



TOWN OF  
**BRECKENRIDGE**

**Town Council Work Session**

Tuesday, January 10, 2023, 2:45 PM

Town Hall Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE IS HOLDING HYBRID MEETINGS. THIS MEETING WILL BE HELD IN PERSON AT BRECKENRIDGE TOWN HALL. ALL MEMBERS OF THE PUBLIC ARE INVITED TO ATTEND. 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](http://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](mailto:mayor@townofbreckenridge.com), or by mailed letter, prior to the meeting. If you will need special assistance in order to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 547-3127, at least 72 hours in advance of the meeting.

**I. NON-PROFIT GRANTS VIDEO PRESENTATION (2:45-3:00pm)**

**II. PLANNING COMMISSION DECISIONS (3:00-3:05pm)**

Planning Commission Decisions

**III. LEGISLATIVE REVIEW (3:05-3:20pm)**

Policy 5A/5R Architectural Materials Amendments (Second Reading)

Policy 24 Amendments - Housing (Second Reading)

Alcohol Takeout and Delivery Permit Required (First Reading)

Opioid Settlement Funds Intergovernmental Agreement (Resolution)

**IV. MANAGERS REPORT (3:20-3:45pm)**

Public Projects Update

Mobility Update

Sustainability Plan Update

Housing and Childcare Update

Committee Reports

Breckenridge Events Committee

**V. PLANNING MATTERS (3:45-5:15pm)**

Outdoor Energy Use Discussion

Plastic Pollution Discussion

Stillson Property Workforce Housing Discussion

**VI. OTHER (5:15-5:45pm)**

Recreation Aquatics Area Renovation Update  
Statewide Land Use Policies Discussion

**VII. EXECUTIVE SESSION - INSTRUCTING NEGOTIATORS (5:45pm)**



# Memo

To: Breckenridge Town Council Members  
From: Mark Truckey, Director of Community Development  
Date: January 4, 2023  
Subject: Planning Commission Decisions of the January 3, 2023 Meeting

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***DECISIONS FROM THE PLANNING COMMISSION MEETING, January 3, 2023:***

**CLASS A APPLICATIONS:** None.

**CLASS B APPLICATIONS:** None.

**CLASS C APPLICATIONS:**

1. Meintz Detached Shop Addition, 1031 Boreas Pass Rd., PL-2022-0536

A proposal to add a detached accessory structure of 720 sq. ft. with a lower level shop/storage space and an upper level bonus room for exercise. The bonus room located in the upper floor of the detached shop will not be used as a short-term rental or accessory dwelling unit (ADU) and the owner agreed to have a restrictive covenant on the property. *Approved.*

**TOWN PROJECT HEARINGS:** None.

**OTHER:** None.



Thomas Residence  
Landmarking, Restoration  
and Garage Addition, 314  
Lincoln Ave.

Meintz Detached Shop  
Addition, 1031 Boreas  
Pass Rd.

# Breckenridge South



## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 pm by Vice Chair Leas.

### ROLL CALL

Mike Giller	Mark Leas	Allen Frechter - <b>absent</b>	Susan Propper
Tanya Delahoz	Ethan Guerra	Steve Gerard (arrived at 5:51pm)	

### APPROVAL OF MINUTES

With no changes, the December 6, 2022 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the January 3, 2023 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No public comment.

### CONSENT CALENDAR:

1. Meintz Detached Shop Addition (CC), 1031 Boreas Pass Rd.; PL-2022-0536

With no call-ups, the Consent Calendar was approved as presented.

Mr. Leas:           What qualifies this detached unit to be allowed under the Code since it has water service and technically qualifies as an ADU? (Mr. Kulick: Since the applicant was willing to sign a restrictive covenant that disallows the structure from being used as a short-term rental it is allowed under the Code.)

### PRELIMINARY HEARINGS:

1. Thomas Residence Addition and Remodel (SS), 314 Lincoln Ave.; PL-2022-0534

Ms. Szrek presented a proposal to locally landmark and rehabilitate and existing historic residence, construct a basement, interior remodel, and add a garage to the north of the primary structure. This preliminary hearing asks four questions of the Commission:

1. Historic Preservation - Staff believes the proposal positive three (+3) points for on-site historic preservation/restoration efforts of above average public benefit for a primary structure. Does the Commission agree?
2. Windows and Doors - Does the Commission agree the opening on the East side should remain a door and not be converted to a window?
3. Garage Building – Does the Commission have any feedback for the proposed garage design?
4. Local Landmarking – Does the Commission find the property is eligible for Local Landmarking?

### *Commissioner Questions / Comments:*

Ms. Propper:       No questions for staff.

Mr. Giller:         The interior is a full renovation. This would reduce the integrity according to the State's Historic standards. (Mr. Truckey: The interior remodel will not affect the rating as a contributing structure to the Historic District). Did staff consider the suggestion of adding a door in the previous opening on the front elevation? There is precedent in the historic district for two front doors. We should not lose the historic half-light door on the front elevation which is likely historic and has gained integrity in its own right. The proposed garage meets the historic guidelines regarding mass, height, and

- proportionality. I would like the applicant to address the materials proposed for the garage.
- Mr. Gerard: Can you clarify the exterior deck on the garage? (Ms. Szrek: This is not a deck; it is a gabled roof overhang for the door.)
- Ms. Delahoz: The parking spaces and that agreement on the east side of the property will go away with this new project? (Ms. Szrek: Yes, those will go away.) Regarding the state's historic designation, can that change anything with our designation as a certified local government? (Mr. Truckey: No, and you will recall that when the representative from the State visited with us previously, she gave much deference to our judgement of issues such as landmarking because of our status as a Certified Local Government. I can't say whether the interior remodel would disqualify from State or Federal tax credits but it does not affect our landmarking process.)
- Mr. Guerra: One comment, the door on the west elevation would have to be a fixed door because it would otherwise open into a window well. Does the proposed garage style meet the historic district given the proposed modern materials, like the garage door? (Mr. Kulick: There is precedent for a garage door with minimal glazing in the historic district. That could be a comment to the applicant to propose a more historic looking garage door.)
- Mr. Leas: There is an encroachment on the east side, the retaining wall; will that go away? (Ms. Szrek: The ELA I am aware of is for the parking, so that additional encroachment is something we will look into prior to final hearing).

Applicant, Sonny Neely, J. Lee Neely Architecture:

The existing half-light front door will be preserved; it is historic. We will show the historic door on the elevations for the final hearing. We are suggesting the second front door opening become a window. (Mr. Giller: Work with staff to better document the former brick cuts that were changed from windows to doors. If it can be shown these were historically windows, they could be returned to windows.) We believe historically you can see on the east elevation the brick wainscot was cut to install a door where a window was previously, that was later patched over. We would like this to be returned to a window. Regarding the garage, the garage roof over the door is for snow and ice shedding. We could take out the diagonals of the garage door, place faux hardware, and have the appearance of one garage door. The corrugated metal detail of the gable is a nice detail. The colors will be coordinated with the existing residences. The roof of the garage will be the same as the roof on the primary structure. The stain of the proposed garage will be darker than the existing buildings. The windows will be aluminum clad bronze to not stand out. The trim will be painted or stained in a natural palette.

- Mr. Leas: How will you maintain the brick structure's integrity during construction? (Mr. Neely: It is a very technical undertaking. The current mortar of the existing foundation is very fragile. We will be strategically separating the brick from the existing river rock foundation and inserting a steel support to keep the brick in its exact location. A new interior foundation wall and supports will be installed to support the historic structure.)

*Short discussion on technicalities of existing foundational and roof supports of the historic structure.*

Public Comment:

Rick Ascher, 105 N Harris Street: My concern is this a primary residence? No one can live in the garage, correct? (Ms. Szrek: Correct). Is the other residence going to be short termed? Do they have the licenses for that? (Ms. Szrek: I would have to look into that). It becomes annoying. Are they allowed to have a hot tub? I have hot tubs surrounding me too. (Ms. Szrek: A hot tub isn't part of this application.) Those are just my concerns. Parking is for three vehicles. If they short term the green one and the big red house (Ms.

Szrek: All the required parking is now met on site). Okay. I like the way it looks. My concern is that anyone could live in the garage upstairs. When we first saw the deck, which is now a roof, I knew someone could live there. (Ms. Szrek: It's too small and no, the garage is not living space).

Lee Edwards, 103 N High Street: The previous owner had me redo the cabin on this property. This proposal is great, I love it. I have a couple questions which are specific to the project. When gutting the building, the State, I have done fourteen Federal tax credits in the Town, I don't know if the owner is planning to use Federal tax credits but that is just a thought. The slab of the garage is lower than the floor elevations of each of the buildings which could result in drainage into the garage. It could be beneficial to bring the slab elevation of the garage up to discourage drainage into the garage and lessen the slope of the driveway. A question for Staff: in terms of the historic guidelines, I was under the impression that only wood windows, not aluminum clad, were allowed in the historic district? That is just a question for staff. I do appreciate this project and that it does not decimate the front yard like the houses further west which have parking in the front yard.

- Mr. Neely: We did speak with Chris McGinnis in Engineering regarding the drainage and grade. We do have a kick-up to mitigate the drainage. The timber retaining wall that was off the property, the road was regraded after this construction and the historic fence goes directly to the ground.
- Mr. Guerra: I would like to see the garage door redesigned to fit more with the historic character. 1. Agree with staff's assessment of points. 2. I would like to revisit the question of windows and doors with more evidence from the applicant. 3. I have given my feedback regarding the garage door. 4. I do agree the property is eligible for landmarking.
- Ms. Delahoz: It is a nice project. The addition of the garage is nice to remove the cars off of Harris Street. 1. Agree 2. I appreciate the knowledge regarding the windows and doors. If there is evidence provided that the front door opening was a window or the side door opening was a window, we could allow that going forward. 3. A hinged garage door with hardware and no windows would be more appropriate in that area of the district. 4. I agree this project is eligible for landmarking.
- Mr. Gerard: This is a great project, and I am interested in seeing this property preserved. 1. I agree. 2. Because of the landmarking we should strive to achieve the highest level of historic integrity. We will look to more evidence regarding the closed-up door openings. 3. The windows in the garage make it look too modern. I agree it needs to be redesigned. The idea of the faux hinged doors is excellent. 4. I agree with the local landmarking.
- Mr. Giller: 1. Agree. Although, gutting the interior is disappointing. I would encourage reusing as much material as possible. 2. More evidence is needed to make a decision. 3. All the materials in the garage make it appear modern. 4. Yes, I concur with landmarking.
- Ms. Propper: 1. Agree the positive three points are appropriate. 2. I would look forward to getting some more information on the historic nature of the window and door openings. 3. The garage, I would defer to what others have said regarding the garage doors. 4. On the landmarking I agree.
- Mr. Leas: 1. I agree the three points are warranted. 2. I think we have had an extensive discussion on this. The applicant has made a persuasive point on the historic window and door openings. I think we need more information to make a definitive decision. 3. My comment on the garage, as I go around Breckenridge, most outbuildings were simple in the materials that were used. Perhaps we would be more comfortable if there was less variety of materials on the garage. Faux hardware and hinges could make a difference. 4. I support local landmarking and it is appropriate. I applaud the applicant for undertaking this project.

Mr. Gerard: There are likely historic milled materials, that should not be wasted. If those are not reused on this project, it would be nice for them to be made available to other restoration projects.

Mr. Truckey: Is this project ready to move to final hearing? All Commissioners nodded in agreement.

**OTHER MATTERS:**

1. Town Council Summary

**ADJOURNMENT:**

The meeting was adjourned at 7:14pm.

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Mark Leas, Vice Chair



# Memo



To: Town Council  
From: Sarah Crump, Planner II  
Date: January 3, 2022 (for meeting of January 10, 2023)  
Subject: Second Reading: Policy 5A and 5R Amendments- Exterior Building Materials

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The Town Council recently reviewed proposed amendments to Policies 5A and 5R: Architectural Compatibility at a first reading on December 13, 2022. The code amendments would establish an exterior building materials matrix applicable to all building types outside the Historic District. The amendments also disallow structures with exterior facades comprised of entirely one material, either brick, metal, or stucco, with the exception of brick for buildings with institutional uses which is allowed at 100 percent per facade.

There are no proposed changes to the draft ordinance from first reading.

Staff will be available at the meeting to answer any questions.

3 **A BILL FOR AN ORDINANCE AMENDING POLICY 5A and POLICY 5R**  
4 **PERTAINING TO ARCHITECTURAL COMPATIBILITY AND MAKING**  
5 **CONFORMING AMENDMENTS.**

6 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
7 BRECKENRIDGE, COLORADO:

8 **Section 1.** That Section 9-1-19-5A, Policy 5 (Absolute) Architectural Compatibility, of  
9 the Breckenridge Development Code shall be amended by deleting the language stricken and  
10 adding the language underlined, to read as follows:

11 **9-1-19-5A: POLICY 5 (ABSOLUTE) ARCHITECTURAL COMPATIBILITY:**

12 A. Color Choices:

13 1. General - Painting: Color choices for all buildings within the town limits shall be made  
14 from those allowed within the range delineated according to the Munsell color notation  
15 system from the "Munsell Book of Color" on display in the Planning Office.

16 The Munsell system of color notation is broken into three (3) categories: hue, chroma  
17 and value. Chroma is the only characteristic with a set limit, which is as follows:

18 Body color is limited to a maximum chroma of 4 (except that if yellow or red is used,  
19 body color is limited to a maximum chroma of 6, trim color is limited to a maximum  
20 chroma of 8 and accent color is limited to a maximum chroma of 10). Trim color is limited  
21 to a maximum chroma of 6. Accent color is limited to a maximum chroma of 8.

22 The number of colors used on one structure is limited to three (3); this does not include  
23 specifically appropriate additional colors as listed in the architectural color placement list  
24 in the design guidelines for such elements as window sashes, porch floors, ceiling half  
25 timbers, roof coverings, flashing, flues, brick, rusted metal, and unfinished natural  
26 surfaces such as rock and stone.

1 If three (3) colors are used, the color that covers the most building area is the body, the  
2 color covering the second most building area is the trim, and the color covering the least  
3 building area is the accent color.

4 If two (2) colors are used, the color covering the lesser area is the trim color for purposes  
5 of regulating of maximum chroma.

6 If a different value or chroma of the same hue is used, this is considered a separate  
7 color.

8 All exterior elements of a building that are metal, such as flues, flashings, etc., shall be  
9 painted a flat, dark color or one that is a compatible color with the building and not be left  
10 nor allowed to become bare metal. The color choices shall be as determined between  
11 the staff and applicant. Exceptions to this policy may occur such as for copper roofs,  
12 etc., which do not require painting.

13 2. Painting Of Contemporary Landmark: Notwithstanding provisions of subsection A(1)  
14 of this section, a contemporary landmark may be painted a color with a chroma different  
15 from that required by subsection A(1) of this section under the following conditions:

16 a. The Planning Commission determines on the basis of credible evidence that  
17 requiring a change in the chroma of the color of the structure would significantly  
18 impair or impede the recognition of the structure by the public;

19 b. The chroma of the color which the structure is to be painted is the same as  
20 the chroma of the historic color which the structure has been continuously  
21 painted for the twenty five (25) years immediately preceding the adoption of the  
22 color requirements set forth in subsection A(1) of this section on April 24, 1990;  
23 and

24 c. Any Class B development permit which authorizes the painting of a  
25 contemporary landmark pursuant to the provisions of this subsection A(2) shall  
26 provide that the chroma of the color of the structure may not be altered without  
27 the structure losing its designation as a contemporary landmark.

28 B. Building Materials: Structures shall not be constructed so that any facade, when measured  
29 from the fascia board to finished grade, is greater than 75 percent brick, metal, nor stucco.

1 Excepting when brick is used for institutional uses as defined under 9-1-5: DEFINITIONS,  
2 “INSTITUTIONAL USE.” This subsection B only applies to areas outside of the Historic District.  
3 Architecture within the Historic District is regulated by the Handbook of Design Standards for the  
4 Historic and Conservation Districts.

5 ~~B. Conservation District: (Rep. by Ord. 15, Series 2013)~~

6 ~~C. Aboveground Density In Historic District: (Rep. by Ord. 1, Series 2019)~~

7 ~~D. C. Within The Cucumber Gulch Overlay Protection District: Within the Cucumber Gulch~~  
8 ~~Overlay Protection District building materials and exterior colors shall blend with the natural~~  
9 ~~landscape. Structures shall be constructed of wood, stone and other natural materials. The use~~  
10 ~~of highly reflective materials is prohibited.~~

11 ~~E. D. Solar Devices:~~

12 ~~1. Within The Conservation District: The preservation of the character of the~~  
13 ~~Conservation District and the historic structures and sites within the Conservation District~~  
14 ~~are of the utmost importance. The town encourages the installation of solar devices as~~  
15 ~~an alternative energy source. It is a goal of this policy to balance sustainability and~~  
16 ~~historic preservation goals of the town.~~

17 ~~There may be instances where solar devices are not appropriate on a particular building~~  
18 ~~or site if such a device is determined by the town to be detrimental to the character of~~  
19 ~~the Conservation District or would result in a reduced State, Federal or local historic~~  
20 ~~rating of a historic structure or district.~~

21 ~~The town allows for solar device placement that is sensitive to the character of the~~  
22 ~~Conservation District and located away from the public street.~~

23 ~~Within the Conservation District a solar device shall be located to reduce the visibility of~~  
24 ~~the solar device from a public street (as opposed to an alley) to the greatest extent~~  
25 ~~practical and to reduce negative impacts to historic structures. In most cases, preference~~  
26 ~~1 will reduce visibility and is the highest and most preferred; preference 5 is the lowest~~  
27 ~~and least preferred. A solar device shall be located in the highest preference possible.~~

28 ~~The order of preference for the location of a solar device within the Conservation District~~  
29 ~~is as follows, unless a less visual option is available on site: 1) as a building integrated~~

1 photovoltaic device; 2) on non-historic structures or additions; 3) on an accessory  
2 structure; 4) on the primary structure; and 5) highly visible from the public street.

3 2. Class C Development Permit: Within the Conservation District, no solar device shall  
4 be installed on a structure or site without first obtaining a Class C development permit.  
5 The application must include photographic and/or three-dimensional visual aspects from  
6 public streets and alleys within a one block radius or four hundred feet (400') (whichever  
7 is greater) of the building or site. Solar devices are encouraged to be installed on a  
8 nonhistoric building or building addition and integrated into the building design. To  
9 ensure that the character of the Conservation District and its historic structures and sites  
10 are protected, an application for a development permit to install a solar device within the  
11 Conservation District will be reviewed under the following requirements:

12 a. General Requirements For All Installations: Solar devices on roofs shall be  
13 placed on a noncharacter defining roofline of a nonprimary elevation (not highly  
14 visible from a street). For lots which have exhausted the preferred placement  
15 options as set forth above, solar devices that are visible from the street may be  
16 appropriate if they are designed to have minimal visual impacts from the street  
17 and do not result in detrimental character to the Conservation District, or a  
18 reduced State, Federal or local historic rating for the structure or surrounding  
19 structures, as determined by the town.

20 Solar devices and related mechanical equipment and mounting structures shall  
21 be nonreflective such as an anodized finish. Mechanical equipment associated  
22 with the solar device such as invertors, convertors and tubing attached to the  
23 building fascia shall be painted to match the building color to blend into the  
24 building. Solar devices shall be located so as not to alter a historic roofline or  
25 character defining features such as dormers or chimneys.

26 b. Sloped Roof Installations: All solar devices on sloped roofs must run parallel  
27 to the roofline. Roof mounted solar devices shall not break the existing ridgeline  
28 of the roof to which the solar device is mounted. All solar devices shall run  
29 parallel to the original roofline and shall not extend beyond the edge of the roof  
30 on which the device is installed.

1 c. Flat Roof Installations: Solar devices and mounting structures shall not be  
2 visible from any public street or alley within the Conservation District.

3 d. Building Integrated Solar Devices For New Structures: Applications for new  
4 structures within the Conservation District are encouraged to include building  
5 integrated solar devices into the initial design, including a similar roof color,  
6 rather than as a later addition. Solar devices which contrast with the color of the  
7 roof of new or historic structures are inappropriate and are not allowed if found to  
8 be detrimental to the character of the Conservation District.

9 e. Detached Solar Devices: Detached arrays of solar devices are prohibited.

10 f. Historic Buildings: On historic buildings, character defining elements such as  
11 historic windows, walls, siding or shutters which face a public street or contribute  
12 to the character of the building shall not be altered in connection with the  
13 installation of solar devices. Solar devices in nonhistoric windows, walls, siding or  
14 shutters which are not visible from a public street are encouraged.

15 3. Outside The Conservation District: The town encourages the installation of solar  
16 devices on structures or sites located outside the Conservation District as an alternative  
17 energy source. The following regulations shall apply to the installation of solar devices  
18 outside the Conservation District:

19 a. No solar device shall be installed on a structure or site without first obtaining a  
20 Class D minor development permit. The Director shall have the authority to  
21 reclassify an application as a Class C application, and to require review by the  
22 Planning Commission, if he feels the purpose of this code would be best served  
23 by the reclassification. Reclassification shall be done pursuant to the definition of  
24 "classification" in section [9-1-5](#) of this chapter.

25 Outside of the Conservation District a solar device shall be located based upon  
26 the following order of preference. Preference 1 is the highest and most preferred;  
27 preference 6 is the lowest and least preferred. A solar device shall be located in  
28 the highest preference possible. The order of preference for the location of a  
29 solar device outside of the Conservation District is as follows: 1) as a building  
30 integrated photovoltaic device; 2) flush mounted (9 inches above the roofline)

1 panel on an accessory structure roof, or as a detached array of solar devices; 3)  
2 flush mounted roof panel on the primary structure or screened detached array; 4)  
3 a tilted roof mounted panel that is not highly visible from the public right-of-way;  
4 5) a tilted or angled and tilted roof mounted panel that is not highly visible from  
5 the public right-of-way; and 6) a tilted or angled and tilted roof mounted panel  
6 that is highly visible from the public right-of-way.

7 b. Roof mounted solar devices shall run as closely parallel to the roofline as  
8 possible while still maintaining efficient solar access. Solar devices and related  
9 mechanical equipment and mounting structures shall be nonreflective such as an  
10 anodized finish. Mechanical equipment associated with the solar device such as  
11 invertors, convertors and tubing attached to the building fascia shall be painted to  
12 match the building color to blend into the building. New structures are  
13 encouraged to include building integrated solar devices into the initial design,  
14 rather than as a later addition.

15 c. Roof mounted solar devices shall not break the existing ridgeline of the roof to  
16 which the panels are mounted. All mounting structures shall be on the same  
17 roofline as the panels. Elevated solar arrays which follow the orientation of the  
18 roofline are allowed. An east or west facing roof may have an angled orientation  
19 in relation to the existing roofline. A maximum tilt angle of forty five degrees (45°)  
20 is allowed for electrical solar devices. An elevated array for a solar hot water  
21 heating system may have a maximum tilt angle of fifty degrees (50°) and a  
22 maximum tilt angle of fifty five degrees (55°) for a solar heating system.

23 d. Solar devices which appear as an awning may be mounted onto building  
24 facades or decks.

25 e. The location of detached solar devices shall also consider visibility from  
26 adjacent properties and public right-of-way, which shall be reduced to the extent  
27 possible while still maintaining solar access. Detached solar devices which serve  
28 the structure on the site may be located outside of the building or disturbance  
29 envelope if no significant existing vegetation must be removed for the installation  
30 and an adequate buffer is provided to adjacent properties.

1 4. Removal: Any solar devices that fall into a state of disrepair or that cease to be fully  
2 operational for more than ninety (90) days shall be removed and properly discarded. The  
3 landowner's obligation to comply with this requirement shall be contained in a recorded  
4 restrictive covenant acceptable in form and substance to the town attorney.

5 **Section 2.** That Section 9-1-19-5R: POLICY 5 (RELATIVE) ARCHITECTURAL  
6 COMPATIBILITY be amended by deleting the language stricken and adding the language  
7 underlined to read as follows:

8 **9-1-19-5R: POLICY 5 (RELATIVE) ARCHITECTURAL COMPATIBILITY:**

9 The town hereby finds that excessive similarity, dissimilarity, or poor quality design of any  
10 building adversely affects the desirability of the immediate area and the community as a whole,  
11 and by so doing impairs the benefits of existing property owners, the stability and value of real  
12 property, produces degeneration of property with attendant deterioration of conditions affecting  
13 health, safety, and general welfare of the community, and destroys a proper relationship  
14 between the taxable value of real property and the cost of Municipal services provided therefor.  
15 Features of design include, but are not limited to, size, shape, scale, proportions, solid to void  
16 ratios, texture, pattern and color of materials, and architectural elements and details.

17 3 x (-2/+2) A. General Architectural And Aesthetic Compatibility: All proposed  
18 new developments, alterations, or additions are strongly encouraged to be architecturally  
19 compatible with the general design criteria specified in the land use guidelines. It is  
20 strongly encouraged that cut and fill slopes be kept to a minimum, and that the site,  
21 when viewed from adjacent properties, be integrated into its natural surroundings as  
22 much as possible. In addition, excessive similarity or dissimilarity to other structures  
23 existing, or for which a permit has been issued, or to any other structure included in the  
24 same permit application, facing upon the same or intersecting streets within the same or  
25 adjacent land use districts is discouraged. This subsection A only applies to areas  
26 outside of the Historic District. Architecture within the Historic District is regulated by the  
27 Handbook of Design Standards for the Historic and Conservation Districts.

28 Exterior building materials and colors should not unduly contrast with the site's background. The  
29 use of natural materials, such as logs, timbers, wood siding and stone, are strongly encouraged  
30 because they weather well and reflect the area's indigenous architecture. ~~Brick is an acceptable~~  
31 ~~building material on smaller building elements, provided an earth tone color is selected. Stucco~~



1 is an acceptable building material so long as an earth tone color is selected, but its use is  
 2 discouraged and negative points shall be assessed if the application exceeds twenty five  
 3 percent (25%) on any elevation as measured from the bottom of the fascia board to finished  
 4 grade. Such measurement shall include column elements, windows and chimneys, but shall not  
 5 include decks and railing elements. Fiber cement siding may be used without the assignment of  
 6 negative points only if there are natural materials on each elevation of the structure (such as  
 7 accents or a natural stone base) and the fiber cement siding is compatible with the general  
 8 design criteria listed in the land use guidelines. Roof materials should be nonreflective and  
 9 blend into the site's backdrop as much as possible. Inappropriate exterior building materials  
 10 include, but are not limited to, untextured exposed concrete, untextured or unfinished unit  
 11 masonry, highly reflective glass, reflective metal roof, and unpainted aluminum window frames.  
 12 This subsection A applies only to areas outside of the Conservation District, but does not apply  
 13 to the Cucumber Gulch Overlay Protection District (see section [9-1-19-5A](#), "Policy 5 (Absolute)  
 14 Architectural Compatibility", subsection D C, of this chapter).

15 B. Exterior building materials listed in the table below are regulated per façade. Exterior  
 16 building materials not considered in this Development Code will be considered on a  
 17 case-by-case basis and may require input from the Planning Commission regarding their  
 18 use. This subsection B only applies to areas outside of the Historic District. Architecture  
 19 within the Historic District is regulated by the Handbook of Design Standards for the  
 20 Historic and Conservation Districts.

21

<u>Material</u>	<u>Points*</u>	<u>Notes</u>
<u>Brick</u>	<u>Allowed as an accent or on smaller elements up to 25% of each façade with no negative points</u>  <u>&gt;25-50% of any façade warrants negative two (-2) points</u>	<u>Bricks should be a natural earth-tone color and brick style that is appropriate for the historical and mountain context of Breckenridge. Additional points under Section A. may be assigned for bricks that are of a color or dimension not typical of the historic or mountain context of Breckenridge.</u>

	<p><u>&gt;50-75% of any façade warrants negative four (-4) points</u></p> <p><u>&gt;75-100% of any façade is prohibited with some exceptions per section 9-1-19-5A-B</u></p>	<p><u>Buildings defined as an institutional use may be constructed of brick without the assignment of negative points.</u></p>
<p><u>Composite wood siding</u></p>	<p><u>&gt;0-33% of any façade warrants negative two (-2) points</u></p> <p><u>&gt;33-66% of any façade warrants negative four (-4) points</u></p> <p><u>&gt;66-100% of any façade warrants negative six (-6) points</u></p>	
<p><u>Metal siding</u></p>	<p><u>Up to 25% per façade warrants no negative points</u></p> <p><u>&gt;25-50% of any façade warrants negative two (-2) points</u></p> <p><u>&gt;50-75% of any façade warrants negative four (-4) points</u></p> <p><u>&gt;75-100% of any façade is prohibited per section 9-1-19-5A-B</u></p>	<p><u>Per 9-1-19-5A Section A. 1. all exterior metal elements must be non-reflective.</u></p>

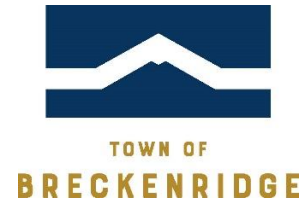
<u>Fiber cement siding</u>	<u>Warrants negative three (-3) points when applied with no supplemental natural materials.</u>	<u>No negative points will be assigned when applied with natural materials such as natural wood accents or a natural stone base on each elevation and provided the fiber cement siding is compatible with the general design criteria listed in the land use guidelines. **</u>
<u>Stucco</u>	<u>Up to 25% per façade warrants no negative points</u>  <u>&gt;25-50% of any façade warrants negative two (-2) points</u>  <u>&gt;50-75% of any façade warrants negative four (-4) points</u>  <u>&gt;75-100% &gt; of any façade is prohibited per section 9-1-19-5A-B</u>	<u>Natural earth-tone colors are recommended. Additional negative points could be assigned under Section A. of the Policy if non-natural colors are applied.</u>

1 \*To determine the allocation of points, façade area is measured from the fascia board to  
2 finished grade. Such measurement shall include column elements, windows, and  
3 chimneys, but shall not include decks and railing elements.

4 \*\*Natural materials for the purpose of offsetting the application of fiber cement siding can  
5 include elements such as railings, decking, or other architectural details not included in  
6 the calculation of the façade area as long as these natural material elements are applied  
7 on the same elevations as the fiber cement siding.

8 B. C. Historic And Conservation Districts: For all projects within the Historic or  
9 Conservation Districts, see section [9-1-19-24A](#), "Policy 24 (Absolute) The Social  
10 Community", and section [9-1-19-24R](#), "Policy 24 (Relative) Social Community", of this  
11 chapter.





# Memo

**To:** Breckenridge Town Council Members  
**From:** Laurie Best, Housing Manager  
**Date:** 1/4/2023 (for January 10, 2023)  
**Subject:** A BILL FOR AN ORDINANCE CONFORMING POLICY 24 (ABSOLUTE) TO THE WORKFORCE HOUSING DIVISION ADMINISTRATIVE RULES AND REGULATIONS-Second Reading

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The purpose of the Ordinance is to eliminate language in Policy 24 of the Development Code that established specific deed restriction terms and enforcement procedures. The terms of the deed restriction and the enforcement procedures are addressed in the Town's recently adopted Administrative Rules and Regulations for workforce housing which were adopted in October of 2022. It is duplicative to have these provisions in two different places and could cause confusion. There are no changes to this ordinance since it was approved by Council at first reading on 12/23/2022.

Summary/Recommendations:

Staff recommends approval of this Ordinance to amend Policy 24 of the Development Code, specifically to strike language that is better addressed in the recently adopted Administrative Rules and Regulations. All other elements of Policy 24, which include the amount of housing required, will remain unchanged. Staff will be available to answer questions at your meeting.

**A BILL FOR AN ORDINANCE CONFORMING POLICY 24 (ABSOLUTE) TO THE WORKFORCE HOUSING DIVISION ADMINISTRATIVE RULES AND REGULATIONS.**

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

That subsection H of section 9-1-19-24A:POLICY 24 (ABSOLUTE) entitled "THE SOCIAL COMMUNITY" of the code is hereby amended by adding the language underlined and deleting the language stricken as follows:

H. Occupancy And Deed Restrictions:

1. ~~Each employee housing unit provided pursuant to this policy shall be encumbered by a properly recorded restrictive covenant in a form acceptable to the town attorney. The terms of such restrictive covenant shall be consistent with the Administrative Rules and Regulations Pertaining to Workforce Housing, as amended from time to time this policy, and such restrictive covenant shall not be subordinate to any senior lien or encumbrance, except the lien of the general property taxes.~~
2. ~~Employee Housing shall not be leased or rented for a period less than one hundred twenty (120) consecutive days.~~
3. ~~Employee housing may be sold or transferred as a separate unit on the site.~~
4. ~~Employee housing shall not remain vacant for a period in excess of three (3) consecutive months unless, despite the owner's reasonable and documented efforts to fill the vacancy, the employee housing remains unoccupied.~~
5. ~~Employee housing shall be occupied at all times by a person eighteen (18) years of age or older who, during the entire period of his or her occupancy of the employee housing, earns his or her living by working for a business located in and serving in Summit County, Colorado, an average of at least thirty (30) hours per week, together with such person's spouse and minor children, if any.~~
6. ~~Each year, the owner of an employee housing unit shall submit an affidavit of compliance to the town, or its assignee, containing the following information:~~
  - a. ~~Evidence to establish that the employee housing unit has been occupied throughout the year by an employee;~~
  - b. ~~The rental rate (unless owner occupied);~~
  - c. ~~The employee's employer; and~~

~~d. Evidence to demonstrate that at least one person residing in the employee housing is an employee as defined in subsection (5), above.~~

~~I. Timing: All employee housing required by this policy shall be provided prior to the issuance of a Certificate of Occupancy for the affected development.~~

~~J. No Taking: The town council intends that the application of this policy not result in an unlawful taking of private property without the payment of just compensation.~~

~~K. Acknowledgement Of Summit County Housing Authority Impact Fee: In connection with the adoption of this policy the town council considered the contributions made by the "Housing Development Impact Fee For Affordable Housing Purposes" adopted by the Summit Combined Housing Authority on December 6, 2006.~~

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

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

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

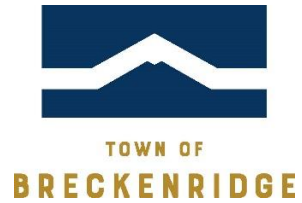
INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2022. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_ day of \_\_\_\_\_, 2022, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

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:** Helen Cospolich, Town Clerk  
**Date:** 12/20/2022  
**Subject:** Alcohol Takeout and Delivery Permit Required Ordinance

---

The State of Colorado recently implemented a state-only permit allowing for takeout and delivery of alcohol from liquor-licensed establishments. As this permit is issued by the state without local approval, the Town is seeking to amend code to require local licensees to notify the Town within 10 days of receiving this type of permit. Staff believes it is important for enforcement purposes to have record of which businesses are allowing takeout and delivery alcohol.

Upon approval of this ordinance, staff will communicate with all liquor licensees about this new requirement (by email and mail).

Staff will be available at this meeting to answer any questions you may have.



**A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 4  
PERTAINING TO ALCOHOL TAKEOUT AND DELIVERY PERMIT  
NOTIFICATION.**

WHEREAS, under C.R.S. § 44-3-911, all eligible licensees wishing to provide alcohol beverages for takeout and delivery must apply for a state permit; and

WHEREAS, the Town Council wishes to require all licensees located within the Town who obtain a state takeout and delivery permit to notify the Town of such permit.

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

**Section 1.** The Breckenridge municipal code is hereby amended by adding a new section 4-3-27 to title 4, chapter 3, entitled "Takeout and delivery permit notification" underlined to read as follows:

4-3-27: Takeout and delivery permit notification.

A. Any licensee who receives a permit from the state licensing authority for takeout and delivery of alcohol must notify the Town Clerk of such permit within ten (10) days after receiving such permit.

B. Any licensee who has already received such permit prior to the effective date of this ordinance must notify the Town Clerk of such permit within ten (10) days after the effective date of this ordinance.

**Section 2.** The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

**Section 3.** This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
PUBLISHED IN FULL this 10th day of January, 2023. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of January, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

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TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

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

ATTEST:

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

DRAFT



# Memo

To: Breckenridge Town Council Members  
From: Shannon Haynes, Deputy Town Manager  
Date: 1/4/2023  
Subject: Opioid Settlement Funds Intergovernmental Agreement (IGA)

---

The use of opioids in the United States has increased dramatically since the opioid crisis began in the 1990's. Increased use has resulted in a corollary rise in overdoses and deaths. The number of opioid overdose deaths increased nearly 65% between 2019 and 2021. During those same years, deaths from synthetic opioids in Colorado increased by 253% (from 255 to 900). As a result of the increase in opioid use, related addiction, incidents of overdose, and deaths, opioid manufacturers and distributors are facing numerous lawsuits. These lawsuits allege manufacturers and distributors misrepresented the risk of addiction and espoused benefits of opioid medication without disclosing the risk.

On October 26, 2021, Town Council adopted a [resolution](#) granting the Town Manager approval to execute the Colorado Opioids Settlement Memorandum of Understanding (Colorado MOU), which establishes the way in which settlement funds will be divided and distributed within the State. The Colorado MOU also details the approved purposes for the funds, which include, but are not limited to, treatment, prevention, services for children, and training.

Staff is recommending collaboration with Summit County Public Health to reduce overuse, misuse and deaths related to opioids in Summit County. Settlement funds will be used to promote public health and welfare, including efforts to reduce the use of fentanyl, which caused five out of six overdose deaths in Summit County in 2021.

If approved, the Town will enter into an IGA with Summit County Government, the Town of Frisco, and the Town of Silverthorne to utilize our combined settlement funds to reduce opioid use in Summit County. The attached IGA details 1) the approved uses for funds, 2) a requirement to create an Opioid Funds Advisory Board (comparable to the existing "Special Sales Tax Advisory Board overseeing nicotine tax funds), and 3) an obligation to produce an annual "Opioid Fund Program Report". The annual report will include, expenditure data, a description of strategies and costs of each program, certification that all expenditures were utilized for approved purposes, and an evaluation of program efficacy.

Staff believes collaborating with Summit County Public Health and combining funds with our governmental partners will provide an opportunity to develop and fund effective and creative efforts to combat opioid use in our community.

Staff will be available at the January 10 work session to answer questions.

1 RESOLUTION NO. \_\_\_\_

2  
3 Series 2022

4  
5 **RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH**  
6 **SUMMIT COUNTY, COLORADO, AND THE TOWNS OF BRECKENRIDGE,**  
7 **FRISCO, AND SILVERTHORNE, COLORADO.**  
8

9 WHEREAS, the Town of Breckenridge, along with other participating Colorado local  
10 governments and the state of Colorado (“Plaintiffs”) reached a settlement agreement with  
11 various pharmaceutical manufacturers and distributors regarding the national opioid crisis;

12 WHEREAS, the Plaintiffs entered into the Colorado Opioids Settlement Memorandum of  
13 Understanding signed by Colorado Attorney General Philip J. Weiser on August 26, 2021, which  
14 governs the allocation, distribution, sharing, and expenditure of any settlement proceeds paid to  
15 Plaintiffs in connection with the opioid litigation;

16 WHEREAS, in order for the Town to receive its share of the proceeds from the  
17 settlement, the Town entered into a Subdivision Settlement Participation Form releasing claims  
18 against the major distributors;

19 WHEREAS, the Town further entered into a Colorado Subdivision Escrow Agreement  
20 which governs the release of the funds in accordance with the MOU; and,

21 WHEREAS, the Parties desire to enter into this Agreement to collaborate with Summit  
22 County Public Health Department to promote the collective use of opioid settlement funds for  
23 to reduce overuse, misuse and deaths related to synthetic opioids in Summit County.

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

26 Section 1. That the Town hereby approves the execution of the Intergovernmental  
27 Agreement with Summit County, Colorado, And The Towns Of Breckenridge, Frisco, And  
28 Silverthorne, Colorado.

29 Section 2. All resolutions, or parts thereof, inconsistent herewith are hereby repealed to  
30 the extent only of such inconsistency. This repealer shall not be construed to revive any such  
31 resolution, or part thereof, heretofore repealed.

32  
33 Section 3. This resolution is effective upon adoption.

34 Section 4. Minor changes to or amendments of the approved agreement may be made  
35 by the Town Attorney if the proposed changes or amendments do not substantially affect the

1 essential elements of the approved agreement.

2

3 RESOLUTION APPROVED AND ADOPTED this \_\_\_ day of \_\_\_, 2022.

4

5 TOWN OF BRECKENRIDGE

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9 By: \_\_\_\_\_

10 Eric S. Mamula, Mayor

11

12 ATTEST:

13

14

15

16 \_\_\_\_\_

17 Helen Cospolich, CMC,

18 Town Clerk

19

20 APPROVED IN FORM

21

22 \_\_\_\_\_

23 Town Attorney          Date

24

25

26

INTERGOVERNMENTAL AGREEMENT

Among

SUMMIT COUNTY, COLORADO, And

THE TOWNS OF BRECKENRIDGE, DILLON, FRISCO, AND SILVERTHORNE,  
COLORADO

12/8/22

**THIS INTERGOVERNMENTAL AGREEMENT** (this "Agreement") is made and entered into this \_\_\_\_ of \_\_\_\_\_ 2022, among SUMMIT COUNTY, COLORADO (the "County"), a body corporate and politic and political subdivision of the State of Colorado (the "State"), and THE TOWNS OF BRECKENRIDGE, DILLON, FRISCO, AND SILVERTHORNE, COLORADO (the "Towns" or individually as a "Town"), home rule or statutory municipalities and political subdivisions of the State. The County and the Towns are referred to collectively herein as "the Parties" or individually as "a Party."

**WHEREAS**, pursuant to title 29, article 1, part 2, Colorado Revised Statutes, as amended (the "Intergovernmental Relations Statute"), and Article XIV, Section 18 of the State Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility; and

**WHEREAS**, more than 1,000,000 people have died in the United States since 1999 of drug overdose, more than 50% of these deaths involved opioids. The number of opioid overdose deaths increased by nearly 65% from 2019 to 2021; and

**WHEREAS**, overdose-related deaths topped 100,000 for the first time ever in 2021 with over 70% of these deaths involving fentanyl; and

**WHEREAS**, drug overdose deaths involving synthetic opioids in Colorado increased from 255 in 2019 to more than 900 in 2021, an increase of 253%; and

**WHEREAS**, the parties are eligible to receive opioid settlement funds as a result of negotiated resolutions of claims against Opioid Settling Defendants when that resolution has been jointly entered into by the State and the Participating Local Governments and may also include distributions from distributions from any liquidation or confirmed plans under Chapters 7 or 11, respectively, of the United States Bankruptcy Code; and

**WHEREAS**, the Parties desire to collaborate on efforts to reduce overuse, misuse and deaths related to synthetic opioids in Summit County by utilizing opioid settlement funds to promote public health and welfare efforts; and

**WHEREAS**, in 2021, five out of six overdose deaths in Summit County involved fentanyl; and

**WHEREAS**, the Parties desire to enter into this Agreement in accordance with the Act in order to promote the collective use of opioid settlement funds through Summit County Public Health Department programs, all as more fully set forth in this Agreement.

**NOW, THEREFORE**, the Parties agree as follows:

**Section 1. Opioid Settlement Funds.** The State of Colorado and the Parties each executed the Colorado Opioids Summary Memorandum of Understanding (the “Colorado MOU”), establishing the manner in which Opioid Settlement Funds shall be divided and distributed within the State of Colorado. All settlement funds, regardless of allocation, shall be used for Approved Purposes, as required in the Colorado MOU (Exhibit A). Each Town is eligible to receive a default percentage of funds attributed to its county area as detailed in the Colorado MOU Section (E)(3) and associated Exhibit E.

**Section 2. Definitions.** The term “Opioid Funds” shall mean damage awards obtained through a Settlement. The parties intend the distribution of such opioid funds for related public health and welfare programs to begin with funding received by each party in 2022.

**Section 3. Opioid Funds Approved Purposes.** The Parties intend that the Opioid Funds be used for Approved Purposes as defined in the Colorado MOU. Approved purposes are limited to the following uses:

- A. Treatment
  - 1. Treatment of opioid use disorder and its effects
  - 2. Intervention
  - 3. Criminal Justice-involved persons
  - 4. Women who are or may be pregnant
  - 5. People in treatment and recovery
  
- B. Prevention
  - 1. Prescribing practices
  - 2. Misuse of opioids
  - 3. Overdose deaths and other harms
  
- C. Additional Areas
  - 1. Services for children
  - 2. First Responders
  - 3. Community Leadership
  - 4. Staffing and Training
  - 5. Research
  - 6. Administrative costs for approved purposes

**Section 4. Administration, Powers and Duties.**

A. The County or its authorized designee shall receive and administer opioid funds transferred to them by the Towns. The County shall have all power, privileges and duties vested in or imposed on it by the Intergovernmental Relations Statute, this Agreement, and all other applicable laws which may be necessary to carry out the purposes of this Agreement.

B. The Parties shall perform their respective obligations as set forth in the Colorado MOU and the accompanying exhibits to the Colorado MOU which are incorporated herein by reference.



**Section 5. Funds.**

A. The Towns shall collect their respective Opioid Fund disbursements and will remit those funds, in whole, to the County within thirty (30) days of receipt.

B. The County shall maintain accurate records of the public health programs and costs during each calendar year and shall submit an annual report to the Opioid Funds Advisory Board.

**Section 6. Opioid Funds Reporting/Reconciliation.** The Parties shall cooperate in good faith to coordinate the Opioid Funds distribution to the County. The County shall provide all necessary reporting and reconciliation and take all actions reasonably necessary and appropriate to accomplish the purposes of this Agreement in the following manner.

A. Each Town shall provide the County with an initial listing, including dollar amounts, of the Opioid Funds the Town will be receiving. The list shall be updated each year by December 1<sup>st</sup>.

B. The County shall provide the Towns with an initial listing, including dollar amounts, of the Opioid Funds the County will be receiving. The list shall be updated each year by December 1<sup>st</sup>.

C. The County or its designee shall prepare and submit to the Opioid Funds Advisory Board an annual "Opioid Fund Program Report". The report shall include:

- a. Expenditure data
- b. Description strategies and costs of each program
- c. Certification that all expenditures were utilized for Approved Purposes
- d. Evaluation on the efficacy of programs

**Section 8. Opioid Funds Advisory Board and Plan.**

a. To promote the purposes of this Agreement and cooperation among the Parties, the Parties agree to form an Opioid Funds Advisory Board ("Advisory Board"). The Advisory Board shall consist of the Town and County Managers of each Party or their designees. The Advisory Board will: (i) approve the Public Health and Education Plan (the "Plan") described below; (ii) collaborate on the implementation of the Plan; and (iii) endeavor to coordinate the expenditure of Opioid Funds as provided herein. The implementation measures and associated programs shall be evaluated at least annually by the Advisory Board for their effectiveness and quality and reported to each Party's governing board.

b. The Plan adopted by the Advisory Board shall include a statement of goals that promote the Approved Purposes of the Opioid Funds and program implementation measures for those goals. The Plan may be amended from time to time and shall include provisions for the joint review of the prior year's expenditures and performance of the various programs during the prior

calendar years so as to inform future decision-making by the Parties. The Plan shall comply with the terms of the Colorado MOU and any settlement.

c. The Advisory Board shall make annual budgetary recommendations to the governing bodies of the Parties regarding the elements of the Plan including the following: (i) priorities and guidelines for the expenditure of the Opioid Funds; (ii) recommended programs to protect the public health and welfare promoted by this Agreement; (iii) an assessment of the programs funded in prior budget years; and (iv) a status report of the community's overall health including indicators of opioid usage, particularly the use of Fentanyl.

d. Meetings of the Advisory Board shall occur at least annually during each calendar year as established by the Advisory Board and shall be held at the Summit County Courthouse or such other convenient location that shall be identified in any notice of such meetings. Meetings shall be scheduled by the County Manager or the Manager's designee or at the request of two or more Parties. At least ten (10) days advanced written notice of a meeting shall be provided to the members of the Advisory Board. Agendas shall be prepared by the County Manager or the Manager's designee and copies distributed to members at least five (5) days prior to a regular meeting of the Advisory Board, although any Advisory Board member may submit items for the agenda. A quorum for the conduct of business at meetings of the Advisory Board means more than one-half the number of the Advisory Board members serving on the Advisory Board at the time of the meeting, whether participating in-person, telephonically, or by any other media by which each member can hear and be heard by the other members.

#### **Section 9. Confidentiality.**

For the purposes of ensuring proper distribution of the Settlement Fund revenues, the County and the Towns shall share and exchange confidential information obtained by the Parties or provided by the State subject to any limitations of the State and all statutes and local ordinances controlling the same while maintaining taxpayer confidentiality. All such information exchanged shall remain strictly confidential and shall be used only for its purposes designated herein.

#### **Section 10. Amendment of Agreement; Additional Parties.**

a. Except as otherwise provided in this Section, this Agreement may be modified or amended only by a duly executed written agreement with the express approval of the governing bodies of all Parties.

b. This Agreement may be amended to add one or more additional incorporated Town Parties upon passage of an ordinance or resolution of the additional Party's governing body approving of this Agreement.

#### **Section 11. Term and Termination of Agreement.**

a. Effective Date. The term of this Agreement shall begin when the County and one or other Party has executed this Agreement.

b. Termination. The term of this Agreement shall end when the County and at least one other Party are not willing to remain as Parties to this Agreement.

c. The participation of any Town as a Party to this Agreement shall terminate upon the provision by the Town to the County of a written notice of termination.

**Section 12. Execution and Performance of Agreement in Accordance with Law.** Each Party hereby represents to each other Party that it has adopted and executed this Agreement in accordance with applicable law. Each Party shall perform their respective obligations and expend any revenues derived hereunder in accordance with all applicable laws, rules and regulations, including but not limited to the Colorado MOU and this Agreement.

**Section 13. Indemnification.** All actions or omissions by any Party, including their respective representatives, employees, agents, volunteers or officials, shall be the sole responsibility of the respective Party. Accordingly, each Party shall fully indemnify, to the extent permissible under Colorado law, all other Parties for any damages, claims, costs, expenses, cause of action or liability of any manner, including without limit reasonable attorney's fees, arising out of or relating to the acts or omissions of such Party. The Parties understand and agree that liability for claims for injuries to persons or property arising out of the actions or omissions of any Party is controlled and limited by the provisions of the Colorado Governmental Immunity Act ("Immunity Act") title 24, article 10, Colorado Revised Statutes, as now or hereafter amended and that the Parties do not intend to waive by any provision of this Agreement the liability limitations or any other right, immunity or protection afforded by the Immunity Act or as may otherwise be afforded by law. The indemnity obligations of this Section shall survive the termination of this Agreement. Indemnity obligations of any designee of the County shall be governed by separate agreement.

**Section 14. Dispute Resolution.**

a. The Parties shall attempt to informally resolve all disputes and claims arising from or related to this Agreement, beginning first with discussions among affected Town(s) and County staff, and if not resolved, escalating to discussions between the applicable Town Manager(s) and County Manager, and ultimately to the Town Council(s) and Board of County Commissioners. Disputes with any designee of the County shall be governed by separate agreement.

b. Any and all disputes and claims arising from or related to this Agreement that are not resolved pursuant to Section (a), above shall thereafter be submitted to mediation. The affected Parties shall share equally the mediator's fees and costs associated with the mediation, and each Party shall pay its own fees, costs, and expenses related to the mediation. If the dispute is not resolved by mediation, any affected Party may commence a Court proceeding, with jurisdiction and venue residing exclusively in the Summit County District Court. Each Party waives its right to have such dispute decided by jury trial. The prevailing Party(s) shall be awarded its reasonable attorneys' fees, costs, and expenses, including any attorneys' fees, costs, and expenses incurred in collecting or executing upon any judgment, order, or award.

c. In the event that the County or a Town defaults in the performance of any of the duties and responsibilities under this Agreement, the non-defaulting Party shall be limited to the remedies of specific performance and mandamus. Prior to exercising such remedies, the non-defaulting Party shall give written notice to the other party of the nature of the claimed default and declare that such default must be cured within thirty (30) days from the date notice is given.

**Section 15. Parties in Interest.** Nothing expressed or implied herein is intended or shall be construed to confer upon any person other than the Parties any right, remedy or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive

benefit of the Parties.

**Section 16. No Personal Liability.** No covenant or agreement contained in this Agreement shall be deemed to be the covenant or agreement of an elected or appointed official, officer, agent, servant or employee of any Party in his or her individual capacity.

**Section 17. Notices.** Except as otherwise provided in this Agreement, all notices or other communications by any Party shall be in writing, shall be given in a reasonable time and shall be deemed given when actually received. Notice to the Parties shall be given to the address listed on Exhibit B, attached and incorporated herein, and may also be delivered in electronic form by electronic mail to the addresses listed on Exhibit A.

**Section 18. Severability.** If any clause, provision, subsection, or Section of this Agreement shall be held to be invalid, illegal or unenforceable for any reason, the Agreement shall be reformed to the extent necessary to reflect the intent and purpose of the original agreement or the Parties may terminate this Agreement.

**Section 19. Interpretation.** Because this Agreement is the result of mutual negotiation and drafting, in the event this Agreement is deemed to be ambiguous or vague, the Parties agree that the rule of construction that "ambiguities shall be construed against the drafter" shall not apply. In the event of any conflict between the Act, the Intergovernmental Relations Statute or any other law with respect to the exercise of any such power, the provision that permits the broadest exercise of the power consistent with the limitations set forth in this Agreement shall control. The laws of the State shall govern the construction and enforcement of this Agreement.

**Section 20. Counterparts.** This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same Agreement. Electronic or scanned signatures shall be valid and acceptable for all purposes.

**IN WITNESS WHEREOF**, this Agreement has been executed by the Parties effective as of the date set forth above.

**SUMMIT COUNTY, COLORADO**

By: \_\_\_\_\_  
Philip Gonshak, Interim County Manager

**ATTEST:**

By: \_\_\_\_\_  
Kathleen Neel, Clerk and Recorder

**TOWN OF BRECKENRIDGE**

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

**ATTEST:**

By: \_\_\_\_\_  
Town Clerk

**TOWN OF DILLON**

By: \_\_\_\_\_  
Carolyn Skowyra, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Town Clerk

**TOWN OF FRISCO**

By: \_\_\_\_\_  
Hunter Mortensen, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Town Clerk

**TOWN OF SILVERTHORNE**

By: \_\_\_\_\_  
Ann-Marie Sandquist, Mayor

ATTEST:

By: \_\_\_\_\_  
Town Clerk

# Memo

To: Breckenridge Town Council Members  
From: Town Staff  
Date: 1/4/2023  
Subject: Public Projects Update

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The attached table provides an overview of upcoming CIP construction projects in 2023.

## **Asphalt Overlay & Concrete Replacement**

The Town's goal is to keep asphalt conditions on our roads at a Pavement Condition Index (PCI) of 70 or higher. The 2023 asphalt overlay project will again be a robust project that strategically focuses on areas of Town with roads having low PCI's and further prioritizes roadways with higher traffic volumes. Locations planned for 2023 include N. Main Street, portions of Ski Hill Road, Tiger Road, Four O'clock Road, and Lincoln Avenue. A map showing current PCI ratings and planned overlay locations can be found [here](#). Overlay locations may be adjusted due to any unforeseen pavement deterioration over the winter. Concrete replacement locations are generally paired with the asphalt work.

### **Budget:**

Project Funding	
2023 Capital Fund	\$3,700,000
TOTAL:	\$3,700,000

**2023 Town of Breckenridge CIP Construction Schedule**

<b>Project Name</b>	<b>Description</b>	<b>Bid Date</b>	<b>Construction Schedule</b>	<b>Notes</b>
Asphalt Overlay	Asphalt replacement and overlay at various locations.	January 25th	May - October	All pavement work other than Ski Hill Road to be complete by July. Ski Hill Road paving to be complete after fiber construction (August - September).
French/Main Street Storm Sewer	Addition of storm sewer inlet and pipe.	January 25th	May	Project to be bid with asphalt overlay contract.
Concrete Replacement	Concrete replacement at various locations.	January 25th	April - June	
Town Hall ADA Improvements	Construction of ADA curb ramp at Town Hall.	January 25th	May	Project to be bid with concrete replacement contract.
Broken Lance Sidewalk	New sidewalk to be extended on Broken Lance Drive.	January 23rd	May - June	
Upper Flume Drainage Repair	Repair of drainage issues near Byron Court and the Upper Flume trail.	February	June - July	
Broken Lance Drainage & Roadway Repair	Drainage and roadway improvements between Victory Lance and White Cloud Drive.	TBD	TBD	Schedule and bid date tentative based on completion of design and final project scope.
Fiber Infrastructure	Additional infrastructure up Ski Hill Road.	TBD	June - August	
Fuel System Replacement	Replace existing fuel tanks at Public Works.	TBD	TBD	





# Memo

To: Town Council  
 From: Mobility Staff  
 Date: 1/4/2023  
 Subject: Mobility Update

## Parking Structure:

December 3<sup>rd</sup>, the Running of the Santa's and the lighting of Breckenridge, with Main Street closed saw the parking structure fill to capacity for the first time this winter season.

December 17<sup>th</sup> was also a full capacity day with no special events or other lot closures noted.

December 27-31 were full capacity days for the holiday season.

The new entry and exit for the parking structure from Park Ave has been incredibly useful in alleviating traffic backups both entering and exiting on Watson Ave. While last year we saw some concerning egress times on the busiest days, this year there has been no notable delay when exiting to Park Ave.

## December Ridership:

Route	December				YTD			
	Dec '22	Dec '21	+/-	%	2022	2021	+/-	%
Gold	7,950	6,300	1,650	26.2%	87,788	56,620	31,168	55.0%
Green	638	0	638	-	638	0	638	-
Brown	0	51,647	-51,647	-	198,127	51,647	146,480	100.0%
Trolley	1,752	113	1,639	1450.4%	2,818	32,420	-29,602	-91.3%
Purple	11,560	15,118	-3,558	-23.5%	97,579	82,864	14,715	17.8%
Yellow	0	74,131	-74,131	-	244,274	74,131	170,143	100.0%
Airport Rd. Express	0	335	-335	-	10,135	19,805	-9,670	-48.8%
Gray	95,697	0	95,697	-	307,041	383,810	-76,769	-20.0%
<b>TOTALS</b>	<b>117,597</b>	<b>147,644</b>	<b>-30,047</b>	<b>-20.4%</b>	<b>948,400</b>	<b>708,818</b>	<b>239,582</b>	<b>33.8%</b>

Ridership is down 20% over December 2021. With 2020 being an anomaly, due to capacity limits, this is the slowest December since 2014.

Green Route began on Friday 12/23. The route has transported 638 passengers in its first week.

Total ridership for 2022 was 948,400. While not a record year, ridership is recovering post-Covid

## Staffing Update as of 1/3/2022:

Current Drivers: 29

Drivers awaiting backgrounds and start dates: 1

Candidates in the pipeline: 0

To run winter routes, as we are currently offering, 32 drivers are required. To fill that gap currently, drivers are picking up overtime hours, then the Supervisor team is jumping in to fill any other gaps. To run a full winter schedule, 41 drivers are required.

# Memo

**To:** Town Council  
**From:** Mobility Staff  
**Date:** 1/3/2023  
**Subject:** November Traffic Count Data

## Summary

At the time of writing this memo, CDOT traffic count data for December had not yet been published, so only traffic data through November is available. Traffic counts at both the EJ Tunnel and Hwy 9/Tiger Rd were down slightly compared to November 2021 (which was the previous record high for this month). For the southside of Town, we have begun collecting two-way traffic data from a new CDOT counter installed at the intersection of River Park Dr. Beginning in April 2023, we will switch to exclusively using the new counter's data, as we will then be able to have year-over-year comparisons. In the interim, we will show both, as the previous counter offers useful year-over-year context. Please note that the new CDOT counter shows bi-directional (NB & SB) traffic counts, whereas the Town's counter only recorded northbound counts.

**CDOT Eisenhower Tunnel, Average Daily Total Traffic Counts (EB & WB)**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2022	35851	<b>38394</b>	38795	30636	29665	37365	41946	39936	<b>39582</b>	32790	30145	
2021	34470	35126	37618	31250	<b>31204</b>	39513	41774	35557	38799	32166	<b>31015</b>	34600
2020	37669	35303	23910	11390	21442	33539	40756	34938	36790	<b>33901</b>	26787	32224
2019	<b>38244</b>	36034	38436	<b>31567</b>	30318	37402	<b>44100</b>	<b>41526</b>	38335	33214	29141	34553
2018	36771	36596	38333	29045	29940	38818	43998	40649	38010	29761	30153	<b>36008</b>
2017	33269	36718	<b>39162</b>	31483	N/A	<b>40217</b>	44022	39719	35614	30216	29087	32690
2016	35197	33382	35297	27084	27611	36027	41151	38756	36072	29803	27977	32406

**CDOT Hwy 9 & Tiger Rd, Average Daily Total Traffic Counts (NB & SB)**

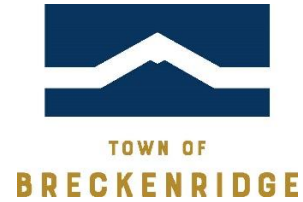
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2022	25343	<b>26314</b>	<b>25528</b>	19385	17755	22419	25576	25157	23340	20126	19542	
2021	23613	23681	24455	<b>19981</b>	<b>18729</b>	<b>23885</b>	<b>26569</b>	24052	22303	19357	<b>19779</b>	<b>23740</b>
2020	26091	24334	16206	8459	12873	20096	25398	24184	<b>23870</b>	<b>21272</b>	18851	22557
2019	<b>26864</b>	25558	25043	19475	17420	19707	22715	<b>25287</b>	23769	18932	19522	23106
2018	24454	23112	23746	17638	16681	21491	25586	23805	21848	17993	19613	24572
2017	22314	22238	22640	16863	15739	20133	23872	22365	20694	17736	17914	22213
2016	20067	20166	19771	15583	15315	20234	24369	22538	21058	17606	17498	20596

**Hwy 9/River Park Drive CDOT Average Daily Total Traffic Counts (NB & SB)**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2022	Not Available			6692	6947	9358	11132	10272	9763	7034	7525	

**Hwy 9/Blue River Town Hall, Average Daily Total Traffic Counts (Northbound Traffic Only)**

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>
2022	3055	<b>3151</b>	<b>3068</b>	2336	2290	3091	3728	3310	3241	2674	2400	
2021	<b>3063</b>	2942	2678	<b>2447</b>	<b>2548</b>	<b>3549</b>	<b>4232</b>	3554	3427	2777	2540	2834
2020	<i>Data Missing</i>						4169	<b>3901</b>	<b>3855</b>	<b>3078</b>	2522	3107
2019	2936	2300	<i>N/A</i>	2210	2327	3213	4040	3773	3427	<i>Data Missing</i>		
2018	2966	2561	2995	2259	2389	3308	3961	3563	3366	2494	<b>2605</b>	<b>3131</b>
2017	2547	2650	2842	2219	<i>N/A</i>	3138	3816	3439	3145	2254	2420	2902



# Memo

**To:** Town Council  
**From:** Jessie Burley, Sustainability + Parking Manager  
**Date:** 1/3/2023  
**Subject:** Sustainability Update

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**PAYT** –Staff met with HC3 and Timberline on December 1 to review the ordinance and administrative rules and regulations. They anticipate having service and pricing available for the public by February 1, 2023. Breckenridge customers will tentatively be able to select new service offerings in April/May. Timberline did not want to pursue a “bulk exchange” container program but discussed other options to help roll out the deployment of mandatory recycling containers and any changes in trash container sizes. Staff also discussed the need to have all communications in Spanish and will work with HC3 on targeted neighborhood outreach as more information is available from haulers. Meetings with Timberline will take place monthly until full deployment.

Staff has also met with the government affairs representative from WM and has sent the ordinance and administrative rules and regulations to the other haulers who have BOLT licenses in town. Those haulers have not responded with questions or comments. Staff has a meeting with WM regional ops and government affairs scheduled for January 12 as well as a meeting with Timberline on the same day.

**Sustainable Materials Management Coordinator** – The job posting for the [SMMC](#) is live and we are taking applications. This person will be responsible for overseeing the material management and administration of the shared dumpster enclosures, meeting our waste/recycling goals, and implementing PAYT/URO.

## EV Charging –

- Golf Course/Nordic Center: All underground work has been completed, but Sturgeon Electric is waiting on electrical components (meter housing, disconnects, panels) that have a delayed delivery until March 1.
- Breck PD: There were some issues with the manufacturer not being able to deliver the DCFC unit we’d spec’d for the original project design. Staff is now looking to re-tool the project from a DC fast charger to a couple fleet-only high-power (19kW+, 80-amp) L2 chargers. The high-power L2 chargers would provide charging speeds 2-3x that of our current L2 chargers, and at a lower operating cost than a DC fast charger.
- South Branch Library: The Town applied as a site host for Xcel to own and install two public DCFC units in the south parking lot of the BGVCC.

**SustainableBreck Plan** – The SustainableBreck Plan’s online dashboard is live and available to the public. You can visit at <https://plan.sustainablebreck.com/> . Staff has also worked to translate the Plan into Spanish which is now complete. The next step is creating a fully designed Spanish document. We are also working to get a Spanish translation toggle feature on the SustainableBreck website.

**Mayor’s Challenge** – There were 22 alternative commute entries during the first [Mayor’s Challenge](#) December prize week. Five lucky winners were randomly selected to receive \$50 gift cards to various local restaurants/businesses. The winners were announced over the Town’s social media channels on 12/19.

In between prize weeks, Town of Breck's Mobility Staff will also be providing additional on-the-spot rewards to people they see using alternative transportation to get around. The remaining Mayors Challenge prize-weeks scheduled for this season are:

- *Jan 9-15, 2023*
- *Feb 13-19, 2023*
- *Mar 13-19, 2023*

**Energy Goals** – The SustainableBreck Plan establishes a target to enforce an electric first replacement policy of municipal gas-powered landscaping/snow equipment. A recent report released by CoPIRG in November titled "[Small Machines, Big Pollution](#)" illustrates the hazards of gas-powered equipment on human health and the environment. A more recent [article in the Colorado Sun demonstrates the feasibility of making the switch to all-electric](#). In 2022, the Town of Breckenridge Parks division began the transition by testing an electric chainsaw and pole-saw which yielded great results. For 2023, there will be an additional electric backpack blower, handheld blower, push mower and string trimmer. Staff is working to compile an inventory and accelerate the replacement of gas-powered equipment.

This memo was provided as an update to Council and no action is requested.

# HOUSING COMMITTEE MEETING MINUTES

12/13/2022  
10:30 – Noon

# AGENDA

- Monthly Housing Report Card – progress on 5-year plan YEAR END REVIEW AT JANUARY MTG
- Current Buy Down Review
- Stables Village Preview / Discussion
- Warriors Mark – Block 60 Affordable Housing Public Private Partnership
- Establish Maximum Rental Rates for Housing Rules & Regulations (rental cap policy discussion with full units vs rooms in a house, FMR vs AMI – no higher than 100% AMI)
- Housing Helps Enhancements / Upgraded Deed Restriction
- Deed Restriction Exemption
- Block 11 Co-Housing Concept
- Other Items

**NOTE: Committee Comments / Minutes from the 12/13/2022 meeting are highlighted in a text box on pertinent slides. The Warriors Mark – Block 60 discussion was moved to January in interest of time.**

# 2022 BUY DOWN SALES

We purchased 16 properties in 2022 and sold 14. We temporarily pulled 2 properties off the market to use for emergency housing before Block 11 opens.

Buy Down Cost per Unit and Bedroom - 2022 Sales									
2022 Buy Down Sold	Purchase Date	Purchase Price	Sale Date	Sale Price	Beds	Bath	Cost of Buy Down	Cost per bedroom	Buy Down %
Now Colorado E2	1/19/2022	\$487,000	9/22/2022	\$400,211.57	2	1	-\$86,788.43	-\$43,394.22	-17.82%
Gold Camp I120	2/12/2020	\$475,000	2/8/2022	\$440,921.64	2	1	-\$34,078.36	-\$17,039.18	-7.17%
Gold Camp E90	9/8/2021	\$650,000	1/14/2022	\$463,208.57	2	1	-\$186,791.43	-\$93,395.72	-28.74%
High Tor #8	8/31/2021	\$612,500	1/19/2022	\$439,487.40	3	2	-\$173,012.60	-\$57,670.87	-28.25%
Highland Green 213	3/30/2022	\$587,000	9/13/2022	\$399,939.55	1	1	-\$187,060.45	-\$187,060.45	-31.87%
Peak 8 Village B6	10/21/2021	\$658,500	1/7/2022	\$463,664.97	2	1	-\$194,835.03	-\$97,417.52	-29.59%
145 Bucyrus	3/30/2021	\$675,000	8/4/2022	\$584,988.64	3	2	-\$90,011.36	-\$30,003.79	-13.34%
Hideaway #1	5/2/2022	\$700,000	9/29/2022	\$488,289.17	2	2	-\$211,710.83	-\$105,855.42	-30.24%
Edelweiss #4	1/14/2022	\$365,000	6/3/2022	\$233,355.56	1	1	-\$131,644.44	-\$131,644.44	-36.07%
671 Fairview	7/29/2022	\$1,325,000	8/24/2022	\$909,590.50	3	3	-\$415,409.50	-\$138,469.83	-31.35%
Kenington 227	4/25/2022	\$850,000	12/6/2022	\$571,032.05	2	2.5	-\$278,968	-\$139,484	-32.82%
Kenington 261	7/7/2022	\$834,000	12/5/2022	\$538,944.25	2	2	-\$295,056	-\$147,528	-35.38%
66 Reiling	8/31/2022	\$885,000	11/15/2022	\$638,952.59	3	2	-\$246,047.41	-\$82,015.80	-27.80%
841 Fairview	10/1/2021	\$1,125,000	12/2/2022	\$860,413.83	4	4	-\$264,586.17	-\$66,146.54	-23.52%
		<b>\$10,229,000</b>		<b>\$7,433,000.29</b>	32		<b>-\$2,795,999.71</b>	<b>-\$87,374.99</b>	<b>-26.71%</b>



# 2023 BUY DOWN PROJECTION

We currently have 7 properties for sale through the Buy Down program including 2 that are under contract and due to close in January. 2023 Projected Sales for Buy Down properties. Projected sale prices are not finalized.

<b>BOLD = under contract</b>								
<b>BLUE = expensed asset</b>								
<b>2023 Projected Sales</b>	<b>Purchase Date</b>	<b>Purchase Price</b>	<b>Projected Date</b>	<b>Projected Price</b>	<b>Beds</b>	<b>Bath</b>	<b>Total Cost of Buy Down</b>	<b>Cost per bedroom</b>
<b>High Tor #9*</b>	6/3/2022	\$725,000	1/9/2023	\$450,000	2	2	-\$275,000	-\$137,500
<b>58 Magnum Bonum*</b>	10/3/2022	\$820,000	1/10/2023	\$560,000	3	2	-\$260,000	-\$86,667
Highland Greens 309*	3/30/2022	\$400,000	2023	\$420,000	1	1	\$20,000	\$20,000
<b>Grandview B10</b>	10/4/1991	\$0	2023	\$445,000	1	1	\$445,000	\$445,000
Grandview B9*	3/31/2022	\$636,000	2023	\$410,000	1	1	-\$226,000	-\$226,000
Tannhauser II, Unit 10*	4/25/2022	\$650,000	2023	\$396,500	1	1	-\$253,500	-\$253,500
Wildflower A110*	5/5/2022	\$550,000	2023	\$370,000	1	1	-\$180,000	-\$180,000
Blazing Saddles*	5/13/2022	\$519,000	2023	\$363,300	1	1	-\$155,700	-\$155,700
Grandview C3	4/22/2022	\$810,000	2023	\$555,000	2	2	-\$255,000	-\$127,500
<b>Val d'Iserre 109</b>	4/9/2008	\$0	2023	\$300,000	1	1	\$300,000	\$300,000
Val d'Iserre 111	6/26/2019	\$335,000	2023	\$300,000	1	1	-\$35,000	-\$35,000
Val d'Iserre 207	4/23/2021	\$425,000	2023	\$350,000	1	1	-\$75,000	-\$75,000
<b>Val d'Iserre 308</b>	8/18/2008	\$0	2023	\$300,000	1	1	\$300,000	\$300,000
Sky Park 207	6/12/2021	\$420,000	2023	\$300,000	1	1	-\$120,000	-\$120,000
Highland Greens 205	3/27/2020	\$400,000	2023	\$420,000	1	1	\$20,000	\$20,000
Gold Camp C66	12/3/2021	\$650,000	2023	\$500,000	2	1	-\$150,000	-\$75,000
Peak 8 Village E42	10/18/2021	\$735,000	2023	\$550,000	2	1	-\$185,000	-\$92,500
<b>Ptarmigan 305</b>	4/22/2008	\$0	2023	\$300,000	1	1	\$300,000	\$300,000
Gold Camp A48	4/29/2022	\$815,000	2023	\$600,000	2	2	-\$215,000	-\$107,500
		\$8,890,000		\$7,889,800	26		-\$1,000,200	-\$38,469
* currently for sale								

**NOTE:** several of these are currently occupied by TOB staff that will move to Block 11 apartments when they are open. The cost per bedroom here is quite low given the properties that were purchased a long time ago and fully expensed.

# STABLES VILLAGE PREVIEW — 5 PAGES



**NOTE:** the Committee previewed the updates to Stables Village that will be presented at the Town Council meeting. The Committee reviewed AMI prices, unit size, garage set up, square footage and comparison to the adjacent neighborhoods. Messaging, availability, marketing, equity and opportunity were all discussed as well. The Committee would like to have a say in the realtor group that is chosen to sell Stables Village. We want the owners of this property to reflect the workforce in our community. Melanie recommended we keep the approved subsidy and continue to apply for grants that could be used to buy down AMI rates more on some of the units to get a higher diversity of prices. The Committee considered looking at a priority for first time buyers and having the Committee review the deed restriction parameters including resale requirements.

**LEGEND | LAND USE**

5 SINGLE FAMILY HOMES  
 40 DUPLEX HOMES  
 18 TOWNHOMES  
 63 UNITS TOTAL

- ① PAVED TRAIL
- ② NEIGHBORHOOD GREEN
- ③ ADDITIONAL PARKING
- ④ BUS STOP
- HILLSIDE DUPLEX (2 BED)
- HILLSIDE DUPLEX (3 BED)
- TOWNHOME (2 BED)
- TOWNHOME (3 BED)
- SINGLE-FAMILY (4 BED)



STABLES VILLAGE | UPDATED CONCEPT PLAN  
 DECEMBER 2022





STABLES VILLAGE  
EXTERIOR RENDERINGS

SCALE: N/A  
DATE: 6 DECEMBER 2022

EXT  
A61



STABLES VILLAGE  
EXTERIOR RENDERINGS

SCALE: N/A  
DATE: 6 DECEMBER 2022

EXT  
A6.2



STABLES VILLAGE  
EXTERIOR RENDERINGS

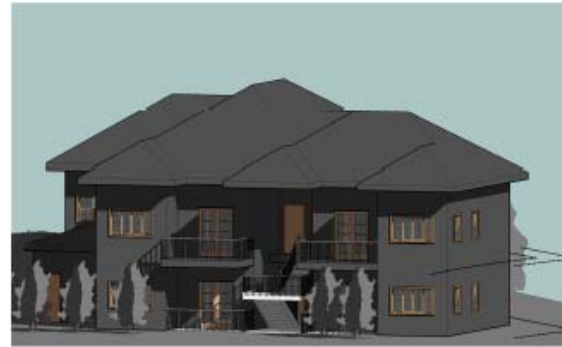
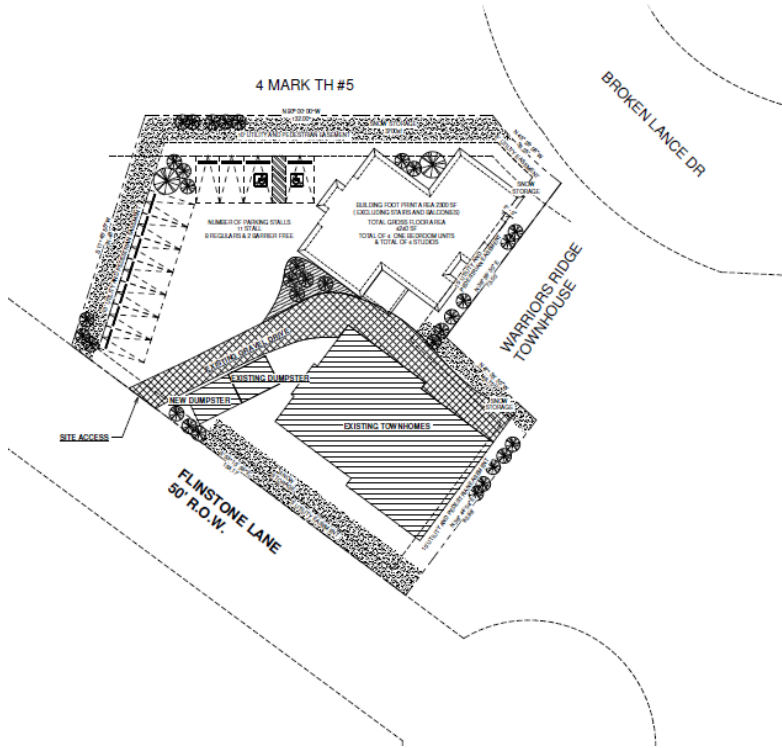
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DATE: 6 DECEMBER 2022

EXT  
A63

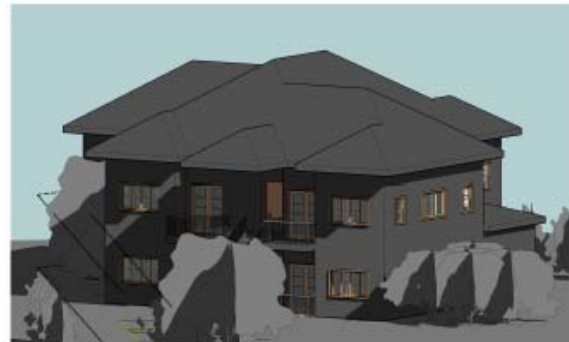
# WARRIORS MARK — BLOCK 60 PROJECT

## SITE ANALYSIS PROPOSAL 02

LOT 1, 2, 3, 4 UNIT 4 BLOCK 60 TOWNHOUSES A  
RESUB L 60 WARRIORS MARK TWNHS 5



1 TRUE NORTHEAST VIEW  
Scale



2 TRUE SOUTHWEST VIEW  
Scale

PROJECT INFORMATION			
MUNICIPAL ADDRESS	170 27 250, 128 FLINSTONE LN		
LEGAL ADDRESS	LOT 1, 2, 3, 4 UNIT 4 BLOCK 60 TOWNHOUSES A RESUB L 60 WARRIORS MARK TWNHS 5		
JURISDICTION	BROCKMEAD		
OWNER	SALHERICK		
USE	RESIDENCE	EXISTING	PROPOSED
TOWN	RESIDENCE	EXISTING	PROPOSED
LANDUSE	SINGLE RESIDENTIAL		
CLASS & DEVELOPMENT	SINGLE RESIDENTIAL		
SITE AREA	21700 SF		21700.0 SF
NON CONSERVATION AREA			0 SF
OUTSIDE OF SERVICE AREA			
TRANSITION OF SERVICE	R-1-17-12		
SEWER	R-1-19-5A	1 Lot = 1,000	
(WRS) 4 + 2 (TR)	R-1-19-4A	Warrior's Mark	
SUBROCK AREA	R-1-19-4A	1,200	
FLOOR AREA (MAX) (FPA)		4100	
MAX ABOVEGROUND SF		700	
LOT COVERAGE	R-1-19-5A	30' to the highest point of any wall	
MAX BUILDING HT.	R-1-19-5A		
SETBACK	R-1-19-5A		
FRONT YSPD	0'		
SIDE YARD	0'		
REAR YARD	0'		
PARKING			
4 DUPLEX	1.5 PER UNIT	6.0 Stalls	6,000 Stalls
4 DUPLEX	1.0 PER UNIT	4.0 Stalls	4,000 Stalls
BUILDING FOOT PRINT AREA		790 SF	2,862.8 SF
EXISTING	2.00	2.5 Story	2.5 Story
GRASS FLOOR AREA		790 SF	4,343.3 SF
FLOOR AREA RATIO		700	
SOFT SURFACED AT STREET		0'	0'
SETBACK		0'	0'
SOFT SURFACED AT SPECIAL DISTRICT SETBACK		0'	0'
WASTE & RECYCLING	R-1-19-10B	790 SF	214.0 SF
BIOW STORAGE		6,000.0 SF	2,760.0 SF

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- A0-B Site Plan
- A1 First Floor Plan
- A2 Second Floor Plan
- A5 Roof Plan
- A6 Elevations
- A7 Elevations
- A8 Building Sections

# MAX RENTAL RATES FOR HOUSING RULES & REGULATIONS

The Housing Rules and Regulations are now codified; therefore, we need to establish rental rates and requirements to be added. The Rules & Regulations currently state:

“The Town will establish a maximum rental rate of each rental unit based on factors including the market conditions, the type of development and/or the AMI targets.” Staff believes this can be applied to all deed restricted units that reference the guidelines.

Staff recommends stating that the maximum rental rates can not exceed 100% AMI for that unit size, but if a property already has an affordability under 100%AMI, the maximum rental rate would be that exact AMI (for example, a property that is restricted to 80%AMI would only allow rents up to 80%AMI from the current year). The maximum rental rate for a full unit would be set at 100%AMI, so for 2022 that is \$1,832 for a studio, \$1,963 for a 1-bedroom, \$2,357 for a 2-bedroom and \$2,722 for a 3-bedroom. Please note, the rates include electric, gas, sewer, trash and snow removal.

Room Rental. Historically, we have had the following:

1. At the 12/20/2017 Housing Committee meeting, it was supported to cap room rentals at the studio 60% AMI rate as this was the highest demand range for rentals with a minimum lease of 90-days. Current studio 60% AMI rate is \$1,099.
2. Town Council Worksession on 1/9/2018 stated the room rental rate would be calculated by taking half the 2-bedroom, 60%AMI rental rate. The 2022 60%AMI, 2-bedroom rental rate is \$1,414, therefore the room rate would be \$707.

Staff support option 1 for individual room rentals.

**NOTE: The Committee agrees with staff and Option 1 for room rental along with the recommendation to have a max rental rate at 100% AMI for the full property unless the deed restriction states a lower amount.**



# HOUSING HELPS ENHANCEMENT / UPGRADED DEED RESTRICTION

The Housing Division has been posed with the question of upgrading a deed restriction for a property that has already used Housing Helps funds. Housing Helps started as a 15% incentive grant to deed restrict a property that was a market rate property. We now have two tiers with the program going up to 30%. A homeowner that purchased a property with Housing Helps in the beginning of the program has requested the next tier with a full deed restriction.

1. Is the Committee supportive of increasing the deed restriction with additional funds?
2. What would the Committee support for the amount / percentage if the homeowner could upgrade their deed restriction?
3. If going to a 30% grant amount (with removing the amount already paid) what would be the new starting price for the appreciation cap?

example – a homeowner used 15% Housing Helps to buy a \$500,000 condo in 2019, so the HH funds totaled \$75,000. The homeowner now can look at an additional 15% to move to a full deed restriction with an appreciation cap.



**NOTE: The Committee would like the property to have an appraisal with the current deed restriction prior to considering more funds and an appreciation-capped deed restriction. This would be a case-by-case situation. The Committee requests staff to run actual examples to consider this for the future.**

“We are so very grateful for the programs the town provides us. Without the housing helps deed restriction money we would not be able to make this purchase. You all deserve so much credit for helping us turn a dream in to reality! We are thankful beyond words!” - A Housing Helps participant

# DEED RESTRICTION EXEMPTION

A homeowner in Gibson Heights was granted a 5-year exception to the 1-year rental rule due to military service outside of Colorado. The Housing Division would like this to be reviewed by the Committee as we have received notices from concerned neighbors.

**NOTE: staff reviewed this exception with the Committee and had already requested updated information from the homeowner and verified everything to still be accurate and the homeowner provided all details requested. The Committee is in favor of continuing this exception to the rental rule but would not recommend any extension to this.**

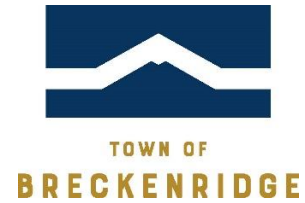
# BLOCK 11 CO-HOUSING CONCEPT

This is a proposal sent to the Housing Division to consider for a partnership. The presentation will be available at the Committee Meeting. See full proposal in PDF format.



**NOTE:** The Committee appreciates the concept being presented to the Town but does not feel it is the right project type for Breckenridge as the proposed property is Block 11 remaining land and is a dorm-style space. Staff will continue to show the Committee the types of projects coming into the office to understand what is being proposed. This particular project would be best for the private sector.

# OTHER ITEMS



# Memo

**To:** Breckenridge Town Council Members  
**From:** Rick Holman, Town Manager  
**Date:** 12/8/2022  
**Subject:** Committee Reports

- Breckenridge Social Equity Advisory Commission Minutes Attached
- Summit Stage Advisory Board Minutes Attached

Committees*	Representative	Report Status
Summit Stage Advisory Board	Matt Hulsey	Included
Police Advisory Committee	Chief Jim Baird	No Meeting/Report
Recreation Advisory Committee	Scott Reid	No Meeting/Report
Transit and Parking Advisory Committee	Matt Hulsey	No Meeting/Report
Liquor and Marijuana Licensing Authority	Tara Olson	No Meeting/Report
Breckenridge Social Equity Advisory Commission	Shannon Haynes	Included
Communications	Brooke Attebery	No Meeting/Report

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



TOWN OF  
**BRECKENRIDGE**

**Breckenridge Social Equity Advisory Commission**

November 21, 2022 **7:30am**

*Striving for racial and social equity for all by removing barriers and  
facilitating opportunities to thrive*

**I. Required Meeting Items (7:30-7:35)**

a. *Call to Order, Roll Call*

*Present: Andrew Brottman, Jordan Burns, Tahja Grier, Carol Saade, Silvia Vicuna, Joyce De La Torre, Laurie Moroco. Absent: Jason Smith*

b. *Discussion/Approval of Agenda – No changes*

c. *Discussion/Approval of the Minutes – Motion Carol Saade, Second Jordan Burns, Approved*

**II. Public Comment (Non-Agenda Items) (7:35-7:40)**

*Staff did a verbal introduction of Mack Russo, the Town's new Outreach & Engagement Liaison. Mack will start with the Town on Monday, November 28.*

**III. Sub-committee Updates (7:40-8:00)**

a. *Celebrating Diversity*

*Presentation of Black History Month Banner design*

*Commission recommends a local proclamation making February 1<sup>st</sup> Barney Ford Day Commission discussed the proposed banners to include colors, "Little Toughie" banner, and DEI banner.*

- *Though colors (black, red, yellow, green) are not known in American art, they are represented in African American culture, in cloth & garments, as well as in the celebration of Kwanza. They may not be well known because African American artists have not been widely celebrated. Reference by African American commissioners as "our" colors.*
- *Colors are represented in traditional African materials, garments, and cloth.*
- *Utilizing traditional colors provides an opportunity to education the community during Black History Month, including the symbolism and meaning.*
- *Commission recommends the banners with a few minor changes: Remove the DEI banner and replace with "Black History Month banner), remove banner with "Lil Tuffy" and include Barney Ford Day dates (if Council is agreeable to proclamation).*

*Reminder on Pride Event planning meeting – December 7 at 10am, virtual – Andrew, Tahja and Jordan will participate.*

b. *Community Education – Meeting December 1 at 10:30am*

c. *Influence & Outreach – Meeting November 28 at 8:15am (remote)*

d. *Communication Strategy – Carol will reach to Jason Smith to coordinate a meeting*

e. *Immigration & Advocacy – Update from Carol Saade & Silvia Vicuna*

f. *Civic Engagement – Meeting December 9 at 10:30am*

**IV. CycleEffect (8:00-8:20)**

*Isidra "Isi" Luna, Summit County Manager of the CycleEffect, provided an overview of their mission and programming.*

*Commission recommendations on considerations for improved outreach:*

- *Connect Isi with Bill Wishowski*
- *Advertising with the Breck Freeride, at the transit center (currently advertising with the Summit Stage)*
- *Try to connect with Breckenridge Elementary & Upper Blue Elementary (currently working with Dillon and Summit Cove elementary schools)*
  - *Upper Blue Elementary School is starting a program called Connections for the Hispanic population. Consider reaching out to the school.*
- *Consider reaching out to the coordinators of VNTRbirds (Kelley Wren & Leanne Wren) – Encouraging women through outdoor education & adventure.*
- *Need for bike donations and coaches*
  - *Do not have enough bikes for all participants – Possibility to set up a bike rental, bike share*
  - *Consider posting flyers at CMC*
- *Bike Mechanic class at HS*
  - *Make connection with instructor; encourage more girls to take the class*
  - *Bikes are fixed and mailed to another country; see if they would be willing to keep the bikes in the community*
- *Question: What would they like to change with trail signage? Would like to see more trail guides/maps*

**V. Equity Lens Discussion (8:20-8:50)**

*Postponed until December meeting*

**VI. Staff Summary & Upcoming Council Items (8:50-8:55)**

*BTO is planning to translate/convert their material to Spanish and would like to ensure the material is culturally relevant, appropriate & meaningful. Does the Commission have any recommendations?*

*Commission Recommendations:*

- *Consider what material is intended to be translated, what is the goal/target?*
- *Simple material is easiest; focus on the most important items (e.g., directions)*
- *Translation versus Interpretation*
  - *Culture and language are different depending on the background of the Spanish speaker (e.g., Northern Mexico versus Southern Mexico versus Ecuador)*

*170 coalition is applying for a grant and planning to propose video instructions for the use of the COtrip application. What suggestions does the Commission have for reaching marginalized populations?*

*Commission Recommendations:*

- *Most important, ensure the app is working effectively; that it's user friendly*
  - *Feedback – It's hard to use and has too much information*
  - *Very important otherwise people will use Maps, Waze, etc.*
- *Have videos in English & Spanish*
- *Post on social – Instagram, Tiktok, etc.*
- *Have flyers with a QR code to get to videos*
  - *Distribute to hotels, restaurants, etc.*
  - *Service workers are often unaware*
- *Get hotels to play video on in room channels*
- *In addition to video, produce radio segments in English & Spanish using a local voice*

- *Have dispatch center include reference to COtrip when sending out road alerts*

*The Commission discussed their 2023 meeting schedule. They will discuss again in January 2023.*

**VII. Other Matters (8:55-9:00)**

*No other matters*

**VIII. Adjournment – Motion Andrew Brottman, Second Jordan Burns**

**Notes:**

**Upcoming Agenda Topics**

*Update from BCA and Breck History (January/February)*

*Discussion with Summit County Library (January/February)*

*Discussion with TOB HR Director regarding job opportunity outreach (January/February)*

DRAFT



**Summit Stage**  
**December 7, 2022**  
**Transit Board Meeting**

**Microtransit:**

- A discussion around the feasibility of microtransit as a complement to the robust fixed route transit services already provided throughout the county was well supported by the board
- Takeaway on study – Stage staff will work to apply for the TDM Innovation Grant to partially fund a study to understand microtransit in Summit County. The grant is for up to \$50k, with a 20%+ match. Staff believes the study would be close to \$100k to complete
- Frisco Town Manager felt that other town managers would be supportive and willing to fund the additional for the study. There was also mention of \$25m in Stage reserve funds that could be tapped

**Operations:**

- Have 45 full time drivers. Need 8 more to achieve half hour service
- Beginning Dec 18<sup>th</sup>, stage will use new drivers as “trriage buses” to help with overloads during busy holiday time. This means if a bus is full and passes a stop, another bus should arrive shortly thereafter to transport additional passengers
- Mid to late January looking to add additional half-hourly service at peak times of day for busiest routes. Most likely 6am-1pm

**Ridership:**

- Total October 2022 fixed-route ridership was 91,757. A 9.5% increase from October 2021
- October 2022 ridership is down 6.9% compared to pre-Covid October 2019
- Ridership changes by Route October 2019 pre-Covid vs. October 2022:
- 

<b>Route</b>	<b>% Difference (Gain / Loss)</b>
Breckenridge - Frisco	-26.2%
Frisco - Silverthorne	+11%
Copper - Frisco	-18.1%
Keystone/Dillon/Silverthorne	+9.5%
Swan Mountain Express	+87.5%
Boreas Pass Loop	-48.8%
Free Ride Purple Contract	+2.7%
Silverthorne Loop	-20.5%
Wilderness Loop	-5.8%
Blue River Commuter	-23.2%
Lake County Commuter	-24.2%
Park County Commuter	+132.7%

**Tax Receipts:**

- Nov 30, 2022 - YTD receipts of \$14,285,789
- After expenses, fund balance of \$25,092,927



# Memo

To: Breckenridge Town Council Members  
From: Jon Dorr, Assistant Director of Recreation/Programs  
Date: 1/4/2023  
Subject: Breckenridge Events Committee

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The Breckenridge Events Committee met on Wednesday, January 4, 2022. Below you will find the meeting minutes and a link to the SEPA calendar. Preparation details pertaining to the International Snow Sculpture Championship were shared and there are no issues to report. In addition, positive past reviews were shared about the Ullr Fest parade and bonfire. There are no additional items of note.

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**Minutes**  
**Breckenridge Events Committee**  
**Wednesday, Jan 4, 2023**  
***Right event, right time, right result***

Attending: Michele Chapdelaine, Maddie Schilling, Kelly Owens, Jon Dorr, Lucy Kay, Dave Feller, Chase Banachowski, Andy Banas, Nathan Nosari, Neal Kerr, Steve Moos, Carrie Benefiel  
Guests: Sarah Wetmore, Majai Bailey, Ashley Zimmerman, Tara Dew, Lauren Swanson, Nick Wilson,

- I. **Michelle called the meeting to order at 9:03am**
  - a Committee Member Roll Call
  - b A motion was made to approve the Dec 7, 2022, meeting minutes as submitted.  
M/S/P
  
- II. **Upcoming Events**
  - a 1.16-2.2.23 International Snow Sculpture Championship (ISSC)
    - Twelve carving teams. Tech week Jan 16-22, Carving Jan 23-27, Viewing 27-Feb 1st. Planning for timed ticket entry on Saturday again. BTO met with Parking and Transit Dec 15. Meeting again Jan 6 to finalize parking logistics for displaced permit holders.
  
- III. **Pending SEPA** - No pending permits to discuss at this time.
  
- IV. **General Updates and Discussions**
  - a Strategic Discussion –goals for the community relative to events. - *standing item*
    - Committee laid the groundwork for Event Strategic Matrix Discussion in Feb - Goal to review existing events calendar in terms of balance across strategic goals.
      - Discussion around implementing a formalized post review process looking at how an event delivered against intended strategic goal.
  - b Update from Sustainability Sub-Group – *Jon Dorr*

- Sustainability Group met with Virginia Hammock, owner of Minimal Impact, specializing in Green Event Coordination.
    - 86% of music event patrons are looking for green practices at events.
    - Hammock emphasized the importance of ability to incentivize and enforce sustainability standards with event organizers. Examples of destinations doing this well; Steamboat, Buena Vista
    - 90% of Hammock’s time as a sustainability coordinator goes toward vendor education.
  - Key Takeaways:
    - Discussion around banning single use plastics at events and providing re-fillable water stations.
      - a. Water Station discussion – need to invest as a town and brand. Kelly to follow up with Town Council.
    - Look at developing a sustainability agreement for all vendors with a financial incentive.
- c Update Pride/DEI Event, June 2023
- Still very much in the planning/discussion stage. Likely that BCA will take the lead to produce a scaled down locally focused Pride event. Tentatively targeted for June 9-10.

**V. Review Past Events**

- a 12.8-11.22 Ullr Fest
- Broke shot ski record with 1350 participants. Bill & Stephanie Tinker elected as the 2022 Ullr King and Queen. 22 registered parade floats. Hosted bonfire in the Sawmill lot for second time. 67% diversion rate. The Ullr Ice Skating party saw a strong attendance. No complaints from Breck PD.
    - The Committee discussed why event was no longer in Jan. Decision to move event to Dec was not solely to fill Dew Tour, but rather in consideration of avoiding undue strain on public works (*Jan Ullr fell on the back of the Christmas holiday, mid-month MLK weekend, and leading up to two weeks of Snow Sculpture*).

**VI. Review Agenda Items for next BEC Meeting – Feb 1, 2023 (add a concept for a new event that was brought forward by Mike Shipley that owns the country boy mine. “mining games” geared towards locals.**

- a Event Strategic Matrix
- Review event strategic matrix to ensure we are keeping a high-level strategic focus with events. Examine pillars individual events fall under and assess how they performed against the strategy.
    - Discuss creating an overall rating for matrix and formalize post evaluation against the strategies.
    - Sarah will send out matrix ahead of meeting so that producers may prepare for Feb discussion.
  - Review findings from the Town’s capacity analysis project on trends from the last few years and plans for tracking going forward. - Shannon
- b Future Strategic Discussion Topics for 2023
- Continued Strategic Matrix Discussion – What is the true number of events in our community?
  - Continued sustainability discussion.
  - Impending recession and economic downturn.
  - DEI – looking for more authentic inclusion of DEI with events.
- c Review concept for new event – produced by Country Boy Mine, “Mining Games” – geared toward locals. Potential filler for Kingdom Days, kick off to summer.
- d The committee discussed meeting in person on a quarterly basis. Sarah will work with Michelle on logistics.**

VII. Meeting adjourned at 9:48am.

**LINK TO SEPA CALENDAR**

<https://calendar.google.com/calendar/u/0?cid=cmN0NTI3bnUwZ2dpZjE2azRyY2ttaGF2cW9AZ3JvdXAuY2FsZW5kYXluZ29vZ2xlLmNvbQ>



# Memo

To: Breckenridge Town Council

From: Jessie Burley, Sustainability and Parking Manager  
Mark Truckey, Community Development Director

Date: 1/4/2023

Subject: Renewable Energy Mitigation Program (REMP) Work Session

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**Purpose:**

The purpose of this work session is to review the Renewable Energy Mitigation Program (REMP) proposal and update Council on the roundtables that took place in March 2022. Staff is seeking direction from Council to bring back an ordinance establishing REMP. Previous staff memos and background can be found here.

[July 13, 2021 – Town Council Work Session](#)  
[January 25, 2022 – Town Council Work Session](#)

**Background:**

Adopted in 2019 by the Town of Breckenridge, Summit County Government, and the Towns of Frisco, Silverthorne, Dillon, and Blue River, the [Summit Community Climate Action Plan](#) (CAP) outlines a series of strategies and recommendations to achieve 80% greenhouse gas (GHG) reductions by 2050 across major sectors (commercial buildings, residential buildings, transportation, and waste). Those GHG reduction goals were further reinforced in the 2022 [SustainableBreck Plan](#) update after a robust public process and engagement. The 2020 emissions inventory shows energy use for buildings in Breckenridge accounts for 85% of our community's greenhouse gas emissions, primarily split between commercial (42%) and residential (42% up from 39% in 2017) energy use. The CAP and SustainableBreck plans further reinforced the Town's goals of achieving 100% renewable electricity across the community by 2035. Stretch targets include net zero all-electric new construction and decarbonization of heating sources.

As one of the first strategies to address building sector energy use, the Town adopted an updated Sustainable Building Code. During the 24+ month stakeholder process for the Sustainable Building Code, one of the overwhelming comments from the group was "what do we do to reduce excessive outdoor energy use?"

The Town regulates energy standards indoors, but codes are limited in addressing outdoor efficiency. The Town's Development Code currently provides a disincentive for outdoor energy use in Policy 33R *Energy Conservation* by assigning negative points for excessive energy features such as snowmelt, fire pits, heated pools, spas, and water features. The negative points incurred in Policy 33R do not have to be offset directly with energy mitigation measures but rather can be offset by positive points elsewhere in the Development Code (i.e. landscaping, workforce housing, etc.). The desire with this proposal would be to create a direct correlation for the negative impacts of outdoor energy use and programs that would enhance renewable energy and electrification in Town. This would require mitigation to be removed from the Development Code and placed into the Building Code.

To further the need to address outdoor energy use today, there is a potential lack of natural gas supply and infrastructure for future uses. In 2021, the Town’s utility provider, Xcel Energy, notified Staff that natural gas infrastructure to the area is nearly tapped out. More recently, gas demand required Xcel to install temporary LNG tanks on Coyne Valley Rd. should they need additional pressure in the system during a severe cold weather event this winter. New projects that drive additional natural gas use will require expensive and time-consuming upgrades to the system, paid for by ratepayers. Once that infrastructure is in, it will operate for decades, emitting GHGs, before costs are recovered. Xcel has developed demand side management programs to reduce gas usage, but they are relying on local governments as customers and regulators to lead on decarbonization programs and beneficial electrification.

**Public Outreach:**

The outdoor energy subgroup of the Sustainable Building Code stakeholders met from 2020-2022 to develop recommendations for the program. Stakeholders included representatives from the following organizations:

- |                                  |                                |
|----------------------------------|--------------------------------|
| Resource Engineering Group       | Stais Architecture & Interiors |
| Vail Resorts                     | Deeper Green Consulting        |
| Sensible Services                | Summit County Government       |
| High Country Conservation Center | Arapahoe Basin                 |
| Norris Design                    | Town of Dillon                 |
| Town of Frisco                   | Active Energies Solar          |
| Copper Mountain                  | Pinnacle Mountain Homes        |
| Town of Silverthorne             | Breckenridge Grand Vacations   |

The timetable shows the dates and number of meetings held by that group.



Following the September 2021 meeting, a high-level [pre-recorded video](#) presented stakeholder recommendations to public for the first time. Staff invited the public to submit comments on the information presented in the video December 13<sup>th</sup>, 2021 through January 15<sup>th</sup>, 2022 via [www.sustainablebreck.com](http://www.sustainablebreck.com), [www.townofbreckenridge.com](http://www.townofbreckenridge.com), and the Town’s You Tube Channel in both English and Spanish. To date, the video has been viewed 315 times. In addition, Staff held a virtual Open House on January 20<sup>th</sup>. [The Summit Daily also ran an article about the public comment period on January 1, 2022.](#)

During the Council work session on January 25, 2022, Staff was directed to continue public outreach for more input. A roundtable series took place in March with three target audiences. 1) Designers and architects, 2) builders and contractors, and 3) Realtors. The most well attended was the roundtable for building professionals. All feedback was captured and incorporated into the draft language or is listed as a policy question for Council at the end of this memo.

**Proposed Program:**

The goals of the program are to:

1. Work toward achieving the GHG reduction goals outlined in the SustainableBreck Plan;
2. Create an economic price signal to reduce excessive outdoor energy use;
3. Mitigate outdoor energy use on-site with renewable energy;
4. Establish a payment-in-lieu program for outdoor energy use that cannot be mitigated; and
5. Leverage program dollars into beneficial community-wide decarbonization programs.

The stakeholder group recommends the following outdoor energy systems be considered in this program:

Residential	Commercial
Hot tubs and spas over 64 square feet	Hot tubs and spas
Pools	Pools

Snowmelt	Snowmelt
Natural gas fire pits + fireplaces (no offset, require timers only)	Natural gas fire pits + fireplaces (10% offset)
Heat trace/tape (no offset, require controls only)	Fixed radiant heaters (electric and gas)
Other piped/permeant natural gas appliances	Heat trace/tape (no offset, require controls only)
	Other piped/permeant natural gas appliances

Stakeholders also proposed a series of exemptions based on public safety, commercial emergency egress, and size of residential features. These exemptions are subject to Council's direction.

Residential recommended exemptions include:

- 100 square feet of snowmelt adjacent to the building;
- Single pre-packaged hot tub less than 64 square feet and ASTM rated cover (most residential hot tubs fall under this size); and
- Single natural gas fire pit with control timer. Additional pits subject to full offset.

Commercial recommended exemptions include:

- 100 square feet of snowmelt per designated emergency egress pathway identified on building plans;
- Fire stations, police stations, and emergency medical centers; and
- Additional considerations for judiciously used public safety egress and high pedestrian traffic areas needed for safety.

The recommendation from the stakeholder group is to offset 100% of the outdoor energy use and that energy is mitigated onsite. The one exception is for commercial natural gas fire pits and fireplaces proposed as a 10% offset.

Some public and stakeholder comments identified the difficulty of large commercial properties mitigating on-site due to the size of the renewable system required. Recognizing these limitations, Staff explored options for offsite mitigation. However, discussions with Xcel indicate that mitigating natural gas use with offsite solar programs is not currently permissible. Projects that cannot mitigate with renewable energy onsite would downsize outdoor systems or make the required payment in lieu.

The energy calculations used in this proposed program are based on estimates modeled by engineers from Resource Engineering Group, contractors, and building professionals in Pitkin County and City of Aspen over 20 years of program implementation and are considered conservative. To calculate the required renewable energy offset, the total square footage of the system (snowmelt, pool or spa) is multiplied by the energy used per square foot per year. That number is converted into kilowatt hours per year of electricity to determine the amount of solar PV needed to offset 100% of the energy used. If unable to install the full amount of renewable energy required, payments are then calculated based on the cost of installing solar PV under ideal circumstances.

The average cost of PV installed on an average roof is the number used as an offset cost. However, any qualified renewable energy system allowed by code is eligible and offsets are calculated accordingly. Special circumstances can be reviewed and approved by the Building Official to allow for flexibility. Systems that are considered more energy efficient (i.e. ground source heat pumps used for snowmelt) could be considered for reduced offsets and payment-in-lieu. The interactive REMP calculator would be posted to the Building Division webpage for reference if approved and the [draft can be found here](#).

The proposed program would be administered by the Building Division. If approved, modifications to the Building Codes, fee schedule, and Policy 33R in the Development Code will be amended to reflect the program requirements. Staff intends to review the proposed changes to Policy 33R with the Planning Commission at an upcoming meeting.

**Reinvestment:**

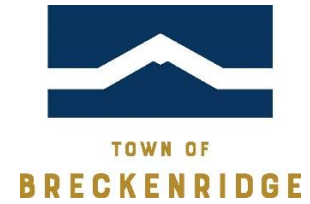
Evidence from mature programs in Aspen and the Roaring Fork Valley show every dollar of REMP funds invested in community projects is leveraged six times for additional energy, cost, and carbon savings in the

community. Nearly 6,500 residents, businesses, and public entities have participated in programs funded by REMP since its inception in 2010, yielding \$3.8M in annual utility bill savings. As Breckenridge pivots to a carbon free future, funding is necessary to help early adopters implement beneficial electrification and help those who are less fortunate take advantage of the health benefits and utility cost savings of significant energy efficiency and retrofit projects. Beneficiaries realize better indoor air quality, comfort, and savings.

***Staff is seeking Council's policy direction on the following questions:***

- 1. Does Council want to pursue an ordinance to establish REMP?*
- 2. Does Council agree with the 100% offset recommended by the stakeholder group? If not, what should the offset requirement be? For example, Carbondale requires 50% renewable energy system offset but a 100% payment-in-lieu.*
- 3. Should natural gas fire pit offset requirements apply only to commercial amenities or both commercial and residential? Does Council agree with the proposed 10% offset?*





# Memo

**To:** Town Council  
**From:** Jessie Burley, Sustainability + Parking Manager  
**Date:** 1/4/2023  
**Subject:** Plastics Pollution Discussion

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**Summary and Background:** While plastics have brought many benefits to society since their inception, certain plastics made for single use prioritize convenience without regard for their life cycle impact. Made from fossil fuel sources, single use plastic items such as bags, containers, and utensils cause negative effects at every stage of their life cycle, from production to disposal.

In 2013, the Breckenridge Town Council demonstrated great leadership through adoption of a single use bag fee on plastic and paper. In 2021, plastics were phased out entirely while paper, requiring a minimum of 40% recycled content, still incurred the 10 cent fee. The 2022 update to the SustainableBreck Plan set a target to reduce solid waste generation by 20% over 2017 baseline and increase landfill diversion by 40% by 2035. One of several strategies identified to achieve that goal is to phase out plastic beverage bottles by 2024. Other changes required to the Town's code include a 60-40% split of fee revenue between the Town and the retailer and the 40% retainage is not subject to taxable revenue.

The Colorado General Assembly passed the Colorado Plastic Pollution Reduction Act (HB 21-1162), which will, among other things, ban polystyrene for retail food establishments starting January 1, 2024. The bill also repeals the local pre-emption clause on July 1, 2024 that prohibited local governments from taking action to ban other plastic products. Council now has the option to stay ahead of, or even exceed state legislation through a variety of other policy options. This legislative change now provides an opportunity to examine other single use materials commonly provided to customers within the Town, and to decide if these should be added to the list of banned materials, showing exemplary leadership for other mountain towns and municipalities in Colorado.

**Analysis:** Many other local jurisdictions have implemented policies to reduce single-use items such as plastic water bottles, plastic utensils, and disposable to-go boxes. Please reference the following examples for details on each type of program/policy:

*Plastic water bottle bans*

[South Lake Tahoe, CA](#) – ban begins 4/22/23 with city facilities and special events, extends to sales citywide on 4/22/24.

[San Francisco, CA](#) – Ordinance amended in 2014, ban applies to sale or distribution of bottled water, 21 oz. or less, on all City property; bars use of City funds to purchase bottled water

*“Skip the Stuff” (packaged condiments/plastic utensils/straws available on request)*

[Denver, CO](#) – Single Use Accessory Restriction Ordinance went into effect January 2022, requires all retail food establishments provide single-use condiments and single use service wear only upon request by customer

[Truckee, CA](#) – pilot project to offer reusable to-go box option to customers through participating restaurants

*Comprehensive ordinances*

[Bellingham, WA](#) – local ordinance passed in 2021 requires durable reusables for on-site dining, bans most single-use plastic service wear and packaging for to-go orders, and prohibits lodging businesses from stocking rooms with travel sized toiletries

[Berkeley, CA](#) – local ordinance requiring reusables for on-site dining, color-coded recycling and compost bins, \$0.25 fee for disposable cups (compostable only), compostable to-go containers, and may only provide disposable accessory items on request (straws, napkins, utensils, etc.)

[Telluride, CO](#) – local ordinance passed in 2022 which bans plastic food containers, straws, water bottles, cutlery, and “miscellaneous plastic provisions.” Skip the stuff language includes condiments and napkins regardless of material.

**Carryout Bag Fee:**

Council last updated the disposable bag fee ordinance in 2020 at which time plastic bags were banned and minimum recycled content requirements were imposed on paper bags. The Council chose to keep the fee at 10 cents. In 2022, 605,251 paper bags were distributed, down from 674,322 paper bags in 2021 and 746,786 in 2020 during COVID. The high was 1,075,945 bags in 2019 when plastic was still available. The plastic ban helped drive down the number of carryout bags distributed in town while the fee has remained flat since 2013. Prior to the plastic ban, the number of bags disbursed had been steadily increasing from a low in 2014. The Town of Frisco implemented a bag fee of 25 cents in 2021. Carbondale, Aspen, Steamboat, and Fraser have 20 cent fees bag fees.

**Council Discussion:**

Staff will return to Council with an updated ordinance bringing our code into alignment with the basic requirements of HB21-1162. In addition, Staff is seeking input on the following:

1. Does council want to increase the bag fee for recycled paper carryout bags?
2. Does Council want to include a ban on plastic beverage containers effective July 1, 2024?
3. Does Council want to include language to “skip the stuff” which would require condiments and utensils upon request?
4. Does Council want to ban the sale of plastic water bottles at town facilities?
5. Does Council want to include any other plastic items at this time?

It is Staff’s recommendation to make necessary changes immediately to comply with state regulations and allow businesses to make necessary adjustments to purchasing and point of sale processes.



# Memo

To: Breckenridge Town Council Members  
From: Melanie Leas, Housing Project Manager  
Laurie Best, Housing Manager  
Date: 1/4/2023 (For January 10, 2023 Worksession)  
Subject: Workforce Housing Development (Stillson Property and Block 11)

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The purpose of this memo is to provide Council with an overview of two properties that are owned by the Town and have been identified as potential sites of 'for sale' workforce housing. This includes the Stillson property, approximately 38 acres, which has been discussed recently and the Block 11 property which was initially master planned for housing in 2006. The recent housing development by the Town has focused on rental units and over 350 apartments are currently under construction or in the planning phase. With those rentals underway, staff is recommending that the next workforce housing development focus on affordable 'for sale' housing specifically to target the 'missing middle' with Area Median Incomes (AMIs) from 80 to 140%. The goal of this memo and discussion on January 10<sup>th</sup> is to review these two sites because they are the Town's best opportunity for any significant workforce housing development. The goal is to determine the next steps, the sequence, and the Council's vision for each of these properties.

## **Block 11 Property**

The Town and the Summit School district acquired this 75 acre parcel in 2002. The property is commonly referred to as Block 11 of the Airport Subdivision and is a long linear parcel off of Airport Road that runs adjacent to the Blue River corridor from Coyne Valley to Valley Brook Street. Over the last 21 years the property has been developed incrementally, starting with Upper Blue Elementary school, the police station, Colorado Mountain College, Timberline Learning Center, the Valley Brook Neighborhood, COTO Flats, Dennison Commons, Moose Landing, and Blue 52. The most recent projects (Block 11 Apartments and CMC housing) are underway. To date 236 residential units have been constructed/approved on Block 11 (52 'for sale' and 184 rentals). The Block 11 master plan, approved in 2006, allows up to 20 units per acre and projected Block 11 would accommodate anywhere from 210 to 400 residential units at build out. The master plan permits a variety of housing types from multi-family to single family, and recommends the site be built out over time with a diversity of housing types.

Based on recent Town Council discussions and given the high visibility of the Block 11 property, it has been staff's understanding that the balance of Block 11 should primarily be lower density 'for sale' housing. Staff estimates that approximately 99 to 110 single family homes with ADUs would be reasonable on the 16.5 acres that is just south of the Block 11 apartments. In addition, the 8.7-acre parcel that was acquired by the Town from the Summit School District could accommodate some multi-family housing (45 units +/-) in addition to satellite parking for 500 cars which is an obligation of the Town. A map is included in your packet that identifies the location of the future housing and existing uses. It should be noted that additional development on Block 11 will necessitate some on-site infrastructure, in addition to approximately \$7.5m in improvements related to increased capacity on Airport Road, which is included in the 2025/2026/2027 capital/housing budgets.

## **Stillson Property**

A Request for Proposals (RFP) was issued in May 2022 and a local team headed by Susanne Allen-Sabo was selected as a developer/partner for workforce housing on the Stillson Property. The property is approximately 38 acres and has historically been used by the Town for storage and by the Breckenridge Equestrian Center. The RFP assumed the Stillson property contained about 12 acres that

would be suitable for development given a significant part of the property is steep open space and/or encumbered by utility easements. Concepts for a workforce neighborhood on approximately 7 acres (Stables Village) have been discussed in work session with the Council on November 8<sup>th</sup> and December 13<sup>th</sup>. Based on feedback from the last work session, the design team prepared an updated site plan which is included in your packet. Staff believes this plan addresses issues that were raised in regard to parking, trail connections, open space, and a potential phase two of the development. This plan includes the following:

- Reduction of units from 63 to 61 on approximately 8.4 acres;
- Increase in parking from the minimum parking code requirements (114 spots) to one spot per bedroom per unit (175 resident parking spots) with 28 additional visitor spots (203 total parking spots for 61 homes);
- Install a 30' bioswale and landscaping buffer between the residential neighborhood and the lower area of the Stillson Parcel - this bioswale will also serve as water detention;
- New trail to provide access for homeowners to the Wellington trail;
- Additional open space including three play areas for children and three pocket parks;
- Crosswalks and sidewalk connections for traffic calming; and
- Upgraded recycling / composting center for the adjacent neighborhoods to utilize.

This site plan proposal assumes there will be no further residential development on the 38-acre Stillson property and the remaining 29.6 acres will be used for Town/public works and open space. Should Council want to consider a second phase of the Stables development, an option has been included in your packet to illustrate how a future phase (approx. 3.4 acres) could provide approximately 18 additional lots for 18 single family units or 36 duplex units. Given the expense associated with infrastructure (water, sewer, Xcel) and the significant grade change, staff does not support a second phase at Stillson.

The design team addressed parking concerns by adding side by side two-car garages to all single-family units and increasing the number of three-bedroom units which include two-car tandem garages. All units have a garage that is included in the sales price, a parking spot on each parcel for every bedroom, and 28 additional visitor parking spots dispersed throughout the neighborhood. It should be noted the proposed parking exceeds code which only requires 1.5 parking spots for duplex and multifamily units (triplexes) regardless of the number of bedrooms and two spaces for single family homes under three-bedrooms and three spots for four-bedroom homes. Staff does want to note that extra parking for the triplexes is in conflict with parking maximums in the Code that the Council adopted earlier this year. Staff believes the Stillson property is a good location for workforce housing and that the plan, with these updates, meets an urgent need for 'for sale' housing in the community specifically because the project:

- Provides 'for sale' options to the missing middle (\$307,855- \$769,626)- the last 'for sale' project was the 2018 Blue 52 Townhomes;
- Provides new homes for a subsidy of approximately \$150,000 per unit which is less than the average cost of a buydown;
- Cost and subsidy includes net zero construction/solar panels on each home to allow homeowners significant cost savings on utilities;
- Utilizes a local development team at a discounted development fee;
- Grant opportunities are currently available that could potentially lower the Town subsidy or buy down unit pricing further;
- Includes carbon neutral homes which surpasses our current sustainability goals and sets an example of carbon consciousness for other towns;
- Provides each homeowner with a heated garage as part of their sales price;
- Includes larger home sizes than comparable workforce housing neighborhoods;
  - Home sizes between 1,716 – 2,437 total square feet;
- Includes good open space and parks with trail connections
  - Phase one includes 3.65 acres of open space within the 8.4 acre neighborhood;
- Includes upgraded recycling and compost center for adjacent neighborhoods to utilize;
- Provides rec path access from Wellington Road to the bike park; and

- If authorized to proceed, the site work is anticipated this spring/summer with vertical construction starting in late summer/fall and units delivered in 2024.

**Summary/Recommendations:**

**Block 11:** Staff recommends that the planning for the future development and financing/budgeting for single family units with ADUs and associated Airport Road improvements move forward.

**Stillson:** Staff also supports moving forward with the Stillson development to provide 'for sale' units in 2024. If authorized by Council to move forward, the next steps include modification of the Land Use Guidelines, submittal of the master plan application, and execution of a development contract to finalize the project schedule and Town subsidy.

We look forward to reviewing these projects with the Council and look forward to your feedback and direction regarding these two properties.

## **Comparable Workforce Housing Sales (Buydowns)**

Kennington Townhome: Sold 12/2/2022

- \$600,000
- 2 bed / 2.5 bath
- 1,184 SF
- Built 1996
- Middle unit

### **French Creek**

66 Reiling Road: Sold 11/15/2022

- \$675,000
- 3 bed / 2 bath
- 1,118 SF
- Built in 1979

58 Magnum Bonum: Closing 1/13/2023

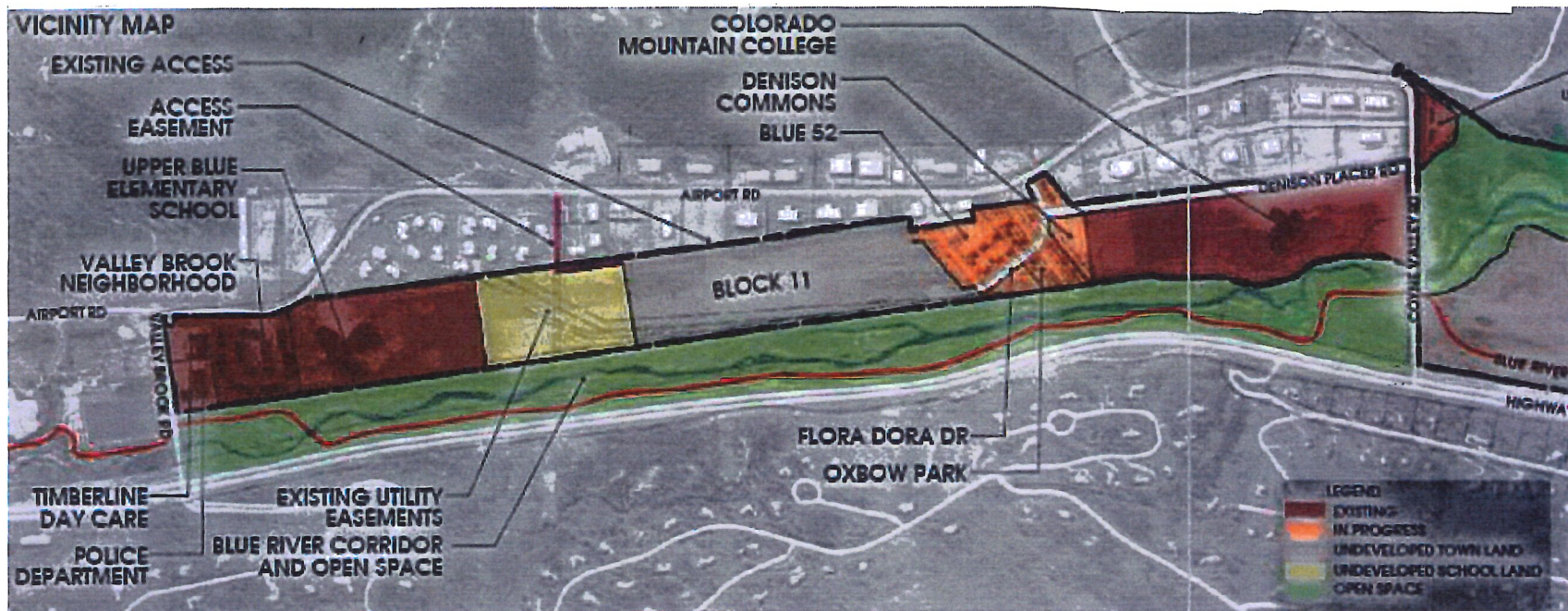
- \$560,000
- 3 bed / 2 bath
- 960 SF
- Built in 1973

### **Silver Shekel**

841 Fairview Blvd: Sold 12/2/2022

- \$875,000
- 4 bed / 4 bath
- 2,729 SF
- Built 1998

## Block 11 Property (Dec 2022)



### Yellow-School District Parcel (8.7 acres)

500 surface parking-5 acres

MF Housing (45 units)-3.5 acres

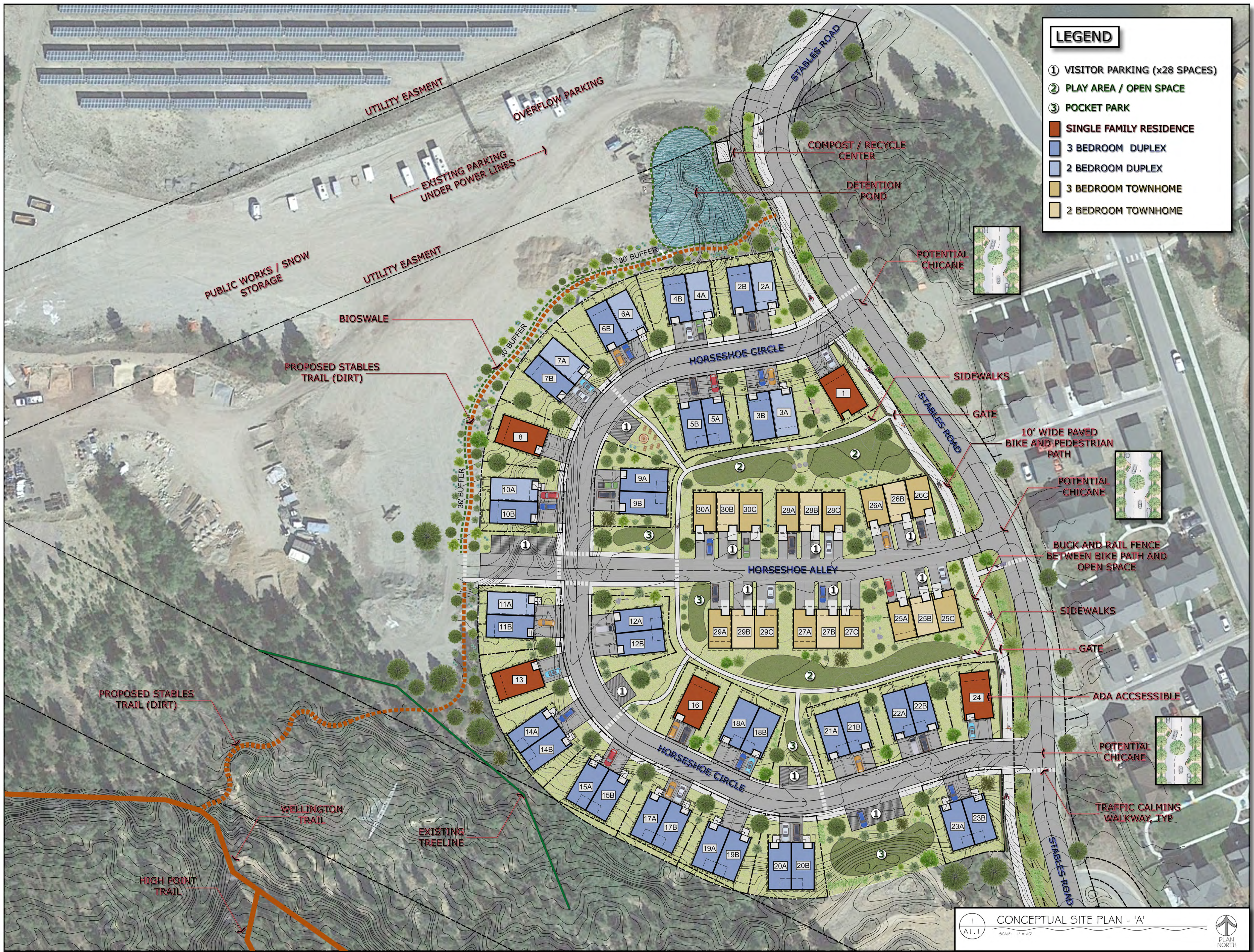
### Grey-Block 11 Balance (16.5 acres)

99-110 SF units @ 6.5 UPA (note- as reference Vista Point is 6 UPA)

plus ADUs

**LEGEND**

- ① VISITOR PARKING (x28 SPACES)
- ② PLAY AREA / OPEN SPACE
- ③ POCKET PARK
- SINGLE FAMILY RESIDENCE
- 3 BEDROOM DUPLEX
- 2 BEDROOM DUPLEX
- 3 BEDROOM TOWNHOME
- 2 BEDROOM TOWNHOME



STABLES VILLAGE  
STILLSON STABLE, STABLES ROAD  
TOWN OF BRECKENRIDGE, COLORADO  
TITLE: CONCEPTUAL SITE PLAN - 'A'

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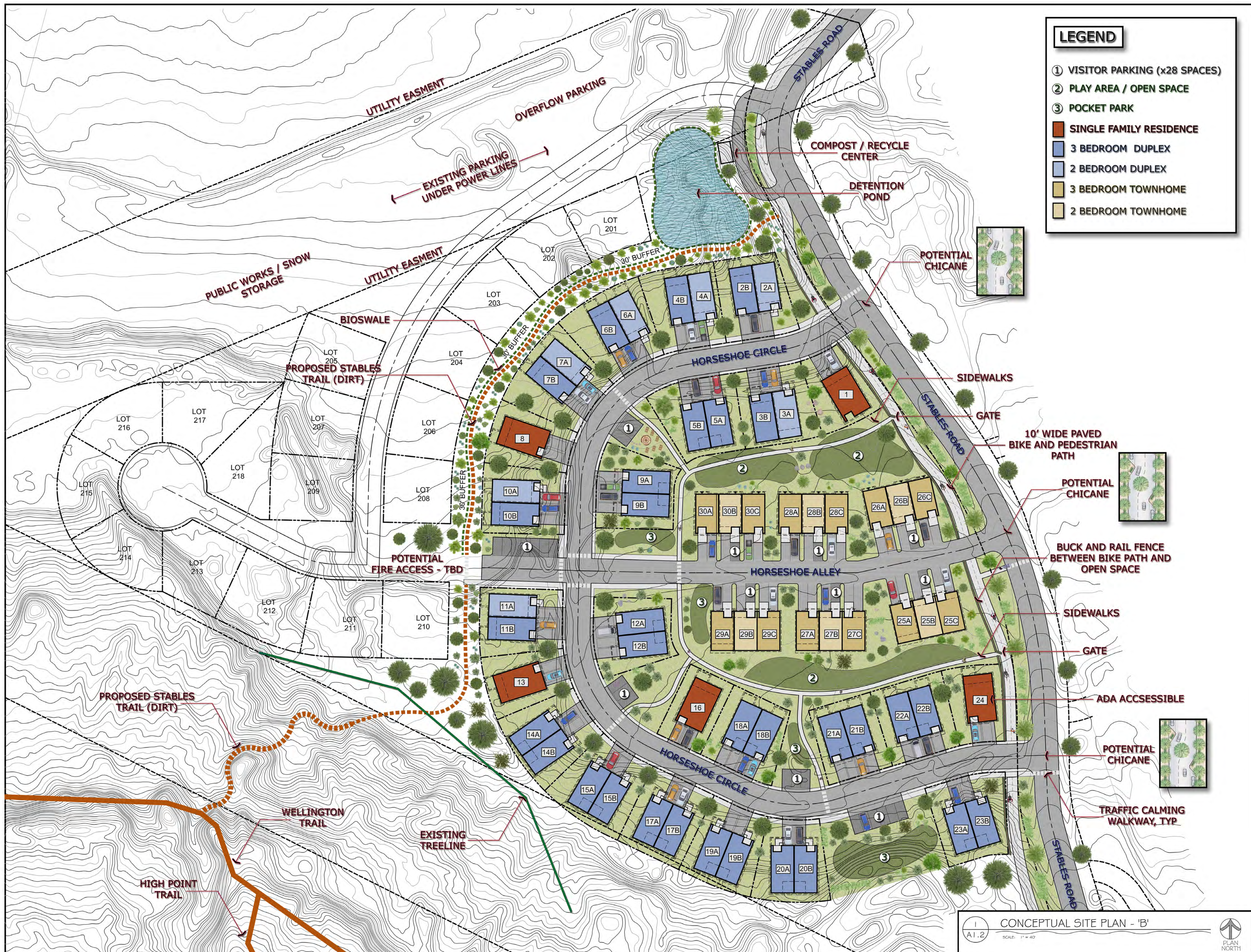
ISSUE:	DATE:
PRELIM	30 NOV 2022
TOWN	6 DEC 2022
UPDATE	21 DEC 2022
TOWN	4 JAN 2023

PROJECT #: 2235



**LEGEND**

- ① VISITOR PARKING (x28 SPACES)
- ② PLAY AREA / OPEN SPACE
- ③ POCKET PARK
- SINGLE FAMILY RESIDENCE
- 3 BEDROOM DUPLEX
- 2 BEDROOM DUPLEX
- 3 BEDROOM TOWNHOME
- 2 BEDROOM TOWNHOME



STABLES VILLAGE  
STILLSON STABLE, STABLES ROAD  
TOWN OF BRECKENRIDGE, COLORADO  
TITLE: CONCEPTUAL SITE PLAN - 'B'

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ISSUE:	DATE:
PRELIM	30 NOV 2022
TOWN	6 DEC 2022
UPDATE	21 DEC 2022
TOWN	4 JAN 2023

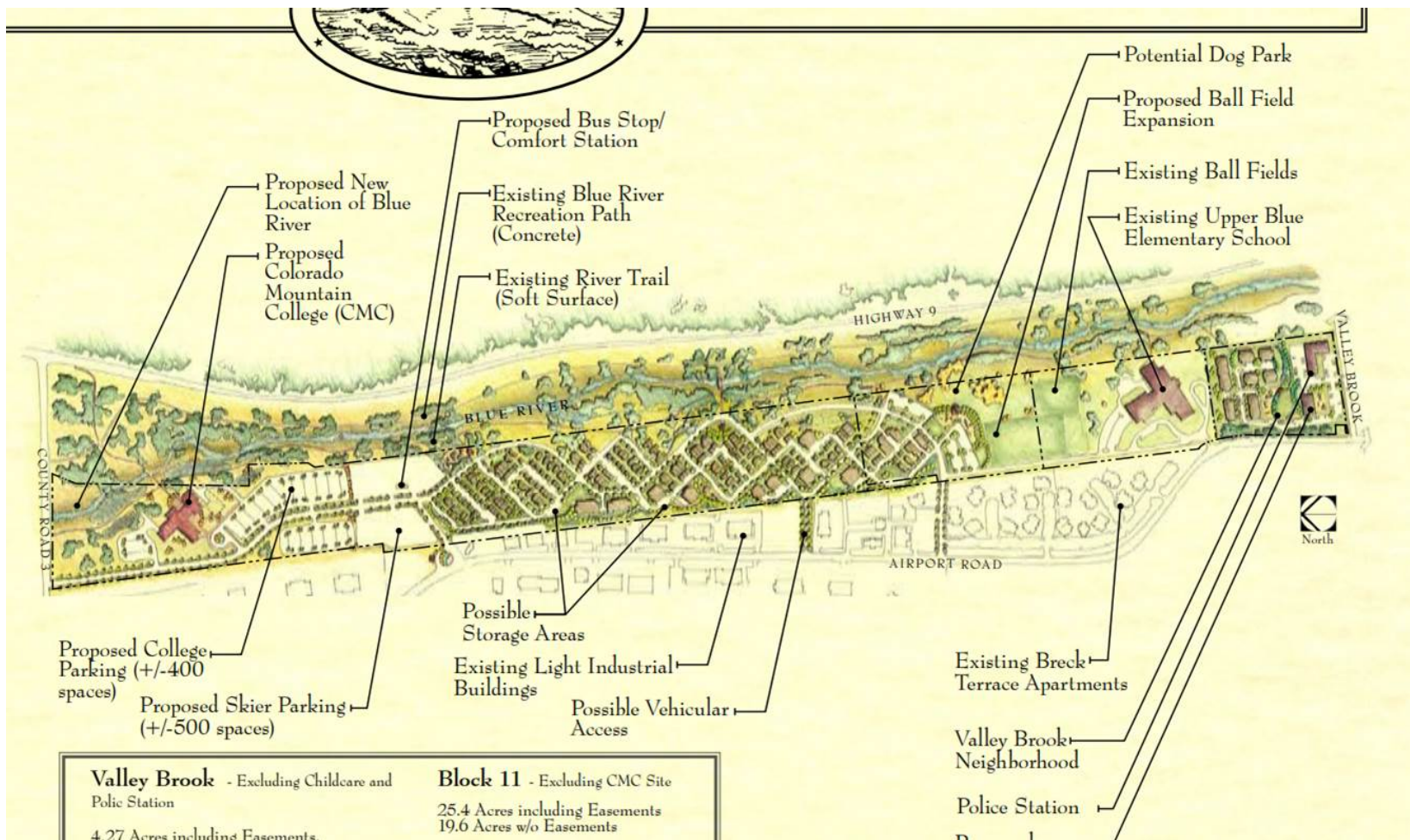
PROJECT # 2235

A1.2

1  
A1.2  
CONCEPTUAL SITE PLAN - 'B'  
SCALE: 1" = 40'  
PLAN NORTH

ISSUE:	DATE:
PRELIM	30 NOV 2022
TOWN	6 DEC 2022
UPDATE	21 DEC 2022
TOWN	4 JAN 2023
PROJECT # 2235	





Original Block 11 Master Plan-Schematic



# Memo

To: Town Council  
From: Jon Dorr, Assistant Director of Recreation- Programs  
Scott Reid, Director of Recreation  
Date: 1/4/2023  
Subject: Aquatics Area Renovation Update

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## Summary

The Town of Breckenridge Recreation Department is requesting an additional \$500,000 to complete the 2023 Recreation Center leisure pool renovation. The existing slide is 29 years old and is at the end of its useful life. The leisure pool shell is cracked and needs replacement within the next year. All existing plumbing related to the leisure pool is outdated and does not comply with current industry standards. The original capital request was based on an estimate by a company that can no longer commit to the project; the new project cost estimate is firm but has increased from \$2.3 million to \$2.8 million. Aquatics construction crews are extremely limited for a project of this scope and staff have thoroughly vetted Progressive Commercial Aquatics, which as a contractor is ready to move forward with the project in August 2023. A second bid is being pursued but is not available in time to be included in this memo.

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## Background

As previously outlined during the October Town Council budget retreat, reconstruction of the Town's leisure pool has become a high priority in 2023 due to the age of the water slide, a cracked pool shell, undersized plumbing, and loss of kid-friendly water features. The original capital request for the pool renovation approved by Town Council was \$2.3 million, which was based on architectural drawings from OLC (Ohlson Lavoie Corporation) in collaboration with Colorado Hardscapes who expressed interest in availability to complete the actual project. Since that time, Colorado Hardscapes removed themselves from consideration for this project and are unable to schedule or perform the work as originally discussed.

In response to Colorado Hardscapes opting out of the project, Town staff inquired with ten other aquatics companies who expressed an inability to complete the renovation in 2023 or 2024. Those companies include:

- Newman Pools
- Capri Pools
- The Pool Company
- Associated Pool Builders
- Mid America Pool Renovation
- Maximum Comfort Pool and Spas
- Front Range Aquatech
- Integrity Pool Builders
- Moore Pools
- Colorado Pools Inc.

Vortex International is the slide/play feature manufacturing company that recreation staff used to design the new leisure slide replacement structure. Recreation Department staff members contacted Progressive Commercial Aquatics, who came to the project highly recommended by Vortex.

Progressive Commercial Aquatics submitted a project cost estimate of \$2.8 million, with a construction timeframe of six months. Progressive Aquatics flew three separate staff members to inspect and document the facility, thoroughly evaluate the project, and develop an accurate cost estimate. The company has a 40-year track record in commercial aquatic construction, particularly in Texas and Idaho, and is eager to showcase the Town's leisure pool project as an opportunity to expand into the Colorado market. Although a January start date was originally discussed, Town staff believes that an August start is ideal from an operational, staffing, and programmatic standpoint. The August start date would allow our Programs division to continue swim lessons, aquatics summer camps (Mermaid Camp, Shark Week, etc.), and perform the necessary public outreach to our patrons. The August start date will also enable us to move some of our programming to the Silverthorne Recreation Center and provide our members full aquatics access during our construction process.

Staff is working to secure at least one additional bid to ensure that project costs are competitive. So far, one aquatics company besides Progressive Aquatics has been willing to consider the project and submit a bid. Rocky Mountain Pool Builders/ Pool and Spa Medics, out of Denver, primarily works on smaller scale pool builds, restorations, and removals. They do not have a design build contract option, so construction plans would have to be sourced from a different company for additional costs. Rocky Mountain will be coming to inspect our facility on Friday, 1/6/23 to provide a more detailed cost estimate. Currently, the August start timeline fits into their construction schedule but the duration of the project has yet to be confirmed. Staff will verbally update Council on the results of the discussions with Rocky Mountain Pool builders.

**Additional cost increase considerations:**

The scope of the leisure pool renovation project was expanded from the original quote to include:

- Indoor hot tub demolition – due to the location of the hot tub, this will primarily be done by hand and not heavy machinery, which adds significant labor costs.
- Trenching and running electrical and water lines to the exterior of the aquatics area per Council guidance. This utility work would set the Town up for a potential outdoor aquatics expansion in the future without having to redo any interior infrastructure work.
- Supply chain cost increases since the original quote in May 2022

**Additional Benefits of the August start date:**

- Vortex International – lead times are at least 6 months for structure fabrication.
- Anticipate savings on housing costs for the construction crew based on the time of year.
- Progressive can purchase and store materials ahead of any cost increases.
- More lead time on public outreach/ updates and reciprocity with our pool users in Silverthorne.
- More time to get proper permits in order and make sure everything is streamlined efficiently.
- Potential savings with a different demolition company with more lead time.

The Recreation Center leisure pool will require improvements to continue serving our community. The slide must be removed or replaced within the next year. Additionally, the pool shell and the outdated plumbing will continue to cause maintenance issues and closures as we move forward. Recreation staff has vetted designs with the Recreation Advisory Committee, community stakeholders, aquatics architects, and other aquatics facilities around the state. This design and new pool technologies will benefit the community for years to come.

We look forward to answering any questions you may have regarding this request for an additional \$500,000 in capital funds for the proposed 2023 leisure pool renovation.