation because there is visual interest, rather than just the big square on the north. I want something more interesting on the north.
- Mr. Beckerman: My big thing is precedent and what the code says. If this increases the height then I think that is where we need to go and not put in a condition to excuse it, but go by what the book says. Make sure we don't set a bad precedent.

Sonny Neely, Architect:

The use of horizontal railing helps with the aesthetics. The railings are going to disappear on the top, it won't be perceived as taller and larger. That is the full purpose of that. Without the railings it will look like it does now.

Mr. Truckey: Christie makes a good point that this increases the non-conformity (height). We have to be code based.

Mr. Giller: Also with the height, the website sample doesn't match. Please provide a physical one. Mark's comment is good, the corner of French and Main is important and gets lost. The blue panels do a good job articulate. I encourage making the North more like the South elevation.

Mr. Giller made a motion to continue Gold Creek Condo exterior remodel. Seconded by Ms. Leidal. This motion passed 6 to 0.

3. New West Residence (SS), 119 Boulder Circle, PL-2021-0394

The Shelden Residence Solar and New West Residence were approved as presented.

FINAL HEARINGS:

1. Shoop Residence (LS), 1110 Bright Hope Rd., PL-2021-0096

Mr. Sponable presented an updated proposal to build a new 6,381 sq. ft. single family residence with 5 bedrooms and 5 bathrooms over the Illinois Creek.

Mr. Shoop, Applicant:

My wife contacted Tanya, when we were delayed with AECOM earlier. My wife contacted Tanya for contact info for them. We live here in Summit County. We are active here. We have been wanting to come back to the County.

Commissioner Questions/Comments:

Mr. Leas: None.

Ms. Leidal: No additional comments (besides minor typos/changes).

Mr. Giller: None.

Ms. Delahoz: Happy to see this project come back. It looks great. I know that when Debbie reached out it was because she was looking for contact info, I just have to disclose that.

Mr. Frechter: Great looking project, good job staff.

Mr. Beckerman: Glad this all worked out. I know the process could be arduous.

Ms. Leidal made a motion to approve the Shoop residence with the point analysis in the packet and the Findings and Conditions in the packet along with two modifications; one being a new Finding #7 stating "A variance is hereby granted section 9-3-9-D1 of the off street that requires a 30 ft. driveway separation from the public street, as a 30 ft. separate isn't physically possible due to the platted configuration of the lot and proximity of the adjacent ROW". Also a revision to Condition #13 to refer to the previous 7-28-21 engineering memo as well as the 9-3-21 engineering memo and a revision to the point analysis absolute policy 18 A to show a variance has been granted. Seconded by Ms. Delahoz. This motion passed 6 to 0.

PRELIMINARY HEARINGS:

1. Father Dyer Addition (CK), 310 Wellington Rd., PL-2021-0373

Mr. Kulick presented a proposal to Locally Landmark and expand the Church through a 2,496 sq. ft. addition to the non-historic part of the existing building. The footprint of the proposed expansion area currently has a

non-compliant sunken terrace. The addition will accommodate additional rooms and facilities which will enable the Church to better accommodate its expanding role in providing a number of social services to the community including the food pantry, community dinners, dependency counseling, and youth programs. The following specific questions were asked of the Commission:

1. Building Height: Staff finds the proposed building height complies with Design Standards 81 and 142, does the Commission concur?
2. Roof Design: Staff believes the proposed shed roof element over the south entrance on the existing addition should be changed to better comply with Priority Design Standard 141. Does the Commission concur?
3. Windows: Does the Commission support revising the project's windows and doors to better comply with Design Standards 95, 96 and 148?
4. Cabin: Does the Commission support relocating the cabin without the assignment of negative points?
5. Local Landmarking: Does the Commission support locally Landmarking the Church and Cabin?
6. Final Review: Does the Commission support this application returning for a Final Hearing assuming changes are made to achieve a passing point analysis?
7. Does the Commission have any additional comments on the proposed project design or point analysis?

Bobby Craig, Architect:

Thank you Chris. Can we look at the existing site plan? Now the existing plan is dysfunctional, cars back onto Briar Rose, there is a drive on the North side, the cabin is in the middle of the snow stack. In the winter you can't see it because it is surrounded by snow and ice. The terrace area doesn't get used, it is below grade, bumper level at parking. When the church came to us – the first thing we did was look at site plan solutions. The driveway was wasting space and didn't have any benefits. By getting rid of it let us put in an outdoor space / prayer garden. The cabin scooted closer can be part of the church community. It is also more protected. We want it to be 5 ft. off the setback. We could move it closer, but not 10 ft., the existing is only 8 ft. from the property line. We have two fronts and two sides, there isn't really a rear. We are well within the setbacks for the main structures. Benefits, six additional parking spaces, less impervious area, more landscaping, protection of the cabin, and we can provide a list of benefits. It does have a foundation. Existing architecture: The addition is way out of place. It has a funky arch top window, it doesn't match. For proposed: we looked at mass and form, what if we scaled down the historic church module. That is the left addition. We have taken and copied windows, double hung. Right now there is a mix. We don't have enough ventilation, the new windows need to be operable. For the entry on the south we can redesign that, with a more traditional porch. On the West, that is our view side. We want to use this arch top window in the existing church, copying the arch motif with the circle from a gothic architecture handbook. Windows into the lower level: they aren't double hung nor vertical. They are horizontal to let in air and light, essential to making it useable. You can see these types of windows at the court house, etc. you will see these at grade at historic buildings. This isn't a residential character, it is institutional. We have code standards here that are more for residential and not so much for a church.

1. For height, we are seven feet below the historic ridge.
2. South entrance we can redesign and come back.
3. If we can go more vertical double hung, we can, but we think this is historic precedent we want to follow.
4. We can move the cabin back a little, but where it is, is the best location on the property. It really is the side not rear.
5. Happy to do Landmarking of both. I would like to come back for final and are taking your comments to heart. We want to build next summer. We have other items (fundraising etc.) that is why we are so eager.

Public Comment:

John Renish, 111 N High St:

I really like it, I want you to approve it after taking care of these details, and thank you for your consideration.

Commissioner Questions/Comments:

- Mr. Leas: 1. Height: I concur. 2. Roof Design: I agree 3. Windows: I agree 4. Cabin: I agree 5. Landmarking: Yes. 6. Review: Yes 7. Comments: no additional comments other than I hope the setback requirement is able to leave the cabin where they have proposed.
- Ms. Leidal: Thank you! This is exciting and a benefit. 1. Height: yes. 2. Roof Design: I agree with staff. 3. Windows: yes, need revisiting. I echo Mike on the existing rear to modify them. 4. Cabin: Yes, relocate without the assignment of negative points. 5. Landmarking: Yes. 6. Review: if staff thinks we are there it's ok. I feel like we are in a tough position, changes might not have been made and we feel pressure. If staff is OK I am willing to entertain. I would like more info on the setbacks and lighting. 7. Comments: That is all.
- Mr. Giller: 1. Height: Yes 2. Roof Design: I agree, meets standard 141. 3. Windows: Chris was spot on, there is a lot of simplification of the window design. There are too many window sizes, proportions. The windows give me great pause on going to final. 4. Cabin: Check setbacks 5. Landmarking: I agree 6. Review: I trust you will listen careful. 7. Comments: I support this project.
- Ms. Delahoz: 1. Height: Yes 2. Roof Design: Yes 3. Windows: North side needs work- I get the view, but we need to have historical accuracy. 4. Cabin: makes sense to move it. 5. Landmarking: Yes 6. Review: we have cleanup and changes, sit with staff and work through it with staff. 7. Comments: Thanks for bringing in the cabin, I appreciate the community aspects. I am glad we are fixing the connector.
- Mr. Frechter: 1. Height: Yes. 2. Roof Design: yes, shed roof on the back parallels, so I think it looks good. 3. Windows: Yes 4. Cabin: Yes 5. Landmarking: Yes. 6. Review: we need to decide if we like the window design, but if you feel comfortable then yes. 7. Comments: on pulling the cabin in, it looks like it is closer to the porch and that would maybe bring it close to ten feet. Maybe the site plan is off. Just a comment. Great project and great design so far.
- Mr. Beckerman: 1. Height: Yes 2. Roof Design: This has been addressed. 3. Windows: I agree with Mike and Tanya. Priority standard 96. 4. Cabin: Yes, we will hear more. 5. Landmarking: This is great. 6. Review: I trust if you work with staff we look forward to having this as a Final.

WORK SESSIONS:

1. Accessory Dwelling Unit Code Modifications (LS)

Mr. Sponable presented proposed updates to the Development Code in regards to Accessory Dwelling Units (ADUs). The following specific questions were asked of the Commission:

1. Does the Commission have any comments or concerns on the proposed code changes?
2. Is Option 1 or Option 2 preferred?

Commissioner Discussion:

- Mr. Beckerman: What is the difference between the ADU and a Lock Off? (Ms. Puester: That comes from our hotel code. People now use it as something else).
- Ms. Ledia: Maybe say a lock off can or cannot be an ADU? We want to tie it back. It could be either. (Ms. Puester: Divisible unit also references lock offs.)
- Ms. Delahoz: I looked at 14 properties today and most of them would be an ADU, but they are not a lock off. It wouldn't make sense. I started questioning everything again. (Mr. Kulick: Multi-unit is 3 or more units that share walls, for a lock off there, that is permitted. There isn't a cap on units. We don't want anything in terms of complicating that. We want to be careful of not tangling that up, if there is the density on a multi-family site, you can do so at market rate.)
- Mr. Leas: On the first one, where is the lock off? (Mr. Sponable: There is a half bath and a rec room with no interior connection, just the single door through the back patio, maybe considered a

- lock-off but missing some features. This is a later addition. With our current code this was an automatic ADU because there wasn't any interior connection).
- Mr. Frechter: Would a shower help define an ADU?
- Ms. Puester: Yes things could happen without permits, but we don't want to always be making assumptions about people doing things behind closed doors. That is where we get uncomfortable because we shouldn't be making assumptions that people will be doing things illegally. If the definition as written doesn't hit, that is what we need to get to. As black and white as we can get it.
- Mr. Kulick: One of the main issues was regarding STRs, is it as pressing of a need to go to this depth of regulation with the potential STR requirements? The landscape is shifting. Is it as important to get everything dialed down with the potential regulations changing soon.
- Mr. Truckey: We want further modifications that address the key points. We have added no install of 220. We have also added the direct access to parking.
- Mr. Leas: Julia, everyone is innocent until guilty. Should we not recommend language that is prohibitive? (Ms. Puester: We can but it is challengeable). Almost every home with a rec room and a wet bar and a sliding door would be an ADU.
- Ms. Delahoz: Thinking through my own perspective my husband wants a golf simulator room, and it would totally count as an ADU.
- Mr. Beckerman: How does the language here effect your ability to promote ADUs? (Ms. Puester: if we can be as clear as possible, that is helpful. The positive points are important. We will be doing more things on the administrative side (waiving fees, no water PIFs etc.) when people are proposing things, it is easier to tell them yes or no, there are people that don't want to do and ADU it's just the design. It is difficult for people to do add ons based on existing design.
- Mr. Truckey: We are trying to eliminate loopholes. If someone meets the definition of ADU great, it shouldn't limit them.
- Mr. Frechter: Is this for safety, and for illegal short term rentals? Can we legally go back and inspect potential ADUs?
- Mr. Leas: You have to be careful, for ski houses, this is for two separate families staying together, which isn't the same as an ADU. It is the purpose of some of them. We need to have code flexible enough to differentiate those.
- Ms. Leidal: But when does it stop functioning as a single family home?
- Mr. Giller: I do think people are building single family homes as small hotels without a front desk, and I respectfully disagree with you Mark L., but we want to make smart good code that supports staff and supports the town.
- Ms. Leidal: Should we limit the amount and the sizes of wet bars? With full size appliances? Should it be scaled to the size of the house itself?
- Mr. Kulick: To some people an important design feature to have a large wet bar. It is a fine line between these things, like limiting people to having the floorplan they want.

Commissioner Questions/Comments:

- Mr. Leas: I like option #2. It is less general. This is a big improvement over last time. I want us to communicate what it is that a build should be so that the homeowners and designers understand what they can / cannot do. To summarize, we need to be careful trying to apply the standard single family definition as we understand it to everything here, particularly to the houses on the ski side.
- Ms. Leidal: Much better. I know we want to do a Class D Major to streamline it, I would add "accessory unit". Someone might want to do a freestanding ADU. (Mr. Sponable: That is how it is proposed under Subsection C under the Class D major classification). Lock off may or may not be an ADU. I would say "which could be used" for separate occupation.

Wet bar I don't support the definition as written. We need to limit the size of the wet bar area, appliances, and the number in the homes. The county talked about air fryers so you don't need an oven or cooktop anymore. Under accessory dwelling units I like option 1 a lot. I would bring up paragraph C. of the second option, on small internal connection, maybe work that into the first option. 3 or more of option 2 is too hard. I think it could meet two. 1-4 criteria, the total floor area, would be everything correct? I see that we are crossing out occupied by a family member?

- Mr. Leas: What's the purpose? (Mr. Sponable: Whether a family member can occupy or not depends on meeting the deed restriction employment criteria, it was redundant to have that in the code.)
- Ms. Leidal: Paragraph F, should say in accordance. Close that somehow and make the points finite. Thank you, I know it's a lot of work.
- Mr. Giller: Tough one. This is part of a suite of regulations, licenses. I think it would be too easy to get around the 3. I have followed this closely. We do have issues here and it matters. Wet bar size should be reined in.
- Ms. Delahoz: I agree with wet bar size. I am partial to option 2. This is part of a bigger issue, the conversation is also changing. Over time it will continue to evolve. It might change in 3 years. We need to be adaptable. For the choices, I don't have an opinion. Rolling with it as proposed.
- Mr. Frechter: I defer to option 2. A is the key qualifier. Maybe A plus two. I think wet bar should be reined in. county might be too restrictive.
- Mr. Beckerman: I agree on the lock off definition, may or may not be an ADU. As far as wet bars, I feel like Chris gave me perspective. None of us here have the perspective of building a 10,000 sf house. Things are proportional. I don't know if I am on board with limiting wet bar size. We aren't trying to keep people from building their mansions. I like option 1. It is so well written and hits my check points. If we go option 2 I think that D needs clarification.

2. McCain Master Plan Third Amendment (CL)

Mr. Truckey presented an overview of proposed amendments to the McCain Master Plan in order to accommodate a new housing development planned for Tract 14, and a non-profit/institutional campus on Tract 6. Other modifications include a reduction in the amount of open space and additional snow storage, and solar uses.

Commissioner Questions/Comments:

- Mr. Leas: I apologize for not seeing this before the meeting, so no.
- Ms. Leidal: I have a couple comments to allow for more flexibility. Tract 6 I see community facilities under density, maybe you want to continue community facility under "tract uses". I think you could give yourself future latitude. Under tract use column. Tract 7- the school district might need housing for teachers. Should tract 7 also allow teacher or employee housing? Under 12A and 12B with the word choice you used under density. Government uses, I would add governmental uses. In case you want a building not just snow storage. On the points, we handle that at site specific but 28A under utilities, maybe you want to say somewhere to memorialize that that will be reviewed under the specific site plan process. Thank you.
- Mr. Giller: Mark thank you. And thank you Mark Leas for the questions. Will that be the last residential parcel at McCain? The adjacency is good and compatible. I like the expansion of the solar field. This is our last opportunity to solve problems, so thank you.
- Ms. Delahoz: Do we have anything notated for future services? Gas station, grocery store? I see this impacts to other existing services. It would be beneficial to address this. (Mr. Truckey: This was talked about previously at McCain, majority council wasn't supportive. There are no other locations identified at this time. Council has given direction for this. You are right,

not sure that that will be supported by Council). We all feel the effects of the limited option. Having something on the North would be beneficial. Other thought is when we talked about the pond. (Mr. Truckey: Tract 15 is the open space/park, that is the location of the existing pond. It was just filled in the last couple months. We were able to fill, it isn't filled to support buildings. Retention pond is a possibility. 15 years ago we discussed a reservoir, amenity. That was abandoned).

Mr. Frechter: Thanks Mark. Looks great. Has the school district given feedback on circulation? I wonder how intense the traffic might be. (Mr. Truckey: Not yet, but good input.)

Mr. Beckerman: Thank you for everyone's input. For tract 5 with the bike path, that won't replace the current one? (Mr. Truckey: Yes, it would replace the current one in a more desirable location, nearer the river. We have had these conversations with Alta Verde and Breck Central Market. We want to get Rec Path users away from the dangerous crossing at the Fairview roundabout.) Tract 10b is open space and can't be touched? Will there be a trailhead to direct people to? Or is it more of a incognito open space? (Mr. Truckey: The west side of river is important wildlife habitat and the Division of Wildlife has recommended keeping trails and people out of that area. They want to maintain for habitat. The east side would have small feeder trails. That is still TBD.) Tract 8 would be something else, that wouldn't be a logical place to have organized recreation? (Mr. Truckey: That discussion still needs to be refined , ideas like beginner mountain bike trails have been discussed. The Council will be discussing Tract 8 at the upcoming Council meeting. There is a fairly expensive restoration required (fill, topsoil, vegetation) to make this area usable for open space.) Thank you all.

OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 9:27 pm.

Jay Beckerman, Chair



Memo

To: Town Council
From: Chris Kulick, AICP, Senior Planner
Date: September 8, 2021, for meeting of September 14, 2021
Subject: Rocky Mountain Underground Roof Top Deck and Bar De Novo Hearing Continuance Request

With the agreement of the applicant, staff requests the De Novo Hearing for the Rocky Mountain Underground Roof Top Deck and Bar be continued to the October 12, 2021 Town Council Meeting.



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.

September 2021

September 8th, 2021	The Crown	Meet & Greet with BSEAC	8:30am
September 10th, 2021	River Walk	Site Visit	1:00pm
Tuesday, September 14th, 2021	Council Chambers	First Meeting of the Month	3:00 pm / 7:00 pm
September 15th - 20th, 2021	Throughout Town	Breck Film Festival	All Day
September 22nd, 2021	Carter Park	FOBT Recognition Party	5:00pm
September 22nd - 24th, 2021	Westminster, CO	Colorado Municipal League Conference	All Day
September 24th - 26th, 2021	Riverwalk Center	Brecktoberfest	All Day
September 24th - 26th, 2021	Arts District	Family Fun Fair	All Day
September 25th, 2021	Carter Park	RAM Walk	All Day
Tuesday, September 28th, 2021	Council Chambers	Second Meeting of the Month	3:00 pm / 7:00 pm

October 2021

October 1st, 2021	Copper Mtn	COO Summit Conference	7:30am
October 12th, 2021	Council Chambers	Budget Retreat	Noon - 7:00pm
Tuesday, October 12th, 2021	Council Chambers	First Meeting of the Month	7:00 pm
Tuesday, October 26th, 2021	Council Chambers	Second Meeting of the Month	3:00 pm / 7:00 pm

Other Meetings

September 14th, 2021	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am
September 16th, 2021	Transit Advisory Council Meeting	8:00am
September 20th, 2021	Social Equity Advisory Commission	9:00am
	Breckenridge Creative Arts	1:00pm
September 21st, 2021	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
September 22nd, 2021	Summit Stage Transit Board Meeting	8:15am
	Summit Combined Housing Authority	9:00am
September 23rd, 2021	Breckenridge Tourism Office Board Meeting	8:30am
	RW&B Board Meeting	3:00pm
September 27th, 2021	Open Space & Trails Meeting	5:30pm
September 28th, 2021	Board of County Commissioners Meeting	9:00am / 1:30pm
October 5th, 2021	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	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.

October 6th, 2021	Breckenridge Events Committee Childcare Advisory Committee	9:00am 3:00pm
October 12th, 2021	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 10:30am
October 13th, 2021	Breckenridge Heritage Alliance	Noon
October 14th, 2021	I-70 Coalition Upper Blue Sanitation District	10:00am 5:30pm
October 18th, 2021	Social Equity Advisory Commission	9:00am
October 19th, 2021	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
October 21st, 2021	Transit Advisory Council Meeting	8:00am
October 25th, 2021	Breckenridge Creative Arts Open Space & Trails Meeting	3:00pm 5:30pm
October 26th, 2021	Board of County Commissioners Meeting	9:00am / 1:30pm
October 27th, 2021	Summit Stage Transit Board Meeting	8:15am
October 28th, 2021	Breckenridge Tourism Office Board Meeting Northwest CO Council of Governments RW&B Board Meeting	8:30am 10:00am 3:00pm
November 2nd, 2021	Board of County Commissioners Meeting Planning Commission Meeting	9:00am 5:30pm
November 3rd, 2021	Police Advisory Committee Breckenridge Events Committee Childcare Advisory Committee	7:30am 9:00am 10:00am
November 10th, 2021	Breckenridge Heritage Alliance	Noon
November 11th, 2021	I-70 Coalition Upper Blue Sanitation District	9:30am 5:30pm
TBD	Water Task Force Meeting Art Installation Meeting QQ - Quality and Quantity - Water District	8:00am 2:00pm 1:15pm