



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, February 24, 2015; 7:30 PM

Town Hall Auditorium

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	D. BRECKENRIDGE HERITAGE ALLIANCE (MS. GIGLIELLO)	
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*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. 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.

XI SCHEDULED MEETINGS

XII ADJOURNMENT

*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

CALL TO ORDER, ROLL CALL

Mayor Warner called the meeting of February 10, 2015 to order at 7:30 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. Lawrence, Mr. Burke, Ms. Wolfe, Ms. Gigliello and Mayor Warner.

APPROVAL OF MINUTES - JANUARY 27, 2015

With no changes or corrections to the meeting minutes of January 27, 2015, Mayor Warner declared they would stand approved as submitted.

APPROVAL OF AGENDA

Mr. Gagen stated there were no changes to the agenda.

COMMUNICATIONS TO COUNCIL

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

Mayor Warner opened Citizen's Comment.

Mr. Matthew Stais, a Town of Breckenridge resident, thanked Council for the parking/transit update in the afternoon work session and further stated he wants to see the parking availability for Breckenridge Elementary School retained if possible. He also stated he is concerned about using more of the Ice Arena parking area in the future because it's already pretty full. Mr. Stais asked about the timeframe for implementing the changes, and Mayor Warner explained it will be a phased approach, with Council trying to reach a solution by the May retreat. Mayor Warner also stated Council needs to finish research about employee parking during this busy time. Mr. Stais also stated he gets parking permits for his employees, who use their cars to get to job sites.

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

B. GoBreck Update

Ms. Lucy Kay, Director of GoBreck, stated Jesse Unruh and Rachel Zerowin (also of GoBreck) were present to explain recent media successes. Ms. Zerowin stated the Weather Summit was a big success for live shots around the country. Ms. Unruh stated Snow Sculpture was successful for visual content, including an increase in engagement, social media, b-roll for national outlets, and videos that have gotten more shares than ever before.

Ms. Kay stated they are trying to think about marketing emphasis as opposed to marketing dollars. Ms. Kay spoke at length about the impacts of Colorado Tourism dollars on both the state-wide and local economies. She also explained that the Governor will be asking for more marketing specific funding in the future hopefully to generate \$1.2 billion dollars in incremental spending. She also explained that Colorado is the 5th most aspired to destination, yet only 9% actually come. Ms. Kay stated lodging is pacing ahead 4% for the winter.

Ms. Lawrence asked about the ROI for the marketing spend, and Ms. Kay explained that it's better than average for Breckenridge. Ms. Lawrence thanked GoBreck for helping to produce the booklet for the Snow Sculpture Championships.

C. Breckenridge Ski Resort Update

Ms. Pat Campbell, COO of Breckenridge Ski Resort, stated updates include that the new Colorado Chair is doing well, and Breckenridge is the snowiest resort in Colorado, and #5 in North America. She also stated the Spring Fever bands are lined up, including bluegrass and country, for March 21- April 19, and Epic Promise donated \$36K to Summit County Search and Rescue. Ms. Campbell stated the draft EIS has been released, and the comment period ends March 2. She also stated the Forest Service will be hosting an open house on Feb. 24, 5-7pm at Mountain Thunder Lodge for the EIS, and the ski resort is gearing up for a very busy weekend.

Mr. Gagen asked why they don't allow uphill skinning at the Canyons, and Ms. Campbell explained it's a safety issue with avalanche control. Also, Park City is working on a policy.

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2015 - Public Hearings

1. COUNCIL BILL NO. 3, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 9 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE; MAKING ELECTRONIC SMOKING DEVICES SUBJECT TO THE TOWN'S "SMOKING ORDINANCE"; AND AMENDING THE LIST OF INDOOR AND OUTDOOR AREAS OF THE TOWN

WHERE SMOKING IS PROHIBITED

Mayor Warner read the title into the minutes. Mr. Tim Berry stated he handed out the revised ordinance with changes as reflected from the afternoon work session. Mayor Warner stated it looked correct. Mr. Berry further stated that Council has proposed a change to the ordinance to allow a window for smoking in outdoor areas between 10pm and close of the business.

Mayor Warner opened the public hearing.

Mr. Jeff Cox, owner of Cecilia's Bar, asked Council to consider allowing daytime smoking for his cigar bar. He further stated he is doing about \$35K per year of cigar sales, and this ordinance would mean he can't operate his business the way he operates now. Mayor Warner thanked him for bringing his perspective to Council. Ms. Wolfe asked him to clarify what his business does 2-10pm, Mr. Cox asked if smoking of cigars could be overlooked by law enforcement, and Mayor Warner stated he understood the request and Council will discuss.

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

As a result of no second motion, the ordinance failed without a vote.

Mr. Brewer moved to approve COUNCIL BILL NO. 3, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 9 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE; MAKING ELECTRONIC SMOKING DEVICES SUBJECT TO THE TOWN'S "SMOKING ORDINANCE"; AND AMENDING THE LIST OF INDOOR AND OUTDOOR AREAS OF THE TOWN WHERE SMOKING IS PROHIBITED. No one seconded the motion.

The motion failed due to lack of a second motion.

Ms. Gigliello stated she would move to adopt the version of the ordinance from the agenda packet but deleting section B. 2), regarding outdoor spaces.

Mr. Gallagher stated we are going backward, and he is not going to vote for it in that form. Mr. Burke stated it was all or nothing for him, and he doesn't know how the enforcement of the other proposed ordinance allowing evening smoking will work. He further stated he will support it in this form. Mr. Brewer asked if this amendment was better than nothing. Ms. Lawrence stated she is torn because she sees both sides of this ordinance, and some patios are bar patios, while some are restaurant patios. Ms. Gigliello stated there is no rush on this ordinance and she would like to revisit the issue in the future. Ms. Wolfe stated she would agree with Ms. Gigliello, and we aren't accomplishing a total ban on smoking with this ordinance so it's a matter of where it is allowed. She also stated there still will be cigarette smoke in the air.

Mayor Warner stated he would vote no on this ordinance because he doesn't think it is accomplishing the goal of clean air in our Town. He further stated he would consider compromising to allow a 9pm smoking time in the future.

Ms. Gigliello moved to approve the amended COUNCIL BILL NO. 3, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 9 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE; MAKING ELECTRONIC SMOKING DEVICES SUBJECT TO THE TOWN'S "SMOKING ORDINANCE"; AND AMENDING THE LIST OF INDOOR AND OUTDOOR AREAS OF THE TOWN WHERE SMOKING IS PROHIBITED. Mr. Burke seconded the motion.

The motion passed 5 - 2. Mayor Warner and Mr. Gallagher dissented.

NEW BUSINESS

A. First Reading of Council Bills, Series 2015 - Public Hearings

1. COUNCIL BILL NO. 5, SERIES 2015 - AN ORDINANCE AMENDING SECTION 8-2-16 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE ENFORCEMENT OF THE TOWN OF BRECKENRIDGE SIGN ORDINANCE

Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance amends how the sign code ordinance can be enforced to allow for staff to issue penalty assessments and assist them in attempting to enforce the sign code. Mr. Burke stated he would like to see the fees assessed by the Judge when they are set.

Mayor Warner opened the public hearing for first reading. There were no comments and the public hearing was closed.

Ms. Lawrence moved to approve COUNCIL BILL NO. 5, SERIES 2015 - AN ORDINANCE AMENDING SECTION 8-2-16 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE ENFORCEMENT OF THE TOWN OF BRECKENRIDGE SIGN ORDINANCE. Mr. Gallagher seconded the motion.

The motion passed 7 - 0.

- B. Resolutions, Series 2015
- C. Other

PLANNING MATTERS

- A. Planning Commission Decisions
With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions would stand approved as presented.
- B. Planning Commission Report (Mr. Brewer)
Mr. Brewer stated he had no update from his report emailed to Council.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated the sign tour will take place on March 10th before the meeting. He also stated staff would like to do an education process before beginning enforcement of the ordinance.

REPORT OF MAYOR AND COUNCILMEMBERS

- A. Cast/MMC (Mayor Warner)
Mayor Warner stated he sent his update to Council. He also stated Issue 5A may be on the ballot for this November, including a modification of sales tax, and an expansion of the use of those funds.
- B. Breckenridge Open Space Advisory Committee (Ms. Lawrence)

Ms. Lawrence stated there was no meeting. She also asked about Flouride and Mayor Warner stated that issue will be discussed at the March 10 meeting. Mayor Warner also stated he has been doing research and it should be a good discussion at the meeting.
- C. GoBreck (Ms. Wolfe)
Ms. Wolfe stated Ms. Kay covered the update earlier.
- D. Breckenridge Heritage Alliance (Ms. Gigliello)
Ms. Gigliello stated she sent an update to Council.
- E. Water Task Force (Mr. Gallagher)
Mr. Gallagher stated he, Mr. Gagen and Mr. Gary Martinez from the County visited the Water Board in Denver and spoke with the director about what they are doing and why, and the benefits. The director indicated he would stay involved in the process. Mr. Gallagher further stated the Town would look at quantitative solutions of water flow levels and hopefully prepare a proposal to present to the Water Board.
- F. Breckenridge Creative Arts (Ms. Wolfe, Mr. Gallagher)
Mr. Gallagher stated he had no report.

OTHER MATTERS

Ms. Wolfe stated the hockey community wants to make sure Council considers a better roof on the outdoor rink to also allow for dry land training space, including additional showers for summer events. Mr. Gagen stated this conversation goes back many years and the previous Council told them to fundraise for those efforts, and all of this will come before Council in late March with the Recreation study.

Ms. Lawrence stated she would like to see Free Ride numbers to the Airport Road area. She also asked for a painted crosswalk in that area with signs. Mr. Gagen stated staff is looking into it.

Mr. Brewer stated there was a picture posted online of the driveway into City Market lacking a sidewalk. Mr. Gagen stated it is private property and the Town has spoken to the owner before and we can't do much about it.

Ms. Gigliello asked about the spring retreat, which is scheduled for May 12.

Mr. Burke moved to adjourn the Town Council Regular meeting at 8:56pm.

ORGANIZATIONAL MEETING FOR TOWN OF BRECKENRIDGE HOUSING AUTHORITY

Mayor Warner called the Organizational Meeting for Town of Breckenridge Housing Authority to order at 8:56pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. Lawrence, Mr. Burke, Ms. Wolfe, Ms. Gigliello and Mayor Warner.

Mr. Berry circulated a Waiver of Notice to be signed by the members of the meeting. He further stated DOLA formally certified the creation of the authority.

A. Resolution to Adopt By-Laws

Mayor Warner read the title into the minutes. Mr. Berry stated this resolution is a standard step in forming this authority, and the authority is required to hold an annual meeting and conduct official actions in relation to the financing.

Mr. Burke moved to Approve Resolution to Adopt the Breckenridge Housing Authority By-Laws. Ms. Gigliello seconded the motion.

The motion passed 7 - 0.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:01 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

John Warner, Mayor

DRAFT



TO: Town Council

FROM: Julia Puester, AICP, Senior Planner

DATE: February 17, 2015 for meeting of February 24, 2015

**SUBJECT: Sign Code and Outdoor Display of Merchandise Enforcement Ordinance
(Second Reading)**

At the January 13th Town Council work session, the Council decided not to modify the Sign Code with regard to sandwich board signs and outdoor display after reviewing the task force and Planning Commission recommendations. We also heard from the Town Council that enforcement of the Sign Code should be consistent.

The current sign code enforcement is a lengthy and cumbersome process, requiring a court appearance. A simpler and more expeditious process would assist in furthering enforcement efforts and consistency. To achieve quicker results, and reduce both staff time required as well as the business owners' time, we have proposed a change to the Sign Code and Outdoor Display of Merchandise code section which would eliminate the requirement for the letter and subsequent court appearance by instead allowing for tickets (technically called "Penalty Assessment Notices") to be issued. A court appearance would only be necessary if the business owner chose to contest the Penalty Assessment Notice or had received multiple tickets. Once this change is approved, staff intends to write a letter reminding businesses of the Sign and Outdoor Display of Merchandise Code regulations and inform them of the new procedures (issuance of Penalty Assessment Notices rather than regular court summons requiring a mandatory court appearance). Staff will visit businesses with violations after the letter is sent to further the educational approach prior to issuing tickets.

The Council was in support of the ordinance at first reading at the February 10th meeting. The primary change to the ordinance from the first reading incorporates the Outdoor Display of Merchandise Code Section related to enforcement to be consistent with the proposed Sign Code enforcement that Town Council supported at first reading. Planning staff enforces both the sign code and outdoor display of merchandise code sections concurrently when out in the field. Although the two code sections are separate, they are interconnected. To provide consistency, the proposed second reading includes a fine schedule which is the same for both sign code violations and outdoor display of merchandise. The first violation is \$100, the second violation is \$250 and the third is a court summons with fine to be determined by the Judge. The highest amount possible for this type of infraction is \$500. The changes to the code are related to the enforcement process only and do not change what is or is not allowed.

Changes to the first reading ordinance appear in strike, bold and double underline. Staff has attached the Outdoor Display of Merchandise code section for reference as well as a draft of the violation ticket. The ordinance for second reading is attached and staff will be available at the meeting for questions.

1 ***FOR WORKSESSION/SECOND READING – FEB. 24***

2
3 Additions To The Ordinance As Approved On First Reading Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. 5

7
8 Series 2015

9
10 ~~AN ORDINANCE AMENDING SECTION 8-2-16 OF THE BRECKENRIDGE TOWN CODE~~
11 ~~CONCERNING THE ENFORCEMENT OF THE TOWN OF BRECKENRIDGE SIGN~~
12 ~~ORDINANCE~~

13 **AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 8 OF THE BRECKENRIDGE**
14 **TOWN CODE, KNOWN AS THE “BRECKENRIDGE SIGN ORDINANCE,” AND**
15 **CHAPTER 7 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE**
16 **“OUTDOOR DISPLAY OF MERCHANDISE ORDINANCE,” CONCERNING THE**
17 **ENFORCEMENT OF SUCH ORDINANCES AND THE PENALTIES FOR**
18 **VIOLATIONS OF SUCH ORDINANCES**

19
20 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
21 COLORADO:

22
23 Section 1. Section 8-2-16 of the Breckenridge Town Code is amended to read as follows:

24
25 8-2-16: ENFORCEMENT; LIEN:

26
27 A. Authority: The Director is authorized and directed to enforce all of the
28 provisions of this Chapter.

29
30 B. Right Of Entry: Whenever necessary to make an inspection to enforce any of
31 the provisions of this Chapter, or whenever the Director has reasonable cause to
32 believe that there exists in any building or upon any premises any condition or
33 violation which makes such building or premises unsafe, dangerous or hazardous,
34 the Director may enter such building or premises at all reasonable times to inspect
35 the same or to perform any duty imposed upon the Director by this Chapter;
36 provided, that if such building or premises is occupied, the Director shall first
37 present proper credentials and request entry; and if such building or premises is
38 unoccupied, the Director shall first make a reasonable effort to locate the owner or
39 other persons having charge or control of the building or premises and request
40 entry. If such entry is refused, the Director shall have recourse to every remedy
41 provided by law to secure entry. When the Director shall have first obtained a
42 proper inspection warrant or other remedy provided by law to secure entry, no

1 owner or occupant or any other persons having charge, care or control of any
2 building or premises shall fail or neglect, after proper request is made as herein
3 provided, to promptly permit entry therein by the Director for the purpose of
4 inspection and examination pursuant to this Chapter.
5

6 C. Authority to Issue Penalty Assessment Notices: If permitted to do so by the Director,
7 any employee of the Town's Department of Community is authorized, as part of his or
8 her duties, to act as a Code enforcement officer of the Town for the limited purpose of
9 issuing a penalty assessment notice for any alleged violation of this Chapter if the alleged
10 offense is listed on the Municipal Judge's list of designated violations the penalties for
11 which may be paid at the office of the Municipal Court Clerk as described in Rule
12 210(b)(5) of the Colorado Rules of Municipal Court Procedure. Any penalty assessment
13 notice issued pursuant to the authority granted by this Subsection C shall comply with the
14 requirements of Section 1-8-12(K) of the Breckenridge Town Code.
15

16 D. Lien; Collection: The Town Clerk shall notify the sign owner of the total
17 expenses incurred in the alteration or removal of the sign, and if such person fails
18 within thirty (30) days after the date of notification to pay the entire costs and
19 expenses of such repair, alteration or removal, then such expenses shall become a
20 lien against and run with the property where the sign is located, and the Town
21 Clerk shall certify the same to the Summit County treasurer for collection in the
22 same matter as delinquent charges, assessments or taxes are collected pursuant to
23 Section 31-20-105, CRS.
24

25 E. Amount Of Lien: The amount certified by the Town Clerk to the Summit
26 County treasurer for collection shall include the actual cost of repair, alteration or
27 removal of the sign, plus twenty five percent (25%) to cover administrative costs,
28 penalties, collection costs and interest.
29

30 F. Additional Remedies: The enforcement procedures established in this Section
31 are not the exclusive method of enforcement of the provisions of this Chapter, but
32 may be exercised concurrently with, or in addition to, the imposition of the
33 penalties pursuant to Section 8-2-17 of this Chapter, or other civil remedies
34 available to the Town pursuant to law.
35

36 G. Authority To Remove Signs From Right Of Way: In lieu of the other
37 enforcement procedures of this Section, either the Director, the Police Chief ,or
38 the Public Works Department may remove and destroy any sign that is illegally
39 placed within a Town right of way in violation of the provisions of this Chapter.
40

41 Section 2. Section 8-2-17 of the Breckenridge Town Code is amended to read as follows:
42

43 8-2-17: PENALTIES AND REMEDIES:
44

1 A. General: It is an “infraction”, as defined in Section 1-3-2 of this Code, for any
 2 person to violate any of the provisions of this Chapter. ~~Any person who violates~~
 3 ~~any provision of this Chapter shall be punished as provided in Title 1, Chapter 4~~
 4 ~~of this Code.~~ Each such person shall be liable for a separate offense for each and
 5 every day during any portion of which any violation of any of the provisions of
 6 this Chapter is committed, continued or permitted by such person, and he shall be
 7 punished accordingly.

8
 9 **B. Fine Schedule: Any person convicted of having violated any provision of**
 10 **this Chapter shall be punished by a fine as follows:**
 11

<u>Offense No.</u>	<u>Fine Amount</u>
<u>First Offense</u>	<u>\$100</u>
<u>Second Offense</u>	<u>\$250</u>
<u>Third Offense and Each Subsequent Offense</u>	<u>As Determined By the Municipal Judge</u>

12
 13 **C. A defendant’s first two alleged violations of this Chapter may be written**
 14 **as penalty assessments. A defendant’s third and each subsequent alleged**
 15 **violation of this Chapter shall require a mandatory court appearance.**
 16

17 **BD.** Injunctive Relief: In addition to other remedies available to the Town, the
 18 Town may commence an action pursuant to Section 1-8-10 of this Code to enjoin
 19 the alleged violation of any provision of this Chapter, or to authorize and compel
 20 the removal, termination or abatement of such violation.

21
 22 **EE.** Additional Remedies: Any remedies provided for in this Chapter shall be
 23 cumulative and not exclusive, and shall be in addition to any other remedies
 24 provided by law.

25
 26 **Section 3. Section 9-7-4 of the Breckenridge Town Code is amended by the inclusion**
 27 **of the following definition:**
 28

<u>DIRECTOR:</u>	<u>The Director of the Department of Community Development, or his or her designee.</u>
-------------------------	--

29
 30 **Section 4. Section 9-7-7 of the Breckenridge Town Code is amended to read as follows:**

31
 32 **9-7-7: VIOLATIONS AND PENALTIES**
 33

34 A. It is an “infraction”, as defined in Section 1-3-2 of this Code, for any person to
 35 violate any of the provisions of this Chapter. ~~Every person found liable for a~~
 36 ~~violation of any provision of this Chapter shall be punished as provided in section~~

1-4-1-1 of this Code. Each such person shall be liable for a separate offense for each and every day during any portion of which any violation of any of the provisions of this Chapter is committed, continued or permitted by such person, and he shall be punished accordingly.

B. The Director is authorized and directed to enforce all of the provisions of this Chapter.

C. If permitted to do so by the Director, any employee of the Town's Department of Community is authorized, as part of his or her duties, to act as a Code enforcement officer of the Town for the limited purpose of issuing a penalty assessment notice for any alleged violation of this Chapter if the alleged offense is listed on the Municipal Judge's list of designated violations the penalties for which may be paid at the office of the Municipal Court Clerk as described in Rule 210(b)(5) of the Colorado Rules of Municipal Court Procedure. Any penalty assessment notice issued pursuant to the authority granted by this Subsection C shall comply with the requirements of Section 1-8-12(K) of the Breckenridge Town Code.

D. Any person convicted of having violated any provision of this Chapter shall be punished by a fine as follows:

<u>Offense No.</u>	<u>Fine Amount</u>
<u>First Offense</u>	<u>\$100</u>
<u>Second Offense</u>	<u>\$250</u>
<u>Third Offense and Each Subsequent Offense</u>	<u>As Determined By the Municipal Judge</u>

E. A defendant's first two alleged violations of this Chapter may be written as penalty assessments. A defendant's third and each subsequent alleged violation of this Chapter shall require a mandatory court appearance.

~~B~~F. In addition to other remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 of this Code to enjoin the alleged violation of any provision of this Chapter, or to authorize and compel the removal, termination or abatement of such violation.

G. Any remedies provided for in this Chapter shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

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

SIGN / OUTDOOR DISPLAY OF MERCHANDISE

VIOLATION

Town of Breckenridge
150 Ski Hill Road / PO Box 168
Breckenridge CO 80424



V-(Automatic ticket number here)

Location Date Time

Business Name Contact Name Phone Number

<p>Section 8-2-15:</p> <p><input type="checkbox"/> Sandwich Board Sign (I)</p> <p><input type="checkbox"/> Neon Sign (E)</p> <p><input type="checkbox"/> Backlit / Flashing / Moving Sign (B) (C) (D)</p> <p><input type="checkbox"/> Window Sign (More Than 2 / Exceeds 3SF) (L)</p> <p><input type="checkbox"/> Off Premise Sign (F)</p> <p><input type="checkbox"/> Temporary Sign (K)</p> <p><input type="checkbox"/> Attention Getting Device(s) (A)</p>	<p>Section 8-2-6:</p> <p><input type="checkbox"/> Menu Display Box (Exceeds 2SF) (U)</p> <p><input type="checkbox"/> Open House Sign (I) (6)</p>
	<p>Section 8-2-14:</p> <p><input type="checkbox"/> Banner (A)</p>
<p>Section 8-2-10:</p> <p><input type="checkbox"/> Sign on Public Property (J)</p>	<p>Section 9-7-5:</p> <p><input type="checkbox"/> Outdoor Display of Merchandise</p>
	<p><input type="checkbox"/> Other</p>

Comments:

Amount of Fine: \$ _____

Dated This ____ Day of ____ 20__ Staff Signature _____ No _____

Community Development Copy: Pink; Customer Copy: White

**(EXISTING CODE SECTION-NO CHANGE PROPOSED EXCEPT TO SECTIONS
9-7-4 DEFINITIONS AND 9-7-7 VIOLATIONS AND PENALTIES)**

**Chapter 7
OUTDOOR DISPLAY OF MERCHANDISE**

9-7-1: TITLE:

9-7-2: PURPOSE:

9-7-3: FINDINGS:

9-7-4: DEFINITIONS:

9-7-5: MERCHANDISE CONFINED TO FULLY ENCLOSED BUILDINGS:

9-7-6: EXEMPTIONS:

9-7-7: VIOLATIONS AND PENALTIES:

9-7-1: TITLE:

This chapter shall be known and may be cited as the *OUTDOOR DISPLAY OF MERCHANDISE ORDINANCE*. (Ord. 13, Series 1992)

9-7-2: PURPOSE:

The purpose of this chapter is to regulate the display, storage and sale of goods and merchandise outside of buildings within certain areas of the town which are pedestrian or tourist oriented. This chapter is intended to regulate displays for aesthetic purposes and to limit displays which detract from the charm of the town, create visual clutter, are annoying, and generally create a nuisance. (Ord. 14, Series 1989)

9-7-3: FINDINGS:

The town council finds and determines that the regulations contained in this chapter are not unreasonable, are not discriminatory and are rationally related to the legitimate governmental purposes of protecting and preserving the unique aesthetic character of the town and preventing obstructions and other dangerous conditions from occurring on the public sidewalks. The town council finds that this chapter is necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the order, comfort and convenience of the town and its inhabitants. (Ord. 14, Series 1989)

9-7-4: DEFINITIONS:

For the purpose of this chapter the following definitions shall apply:

BICYCLE: Every vehicle propelled solely by human power applied to pedals upon which any person may ride having two (2) tandem wheels or two (2) parallel wheels and one forward wheel, all of which are more than fourteen inches (14") in diameter.

FULLY ENCLOSED BUILDING: That portion of a structure contained fully within the exterior walls of a building. For the purposes of this chapter, fully enclosed buildings shall not include decks, porches, carports, areas under roof overhangs, or any other areas not contained totally within the exterior walls.

MANNEQUIN: A model of the human body, customarily used by tailors, window dressers and artists.

MERCHANDISE: Any goods or wares held for rental, lease, sale, display or conveyance in any manner. For the purposes of this chapter, the term merchandise does not include gasoline or other fuel oils held in underground storage tanks.

MOTORIZED BICYCLE: A vehicle having two (2) or three (3) wheels, a cylinder capacity not exceeding fifty (50) cc, and an automatic transmission which produces a maximum design speed of not more than thirty (30) miles per hour on a flat surface. (Ord. 14, Series 1989; amd. Ord. 26, Series 2002)

9-7-5: MERCHANDISE CONFINED TO FULLY ENCLOSED BUILDINGS:

Except as specifically authorized in section 9-7-6 of this chapter, it shall be unlawful for any person to display or store, or permit the storage or display of, merchandise outside of a fully enclosed building within land use districts 17, 18, 18₂, 19, 20, 23, 24, 25 and that portion of land use district 11 which lies south of the intersection of French Street and Highway 9, all as shown on exhibit A attached to the ordinance codified herein. (Ord. 14, Series 1989)

9-7-6: EXEMPTIONS:

The following outdoor displays of merchandise shall be exempt from the provisions of this chapter:

A. Dining: Outdoor dining (when in compliance with the town's development code).

B. Vendor Carts: Vendor carts, when in compliance with section 9-1-19-49A, "Policy 49 (Absolute) Vendor Carts", of this title.

C. Bicycles: The outdoor display of bicycles offered for sale or rental, subject to the following conditions:

1. The person desiring to display bicycles outdoors shall obtain a class D minor development permit prior to any such display. The application for such permit shall include a site plan indicating where bicycles are to be displayed and where existing, approved and/or required landscaping is located or is to be located. If the applicant for the permit is not the owner of the property on which the bicycles are to be displayed, the written consent of the property owner to the proposed application shall be submitted concurrently with the application.
2. The outdoor display of bicycles shall be confined to the private property of the business which is offering the bicycles for sale or rental.
3. No bicycle shall be hung from or on any exterior portion of a building or structure; provided, that bicycles may be so hung for storage purposes only if the applicant lacks sufficient space to otherwise store the bicycles and then only if the planning commission makes the following findings and incorporates such findings into the development permit as conditions:
 - a. The hanging of bicycles will be for storage purposes only and will not be used as signage or as an attention getting device.
 - b. The hanging of bicycles will not destroy any historic structure or significantly alter the historic character of a structure.
 - c. The hanging of bicycles will not hide a historic structure or significantly alter the historic character of a structure.
 - d. No rack for the hanging of bicycles will be mounted on a facade of a building which faces a street (not including an alley).
 - e. Bicycles will be hung so as not to constitute a safety hazard for pedestrians.
 - f. The bicycles to be hung will be screened in a manner appropriate for the location.
4. No required vehicle parking space may be utilized for the display or storage of any bicycle.
5. No bicycle shall be displayed in a manner which may result in damage to any tree, shrub, grass or other landscaping. The person displaying the bicycles shall repair or replace any tree, shrub, grass or other landscaping which is damaged as a result of the outdoor display of bicycles on such property.
6. No bicycle may be stored or displayed in such a manner as will block any means of pedestrian ingress or egress to or from any building or structure.
7. As used in this subsection C, the phrase "display of bicycles" includes the outdoor storage and/or display of any bicycle or motorized bicycle which is offered for sale or rental.

D. Residential Garage Sales: Residential garage sales not held more frequently than three (3) days in any one calendar quarter at the same residence. No permit shall be required.

E. Seasonal Plants: Nonartificial seasonal plants, including Christmas trees, may be displayed and sold outdoors on a temporary basis. A class D minor development permit shall be required.

F. Special Events: Special events, subject to the following limitations:

1. The event includes twenty (20) or more individual merchants, each holding a state sales tax license.

2. The event is no longer in duration than three (3) consecutive days.
3. The event is conducted on a single premises not currently licensed under the provisions of title 4, chapter 1 of this code.
4. A class D minor development permit is issued which adequately addresses parking, transportation and waste disposal.
5. A special events license is issued for the event pursuant to section 4-2-11 of this code.

G. Newspaper Racks: Newspaper racks.

H. Transient Dealers' Merchandise: Merchandise displayed by transient dealers, when in compliance with title 4, chapter 2 of this code.

I. Summer Sales Days: Outdoor displays of merchandise conducted on Summer Sales Days as established by the town manager. In setting Summer Sales Days, the town manager shall consult with representatives of the business community to determine appropriate dates. At least thirty (30) days before setting Summer Sales Days each year, the town manager shall advise the town council of the proposed dates of such event.

J. Merchandise Of Historical Significance: Merchandise meeting the following criteria may be stored out of doors:

1. The merchandise relates to, or is compatible with, the history of the town.
2. The merchandise is too large or too heavy to be easily stored inside.
3. The merchandise is displayed only on the property of the business offering such merchandise for sale.
4. No more than three (3) items of merchandise per business may be displayed.
5. The merchant desiring to display such merchandise obtains a class D minor development permit for each item.

K. Sculptures And Statues: Sculptures and statues, subject to the following limitations:

1. The display is on private property.
2. The display is placed in a manner that is essentially permanent in nature.
3. The size and design of the displays are in general harmony with the location in which they are placed.
4. A class D minor development permit is obtained for each item, and no more than two (2) permits may be obtained per business.

L. Mannequin: A mannequin, subject to the following limitations:

1. The mannequin is displayed on private property. No mannequin may be displayed on publicly owned property. A mannequin may be placed on commonly owned property; however, written permission for the display of the mannequin must be obtained from the owners' association or similar group responsible for the management of such commonly owned property.
2. The mannequin must be placed on the property of the business which displays it.

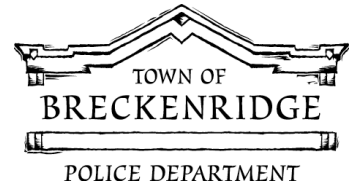
3. No more than one mannequin may be displayed per business. Businesses with more than one bona fide business location may display one mannequin per business location.
4. A mannequin may include a full clothing ensemble (i.e., 1 shirt, 1 skirt, 1 pair of shoes, 1 hat, etc.).
5. A mannequin must be located so as to maintain free and unobstructed access to and from the business which displays it. A mannequin may not be placed so as to block visibility of or access to any adjacent property.
6. A mannequin must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair.
7. No sign may be placed on or hung from a mannequin.
8. A mannequin may lawfully be displayed only when the business which displays it is open. A mannequin must be stored inside when the business which displays it is closed.

M. Single Item Of Merchandise: One item of merchandise offered for sale by a business, subject to the following limitations:

1. The merchandise is displayed on private property. No item of merchandise may be displayed on publicly owned property. An item of merchandise may be placed on commonly owned property; however, written permission for the display of the merchandise must be obtained from the owners' association or similar group responsible for the management of such commonly owned property.
2. The merchandise must be placed on the property of the business which displays it.
3. No more than one item of merchandise may be displayed per business. Businesses with more than one bona fide business location may display one item of merchandise per business location.
4. The merchandise which is displayed must be merchandise which is actually offered for sale by the business.
5. Clothing which is displayed outdoors must be placed on a mannequin in accordance with the provisions of subsection L of this section.
6. The merchandise which is displayed must be located so as to maintain free and unobstructed access to and from the business which displays it. Merchandise may not be placed so as to block visibility of or access to any adjacent property.
7. The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair.
8. No sign may be placed on or hung from the merchandise.
9. Merchandise may lawfully be displayed only when the business which displays it is open. The merchandise must be stored inside when the business which displays it is closed.
10. No tables, boxes or racks may be used to display the merchandise. Merchandise may not be displayed on a coat hanger, or placed in, attached to or hung from any tree.
11. Merchandise may not be placed in any required parking or loading spaces. (Ord. 1, Series 2014)

9-7-7: VIOLATIONS AND PENALTIES:

- A. It is an "infraction", as defined in section 1-3-2 of this code, for any person to violate any of the provisions of this chapter. Every person found liable for a violation of any provision of this chapter shall be punished as provided in section 1-4-1-1 of this code. (Ord. 16, Series 2000)
- B. In addition to other remedies available to the town, the town may commence an action pursuant to section 1-8-10 of this code to enjoin the alleged violation of any provision of this chapter, or to authorize and compel the removal, termination or abatement of such violation. (Ord. 22, Series 1990)



MEMORANDUM

To: Mayor and Town Council
From: Shannon Haynes, Chief of Police
Date: February 17th, 2015
Subject: Unlawful Extraction of Marijuana Concentrate

The unlicensed extraction of marijuana concentrate has been the subject of many recent investigations into structure fires and explosions throughout Colorado. These incidents are caused by the use of flammable solvents to extract THC or other cannabinoids from marijuana plants. The Town of Breckenridge Residential Growing of Marijuana code currently states the following in relation to chemical extraction of marijuana concentrate:

- No chemical shall be used to enhance or extract THC from marijuana that is grown in a residential structure.
- Compressed, flammable gas shall not be used in a residential structure as a solvent for the extraction of THC or other cannabinoids.

Staff is recommending an amendment to code that would place restrictions on the use of flammable solvents in the unlicensed extraction of marijuana concentrate in any location, not limited to residential structures. While the updated ordinance would make it unlawful to process, manufacture, or allow for the processing or manufacture of marijuana concentrate anywhere in the Town, it would allow for three limited exceptions to include:

- Production of concentrate by licensed personnel in a licensed products manufacturing facility (currently one license in Breckenridge);
- Production done by means of water- or food-based extraction methods;
- Production using alcohol or ethanol provided there is no application of heat from fuel-fired or electrical source, uses no more than 16oz of solvent during each extraction process, and uses a closed production system.

These changes will allow for public safety intervention in all locations, thereby making a catastrophic fire or explosion less likely, while still allowing individuals to utilize safe extraction methods.

I will be available on Tuesday, February 24th to answer questions.

1
2 ***FOR WORKSESSION/FIRST READING – FEB. 24***

3
4 Additions To The Current Breckenridge Town Code Are
5 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

6
7 COUNCIL BILL NO. 6

8
9 Series 2015

10
11 AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING THE
12 UNLAWFUL EXTRACTION OF MARIJUANA CONCENTRATE

13
14 WHEREAS, the possession of any quantity of marijuana concentrate has historically
15 been treated as completely unlawful in Colorado; and

16
17 WHEREAS, because possession of marijuana concentrate has historically been treated as
18 completely unlawful, state and Town laws have never been necessary to address how and where
19 marijuana concentrate may be extracted from marijuana plants; and

20
21 WHEREAS, the adoption of Amendment 20 adding Section 14 to Article XVIII of the
22 Colorado Constitution, created an affirmative defense and a limited exception to state criminal
23 laws for patients and primary caregivers who possess or produce a limited amount of marijuana
24 concentrate for medical use to treat a debilitating medical condition; and

25
26 WHEREAS, Amendment 20 prohibits both patients and primary caregivers from
27 acquiring or producing marijuana concentrate in a way that endangers the health or well-being of
28 any person; and

29
30 WHEREAS, the adoption of Amendment 64 adding a new Section 16 to Article XVIII of
31 the Colorado Constitution, allows persons over the age of 21 in Colorado now to claim immunity
32 from prosecution under state or Town laws for possessing or processing marijuana concentrate in
33 a quantity of one ounce or less for personal use or for distribution to others without
34 compensation; and

35
36 WHEREAS, Amendment 64 provides that, in the interest of the health and public safety
37 of our citizenry, marijuana sold in Colorado will be subject to additional regulations to ensure
38 that consumers are protected; and

39
40 WHEREAS, both Amendment 20 and Amendment 64 are silent on the question of how
41 and where marijuana concentrate may be processed or manufactured for medical or personal use;
42 and

1 WHEREAS, this state of affairs has resulted in a gap in the law in terms of regulating the
2 appropriate methods and locations where marijuana concentrate may be extracted from
3 marijuana plants, which has led to numerous examples of persons using highly dangerous
4 methods of extracting marijuana concentrate in inappropriate, unregulated settings, including
5 residential locations; and
6

7 WHEREAS, the purpose of this ordinance is not to prohibit all forms of marijuana
8 concentrate extraction, but instead to limit the more dangerous methods of extraction to licensed
9 and regulated locations.
10

11 NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
12 BRECKENRIDGE, COLORADO:
13

14 Section 1. Article I of Chapter 3 of Title 6 of the Breckenridge Town Code is amended
15 by the addition of a new Section 6-3I-8-1, entitled “Unlawful Acts Concerning The Extraction of
16 Marijuana Concentrate,” which shall read as follows:
17

18 **6-3I-8-1: UNLAWFUL ACTS CONCERNING THE EXTRACTION OF**
19 **MARIJUANA CONCENTRATE:**
20

- 21 **A. Except as provided in subsection (C) of this section, it shall be unlawful and a**
22 **misdeemeanor municipal offense for any person to process or manufacture**
23 **marijuana concentrate anywhere in the Town.**
- 24 **B. Except as provided in subsection (C) of this section, it shall be unlawful and a**
25 **misdeemeanor municipal offense for any person who owns, manages, operates, or**
26 **otherwise controls the use of any premises anywhere in the Town to allow**
27 **marijuana concentrate to be processed or manufactured on the premises.**
- 28 **C. It shall not be an offense under this Section if:**
- 29 1. **The production of marijuana concentrate is done by licensed personnel in a**
30 **licensed medical marijuana-infused products manufacturing facility or in a**
31 **licensed retail marijuana products manufacturing facility and in compliance**
32 **with all applicable state and Town laws, and all rules and regulations**
33 **promulgated thereunder, including any and all necessary permits; or**
34
- 35 2. **The production of marijuana concentrate is done by means of water-based**
36 **extraction or food-based extraction methods outside of a licensed medical**
37 **marijuana-infused products manufacturing facility or a licensed retail**
38 **marijuana processing facility, and is done in full compliance with any and all**
39 **other applicable state and Town laws; or**
40
- 41 3. **The marijuana concentrate is processed or manufactured using alcohol or**

1 ethanol outside of a licensed medical marijuana-infused products manufacturing
2 facility or a licensed retail marijuana products manufacturing facility in
3 compliance with all applicable state and Town laws, and all rules and
4 regulations promulgated thereunder where: (i) the production of marijuana
5 concentrate is done without the application of any heat from a fuel-fired or
6 electrified source; (ii) uses no more than 16 ounces of alcohol or ethanol during
7 each extraction process, and (iii) uses a closed system.

8
9 **D. For purposes of this section:**

- 10 1. “Closed system” means the use of a solvent involving a closed vessel or system
11 that remains closed during normal operations where vapors emitted by the
12 product are not released outside of the vessel or system and the product is not
13 exposed to the atmosphere during the process.
- 14
15 2. “Food-based extraction” means producing marijuana concentrate by extracting
16 cannabinoids from marijuana through the use of propylene glycol, glycerin,
17 butter, olive oil, or other typical cooking fats. Except as otherwise provided in
18 subsection (C) of this section, “flammable liquids” may not be used in food-
19 based extractions.
- 20
21 3. “Flammable liquid” means a liquid that has a flash point below 100° Fahrenheit,
22 and includes all forms of alcohol and ethanol.
- 23
24 “Marijuana” has the meaning provided in Section 6-3I-1 of this Chapter.
- 25
26 4. “Marijuana concentrate” has the meaning provided in Section 6-3I-1 of this
27 Chapter.
- 28
29 5. “Water-based extraction” means producing marijuana concentrate by
30 extracting cannabinoids from marijuana through the use of only water, ice or
31 dry ice.
- 32
33 6. The definitions of “medical marijuana-infused products manufacturer” and
34 “retail marijuana products manufacturing facility” as set forth in the Colorado
35 Medical Marijuana Code, Article 43.3 of Title 12, C.R.S., as amended, and the
36 Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S., as amended,
37 shall apply equally to this Section.

38
39 Section 2. Sections 9-3-16(N) and (O) of the Breckenridge Town Code are repealed.

40
41 Section 3. Except as specifically amended by this ordinance, the Breckenridge Town
42 Code, and the various secondary codes adopted by reference therein, shall continue in full force
43 and effect.

MEMO

TO: Breckenridge Town Council

FROM: Laurie Best-Community Development Department

DATE: February 18, 2015 (for February 24 meeting)

RE: First Reading-An Ordinance Authorizing the Conveyance of Certain Town-Owned Real Property (Pinewood Village 2 Housing Project)

The attached Ordinance has been prepared to authorize the conveyance of the Pinewood Village 2 property to the limited liability partnership (Pinewood 2 LLLP) that will be the entity responsible for the construction and operation of Pinewood Village 2. The site is approximately 2.926 acres and a development permit (PL-2014-0170) has been approved for development of 45 apartments.

Because the project is intended to serve low AMI tenants, we have received an annual allocation of \$332,332 of low income housing tax credits for the next ten years from the Colorado Housing and Finance Authority (Chafa). We are working with an investor (Midwest Housing Equity Group-MHEG) who will contribute approximately \$3.3 million to the project up front, in return for the annual tax credits over the next ten years. We are in process of coordinating the partnership agreements with MHEG, but it is our expectation that MHEG and the Breckenridge Housing Authority (through a separate LLC) will be the limited and general partners in the Pinewood 2 LLLP. This ordinance allows the mayor to execute the warranty deed that will transfer ownership of the property from the Town to that development entity (Pinewood 2 LLLP). We expect that the actual transfer of the property and closing of the transaction will occur in the spring, prior to the construction start.

The Ordinance is scheduled for first reading. Staff supports approval and will be available at your worksession to answer any questions.

1 5.9 of the Breckenridge Town Charter.

2
3 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
4 PUBLISHED IN FULL this ____ day of _____, 2014. A Public Hearing shall be held at the
5 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
6 _____, 2014, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
7 Town.

8
9 TOWN OF BRECKENRIDGE, a Colorado
10 municipal corporation

11
12
13
14 By: _____
15 John G. Warner, Mayor

16
17 ATTEST:

18
19
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21 _____
22 Helen Cospolich
23 Town Clerk

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1 **Exhibit "A"**

2
3 **SPECIAL WARRANTY DEED**

4
5 **THIS DEED** is made this ____ day of _____, 2015, between the
6 TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose legal address is P.O. Box
7 168, Breckenridge, Colorado 80424 ("Grantor"), and PINWOOD 2, LLLP, a Colorado limited
8 liability limited partnership, whose legal address is P.O. Box 168, 150 Ski Hill Road, Breckenridge,
9 Colorado 80424 ("Grantee"):

10
11 **WITNESSETH**, that the Grantor, for and in consideration of the sum of Ten Dollars
12 (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby
13 acknowledged, has bargained, sold, and conveyed, and by these presents does grant, bargain, sell,
14 convey, and confirm unto the Grantee, its successors and assigns forever, all the real property,
15 together with improvements, if any, situate, lying and being in the Town of Breckenridge, Summit
16 County, Colorado described as follows:

17
18 Government Lot 47, located in Section 30, Township 6 South, Range 77 West of
19 the 6th Principal Meridian, Summit County, Colorado, as described in United
20 States Patent recorded March 23, 2012 under Reception No. 989212 of the
21 records of the Clerk and Recorder of Summit County, Colorado

22
23 also known by street and number as: 837 Airport Road, Breckenridge, Colorado 80424

24
25 **TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging,
26 or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents,
27 issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the
28 Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments
29 and appurtenances;

30
31 **TO HAVE AND TO HOLD** the said premises above bargained and described with the
32 appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself and its
33 successors, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND
34 the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors
35 and assigns, against all and every person or persons claiming the whole or any part thereof, by,
36 through, or under the Grantor.

37
38 This deed is executed and delivered pursuant to the authority granted by Ordinance No.
39 _____, Series 2015, adopted by the Town Council of the Town of Breckenridge, Colorado on
40 _____, 2015.

41
42 **IN WITNESS WHEREOF**, the Grantor has executed this deed on the date set forth above.
43
44

SPECIAL WARRANTY DEED

THIS DEED is made this ____ day of _____, 2015, between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose legal address is P.O. Box 168, Breckenridge, Colorado 80424 (“Grantor”), and PINWOOD 2, LLLP, a Colorado limited liability limited partnership, whose legal address is P.O. Box 168, 150 Ski Hill Road, Breckenridge, Colorado 80424 (“Grantee”):

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm unto the Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the Town of Breckenridge, Summit County, Colorado described as follows:

Government Lot 47, located in Section 30, Township 6 South, Range 77 West of the 6th Principal Meridian, Summit County, Colorado, as described in United States Patent recorded March 23, 2012 under Reception No. 989212 of the records of the Clerk and Recorder of Summit County, Colorado

also known by street and number as: 837 Airport Road, Breckenridge, Colorado 80424

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself and its successors, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through, or under the Grantor.

This deed is executed and delivered pursuant to the authority granted by Ordinance No. _____, Series 2015, adopted by the Town Council of the Town of Breckenridge, Colorado on _____, 2015.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

SPECIAL WARRANTY DEED

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
John G. Warner, Mayor

[AFFIX TOWN SEAL HERE]

ATTEST:

Helen Cospolich
Town Clerk

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by John G. Warner, Mayor, and Helen Cospolich, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

SPECIAL WARRANTY DEED



MEMORANDUM

To: Tim Gagen, Town Manager; Rick Holman, Assistant Town Manager
From: Finance and Municipal Services Dept.
Date: February 16, 2015
Subject: *Summary of Supplemental Appropriations to the 2014 Budget and Rollovers to the 2015 Budget*

A final Resolution describing changes to the original 2014 budget is presented to Council for approval in February 2015. Also included in the Council packet is a Resolution to roll over items approved but not completed in the budget year 2014 to the 2015 budget.

Below is a list Supplemental Appropriations which have been discussed with and approved by Council over the course of the budget year 2014. The total changes to the 2014 budget are an increase of \$12,476,352 in revenues and \$8,639,066 in expenses.

General Fund:

Revenue:

• Transit Admin. grant received	\$ 20,000
• Transit Services grant received	\$ 135,000
• PD Grant	\$ 13,000
• Nordic Center Loan Principal	\$ 36,170
• Nordic Center Loan Interest	\$ 15,899
• Solar Garden sales	\$ 90,000
• County Reimbursement of Breckenridge Grand Vacations Community Center Grand Opening	\$ 13,500
Total:	\$ 323,569

Expense:

• Nordic Center Financing	\$ 205,000
• Transfer to Capital Fund-BGV Harris St.	\$ 450,000
• Transfer to Capital Fund-Prospector Park	\$ 67,000
• City Market/Parkway Center Site Planning	\$ 19,000
• Lomax Mine and Briggie House purchase	\$ 32,500
• Streets-snow removal	\$ 160,000
• Breckenridge Grand Vacations Community Center Grand Opening	\$ 27,000
Total:	\$ 960,500

Excise Fund:

Revenue: transfer from Child Care Fund	\$2,376,000
Expense:	
• Transfer to Capital Fund:	\$ 3,595,583
• Transfer to Special Projects Fund:	\$ 451,700
• Transfer to Marketing Fund*:	\$ 100,000
Total:	\$ 4,147,283

*This is based on the projected 2014 Accommodation tax revenues and associated transfers which has already been budgeted for expenditure in Marketing Fund for the 2015 budget cycle. No change to the Marketing Fund 2015 budget is warranted.

Marketing Fund:

Revenue: USPC Sponsorships :	\$ 24,500
Expense:	
• Additional GoBreck	\$ 75,000
• USPC Expenditures:	\$ 45,000
Total:	\$ 120,000

Affordable Housing:

Revenue:	
• Corum Loan repayment:	\$ 4,824,000
• Corum Loan interest:	\$ 168,840
Total:	\$ 4,992,840
Expense:	
• Pinewood 1 Loan	\$1,400,000
• Eliminate transfer to Capital	(\$2,300,000)
Total:	(\$900,000)

Capital Fund:

Revenue:	
• Transfer from Excise Fund:	\$3,595,583
• Transfer from General Fund-BGV Harris St.	\$ 450,000
• Transfer from General Fund-Prospector Park	\$ 67,000
• Summit Foundation Donation Prospector Park	\$ 36,000
• Eliminate transfer from Affordable Housing	(\$2,300,000)
Total:	\$ 1,848,583

Capital Fund (continued):

Expense:

• Old Masonic Hall	\$ 270,000
• Additional Art Piece-Paley	\$ 100,000
• Prospector Park Art Piece	\$ 103,000
• Arts District	\$ 122,583
• Breckenridge Theater	\$ 600,000
• Four O’Clock Roundabout	\$ 100,000
Total:	\$1,295,583

Special Projects:

Revenue total: transfer from Excise	\$ 451,700
-------------------------------------	-------------------

Expense:

• Wildfire mitigation	\$ 77,200
• Cultural Arts Operating	\$ 148,000
Total:	\$ 225,200

Note: Revenue exceeds expenses by \$226,500 because expenses were rolled over from 2013. This amount was included on the January resolution approved by Council.

Child Care:

Revenue:

• Corum Loan repayment	\$2,376,000
• Corum Loan interest:	\$ 83,160
Total:	\$2,459,160

Expense: Corum Loan repayment transfer to Excise	\$2,376,000
--	--------------------

Rollovers to the 2015 Budget:

Additionally, we are requesting the following rollovers and appropriations to the 2015 budget. The total changes to the 2015 budget are a decrease of \$699,083 in expenditures and \$876,888 in revenues. These changes are due to projects initiated in 2014 but not completed until 2015, including the separation of the Arts and Culture department into the Breckenridge Creative Arts independent organization.

General Fund:

Revenue:

• 50% reimbursement of Breckenridge Grand Vacations	
• Community Center Grand Opening	\$ 13,500
Total:	\$ 13,500

Expense:

• Lomax Mine and Briggie House purchase	\$ 32,500
• Green Team/SustainableBreck	\$ 5,000
• Breckenridge Grand Vacations Community Center Grand Opening	\$ 27,000
Total:	\$ 64,500

Excise Fund:

Expense: transfer to Special Projects	\$ 126,805
---------------------------------------	-------------------

Special Projects:

Revenue:

• Transfer from Excise	\$ 126,805
• Reduction in Revenue-Cultural Arts	\$(1,017,193)
Total:	\$ (890,388)

Expense:

• Ski Documentary	\$ 8,000
• Barney Ford museum upgrade	\$ 15,000
• High Line Railroad Park	\$ 60,000
• Historic District Markers	\$ 10,000
• Jessie Mill Site	\$ 15,805
• Lincoln City Restoration/Stabilization	\$ 18,000
• Reduction in Expense-Cultural Arts	\$(1,017,193)
Total:	\$ (890,388)

Staff will be available at the February 24, 2015 Council work session to answer any questions.

A RESOLUTION

SERIES 2015

A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2014 TOWN BUDGET

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2014 budget by making supplemental appropriations in the amount of \$12,476,352 in revenues and \$8,639,066 in expenditures; and

WHEREAS, pursuant to Section 10.12(a) of the Breckenridge Town Charter, the Finance Department, on behalf of the Town Manager, has certified that there are available for appropriation revenues in excess of those estimated in the Town's 2014 budget or revenues not previously appropriated in an amount sufficient for the proposed supplemental appropriations; and

WHEREAS, a public hearing on the proposed supplemental appropriations was held on February 10, 2015, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO that the 2014 budget is amended, and supplemental appropriations for the amended 2014 Town budget are made as follows:

General Fund Revenues (001):

• Transit Admin. grant	\$ 20,000
• Transit Services grant	\$ 135,000
• Public Safety grant	\$ 13,000
• Nordic Center Loan	\$ 52,069
• Solar Garden Sales	\$ 90,000
• County reimbursement of Breckenridge Grand Vacations Community Center Grand Opening	\$ 13,500
Total General Fund Revenue Increase:	\$ 323,569

General Fund Expense (001):

• Nordic Center Financing	\$ 205,000
• City Market/Parkway Center Site Planning	\$ 19,000
• Lomax Mine and Briggles House Purchase	\$ 32,500
• Transfer to Capital Fund-BGV Harris St.	\$ 450,000
• Transfer to Capital Fund-Prospector Park	\$ 67,000
• Streets-snow removal	\$ 160,000
• Breckenridge Grand Vacations Community Center Grand Opening	\$ 27,000
Total General Fund Expenditure Increase:	\$ 960,500

Excise Fund Revenue (006):

• Transfer from Child Care Fund:	\$2,376,000
Total Excise Fund Revenue Increase:	\$2,376,000

Excise Fund Expense (006):

• Transfer to Capital Fund:	\$3,595,583
• Transfer to Special Projects Fund:	\$ 451,700
• Transfer to Marketing Fund:	\$ 100,000
Total Excise Fund Expenditure Increase:	\$4,147,283

<u>Marketing Revenue (004):</u>	
• USPC Sponsorships:	\$ 24,500
Total Marketing Fund Revenue Increase:	\$ 24,500

<u>Marketing Expense (004):</u>	
• USPC	\$ 45,000
• GoBreck Additional Funding	\$ 75,000
Total Marketing Fund Expense Increase:	\$ 120,000

<u>Affordable Housing Revenue (007):</u>	
• Corum Loan-Principal Repayment:	\$ 4,824,000
• Corum Loan-Interest:	\$ 168,840
Total Affordable Housing Fund Revenue Increase:	\$ 4,992,840

<u>Affordable Housing Expense (007):</u>	
• Pinewood 1 Loan:	\$ 1,400,000
• Eliminate transfer to Capital	\$(2,300,000)
Affordable Housing Fund Expense Decrease:	\$ (900,000)

<u>Capital Fund Revenue (003):</u>	
• Transfer from Excise Fund:	\$3,595,583
• Transfer from Affordable Housing:	(\$2,300,000)
• Transfer from General Fund-BGV Harris St.	\$ 450,000
• Transfer from General Fund-Prospector Park	\$ 67,000
• Summit Foundation Donation- Prospector Park	\$ 36,000
Total Capital Fund Revenue Increase:	\$1,848,583

<u>Capital Fund Expense (003):</u>	
• Old Masonic Hall	\$ 270,000
• Additional Art Piece-Paley	\$ 100,000
• Additional Art Piece-Prospector Park	\$ 103,000
• Arts District	\$ 122,583
• Breckenridge Theater	\$ 600,000
• Four O'Clock Roundabout	\$ 100,000
Total Capital Fund Expenditure Increase:	\$1,295,583

<u>Special Projects Revenue (013):</u>	
• Transfer from Excise:	\$ 451,700
Total Special Project Fund Revenue Increase:	\$ 451,700

<u>Special Projects Expense (013):</u>	
• Wildfire Mitigation	\$ 77,200
• Cultural Arts Operating	\$ 148,000
Total Special Project Fund Expense Increase:	\$ 225,200

Child Care Revenue (016):

• Corum Loan-Principal Repayment:	\$ 2,376,000
• Corum Loan-Interest:	\$ 83,160
Total Special Project Fund Revenue Increase:	\$ 2,459,160

Child Care Expense (016):

• Transfer to Excise:	\$ 2,376,000
Total Special Project Fund Expense Increase:	\$ 2,376,000

This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 24th DAY OF FEBRUARY 2015.

ATTEST

TOWN OF BRECKENRIDGE

Helen Cospolich, Town Clerk

By _____
John G. Warner, Mayor

APPROVED IN FORM

Town Attorney Date

A RESOLUTION

SERIES 2015

A RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2015 TOWN BUDGET FOR PROJECTS NOT COMPLETED IN BUDGET YEAR 2014

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2015 budget to reduce it by (\$699,083) in expenditures and (\$876,888) in revenues; and

WHEREAS, pursuant to Section 10.12(a) of the Breckenridge Town Charter, the Finance Department, on behalf of the Town Manager, has certified that there are available for appropriation revenues in excess of those estimated in the Town's 2014 budget or revenues not previously appropriated in an amount sufficient for the proposed supplemental appropriation; and

WHEREAS, a public hearing on the proposed supplemental appropriation was held on February 10th, 2015, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

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

- Section 1. A supplemental appropriations are made to the General Fund. Expenses in the amount of \$64,500 to continue funding the Lomax Mine and Briggie House purchase (\$32,500), SustainableBreck Business recruitment via the Green Team (\$5,000) and the Breckenridge Grand Vacations Community Center Grand Opening (\$27,000). General Fund revenues are supplemented by \$13,500 for 50% reimbursement from the County for the BGVCC grand opening event.
- Section 2. A supplemental appropriation is made to the Special Projects Fund in the amount of \$126,805 to complete Breckenridge Historical Association's capital projects budgeted but not completed in 2014. These projects include a Ski Documentary (\$8,000), the Barney Ford museum upgrade (\$15,000), the High Line Railroad Park (\$60,000), Historic District Markers (\$10,000), Jessie Mill Site (\$15,805) and Lincoln City Restoration/Stabilization (\$18,000). This appropriation is made both to the revenue (to fund the rollover expenses via a transfer from the Excise Fund) and to the expense (to authorize the expenditures of funds).
- Section 3. A supplemental appropriation is made to the Excise Fund in the amount of \$126,805 to fund the additional expenditures in the Special Projects Fund.
- Section 4. A budget amendment is made to the 2015 budget to reflect the reorganization of the Arts and Culture Department into a separate entity (Breckenridge Creative Arts). Expected revenues will be reduced by \$1,017,193 and expenditures reduced by \$1,017,193 in the Special Projects Fund.
- Section 5. This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 24th DAY OF FEBRUARY 2014.

ATTEST

TOWN OF BRECKENRIDGE

Helen Cospolich, Town Clerk

By _____
John G. Warner, Mayor

APPROVED IN FORM

Town Attorney

Date

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: February 18, 2015

Re: Planning Commission Decisions of the February 17, 2015, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF FEBRUARY 17, 2015:

CLASS C APPLICATIONS:

None.

CLASS B APPLICATIONS:

None.

CLASS A APPLICATIONS:

- 1) AT&T Wireless Temporary Communications Facility at Gold Creek Condos, PL-2015-0009, 326 North Main Street

Install a temporary wireless facility consisting of 3 steel skids with six 6' tall panel antennas (2 per skid, screened and painted to match the building color) at the north, east and west rooftop elevations for twelve months and mechanical equipment in the basement. Approved.

- 2) AT&T Wireless Permanent Communications Facility at Gold Creek Condos, PL-2015-0005, 326 North Main Street

Construct a new permanent wireless facility consisting of a total of twelve 8' tall panel antennas concealed within 3 new rooftop dormer elements (previously approved) with modifications to conceal the antennas. Approved.

- 3) Verizon Wireless Communication Facility – Kingdom Park Ball Field Site, PL-2014-0177, 880 Airport Road

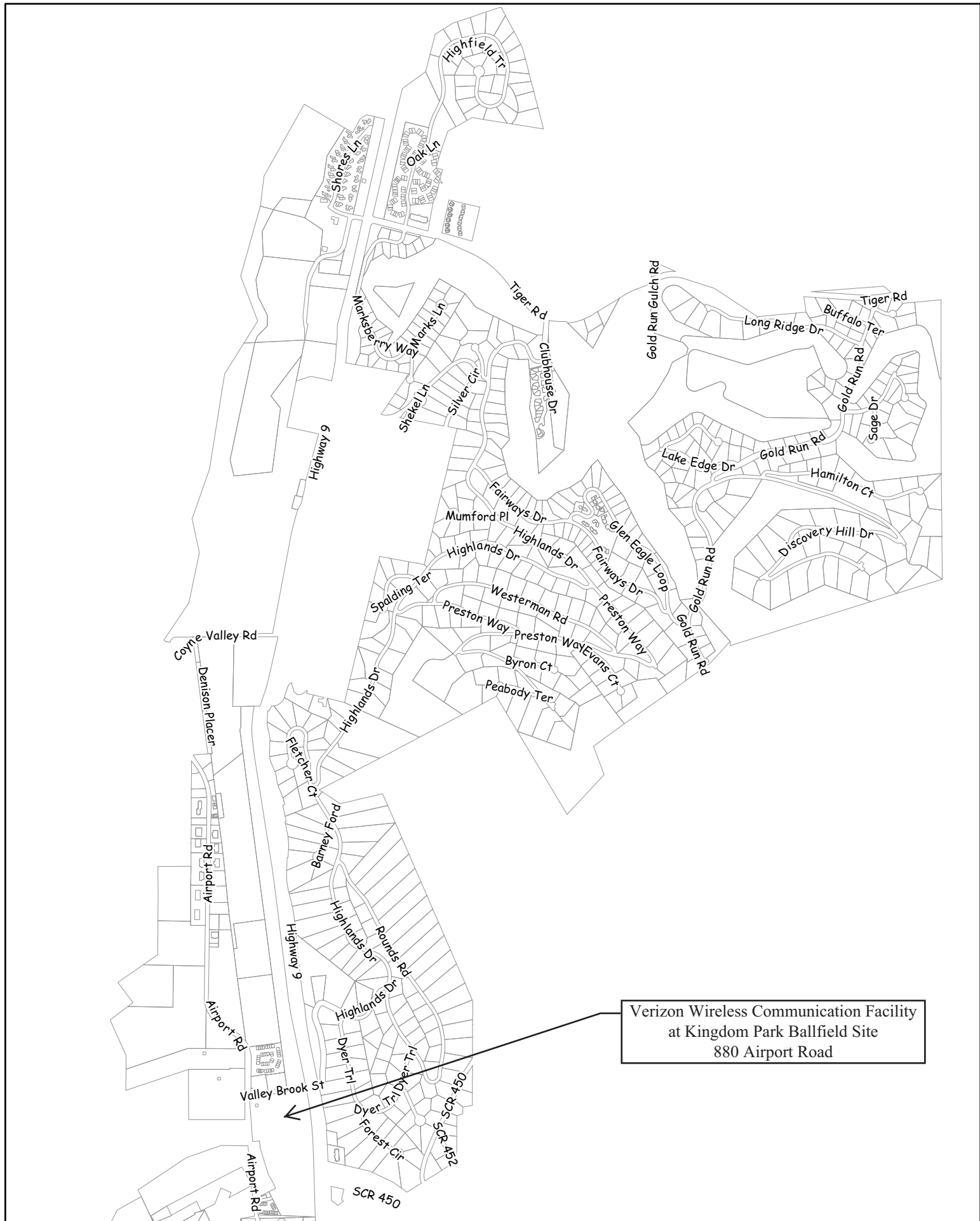
Remove a 55' baseball net support pole and replace it with a new 75' wireless canister pole that will be painted flat black to match the existing support poles; reconfigure safety net to hang from the pole; build new 12' x 26' equipment shelter in location of existing trash enclosure; build new trash enclosure within the recreation center parking lot. Approved.

TOWN PROJECT HEARINGS:

None.

OTHER:

None.

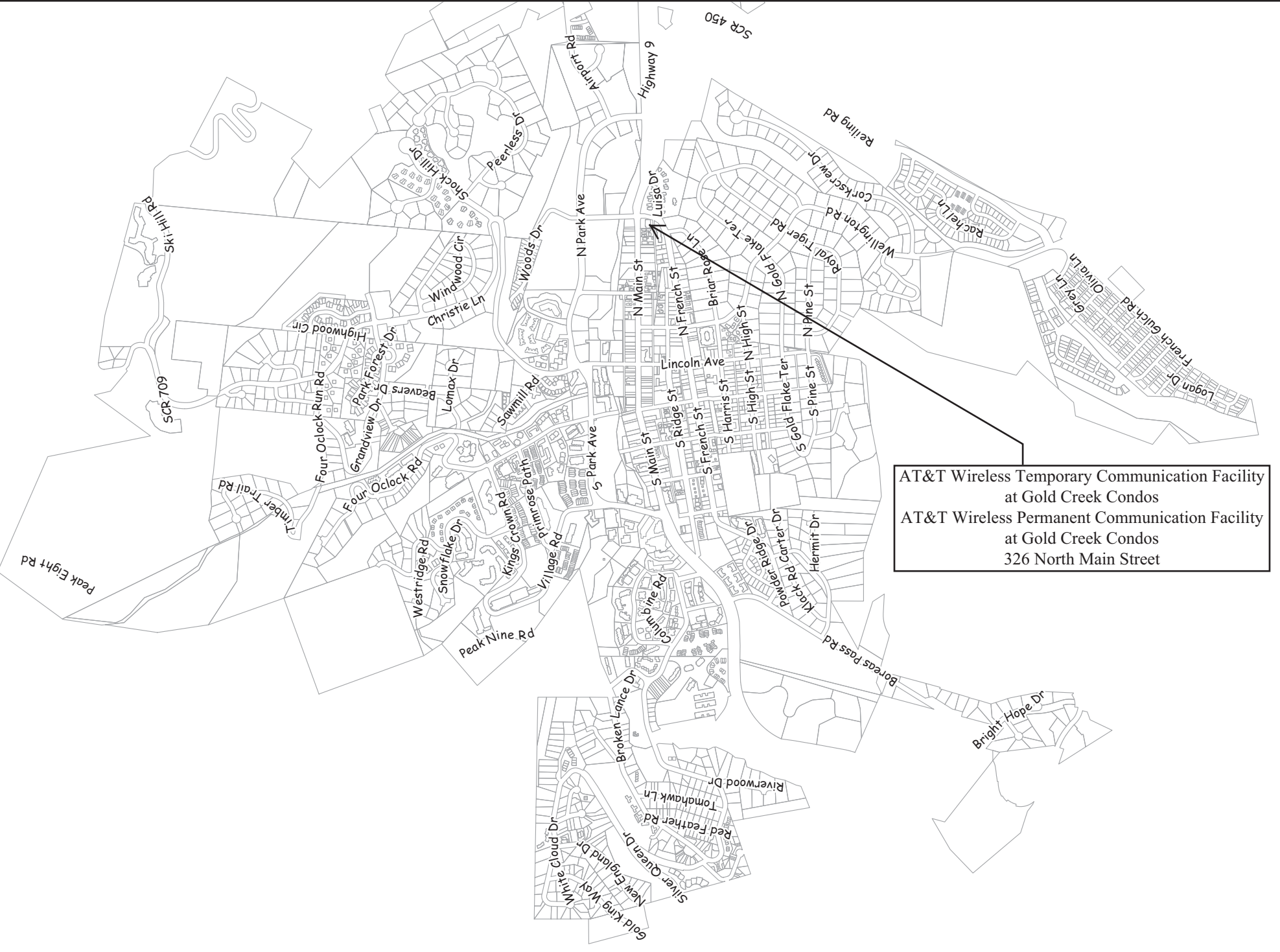


Verizon Wireless Communication Facility
 at Kingdom Park Ballfield Site
 880 Airport Road



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

Breckenridge North



AT&T Wireless Temporary Communication Facility
 at Gold Creek Condos
 AT&T Wireless Permanent Communication Facility
 at Gold Creek Condos
 326 North Main Street



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

Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Eric Mamula Jim Lamb, absent Gretchen Dudney
Kate Christopher Ron Schuman Dan Schroder
Dave Pringle, arrived at 7:03pm
Ben Brewer, Town Council Liaison

APPROVAL OF AGENDA

With no changes, the February 17, 2015, Planning Commission Agenda was approved as presented.

APPROVAL OF MINUTES

With no changes, the February 3, 2015, Planning Commission Minutes were approved as presented.

WORKSESSIONS:

1) Off Street Parking Chapter (JP)

Ms. Puester presented. The last significant update to the Off Street Parking Chapter of the Development Code was in 1996. Staff has found that some standards within the Chapter need to be updated to be consistent with current Development Code policies and engineering requirements. The changes in the ordinance are intended to be cleanup items only. Staff has worked in conjunction with the Public Works Department/Engineering to determine these proposed modifications.

Primary corrections addressed in the ordinance include:

- Clarification on parking space calculations rounded up to a complete space (Sec. 9-3-8 (B)).
- The inclusion of change of use applications in parking recalculations (Sec. 9-3-8 (C)).
- Reduction of location of driveways separation requirements to have 30 foot separation rather than 35' (Sec. 9-3-9 (D)(1)).
- Modification of the maximum width of a driveway from a public street from 30 feet to 20 feet (Sec. 9-3-9 (D)(2)).
- Addition of standards for Private driveways (Sec. 9-3-9 (D)(2)).
- Clarification that circular driveways for new development are not permitted and nonconforming circular driveways must come into conformance with redevelopment (Sec. 9-3-9 (D)(3)).
- Additional detail to the grading section for driveways (Sec. 9-3-9 (F)).
- Addition of Heated Driveway standards (Sec. 9-3-9 (G)).

Staff would like to hear if there are any concerns from the Planning Commission.

Commissioner Questions / Comments:

Mr. Schroder: Is this for all of Town or just in the service area?

Ms. Puester: This applies to all of town.

Mr. Schroder: It says that all off street parking must be paved but I thought it was permeable surfaces too.

Mr. Mosher: You aren't allowed to park on dirt or gravel, you can have paving strips.

Mr. Pringle: Do we have a size for a parking spot in a garage?

Mr. Mosher: 9' by 18' is a legal parking spot.

Mr. Pringle: Do we have a third dimension for this?

Ms. Puester: For height? (Mr. Pringle: Yes.)

Mr. Pringle: Do you remember the Giller that had a lift that wouldn't work because there was not enough clearance for two cars? The discussion was that we couldn't deny or modify it because it didn't go against code. We didn't have a standard for at least the minimum volume. Do we

at least want to say that a parking space in a garage must be at least 5' or something like that, for a reasonable car?

Mr. Mosher: It might be an issue that the building department might have code with a head height.

Mr. Pringle: This might be the one and only chance we get a chance to change this as policy without an actual application in front of us.

Mr. Mosher: I will try to get an answer from the building department this week. Point taken, let's do some more research.

Mr. Schuman: To that same point, we have an exterior parking pad next to the garage that has a lift so I could foresee that the person might want to enclose it, so this would be a good thing to tackle.

Mr. Pringle: I would like to see that we have some criteria to discuss it.

Mr. Mamula: I don't have a problem with anything in this but we have discussed values for minimum parking in particular when there are houses that are designed as retreats but they only have two parking spots and we know they will be parking on the streets. At some point it would be nice to get to some different figures for the larger homes that will be rented out in the future and only have two spots. We are probably not going to solve anything right now but should think about it for the future. It would be nice if you exceed 5,000 sq. feet then you need to add parking spaces. They don't have to be covered but that there are adequate spaces on the lot. Sunbeam comes to mind with a house that was built with a bunch of different lock offs that didn't have more parking. With teardowns and building I think this is something we need to address.

Mr. Brewer: I have to agree.

Mr. Schuman: Is the parking service area (fees section) still used?

Mr. Mamula: It is generally in the service or commercial use.

Mr. Schroder: Where does the money go that the money people pay for parking spots?

Ms. Puester: It is used a lot when there is a change of use and the use changes from retail or office to more intensive such as restaurant. It does go to the Town lots that were purchased previously for public parking-Tiger Dredge, behind LaCima, Wellington lot, Icehouse, parking structures and so on. The Town put the money up front so people are essentially paying the Town back. It is a separate fund that does pay the Town back and then also for future parking.

Mr. Brewer: I don't remember seeing a parking fund, it is in the general fund.

Mr. Grosshuesch: It doesn't need to be a separate fund, it is not a like a war chest. It is tracked separately but is part of the general fund. It is a fee that helps offset the money already spent.

Mr. Schuman: I think everything is good in the ordinance. But everything gets back to enforcement. If anything needs to be done with illegal parking, it is police having the enforcement rules.

Ms. Christopher: I think that the document is great with the additional comments.

Mr. Pringle: I think this is fine too.

Ms. Dudney: I have no issue.

Mr. Mamula: I agree, would like to see Mr. Pringle's issue addressed.

Ms. Puester: We will follow up on Mr. Pringle's issue with a memo to the Commission and plan on bringing this to the Town Council as an ordinance if the Commission is comfortable with that. (Commissioners: Yes.)

TOWN COUNCIL REPORT:

Mr. Brewer:

- We passed on second reading an ordinance making electronic smoking devices subject to the same ordinances and regulations for regular cigarettes.
- We placed on the agenda and passed in second reading an ordinance that clarified public smoking, we had a 10' buffer to public entrances but did not make a ban on smoking on patios. Vote was 5-2 but the two dissenters thought we didn't go far enough. You can't be smoking in the entrance to any business not just restaurants. We almost adopted a curfew until a certain time of night, allowing

smoking on patios later at night, but this didn't resonate with enough people. Employees have to work and breathe the smoke if there is smoking on a patio. This is probably an issue that will be seen on the Town Council agenda again, the whole state is addressing this. We are trying to follow what the state is doing. The enforcement mechanism is tough, sometimes it is subjective. If there is complaint then Community Service can be called and enforce. Now with the definitive 10' rule it is more objective. This will start 30 days after it passed. It is designed to prevent people from smoking at a business entrance.

Ms. Christopher: Maybe consider when the Town brings in public benches and fire pit into the Blue River Plaza, people come in and smoke which results in no one else going near the firepit since it's just a bunch of smoking going on there.

Mr. Brewer: I don't think this is allowed with the new ordinance but will look at it in more detail.

- There is a new ordinance that we are considering that will revamp the enforcement of the sign code. This includes making the first and second offense of a violation be a ticket. After that then a summons to court happens, this is more logical and practical than the former enforcement chain that was a summons to court on the first violation. Pretty heavy handed. We passed the first reading on the revised ordinance. We decided to take no action on the sandwich boards, which means sandwich boards are still illegal and many of the other signage that is happening in Town is illegal. So there will be a big job of enforcement. Business is tough and it is difficult to distinguish yourself from the competition. (Mr. Pringle: it all comes down to enforcement, I think you cut to the chase and say you are violating the code and we'll see you in court.) Mr. Brewer, I think most business owners want to follow the law but don't know the law and will change after the first ticket.

FINAL HEARINGS:

(Mr. Schuman recused himself and left the public hearing due to conflict of interest)

1) AT&T Wireless Temporary Communications Facility at Gold Creek Condos (JP) PL-2015-0009, 326 North Main Street

Ms. Puester presented. AT&T Wireless is proposing a temporary wireless facility consisting of three steel skid mounting brackets with a total of six screened 6-foot tall panel antennas (two per skid or sector) at the north, east, and west rooftop elevations for twelve months at which time the permanent installation would be constructed. The screening will cover the front face of each skid and will match the building color and mimic the building material appearance. The mechanical room for this equipment will be located in the basement. The installation is temporary and would be replaced by a permanent, screened installation which is the subject of another application also on this meeting agenda.

Changes from the Preliminary Hearing:

The applicant has proposed the following changes with this final hearing submittal:

- The number of antennas has been *reduced* from four antennas per skid to two per skid.
- The height of the antennas was *reduced* from eight (8') feet to six (6') feet.
- The clearance between the roof and the bottom of the antennas *increased* from 1'5" to 2'5" in height.
- The finished height of the antennas went from 44'1" (preliminary) to 43'1" (final) for a total of 12" *reduction* in overall height.
- The front view of the skid will be screened with a thick banner like material (RF transparent skin) wrapped around the front view of the skid to be the same color and mimic the appearance of the siding and trim on the building.
- A two (2') foot microwave dish installed behind the east skid.

Staff found no Relative policies under which positive or negative points should be assigned. Staff found that the application meets all applicable Absolute policies.

Staff recommended the Planning Commission approve the final development permit application for the AT&T Wireless Temporary Facility at Gold Creek Condominiums (aka Odd-Lot Condos) PL#2015-0009 with a passing point analysis of zero (0) and the presented finding and conditions.

Commissioner Questions / Comments:

- Ms. Dudney: It is great that it is two antennas instead of 4, is the height greater?
Ms. Puester: It is one foot lower than what you saw at preliminary and staff prefers the screening.
Mr. Mamula: It is 43'1" of the ground but it is 9'6" off from the previous 10'6" on the rooftop?
Ms. Puester: Yes.
Mr. Mamula: The photo simulation doesn't seem correct, it seems like the installation will be bigger than what is shown.
Ms. Puester: Let's allow the applicant explain that piece.

Permanent application was then discussed.

2) AT&T Wireless Permanent Communications Facility at Gold Creek Condos (JP) PL-2015-0005, 326 North Main Street

Ms. Puester presented. AT&T Wireless is proposing a permanent wireless facility incorporated entirely inside three of the dormers associated with the Gold Creek Condo exterior remodel development permit (PC#2013034) at the north, east, and west elevations. The dormers in which the antennas are located would be fiberglass manufactured to appear the same as the approved exterior remodel materials. The mechanical room will be located in the basement. The estimated time of construction will be in June. This permanent screened installation would replace the temporary antennas just discussed. Staff found no Relative policies under which positive or negative points should be assigned. Staff found that the application meets all applicable Absolute policies.

The permanent solution does include the four antennas because the two antennas in the temporary proposal are to maintain existing coverage.

The Planning Department recommended that the Planning Commission approve the AT&T Permanent Wireless Communication Facility (PL-2015-0005) with a passing point analysis of zero (0) and the presented findings and conditions.

- Ms. Dudney: Is there any change to this final proposal than we saw two weeks ago?
Ms. Puester: No

Applicant Presentation for the Temporary and Permanent applications:

Ryan Sager, Pinnacle Consulting: There is an additional two feet of screening on the sides of the skirts. The photo simulation is a visual representation and was completed before we had designed the actual drawings of the custom skirts for final. Custom skirts have a particular height and wind load needed through the engineering calculations, so this is why there wasn't more in the decrease in height.

Commissioner Questions / Comments:

- M: Mamula: Can you explain how the skin material will be mounted and how it will withstand the elements? (Mr. Sager: It will be stretched to cover the skirts and secured in place.)
Mr. Mamula: What is the longevity of the material?
Mr. Sager: This material is guaranteed for 6 months.
Mr. Mamula: Can we add a condition that this needs to be maintained?
Ms. Puester: If the material fails then they would be in violation of their development permit with the

plans as presented. They would have to replace it. If you are concerned with it, I think you can put it in as a condition that the material be inspected. We should check with the applicant if they would accept that.

Mr. Mamula opened the hearing to public comment for both the temporary and permanent applications. There was no public comment, and the hearing was closed.

Commissioner Questions / Comments:

Mr. Pringle: With the temporary screening I'm wondering if the antenna would look better without it. I'm just wondering if the screening is just drawing more attention to the skids. Could this ever be a consideration? (Mr. Mosher: The applicant mentioned that it is 8 weeks between the skids being up and the screening getting installed so there would be time to tell).

Mr. Pringle: I think the antennas will be a lot more transparent and won't be as much maintenance.

Ms. Dudney: That was why I asked what the staff thought, I'm ambivalent about the screening. With the two antennas, I think that it is less obtrusive. I'm fine with the rest of the project.

Mr. Schroder: I'm fine as presented

Ms. Christopher: I'm fine too, but am fine with the screening not happening.

Ms. Puester: I would like to make a case for the screening, because I've seen what they look like in the field and I think it would be a mistake not to include the screening. It takes 8 weeks to manufacture the screening. I want them to order the screening and get it up there and see what it looks like. If we have concerns with the screening when it is up, we can modify the permit with a Class D and take it down but to leave it out completely is not recommended. Hopefully it will blend better.

Mr. Schroder: I think it will look like a chimney with the screening and not be obtrusive.

Ms. Christopher: The photos don't show returns being screened.

Ms. Puester: The back and sides of the skids won't be covered.

Mr. Sager: The front and two back on the sides will be covered.

Mr. Mamula: I don't have any issues with this. Let's see what they look like when they are up.

Ms. Puester: Let's leave it as it is and we can always modify this as a Class D.

Mr. Pringle made a motion to approve the point analysis for the AT&T Wireless Temporary Communications Facility at Gold Creek Condos, PL-2015-0009, 326 North Main Street. Mr. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the AT&T Wireless Temporary Communications Facility at Gold Creek Condos, PL-2015-0005, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the point analysis for the AT&T Wireless Permanent Communications Facility at Gold Creek Condos, PL-2015-0005, 326 North Main Street. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the AT&T Wireless Permanent Communications Facility at Gold Creek Condos, PL-2015-0005, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Pringle: if we find that the temporary screening is not appropriate we can bring this topic up again.

COMBINED HEARINGS:

1) Verizon Wireless Communication Facility – Kingdom Park Ball Field Site (SG) PL-2014-0177, 880 Airport Road

Mr. Greenburg presented. Verizon Wireless is proposing to remove a 55' baseball net support pole and replace it with a new 75' canister pole to house a wireless antenna and build an associated 12' x 26' equipment shelter in the location of the current Recreation Center trash enclosure. A new trash enclosure will be built within the existing Recreation Center parking lot. On May 27, 2014, the Town Council approved a development agreement to allow for a transfer of density for the shed structure for the wireless facility (0.32 SFEs) and waived negative points associated with density and building height. Due to the approved Development Agreement that addresses density and height, Staff believes the application warrants no positive or negative points and passes with a point analysis of zero (0). The application meets all absolute policies.

The Planning Department recommended the Planning Commission approve the Verizon Wireless Facility at the Breckenridge Recreation Center Ball Field, PC#20140177, located at 880 Airport Road, with a passing point analysis of zero (0), and the presented Findings and Conditions.

Commissioner Questions / Comments:

Mr. Pringle: You show that the left field corner pole, is it only one pole?

Mr. Greenburg: Yes, it is only one pole. It is the second pole in from the parking lot. It is not on the corner of the field.

Mr. Pringle: How sensitive are these poles to damage from the baseball?

Mr. Mamula: I don't understand why the trash enclosure is where it is.

Mr. Greenburg: The applicant worked extensively with public works and the rec center to locate it appropriately. It is close to the building and it works with the turning radius with the drive isle for the garbage truck.

Mr. Mamula: I think it isn't right to lose 6 spots of parking because it is easier for the staff.

Mr. Grosshuesch: I think that it is harder for the truck to turn if it is someplace else.

Ms. Puester: Losing the 6 parking spots is a worst case scenario for the worst roof snow shed conditions; it may not take all the 6 spots. Those spaces would be there in the summer. The actual structure covers only 2 spaces.

Applicant Presentation:

Colleen Nebel, representing Black and Veatch and Verizon:

The trash enclosure and structure have all been built to the public works specifications and location. In addition the 75' of the pole is being built to accommodate one additional carrier. It is not likely that the canister at the top of the pole will be hit by a ball.

Mr. Mamula opened the hearing to public comment. There was no public comment, and the hearing was closed.

Commissioner Comments:

Mr. Schuman: Other than the location of the dumpster, I think it is a good plan. I don't see anything wrong with it but the physical location of the dumpster.

Ms. Christopher: I leave the dumpster location up to public works, as for the cell phone tower looks great.

Mr. Schroder: I think this is brilliant where there are other big poles and this is necessary public infrastructure.

Mr. Pringle: I agree.

Ms. Dudney: I'm fine with the design.

Mr. Mamula: I don't like the location of the dumpster, I would really like public works to look at it. I think it is a mistake, being someone who lives around dumpsters in my parking lot. I think this a bad solution.

Ms. Dudney: If we were to defer and get a response from the public works department would this be a problem with your construction plan?

Mr. Nebel: I'm afraid if we had to wait it would be detrimental. Any sort of delay in approving this plan

would push us back from the County approval and the start of the baseball season.

Mr. Mamula: Could you please handle this on a staff level?

Mr. Grosshuesch: We could modify the existing permit and make it class D if the Town changes their mind on the dumpster location.

Mr. Mamula: The trash is totally separate; we are fine with the cellular.

Mr. Pringle made a motion to approve the point analysis for the Verizon Wireless Communications Facility, PC#20140177, located at 880 Airport Road, with a passing point analysis of zero (0). Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the Verizon Wireless Communications Facility, PC#20140177, located at 880 Airport Road, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Other Matters:

Ms. Puester: I would like to put a recap of the Saving Places Conference on a future agenda.

ADJOURNMENT:

The meeting was adjourned at 8:20 pm.

Eric Mamula, Chair



Scheduled Meetings, Important Dates and Events

Shading indicates Council attendance – others are optional

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

FEBRUARY 2015

Tuesday, February 24, 2015; 3:00/7:30 pm Second Meeting of the Month

MARCH 2015

Tuesday, March 10, 2015; 3:00/7:30 pm First Meeting of the Month

Friday, March 13, 2015; 8-9am; TBA Coffee Talk

Tuesday, March 24, 2015; 3:00/7:30 pm Second Meeting of the Month

APRIL 2015

Friday, April 10, 2015; Summit County Commons Water Law Seminar

Friday, April 10, 2015; 8-9am; TBA Coffee Talk

Tuesday, April 14, 2015; 3:00/7:30 pm First Meeting of the Month

Tuesday, April 28, 2015; 3:00/7:30 pm Second Meeting of the Month

OTHER MEETINGS

4 th Monday of the Month; 4:00 p.m.	Cultural Arts Advisory Committee; Riverwalk Center
1 st & 3 rd Tuesday of the Month; 7:00 p.m.	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00 p.m.	Public Art Commission; 3 rd floor Conf Room
2 nd & 4 th Tuesday of the Month; 1:30 p.m.	Board of County Commissioners; County
2 nd Thursday of every other month (Dec, Feb, Apr, June, Aug, Oct) 12:00 noon	Breckenridge Heritage Alliance
2 nd & 4 th Tuesday of the month; 2:00 p.m.	Housing/Childcare Committee
2 nd Thursday of the Month; 5:30 p.m.	Sanitation District
3 rd Monday of the Month; 5:30 p.m.	BOSAC; 3 rd floor Conf Room
3 rd Tuesday of the Month; 9:00 a.m.	Liquor Licensing Authority; Council Chambers
4 th Wednesday of the Month; 9:00 a.m.	Summit Combined Housing Authority
4 th Wednesday of the Month; 8:30 a.m.	GoBreck; GoBreck Offices
4 th Thursday of the Month; 7:00 a.m.	Red White and Blue; Main Fire Station
4 th Monday of the Month; 3:00 p.m.	Childcare Advisory Committee; Town Hall

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