



**BRECKENRIDGE TOWN COUNCIL
WORK SESSION
Tuesday, January 27, 2009**

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 – 3:15 pm	I. <u>PLANNING COMMISSION DECISIONS</u>	Page 2
3:15 – 4:00 pm	II. <u>LEGISLATIVE REVIEW</u> *	
	Alternate Town Council Liaison to Planning Commission	Page 51
	Duty to Report	Page 54
	Camping Ordinance	Page 58
	Private Shared Driveway Ordinance	Page 62
	LUD 31 Allowed Uses	Page 65
	BEDAC Resolution	Page 70
	ICLEI	Page 73
	Historic Tax Credit Resolution	Page 77
4:00 – 4:30 pm	III. <u>MANAGERS REPORT</u>	
	Public Projects Update	Verbal
	Housing/Childcare Update	Verbal
	Committee Reports	Page 6
	Financials	Page 10
4:30 – 6:00 pm	IV. <u>PLANNING MATTERS</u>	
	Moose Creek Referral	Page 15
	Nature/Nordic Building	Page 18
	Defensible Space Ordinance	Page 19
	Valley Brook Update	Verbal
6:00 – 7:10 pm	V. <u>OTHER MATTERS</u>	
	Golf Course Restaurant Lease	Page 33
	Transit Criteria	Page 36
	Turf Field IGA	Page 38
7:10 – 7:30 pm	VI. <u>EXECUTIVE SESSION</u>	

***ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA** **Page 44**

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 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

Date: January 21, 2009

Re: Town Council Consent Calendar from the Planning Commission Decisions of the January 20, 2009, meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF January 20, 2009

CLASS C APPLICATIONS:

1. Big Bend Residence (MGT) PC#2008126; 1144 Discovery Hill Drive

Construct a new single family residence with 6 bedrooms, 8 bathrooms, 7,542 sq. ft. of density and 8,788 sq. ft. of mass for a F.A.R. of 1:11.50. Approved.

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:03 P.M.

ROLL CALL

Dan Schroder
Jim Lamb

Rodney Allen
JB Katz

Michael Bertaux
Dave Pringle

Leigh Girvin was absent

APPROVAL OF MINUTES

With no changes, the minutes of the January 6, 2009 Planning Commission minutes were approved unanimously (5-0). Mr. Allen abstained since he was not present at the meeting of January 6.

APPROVAL OF AGENDA

With no changes, the Agenda for the January 20, 2009 Planning Commission agenda was approved unanimously (6-0).

CONSENT CALENDAR:

1. Big Bend Residence (MGT) PC#2008126; 1144 Discovery Hill Drive

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

WORKSESSION:

1. Solar Panel Policy Modification

Ms. Puester presented a memo outlining potential changes to the Solar Panel Policy. The existing ordinance to allow and regulate solar panels inside and outside of the Conservation District was passed June 10, 2008 as an amendment to Policy 5 (*Absolute Architectural Compatibility*).

The Town received a request from a property owner and management company outside of the Conservation District to modify the solar ordinance language to allow for tilted and angled solar panels. The Town Council directed Staff to rewrite the ordinance to allow for the modification outside of the Conservation District as well as any other modifications necessary. More recently, the Town received a grant from the Colorado Governor's Energy Office for a reimbursement program for solar hot water systems which require a panel tilt of 40 degrees in order to achieve 80% efficiency.

Staff has made changes to the ordinance in strike and bold to include changes to allow for more flexibility for tilted and angled panels outside of the Conservation District. Staff has also proposed some potential changes within the Conservation District to allow the opportunity for solar access to all property owners. Staff had meetings with various solar energy and solar thermal contractors and suppliers to gain their input on the proposal.

Staff requested the Planning Commission's opinion on the changes proposed to the ordinance and asked for the Commissioners opinions on the following policy direction:

1. Should solar panels within the Conservation District be allowed to be visible from public rights of way (such as on a corner lot) to allow for a greater number of property owners to have solar access?
2. Should solar panels be permitted to be visible from major rights of way within the Conservation District if mounted on noncontributing structures?
3. Should solar panels outside of the Conservation District be allowed to be angled and tilted a different orientation from the roofline (for east and west facing roofs)?

Commissioner Questions/Comments:

Mr. Pringle: Concerned with the Historic District. Can the energy conservationists use another type of energy saving techniques to accommodate historic structures? The historic character is of utmost importance. Didn't want to see panels on historic structure if there were other options that would be less intrusive. Our Design Guidelines require owners of historic structures to repair historic windows, siding and so on; then why would we harm that effort with just throwing up solar panels

that are visible? The Historic District is what sets our community apart from other resorts and should be protected; it preserves tourism and the economy for us here. To be forward thinking is to require 7,000+ square foot homes to include alternative energy or be smaller. Could see less stringent regulations on non-contributing verses contributing structures but should still take a close look at everything in the District. The Town has always worked hard to preserve the structures. Maybe not every site is appropriate for solar panels. Technology may keep changing so that it could work so why give in and throw up a bunch of panels now? Not in favor of a prohibition of panels in the Historic District but the town needs to take a very careful look at what you can easily see on historic structures. With regard to outside of the district, would like to see designers integrating panels on new buildings.

Mr. Schroder: Would like a definition of “highly visible” included. Was very much in favor of alternative energy and everyone should have an option to seek alternative energy, even in the Historic District. Thought that it would make town look progressive. Panels should run with the roof line but allow for maximum gain which may require panels to not align with the roof. Agreed with Staff that this is a conflict of two policies: energy and preservation. The off-angle was not appealing but supposed that beauty would be in the eyes of the beholder.

Ms. Katz: Supported panels in the historic district and asked about other historic districts. (Staff explained a lot of these policies are un-chartered.) Was in favor of solar panels on historic structures. Felt it was time for Breckenridge to be a leader in green initiatives. Thought it was wrong that historic structures are prohibited from becoming greener. For example, historic structures should be allowed to install more energy efficient windows. The needs to protect and needs for the future should be balanced for the best of a forward thinking community. There absolutely needs to be an escape clause built in that would allow for denial if something doesn’t look right in an application or if it might diminish the historic rating. As long as the state historic society allows for an historic status, she was all for solar panels on a historic structure. Fate shouldn’t be decided on whether one owns a corner lot or not. If the technology changes, human nature should lead us to less intrusive applications.

Mr. Bertaux: Cautious with panels on east/west facing roofs. Would like that to be the last option, even look at awnings as an option before east/west roof placement. Sought clarification regarding an application on a secondary building. (Staff referred to the some properties in town with rear sheds as well a photo in the packet.) Thought the town needed to be careful with contributing structures. If the panels go on a noncontributing garage than fine. Something will always be visible from somewhere. Had a problem with east/west orientation and therefore suggested beefing up the language to make sure that this could not happen on the historic buildings.

Mr. Lamb: Disclosed that he would soon be submitting an application for solar panels in the Conservation District. (Commissioners saw no problem with him participating in this discussion. Staff noted that this discussion is a legislative issue, not quasi-judicial.) Tearing down a historic structure is different than putting panels on a structure since the panels can be removed if a better technology comes along. (Mr. Pringle responded that you cannot force owners to replace panels, even if new technology is available.) Outside the conservation district, houses that may not be designed with solar should be able to take advantage of it. Concerned with the appearance of the east/west roofs with angled and tilted panels but if someone wanted to do that to their house than they should be able to. Bolting a solar cell on a roof isn’t a permanent fixture and therefore he didn’t see a huge problem. Has a satellite dish on his historic house and that doesn’t look good. Flush mounted in the historic district would be fine unless you need to angle it and you can’t see it. If the federal and state regulations are ok with it, then also feels ok.

Mr. Allen: Well written and supportive of changes. East/west alignment should be of last resort. He would like to see the code require non-functioning panels to be removed. Not concerned with nonconforming structures in the Historic District. Concurred with Mr. Lamb and Mr. Schroder. Answered yes to all three questions asked by staff.

Mr. Allen opened the hearing to Public Comment:

Pat Kingston, Realign Technology: Angled panels would not be pretty on east or west facing roofs but should be allowed. Spoke about options on Main Street corner buildings. With propane costs increasing, solar is a more viable option.

Eric Westerhoff, Innovative Energy: Some places have had problems with property owners who want to take advantage of rebates and are limited by the town or HOA.

Marc Hogan, BHH Partners: Need to get the designers and architects to think about solar option at the beginning of their process. Everyone needs to think about this ahead of time for new projects.

There was no further comment and the hearing was closed.

TOWN COUNCIL REPORT:

None.

OTHER MATTERS:

None

ADJOURNMENT:

The meeting was adjourned at 7:59 p.m.

Rodney Allen, Chair

➤ MEMO

TO: Mayor & Town Council

FROM: Tim Gagen

DATE: January 21, 2009

RE: Committee Reports

Police Advisory Committee

Rick Holman

January 15

- **Traffic Egress:** The Chief debriefed the group regarding traffic egress, particularly during the 14 day period of Christmas – New Year’s. The Police Department provided egress assistance on 13 of those high-volume traffic days. In general, many improvements were noted in traffic egress in the afternoons. There is a traffic flow issue in the mornings on Park Ave, when vehicles are backed up onto Park Ave. when entering paid parking lots. Chief Holman communicated several suggestions to the ski resort in an effort to seek their assistance and cooperation in addressing this problem. In addition, communication from the ski resort needs to be enhanced regarding special events and promotions. An event that was coordinated between a radio station and the resort on Wed, Jan 14th, resulted in significant traffic impacts during the morning, and there was no communication from the resort regarding this event.

- **Safe Bar Campaign:**
The “Safe Bar Campaign has been implemented, and posters are up in establishments. Bar staff and officers have received training. We should begin to see cases brought before the judge in a couple of months that will involve higher fines for assaults and fights that occur.

- **Parking Management:** The Chief briefed the PAC with respect to some specific parking matters, and advised the group that over 1,000 tickets had been written in December. Enforcement is much more consistent than in the prior year. It is expected that the number of tickets written will decline over time, as the public is educated and becomes more aware of the three-hour limit and the department’s consistent enforcement approach.

- **Cases:** The Chief indicated that several investigative cases are on-going, and updates would be provided in the future. One area of reduced caseload is in ski theft. At this point in the season, there have been only 12 ski thefts. Last year, a total of 150 thefts occurred, so the number is trending significantly downward. There is speculation that parking enforcement efforts and the enhanced presence of officers in some areas have been a deterrent to theft and other crime.

- **Staffing Update:** The Chief introduced the recent new Community Service Officer, Jennifer Laureano.

LLA

MJ Loufek

January 20

- Fire Marshal Jay Nelson of the Red White & Blue Fire Department updated the Authority on the Three20South nightclub. There have been no further overcrowding issues and the Fire Department will be conducting regular inspections of all premises throughout 2009.
- Sgt. Shannon Haynes provided an update of the Safe Bar Program. A recent training class covered use of force by bar staff, proper information to provide dispatch when calling in a complaint, how to be a good witness, and fake IDs. Another training will be scheduled in the near future.
- Sgt. Susan Quesada reviewed four pending liquor violation cases that are currently proceeding through the Summit County and Municipal Courts.
- The Liquor Licensing Authority's 2008 Annual Report was presented. A copy is attached for the Council's information.
- A special meeting of the Authority will be held on Monday, January 26, 2009, to hear a new license application for "Himalaya Dining & Bar," located at Main Street Station.
- The success of the late night shuttle service on New Years Eve was discussed and a suggestion made that Council consider adding late-night bus service.

BEDAC

Julia Puester

January 15

BEDAC's current group format was dissolved. The new format will be that of task forces based on specific issues as they arise. Two existing task forces will remain- the Economic Indicator Task Force and the Ski Lift Ticket Tax Task Force. The Economic Indicator Task Force is scheduled to present the Dashboard program to Council at the February 10th meeting. The Ski Lift Ticket Tax Task Force will continue assembling community input from the Town, Breckenridge Ski Resort and other interest groups on positive and negative impacts of a potential tax on the community. Results from the discussions will be presented to Council at a future date.

Please refer to the BEDAC meeting minutes of January 15, 2009 for additional detail.

Public Art Commission

Jen Cram

January 7

The Breckenridge Public Art Commission chose to not have a meeting in February since staff will be at the Saving Places Conference in Denver and there were no pressing items that needed to be discussed. The next regularly scheduled meeting is March 4th.

The Commission decided to take their annual retreat in May during the regularly scheduled meeting on May 6th. The retreat will be a day trip to Denver. The

Commission will go to the Museum of Contemporary Art, Platte Forum and see some of Denver's new public art pieces in LoDo.

Breckenridge Theatre Gallery – The Commission selected 12 artists to exhibit artwork in the gallery February – December 09. The opening reception for children's art show will be April 8th from 4:00 pm to 6:00 pm. The show will exhibit artwork from Breckenridge Elementary and Upper Blue Elementary. Projects are focused on Breckenridge's 150 year celebration from the Heritage Trunk project.

Community Arts Update – Lisa Rivard was selected as the resident artist for Studio 3 in the Fuqua Livery Stable. Lisa will have a one year lease. Lisa will begin moving in January. Lisa will have regular open studio hours and host one workshop a month.

The Arts District will begin hosting Second Saturdays in February with opening receptions at the Breckenridge Theatre Gallery and open studios at Fuqua and the Tin Shop. The goal is to get local galleries on board as well.

Summit Stage **James Phelps** **January 14**

The Board did not meet for the month of December. The Summit Stage is expecting to have a modified schedule for the summer. The modified schedule (peak service) will likely mimic last summers modified schedule, however is proposed to take effect on April 19th, 2009 and would run thru November 15th. This operational change has been catalyzed by declining Tax collections.

John Jones was asked by the Board to analyze cost scenarios for running the Swan Mountain Flyer for the summer. The analysis is to include a modified schedule that would provide service for the work base.

Total Ridership for November: decrease of 0.24% under 2007. Para transit Ridership for November: increase of 4.18% over 2007. Late night Ridership for November: increase of 9.00% over 2007.

Total Ridership for December: increase of 19.69% over 2007. Para transit Ridership for December: increase of 7.18% over 2007. Late night Ridership for December: increase of 20.03% over 2007.

Year-end 2008 Data: Total Ridership for 2008- 2,188,999 an increase of 2.67% over 2007. Para transit Ridership for 2008 a decrease of 4.87% under 2007. Late Night Ridership for 2008 an increase of 13.15% over 2007.

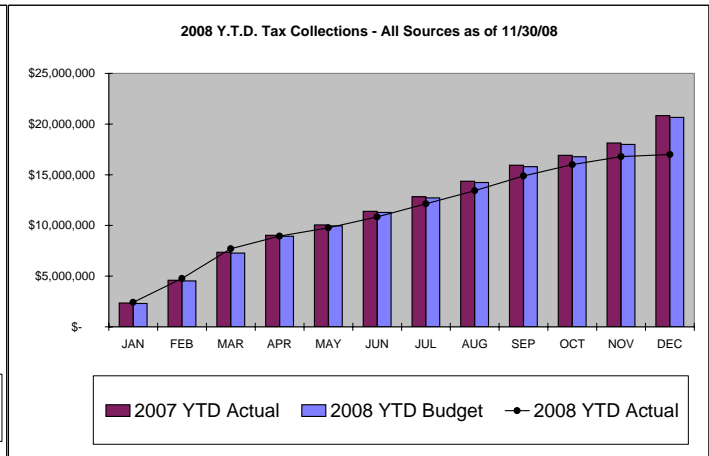
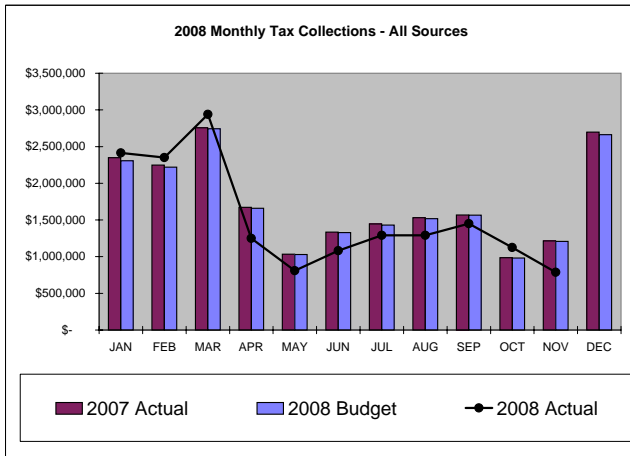
Mass Transit Tax Collections report reported that for Nov. '08 revenues were down or - 12.2% for the month vs. 2007, the YTD (2008 to 2007) revenues are slightly up or 0.7%. December '08 numbers have not been reported.

CML	<u>Other Meetings</u> Tim Gagen	No Meeting
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CAST	Tim Gagen	No Meeting
Summit Leadership Forum	Tim Gagen	No Meeting
Wildfire Council	Peter Grosshuesch	No Meeting
I-70 Coalition	Tim Gagen	No Meeting
NWCCOG	Peter Grosshuesch	No Meeting
SCHA	Laurie Best	No Meeting
NWCCOG	Peter Grosshuesch	No Meeting

TOWN OF BRECKENRIDGE
CASH TAX COLLECTIONS - ALL SOURCES - SALES, LODGING, RETT, ACCOMMODATIONS
REPORTED IN THE PERIOD EARNED

Sales Period	2007 Collections			2008 Budget			2008 Monthly			2008 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2007	% of Budget	Actual	% Change from 2007	% of Budget
JAN	\$ 2,348,308	\$ 2,348,308	11.3%	\$ 2,308,254	\$ 2,308,254	11.2%	\$ 2,414,468	2.8%	104.6%	\$ 2,414,468	2.8%	11.7%
FEB	\$ 2,247,412	\$ 4,595,720	22.1%	\$ 2,219,423	\$ 4,527,677	21.9%	\$ 2,350,505	4.6%	105.9%	4,764,973	3.7%	23.1%
MAR	\$ 2,757,097	\$ 7,352,817	35.3%	\$ 2,742,890	\$ 7,270,567	35.2%	\$ 2,939,707	6.6%	107.2%	7,704,680	4.8%	37.3%
APR	\$ 1,672,447	\$ 9,025,264	43.3%	\$ 1,658,921	\$ 8,929,488	43.2%	\$ 1,249,210	-25.3%	75.3%	8,953,890	-0.8%	43.4%
MAY	\$ 1,034,214	\$ 10,059,479	48.3%	\$ 1,030,178	\$ 9,959,666	48.2%	\$ 808,893	-21.8%	78.5%	9,762,783	-2.9%	47.3%
JUN	\$ 1,333,633	\$ 11,393,112	54.7%	\$ 1,327,500	\$ 11,287,166	54.6%	\$ 1,081,794	-18.9%	81.5%	10,844,577	-4.8%	52.5%
JUL	\$ 1,445,255	\$ 12,838,367	61.6%	\$ 1,430,645	\$ 12,717,811	61.6%	\$ 1,290,595	-10.7%	90.2%	12,135,172	-5.5%	58.8%
AUG	\$ 1,530,395	\$ 14,368,763	69.0%	\$ 1,517,698	\$ 14,235,509	68.9%	\$ 1,291,414	-15.6%	85.1%	13,426,586	-6.6%	65.0%
SEP	\$ 1,566,855	\$ 15,935,618	76.5%	\$ 1,565,698	\$ 15,801,207	76.5%	\$ 1,449,347	-7.5%	92.6%	14,875,933	-6.6%	72.0%
OCT	\$ 986,233	\$ 16,921,851	81.2%	\$ 981,119	\$ 16,782,326	81.3%	\$ 1,124,711	14.0%	114.6%	16,000,644	-5.4%	77.5%
NOV	\$ 1,215,687	\$ 18,137,538	87.1%	\$ 1,208,068	\$ 17,990,393	87.1%	\$ 786,365	-35.3%	65.1%	16,787,009	-7.4%	81.3%
DEC	\$ 2,696,805	\$ 20,834,342	100.0%	\$ 2,663,700	\$ 20,654,093	100.0%	\$ 217,937	-91.9%	8.2%	\$ 17,004,946	-18.4%	82.3%



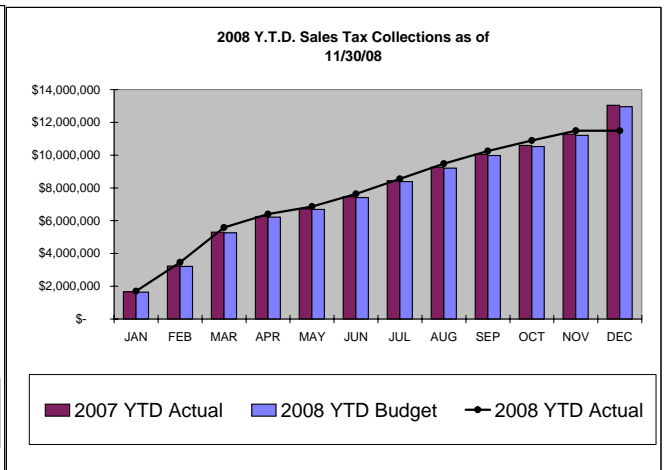
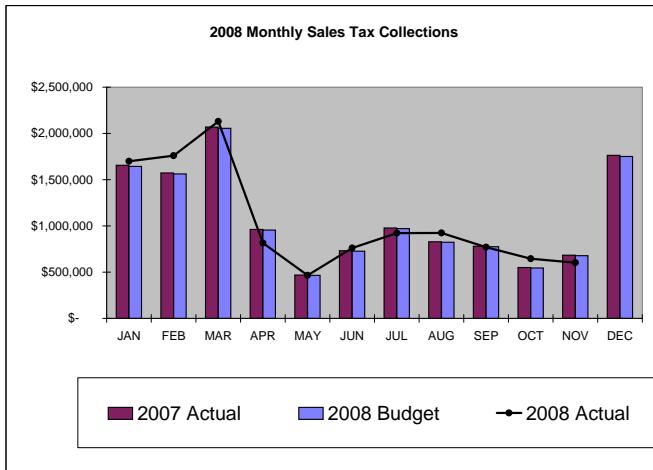
Prior Year Actual and Current Year Budget Variances

	TOTAL	Sales	Accommodations	RETT	Housing
vs. November 07 Actual	(429,322)	(81,256)	(16,756)	(313,598)	(17,712)
vs. November 08 Budget	(421,703)	(76,791)	(13,952)	(315,601)	(15,358)
vs. YTD 07 Actual	(1,350,529)	215,673	14,581	(1,575,078)	(5,705)
vs. YTD 08 Budget	(1,203,384)	289,422	89,933	(1,597,294)	14,554

**TOWN OF BRECKENRIDGE
SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

Sales Period	2007 Collections			2008 Budget			2008 Monthly			2008 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2007	% of Budget	Actual	% Change from 2007	% of Budget
JAN	\$ 1,655,286	\$ 1,655,286	12.7%	\$ 1,644,461	\$ 1,644,461	12.7%	\$ 1,699,052	2.6%	103.3%	\$ 1,699,052	2.6%	13.1%
FEB	1,573,159	3,228,444	24.8%	1,562,871	3,207,333	24.8%	1,759,932	11.9%	112.6%	3,458,985	7.1%	26.7%
MAR	2,068,772	5,297,217	40.6%	2,055,244	5,262,577	40.6%	2,129,985	3.0%	103.6%	5,588,969	5.5%	43.1%
APR	961,921	6,259,137	48.0%	955,630	6,218,207	48.0%	814,209	-15.4%	85.2%	6,403,179	2.3%	49.4%
MAY	468,712	6,727,849	51.6%	465,647	6,683,854	51.6%	464,918	-0.8%	99.8%	6,868,097	2.1%	53.0%
JUN	731,509	7,459,358	57.2%	726,726	7,410,580	57.2%	761,897	4.2%	104.8%	7,629,994	2.3%	58.9%
JUL	977,334	8,436,692	64.7%	970,943	8,381,523	64.7%	922,613	-5.6%	95.0%	8,552,607	1.4%	66.0%
AUG	829,380	9,266,072	71.1%	823,957	9,205,479	71.1%	924,291	11.4%	112.2%	9,476,897	2.3%	73.2%
SEP	779,729	10,045,801	77.0%	774,630	9,980,110	77.0%	770,561	-1.2%	99.5%	10,247,459	2.0%	79.1%
OCT	549,408	10,595,209	81.2%	545,815	10,525,925	81.2%	644,680	17.3%	118.1%	10,892,138	2.8%	84.1%
NOV	682,786	11,277,995	86.5%	678,321	11,204,246	86.5%	601,530	-11.9%	88.7%	11,493,668	1.9%	88.7%
DEC	\$ 1,762,550	\$ 13,040,545	100.0%	\$ 1,751,024	\$ 12,955,270	100.0%	\$ -	-100.0%	0.0%	\$ 11,493,668	-11.9%	88.7%

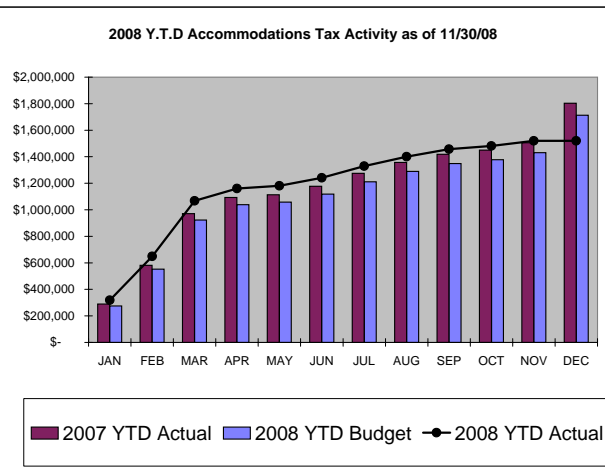
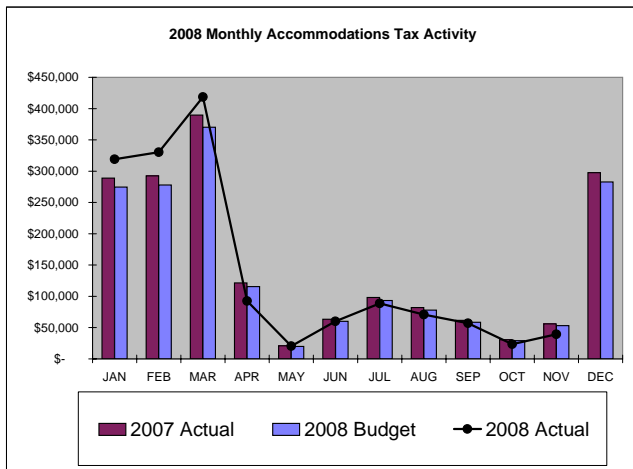
Sales tax amounts reflect collections net of the 3.3% transferred to the Marketing Fund and .5% tax earmarked for Open Space.



**TOWN OF BRECKENRIDGE
ACCOMMODATION TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

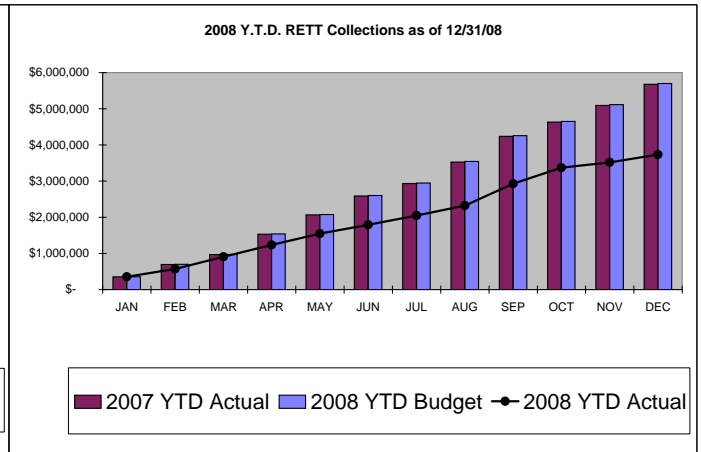
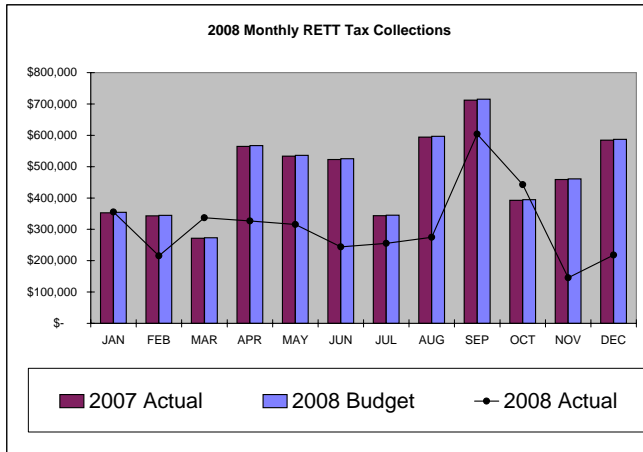
Sales Period	2007 Collections			2008 Budget			2008 Monthly			2008 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2007	% of Budget	Actual	% Change from 2007	% of Budget
JAN	\$ 288,977	\$ 288,977	16.0%	\$ 274,518	\$ 274,518	16.0%	\$ 319,027	10.4%	116.2%	\$ 319,027	10.4%	18.6%
FEB	292,577	581,554	32.2%	277,937	552,455	32.2%	330,262	12.9%	118.8%	649,289	11.6%	37.9%
MAR	389,705	971,260	53.9%	370,205	922,660	53.9%	418,622	7.4%	113.1%	1,067,911	10.0%	62.3%
APR	121,571	1,092,831	60.6%	115,488	1,038,149	60.6%	92,660	-23.8%	80.2%	1,160,571	6.2%	67.7%
MAY	20,872	1,113,703	61.8%	19,827	1,057,976	61.8%	20,413	-2.2%	103.0%	1,180,984	6.0%	68.9%
JUN	63,384	1,177,086	65.3%	60,212	1,118,188	65.3%	60,094	-5.2%	99.8%	1,241,078	5.4%	72.4%
JUL	98,186	1,275,272	70.7%	93,273	1,211,461	70.7%	88,754	-9.6%	95.2%	1,329,831	4.3%	77.6%
AUG	82,172	1,357,445	75.3%	78,060	1,289,522	75.3%	70,749	-13.9%	90.6%	1,400,580	3.2%	81.8%
SEP	61,629	1,419,073	78.7%	58,545	1,348,067	78.7%	57,015	-7.5%	97.4%	1,457,595	2.7%	85.1%
OCT	30,799	1,449,873	80.4%	29,258	1,377,325	80.4%	23,615	-23.3%	80.7%	1,481,210	2.2%	86.5%
NOV	56,042	1,505,915	83.5%	53,238	1,430,563	83.5%	39,286	-29.9%	73.8%	1,520,496	1.0%	88.8%
DEC	\$ 297,549	\$ 1,803,464	100.0%	\$ 282,660	\$ 1,713,223	100.0%	\$ -	-100.0%	0.0%	\$ 1,520,496	-15.7%	88.8%

Accommodation tax amounts reflect collections at the 2% rate.



**TOWN OF BRECKENRIDGE
REAL ESTATE TRANSFER TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

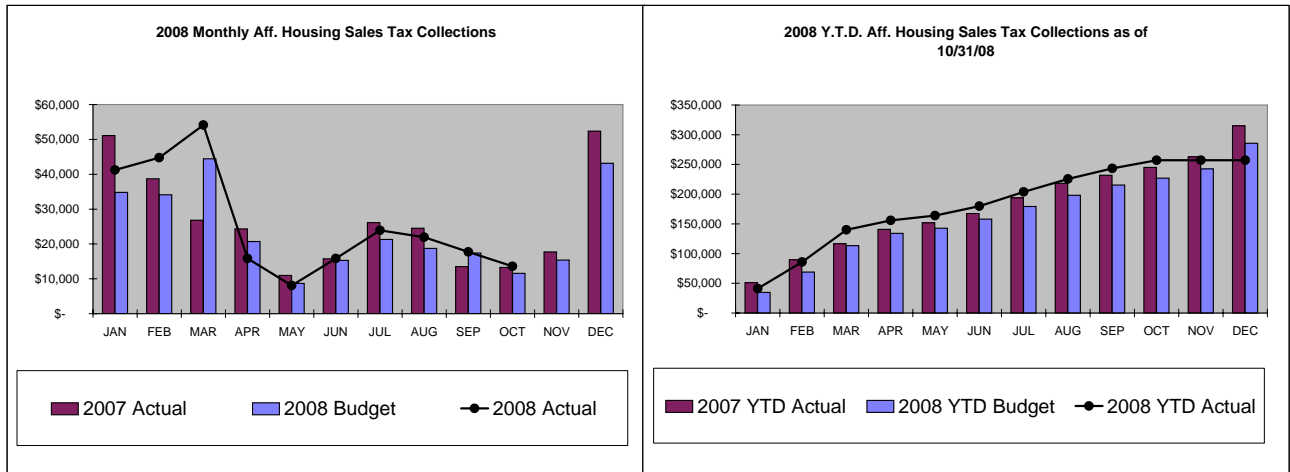
Sales Period	2007 Collections			2008 Budget			2008 Monthly			2008 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2007	% of Budget	Actual	% Change from 2007	% of Budget
JAN	\$ 352,958	\$ 352,958	6.2%	\$ 354,498	\$ 354,498	6.2%	\$ 355,179	0.6%	100.2%	\$ 355,179	0.6%	6.2%
FEB	342,995	695,953	12.3%	344,492	698,990	12.3%	215,566	-37.2%	62.6%	570,745	-18.0%	10.0%
MAR	271,817	967,770	17.1%	273,003	971,993	17.1%	336,956	24.0%	123.4%	907,701	-6.2%	15.9%
APR	564,624	1,532,394	27.0%	567,088	1,539,081	27.0%	326,521	-42.2%	57.6%	1,234,222	-19.5%	21.7%
MAY	533,680	2,066,074	36.4%	536,009	2,075,090	36.4%	315,494	-40.9%	58.9%	1,549,716	-25.0%	27.2%
JUN	522,999	2,589,073	45.6%	525,282	2,600,371	45.6%	243,969	-53.4%	46.4%	1,793,685	-30.7%	31.5%
JUL	343,610	2,932,683	51.7%	345,109	2,945,481	51.7%	255,305	-25.7%	74.0%	2,048,990	-30.1%	35.9%
AUG	594,349	3,527,032	62.1%	596,942	3,542,423	62.1%	274,442	-53.8%	46.0%	2,323,432	-34.1%	40.8%
SEP	711,996	4,239,028	74.7%	715,103	4,257,526	74.7%	604,037	-15.2%	84.5%	2,927,469	-30.9%	51.4%
OCT	392,752	4,631,779	81.6%	394,466	4,651,991	81.6%	442,830	12.8%	112.3%	3,370,299	-27.2%	59.1%
NOV	459,147	5,090,926	89.7%	461,150	5,113,142	89.7%	145,549	-68.3%	31.6%	3,515,848	-30.9%	61.7%
DEC	\$ 584,308	\$ 5,675,235	100.0%	\$ 586,858	\$ 5,700,000	100.0%	\$ 217,937	-62.7%	37.1%	\$ 3,733,785	-34.2%	65.5%



**TOWN OF BRECKENRIDGE
AFFORDABLE HOUSING SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

Sales Period	2007 Collections			2008 Budget			2008 Monthly			2008 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2007	% of Budget	Actual	% Change from 2007	% of Budget
JAN	\$ 51,087	\$ 51,087	16.2%	\$ 34,776	\$ 34,776	12.2%	\$ 41,210	-19.3%	118.5%	\$ 41,210	-19.3%	14.4%
FEB	38,682	89,768	12.3%	34,123	68,899	11.9%	44,745	15.7%	131.1%	85,955	-4.2%	30.1%
MAR	26,803	116,571	8.5%	44,438	113,337	15.6%	54,144	102.0%	121.8%	140,099	20.2%	49.1%
APR	24,331	140,903	7.7%	20,714	134,051	7.3%	15,820	-35.0%	76.4%	155,919	10.7%	54.6%
MAY	10,950	151,853	3.5%	8,695	142,746	3.0%	8,068	-26.3%	92.8%	163,987	8.0%	57.4%
JUN	15,741	167,594	5.0%	15,281	158,027	5.4%	15,834	0.6%	103.6%	179,821	7.3%	63.0%
JUL	26,125	193,719	8.3%	21,320	179,346	7.5%	23,923	-8.4%	112.2%	203,744	5.2%	71.3%
AUG	24,494	218,214	7.8%	18,738	198,085	6.6%	21,933	-10.5%	117.0%	225,676	3.4%	79.0%
SEP	13,502	231,715	4.3%	17,420	215,504	6.1%	17,733	31.3%	101.8%	243,410	5.0%	85.2%
OCT	13,274	244,990	4.2%	11,580	227,085	4.1%	13,587	2.4%	117.3%	256,997	4.9%	90.0%
NOV	17,712	262,701	5.6%	15,358	242,443	5.4%	-	-100.0%	0.0%	256,997	-2.2%	90.0%
DEC	\$ 52,398	\$ 315,099	16.6%	\$ 43,157	\$ 285,600	15.1%	\$ -	-100.0%	0.0%	\$ 256,997	-18.4%	90.0%

Affordable Housing Sales Tax reflects money distributed to the Town net of the Housing Authority share and is deposited directly into the Affordable Housing Fund.
Jan. 2007 sales tax receipts include overpayments from a large vendor that have been credited back in later months.



MEMORANDUM

TO: Town Council

FROM: Mark Truckey, Assistant Director of Community Development

DATE: January 21, 2009

SUBJECT: Moose Creek PUD referral

Summit County recently forwarded a referral to the Town regarding the proposed Moose Creek Planned Unit Development (PUD). The Moose Creek PUD site is an undeveloped 28 acre parcel within the Peak 7 area of the unincorporated County, just north of the High Country Lodge. The parcel is currently zoned R-1, which would allow for 28 units at the one unit/acre zoning. The applicant is proposing 45 units total on the site, which would include 41 free-market single-family residential lots and four deed restricted affordable housing lots. The applicant is proposing to purchase TDRs to make up for the additional density requested. The applicant is not proposing to construct affordable housing, but would donate the four deed-restricted lots to the County. The applicant has proposed some other public benefits, such as paving of CR-3 and the establishment of a real estate transfer fee for the County's affordable housing program.

The attached letter summarizes issues staff has identified to date regarding the proposal. The Housing Committee will be discussing the appropriateness of the location for affordable housing at its meeting prior to the Council meeting on January 27. The Moose Creek PUD is tentatively scheduled to go to a work session with the Upper Blue Planning Commission at its February meeting. Staff welcomes any Council comments or suggestions on the letter at the January 27 work session.

January 19, 2009

Upper Blue Planning Commission c/o
Suzy Smoyer
Summit County Planning Department
PO Box 5660
Frisco, CO 80443

Dear Ms. Smoyer:

Thank you for the opportunity to comment on the proposed Moose Creek PUD. The Town Council had an opportunity to discuss the project at its January 27 meeting. I've included the Town's comments below, grouped under topic headings:

Provision of Water

The property is located within the boundaries of the old Blue River Water District, which was dissolved in 1995. In connection with the dissolution, the Town agreed to provide water service to all property located within the boundaries of the Blue River Water District as of the date of dissolution. As such, the Town recognizes an obligation to provide Town water to the Moose Creek property. However, the Town does not believe that this obligation extends beyond providing water to serve the zoning for the property that existed at the time of dissolution of the Blue River Water District in 1995. We do not believe that providing water to serve an upzoned parcel of land was ever contemplated or agreed to when the Town committed to provide water to properties located within the Blue River Water District, and we do not believe the Town is required to do so. If any Town employee has indicated otherwise, such indication is, we believe, in error.

The Town has recently completed a capacity analysis of our infrastructure and one of our findings was that we have adequate water to meet our obligations to serve, but little surplus after these needs are met. As such, we do not think it would be prudent for the Town to agree to provide water beyond the existing zoning for the site (R-1 at one unit per acre).

Affordable Housing

To be inserted after recommendations of the Housing Committee and Council as a whole.

Land Use Compatibility and Master Plan Compliance

The proposed development density would exceed the density as allowed by existing zoning and by the existing master plan, which designates the property as Residential 1 (one unit per acre). As such, it would appear the proposal is not in conformance with the Upper Blue Basin Master Plan. Does an amendment to the master plan need to be considered? At a minimum, it would seem that a careful evaluation of the compatibility of the proposed density with surrounding land uses should be conducted.

In addition, has there been a study of the wildlife habitat values of the property? Because of its adjacency to national forest land and the riparian values of South Barton Creek, we would expect wildlife use of the site. These adjacent habitat areas extend south to eventually tie into locations such as Cucumber Gulch. Are the densities proposed compatible with wildlife and

are there alternative development patterns (e.g., clustered lots) that would better preserve open space and contiguous habitat?

Trails

The Town agrees with the trail alignments set forth in this application (as conceptually rendered in the Sketch Master Plan dated 12/13/08) and recommends that these trails be dedicated as public trail accesses. We also recommend that the applicant work cooperatively with Summit County Government and the adjacent landowner to the southwest (High Country Lodge LLC) to secure public access for the small portion of the trail network that crosses that property (to avoid the wetlands). If that proves untenable, we recommend the Moose Creek PUD realign and construct a trail/boardwalk to create a functioning trail network within the PUD boundaries.

Thanks for your consideration of our comments. Mark

Mark Truckey, AICP
Assistant Director of Community Development

Memorandum

To: Town Council
From: Open Space and Trails Staff
Re: Cucumber Gulch Nature/Nordic Center
Date: January 27, 2009

Open Space staff, together with Suzanne Allen-Guerra and Stacey Lindholm from Allen-Guerra Design Build, will provide a PowerPoint presentation on the latest work that has been done on the Cucumber Nature Nordic Center project. This presentation will cover the history of the project, the uses that have been discussed over time with BOSAC and Town Council, and the outcomes of the most recent planning phase that has occurred over the last year and a half. Open Space staff would like to get input from Town Council on recommendations that were made by BOSAC regarding the general square footage of the building, the uses to be included, and the proposed next steps for this project.



MEMORANDUM

To: Town Council
From: Jennifer Cram, Planner III
Subject: Defensible Space Ordinance Review
Date: January 21, 2009 (For meeting on January 27, 2009)

Attached to this memo is a draft of the Defensible Space Ordinance.

Major elements:

- Town and RWB to identify priority areas where defensible space is required
- Priority areas required to create defensible space in Zones 1 and 2
- Zone 1 is 30' from the eave of a structure
- Zone 2 is up to 75' from the eave of a structure, or greater depending on slope
- The RWB Fire District will administer the program
- Defensible Space permits will cost \$45
- Property owners will have one year in which to create defensible space

Staff is currently working with RWB and the Colorado State Forest Service to create the map of priority areas. Staff will have a draft of the map to share with the Council during the worksession.

Staff is also working with the Town Attorney to update the MPB Ordinance. A draft of proposed changes will be presented on February 10th.

Staff will be available to answer any questions during the worksession.

1 **FOR WORKSESSION ONLY – JAN. 27**

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. ____

7
8 Series 2009

9
10 AN ORDINANCE ADOPTING CHAPTER 12 OF TITLE 5 OF THE BRECKENRIDGE
11 TOWN CODE; ADOPTING MANDATORY REQUIREMENTS FOR THE CREATION OF
12 DEFENSIBLE SPACE AROUND BUILDINGS AND STRUCTURES WITHIN THE TOWN
13 OF BRECKENRIDGE; PROVIDING PROCEDURES AND GUIDELINES FOR CREATING
14 THE REQUIRED DEFENSIBLE SPACE; AND PROVIDING PENALTIES AND OTHER
15 ENFORCEMENT MECHANISMS FOR VIOLATIONS OF THE ORDINANCE

16
17 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
18 COLORADO:

19
20 Section 1. The Breckenridge Town Code is hereby amended by the addition of a new
21 Chapter 12 of Title 5, to be entitled “Defensible Space”, which shall read in its entirety as
22 follows:

23
24 **CHAPTER 12**

25
26 **DEFENSIBLE SPACE**

27
28 **Section:**

29
30 **5-12-1: Title**

31 **5-12-2: Authority**

32 **5-12-3: Legislative Findings**

33 **5-12-4: Definitions**

34 **5-12-5: Director to Enforce; Intergovernmental Agreement**

35 **5-12-6: Director to Identify High Risk Areas**

36 **5-12-7: Inspection For Defensible Space**

37 **5-12-8: Inspection Warrant**

38 **5-12-9: Fee**

39 **5-12-10: Director To Develop Defensible Space Plan**

40 **5-12-11: Duty Of Landowner To Establish And Maintain Defensible Space**

41 **5-12-12: Director To Determine Compliance With Plan**

42 **5-12-13: Permit For Establishment Of Defensible Space**

43 **5-12-14: Notice of Violation**

44 **5-12-15: Court Order**

45 **5-12-16: Responsibility For Costs of Compliance; Collection; Failure To Pay**

1 5-12-17 Unlawful Acts

2 5-12-18 Applicability

3 5-12-19 Rules and Regulations

4
5 5-12-1: TITLE: This chapter shall be known and may be cited as the “Town of
6 Breckenridge Defensible Space Ordinance.”

7
8 5-12-2: AUTHORITY: The Town Council hereby finds, determines, and declares that it
9 has the power to adopt this chapter pursuant to the provisions of: (i) section 31-15-103,
10 C.R.S., (concerning municipal police power); (ii) section 31-15-401, C.R.S. (concerning
11 general municipal police power) and, in particular, sections 31-15-401(1)(a), (1)(b), (1)(d)
12 and (1)(q)(I); (iii) section 31-15-601, C.R.S. (concerning municipal building and fire
13 regulations) and, in particular, sections 31-15-601(1)(j.5) and (1)(k); (iv) the powers
14 contained in the Breckenridge Town Charter; and (v) other powers possessed by home rule
15 municipalities in Colorado.

16
17 5-12-3: LEGISLATIVE FINDINGS: The Town Council hereby finds, determines, and
18 declares as follows:

- 19
20 A. Substantial portions of the Town include heavily forested private lands that are
21 susceptible to wildfire.
22 B. The Town is bounded by areas that include national forest lands that are also
23 susceptible to wildfire.
24 C. A catastrophic wildfire affecting all or a substantial portion of the Town would
25 seriously threaten both the aesthetic values which are of great importance to the
26 social and economic vitality of the Town, as well as the overall socio-economic
27 future of the Town.
28 D. The threat to the Town from a catastrophic wildfire comes in substantial part from
29 the exposure of buildings or structures to flames and firebrands (burning airborne
30 materials) resulting in ignitions that could produce widespread extreme losses.
31 E. A wildfire in or near the Town could result in rapid fire spread within residential
32 areas; a large number of simultaneously exposed structures; overwhelmed fire-
33 protection and firefighting capabilities; and the total loss of a substantial number of
34 buildings and structures, as well as the potential for a significant loss of life.
35 F. A wildland fire does not spread to a building or structure unless it meets the fuel
36 and heat requirements sufficient for ignition and continued combustion.
37 G. The vegetation surrounding a building or structure is fuel for a fire.
38 H. The reduction or elimination of certain types of vegetation in the area surrounding
39 a building or structure results in an area of defensible space around that building
40 or structure.
41 I. A defensible space perimeter around a building or structure provides firefighters
42 with a safer working environment that allows them to protect the building or
43 structure from encroaching wildfires and minimizes the chance that a structure fire
44 will escape into the surrounding areas.

- 1 J. Under the legal authority described in section 5-12-2 of this chapter, the Town has
- 2 the authority to require that each building or structure located within the Town
- 3 have a defensible space around it.
- 4 K. The provisions of this chapter are necessary in order to protect the public health,
- 5 safety and welfare.
- 6 L. The inspection provisions contained in this chapter are necessary in the interest of
- 7 public safety within the meaning of Rule 241(b)(2) of the Colorado Municipal
- 8 Court Rules of Procedure.

9
10 **5-12-4: DEFINITIONS: In this chapter, the following words shall have the following**
11 **meanings, unless the context clearly requires otherwise:**
12

<u>“Defensible Space”</u>	<u>means the area where the basic wildfire protection practices described in this chapter are implemented, and which provides the key point of defense from an approaching wildfire or fire escaping a structure fire. The area is characterized by the establishment and maintenance of a firebreak within 30 feet around a building or structure and a reduced fuel zone extending up to 75 feet or greater, depending on slope away from the building or structure.</u>
<u>“Defensible Space Plan” or “Plan”</u>	<u>means a site specific defensible space plan for a specific property established by the Director pursuant to section 5-12-10 of this chapter.</u>
<u>“Defensible Space Permit”</u>	<u>means a permit issued by the Red, White and Blue Fire Protection District authorizing the implementation of a Defensible Space Plan.</u>
<u>“Director”</u>	<u>has the meaning provided in section 9-1-5 of this code.</u>
<u>“Financial Services Manager”</u>	<u>means the Financial Services Manager of the Town.</u>
<u>“Landowner”</u>	<u>means any person who owns any lot, tract, or parcel of property located within the corporate limits of the Town.</u>
<u>“Property”</u>	<u>means any lot, tract, or parcel of property located within the corporate limits of the Town.</u>

“Person” has the meaning provided in section 1-3-2 of this code.

“Red, White and Blue Fire Protection District” means the Red, White and Blue Fire Protection District, a Colorado special district organized pursuant to Title 32, C.R.S.

1
2 **5-12-5: DIRECTOR TO ENFORCE; INTERGOVERNMENTAL AGREEMENT:**
3

- 4 A. The Director shall enforce the provisions of this chapter.
5
6 B. The Red, White and Blue Fire Protection District shall administer the Defensible
7 Space Program pursuant to an intergovernmental agreement with the Town. The
8 intergovernmental agreement shall be consistent with the provisions of this chapter.
9 The Red, White and Blue Fire Protection District shall have all power and authority
10 required to administer the Defensible Space Program and this chapter.
11

12 **5-12-6: DIRECTOR TO IDENTIFY HIGH RISK AREAS:** The Director shall evaluate all
13 property within the Town to determine its susceptibility to damage caused by wildfire.
14 Based upon such evaluation, the Director shall prioritize those lands of high susceptibility
15 to wildfire. The Director shall initially focus his efforts to enforce this chapter within those
16 areas of the Town identified as areas of high wildfire susceptibility. As defensible space is
17 obtained or ordered to be created within the highest priority areas, the Director shall
18 identify other areas of the Town where defensible spaces are needed in order to maintain a
19 minimum level of community fire prevention/protection, achieve life safety, and otherwise
20 achieve the goals of this chapter.
21

22 **5-12-7: INSPECTION FOR DEFENSIBLE SPACE:**
23

- 24 A. Within those areas identified by the Director pursuant to section 5-12-6, the
25 Director shall conduct a physical inspection of each building, structure, or property
26 to determine how best to achieve a defensible space around such building or
27 structure. The Director may hire one or more qualified contractors to assist with or
28 to perform the required inspections.
29
30 B. Subject to the requirements and limitations of this section, the Director and his
31 appointees shall have the right to enter upon any property, whether public or
32 private, during reasonable hours for the purpose of conducting the physical
33 inspection described in subsection A of this section. However, no agent or employee
34 of the Town shall enter upon any property to conduct a physical inspection
35 described in subsection A of this section without the permission of the landowner or
36 occupant, or without an inspection warrant issued pursuant to this section.
37
38 C. If verbal permission to inspect the property from the affected landowner or
39 occupant is not obtained, or in lieu of attempting to obtain such verbal permission,

1 the Director may request that an inspection warrant be issued by the municipal
2 court.

- 3
4 D. In case of an emergency involving imminent danger to public health, safety, or
5 welfare, the Director and/or his agents may enter any property within the Town to
6 conduct an emergency inspection for defensible space without a warrant and without
7 complying with the requirements of this section.
8

9 5-12-8: INSPECTION WARRANT:

- 10
11 A. The municipal court judge shall issue an inspection warrant authorizing the
12 inspection of property located within the Town pursuant to this chapter upon
13 presentation by the Director of an affidavit satisfying the requirements of Rule
14 241(b)(2) of the Colorado Municipal Court Rules of Procedure; provided, however,
15 that when issuing an area-wide inspection warrant pursuant to subsection B of this
16 section the Municipal Judge shall not require a showing that the owner or occupant
17 of the property to be inspected has refused entry to the Town inspector or that the
18 premises are locked and the Town inspector has been unable to obtain permission
19 of the owner or occupant to enter.
20
21 B. The municipal court judge shall issue an area-wide inspection warrant for two or
22 more properties upon a finding that:
23
24 1. The Town has established and currently maintains a program to inspect
25 properties throughout the Town for defensible space.
26
27 2. There are a significant number of publicly and privately owned lands within
28 the Town that need to be inspected for defensible space, and an urgent public
29 need to implement this chapter. The extremely high number of properties
30 that need to be inspected in such a short time period, combined with the
31 limited Town and Red, White and Blue Fire Protection District staff who are
32 available to conduct the necessary inspections, makes it impracticable for the
33 Town to attempt to obtain the individualized permission from each affected
34 landowner before going onto the property to inspect for defensible space.
35
36 3. Requiring the Town to first attempt to obtain permission from the numerous
37 landowners within the area to be inspected would frustrate the purpose of an
38 area-wide inspection warrant; would create an undue delay in the
39 performance of the necessary defensible space inspections; would be an
40 unreasonable burden and precondition to the issuance of an area-wide
41 inspection warrant; and, as a result, would jeopardize the public health,
42 safety and welfare.
43
44 4. No good reason exists to require the Town to first seek the permission of the
45 landowners of lands to be included in an area-wide inspection warrant, and

1 there is no need to impose such a requirement on the Town as a precondition
2 to the issuance of the requested inspection warrant.

3
4 C. An inspection warrant issued pursuant to this chapter shall contain the following
5 conditions:

- 6
7 1. The inspector shall attempt to verbally notify the affected landowner or
8 occupants prior to beginning the inspection. This shall be done by knocking
9 on the front door of any building located on the property and, if the
10 landowner or an occupant is present, the inspector shall present his or her
11 credentials identifying the inspector as an employee or agent of the Town.
12 The inspector shall also explain to the property landowner or occupant the
13 purpose of the inspection. If: (a) neither the landowner nor an occupant is
14 home when the inspector goes to inspect the property; (b) the building is
15 locked; or (c) the property consists of unimproved property, no notice shall
16 be required prior to the inspector entering the property to inspect for
17 defensible space.
- 18
19 2. No Town inspector acting pursuant to an inspection warrant shall enter any
20 residence, building, or structure located upon any property without the
21 permission of the landowner or occupant.

22
23 D. The municipal judge may impose such other conditions on an inspection warrant as
24 may be necessary in the judge's opinion to protect the private property rights of the
25 landowner of the property to be inspected, or to otherwise make the warrant
26 comply with applicable law.

27
28 5-12-9: FEE: No fee shall be required in connection with the Director's preparation of a
29 Defensible Space Plan. A fee shall be required in connection with the issuance of a
30 Defensible Space Permit by the Red, White and Blue Fire Protection District as required
31 by Section 5-12-13.

32
33 5-12-10: DIRECTOR TO DEVELOP DEFENSIBLE SPACE PLAN:

34
35 A. Based upon his inspection and other relevant information and data, the Director
36 shall develop an individualized plan for defensible space for the inspected property.
37 In developing such plan, the Director shall follow the following guidelines:

- 38
39 1. The property shall be divided into two zones. Zone One shall be
40 measured 30 feet from the eave of building or structure including
41 attached structures or protrusions, such as a deck on the property. Zone
42 Two shall be measured 75 feet or greater depending on slope from the
43 eave of any building or structure on the property, and shall exclude the
44 portion of the property located within Zone One.

- 1 2. A firebreak shall generally be created by removing and clearing all
2 flammable and combustible vegetation within Zone One. Trees or other
3 vegetation may be retained within Zone One if the 30 feet described in
4 subsection A is extended beyond the trees or vegetation that are desired
5 to be preserved, and if such trees or vegetation are well spaced, well
6 pruned, and create a condition that avoids spread of fire to other
7 vegetation or to a building or structure.
8
- 9 3. The Director shall consider both the horizontal clearance between aerial
10 fuels, such as the outside edge of the tree crowns or high brush, as well as
11 the vertical clearance between lower limbs of aerial fuels and the nearest
12 surface fuels and grass/weeds.
13
- 14 4. Trees and other vegetation that need to be removed within Zone One and
15 Zone Two in order to achieve the required defensible space shall be
16 clearly identified in the field through the marking of said trees and
17 vegetation by the Red, White and Blue Fire Protection District. The Red,
18 White and Blue Fire Protection District shall photograph to the best of
19 their ability the trees marked and note the number of trees and
20 vegetation required to be removed on the Defensible Space Permit. A
21 copy of the Defensible Space Permit and photographs shall be kept on file
22 with the Red, White and Blue Fire Protection District and Town.
23
- 24 5. All dead, dying, and beetle-infested trees (as defined in Section 5-11-2 of
25 this code) located within Zone One and Zone Two shall be removed on an
26 annual basis.
27
- 28 6. Tall grasses, leaf clutter and dead branches on living trees shall also be
29 removed within Zones One and Two on an annual basis. Dead branches
30 on living trees shall be removed a minimum of 6 feet above grade and a
31 maximum of 10 feet above grade. Loose surface fuels shall be permitted
32 to a maximum depth of three inches. This guideline is primarily intended
33 to eliminate trees, brushes, shrubs and surface debris that are completely
34 dead or with substantial amounts of dead branches or leaves/needles that
35 may readily burn.
36
- 37 7. Firewood may be maintained on a property within Zone Two if an
38 adequate buffer around the firewood is determined to exist by the
39 Director.
40
- 41 8. The Director's administrative rules adopted pursuant to section 12-5-19
42 may include minimum spacing guidelines for trees, shrubs, and other
43 vegetation. Distances between vegetation will depend on slopes, vegetation
44 size, vegetation type (brush, grass, trees), and other fuel characteristics
45 (including, but not limited to, fuel compaction and chemical content).

1 Properties with greater fire hazards will require greater buffers between
2 fuels. For example, properties on steep slopes having large sized
3 vegetation will require a minimum of ten feet (10') between crowns or a
4 greater distance between individual tress and bushes. Clumps of trees
5 with spacing between clumps may also be acceptable.
6

7 9. Trees located within Zone One and Zone Two that provide visual buffers
8 shall be preserved so long as removal is not required to achieve
9 Defensible Space.

10
11 10. The Director shall strive to be flexible by allowing landscape and
12 vegetation required by a Town-approved landscape plan, and other fire-
13 wise landscaping and vegetation on the property to remain on the
14 property where such action can be done while obtaining an acceptable
15 level of community fire prevention/protection, achieving life safety, and
16 otherwise achieving the goals of this chapter.
17

18 11. It is not the intent of this chapter that either Zone One or Zone Two is to
19 be "clear cut" in order to achieve the required Defensible Space.
20

21
22 B. The Director may amend the Defensible Space Plan as deemed appropriate in
23 order to achieve the purpose of this chapter. All amendments shall be discussed
24 with the property owner and noted on the Defensible Space Permit.
25

26 **5-12-11: DUTY OF LANDOWNER TO ESTABLISH AND MAINTAIN DEFENSIBLE**
27 **SPACE:**
28

29 A. In order to maintain an acceptable level of community fire prevention/protection,
30 achieve life safety, and otherwise achieve the goals of this chapter the owner of any
31 property for which a Defensible Space Plan has been prepared shall take such
32 action as is necessary to fully implement the Plan within one year of the owner's
33 application of the Defensible Space Permit. For good cause shown, the Director
34 may extend such deadline for a maximum of one additional year.
35

36 B. Once a Defensible Space Plan has been implemented, the landowner of the property
37 that is the subject of such Plan shall take such action from time to time as shall be
38 necessary to maintain and keep the property in compliance with the Plan.
39

40 C. If ownership of property that is subject to a Defensible Space Plan is transferred
41 prior to the deadline for the creation of the defensible space as described in the
42 Plan, the selling landowner shall notify the purchaser of the deadline for the
43 creation of the defensible space as described in the Plan. The purchaser shall then
44 be required to create the defensible space required by the Plan within the
45 prescribed time period.

1
2 **5-12-12: DIRECTOR TO DETERMINE COMPLIANCE WITH PLAN:**
3

- 4 A. **When defensible space has been created on a property, the property owner shall**
5 **request that the Director inspect the property to determine if the defensible space**
6 **complies with the Defensible Space Plan for the property, and the Defensible Space**
7 **Permit that was issued for such work.**
8
9 B. **If the Director determines that defensible space has been created in accordance**
10 **with the Defensible Space Plan, he shall issue a certificate of compliance or other**
11 **appropriate written evidence acceptable to the Director evidencing the creation of**
12 **the required defensible space in compliance with the Plan.**
13
14 C. **If ownership of property that is subject to a Defensible Space Plan is transferred**
15 **after initial compliance with the Plan has been achieved and a certificate of**
16 **compliance or other appropriate written evidence has been issued by the Director,**
17 **the selling landowner shall notify the purchaser of the existence of the Plan and of**
18 **the purchaser's duty to maintain the property in continuance compliance with the**
19 **Plan before or at the time title is transferred. However, it shall not be a defense to**
20 **an action to enforce the Plan that the selling landowner failed to disclose to the**
21 **purchaser the existence of the Plan and the duty of maintaining the property in**
22 **continuance compliance with the Plan.**
23

24 **5-12-13: PERMIT FOR ESTABLISHMENT OF DEFENSIBLE SPACE:**
25

- 26 A. **No work shall be done to implement a Defensible Space Plan until the owner has**
27 **obtained a Defensible Space Permit from the Red, White and Blue Fire Protection**
28 **District. The fee for such permit shall be \$45.00, unless a different fee is provided**
29 **for in an intergovernmental agreement between the Town and the Red, White and**
30 **Blue Fire Protection District. The fee for the Defensible Space permit may be**
31 **tripled, if the property owner does not make application within the time period**
32 **specified via a letter from the Red, White and Blue Fire Protection District and the**
33 **Town.**
34
35 B. **If the Director determines that a landowner had previously created adequate**
36 **defensible space on the landowner's property before the inspection by the Town,**
37 **the permit fee shall be waived.**
38

39 **5-12-14 NOTICE OF VIOLATION:**
40

- 41 A. **If the Director determines that a violation of section 5-12-17 exists the Director shall**
42 **notify the landowner of the property. Such notice shall be given either by certified**
43 **mail or personal delivery.**
44
45 B. **The notice shall:**

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1. advise the landowner that a violation of section 5-12-17 exists on the property;
2. describe the nature of the violation; and
3. advise the landowner that the violation of section 5-12-17 must be corrected within 30 days following receipt of the notice, or that an acceptable plan and schedule for the correction of the violation must be submitted to the Director within such 30 day period.

C. If the landowner disputes that a violation of section 5-12-17 exists on the property, the landowner shall notify the Director of such dispute within 10 days of receipt of the Director's notice. If a timely notice of dispute is given, the Town shall not file a complaint seeking a court order pursuant to section 5-12-15 until the Director has met with the landowner in an effort to resolve the dispute. If the Director meets with the disputing landowner and is unable to resolve the dispute, or if the landowner fails or refuses to meet with the Director, the Town may file a complaint for a court order pursuant to section 5-12-15.

5-12-15: COURT ORDER:

- A. If the landowner fails to comply with the Director's notice as described in section 5-12-13 within the applicable time period, the Town may apply to the municipal court for a court order pursuant to Section 1-8-10 of this code.
- B. The procedure to be followed in connection with a complaint filed by the Town pursuant to this section shall be as provided in Section 1-8-10 of this code. However, if the address to which tax bills for the landowner is located outside of Summit County, Colorado according to the records of the Summit County Treasurer, service of process by mail shall be allowed in accordance with Rule 4(g) of the Colorado Rules of Civil Procedure.
- C. No person acting pursuant to a court order issued pursuant to this section shall have any personal liability except for acts intentionally taken in violation of the court order.
- D. In case of an emergency involving imminent danger to public health, safety, or welfare, the Director may authorize immediate correction of any violation of section 5-12-17 without notice or court order.
- E. Nothing in this section shall preclude the Town from seeking enforcement of this Chapter in a court of competent jurisdiction other than the municipal court. Such action shall be subject to the applicable rules governing such action.

1
2 **5-12-16 RESPONSIBILITY FOR COSTS OF COMPLIANCE; COLLECTION; FAILURE**
3 **TO PAY:**
4

- 5 A. **A landowner who fails to comply with a court order entered pursuant to this**
6 **chapter shall be liable to the Town for and shall pay and bear all actual costs**
7 **and expenses incurred by the Town to enforce the order and bring the**
8 **landowner's property into compliance with the Defensible Space Plan for the**
9 **landowner's property, together with an additional fifteen-percent (15%)**
10 **assessment for administrative costs and the reasonable attorney's fees incurred**
11 **by the Town in enforcing the court order. Such costs and expenses are due and**
12 **payable in full thirty days after an itemized statement describing such costs and**
13 **expenses is mailed to the landowner at the address to which tax notices are**
14 **sent according to the records of the Summit County Treasurer, or within**
15 **thirty days after such itemized statement is served upon the owner by**
16 **personal service.**
17
18 B. **All costs and expenses owed by the landowner to the Town pursuant to this**
19 **Chapter may be collected by the Town in any action at law; and, at the option**
20 **of the Town, assessed against the property as hereinafter provided. If the Town**
21 **is the prevailing party in any action brought to collect the costs and expenses**
22 **described in subsection A of this section, it shall also be entitled to recover its**
23 **attorneys' fees incurred in such action.**
24
25 C. **All costs and expenses owed by the landowner to the Town pursuant to this**
26 **Chapter shall be a lien on the landowner's property, which lien shall be prior to**
27 **all existing liens or encumbrances on the property, except for the lien of the**
28 **general property taxes and the lien of any prior special assessment. The**
29 **Financial Services Manager may file with the Summit County Clerk and**
30 **Recorder a verified lien statement describing the property that is subject to the**
31 **lien and the amount due to the Town. The Town's lien may be foreclosed in the**
32 **manner provided by law for the foreclosure of a mortgage.**
33
34 D. **In addition to the other methods of collection described above, if all costs and**
35 **expenses owed by an landowner to the Town pursuant to this Chapter are not**
36 **paid when due, the Financial Services Manager may certify such unpaid fees**
37 **and costs to the Summit County Treasurer pursuant to section 31-20-105,**
38 **C.R.S., to be collected and paid over by the Summit County Treasurer in the**
39 **same manner as taxes are authorized to be collected by Title 31, C.R.S.**
40

41 **5-12-17: UNLAWFUL ACTS:**
42

- 43 A. **It shall be unlawful and a misdemeanor offense for any landowner to fail or**
44 **refuse to fully implement a Defensible Space Plan issued by the Director**
45 **pursuant to this chapter within one year of service of the Plan upon the**

1 landowner, or such additional time as may have been approved by the
2 Director pursuant to Section 5-12-11(A).

3
4 B. It shall be unlawful and a misdemeanor offense for any landowner to fail or
5 refuse to maintain the landowner's property in continuous compliance with a
6 Defensible Space Plan issued by the Director.

7
8 C. It shall be unlawful and a misdemeanor offense for any person to violate any
9 other provision of this chapter.

10
11 D. It shall be unlawful and a misdemeanor offense for any landowner or
12 occupant to deny the Director access to the property owned or occupied by
13 the landowner or occupant if the Director presents an inspection warrant
14 issued pursuant to this chapter.

15
16 5-12-18: APPLICABILITY: The provisions of this chapter shall apply to all public and
17 private lands within the corporate limits of the Town.

18
19 5-12-19: RULES AND REGULATIONS: The Director has the authority from time to time
20 to adopt, amend, alter and repeal administrative rules and regulations as necessary for the
21 proper administration of this chapter. Such regulations shall be adopted in accordance
22 with the procedures established by Title 1, Chapter 18 of this Code.

23
24 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
25 various secondary codes adopted by reference therein, shall continue in full force and effect.

26
27 Section 3. The Town Council hereby finds, determines and declares that this ordinance is
28 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
29 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
30 thereof.

31
32 Section 4. This ordinance shall be published and become effective as provided by
33 Section 5.9 of the Breckenridge Town Charter.

34
35 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
36 PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be held at the
37 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
38 _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
39 Town.

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41 TOWN OF BRECKENRIDGE, a Colorado
42 municipal corporation
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By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

MEMO: Tim Gagen, Kate Boniface, and Breckenridge Town Council Members
FROM: Terry Perkins, Public Works Director
DATE: January 21, 2009
SUBJECT: Golf Course Restaurant Contract

Council has charged us with creating a contract that is in the best interests of both the Town and the tenant. This memo is a summary of changes from previous contracts.

The biggest change is that there is no tenant capital outlay for purchase of equipment other than flatware, cutlery, and glassware. The Town is purchasing and leasing back to the tenant three (3) beverage carts. With council approval, the Town will purchase a POS system for the tenant at a cost of \$11,000.00. This purchase is not budgeted. We will try and fund it through Golf Operations dollars. However, we may need to request an appropriation at the end of the year.

With this contract, the tenant will not have to make a large capital outlay at the beginning (as has happened in the past). This makes sense because, with a yearly contract, it is difficult to ask tenants to make these large expenditures when they don't know how long they'll be using the facility. It also gives the Town security in that, in the event we need to quickly change vendors, we would be able to make a quick turn-around.

With the previous contract the percentage was 10% going to 12% once it reached a threshold. The percentages for this contract are 8% and 10%. This contract provides for two distinct seasons, summer and winter, which gives the tenant flexibility to build a winter business.

There is also a provision in this contract that the tenant will use good faith and commercially reasonable efforts to attempt to enter into a service agreement with the current sleigh ride operator.

In summary, we have met on several occasions with Mark Burke and Jack Riley and they are excited about this opportunity and with the draft contract we have provided them with these changes. We feel we can build a good relationship with them and are excited about their willingness to work with us and their wanting to build a year-round business.

Thank you.

**SUMMARY OF PROPOSED NEW GOLF COURSE CLUBHOUSE LEASE
AGREEMENT**

1. Tenant: MB & JR Incorporated, a Colorado corporation (formed 10/08)
2. Description of Leased Property: restaurant and bar facilities at Golf Course Clubhouse. Note: “Leased Premises” does not include exclusive right to use Clubhouse bathrooms. Tenant gets only non-exclusive right
3. Lease Term: Initial Term from May 15, 2009 through March 31, 2010. Tenant has two one-year options (April 1, 2010–March 31, 2011 and April 1, 2011–March 31, 2012). Rent is same for options terms as for Initial Term.
4. Rent:
 - (a) Summer Months (May-October) = 8% of first \$400,000 of gross revenues; plus 10% of gross revenues above \$400,000
 - (b) Winter Months (November –April)= 8% of first \$400,000 of gross revenues; plus 10% above \$400,000
 - (c) Interest on past due rent = 12%
5. Security Deposit: \$5,000
6. Operational Standards: Tenant must adhere to Operational Standards attached to Lease.
7. Utilities:
 - (a) Town pays for water, sewer, and basic cable TV (so long as basic cable is provided free to the Clubhouse by the CATV franchisee).
 - (b) Tenant pays for telephone, internet, expanded basic cable.
 - (c) Town pays to remove Tenants’ trash three times a week. Town pays to clean grease trap.
 - (d) Town initially pays for Tenant’s natural gas and electricity. An accounting is done after the Initial Term. If the cost of Tenant’s natural gas during the Initial Term exceeds \$11,000 Tenant will pay to Town 60% of the amount that is in excess of \$11,000, and Town will pay the rest. If the cost of Tenant’s electrify during Initial Term exceeds \$22,000, Tenant will pay to Town 30% of the amount in excess of \$22,000, and Town will pay the rest. Same approach during any Extension Terms, except that the threshold for utility usage during the First Extension Term is based on Tenant’s utility use during Initial Term, and threshold for the Second Extension Term is based on Tenant’s utility use during First Extension Term.
8. Taxes: Tenant pays all taxes assessed arising out of its occupancy of the Leased Premises.
9. Maintenance:

- (a) Tenant provides maintenance for all furniture and furnishings; and all preventative, and scheduled maintenance for kitchen and bar-related equipment.
 - (b) Town provides all required maintenance for plumbing, electrical, HVAC, fire sprinkler; required maintenance to Clubhouse exterior and parking lot; and all other necessary repairs to interior and exterior of Clubhouse (roofs, walls, windows, doors, etc). However, if repairs required due to Tenant's negligence or intentional act, Tenant will pay for repairs.
 - (c) Town provides snow removal from parking lots, and provides snow removal from walks, stairs, and back deck at least once a day. Tenant provides any other necessary snow removal.
 - (d) Tenant provides all janitorial services. Specific schedule for performance of required maintenance is provided for in Lease. Town reimburses Tenant for 25% of cost of janitorial services for December–March each year.
10. Alterations: None without Town consent.
11. Insurance: Tenant provides standard insurance coverages..
12. Landlord Rules: Tenant will abide by Landlord's rules for the use of the Leased Premises.
13. Additional Provisions of Note:
- (a) a new "Complaint Resolution Procedure" has been included in this Lease. It is modeled after a similar provision in the new Timberline Learning Center lease that the Council reviewed and approved.
 - (b) Town is also leasing to Tenant three new beverage carts. Rental is \$1,000 per month for the beverage carts.
 - (c) Tenant must maintain in effect throughout the Lease a contract to provide food and beverage service with a sleigh ride operator authorized by Town to provide sleigh rides at the Golf Course. Initially, Tenant will use good faith and commercially reasonable efforts to attempt to enter into agreement with Tommyknockers. If that cannot be done, Tenant may contract with any other sleigh ride operator acceptable to Town in the Town's sole discretion.

Memorandum

TO: Town Council
FROM: James Phelps and Maribeth Lewis
Date: 21 January 2009 (for meeting on 27 January 2009)
Subject: Service Criteria - Breckenridge Free Ride

Staff was asked to bring back to Council information regarding the Service Criteria that has been established and recommended by LSC Transportation Consultants. This memo will serve to further the understanding of the service criteria that will be utilized when adding new/future service for the Breckenridge Free Ride. The discussion will additionally provide any final comment for the preparation of the Final 2008/9 Transit Plan adoption as prepared by LSC Transportation Consultants.

Mission Statement of the Transit Division:

- To provide efficient, courteous, and reliable transit service to the residents and visitors of the Town of Breckenridge
- To service as many passengers as possible utilizing our standard service criteria
- To educate and assist in the use of mass transit, which will help alleviate traffic congestion within the Town limits
- To enhance the guest experience for visitors by providing Customer Service information

The Town of Breckenridge contracted with LSC Transportation consultants last year to provide a comprehensive service plan for future years. As part of the scope the work was to include Service Criteria to be used in evaluation of new service areas. The service criteria is basic industry considerations that can be used in determining what would warrant transit service and what is feasible for the transit service provider. This newly established service criteria is intended to be used going forward as the Town expands and develops.

Our current system design is to provide service to the bed bases with the largest concentration of resident commuters and visitors. The more passengers that a transit system transports, the lower the actual per passenger cost of operation becomes for the transit system. The economic sustainability for our transit system relies upon the efficient use of our resources to serve as many people as possible.

One of the reasons that Service Criteria is necessary is because everyone would like to have Transit Service. If the Service Criteria is applied uniformly across the board, then decisions that are made, as to whether to expand and provide transit service, will be fair and equitable. The Service Criteria will minimize subjective decisions. In theory even with unlimited resources, some areas still may not warrant transit service due to operational considerations. That is why the service criteria are made up of both financial and operational considerations.

Following is the table of service criteria that was recommended by LSC Transportation Consultants (from page VII-18 of 2008 Draft Transit Plan).

Table VII-3

Performance	At least 9 passengers per hour
Safety	No known accident history
Turning Radius*	45 foot radius (*Cul-De-Sac Standard from TOB Engineering Street Standards - 1987)
Bus Movement	No backing or other unsafe movements
Pedestrian Access	Access directly to housing/employment
Street Width	30 feet, parking on only one side
Snow Plow Priority	Priority Designation, plowed by 5:00 a.m.
Road Surface	Paved surface, limited snow/ice accumulation

Additional considerations include:

- Available resources (staffing, equipment, operating funds) to add to an existing route or create a new one
- Analysis of residential impact if any of the proposed service
- Request is within regulations (such as within our legal operation zone)
- Analysis of any additional operational impact(s) to Public Works.
- Grant Potential for Capital and Operational funding

Process

Staff will review new service or expansion requests objectively using the established service criteria. While the request may not meet every criterion, for instance such as snow plow priority; the request must meet the majority of the criteria and have the resources available to provide the new service.

When evaluating new development, the number of housing units will be taken into account in determining the plausible performance rate. For existing areas, Staff will conduct a resident survey in which to evaluate the demand and plausible performance rate. New service additions will also be evaluated during the first year to determine the viability of continuing the service.

Whenever the Transit Division is modifying routes or doing transit planning in which to expand the transit system, we are required by Federal Law to hold public meetings. We are required to do outreach to both low income and limited English proficiency users in order to meet the Title VI requirements for the federal grant funding assistance that our transportation program receives.

Staff is seeking final comment, input and concurrence from Council the Service Criteria. Additionally staff is seeking any final clarifications to the 2008 Transit Plan that was presented at the December 09th, 2008 Work Session (Please reference Draft 2008 Transit Plan that was previously handed out). If no further clarifications or changes are necessary the Draft 2008 Transit Plan will be submitted for Adoption by Resolution at the next Council Meeting.

TO: Town Council Members
CC: Kate Boniface
FROM: Tim Gagen
DATE: January 19, 2009
RE: DRAFT IGA – Turf Field

As part of the Town’s commitment to provide funding for the construction of the “turf” fields at the High School, the Council identified several conditions, as did the Town of Frisco. In response to those conditions, the Turf Field Committee and the School District have prepared a draft IGA. The Staff of Frisco and Breckenridge have submitted suggested changes which have been incorporated into the draft; but before finalizing we wanted Councils’ review and comments. Major features of the IGA include:

- Public access to the new fields
- Scheduling and reasonable fee schedules for use
- Future maintenance and replacement of the turf

The Council had another condition related to maintaining the other fields of the School District to an “A” or “B” level and the continued accessibility of these fields for public use. The School District plans to address this condition through a separate resolution of the School Board.

Staff is looking for Council comments as to the sufficiency of the draft IGA in addressing your conditions.

DRAFT
INTER-GOVERNMENTAL AGREEMENT
BETWEEN SUMMIT SCHOOL DISTRICT

AND
The Town of Breckenridge,
The Town of Frisco
And
Summit County

REGARDING ACCESS TO THE SUMMIT HIGH SCHOOL
SYNTHETIC TURF FIELDS AND THE OUTDOOR RUNNING TRACK

FEBRUARY 2009

Draft3- 1/9/09

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Revised w/ Frisco and Breck comments-1/9/09

WHEREAS, The Summit School District, in cooperation with several local government and community partners, is planning to construct synthetic turf playing fields at Summit High School (SHS) and to replace the running track inside Tiger Stadium, and

WHEREAS, The School District **acknowledges that this is a School District project** and has full responsibility for the design, construction and management of the TURF Project and the track and for maintaining the fields and track after construction is complete, and

WHEREAS, The Town of Breckenridge, Town of Frisco and Summit County are Local Government Financial Partners with the District in the TURF Project, and

WHEREAS, Installation of the synthetic TURF Fields at SHS and replacement of the Track will bring significant academic, safety, environmental and other benefits to student-athletes and to the whole community, and

WHEREAS, The School District and several Local Government Financial Partners are committed to making these fields and track available for broader community use, and

WHEREAS, The School District and the Partners are interested in defining the broad parameters for public use of these facilities at SHS.

NOW THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

1. That the SHS Synthetic TURF Fields and outdoor running track are community-wide resources that will be made available for community use at reasonable times when they are not needed for School District programs and activities.
2. Like other fields in the School District, the School District will make the SHS synthetic turf fields and track available for recreational use when the School District or scheduled users are not utilizing the facilities. At a minimum, the School District will make the SHS synthetic turf fields and the track available on Sundays throughout the school year (weather and field conditions permitting) and **every day all** during the Summer when the School District does not need the facilities. Additionally, the District will make the fields and track available during the week and on Saturdays after School District programs have been completed for the day, e.g. between 7-10 pm on non-game days.

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3. For organized play, scheduling of the fields will be done through the School District's Central Fields Reservation system and consistent with District policies, or through some other community based reservation system that the District may employ in the future for organized play. Reservations will not be needed for the general public to use the Track, when it is available and will not conflict with School District or other reserved programs.
4. The School District will establish a policy for field maintenance based on the industry standards for synthetic turf fields which will result in an "A" level condition being maintained for the TURF Fields. The School District is also responsible for replacement of the playing surface at such time as that is required.
5. Local Government Financial Partners and Designated Preferred Users will have the opportunity to make reservations for the TURF Fields for a three-week period of time each year prior to the general opening of the scheduling system for these fields to others. This will typically be the first three weeks in November for the following calendar year.
6. In addition to the School District and Local Government Financial Partners the following entities are hereby considered Designated Preferred Users that are allowed to reserve the SHS TURF fields on a preferred basis per item 5 above:
 - High Country Soccer Association
 - Summit Lacrosse
 - Summit Youth Baseball and Softball
 - Summit Snow Tigers Football
 - Summit Tigers American Legion Baseball
 - Other entities approved by the District
7. The Parties mutually agree to meet at least annually to discuss the application of this agreement including, but not limited to, scheduling process, access, fees, condition of field and use. The School District may develop a reasonable fee structure for use of the SHS Synthetic Turf Fields which is reflective of the high quality of the playing surface and which will help finance the maintenance and eventual replacement of the playing surface, in consultation with the Local Government Financial Partners. The fees for these SHS fields will be included in the School District fields fee schedule.
8. This Agreement does not bind the School District or the Local Government Partners to any financial obligation, unless it is approved by the School Board or the relevant local elected governing body for the Local Government Partners.

Approved for the School District:

Date: _____

Approved for the Local Government Partners:

Town of Breckenridge;

Date: _____

Town of Frisco:

Date: _____

Summit County:

Date: _____

Gagen, Tim

From: Penny, Michael [MichaelP@townoffrisco.com]
Sent: Monday, January 05, 2009 1:46 PM
To: tomlooby
Cc: Gagen, Tim; GaryM
Subject: RE: SHS TURF Project IGA-draft

maint all fields
 at A + B reserve for
 establish + find a maint +
 replacement
 keep all currently successful
 public use fields available
 for public use

Tom, first thanks for the draft.

In the second Whereas,

WHEREAS, The School District acknowledges that this is a School District project and has full responsibility for the design, construction and management of the TURF Project and the track and for maintaining the fields and track after construction is complete, and

In #2, I'd like it to be clearer during the summer - rather than 'all week', how about 'all summer' or at least be clear that the definition of a week is all 7 days.

In #4, I'd like it to expand beyond this field and state that the school district will establish a policy for all school district fields (including this one) which will result in an A or a B level - leave the A for this one and add the other.

In either #5 or #3 it should be clear that the scheduling of the fields will be done both through the SSD system, but also pursuant to the SSD policies (except as authorized by 5.) The point for this one is that while we may give advance opportunities for the preferred users, they still need to follow whatever rules are in place (e.g. first ones may want to schedule every sat and block anyone else from using it - regardless of whether the organization really will use it...the just in case approach).

Michael

From: tomlooby [mailto:tomlooby@colorado.net]

Sent: Monday, January 05, 2009 12:29 PM

To: Penny, Michael; Tim Gagen; Martinez Gary; Lorch Brian; Granberry Devin

Cc: Strakbein Karen; bbaro@beaverrun.com; Dudik Mike; Dylan Hollingsworth; Erin Major; Gini Bradley; gymlady@comcast.net; Hackett Karen; 'Korn Matt'; mburke19602000@yahoo.com; McGinnis Diane; McGinnis Diane; Millie Hamner; Nies Gretchen; Raymond Amy; Rob Goodell; Looby, Tom; 'Woody Bates'

Subject: SHS TURF Project IGA-draft

Hi Folks- Per our earlier conversations attached is a draft proposed Inter-Governmental Agreement (IGA) between the Summit School District and local government partners regarding the SHS synthetic turf fields and running track. We believe this proposal address the conditions and expectations that we have heard from the Towns and County about the Project but want you to have an opportunity to comment on the proposal before seeking formal approvals of it.

Please send any comments you may have on it to both me and to Karen Strakbein, Finance Director for the SSD, by COB, Friday January 30, 2009 that will be much appreciated. We will quickly respond to all comments.

Our goal is to include an executed version of this IGA in our next GOCO grant application package that we will submit in March 09. To this end we request that you schedule any needed approvals by your respective Councils or Boards of Commissioners during February 2009. Having the IGA in this package will bolster the strength of the funding request for their spring grant 09 cycle.

In the meantime, if you would like us to meet w/ you or your respective Councils to discuss the details of the IGA or any other aspect of the TURF Project please let us know and we will be happy to do so.



TOWN OF BRECKENRIDGE TOWN COUNCIL AGENDA
Tuesday, January 27, 2009 (Regular Meeting); 7:30 p.m.

- I CALL TO ORDER and ROLL CALL**
- II APPROVAL OF MINUTES – January 13, 2009** **Page 46**
- III APPROVAL OF AGENDA**
- IV COMMUNICATIONS TO COUNCIL**
 - A. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)
 - B. BRC Director Report
- V CONTINUED BUSINESS**
 - A. SECOND READING OF COUNCIL BILL, SERIES 2009 - PUBLIC HEARINGS****
 - 1. Council Bill No. 1, Series 2009-** AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE POSITION OF ALTERNATE TOWN COUNCIL LIAISON TO THE PLANNING COMMISSION **Page 51**
 - 2. Council Bill No. 2, Series 2009-** AN ORDINANCE REPEALING AND READOPTING WITH CHANGES SECTION 6-3F-10 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE DUTY OF A LIQUOR LICENSEE TO REPORT CRIMES **Page 54**
 - 3. Council Bill No. 3, Series 2009-** AN ORDINANCE CONCERNING RESTRICTIONS ON CAMPING ON PUBLIC OR PRIVATE PROPERTY **Page 58**
- VI NEW BUSINESS**
 - A. FIRST READING OF COUNCIL BILL, SERIES 2009 –**
 - 1. Council Bill No. 4, Series 2009-** AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2003 EDITION, ADOPTED BY REFERENCE IN CHAPTER 1 OF TITLE 7 OF THE BRECKENRIDGE TOWN CODE, BY ADOPTING PROVISIONS CONCERNING THE PARKING OF MOTOR VEHICLES ON A SHARED PRIVATE DRIVEWAY **Page 62**
 - 2. Council Bill No. 5, Series 2009-** AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE GUIDELINES CONCERNING ACCEPTABLE LAND USE TYPES AND INTENSITIES IN LAND USE DISTRICT 31 **Page 65**
 - B. RESOLUTIONS, SERIES 2009-**
 - 1. A RESOLUTION CONCERNING THE “BRECKENRIDGE ECONOMIC DEVELOPMENT ADVISORY COMMISSION”** **Page 70**
 - 2. A RESOLUTION CONCERNING MEMBERSHIP IN “ICLEI—LOCAL GOVERNMENTS FOR SUSTAINABILITY”** **Page 73**
 - 3. A RESOLUTION DETERMINING THAT THE TOWN OF BRECKENRIDGE WILL NOT ACT AS A REVIEWING ENTITY FOR THE STATE INCOME TAX CREDIT PROGRAM FOR QUALIFYING HISTORIC REHABILITATION PROJECTS FOR FISCAL YEAR 2009** **Page 77**
 - C. OTHER- NONE**
- VII PLANNING MATTERS**
 - A. Planning Commission Decisions of January 20, 2009 **Page 2**
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- VIII REPORT OF TOWN MANAGER AND STAFF***
- IX REPORT OF MAYOR AND COUNCILMEMBERS***
 - A. CAST/MMC (Mayor Warner)

- B. Breckenridge Open Space Advisory Commission (Mr. Rossi)
- C. BRC (Mr. Bergeron)
- D. Summit Combined Housing Authority (Ms. McAtamney)
- E. Breckenridge Heritage Alliance (Mr. Joyce)
- F. Peak 6 Task Force (Mr. Rossi)

X OTHER MATTERS

XI SCHEDULED MEETINGS

Page 79

XII ADJOURNMENT

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

CALL TO ORDER and ROLL CALL

Mayor Warner called the January 13, 2009 Town Council Meeting to order at 7:30 p.m. The following members answered roll call: Mr. Joyce, Ms. McAtamney, Mr. Millisor, Mr. Mamula, Mr. Bergeron, Mr. Rossi and Mayor Warner.

APPROVAL OF MINUTES – December 9, 2008 Regular Meeting

With no changes Mayor Warner declared the minutes were approved.

APPROVAL OF AGENDA

Mr. Gagen added the appointment of the Public Art Commissioner to the Agenda.

COMMUNICATIONS TO COUNCIL

- A. Citizen's Comment - (Non-Agenda Items ONLY; 3 minute limit please) – There were none.
- B. BRC- Sally Crocker- Gave the Council bags to kick off Breck 150. December kicked off with lighting. Added caroling to weekend events. Dew Tour got incredible media coverage. Ullrfest had great attendance. One of the most creative and biggest parades they have had. Travel Channel was in town for it. Snow Sculpture stomping has begun.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILL, SERIES 2008 - PUBLIC HEARINGS**

1. Council Bill No.44, Series 2008- AN ORDINANCE AMENDING SECTION 5-5-4 OF THE BRECKENRIDGE TOWN CODE CONCERNING EXCEPTIONS TO THE GENERAL PROHIBITION AGAINST OPEN FIRES AND BURNING WITHIN THE TOWN OF BRECKENRIDGE

Tim Berry commented that the ordinance would revise the Town Code for "Open Burning of Fires". The purpose of this revision is to allow a homeowner to utilize a "commercially" designed outdoor fireplace on their property. There is a revision from last reading that does not authorize the burning of building material.

Mayor Warner asked for public comment. There was none. He closed the public hearing.

Mr. Bergeron moved to approve Council Bill No. 44, Series 2008 on second reading. Ms. McAtamney seconded the motion. The motion passed 6-1 with Mayor Warner in opposition.

2. Council Bill No.45, Series 2008- AN ORDINANCE AMENDING SECTION 9-1-21 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING THE "TOWN OF BRECKENRIDGE TRAILS PLAN (REVISED AUGUST 2008)" AS A CORRELATIVE DOCUMENT TO THE BRECKENRIDGE DEVELOPMENT CODE

Tim Berry commented that the ordinance would revise the Town Trails Plan for the first time in 10 years and would amend the Town Development Code to make the revised Trails Plan a correlative document.

Mayor Warner asked for public comment. There was none. He closed the public hearing.

Mr. Mamula moved to approve Council Bill No. 45, Series 2008 on second reading. Mr. Bergeron seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2009

1. Council Bill No. 1, Series 2009- AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE POSITION OF ALTERNATE TOWN COUNCIL LIAISON TO THE PLANNING COMMISSION

Tim Berry commented that the ordinance creating the position of Town Council liaison to the Planning Commission does not provide for an alternate to attend a Planning Commission meeting if the designated Council liaison is unable to attend. This ordinance would authorize the Mayor to designate any member of the Council (including himself) as a temporary alternate liaison if the designated liaison cannot attend a particular meeting.

Mr. Bergeron moved to approve Council Bill No. 1, Series 2009 on first reading. Mr. Mamula seconded the motion. The motion passed 7-0.

2. Council Bill No. 2, Series 2009- AN ORDINANCE REPEALING AND READOPTING WITH CHANGES SECTION 6-3F-10 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE DUTY OF A LIQUOR LICENSEE TO REPORT CRIMES

Tim Berry commented that The Town's "Duty To Report" Ordinance applies to liquor-licensed establishments, and requires that a crime which is committed at the licensed establishment be reported to the Town's Police Department. When the ordinance was adopted in 1996, the Council concluded that having such an ordinance in place is an important tool because, if complied with, it allows the Police Department to promptly respond to and to investigate bad conduct occurring at a liquor-licensed establishment. Without such an ordinance, the licensees sometimes fail to notify the Police Department when a problem occurs at their establishment. The ordinance also encourages liquor licensees to promptly report incidents at their establishments by providing that repeated failures to report incidents can lead to the suspension or revocation of the establishment's liquor license. Some revisions were necessary that

address concerns brought up by the Municipal Judge's, by eliminating any reference to the licensed premises being "open", thus requiring an incident to be reported without regard to whether the licensed premises is open or not. It also makes it clear that a duty to report exists with respect to incidents occurring outside of the licensed premises.

Mr. Mamula moved to approve Council Bill No. 2, Series 2009 on first reading. Ms. McAtamney seconded the motion. The motion passed 7-0.

3. Council Bill No. 3, Series 2009- AN ORDINANCE CONCERNING RESTRICTIONS ON CAMPING ON PUBLIC OR PRIVATE PROPERTY

Tim Berry commented that the ordinance would add a definition of camping to the current ordinance. It would still prohibit camping on private property but would authorize the Council to allow for limited camping on Town property for specific circumstances.

Mike McCormick commented and thanked staff and Council for their time and consideration. He realizes that it will be at the Town's front door and they will do their part to make sure they don't screw it up.

Mr. Millisor moved to approve Council Bill No. 3, Series 2009 on first reading. Mr. Bergeron seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2009

1. A RESOLUTION APPROVING AND ADOPTING THE "TOWN OF BRECKENRIDGE TITLE VI PLAN RELATED TO TRANSPORTATION PLANNING AND TRANSPORTATION IMPROVEMENTS"

Tim Berry commented that since we receive federal financial assistance from the Federal Transportation Administration in the form of grant funds from the 5309 and 5311 programs, the Town of Breckenridge is required to submit a Title VI Plan every three years in order to be in compliance and eligible to receive these grant funds. New this year is the requirement to also have a Limited English Proficiency (LEP) Plan to be inclusive as part of our Title VI Plan. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

Mr. Bergeron moved to approve the Resolution, Series 2009. Mr. Mamula seconded the motion. The motion passed 7-0.

2. A RESOLUTION AMENDING THE TOWN OF BRECKENRIDGE MASTER PLAN TO INCLUDE THE "TOWN OF BRECKENRIDGE TRAILS PLAN (REVISED DECEMBER 2008)" AS A PART THEREOF

Tim Berry commented that the resolution will amend the Town's Master Plan to incorporate the new Trails Plan. The Council's consideration of this resolution is unusual because it does require that a public hearing be held at the time of the adoption of the resolution.

Mayor Warner asked for public comment. There was none. He closed the public hearing.

Mr. Mamula moved to approve the Resolution, Series 2009. Mr. Bergeron seconded the motion. The motion passed 7-0.

3. A RESOLUTION CONCERNING THE SUBMISSION OF A GRANT APPLICATION TO THE COLORADO DIVISION OF HOUSING (Valley Brook Workforce Housing Development)

Tim Berry commented that Mercy Housing intends to submit an application for funding assistance to the Division of Housing for the Valley Brook Housing project. The application will be submitted on behalf of the Town under a Community Development Block Grant (CDBG). The request will be for \$750,000 to offset expenses that will be incurred in conjunction with developing the infrastructure for the affordable workforce housing to be constructed on the Valley Brook property. This is in addition to the \$750,000 grant application that has been filed and still pending with the Department of Local Affairs thru their Mineral Impact Assistance Fund. The Division of Housing does require the Town's governing Board authorize the grant request.

Mr. Bergeron moved to approve the Resolution, Series 2009. Ms. McAtamney seconded the motion. The motion passed 7-0.

4. A RESOLUTION FINDING A PETITION FOR ANNEXATION OF A PARCEL OF LAND TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S.

Tim Berry commented that The Town Clerk has received a Petition from Entrada at Breckenridge, Inc. seeking to annex to the Town the 3.98 acre parcel located at the northeast corner of the intersection of Colorado Highway 9 and Country Road 450. The state Municipal Annexation Act requires the Clerk 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.

This resolution finds 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 February 24th. 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.

Mr. Mamula moved to approve the Resolution, Series 2009. Mr. Joyce seconded the motion. The motion passed 7-0.

5. A RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 BUDGET

Tim Gagen commented that at the end of the fiscal year they need to make appropriations to approve revenue and expenditures to bring our books up to date. He elaborated on what those were.

Mr. Millisor moved to approve the Resolution, Series 2009. Ms. McAtamney seconded the motion. The motion passed 7-0.

C. OTHER

1. Snow Sculpting Open Burn Permit

Kim DiLallo gave the details of the event and the burn request.

Mr. Mamula moved to approve a special permit to allow open fires during the International Snow Sculpture Championships, on Thursday, January 22, 2009 from 7pm-11:30pm and on Friday, January 23, 2009 from 7pm to 1am on Saturday, January 24, 2009. All burning shall comply with the "Open Burning" requirements of Section 307 of the International Fire Code, 2003 Edition. In addition, the applicant shall obtain a bonfire or open burning permit from the Red, White & Blue Fire Department. Mr. Millisor seconded the motion. The motion passed 7-0.

2. Public Art Commission Appointment

A vote was taken. The majority vote was for Cole Stevens.

PLANNING MATTERS

A. Planning Commission Decisions of January 6, 2009

With no requests for call up, Mayor Warner stated the Planning Commission decisions of the January 6, 2009 meeting would stand as presented.

B. Report of Planning Commission Liaison

Mr. Mamula commented that they talked about the Valley Brook site and discussions revolved around the refuse ordinance.

REPORT OF TOWN MANAGER AND STAFF

Tim Gagen gave a reminder that the 21st is the Valley Brook project Open House. On the 26th and 29th are Open Houses in regard to Home Sizes.

REPORT OF MAYOR AND COUNCILMEMBERS

A. **CAST/MMC (Mayor Warner)** – MMC meeting is this Thursday. He will be attending the Rocky Mountain Program. He will be meeting with the Mayor of Aspen this weekend.

B. **Breckenridge Open Space Advisory Commission (Mr. Rossi)** – Had a meeting last night. VERP people were there. They monitor Cucumber Gulch. They did a lot of surveys. 80% of visitors to Cucumber Gulch are from out of town. The use of the Gulch is not over-used. They use the gulch because they are close to where they are. They will have some monitoring equipment. Retreat is on February 12th. Nature Nordic Center was discussed. It will come back to Council so he did not go into too much detail. BOSAC believes that there needs to be some type of interpretation at the Nature/Nordic Center. Commission felt that starting smaller rather than bigger for the building size was smart.

C. **BRC (Mr. Bergeron)** –Nothing to report

D. **Summit Combined Housing Authority (Ms. McAtamney)**- Nothing to report

E. **Breckenridge Heritage Alliance (Mr. Joyce)** – Nothing to report

F. **Peak 6 Task Force (Mr. Rossi)** – Meeting is tomorrow. They will be talking about the Blue Sky Issue. He elaborated on some other issues that may be discussed.

OTHER MATTERS

Ms. McAtamney commented that the light at Lincoln and Main needs to be adjusted again. Asked if we will see the Solar Tax Exemption again. Tim Gagen commented that they will. She also commented that graffiti in skyway/skyway is out of control.

Mr. Joyce asked for Mr. Gagen to check with staff on the Ski Hill and Park Ave light. Small cars do not trigger it.

Mayor Warner commented that he was invited by Glen Porzak to the American Alpine Club Fundraising Dinner for Greg Mortenson author of "Three Cups of Tea". He questioned whether our ice arena was equipped to detect carbon monoxide. Do we have the right ice monitoring devices?

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:35 p.m.

**TOWN OF BRECKERIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, January 13, 2009
PAGE 4**

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor

EXECUTIVE SESSION CERTIFICATE

Town of Breckenridge)
County of Summit)
State of Colorado)

John Warner, the duly elected, qualified and acting Mayor of the Town of Breckenridge, hereby certifies as follows:

As part of the Town Council meeting on Tuesday, January 13, 2009 at 7:03 p.m., Mr. Rossi moved to convene in Executive Session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for the purposes of receiving legal advice on specific legal questions; ; and Paragraph 4(d) of Section 24-6-402, C.R.S. relating to specialized details of security arrangements; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiators.

Mr. Millisor made the second. A roll call vote was taken. All were in favor of the motion.

Mr. Mamula moved to adjourn the Executive Session at 7:27 p.m. Mr. Rossi made the second. All were in favor of the motion.

This certificate shall be included after the minutes of the regular Town Council meeting of Tuesday, January 13, 2009.

John Warner, Mayor

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 1 (Alternate Town Council Liaison to Planning Commission Ordinance)

DATE: January 19, 2009 (for January 27th meeting)

The second reading of the ordinance establishing the procedure for the appointment of an alternate Town Council Liaison to the Planning Commission is scheduled for your meeting on January 27, 2009. There are no changes proposed to the ordinance from first reading.

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

1 ***FOR WORKSESSION/SECOND READING – JAN. 27***

2
3 ***NO CHANGES FROM FIRST READING***

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

7
8 COUNCIL BILL NO. 1

9
10 Series 2009

11
12 AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 2 OF THE BRECKENRIDGE
13 TOWN CODE CONCERNING THE POSITION OF ALTERNATE TOWN COUNCIL
14 LIAISON TO THE PLANNING COMMISSION

15
16 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
17 COLORADO:

18
19 Section 1. Section 2-2-10 of the Breckenridge Town Code is hereby amended by the
20 addition of a new subsection H, which shall read in its entirety as follows:

21
22 **H. If the Town Council liaison is unable to attend any meeting of the**
23 **Planning Commission, the Mayor may authorize any member of the Town**
24 **Council to attend such meeting as an alternate Town Council liaison. All**
25 **provisions of this section shall apply to such alternate Town Council liaison.**

26
27 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
28 various secondary codes adopted by reference therein, shall continue in full force and effect.

29
30 Section 3. The Town Council hereby finds, determines and declares that it has the power
31 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
32 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
33 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
34 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
35 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
36 contained in the Breckenridge Town Charter.

37
38 Section 4. The Town Council hereby finds, determines and declares that it has the power
39 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
40 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

41
42 Section 5. This ordinance shall be published and become effective as provided by
43 Section 5.9 of the Breckenridge Town Charter.

1 INTRODUCTION, READ ON FIRST READING, APPROVED AND ORDERED
2 PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be held at the
3 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
4 _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
5 Town.

6
7 TOWN OF BRECKENRIDGE, a Colorado
8 municipal corporation
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11
12 By _____
13 John G. Warner, Mayor
14

15 ATTEST:

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19 _____
20 Mary Jean Loufek, CMC,
21 Town Clerk
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MEMO

TO:

FROM: Town Attorney

RE: Council Bill No. 2 (new Duty to Report Ordinance)

DATE: January 19, 2009 (for January 27th meeting)

The second reading of the new Duty to Report Ordinance is scheduled for your meeting on January 27, 2009. There are no changes proposed to the ordinance from first reading.

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

1 ***FOR WORKSESSION/SECOND READING – JAN. 27***

2
3 ***NO CHANGES FROM FIRST READING***

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

7
8 COUNCIL BILL NO. 2

9
10 Series 2009

11
12 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES SECTION 6-3F-10
13 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE DUTY OF A LIQUOR
14 LICENSEE TO REPORT CRIMES

15
16 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
17 COLORADO:

18
19 Section 1. Section 6-3F-10 of the Breckenridge Town Code is hereby amended so as to
20 read in its entirety as follows:

21
22 6-3F-10: DUTY TO REPORT

23
24 ~~A. At all times when a licensed premises is open, the licensee shall designate one~~
25 ~~employee on the licensed premises to be responsible for making any report~~
26 ~~required by this section. It shall be unlawful for the licensee to fail to comply with~~
27 ~~the requirements of this subsection A.~~

28
29 ~~B. It shall be unlawful for the employee responsible for making a report as~~
30 ~~provided in subsection A of this section, who has knowledge of any act or~~
31 ~~conduct which a reasonable person would believe would constitute a violation of~~
32 ~~state penal laws or town ordinances, including, but not limited to, theft, damage to~~
33 ~~property or injury to a person, to fail to promptly report such act or conduct to the~~
34 ~~police department of the town.~~

35
36 **A. If a licensee, any owner of a licensee, or any of the licensee's managers,**
37 **servants, agents, or employees knows or should have known that an illegal or**
38 **violent act has been committed or is about to be committed on, about, or**
39 **outside of the licensed premises, it shall be unlawful and a misdemeanor**
40 **offense for such person to fail to immediately report the same to the police**
41 **department of the town.**

42
43 **B. As used in this section:**
44

1 **1. the term “owner of a licensee” means the sole proprietor of any licensee**
2 **that is a sole proprietorship; any partner of a licensee that is a general**
3 **partnership; any general partners of a licensee that is a limited partnership;**
4 **any member or manager of a licensee that is a limited liability company; any**
5 **person owning ten percent (10%) or more of the issued and outstanding**
6 **stock of a licensee that is a corporation; and any person having a ten percent**
7 **(10%) or more ownership interest in a licensee that is any other form of**
8 **business entity .**
9

10 **2. the term “knows or should have know” means actual knowledge, or**
11 **knowledge that a person exercising reasonable diligence should have. In**
12 **determining whether a person “should have known” certain information, the**
13 **court shall apply an objectively reasonable person standard.**
14

15 C. The failure of a licensee to comply with the penal requirements of this section
16 may be considered by the licensing authority in any action relating to revocation,
17 suspension or renewal of a license. Proof of the licensee's failure to comply with
18 the requirements of this section on three (3) or more occasions within the
19 licensing period shall constitute prima facie grounds for the suspension,
20 revocation or denial of renewal of a license.
21

22 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
23 various secondary codes adopted by reference therein, shall continue in full force and effect.
24

25 Section 3. The Town Council hereby finds, determines and declares that this ordinance is
26 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
27 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
28 thereof.
29

30 Section 4. The Town Council hereby finds, determines and declares that it has the power
31 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
32 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.
33

34 Section 5. This ordinance shall be published and become effective as provided by
35 Section 5.9 of the Breckenridge Town Charter.
36

37 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
38 PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be held at the
39 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
40 _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
41 Town.
42

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

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MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 3 (Amendment to Camping Ordinance)

DATE: January 19, 2009 (for January 27th meeting)

The second reading of the ordinance amending the Town's Camping Ordinance is scheduled for your meeting on January 27, 2009. There are no changes proposed to the ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – JAN. 27**

2
3 **NO CHANGES FROM FIRST READING**

4
5 Additions To The Current Breckenridge Town Code Are
6 Indicated By **Bold + Dbl Underline**; Deletions By Strikeout

7
8 COUNCIL BILL NO. 3

9
10 Series 2009

11
12 AN ORDINANCE CONCERNING RESTRICTIONS ON CAMPING ON PUBLIC OR
13 PRIVATE PROPERTY

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

17
18 Section 1. Section 6-3H-4 of the Breckenridge Town Code is hereby amended so as to
19 read in its entirety as follows:

20
21 6-3H-4: CAMPING RESTRICTIONS; **CAMPING PERMIT FOR SPECIAL**
22 **EVENTS:**

23
24 ~~A. It shall be unlawful for any person to camp or sleep in any park, upon any public street~~
25 ~~or thoroughfare or upon any property or to set up a tent, shack or any other temporary~~
26 ~~shelter upon such property which could be used for such within the Town.~~

27
28 ~~B. It shall be unlawful for any person to trespass or enter upon the land or another or in~~
29 ~~possession of another for the purpose of camping, sleeping or setting up a tent, shack or~~
30 ~~any other temporary shelter which could be used for such purpose or to allow any~~
31 ~~movable structure, recreational vehicle or motor vehicle to remain on such property~~
32 ~~without permission of the owner or the person in possession thereof.~~

33
34 **A. As used in this Section, the terms "to camp" or "camping" shall mean the**
35 **act of setting up a tent, shack, lean to or any other form of temporary**
36 **outdoor shelter for the purpose of providing temporary sleeping**
37 **accommodations. Without limiting the generality of the foregoing, camping**
38 **shall include the act of staying overnight in a parked motor vehicle,**
39 **including, but not limited to, recreational vehicles, trailers, fifth wheel**
40 **trailers and pop-up trailers.**

41
42 **B. It shall be unlawful for any person to camp on any private property or**
43 **public property which the Town has the authority to regulate anywhere**
44 **within the Town unless authorized by a valid camping permit issued by the**
45 **Town Manager pursuant to subsection C of this section.**

1
2 **C. The Town Manager may issue a camping permit to authorize camping in**
3 **connection with a special event. The Town Manager shall adopt administrative rules**
4 **and regulations defining a special event and setting forth the non-discriminatory**
5 **criteria to be applied in issuing permits under this section, as well as other**
6 **administrative rules and regulations relating to the issuance, enforcement, and**
7 **revocation of a camping permit issued pursuant to this section. Such regulations**
8 **shall be adopted in accordance with the procedures established by title 1, chapter 18**
9 **of this code, and may be altered, amended or repealed by the Town Manager in the**
10 **same manner.**

11
12 **D. It is unlawful and a misdemeanor offense for any person to violate:**

- 13
14 **1. any of the provisions of this section;**
15 **2. any of the administrative rules and regulations issued by the Town Manager**
16 **pursuant to subsection C of this section; or**
17 **3. any of the terms and conditions of a camping permit issued by the Town**
18 **Manager pursuant to this section.**

19
20 Section 2. Item (D) of Section 11-2-7 of the Breckenridge Town Code is hereby
21 amended so as to read in its entirety as follows:

22
23 **D. Camp or stay overnight, unless authorized by a camping permit issued by the**
24 **Town Manager pursuant to Section 6-3H-4(C) of this Code.**

25
26 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the
27 various secondary codes adopted by reference therein, shall continue in full force and effect.

28
29 Section 4. The Town Council hereby finds, determines and declares that this Ordinance
30 is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
31 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
32 thereof.

33
34 Section 5. The Town Council hereby finds, determines and declares that it has the power
35 to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article
36 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

37
38 Section 6. This Ordinance shall be published and become effective as provided by
39 Section 5.9 of the Breckenridge Town Charter.

40
41 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
42 PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be
43 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
44 ____ day of _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the
45 Municipal Building of the Town.

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TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

MEMO

TO: Town Council

FROM: Town Attorney

RE: Proposed Shared Driveway Ordinance

DATE: January 19, 2009 (for January 27th meeting)

It has recently come to my attention that the Town's Traffic Code does not have any regulation governing the use of a shared private driveway. A "shared private driveway" is a common driveway providing the primary means of ingress and egress for two or more residential properties.

The Town's lack of an ordinance dealing with a shared private driveway was brought to my attention in connection with a dispute between two property owners who share a common driveway in the Westridge Subdivision. One property owner claimed that the other property owner's renters and contractors were parking in such a manner as to essentially block the driveway and make it impossible for the first owner to get in and out of his property.

The Model Traffic Code adopted by the Town does not speak to this kind of problem. To try to address the problem I have drafted the enclosed ordinance for your consideration.

The proposed ordinance prohibits any person from parking a vehicle upon a shared private driveway in such a manner as to block or impede the lawful use of such driveway by any person entitled to use the driveway, or by any authorized emergency vehicle.

The ordinance also prohibits any person from parking a vehicle on a shared parking driveway other than in a Town-approved parking area. You may recall that under the BOLT Ordinance the Town may designate a parking area for a licensed single-family accommodation unit. The proposed ordinance would provide an additional means of enforcing the Town-designated parking spaces for this class of BOLT licensees.

As currently drafted a violation of the proposed ordinance is simply a traffic infraction (punishable only by a fine of up to \$500 as fixed by the municipal judge). An offense under the ordinance is not a criminal offense punishable by imprisonment. This approach seemed to me to be the most appropriate for this particular parking offense.

I would appreciate your thoughts and comments on the ordinance next Tuesday. I have not asked that the ordinance be scheduled for first reading yet. If the proposed ordinance is acceptable, we can schedule it for first reading on February 10th.

1 **FOR WORKSESSION ONLY – JANUARY 13**

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. _____

7
8 Series 2009

9
10 AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2003
11 EDITION, ADOPTED BY REFERENCE IN CHAPTER 1 OF TITLE 7 OF THE
12 BRECKENRIDGE TOWN CODE, BY ADOPTING PROVISIONS CONCERNING THE
13 PARKING OF MOTOR VEHICLES ON A SHARED PRIVATE DRIVEWAY

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

17
18 Section 1. Section 7-1-2 of the Breckenridge Town Code is hereby amended by the
19 addition of a new paragraph M.7, which shall read in its entirety as follows:

20
21 **M.7 Article 1 is hereby amended by the addition of a new Section 1213, which shall**
22 **read in its entirety as follows:**

23
24 **1213. Parking on a Shared Private Driveway.**

25
26 **A. No person shall park a vehicle upon a shared private driveway in such a**
27 **manner as to block or impede the lawful use of such shared private driveway**
28 **by any person entitled to use such driveway, or by any authorized emergency**
29 **vehicle.**

30
31 **B. No person shall park a vehicle upon a shared private driveway other than**
32 **in a Town-approved parking area.**

33
34 **As used in this section:**

35
36 **1. The term “shared private driveway” means a platted or granted private**
37 **easement or license providing the primary means of ingress and egress to and**
38 **from a public street for two or more residential properties.**

39
40 **2. The term “Town-approved parking area” means a parking area approved**
41 **by the Town as described in Section 4-1-8-1(A)(1) of this Code.**

42
43 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
44 various secondary codes adopted by reference therein, shall continue in full force and effect.

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Section 3. 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 4. 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 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 _____, 2009. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk



MEMORANDUM

TO: Town Council

FROM: Chris Neubecker, Senior Planner

DATE: January 20, 2009

SUBJECT: Land Use District 31 Allowed Uses

Land Use District 31 generally includes the Breckenridge Airport Subdivision, including the Block 11 property. Due to the current use of Block 11 for overflow skier parking, and the future use of the property for parking behind the Rock Pile Ranch property in conjunction with a land trade with the Town, staff recommends changing the allowed uses in this district. This change would specify that surface parking is an allowed use. The change also removes reference to the Revised and Restated Planned Unit Development Agreement for the Breckenridge Airport Subdivision, since this PUD is now expired. The ordinance further specifies that “public facilities” includes public schools and public colleges and universities. It also specifies that child care facilities are an allowed use. The Town Attorney has prepared an ordinance for First Reading to address this proposed change.

We note that this ordinance does not add affordable housing as an allowed use at this time. This is because the source and amount of density required for affordable housing is not yet known. While we anticipate returning to the Town Council for another amendment in the near future, we will not be prepared to make such modifications until some additional details on density and the contract on the Valley Brook site are finalized. However, due to the impending land trade with the Rock Pile Ranch Owners Association, this amendment is required soon, and should not wait until the housing and density decisions are finalized.

The proposed amendment to the Land Use Guidelines reflected in the ordinance is classified as a quasi-judicial amendment. If the ordinance is adopted on first reading, the required notice of the public hearing on the ordinance involves both mailed notice to the land owners in the surrounding area, and newspaper notice. In order for the Town staff to have sufficient time to complete the required notices, the Town Attorney suggests that the second reading/public hearing of the ordinance be scheduled for the Town Council’s second meeting in February (February 24th), rather than the first meeting in February. This will allow us the sufficient time to make sure that the required notice is given in connection with the public hearing on the ordinance.

Staff and the Town Attorney will be available at the work session and evening meeting to answer any questions.

1
2 ***FOR WORKSESSION/FIRST READING – JAN. 27***

3
4 Additions To The Current District 31 Guidelines Are
5 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

6
7 COUNCIL BILL NO. _____

8
9 Series 2009

10
11 AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE
12 GUIDELINES CONCERNING ACCEPTABLE LAND USE TYPES AND INTENSITIES IN
13 LAND USE DISTRICT 31

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

17
18 Section 1. Findings. The Town Council has heard and considered the evidence presented
19 in support of and in opposition to the adoption of this ordinance. Based upon the evidence
20 presented to the Town Council in connection with its consideration of this ordinance, as more
21 fully set forth in the record of the proceedings in this matter, the Town Council of the Town of
22 Breckenridge, Colorado hereby finds and determines as follows:

23
24 1. By Ordinance No. 3, Series 1987, the Town adopted the Breckenridge Land Use
25 Guidelines ("Land Use Guidelines").

26
27 2. The Land Use Guidelines contain provisions governing the development of real
28 property located within the various Land Use Districts of the Town, including, but not limited to,
29 Land Use District 31, and represent the Town's general zoning restrictions with respect to real
30 property located within the Town.

31
32 3. By Ordinance No. 18, Series 1997, the Town Council adopted certain procedures to
33 be followed to amend the Land Use Guidelines.

34
35 4. The amendment to the Land Use Guidelines made by this ordinance is quasi-judicial
36 in nature.

37
38 5. The procedural requirements of Ordinance No. 18, Series 1997, with respect to a
39 proposed quasi-judicial amendment to the Land Use Guidelines have been fully satisfied.
40 Without limiting the generality of the foregoing, the Town Council finds that a public hearing
41 was held by the Town Council of the Town of Breckenridge on _____, 2009
42 to consider the adoption of this ordinance. Notice of such hearing was published twice in The
43 Summit County Journal, a newspaper of general circulation in the Town, the first publication
44 occurring at least twelve (12) days prior to the hearing and the second occurring at least four (4)
45 days prior to the hearing, all as required by Ordinance No. 18, Series 1997. The Proof of
46 Publication of such notice was admitted into evidence and made a part of the record in

1 connection with the adoption of this ordinance. In addition to the newspaper notice, not less than
2 twelve days prior to the date of the public hearing the Director of the Department of Community
3 Development mailed a copy of the text of the newspaper notice by first class mail to all owners
4 of real property located within Land Use District 31 which would be affected by the proposed
5 Land Use Guidelines amendment as shown by the records of the Summit County Clerk and
6 Recorder. The Director's Certificate of Mailing was admitted into evidence and made a part of
7 the record in connection with the adoption of this ordinance.
8

9 Section 2. Amendment To District 31 Guidelines. The paragraph entitled "Acceptable
10 Land Uses and Intensities" of that portion of the Town of Breckenridge Land Use Guidelines
11 applicable to Land Use District 31 is hereby amended so as to read in its entirety as follows:
12

13 ACCEPTABLE LAND USES AND INTENSITIES
14

Land Use Type:

Commercial, and Industrial, **Public Open Space, Public Facilities (including, without limitation, Public Schools and Public Colleges), child care facilities and surface parking. "Public school" use includes all facilities commonly used in the operation of a public school, as well as teacherages. "Public college" use includes all facilities commonly used in the operation of a public college or university, including, without limitation, residential student dormitories.**

Land Use Type and Intensity of Use:

(i) ~~Except as provided in (ii) below with respect to Block 11 of the Breckenridge Airport Subdivision, the property which is subject to the Revised and Restated Planned Unit Development Agreement for Breckenridge Airport Subdivision, as amended from time to time, shall have the density described and provided in such Agreement.~~ **All property located within the Breckenridge Airport Subdivision, except Block 11, shall have a density (FAR) of 1:4.**

(ii) Block 11, Breckenridge Airport Subdivision, is designated as open space/public facilities/schools/**surface parking**, with a density (FAR) of zero "0". **Land uses constructed by a sovereign governmental entity not subject to land use regulation by the Town shall not count as density.**

(iii) Property located within Land Use District 31 but not ~~subject to the Revised and Restated Planned Unit Development Agreement for~~ **located within the** Breckenridge Airport Subdivision shall have a FAR of 1:16.

Structural Type:

Special Review

Commercial, and light industrial uses are encouraged in this district, **except for Block 11, Breckenridge Airport Subdivision**. On Block 11, Breckenridge Airport Subdivision, public open space, public facilities and **(including, without limitation, public schools and public colleges) and child care facilities** uses are encouraged. **Surface parking on Block 11 is also an acceptable secondary use.** Block 11 may also be a suitable receiving site for the transfer of density in connection with the development of public facilities.

Section 3. Continued Effect of Land Use Guidelines. Except as specifically amended hereby, the Breckenridge Land Use Guidelines, as adopted by Ordinance No. 3, Series 1987, shall continue in full force and effect.

Section 4. Police Power Finding. 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. Authority. 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 6. Effective Date. 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 _____, 2009. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By _____
John G. Warner, Mayor

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ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

MEMO

TO: Mayor & Town Council

FROM: Tim Gagen

DATE: 1/22/2009

RE: BEDAC Resolution

The Town Council had recently gone through a review of the structure and function of the Breckenridge Economic Advisory Committee (BEDAC) including a discussion of the future advisory needs of the Council and the Town. From this discussion the Council determined that a task force committee structure would serve the Council better than the current structure.

When the Council determines an issue to be researched and evaluated it will solicit community members with expertise and interest in the subject area and appoint a task force from this group to advise the Council. Once the work of the task force is complete it will dissolve unless the Council has another task for that particular group. In this structure the Council could have more than one task force working at the same time on different topics.

With this change in the structure and direction the originally formed BEDAC is no longer needed. The Town Attorney has prepared a resolution dissolving this committee.

1 ***FOR WORKSESSION/ADOPTION – JAN. 27***

2
3 A RESOLUTION

4
5 SERIES 2009

6
7 A RESOLUTION CONCERNING THE “BRECKENRIDGE ECONOMIC DEVELOPMENT
8 ADVISORY COMMISSION”
9

10 WHEREAS, Section 9.5 of the *Breckenridge Town Charter* authorizes the Town Council
11 to create temporary advisory boards and commissions; and
12

13 WHEREAS, the Town Council has previously created a temporary advisory board called
14 the “Breckenridge Economic Development Advisory Commission”, commonly known and
15 referred to as “BEDAC”; and
16

17 WHEREAS, the individuals who have served on BEDAC throughout the years have
18 worked diligently and conscientiously on the various tasks assigned to BEDAC by the Town
19 Council; and
20

21 WHEREAS, although BEDAC has provided valuable assistance and input, the Town
22 Council believes that small ad hoc task force groups that are given narrow and clearly
23 identifiable goals and timelines will be able to better assist the Town Council in the formulation
24 of the Town’s economic policy; and
25

26 WHEREAS, BEDAC is not a board required to exist by state statute or by *Breckenridge*
27 *Town Charter*; and
28

29 WHEREAS, Section 9.5 of the *Breckenridge Town Charter* authorizes the Town Council
30 to abolish any Town board or commission that is not required to exist by state statute or by
31 *Breckenridge Town Charter*; and
32

33 WHEREAS, the Town Council finds and determines that BEDAC should be abolished;
34 and
35

36 WHEREAS, the Town Council wishes to express its sincere gratitude to all of the
37 individuals who have served on BEDAC throughout its existence, and who have given their time
38 and effort without compensation to help shape the current and future economy of the Town of
39 Breckenridge.
40

41 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
42 BRECKENRIDGE, COLORADO, as follows:
43

44 Section 1. The Breckenridge Economic Development Advisory Commission is abolished
45 as of the date of the adoption of this resolution. The terms of all of the current members of the
46 Breckenridge Economic Development Advisory Commission are declared to be concluded as

1 such date. All of the records of the Breckenridge Economic Development Advisory Commission
2 shall be delivered to the Town Clerk and placed in the permanent records of the Town.

3
4 Section 2. This resolution shall become effective upon its adoption.

5
6 RESOLUTION APPROVED AND ADOPTED this ___ day of ___, 2009.

7
8 TOWN OF BRECKENRIDGE

9
10 ATTEST:

11
12 By _____
13 John G. Warner, Mayor

14 _____
15 Mary Jean Loufek,
16 CMC, Town Clerk

17
18 APPROVED IN FORM

19
20
21
22 _____
23 Town Attorney Date

MEMORANDUM

TO: Planning Commission

FROM: Chris Kulick, Planner I
Mark Truckey, Assistant Director of Community Development

DATE: December 30, 2008

SUBJECT: ICLEI Membership Resolution

In the January 13, 2009 Council packet staff presented information on ICLEI – Local Governments for Sustainability (ICLEI) with a suggestion for the Town to join ICLEI. As previously mentioned, staff desires an ICLEI membership to utilize their technical assistance and analytical tools for the Town’s upcoming carbon footprint analysis. A requirement for becoming a member is for Council to formally adopt a resolution to participate in ICLEI. ICLEI requires a resolution to join, in order to affirm the community’s commitment to climate protection work. To fulfill this requirement a resolution for ICLEI membership is scheduled for the January 27th Council meeting. Staff will be happy to answer any further questions regarding ICLEI membership at your request.

1 ***FOR WORKSESSION/ADOPTION – JAN. 27***

2
3 A RESOLUTION

4
5 SERIES 2009

6
7 A RESOLUTION CONCERNING MEMBERSHIP IN “ICLEI—LOCAL GOVERNMENTS
8 FOR SUSTAINABILITY”
9

10 WHEREAS, scientific consensus has developed that carbon dioxide (CO₂) and other
11 greenhouse gases released into the atmosphere have a profound effect on the Earth's climate; and
12

13 WHEREAS, the 2007 Fourth Assessment Report from the Intergovernmental Panel on
14 Climate Change (IPCC) states that it is very likely that most of the observed increases in globally
15 averaged temperatures since the mid-20th century are due to human-induced greenhouse gas
16 emissions; and
17

18 WHEREAS, in 2006 the U.S. National Climatic Data Center confirmed clear evidence of
19 human influences on climate due to changes in greenhouse gases; and
20

21 WHEREAS, the U.S. Conference of Mayors endorsed the 2005 U.S. Mayors' Climate
22 Protection Agreement initiated by Seattle Mayor Nickels and signed by more than 750 mayors in
23 the United States as of February 2008; and
24

25 WHEREAS, the Urban Environmental Accords adopted by local government delegates
26 during UN World Environment Day 2005 call for reduced emissions through energy efficiency,
27 land use and transportation planning, waste reduction, and wiser energy management; and
28

29 WHEREAS, in 2003 the American Geophysical Union adopted a Statement noting that
30 human activities are increasingly altering the Earth's climate and that natural influences cannot
31 explain the rapid increase in near-surface temperatures observed during the second half of the
32 20th century; and
33

34 WHEREAS, in 2001, at the request of the Administration, the National Academy of
35 Sciences (NAS) reviewed and declared global warming a real problem likely due to human
36 activities; and
37

38 WHEREAS, the 2000 U.S. Global Change Research Program's (USGCRP) First National
39 Assessment indicated that global warming has begun; and
40

41 WHEREAS, 162 countries including the United States pledged under the United Nations
42 Framework Convention on Climate Change to reduce their greenhouse gas emissions; and
43

44 WHEREAS, energy consumption, specifically the burning of fossil fuels, accounts for
45 more than 80% of U.S. greenhouse gas emissions; and
46

1 WHEREAS, local government actions taken to reduce greenhouse gas emissions and
2 increase energy efficiency provide multiple local benefits by decreasing air pollution, creating
3 jobs, reducing energy expenditures, and saving money for the local government, its businesses,
4 and its residents; and

5
6 WHEREAS, the Cities for Climate Protection® Campaign sponsored by ICLEI – Local
7 Governments for Sustainability (formerly known as the “International Council For Local
8 Environmental Initiatives”) (ICLEI) has invited the Town to join ICLEI and become a partner in
9 the Cities and Counties Climate Protection Program.

10
11 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
12 BRECKENRIDGE, COLORADO, as follows:

13
14 Section 1. The Town will join ICLEI as a Full Member, and pledges to take a leadership
15 role in promoting public awareness about the causes and impacts of climate change.

16
17 Section 2. The Town will undertake ICLEI's five milestones to reduce both greenhouse
18 gas and air pollution emissions throughout the community, and specifically:

- 19
20 1. Conduct a greenhouse gas emissions inventory and forecast to determine
21 the source and quantity of greenhouse gas emissions in the jurisdiction;
22 2. Establish a greenhouse gas emissions reduction target;
23 3. Develop an action plan with both existing and future actions which when
24 implemented will meet the local greenhouse gas reduction target;
25 4. Implement the action plan; and
26 5. Monitor and report progress.

27
28 Section 3. The Town requests assistance from ICLEI's Cities for Climate Protection
29 Campaign as it progresses through the milestones.

30
31 Section 4. This resolution shall become effective upon its adoption.

32
33 RESOLUTION APPROVED AND ADOPTED this ___ day of ___, 2009.

34
35 TOWN OF BRECKENRIDGE

36
37
38
39 By _____
40 John G. Warner, Mayor
41

MEMORANDUM

To: Town Council

From: Jennifer Cram, Planner III

Re: **CLG - TAX CREDIT REVIEWING RESOLUTION**

Date: January 21, 2009 (for January 27, 2009 meeting)

In your packet is a resolution that would declare that the Town chooses NOT to be the reviewing agency for tax credits that are available with regard to historic preservation projects. The State would remain the reviewing agency. Because the Town is a Certified Local Government (CLG), the Town may choose to be the reviewing agency for such tax credits. Staff has no concerns with how the State has been performing these duties. Also, staff believes it would consume added staff resources to administer this program. Finally, we believe that it would require significant training due to the technical nature of the credits, and that this training would not be commensurate with the benefits that would be provided, due to the limited number of applications from our community that have traditionally been submitted for tax credits.

In either case, according to the State, the Town must adopt an annual resolution stating the Town's intention. The Town adopted a similar resolution in December of last year.

Recommendation: Staff recommends that Council adopt the attached resolution declaring that the Town chooses not to be the reviewing agency regarding tax credits for historic preservation, for fiscal year 2009.

RESOLUTION NO. xx

SERIES 2009

A RESOLUTION DETERMINING THAT THE TOWN OF BRECKENRIDGE WILL NOT ACT AS A REVIEWING ENTITY FOR THE STATE INCOME TAX CREDIT PROGRAM FOR QUALIFYING HISTORIC REHABILITATION PROJECTS FOR FISCAL YEAR 2009

WHEREAS, §39-22-514(10), C.R.S., requires each municipality to annually adopt a resolution stating whether the municipality will act as a reviewing entity for the state income tax credit program for qualifying historic rehabilitation projects; and

WHEREAS, the Town Council of the Town of Breckenridge has considered such matter; and

WHEREAS, the Town Council finds and determines that it would not be in the best interests of the Town and its citizens for the Town to act as a reviewing entity for the state income tax credit program for qualifying historic rehabilitation projects for calendar year 2009.

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

Section 1. The Town of Breckenridge shall not act as a reviewing entity for the state income tax credit program for qualifying historic rehabilitation projects for calendar year 2009.

Section 2. This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED this 27th day of January, 2009.

ATTEST:

TOWN OF BRECKENRIDGE

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor

APPROVED IN FORM:

Town Attorney

Date



Scheduled Meetings, Important Dates and Events

Shading indicates Council attendance – others are optional

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

January 2009

Tuesday, January 13; 3:00/7:30pm	First Meeting of the Month
Tuesday, January 20 th ; 5:30pm	ISSC Opening Reception
Monday, January 26 th ; 6-8pm	Neighborhood Preservation Policy Open House- Rec Center
Tuesday, January 27; 3:00/7:30pm	Second Meeting of the Month
Tuesday, January 27; 2:30pm	Non-Profit Grant Reception
Thursday, January 29	BOSAC Retreat
Monday, January 29 th ; 6-8pm	Neighborhood Preservation Policy Open House- Rec Center

February 2009

Tuesday, February 10; 3:00/7:30pm	First Meeting of the Month
Tuesday, February 24; 3:00/7:30pm	Second Meeting of the Month
Wednesday, February 25	Peak 6 Task Force Public Forum

OTHER MEETINGS

2 nd & 4 th Tuesday of the Month; 7:00pm	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00pm	Public Art Commission; 3 rd floor Conf Room
2 nd Thursday of the Month; 3:00pm	BEDAC; 3 rd floor Conf Room
2 nd Monday of the Month; 5:30pm	BOSAC; Council Chambers
2 nd & 4 th Tuesday of the Month; 1:30pm	Board of County Commissioners; County
3 rd Thursday of the Month; 7:00pm	Red White and Blue; Main Fire Station

2nd Thursday of the Month; 5:30pm

Sanitation District;

Last Wednesday of the Month; 8am

Breckenridge Resort Chamber; BRC Offices

4th Wednesday of the Month; 9am

Summit Combined Housing Authority;

2nd Wednesday of the Month; 12 pm

Breckenridge Heritage Alliance

4th Monday of the Month

Peak 6 task Force

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