



**BRECKENRIDGE TOWN COUNCIL REGULAR MEETING**

Tuesday, June 25, 2013; 7:30 PM

Town Hall Auditorium

<b>I</b>	<b>CALL TO ORDER, ROLL CALL</b>	
<b>II</b>	<b>APPROVAL OF MINUTES - JUNE 11, 2013</b>	<b>3</b>
<b>III</b>	<b>APPROVAL OF AGENDA</b>	
<b>IV</b>	<b>COMMUNICATIONS TO COUNCIL</b>	
	A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)	
	B. BRECKENRIDGE SKI RESORT UPDATE (NO REPORT THIS EVENING)	
	C. BRECKENRIDGE RESORT CHAMBER UPDATE	
<b>V</b>	<b>CONTINUED BUSINESS</b>	
	A. SECOND READING OF COUNCIL BILLS, SERIES 2013 - PUBLIC HEARINGS	
	1. COUNCIL BILL NO. 23, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 10 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN EMPLOYEE RETIREMENT PLANS	<b>7</b>
	2. COUNCIL BILL NO. 24, SERIES 2013 - AN ORDINANCE CONCERNING BENEFITS PROVIDED TO MEMBERS OF THE TOWN COUNCIL, THE PLANNING COMMISSION, AND THE OPEN SPACE ADVISORY COMMISSION	<b>11</b>
	3. COUNCIL BILL NO. 25, SERIES 2013 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE "BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE", BY AUTHORIZING THE FINANCIAL SERVICES MANAGER TO ISSUE AN ADMINISTRATIVE BUSINESS AND OCCUPATIONAL LICENSE; ESTABLISHING THE REQUIREMENTS FOR AN ADMINISTRATIVE BUSINESS AND OCCUPATIONAL LICENSE; AND MAKING ADDITIONAL MISCELLANEOUS AMENDMENTS TO SUCH ORDINANCE	<b>14</b>
<b>VI</b>	<b>NEW BUSINESS</b>	
	A. FIRST READING OF COUNCIL BILLS, SERIES 2013	
	1. COUNCIL BILL NO. 26, SERIES 2013 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Lot 4 Block 7, Yingling And Mickles Addition)	<b>25</b>
	2. COUNCIL BILL NO. 27, SERIES 2013 - AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BRECKENRIDGE TOWN CODE CONCERNING REQUIRED INSURANCE LIMITS	<b>27</b>
	B. RESOLUTIONS, SERIES 2013 - NONE	
	C. OTHER	
<b>VII</b>	<b>PLANNING MATTERS</b>	
	A. PLANNING COMMISSION DECISIONS	<b>35</b>
	B. PLANNING COMMISSION REPORT (MS. MCATAMNEY)	
<b>VIII</b>	<b>REPORT OF TOWN MANAGER AND STAFF</b>	

\*Report of the 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.

- A. CAST/MMC (MAYOR WARNER)
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BREWER)
- C. BRC (MR. BURKE)
- D. MARKETING COMMITTEE (MS. WOLFE)
- E. SUMMIT COMBINED HOUSING AUTHORITY (MR. DUDICK)
- F. BRECKENRIDGE HERITAGE ALLIANCE (MR. DUDICK)
- G. WATER TASK FORCE (MR. GALLAGHER)
- H. LANDFILL TASK FORCE (MS. WOLFE)
- I. PUBLIC ART COMMISSION (MR. GALLAGHER)

**X OTHER MATTERS**

**XI SCHEDULED MEETINGS**

**42**

**XII ADJOURNMENT**

**TOWN OF BRECKENRIDGE**  
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**CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of June 11, 2013 to order at 7:35pm. The following members answered roll call: Mr. Burke, Mr. Brewer, Mr. Dudick, Ms. Wolfe, Ms. McAtamney, Mr. Gallagher and Mayor Warner.

**APPROVAL OF MINUTES - MAY 28, 2013**

With no changes or corrections to the meeting minutes of June 11, 2013, Mayor Warner declared they would stand approved as submitted.

**APPROVAL OF AGENDA**

Mr. Gagen stated there were no changes to the agenda.

**COMMUNICATIONS TO COUNCIL**

- A. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)  
Mayor Warner opened Citizen's Comments. There were no comments and Citizen's Comments were closed.
- B. Red, White and Blue Fire District Update  
Mr. Jay Nelson, Deputy Chief of Red, White and Blue Fire District, stated the fire danger current rating is moderate, but it is expected to be high by the end of the week. Mr. Nelson spoke about homeowner insurance as related to fire danger and the community wildfire protection plan.

**CONTINUED BUSINESS**

- A. Second Reading of Council Bills, Series 2013 - Public Hearings
1. COUNCIL BILL NO. 21, SERIES 2013 - AN ORDINANCE APPROVING A LONG-TERM LEASE WITH BRECK SOLAR1, LLC, A COLORADO LIMITED LIABILITY COMPANY (McCain Property Solar Garden)  
Mayor Warner read the title into the minutes. Mr. Berry stated there are minor changes to the ordinance and the lease from first reading. Ms. Wolfe stated she is concerned about technology advancements in the future that may impact this contract. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.  
  
Mr. Gallagher moved to approve COUNCIL BILL NO. 21, SERIES 2013 - AN ORDINANCE APPROVING A LONG-TERM LEASE WITH BRECK SOLAR1, LLC, A COLORADO LIMITED LIABILITY COMPANY (McCain Property Solar Garden). Ms. McAtamney seconded the motion.  
The motion passed 7-0.
  2. COUNCIL BILL NO. 22, SERIES 2013 - AN ORDINANCE APPROVING A LONG-TERM LEASE WITH SUMMIT SOLAR1, LLC, A COLORADO LIMITED LIABILITY COMPANY (Stillson Property Solar Garden)  
Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance and lease contain the same revisions as the McCain Ordinance and Lease. Ms. Wolfe expressed the same concern. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.  
  
Mr. Brewer moved to approve COUNCIL BILL NO. 22, SERIES 2013 - AN ORDINANCE APPROVING A LONG-TERM LEASE WITH SUMMIT SOLAR1, LLC, A COLORADO LIMITED LIABILITY COMPANY (Stillson Property Solar Garden). Mr. Burke seconded the motion.

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
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The motion passed 7-0.

**NEW BUSINESS**

A. First Reading of Council Bills, Series 2013

1. COUNCIL BILL NO. 23, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 10 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN EMPLOYEE RETIREMENT PLANS

Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance revises the portion of the Town Code dealing with Employee Retirement Plans.

Mr. Dudick moved to approve COUNCIL BILL NO. 23, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 10 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN EMPLOYEE RETIREMENT PLANS. Ms. McAtamney seconded the motion.

The motion passed 7-0.

2. COUNCIL BILL NO. 24, SERIES 2013 - AN ORDINANCE CONCERNING BENEFITS PROVIDED TO MEMBERS OF THE TOWN COUNCIL, THE PLANNING COMMISSION, AND THE OPEN SPACE ADVISORY COMMISSION

Mayor Warner read the title into the minutes. Mr. Berry stated the ordinance clarifies the benefits council and other commission members could receive beginning in 2014. Mr. Dudick asked about other committees being included in this list. Mr. Gagen stated only the commissions included in the Town Code would partake in these benefits.

Mr. Burke moved to approve COUNCIL BILL NO. 24, SERIES 2013 - AN ORDINANCE CONCERNING BENEFITS PROVIDED TO MEMBERS OF THE TOWN COUNCIL, THE PLANNING COMMISSION, AND THE OPEN SPACE ADVISORY COMMISSION. Ms. McAtamney seconded the motion.

The motion passed 7-0.

3. COUNCIL BILL NO. 25, SERIES 2013 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE", BY AUTHORIZING THE FINANCIAL SERVICES MANAGER TO ISSUE AN ADMINISTRATIVE BUSINESS AND OCCUPATIONAL LICENSE; ESTABLISHING THE REQUIREMENTS FOR AN ADMINISTRATIVE BUSINESS AND OCCUPATIONAL LICENSE; AND MAKING ADDITIONAL MISCELLANEOUS AMENDMENTS TO SUCH ORDINANCE

Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance would amend the BOLT ordinance by including the creation of an Administrative License and a series of clerical changes.

Mr. Gallagher moved to approve COUNCIL BILL NO. 25, SERIES 2013 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE", BY AUTHORIZING THE FINANCIAL SERVICES MANAGER TO ISSUE AN ADMINISTRATIVE BUSINESS AND OCCUPATIONAL LICENSE; ESTABLISHING THE REQUIREMENTS FOR AN ADMINISTRATIVE BUSINESS AND OCCUPATIONAL LICENSE; AND MAKING ADDITIONAL MISCELLANEOUS AMENDMENTS TO SUCH ORDINANCE. Mr.

Burke seconded the motion.

The motion passed 7 – 0.

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
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- B. Resolutions, Series 2013 - None
- C. Other

**PLANNING MATTERS**

- A. Planning Commission Decisions  
With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions would stand approved as presented.
- B. Planning Commission Report (Ms. McAtamney)  
Ms. McAtamney stated she attended the meeting and then excused herself. Ms. McAtamney further stated the meeting minutes require some minor edits.

**REPORT OF TOWN MANAGER AND STAFF**

Mr. Gagen stated he provided the Mayors and Managers Committee report.

**REPORT OF MAYOR AND COUNCILMEMBERS**

- A. Cast/MMC (Mayor Warner)  
Mayor Warner stated he already provided his CAST report to Council members.
- B. Breckenridge Open Space Advisory Committee (Mr. Brewer)  
Mr. Brewer stated there was no report.
- C. BRC (Mr. Burke)  
Mr. Burke stated the minutes were sent out for the record.
- D. Marketing Committee (Ms. Wolfe)  
Ms. Wolfe stated she did not attend the meeting but was briefed on the topics of the meeting, which included how to evaluate events using benchmarking from other communities, including Vail, which is a good model for an ROI formula.
- E. Summit Combined Housing Authority (Mr. Dudick)  
Mr. Dudick stated there was no report. Mr. Gagen stated the Summit Housing Authority is evaluating the Federal Housing certificate program for families in low income units.
- F. Breckenridge Heritage Alliance (Mr. Dudick)  
Mr. Dudick stated he attended his first meeting as Council representative of the Alliance. Mr. Dudick stated all capital projects are on track. Further, he stated committee members are asking about the status of the rooms in the Harris Street Building for availability for the Heritage Alliance. He stated some additional communication may be needed to clarify space commitments. Also, the Alliance would like to be the preservation vehicle for the original Masonic materials from Abby Hall.
- G. Water Task Force (Mr. Gallagher)  
Mr. Gallagher stated the consultants are closer to setting a meeting for a new water treatment facility.
- H. Landfill Task Force (Ms. Wolfe)  
Ms. Wolfe stated there was no report.
- I. Public Art Commission (Mr. Gallagher)

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Mr. Gallagher stated meeting minutes were provided to Council members.

**OTHER MATTERS**

Mr. Dudick stated he recently attended a fundraiser at the Breckenridge Golf Course and was surprised about the cost to non-profits for tournaments during non-peak times. Mr. Dudick wants to explore the idea of granted days (through the grant program) to non-profits for fundraising. Mr. Gagen clarified that in-kind use can be included in the grant program ask.

Mr. Warner stated community member Tracey Van Anderson would like the Council to consider a Dark Sky Night this summer for stargazing, possibly August 10-11. Council members discussed establishing a specific location for the event.

Ms. McAtamney stated she sent out a ski season recap for Vail as an example of a narrative report similar to what Ms. Campbell from Breckenridge Ski Resort offered to provide for Breckenridge.

Mr. Burke stated the requirement for barricades at all Town parades/events may need to be clarified or re-evaluated due to expense and need. Mr. Gagen stated it's a safety measure established by the Town.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 8:43pm. Submitted by Helen Cospolich, Deputy Town Clerk, Municipal Services.

ATTEST:

\_\_\_\_\_  
John Warner, Mayor

# MEMORANDUM



**TO:** Town Council  
**FROM:** Sherilyn Gourley, HR Manager  
**DATE:** June 17, 2013  
**SUBJECT:** Amendments to Town Code – Retirement Plan

***There have been no changes in the proposed ordinance from the June 11, 2013 first reading. The information below was included in that council packet.***

Human Resources staff recently reviewed the Town Code language as it relates to the Employee Retirement Plan. This memorandum summarizes the amendments to the Code that are necessary to bring it up to date and to permit greater flexibility in the event future changes to the various plans are made.

## I. Background

The Town currently maintains three (3) retirement plans, administered through the International City Management Association (ICMA) Retirement Corporation (RC). *These plans include:*

- a. 401a – Employees (Employer contribution, amount depending on years of service)
- b. 457 – Employees (Deferred compensation – no employer contribution)
- c. 401a – Town Manager (Separate plan - Employer & town manager may contribute)

## II. Issues with the Current Town Code Language

*The following issues exist with respect to the current language:*

- **Eligibility:** The current code indicates that “regular full-time” employees are eligible. In fact, all “regular” employees are eligible, including  $\frac{3}{4}$  “regular” employees.
- **401a Employee Plan:** The current code reflects an outdated 7% employer contribution to individual accounts. Changes to the employee 401a plan document were made several years ago that enable the employee to receive an additional 2% employer contribution after six (6) years in a benefit-eligible position, for a total 9% employer contribution. In addition, the employee must defer 1% to qualify for 9%.
- **401a Town Manager Plan:** The current code language is not flexible and is specific to the current contract and current plan document only. Changes to the Town Manager 401 could feasibly occur in any new contract drafted for this individual or future individuals in this position.

## III. Staff Recommendation

HR staff recommends that the language in the code be amended so that future code revisions are not required with each retirement plan change. Benefit plan changes would be reflected in separate retirement plan documents with ICMA-RC that are approved by the Town’s management and approved by Council as part of the budget approval. *Staff recommends general content in Chapter 10 to address the following:*

- **Plan Provisions:** A general statement that eligibility; plan requirements; amount of employee and employer contributions; and other provisions as necessary may be outlined specifically in plan documents
- **Council Authority:** A general statement that indicates council will budget, appropriate, and authorize the payment of contributions required by the town
- **Town Manager Authority:** A general statement that indicates the Town manager or other Town officer has authority within their scope of duties to take action

**Question:** *Does Council concur with the language amending the code as it relates to Retirement benefits?*

Please let me know what additional questions you have regarding these requested changes to the Town Code.

1 **FOR WORKSESSION/SECOND READING – JUNE 25**

2  
3 **NO CHANGE FROM FIRST READING**

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

6  
7  
8 COUNCIL BILL NO. 23

9  
10 Series 2013

11  
12 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 10 OF  
13 TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN EMPLOYEE  
14 RETIREMENT PLANS

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

18  
19 Section 1. Chapter 10 of Title 1 of the Breckenridge Town Code, entitled “Employee’s  
20 Retirement Plan”, is repealed and readopted with changes so as to read in its entirety as follows:

21  
22 **CHAPTER 10**

23  
24 **EMPLOYEE’S RETIREMENT PLANS**

25  
26 **SECTION:**

27  
28 **1-10-1: Employee Retirement Plans Authorized**

29 **1-10-2: Town Manager Retirement Plan**

30 **1-10-3: Required Plan Provisions**

31 **1-10-4: Employer Contributions**

32 **1-10-5: Ratification Of Prior Acts:**

33  
34 **1-10-1: EMPLOYEE RETIREMENT PLANS AUTHORIZED: The Town**  
35 **Manager is authorized to enter into one or more retirement plans for the**  
36 **Town’s regular employees.**

37  
38 **1-10-2: TOWN MANAGER RETIREMENT PLAN: In addition to other**  
39 **employee retirement plans entered into on behalf of the Town pursuant to**  
40 **Section 1-10-1, the Town may agree as part of an employment contract to**  
41 **enter into a separate retirement plan for the use and benefit of the Town**  
42 **Manager.**

43  
44 **1-10-3: REQUIRED PLAN PROVISIONS: Any employee retirement plan**  
45 **entered into on behalf of the Town pursuant to this Chapter shall describe,**



1 without limitation, those Town employees who are eligible to participate in  
2 the plan; the requirements for an employee to participate in the plan; the  
3 vesting of benefits under the plan; the amount of any contributions required  
4 by the employee and the Town; the factors to be considered in determining  
5 the amount of the Town's contribution to the plan; and other provisions  
6 determined to be necessary or desirable by the Town.

7  
8 1-10-4: EMPLOYER CONTRIBUTIONS: The Town Council shall annually  
9 budget, appropriate, and authorize the payment of any contribution required  
10 of the Town under an employee retirement plan entered into on behalf of the  
11 Town pursuant to this Chapter.

12  
13 1-10-5: RATIFICATION OF PRIOR ACTS: All actions taken by the Town  
14 Manager or any other Town officer or employee acting within the course and  
15 scope of their employment with respect to any retirement plan for Town  
16 employees or officers is ratified, confirmed, and approved.

17  
18 Section 2. 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 3. The Town Council hereby finds, determines and declares that it has the power  
22 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article  
23 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

24  
25 Section 4. This ordinance shall be published and become effective as provided by  
26 Section 5.9 of the Breckenridge Town Charter.

27  
28 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
29 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2013. A Public Hearing shall be held at the  
30 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
31 \_\_\_\_\_, 2013, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
32 Town.

33  
34 TOWN OF BRECKENRIDGE, a Colorado  
35 municipal corporation

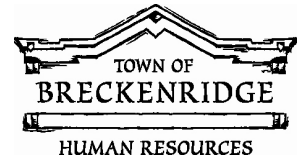
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39 By \_\_\_\_\_  
40 John G. Warner, Mayor

1 ATTEST:

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Helen Cospolich  
Town Clerk

# MEMORANDUM



**TO:** Town Council  
**FROM:** Sherilyn Gourley, HR Manager  
**DATE:** June 17, 2013  
**SUBJECT:** *Amendments to Town Code*  
*Elected Official, Planning Commission and Open Space Commission Benefits*

***There have been no changes in the proposed ordinance from the June 11, 2013 first reading. The information below was included in that council packet.***

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The Breckenridge Town Council recently recommended changes to the benefit programs for future Elected Officials, Planning Commission (PC) and Breckenridge Open Space Advisory Commission (BOSAC). This memorandum summarizes the amendments to Town Code that are necessary to support these changes.

## **I. Elected Official Insurance – Cost of Coverage**

***Background:*** During the recent spring retreat, staff presented Council with survey data and information related to the cost of insurance coverage – or rates – for elected officials. Comparison entity insurance rates charged to elected officials were compared to the Town’s. Following that presentation, Council determined that the rates charged to Town elected officials should be consistent with the rates charged active/current/eligible Town employees. Direction was given to staff that the new insurance rates would only be available to members elected at the Town’s regular election April 2014 and in subsequent elections.

***Staff Recommendation:*** Section 1 in the attached ordinance describes the change requested by the Council.

***Question:*** *Does Council concur with the language amending the code as it relates to the costs (rates) that will be charged to future elected council members for insurance coverage?*

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## **II. PC and BOSAC Benefits**

***Background:*** During the budget retreat in the fall of 2012, the Council authorized a \$500 annual recreation benefit for PC and BOSAC appointees. However, such benefits for PC and BOSAC are not referenced in the Town Code, and should be addressed in some manner.

***Staff Recommendation:*** As recreation benefit programs can change from time to time, HR Staff recommends greater flexibility in the Code language for PC and BOSAC appointees. These amendments will enable the Town to alter recreation or similar benefits for these two commissions without further changes to Town Code. The actual benefits provided will be reflected in the Town’s policies, practices or plans as authorized by the amended code change. Section 2 in the attached ordinance applies to the Planning Commission and Section 3 applies to BOSAC.

***Question:*** *Does Council concur with the language amending the code as it relates to PC and BOSAC benefits?*

Please let me know what additional questions you have regarding these changes to the Town Code.

1 ***FOR WORKSESSION/SECOND READING – JUNE 25***

2  
3 ***NO CHANGE FROM FIRST READING***

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

7  
8 COUNCIL BILL NO. 24

9  
10 Series 2013

11  
12 AN ORDINANCE CONCERNING BENEFITS PROVIDED TO MEMBERS OF THE TOWN  
13 COUNCIL, THE PLANNING COMMISSION, AND THE OPEN SPACE ADVISORY  
14 COMMISSION

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

18  
19 Section 1. Section 1-7-1(A) of the Breckenridge Town Code is amended by the addition  
20 of a new subsection (6), which shall read in its entirety as follows:

21  
22 **6. Insurance: For those members of the Town Council elected at the Town's**  
23 **regular election to be held April 1, 2014, and for all members of the Town**  
24 **Council and the Mayor elected or appointed to office thereafter, the cost of**  
25 **participating in the Town's health insurance plans shall be the same as the**  
26 **cost paid by the active/current/eligible Town employees who participate in**  
27 **such plans.**

28  
29 Section 2. The Breckenridge Town Code is amended by the addition of a new Section  
30 2-2-10, which shall read in its entirety as follows:

31  
32 **2-2-10: BENEFITS: In addition to the compensation described in Section**  
33 **2-2-9, planning commission members shall receive such benefits from the**  
34 **Town as may be provided by from time to time by Town policies, practices,**  
35 **or plans.**

36  
37 Section 3. The Breckenridge Town Code is amended by the addition of a new Section  
38 2-4-4-1, which shall read in its entirety as follows:

39  
40 **2-4-4-1: BENEFITS: In addition to the compensation described in Section**  
41 **2-4-4, commission members shall receive such benefits from the Town as may**  
42 **be provided by from time to time by Town policies, practices, or plans.**

43  
44 Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the  
45 various secondary codes adopted by reference therein, shall continue in full force and effect.

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

Section 6. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2013. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of \_\_\_\_\_, 2013, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By \_\_\_\_\_  
John G. Warner, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich  
Town Clerk

**TO:** BRECKENRIDGE TOWN COUNCIL  
**FROM:** BRIAN WALDES, FINANCIAL SERVICES MANAGER  
**SUBJECT:** BOLT ADMINISTRATIVE LICENSE  
**DATE:** 6/14/13  
**CC:** TIM GAGEN, RICK HOLMAN

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The attached modification to the Town of Breckenridge Business and Occupational License and Tax (BOLT) Ordinance proposes the creation of a new business license category; the Administrative License. This license category will enable the Financial Services Manager to grant a business license without an associated fee in certain circumstances. This item will be up for second reading tonight.

1 **FOR WORKSESSION/SECOND READING – JUNE 25**

2  
3 **NO CHANGE FROM FIRST READING**

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

7  
8 COUNCIL BILL NO. 25

9  
10 Series 2013

11  
12 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN  
13 CODE, KNOWN AS THE “TOWN OF BRECKENRIDGE “BUSINESS AND  
14 OCCUPATIONAL LICENSES AND TAX ORDINANCE”, BY AUTHORIZING THE  
15 FINANCIAL SERVICES MANAGER TO ISSUE AN ADMINISTRATIVE BUSINESS AND  
16 OCCUPATIONAL LICENSE; ESTABLISHING THE REQUIREMENTS FOR AN  
17 ADMINISTRATIVE BUSINESS AND OCCUPATIONAL LICENSE; AND MAKING  
18 ADDITIONAL MISCELLANEOUS AMENDMENTS TO SUCH ORDINANCE

19  
20 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
21 COLORADO:

22  
23 Section 1. Section 4-1-2 of the Breckenridge Town Code is amended by the addition of the  
24 following definitions:

25  
**ADMINISTRATIVE LICENSE:** **A license issued by the Financial Services**  
**Manager pursuant to Section 4-1-8-2 of this**  
**Chapter.**  
  
**FINANCIAL SERVICES** **The Financial Services Manager of the**  
**MANAGER:** **Town, or such person’s designee.**

26  
27 Section 2. The definition of “Licensee” in Section 4-1-2 of the Breckenridge Town Code is  
28 amended to read as follows:

LICENSE: A license issued by the ~~town clerk~~ **financial**  
**services manager** pursuant to this chapter.

29  
30 Section 3. The definition of “Licensed Premises” in Section 4-1-2 of the Breckenridge  
31 Town Code is amended to read as follows:

LICENSED PREMISES: A premises for which a license has been issued





1 B. Before denying an application the ~~town clerk~~**financial services manager** shall  
2 cause a hearing to be held using the general procedures provided for the revocation  
3 of a license in section 4-1-10-1 of this chapter. In the event an application is denied,  
4 the ~~town clerk~~**financial services manager** shall deliver to the applicant a written  
5 order of denial stating the reason for denial, together with a refund of the license fee  
6 submitted with the application.  
7

8 Section 7. Section 4-1-8(A) of the Breckenridge Town Code is amended to read as  
9 follows:  
10

11 A. Public Streets And Rights Of Way: It shall be unlawful to conduct any business  
12 on the public streets or public rights of way in the town **without a permit issued**  
13 **pursuant to chapter 15 of this title, or as otherwise authorized by applicable**  
14 **law.**  
15

16 Section 8. Section 4-1-8-1 of the Breckenridge Town Code is amended to read as follows:  
17

18 4-1-8-1: SPECIAL CONDITIONS OF LICENSE; SINGLE-FAMILY  
19 ACCOMMODATION UNITS:  
20

21 A. Special Conditions: In addition to the other requirements of this chapter, the  
22 owner of a single-family accommodation unit licensed pursuant to this chapter  
23 shall, as a condition of such license, be subject to the following requirements:  
24

25 1. The motor vehicles of all occupants of the single-family accommodation unit  
26 shall be parked only on the site of the single-family accommodation unit, or in a  
27 town designated parking area located off of the site of the single-family  
28 accommodation unit. No motor vehicles shall be parked on the lawn or landscaped  
29 areas of a single-family accommodation unit, or in the public street or right of way  
30 adjacent to the single-family accommodation unit. No person shall be permitted to  
31 stay overnight in any motor vehicle which is parked at a single-family  
32 accommodation unit. Further, all motor vehicles parked at a single-family  
33 accommodation unit shall comply with the requirements and be subject to the  
34 limitations of section 9-3-11 of this code.  
35

36 2. No privately owned, nongovernmental vehicle with a passenger capacity of  
37 sixteen (16) persons or more shall be used to transport persons to or from a  
38 single-family accommodation unit, or parked upon the premises of a single-family  
39 accommodation unit.  
40

41 3. The storage and disposal of all trash and garbage from a single-family  
42 accommodation unit shall comply with the requirements of title 5, chapter 2 of this  
43 code.  
44

1 4. While occupying a single-family accommodation unit, no person shall: a) make,  
2 cause or control unreasonable noise upon the single-family accommodation unit  
3 which is audible upon a private premises that such occupant has no right to occupy  
4 in violation of subsection 6-3C-1A2 of this code, or b) violate title 5, chapter 8 of  
5 this code.  
6

7 5. No single-family accommodation unit shall be operated in such a manner as to  
8 constitute a nuisance pursuant to title 5, chapter 1 of this code.  
9

10 6. The licensee shall provide to the ~~town clerk~~ **financial services manager** the  
11 name, address and telephone number of any current management company, rental  
12 agency or other person employed or engaged by the licensee to manage, rent or  
13 supervise the single-family accommodation unit. It shall be the duty of the licensee  
14 to update such information throughout the term of the license so that the ~~town~~  
15 ~~clerk~~ **financial services manager** always has the correct and current information.  
16

17 7. At the time of the issuance of the license the licensee shall provide to the ~~town~~  
18 ~~clerk~~ **financial services manager** the name, address and telephone number of a  
19 local contact person who is authorized by the licensee to receive communications  
20 from the town concerning the single-family accommodation unit. The local contact  
21 person may be a management company, rental agent or other person employed or  
22 engaged by the licensee to manage, rent or supervise the single-family  
23 accommodation unit. The local contact person shall maintain a residence or  
24 permanent place of business within the town. The designated local contact person  
25 may be changed by the licensee from time to time throughout the term of the  
26 license. To effect such change, the licensee shall notify the ~~town clerk~~ **financial**  
27 **services manager** of the change in writing and shall, at the same time, provide the  
28 ~~town clerk~~ **financial services manager** with the name, address and telephone  
29 number of the licensee's replacement contact person. Any replacement contact  
30 person shall meet the requirements of this subsection A7.  
31

32 B. Owner Liable: Compliance with the special conditions set forth in subsection A  
33 of this section shall be the nondelegable responsibility of the owner of a  
34 single-family accommodation unit; and each owner of a single-family  
35 accommodation unit shall be strictly liable for complying with the conditions set  
36 forth in subsection A of this section.  
37

38 C. Licensee To Receive Special Conditions: At the time of the issuance of a license,  
39 the ~~town clerk~~ **financial services manager** shall provide the licensee with a copy of  
40 the special conditions set forth in subsection A of this section.  
41

42 D. Licensee To Post License And Special Conditions: The licensee shall post a  
43 copy of the license and the special conditions set forth in subsection A of this  
44 section in a conspicuous location in the single-family accommodation unit. The

1 license and the special conditions shall remain continuously posted in the  
2 single-family accommodation unit throughout the term of the license.

3  
4 E. Licensee To Provide Management Company With Special Conditions: The  
5 licensee shall provide any management company, rental agency or other person  
6 employed or engaged by the licensee to manage, rent or supervise the single-family  
7 accommodation unit with a copy of the special conditions set forth in subsection A  
8 of this section.

9  
10 F. Revocation Or Suspension Of License: The failure of the licensee of a  
11 single-family accommodation unit to comply with the special conditions set forth  
12 in subsection A of this section shall constitute grounds for the suspension or  
13 revocation of the license. Any action to suspend or revoke the license shall be  
14 conducted by the ~~town clerk~~ **financial services manager** in accordance with  
15 section 4-1-10-1 of this chapter.

16  
17 Before an action is commenced to suspend or revoke a license for a single-family  
18 accommodation unit, the ~~town clerk~~ **financial services manager** shall first provide  
19 the licensee with a written warning that an apparent violation of the special  
20 conditions of subsection A of this section has occurred, and the licensee shall be  
21 given a reasonable opportunity to cure such apparent violation. A copy of such  
22 warning notice shall also be sent to any management company, rental agency or  
23 other person employed or engaged by the licensee to manage, rent or supervise the  
24 licensed premises who has been properly identified by the licensee pursuant to  
25 subsection A6 of this section and to the local contact person identified by the  
26 licensee pursuant to subsection A7 of this section. Not more than one written  
27 warning shall be required to be sent during the term of each license.

28  
29 Section 9. Chapter 1 of Title 4 of the Breckenridge Town Code is amended by the addition  
30 of a new Section 4-1-8-2, to be entitled “Administrative License”, which shall read in its entirety  
31 as follows:

32  
33 **4-1-8-2: ADMINISTRATIVE LICENSE: The Financial Services Manager may**  
34 **issue an administrative business and occupational license to an applicant if doing so**  
35 **would be in the best interest of the Town because either: (1) the Town is the**  
36 **applicant’s only customer within the Town limits; or (2) the only location within**  
37 **the Town limits at which the applicant does business is a Town-owned facility.**  
38 **All provisions of this Chapter shall apply to an administrative business and**  
39 **occupational license issued pursuant to this Chapter unless the Financial Services**  
40 **Manager determines otherwise; provided, however, there shall be no license fee**  
41 **required in connection with such license. The Financial Services Manager may issue**  
42 **administrative regulations governing administrative business and occupational**  
43 **licenses issued pursuant to this Section.**

1  
2 Section 10. Section 4-1-10 of the Breckenridge Town Code is amended to read as follows:

3  
4 4-1-10: ADMINISTRATION AND ENFORCEMENT:

5  
6 A. Administration: The administration of the annual business licenses required by  
7 this chapter shall be vested in the ~~town clerk~~ **financial services manager** who is  
8 authorized to do the following:

9  
10 1. Collect license fees;

11  
12 2. Adopt all forms and prescribe the information to be given therein;

13  
14 3. Promulgate and enforce all reasonable rules and regulations necessary to the  
15 operations and enforcement of this chapter. **Such administrative rules and**  
16 **regulations shall be adopted in accordance with the procedures established by**  
17 **Chapter 18 of Title 1 of this Code;**

18  
19 4. Investigate and determine the eligibility of each applicant for an annual business  
20 license;

21 5. Investigate, determine and order the revocation or suspension of an annual  
22 business license for violation by the licensee of a provision of this chapter;

23  
24 6. Examine at any time those records of each licensee which the ~~town~~  
25 ~~clerk~~ **financial services manager** determines are necessary to verify license  
26 requirements provided the contents of such records shall remain confidential and  
27 not a part of the public records. (Ord. 38, Series 1986)

28 B. Enforcement: The town may seek an injunction pursuant to section 1-8-10 of  
29 this code, or other applicable law, to restrain a person from engaging in business on  
30 premises within the town who has not obtained an annual business license under  
31 this chapter or whose license is revoked or suspended, and this remedy shall be in  
32 addition to all other remedies prescribed in this chapter by law.

33  
34 C. Presumption Of Continued Use: With respect to a license issued under this  
35 chapter to the owner of an accommodation unit, the ~~town clerk~~ **financial services**  
36 **manager** shall be entitled to presume that such unit will continue to be rented as an  
37 accommodation unit in the next license year, thereby obligating such person to  
38 obtain a license for such unit under this chapter, until such time as the owner of  
39 such unit submits information to the ~~town clerk~~ **financial services manager**, under  
40 oath, which demonstrates that such unit will not be rented as an accommodation  
41 unit.

42  
43 D. Obligation To Provide Information: It shall be unlawful for any owner of real  
44 property within the town to fail or refuse to provide to the ~~town clerk~~ **financial**

1 services manager upon request information sufficient to permit the ~~town~~  
2 ~~clerk~~financial services manager to determine if such person is required to obtain a  
3 license pursuant to this chapter. Any person convicted of violating the provisions of  
4 this subsection shall be punished as provided in subsection 4-1-11B of this chapter.  
5

6 Section 11. Section 4-1-10-1 of the Breckenridge Town Code is amended to read as  
7 follows:  
8

9 4-1-10-1: SUSPENSION OR REVOCATION OF LICENSES; PAYMENT OF  
10 FINE IN LIEU OF SUSPENSION:  
11

12 A. A license issued pursuant to this chapter may be revoked by the ~~town~~  
13 ~~clerk~~financial services manager after hearing for the following reasons:  
14

- 15 1. Fraud, misrepresentation or a false statement of material fact contained in the  
16 license application;
- 17 2. Any violation of the provisions of this chapter; or
- 18 3. As to any person required to have a town sales tax license pursuant to title 3,  
19 chapter 1 of this code, proof that such license has been revoked by the finance  
20 director in accordance with section 3-1-23 of this code.  
21  
22

23 In connection with the suspension of a license, the ~~town clerk~~financial services  
24 manager may impose reasonable conditions.  
25  
26

27 B. Notice of a hearing to be held pursuant to this chapter shall be given by the ~~town~~  
28 ~~clerk~~financial services manager in writing to the licensee at the address shown on  
29 the license application, the management company, rental agency or other person  
30 employed or engaged by the licensee to manage, rent or supervise the licensed  
31 premises who has been properly identified by the licensee pursuant to subsection  
32 4-1-8-1A6 of this chapter, and to the local contact person identified by the licensee  
33 pursuant to subsection 4-1-8-1A7 of this chapter. Such notice shall set forth the  
34 grounds for the hearing, and the time and place of the hearing. Such notice shall be  
35 mailed to the licensee, the management company, rental agency or other person  
36 employed or engaged by the licensee to manage, rent or supervise the licensed  
37 premises who has been properly identified by the licensee pursuant to subsection  
38 4-1-8-1A6 of this chapter, and to the local contact person identified by the licensee  
39 pursuant to subsection 4-1-8-1A7 of this chapter, postage prepaid, at least twenty  
40 (20) days prior to the date set for the hearing. At the hearing the licensee may  
41 appear with or without counsel and present such evidence as may be relevant.  
42

43 C. In deciding whether a license should be suspended or revoked in accordance  
44 with this section, and in deciding what conditions to impose in the event of a

1 suspension, if any, the ~~town clerk~~**financial services manager** shall consider: 1) the  
2 nature and seriousness of the violation; 2) corrective action, if any, taken by the  
3 licensee; 3) prior violation(s), if any, at the licensed premises by the licensee and  
4 the effectiveness of prior corrective action, if any; 4) the likelihood of recurrence;  
5 5) all circumstances surrounding the violation; 6) whether the violation was willful;  
6 7) the length of time the license has been held by the licensee; 8) the number of  
7 violations by the licensee within the applicable twelve (12) month period; 9)  
8 previous sanctions, if any, imposed against the licensee; and 10) other factors  
9 making the situation with respect to the licensee or the licensed premises unique.

10  
11 D. If the ~~town clerk~~**financial services manager** determines after a hearing that  
12 cause exists for the imposition of a sanction against a licensee of a single-family  
13 accommodation unit pursuant to section 4-1-8-1 of this chapter, the ~~town~~  
14 ~~clerk~~**financial services manager** shall impose the following sanction against the  
15 licensee:  
16

First violation within 12 months:	Suspension of license for 30 days. Licensee may pay administrative fine of \$200.00 within 3 days of entry of suspension order in lieu of serving suspension.
Second violation within 12 months:	Suspension of license for 60 days. Licensee may pay administrative fine of \$500.00 within 3 days of entry of suspension order in lieu of serving suspension.
Third violation within 12 months:	Suspension of license for 90 days. Licensee may pay administrative fine of \$999.00 within 3 days of entry of suspension order in lieu of serving suspension.
Fourth and each subsequent violation within 12 months:	Suspension for such period of time as <del>town clerk</del> <b><u>financial services manager</u></b> may determine, not to exceed 1 year, or revocation of license. In determining what sanction to impose, the <del>town clerk</del> <b><u>financial</u></b>

services manager shall consider the factors set forth in subsection C of this section. For a fourth and each subsequent violation occurring within a 12 month period, no administrative fine may be accepted by the ~~town clerk~~ financial services manager in lieu of the licensee serving a suspension or revocation.

1 E. If a license is suspended by the ~~town clerk~~ financial services manager, upon the  
2 timely payment of the optional administrative fine as set forth above, the  
3 suspension order shall be deemed to have been satisfied. If a licensee shall elect not  
4 to pay the optional administrative fine as set forth above, the order of suspension  
5 shall become effective immediately, and no business shall be conducted by the  
6 licensee at the licensed premises during the period of suspension.  
7

8 F. If the ~~town clerk~~ financial services manager suspends or revokes a business and  
9 occupational tax license, the aggrieved licensee may appeal said suspension or  
10 revocation to the town council by filing a letter of appeal with the town manager  
11 within twenty (20) days after the date of mailing of the ~~town clerk~~ financial  
12 services manager's order of suspension or revocation. The clerk's suspension or  
13 revocation of the license shall be stayed until the appeal has been determined by the  
14 town council. The town council shall conduct a de novo hearing on the appeal at a  
15 regular or special town council meeting held within thirty (30) days of date of the  
16 filing of the letter of appeal, unless the licensee agrees to a longer time. Notice of  
17 the de novo hearing shall be given to the licensee by the ~~town clerk~~ financial  
18 services manager at least twenty (20) days before the hearing. The burden of proof  
19 in the appeal shall be on the town. At the appeal, the licensee may appear with or  
20 without counsel and present such evidence as may be relevant. The strict rules of  
21 evidence shall not apply to the de novo hearing. If the town council finds by a  
22 preponderance of the evidence that grounds for suspension or revocation of the  
23 license exist as specified in this chapter, the town council may order the license  
24 suspended or revoked; provided, however, that if the license is for a single-family  
25 accommodation unit, the town council shall adhere to the provisions of subsection  
26 D of this section. If the town council finds by a preponderance of the evidence that  
27 no grounds exist for the suspension or revocation of the license, the appeal shall be  
28 sustained, and the ~~town clerk~~ financial services manager's order of suspension or  
29 revocation shall be set aside. The town council's decision shall be final, subject to  
30 the right of the licensee to contest the matter in an appropriate court action  
31 commenced under rule 106(a)(4) of the Colorado rules of civil procedure. For  
32 purposes of determining the time limit for the commencement of an action under

1 rule 106(a)(4) of the Colorado rules of civil procedure, the town council’s decision  
2 shall be deemed to be final upon the council’s issuance of a written order of  
3 suspension or revocation of a license.  
4

5 G. A person whose license has been revoked under this section may not apply for a  
6 new license for the same premises a period of one year from the date the revocation  
7 took effect.  
8

9 H. No portion of a license fee previously paid by a licensee shall be refunded if  
10 such license is suspended or revoked.  
11

12 Section 12. Based upon the information provided to it in connection with the adoption of  
13 this ordinance by the Financial Services Manager of the Town, the Town Council finds,  
14 determines, and declares that the adoption of this ordinance will not result in a net tax revenue gain  
15 to the Town within the meaning of Article X, Section 20 of the Colorado Constitution, also known  
16 as the “TABOR Amendment.”  
17

18 Section 13. 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 14. The Town Council finds, determines, and declares that it has the power to  
22 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of  
23 the Colorado Constitution and the powers contained in the Breckenridge Town Charter.  
24

25 Section 15. This ordinance shall be published and become effective as provided by Section  
26 5.9 of the Breckenridge Town Charter.  
27

28 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
29 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2013. A Public Hearing shall be held at the  
30 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
31 \_\_\_\_\_, 2013, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.  
32

33 TOWN OF BRECKENRIDGE, a Colorado  
34 municipal corporation  
35

36 By \_\_\_\_\_  
37 John G. Warner, Mayor  
38

39 ATTEST:

40 \_\_\_\_\_  
41 Helen Cospolich  
42 Town Clerk  
43  
44

45 400-3-0\BOLT Ordinance Re Administrative License\_3 (06-13-13)(Second Reading)





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**MEMORANDUM**

**TO:** Town Council

**FROM:** Michael Mosher, Planner III

**DATE:** June 17, 2013 for meeting of June 25, 2013

**SUBJECT:** First Reading- Landmarking the Dodge Residence, 106 South Harris Street

---

Enclosed with this memo is a landmarking ordinance at first reading for Dodge Residence located at 106 South Harris Street. The property that is the subject of the ordinance is:

An Ordinance Designating Certain Real Property  
As A Landmark under Chapter 11 of Title 9 of the Breckenridge Town Code  
(Lot 4, Block 7, Yingling and Mickles Addition)

The Town Council approved the Dodge Residence; (PC#2012074) on January 8, 2013. Landmarking the structures was a condition of Development Permit approval which included the restoration the historic building. The Planning Commission approved this project on January 2, 2013 and recommended that the Town Council adopt this structure as a local landmark. This ordinance will fulfill the landmarking condition of approval for the Development Permit.

Staff notes, this property fulfilled seven of the three required criteria for locally landmarking. Staff will be available at the meeting for questions.

1                   ***FOR WORKSESSION/FIRST READING – June 25, 2013***

2  
3   COUNCIL BILL NO. \_\_\_\_

4  
5   Series 2013

6  
7                   AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK  
8   UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE  
9   (Lot 4 Block 7, Yingling and Mickles Addition)

10  
11           BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
12           COLORADO:

13  
14                   Section 1. Findings. The Town Council of the Town of Breckenridge finds and  
15           determines as follows:

16  
17                   A. Bruce Dodge and Allison Dodge own the hereinafter described real property.  
18           Such real property is located within the corporate limits of the Town of Breckenridge,  
19           County of Summit and State of Colorado.

20  
21                   B. Bruce Dodge and Allison Dodge filed an application with the Town pursuant  
22           to Chapter 11 of Title 9 of the Breckenridge Town Code seeking to have the Town  
23           designate the hereinafter described real property as a landmark (“**Application**”).

24  
25                   C. The Town followed all of procedural requirements of Chapter 11 of Title 9 of  
26           the Breckenridge Town Code in connection with the processing of the Application.

27  
28                   D. The improvements located on hereinafter described real property are more  
29           than fifty (50) years old.

30  
31                   E. The hereinafter described real property meets the “architectural” designation  
32           criteria for a landmark as set forth in Section 9-11-4(A)(1)(a) of the Breckenridge Town  
33           Code because the property:

- 34  
35                                   (i)       exemplifies specific elements of architectural style or period;  
36                                   (ii)       exemplifies style particularly associated with the Breckenridge area;  
37                                   (iii)      retains original design features, materials and/or character;

38  
39                                   and

- 40  
41                                   (iv)      The structure is on its original location or is in the same historic context  
42                                   after having been moved.

43  
44                   F. The hereinafter described real property meets the “social” designation criteria  
45           for a landmark as set forth in Section 9-11-4(A)(1)(b) of the Breckenridge Town Code  
46           because the property is associated with a notable person or the work of a notable person.

1  
2 G. The hereinafter described real property meets the “physical integrity” criteria  
3 for a landmark as set forth in Section 9-11-4(A)(3) of the Breckenridge Town Code  
4 because:

- 5  
6 (i) the property shows character, interest or value as part of the development,  
7 heritage or cultural characteristics of the community, region, state or  
8 nation and;  
9 (ii) the property retains original design features, materials or character

10  
11 H. In accordance with the requirements of Section 9-11-3(B)(3) of the  
12 Breckenridge Town Code, on May 15, 2012 the Application was reviewed by the  
13 Breckenridge Planning Commission. On such date the Planning Commission  
14 recommended to the Town Council that the Application be granted.

15  
16 I. The Application meets the applicable requirements of Chapter 11 of Title 9 of  
17 the Breckenridge Town Code, and should be granted without conditions.

18  
19 J. Section 9-11-3(B)(4) of the Breckenridge Town Code requires that final  
20 approval of an application for landmark designation under Chapter 11 of Title 9 of the  
21 Breckenridge Town Code be made by ordinance duly adopted by the Town Council.

22  
23 Section 2. Designation of Property as Landmark. The following described real  
24 property:

25  
26 Lots 25 and 26, Block 9, Abbetts Addition to the Town of Breckenridge;  
27 commonly known and described as 306 South Ridge Street, Breckenridge,  
28 Colorado 80424

29  
30 is designated as a landmark pursuant to Chapter 11 of Title 9 of the Breckenridge Town  
31 Code.

32  
33 Section 3. Police Power Finding. The Town Council finds, determines and declares that  
34 this ordinance is necessary and proper to provide for the safety, preserve the health, promote the  
35 prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and  
36 the inhabitants thereof.

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

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

45

1 INTRODUCTION, READ ON FIRST READING, APPROVED AND ORDERED  
2 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2013. A Public Hearing shall be held at the  
3 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
4 \_\_\_\_\_, 2013, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
5 Town.

6  
7 TOWN OF BRECKENRIDGE, a Colorado  
8 municipal corporation  
9

10  
11  
12 By \_\_\_\_\_  
13 John G. Warner, Mayor  
14

15 ATTEST:

16  
17  
18  
19 \_\_\_\_\_  
20 Helen Cospolich  
21 Town Clerk  
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500-106-1\Giller Residence Landmarking Ordinance (04-25-13)

**MEMO**

TO: Town Council

FROM: Town Attorney

RE: Insurance Limits Ordinance

DATE: June 18, 2013 (for June 25<sup>th</sup> meeting)

---

The Colorado Governmental Immunity Act (“Act”) limits a municipality’s legal liability for certain kinds of claims.<sup>1</sup> For many years, those limits were \$150,000 for injuries or damages to one person in a single accident, and a total of \$600,000 for injuries or damages to two or more persons in a single accident.

The Colorado legislature recently adopted, and the Governor signed into law, SB13-023. This new law significantly raises the cap on municipal liability for claims that are governed by the Act. The new law goes into effect on July 1, 2013, and applies to injuries occurring on or after such date.

The new limits of municipal liability under the Act are \$350,000 for injuries or damages to one person in a single accident and \$990,000 for injuries or damages to two or more persons in a single accident. However, in addition, the new law provides for an automatic adjustment (upward) to these new liability caps every four years based upon the percentage change in the Denver-Boulder-Greely Consumer Price Index.

The Town Code contains two provisions where a person’s obligation to provide general liability insurance for the benefit of the Town is expressly tied to the limits of liability in the Act (i.e., requires coverage only equal to the liability limits of the Act), instead of requiring a specific dollar amount of insurance coverage. Because the limits of liability under the Act will now be subject to periodic adjustment, it is my suggestion that these two Code sections be changed to require liability insurance in a fixed amount, like other Town Code sections do.<sup>2</sup>

The two Code sections in question deal with the insurance requirement for: (i) a special commercial event development permit holders under Policy 45(Absolute) of the Development Code; and (ii) persons who are granted a license to use Town property (typically, a license to place an encroachment of some kind in a Town right-of-way) under Section 11-6-8 of the Code.

In addition, I noticed that the Town Code provisions dealing with pedal busses specify a liability insurance requirement that is now less than the revised limits of liability for

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<sup>1</sup> You may recall the Act applies to “tort” claims, such as when a Town employee is claimed to have negligently operated a Town vehicle, or when the Town is alleged to have failed to properly remove ice and snow from a public street. It does not apply to federal claims, such as civil rights violations or employment discrimination claim.

<sup>2</sup> For example, the new ordinance requiring general liability insurance for certain businesses who operate on Town streets requires \$1,000,000 of coverage.

municipalities under the Act. I think the insurance requirement for a pedal bus operator should be increased to generally reflect the revised liability limits established by the new law.<sup>3</sup>

Enclosed with this memo is an ordinance that does the following:

1. Amends the Code sections dealing with the liability insurance requirements for special commercial events and Town license holders to presumptively require liability insurance with specified, fixed limits of liability of \$1,000,000, instead of liability coverage that is tied to the limits of liability for municipalities under the Act. Note that the limits of liability can be increased by the Town Manager based upon any unique liability concerns related to the special commercial event or the Town license agreement.

2. Amends the Code section dealing with the liability insurance requirement for pedal bus operators to increase the required insurance coverage to \$1,000,000 per occurrence.

I have chosen the insurance limits of \$1,000,000 for several reasons. That amount of insurance coverage is fairly common and is readily available in the insurance markets; it (currently) provides adequate insurance protection to the Town; and it is the amount of insurance coverage the Town Code requires in several other instances. The Town does require higher insurance limits for particularly high-risk events, such as a firework display.

When the current Governmental Immunity Act limits of liability are adjusted in four years it almost certainly will be necessary to consider raising the insurance coverage requirements throughout the Town Code (not just for special events, license agreements, and pedal busses), since it is probable that the first periodic adjustment to the Governmental Immunity Act limits will push the cap on Town liability above the \$1,000,000 threshold. Until that time, however, I think it makes sense to bring the liability insurance requirement for special events, license agreements, and pedal busses into sync with the Town Code's normal general liability insurance requirement.

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

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<sup>3</sup> The only permitted pedal bus operator in Town already has liability insurance coverage of \$1,000,000 per occurrence, so the proposed change of limits in the Code will not have any effect on it.

1 ***FOR WORKSESSION/FIRST READING – JUNE 25***

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

5  
6 COUNCIL BILL NO. 27

7  
8 Series 2013

9  
10 AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BRECKENRIDGE TOWN  
11 CODE CONCERNING REQUIRED INSURANCE LIMITS

12  
13 WHEREAS, Senate Bill 13-023 was recently passed by the Colorado legislature and  
14 signed into law by the Governor; and

15  
16 WHEREAS, Senate Bill 13-023 became effective July 1, 2013; and

17  
18 WHEREAS, Senate Bill 13-023 raises the limits of liability for Colorado municipalities  
19 under the Colorado Governmental Immunity Act to \$350,000 for any injury to one person in any  
20 single occurrence, and \$990,000 for any injury to two or more persons in any single occurrence;  
21 and

22  
23 WHEREAS, Senate Bill 13-023 further provides for an automatic adjustment to such  
24 limits of liability every four years; and

25  
26 WHEREAS, several provisions of the Breckenridge Town Code either require insurance  
27 coverage with limits of liability that are specifically tied to the limits of liability for Colorado  
28 municipalities established by the Colorado Governmental Immunity Act, or specifically require  
29 insurance coverage with limits of liability less than the increased limits of liability set forth in  
30 Senate Bill 13-023; and

31  
32 WHEREAS, the Town Council finds and determines that the specific insurance  
33 requirements in the Breckenridge Town Code that are less than the revised limits of liability for  
34 Colorado municipalities established by Senate Bill 13-023 should be raised as provided in this  
35 ordinance; and

36  
37 WHEREAS, the Town Council further finds and determines that the insurance  
38 requirements in the Breckenridge Town Code that are specifically tied to the Colorado  
39 Governmental Immunity Act should be revised as set forth in this ordinance.

40  
41 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
42 BRECKENRIDGE, COLORADO:

43  
44 Section 1. Section 1418(6) of Section 7-1-2 of the Breckenridge Town Code is amended  
45 to read as follows:



1  
2 (6) At all times when a pedal bus is operated on the streets within the Town the  
3 owner of a pedal bus shall maintain in effect a policy of comprehensive  
4 commercial general liability insurance with limits of liability not less than ~~One~~  
5 ~~Hundred Thousand Dollars (\$100,000) per person per claim, Three Hundred~~  
6 ~~Thousand Dollars (\$300,000) aggregate for each accident~~ **One Million Dollars**  
7 **(\$1,000,000) per occurrence**, and Fifty Thousand Dollars (\$50,000) for property  
8 damage. The Town shall be named as an additional insured under such insurance  
9 policy. An ACORD Form 27, or other certificate of insurance acceptable to Town  
10 Clerk, shall be completed by the owner's insurance agent and provided to the  
11 Town Clerk as evidence that policies prior to commencement of the operations of  
12 the pedal bus on the Town streets, and on each renewal or replacement of the  
13 policy during the time the pedal bus is being operated on the Town streets. No  
14 pedal bus may be operated on a Town street unless the required insurance is in  
15 effect and proof thereof has been provided to the Town Clerk as required by this  
16 subsection.

17  
18 Section 2. Subsection D of Section 9-1-19-45A of the Breckenridge Town Code is  
19 amended to read as follows:

20  
21 D. If a special commercial event is to be held on property owned by the Town, the  
22 nonprofit sponsor shall obtain permission to use the property from the Town  
23 manager and shall, at its cost, obtain and maintain in effect throughout the special  
24 commercial event **commercial** general liability insurance with limits of liability  
25 not less than ~~the limits of liability for governmental entities established by the~~  
26 ~~Colorado governmental immunity act, article 10 of title 24, Colorado Revised~~  
27 ~~Statutes, as amended from time to time~~ **One Million Dollars (\$1,000,000), or**  
28 **such higher limits of liability as the Town Manager may require based upon**  
29 **the nature of the special commercial event and other relevant factors.** The  
30 Town shall be named as an additional insured under such insurance policy.

31  
32 Section 3. Item D in Section 11-6-8 of the Breckenridge Town Code is amended to read  
33 as follows:

34 D. The licensee shall provide **commercial** general liability insurance insuring  
35 against losses, damages or claims arising from the licensee's use of the Town real  
36 property pursuant to a license agreement. Such insurance shall have limits of  
37 liability of not less than ~~the limits of liability established for municipalities under~~  
38 ~~the Colorado governmental immunity act, section 24-10-101 et seq., Colorado~~  
39 ~~Revised Statutes~~ **One Million Dollars (\$1,000,000), or such higher limits of**  
40 **liability as the Town Manager may require based upon the nature of the**  
41 **licensee's use of the Town real property and other relevant factors.** The Town  
42 shall be named as an additional insured under such insurance policy.

43  
44 Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the  
45 various secondary codes adopted by reference therein, shall continue in full force and effect.



**MEMORANDUM**

**To:** Town Council

**From:** Peter Grosshuesch, Director of Community Development

**Date:** June 19, 2013

**Re:** Planning Commission Decisions of the June 18, 2013, Meeting.

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**DECISIONS FROM THE PLANNING COMMISSION AGENDA OF June 18, 2013:**

**CLASS C APPLICATIONS:**

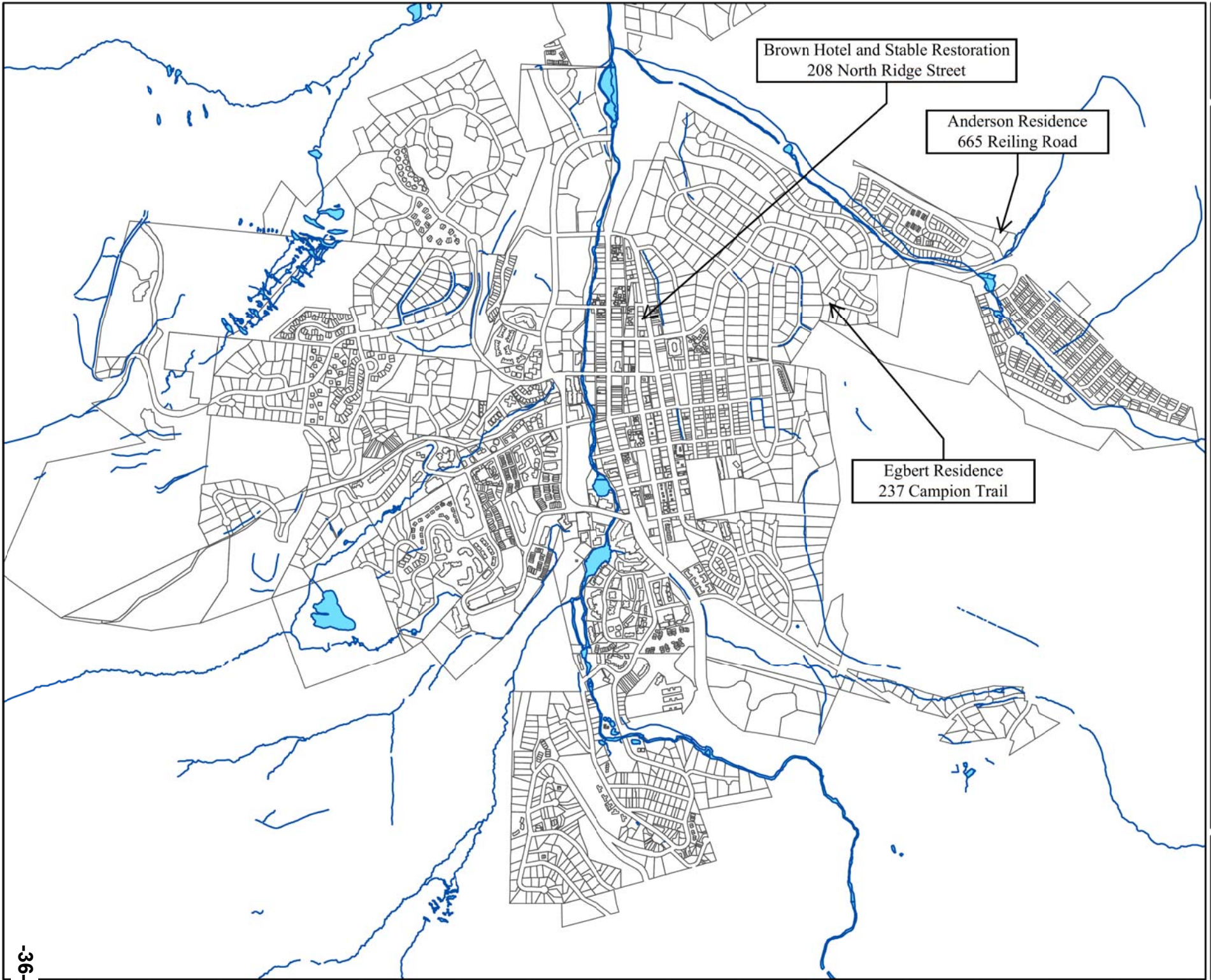
- 1) Anderson Residence (JP) PC#2013038, 665 Reiling Road  
Construction of a new, single family residence with 4 bedrooms, 4 baths, 3,723 sq. ft. of density and 3,932 sq. ft. of mass for a F.A.R. of 1:5.98. Approved.
- 2) Egbert Residence (JP) PC#2013046, 237 Champion Trail  
Construction of a new single family residence with 3 bedrooms, 3 bathrooms, 2,488 sq. ft. of density and 3,540 sq. ft. of mass for a F.A.R. of 1:5.10. Approved.

**CLASS B APPLICATIONS:**

- 1) The Brown Hotel Stable and Restaurant (MM) PC#2013  
Remove the non-historic concrete block addition to the historic hotel located on Lot 6 and future Lot 7A; restore the north wall of the hotel; restore, locally landmark the hotel and stable and add a full basement beneath the historic stable; create a connector between the hotel and stable; add handicapped access and parking from French Street to the property. Four parking spaces for the upstairs residential units are proposed on a future easement on the neighboring future Lot 7A (separate resubdivision permit).  
Approved.  
The Planning Commission also recommended the Town Council adopt an ordinance to Landmark the historic stable based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

**CLASS A APPLICATIONS:**

None.



NOT TO SCALE

printed 4/12/2011

# Breckenridge South

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



## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

### ROLL CALL

Kate Christopher            Trip Butler                    Jim Lamb  
Gretchen Dudney        Dan Schroder                Dave Pringle arrived at 7:25pm  
Jennifer McAtamney, Town Council Liaison, arrived at 7:07pm  
Mr. Mamula was absent.

### APPROVAL OF AGENDA

With no changes, the June 18, 2013 Planning Commission meeting agenda was approved unanimously (5-0).

### APPROVAL OF MINUTES

With no changes, the June 4, 2013 Planning Commission meeting minutes were approved unanimously (5-0).

### CONSENT CALENDAR:

1. Anderson Residence (JP) PC#2013038, 665 Reiling Road
2. Egbert Residence (JP) PC#2013046, 237 Campion Trail

Ms. Dudney asked if she could view the materials for the Anderson Residence on Reiling Road. Mr. Schroder said that the point analysis seemed appropriate. Ms. Christopher asked what the status of the HOA review was. (Ms. Puester: It is in process currently.) Ms. Christopher said that if the HOA is okay with it being slightly different than okay with it.

Mr. Schroder made a motion to approve the Consent Calendar as presented. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

### TOWN COUNCIL REPORT:

Ms. McAtamney: The Council decided to move forward with a ballot initiative to support our scholarship program and to do it via a property tax. We did a poll and found a strong support for the initiative at about 75% and the County also did some polling and we felt that it was very positive. It's been a long hard decision. Many preferred a sales tax originally but from a pragmatic standpoint, it was better to go with a real estate tax so that it would not impact the lodging and retail community so hard. Essentially one mill levy will be going away and this will be a smaller mill levy (\$131 on a million dollar home). People will see their tax bill decrease but not by as much as if the childcare issue did not proceed. 60% of families here use some kind of scholarship so it is a very important program for our local families.

Also at the last meeting, we finished the annexation and zoning of the Wakefield property; did some cleanup of Council rules and our sales tax numbers continue to perform very strongly. We have been pleasantly surprised, beating 2007 dollar numbers in almost all categories; the notable exception is utilities and supplies. However, we are starting to see an increase in building supplies, as you guys know.

We will be seeing the report from the hotel consultants on the F Lot at our next meeting. Yesterday we had a ground breaking at the Arts District and we are very excited about that. We will be having a ground breaking on July 6<sup>th</sup> for the Harris Street Building. The Council is very excited. Next time when I come I will speak to you about the Riverwalk Center and what the future of the Riverwalk Center and the Arts District will be; we are still working through some of that process.

Mr. Schroder: I had a neighbor express concern over the lack of vendors at the 'World Market' and was

disappointed as to how insignificant that it seemed. Maybe we should push some vitality into that.

Ms. McAtamney: That is not a Town event; that is the Main Street Station although I understand the concern. I go to the Dillon Market almost every Friday. I think that the Farmer's Market is really an asset to that community.

Lastly, on July 2nd, we are going to be taking a tour of our new sanitation facility and public works building. We are really focused on water; if you have the opportunity, pick up the Blue Revolution book. It's a review of the water crisis in the US. You'll be hearing a lot more about that as time goes on. We all read it before the retreat, and it's something that we've agreed to really work on. The rodeo starts very soon (answering a question from Ms. Dudney). We are also really excited about the ProCycling Challenge; it's going to be very exciting.

We had asked the Staff to find a way to evaluate events regarding ROI, how does it fit our needs, etc., to take an honest look at them as to how they might be enhanced. We will be looking at the initial templates for that soon.

#### **FINAL HEARINGS:**

1. The Brown Hotel and Stable Restoration (MM) PC#2012005, 208 North Ridge Street

Mr. Mosher presented a proposal to remove the non-historic concrete block addition to the historic hotel located on Lot 6 and future Lot 7A; restore the north wall of the hotel; restore, locally landmark the hotel and stable and add a full basement beneath the historic Stable; create a connector between the hotel and stable; and add handicapped access and parking from French Street to the property. Four parking spaces for the upstairs residential units are proposed on a future easement on the neighboring future Lot 7A (separate resubdivision permit).

#### **Changes from the February 7, 2012 Preliminary Hearing**

- The Town Council processed a Development Agreement (attached) with the applicant on April 9, 2013. The agreement lists a:
  1. Commitment to remove north non-historic addition and restore the north elevation of the historic Hotel.
  2. Commitment to restore the historic Stable.
  3. Commitment to pursue an individual listing of the Hotel and Stable on the National Register of Historic Places.

The Agreement also:

4. Allows the square footage of the portion of the non-historic concrete block addition on Lot 6 to be counted as existing density.
  5. Allows up to 360 square feet of additional density for the proposed connector link.
  6. Allows the waiver of all parking requirements for the non-residential uses (bar/restaurant).
  7. Allows for the subdivision of Lot 7 into two separate lots that are less than 5,000 square feet.
  8. Allows the residential parking requirements to be located on the neighboring future Lot 7B with a platted easement.
  9. Waives the open space requirement associated with the re-subdivision of Lot 7.
  10. Provides a timing requirement for any improvements for both Lot 6 and Lot 7.
- Access to the proposed kitchen below the Stable is now shown at the north end of the site through the residential parking area on the future Lot 7A.
  - The windows on the south elevation of the connector link have been changed to abide with the Design Standards of the *Handbook of Design Standards for the Historic and Conservation Districts* and the *Design Standards for the Historic District Character Area #2, North End Residential*. (The Commission was mixed on the connector link windows previously.)

- The drawings reflect additional detail on the restoration of the Hotel and Stable.

At the last meeting, the Commission was comfortable with recommending that own Council process the Development Agreement. There was also support for positive twelve (+12) points for the restoration efforts.

The agent has the following response to the design criteria:

1. The secondary structure (stable) is wider than the primary structure (hotel).
2. The upper level bathrooms, used for the hotel rooms, are housed in a preexisting addition that does not meet the criteria for a connector. Adding a narrower connector beneath would still not meet the criteria of Policy 80A.
3. As with any historic property, the building and site conditions are unique. As noted above under Item History, the Brown Hotel offered the first bath tub in Breckenridge. We're certain that toilets were located in outhouses away from the hotel. Subsequently, with any proposed improvements, modern, code compliant restrooms are required. Rather than remove historic fabric inside the hotel, the applicant is proposing to locate the restrooms in the new link.
4. The west wall of the barn, facing the hotel, has articulated historic openings that the applicant wants to preserve and protect. Adding a narrower functional connector would impact these openings. The current design has them inside the building rather than outside.
5. The existing layout of the restaurant and bar function better with the kitchen having access to the dining area without carrying meals for dining patrons through the bar. All access to the restroom can occur through the bar.

This proposal includes the following restoration and preservation efforts:

1. Removing the non-historic concrete block addition and restoring the historic wall and openings
2. Stabilizing, restoring, and adding a new foundation to the Stable (secondary structure)
3. Restoration/preservation of the Hotel and Stable, bringing the site back to its appearance at a particular moment in time within the Town's period of significance by reproducing a pure style and respecting the historic context of the site, but falling short of a pristine restoration (i.e. - this has an addition).

Staff had one question for the Commission: Did the Commission support having the Applicant submit an application for a variance from Priority Policy 80A of the *Handbook of Design Standards for the Conservation Districts*?

Ms. Janet Sutterley, Architect: I wanted to clarify a couple of things; on the density. To elaborate on what Mr. Mosher explained with the approved Development Agreement the density increase was for the connector, above what is on the site already is all below grade. Visually, the above ground density is a 'wash'. Also as a reminder, there is nothing being done in the interior of the hotel, all of the improvements and restoration is all outside. The Stable is being restored and the interior rehabilitated for another use. We are showing restoration of the hotel window openings; most are in pretty good shape but some need repaired/replaced. We are working towards submitting to the National Register for landmarking. Their criteria is that 3 out of the 4 sides of the buildings remain unchanged in order to meet the historic criteria. We were meeting the setback criteria for the length connector (regarding the connector); there were 3 additional openings being protected on the Stable.

Ms. Dudney opened the hearing to public comment.

Mr. Lee Edwards, property owner a block away: I would like to see the existing building and property to the north of Lot 7 as a reference point. To follow up on what Ms. Sutterley was saying, there is no work to be done on the non-historic two story element on the hotel, remaining just as it is, right? (Ms. Sutterley: Yes that is correct; only the two windows will be changed to be historically compliant. Ms. Sutterley: Pointed out the

two windows.) The status of the footprint lots itself; is it not approved yet? (Ms. Dudney: The condition of this portion is part of the Development Agreement and not part of tonight's review.) Let me refine that. The residences? (Ms. Dudney: No, those are not part of our discussion tonight.) The stone chimney is going to remain? (Ms. Dudney: Yes.) What are the stables going to be used for? (Ms. Sutterley: They are envisioning a place for expansion of the bar and restaurant needs, small weddings, things like that.) I'm trying to verify that this Application does not deal with the residences. I didn't get a chance to read all of the comments; what will happen to the rest of the property? (Mr. Mosher: Any future applications would be after this. The applicant needs to subdivide the property to pay for the restoration so the subdivision will come in shortly after this approval.) (Ms. Dudney: But there is no condition that they build that now. It is all in the Development Agreement) So, the parking lot might stay for the next 10 years, just like it is.

Ms. Monique Merrill, 212 North Ridge Street: I loved hearing about the restoration being done to the ground; but I'm concerned about the parking lot. If it all goes away. Are we losing the lot now? (Mr. Mosher: At this point the Development Agreement has given them the right to develop two homes where people park now.) (Ms. Dudney: You can kind of see on the drawing the residential footprints are just theoretical.) This second step might happen first (sell the property, and then the restoration). (Mr. Mosher: The historic restoration is primary, and in order to fund it, the land needs to be sold. It is best if you could review the attached Development Agreement. I'll send you a copy of the Development Agreement if you like and explain it after the meetings.) Do you know the timeline for any construction? (Mr. Mosher: These are details that will come forward during Development Review.) (Ms. Dudney: The houses could be years down the road.)

Allen Peterson (married to Monique Merrill), 212 North Ridge Street: So, there is obviously a lot of parking that is there; most evenings the lot is completely full with overnight parking. That lot will no longer exist, and two additional residences added, where are they supposed they park? (Mr. Mosher: The residential parking will be on-site in garages. The four spaces for the hotel are on Lot 7A with an easement. Right now, Mr. Cavanaugh owns this property and there is no real parking lot, just open dirt; also, with the Development Agreement, the town is providing the parking needs for the commercial and bar needs in the service area. There are also plans to add parking on Ridge Street).

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

*Commissioner Questions / Comments:*

Mr. Pringle: I appreciate your changing the wall of glass to the windows; I think the Town Council has worked very hard to come to an Agreement which allows this to go forward. I'm glad to see this, which preserves the hotel's state. Would we entertain a Variance? I certainly would; it's a solution that needs to happen and the circumstances weren't caused by the Applicant.

Mr. Schroder: The connector doesn't meet the policy criteria; I agree with Mr. Pringle, it makes me feel better that the fabric is there; it is a hardship borne by circumstances.

Mr. Lamb: I agree with everything that has been said; I agree with the connector link; it might not be exactly what the code says but we are doing the right thing.

Ms. Dudney: I agree both with the variance and the design.

Mr. Butler: I agree, although I liked the glass connector personally.

Ms. Christopher: I agree with the variance and I'm glad that we changed the glass on the connector to be historic in appearance.

Ms. Christopher made a motion to approve the point analysis for the Brown Hotel and Stable Restoration, PC#2012005, 208 North Ridge Street. Mr. Pringle seconded, and the motion was carried unanimously (6-0).



Ms. Christopher made a motion to approve the Brown Hotel and Stable Restoration, PC#2012005, 208 North Ridge Street, with the presented Findings and Conditions. Mr. Pringle seconded, and the motion was carried unanimously (6-0).

Ms. Christopher made a motion to recommend the Town Council adopt an ordinance to Landmark the historic stable based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance. Mr. Pringle seconded, and the motion was carried unanimously (6-0).

**OTHER MATTERS:**

Ms. Puester asked to confirm there will be a quorum on July 2. A raise of hands showed there would be.

**ADJOURNMENT:**

The meeting was adjourned at 7:55pm.

---

Gretchen Dudney, Chair



## 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, unless otherwise noted.*

### JUNE 2013

Tuesday, June 25, 2013; 3:00/7:30 pm Second Meeting of the Month

### JULY 2013

Tuesday, July 2, 2013; 2:00 pm Water Plant Tour

Thursday, July 4, 2013; 9:00 am Fourth of July Parade/Firecracker 50 Bike Race

Saturday, July 6, 2013; 10:00 am Harris Street Building Groundbreaking Ceremony

Tuesday, July 9, 2013; 3:00/7:30 pm First Meeting of the Month

Friday, July 19, 2013; 8:00-9:00 am; TBD Coffee Talk

Tuesday, July 23, 2013; 3:00/7:30 pm Second Meeting of the Month

Wednesday, July 24, 2013; 7:30 pm; Riverwalk Center Town Board/Commission Recognition NRO Concert

### AUGUST 2013

Tuesday, August 13, 2013; 3:00/7:30 pm First Meeting of the Month

Tuesday, August 20, 2:30-4:30 pm USA Pro Challenge Stage 2 Breckenridge Finish Ceremony

Wednesday, August 21, 11:00 am–12:00 pm USA Pro Challenge Stage 3 Breckenridge Start Ceremony

Tuesday, August 27, 2013; 3:00/7:30 pm Second Meeting of the Month

### OTHER MEETINGS

1 <sup>st</sup> & 3 <sup>rd</sup> Tuesday of the Month; 7:00 p.m.	Planning Commission; Council Chambers
1 <sup>st</sup> Wednesday of the Month; 4:00 p.m.	Public Art Commission; 3 <sup>rd</sup> floor Conf Room
2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday of the Month; 1:30 p.m.	Board of County Commissioners; County
2 <sup>nd</sup> Thursday of every other month (Dec, Feb, Apr, June, Aug, Oct) 12:00 noon	Breckenridge Heritage Alliance
2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday of the month; 2:00 p.m.	Housing/Childcare Committee
2 <sup>nd</sup> Thursday of the Month; 5:30 p.m.	Sanitation District
3 <sup>rd</sup> Monday of the Month; 5:30 p.m.	BOSAC; 3 <sup>rd</sup> floor Conf Room
3 <sup>rd</sup> Tuesday of the Month; 9:00 a.m.	Liquor Licensing Authority; Council Chambers
4 <sup>th</sup> Wednesday of the Month; 9:00 a.m.	Summit Combined Housing Authority
4 <sup>th</sup> Wednesday of the Month; 8:30 a.m.	Breckenridge Resort Chamber; BRC Offices
4 <sup>th</sup> Thursday of the Month; 7:00 a.m.	Red White and Blue; Main Fire Station
3 <sup>rd</sup> Monday of the Month; 1:00 p.m.	Breckenridge Marketing Advisory Committee; Breck PD Training Room

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