



**BRECKENRIDGE TOWN COUNCIL
WORK SESSION
Tuesday, September 22, 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 – 3:45 pm	II. <u>LEGISLATIVE REVIEW</u> *	
	• Valley Brook Land Conveyance	Page 55
	• Medical Marijuana Dispensaries	Page 59
	• BOSAC Amendment	Page 82
3:45 – 4:30pm	III. <u>MANAGERS REPORT</u>	
	• Breck 150 Recap	Page 12
	• Public Projects Update	Page 17
	• Housing/Childcare Update	Verbal
	• Committee Reports	Page 18
	• Financials	Page 21
	• USPS Satellite Location Update	Page 3
4:30 – 5:45pm	IV. <u>OTHER</u>	
	• Forest Service Fuels Management Presentation	Page 30
	• Sidewalk Master plan	Page 31
	• Town Property Assets	Page 35
	• Forest Management Task Force	Page 40
5:45 – 6:00 pm	V. <u>EXECUTIVE SESSION</u>	
	• Personnel & Acquisition	
6:00 – 7:15 pm	VI. <u>BRC JOINT MEETING</u>	

Dinner will be served

***ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA** **Page 49**

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: September 16, 2009

Re: Town Council Consent Calendar from the Planning Commission Decisions of the September 15, 2009, meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF September 15, 2009:

CLASS C APPLICATIONS:

None

CLASS B APPLICATIONS:

None

CLASS A APPLICATIONS:

None

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:07 P.M.

ROLL CALL

Rodney Allen Michael Bertaux Leigh Girvin
Dan Schroder JB Katz Jim Lamb
Dave Pringle arrived at 7:11

APPROVAL OF MINUTES

On page 3, during the discussion on the Carter Ridge Residence (PC#2008076) Mr. Allen recommended that the applicant work through “Mr. Stais’ comments”, not Mr. Thompson’s.

With no other changes, the minutes of the September 1, 2009, Planning Commission meetings were approved unanimously (6-0).

APPROVAL OF AGENDA

Mr. Neubecker added a worksession on the New Satellite Post Office Location as well as a discussion on the Planning Commission Field Trip to the agenda. With no other changes, the September 15, 2009 Planning Commission agenda was approved unanimously (6-0).

WORKSESSIONS:

1. Neighborhood Preservation Policy (JP & MT)

Ms. Puester presented. Staff has now crafted code language that implements the Neighborhood Preservation Policy for the Planning Commission’s review. The Code amendment would include a new absolute Policy 4 regarding floor area ratios (FAR) and maximum square footages in subdivisions without platted building or disturbance envelopes.

After Planning Commission comment on the proposed policy language, Staff plans to proceed to the Town Council on September 22nd for first reading.

Questions for the Planning Commission

1. Was the Planning Commission comfortable with the proposed policy language attached?
2. Were there any questions, suggestions or modifications that the Planning Commission would recommend to the proposed policy?

Mr. Allen opened the worksession to public comment.

Mr. Lou Fishman, Summit County Builders Association: Thanked the task force and public input approach. Support the floor area ratio (FAR) approach and think it will accomplish the goals of the policy. Do not support a size cap and feel it will set a bad precedent in the rest of the county. Concern is that if it is passed with the cap, then other Summit County jurisdictions will follow and we feel it will affect our industry. Concerned that people can’t do a lot line vacation to get a bigger home. Have concerns with property rights. Agree with the majority of the policy in principle but concerned with precedent. The County tried to start something last year which would charge extra for an impact fee with a similar policy. This is not bad for Town but worried about the snowball effect if the County picks it up. (Mr. Turk Montepare, task force member: Couldn’t this be positive in the County rather than negative? Maybe a good impact in the County and set the right direction.)

Mr. Marc Hogan, local architect: Goal of the ordinance is to preserve the neighborhood character, and the way you do that is to make sure that buildings fit in, and it relates to design, scale, and mass, not necessarily square footage. FAR is better than absolute limitation with a cap. Glad to see that basement is exempted along with garage square footage. I think you can have a small building that doesn’t fit, and a big building that fits well if it is designed well. Size limitations in Warriors Mark and Warriors Mark West seem very low, especially for duplexes. If you are over that size limit you will not be able to do another addition? (Ms. Puester: Correct, if you are at the maximum limit, you would be unable to exceed that further.) This is a problem for the neighborhood, and in fairness you should allow people with older buildings to fix their buildings up and have additions to add new square footage if it is

within the building mass that exists already. A good example would be if you had a loft area in a building, and wanted to complete the level as an entire floor with a bathroom, and you wouldn't be able to do that with this policy even though it would fit inside the existing cube of the building. This could lead to people in the future not pulling building permits. Sunbeam Estates and Trafalgar subdivisions have only one vacant lot left, maybe those subdivisions should be taken off.

Mr. Craig Campbell, local builder: This is a great example of public process and we have developed a fairly good policy based on public input. Worry that if we put caps on square footage that other jurisdictions will follow, as Mr. Fishman stated. Has the Town done a calculation to determine what the largest house is that can be built on an available lot based on the cap and FAR method? (Ms. Puester: Without the cap, some of the neighborhoods recommended FAR would allow homes up to 18,000 square feet, depending on the subdivision. This is the purpose of the cap; to allow for smaller homes to be reasonable sizes and limit the monster home from being next door.) I ask that the Town consider another method where we can achieve a compatible lot size without the cap; perhaps two FARs can be included for the subdivision to address larger lots. (Mr. Pringle: We could add building envelopes on all of these private lots, but we do not think it is possible to do that.)

Mr. Brian Whitcomb, Warrior's Mark resident: Agree with the Task Force and having a maximum cap size. Concerned with duplex sizes that are too big in Warrior's Mark. Some existing duplexes are already too big. There have been issues in the past with duplex size, and I don't want to allow existing duplexes to build on additions. We should not allow for larger duplexes. I agree with the numbers.

Mr. Turk Montepare, task force member: We took a liberal approach to coming up with the policy, and there were realtors on the task force looking at property value impacts. The cap is really in place to prevent a real anomaly, don't want to see a 10,000 square foot house in the Weisshorn. Need to be careful about throwing out the "takings" scenario. There are plenty of FAR caps in other jurisdiction's regulations. No one has ever challenged it in court. We really looked at catastrophic types of buildings that could hurt the home values of adjacent properties. We aren't seeing many homes larger than the 8-9,000 square foot mark which is a pretty high cap. I am supportive of this. I think that Mr. Hogan's idea about interior growth within the existing building mass is a good idea. Many of the lots in Warriors Mark are only 8,000 square feet, and if 1,000 square foot additions came into play then we start seeing homes being built from lot line to lot line and people don't want to see that. May tweak some of the Warriors Mark numbers. We don't want what has happened in neighborhoods in Denver where 3 story homes have been built next to ranch homes. (Mr. Pringle: I would caution the people that are against that cap that we will eventually have some issues with 10,000 square foot homes being built next to each other; blocking views, sunlight, lot line to lot line development, etc. Don't think of it as a limit on your ability to build, but an expectation of what the neighborhood will look like. You will be able to use your density. I don't think this is that restrictive.)

Mr. Jason Brewer, local Realtor: From my understanding there is no grandfather clause, and that is an issue. I think that if you have already bought in under certain pretense, you should be allowed to rebuild if the home burns down. (Ms. Puester: You are grandfathered in the development code and in this policy Section D. Will add language to the policy to clarify that.) (Ms. Katz: I agree with Mr. Brewer. We need to make it clearer to show that if your home burns down, you can rebuild to your previous size.) (Mr. Neubecker: this is already covered in the development code and allows them to rebuild to their previous density.) (Mr. Schroeder: Could this person add the 900 square foot garage?) (Ms. Puester: The garage is exempt up to 900 square feet, so they could add it. Anything over a 900 square feet garage would be counted towards density.)

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

Commissioner Questions/Comments:

Mr. Schroder: I have been in support of this policy all along, and take the public comment to heart. Reading some of the written comments regarding tax payers leaving or choosing not to be here; I think people will continue to visit and purchase second homes and live in Breckenridge because of its character, and the limit on large homes reduces the tendency for it to become "elite". We are a different community than Vail or Aspen already.

Ms. Girvin: I am impressed with the work of the Task Force, Ms. Puester and the Council initiative and thankful to the community for their involvement. I support the ordinance. I agree that we need to refer to the grandfathering section to clarify further. There are large limits on the maximums. I think this is a

good precedent in the county. We need to keep in mind Section G of the ordinance that explains what the impacts of larger homes are. This is a county-wide neighborhood issue, and the demand on our infrastructure, decrease in wildlife habitat, carbon footprint, etc. all makes it important. I agree with Mr. Allen regarding the removal of the word “unnecessarily” from Section 1 G.

Mr. Pringle: Does the FAR that we have applied to Warriors Mark West allow for a home to be built that is larger than exists in the neighborhood today? (Ms. Puester: The FARs were determined based on a relationship of what home size is existing in each neighborhood, and we created a spreadsheet to analyze the numbers to ensure that future sizes would be compatible. It is not capped smaller than what exists today, but rather above what exists today.) (Mr. Montepare: The Task Force will look again at the Warriors Mark issue next week.) This ordinance does not take away from what is there now, it isn’t proposed at 80% of the largest home there now as before which would have limited enhancement, and it is closer to 110% of what is there now.

Final Comments: I applaud the Council for wanting to do something. I think this is a good policy and puts people on an even playing field. I don’t think we should not do this because of what Summit County might do. This is a good thing for Breckenridge and hopefully the County will do a good job for their jurisdiction as well. Knowing the square footage your neighbor can build is a good thing. I don’t think this is a “takings”. I appreciate the Task Force efforts.

Mr. Lamb: I agree with what has been said, and that the numbers are quite liberal except for the numbers for Warriors Mark which is being analyzed more by the Task Force. I think that this policy gets the ball rolling in the county in a good direction.

Ms. Katz: I agree with what has been said. I thank you Mr. Whitcomb for supporting the policy, and think it supports what we intended to do. I agree with Mr. Hogan that there are some issues with Warriors Mark, and want the Task Force to look into this some more. Generally, this particular policy would not be considered a takings because there is reasonable use of the property, and quite liberal square footage caps. I think this is a good precedent, and the rest of the county will do as they do. Our process with the Task Force and the Staff’s study is a great precedent. Thanks to Ms. Puester for all of this work and to the Task Force.

Mr. Bertaux: I agree with everything that Mr. Pringle has said. My subdivision isn’t on this list and my house was there before all of the others, and it is the smallest on the block. I wish this ordinance had been in place years ago as now there are 4,000-5,000 square foot homes along the street. I think that other jurisdictions in the county could learn a lot from this policy, the Task Force and staff, especially the efforts of Ms. Puester and her data tables and research for each lot in the town. I think if others look to a policy such as this, they should follow our lead. I support the ordinance and would recommend that the Council approve it.

Mr. Allen: I think the Task Force and public process have helped me to become a little more comfortable with this ordinance. Was not supportive previously but coming around now; the process is working. I think we need to address additions and remodels. I would like Ms. Puester to double check the square footage in Sunrise Point and Trafalgar subdivisions, and the FARs and caps in the Warriors Mark neighborhoods. I agree with comments regarding the grandfathering clause clarification. In Section G of the findings I have a problem with the word “unnecessarily” and think we could have the same findings without that word. With those comments, I think I could be in favor of this. Would like the record to show that the Commission read the letters from Dee Phelps and Carol Rockne and took those comments to heart.

2. Energy / Sustainability Policy (JP)

Ms. Puester presented. In previous discussions, both the Planning Commission and Town Council have expressed interest in further encouraging sustainable site and building design through the Development Code. The purpose of this work session is to discuss an approach to modifying the existing Energy Conservation Policy (Policy 33R) to address these concerns as well as a potential modification to the Master Plan Policy (Policy 39A) to promote Sustainable Communities.

Staff has reviewed the Town Code in relation to the Sustainable Building Code, LEED standards, LEED for Neighborhood Design (LEED ND) which is currently in draft form through the U.S. Green Building Council as well as other similar adopted municipal codes. Many of the items proposed in the attached list have come from one of these documents. Where the proposed items and the Sustainable Building Code double up, staff has made a note as

such. (Note: The Sustainable Building Code negative points apply only to single family residential structures over 3,000 square feet).

Staff would like the potential Policy 33R and 39A revisions to be the focus of the upcoming annual Planning Commission field trip. Staff proposed to arrange site visits in communities which have example developments and/or buildings and similar policies and goals. Staff reminded the Commission that the purpose of this worksession is to identify priorities and major issues for further research. Staff did not intend to discuss specific details or point values at this time. These issues will be discussed in future meetings.

Commissioner Questions/Comments:

Mr. Schroder: I have a question about the point system, would it be packaged or individual points for items such as bike racks? I think maybe packages are a good way to go for master planning. (Ms. Puester: We haven't gotten there yet, but I think it will be a checklist for the project as a whole.) (Mr. Neubecker: Idea is you get a bunch of items under a specific element, you get points within this policy.) I like the list so far and it seems to be on the right track.

Ms. Girvin: This is a great thorough list. I don't understand why an accessory unit under "energy" would get positive points, unless it is an affordable unit. (Ms. Puester: This showed up in other jurisdictions policies. An example might be if someone lives in an accessory unit in a large home in a subdivision that is otherwise empty. It may be more appropriate under the Master Plan Policy rather than Energy Policy.) I agree that snowmelt systems on north facing public sidewalks is great, but I have a problem with the snowmelt systems being installed when there isn't any room for snow stacking left on a property because they filled up the envelope. I would be curious to understand the energy use of someone who plows my driveway, in comparison to a snow melt system. I would add live-work to the list. There is always going to be new technology coming out, and we need to account for that. (Ms. Puester: We can address this by using the term "renewable energy" rather than specific sources and using the quantifiable measures, such as a certain percentage of the building's energy consumption.)

Mr. Pringle: I think there should be some consideration for offset of energy for heated driveways, on or off-site. (Mr. Neubecker: On-site is already built into our code. That's how our point system works.) In Grand County, there are several remote wood fire boilers, which burn pellets, logs, etc. They are EPA rated and UL listed boilers, and we will have a lot of wood to burn in the future. We have a lot of biomass available to us right now. Other than that it is a good start.

Mr. Lamb: There is also the heat tape, is it covering the entire roof or just on the eave? Should not have negative points for heat tape just over building entrances where it is a safety issue. I think this is a great start.

Ms. Katz: I am glad that Mr. Bertaux brought up the hot tub issue. Thought that hot tubs are pretty energy efficient now. Would like to see some numbers on that. I don't think that all snow melt systems should get negative points. In those areas that are on northern sides of the building, some people can solve personal safety issues. We have a dark sky policy but it doesn't say "no light", and should be the same for the snow melt. There should be some areas that are okay, on northern sides of public areas. (Ms. Girvin: I agree.) (Mr. Allen: I think safety should be an issue for all of this, and I think you ought to be able to snow melt those areas. They should be treated differently than a 300' driveway or someone's 1,000 square foot heated patio.) (Mr. Kulick: The one issue is how people plan their site; most orient to views rather than if they will be walking on the north side of the home. There are very few areas where there isn't a functional alternative to snow melt then and they should be designing differently. At Longbranch you walk on the other side of the street.) Believe that restricting people to orient to a certain direction to avoid all snowmelt is too limiting on them. I think generally speaking you're on the right track. I think the sustainability scale seems like a good idea. I don't see why bike racks should get positive points, but I understand why you're doing it.

Mr. Bertaux: What are the "other issues" on the list? (Ms. Puester: While doing research and obtaining feedback, we wanted to track that there are "other issues" that may not fit into these policies, and we will keep a running list. It doesn't have to be with 33/R and may eventually mean other ordinance changes.) For 33/R, and we are looking at the negative points side; what if people only have one of these bad things? Are you looking at a situation where if you still have to have a hot tub, are you going to get all of these negative points? Are hot tubs that bad? (Ms. Puester: It is quite often that hot tubs are put in later, after C.O.; its hard to track negative points for that so it is a concern in tracking and applying negative points later if it remains on the list.) We also have people come in and propose to

install photovoltaic panels if there is money in the budget, and then might not do it at the end. (Ms. Puester: It can be a condition of approval.) I don't have anything to add and think we need to work through it some more when we have more information.

Mr. Allen: Some of the higher cost items, like solar panels or geo-thermal, should get more points, versus a motion detector or bike racks which should be counted together. I agree with Ms. Girvin that the accessory unit is a stretch and that live-work units should be added to Master Plans. I love Mr. Pringle's idea about the EPA rated boiler. I love the list so far. The snow melt and heat tape should be looked at according to safety. If it is related to safety I have no problem with that, but if it is because someone wants to heat their whole patio it should be negative points. Hot tubs should not be negative points. With water features I thought we found out that there wasn't substantial energy use and I think they should be removed from the list. I would like more information about "lack of walkability". I don't understand how this applies to all locations. I like the master plan sustainable community index.

3. Landscape Policy (JC)

Ms. Cram presented a draft of proposed changes to the Landscaping Policy-22 regarding Absolute requirements. Language has been added to address noxious weeds, the removal of dead and Mountain Pine Beetle infested trees, Defensible Space and water features. Staff provided a verbal update on the formation of a Fire Wise Task Force that the Council directed staff to create to provide input on matters related to fuels reduction and forest health.

Staff will bring changes on the Relative Landscaping Policy, including changes to the point multipliers, at a future date.

Commissioner Questions/Comments:

Mr. Schroder: Is there potentially a dual effort between weeds and grasses in the different sections for noxious weeds and wildfire? (Ms. Cram: No, because if you simply cut back weeds they will come back the next year.) (Mr. Bertaux: Aren't the grasses in there because when they dry out they become fire hazards? I think the wildfire standards should be required.) (Ms. Cram: When grasses and wild flowers go to seed in the fall they should be cut back. Hopefully they are desirable plants, perennials and grasses, not noxious weeds.) Do we define what a "specimen" is? (Ms. Cram: Yes it is defined and will be defined further in the landscaping guidelines.) (Mr. Neubecker: Specimen is defined in the current Development Code.)

Comments: In general as far as a whole forest health approach, I like what we are trying to achieve. I think that being a good neighbor you should follow the wildfire mitigation policies. I think we need to look at the wildfire mitigation approach. With new development and the 15' buffer around homes, I am not opposed to it. Landscape around the home is appealing. I appreciate the bullet point 1 to 3 with the water features. I don't think they will mimic pools. I agree with Ms. Girvin that water features shouldn't be used year round.

Ms. Girvin: Regarding pruning, what about an aspen tree that is only 8' tall? (Ms. Cram: Only dead branches will be pruned up to 6'.)

Comments: Purpose of this is complementing the natural landscape and retaining the sense of the mountain environment. I think something needs to be in the code regarding limiting sod lawns, which doesn't complement our environment. There should be negative points. (Ms. Cram: That will be covered in the relative policy.) The water district is limiting the amount of sod and we should look at that, and I agree it is appropriate under the relative policy. Under 22A Maintenance, spraying is noted and we need to think about what that is (chemicals?). I don't see how that complements the natural environment. I would like to see the Town have greater teeth in their enforcement, some kind of fines. The new BBC berms are landscaped with weeds; how do you go back and make them correct that? People should have to fix that. The town's top soil stockpile is covered in weeds. The whole stockpile is now spread all over town. The town is one of the worst offenders. (Mr. Thompson: We have the ability to fine people up to \$500 a day.) (Mr. Rossi: We spray it after it has already gone to seed. They need to be removed.) You are starting to get into the idea of native species and I support that. I would like to consider a category of "legacy plants" like oriental poppies and cotoneaster that aren't native but have been growing here for some time. In zone 1 if you have to completely clear cut all vegetation to within 15' of your home that is counter to improving the appearance of your home. I can see a lot of ugliness if this policy is followed. The

policy is draconian. I am concerned about misformed trees. Standing dead trees are important wildlife habitat for cavity nesters. Some of these trees should be allowed for those birds. (Ms. Cram: Language was included in the mandatory ordinance and can be put back in.) I think that the main reason this is so unpalatable is the enforcement, I have a hard time swallowing that. I think that a task force will be a valuable step in this process. The point of a water feature is noise attenuation and aesthetics. You don't need either of those in the winter. I don't think they should be operable year round.

Mr. Pringle: Under Maintenance, can you put 2 and 3 together and take out the cash deposit? We can reference the Noxious Weed Management Plan. Enforce it through the landscaping covenant. When a property owner loses a significant amount of trees, could there be a trigger for them to come back in and file a new landscaping plan with the Town? (Ms. Cram: We can look at that with the Task Force, but this policy is in regard to new construction.) Where it says "all flammable vegetation shall be removed" within 15' do we want to elaborate on that? (Ms. Cram: We are really looking at the lodgepole pine, and maybe we say anything that isn't "firewise".) Is there anything on water features that requires them to be addressed by the building code? (Mr. Neubecker: Yes, it is 4' deep but it only addresses recreation features like pools. Building official did not think water features were a building code concern.) (Ms. Cram: Technically people are required to get a Class D permit and the building department would review it with planning staff to determine fencing requirements.) If you have a pool in your backyard you have to put up a fence.

Comments: I am curious, how we do landscape on new construction? When does that become difficult to enforce? I don't think we should encumber the town with future compliance on some of this stuff, but try and put in good landscape plans to begin with. As far as MPB in #6 being replaced on a "case-by-case basis", what is the trigger and in what manner are plantings going to take place? We have to give the landowner the ability to manage his land in the way, shape and manner they like rather than dictated. It needs to be written with that spirit in mind. I don't want the town to tell me I can't put daisies or poppies in a specific way, and landowners should be able to do landscaping as they see fit. I think wildfire mitigation should be a guide rather than a strict regulation. It should be absolute but in the ordinance you have to figure out how to get there in the right spirit. I don't think that sod should be limited. (Mr. Neubecker: That should maybe be considered in the energy and water policy.) The zone 1c should emphasize trees and crown spacing within 15'. (Ms. Cram: "Firewise" is about the water content of plant material, not just trees, and firewise planting can be within 15' of the house. I will make that more clear.) I am concerned with the requirement for pruning up of trees. I don't think we have a common idea of water features. (Ms. Cram asked the other commissioners if they agreed with how it is written regarding water features remaining inside setbacks. Ms. Katz, Ms. Girvin and Mr. Lamb agreed.) (Mr. Neubecker: Right now we have it written how we think it will work.)

Mr. Lamb: I agree with Mr. Bertaux regarding the deposit. I think that the topsoil doesn't matter, because the weeds will pop through it. Once they are pulled in my experience they don't come back.

Comments: I think the "case-by-case" basis is difficult to codify. This policy mirrors the County policy very closely. I thought it would look really bad at my house when I had to follow the County policy, but when the person came out to do the wildfire mitigation on my property there was some leeway and negotiation and it didn't end up looking that bad. I hope that with the wildfire mitigation that there is some ability to look at it in the spirit of healthy forest and not get too hung up on this "absolute" policy. I hope we are actually able to go by a case-by-case basis. I think that misformed trees are also a case-by-case basis. I think the part C within Zone 1 is an issue because it eliminates flower boxes on windows. No issue on water features as long as they don't have glycol.

Ms. Katz: I would agree with Mr. Bertaux. It should be enforced by covenants like the other situations in town. Using weed-free topsoil seems like it will help. If you were building a house in the Wellington Neighborhood, would the master plan take precedent over this? (Mr. Neubecker: Yes if the master plan discusses this issue, the Master Plan is the controlling document.) (Ms. Cram: For future areas of those neighborhoods, we would like to look at where landscaping is being planted and make sure it is in the appropriate locations.) Since this is in relation to new construction, how can you keep a specimen spruce tree if is existing? (Ms. Cram: We would create spacing around the specimen tree, then if preserved you could receive positive points.) I am not convinced that all misformed trees will be a big problem.

Comments: I think in general this is going in a good direction, but I think more teeth need to be in the noxious weed ordinance and not trying to enforce covenants. The noxious weed ordinance covers much more than that. I feel like this needs to be softened a little bit; when you combine the MPB and wildfire mitigation you're saying clear it all out, but then saying we want to put things back for privacy buffers. We need to eliminate the need to replant certain things. Also people need to be able to use the trees for firewood, and that needs to follow defensible space ordinance. We need some of the language coming back in that Ms. Girvin was referring to regarding habitat. I am okay with new construction needing to remove their pines before 2012. (Ms. Cram: This policy will be in place after 2012.) We need the task force to review all of these elements. I am concerned with misformed trees. I get nervous about the "case-by-case" basis comments, and especially the "must be replaced after they are removed". I think we need to be aware that other diseases are going to come up in the future and we need to accommodate for them. We know this is a contentious issue, and a task force with actual feedback will help us in the future. The task force might result in huge buy-in and people supporting the ordinance. I don't think water features should run in the winter.

Mr. Bertaux: Regarding the deposit for weeds, I'd like to have that question answered by the Town attorney. Once you have a C.O., you should have all deposits back. The cash deposit for one year is not going to solve this issue. When the building season runs into the winter, sometimes landscaping has to be held to the following spring. Would there be a lien on the property if the weeds aren't removed? (Ms. Cram: It would be a fine.) On a larger lot, often once the trees are clear the topsoil is usually scraped and saved. It may or may not be weed-free. If they have enough room to save the topsoil, aren't we saving energy by not hauling it off-site? (Mr. Allen: Maybe just imported soil should be weed-free.) You could go higher than 6 feet regarding pruning the dead wood out. I would qualify your definition of "misformed tree" with "misformed by disease". Certainly some trees will grow their own way. (Ms. Cram: We are looking for optimum forest health.)

Comments: I don't think that the water features policy is going to the scale that Mr. Pringle is concerned about, because our lots are in the 1-2 acre size, not 600 acres as is seen in unincorporated areas of the County. I somewhat agree with Mr. Pringle's comment regarding maintenance and combining 2 and 3. I am undecided about a cash deposit being required, but don't want a nightmare for staff to deal with this. For 5 and 6 I think we do everything here on a case-by-case basis. I think the issue is the 5 years. How will we enforce something 5 years later? (Ms. Cram: I think we should remove that from the policy.) Why is the MPB included even though there is already an ordinance? (Ms. Cram: the intention was to make it easier for new builders, new construction to find requirements in one place.) I need to know more about the misformed trees. I'd like to know what other arborists have said. (Ms. Cram: Most of the misformed trees end up being hazard trees or being diseased. The goal is to create forest health. If misformed causes a lot of problems, maybe we will get rid of it.) I would like to qualify "misformed" by disease and add more definition. The zone 1c the way it is written says I can have flower beds; it needs to be expanded so people understand that they can put in flower beds. It should expand on the irrigation; irrigation or drip irrigation. I am all for the rest of the wildfire mitigation going forward. Water features should be prohibited from having glycol.

Mr. Allen: How do you enforce the current landscaping covenant? (Ms Cram: They are enforced on a case-by-case basis, for example if a neighbor complains or staff sees dead trees. We send a letter to the property owner regarding the landscaping covenant. Most of the time the property owner replants after this letter.) Could that system apply to this? Can you please elaborate on the word "replace" regarding replacement of dead trees? (Ms. Cram: We're not asking a property owner to replant all of the trees that they lost, but if there is an area where they are only 15' away from their neighbor we may ask them to provide a buffer between the properties, like a few aspen trees. It is flexible.)

Comments: I think this policy has a long way to go. I agree with everything Ms. Girvin said. I agree with Ms. Katz's comments regarding diseases in the future, and maybe we should eliminate the words "mountain pine beetle" and call it "disease" therefore it will be covered for a few years for disease. I agree with Mr. Pringle's comments regarding enforcement. On the annual basis issue, the annually applies after June 1, 2012 and after that it will be annual. I think that the replacement of trees on a case by case basis should be removed. I support that buffers should be maintained. Only new plantings which will not be adversely affected by snow stacking that should be banned, but some can withhold it and they should be allowed. I have an issue with the zone 1c 15'. First issue is the minimum 15' setback; there could be no trees within two houses that are 15' from the property

line. Special consideration needs to be given to those buildings right up to the setback. I don't understand why there can't be anything within the 15' (Ms. Cram: that is not the intention, flowers and shrubs that are irrigated can be planted, we do not want trees to be under eaves, etc. This can be clarified.) Section C wildfire mitigation under Section 1 it talks about master plans "and" with smaller setbacks shall be given special considerations could take care of this. I agree with Ms. Katz regarding misformed trees. I could go either way on water features; it is not a big deal to me.

Mr. Allen opened the worksession to public comment.

Eric Buck, resident in the Highlands on the Homeowners Board and "Community to Rescind Ordinance 15": I am happy to hear that this is to apply only to new construction. We would support the implementation of these principles on new construction. I have a few concerns; the mountain pine beetle requirement of this ordinance does not meet the current policy which requires removal by 2012. I think we need some real assurances that there will be a delineation of the future maintenance requirements. We need to make sure that five years down the road this is being applied. I would be in favor of having pine beetle requirements meet those of the Highlands. Replacing a tree is very expensive and could be of concern. Wildfire mitigation, I'd like to read some comments from Mr. Jack Cohen, the fire wise guru in the country. I asked him about spreading of fires from residence to residence and the impact of pine beetle. He had specific comments, but generally putting protection around your house doesn't protect anyone else's house. Regarding beetle kill, there is nothing that shows that it will impact fire size. I am confused about zone 1c and the edge of decks. It seems like it will read that you can't have anything within 15' of your deck. Mr. Cohen's emphasis is as much on the building materials as it is on the elements surrounding the home. Most homes in the Highlands have 5-10' stone around the base of the home, which makes it less susceptible to fire. I was hoping that there would be a more cohesive approach, like looking at firewise building materials along with landscaping. I am concerned about the "misformed" trees, because some misformed trees based on this policy could be on a two acre lot. I think the focus ought to be on what is the defensible space requirement at time of construction, and maintenance items should be voluntary.

Mr. Lou Fishman, Summit County Builders Association: I think Mr. Buck hit most of my concerns. How will certified weed-free topsoil be enforced? (Ms. Cram noted that we removed the language about certification because it will be difficult.)

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

4. New Satellite Post Office Location (CN)

Mr. Truckey presented information to the Commission on the new location for the Satellite Post Office, to be potentially located at the Anderson parcel located north of Airport Road. We plan to bring this to the Commission for the October 6th meeting.

Commissioner Questions/Comments:

Ms. Katz: Is there a sense that all post office functions will move there? (Mr. Truckey: No just the satellite functions.)

TOWN COUNCIL REPORT:

Mr. Rossi was present but did not give a report.

OTHER MATTERS:

1. CLG Training Memo

Mr. Neubecker presented a reminder memo on the CLG (Certified Local Government) training occurring in Breckenridge on Friday, October 2, 2009. Mr. Schroder and Mr. Bertaux have already signed up for this training, and Ms. Girvin and Mr. Allen have already indicated they will be unavailable. RSVP for the training is due by September 29, 2009. Mr. Neubecker encouraged any other interested Commissioners that were available for the training to get signed up by the deadline.

Commissioner Questions/Comments:

Mr. Schroder: I RSVP'd.

Ms. Girvin: I can't come.

Mr. Lamb: I'll be there.
Ms. Katz: Do you have to attend the entire day? (Mr. Neubecker: Morning is more relevant, and you can come whenever you are able.)
Mr. Bertaux: I RSVP'd.
Mr. Allen: I can't come.

2. Planning Commission Field Trip

Mr. Neubecker reminded the Commission that Staff is still looking at a Planning Commission field trip for some time this fall. He passed out some information on developments that we are considering, which might be good examples of sustainable developments relating to the energy policy.

Commissioner Questions/Comments:

Mr. Schroder: Not available Mondays or Fridays.
Ms. Girvin: Out of town 14-19th of October.
Mr. Pringle: Just give me a date.
Ms. Katz: Trials coming up, which are usually on Monday-Wednesday. Friday is the best day.
Mr. Bertaux: After 10/12 I won't be able to make it.

ADJOURNMENT

The meeting was adjourned at 11 p.m.

Rodney Allen, Chair



To: Mayor and Town Council Members

From: Breck150 Steering Committee

Date: September 2, 2009 (*for 9.8.09 meeting*)

RE: Breck150 Recap Report

BRECK150 VISION: To strengthen Breckenridge's sense of community character and economic sustainability for 2009 and beyond. As a result, Breckenridge emerges as the "gold standard" of the classic western mountain town.

BRECK150 MISSION: Utilize Breckenridge's 150th anniversary as a means to strengthen locals' pride and commitment to our unique historical community, to elevate the visibility and brand awareness of Breckenridge as a heritage destination and to grow visitation by simultaneously improving Breckenridge's heritage products and raising the promotion of them.

First, *Thank you* for allowing us the privilege to bring Breckenridge's 150th birthday to life. It was a great experience for the past two+ years to work collaboratively to mark this once-in-a-lifetime opportunity. This written report is meant to provide you, and the community, a high level overview of our efforts. We will present a short video compilation of the Grand Celebration weekend at the work session.

CAPITAL/PRESERVATION

- *Edwin Carter Museum* – Rehabilitated the home and museum of this early-day pioneer and town leader into a first-class interactive learning center. This project gives the Town two of “the best house museums” in Colorado, according to one visitor.
- *Washington Interpretive Mine* – Rebuilt the dangerously deteriorating infrastructure of this popular site, adding a sluice box and gold-panning facilities for the enjoyment and education of tour-takers.
- *William Briggie House* – Repainted the exterior of this 1896 home of a local banker and his wife – both of whom featured prominently in the early-day Breckenridge social life. Replaced all weather stripping to reduce heating costs.
- *Iowa Hill Placer Mine Site* - Built three new exhibits and created and installed three new interpretive signs to expand and enhance the visitor experience. Hauled and positioned placer pipe from the Wakefield Site to Iowa Hill to explain the process of delivering water to a placer site.
- *Barney Ford House Museum* - Completed the upgrade of lighting in the museum; weatherproofed all exterior doors for energy conservation.

- *Valley Brook Cemetery Restoration* - Continued restoring historic headstones and grave markers; restored the wrought-iron finials on the fencing.
- *Rotary Snow Plow Park* - Volunteers painted the interior of the “station house” with donated supplies, and installed additional artifacts such as a switch and a collection of railroad spikes. A donated flat screen television replaced the bulky set with CD/DVD player formerly in place.
- *Lomax Placer Mine Site* – The assay cabin on this site was in disrepair at the end of the 2008 season, as its floor had collapsed. Volunteers from the Alliance and the Summit Historical Society, with donated concrete and gravel, repaired the floor and improved the exhibits.
- *Engine #9* - Began preliminary work to determine placement of Engine #9 and associated design work for creation of a railroad exhibit.

MARKETING (broken down by committee)

Organizing Committee:

- *Colorado Gold Trail* - similar to a scenic byway (i.e. a travel route along the Colorado gold mining discoveries); a collaboration with Boulder, Black Hawk/Central City, Idaho Springs, Park County (Fairplay, Alma and Como) and Leadville; funded partially by the Colorado Tourism Office; included a website (coloradogoldtrail.com), brochure, ads, and PR efforts resulting in about 2,000 site visits and 5,000 page views over the summer, 92,000 impressions on Colorado.com with a 1.2% click-through-rate, more than 800 information requests to the partners, ten domestic articles mentioning the Gold Trail and inquiries from media in the UK, Germany and Japan.

Marketing Committee:

- *Creative/logo*, including ‘Tool’ kit for BOLT license holders - provided opportunity for businesses to utilize a common ‘look’ in their own endeavors.
- *Heritage-specific advertising* – ad ran in May/June issue of The History Channel Magazine.
- *Website* – Breck150.com provided info on the events and activities, access to the tool kit and links to tourism information.
- *Front Range advertising* –
 - TV: KCNC - :30 and: 15 ads rotated throughout summer for high frequency from mid-June through August.
 - Print: Denver Post – Grand Celebration-focused August schedule supporting the event
 - Radio: National Public Radio (KCFR & KUNC) – underwriting mentions ran from mid-June through August.
 - Online: Colorado.com – 2 campaigns CTR 180x150 .42% – CTR formatted banners 1.29%
- *Breck150 Official Guide* – this 28-page glossy magazine (produced by Mountain News Media/SDN) was produced at no cost to Breck150! It was inserted in the SDN on June 19, July 3 and August 8, as well as distributed at various locations and events.
- *Breckenridge Festival of Film (BFF) program book* – a full page, four color ad ran at no charge promoting the special showing of the Golden Stories as part of the Film Fest.

PR/Community Involvement Committee:

- *Newsletters to BOLT holders* – five issues (October, March, May, June and July) were mailed to approx. 650 businesses; a final ‘report to the community’ remains; a portion of the printing was graciously donated by Laser Graphics.

- *Blogs* –included on the Summit Daily News, Examiner.com, MySpace page and Face Book group
- Breck150 *Summit Daily News* articles submitted by the Breck150 Committee - General overview of the Breck150 (3/21), Rope Tow to Heaven (4/4), History of BSR/Interview With Trygve (4/18), Fuqua (4/25), Get to Know Your Town Month (5/2), Time Capsule Submissions Request (mid-May and early June), Edwin Carter (5/20), Golden Stories/Peaks on the Past DVD (6/2 & 6/4), High Altitude Cooking (7/4), Female Pioneers (7/18), Masons (8/1); articles still to run include History of the Railroad, History of Education in Summit County and History of the Red, White and Blue Fire Department.
- *Photography/Videography* – images of various events have been captured, both in still photography as well as video, for future use by the Town, the BHA and the BRC.
- PR Media Coverage - Total Ad Value: \$3,446,657, Total Impressions: 41,053,654
 - Coverage highlights include: print articles in the *Wall Street Journal*, UK's *Daily Express*, *Dallas Morning News*, *Denver Post*, *Colorado Springs Gazette*, *AAA Encompass* magazine, *True West* magazine and more. Broadcast coverage on MSNBC, local Denver stations and more. Online coverage on Examiner.com, away.com, Yahoo!Finance, the Associate Press, msnmoney.com, earthtimes.org and more.
- *Mary Ellen Gilliland's Breck150 book*- written to capture the story of Breckenridge over the past 150 years in conjunction with Breck150.
- *Merchandise, brochures, ads produced by local businesses to tie in with Breck150.*

Events Committee:

- *Events* – the Steering Committee retained the services of Project Works to assist the Events Committee with various details of the summer 2009 major events.
 - *Locals Launch at the Gold Pan* – November 2008; hosted approximately 170 locals spanning many generations as well as a few visitors who stumbled upon the fun.
 - *Kick-off Party* – April 4 in Main Street Station Plaza; focused on the 'white gold' boom (skiing); included live music, kids activities, an anniversary 'toast', as well as a collaboration with Quantum Sports Club and the Breckenridge Restaurant Association. In true Breckenridge fashion, the "white" gold celebration was blessed with lots of snow, but about 500 people braved the elements to join in the celebration.
 - *Get to Know Your Town* – passport (adults)/scavenger hunt (children) program ran from early May to mid-June; more than 600 adults and children participated.
 - *Carter Museum Re-opening* – more than 100 guests attended the May 23rd reception.
 - *Golden Stories: Peaks on the Past* premiere – June 6 at the Breckenridge Theatre was a 'sell-out' crowd for the first showing so a second was added; June 11's BFF first show was also a 'sell-out' so a second was also added; the BHA has shown Peaks on the Past eleven times this summer with a total number of viewers to date of approximately 700.
 - *Courthouse Time Capsule* –August 8 as part of Grand Celebration; included a recreation of the 1909 procession by the Masons from Blue River Plaza to the Courthouse; an estimated 1,000 attended this ceremony.
 - *Grand Celebration* – August 8 – 10: Saturday's street party on Ridge Street from 11 a.m. – 6 p.m. saw over 6,000 attendees and included three live bands, the Arts District celebration (moved from Independence weekend), children's activities on Barney Ford Museum lawn (as a fundraiser for Little Red Schoolhouse), the Breckenridge myth buster booth, blacksmithing, mucking and jacking demonstrations, and fireworks at 10 p.m.

- Sunday saw over 100 runners at the Father Dyer Mail Run (coordinated by ToB's Recreation department and volunteers), a bucket brigade by Red White & Blue, old fashioned family field games on the Riverwalk lawn with approximately 200 participants, followed by the Breckenridge Police department scooping up ice cream for about 900 guests. Monday - the actual anniversary day – saw 500 attendees for a ceremony in the Blue River Plaza from 2 – 3 p.m. with a flag raising, cake and a special anniversary toast.
- *Railroad & Mining Days* – August 15 & 16; piggybacked on the USFS's existing Railroad Days, (more than 200 people visited the Rotary Snowplow Park), mining elements, storytelling and kids' train rides were added to enhance this weekend, including special events at Country Boy Mine on Saturday and Sunday (BBQ, tours, music, etc.) with more than 50 people attending the CBM events.
 - *Other events* – nonprofits and businesses incorporated Breck150, including:
 - *History Through the Children's Eyes* - April 8; the Breckenridge Public Art Commission (BPAC) and the Breckenridge Heritage Alliance (BHA) hosted an art exhibition by Breckenridge Elementary students, who used the heritage trunk lessons to create art; more than 200 pieces of "heritage art" were on display at the Breckenridge Theatre Gallery; made possible in part by Colorado Council on the Arts.
 - *Breckenridge Then (and Then) and Now* – April 9 at the Riverwalk Center; benefit for Continental Divide Land Trust; photo show from the 1970s and today.
 - *Historic Ski Tours* at Breckenridge Ski Resort – April 10 to 12; free historic ski tours were offered.
 - *Breck150 Art Show* – April 11 thru September at the Barney Ford House Museum; a collaboration of NRO, the Saddle Rock Society and BHA; exhibit featuring five local Breckenridge artists; proceeds benefit the BHA and NRO.
 - *Pioneer and Mining Days - Celebrating 150 Years of Education* – May 16; Breckenridge Elementary PTSA's Spring Fling Fundraiser at the Barney Ford House Museum lawn.
 - *NRO's Anniversary Bash* (July 3)
 - *BMF's Gold Rush Gala* (July 31), *BMF's special Breckenridge celebratory birthday suite* (August 8), and *BMF's Musical Tribute to Breckenridge and the Old West* (August 14).

Community Dressing Committee (NOTE: Merchandise was NOT developed so as not to compete with businesses):

- *Over-the-road banner* – across Main Street; utilized at times when there were no event-specific and non-profit needs.
- *Buildings: Then & Now* – framed historical snapshot of a specific building were displayed inside 50 businesses housed in historical structures.
- *Table Tents* – distributed to restaurants and other businesses to display.
- *The Golden Stories of Breckenridge: Peaks on the Past DVD* – Wendy Wolfe completed this 45-minute documentary in HD (High Definition); features seven historians telling the story of Breckenridge; the BHA has sold over 150 DVDs, and collected \$1,200 in donations from those who viewed the film at a public showing.
- *Lamp post banners* – approximately 50 banners were placed on various lamp posts; a combination of seven different images were utilized. Special thanks to Mark Johnston of ToB's Public Works for his efforts and innovation which resulted in time and financial savings (brackets and installation).
- *Bus ads* – 'Meet' character ads ran in the three transit systems: Free Ride, BSR and the Summit Stage throughout the year.

- *Buttons for employees* – distributed to businesses for employees to wear.
- *Window decals* –distributed to businesses to display for the year.
- *Flags* – twelve flags are hanging at various locations throughout town and were carried in summer parades/processions.

GOALS

- *300,000 Web page views throughout the “Breck150” celebration* – due to a variety of issues, we did not get Breck150.com up and running until April; our stats report approximately 12,000 visits and 30,000 for page views; top referring sites were: gobreck.com (25% of visits); townofbreckenridge.com (13%) , google (11%), and ski resort site (4%).
- *Generate sponsor cash contributions of at least \$50,000* – given the poor economic timing, we fell short, but we innovated and decreased various expenses (most notably the Official Guide came in at no cost and the event received 20% commission on food and beverage sales at street party)
- *Attract an additional 40,000 in event and site attendance* – Events: conservatively estimated at 10,000 (+). Sites: estimated at 16,000 visitors this summer which is relatively flat compared to last year.
- *Increase in knowledge and appreciation of heritage and heritage assets by local population, thereby improving the character of the town* – this is the ‘living legacies of the Breck150’, and while is intangible, we feel the success of this goal was achieved through the involvement of volunteers (such as CJ Mueller, Greg Gutzki, Rose Essary, Asa Armstrong, Karin Bearnath – just to name a few), the collaboration and improved relationships among our community’s historians, the elementary school students education and involvement through the art project, the elementary school and high school senior submissions for the new time capsule, the interest in the time capsule, the positive response of locals and business owners to all of the efforts, the positive energy on the streets during the celebration, and comments like “this event made me proud to have grown up in Breckenridge”.

FINANCIAL REPORT

Approved Marketing Expenses budget - \$258,000

Estimated Marketing Expenses - \$235,000

Estimated Marketing Revenues - \$3,000

Again, *Thank you* for your support of the Breck150.

Respectfully submitted by the Breck150 Committee: Sally Croker, Kim DiLallo, Scott Fortner, Carly Grimes, Corry Mihm, Larissa (Enns) O’Neil, Linda Kay Peterson, Kristen Pettitt and Wendy Wolfe.

Memorandum

TO: Town Council
FROM: Tom Daugherty, Town Engineer
DATE: September 17, 2009
RE: Public Projects Update

Main Street Improvements

The TOB project to construct new curb extensions and crosswalks at the Lincoln and Ski Hill intersection is scheduled to begin the week of September 21, 2009. The first phase of construction will be work on the Ski Hill side of the intersection. Traffic on Main Street will be maintained during this phase in a two-way configuration northbound and southbound. Concurrent with the TOB first phase construction on Main Street the developer of the Blue Front Bakery lot, at the NW corner of Ridge and Lincoln, will be installing underground water, sewer, and storm services in Lincoln. Access to the alleys will be maintained on both Lincoln and Ski Hill.

CDOT SH 9 Update

Staff recently met with CDOT and has been given an update on the status of the ongoing SH 9 project from Valley Brook Street to Coyne Valley Road. CDOT plans to continue to work on the embankment and new storm system on the west side of SH 9 through the end of October, 2009. CDOT does plan to remove all construction signing and equipment from SH 9 through the winter and will begin work again in May 2010. The major work activities in 2010 will include final embankment grading, placement of curb & gutter and pavement.

As part of the current project CDOT will also be making revisions to the existing roundabout at Park Avenue beginning in May 2010. The revisions to the roundabout will include modifications to correct the cross slope of the northbound entrance to the roundabout.

Recently CDOT set and opened the new pedestrian bridge on the bike path north of Valley Brook over the Blue River. CDOT has one short section of bike path remaining to be constructed within the project limits, north of Valley Brook. This section will be completed the week of September 21, 2009. During the week of September 21, 2009 the bike path will be closed to allow for the remaining path construction. Traffic on the path will be detoured Monday through Friday to Airport Road. The path should be reopened by Friday afternoon, September 25th.

➤ MEMO

TO: Mayor & Town Council
FROM: Tim Gagen
DATE: September 8, 2009
RE: Additional Committee Reports

Wildfire Council **Matt Thompson** **September 9, 2009**

Brett Creary from the Forest Service: Spoke about the project they are considering in and around Breckenridge. There are approximately 5,000 acres of lodgepole forest they are studying for treatment. Approximately 2,500 acres could be treated mechanically and the other 2,500 acres would have to be treated with hand crews. 800 acres could be treated in the Golden Horseshoe.

Dan Gibbs (in the capacity of the Summit County Wildfire Mitigation Specialist) reported on his efforts in the Crown neighborhood, which staff had determined to be high priority. Dan has worked with Chief Green and Kim Scott, and gone door to door on his own. Steve Hill mentioned that Dan, Paul Cada and the fire districts are working well together and following what the Wildfire Council wanted in terms of getting someone out in the neighborhoods, under direction of the working group.

Dan passed out a copy of Vail's Living with Wildfire guide, which he is emulating for Summit County's purposes.

Signs: Dan showed the council the prototype of mobile signs. There will be 6 permanent sets of 3 signs located throughout the county, and Red, White and Blue will have one mobile set to share. One sign will be in the Town of Breckenridge, perhaps at the Golf Course.

ARRA Grants. Colorado already received a big chunk of grant money, mostly to front range counties – now there is a new round of grants available. We would focus on the forest restoration and fuels mitigation project. A large project with multiple partners has greater chances of receiving a grant. Dan will do some investigating in the next few days to determine who other partners may be in applying. Some present offered to help as well: Rick Herwehe, Lake Dillon Fire District, Town of Breckenridge staff, Pat Tormey, Red, White and Blue.

FEMA Pre-Disaster Mitigation Fund Grants. Joel Cochran submitted a notice of intent for two projects – defensible space in two areas (White Cloud and Keystone Ski Tip), and a project to replace shake shingle roofs.

The Police Advisory Committee (PAC) held its bimonthly meeting on September 3, 2009. The Chief and PAC members discussed the following:

- **Staffing Update:** The Chief introduced new officer Cliff Winter. Cliff recently completed the CMC police academy in Glenwood Springs, and graduated at the top of his class. The Chief also briefed the PAC regarding the elimination of two positions in the department (police officer and CSO) and a third position (police officer) that has been frozen through 2010 due to budgetary constraints.
- **Evacuation Plan:** The Assistant Chief provided an overview of the county wide evacuation plan in the event of wildland fire, winter storms, water runoff and other events requiring evacuation of citizens and guests. Educational efforts are key to preparation, and these are being addressed. Citizens should be flexible in terms of options for evacuation and emergency planning. Everyone is encouraged to prepare their own family and organizational emergency plans, as well as sign up for the SC Alert system to receive information. Red Cross shelter locations and restrictions were discussed. The county government would be responsible for initial response in the event of emergencies or hazards, including pandemics.
- **Skateboarding:** The Chief briefed the group regarding the department’s focus on educating and warning violators, so that there is an awareness that the ordinance has lapsed. The department will take a low-key approach to enforcement during this time.
- **Parking/Community Service Update:** Sgt. Staufer provided a brief summary of the accomplishments since Parking transitioned to the Community Service Division within the Police Department a year ago. Division staff have been focusing on outreach, animal control, trash/bear issues, and other community matters during the summer months, and will refocus on parking in the winter. PAC members commented that CSO staff are friendly, and that they do not perceive issues with parking enforcement. However, PAC members commented that they had heard that officers performing recent traffic enforcement were not as customer-oriented, and were at some times rude. They expressed concern that enforcement seemed to be focused in the same locations. The Chief explained how the department focuses efforts for traffic enforcement based on complaints. The Chief indicated he would follow-up on anecdotes of rudeness of officers.
- **Medical Marijuana:** The Chief explained that the Council and town are reviewing options for locations of medical marijuana establishments.
- **Marijuana Decriminalization:** Several PAC members questioned the definition of “private use” in the ordinance, and the Chief indicated that this has not yet been clearly defined. Some committee members expressed concern about this initiative having a negative impact on our community.

- Turk Montepare, Bill Tatro and J.B. Katz were sworn in for new four-year terms.
- Dave Garrett was re-elected Chair and Dave Blank was re-elected as Vice-Chair.
- All consent calendar items were approved.
- A new Beer & Wine license was approved for Pete’s Billiards and Arcade, located at the La Cima Mall.
- Training with Dan Gunter of the Colorado Liquor Enforcement Division will take place following the November 17 LLA meeting.

Other Meetings

CML	Tim Gagen	No Meeting
Summit Leadership Forum	Tim Gagen	No Meeting
SCHA	Laurie Best	No Meeting
CAST	Tim Gagen	No Meeting
Public Art Commission	Jen Cram	No Meeting
CDOT	Tim Gagen	No Meeting
Summit Stage	James Phelps	No Meeting
I-70 Coalition	Tim Gagen	No Meeting
CAST	Tim Gagen	No Meeting

INTEROFFICE MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER
FROM: CLERK AND FINANCE DIVISION
SUBJECT: JULY EXCISE FUND STATUS REPORT
DATE: 09/16/2009

Attached are the Tax Collections reports that you are accustomed to having presented at the second Town Council meeting of the month. The reports are based upon taxes that are collected in July and remitted in August (with the exception of RETT, which is remitted on a real time basis and reflects collections through 9/14/09). These reports show a monthly comparison of Tax Collections broken out by:

- Summary of Cash Tax Collections – All Sources
- Sales Tax Collections
- Accommodations Tax Collections
- Real Estate Transfer Tax Collections
- Affordable Housing Sales Tax Collections

In addition to the usual reports, we have added information that was requested by Council at the September 8 work session. This includes:

- 2007 Real Estate Transfer Tax comparisons added to the usual RETT report
- Mountain Communities Sales Net Taxable Sales report

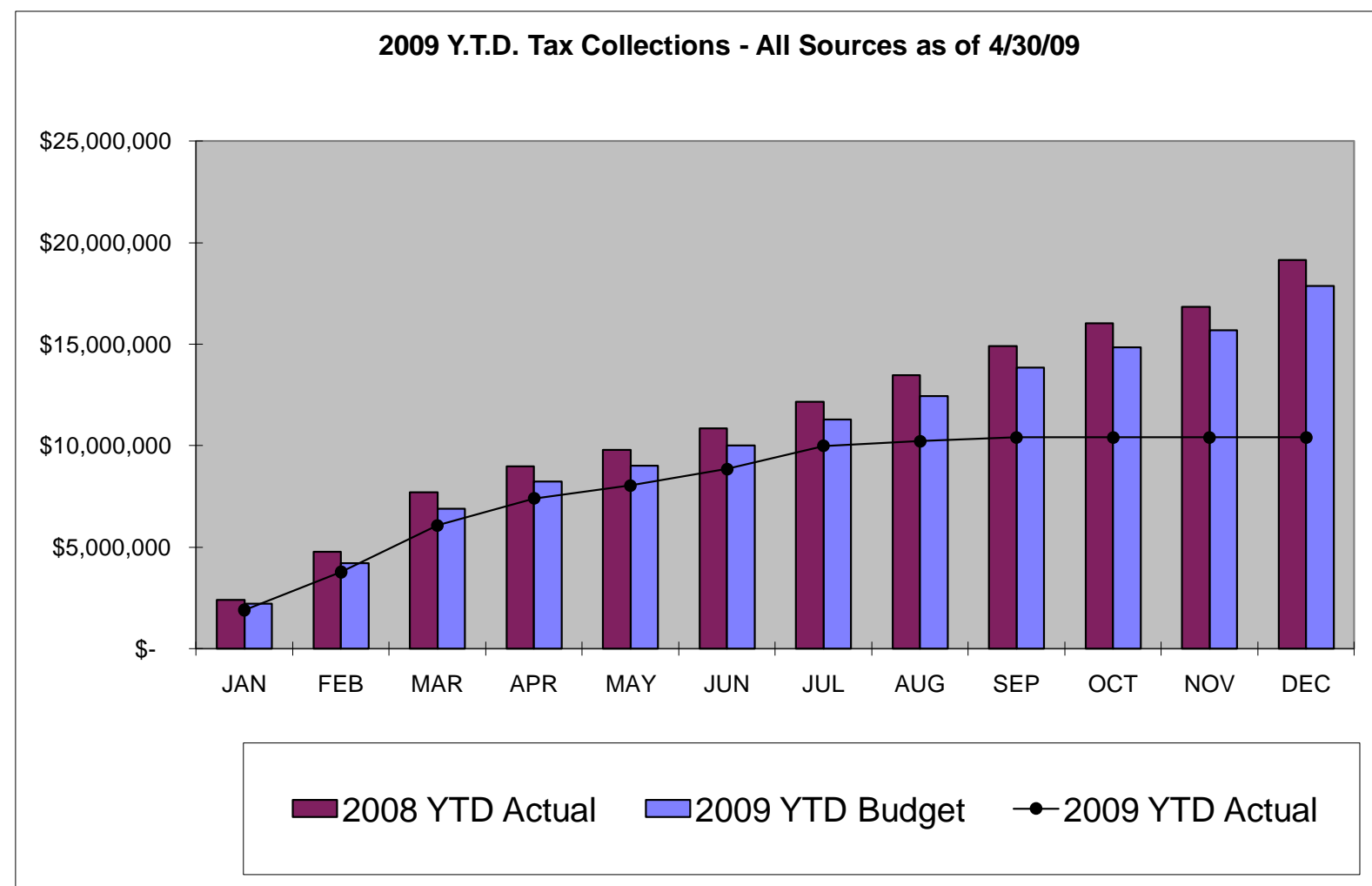
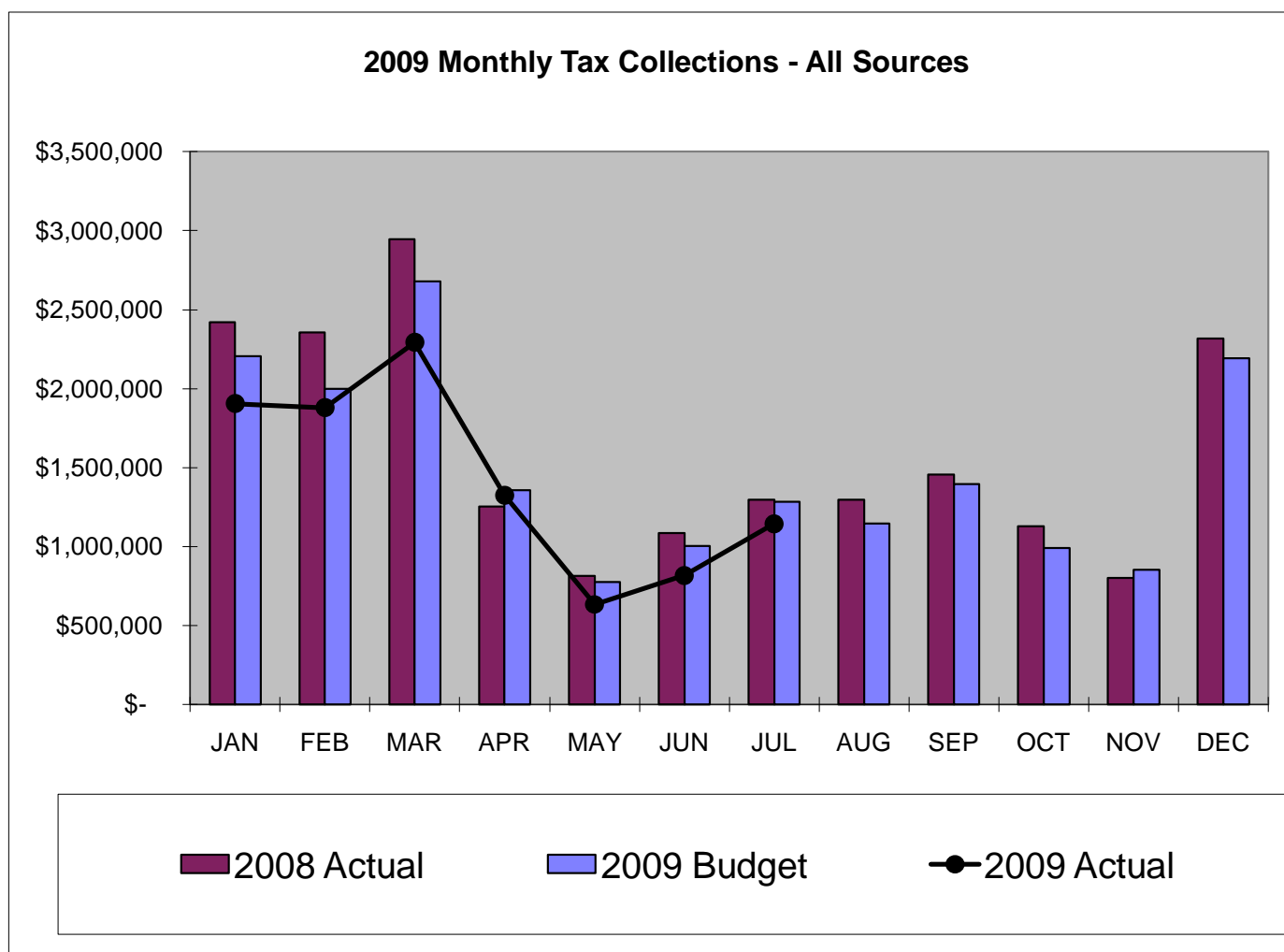
Additionally, we are providing an Excise Tax Fund Report in order to update Council on the status of projected revenue shortfalls. A full Financial Status Report will be provided at the October 13 Town Council work session, after we have welcomed a new Accounting Manager to the Clerk and Finance Division.

TOWN OF BRECKENRIDGE
EXCISE TAX FUND
 CURRENT YEAR TO PRIOR YEAR COMPARISON
 FOR THE 7 MONTHS ENDING AUGUST 31, 2009

	PRIOR YEAR				CURRENT YEAR				
	YTD <u>ACTUAL</u>	YE <u>TOTAL</u>	% OF YE <u>REC'D/SPENT</u>	<u>ACTUAL/ACTUAL</u> <u>% VARIANCE</u>	YTD <u>ACTUAL</u>	YTD <u>BUDGET</u>	<u>ACTUAL/BUDGET</u> <u>% VARIANCE</u>	ANNUAL <u>BUDGET</u>	% OF BUDGET <u>REC'D/SPENT</u>
67 % OF THE FISCAL YEAR HAS ELAPSED									
<u>REVENUE</u>									
SALES TAX	8,137,309	13,291,228	61%	83%	6,755,444	7,601,364	89%	12,401,703	54%
ACCOMODATIONS TAX	1,329,831	1,783,019	75%	77%	1,024,064	1,124,089	91%	1,589,664	64%
INVESTMENT INCOME	195,075	293,992	66%	21%	41,775	175,223	24%	246,805	17%
TOTAL REVENUE DEFAULT	9,662,215	15,368,239	63%	81%	7,821,283	8,900,676	88%	14,238,172	55%
<u>MISCELLANEOUS TAX</u>									
CIGARETTE TAX	62,137	83,994	74%	57%	35,309	34,468	102%	54,999	64%
TELEPHONE FRANCHISE TAX	15,054	30,029	50%	95%	14,354	15,283	94%	30,499	47%
PUBLIC SERVICE FRANCHISE	311,630	464,908	67%	137%	426,237	301,345	141%	398,001	107%
CABLEVISION FRANCHISE TAX	65,857	135,552	49%	112%	73,897	68,385	108%	105,000	70%
REAL ESTATE TRANSFER TAX	2,323,432	3,733,785	62%	69%	1,607,991	2,243,371	72%	3,605,126	45%
TOTAL MISCELLANEOUS TAX	2,778,110	4,448,268	62%	78%	2,157,788	2,662,852	81%	4,193,625	51%
TOTAL FUND REVENUE	12,440,325	19,816,507	63%	80%	9,979,071	11,563,528	86%	18,431,797	54%
<u>EXPENDITURES</u>									
<u>EXCISE TAX DEBT SERVICE</u>									
OTHER CONTRACTED SERVICES	0	0			0	336	0%	504	0%
COP FEES	1,150	2,225	52%	33%	383	0	0%	0	0%
2005 COP'S PRINCIPAL	0	260,000	0%	0%	0	0	0%	275,000	0%
2005 COP'S INTEREST	139,562	289,788	48%	104%	145,570	145,570	100%	291,140	50%
TOTAL EXCISE TAX DEBT SERVICE	140,712	552,013	25%	104%	145,953	145,906	100%	566,644	26%
<u>TRANSFERS</u>									
TRANSFER TO GENERAL FUND	5,839,863	13,297,081	44%	154%	8,980,000	8,980,000	100%	13,470,000	67%
TRANSFER TO GOLF FUND	166,667	250,000	67%	0%	0	0	0%	0	0%
TRANSFERS TO CAPITAL FUND	1,677,333	2,516,000	67%	35%	591,336	591,336	100%	887,004	67%
TRANSFER TO MARKETING	200,000	300,000	67%	145%	290,000	290,000	100%	435,000	67%
TRFS TO EMPLOYEE HSG FUND	1,574,961	2,362,441	67%	99%	1,555,280	1,555,280	100%	2,332,920	67%
TRFS TO FACILITIES FUND	133,333	200,000	67%	0%	0	0	0%	0	0%
TRFS TO SPECIAL PROJECTS FUND	3,025,333	2,269,000	133%	22%	670,160	670,160	100%	1,005,240	67%
TOTAL TRANSFERS	12,617,490	21,194,522	60%	96%	12,086,776	12,086,776	100%	18,130,164	67%
TOTAL FUND EXPENDITURES	12,758,202	21,746,535	59%	96%	12,232,729	12,232,682	100%	18,696,808	65%
NET REVENUE OVER EXPENDITURES	-317,877	-1,930,028	16%	709%	-2,253,658	-669,154	337%	-265,011	850%

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

Sales Period	2008 Collections			2009 Budget			2009 Monthly			2009 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2008	% of Budget	Actual	% Change from 2008	% of Budget
JAN	\$ 2,418,737	\$ 2,418,737	12.6%	\$ 2,206,630	\$ 2,206,630	12.3%	\$ 1,905,072	-21.2%	86.3%	\$ 1,905,072	-21.2%	10.7%
FEB	\$ 2,354,775	\$ 4,773,512	24.9%	\$ 1,996,244	\$ 4,202,874	23.5%	\$ 1,879,483	-20.2%	94.2%	\$ 3,784,555	-20.7%	21.2%
MAR	\$ 2,943,976	\$ 7,717,488	40.3%	\$ 2,680,714	\$ 6,883,589	38.5%	\$ 2,292,474	-22.1%	85.5%	\$ 6,077,029	-21.3%	34.0%
APR	\$ 1,253,479	\$ 8,970,968	46.8%	\$ 1,357,940	\$ 8,241,529	46.1%	\$ 1,325,404	5.7%	97.6%	\$ 7,402,433	-17.5%	41.4%
MAY	\$ 813,163	\$ 9,784,131	51.1%	\$ 777,466	\$ 9,018,994	50.4%	\$ 633,153	-22.1%	81.4%	\$ 8,035,586	-17.9%	44.9%
JUN	\$ 1,086,064	\$ 10,870,194	56.7%	\$ 1,002,387	\$ 10,021,381	56.0%	\$ 816,602	-24.8%	81.5%	\$ 8,852,188	-18.6%	49.5%
JUL	\$ 1,294,864	\$ 12,165,059	63.5%	\$ 1,283,829	\$ 11,305,210	63.2%	\$ 1,144,007	-11.7%	89.1%	\$ 9,996,195	-17.8%	55.9%
AUG	\$ 1,295,684	\$ 13,460,743	70.3%	\$ 1,144,904	\$ 12,450,114	69.6%	\$ 230,014	-82.2%	20.1%	\$ 10,226,208	-24.0%	57.2%
SEP	\$ 1,453,616	\$ 14,914,359	77.8%	\$ 1,396,497	\$ 13,846,611	77.4%	\$ 179,942	-87.6%	12.9%	\$ 10,406,150	-30.2%	58.2%
OCT	\$ 1,128,981	\$ 16,043,340	83.7%	\$ 988,792	\$ 14,835,403	83.0%	\$ -	n/a	0.0%	\$ 10,406,150	-35.1%	58.2%
NOV	\$ 802,593	\$ 16,845,933	87.9%	\$ 854,627	\$ 15,690,030	87.7%	\$ -	n/a	0.0%	\$ 10,406,150	-38.2%	58.2%
DEC	\$ 2,314,976	\$ 19,160,909	100.0%	\$ 2,192,063	\$ 17,882,093	100.0%	\$ -	n/a	0.0%	\$ 10,406,150	-45.7%	58.2%

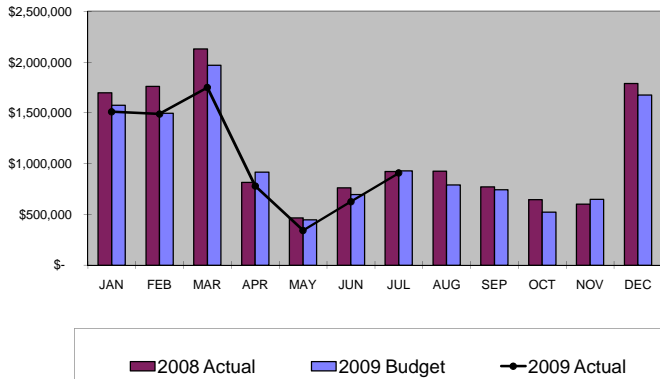


Prior Year Actual and Current Year Budget Variances					
	TOTAL	Sales	Accommodations	RETT	Housing
vs. July 08 Actual	(150,857)	(15,162)	(10,225)	(119,912)	(5,558)
vs. July 09 Budget	(139,822)	(22,005)	(8,018)	(111,115)	1,315
vs. YTD 08 Actual	(2,168,864)	(1,150,214)	(305,748)	(671,006)	(41,896)
vs. YTD 09 Budget	(1,309,016)	(620,995)	(100,006)	(600,403)	12,388

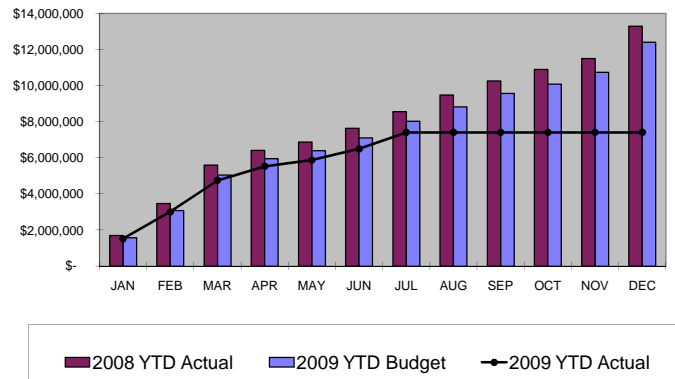
**TOWN OF BRECKENRIDGE
SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

Sales Period	2008 Collections			2009 Budget			2009 Monthly			2009 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2008	% of Budget	Actual	% Change from 2008	% of Budget
JAN	\$ 1,699,052	\$ 1,699,052	12.8%	\$ 1,574,195	\$ 1,574,195	12.7%	\$ 1,511,000	-11.1%	96.0%	\$ 1,511,000	-11.1%	12.2%
FEB	1,759,932	3,458,985	26.0%	1,496,091	3,070,286	24.8%	1,488,258	-15.4%	99.5%	2,999,259	-13.3%	24.2%
MAR	2,129,985	5,588,969	42.1%	1,967,425	5,037,711	40.6%	1,748,787	-17.9%	88.9%	4,748,046	-15.0%	38.3%
APR	814,209	6,403,179	48.2%	914,797	5,952,508	48.0%	780,318	-4.2%	85.3%	5,528,363	-13.7%	44.6%
MAY	464,918	6,868,097	51.7%	445,750	6,398,258	51.6%	341,527	-26.5%	76.6%	5,869,890	-14.5%	47.3%
JUN	761,897	7,629,994	57.4%	695,674	7,093,932	57.2%	625,051	-18.0%	89.8%	6,494,941	-14.9%	52.4%
JUL	922,613	8,552,607	64.4%	929,455	8,023,387	64.7%	907,451	-1.6%	97.6%	7,402,392	-13.4%	59.7%
AUG	924,291	9,476,897	71.3%	788,750	8,812,137	71.1%	n/a	0.0%		7,402,392	-21.9%	59.7%
SEP	770,561	10,247,459	77.1%	741,531	9,553,668	77.0%	n/a	0.0%		7,402,392	-27.8%	59.7%
OCT	644,680	10,892,138	82.0%	522,493	10,076,161	81.2%	n/a	0.0%		7,402,392	-32.0%	59.7%
NOV	601,530	11,493,668	86.5%	649,337	10,725,498	86.5%	n/a	0.0%		7,402,392	-35.6%	59.7%
DEC	\$ 1,789,075	\$ 13,282,743	100.0%	\$ 1,676,204	12,401,702	100.0%	n/a	0.0%		\$ 7,402,392	-44.3%	59.7%

2009 Monthly Sales Tax Collections



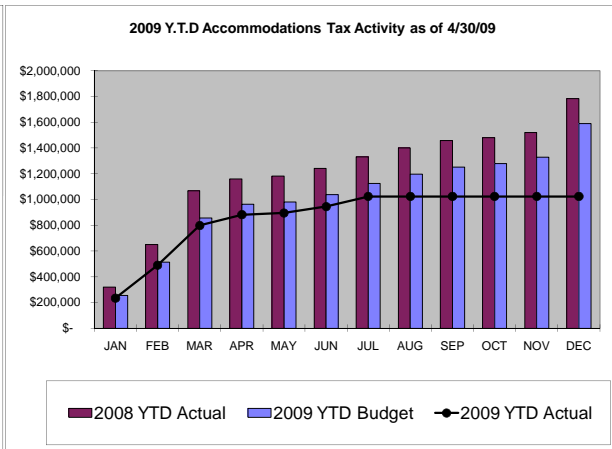
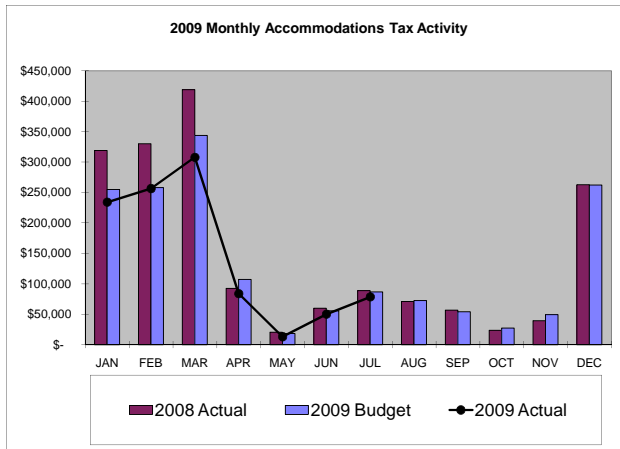
2009 Y.T.D. Sales Tax Collections as of 4/30/09



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

Sales Period	2008 Collections			2009 Budget			2009 Monthly			2009 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2008	% of Budget	Actual	% Change from 2008	% of Budget
JAN	\$ 319,027	\$ 319,027	17.9%	\$ 254,720	\$ 254,720	16.0%	\$ 234,107	-26.6%	91.9%	\$ 234,107	-26.6%	14.7%
FEB	330,262	649,289	36.4%	257,892	512,612	32.2%	256,470	-22.3%	99.4%	490,577	-24.4%	30.9%
MAR	418,622	1,067,911	59.9%	343,506	856,117	53.9%	307,773	-26.5%	89.6%	798,350	-25.2%	50.2%
APR	92,660	1,160,571	65.1%	107,159	963,276	60.6%	84,014	-9.3%	78.4%	882,363	-24.0%	55.5%
MAY	20,413	1,180,984	66.2%	18,397	981,674	61.8%	13,100	-35.8%	71.2%	895,464	-24.2%	56.3%
JUN	60,094	1,241,078	69.6%	55,869	1,037,543	65.3%	50,092	-16.6%	89.7%	945,555	-23.8%	59.5%
JUL	88,754	1,329,831	74.6%	86,546	1,124,089	70.7%	78,528	-11.5%	90.7%	1,024,084	-23.0%	64.4%
AUG	70,749	1,400,580	78.6%	72,430	1,196,519	75.3%	n/a	0.0%		1,024,084	-26.9%	64.4%
SEP	57,015	1,457,595	81.7%	54,323	1,250,842	78.7%	n/a	0.0%		1,024,084	-29.7%	64.4%
OCT	23,615	1,481,210	83.1%	27,148	1,277,990	80.4%	n/a	0.0%		1,024,084	-30.9%	64.4%
NOV	39,286	1,520,496	85.3%	49,398	1,327,389	83.5%	n/a	0.0%		1,024,084	-32.6%	64.4%
DEC	\$ 262,520	\$ 1,783,016	100.0%	\$ 262,274	1,589,663	100.0%	n/a	0.0%		\$ 1,024,084	-42.6%	64.4%

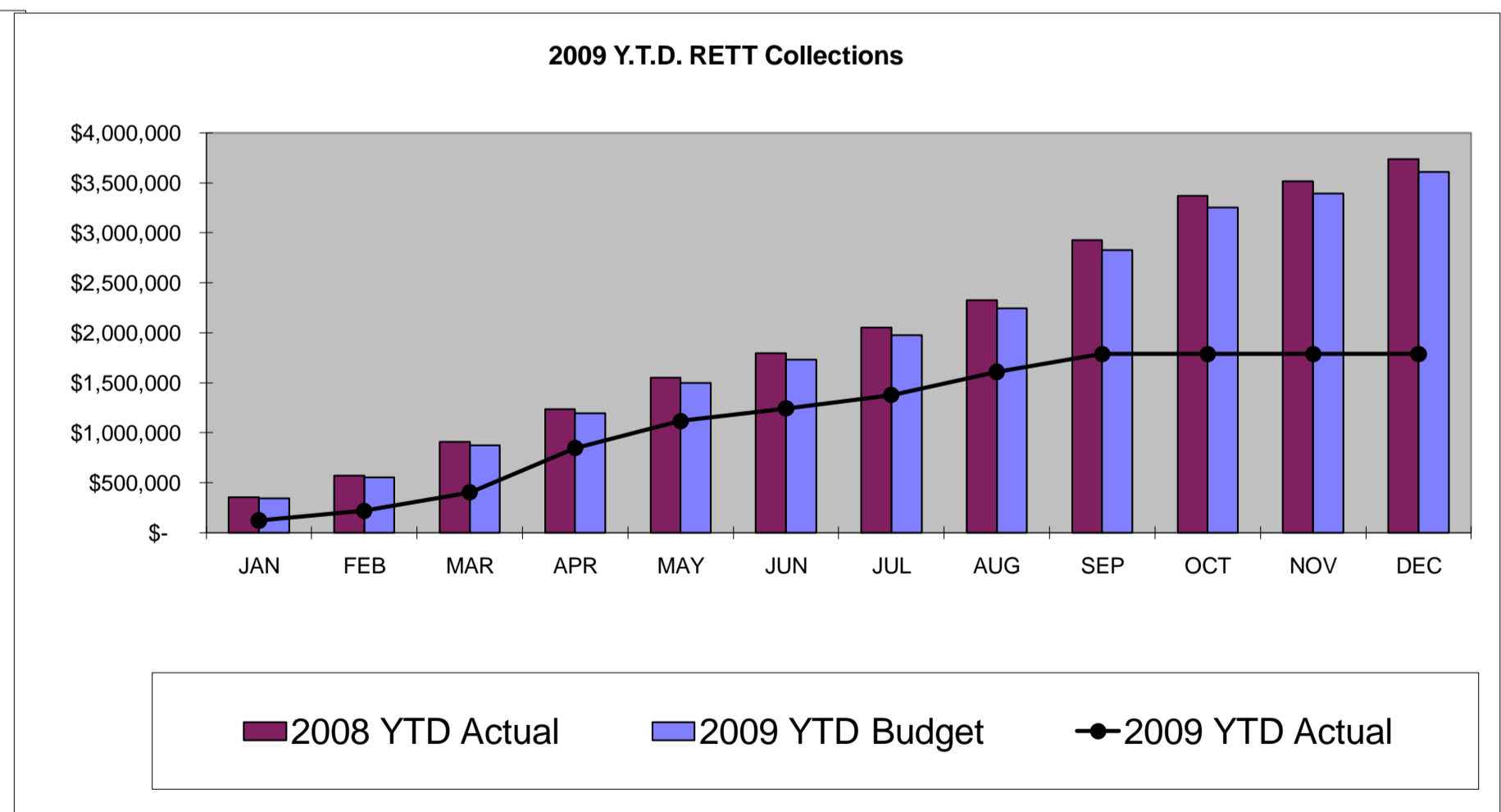
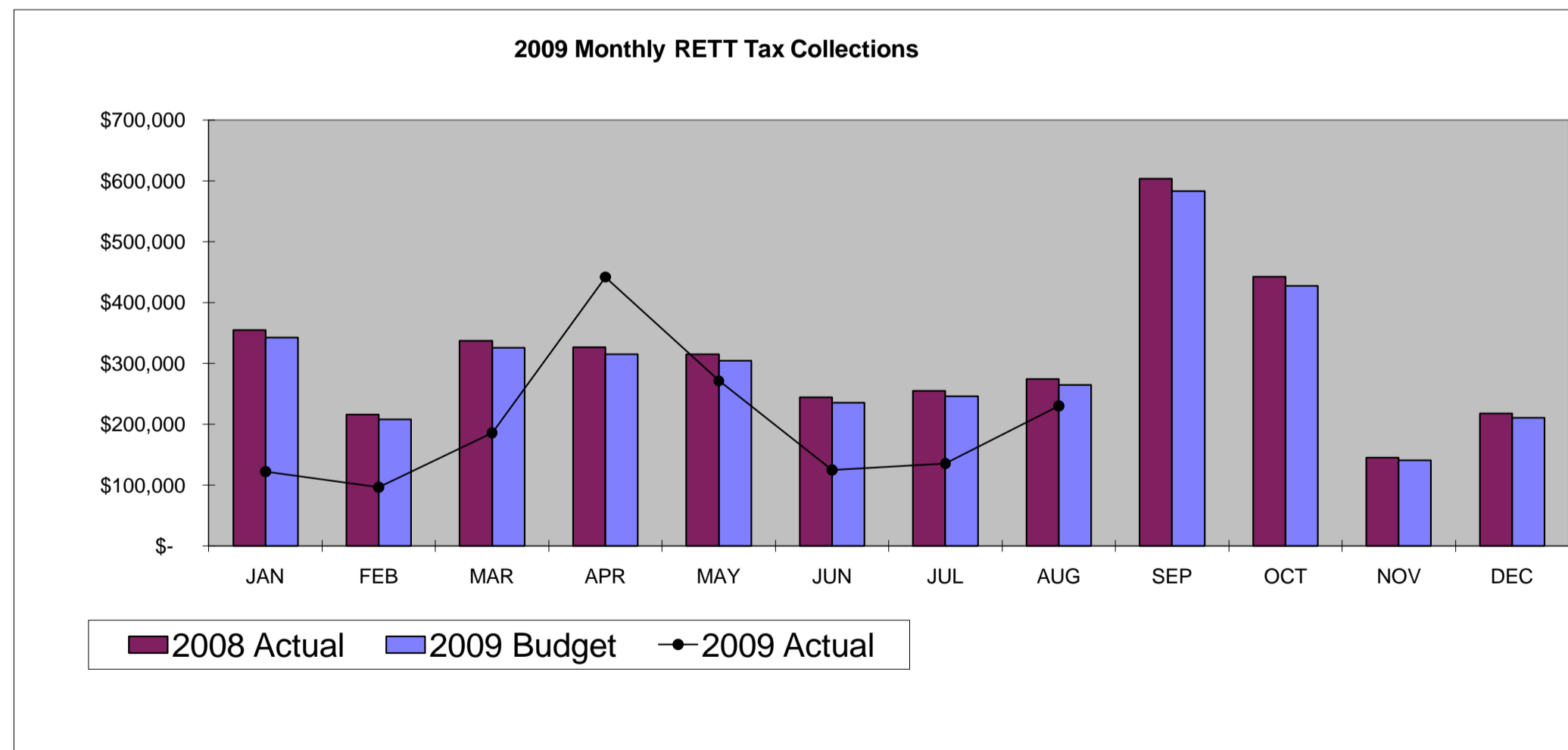
Accommodation tax amounts reflect collections at the 2% rate.



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

Sales Period	2007 Collections			2008 Collections			2009 Budget			2009 Monthly				2009 Year to Date			
	Tax Collected	Year To Date	Percent of Total	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	% Change from 2007	% Change from 2008	Actual	% of Budget	% Change from 2007	% Change from 2008
JAN	\$ 352,958	\$ 352,958	6.2%	\$ 355,179	\$ 355,179	9.5%	\$ 342,940	\$ 342,940	9.51%	\$ 122,245	35.6%	-65.4%	-65.6%	\$ 122,245	3.4%	-65.4%	-65.6%
FEB	342,995	695,953	12.3%	215,566	570,745	15.3%	208,138	551,078	15.29%	96,379	46.3%	-71.9%	-55.3%	218,623	6.1%	-68.6%	-61.7%
MAR	271,817	967,770	17.1%	336,956	907,701	24.3%	325,345	876,423	24.31%	185,714	57.1%	-31.7%	-44.9%	404,337	11.2%	-58.2%	-55.5%
APR	564,624	1,532,394	27.0%	326,521	1,234,222	33.1%	315,270	1,191,693	33.06%	442,039	140.2%	-21.7%	35.4%	846,376	23.5%	-44.8%	-31.4%
MAY	533,680	2,066,074	36.4%	315,494	1,549,716	41.5%	304,623	1,496,317	41.51%	271,393	89.1%	-49.1%	-14.0%	1,117,770	31.0%	-45.9%	-27.9%
JUN	522,999	2,589,073	45.6%	243,969	1,793,685	48.0%	235,562	1,731,879	48.04%	124,822	53.0%	-76.1%	-48.8%	1,242,591	34.5%	-52.0%	-30.7%
JUL	343,610	2,932,683	51.7%	255,305	2,048,990	54.9%	246,508	1,978,387	54.88%	135,393	54.9%	-60.6%	-47.0%	1,377,984	38.2%	-53.0%	-32.7%
AUG	594,349	3,527,032	62.1%	274,442	2,323,432	62.2%	264,985	2,243,372	62.23%	230,014	86.8%	-61.3%	-16.2%	1,607,997	44.6%	-54.4%	-30.8%
SEP	711,996	4,239,028	74.7%	604,037	2,927,469	78.4%	583,223	2,826,596	78.40%	179,942	30.9%	-74.7%	-70.2%	1,787,940	49.6%	-57.8%	-38.9%
OCT	392,752	4,631,779	81.6%	442,830	3,370,299	90.3%	427,571	3,254,167	90.26%	-	0.0%	n/a	n/a	1,787,940	49.6%	-61.4%	-47.0%
NOV	459,147	5,090,926	89.7%	145,549	3,515,848	94.2%	140,534	3,394,701	94.16%	-	0.0%	n/a	n/a	1,787,940	49.6%	-64.9%	-49.1%
DEC	\$ 584,308	\$ 5,675,235	100.0%	\$ 217,937	\$ 3,733,785	100.0%	\$ 210,427	\$ 3,605,128	100.00%	\$ -	0.0%	n/a	n/a	\$ 1,787,940	49.6%	-68.5%	-52.1%

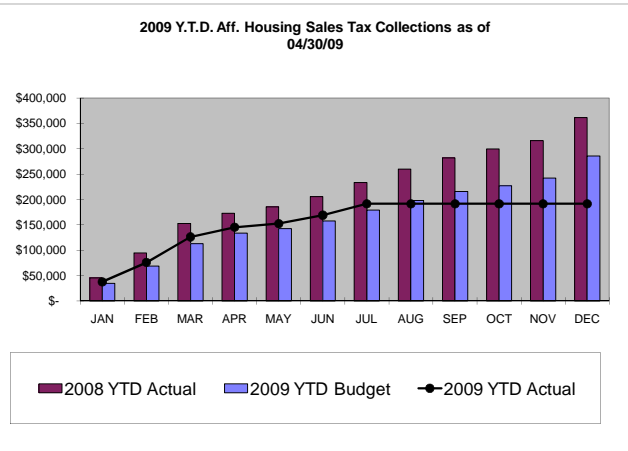
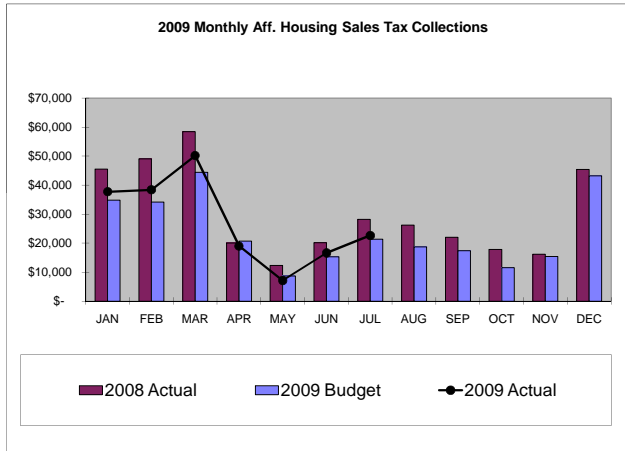
September #s are as of 9/14/09



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

Sales Period	2008 Collections			2009 Budget			2009 Monthly			2009 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2008	% of Budget	Actual	% Change from 2008	% of Budget
JAN	\$ 45,479	\$ 45,479	12.6%	\$ 34,776	\$ 34,776	12.2%	\$ 37,720	-17.1%	108.5%	\$ 37,720	-17.1%	13.2%
FEB	49,015	94,494	13.6%	34,123	68,899	11.9%	38,376	-21.7%	112.5%	76,096	-19.5%	26.6%
MAR	58,414	152,907	16.2%	44,438	113,337	15.6%	50,200	-14.1%	113.0%	126,296	-17.4%	44.2%
APR	20,089	172,997	5.6%	20,714	134,051	7.3%	19,034	-5.3%	91.9%	145,330	-16.0%	50.9%
MAY	12,337	185,334	3.4%	8,695	142,746	3.0%	7,133	-42.2%	82.0%	152,462	-17.7%	53.4%
JUN	20,104	205,438	5.6%	15,281	158,027	5.4%	16,637	-17.2%	108.9%	169,100	-17.7%	59.2%
JUL	28,193	233,631	7.8%	21,320	179,347	7.5%	22,635	-19.7%	106.2%	191,735	-17.9%	67.1%
AUG	26,202	259,833	7.3%	18,738	198,085	6.6%	-	n/a	0.0%	191,735	-26.2%	67.1%
SEP	22,003	281,836	6.1%	17,420	215,505	6.1%	-	n/a	0.0%	191,735	-32.0%	67.1%
OCT	17,856	299,692	4.9%	11,580	227,085	4.1%	-	n/a	0.0%	191,735	-36.0%	67.1%
NOV	16,228	315,921	4.5%	15,358	242,443	5.4%	-	n/a	0.0%	191,735	-39.3%	67.1%
DEC	\$ 45,445	\$ 361,365	12.6%	\$ 43,157	285,600	15.1%	\$ -	n/a	0.0%	\$ 191,735	-46.9%	67.1%

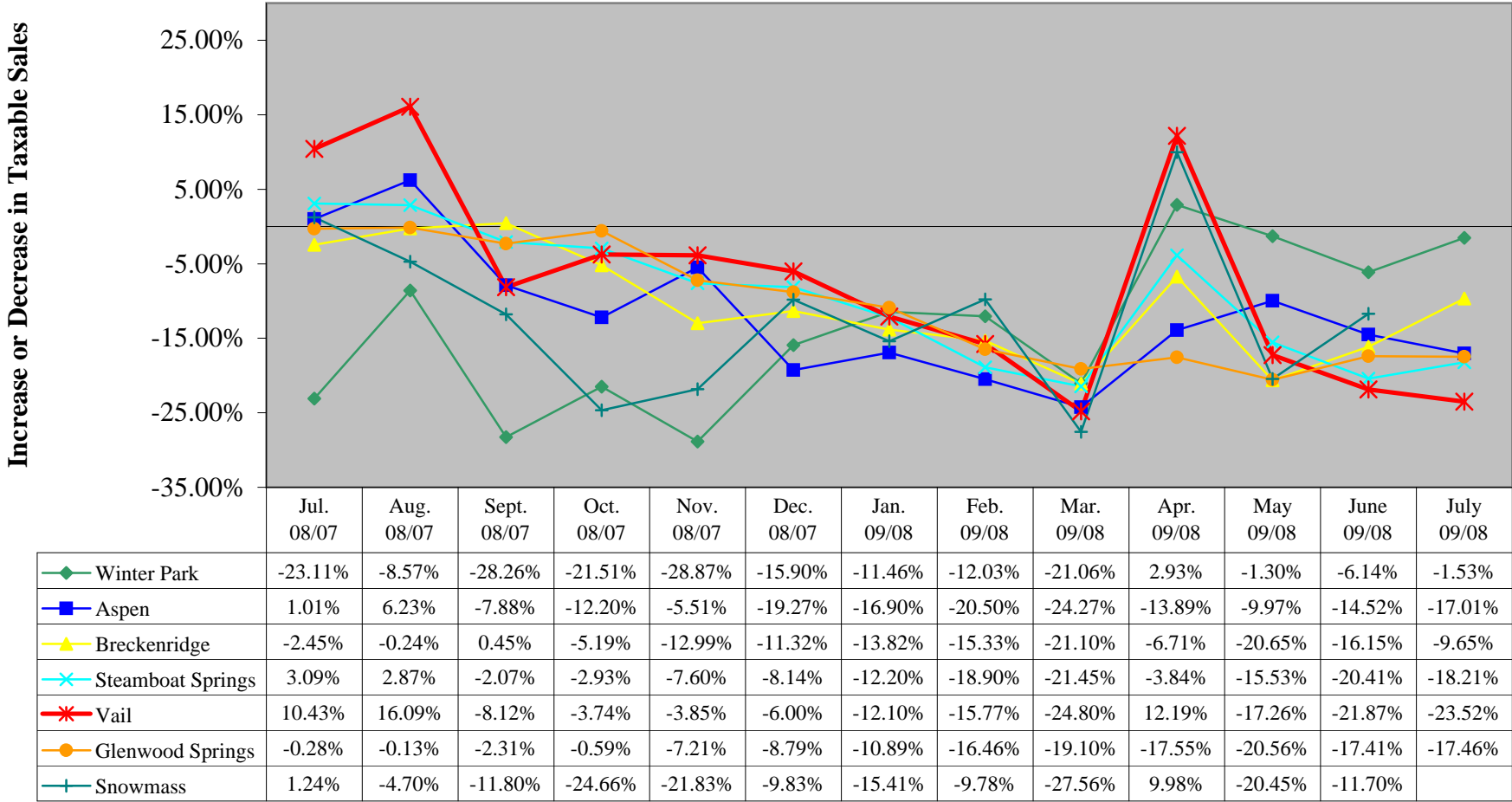
Affordable Housing Sales Tax reflects money distributed to the Town net of the Housing Authority share and is deposited directly into the Affordable Housing Fund
As of 9/16/09 Housing check had not yet been received



Mountain Communities Report
Taxable Sales (based on Sales/Use tax collected)
2008/2007 to 2009/2008

	July 2008/2007	August 2008/2007	September 2008/2007	October 2008/2007	November 2008/2007	December 2008/2007	January 2009/2008	February 2009/2008	March 2009/2008	April 2009/2008	May 2009/2008	June 2009/2008	July 2009/2008
Sales - Winter Park (5%)	\$ 3,569,540	\$ 4,075,000	\$ 2,950,080	\$ 2,078,720	\$ 2,643,700	\$ 8,795,220	\$ 8,291,240	\$ 7,759,920	\$ 9,244,280	\$ 3,883,660	\$ 1,908,720	\$ 3,431,880	\$ 3,515,100
	\$ 4,642,260	\$ 4,456,780	\$ 4,112,280	\$ 2,648,420	\$ 3,716,720	\$ 10,457,600	\$ 9,364,100	\$ 8,821,200	\$ 11,710,540	\$ 3,773,160	\$ 1,933,780	\$ 3,656,540	\$ 3,569,540
<i>Winter Park % Inc(Dec) in sales</i>	-23.11%	-8.57%	-28.26%	-21.51%	-28.87%	-15.90%	-11.46%	-12.03%	-21.06%	2.93%	-1.30%	-6.14%	-1.53%
												Year-to-date:	-11.19%
Sales - Aspen (2.2%)	\$ 52,622,864	\$ 49,720,818	\$ 33,086,909	\$ 19,943,136	\$ 20,048,000	\$ 61,421,545	\$ 54,715,182	\$ 49,145,227	\$ 50,903,091	\$ 20,539,091	\$ 16,526,273	\$ 32,461,636	\$ 43,670,818
	\$ 52,094,818	\$ 46,806,682	\$ 35,917,000	\$ 22,714,182	\$ 21,217,500	\$ 76,078,773	\$ 65,846,455	\$ 61,818,227	\$ 67,212,773	\$ 23,851,273	\$ 18,356,500	\$ 37,974,273	\$ 52,622,864
<i>Aspen % Inc(Dec) in sales</i>	1.01%	6.23%	-7.88%	-12.20%	-5.51%	-19.27%	-16.90%	-20.50%	-24.27%	-13.89%	-9.97%	-14.52%	-17.01%
												Year-to-date:	-18.23%
Sales - Breckenridge (2.5%)	\$ 25,112,480	\$ 23,674,320	\$ 20,371,520	\$ 13,792,480	\$ 15,800,800	\$ 44,520,200	\$ 39,357,600	\$ 39,633,080	\$ 45,511,240	\$ 20,382,160	\$ 9,505,440	\$ 16,475,400	\$ 22,688,600
	\$ 25,742,440	\$ 23,730,160	\$ 20,281,120	\$ 14,547,320	\$ 18,159,320	\$ 50,203,480	\$ 45,669,320	\$ 46,808,120	\$ 57,683,800	\$ 21,848,560	\$ 11,978,480	\$ 19,649,080	\$ 25,112,480
<i>Breckenridge % Inc(Dec) in sales</i>	-2.45%	-0.24%	0.45%	-5.19%	-12.99%	-11.32%	-13.82%	-15.33%	-21.10%	-6.71%	-20.65%	-16.15%	-9.65%
												Year-to-date:	-15.39%
Sales - Steamboat Springs (4%)	\$ 43,216,550	\$ 40,313,425	\$ 36,007,686	\$ 31,100,564	\$ 25,766,350	\$ 58,812,787	\$ 47,545,575	\$ 44,212,025	\$ 50,470,055	\$ 24,019,238	\$ 22,747,775	\$ 29,865,825	\$ 35,347,496
	\$ 41,920,525	\$ 39,188,350	\$ 36,767,044	\$ 32,038,650	\$ 27,886,149	\$ 64,024,218	\$ 54,152,324	\$ 54,513,300	\$ 64,255,775	\$ 24,978,600	\$ 26,931,100	\$ 37,523,750	\$ 43,216,550
<i>Steamboat % Inc(Dec) in sales</i>	3.09%	2.87%	-2.07%	-2.93%	-7.60%	-8.14%	-12.20%	-18.90%	-21.45%	-3.84%	-15.53%	-20.41%	-18.21%
												Year-to-date:	-16.81%
Sales - Vail (4%)	\$ 34,946,050	\$ 33,744,875	\$ 20,864,225	\$ 16,569,175	\$ 17,977,725	\$ 66,315,700	\$ 65,414,225	\$ 64,682,450	\$ 62,551,750	\$ 30,823,225	\$ 12,867,975	\$ 17,931,150	\$ 26,726,275
	\$ 31,644,525	\$ 29,068,650	\$ 22,707,950	\$ 17,212,975	\$ 18,696,925	\$ 70,546,775	\$ 74,416,375	\$ 76,790,375	\$ 83,182,600	\$ 27,472,950	\$ 15,552,575	\$ 22,951,525	\$ 34,946,050
<i>Vail % Inc(Dec) in sales</i>	10.43%	16.09%	-8.12%	-3.74%	-3.85%	-6.00%	-12.10%	-15.77%	-24.80%	12.19%	-17.26%	-21.87%	-23.52%
												Year-to-date:	-16.20%
Sales - Glenwood (3.7%)	\$ 39,641,838	\$ 39,862,189	\$ 40,786,054	\$ 34,134,784	\$ 32,534,324	\$ 45,020,730	\$ 28,007,838	\$ 25,732,595	\$ 29,691,838	\$ 26,740,811	\$ 29,116,000	\$ 34,830,270	\$ 32,720,486
	\$ 39,751,243	\$ 39,913,973	\$ 41,749,486	\$ 34,336,135	\$ 35,060,919	\$ 49,361,432	\$ 31,431,216	\$ 30,801,297	\$ 36,701,270	\$ 32,433,162	\$ 36,650,486	\$ 42,172,676	\$ 39,641,838
<i>Glenwood % Inc(Dec) in sales</i>	-0.28%	-0.13%	-2.31%	-0.59%	-7.21%	-8.79%	-10.89%	-16.46%	-19.10%	-17.55%	-20.56%	-17.41%	-17.46%
												Year-to-date:	-17.21%
Sales - Snowmass (1%)	\$ 7,464,915	\$ 7,514,458	\$ 4,829,742	\$ 2,678,315	\$ 3,134,800	\$ 17,337,829	\$ 23,306,800	\$ 23,253,200	\$ 20,431,300	\$ 6,439,400	\$ 2,284,000	\$ 4,326,000	\$ -
	\$ 7,373,800	\$ 7,885,100	\$ 5,475,900	\$ 3,554,800	\$ 4,010,300	\$ 19,226,884	\$ 27,551,200	\$ 25,775,000	\$ 28,202,600	\$ 5,855,100	\$ 2,871,300	\$ 4,899,100	\$ 7,464,900
<i>Snowmass % Inc(Dec) in sales</i>	1.24%	-4.70%	-11.80%	-24.66%	-21.83%	-9.83%	-15.41%	-9.78%	-27.56%	9.98%	-20.45%	-11.70%	-
												Year-to-date:	

Mountain Communities - Monthly Comparison





MEMORANDUM

To: Town Council

From: Jennifer Cram, AICP, Community Development

Subject: US Forest Service Presentation on the Breckenridge Forest Health and Fuels Project

Date: September 16, 2009

During the worksession on September 22nd Jan Cutts, District Ranger and Brett Crary, Forester and Project Manager, from the Dillon Ranger District will walk the Council through the proposed Breckenridge Forest Health and Fuels Project. The Plan has identified approximately 5,000 acres of forest treatments that extend from Farmers Corner to the north, the Golden Horseshoe to the east, Hoosier Pass to the south and along the base of the Ten Mile Range to the west.

Forest health and fuels treatments are designed to remove lodgepole pine that is infested with mountain pine beetle in order to reduce the impacts of a potential wildfire and improve overall quality of forest health. Ms. Cutts and Mr. Crary will walk the Council through the process including the initial scoping, National Environmental Policy Act (NEPA) Process and estimated work schedule. We have also asked Ms. Cutts to look at the drainage areas south of the Goose Pasture Tarn with regard to watershed protection. Ms. Cutts will also be available to answer any questions that the Council may have with regard to this plan and how it relates to the Hidden Gems Wilderness proposal.

As always, staff will be available to assist the Council with any questions or necessary follow up. We look forward to the presentation on the 22nd.

Memorandum

To: Town Council
From: Tom Daugherty
Date: 9/17/2009
Re: Sidewalk Master Plan

The Sidewalk Master Plan identifies where sidewalks are to be placed. The goal of the plan is to provide logical pedestrian, hard surface connections that encourage non motorized use. Some of the criteria that are considered are connectivity, expected usage, safety, sustainability, capital and operational costs.

The original master plan was developed in 2001 and from time to time the plan is updated. The last update occurred in 2005. The Council has recently asked to revisit the document.

A number of sidewalk connections have been installed since the 2005 plan and are listed below:

1. Reiling Road along Vista Point
2. Reiling Road along French Creek Village
3. Wellington Road
4. Ski and Racket along SR 9
5. Peak 8 (is being completed as part of Peak 7 & 8 development)

The attached table lists the recommended sidewalk connections in Town. The list is essentially what remained from the 2005 plan.

Infill Policy

Upon review of the sidewalk plan it became apparent that the infill projects (number 11 through 15 on the spread sheet) are similar because the roads they are on already have a sidewalk on the opposite side of the street. These segments are in the core of Town except number 11 which is on Boreas Pass Road. That section has a soft surface path that can be used in the summer. These connections would be made for convenience because reasonable alternatives exist.

These segments are in the plan based on a discussion with previous Councils relative to completing the sidewalks in the Town grid. The intention was to provide east-west connections to the main part of Town on both sides of the road. The priority of these infill segments has always been low and never really contemplated in the Capital Improvement Plan.

Having sidewalks on both sides of the roadway is very expensive to plow since there is not snow storage area next to the road. These types of roads typically require snow removal to keep the areas passable.

As a policy, does the Council still consider these infill segments important?

Airport Road

The sidewalk on Airport Road was included in the plan because of previous Councils desires to provide a pedestrian connection to this commercial/industrial/residential area. Staff does see pedestrians on this segment of roadway in the summer. This area is on the yellow transit route and the pedestrians are mainly accessing the bus. The Block 11 housing project is expected to provide connections to the bike path along the river for its residence and is not expected to need a sidewalk on this portion of Airport Road to connect to Town.

Typically a curb, gutter and sidewalk required some type of drainage infrastructure to deal with runoff. This section of Airport would require that infrastructure and substantially increases the cost of the sidewalk.

Staff has lowered the priority for this sidewalk because the cost is high, the pedestrians are typically walking a short distance to the transit stop and the number of pedestrians is small.

Gondola Lot Development

The Gondola Lot development will install segments 4 and 5 on the list. These will connect the bike path to the Riverwalk and put a sidewalk on French Street between Main and Park Avenue.

North Main Street

The round-a-bout project installed a sidewalk from CR 450 to the round-a-bout on the east side of SR9. The segment between French Street and round-a-bout was identified as a new sidewalk on the master plan to complete the connection from the French Creek area to the core of Town.

The old BBC property is expected to be redeveloped and staff has been talking with the developer about installing a sidewalk in front of their property which will be a part of this segment.

Skiway Connection to Gold Rush Lot

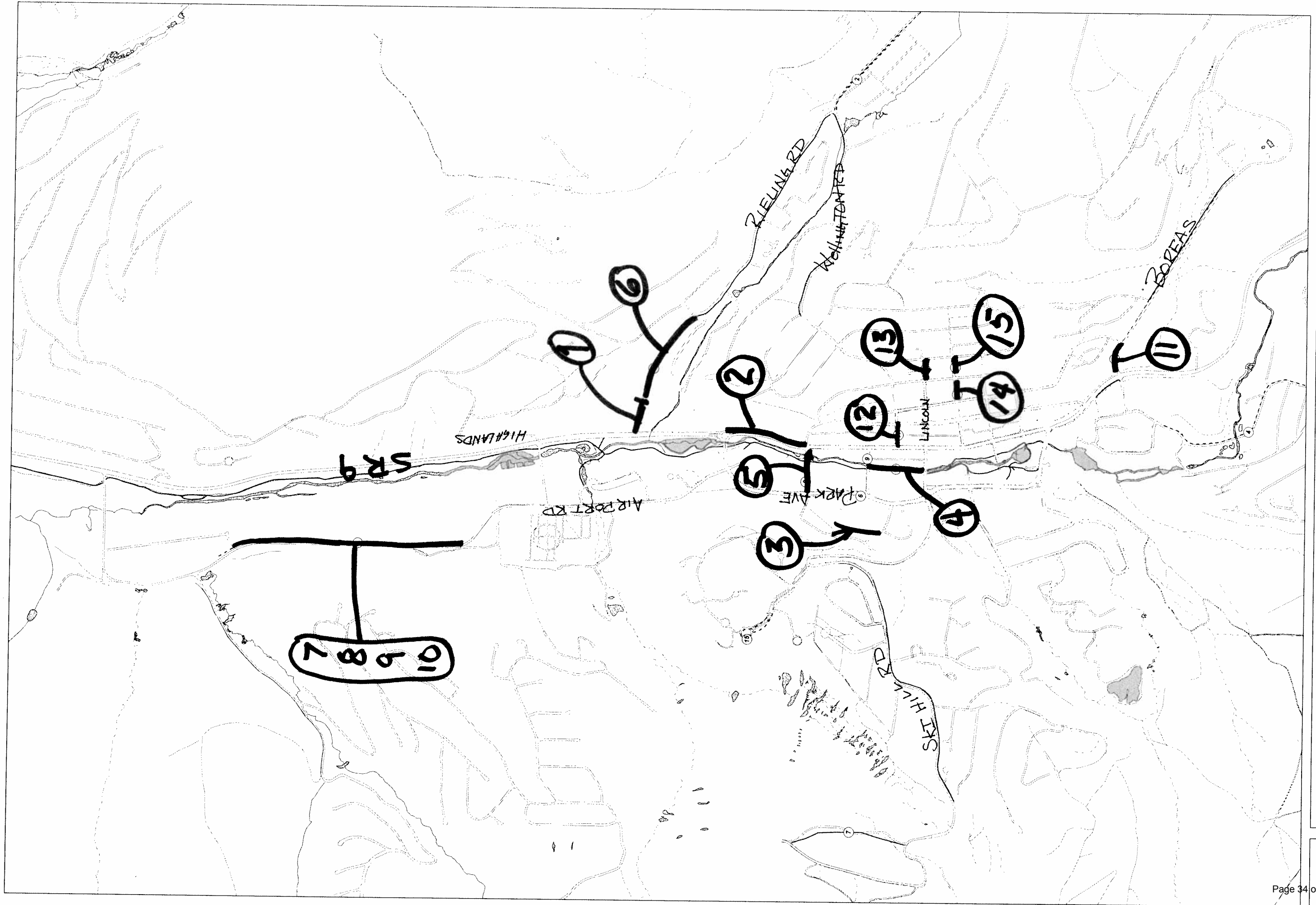
Previous plans showed a sidewalk from the Skyway Skiway along the west side of Park Avenue to the Gold Rush parking lot. Experience tells us that placing a sidewalk along this location would encourage skiers to sheet across Park Avenue to the Gondola Parking lots. We have removed that segment from the master plan but have added a connection between the Skiway Skiway and the gold Rush Parking lot.

This addition to the master plan is not really a sidewalk but a skier connection along the edge of The Woods subdivision on the west side of the wetlands. This connection could require agreement with the Woods and the Ski Area before it could be built but we wanted to list as a way to get skiers to the Gold Rush lot and not further impact Park Avenue.

Dale and Terry will be at the meeting to answer any questions and take any comments that you have on the plan.

2009 Sidewalk Master Plan

No.	Road	Length	Capital Cost	Annual Maintenance Cost	Reason for Connection	Comments
1	Huron Road (CR 450)	600	\$ 50,000.00	\$ 783	Part of connection from Wellington Neighborhood to SR 9 along CR 450	This portion of the project is being proposed as part of the Entrada Annexation.
2	North Main Street	1,200	\$ 90,000.00	\$ 1,567	This completes the connection between the core of Town to CR 450	The redevelopment of the old BBC will install a portion of this segment
3	Skiway Skiway Connection to Gold Rush Lot	1,500	\$ 20,000.00	\$ 15,697	Providing a connection to Gold Rush lot that is not on Park Avenue would help prevent pedestrian conflicts on Park Ave.	This is not a sidewalk but a ski way. This was proposed through the wetlands and denied. A potential solution may become available in the future.
4	Riverwalk Extension	800	\$ 1,000,000.00	\$ 1,044	This has always been identified as a needed connection to the Ski Area parking to provide and attractive connection to Main Street.	This connection will be completed with the Gondola Lot redevelopment.
5	N. French Street	500	\$ 40,000.00	\$ 5,232	This will connect the skier parking (structure and Gold Rush) with Main Street via French Street	This connection will be included with the Gondola Lot redevelopment.
6	Huron Road (CR 450)	3,000	\$ 80,000.00	\$ 3,916	Completes connection from Wellington Neighborhood to SR 9 along CR 450	Project is in County but Council has expressed desire to make this connection to French Creek Village from SR 9. The sidewalk would not be in Town limits.
7	Airport Road	1,025	\$ 130,000.00	\$ 1,338	Provide Pedestrian connection to Town along Airport Commercial area.	Lower sidewalk plowing service levels will make this area difficult to plow on regular basis.
8	Airport Road	1,025	\$ 130,000.00	\$ 1,338	Provide Pedestrian connection to Town along Airport Commercial area.	Lower sidewalk plowing service levels will make this area difficult to plow on regular basis.
9	Airport Road	1,025	\$ 130,000.00	\$ 1,338	Provide Pedestrian connection to Town along Airport Commercial area.	Lower sidewalk plowing service levels will make this area difficult to plow on regular basis.
10	Airport Road	1,025	\$ 130,000.00	\$ 1,338	Provide Pedestrian connection to Town along Airport Commercial area.	Lower sidewalk plowing service levels will make this area difficult to plow on regular basis.
11	Boreas North	430	\$ 45,000.00	\$ 4,500	Completes connection of Bike path on Boreas from French St to Main Street without having to cross Boreas.	This sidewalk would connect both sides of Boreas Pass with Main Street and complete the link of the Bike path to Main St. This is an infill project.
12	Wellington 100 south	300	\$ 30,000.00	\$ 3,139	This connection will make more pedestrian paths available in the core of Town.	In fill project in core of Town
13	Lincoln 400	270	\$ 25,000.00	\$ 2,825	This connection will make more pedestrian paths available in the core of Town.	In fill project in core of Town
14	E Washington 300	300	\$ 30,000.00	\$ 3,139	This connection will make more pedestrian paths available in the core of Town.	In fill project in core of Town
15	E Washington 400	270	\$ 30,000.00	\$ 2,825	This connection will make more pedestrian paths available in the core of Town.	In fill project in core of Town
Total			\$ 1,960,000.00	\$ 50,023		



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

Sidewalk Master Plan

printed 8/6/2009
 — Asphalt in place - - - - asphalt future
 Concrete



MEMO: Tim Gagen, Kate Boniface, Breckenridge Town Council Members
 FROM: Public Works Management Team
 DATE: September 22, 2009
 SUBJECT: Town of Breckenridge Property

You have charged us with providing you information regarding property owned by the Town, and especially that property for which we have no specific commitment for future use. Below is a draft chart that, we hope, provides some clarification regarding this property.

GENERAL					
Property	Current Use	Size	Rents	Future Use?	Recommendation
Schoonover Bldg	Not-for-Profits Rents/Trade + Town Employee Housing 2 One-Bdrm+2 Studios;	4875 Sq Ft	\$10,750 annually (\$12.50/sq ft thru' 3/10, then to 50% of prevailing market rate for Main St.)-Summit Housing Authority ; Trade w/ SCTV for air time; One-Bedrooms=\$500/month; Studios=\$400/month	Demolition	Riverwalk expansion use
BOEC/Old San District	Rental; TOB Server Building Location	1.07 Acres	\$10/Yr-BOEC; \$18K/Yr-Comcast	As Is	Maintain as is or sell to BOEC; Must keep garage space for TOB server.
BOEC-F&D (Griffith Lodge Site)	BOEC/Sawmill Reservoir Passive Recreation	38.43 Acres	\$25/25 Yr-BOEC	As Is	Maintain As Is
McCain	Rental	~95 Acres	\$16620/Yr-2V's; \$31200/Yr-High Country Furniture; \$7200/Yr-Willemsen Const; \$1800/Yr-Metzger; \$325/Yr-Bunkhouse; \$1800/yr-DDB Excavating	Housing/Water Storage/River Restoration/Open Space	Keep
Block 11	20 Acres to School District; 20 Acres to CMC; 30 Owned by TOB	~70 Acres	None	Attainable Housing	Keep

GENERAL (cont'd)					
Property	Current Use	Size	Rents	Future Use?	Recommendation
Valley Brook Housing Site	In Development	4.542 Acres	None	Attainable Housing	Keep
Old "Little Red" site w/barn (French Street)	Some Storage	0.19 Acres	None	Affordable Housing for a resident?	Sell for Residential Unit
Stables @ Stillson	Stables	See Below	Rents reinvested in capital improvements	Stables	Keep
Stillson Lot	Storage/Rental	38.86 Acres, Incl Above	\$18000/Yr-The Trash Co; \$13200/Yr-Waste Management	As Is	Keep
Iowa Hill	Walking Path to Historic Mine	35 Acres	None	Possible Open Space?	Keep
Airport Road-Enyeart Land Exchange	Bus Turnaround	25,000 Sq Ft	None	As Is + Access to Block 11	Keep
Airport Road-Block 5, Lot 4	Access Block 11	1.9 Acres	None	Access to Block 11; Affordable Housing; Temporary PO Site	Keep
Carriage House	Child Care		None	As Is	Keep
Timberline Daycare	Child Care		None	As Is	Keep
Little Red Site-Wellington	Child Care		None	As Is	Keep
Breckenridge Theater	Arts District Exhibitions/Backstage Theatre Production	4188 Sq Ft	\$10/year	As Is	Keep
Welcome Center	BRC; Public Restrooms	6232 Sq Ft	None	As Is	Keep
GENERAL (cont'd)					

Property	Current Use	Size	Rents	Future Use?	Recommendation
Breck Station	Bus Depot	3211 Sq Ft	None (Land Owned by VRD)	Gondola Development	Leave As Is
Klack Barn	None		None	None Planned	Future Historic Site?
High Street Barns	Storage		None	As Is	Keep
Barns-Alley between Watson & Ski Hill	Storage		None	Future Development	Move Historic Barns to new site
B&B/Open Space Lots-Williams Placer (40 Acres) & Peabody Placer (9 Acres)	Joint Ownership w/ County	49 Acres	None	Could be sold to offset B&B purchase price	As Is
Grandview Unit	Town Employee Housing	690 Sq Ft	\$600/month rental	None Planned	Keep or Sell
Valley Brook House	Town Employee Housing	2,340 Sq Ft	2 Units \$800/month/unit	None Planned	Keep or Sell
Pinewood Village	Private Sector Employee Housing		None	Ownership Reverts to TOB if Usage Changer	As Is

PARKING LOTS				
Property	Current Use	Rents	Future Use?	Recommendation
Klack	Parking	None	As Is	Keep
Ice Rink	Parking/Bus Stop	None	As Is	Keep
French Street	Parking	None	As Is	Keep
Courthouse	Parking	Shared w/County	As Is	Keep
Barney Ford	Parking	None	Future Arts District Use	Keep
F-Lot	Parking	Pay Parking in Winter	As Is/Redevelopment	Keep
Tiger Dredge	Parking	Pay Parking in Winter	As Is/Redevelopment	Keep
La Cima	Parking	None	As Is	Keep
Exchange-Upper & Lower Lots	Parking	Limited Permits-Annually	As Is	Keep
Wellington Lot	Parking	Pay Pkg-Winter; Permit-annually	Gondola Development	Keep (Future Development)
East Sawmill	Parking	Pay Pkg-Winter; Permit-annually	Gondola Development	Keep

HISTORIC BHA SITES				
Property	Current Use	Rents	Future Use?	Recommendation
Carter Museum	Museum	None	Keep	Keep
Milne House	Museum	None	Keep	Keep
Rotary Park	Historic Engine Site	None	Keep	Keep
Gaymon Cabin	BHA Information Center	None	Keep	Keep
Dipping Station (by Madison Street ROW)	Artifacts	None	Keep	Keep
Fuqua Barn	Arts District	None	Keep	Keep
Quandary Antiques Building	Arts District	None	Keep	Keep
Robert Whyte House	Arts District	None	Keep	Keep

TOWN OCCUPIED PROPERTY				
Property	Current Use	Size	Future use?	Recommendation
Riverwalk	Events & Communication	23,803' sq	As Is	Keep
Town Hall	Admin/Finance/Planning/Building/Engineering/Auditorium	16,184' sq	Sell/Rent to Non-Profits/Maintain As Is	Dependent on CMC Decision
Ice Arena	Ice (Indoor+Outdoor Rinks; Ice Administration)	Main Bldg=37,600' sq/ Outdoor Spt Bldg=5,160' sq/ Outdoor Sheet=17,000' sq	As Is	Keep
Recreation Center	Recreation Programs & Activities; Rec Administration	69,000' sq	Need Expansion	Keep
Public Works	Fleet/Transit/Facilities/Water/Streets/Parks/PW Admin	Buildings sit on 15.36' sq of ~13 Acres	Maintain as Public Works	Keep
Police Station	Law Enforcement/Public Safety Activities+ Admin	11,237' sq	As Is	Keep
Golf Maintenance	Course+Nordic Trails Maintenance; GCM Admin	14,784' sq (1 ofc bldg+2 storage bldgs)	As Is	Keep
Golf Clubhouse	Clubhouse/Restaurant/Pro Shop/Nordic Rentals	15,344' sq	As Is	Keep
Colo Mtn College	Recently vacated by College	28,900' sq	Town Hall; Rent to Non-Profits; Employee Housing	Council Decision

Thank you. Please let us know if you have questions, need further information, or would like a map provided.



MEMORANDUM

To: Town Council

From: Jennifer Cram, AICP, Community Development

Subject: Fire Wise Task Force

Date: September 16, 2009

During the worksession on August 25th staff discussed some issues that the Fire Wise Task Force may work on. Since that meeting we advertised twice in the Summit Daily News to solicit interest from the public in serving on the Fire Wise task Force. We received six responses in addition to the people who had signed up at a previous Town Council Meeting. The letters of interest along with a list of those who expressed interest previously are attached for your review.

Staff also recommended a proposed structure for the Task Force that would include representation from Community Development, Red White and Blue, Town Council, A tree expert and five representatives from the public to form a nine member Task Force. We believe that this number is manageable. All meetings will be open to the public and comments welcomed as well. We also plan to invite experts from the Forest Service, County, etc. as needed and appropriate for discussion. It is staff's intent to flush out the goals for the Task Force with the Council early and then develop focused agendas to move through each issue for discussion efficiently.

At this time Council may decide to appoint members to the Task Force. The ad that we posted in the Summit Daily noted that the Council may appoint members on the 22nd. We have included the recommended issues and proposed role of the Task Force related to these issues for your review that were included in the memo on August 25th. Staff believes that it is important to delineate the issues where public input is helpful towards developing a well rounded policy that affects homeowners directly and those issues that should be formulated based on expert input where the Task Force would be educated on the matter for better understanding and public education.

Potential Issues for the Task Force to Review and make Recommendations

Pine Beetle – dead and diseased tree abatement deadline. The current ordinance sets this compliance date at three years, however there has been Council discussion about changing this to a one year deadline. If we change the deadline to one year, then there will be a number of issues to consider

related to the level of aggressiveness we want to apply in enforcing it, and the impacts on staff resources related to inspections needed to implement that intent.

Defensible Space – the committee could recommend goals for the program’s performance, (i.e. 50% compliance of all at risk properties in X number of year(s). What is a Fire Wise property, how is it achieved?

Public Information – The committee could be a good source of ideas on how best to communicate the whole wild fire mitigation program and all of its elements to home owners.

Educational Background Topics for the Big Picture Context

Forest Management –this would be mostly educational background for the committee, where they would be briefed on all of the plans of the various agencies, (USFS plans for the Upper Blue, State Forest Service funding programs, Town/ public land forest management plan, etc).

Evacuation Plan – this would be mostly educational background as this is fairly technical in nature and must be workable for the implementing agencies.

Building Materials - this would be mostly educational background as well given the technical nature of fire rating assemblies that go into construction design.

Landscaping Ordinance and Fire Wise Plant Materials - this ordinance is currently the topic of Planning Commission work sessions. This is mostly about site plan reviews using new defensible space and fire wise plant material standards, and integration of these standards within the Development Code, the Planning Commission could design the policy and then review the progress and results with the Fire Wise Task Force.

Watershed Protection - this would be mostly educational background as it involves a number of outside agencies. Because the related projects would mostly be located on federal land, NEPA permitting processes will be required. Grant funding would also be a likely source of money to do these projects.

As you can see, there are a number of efforts underway that will help protect the Town from the threat of wildfires. Some of them are more locally controlled and affect home owner stewardship expectations, and others are important to know about so that task force members know that the local efforts aren’t happening in a vacuum. Those projects will be layered in with other efforts to create a broader fire protection framework for the community.

- Staff would like to know if there are any issues that we have not included that the Council would like the Task Force to address.
- Staff would like the Council to articulate their goals for the Task Force.
- If council is ready, appoint the Task Force Members.

Staff will be available during the worksession to answer questions and discuss further.

Cram, Jennifer

From: spin@panix.com on behalf of Brad Perry [brad@sleddogcafe.com]
Sent: Saturday, September 05, 2009 9:56 AM
To: Cram, Jennifer
Subject: Volunteering for Fire Wise Task Force

Follow Up Flag: Follow up
Flag Status: Flagged

I would like to offer my time and services to the Fire Wise Task Force you advertised in the Summit Daily.

About myself: I am an accomplished entrepreneur who has started and successfully built 3 high technology companies in the last 12 years. Each of these companies has reach profitability and all 3 are thriving businesses today. The latest venture is Pronto.com, the largest online shopping portal on the web. Through my entrepreneur background, I have a clear understanding of business & personal trade-offs that need to be made in dynamic and challenging environments.

I have been a property owner in Breckenridge for 3.5 years and full-time resident for 2 years. I currently reside at 58 Carter Drive in Sunbeam Estates where my wife and myself built a home.

I lived in Southern California from 1990 until 1997 with regular business in the Malibu canyon areas. During those years, I witnessed the issues, challenges and risks wildfires introduced to the canyon areas and neighboring communities. Many of these issues apply to Breckenridge and its surrounding forests today.

Thanks, look forward to hearing from you soon...

Brad Perry
303-725-7877
brad@sleddogcafe.com

TO: Breckenridge CO Community
Development Department
ATTN: Jennifer Gray
SUBJECT: Fire wise task force

My name is Athan Bump (Apoon)
I live in Silver Shovel (Renter), 2 am
a former USFS of Blm Fire fighter. I
live here in CO for 11 years. I work for
OPS on Peak 8.

My resume includes
AA Degree in Fire Science from the
Portland OR CC. 8 year of fire fighting
on engine, helitacks, and hotshots. I have
also worked the rehab on the Mayday fire
growing up in Oregon & Washington 2 am
familiar with the Bug Hill problem we have
here. I am the 4th generation to be a fire
fighter. I have fought fire in OR, ID, CA, &
AZ. I have supply & logistics in CO, UT.

I stopped fighting fire due to tendons
in my right knee, though I still keep up on the
latest information. I love to board and take
photos.

Thank you for your consideration
sincerely

Athan Bump

Contact info; phone 547-5899
cell 503-515-8670

Sunday, September 06, 2009

Town Of Breckenridge
Community Development Department
Attention: Jennifer Cram
PO Box 168
Breckenridge, CO 80424

Subject: Town of Breckenridge Fire Wise Task Force

Dear Jennifer,

My name is Jim Merrick and I am interested in participating in the Town of Breckenridge's Fire Wise Task Force. I live at 122 Tall Pines Dr in The Pines at Four O'clock subdivision on Peak 8.

Yours Truly,



Jim Merrick
PO Box 2148
122 Tall Pines Dr
Breckenridge, CO 80424-2148

Jdm122@comcast.net
970-453-2667 (home)
970-333-6040 (mobile)

Sunday 6 September, 2009

Town of Breckenridge
Community Development Dept
ATTN: Jennifer Cream
PO Box 168
Breckenridge, CO 80424

Dear Jennifer,

My name is Gary Gallagher and I am interested in serving on the Town of Breckenridge's Fire Wise Task Force. I live at 11841 Discovery Hill Drive in the Highlands Park Property Owners Association.

Yours truly,
Gary Gallagher
PO Box 9442
Breckenridge, CO 80424
970 547 2931

September 12, 2009,
PO Box 9455
Breckenridge, CO 80424

Jennifer Cram
Community Development Department
Town of Breckenridge
PO Box 168
Breckenridge, CO 80424

Dear Ms Cram,

With this letter I wish to formally submit my name for consideration to serve on the Town of Breckenridge Fire Wise Task Force. This is in addition to my signature on the initial "sign-up" sheet which was available at the August 11th Town Council meeting. I am a resident of the Highlands Filing 5 and serve as a member on its HOA board. I have taken a substantial interest in fire-wise related issue in Breckenridge and have a significant base of full time and part time owners that are relying on me to keep them up to date on Breckenridge governance and depending on me to convey their thoughts and feelings to the Town Council.

Respectfully submitted,



Eric C. Buck
970 406-0858
ecbuck@ownthesummit.com

September 11, 2009

Community Development Department

Att: Jennifer Cram

PO Box 168

Breckenridge CO 80424

Dear Jennifer Cram:

I would like to submit my application for the Fire Wise Task Force. Although I do not live in Breckenridge proper, I do live in the Breckenridge community in the Woodmore neighborhood. Being just up the mountain from town, decisions made by the town greatly affect our safety and wellbeing. Also, town policies affect our property values and insurance rates.

I am a retired Senior Executive Vice President of Thomson Reuters BETA Systems. A position that required organizing and/or serving on many committees. I was often charged with executing the decisions of the committee whether it was a simple task requiring a few days or complex issues lasting a year or more. Being retired will allow me to spend as much time as needed to fulfill task force projects or research.

I have served on Chief Green's Community Advisory Panel for three years. Being on the panel has allowed me close and open contact with members of the Red White and Blue Fire Protection District. I would feel very comfortable communicating task force questions and issues to Chief Green and Fire Marshal Nelson.

Thank you for your consideration.


Stan Young

0479 N. Fuller Placer

PO Box 9395

Breckenridge CO 80424

970/453-2143 (H)

sly0909@gmail.com

8/10/09

Defensible Space / Forest Health Task Force

I am interested in being on the Task Force
Name Phone # email

GARY GALLAGHER

Eric Buck 408-0888 ELBURL@COMCAST.NET

Jim Merrick 453-2667 JDM122@EOMCAST.NET

J. Gary Fitzgerald (832) 689-8007 garysharonfitz@aol.com

Michael Niemkiewicz 389 3629 breck4life@yahoo.com

Curie Craven cell 470 0031 jcurvie@aol.com

Shedd Webster sheddwebster@yahoo.com

phone
name
work
in
email

I am interested in continuing to receive information
in Defensible Space / Forest Health

Name phone # email
GEORGE KARKLINS 453-19137 email



TOWN OF BRECKENRIDGE TOWN COUNCIL AGENDA
Tuesday, September 22, 2009 (Regular Meeting); 7:30 p.m.

I	CALL TO ORDER and ROLL CALL	
II	APPROVAL OF MINUTES – September 8, 2009	Page 50
III	APPROVAL OF AGENDA	
IV	COMMUNICATIONS TO COUNCIL	
	A. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)	
V	CONTINUED BUSINESS	
	A. SECOND READING OF COUNCIL BILL, SERIES 2009 - PUBLIC HEARINGS*-	
	1. Council Bill No. 10, Series 2009- AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN TOWN-OWNED REAL PROPERTY TO MERCY HOUSING COLORADO, a Colorado non-profit corporation (Tract 1, Valley Brook Subdivision)	Page 55
	2. Council Bill No. 30, Series 2009- AN ORDINANCE AMENDING TITLE 4 OF THE <u>BRECKENRIDGE TOWN CODE</u> BY ADOPTING PROVISIONS FOR THE REGULATION OF MEDICAL MARIJUANA DISPENSARIES; AND REPEALING CONFLICTING TOWN ORDINANCES	Page 59
	3. Council Bill No. 32, Series 2009- AN ORDINANCE AMENDING SECTION 2-4-8 OF THE <u>BRECKENRIDGE TOWN CODE</u> CONCERNING THE RULES AND REGULATIONS OF THE BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION	Page 82
VI	NEW BUSINESS	
	A. FIRST READING OF COUNCIL BILL, SERIES 2009 – NONE	
	B. RESOLUTIONS, SERIES 2009- NONE	
	C. OTHER – NONE	
VII	PLANNING MATTERS	
	A. Planning Commission Decisions of September 15, 2009	Page 2
	B. Town Council Representative Report (Mr. Rossi)	
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. Joyce)	
	C. BRC (Ms. McAtamney)	
	D. Summit Combined Housing Authority (Mr. Millisor)	
	E. Breckenridge Heritage Alliance (Mr. Bergeron)	
	F. Sustainability Committee (Mr. Millisor)	
X	OTHER MATTERS	
XI	SCHEDULED MEETINGS	Page 92
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

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, September 8, 2009
PAGE 1**

CALL TO ORDER and ROLL CALL

Mayor Warner called the September 8, 2009 Town Council Meeting to order at 7:40 p.m. The following members answered roll call: Ms. McAtamney, Mr. Joyce, Mr. Bergeron, Mr. Millisor, Mr. Rossi, Mr. Mamula and Mayor Warner.

APPROVAL OF MINUTES – August 25, 2009 Regular Meeting

With no changes to the minutes, Mayor Warner declared the minutes were approved.

APPROVAL OF AGENDA

Town Manager, Tim Gagen, commented that there was a correction to the medical marijuana ordinance that was handed out but no changes to the agenda.

COMMUNICATIONS TO COUNCIL

- A. Volunteers for Outdoor Colorado Recognition
- B. Citizen's Comments - (Non-Agenda Items ONLY; 3 minute limit please)-

1) Bonnie Kirschenbaum- Said goodbye as the President of the NRO Board of Trustees. Bonnie went through some details of the NRO this summer season, all of which were outlined in a handout she gave to Council.

CONTINUED BUSINESS

- A. ***SECOND READING OF COUNCIL BILL, SERIES 2009 - PUBLIC HEARINGS*****

There were no second readings

NEW BUSINESS

- A. ***FIRST READING OF COUNCIL BILL, SERIES 2009-***

1. Council Bill No. 30, Series 2009- AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING PROVISIONS FOR THE REGULATION OF MEDICAL MARIJUANA DISPENSARIES; AND REPEALING CONFLICTING TOWN ORDINANCES

Tim Gagen commented that the ordinance would establish the Town's system for regulating the location of medical marijuana dispensaries in the Town. After the work session he did make one change of which he handed out.

Mayor Warner commented that this was not a public hearing but would allow for 1 comment.

Attorney, Lauren Davis, spoke on behalf of the applicants of the dispensary, High Country Caregivers. Concerns with what the Town is proposing. It should be based on a pharmacy model. Page 4, Section A, Line 6-9 language is problematic and the statute defines patient primary care giver, what those rights are, and doesn't think the Town has the right to change what voters enacted into the Constitution. She moved Council to Page 6, where it states that Medical Marijuana Dispensary may not be used as a physician's office. She feels that it is easing a burden on patient's if they can see their physician and go to the pharmacy in one place and does not understand what the basis is behind this restriction. Asked the Council to look at the physician/office/pharmacy model which allows for one stop shopping. They have the right to form a patient/doctor relationship. Page 8, Paragraph 6, Lines 18-20, what is purpose in requiring this statement. Not sure what the statement on preemption accomplishes. Page 9, Section B, lines 28-35, looks like the Town is imposing a burden on a patients choice of a caregiver. Good Moral Character seems to be broad and vague. Page 12, line 26, apply pharmacy model. She did not have time to check how often pharmacy's are required to re-permit. She stated that the Town used the bar model. Page 13, inspection of records issues. Feel there could be some privacy/HIPA violations. Same concern applies on Page 18. Mayor Warner asked her to wrap it up. High Country Caregivers is running a mobile dispensary. Page 16, Paragraph 6-9 eliminates this. She would ask the Council to reconsider this. It has to be the patient engaging in the transaction. This hinders the patients

ability to obtain the marijuana if they are unable to get to the dispensary under Amendment 20. What is the basis behind the 9am-7pm. Things don't fit with the spirit of Amendment 20. Mayor Warner commented that he would not allow for anymore public comment. Attorney, JB Katz, was in the audience and was not allowed to speak. Mr. Bergeron questioned what Tim Berry thought of everything Lauren said. Tim Berry commented that he was comfortable with the way the ordinance was drafted but would review what she had said.

Mr. Bergeron moved to approve Council Bill No. 30, Series 2009 with the additional verbiage added to the ordinance by Tim Berry attorney and with the addition of the Number 31 on page 106. Mr. Mamula seconded the motion. Mr. Rossi commented that he appreciates the concerns but this is difficult for Town Council to do and had there been more clarification upfront then it would have been easier. He was frustrated but not sympathetic. His concern about doctors being on sight is abuse. When he hears stories of doctors handing out hundreds of prescriptions, these regulations are there for a reason. Mr. Bergeron said he was in support of it but if we keep massaging it then it won't happen for another 6 months. Ms. McAtamney commented that this was passed at the state level. Mr. Mamula commented that he was offended by the threat of litigation when someone from outside the community comes in and threatens with lawsuits that is disrespectful. Council has put a lot of thought and time into this and could have just said "no" and that since the federal level does not allow it that they wouldn't. Instead, they did not and worked with them to do this. Mr. Joyce had no comments. The motion passed 7-0.

2. Council Bill No. 31, Series 2009- AN EMERGENCY ORDINANCE EXTENDING UNTIL OCTOBER 7, 2009 THE TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A TOWN OF BRECKENRIDGE PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS MEDICAL MARIJUANA; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE

Tim Berry commented that the Town's moratorium on medical marijuana dispensaries will expire on September 21st (90 days from when the Moratorium Ordinance was adopted on June 23rd). It is anticipated that the new Medical Marijuana Dispensary Ordinance will be adopted on first reading on September 8th, and on final reading on September 22nd. Under the Charter, the new Dispensary Ordinance will not go into effect until five days after newspaper publication following final adoption. The Town Clerk advises that publication following second reading will occur on October 7th. That will be the effective date of the new Dispensary Ordinance. To avoid the moratorium expiring before the new Dispensary Ordinance becomes effective it will be necessary to extend the moratorium until October 7th. This ordinance will extend the moratorium until October 7th. In order for the Moratorium Extension Ordinance to be effective before the moratorium is scheduled to expire on September 21st it will be necessary for the Moratorium Extension Ordinance to be adopted as an emergency ordinance.

Mayor Warner asked for public comment. Attorney, Lauren Davis, commented that she did not intend to offend Mr. Mamula. She continued but Mayor Warner asked her to stop as her comments were not related to the current ordinance and he was only taking public comment in regard to this ordinance. He closed the public hearing.

Mr. Millisor moved to approve Council Bill No. 31, Series 2009. Mr. Bergeron seconded the motion. The motion passed 7-0

3. Council Bill No. 32, Series 2009- AN ORDINANCE AMENDING SECTION 2-4-8 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE RULES AND REGULATIONS OF THE BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION

Tim Berry commented that this ordinance would change the Breckenridge Town Code regarding the Rules and Regulations of the Breckenridge Open Space Advisory Commission. Currently in the Town Code any BOSAC rule or regulation, or changes thereto, must be approved by the Town Council before they become effective. This made sense in the earlier

days of BOSAC, but now that it has been a commission for over ten years, it makes sense from a staff perspective to leave changes to BOSAC rules and regulations up to the Commission itself.

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

Mr. Bergeron moved to approve Council Bill No. 32, Series 2009. Ms. McAtamney seconded the motion. The motion passed 7-0

B. RESOLUTIONS, SERIES 2009 –

1. A RESOLUTION APPROVING AN AMENDMENT TO RULE 5.1 OF THE RULES OF THE BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION CONCERNING THE REGULAR MEETING OF THE COMMISSION

Tim Berry commented that this resolution would change the Rules of the Breckenridge Open Space Advisory Commission to move the regular meeting day of the Commission from the 2nd Monday of the month to the 3rd Monday of every month. This change has been initiated to allow the draft minutes from the BOSAC meetings to be sent to Town Council members before a meeting where they might discuss some of the same topics.

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

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

B. OTHER –

There was no other business.

PLANNING MATTERS

A. Planning Commission Decisions of September 1, 2009

With no requests for call ups Mayor Warner declared the Planning Commission decisions of the September 1, 2009 meeting would stand as presented.

B. Report of Planning Commission Liaison (Mr. Rossi)-

Mr. Rossi had nothing to report. Mr. Mamula commented that he feels the Council should use the Planning Commission more especially when looking at developments and fit testing. He is sympathetic that they feel they are being handed something that they don't think fits on site. Tim Gagen commented that we don't always have a Development Permit. Mr. Rossi commented that he is afraid that all the Planning Commission looks at is the fit and not necessarily what is best for the community. Council commented that they need to work together to get the best end product. The Council agreed that if they are split on decisions that then they go to Planning Commission. Some are easy and can be pushed to Planning Commission. Entrada is an example of something that had to work its way through the Council before going to Planning but most things can go directly to Planning.

REPORT OF TOWN MANAGER AND STAFF

Tim Gagen commented that the architect, Harry Teague, received an award on the Riverwalk Center architecture. Tim commented on the Clinton Water meeting of which he did not divulge too much.

REPORT OF MAYOR AND COUNCILMEMBERS- Reports were done at the work session

A. CAST/MMC (Mayor Warner) – Tim Gagen gave an I-70 and CAST update. Mayor Warner commented on the MMC meeting. Dam Vulnerability Study: There will be a meeting with the Towns of Silverthorne, Dillon, Frisco, and Summit County with the Denver Water Board on September 10th. At this meeting there will be discussion concerning the Dam's vulnerability.

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, September 8, 2009
PAGE 4**

This meeting is being facilitated by a Non-disclosure agreement, so that the DWB and others can speak openly at the meeting. Contributions to Local Organizations: We discussed what all the different entities are doing relative to memberships, fees, contributions, to various organizations. Generally speaking NWCOG, Club 20, National League of Cities, etc. will be the organizations which we do not fund in the future. Earth Hour: This is a Silverthorne based initiative which basically asks that on Earth Day in 2010 that encourages businesses, citizens, and governments to turn off non-essential lighting for one hour at 8:30 PM. Thus reducing carbon emissions. Other matters: Summit County Government is rethinking benefits, salary adjustments, and possibly will create a January 1st Bonus. Conversations with the water attorneys concerning Clinton Reservoir and Dillon Reservoir are progressing. GEMS was discussed with watershed protection being the number one priority.

B. Breckenridge Open Space Advisory Commission (Mr. Joyce) – There was no meeting. Mr. Rossi commented that he heard that there is some concern among the commissioners about the alignment of the new potential Middle Flume.

C. Breckenridge Resort Chamber (Ms. McAtamney) – They are excited about the support for the Dew Tour. Next meeting will be a joint meeting. Solidifying the brand message. The next meeting they will be talking about marketing. Help going out after the VRBO. Loss of lodging revenue. Mayor commented that the Town and County are already working on this. They want to talk about criteria about using Town asset's such as the Rec Center and Ice Rink.

D. Summit Combined Housing Authority (Mr. Millisor) – There was no meeting.

E. Breckenridge Heritage Alliance (Mr. Bergeron)- There was no meeting.

F. Sustainability (Mr. Millisor) – Mr. Millisor commented that they talked about water and the pumpback which is a big priority. Also talked about density for affordable housing. Mayor Warner commented that they are looking at whether they are pushing all commercial properties out of the Breckenridge Valley. Mr. Rossi commented that we need to put everything on the table. We need to address everything.

OTHER MATTERS

Tim Gagen commented that he read the most recent Homebuilders newsletter and they will make a big push to have local hiring.

Mr. Mamula questioned what the deal was with the Wellington path? Tim Gagen commented that David O'neil told him that he is still working with Xcel. Tim and Ms. McAtamney commented that he was going to quick claim it and has not done anything. HOA does not own the land yet. All he has to do is get them a legal description. Mr. Gagen commented that he needs to do his job. Mr. Mamula commented that the HOA needs to put pressure on him. Council agreed that they would not do it for him. Tim Gagen commented that they could look at doing the legal description and having Mr. O'Neil reimburse the Town. Several Council Members agreed to call Mr. O'Neil directly.

Mr. Bergeron commented that in the future he would like to talk about making some streets safe havens for skateboarding. Tim Gagen commented that Chief Holman is already doing this. Mr. Mamula commented that he talked to some individuals in the skateboarding community and told them to get concerns to them and they didn't. Mr. Rossi commented that the skateboarders are hoping they will get off the radar and be able to skateboard wherever they want.

Ms. McAtamney commented on a letter from the Police Department about trash containers. There was nothing in the letter about what to do with their extra trash.

SCHEDULED MEETINGS

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, September 8, 2009
PAGE 5**

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:p.m.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 10 (Ordinance Authorizing Conveyance of Land to Mercy Housing)

DATE: September 16, 2009 (for September 22nd meeting)

The second reading of the ordinance authorizing the conveyance of the land to Mercy Housing for the Valley Brook development is scheduled for your meeting on September 22nd.

Several non-substantive revisions are proposed to the ordinance as indicated in the enclosed version of the ordinance.

However, I am advised that it may be necessary for the Council to continue final reading of this ordinance because of several unresolved issues surrounding the deal. Staff will be available on Tuesday to update you on the status of the Valley Brook development, and to suggest a date to which second reading of the ordinance should be continued.

1 **FOR WORKSESSION/SECOND READING – SEPT. 22**

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

5
6 COUNCIL BILL NO. 10

7
8 Series 2009

9
10 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN TOWN-OWNED
11 REAL PROPERTY TO MERCY HOUSING COLORADO, a Colorado non-profit corporation
12 (Tract 1, Valley Brook Subdivision)

13
14 WHEREAS, pursuant to the authority granted by Resolution No. 18, Series 2009, the
15 Town of Breckenridge entered into that “Development and Charitable Contribution Agreement”
16 dated June 11, ~~2009~~2008 (“Agreement”) with Mercy Housing Colorado, a Colorado non-profit
17 corporation (“Mercy”); and

18
19 WHEREAS, in Section 1 of Resolution No. 18, Series 2009, the Town Council of the
20 Town of Breckenridge made certain findings and determinations concerning the need for
21 affordable housing within the Town and the power and legal authority of the Town to act to
22 satisfy such need, which findings and determinations are hereby reaffirmed and restated with the
23 same legal effect as if set forth in full in this resolution; and

24
25 WHEREAS, pursuant to the Agreement, Mercy intends to develop a 42 unit affordable
26 housing project on certain Town-owned real property described in the Agreement; and

27
28 WHEREAS, the Town-owned real property described in the Agreement ~~has now been~~ is
29 ready to be re-subdivided; and

30
31 WHEREAS, Section 4.2 of the Agreement requires the Town to convey to Mercy, for
32 Mercy’s use in developing the affordable housing project described in the Agreement, the
33 following described Town-owned real property:

34
35 Tract 1, Valley Brook Subdivision, Town of Breckenridge, County of Summit
36 and State of Colorado, according to the plat recorded _____, 2009
37 under Reception No. _____ of the records of the Clerk and Recorder
38 of Summit County, Colorado

39
40 upon the satisfaction of certain conditions; and

41
42 WHEREAS, the Town Manager has advised the Town Council that the conditions
43 described in Section 4.2 of the Agreement have been satisfied, and that it is now necessary and
44 appropriate for the abovedescribed Town-owned real property to be conveyed to Mercy for its
45 use in the development of the affordable housing project described in the Agreement; and

1
2 WHEREAS, Section 15.3 of the Breckenridge Town Charter authorizes the Town
3 Council, at its option, to convey Town-owned real property by ordinance without voter approval;
4 and

5
6 WHEREAS, the Town Council finds and determines that the Town-owned real property
7 described in this ordinance should be conveyed to Mercy Housing without requiring voter
8 approval.

9
10 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
11 BRECKENRIDGE, COLORADO:

12
13 Section 1. The Mayor of the Town of Breckenridge is authorized, empowered, and
14 directed to execute, acknowledge, and deliver to Mercy Housing Colorado, a Colorado non-
15 profit corporation, a special warranty deed. The deed shall convey to Mercy Housing Colorado, a
16 Colorado non-profit corporation, the following Town-owned real property:

17
18 Tract 1, Valley Brook Subdivision, Town of Breckenridge, County of Summit and
19 State of Colorado, according to the plat recorded _____, 2009 under
20 Reception No. _____ of the records of the Clerk and Recorder of
21 Summit County, Colorado [RECORDING INFORMATION TO BE FILLED
22 IN WHEN AVAILABLE]

23
24 Such real property is to be used by Mercy Housing Colorado, a Colorado non-profit corporation,
25 in the development of the affordable housing project described in that Development and
26 Charitable Contribution Agreement” dated June 11, 2008 ~~and approved by the Town Council on~~
27 ~~August 11, 2009.~~ The special warranty deed shall be in a form approved by the Town Attorney.
28

29 Section 2. The Town Council hereby finds, determines and declares that it has the power
30 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
31 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

32
33 Section 3. This ordinance shall be published and become effective as provided by
34 Section 5.9 of the Breckenridge Town Charter.

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

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. 30 (Medical Marijuana Dispensary Ordinance)

DATE: September 16, 2009 (for September 22nd meeting)

The second reading of the Medical Marijuana Dispensary Ordinance is scheduled for your meeting on September 22nd. The ordinance is enclosed with this memo.

Several changes are proposed to ordinance from first reading as indicated on the ordinance.

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

1 *FOR WORKSESSION/SECOND READING – SEPT. 22*

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

5
6 COUNCIL BILL NO. 30

7
8 Series 2009

9
10 AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE
11 BY ADOPTING PROVISIONS FOR THE REGULATION OF MEDICAL MARIJUANA
12 DISPENSARIES; AND REPEALING CONFLICTING TOWN ORDINANCES

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

16
17 Section 1. Regulations Adopted. Title 4 of the Breckenridge Town Code is amended by
18 the addition of a new chapter 14, to be entitled “Medical Marijuana Dispensaries”, which shall
19 read in its entirety as follows:

20
21 CHAPTER 14

22
23 MEDICAL MARIJUANA DISPENSARIES

24
25 SECTION:

26
27 4-14-1: SHORT TITLE

28 4-14-2: FINDINGS

29 4-14-3: PURPOSE

30 4-14-4: AUTHORITY

31 4-14-5: DEFINITIONS

32 4-14-6: PERMIT REQUIRED

33 4-14-7: APPLICATION FOR PERMIT

34 4-14-8: APPLICATION FEE

35 4-14-9: INVESTIGATION OF APPLICATION

36 4-14-10: STANDARDS FOR ISSUANCE OF PERMIT

37 4-14-11: DENIAL OF PERMIT

38 4-14-12: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT

39 4-14-13: DECISION BY TOWN MANAGER

40 4-14-14: NOTICE OF DECISION

41 4-14-15: APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT

42 4-14-16: CONTENTS OF PERMIT

43 4-14-17: INSPECTION OF PREMISES

44 4-14-18: PERMIT NOT TRANSFERABLE

MEDICAL MARIJUANA DISPENSARY ORDINANCE

- 1 4-14-19: NOTICE OF ISSUANCE OF PERMIT
- 2 4-14-20: DURATION OF PERMIT; RENEWAL
- 3 4-14-21: DUTIES OF PERMITTEE
- 4 4-14-22: POSTING OF PERMIT
- 5 4-14-23: SUSPENSION OR REVOCATION OF PERMIT
- 6 4-14-24: LIMITATION ON SALE OF MARIJUANA
- 7 4-14-25: DISPENSARY LOCATION
- 8 4-14-26: HOURS OF OPERATION
- 9 4-14-27: SIGNAGE
- 10 4-14-28: REQUIRED WARNINGS TO BE POSTED
- 11 4-14-29: ON-SITE CONSUMPTION
- 12 4-14-30: PARAPHERNALIA
- 13 4-14-31: ON-SITE CULTIVATION, GROWING AND PROCESSING
- 14 4-14-32: ALCOHOL
- 15 4-14-33: DISPLAY OF MEDICAL MARIJUANA
- 16 4-14-34: SECURITY REQUIREMENTS
- 17 4-14-35: BUSINESS LICENSE REQUIRED
- 18 4-14-36: TAXES
- 19 4-14-37: REQUIRED RECORD
- 20 4-14-38: PENALTIES; INJUNCTIVE RELIEF
- 21 4-14-39: NO WAIVER OF GOVERNMENTAL IMMUNITY
- 22 4-14-40: NO TOWN LIABILITY
- 23 4-14-41: INDEMNIFICATION OF TOWN
- 24 4-14-42: OTHER LAWS REMAIN APPLICABLE
- 25 4-14-43: RULES AND REGULATIONS

26
 27 4-14-1: SHORT TITLE: This chapter shall be known and may be cited as the “Town Of
 28 Breckenridge Medical Marijuana Dispensary Ordinance.”

29
 30 4-14-2: FINDINGS: The Town Council adopts this chapter based upon the following findings
 31 of fact:

- 32
- 33 A. Because federal and state law prohibit the possession and sale of marijuana
- 34 generally, marijuana sales have never been specifically addressed by Town
- 35 ordinance.

- 36 B. On November 7, 2000 the voters of the State of Colorado approved Amendment
- 37 20. Amendment 20 added §14 of article 18 to the Colorado Constitution, and
- 38 created a limited exception from criminal liability under Colorado law (as
- 39 opposed to federal law) for seriously ill persons who are in need of marijuana for
- 40 specified medical purposes and who obtain and use medical marijuana under the
- 41 limited, specified circumstances described in Amendment 20.

MEDICAL MARIJUANA DISPENSARY ORDINANCE

- 1 C. The intent of Amendment 20 was to enable certain specified persons who comply
2 with the registration provisions of the law to legally obtain, possess, cultivate,
3 grow, use, and distribute marijuana without fear of criminal prosecution under
4 Colorado (as opposed to federal) law.
- 5 D. Despite the adoption of Amendment 20 marijuana is still a controlled substance
6 under Colorado and federal law. As a result, making it legal for a person to obtain,
7 possess, cultivate, grow, use, and distribute marijuana, even for medical use as
8 contemplated by Amendment 20, has the potential for abuse that should be
9 closely monitored and regulated by local authorities to the extent possible.
- 10 E. If not closely monitored and regulated the presence of marijuana, even for the
11 purposes legally permitted by Amendment 20, can cause an increase in illegal
12 activities within the Town affecting the health, safety, order, comfort,
13 convenience and general welfare of the residents of the Town.
- 14 F. If medical marijuana dispensaries operating pursuant Amendment 20 were
15 allowed to be established and to operate without appropriate local regulation of
16 their location, medical marijuana dispensaries might be established in areas that
17 would conflict with the Town's comprehensive land use plan; be inconsistent with
18 surrounding uses; or otherwise be detrimental to the public health, safety and
19 welfare.
- 20 G. Nothing in this chapter allows a person to:
- 21 1. engage in conduct that endangers others or causes a public nuisance;
- 22 2. possess, cultivate, grow, use, or distribute marijuana for any purpose other
23 than for use as medical marijuana as authorized and limited by
24 Amendment 20, and the implementing state statutes and administrative
25 regulations;
- 26 3. possess, cultivate, grow, use, or distribute marijuana that is otherwise
27 illegal under applicable law; or
- 28 4. engage in any activity related to the possession, cultivation, growing, use,
29 or distribution of marijuana that is otherwise not permitted under the laws
30 of the Town or the State of Colorado.
- 31 H. This chapter is necessary and proper to provide for the safety, preserve the health,
32 promote the prosperity, and improve the order, comfort, and convenience of the
33 Town and the inhabitants thereof.
- 34 I. No person, business, activity or use that distributed or involved the distribution of
35 marijuana within the Town prior to the enactment of this chapter shall be deemed

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 to have been legally established under this code, and no such person, business,
2 activity, or use shall be entitled to claim legal nonconforming status under any
3 provision of this code or applicable law.

4 4-14-3: PURPOSE: Recognizing that there is a potential conflict between federal and state law
5 with respect to the operation of medical marijuana dispensaries, it is the purpose of this chapter
6 to:

- 7 A. Impose specific requirements and limitations for those individuals registering
8 with the State of Colorado as a “patient” or “primary care-giver” as those terms
9 are defined in Amendment 20, and the statutes and administrative regulations
10 implementing Amendment 20.
- 11 B. Require that a medical marijuana dispensary (as defined in this chapter) be
12 operated in a safe manner that does not endanger the public welfare.
- 13 C. Mitigate potential negative impacts that a medical marijuana dispensary might
14 cause on surrounding properties and persons.
- 15 D. Regulate the conduct of persons owning, operating, and using a medical
16 marijuana dispensary in order to protect the public health, safety and welfare.
- 17 E. Establish a non-discriminatory mechanism by which the Town can control,
18 through appropriate regulation, the location and operation of medical marijuana
19 dispensaries within the Town.

20 4-14-4: AUTHORITY: The Town Council hereby finds, determines, and declares that it has the
21 power to adopt this chapter pursuant to:

- 22 A. The Local Government Land Use Control Enabling Act, article 20 of title 29,
23 C.R.S.;
- 24 B. Part 3 of article 23 of title 31, C.R.S. (concerning municipal zoning powers);
- 25 C. Section 31-15-103, C.R.S. (concerning municipal police powers);
- 26 D. Section 31-15-401, C.R.S. (concerning municipal police powers);
- 27 E. Section 31-15-501, C.R.S. (concerning municipal authority to regulate
28 businesses);
- 29 F. The authority granted to home rule municipalities by article XX of the Colorado
30 Constitution; and
- 31 G. The powers contained in the Breckenridge Town Charter.
- 32

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 4-14-5: DEFINITIONS:
2

3 A. As used in this chapter the following words shall have the following meanings,
4 unless the context clearly requires otherwise:

- ADJACENT: Adjacent to or contiguous with the proposed location of a medical marijuana dispensary. Adjacency shall be determined without regard to the existence of a platted or dedicated public street or alley, and real property that would otherwise be determined to be adjacent to a proposed medical marijuana dispensary does not lose its adjacency by virtue of the existence of a platted or dedicated public street or alley.
- ALCOHOLIC BEVERAGE: Has the meaning provided in Section 6-3F-1 of this code.
- AMENDMENT 20: A voter-initiated amendment to the Colorado Constitution adopted November 7, 2000. Amendment 20 added §14 of Article 18 to the Colorado Constitution.
- APPLICANT: A person twenty one years of age or older who has submitted an application for permit pursuant to this chapter.
- APPLICATION: An application for permit submitted pursuant to this chapter.
- BUILDING OFFICIAL: The Building Official of the Town.
- DAY: A calendar day, unless otherwise indicated.
- DOWNTOWN OVERLAY DISTRICT: The geographic area of the Town identified as the Downtown Overlay District in the Town's Land Use Guidelines, as amended from time to time.
- GOOD CAUSE (for the purpose of refusing or denying a permit renewal under this chapter): Means:
A. the permittee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions

of this chapter and any rule and regulation promulgated pursuant to this chapter;

- B. the permittee has failed to comply with any special terms or conditions that were placed on its permit at the time the permit was issued, or that were placed on its permit in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or
- C. the permittee's medical marijuana dispensary have been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the medical marijuana dispensary is located. Evidence to support such a finding can include: (i) a continuing pattern of disorderly conduct as defined in section 6-3C-1 of this code; (ii) a continuing pattern of drug-related criminal conduct within the premises of the medical marijuana dispensary, or in the immediate area surrounding the medical marijuana dispensary; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana dispensary.

GROUND FLOOR:

The floor of a structure at approximately the same elevation as the natural grade of the surrounding area.

LAND USE GUIDELINES:

Has the meaning provided in section 9-1-5 of this code.

MEDICAL MARIJUANA DISPENSARY OR DISPENSARY:

The use of any property or structure within the Town to distribute, transmit, give, dispense, or otherwise provide marijuana in any manner to patients or primary care-givers in accordance with Amendment 20, and the implementing

state statutes and administrative regulations. A medical marijuana dispensary may not be used as a physician's office to examine or consult with patients.

PATIENT: Has the meaning provided in Amendment 20.

PERMIT: A permit to operate a medical marijuana dispensary issued by the Town pursuant to this chapter.

PERMITTEE: The person to whom a permit has been issued pursuant to this chapter.

PERSON: Has the meaning provided in section 1-3-2 of this code.

PRIMARY CARE-GIVER: Has the meaning provided in Amendment 20.

RESIDENTIAL USE: Has the meaning provided in section 9-1-5 of this code.

SPLIT LEVEL STRUCTURE: **A structure, or portion of a structure, that includes multiple floors with the lowest floor visible from the street front having a finished grade below the finished grade level of the street front sidewalk.**

TOWN: Has the meaning provided in section 1-3-2 of this code.

TOWN MANAGER: The Town Manager of the Town, or the Town Manager's designee authorized to act pursuant to section 1-7-2 of this code.

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B. In addition to the definitions provided in subsection A of this section, the other defined terms in Amendment 20 are incorporated into this chapter by reference.

4-14-6: PERMIT REQUIRED: No person shall operate a medical marijuana dispensary within the Town without a valid permit issued in accordance with this chapter.

4-14-7: APPLICATION FOR PERMIT:

- 1 A. A person seeking to obtain a permit pursuant to this chapter shall file an
2 application with the Town Manager. The form of the application shall be provided
3 by the Town Manager.
- 4 B. A permit issued pursuant to this chapter does not eliminate the need for the
5 permittee to obtain other required Town licenses and permits related to the
6 operation of the approved medical marijuana dispensary, including, without
7 limitation:
- 8 1. a development permit if required by the terms of chapter 1 of title 9 of this
9 code;
 - 10 2. a Town sales tax license;
 - 11 3. a Town Business and Occupational Tax License; and
 - 12 4. a building permit, mechanical permit, plumbing permit, or electrical
13 permit.
- 14 C. An application for a permit under this chapter shall contain the following
15 information:
- 16 1. the applicant's name, address, telephone number and social security
17 number;
 - 18 2. the street address of the proposed medical marijuana dispensary;
 - 19 3. if the applicant is not the owner of the proposed location of the medical
20 marijuana dispensary, a notarized statement from the owner of such
21 property authorizing the submission of the application;
 - 22 4. a statement of the applicant's personal history;
 - 23 5. a completed set of the applicant's fingerprints on a form approved by the
24 Town Manager;
 - 25 6. a statement to be initialed by the applicant that the applicant and the
26 employees of the medical marijuana dispensary may be subject to
27 prosecution under federal marijuana laws;
 - 28 7. a statement to be initialed by the applicant that the Town accepts no legal
29 liability in connection with the approval and subsequent operation of the
30 medical marijuana dispensary; and

MEDICAL MARIJUANA DISPENSARY ORDINANCE

- 1 8. any additional information that the Town Manager reasonably determines
2 to be necessary in connection with the investigation and review of the
3 application.

4 Applications shall be processed by the Town Manager in order of receipt.

5
6 4-14-8: APPLICATION FEE: An applicant shall pay to the Town a non-refundable application
7 fee when the application is filed. The purpose of the fee is to cover the administrative costs of
8 processing the application. For applications filed in 2009 the application fee is \$875.00.
9 Thereafter, the amount of the application fee shall be fixed by the Town Council as part of its
10 annual budget process.

11
12 4-14-9: INVESTIGATION OF APPLICATION:

- 13
14 A. Upon receipt of a properly completed application, together with all information
15 required in connection therewith, and the payment of the application fee as
16 required by section 4-14-8, the Town Manager shall transmit copies of the
17 application to:

- 18 1. the Police Department;
19 2. the Department of Community Development; and
20 3. any other person or agency which the Town Manager determines should
21 properly investigate and comment upon the application.

- 22 B. Upon receipt of a completed application the Police Department shall obtain and
23 review a criminal background records search on the applicant from the Colorado
24 Bureau of Investigation.

- 25 C. Within twenty days of receipt of a completed application those Town departments
26 and other referral agencies described in subsection A of this section shall provide
27 the Town Manager with comments concerning the application.

28 4-14-10: STANDARDS FOR ISSUANCE OF PERMIT: The Town Manager shall issue a
29 permit under this chapter when, from a consideration of the application and from such other
30 information as may otherwise be obtained, the Town Manager determines that:

- 31
32 A. The application (including any required attachments and submissions) is complete
33 and signed by the applicant;
34 B. The applicant has paid the application fee and any other fees required by section
35 4-14-8;
36 C. The application does not contain a material falsehood or misrepresentation;

- 1 D. The application complies with all of the requirements of this chapter;
- 2 E. The applicant has good moral character. In making this determination or when
3 considering a criminal conviction, the Town Manager shall be governed by the
4 provisions of section 24-5-101, C.R.S. If the Town Manager takes into
5 consideration information concerning the applicant's criminal history record, the
6 Town Manager shall also consider any information provided by the applicant
7 regarding such criminal history record, including but not limited to evidence of
8 rehabilitation, character references, and educational achievements, especially
9 those items pertaining to the period of time between the applicant's last criminal
10 conviction and the consideration of the application for a permit; and
- 11 F. The proposed location of the medical marijuana dispensary is permitted under
12 section 4-14-25.

13 4-14-11: DENIAL OF PERMIT: The Town Manager shall deny an application for a permit
14 under this chapter if the Town Manager determines that:

- 15
- 16 A. Information contained in the application, or supplemental information requested
17 from the applicant, is found to be false in any material respect; or
- 18 B. The application fails to meet any of the standards sets forth in section 4-14-10.

19 If an application is denied the application fee shall not be refunded.

20

21 4-14-12: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT: The Town Manager shall
22 have the authority to impose such reasonable terms and conditions on a permit as may be
23 necessary to protect the public health, safety, and welfare, and to obtain compliance with the
24 requirements of this chapter and applicable law.

25

26 4-14-13: DECISION BY TOWN MANAGER:

- 27
- 28 A. The Town Manager shall approve, deny, or conditionally approve an application
29 within thirty days of the receipt of the completed application unless, by written
30 notice to the applicant, the decision period is extended for an additional ten days
31 if necessary for the Town Manager to complete his review of the application.
- 32 B. If an application is denied, the Town Manager shall clearly set forth in writing the
33 grounds for denial.
- 34 C. In the event an application is conditionally approved, the Town Manager shall
35 clearly set forth in writing the conditions of approval.

36 4-14-14: NOTICE OF DECISION: The Town Manager shall notify the applicant of the
37 decision on the application within three business days of rendering the decision. Notice shall be

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 given by mailing a copy of the Town Manager’s decision to the applicant by regular mail,
2 postage prepaid, at the address shown in the application. Notice is deemed to have been properly
3 given upon mailing.
4

5 4-14-15: APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT:
6

- 7 A. An applicant has the right to appeal the Town Manager’s denial or conditional
8 approval of an application to the Town Council.
- 9 B. An applicant’s appeal of the Town Manager’s denial or conditional approval of an
10 application shall be processed in accordance with chapter 19 of title 1 of this
11 code; provided, however, that the applicant’s written notice of appeal shall be
12 filed with the Town Manager within ten days after the date of mailing of the
13 Town Manager’s decision on the application.
- 14 C. The applicant shall be provided with not less than ten days’ prior written notice of
15 the appeal hearing to be held by the Town Council.
- 16 D. The burden of proof in an appeal filed under this section shall be on the applicant.
- 17 E. If the Town Council finds by a preponderance of the evidence that the decision of
18 the Town Manager was correct, the Town Council shall uphold the decision of the
19 Town Manager. If the Town Council finds by a preponderance of the evidence
20 that the decision of the Town Manager was incorrect, the Town Manager’s
21 decision shall be set aside and the permit issued (if it was previously denied) or
22 the conditions of approval stricken or modified.
- 23 F. Any decision made by the Town Council pursuant to this section shall be a final
24 decision and may be appealed to the district court pursuant to Rule 106(a)(4) of
25 the Colorado Rules of Civil Procedure. The applicant’s failure to timely appeal
26 the decision is a waiver the applicant’s right to contest the denial or conditional
27 approval of the application.
- 28 G. If there is any conflict between the provisions and requirements of this section
29 and the provisions and requirements of chapter 19 of title 1 of this code, the
30 provisions and requirements of this section shall control.

31 4-14-16: CONTENTS OF PERMIT: A permit shall contain the following information:
32

- 33 A. The name of the permittee;
- 34 B. The date of the issuance of the permit;
- 35 C. The address at which the permittee is authorized to operate the medical marijuana
36 dispensary;

1 D. Any special conditions of approval imposed upon the permit by the Town
2 Manager pursuant to section 4-14-12; and

3 E. The date of the expiration of the license.

4 A permit must be signed by both the applicant and the Town Manager to be valid.

5
6 4-14-17: INSPECTION OF PREMISES: Prior to the issuance of a permit, the premises at
7 which the medical marijuana dispensary will be operated shall be inspected by the Town's
8 Building Official to determine compliance with the Town's building and technical codes. No
9 permit shall be issued if the premises at which the medical marijuana dispensary will be operated
10 do not comply with the Town's building and technical codes. Throughout the term of the permit
11 the Building Official may inspect the premises at which the medical marijuana dispensary is
12 operated to determine continuing compliance with the Town's building and technical codes.
13 Access to such premises may be obtained by the Building Official in accordance with the
14 applicable provisions of such codes or other applicable law.

15
16 4-14-18: PERMIT NOT TRANSFERABLE: A permit is non-transferable and non-assignable.
17 Any attempt to transfer or assign a permit voids the permit.

18
19 4-14-19: NOTICE OF ISSUANCE OF PERMIT: Immediately upon the issuance of a permit,
20 the Town Manager shall send a copy of the permit to:

21
22 A. The Police Department;

23 B. The Community Development Department;

24 C. The Town Clerk;

25 D. The Director of Financial Services; and

26 E. Any other person as determined by the Town Manager.

27 4-14-20: DURATION OF PERMIT; RENEWAL

28
29 A. Each permit issued pursuant to this chapter shall be valid for one year from the
30 date of issuance, and may be renewed as provided in this section.

31 B. An application for the renewal of an existing permit shall be made to the Town
32 Manager not less than forty-five days prior to the date of expiration. No
33 application for renewal shall be accepted by the Town Manager after the date of
34 expiration. The Town Manager may waive the forty-five days time requirement
35 set forth in this subsection if the applicant demonstrates an adequate reason.

- 1 C. The provisions of sections 4-14-9 through 4-14-15, inclusive, shall apply to the
2 processing of an application to renew a permit. The timely filing of a renewal
3 application shall extend the current permit until a final decision is made on the
4 renewal application, including any appeal of the Town Manager’s decision to the
5 Town Council.
- 6 D. At the time of the filing of an application for the renewal of an existing permit the
7 applicant shall pay a renewal fee in an amount fixed by the Town Council as part
8 of its annual budget process.
- 9 E. The Town Manager may refuse to renew a permit for good cause.

10 4-14-21: DUTIES OF PERMITTEE: It is the duty and obligation of each permittee to do the
11 following:

- 12
- 13 A. Comply with all of the terms and conditions of the permit, and any special
14 conditions on the permit imposed by the Town Manager pursuant to section 4-14-
15 12;
- 16 B. Comply with all of the requirements of this chapter;
- 17 C. Comply with all other applicable Town ordinances;
- 18 D. Comply with all state laws and administrative regulations pertaining to the
19 medical use of marijuana, including, but not limited to, Amendment 20; section
20 18-18-406.3, C.R.S.; and the administrative regulations issued by the Colorado
21 Department of Public Health and Environment found at 5 CCR 1006-2, all as
22 amended from time to time.
- 23 E. Comply with all applicable federal laws, rules, or regulations, other than a federal
24 law, rule or regulation concerning the possession, sale or distribution of marijuana
25 that conflicts with Amendment 20; and
- 26 F. Permit inspection of its records, building or structure, and operation by the Town
27 Manager for the purpose of determining the permittee’s compliance with the
28 terms and conditions of the permit. **However, nothing in this section shall**
29 **abrogate or affect any applicable confidentiality provision of state or federal**
30 **law. In the event of any conflict between this section and any applicable state**
31 **or federal law, the applicable provision of state or federal law shall control.**

32 4-14-22: POSTING OF PERMIT: A permit shall be continuously posted in a conspicuous
33 location at the medical marijuana dispensary.

34
35 4-14-23: SUSPENSION OR REVOCATION OF PERMIT:
36

MEDICAL MARIJUANA DISPENSARY ORDINANCE

- 1 A. A permit issued pursuant to this chapter may be suspended or revoked by the
2 Town Manager after a hearing for the following reasons:
- 3 1. fraud, misrepresentation, or a false statement of material fact contained in
4 the permit application;
- 5 2. a violation of any Town, state, or federal law or regulation, other than a
6 federal law or regulation concerning the possession, sale or distribution of
7 marijuana that conflicts with Amendment 20;
- 8 3. a violation of any of the terms and conditions of the permit, including any
9 special conditions of approval imposed upon the permit by the Town
10 Manager pursuant to section 4-14-12;
- 11 4. a violation of any of the provisions of this chapter;
- 12 5. operations have ceased at the medical marijuana dispensary for more than
13 90 days, including during a change of ownership of the dispensary; or
- 14 6. ownership of the medical marijuana dispensary has been transferred
15 without the new owner obtaining a permit pursuant to this chapter.
- 16 B. In connection with the suspension of a permit, the Town Manager may impose
17 reasonable conditions.
- 18 C. A hearing held pursuant to this section shall be processed in accordance with
19 chapter 19 of title 1 of this code.
- 20 D. In deciding whether a permit should be suspended or revoked, and in deciding
21 what conditions to impose in the event of a suspension, if any, the Town Manager
22 shall consider:
- 23 1. the nature and seriousness of the violation;
- 24 2. corrective action, if any, taken by the permittee;
- 25 3. prior violation(s), if any, by the permittee;
- 26 4. the likelihood of recurrence;
- 27 5. all circumstances surrounding the violation;
- 28 6. whether the violation was willful;
- 29 7. the number of previous violations by the permittee; and

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 8. previous sanctions, if any, imposed against the permittee.

2 E. If the Town Manager suspends a permit the permittee may appeal the suspension
3 or revocation to the Town Council in accordance with chapter 19 of title 1 of this
4 code. The burden of proof in such an appeal is on the permittee. If the Town
5 Council finds by a preponderance of the evidence that the Town Manager acted
6 correctly in suspending or revoking the permit, the Town Council shall uphold the
7 Town Manager's order of suspension or revocation. If the Town Council finds by
8 a preponderance of the evidence that the Town Manager acted improperly in
9 suspending or revoking the permit, the appeal shall be sustained, and the Town
10 Manager's order of suspension or revocation shall be set aside. Any decision
11 made by the Town Council pursuant to this section shall be a final decision and
12 may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado
13 Rules of Civil Procedure. The applicant's failure to timely appeal the decision is a
14 waiver the applicant's right to contest the denial or conditional approval of the
15 application.

16 F. No fee previously paid by a permittee in connection with the application shall be
17 refunded if such permit is suspended or revoked.

18 4-14-24: LIMITATION ON SALE OF MARIJUANA: No marijuana may be sold, given away,
19 or transferred at a medical marijuana dispensary except to patients and to primary care-givers.
20

21 4-14-25: DISPENSARY LOCATION:
22

23 A. Except as provided in subsection F of this section, no medical marijuana
24 dispensary shall be located at a location that does not conform to the requirements
25 of this section.

26 B. No medical marijuana dispensary shall be located except within Land Use
27 Districts 5, 9, 11, 19, 20 or 31.

28 C. In addition to the restriction imposed by subsection B of this section, no medical
29 marijuana dispensary shall be located:

- 30 1. within 500 feet of a licensed child care facility;
- 31 2. within 500 feet of any educational institution or school, college or
32 university, either public or private;
- 33 3. within 500 feet of any halfway house;
- 34 4. adjacent to property being used for a residential use; provided, however,
35 this restriction does not apply to a mixed use building containing both
36 residential and commercial units;

MEDICAL MARIJUANA DISPENSARY ORDINANCE

- 1 5. within any building or structure that contains a residential unit; or
- 2 6. on the ground floor, if located within the Downtown Overlay District; or
- 3 **7. on all floors immediately above and below the sidewalk fronting at**
- 4 **street level of any split level structure within the Downtown Overlay**
- 5 **District.**

- 6 D. The distances described in subsection C shall be computed by direct measurement
- 7 from the nearest property line of the land used for child care, school, college,
- 8 university or halfway house to the front door of the medical marijuana dispensary
- 9 using a straight line. The “front door” is the dispensary’s main entrance facing the
- 10 nearest public street.

- 11 E. Each medical marijuana dispensary shall be operated from a permanent and fixed
- 12 location. No medical marijuana dispensary shall be permitted to operate from a
- 13 moveable, mobile, or transitory location.

- 14 **F. Subsection E shall not prevent the physical delivery of medical marijuana to**
- 15 **a patient or the patient’s primary caregiver at a location off of the premises**
- 16 **of the permittee’s medical marijuana dispensary if:**

- 17 **1. the marijuana was lawfully purchased by the patient or the patient’s**
- 18 **primary caregiver from the permittee’s medical marijuana**
- 19 **dispensary;**

- 20 **2. the marijuana is delivered only to the patient or the patient’s primary**
- 21 **caregiver;**

- 22 **3. the marijuana is delivered only by the permittee or an employee of the**
- 23 **permittee;**

- 24 **4. the marijuana is delivered to a location within the Town; and**

- 25 **5. the marijuana is delivered only by the use of a motor vehicle, bicycle,**
- 26 **or other lawful means of transportation.**

- 27 **G.** ~~F.~~The suitability of a location for a medical marijuana dispensary shall be
- 28 determined at the time of the initial issuance of the permit for such dispensary.
- 29 The fact that changes in the neighborhood that occur after the initial issuance of
- 30 the permit might render the site unsuitable for a medical marijuana dispensary
- 31 under this section shall not be grounds to suspend, revoke or refuse to renew the
- 32 permit for such dispensary so long as the permit for the dispensary remains in
- 33 effect.

1 H. ~~G.~~ No medical marijuana dispensary shall be operated as a “home occupation” as
2 described in Policy 38(Absolute) of Section 9-1-19 of this code.

3 4-14-26: HOURS OF OPERATION: A medical marijuana dispensary may open no earlier than
4 9 A.M. and shall close no later than 7 P.M. the same day. A medical marijuana dispensary may
5 be open seven days a week.

6
7 4-14-27: SIGNAGE: All signage for a medical marijuana dispensary shall comply with the
8 requirements of chapter 2 of title 8 of this code. In addition, no permittee shall display a sign for
9 the medical marijuana dispensary that contains the word “marijuana” or a graphic/image of any
10 portion of a marijuana plant.

11
12 4-14-28: REQUIRED WARNINGS TO BE POSTED: There shall be posted in a conspicuous
13 location in each medical marijuana dispensary a legible sign containing the following warnings:

- 14
15 A. A warning that the diversion of marijuana for non-medical purposes is a violation
16 of state law;
- 17 B. A warning that the use of medical marijuana may impair a person’s ability to
18 drive a motor vehicle or operate machinery, and that it is illegal under state law to
19 drive a motor vehicle or to operate machinery when under the influence of or
20 impaired by marijuana; and
- 21 C. A warning that loitering in or around the medical marijuana dispensary is
22 prohibited by state law.
- 23 D. A warning that possession and distribution of marijuana is a violation of federal
24 law.

25 4-14-29: ON-SITE CONSUMPTION: The consumption or inhalation of marijuana on or within
26 the premises of a medical marijuana dispensary is prohibited.

27
28 4-14-30: PARAPHERNALIA: Devices, contrivances, instruments, and paraphernalia for
29 inhaling or otherwise consuming marijuana including, but not limited to, rolling papers and
30 related tools, water pipes, and vaporizers may lawfully be sold at a medical marijuana
31 dispensary. Such items may be sold or provided only to patients or primary care-givers.

32
33 4-14-31: ON-SITE CULTIVATION, GROWING AND PROCESSING: The growing,
34 cultivation, or processing of marijuana on or within the premises of a medical marijuana
35 dispensary is prohibited unless the dispensary is equipped with a proper ventilation system that
36 filters out the odor of marijuana so that the odor is not capable of being detected by a person with
37 a normal sense of smell at the exterior of the dispensary or any adjoining business, parcel or tract
38 of real property.

39
MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 4-14-32: ALCOHOL: The sale or consumption of an alcoholic beverage within a medical
2 marijuana dispensary is prohibited.

3
4 4-14-33: DISPLAY OF MEDICAL MARIJUANA: No marijuana shall be displayed so as to be
5 visible through glass, windows, or doors by a person of normal visual acuity standing at the
6 outside perimeter of the medical marijuana dispensary.

7
8 4-14-34: SECURITY REQUIREMENTS: A permittee shall provide adequate security on the
9 premises of a medical marijuana dispensary including, but not limited to, the following:

- 10
11 A. Security surveillance cameras installed to monitor the main entrance along with
12 the interior and exterior of the premises to discourage and to facilitate the
13 reporting of criminal acts and nuisance activities occurring at the premises.
14 Security video shall be preserved for at least 72 hours by the permittee;
- 15 B. Robbery and burglary alarm systems which are professionally monitored and
16 maintained in good working conditions;
- 17 C. A locking safe permanently affixed to the premises that is suitable for storage of
18 all of the saleable inventory of marijuana; and
- 19 D. Exterior lighting that illuminates the exterior walls of the business and is
20 compliant with chapter 12 of title 9 of this code.

21 4-4-35: BUSINESS LICENSE REQUIRED: At all times while a permit is in effect the
22 permittee shall possess a valid license issued under chapter 1 of title 4 of this code.

23
24 4-14-36: TAXES: Each permittee shall collect and remit sales tax on all medical marijuana,
25 paraphernalia, and other tangible personal property sold by the permittee at the medical
26 marijuana dispensary.

27
28 4-14-37: REQUIRED RECORD:

- 29
30 A. Each permittee shall maintain an accurate and complete record of all marijuana
31 sold or dispensed at the medical marijuana dispensary. The record shall contain
32 the following information:
- 33 1. The quantity of marijuana sold or dispensed;
 - 34 2. The date and time the marijuana was sold or dispensed;
 - 35 3. The type and source of the marijuana sold or dispensed; and
 - 36 4. The patient's medical marijuana registry identification card number.

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 B. The permittee's records described in subsection A of this section shall be readily
2 available for inspection by the Town's police department during normal business
3 hours.

4 C. Nothing in this section shall abrogate or affect any applicable confidentiality
5 provision of state or federal law. In the event of any conflict between this section
6 and any applicable state or federal law, the applicable provision of state or federal
7 law shall control.

8 4-14-38: PENALTIES; INJUNCTIVE RELIEF:
9

10 A. It is a misdemeanor offense for any person to violate any provision of this
11 chapter. Any person convicted of having violated any provision of this chapter
12 shall be punished as set forth in chapter 4 of title 1 of this code.

13 B. The operation of a medical marijuana dispensary without a valid permit issued
14 pursuant to this chapter may be enjoined by the Town in an action brought in a
15 court of competent jurisdiction. In any case in which the Town prevails in a civil
16 action initiated pursuant to this section, the Town may recover its reasonable
17 attorney fees plus costs of the proceeding.

18 C. The remedies provided in this section are in addition to any other remedy
19 provided by applicable law.

20 4-14-39: NO WAIVER OF GOVERNMENTAL IMMUNITY: In adopting this chapter the
21 Town Council is relying on, and does not waive or intend to waive by any provision of this
22 chapter, the monetary limitations (presently \$150,000 per person and \$600,000 per occurrence)
23 or any other rights, immunities, and protections provided by the Colorado Governmental
24 Immunity Act, section 24-10-101 et seq., C.R.S., as from time to time amended, or any other
25 limitation, right, immunity, or protection otherwise available to the Town, its officers, or its
26 employees.
27

28 4-14-40: NO TOWN LIABILITY: By accepting a permit issued pursuant to this chapter a
29 permittee releases the Town, its officers, elected officials, employees, attorneys, and agents from
30 any liability for injuries, damages, or liabilities of any kind that result from any arrest or
31 prosecution of dispensary owners, operators, employees, clients, or customers for a violation of
32 state or federal laws, rules or regulations. The Town Manager may require a permittee to execute
33 a written instrument confirming the provisions of this section.
34

35 4-14-41: INDEMNIFICATION OF TOWN: By accepting a permit issued pursuant to this
36 chapter a permittee, jointly and severally if more than one, agrees to indemnify and defend the
37 Town, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance
38 pool against all liability, claims, and demands, on account of injury, loss, or damage, including,
39 without limitation, claims arising from bodily injury, personal injury, sickness, disease, death,
40 property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in

1 any manner connected with the operation of the medical marijuana dispensary that is the subject
2 of the permit. The permittee further agrees to investigate, handle, respond to, and to provide
3 defense for and defend against, any such liability, claims, or demands at its expense, and to bear
4 all other costs and expenses related thereto, including court costs and attorney fees. The Town
5 Manager may require a permittee to execute a written instrument confirming the provisions of
6 this section.

7
8 4-14-42: OTHER LAWS REMAIN APPLICABLE: The provisions of this chapter do not
9 protect permittees, operators, employees, customers and clients of a permitted medical marijuana
10 dispensary from prosecution pursuant to any laws that may prohibit the cultivation, sale, use, or
11 possession of controlled substances. In addition, as of the date of the adoption of this chapter the
12 cultivation, sale, possession, distribution, and use of marijuana remain violations of federal and
13 state law (except for conduct covered by Amendment 20), and this chapter affords no protection
14 against prosecution under such federal and state laws. Permittees, operators, employees,
15 customers and clients of a permitted medical marijuana dispensary assume any and all risk and
16 any and all liability arising or resulting from the operation of the dispensary under any state or
17 federal law. Further, to the greatest extent permitted by law, any actions taken under the
18 provisions of this chapter by any public officer or officers, elected or appointed officials,
19 employees, attorneys and agents of the Town of Breckenridge shall not become a personal
20 liability of such person or of the Town.

21
22 4-14-43: RULES AND REGULATIONS: The Town Manager shall have the authority from
23 time to time to adopt, amend, alter, and repeal administrative rules and regulations as may be
24 necessary for the proper administration of this chapter. Such regulations shall be adopted in
25 accordance with the procedures established by chapter 18, title 1 of this code.

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

30
31 Section 3. No-Severability. If any section, paragraph, sentence, clause, or phrase of this
32 ~~chapter~~ordinance is for any reason held to be unconstitutional or otherwise invalid or ineffective
33 by the final, nonappealable order or judgment of any court of competent jurisdiction, ~~then the~~
34 ~~entirety of this chapter shall be deemed invalid and unenforceable~~such decision shall not affect
35 the validity or effectiveness of the remaining portions of this ordinance. The Town Council
36 hereby declares that it would ~~not have adopted this chapter if it any of the~~have adopted each
37 section, paragraph, sentence, clause and phrase of this ordinance irrespective of the fact
38 that any one or more sections, paragraphs, sentences, clauses, or phrases ~~of this chapter is~~
39 ~~finally~~may be declared unconstitutional, invalid or otherwise invalid and
40 ~~unenforceable~~ineffective.

41
42 Section 4. Repeal of Ordinances.
43

- 1 A. Section 6-5-1 of the Breckenridge Town Code, entitled “Medical Marijuana
2 Ordinance” is repealed.
- 3 B. Ordinance No. 16, Series 2009, entitled “An Ordinance Imposing A Temporary
4 Moratorium On The Submission, Acceptance, Processing, And Approval Of Any
5 Application For A Town Of Breckenridge Permit Or License Related To The
6 Operation Of A Business That Sells Medical Marijuana Pursuant To The
7 Authority Granted By Article 18, Section 14 Of The Colorado Constitution;
8 Directing The Prompt Investigation Of The Town’s Regulatory Authority Over
9 Such Businesses; Declaring The Intention Of The Town Council To Consider The
10 Adoption Of Appropriate Town Regulations With Respect To Such Businesses If
11 Permitted By Law; Declaring An Emergency; And Providing For An Immediate
12 Effective Date Of This Ordinance”, is repealed.
- 13 C. Ordinance No. 31, Series 2009, entitled “An Ordinance Extending Until October
14 7, 2009 The Temporary Moratorium On The Submission, Acceptance,
15 Processing, And Approval Of Any Application For A Town Of Breckenridge
16 Permit Or License Related To The Operation Of A Business That Sells Medical
17 Marijuana; Declaring An Emergency; And Providing For An Immediate Effective
18 Date Of This Ordinance”, is repealed.

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

21
22 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
23 PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be held at the
24 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
25 _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
26 Town.
27
28

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

900-165\Medical Marijuana Dispensary Ordinance Blackline (First Reading vs. Second Reading)(09-15-09)

MEDICAL MARIJUANA DISPENSARY ORDINANCE

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 32 (BOSAC Rule Change Ordinance)

DATE: September 15, 2009 (for September 22nd meeting)

The second reading of the ordinance eliminating the requirement that a change to the BOSAC's Rules of Procedure be approved by the Town Council before becoming effective is scheduled for your meeting on September 22nd. There are no changes proposed to ordinance from first reading.

Also enclosed with the memo is a copy of the current BOSAC Rules. As you will see the Rules deal solely with procedural matters related to the operation of BOSAC.

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

**RULES OF THE
BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION**

(Revised September, 2009)

Rule 1. Adoption Of Rules; Effective Date. These Rules were adopted by Resolution of the Breckenridge Open Space Advisory Commission on April 17, 1997, and were approved by the Town Council on April 22, 1997. These Rules are effective from and after the date of the Town Council's approval.

Rule 2. Effect Of Rules. These Rules shall govern the operation of the Commission.

Rule 3. Authority. These Rules are adopted pursuant to the authority granted to the Commission by Section 2-4-8 of the Breckenridge Town Code.

Rule 4. Definitions. As used in these Rules, the following words shall have the following meanings:

"**Commission**" means the Breckenridge Open Space Advisory Commission.

"**Department of Community Development**" means the Department of Community Development of the Town of Breckenridge.

"**Director**" means the Director of the Department of Community Development of the Town of Breckenridge.

"**Rules**" means these Rules and Regulations of the Commission, as amended from time to time.

"**Town Council**" means the Town Council of the Town of Breckenridge.

Rule 5. Commission Meetings.

5.1 Regular Meetings. The regular meeting of the Commission shall be held at 5:30 P.M. in the Council Chambers of the Breckenridge Town Hall on the third Monday of each month; provided, however, that if such day is a legal holiday, the meeting shall be held on the next day which is not a Tuesday or a holiday. A regular meeting may be held at any other convenient time or place with the consent of the Commission. Notice of a regular meeting, including specific agenda information where possible, shall be posted in the place designated in Rule 9.3 not less than twenty-four (24) hours prior to the holding of the meeting.(amended September , 2009)

BOSAC RULES

5.2 Special Meetings. Special meetings of the Commission shall be called by the Recording Secretary upon (i) the written request of the Chair, (ii) the written request of any three (3) members of the Commission, (iii) the written request of the Director, or (iv) an announcement of a future special meeting at regular or special meeting. Unless announced at a regular or special meeting, at least twenty-four (24) hours' advance notice, written or oral, of a special meeting shall be given to each member of the Commission. Notice of a special meeting shall also be posted in the place designated in Rule 9.3 at least twenty-four (24) hours in advance of the special meeting. The advance notice to the Commission members shall set forth the date, hour, place and purpose of such meeting. Any Commission member may waive the requirement of notice of a special meeting, and attendance at a special meeting shall constitute a waiver of the requirement of advance notice of such meeting. No business shall be conducted at a special meeting of the Commission unless the same has been stated in the notice of such meeting; except that any business which may lawfully come before a regular meeting of the Commission may be transacted at a special meeting if a majority of the quorum present consent thereto.

5.3 Executive Sessions. Meetings of the Commission are subject to the provisions of the Colorado Open Meetings Act, Part 4 of Article 6 of Title 24, C.R.S. All regular and special meetings of the Commission shall be open to the public. Closing a portion of any meeting to the public shall only occur in those rare instances where the Commission has need to discuss a matter for which an executive session is allowed under these rules. The Commission, by consent of two-thirds (2/3) of the quorum present, may go into executive session for the purpose of considering any of the following matters:

(1) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the Commission has a personal interest in such purchase, acquisition, lease, transfer, or sale;

(2) Conference with an attorney for the Town for the purposes of receiving legal advise on specific legal questions. Mere presence or participation of an attorney at an executive session of the Commission is not sufficient to satisfy the requirements of this Subsection (2);

(3) Matters required to be kept confidential by federal or state law or rules and regulations. The Commission shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session;

BOSAC RULES

- (4) Specialized details of security arrangements or investigations;
- (5) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;
- (6) Personnel matters, unless the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting; or
- (7) Consideration of any documents protected by the mandatory nondisclosure provisions of Part 2 of Article 72 of Title 24, C.R.S., commonly known as the "Open Records Act".

The only items that shall be discussed during the executive session shall be those items related to the announced topic of the executive session, and the Commission shall come out of the closed session prior to conducting any regular business. No proposed policy, position, resolution, rule, regulation or formal action may occur at an executive session. The minutes of a meeting during which an executive session is held shall reflect the topic of the discussion at the executive session. Prior to going into executive session the Chair shall announce the topic of the executive session.

- 5.4 Recess Or Adjournment. Any regular or special meeting may be recessed or adjourned from day to day, or to the time of any previously announced regular or special meeting, and such recess or adjournment to a time and place certain shall not require additional public notice.
- 5.5 Cancellation. If no business is scheduled before the Commission, or if it is apparent that a quorum will not be available, any meeting of the Commission may be cancelled by the Director by giving notice by either personal delivery, mail or by telephone to all members of the Commission prior to the time set for such meeting, and posting notice of cancellation in the place designated in Rule 9.3.

Rule 6. Public Meetings. Except as provided in Rule 5.3, all regular and special meetings of the Commission shall be open to the public.

Rule 7. Quorum. Four members of the Commission shall constitute a quorum for the transaction of business at all Commission meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date. A Commission member disqualified from acting upon a particular matter due to a conflict of interest shall not be counted in determining whether a quorum exists with respect to the

BOSAC RULES

matter (Note: a disqualification does not reduce the number required for a quorum; it simply means that the disqualified Commission member does not count towards the required quorum).

Rule 8. Commission Officers.

- 8.1 Election Of Officers. The Commission shall elect a Chair and a Vice Chair. No person shall hold more than one Commission office at a time.
- 8.2 Duties Of Chair. The Chair shall preside at all Commission meetings. In accordance with these and other applicable rules the Chair shall decide all points of procedure or order, unless otherwise directed by a majority of the members of the Commission in attendance at a meeting pursuant to motion made and passed. The Chair shall maintain order and decorum, and to that end may order removal of disorderly or disruptive persons. The Chair shall have such further duties and responsibilities as determined by the Commission or as required by law.
- 8.3 Vice Chair. The Vice Chair shall preside at those Commission meetings where the Chair is absent, disabled or otherwise unable to act for any purpose. When acting as the presiding officer at a Commission meeting the Vice Chair shall have the same duties, responsibilities, and powers as granted to the Chair by Rule 8.2. The Vice Chair shall attest to the execution and approval of all official documents of the Commission, and perform such other duties as may be delegated to such person by the Chair.
- 8.4 Temporary Chair. If both the Chair and Vice Chair are absent from a Commission meeting, the members present shall appoint a Temporary Chair to preside at that meeting.
- 8.5 Recording Secretary. A staff member of the Department of Community Development designated by the Director, or the Department Secretary of the Department of Community Development, shall serve as the Recording Secretary to keep the minutes of all Commission meetings, and to perform such other clerical or administrative duties as may be prescribed by the Commission.
- 8.6 Term Of Office. The term of each elected officer of the Commission shall be for one (1) year, and members may be re-elected to any Commission office.
- 8.7 Removal Of Officers. Any officer of the Commission may be removed by the affirmative vote of a majority of all members of the Commission.

Rule 9. Preparation Of Agenda; Posting Of Meeting Notices.

BOSAC RULES

- 9.1 Regular Meetings. The agenda for a regular meeting shall be prepared by the Director and distributed by the Recording Secretary to Commission members, along with supporting documentation concerning agenda items, at least forty-eight (48) hours before each regular meeting.
- 9.2 Special Meetings. The agenda for a special meeting shall be prepared by the Director and distributed by the Recording Secretary to Commission members, along with supporting documentation concerning agenda items, at least twenty-four (24) hours before each special meeting.
- 9.3 Place For Posting of Meetings. The designated place for the posting of public notice of all regular and special meetings of the Commission shall be the "menu box" located adjacent to the southerly front door of the Breckenridge Town Hall. Specific agenda information shall be included in the meeting notice where available.

Rule 10. Order Of Business. The business of the Commission shall be handled at each meeting in the following order:

- A. Call To Order.
- B. Roll Call of Commission Members.
- C. Approval of Agenda.
- D. Approval of minutes from previous meeting(s).
- E. Old Business.
- F. New Business.
- G. Adjournment.

The order of business for a meeting may be modified by affirmative vote of the Commission members present.

Rule 11. Action By Motion Or Resolution. The Commission shall act only by resolution or motion. All resolutions shall be in writing, shall be numbered as "Resolution No. ____, Series of 19__", and shall be recorded in the official records of the Commission. The Chair may make or second a motion. A majority vote of the quorum present at a meeting shall be required for the approval of any motion or resolution.

Rule 12. Voting. The vote of "yes" or "no" shall be taken upon the consideration of passage of all motions and resolutions. Except when a member is required to abstain from voting due to conflict of interest, each member shall vote on all motions or resolutions. On all votes the Chair shall vote last.

Rule 13.Conflict Of Interest.

BOSAC RULES

13.1 Applicability Of Town Ethics Code. Members of the Commission are subject to the provisions of the Town of Breckenridge Ethics Code (Chapter 16 of Title 1 of the Breckenridge Town Code). Commission members are urged to review and become familiar with such provisions of the law.

13.2 Procedures When Conflict Of Interest. Any member of the Commission who has a personal or private interest in any matter proposed or pending before the Commission shall:

1. Disclose such interest to the Commission;
2. Not vote upon such matter; and
3. Refrain from attempting to influence the decisions of the other members of the Commission in voting on the matter.

The determination of whether a conflict of interest exists rests with the Commission, not the individual Commission member.

Rule 14. Minutes. Minutes shall be kept of each regular and special meeting of the Commission. Following each meeting the minutes shall be prepared and shall be delivered to each Commission member along with the agenda packet for the following Commission meeting. The prepared minutes of a meeting shall stand approved as submitted unless they are corrected or revised by motion duly adopted at the next succeeding Commission meeting.

Rule 15. Public Records. All public records of the Commission shall be open for inspection and copying by any person at reasonable times in accordance with applicable law. Any photocopying of Commission records made for the public shall cost \$.25 per page for a regular sized page (8½" x 11" or 8½" x 14"), and the actual cost to the Town of the reproduction of any oversized page. Tape recordings of the meetings and hearings of the Commission shall cost \$2.50 per tape, plus the actual cost to the Town of the tape. Tape recordings will be provided only on tapes supplied by the Commission; tape recordings will not be made on tapes supplied by the party requesting such tape recordings.

Rule 16. Mailing List For Commission Meetings. The Recording Secretary shall maintain a list of persons who, within the previous two years, have requested notification of all meetings of the Commission, or of meetings of the Commission when certain specified policies will be discussed. The Recording Secretary shall mail advance written notification of such meetings to such persons at the same time that the Commission agenda packets for such meetings are mailed to Commission members; provided, however, that unintentional failure on the part of the Recording Secretary to provide such notice shall not nullify or affect actions taken at an otherwise properly noticed Commission meeting. Any costs associated with such mailing shall be established by Resolution of the Town Council.

BOSAC RULES

Rule 17. Town Attorney To Advise Commission. The Town Attorney shall advise the Commission on all legal matters pertaining to the Commission; shall attend those Commission meetings where his or her attendance is required by the Commission; and shall represent the Commission in all legal proceedings wherein the Commission is a party.

Rule 18. Amendment To Rules. These Rules may be amended at any regular or special meeting by the affirmative vote of a majority of the Commission; provided, however, that (i) such proposed amendment has been submitted to the Commission in writing at the preceding regular Commission meeting so that the Commission members will have adequate time to review and consider such proposed amendment, and (ii) no such amendment shall become effective until the same has been approved by the Town Council.

Rule 19. Suspension Of Rules. These Rules may be suspended at any regular or special meeting of the Commission by the affirmative vote of a majority of the Commission.

1 ***FOR WORKSESSION/SECOND READING – SEPT. 22***

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

5
6 COUNCIL BILL NO. 32

7
8 Series 2009

9
10 AN ORDINANCE AMENDING SECTION 2-4-8 OF THE BRECKENRIDGE TOWN CODE
11 CONCERNING THE RULES AND REGULATIONS OF THE BRECKENRIDGE OPEN
12 SPACE ADVISORY COMMISSION

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

16
17 Section 1. Section 2-4-8 of the Breckenridge Town Code is amended so as to read in its
18 entirety as follows:

19 2-4-8: RULES AND REGULATIONS: The Commission shall adopt rules and
20 regulations governing its operation; ~~provided, however, that no such rule or~~
21 ~~regulation, or amendment thereto, shall become effective until such rule,~~
22 ~~regulations or amendment has been approved by the Town Council.~~

23
24 Section 2. The Town Council hereby finds, determines and declares that it has the power
25 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
26 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

27 Section 3. This ordinance shall be published and become effective as provided by
28 Section 5.9 of the Breckenridge Town Charter.

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

34
35 TOWN OF BRECKENRIDGE, a Colorado
36 municipal corporation

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

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ATTEST:

Mary Jean Loufek, CMC,
Town Clerk



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.

SEPTEMBER 2009

Tuesday, September 8; 3:00/7:30pm	First Meeting of the Month
Thursday, September 10	CML Boards and Commissions Basics
Friday, September 11; 6:45pm	Turf Field Grand Opening
Saturday, September 19	Oktoberfest
Tuesday, September 22; 3:00/7:30pm	Second Meeting of the Month

OCTOBER 2009

Tuesday, October 13; 3:00/7:30pm	***BUDGET RETREAT***
Tuesday, October 13; 3:00/7:30pm	First Meeting of the Month
Tuesday, October 27; 3:00/7:30pm	Second Meeting of the Month

OTHER MEETINGS

1 st & 3 rd 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 & 4 th Tuesday of the Month; 1:30pm	Board of County Commissioners; County
2 nd Wednesday of the Month; 12 pm	Breckenridge Heritage Alliance
2 nd Thursday of the Month; 5:30pm	Sanitation District
3 rd Monday of the Month; 5:30pm	BOSAC; 3 rd floor Conf Room
3 rd Thursday of the Month; 7:00pm	Red White and Blue; Main Fire Station
4 th Wednesday of the Month; 9am	Summit Combined Housing Authority
Last Wednesday of the Month; 8am	Breckenridge Resort Chamber; BRC Offices

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