



## BRECKENRIDGE TOWN COUNCIL WORK SESSION

Tuesday, December 09, 2014; 3:00 PM

Town Hall Auditorium

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

<b>3:00-3:15pm</b>	<b>I</b>	<b><u>PLANNING COMMISSION DECISIONS</u></b>	<b>2</b>
<b>3:15-3:20pm</b>	<b>II</b>	<b><u>LEGISLATIVE REVIEW*</u></b> Comcast Franchise Agreement	<b>16</b>
<b>3:20-4:15pm</b>	<b>III</b>	<b><u>MANAGERS REPORT</u></b> Public Projects Update Housing/Childcare Update Snow and Ice Removal Discussion Committee Reports	<b>22</b>   <b>32</b>
<b>4:15-6:00pm</b>	<b>IV</b>	<b><u>OTHER</u></b> Smoking Survey Results Fund Balance Forecast Overview of Blue River Reclamation Master Plan GoBreck 2015 Budget Update	<b>33</b> <b>38</b> <b>46</b> <b>51</b>
<b>6:00-6:30pm</b>	<b>V</b>	<b><u>PLANNING MATTERS</u></b> Child Care Committee Recommendations	<b>52</b>

Note: Public hearings are not held during Town Council Work Sessions. The public is invited to attend the Work Session and listen to the Council's discussion. However, the Council is not required to take public comments during Work Sessions. At the discretion of the Council, public comment may be allowed if time permits and, if allowed, public comment may be limited. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item. The public will be excluded from any portion of the Work Session during which an Executive Session is held. Report of the Town Manager; Report of Mayor and Council members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items.

**MEMORANDUM**

**To:** Town Council

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

**Date:** December 3, 2014

**Re:** Planning Commission Decisions of the December 2, 2014, Meeting.

---

***DECISIONS FROM THE PLANNING COMMISSION AGENDA OF December 2, 2014:***

**CLASS C APPLICATIONS:**

- 1) The Elk Mixed Use Building Permit Modification, PL-2014-0159, 103.5 North Main Street  
Changes to existing approved development permit: change the primary building from two levels to one. Convert the garage for the residential unit into commercial/restaurant space, shift some window locations, and change vertical siding to horizontal. The residential parking will be on-site. Approved.
- 2) Fischer Residence Redevelopment, PL-2014-0158, 214 Morning Star Drive  
Teardown of existing 1,560 square foot residence and 636 square foot garage. Construct a new single family residence with 4 bedrooms, 3 bathrooms, 3,596 sq. ft. of density and 4,460 sq. ft. of mass for a F.A.R. of 1:8.26. Approved.

**CLASS B APPLICATIONS:**

None.

**CLASS A APPLICATIONS:**

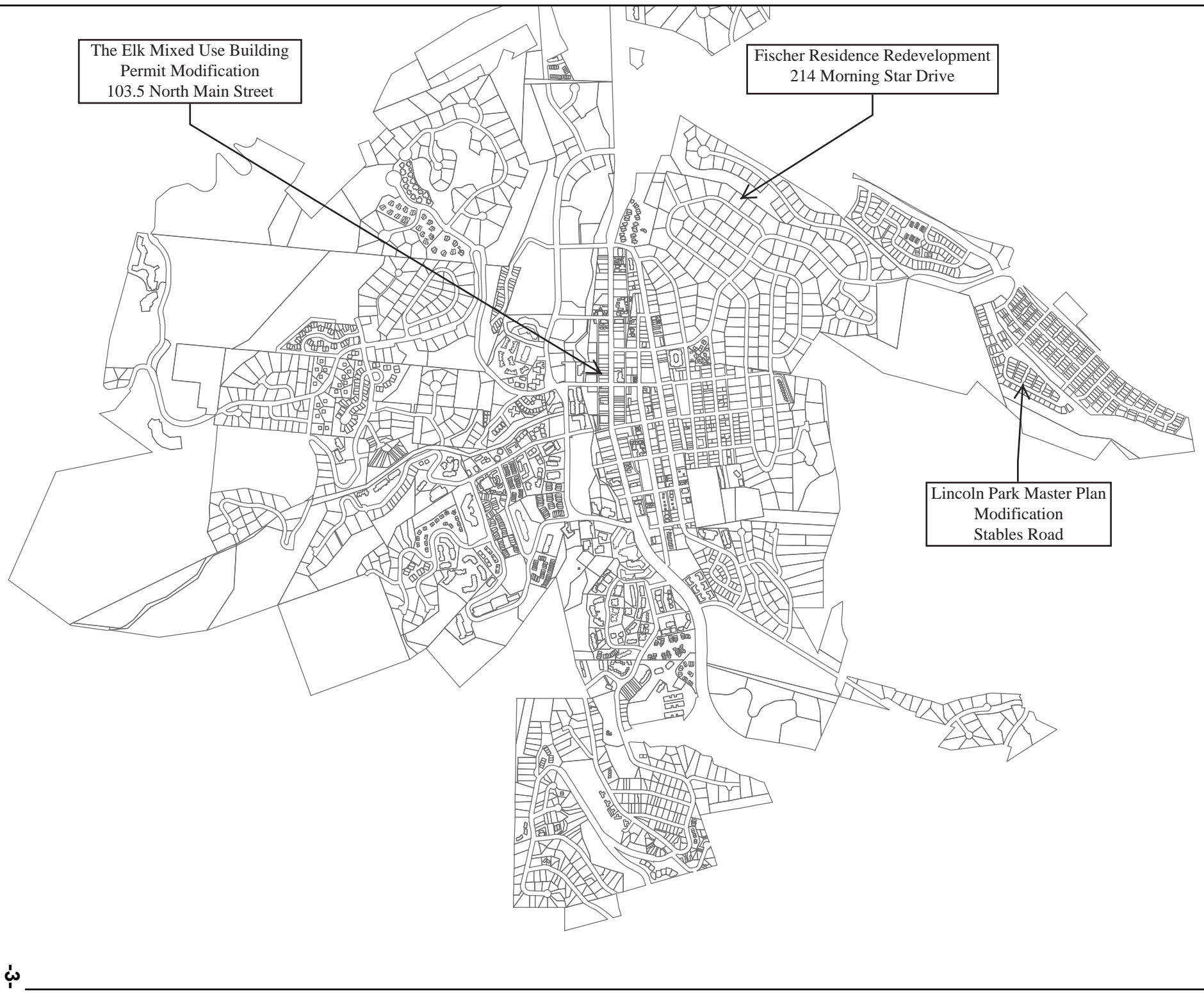
None.

**TOWN PROJECT HEARINGS:**

None.

**OTHER:**

None.



The Elk Mixed Use Building  
Permit Modification  
103.5 North Main Street

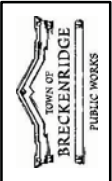
Fischer Residence Redevelopment  
214 Morning Star Drive

Lincoln Park Master Plan  
Modification  
Stables Road



# Breckenridge South

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



## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

### ROLL CALL

Eric Mamula                      Jim Lamb                      Gretchen Dudney  
Kate Christopher                Ron Schuman                Dan Schroder arrived 7:02 pm  
Dave Pringle arrived at 7:15 pm  
Ben Brewer, Town Council Liaison

### APPROVAL OF AGENDA

With no changes, the December 2, 2014, Planning Commission Agenda was approved as presented.

### APPROVAL OF MINUTES

Mr. Brewer: I was quoted as saying that the Cannabis Club was to move by January 2; it is really February 2 that the Cannabis Club would need to move.

With no other changes, the December 18, 2014, Planning Commission Minutes were approved as presented.

### CONSENT CALENDAR:

- 1) The Elk Mixed Use Building Permit Modification (MM) PL-2014-0159, 103.5 North Main Street
- 2) Fischer Residence Redevelopment (MM) PL-2014-0158, 214 Morning Star Drive

With no requests for call up, the Consent Calendar was approved as presented.

### TOWN COUNCIL REPORT:

Mr. Brewer:

- Passed on second reading an increase in municipal water fees by a vote of 4-3. The first vote split on gender lines even though that had nothing to do with things.
- We approved the mill levy of 5.07 mills which is very low; no added mills in our current mill levy.
- We approved on second reading a lease with Verizon. As you are standing on home plate on the northern most softball field it is the second pole on the left that will be extended to be the home of a new Verizon tower; the pole will be black.
- We passed the Grand Vacation Community Center Landmark and the McNamara-Eberlein Landmark.
- We extended the moratorium on new marijuana shops until July 1.
- We passed the fourth extension of the Comcast franchise agreement because there are complicating factors that make the negotiations difficult. We have alternatives to Comcast but it is very complicated. We could go with another provider but it will make people upset. If we can't come to terms, we will look to move to another provider. Every town except Breckenridge and Summit County that haven't come to an agreement with Comcast.
- We passed a resolution to adopt the budget, second public reading.
- We named the Main Street Park "Prospector's Park" through a public process that didn't produce a lot of names that we liked; Council decided on this one.
- We passed a new contract with CDOT so that the Town of Breckenridge maintains the portion of Park Avenue that comes through Town and we get paid to do this. There is not increase in fees for more money than the last time we negotiated this arrangement.
- You asked to discuss signs last time which is your next topic as a worksession.

**WORKSESSIONS:**

1) Sign Code: Sandwich Board Signs and Outdoor Display (MT)

Mr. Truckey presented. The SustainableBreck Business Task Force along with some additional participants, comprised of numerous retail and restaurant owners, met and discussed sign issues at two meetings in August and September. The Task Force eventually came to general agreement on a strawman proposal for addressing the sandwich board sign issue, along with certain outdoor display provisions in the Code, although there were opposing minority opinions from a couple of the Task Force members. The Town also conducted two surveys to gather public input on the sandwich board sign issue. Respondents in both surveys were generally evenly split on the issue of allowing sandwich board signs to be placed outside of businesses. The Town Council also discussed the issue on November 11 and requested that the issue be referred to the Planning Commission for their review and input.

Mr. Grosshuesch presented a Powerpoint presentation discussing the existing Sign Code in which provisions were adopted years ago by the Town Council, with a primary intent being to maintain the Town's character. Given the intent of the existing Sign Code, the Code sets forth a number of restrictions, including limits on the square footage of signage allowed. The Code also prohibits the use of sandwich/chalk board signs. The outdoor display of merchandise section of the Code also limits businesses in the downtown core to displaying a maximum of one piece of merchandise outside, which can include a mannequin. The focus of the recent discussions regarding Code amendments have been on the sandwich board signs and outdoor display of merchandise.

Based on recent discussions, the Task Force reached some consensus on the following:

1. Each business is entitled to display one of the following outside of their business:
  - a. One sandwich board; or
  - b. One piece of outdoor display (e.g., mannequin, one item of for-sale merchandise).
2. Where a business has a front and rear entrance (e.g., one entrance on Main St., a second entrance on the Riverwalk) then one display (as provided in #1 above) may be provided at an entrance at each end of the store.
3. The following parameters apply to outside display:
  - a. Sandwich board sign areas shall not exceed five square feet per side.
  - b. Sandwich board signs should consist of high quality material such as wood and/or chalkboard.
  - c. Sandwich boards and other items of outdoor display must be placed on private property.
  - d. Exemptions:
    - i. Where a business is located in a building that sits on the "build-to-line", then a one-sided "leaner" sandwich board will be allowed to be placed on the sidewalk and rested against the building.
  - e. In no case shall sandwich boards or other outside display items be placed in a method that impedes pedestrian movement or snow removal operations.
  - f. Sandwich boards and other outside display items may not contain any type of illumination
    - i. No lighting, attachments or other decorations shall be hung on sandwich boards or outside display items.
  - g. Sandwich boards and other outside display items shall only be placed outside during the hours a business is open.
  - h. Sandwich board signage shall not be displayed during snow removal operating hours.
4. Sunset clause

- a. If Council acts to amend the Code to address these issues, a one-year trial period is recommended.

The Town Council reviewed the recommendations of the Task Force at their November 11 meeting. The Council had discussions regarding the recommendations, but did not come up with any formal conclusions. Instead, they requested Planning Commission input. Council did talk about the size of signs, and decided that 5 square feet was probably more appropriate than six square feet, and that there probably should be some provision for outdoor display of more than one item, but limited by a square footage area.

Planning Commission feedback is requested, specifically on the Task Force Recommendations and Town Council Input. The Commission's recommendations will be forwarded to the Town Council for further consideration.

Mr. Tim Berry, Town Attorney, made a presentation on first amendment issues. The first amendment says that government shall not impede free speech and signs come directly under this. The local government can legislate sign design (materials and size) but can't address content displayed on the signs. For example, we should not prohibit logos on the sandwich boards. We need to stay away from content regulations.

*Commissioner Questions / Comments:*

- Ms. Dudney: If we keep the ordinance written as written now, do we risk any problems with first amendment violations? (Mr. Berry: Yes, there is some existing issues out there. A sign code case is also in front of the Supreme Court right now regarding this. That case has to do with how the courts interpret what is content neutral. Depending on how the court explains content neutrality, we may need to revise the code.) If we prohibit sandwich boards, does this violate? (Mr. Berry: No, we can do that because it is the designation of the material and size that is allowable.) Can you prohibit obscene language? (Mr. Berry: Yes.)
- Mr. Schroder: Using Tuaca as an example, could we remedy that there wasn't advertising on the signs? (Mr. Berry: That is content and we shouldn't regulate that, as you get more and more on what people can write or say, unless it is obscene, it gets into difficult territory.)
- Mr. Schuman: How many businesses are there on Main Street if each could put a sign out? (Mr. Truckey: I'm going to guess 150.) So we are looking at approximately 150 signs if everyone had one? (Mr. Grosshuesch: That was one of the concerns of the task force members.) Is it my understanding from the photos you displayed that there are certain exceptions in the code that you can have up to 3' displayed in windows? (Mr. Grosshuesch: The enforcement is really tough. That is why we are here, we stepped up enforcement 9-10 months ago and jumped into an advisory and educational mode and that didn't work so we went to Town Council.)
- Mr. Pringle: Did this start with the businesses off of Main Street? (Mr. Grosshuesch: There is a zone district in the downtown core that does not allow for anything except one item of merchandise displayed outside, but in places like City Market outside of downtown core multiple items may be displayed outside. We've been enforcing as best we can but each day someone else is putting something out.) Is it a foregone conclusion that the strawman proposal from the Task Force is something the Council wants to proceed on? (Mr. Brewer: We are split and we are seeking the input from the Planning Commission. This is tricky because the Heritage Alliance has a sandwich board. Also, enforcement is very complicated between day use and night use. The Council is interested in the input from both the task force and the Commission.) (Mr. Truckey: I know that some Commissioners are opposed to sandwich boards but it would be good to get some input from you on the proposal as a whole.)
- Ms. Dudney: Is there any first amendment issue with merchandise displayed outside? (Mr. Berry: No.) You have lumped these two issues together, merchandise and signs? (Mr. Truckey: Not

really; these are the two issues that came up during the education and enforcement.) Do you have any reason to believe that almost everyone will have to have a sandwich board? (Mr. Truckey: Some people, including Task Force members, were concerned that is exactly what will happen.)

Mr. Mamula opened the worksession for Public Comment:

Mr. Jeff Palomo: I own Breckenridge Tap House and Oscars. No difference than in any other location Durango, Telluride, Denver, a sign gets people in the door. The Planning dept only regulates sign size. Sandwich boards are no different than adding to the size.

There was no further public comment.

*Commissioner Questions / Comments:*

Mr. Lamb: My concern is that we are fixing something that isn't broken. I feel that we are addressing this because people are not obeying the law.

Ms. Dudney: When you have a situation when the body is unable to enforce the law then there is a situation to address it. (Mr. Grosshuesch: If the Council doesn't change the law, then we move to a much more stepped up enforcement policy and write tickets.) What are the current penalties? (Mr. Berry: I think it is up to \$1,500 in fines.) I think that the merchandise outside is more objectionable. If the sign boards can be regulated to be high quality to be tasteful and neat, but having all that stuff outside that bothers me more.

Mr. Lamb: I think the one year review is excellent.

Mr. Schroder: It would be good if the vendors and realtors could continue the efforts of Town to make the Town look good. I wonder about the display items, we are blending two issues here.

Mr. Mamula: I sat on the committee/ task force and I was in the minority being against sign boards and Mr. Palomo was on the other side. Let's focus our comments on should the code be changed for sandwich boards, the Task Force recommendations, and do you think there will be a proliferation, then next we will talk about the merchandise.

Ms. Dudney: I think a primary consideration on my part is if the current law can be enforced. It seems like the enforcement is not there. I think there will be massive proliferation if this is approved. I'm in favor of go slow and then enforce the current law first. I don't like it when it isn't fair. On the merchandise outside, I think it should be limited to one item.

Mr. Pringle: I was on the Committee when we stopped the proliferation of additional signs and there was a cry back then that this was going to hurt business and I can't see any reason why we open ourselves up to allowing the sandwich board signs being on Main Street again. There will be incremental creep and there will be signs all over town. Mr. Palomo made a great comment that they are found in Telluride, Durango, Denver-we don't want to be like them. We want to be like Breckenridge. New post by Wendy Wolfe on article that calls out Breckenridge as one of the most picturesque towns in the country and the world. We don't need to look like any other place, it is clean and sharp here, don't muddy that. It may give someone a short term competitive advantage but it won't give someone or the Town as a whole a long term competitive advantage. I am very much opposed to opening this up. We should not be lured into the idea that sandwich board signs are going to help anything. As for illegal merchandising, we worked hard to get this cleaned up too in the past. We need to fight hard to hold the line and keep the town looking good and to do that we need to keep the rules. I would like to see a 30-day grace period and then, everyone is on notice to remove the signs if they don't comply.

Mr. Schroder: The merchants that are not following the rules; I don't think we should change the rules for what is not being done unlawfully in the first place. We may have an elevator appearance with outdoor display getting higher and higher with a small square footage allotment, I'm

concerned about the straight square footage. I'm not supportive of more than the current code of one display item.

Ms. Christopher: I'm opposed to the changing of the code to allow for illegal activity currently. If the Council decides to approve sandwich boards then I'm in complete agreement with the Task Force recommendations. I think the town should design a set sandwich board that is big, heavy and perhaps expensive to make. Merchandise I agree one item not a square footage amount.

Mr. Lamb: I think the code works as it is. The proliferation is a concern is that everyone will have one. I feel bad for the town to be the enforcer and we should give whatever support is necessary to staff in order to do it. The one item outside display is good.

Mr. Schuman: I think the current code is fair as it is. I'm in favor of enforcing the current code. I don't want us to look like New York or anyone else. I don't want to see a town standard designed board; I like the variety. I think the Town Council has to give the Planning Department the tools to enforce the current code. This is needed not just in signs, I think the Town should help them overall with enforcement. If sandwich boards are approved we will see a huge proliferation. I also agree with the one piece of merchandise.

Mr. Mamula: I agree with the rest of the Planning Commission.

## 2) Lincoln Park Master Plan Modification (MM) PC#2014038, Stables Road

Mr. Berry presented. The Town Council adopted a new ethics code. You need to have the facts. The standard contained is one of financial benefit. Does the Planning Commission's decision have the potential to have a financial benefit on the Planning Commissioner, his or her spouse, his or her business, etc.? You should have a discussion with Mr. Schuman and understand his role in this matter.

Mr. Schuman: I live in the Wellington neighborhood and have lived there for 14 years. A vacancy became open on the Wellington Neighborhood Board of Directors; I'm currently the Board Treasurer. I don't see how any of these issues talking about tonight would present any financial gain to me, my spouse or my property. I was appointed by David O'Neil; we did not have any quid pro quo when I was appointed to deliver any outcome on the Board. In addition, when I was appointed to the Wellington Board, I was not on the Planning Commission.

Ms. Dudney: Do you get any compensation to be on the board? (Mr. Schuman: No.) Is everyone appointed? (Mr. Schuman: There are 3 appointed and 2 members voted in with HOA elections. The bylaws declare that the 3 additional positions get turned over to the homeowners when the entire Wellington Neighborhood subdivision is built out.) Are your duties dealing with what is built or do you have any influence on the whole project? (Mr. Schuman: There has been no discussion amongst the BOD on any issues regarding Lincoln Park. Ms. Courtney Kenady has been very specific of not discussing Lincoln Park. There has been no discussion whatsoever of future plans. There is right now a move to replace the HOA Manager and I'm involved in those conversations. There may be a point as to who is actually managing the fiscal responsibility of the HOA.)

Mr. Pringle: I was hearing that the HOA does not have any influence on the inbuilt sites? (Mr. Schuman: David O'Neil has accepted some input from individual people, but the HOA has not been asked as a whole to be giving input on phase 2.) No exparté discussions on your part? (Mr. Schuman: No.)

Mr. Mamula: Is there a chance that you will be in the running for the property management contract for the HOA? (Mr. Schuman: There is a chance.)

Ms. Dudney: Do you live on any streets that have the potential for increased traffic? (Mr. Schuman: No.)

Mr. Berry: If you become the management company, would you be compensated related to any additional housing units added to the neighborhood? (Mr. Schuman: Yes, that is typically how the contracts work.) If it is foreseeable that Mr. Schuman would or could become the



manager and that he could make more income from the development of additional units this may be a financial benefit. (Mr. Schuman: The current property manager has no interest in being a licensed property manager as the state law is requiring on July 1, 2015.) The term of the benefit is “reasonably foreseeable”. (Mr. Berry: The Council states that reasonable foreseeability is more than a real possibility but less than a complete certainty. In considering the circumstances that Mr. Schuman has laid out, the Commission will need to make the determination.)

Ms. Dudney: Does it matter that we are not voting on this matter we are making an opinion on design? (Mr. Berry: Yes, this is still a meeting that could be considered a conflict of interest.)

Mr. Schuman: The unfortunate thing for me is that if I don't participate in this process as a Commissioner then I also can't be an audience member either.

Mr. Mamula: But you could participate that the Town Council meetings. Let's ask the other Commissioners to decide if this is a conflict.

Mr. Lamb: I think what Mr. Berry said that there is a foreseeable possibility of a future benefit for Mr. Schuman financially and that there is the potential for a conflict of interest.

Mr. Schroder: I agree.

Ms. Dudney: I agree.

Mr. Pringle: I think Mr. Schuman may have to step down because it is reasonable and foreseeable that he may benefit from the further development of Wellington Neighborhood.

Mr. Mamula: I agree too.

Mr. Berry: If circumstances change for Mr. Schuman this could be reconsidered.

Mr. Schuman recused himself from the meeting and left the room. (There were no other items on the agenda requiring his presence.)

Mr. Mosher presented. This review is being conducted as a work session to discuss vehicular and pedestrian circulation for the remaining phase of the Wellington Neighborhood. The Class A proposal is to amend the approved Wellington Neighborhood Phase II Master Plan (PC#2006082) modifying the site circulation, lot layouts, trails, bus stop locations, and unit types. This portion of the neighborhood is to be called “Lincoln Park”. There is no change in the approved density or uses.

Staff notes to achieve this original Wellington Neighborhood “vision”, the Town has provided sizable subsidies (providing all SFEs except the 4 that existed on the property, waiving all annexation fees, planning and building permit fees, and water fees for the deed-restricted properties). The Town also provided variances and waivers to many of the Engineering and Subdivision standards for the Master Plans in association with the design concepts of the Wellington Neighborhood in reliance on this plan being constructed for workforce housing.

The purpose of this worksession is to review the vehicular connection at Midnight Sun, the overall phasing (with proposed bus service) and the French Creek pedestrian crossing to Central Park. The discussion and Commission direction revolves around Policy 35/A, Subdivision, which stipulates *a safe, efficient circulation system and convenient movement of traffic, effective fire protection, efficient provision of utilities, and/or where such continuation is compatible with the Breckenridge Comprehensive Plan.*

This proposal is for a modification to the approved Wellington Neighborhood Phase II Master Plan (PC#2006082). As this application moves forward with reviews, Staff will identify the specific policies of the Code that will need to be addressed with possible changes, waivers, or variances to policies that were identified with the original Master Plan and any new requests.

Based on the submitted revision, Staff does not believe the proposed revision to the pedestrian and vehicular layout satisfies *“a safe, efficient circulation system”* and *“convenient movement of traffic, effective fire protection, efficient provision of utilities”* identified in the policy above. This design would therefore fail

Absolute Policy 35, Subdivision.

Staff supports the vehicular and pedestrian circulation shown on the approved Master Plan. This includes two vehicular crossings at French Creek. Staff also supports the approved pedestrian bridge connecting directly to Central Park. Staff believes the reduction in vehicular and pedestrian connections shown on the proposed Master Plan (Option B) modification does not meet the intent of Policy 39, Subdivision as it relates to: *EXISTING AND PROPOSED STREETS: 3. Topography and Arrangement and 4. Location of Roads and Dead End Roads.*

Staff had the following questions for the Commission:

1. Based on direction from Planning and Engineering Staff and the Red White and Blue Fire District as it relates to Policy 35/A, Subdivision, Does the Commission support the vehicular crossing shown at Midnight Sun?
2. Does the Commission support the proposed phasing plan showing the showing a cul-de-sac across French Creek at Bridge Street in Phase 2 that might allow bus service to the eastern portion of the neighborhood as soon as 2016?
3. Does the Commission support maintaining the pedestrian bridge connecting directly to Central Park?

Mr. Tom Daugherty, Public Works Director for the Town: The original grid design of the Wellington Neighborhood went through a lot of discussion and design review with Staff, Commission and Council. The grid design helped alleviate the negative impacts of the narrow roadways, traffic and vehicular conflicts. We wanted the traffic to be dispersed throughout the neighborhood. What I was arguing about and the mitigation with the grid system worked very well, dispersing traffic and therefore allowed for a reduced road width.

Mr. O'Neil came back in 2006 and staff re-did the design but we didn't know why we were diverting away from the overall new urbanism design. When we reviewed the proposal we saw that it adds more traffic on one road instead of diverting it away to several. A stand alone Bridge Street at 20-foot wide is a non-starter; that is a fundamental piece that we don't want to compromise on. We will need the connection or a wider paving section. We talked with David about when the connection from Bridge Street to Wellington Road would happen. When we redid this we wanted to maintain the connections to help disperse the traffic. From my standpoint, I want to go back to the previously approved (current) Master Plan design plan or go back to roads that are 24-foot wide and not give variances of the past. This design has deviated so far from the original concept. I think it is much better to provide more connections to mitigate the traffic. I think it is more for Public Works to take care of but, it will be better in the long run for the neighborhood.

#### *Commissioner Questions / Comments*

Mr. Schroder: Red, White and Blue memo it was mentioned that are there any alleys that are longer than 150' because that is a code violation? (Mr. Mosher: That dimension is not provided, I think if there was an alley too long, the applicant will modify the plan at subdivision review. I think what is shown here (pointing to site plan), there is a back alley that connects along the back, but it is not a right of way collector road like French Gulch road is.)

Ms. Dudney: The current Wellington works in terms of traffic. Is that true that it works for vehicular movement? (Mr. Mosher: I have not heard any complaints of too much traffic on any road in the current neighborhood.) The northern part is built out? (Mr. Mosher: Yes, All of phase I and about half of Phase II.) The people who live there now don't need the connections across the creek, right? (Mr. Mosher: Correct.) For the new neighborhood's safety extra connections might be wise. (Mr. Daugherty: The idea of the original Master Plan is to provide multiple ways for people to move around. The narrow roads don't need to carry the traffic there; with only one French Creek crossing, Bridge Street would need to go to a 24-foot wide paving section. If there is only one connection then you are saying that Bridge Street needs to be wider? (Mr. Daugherty: Yes.) Is there another way for the new neighborhood to get to French Gulch road in the new plan? Without having to go through

downtown Breckenridge? (Mr. Mosher: Yes. (He showed this on the map.) Part of the problem is the intensity of the density on this property. 200+ homes this tight together present problems not seen in the Highlands for instance.)

*Applicant Presentation:*

Mr. David O'Neil, Applicant: We've been doing "places" in Summit County since 1999. We care and are passionate about our developments. We stick it out and are passionate about it. We have a phenomenal team. The vision of Wellington has been to provide a sense of neighborhood, a sense of place, provide community housing, give life back to disturbed lands, and encourage sustainable development. My impression is that people love the neighborhood. We have a walk-able neighborhood with 10% of the total residents of the Town of Breckenridge living in Wellington. We've also increased local occupancy by 10%. We care about the details and we don't always agree with Staff and that is why we are here tonight. Things change over the years, traffic patterns are a great example. After the 2006 Master Plan was approved and we had bus service and we changed the plan to encourage more people to ride the bus. We saw more kids playing on the streets, people walking the dog, the streets have been taken over by people and that is a result of the design. Because they are narrow and work. (Mr. Mosher pointed out the current configuration of Bridge Street does not accomplish this. It is not "kid-friendly").

Our suggestions regarding Midnight Sun respond to the changes. Feltzburg, Holt & Ullevig have done a traffic study that doesn't see additional need for additional vehicular connections across the creek. (Showed a comparison with the 2006 Phase II Master Plan and the 2104 Phase II Master Plan from a vehicular, pedestrian, trail/sidewalks, carports, and parks.) We think we are going in the right direction.

If only one creek crossing is approved then Public Works won't support the narrow street widths. I don't think the Staff has recognized appropriately the overall design of pedestrian and vehicular circulation and haven't demonstrated technically how it is going to work.

The tension with our team and Public Works has been there from the get go. I think they are much more relaxed now. It is a good thing because it is a balance of interest. Council specifically wanted to complete the development of an affordable residential neighborhood it will be necessary to allow for flexibility and design to continue. We come here to pitch our plan to you and it has worked as we've seen over time. We feel strongly that making the Midnight Sun bridge a pedestrian bridge. It is the right way to go. (Mr. Daugherty: Pedestrian connection to catch up with a 3-way stop sign?) It is now a pedestrian bridge at Rodeo Drive. I want to make sure that the people have the opportunity for a crosswalk. I just want to make sure it works.

*Commissioner Questions / Comments:*

Ms. Dudney: Why did you eliminate the vehicular bridge? (Mr. O'Neil: Over time, cars have become secondary now in the neighborhood, so pedestrian connections are more desirable.) We received a letter saying that the Bridge is closed to commuter traffic. (Mr. O'Neil: If you ever been to Hanalei Hawaii, my original vision was make it a one-way one lane bridge, but that doesn't meet any modern guidelines. It is something that it would be so charming if one was to do a single lane truss bridge.) They were suggesting a road that would be accessible for snow removal. What if you put arms on it so that you prevented these problems? (Mr. O'Neil: So that wouldn't be a problem.) (Mr. Daugherty: That would be a very functional aspect for the roadways. If he would return in 1999 with this plan I would have approved it, but now I'm a fan of the dispersal; we need to keep this as a two-way road.)

Mr. Mamula: The question is not a two-lane road; what is the reason not to gate it? (Mr. Daugherty: It would turn into a big maintenance problem for the Town, as people won't respect them. Also, the bus will go through every 30 minutes if not more with plows, it would turn into a maintenance headache. There will also be traffic that goes back there and try to get through. The grid system works very well. The dispersing of traffic is more beneficial to the new

neighborhoods. I'm very strongly in favor of the two lane road.)

Mr. Mamula opened the worksession to public comment.

Mr. Steve Wilson, 63 Bridge Street: We were one of the original people on this street. It is already a raceway. If you only have one way to go across the traffic will intensify. I'm in favor of the Town's recommendation of two vehicular bridges and one pedestrian bridge.

Mr. Bob Christie, 9 Midnight Sun: I don't see how a bridge on Midnight Sun is going to be good, more traffic, more use of alleys. Want only one bridge at Bridge Street. Two lanes on Bridge Street; don't need to put gates, put a sign saying so.

Ms. Gretchen Hamilton, 111 Bridge Street: I live right in front of Bridge Street and next to the proposed bridge. Is that a for sure thing, to have a bridge? (Mr. Mosher: Yes.) Is there still something we are trying to figure out about that? (Mr. Mamula: The bridge is going to happen and the two lane is not up for debate.) There are a lot of people driving fast along Bridge Street, I don't understand why adding both of these roads is adding to the safety of the new neighborhood. I think the kids are more endangered with this design. (Mr. Mamula: In case there was a helicopter crash on Rodeo and an ambulance needs to get in, this will allow for additional access points for emergency vehicles.) (Mr. Daugherty: There also may be a time that we will close the road for utility reasons; we need the second access for that reason. It is just good planning to have multiple connections.)

Ms. Mary Gervais, 67 Rodeo Drive: At the last meeting, I was concerned that the pedestrian bridges didn't have walkways and I'm relieved to see the walkways now. Has anyone looked at the traffic count impacts and the effect on Bridge Street that shows the addition of a bridge at Midnight Sun? (Mr. Daugherty: Most people will go out of the new subdivision on the road by the Rodeo Grounds. The traffic numbers are not going to severely affect Bridge Street on the upper side but maybe on the lower side. But not hugely. I think that the bulk of the traffic will be on Bridge Street regardless of the second access.) The greater need is for the people on the south side of the creek to get to the recreational activities to the east. (Mr. Daugherty: It is more for the new development to get out, help disperse traffic and provide multiple options.) Are you thinking that most traffic will head towards town? (Mr. Daugherty: I would say 95% of this traffic is headed towards town regardless if it is the current neighborhood.) So, in a lot of ways that is less impact? We are a real walking neighborhood. I like the fact that our walks around our neighborhood could be longer now; having the two sections connected will be a good thing. When can we talk about parks? (Mr. Mosher: Wait for the next hearing.) "It ain't over until the fat lady has a park". I have mixed feelings; I would like to see safety for everyone, so that if someone needs an ambulance I would like to see that emergency vehicles can get in. I do understand that no one wants the street with the bridge and that is why I'm asking about impact.

Mr. Alex Blank, 32 Midnight Sun: I have 2 small kids with 12-15 additional kids along my block. I have real concerns for possible higher speeds on our street. It may be a little selfish but, I understand that Bridge Street would have a Bridge. But when I purchased my home on Midnight Sun I did not believe there would be a bridge.

Mr. Ryan Sanders, 83 Bridge Street: The bus will come down Bridge street, turn around in the interim until it will be connected through in the last phase. When will we see the bridge at Midnight Sun. People still come down Bridge Street, turn around and drive quickly back out. If we are going to do one connection then we should go ahead and do two to help disperse the traffic. Why is there no connection between Corkscrew Flats and Vista Point? (Mr. Mamula: The difference is that there are two different developers.)

Mr. Peter Hanson, 52 Midnight Sun: Pedestrian bridge versus vehicular on Midnight Sun. I live right at the west end of Wolf Lyon Road. If there was a crash pad for kids it's at my house. This is a straightaway

downhill slope for kids on bikes and skis. They come rocketing down, year round straight across the Midnight Sun right of way towards my house. I've had buses, kids crash into my yard. My biggest concern is that if there is a bridge on Midnight Sun is for the kids who fly down on the road with the additional traffic. I sit on my porch and yell at kids to watch out for cars as it is now. I think a pedestrian bridge will alleviate concerns for kids but if there is a vehicular bridge there will need to be changes for safety. I think this increases the chance for kid and vehicular accidents.

Mr. Jeff Cospolich, 68 Bridge Street: Wellington works very well, thank you to the Town and everyone. But, I don't think there is a need for a secondary vehicular bridge. Initially I thought the gated bridge at Bridge Street would be great, it seems that the Town is flush with cash, but I understand that. I'm not opposed to have vehicular traffic both directions but with speed control like speed bumps, there would still be some traffic increase on the existing north end of Bridge Street. I thought it was a shame when Impatient Green went in, it is a whole bunch of pavers and different level. I feel that it is unfortunate that we don't have a useable green along Bridge Street for our neighborhood kids.

Mr. Dave Rossi, 6 Cedar Green: I love this neighborhood and I echo Mr. Cospolich when he thanks the Town for this development. Midnight Sun has 22 houses on it and I believe at least 14 of these houses also have kids. If you look at my handout (photographs of different views of Midnight Sun Road). On page two, my concern is that the proposed will force a hard left and then an immediate right to get onto Midnight Sun. I question if someone can see traffic in the summer. I'm not in support of this bridge on Midnight Sun. I feel like there is a lot conversation about connectivity, but Valley Brook has only one access, Corkscrew Vista Point, the Wellington Neighborhood on Reiling is only one way in. That is what would be continued on the South. There are 204 homes in the existing neighborhood, and this portion is a much smaller neighborhood. I trust that David will make this a pedestrian village. The fact is, that he fights for the details that this neighborhood has benefitted as a result. I don't think the additional bridges make things better. I believe that the neighborhoods are geographically different. The Town of Vail has automated gates, this is not a novel idea. From the last worksession, I brought up this idea to my neighbors. The little bulb out for transit service the Bridge Street residents needs to understand that this bus is going to back and forth for years. So I think the turnaround should be in Phase 1 and not Phase 2. The Bridge street Bridge, hammerheads into a house, no natural traffic flow. I would like the Planning Commission of emergency first responder, plow with emergency gates. Let's stay flexible.

Ms. Ellen Reid, 108 Bridge Street: I have a question on the turnaround. You are putting them in on Phase 2 on Bridge Street. The bus route when we tested them on Logan Road seemed to work fine. I don't know why we need to put them in until Bridge Street is completed. What is the thinking on this? (Mr. Daugherty: The idea is that the neighborhood has only bus stop. But it is on the far west end. This is the idea to help service the rest of the neighborhood. We've always had in the plan to come across Bridge Street, it was never intended to have the bus go through on the other streets. This gets us to closer proximity sooner.) (Mr. Mosher: Pull outs for the buses are needed. This can't be done along Logan Road.) Concerns were expressed that it may take years for the bus pullouts. (Mr. Daugherty: During Phase 2, we will require that the bridge will be complete.) Is it up for discussion on when the bridge is built? I would suggest that the bus be used longer on Logan Road if possible. I agree with the idea of the gate at Bridge Street. I feel like it could be done. Would neighbors have a way to get through it? (Mr. Daugherty: We had this discussion back and forth.) (Mr. Mosher: A gate has never been part of any proposal from the applicant or Staff.) (Mr. Mamula: It may be in some of our comments.)

Mr. Mosher noted that an email for public comment had been received today, December 2<sup>nd</sup>, from John Champoux, resident at 29 Midnight Sun Road. A copy of that email was placed at each Planning Commissioner's seat prior to the meeting this evening.

There was no further public comment, and the hearing was closed.

*Commissioner Questions / Comments*

- Mr. Pringle: Basically we are talking about a bridge on Midnight Sun and if we don't have a bridge then the Bridge Street roadway is 24-feet wide? (Mr. Daugherty: Yes.) Is it possible to have the pedestrian bridge on Midnight Sun that would allow emergency vehicles? (Mr. Daugherty: I think the full connection is good, it allows for the disbursement of traffic. If we are only going to rely on one road then we need 24-feet of width. If we have two roads crossing the creek then we can go back to 20-feet wide.)
- Mr. Mamula: Midnight Sun and Bridge Street are irrelevant when you say that. (Mr. Mosher: Part of the concern is having more connectivity for emergency services as described in the memo from Red White and Blue. Also, the Commission needs to make sure that this measures up to Policy 35, Subdivision of the Development Code.)
- Ms. Christopher: Why has it moved from Rodeo to Midnight Sun? (Ms. Courtney Kenady, works with Mr. O'Neil: The riparian corridor on Rodeo is beautiful and it is desired to keep this. So a connection at Midnight Sun makes more sense.)
- Mr. Mamula: At what point did the residents know there would be a bridge on Midnight Sun? (Mr. Mosher: It has always existed as a future right of way on all of the Master Plans since 1999 but, it was removed on the 2006 Master Plan modification.)
- Mr. Pringle: The developer wants a variance to the 24-foot standard. What direction, Code wise, are we going on to make the variance? (Mr. Daugherty: We approved it in the beginning with the multiple vehicular connections and with the affordable housing caveat. If we get any less than the two access points than we need to increase the road width to 24-feet.) You are asking us to influence the discussion between you and Mr. O'Neil. (Mr. O'Neil: When you widen the road you totally change the character of the neighborhood and you increase vehicular speeds.)

*Final Comments:*

- Mr. Schroder: Policy 35 is the policy to meet. We will need the additional vehicular crossing over French Creek. And I think the pedestrian connection to Central Park should be added. Q.2: I appreciate the comments on Bridge Street and I don't think that the bus going back and forth twice every 30 minutes is a good. I appreciate the cul-de-sac but I think something else has to be alleviated. Q.3: Pedestrian bridges, I like the idea of adding one pedestrian and two vehicular bridges.
- Mr. Pringle: I agree with both Mr. Daugherty and Mr. O'Neil. I am not quite sure how I feel about this design and options. I think you need to figure this out. I am going to agree with the Engineering Staff. I think the Midnight Sun bridge could be an emergency vehicular access for the neighborhood but, shouldn't be a full use vehicular bridge. I don't know about the bus service. Err on the side that it was proposed to be on with the approved Master Plan. Go with the Bridge Street solution, get the bridge in as soon as possible and the road in sooner so that a permanent. The pedestrian access between the two neighborhoods is critical and that is important.
- Ms. Dudney: I agree with Mr. Pringle. I think by not having the bridge on Midnight Sun is safer and the negative impact for those homes is bigger than the negative impact on Bridge Street since most of the traffic won't be going north. I think we go with the 24-foot wide roads. Q.2: I think the phasing is never perfect, I think it is fair to have the cul-de-sac in Phase 2. Q.3: I think the pedestrian bridge is good.
- Ms. Christopher: I think that a second bridge is good. Align with the road. But, I don't think it is great to be on Midnight Sun. Maybe it could be designated as emergency access only. Q.2: I'm with engineering and whenever that needs to go in. On Q.3: I think as many pedestrian bridges as possible the better.
- Mr. Lamb: I like the idea of the second vehicular crossing and have a hard time going against planning,

engineering and the fire department. On the buses, I think the diesel is going away soon. Electric will be quieter. Q.3: I agree with the added pedestrian bridges.

Mr. Mamula: Overall, this modification is poorly thought out. For me this phase does not work. There are negative impacts to the old neighborhood because of the new neighborhood. This is unfair. There needs to be more consideration for traffic. I don't think the design is fair or Code based, the study doesn't actually show anything about impacts of traffic on Midnight Sun or the load base on Bridge. I would like to see a different solution, if there is one bridge and the result is a 24-foot wide road, then there needs to be some calming effects. This phase to me looks like an add-on that was not thought out. It is so different than the other one. I don't really know which I lean other than the fact that I think it unfair on the old neighborhood. I think the agreement about not having to do all of the infrastructure at once and putting a bus on a street is awkward. I would rather see people have to wait longer for a bus. We don't have bus service everywhere in Town. We service Vista Point with only one stop. I think it is unfair for those 14 houses to have the bus there. I think the gate at Bridge Street (which is what I proposed at the last meeting) is still a decent solution. I think we are setting up for failure for a car accident or a kid getting killed. We can use traffic calming measures and more stop signs. You can come up with something brilliant right now which I know you are capable of.

**OTHER MATTERS:**

Ms. Puester: Our next planning Commission meeting (second meeting in December) is canceled. Also, Saving Places Conferences is coming up in February.

**ADJOURNMENT:**

The meeting was adjourned at 10:05 pm.

---

Eric Mamula, Chair



## MEMORANDUM

**To:** Mayor and Town Council  
**From:** Tim Gagen, Town Manager  
**Date:** December 3, 2014  
**Subject:** Ordinance Extending Town's Comcast Cable Franchise (Second Reading)

The Town has a Cable Franchise Agreement with Comcast which expires December 31, 2014. The Town, along with Summit County and the other Towns in the County, have been working with Comcast to renew the Franchise Agreement for over a year. The Town also has a lease with Comcast for the location and operation of their head end on Town property on Wellington Road. This lease has previously expired and been extended month-to-month with the plan to approve a new lease that coincides with the Franchise renewal. The communities of Summit County have recently finalized the proposed Franchise renewal but the revision and renewal of the lease with Comcast has lagged behind and is not yet finalized to the Town's and County's satisfaction. Given that additional work needs to be done on the lease, our Cable Franchise attorney has recommended that the Towns and County consider extending the Franchise one more time to finish negotiation on the lease and when complete, consider approval of the Franchise and lease at the same time as originally planned. Extending the Franchise preserves all the current provisions of the Franchise.

Attached is an ordinance that will approve the Fourth Amendment to the Franchise Agreement extending the existing terms until June 30, 2015. This ordinance is scheduled for second reading during the regular Council meeting on December 9, 2014, there have been no changes to the proposed ordinance from first reading.



**COUNCIL BILL NO. \_\_\_\_**  
**Series 2014**

**AN ORDINANCE APPROVING THE FOURTH AMENDMENT TO THE TOWN'S  
CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST OF  
CALIFORNIA/COLORADO/WASHINGTON, LP**

**WHEREAS**, the Town entered into a cable franchise agreement with Universal Cable Communications, Inc. d/b/a Classic Cable (“Classic Cable”) dated November 15, 1995 (“Franchise Agreement”); and

**WHEREAS**, by Resolution No. 45, Series 2001, adopted October 23, 2001, the Town approved the assignment of the Franchise Agreement from Classic Cable to TCI Cable Partners of St. Louis, L.P. (“TCI”); and

**WHEREAS**, Comcast of California/Colorado/Washington, LP (“Comcast”) is the successor to TCI and currently holds a cable franchise with the Town pursuant to Resolution No. 30, Series 2002, adopted June 11, 2002; and

**WHEREAS**, Ordinance No. 27, Series 2005 extended the term of the Franchise Agreement to June 15, 2008; and

**WHEREAS**, by Ordinance No. 26, Series 2007, the Town Council approved a “First Amendment To Franchise Agreement” (“First Amendment”) that, among other things, extended the term of the Franchise Agreement until June 15, 2013; and

**WHEREAS**, by Ordinance No. 18, Series 2013, the Town Council approved a “Second Amendment To Franchise Agreement” (“Second Amendment”) that extended the term of the Franchise Agreement until June 15, 2014; and

**WHEREAS**, by Ordinance No. \_\_\_\_, Series 2014, the Town Council approved a “Third Amendment To Franchise Agreement” (“Third Amendment”) that extended the term of the Franchise Agreement until December 31, 2014; and

**WHEREAS**, Comcast has preserved its rights by timely filing a request with the Town to activate the formal process for renewing the Franchise Agreement pursuant to the Cable Communications Policy Act of 1984 (“Cable Act”); and

**WHEREAS**, the parties have agreed to extend the existing term of the Franchise Agreement until June 30, 2015, as more fully set forth in the proposed “Fourth Amendment to Franchise Agreement Between the Town of Breckenridge, Colorado and Comcast of California/Colorado/Washington, LP” (“Fourth Amendment”), a copy of which is marked Exhibit A, attached to this ordinance and incorporated into this ordinance by reference; and

**WHEREAS**, the Town Council finds and determines that approval of the Fourth Amendment would be in the best interest of the Town and its citizens.

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

Section 1. The Fourth Amendment to Franchise Agreement Between the Town of Breckenridge, Colorado and Comcast of California/Colorado/Washington, LP is approved, and the Mayor is authorized, empowered, and directed to execute such document for and on behalf of the Town of Breckenridge. The Franchise Agreement, as amended by the First Amendment, the Second Amendment, the Third Amendment and the Fourth Amendment, shall remain in effect, pursuant to the terms and conditions contained therein, until the new expiration date, until a new agreement is entered into between the parties, or until the Franchise Agreement is terminated pursuant to its terms.

Section 2. Neither the Town nor Comcast waive any right they have under law as a result of agreeing to extend the Franchise Agreement as provided in the Fourth Amendment, and Comcast shall not be required to file any additional request or document in order to preserve its rights under Section 626 of the Cable Act.

Section 3. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. The Town Council declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. The Town Council finds, determines, and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 6. 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 \_\_\_\_\_, 2014. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_ day of \_\_\_\_\_, 2014, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

**TOWN OF BRECKENRIDGE**  
a Colorado municipal corporation

By: \_\_\_\_\_  
John G. Warner, Mayor

**ATTEST:**

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

**FOURTH AMENDMENT TO THE CABLE TELEVISION FRANCHISE BETWEEN  
THE TOWN OF BRECKENRIDGE, COLORADO AND COMCAST OF  
CALIFORNIA/COLORADO/WASHINGTON, LP**

This Fourth Amendment to the Cable Television Franchise Agreement is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2014, such day being the effective date of the Town of Breckenridge Ordinance No. \_\_\_\_, Series 2014, and amend the Cable Television Franchise Agreement (“Franchise Agreement”), by and between the Town of Breckenridge, Colorado, (“Town”) and Comcast of California/Colorado/Washington, LP (“Comcast”).

**WHEREAS**, in 1995, the Town Council approved the grant of a nonexclusive Franchise Agreement to Universal Cable Communications, Inc., effective October 24, 1995, for its construction and operation of a cable television system within the Town; and

**WHEREAS**, Comcast of California/Colorado/Washington, LP, is the successor in interest to Universal Cable Communications, Inc.; and

**WHEREAS**, on November 13, 2007, the parties previously agreed to extend the Franchise Agreement to June 15, 2013; and

**WHEREAS**, on May 14, 2013, the parties previously agreed to extend the Franchise Agreement to June 15, 2014; and

**WHEREAS**, by Ordinance No. \_\_\_\_, Series 2014, the Town Council approved a “Third Amendment To Franchise Agreement” (“Third Amendment”) that extended the term of the Franchise Agreement until December 31, 2014; and

**WHEREAS**, Comcast has preserved its rights by timely filing a request with the Town to activate the formal process for renewing the Franchise Agreement pursuant to the provisions of the Cable Communications Policy Act of 1984 (“Cable Act”); and

**WHEREAS**, the Franchise Agreement was set to expire on December 31, 2014; and

**WHEREAS**, Town Staff and Comcast representatives have discussed the renewal of the Franchise Agreement and both parties have agreed that their respective interests will be served by a formal extension of the existing Franchise Agreement to a date certain; and

**WHEREAS**, the Town Council is agreeable to extending the existing term of the Franchise Agreement until June 30, 2015.

**NOW, THEREFORE**, the present Franchise Agreement is hereby amended by the following:

1. Section V of the Franchise Agreement – Term is hereby deleted and replaced with

the following:

**V. Term**

In accordance with Ordinance No. \_\_\_\_, Series 2014, the term of the Franchise shall be extended to June 30, 2015, unless terminated sooner as hereinafter provided.

2. Except as specifically modified hereby, the Franchise Agreement shall remain in full force and effect.

3. Neither party waives any right which it enjoys under law as a result of agreeing to this Franchise extension, and Comcast shall not be required to file any additional request or document in order to preserve its right of renewal under Section 626 of the Cable Act.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the day and year first written above.

**TOWN OF BRECKENRIDGE, COLORADO**  
a Colorado municipal corporation

By: \_\_\_\_\_  
John G. Warner, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Timothy H. Berry, Town Attorney

**COMCAST OF CALIFORNIA/COLORADO/  
WASHINGTON, LP**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

## Memorandum

**TO:** TOWN COUNCIL  
**FROM:** Dale Stein, Assistant Town Engineer  
**DATE:** November 5, 2014  
**RE:** Public Projects Update

---

### **Breckenridge Grand Vacations Community Center**

Numerous sub-contractors are continuing to work on the final construction items related to the rehabilitation of the historic building on Harris Street. All crews are focused on obtaining a certificate of occupancy in mid-December.



Recent work on the interior of the building includes installation of final wood trim, installation of millwork in the concessions and coffee shop areas, stain & painting, placement and stretching of acoustic ceiling fabric, and installation of light fixtures, new library shelving, and audio / video equipment throughout the library spaces and cinema.

A new addition to the project interior this week was the placement of the beautiful new Breckenridge Heritage Alliance wall mural in the upper level mezzanine lobby.

### **Old Masonic Hall**

Interior rough-ins continue at the Old Masonic Hall project with HVAC ductwork. In the coming weeks, insulation and interior concrete slabs will be installed. Currently, the project is on schedule and on budget.

### **Breckenridge Theater Addition**

See additional memo.

## Memorandum

**TO:** TOWN COUNCIL  
**FROM:** Shannon Smith, Engineering Department  
Robb Woulfe, Breckenridge Creative Arts  
**DATE:** December 1, 2014  
**RE:** Breckenridge Theater Renovation Update

---

Representatives from the Breckenridge Backstage Theatre (BBT), Breckenridge Creative Arts (BCA), and the Engineering Department have been meeting to finalize changes to the Breckenridge Theater Renovation project. This memo discusses the minor changes to the architectural plans that benefit BBT and BCA. A budget update will be brought to Council at a later date, once a contractor has been hired and an updated cost estimate performed (targeted for February 2015).

The basic goals of the theater renovation project are to enhance the patron experience at the theater, improve the performance stage and back-of-house to accommodate larger productions, and create increased flexibility for additional events in the facility. To achieve these goals, the project includes upgrading the HVAC system, raising the ceiling height above the stage, construction of a stage house for set construction and storage, increasing dressing room capacity and adding a shower, adding 27 seats to the theater, increasing lobby space, and improving circulation.

Town and BCA staff have proposed lobby revisions that attempt to maximize floor space for circulation and have a more directed flow for patrons. The previously proposed floor plan had people crossing tight spaces and lines multiple times when attempting to drop off their coat, get a ticket, and then a drink, and finally go to the lobby to socialize. The new plan looks to give more space and an order of operations that does not require squeezing by people multiple times. It also seemed counter-intuitive to have the ticket line in the circulation space in the south lobby, which was another reason the bar and ticketing area were switched. There was general consensus for the proposed new lobby layout, which also allows for two gallery and exhibition areas for year-round use by the BCA. The previously proposed office space has also been deleted; however, the ticket office size was increased to accommodate a small desk and work area.

The second change in the plans focuses on the stage area and back of house. Upon a more detailed review of the design drawings, BBT has requested that the height of the opening between the stage house and performance stage be increased from 12 feet to 15 feet. This allows BBT to design and use more complex scenery for their productions and provides significantly better lighting positions over the stage. The additional height will also allow for easier clearing of the stage for other uses and programming.

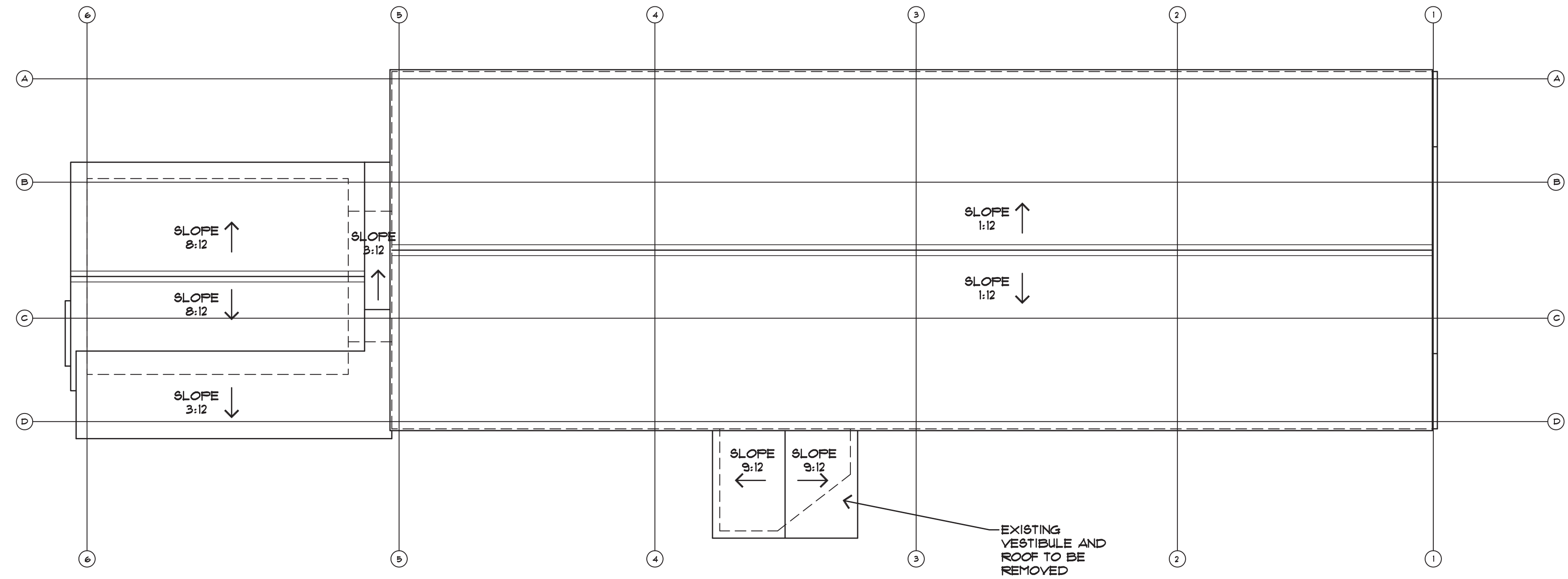
The increased ceiling height in the stage house and feedback from the Planning Department have lead to changes in the roof forms on the south and west sides of the building. The southern gable element was removed for better conformance with the Historic District guidelines. These roof changes are illustrated in the 3-D model images.

Staff has also been evaluating possible changes to the design to cut project costs. One idea is to eliminate the proposed northwest addition that will house the new dressing rooms and relocate the expanded dressing rooms directly behind the stage (currently storage/green room). This proposed change will be included as a "bid alternate" in the plans and can be incorporated into the project for cost savings. This is shown as Option B in the attached plans.

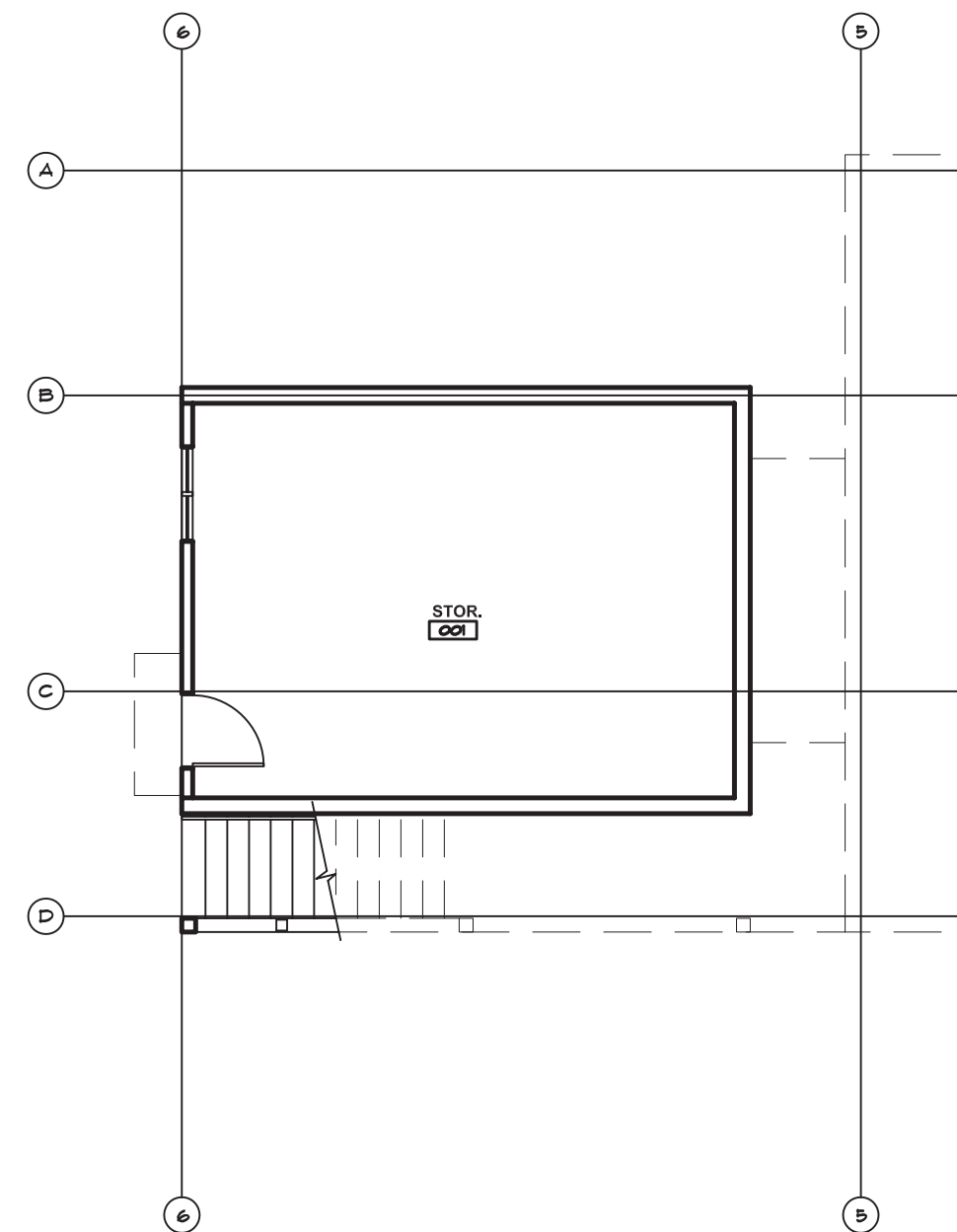
The project is anticipated to be put out for bids in March and for construction to begin in May.



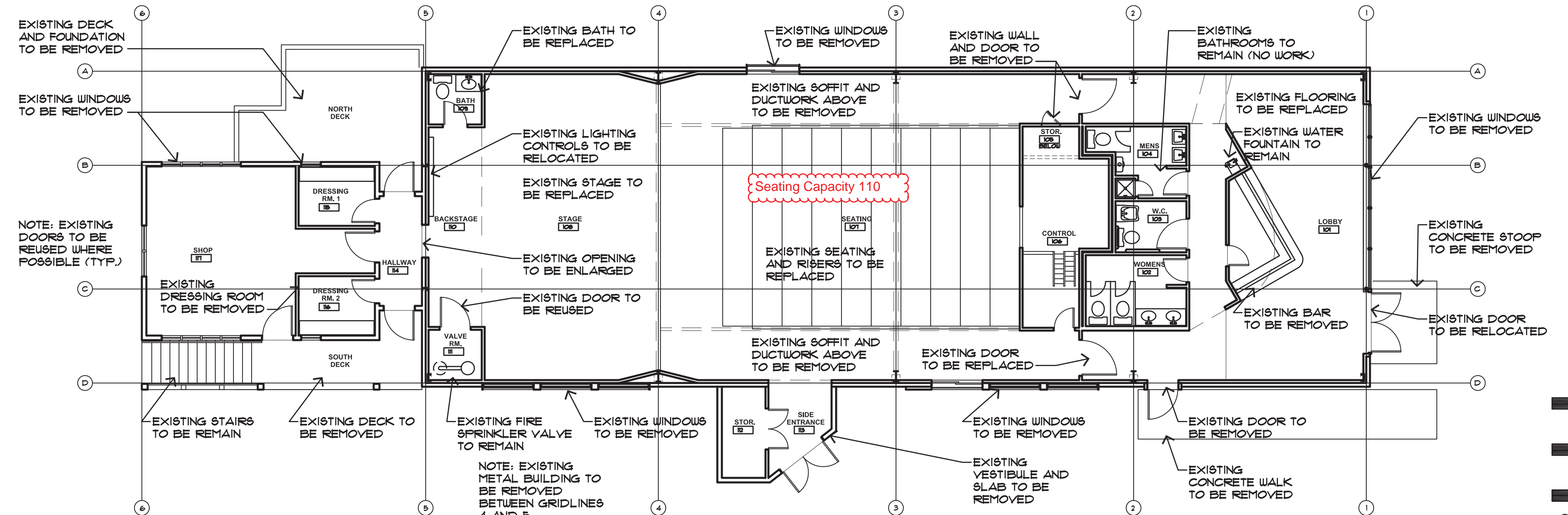
# Existing Floor Plan



**EXISTING ROOF PLAN**



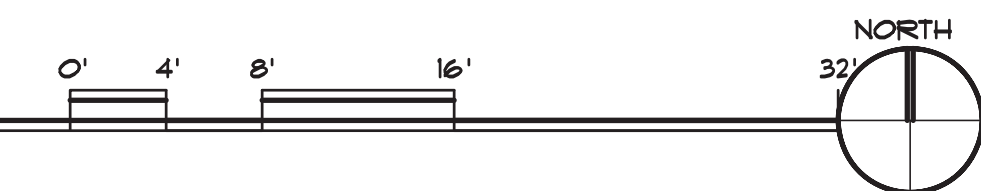
**EXISTING LOWER LEVEL PLAN**



**EXISTING MAIN LEVEL PLAN**

## EXISTING CONDITIONS PLANS

SCALE: 1/8"=1'-0"



REVISIONS:

JOB NO: 51307  
DATE: 01-09-14  
DRAWN BY: jluxkemper  
CHECKED BY: mhogan

©2013 THIS DRAWING IS COPYRIGHTED AND SHALL NOT BE REPRODUCED WITHOUT ARCHITECT'S WRITTEN PERMISSION

ISSUED FOR: PRELIM. PRICING  
01-09-14

**bhh Partners**  
P.O. BOX 931, 160 EAST ADAMS  
BRECKENRIDGE, CO 80424 (970) 453-8880

**BRECKENRIDGE THEATRE EXPANSION**  
121 SOUTH RIDGE STREET, BRECKENRIDGE, COLORADO

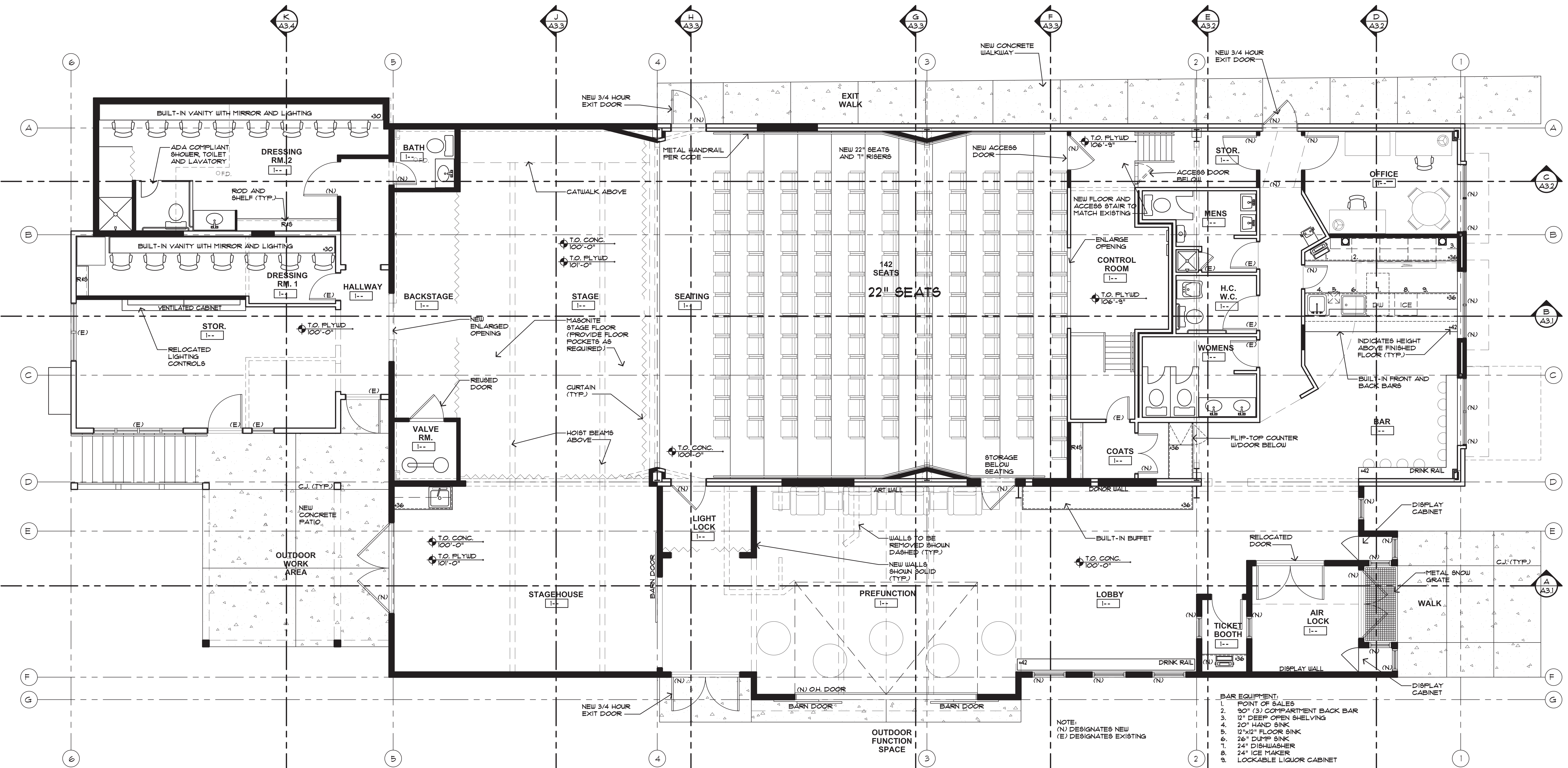
© 2013

SHEET NUMBER:

**A1.0**

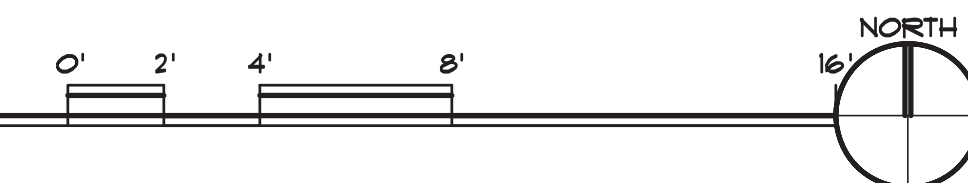
OF:

Previously Proposed Floor Plan  
(1/9/14)



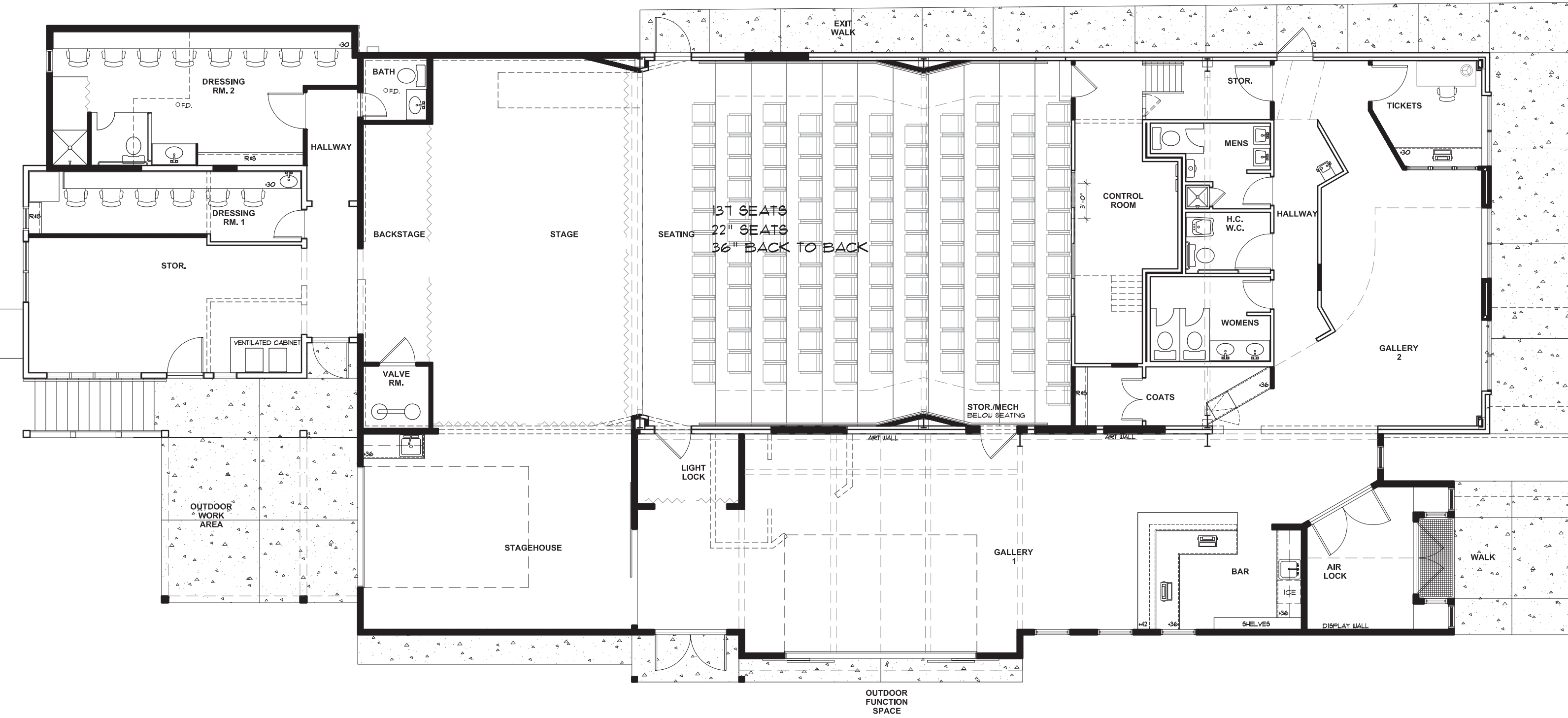
**PROPOSED MAIN LEVEL PLAN OPTION B**

SCALE: 1/4"=1'-0"



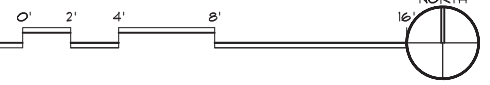
- BAR EQUIPMENT:**
1. POINT OF SALES
  2. 90" (3) COMPARTMENT BACK BAR
  3. 12" DEEP OPEN SHELVING
  4. 20" HAND SINK
  5. 12"x12" FLOOR SINK
  6. 26" DUMP SINK
  7. 24" DISHWASHER
  8. 24" ICE MAKER
  9. LOCKABLE LIQUOR CABINET

NOTE:  
(N) DESIGNATES NEW  
(E) DESIGNATES EXISTING

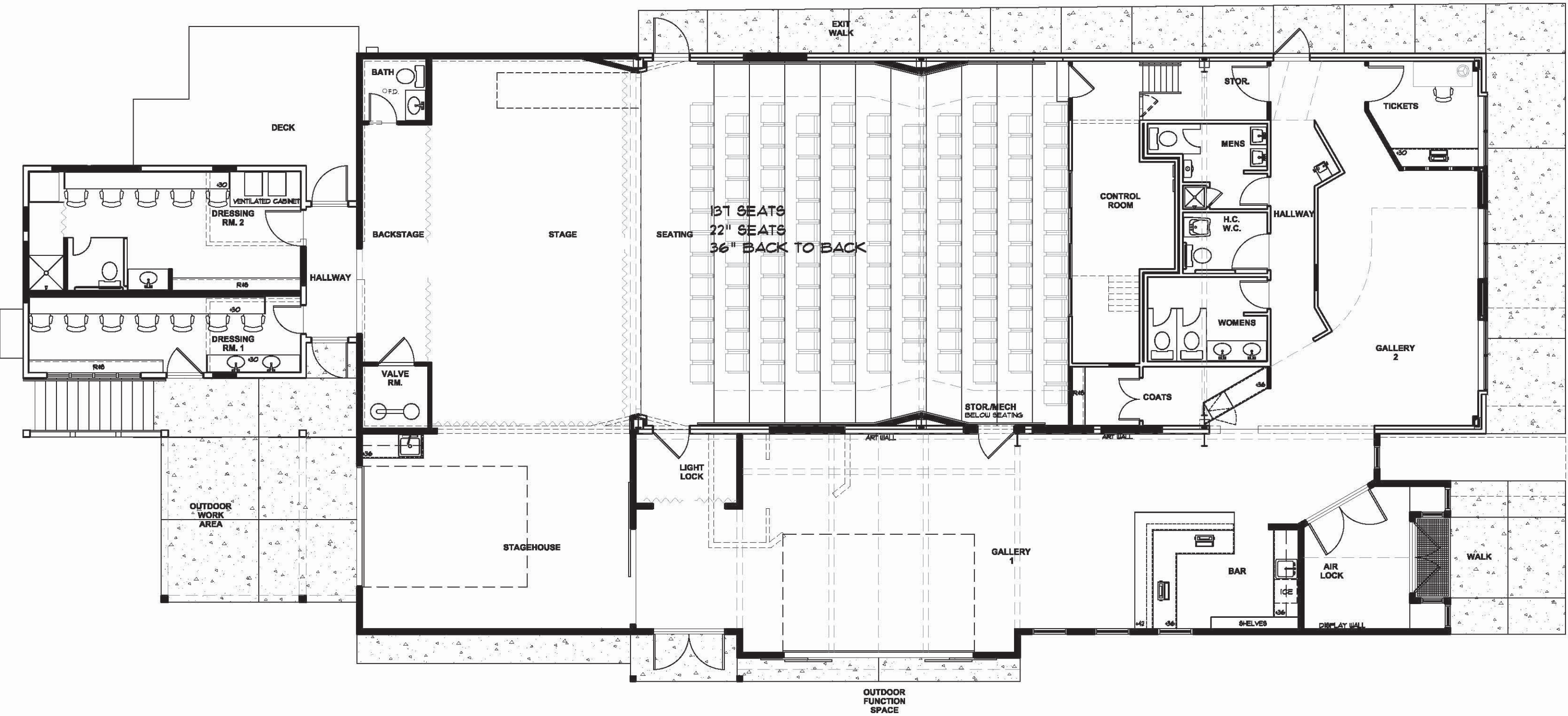


**PROPOSED MAIN LEVEL PLAN - OPTION A**

SCALE: 1/4"=1'-0"

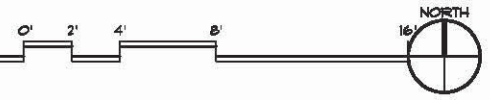






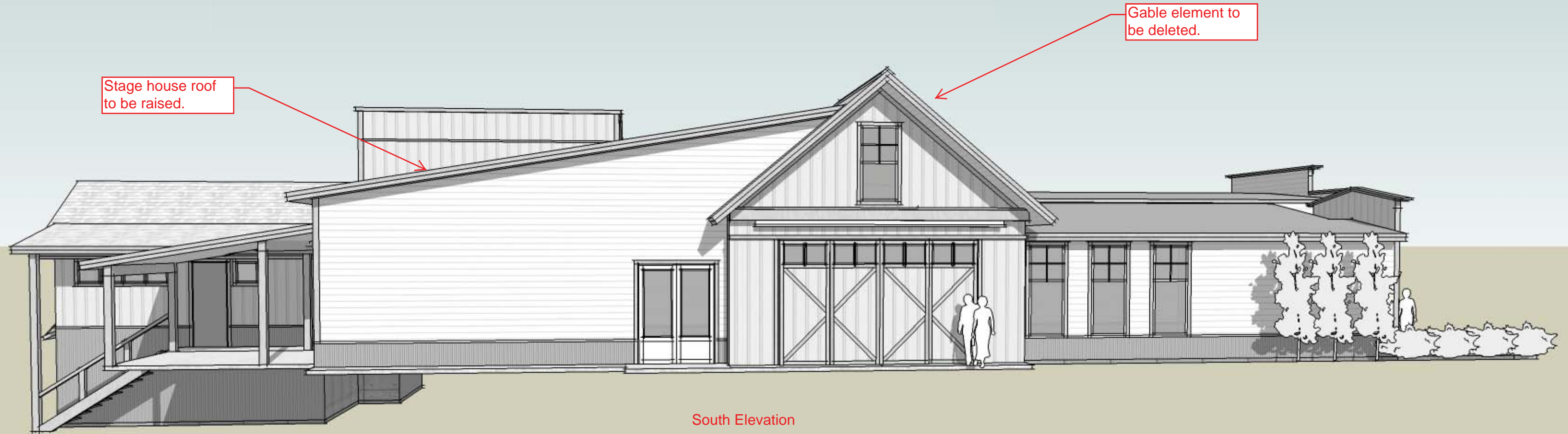
**PROPOSED MAIN LEVEL PLAN - OPTION B**

SCALE: 1/4" = 1'-0"



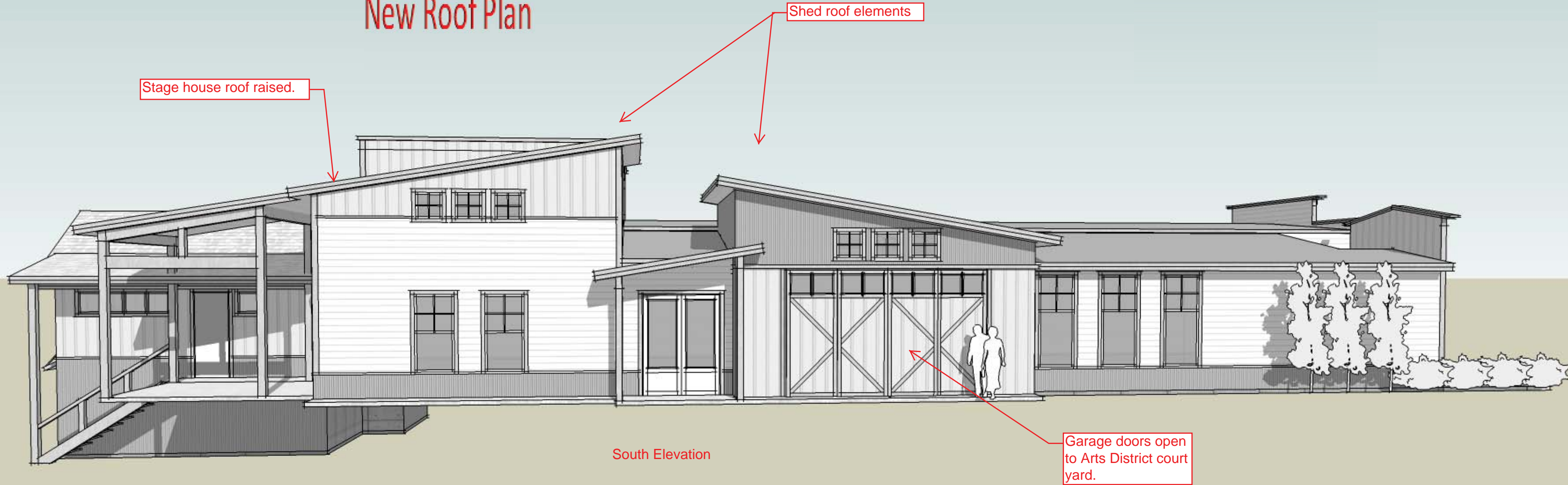
Bld Alternate Option (Delete dressing room addition)

# Previously Proposed Plan (1/09/14)





# New Roof Plan



# Ridge Street Façade



**MEMO**

**TO:** Mayor & Town Council  
**FROM:** Tim Gagen, Town Manager  
**DATE:** December 4, 2014  
**SUBJECT:** Committee Reports for 12-9-2014 Council Packet

*No committee reports were submitted at this time.*

<b>Committees</b>	<b>Representative</b>	<b>Report Status</b>
CAST	Mayor Warner	Verbal Report
CDOT	Tim Gagen	No Meeting/Report
CML	Tim Gagen	No Meeting/Report
I-70 Coalition	Tim Gagen	No Meeting/Report
Mayors, Managers & Commissions Meeting	Mayor Warner	Verbal Report
Liquor Licensing Authority*	Taryn Power	No Meeting/Report
Wildfire Council	Matt Thompson	No Meeting/Report
Public Art Commission*	Jenn Cram	No Meeting/Report
Summit Stage Advisory Board*	James Phelps	No Meeting/Report
Police Advisory Committee	Chief Haynes	No Meeting/Report
CMC Advisory Committee	Tim Gagen	No Meeting/Report
Recreation Advisory Committee	Mike Barney	No Meeting/Report

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

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





# MEMORANDUM

**To:** Mayor and Town Council  
**From:** Shannon Haynes, Chief of Police  
**Date:** December 3, 2014  
**Subject:** Public Feedback on possible changes to Town Smoking Ordinance

At the Council work session on October 14<sup>th</sup> Council requested staff gather public feedback regarding the potential for a smoking buffer around the entryway of businesses & restaurants and the area around outdoor seating areas at restaurants. Staff utilized three separate surveys to reach the community and businesses. The surveys were distributed via GoBreck, Breckenridge Restaurant Association (BRA), and Engage Breckenridge. All three tools asked the following questions and provided the subsequent responses:

**How do you feel about smoking in the entryway of retail businesses and restaurants?**

- Smoking should be prohibited within 20 feet of any entryway
- Smoking should be prohibited within 15 feet of any entryway (the current state law)
- Smoking should be allowed in and around the entryway of a business (the current situation in Breckenridge)

**How do you feel about smoking near the outdoor seating area of restaurants?**

- Smoking should be prohibited within 20 feet of any outdoor dining area of a restaurant
- Smoking should be prohibited within 10 feet of any outdoor dining area of a restaurant
- Smoking should be allowed in and around the outdoor area of any business (the current situation)

Surveys resulted in the following response rate: GoBreck – 41, BRA – 19 and Engage Breck – 163; for a total of 223 responses. The results are listed in the table below.

<b>Results by Survey</b>			
<b>How do you feel about smoking in the entryway of retail businesses and restaurants?</b>			
	Prohibit within 20 feet	Prohibit within 15 feet	Allow
GoBreck (41)	51.22%	39.02%	9.76%
BRA (19)	21.05%	47.37%	31.58%
Engage Breck (163)	61.96%	31.90%	6.14%
<b>How do you feel about smoking near the outdoor seating area of restaurants?</b>			
	Prohibit within 20 feet	Prohibit within 10 feet	Allow
GoBreck (41)	51.22%	39.02%	9.76%
BRA (19)	52.63%	10.53%	36.84%
Engage Breck (163)	65.85%	17.07%	17.07%

<b>Comprehensive Results for all three surveys</b>			
<b>How do you feel about smoking in the entryway of retail businesses and restaurants?</b>			
	Prohibit within 20 feet	Prohibit within 15 feet	Allow
All Surveys (223)	56.50%	34.53%	8.97%
<b>How do you feel about smoking near the outdoor seating area of restaurants?</b>			
	Prohibit within 20 feet	Prohibit within 15 feet	Allow
All Surveys (223)	74.44%	12.56%	13.00%

Respondents were also offered an opportunity to provide comments (Copy attached). Most comments were supportive of ban. Common themes included:

- Citizens do not like to walk through a cloud of smoke to access a business.
- Smoking tobacco is as unacceptable as smoking marijuana in public.
- Follow state guidelines.
- More needs to be done regarding the disposal of cigarette butts.
- Prohibit smoking at Free Ride bus stops.

There were also a few comments related to non-regulation. These themes included:

- Smoking in open spaces (i.e. Carter Park) does not affect non-smokers.
- Stop trying to regulate everyone’s life.
- The town and streets are too small to change the ordinance. There will be people smoking in front of other businesses or in the streets if the law is changed.
- People will not want to walk far to have a cigarette, so you will just end up with a bunch of pissed off people, breaking the law...

Based on the overwhelming community support for a buffer of 15 feet or more around the entryways for businesses and restaurants, staff recommends Council consider amending the current ordinance to include a buffer; and consider enacting a buffer area around outdoor seating areas.

**Follow up on E-Cigarettes and Public Space restrictions**

To follow up on our conversation from October 14<sup>th</sup>, Council was supportive of including e-cigarettes and similar products where tobacco use is currently prohibited by ordinance. Our conversation also included adding public spaces to the twenty-nine areas where smoking is currently prohibited by ordinance. Staff heard the majority of Council support prohibitions in the following areas and would like to confirm Council’s preference to include these in ordinance:

- Town of Breckenridge controlled parks, open space, indoor/outdoor sports, athletic fields, and playgrounds;
- Recreation Path;
- Golf course facilities and grounds, excluding the course of play;
- Public transit waiting areas (in addition to transit shelters).

I will be present at the work session on Tuesday, December 9<sup>th</sup> to receive feedback and answer questions.

## Comments collected from GoBreck respondents

It is so nice to have smoke free zones. I don't think people who smoke realize quite how obnoxious it is to walk into a cloud of smoke upon entering or leaving a building.

Smoking tobacco in public areas is as unacceptable as smoking marijuana in public places. Second hand smoke is annoying, unhealthy, and unnecessary. It also detrimental to businesses adjacent to bars etc. where people tend to smoke.

Smoking near or around the entryway to any business can be detrimental to its operation. The town ordinance should reflect the regulations in place in the rest of the state.

I'm OK with current legalization of marijuana within a private 'pot business' but rrally disappointed that it seems to overtake the Riverwalk Center during public events and town party.

Pot smoking as the same as tobacco smoking

I dislike the fact that to enter/exit any business you have to walk through smoke/smokers to do so, and especially do not like to smell smoke whilst eating.

Personally I detest the fact that people can smoke around an entryway of a business or restaurant It looks terrible and makes the town look cheap and erodes the family friendly environment that we would like the town to emanate. I find it really unpleasant to have to walk through a crowd of noisy smokers who can often block an entry way to a business or restaurant, making it difficult to access. It's disgusting that they often throw their cigarette butts on the ground and expect someone else to clean up after them. I think that businesses/restaurants should set up dedicated smoking areas away from business entryways (20 feet away) so that they do not affect non-smokers' enjoyment of a particular business or access to a business.

Follow state guidelines

The problem with smoke is that it travels depending on wind speed and direction, so really the only thing to prevent the smell of smoke from wafting into shop entrances and into outdoor seating areas is to prevent smoking within a greater radius of such areas. Hence, anything less than a 20ft ban doesn't make sense.

It has been my experience (as a business owner with a bar either side of my business) that smoking in the entryways to businesses is undesirable. The businesses whose patrons are smoking are not promoting a great image of themselves by having their entrances blocked by smokers. It also makes the town as a whole look unpleasant when all of the bars and their respective smokers are taken into account. More importantly, neighboring businesses are even more negatively affected. It is off putting for customers to have to walk through a crowd of smokers (who have also been drinking) and the smell and smoke blowing across and into a neighboring business is disgusting. The owners of businesses whose customers smoke seem to show no regard for other people or businesses and simply allow their customers to smoke wherever they want (even if designated out of the way smoking areas are provided). The customers who are actually smoking likewise show no thought for anyone else and smoke, shout, curse and throw cigarette butts wherever they want (expecting someone else to clear them up). Given the number of bars that the Town has allowed in Breckenridge I think it is absolutely time for Breckenridge's outdated ordnance to be updated to

improve business conditions and visitor experience overall and in particular to protect neighboring businesses who suffer the effects of smoke and gatherings of people outside their business entrances. A formal ordinance backed up by Town and Police enforcement would be a huge positive in improving behavior and business conditions. With regard specifically to dining areas I think it is sensible to restrict smoking in such areas so diners can enjoy their meals without the smell of smoke. Smoking is unhealthy and nobody needs to do it. Alcohol consumption is restricted for the benefit of the town as a whole. Restricting tobacco use as suggested would fit with this concept. I also see no reason why Breckenridge should be out of step with State law, which has been in place for years to improve peoples lives.

It really starts to be ludicrous that second hand smoke is going to affect other people smoking, let say, in Carter Park.

Have specific receptacles for cigarettes to be disposed of properly so smokers might kick the habit of using the sidewalk as a place to throw out their cigarettes.

Thank you for considering these changes. TOB's smoking ordinances were once progressive, and are now outdated. The State calls for a minimum of 15' separation from entrances and smokers, it is time for Breckenridge to step up too.

Changing the entryway ordinance is key to keeping our shop smoke free. People find that the overhang of our shop is a great place to stand to smoke and even if we close our door, the smell and smoke enter the space and lingers for hours.

Just remember that people that don't smoke and don't wish to smoke have to breathe that smoke when going places. It is disgusting as it is, but having to have constant breaths of that when trying to eat would keep me from going to that restaurant.

Smoking should be prohibited everywhere - it's nasty, pollutes the air, and causes cancer. Why are we still having this discussion? BAN it.

Consider a smoking ban on Main Street similar to Pearl Street in Boulder.

Not changing this is a danger to the health of everyone. Please take one step further and help put in place an ordinance for condo units. Not smoking within 20' or more feet away from any public building. Restaurant, shop, condo unit etc.

Stop trying to regulate everyone's life!!!

### Comments collected from Engage Breck respondents

Smoking should be banned around any food serving areas.

100 feet from and restaurant, outdoor dining area, bus stop or public place.

All forms of smoking should be banned in public places. period.

I also dislike the unfortunate need to wade through a veil of smoke when entering any business. These links may prove to be helpful:

<http://www.signs.com/blog/no-smoking-laws-for-all-fifty-states/#colorado>  
<http://www.smokefreecolorado.org/main.html>

Follow the state law and all will be consistent.

There are few things more annoying than 'running the gauntlet' of smokers, entering/exiting a building or trying to enjoy a meal with the breeze blowing smoke over your meal.

Smoking should be prohibited at Breckenridge Freeride bus stops.

### **Comments collected from BRA respondents**

I think the distance for question 2 should be 15 ft as well. Keep this consistent.

The town and streets are too small to change the ordinance. There will be people smoking in front of other businesses or in the streets if the law is changed.

Ban all smoking in public areas and at public events.

Ban ecigs and vapor pens same as smoking in new ordinance

Do NOT change it! People will not want to walk far to have a cigarette, so you will just end up with a bunch of pissed off people, breaking the law...

Many outdoor areas, patios, decks are within the 15' limit and these should serve the non-smoking clientele well. It should also be useful for businesses to allocate a specific outdoor smoking area. It may be impossible for some businesses to accommodate any smoking.

**TO:** BRECKENRIDGE TOWN COUNCIL  
**FROM:** BRIAN WALDES, FINANCIAL SERVICES MANAGER  
**SUBJECT:** 2015-2017 FUND BALANCE FORECAST  
**DATE:** 12/1/14  
**CC:** TIM GAGEN, RICK HOLMAN

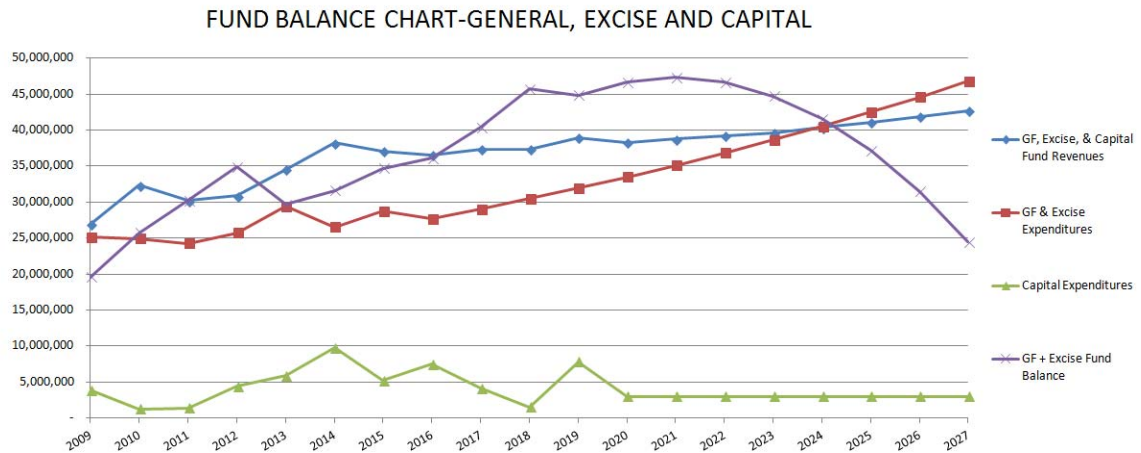
At the October 28, 2014 budget retreat, staff presented to Council the 2015-17 Fund Balance Report. Council requested to revisit this report at a later work session.

**Background**

No forecasting method can predict the future with 100% certainty, but the use of appropriate forecasting methods can help increase that accuracy and help an organization several other ways. These include;

1. To better estimate future major revenue levels,
2. Involve more information sources in making these estimates, and
3. Help end users understand the component units of each major revenue source.

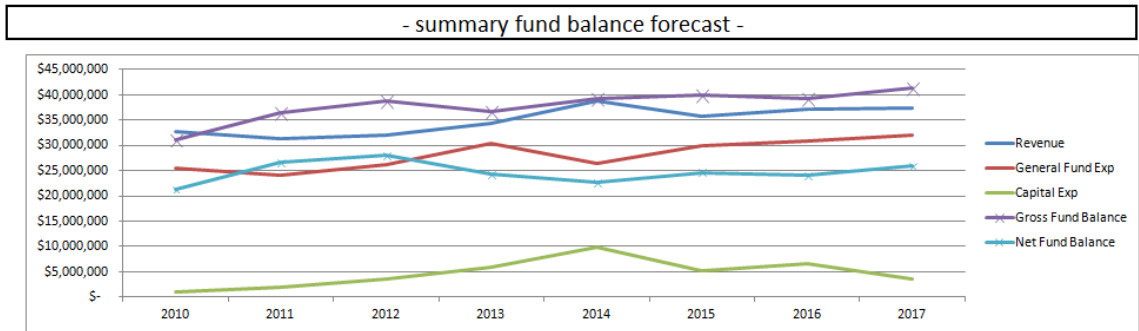
We have used to the “Gagen Graph” for many years to instruct readers about the impacts of escalating operating expenses on future fund balance. This tool has served to guide Council decisions very well, and illustrates an important point; that increases to operational expenses (services) compound over time and can quickly overtake associated revenue sources.



The Gagen Graph has two aspects, prospective and historical. The prospective data holds several assumptions as the graph moves into the future; 3% revenue growth, 5% expense growth and \$4M in annual capital expenses. The historical section of the graph shows how our revenues have fluctuated in the past, and the resultant responses by staff and Council to maintain fund balances and service levels. For example, the effect of the Great Recession is on the graph from 2009-11. One can see how operational expenses dropped in response to the downturn in revenues, and capital

expenses dropped by an even higher percentage. The prospective aspect of the graph does not anticipate these budgetary responses.

The Fund Balance Forecast attempts to take a more reactive look at the future, i.e. incorporating more likely revenue assumptions as well as actual spending plans. For example, the 5 year Capital Improvement Plan spending levels are incorporated in this report, as opposed to a flat assumption of a \$4M annual spend. It bears stating that some large projects being contemplated by Council are not considered in this analysis, such as the potential F-Lot parking structure. If this project was to be included in the actual CIP plan, it would have a substantial impact on the forecast.



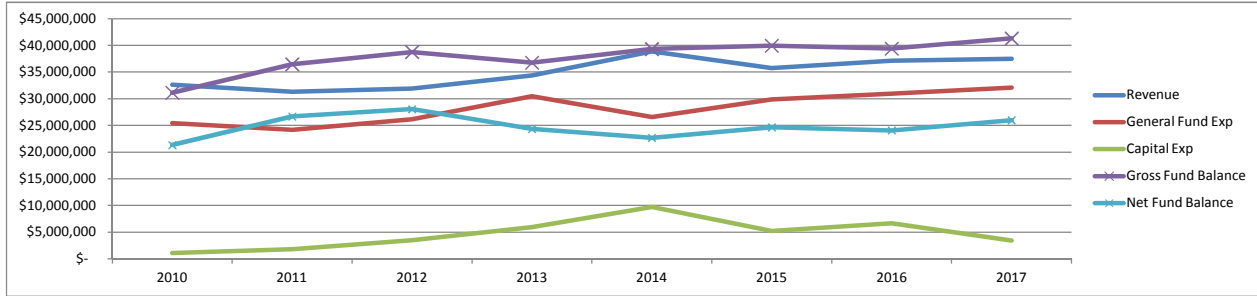
As you can see, the result of making these assumptions is a forecast that resembles the historical section of the Gagen Graph, in other words a model that anticipates actual spending plans. Our current version shows relatively stable fund balances, with a drop in 2016 due to a spike in planned capital expenditures.

Our hope is that this tool can help Council plan for both fund balance increases and decreases associated with changes in revenue or large projects. Drops in fund balance are not necessarily bad if they are well planned and for financially sustainable projects. By updating this data annually, staff can help Council make long term decisions with a higher degree of confidence in the financial outcomes.

**Discussion Points**

By placing this report on the work session agenda, we are hoping to communicate more clearly the purpose of this report to Council, as well as get feedback from you on presentation and content. The following pages contain the summary and detail pages of the Forecast. The summary page shows the components of the fund balance forecast graph above. The detail pages show what assumptions are behind each major revenue stream. These pages have been updated for the budget changes made at the October 28<sup>th</sup> retreat. Staff will be prepared to discuss the information as presented, as well as welcome any suggestions for changes Council may have.

- summary fund balance forecast -



	Actual 2010	Actual 2011	Actual 2012	Actual 2013	Proj. 2014	Budget 2015	Proj. 2016	Proj. 2017
<b>REVENUES</b>								
Sales	\$ 13,253,186	\$ 12,706,676	\$ 13,369,549	\$ 14,839,044	\$ 16,824,039	\$ 16,992,000	\$ 16,992,000	\$ 17,161,920
RETT	3,662,755	3,405,788	3,689,075	4,462,232	4,240,681	4,000,000	4,080,000	4,120,800
Accommodation	873,833	1,453,331	1,255,019	1,504,928	1,175,445	1,343,300	2,482,378	2,507,202
Property Tax	4,007,811	4,043,717	3,382,923	3,290,703	2,339,000	2,368,234	2,606,014	2,636,400
Fees/Other	10,834,534	9,689,996	10,227,691	10,252,689	14,279,830	11,065,537	10,940,537	11,049,942
<b>Total Rev</b>	<b>\$ 32,632,119</b>	<b>\$ 31,299,508</b>	<b>\$ 31,924,257</b>	<b>\$ 34,349,597</b>	<b>\$ 38,858,995</b>	<b>\$ 35,769,071</b>	<b>\$ 37,100,929</b>	<b>\$ 37,476,264</b>
<b>EXPENSES</b>								
GenFund	20,888,817	19,689,529	21,173,244	24,423,229	21,093,712	21,022,605	21,922,836	22,863,552
Excise	4,127,756	4,134,657	4,354,847	4,946,121	2,627,829	5,483,028	5,537,858	5,593,237
Special Projects	388,903	329,716	608,194	1,074,695	2,824,367	3,375,229	3,510,238	3,650,648
<b>Total Exp</b>	<b>\$ 25,405,477</b>	<b>\$ 24,153,901</b>	<b>\$ 26,136,284</b>	<b>\$ 30,444,046</b>	<b>\$ 26,545,908</b>	<b>\$ 29,880,862</b>	<b>\$ 30,970,932</b>	<b>\$ 32,107,436</b>
Capital	\$ 1,074,500	\$ 1,835,000	\$ 3,466,846	\$ 5,927,530	\$ 9,747,683	\$ 5,253,452	\$ 6,691,250	\$ 3,460,000
<b>Total Exp</b>	<b>26,479,977</b>	<b>25,988,901</b>	<b>29,603,130</b>	<b>36,371,575</b>	<b>36,293,591</b>	<b>35,134,314</b>	<b>37,662,182</b>	<b>35,567,436</b>
<b>Change</b>	<b>\$ 6,152,142</b>	<b>\$ 5,310,607</b>	<b>\$ 2,321,127</b>	<b>\$ (2,021,978)</b>	<b>\$ 2,565,404</b>	<b>\$ 634,757</b>	<b>\$ (561,253)</b>	<b>\$ 1,908,828</b>
Fund Balance reserves	31,136,623	36,447,230	38,768,357	36,746,379	39,311,783	39,946,540	39,385,287	41,294,114
reserves	\$ 9,803,404	\$ 9,780,067	\$ 10,726,000	\$ 12,411,827	\$ 16,632,056	\$ 15,310,985	\$ 15,310,985	\$ 15,310,985
<b>Net Fund Bal.</b>	<b>\$ 21,333,219</b>	<b>\$ 26,667,163</b>	<b>\$ 28,042,357</b>	<b>\$ 24,334,552</b>	<b>\$ 22,679,727</b>	<b>\$ 24,635,555</b>	<b>\$ 24,074,302</b>	<b>\$ 25,983,129</b>

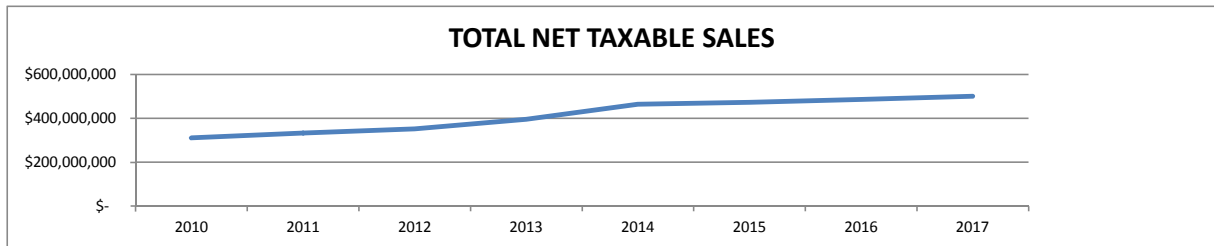
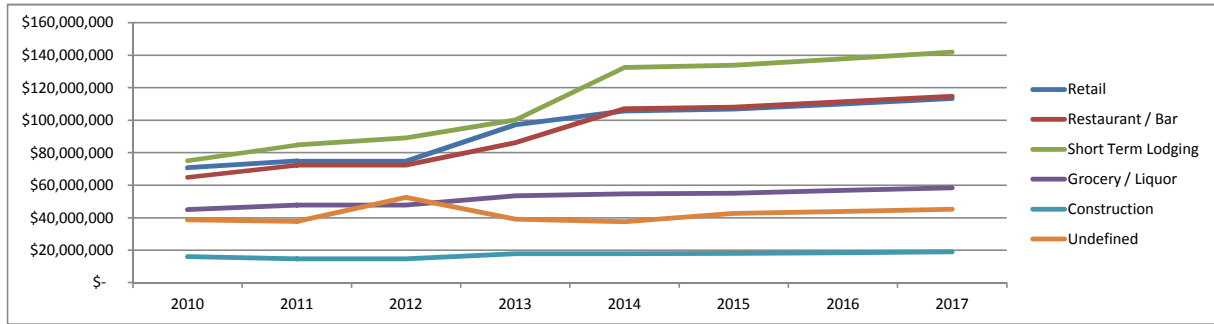
Provided we continue to experience modest revenue growth over the next three years, the Town will be in a strong financial position, with revenues surpassing operational and capital expense amounts. The impacts of the 2013 unscheduled expenses can clearly be seen. But our analysis also shows the Town can support these kinds of one-time events as long as our operational program expenditures do not outpace associated revenue streams.

Please note the break out of the Special Projects Fund in the expense summary above. This fund is listed separately to reflect the inclusion of the new Arts and Culture programs in this fund. These expenses were transferred over from the General Fund in 2014.



**- sales activity forecast -**

	Actual 2010	Actual 2011	Actual 2012	Actual 2013	Proj. 2014	Budget 2015	Proj. 2016	Proj. 2017
Retail	\$ 70,679,387	\$ 74,827,209	\$ 74,827,209	\$ 97,154,757	105,782,246	106,823,428	110,028,131	113,328,975
Weedtail	\$ 1,029,574	\$ 1,081,028	\$ 1,825,612	\$ 2,393,937	8,755,493	8,258,000	8,505,740	8,760,912
Restaurant / Bar	\$64,906,415	\$72,325,345	\$72,325,345	\$86,156,358	107,080,668	108,134,629	111,378,668	114,720,028
Short Term Lodging	\$75,162,464	\$84,810,225	\$89,108,126	\$100,118,503	132,486,597	133,790,622	137,804,340	141,938,471
Grocery / Liquor	\$45,024,575	\$47,771,730	\$47,771,730	\$53,548,439	54,609,868	55,147,376	56,801,797	58,505,851
Construction	\$15,955,006	\$14,693,010	\$14,693,010	\$17,942,915	17,773,372	17,948,310	18,486,759	19,041,362
Undefined	38,706,936	37,705,311	52,442,077	39,091,526	37,567,568	42,582,261	43,859,729	45,175,520
<b>TOTAL NET TAXABLE SALES</b>	<b>\$ 311,464,356</b>	<b>\$ 333,213,857</b>	<b>\$ 352,993,108</b>	<b>\$ 396,406,434</b>	<b>\$ 464,055,812</b>	<b>\$ 472,684,626</b>	<b>\$ 486,865,165</b>	<b>\$ 501,471,120</b>
Change	-	7.0%	5.9%	12.3%	17.1%	1.9%	3.0%	3.0%



Sales tax is by far the Town's largest revenue source, accounting for 34% of Town wide revenues.

Sales tax revenue decreased during the recession, dropping 9.9% in 2009 to \$13.2M. What we see on this page is the slow recovery of this revenue source over the past four years. Sales Tax revenue has returned to pre-recession levels, and our 2014 projected revenue of \$16.9M in the Excise Fund would be our all time highest result.

The chart above shows dollar sales activity by sector (we do not track actual revenue by sector). Please remember sales activity does not track directly with sales tax revenue for several reasons (e.g. timing, State/County collection amounts).

We are forecasting flat to modest revenue growth in the Sales tax category for the next three years. This approach is conservative, and does not necessarily match our recent trends.

**-real estate transfer tax (RETT) revenue forecast**

	Actual 2010	Actual 2011	Actual 2012	Actual 12/31/2013	Proj. 2014 Proj	Budget 2015	Proj. 2016	Proj. 2017
Vacant	\$ 77,746	\$ 129,887	\$ 325,081	\$ 455,505	179,548	154,717	156,264	157,827
Commercial	285,630	33,705	40,620	63,535	21,655	25,281	25,533	25,789
Condos	1,105,001	965,127	795,852	1,186,224	1,131,560	1,158,892	1,170,481	1,182,186
Single Family	1,003,042	1,086,198	1,157,007	1,350,792	1,310,281	1,157,007	1,168,577	1,180,262
Townhome	180,634	144,666	242,737	277,817	459,682	291,707	294,625	297,571
Timeshare	1,010,702	1,045,371	1,127,740	1,128,260	1,137,955	1,212,396	1,264,520	1,277,165
<b>TOTAL RETT</b>	<b>\$ 3,662,755</b>	<b>\$ 3,405,788</b>	<b>\$ 3,689,075</b>	<b>\$ 4,462,232</b>	<b>\$ 4,240,681</b>	<b>\$ 4,000,000</b>	<b>\$ 4,080,000</b>	<b>\$ 4,120,800</b>
<b>Change</b>	<b>-</b>	<b>-7.0%</b>	<b>8.3%</b>	<b>21.0%</b>	<b>-5.0%</b>	<b>-11.29%</b>	<b>2.00%</b>	<b>1.00%</b>

**2015**

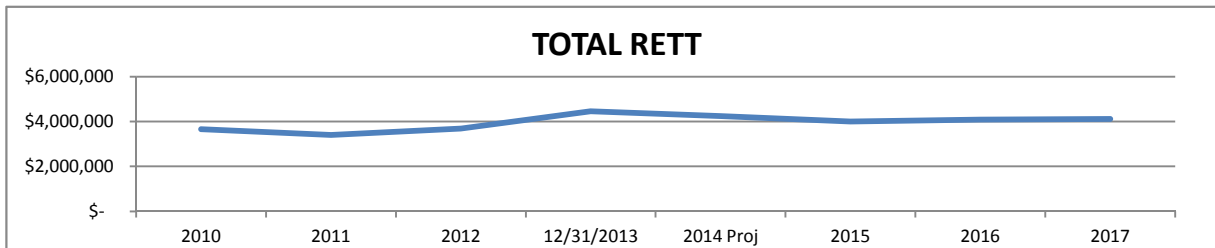
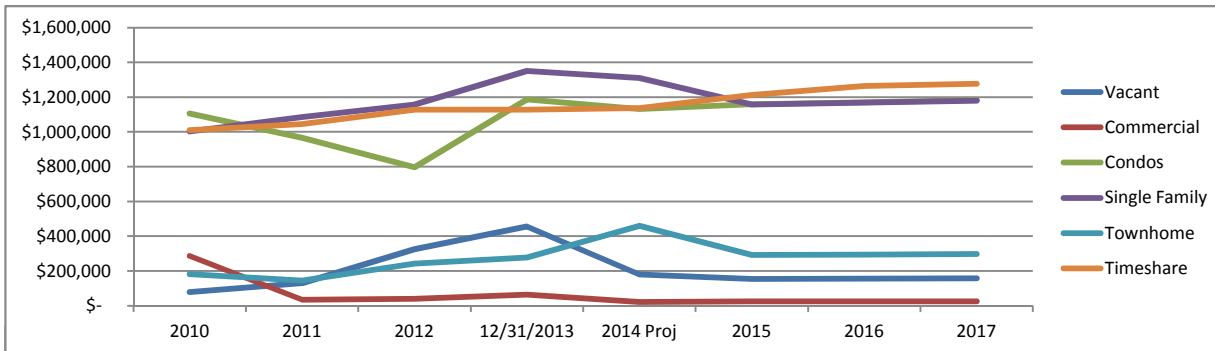
In 2015, one major time share project is coming on line. Overall we have budgeted conservatively based upon the historical churn and anticipated projects.

**2016**

We expect sales of the timeshare project referenced above (in 2015) will continue into 2016 and that overall sales will show a 2% increase.

**2017**

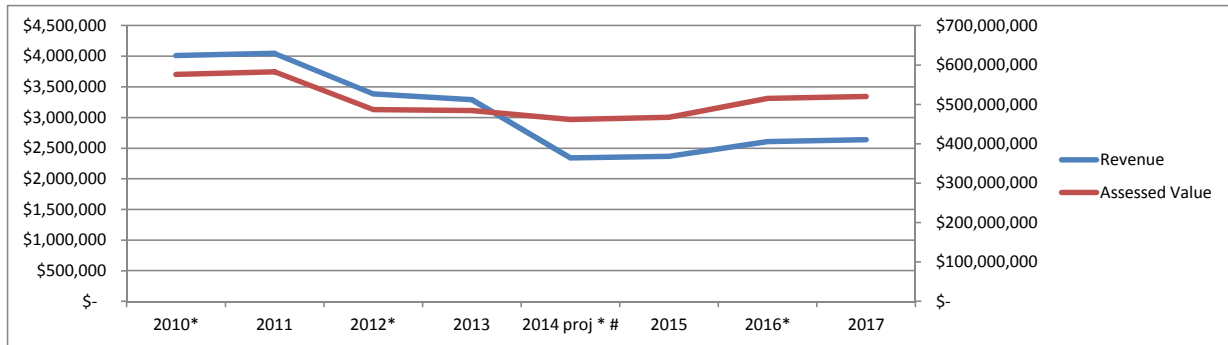
Projecting similar levels to 2016 as no projects are known at this time.



Predicting RETT revenues into the future involves two steps; one is to estimate the churn revenues, and the second involves the inclusion of any upcoming significant real estate projects known to us. In 2015, we have one large timeshare construction project scheduled that will have an upward influence on RETT revenues. We are also predicting this increase in inventory will contribute to more timeshare category revenues in subsequent periods. Churn has been forecast to be fairly stable for 2015. These steps, combined with our overall conservative approach to budgeting, yields the \$4M dollar forecast above.

- property tax -								
	Actual 2010*	Actual 2011	Actual 2012*	Actual 2013	Proj. 2014 proj * #	Budget 2015	Proj. 2016*	Proj. 2017
<b>Mill Rate</b>	6.957	6.945	6.945	6.945	5.07	5.070	5.070	5.070
<b>Property Tax Rev.</b>	\$ 4,007,811	\$ 4,043,717	\$ 3,382,923	\$ 3,290,703	\$ 2,339,000	\$ 2,368,234	\$ 2,606,014	\$ 2,636,400
<b>Change</b>	-	1%	-16%	-3%	-29%	1%	10%	1%
<b>Assessed Value</b>	\$ 576,093,270	\$ 582,216,260	\$ 487,101,900	\$ 484,016,670	\$ 461,244,650	\$ 467,124,960	\$ 515,000,000	\$ 520,000,000
<b>Change</b>	-	1%	-16%	-1%	-5%	1%	10%	1%

\* - Denotes Assessment Year  
# - Denotes expiration of Debt Service Mill Levy

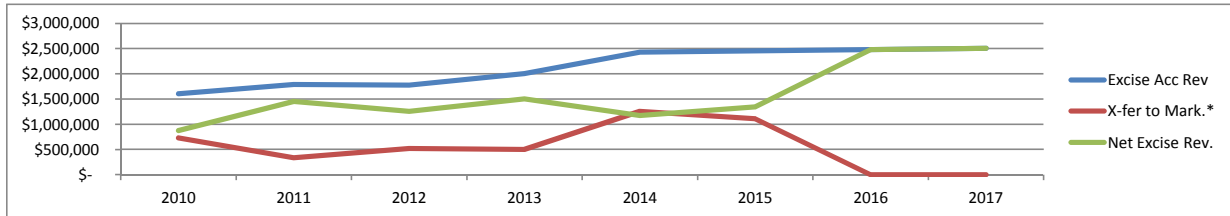


Property tax is a fairly steady revenue source, and is only subject to material fluctuations every even year when assessments are completed by the County.

This current year is the first to include the effects of the debt service mill levy revenue expiration. It is important to note that the associated expense, i.e. the actual debt service payments, also expired in 2014, so there is no net effect to the Town. The last assessment that influenced the 2014 property tax revenue reduced our in-Town property value amounts. This was a lingering effect of the Great Recession. For the 2016 revenue year, we are anticipating that a combination of the continued economic recovery and additional inventory will lead to an increased assessed value amount.

-accommodations tax -								
	Actual 2010	Actual 2011	Actual 2012	Actual 2013	Proj. 2014	Budget 2015	Proj. 2016	Proj. 2017
Acc. Tax Revenue	\$ 1,607,129	\$ 1,790,093	\$ 1,774,359	\$ 2,006,571	\$ 2,430,819	\$ 2,457,800	\$ 2,482,378	\$ 2,507,202
Change	-	11.4%	-0.9%	13.1%	21.1%	1.1%	1.0%	1.0%
X-fer to Mark.*	733,296	336,762	519,340	501,643	1,255,374	1,114,500	-	-
Net Excise Rev.	\$ 873,833	\$ 1,453,331	\$ 1,255,019	\$ 1,504,928	\$ 1,175,445	\$ 1,343,300	\$ 2,482,378	\$ 2,507,202

\* - In 2011, Council elected to transfer an additional .5% of Accommodations tax revenue to the Marketing Fund for 2011-2015



Accommodations tax revenue is relatively small in terms of dollar volume. However, this revenue stream is very important to the Town's marketing efforts, and also serves as an indicator of in-Town activity.

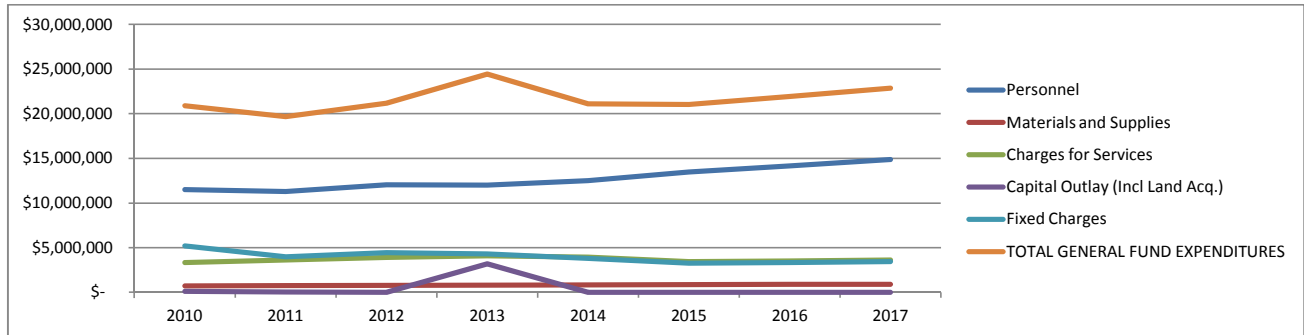
In 2011, the Accommodations tax rate was increased from 2.4% to 3.4%, but that increase was dedicated to the Marketing Fund and is not included in the above analysis. At that time, Council also committed to an additional .5% of Accommodation tax to the Marketing Fund for five years. The past and future effects of that arrangement are reflected above. Accommodations tax has typically tracked closely with Sales tax revenue, and we forecast this trend to continue.

The .5% additional transfer expires at the end of 2015. The effect of this change is reflected in the graph and data table above for illustrative purposes. It will be Council's decision to continue the transfer at its current level for 2016, or to make changes to that transfer going forward.

Both 2013 and 2014 have seen double-digit percentage increases in Accommodations tax revenue. This is influenced by both increased volume in this sector, as well as by rate levels.

**- general fund expenditure forecast -**

	Actual 2010	Actual 2011	Actual 2012	Actual 2013	Proj. 2014	Budget 2015	Proj. 2016	Proj. 2017
Personnel	\$ 11,506,040	\$ 11,305,668	\$ 12,042,200	\$ 12,014,716	12,493,314	13,477,644	14,151,526	14,859,103
Materials and Supplies	711,772	744,441	762,898	838,366	841,936	858,328	884,078	910,600
Charges for Services	3,344,051	3,619,683	3,920,575	4,073,694	3,944,090	3,429,928	3,532,826	3,638,811
Capital Outlay (Incl Land Acq.)	128,323	35,157	16,527	3,202,216	6,250	6,000	6,180	6,365
Fixed Charges	5,198,630	3,984,580	4,431,043	4,294,237	3,808,122	3,250,705	3,348,226	3,448,673
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$ 20,888,817</b>	<b>\$ 19,689,529</b>	<b>\$ 21,173,244</b>	<b>\$ 24,423,229</b>	<b>\$ 21,093,712</b>	<b>\$ 21,022,605</b>	<b>\$ 21,922,836</b>	<b>\$ 22,863,552</b>
<b>TOTAL G.F. EXPENDITURE CHANGE</b>	<b>-15.1%</b>	<b>-5.7%</b>	<b>7.5%</b>	<b>15.3%</b>	<b>-13.6%</b>	<b>-0.34%</b>	<b>3.00%</b>	<b>3.00%</b>



General Fund expenditures are detailed on this sheet. The General Fund contains most of what are considered government programs, such as public safety, public works, recreation, and administrative functions such as tax collections and human resources.

For 2015, the General Fund is planning on a \$21M spend level, while bringing in revenues (excluding Excise Fund transfer) of \$9.5M. This reflects the fact that the Town subsidizes the majority of services performed in the General Fund. Historically, we have hovered around a 50% subsidy for the Fund, and the 2015 subsidy level is at 45%.

The cost increase assumptions for future years include a 3% annual increase for operational expenses and a 5% annual increase for the Town's biggest single expense category, personnel. Please note that, while 2015 budget has a 7.9% increase from 2014 projected personnel expenses, this is due in large part to vacancies and other factors that decrease 2014 actual personnel expenditures from budgeted amounts.

Prior to 2014, the Arts and Culture program was included in General Fund expenditures. For 2014 and 2015, that program has been included in the Special Projects Fund.

## Memorandum

**TO:** Town Council

**FROM:** Tom Daugherty, Public Works Director

**DATE:** 12/4/2014

**RE:** Blue River Overview and the Coyne Valley Road Bridge

---

During the retreat in October, the question of whether to build the bridge at Coyne Valley Road where it crosses the Blue River was discussed as part of the CIP. We placed the Coyne Valley Road Bridge on the “B” list and I was to follow up with an overview of the Blue River.

The attached map shows the sections of the Blue River that have been reclaimed or reconstructed between Four Mile Bridge and Skelly Pond. As you can see, most of the river has been reconstructed or reclaimed. The remaining sections of river that need to be addressed are the portion associated with the Gondola Lots redevelopment and the McCain property. There are some small pieces between North Park and the confluence of French Creek that have not been reclaimed but the willows make it very difficult to see and we have not yet determined if there is any value to reclaiming that section of river.

The concepts with the river reclamation projects are intended to undo the impacts of the dredge mining and improve the aesthetics and function of the river. In addition, river reclamation projects provide opportunities for people to access and experience the river. The concept of people accessing the river is especially applicable in the downtown core area extending north to Coyne Valley Road. For example, the section between Valley Brook and Coyne Valley has been developed to have trails for fishing access as well as biking and hiking along with the paved recreation path.

The McCain master plan dedicates a corridor for the river and it is intended to be open space. The remaining portions of McCain include a variety of uses like solar panels, parking, snow storage and other municipal uses. The Blue River farther to the north of McCain is open space and is more remote without formal pedestrian access. The river environment generally becomes less programmed with uses as it flows to the north.

The Coyne Valley Road Bridge project has been listed in the CIP for years and the fact that the Town is reclaiming that portion of the river causes us to consider if the bridge will be incorporated into the river project. The development plan of the McCain property being performed by Norris Design in combination with the McCain master plan will likely provide some guidance whether the bridge would be a desired element.

The council has seen presentations previously. The last presentation was July of 2013 where Peggy Bailey presented an overview of the Blue River restoration projects. If any of you have questions about that presentation or would like a copy please contact me. The slide presentation is very big and I can make it available via thumb drives.

## Blue River Walkway

- High level of landscaping
- Heavy pedestrian access



## Blue River Restoration

Between Coyne Valley Road and Valley Brook

- Natural landscaping
- Bike/Hike Path moderate pedestrian access



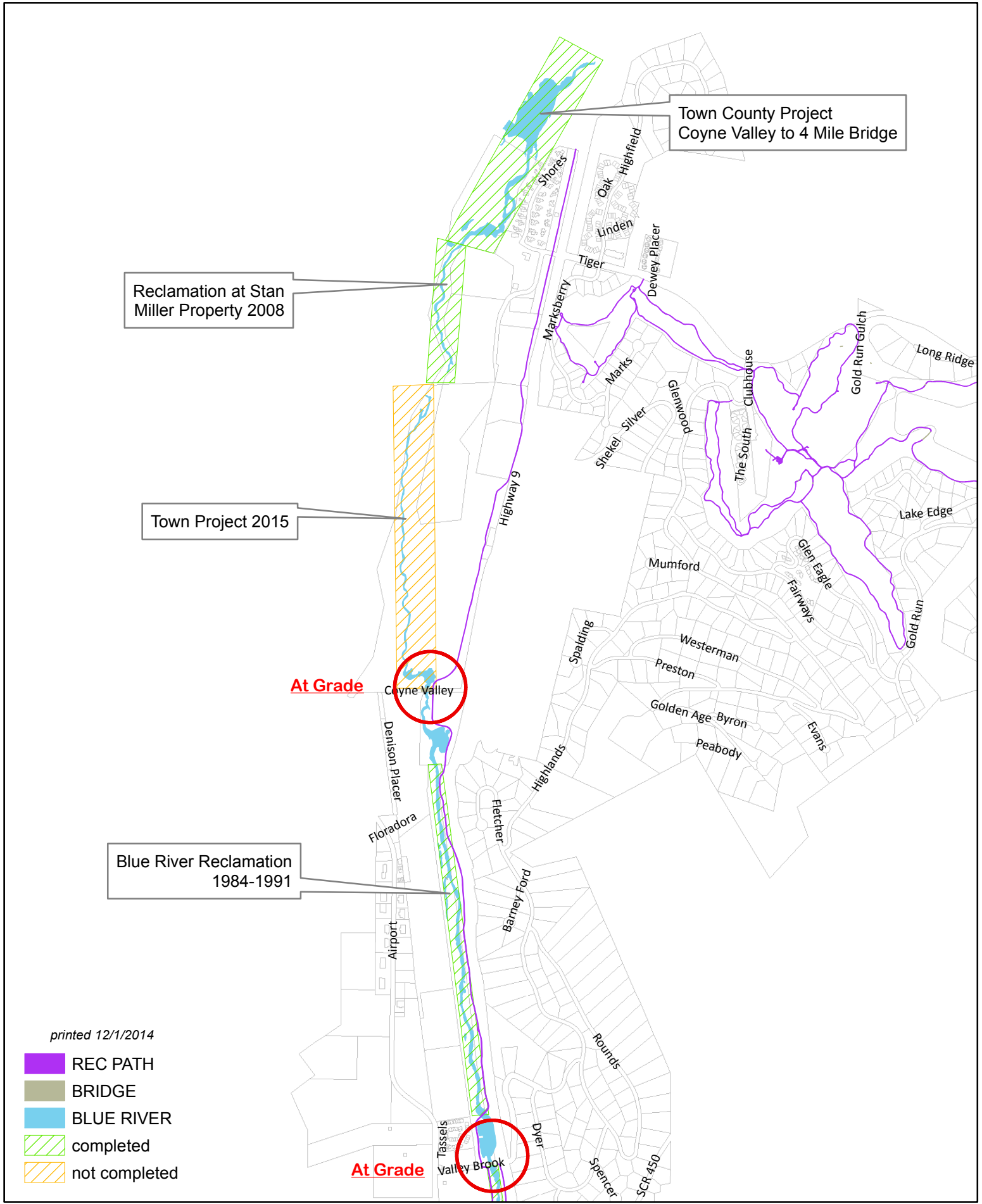
## Blue River Restoration

County Open Space @ Four Mile Bridge

- Natural landscaping
- Access is less formal







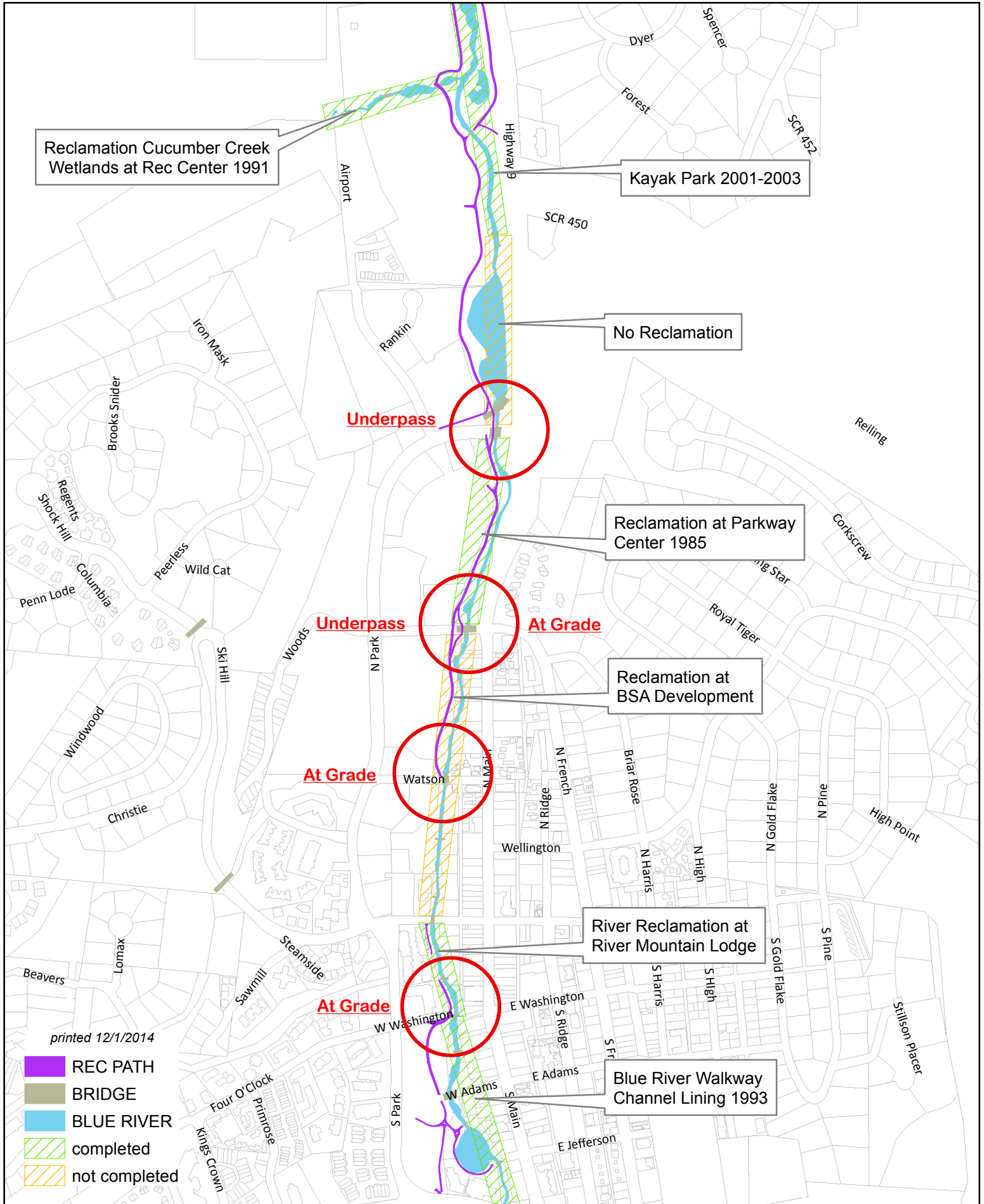
printed 12/1/2014

- REC PATH
- BRIDGE
- BLUE RIVER
- completed
- not completed



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

## Blue River Reclamation North



**Blue River Reclamation South**

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



To: Mayor Warner and Town Council

From: Lucy Kay and GoBreck Board

Date: December 3, 2014

RE: \$280k Marketing Fund Balance

Thank you for considering the reallocation of the Town Marketing Fund Balance to the GoBreck Marketing Fund. Our plan for this budget reflects the fact that we consider this \$280k a non-recurring fund allocation and as such, is comprised of one-time expense items. Our recommended plan follows:

\$100k	Reserves
\$ 100k	Events/Sales. New Spring and Fall Initiative launch funding; and up to \$50k for additional ProChallenge expenses
\$ 20k	Sales. New business lead generation
\$ 15k	PowWow 2018
\$ 15K	Research tbd
\$ 12k	DMAI/CDME Destination Marketing Association International
\$ 18k	Contingency tbd
\$280k	

**Reserves:** Building a minimal amount of reserves is prudent for GoBreck. This fund would carry over annually and be earmarked for one-time expenditures like the current potential/pending sales tax liability, a major legal or worker’s comp expense, etc. Any expenditure would require full BOD approval. *(The BRC had reserves of \$367k in 2010.)*

**Events/Sales:** Held for major event development to build spring or fall business. E.g. Spartan Race in Spring 2016, Governor’s Conference in Fall 2016 etc. Plus, up to \$50k for ProChallenge incremental expenses. Fund balance would carry over if appropriate events are not secured.

**Sales:** Develop new lines of group meeting business e.g. tech, sporting goods, high profile branded groups. Expected results late 2015 and ongoing.

**PowWow 2018:** Denver-hosted International Travel Trade event requires \$25k minimum partner sponsorship. Balance raised in GoBreck operating budget and business community. PowWow is considered the most important international travel trade show in the country and a huge honor for Colorado to host.

**DMAI/CDME.** GoBreck membership in high-level national/international DMO association; and Certification for Destination Marketing Executive (CEO). Certification can be completed over 3 years.

Research and Contingency tbd, intended for 2015 expenditure.

Thank you again for your consideration.

**MEMO**

**TO: Breckenridge Town Council**

**FROM: Laurie Best-Community Development  
Breckenridge Child Care Advisory Committee**

**RE: Breckenridge Child Care Program Next Steps**

**DATE: December 2, 2014 (for December 9<sup>th</sup> worksession)**

---

The Breckenridge Child Care Advisory Committee (BCCC) submitted recommendations to the Town Council in October in regard to the tuition assistance program. A copy of those recommendations is attached. The purpose of this memo is to review the next steps with the Council and to authorize the BCCC to move forward to implement the recommended program changes as follows:

**1. Program Administration**

The Council recently authorized the addition of one SFE to assist with the program. The annual program budget has been increased by \$60,000 a year to cover that cost. The goal is to bring on a skilled administrator to assist Town staff, to help manage and oversee the program, and to work directly with the individual Centers on logistics, shared services, centralized billing, marketing, outreach, program quality, and budgeting, etc. At their first January meeting the BCCC will identify the specific tasks and job description, and will work to fill the position immediately. The goal is to bring on help as soon as possible and to involve this person, most likely a contract employee, as we work thru the program changes and improvements.

**2. Decision on Model (Sliding Scale or Individual)**

The BCCC believes that some additional analysis is still needed to fully vet the sliding scale model. There are many benefits because a sliding scale is still a needs-based approach but it is more transparent, and easier to understand and to administer, than the current tuition assistance model which is based on unique family circumstances. The goal is to complete the analysis and settle on a model in February so procedures can be in place for 2015/2016. Regardless of the model, the BCCC will also need to determine how and if Early Childhood Options will be involved in the future, and how applications will be processed. These procedures will also need to be in place mid-year for 2015/2016.

**3. Changes to the Eligibility Requirements and Program Guidelines**

The Council has indicated that the BCCC needs to make changes to the program to address specific concerns as soon as possible. The BCCC will work on changes that include asset testing and eliminating the use of 'free days'. The BCCC will also create some options for the Council to consider in regard to changing the live and/or work criteria. Revised program guidelines will be presented for Council approval early in 2015. The goal is to insure that the funds invested by the Town serve the intended families, children, and workforce in a manner consistent with the goals set by the Council for the program.

**4. Outreach, Education, Measures of Success**

Finally, the BCCC will work with Early Childhood Options and the new administrator to track outcomes and increase outreach and education. The goal is to understand and document the impacts of the program on families, on the workforce, and on the community, and to better educate the community about the program and the benefits.

These are the first tasks that the BCCC will undertake to improve the program and increase accountability. In the long term the BCCC will also continue to explore funding options. Staff and members of the BCCC will attend the December 9<sup>th</sup> worksession to review these next steps, and we look forward to any comments or questions.

**Breckenridge Child Care Advisory Committee October 14, 2014 Recommendation Summary**

**Town Support and Model**

	Current	Recommendation	Rationale	Notes
Model	Tuition Assistance to cost-burdened families	Tuition Assistance to cost-burdened families w/modifications	100% needs based supports cost-burdened families high level of scrutiny based on each families income/cost established program requires parent co-pay	Recommend program changes as described below to increase oversight and control cost. Also consider Sliding Scale for more transparency and ease
Oversite and Governance	Town Staff (.15 FTE) Housing/Child Care Cmte	Breckenridge Child Care Advisory Committee Town Staff (.15 FTE) Housing/Child Care Cmte	The Committee, which was created by the Council in December 2013, will add additional oversight and manage the program with support from Town staff.	The Committee did not feel that it would be necessary or beneficial to create a new non-profit (ie BHA or Cultural Arts)
Administration	Early Childhood Options (.5 FTE)	.5 FTE for processing/income testing/eligibility <u>plus</u> 1 additional SFE for central administration/logistical support	The Committee felt that the Centers and the Program would benefit from shared services, additional marketing, education/outreach, tracking of metrics, etc. The goal would be to provide assistance to the Centers in budgeting, billing, contract and property management, etc., and achieve better coordination and leveraging with County Right Start.	Could be contract position or Town funded within an existing organization (ECO/County)
Cost of Program	\$657,000 (2014)	Plus 1 SFE w/ 4% annual cost adjustment	see above	
Cost of Care	Center expenses average \$804,000 (2014)	No significant change to the cost is anticipated however some benefits and cost-savings may be achieved with shared services	The cost of care is consistent throughout the participating Centers and the majority of the cost (80%) is related to staff. The Committee did not see significant opportunities to reduce the cost without increasing ratios which negatively impacts quality or reducing teacher compensation. Child care professionals are among the lowest-paid in the workforce (\$14-\$15/hr-teachers)	See Qualistar June 2014 report on cost of care/affordability
Education and Outreach	Mnimal-ECO website	Increase outreach and education	The voter survey results indicated there were still many opportunities to better educate the community about the program and the benefits. This includes outreach to business community, seniors, and long time residents. With central administration better reporting could address concerns about abuse.	Important messages include employer retention and recruitment (350 local businesses), family co-pays(12-15% of income), employment requirements, metrics/impacts, and the Town's long history of supporting child care

**Summary:** The Town has been investing in child care as far back as the early 1990s. Much of the early support was direct to Centers/program so many long time locals may not be aware of support they received. That model provided subsidy to all users of child care regardless of income or cost-burdened. The tuition assistance program launched in 2008 changed the model from direct Center/program support to needs-based support to families. Since 2008 employees from over 350 local business have received assistance and over 500 cost-burdened families have received assistance. All recipients must pay their share of the cost of care based on 12-15% of their income. The program has improved the retention at the Centers which impacts the quality of the programs and has allowed the Centers to establish sustainable operating budgets and capital reserve accounts. As of 2014, all four Breckenridge Centers have achieved quali-star rating. Based on the Vision Plan (Community Character and Economic Vitality) the Committee strongly recommends that the Council continue to ensure access to quality care for working families. Without support from the Town the Centers would need to cut expenses drastically-over 25%. The Committee feels these cuts would devastate the programs and reverse the progress that has been made since 2006. Ultimately it will be local families and the workforce who would be most impacted because approximately 55-60% of the children in care receive assistance.

**Breckenridge Child Care Advisory Committee October 14, 2014 Recommendation Summary**

**Eligibility and Program Guidelines**

	Current	Recommendation	Rationale	Notes
Live/Work	Live <b>and/or</b> work in the Upper Blue	Live <b>and/or</b> work in the Upper Blue	Based on the Program goals (support Breckenridge's workforce), the Committee believes the current eligibility criteria is appropriate. The Committee does not support modification to live <b>and</b> work in <b>Town</b> , or live <b>and</b> work in the Upper Blue because it would be inconsistent with supporting the local workforce.	Approximately 50% of the Town workforce resides outside Town limits. Many jobs and homes are located immediately adjacent to the Town, but outside the municipal boundaries, but within Breck's employee market (French Creek, Peak 7, Blue River, Continental Court, Silver Shekel).
AMI Cap	AMI cap of 150% (over 150% AMI are not eligible to participate)	Increase cap when and if market rate for care is unaffordable to 150% AMI families. Review cap annually.	Based on Program goals (needs based/cost-burdened) the Committee feels it is appropriate to set the cap based on the affordability of market rates for care. Families earning more than 150% AMI may be cost-burdened based on their need for care, and the number and age of their children.	The AMI cap should be reviewed annually based on market cost of care and AMI
Award Cap	max award \$650/child	eliminate award cap	The current cap results in lower AMI families paying in excess of 15% of their income on child care which is inconsistent with the needs-based/cost burdened approach	
Pre-School Enrichment	Incentive for pre-K	eliminate this element of the program	The program was intended to improve kindergarten readiness, but is not needs based or workforce oriented so the Committee recommends it be eliminated from this program.	Opportunities to improve kindergarten readiness should be pursued thru other programs including Right Start
Asset Testing	The Town reserves the right to request additional information including an asset test at any time	The Town reserves the right to request additional information including an asset test at any time	The Town currently does not have specific guidelines for asset testing in the Housing Program. The Committee would suggest that asset testing for both programs be coordinated and consistent.	When and if specific standards are adopted they should take into consideration cash and investment assets

**Summary:** The Committee recommends that all eligibility criteria and guidelines be reviewed periodically with the Town Council based on program goals and budget.