



**TOWN OF
BRECKENRIDGE**

Town Council Regular Meeting

Tuesday, December 12, 2023, 7:00 PM

Town Hall Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE IS HOLDING HYBRID MEETINGS. This meeting will be held in person at Breckenridge Town Hall and will also be broadcast live over Zoom. Login information is available in the calendar section of our website: www.townofbreckenridge.com. If you will need special assistance in order to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 547-3127, at least 72 hours in advance of the meeting.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

A. TOWN COUNCIL MINUTES - NOVEMBER 28, 2023

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

A. PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

V. CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2023

VI. NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2023

1. *COUNCIL BILL NO. 42, SERIES 2023 - AN ORDINANCE OF THE TOWN OF BRECKENRIDGE SETTING FORTH THE ANNUAL SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023*
2. *COUNCIL BILL NO. 43, SERIES 2023 - AN ORDINANCE CONCERNING THE LEASING OF THE BRECKENRIDGE PROFESSIONAL BUILDING*
3. *COUNCIL BILL NO. 44, SERIES 2023 - FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO LENGTHEN THE TERM OF ELECTION COMMISSIONERS FROM TWO YEARS TO FOUR YEARS*
4. *COUNCIL BILL NO. 45, SERIES 2023 - FOR AN ORDINANCE SUBMITTING TO A*

VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO REMOVE THE RESIDENCY AND ELECTOR REQUIREMENT FOR MEMBERSHIP ON PERMANENT BOARDS AND COMMISSIONS

B. RESOLUTIONS, SERIES 2023

1. *RESOLUTION NO. 23, SERIES 2023 - A RESOLUTION PROVIDING TOWN ATTORNEY ASSISTANT FOR MUNICIPAL PROSECUTION AND ESTABLISHING RATES*

C. OTHER

1. *LIQUOR AND MARIJUANA LICENSING AUTHORITY APPOINTMENTS*
2. *BRECKENRIDGE EVENTS COMMITTEE APPOINTMENT*
3. *BRECKENRIDGE SOCIAL EQUITY ADVISORY COMMISSION APPOINTMENTS*

VII. PLANNING MATTERS

- A. PLANNING COMMISSION DECISIONS

VIII. REPORT OF TOWN MANAGER AND STAFF

IX. REPORT OF MAYOR AND COUNCIL MEMBERS

- A. CAST/MMC (Mayor/Town Manager)
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (Bergeron)
- C. BRECKENRIDGE TOURISM OFFICE (Carleton)
- D. BRECKENRIDGE HISTORY (Saade)
- E. BRECKENRIDGE CREATIVE ARTS (Rankin)
- F. CML ADVISORY BOARD UPDATE (Saade)
- G. CHILD CARE ADVISORY COMMITTEE (Beckerman)
- H. SOCIAL EQUITY ADVISORY COMMISSION (Saade)

X. OTHER MATTERS

XI. SCHEDULED MEETINGS

- A. SCHEDULED MEETINGS FOR DECEMBER 2023 AND JANUARY 2024

XII. ADJOURNMENT

D) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of November 28, 2023, to order at 7:00pm. The following members answered roll call: Todd Rankin, Carol Saade, Jeffrey Bergeron, Dick Carleton, Jay Beckerman, Kelly Owens and Mayor Eric Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – November 14, 2023

With no changes or corrections to the meeting minutes of November 14, 2023, Mayor Mamula declared they would stand approved as presented.

III) APPROVAL OF AGENDA

Town Manager Rick Holman stated there was one change to the agenda, which was to pull Council Bill No. 41, Series 2023 from this agenda.

Mayor Mamula declared the agenda approved as amended.

IV) COMMUNICATIONS TO COUNCIL

A) PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

Mayor Mamula opened Public Comment.

There were no comments and Mayor Mamula closed Public Comment.

B) BRECKENRIDGE TOURISM OFFICE UPDATE

Lucy Kay, Director of the BTO, stated Thanksgiving was busy, up 6% over 2022, and November is up 12% over 2022. She stated December and January are flat, with February and March trending slightly down at this point. She also stated the Christmas holiday is up 8% with the Average Daily Rate at almost \$900/night. Kay stated the BTO is in event planning mode with the Lighting of Breckenridge, Santa Race, and Dog Parade. Also, the Ullr Parade is December 7th and it will be the 60th anniversary of this event. She stated the parade will include Denver sports team mascots, and a Lighted car, and the bonfire will take place after. Kay stated the Snow Sculpture Championships will take place at the end of January, including weekend reservations, and thanks to the Ski Resort for making snow on Peak 9 for this event. She stated they have received summer data from guests with feedback about parking and transit. Also, the resident sentiment surveys are out now and that data will be presented at the second Council meeting in January.

C) BRECKENRIDGE SKI RESORT UPDATE

Jon Copeland, COO of Breckenridge Ski Resort, stated he came here in 2019 and is excited about this new role. He stated resort priorities will remain unchanged, and the season kicked off recently, including the opening of the new Five Chair. He stated the resort auctioned off the old chairs and donated \$50,000 to FIRC. Also, snow is challenging at the moment, and they have made changes to how they have traditionally operated, including adjusting opening time. Copeland stated that on December 8th they will open Peak 7, and the resort is on track to open Mercury and Rocky Mountain Superchair this weekend. He also stated they are trying to increase the availability of terrain that leads back to Town, along with messaging that no car is needed to get around Breckenridge. Copeland stated Community First Tracks begins again on Fridays, and they are looking at bringing back events like the North American Junior Ski Big Mountain Championships. Also, Pioneer Crossing will be getting rid of all plastics in that facility in an effort to try to change behavior. Copeland thanked the Town for working with the resort to make transportation system changes, and thanked the Town for its support and communication. Mayor Mamula thanked Copeland for his investment in the community and for working with the Council.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2023 - PUBLIC HEARINGS

B) COUNCIL BILL NO. 40, SERIES 2023 - AN ORDINANCE OF THE TOWN OF BRECKENRIDGE SETTING FORTH THE ANNUAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024, AND ENDING DECEMBER 31, 2024

Mayor Mamula read the title into the minutes. Tracey Lambert, Senior Accountant, stated this ordinance would set an appropriation of funds for the 2024 budget. She further stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing.
There were no public comments, and the hearing was closed.

Council Member Bergeron moved to approve AN ORDINANCE OF THE TOWN OF BRECKENRIDGE SETTING FORTH THE ANNUAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024, AND ENDING DECEMBER 31, 2024. Council Member Saade seconded the motion.

The motion passed 7-0.

VI) NEW BUSINESS

- A) FIRST READING OF COUNCIL BILLS, SERIES 2023
 - 1) COUNCIL BILL NO. 41, SERIES 2023 - AN ORDINANCE CONCERNING THE LEASING OF THE BRECKENRIDGE PROFESSIONAL BUILDING
This item was pulled from the agenda.
- B) RESOLUTIONS, SERIES 2023
- C) OTHER

VII) PLANNING MATTERS

- A) PLANNING COMMISSION DECISIONS
Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

IX) REPORT OF TOWN MANAGER AND STAFF

Reports of Town Manager and Staff were covered during the afternoon work session.

X) REPORT OF MAYOR AND COUNCIL MEMBERS

Reports of Mayor and Council Members were covered during the afternoon Work Session.

- A. CAST/MMC
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE
- C. BRECKENRIDGE TOURISM OFFICE
- D. BRECKENRIDGE HISTORY
- E. BRECKENRIDGE CREATIVE ARTS
- F. CML ADVISORY BOARD UPDATE
- G. CHILD CARE ADVISORY COMMITTEE
- H. SOCIAL EQUITY ADVISORY COMMISSION

XI) OTHER MATTERS

Other Matters were covered during the afternoon Work Session.

XII) SCHEDULED MEETINGS

- A) SCHEDULED MEETINGS FOR DECEMBER, JANUARY AND FEBRUARY

XIII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:17pm. Submitted by Helen Cospolich, Municipal Services Director and Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor



Memo

To: Breckenridge Town Council
From: Tracey Lambert, Senior Accountant
Date: December 6th, 2023 (for the December 12th meeting)
Subject: 2023 Supplemental Budget Appropriation

The Town Council approves a budget each year. From time to time, it is necessary to make changes to the budget as circumstances necessitate. This appropriation is being submitted based upon review of November year to date actuals and December projections by Fund. Any Fund with expenses over the 2023 Adopted Budget is included in this appropriation.

Please find below the ordinance appropriating the funds required for the Adopted Budget 2023. The ordinance is submitted for first reading.

FUND	REVENUE	EXPENSE	RESTRICTIONS	NOTES
HEALTHCARE BENEFITS #18		\$750,000		Expense: \$750,000: Anticipated UMR payments for variable medical costs
PARKING & TRANSPORTATION #17		\$500,000		Expense: \$500,000: Interstate Parking Management fees-increase due to budgeting error
SPECIAL PROJECTS #13		\$121,000		Expense: \$100,000: Summit County Rescue grant Expense: \$21,000: Breck Create Paley Sculpture repair
AFFORDABLE HOUSING FUND #7	(\$338,192)	\$3,734,249	(\$3,396,057)	Revenue: \$338,192: Excise Fund transfer to offset Expense and Restriction changes Expense: \$300,000: Housing Helps-Summit County reimbursement recognized as revenue Expense: \$1,600,000: Stables-Timing budgeted in 2024 Expense: \$1,834,249: Reclass Assets Held for Resale for units with no intention of selling Restriction: (\$1,834,249): Reclass Assets Held for Resale for units with no intention of selling Restriction: \$3,555,679: Assets Held for Resale units with planned sell date of 2024 Restriction: (\$1,000,728): Alta Verde I loan update of DOLA grant payment Restriction: (\$4,061,218): Alta Verde II loan payments budgeted in 2024 Restriction: (\$55,541): Pinewood 2 loan principal payment
EXCISE FUND #6		\$338,192		Expense: \$338,192: Affordable Housing transfer to offset Expense and Restriction changes
GOLF #5		\$50,000		Expense: \$50,000: Pro shop merchandise
TOTAL	\$ (338,192)	\$ 5,493,441	\$ (3,396,057)	

COUNCIL BILL NO. XX

Series 2023

AN ORDINANCE OF THE TOWN OF BRECKENRIDGE SETTING FORTH THE ANNUAL SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023

WHEREAS, at the direction of the Town of Breckenridge Council, the Town Manager has prepared and submitted a proposed budget for the fiscal year beginning January 1, 2023, and ending December 31, 2023, to the Town Council; and

WHEREAS, in accordance with the municipal charter, § 5.8, the Town Council hereby appropriates to the various funds as hereinafter stated to be used for the purpose for which these funds were created and exist.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE THAT:

1. Town Council hereby approves the ordinance appropriating supplemental expenditure of the Town of Breckenridge for the year beginning January 1, 2023, and ending December 31, 2023, to the various funds as hereinafter stated to be used for the purpose for which these funds were created and exist.

FUND	REVENUE	EXPENSE	RESTRICTIONS
HEALTHCARE BENEFITS FUND #18		\$750,000	
PARKING & TRANSPORTATION FUND #17		\$500,000	
SPECIAL PROJECTS FUND #13		\$121,000	
AFFORDABLE HOUSING FUND #7	(\$338,192)	\$3,734,249	(\$3,396,057)
EXCISE FUND #6		\$338,192	
GOLF FUND #5		\$50,000	
TOTAL	(\$338,192)	\$5,493,441	(\$3,396,057)

2. The amounts set forth above and in the annual budget of 2023 as approved by Resolution No. _____, Series of 2023, are hereby appropriated to the uses stated and the Town Manager has the authority to expend the amounts shown for the purposes stated.

3. 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 12th day of December 2023.

ATTEST:

TOWN OF BRECKENRIDGE

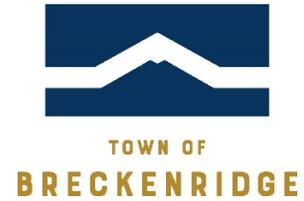
Helen Cospolich, Town Clerk

Eric Mamula, Mayor

APPROVED IN FORM

Town Attorney

Date



Memo

To: Town Council
From: Scott Reid, Deputy Town Manager
Date: 12/4/2023 (for 12/12/23 Town Council meeting)
Subject: Ordinance to Approve USBank Lease Renewal (First Reading)

USBank is a reliable tenant in good standing seeking to renew their lease in the Breckenridge Professional Building. Per Town Code, a lease renewal for a duration of more than one year must be approved by ordinance.

Attached, please find the ordinance approving the Fourth Amendment to the USBank lease, which would renew the lease for two years (June 1, 2024 – May 31, 2026) with an annual cost escalation as outlined in the ordinance. USBank will also have the option to extend the lease term once for a period of one (1) year. All other lease provisions are proposed to remain the same, including Section 2 in which "Operational Costs" (including common area maintenance and insurance) are prorated based on the square footage of the leased space.

Staff will be available Tuesday to answer any questions about this lease renewal.

1 COUNCIL BILL NO. __
2

3 Series 2023
4

5 **AN ORDINANCE APPROVING AN AMENDMENT TO A LEASE OF THE**
6 **BRECKENRIDGE PROFESSIONAL BUILDING.**
7

8 WHEREAS, the Town owns the real property commonly known as the Breckenridge
9 Professional Building (“Professional Building”) located at 130 Ski Hill Road, Breckenridge,
10 Colorado;

11 WHEREAS, the Town has leased the Professional Building to U.S. Bank National
12 Association (“U.S. Bank”) in a Lease Agreement dated May 7, 1997, which has been amended
13 as follows: First Amendment to Lease dated November 28, 2006, Second Amendment to Lease
14 dated April 19, 2013, and Third Amendment to Lease dated November 25, 2020 (collectively,
15 the “Lease”);

16 WHEREAS, the Town Council desires to approve a fourth amendment to the Lease with
17 U.S. Bank for a term of two years and further grants U.S. Bank an option to extend the term of the
18 Lease for an additional one (1) year period;

19 WHEREAS, Section 1-11-4 of the Breckenridge Town Code requires that leases of Town
20 real property longer than one year must be approved and authorized by ordinance;

21 WHEREAS, in the event U.S. Bank exercises its option to renew the lease for an additional
22 one-year period, the Town Manager is authorized to execute an amendment upon the terms and
23 conditions set forth in the Fourth Amendment to the lease.

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

26 Section 1. Town Council hereby approves the Fourth Amendment to the lease
27 between the Town of Breckenridge and U.S. Bank National Association, a copy of which is
28 attached hereto as **Exhibit A**.

29 Section 2. This ordinance shall be published and become effective as provided by
30 Section 5.9 of the Breckenridge Town Charter.

31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
32 PUBLISHED IN FULL this 12th day of December 2023. A Public Hearing shall be held at the
33 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of
34 _____, 2024, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building
35 of the Town.

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TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

FOURTH AMENDMENT TO LEASE

THIS FOURTH AMENDMENT TO LEASE (the “Amendment”) is made as of _____, 2023, between the **Town of Breckenridge**, as successor in interest to Breckenridge Professional Building, LLC (“Landlord”) and **U.S. Bank National Association**, a national banking association (“Tenant”).

- A. Pursuant to the Lease Agreement dated as of May 7, 1997, First Amendment to Lease dated November 28, 2006, Second Amendment to Lease dated April 19, 2013, and Third Amendment to Lease dated November 25, 2020 (collectively, the “Lease”), Landlord leased to Tenant approximately 1,892 square feet of space in the Breckenridge Professional Building located at 130 Ski Hill Road, Breckenridge, Colorado, 80424, as more particularly described in the Lease (the “Premises”).
- B. Landlord and Tenant desire to amend the Lease to alter certain provisions thereof on the terms and conditions hereinafter set forth.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

- 1. **Lease Term.**
 - a. The Lease Term is hereby extended for a period of two (2) years commencing on June 1, 2024, and expiring on May 31, 2026 (the “Fourth Amendment Term”).
 - b. Tenant shall have one (1) option to extend the Lease Term for a period of one (1) year. In order to exercise the option, Tenant shall give Landlord written notice not less than six (6) months prior to the end of the then current term. All terms and conditions shall remain the same during the extension term, with the exception of base rent which shall be as set forth in Section 3 below.
- 2. **Premises.** The parties agree that the Premises and the Building have been remeasured, and that effective as of June 1, 2024:
 - a. the Premises shall be deemed to contain 1,918 rentable square feet,
 - b. the Building shall be deemed to contain 17,489 rentable square feet.
 - c. Tenant’s Fraction of Operating Costs shall remain at 11%.
- 3. **Minimum Rent:** The Minimum Rent payable for the Second Amendment Term shall be payable as follows:

<u>Period</u>	<u>Monthly Minimum Rent</u>
06.01.2024 – 05.31.2025	\$5,434.33
06.01.2025 – 05.31.2026	\$5,597.36
06.01.2026 – 05.31.2027*	\$5,765.28

*if exercised pursuant to Section 1(b) above.

4. **Authority.** Landlord and Tenant each represents and warrants that it has all the necessary approvals and authority to enter into this Amendment and shall indemnify and hold each other harmless for any breach of this representation and warranty.

5. **No Existing Defaults.** Landlord and Tenant represent that there are currently no defaults by either party under the Lease.

6. **Counterparts.** This Amendment may be executed in two or more identical counterparts and delivered by facsimile or by .pdf or other comparable electronic format, with the same force and effect as if all required signatures were contained in a single, original instrument.

7. **Ratification.** All of the terms of the Lease, as amended hereby, are hereby ratified and confirmed.

8. **Defined Terms.** Unless otherwise stated, all capitalized words in this Amendment that are not normally capitalized shall have the meaning ascribed in the Lease.

[Remainder of page intentionally left blank. Signature page follows.]

WHEREFORE, Landlord and Tenant have executed this Amendment as of the date first above written.

LANDLORD:

Town of Breckenridge

By: _____
Print Name: _____
Title: _____

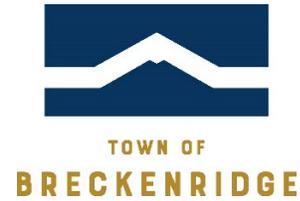
ATTEST:

By: _____
Print Name: _____
Title: _____

TENANT:

U.S. Bank National Association

By: _____
Print Name: _____
Title: _____



Memo

To: Breckenridge Town Council Members
From: Shannon Haynes, Deputy Town Manager
Date: 12/7/2023
Subject: Proposed Charter Amendment – Election Commissioner Terms

Section 3.5 of Town Charter requires the Council to appoint two electors to serve as Election Commissioners. This appointment is to take place every two (2) years in May, after the regular municipal election. The Town Clerk serves as the Chair of the Election Commission. The purpose of the Election Commission is to oversee the conduct of Town elections. The Election Commission will provide for ballots and sample ballots, voting machines or electronic voting equipment for determination of the winner by lot in the event of a tie vote, for canvass of returns and for the issuance of appropriate certificates. It will also provide procedures to establish proof of residency qualification where residency is in question.

This Council Bill proposes amending the Charter to set each Election Commissioner term at four (4) years. By extending the term length from two (2) to four (4) years, the Election Commissioners will be able to exercise valuable experience and knowledge over multiple election cycles.

This bill would set the Charter amendment question and ballot title for the April 2, 2024 Regular Municipal Election. A majority vote by the Town's registered electors is required to adopt the revised proposed charter amendment.

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO LENGTHEN THE TERM OF ELECTION COMMISSIONERS FROM TWO YEARS TO FOUR YEARS.

WHEREAS, election commissioners fill an essential role in the Town of Breckenridge municipal election process;

WHEREAS, there is a need to have commissioners who have experience and understanding of the election process; and,

WHEREAS, lengthening the term of election commissioners would allow for appointees to serve two election cycles.

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE:

Section 1. There is hereby submitted to the registered electors of the Town of Breckenridge for their approval or rejection at a regular municipal election to be held on April 2, 2024, a proposed amendment to the Charter of the Town of Breckenridge, as follows:

Effective upon publication and filing with the Secretary of State in accordance with the Constitution and laws of the State of Colorado, the following section of the Charter of the Town of Breckenridge is amended to read as follows:

Section 3.5

ELECTION COMMISSION:

An election commission is hereby created, consisting of the town clerk and two electors of the town. Neither of the two electors during their term of office shall be town officers or employees or candidates or nominees for elective town office. These two electors shall be appointed by the council in May following a regular town election, for a term of ~~two~~ four ~~(2)~~ (4) years and shall serve without compensation.

The town clerk shall be ~~chairman~~ chairman of the election commission. The election commission shall have charge of all activities and duties required of it by statute and this charter relating to the

1 conduct of elections in the town. In any case where election procedure is in doubt, the election
2 commission shall prescribe the procedure to be followed.

3
4 The commission shall provide procedures to establish proof of residency qualification where
5 residency is in question. Upon a showing for good cause, the election commission may require
6 proof of residency by any person registered to vote or attempting to register to vote in the town
7 of Breckenridge. Said person shall not be qualified to vote in any municipal election until the
8 election commission is satisfied that he has presented sufficient proof of residency as required
9 by statute or ordinance adopted pursuant to this charter.

10
11 The election commission shall provide for ballots and sample ballots, voting machines or
12 electronic voting equipment for determination of the winner by lot in the event of a tie vote, for
13 canvass of returns and for the issuance of appropriate certificates.

14 **Section 2.** The ballot shall contain the following title and submission clause:

15

16 **REFERRED QUESTION _____**

17

18 **Shall section 3.5 of the Charter of the Town of Breckenridge be amended to**
19 **lengthen the term of election commissioners from two years to four years?**

20

21 **Section 3.** The proper officials of the Town of Breckenridge as charged with duties
22 relating to the election shall, before the election, issue such calls, make such certifications and
23 publications, give such notices, make such appointments, and do all such other acts and things
24 in connection with the submission of this Charter amendment to the registered electors of the
25 Town of Breckenridge at the election as are required by the Constitution and laws of the State
26 of Colorado and the Charter and ordinances of the Town of Breckenridge.

27 **Section 4.** The ballots cast at such election shall be canvassed and the results
28 ascertained, determined, and certified in accordance with the requirements of the Constitution
29 and laws of the State of Colorado and the Charter and ordinances of the Town of Breckenridge.

30 **Section 5.** If any section, paragraph, clause, or other portion of this ordinance is
31 held to be invalid or unenforceable for any reason, the validity of the remaining portions of this
32 ordinance shall not be affected.



Memo

To: Town Council
From: Kirsten J. Crawford, Town Attorney
Date: December 12, 2023
Subject: Charter Amendment for Criteria for Appointment to Permanent Boards and Commissions

The Council is presented with a bill for an ordinance amending section 9.5 of the Charter that limits appointment to permanent boards and commissions solely to residents and electors of the Town. The bill also fixes section 9.2 of the Charter as the criteria for the Planning Commission and Election Commission will not be altered by this amendment both of which require appointees to be residents and electors. This bill would set the Charter question and ballot title for the April 2, 2024, regular municipal election. A majority vote by the Town’s registered electors is required to adopt the revised proposed Charter amendment.

Staff has determined that there are challenges with recruitment of diverse candidates to be considered for appointment to Town boards and commissions, specifically to the Town advisory boards including Breckenridge Social Equity Advisory Commission, Breckenridge Childcare Advisory Commission and Breckenridge Events Committee. Staff has further determined that there are benefits to including nearby residents on these boards as they are impacted by the Town’s programs. Thus, staff proposes that the Charter be amended to delete that limitation in the Charter. If the measure passes, staff will present Council with a proposed municipal code amendment establishing the criteria for appointment to these three permanent boards and commissions.

The proposed amendment to sections 9.2 and 9.5 of the Charter will not alter or amend the requirements for appointment to Charter established boards such as Planning Commission and the Election Commission.

Further, staff does not recommend Council change the qualifications for the boards existing in the municipal code, including the Breckenridge open space advisory commission (see §2-4-2) and the liquor and marijuana and licensing authority (see § 2-5-3) which both require that appointees be residents and electors of the Town. Staff believes that a broader pool of will improve recruitment, retention, and promote diversity in Town boards and commissions.

1 COUNCIL BILL NO. ____

2 Series ____

3
4 **FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED**
5 **ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL**
6 **ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO**
7 **THE CHARTER OF THE TOWN OF BRECKENRIDGE TO REMOVE THE**
8 **RESIDENCY AND ELECTOR REQUIREMENT FOR MEMBERSHIP ON**
9 **PERMANENT BOARDS AND COMMISSIONS.**

10
11 WHEREAS, recruitment of diverse candidates to be considered for appointment to
12 Town boards and commissions can be challenging, specifically to the Town advisory boards
13 including Breckenridge Social Equity Advisory Commission, Breckenridge Childcare Advisory
14 Commission and Breckenridge Events Committee;

15 WHEREAS, there is a rational basis for amending the Charter, section 9.5, to broaden
16 the pool of candidates for permanent boards and commissions to include, not only residents
17 and electors of the Town, but also non-residents who are living or working within the Town of
18 Breckenridge municipal boundaries;

19 WHEREAS, the proposed amendment to section 9.5 of the Charter will not alter or
20 amend the requirements for existing boards and/or commissions established in the Charter;

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

23 **Section 1.** There is hereby submitted to the registered electors of the Town of
24 Breckenridge for their approval or rejection at a regular municipal election to be held on April
25 2, 2024, a proposed amendment to the Charter of the Town of Breckenridge, as follows:

26
27 **Effective upon publication and filing with the Secretary of State in accordance with**
28 **the Constitution and laws of the State of Colorado, the following sections of the**
29 **Charter of the Town of Breckenridge are amended to read as follows:**

30 Section 9.2

31 COMPOSITION OF BOARDS AND COMMISSIONS:

32 The following shall apply to the composition of all existing permanent boards and commissions
33 and those created by this charter or subsequently by ordinance:

34 (a) Neither the mayor nor any town employees shall serve on any such board or commission.

1 (b) No board or commission shall have more than one council member appointed to serve on
2 such board or commission.

3 (c) Terms and conditions of appointment to such boards and commissions shall be determined
4 by ordinance, except as ~~provided in section 9.3 regarding the planning commission~~ otherwise
5 provided in this charter.

6 Section 9.5 RIGHT TO ESTABLISH:

7 In addition to those boards and commissions heretofore created by ordinance or this charter,
8 council shall have the power and authority to create boards and commissions, including
9 advisory and appeal boards. All permanent boards and commissions, including advisory and
10 appeal boards, shall be created by ordinance, which shall set forth the number of members,
11 the eligibility of members, and the powers and duties delegated to such boards and
12 commissions. ~~Members shall be residents and electors of the town.~~ Initial appointments by
13 the council to any board or commission shall specify the term of office of its members in order
14 to achieve overlapping tenure. All members shall be subject to removal by the council. Each
15 board and commission shall elect its own chairman and vice-chairman from among its
16 members. Each board and commission shall operate in accordance with its own rules of
17 procedure and its meetings shall be open to the public. Any board or commission created
18 under this article which is not required by statute or this charter may be abolished by the
19 council.

20 **Section 2.** The ballot shall contain the following title and submission clause:

21

22 **REFERRED QUESTION _____**

23

24 **Shall sections 9.2 and 9.5 of the Charter of the Town of Breckenridge be**
25 **amended to remove the requirement that appointees to permanent boards**
26 **and commissions be electors and residents thereby allowing Council to**
27 **create criteria for appointment by ordinance?**

28

29 **Section 3.** The proper officials of the Town of Breckenridge as charged with duties
30 relating to the election shall, before the election, issue such calls, make such certifications and
31 publications, give such notices, make such appointments, and do all such other acts and things
32 in connection with the submission of this Charter amendment to the registered electors of the
33 Town of Breckenridge at the election as are required by the Constitution and laws of the State
34 of Colorado and the Charter and ordinances of the Town of Breckenridge.



Memo

To: Town Council
From: Town Attorney
Date: December 12, 2023
Subject: Compensation of Municipal Prosecutor

The Town Attorney is requesting that Council approve the continued service of Bob Gregory in 2024 and is recommending a 5% increase in his hourly rate as set forth in the attached resolution.

Per the Town of Breckenridge Charter, Article VIII, the Town Council has the authority to approve assistants to the Town Attorney and must establish the compensation of any such assistants. With respect to the Town Attorney's duty as the legal representative of the Town, the Town Attorney oversees the prosecution of both criminal and noncriminal infractions. Historically, the Town Council has provided the Town Attorney with one assistant who performs the function of municipal prosecution.

MUNICIPAL COURT PROSECUTOR AGREEMENT

This Agreement ("Agreement") is made and entered into this 12th day of December, 2023, by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation ("Town") and WEST HUNTLEY GREGORY P.C., a Colorado professional corporation ("Prosecutors").

The Town Attorney does hereby retain West Huntley, Gregory to act as the prosecutor in the Town's Municipal Court ("Prosecutors") for the period commencing January 1, 2024 and ending December 31, 2024. The Prosecutors shall perform the services as more fully described in Paragraph 3 of this Agreement.

1. The Prosecutor accepts agrees to perform the duties required of it as Prosecutor in a competent and professional manner.

2. The Prosecutor is retained to, and shall perform, the following duties:

A. Prosecute all matters brought in the Town's Municipal Court ("Municipal Court"), including having Robert Gregory, or another competent prosecuting attorney, appear on behalf of the Town in each session of the Municipal Court, which sessions are generally scheduled on the second and fourth Wednesday of each month, with additional sessions scheduled as required by the Municipal Court's schedule.

B. Unless otherwise requested by the Town Attorney, represent the Town in any appeals of Municipal Court matters.

C. Advise any Town officer, department head or staff member in matters relating to cases Prosecutors are handling or in cases pending before the Municipal Court.

D. Attend Town Council or other Town meetings when requested to do so by the Town Attorney.

E. Prosecute disciplinary actions against liquor licensees before the Town of Breckenridge Liquor Licensing Authority.

F. Prosecute disciplinary actions against marijuana licensees before the Town of Breckenridge Marijuana Licensing Authority.

3. As compensation for the services to be provided by the Prosecutors as set forth in Paragraph 3, the Town shall pay the Prosecutors the sum of One Hundred Forty Eight and 69/100 Dollars (\$148.69) per hour for each hour expended by the Prosecutors on matters related to the Municipal Court. Prosecutors shall also be reimbursed for all reasonable and necessary expenses which it may pay or incur on behalf of the Town in connection with Municipal Court matters including, but

not limited to, the cost of subpoenas, witness fees and photocopying costs incurred outside of Prosecutors' office, and in the event any of those expense are chargeable to any defendant, defense attorney, or other third party under the Colorado Municipal Court Rules of Procedure or through common custom, the Prosecutors agree to charge such amount to such third party, rather than seeking reimbursement for such items from the Town. It will occasionally be necessary and appropriate for the Prosecutors' paralegals or support staff to perform services on certain matters related to the Municipal Court rather than the Prosecutors, which shall be billed at a rate of Eighty Dollars (\$80.00) per hour. Computerized legal research services performed for the Town shall be billed to the Town at the same rate paid by the Prosecutors for such services, and the Town shall provide the Prosecutors with a portable laptop computer and remote access to court software. The Prosecutor shall submit to the Town Attorney on a monthly basis an itemized billing detailing all services performed for the Town during the preceding month. The Prosecutors' monthly statement for services rendered shall be mailed to the Town on or before the fifth day of each month and shall be paid by the Town not later than the 15th day of each month.

4. The Prosecutors shall not bill the Town for travel time to and from the Municipal Court. In the event that any other travel is required as part of Prosecutors' duties, such travel shall be billed at the hourly rate set forth above.

5. The Prosecutors shall at all times maintain professional liability insurance in an amount of not less than \$1,000,000.00 per claim/\$1,000,000.00 yearly aggregate.

6. The Prosecutors shall not be entitled to paid vacation, health benefits, sick leave or any other benefit paid, given or provided to Town employees; provided, however, Robert Gregory shall be granted an annual family Recreation Wellness Pass and an Employee Parking Pass.

7. The Prosecutors understand that (i) the Town will not pay or withhold any sum for income tax, unemployment insurance, Social Security or any other withholding pursuant to any law or requirement of any governmental body; (ii) Prosecutors are obligated to pay federal and state tax on any moneys earned pursuant to this Agreement; (iii) Prosecutors are not entitled to workers' compensation benefits from the Town or the Town's workers' compensation insurance carrier; and (iv) Prosecutors are not entitled to unemployment insurance benefits unless unemployment compensation coverage is provided by Prosecutors or some other entity. Prosecutors agree to indemnify and hold Town harmless from any liability resulting from Prosecutors' failure to pay or withhold state or federal taxes on the compensation paid hereunder.

The Prosecutors shall devote so much of the firm's time to the business of the Town as may be required to assure proper representation of the Town, but, subject only to the Colorado Rules of Professional Conduct, particularly Rule 1.7, the Prosecutors shall not be prevented from representing other clients which may have business with and against the Town, including, but not limited to, the Department of Community Development, the Planning Commission and the Town Council.

8. The Prosecutors understand and acknowledge that this Agreement may be terminated at any time by the Town Attorney or by action of the Town Council, without liability to the Prosecutors for breach, except liability for compensation due the Prosecutors for services performed prior to the termination, and without the need for either cause for the termination or a hearing.

9. If Prosecutors obtain actual knowledge that a subcontractor performing work under this

2022 MUNICIPAL COURT PROSECUTOR

FEE AGREEMENT

Page 2 of 4

Agreement knowingly employs or contracts with a worker without authorization, Prosecutors shall:

A. notify such subcontractor and the Town within three days that Prosecutors have actual knowledge that the subcontractor is employing or contracting with a worker without authorization; and

B. terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this section the subcontractor does not stop employing or contracting with a worker without authorization; except that Prosecutors shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with a worker without authorization.

Prosecutors shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation that the Colorado Department of Labor and Employment undertakes or is undertaking pursuant to the authority established in Subsection 8-17.5-102 (5), C.R.S.

If Prosecutors violate any provision of this Agreement pertaining to the duties imposed by Subsection 8-17.5-102, C.R.S. or this Section 13, the Town may terminate this Agreement for a breach of the contract. If this Agreement is so terminated, Prosecutors shall be liable for actual and consequential damages to the Town.

10. In the event that Robert Gregory is unavailable to attend any Municipal Court session, the Prosecutors shall find a substitute prosecutor, with the approval of the Town Attorney.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

ATTEST:

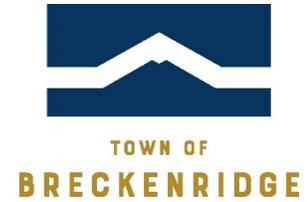
TOWN OF BRECKENRIDGE

Town Clerk

Town Attorney, Kirsten J. Crawford

WEST HUNTLEY GREGORY P.C.

By: Robert Gregory, Attorney



Memo

To: Breckenridge Town Council Members
From: Tara Olson, Deputy Town Clerk
Date: 12/12/2023
Subject: Liquor & Marijuana Licensing Authority Appointments

The Liquor & Marijuana Licensing Authority (LMLA) consists of five (5) members who are appointed by Town Council.

Current members include:

- Ace Conway, Chair
- Ashley Zimmerman, Vice-Chair
- Leigh Girvin
- Kelly Lovely
- Haley Littleton

The Authority members' terms are four (4) years. Terms are staggered and expire at the end of December in alternating, odd-numbered years. The two members whose terms expire this year are Leigh Girvin and Haley Littleton, with Leigh Girvin being term limited. We realize time is valuable and would like to thank Leigh and Haley for their time with the Liquor & Marijuana Licensing Authority!

The available volunteer Authority positions were advertised in English and Spanish in the Summit Daily News, the Summit County Journal, on the Town of Breckenridge website and on the Town of Breckenridge social media platforms.

Four (4) applications were submitted:

1. Craig Partnow
2. Garren Riechel
3. Sean Ryan Fitzsimmons
4. Austyn Dineen

Application responses are attached for your review.

Two (2) seats need to be appointed at this time. Appointment may be made by motion and a sample motion follows.

Sample Motion:

"I move that we appoint *Name* and *Name* to four-year terms on the Breckenridge Liquor & Marijuana Licensing Authority".

Liquor & Marijuana Licensing Authority Application Submissions – December 2023

1. Craig Partnow

607 Airport Rd
Breckenridge, CO 80424

Briefly describe your interest in the Liquor and Marijuana Licensing Authority.

I don't have much interest, if at all, in either subject but it sounds like a fantastic and very interesting opportunity.

Briefly describe how your background will add to the ability of this authority to effectively evaluate liquor and marijuana licensing applications and other related matters.

I'm a longtime resident of Breckenridge (20 years), I speak 3 languages, I'm charismatic, friendly, dependable and sober. I also emphatically love my community and the majority of our residents because I have not met them all yet. (Haha)

Is there anything else you would like us to know about you?

I'm searching for a better paying job so that I could afford to take personal time to pick up litter in my neighborhood. I own Uncle Craig's Jerky LLC and I work at Wendy's part-time so time/energy/funds and other resources are limited. My wife is also a longtime local and we've been married for 15 years, and we really want to put down deeper roots, if possible.

2. Garren Riechel

428 Kings Crown Rd,
Breckenridge, CO 80424

Briefly describe your interest in the Liquor and Marijuana Licensing Authority.

I am a full-time resident with a flexible work schedule and have a keen interest in getting involved in local government. I love a good ski town vibe complete with beers, cocktails, and recreational marijuana, and understand that responsible oversight and licensing is necessary to provide a safe and enjoyable experience for everyone. I would love to be considered for a position on this committee.

Briefly describe how your background will add to the ability of this authority to effectively evaluate liquor and marijuana licensing applications and other related matters.

While I have not worked directly with evaluating liquor and marijuana, I do have experience as a member of a variety of panels which are responsible for some sort of evaluation. These include professional hiring decisions at an engineering firm, and experience as a board director of a local HOA where I lead discussions and decisions regarding budget and association member requests.

Is there anything else you would like us to know about you?

Left Blank

3. Sean Ryan Fitzsimmons

12 Ontario Green
Breckenridge, CO 80424

Briefly describe your interest in the Liquor and Marijuana Licensing Authority.

While working in technology is my professional career, all things food/beverage are my passion area outside of work. Over the last 3.5 years I have gotten to know many of our restaurant service employees, managers, and owners through a Facebook group that I founded called High Country Foodie Club. I would love the opportunity to help that part of our community in an even bigger way by joining the LMLA, balancing their needs with state and Town of Breckenridge regulations.

Briefly describe how your background will add to the ability of this authority to effectively evaluate liquor and marijuana licensing applications and other related matters.

I have extensive experience in helping bars and restaurants craft unique beverage programs that both grow their business while ensuring the safe consumption of alcohol. I believe that experience also carries over into the marijuana business and the ever-evolving laws around that state and country that govern that industry.

During the pandemic I was instrumental in helping our town and county restaurants safely reopen under Colorado's 5-star program. I would draw from that experience as well if I were fortunate enough to be given this opportunity by the council and mayor.

Is there anything else you would like us to know about you?

I love our town, I love our county, and I would love the opportunity to help our culinary options in town grow in a way that allows them to express their creativity while ensuring the safe and responsible consumption of alcohol (and marijuana).

4. Austyn Dineen

33 Placer Green
Breckenridge, CO 80424

Briefly describe your interest in the Liquor and Marijuana Licensing Authority.

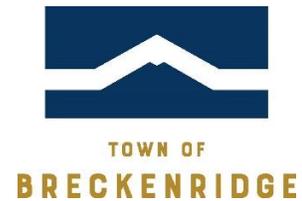
I'm interested in Breckenridge's liquor and marijuana licensing authority opportunity because I see the authority as an interesting way to give back to the community by helping the authority effectively communicate decisions in our greater community and also, I bring a diverse community perspective.

Briefly describe how your background will add to the ability of this authority to effectively evaluate liquor and marijuana licensing applications and other related matters.

Over the nearly two decades that I've called Breckenridge home, I feel that I can make effective and educated decisions by weighing how decisions will affect the greater community. Given the tourism economy of our destination, I think a close eye needs to be paid attention to the quality of life of residents, the quality of the place for guests, and the proper education so that both continue to thrive.

Is there anything else you would like us to know about you?

Left Blank



Memo

To: Breckenridge Town Council Members
From: Jon Dorr, Assistant Director of Recreation/Programs
Date: 12/4/2023
Subject: Recommendations for Breckenridge Events Committee- Member at Large

The Breckenridge Events Committee (BEC) consists of fourteen (14) members, twelve standing member organizations and two at-large community members, appointed by the Town Council. One of the at-large seats was recently vacated when Maddie Schilling moved out of Breckenridge.

A recruitment was opened on October 5th and ran through November 3rd. Community outreach pertaining to the vacancy was done through the following mediums in both English and Spanish. The vacancy was posted on the Town of Breckenridge website, TOB social media platforms (Instagram, Facebook, Twitter), Connect with Breck Newsletter, Town Council Recap, and several Summit Daily Ads.

Through the recruitment we received ten (10) applications for the opening.

After a review of all applications, Six (6) finalists were chosen for a panel interview consisting of Sarah Wetmore (BEC Administrator), Kelly Owens (Town Council Representative), Michele Chapdelaine (BEC Board Chair), and Jon Dorr (TOB Committee Representative).

Through the interview process the panel came to the recommendation that council should appoint Jeff Edwards to the open committee seat.

If Council agrees with the committee recommendation, an appointment may be made by motion during the Regular meeting. A sample motion follows:

Motion: "I move that we affirm the Breckenridge Events Committee selection committee's recommendation by appointing the following individual to the Breckenridge Events Committee for a term of four years: Jeff Edwards beginning in January 2024.

Memo

To: Breckenridge Town Council Members
From: Mack Russo, Community Engagement & Outreach Liaison
Date: 12/5/2023 (for 12/12/2023 Council Meeting)
Subject: Recommendations for Breckenridge Social Equity Advisory Commission Appointments

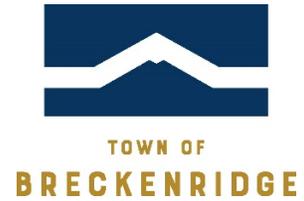
As of December 2023, the Breckenridge Social Equity Advisory Commission has three vacancies following the expiration of the three-year terms of Commissioners Jordan Burns, Jason Smith, and Joyce De La Torre. The commission vacancy was advertised in both English and Spanish across various platforms, resulting in eight applications.

The selection committee, comprising Town Council member Carol Saade, June Walters, Eliana Crabb, and staff Mack Russo, reviewed all applications and subsequently interviewed five of the applicants. After careful consideration, the committee strongly recommends the following appointments:

- Jordan Burns (reappointment for a second term)
- Isaura Cirillo (former commissioner)
- Jotwan Daniels

If the Council agrees with the committee's recommendations, a motion may be made during the Regular Meeting to finalize the appointments. A sample motion is provided for your convenience:

Motion: "I move that we affirm the recommendation made by the selection committee of the Breckenridge Social Equity Advisory Commission and reappoint Jordan Burns for a second term, and appoint Isaura Cirillo and Jotwan Daniels as members of the Commission for a duration of three years, beginning in January 2024."



Memo

To: Breckenridge Town Council Members
From: Mark Truckey, Director of Community Development
Date: December 6, 2023
Subject: Planning Commission Decisions of the December 5, 2023 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, December 5, 2023:

CLASS A APPLICATIONS: None.

CLASS B APPLICATIONS: None.

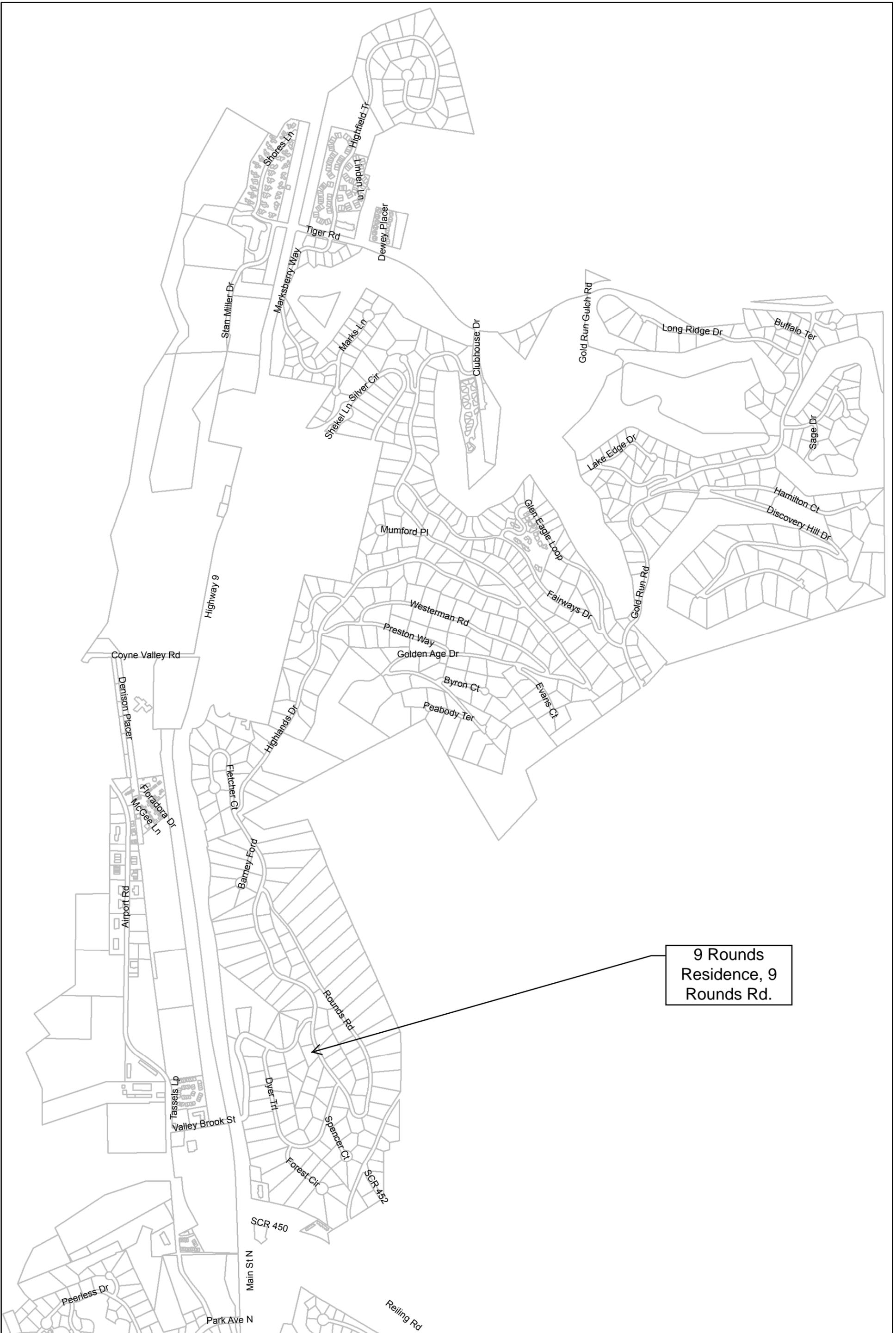
CLASS C APPLICATIONS:

1. Nine Rounds Residence, 9 Rounds Rd., PL-2023-0554

A proposal to construct a new single-family residence with 5,974 sq. ft. of density. The residence will have 6 bedrooms, 6.5 bathrooms, and a three-vehicle garage. *Approved.*

TOWN PROJECT HEARINGS: None.

OTHER: None.



9 Rounds
Residence, 9
Rounds Rd.

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 pm by Chair Leas.

ROLL CALL

Mike Giller -remote	Mark Leas	Allen Frechter	Susan Propper
Ethan Guerra	Steve Gerard	Elaine Gort	

APPROVAL OF MINUTES

With no changes, the November 21, 2023 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the December 5, 2023 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None

CONSENT CALENDAR:

1. Nine Rounds Residence (EM), 9 Rounds Rd., PL-2023-0554

With no call ups, the Consent Calendar was approved as presented.

Mr. Gerard: The exterior lighting shown seems appropriate, is the applicant planning for additional exterior can lighting? (Applicant, Tim Gerkin, Rooted Architects: There may be additional can lights proposed on the exterior living areas above covered decks.) I would encourage that the switches be wired so that one switch doesn't illuminate many exterior lights.

WORK SESSIONS:

1. Vestibules in Conservation District

Mr. Truckey presented examples of temporary exterior vestibules in the Conservation District. The following specific questions were asked of the Commission:

1. Does the Commission believe that the use of temporary vestibules on historic structures during the winter months is something that might be acceptable?
2. Does the Commission agree with staff's interpretation that permanently constructed exterior vestibules can be permitted on new or existing non-historic buildings, with the exception of the Core Commercial Area?
3. Does the Commission believe that temporary exterior vestibules on non-historic buildings are appropriate?
4. Does the Commission support waiving density requirements for exterior vestibules?
5. Does the Commission have other comments?

Commissioner Questions / Comments:

Mr. Frechter: These temporary vestibules were put up during COVID? Were they put up because of non-enforcement or to help with preventing spread of disease? (Mr. Truckey: I think many were put up during the pandemic due to non-enforcement and the temporary Manager's order allowing temporary structures.)

Ms. Propper: What are the barriers to installing the air curtains in commercial buildings? (Mr. Truckey: I am not sure, and it may be specific to each building and ceiling allowance.)

Mr. Giller: Air curtains are very noisy.

- Mr. Leas: Most newer buildings have radiant floor heating. Older commercial buildings in this historic district may have forced air heating. You lose a lot more energy with forced air heating through the front door. Newer construction with radiant floor heating may have less of an issue with this problem of needing an airlock to keep heat from escaping.
- Ms. Propper: Can air curtains be used on historic structures? (Mr. Truckey: Yes, they are installed on the interior.) Some restaurants have heavy fabric curtains to block air. Is this something we would encourage? (Mr. Truckey: Yes, that is something that could be encouraged, as long as there is no issue with building codes.)
- Ms. Gort: Some of these materials look plastic and flammable. Is this a safety concern? (Mr. Truckey: We would only allow materials that meet building code.)
- Mr. Guerra: This is a sustainability concern. The air curtains would seem to use more energy than they save. If we were to allow temporary vestibules, we would want to limit material, size, and use. The pictures show a diversity of appearance, with some vestibules looking better than other examples.
- Mr. Truckey: We could limit the size to be small enough to limit the use to only a weather barrier and not to be for added restaurant space.
- Mr. Guerra: We would have to give deference to the differing sizes of building entries. I agree with the sustainability and functionality side of allowing these but see some rabbit holes we could fall down.
- Mr. Giller: The Tin Plate example actually shows two enclosed plastic vestibules. Can the Staff speak to that? (Mr. Kulick: There is one located on their front entry and to the north they have enclosed their side porch. Ms. Muncy: The front temporary structure is used for patrons to wait for to-go orders.) I think these solutions on historic buildings should be interior as the first choice. I worry these could be real-estate grabs to expand floor area.
- Mr. Gerard: I would not have pity for any businesses who constructed these without a permit.
- Ms. Gort: Could we consider points in the code for doing something else to allow these vestibules?
- Mr. Leas: With regard to density, I think this needs to be solved internally. These factors are known when opening a business and this is a cost of doing business. I don't agree with that argument from business owners. We need to discuss this in the same way as we consider solar panels on the front of buildings. We want to balance sustainability with the historic nature and character of Breckenridge. The historic character needs to win out in this case. They are making interior air curtains work in other places like Aspen. There are ways of installing them without building an interior vestibule. This is a business decision. This tends to be a restaurant issue. You will notice retail stores in the winter with doors even propped open.
- Mr. Truckey: Staff is not strongly advocating for this one way or another. We will bring your concerns to Town Council and they will discuss it as well.
- Ms. Propper: I would prefer an interior solution.

Question 1

- Ms. Propper: No.
- Mr. Guerra: No.
- Mr. Giller: In general, I think the interior should be first choice, in rare occasions it might be okay.
- Mr. Gerard: No.
- Ms. Gort: No generally, but maybe special circumstances they could be allowed, like on a side entrance.
- Mr. Frechter: No, except for special circumstances, perhaps there is a prioritized list like with solar panels in the Historic District, where they could be a last priority.
- Mr. Leas: No.

Question 2

- Ms. Propper: Yes.
- Mr. Guerra: Yes, if the design meets all applicable codes and design standards already in place.
- Mr. Giller: Yes, more flexibility on non-historic structures. But we should only allow them on the interior.
- Mr. Gerard: Yes, if it was contained within the design footprint of the building. It should not project from the front of the building.
- Ms. Gort: Yes, on new buildings, no on existing, maybe on a limited situation when it is not in the front.
- Mr. Frechter: It should be a permanent structure that meets existing building and design codes.
- Mr. Leas: I agree with Frechter. These should be promoted on the interior of the building. If on the exterior, it should be looked at against the design standards and determined to be appropriate for the building.

Question 3

- Ms. Propper: There should be an interior solution.
- Mr. Guerra: I am hesitant to support any temporary exterior vestibules.
- Mr. Giller: I agree with Guerra, the first solution is interior. I don't support it on the exterior of a contemporary building. To attach a temporary awning or tent detracts from the architecture of the building.
- Mr. Gerard: No.
- Ms. Gort: No.
- Mr. Frechter: No.
- Mr. Leas: No.

Question 4

- Ms. Propper: Yes, I would be open to that.
- Mr. Guerra: This is an issue for new buildings. I would consider waiving density with strong requirements to limit the size and use and it should be primarily for sustainability reasons. I would not waive density for exterior vestibules on existing buildings.
- Mr. Giller: No. We have worked to reduce bonuses in projects for mass and density. I think it would be a mistake to allow additional density now.
- Mr. Leas: Agreed, we need to be consistent on the issue of density.
- Mr. Gerard: I do not support waiving density.
- Ms. Gort: I would not support exterior density waiving. I would support waiving density for interior vestibules.
- Mr. Frechter: No.
- Mr. Leas: I am not in favor of waiving density for this issue.
- Ms. Propper: The point raised by Kulick for new construction, I would be in favor of waiving density on the interior.
- Mr. Guerra: I meant my previous comment to apply to new construction. I would be open to the conversation for allowing waiving density for interior vestibules on new construction in the name of sustainability.
- Mr. Giller: I think the appropriate way to do that is to tweak the current energy code. We should incentivize a vestibule in the energy code.
- Mr. Guerra: Where that energy code model doesn't work is for a commercial business where the door opens routinely. How does that get evaluated?
- Mr. Leas: The sustainability point does belong in the energy code rather than in the density portion of the code.

- Mr. Kulick: There is not a way to model for the scenario of a commercial business with the door open all the time. When energy use is modeled there is an assumption of a closed building envelope. This could appropriately be in Policy 33R Energy Conservation.
- Mr. Guerra: I don't see how this is a question for the energy code. The question is, "do we want to waive density for vestibules?"
- Mr. Gerard: I will begin with the assumption that an interior vestibule does save a certain amount of energy. The energy code is the place it should be addressed. We could incentivize it with a positive point for interior vestibules instead of waiving density.
- Ms. Gort: I am going to support waiving density. There are other benefits other than saving energy, such as patron comfortability. I think a limited vestibule with limited use.
- Mr. Frechter: I do not support waiving density. If we are over-ruled, I think it has to be a limited use with very defined parameters for space and use and doesn't become service space.
- Mr. Leas: I have no support for waiving density for vestibules on new construction.

OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 6:52 pm.

Mark Leas, Chair



TOWN OF BRECKENRIDGE
TOWN COUNCIL

Scheduled Meetings

Shading indicates Council required 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.

December 2023

December 8th, 2023	Cabin Juice	Coffee Talk with the Mayor	8:00am - 9:00am
Tuesday, Dec. 12th, 2023	Council Chambers	First Meeting of the Month	3:00 pm / 7:00 pm
December 19th, 2023	Council Chambers	Swearing in of Shannon Haynes, Town Manager	

January 2024

Tuesday, Jan. 9th, 2024	Council Chambers	First Meeting of the Month	3:00 pm / 7:00 pm
Jan. 22nd - 26th, 2024	Tiger Dredge Parking Lot	ISSC - Sculpting Week	All Day
Tuesday, Jan 23rd, 2024	Council Chambers	Second Meeting of the Month	3:00 pm / 7:00 pm
Jan. 27th - 31st, 2024	Tiger Dredge Parking Lot	ISSC - Viewing Week	All Day

Other Meetings

December 11th, 2023	Open Space & Trails Meeting	5:30pm
December 12th, 2023	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am
December 13th, 2023	Breckenridge Heritage Alliance	Noon
December 14th, 2023	I-70 Coalition	1:00pm
	Upper Blue Sanitation District	5:30pm
December 15th, 2023	Breck Create	3:30pm
December 18th, 2023	Social Equity Advisory Commission	7:30am
	Summit Combined Housing Authority	9:00am
December 19th, 2023	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
December 26th, 2023	Board of County Commissioners Meeting	9:00am / 1:30pm
December 28th, 2023	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	RW&B Board Meeting	3:00pm
January 2nd, 2024	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
January 3rd, 2024	Police Advisory Committee	7:30am
	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	10:00am
January 9th, 2024	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am



Scheduled Meetings

Shading indicates Council required 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.

January 10th, 2024	Breckenridge Heritage Alliance	Noon
January 11th, 2024	Upper Blue Sanitation District	5:30pm
January 16th, 2024	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
January 22nd, 2024	Social Equity Advisory Commission	7:30am
	Open Space & Trails Meeting	5:30pm
January 23rd, 2024	Board of County Commissioners Meeting	9:00am / 1:30pm
January 25th, 2024	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	NWCCOG Board Meeting	10:00am
	RW&B Board Meeting	3:00pm
February 6th, 2024	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
February 7th, 2024	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	3:00pm
March 21st, 2024	QQ - Quality and Quantity - Water District	10:00am
TBD	Tourism Overlay District Advisory Committee Meeting	10:30am
	Transit Advisory Council Meeting	8:00am
	Water Task Force Meeting	9:30am
	Summit Combined Housing Authority	9:00am