I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES
   A. TOWN COUNCIL MINUTES - APRIL 9, 2019

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL
   A. CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

V. CONTINUED BUSINESS
   A. SECOND READING OF COUNCIL BILLS, SERIES 2019 - PUBLIC HEARINGS
      1. COUNCIL BILL NO. 8, SERIES 2019 - AN ORDINANCE CONCERNING THE OPERATION OF ELECTRICAL ASSISTED BICYCLES ON TOWN-OWNED RECREATIONAL PATHWAYS

VI. NEW BUSINESS
   A. FIRST READING OF COUNCIL BILLS, SERIES 2019
      1. COUNCIL BILL NO. 9, SERIES 2019 - AN ORDINANCE AUTHORIZING THE EXCHANGE OF TOWN-OWNED REAL PROPERTY (Summit School District Land Exchange)
   B. RESOLUTIONS, SERIES 2019
      1. RESOLUTION NO. 12, SERIES 2019 - A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS REGARDING THE PROPOSED ANNEXATION TO THE TOWN OF BRECKENRIDGE OF A PARCEL OF LAND (Kenington Townhomes – 2.80 acres, more or less)
   C. OTHER

VII. PLANNING MATTERS
    A. PLANNING COMMISSION DECISIONS

VIII. REPORT OF TOWN MANAGER AND STAFF

IX. REPORT OF MAYOR AND COUNCIL MEMBERS
    A. CAST/MMC (MAYOR MAMULA)
B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BERGERON)
C. BRECKENRIDGE TOURISM OFFICE (MS. WOLFE)
D. BRECKENRIDGE HERITAGE ALLIANCE (MS. OWENS)
E. BRECKENRIDGE CREATIVE ARTS (MR. GALLAGHER)
F. BRECKENRIDGE EVENTS COMMITTEE (MS. GIGLIELLO)
E. WATER TASK FORCE (MR. GALLAGHER)

X. OTHER MATTERS

XI. SCHEDULED MEETINGS
   A. SCHEDULED MEETINGS FOR APRIL, MAY & JUNE

XII. ADJOURNMENT
I) CALL TO ORDER, ROLL CALL
Mayor Mamula called the meeting of April 9, 2019 to order at 7:02pm. The following members answered roll call: Ms. Owens, Mr. Bergeron, Mr. Gallagher, Mr. Carleton, Ms. Wolfe, Ms. Gigliello and Mayor Mamula.

II) APPROVAL OF MINUTES
A) TOWN COUNCIL MINUTES - MARCH 26, 2019
With no changes or corrections to the meeting minutes of March 26, 2019, Mayor Mamula declared they would stand approved as submitted.

III) APPROVAL OF AGENDA
Mr. Holman stated there were no changes to the agenda. Mayor Mamula declared the agenda approved as presented.

IV) COMMUNICATIONS TO COUNCIL
A) CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)
Mayor Mamula opened Citizen's Comment.
Ms. Meghan Greene, a Breckenridge resident, stated she would like the Recreation Center to consider keeping longer hours going into the summer season. Mayor Mamula directed her to Mr. Scott Reid, the Recreation Director, to discuss the current and upcoming hours of the Recreation Center.
There were no additional comments and Citizen's Comment was closed.

B) BRECKENRIDGE TOURISM OFFICE UPDATE
Ms. Lucy Kay, director of the BTO, stated they have been looking at statistics about visitors and there seem to be many more people visiting Town now than in prior years, however, in yearly demographics, Colorado day visitors actually went down 2%, time share visitation went up, and VRBO rentals stayed the same compared to last year. She further stated the Net Promoter Score down a little from last year at 83%. Ms. Kay stated tomorrow is a retail forum, and they will try to look into the performance of separate retail sectors. She stated InterVISTAS consulting group is writing the draft master plan which should be ready for the board meeting, and then it will be presented at the Town Council meeting on May 14th, with the goal to have a final version by Memorial Day. My Kay stated the BTO website received an honorable mention for the Webby awards, and was the only DMO to be recognized out of all top websites. She also stated Breck Pride went well this year as they hired a producer for the event.

C) EVERYDAY LEADER AWARD
Ms. Shannon Haynes and Ms. Helen Cospolich presented the Everyday Leader Award to a group of employees who established a comprehensive Automatic External Defibrillator (AED) program for the Town. These employees included Kay Atteberry, Tiffany Perez, Howard White, Carmen Brashier, Steve Worrall and Lisa Sockett.

V) CONTINUED BUSINESS
A) SECOND READING OF COUNCIL BILLS, SERIES 2019 - PUBLIC HEARINGS

VI) NEW BUSINESS
A) FIRST READING OF COUNCIL BILLS, SERIES 2019
1) COUNCIL BILL NO. 8, SERIES 2019 - AN ORDINANCE CONCERNING THE OPERATION OF ELECTRICAL ASSISTED BICYCLES ON TOWN-OWNED RECREATIONAL PATHS
Mayor Mamula read the title into the minutes. Mr. Reid stated this ordinance would match Summit County's effort to regulate Class 1 electric bikes on the recreation path.

Mayor Mamula opened the public hearing. There were no comments and the public hearing was closed.
Mr. Bergeron moved to approve COUNCIL BILL NO. 8, SERIES 2019 - AN ORDINANCE CONCERNING THE OPERATION OF ELECTRICAL ASSISTED BICYCLES ON TOWN-OWNED RECREATIONAL PATHS. Ms. Wolfe seconded the motion.

The motion passed 7-0.

B) RESOLUTIONS, SERIES 2019

1) RESOLUTION NO. 9, SERIES 2019 - A RESOLUTION ADOPTING THE SUMMIT COMMUNITY CLIMATE ACTION PLAN FOR THE TOWN OF BRECKENRIDGE

Mayor Mamula read the title into the minutes. Mr. Mark Truckey stated this resolution would adopt a community climate action plan and is a collaborative effort between all of the municipalities and the County. He further stated we are using the year 2005 as a baseline for a 50% reduction in carbon emissions.

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

Mr. Bergeron stated he would like to recognize all of the members of the climate action group for their work on this plan as well.

Mr. Bergeron moved to approve RESOLUTION NO. 9, SERIES 2019 - A RESOLUTION ADOPTING THE SUMMIT COMMUNITY CLIMATE ACTION PLAN FOR THE TOWN OF BRECKENRIDGE. Mr. Carleton seconded the motion.

The motion passed 7-0.

2) RESOLUTION NO. 10, SERIES 2019 - A RESOLUTION ADOPTING THE TOWN OF BRECKENRIDGE COMPREHENSIVE PLAN AND LAND USE GUIDELINES AS THE TOWN'S ANNEXATION PLAN PURSUANT TO SECTION 31-12-105(1)(e), C.R.S.

Mayor Mamula read the title into the minutes. Mr. Truckey stated this resolution would approve the Town's 3-Mile Plan and land use guidelines as necessary for the upcoming Kenington Townhomes Annexation.

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

Mr. Bergeron moved to approve RESOLUTION NO. 10, SERIES 2019 - A RESOLUTION ADOPTING THE TOWN OF BRECKENRIDGE COMPREHENSIVE PLAN AND LAND USE GUIDELINES AS THE TOWN'S ANNEXATION PLAN PURSUANT TO SECTION 31-12-105(1)(e), C.R.S. Ms. Gigliello seconded the motion.

The motion passed 7-0.

3) RESOLUTION NO. 11, SERIES 2019 - A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE COMPLETION OF RIVER PARK

Mayor Mamula read the title into the minutes. Mr. Reid stated this resolution will allow us to accept a $350,000 grant from GOCO for River Park. He further stated phase two of the park will include some new features. Mr. Reid also clarified the area of irrigated grass is intended for specific users such as kids and picnickers and those who live in the adjacent houses.

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

Mr. Bergeron moved to approve RESOLUTION NO. 11, SERIES 2019 - A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD
OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE COMPLETION OF RIVER PARK. Mr. Gallagher seconded the motion.

The motion passed 7-0.

C) OTHER

VII) PLANNING MATTERS
A) PLANNING COMMISSION DECISIONS
Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF
Mr. Holman stated he had no report.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS
A. Cast/MMC
Mayor Mamula stated the local Nicotine Tax is something he hopes the Town will be supportive of, and we will be forming a local committee to further explore this issue, which will encompass comprehensive licensing, age restrictions and local taxation. He further stated a local tax will forfeit the state tax, but it will offset it over time. Council was supportive of this initiative.

B. Breckenridge Open Space Advisory Committee
There was no update.

C. Breckenridge Tourism Office
There was no update.

D. Breckenridge Heritage Alliance
There was no update.

E. Water Task Force
Mr. Gallagher stated the Town will be hosting an Open House at the Recreation Center for Silver Shekel residents who will be impacted by the new water plant lines.

F. Breckenridge Creative Arts
Mr. Gallagher stated there was no additional update from what was provided in the work session.

G. Breckenridge Events Committee
Mr. Bergeron stated the Hazel Miller concert will be rescheduled for possibly next December, the Breckenridge Spring Finale will take place every weekend in May at the ski resort, and there will be 3 fewer events this summer/fall with no Dew Tour, Spartan or Colorado Classic.

X) OTHER MATTERS
Mr. Carleton stated he wanted to recognize the police and fire first responders for their assistance during the recent house explosion in Breckenridge. Mr. Bergeron stated he also had a friend who required this same response for a gas leak and thanked the first responders for that as well.

Mayor Mamula stated Coffee Talk will take place on Friday and will include skiing with Mr. John Buhler, COO of Breckenridge Ski Resort. He also stated he had lunch with the Mayor of Whistler and a Council Member from that municipality and concluded that we all have the same problems with housing and childcare, and proximity to larger population areas for day visitor accessibility.

XI) SCHEDULED MEETINGS
A) SCHEDULED MEETINGS FOR APRIL AND MAY

XII) ADJOURNMENT
With no further business to discuss, the meeting adjourned at 7:41pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:
Memo

To: Breckenridge Town Council Members
From: Town Attorney
Date: 4/16/2019
Subject: Council Bill No. 8 (Amending Town Code Concerning E-bike Use on the Town Recreational Pathways)

The second reading of the ordinance amending the Town Code concerning the use of electrical assisted bikes (EABs) on the Town’s recreational pathways is scheduled for your meeting on April 23rd. Per Council direction from the first reading, local bike shops have been notified of the second reading.

The following changes are proposed to the version of the ordinance that was approved on first reading:

1. The language of the ordinance has been revised to provide that class 1 EABs are allowed only on the Town’s paved recreational pathways. Class 2 and class 3 EABs are still prohibited on the Town’s paved recreational pathways. Additionally, all EABs are still prohibited from being operated on the Town’s unpaved recreational pathways.
2. For consistency, the terminology "recreational paths" has been changed to "recreational pathways" throughout the ordinance.

I will be happy to discuss this matter with you on Tuesday.
FOR WORKSESSION/SECOND READING – APRIL 23

Additions To The Ordinance As Approved on First Reading Are
Indicated By **Bold + Double Underline**; Deletions By Strikeout

COUNCIL BILL NO. 8

Series 2019

AN ORDINANCE CONCERNING THE OPERATION OF ELECTRICAL ASSISTED
BICYCLES ON TOWN-OWNED RECREATIONAL PATHWAYS

WHEREAS, the Town Council finds and determines that it should allow the operation of
class 1 electrical assisted bicycles on all Town-owned **paved** recreational pathways, while
maintaining the current prohibition against the operation of class 2 and class 3 electrical assisted
bicycles on all **other** Town-owned recreational pathways.

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

Section 1. Section 11-2-4 of the Breckenridge Town Code is amended to read as follows:

11-2-4: MOTORIZED VEHICLES PROHIBITED:

It shall be unlawful for any person to operate a motorized vehicle anywhere
within a town park, except within those areas designated as parking areas. This
section shall not apply to: (i) a motorized wheelchair or other similar device
operated by or for a disabled person, or to (ii) an authorized maintenance or
emergency vehicle, or (iii) the operation of a class 1 electrical assisted bicycle on
the Town’s **paved** recreational pathways.

Section 2. Subsection (15) of that portion of the Section 7-1-2 of the Breckenridge Town
Code pertaining to Section 1412 of the Town’s Traffic Code is amended to read as follows:

(15) A person shall not **operate an** a class 2 or class 3 electrical assisted bicycle
on any town-owned recreational pathway within the corporate limits of the town;
**provided, however, that it** is not unlawful for a person to operate a class 1
electrical assisted bicycle on any town-owned **paved** recreational pathway within
the corporate limits of the town.

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

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

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

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this _____ day of _____, 2019. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of _____, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By:______________________________
Eric S. Mamula, Mayor

ATTEST:

_________________________
Helen Cospolich, CMC,
Town Clerk
Memo

To: Breckenridge Town Council Members
From: Nichole Rex
Date: 4/17/2019 (for April 23rd meeting)
Subject: AN ORDINANCE AUTHORIZING THE EXCHANGE OF TOWN-OWNED REAL PROPERTY (Summit School District Land Exchange)

The Town and the Summit School District are developing an agreement for a land exchange where the Town would transfer ownership of two Blue 52 Townhomes and a 10 acre parcel on the McCain Subdivision in exchange for a 8.7 acre vacant Summit School District parcel on Block 11 (See Exhibit A). This Ordinance is the first reading of the Ordinance to Authorize the Exchange of Town-Owned Real Property to Summit School District RE-1.

Staff looks forward to discussing this with you and answering your questions during the April 23rd worksession.
AN ORDINANCE AUTHORIZING THE EXCHANGE OF TOWN-OWNED REAL PROPERTY (Summit School District Land Exchange)

WHEREAS, the Town of Breckenridge is the owner of the following described real property:

Parcel “A”

Tract B, McCain Subdivision, according to the plat recorded ___________, 2019 under Reception No. ___________ of the records of the Clerk and Recorder of Summit County, Colorado; containing 10.1262 acres more or less

Parcel “B”

Units 12 and 13, Blue 52 Townhomes, according to the Map thereof recorded December 13, 2017 at Reception No. 1159017 in the records of the Clerk and Recorder of the County of Summit, Colorado and as defined and described in the Declaration Of Covenants, Conditions, And Restrictions Of The Blue 52 Townhomes, dated December 12, 2017 and recorded December 13, 2017 under Reception No. 1159019 of the records of the Clerk and Recorder of Summit County, Colorado, together with any “Common Elements” of the Blue 52 Townhomes, in each case that are appurtenant to such Units, but subject to: (i) the “Residential Housing Restriction and Notice of Lien For Blue 52 Townhomes” recorded December 13, 2017 at Reception No. 1159018 of the records of the Clerk and Recorder of Summit County, Colorado, and (ii) the rules and regulations of the Blue 52 Townhomes Association, a Colorado nonprofit corporation.

(collectively, “Property”)

; and

WHEREAS, the Town desires to convey the Property to Summit School District RE-1 as part of a land exchange to be negotiated by the Town Manager; and

WHEREAS, Section 15.3 of the Breckenridge Town Charter provides that the Town Council may lawfully authorize the exchange of Town-owned real property by ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:
Section 1. The Town Manager is authorized, empowered, and directed to convey the Property to Summit School District RE-1 as part of a land exchange to be negotiated with the District.

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

Section 4. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2019. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of ___, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: ______________________________
   Eric S. Mamula, Mayor

ATTEST:

_________________________
   Helen Cospolich, CMC,
   Town Clerk
Memo

To: Breckenridge Town Council Members
From: Nichole Rex
Date: 4/17/2019 (for April 23rd meeting)
Subject: Public Hearing and Fact Finding Resolution – Kenington Townhomes

Kenington Townhomes is a 36 unit townhome project located east-adjacent to Huron Landing in unincorporated Summit County. These townhomes have received Town water since they were developed in 1995 and they are deed restricted for long-term occupancy only. The deed restriction was a condition of the out of Town "Water Service Agreement" that was signed by the project developer and the Town on February 22, 1995. The Water Service Agreement was recorded in the real estate records of the Summit County Clerk and Recorder on April 19, 1995 under Reception No. 513376. Pursuant to Section 22 of the Water Service Agreement the owners of the Kenington Townhomes are required to join in a valid annexation petition when directed to do so by the Town.

When the Huron Landing property was annexed into the Town of Breckenridge in 2015, Kenington Townhomes became eligible for annexation because of the contiguity to the Town boundary (Exhibit A). In summer of 2018, the Town requested that Kenington Townhome Owners join in a valid annexation petition. The Town Clerk received their petition seeking annexation of the Kenington Townhomes to the Town, and on February 26th, the Town Council approved a Sufficiency Resolution for the annexation of Kenington Townhomes. That Resolution confirmed that the Petition was complete, and the next steps in the annexation process could proceed.

During today’s meeting, there will be a Public Hearing for the annexation of Kenington Townhomes and a Fact Finding Resolution. This resolution makes specific “findings” that the Kenington Townhomes property meets all of the statutory and constitutional requirements, and the property is therefore eligible for annexation to the Town. The first reading of the Annexation Ordinance (which will be the next step) will occur at a later date. Attached is a memo from the Town Attorney and proposed form of the Fact Finding Resolution.

Staff looks forward to discussing this with you and answering your questions during the April 23rd worksession.
Memo

To: Breckenridge Town Council Members
From: Town Attorney
Date: 4/17/2019 (for April 23rd meeting)
Subject: Kenington Townhomes Annexation

The public hearing on the proposed Kenington Townhomes annexation is scheduled for next Tuesday. Following the conclusion of the public hearing, state law requires the Council to adopt what is commonly referred to as the “Fact Finding Resolution.” This resolution makes specific “findings” that the Kenington Townhomes property meets all of the statutory and constitutional requirements, and is therefore eligible for annexation to the Town.

You should note, however, that by adopting the Fact Finding Resolution and establishing the property’s eligibility for annexation to the Town, the Council is not agreeing to annex the property. The Council will retain its discretion with respect to that question until the time of the adoption of the actual Annexation Ordinance.

A copy of a proposed Fact Finding Resolution for the Kenington Townhomes property is enclosed. Staff has reviewed the Fact Finding Resolution and believes that each of the findings set forth in the resolution is correct.

I will be happy to discuss these matters with you next Tuesday.
FOR WORKSESSION/ADOPTION – APRIL 23

RESOLUTION NO. _____  
SERIES 2019

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS REGARDING THE PROPOSED ANNEXATION TO THE TOWN OF BRECKENRIDGE OF A PARCEL OF LAND 
(Kenington Townhomes – 2.80 acres, more or less)

WHEREAS, the Town Council of the Town of Breckenridge has previously found a petition for the annexation of the hereinafter described parcel of land to be in substantial compliance with the requirements of Section 31-12-107(1), C.R.S.; and

WHEREAS, the Town Clerk has given notice of a public hearing on the proposed annexation by publication of such notice once a week for four consecutive weeks and by mailing notice of such hearing by registered mail to the Board of County Commissioners of Summit County, the County Attorney, the school district, and to any special district having territory in the area proposed to be annexed as required by Section 31-12-108(2), C.R.S.; and

WHEREAS, the Town Council held a public hearing on April 23, 2019 to determine if the proposed annexation complies with Sections 31-12-104 and 105, C.R.S., and is, therefore, eligible for annexation to the Town.

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

Section 1. With regard to the proposed annexation to the Town of the following described real property, to wit:

Kenington Place Townhomes, including all buildings and units thereof, and all common areas, according to the plats thereof recorded in the real property records of the Clerk and Recorder of Summit County, Colorado.

The parcel is more particularly described as follows:

A tract of land being all of Kenington Place Townhomes (previously Lot 67, Huron Heights), located in Summit County Colorado, and being more particularly described as follows:

Beginning at the Southeast corner of said Kenington Place Townhomes (Lot 67, Huron Heights); thence along the following 5 courses:

1.) N54°12'03"W a distance of 579.76 feet;
2.) N10°00'29"W a distance of 147.77 feet;
3.) N57°15'00"E a distance of 150.00 feet;  
4.) S44°09'25"E a distance of 640.54 feet;  
5.) S35°44'24"W a distance of 130.91 feet;  
To the Point of Beginning, containing 2.80 acres, more or less

the Town Council of the Town of Breckenridge ("Town") hereby finds, determines, and concludes as follows:

A. The finding made by the Town Council in Resolution No. 6, Series 2019 that the Petition For Annexation filed in this matter is in substantial compliance with the requirements of Section 31-12-107(1), C.R.S., is reaffirmed and incorporated into this resolution by reference.

B. In connection with this annexation proceeding Section 30(1) of Article 2 of the Colorado Constitution has been complied with because the Town has received a petition for annexation signed by persons comprising more than fifty percent of the landowners in the area proposed for annexation and owning more than fifty percent of the area proposed for annexation, excluding public streets, and alleys and any land owned by the Town.

C. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town and, therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the Town.

D. No portion of the required contiguity for this annexation was achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Therefore, the requirements of Section 31-12-105(1)(e)(II), (e.1), and (e.3) do not apply to this annexation.

E. The contiguity required for this annexation was not established by use of any boundary of an area which was previously annexed to the Town but which, at the time of its annexation, was not contiguous at any point with the boundary of the Town; was not otherwise in compliance with the requirements of Section 31-12-104(1)(a), C.R.S.; and was located more than three miles from the nearest boundary of the Town; nor was such contiguity established by use of any boundary of territory which has been subsequently annexed directly to, or which was indirectly connected through subsequent annexations to, such area.

F. The territory proposed to be annexed is urban or will be urbanized in the near future.

G. The territory proposed to be annexed is integrated with, or is capable of being integrated with, the Town of Breckenridge, Colorado.
H. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels or real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.

I. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels or real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of Two Hundred Thousand Dollars [$200,000] for ad valorem tax purposes for the year preceding the annexation) has been included without the written consent of the landowners unless such tract of land is situated entirely within the outer boundaries of the Town as they exists at the time of annexation.

J. No annexation proceedings concerning the territory proposed to be annexed have been commenced by another municipality.

K. The proposed annexation will not result in the detachment of area from a school district.

L. The proposed annexation will not result in the extension of the boundaries of the Town more than three miles.

M. The Town has in place a plan for the area proposed to be annexed.

N. In establishing the boundaries of the area proposed to be annexed the entire width of any street or alley is included within the area to be annexed.

O. Nothing in either Section 31-12-104 or Section 31-12-105, C.R.S., prevents the annexation of the subject property to the Town.

P. The area proposed to be annexed meets all applicable requirements under Colorado law, and is eligible for annexation to the Town.

Section 2. An election is not required in connection with the proposed annexation.

Section 3. No additional terms or conditions are to be imposed upon the area proposed to be annexed.

Section 4. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED THIS _____ DAY OF __________________, 2019.
TOWN OF BRECKENRIDGE

By: ____________________________________
   Eric S, Mamula, Mayor

ATTEST:

______________________________
Helen Cospolich, CMC,  
Town Clerk

APPROVED IN FORM

______________________________
Town Attorney          date
Memo

To: Breckenridge Town Council Members
From: Peter Grosshuesch, Director of Community Development
Date: April 11, 2019
Subject: Planning Commission Decisions of the April 10, 2019 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, April 10, 2019:

CLASS A APPLICATIONS:

CLASS B APPLICATIONS: Preliminary Hearing Only.

CLASS C APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.
Adams/Tillet House (King Residence)
Relocation, Addition, Garage, Accessory
Apartment and Landmarking; 300 N. French Street
PLANNING COMMISSION MEETING

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

ROLL CALL
Christie Mathews-Leidal       Jim Lamb       Ron Schuman
Mike Giller                   Steve Gerard
Dan Schroder                  Lowell Moore - absent

APPROVAL OF MINUTES
With the below changes, the April 2, 2019 Planning Commission Minutes were approved.

Ms. Leidal: For the record can we note there are additional findings and conditions that were handed out for the Levy hearing, and that is what we approved.

APPROVAL OF AGENDA
With no changes, the April 10, 2019 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:
- No comments.

PRELIMINARY HEARINGS:
1. Adams/Tillet House (King Residence) Relocation, Addition, Restoration, Garage, Accessory Apartment, and Landmarking (CL), 300 N. French Street, PL-2019-0034
Mr. LaChance presented a proposal to relocate the historic house approximately 5 feet toward the interior of the lot, construct an approximately 100 sq. ft. addition, install a basement and concrete foundation, conduct a full restoration of the house, designate the historic house as a local landmark, relocate the historic secondary structure (cabin) further toward the interior of the lot and conduct a full restoration on it, construct a detached two car garage and accessory apartment with new driveway, expand the existing driveway, and install a new fence and landscaping. Mr. LaChance pointed out that the 2006 cultural resource survey mentions that the date of construction of the shed-roofed extensions to the main gable has not been determined. Based on review of Sanborn maps, staff believes the shed-roofed extensions to the south side of the residence are original, but that the garage is not original and was constructed after 1914. Mr. LaChance also pointed out that staff is reviewing this application under the previous version of the Development Code, it was submitted prior to the February changes.

The following specific questions were asked of the Commission:

1. Does the Commission agree that the existing driveway should be removed, so that this project complies with Policy 18 (Absolute) Parking and the Off Street Parking Regulations?
2. Regarding Priority Design Standard 95 and Design Standard 149, does the Commission agree that the number of windows on the upper level of both the west and south elevation of the accessory apartment should be reduced, or that they should be spaced further apart, and that the windows on the garage/accessory apartment should be revised to be vertically oriented and double hung?
3. Regarding Design Standard 136, does the Commission support the proposal for the existing garage to remain?
4. Does the Commission support the designation of the historic structure as a Local Landmark?
5. Does the Commission agree with the remainder of staff’s analysis, and the preliminary point analysis?
Commissioner Questions / Comments:

Ms. Leidal: For clarification, I know there’s 4 historic lots here, but are we taking density and mass calculations based off of 3 lots? (Mr. LaChance: Yes, lot 9 is not being touched other than a fence; we are using lots 10, 11, 12.) Ms. Leidal: Would it be better then to not have any improvements on Lot 9? It’s weird to have off-site improvements. (Mr. LaChance: The fence is the only thing being proposed on lot 9, and we don’t have to do calculations for that type of development, so that’s why the calculations are done this way.) Is the cabin square footage included in the mass calculations? (Mr. LaChance: We did not calculate it and it is 186 sq. ft.) Ms. Leidal: Do we have precedent where we have excluded a structure with walls and a roof because it didn’t have windows and doors? (Mr. LaChance: I will look into it.) I appreciate you opening it up and taking a look at the siding. I noticed on the plans it calls out Dutch lap siding on the east elevation. Is that on the structure? I’ve never seen Dutch in town before and wonder if that’s historic. (Mr. LaChance: Maybe Janet can clarify.) I like that we’re bringing access to the back, but I’m questioning the right to use the Sherman Street driveway. That driveway is actually in TOB right of way. The way that policy could be interpreted, when those points were awarded they were for shared drives on private property, not in a public right of way. Public alleys come to mind. Should people using alleys be getting positive points? Concerned about setting a precedent. (Mr. LaChance: I think this is a unique situation. In the 80s or 90s the gardens were built. I couldn’t find an Encroachment License Agreement for those. The Town was clear it was ROW, but not to be treated as a Town street. It’s unique because it’s private, in ROW, but not Town maintained. (Ms. Puester: We will look into that, there have been others.)

Mr. Schroder: About parking, the current curb cut, will it remain? It sounds like the applicant is interested in keeping it even if the Town Engineer isn’t supportive of it. (Mr. LaChance: It’s for the one car garage that’s been there a long time. The applicant wants to access it.) Ms. Leidal: Would it require a variance or would we even allow it? Can we override the Town Engineer? (Mr. LaChance: We want to find out how the Commission feels about it, and take that into consideration.)

Mr. Gerard: Do we know if the window to the right of the front door was historic? (Mr. LaChance: We don’t know for sure, we haven’t stated that we are requiring it to be re-introduced. The Sanborn maps say it had a wooden overhang, so it is likely it wasn’t originally enclosed and perhaps the window isn’t historic.)

Mr. Giller: Can you speak to the historic vs. non-historic. The pictures make it look substantially historic. It appears based on the Sanborn map that it is in tact and historic. We know some was added later, but probably before 1942, unless you have evidence otherwise. (Mr. LaChance: I agree, we don’t know the date of the garage but it could have been prior to 1942.) Would you speak to the moving of the structure and the changing of the relationship between the house and the cabin. (Mr. LaChance: The reason why they’re proposing to move them is over concern of potential future expansion of French Street which would be closer to the house. The structures are proposed to be moved the same amount, so the relationship would remain the same.) Mr. Giller: It appears different on the plans, and the relationship appears to change which is important to the integrity. (Mr. LaChance: Staff thinks the moves are in relation to the overall site, and the secondary structure is maintaining the relationship being behind the building, and wouldn’t be more exposed. It is proposed to remain relatively the same.) Mr. Giller: Knowing that now, do you think negative one point is reasonable? (Mr. LaChance: Yes, I think the context and relationship has remained the same.)

Ms. Leidal: Looking at the 1914 Sanborn map, there’s a third structure shown. Is that gone? (Mr. LaChance: I think it is the other building, just in a different location. We couldn’t find any additional photos than what’s in the staff report.)
Ms. Puester: I just want to point out that it’s very cut and dry on the points for moving structures.

Janet Sutterley, Architect, Presented:
When the applicants first came to me, they really wanted to restore the interior and take advantage of the density in the basement. Initially they wanted to move the house back as far as possible on the lot. That’s because they are concerned that there will be future parallel parking along their side of the street. Thinking the town would want to continue the pattern of parking like on the rest of French Street. There are no immediate plans for that now, but when we did the Brown hotel and stable, there were plans to increase the French Street parking. There is definitely a chance that could happen and it is a valid concern on the owner’s part. Thus their request to move the house back on the property. If we did that, we would want to move the cabin further from the house.

We have a lot of photos, and looking at the oldest (Mr. LaChance pulled up oldest available photo). The cultural resource survey history talks about loss of integrity, and I feel strongly that the Cultural Resource Survey is incorrect. It’s very clear on the Sanborn maps that the two story shed roof has been there. It’s part of the original structure. The house is in good shape and hasn’t had things done to it. The garage isn’t original, but probably within the period of significance. Right now, the owners use it as a garage. It’s very functional. In this LUD, we have other examples of garages even closer to the street. I don’t think this is anything out of the ordinary and we don’t want to remove it.

I did want to speak for a moment about the moving of historic structures. I know it’s a hot button right now, and everyone is very concerned about future downgrades. I want to point out that on the ten projects that were downgraded, there was only one downgraded because of a move and that was the Judge Silverthorn house, which was moved 20 feet. There were two others moved under 5 feet that were not downgraded. I’m bringing this up because I know we are concerned about the future.

The driveway. We started out by having a driveway that came along the north of the property. Parking in the rear means having a long driveway to get there. The existing curb cut is 30 feet wide. We are not adding a new curb cut with this proposal. It was staff and Engineering’s idea to combine with the Sherman Street right-of-way and we thought it was a good idea. The curb cut that’s 30 feet (on French St.), we would reduce to 12. Clearly we don’t want to have the third parking space in the rear. From a logistical standpoint to have to drive through and walk (pointed on the map). We need to keep access to the garage. I would say we’re agreeable to do paver strips to lessen the impact, but we need access to the garage.

I would like to discuss the windows on the addition. There’s a lot of projects around town that have banks of 3 windows. It’s so far from the front of the lot so I don’t think it’s noticeable, but I’ll show you some others I consider precedents (passed out sheets). I would like to maintain the bank in the back. The two other Chapin mentioned are small horizontal windows and we see a lot of those around town too. I think that historically we do have windows that size, and the porch has the same oriented windows.

We don’t have to take the fence across lot 9, we would be willing to change that. Ms. Leidal: Or do it later as a Class D.

(Ms. Sutterley passed out photos of the cabin.)

Mr. Giller: Do we think the cabin was this low historically? (Ms. Dyer: No, it’s sunk way down. When you walk in you can tell it’s down.) Mr. Giller: Historically if it was lower, we shouldn’t raise it. It should stay at the same relative height. It doesn’t look as tall on the elevations. (Ms. Sutterley: We should do a site visit.) (Ms. Puester: We will do a site visit prior to the next hearing.)
Glen Dyer, Applicant, Presented:
While talking about the cabin, I think the notion of it sinking is actually that the dirt has grown up around the cabin. It’s easy to tell there is a lot of dirt built up. House has been in family since the early 70s. We want to make the house livable. We’re not proposing to take a small lot and turn it into a massive compound like others on French Street. We feel this plan keeps a beautiful home the same but livable. We are into green space and want to keep it. We also want to restore 3rd existing structure (shed) on the property. We don’t want to over develop this lot. We are very far below what we could be asking for and we would like consideration from that perspective.

Ms. Leidal: Janet, is the Dutch lap siding historically accurate? (Ms. Sutterley: The Dutch lap is historic and we do have it here. It’s on the Eberlein house and 319 N. French. It’s also called covelap siding. It’s around town and it is historic.) Ms. Leidal noted that some of the siding shown on the plan doesn’t match the material description on the plans, and Ms. Sutterley confirmed it’s a mistake in the plans.

Ms. Leidal: We’re also closing in the shed on the rear, so we’re losing fabric there? Mr. Giller: would you consider in-filling it and leaving the door? (Mr. Dyer: That shed roof area is over 50 years old, but the oldest picture, that bump out is not there. I’m unclear on what the Commission views as historic, because it’s old. It’s not as old as the rest of the house.)

Mr. Giller: Agree, and that’s informative. It’s just a note. Did you do the 1981 restoration? (Ms. Dyer: My dad did.)

Mr. Giller opened the hearing for Public Comment.

Lee Edwards, 108 N. French: In the overall context, with the proposed plan, how would that play out with the contributing nature of the structure after it is approved and the work is done? (Mr. Giller: We’re hoping that we’re improving the integrity at this point.) So it is our hope and desire to keep the structure Contributing? (Mr. Giller: Yes.) Mr. Edwards: I think that will be good to bring up in future staff reports.

Mr. Schroder: Thanks, Chapin, for such a comprehensive report. There’s a lot of Design Standards to consider. I’m glad to hear the applicant is looking to restore it. It’s not currently passing the point analysis, and you are considering ways to make it work. I’m glad to hear you spoke to the main access to the garage for utilitarian needs and we will need to work through the Absolute Policy. We are bound by the code. I look forward to seeing the future work on that. I appreciate the comment about moving the structures in unison and support that. Windows are interesting that the oldest photographs show ones that are horizontal. Looking forward to more research on that and appropriateness of horizontal vs. vertical.

Mr. Lamb: I think the garage should remain, I think it was a good approach to getting access to the back of the lot. I’m fine with the windows, as long as they are spaced. I think there is some precedent for horizontal windows in the district. I think with landscaping it would pass the point analysis. Support Landmarking. Looking forward to seeing it again.

Mr. Schuman: The Absolute Policy regarding the driveway, I’m not sure how to solve it. We’ve got a good proposal but we need to figure it out, and hopefully staff will help us work through it. The windows I agree with Jim that right now they read close, but if separate they would be good. The existing garage, I think it relates to Policy 18 and I think it has a use and does need to stay in place. Right now I support the Landmarking and staff’s point analyses.

Mr. Gerard: I’d like to thank Mr. and Mrs. Dyer for taking this on, there aren’t many houses that have been in families that long. It think this is a great project but I am going to be critical. I’m not the newest to the commission, but I’ve voted no on all projects where buildings are moved and have positive points. I believe Policy 24 says you don’t move it unless it’s fully restored. And I think you have to do that any way. I don’t agree with the three positive
points for restoration. Moving it is your choice. I think for precedent you don’t get positive points for moving something. The cabin, I’m supportive of one point for moving it. You have to think about keeping the historic orientation. Parking, I don’t think we have a way around it and don’t have the right to grant a variance. If you keep the front curb cut and keep the garage, you’ve created two stand alone homes and more density of people using the property. I think it fails the Absolute policy. And Janet, maybe an underground connector. The historic window in front, it looks like there is one but full restoration of all windows is needed. Question 1, the driveway should be removed. 2, I am ok with the windows on the new building as long as they are spaced a little bit. There is precedence for horizontal windows. 3, I don’t support the garage to remain. 4, I do support Landmarking. Other than my objection to points getting positive points for restoration when moving the structure, I agree with the analysis.

Ms. Leidal:  We all appreciate the improvements, thank you for that. In terms of questions 1 and 3, the garage and driveway. It sounds like the garage could be in the period of significance and I think it’s up to the applicant to figure out how to comply with one curb cut. Not saying you have to remove it, if you choose to keep it, I would encourage landscape strips to reduce the hardscape. I don’t support positive points for the shared driveway because it’s actually in the Town right-of-way, not private property, and I’m concerned with setting a precedent. 2, I agree with staff’s window suggestions. 4, I support designation as a Local Landmark. 5, I agree with staff’s analysis regarding landscaping and installing windows and doors on cabin to meet 24R for moving the cabin. That includes windows and doors.

Mr. Schuman:  Steve, in 24R, would you recommend or advise changing the point analysis under Social Community? You are consistent with your moving comments, and I am just curious if you want to change the point analysis. (Mr. Gerard: No. I think if you are moving the house you have to fix it. It’s my interpretation.)

Mr. Giller:  Thank you for bringing this project. It’s great it has been in the family. It’s a good rehab. This is a preliminary, so we’re here to work together to improve it. 1, the driveway and garage, I think we all agree it’s historic. The rehab should be compatible and I urge you to look at the historic garage door and get closer to it. On the accessory apartment windows, there is precedent for horizontal windows on the main residence and it’s compatible. If windows are spaced 6 or 7 inches it’s acceptable. I would support Landmarking and happy to see the home saved. Design is great overall. Support staff’s analysis and points. I think Chapin did a great job and it was great to have such a thorough report from him and as-built plans from Janet.

COMBINED HEARINGS:
1. McCain Subdivision (JL), 12965, 13215, 13217, 13221, 13250 Colorado State Highway 9, PL-2019-0060
Mr. Lott presented a proposal to resubdivide the existing Town-owned McCain property into four parcels. Mr. Lott explained the land exchange with the Summit School District and creating that parcel, along with an access easement. It was pointed out that updated plans were received by staff this morning, and Mr. Lott had the updated plans shown on the monitors.

Commissioner Questions / Comments:
Mr. Gerard:  I’d like to see the bike trail easement shown on the plat because it is going to go over or adjacent to the school property. (Mr. Lott: Ok, we will show that on the plat.)

Mr. Giller opened the hearing for Public Comment.

Lee Edwards, 1802 Airport Rd:
I’m encouraged to see the color plans for the 2018 Master Plan Update.
Allen Robertson, 13203 Highway 9:
I’m with the bunkhouse lodge. We are the only residents that adjoin the property. We are excited about the project. I like the statement about the exchange with the school district. They could sell and we could have a Shock Hill right here. It was originally supposed to be an 80 percent open space project. The 30 percent was way under that. The traffic at the circle, there’s accidents every single night. We need a yield sign that blinks. This is my opportunity to say we are behind you guys, but the traffic and the environment are concerns. There is a little lake, with snow geese about to hatch goslings. We need to consider it and see the lake stay. It’s one of the last pits from the tailings and could be of historic value. We are behind this 100 percent but would like you take the same amount of diligence with this property as others. What we do today is what Breck will look like in 50 years. Thank you.

Ms. Leidal: I support staff analysis. Thank you for reviewing the revisions. I appreciate the public comment. Tonight we are just subdividing the property and we are not talking about the land use, but your comments will be in the record.

Mr. Schroder: I support the proposal and believe it’s in compliance.

Mr. Gerard: I think this is a housekeeping matter, and once we show the bike trail easement, we’ve done what we need to. I like the pond too. (Mr. Robertson: Why isn’t the snow pile somewhere else?) Mr. Gerard: The Town Council decided that.

Mr. Schuman: I agree, it’s in compliance.

Mr. Lamb: I agree this is a housekeeping motion and it’s in compliance and I support.

Mr. Giller: I agree and support.

Mr. Schuman made a motion to approve, seconded by Mr. Schroder. The motion passed 6-0.

OTHER MATTERS:
1. Class D Majors Q1 2019 (Memo Only)
2. Class C Subdivisions Q1 2019 (Memo Only)

Ms. Puester: We did have our first stakeholder meeting today. We will have a few more and hopefully get some good contributions.

ADJOURNMENT:
The meeting was adjourned at 7:18 pm.

______________________________
Mike Giller, Chair
## Scheduled Meetings

Shading indicates Council required attendance – others are optional

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.*

### April 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>Type</th>
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<tbody>
<tr>
<td>April 23, 2019</td>
<td>3:00pm / 7:00 pm</td>
<td>Town Hall Chambers</td>
<td>Second Meeting of the Month</td>
</tr>
<tr>
<td>April 24th, 2019</td>
<td>8:00am - 10:00am</td>
<td>Speakeasy Theater</td>
<td>BTO Summer Preview</td>
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<tr>
<td>April 24th, 2019</td>
<td>3:00pm - 7:00pm</td>
<td>CMC Parking Lot</td>
<td>Drive Electric Earth Day</td>
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### May 2019

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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>May 14, 2019</td>
<td>3:00pm / 7:00 pm</td>
<td>Town Hall Chambers</td>
<td>First Meeting of the Month</td>
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<tr>
<td>May 18th, 2019</td>
<td>8:00am - 2:00pm</td>
<td>Riverwalk Lawn</td>
<td>County Clean Up Day</td>
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<tr>
<td>May 27th, 2019</td>
<td>10:00am - 11:00am</td>
<td>Valley Brook Cemetery</td>
<td>Memorial Day Commemoration</td>
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### Other Meetings

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<tr>
<th>Date</th>
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<tr>
<td>April 22nd, 2019</td>
<td>Open Space &amp; Trails Meeting</td>
<td>5:30pm</td>
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<tr>
<td>April 23rd, 2019</td>
<td>Board of County Commissioners Meeting</td>
<td>9:00am / 1:30pm</td>
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<td></td>
<td>Troll Committee Meeting</td>
<td>10:00am</td>
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<tr>
<td>April 24th, 2019</td>
<td>Summit Stage Transit Board Meeting</td>
<td>8:15am</td>
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<td>Summit Combined Housing Authority</td>
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<tr>
<td>April 25th, 2019</td>
<td>Transit Advisory Council Meeting</td>
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<td>Breckenridge Tourism Office Board Meeting</td>
<td>8:30am</td>
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<td></td>
<td>Northwest CO Council of Governments</td>
<td>10:00am</td>
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<tr>
<td>May 1st, 2019</td>
<td>Police Advisory Committee</td>
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<td></td>
<td>Breckenridge Events Committee</td>
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<td>I-70 Coalition</td>
<td>10:00am</td>
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<td></td>
<td>Childcare Advisory Committee</td>
<td>3:00pm</td>
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<tr>
<td>May 7th, 2019</td>
<td>Board of County Commissioners Meeting</td>
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<td>Planning Commission Meeting</td>
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<tr>
<td>May 9th, 2019</td>
<td>Upper Blue Sanitation District</td>
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<tr>
<td>May 14th, 2019</td>
<td>Board of County Commissioners Meeting</td>
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<td></td>
<td>Workforce Housing Committee</td>
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<tr>
<td>May 20th, 2019</td>
<td>Open Space &amp; Trails Open House &amp; Meeting</td>
<td>5:30pm</td>
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<td>Breckenridge Creative Arts</td>
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<td>May 21st, 2019</td>
<td>Board of County Commissioners Meeting</td>
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<td>Liquor &amp; Marijuana Licensing Authority</td>
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<td></td>
<td>Planning Commission Meeting</td>
<td>5:30pm</td>
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<td>RW&amp;B Board Meeting</td>
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<tr>
<td>May 28th, 2019</td>
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<td>June 4th, 2019</td>
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<td>June 5th, 2019</td>
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<td>June 11th, 2019</td>
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<td>June 18th, 2019</td>
<td>Board of County Commissioners Meeting</td>
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<td>June 20th, 2019</td>
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<td>June 25th, 2019</td>
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<td>Planning Commission Meeting</td>
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<tr>
<td>June 27th, 2019</td>
<td>QQ - Quality and Quantity - Water District</td>
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