



**BRECKENRIDGE TOWN COUNCIL
WORK SESSION
Tuesday, January 8, 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 – 3:15pm	I. <u>PLANNING COMMISSION DECISIONS</u>	<i>Separate</i>
3:15 – 3:45pm	II. <u>LEGISLATIVE REVIEW</u> *	
	• Fraud Ordinance	<i>Page 29</i>
	• Stan Miller Annexation Ordinance	<i>Page 33</i>
	• Stan Miller LUD Ordinance	<i>Page 33</i>
	• Refunding Bond Ordinance	<i>Separate</i>
	• Liquor Licensing Authority Council Member Elimination	<i>Page 42</i>
	• ISSC Fire Special Permit Request	<i>Page 46</i>
3:45– 4:30pm	III. <u>MANAGERS REPORT</u>	
	• Public Projects Update	<i>Page 2</i>
	• Wellington Oro Treatment Plant Update	<i>Page 3</i>
	• Housing/Childcare Update	
4:30– 6:00pm	IV. <u>PLANNING MATTERS</u>	
	• BEDAC Community Technology Assessment	<i>Page 4</i>
	• Ground Floor Commercial Use Restrictions	<i>Page 6</i>
	• Fence Policy	<i>Page 9</i>
	• Capacity Analysis (Water/Sewer)	<i>Page 17</i>

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

**** FINAL ACTION ITEM**

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: Tom Daugherty, Town Engineer
DATE: January 3, 2008
RE: Public Projects Update

Fuqua Rehabilitation

Work is continuing on schedule on this project. .

Wellington Oro Water Treatment Plant

Update by separate memo.

Riverwalk Center Roof

The project is on schedule. Steel erection is beginning and the look of the area will change quickly in the next few weeks. The fence will be scaled back before the snow sculpture event.

Valleybrook Childcare

The project is on schedule. Staff will be providing a memo on the green options that were considered with this project and recommendations for implementation within the next few Council meetings.

Wellington Oro Water Treatment Plant

Update January 2, 2008

Background

As you are aware the Town and County are jointly responsible for the conditions stipulated in the Consent Decree associated with the purchase of the open space previously owned by B&B Mines. This property includes, but not limited to, the Wellington Oro Mine Site, Jesse Mine and Mill Site, and the IXL/Royal Tiger Site.

Associated with the Wellington Oro Treatment, we have completed final design engineering, underground plumbing, and the building foundation and slab. We have also completed acquisition of the major equipment required for the plant. Remaining work on the project includes construction of the building, plant equipment installation and final site work.

Estimated Project Cost (Engineering and Construction)

The Town has recently worked with project team members to compile a final cost estimate for the design and construction of the Wellington Oro WTP. The costs were obtained from recent contractor bids and known project costs.

• Architect/ Engineering/Commissioning	\$ 795,000
• Construction	<u>\$3,295,000</u>
Estimated Project Cost	\$4,090,000
Town portion (50%)	\$2,045,000
Remaining WTP budget from Open Space	<u>\$ 913,000</u>
Final appropriation from Open Space	\$1,132,000

Project Schedule

The Town and County have worked with the EPA to extend the previous Consent Decree deadline in 2006, to a proposed project completion of fall of 2008. To achieve this schedule we have proposed to the EPA that the Town and County will make a reasonable effort to meet the following time line:

Final Design	Spring 2007 - Completed
Underground Piping	Fall 2007 – Completed
Building Foundation / Slab	Fall 2007 - Completed
Building	Winter 2008
Plant Installation	Spring 2008
Final Site Work	Summer 2008
Plant Commissioning	Summer 2008
Plant Operational	Fall 2008



MEMORANDUM

TO: Town Council

FROM: Julia Skurski, Planner II

DATE: December 31, 2007 for meeting of January 8, 2008

SUBJECT: Community Technology Needs Assessment Study

On December 11, 2007, the Town Council approved the wi-fi hot spot pilot program recommended by BEDAC. The pilot program was Phase 1 of the BEDAC recommendation. Phase 2 of the recommendation is to conduct a Technology Needs Assessment Study. (Phase 3 would be analysis of the Study and potential implementation). This has been a Top Priority Initiative for BEDAC since 2006:

“Evaluate the possibility of installing and operating a municipal wi-fi (municipal wireless) broadband system, recognizing that there may be issues such as competition with local business interests, privacy, security, and other issues that could preclude a full implementation recommendation by the Committee.”

“Evaluate the desirability, impact, and means to develop a program to attract new business types to Breckenridge to diversify the local economy.”

(Source: BEDAC memo to Town Council on Top Priorities October 10, 2006)

There has never been a Technology Needs Assessment done for the Town and it is seen as a need prior to proceeding with any major investment for improving infrastructure and developing an economic strategy. Hiring a consultant to conduct this Study will provide the Town with new knowledge and direction on how to proceed into the future with technological advancements. New technology is seen as a crucial part in economic development, allowing the Town to stay competitive for tourism, business diversification (that may be more technology based/reliant), as well as growth of existing local businesses.

The Study is more inclusive than merely a municipal wireless broadband service and will look at all technology options that may be needed in Town. The purpose of the Technology Needs Assessment Study is to look at infrastructure that the Town currently has in order to determine the costs and feasibility of new technology applications/networks. The Study work will also consist of survey work of visitors, residents, business owners, and second homeowners to discover what technical applications and price points are desired that are not currently being met by existing technology. The study will then provide an analysis of information collected and existing market conditions, service providers, etc. A business plan

with hard costs will also be included in the final product. The Study will take approximately 3-4 months to complete.

The Technology Sub-Committee of BEDAC has reviewed three proposals for conducting a Study and has selected a preferred consultant, Uptown Services. Uptown Services is based in Boulder and has years of feasibility study experience with municipalities. Staff has spoken with current and past municipal clients of Uptown Services, who came highly recommended by all.

BEDAC is recommending that the Town Council approve the hiring of Uptown Services to conduct a Technology Needs Assessment for the Town at a cost of \$50,000.

MEMORANDUM

TO: Town Council

FROM: Mark Truckey, Assistant Director of Community Development

DATE: December 19, 2007

SUBJECT: Ground Floor Commercial Use Restrictions

Background

At its August 14 meeting, the Town Council adopted the new Downtown Overlay District. The District, which includes most properties on Main Street and on a couple sidestreets (e.g., Lincoln, Ridge, Washington), prohibits the location of new residential uses in these areas. The primary purpose of the District was to maintain the pedestrian vitality and interest on the ground floor in core commercial areas.

As the Council may recall, the BEDAC spent several months exploring this issue in early 2007. Although the BEDAC was unable to reach a consensus recommendation on the issue, they did recommend that the Council review data on different uses on Main Street and explore the potential for restricting office uses. At its September 11 meeting the Town Council discussed the potential for restricting new office uses in the Downtown Overlay District. There was general support from the Council for exploring the idea further. The Council indicated that although an outright prohibition on offices should be evaluated, staff should also explore the potential for having a special review process where new offices could be considered based on certain conditions.

Staff held work sessions with the Planning Commission in October and December to further explore options for addressing new office uses downtown. The following discussion identifies the options that have been explored and the recommendations of the Planning Commission.

Options Considered

The Planning Commission evaluated four options for addressing new offices, as follows:

Option 1: Prohibition of New Office Uses

This straightforward approach would prohibit new office uses on the ground floor, as defined in the Downtown Overlay District. Existing offices would be grandfathered and allowed to continue. However, when office uses are changed to another commercial use (e.g., retail), they would not be allowed to be converted back to office uses.

This option would be the easiest for staff to administer. However, it lacks flexibility in considering offices under unique or specific situations. The Planning Commission was generally not supportive of this approach because it was inflexible.

Option 2: Limitation on New Office Uses Based on Street Frontage

The intent of this approach would be to limit new office uses so they do not exceed a certain percentage of street frontage in the downtown area. This could be implemented on a block-by-block basis or on an overall downtown basis. For example, about 13 percent of the ground floor street frontage on Main

Street is currently devoted to office uses. However, individual blocks on Main Street vary from this 13 percent figure. If 13 percent (or some other percent) was established as the target, then new offices would only be allowed on street blocks where an addition of office space would not exceed the 13 percent frontage target. The North 200 block of Main Street provides an example of how this would work: 43 percent of the west side of the block is currently in office use on the ground floor, but zero percent of the east side of the block is in office use. Under the 13 percent target described above, new office uses would only be allowed on the east side of the block.

Measuring percentage of office space on a given block would be a fairly easy task for staff to administer. Tracking overall frontage in downtown would be more problematic from an administrative perspective, as it would require staff to continually update street frontage calculations within the Downtown Overlay District as new uses or changes of uses occur. No consensus recommendation on this option was made by the Planning Commission, but some commissioners expressed interest in the approach.

Option 3: Limitation on New Office Uses Based on Use Separation

Under this scenario, new office uses could only be located in the Downtown Overlay District when they are spaced a certain minimum distance from the nearest existing office use. One of the problems that has been identified with offices is that they can be a disruption to the pedestrian experience along Main Street. If a pedestrian encounters several offices in a row, that pedestrian may lose interest in proceeding further down the block. However, an occasional office encountered at intervals along Main Street may not have this same impact.

This type of restriction would be fairly simple for staff to administer, simply requiring a measurement between existing and proposed offices. This option also results in a percentage cap on the amount of offices allowed downtown (as in Option 2), because with the separation requirements there are only a finite number of new offices that could be located in the Overlay District.

To get an understanding of the impacts of this option, staff reviewed the existing locations of ground floor offices in the Downtown Overlay District, and then measured where new offices could potentially be located if certain separation distances were established. We found the following:

Potential New Offices in Downtown Overlay District Using Different Separation Distances		
Separation Distance Between Offices	Number of Potential Additional Offices	Resulting Percentage of Offices in Downtown Overlay District
200'	6	16%
100'	17	21%
75'	27	25%
50'	33	27%

The Planning Commission generally supported using the separation requirement as a means to control new office uses downtown. Some commissioners supported using 200 feet of separation and others thought 100 feet would be more appropriate. As the table demonstrates, the number of new offices that could be allowed increases as the separation distance decreases.

Option 4: Conditional Use Permit Approach and Pedestrian Amenities

Several jurisdictions (Steamboat Springs, Boulder) do not allow offices outright on the ground floor of their core commercial districts, but do allow applicants the opportunity to have individual proposals for offices reviewed by staff and the Planning Commission through a conditional use permit review process. The Town’s Code does not include a conditional use review process, but such criteria could be

incorporated into the Downtown Overlay District. Conditional use permits typically evaluate proposed uses to determine if they will be generally compatible with adjacent uses and not negatively impact the adjacent uses. Although such reviews can be helpful when truly incompatible uses are proposed, in staff's opinion it is doubtful that office uses would be determined to be incompatible with retail/restaurant uses.

At the September 11 work session, some Council members indicated an interest in further exploring this concept. Several planning commissioners also supported this type of approach, as it allowed the ability to consider new office proposals on a case-by-case basis. As staff further explored this option, staff identified additional criteria that could be used in conjunction with this approach. Since pedestrian interest at the streetfront/sidewalk area is desired, one criterion that could be useful is if an applicant demonstrated that they could enhance the pedestrian experience. This could be accomplished potentially by adding a pedestrian amenity in this area, such as appropriate street furniture or public art. The Planning Commission indicated interest in including this requirement for pedestrian amenities.

Final Planning Commission Proposal

After reviewing the above options with the Planning Commission, staff presented a possible scenario at the December Planning Commission meeting. Under the scenario, all proposals for new offices in the Downtown Overlay District would be reviewed on a case-by-case basis against a series of criteria that include the following:

- Criterion 1: A minimum separation requirement between existing offices and new offices be established.
- Criterion 2: The applicant must demonstrate that the new office use would be compatible with adjacent uses and would not have a significant negative impact on adjacent properties.
- Criterion 3: The applicant must demonstrate that the streetfront pedestrian experience is enhanced, by providing some appropriate pedestrian amenities.

The Planning Commission generally supported the proposal set forth above. As noted previously, the commission was split on establishing a distance separation of either 100 or 200 feet. A couple commissioners suggested that perhaps an applicant would only be required to meet some of the criteria, instead of all of them. For example, if an applicant provided pedestrian amenities they may not be required to meet the minimum separation requirement. Staff does have concerns with only using Criterion 3 above to allow new offices. Staff feels that criterion 2 and 3 complement the first criterion (separation requirement), but that the first criterion more effectively addresses the concern as articulated by many—avoiding a continuous stream of offices in our downtown area.

Direction from Council

The issue of maintaining the retail emphasis downtown through office limitations is an idea that continues to gain momentum in mountain resort towns. Just in the last several months, both Park City, Utah and Telluride have taken action that essentially prohibits new office uses on the ground floor in their core downtown areas. Staff has provided a variety of options for the Council to consider, from prohibitions of new office uses to a case-by-case review of new office proposals. Staff would like Council feedback on the following:

1. Does the Council prefer any of the options described?
2. Does the Council like the direction of the final proposal developed by the Planning Commission and staff?
3. Are there other options or approaches that should be considered?



MEMORANDUM

TO: Town Council

FROM: Chris Neubecker, Senior Planner

DATE: January 2, 2008 (for meeting of January 8, 2008)

SUBJECT: Fence Ordinance

The Town Council directed staff to develop a fence policy that would address fencing and privacy gates. We have been working on this proposed policy over the past few months. We have received comments from the Town Council during the work session on October 9, 2007, and from the Planning Commission on December 4, 2007.

The attached draft ordinance includes several changes from the versions shown to the Town Council on October 9, 2007, based on input from the Town Council and Planning Commission. These include:

- We have added a definition of “landscape wall” and “entrance monument”. Landscape walls and entrance monuments would be prohibited similarly as fences.
- We propose to change the allowed solid to void ratio from 1:4 to 1:3, where walls are allowed. This was done since many existing buck and rail fences are less “open” than 1:4. A ratio of 1:3 should allow most buck and rail or log fences, which would still appear very “open”.
- We propose to allow non-natural and recycled materials (“Trex”), where an applicant can demonstrate to the Town that the alternate material would be indistinguishable from natural materials.
- We have added a maximum area of 400 square feet for dog runs. The allowed height of dog runs has been increased to 54 inches (4’6”) rather than 48 inches (4’), to help keep dogs enclosed in winter with snow on the ground.
- We propose to allow privacy fences for hot tubs.
- We have added “architectural elevations” as a submittal requirement, along with the site plan.
- We propose an exemption to developments subject to vested master plans containing design criteria for fences written into the plan, where the master plan was approved prior to the adoption of this ordinance.
- The Town Attorney has made formatting changes, which will not affect the substance of the ordinance.

The Planning Commission had several other recommendations, which have not been included in this draft of the proposed ordinance. We would like your feedback on their ideas. These include:

- Allow fences that would prevent trespass, such as along a public trail easement.
- Fences should be allowed to provide play areas for kids on private property. If dog runs are allowed, why not allow “kid runs” too? Small lot developments and affordable housing developments should be allowed to have fences (such as Wellington Neighborhood). Many families with kids are expected at Block 11 housing development. We should plan for families and allow small fenced areas for kids.
- In areas where the neighborhood character is already established with fences (such as Wellington Neighborhood), additional fences should be allowed.

1 ***DRAFT November 1, 2007 DRAFT***
2 ***For Planning Commission Work Session***
3 ***November 6 January 2, 2007***

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

7
8 COUNCIL BILL NO. ____

9
10 Series 2007

11
12 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE
13 TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, BY
14 ADOPTING POLICY 46(ABSOLUTE) CONCERNING FENCES AND GATES

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

18
19 Section 1. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of
20 the following definitions:

21 ~~BUCK~~-AND-RAIL FENCE:

A fence constructed with log posts in an upside down “v” shape with rails spanning from post to post.

CONSTRUCTION FENCE:

A temporary fence used to define the limits of construction, prohibit trespassers, and control access to an active construction site for which a building permit has been issued.

ENTRANCE MONUMENT:

A manmade structure, usually at the vehicular or pedestrian entrance to the site, which defines the entrance, and frequently includes a vertical structure on both sides and/or arching over the road.

FENCE:

A manmade barrier erected primarily to prevent escape or entry, or to mark a boundary.

LANDSCAPE WALL

A manmade barrier erected primarily to prevent escape or entry, or to mark a boundary. Landscape walls are generally constructed of stone or rock with no openings.

LOG FENCE:

A fence constructed of natural, whole logs, which may or may not have the bark removed.

PET FENCE:

A fence the primary purpose of which is to control a pet (such as a dog run).

PRIVACY FENCE:

A mostly solid fence the primary purpose of which is to provide privacy or to screen visibility.

PRIVACY GATE:

A gate across the entrance to a road, driveway or parking area, which blocks, or appears to block, access. Also known as a driveway gate.

SOLID TO VOID RATIO:

A measurement of the amount of solid material in relation to the amount of empty space, usually expressed as a ratio. A solid to void ratio of 1:~~3~~⁴ contains one unit of solid material for every ~~four~~^{three} units of opening. (A fence with a ratio of 1:~~5~~⁴ is more open than a fence with a ratio of 1:~~4~~³.)

SPLIT RAIL:

A fence rail split from a whole log.

1
2 Section 2. Section 9-1-19 of the Breckenridge Town Code is hereby amended by the
3 addition of a new Policy 46(Absolute)(Fences and Gates), which shall read in its entirety as
4 follows:

5
6 46. (ABSOLUTE) FENCES AND GATES:

7

1 A. General Statement: The welfare of the Town is based to a great extent on the
2 character of the community, which includes natural terrain, open spaces, wildlife
3 corridors and wooded hillsides. The installation of fences can erode this character
4 by impeding views, hindering wildlife movement and creating the image of a
5 closed, unwelcoming community. It is the intent of the Town to prohibit fences in
6 areas outside of the Conservation District in order to maintain the open, natural
7 and wooded alpine character of the community; to establish mandatory
8 requirements for the erection of allowed fences in other parts of the Town; and to
9 prohibit privacy gates and entrance monuments anywhere within the Town.

10
11 B. Within the Conservation District: Fences within the Conservation District
12 shall be reviewed under the criteria of the “Handbook of Design Standards for the
13 Historic and Conservation District”.

14
15 C. Outside the Conservation District: Fences, entrance monuments and landscape
16 walls are prohibited outside the Conservation District, except as follows
17 the following fences are permitted when constructed in accordance with the design
18 standards described in section D of this policy:

19
20 1. pet fences:

21 ~~1. A pet fence located in a rear or side yard or where the fence is not~~
22 ~~visible from a public right of way. Pet fences shall be located to~~
23 ~~minimize their visibility to the greatest extent possible, which in most~~
24 ~~instances will require the fence to be located behind or to the side of a~~
25 ~~structure. The maximum area of a fenced pet area shall be 400 square~~
26 ~~feet.~~

27 2. ~~F~~fences around ball fields, tennis courts, swimming pools or other
28 outdoor recreation areas;

29 3. construction fences; ~~A temporary fence used to limit site disturbance or~~
30 ~~secure construction sites while under construction. All temporary~~
31 ~~construction fencing shall be removed upon completion of the project~~
32 ~~or upon issuance of a Certificate of Occupancy or Certificate of~~
33 ~~Compliance, where applicable.~~

34 4. ~~A~~temporary fences used for crowd control or to limit access or egress
35 to or from a short-term special event;

36 5. ~~f~~Fencing required by law; and.

37 ~~6. In areas subject to a site specific master plan, fences may be allowed~~
38 ~~where specifically approved in the master plan documents. The master~~
39 ~~plan shall identify the allowed location, materials, size and design of~~
40 ~~fences.~~

41 ~~7. P~~Privacy fencing to screen hot tubs, may be used in limited
42 circumstances where the fence is not highly visible from public rights
43 of way.

44 6.
45

1 D. Design Standards: ~~Permitted fences~~ Fencing shall comply with ~~are subject to~~
2 the following design standards:

- 3
4 1. Fences in residential areas shall be constructed of natural
5 materials, and shall be either a split rail, buck-and-rail, or
6 log fence design because such designs have a natural
7 appearance, blend well into the natural terrain, and have an
8 open character. Fences of other materials or designs are
9 prohibited. (Exception: Where an applicant can
10 demonstrate to the satisfaction of the ~~that~~ Town that an
11 alternative material would be indistinguishable from natural
12 materials to the satisfaction of the Town, the Town may
13 authorize such materials.) Fences in residential areas shall
14 have a maximum solid to void ratio of 1:43 (example: one
15 inch of solid material for every four inches of opening.)
16 Solid privacy fences are prohibited, except for short
17 lengths of fencing used to screen hot tubs, ~~if and when~~ they
18 comply with Section ~~€7D6~~ of this ~~chapter~~ policy, ~~at the~~
19 discretion of the Town.
20 2. Smooth, cut timbers are prohibited. PVC, vinyl and plastic
21 fences are prohibited. Rough sawn timbers or natural logs
22 are allowed.

23 Pet fences shall be located in a rear or side yard or where the fence shall is
24 not be visible from a public right-of-way. Pet fences shall be located to
25 minimize their visibility to the greatest extent possible, which in most
26 instances will require the fence to be located behind or to the side of a
27 structure. Pet fences may incorporate a wire mesh material to control
28 pets. The wire mesh may be on the vertical portions of the fence, or
29 may extend horizontally over the top of the enclosed pet area, or both.
30 The maximum area of a fenced pet enclosure shall be 400 square feet.
31 Pet fences

32 ~~3.~~
33 4.3. Fences to control pets are limited to ~~48~~ fifty-four (54) inches in height,
34 and shall have a maximum solid to void ratio of 1:43.

35 ~~5.4.~~ Fences around ball fields, tennis courts, swimming pools or other
36 outdoor recreation areas ~~may~~ [SHALL?] use black or dark green vinyl
37 coated chain link fencing. Uncoated or galvanized chain link fencing is
38 prohibited. This ~~ese~~ standards applies to fencing ~~of both~~ public ~~or~~
39 and private recreation areas. Wind privacy screens may be
40 incorporated into the fence.

41 ~~6.5.~~ Construction fencing may [SHALL?] be constructed of plastic, chain
42 link or other material, as approved by the ~~€~~ Town. Wind privacy
43 screens may be incorporated into the construction fence. ~~All~~
44 temporary construction fencing shall be removed upon completion of
45 the project or upon issuance of a Certificate of Occupancy or
46 Certificate of Compliance, where applicable.

1 6. Privacy fencing around hot tubs may only be used where the fence will
2 not will not be nearer than _____fifty (50) feet from a public right of
3 way.

4
5 E. E.—Site Plan; Survey: A site plan showing the location of existing
6 structures, property lines, and the location of the proposed fence may be
7 required by the Director as part of the submittal requirements for a fence.
8 A survey from a Colorado licensed surveyor may also be required by the
9 Director to verify property lines.

10
11 F. Architectural Specifications: Architectural elevations showing the design,
12 material, color, and size of the proposed fence may be required by the
13 Director as part of the submittal requirements for a fence.

14
15 G.
16 H.

17 I.G. F.—Privacy gates: Privacy gates are prohibited anywhere within the
18 Town.

19 H. This policy shall not apply to any fence to be constructed upon land that is
20 subject to a vested master plan containing specific fence design standards
21 and criteria if the master plan was approved prior to the effective date of
22 this policy. The construction of such fence shall be governed by the
23 applicable design standards and criteria contained in the master plan.

24
25 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the
26 various secondary codes adopted by reference therein, shall continue in full force and effect.

27
28 Section 4. The Town Council hereby finds, determines and declares that this ordinance is
29 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
30 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
31 thereof.

32
33 Section 5. The Town Council hereby finds, determines and declares that it has the power
34 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
35 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
36 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
37 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
38 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
39 contained in the Breckenridge Town Charter.

40
41 Section 6. The Town Council hereby finds, determines and declares that it has the power
42 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
43 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

44
45 Section 7. This ordinance shall be published and become effective as provided by
46 Section 5.9 of the Breckenridge Town Charter.

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INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this ____ day of _____, 2007. A Public Hearing shall be held at the
regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
____, 2007, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
Ernie Blake, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

MEMORANDUM

TO: Town Council

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

DATE: December 28, 2007

SUBJECT: Capacity Analysis Chapters II & III, Sewer & Water

Overview

As a continuation of our Town Capacity Analysis Staff is presenting chapters II & III, Water and Sewer, for your review.

SFEs Explained

Once again, in these chapters of the capacity analysis, the term “SFE” will be used quite often. It is important to point out that Development SFEs, Water SFEs and Sewer SFEs are all completely different measures and do not have any correlation to one and other, they just share a common acronym.

In the case of development SFEs, the SFE is a dictator; it establishes what can be built. For example 1 development SFE allows any one of the following; a 1,600 SF Town-Home, a 1,200 SF Condo-Hotel Unit, a 900 SF Condo unit or an unlimited density single-family home on a platted lot outside of the conservation district.

Both water and sewer SFEs differ from development SFEs because they are reactionary SFEs; this means the SFE number is determined by what is built, it does not control what can be built. For example a single-family home that has 4,313 SF of density equals 1.37 water SFEs.

Sewer SFEs work in the same reactionary way that water SFEs work, but they have yet a different set of multipliers for uses and even more variables to factor in before getting a Sewer SFE number. Examples of additional factors above and beyond the type of development for producing a sewer SFE number include, number of bedrooms, number of bathrooms, and differences in commercial types of development.

Chapter II of Capacity Analysis: Water

As the second component of our capacity analysis, staff completed a thorough analysis of future available water SFEs, assuming a complete Water-District buildout. Water-District buildout for the purpose of this examination is based off of the numbers produced for the Town in Chapter I, Buildout, of our Capacity Analysis and an updated buildout of Water-District areas served outside of the Town Limits. The buildout analysis provides an inventory of water SFEs used today as well as the ultimate buildout potential in the community based on existing zoning and entitlements.

Water Service District Boundaries



In addition to serving the Town, the water district serves County areas such as Peak 7, Silver Shekel, Tyrolean Terrace, Summit High School, Woodmoor and Valdora Village. In addition to projecting the water needs within the town at buildout, undeveloped areas of the County located within the district boundaries, which we are obligated to serve, have been included in this water buildout analysis.

Methodology

Per the water department, the water district currently serves 9,242 water SFEs, what is needed to complete this study is to figure out how many additional future water SFEs are to be expected at full Water-District buildout.

Residential

For residential buildout this task is accomplished by looking at representative subdivisions for many types of development, such as Platted Single-Family Homes, Apartments, Condominiums, Condo-Hotels, Town-Homes, and Affordable Housing, and figuring out an average number of water SFEs per unit for these

representative types of subdivisions. Listed below, is the average per unit water SFEs for various types of development. Subdivisions we used to establish per unit water SFEs in this study included the Highlands, Main Street Station, Mountain Thunder, White Wolf, Breckenridge Mountain Village, Gold Camp,

Type of Development	Average per-unit Water SFEs
Platted Single-Family Home	1.37
Town-Home	1.30
All Condos & Apartments	0.85
Affordable Housing	1.00

Pinewood Village, Breckenridge Terrace, Gibson Heights and the Wellington Neighborhood. These subdivisions were used to find average per-unit water SFEs. Once the average per-unit water SFEs were established, a development category type was chosen and then is simply multiplied against the remaining Realistic SFEs for each subdivision located within the Town.

Commercial

For determining commercial need we chose to use the adjusted Remaining above ground “Possible” density number of 337,156 square feet from Chapter 1, Residential & Commercial Buildout, to base need off of. As you may recall from the Chapter I presentation, “Possible” density includes all Town owned property, but does not include phantom density. We chose “Possible” density for this examination because of the likelihood that some of the Town-owned density may be transferred to other sites for affordable housing and additionally we wanted to be as conservative as possible in estimating water capacity and thought this category gave us some room for error because we believe it is an over-estimation of what will be built out. To get an estimated future water SFE need from the 337,156 square feet we looked at the historic break down of commercial uses in Town from the 2007 *Town Overview*, and then multiplied them against their category’s water SFE multiplier from the *Schedule of Single Family Equivalents*.

Water Service Areas outside of Town Limits

In addition to analyzing water service areas located within the Town, Staff conducted a water service buildout of areas located in the unincorporated County within the district. Utilizing the same methodology

from our Town study, we came up with a need of 490 additional water SFEs at buildout for service areas located in the unincorporated County, within the district. For the purpose of this study all undeveloped property or developed property currently serviced by well was used to produce this projection.

Water District Buildout

Once projected numbers are obtained for both residential and commercial buildouts we can combine them with the existing number of water SFEs, 9,242, and come up with a projected water buildout of 11,930 SFEs. This projected number is 1,125 water SFEs under the system capacity that was established by Gary Roberts on April 11, 2007. The system capacity of 13,055 water SFEs is based off of wet water treatment capacity solely from the Goose Pasture Tarn Plant, with precipitation numbers from our worst recorded drought year in history, 1950.

Total Future Residential	1936
Total Future Commercial	262
Total Future Residential & Commercial	2,198
Out of Town	490
Total Future Within District	2,688
Existing Within District	9,242
Projected Buildout	11,930
System Capacity	13,055
Excess SFEs	1,125

Comparison With Past Water Buildout Information

Before our current capacity analysis study, there had been one previous water buildout study that was performed by Jan Prowell in 1998 and updated by Laurie Best in 2002, 2005 and 2007. In general, numbers she used for residential water SFE multipliers were slightly lower than what we have used for this water buildout analysis, this difference is because the average size of residential units has gone up slightly since 1998. Prowell's methodology for projecting commercial water SFEs is the same as ours. She also utilized historic percentages for commercial use and multiplied the percentages of remaining square footage against their respected multipliers from the *Schedule of Single Family Equivalents*. Laurie Best's updates to the 1998 analysis consisted of going back and making corrections where density had been sunsetted or where development had occurred different from originally anticipated in the 1998 report. Additionally in the updated 1998 report it was estimated 748 units of affordable housing would be created utilizing 1 water SFE each. In our current study we do not speculate on affordable housing creation beyond existing approved projects such as Wellington Neighborhood II and Vic's Landing, more on this later in the memo. If we eliminate the 748 units of proposed affordable housing from Jan Prowell's projection the difference in our current analysis compared to the previous analysis is 8 fewer water SFEs remaining at buildout.

Laurie Best's Updated Water SFE Analysis, documented April 11, 2007

Existing SFE's	9242
Build-Out* SFE's	12,670
System Capacity SFE's	13,055
Excess SFE's	385*

* $385 + 748 = 1,133$ produces a number that is comparable to our current estimate of 1,125 remaining water SFEs at water district buildout.

Affordable Housing's Impact on Water SFEs

As mentioned above one aspect this water buildout analysis does not take into account is the development of affordable housing where no existing development SFEs is allocated. An example of this type of proposal is the anticipated housing development on Block 11, of the Breckenridge Airport Subdivision. In this water buildout analysis we have already made enough assumptions about what is to be developed with existing SFEs that we do not want to make further assumptions of what may happen in the future without the use of existing development SFEs. Historically water SFEs for Affordable housing units average out to be exactly 1 water SFE. From this standpoint it is easy see the exact impact any number of affordable housing units will have on our excess water SFEs. For instance if 350 affordable units are created on Block 11, this will result in lowering our surplus of 1,125 water SFEs down to 775 water SFEs, if density is not transferred. In another example, if we meet our 900 units of affordable housing need, and do so without transferring density; we would see a remaining surplus of 225 water SFEs.

One Final assessment of how much Water Capacity Remains

In addition to our water buildout analysis there is another method to measure our relative water use. In this alternative measurement we look at peak days of water consumption in comparison to the water system's maximum production. Last year's peak water usage day occurred, as it usually does, in between Christmas and New Year's Day. On last year's peak day, 3.4 million gallons of water were used. According to Gary Roberts, the maximum amount of water our plant is capable of treating in a single day is 5.4 million gallons. With that in mind, last year's peak water day placed the plant at 63% of capacity. According to Roberts, the capacity percentage on a peak day can fluctuate +/- 5% depending on leaks within the system. Regardless of the +/- 5% it is safe to assume that at 63%, the treatment plant is running well below our comparable residential and "Possible" commercial buildout level of 76%.

Chapter III of Capacity Analysis: Sewer

Currently sewer capacity matches the demand in Breckenridge. According to Andy Carlberg, Breckenridge Sanitation District Director, the collection system is updated as necessary as it has been in the past and not being able to accommodate greater capacities is not really an issue for the Sanitation District because of the ability for expansion that is built into the treatment facilities. The present service levels and capacities are listed in the chart below.

	SFE's
2007 Service	14,850**
2007 Capacity	15,000
Potential Service*	22,000
Potential Capacity	22,000

*Build-Out of Upper Blue Basin

** Andy Carlberg estimated this number of SFE's for 2007.

Andy stated the collection system is updated as necessary

¹ Breckenridge Sanitation District.

Sewer SFEs

Due to all the different variables involved in creating a sewer SFE number we were not able to generate estimates for different kinds of use as we have with water SFEs. For a rough estimate of need, Andy Carlberg stated as a rule of thumb, there is 1.8 sewer SFEs for every development SFE. Using that estimation the Town of Breckenridge alone needs approximately 4,723 more sewer SFEs of plant capacity to accommodate buildout. Additional plant SFEs will also be needed beyond 4,723 for to future development outside of the Town Limits but within the Sanitation District boundaries.

Plans For Plant Expansion

Presently the Breckenridge Sanitation District is reviewing the Town's most recently released buildout projections, along with Upper Blue Basin buildout projections, upon the completion of thoroughly analyzing this information the Sanitation District is planning to develop a facilities master plan. The Sanitation District is tentatively scheduling to engage an engineer in January to begin designing a facility that will support the district through buildout.

Council Discussion

Staff looks for any input the Council has on the information provided above. Are there questions or additional information the Council desires regarding the water & sewer buildout analysis?



TOWN OF BRECKENRIDGE TOWN COUNCIL AGENDA
Tuesday, January 8, 2008 (Regular Meeting); 7:30 p.m.

- I CALL TO ORDER and ROLL CALL**
- II APPROVAL OF MINUTES** – December 11, 2007 Regular Meeting *Page 24*
- III APPROVAL OF AGENDA**
- IV COMMUNICATIONS TO COUNCIL**
- A. Citizens Comment - (Non-Agenda Items ONLY; 3 minute limit please)
 - B. BRC Director's Report
- V CONTINUED BUSINESS**
- A. **SECOND READING OF COUNCIL BILL, SERIES 2007 – PUBLIC HEARINGS****
- 1. Council Bill No.40, Series 2007-** AN ORDINANCE AMENDING ARTICLE H OF CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING PROVISIONS CONCERNING THE MUNICIPAL OFFENSES OF "FRAUD IN THE PROCUREMENT OF TOWN ASSISTANCE" AND "FRAUD IN CONNECTION WITH TOWN HOUSING PROGRAM" *Page 29*
- 2. Council Bill No.41, Series 2007-** AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE A PARCEL OF LAND LOCATED IN THE B & L NO. 1 PLACER, MS 114044, THE ACCOMMODATION PLACER, MS 19361, AND THE BRADDOCK PLACER, M.S. 13465, COUNTY OF SUMMIT, AND STATE OF COLORADO (Miller — 40.41 acres, more or less) *Page 33*
- 3. Council Bill No.42, Series 2007-** AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE DISTRICTS 1 AND 33 (Miller — 40.41 acres, more or less) *Page 33*
- 4. Council Bill No.43, Series 2007-** AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008 AND REPEALING ORDINANCE NO. 24, SERIES 2005. *Separate*
- VI NEW BUSINESS**
- A. **FIRST READING OF COUNCIL BILL, SERIES 2008-**
- 1. Council Bill No. 1, Series 2008-** AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MEMBERSHIP OF THE TOWN OF BRECKENRIDGE LIQUOR LICENSING AUTHORITY *Page 42*
- B. **RESOLUTIONS, SERIES 2008-**
- NONE
- C. **OTHER**
- 1. ISSC Fire Special Permit Request** *Page 46*
- VII PLANNING MATTERS**
- A. Planning Commission Decisions of January 3, 2008 *Separate*
 - B. Town Council Representative Report (Dr. Warner)
- VIII REPORT OF TOWN MANAGER AND STAFF***
- IX REPORT OF MAYOR AND COUNCILMEMBERS***
- A. Report of Mayor (CAST/I-70 Coalition)
 - B. Northwest Colorado Council of Governments/QQ (Ms. McAtamney)
 - C. Colorado Municipal League (Mr. Rossi)
 - D. Breckenridge Open Space Advisory Commission (Mr. Bergeron)
 - E. Summit Transit Board /Transit Advisory Committee (Mr. Mamula)
 - F. Police Department Advisory Committee (Mr. Millisor)
 - G. Arts Committee (Ms. McAtamney)
 - H. Liquor Licensing Authority (Mr. Bergeron)
 - I. BRC (Mr. Rossi)

- J. Wildfire Council (Mr. Rossi)
- K. Breckenridge Economic Advisory Committee (Mr. Mamula)
- L. Multi-Jurisdictional Housing Authority (Mr. Millisor)
- M. Breckenridge Heritage Alliance (Ms. McAtamney)

X OTHER MATTERS

XI SCHEDULED MEETINGS

XII ADJOURNMENT

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

** Second Readings are Final Action Items. Public comment will be allowed during the public comment portion of the reading.

CALL TO ORDER AND ROLL CALL

Mayor Blake called the December 11, 2007 Town Council Meeting to order at 7:30 p.m. The following members answered roll call: Mr. Bergeron, Mr. Mamula, Ms. McAtamney, Mr. Rossi, Mr. Millisor, and Mayor Blake. Dr. Warner was absent.

APPROVAL OF MINUTES – November 27, 2007 Regular Meeting

There were no corrections or changes to the November 27 minutes. The minutes will stand approved as presented.

APPROVAL OF AGENDA

Town Manager, Tim Gagen, added a third Resolution approving a grant contract with the Colorado Department of Local Affairs and under Other Matters added an executive session to the agenda.

COMMUNICATIONS TO COUNCIL

A. Citizens Comment - (Non-Agenda Items ONLY; 3 minute limit please).

1. Judge Buck Allen- Commented on the concerns he has with the incident in which the officer was stabbed with the knife. There was further discussion.

B. BRC Director's Report – Corry Mihm, Executive Director, commented that we will have an article in the New York Times, Lighting of Breckenridge was very successful. Heritage Alliance opened up sites. Also, Crafts at the Historic Firehouse Museum. Brett & Stephanie Howard are the Ullr King and Queen. Corry talked about housing needs. There are 5 pages of Help Wanted Ads and only 1/2 page of housing ads. Corry asked what the Council would like for her to report on at meetings. Mr. Mamula asked that she relate budget numbers to last years numbers (ex. 10% up from last year) instead of to the budget (ex. 110% of budget).

CONTINUED BUSINESS

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

1. Council Bill No. 38, Series 2007 – AN ORDINANCE AMENDING POLICY 22 (ABSOLUTE)(LANDSCAPING) OF CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, BY PROHIBITING THE CONSTRUCTION OF A WATER FEATURES

Tim Berry commented that a “water feature” cannot be constructed outside of a platted site disturbance envelope unless such construction is specifically authorized by the project's development permit. He did make changes to the ordinance from the work session. He referred to the ordinance that was handed out.

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

Mr. Bergeron moved to approve Council Bill No 38, Series 2007 on second reading in the form that was handed out. Mr. Bergeron made the second. The motion passed 6-0.

2. Council Bill No. 39, Series 2007 - AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY BY THE TOWN OF A SECOND AMENDMENT TO LEASE PURCHASE AGREEMENT AND THE CONSTRUCTION OF A CHILD CARE SERVICES FACILITY; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE REFERENCED TRANSACTIONS; AND PROVIDING OTHER MATTERS RELATING THERETO.

Tim Gagen commented that the Council Bill will structure the debt financing of the new Child Care Facility. At the Council's fall budget retreat, direction was given to staff to pursue a debt financing of the new Child Care Facility. The proposal method of financing is a Certificate of Participation (COP) through the Town's existing finance authority, which was used to finance the Cucumber Gulch acquisition in 2000 and the Police Facility in 2005. In setting up this COP, Bond Counsel informed staff of certain IRS regulations that could affect the tax-exempt status of the Bonds if the Child Care Facility itself was used as collateral for this COP. To avoid this problem, the proposed COP is relying on the existing collateral that was used in the 2000 and 2005 COPs, namely the Town Hall and the Police

Facility. If in the future, when the earlier 2000 COPs are paid off and the Town wishes to remove the Town Hall from the debt collateral, it will probably have to substitute another property asset in its place.

The proposed 2007 COP being considered of \$3.5M is a 20-year debt with a 10- year call option. The projected true interest cost is 4.37% with an average annual debt service payment of \$271,230. Our bond underwriter has informed us that the projected interest rate could change up to 50 basis points by closing as some of the national mortgage crisis is affecting the bond insurance market. The Town also has the option to look at longer terms for these bonds of 25 or 30 years, which would lower annual debt payments but would pay more interest in the long term. There are no changes proposed to the ordinance from first reading.

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

Mr. Bergeron moved to approve Council Bill No 39, Series 2007 on second reading. Ms. McAtamney made the second. The motion passed 6-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2007

1. Council Bill No.40, Series 2007- AN ORDINANCE AMENDING ARTICLE H OF CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING PROVISIONS CONCERNING THE MUNICIPAL OFFENSES OF "FRAUD IN THE PROCUREMENT OF TOWN ASSISTANCE" AND 'FRAUD IN CONNECTION WITH TOWN HOUSING PROGRAM'

Tim Berry commented that the Ordinance would make fraud in the procurement of Town assistance and fraud in connection with the Town's Housing Program municipal offenses. There were two minor revisions to the form of the ordinance from the November 27th worksession. In Section 6-3H-7(D) on the first page of the ordinance (re Fraud in the Procurement of Town Assistance), the period of disqualification for a person convicted of violating this ordinance has been increased from one year to five years. In 6-3H-8(B) on the second page of the ordinance (re Fraud in Connection With Town Housing Program), the definition of "Town's Housing Program" has been amended to clarify that the defined term applies to both the Town's housing ownership and rental programs.

Ms. McAtamney moved to approve Council Bill No 40, Series 2007 on first reading. Mr. Rossi made the second. The motion passed 6-0.

2. Council Bill No.41, Series 2007- AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE A PARCEL OF LAND LOCATED IN THE B & L NO. 1 PLACER, MS 114044, THE ACCOMMODATION PLACER, MS 19361, AND THE BRADDOCK PLACER, M.S. 13465, COUNTY OF SUMMIT, AND STATE OF COLORADO (Miller — 40.41 acres, more or less)

Tim Berry commented that the Ordinance would annex the property and bring it into the Town.

Mr. Bergeron moved to approve Council Bill No 41, Series 2007 on first reading. Mr. Millisor made the second. The motion passed 6-0.

3. Council Bill No.42, Series 2007- AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE DISTRICTS 1 AND 33 (Miller — 40.41 acres, more or less)

Tim Berry commented that the Ordinance would place the property in LUD 1 & 33.

Mr. Millisor moved to approve Council Bill No 42, Series 2007 on first reading. Ms. McAtamney made the second. Mr. Rossi encouraged staff to continue to communicate with the County. The motion passed 6-0.

4. Council Bill No.43, Series 2007- AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008 AND REPEALING ORDINANCE NO. 24, SERIES 2005.

Tim Gagen commented that the Ordinance would authorize the refunding of the Town of Breckenridge 1998 & 1999 GO Bonds. As part of the work on setting up the COP for the Childcare Facility we asked our Bond Advisor to recheck the possibility of this refunding. The analysis shows that the short-term bond market is favorable to refunding and that the interest savings after all cost is \$114,702.27. The Town is trying to lock this savings for the next 45+ days, which gives us time to adopt

a Refunding Ordinance on 1st and 2nd reading with our current meeting schedule of 12/11 and 1/8. Given the remaining of the term of the existing bonds at 2013 and low short-term interest rates this is likely the last opportunity to refinance the bonds.

Ms. McAtamney moved to approve Council Bill No 43, Series 2007 on first reading. Mr. Rossi made the second. The motion passed 6-0.

B. RESOLUTIONS, SERIES 2007

1. A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR ATTORNEY SERVICES WITH TIMOTHY H. BERRY, P.C. FOR 2008

Tim Gagen commented that it is time for the Council to consider Tim Berry's agreement to serve as Town Attorney for fiscal 2008. Tim Berry is available to us as much as we need him, he handles issues of extreme complexity and his expertise has been extremely valuable to the Town. Enclosed is a proposed Agreement. It has been 3 years since his fees were increased (2004 budget year). The Council commented at the work session that they would like to increase the Towns payments to \$160/hr.

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

Mr. Mamula moved to approve the Resolution, Series 2007 in the form that was handed out. Mr. Millisor made the second. The motion passed 6-0.

2. A RESOLUTION APPROVING AN AGREEMENT FOR MUNICIPAL COURT PROSECUTION SERVICES WITH RICHMOND, SPROUSE & MURPHY, LLC

Tim Berry commented that the prosecution in the Town's municipal court is handled by Seth Murphy. It is time to consider Seth's contract for 2008. It is the same contract as last year's with the following changes: Seth's hourly rate is proposed to increase from \$95 to \$100. Given Seth's experience in handling the municipal court, and the prevailing rate for lawyers in Summit County,, I think this rate increase is clearly justified. The contract includes a new paragraph 4.a that will allow Seth to hire someone to do general municipal court work such as drafting pleadings, witness/victim contact and similar tasks. The cost to the Town for this work would be \$25 per hour. Seth has indicated that he thinks this approach will be cheaper for the Town and easier for him. He does not think the cost of the municipal court assistant to the Town will be significant—perhaps 5 hours per week in busy months—and that it should actually reduce the Town's bottom line cost for municipal court prosecution.

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

Mr. Bergeron moved to approve the Resolution, Series 2007. Mr. Mamula made the second. The motion passed 6-0.

3. A RESOLUTION APPROVING A GRANT CONTRACT WITH THE COLORADO DEPARTMENT OF LOCAL AFFAIRS (ADMINISTRATIVE INTERN)

Tim Berry commented that the Town has been awarded a grant in the amount of \$30,000 by the Colorado Department of Local Affairs to help pay for an intern. The Ordinance would approve this contract.

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

Mr. Mamula moved to approve the Resolution, Series 2007. Ms. McAtamney made the second. The motion passed 6-0.

C. OTHER

1. BEDAC Appointments

Tim Gagen commented that there are currently three terms on BEDAC, which expired December 1st. All three of the terms are for a two-year period, ending December 1, 2009.

The Council decided that they will eliminate the BRC Member, the Breckenridge Ski Area Member and the Town Council Member from the Committee. This decision would actually allow them to appoint every individual that applied. The first 4 will get 4 year terms and the last 2 will get 2 year terms. The Council voted and all applicants were appointed. Bonnie Smith Allen, Richard Sosville, Steve

Graham, Thomas Smits were appointed to BEDAC for 4 year terms to end December 1, 2011 and Leon Fetzer and Delbert Bush were appointed for 2 year terms to end December 1, 2009.

PLANNING MATTERS

• **Planning Commission Decisions of December 4, 2007.**

With no requests for call up, Mayor Blake stated the Planning Commission decisions of the December 4, 2007 meeting will stand as presented.

• **Town Council Representative Report.**

Dr. Warner was absent. Mr. Rossi commented on fences and would like staff to get the Wellington fence guidelines. They have been able to prevent enormous fences and have been very successful. It might be a way to mitigate it. Mr. Gagen commented that the fences were part of the Master Plan for Wellington Neighborhood, which would allow the Wellington to still do fences. Ms. McAtamney commented that the Planning Commission was mentioning not allowing master plan fences.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen commented that the hiring for the bus drivers has had a setback. Two employees resigned. They are still working on hiring. Did not want Council to get optimistic about certain routes being restored.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Report of Mayor (CAST/I-70 Coalition)

Mayor Blake had nothing to report

B. Northwest Colorado Council of Governments/QQ (Ms. McAtamney)

Ms. McAtamney had nothing to report

C. Colorado Municipal League (Mr. Rossi)

Mr. Rossi had nothing to report

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

Mr. Bergeron commented that he may want to talk about something in Executive Session. They had a philosophical discussion on the Vision Statement of the Town. Question is whether they are buying property to preserve it. Mr. Gagen commented that the conversation was important because it did not just involve concerns from Staff but also from other groups such as the BRC.

E. Summit Transit Board /Transit Advisory Committee (Mr. Mamula)

Mr. Mamula had nothing to report.

F. Police Department Advisory Committee (Mr. Millisor)

Mr. Millisor had nothing to report.

G. Arts Committee (Ms. McAtamney)

Ms. McAtamney commented that they unveiled the Barney Ford Statue. Alpine Bank piece will be placed next week.

H. Liquor Licensing Authority (Mr. Bergeron)

Mr. Bergeron had nothing to report.

I. BRC (Mr. Rossi)

Mr. Rossi had nothing to report.

J. Wildfire Council (Mr. Rossi)

Mr. Rossi had nothing to report.

K. Breckenridge Economic Advisory Committee (Mr. Mamula)

Mr. Mamula had nothing to report.

L. Multi-Jurisdictional Housing Authority (Mr. Millisor)

Mr. Millisor commented that they discussed how to take locals all the way through the process and help them to get financing. They feel this is the job of the Housing Authority. They feel this is a missing link. We can build the housing but if people can't get the financing then they still won't be able to buy it. Mr. Rossi commented on the vacant jobs and whether the incumbents in these positions need rental

properties because they are not here long term or for other reasons. Mr. Millisor also agreed that we may see a shortage of rental units. The Council agreed they need to continue to look at the rental market.

M. Breckenridge Heritage Alliance (Ms. McAtamney)

Ms. McAtamney commented that they are busy. Linda Kay Peterson has taken over for the time being.

OTHER MATTERS

SCHEDULED MEETINGS

ADJOURNMENT

At 8:51pm Mr. Mamula moved that the Town Council 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; Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice with respect to pending litigation involving the Town; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiators.

At 9:45p.m. Mr. Mamula moved to adjourn the Executive Session. Ms. McAtamney made the second; motion carried by unanimous consent.

With no further business to discuss the regular meeting was adjourned.

Submitted by Alison Kellermann, Administrative Services Coordinator

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

Ernie Blake, Mayor

MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 40 (Fraud Ordinance)
DATE: December 26, 2007 (for January 8th meeting)

The second reading of the ordinance creating the new municipal offenses of “Fraud In The Procurement of Town Assistance” and “Fraud In Connection With Town Housing Program” is scheduled for your meeting on January 8th . 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 – JAN. 8**

2
3 **NO CHANGES FROM FIRST READING**

4
5 COUNCIL BILL NO. 40

6
7 Series 2007

8
9 AN ORDINANCE AMENDING ARTICLE H OF CHAPTER 3 OF TITLE 6 OF THE
10 BRECKENRIDGE TOWN CODE BY ADOPTING PROVISIONS CONCERNING THE
11 MUNICIPAL OFFENSES OF “FRAUD IN THE PROCUREMENT OF TOWN
12 ASSISTANCE” AND ‘FRAUD IN CONNECTION WITH TOWN HOUSING PROGRAM’

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

16
17 Section 1. Article H of Chapter 3 of Title 6 of the Breckenridge Town Code is hereby
18 amended by the addition of a new Section 6-3H-7, entitled “Fraud In The Procurement of Town
19 Assistance”, which shall read in its entirety as follows:

20
21 6-3H-7: FRAUD IN THE PROCUREMENT OF TOWN ASSISTANCE:

22
23 A. It is unlawful for any person to obtain, or for any person to willfully aid or abet
24 another to obtain, Town assistance to which the person is not entitled, or in an amount greater
25 than that to which the person is justly entitled, by means of a willfully false statement or
26 representation, by failing to disclose a material fact, by impersonation, or by any other fraudulent
27 device.

28
29 B. As used in this section, “Town assistance” means any financial benefit provided to an
30 individual person by or on behalf of the Town of Breckenridge based upon a determination of the
31 recipient’s income and expenses, assets, or other financial resources of any kind, including, but
32 not limited to, monetary grants, stipends, and scholarships.

33
34 C. Any person convicted of violating this section shall be required to provide restitution
35 to the Town in the full amount of Town assistance unlawfully obtained. No portion of the
36 required restitution may be suspended or waived by the court.

37
38 D. Any person convicted of violating this section is disqualified from receiving any
39 Town assistance for a period of five years following the date of such conviction.

40
41 Section 2. Article H of Chapter 3 of Title 6 of the Breckenridge Town Code is hereby
42 amended by the addition of a new Section 6-3H-8, entitled “Fraud In Connection With Town
43 Housing Program”, which shall read in its entirety as follows:

1 6-3H-8: FRAUD IN CONNECTION WITH TOWN HOUSING PROGRAM:
2

3 A. It is unlawful for any person to intentionally and knowingly submit to the Town of
4 Breckenridge, or any authorized agent of the Town of Breckenridge, any financial or
5 employment information in connection with the Town’s Housing Program containing any untrue
6 statement of a material fact to fail to state in such financial or employment information any
7 material fact necessary in order to make the statement made in the financial or employment
8 information, in light of the circumstances under which it was made, not misleading.
9

10 B. As used in this section, “Town’s Housing Program” means the Town of Breckenridge
11 Housing Program providing deed restricted and affordable housing opportunities, both for rent
12 and for ownership, for qualified participants based upon the participant’s employment and or
13 income and expenses, assets, or other financial resources, as from time to time established and
14 operated.
15

16 C. Any person convicted of violating this section is disqualified from further
17 participation in the Town’s Housing Program for a period of five years following the date of
18 such conviction; provided, however, this provision shall not be construed or interpreted to impair
19 any existing contract to which the convicted person is a party.
20

21 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the
22 various secondary codes adopted by reference therein, shall continue in full force and effect.
23

24 Section 4. The Town Council hereby finds, determines and declares that this ordinance is
25 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
26 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
27 thereof.
28

29 Section 5. The Town Council hereby finds, determines and declares that it has the power
30 to adopt this ordinance pursuant to: (i) Section 31-15-103, C.R.S. (concerning municipal police
31 powers); (ii) Section 31-15-401, C.R.S.(concerning municipal police powers); (iii) the authority
32 granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) the
33 powers contained in the Breckenridge Town Charter.
34

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

38 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
39 PUBLISHED IN FULL this ____ day of _____, 2007. A Public Hearing shall be held at the
40 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
41 _____, 2007, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
42 Town.
43
44

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
Ernie Blake, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

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MEMO

TO: Town Council

FROM: Laurie Best and Michael Mosher

RE: Stan Miller Annexation Ordinance, Land Use District Ordinance, and Annexation Agreement

DATE: January 2, 2008 (for January 8, 2008 meeting)

On December 11th the Council approved the first reading of two ordinances related to this annexation. This includes the annexation ordinance and the ordinance that places the property in LUDs 1 and 33. Based on input from that meeting staff began drafting the annexation agreement to reflect the plan that has been discussed. While the fundamental elements of the plan have not changed, staff wanted to review a few details that have not been specifically discussed previously. These details also are not addressed in the recently adopted countywide deed restriction, so staff felt it would be appropriate to review them with the Council. Once we have your input on these items we will complete the agreement and present it to you for approval. At this time we are requesting that the second reading of both ordinances be continued until January 22nd, at which time we also expect to present the annexation agreement.

Annexation Agreement Issues for Council Consideration:

Income Testing-The annexation agreement will require income testing for the affordable units, however, it has been suggested by the Town's housing consultant that the income testing formula be expanded to allow more families to qualify. They have suggested a 20% range so that units priced for 80% AMI families could be purchased by families earning up to 100% AMI. If, on the other hand, the pricing and the income testing are the same, this significantly reduces the number of families that will qualify under the income testing and still qualify for the purchase (to only those families earning 100% AMI). Staff believes that a range is appropriate for income qualification and would support the 20% range, which has been used by other communities. Because of the extended vesting associated with this annexation, staff believes this should be one of the issues periodically reviewed to insure that the units are being purchased by the intended targets.

Ownership of other units-The plan for this property has always assumed some rental units and some ownership units. In some previous projects the Town has prohibited buyers from owning other residential property if they purchase a deed restricted unit. For example, in Gibson Heights owners must immediately list their other residential property for sale and must dispose of that property within 120 days of purchasing a unit in Gibson Heights. This restriction was not included in the Wellington Neighborhood deed restriction. Staff believes that there may be circumstances under which an owner in the Stan Miller project might own other residential property and that there should be a provision to review and approve certain circumstances. Following are some possible exceptions:

- A unit may be owned by a business owner who uses the unit for their employee housing. The owner would likely own a unit elsewhere in the Upper Blue.

- A family occupies the unit in this development, but owns another (smaller) unit in Town that they rent to a local employee.

Staff would like Council feedback regarding this issue.

Source of density-There has been some discussion regarding the source of the density for the deed-restricted units. At this time, it is not clear to staff whether the density will be provided by the Town, or whether the density will be “free” density, exempt from the TDR requirements pursuant to the Joint Upper Blue Master Plan. Staff recommends that the annexation agreement be drafted to allow the Town flexibility to either transfer the density or allow it under the JUBMP exemption for affordable housing.

Marketing to key employees-During the last work session the Council asked that the units be marketed to “key employees” and “Upper Blue employees” for more than the 30 days that was initially proposed. The applicant is proposing 60 days. We believe that through the use of waiting lists and other pre-marketing measures a 60 day window would be adequate to insure that Upper Blue and key employees have first priority. We would like to Council feedback on this too.

Once we have your feedback on these issues we will prepare a final draft of the agreement for your review. Thank you.

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 41 (Stan Miller Annexation Ordinance); and Council Bill No. 42
(Stan Miller Zoning Ordinance)

DATE: December 26, 2007 (for January 8th meeting)

The second readings of the Stan Miller Annexation Ordinance and the Stan Miller Zoning Ordinance are scheduled for your meeting on January 8th . There are no changes proposed to either ordinance from first reading.

I will be happy to discuss these ordinances with you on Tuesday.

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

2
3 **NO CHANGES FROM FIRST READING**

4
5 COUNCIL BILL NO. 41

6
7 Series 2007

8
9 AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE A PARCEL OF
10 LAND LOCATED IN THE B & L NO. 1 PLACER, MS 114044, THE ACCOMMODATION
11 PLACER, MS 19361, AND THE BRADDOCK PLACER, M.S. 13465, COUNTY OF
12 SUMMIT, AND STATE OF COLORADO
13 (Miller — 40.41 acres, more or less)

14
15 WHEREAS, the Town Council of the Town of Breckenridge has found a Petition For
16 Annexation of the hereinafter described parcel of land to be in substantial compliance with the
17 requirements of Section 31-12-107(1), C.R.S.; and

18
19 WHEREAS, after notice as required by Section 31-12-108, C.R.S., the Town Council
20 held a public hearing on the proposed annexation on October 9, 2007; and

21
22 WHEREAS, the Town Council has by resolution determined that the requirements of
23 Sections 31-12-104 and 105, C.R.S., have been met; that an election is not required; and that no
24 additional terms or conditions are to be imposed on the annexed area.

25
26 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
27 BRECKENRIDGE, COLORADO:

28
29 Section 1. The following described parcel of land, to wit:

30
31 A parcel of real property situated in Section 18, Township 6 South, Range 77
32 West of the Sixth Principal Meridian in the Town of Breckenridge, County of
33 Summit, State of Colorado and being more particularly described as follows:

34
35 A part of the B & L No. 1 Placer (MS 114044), a part of the Accommodation
36 Placer (MS 19361) and a part the Braddock Placer (MS 13465) more particularly
37 described as follows:

38
39 Beginning at corner 5 of the B & L No. 1 Placer, corner also being corner 15 of
40 the Munroe Placer (MS 1150) and the southwesterly corner of the West Braddock
41 Subdivision;

42
43 thence the following four (4) courses along the southerly boundary West
44 Braddock Subdivision:

1 1. thence S75°18'02", 660.00 feet along the 5-6 line of the B & L No.
2 1 Placer and the 15-14 line of the Munroe Placer to corner 6 of the B & L No. 1
3 Placer, corner 14 line of the Munroe Placer and corner 1 of the Accommodation
4 Placer;

5 2. thence S56°04'10"E, 310.00 feet;

6 3. thence S05°1'33"W, 617.00 feet;

7 4. thence S84°28'27"E, 452.80 feet to a point on the westerly right of
8 way of Colorado State Highway 9;

9
10 thence S12°45'46"W, 202.80 feet along the westerly right of way of Colorado
11 State Highway 9 to the northeasterly corner of the Breckenridge Building Center
12 property;

13
14 thence the following four (4) courses along the northerly and westerly boundaries
15 of the Breckenridge Building Center property:

16 1. thence N84°21"W, 522.58 feet;

17 2. thence S05°21'39"W, 528.18 feet to a point on the 8-9 line of the B
18 & L No. 1 Placer and the 3-4 line of the Accommodation Placer;

19 3. thence S56°14'04"E, 53.84 feet along the 8-9 line of the B & L No.
20 1 Placer and the 3-4 line of the Accommodation Placer to corner 9 of the B & L
21 No. 1 Placer and corner 4 of the Accommodation Placer;

22 4. thence S11°35'37"W, 233.91 feet along the 9-10 line of the B & L
23 No. 1 Placer and the 4-5 line of the Accommodation Placer;

24
25 thence S87°17'57"W, 875.28 feet to a point on the 2-3 line of the B & L
26 No. 1 Placer;

27
28 thence N31°46'32"E, 373.09 feet along the 2-3 line of the B & L No. 1 Placer to
29 corner 3 of the B & L No. 1 Placer;

30
31 thence N20°02'19"W, 689.13 feet along the 3-4 line of the B & L No. 1 Placer to
32 corner 4 of the B & L No. 1 Placer;

33
34 thence N13°35'04"E, 1037.85 feet along the 4-5 line of the B & L No. 1 Placer to
35 the point of beginning.

36
37 Described parcel contains 40.41 acres, more or less.

38
39 Perimeter of parcel = 6556.46 feet;

40 Perimeter of parcel contiguous with Town of Breckenridge = 4456.39 feet

41 Perimeter of parcel contiguous with Town of Breckenridge = 67.97%

42
43 is hereby annexed to and made a part of the Town of Breckenridge, Colorado.
44

1 Section 2. The annexation of the abovedescribed property shall be complete and
2 effective on the effective date of this ordinance, except for the purpose of general property taxes,
3 and shall be effective as to general property taxes on and after January 1, 2008.
4

5 Section 3. Within thirty (30) days after the effective date of this ordinance, the Town
6 Clerk is hereby authorized and directed to:

- 8 A. File one copy of the annexation map with the original of
9 the annexation ordinance in the office of the Town Clerk of
10 the Town of Breckenridge, Colorado; and
- 11
- 12 B. File for recording three certified copies of the annexation
13 ordinance and map of the area annexed containing a legal
14 description of such area with Summit County Clerk and
15 Recorder.
16

17 Section 4. This ordinance shall be published and become effective as provided by law.
18

19 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
20 PUBLISHED IN FULL this ____ day of _____, 2006. A Public Hearing shall be
21 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
22 ____ day of _____, 2006, at 7:30 P.M. or as soon thereafter as possible in the Municipal
23 Building of the Town.

24
25 TOWN OF BRECKENRIDGE, a Colorado
26 municipal corporation
27

28
29
30 By: _____
31 Ernie Blake, Mayor
32

33 ATTEST:
34
35

36
37 _____
38 Mary Jean Loufek, CMC,
39 Town Clerk
40

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

2
3 **NO CHANGES FROM FIRST READING**

4
5 COUNCIL BILL NO. 42

6
7 Series 2007

8
9 AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE
10 DISTRICTS 1 AND 33
11 (Miller — 40.41 acres, more or less)

12
13 WHEREAS, the Town has heretofore annexed to the Town the hereafter described parcel
14 of land owned by Joseph S. Miller; 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 Districts 1 and 33; and

21
22 WHEREAS, the Town's Annexation Plan adopted pursuant to Section 31-12-105(1)(e),
23 C.R.S., indicates that the property should be placed in Land Use Districts 1 and 33; and

24
25 WHEREAS, the Town Council finds and determines that the property should properly be
26 placed in Land Use Districts 1 and 33.

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

30
31 Section 1. The following described real property, to wit:

32
33 A parcel of real property situated in Section 18, Township 6 South, Range 77
34 West of the Sixth Principal Meridian in the Town of Breckenridge, County of
35 Summit, State of Colorado and being more particularly described as follows:

36
37 A part of the B & L No. 1 Placer (MS 114044), a part of the Accommodation
38 Placer (MS 19361) and a part the Braddock Placer (MS 13465) more particularly
39 described as follows:

40
41 Beginning at corner 5 of the B & L No. 1 Placer, corner also being corner 15 of
42 the Munroe Placer (MS 1150) and the southwesterly corner of the West Braddock
43 Subdivision;

1 thence the following four (4) courses along the southerly boundary West
2 Braddock Subdivision:

3 1. thence S75°18'02", 660.00 feet along the 5-6 line of the B & L No.
4 1 Placer and the 15-14 line of the Munroe Placer to corner 6 of the B & L No. 1
5 Placer, corner 14 line of the Munroe Placer and corner 1 of the Accommodation
6 Placer;

7 2. thence S56°04'10"E, 310.00 feet;

8 3. thence S05°1'33"W, 617.00 feet;

9 4. thence S84°28'27"E, 452.80 feet to a point on the westerly right of
10 way of Colorado State Highway 9;

11
12 thence S12°45'46"W, 202.80 feet along the westerly right of way of Colorado
13 State Highway 9 to the northeasterly corner of the Breckenridge Building Center
14 property;

15
16 thence the following four (4) courses along the northerly and westerly boundaries
17 of the Breckenridge Building Center property:

18 1. thence N84°21"W, 522.58 feet;

19 2. thence S05°21'39"W, 528.18 feet to a point on the 8-9 line of the B
20 & L No. 1 Placer and the 3-4 line of the Accommodation Placer;

21 3. thence S56°14'04"E, 53.84 feet along the 8-9 line of the B & L No.
22 1 Placer and the 3-4 line of the Accommodation Placer to corner 9 of the B & L
23 No. 1 Placer and corner 4 of the Accommodation Placer;

24 4. thence S11°35'37"W, 233.91 feet along the 9-10 line of the B & L
25 No. 1 Placer and the 4-5 line of the Accommodation Placer;

26
27 thence S87°17'57"W, 875.28 feet to a point on the 2-3 line of the B & L
28 No. 1 Placer;

29
30 thence N31°46'32"E, 373.09 feet along the 2-3 line of the B & L No. 1 Placer to
31 corner 3 of the B & L No. 1 Placer;

32
33 thence N20°02'19"W, 689.13 feet along the 3-4 line of the B & L No. 1 Placer to
34 corner 4 of the B & L No. 1 Placer;

35
36 thence N13°35'04"E, 1037.85 feet along the 4-5 line of the B & L No. 1 Placer to
37 the point of beginning.

38
39 is hereby placed in Breckenridge Land Use Districts 1 and 33.

40
41 Section 2. The Town staff is hereby directed to change the Town's Land Use District
42 Map to indicate that the abovedescribed property has been annexed and placed within Land Use
43 Districts 1 and 33.

44
45 Section 3. This ordinance shall be published and become effective as provided by
46 Section 5.9 of the Breckenridge Town Charter.

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INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this _____ day of _____, 2007. A Public
Hearing on the Ordinance shall be held at the regular meeting of the Town Council of the Town
of Breckenridge, Colorado, on the _____ day of _____, 2007, at 7:30 p.m.
or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Ernie Blake, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

MEMO

TO: Mayor & Town Council

FROM: Tim Gagen

DATE: 1/3/2008

RE: LLA Town Council Member Elimination

The Town Council recently voted to eliminate Council representation on the Liquor Licensing Authority. The Town Code states that “one member of the Authority shall be a member of the Town Council” therefore the attached ordinance would repeal this section and allow a new member to be appointed. All terms will now be 4-year terms to be staggered with 2 regular appointments every 2 years. The person appointed to fill the vacancy on the Liquor Licensing Authority caused by the ending of the term of office of Jeffrey Bergeron shall serve only until September, 2009, at which time a person shall be appointed for a term of four years.

1 ***FOR WORKSESSION/FIRST READING – JAN. 8***

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2008

9
10 AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 2 OF THE BRECKENRIDGE
11 TOWN CODE CONCERNING THE MEMBERSHIP OF THE TOWN OF BRECKENRIDGE
12 LIQUOR LICENSING AUTHORITY

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

16
17 Section 1. Subsection D of Section 2-5-1 of the Breckenridge Town Code is hereby
18 repealed.

19
20 **[Drafter’s Note:** The repealed subsection reads as follows:

21
22 “Section 9.2(b) of the Town Charter provides that no Town board or commission shall have
23 more than one council member appointed to serve on such board or commission.”]

24
25 Section 2. Subsection B of Section 2-5-3 of the Breckenridge Town Code is hereby
26 repealed.

27
28 **[Drafter’s Note:** The repealed subsection reads as follows:

29
30 “One member of the Authority shall be a member of the Town Council; provided, however, that
31 the Mayor shall not serve on the Authority.”]

32
33 Section 3. Subsection A of Section 2-5-4 of the Breckenridge Town Code is hereby
34 repealed.

35
36 **[Drafter’s Note:** The repealed subsection reads as follows:

37
38 “The term of the member of the Authority who is a member of the Town Council shall be one
39 year commencing on the second Tuesday of April each year, except that the term of the Town
40 Council member who is appointed to the first Authority shall expire on the second Tuesday of
41 April, 2004”.]

42
43 Section 4. Subsection B of Section 2-5-4 of the Breckenridge Town Code is hereby
44 amended so as to read in its entirety as follows:

1 B. The terms of the ~~four remaining~~ members of the Authority shall be four years;
2 ~~except that the terms of two of such members appointed to the first Authority~~
3 ~~shall be two years, and the terms of the remaining two members of the first~~
4 ~~Authority shall be four years. **The terms shall be staggered.**~~
5

6 Section 5. Nothing in this ordinance shall affect the terms of office of those members of
7 the Liquor Licensing Authority in office at the time of the adoption of this ordinance.
8

9 Section 6. The person appointed to fill the vacancy on the Liquor Licensing Authority
10 caused by the ending of the term of office of Jeffrey Bergeron (the member of the Liquor
11 Licensing Authority who is also a member of the Town Council) shall serve only until
12 September, 2009, at which time a person shall be appointed for a term of four years as provided
13 in Section 4 of this ordinance.
14

15 Section 7. Three members of the Liquor Licensing Authority shall be appointed in
16 September, 2009 and two members of the Authority shall be appointed in September, 2011.
17

18 Section 8. Except as specifically amended hereby, the Breckenridge Town Code, and the
19 various secondary codes adopted by reference therein, shall continue in full force and effect.
20

21 Section 9. The Town Council hereby finds, determines and declares that it has the power
22 to adopt this ordinance pursuant to the provisions of Section 12-47-103(17), C.R.S., and the
23 powers possessed by home rule municipalities in Colorado.
24

25 Section 10. The Town Council hereby finds, determines and declares that it has the
26 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by
27 Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
28 Charter.
29

30 Section 11. This ordinance shall be published as provided by Section 5.9 of the
31 Breckenridge Town Charter, and shall become effective April 8, 2008.
32

33 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
34 PUBLISHED IN FULL this ____ day of _____, 2008. A Public Hearing shall be held at the
35 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
36 _____, 2008, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
37 Town.
38

39 TOWN OF BRECKENRIDGE, a Colorado
40 municipal corporation
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44 By _____
45 Ernie Blake, Mayor
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ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

Memorandum

To: Mayor and Town Council
From: Vanessa Flaherty
Date: December 21, 2007 (for 1/8/08 work session)
Re: Special Permit for International Snow Sculpture Championship's Event Barrel Fire(s)

In conjunction with the 2008 International Snow Sculpture Championships, there is a request to have open fire(s) in a 55 gallon drum and/or in a "kiva" stove on Thursday, January 24, 2008 from 7pm-11:30pm and Friday, January 25, 2008 from 7pm to 1am on Saturday, January 26, 2008. Red, White and Blue would approve use of both a 55 gallon drum or a "kiva" stove. The proposed fires would be set up in the event site for International Snow Sculpture Championships which is located in the Tiger Dredge Lot in front of the Riverwalk Center at 150 West Adams.

The current Town Code (Section 5-5-3) prohibits open burning and bonfires within town limits. Specifically:

Open Fires and Burning Prohibited: *Except as authorized by this chapter, it shall be unlawful for any person to conduct open burning anywhere within the town. (Ord 21, 1994).*

However, Section 5-5-5 allows the Town Council to grant a special permit to authorize open burning and bonfires. 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)

There would be a maximum of two fires at one time, and the fires would be started, maintained and supervised by the requesting party, members of Team Breckenridge. The fires were responsibly tended and extinguished during the 2005, 2006 and 2007 Championships and shown to add to the ambience of the event. Many teams and spectators enjoyed this feature. Town of Breckenridge staff would also be site to monitor the fires as well. There would be fire extinguishers on site at each fire location, and as per Red, White and Blue Fire Department, only firewood would be used as fuel. No construction wood, cardboard or any type of trash would be used as fuel and the wood would be stacked no more than two feet high during burning. Considering the snow covered location, the fairly closed nature of these type of fire receptacles and the distance from any other fuel sources, staff believes the fires would be well contained, and would not present the threat of spreading. The fires would be completely extinguished by Team Breckenridge before leaving the event site for the night.

The applicants have already discussed this proposal with the Red, White & Blue Fire Department and a permit will be issued. 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 motion to approve a special permit to allow open fires during the International Snow Sculpture Championships, on Thursday, January 24, 2008 from 7pm-11:30pm and on Friday, January 25, 2008 from 7pm to 1am on Saturday, January 26, 2008. All burning shall comply with the “Open Burning” requirements of Section 307 of the International Fire Code, 2003 Edition. In addition, the applicant shall obtain a bonfire or open burning permit from the Red, White & Blue Fire Department. ”



Scheduled Meetings, Important Dates and Events

Shading indicates Council attendance – others are optional

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

JANUARY 2008

Sunday, January 6-11	Ullr Fest
Tuesday, January 8	First Meeting of the Month
Tuesday, January 22	Second Meeting of the Month
Tuesday, January 22; 2:30pm	Non-Profit Grant Reception
Tuesday, January 22; 6:00pm	Snow Sculpting Welcome Ceremony
Thursday, January 24-25	CAST (Winterpark)

FEBRUARY 2008

Tuesday, February 12	First Meeting of the Month
Tuesday, February 26	Second Meeting of the Month