



**BRECKENRIDGE TOWN COUNCIL
WORK SESSION
Tuesday, March 10, 2009**

ESTIMATED TIMES: *The times indicated are intended only as a guide. They are at the discretion of the Mayor, depending on the length of the discussion and are subject to change.*

3:00 – 3:15 pm	I. <u>PLANNING COMMISSION DECISIONS</u>	Page 2
3:15 – 4:00 pm	II. <u>LEGISLATIVE REVIEW</u> *	
	Shared Private Driveways	Page 51
	Open House Signs	Page 55
	Council Committee Appointments	Separate
4:00 – 4:30 pm	III. <u>MANAGERS REPORT</u>	
	Public Projects Update	Page 10
	Housing/Childcare Update	Verbal
	Committee Reports	Page 11
	Financials	Page 12
4:30 – 5:30 pm	IV. <u>PLANNING MATTERS</u>	
	Town Energy Conservation Incentives	Page 23
	Neighborhood Preservation Policy Task Force	Page 25
	Pine Beetle	Page 27
	Locomotive # 9	Page 38
5:30 – 6:00 pm	V. <u>OTHER</u>	
	Breck 150 Rollover	Page 39
	Peak 6 Blue Sky	Separate
6:00 – 7:30 pm	VI. <u>BRECK SKI AREA JOINT MEETING</u>	

***ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA** **Page 42**

NOTE: Public hearings are not held during Town Council Work Sessions. The public is invited to attend the Work Session and listen to the Council's discussion. However, the Council is not required to take public comments during Work Sessions. At the discretion of the Council, public comment may be allowed if time permits and, if allowed, public comment may be limited. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item. The public will be excluded from any portion of the Work Session during which an Executive Session is held.

Report of Town Manager; Report of Mayor and Council members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items.

MEMORANDUM

To: Town Council

From: Peter Grosshuesch

Date: March 4, 2009

Re: Town Council Consent Calendar from the Planning Commission Decisions of the March 3, 2009, meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF March 3, 2009

CLASS C APPLICATIONS:

1. Greenawalt Residence, PC#2009002; 299 Peerless

Construct a new single family residence with 5 bedrooms, 6 bathrooms, 5,455 sq. ft. of density and 6,041 sq. ft. of mass for a F.A.R. of 1:3.31. Approved.

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Dan Schroder
Jim Lamb
Dave Pringle

Rodney Allen
JB Katz

Michael Bertaux
Leigh Girvin

Mr. Mamula arrived at 7:10 pm for the worksessions.

APPROVAL OF MINUTES

With one change to the minutes, the minutes of the February 3, 2009, Planning Commission meeting were approved unanimously. Ms. Girvin had a clarification regarding her quote about motorized / recreational vehicles on page 4.

With one change to the minutes, the minutes of the February 17, 2009, Planning Commission meeting were approved unanimously. Mr. Allen's comments on the Cohn dormer Addition, on page 11, changed to: "see if there is some way to make up with positive points", rather than "not to get negative points".

Both minutes were approved with the noted changes.

APPROVAL OF AGENDA

With no changes, the March 3, 2009, Planning Commission agenda was approved unanimously (7-0).

The memo regarding solar panels was mistakenly left out of the packet, so Ms. Puester handed out copies at the start of the meeting.

CONSENT CALENDAR:

1. Greenawalt Residence (CK) PC#2009002; 299 Peerless Drive

Mr. Pringle: Are we allowed to approve this with the variance to the access easement? (Mr. Neubecker: It has been approved by the town engineer and town attorney. It is a condition of the approval that the easement be modified.)

With no motions for call up, the consent calendar was approved as presented.

WORKSESSIONS:

1. Defensible Space and Mountain Pine Beetle Ordinance (JC)
Ms. Cram presented an update on the Defensible Space and Mountain Pine Beetle ordinances.

Proposed Defensible Space Program

Staff is currently working with the Red, White and Blue Fire District (RWB) to develop a program for creating Defensible Space around structures in Breckenridge. As part of this, staff has been working on a draft ordinance.

The Defensible Space Ordinance, if adopted, would be administered by the RWB. All properties would be affected by the Ordinance; however, many properties may not have to remove any trees or vegetation, as they already meet the intent of the Ordinance.

The proposed Ordinance identified three Zones where treatment would be required. It would not be the intent of the Ordinance to require clear cutting in any Zone. Zone One extends 30 feet from the eave of a structure. Thirty feet allows flexibility to preserve approved landscaping that would be drip irrigated, native specimen trees and other vegetation that would provide buffers while still reducing fuels and creating an area where fire suppression crews can defend the structure. Zone Two would extend 75 to 125 feet from the eave of the structure beyond Zone One depending on slope. Within Zone Two, dead and diseased trees would be proposed to be removed and trees thinned to open up crown spacing. Trees in Zone Two could be preserved in clumps to help prevent wind throw and to preserve buffers between properties. Zone Three would extend beyond Zone Two to the property boundary. Within

Zone Three all dead and diseased trees would be removed. In all three Zones, all downed dead trees would be removed, dead branches are limbed up, and leaf clutter and other debris would be removed to reduce ground fuels.

Forest Management Plans

In addition to developing a Defensible Space Program, staff has been working with RWB and a consultant to create a plan for Fuel Breaks around Town. As the Commission already knows, one fuel break was already created in the Discovery Hill neighborhood this fall/winter. The proposed Fuel Break plan would be consistent with what the County, State and US Forest Service are planning for fuels reduction and forest health prescriptions for the Upper Blue Valley. The Open Space Division has also outlined twelve projects for treatment in 2009. Staff shared some preliminary maps with the Commission.

Changes to the MPB Ordinance

Proposed changes to the Mountain Pine Beetle (MPB) Ordinance help to simplify the inspection and inspection warrant processes. Changes also help to make the MPB Ordinance consistent with the Defensible Space Ordinance and allow property owners to coordinate the removal of dead and infested trees with a Defensible Space Plan to receive an economy of scale. If adopted, property owners would have one year to remove infested trees. Changes proposed included an exemption for those properties that have dead and infested trees that are inaccessible due to steep slopes. The updated ordinance also would clarify how Town owned property would be treated, with Open Space being treated according to the Forest Management plan.

Staff handed out several documents regarding the proposed Defensible Space Ordinance and updates to the MPB Ordinance.

Commissioner Questions/Comments:

- Mr. Pringle: When properly explained it seems like a natural thing to do and a thing we should have been doing for a long time. Why the bad press? (Ms. Cram: It's likely a combination of sensational headlines and people passing on bad information. The ordinance will help to preserve the town's buffers and goals. Several public forums are scheduled in March and the town's website is being updated to inform residents.) Why does it cost so much to remove a tree? Is there a way that we can have a prescribed burn or have people allowed to bring their trees/slash to an area on Block 11 this spring when the conditions are correct and not have to have a tree removal company come in and charge so much to remove the trees? Cheaper for homeowners to do a Saturday workday. Have a big bonfire. Ullr fest. (Ms. Cram: Got a bid this week for \$37/tree from a contractor. People have many trees on their lots and are removing year by year, which costs more money. We will give them a few years to remove all of the dead trees.) The property up on Moonstone where we did the forest management plan, do we have documentation on what we did, before/after photos, etc. to create a learning center from what we did before? (Ms. Cram: I think it is doing well and I will get in touch with open space to check in.)
- Mr. Lamb: The Summit Daily left out the fact that the County has been requiring MPB Ordinance for many years and you cannot get a CO on a project until it is met. (Mr. Mamula: County only enforces MPB on new construction. It is not retroactive, as the proposed ordinance is. A year ago we asked people to save trees, and now we are asking them to cut them down with the defensible space ordinance.)
- Mr. Allen: How does defensible space apply to trees within the zones that are off the property? (Ms. Cram: Defensible space ends at your property line. Vacant lots are addressed in MPB – still required to remove trees.) What if there are variable setbacks between homes? (Ms. Cram: Defensible space is space around your structure, defensible space around structures. Required to treat to your property line.) Who is the director referenced in the ordinance? The ordinance refers to the Director being able to go into the home? (Ms. Cram: Peter Grossheuch is the Director. There is no reference that the director can go into a residence.) If persons do not follow the ordinance the town can put a lien on the property? (Ms. Cram: Yes.) How will the town continue to follow the open space MPB ordinance? The heat I'm getting from people is the time frame that people have to get rid of the trees versus how much time the town has to remove. (Ms. Cram: Town will continue to create defensible space as needed as they have in the past. Chipping will take place again with MPB. It is a result of contractors not having a place to take the whole logs. Most of them don't have the equipment to handle it. The town will have a chip pile again this year. Town is looking to work with Combine energy in Kremmling.)

- Ms. Katz: Case-by-case basis raises a red flag and will there be an appeal process? (Ms. Cram: RWB fire district and planning department will work with an appeal process to ensure fairness and preservation of the town's goals and RWB goals of safety.) Special / change of course policy and it would be unusual for the town to give up the authority to have the last say, since it is our town and not RWB.
- Ms. Girvin: Is it being considered in the ordinance to make sure that the town has the real final say not RWB? (Mr. Mamula: It didn't come up yet but there is some language that Council will be talking about but there wasn't time at the first round of hearings.)
- Mr. Schroder: Can people cut down trees that aren't theirs? (Ms. Cram: You can't cut down trees that aren't on your property.)
- Mr. Mamula: There is an economic impact to this ordinance. People have a different reality today than they did when they lost their money in the stock market. Cutting down trees is an issue to people because they have invested time and money in their trees. In the end people will not want to spend that kind of money on the defensible space. The council will have to work its way through whether or not it is time to impose a bureaucracy on the public during this economic time.

Mr. Allen opened the hearing to public comment.

Jon Gunson, Architect: Overlay at steep areas will be exempted? Aren't those the ones where fire will spread fastest? (Ms. Cram: critical zones are 1 and 2. Partnering with Forest Service and fuel breaks will address some of those issues.)

Jim Brook, Highlands 1-5: We had RWB come to our meeting about a month ago and were satisfied. Probably the one remaining issue that everyone had is that although they adopted the idea of being a good neighbor and defensible space, they were told that the vacant lots would not be subject to the ordinance. It only creates defensible space on one direction on your lot. You are still exposed to what you are trying to get rid of. Doesn't seem right. Want ordinance to be fair. (Ms. Cram: Vacant lots are subject to MPB. You can't require someone to create defensible space without a structure. Not sure which ones can be used as a buffer. By creating defensible space around your home. We'll talk about it further.)

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

2. Free Basement Density Under Commercial Buildings (MM)

Mr. Mosher presented. As an incentive to encourage the installation of foundations under historic structures, the Town developed a policy to waive the density in the basement of such buildings. The current policy waives the basement density under a historic residential structure. It also allows for storage under historic commercial buildings, but does not allow the basement density to be used for leasable space. The intent of this discussion would be to consider changing the policy to allow leasable space in the basement of historic commercial buildings as an additional incentive for restoration/preservation.

During the last review of this subject on February 3rd, Staff was directed by the Planning Commission to explore some of the properties on Main Street that might be able to add basements beneath the historic portions of the buildings. Staff presented a summary of a rough estimate for those properties. The numbers were based off Summit County records and Staff's best estimate of the main level square footage of the historic portions of the developments on the property.

One concern raised at the February 3rd worksession was the impact of added parking to the Service Area and resulting impacts to the core downtown parking. Staff presented parking occupancy percentages. With the goal of encouraging restoration or rehabilitation of historic structures, it might be possible to allow historic buildings with a retail/commercial use to add "free" basement area with uses other than storage. Allowing basement density without use restrictions might be a greater incentive for properties to be locally landmarked, restored and placed on new foundations.

If the Commission believed that the intensity of use for the added density should be restricted in any manner, a covenant, running with the land, might be recorded with the property. Staff welcomed comments and direction from the Commission.

Commissioner Questions/Comments:

- Mr. Bertaux: How did you calculate Skinny Winter? (Mr. Mosher: Went through county web data, it is a rough number. It would have taken many hours to go through each property file to access exact data. As applicants come in to add any density we would look at each property and the actual proposal of basement density.) Benefit is people aren't requesting above ground density. Why don't we just take the density off the Town's many parking lots? (Mr. Grosshuesch: Council is looking at this density for affordable housing too.)
- Mr. Pringle: If we keep providing more parking people will park there. Is this the result we want? What is the real incentive for the historic buildings to do restoration? My thought was that giving them free unrestricted space we need to make sure we catch the other impacts along the way. By limiting the use to "activities that support the use above" is a little vague. (Mr. Neubecker: Potentially get more historic buildings restored with this ordinance.) The original ordinance (for storage only) was triggered when Tillie's was built because although they weren't a historic structure and they wanted free basement density. This is when the town became objectionable to this issue. We'll likely have this question again when new construction comes in as well in the historic district. (Mr. Mamula: There is an incentive for the town with the historic buildings. There is no incentive for the town with new construction.) (Ms. Girvin: New construction can create basement density, it just isn't free.) Is it possible to add above ground density to the south 100-200 block? Bring them back to the alleys? Can we move density from one parcel to another? What about density along the river that we will never use? (Mr. Mosher: Historic standards still need to preserve open yards at the back of buildings in the Core Commercial area.) (Mr. Mamula: The County makes a valid point that we can't create density. Some of the council wants to move density from the town parking lots.) Think about a development agreement with owners so that this is a "covenant" or instrument of the special nature of what we're doing. (Mr. Mosher: There is a site configuration that the historic district has to abide by – extra density could be an out building, etc.)
- Mr. Lamb: 25,000 added square feet of possible new over 3 blocks – it isn't really that intense. (Mr. Pringle: it depends on what the use is – what if it is a bar?)
- Mr. Allen: 1 – STORAGE, 2 – RETAIL, 3 – RETAIL AND SEPARATE USE. These are the three issues to discuss. (Mr. Mosher: Didn't talk about moving non-retail uses to the basement such as bathrooms, offices, etc.) (Mr. Neubecker: Want to look at whether it is completely usable for any type of use they want to use it for which might have the greatest impact on parking issues, etc.) Skinny Winter needs 1.5 parking spaces for office/retail space; they could pay into the district for those spaces. Is there an analysis on the cost per space that the town spends and analyzing the cost per space that the town brings in? (Mr. Mamula: \$13,000 per space was done in the 80's, but it should be a lot more now.) (Mr. Mosher: We have some existing spaces now that can be used per Mr. Kulick's study.) Has anyone seen any downsides or questions to this? (Mr. Pringle: Unintended consequences are adding to the intensity of the uses in the area. I still think it is a good thing to do.) (Mr. Mosher: It might have a huge expense to do it. We need incentives.) It seems like everyone is okay with this? (Mr. Schroder: It is getting at the main goal of rehabilitation.) Abby Hall for example – how do we fit additional density there? (Mr. Pringle: We might need to find a palette of incentives for projects where it cannot apply.) (Mr. Bertaux: Give incentives based on quality of the plans. Categorize the quality of a restoration. Give points?)
- Ms. Katz: I think I was opposed previously and thought it through last night, and if the outcome from the incentives helps with rehabilitation then it is okay. (Mr. Mamula: does the town need to assist with things we really want to say? Parking requirement fee down, PIF, etc. Seems like there will need to be more incentives.) (Mr. Neubecker: Keep in mind there are good state tax incentives for commercial uses.)
- Ms. Girvin: If Motherloaded got free basement density, would it trigger the need for 11 more parking spaces? (Mr. Mosher: Yes, per the code. We took the square footage of the upper level and applied the same use – restaurant – to the basement. Staff wanted to bring up that we want to provide incentive to add basement density. Didn't take into consideration if they had additional existing density to build on the property.) Do we want to keep focusing these retail needs on Main Street? We want to keep it on Main Street and consolidate it instead of letting it sprawl. Allows ways to increase SF you can get sales tax on without increasing mass or density in the community, as well as removing sprawl. (Mr. Mamula: Setbacks on north of Main Street aren't zero lot lines, which keeps people from proposing projects to the north.) (Mr. Mosher: Ridership in transit is increasing. One example: San

Francisco no parking requirements downtown – people must use transit.) Skinny Winter construction question - one could put a foundation underneath it without adding the density? Just a concrete slab? (Mr. Mosher: Absolutely, but when the dollars go into that they will likely want to add as much density as possible because of the cost.) (Mr. Neubecker: Logistically they could come in and add a foundation only.)

Mr. Schroder: Parking would be a limiting factor. At full capacity we are short two percentages of parking spaces. Question based on the notion that everyone will built out to full capacity. (Mr. Mamula: The real question is whether or not more people come to town those days or are we satisfying more people that are already here? Do we really have to park more people just because we have added square footage? Retail makes the most sense since it doesn't take as much water, sewer cost etc. (Mr. Neubecker: some money for parking also goes to transit program. Promotes less automobile use. Take care of the guest when they get here which is funded by parking fee.)

Mr. Allen opened the hearing to public comment.

John Cooney, local business owner: Looking at restoring our building and it is a tremendous project. We would love to completely restore the building and allow the below-grade density to be a separate commercial space at a minimum. If our building had three different retail spaces, it will add more vitality to what's happening on Main Street. If we wanted to have a yoga studio downstairs or a tattoo parlor why would the town need to police that? Incentive for us is to have the added commercial space, and we will restore the historic aspect of the building.

Mr. Mamula: Have you crunched those numbers? Is it enough of an incentive?

Mr. Cooney: We haven't and others have had to do shoring, etc. for 250K. We know it is risky, and having an incentive to do the space would be helpful. We can add 1,500 square feet so it is an incentive for us. For others it might not be an incentive, like the Prospector.

Mr. Truckey: One thing we may have to deal with is - are we creating free density? To join up with the plan you need to transfer density, you can't just come up with density out of thin air. What is the fraction of TDR and how are we going to address that?

Mr. Neubecker: Historic District isn't a receiving zone for TDRs. We would need to look at that.

Mr. Mosher: It is a hardship to put that kind of money into that kind of square footage. Next steps are to come back to the PC with some cost-benefit analysis.

Summary:

Mr. Neubecker: Get in a room with the owners, what does it really take to get this to happen?

Mr. Pringle: The question we have tonight is what is it that they need to do to get this done?

Ms. Katz: We're in favor.

Mr. Bertaux: Get an architect and a contractor involved to get their input.

3. Solar Panel Policy Modifications (JP)

Ms. Puester presented. The Town Council directed Staff to rewrite the solar panel ordinance to allow for additional flexibility and conformance with the Governor's Energy Office Solar Hot Water Rebate Program. Staff proposed changes to the Policy 5 (*Absolute Architectural Compatibility*) regarding solar panels inside and outside of the Conservation District to allow for more flexibility outside of the Conservation District. Staff also proposed some changes within the Conservation District to allow the opportunity for solar access to more property owners.

Staff took the proposed changes to the Planning Commission January 16th and the Town Council February 24th.

Commission comments at the January 16th Worksession

- Require panels which do not function to be removed.
- Ensure that the character of the Conservation District would be protected from solar panels highly visible from rights-of-ways.
- Tilted and angled panels on east/west facing rooflines should be the last resort.
- Define "highly visible".
- Have an escape clause built in that would allow for denial if something doesn't look right in the Conservation District.

Town Council comments at the February 24th Worksession

- Should not allow for panels to exceed the ridgeline.
- Tilted and angles panels should be last option.
- Have placement recommendations for both inside and outside of the Conservation District. Prove all options have been considered before applying panels on the least desired location.
- Do not allow for panels to reduce the historic rating of the building or District.
- Planning Commission should review all applications in the Conservation District carefully.

Proposed Policy Changes since January 16th meeting

- Included an order of consideration for placement of panels inside and outside of the Conservation District and associated language.
- Definition of “highly visible”, “tilted panel”, and “angled panel”.
- Removed the allowance for panels to exceed one foot above ridgeline outside of the Conservation District.
- Language on enforcement for disrepair has been included in the policy which will need to be standardized by the Town Attorney.

Staff requested Commissioner comments on the proposed changes as well as any suggestions on the solar panel policy modification (modification to Policy 5 Absolute).

Commissioner Questions/Comments:

- Mr. Bertaux: State is looking at an amount that a local municipality can charge in inspection fees. Read a synopsis of the bill that hasn't been approved yet.
- Mr. Pringle: What if the case was that they got renewable energy sources on the building and then let the panels go into disrepair? Enforcement of how it looks in the future. What if they get points for renewable energy and then a few years later they don't work? (Ms. Puester: We won't know if it doesn't work unless they are noticeably broken. Would think that if people spent the money on the system, they would have it turned on if they were not broken.) (Mr. Neubecker: Concern is that people get points without it working.) Is there an inspection that it works? (Ms. Puester: Building department will inspect it.) Value engineering of projects could cut solar like at the BBC. Make sure they don't get points if the solar doesn't get built. (Mr. Neubecker: Building will last longer than the duration of the solar panels. At some point the solar panels that got positive points will no longer work. We would have renewable energy for about 20 years.) Suggested a solar farm someplace in town, people can join the district. Then all of these questions go away. Perhaps it could apply to the entire town. Offset our energy needs. (Mr. Neubecker: Good long term solution. Immediate need is that people are coming into the town asking to add solar panels to their homes/businesses.)
- Mr. Allen: There's a house on Pine Street that had the solar panels recessed into the roof. That should go into the ordinance as a priority. For new construction, this could be a choice. (Ms. Puester: More integration into the roof can be stressed in the policy.)
- Ms. Katz: There could be potential down the road for the feds to not allow us to regulate solar like they did with satellite dishes. (Mr. Grossheuch: There are ways to enforce it through perpetuity with covenants, etc. We recently changed the Development Code so that the site plan does not expire with the Certificate of Occupancy.) Liked the policy.
- Ms. Girvin: Started with the definitions and a lot of stuff was crossed off in regard to solar hot water under solar device. (Ms. Puester: These comments come from the solar contractors; they felt like those definitions were repetitive.) So we are not precluding solar hot water? (Ms. Puester: No. Solar thermal energy is included.) (Mr. Neubecker: Trying to align our definitions with industry terms.) Would it include technologies that aren't even invented yet? (Ms. Puester: Wrote in “other similar solar technology” to hopefully cover that.)

TOWN COUNCIL REPORT:

- Mr. Mamula: Between the neighborhood preservation policy and the defensible space it has been busy. Council did not call up the dormer issue. Council felt that the Planning Commission did their job. There were

allegations by the applicant that staff had not followed the process. (Mr. Neubecker: There is a 30 day appeal process, so we probably shouldn't talk about it.)

Mr. Mamula: Not sure where the Defensible Space is going.

Mr. Pringle: How does Council feel about the Neighborhood Preservation policy?

Mr. Mamula: Putting a 30 person task force together to look at the neighborhood preservation policy. There were some people that were applauding the town on compatibility and character and agreed with the thought process. The paper misrepresented the policy, and at some point we'll have regulation for it. The town has done an outstanding job of preserving the historic district and large homes where they belong.

OTHER MATTERS:

None.

ADJOURNMENT

The meeting was adjourned at 8:43 p.m.

Rodney Allen, Chair

Memorandum

TO: Town Council
FROM: Tom Daugherty, Town Engineer
DATE: March 5, 2009
RE: Public Projects Update

CDOT SH 9 Update

- Fairview Traffic Signal
CDOT is currently performing a warrant study for the signal. If the intersection meets warrants a signal will be placed.
- SH 9, Coyne Valley Road to Valley Brook Street
CDOT has agreed to extend the 4 lane road between Coyne Valley Road and Fairview. It will not have the 18 foot median but will be 2 lanes in each direction. The 18 foot median will eventually be placed as shown in the EIS but the design for this section of road will not be ready in time to be included in this project. Instead the existing road will be widened to include 2 lanes in each direction with a stripe separation between directions.

CDOT does not plan on using Airport Road to detour traffic or bicycles during construction. They plan on maintaining one lane of traffic in each direction during construction.

CDOT has agreed to build the Rec Path south from Valley Brook Road to the area behind the road next to the Skate Board Park along the west side of the river. The Town will need to perform some work between the Skate Board Park and the Rec Path to make it meet the same standards as the exiting path.

Once CDOT selects a contract we will better understand the schedule and phasing of these projects.

➤ MEMO

TO: Mayor & Town Council

FROM: Tim Gagen

DATE: March 10, 2009

RE: Committee Reports

SCHA Laurie Best February 25, 2009

- Besides the normal Community updates on potential affordable housing efforts, the only other topic was a presentation by the owners of an existing mobile home park in Summit Cove that want to redevelop it into a manufactured home project for work-force housing. They want to partner with the SCHA particularly in regards to down payment assistance but do not want to use a deed restriction to maintain the affordability.

Other Meetings

CML	Tim Gagen	No Meeting
CAST	Tim Gagen	No Meeting
Summit Leadership Forum	Tim Gagen	No Meeting
Wildfire Council	Peter Grosshuesch	No Meeting
I-70 Coalition	Tim Gagen	No Meeting
NWCCOG	Peter Grosshuesch	No Meeting
Police Advisory Committee	Rick Holman	No Meeting
LLA	MJ Loufek	No Meeting
Public Art Commission	Jen Cram	No Meeting
Summit Stage	James Phelps	No Meeting

TOWN OF BRECKENRIDGE
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR
(in Thousands of Dollars)

January figures are as of 3/03/09

Total - All Categories* <i>*except Utilities & Undefined, as requested by Council</i>	Actual 2005	Actual 2006	Actual 2007	Actual 2008	4 year average	Actual 2009	% Change 08-09	% Change Average vs. 09
January	30,549	34,586	40,275	41,714	36,781	34,096	-18.26%	-7.30%
February	33,171	36,234	40,017	43,051	38,118		n/a	-100.00%
March	42,370	46,603	52,390	53,942	48,826		n/a	-100.00%
April	14,635	19,963	20,750	18,397	18,436		n/a	-100.00%
May	7,355	8,661	9,626	9,248	8,723		n/a	-100.00%
June	14,043	15,209	18,139	17,028	16,105		n/a	-100.00%
July	20,366	22,498	24,155	22,930	22,487		n/a	-100.00%
August	17,625	20,071	22,109	21,588	20,348		n/a	-100.00%
September	15,020	17,912	18,489	18,170	17,398		n/a	-100.00%
October	10,170	11,544	12,663	11,465	11,461		n/a	-100.00%
November	12,647	15,877	15,909	13,225	14,415		n/a	-100.00%
December	39,687	43,431	46,932	40,412	42,616		n/a	-100.00%
Totals	257,638	292,589	321,454	311,170	295,713	34,096	-89.04%	-88.47%

Core Business Retail-Restaurant-Lodging	Actual 2005	Actual 2006	Actual 2007	Actual 2008	4 year average	Actual 2009	% Change 08-09	% Change Average vs. 09
January	25,240	28,528	32,250	34,339	30,089	28,014	-18.42%	-6.90%
February	27,553	29,972	33,022	35,510	31,514		n/a	-100.00%
March	35,705	39,051	44,390	45,043	41,047		n/a	-100.00%
April	10,773	15,134	16,017	13,324	13,812		n/a	-100.00%
May	4,179	4,647	5,143	5,108	4,769		n/a	-100.00%
June	9,568	9,789	12,198	11,152	10,677		n/a	-100.00%
July	14,766	16,038	17,486	16,216	16,127		n/a	-100.00%
August	12,122	13,446	15,151	14,558	13,819		n/a	-100.00%
September	9,897	11,761	12,347	11,486	11,373		n/a	-100.00%
October	5,824	6,248	6,910	6,322	6,326		n/a	-100.00%
November	8,557	10,963	10,616	8,380	9,629		n/a	-100.00%
December	30,619	33,736	35,207	29,695	32,314		n/a	-100.00%
Totals	194,803	219,313	240,737	231,133	221,497	28,014	-87.88%	-87.35%

Retail Sales	Actual 2005	Actual 2006	Actual 2007	Actual 2008	4 year average	Actual 2009	% Change 08-09	% Change Average vs. 09
January	8,001	8,607	9,665	9,707	8,995	8,096	-16.60%	-9.99%
February	8,744	8,942	9,607	9,757	9,263		n/a	-100.00%
March	11,632	11,774	13,373	12,465	12,311		n/a	-100.00%
April	3,678	5,406	5,281	4,289	4,664		n/a	-100.00%
May	1,708	1,858	2,163	1,982	1,928		n/a	-100.00%
June	3,565	3,589	4,591	4,129	3,969		n/a	-100.00%
July	5,174	5,403	6,176	5,659	5,603		n/a	-100.00%
August	4,620	4,757	5,110	5,620	5,027		n/a	-100.00%
September	4,249	4,726	4,780	4,440	4,549		n/a	-100.00%
October	2,404	2,591	2,860	2,596	2,613		n/a	-100.00%
November	3,586	4,376	4,263	3,499	3,931		n/a	-100.00%
December	11,099	11,971	11,983	9,624	11,169		n/a	-100.00%
Totals	68,460	74,000	79,852	73,767	74,020	8,096	-89.02%	-89.06%

Restaurants/Bars	Actual 2005	Actual 2006	Actual 2007	Actual 2008	4 year average	Actual 2009	% Change 08-09	% Change Average vs. 09
January	6,897	7,924	8,414	9,117	8,088	8,213	-9.92%	1.55%
February	7,047	8,058	8,467	9,206	8,195		n/a	-100.00%
March	8,117	9,256	10,015	10,180	9,392		n/a	-100.00%
April	3,609	4,552	4,676	4,386	4,306		n/a	-100.00%
May	1,760	1,832	2,057	2,089	1,935		n/a	-100.00%
June	3,525	3,938	4,368	4,006	3,959		n/a	-100.00%
July	5,375	5,905	6,236	6,039	5,889		n/a	-100.00%
August	4,521	5,067	5,917	5,385	5,223		n/a	-100.00%
September	3,498	4,340	4,570	4,016	4,106		n/a	-100.00%
October	2,290	2,352	2,546	2,544	2,433		n/a	-100.00%
November	2,841	3,651	3,573	2,917	3,246		n/a	-100.00%
December	7,017	7,681	7,997	7,010	7,426		n/a	-100.00%
Totals	56,497	64,556	68,836	66,895	64,196	8,213	-87.72%	-87.21%

Accommodations	Actual 2005	Actual 2006	Actual 2007	Actual 2008	4 year average	Actual 2009	% Change 08-09	% Change Average vs. 09
January	10,342	11,997	14,171	15,515	13,006	11,705	-24.56%	-10.00%
February	11,762	12,972	14,948	16,547	14,057		n/a	-100.00%
March	15,956	18,021	21,002	22,398	19,344		n/a	-100.00%
April	3,486	5,176	6,060	4,649	4,843		n/a	-100.00%
May	711	957	923	1,037	907		n/a	-100.00%
June	2,478	2,262	3,239	3,017	2,749		n/a	-100.00%
July	4,217	4,730	5,074	4,518	4,635		n/a	-100.00%
August	2,981	3,622	4,124	3,553	3,570		n/a	-100.00%
September	2,150	2,695	2,997	3,030	2,718		n/a	-100.00%
October	1,130	1,305	1,504	1,182	1,280		n/a	-100.00%
November	2,130	2,936	2,780	1,964	2,453		n/a	-100.00%
December	12,503	14,084	15,227	13,061	13,719		n/a	-100.00%
Totals	69,846	80,757	92,049	90,471	83,281	11,705	-87.06%	-85.95%

Grocery/Liquor Stores	Actual 2005	Actual 2006	Actual 2007	Actual 2008	4 year average	Actual 2009	% Change 08-09	% Change Average vs. 09
January	3,589	3,977	5,149	4,744	4,365	4,741	-0.06%	8.62%
February	3,949	4,233	4,536	5,009	4,432		n/a	-100.00%
March	4,449	4,585	4,844	5,436	4,829		n/a	-100.00%
April	2,503	3,149	2,920	2,959	2,883		n/a	-100.00%
May	1,806	1,969	2,169	2,246	2,048		n/a	-100.00%
June	2,392	2,584	2,822	2,990	2,697		n/a	-100.00%
July	3,414	3,588	3,899	4,264	3,791		n/a	-100.00%
August	3,292	3,529	3,771	4,161	3,688		n/a	-100.00%
September	2,671	2,757	2,908	3,113	2,862		n/a	-100.00%
October	2,239	2,372	2,494	2,673	2,445		n/a	-100.00%
November	2,214	2,377	2,600	2,647	2,460		n/a	-100.00%
December	6,356	6,604	8,028	7,705	7,173		n/a	-100.00%
Totals	38,874	41,724	46,140	47,947	43,671	4,741	-90.11%	-89.14%

Supplies	Actual 2005	Actual 2006	Actual 2007	Actual 2008	4 year average	Actual 2009	% Change 08-09	% Change Average vs. 09
January	1,720	2,081	2,876	2,631	2,327	1,341	-49.03%	-42.37%
February	1,669	2,029	2,459	2,532	2,172		n/a	-100.00%
March	2,216	2,967	3,156	3,463	2,951		n/a	-100.00%
April	1,359	1,680	1,813	2,114	1,742		n/a	-100.00%
May	1,370	2,045	2,314	1,894	1,906		n/a	-100.00%
June	2,083	2,836	3,119	2,886	2,731		n/a	-100.00%
July	2,186	2,872	2,770	2,450	2,570		n/a	-100.00%
August	2,211	3,096	3,187	2,869	2,841		n/a	-100.00%
September	2,452	3,394	3,234	3,571	3,163		n/a	-100.00%
October	2,107	2,924	3,259	2,470	2,690		n/a	-100.00%
November	1,876	2,537	2,693	2,198	2,326		n/a	-100.00%
December	2,712	3,091	3,697	3,008	3,127		n/a	-100.00%
Totals	23,961	31,552	34,577	32,086	30,544	1,341	-95.82%	-95.61%

Utilities	Actual 2005	Actual 2006	Actual 2007	Actual 2008	4 year average	Actual 2009	% Change 08-09	% Change Average vs. 09
January	2,675	3,829	3,591	3,961	3,514	3,949	-0.30%	12.38%
February	2,540	3,056	3,149	3,765	3,128		n/a	-100.00%
March	2,883	3,428	3,525	3,699	3,384		n/a	-100.00%
April	2,741	2,778	2,694	3,448	2,915		n/a	-100.00%
May	1,939	1,926	2,386	2,742	2,248		n/a	-100.00%
June	1,846	1,713	2,078	2,588	2,056		n/a	-100.00%
July	1,663	1,529	1,588	2,075	1,714		n/a	-100.00%
August	1,629	1,854	1,621	2,058	1,791		n/a	-100.00%
September	1,843	1,949	1,792	2,219	1,951		n/a	-100.00%
October	2,127	1,987	1,883	2,026	2,006		n/a	-100.00%
November	2,340	2,264	2,251	2,411	2,317		n/a	-100.00%
December	4,005	3,206	3,271	3,106	3,397		n/a	-100.00%
Totals	28,231	29,519	29,829	34,098	30,419	3,949	-88.42%	-87.02%

**TOWN OF BRECKENRIDGE
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

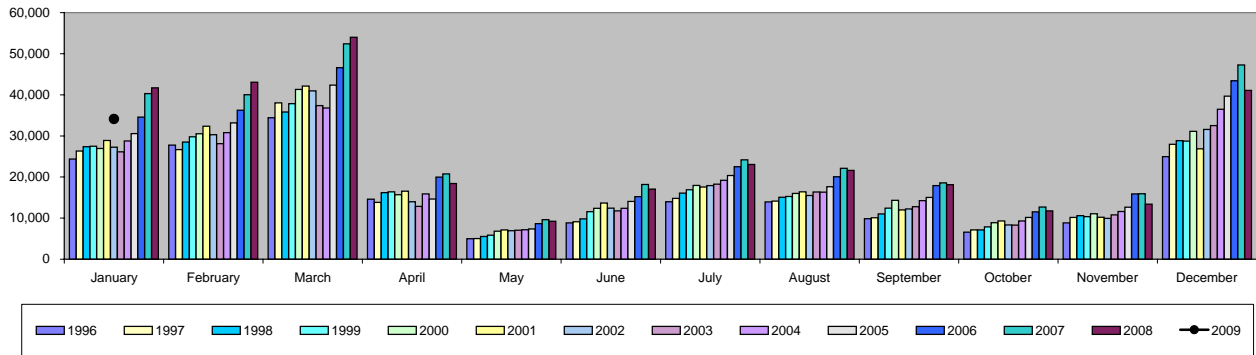
(in Thousands of Dollars)

Total - All Categories*

* excluding Undefined and Utilities categories

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly 08-09	YTD 2008	YTD 2009	YTD % Change 08-09
January	24,356	26,315	27,355	27,490	26,938	28,887	27,264	26,117	28,764	30,549	34,589	40,283	41,708	34,096	-18.3%	41,708	34,096	-18.3%
February	27,767	26,667	28,510	29,777	30,510	32,350	30,295	28,093	30,808	33,171	36,236	40,034	43,045	0	-100.0%	84,753	34,096	-59.8%
March	34,438	38,037	35,824	37,843	41,307	42,120	40,962	37,377	36,807	42,370	46,603	52,390	53,985	0	-100.0%	138,738	34,096	-75.4%
April	14,619	13,809	16,196	16,407	15,702	16,565	13,982	12,868	15,894	14,635	19,963	20,758	18,402	0	-100.0%	157,140	34,096	-78.3%
May	4,994	5,024	5,530	5,822	6,816	7,107	6,914	7,028	7,179	7,355	8,661	9,629	9,236	0	-100.0%	166,376	34,096	-79.5%
June	8,856	9,093	9,826	11,561	12,400	13,676	12,426	11,774	12,395	14,043	15,209	18,166	17,060	0	-100.0%	183,436	34,096	-81.4%
July	13,979	14,791	16,080	16,899	17,949	17,575	17,909	18,273	19,208	20,366	22,498	24,168	23,037	0	-100.0%	206,473	34,096	-83.5%
August	13,940	14,145	15,077	15,253	15,994	16,389	15,508	16,362	16,326	17,625	20,071	22,125	21,617	0	-100.0%	228,090	34,096	-85.1%
September	9,865	10,099	11,033	12,427	14,310	12,002	12,224	12,778	14,261	15,020	17,912	18,560	18,152	0	-100.0%	246,242	34,096	-86.2%
October	6,598	7,120	7,132	7,880	8,876	9,289	8,323	8,311	9,306	10,170	11,544	12,687	11,766	0	-100.0%	258,008	34,096	-86.8%
November	8,847	10,173	10,588	10,340	11,069	10,211	9,942	10,780	11,604	12,647	15,877	15,943	13,390	0	-100.0%	271,398	34,096	-87.4%
December	24,975	27,965	28,845	28,736	31,107	26,870	31,564	32,525	36,482	39,687	43,431	47,258	41,085	0	-100.0%	312,483	34,096	-89.1%
Totals	193,234	203,238	211,996	220,435	232,978	233,041	227,313	222,286	239,034	257,638	292,594	322,001	312,483	34,096				

2009 Monthly Sales Tax Activity (in thousands of dollars)



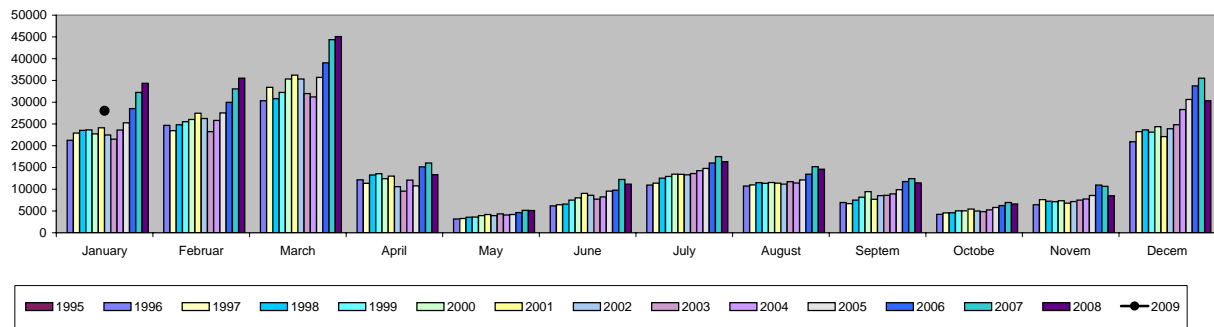
**TOWN OF BRECKENRIDGE
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail-Restaurant-Lodging Summary

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly 08-09	YTD 2008	YTD 2009	YTD % Change 08-09
January	21,263	22,893	23,523	23,629	22,723	24,118	22,465	21,509	23,620	25,240	28,528	32,258	34,333	28,014	-18.4%	34,333	28,014	-18.4%
February	24,673	23,443	24,805	25,532	26,044	27,464	26,258	23,253	25,826	27,553	29,972	33,039	35,504	0	-100.0%	69,837	28,014	-59.9%
March	30,343	33,414	30,809	32,254	35,348	36,196	35,344	31,988	31,209	35,705	39,051	44,390	45,086	0	-100.0%	114,923	28,014	-75.6%
April	12,182	11,347	13,256	13,579	12,426	13,029	10,587	9,562	12,102	10,773	15,134	16,025	13,329	0	-100.0%	128,252	28,014	-78.2%
May	3,167	3,264	3,565	3,610	3,949	4,203	3,950	4,331	4,095	4,179	4,647	5,146	5,096	0	-100.0%	133,348	28,014	-79.0%
June	6,174	6,451	6,588	7,513	8,001	9,058	8,619	7,724	8,217	9,568	9,789	12,225	11,184	0	-100.0%	144,532	28,014	-80.6%
July	10,950	11,405	12,527	12,944	13,464	13,406	13,292	13,590	14,248	14,766	16,038	17,499	16,323	0	-100.0%	160,855	28,014	-82.6%
August	10,738	10,981	11,517	11,352	11,542	11,407	11,174	11,717	11,429	12,122	13,446	15,167	14,587	0	-100.0%	175,442	28,014	-84.0%
September	6,966	6,687	7,492	8,160	9,443	7,666	8,513	8,599	8,940	9,897	11,761	12,418	11,465	0	-100.0%	186,907	28,014	-85.0%
October	4,232	4,560	4,578	5,049	5,054	5,425	4,991	4,855	5,257	5,824	6,248	6,934	6,623	0	-100.0%	193,530	28,014	-85.5%
November	6,426	7,617	7,255	7,122	7,352	6,816	7,174	7,511	7,771	8,557	10,963	10,650	8,544	0	-100.0%	202,074	28,014	-86.1%
December	20,928	23,219	23,650	23,124	24,361	22,090	23,901	24,818	28,314	30,619	33,736	35,517	30,337	0	-100.0%	232,411	28,014	-87.9%
Totals	158,042	165,281	169,565	173,868	179,707	180,878	176,268	169,457	181,028	194,803	219,313	241,268	232,411	28,014				

2009 Monthly Sales Tax Activity (in thousands of dollars)



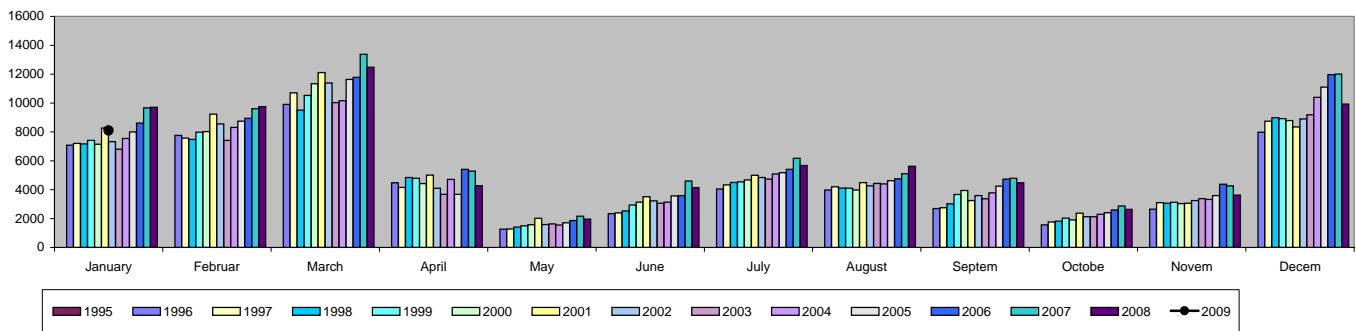
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail Sales

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	7,079	7,205	7,173	7,411	7,149	8,271	7,320	6,807	7,545	8,001	8,607	9,665	9,707	8,096	-16.6%	9,707	8,096	-16.6%
February	7,753	7,568	7,474	7,983	8,024	9,231	8,549	7,418	8,312	8,744	8,942	9,607	9,756	0	-100.0%	19,463	8,096	-58.4%
March	9,902	10,702	9,507	10,525	11,337	12,116	11,390	10,028	10,162	11,632	11,774	13,373	12,473	0	-100.0%	31,936	8,096	-74.6%
April	4,481	4,156	4,841	4,789	4,423	5,008	4,105	3,679	4,714	3,678	5,406	5,287	4,277	0	-100.0%	36,213	8,096	-77.6%
May	1,263	1,272	1,408	1,492	1,569	2,014	1,583	1,626	1,549	1,708	1,858	2,165	1,957	0	-100.0%	38,170	8,096	-78.8%
June	2,335	2,391	2,521	2,931	3,135	3,514	3,227	3,062	3,140	3,565	3,589	4,597	4,140	0	-100.0%	42,310	8,096	-80.9%
July	4,040	4,336	4,499	4,543	4,678	4,998	4,838	4,732	5,087	5,174	5,403	6,176	5,678	0	-100.0%	47,988	8,096	-83.1%
August	3,981	4,199	4,109	4,100	3,973	4,492	4,269	4,429	4,397	4,620	4,757	5,110	5,620	0	-100.0%	53,608	8,096	-84.9%
September	2,698	2,753	3,021	3,671	3,944	3,242	3,587	3,370	3,781	4,249	4,726	4,783	4,479	0	-100.0%	58,087	8,096	-86.1%
October	1,563	1,759	1,815	2,024	1,908	2,374	2,132	2,127	2,298	2,404	2,591	2,866	2,641	0	-100.0%	60,728	8,096	-86.7%
November	2,650	3,108	3,060	3,124	3,041	3,057	3,249	3,378	3,326	3,586	4,376	4,267	3,622	0	-100.0%	64,350	8,096	-87.4%
December	7,978	8,746	8,985	8,919	8,782	8,338	8,893	9,184	10,388	11,099	11,971	12,000	9,924	0	-100.0%	74,274	8,096	-89.1%
Totals	55,723	58,195	58,413	61,512	61,963	66,655	63,142	59,840	64,699	68,460	74,000	79,896	74,274	8,096				

2009 Monthly Sales Tax Activity (in thousands of dollars)



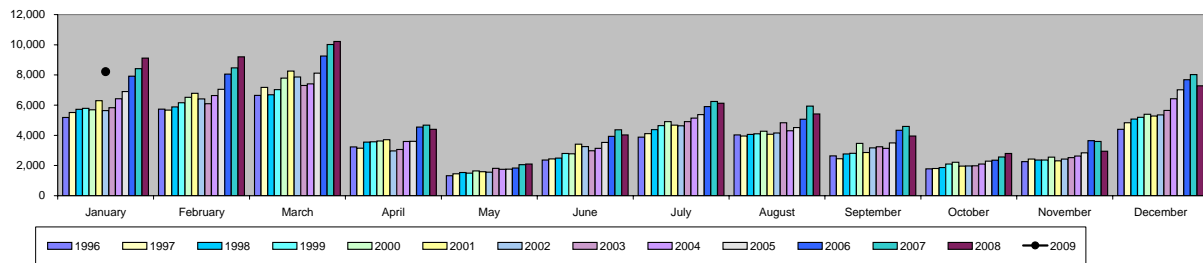
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Restaurants/Bars

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	5,180	5,515	5,723	5,784	5,697	6,300	5,644	5,835	6,425	6,897	7,924	8,414	9,117	8,213	-9.9%	9,117	8,213	-9.9%
February	5,735	5,667	5,880	6,162	6,519	6,783	6,412	6,092	6,637	7,047	8,058	8,467	9,206	0	-100.0%	18,323	8,213	-55.2%
March	6,651	7,180	6,688	7,031	7,792	8,258	7,870	7,307	7,413	8,117	9,256	10,015	10,223	0	-100.0%	28,546	8,213	-71.2%
April	3,238	3,149	3,548	3,576	3,624	3,706	2,967	3,068	3,595	3,609	4,552	4,678	4,404	0	-100.0%	32,950	8,213	-75.1%
May	1,329	1,454	1,541	1,492	1,641	1,590	1,561	1,808	1,746	1,760	1,832	2,058	2,102	0	-100.0%	35,052	8,213	-76.6%
June	2,364	2,437	2,488	2,796	2,779	3,413	3,257	2,982	3,136	3,525	3,938	4,370	4,027	0	-100.0%	39,079	8,213	-79.0%
July	3,877	4,113	4,380	4,639	4,910	4,675	4,632	4,913	5,138	5,375	5,905	6,249	6,130	0	-100.0%	45,209	8,213	-81.8%
August	4,032	3,953	4,056	4,106	4,270	4,068	4,156	4,832	4,302	4,521	5,067	5,933	5,414	0	-100.0%	50,623	8,213	-83.8%
September	2,641	2,452	2,770	2,814	3,468	2,860	3,169	3,249	3,138	3,498	4,340	4,585	3,950	0	-100.0%	54,573	8,213	-85.0%
October	1,779	1,807	1,870	2,097	2,220	1,959	1,977	1,978	2,100	2,290	2,352	2,564	2,801	0	-100.0%	57,374	8,213	-85.7%
November	2,261	2,428	2,364	2,367	2,558	2,307	2,425	2,520	2,624	2,841	3,651	3,593	2,946	0	-100.0%	60,320	8,213	-86.4%
December	4,402	4,834	5,076	5,191	5,393	5,275	5,354	5,646	6,428	7,017	7,681	8,028	7,287	0	-100.0%	67,607	8,213	-87.9%
Totals	43,489	44,989	46,384	48,055	50,871	51,194	49,424	50,230	52,682	56,497	64,556	68,954	67,607	8,213				

2009 Monthly Sales Tax Activity (in thousands of dollars)



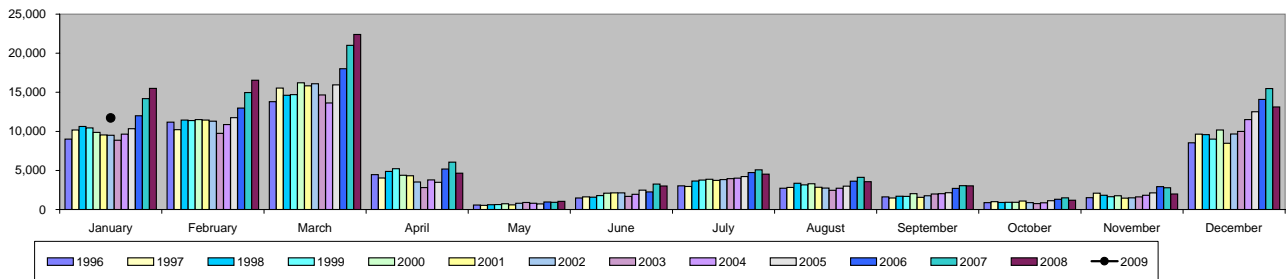
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Short-Term Lodging

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	9,004	10,173	10,627	10,434	9,877	9,547	9,501	8,867	9,650	10,342	11,997	14,179	15,509	11,705	-24.5%	15,509	11,705	-24.5%
February	11,185	10,208	11,451	11,387	11,501	11,450	11,297	9,743	10,877	11,762	12,972	14,965	16,542	0	-100.0%	32,051	11,705	-63.5%
March	13,790	15,532	14,614	14,698	16,219	15,822	16,084	14,653	13,634	15,956	18,021	21,002	22,390	0	-100.0%	54,441	11,705	-78.5%
April	4,463	4,042	4,867	5,214	4,379	4,315	3,515	2,815	3,793	3,486	5,176	6,060	4,648	0	-100.0%	59,089	11,705	-80.2%
May	575	538	616	626	739	599	806	897	800	711	957	923	1,037	0	-100.0%	60,126	11,705	-80.5%
June	1,475	1,623	1,579	1,786	2,087	2,131	2,135	1,680	1,941	2,478	2,262	3,258	3,017	0	-100.0%	63,143	11,705	-81.5%
July	3,033	2,956	3,648	3,762	3,876	3,733	3,822	3,945	4,023	4,217	4,730	5,074	4,515	0	-100.0%	67,658	11,705	-82.7%
August	2,725	2,829	3,352	3,146	3,299	2,847	2,749	2,456	2,730	2,981	3,622	4,124	3,553	0	-100.0%	71,211	11,705	-83.6%
September	1,627	1,482	1,701	1,675	2,031	1,564	1,757	1,980	2,021	2,150	2,695	3,050	3,036	0	-100.0%	74,247	11,705	-84.2%
October	890	994	893	928	926	1,092	882	750	859	1,130	1,305	1,504	1,181	0	-100.0%	75,428	11,705	-84.5%
November	1,515	2,081	1,831	1,631	1,753	1,452	1,500	1,613	1,821	2,130	2,936	2,790	1,976	0	-100.0%	77,404	11,705	-84.9%
December	8,548	9,639	9,589	9,014	10,186	8,477	9,654	9,988	11,498	12,503	14,084	15,489	13,126	0	-100.0%	90,530	11,705	-87.1%
Totals	58,830	62,097	64,768	64,301	66,873	63,029	63,702	59,387	63,647	69,846	80,757	92,418	90,530	11,705				

2009 Monthly Sales Tax Activity (in thousands of dollars)

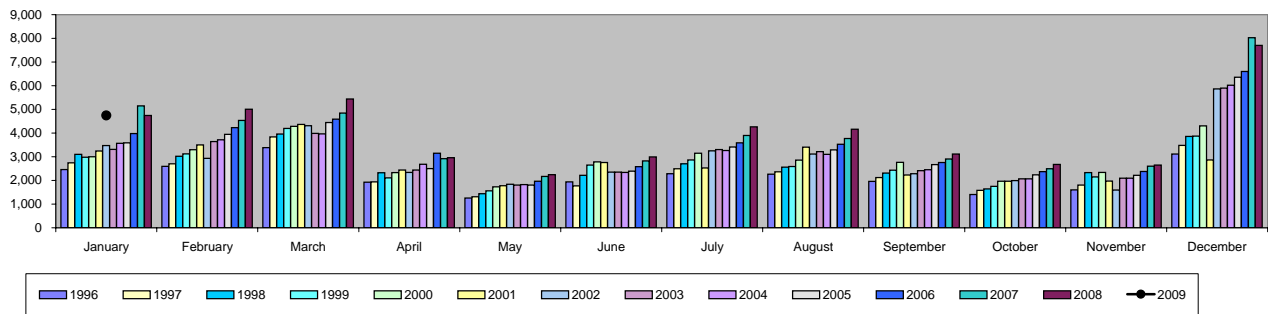


(in Thousands of Dollars)

Grocery/Liquor Stores

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	2,458	2,746	3,104	2,977	2,999	3,242	3,472	3,314	3,570	3,589	3,977	5,149	4,744	4,741	-0.1%	4,744	4,741	-0.1%
February	2,595	2,702	3,020	3,119	3,296	3,501	2,931	3,643	3,714	3,949	4,233	4,536	5,009	0	-100.0%	9,753	4,741	-51.4%
March	3,383	3,839	3,960	4,199	4,282	4,366	4,311	3,988	3,968	4,449	4,585	4,844	5,436	0	-100.0%	15,189	4,741	-68.8%
April	1,928	1,937	2,325	2,105	2,330	2,441	2,336	2,437	2,682	2,503	3,149	2,920	2,959	0	-100.0%	18,148	4,741	-73.9%
May	1,256	1,309	1,440	1,558	1,728	1,779	1,836	1,801	1,823	1,806	1,969	2,169	2,246	0	-100.0%	20,394	4,741	-76.8%
June	1,940	1,772	2,214	2,648	2,784	2,760	2,352	2,354	2,341	2,392	2,584	2,822	2,990	0	-100.0%	23,384	4,741	-79.7%
July	2,283	2,494	2,701	2,862	3,152	2,527	3,253	3,303	3,266	3,414	3,588	3,899	4,264	0	-100.0%	27,648	4,741	-82.9%
August	2,266	2,364	2,559	2,587	2,861	3,404	3,117	3,216	3,103	3,292	3,529	3,771	4,161	0	-100.0%	31,809	4,741	-85.1%
September	1,959	2,122	2,311	2,430	2,765	2,231	2,284	2,409	2,456	2,671	2,757	2,908	3,113	0	-100.0%	34,922	4,741	-86.4%
October	1,407	1,584	1,644	1,748	1,969	1,965	1,990	2,066	2,069	2,239	2,372	2,494	2,673	0	-100.0%	37,595	4,741	-87.4%
November	1,602	1,804	2,330	2,152	2,339	1,970	1,597	2,096	2,096	2,214	2,377	2,600	2,647	0	-100.0%	40,242	4,741	-88.2%
December	3,115	3,477	3,858	3,869	4,305	2,865	5,868	5,897	6,017	6,356	6,604	8,028	7,705	0	-100.0%	47,947	4,741	-90.1%
Totals	26,192	28,150	31,466	32,254	34,810	33,051	35,347	36,524	37,105	38,874	41,724	46,140	47,947	4,741				

2009 Monthly Sales Tax Activity (in thousands of dollars)



THE TOWN IS AWARE OF INCONSISTENT FILING PRACTICES THAT HAVE NEGATIVELY IMPACTED COMPARISONS FOR THIS SECTOR.

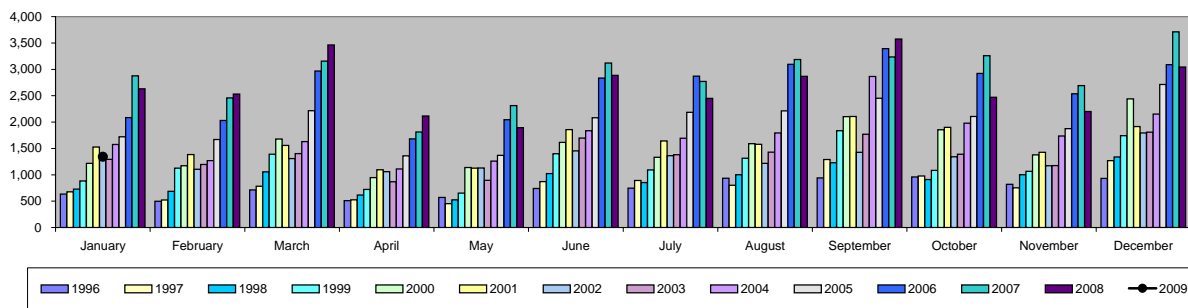
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Supplies

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	635	676	728	884	1,216	1,527	1,327	1,294	1,574	1,720	2,084	2,876	2,631	1,341	-49.0%	2,631	1,341	-49.0%
February	499	522	685	1,126	1,170	1,385	1,106	1,197	1,268	1,669	2,031	2,459	2,532	0	-100.0%	5,163	1,341	-74.0%
March	712	784	1,055	1,390	1,677	1,558	1,307	1,401	1,630	2,216	2,967	3,156	3,463	0	-100.0%	8,626	1,341	-84.5%
April	509	525	615	723	946	1,095	1,059	869	1,110	1,359	1,680	1,813	2,114	0	-100.0%	10,740	1,341	-87.5%
May	571	451	525	654	1,139	1,125	1,128	896	1,261	1,370	2,045	2,314	1,894	0	-100.0%	12,634	1,341	-89.4%
June	742	870	1,024	1,400	1,615	1,858	1,455	1,696	1,837	2,083	2,836	3,119	2,886	0	-100.0%	15,520	1,341	-91.4%
July	746	892	852	1,093	1,333	1,642	1,364	1,380	1,694	2,186	2,872	2,770	2,450	0	-100.0%	17,970	1,341	-92.5%
August	936	800	1,001	1,314	1,591	1,578	1,217	1,429	1,794	2,211	3,096	3,187	2,869	0	-100.0%	20,839	1,341	-93.6%
September	940	1,290	1,230	1,837	2,102	2,105	1,427	1,770	2,865	2,452	3,394	3,234	3,574	0	-100.0%	24,413	1,341	-94.5%
October	959	976	910	1,083	1,853	1,899	1,342	1,390	1,980	2,107	2,924	3,259	2,470	0	-100.0%	26,883	1,341	-95.0%
November	819	752	1,003	1,066	1,378	1,425	1,171	1,173	1,737	1,876	2,537	2,693	2,199	0	-100.0%	29,082	1,341	-95.4%
December	932	1,269	1,337	1,743	2,441	1,915	1,795	1,810	2,151	2,712	3,091	3,713	3,043	0	-100.0%	32,125	1,341	-95.8%
Totals	9,000	9,807	10,965	14,313	18,461	19,112	15,698	16,305	20,901	23,961	31,557	34,593	32,125	1,341				

2009 Monthly Sales Tax Activity (in thousands of dollars)



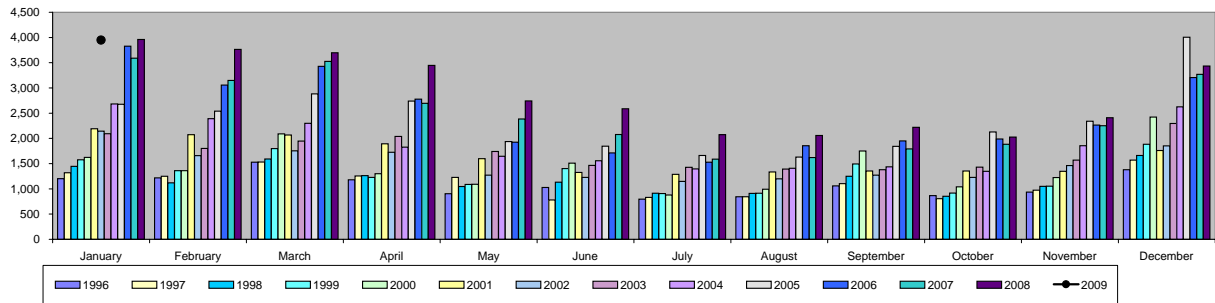
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Utilities

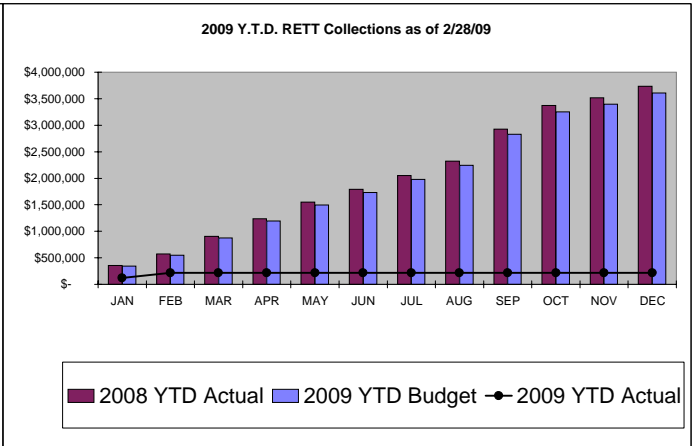
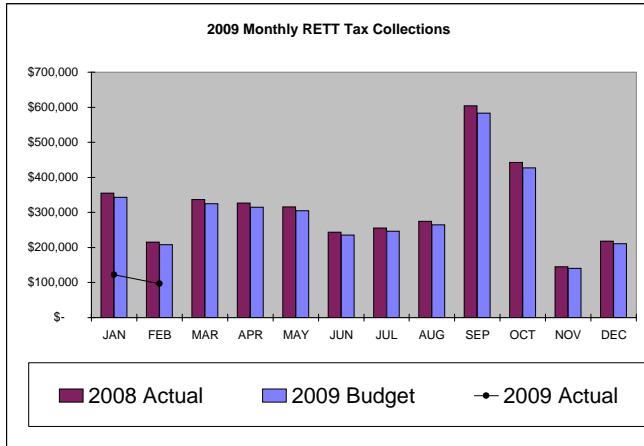
	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	1,201	1,320	1,446	1,575	1,625	2,191	2,144	2,093	2,684	2,675	3,829	3,591	3,961	3,949	-0.3%	3,961	3,949	-0.3%
February	1,218	1,250	1,121	1,360	1,359	2,075	1,659	1,800	2,391	2,540	3,056	3,149	3,765	0	-100.0%	7,726	3,949	-48.9%
March	1,529	1,533	1,591	1,799	2,090	2,067	1,754	1,947	2,299	2,883	3,428	3,525	3,699	0	-100.0%	11,425	3,949	-65.4%
April	1,181	1,255	1,262	1,227	1,299	1,894	1,724	2,040	1,827	2,741	2,778	2,694	3,448	0	-100.0%	14,873	3,949	-73.4%
May	904	1,226	1,047	1,089	1,091	1,599	1,272	1,740	1,647	1,939	1,926	2,386	2,742	0	-100.0%	17,615	3,949	-77.6%
June	1,027	780	1,133	1,402	1,510	1,325	1,228	1,466	1,558	1,846	1,713	2,078	2,588	0	-100.0%	20,203	3,949	-80.5%
July	796	830	913	907	880	1,289	1,147	1,427	1,394	1,663	1,529	1,588	2,075	0	-100.0%	22,278	3,949	-82.3%
August	844	844	910	913	994	1,336	1,198	1,393	1,408	1,629	1,854	1,621	2,058	0	-100.0%	24,336	3,949	-83.8%
September	1,059	1,103	1,249	1,494	1,752	1,354	1,271	1,381	1,435	1,843	1,949	1,792	2,219	0	-100.0%	26,555	3,949	-85.1%
October	866	804	854	917	1,039	1,353	1,227	1,429	1,348	2,127	1,987	1,883	2,026	0	-100.0%	28,581	3,949	-86.2%
November	935	974	1,049	1,052	1,225	1,348	1,461	1,569	1,856	2,340	2,264	2,251	2,411	0	-100.0%	30,992	3,949	-87.3%
December	1,381	1,570	1,661	1,885	2,423	1,760	1,852	2,297	2,627	4,005	3,206	3,271	3,435	0	-100.0%	34,427	3,949	-88.5%
Totals	12,941	13,489	14,236	15,620	17,287	19,591	17,937	20,582	22,474	28,231	29,519	29,829	34,427	3,949				

2009 Monthly Sales Tax Activity (in thousands of dollars)



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

Sales Period	2008 Collections			2009 Budget			2009 Monthly			2009 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2008	% of Budget	Actual	% Change from 2008	% of Budget
JAN	\$ 355,179	\$ 355,179	9.5%	\$ 342,940	\$ 342,940	9.51%	\$ 122,245	-65.6%	35.6%	\$ 122,245	-65.6%	3.4%
FEB	215,566	570,745	15.3%	208,138	551,078	15.29%	96,379	-55.3%	46.3%	218,623	-61.7%	6.1%
MAR	336,956	907,701	24.3%	325,345	876,423	24.31%	-	-100.0%	0.0%	218,623	-75.9%	6.1%
APR	326,521	1,234,222	33.1%	315,270	1,191,693	33.06%	-	-100.0%	0.0%	218,623	-82.3%	6.1%
MAY	315,494	1,549,716	41.5%	304,623	1,496,317	41.51%	-	-100.0%	0.0%	218,623	-85.9%	6.1%
JUN	243,969	1,793,685	48.0%	235,562	1,731,879	48.04%	-	-100.0%	0.0%	218,623	-87.8%	6.1%
JUL	255,305	2,048,990	54.9%	246,508	1,978,387	54.88%	-	-100.0%	0.0%	218,623	-89.3%	6.1%
AUG	274,442	2,323,432	62.2%	264,985	2,243,372	62.23%	-	-100.0%	0.0%	218,623	-90.6%	6.1%
SEP	604,037	2,927,469	78.4%	583,223	2,826,596	78.40%	-	-100.0%	0.0%	218,623	-92.5%	6.1%
OCT	442,830	3,370,299	90.3%	427,571	3,254,167	90.26%	-	-100.0%	0.0%	218,623	-93.5%	6.1%
NOV	145,549	3,515,848	94.2%	140,534	3,394,701	94.16%	-	-100.0%	0.0%	218,623	-93.8%	6.1%
DEC	\$ 217,937	\$ 3,733,785	100.0%	\$ 210,427	\$ 3,605,128	100.00%	\$ -	-100.0%	0.0%	\$ 218,623	-94.1%	6.1%



MEMORANDUM

TO: Town Council

FROM: Chris Kulick, Planner I

DATE: February 17, 2009

SUBJECT: Incentives for Renewable Energy

Recently staff has been requested to look into existing energy incentive programs that Town residents may participate in and additional ways in which the Town can incentivize energy efficiency. This memo outlines incentives currently offered to Town residents, and possible incentives the Town could offer in the future.

Current Energy Incentives for Town Residents & Property Owners

Agency	Program	Rebate/Credit	Additional Information
Town of Breckenridge (TOB)	Reduced Plan Review Fee	None	Reduced \$50 review fee for all renewable energy infrastructure.
TOB/GEO	Solar Hot Water Grant	Res: up to \$3,000 Com: up to \$9,000	Town has contributed \$50,000 in matching funds. Program has very specific eligibility requirements.
Xcel	Solar PV Rewards Program	up to \$3.50 per watt of system capacity rebate	Customers who install grid-connected photovoltaic (PV) systems ranging from 0.5 kilowatts (kW) to 10 kW-DC in capacity are eligible.
FHA	Energy Efficient Home Mortgage	None	This allows borrowers who might otherwise be denied loans to pursue energy efficiency improvements
IRS	Residential Renewable Tax Credits	Variable tax credit	Tax credits for pv, solar hot water, small wind energy, fuel cell, geothermal & fuel cell systems.
HCCC/GEO	Insulate Colorado	up to \$300 rebate	Xcel gas customers must use Xcel insulate program
Xcel	Xcel Insulate Colorado	up to \$300 rebate	Only for Xcel gas customers

Additional Incentives the Town Could Implement

Further reduce or eliminate building & planning fees

Cities and Towns such as Asheville, NC and Santa Monica, CA have waived all permitting fees associated with solar projects. Internally Town staff has looked into this incentive but has instituted a flat \$50 mechanical fee instead. This direction was taken to create a financial incentive for renewables but at the same time dissuade individuals from foregoing the permitting processes altogether. Additionally the Town charges a \$45 Class “D” planning permit fee on all renewable systems outside of the Historic District. This Class “D” fee could be potentially waived, to offer an additional incentive.

Provide sales tax rebates on Renewable Infrastructure

Presently the Town is collecting sales tax on renewable energy infrastructure that is sold and installed within the Town. In 2008 the Town received \$1,200 dollars in sales tax directly tied to renewable energy infrastructure. Currently the Town has only one renewable infrastructure provider, Innovative Energy, and 100% of the sale tax generated in 2008 came from this provider. Based off of the \$1,200 in sales tax remittance it is estimated that approximately 5-7 systems were purchased through this provider and installed in the Town in 2008. In situations where the product comes from outside of the Town limits through a third party shipper, no sales tax is paid and as a result this could incentivize residents to purchase infrastructure from a non-local source.

In April 2007 Colorado enacted legislation ([SB 145](#)) to authorize counties and municipalities to offer property or sales tax rebates or credits to residential and commercial property owners who install renewable energy systems on their property. Boulder was the first municipality to begin refunding a portion of sales under this bill. In many states, Arizona, Florida, Iowa, Massachusetts, Maryland, Minnesota, New York, North Dakota, Vermont, and Wisconsin, renewable-energy systems are exempt from the state's sales tax. Exempting renewable energy infrastructure from sales tax may be an additional low cost way to incentivize infrastructure generation.

Town Financing For Renewable Energy

Both Berkeley California and Aspen have programs that allow residents to finance renewable energy infrastructure through governmental entities. Providing government secured financing is yet another way to incentivize renewable energy.

What Other Summit Communities are Doing

Presently the Town of Frisco is the only other municipality in the County creating incentives for renewable energy. They are involved in the GEO's Solar Hot-Water Grant Program and have waived planning permit fees for renewable energy infrastructure.

Council Discussion

Staff is requesting input from the Council, if we should pursue any additional renewable energy incentives.

Memo

To: Town Council

From: Julia Puester, AICP

Mark Truckey, Assistant Director

Date: March 4th for meeting of March 10, 2009

Re: Neighborhood Preservation Task Force

Staff presented the Neighborhood Preservation Policy community open house comments and survey results at the February 10th Council worksession. At that worksession, the Council directed Staff to gather volunteers for a task force to examine the issues and explore different options for addressing a neighborhood preservation policy. There are 23 citizens who have expressed interest in serving on the task force. Staff has attached the list of volunteers and their respective neighborhoods.

There were some public comments at the Council worksession suggesting the inclusion of a member from each neighborhood on the task force. As there are 17 applicable subdivisions, staff recommends a smaller task force consisting of 5-7 volunteers for functionality, while still allowing representation from a number of the neighborhoods. Staff recommends that the task force should be a diverse group consisting of members from different neighborhoods and professional experiences.

Staff would also like to have Council clarify the desired outcome and goal of the task force. Based on past Council comments, staff believes the Council has indicated their minimal expectations of the task force work. Namely, that some maximum size limitation is desired, but that the task force has the flexibility to be creative and consider numbers, formulas, and other considerations (allowing for additions) that were not presented at the open houses. Is it fair to characterize the Council's approach as such and to outline this expectation with the task force?

Neighborhood Preservation Policy Task Force Volunteers

Name	Email	Physical Address	Neighborhood
Rae Anderson	sraeanderson@aol.com	1102 Bright Hope	Breck South
Bobby Craig	araparch@colorado.net	1037 Forest Hills Dr.	Eagle
Tim Casey	tim@mmabreck.com	1031 Boreas Pass Rd.	Brooks Hill
Jack Wolfe	wolfejac@me.com	1039 Boreas Pass Rd.	Brooks Hill
Rick Sramek	luciasrmek@msn.com	1212 Brooks Hill	Brooks Hill
Turk Montepare	turkm@breckrealestate.com	123 Pine Street	Weisshorn
Anne Harris	aharris@slifersummit.com	1200 Brooks Hill	Brooks Hill
Marc Hogan	mhogan@bhpartners.com	100 E. Adams (business)	n/a
Michele Hart	mhart@colorado.net	128 N. Goldflake	Weisshorn
Rob Neyland	neyland@realtor.com	1437 Broken Lance	Warrior's Mark
Stephany Epps	epps@colorado.net	214 N. Wellington Rd.	Weisshorn
Gene Baker	gbaker@bhpartners.com	52 Carter	Sunbeam
Bob Girvin	bgirvin@colorado.net	107 N . Goldflake Terrace	Weisshorn
Shedd Webster	shedwebster@yahoo.com	Lot 1 Penn Lode	Penn Lode
Larry G. Willhite, M.	LARRYANDPAMWILLHITE@msn.com	760 S. French St	Peaks
Kem Schwartz	kem@eresummit.com	71 New England Dr	Warriors Mark West
Paula Stanton	stanton@colorado.net	306 Wellington	Wellington, Filing 2
Blake Davis	Blake.Davis@efirstbank.com	211 Morning Star	Weisshorn
Rick Hague	Rehague@aol.com	44 Now Colorado Court	Warriors Mark
Larry Niedergerke	lniede@comcast.net	29 White Cloud Drive	Warrior's Mark West
Harry Wolley	harry.l.wolley@wellsfargo.com	1900 Highlands Drive	Highlands
Brad Perry	brad@sleddogcafe.com	58 Carter Drive	Sunbeam Estates
Rich Rowley	rowleymsi@aol.com	1043 Boreas Pass	Brooks Hill



MEMORANDUM

To: Town Council
From: Jennifer Cram, Planner III
Subject: Updates to the Mountain Pine Beetle Ordinance
Date: February 17, 2009 (For meeting on March 10, 2009)

Attached to this memo is a draft of proposed updates to the Mountain Pine Beetle Ordinance Number 16, Series 2007. A summary of the updates are noted below.

Under Section 5-11-2, we clarified the definition of a Beetle Infested Tree.

Under Section 5-11-4, we simplified the inspection process.

Under Section 5-11-5, we simplified the inspection warrant process to be consistent with the Defensible Space inspection warrant process.

Under Section 5-11-6, we updated the time period in which property owners have to remove infested trees to one year. We want property owners to be able to get an economy of scale and remove trees for Defensible Space as well.

Under Section 5-11-7, we included language within the abatement order to allow property owners to coordinate the removal of infested trees with a Defensible Space plan.

We are proposing to remove Section 5-11-8, as we have not required a development permit to remove infested or dead trees for two seasons to encourage property owners to remove infested and dead trees in a timely manner. We will require that property owners work with approved contractors that have attended one of our training sessions. The removal of any other tree within Town still requires staff approval and a Class D permit.

We added Section 5-11-11, to clarify how Town owned properties will be treated.

We added Section 5-11-12, to include an exemption for properties that have excessively steep slopes or poor access.

Section 5-11-13 was also added to allow the Director to update the administrative rules from time to time.

These updates help to make the ordinance consistent with our current program goals. Staff will be available during the worksession to discuss these changes and answer any questions.

1 | ***FOR WORKSESSION/- MARCH 10***

Deleted: *SECOND READING*

Deleted: *FEB*

Deleted: .

Deleted: *10*

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2009

9
10 AN ORDINANCE AMENDING TITLE 5, **CHAPTER 11** OF THE BRECKENRIDGE TOWN
11 CODE CONCERNING MOUNTAIN PINE BEETLES AND BEETLE INFESTED TREES

Deleted: BY ADOPTING A NEW CHAPTER 11

12
13 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
14 COLORADO:

15
16 .

Deleted: Section 1. Title 5 of the Breckenridge Town Code is amended by the addition of a new Chapter 11, to be entitled "Mountain Pine Beetle and Beetle Infested Trees", which shall read in its entirety as follows

17
18 CHAPTER 11

19
20 MOUNTAIN PINE BEETLES AND BEETLE INFESTED TREES

21
22 Section:

23
24 5-11-1: Legislative Findings

25 5-11-2: Definitions

26 5-11-3: Duty of Landowner and Occupant to Permit Inspection

27 5-11-4: Inspection For Mountain Pine Beetle

28 **5-11-5: Inspection Warrant**

29 5-11-~~56~~: Notice of Violation

30 5-11-~~67~~: Abatement Order

31 5-11-~~78~~: Development Permit For Removal of Beetle Infested Tree

32 5-11-~~89~~: Unlawful Acts

33 5-11-~~910~~: Applicability

34 **5-11-11: Town Property**

35 **5-11-12: Exception**

36 **5-11-13: Rules and Regulations**

37
38 5-11-1: LEGISLATIVE FINDINGS: The Town Council hereby finds, determines and declares
39 as follows:

- 40
41 A. The presence of the mountain pine beetle and beetle infested trees presents a real and
42 substantial risk to the health of the lodgepole forests located in and around the Town.
43 B. The presence of the mountain pine beetle and beetle infested trees within the Town also
44 presents a real and substantial risk to the public health, safety and welfare in the form of

- 1 an increased risk of a rapidly spreading fire, and a significant threat to the aesthetic
 2 values which are of great importance to the social and economic vitality of the Town.
 3 C. The presence of the mountain pine beetle and beetle infested trees within the Town is
 4 predicted to result in lodgepole pine mortality rates of up to 95% within the foreseeable
 5 future.
 6 D. There exists a growing mountain pine beetle epidemic within the Town which threatens
 7 our community and its valuable natural and scenic resources.
 8 E. There exists an urgent need for a Town-wide policy to effectively manage the existing
 9 and future threats to public and private property caused by the mountain pine beetle and
 10 beetle infested trees. The provisions of this chapter reflect such a policy.
 11 F. The provisions of this chapter are necessary in order to protect the public health, safety
 12 and welfare.
 13 G. The inspection provisions contained in this chapter are necessary in the interest of public
 14 safety within the meaning of Rule 241(b)(2) of the Colorado Municipal Court Rules of
 15 Procedure.
 16

17 5-11-2: DEFINITIONS: In this chapter, the following words shall have the following meanings,
 18 unless the context clearly requires otherwise:
 19

“Beetle Infested Tree” or “tree infested with mountain pine beetle”

means: (i) a tree, alive or dead, which is, or has been infested with the mountain pine beetle; and (ii) any Lodge pole Pine tree that is dead or substantially dead, and all deadwood to which the bark is still attached which, because of its condition, may serve as a breeding place for the mountain pine beetle.

Deleted: species or variety of

Deleted: their

“Destruction”

means cutting and chipping a tree which is infested with mountain pine beetle; or other method of disposing of a beetle infested tree approved by the Director.

“Director”

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

“Mountain Pine Beetle”

means the species *Dendroctonus ponderosae*.

“Occupant”

means any person in physical possession of any lot, tract or parcel of real property located within the corporate limits of the Town who is not the owner of such property. For the purposes of this chapter, “occupant” does not include the owner of an easement or right-of-way across property.

“Owner” or “landowner”

means any person who owns any lot, tract or parcel

of real property located within the corporate limits of the Town.

“Property” means any lot, tract or parcel of real property located within the corporate limits of the Town.

“Person” has the meaning provided in section 1-3-2 of this code.

1
2 5-11-3: DUTY OF LANDOWNER AND OCCUPANT TO PERMIT INSPECTION:
3

4 An owner or occupant whose property may have located on it one or more beetle infested tree
5 shall allow the Director to enter such property for the purpose of immediate inspection of the
6 trees located upon such property when at least one of the following events has occurred:
7

- 8 A. The owner or occupant has requested the inspection;
9
10 B. A neighboring landowner or occupant has reported a suspected beetle infested
11 tree and requested an inspection; or
12
13 C. The Director has made a visual observation from a public right-of-way or area
14 and has reason to believe that a beetle infested tree exists on the property of the
15 owner or occupant.
16

17 5-11-4: INSPECTION FOR MOUNTAIN PINE BEETLE:
18

- 19 A. Subject to the requirements and limitations of this section, the Director shall have
20 the right to enter upon any property, whether public or private, during reasonable
21 hours for the purpose of inspecting for the existence of a beetle infested tree when
22 at least one of the three events described in section 5-11-3 has occurred. However,
23 no agent or employee of the Town shall enter upon any property to inspect for a
24 beetle infested tree without the permission of the owner or occupant, or without
25 an inspection warrant issued pursuant to this section.
26
27 B. If verbal permission to inspect the property from the affected owner or occupant
28 is not obtained **the Director may request that an inspection warrant be issued**
29 **by the municipal court.** ~~Town shall send written notice to the landowner and any~~
30 ~~occupant of the property advising that the Director desires to inspect the property~~
31 ~~for a beetle infested tree. The notice shall be sent by certified mail. The notice~~
32 ~~may be sent to the landowner at the address to which tax notices are sent~~
33 ~~according to the records of the Summit County treasurer, and to the occupant at~~
34 ~~the property address. Alternatively, the Director may personally serve such notice~~
35 ~~upon the affected owner or occupant.~~ Where possible, inspections shall be
36 scheduled and conducted with the concurrence of the owner or occupant.
37

1 C. ~~If permission to enter upon and inspect the property is not obtained within 10 days~~
2 ~~after the notice described in subsection B of this section has been received, or~~
3 ~~within 10 days of date of service if the notice is personally served, the Director~~
4 ~~may request that an inspection warrant be issued by the municipal court. The~~
5 ~~municipal court judge shall issue an inspection warrant upon presentation by the~~
6 ~~Director of an affidavit satisfying the requirements of Rule 241(b)(2) of the~~
7 ~~Colorado Municipal Court Rules of Procedure. The municipal court judge may~~
8 ~~issue an area wide inspection warrant pursuant to this section unless otherwise~~
9 ~~prohibited by law.~~

10 DC. In case of an emergency involving imminent danger to public health, safety or
11 welfare, the Director may enter the property to conduct an emergency inspection
12 without a warrant and without complying with the requirements of this section.
13

14
15 **5-11-5: INSPECTION WARRANT:**

- 16
17 A. **The municipal court judge shall issue an inspection warrant authorizing the**
18 **inspection of property located within the Town pursuant to this chapter upon**
19 **presentation by the Director of an affidavit satisfying the requirements of Rule**
20 **241(b)(2) of the Colorado Municipal Court Rules of Procedure; provided, however,**
21 **that when issuing an area-wide inspection warrant pursuant to subsection B of this**
22 **section the Municipal Judge shall not require a showing that the owner or occupant**
23 **of the property to be inspected has refused entry to the Town inspector or that the**
24 **premises are locked and the Town inspector has been unable to obtain permission**
25 **of the owner or occupant to enter.**
- 26
27 B. **The municipal court judge shall issue an area-wide inspection warrant for two or**
28 **more properties upon a finding that:**
- 29
30 1. **The Town has established and currently maintains a program to inspect**
31 **properties throughout the Town for beetle infested trees.**
 - 32
33 2. **There are a significant number of publicly and privately owned lands within**
34 **the Town that need to be inspected for beetle infested trees, and an urgent**
35 **public need to implement this chapter. The extremely high number of**
36 **properties that need to be inspected in such a short time period, combined**
37 **with the limited Town and Red, White and Blue Fire Protection District staff**
38 **who are available to conduct the necessary inspections, makes it**
39 **impracticable for the Town to attempt to obtain the individualized**
40 **permission from each affected landowner before going onto the property to**
41 **inspect for beetle infested trees.**
 - 42
43 3. **Requiring the Town to first attempt to obtain permission from the numerous**
44 **landowners within the area to be inspected would frustrate the purpose of an**
45 **area-wide inspection warrant; would create an undue delay in the**

1 performance of the necessary inspections for beetle infested trees; would be
2 an unreasonable burden and precondition to the issuance of an area-wide
3 inspection warrant; and, as a result, would jeopardize the public health,
4 safety and welfare.

- 5
6 4. No good reason exists to require the Town to first seek the permission of the
7 landowners of lands to be included in an area-wide inspection warrant, and
8 there is no need to impose such a requirement on the Town as a precondition
9 to the issuance of the requested inspection warrant.

10
11 C. An inspection warrant issued pursuant to this chapter shall contain the following
12 conditions:

- 13
14 1. The inspector shall attempt to verbally notify the affected landowner or
15 occupants prior to beginning the inspection. This shall be done by knocking
16 on the front door of any building located on the property and, if the
17 landowner or an occupant is present, the inspector shall present his or her
18 credentials identifying the inspector as an employee or agent of the Town.
19 The inspector shall also explain to the property landowner or occupant the
20 purpose of the inspection. If: (a) neither the landowner nor an occupant is
21 home when the inspector goes to inspect the property; (b) the building is
22 locked; or (c) the property consists of unimproved property, no notice shall
23 be required prior to the inspector entering the property to inspect for beetle
24 infested trees.
- 25
26 2. No Town inspector acting pursuant to an inspection warrant shall enter any
27 residence, building, or structure located upon any property without the
28 permission of the landowner or occupant.

29
30 D. The municipal judge may impose such other conditions on an inspection warrant as
31 may be necessary in the judge's opinion to protect the private property rights of the
32 landowner of the property to be inspected, or to otherwise make the warrant
33 comply with applicable law.

34
35 5-11-56: NOTICE OF VIOLATION:

- 36
37 A. If the Director determines that the property contains one or more trees s infested with
38 the mountain pine beetle, the Director shall notify the owner and any occupant of the
39 property. Such notice shall be given either by certified mail or personal delivery.
40
41 B. The notice shall:
42
43 1. advise the owner or occupant that the property contains one or more trees
44 infested with mountain pine beetle;
45 2. advise the owner or occupant of Town-approved methods for the removal and

1 destruction of beetle infested trees; and
2 3. advise the owner or occupant that all trees infested with mountain pine beetle
3 must be removed within ~~10 days~~ **one year** following receipt of the notice, ~~or that~~
4 ~~an acceptable plan and schedule for removal of the beetle infested trees must be~~
5 ~~submitted to the Director within such 10 day period.~~

6
7 C. If the owner or occupant disputes that the property contains one or more trees
8 infested with mountain pine beetle, the owner or occupant shall notify the Director
9 of such dispute within 10 days of receipt of the Director's notice. If a timely notice
10 of dispute is given, the Town shall not file an application for an abatement order
11 until the Director has met with the disputing party in an effort to resolve the dispute.
12 If the Director meets with the disputing party and is unable to resolve the dispute,
13 the Town may file an application for an abatement order pursuant to section 5-11-6.
14

15 5-11-~~67~~: ABATEMENT ORDER:

16
17 A. In the event the owner or occupant fails to comply with the Director's notice as
18 described in Section 5-11-5 by removing the beetle infested trees or submitting an
19 acceptable schedule for such removal **that coincides with the creation of Defensible**
20 **Space** within the applicable 10 day period, the Town has the authority to provide for
21 and complete the removal by obtaining and acting on an abatement order.
22

23 B. Upon the expiration of the period of notice, or at any time thereafter if the required
24 action has not taken place, the Town may apply to the municipal court for an
25 abatement order.
26

27 C. An application for an abatement order shall be accompanied by an affidavit
28 affirming that:

- 29
30 1. the Director has determined that the subject property has one or more trees
31 infested with mountain pine beetle;
32 2. the Director has complied with the notice requirements of Section 5-11-5;
33 and
34 3. the owner or occupant has failed to either remove the beetle infested trees or
35 to submit an acceptable plan and schedule for removal of the beetle infested
36 trees within the required time.
37

38 D. The Town shall give notice to the owner and any occupant of the property of its
39 application for an abatement order either by certified mail or by personal service of
40 the notice.
41

42 E. The notice of application for an abatement order shall include a copy of the Town's
43 application and its affidavit in support thereof, as well as the date, time, and place at
44 which the Town will appear before the Municipal Court to request entry of the
45 abatement order.

1
2 F. At the stated time, date, and place, the municipal court judge shall review the
3 Town's application for the abatement order, the affidavit, any statement of the Town
4 offered in support thereof, as well as any statement and evidence presented by the
5 owner or occupant, if present.

6
7 G. If the municipal judge determines that:

- 8
9 1. the subject property has one or more trees infested with mountain pine
10 beetle;
11 2. the Director has complied with the notice requirements of Section 5-11-5;
12 and
13 3. the owner or occupant has failed to either remove the beetle infested trees or
14 to submit an acceptable plan and schedule for removal of the beetle infested
15 trees within the required time,

16
17 the municipal court judge is authorized to enter an order permitting the Town to
18 enter upon the property, remove the beetle infested trees, and recover its costs as
19 provided in subsection K of this section.

20
21 H. An owner is responsible under this chapter for any beetle infested trees permitted to
22 remain on the owner's property by an occupant after the Director has given notice of
23 a violation pursuant to section 5-11-5.

24
25 I. In case of an emergency involving imminent danger to public health, safety or
26 welfare, the Town may authorize immediate removal of any beetle infested tree
27 without notice or abatement order.

28
29 J. The Town may pursue the remedies set forth in this section with or without filing a
30 complaint in the municipal court, at the Town's sole discretion.

31
32 K. The owner or occupant shall be assessed twice the whole cost of removal of the
33 beetle infested trees from the property, including administrative fees. If all of the
34 costs and charges incurred by the Town are not paid within 30 days of the date of the
35 assessment, the unpaid costs shall be certified to the Summit Treasurer for collection
36 in the same manner as real property taxes.

37
38 ~~5-11-78:~~ **NO DEVELOPMENT PERMIT FOR REMOVAL OF BEETLE INFESTED TREE:**
39 No Development Permit shall be required to remove any current year infested or dead Lodge
40 pole Pine tree provided that the property owner either contacts Town Staff to prior to removing
41 said trees themselves, or works with a Town approved contractor.

42
43 ~~5-11-89:~~ UNLAWFUL ACTS:

44
45 A. It shall be unlawful and a misdemeanor offense for any owner or occupant to fail

Deleted: The Director shall issue a Class D development permit to any owner or occupant desiring to remove one or more beetle infested tree from his or her property

Deleted: .

Deleted: There shall be no application fee for the development permit. The application shall contain a written narrative describing the type, size, quantity and general location of the beetle infested trees proposed to be removed. The Director shall perform a site visit prior to action on the development permit application

1 or refuse to remove all beetle infested trees from their property within the time
2 period provided for in a notice of violation sent by the Director pursuant to
3 section 5-11-5 of this section.

4
5 B. It shall be unlawful and a misdemeanor offense for a owner or occupant to deny
6 the Director access to the property owned or occupied by the owner or occupant if
7 the Director presents an inspection warrant issued pursuant to this section.

8
9 C. It shall be unlawful and a misdemeanor offense for any person to sell, expose for
10 sale, offer for sale, transfer, give away or offer to give away any beetle infested tree
11 anywhere within the Town.

12
13 5-11-910: APPLICABILITY: Except as provided in section 5-11-11 and 5-11-12, The
14 provisions of this chapter shall apply to all public and private lands within the corporate limits of
15 the Town.

16
17 **5-11-11: TOWN PROPERTY: The inspection of Town-owned property, and the removal**
18 **of beetle-infested trees from such lands, shall be determined by the Town Council in its**
19 **considered judgment. The Town Council shall consult with the Town of Breckenridge**
20 **Open Space Advisory Commission with respect to the inspection of and removal of beetle-**
21 **infested trees from Town-owned open space parcels. In determining how to proceed with**
22 **respect to the inspection and removal of beetle-infested trees from Town-owned real**
23 **property the Town Council shall consider, access, steep slopes, and ecological sensitivity**
24 **along with established budgetary priorities; the availability of public funds to conduct such**
25 **inspections and removal actions; as well as any other applicable budgetary constraints or**
26 **limitations. The provisions of this chapter shall not apply to the inspection of Town-owned**
27 **property and the removal of beetle-infested trees from such lands.**

28
29 **5-11-12: EXCEPTION: The provisions of this chapter shall not apply to property that has**
30 **steep slopes or poor access making it unreasonable for the landowner to be required to**
31 **inspect and remove beetle infested trees. The Director's regulations shall more specifically**
32 **identify the property to which the exception in this section applies.**

33
34 **5-11-13: RULES AND REGULATIONS: The Director has the authority from time to time**
35 **to adopt, amend, alter and repeal administrative rules and regulations as necessary for the**
36 **proper administration of this chapter. Such regulations shall be adopted in accordance**
37 **with the procedures established by Title 1, Chapter 18 of this Code.**

38
39 Section 2. Section 5-1-7(M) of the Breckenridge Town Code is hereby deleted.

40
41 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the
42 various secondary codes adopted by reference therein, shall continue in full force and effect.

43
44 Section 4. The Town Council hereby finds, determines and declares that this ordinance is
45 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and

1 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
2 thereof.

3
4 Section 5. The Town Council hereby finds, determines and declares that it has the power
5 to adopt this ordinance pursuant to the provisions of: (i) Section 31-15-103, C.R.S., (concerning
6 municipal police power); (ii) Section 31-15-401, C.R.S. (concerning municipal police power);
7 (iii) the powers contained in the Breckenridge Town Charter; and (iv) other powers possessed by
8 home rule municipalities in Colorado.

9
10 Section 6. This ordinance shall be published and become effective as provided by
11 Section 5.9 of the Breckenridge Town Charter.

12
13 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
14 | PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be held at the
15 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
16 | _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
17 Town.

Deleted: 7

Deleted: 7

18
19 TOWN OF BRECKENRIDGE, a Colorado
20 municipal corporation

21
22
23
24 By _____
25 John G. Warner, Mayor

26
27 ATTEST:

28
29
30
31 _____
32 Mary Jean Loufek, CMC,
33 Town Clerk

Memo

To: Town Council

From: Julia Puester

Date: March 3rd for meeting of March 10, 2009

Re: Locomotive #9 Budget Status and Request

The Council released \$11,000 to the Breckenridge Heritage Alliance (Alliance) to fund design services to explore two potential sites for the Locomotive #9 train park. The conceptual design of the potential sites were completed Mary Hart Design, utilizing the \$11,000 in funds. At the August 26th Council worksession, the majority of Council voted that the preferred site was at the Wellington Lot.

Town staff has been working with the Breckenridge Heritage Alliance to design a site plan and shelter for Engine #9. The plans are near complete for presentation to the Planning Commission and Town Council with the exception of the shelter material sizing (trusses, posts, beams, etc.) and the locomotive maintenance pit. In responding to the Planning Commission and Council concerns regarding the structure type and fit with the Historic District, staff has suggested a stick built structure rather than a pre-fabricated structure as originally presented by the Alliance. The pre-fabricated building would include engineering costs by the manufacturer. In order to have correct building material sizing for a stick built structure and maintenance pit details, the Alliance is requesting that \$5,000 be released by the Town Council for the Professional Engineer (P.E.) to finalize the plans with correct sizing requirements for the structure and maintenance pit. Knowing the size details will allow for an accurate budget and elevations to be presented to the Council along with the development application.



To: Mayor and Town Council Members

From: Director of Communications, on behalf of the “Breck 150” Steering Committee

Cc: *Town Manager, Assistant Town Manager, “Breck 150” Steering Committee*

Date: March 4, 2009 (*for 3.10.09 meeting*)

RE: Breck150th Update and Rollover Request

History:

Based on the “Breckenridge 150: A Springboard for Heritage Tourism” report, a central organizing committee was formed in August 2007 and work began on efforts to celebrate Breckenridge’s 150th anniversary milestone. The Steering Committee consists of representatives from the Breckenridge Resort Chamber (BRC), the Breckenridge Heritage Alliance (BHA), the Town of Breckenridge (ToB) and the Breckenridge Ski Resort (BSR).

In November 2007 Town Council approved a total of \$300,000 towards marketing efforts of the Breck150, of which \$165,000 was slated for 2008’s budget and \$135,000 for 2009’s budget.

In July 2008 the Council reviewed several capital and special fund projects, including the Breck150 marketing efforts. The decision was made to temporarily freeze 2008 funds that had not yet been committed. \$45,500 had been spent, leaving \$119,500 for 2008 that was frozen.

On September 23, 2008, Council ‘unfroze’ \$85,000 in funding for various time sensitive projects; this left \$34,500 of funds frozen for 2008. In November 2008, Council approved \$135,000 for the 2009 budget (from the original total Breck150 request).

The Steering Committee meets one to two times a month to review financials and projects, and there are five subcommittees that are working on various aspects of this celebration. The Steering Committee heard the Council’s concerns about not competing with our business community, and carefully scrutinizes the funding on an on-going basis.

2008 Project Highlights:

- *Creative/Logo* – a ‘tool kit’ was completed for BOLT holders to use at no charge and outlines a few ideas of ways to get involved with Breck150.
- *‘The Golden Stories of Breckenridge – 150 Years’ DVD* – Wendy Wolfe has been working on a documentary production in HD (High Definition).

- *Newsletter to BOLT holders* – first issue mailed in Oct., second issue mailed late last week. These are done in-house and a portion of the printing has been graciously donated by Laser Graphics.
- *Bus ads* – five ‘character’ ads were developed and are running in the three transit systems: Free Ride, BSR and the Summit Stage.
- *Banners for various events* – two 3 x 5 banners are being used at various events throughout the year to brand the celebration.
- *Buttons for employees* – two sizes of buttons have been produced and are continually being distributed to businesses for employees to wear.
- *Window decals* – produced and continually being distributed to businesses to display for the year.
- *Website* – Breck150.com was developed and continues to be updated.
- *The Gold Pan’s Breck150 Local’s Launch* – hosted and organized by the Gold Pan staff, with food provided by Breck150 funds, in early November.
- *Blogger* – launched in December by Lisa Mercer and includes Summit Daily News blog, MySpace page, and a FaceBook page.
- *Courthouse Time Capsule* – investigation was completed to gauge the feasibility of removing the time capsule (from 1909), and work continues to remove and replace as part of the Grand Celebration in August 2009.
- *‘Colorado Gold Trail’ grant* – our application to the Colorado Tourism Office was accepted; it includes a collaboration with Boulder, Black Hawk/Central City, Idaho Springs, Park County (Fairplay, Alma and Como) and Leadville; and is similar in concept to a scenic byway and will promote a route for visitors to travel along the Colorado gold mining discoveries.

2009 Projects-in-process Highlights:

- *Over-the-road banner* – banner across Main Street to be utilized at times when there are no event-specific and non-profit needs.
- *Heritage-specific advertising* – specifically chosen to compliment editorial, including The History Channel Magazine, Preservation, AAA EnCompass, history.com, Smithsonian.com; for the April thru June issues/time frame.
- *Program/Guide Book(s)* – similar to International Snow Sculpture Championship’s guides, would like to produce a March/April version to entice visitors back for the summer, and a summer version to outline events and activities.
- *Photography* – to provide documentation of this milestone year and to use for future heritage tourism-based efforts.
- *Lamp post banners* – as part of the wayfinding recommendation, approximately 40 banners would be placed on available lamp posts throughout the downtown core.
- *Buildings: Then & Now* – framed historical snapshot of a specific building to display inside the business; approximately 75 are being developed.
- *Table Tents* – for restaurants and other businesses; to promote upcoming events and activities.

- **EVENTS:**
 - *Kick-off Party* – April 4 in Main Street Station Plaza focusing on the ‘white gold’ boom (skiing), including live music, kids activities, an anniversary ‘toast’.
 - *Grand Celebration* – August 8 around the County Courthouse, including the time capsule unveiling; state and regional dignitaries are being invited.
 - *Railroad Days/Mining Weekend* – mid-to-late August.
 - *Historic Properties events* – throughout late-spring, summer and fall at various properties; including but not limited to the Carter Museum Grand Re-opening.
 - In addition, the Events committee is working with various non-profit organizations on including the Breck150 into existing and new events. These include Quantum Ski Club’s ‘Retro Ski Bash’ (4/4), Summit Choral Society’s mining/bluegrass-themed free concert at the Riverwalk Center (6/20), NRO’s 50th Anniversary Bash (7/3), and more.

2009 Contingency Possibilities:

- *Front Range advertising* – a possible TV sponsorship for the Breck150 summer events and activities.
- *Breck150 reusable bags* – working with the lodging community to promote reusable bags in their rooms for guests; these bags would promote upcoming events and be provided to the lodging companies from this fund. NOTE: The committee heard the concerns about not competing with merchants so this would replace the majority of the ‘Merchandise and Collectibles’ line item.

Rollover Request:

At year-end 2008, approximately \$73,000 was spent on Breck150 marketing out of the Special Projects fund, of which \$130,500 was the revised spending authority (in Sept).

- Request A - ‘unfreeze’ \$34,500 from the approved 2008 budget AND the ‘unfrozen in September but not spent’ amounting to \$57,500, totaling a rollover of \$92,000. This represents the full \$300,000 total Breck150 marketing opportunities, and would allow the completion of the 2009 projects-in-process AND the ability to take advantage of the contingency possibilities.
- Request B - \$57,500 which represents the revised spending authority granted in September that was not spent in 2008. This represents a \$265,500 total project budget for Breck150 marketing. This would allow the committee to complete the 2009 projects-in-process.

Thank you for your consideration. I’ll be in attendance to answer any questions.





TOWN OF BRECKENRIDGE TOWN COUNCIL AGENDA
Tuesday, March 10, 2009 (Regular Meeting); 7:30 p.m.

I	CALL TO ORDER and ROLL CALL	
II	APPROVAL OF MINUTES – February 24, 2009	Page 43
III	APPROVAL OF AGENDA	
IV	COMMUNICATIONS TO COUNCIL	
	A. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)	
	B. Friends of the Dillon Ranger District Update	Page 47
	C. BRC Report	
V	CONTINUED BUSINESS	
	A. SECOND READING OF COUNCIL BILL, SERIES 2009 - PUBLIC HEARINGS**	
	NONE	
VI	NEW BUSINESS	
	A. FIRST READING OF COUNCIL BILL, SERIES 2009 –	
	2. Council Bill No. 7, Series 2009- AN ORDINANCE AMENDING THE <u>MODEL TRAFFIC CODE FOR COLORADO</u> , 2003 EDITION, ADOPTED BY REFERENCE IN CHAPTER 1 OF TITLE 7 OF THE <u>BRECKENRIDGE TOWN CODE</u> , BY ADOPTING PROVISIONS CONCERNING THE PARKING OF MOTOR VEHICLES ON A SHARED PRIVATE DRIVEWAY	Page 51
	1. Council Bill No. 8, Series 2009- AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 8 OF THE <u>BRECKENRIDGE TOWN CODE</u> , KNOWN AS THE “BRECKENRIDGE SIGN ORDINANCE”, BY ADOPTING PROVISIONS CONCERNING OPEN HOUSE SIGNS	Page 55
	B. RESOLUTIONS, SERIES 2009-	
	NONE	
	C. OTHER-	
	1. Council Committee Appointments	Separate
VII	PLANNING MATTERS	
	A. Planning Commission Decisions of March 3, 2009	Page 2
	B. Town Council Representative Report	
VIII	REPORT OF TOWN MANAGER AND STAFF*	
IX	REPORT OF MAYOR AND COUNCILMEMBERS*	
	A. CAST/MMC (Mayor Warner)	
	B. Breckenridge Open Space Advisory Commission (Mr. Rossi)	
	C. BRC (Mr. Bergeron)	
	D. Summit Combined Housing Authority (Ms. McAtamney)	
	E. Breckenridge Heritage Alliance (Mr. Joyce)	
	F. Peak 6 Task Force (Mr. Rossi)	
X	OTHER MATTERS	
XI	SCHEDULED MEETINGS	Page 62
XII	ADJOURNMENT	

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

**TOWN OF BRECKERIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 24, 2009
PAGE 1**

CALL TO ORDER and ROLL CALL

Mayor Warner called the February 24, 2009 Town Council Meeting to order at 7:50 p.m. The following members answered roll call Mr. Mamula, Ms. McAtamney, Mr. Millisor, Mr. Bergeron, Mr. Rossi and Mayor Warner. Mr. Joyce was absent.

APPROVAL OF MINUTES – February 10, 2009 Regular Meeting

Mayor Warner commented that under the Mayor’s Report he would like it to reflect that his report was submitted electronically. With that one change to the minutes Mayor Warner declared them approved.

APPROVAL OF AGENDA

There were no changes to the agenda.

COMMUNICATIONS TO COUNCIL

- A. Steven H. Hart Award
- B. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please) – There were no public comments.

CONTINUED BUSINESS

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

1. Council Bill No. 5, Series 2009- AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE GUIDELINES CONCERNING ACCEPTABLE LAND USE TYPES AND INTENSITIES IN LAND USE DISTRICT 31

Tim Berry commented that the ordinance will amend Land Use District 31 Guidelines. There were two minor changes of which Tim explained.

Mr. Bergeron moved to approve Council Bill No. 5, Series 2009 on second reading on the form that was handed out. Ms. McAtamney seconded the motion. Mayor Warner asked for public comment. There was none. He closed the public hearing. The motion passed 6-0.

2. Council Bill No. 6, Series 2009- AN ORDINANCE AMENDING SECTION 9-1-21 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING THE “BRECKENRIDGE 2009 TRANSIT OPERATIONS PLAN” AS A CORRELATIVE DOCUMENT TO THE BRECKENRIDGE DEVELOPMENT CODE

Tim Berry commented that the ordinance would make the Town Transit Plan a correlative document under the Development Code. There were no changes from first reading.

Mr. Rossi moved to approve Council Bill No. 6, Series 2009 on second reading with the additional changes. Mr. Mamula seconded the motion. Mayor Warner asked for public comment. There was none. He closed the public hearing. The motion passed 6-0.

NEW BUSINESS

- A. FIRST READING OF COUNCIL BILL, SERIES 2009- NONE***
- B. RESOLUTIONS, SERIES 2009***

1. A RESOLUTION AMENDING THE TOWN OF BRECKENRIDGE MASTER PLAN TO INCLUDE THE “BRECKENRIDGE 2009 TRANSIT OPERATIONS PLAN” AS A PART THEREOF

Tim Berry commented that the resolution would amend the Town’s Master Plan to incorporate the new Transit Plan. A public hearing also needs to be held. We have complied with the notice requirements.

**TOWN OF BRECKERIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 24, 2009
PAGE 2**

Mr. Millisor moved to approve the Resolution, Series 2009. Mr. Mamula seconded the motion. Mayor Warner asked for public comment. There was none. He closed the public hearing. The motion passed 6-0

2. A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS REGARDING THE PROPOSED ANNEXATION TO THE TOWN OF BRECKENRIDGE OF A PARCEL OF LAND (Entrada – 3.98 acres, more or less)

Tim Berry commented that the resolution will verify that the property meets all of the statutory requirements, and is therefore eligible for annexation to the Town. By adopting the Fact Finding Resolution the Council is not agreeing to annex the property. The Council will retain its discretion with respect to that question until the time of the consideration of the actual Annexation Ordinance.

Mr. Mamula moved to approve the Resolution, Series 2009. Mr. Bergeron seconded the motion. Mayor Warner asked for public comment. There was none. He closed the public hearing. The motion passed 6-0.

C. OTHER

Mayor Warner commented to Mike McCormick that the Council was unanimously in support of The Breck Epic and the letter of support.

PLANNING MATTERS

A. Planning Commission Decisions of February 3, 2009

An applicant did request a call up. Planner, Chris Kulick, gave a brief presentation of the request. Mayor Warner asked if anyone would like to call an item off the Consent Calendar. Mayor Warner declared the Planning Commission Decisions of February 17, 2009, would stand approved as presented.

B. Report of Planning Commission Liaison

Mr. Mamula had no report.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen had no report.

REPORT OF MAYOR AND COUNCILMEMBERS

A. **CAST/MMC (Mayor Warner)** – Mayor Warner had nothing to report.

B. **Breckenridge Open Space Advisory Commission (Mr. Rossi)** – Mr. Rossi had nothing to report

C. **BRC (Mr. Bergeron)** – Mr. Bergeron had nothing to report.

D. **Summit Combined Housing Authority (Ms. McAtamney)** – Ms. McAtamney had nothing to report.

E. **Breckenridge Heritage Alliance (Mr. Joyce)** – Mr. Joyce was absent.

F. **Peak 6 Task Force (Mr. Rossi)** – Mr. Rossi commented that the public forum will be on March 11.

OTHER MATTERS

Ms. McAtamney commented on the graffiti. Chief Holman commented that stickers are more prevalent. They have handed out over 200 letters asking businesses to be more aware of what is happening with the stickers being handed out or sold. Mayor Warner thanked the Chief of Police for looking into the Warriors Mark stuff.

ADJOURNMENT

At 8:30a.m. Mr. Rossi moved that the Council go into executive session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal

**TOWN OF BRECKERIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 24, 2009
PAGE 3**

advice on specific legal questions, and Paragraph 4(f) of Section 24-6-402, C.R.S., relating to personnel matters. Mr. Bergeron made the second. The motion passed 6-0.

Mr. Mamula moved to adjourn the executive session. Mr. Rossi made the second. All were in favor.

With no further business to discuss, the meeting adjourned at 8:52 p.m.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor

EXECUTIVE SESSION CERTIFICATE

Town of Breckenridge)
County of Summit)
State of Colorado)

John Warner, the duly elected, qualified and acting Mayor of the Town of Breckenridge, hereby certifies as follows:

As part of the Town Council meeting on Tuesday, February 24, 2009 at 7:18 p.m., Mr. Mamula moved to convene in Executive Session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for the purposes of receiving legal advice on specific legal questions;

Mr. Bergeron made the second. A roll call vote was taken. All were in favor of the motion.

Mr. Mamula moved to adjourn the Executive Session at 7:45 p.m. Ms. McAtamney made the second.

This certificate shall be included after the minutes of the regular Town Council meeting of Tuesday, February 24, 2009.

John Warner, Mayor



March 3, 2009

Breckenridge Town Council
Town Hall, 150 Ski Hill Road, PO Box 168
Breckenridge, CO 80424

Dear Breckenridge Town Council,

Friends of the Dillon Ranger District (FDRD) experienced a tremendous 2008 volunteer season. Thank you for your support of our 2008 Forest Stewards Program (the Program), the cornerstone of our volunteer efforts.

Enclosed please find the Program final report, including an overview of FDRD, an overview of the Program and photos of our 2008 efforts. The progress report, filed in August 2008, included the Program Manual.

Please contact me if you have any questions regarding the final report.

In 2009, Breckenridge's continued support will allow FDRD to further enhance the 2009 Stewardship Program and its offerings. We will continue our Adopt-A-Trail effort on Breckenridge area trails and will co-host two 2 day trail maintenance projects on the Peaks Trail and on Glacier Peak Trail. Finally, we will pursue additional partnership projects, including, but not limited to, Town Clean-Up Day, service projects and "on-demand" projects.

On behalf of the diverse members of FDRD's Board of Directors and staff, please accept our thanks for your commitment to making our community and the Dillon Ranger District a better place to live and visit. With your continued support, we will inspire others to adopt and implement stewardship into their own lives. Together, we will ensure that these natural resources are available for the enjoyment of this and future generations.

Your partnership is very important to us and we look forward to our future efforts together.

Sincerely,

Guff Van Vooren
Executive Director
Friends of the Dillon Ranger District
970-389-6058
www.guffvanvooren@msn.com
www.fdrd.org

**Friends of the Dillon Ranger District
2008 Forest Stewards Program
Town of Breckenridge Grant Final Report**

In 2008, FDRD refined and strengthened the Forest Stewards Program (the Program) on Summit County's National Forest lands. The Program includes the following initiatives - Adopt-A-Trail, Crew Leader, Ranger Patrol, Outreach Educator, Family Stewards, and Youth Stewards efforts.

The goals of this ongoing volunteer program are to improve the quality of our natural resources and improve the quality of the multiple-use recreationist's experience, on these lands through improved trail systems, education, inventorying and monitoring. These efforts help ensure that Summit County, including the Town of Breckenridge, remains a top choice for people to live and visit.

In 2008, the Program was funded by the Town of Breckenridge, the National Forest Foundation, The Summit Foundation, Copper Mountain Resort, Colorado State Parks-Trails Program-GOCO Fund, Alpine Bank, Vail Resorts, the Towns of Frisco, Silverthorne, and Dillon, and FDRD Members.

The 2008 Program included 51 Forest Stewards and 7 local groups. On-the-ground training and implementation of the Program resulted in 5,991 volunteer hours (1,033 volunteer days), valued at \$116,825. Program coordination and web-development resulted in an additional 469 volunteer hours, valued at \$11,063. Total impact for the Program was 6,460 hours, valued at \$127,887.

2008 Program Highlights include:

- **Training** – FDRD hosted 11 training sessions (199 volunteer service days; 1,182 hours) for FDRD Forest Stewards and Friends of the Eagles Nest Wilderness Ranger Patrols and co-hosted two training sessions for 25 state-wide and FDRD crew leaders.
- **Crew Leaders, Adopt-A-Trails, and Youth Stewards** – On 681 volunteer days, (3,982 hours on 31 projects), volunteers (including 28 youth) scouted trails, performed trail maintenance on 13 miles, and cleared 113 trees.
 - **Breckenridge area Adopt-A-Trail Maintenance efforts** – On 3.5 miles of the Peaks Trail, Spruce Creek Trail, and in the Golden Horseshoe area, 175 volunteers performed trail maintenance on 11 projects, generating 1,000 hours valued at \$19,500!
 - **State and Regional partner projects** – in partnership with Volunteers for Outdoor Colorado and Continental Divide Trail Alliance, 220 local, state, and regional volunteers improved 3.8 miles of two trails on three 2-day projects.
 - **Other FDRD projects in the Breckenridge area** – In addition to the above total impacts, FDRD hosted 2 trail maintenance and 2 week pull projects in the Town of Breckenridge. 46 volunteers maintained .2 miles of trail and pulled weeds on 5 acres of land, generating 233 hours valued at \$4,544.
- **Ranger Patrols, Outreach Educators, and Family Stewards** – (209 volunteer days; 1,168 hours) – On 868 miles of trails, at the Ranger Station, and at marketing events, these volunteers contacted 5,875 visitors - providing one-on-one information, answering questions, and sharing stewardship opportunities.

These efforts bring sustainability to the trails of our local National Forest lands. Our work from past years has held up well, which showcases the value in training our volunteers to do exceptional work. These improved recreation opportunities enhance the Town of Breckenridge's economy - guests will continue to visit the Town of Breckenridge and these terrific recreational amenities, staying in local lodges, dining in local restaurants, and purchasing goods and services in local businesses.

As well, these efforts enhance the great sense of community in Breckenridge. Town residents, businesses and guests participate in these projects, connecting to each other and to these lands. The

**Friends of the Dillon Ranger District
2008 Forest Stewards Program
Town of Breckenridge Grant Final Report**

forest guests they've encountered have been happy (and often relieved!) to see Forest Service volunteers on the trails – they've asked many questions regarding their experience and have been very thankful for their assistance. At the end of a safe, fun, and productive day, volunteers actually see the results of their labor of love – user-friendly tread and erosion control structures on trails, wildflower meadows free of invasive weeds, and tree seedlings replanted in campgrounds – they know they made a big difference to these treasured resources! To be sure, these Stewards improve the quality of the resource, improve the quality of the recreationists' experiences, and inspire a sense of stewardship and community in everyone they encountered. **Breckenridge's support helps make this happen!**

FDRD is proud to partner with the Town of Breckenridge in FDRD's Forest Stewards Program. We appreciate your support in our first year of partnership together and look forward to future partnership and relationship building opportunities in this and future years.

Scott Fussell, a 3rd year FDRD Forest Stewards Crew Leader, reflects, *"I have been hiking Summit County Trails for years, and now have found a way to give back, and make those trails more enjoyable."*

Scott's efforts, along with the 50 other Forest Stewards and the Town of Breckenridge, will help FDRD accomplish these Forest Stewards Program goals in this and future years!

FDRD 2008 Forest Stewards Program



Crew Leaders and Adopt-A-Trails

Crew Leader and Summit Seniors Center volunteers build erosion control structures in a boggy section of the Spruce Creek Trail. Each Adopt group commits to 4 projects on their “adopted” trail throughout the summer.



Youth Stewards

Inspiring the next generation to care for our local National Forest lands...This Youth Steward “weeds out” False Chamomile in the fragile wetland ecosystem of Cucumber Gulch



Ranger Patrols, Outreach Educators, and Family Stewards

Forest Stewards provide trail information and stewardship opportunities to trail users on the Peaks Trail

FDRD’s 100th Project

Christy Sports and SE Group staff celebrate FDRD’s 100th project on their 3rd (of 4) adopt projects on the Peaks Trail



MEMO

TO: Town Council

FROM: Town Attorney

RE: Shared Private Driveway Ordinance

DATE: March 3, 2009 (for March 10th meeting)

At the January 13, 2009 worksession we discussed a draft ordinance attempting to address the problem of parking on a shared private driveway. As I use the term, a “shared private driveway” is a common driveway providing the primary means of ingress and egress for two or more residential properties.

As I mentioned in January, the Town does not currently have an ordinance regulating parking on a shared private driveway.

When we discussed the ordinance in January there seemed to be a general Council consensus (although certainly not unanimous) supporting an ordinance prohibiting a person from parking a vehicle upon a shared private driveway in such a manner as to “block or impede the lawful use of such driveway by any person entitled to use the driveway, or by any authorized emergency vehicle.”

You may recall that the January version of the ordinance also included a provision prohibiting a person from parking a vehicle on a shared private driveway “other than in a Town-approved parking area”. This provision was intended to prevent parking on a shared private driveway by occupants of a “single family accommodation unit” as defined in the Town’s BOLT Ordinance. It did this by essentially making a violation of the approved BOLT parking plan for a single family accommodation unit a violation of the Town’s Traffic Code. As I mentioned in January, I have become uncomfortable with this part of the proposed Shared Driveway Ordinance, and the discussion of the proposed Shared Private Driveway Ordinance was continued to give me time to try to address this part of the ordinance.

After further consideration it appears to me that the issue of possibly enhancing the parking restrictions for a single family accommodation unit under the BOLT Ordinance should be addressed (if at all) in a revision to the BOLT Ordinance itself, rather than as an amendment to the Town’s Traffic Code. It has become apparent that the issue of single family accommodation unit parking is more complicated than I first envisioned, and I would like the opportunity to work with the Town Clerk and the Police Chief to see if clarifications of the parking provisions of the BOLT Ordinance are needed. While I look into this issue, however, the Council can consider the proposed the amendment to the Model Traffic Code prohibiting a person from “blocking or impeding” a shared private driveway.

Enclosed is a revised version of Shared Private Driveway Ordinance. The ordinance includes only the “block or impede” provision that you reviewed in January. Gone from the enclosed version of the ordinance is any reference to parking only in a “Town-approved parking area.”

Based on my understanding that in January a majority of the Council supported the adoption of the “block or impede” provision, I have asked that the enclosed ordinance be scheduled for both worksession and possible first reading approval on Tuesday. However, if the Council is not comfortable with the revised ordinance it can certainly be removed from the nighttime agenda and either revised further and brought back at a later date, or simply discarded.

I look forward to discussing this ordinance with you on Tuesday.

1 **FOR WORKSESSION/FIRST READING – MARCH 10**

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

5
6 COUNCIL BILL NO. 07

7
8 Series 2009

9
10 AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2003
11 EDITION, ADOPTED BY REFERENCE IN CHAPTER 1 OF TITLE 7 OF THE
12 BRECKENRIDGE TOWN CODE, BY ADOPTING PROVISIONS CONCERNING THE
13 PARKING OF MOTOR VEHICLES ON A SHARED PRIVATE DRIVEWAY

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

17
18 Section 1. Section 7-1-2 of the Breckenridge Town Code is hereby amended by the
19 addition of a new paragraph M.7, which shall read in its entirety as follows:

20
21 **M.7 Article 1 is hereby amended by the addition of a new Section 1213, which shall**
22 **read in its entirety as follows:**

23
24 **1213. Parking on a Shared Private Driveway.**

25
26 **A. No person shall park a vehicle upon a shared private driveway in such a**
27 **manner as to block or impede the lawful use of such shared private driveway**
28 **by any person entitled to use such driveway, or by any authorized emergency**
29 **vehicle.**

30
31 **B. As used in this section the term “shared private driveway” means a**
32 **platted or granted private easement or license providing the primary means**
33 **of ingress and egress to and from a public street for two or more residential**
34 **properties.**

35
36 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
37 various secondary codes adopted by reference therein, shall continue in full force and effect.

38
39 Section 3. The Town Council hereby finds, determines and declares that this ordinance is
40 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
41 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
42 thereof.
43

1 Section 4. The Town Council hereby finds, determines and declares that it has the power
2 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
3 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.
4

5 Section 5. This ordinance shall be published and become effective as provided by
6 Section 5.9 of the Breckenridge Town Charter.
7

8 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
9 PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be held at the
10 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
11 _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
12 Town.
13

14 TOWN OF BRECKENRIDGE, a Colorado
15 municipal corporation
16
17

18
19 By _____
20 John G. Warner, Mayor
21

22 ATTEST:
23

24
25
26 _____
27 Mary Jean Loufek, CMC,
28 Town Clerk
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

MEMORANDUM

TO: Town Council
FROM: Matt Thompson, AICP
DATE: March 3, 2009 (For Town Council meeting on 3/10/09)
SUBJECT: Real Estate Open House Signs

Based on input from the local real estate community, the Town Council has asked Staff to consider working with realtors on a proposal to change the Sign Code related to open house signs. Currently, the Sign Code exempts one open house sign per property, which must be on-site. In order to improve visibility and awareness of open house events, Staff has considered the following options:

1. **No change to existing policy.** Leave Sign Code as is.
 - This would reduce clutter and not create precedent for other businesses and industries that would also like to use off-premises signs. Also, fairly easy to enforce.
2. **Realtors' original proposal:** Allow up to 5 off-premises signs.
 - Allow existing signs with agency name and colors.
 - Allow off-site signs on Main Street, Highway 9, and Park Avenue.
3. **Kiosk at entry to Town:** Construct a kiosk at the entry to town with information, brochures and maps directing prospective buyers to open houses.
 - Provides a central location that buyers could visit and find out about all open houses in town that day.
 - May eliminate the need for off-premises directional signs, but some visitors would still benefit if directional signs were allowed.
4. **Information at Welcome Center:** Use the Welcome Center as a clearing house for information and maps to open houses.
 - This could be done on a separate computer, or with a daily listing of open houses. All open houses that day could be placed on one sheet and map, with properties numbered on a map.
 - Benefit is that off-premises open house signs would not be needed.
5. **Central Website:** The real estate community could develop a central website.
 - All open house events are promoted, including details on the realtor, sales prices, home size, and maps to the open house.
 - Prospective buyers could print their own maps.
6. **Open House Bus:** A bus or van could be used to tour open house events.
 - Prospective buyers could hop on and off as they wish.

- The bus could do laps around town, and would return to each open house so that guests can get back to their starting point.
7. **Kiosks at subdivision entry:** Each subdivision could have a small kiosk with information on open house events for a particular day.
- The realtor would drop off maps at the beginning of the open house event, and would be responsible for removing out-of-date materials.
 - Space may be a concern, and many HOAs may not want to see the kiosk at the entry to their neighborhood.
8. **CURRENT MODIFIED PROPOSAL: This option would allow only 3 off-premises open house signs per property.**
- No signs would be allowed on Park Avenue, Main Street or Highway 9.
 - All signs would be required to be a consistent color.
 - Signs would identify the realtors with a phone number. This helps the prospective buyer to follow the right signs, and helps staff enforce the policy. No permits would be required.
 - This is the proposal developed by Staff with input from realtors after the last work session with Town Council.
 - Signs only allowed off-site from 8:00 a.m. to 8:00 p.m.
 - Signs only allowed one (1) hour before and one (1) hour after open house.
 - Only one (1) sign per intersection, per direction.

Changes from the December 9, 2008, Town Council worksession:

- Dropped the number of off-site signs proposed from five (5) to three (3).
- Prohibit off-site signs in the Conservation and Historic Districts, Highway 9, and Park Avenue.
- Added a one-year sunset provision.
- Added language to proposed ordinance allowing the Planning Director (and Staff) and the Police Chief (and Staff) to remove open house signs that do not comply with the ordinance.
- Added language stating the Town is not liable for damage done to an open house sign in the Town right of way.

Staff still believes that enforcement of this ordinance will be problematic. For example, enforcing the number of signs per property will involve following the route to the open house. Also, if two signs are placed at one intersection, pointing in the same direction, Staff will not know which sign was placed first, and which sign is in violation. Also, many open houses are held on weekends, outside of Planning Staff working hours. As proposed (and as currently allowed), these signs are exempt, and no permit is required.

The Town Attorney has prepared an attached proposed Sign Code Amendment for first reading.

We welcome Council comments on any of the ideas listed above.

1 **FOR WORKSESSION/FIRST READING – MARCH 10**

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2009

9
10 AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 8 OF THE BRECKENRIDGE
11 TOWN CODE, KNOWN AS THE “BRECKENRIDGE SIGN ORDINANCE”, BY ADOPTING
12 PROVISIONS CONCERNING OPEN HOUSE SIGNS

13
14 WHEREAS, on December 9, 2008 the Town Council of the Town of Breckenridge
15 directed the Department of Community Development to prepare amendments to Chapter 2 of
16 Title 8 of the Breckenridge Town Code, known as the “Breckenridge Sign Ordinance”, to update
17 the Town’s regulations concerning open house signs; and

18
19 WHEREAS, based upon the evidence and testimony presented in connection with the
20 adoption of this ordinance, the Town Council finds and determines that the amendments to the
21 Breckenridge Sign Ordinance set forth in this ordinance are consistent with the applicable
22 elements of the adopted goals, objectives, and policies outlined in the Town of Breckenridge
23 Comprehensive Plan, and are compatible with the development objectives of the Town; and

24
25 WHEREAS, the Town Council further finds and determines that the amendments to the
26 Breckenridge Sign Ordinance set forth in this ordinance promote the coordinated and
27 harmonious development of the Town in a manner that conserves and enhances its natural
28 environment and its established character as a world-class resort and residential community of
29 the highest quality.

30
31 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
32 BRECKENRIDGE, COLORADO:

33
34 Section 1. Section 8-2-3 of the Breckenridge Town Code is amended by the inclusion of
35 the following three additional definitions, which shall read in their entirety as follows:

36
OPEN HOUSE: **An event during which a specific for-sale or for-rent property is open for viewing by potential buyers or renters with the realtor, broker, owner, or other similar agent present on the property.**

OPEN HOUSE SIGN: **Includes both on-site open house signs and directional open house signs.**

OPEN HOUSE SIGN, ON-SITE: **A temporary sign advertising an open house**

for the property on which the sign is located.

**OPEN HOUSE SIGN,
DIRECTIONAL:**

**A temporary sign off the property where the
open house is being held, directing vehicular
traffic to the open house.**

1
2 Section 2. Section 8-2-6(I) of the Breckenridge Town Code is hereby amended so as to
3 read in its entirety as follows:
4

5 I. For Sale/For Rent/Open House/Model Open Signs: "For Sale", "For Rent",
6 "Open House", and "Model Open" signs, subject to the following limitations:
7

8 1. Within the Conservation of Historic Districts, one "For Sale" or "For Rent" sign
9 may be displayed on each lot, in addition to one on-site "Open House" sign, ~~in~~
10 ~~addition to one "Open House" sign~~; provided, however, that if two (2) or more
11 contiguous lots are held in common ownership only one "For Sale" or "For Rent"
12 sign shall be displayed with respect to all of such lots.
13

14 2. Outside of the historic district, one "For Sale" or "For Rent" sign may be
15 displayed on each lot.
16

17 3. "For Sale" ~~and "Open House"~~ signs shall not be larger than four (4) square feet
18 per side; "For Rent" signs shall not be larger than one square foot per side. ~~"Open~~
19 ~~House" signs are allowed only during the open house event.~~ No ~~"Open House" or~~
20 "For Sale" sign shall be located off the property which is for sale. However, in
21 cases where a condominium or townhouse footprint lot is for sale and no private
22 land outside of the boundaries of the unit is associated with the sale of the
23 property, one additional "For Sale" ~~or "Open House"~~ sign may be located on
24 common property, with approval of the homeowners' association.
25

26 4. "For sale" and "for rent" signs shall be removed within five (5) days after the
27 sale or rental of the subject property.
28

29 5. A "model open" sign shall be allowed with the same limitations as an "open
30 house" sign.
31

32 6. ~~"Open house" signs may take the form of temporary sandwich board signs,~~
33 ~~notwithstanding subsection 8-2-15I of this chapter.~~ **"Open House" signs are**
34 **subject to the following limitations:**
35

36 **a. Location of Open House Signs:**
37

38 **1. No off-site directional open house sign is allowed anywhere within the**
39 **Conservation and Historic Districts.**
40

1 **2. No open house sign is allowed within the rights of way of Colorado**
2 **Highway 9, Park Avenue, and Main Street within the Town.**

3
4 **3. No open house sign may be placed on the paved driving surface of any**
5 **Town street, or on any public sidewalk.**

6
7 **4. No open house sign may obstruct any public street, sidewalk, recreational**
8 **path or any public snow removal operations.**

9
10 **5. An on-site open house sign must be located on the property being shown**
11 **for sale or rental at the open house event. No on-site open house sign may be**
12 **located off-site (including at off-site real estate offices and off-site sales**
13 **centers).**

14
15 **6. No open house sign is allowed within any designated public pedestrian**
16 **area.**

17
18 **7. No open house sign may be located on private property without the**
19 **consent of the property owner.**

20
21 **b. Number of Signs:**

22
23 **1. Not more than three open house directional signs per property for sale or**
24 **for rent may be placed within any Town right-of-way or located at an off-site**
25 **private property.**

26
27 **2. Not more than one directional open house sign may be placed pointing in**
28 **each direction at each intersection of Town streets.**

29
30 **c. Area: The maximum sign area of an open house sign is four (4) square feet.**

31
32 **d. Height: The height of an open house sign may not exceed five feet (5') as**
33 **measured from the top of the sign to the grade at the base of the sign.**

34
35 **e. Display Duration:**

36
37 **1. An open house sign may only be displayed beginning up to one (1) hour**
38 **before the start of the open house, and must be removed no later than one (1)**
39 **hour after the conclusion of the open house.**

40
41 **2. An open house sign may only be displayed between 8:00AM and 8:00PM**
42 **each day.**

43
44 **3. An open house sign may not be displayed for more than three (3)**
45 **consecutive days.**

46

1 **f. Lighting: An open house sign may not be lighted.**

2
3 **g. Attention-getting devices: No flags, pennants, banners, bunting, balloons,**
4 **any other similar item may be attached to an open house sign.**

5
6 **h. Color: The background color of each open house sign shall be burgundy**
7 **color. The lettering of each open house sign shall be white.**

8
9 **i. Logo: A logo or name of the real estate company or agent conducting the**
10 **open house, not larger than 9" x 6" in area, may be placed on each open**
11 **house sign.**

12
13 **j. Town Not Liable: The Town is not liable for damage done to an open**
14 **house sign that is located within a public right of way.**

15
16 Section 3. Section 8-2-15(F) of the Breckenridge Town Code is amended so as to
17 read in its entirety as follows:

18
19 F. Off premises signs, **except as specifically authorized in section 8-2-6(I)**
20 **of this chapter.**

21
22 Section 4. Section 8-2-16 of the Breckenridge Town Code is amended by the addition of
23 a new subsection G, which shall read in its entirety as follows:

24
25 **G. Authority To Remove Signs From Right of Way: In lieu of the other**
26 **enforcement procedures of this section, either the Director or the Police**
27 **Chief may remove and destroy any sign that is illegally placed within a Town**
28 **right of way in violation of the provisions of this chapter.**

29
30 Section 5. Except as specifically amended hereby, the Breckenridge Town Code, and the
31 various secondary codes adopted by reference therein, shall continue in full force and effect.

32
33 Section 6. The Town Council hereby finds, determines and declares that this ordinance is
34 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
35 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
36 thereof.

37
38 Section 7. The Town Council hereby finds, determines and declares that it has the power
39 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
40 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
41 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
42 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
43 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
44 contained in the Breckenridge Town Charter.

45
46 Section 8. Section 1 and Section 2 of this ordinance is repealed effective April 1, 2010.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

Section 9. 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 _____, 2009. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of _____, 2009, 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:

Mary Jean Loufek, CMC,
Town Clerk



Scheduled Meetings, Important Dates and Events

Shading indicates Council attendance – others are optional

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

February 2009

Monday, February 2; 6-8pm	Neighborhood Preservation Policy Open House- Rec Center
Monday, February 4; 6-8pm	Neighborhood Preservation Policy Open House- Rec Center
Tuesday, February 10; 3:00/7:30pm	First Meeting of the Month
Thursday, February 12	BOSAC Retreat
Saturday, February 14	Hoodoo Voodoo Trail Grand Opening
Thursday, February 19; 11:30am	Polis Elected Officials Luncheon
Tuesday, February 24; 3:00/7:30pm	Second Meeting of the Month

March 2009

Tuesday, March 10; 3:00/7:30pm	First Meeting of the Month
Wednesday, March 11	Peak 6 Task Force Public Forum
Thursday, March 16	Pandemic Influenza Workshop; Senior Ctr
Tuesday, March 24; 3:00/7:30pm	Second Meeting of the Month

OTHER MEETINGS

2 nd & 4 th Tuesday of the Month; 7:00pm	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00pm	Public Art Commission; 3 rd floor Conf Room
2 nd Monday of the Month; 5:30pm	BOSAC; Council Chambers
2 nd & 4 th Tuesday of the Month; 1:30pm	Board of County Commissioners; County
3 rd Thursday of the Month; 7:00pm	Red White and Blue; Main Fire Station

2nd Thursday of the Month; 5:30pm

Sanitation District;

Last Wednesday of the Month; 8am

Breckenridge Resort Chamber; BRC Offices

4th Wednesday of the Month; 9am

Summit Combined Housing Authority;

2nd Wednesday of the Month; 12 pm

Breckenridge Heritage Alliance

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