



**BRECKENRIDGE TOWN COUNCIL
WORK SESSION
Tuesday, May 13, 2008
3:00 pm
Work Session**

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 – 4:00 pm	I. <u>GONDOLA LOT MASTER PLAN</u>	<i>Verbal</i>
4:00 – 4:15 pm	II. <u>PLANNING COMMISSION DECISIONS</u>	<i>Page 2</i>
4:15 – 4:30 pm	III. <u>LEGISLATIVE REVIEW</u> *	
	• Liquor Offenses Ordinance	<i>Page 32</i>
	• Thompson Annexation (2 Ordinances)	<i>Page 35</i>
	• Down Payment Assistance Program IGA	<i>Page 41</i>
	• Council Appointments	<i>Verbal</i>
	• Election Committee Appointments	<i>Page 50</i>
	• Arts District Burn Permit	<i>Page 51</i>
4:30 – 5:00 pm	IV. <u>MANAGERS REPORT</u>	
	• Public Projects Update	<i>Page 10</i>
	• Welcome Center Remodel	<i>Page 10</i>
	• Housing/Childcare Update	<i>Verbal</i>
	• Committee Reports	<i>Page 12</i>
5:00 – 5:15 pm	VI. <u>PLANNING MATTERS</u>	
	• Solar Panels	<i>Page 15</i>
5:15 – 6:00 pm	VII. <u>OTHER MATTERS</u>	
	• Pine Beetle Update	<i>Page 18</i>
	• Summer Events Preview	<i>Page 21</i>

Dinner will be served to Town Council and Staff

***ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA** *Page 22*

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: May 7, 2008

Re: Town Council Consent Calendar from the Planning Commission Decisions of the May 6, 2008, meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF May 6, 2008

CLASS C APPLICATIONS:

1. Bunchman Building Façade Improvements (JC) PC#2008053; 215 South Main Street
Remodel the rear façade of the existing commercial retail building and landscape the area behind the building with Riverwalk compatible improvements. Approved.
2. Lot 18 Timber Trail Home (MM) PC#2008046; 457 Timber Trail Road
Construct a new single-family residence with 9 bedrooms, 8.5 bathrooms, 9,175 sq. ft. of density and 10,210 sq. ft. of mass for a F.A.R. of 1:2.12. Approved.
3. Stais Residence Wind Turbine (MGT) PC#2008051; 510 Wellington Road
Install a 25' tall wind turbine with a rotor diameter of 11.5' and a horizontal axis with three blades. Approved.
4. Lot 2, Highlands Glen (MGT) PC#2008045; 100 Glenwood Circle
Construct a new single-family residence with 4 bedrooms, 6 baths, 5,410 sq. ft. of density and 6,244 sq. ft. of mass for a F.A.R. of 1:10.10. Approved.
5. Barrett Sewer Line Replacement (CK) PC#2008048; 226 Campion Trail
Relocate a sewer line from the south side of the lot to the north end of the property and tie into an existing tap in the road below the property. Approved.
6. Entrekin Residence Remodel (MGT) PC#2008049; 210 South Gold Flake Terrace
Construct an addition consisting of 1,386 sq. ft. of density and 1,927 sq. ft. of mass to the existing residence to create a total of 5 bedrooms, 5 bathrooms, 5,642 sq. ft. of density and 6,183 sq. ft. of mass for a F.A.R. of 1:2.80. Approved.
7. Hart Residence Garage (MGT) PC#2008050; 128 North Gold Flake Terrace
Remove and replace existing garage to create a total of 5 bedrooms, 4 bathrooms, 2,939 sq. ft. of density and 3,566 sq. ft. of mass for a F.A.R. of 1:12.00. Approved.

CLASS B APPLICATIONS:

1. Taylor Residence & Variance (MM) PC#2008040; 231 South Gold Flake Terrace
To construct a new single family residence with 4 bedrooms, 4.5 baths, 4,113 sq. ft. of density and 5,077 sq. ft. of mass for a F.A.R. of 1:1.23 and a variance request from Policy 9, Placement of Structures, to allow reduced side yard building setbacks. Approved.

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:05 P.M.

ROLL CALL

Michael Bertaux
Mike Khavari – absent

Rodney Allen
Dave Pringle

Sean McAllister – arrived @ 7:07
Leigh Girvin

APPROVAL OF MINUTES

With no changes, the minutes of the April 15, 2008 Planning Commission meeting were approved unanimously (4-0). Ms. Girvin abstained.

APPROVAL OF AGENDA

With no changes, the Agenda for the May 6, 2008 Planning Commission meeting was approved unanimously (4-0).

MAYOR WARNER ON TOWN COUNCIL APPOINTMENT TO PLANNING COMMISSION

Mr. Neubecker presented a memo concerning the Town Council Appointee to Planning Commission. At the Town Council meeting on April 22, 2008, the Council discussed the idea of removing the Town Council appointee to the Planning Commission, and adding a seventh citizen Commissioner. The two main reasons for this possible change include the amount of time already consumed by other Council related duties, and the ability to get better Town Council discussions in case of a call-up by the Council.

The Town Council members serve on many other boards and commissions besides Town Council. If a Council member also sits on the Planning Commission (which is one of the more time consuming boards), it creates an additional significant obligation in addition to their already full schedule. Furthermore, in the case of a call-up by the Town Council, the Council representative to the Commission is unable to participate in the discussion. This leaves only six members of the Town Council to make a decision on an already contentious issue. The Council would like to explore the idea of eliminating the Council representative from the Planning Commission and adding another citizen.

Mayor Warner reiterated the comments discussed above and asked for Commissioner comments.

Commissioner Questions/Comments:

- Mr. Allen: Supported not having a council member on planning commission. Lack of communication between the two bodies remains the number one concern. Liked the dinner idea a lot but not sure if a Town Council member should just attend work sessions.
- Mr. McAllister: Town council should have a pulse on the planning commission. Concerned about council's involvement without a seat on the commission.
- Mr. Pringle: Provided feedback to Mayor Warner regarding the historical significance of a Town Council member on the planning commission. There has been a Town Council member serving on the commission since the late 1970's. Up until five or so years ago the Town Council member could participate in both forums. (Staff pointed out that the policy was changed in 2002.) Pointed out the Town Attorney liked the process and thus the reason the policy was changed. All members are in their first term and therefore the history isn't as well known by all members.
- Mr. Bertaux: Not sure why it would be a problem why a Town Council member abstains when an item is called up at the council level. Council members should serve longer than one year.
- Ms. Girvin: Respected Mr. Pringle and Mr. Bertaux's opinions. Suggested changing meeting times and schedules to allow council members to attend work sessions.
- Mr. Khavari: (Via email) was not in favor of losing a council member.

Mayor Warner thanked the Commission, and will take the Commissioner comments to the next Town Council meeting scheduled for May 13.

CONSENT CALENDAR:

1. Bunchman Building Façade Improvements (JC) PC#2008053; 215 South Main Street

Mr. Bertaux wanted to verify that the outdoor seating would remain at The Crown restaurant. (Staff pointed out that yes the seating would remain.)

2. Lot 18 Timber Trail Home (MM) PC#2008046; 457 Timber Trail Road
Ms. Girvin asked if only two parking places were required. (Staff pointed out that only two spaces are required for a single family home regardless of the number of bedrooms.)
3. Stais Residence Wind Turbine (MGT) PC#2008051; 510 Wellington Road
4. Lot 2, Highlands Glen (MGT) PC#2008045; 100 Glenwood Circle
5. Barrett Sewer Line Placement (CK) PC#2008048; 226 Campion Trail
Mr. McAllister sought clarification regarding the HOA concerns. (The applicant pointed out that only a couple members of the HOA have raised concerns but not a majority of the membership.)
6. Entrekin Residence Remodel (MGT) PC#2008049; 210 South Gold Flake Terrace
7. Hart Residence Garage (MGT) PC#2008050; 128 North Gold Flake Terrace

Ms. Girvin made a motion to call up the Stais Residence Wind Turbine, PC#2008051, 510 Wellington Road. Mr. Bertaux seconded. The motion was approved unanimously (5-0).

Mr. Thompson explained the application, including more details on the wind turbine.

Mr. Stais, Applicant: Offered to answer any questions that were asked earlier at the site visit. Suggested the Town look at the existing ordinance to modify the sound policies.

Commissioner Questions/Comments:

- Mr. Allen: Put something in the code to set parameters sooner rather than later.
- Mr. McAllister: Wanted to ensure only one pole would be visible and not other mechanisms that would stand out. (The applicant stated only one pole would be visible.) If he were the applicant he would wait for the code to be amended. Thinks this would be a good test site for a wind turbine. Believed the Town should be encouraging wind turbines and other types of Renewable Sources of Energy.
- Mr. Pringle: Asked staff if future proposals would pose a problem if precedence was set via this application. (Staff pointed out the additional policies would evolve in the future.) Might be better for the applicant to wait for code amendments before moving forward. OK with this application as it was not in the Historic District and would be in the back yard.
- Mr. Bertaux: Pointed out conflicts exist within the code regarding noise decibels. Thought standing on the site that removing dead trees would increase the productivity of the turbine. OK with this application as it was not in the Historic District and the wind turbine would be sited behind the house.
- Ms. Girvin: Didn't think a 25 foot pole would generate enough wind to make it worth someone's time. Concerned that this was a Class C application and the neighbors weren't notified.

Mr. McAllister made a motion to approve the point analysis and the application for the Stais Residence Wind Turbine, PC#2008051, 510 Wellington Road. Mr. Allen seconded and the motion was approved unanimously (5-0).

With no other motions, the remainder of the consent calendar was approved unanimously (5-0).

COMBINED HEARINGS:

1. Taylor Residence and Variance (MM) PC#2008040; 231 South Gold Flake Terrace
Mr. Mosher presented a proposal to construct a new single family residence with four bedrooms, four and one-half baths, study, exercise room, and family room. There would be two interior gas fireplaces, two exterior gas fireplaces and one interior EPA Phase 2 wood burning fireplace. The variance request was from Policy 9, Placement of Structures, to allow reduced side yard building setbacks. Without any variance, the house could be only 10' wide with negative points, or zero feet wide, with no points.

Staff worked closely with the agent to address all concerns about developing this property. We believed to have addressed all applicable code issues, including Policy 8, Ridgeline and Hillside Development, and welcomed any additional comments from the Commission. The Planning Department recommended approval of the Taylor Residence and Variance, PC# 2008040 by supporting the Point Analysis, showing a passing score of positive one (+1) point, along with the attached Findings and Conditions.

Gene Baker, Baker+Hogan+Houx, Architects: Supported Staff's assessment of the project and the passing point score. Agreed to move more trees to the lower portion of the site to better buffer the development from Town views. Site would be undevelopable without the variance.

Mr. Pringle opened the hearing for public comment. There was no public comment and the hearing was closed.

Commissioner Questions/Comments:

- Mr. Bertaux: Final Comments: Supported the application. Agreed with the staff report and the Attorney's Findings to allow the reduced setbacks.
- Mr. Allen: Final Comments: Fine with application. The adjoining neighbors were present and didn't feel there was any issue with the variance.
- Mr. McAllister: Final Comments: Supported the application and agreed with Mr. Bertaux that the town Attorney's comments should be taken into account and taken seriously.
- Mr. Pringle: Final Comments: Code has been changed since the lot was platted and it would make sense to continue with the development pattern of the existing homes along the street. Special finding noted in this application should be stated during any motion to approve.
- Ms. Girvin: How many lots front Goldflake in this subdivision? How many more will we see? (Mr. Mosher: Thought there were about eight to ten lots in this block of Yingling and Mickles. Was not prepared to accurately answer this question.) What are the Town's plans for the abandoned Adams Avenue ROW? Not presently a trail. (Mr. Mosher: Leave it much like portions of the Klack Placer as unimproved open space.)
Final Comments: Didn't support the application. Not compatible with the neighborhood of Weisshorn and Goldflake. No trees will remain or grow in such small setbacks. No equipment can maneuver in such a small setback without going onto neighboring property. Need greater setbacks. Do not want to see any more 5-foot setbacks along this area. Was concerned about the visual effect clear cutting the trees would have.

Ms Girvin made a motion to deny the Taylor Residence and Variance, PC#2008040, 231 South Gold Flake Terrace, under Policy 9/A (Placement of Structures). Mr. Allen seconded. After discussion, the motion was withdrawn.

(Staff pointed out that the variance allowed for the non-compliance with the absolute policy. However, assigning negative points under a relative policy would be allowed.)

Ms. Girvin made a motion to adjust the point analysis for the Taylor Residence and Variance, PC#2008040, 231 South Gold Flake Terrace, to change the points under Policy 9/R (Placement of Structures) to negative six (-6) points because the suggested side yard setbacks were not met. Mr. McAllister seconded. The motion was denied (4-1).

Mr. McAllister made a motion to approve the Point Analysis for the Taylor Residence & Variance, PC#2008040, 231 South Gold Flake Terrace as presented by Staff. Mr. Allen seconded, and the motion was approved (4-1) with Ms. Girvin voting no.

Mr. Allen made a motion to approve the development request Taylor Residence and Variance, PC#2008040, 231 South Gold Flake Terrace, with the findings and conditions, including the special finding. Mr. Bertaux seconded. The motion was carried unanimously (4-0), with Ms. Girvin abstaining.

PRELIMINARY HEARING:

1. Maggie Placer Development (MM) PC#2008024; 9525 State Highway 9

Mr. Mosher presented a proposal to re-review the site impacts from the original application to a modified site plan showing a reduction in density. The original request was: *Per the Maggie Placer Annexation Agreement, to develop the property with 18 deed/equity permanently restricted housing units in the form of condominiums. Pursuant to the Annexation Agreement, there shall be 6 one bedroom Restricted Units, 8 two bedroom Restricted Units, and 4 three bedroom units. All parking for the units is surface spaces placed south of the building.*

Responding to some of the concerns expressed at the last hearing, the applicant was seeking Commissioner input on a possible reduction of density, parking and change in bedroom counts. Even though the overall unit count remains as 18, there would no longer be any three bedroom units. The concept would be to reduce the intensity of the project and lessen

the negative impacts seen in the initial submittal. Staff noted that this discussion would be similar to a question and answer worksession, rather than a formal staff presentation and public hearing. Only a site plan has been submitted showing the proposed changes in rough form. Essentially, here are the changes:

Before:	<u>Market</u>	After:
4 Free Market Cluster Lots		4 Free Market Cluster Lots
	<u>Affordable</u>	
4 – Three bedroom units		6 – Two Bedroom Units
8 – Two bedroom units		12 – One bedroom units
<u>6 – One bedroom units</u>		
18 units total		18 units total
Total Density 20,084 SF		16,116 SF (a 3,968 SF reduction)

The percentage of affordable to market remains the same at 82% of the project. The reduction in mass adds additional open space at the north of the site (preserving more of the existing trees as buffer), adds more snow stacking space, possibly additional parking spaces to the west of the parking lot, and a greater buffer towards the west of the multi-family building. The layout of the drives and lots may change slightly with further work.

The applicant sought the Commissioner’s comments on the site changes. Staff believed there would be some advantages to the reduction of density. Did the Commission believe this was enough change to provide the needed buffering and parking for a passing project? Also, with the elimination of the three bedroom units, it would be less likely that families would choose to live at the project. It would be more likely that single professionals will be purchasing these units and, with the additional one bedroom units, the overall parking needs would be reduced.

Pending the Commissioner’s reaction to the new site plan, the applicant will then return to the Town Council to request a modification of the existing Annexation Agreement to address the bedroom changes, and then return for further review with the Commission.

The access issues were still under discussion. Recently, it had been brought to staff’s attention that a full-movement (bidirectional) easement has been provided to Allair Timbers for access to and from Highway 9. Staff anticipated the applicant will be seeking to approach the two parties that have this easement to also share in this easement.

John Springer, Springer Development (Applicant): Pointed out the square footage would be reduced by approximately 4,000 square feet. As far as addressing the access issues, he believed that he does have access per his attorney’s counsel and the title company’s research.

Mr. Pringle opened the hearing for public comment.

Dan Wolf (Attorney for Ski and Racquet): According to his research, the applicant has no access rights over Ski and Racquet property. Allaire Timbers has access, but no one else (He handed out a letter dated June 12, 2007 that had been copied to the Town and applicant.) Has had no conversation with the applicant. Until this issue is resolved, he suggested tabling or denying the application until access issues are solved. This is not a landlocked property and other access points are available directly to Highway 9.

George Grill, The Corral HOA: A couple of minor concerns: provide a connection from this project directly to the Town sidewalk to the east. Drainage may be an issue. Drainage must be contained in site. Mosquitoes can be a problem too and would prefer to see drainage routed to storm drain system rather than a detention pond.

Dan Olmer, Agent for Ski & Raquet: This project has a lot of problems. I manage over 1,400 properties and I am familiar with lack of parking on projects like this one. This plan is extremely tight in all areas. Hoped that all issues would be kept in mind and that the developer’s feet are kept to the fire. Want this to be a development that the Town can be proud of.

Jan Bowman, Ski & Racquet: The previous owners of the Allair Timbers said that the new owners shall maintain the trail. Have used this for over 20 years and is used by a lot of others. (Staff noted that the trail is not on the applicant's property.)

Norman Stein, Director at Ski & Raquet: Parking problem still exists even with reduced density. There are not enough parking spaces.

Raul Hayworth, Ski & Raquet: To his knowledge, neither he nor the HOA as been contacted regarding the trail to the crest of the hill, but it is used frequently.

Jay Rust, President of Woods Manor HOA: Woods Manor is not in the town limits but is pursuing the possibility of being annexed. He was concerned about the small setbacks from the highway. Asked if this would be the most appropriate development within a prime view corridor entry to Town. Woods Manor has never approved use of a trail through their property. Has expressed concerns about the development in past meetings, but do not see much in the way of changes.

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

Commissioner Questions/Comments:

Ms. Girvin: Is there a trail on the property to get to town? (The applicant pointed out a trail does not go through to town and he believed Woods Manor didn't want the trail to go through. The trail is not part of this application as it is off the site.) Regarding handicapped parking, are there three handicap spaces required? If not, don't do three. They take up extra space. Asked about the annexation agreement, AMI targets, etc. (Mr. Mosher noted that the agreement and targets were already addressed at the Council level and are not part of what the Planning Commission will review.) Sought clarification regarding set backs. (Staff pointed out criteria.) Is this project proposed for two or three stories? (Applicant pointed out it was a three story project.) Asked staff to clarify procedures for site access issues with Ski and Racquet Club. (Staff explained that this application would not come before the Planning Commission again until the access issues have been resolved.) Asked if Commission always is allowed comments prior to annexation process with the Council. (Staff pointed out that having the Commission review of the annexation before it's processed through is at the discretion of Council. This project was reviewed by the Commission before it went to Council.) Yes plan B is better than plan A, but still a lot of intensity on small piece of property that is highly visible and prominent. Possibly ridge line development should apply. Don't allow to exceed two-stories. It's unfortunate something like this is being proposed on this site. The trail was another issue that needs to be addressed. Thought the trail should be part of the Town's overall trail system.

Mr. Allen: Reduction in intensity is generally good and he was fine with having only 1 and 2 bedroom units. Encouraged the applicant to have more parking even if open space needs to be utilized to allow for it. Allow for access to the trail from this property. Applicant is on the right track and he is ok with the intensity. Wants the architecture to look good and the site should be well buffered.

Mr. McAllister: Regarding storage of goodies, has this been discussed? (Staff pointed out adding storage for residents is not a Code requirement. This project will not likely have families with children.) Sought clarification regarding parking spaces. (Staff pointed out the amount of parking spaces has been reduced along with the bedroom count.) Pointed out these are deed restricted employee housing units tied to AMI. New intensity better than the old, but still a lot of intensity for the site. Was concerned about storage, parking, circulation, drainage, and ridge line development issues. Not sure if parking places number 20, 21 or 22 are in the best place and therefore compromise the site buffering. Not sure about changing Land Use District designation to allow 3 story building heights. Confused about the trail issues as it is not on this property. Do not proceed this application further until the access issue with Ski and Racquet is resolved. No reason to go further until answers are resolved.

Mr. Pringle: The application eliminated the 3 bedroom units. Not a family development. Liked this iteration better than the other one. It makes sense to drop the 3 bedroom units. Would support a LUD change to get to three stories.

Mr. Bertaux: Have the changes impacted the access issues? (Staff: no.) Noticed that one of the differences was adding envelopes on the market lots; will garages be present? (Mr. Mosher: The buildings and envelopes on the market lots are for illustration only. The Commission will be able to review the market lots with the subdivision application.) Fine with the reduction of density. Vehicular access will be an issue. Supported trail and sidewalk connections from inside the site. Would not support reducing the number of parking spaces. Believe you need as many that can fit on the site. Drainage still an issue and was encouraged to be kept on site. Advantage of new application is larger buffer area on one side of project but more landscaping would be needed throughout. The revised application shows nothing really great at this point. Still have concerns about the negative impacts of this to such a small site. Right number of units. This application not screaming out for an approval as presented.

WORKSESSIONS:

1. Partridge Family Project

Mr. Kulick presented a worksession to discuss relevant issues involved with resubdividing two single-family lots in Block 11 of the Yingling and Mickles Subdivision from one 75' X 125' lot and one 50' X 125' lot into two 62.5 X 125' lots. Additionally the applicant would like help determining acceptable setbacks for the same lots.

Staff supported the adjustment of the lot line between lots 20 & 21 to convert the lots from one 75' X 125' lot and one 50' X 125' lot into two 62.5 X 125' lots. Staff was also supportive of allowing side setbacks that would be less than required by code based on the dimensions of the lots, past precedent from previous applications on the west side of Gold Flake Terrace and previous direction from a Commission work session conducted on January 2, 2007, regarding a similar property in Block 11, of Yingling & Mickles.

Questions for the Commission:

- Did the Commission support the lot line adjustment?
- Did the Commission believe the applicants should be allowed to exceed the established side setback requirements for homes outside of the historic district?

George Gruber, Agent for the Applicant: Building at 45-46 feet would be impossible if there were a disturbance envelope as well.

Commissioner Questions/Comments:

Mr. Allen: 8 foot setbacks would leave 48 feet and therefore 8 feet would be a good number.

Mr. McAllister: Supported the lot line adjustment and would like 8 foot setbacks.

Mr. Pringle: Yes on lot line adjustment and yes 7-8 feet would be fine and be consistent with neighborhood.

Mr. Bertaux: Could building envelopes be a possibility? Wanted consistency to exist in the neighborhood; it makes sense to follow similar designs in the neighborhood. Would support the application and the variance request.

Ms. Girvin: Main concern about the setback was the trees; a way to keep trees between the houses was encouraged. (The Applicant pointed out that the trees were infested.) 8 foot setbacks would be fine.

TOWN COUNCIL REPORT:

There was not a representative present from the Town Council; therefore, there was no Town Council report.

OTHER MATTERS:

Mr. Neubecker reminded the Commission that, due to the election of Peter Joyce to Town Council on April 1, the Commission needed to elect a new Vice-Chair for the Commission.

Mr. McAllister made a motion to nominate Mr. Allen to replace Mr. Joyce as Vice Chair. Ms. Girvin seconded, and the motion was approved unanimously (5-0).

ADJOURNMENT:

The meeting was adjourned at 10:04 p.m.

David Pringle, Vice Chair Pro Tem

Memorandum

TO: Town Council
FROM: Tom Daugherty, Town Engineer
DATE: May 7, 2008
RE: Public Projects Update

Main Street

The Main Street storm drainage improvements from Wellington Rd. to Ski Hill Rd. are progressing well and are on schedule for completion in early June. The contractor has completed the major piping installation at the Wellington intersection and should have the Wellington intersection reopened by May 9th. The work will continue south along Main Street during the week of May 12. The intersection at Main and Ski Hill will be closed for underground pipe installation during the weeks of May 12th through the 23rd. The business owners and public are being updated on the project through media announcements, the Town website and with advertisements in the newspaper.

Riverwalk Center Roof

The project is on schedule. We expect to be in the building at the last of the month.

Wellington Oro Water Treatment Plant

The construction of the Wellington Oro WTP is ongoing and is expected to be online in early fall as scheduled. The contractor has completed framing of the building as is currently working on the roof, siding and trim. The plant contractor is concurrently working on the inside of the structure setting plant equipment and plumbing the plant treatment piping. Final site grading and erosion control will be completed once the area is free of snow.

Boreas Pass Road

Currently under design by Town staff. Construction expected fall of 2008.

Breckenridge Welcome Center

After meeting with the BRC and Town Staff, a plan to re-design the front portion (east end) of the Welcome Center has been created to achieve better circulation and enhance the visual connection to the historic cabin. Work is planned to begin in May during the off-season.

We've contracted TCD (the same contractors that built the Center) to handle the remodel. During construction, the functions of the BRC can be moved temporarily to the west end of the building. The restrooms will still be accessible and open during construction.

The basic plan is to completely remove the "Experience Breckenridge" cubicles. The maps and lighting panels will be relocated, at a future date, to the west end near the topographic map area. This triples the staging space in front of the counter and allows greater circulation during busy days. We are planning to have two small tables for Wi-Fi use and general seating in the newly created space.

In addition the security gate will be motorized and pull directly across the space in two panels to a secure connection on the north facing window header. All areas of potential storage for brochures and over stock will be reassessed and designed to be more functional.

MEMO

TO: Mayor & Town Council

FROM: Tim Gagen

DATE: 4/16/2008

RE: Committee Reports

I-70 Coalition **Tim Gagen** **April**

Major item of discussion was the legislative efforts to authorize tolling on I-70. Consensus of the membership was that any tolling legislation was premature before a preferred alternative was approved for the corridor improvements but that tolling may be one of the potential revenue sources to help fund the future improvements.

BEDAC **Julia Skurski** **April 10**

BEDAC continued discussion on Workforce Issues and specifically the housing and mortgage loan conditions. Jennifer Kermode, Director of the Summit Housing Authority, presented background of current programs and possible opportunities for BEDAC to assist in their efforts of increasing local homeownership.

BEDAC also held a special meeting on April 24th to review the conceptual uses planned for the Gondola Lots, presented by DTJ. The discussion on the economic implications will be continued on the next regular BEDAC meeting, May 8th.

SCHA **Tim Gagen** **April 23**

Confirmed that all Towns and County have committed to Down Payment Assistance Program with only Silverthorne restricting the use of their funds to the Lower Blue. The plan is to approach the private sector to see if they will contribute to the Down Payment Assistance Program also. Election of Officers was put off until next month awaiting Breckenridge's Council appointment.

Police Advisory Committee **Rick Holman** **May 1**

- **Sergeant Recruitment Update:** Chief Holman thanked the PAC members who had participated as interview panel members for the recent Sergeant recruitment. The department has made an offer to candidate Shannon Haynes, a lieutenant from an agency in Connecticut. Shannon owns a home in the County, and has desired to relocate with her family to Summit County for several years.
- **Burglaries:** Sgt. Susan Quesada provided the PAC with a list and an update of the recent burglaries occurring in retail locations. There were a total of nine (9) in the previous two months. The department questioned individuals and made one arrest of an individual implicated in some of the burglaries. However, there are challenges in narrowing down suspect lists. Retail locations often share keys and lock combinations/codes and do not change these when employees separate from

employment. The department will be following up with local businesses with both letters and personal contacts to advise them how to prevent theft and create awareness. Although theft is a more frequent occurrence during this time of year, the department would like to educate retail owners in an effort to reduce this type of crime.

- **Barbiere Case:** The Chief provided the PAC with an update to the Barbiere case, which has been officially closed by the department.
- **Liquor Ordinances:** The PAC provided input and feedback to the upcoming liquor ordinances, which will permit the Town's municipal court to review violations. There was some discussion regarding court preferences – County vs. Municipal.

LLA

MJ Loufek

April 22

- All Consent Calendar items were approved.
- A new Beer & Wine License was granted to Breckenridge Cheese & Chocolate, located at 304A South Main Street.
- A “Resolution Finding Probable Cause To Believe That Jake’s Dive Bar, LLC Has Violated A Law, Rule Or Regulation With Respect To The Operation Of Its Licensed Premises; Setting A Hearing With Respect Thereto; And Directing The Issuance And Service Of A Notice Of Hearing And Order To Show Cause As To Why The Tavern Liquor License Of Such Licensee Should Not Be Suspended Or Revoked” was adopted by the Authority. The hearing date was set for Tuesday, June 17, 2008 at 9:00 a.m.
- Police Department enforcement efforts during Spring Break resulted in the issuance of citations to Salt Creek and La Lucha.

Summit Stage

James Phelps

April 30

- There will be several vacant seats on the board effective June 2008 including that of the Chair, Bob Starko. The majority of the vacancies will be filled by appointment, however the Chair's seat must be filled by nomination and public advertising. Mr. Starko nominated Kent Willis to fill this seat. More nominations will be forthcoming by the May retreat.
- Agenda items for the May retreat will include but not be limited to Copper Mountain Route half-hour service this summer, summer 2009 schedule, and timing of release of board meeting agendas.
- There was some discussion regarding the vanpool that Breckenridge is starting. Depending on the success of this program, the Stage may budget for something similar in their next budget schedule.
- There was discussion regarding Copper Mountain's request to convert the current one-hour service to half-hour service from June 15th through October 15th because of several large and lengthy events occurring there this summer. John Jones indicated that there is simply not money in the budget to do this. Diesel prices are currently \$4.02/gallon and the Stage is already \$.5 Million over budget due to rising fuel and operational costs. A possible solution might be to increase service only if and when

absolutely demanded. Further discussion on this issue will take place at the May retreat.

- There was brief discussion regarding the advantages and disadvantages of bio-diesel. John Jones commented that we are all “between a rock and a hard place” when it comes to fuel.
- Mr. Jones announced that the improvements that have been made to the Paratransit service (changes to scheduling and centralizing dispatch) are working.
- The Stage’s overall ridership is up over last year. In particular, the Breckenridge/Frisco route is up 10% and the Swan Mountain Flier route is also up considerably. At least some of these increases are attributed to the Gondola.
- Kyle Kossman with LSC presented the results of the twice-yearly customer survey they conducted for the Stage. For this period, the survey was conducted on February 15th and 909 responses (26% response rate) were received. Boardings by route statistics of interest to Breckenridge include the Frisco/Breckenridge route being up 2% from 2005 and the French Gulch route boardings by route being low. (These are not ridership numbers but, rather, routes relative to each other.) The most common rider comments requested more frequent night service and later service.

Other Meetings

CML	Tim Gagen	No Meeting
Wildfire Council	Peter Grosshuesch	No Meeting
Summit Leadership Forum	Tim Gagen	No Meeting
CAST	Tim Gagen	No Meeting
NWCCOG	Peter Grosshuesch	No Meeting
Public Art Commission	Jen Cram	No Meeting

Memo

To: Town Council
From: Julia Skurski, AICP
Date: May 6, 2008 for meeting of May 13, 2008
Re: Policy for Solar Panels

The topic of solar panels is on the Planning Commission's Top Five list. Solar panels have been a recent issue with the installation of solar panels on a few buildings in Town, and with a greater emphasis on renewable energy. Staff foresees that applications for solar panels will increase in the future out of concern for energy conservation and the Sustainable Building Code. There are no standards in the Development Code which provide standards for solar panels, therefore, Staff has been permitting the use of solar panels both inside and outside of the Conservation District.

Language has been proposed to Policy 5 (*Absolute Architectural Compatibility*) to allow for solar panels within the Conservation District which meet certain criteria to ensure the historic character of the district. The policy also provides general guidelines for the installation of solar panels outside of the Conservation District.

We have been working on this language over the past few months. Staff has received comments and suggestions from Eric Westerhoff, Innovative Energy; Richard Mignogna, Colorado Public Utilities Commission; and Joseph Saldibar, Colorado Historical Society which have been incorporated into the policy. Staff has taken this as a worksession item to the Planning Commission on February 12, March 18, and April 15.

Staff would like to get Council comments on the proposed language.

5. (ABSOLUTE) ARCHITECTURAL COMPATIBILITY:

(A) Solar panels and devices within the Conservation District: The preservation of the character of the Conservation District and the historic structures and sites within are of the utmost importance. While the town does not prohibit the installation of solar panels or other solar devices on historic structures or sites as an alternative energy source, there may be some instances where solar devices are not appropriate on a particular building or site if such a device is determined to be detrimental to the character of the District. The following regulations shall apply to the installation of solar panels or devices within the Conservation District.

(1) Within the Conservation District, no solar devices shall be installed on a structure or site without first obtaining a Class C minor development permit from the Town. Solar panels and devices are encouraged to be installed on a non-historic building or building addition, if available, and integrated into the building design. To ensure that the character of the Conservation District and its historic structures and sites are protected, applications will be reviewed under the following requirements.

(a) Solar panels or other solar devices on roofs shall be placed on a non-character defining roofline of a non-primary elevation (not readily visible from public streets), not to exceed 50% of the roof surface per roof plane. Solar panels shall be setback from the edge of a flat roof to minimize visibility and may be set at a pitch and elevated if not readily visible from public streets. On all other roof types, solar panels shall be located so as not to alter a historic roofline or character defining features such as dormers or chimneys. All panels shall run closely parallel the original roofline, not to exceed nine inches (9") above the roofline.

Applications for new structures within the Conservation District are encouraged to include building integrated solar panels or other devices on the building into the initial design, including a similar roof color, rather than as a later addition. Solar devices which contrast with the color of the roof for new or historic structures are inappropriate if found to be detrimental to the character of the Conservation District.

(b) Detached solar arrays at a historic site may be located in the rear or side yard if the arrays are not highly visible from the public streets and do not detract from other major character defining aspects of the site. The location of detached solar arrays shall also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access.

(c) Character defining elements such as historic windows, walls, siding or shutters, which face public streets or contribute to the character of the

building, shall not be altered or replaced for the purpose of installing solar devices. Solar devices in non-historic windows, walls, siding or shutters which do not face public streets are encouraged.

(B) Solar panels and devices outside the Conservation District: The Town encourages the installation of solar panels or other solar devices on structures or sites outside the Conservation District as an alternative energy source. The following regulations shall apply to the installation of all solar panels or devices outside the Conservation District.

(1) No solar devices shall be installed on a structure or site without first obtaining a Class D development permit from the Town. The director shall have the right to move a project to a Class C minor development permit application, and require review by the Planning Commission if he feels the purpose of this code would be best served by the reclassification.

(a) Solar panels or other devices shall run closely parallel to roofline, not to exceed nine inches (9") above the roofline. Applications for new structures should include building integrated solar panels or other devices on the building into the initial design, rather than as a later addition.

(b) Detached solar arrays may be located in the rear or side yard, not highly visible from the public streets. The location of detached solar arrays shall also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access.

(B) Definitions:

Non-primary elevation: The portion of the structure which does not front a public right of way. (If a corner lot, the primary elevation will be the one of which the primary entrance is located.)

Solar panel: Also referred to as photovoltaic (PV) panel or solar array. Electrical device consisting of an array of connected solar cells, which converts solar energy into electricity or hot water/liquid for space heating or domestic hot water production.

Solar device: Solar devices include, but are not limited to, solar membranes, solar shingles, solar in glass, non-PV technology, and solar hot water systems.

Memo

To: Town Council
From: James Phelps, Public Works and Jennifer Cram, Community Development
Date: May 7, 2008
Subject: 2008 Mountain Pine Beetle Program Update

On September 25, 2007 staff updated the Council on the 2007 Mountain Pine Beetle (MPB) program and discussed program details for 2008. Below, is a brief history of the MPB program since inception and the MPB program elements for 2008. Currently, there is \$750,000 allocated for the MPB program in the Special Project Fund.

MPB Program History (by year)

<u>Infested Trees Removed</u>		<u>Preventative Spraying (TOB Properties)</u>
2007	6,600	~3500
2006	1,800	~3000
2005	544	~3000
2004	350	~1200

<u>MPB Program Cost History*</u>	<u>Budget</u>	<u>Expended</u>
2008 Budget	\$750,000	\$23,551(YTD)
2007 Budget	\$200,000	\$508,216
2006 Budget	\$110,000	\$170,000
2005 Budget	\$60,000	\$60,000
2004 Budget (Program Inception)	\$0.00	\$20,000

*These numbers do not include staff time. (2008 = approximately 3.5 FT staff)

2008 MPB Program Elements

Free Inspections

The Town is continuing to provide free inspections for private properties. We have been encouraging property owners to call the MPB hotline to schedule inspections via newspaper advertisements and on the Town’s website.

The Town has been working with the Highlands HOA’s. Inspections have been completed in the Highlands. There are over 15,010 infested trees, which represents a 150% increase over last year.

TOB property inspections resulted in 3,048 infested trees a 444% increase over last year. To date 1,270 current year infested trees have been removed from TOB properties.

Reimbursement for Cutting Infested Trees

The Town is continuing to partner with private property owners who cut current year infested trees by July 1, 2008, by reimbursing \$40 per tree. We have developed a user friendly reimbursement process for private property owners. We have also held educational sessions with local and regional contractors to bring them up to speed with the Town's requirements and program details, so that they may better serve private property owners in Breckenridge.

Spraying

With recent information on the environmental impacts of spraying, the Town will only spray specimen trees on Town owned property in areas that are not near any bodies of water or watersheds. Areas where trees will be sprayed include Valley Brook Cemetery, Golf Course, McCain, Public Works, Breckenridge Nordic Center, and Airport Rd. We are also encouraging private property owners to do the same and spray responsibly only those trees that are specimens and/or that provide good buffers. We have recently done a press release to educate the public on the potential environmental impacts of spraying.

Replanting Program

Staff is currently working on a replanting program. We are structuring it as a reimbursement program, where private property owners would be reimbursed for a percentage of trees that are replanted. Species and sizes of trees will be recommended for the program to encourage species diversity. We plan to bring the replanting program proposal to Council for review in the near future.

Long Range Planning

Staff is currently working with Eric Petterson with Rocky Mountain Ecological Services to develop a scope and plan for forest management of Town Open Space and urban areas.

Misc. Program Elements

- Waiver of Class D permit fee for MPB Infested Trees and Dead Trees
- TOB property available: Free Chip Disposal Site for Private Contractors doing work in TOB limits
- On-going Education Programs (i.e. inspection/identification, replanting, spraying, advertising, etc.)

2008 Budget Detail

\$620,000 Cost Share/Removal of Infested Trees

\$30,000 Preventative Spraying/Tree Removal on Town Owned Property

\$60,000 Contracting Services for Long Range Planning/Forest Management

\$40,000 Replanting Program

\$750,000 total

\$125,000 Additional-Open Space (OS) Funds for management of open space parcels.

Summary

With increased numbers of infested trees, staff is concerned about budget impacts. Based on the number of current year infested trees (176% increase) we may exceed the \$620,000 budget for the cost share/reimbursement program element. For example, if all 15,010 infested trees are removed from the Highlands this reimbursement amount is equal to \$600,400.

We would also like to start discussing future program efforts and priorities for 2009 and will schedule time with the Council to do so in the near future.

Staff will be available during the work session on May 13th to answer any questions regarding the MPB program. We also intend to provide the Council with regular updates on the 2008 MPB program.



memo

Date: May 1, 2008 (*for 5.13.08 meeting*)
To: Mayor and Town Council Members
From: Director of Communications
RE: Summer Events Preview

For the May 13th meeting, the Events & Communications Division has again coordinated a collaborative Summer 2008 events preview to provide Council with a broad overview of the upcoming events and activities.

This overview will include 'snapshots' from the following groups responsible for the summer's rich offerings:

- National Repertory Orchestra
- Breckenridge Music Festival
- Arts District of Breckenridge
- Backstage Theatre
- Breckenridge Heritage Alliance
- Breckenridge Events Group (BRC and Town's events team)

Thank you for your interest and attention. Staff will be on hand to answer any questions.



TOWN OF BRECKENRIDGE TOWN COUNCIL AGENDA
Tuesday, May 13, 2008 (Regular Meeting); 7:30 p.m.

- I CALL TO ORDER and ROLL CALL**
- II OATH OF OFFICE**
- III APPROVAL OF MINUTES** – April 22, 2008 Regular Meeting *Page 23*
- IV APPROVAL OF AGENDA**
- V COMMUNICATIONS TO COUNCIL**
 - A. Public Works Week Proclamation *Page 31*
 - B. Citizens Comment - (Non-Agenda Items ONLY; 3 minute limit please)
 - C. BRC Director's Report
- VI CONTINUED BUSINESS**
 - A. SECOND READING OF COUNCIL BILL, SERIES 2008 – PUBLIC HEARINGS****
 - 1. Council Bill No. 19, Series 2008-** AN ORDINANCE AMENDING ARTICLE F OF CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL OFFENSES RELATED TO ALCOHOL *Page 32*
 - 2. Council Bill No. 20, Series 2008-** AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BRECKENRIDGE (Thompson Parcel) *Page 35*
 - 3. Council Bill No. 21, Series 2008-** AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE DISTRICT 43 (Thompson Parcel) *Page 39*
 - VII NEW BUSINESS**
 - A. FIRST READING OF COUNCIL BILL, SERIES 2008-**
NONE
 - B. RESOLUTIONS, SERIES 2008-**
 - 1. A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE SUMMIT COMBINED HOUSING AUTHORITY CONCERNING A DOWN PAYMENT ASSISTANCE GRANT PROGRAM** *Page 41*
 - C. OTHER**
 - 1. Council Committee Appointments** *Verbal*
 - 2. Election Committee Appointments** *Page 50*
 - 3. Arts District Burn Permit** *Page 51*
 - VIII PLANNING MATTERS**
 - A. Planning Commission Decisions of May 6, 2008 *Page 2*
 - B. Town Council Representative Report (Mr. Mamula)
 - IX REPORT OF TOWN MANAGER AND STAFF***
 - X REPORT OF MAYOR AND COUNCILMEMBERS***
 - A. CAST/MMC (Mayor Warner)
 - B. Breckenridge Open Space Advisory Commission (Mr. Rossi)
 - C. BRC
 - D. Summit Combined Housing Authority
 - E. Breckenridge Heritage Alliance
 - XI OTHER MATTERS**
 - XII SCHEDULED MEETINGS** *Page 54*
 - XIII ADJOURNMENT**

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

CALL TO ORDER AND ROLL CALL

Mayor Warner called the April 22, 2008 Town Council Meeting to order at 7:45 p.m. The following members answered roll call: Mr. Bergeron, Mr. Joyce, Mr. Mamula, Ms. McAtamney, Mr. Rossi, and Mayor Warner.

COMMUNICATIONS TO COUNCIL

- A. Comments Related to Council Appointment (please limit to a couple of people per Council candidate; 2 minute limit)
1. Barree Stimson- Endorsed Carol Rockne for Council.
 2. Lucy Kay- Endorsed Rob Millisor for Council.
 3. Carl Nilson- Endorsed Carol Rockne for Council.
 4. Steve Lapinsohn- Endorsed Rob Millisor for Council.

ELECTION OF COUNCIL MEMBER & OATH OF OFFICE

Mayor Warner stated: “The first item of business on tonight’s agenda is the election of a new Councilmember. The Council currently has a vacancy that was caused when I resigned after my election as Mayor. At the time of my resignation there were two years remaining on my term.

Section 4.8(c) of the Town Charter provides that when a Council seat becomes vacant the remaining members of the Council shall, within 60 days after the vacancy occurs, choose by majority vote a duly qualified person to fill the vacancy. The person who is elected tonight to fill the vacancy on the Council will serve only until the next regular Town election in April, 2010. At that time, his or her successor will be elected for a full 4 year term.

Neither the Charter nor the Town Code specifies a procedure to be used to fill a vacancy on the Town Council. As a result, the Council selected a procedure that we think is fair and will lead to the seating of the new Councilmember at the earliest practical date. We advertised for applications from interested persons. We received a total of 7 applications. This afternoon, we interviewed each of the 7 applicants. It is now time for us to fulfill our duty under the Charter by electing a person to fill the current vacancy on the Council.

In this situation, the Town Council’s “Procedures and Rules of Order” establishes the procedure we are to follow when electing the new Councilmember. Section 9.2 of the Council Rules provides as follows:

Elections to fill a vacancy on the Council will be held by ballot. After the votes are cast, the Town Manager will collect and count the votes. The Town Manager will then announce the results. If any of the nominees receives a vote of the majority of the remaining Councilmembers in office on the first ballot, he or she shall be declared elected without further Council action. If none of the nominees receives such a majority vote at the end of the first balloting, the candidate receiving the fewest number of votes will be dropped as a candidate unless the elimination of such name (or names in cases of a tie vote) would leave only one candidate for the office. This process will continue until one candidate receives the majority vote of the remaining Councilmembers in office.

Because the Council choose to solicit applications to fill the current Council vacancy, each of the 7 persons who submitted an application will be considered to be a “nominee” within the meaning of Council Rule 9.2, and it is not necessary for any of the 7 candidates to be formally nominated to fill the current vacancy. No person other than the 7 persons who have submitted nominations will be considered to fill the current vacancy.

I also want to be clear that both the Charter and the Council Rules require that for a person to be elected tonight he or she will have to receive the vote of a **majority** of the current members of the Council. Since there are 6 current members, it will take 4 votes for any candidate to be elected to fill the current vacancy on Council.”

Mayor Warner stated: Does any member of the Council have any question about the procedure we are going to follow to elect the new Councilmember?

Mayor Warner stated: Do any of the candidates have any question about the procedure we are going to follow to elect the new Councilmember?

Public comment was taken earlier in the meeting.

The Council members voted and passed ballots to Town Manager.

Town Manager, Tim Gagen counted ballots and announced the results. There was a tie vote between Rob Millisor and Carol Rockne. A new ballot was created that included the names of just those two applicants.

The Council members voted and passed ballots to Town Manager.

Town Manager, Tim Gagen counted ballots and announced the results. The majority vote went to Rob Millisor.

Mayor Warner stated: “In accordance with Section 4.8(c) of the Town Charter and Rule 9.2(a) of the Town Council’s ‘Procedures and Rules of Order’, Rob Millisor is declared to have been elected by the Town Council to fill the current vacancy on the Breckenridge Town Council, and to serve until the next regular Town election in April, 2010.”

Mayor Warner stated: “The next order of business is for the oath of office to be administered to Rob Millisor by the Town Clerk, Mary Jean.”

Town Clerk, Mary Jean administered the oath of office to newly elected Councilmember, Rob Millisor.

CONTINUED COMMUNICATIONS TO COUNCIL

- B. Turf Field Group- 6 representatives were present from this group to promote an artificial turf for the High School, Jim Heese- Summit High School Principle, Rob Godell, Gretchen Neis- Summit High School Athletic Director, Mark Burke- Citizen, Erin Major- Summit High School Board, Tom Looby

Mr. Rossi asked if they have looked at other high altitude communities. How long are they going to last and what are maintenance costs.

Erin Major talked about the entire philosophy of replacing all playing field materials, tennis, track, grass, etc. They do not plan to leave it up to a board in 12 years to replace it. They consider the maintenance fees a wash to the revenues that will be generated.

Mr. Bergeron asked if they were already going with the company that was represented on the sample. Gretchen Neis commented that the sample was from just one company they are looking at and there is a multitude of companies.

Mr. Mamula asked about the dedications of money being taken away from maintenance of other fields in the District? Erin commented that they are looking at an entire plan for all the fields. Tom Looby commented. They have been asked to have a maintenance plan for just this facility and it would not entail taking money away from the maintenance of other fields.

Mr. Joyce asked if the fees collected from this field would go to maintenance of other fields or just this field. They commented that the money would go towards the maintenance of this field.

Mr. Bergeron questioned the lead issue related to health that he read about. The representatives said they were looking into this.

Mr. Gagen asked whether the school district is willing to make a commitment that all the fields for public use will be maintained. Erin commented that this plan will address the current lack of maintenance issue by the School District. Mark Burke commented that they have created a plan now that has never existed.

Marty Lessow- Citizen commented that he saw a program on TV and that he is 100% behind the project but wants to see more about the lead tests that he has been seeing on news reports.

- C. Citizens Comment - (Non-Agenda Items ONLY; 3 minute limit please)
 - 1. Jen McAtamney- presented a Certificate of Notable Achievement to the Town of Breckenridge for tremendous support and funding for professional training/spanish literacy.
 - 2. Amy Carlson Phelps- Public Art Commission- She promoted Jessie Paige for a Public Art Commission seat.
- D. BRC Director's Report- Corry Mihm- Results of Spring Massive- positive feedback. Preparing for summer and next winter. Just attended some industry conferences. Economy and SummerTravel was a big topic at the conference. Research shows that \$3.50/gallon for gas is when people tend to change their patterns. They will not necessarily stop traveling but they will try to conserve or save in other ways. Thanked the Council for committing to the remodel of the Welcome Center.

Mr. Gagen commented that Council has not committed to the Welcome Center yet but they will be getting a plan soon.

APPROVAL OF MINUTES – April 8, 2008 Regular Meeting

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

APPROVAL OF AGENDA

Town Manager, Tim Gagen, added an Executive Session under Other Matters.

REUSABLE BAG DAY PROCLAMATION

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2007 & 2008 – PUBLIC HEARINGS**

1. Council Bill No. 17, Series 2008- AN ORDINANCE AMENDING SECTION 9-1-27 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE” CONCERNING TOWN PROJECTS

Tim Berry commented that this ordinance would amend Section 9-1-27 of the Breckenridge Town Code. The purpose of this amendment is to allow “Attainable Workforce Housing Projects” to be reviewed pursuant to Section 9-1-27 (Public Improvement Projects by Town) of the Breckenridge Town Code under circumstances when the Town owns, leases, or controls the land. There are no changes from first reading.

Mayor Warner asked for public comment. There was no comment. He closed the public hearing.

Mr. Mamula moved to approve Council Bill No 17, Series 2008 on second reading. Ms. McAtamney made the second. The motion passed 7-0.

2. Council Bill No. 18, Series 2008- AN ORDINANCE AUTHORIZING THE GRANTING OF UTILITY EASEMENTS TO PUBLIC SERVICE COMPANY OF COLORADO

Tim Berry commented that the ordinance would authorize 2 easements to Xcel Energy on the new child care property. There were no changes from first reading.

Mayor Warner asked for public comment. There was no comment. He closed the public hearing.

Mr. Bergeron moved to approve Council Bill No 18, Series 2008 on second reading. Mr.

Mamula made the second. The motion passed 7-0.

B. FIRST READING OF COUNCIL BILLS, SERIES 2008-

1. Council Bill No. 19, Series 2008- AN ORDINANCE AMENDING ARTICLE F OF CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL OFFENSES RELATED TO ALCOHOL

Tim Berry commented that the ordinance will amend the Town Code to create three new Town Code violations related to the operation of liquor-licensed establishments. All three new regulations apply only to activities occurring at an establishment that holds a license to sell alcoholic beverages issued by the Town.

The first new violation prohibits the sale of an alcoholic beverage to a visibly intoxicated person (§1 of the ordinance). There is an existing state law regulating this same subject matter (in fact, the proposed ordinance mirrors the language from the existing state law). However, the Police Department believes that it would be beneficial to have a Town ordinance in place so that violations could be prosecuted in the Town's Municipal Court, instead of having to be filed in the County Court.

The second new violation is a prohibition against an employee of a liquor-licensed establishment being visibly intoxicated while on duty. There is no state law or current Town ordinance prohibiting this kind of conduct. There have been several instances recently where it appears that employees of liquor-licensed establishments have been intoxicated while at work. An employee who is intoxicated while at work may not be in a position to assure compliance with applicable liquor-related laws, such as checking IDs, watching out for visibly intoxicated patrons or reporting disturbances. The Police Chief has indicated that he thinks the adoption of this proposed ordinance will help the Department's efforts to combat the problems that have recently developed at some of the liquor-licensed establishments within the Town. Note that the rule does not absolutely prohibit an employee from consuming alcoholic beverages while on duty; it simply prohibits an employee from consuming so much alcohol that they become visibly intoxicated.

The third and final regulation deals with several issues related to the conduct of the liquor-licensed establishment. The broad wording of the proposed new regulation is taken from the current "Conduct of Establishment" administrative regulation promulgated by the Colorado Department of Revenue, Liquor Enforcement Division, and currently enforced throughout the state by the state and local licensing authorities. The adoption of the proposed ordinance, however, would make noncompliance with the "Conduct of Establishment" rule a municipal offense that can be prosecuted and punished in the Town's Municipal Court. The Police Chief has indicated that he believes the adoption of this regulation will also help address some of the problems that have cropped up at several of the Town's liquor-licensed establishments.

As with the other Town Code liquor offenses, a violation of any of the three new offenses would be a misdemeanor offense punishable by a fine of up to \$999; imprisonment in the county jail for up to one day less than one year; or both such fine and imprisonment. The actual punishment in a particular case would be determined by the Municipal Judge based upon the facts of the case; the defendant's criminal history; any mitigating or aggravating factors brought to the attention of the judge; and other factors that the judge felt was relevant to the issue of punishment.

Mr. Dick Carlton commented that after discussions with the Chief of Police, Rick Holman, he is comfortable with it and feels the Restaurant Association didn't fully understand it when they saw it.

Mr. Bergeron moved to approve Council Bill No 19, Series 2008 on first reading with the deletion of the word "profanity" in line 43. Mr. Mamula made the second. The motion passed 7-0.

2. Council Bill No. 20, Series 2008- AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BRECKENRIDGE (Thompson Parcel)

Tim Berry commented that the next 2 ordinances are related to the annexation of a small tract of land that was recently acquired by the Town. The property is located near the intersection of Fairview Blvd. and Highway 9, and it consists of approximately .3 acres. The property is located in unincorporated Summit County and staff believes that it should be annexed since it is now owned by the Town. Staff has reviewed the eligibility requirements for an annexation and believes this parcel is eligible. Colorado law requires that annexed land be zoned within 90 days of annexation. This means that the property must be placed in a Land Use District within 90 days of annexation. An ordinance to place the property in Land Use District 43 follows this ordinance and is the next action item on the agenda.

Mr. Bergeron moved to approve Council Bill No 20, Series 2008 on first reading. Mr. Mamula made the second. The motion passed 7-0.

3. Council Bill No. 21, Series 2008- AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE DISTRICT 43 (Thompson Parcel)

Tim Berry commented that the Ordinance would place the property being annexed in the previous Ordinance in Land Use District 43.

Ms. McAtamney moved to approve Council Bill No 21, Series 2008 on first reading. Mr. Bergeron made the second. The motion passed 7-0.

C. RESOLUTIONS, SERIES 2008

1. A RESOLUTION APPROVING A THREE-PARTY VOLUNTEER DRIVER AGREEMENT (VPSI, Inc.)

Tim Berry commented that the resolution addresses the lease arrangement between the Town of Breckenridge and VPSI, Inc. The Town has been working with VPSI, a van pooling company, to provide alternative transportation options at a reasonable cost to employees commuting in from outlying communities. The Town plans to enter into a three-way agreement in which we will be the financial support provider together with a volunteer driver (a Town employee who is one of the people commuting) and VPSI. There is also the ability for an alternate driver to be approved.

As the provider, the Town agrees to take the responsibility for paying VPSI for the expenses, service, and other fees that relate to the vanpooling program. The driver will take on the responsibility of fueling and making sure that the van gets maintained, cleaned, and repaired when necessary. The driver will operate the vehicle in accordance with all applicable laws, ordinances, rules and regulations. VPSI represents in the agreement that it will provide the vehicle, as well as its licensing, registration, insurance and maintenance. VPSI will also assume the risk of loss of or damage to the vehicle. Staff will fill in the appropriate details, such as monthly fees, mileage allowance, etc. prior to the Town Manager signing the agreements. Some of these figures will depend on the actual vehicle and the number of riders that will be participating.

At the present time, there is one van that is set up and ready to go, pending the approval of the attached resolution. This van will be travelling from Fairplay to Breckenridge with mainly public works employees. This vanpool will likely begin operating at the beginning of May. Our hopes are that this will be a model vanpool that will encourage expansion of the program in numbers and geographic extent. Through the Green Team budget, the Town has committed to pay 50% of the costs of each program participant.

Mayor Warner asked for public comment. There was no comment. He closed the public hearing.

Mr. Bergeron moved to approve the Resolution, Series 2008. Mr. Mamula made the second. The motion passed 7-0.

2. A RESOLUTION APPROVING A “RIGHT START CAPACITY BUILDING IMPROVEMENT PROGRAM GRANT AGREEMENT FOR THE TIMBERLINE LEARNING CENTER”

Tim Berry commented that the resolution would approve an agreement between the Town and the County concerning a \$200,000 grant for the new childcare center. The County awarded the Town a grant to help defray the cost of construction of the center. This agreement outlines the terms and conditions for the grant.

Mayor Warner asked for public comment. There was no comment. He closed the public hearing.

Ms. McAtamney moved to approve the Resolution, Series 2008. Mr. Mamula made the second. The motion passed 7-0.

3. A RESOLUTION CONCERNING THE “TRANSPORTATION ELECTRONIC AWARD & MANAGEMENT PROCESS (TEAM)” DATABASE

Tim Berry commented that the resolution would designate the staff positions that have signatory authority for Transportation Electronic Award & Management Process (TEAM). This is the grant management program on the web for the FTA. With the absence of the Transit Division Manager the Town is unable to initiate current grants for the hybrid buses. This will allow the Town to apply for the FTA money for those buses.

Mayor Warner asked for public comment. There was no comment. He closed the public hearing.

Mr. Mamula moved to approve the Resolution, Series 2008. Mr. Millisor made the second. The motion passed 6-1.

D. OTHER

1. Planning Commission Appointment

A vote was taken by paper ballot. The vote resulted in a majority for Leigh Girvin.

2. BOSAC Appointment

A vote was taken by paper ballot. The vote resulted in a majority for Ellen Hollinshead, Scott Yule and Dennis Kuhn.

3. PAC Appointment

A vote was taken by paper ballot. The vote resulted in a majority for Jessie Paige.

4. LLA Appointment

Mr. Mamula moved to appoint Turk Montepare to the LLA. Mr. Rossi made the second. All were in favor.

5. Council Committee Appointments

Mayor Warner commented on the appointment of a Town Council Representative on the Planning Commission. He does not see the value. He asked for the Town Council's thoughts. They discussed the options and ideas behind it. Mr. Rossi asked if the Mayor had spoken with the Planning Commission. Mayor Warner commented that he had not spoken with them yet. Ms. McAtamney and Mr. Rossi commented that the minutes need to be better and more detailed. Mr. Mamula doesn't think there should be any minutes for Planning except for the items that are Final Hearings. Mr. Bergeron commented that it really takes a long time to learn the Planning process and codes. Mr. Joyce questioned what the process is for a Council member and what they are allowed to do. Mr. Rossi does not want detail taken out of the minutes and to take a Council member out of the process. Mr. Mamula commented that he doesn't think they need to beef up all the items in the minutes but possibly the final items. Mayor Warner commented that they would need to talk to Planning Commission and Tim Berry. Tim Berry commented that this is what he has been pushing towards. He said it is not fundamentally fair for a Council member to sit on both the Planning Commission and Town Council which is why the Council member is disqualified from voting on a call-up. He believes it is important to have a full Council vote for a call-up to make a final decision on a controversial application. It is cleaner from a legal standpoint not to have a member on the Planning Commission but does not want that to drive the decision. Mr. Mamula commented that if they do go down this road then they need to have more frequent meetings with the Planning Commission. Mayor Warner

asked the Council if it was ok to delay the appointments until a future meeting. They may confirm them at the retreat.

PLANNING MATTERS

- **Planning Commission Decisions of April 15, 2008.**

With no requests for call up, Mayor Warner stated the Planning Commission decisions of the April 15, 2008 meeting will stand as presented.

- **Town Council Representative Report.**

REPORT OF TOWN MANAGER AND STAFF

Tim Gagen, Town Manager, had nothing to add.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Report of Mayor (CAST/MMC)

Mayor Warner had nothing to report.

B. Breckenridge Open Space Advisory Commission (Mr. Bergeron)

Mr. Bergeron had nothing to report.

C. BRC (Mr. Rossi)

Mr. Rossi had nothing to report.

D. Multi-Jurisdictional Housing Authority

Tim Gagen had nothing to report.

E. Breckenridge Heritage Alliance (Ms. McAtamney)

Ms. McAtamney commented that things are proceeding with the Carter Museum. Also working hard on engine #9.

OTHER MATTERS

Tim Gagen commented on a memorial or donation for Beau Beiling. He explained the process to the Council. Mr. Joyce commented that he would love to see the support of the Town.

Mr. Mamula commented on the piles of dirt on the roads from the Peak 7 projects. Chris Neubecker commented that staff has been looking into this.

SCHEDULED MEETINGS

ADJOURNMENT

At 10:20p.m. Mr. Rossi moved to go into Executive Session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions. Mr. Joyce made the second. All were in favor.

At 10:33 p.m. Mr. Mamula moved to convene in the Town Council's regular meeting. Mr. Rossi made the second. All were in favor of the motion.

The Council discussed Retreat dates. They decided on May 20th if that works for staff.

With no further business to discuss the regular meeting was adjourned at 10:45pm.

Submitted by Alison Kellermann, Administrative Services Coordinator

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

Ernie Blake, Mayor

PROCLAMATION

WHEREAS, the many services provided by Public Works to our community are an integral part of our citizen's everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water treatment and distribution, streets maintenance, public buildings and facility maintenance, parks and landscaping, transit & parking services and fleet, maintenance and operations; and

WHEREAS, the health, safety, economic vitality and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these services, as well as their planning, design, and construction of public facilities and utilities, is vitally dependent upon the efforts and skills of public works representatives; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Public Works Departments is materially influenced by the public's attitude and understanding of the importance of the work they perform,

NOW, THEREFORE, I, John Warner, Mayor, on behalf of the Town Council and the Town of Breckenridge, do hereby proclaim the week of May 18-24, 2008 as "National Public Works Week" in the Town of Breckenridge, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing quality Public Works services and to recognize the contributions which Public Works representatives make every day to our health, safety, comfort, and quality of life, not only this week but throughout the year.

John Warner, Mayor

ATTEST:

Mary Jean Loufek, Town Clerk
May 13, 2008

MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 19 (New Town Alcohol Offenses)
DATE: April 29, 2008 (for May 13th meeting)

The second reading of the ordinance adopting the new Town alcohol offenses is scheduled for your meeting on May 13th. There are no changes proposed to ordinance from first reading.

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

1 ***FOR WORKSESSION/SECOND READING – MAY 13***

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

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

7
8 COUNCIL BILL NO. 19

9
10 Series 2008

11
12 AN ORDINANCE AMENDING ARTICLE F OF CHAPTER 3 OF TITLE 6 OF THE
13 BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL OFFENSES RELATED
14 TO ALCOHOL

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

18
19 Section 1. Article F of Chapter 3 of Title 6 of the Breckenridge Town Code is hereby
20 amended by the addition of a new Section 6-3F-17, entitled “Unlawful Sale to Visibly
21 Intoxicated Person”, which shall read in its entirety as follows:

22
23 **6-3F-17: ILLEGAL SALE TO VISIBLY INTOXICATED PERSON: It**
24 **shall be unlawful for a licensee or an employee of a licensee to sell or serve an**
25 **alcoholic beverage to a visibly intoxicated person.**

26
27 Section 2. Article F of Chapter 3 of Title 6 of the Breckenridge Town Code is hereby
28 amended by the addition of a new Section 6-3F-18, entitled “Licensee’s Employees Not to Be
29 Visibly Intoxicated While Working”, which shall read in its entirety as follows:

30
31 **6-3F-18: LICENSEE’S EMPLOYEES NOT BE VISIBLY INTOXICATED**
32 **WHILE WORKING: It shall be unlawful for any employee, including but**
33 **not limited to, a waiter, waitress, drink server, host, hostess, bartender, or**
34 **manager of a licensee to be visibly intoxicated while engaged in the**
35 **performance of his or her employment duties at a licensed premises.**

36
37 Section 3. Article F of Chapter 3 of Title 6 of the Breckenridge Town Code is hereby
38 amended by the addition of a new Section 6-3F-19, entitled “Conduct of Establishment”, which
39 shall read in its entirety as follows:

40
41 **6-3F-19: CONDUCT OF ESTABLISHMENT: Each licensee and each**
42 **employee shall conduct the licensed premises in a decent, orderly, and**
43 **respectable manner, and shall not permit on the licensed premises the**
44 **servicing or loitering of a visibly intoxicated person or habitual drunkard, nor**

1 shall the licensee or the employee or agent permit rowdiness, undue noise, or
2 other disturbances or activity offensive to the senses of the average citizen, or
3 to the residents of the neighborhood in which the licensed establishment is
4 located.

5
6 Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the
7 various secondary codes adopted by reference therein, shall continue in full force and effect.
8

9 Section 5. The Town Council hereby finds, determines and declares that this ordinance is
10 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
11 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
12 thereof.
13

14 Section 6. The Town Council hereby finds, determines and declares that it has the power
15 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
16 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.
17

18 Section 7.5. This ordinance shall be published and become effective as provided by
19 Section 5.9 of the Breckenridge Town Charter.
20

21 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
22 PUBLISHED IN FULL this ____ day of _____, 2008. A Public Hearing shall be held at the
23 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
24 _____, 2008, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
25 Town.
26

27 TOWN OF BRECKENRIDGE, a Colorado
28 municipal corporation
29

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

35 ATTEST:
36
37
38
39

40 _____
41 Mary Jean Loufek, CMC,
42 Town Clerk
43
44
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48

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill Nos. 20 & 21 (Thompson Parcel Annexation and Zoning Ordinances)

DATE: April 29, 2008 (for May 13th meeting)

The second reading of the ordinances to annex the Town's "Thompson Parcel" and to place it into Land Use District 43 is scheduled for your meeting on May 13th. There are no changes proposed to either ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – MAY 13**

2
3 **NO CHANGES FROM FIRST READING**

4
5 COUNCIL BILL NO. 20

6
7 SERIES 2008

8
9 AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE CERTAIN REAL
10 PROPERTY OWNED BY THE TOWN OF BRECKENRIDGE

11 (Thompson Parcel)

12
13 WHEREAS, the Town of Breckenridge is the owner in fee of the hereafter described real
14 property; and

15
16 WHEREAS, the hereafter described real property is currently located in an
17 unincorporated area of Summit County, Colorado; and

18
19 WHEREAS, Section 31-12-106(3), C.R.S., provides that a municipality may annex by
20 ordinance municipally-owned real property without notice and hearing upon the determination
21 that the property is eligible for annexation under Sections 31-12-104(1)(a) and 31-12-105 of the
22 "Municipal Annexation Act of 1965", Part 1 of Article 12 of Title 31, C.R.S.; and

23
24 WHEREAS, it is the desire of the Town Council of the Town of Breckenridge to annex
25 the hereinafter described Town-owned property to the Town of Breckenridge.

26
27 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
28 BRECKENRIDGE, COLORADO:

29
30 Section 1. The Town Council of the Town of Breckenridge finds that the Town of
31 Breckenridge is the sole owner in fee of the real property described in Section 3 of this
32 ordinance, and that such property is not solely a public street or right-of-way.

33
34 Section 2. The Town Council hereby finds and concludes that the Town-owned real
35 property described in Section 3, below, is eligible for annexation to the Town of Breckenridge
36 under Sections 31-12-104(1)(a) and 31-12-105, C.R.S. Specifically, the Town Council finds,
37 determines and concludes that:

- 38
39 1. Not less than one-sixth of the perimeter of the area to be annexed is
40 contiguous with the existing boundaries of the Town of Breckenridge.
41
42 2. No annexation proceedings concerning the territory to be annexed have
43 been commenced by another municipality.
44

- 1 3. The annexation of the subject real property will not result in the
2 detachment of area from a school district.
3
4 4. The annexation of the subject real property will not result in the extension
5 of the boundaries of the Town of Breckenridge more than three miles in
6 any direction from any point of such municipal boundary..
7
8 5. The Town of Breckenridge has a plan in place for the area to be annexed.
9

10 Section 3. The following described real property is hereby annexed to and made a part of
11 the Town of Breckenridge, Colorado, to wit:
12

13 A parcel of land lying wholly within the Bryan Placer, M.S. 14025, Section 18,
14 Township 6 South, Range 77 West of the 6th Principal Meridian, situate in the
15 County of Summit, State of Colorado and more particularly described as follows:
16

17 Beginning at Corner No. 5 of the Braddock Placer, M.S. 13465 and running
18 N. 80°35'30" W. 1203.00 feet along line 5-6 of said Braddock Placer to Corner
19 No. 6, thence S. 12°10'W. 285.00 feet to the true point of beginning;,
20 thence S. 12°10'00" W. 70.00 feet;
21 thence N. 87°45'45" W. 160.40 feet;
22 thence N. 12°10'00" E. 97.66 feet;
23 thence S. 77°50'00" E. 158.00 feet to the true point of beginning
24

25 Section 4. Within thirty (30) days after the effective date of this ordinance, the Town
26 Clerk is hereby authorized and directed to:
27

- 28 A. File one copy of the annexation map with the original of the annexation
29 ordinance in the office of the Town Clerk of the Town of Breckenridge,
30 Colorado; and
31
32 B. File for recording three certified copies of the annexation ordinance and
33 map of the area annexed containing a legal description of such area with
34 the Summit County Clerk and Recorder.
35

36 Section 5. This ordinance shall be published and become effective as provided in Section
37 5.9 of the Breckenridge Town Charter.
38

39 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
40 PUBLISHED IN FULL this ____ day of _____, 2008. A Public Hearing shall be
41 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
42 ____ day of _____, 2008, at 7:30 P.M., or as soon thereafter as possible in the
43 Municipal Building of the Town.
44

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

1 **FOR WORKSESSION/SECOND READING – MAY 13**

2
3 **NO CHANGES FROM FIRST READING**

4
5 COUNCIL BILL NO. _____

6
7 Series 2008

8
9 AN ORDINANCE PLACING RECENTLY ANNEXED
10 PROPERTY IN LAND USE DISTRICT 43

11 (Thompson Parcel)

12
13 WHEREAS, the Town has recently annexed the hereinafter described real property to the
14 Town; and

15
16 WHEREAS, the Town is required by Section 31-12-115(2), C.R.S., to zone all newly
17 annexed areas within ninety (90) days of annexation; and

18
19 WHEREAS, the Town's Planning Commission has recommended that the recently
20 annexed parcel be placed within Land Use District 43; and

21
22 WHEREAS, the Town's Annexation Plan adopted pursuant to Section 31-12-105(1)(e),
23 C.R.S., as updated and amended, indicates that the property should be placed in Land Use
24 District 43; and

25
26 WHEREAS, the Town Council finds and determines that the property should properly be
27 placed in Land Use District 43.

28
29 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
30 BRECKENRIDGE, COLORADO:

31
32 Section 1. The following described real property, to wit:

33
34 A parcel of land lying wholly within the Bryan Placer, M.S. 14025, Section 18,
35 Township 6 South, Range 77 West of the 6th Principal Meridian, situate in the
36 County of Summit, State of Colorado and more particularly described as follows:

37
38 Beginning at Corner No. 5 of the Braddock Placer, M.S. 13465 and running
39 N. 80°35'30" W. 1203.00 feet along line 5-6 of said Braddock Placer to Corner
40 No. 6, thence S. 12°10'W. 285.00 feet to the true point of beginning;,
41 thence S. 12°10'00" W. 70.00 feet;
42 thence N. 87°45'45" W. 160.40 feet;
43 thence N. 12°10'00" E. 97.66 feet;
44 thence S. 77°50'00" E. 158.00 feet to the true point of beginning
45

1 is hereby placed in Breckenridge Land Use District 43.

2
3 Section 2. The Town staff is hereby directed to change the Town's official Land Use
4 District Map to indicate that the abovedescribed property has been annexed and placed within
5 Land Use District 43.

6
7 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
8 PUBLISHED IN FULL this _____ day of _____, 2008. A Public
9 Hearing on the Ordinance shall be held at the regular meeting of the Town Council of the Town
10 of Breckenridge, Colorado, on the _____ day of _____, 2008, at 7:30 p.m.
11 or as soon thereafter as possible in the Municipal Building of the Town.

12
13 TOWN OF BRECKENRIDGE, a Colorado
14 municipal corporation

15
16
17
18 By _____
19 John G. Warner, Mayor

20
21 ATTEST:

22
23
24
25 _____
26 Mary Jean Loufek, CMC,
27 Town Clerk

MEMO

TO: Mayor & Town Council

FROM: Tim Gagen

RE: Down Payment Assistance Agreement

DATE: May 7, 2008

Issue:

Consideration of an agreement with Summit Combined Housing Authority to provide funding for the Down Payment Assistance Program.

Background:

The Council has previously heard a presentation on a proposal to enhance the Housing Authority's Down Payment Assistance Program by providing additional funding from all of the Town's and the County. The Council was supportive of the effort and authorized \$40,000 of additional funding. All of the Town's and the County have also agreed to funding assistance. To implement the program an agreement has been prepared between the Summit Combined Housing Authority and the funding entities. The agreement is now ready for Council action.

Recommendation:

Staff recommends approval of the agreement to implement the Down Payment Assistance Program.

1 **FOR WORKSESSION/ADOPTION – MAY 13**

2
3 A RESOLUTION

4
5 SERIES 2008

6
7 A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE
8 SUMMIT COMBINED HOUSING AUTHORITY CONCERNING A DOWN PAYMENT
9 ASSISTANCE GRANT PROGRAM

10
11 WHEREAS, governmental entities are authorized by Article XIV of the Colorado
12 Constitution and Part 2 of Article 1 of Title 29, C.R.S., to co-operate and contract with one
13 another to provide any function, service, or facility lawfully authorized to each of the co-
14 operating or contracting governmental entities; and

15
16 WHEREAS, a proposed Intergovernmental Agreement between the Town and the
17 Summit Combined Housing Authority related to the creation of a down payment assistance
18 program has been prepared; and

19
20 WHEREAS, the Town Council has reviewed the proposed Intergovernmental Agreement
21 and finds and determines that it would be in the best interest of the Town to enter into such
22 Agreement.

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

26
27 Section 1. The proposed Intergovernmental Agreement with the Summit Combined
28 Housing Authority related to the creation of a down payment assistance program ("Exhibit "A"
29 hereto) is approved, and the Town Manager is hereby authorized, empowered and directed to
30 execute such Agreement for and on behalf of the Town of Breckenridge.

31
32 Section 2. This resolution shall become effective upon its adoption.

33
34 RESOLUTION APPROVED AND ADOPTED THIS ____ DAY OF _____, 2008.

35
36 TOWN OF BRECKENRIDGE

37
38
39 By _____
40 John G. Warner, Mayor
41
42

1 ATTEST:

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Mary Jean Loufek, CMC,
Town Clerk

APPROVED IN FORM

Town Attorney date

**SUMMIT COMBINED HOUSING AUTHORITY
DOWN PAYMENT ASSISTANCE PROGRAM
GRANT AGREEMENT**

This Summit Combined Housing Authority Down Payment Assistance Program Grant Agreement (“Agreement”), is made and entered into this ____ day of _____, 2008, among the SUMMIT COMBINED HOUSING AUTHORITY (the “SCHA”), a multi-jurisdictional housing authority, political subdivision and public corporation of the State of Colorado (the “State”), and SUMMIT COUNTY, COLORADO (the “County”), a body corporate and politic and political subdivision of the State, and THE TOWNS OF BRECKENRIDGE (“Breckenridge”), DILLON (“Dillon”), FRISCO (“Frisco”) and SILVERTHORNE (“Silverthorne”), home rule municipalities and political subdivisions of the State (collectively the “Towns”).

WHEREAS, the County and Towns are parties to that certain Second Amended Intergovernmental Agreement, and whereby the SCHA was established (the “IGA”); and

WHEREAS, pursuant to the IGA the SCHA is administering, managing and operating housing programs, including, but not limited to down payment assistance programs funded by the State and/or federal government; and

WHEREAS, the down payment assistance programs administered by the SCHA are generally comprised of a small loan to the buyer of an affordable housing unit, which loan is to be repaid over a short duration not to exceed ten (10) years and secured by a junior deed of trust on the subject property; and

WHEREAS, SCHA has identified a need for additional down payment assistance funds and such additional funds are presently unavailable from the State, federal government and the revenue sources identified in the IGA; and

WHEREAS, the County and Towns have agreed to grant additional funds to the SCHA for the sole purpose of establishing a down payment assistance program operated and managed by SCHA; and

WHEREAS, by approval of the Board of Directors of the SCHA at a its regular meeting on April 26, 2008, the SCHA has been directed to accept such funds and to establish and administer a down payment assistance program.

NOW, THEREFORE, be it covenanted and agreed as follows:

1. Grant of Funds. The County and Towns hereby grant and contribute to the SCHA the funds as identified on Schedule A hereto for the purpose of funding and establishing a down payment assistance program to be administered by the SCHA in conjunction with its overall purpose as set forth in the IGA.

2. Down Payment Assistance Program Parameters.
 - a. The SCHA shall establish a down payment assistance program which shall provide for down payment assistance loans to qualified borrowers. Such loans shall not be for a term of more than seven (7) years from the date of the loan, shall be evidenced by a promissory note in favor of the SCHA and secured by a junior deed of trust for the benefit of the SCHA. No down payment assistance loan shall be for an amount in excess of Ten Thousand Dollars (US\$10,000.00).
 - b. The SCHA shall establish and maintain criteria for the qualifications and approval of borrowers eligible for down payment assistance loans. Said criteria shall ensure that down payment assistance loans are made to those demonstrating a need consistent with the purpose of the SCHA as set forth in the IGA.
 - c. The County and/or Towns may identify specific, additional limitations on the geographic location of property eligible for loans under the down payment assistance program, which limitations are set forth on Schedule A hereto.
3. Records. The SCHA shall maintain accurate records of all down payment assistance loans and shall provide regular reports to the Board of Directors regarding the down payment assistance program and the status of all loans made thereunder.
4. Separate Funds. SCHA shall treat the funds received under this Agreement as grant funds which shall be maintained separate from other funds and/or revenues of the SCHA.
5. Effective Date and Termination. The term of this Agreement shall begin on the date the County and Towns have executed this Agreement and delivered the funds to the SCHA. The term of this Agreement shall be for the term of the IGA and shall terminate upon termination of the IGA.
6. Distribution of Assets. Upon termination of this Agreement, any remaining, un-disbursed funds in the down payment assistance program shall be distributed to the County and Towns at such time in such proportion as shall be agreed to by the County and Towns at such time. With respect to outstanding loans upon the date of termination, each such loan shall be assigned to the County or Town in which the underlying real property is located (e.g. for real property lying in unincorporated Summit County, the loan would be assigned to the County and for real property lying in one of the Towns, the loan would be assigned to the subject Town).
7. Execution and Performance of Agreement in Accordance with Law. Each party hereby represents to each other party that it has adopted and executed this Agreement in accordance with applicable law. The SCHA shall perform its respective obligations and expend any revenues derived hereunder for housing projects or programs

in accordance with all applicable laws, rules and regulations and authorized resolutions of the SCHA.

8. Indemnification. All actions or omissions by any party, including their respective representatives, employees, agent, volunteers or officials, shall be the responsibility of the respective party. Accordingly, each party shall fully indemnify, to the extent permissible under Colorado law, all other parties for any damages, claims, costs, expenses, cause of action or liability of any manner, including without limit, reasonable attorney's fees, arising out of or relating to the acts or omissions of such party. The parties hereto understand and agree that liability for claims or injuries to persons or property arising out of the actions or omissions of any party is controlled and limited by the provisions of any Colorado Governmental Immunity Act (Immunity Act), Title 24, Article 10, Colorado Revised Statutes, as now or hereafter amended and that the parties do not intend to waive by any provisions of this Agreement, the liability limitations or any other right, immunity or protection afforded by the Immunity Act or as may otherwise be afforded by law.

9. Parties in Interest. Nothing expressed or implied herein is intended or shall be construed to confer upon any person other than the parties any right, remedy or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the parties.

10. No Personal Liability. No covenant or agreement contained in this Agreement shall be deemed to be the covenant or agreement of an elected or appointed official, officer, agent, servant or employee of any party in his or her individual capacity.

11. Notices. Except as otherwise provided in this Agreement, all notices, certificates, requests, requisitions or other communications by any party hereto shall be in writing; shall be sufficiently given and shall be deemed given when actually received.

12. Assignment. None of the rights or benefits of any party may be assigned, nor may any of the duties or obligations of any party be delegated, without the express written consent of all of the parties hereto.

13. Severability. If any cause, provision, subsection or section of this Agreement shall be held to be invalid, illegal or unenforceable for any reason, the invalidity, illegality or unenforceability to such clause, provision, subsection or section shall not affect any of the remaining provisions of this Agreement.

14. Interpretation. Subject only to the express limitations set forth herein, this Agreement shall be liberally construed to (a) permit the SCHA to exercise all powers that may be exercised by multi-jurisdictional housing authority pursuant to Section 29-1-204.5 Colorado Revised Statutes, as amended, and pursuant to the IGA; (b) to permit the parties to exercise all powers that may be exercised by them with respect to the subject matter of this Agreement. In the event of any conflict between the Act, the IGA, or any other law with respect to the exercise of any such power, the provision that permits the

broadest exercise of the power consistent with the limitations set forth in this Agreement shall control.

15. Governing Law. The laws of the State of Colorado shall govern the construction and enforcement of this Agreement.

16. Counterparts. This Agreement may be execute in any number of counterparts, each of which, when so executed and delivered, shall be an original but such counterpart shall constitute but one and the same Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by the parties effective as of the date first set forth above.

SUMMIT COUNTY, COLORADO

By: _____, Chairman

ATTEST:

CLERK AND RECORDER

Cheri Brunvand, Clerk

TOWN OF BRECKENRIDGE

By: _____
Timothy J. Gagen, Town Manager

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

TOWN OF DILLON

By: _____
, Town Manager

ATTEST:

Town Clerk

TOWN OF FRISCO

By: _____
, Town Manager

ATTEST:

, Town Clerk

TOWN OF SILVERTHORNE

By: _____
, Town Manager

ATTEST:

, Town Clerk

SCHEDULE A

Summit County	\$30,000.00
Breckenridge	\$40,000.00
Dillon	\$20,000.00
Frisco	\$40,000.00
Silverthorne	\$40,000.00 ¹

¹ The Town of Silverthorne grant is restricted for down payment assistance for real property located within the Lower Blue Basin.

M E M O R A N D U M

TO: Mayor & Town Council
FROM: Town Clerk
DATE: April 25, 2008
SUBJECT: Appointment of Election Commission Members

Section 3.5 of the Breckenridge Town Charter establishes an Election Commission, consisting of the Town Clerk and two electors of the Town. In addition, the Charter specifies that in May, following a regular Town election, the Council shall appoint two electors to the Election Commission. Appointments are for a two-year term. Some duties of the Election Commission include:

- providing procedures to establish proof of residency;
- providing procedures to be followed when an election procedure is in doubt; and
- determination of a winner by lot in the event of a tie vote.

Our two, current Election Commissioners, Chris Vickery and Patti Casey, have graciously consented to serve for another term on the Commission. Their names are submitted to you for your consideration.

Sample motion: "I move that the Town Council appoint Chris Vickery and Patti Casey to two-year terms on the Breckenridge Election Commission."

Memorandum

To: Town Council

From: Jennifer Cram, Planner II

Date: May 7, 2008

Re: Special Permit for Arts District of Breckenridge Pit Firing Workshop

In conjunction with a proposed summer workshop with guest artist Sumi von Dassow on Saturday and Sunday June 7th and 8th we would like to pit-fire hand built vessels within the Arts District. The vessels will be constructed as part of a workshop within the Arts District prior to the pit-firing. The pit-firing is scheduled for Saturday, June 7th from approximately 11:00 am – 5:00 pm in the gravel parking lot on the corner of Washington Avenue and South Ridge Street. The pit will be dug by Public Works the week of May 26th. The pit measures 4' x 4' per Sumi von Dassow's specifications. Staff, Sumi von Dassow and workshop participants will be present the entire time the pit-fire is burning. The fire will be completely extinguished once the ceramic vessels have burned to the appropriate temperature (approximately 5 hours). The ceramic vessels will be unearthed on Sunday, June 8th and the gravel parking lot will be returned to its previous condition. This will be the fifth year that we have done a pit-firing in the Arts District.

The current Town Code (Section 5-5-3) prohibits open burning within town limits. However, Section 5-5-5 allows the Town Council to grant a special permit to authorize open burning. Specifically, Section 5-5-5 states:

Notwithstanding the provisions of section 5-5-3 of this chapter, the town council shall have the authority to issue a special permit for the purpose of authorizing open burning within the town. An application for such a permit shall be made in writing to the town council and shall state the date, time, location and purpose of such fire, and a description of all safety and precautionary measures planned. The town council shall act upon such request at its next regularly scheduled meeting following receipt of the completed application. The town council may grant such application if it finds that there are special and unique circumstances which justify granting the application. All open burning conducted within the town pursuant to a special permit issued pursuant to this section shall be conducted in accordance with the rules pertaining to open burning contained in the town's fire code. The town council may impose such other reasonable conditions upon a special permit as it shall determine to be necessary to adequately protect the health, safety and welfare of the town and its inhabitants. It shall be unlawful for any person to conduct any open burning within the town in violation of the terms and conditions of a special permit issued pursuant to this section. (Ord. 21, Series 1994)

Fuel for the proposed pit-fire will consist of hard wood scraps, saw dust and aspen to provide the correct temperature to fire the ceramic vessels. Since the pit-fire is proposed in the gravel parking lot, a defensible space from any other fuel sources is secured. Staff believes the pit-fire will be well contained, and will not present a threat of spreading.

We have already discussed this proposal with the Public Works Department and the Red, White & Blue Fire Department. A special permit from the Town Council is the only outstanding issue.

Following is a motion that the Town Council may like to use to approve the special permit:

“I move to approve a special permit to allow a pit-fire within the Arts District of Breckenridge as part of a scheduled workshop, on June 7, 2008, from approximately 11:00 am – 5:00 pm. All burning at the pit-fire shall comply with the “Open Burning” requirements of Section 307 of the International Fire Code, 2000 Edition. In addition, the Town shall obtain an open burning permit from the Red, White & Blue Fire Department.”

Motion:

I move to approve a special permit to allow a pit-fire within the Arts District of Breckenridge as part of a scheduled workshop, on June 7, 2008, from approximately 11:00 am – 5:00 pm. All burning at the pit fire shall comply with the “Open Burning” requirements of Section 307 of the International Fire Code, 2000 Edition. In addition, the Town shall obtain a open burning permit from the Red, White & Blue Fire Department.



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.

MAY 2008

Tuesday, May 13	First Meeting of the Month
Saturday, May 17	Town Clean Up
Tuesday, May 20	Town Council Retreat
Monday, May 26	Memorial Day- Offices Closed
Tuesday, May 27	Second Meeting of the Month

JUNE 2008

Tuesday, June 10	First Meeting of the Month
Saturday, June 21	NRO Gala
Tuesday, June 24	Second Meeting of the Month