



BRECKENRIDGE TOWN COUNCIL WORK SESSION

Tuesday, September 08, 2015; 3:00 PM
Town Hall Auditorium

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

3:00-3:15pm	I	<u>PLANNING COMMISSION DECISIONS</u>	2
3:15-3:45pm	II	<u>LEGISLATIVE REVIEW*</u>	
		Breckenridge Sawmill Museum Landmarking	11
		Nauman Residence Landmarking	16
		CR450 Annexation Sufficiency Resolution	20
		Wellington Neighborhood Annexation Agreement Amendment (Lincoln Park)	29
3:45-4:15pm	III	<u>MANAGERS REPORT</u>	
		Public Projects Update	44
		Housing/Childcare Update	
		Committee Reports	53
		EngageBreckenridge Update - Memo only	58
4:15-5:30pm	IV	<u>OTHER</u>	
		Second Water Plant Update and Financing Plan	59
		Comprehensive Parking and Transit Plan Update	66
	V	<u>PLANNING MATTERS</u>	
5:45pm	VI	<u>JOINT MEETING: BRECKENRIDGE HERITAGE ALLIANCE</u>	67

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

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: September 2, 2015

Re: Planning Commission Decisions of the September 1, 2015, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF September 1, 2015:

CLASS C APPLICATIONS: None.

CLASS B APPLICATIONS:

- 1) Nauman Residence Historic Renovation and Landmarking (MM) PL-2015-0152, 211 East Washington Avenue

Exterior restoration of the historic house (full basement beneath the historic portion of the footprint and a shelf (less than 5 feet tall) below the window well along the west edge of the site), remodel of the non-compliant addition and local landmarking. *Project approved and recommendation the Town Council adopt an ordinance landmarking the property.*

CLASS A APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher	Jim Lamb	Ron Schuman
Gretchen Dudney	Dan Schroder	Eric Mamula
Dave Pringle		
Wendy Wolfe, Town Council Liaison		

APPROVAL OF MINUTES

The last motion Mr. Pringle made on the last page should have carried (6-0) as Mr. Mamula was not at the meeting. With no other changes, the August 18, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

Mr. Mosher announced that the Nauman Residence had changed to remove the request for a variance. The new listing for the agenda is “Nauman Residence Historic Renovation and Landmarking”. With no other changes, the September 1, 2015, Planning Commission Agenda was approved as presented.

TOWN COUNCIL REPORT:

Ms. Wolfe:

- Last Tuesday night was big; we reached an agreement with Vail Resorts that was a 4.5% tax on Breckenridge only lift tickets. This will go to the voters in November and it must pass to be effective June, 2016. A \$3.5 million annual guarantee with a 1% minimum growth rate to a cap of \$4 million. Vail Resorts commits to \$4.5 million commitment of total effort which is close to what they contribute to the Town of Vail. This was a very compelling offer and we spent time the weekend before and worked hard at the work session and had a large crowd and that showed both sides that it was time to address the parking and transit issue. We can't forget the detail of passing the tax. There is a citizen committee that will do the work to get people to understand the ballot question and hopefully approve it. We don't want to lose momentum on the planning process. The first of the tax monies will come in 2017, but the plan can work on plans and improve transit in the meantime. We intend to continue to work on the planning and transit issues. The parking task force continues to meet. No changes to the 2500 parking spaces or the transit commitments by Vail Resorts. Vail Resorts won't be opposing this tax increase.
- We talked about the financials for the first 7 months and it's a really good story up 105% to 120% in various taxable revenues as compared to year before.
- The parking for the ice arena will be expanded and the work begins September 8 and we are adding another 50 spaces. This will help with some employee parking options.
- Adams and Jefferson Streets will get heated sidewalks and the construction will start this fall. Jefferson goes to Ridge and Adams goes to French.
- Pro Cycle Challenge was great too.

WORKSESSIONS:

1) Huron Landing (CK) PL-2015-0384, 0143 Huron Road

Mr. Kulick presented. Summit County Government and the Town of Breckenridge are in the process of designing the Huron Landing workforce housing development at 0143 Huron Road. Town and County staff were directed to begin pursuing the project in December 2014 based on an identified need for rental housing in the 2013 Summit County Housing Needs Assessment. The study suggests that between 200 and 370 additional rental units are needed in the Upper Blue Basin by 2017. Since the time of the study, Breckenridge has been proactively working on developing rental housing, including Pinewood II (45 units

by end of 2016) and Denison Placer (60 units by end of 2017). With the completion of these projects, the estimated housing need in the Upper Blue Basin will be cut to approximately 95-220 rental units,

The proposed project site is the 1.708 acre parcel which formerly contained the Summit County Ambulance station, a Road and Bridge facility and the current recycling center which is being relocated to Coyne Valley Road. The proposal is for two buildings containing 26 two bedroom, deed restricted rental housing units. Recommended density is 10 units per acre, the site is 1.708 acres with an SFE multiplier of 1,200 square feet allowing for 20,496 Square feet. Additionally there is a 10% bonus for workforce housing, 2,050 square feet, for a total allowed square footage of 22,546 square feet. The proposed density is 21,192, 6% below the permitted density.

The purpose of the work session is to see if the Planning Commission is satisfied with general direction of the project and is comfortable with Staff's initial interpretation of points. To facilitate the discussion, staff has identified key components of the proposal and Policies where points may be warranted.

Staff Recommended Point Totals:

2/R Land Use: -3
6/R Building Height: -9
9/R Placement of Structures: -3
16/R Internal Circulation: +3
18/R Parking: +2
20/R Recreation Facilities: +3
24/R Social Community: +13
33/R Energy Consumption: +2
Total: +8

Commissioner Questions / Comments:

- Mr. Schroder: We are proposing positive 3 points; is the rec path on this plot? (Mr. Kulick: Yes, it is on the rec path and it does fall under internal circulation because it is in the boundary of the property.)
- Mr. Pringle: My question is on positive points on parking and using Breckenridge Mountain Lodge as a precedent; I think that was a number that we worked together on a development agreement and we came to this as a negotiation. But they ended up providing more than what was negotiated. In terms of precedent, this is recent precedent; most of the time we've give positive points is for screening and such.
- Ms. Dudney: I understand the 10 points for employee housing, but isn't it double dipping to get positive points for workforce housing and be a council goal? (Mr. Kulick: It is two different sections, like historic preservation which is under the code and is a goal of the council. You have to review the two sections independently.) Is this a precedent? (Mr. Kulick & Mr. Mamula: Yes, we have done this in the past.)
- Mr. Schroder: Please show us how the 3 stories go down to 1 story, please show this I want to avoid public backlash. Was this presented to Kennington? (Mr. Kulick: Yes, although staff did not attend this meeting.) (Mr. Matt Stais, Architect: We didn't have a formal presentation.) (Mr. Tim Gerken, Architect: The forms of the buildings; the west building is primarily two stories and we were able to slip in a garden level and then reduce one story on the Kennington side.) (Mr. Stais: It steps from 3 stories to 2 stories on the north side. There are open stairwells between the buildings. There are no internal hallways similar to Pinewood I.)
- Mr. Pringle: One of the things we are seeing after time is to enclose the entries in the guise of energy conservation. Is this something that we should be concerned with? (Mr. Stais: This is the first I've heard of it. We've been working with the Town housing consultant and she said storage is important so we are proposing about 60' feet of storage in the basements of these

buildings. I don't think the landings would be big enough to add storage. This is a community housing project and we don't want to have heated stairwells. This is a good point and we'll take a look at.) Over time, we've seen this occur. (Mr. Stais: I fail to see how enclosing a stairwell is an energy conservation measure.) (Mr. Stais: We are here for a work session and then give a full 7 week review period with a preliminary hearing in November and a final in January, so we are looking for your input. This is going to be a rental property. It won't be an HOA, and this hopefully will keep it more true to it will keep to its true intent.)

Ms. Christopher: Is the basement storage accessible from the outside? (Mr. Stais: Absolutely, and it is accessible from the indoors as well. I also wanted to point out that because the hill slopes up behind, the lower levels will be benched in with bedrooms on the north side but we thought the 3 story element helps putting it up against the slope; takes advantage of the sun and the views. Once we decided to give 2 parking spaces per unit, this was the trickiest part of the design, we could have put more in but the triangle with the existing trees and power lines made it difficult and we wanted to preserve the trees between neighbors.) (Mr. Jim Curnutte, Summit County Community Development: We are very excited to work with the Town of Breckenridge to be working on a housing project. We are about to close on the 40 acre Lake Hill parcel between the towns of Frisco and Dillon and this project is our training ground. We met with Kennington and they provided good input. We have a dire need for rental housing. We tried to put in as many units as we could while being realistic about not overwhelming the site. Overall, I think this is a really good project.)

Mr. Schuman: Is it the County's intent to make that full sidewalk connection? (Mr. Curnutte: We asked Mr. Don Leinweber of Civil Insight Engineering to take a look at the whole road/sidewalk system to develop a plan for the whole street. It is our plan to look at it comprehensively. With this project is to tie in the sidewalk on the front all the way down to the new storage.) (Mr. Stais: Mr. Leinweber has been working on this that pre-dates this project; we are working on trail and sidewalk connections as well as traffic patterns. We know how much room for improvement this may help with on this busy road.) (Mr. Leinweber: There is a process we are involved with, I was approached with a band aid fix a few years ago but now we are trying to see the master plan with no fixed plan yet. This is a narrow right of way and we are trying to secure easements, the right of way is 50' all the way to French Creek. We are working with Xcel to bury power lines and work with other subdivisions to procure easements up to the fence to see what we can do here. We feel like an extension of the separated path, we hope that these improvements will be best realized if the rec path/bike path is cleared in the winter. The goal is to work through a master plan in 2016 and concurrent with this project to complete the larger plan in 2017.)

Mr. Mamula: Will the corner near Kennington be constructed so that those people can get on the sidewalk? (Mr. Stais: Yes.) (Mr. Leinweber: The other problem is the bus stop that is uphill; we would like to see a formalized crosswalk or decide where best to cross.) If there is a way so that the Kennington people can access the sidewalk that would be good. (Mr. Leinweber: We have talks about improving this area.)

Mr. Mamula opened the worksession to public comment.

Mr. Carl Bentley, 223 Huron Road, Kennington Townhomes: I think we voiced most of it and parking is a concern. We have more than 2 spots per unit and we know that there will be times that 2 isn't enough. The place fills up around the holidays and the summer. We are concerned about the views but we will see the more finished plans to make a final decision. We think it is good for the community. We are keeping an eye on the process. (Mr. Stais: Mr. Bentley's wife asked for a before and after rendering view for the central south side so we will be sharing these in the future.)

There was no more public comment and the worksession was closed.

Commissioner Questions / Comments:

Ms. Dudney: What is the target market? (Ms. Laurie Best, Long Range Planner: 80% AMI is the target. This equates to max rent of about \$1200 a month for 2 bedroom units, but we haven't set final rates; once we get input on the design, then the Council and Board will work on agreement that defines project cost, financing, management, and roles. From a Council and Commissioners we would like to make this affordable, but different target than Pinewood 2 which serves 60% AMI. Two singles could be eligible or small families. As a rental we will have ability to manage occupancy and parking issues. Two bedroom, two bath is more of a roommate situation and two bedroom, one bath may be more suited to families, but both unit types will be available.)

Staff would like Planning Commission input on the draft point analysis and would also look for any additional comments or concerns before this project moves forward to a preliminary hearing.

Commissioner Questions / Comments:

2/R Land Use: -3

Mr. Schuman: Fine.
Mr. Schroder: Analyze commercial versus workforce housing, but I agree.
Ms. Christopher: Fine.
Mr. Lamb: Yes.
Mr. Pringle: Yes.
Ms. Dudney: Yes.
Mr. Mamula: I would say no; give it zero.

6/R Building Height: -9

Mr. Schuman: Yes.
Mr. Schroder: Agree.
Ms. Christopher: Yes.
Mr. Lamb: Yes.
Mr. Pringle: Yes.
Ms. Dudney: Yes.
Mr. Mamula: Yes.

9/R Placement of Structures: -3

Mr. Schuman: Yes.
Mr. Schroder: Yes.
Ms. Christopher: Yes.
Mr. Lamb: Yes.
Mr. Pringle: Yes.
Ms. Dudney: Yes.
Mr. Mamula: Yes.

16/R Internal Circulation: +3

Mr. Schuman: Yes.
Mr. Schroder: Yes as long as sidewalk is in.
Ms. Christopher: Yes as long as it ties in to pathway.
Mr. Lamb: Yes.
Mr. Pringle: Yes.
Ms. Dudney: Yes.

Mr. Mamula: Yes.

18/R Parking: +2

Ms. Dudney: Yes, I agree to wait to hear about Kennington neighbor input.

Mr. Pringle: Disagree, because of nature of type of use that it should be 2 parking spaces per unit. It is more long term.

Mr. Lamb: I think this is one of the most important parts of this development, but the parking can be so important.

Ms. Christopher: Yes.

Mr. Schroder: Yes it does.

Mr. Schuman: I disagree.

Mr. Mamula: Yes.

20/R Recreation Facilities: +3

All 7 planning commissioners: Yes.

24/R Social Community: +13:

Ms. Dudney: Yes.

Pringle: Yes, but don't ask us to explain it.

Mr. Lamb: Yes.

Ms. Christopher: Yes.

Mr. Schroder: Yes.

Mr. Schuman: Yes.

Mr. Mamula: Yes.

33/R Energy Consumption: +2

All 7 planning commissioners: Yes.

Final Comments:

Mr. Schuman: Off to a great start.

Ms. Dudney: I want the neighbors to be happy; the 3D renderings will be helpful.

Mr. Schroder: I prefer the 3 D renderings better than holding up the pvc pipe.

Mr. Pringle: Because Policy 2 and residential uses are discouraged, because of the type of use, any kind of additional storage, like the enclosing the stairwells will be something these year round residents will use. Look at this. The height I don't want to lose site that throwing an additional story on these units isn't something we take lightly we are very sensitive to this, but the back of the hill will help.

FINAL HEARINGS:

1) Nauman Residence Historic Renovation and Landmarking (MM) PL-2015-0152, 211 East Washington Avenue

Mr. Mosher presented a proposal to perform an extensive exterior restoration of the historic house and remodel of the non-compliant addition. The reconstruction of the historic house will include a full basement beneath the historic portion of the footprint and a shelf, less than 5-feet tall, below the window well along the west edge of the site. Local landmarking of the property is also requested.

Staff has found that based on the minor alterations to the nonconforming structure (pulling the 1980's roof form off of the roof of the historic structure) there are no Priority Policies or Design Standards of the Handbook of Design Standards for the Historic and Conservation Districts that would trigger the assignment of negative points or require any need for a variance. The current submittal is seeking approval of the same design as Staff presented on the July 7th preliminary hearing with the exception of the reduction in the

basement density. Most of the changes are internal leaving much of the existing floor plans unchanged.

The applicants are proposing a historic restoration of the original structure as follows:

1. Remove a portion of the 1980's roof over historic main ridge of the historic house and cut the roof addition back approximately 12 feet and add a cricket (for drainage) behind and below the original historic ridge. This will provide an improved separation between the historic structure and the 1980's addition..
2. Remove the west non-historic bay window in the kitchen area (keeping the west facing bay window) on the historic structure, per plan.
3. Restore the original roof form to the greatest degree possible on the historic structure.
4. Restore all original window openings and replace front (north) door with historically compliant door.
5. Full restoration of the front porch with correct post detailing (existing posts to be replaced based on photographs).
6. After locally Landmarking, add full basement under historic footprint (zero lot line on west).
7. On the non-historic addition, correct all windows to historically compliant wooden vertically orientated double hung windows.
8. Correct roof form in non-compliant addition. Notes:
 - a. There will be no changes in the historic floor elevation.
 - b. There will be no increase in rear roofline height.
 - c. The building is to remain in its current location.
 - d. There will be a slight reduction in existing density.

Landmarking Discussion:

At a previous meeting we heard Commissioner support for the following:

Column A: The property is at least 50 years old (1882 per cultural survey).

Column B: 1. The proposed landmark exemplifies specific elements of architectural style or period.

5. The proposed landmark is of a style particularly associated with the Breckenridge area.

7. The property includes a pattern or grouping of elements representing at least one of the above criteria.

Column C: All four criteria.

At final review, staff suggests that the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Point Analysis (Section 9-11-7-3): Mr. Mosher clarified that at the last hearing there was actually a 50% / 50% split as to whether award positive three (+3) points or positive six (+6) points for the restoration efforts. At this final review we are asking the Commission for a decision. The project will pass with either assignment. S

Staff has two motions recommended for the approval of this application:

1. Planning Commission recommends that the Town Council adopt an ordinance to Landmark the historic structure for the Nauman Residence Historic Renovation and Landmarking, PL-2015-0152, based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance.
2. Planning Commission approves the attached Point analysis for the Nauman Residence Historic Renovation and Landmarking, PL-2015-0152, showing a passing score of positive six (+6) points.

Commissioner Questions / Comments:

Mr. Schuman: I appreciate all of the staff's efforts on this, I still think +3 is appropriate.

Mr. Schroder: I think that +3 is appropriate.

Ms. Christopher: I agree with +3.

Mr. Lamb: I can see the positive 6 because of the basement, but I can live with 3.

Mr. Pringle: I'm leaning towards 3.

Ms. Dudney: I don't feel strongly about it and I was leaning towards 6 but I want to provide incentive, but I guess 3 is better

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

Mr. Pringle made a motion to recommend the Town Council adopt an ordinance to locally landmark the Nauman Residence Historic Renovation, PL-2015-0152, 211 East Washington Avenue, based on the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance. Mr. Schuman seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the point analysis for the Nauman Residence Historic Renovation and Landmarking, PL-2015-0152, 211 East Washington Avenue, showing a score of positive three (+3) points. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the Nauman Residence Historic Renovation, PL-2015-0152, 211 East Washington Avenue, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

OTHER MATTERS:

The planning conference (State of Colorado APA) is at the end of September in Steamboat and all of you are invited if you would like to attend.

ADJOURNMENT:

The meeting was adjourned at 8:10 pm.

Eric Mamula, Chair

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 27 (The Breckenridge Sawmill Museum Landmarking Ordinance)

DATE: September 1, 2015 (for September 8th meeting)

The second reading of the ordinance landmarking The Breckenridge Sawmill Museum is scheduled for your meeting on September 8th.

The only substantive change to the ordinance from first reading is the insertion of the full legal description of the subject parcel in Section 2. This was necessary because the abbreviated legal description in the original ordinance was legally insufficient.

I will be happy to discuss this matter with you on Tuesday.

1 ***FOR WORKSESSION/SECOND READING – SEPT. 8***

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. 27

7
8 Series 2015

9
10 AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK
11 UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE
12 (The Breckenridge Sawmill Museum)

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

16
17 Section 1. Findings. The Town Council of the Town of Breckenridge finds and
18 determines as follows:

19
20 A. The Town of Breckenridge owns the hereinafter described real property.
21 Such real property is located within the corporate limits of the Town of Breckenridge,
22 County of Summit and State of Colorado.

23
24 B. The Town of Breckenridge filed an application with the Town pursuant to
25 Chapter 11 of Title 9 of the Breckenridge Town Code seeking to have the Town
26 designate the hereinafter described real property as a landmark (“**Application**”).

27
28 C. The Town followed all of procedural requirements of Chapter 11 of Title 9 of
29 the Breckenridge Town Code in connection with the processing of the Application.

30
31 D. The improvements located on hereinafter described real property are more
32 than fifty (50) years old.

33
34 E. The hereinafter described real property meets the “social” designation criteria
35 for a landmark as set forth in Section 9-11-4(A)(1)(b) of the Breckenridge Town Code
36 because the property exemplifies cultural, political, economic or social heritage of the
37 community.

38
39 F. The hereinafter described real property meets the “physical integrity” criteria
40 for a landmark as set forth in Section 9-11-4(A)(3) of the Breckenridge Town Code
41 because:

42
43 (i) The property shows character, interest or value as part of the development,
44 heritage or cultural characteristics of the community, region, state or nation and

45

1 (ii) The structure has been accurately reconstructed or restored based on
2 documentation.
3

4 G. In accordance with the requirements of Section 9-11-3(B)(3) of the
5 Breckenridge Town Code, on August 18, 2015 the Application was reviewed by the
6 Breckenridge Planning Commission. On such date the Planning Commission
7 recommended to the Town Council that the Application be granted.
8

9 H. The Application meets the applicable requirements of Chapter 11 of Title 9 of
10 the Breckenridge Town Code, and should be granted without conditions.
11

12 I. Section 9-11-3(B)(4) of the Breckenridge Town Code requires that final
13 approval of an application for landmark designation under Chapter 11 of Title 9 of the
14 Breckenridge Town Code be made by ordinance duly adopted by the Town Council.
15

16 Section 2. Designation of Property as Landmark. The following described real
17 property:
18

19 ~~TR 7-77 Sec 05 Qtr 3 Acres 20.3700 AKA TRACTS IN SECS 5 & 6~~
20 ~~AND GOVT LOTS 32 & 68, BRECKENRIDGE, COLORADO 80424~~
21

22 **A PART OF GOVERNMENT LOT 68, LOCATED IN THE SOUTHWEST**
23 **QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH RANGE 77 WEST OF**
24 **THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY COLORADO,**
25 **BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**
26

27 **COMMENCING AT CORNER 19 OF THE LIZZIE LODGE M.S. 6349,**
28 **COMMON WITH CORNER 54 OF THE T.H. FULLER PLACER M.S. 86,**
29 **BEING ALSO AN ANGLE POINT IN THE SOUTHERLY LINE OF LOT**
30 **6, BROOKS HILL SUBDIVISION AS DEPICTED ON THE PLAT**
31 **THEREOF RECORDED SEPTEMBER 19, 1986 AT RECEPTION**
32 **NUMBER 324524, SUMMIT COUNTY, COLORADO;**
33

34 **THENCE S 38°43'00" W, 112.62 FEET ALONG THE 19-20 LINE OF SAID**
35 **LIZZIE LODGE M.S. 6349 TO THE WESTERNMOST POINT OF THAT**
36 **TRACT OF LAND, A PART OF GOVERNMENT LOT 68, DESCRIBED**
37 **AS PARCEL 6 ON THAT INTERCHANGE DEED RECORDED APRIL 25,**
38 **1986 AT RECEPTION NUMBER 316179 WHICH POINT IS THE POINT**
39 **OF BEGINNING;**
40

41 **THENCE ALONG THE SOUTHERLY BOUNDARY OF THAT SAID**
42 **PARCEL 6 FOR THE FOLLOWING ELEVEN COURSES:**
43

44 **1) 90.11 FEET ALONG THE ARC OF A CURVE TO THE RIGHT,**
45 **HAVING A CENTRAL ANGLE OF 18°56'22", A RADIUS OF 272.59 FEET**
46 **AND A CHORD WHICH BEARS S 17°10'16" E, 89.70 FEET;**

1 2) S 07°42'06" E, 172.81 FEET;
2 3) N 82°17'54" E, 10.00 FEET;
3 4) S 07°42'06" E, 85.41 FEET;
4 5) 99.31 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
5 HAVING A CENTRAL ANGLE OF 21°53'06", A RADIUS OF 260.00 FEET
6 AND A CHORD WHICH BEARS S 18°38'43" E, 98.71 FEET;
7 6) N 60°24'47" E, 10.00 FEET;
8 7) 83.33 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
9 HAVING A CENTRAL ANGLE OF 19°05'54", A RADIUS OF 250.00 FEET
10 AND A CHORD WHICH BEARS S 39°08'11" E, 82.95 FEET;
11 8) N 41°18'52" E, 20.00 FEET;
12 9) 115.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
13 HAVING A CENTRAL ANGLE OF 28°38'51", A RADIUS OF 230.00 FEET
14 AND A CHORD WHICH BEARS S 63°00'36" E, 113.81 FEET;
15 10) S 12°39'57" W, 20.00 FEET;
16 11) 249.93 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
17 HAVING A CENTRAL ANGLE OF 57°16'43", A RADIUS OF 250.00 FEET
18 AND A CHORD WHICH BEARS N 74°01'35" E, 239.65 FEET TO A
19 POINT ON THE 6-5 LINE OF THE LITTLE CALLY LODE M.S. 5654;
20
21 THENCE S 17°48'36" W, 330.87 FEET ALONG THE 6-5 LINE OF SAID
22 LITTLE CALLEY LODE M.S. 5654 TO THE INTERSECTION WITH
23 THE 12-11 LINE OF THE HANNIBAL & ST. JOE LODE M.S. 5654;
24
25 THENCE S 48°02'00" W, 527.33 FEET ALONG THE 12-11 LINE OF THE
26 HANNIBAL & ST. JOE LODE M.S. 5654 TO THE INTERSECTION
27 WITH THE SECTION LINE BETWEEN SECTIONS 5 AND 6,
28 TOWNSHIP 7 SOUTH, RANGE 77 WEST of the 6th PRINCIPAL
29 MERIDIAN;
30
31 THENCE N 00°50'00" W, 1144.02 FEET ALONG SAID SECTION LINE
32 BETWEEN SECTIONS 5 AND 6, BEING ALSO THE WESTERN
33 BOUNDARY OF GOVERNMENT LOT 68, TO THE INTERSECTION
34 WITH THE 20-19 LINE OF SAID LIZZIE LODE M.S. 6349;
35
36 THENCE N 38°43'00" E, 9.11 FEET ALONG THE 20-19 LINE OF THE
37 LIZZIE LODE TO THE POINT OF BEGINNING.
38
39 CONTAINING 225,586 square feet or 5.179 acres more or less
40

41 is designated as a landmark pursuant to Chapter 11 of Title 9 of the Breckenridge Town
42 Code.
43

44 Section 3. Police Power Finding. The Town Council finds, determines and declares that
45 this ordinance is necessary and proper to provide for the safety, preserve the health, promote the

1 prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and
2 the inhabitants thereof.

3
4 Section 4. Town Authority. The Town Council finds, determines and declares that it has
5 the power to adopt this ordinance pursuant to the authority granted to home rule municipalities
6 by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
7 Charter.

8
9 Section 5. Effective Date. This ordinance shall be published and become effective as
10 provided by Section 5.9 of the Breckenridge Town Charter.

11
12 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
13 PUBLISHED IN FULL this 25th day of August, 2015. A Public Hearing shall be held at the
14 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 8th day of
15 September, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
16 Town.

17
18 TOWN OF BRECKENRIDGE, a Colorado
19 municipal corporation

20
21
22
23 By: _____
24 John G. Warner, Mayor

25
26 ATTEST:

27
28
29
30 _____
31 Helen Cospolich
32 Town Clerk

33
34 APPROVED IN FORM

35
36
37
38 _____
39 Town Attorney
40



MEMORANDUM

TO: Town Council

FROM: Michael Mosher, Planner III

DATE: September 2, 2015 for meeting of September 8, 2015

SUBJECT: First Reading: Landmarking the Nauman Residence, 211 East Washington Avenue

Enclosed with this memo is a landmarking ordinance at first reading for the Nauman Residence located at 211 East Washington Avenue. The ordinance is:

An Ordinance Designating Certain Real Property
As A Landmark Under Chapter 11 Of Title 9 Of The Breckenridge Town Code
(Lot 2A, Rittinger Subdivision)

The Town Council approved the Nauman Residence Historic Renovation and Landmarking (PL-2015-0152) on September 8, 2015. Landmarking the structures was a condition of Development Permit approval, which included the restoration of the historic building. The Planning Commission approved this project on September 1, 2015 and recommended that the Town Council adopt this structure as a local landmark. This ordinance will fulfill the landmarking condition of approval for the Development Permit.

Staff notes this property fulfilled eight of the required criteria for locally landmarking. A minimum of three criteria must be met. Staff will be available at the meeting for questions.

1 ***FOR WORKSESSION/FIRST READING – _____***

2
3 COUNCIL BILL NO. ____

4
5 Series 2015

6
7 AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK
8 UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE
9 (Lot 2A, Rittinger Subdivision)

10
11 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
12 COLORADO:

13
14 Section 1. Findings. The Town Council of the Town of Breckenridge hereby finds and
15 determines as follows:

16
17 A. Dennis D. Nauman and Karen L. Nauman own the hereinafter described real
18 property. Such real property is located within the corporate limits of the Town of
19 Breckenridge, County of Summit and State of Colorado.

20
21 B. Dennis D. Nauman and Karen L. Nauman filed an application with the Town
22 pursuant to Chapter 11 of Title 9 of the Breckenridge Town Code seeking to have the
23 Town designate the hereinafter described real property as a landmark (“Application”).

24
25 C. The Town followed all of procedural requirements of Chapter 11 of Title 9 of
26 the Breckenridge Town Code in connection with the processing of the Application.

27
28 D. The hereinafter described real property meets the “architectural” designation
29 criteria for a landmark as set forth in Section 9-11-4(A)(1)(a) of the Breckenridge Town
30 Code because the property:

- 31
32 (i) exemplifies specific elements of architectural style or period;
33 (ii) is of a style particularly associated with the Breckenridge area;
34 (ii) includes a pattern or grouping of elements representing at lone one of the
35 above criteria; and
36 (iii) is a significant historic remodel.

37
38 E. The hereinafter described real property meets the “physical integrity” criteria
39 for a landmark as set forth in Section 9-11-4(A)(3)(a) of the Breckenridge Town Code
40 because:

- 41
42 (i) the property shows character, interest or value as part of the development,
43 heritage or cultural characteristics of the community, region, state or
44 nation;
45 (ii) the property retains original design features, materials and/or character;

- 1 (iii) the structure on the property is on its original location or is in the same
- 2 historical context after having been moved; and
- 3 (iv) the structure on the property has been accurately reconstructed or restored
- 4 based on documentation.

5
6 F. In accordance with the requirements of Section 9-11-3(B)(3) of the
7 Breckenridge Town Code, on September 1, 2015 the Application was reviewed by the
8 Breckenridge Planning Commission. On such date the Planning Commission
9 recommended to the Town Council that the Application be granted.

10
11 G. The Application meets the applicable requirements of Chapter 11 of Title 9 of
12 the Breckenridge Town Code, and should be granted without conditions.

13
14 H. Section 9-11-3(B)(4) of the Breckenridge Town Code requires that final
15 approval of an application for landmark designation under Chapter 11 of Title 9 of the
16 Breckenridge Town Code be made by ordinance duly adopted by the Town Council.

17
18 Section 2. Designation of Property as Landmark. The following described real
19 property:

20
21 Lot 2A, Rittinger Subdivision, a Lot Line Adjustment of Lots 1 & 2, Block 10,
22 Abbett Addition, Town of Breckenridge, County of Summit and State of
23 Colorado; commonly known and described as 211 East Washington Avenue,
24 Breckenridge, Colorado 80424

25
26 is hereby designated as a landmark pursuant to Chapter 11 of Title 9 of the Breckenridge
27 Town Code.

28
29 Section 3. Police Power Finding. The Town Council hereby finds, determines and
30 declares that this Ordinance is necessary and proper to provide for the safety, preserve the health,
31 promote the prosperity, and improve the order, comfort and convenience of the Town of
32 Breckenridge and the inhabitants thereof.

33
34 Section 4. Town Authority. The Town Council hereby finds, determines and declares
35 that it has the power to adopt this Ordinance pursuant to the authority granted to home rule
36 municipalities by Article XX of the Colorado Constitution and the powers contained in the
37 Breckenridge Town Charter.

38
39 Section 5. Effective Date. This Ordinance shall be published and become effective as
40 provided by Section 5.9 of the Breckenridge Town Charter.

41
42 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
43 PUBLISHED IN FULL this ____ day of _____, 2015. A Public Hearing shall be held at the
44 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
45 _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
46 Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

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MEMO

TO: Town Council

FROM: Town Attorney

RE: Petition for Annexation – Huron Landing Affordable Housing Site

DATE: September 1, 2015 (for September 8th meeting)

The Town Clerk has received a Petition from the Board of County Commissioners seeking annexation to the Town of the 1.48 acre parcel of land on County Road 450 where the Huron Landing affordable housing development is proposed to be constructed.

Under the state Municipal Annexation Act the Clerk is required to refer the Petition to the Town Council. The Council must then, without undue delay, determine if the Petition is substantially in compliance with the requirements of the law. If the Council finds substantial compliance, a public hearing is scheduled to determine the property's eligibility for annexation. If substantial compliance is not found, no further action on the proposed annexation is taken.

I have reviewed the Annexation Petition which has been submitted in this matter, and it appears to me to be in substantial compliance with the requirements of the statute.

Attached is a proposed form of resolution finding the Annexation Petition to be in substantial compliance with the requirements of the Municipal Annexation Act. In addition to finding substantial compliance, the resolution sets a hearing on the proposed annexation for October 13. Notice of this public hearing is given by newspaper publication, as well as by a special mailing to the County, the School District and any special districts which might be affected by the annexation.

I will be happy to discuss this matter with you next Tuesday.

PETITION FOR ANNEXATION

The undersigned landowners ("Petitioners"), in accordance with the Municipal Annexation Act of 1965 [Article 12, Chapter 31, C.R.S., as amended] hereby petition the Town Council of the Town of Breckenridge, Colorado, for annexation to the Town of Breckenridge of the unincorporated territory more particularly described below, and in support of said Petition, your Petitioners allege that:

(1) It is desirable and necessary that the following described territory be annexed to the Town of Breckenridge, Colorado:

PARCEL A: Government Lot 45, Section 30, Township 6 South, Range 77 West of the 6th Principal Meridian, County of Summit, State of Colorado

AND

PARCEL B: Parcel E, I-1 Industrial Area, According to the plat filed November 8, 1977 under Reception No. 170069, County of Summit, State of Colorado,

Said two parcels being more further described as follows:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 13, THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, ACCORDING TO THE PLAT OF THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, RECORDED SEPTEMBER 15, 1994 AT RECEPTION NUMBER 476056. SAID POINT IS THE TRUE POINT OF BEGINNING.

THENCE CONTINUING THE FOLLOWING SEVEN COURSES:

- 1.) S 54°09'38" E A DISTANCE OF 250.00 FEET;**
- 2.) S 57°15'00" W A DISTANCE OF 88.32 FEET;**
- 3.) S 10°00'29" E A DISTANCE OF 147.77 FEET;**
- 4.) N 54°12'03" W A DISTANCE OF 146.42 FEET;**
- 5.) 89.36 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 241.92 FEET AND A CENTRAL ANGLE OF 21°09'50". CHORD BEARING IS N66°13'22" W AND CHORD LENGTH IS 88.85 FEET.**
- 6.) N 76°19'00" W A DISTANCE OF 218.93 FEET;**
- 7.) N 57° 15'00" E A DISTANCE OF 307.62 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 1.48 ACRES MORE OR LESS.**

The Petitioners are owners of property located within such area proposed to be annexed.

(2) The requirements of Sections 31-12-104 and Section 31-12-105, C.R.S., exist or have been met in that:

- (a) Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Breckenridge, Colorado;

(b) A community of interest exists between the area proposed to be annexed and the Town of Breckenridge, Colorado;

(c) The area proposed to be annexed is urban or will be urbanized in the near future;

(d) The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Breckenridge, Colorado.

(3) The signers of this Petition comprise more than fifty per cent (50%) of the landowners in the area proposed to be annexed and owning more than fifty per cent (50%) of the area proposed to be annexed, excluding public streets and alleys and, land, if any, owned by the annexing municipality.

(4) No land in the area proposed to be annexed which is held in identical ownership and consisting of either a single tract or parcel or two or more contiguous tracts or parcels have been divided into separate parcels without the written consent of the landowners thereof.

(5) No land in the area proposed to be annexed, which is held in identical ownership and comprising twenty (20) or more acres and having as assessed valuation for ad valorem tax purposes in excess of \$200,000.00, has been included in the area proposed to be annexed without the written consent of the landowner(s).

(6) No part of the area proposed to be annexed is more than three (3) miles from a point on the municipal boundary, as such was established more than one (1) year before this annexation will take place.

(7) The area proposed to be annexed is located solely within unincorporated Summit County, Colorado.

(8) The undersigned request that the Town of Breckenridge, Colorado approve the annexation of the area proposed to be annexed in accordance with the Memorandum of Understanding dated March 31, 2015 between the Town of Breckenridge and the Board of County Commissioners of Summit County, Colorado, and an intergovernmental agreement to be approved by both such parties prior to the final adoption of the annexation ordinance.

(9) The signature of each signer, the mailing address of each such signer, the legal description of the land owned by each such signer and the date of signing of each signature are all shown on the signature sheets which are attached to and made a part of this Petition.

(10) There is attached hereto the affidavit of each circulator of this Petition, whether consisting of one or more sheets, that each signature hereon is the signature of the person whose name it purports to be.

(11) Accompanying this Petition are four (4) copies of the Annexation Map containing the following information:

(a) A written legal description of the boundaries of the area proposed to be annexed;

(b) A map showing the boundary of the area proposed to be annexed;

(c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and, if part or all of the area proposed to be annexed is platted, then the boundaries and the plat number of plots or of lots and blocks are shown;

(d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Breckenridge, and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

(12) The area proposed to be annexed is not presently a part of any incorporated city, city and county, or town.

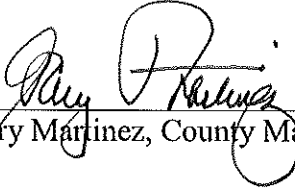
Wherefore, the Petitioners request that the Town Council of the Town of Breckenridge, Colorado, approve the annexation of the area described herein.

(Remainder of Page 3 Intentionally Left Blank)

Signature of Landowner

Date of Signature

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By: 
Gary Martinez, County Manager

9/1/15

Mailing Address: Summit County Board of Commissioners
P.O. Box 68
Breckenridge, CO 80424

Are you a resident of area to be annexed? () Yes (X) No

Legal Description of part of land proposed to be annexed which is owned by signer:

PARCEL A: Government Lot 45, Section 30, Township 6 South, Range 77 West of the 6th
Principal Meridian, County of Summit, State of Colorado

AND

PARCEL B: Parcel E, I-1 Industrial Area, According to the plat filed November 8, 1977 under
Reception No. 170069, County of Summit, State of Colorado,

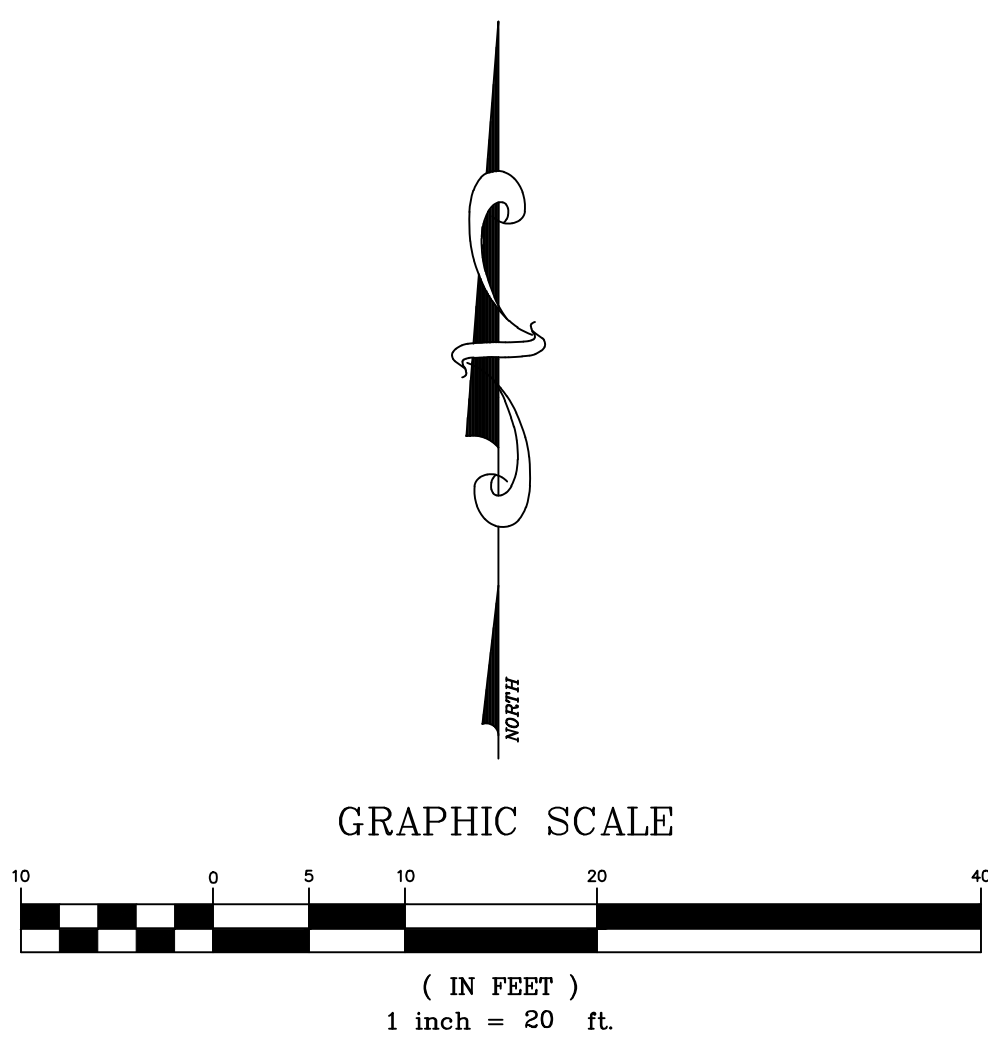
Said two parcels being more further described as follows:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 13, THE
HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, ACCORDING TO THE PLAT OF
THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, RECORDED SEPTEMBER
15, 1994 AT RECEPTION NUMBER 476056. SAID POINT IS THE TRUE POINT OF
BEGINNING.

THENCE CONTINUING THE FOLLOWING SEVEN COURSES:

- 1.) S 54°09'38" E A DISTANCE OF 250.00 FEET;
- 2.) S 57°15'00" W A DISTANCE OF 88.32 FEET;
- 3.) S 10°00'29" E A DISTANCE OF 147.77 FEET;
- 4.) N 54°12'03" W A DISTANCE OF 146.42 FEET;
- 5.) 89.36 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING
A RADIUS OF 241.92 FEET AND A CENTRAL ANGLE OF 21°09'50". CHORD BEARING
IS N66°13'22" W AND CHORD LENGTH IS 88.85 FEET.
- 6.) N 76°19'00" W A DISTANCE OF 218.93 FEET;
- 7.) N 57° 15'00" E A DISTANCE OF 307.62 FEET TO THE TRUE POINT OF BEGINNING
CONTAINING 1.48 ACRES MORE OR LESS.

AN ANNEXATION PLAT OF
PARCEL E, I-1 INDUSTRIAL AREA & GOVERNMENT LOT 45
 SECTION 30, TOWNSHIP 6, SOUTH, RANGE 77 WEST OF THE 6TH P.M.
 SUMMIT COUNTY, COLORADO



PARCEL C-R
 I-1 INDUSTRIAL AREA
 (Reception No. 474475)

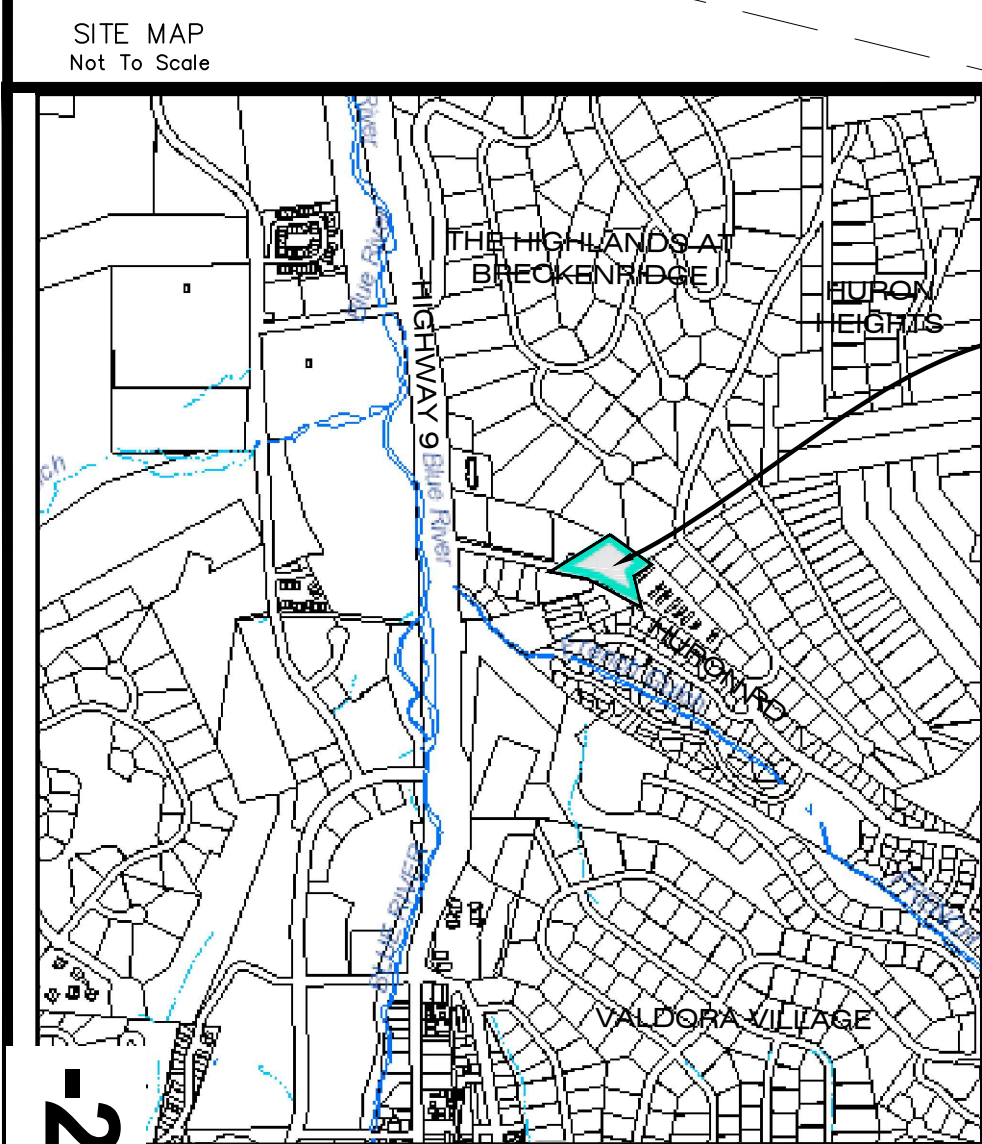
PARCEL D-R
 I-1 INDUSTRIAL AREA
 (Reception No. 474475)

PARCEL E, I-1
 ADDRESS: 143 HURON ROAD
 1.31 Acres

ANNEXATION PARCEL

KENINGTON PLACE
 TOWNHOMES
 (Reception No. 544107)

GOVERNMENT LOT 45
 0.17 Acres



NOTES

- DATE OF SURVEY: FEBRUARY, 2015.
- BASIS OF BEARING: THE FOUND #4 REBAR AT THE NORTHWEST CORNER OF PARCEL C AND THE REBAR AND CAP MONUMENT (PLS No. 9939) AT THE NORTHEAST CORNER OF PARCEL C, I-1 INDUSTRIAL AREA BEING N 65°02' 18" W.
- THE PLAT OF I-1 INDUSTRIAL AREA WAS RECORDED NOVEMBER 8, 1977 UNDER RECEPTION NO. 170069 IN THE SUMMIT COUNTY CLERK AND RECORDER'S OFFICE.
- SCHMIDT LAND SURVEYING, INC. DID NOT PERFORM A TITLE SEARCH OF THE SUBJECT PROPERTY TO ESTABLISH OWNERSHIP, EASEMENTS OR RIGHTS-OF-WAY OF RECORD. RECORD DOCUMENTS USED IN THIS SURVEY WERE PROVIDED BY LAND TITLE GUARANTEE OF SUMMIT COUNTY ORDER NUMBER 20150131, DATED JANUARY 22, 2015 AT 5:00 P.M.

LEGEND

- FOUND REBAR & CAP (PLS 9939)
- FOUND #4 REBAR
- SET OR FOUND REBAR AND CAP (37047)
- (P.) DENOTES PLATTED BEARING AND DISTANCE
- (M.) DENOTES MEASURED BEARING AND DISTANCE

LEGAL DESCRIPTION

PARCEL A: GOVERNMENT LOT 45, SECTION 30, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF COLORADO

AND

PARCEL B: PARCEL E, I-1 INDUSTRIAL AREA, ACCORDING TO THE PLAT FILED NOVEMBER 8, 1977 UNDER RECEPTION No. 170069, COUNTY OF SUMMIT, STATE OF COLORADO,

SAID TWO PARCELS BEING MORE FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 13, THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, ACCORDING TO THE PLAT OF THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, RECORDED SEPTEMBER 15, 1994 AT RECEPTION NUMBER 476056. SAID POINT IS THE TRUE POINT OF BEGINNING.

THENCE CONTINUING THE FOLLOWING SEVEN COURSES:

- 1.) S 54°09'38" E A DISTANCE OF 250.00 FEET;
- 2.) S 57°15'00" W A DISTANCE OF 88.32 FEET;
- 3.) S 10°00'29" E A DISTANCE OF 147.77 FEET;
- 4.) N 54°12'03" W A DISTANCE OF 146.42 FEET;
- 5.) 89.36 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 241.92 FEET AND A CENTRAL ANGLE OF 21°09'50". CHORD BEARING IS N66°13'22" W AND CHORD LENGTH IS 88.85 FEET.
- 6.) N 76°19'00" W A DISTANCE OF 218.93 FEET;
- 7.) N 57° 15'00" E A DISTANCE OF 307.62 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 1.48 ACRES MORE OR LESS.

ANNEXATION DATA

ANNEXATION PARCEL:
 TOTAL PERIPHERY OF PARCEL: 1248.42'
 BOUNDARY CONTIGUOUS WITH CURRENT TOWN BOUNDARY: 250.00'
 TOTAL AREA OF ANNEXATION: 1.48 ACRES

SURVEYOR'S CERTIFICATE

I, Elizabeth K. Schmidt, a Colorado Registered Land Surveyor, do hereby certify that this Final Plat of Parcel E, I-1 Industrial Area and Government Lot 45 was prepared by me and under my supervision, and that both this Plat and the survey are true and accurate to the best of my knowledge and belief and that the monuments were placed pursuant to CRS 38-51-105.

Dated this _____ day of _____, 2015.

ELIZABETH K. SCHMIDT, PLS No. 37047

TOWN CLERK'S CERTIFICATE

STATE OF COLORADO }
 COUNTY OF SUMMIT }ss
 TOWN OF BRECKENRIDGE }

I hereby certify that this instrument was filed in my office at _____ o'clock, M. this _____ day of _____, 2015, and is duly recorded.

TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO }
 COUNTY OF SUMMIT }ss

I hereby certify that this instrument was filed in my office at _____ o'clock, M. this _____ day of _____, 2015, and filed under Reception Number _____

SUMMIT COUNTY CLERK AND RECORDER

SCHMIDT
 LAND SURVEYING, INC.
 P.O. Box 5761
 FRISCO, CO 80443 970-409-9963

TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

1 ***FOR WORKSESSION/ADOPTION – SEPT. 8***

2
3 RESOLUTION NO. 16

4
5 SERIES 2015

6
7 A RESOLUTION FINDING A PETITION FOR ANNEXATION OF A PARCEL OF LAND
8 TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S
9 (Huron Landing – 1.48 acres, more or less)

10
11 WHEREAS, a Petition for Annexation of the hereinafter described real property has been
12 filed with the Town Clerk of the Town of Breckenridge, Colorado; and

13
14 WHEREAS, the Petition has been referred to the Town Council of the Town of
15 Breckenridge, Colorado, for a determination of substantial compliance with the requirements of
16 Section 31-12-107(1), C.R.S.; and

17
18 WHEREAS, the Town Council has been advised by the staff, and has taken official
19 notice of all maps, records and other information and other materials on file with the Town of
20 Breckenridge, Colorado, regarding said petition.

21
22 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
23 BRECKENRIDGE, COLORADO, as follows:

24
25 Section 1. The Petition for Annexation of the following described real property:

26
27 PARCEL A: Government Lot 45, Section 30, Township 6 South, Range 77 West of the
28 6th Principal Meridian, County of Summit, State of Colorado

29 AND

30 PARCEL B: Parcel E, I-1 Industrial Area, According to the plat filed November 8, 1977
31 under Reception No. 170069, County of Summit, State of Colorado,

32
33 Said two parcels being more further described as follows:

34
35 BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 13, THE
36 HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, ACCORDING TO THE
37 PLAT OF THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1,
38 RECORDED SEPTEMBER 15, 1994 AT RECEPTION NUMBER 476056. SAID
39 POINT IS THE TRUE POINT OF BEGINNING.

40 THENCE CONTINUING THE FOLLOWING SEVEN COURSES:

- 41 1.) S 54°09'38" E A DISTANCE OF 250.00 FEET;
42 2.) S 57°15'00" W A DISTANCE OF 88.32 FEET;
43 3.) S 10°00'29" E A DISTANCE OF 147.77 FEET;
44 4.) N 54°12'03" W A DISTANCE OF 146.42 FEET;

1 5.) 89.36 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT
2 HAVING A RADIUS OF 241.92 FEET AND A CENTRAL ANGLE OF 21°09'50".
3 CHORD BEARING IS N66°13'22" W AND CHORD LENGTH IS 88.85 FEET.
4 6.) N 76°19'00" W A DISTANCE OF 218.93 FEET;
5 7.) N 57° 15'00" E A DISTANCE OF 307.62 FEET TO THE TRUE POINT OF
6 BEGINNING CONTAINING 1.48 ACRES MORE OR LESS.

7
8 is determined to be in substantial compliance with Section 31-12-107(1), C.R.S.
9

10 Section 2. The Town Council shall hold a public hearing on the proposed annexation on
11 October 13, 2015 at 7:30 P.M., or as soon thereafter as possible, at Breckenridge Town Hall, 150
12 Ski Hill Road, Breckenridge, Colorado, to determine if the proposed annexation complies with
13 Section 30 of Article II of the Colorado Constitution and Sections 31-12-104 and 31-12-105,
14 C.R.S., or such parts thereof as may be required to establish eligibility for annexation.
15

16 Section 3. The Town Clerk shall publish a Notice of Public Hearing once a week for four
17 successive weeks in a newspaper of general circulation in the area proposed to be annexed, with
18 the first publication of such notice to be at least thirty days prior to the date of the hearing. The
19 Town Clerk shall further provide notice to the Clerk of the Board of County Commissioners of
20 Summit County, the Summit County Attorney, and to any special district or school district
21 having territory within the area proposed to be annexed, in the manner and within the time
22 provided in Section 31-12-108(2), C.R.S.
23

24 Section 4. This resolution is effective upon its adoption.
25

26 RESOLUTION APPROVED AND ADOPTED THIS ____ DAY OF _____, 2015.
27

28 TOWN OF BRECKENRIDGE
29

30
31
32 By: _____
33 John G. Warner, Mayor
34

35 ATTEST:
36
37
38
39

40 _____
41 Helen Cospolich, Town Clerk
42

43 APPROVED IN FORM
44
45
46

47 _____
Town Attorney Date

MEMO

FROM: Laurie Best-Community Development

TO: Town Council

RE: Proposed Changes to Wellington Annexation Agreements
A RESOLUTION APPROVING A FOURTH AMENDMENT TO ANNEXATION AGREEMENT
WITH UNION MILL, INC (The Wellington Neighborhood/Lincoln Park)

DATE: September 1, 2015 (for September 8th meeting)

Staff has received a request for modifications to the Wellington Neighborhood Annexation Agreements that would apply to the last phase of Wellington Neighborhood (Lincoln Park). A copy of the request is attached. These changes were reviewed with the Housing Child Care Committee on August 25th, and the Committee, as well as staff, supported the changes as modified and described below.

Market Unit Release:

The original Wellington Neighborhood Annexation agreement was executed in 1999 and authorized the construction of the first phase of the neighborhood, which included 98 deed restricted units and 24 market units. That agreement established specific terms for the development of Wellington Neighborhood and one of the issues addressed was the release of 32 market units, which would be released from the covenant as the deed restricted units were completed and sold. The release rate for the market units was one market unit released for every three deed restricted units that were sold at an acceptable affordable price.

In 2006 a modification to the original annexation agreement authorized the second/final phase of the neighborhood to include 128 additional deed restricted units and 32 additional market units priced as follows:

<u>Approved</u>		<u>Completed as of Dec 2014</u>
15	80% AMI units	0
48	100% AMI units	18
57	120% AMI units	40
8	150% AMI units	8
<u>32</u>	Market units	<u>16</u>
160		82

The same release rate for the market units was included in the 2006 agreement (1:3) with the exception that only 16 market units can be released before all of the 80% AMI units are completed/sold. The 17th market unit will not be released until all fifteen of the 80% units are completed. This was a trigger established in 2006 to insure the 80% units would be constructed.

At this time there are 15 80% units, 30 100% units, 17 120% units, and 16 additional market rate units yet to be completed and these are all planned in Lincoln Park. The 16th market unit was completed and sold in late 2014. The applicant is requesting the Town eliminate the current cap on additional market

rate units and in addition, the applicant is requesting that additional market rate units be released at a rate of 1 market unit for every 3 80% AMI units. The applicant has indicated that the proceeds from the market rate units are necessary to fund a \$40,000 subsidy required for each of the 80% AMI units. Since the primary objective is to insure the construction of the 80% AMI units, Staff supported the elimination of the current cap, but recommended a ratio of 1 market rate unit released for every 6 80% AMI units. The applicant discussed this request with the Housing/Child Care Committee and agreed to staff's recommendation.

Vertical Subordination:

In 2010 the Council agreed to modify the annexation agreement to assist with new underwriting guidelines. The Council agreed to subordinate the deed restriction as required by the lenders for vertical and horizontal financing. But, since the subordination puts the deed restriction at risk in the event of foreclosure, the Council limited the risk by establishing specific caps for the subordinations.

The applicant is requesting that the caps be modified for the 80% AMI units, specifically that a new subsection (3b-iv) be added to pg 3 of the 2010 annexation agreement.

(iv) Notwithstanding, with respect to vertical financing of homes with Purchase Price affordable to Under 80% AMI, a) the aggregate principal amount of such Vertical Financing is less than \$3,600,000; b) there are not more than 15 such homes subject to the subordination agreement at any given time with seventy-five percent (75%) of such Homes having contracts with non-refundable earnest money; and c) the Owner has provided the Town an MAI appraisal confirming that the principal amount of the loan is not more than 100% of the appraised deed restricted, completed value of such Homes.

The applicant indicates that this change will enable him to construct more units at one time, and this will accelerate the delivery of the 80% AMI units. Both staff and the Housing/Child Care Committee supported this change.

Summary

Staff's primary objective is to insure that the construction/sale of the 80% AMI units occurs as soon as possible. As interest rates rise, units become less affordable so the best opportunity for these buyers is while rates are still relatively low. Therefore, staff supports the changes as discussed above. A resolution implementing these changes has been prepared and is included in your packet for your consideration. Staff will be available on the 8th to answer questions.



PO Box 4626, Breckenridge, CO 80424
www.brynngrey.com *We create place.*

August 21, 2015

Housing Committee
Breckenridge Town Council
Town of Breckenridge
laurieb@townofbreckenridge.com

Re: Homes Affordable to Households Earning Under 80% AMI (“80% AMI Homes”)
Speeding Up Construction

Dear Housing Committee,

The purpose of this letter is to follow-up on Town Council’s inquiry regarding the timing of construction of the 80% AMI Homes.

The Second Amendment to the Annexation Agreement provides that the Town will subordinate its deed restriction to vertical construction financing so long as: a) the aggregate amount of vertical financing in less than \$2,000,000, b) not more than eight homes are subject to the subordination agreement at any given time, and c) the principal amount of the loan is not more than 80% of the appraised deed restricted value.

The Problem

This provision has worked well over the years; however, **applying today to the 80% AMI Homes creates two challenges**. Specifically:

First, we lose approximately \$40,000 on each 80% AMI Home. This loss is intended to be covered by the sale of market homes which have an average profit of \$80,000 per home. The Second Amendment drafted in 2006 provides that **all** 15 80% AMI Homes need to be completed **before any** market homes are released. Thus, before a single market home is sold, we would incur – and need to finance – an approximate \$600,000 loss. If one was certain that demand for market homes would continue for the next several years (an optimistic absorption rate would be selling 6 market homes a year – one every other month), that would be one thing. However, that is a bet no one is willing to make (especially as uncertainty again roils the stock market).

Second, only eight homes can be subordinated at any given time and the subordination amount is limited to 80% of deed restricted completed value. This works fine on the single family homes; however, as our cost to build the under 80% homes is approximately \$40,000 more on each home than the sales price, this 80% ratio does not allow us to borrow enough to build the home.

The Solution

Two things could speed up delivery of the 80% AMI Homes without increase of risk or cost to the Town.

First, allow the release of one market home for every three 80% home sold

The formula of 15 to 1 — completing 15 homes affordable to households earning under 80% AMI before release of a single one of the 16 remaining market units — was a “plug number” given little thought as we both knew it would be years before this happened. As it turned out, this formula was agreed to in 2006 and here we are eight years later attempting to implement it.

A review of the various annexation agreements and amendments offers precedent for a change to the 3 to 1 release ratio: 1999 Annexation Agreement, Page 4 (top), Paragraph: 3.5 Restrictions on Residential Units “... however, that up to 24 SFEs may be released from the Restrictive Covenant when the Owner had completed and sold 72 Units within the price ranges set forth in Exhibit C entitled Affordability Benchmarks, with such releases to occur at the rate of one Unit released per three Units completed and sold within the price ranges set forth in Exhibit C ...”

2006 Amendment to Annexation Agreement, Page 3, Paragraph: 3.5 Restrictions on Residential Units “...releases of up to 32 of the Units from the Phase II Covenant at the rate of 1 Unit available for release per 3 Units completed and sold with the price ranges provided for and determined in accordance with Exhibit A, provided that all of the Units available for sale in the under 80% AMI Category must be sold before the 17th Unit may be released from the Phase II Covenant.”

Second, amend the Second Amendment to the Annexation Agreement by adding the following paragraph (iv):

(iv) Notwithstanding, with respect to vertical financing of homes with Purchase Price affordable to Under 80% AMI, a) the aggregate principal amount of such Vertical Financing is less than \$3,600,000; b) there are not more than 15 such homes subject to the subordination agreement at any give time with seventy-five percent (75%) of such Homes having contracts with non-refundable earnest money; and c) the Owner has provided the Town an MAI appraisal confirming that the principal amount of the loan is not more than loan than 100% of the appraised deed restricted, completed value of such Homes.

This would raise the amount of the under 80% unit subordination to 100% of the loan (which is \$40,000 less than the cost to build) and increase the amount to be subordinated so that 12 units can be launched immediately (subject to construction timing), three more launched after the first three are sold with all 15 being completed by summer 2016.

Town Risk

With respect to the Town's risk from increasing the subordination amount:

- The subordination amount would be approximately \$40,000 (\$600,000 in the aggregate) less than the cost of construction;
- The underlying construction financing would be guaranteed by the developer and personally guaranteed by me; and
- In no event would the Town suffer financial loss.

With these two changes, and assuming we can break ground before the end of August, we could implement the following 80% AMI Home start schedule:

- **six in the third quarter 2015,**
- **six in the fourth quarter 2015 and**
- **three in the first quarter 2016.**

We look forward to your thoughts.

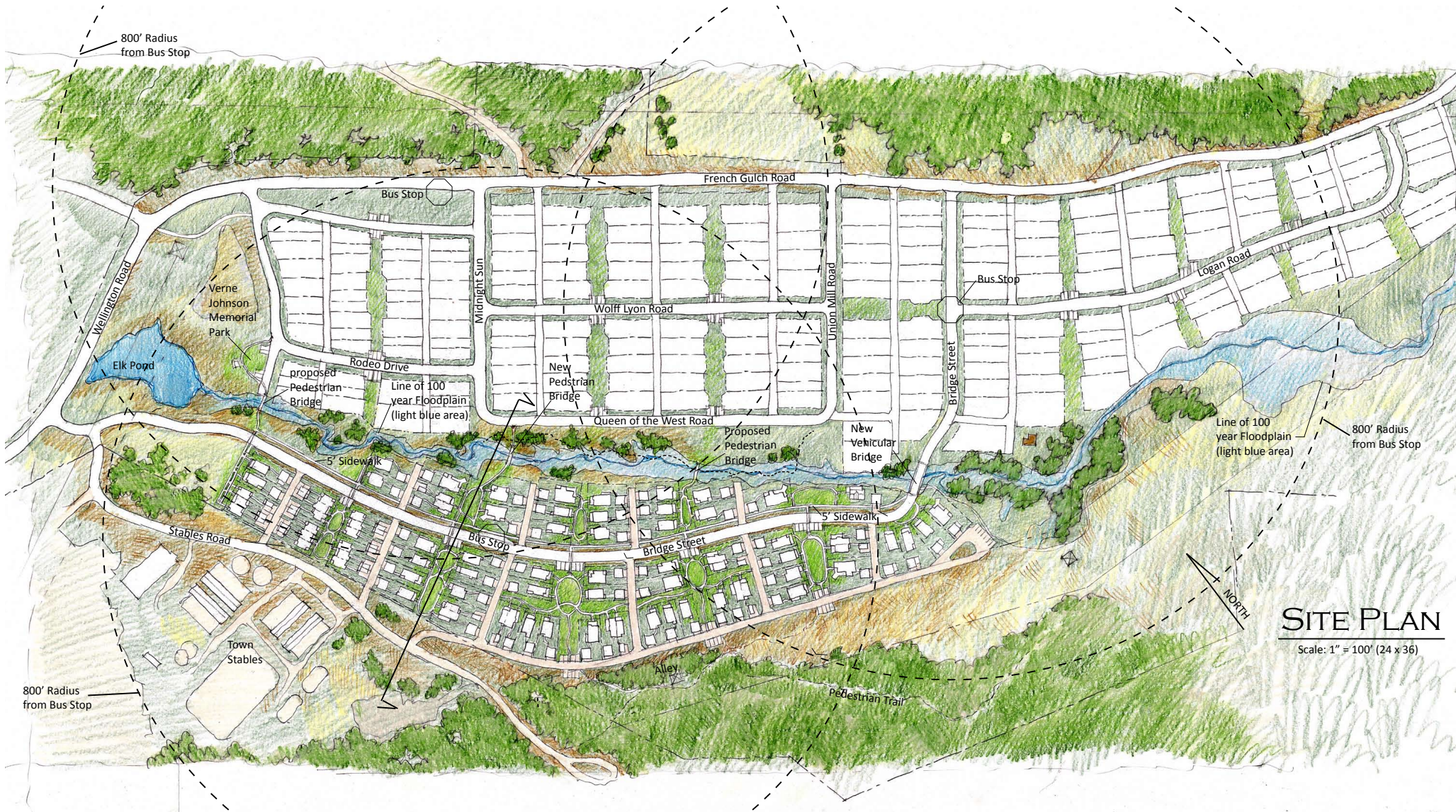
Thank you.

Very truly yours,

LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD

David G. O'Neil

Poplar Lincoln Park, LLC			
Lincoln Park Vertical Budget and Loan Ratios			
08/12/15			
			80% Tri
			<u>C</u>
			<u>Triplex sm</u>
Estimated Cost			309,657
Loan Amount			272,900
Costs Payable at Closing			36,757
Total			309,657
Loan to Cost			88%
Loan to Value			
Value	\$330.00	psf	385,110
LTV			71%
<hr style="border-top: 1px dashed blue;"/>			
Town Subordination 100% ADRCV			
Appraised Deed Restricted Completed Value			272,900
Subordination Amount 100% ADRCV		100%	272,900
Financing			
Unfunded Construction Costs			-
Cash at Closing			36,757
Town Subordination 80% ADRCV			
Appraised Deed Restricted Completed Value			272,900
Subordination Amount 80% ADRCV		80%	218,320
Financing			
Unfunded Construction Costs			54,580
Cash at Closing			36,757



Memorandum to Housing Committee
August 25, 2015

Construction Schedule:

Lincoln Park Phase 1
Breakground

August 26 2015

4th Quarter 2015		Foundation	Frame Start	Est. Completion A	B	C
Lot 1 Blk 1	Triplex	11/2/15	12/2/15	4/13/16	4/20/16	4/27/16
Lot 2 Blk 1	Oak (Model)	11/16/15	12/16/15	3/23/16		
Lot 3 Blk 1	MKT Juniper	11/30/15	12/30/15	5/11/16		
Lot 4 Blk 1	Triplex	12/14/15	1/13/16	5/25/16	6/1/16	6/8/16
Lot 8 Blk 1	MKT Honey Locust	12/28/15	1/27/16	6/8/16		
1st Quarter 2016						
Lot 5 Blk 1	Triplex	1/11/16	2/10/16	6/22/16	6/29/16	7/6/16
Lot 9 Blk 1	MKT Hawthorne	1/25/16	2/24/16	7/6/16		
Lot 6 Blk 1	Triplex	2/8/16	3/9/16	7/20/16	7/27/16	8/3/16
Lot 11 Blk 1	Doublehouse	2/22/16	3/23/16	8/3/16	8/10/16	
Lot 10 Blk 1	MKT Ponderosa	3/7/16	4/6/16	8/17/16		
Lot 7 Blk 1	Triplex	3/21/16	4/20/16	8/31/16	9/7/16	9/14/16
2nd Quarter 2016						
Lot 15 Blk 1	Juniper	4/4/16	5/4/16	9/14/16		
Lot 14 Blk 1	Oak	4/18/16	5/18/16	9/28/16		
Lot 13 Blk 1	Cotton	5/2/16	6/1/16	10/12/16		
Lot 12 Blk 1	Hawthorne	5/16/16	6/15/16	10/26/16		

Estimate Closings PER MONTH

Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16
3/23/16	4/13/16	5/25/16	6/1/16	7/6/16	8/3/16	9/7/16
	4/20/16	5/11/16	6/8/16	7/6/16	8/3/16	9/14/16
	4/27/16		6/8/16	7/20/16	8/17/16	9/14/16
			6/22/16	7/27/16	8/10/16	9/28/16
			6/29/16		8/31/16	

1 **FOR WORKSESSION/ADOPTION – SEPT. 8**

2
3 RESOLUTION NO. ____

4
5 SERIES 2015

6
7 A RESOLUTION APPROVING A FOURTH AMENDMENT TO ANNEXATION
8 AGREEMENT WITH UNION MILL, INC.
9 (The Wellington Neighborhood/Lincoln Park)

10
11 WHEREAS, the Town and Brynn Grey V, LLC, a Colorado limited liability company,
12 entered into that certain Annexation Agreement dated August 24, 1999 and recorded in the
13 Summit County, Colorado real estate records on October 18, 1999 at Reception No. 608041
14 (“**Annexation Agreement**”); and

15
16 WHEREAS, Union Mill, Inc., a Colorado corporation (“**Union Mill**”), is the successor in
17 interest to Bryn Grey V, LLC, a Colorado limited liability company; and

18
19 WHEREAS, the Annexation Agreement pertains to the annexation to the Town and
20 development of the project known as the “Wellington Neighborhood,” and now includes the
21 development of a project to be known as “Lincoln Park;” and

22
23 WHEREAS, the Annexation Agreement was previously amended by that Amendment to
24 Annexation Agreement dated February 28, 2006 and recorded in Summit County, Colorado real
25 estate records on March 22, 2006 at Reception No. 817872; and

26
27 WHEREAS, the Annexation Agreement was further amended by that Second
28 Amendment to Annexation Agreement dated November 23, 2010 and recorded in Summit
29 County, Colorado real estate records on December 28, 2010 at Reception No. 954419; and

30
31 WHEREAS, the Annexation Agreement was further amended by that Third Amendment
32 to Annexation Agreement dated March 25, 2014 and recorded in Summit County, Colorado real
33 estate records on May 23, 2014 at Reception No. 1055482; and

34
35 WHEREAS, the Union Mill and Town desire to further amend the Annexation
36 Agreement, as previously amended, as more fully set forth in the proposed “Fourth Amendment
37 to Annexation Agreement,” a copy of which is marked **Exhibit “A”**, attached hereto, and
38 incorporated herein by reference; and

39
40 WHEREAS, the Town Council has reviewed the proposed “Fourth Amendment to
41 Annexation Agreement,” and finds and determines that the approval of such agreement would be
42 in the best interests of the Town and its citizens.

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

1 ***DRAFT August 31, 2015 DRAFT***

2
3 Additions To The Previous Amendments to the Original Annexation Agreement Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 **FOURTH AMENDMENT TO ANNEXATION AGREEMENT**

7
8 This Fourth Amendment to Annexation Agreement (“Fourth Amendment”) is made and
9 entered into as of the ___ day of _____, 2015 by and between the TOWN
10 OF BRECKENRIDGE, a Colorado municipal corporation (“Town”) and UNION MILL, INC., a
11 Colorado corporation, (“Owner”) to amend the Annexation Agreement dated August 24, 1999
12 and recorded in the Summit County, Colorado real estate records on October 18, 1999 at
13 Reception No. 608041 (“Annexation Agreement”), as previously amended by the Amendment to
14 Annexation Agreement dated February 28, 2006 and recorded in the Summit County, Colorado
15 real estate records on March 22, 2006 at Reception No. 817872 (“First Amendment”), the
16 Second Amendment to Annexation Agreement dated November 23, 2010 and recorded in the
17 Summit County, Colorado real estate records on December 28, 2010 at Reception No. 954419
18 (“Second Amendment”), and the Third Amendment to Annexation Agreement dated March 25,
19 2014 and recorded in the Summit County, Colorado real estate records on May 23, 2014 at
20 Reception No. 1055482 (“Third Amendment”).

21 WHEREAS, Owner and Town desire to further amend the Annexation Agreement as
22 fully set forth hereafter.

23 NOW, THEREFORE, in consideration of the recitals, promises and covenants contained
24 herein and other good and valuable consideration, the sufficiency of which is hereby
25 acknowledged, the parties agree as follows:

26
27 1. **DEFINITIONS.** All capitalized terms used herein shall have the same meaning as
28 provided in the Annexation Agreement, First Amendment, Second Amendment, and Third
29 Amendment, unless otherwise defined in this Fourth Amendment.

30
31 2. **AMENDMENT TO FIRST AMENDMENT TO ANNEXATION AGREEMENT.**
32 Paragraph 3.5 of the First Amendment is amended to read as follows:

33
34 3.5 **Restrictions on Residential Units.** At the time of subdivision, Owner
35 shall record the Wellington Neighborhood Phase II Employee Housing Restrictive
36 Covenant and Agreement (the “Phase II Covenant”), which shall be senior to all
37 monetary liens and encumbrances on the Phase II Property and which shall be in
38 generally the same form as the Employee Housing Restrictive Covenant and
39 Agreement dated October 14, 1999 and recorded October 18, 1999 at Reception
40 No. 608049 of the Summit County, Colorado records, and shall include provisions
41 addressing the following, as well as such other terms and conditions as are

1 mutually acceptable to Owner and Town: income qualification for purchasers of
2 Units priced at under 100% of the AMI, as such term is defined in Exhibit A
3 hereto; limitations on increases in the price of each residential Unit for
4 improvements made to such Unit within 5 years of the date of the initial sale by
5 the developer of such Unit to 10%; **and** limitations on the amount allowed to be
6 added to the resale price of a Unit for a real estate sales commission to 3%, which
7 amount is not to compound; ~~and releases of up to 32 of the Units~~ **shall be**
8 **released** from the Phase II Covenant at the rate of 1 Unit available for release per
9 3 Units completed and sold within the price ranges provided for and determined
10 in accordance with Exhibit A, provided that ~~all 15 of the Units available for sale~~
11 ~~in the under 80% AMI category must be sold before the 17th Unit may be released~~
12 ~~from the Phase II Covenant~~ **after the 16th Unit has been released as previously**
13 **provided in this sentence, the release rate shall then become one Unit**
14 **available for release per 6 Units completed and sold at a price that is**
15 **affordable to persons with income that is less than 80% the applicable area**
16 **median income (AMI)(the “Under 80% AMI Units”). After all 15 of the**
17 **Under 80% AMI Units have been completed and sold, the release rate will**
18 **again become 1 Unit available for release per 3 Units completed and sold**
19 **within the price ranges provided for and determined in accordance with**
20 **Exhibit A.**
21

22 3. **AMENDMENT TO SECOND AMENDMENT TO ANNEXATION AGREEMENT.**
23 Paragraph 3 of the Second Amendment is amended to read as follows:
24

25 **3. RESTRICTIVE COVENANT SUBORDINATED TO**
26 **HORIZONTAL AND VERTICAL FINANCING.** The Town agrees to
27 subordinate its interests under the Restrictive Covenant to deed(s) of trust to pay
28 the costs of design, permitting, marketing and physical construction necessary to
29 complete the Project, subject to the following conditions:
30

31 a) with respect to the Horizontal Financing:

- 32
- 33 (i) the aggregate principal amount of Horizontal Financing is less than
 - 34 \$1,500,000²; and
 - 35 (ii) the Owner has provided the Town an MAI appraisal confirming that the
 - 36 principal amount of the loan is not more than 65% of the appraised deed
 - 37 restricted, completed value of the Project.
 - 38

39 b) with respect to the Vertical Financing **not involving Homes that are affordable to**
40 **persons with income less than 80% of the applicable area median income (AMI):**
41

² Commencing with the date of this Second Amendment, the maximum loan amount shall be increased annually by an amount equal to the increase in the Denver-Boulder-Greeley Consumer Price Index, All Items.

- (i) the aggregate principal amount of such Vertical Financing is less than \$2,000,000³;
- (ii) there are not more than eight such Homes subject to the subordination agreement at any given time, with seventy five percent (75%) of such Homes having contracts with non-refundable earnest money; and
- (iii) the Owner has provided the Town an MAI appraisal confirming that the principal amount of the loan is not more than 80% of the appraised deed restricted, completed value of ~~the~~such Homes.

c) with respect to the Vertical Financing involving Homes that are affordable to persons with income less than 80% of the applicable AMI:

- (i) **the aggregate principal amount of such Vertical Financing is less than \$3,600,000⁴:**
- (ii) **there are not more than fifteen such Homes subject to the subordination agreement at any given time, with seventy five percent (75%) of such Homes having contracts with non-refundable earnest money; and**
- (iii) **the Owner has provided the Town an MAI appraisal confirming that the principal amount of the loan is not more than 100% of the appraised deed restricted, completed value of such Homes.**

Such subordination shall be in substantially the form and subject to the terms of the Deed of Trust Subordination Agreements attached hereto as **Exhibits A and B**, and incorporated herein by reference.

4. **EFFECT OF AMENDMENTS.** Except as provided in this Fourth Amendment, all terms and conditions of the Annexation Agreement, First Amendment, Second Amendment, and Third Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Fourth Amendment as of the date first written above.

[SEPARATE SIGNATURE PAGES TO FOLLOW]

³ Commencing with the date of this Second Amendment, the maximum loan amount shall be increased annually by an amount equal to the increase in the Denver-**Boulder-Greeley** Consumer Price Index, All Items.

⁴**Commencing with the date of the Fourth Amendment, the maximum loan amount shall be increased annually by an amount equal to the increase in the Denver-Boulder-Greeley Consumer Price Index, All Items.**

MEMORANDUM

TO: Town Council

FROM: Breckenridge Tourism Office

DATE: September 8, 2015

RE: Interior Updates and Interior/Exterior Signage Updates

BRECKENRIDGE WELCOME CENTER AND MUSEUM

VISION

Located on Main Street adjacent to the Blue River Plaza, a pedestrian corridor between the Breckenridge Arts District and the Riverwalk Center, The Breckenridge Welcome Center and Museum is an integral part of the now blossoming historic downtown core, elevated with cultural offerings and town collaborations. Breckenridge Creative Arts is working hard to make Breckenridge a leading creative destination and has a beautiful, shiny face in the newly renovated Arts District. The Breckenridge Welcome Center (BWC) is ready for a similar face-lift, with new exterior paint and signage, added interior way-finding signage, and a renovation of interior finishes.

INTERIOR REMODEL PLAN DETAIL

The BWC is a highly trafficked space that serves 280,000+ guests and visitors annually, with an average of 2,000 users per day in July, 2015. We have noticed over the years, that the floor plan originally designed for the space could be reworked to better accommodate traffic flow and enhance the usability of the space, creating an improved guest experience.

In these interior updates, we would like to remove the existing cabinetry and help desk, which will include commercial grade refinishing of the floor. We will then install a custom slat wall system on the south wall, between the elevator and historic cabin walls, as a way to display merchandise and maps to sell, as well as literature such as vacation planners, dining guides, etc. for the guests to easily access. We will have a new, custom built help desk that will be positioned parallel to the cabin wall. Welcome Center staff may then stand behind the counter, facing the front door, ensuring visual eye contact with guests entering the front reception area. This layout will also open up the floorspace, more than doubling the current open space for the public to mingle, browse merchandise, and be helped by Welcome Center staff – from 80 square feet to 168 square feet of usable public space (numbers exclude traffic corridors and space reserved for staff operations). We also plan to furnish the space with updated furniture, such as a sideboard hutch for storage and merchandise display, as well as new window seating storage benches, coordinating with the existing, rustic, reclaimed wood interior finishes. Last, but not least, a fresh coat of paint and cleaned up baseboards, handrails and other woodwork will really make this space shine.

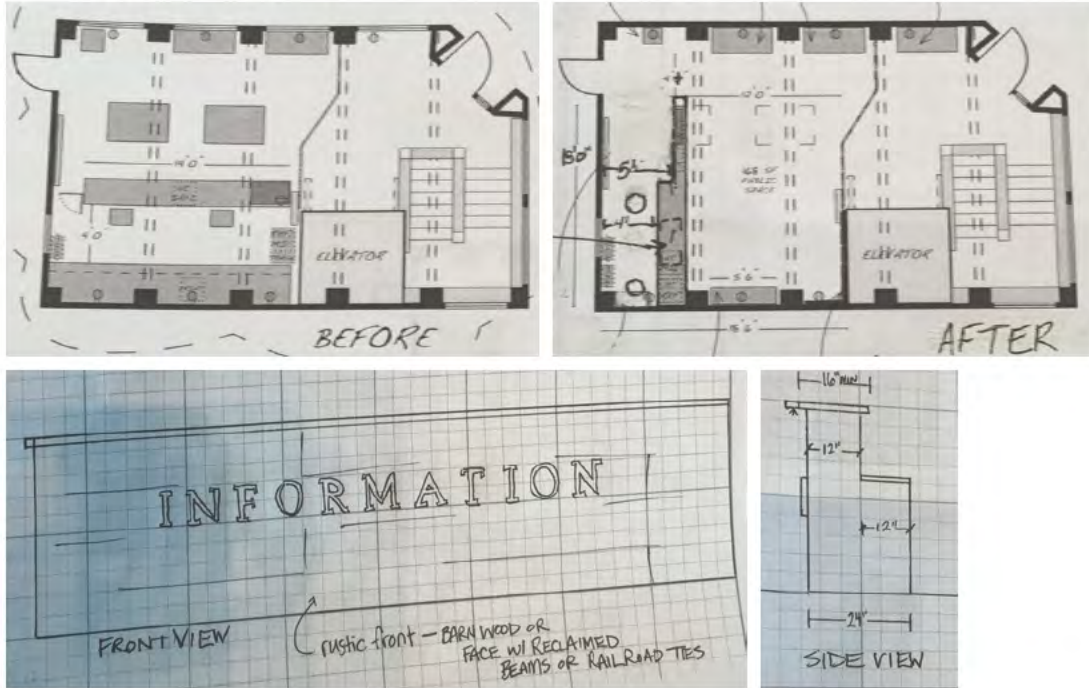
SIGN PLAN DETAIL

We have chosen House of Signs to design, fabricate, and install our new custom signs. Interior way-finding signs will be used in the main entry stairwell area to direct guest to the restrooms and ATM downstairs. A new sign will be placed on the historic cabin wall, or other location to be determined, replacing the existing sign above the door on the cabin wall (shown in the photo below) inviting guests into the museum and directing them to the historic tours area in the back of the building. The mine shaft-designed elevator will receive an exciting new mining-themed photo wrap on the exterior of the elevator door. The exterior front, side, and rear signs will also be replaced with coordinating signs that have been custom designed and produced of high-quality sign materials similar to those used in the Arts District. The front (Main Street) sign may have external downcast lighting for visibility at night. Sign design is currently in its final stages and will be presented to Town staff for approval as soon as preparations are complete.

EXISTING CONDITIONS OF THE BUILDING



CONCEPTUAL DRAWINGS



Caption: New help desk front and side views visible to public. (Note: Desk design is still being reviewed by Planning staff.)

CONCEPTUAL SIGNAGE



TOWN COUNCIL REVIEW

In December of 2014, Kate Christopher presented the Breckenridge Tourism Office (BTO) with conceptual design drawings for the interior changes to the Welcome Center and Museum and Jessie Jones requested conceptual designs from Roger Cox at House of Signs. Both the interior finishes and new signage are inspired by Breckenridge's Gold Rush days and rich history. After many months of reviewing design options and solutions to interior traffic flow issues, BTO and Welcome Center staff decided on a design and BTO Board approved the improvement project. Once the conceptual drawings were finished and bids were received, it was decided by BTO and Town staff that any changes to the museum should be reserved for a later date in 2017, when the Breckenridge Heritage Alliance (BHA) can be more closely involved and possibly incorporate looking at reworking some museum displays and traffic flow issues concurrently with aesthetic repairs such as repainting walls and refinishing the floors. BTO is now preparing to move forward with the interior changes to the front reception portion of the Welcome Center, as well as exterior and interior way-finding signage updates as described in detail above. We intend to update Council upon project completion with another report and updated photos.

FINISHED PROJECT

The tentative timeframe for the project is set for the month of October, 2015, with a tentative October 1st start date and October 31st completion date. The exact days scheduled for construction will highly depend on coordinating schedules of the sub-contractors involved, and will be determined after Council approval of the project. During this time, the front reception area (including public restrooms) will be closed to the public to ensure efficient construction work and public safety. The Welcome Center staff will be relocated to the back reception area in the museum to maintain everyday activities and transactions, sharing the space with the BHA when necessary. Temporary signage will direct guests from the front of the building to the side or back entrances for visitor information. The east restrooms to the Riverwalk Center will be open to the public during this time, providing guests with a nearby restroom facility, in addition to the restrooms in the nearby the Arts District.

BUDGET AND SCHEDULE

Breckenridge Tourism Office (BTO) board has approved the budget for the interior remodel and signage updates at a total cost of \$46,000 for interior remodeling and an amount to be determined for signage and is prepared to pay for such renovations out of designated reserved funds. As a result of omitting the back museum portion of the project from this scope of work and reserving it for a future date to be looked at primarily by Town staff and the BHA, we expect to fall under the allocated budget. With a re-opening date of no later than November 1st, the Breckenridge Welcome Center plans to be fully operational in plenty of time for the 2015-2016 ski season and the upcoming Thanksgiving Holiday.

QUESTIONS?

BTO staff will be available at the work session to discuss the project. Below are some sample questions that could help inform Staff of Council's perception of and satisfaction with the project.

- Does this project meet the Council's original intent and vision?
- Does Council feel anything is missing from the project?
- Was the Council surprised or confused by any aspects of the project?
- Did BTO provide Council with enough details on scope, budget, and design throughout the project?



Klack Rd

Sunbeam Dr

Boreas Pass Rd



printed 9/2/2015
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.

**Ice Rink Temporary
No Parking Zone
9-8-2015 -- 10-30-2015**

1 inch = 100 feet
0 50 100 Feet





S Main St

Four O'clock Rd

W Washington Ave

S Park Ave

W Adams Ave



printed 9/2/2015
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.

**Tiger Dredge Temporary
No Parking Zone
9-8-2015 -- 10-30-2015**

1 inch = 100 feet
0 50 100 Feet



Memorandum

TO: TOWN COUNCIL
FROM: Dale Stein P.E., Assistant Town Engineer
DATE: September 3, 2015
RE: Public Projects Update

Breckenridge Theater

The Breckenridge Theater expansion continues on schedule. The south side foundation walls have been poured and back filled. In the coming weeks, the north side foundation work will continue and plumbing and electrical rough-ins will begin.

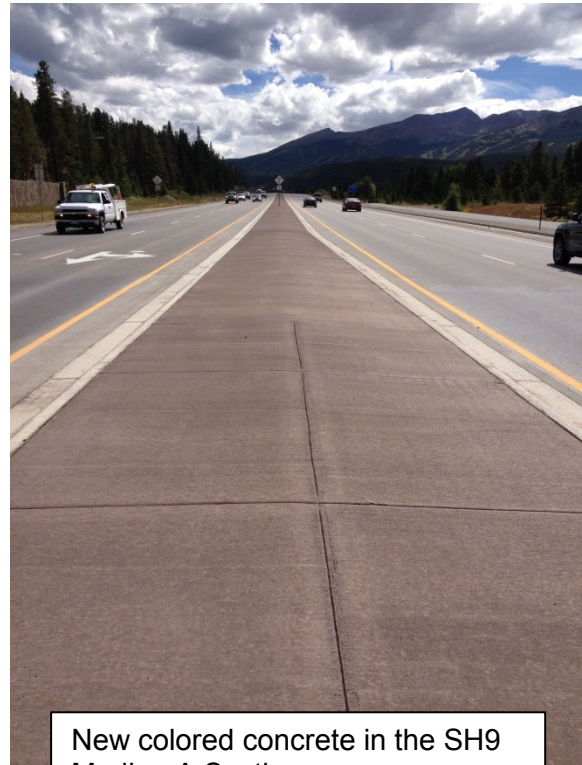
SH 9 Median and Roundabout Section A (Coyne Valley Rd. to Revette Drive)

Construction of Section A of the SH 9 Median Beautification project continues. Concrete has already been placed between Coyne Valley and Tiger Road; only one section of concrete (north of Tiger Road) remains to be completed. In the next week, the contractor will finishing placing concrete, install delineators, and finish sealing the concrete. Once this is finished, the three median projects will be complete.

One lane of Highway 9 will be closed to traffic in both directions until project completion. The lane closures will be removed during evenings and weekends.



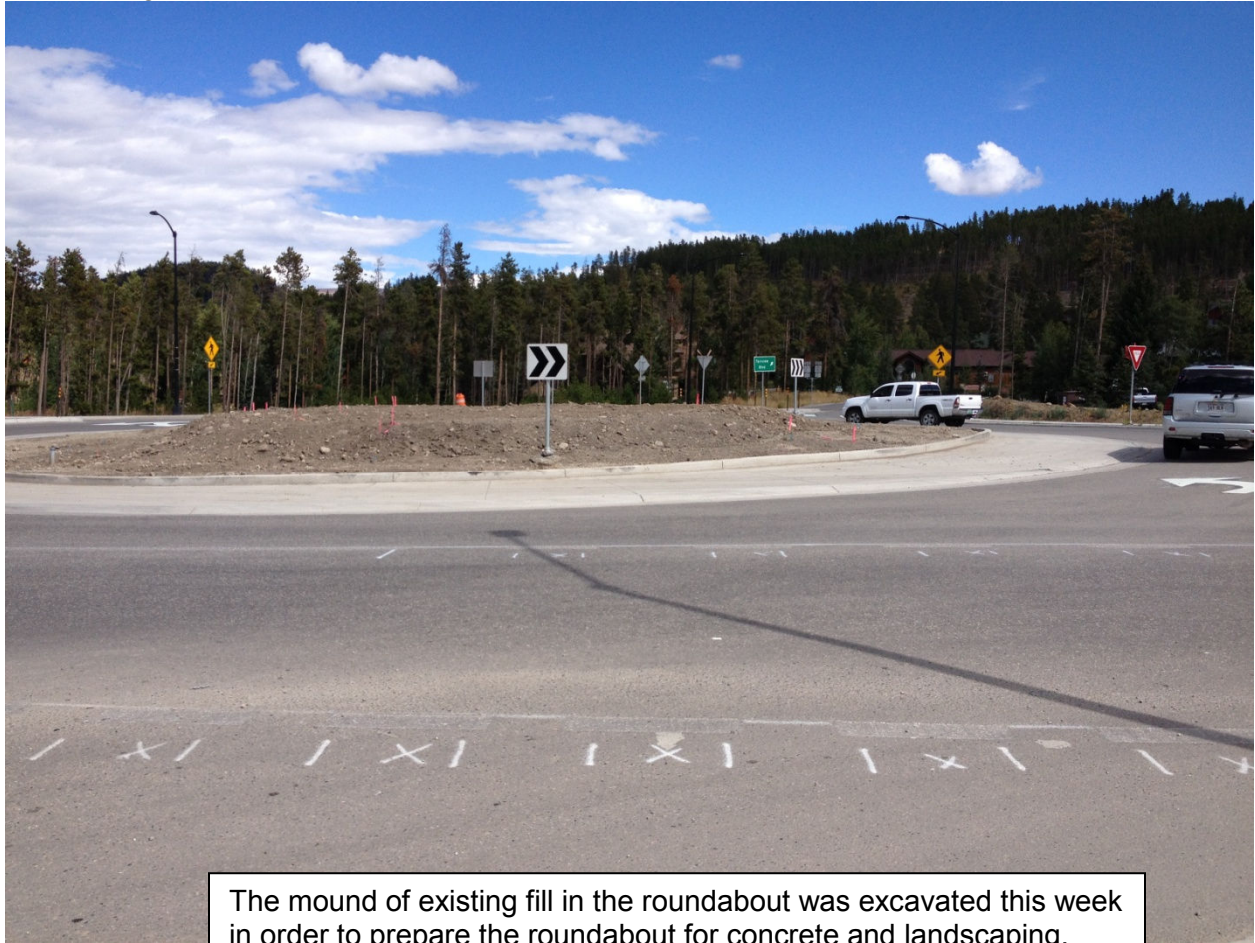
Concrete being placed north of the Fairview Roundabout.



New colored concrete in the SH9 Median A Section.

Fairview Roundabout

Construction in the Fairview Roundabout began last week with grading operations to excavate existing soil in the roundabout. The contractor will continue grading work in the next week, as well as begin pouring colored concrete in the interior of the roundabout. Staff is currently working with local contractors to receive bids for the landscaping work in the median. Once bids are received, staff will be able to provide schedule and budget updates for the completion of the landscaping of the roundabout.



The mound of existing fill in the roundabout was excavated this week in order to prepare the roundabout for concrete and landscaping.

Breckenridge Welcome Center

Please see separate memo prepared by Breckenridge Tourism Office staff.

Barney Ford Dumpster Building

A contractor has been selected for the construction of the new dumpster building. Staff expects that work on the dumpster project will begin the week of September 14th.

Ice Arena Parking Expansion

Construction of the Ice Arena Parking Expansion will begin on September 8th, after the Labor Day Holiday. Material excavated from the Section A Median has already been hauled and stockpiled in the Ice Arena Parking Lot. During construction, a section of the existing Ice Rink parking lot will be closed in order to facilitate construction activities (see image below). Construction will be complete by October 30th. Please see separate exhibit showing the approximate location of the parking closure.

Adams & Jefferson Heated Sidewalks

Two bids were received on August 31st for the Heated Sidewalks Project from two local contractors. Staff believes the bids accurately reflect the costs of the project and are within the project budget. The bids are currently being evaluated; staff plans to award the project in order to move forward with construction of the project this fall.

Construction will begin after September 8th, 2015 and will be complete by October 30th, 2015. During construction, there will be lane closures and detours on Adams Ave, Jefferson Ave, and Ridge Street. Additionally, the sidewalks on Adams & Jefferson will be closed to pedestrians during construction.

Airport Road Pedestrian Lighting

Staff is currently working with local contractors to receive bids for the Airport Road Lighting work, as well as negotiating with property owners for utility easements. Once bids are received, staff plans to move forward with construction of the improvements this fall.

Four O'clock Roundabout

Staff met with Xcel Energy this week and confirmed Xcel will begin work under traffic control on S. Park Avenue beginning September 8th. Work initially will be located along the east side of Park Avenue from Four O'clock Road to Ski Hill Road. Traffic will be maintained in a two way configuration through September and early October. A portion of the Tiger Dredge Parking Lot will also be closed to public parking to facilitate the work by Xcel Energy and construction of the new gas regulation station. Please see separate exhibit showing the approximate location of the parking closure.

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen, Town Manager
DATE: September 3, 2015
SUBJECT: Committee Reports for 9-8-2015 Council Packet

Child Care Advisory Committee **August 12, 2015** **Laurie Best/Emily Oberheide**

The Child Care Advisory Committee held their monthly meeting on August 12, 2015. Committee members present included Mike Connelly, Greta Shackelford, Laurie Blackwell, and Carla Koch. Jennifer McAtamney, Laurie Best, and Lucinda Burns were absent. Elisabeth Lawrence called in, and Peter Grosshuesch, Mike Barney, Emily Oberheide and Sole Drumwright also attended. The following agenda items were covered:

Review of 2015/2016 Tuition Assistance Applications/Awards:

Emily and Sole presented the Committee with a summary of the applications which have been processed. All applications turned in for this enrollment cycle have been processed and all award/denial letters were sent out between mid-July and the end of July. Staff will be preparing a full report of the applications/awards for the Committee's next meeting, but it appears that the sliding scale is generally working toward the goal of keeping a family's cost of child care between 13-16% since we have only 3 families paying over 16% of their gross income on child care. The Committee discussed the next steps which include 1) making the sliding scale public, 2) how to make sure people are reading their correct income line, and 3) the educational value of publishing the scales for transparency.

Emily and Sole have been responding to concerns from families since award/denial letters were sent out. The most common concerns were 1) how family income was calculated and 2) how the "daily rate" they were given for the new cycle would translate into a monthly cost that they could budget for and why a family's award might have changed from the previous cycle. Individual questions were addressed via phone and/or email and a general clarification email was sent to all families explaining their monthly cost and why their assistance may have changed this year.

We may not really know impacts of the sliding scale and the changes (asset testing, non-resident adjustment) until September after families make their final schedule with the centers. We are tracking and watching unintended consequences in this round, especially how it affects families and the center revenue.

The Committee suggested adding a formal appeal process to our policies and making it known to families. Staff will discuss this with Tim Berry and report back to the Committee.

The Committee also suggested looking into publishing a State of Child Care Report, possibly by Chris Kulick, once our final numbers are in from 2014-15 cycle and we have better data on the start of the 2015-16 cycle.

Long Term Funding:

The Committee agreed that Spring 2016 election is too soon, but to keep November 2016 as a possibility. Need staff to check other issues on the ballot and Committee will continue to evaluate pros/cons.

Next Steps:

- Continue to evaluate the awards
- Tracking Data (quantitative and impact)
- Internal Policies
- Billing Process
- Education
- Website

The next Committee meeting will be September 2nd at 3pm (Rescheduled after our meeting)

I-70 Coalition **August 5, 2015** **Tim Gagen**

- I. Approval of June 2015 Board Meeting Summary, Dan Gibbs**
Approved.

- II. Approval of May-June 2015 Financials**
Approved.

III. Old Business

- **urHub TDM Contract** – urHub agreed to a \$600/month, August 2015-December 2016 contract, with an option to extend the contract with the same terms through May 28, 2017 if desired. The latter is the date that their CDOT contract expires.
- **Breckenridge Grand Vacations:** Partner Mike Dudick, expressed interest in getting engaged in transportation discussions. He is also on the Colorado Tourism Office board. Margaret spoke with him about his organization becoming a Tier 3 member. The board feels that \$2000 is a good dues amount, but we could go as low as \$1500. He was going to check with his partners and get back with her.

IV. New Business

- **PPSL Tolling-** The TDM Committee supports incentives for transit. This discussion is specific to the question of whether the board thinks transit providers (vans and buses) should get a toll exemption such as RTD does for I-25 and Hwy 36. Peter Kozinski says that CDOT will recommend that full sized buses not be allowed to use that lane due to safety concerns. He says that recommendation might change after the project is in operation for a period of time.

Board Comments included:

- The Coalition should not get involved in tolling discussions on the behalf of the private sector.
- Give some time to see how project works and what kind of revenue it generates. Then consider exceptions for transit.
- Could send letter to HPTE that requests a review after first winter season on ability to allow buses in future.
- Could voice support to HPTE for TDM incentives.

The board will not take any immediate action.

- **Requests from Legislators from July 2015 I-70 Coalition Quarterly Meeting**

1. Legislators thought the Denver Metro Chamber “Cost of I-70 Congestion” study should be updated and the board agrees. Discussion: Updating the same study will give us the same basic info, but with bigger numbers. Is there a next step for such a study to look into the future? Could a next study include some “what ifs” such as where another lane would get us? We could ask Patty Silverstein (who did last study) her thoughts. Dan will talk to Kelly Broughton, Director, Denver Chamber about their interest.
2. Legislators requested a Record of Decision (ROD) Summary. Margaret will email them our summary.
3. Funding: Every legislator in attendance stated that funding is a critical issue, and asked for direction from the I-70 Coalition on funding strategies. We should make it known to legislators that we continue to engage in funding discussions.

CCI plans to talk about transportation funding in a working group. CML does not have such a group at this time. The Colorado Cooperative will include transportation as part of a larger discussion around Colorado's Financial Future, Election Process (Primaries, Caucuses, Redistricting, Presidential Primary, Online Voting), Initiative Process, Term Limits, and Campaign Finance. Various sub committees will come up with recommendations on these topics by Aug 15 and Dan Gibbs is on the Initiative Process group. Bill Ritter is chairing this bi-partisan, Denver-centric effort. Building a Better Colorado is the name of the new non-profit. The goal is to have a well-funded campaign for 2016. Then there will be a broader process with broader folks targeted to give input. Dan guesses the Finance group might include the gas tax in their discussions.

- **Potential DRCOG Way To Go Partnership**

As part of the TDM Work Plan, Margaret is working with DRCOG's Way To Go program to set up carpool programs for large, existing groups that frequently travel the corridor on weekends. In exploring what kind of acknowledgement/recognition the I-70 Coalition might receive for these efforts, she learned that Front Range TMO's are receiving \$80,000/year under a federal grant run through DRCOG to do this same work. She has broached the subject of being recognized as a Partner and exploring potential funding with DRCOG.

V. Updates

HPTE-Mike Cheroutes, HPTE Director is leaving in October. Tim G. is the chair through October. Hwy 36 is open and the bike path is partially open. Viaduct I-70 E is the big next project. The big question is how much funding for that project will come from SB228. Most money will come from the Bridge Enterprise Fund. 470 will be ready later this year for moving forward on a managed lane. I-25 north is in progress. Only I70 East is P3 project.

Collaborative Effort- Still looking at dates for a next meeting.

Transit & Rail Advisory Committee-Margaret reported that Steve Hurlbert has been active with this group as the I-70 Coalition representative. He has indicated that he is engaging with folks that are of assistance in the Winter Park Ski Train discussions.

PPSL PLT-The contractors are behind. The sediment ponds and interchanges are a mess. Drainage is a serious issue because they didn't do a filtration system. Construction impacts are lessened due to nighttime rather than daytime lane closures.

Floyd Hill to Empire-This project will re-convene to pick up discussions in approximately six months.

VI. Next Steps

Dan would like to get the Chair of US House or Senate Transportation Committee to come to I-70 corridor for a tour and field hearing. The board agreed this is a good idea. Dan will look at schedules and see if we can find a time they are coming to Colorado. We might coordinate through Rep. Polis office. Dan will bring this up and get it on his radar screen. Perlmutter isn't on the Transportation Committee but would probably help encourage this field hearing. It took Udall to make calls to get the last federal field trip.

Meeting adjourned at 11:10 a.m.

Summit Stage Advisory Board	August 26, 2015	James Phelps
<p>Jim Andrews – Summit Stage Director updated the advisory board of several ongoing projects. RNL Design has begun work of examining infrastructure improvements for the Frisco Transfer Center. The project has previously been awarded grant funding. Summit Stage staff is currently working with Double Map Technology group, who specializes in Technology Transportation Solutions for Transit fleets. The project will include two phases. Phase I (2015) will be implemented by Nov. 01. The phase will include: Automatic Passenger Counting system, Mobile App, and Computer Aided dispatch system. Phase II (2016) will include additional customer enhancements. The advisory board was presented with 4 service change options for the 2015-16 winter service plan. The 4 service change options presented are result of the survey data that was collected this past spring. Three of the service change options are enhancements of current service hours of current routes. The fourth option that was presented was for new service – Blue River (BR). This was proposed by the route planning committee to the advisory board for initially a limited one run in morning and one run in late afternoon. After much discussion Upper blue representative Larry Nelson stated that if two runs could be provided on each end of day that Blue River would contribute half of the funds necessary for operation. A motion was made that included language that was contingent upon Blue River contributing to this new service and the motion carried. The advisory board approval was for winter service schedule only. Ridership data will be presented to the board in Jan. '16 at too make any future decision of extending the BR new service to summer and beyond.</p>		

Housing/Child Care Committee	August 25, 2015	Laurie Best
<p>The Housing/Child Care Committee held their August meeting on August 25, 2015. This meeting was originally scheduled for August 11th but was postponed to the 25th due to several schedule conflicts. Committee members present included Gary Gallagher, Erin Gigliello, and Ben Brewer. Laurie Best, Peter Grosshuesch, and Mike Barney were also present.</p> <p>David O'Neil and Courtney Kenady joined the meeting for the first agenda item. The following issues were discussed:</p>		

Lincoln Park Annexation Agreement Changes:

On July 29th Staff received a request from David O'Neil asking to change certain terms in the annexation agreements that were executed in 2006 and 2010. The changes would apply to Lincoln Park which is the last phase (78 units) of Wellington Neighborhood. The specific requests involved 1) elimination of the cap on market releases that was established in the 2006 agreement to be replaced with a new ratio of 1 market unit released for every 3 80% AMI units and 2) modifications to the vertical subordination restrictions that were established in the 2010 annexation agreement. Staff had discussed the requests with David and supported the changes with the exception of the release rate, which staff recommended at 1 market unit released for every 6 80% AMI unit.

David presented his request and his rational to the Committee. He also indicated that he could make the 1:6 ratio work, so ultimately the Committee indicated they could support the request with a 1:6 ratio. The item will be schedule for review with the full Council on Sept 8th.

Housing Project Updates:

Staff provided the Committee with an update in regard to the on-going housing projects:

Pinewood 2- project is approximately 22% complete, moving into framing phase, and is on budget and on schedule. The anticipated completion is 7/15/16 so units should be leased up in August of 2016

CR 450-new name is 'Huron Landing'-The design is underway with a Planning Commission worksession scheduled for September 1st. Staff met with Kennington Homeowners and primary concerns are parking and impact to views. The design team is working to insure a minimum of 2 spaces per unit which exceeds Town

Code and will analyze impact to views. Staff will initiate the annexation process and run entitlements concurrently. RFPs have been issued for Owners Representative/Project Manager and for General Contractor. Staff will present an IGA to TC and to BOCC to identify the business deal and process-most likely this will be ready in late fall once better plans and pricing are available. The goal is Spring 2016 start with units available in 2017.

Denison Placer-initial design is underway. The goal is to prepare LIHTC application for May 2016 (9% credits would result in equity to cover approximately 65% of the project cost). We are aware of at least 2 mountain/rural 9% applications (Glenwood and Basalt) that will compete. We have also asked our LIHTC consultant to evaluate the 4% + State credit process which is a variation on the non-competitive 4%.

Child Care Update:

Staff provided the committee with verbal update, specifically: the transfer of program from Com Dev to Recreation is going well. The 2015/2016 applications have been reviewed and awards have been calculated based on the sliding scale. We received 112 applications, 16 were determined ineligible, 15 did not spend or use enough care to qualify for assistance, and 81 families (107 children) were awarded assistance.

Approximately 60% of the recipients are non-Town residents. During September most families make a final commitment to their Center in regard to schedules, so after September staff will be able to analyze and report to TC and the Committee on the 2015/2016 round. It appears that the sliding scale does work and our goal is to be able to publish the scales in the future to make the awards more transparent, and give families information they need to make child care decision.

Staff advised that the Committee that the number of children being served has declined over the last few years from the peak in 2011, 12, 13 when over 200 children received assistance. As staff evaluates the 2015/2016 awards we will also look at historic trends. It is likely that additional children will be added over the course of the year as children are born or move to the community- our annual projection for 2015/2016 assumes about 125 children.

Staff advised the Committee that the biggest challenges in calculating awards during this round has been determining family income (particularly for the majority of the participants who are self-employed). We will evaluate our processes as we continue to implement program improvements.

The Committee adjourned at 3pm. The next meeting will be September 8th at 2pm.

Police Advisory Committee	September 2, 2015	Chief Haynes
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2015 Community Representatives: Dave Askeland, Carrie Balma, Tom Byledbal, Dick Carleton, Jeff Chabot, Phil Gallagher, Ramon Gomez, Sandi Griffin, Tessa Rathjen, Jason Smith, Jim Trisler

The Police Advisory Committee (PAC) held its bimonthly meeting on September 2, 2015. The Chief and PAC members discussed the following:

- **Introductions:** The committee welcomed two new members: Tessa Rathjen, Assistant Principal at Summit High School and student representative Kaleigh Klaas.
- **Parking and Transit:** Chief Haynes gave an update on employee permitting and on-going preparation of parking locations to accommodate recent changes. She indicated that the recent meeting of the Parking and Transit Task Force focused on ideas to improve and expand the transit system and the next meeting will focus on costs related to implementation of those ideas.
- **Transients and Camping:** The Chief answered questions regarding the number of transients in town, specifically what is legally enforceable with regards to sleeping and/or camping within town limits and panhandling. She explained the recent changes to Town Code related to camping.
- **Housing:** The committee discussed limited housing options, housing costs, and the impact on employees and students.
- **Marijuana:** Chief Haynes informed the group that the Police Department will be suggesting a number of changes to the town code relative to the enforcement of violations at licensed premises. In addition, staff will discuss with Council a change in licensing authority from the Town Manager to the Liquor Licensing Board.
- **Investigations:** A brief summary was given regarding the on-going investigation of the fatal hit and run accident on Airport Road on 08.31.2015.
- **Staffing:** Currently there are two police officer vacancies and one CSO vacancy. Two conditional offers have been extended for police officer positions and preliminary interviews for the CSO vacancy will begin next week. Committee members asked questions about retention and compensation.

- **CMC:** Dave Askland from CMC updated the group on housing issues, BA programs, and the growth of community college programs.

Committees	Representative	Report Status
CAST	Mayor Warner	Verbal Report
CDOT	Tim Gagen	No Meeting/Report
CML	Tim Gagen	No Meeting/Report
I-70 Coalition	Tim Gagen	Included
Mayors, Managers & Commissioners Meeting	Mayor Warner	Verbal Report
Liquor Licensing Authority*	Helen Cospolich	No Meeting/Report
Wildfire Council	Matt Thompson	No Meeting/Report
Breckenridge Creative Arts	Robb Woulfe	No Meeting/Report
Summit Stage Advisory Board*	James Phelps	Included
Police Advisory Committee	Chief Haynes	Included
CMC Advisory Committee	Tim Gagen	No Meeting/Report
Recreation Advisory Committee	Mike Barney	No Meeting/Report
Housing and Childcare Committee	Laurie Best	Included
Childcare Advisory Committee	Laurie Best	Included
Breckenridge Events Committee	Kim Dykstra	No Meeting/Report
Sustainability Task Force	Mark Truckey	No Meeting/Report

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

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



MEMO

TO: Town Council
FROM: Director of Communications
DATE: September 2 (*for September 8, 2015 regular meeting*)
RE: Public Engagement & EngageBreckenridge/MindMixer

Background:

In 2012, to address the Council goal of Public Engagement, staff researched various tools to address this need. One of the tools we identified at that time was EngageBreckenridge, which was launched in October of 2012; MindMixer is the company who we contract with for this product, which has provided a platform for Council and staff to receive feedback on specific topics and issues.

Over the past three years, we have posted 33 “surveys” with a high of 17 topics/issues in 2013.

Current situation:

This past May, MindMixer evolved into mySidewalk and required all accounts to migrate into a new format. While I was able to get the most recent topic (parking & transit) onto the EngageBreckenridge platform, I received complaints about challenges with this tool from citizens. In addition, there has been criticism that EngageBreckenridge is not statistically valid and doesn’t accurately represent the entire community.

With the Parking & Transit outreach, staff – *and Council* – has utilized additional tools to engage the citizens, including Coffee with the Council, Community Forums/Open Houses, presentations to organizations, emails to BOLT and water billing customers, as well as the Town’s Facebook and Twitter accounts. The Town has also successfully been utilizing survey monkey in various areas and for various topics/issues.

While EngageBreckenridge has aided in increasing Public Engagement, the switch over to a new format and asking our citizens to ‘learn’ a new system, has lead me to the conclusion that EngageBreckenridge has served its purpose. Therefore we are not planning to enter into an agreement to utilize the new “my Sidewalk” platform. Staff will continue to look for innovative ways to engage the public through a variety of methods, will continue to enhance current social media vehicles, and will continue to employ ‘grassroots’ tools to inform, educate and engage.

In addition, the Town is examining some upgrades to our current website and a possible ‘remodel’ may be planned in 2016 that could include a community engagement/feedback component.

Council Action:

No Council action is needed; this is an FYI. I will be available for questions or clarifications on Tuesday. Thank you.



MEMORANDUM

To: Mayor and Town Council
From: Tim Gagen, Town Manager
Date: September 1, 2015
Subject: *Second Water Plant Update and Policy Recommendation*

Now that the Water Court has approved our Water Rights application for the Second Water Plant, we are ready to move to the next steps of planning, design and financing. With these steps we also need to start establishing or reconfirming policies which will guide the utilization of the new plant and its future customers. To help in this effort, we reconvened the Water Task Force to provide recommendations to Council. The following are the results of a recent task force meeting which includes updates and policy recommendations.

1. Staff has initiated the process of selecting an owners representative who in turn will assist in the selection of an engineer to design the new plant and associated facilities. The selection process should be completed by the end of September. Staff is preparing a timeline for the project.
2. Staff has reviewed the financing environment with our financial advisor and found that interest rates are still hovering around 3.2% to 4.2% depending on term and timing of a debt issuance but there is an expectation that rates will inch up if the Feds raise interest rates in 2015 or 2016. Staff is also investigating a State Revolving Loan Fund which may offer even lower rates but requires more pre-design before an application can be made. After reviewing the financial information, the task force recommends that we pursue the State Revolving Loan Fund first to see what rates might be which will require waiting until sometime in 2016 when 30% of the design is done and a better estimate of cost is obtained.
3. The task force spent a great deal of time on the financial pro forma of the Water Fund incorporating the financing and cost of operation of the new plant projected out a number of years. They debated the policy question of how best to pay the future debt of the new plant while attracting future customers and extending service into unincorporated areas and fire service only extensions. The primary choices for paying the debt came down to using water rents verse PIFs (or tap fees). Attached to this Memo is a Memo from Tom Daugherty which gives background on the current charges of the water utility for in town and out of town customers.

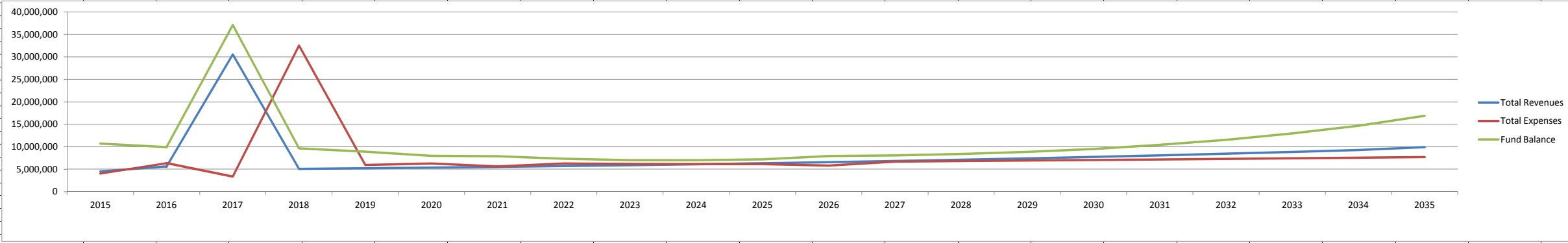
The task force concluded that the current 200% charge in PIFs for out of town customers would likely be a major deterrent to new customers connecting to the

system but some differential should be maintained so 125% is recommended. In looking at the Water Rents, the task force concurred with the current plan to raise rents by 5% in 2016, keeping the overcharge high to encourage conservation and maintaining 150% rent for out of town customers. As more is known about the debt for the new plant additional adjustments may need to be made, particularly as build out occurs and PIFs drop off. Attached is a pro forma depicting these recommendations.

4. The task force concluded that it is likely the Town will have to play a significant financing role in extending new water lines into unserved but interested areas given the large upfront cost. They recommend that the Water Fund maintain a sufficient fund balance of approximately \$6 million for this purpose. They also recommend that we explore with the County any financing tools they might have to help in this effort. The task force would like the County to adopt a policy that any new construction within 400' – 500' of an existing water main be required to connect to the system and the same for failed wells. The task force also supported the idea that some unincorporated areas may be more interested in water lines for fire protection instead of potable water so some program of financing and repayment of these extensions should be considered.
5. A couple of other policies the task force discussed were:
 - A. New development wishing water service should adhere to JUBMP and not for new density. Water service should only be given for existing density and zoning.
 - B. Requiring annexation as a condition of obtaining water when legally able should be continued at the Town's discretion.

- Water Pro Forma - 25 year term, Out of Town PIF 125% of In Town

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	NOTES	
Water Rents	\$ 2,900,000	\$ 3,049,651	\$ 3,211,899	\$ 3,387,876	\$ 3,510,637	\$ 3,643,152	\$ 3,786,062	\$ 3,940,042	\$ 4,105,796	\$ 4,284,070	\$ 4,475,651	\$ 4,681,365	\$ 4,902,531	\$ 5,140,562	\$ 5,396,980	\$ 5,673,416	\$ 5,971,620	\$ 6,293,468	\$ 6,640,969	\$ 7,016,270	\$ 7,421,673	5% rate inc until 2018 - 3% thereafter	
PIFs	950,000	1,864,283	1,649,597	960,450	976,155	992,412	1,009,123	1,026,304	1,044,070	1,062,323	1,081,166	1,100,596	1,120,697	1,141,369	1,162,774	1,184,892	1,207,703	1,231,342	1,255,778	1,281,057	1,515,791	10% then 5% ann. Rate Incr. after 2017, combined with new users. Out of Town rate 125% of In Town	
W.S.M.F.	260,162	262,763	265,751	269,128	272,900	277,069	281,639	286,616	292,002	297,802	304,020	310,660	317,751	325,320	333,398	342,012	351,192	360,968	371,369	382,427	394,171	No WSMF rate changes	
Other	372,836	435,924	440,541	445,213	449,941	454,726	459,568	464,468	469,427	474,447	479,528	488,746	499,784	511,783	524,259	537,253	550,815	564,993	579,846	595,434	611,823	Transfers, Investment Income	
Loan Proceeds			25,000,000																			25 year term, 4% rate	
Total Revenues	\$ 4,482,998	\$ 5,612,621	\$ 30,567,788	\$ 5,062,668	\$ 5,209,633	\$ 5,367,359	\$ 5,536,391	\$ 5,717,430	\$ 5,911,295	\$ 6,118,642	\$ 6,340,365	\$ 6,581,367	\$ 6,840,762	\$ 7,119,034	\$ 7,417,410	\$ 7,737,573	\$ 8,081,330	\$ 8,450,771	\$ 8,847,962	\$ 9,275,188	\$ 9,943,458		
General Services	1,878,950	1,997,109	2,057,022	2,718,733	2,700,295	2,781,304	2,864,743	2,950,685	3,039,206	3,130,382	3,224,293	3,321,022	3,420,653	3,523,272	3,628,971	3,737,840	3,849,975	3,965,474	4,084,438	4,206,972	4,333,181	3% annual, 2018 incr. for new plant ops	
Capital	1,570,000	3,710,000	635,000	27,545,000	965,000	1,190,000	470,000	1,044,000	910,000	726,000	655,000	210,000	990,000	990,000	990,000	990,000	990,000	990,000	990,000	990,000	990,000	2018 plant expenditure	
Other	603,914	663,461	672,312	681,335	690,537	699,920	709,489	719,250	668,582	678,739	689,101	699,675	710,464	721,476	732,714	744,186	755,897	767,853	780,060	792,525	805,255	Transfers, water rights/legal	
Debt Service				1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	1,591,000	25 year term, 4% rate
Total Expenses	\$ 4,052,864	\$ 6,370,570	\$ 3,364,334	\$ 32,536,068	\$ 5,946,832	\$ 6,262,224	\$ 5,635,232	\$ 6,304,935	\$ 6,208,788	\$ 6,126,121	\$ 6,159,395	\$ 5,821,697	\$ 6,712,117	\$ 6,825,748	\$ 6,942,685	\$ 7,063,026	\$ 7,186,872	\$ 7,314,327	\$ 7,445,498	\$ 7,580,497	\$ 7,719,436		
Change	\$ 430,133	\$ (757,949)	\$ 27,203,454	\$ (27,473,401)	\$ (737,198)	\$ (894,865)	\$ (98,841)	\$ (587,505)	\$ (297,492)	\$ (7,478)	\$ 180,970	\$ 759,671	\$ 128,645	\$ 293,286	\$ 474,726	\$ 674,548	\$ 894,458	\$ 1,136,444	\$ 1,402,464	\$ 1,694,691	\$ 2,224,022		
Fund Balance	\$ 10,243,074	\$ 10,673,207	\$ 9,915,259	\$ 37,118,713	\$ 9,645,312	\$ 8,908,114	\$ 8,013,249	\$ 7,914,408	\$ 7,326,903	\$ 7,029,411	\$ 7,021,932	\$ 7,202,903	\$ 7,962,573	\$ 8,091,218	\$ 8,384,505	\$ 8,859,230	\$ 9,533,778	\$ 10,428,236	\$ 11,564,680	\$ 12,967,144	\$ 14,661,835	\$ 16,885,857	



Memorandum

To: Tim Gagen, Town Manager
Rick Holman, Assistant Town Manager

From: Tom Daugherty, Public Works Director

Date: 8-24-15

Subject: Water System Inclusion Criteria

Now that the second water plant is moving forward, the water system is expected to have capacity to provide water service to additional customers outside of the current water system area. Knowing that the second water plant will be operational in the next 3 to 5 years, additional connections outside the current service will not over tax the current water plant before the second plant is operational. The Town Council has expressed interest in allowing connections outside the current service area and criteria for those connections need to be established.

Intent of the Water Supply

During the review of the Second Plant Feasibility Study, the Town Council has stated that the second water plant will not be allowed to support additional density in the Upper Blue planning area. The study determined that adding a second water plant will support the existing density in the Upper Blue. The calculations and estimates used to size the plant and secure the water rights were based on the Joint Upper Blue Master Plan (JUMPB).

It is recommended that service for development or residences is allowed only if those developments are consistent with the JUBMP. This will provide water for existing density and will not allow new density unless it is allowed in the JUBMP. This policy will be consistent with the Councils direction.

The Cost of Using the Town Water System

Those areas outside the Town service area currently utilize wells for domestic water and will continue to have that option into the future. The cost to connect to the Town's water system will likely be the primary consideration by developers and home owners when deciding between connecting the Town's water system and drilling a well. Below are some costs that may help in determining what type of rates and fees would be appropriate for additional customers outside the water system.

Town Water System 2015 Rates and Fees.

	In Town	Out of Town	
Rents (\$/SFE/Billing cycle)	\$ 32.81	1.5 times in Town rate	\$ 49.22
Water Service Maintenance Fee (\$/SFE/Billing cycle)	\$ 4.00	Same as in Town	\$ 4.00
PIF (\$ per SFE)	\$ 6,366.00	2 times in Town rate	\$ 12,732.00

A typical house in the Upper Blue development basin is 1.3 SFEs. The table below shows the costs to use the Town's water system for a typical 1.3 SFE residence.

Billing cycle is every two months	In Town	Out of Town
Typical House Base Rent per billing cycle	\$ 42.65	\$ 63.98
Typical House WSMF per billing cycle	\$ 5.20	\$ 5.20
Total Base Cost for Typical House per billing cycle	\$ 47.85	\$ 71.78
Total Base Cost for Typical House per month	\$ 23.93	\$ 35.89
PIF (1.3SFE x \$6,366/SFE x 2) One time charge	\$16,552	
Cost to install service line to residence	\$5,000 to \$20,000	

By contrast, most development outside the Town's water system utilizes wells. Below is a table that estimates costs associated with installing and operating a well.

Well Installation and connect to residence	\$5,000 to \$40,000
Operational costs (electric and regular maintenance)	\$20/month
Typically replace well between 20 and 40 years	

If utilizing the Town's current rate structure, it will likely be less expensive for development to use a well for domestic water. One advantage to being connected to a water utility is that someone else (the utility) makes sure that clean water is provided. Well users are subject equipment failures and water quality problems which can become expensive to correct. Some developers and residence will feel that the costs to be connected to the Town's system are worth the peace of mind. It is difficult to determine the cost threshold that will make connecting to the Town's system attractive.

Additional cost considerations involve the cost to extend the water mains into the area to be served. The Town Council has been very clear that those areas wanting service will have to pay to extend the water mains into their area so that the existing customers are not paying for the new customers. The Town already has some water mains adjacent to areas outside the current service areas and service to those residences will not be substantially more than the costs shown in the above tables. Other areas that may want service will need to extend water mains and the cost

may impact their decision to connect. For example, the cost to construct an 8 inch water main is approximately \$150 per foot. Extending a water line 1,000 feet would cost \$150,000. Financing strategies will need to be developed in the future once a basic set of criteria are established.

The water system has customers outside the Town limits that have paid 2 times the in Town PIF and lowering this PIF rate for new customers would create some equity issues with those existing customers.

Fire Protection

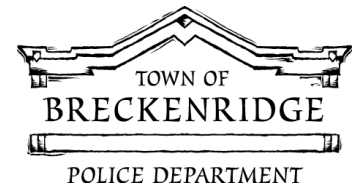
The Town has received requests to extend water mains and hydrants for the purpose of fire protection only. This concept provides an advantage by improving fire fighting capabilities further into the urban/wildfire interface which may allow the fire to be suppressed at the edge of Town and reduce the damage done by the fire. It is expected that the insurance rates will decrease when this type of service is extended into outlying neighborhoods which may provide an incentive for extending the infrastructure. This type of service would also provide the opportunity for domestic water service to those adjacent to any water main extended for this purpose. Criteria for this type of service can be developed so that payment for those receiving the benefit is equitable and based on the ability to provide water in case of a fire. This type of service should be considered.

Conclusion

The discussion around allowing existing density outside the service area to connect to the Town's water system has always been represented as desirable. The fee structure set by the Town can discourage residences and development from extending lines and connecting the system.

The basic concepts for inclusion criteria are as follows:

1. Allow customers outside the service area to become part of the service area.
2. New customers will have to pay for any infrastructure improvements including sewer mains, water tanks and pumps.
3. Allow extensions into areas for hydrant only service by developing a PIF and rental rate based on ability of water system to provide water in case of a fire.
4. Develop a rate structure for new customers that do not discourage connecting to the system.
5. Develop financing mechanisms in the future.



MEMORANDUM

To: Mayor and Town Council
From: Shannon Haynes, Chief of Police
Date: September 1, 2015
Subject: Comprehensive Parking & Transit Plan Update

While staff works on the continued development of our comprehensive Parking & Transit plan, our community Taskforce is working on a review of current processes in order to develop additional strategies. Most recently the taskforce met to discuss enhancements to our transit system, the continued implementation of parking changes, and the need to continue our momentum as it relates to the overall plan including a parking structure and transit needs.

With specific regard to transit, the taskforce considered potential new routes and enhancements to existing routes. The following were recommended as higher priority options that would have a positive impact on ridership:

- Add additional buses to two routes currently at capacity (Yellow and Brown)
- Add service to the eastside of the Wellington Neighborhood (extension up French Gulch)
- Add a Trolley circulator within the core
- Add late night service
- Increase service frequency to 15-20 minutes

In considering the overall convenience and aesthetics associated with Freeride service, the group suggests improving the look of bus shelters so those shelters and bus stops can be used as a beacon for transit riders. The taskforce embraced the concept of utilizing the BCA to make the shelters and stops into “art” and the utilization of signage as a method for branding our bus service.

As public/private partnerships will be essential in the overall success (and potential cost savings) of the comprehensive parking and transit plan, the taskforce feels strongly that we should begin identifying potential partnerships to provide transportation services to lower demand areas not reasonably served by the Freeride, as well as possible late night service. Potential partnerships might include both private/private arrangements between neighborhoods and shuttle vendors and public/private agreements between the Town and private vendors with a dispatcher coordinating the distribution of resources.

Incorporating the development of an easy to use, instinctive, real-time way-finding system is vital to increasing the ridership and the overall success of our transit system. The taskforce agrees there is a need for technology to enhance the customer experience with potential applications, including “Next Bus”. Technology options will need to be reviewed and implemented as the overall plan is solidified.

The taskforce will meet on Tuesday, September 15th to review the Freeride Mission, discuss potential implementation costs for enhanced transit, and review of public/private partnership opportunities. It is our goal to have some preliminary cost estimates available for the budget retreat for Council consideration in the 2016 budget.

I will be available at the work session on Tuesday, September 8th to answer any questions.



Agenda

Town Council Joint Meeting

September 8, 2015

- I. Current Projects Update**
 - a. Breckenridge Sawmill Museum
 - b. Outdoor Artifact Display
 - c. High Line Railroad Park

- II. 2016 Proposed Capital Projects**
 - a. Reiling Dredge
 - b. French Gulch Historic Park
 - c. Sawmill Museum
 - d. Milne Park
 - e. X10U8 structure stabilization
 - f. Archive digitization
 - g. Other projects

- III. Breckenridge Welcome Center Museum**