



**BRECKENRIDGE TOWN COUNCIL
WORK SESSION
Tuesday, April 14, 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 – 4:15 pm	II. <u>LEGISLATIVE REVIEW</u> *	
	House Cleaning / Liquor Code	Page 61
	Mountain Pine Beetle	Page 65
	LUD 31 Amendment	Page 76
	Special Events Ordinance	Page 82
	Sanitation District IGA	Page 100
	Culbreath Acquisition Ratification	Page 103
	Young Acquisition Ratification	Page 106
	Sawlog & Wonderful Acquisition Ratification	Page 112
4:15 – 4:45 pm	III. <u>MANAGERS REPORT</u>	
	Public Projects Update	Verbal
	Housing/Childcare Update	Verbal
	Committee Reports	Page 7
	Financials	Page 9
4:45 – 5:00 pm	IV. <u>PLANNING MATTERS</u>	
	Forest Health Projects	Page 31
5:00pm	V. <u>OTHER</u>	
	Special Event Camping Ordinance Administration Regulations	Page 36
	Non Profit Organizations Summer Preview (40mins)	Page 47
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***ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA** **Page 53**

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: April 22, 2009

Re: Town Council Consent Calendar from the Planning Commission Decisions of the April 21, 2009, meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF April 21, 2009

CLASS C APPLICATIONS:

1. Upper Village Pool (MGT) PC#2009014, 450 Village Road

Demolish existing 940 square foot building and re-construct with a 1,698 square foot building, to include check-in desk, locker rooms, swim under overhead door, mechanical room and enclose an existing spa. Two new spas, plus revised parking layout and landscaping are proposed. Approved.

2. Cox Residence (MGT) PC#2009013, 1357 Discovery Hill Drive

Construct a new single family residence with 4 bedrooms, 4.5 bathrooms, 4,008 sq. ft. of density and 4,947 sq. ft of mass for a F.A.R. of 1:24. Approved.

3. Salt Creek Saloon Solar Hot Water Panels (JP) PC#2009012, 110 Lincoln

Install a 30 kilowatt solar thermal panel system on the west southwest facing roof on the primary building as well as on the shed at the rear of the property. The array will be mounted parallel to the roof surface with 9" maximum of clearance between the array and the roof. Approved.

CLASS B APPLICATIONS:

1. Valley Brook Subdivision (LB & JP) PC#2009011, 1100 Airport Road

Subdivide 5.8 acres known as Tract A-1, Block 11 Subdivision into two tracts, one tract for the existing Timberline Learning Center (Tract 2) and the other for a future attainable housing site (Tract 1). Approved.

Berry (town attorney), an easement is the ideal tool to address the parking issue which is over the existing property line.) Okay.

Mr. Allen: When this is eventually deeded over to Mercy Housing, what happens if the project isn't completed? Is there a way to have the Town get the property back? (Ms. Puester: It is an issue that has been discussed at the Housing Committee and the agreements can be drafted to address the potential issue. I can have an answer to the exact method the Town will use when we come back with the site plan in June.) (Mr. Lamb: There could be a clause in the agreement with a specific timeframe for approvals and construction.) (Mr. Neubecker: They will build in phases; only start units for which they have contracts.) Okay.

Mr. Allen opened the public hearing. There were no public comments.

Mr. Bertaux made a motion to approve the Valley Brook Subdivision Plan, PC#2009011, 1100 Airport Road, with the presented findings and conditions. Ms. Girvin seconded, and the motion was carried unanimously (6-0).

WORKSESSIONS:

1. Single Family Home Parking Requirements

Mr. Kulick presented. Recently it was requested that staff research parking utilization of single-family residences to ensure adequate parking is being provided on site. Following up on this request, staff presented a PowerPoint presentation to the Commission and then took questions and comments from the Commission. Mr. Kulick recommended that no action be taken at this time.

Commissioner Questions/Comments:

Mr. Bertaux: People are using the free parking lot, and the inundation of parking on my block hasn't been as bad this year. The free lot has been filling up. (Mr. Kulick: Some of the ski-in / ski-out lots also have bus service) Approach it from a different angle – seasonal long term rentals. (Mr. Neubecker: Seasonal rental is the issue. Renters find out after they sign the lease that there is only room for 2 cars and cannot get a permit to park on the street.)

Mr. Pringle: The reality of single family parking doesn't match up with the emotional perception? (Mr. Kulick: There was no evidence of the parking problem in the single family areas we surveyed.) Is the problem in the long term rentals that sleep 6 rather than the short term rentals? The problem doesn't seem to show up in the large lot homes. Where is the real problem likely to be? (Ms. Girvin: In the historic district.) (Mr. Neubecker: In the historic district or holidays.) Mr. Bertaux: The Harris Street alley gets plowed, and people that park there get towed. (Mr. Lamb: Agree that this is more of a long term rental problem.) We aren't seeing a lot of day skier parking "poaching" with this survey. (Mr. Kulick: CMC isn't very well utilized and the south lot average is 9 cars and the north lot is between 16-19 cars. It would be a great weekend parking area and is underutilized.) If we can have dual parking use it is better than more pavement. (Mr. Kulick: The infrastructure is there (CMC) and served by transit, without having to add more bus miles traveled.) (Mr. Lamb: Enforcement issue in many instances.) It is the homes that have consistent issues that should be dealt with.

Mr. Lamb: Many of the longer driveways are able to accommodate overflow parking. (Mr. Kulick: Many of the surveyed homes had bump-outs and turnaround areas that could be used as parking, just as Mr. Lamb mentioned.) I don't think any one solution is going to work throughout town – need multiple solutions. The problem still exists in some areas, and it doesn't sit right when a 7,000 square foot house is approved with two parking spaces. (Mr. Allen: Agree, maybe we can look at homes on large lots and make sure adequate parking is required.) (Mr. Neubecker: At what point is the driveway not enough? Should we start requiring additional square footage of pavement for certain number of bedrooms, master bedrooms, etc?) (Mr. Allen: As long as it isn't a nuisance to others, driveway parking is okay.) (Mr. Kulick: I don't think there has been a house we have reviewed that is 7,000sf without a minimum of 4 parking spots.) Much rather manage automobile traffic and use transit. (Mr. Neubecker: Would we consider having zones that some areas allow short term rentals and others don't? There is a difference between short term rental parking, which is a business, and resident parking.)

Mr. Schroder:

Ms. Girvin: Is there recourse for homes that do over-park? (Mr. Kulick: The police department is patrolling, or it is a neighborhood issue. It becomes more of an issue when snow plows are out. There is a fine and towing.)

Mr. Allen: What if someone wanted to build a lot of parking spaces on their lot? Would they get negative points? (Mr. Kulick: Yes, possibly. Impervious surfaces and site disturbance are not positive planning principles. We also don't want to encourage every person to bring their own vehicle.) Are there many complaints about parking? (Mr. Kulick: Occasionally we get complaints. Working with Community Service Offices on parking issue when we've been doing parking studies in town. This hasn't been a problem that has shown up on the radar). Adjust the parking based on the use of the house, for example if you have a "wedding house" you need to provide mitigation for the use, parking and buffer. Maybe we go forward in that direction? (Mr. Neubecker: Management and enforcement seems to be the issue.) If someone comes in and wants to build a wedding house on a large lot, should we have some rules in place that allow for providing the parking without the negative point impact? Right now we don't let them put in the parking. (Mr. Kulick: Our flexible zoning is supposed to address that, if you don't meet one part of the code you can make it up with other areas of the code.) (Mr. Neubecker: If it's operated as a business and required to have 4 parking spaces, and they can't fit the spaces for the business of the wedding house, they can't do the house/business. Look into management similar to what is done in Three Peaks neighborhood, providing a sign when an event is going on there is a phone number of manager, event date, etc)

Dr. Warner: One home in my neighborhood is used as a rental home/wedding house and they have up to 10-15 cars in the cul-de-sac most summer weekends. We do not want to overlook parking issue with certain single family homes. Concerned with homes that have many bedrooms and only a few parking spaces, and poised to see an issue with this in the future.) (Mr. Kulick: Chalet homes are closely monitored. Clientele is 90% British and are not typically renting cars. Transportation is provided and meals are cooked in the home. Regulations for chalet homes are very strict.) (Mr. Neubecker: This may be an exception to the rule. Possibly it is a management issue; we may need to require permits and bus shuttle service. We can look into the specific property. We don't want to start requiring extra paving on everything; we would rather address the problems with management and permit solutions.) Would prefer to see less automobile use, and do not want parking lots in single family neighborhoods. (Mr. Kulick: What you are describing is taking place during summer; we can revisit it during the heart of wedding season – a Saturday night in July – to take the survey again.) (Mr. Pringle: How do we monitor when homes are doing commercial use inside, such as weddings?) (Mr. Kulick: When this occurs typically it isn't an event that causes a disturbance, most other residents in the area are 2nd homes and there isn't an issue.) (Mr. Bertaux: Is this a planning issue or a police issue?) (Mr. Neubecker: In most cases we never hear about the disturbances, and when we hear about it we discuss licenses, permitting, etc. We need to look more into the rentals that have consistent problems.) (Mr. Kulick: Don't want to burden the short term renters, need to respect the tourist nature of the Town and economy. I live in a building that primarily has short-term uses and parking is rarely an issue. If someone takes my parking space, there are HOA ways to handle it.) (Mr. Pringle: In single family homes there isn't a way to enforce it without HOAs. Problem is in historic district, smaller lots.) (Mr. Neubecker: We issue permits for a specific number of cars per unit. If the number of cars/people in a home is greater than the number of rooms, we don't provide a permit for those extra cars. Those persons "poach" parking. We could do special use permits for parking.) (Mr. Kulick: There is nothing historic about adding parking areas in the historic district. The people that see it (illegal parking) the most may be the plow drivers and public works.) (Mr. Neubecker: We do use the ice rink lot for overnight parking. We can look at other town lots for places to accommodate that overflow.)

2. Historic Structure Setbacks

Mr. Neubecker presented. On February 3, 2009, the Planning Staff brought a proposal to the Planning Commission considering a modification to Policy (9/A) and (9/R), "Placement of Structures." The discussion revolved around waiving negative points on proposals to move a historic structure currently encroaching on an adjacent property, moving it back on to the subject property but not meeting the required setbacks. The Commission generally supported the proposal, but offered ideas on how to implement the policy. The Code currently discourages placing structures within the recommended setbacks on site. The importance was such that a 3 times multiplier would be

associated with the negative point assignment, which would indicate a policy of average importance. Staff welcomed input on the proposed changes to the policies.

Commissioner Questions/Comments:

- Mr. Bertaux: Must it remain “uninhabitable”? (Mr. Neubecker: That is our thought.) (Mr. Bertaux: We need to clarify that language in the proposed update to the policy) (Mr. Pringle: Structures used for storage?) (Mr. Bertaux: Once it is on a foundation it may have other uses than storage.)
- Mr. Pringle: Policy 103 discusses moving the structure off the lot. (Mr. Neubecker: We weren’t planning on getting into that policy and design standards today. We want to discuss setbacks.) We have two different situations here, setbacks on the lot and setbacks on another lot which relate to setbacks, which relates to Policy 103 and 9. (Mr. Neubecker: We shouldn’t discuss the policy that affects a currently active application. But it needs to be discussed at some point.) Mr. Pringle: We need to address the situation where you are moving historic building on the site, and going to be used for re-adaptive use. The policy that we have been using isn’t germane to that use. I thought that policy 9 (Setbacks) would be a place to explore that issue.
- Mr. Lamb: How do you define habitable? (Mr. Neubecker: If it is considered density it is habitable.) We don’t want to ask people to provide a foundation for a structure if we won’t allow them to use it.) (Mr. Allen: We want to allow people to use their space.) (Mr. Neubecker: If people want to use a structure for habitable space they should follow the setbacks.) I like this as well.
- Mr. Schroder: What about incentives? Are there points associated with doing this? (For moving and restoring the structure?) (Mr. Neubecker: Points assigned under Policy 24/Historic Preservation. Incentive is also eliminating the negative points for setbacks)
- Ms. Girvin: Are hot tub rooms considered habitable? (Mr. Neubecker: If it is considered density.) (Mr. Neubecker read the definition of “habitable area” from the code; possibly look at a better definition.) (Ms. Puester: Going to need to look at the building code.) (Ms. Girvin: I think that this is a good way to address the issues that we have seen. I think Mr. Bertaux’s point about uninhabitable was good, as well as design standards application.) (Mr. Neubecker: I don’t want to add the design standards language to this one section because they already exist in the Handbook of Design Standards, and always apply anyway.) (Mr. Allen: I agree)

TOWN COUNCIL REPORT:

No report was presented.

OTHER MATTERS:

None.

ADJOURNMENT

The meeting was adjourned at 8:47 p.m.

Rodney Allen, Chair

➤ MEMO

TO: Mayor & Town Council

FROM: Tim Gagen

DATE: March 30, 2009

RE: Committee Reports

LLA MJ Loufek April 21, 2009

- Due to lack of a quorum, the meeting was continued to May 19, 2009.

Public Arts Commission Jennifer Cram March 18 & April 21, 2009

- **March 18th –**

The Commission received twelve applications, eleven sculptors were accepted. Sculptures will be installed on June 18th and 19th. The artists reception will be held on Friday, June 19th at the Fuqua Livery Stable. A public reception will be held on Saturday, August 8th. Sculptures will be on display through mid September/Oktoberfest. Jennifer will work with Angela Knightley to update the map and brochure.

- **April 1st-**

Breckenridge Theatre Gallery-

The opening reception for the children's art show "History Through the Children's Eye's" is scheduled for Wednesday, April 8th.

The Commission accepted two additional 3D artists for the Breckenridge Theatre gallery. One artist will exhibit in June and the other in July.

Fundraising for the Popsicle – The commission discussed fund raising ideas to raise money to purchase the Popsicle. Ideas, included a walk/bike tour of the collection. Participants would give a donation to register for the walk/ride. Commissioners would be at each location to give out a sticker at each piece. Another idea was to sell popsicles. The Commission will continue to develop ideas at future meetings.

Community Arts Updates –

Second Saturday in March was a huge success. Several people visited the Breckenridge Theatre Gallery, Fuqua and Tin Shop. The April 11th Second Saturday includes the children's art show at the Breckenridge

Theatre Gallery, Lisa Rivard at Fuqua and Lynne Medsker at the Tin Shop.

Lynne Medsker is the guest artist at the Tin Shop through April 19th. Lynne is a mixed media artist from Brownsburg, IN. Lynne will host a free workshop on April 9th on Artist Trading Cards.

Jessie Paige provided an update on Spring Massive.

Other Meetings

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

INTEROFFICE MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER
FROM: FINANCE DEPARTMENT
SUBJECT: MARCH FINANCIAL STATUS REPORT
DATE: 04/21/2009

This report summarizes the financial condition of the Town of Breckenridge for the period January 1, 2009 – March 31, 2009 (25% of the fiscal year). The report includes:

- Benchmark comparisons between prior & current year. Percentage variances compare the Town's present revenue streams and expenditures to both historical levels & YTD budget.
- An overview of each of the Town's twelve funds – both revenue and expenditures (*See attachment titled "All Funds"*).
- An overview of each of the Town's twelve funds, net of inter-fund transfers – both revenue and expenditures. Receipts and charges to/from other funds are not reflected in this report (*See attachment titled "All Funds Net of Inter-Funds Transfers"*).
- Review of the Excise Tax Fund (*See attachment titled "Excise Tax Fund"*).
- Review of the General Fund – both consolidated revenue categories and department expenditures (*See attachment titled "General Fund"*).
- Incorporation of fund balance information for Excise Tax Fund and General Fund to include legally required and Council identified reserves.
- A series of tax reports and related business activity and business sector reports.

The balance of the narrative portion of this report highlights the revenue activity of each of the twelve funds under the heading "Revenue Overview by Fund" followed by a section that describes expenditure activity when applicable under the heading "Expenditure Overview by Fund".

Revenue Overview by Fund:

GENERAL FUND: Revenues are derived from the following sources as a percent of the budget. Recreation Fees 11%, Property Taxes 15%, Miscellaneous Income 3%, Charges for Services 4%, Licenses and Permits 3%, Intergovernmental Revenue and Fines 5%, and Transfers from Other Funds 59%. The first Property Tax collections are due February; there are less early filers this year than 2008. Investment Income for 2009 is lower than 2008 due to interest rates. 2009 Miscellaneous Income is lower than 2008 primarily due to changes in accounting for reimbursements for fuel provided to other organizations. Charges for Services are higher in 2008 primarily due to building plan review fees for a large developer. Licenses and Permits are lower than 2008 due primarily to building permits. Intergovernmental Revenue is higher than 2008 due to the timing of payment of CDOT revenue. Fines/Forfeitures are higher than 2008 due primarily to parking tickets and traffic fines. 2009 year-to-date General Fund revenue (net of transfers) is lower than 2008 by 20%.

WATER FUND: Revenues are derived from the following sources, Water Rents, Plant Investment Fees (PIF), Water Service Maintenance Fees (WSMF), Investment Income, and miscellaneous income. 2009 revenues are consistent with 2008 revenues year-to-date.

CAPITAL FUND: 2009 revenue is derived from a transfer from the Excise Fund, investment income, and various grants for projects. 2008 revenues are higher than 2009 due to transfers from the Excise Fund which are budgeted to be less than 2008, parking district assessment revenues, contributions for the RWC roof, and investment income.

MARKETING FUND: Revenues (net of transfers) are driven by Business Licenses, Accommodations Tax, Sales Tax and transfers from the Excise Tax Fund. 2008 revenues are higher than 2009 due primarily to accommodations taxes and the timing of collections of business license fees.

GOLF FUND: Revenues consist of residential card sales, greens fees, cart rental, driving range fees, investment income, and clubhouse rent. 2008 revenues are higher than 2009 primarily due to transfers from the Excise Tax Fund, which are not budgeted for 2009.

EXCISE TAX FUND: Sales Tax represents 67.3% of this fund's budgeted revenue, Real Estate Transfer Tax (RETT) 19.6%, Accommodation Tax 8.6%, Investment Income 1.3%, Cigarette and Franchise Taxes 3.2%. 2009 revenues are lower than 2008 due primarily to RETT, accommodations taxes, and sales taxes. The series of tax reports provides more information. The major difference between the sales tax revenue reported on this report and the sales tax collection report is the delay in receipt of the County sales tax received from the State the following month.

AFFORDABLE HOUSING FUND: Revenues are based on sales tax, impact fees, rental of properties owned or leased by the Town and repayment of housing assistance loans. 2009 revenues are higher than 2008 due primarily to SHA Development Impact Fees.

OPEN SPACE FUND: Revenues are typically derived from sales tax and investment income and development contributions. 2008 revenues are higher than 2009 primarily due to sales tax, investment income, and the Cucumber Gulch Grant.

CONSERVATION TRUST FUND: Revenues are the Town's share of lottery funds and investment income. The state distributes lottery proceeds on a quarterly basis.

GARAGE SERVICES FUND: Revenue for this fund is derived by charging the departments within the Town a pro-rata cost based on use of Town vehicles. 2009 revenues are higher than 2008 due to internal service revenue from other funds that are budgeted to be higher.

INFORMATION SERVICES FUND: Revenues are derived from charging the departments within the Town a pro-rata cost based on their use of I/S services. The internal service revenue is budgeted to be more than the prior year.

FACILITIES MAINTENANCE FUND: This fund has been established to provide funding for maintenance and replacement of capital assets. Revenues are derived from other funds associated with primary use of the facility. Revenues are budgeted to be less than 2008.

SPECIAL PROJECTS FUND: This fund has been established to provide funding for non-reoccurring and non-routine projects and initiatives. Revenues are derived through transfers from the Excise Fund which are budgeted to be less than 2008.

Expenditure Overview by Fund:

Comments below are limited to funds with significant variance from the prior year.

GENERAL FUND: Community Development expenditures for 2008 are higher than 2009 primarily due to consultant fees and professional development/training costs. Finance expenditures are lower than 2008 primarily due to personnel costs. Parking and Transit expenditures are lower than 2008 due to the parking activity being transferred to the Police Department, and Police expenditures are higher than 2008 primarily for the same reason. Recreation expenditures for 2008 are higher than 2009 primarily due to building improvements, advertising expenses, and refunds of medical expenses. Miscellaneous expenditures are higher than 2008 due to grants to other agencies that are budgeted to be higher. 2008 Debt Service expenditure was for the issuance costs of the 2008 Refunding Bond.

WATER FUND: 2008 expenditures are higher than 2009 due primarily to SCADA capital expenditures and repair and maintenance expenditures.

CAPITAL FUND: 2008 expenditures for this period are higher than 2009 due primarily to the RWC roof and childcare facility expenditures. Expenses are incurred as construction occurs and are subject to the timing of construction. For that reason, historical comparisons are not always useful. In addition, current year "YTD Budget" column is modeled upon last year's spending pattern, and may not always reflect this year's spending activity (YTD Actual).

MARKETING FUND: Expenditures are primarily for contracted services (BRC) and contributions to community organizations. 2009 expenditures are higher than 2008 due primarily to BRC's supplemental winter marketing campaign.

GOLF FUND: 2008 expenditures for this period are higher than 2009 due primarily to capital expenditures for landscape equipment. In addition, current year "YTD Budget" column is modeled upon last year's spending pattern, and may not always reflect this year's spending activity (YTD Actual).

EXCISE TAX FUND: Because the Excise Tax Fund includes transfers to other funds and debt expenditures, any variances between fiscal years is a result of changes in budgeted transfers and changes in debt service payments.

AFFORDABLE HOUSING FUND: Expenditures are down payment assistance loans, rental down payment assistance, childcare support, and other affordable housing related expenditures. 2008 expenditures are higher than 2009 due to payments for property acquisition and childcare support. In addition, current year "YTD Budget" column is modeled upon last year's spending pattern, and may not always reflect this year's spending activity (YTD Actual).

OPEN SPACE FUND: 2008 expenditures are higher than 2009 due primarily to Wellington Oro expenditures.

CONSERVATION TRUST FUND: 2009 expenditures are budgeted and incurred on a recurring monthly basis, so long as an eligible CIP project has been identified. 2009 is budgeted to be lower than 2008

GARAGE SERVICES FUND: Expenditures for vehicle and equipment maintenance, repair and replacement occur in this fund. 2009 operational expenditures for this period are lower than 2008 due primarily to fuel costs and vehicle repair parts. 2009 capital expenditures are primarily for vehicle purchases. In addition, current year “YTD Budget” column is modeled upon last year’s spending pattern, and may not always reflect this year’s spending activity (YTD Actual).

INFORMATION SERVICES FUND: This fund provides telephone, computer equipment, software licenses, repair, and maintenance of the same. 2008 expenditures are higher than 2009 due primarily to computer equipment, and computer support and maintenance. In addition, current year “YTD Budget” column is modeled upon last year’s spending pattern, and may not always reflect this year’s spending activity (YTD Actual).

FACILITIES MAINTENANCE FUND: Expenditures for maintenance and replacement of capital assets occur in this fund. 2009 expenditures are for Ice Arena capital improvements.

SPECIAL PROJECTS FUND: Expenditures for specified special projects are expended as incurred in this fund, and are budgeted to be less than last year. 2009 expenditures are primarily for the Breckenridge Heritage Alliance.

In Summary, the All Funds Summary reports 2009 YTD revenues approximately 17% lower than 2008 and YTD expenditures approximately 27% lower than 2008.



Town of Breckenridge

ALL FUNDS
Current Year to Prior Year Comparison
YTD Ending: March 2009

	<i>Prior Year</i>			<i>Actual/Actual Pct Variance</i>	<i>Current Year</i>				
	<i>YTD Actual</i>	<i>YE Total</i>	<i>Pct of YE Rec'd/Spent</i>		<i>YTD Actual</i>	<i>YTD Budget</i>	<i>Actual/Budget Pct Variance</i>	<i>Annual Budget</i>	<i>25% of FY Pct of Budget Rec'd/Spent</i>
General Fund	6,480,907	24,401,971	26.56	(8.64)	5,920,993	6,087,464	97.27%	23,385,676	25.32%
Water Fund	498,757	5,066,878	9.84	(0.03)	498,587	539,536	92.41%	3,485,665	14.30%
Capital Fund	937,668	3,452,794	27.16	(71.04)	271,518	277,697	97.77%	1,175,032	23.11%
Marketing Fund	410,168	1,586,674	25.85	(7.98)	377,457	433,469	87.08%	1,596,977	23.64%
Golf Fund	72,260	2,450,132	2.95	(92.96)	5,085	19,835	25.64%	2,272,329	0.22%
Excise Tax Fund	4,442,406	19,830,575	22.40	(24.02)	3,375,446	4,424,484	76.29%	18,431,798	18.31%
Affordable Housing Fund	752,884	3,313,909	22.72	9.48	824,226	707,542	116.49%	3,299,266	24.98%
Open Space Fund	603,859	2,015,747	29.96	(19.41)	486,642	630,731	77.16%	1,920,496	25.34%
Conservation Trust Fund	8,484	36,208	23.43	(2.02)	8,313	6,642	125.15%	30,122	27.60%
Garage Services Fund	512,876	2,938,578	17.45	15.02	589,897	583,857	101.03%	2,336,327	25.25%
Information Services Fund	239,469	957,874	25.00	1.77	243,710	243,710	100.00%	974,841	25.00%
Facilities Maintenance Fund	107,602	569,813	18.88	(46.47)	57,602	57,602	100.00%	230,410	25.00%
Special Projects Fund	567,250	2,269,000	25.00	(55.70)	251,311	251,311	100.00%	1,005,245	25.00%
TOTAL REVENUE	15,634,589	68,890,153	22.69	(17.42)	12,910,787	14,263,882	90.51%	60,144,184	21.47%
General Fund	4,646,388	22,047,208	21.07	(4.11)	4,455,530	5,085,045	87.62%	23,468,221	18.99%
Water Fund	572,338	3,004,835	19.05	(29.83)	401,615	763,804	52.58%	5,324,189	7.54%
Capital Fund	1,157,313	9,727,977	11.90	(93.02)	80,787	293,750	27.50%	1,175,000	6.88%
Marketing Fund	461,767	1,553,644	29.72	40.55	648,994	495,415	131.00%	1,770,116	36.66%
Golf Fund	201,339	2,302,848	8.74	(22.47)	156,091	229,178	68.11%	2,354,055	6.63%
Excise Tax Fund	5,298,630	21,746,535	24.37	(14.26)	4,543,291	4,543,291	100.00%	18,696,803	24.30%
Affordable Housing Fund	974,229	2,451,363	39.74	(69.90)	293,241	831,021	35.29%	3,396,585	8.63%
Open Space Fund	607,738	2,854,465	21.29	(4.78)	578,703	551,807	104.87%	2,079,899	27.82%
Conservation Trust Fund	11,250	45,000	25.00	(31.11)	7,750	7,750	100.00%	31,000	25.00%
Garage Services Fund - Ops	373,277	1,387,002	26.91	(35.01)	242,608	314,145	77.23%	1,503,698	16.13%
Garage Services Fund - Capital	1,068,290	1,839,073	58.09	(94.24)	61,543	0	n/m	432,884	14.22%
Information Services Fund	220,747	902,316	24.46	(43.92)	123,785	222,342	55.67%	774,948	15.97%
Facilities Maintenance Fund	0	0	n/m	n/m	19,498	0	n/m	194,632	10.02%
Special Projects Fund	499,470	2,055,864	24.29	(57.45)	212,504	251,311	84.56%	1,005,245	21.14%
TOTAL EXPENDITURES	16,092,774	71,918,130	22.38	(26.51)	11,825,941	13,588,860	87.03%	62,207,275	19.01%



Town of Breckenridge
 ALL FUNDS NET OF INTER-FUND TRANSFERS
 Current Year to Prior Year Comparison
 YTD Ending: March 2009

	Prior Year			Actual/Actual Pct Variance	Current Year				
	YTD Actual	YE Total	Pct of YE Rec'd/Spent		YTD Actual	YTD Budget	Actual/Budget Pct Variance	Annual Budget	25% of FY Pct of Budget Rec'd/Spent
General Fund	3,061,871	10,725,826	28.55	(19.79)	2,455,884	2,622,355	93.65%	9,525,241	25.78%
Water Fund	498,757	5,066,878	9.84	(0.03)	498,587	539,536	92.41%	3,485,665	14.30%
Capital Fund	297,418	891,794	33.35	(85.87)	42,018	48,197	87.18%	257,032	16.35%
Marketing Fund	335,168	1,286,674	26.05	(23.04)	257,957	324,719	79.44%	1,161,977	22.20%
Golf Fund	9,760	2,200,132	0.44	(47.90)	5,085	19,835	25.64%	2,272,329	0.22%
Excise Tax Fund	4,442,406	19,830,575	22.40	(24.02)	3,375,446	4,424,484	76.29%	18,431,798	18.31%
Affordable Housing Fund	162,273	951,468	17.06	48.51	240,996	124,313	193.86%	966,348	24.94%
Open Space Fund	603,859	2,015,747	29.96	(19.41)	486,642	630,731	77.16%	1,920,496	25.34%
Conservation Trust Fund	8,484	36,208	23.43	(2.02)	8,313	6,642	125.15%	30,122	27.60%
Garage Services Fund	4,750	848,260	0.56	112.12	10,075	500	2015.01%	2,900	347.41%
Information Services Fund	0	0	n/m	n/m	0	0	n/m	0	n/m
Facilities Maintenance Fund	0	139,403	0.00	n/m	0	0	n/m	0	n/m
Special Projects Fund	0	0	0.00	n/m	0	0	n/m	0	n/m
TOTAL REVENUE	9,424,746	43,992,965	21.42	(21.68)	7,381,003	8,741,313	84.44%	38,053,908	19.40%
General Fund	3,883,869	18,995,947	20.45	(6.85)	3,617,845	4,243,954	85.25%	20,372,578	17.76%
Water Fund	457,861	2,546,925	17.98	(38.15)	283,197	645,386	43.88%	4,850,518	5.84%
Capital Fund	1,157,313	9,727,977	11.90	(93.02)	80,787	293,750	27.50%	1,175,000	6.88%
Marketing Fund	461,767	1,553,644	29.72	40.55	648,994	495,415	131.00%	1,770,116	36.66%
Golf Fund	179,857	2,216,921	8.11	(23.91)	136,848	210,935	64.88%	2,333,550	5.86%
Excise Tax Fund	0	550,288	0.00	0.00	0	125	0.00%	566,640	0.00%
Affordable Housing Fund	974,229	2,451,363	39.74	(69.90)	293,241	831,021	35.29%	3,396,585	8.63%
Open Space Fund	606,314	2,848,768	21.28	(4.69)	577,875	550,979	104.88%	2,076,586	27.83%
Conservation Trust Fund	0	0	n/m	n/m	0	0	n/m	0	n/m
Garage Services Fund - Ops	373,277	1,387,002	26.91	(35.01)	242,608	310,610	78.11%	1,503,698	16.13%
Garage Services Fund - Capital	1,068,290	1,839,073	58.09	(94.24)	61,543	0	n/m	432,884	14.22%
Information Services Fund	220,687	902,074	24.46	(44.21)	123,124	221,681	55.54%	772,303	15.94%
Facilities Maintenance Fund	0	0	n/m	n/m	19,498	0	n/m	194,632	10.02%
Special Projects Fund	499,470	2,055,864	24.29	(57.45)	212,504	251,311	84.56%	1,005,245	21.14%
TOTAL EXPENDITURES	9,882,934	47,075,846	20.99	(36.27)	6,298,064	8,055,168	78.19%	40,450,335	15.57%



Town of Breckenridge

GENERAL FUND
Current Year to Prior Year Comparison
YTD Ending: March 2009

	Prior Year			Actual/Actual Pct Variance	Current Year			25% of FY	
	YTD Actual	YE Total	Pct of YE Rec'd/Spent		YTD Actual	YTD Budget	Actual/Budget Pct Variance	Annual Budget	Pct of Budget Rec'd/Spent
REVENUES									
Recreation Fees	787,534	2,677,962	29.41	2.07	803,850	751,288	107.00%	2,600,545	30.91%
Property Tax	1,067,614	3,416,289	31.25	(12.17)	937,651	1,015,840	92.30%	3,481,699	26.93%
Investment Income	213,062	676,808	31.48	(82.62)	37,041	109,840	33.72%	389,939	9.50%
Miscellaneous Income	89,278	242,559	36.81	(45.52)	48,639	56,354	86.31%	191,287	25.43%
Charges For Services	566,771	1,434,751	39.50	(50.51)	280,482	340,838	82.29%	910,101	30.82%
Licenses and Permits	64,605	1,090,324	5.93	(41.51)	37,787	89,706	42.12%	684,261	5.52%
Intergovernmental	189,828	884,857	21.45	10.36	209,499	196,450	106.64%	974,809	21.49%
Fines/Forfeitures	83,179	302,277	27.52	21.35	100,936	62,040	162.69%	292,600	34.50%
Transfers In	3,419,036	13,676,145	25.00	1.35	3,465,109	3,465,109	100.00%	13,860,435	25.00%
Revenues	6,480,907	24,401,971	26.56	(8.64)	5,920,993	6,087,464	97.27%	23,385,676	25.32%
EXPENDITURES									
General Government	440,909	2,130,927	20.69	3.26	455,298	470,822	96.70%	2,240,612	20.32%
Community Development	357,947	1,749,280	20.46	(7.72)	330,298	399,537	82.67%	1,812,323	18.23%
Engineering	99,424	490,653	20.26	(1.19)	98,246	83,610	117.50%	342,261	28.70%
Finance	231,601	1,075,498	21.53	(9.60)	209,367	255,022	82.10%	1,205,347	17.37%
Parking and Transit	633,534	2,770,088	22.87	(8.38)	580,423	631,218	91.95%	2,573,641	22.55%
Police	721,158	3,468,698	20.79	9.27	788,034	930,408	84.70%	3,962,706	19.89%
Public Works	1,018,968	4,894,313	20.82	(3.87)	979,552	1,175,426	83.34%	5,424,468	18.06%
Recreation	1,029,047	4,771,522	21.57	(13.17)	893,512	1,003,426	89.05%	4,839,629	18.46%
Miscellaneous	103,400	135,700	76.20	16.83	120,800	135,576	89.10%	516,209	23.40%
Debt Service	10,400	560,529	1.86	(100.00)	0	0	n/m	551,024	0.00%
Transfers Out	0	0	n/m	n/m	0	0	n/m	0	n/m
Expenditures	4,646,388	22,047,208	21.07	(4.11)	4,455,530	5,085,045	87.62%	23,468,221	18.99%
Rev Over(Under) Exp	1,834,519	2,354,762		(20.12)	1,465,463				
Jan. 1 2009 Fund Balance					11,970,176				
Operating Reserve					-5,800,000				
Tabor Reserve					-700,000				
Debt Service Reserve					-1,200,000				
Medical Reserve					-500,000				
Unaudited Balance					5,235,639				



Town of Breckenridge

EXCISE FUND
 Current Year to Prior Year Comparison
 YTD Ending: March 2009

	<i>Prior Year</i>			<i>Actual/Actual Pct Variance</i>	<i>Current Year</i>			<i>25% of FY</i>	
	<i>YTD Actual</i>	<i>YE Total</i>	<i>Pct of YE Rec'd/Spent</i>		<i>YTD Actual</i>	<i>YTD Budget</i>	<i>Actual/Budget Pct Variance</i>	<i>Annual Budget</i>	<i>Pct of Budget Rec'd/Spent</i>
Sales Tax	2,636,819	13,291,229	19.84	(13.34)	2,285,192	2,782,666	82.12%	12,401,702	18.43%
Accomodations Taxes	649,289	1,783,019	36.42	(24.44)	490,577	613,896	79.91%	1,589,663	30.86%
RETT	907,701	3,733,785	24.31	(55.46)	404,331	876,423	46.13%	3,605,128	11.22%
Miscellaneous Taxes	138,037	714,483	19.32	32.18	182,462	85,252	214.03%	588,500	31.00%
Investment Income	110,561	308,060	35.89	(88.35)	12,885	66,247	19.45%	246,805	5.22%
TOTAL REVENUE	4,442,406	19,830,575	22.40	(24.02)	3,375,446	4,424,484	76.29%	18,431,798	18.31%
Transfers	5,298,630	21,194,522	25.00	(14.26)	4,543,291	4,543,291	100.00%	18,130,163	25.06%
Debt Service	0	552,013	0.00	n/m	0	125	0.00%	566,640	0.00%
TOTAL EXPENDITURES	5,298,630	21,746,535	24.37	(14.26)	4,543,291	4,543,416	100.00%	18,696,803	24.30%
YTD EXCESS/(DEFICIT)	-856,225	-1,915,959	44.69	36.39	-1,167,844				
Jan. 1 2009 Fund Balance					10,008,355				
Reserved for Debt Service					-900,000				
UNAUDITED BALANCE					7,940,511				

INTEROFFICE MEMORANDUM

TO: TIM GAGEN / TOWN COUNCIL
FROM: FINANCE DEPARTMENT
SUBJECT: TOWN INVESTMENT REPORTING – 1ST QUARTER 2009
DATE: 4/22/2009

The Town of Breckenridge adopted an investment policy that includes a reporting requirement intended to provide Council with updated information regarding the Town investment portfolio as well as ensure conformance to Town investment policy. Specific reporting requirements include:

- ◆ A listing of individual securities held at the end of the reporting period. (Appendix A)
- ◆ Unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration that may not be held until maturity. (Appendix B)
- ◆ The percentage of the managed portfolio that each type of investment represents. (Appendix C)

SUMMARY AS OF 3/31/2009				
	TOTAL \$	PORTFOLIO PERCENTAGE	ANNUAL YIELD	DESCRIPTION / PURPOSE
MANAGED PORTFOLIO	\$ 24,531,663	64%	2.32%	Structured to maintain liquidity while aiming to earn a higher rate of return than established benchmarks. Maturities up to five years.
LIQUID ASSET TRUST GENERAL	\$ 13,792,812	36%	0.56%	Provide access to cash for immediate needs without sacrificing a market rate of return.
TOTAL PORTFOLIO 1ST QUARTER 2009	\$ 38,324,475	100%	1.69%	
TOTAL PORTFOLIO 4TH QUARTER 2008	\$ 37,200,936		2.32%	
TOTAL PORTFOLIO 3RD QUARTER 2008	\$ 39,205,839		2.91%	
TOTAL PORTFOLIO 2ND QUARTER 2008	\$ 42,870,314		3.04%	

The Town of Breckenridge investment portfolio conforms to the provisions in the Town Investment Policy. The stated objectives of the portfolio in order of priority are: Safety / Liquidity / Yield. Investments in the portfolio are intended to be held to maturity.

Appendixes are included to provide detailed information on components of the portfolio. Appendix (D) provides cash comparison of the portfolio versus what would have been earned if fully invested in COLOTRUST and/or the 2-Year Treasury, including a graph showing historical comparisons. Appendix (E) gives a detailed listing of all individual securities purchased and sold during this reporting period. Appendix (F) reports the balance in the COLOTRUST Town directed investment account.

TOWN OF BRECKENRIDGE
Portfolio Management
Portfolio Details - Investments
March 31, 2009

CUSIP	Investment #	Issuer	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM/C 365	Days to Maturity	Maturity Date
LGIP/MMF Accounts											
SYSCOL0002	COL0002	COLOTRUST PLUS		45,273.35	45,273.35	45,273.35	0.530		0.530	1	
Subtotal and Average				45,273.35	45,273.35	45,273.35			0.530	1	
Federal Agency Coupon Securities											
3133XQS52	BREL0660	FHLB	05/07/2008	1,250,000.00	1,250,781.25	1,249,908.82	2.250	AAA	2.416	16	04/17/2009
3136F3ZE9	BREL0595	FNMA	09/27/2007	800,000.00	804,250.40	797,669.91	3.125	AAA	4.554	78	06/18/2009
3128X3VA8	BREL0705	FHLMC	09/29/2008	1,065,000.00	1,080,033.54	1,069,099.61	4.125	AAA	3.178	153	09/01/2009
31359MWP4	BREL0700	FNMA	09/29/2008	1,000,000.00	1,017,188.00	1,005,235.60	4.010	AAA	3.044	203	10/21/2009
3128X3J20	BREL0590	FHLMC	09/27/2007	1,000,000.00	1,021,895.00	999,605.47	4.500	AAA	4.564	231	11/18/2009
31359MXS7	BREL0690	FNMA	08/28/2008	1,000,000.00	1,025,625.00	1,011,003.25	4.300	AAA	3.009	322	02/17/2010
3133XT4U7	BREL0750	FHLB	02/18/2009	2,000,000.00	2,001,250.00	2,000,000.00	1.030	AAA	1.030	323	02/18/2010
31398APK2	BREL0640	FNMA	03/07/2008	600,000.00	610,687.80	600,000.00	3.050	AAA	3.050	338	03/05/2010
3133XTCT1	BREL0755	FHLB	03/18/2009	1,350,000.00	1,351,687.50	1,349,614.91	1.100	AAA	1.130	349	03/16/2010
31359MC92	BREL0715	FNMA	11/24/2008	1,000,000.00	1,031,250.00	1,016,789.98	4.125	AAA	2.590	409	05/15/2010
31359MC92	BREL0725	FNMA	12/18/2008	1,200,000.00	1,237,500.00	1,234,834.84	4.125	AAA	1.500	409	05/15/2010
3133XBTH8	BREL0711	FHLB	11/04/2008	1,750,000.00	1,816,172.75	1,773,279.25	4.250	AAA	3.098	436	06/11/2010
3137EABL2	BREL0760	FHLMC	03/18/2009	1,000,000.00	1,022,109.00	1,020,567.76	2.875	AAA	1.200	453	06/28/2010
3134A4VB7	BREL0735	FHLMC	01/16/2009	2,000,000.00	2,081,876.00	2,076,116.60	4.125	AAA	1.120	467	07/12/2010
31398ASX1	BREL0680	FNMA (Callable - NC1yr 1X)	08/28/2008	1,250,000.00	1,261,718.75	1,252,585.02	3.750	AAA	3.421	125	08/04/2010
31331GAE9	BREL0710	FFCB	09/29/2008	1,000,000.00	1,025,938.00	1,001,327.27	3.200	AAA	3.102	519	09/02/2010
3133XSCT3	BREL0695	FHLB	09/29/2008	1,000,000.00	1,032,813.00	1,000,740.73	3.375	AAA	3.324	567	10/20/2010
31331YGP9	BREL0740	FFCB	01/16/2009	1,000,000.00	1,039,688.00	1,038,461.99	3.750	AAA	1.422	614	12/06/2010
3128X8BX9	BREL0730	FHLMC (Callable - NC1yr 1X)	12/30/2008	1,000,000.00	1,003,361.00	1,000,000.00	2.000	AAA	2.000	638	12/30/2010
3136FHBU8	BREL0745	FNMA (Callable - NC1yr 1X)	02/18/2009	1,000,000.00	1,001,250.00	1,000,000.00	2.000	AAA	2.000	869	08/18/2011
Subtotal and Average				23,265,000.00	23,717,074.99	23,496,841.01			2.377	376	
Federal Agency Disc. -Amortizing											
313589NT6	BREL0720	FNMA (Discount)	11/24/2008	1,000,000.00	997,600.00	989,548.61	1.750	AAA	1.797	215	11/02/2009
Subtotal and Average				1,000,000.00	997,600.00	989,548.61			1.797	215	
Total and Average				24,310,273.35	24,759,948.34	24,531,662.97			2.350	369	

A

TOWN OF BRECKENRIDGE

Portfolio Management

Portfolio Details - Unrealized Gains or Losses

Securities Over One Year Duration That May Not Be Held to Maturity

Investment #	Issuer	Market Value	Purchase Cost	Gain/(Loss)	Stated Rate	Call Dates	Maturity Date
BREL0680	FNMA (Callable)	\$ 1,261,718.75	\$ 1,256,850.00	\$ 4,868.75	3.750	8/4/2009	8/4/2010
BREL0730	FHLMC (Callable)	\$ 1,003,361.00	\$ 1,000,000.00	\$ 3,361.00	2.000	12/30/2009	12/30/2010
BREL0745	FNMA (Callable)	\$ 1,001,250.00	\$ 1,000,000.00	\$ 1,250.00	2.000	2/18/2010	8/18/2011



TOWN OF BRECKENRIDGE
Portfolio Management
Portfolio Summary
March 31, 2009

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM/C 360 Equiv.	YTM/C 365 Equiv.
LGIP/MMF Accounts	45,273.35	45,273.35	45,273.35	0.18	1	1	0.523	0.530
Federal Agency Coupon Securities	23,265,000.00	23,717,074.99	23,496,841.01	95.78	561	376	2.344	2.377
Federal Agency Disc. -Amortizing	1,000,000.00	997,600.00	989,548.61	4.03	343	215	1.772	1.797
Investments	24,310,273.35	24,759,948.34	24,531,662.97	100.00%	551	369	2.318	2.350
Cash and Accrued Interest								
Accrued Interest at Purchase		17,498.48	17,498.48					
Subtotal		17,498.48	17,498.48					
Total Cash and Investments	24,310,273.35	24,777,446.82	24,549,161.45		551	369	2.318	2.350
Total Earnings								
	March 31	Month Ending						
Current Year	49,838.79							

Roy McGinnis, Accounting Manager

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Town of Breckenridge

Monthly Account Review – March 2009



Davidson
Fixed Income Management
REGISTERED INVESTMENT ADVISER

- Town of Breckenridge (L-TP): Brian Waldes, CPA Financial Services Manager; Roy McGinnis, Accounting Manager
- Davidson Fixed Income Management: Scott Prickett, Account Manager
- Investment Objectives:
 - Safety: Safety of principal shall be the foremost objective of the investment program.
 - Liquidity: The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.
 - Yield: Investments will be managed to optimize returns within the appropriate safety and liquidity constraints.

Performance Information (03/01/2009 – 03/31/2009)

	<u>Breckenridge</u> ²	<u>Colotrust Plus</u> ⁴	<u>2 Yr Agency</u> ³
BV Return (Yield) ¹	2.32%	0.56%	3.38%

1. BV Rate of Return (Income) = Earned Interest +/- Realized Gain/Loss +/- Amortization.
2. All performance numbers are net of advisory fees. Advisory fees are only applied to security market values.
3. The 2 Yr Agency Benchmark = A custom benchmark created to reflect purchasing the 2 Yr Agency security every month on the same day as the 2 Yr Treasury Auction and using Bloomberg pricing.
4. Reflects Colotrust Plus average daily yield for the month.

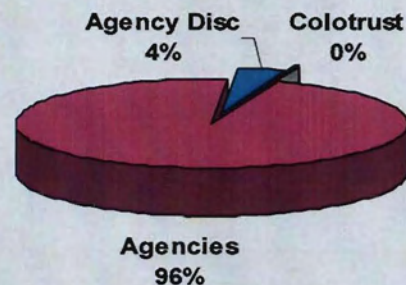
Past performance of the Town of Breckenridge portfolio does not guarantee future results.

Portfolio Characteristics 03/31/2009

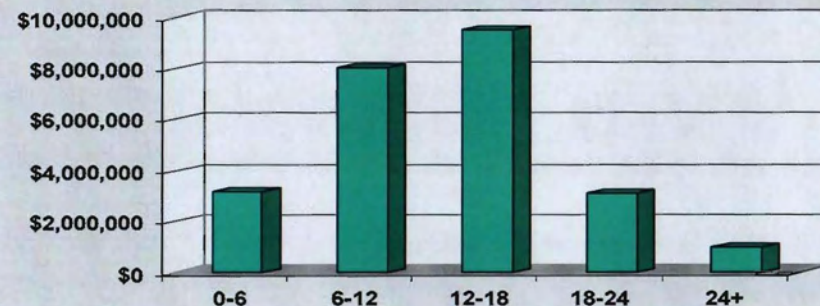
Par Value:	\$ 24,310,273
Market Value:	\$ 24,759,948
Book Value:	\$ 24,531,663

Weighted Avg YTM/C:	2.35%
Weighted Avg Maturity/Call:	369 Days
Modified Duration:	1.00

Portfolio Diversification

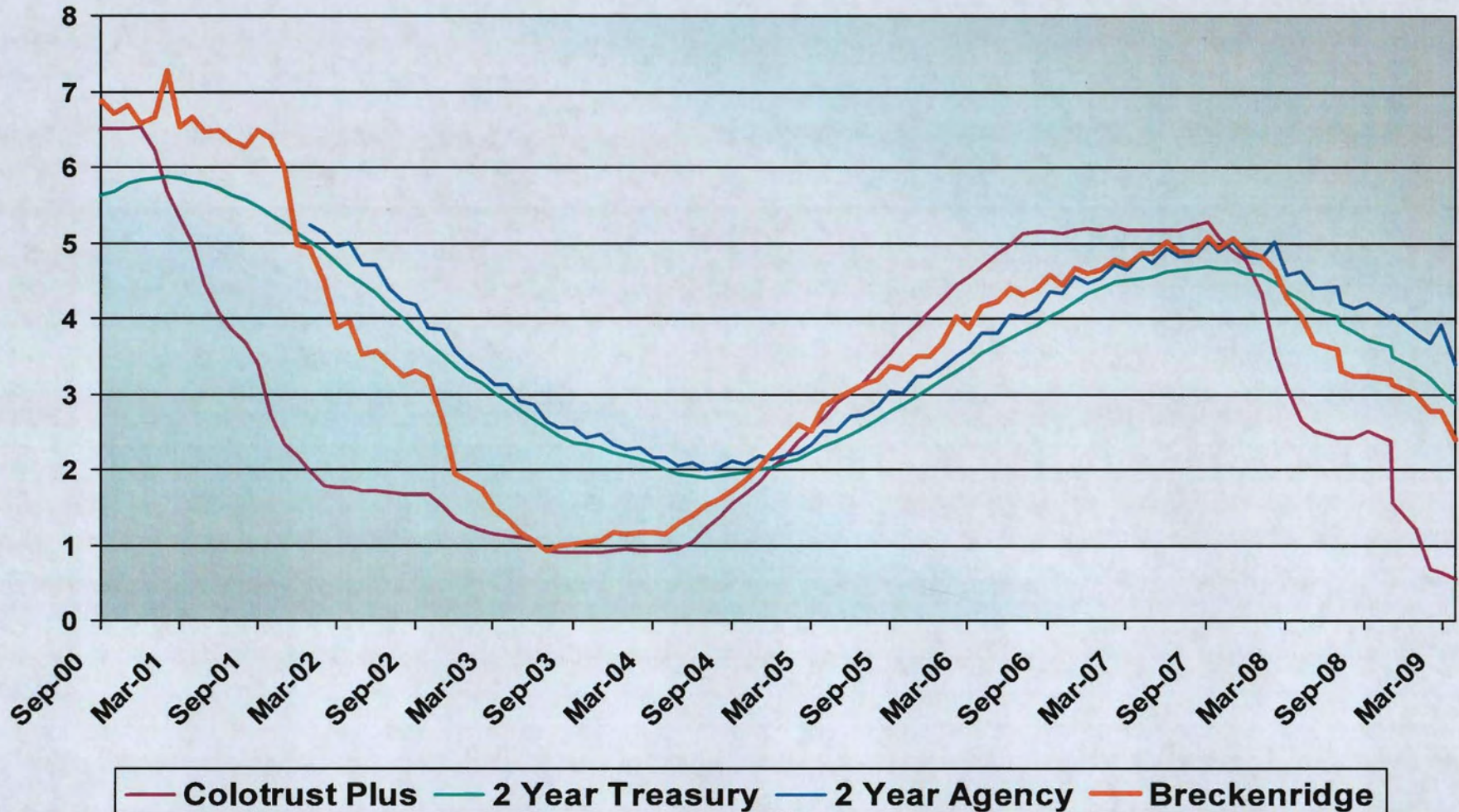


Maturity Distribution



Historical Comparisons

Town of Breckenridge, 2 Year HTM Treasury, 2 Year Agency & Colostrust Plus



- 2 Yr HTM Benchmark = A custom benchmark created to reflect purchasing the 2 Yr Treasury every month directly through the Federal Reserve and holding until maturity.
- The 2 Yr Agency Benchmark is a custom benchmark created to reflect purchasing a 2 Yr Agency security every month on the same day as the 2 Yr Treasury Auction and using Bloomberg Pricing (from August 2003 – Current). Data prior to August 2003 was obtained using the Bloomberg spread between the 2 Yr Agency and the 2 Year Treasury.
- Davidson Fixed Income Management has obtained the Colostrust data from sources believed to be reliable. However DFIM does not guarantee the accuracy of the data.
- Town of Breckenridge data is for the LT portfolio only and is shown gross of fees.

Average June 2000 – YTD 2009	
Breckenridge =	3.74%
2 Yr Treasury =	3.78%
Colostrust Plus =	3.14%



TOWN OF BRECKENRIDGE
Purchases Report
Sorted by Fund - Fund
January 1, 2009 - March 31, 2009

CUSIP	Investment #	Fund	Sec. Type Issuer	Original Par Value	Purchase Date	Payment Periods	Principal Purchased	Accrued Interest at Purchase	Rate at Purchase	Maturity Date	YTM 365	Ending Book Value
Town of Breckenridge												
31331YGP9	BREL0740	100	FAC FFCB	1,000,000.00	01/16/2009	06/06 - 12/06	1,043,230.00	4,166.67	3.750	12/06/2010	1.422	1,038,461.99
3134A4VB7	BREL0735	100	FAC FHLMC	2,000,000.00	01/16/2009	07/12 - 01/12	2,088,500.00	916.67	4.125	07/12/2010	1.120	2,076,116.60
3133XT4U7	BREL0750	100	FAC FHLB	2,000,000.00	02/18/2009	08/18 - 02/18	2,000,000.00		1.030	02/18/2010	1.030	2,000,000.00
3136FHBU8	BREL0745	100	FAC FNMAC1	1,000,000.00	02/18/2009	08/18 - 02/18	1,000,000.00		2.000	08/18/2011	2.000	1,000,000.00
3133XTCT1	BREL0755	100	FAC FHLB	1,350,000.00	03/18/2009	09/16 - 03/16	1,349,600.40	82.50	1.100	03/16/2010	1.130	1,349,614.91
3137EABL2	BREL0760	100	FAC FHLMC	1,000,000.00	03/18/2009	06/28 - 12/28	1,021,165.93	6,388.89	2.875	06/28/2010	1.200	1,020,567.76
			Subtotal	8,350,000.00			8,502,496.33	11,554.73				8,484,761.26
			Total Purchases	8,350,000.00			8,502,496.33	11,554.73				8,484,761.26

E



TOWN OF BRECKENRIDGE
Realized Gains and Losses
Sorted By Maturity/Sale/Call Date
Sales/Calls/Maturities: January 1, 2009 - March 31, 2009

Investment #	Inv. Type	Purchase Date	Par Value	Sale Date	Days Held						
Issuer			Current Rate	Maturity Date	Term	Book Value	Maturity/Sale Proceeds	Realized Gain/Loss	Total Earnings	Total Net Earnings	Total Yield 365
BREL0615	FAC	01/22/2008	1,100,000.00	01/16/2009	360	1,100,000.00	1,100,000.00	0.00	33,557.33	33,557.33	3.093
FHLMC			5.000	01/16/2009	360						
BREL0650	FAC	05/07/2008	2,000,000.00	01/16/2009	254	2,000,000.00	2,000,000.00	0.00	32,866.67	32,866.67	2.361
FHLMC			5.000	01/16/2009	254						
BREL0670	AFD	06/30/2008	2,000,000.00	02/02/2009	217	2,000,000.00	2,000,000.00	0.00	30,741.67	30,741.67	2.585
FHLMC (Discount)			2.550	02/02/2009	217						
BREL0685	AFD	08/28/2008	1,000,000.00	02/17/2009	173	1,000,000.00	1,000,000.00	0.00	13,551.67	13,551.67	2.859
FHLMC (Discount)			2.820	02/17/2009	173						
BREL0605	FAC	11/15/2007	1,200,000.00	03/13/2009	484	1,200,000.00	1,200,000.00	0.00	67,114.00	67,114.00	4.218
FHLB			5.250	03/13/2009	484						
BREL0635	FAC	03/18/2008	1,000,000.00	03/18/2009	365	1,000,000.00	1,000,000.00	0.00	24,050.00	24,050.00	2.405
FHLB			2.405	03/18/2009	365						
Total Realized Gains/Losses						8,300,000.00	8,300,000.00	0.00	201,881.34	201,881.34	2.846

COLO TRUST

1700 Broadway, Suite 2050
Denver, CO 80290

Summary Statement March 2009

For more information, call COLOTRUST at (877)311-0219 or (303)864-7474
Fax: (877)311-0220

COLO TRUST PLUS +

Town of Breckenridge

Account Number: CO-01-0569-7026

Account Name: General - 7026

	Beginning Balance	Purchases	Redemptions	Income Distributed	Average Daily Balance	Month End Balance
This Month	\$12,042,135.70	\$1,433,006.02	\$0.00	\$6,162.30	\$13,037,069.85	\$13,481,304.02
Fiscal YTD						
Ending 12/31/09	\$12,523,522.10	\$2,939,381.91	\$2,000,000.00	\$18,400.01	\$11,963,720.87	\$13,481,304.02

Account Number: CO-01-0569-7030

Account Name: 2007 COP'S

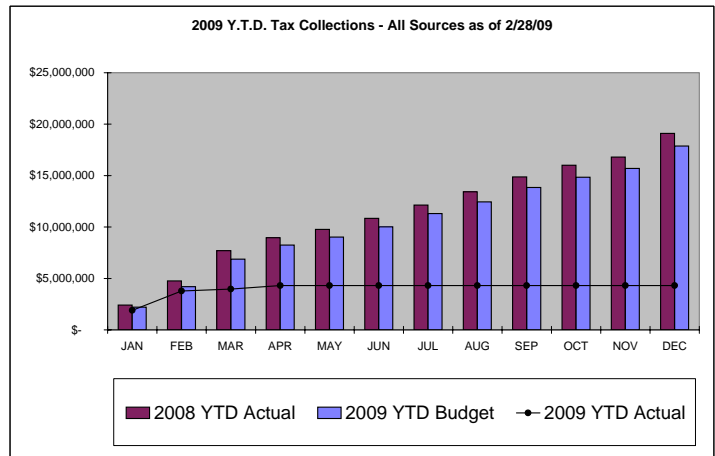
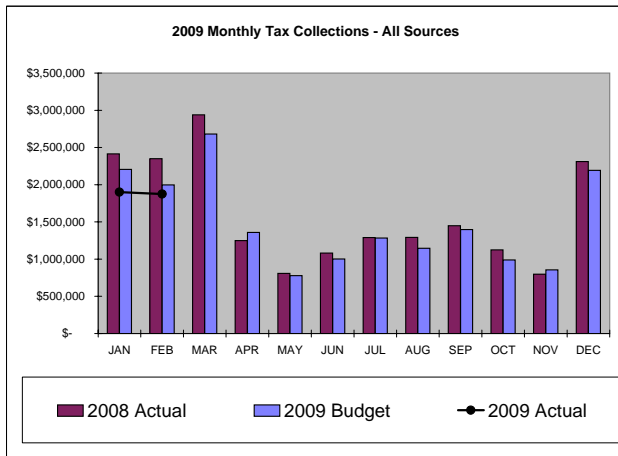
	Beginning Balance	Purchases	Redemptions	Income Distributed	Average Daily Balance	Month End Balance
This Month	\$311,360.33	\$0.00	\$0.00	\$147.49	\$311,438.37	\$311,507.82
Fiscal YTD						
Ending 12/31/09	\$311,026.33	\$0.00	\$0.00	\$481.49	\$311,282.99	\$311,507.82

Total of all accounts

	Beginning Balance	Purchases	Redemptions	Income Distributed	Average Daily Balance	Month End Balance
This Month	\$12,353,496.03	\$1,433,006.02	\$0.00	\$6,309.79	\$13,348,508.22	\$13,792,811.84
Fiscal YTD						
Ending 12/31/09	\$12,834,548.43	\$2,939,381.91	\$2,000,000.00	\$18,881.50	\$12,275,003.86	\$13,792,811.84

TOWN OF BRECKENRIDGE
CASH TAX COLLECTIONS - ALL SOURCES - SALES, LODGING, RETT, ACCOMMODATIONS
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	\$ 2,414,468	\$ 2,414,468	12.6%	\$ 2,206,630	\$ 2,206,630	12.3%	\$ 1,900,914	-21.3%	86.1%	\$ 1,900,914	-21.3%	10.6%
FEB	\$ 2,350,505	\$ 4,764,973	24.9%	\$ 1,996,244	\$ 4,202,874	23.5%	\$ 1,875,325	-20.2%	93.9%	\$ 3,776,239	-20.8%	21.1%
MAR	\$ 2,939,707	\$ 7,704,680	40.3%	\$ 2,680,714	\$ 6,883,589	38.5%	\$ 185,714	-93.7%	6.9%	\$ 3,961,953	-48.6%	22.2%
APR	\$ 1,249,210	\$ 8,953,890	46.9%	\$ 1,357,940	\$ 8,241,529	46.1%	\$ 347,879	-72.2%	25.6%	\$ 4,309,832	-51.9%	24.1%
MAY	\$ 808,893	\$ 9,762,783	51.1%	\$ 777,466	\$ 9,018,994	50.4%	\$ -	n/a	0.0%	\$ 4,309,832	-55.9%	24.1%
JUN	\$ 1,081,794	\$ 10,844,577	56.7%	\$ 1,002,387	\$ 10,021,381	56.0%	\$ -	n/a	0.0%	\$ 4,309,832	-60.3%	24.1%
JUL	\$ 1,290,595	\$ 12,135,172	63.5%	\$ 1,283,829	\$ 11,305,210	63.2%	\$ -	n/a	0.0%	\$ 4,309,832	-64.5%	24.1%
AUG	\$ 1,291,414	\$ 13,426,586	70.3%	\$ 1,144,904	\$ 12,450,114	69.6%	\$ -	n/a	0.0%	\$ 4,309,832	-67.9%	24.1%
SEP	\$ 1,449,347	\$ 14,875,933	77.8%	\$ 1,396,497	\$ 13,846,611	77.4%	\$ -	n/a	0.0%	\$ 4,309,832	-71.0%	24.1%
OCT	\$ 1,124,711	\$ 16,000,644	83.7%	\$ 988,792	\$ 14,835,403	83.0%	\$ -	n/a	0.0%	\$ 4,309,832	-73.1%	24.1%
NOV	\$ 798,324	\$ 16,798,968	87.9%	\$ 854,627	\$ 15,690,030	87.7%	\$ -	n/a	0.0%	\$ 4,309,832	-74.3%	24.1%
DEC	\$ 2,310,707	\$ 19,109,675	100.0%	\$ 2,192,063	\$ 17,882,093	100.0%	\$ -	n/a	0.0%	\$ 4,309,832	-77.4%	24.1%

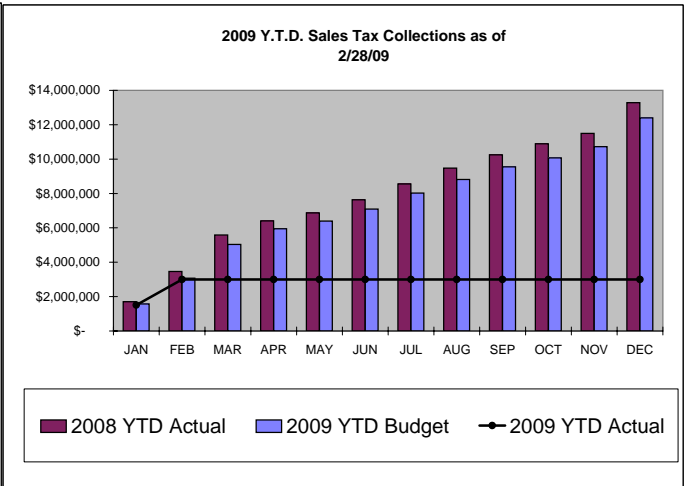
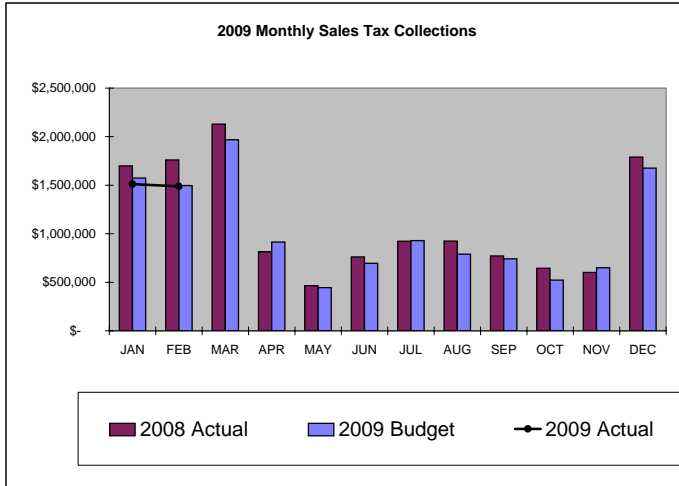


Prior Year Actual and Current Year Budget Variances

	TOTAL	Sales	Accommodations	RETT	Housing
vs. Feb 08 Actual	(486,308)	(271,674)	(84,920)	(119,187)	(10,527)
vs. Feb 09 Budget	(122,228)	(7,833)	(1,422)	(111,759)	(1,214)
vs. YTD 08 Actual	(859,020)	(459,726)	(158,712)	(232,934)	(7,648)
vs. YTD 09 Budget	(426,635)	(71,027)	(22,035)	(332,455)	(1,119)

**TOWN OF BRECKENRIDGE
SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

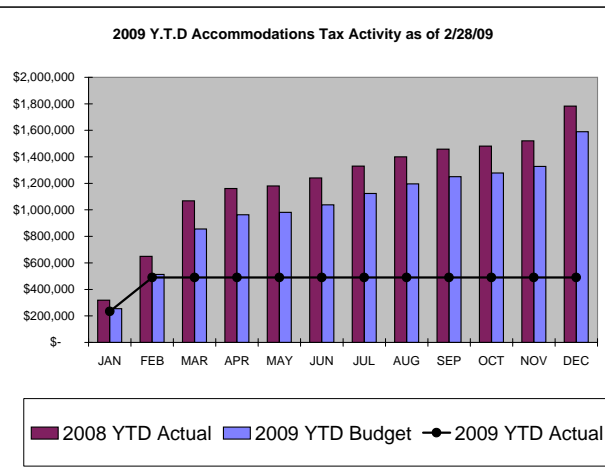
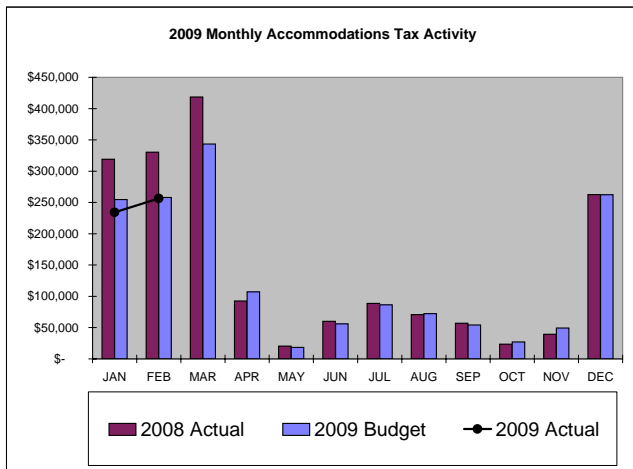
Sales Period	2008 Collections			2009 Budget			2009 Monthly			2009 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2008	% of Budget	Actual	% Change from 2008	% of Budget
JAN	\$ 1,699,052	\$ 1,699,052	12.8%	\$ 1,574,195	\$ 1,574,195	12.7%	\$ 1,511,000	-11.1%	96.0%	\$ 1,511,000	-11.1%	12.2%
FEB	1,759,932	3,458,985	26.0%	1,496,091	3,070,286	24.8%	1,488,258	-15.4%	99.5%	2,999,259	-13.3%	24.2%
MAR	2,129,985	5,588,969	42.1%	1,967,425	5,037,711	40.6%		n/a	0.0%	2,999,259	-46.3%	24.2%
APR	814,209	6,403,179	48.2%	914,797	5,952,508	48.0%		n/a	0.0%	2,999,259	-53.2%	24.2%
MAY	464,918	6,868,097	51.7%	445,750	6,398,258	51.6%		n/a	0.0%	2,999,259	-56.3%	24.2%
JUN	761,897	7,629,994	57.4%	695,674	7,093,932	57.2%		n/a	0.0%	2,999,259	-60.7%	24.2%
JUL	922,613	8,552,607	64.4%	929,455	8,023,387	64.7%		n/a	0.0%	2,999,259	-64.9%	24.2%
AUG	924,291	9,476,897	71.3%	788,750	8,812,137	71.1%		n/a	0.0%	2,999,259	-68.4%	24.2%
SEP	770,561	10,247,459	77.1%	741,531	9,553,668	77.0%		n/a	0.0%	2,999,259	-70.7%	24.2%
OCT	644,680	10,892,138	82.0%	522,493	10,076,161	81.2%		n/a	0.0%	2,999,259	-72.5%	24.2%
NOV	601,530	11,493,668	86.5%	649,337	10,725,498	86.5%		n/a	0.0%	2,999,259	-73.9%	24.2%
DEC	\$ 1,789,075	\$ 13,282,743	100.0%	\$ 1,676,204	12,401,702	100.0%		n/a	0.0%	\$ 2,999,259	-77.4%	24.2%



**TOWN OF BRECKENRIDGE
ACCOMMODATION 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	\$ 319,027	\$ 319,027	17.9%	\$ 254,720	\$ 254,720	16.0%	\$ 234,107	-26.6%	91.9%	\$ 234,107	-26.6%	14.7%
FEB	330,262	649,289	36.4%	257,892	512,612	32.2%	256,470	-22.3%	99.4%	490,577	-24.4%	30.9%
MAR	418,622	1,067,911	59.9%	343,506	856,117	53.9%		n/a	0.0%	490,577	-54.1%	30.9%
APR	92,660	1,160,571	65.1%	107,159	963,276	60.6%		n/a	0.0%	490,577	-57.7%	30.9%
MAY	20,413	1,180,984	66.2%	18,397	981,674	61.8%		n/a	0.0%	490,577	-58.5%	30.9%
JUN	60,094	1,241,078	69.6%	55,869	1,037,543	65.3%		n/a	0.0%	490,577	-60.5%	30.9%
JUL	88,754	1,329,831	74.6%	86,546	1,124,089	70.7%		n/a	0.0%	490,577	-63.1%	30.9%
AUG	70,749	1,400,580	78.6%	72,430	1,196,519	75.3%		n/a	0.0%	490,577	-65.0%	30.9%
SEP	57,015	1,457,595	81.7%	54,323	1,250,842	78.7%		n/a	0.0%	490,577	-66.3%	30.9%
OCT	23,615	1,481,210	83.1%	27,148	1,277,990	80.4%		n/a	0.0%	490,577	-66.9%	30.9%
NOV	39,286	1,520,496	85.3%	49,398	1,327,389	83.5%		n/a	0.0%	490,577	-67.7%	30.9%
DEC	\$ 262,520	\$ 1,783,016	100.0%	\$ 262,274	1,589,663	100.0%		n/a	0.0%	\$ 490,577	-72.5%	30.9%

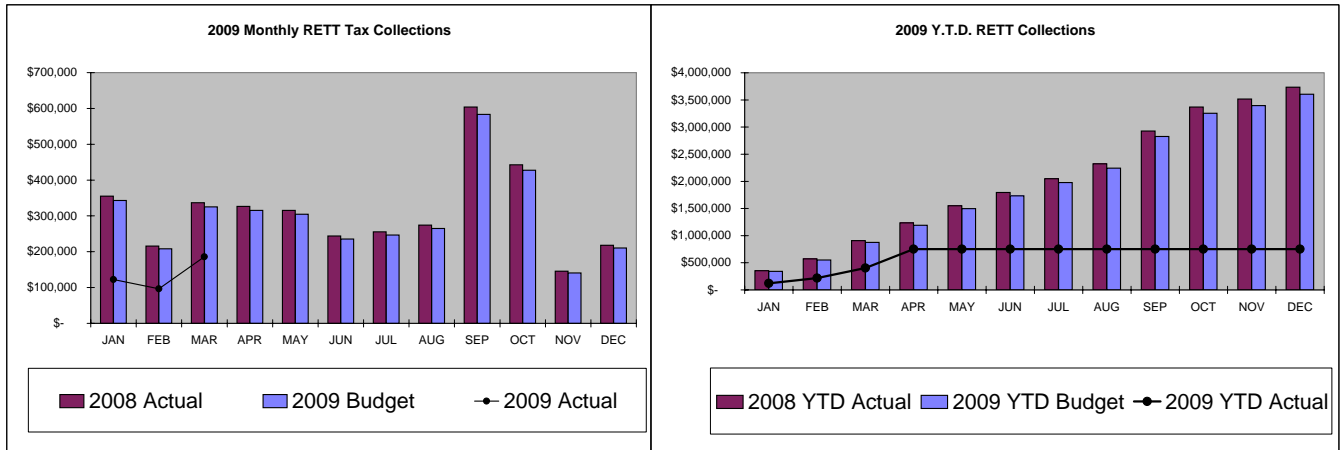
Accommodation tax amounts reflect collections at the 2% rate.



**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%	185,714	-44.9%	57.1%	404,337	-55.5%	11.2%
APR	326,521	1,234,222	33.1%	315,270	1,191,693	33.06%	347,879	6.5%	110.3%	752,216	-39.1%	20.9%
MAY	315,494	1,549,716	41.5%	304,623	1,496,317	41.51%	-	n/a	0.0%	752,216	-51.5%	20.9%
JUN	243,969	1,793,685	48.0%	235,562	1,731,879	48.04%	-	n/a	0.0%	752,216	-58.1%	20.9%
JUL	255,305	2,048,990	54.9%	246,508	1,978,387	54.88%	-	n/a	0.0%	752,216	-63.3%	20.9%
AUG	274,442	2,323,432	62.2%	264,985	2,243,372	62.23%	-	n/a	0.0%	752,216	-67.6%	20.9%
SEP	604,037	2,927,469	78.4%	583,223	2,826,596	78.40%	-	n/a	0.0%	752,216	-74.3%	20.9%
OCT	442,830	3,370,299	90.3%	427,571	3,254,167	90.26%	-	n/a	0.0%	752,216	-77.7%	20.9%
NOV	145,549	3,515,848	94.2%	140,534	3,394,701	94.16%	-	n/a	0.0%	752,216	-78.6%	20.9%
DEC	\$ 217,937	\$ 3,733,785	100.0%	\$ 210,427	\$ 3,605,128	100.00%	\$ -	n/a	0.0%	\$ 752,216	-79.9%	20.9%

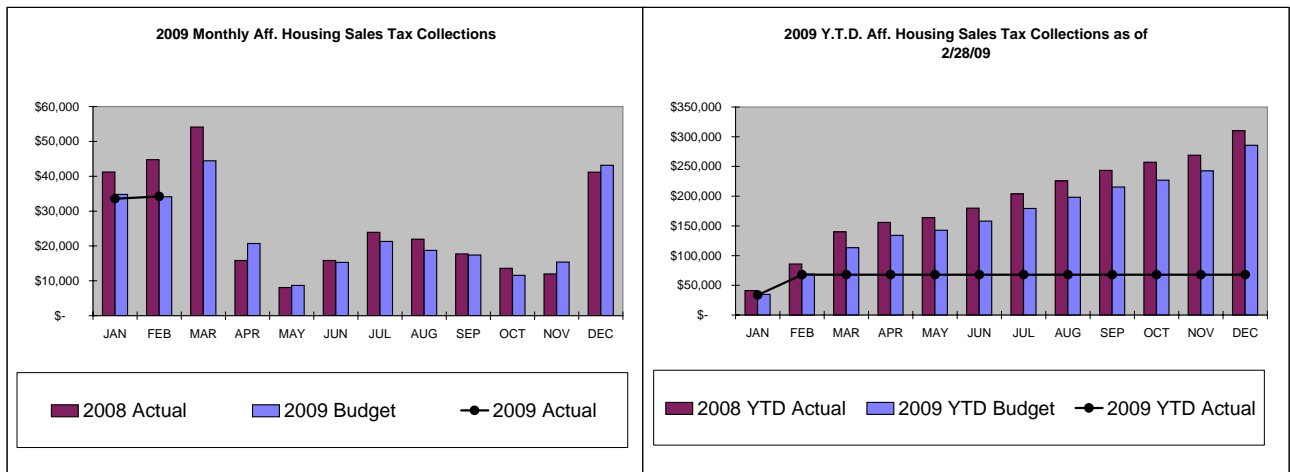
March #s are as of the end of day 4/3/09



**TOWN OF BRECKENRIDGE
AFFORDABLE HOUSING SALES 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	\$ 41,210	\$ 41,210	13.3%	\$ 34,776	\$ 34,776	12.2%	\$ 33,562	-18.6%	96.5%	\$ 33,562	-18.6%	11.8%
FEB	44,745	85,955	14.4%	34,123	68,899	11.9%	34,218	-23.5%	100.3%	67,780	-21.1%	23.7%
MAR	54,144	140,099	17.5%	44,438	113,337	15.6%	-	n/a	0.0%	67,780	-51.6%	23.7%
APR	15,820	155,919	5.1%	20,714	134,051	7.3%	-	n/a	0.0%	67,780	-56.5%	23.7%
MAY	8,068	163,987	2.6%	8,695	142,746	3.0%	-	n/a	0.0%	67,780	-58.7%	23.7%
JUN	15,834	179,821	5.1%	15,281	158,027	5.4%	-	n/a	0.0%	67,780	-62.3%	23.7%
JUL	23,923	203,744	7.7%	21,320	179,347	7.5%	-	n/a	0.0%	67,780	-66.7%	23.7%
AUG	21,933	225,676	7.1%	18,738	198,085	6.6%	-	n/a	0.0%	67,780	-70.0%	23.7%
SEP	17,733	243,410	5.7%	17,420	215,505	6.1%	-	n/a	0.0%	67,780	-72.2%	23.7%
OCT	13,587	256,997	4.4%	11,580	227,085	4.1%	-	n/a	0.0%	67,780	-73.6%	23.7%
NOV	11,959	268,956	3.9%	15,358	242,443	5.4%	-	n/a	0.0%	67,780	-74.8%	23.7%
DEC	\$ 41,175	\$ 310,131	13.3%	\$ 43,157	285,600	15.1%	\$ -	n/a	0.0%	\$ 67,780	-78.1%	23.7%

Affordable Housing Sales Tax reflects money distributed to the Town net of the Housing Authority share and is deposited directly into the Affordable Housing Fund.





MEMORANDUM

TO: Town Council

FROM: Jennifer Cram, Planner III

DATE: April 22, 2009 (For worksession on April 28, 2009)

SUBJECT: Town Owned Parcels and Town Open Space Forest Health Treatments for 2009

On March 24th and April 14th staff included a memo from Scott Reid and myself that outlined the proposed treatments for Town owned property and open space parcels for 2009. Due to a shortage of time, staff was not able to walk through these projects with the Council in detail. We have attached the memo again along with the map of open space parcels proposed for treatment in 2009. We will have a map of all Town owned property including Open Space parcels available for review during the worksession as well.

As noted in previous Mountain Pine Beetle and Defensible Space memos, we are planning to treat all Town owned property and open space parcels within three years. If budget, or other issues occur such as excessively steep slopes or poor access that hinder treatment within the three year time frame, we have the ability to extend the treatment for an additional two years.

We look forward to discussing these projects with you at the April 28th Council meeting.



MEMORANDUM

TO: Town Council
FROM: Scott Reid, Open Space and Trails Planner and Jennifer Cram, Planner III
DATE: March 17, 2009
SUBJECT: Open Space Defensible Space/ Forest Health Projects for 2009

Open Space and Trails Division staff has been working with James Phelps of Public Works, Paul Cada of the Colorado State Forest Service, and Matt Benedict and Kim Scott of the Red White and Blue Fire Protection District (RWB) to identify defensible space/ forest health projects on Town open space parcels for 2009. Of particular interest are the parcels that could be eligible for wildfire protection grant funding through the Summit County Wildfire Council. This memo outlines the progress on these efforts to date.

In 2008, the Town commissioned Eric Petterson of Rocky Mountain Ecological Services to evaluate all of the Town open space parcels and prioritize parcels for forest health actions, particularly as they relate to the current mountain pine beetle infestation. The priorities outlined in that report are the basis upon which the 2009 forest health projects have been proposed. (The full report is available on the Town website.) Town staff continues to coordinate forest management projects associated with other programs, including efforts on non-open space Town properties, projects proposed by the USFS, and those being funded by the Community Wildfire Council

On March 9th, Town staff organized a site visit with RWB and the Colorado State Forest Service representatives to evaluate various proposed 2009 treatment on Town owned open space parcels. The group visited the twelve proposed project sites and identified those potentially eligible for grant funding. Some of the original twelve open space parcels discussed have been merged into the following list of ten, to increase the overall number of acres to be treated and to reduce the per-acre treatment costs.

The following is a summary of the potentially grant-eligible forest health project sites:

Potential Grant-Eligible Sites:

Total 59.7 acres

These projects are considered grant eligible because fuels mitigation actions would help protect important infrastructure (e.g. homes, water facilities, etc.). These parcels also tend to be on steeper slopes, requiring specialized logging equipment. Town staff plans to group these projects together for contract bidding to reduce the per-acre treatment costs.

Highlands 1. 4.4 acres on steep, north-facing slope at junction of Tiger Road and Revette Drive. Prescription: Remove all mature lodgepole pines, retaining spruce/fir understory whenever possible. Protect pump house from potential wildfire.

Discovery 2. 5.3 acres on moderately graded, western facing slope along Gold Run Road.
Prescription: Remove mature lodgepole pines with 200 feet of road right-of-way to prevent wind throw on road and create defensible space for area homes. Avoid damages to Discovery Hill Trail. May be good project to partner with Highlands HOAs.

Gold 1. 19.5 acres on moderately graded, northwestern-facing slope along Golden Age Drive.
Prescription: Remove all mature lodgepole pines, retaining spruce/fir understory where it exists. Protect water tank infrastructure and area homes with fuel break. Avoid damages to Upper Flume Trail.

Gold 2. 28.2 acres on moderately graded, east and northeastern-facing slope at the end of Golden Age Drive and Byron Court.
Prescription: Remove all mature lodgepole pines, retaining spruce/fir understory where possible. Create fuel break for homes and water tank. Avoid impacts to wetland area and Upper Flume Trail. May be good project for accessing upper portions of Peabody Placer in cooperation with Summit County Open Space. May also be good project for Highlands HOA partnership.

Lift Line. 2.3 acres on steep, north-facing slope at the base of the Snowflake Lift.
Prescription: Remove all mature lodgepole pines. Establish wider fuel break for area residences and ski lift. Avoid impacts to wetlands, ski lift and summer and winter trails.

Other Potential Open Space Projects (not considered grant eligible):

Total 7.22 acres

Highlands 7. .4 acres of moderately graded, eastern-facing slope between Silver Circle and Glenwood Circle.
Prescription: Sanitation cut.

Highlands 9. 1.04 acres of moderately steep, northwestern-facing slope north of the intersection of Silver Circle and Shekel Lane.
Prescription: Sanitation cut.

Highlands 11&12. 3.86 acres of flat terrain between Highway 9 and Marksberry Way, just south of Tiger Road intersection.
Prescription: Sanitation cut. Strive to preserve visual buffer along Highway 9.

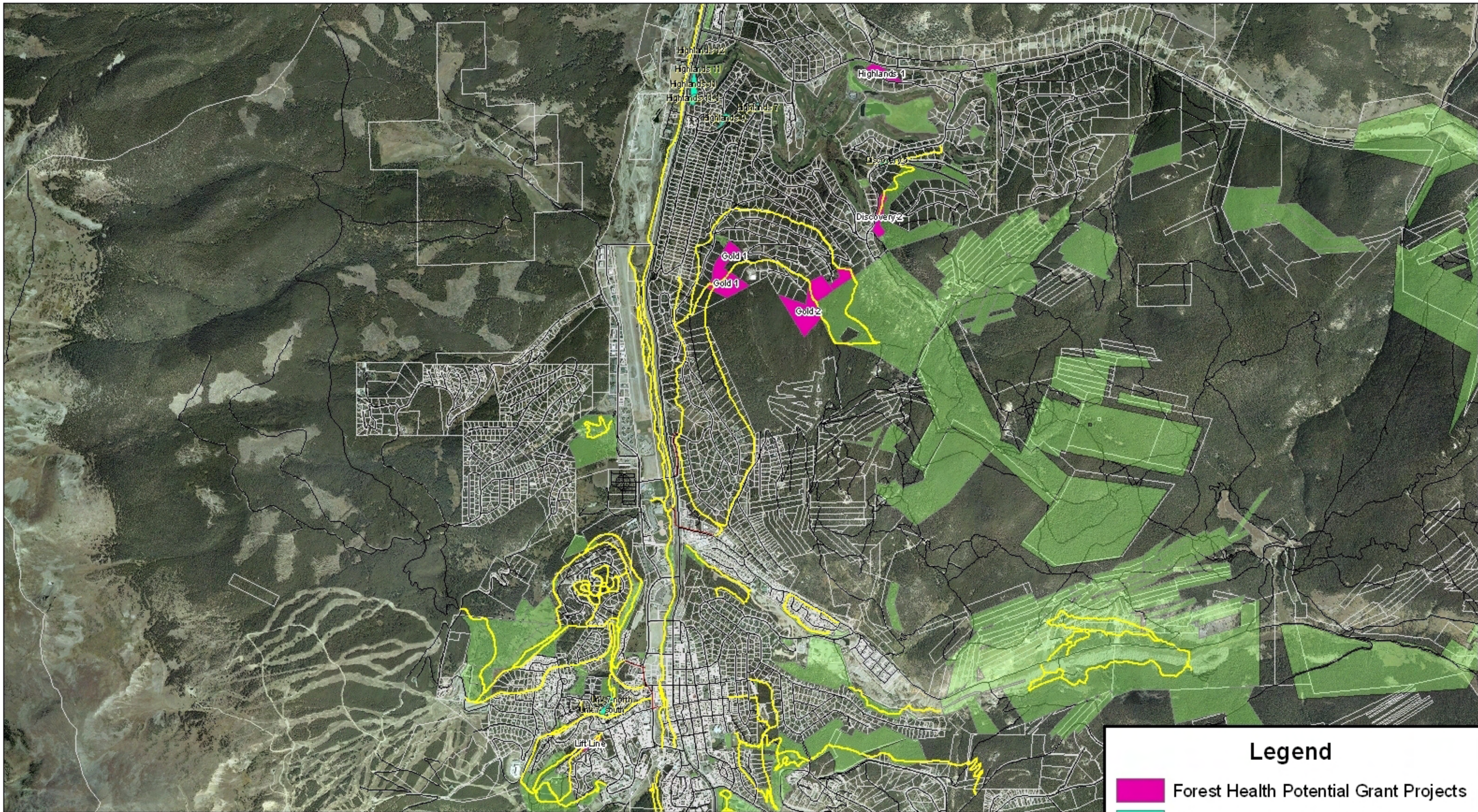
Discovery 5. .7 acres of moderately steep terrain at the junction of Discovery Hill Drive and Gold Run Road.
Prescription: Sanitation cut.

Unknown 7. 1.22 acres of relatively steep, eastern-facing land adjacent to the Skyway-Skiway.
Prescription: Remove all mature lodgepole pines, retaining spruce/fir understory whenever possible. Avoid impacts to area trails (summer and winter).

The projects listed above represent the 2009 forest health projects on Town open space identified as being a priority for treatment and/or projects that could be grouped together for efficiency. Additional projects will be identified in future years. These projects were outlined to BOSAC under staff summary at the 3/9 meeting and no objections were voiced. Staff intends to pursue Summit County Wildfire Council grant funding for grant-eligible projects when the application is available (approximately April 1, 2009), and then proceed with project implementation this summer, unless Council directs otherwise.

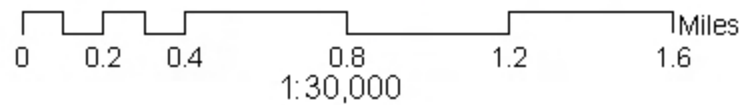
In addition to the projects noted above, the Town currently has \$150,000 budgeted from the general fund to treat several Town properties including Public Works, Valley Brook Cemetery, Carter Park, the Golf Course, the Breckenridge Outdoor Education Center (BOEC) and the Stillson property.

We look forward to discussing these projects with you at the March 24 Council meeting.



This map is for display purposes only.
 Do not use for legal conveyance.
 Not necessarily accurate by surveying standards and
 does not comply with the National Mapping Accuracy Standards
 © 2009 Town of Breckenridge Open Space Division.

Open Space Forest Health Projects Working Map 2009



Legend	
	Forest Health Potential Grant Projects
	Other OS Forest Health Projects
	Open Space Parcels
	Existing Trails
	Other routes

Page 35 of 118



MEMO

TO: Mayor and Town Council
FROM: Vanessa (Flaherty) Agee
DATE: April 22, 2009 (*for April 28, 2009 meeting*)
RE: Camping Ordinance Administrative Regulations
CC: Tim Berry, Rick Holman, Lynn Zwaagstra, James Phelps, Chris Neubecker, Scott Reid, MJ Loufek and Kim DiLallo

Camping Ordinance Administrative Regulations were written based on the Camping Ordinance passed at second reading on January 27, 2009. Regulations were also reviewed by Town staff from Community Development (including Trails and Open Space Division), Police Department, Public Works Department, Recreation Department and the Events and Communications Division.

Action:

Staff is requesting Council review the Camping Ordinance Administrative Regulations.

1 ADMINISTRATIVE RULES AND REGULATIONS CONCERNING TOWN OF
2 BRECKENRIDGE “CAMPING ORDINANCE”
3

- 4 1. **Effective Date.** These regulations are effective _____, 2009.
5
6 2. **Authority.** These regulations are issued by the Town Manager of the Town of
7 Breckenridge pursuant to the authority granted by Section 6-3H-4(C) of the
8 Breckenridge Town Code.
9
10 3. **Adoption Procedures.** The procedures set forth in Chapter 18 of Title 1 of the
11 Breckenridge Town Code were followed in connection with the issuance of these
12 regulations. Notice of the adoption of these regulations was given in accordance
13 with the requirements set forth in Section 1-18-3 of the Breckenridge Town Code.
14
15 4. **Definitions.** As used in these regulations the following words have the following
16 meanings:
17

APPLICANT:	A person who submits an application for a permit pursuant to these regulations.
APPLICATION:	An application for a permit submitted pursuant to these regulations.
CAMPING:	The act of setting up a tent, shack, lean to or any other form of temporary outdoor shelter for the purpose of providing temporary sleeping accommodations. Camping also includes the act of staying or preparing to stay overnight in a parked motor vehicle, including, but not limited to, a recreational vehicle, a trailer, a fifth wheel trailer or a pop-up trailer.
DAY:	A calendar day, unless otherwise indicated.
EVENTS MANAGER:	The Facilities and Events Manager of the Town of Breckenridge.
PERMIT:	A permit to camp on Town-owned real property issued pursuant to these regulations.
PERMITTEE:	The person to whom a permit has been issued pursuant to these regulations.
REGULATIONS:	These Administrative Rules and Regulations

Concerning The Town of Breckenridge
Camping Ordinance.

SPECIAL CAMPING
EVENT OR EVENT

An event providing a benefit to the community as a whole at which not less than 25 people are reasonably expected to travel to Town from locations outside of Summit County and to camp overnight on Town-owned real property.

PERSON:

Has the meaning provided in Section 1-3-2 of this Code.

TOWN:

Has the meaning provided in Section 1-3-2 of this Code.

1
2 5. **Permit Required.** No person may camp on any Town-owned real property
3 without a valid permit issued accordance with these regulations. A permit may
4 only be issued for a special camping event as defined in these regulations.
5

6 **6. Application For Permit.**
7

8 A. A person seeking to obtain a permit must file an application with the
9 Events Manager on forms provided by the Events Manager. The form of
10 the application shall be provided by the Events Manager.
11

12 B. An application for a permit must be filed with the Events Manager not less
13 than 45 nor more than 365 days before the special camping event is
14 proposed to begin. The Events Manager may waive the minimum 45 day
15 filing period and accept an application filed within a shorter period if, after
16 due consideration of the date, time, place and nature of the camping event,
17 the anticipated number of campers, and the Town services required in
18 connection with the camping event (if any), the Events Manager
19 determines that sufficient time exists for the proper investigation and
20 review of the application; that the waiver will not present a hazard to
21 public health, safety or welfare; and that the waiver will not create a
22 substantial burden on the Town's staff or financial resources.
23

24 C. An application for a special camping event permit must contain the
25 following information:
26

27 i. The applicant's name, address, and telephone number.
28

29 ii. The name, title (if any), address, and telephone number of the local
30 contact person for the applicant. The local contact person must be

1 available by telephone during normal business hours while the
2 application is being processed by the Events Manager.

- 3
- 4 iii. The proposed date(s) of the special camping event;
- 5
- 6 iv. The proposed location of the special camping event;
- 7
- 8 v. The dates and times when the special camping event facilities will
9 be set up and torn down.
- 10
- 11 vi. A plan for the service of food and alcoholic beverages (if
12 applicable).
- 13
- 14 vii. A waste system plan including, but not limited to, locations of
15 portable toilets and trash receptacles, and a plan for the removal
16 from the site of the special camping event of all trash and garbage
17 generated by the permittee.
- 18
- 19 viii. A good faith estimate of the maximum number of campers
20 expected to attend the special camping event.
- 21
- 22 ix. A plan for providing adequate security for the campers at the site
23 of the special camping event.
- 24
- 25 x. Any additional information that the Events Manager reasonably
26 determines to be necessary in connection with the investigation
27 and review of the application.
- 28

29 7. **Fees.**

- 30
- 31 A. When an application is filed an applicant shall pay to the Town a non-
32 refundable application fee of \$50.00, or such other application fee as may
33 be fixed by the Town Council as part of the Town Council's annual
34 budgetary process. The purpose of the fee is to cover the administrative
35 costs of processing the application. The application fee is doubled if the
36 application is received by the Events Manager 44 days or less prior to the
37 date of the proposed special camping event.
- 38
- 39 B. If the application is approved, prior to the issuance of the permit the
40 applicant must pay a permit/use fee and security deposit in the amounts
41 established by the Town Council.
- 42
- 43 C. Once paid, all fees are non-refundable.
- 44

45 8. **Investigation of Application.**

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- A. Upon receipt of a properly completed application, together with all information required in connection therewith, and the payment of the application fee as required by Section 7(A) of these regulations, the Events Manager will transmit photocopies of the application to:
 - i. the Director of the Department of Community Development;
 - ii. the Police Chief;
 - iii. the Open Space and Trails Department;
 - iv. the Director of the Recreation Department;
 - v. the Director of the Department of Public Works;
 - vi. the Red, White & Blue Fire Protection District; and
 - vii. any other person or agency which the Events Manager determines should properly investigate and comment upon the application.

B. Within 20 days of receipt of a completed application those Town departments and other referral agencies described in subsection A of this Section shall provide the Events Manager with comments concerning the application. If an application is accepted by the Events Manager less than 45 before the proposed special event is to be held, the Town departments and other referral agencies shall use their best efforts to provide the Events Manager with their comments in a timely manner so that the Events Manager will have the comments before making a decision on the application.

9. **Standards For Issuance of Permit.** The Events Manager will issue a permit when, from a consideration of the application and from such other information as may otherwise be obtained, the Events Manager determines that:

- A. The application (including any required attachments and submissions) is complete and is properly signed by the applicant.
- B. The applicant has paid the application fee required by Section 7(A).
- C. The application does not contain a material falsehood or misrepresentation.
- D. The proposed special camping event meets the definition of “special camping event” set forth in Section 4 of these regulations.

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- E. The application complies with all of the requirements of these regulations;
- F. The applicant is legally competent to contract under Colorado law.
- G. The applicant or the person on whose behalf the application is made has not previously damaged Town property and failed to pay in full for such damage, and the applicant does not have other outstanding and unpaid debts to the Town.
- H. The special camping event for which the application was submitted will not conflict with:
 - i. a previously approved special camping event authorized by a permit issued by the Events Manager;
 - ii. a proposed special camping event the application for which was received by the Events Manager prior to the time of the submission of the applicant’s application;
 - iii. a Town-sponsored event; or
 - iv. an other event which, due to the events’ anticipated size, location, hours of operation, or other relevant factors, is reasonably expected to require such Town services as to make the holding of the special camping event for which the application was submitted a potential risk to the public health, safety or welfare.
- I. The holding of the special camping event will not cause significant disruption in the ability of the Town to deliver or provide essential governmental services.
- J. Adequate security, sanitation, and other required health facilities are or will be made available at the area where the special camping event is to be held.
- K. The special camping event will not present a danger to the public health, safety or welfare.

- 10. **Denial of Permit.** The Events Manager shall deny an application for a permit if:
 - A. The application conflicts with another event as described in Section 9(H) of these regulations;

- 1 B. Information contained in the application, or supplemental information
2 requested from the applicant, is found to be false in any material respect;.
- 3 C. The application fails to meet any of the standards sets forth in Section 9 of
4 these regulations;
- 5 D. The applicant has failed to pay costs, fees, damages or deposits for a
6 previous special camping event permit within the preceding five years; or
- 7 E. The applicant has failed to abide by the requirements or conditions of
8 previous special camping event permit within the preceding five years.

9 11. **Authority to Impose Conditions on Permit.** The Events Manager may impose
10 such reasonable terms and conditions on a permit as may be necessary to protect
11 the public health, safety and welfare, and to obtain compliance with the
12 requirements of these regulations and applicable law.

13
14 12. **Decision By Events Manager.**

- 15 A. The Events Manager must approve, deny, or conditionally approve a
16 completed application within 30 days of the receipt of such application,
17 unless, by written notice to the applicant, the decision period is extended
18 for an additional 10 days; provided, however, that in any event the Events
19 Manager must render a decision on an application not less than 10 days
20 prior to the scheduled commencement of the special camping event which
21 is the subject of the application. The deadlines imposed by this subsection
22 may be extended with the written consent of the applicant.
- 23 B. If an application is denied, the Events Manager must clearly set forth in
24 writing the grounds for denial and, where feasible, propose measures to
25 cure the defects in the application. When the basis for denial is the prior
26 receipt of a competing application for the same time and place, the Events
27 Manager should suggest an alternative time or place for the special
28 camping event which is the subject of the application which was denied.
- 29 C. If an application is conditionally approved, the Events Manager must
30 clearly set forth in writing the conditions of approval.
- 31 D. The Events Manager will notify the applicant of his or her decision on the
32 application within 3 days of rendering the decision. Notice shall be given
33 by mailing a copy of the Events Manager's decision to the applicant by
34 regular mail, postage prepaid, at the address shown in the application.
35 Notice is deemed to have been properly given upon mailing.

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40 13. **Appeal of Denial or Conditional Approval of Permit.**

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- A. An applicant may appeal the Event Manager’s denial or conditional approval of an application to the Town Council in accordance with the procedures for administrative hearings established in Chapter 19 of Title 1 of the Breckenridge Town Code.

 - B. If the Town Council finds by a preponderance of the evidence that the decision of the Events Manager was correct, the Town Council will uphold the decision of the Events Manager. If the Town Council finds by a preponderance of the evidence that the decision of the Events Manager was incorrect, the Events Manager’s decision will be set aside and the permit issued (if it was previously denied) or the conditions of approval stricken or modified, as applicable.
14. **Contents of Permit.** A permit issued pursuant to these regulations will contain the following information:
- A. the name of the permittee;

 - B. the location of the special camping event to be held pursuant to the permit;

 - C. the date(s) of the special camping event to be held pursuant to the permit, including the dates and times for the set up and tear down of the event;

 - D. the name and telephone number of the permittee’s local contact person for the special camping event; and a requirement that the local contact person must be available by telephone between 7 a.m. and 10 p.m. each day of the special camping event;

 - E. the maximum number of campers to be permitted to use the Town-owned real property for camping pursuant to the permit;

 - F. a requirement that the permittee provide proof of insurance pursuant to Section 17 of these regulations;

 - G. a requirement that the camp site be kept neat, clean, sanitary, and free of trash and debris throughout the camping event. Clotheslines and similar outdoor means of drying clothing and equipment are prohibited at a camping site;

 - H. an advisement to the permittee of the permittee’s duties under Section 18 of these regulations;

- I. an acknowledgment by the permittee that the permit may be summarily revoked by the Events Manager in accordance with Section 20(D) of these regulations;
- J. any special conditions of approval imposed upon the permit by the Events Manager pursuant to Section 11 of these regulations; and
- K. such other information related to the special camping event as the Events Manager determines to be necessary or appropriate for inclusion in the permit.

A permit issued under these regulations must be signed by both the permittee and the Events Manager to be valid.

- 15. **Permit Not Transferable.** A permit issued pursuant to these regulations is non-transferable and non-assignable. Any attempt to transfer or assign such permit voids the permit.
- 16. **Notice of Issuance of Permit.** Immediately upon the issuance of a permit, the Events Manager will send a copy of the permit to:
 - A. The Police Chief;
 - B. The Department of Community Development;
 - C. The Open Space and Trails Department;
 - D. The Director of the Recreation Department;
 - E. The Director of the Department of Public Works; and
 - F. The Town Manager
 - G. The Red, White and Blue Fire Protection District
- 17. **Insurance Requirement.** Each permit must require the permittee to file with the Events Manager prior to commencement of the set up of the special camping event a certificate of insurance demonstrating that the applicant has in effect a policy or policies of general liability insurance covering the special camping event with minimum combined single limits of not less than One Million Dollars (\$1,000,000). Such insurance must remain in full force throughout the entirety of the special camping event for which the permit is issued. The Town must be named as an additional insured under such insurance policy.
- 18. **Duties of Permittee.** In connection with the holding of the event for which a permit is issued, a permittee must:
 - A. Comply with all of the terms and conditions of the permit; and
 - B. Comply with all applicable Town ordinances and state and federal laws.

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19. **Posting of Permit.** A permit issued pursuant to these regulations must be continuously posted in a conspicuous location at the site of the special camping event throughout the duration of the event.

20. **Revocation of Permit.**

- A. A permit issued pursuant to these regulations may be revoked by the Events Manager after hearing for the following reasons:
 - i. Fraud, misrepresentation, or a false statement of material fact contained in the permit application;
 - ii. A violation of any Town, state or federal law or regulation;
 - iii. A violation of any of the terms and conditions of the permit; or
 - iv. Any violation of the provisions of these regulations.
- B. A hearing held by the Events Manager pursuant to this Section will be held in accordance with the provisions of Chapter 19 of Title 1 of this Code.
- C. In deciding whether a permit should be revoked in accordance with this Section, and in deciding what conditions to impose in the event of a suspension, if any, the Events Manager is to consider:
 - i. the nature and seriousness of the violation;
 - ii. corrective action, if any, taken by the permittee;
 - iii. prior violation(s), if any, by the permittee;
 - iv. the likelihood of recurrence;
 - v. all circumstances surrounding the violation;
 - vi. whether the violation was willful;
 - vii. the number of previous special camping events held by the permittee;
 - viii. the number of previous violations by the permittee; and
 - ix. previous sanctions, if any, imposed against the permittee.

1 D. The Events Manager has the authority to summarily revoke a permit
2 during a special camping event if the Events Manager determines that a
3 permittee has violated either:

4 i. one or more of the terms and conditions of a permit, or

5 ii. any applicable law.

6 and, based upon the available information, the Events Manager, in
7 consultation with the Police Chief, reasonably determines that such
8 violation results in an immediate threat to the public health, safety and
9 welfare. There is no be appeal allowed from a summary revocation of a
10 permit issued by the Events Manager pursuant to this Subsection D

11 E. If the Events Manager revokes a permit, except for a summary revocation
12 pursuant to Subsection D of this Section, the permittee may appeal the
13 revocation to the Town Council in accordance with the procedures for
14 administrative hearings established in Chapter 19 of Title 1 of the
15 Breckenridge Town Code.

16
17 F. No fee previously paid by a permittee in connection with the application
18 shall be refunded if such permit is revoked.

19 21. **Reference to Designee**. Any reference in these regulations to a specific Town
20 employee includes such person's designee.

21
22 22. **Violations**,

23
24 A. Pursuant to Section 6-3H-4(D)(2) of the Breckenridge Town Code it is a
25 misdemeanor offense for any person to violate any provision of these
26 regulations.

27
28 B. Pursuant to Section 6-3H-4(D)(3) of the Breckenridge Town Code it is a
29 misdemeanor offense for any person to violate any condition of a permit
30 issued by the Events Manager pursuant to these regulations.

31
32 Dated: _____, 2009

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36 _____
37 Timothy J. Gagen, Town Manager
38 Town of Breckenridge, Colorado
39
40



memo

Date: April 22, 2009 (*for 4.28.09 meeting*)

To: Mayor and Town Council Members

From: Director of Communications

RE: Summer Events Preview

For the April 28th meeting, the Events & Communications Division has again coordinated a collaborative Summer 2009 events preview to provide Council with a broad overview of the upcoming events and activities.

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

Breckenridge Music Festival

National Repertory Orchestra

Arts District of Breckenridge

Backstage Theatre

Breckenridge Heritage Alliance

Breckenridge Film Fest

Breckenridge Events Group (BRC and Town's events team)

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

M E M O R A N D U M

TO: Mayor & Town Council
FROM: Town Clerk
DATE: April 22, 2009
SUBJECT: Liquor Licensing Authority Interviews

One of Breckenridge's long-time Liquor Licensing Authority members, Ed Hoerner, recently moved out of state and therefore resigned from the Authority effective March 30. Mr. Hoerner was nearing the end of a four-year term that expires in August 2009.

Attached please find three letters from applicants expressing interest in filling the remainder of Mr. Hoerner's term. They are:

- Joe Neel
- Brad Perry
- William Tatro, III

Suggested interview questions have been provided, and a ballot is included in the agenda packet.

From: Joe Neel [joen@breckrealestate.com]
Sent: Saturday, April 04, 2009 10:58 AM
To: Loufek, Mary Jean
Subject: LLA

To: Mary Jean Loufek
Town Clerk
Town of Breckenridge

Re: Liquor Licensing Board
Town of Breckenridge

Mary Jean,

I would like, at this time, to submit my name for consideration to serve on the Liquor Licensing Authority.

I am a resident and registered voter of the town of Breckenridge. Presently I am a Realtor for Coldwell Banker Bunchman Real Estate, owner partner in Highlands Home Care, a small property management company, and operate a snowcat for the Breckenridge Ski Resort during ski season.

I do not, nor does anyone in my family, have any interest in a liquor licensed establishment in Breckenridge.

Having moved to Breckenridge in 1978 I married the former Kathy Ahern. Her mother was the town clerk and her father was the county tax assessor. So I have seen local government from a pretty close and personal aspect through my in-laws. My former wife is the clerk for the town of Blue River and chief deputy clerk and recorder for Summit County. I have 3 children who all attended Summit High School.

My desire is to become more involved in my community and contribute some time and effort to a town I care very much about.

Thank you for your time.

Joe B. Neel
P.O. Box 1598
Breckenridge, CO
970-390-9636

From: spin@panix.com on behalf of Brad Perry [brad@sleddogcafe.com]
Sent: Thursday, April 16, 2009 3:15 PM
To: Loufek, Mary Jean
Subject: Liquor Licensing Authority Vacancy

I would like to offer my time and services to the Liquor Licensing Authority vacancy you advertised in the Summit Daily.

About myself: I am a determined entrepreneur who has started and successfully built 3 high technology companies in the last 12 years. Each of these companies has reach profitability and all 3 are still in business today. The latest venture is Pronto.com, the largest online shopping portal on the web. Through my entrepreneur background, I have a clear understanding of business trade-offs that need to be made in dynamic and challenging economic environments.

I have been a property owner in Breckenridge for 3 years and full-time resident for just over 1.5 years. I currently reside in Sunbeam Estates where my wife and myself built a home. I have been a resident of Colorado for most of my life, residing in Breckenridge, Boulder and Monument over the years. I frequented Breckenridge multiple times a year, in both summer and winter (and even in mud seasons), before deciding to move here permanently.

I do not have any direct experience with the LLA; although I did spend my early adult years as a waiter & bartender, so I have seen the insides of the business.

I would enjoy the opportunity to serve on the LLA and bring my business & entrepreneur training to the table to help make fair and just decisions concerning liquor licensing.

Thanks, look forward to hearing from you soon...

Brad Perry
303-725-7877
brad@sleddogcafe.com

P.O. Box 6338
Breckenridge, CO 80424
(970) 485-1690
bill@snowbridgeinc.com

Mary Jean Loufek
Town Clerk
Town of Breckenridge
P.O. Box 168
Breckenridge, CO 80424

April 17, 2009

Dear Ms. Loufek,

I am writing in response to the recent advertisement in the Summit Daily News for the vacancy on the Liquor Licensing Authority. I would like to submit my interest in that position.

I have been a long-time, either part-time or full-time, resident of the Breckenridge area. I was born in Leadville and grew up part-time in Breckenridge, as my father was a resident of Breckenridge from the early 1970's until his death in 2003. I moved permanently to Summit County in 2004. I currently live in Breckenridge with my wife and four children. I am a registered voter in Breckenridge.

I have worked for Snowbridge Roto-Rooter, which is my family-owned business, for most of my life. This business has been located in Breckenridge since 1976. I am currently president and co-owner of this company. I attended school and received a Bachelor of Science degree from Colorado State University.

I have wanted to get more involved in the local community. My work schedule now allows me to create the flexibility required for a position like this. I am very interested in local government and would like to offer the skills and knowledge that I have gained in the local business community. I can offer communication, management and organization skills along with the qualities of patience and sound judgement. As a national certified inspector and installer of onsite wastewater systems, I have experience and ability to read and learn codes and laws. I feel that I could quickly learn and apply all codes and laws that are required for this position.

I would very much like to learn more about the position you are looking to fill, and I would welcome the opportunity to tell you how my experience and skills can benefit the Town of Breckenridge.

Thanks for your consideration; I look forward to hearing from you soon.

Sincerely,

William H. Tatro, III

BALLOT

BRECKENRIDGE LIQUOR LICENSING AUTHORITY

APRIL 28, 2009

VOTE FOR ONE

JOE NEEL

BRAD PERRY

WILLIAM TATRO, III



TOWN OF BRECKENRIDGE TOWN COUNCIL AGENDA
Tuesday, April 28, 2009 (Regular Meeting); 7:30 p.m.

- I CALL TO ORDER and ROLL CALL**
- II APPROVAL OF MINUTES – April 14, 2009** **Page 55**
- III APPROVAL OF AGENDA**
- IV COMMUNICATIONS TO COUNCIL**
- A. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)
- B. National Public Works Week Proclamation
- V CONTINUED BUSINESS**
- A. SECOND READING OF COUNCIL BILL, SERIES 2009 - PUBLIC HEARINGS****
1. **Council Bill No. 12, Series 2009-** AN ORDINANCE AMENDING ARTICLE F OF CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING MUNICIPAL OFFENSES RELATED TO ALCOHOL, CIGARETTES AND AMUSEMENT ESTABLISHMENTS **Page 61**
2. **Council Bill No. 13, Series 2009-** AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 11 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING MOUNTAIN PINE BEETLES AND BEETLE INFESTED TREES **Page 65**
3. **Council Bill No. 9, Series 2009-** AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE GUIDELINES CONCERNING ACCEPTABLE LAND USE TYPES AND INTENSITIES IN LAND USE DISTRICT 31 **Page 76**
- VI NEW BUSINESS**
- A. FIRST READING OF COUNCIL BILL, SERIES 2009 –**
1. **Council Bill No. 14, Series 2009 -** AN ORDINANCE ADOPTING CHAPTER 13 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING SPECIAL EVENTS **Page 82**
- B. RESOLUTIONS, SERIES 2009-**
1. “A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE UPPER BLUE SANITATION DISTRICT (Exchange of Water/Sewer Taps)” **Page 100**
2. “A RESOLUTION RATIFYING AND APPROVING THE TOWN MANAGER’S SIGNING OF AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO (Ironside Lode, M.S. #8313 and Gold Bug Lode, M.S. #8313)” **Page 103**
3. “A RESOLUTION RATIFYING AND APPROVING THE TOWN MANAGER’S SIGNING OF AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO (July Lode, M.S. #8313)” **Page 106**
4. “A RESOLUTION RATIFYING AND APPROVING THE TOWN MANAGER’S SIGNING OF AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO (Sawlog Placer, M.S. #2154, and Wonderful Placer, M.S. #10281)” **Page 112**
- C. OTHER –**
1. LLA Appointment **Page 48**
- VII PLANNING MATTERS**
- A. Planning Commission Decisions of April 21, 2009 **Page 2**
- B. Town Council Representative Report (Mr. Rossi)
- 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. Joyce)
- C. BRC (Mr. McAtamney)
- D. Summit Combined Housing Authority (Ms. Millisor)
- E. Breckenridge Heritage Alliance (Mr. Bergeron)
- F. Peak 6 Task Force (Mr. Bergeron)
- G. Neighborhood Preservation Committee (Mr. Mamula)
- H. Sustainability Committee (Mr. Millisor)

X OTHER MATTERS

XI SCHEDULED MEETINGS

XII ADJOURNMENT

Page 118

*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, APRIL 14, 2009
PAGE 1**

CALL TO ORDER and ROLL CALL

Mayor Warner called the April 14, 2009 Town Council Meeting to order at 7:33 p.m. The following members answered roll call: Mr. Joyce, Mr. Millisor, Mr. Bergeron, Mr. Rossi, Mr. Mamula and Mayor Warner. Ms. McAtamney was absent.

APPROVAL OF MINUTES – March 24, 2009 Regular Meeting

There were no changes, and Mayor Warner declared the minutes were approved.

APPROVAL OF AGENDA

Mayor Warner requested that Item No. 3 under “New Business” Council Bill No. 14, Series 2009, the Defensible Space Ordinance, be removed from the agenda. With that change, the agenda was approved.

COMMUNICATIONS TO COUNCIL

A. Citizen’s Comments - (Non-Agenda Items ONLY; 3 minute limit please) – Rick Hague and Linda Kay Peterson of the Breckenridge Heritage Alliance were present. Mr. Hague started by reading a resolution passed at a recent meeting, expressing appreciation for and supporting the efforts of Robin and Patty Theobald for their preservation of the Town’s historic assets. Mr. Hague recommended that the Town, together with assistance from the Breckenridge Heritage Alliance, publicly recognize the Theobalds during the Breck 150 celebration. Ms. Peterson then presented the Council with a beautifully framed map, one of the earliest to depict the Colorado territory and the Town of Breckenridge. The Heritage Alliance recently entertained the editor of American Heritage Magazine and hopes to get some good future coverage of Breckenridge and the Breck 150 celebration.

Breckenridge Nordic Center operator Gene Dayton thanked the Town for the opportunity to run the center for 39 years. Mr. Dayton said the center celebrated its best year ever and as a token of his appreciation he would like to donate logs that he turned for the Engine No. 9 building. He presented the Council with an award recognizing the Shock Hill development, Nordic Center and the Town for an excellent ski trail bridge. He commented that many communities feel development is a detriment to Nordic ski trails, but not so for Breckenridge.

Chris Hart of Great Adventure Sports thanked the Mayor and Council for their help with the Imperial Challenge events, noting that insurance costs went down dramatically. Three hundred participants are expected.

B. Police Department Grant Review – Chief Rick Holman explained the Police Department is eligible for a \$12,000 direct funding grant to be used for a new program that does not to supplant already budgeted funds. In response to increasing complaints of speeding vehicles in different neighborhoods, he is proposing to use the grant funds to purchase two 12-inch solar powered LED devices that give a digital display of vehicle speed. The smaller units are more appropriate for use in residential areas and are easily moved around Town. Also being considered is portable evacuation route signage in case of a critical incident, as well as flashing school zone signage. A requirement of the grant application is that there is an opportunity for public comment. The Council was supportive and felt it was a great project. The Mayor asked if there were any public comments. There were none.

C. Breckenridge Resort Chamber – John McMahan and Carly Grimes were present. Mr. McMahan commemorated Jeffrey Bergeron as a member of BRC, noting that Mr. Bergeron was instrumental in getting him to come to Colorado. Mr. McMahan then reported on highlights including performance using new metrics; some positive results in terms of occupancy versus competitors in December through February; slight drop in March; average daily rates are not as competitive, particularly in December; April occupancy is flat; educating properties on pricing for next year; and an increase in visitors from Latin markets. Mr. McMahan went to the Mountain Travel Symposium and met with other central reservation organizations from around the country. The BRC is taking a number of cost cutting

**TOWN OF BRECKERIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, APRIL 14, 2009
PAGE 2**

measures including reducing staff by 16 percent and salaries by 20 percent, renegotiating contracts with vendors and looking at new revenue streams. Mr. McMahon noted that Vail and Aspen had received additional marketing funds, and that people are trying to get market share. He thanked Council, the Police Chief and Sgt. Staufer for such a quick decision on and implementation of the free parking after 3 p.m. program. The merchants are grateful and appreciative, and the BRC will survey to see if merchants feel it increased their sales. An additional sidewalk sale has been scheduled to take advantage of the last weekend of ski season. BRC staff has been doing some clean-up around Town. During May, the Chamber is planning to bring in some expertise to help retailers through difficult times and is also looking into Breck Bucks. Mr. McMahon closed by informing Council that Breckenridge was recently selected as the best meeting destination outside of Denver. Mr. Rossi asked for Mr. McMahon's thoughts on whether businesses leaving their front doors open in winter was a benefit? Mr. McMahon felt it was and helped draw people in. He will see if he can track down sales information. Mr. Bergeron suggested the Town consider "Free at 3" every year if it does not impact revenue significantly. Mr. Millisor questioned about progress on a new funding source. Mr. McMahon explained that it is complicated and the biggest barrier is that the tax rate is high already, however he continues to pursue new sources.

Carly Grimes handed out a copy of a presentation and clip book of accomplishments. She also passed around the new media guide on jump drives. Ms. Grimes has been busy hosting journalists and her biggest accomplishment has been the Travel Channel. She is waiting to hear the air dates for the show focusing on Ullr Fest and winter. The BRC has been busy with Breck 150, and she thanked the Mayor for hosting a journalist in her absence. A last minute marketing promotion for spring break that pushed "things to do for under \$25" received good press. The BRC is embracing Breckenridge's biking assets and is working with Mike McCormick to put some biking events together through the summer.

CONTINUED BUSINESS

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

1. Council Bill No. 11, Series 2009- AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING SOLAR PANELS, SOLAR DEVICES, AND SOLAR ARRAYS

Town Attorney Tim Berry explained that this ordinance rewrites and updates the town's solar device ordinance. Mr. Berry noted two minor changes from first reading - one in the definition of "solar panel" and the second to change a reference from solar "device" to solar "heating system" on page 92 of the agenda packet.

Mr. Millisor moved to approve Council Bill No. 11, Series 2009 on second reading in the form contained in the council packet. Mr. Mamula seconded the motion. Mayor Warner opened the public hearing. Sean McPherson thanked Council for changing the ordinance. The public hearing was then closed. The motion passed 6-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2009

1. Council Bill No. 12, Series 2009 - AN ORDINANCE AMENDING ARTICLE F OF CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING MUNICIPAL OFFENSES RELATED TO ALCOHOL, CIGARETTES AND AMUSEMENT ESTABLISHMENTS

Mr. Berry explained that Council recently adopted several state laws as municipal offenses in the Town Code. The Liquor Licensing Authority recommended that two additional state liquor laws be adopted into the town code, those being "after hours" alcoholic beverage sales and consumption in licensed establishments. This ordinance also rectifies a conflict in the existing Code to clarify that

fermented malt beverage, beer and wine can be consumed in Carter Park and Kingdom Park, and eliminating the Riverwalk Center lawn except when it is part of a liquor-licensed event.

Mr. Mamula moved to approve Council Bill No. 12, Series 2009. Mr. Rossi seconded the motion. The motion passed 6-0.

2. Council Bill No. 13, Series 2009 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 11 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING MOUNTAIN PINE BEETLES AND BEETLE INFESTED TREES

Mr. Berry noted inclusion of the staff memo in the agenda packet that outlines the changes made from prior versions of the ordinance. This ordinance repeals and readopts the mountain pine beetle ordinance with numerous changes. Mr. Berry noted one typo on page 43, line 6 of the ordinance. The reference should read "subsection J" rather than "subsection K."

Mr. Joyce moved to approve Council Bill No. 13 Series 2009, with the one numbering change as noted. Mr. Rossi seconded the motion. Council then discussed holding up final approval of this ordinance until May 26 to occur at the same time as the defensible space ordinance. After discussion they agreed that there is no guarantee that the defensible space ordinance would be approved at that time, and the pine beetle season is fast approaching. The motion passed 6-0.

RESOLUTIONS, SERIES 2009

1. A RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 TOWN BUDGET

Mr. Gagen explained this resolution corrects the 2008 budget to reflect debt service payment that was not included when the budget was approved.

Mr. Bergeron moved to approve A Resolution Making a Supplemental Appropriation to the 2008 Town Budget. Mr. Mamula seconded the motion. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. The motion passed 6-0.

2. A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2009 TOWN BUDGET FOR PROJECTS NOT COMPLETED IN BUDGET YEAR 2008

Mr. Gagen explained this resolution amends the 2009 budget by rolling over funds for projects budgeted in 2008 but not completed. Included are Breck 150 and projects funded by grants and donations.

Mr. Bergeron moved to approve A Resolution Making Supplemental Appropriations to the 2009 Town Budget for Projects Not Completed in Budget Year 2008. Mr. Joyce seconded the motion. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. The motion passed 6-0.

OTHER

There was discussion about whether the Council should appoint a person to fill Gene Baker's position on the Neighborhood Preservation task force. Council agreed to hold off on a replacement at this time.

PLANNING MATTERS

A. Planning Commission Decisions of April 7, 2009

Mayor Warner noted receipt of a letter requesting call-up of an item on the consent calendar. There was then discussion about homeowner association approval.

With no requests for call up, Mayor Warner stated the Planning Commission decisions of the April 7, 2009 meeting would stand as presented.

B. Report of Planning Commission Liaison

No report. The work session was rescheduled.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen had no report.

REPORT OF MAYOR AND COUNCILMEMBERS

A. **CAST/MMC** (Mayor Warner) – The Mayor submitted a written report. He commented that he would like to thank the Breckenridge Ski Resort; he had a fun time skiing with the “people from Broomfield.”

B. **Breckenridge Open Space Advisory Commission** (Mr. Joyce) –Mr. Joyce reported on a “great meeting.” Dennis Kuhn is the new chair. Discussion included budget cuts; the Swan bike path; and, thoughts on open space in general. There was a report on Cucumber Gulch monitoring, which generally looks good except for recent concern with water quality below Boulder Ridge that may be construction related and which could have a negative effect if it continues. Vegetation, avian and mammal populations are generally good, with some problems noted with crows and brown-headed cowbirds. There is a proposal for a new hut up Black Gulch on open space currently owned by the town and county. Access is the biggest focus and a trail possibility has been identified with a trailhead at the Lincoln town site. BOSAC has changed its meeting date to the third Monday of the month and will meet in the administration conference room on the third floor of Town Hall.

C. **Breckenridge Resort Chamber** (Ms. McAtamney) – No report

D. **Summit Combined Housing Authority** (Mr. Millisor) – No meeting

E. **Breckenridge Heritage Alliance** (Mr. Bergeron) – Mr. Bergeron reported on discussions about fundraising possibilities, but there were no real good ideas. They talked about the train and it is still a work in progress. Karen Fisher is the new board member. The Board is looking at a seamless transition from Linda Kay Peterson to her replacement, but is waiting to see how they are funded. Mr. Gagen noted the Town may get another engine that ran on the Georgetown Loop and that the State did offer ideas for grant funding.

F. **Neighborhood Preservation** (Eric Mamula) – Mr. Mamula explained that the group is looking at a Floor Area Ratio approach, with a minimum/maximum density and potential bonus based on massing. This approach has worked well in other areas. The group will be looking at neighborhood examples to see what size homes can fit on lots.

G. **Sustainability** (Rob Millisor) – Mr. Millisor reported the group saw examples of other communities that have sustainable master plans, including Ann Arbor, Michigan and Santa Barbara, California. The group’s goal will be to set policy for the Town for the next 20 years, taking the framework of the vision plan and going from there. The group will meet twice a month through July.

H. **Peak 6 Task Force** (Mr. Bergeron) – Mr. Bergeron reported that local ski area representatives will meet with corporate officials to discuss mitigation contributions and areas where they can participate on social issues. They will then come back to Council with a proposal. Task force member Dick Carleton is adamant that the task force should continue to be a part of the process. The group is discussing different levels of participation to fund non-profits and social services such as the Community Care Clinic and FIRC, and who should direct where the funds go. The group received copies of letters written, and most were against the expansion.

OTHER MATTERS

Mr. Bergeron reported that the Resort Chamber was “psyched” about how fast the Town addressed the “Free after 3” parking idea.

Mr. Rossi wants to make sure that more than just the bike path is being promoted to the biking community.

**TOWN OF BRECKERIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, APRIL 14, 2009
PAGE 5**

Mayor Warner suggested a meeting with the Resort Chamber may be necessary to let them know what the Council feels is important.

The Mayor then noted that he signed two proclamations – one for Soldier Spring Week, recognizing participation by Grand Timber Lodge and the Breckenridge Outdoor Education Center, and the other for National Autism Month.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:03 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, April 14, 2009 at 6:02 p.m., Mr. Bergeron moved to convene in Executive Session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for the purposes of receiving legal advice on specific legal questions; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiators.

Mr. Mamula made the second. The Mayor restated the motion and a roll call vote was taken. All were in favor of the motion.

Mr. Bergeron moved to adjourn the Executive Session at 7:30 p.m. Mr. Mamula made the second. All were in favor of the motion.

This certificate shall be included after the minutes of the regular Town Council meeting of Tuesday, April 14, 2009.

John Warner, Mayor

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 12 (Incorporating State “Afterhours” Liquor Restrictions into the Town Code)

DATE: April 21, 2009 (for April 28th meeting)

The second reading of the ordinance incorporating into the Town Code the state rules concerning the “afterhours” sale and consumption of alcoholic beverages is scheduled for your meeting on April 28th. The ordinance also clarifies the current Town Code by providing that it is legal for a person to possess fermented malt beverage (3.2% beer), malt liquor (regular beer), and wine in Kingdom Park and Carter Park, but prohibiting the possession of any alcoholic beverage on the Riverwalk Center Lawn (except when the Riverwalk Center Lawn is part of the Riverwalk Center liquor-licensed premises). There are no changes proposed to ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – APRIL 28**

2
3 **NO CHANGE FROM FIRST READING**

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

7
8 COUNCIL BILL NO. 12

9
10 Series 2009

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

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

18
19 Section 1. Section 6-3F-1 of the Breckenridge Town Code is amended by the inclusion
20 of the following definition:

21 **PUBLIC ROOM:**

**A portion of the licensed premises which is
open to the public during normal business
hours.**

22
23 Section 2. Section 6-3F-15 of the Breckenridge Town Code is amended by the inclusion
24 of the following new subsection B.5:

25
26 **B.5 It shall be unlawful for any person to consume an alcoholic beverage in
a public room of a licensed premises between the hours of 2 A.M. and 7 A.M.**

27
28
29 Section 3. Subsection 6-3F-15(C) of the Breckenridge Town Code is amended to read in
30 its entirety as follows:

31
32 C. The provisions of subsection 6-3F-2F of this article shall be applicable to any
33 trial for a violation of subsection A, ~~or~~ B **or B.5** of this section.

34
35 Section 4. Article F of Chapter 3 of Title 6 of the Breckenridge Town Code is hereby
36 amended by the addition of a new Section 6-3F-20, entitled “Time Restriction—Licensee”,
37 which shall read in its entirety as follows:

38
39 **6-3F-20: TIME RESTRICTION—LICENSEE: It shall be unlawful for a
licensee or an employee of a licensee to sell, serve, or distribute an alcoholic
beverage at the licensed premises between the hours of 2 A.M. and 7 A.M.**

1
2 Section 5. Subsection A of Section 6-3F-15 of the Breckenridge Town Code is amended
3 to read in its entirety as follows:

4
5 A. It is unlawful for any person to consume any alcoholic beverage in or upon any
6 public place within the Town, except within an establishment licensed by the
7 Town to sell such beverages for consumption on the premises; provided, however,
8 that, subject to the provisions of subsection B of this section, it shall not be
9 unlawful for a person to consume any fermented malt beverage, malt liquor or
10 vinous liquor as defined in the Colorado liquor code in those public parks
11 known as "Kingdom Park"- and "Carter Park" ~~or "Riverwalk Center Lawn"~~.

12
13 Section 6. Subsection A(2) of Section 6-3F-16 of the Breckenridge Town Code is
14 amended to read in its entirety as follows:

15
16 2. The provisions of subsection A1 of this section shall not apply to the
17 possession of an open container or the consumption of an alcoholic beverage
18 within the licensed premises of an establishment licensed by the Town to sell such
19 beverage for consumption upon the premises, or to the possession of an open
20 container or the consumption of a any fermented malt beverage, malt liquor or a
21 vinous liquor as defined in the Colorado liquor code in those public parks known
22 as "Kingdom Park" and "Carter Park".

23
24 Section 7. Except as specifically amended hereby, the Breckenridge Town Code, and the
25 various secondary codes adopted by reference therein, shall continue in full force and effect.

26
27 Section 8 The Town Council hereby finds, determines and declares that this ordinance is
28 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
29 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
30 thereof.

31
32 Section 9. The Town Council hereby finds, determines and declares that it has the power
33 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
34 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

35
36 Section 10. This ordinance shall be published and become effective as provided by
37 Section 5.9 of the Breckenridge Town Charter.

38
39 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
40 PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be held at the
41 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
42 _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
43 Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

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MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 13 (Pine Beetle Ordinance)
DATE: April 21, 2009 (for April 28th meeting)

The second reading of the Pine Beetle Ordinance is scheduled for your meeting on April 28th. There are no changes proposed to ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – APRIL 28**

2
3 **NO CHANGE FROM FIRST READING**

4
5 Additions To The Ordinance As Reviewed At Worksession on March 24, 2009 Are
6 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

7
8 COUNCIL BILL NO. 13

9
10 Series 2009

11
12 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 11 OF
13 TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING MOUNTAIN PINE
14 BEETLES AND BEETLE INFESTED TREES

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

18
19 Section 1. Chapter 11 of Title 5 of the Breckenridge Town Code, entitled “Mountain Pine
20 Beetles and Beetle Infested Trees”, is repealed and readopted with changes so as to read in its
21 entirety as follows:

22
23 CHAPTER 11

24
25 MOUNTAIN PINE BEETLES AND BEETLE INFESTED TREES

26
27 Section:

28
29 5-11-1: Legislative Findings

30 5-11-2: Definitions

31 5-11-3: Landowner to Remove Beetle Infested Trees; Initial Deadline; Annual Inspection
32 and Removal

33 5-11-4: Duty of Landowner and Occupant to Permit Inspection

34 5-11-5: Inspection For Mountain Pine Beetle

35 5-11-6 Inspection Warrant

36 5-11-7: Notice of Violation

37 5-11-8: Abatement Order

38 5-11-9: No Development Permit **Required** For Removal of Beetle Infested Tree

39 5-11-10: Unlawful Acts

40 5-11-11: Applicability

41 5-11-12: Town Property

42 5-11-13: Exception

43 **5-11-14: Town-Approved Tree Removal Contractors**

44 5-11-~~14~~**15**: Director To Enforce

45 5-11-~~15~~**16**: Rules and Regulations

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

- A. The presence of the mountain pine beetle and beetle infested trees presents a real and substantial risk to the health of the lodgepole forests located in and around the Town.
- B. The presence of the mountain pine beetle and beetle infested trees within the Town also presents a real and substantial risk to the public health, safety and welfare in the form of an increased risk of a rapidly spreading fire, and a significant threat to the aesthetic values which are of great importance to the social and economic vitality of the Town.
- C. The presence of the mountain pine beetle and beetle infested trees within the Town is predicted to result in lodgepole pine mortality rates of up to 95% within the foreseeable future.
- D. There exists a growing mountain pine beetle epidemic within the Town which threatens our community and its valuable natural and scenic resources.
- E. There exists an urgent need for a Town-wide policy to effectively manage the existing and future threats to public and private property caused by the mountain pine beetle and beetle infested trees. The provisions of this chapter reflect such a policy.
- F. The provisions of this chapter are necessary in order to protect the public health, safety and welfare.
- G. The inspection provisions contained in this chapter are necessary in the interest of public safety within the meaning of Rule 241(b)(2)(II) of the Colorado Municipal Court Rules of Procedure.

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

- | | |
|---|--|
| “Beetle Infested Tree” or “tree infested with mountain pine beetle” | (i) A tree, alive or dead, which is, or has been, infested with the mountain pine beetle; and (ii) any Lodgepole Pine tree (species <i>Pinus contorta</i> Latifolia) 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. |
| “Destruction” | 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. |
| <u>“Good Cause”</u> | <u>A showing by a landowner that compliance with the requirements of section 5-11-3(B) of this chapter will result in a substantial hardship to the landowner.</u> |
| “Director” | Has the meaning provided in section 9-1-5 of this code. |

“Mountain Pine Beetle”	The species <i>Dendroctonus ponderosae</i> .
“Occupant”	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”	Any person who owns 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.
“Property”	Any lot, tract or parcel of real property located within the corporate limits of the Town.

“Town-approved Tree Removal Contractor” **A contractor who: (i) has a Town Business and Occupational License; (ii) has attended a seminar sponsored by the Town concerning the goals, objectives and requirements of this chapter; and (iii) has taken and passed a test administered by the Director concerning the goals, objectives and requirements of this chapter.**

1
2 5-11-3: LANDOWNER TO REMOVE BEETLE INFESTED TREES; INITIAL DEADLINE;
3 ANNUAL INSPECTION AND REMOVAL
4

- 5 A. Each landowner has a duty to cut down and remove all beetle infested trees from
6 the landowner’s property, and ~~for assuring~~ **to assure** that any trees on the
7 landowner’s property that subsequently become infested with the mountain pine
8 beetle are cut down and removed on an annual basis, all in accordance with the
9 time limitations and requirements of this section.
- 10
- 11 B. Not later than **June 1**, 2012, each landowner shall cut down and remove all beetle
12 infested trees from the landowner’s property. **Upon request made prior to June**
13 **1, 2012, and for good cause shown, the Director may extend the June 1, 2012**
14 **deadline for a specific parcel of real property by a maximum of two years.**
- 15
- 16 C. Commencing **June 1**, 2012, **or the date to which compliance with subsection B**
17 **of this section has been extended by the Director, whichever occurs first,**
18 each landowner shall annually inspect the landowner’s property to determine if

1 additional trees have become infested with mountain pine beetle. If additional
2 trees are found to be infested with mountain pine beetle, the landowner shall cut
3 down and remove such newly infested trees by September 1st of such year.
4

5 5-11-4: DUTY OF LANDOWNER AND OCCUPANT TO PERMIT INSPECTION:
6

7 An owner or occupant whose property may have located on it one or more beetle infested tree
8 shall allow the Director to enter such property for the purpose of immediate inspection of the
9 trees located upon such property when at least one of the following events has occurred:
10

- 11 A. The owner or occupant has requested the inspection;
- 12
- 13 B. A neighboring landowner or occupant has reported a suspected beetle infested
14 tree and requested an inspection; or
- 15
- 16 C. The Director has made a visual observation from a public right-of-way or area
17 and has reason to believe that a beetle infested tree exists on the property of the
18 owner or occupant.
19

20 5-11-5: INSPECTION FOR MOUNTAIN PINE BEETLE:
21

- 22 A. Subject to the requirements and limitations of this section, the Director shall have
23 the right to enter upon any property, whether public or private, during reasonable
24 hours for the purpose of inspecting for the existence of a beetle infested tree when
25 at least one of the three events described in section 5-11-4 has occurred. However,
26 no agent or employee of the Town shall enter upon any property to inspect for a
27 beetle infested tree without the permission of the owner or occupant, or without
28 an inspection warrant issued pursuant to this section.
29
- 30 B. If verbal permission to inspect the property from the affected owner or occupant
31 is not obtained the Director may request that an inspection warrant be issued by
32 the municipal court. Where possible, inspections shall be scheduled and
33 conducted with the concurrence of the owner or occupant.
34
- 35 C. In case of an emergency involving imminent danger to public health, safety or
36 welfare, the Director may enter the property to conduct an emergency inspection
37 without a warrant and without complying with the requirements of this section.
38

39 5-11-6: INSPECTION WARRANT:
40

- 41 A. The municipal court judge shall issue an inspection warrant authorizing the inspection of
42 property located within the Town pursuant to this chapter upon presentation by the
43 Director of an affidavit satisfying the requirements of Rule 241(b)(2) of the Colorado
44 Municipal Court Rules of Procedure; provided, however, that when issuing an area-wide
45 inspection warrant pursuant to subsection B of this section the Municipal Judge shall not
46 require a showing that the owner or occupant of the property to be inspected has refused

1 entry to the Town inspector or that the premises are locked and the Town inspector has
2 been unable to obtain permission of the owner or occupant to enter.

3
4 B. The municipal court judge shall issue an area-wide inspection warrant for two or more
5 properties upon a finding that:

- 6
7 1. The Town has established and currently maintains a program to inspect properties
8 throughout the Town for beetle infested trees.
9
- 10 2. There are a significant number of publicly and privately owned lands within the
11 Town that need to be inspected for beetle infested trees, and an urgent public need
12 to implement the provisions of this chapter.
13
- 14 3. Because of the significant number of properties that need to be inspected it is not
15 practical for the Town to attempt to obtain the individualized permission from
16 each affected landowner before going onto the property to inspect for beetle
17 infested trees.
18
- 19 4. Requiring the Town to first attempt to obtain permission from the numerous
20 landowners within the area to be inspected would frustrate the purpose of an area-
21 wide inspection warrant; would create an undue delay in the performance of the
22 necessary inspections for beetle infested trees; would be an unreasonable burden
23 and precondition to the issuance of an area-wide inspection warrant; and, as a
24 result, would jeopardize the public health, safety and welfare.
25
- 26 5. No good reason exists to require the Town to first seek the permission of the
27 landowners of lands to be included in an area-wide inspection warrant, and there
28 is no need to impose such a requirement on the Town as a precondition to the
29 issuance of the requested inspection warrant.
30

31 C. An inspection warrant issued pursuant to this chapter shall contain the following
32 conditions:

- 33
34 1. The inspector shall attempt to verbally notify the affected landowner or occupants
35 prior to beginning the inspection. This shall be done by knocking on the front
36 door of any building located on the property and, if the landowner or an occupant
37 is present, the inspector shall present his or her credentials identifying the
38 inspector as an employee or agent of the Town. The inspector shall also explain to
39 the property landowner or occupant the purpose of the inspection. If: (a) neither
40 the landowner nor an occupant is home when the inspector goes to inspect the
41 property; (b) the building is locked; or (c) the property consists of unimproved
42 property, no notice shall be required prior to the inspector entering the property to
43 inspect for beetle infested trees.
44
- 45 2. No Town inspector acting pursuant to an inspection warrant shall enter any
46 residence, building, or structure located upon any property without the permission

1 of the landowner or occupant.

- 2
3 D. The municipal judge may impose such other conditions on an inspection warrant as may
4 be necessary in the judge's opinion to protect the private property rights of the
5 landowner of the property to be inspected, or to otherwise make the warrant comply with
6 applicable law.
7

8 5-11-7: NOTICE OF VIOLATION:
9

- 10 A. On and after **June 1, 2012, or the date to which compliance with subsection B**
11 **of this section has been extended by the Director pursuant to section 5-11-**
12 **3(B), whichever first occurs,** if the Director determines that a property contains
13 ~~one or more tree infested with the mountain pine beetle~~ **a landowner has not**
14 **complied with the requirements of section 5-11-3,** the Director shall notify the
15 **landowner and any occupant of the property.** Such notice shall be given either by
16 certified mail or personal delivery.
17
18 B. The notice shall:
19
20 1. advise the ~~landowner or occupant that the property contains one or more trees~~
21 ~~infested with mountain pine beetle~~ **the Director believes that the landowner**
22 **has not complied with the requirements of section 5-11-3;**
23 2. advise the ~~landowner or occupant~~ of Town-approved methods for the removal
24 and destruction of beetle infested trees, **and the list of Town-approved tree-**
25 **removal contractors described in section 5-11-14;** and
26 3. advise the ~~landowner or occupant~~ that all trees infested with mountain pine
27 beetle must be removed from the property within 10 days following receipt of
28 the notice, or that an acceptable plan and schedule for removal of the beetle
29 infested trees must be submitted to the Director within such 10 day period.
30
31 C. If the ~~landowner or occupant~~ disputes that the property contains one or more trees
32 infested with mountain pine beetle, the ~~landowner or occupant~~ shall notify the
33 Director of such dispute within 10 days of receipt of the Director's notice. If a timely
34 notice of dispute is given, the Town shall not file an application for an abatement
35 order until the Director has met with the disputing party in an effort to resolve the
36 dispute. If the Director meets with the disputing party and is unable to resolve the
37 dispute, the Town may file an application for an abatement order pursuant to section
38 5-11-8.
39

40 5-11-8: ABATEMENT ORDER:
41

- 42 A. In the event the ~~landowner or occupant~~ fails to comply with the Director's notice as
43 described in Section 5-11-7 by removing the beetle infested trees or submitting an
44 acceptable schedule for such removal within the applicable 10 day period, the Town
45 has the authority to provide for and complete the removal by obtaining and acting on
46 an abatement order.

- 1
2 B. Upon the expiration of the period of notice, or at any time thereafter if the required
3 action has not taken place, the Town may apply to the municipal court for an
4 abatement order.
5
6 C. An application for an abatement order shall be accompanied by an affidavit
7 affirming that:
8
9 1. the Director has determined that the subject property has one or more trees
10 infested with mountain pine beetle;
11 2. the Director has complied with the notice requirements of Section 5-11-7;
12 3. the landowner or occupant has not disputed the Director's determination
13 that the subject property has one or more trees infested with mountain
14 pine beetle; or that the owner has disputed the Director's determination
15 and that the parties have met without being able to resolve the dispute;
16 and
17 4. the landowner or occupant has failed to either remove the beetle infested
18 trees or to submit an acceptable plan and schedule for removal of the beetle
19 infested trees within the required time.
20
21 D. The Town shall give notice to the landowner and any occupant of the property of its
22 application for an abatement order either by certified mail or by personal service of
23 the notice.
24
25 E. The notice of application for an abatement order shall include a copy of the Town's
26 application and its affidavit in support thereof, as well as the date, time, and place at
27 which the Town will appear before the Municipal Court to request entry of the
28 abatement order.
29
30 F. At the stated time, date, and place, the municipal court judge shall review the
31 Town's application for an abatement order, the affidavit, any statement of the Town
32 offered in support thereof, as well as any statement and evidence presented by the
33 owner or occupant, if present.
34
35 G. If the municipal judge determines that:
36
37 1. the subject property has one or more trees infested with mountain pine
38 beetle;
39 2. the Director has complied with the notice requirements of Section 5-11-7;
40 and
41 3. the landowner or occupant has failed to either remove the beetle infested
42 trees or to submit an acceptable plan and schedule for removal of the beetle
43 infested trees within the required time,
44
45 the municipal court judge is authorized to enter an order permitting the Town to
46 enter upon the property, remove the beetle infested trees, and recover its costs as

1 provided in subsection J of this section.
2

3 H. ~~An owner is responsible under this chapter for any beetle infested tree permitted to~~
4 ~~remain on the owner's property by an occupant after the Director has given notice of~~
5 ~~a violation pursuant to section 5-11-7. In case of an emergency involving imminent~~
6 ~~danger to public health, safety or welfare, the Town may authorize immediate~~
7 ~~removal of any beetle infested tree without notice or abatement order.~~

8
9 I. The Town may pursue the remedies set forth in this section with or without filing a
10 complaint in the municipal court, at the Town's sole discretion.

11
12 J. The landowner or occupant shall be assessed twice the whole cost of removal of the
13 beetle infested trees from the property, including administrative fees. If all of the
14 costs and charges incurred by the Town are not paid within 30 days of the date of the
15 assessment, the unpaid costs shall be certified to the Summit Treasurer for collection
16 in the same manner as real property taxes.
17

18 5-11-9: NO DEVELOPMENT PERMIT **REQUIRED** FOR REMOVAL OF BEETLE
19 INFESTED TREE: No Development Permit shall be required to remove any beetle infested tree
20 provided that **if** the property owner **landowner** either: **(i)** contacts Town Staff **the Department**
21 **of Community Development** prior to removing said trees themselves **the landowner beginning**
22 **removal of a beetle infested tree**, or works **(ii) contracts for the removal of the beetle**
23 **infested tree** with a Town-approved **tree removal** contractor. **A Class D development permit**
24 **is required if the landowner does not contact the Department of Community Development**
25 **prior to beginning removal of the beetle infested trees or if the landowner contracts for the**
26 **removal the beetle infested trees with a contractor who is not a Town-approved tree-**
27 **removal contractor. If a Class D development permit is required, the Director must mark**
28 **all beetle infested trees prior to their removal.**
29

30 5-11-10: UNLAWFUL ACTS:

31
32 A. It shall be unlawful and a misdemeanor offense for a owner or occupant to deny
33 the Director access to the property owned or occupied by the owner or occupant if
34 the Director presents an inspection warrant issued pursuant to this section.
35

36 B. It shall be unlawful and a misdemeanor offense for any person to sell, expose for
37 sale, offer for sale, transfer, give away or offer to give away any beetle infested tree
38 anywhere within the Town.
39

40 5-11-11 APPLICABILITY: Except as provided in section 5-11-11 and 5-11-12, the provisions of
41 this chapter shall apply to all public and private lands within the corporate limits of the Town.
42

43 5-11-12: TOWN PROPERTY: ~~The inspection of Town-owned property, and the removal of~~
44 ~~beetle infested trees from such lands, shall be determined by the Town Council in its considered~~
45 ~~judgment. The Town Council shall consult with the Town of Breckenridge Open Space Advisory~~
46 ~~Commission with respect to the inspection of and removal of beetle infested trees from Town-~~

1 owned open space parcels. In determining how to proceed with respect to the inspection and
2 removal of beetle infested trees from Town owned real property the Town Council shall
3 consider, access, steep slopes, and ecological sensitivity along with established budgetary
4 priorities; the availability of public funds to conduct such inspections and removal actions; as
5 well as any other applicable budgetary constraints or limitations. **The Town shall remove all**
6 **beetle infested trees from Town-owned real property by June 1, 2012. This deadline may be**
7 **extended by not more than two years if budgetary constraints or site-specific constraints**
8 **preclude compliance with the June 1, 2012 deadline. Any extension of the June 1, 2012**
9 **deadline shall be made by a nonemergency ordinance duly adopted by the Town Council.**
10 **Town-owned open space parcels will be treated for mountain pine beetle based upon the**
11 **recommendations of the “Mountain Pine Beetle Hazard Analysis for Town of Breckenridge**
12 **Open Space Parcels” as amended from time to time, on file with the Department of**
13 **Community Development.**

14
15 5-11-13: EXCEPTION: The provisions of this chapter shall not apply to property that has steep
16 slopes or poor access making it unreasonable for the landowner to be required to inspect and
17 remove beetle infested trees. The Director’s regulations shall more specifically identify the
18 property to which the exception in this section applies.

19
20 **5-11-14: TOWN-APPROVED TREE REMOVAL CONTRACTORS: For the purpose of**
21 **attempting to make certain that tree removal contractors working within the Town are**
22 **familiar with the goals of this chapter, but not to regulate the means, methods, training,**
23 **equipment, or business practices of tree removal contractors, the Director shall maintain a**
24 **list of Town-approved tree removal contractors. The Town makes no guarantees or**
25 **representations whatsoever concerning the qualifications, experience, ability, competence,**
26 **or business practices of any Town-approved tree removal contractor. The Town has no**
27 **liability to any person with respect to the work or business practices of a Town-approved**
28 **tree removal contractor, and no action at law or in equity shall lie against the Town as a**
29 **result of a person being placed on or removed from the Director’s list of Town-approved**
30 **tree removal contractors. The Director may provide in his rules and regulations for the**
31 **removal of a contractor from the list of Town-approved contractors.**

32
33 5-11-415: DIRECTOR TO ENFORCE: The Director shall administer and enforce the
34 provisions of this chapter. **The Director shall assure that all staff members involved in the**
35 **administration of this chapter are adequately trained with respect to the identification of**
36 **beetle infested trees, and the goals and objectives of this chapter.**

37
38 5-11-416: RULES AND REGULATIONS: The Director has the authority from time to time to
39 adopt, amend, alter and repeal administrative rules and regulations as necessary for the proper
40 administration of this chapter. Such regulations shall be adopted in accordance with the
41 procedures established by Title 1, Chapter 18 of this Code.

42
43 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
44 various secondary codes adopted by reference therein, shall continue in full force and effect.

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 9 (Land Use District 31 Amendment–Block 11 Employee Housing)

DATE: April 21, 2009 (for April 28th meeting)

The second reading of the ordinance amending the Land Use District 31 Guidelines to address employee housing on Block 11 of the Breckenridge Airport Subdivision is scheduled for your meeting on April 28th.

There are two proposed minor changes to the ordinance from first reading. They are shown in blacklining on the attached version of the ordinance. The changes are as follows:

1. The date of the public hearing on the ordinance has been inserted on line 42 of the first page of the ordinance.

2. Language providing that paving, lighting and/or landscaping related to an approved parking use on Block 11 has been inserted in line 8 of page 3 of the ordinance. This language was included to satisfy one of the conditions that the Council agreed to as part of the Rock Pile Ranch Land Exchange. The additional language will provide a Code basis for not assigning negative points under Policy 2 (Relative)(“Land Use Guidelines”) if the Rock Pile Ranch submits an application to install paving, lighting and/or landscaping on the small tract the Town is to convey to it as part of the land exchange. The inclusion of this language in the ordinance satisfies the last of the contingences in the Land Exchange Contract, and will allow us to proceed to close the land exchange.

Finally, as you are aware a special form of public notice is required to be published and mailed to neighboring landowners whenever a quasi-judicial amendment to the Land Use Distinct Guidelines is considered by the Town Council. In the course of getting ready to mail the special notice for the current ordinance it was discovered that the special notice required in connection with the previous amendment the District 31 Guidelines (made by Ordinance No. 6, adopted February 24, 2009) apparently was not mailed out.

Normally, because of the legal importance of giving the required public hearing notice I would recommend that a new public hearing/second reading of Ordinance 6 be held, and that the required special notice be mailed and re-published. However, the text of the current ordinance restates in full the amendments to the District 31 Guidelines made by Ordinance No. 6. As a result, I concluded that it would be legally permissible for the Council to proceed with the scheduled public hearing on the current ordinance if the special notice of next Tuesday’s public hearing described both the changes to the District 31 Guidelines proposed to be made by the

current ordinance and the changes to the District 31 Guidelines set forth in Ordinance No. 6. The special notice that was mailed and published in connection with next Tuesday's public hearing on the current ordinance does that. This approach is unusual, but I think it will suffice to cure the problem of the lack of notice in connection with the adoption of Ordinance No. 6. Ordinance No. 6 may be void because of the defect in the notice of the public hearing, but the combination of the text of the current ordinance and the notice of next Tuesday's public hearing should resolve the problem.

If any member of the public appears at the public hearing on Tuesday and wants to speak to the changes to the District 31 Guidelines set forth in Ordinance No. 6. Council should consider those comments and, if appropriate, considering amending the current ordinance to address any public concerns that may be presented related to the changes to the District 31 Guidelines set forth in Ordinance No. 6. Those changes are summarized as follows: (i) the designated "Land Use Types" for Land Use District 31 were amended to include public open space, public facilities (including, without limitation, public schools and public colleges), child care facilities, and surface parking; (ii) a definition of the term "public school" was added to include all facilities commonly used in the operation of a public school, as well as teacherages; (iii) a definition of "public college" use was added to include all facilities commonly used in the operation of a public college or university, including, without limitation, residential student dormitories; (iv) a confirmation was added that all property located within the Breckenridge Airport Subdivision, except Block 11, has a density (FAR) of 1:4, which is the same density as was provided in the expired Revised and Restated Planned Unit Development Agreement for Breckenridge Airport Subdivision; (v) a provision was added that surface parking is a designated use on Block 11, Breckenridge Airport Subdivision; (vi) a provision was added that land uses constructed on Block 11, Breckenridge Airport Subdivision, by a governmental entity not subject to land use regulation by the Town does not count as density; (vii) a confirmation was added that property located within Land Use District 31 that was not subject to the expired Revised and Restated Planned Unit Development Agreement for Breckenridge Airport Subdivision has a density (FAR) of 1:16 as provided in the current Land Use District Guidelines for Land Use District 31; (viii) a provision was added that commercial and light industrial uses are encouraged in Land Use District 31, except for Block 11, Breckenridge Airport Subdivision; (ix) a provision was added that on Block 11, Breckenridge Airport Subdivision, encouraged uses include, without limitation, public open space, public facilities (including, without limitation, public schools and public colleges) and child care facilities; and (x) a provision was added that surface parking is also an acceptable secondary use on Block 11, Breckenridge Airport Subdivision.

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

1
2 ***FOR WORKSESSION/SECOND READING – APRIL 28***

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

6
7 COUNCIL BILL NO. 9

8
9 Series 2009

10
11 AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE
12 GUIDELINES CONCERNING ACCEPTABLE LAND USE TYPES AND INTENSITIES IN
13 LAND USE DISTRICT 31
14 (Block 11—Employee Housing)

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

18
19 Section 1. Findings. The Town Council has heard and considered the evidence presented
20 in support of and in opposition to the adoption of this ordinance. Based upon the evidence
21 presented to the Town Council in connection with its consideration of this ordinance, as more
22 fully set forth in the record of the proceedings in this matter, the Town Council of the Town of
23 Breckenridge, Colorado hereby finds and determines as follows:

24
25 1. By Ordinance No. 3, Series 1987, the Town adopted the Breckenridge Land Use
26 Guidelines ("Land Use Guidelines").

27
28 2. The Land Use Guidelines contain provisions governing the development of real
29 property located within the various Land Use Districts of the Town, including, but not limited to,
30 Land Use District 31, and represent the Town's general zoning restrictions with respect to real
31 property located within the Town.

32
33 3. By Ordinance No. 18, Series 1997, the Town Council adopted certain procedures to
34 be followed to amend the Land Use Guidelines.

35
36 4. The amendment to the Land Use Guidelines made by this ordinance is quasi-judicial
37 in nature.

38
39 5. The procedural requirements of Ordinance No. 18, Series 1997, with respect to a
40 proposed quasi-judicial amendment to the Land Use Guidelines have been fully satisfied.
41 Without limiting the generality of the foregoing, the Town Council finds that a public hearing
42 was held by the Town Council of the Town of Breckenridge on **April 28, 2009** to consider the
43 adoption of this ordinance. Notice of such hearing was published twice in The Summit County
44 Journal, a newspaper of general circulation in the Town, the first publication occurring at least
45 twelve (12) days prior to the hearing and the second occurring at least four (4) days prior to the
46 hearing, all as required by Ordinance No. 18, Series 1997. The Proof of Publication of such

1 notice was admitted into evidence and made a part of the record in connection with the adoption
2 of this ordinance. In addition to the newspaper notice, not less than twelve days prior to the date
3 of the public hearing the Director of the Department of Community Development mailed a copy
4 of the text of the newspaper notice by first class mail to all owners of real property located within
5 Land Use District 31 which would be affected by the proposed Land Use Guidelines amendment
6 as shown by the records of the Summit County Clerk and Recorder. The Director's Certificate of
7 Mailing was admitted into evidence and made a part of the record in connection with the
8 adoption of this ordinance.
9

10 Section 2. Amendment To District 31 Guidelines. The paragraph entitled "Acceptable
11 Land Uses and Intensities" of that portion of the Town of Breckenridge Land Use Guidelines
12 applicable to Land Use District 31 is hereby amended so as to read in its entirety as follows:
13

14 ACCEPTABLE LAND USES AND INTENSITIES
15

Land Use Type:

Commercial, Industrial, Public Open Space, Public Facilities (including, without limitation, Public Schools and Public Colleges), child care facilities, and surface parking. Employee housing is an allowed land use in this District but only on Block 11 of the Breckenridge Airport Subdivision. "Public school" use includes all facilities commonly used in the operation of a public school, as well as teacherages. "Public college" use includes all facilities commonly used in the operation of a public college or university, including, without limitation, residential student dormitories.

Land Use Type and Intensity of Use:

(i) All property located within the Breckenridge Airport Subdivision, except Block 11, shall have a density (FAR) of 1:4.

(ii) Block 11, Breckenridge Airport Subdivision, is designated as open space/public facilities/schools/surface parking, with a density (FAR) of zero "0". Land uses constructed by a sovereign governmental entity not subject to land use regulation by the Town shall not count as density. Employee housing consisting of an approved mix of housing types (single family, duplexes, and multi-family units) with a maximum density of 20 UPA is also permitted on Block 11 if consistent with the Town's adopted Vision Statement for Block 11, as amended from time to time and

subject to the Town's policy for affordable housing density as amended from time to time.

(iii) Property located within Land Use District 31 but not located within the Breckenridge Airport Subdivision shall have a FAR of 1:16.

Structural Type:

Special Review

Commercial, and light industrial uses are encouraged in this district, except for Block 11, Breckenridge Airport Subdivision. On Block 11, Breckenridge Airport Subdivision, public open space, public facilities (including, without limitation, public schools and public colleges), child care facilities, and employee housing as described in this Guideline are encouraged. If employee housing is approved on Block 11, Breckenridge Airport Subdivision, on a parcel owned by the Town, such use becomes the only permitted use of the property under these Guidelines. Surface parking on Block 11 (including related paving, lighting and/or landscaping), either pursuant to a lease with the Town or as a secondary use, are also acceptable uses. Block 11 may also be a suitable receiving site for the transfer of density in connection with the development of public facilities.

Section 3. Continued Effect of Land Use Guidelines. Except as specifically amended hereby, the Breckenridge Land Use Guidelines, as adopted by Ordinance No. 3, Series 1987, shall continue in full force and effect.

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

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

Section 6. Effective Date. 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



MEMO

TO: Mayor and Town Council
FROM: Vanessa (Flaherty) Agee
DATE: April 22, 2009 (*for April 28, 2009 meeting*)
RE: Special Events Ordinance
CC: Tim Berry, Rick Holman, Lynn Zwaagstra, James Phelps, Chris Neubecker, Scott Reid, MJ Loufek and Kim DiLallo

Current Situation:

The current event permitting process for special events on **Town property** requires applicants to apply for 2 town permits which are redundant and often difficult for applicants to understand. Applicants must fill out a Class D or Class C development permit and a Use of Town property permit. The Class D or C permit is submitted to Community Development and the Use of Town Property permit is routed to Community Development, Police Department, Public Works and Town Clerk by the Events and Communications Division.

Special events on **private property** only require a Class D or C permit when temporary structures and/or signage are proposed. The review process for Class D and C permits does not include review by other Town departments or divisions. Many special events on private property have significant impacts on Town services and traffic which could be mitigated and managed if staff knew about these events and were able to place conditions on approval.

The current process also does not define what constitutes a special event, what the grounds for approval or denial of a special event permit are, what the event permitting deadlines are or how to place conditions on approval. In conclusion, the current process is unnecessarily confusing for applicants and does not provide Town staff with the tools to manage the often significant effects of special events.

Proposed Special Event Ordinance:

The Proposed Special Event Ordinance seeks to remedy the issues discussed above along with other procedural issues. Some highlights of the proposed ordinance:

- Special events would be defined as public events with the purpose of entertaining, involving 50 or more people.
- The same permit would be required for special events held on private or public properties.

- The proposed ordinance would allow for fees to be charged for use of Town property including for use of open space and trails and for use of Town resources such as labor.
- Permits would be reviewed by Community Development, Town Clerk's office, Police Department, Public Works Department, Red White and Blue Fire Protection District and/or any other party or agency deemed appropriate.
- Review of special event permits would be content neutral and events would need to show positive impact on the Town culturally, economically, environmentally or socially.
- Special event permits could be denied based on projected congestion or road maintenance concerns.

Input on the proposed ordinance has been received from Community Development (including Open Space and Trails division), Police Department, Public Works Department, Recreation Department, Town Clerk's office and Red White and Blue Fire Protection District.

Action:

Staff is requesting Council review and discuss the proposed ordinance and provide staff the following direction:

- 1) Are you in agreement with revising the current special event permitting process?
- 2) Are you in agreement with the proposed special event permitting process?
- 3) Do you have any input on the special event permitting criteria?

Thank you for your attention to this matter, and staff will be at Work Session to answer questions and to receive direction.

1 **FOR WORKSESSION/FIRST READING – APRIL 28**

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

5
6 COUNCIL BILL NO. _____

7
8 Series 2009

9
10 AN ORDINANCE ADOPTING CHAPTER 13 OF TITLE 4 OF THE BRECKENRIDGE
11 TOWN CODE CONCERNING SPECIAL EVENTS

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

15
16 Section 1. There is hereby to the Breckenridge Town Code a new Chapter 13 of Title 4,
17 to be entitled “Special Events”, which shall read in its entirety as follows:

18
19 **CHAPTER 13**

20
21 **SPECIAL EVENTS**

22
23 **SECTION:**

24
25 **4-13-1: Short Title**

26 **4-13-2: Purpose**

27 **4-13-3: Findings**

28 **4-13-4: Definitions**

29 **4-13-5: Permit Required**

30 **4-13-6: Exceptions**

31 **4-13-7: Application For Permit**

32 **4-13-8: Fees**

33 **4-13-9: Investigation Of Application**

34 **4-13-10: Standards For Issuance of Permit**

35 **4-13-11: Relationship To Other Town Ordinances**

36 **4-13-12: Denial Of Permit**

37 **4-13-13: Authority To Impose Conditions On Permit**

38 **4-13-14: Non-Discrimination; Content Neutrality**

39 **4-13-15: Decision By Events Manager**

40 **4-13-16: Notice of Decision**

41 **4-13-17: Appeal Of Denial Or Conditional Approval Of Permit**

42 **4-13-18: Contents Of Permit**

43 **4-13-19: Permit Not Transferable**

44 **4-13-20: Notice of Issuance of Permit**

45 **4-13-21: Insurance Requirement**

46 **4-13-22: Duties Of Permittee**

- 1 4-13-23: Posting Of Permit
- 2 4-13-24: Suspension Or Revocation Of Permit
- 3 4-13-25: Penalties; Injunctive Relief
- 4 4-13-26: Rules and Regulations

5

6 4-13-1: SHORT TITLE: This Chapter shall be known and may be cited as the
 7 “Town Of Breckenridge Special Events Ordinance.”

8

9 4-13-2: PURPOSE: The purpose of this Chapter is to establish a procedure for
 10 permitting and regulating special events, as that term is defined in this Chapter. It is not
 11 the intent of this Chapter to regulate speech or other forms of conduct protected by either
 12 the First Amendment to the United States Constitution or by the Colorado Constitution.
 13 The permitting process established by this Chapter is intended to be content neutral and
 14 not subject matter based. This Chapter is intended merely to establish a non-
 15 discriminatory mechanism by which the Town can control, through appropriate
 16 regulation, the holding of special events.

17

18 4-13-3: FINDINGS: The Town Council hereby finds and determines as follows:

- 19
- 20 A. The Town of Breckenridge is authorized to regulate businesses operating
 21 within the Town pursuant to Section 2.2 of the Breckenridge Town Charter
 22 and Section 31-15-501, C.R.S.
- 23 B. Special events, as defined in this Chapter, contribute to the individual, social,
 24 economic and environmental health and well-being of the community.
- 25 C. Special events, however, create special regulatory problems including, but
 26 not limited to, the need for crowd control, sanitation, security, traffic
 27 management, and parking.
- 28 D. The Town’s current permitting and regulatory requirements are redundant
 29 and unnecessarily complicated. The current requirements fail to provide
 30 clear guidelines for the approval or denial of permission to hold a special
 31 event.
- 32 E. In enacting this ordinance the Town Council is exercising its police power as
 33 granted by Town’s Charter, and the Constitution and statutes of the State of
 34 Colorado, as well as its power to license and regulate business activities.

35 4-13-4: DEFINITIONS: As used in this Chapter the following words have the
 36 following meanings, unless the context clearly requires otherwise:

- | | | |
|----|---------------------|---|
| 37 | <u>APPLICANT:</u> | <u>A person who has submitted an application</u>
<u>for permit pursuant to this Chapter.</u> |
| | <u>APPLICATION:</u> | <u>An application for permit submitted</u>
<u>pursuant to this Chapter.</u> |

DAY: A calendar day, unless otherwise indicated.

EVENTS MANAGER: The Facilities and Events Manager of the Town.

ENTERTAINMENT: Includes, but is not limited to, touring exhibitions, concerts, performances of dance, music, drama, and comedy, sporting exhibitions or contests, festivals, fairs, automotive displays, and performances of skill.

SPECIAL EVENT OR EVENT: A planned occurrence which includes an expected gathering of 50 or more people: (i) the primary purpose of which is entertainment; and (ii) to which the public or a substantial portion thereof is invited to attend, either by express invitation or by implication.

PERMIT: A permit issued by the Town pursuant to this Chapter.

PERMITTEE: The person to whom a permit has been issued pursuant to this Chapter.

PERSON: Has the meaning provided in Section 1-3-2 of this Code.

TOWN: Has the meaning provided in Section 1-3-2 of this Code.

1
2 **4-13-5: PERMIT REQUIRED: No person shall stage, hold, present, or conduct a**
3 **special event within the Town without a valid permit issued in accordance with this**
4 **Chapter.**

5
6 **4-13-6: EXCEPTIONS: The requirements of this Chapter shall not apply to:**

7
8 A. **an indoor special event of any kind;**

9 B. **a special event held by the Town;**

10 C. **an event held at Carter Park, Kingdom Park, or the Town's multi purpose**
11 **fields contracted through the Recreation Department and constituting**
12 **"normal or regular" use of those Town facilities; or**

1 D. an event protected by either the First Amendment to the United States
2 Constitution or by the Colorado Constitution; provided, however, that a
3 person staging, holding, presenting, or conducting such an event shall submit
4 an application and obtain a permit pursuant to this Chapter, but there shall
5 be no fee required and the deadline for submission of an application as
6 provided in Section 4-13-7(B) does not apply to such an application. The
7 Events Manager may also modify any other requirement of this Chapter
8 with respect to such an application if necessary to comply with applicable
9 law.

10 **13-4-7 APPLICATION FOR PERMIT:**

11 A. A person seeking to obtain a permit shall file an application with the Events
12 Manager. The form of the application shall be provided by the Events
13 Manager.

14 B. An application for a special event permit shall be filed with the Events
15 Manager not less than thirty days nor more than three hundred sixty five
16 days before the special event is proposed to begin. The Events Manager may
17 waive the minimum thirty day filing period and accept an application filed
18 within a shorter time period if, after due consideration of the date, time,
19 place, and nature of the special event, the anticipated number of participants,
20 and the Town services required in connection with the special event, the
21 Event Manager determines that sufficient time exists for the proper
22 investigation and review of the application; that the waiver will not present a
23 hazard to public health, safety or welfare; and that the waiver will not create
24 a substantial burden on the Town's staff or financial resources.

25 C. A permit issued pursuant to this Chapter eliminates the need for a Class C or
26 Class D development permit to authorize the special event. However, an
27 applicant may still be required to obtain a development permit depending on
28 the size and scale of any temporary structures proposed to be used in
29 connection with the special event. The need for a development permit will be
30 determined by the Events Manager once the application has been received
31 and reviewed.

32 D. An application for a special event permit shall contain the following
33 information:

- 34 1. the applicant's name, address, and telephone number.
- 35 2. the name, title (if any), address, and telephone number of the contact
36 person for the applicant with respect to the special event.
- 37 3. a description of the special event, including a description of the
38 purpose, scope, and activities planned during the event.
- 39 4. the proposed date(s) of the special event;

- 1 5. the proposed location of the special event;
- 2 6. the proposed hours of operation of the special event;
- 3 7. the dates and times when the special event facilities will be set up and
4 torn down.
- 5 8. if the special event will involve the use of any Town street(s), trail(s),
6 park(s), land(s), building(s), parking lot(s) or right(s)-of-way, a
7 statement as to the portion(s) of the Town street(s), trail(s), park(s),
8 land(s), building(s), parking lot(s) or right(s)-of-way which will be
9 used or occupied in connection with the special event.
- 10 9. a statement of the fees, if any, to be charged to participants at the
11 special event.
- 12 10. a list of food and/or beverages, including alcoholic beverages, that will
13 be served at the special event.
- 14 11. a statement of whether goods and merchandise will be sold at the
15 special event.
- 16 12. a map including pedestrian flow, emergency access, trash receptacles,
17 temporary structures, sign placement, parking areas and activity
18 areas.
- 19 13. proof of the applicant's tax-exempt status, if applicable.
- 20 14. first time special events shall provide evidence indicating the extent of
21 neighborhood and business support for the holding of the special
22 event.
- 23 15. a description and location of any recording equipment, tents, or other
24 structures, sound amplification equipment, banners, signs, or other
25 attention-getting devices proposed to be used in connection with the
26 special event.
- 27 16. a plan for providing adequate safety for spectators and workers at the
28 special event.
- 29 17. a plan for providing adequate sanitation at the special event,
30 including "event greening" and recycling plans.
- 31 18. the approximate number of staff, vendors, and entertainers
32 reasonably anticipated to participate in putting on the special event
33 (excluding spectators).

- 1 19. a good faith estimate of the approximate number of spectators
2 expected to attend the special event each day.
- 3 20. the number of security personnel to be hired for the special event, if
4 any.
- 5 21. a designation of any public facilities or equipment to be utilized.
- 6 22. a complete list of the names, addresses, and telephone numbers of all
7 vendors who will participate in the special event.
- 8 23. any additional information that the Events Manager reasonably
9 determines to be necessary in connection with the investigation and
10 review of the application.

11 E. Applications shall be processed by the Events Manager in order of receipt.

12 **4-13-8: FEES:**

- 13
- 14 A. An applicant shall pay to the Town a non-refundable application fee when
15 the application is filed. The purpose of the fee is to cover the administrative
16 costs of processing the application. The amount of the application fee shall be
17 fixed by the Town Council as part of its annual budget process. The
18 application fee shall be doubled for applications received by the Events
19 Manager twenty nine days or less prior to the proposed special event.
- 20 B. If the application includes a request to use any Town property or any Town
21 service in connection with the special event, then before the permit is issued
22 the applicant shall pay to the Town any required charges, fees, or deposits
23 required by the Town in connection with the use of the requested Town
24 property or the provision of the requested Town service.

25 **4-13-9: INVESTIGATION OF APPLICATION:**

- 26 A. Upon receipt of a properly completed application, together with all
27 information required in connection therewith, and the payment of the
28 application fee as required by Section 4-13-8, the Events Manager shall
29 transmit copies of the application to:
- 30 1. the Department of Community Development;
- 31 2. the Police Department;
- 32 3. the Town Clerk;
- 33 4. the Public Works Department;
- 34 5. the Red, White and Blue Fire Protection District; and

1 6. any other person or agency which the Events Manager determines
2 should properly investigate and comment upon the application.

3 B. Within twenty days of receipt of a completed application those Town
4 departments and other referral agencies described in subsection A of this
5 Section shall provide the Events Manager with comments concerning the
6 application. If an application is accepted by the Events Manager less than
7 thirty days before the proposed special event is to be held, the Town
8 departments and other referral agencies shall use their best efforts to provide
9 the Events Manager with their comments in a timely manner so that the
10 Events Manager will have the comments before making a decision on the
11 application.

12 4-13-10: STANDARDS FOR ISSUANCE OF PERMIT:

13
14 A. The Events Manager shall issue a permit when, from a consideration of the
15 application and from such other information as may otherwise be obtained,
16 the Events Manager determines that:

- 17 1. the application (including any required attachments and submissions)
18 is complete and signed by the applicant;
- 19 2. the applicant has paid the application fee and any other fees required
20 by Section 4-13-8;
- 21 3. the application does not contain a material falsehood or
22 misrepresentation;
- 23 4. the application complies with all of the requirements of this Chapter;
- 24 5. the applicant is legally competent to contract under Colorado law;
- 25 6. the applicant or the person on whose behalf the application is made
26 has not previously damaged Town property and failed to pay in full
27 for such damage, and the applicant does not have other outstanding
28 and unpaid debts to the Town;
- 29 7. the proposed special event will not conflict with:
- 30 a. a special event for which a permit has previously been issued;
- 31 b. a proposed special event the application for which was received
32 by the Events Manager prior to the time of the submission of
33 the applicant's application;
- 34 c. a Town-sponsored event;

- 1 d. an annual special event which is reasonably expected to be held
2 again, but for which an application has yet to be submitted; or
- 3 e. an event protected by the First Amendment to the United
4 States Constitution or by the Colorado Constitution which due
5 its anticipated size, location, hours of operation, or other
6 relevant factors, is reasonably expected to require such Town
7 services or personnel as to make the holding of the special
8 event for which the application was submitted a potential risk
9 to the public health, safety or welfare.
- 10 8. the holding of the proposed special event will not cause significant
11 disruption in the ability of the Town to deliver or provide essential
12 governmental services.
- 13 9. adequate sanitation and other required health facilities are or will be
14 made available at or sufficiently near to the proposed special event
15 area(s).
- 16 10. sufficient parking is available near the site of the proposed special
17 event to accommodate the number of vehicles reasonably expected for
18 the event, or an acceptable transportation and parking plan to
19 provide adequate parking for the proposed special event has been
20 submitted and approved by the Events Manager.
- 21 11. the proposed special event will not pose a danger to the public health,
22 safety or welfare.
- 23 12. the proposed special event will positively impact the Town culturally,
24 economically, environmentally or socially.

25 **4-13-11: RELATIONSHIP TO OTHER TOWN ORDINANCES: Notwithstanding**
26 **anything contained in this Code to the contrary:**

- 27 A. A permit issued under this Chapter is not a special events liquor license. If
28 alcoholic beverages are to be served at the special event, the permittee must
29 obtain the required permit or approval from the Town Clerk or the Town of
30 Breckenridge Liquor Licensing Authority.
- 31 B. A permit issued under this Chapter shall be treated as a special events license
32 within the meaning of Section 4-2-11 (Transient Dealers License).
- 33 C. If the proposed special event is a fair, show, or exhibition of arts, crafts or
34 similar handiwork to be held in accordance with subsection 9-7-6(F) of this
35 Code (Outdoor Display of Merchandise) a permit issued under this Chapter
36 shall be treated as a special events license issued by the Town Clerk in
37 accordance with the requirements of Section 4-2-11 of this Code.

- 1 D. A permit issued under this Chapter may authorize the permittee to exceed
2 the maximum noise levels provided in Chapter 8 of Title 5 of this Code in
3 connection with the holding of the special event for which the permit is
4 issued; and the Events Manager may establish specific maximum noise levels
5 for any such event. The Events Manager shall apply the standards set forth
6 in Section 5-8-12(A) in connection with any request for permission to exceed
7 the maximum noise levels provided in Chapter 8 of Title 5 of this Code.
- 8 E. A permit issued under this Chapter shall be treated as a special event permit
9 within the meaning of Policy 44(Absolute) (Radio Broadcasts) of Section 9-1-
10 19 of the Development Code. No class D development permit shall be
11 required to authorize any radio broadcast conducted as a special event.
- 12 F. Except as specifically provided in this Section, in addition to a permit a
13 permittee must obtain all other required Town permits and approvals before
14 holding the special event authorized by the permit, including, but not limited
15 to a development permit and building permit.

16 **4-13-12: DENIAL OF PERMIT:**

- 17
- 18 A. The Events Manager shall deny an application for a special event permit if
19 the Events Manager determines that:
- 20 1. The application conflicts with another event as described in Section 4-
21 13-10(A)(6).
- 22 2. Information contained in the application, or supplemental
23 information requested from the applicant, is found to be false in any
24 material respect;
- 25 3. The application fails to meet any of the standards sets forth in Section
26 4-13-10 of this Chapter;
- 27 4. The time, route, or size of the event will substantially interrupt the
28 safe and orderly movement of traffic on or contiguous to the event site
29 or route or will disrupt the use of a street or highway at a time when it
30 is usually subject to heavy traffic congestion;
- 31 5. The location of the event will substantially interfere with any
32 construction or maintenance work scheduled to take place upon or
33 along the Town streets or property;
- 34 6. The applicant has failed to pay costs, fees, damages or deposits for a
35 previous special event permit within the preceding five years; or
- 36 7. The applicant has failed to abide by the requirements or conditions of
37 previous special event permits within the preceding five years.

1 B. If an application is denied the application fee shall not be refunded.

2 4-13-13: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT: The Events
3 Manager shall have the authority to impose such reasonable terms and conditions on a
4 permit as may be necessary to protect the public health, safety, and welfare, and to obtain
5 compliance with the requirements of this Chapter and applicable law.

6
7 4-13-14: NON-DISCRIMINATION; CONTENT NEUTRALITY: The Events
8 Manager shall uniformly consider each application for a permit upon its merits, and shall
9 not discriminate in granting or denying a permit under this Chapter based upon race,
10 creed, color, religion, national origin, ancestry, sex, age, veteran status, sexual orientation,
11 or physical or mental disability. Further, the Events Manager shall be content neutral in
12 reviewing an application, and shall not consider the subject matter of any type of speech
13 proposed as part of the application.

14
15 4-13-15: DECISION BY EVENTS MANAGER:

16
17 A. The Events Manager shall approve, deny or conditionally approve an
18 application within thirty days of the receipt of the completed application
19 unless, by written notice to the applicant, the decision period is extended for
20 an additional ten days; provided, however, that in any event the Events
21 Manager shall render a decision on an application not less than forty eight
22 hours prior to the scheduled commencement of the special event which is the
23 subject of the application.

24 B. If an application is denied, the Events Manager shall clearly set forth in
25 writing the grounds for denial and, where feasible, shall propose measures to
26 cure the defects that lead to the denial of the application. When the basis for
27 denial is the prior receipt of a competing application for the same time and
28 place, the Events Manager shall suggest an alternative time or place for the
29 special event which is the subject of the application which was denied.

30 C. In the event an application is conditionally approved, the Events Manager
31 shall clearly set forth in writing the conditions of approval.

32 4-13-16: NOTICE OF DECISION: The Events Manager shall notify the applicant
33 of the Event Manager's decision on the application within three business days of rendering
34 the decision. Notice shall be given by mailing a copy of the Events Manager's decision to
35 the applicant by regular mail, postage prepaid, at the address shown in the application.
36 Notice is deemed to have been properly given upon mailing.

37
38 4-13-17: APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT:

39
40 A. An applicant has the right to appeal the Event Manager's denial or
41 conditional approval of an application to the Town Council.

- 1 B. An applicant's appeal of the Event Manager's denial or conditional approval
2 of an application shall be processed in accordance with Chapter 19 of Title 1
3 of this Code; provided, however, that the applicant's written notice of appeal
4 shall be filed with the Town Manager within ten days after the date of
5 mailing of the Event Manager's decision on the application.
- 6 C. The applicant shall be provided with not less than ten days' prior written
7 notice of the appeal hearing to be held by the Town Council.
- 8 D. The burden of proof in an appeal filed under this Section shall be on the
9 applicant.
- 10 E. If the Town Council finds by a preponderance of the evidence that the
11 decision of the Events Manager was correct, the Town Council shall uphold
12 the decision of the Events Manager. If the Town Council finds by a
13 preponderance of the evidence that the decision of the Events Manager was
14 incorrect, the Events Manager's decision shall be set aside and the permit
15 issued (if it was previously denied) or the conditions of approval stricken or
16 modified.
- 17 F. Any decision made by the Town Council pursuant to this Section shall be a
18 final decision and may be appealed to the district court pursuant to Rule
19 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to
20 timely appeal the decision is a waiver the applicant's right to contest the
21 denial or conditional approval of the application.
- 22 G. If there is any conflict between the provisions and requirements of this
23 Section and the provisions and requirements of Chapter 19 of Title 1 of this
24 Code, the provisions and requirements of this Section shall control.

25 4-13-18: CONTENTS OF PERMIT: A permit shall contain the following
26 information:

- 27
- 28 A. The name of the permittee;
- 29 B. The location of the special event to be held pursuant to the permit;
- 30 C. The date(s) of the special event to be held pursuant to the permit, including
31 the dates and times for the set up and tear down of the event;
- 32 D. The starting and ending times the special event to be held pursuant to the
33 permit;
- 34 E. The name and telephone number of the permittee's local contact person for
35 the special event;
- 36 F. A requirement that the permittee provide proof of insurance pursuant to
37 Section 4-13-21 of this Chapter;

- 1 G. An advisement to the permittee of the permittee's duties under Section 4-13-
2 22 of this Chapter;
- 3 H. An acknowledgment by the permittee that the permit may be summarily
4 suspended by the Events Manager in accordance with Section 4-13-24(E) of
5 this Chapter;
- 6 I. Any special conditions of approval imposed upon the permit by the Events
7 Manager pursuant to Section 4-13-4.
- 8 J. A list of all vendors who will participate in the special event; and such other
9 information related to the special event as the Events Manager shall
10 determine to be necessary or appropriate for inclusion in the permit.

11 A permit must be signed by both the applicant and the Events Manager to be valid.

12
13 4-13-19: PERMIT NOT TRANSFERABLE: A permit is non-transferable and non-
14 assignable. Any attempt to transfer or assign such permit voids the permit.

15 4-13-20: NOTICE OF ISSUANCE OF PERMIT: Immediately upon the issuance of
16 a permit, the Events Manager shall send a copy of the permit to:

- 17
18 A. The Police Department;
- 19 B. The Community Development Department;
- 20 C. The Town Clerk;
- 21 D. The Public Works Department;
- 22 E. The Town Manager;
- 23 F. The Red White and Blue Fire Protection District;
- 24 G. The Breckenridge Resort Chamber; and
- 25 H. Any other person as determined by the Event Manager.

26 4-13-21: INSURANCE REQUIREMENT: Each permit shall require the permittee
27 to file with the Events Manager prior to commencement of the set up of the special event a
28 certificate of insurance demonstrating that the permittee has in effect a policy or policies of
29 general liability insurance covering the special event with minimum combined single limits
30 of not less than One Million Dollars (\$1,000,000). Such insurance shall remain in full force
31 throughout the entirety of the special event for which the permit is issued. The Town shall
32 be named as an additional insured under such insurance policy. If alcoholic beverages will
33 be served at the special event, the permittee must also provide proof of liquor liability
34 insurance.

35

1 **4-13-22: DUTIES OF PERMITTEE: In connection with the holding of the event for**
2 **which a permit is issued, a permittee shall:**

- 3
- 4 A. **Comply with all of the terms and conditions of the permit;**
- 5 B. **Comply with all applicable Town ordinances and state and federal laws; and**
- 6 C. **Permit inspection of its records and special event facilities by the Events**
7 **Manager for the purpose of determining the permittee's compliance with the**
8 **terms and conditions of the permit.**

9 **4-13-23: POSTING OF PERMIT: A permit shall be continuously posted in a**
10 **conspicuous location at the site of the special event throughout the duration of the special**
11 **event.**

12

13 **4-13-24: SUSPENSION OR REVOCATION OF PERMIT:**

- 14
- 15 A. **A permit issued pursuant to this Chapter may be suspended or revoked by**
16 **the Events Manager after hearing for the following reasons:**
- 17 1. **fraud, misrepresentation or a false statement of material fact**
18 **contained in the permit application;**
- 19 2. **a violation of any Town, state, or federal law or regulation;**
- 20 3. **a violation of any of the terms and conditions of the permit;**
- 21 4. **a violation of any of the provisions of this Chapter;**
- 22 5. **threatening weather conditions if the Events Manager determines that**
23 **holding the special event under such conditions would pose a threat to**
24 **the public health, safety or welfare.**
- 25 6. **the existence of fire or drought conditions if the Events Manager**
26 **determines that holding the special event under such conditions would**
27 **pose a threat to the public health, safety or welfare;**
- 28 7. **any unforeseen, unanticipated, or uncontrollable circumstance if the**
29 **Events Manager determines that holding the special event under such**
30 **circumstance would pose a threat to the public health, safety or**
31 **welfare ; or**
- 32 8. **an irreconcilable scheduling conflict with an event protected by either**
33 **the First Amendment to the United States Constitution or by the**
34 **Colorado Constitution.**
- 35 B. **In connection with the suspension of a permit, the Events Manager may**
36 **impose reasonable conditions.**

1 C. A hearing held pursuant to this Section shall be processed in accordance with
2 Chapter 19 of Title 1 of this Code.

3 D. In deciding whether a permit should be suspended or revoked, and in
4 deciding what conditions to impose in the event of a suspension, if any, the
5 Events Manager shall consider:

6 1. the nature and seriousness of the violation;

7 2. corrective action, if any, taken by the permittee;

8 3. prior violation(s), if any, by the permittee;

9 4. the likelihood of recurrence;

10 5. all circumstances surrounding the violation;

11 6. whether the violation was willful;

12 7. the number of previous special events held by the permittee;

13 8. the number of previous violations by the permittee; and

14 9. previous sanctions, if any, imposed against the permittee.

15 E. The Events Manager shall have the authority to summarily suspend a permit
16 during a special event if it appears to the Events Manager that a permittee
17 has violated one or more of the terms and conditions of a permit or any
18 applicable law and, based upon the available information, the Events
19 Manager, in consultation with the Police Chief, reasonably determines that
20 such violation results in an immediate threat to the public health, safety and
21 welfare. No appeal is allowed from a summary suspension of a permit issued
22 by the Events Manager pursuant to this Subsection E.

23 F. If the Events Manager suspends a permit, except for a summary suspension
24 pursuant to Subsection E of this Section, or revokes a permit, the permittee
25 may appeal the suspension or revocation to the Town Council in accordance
26 with Chapter 19 of Title 1 of this Code. The burden of proof in such an
27 appeal is on the permittee. If the Town Council finds by a preponderance of
28 the evidence that the Events Manager acted correctly in suspending or
29 revoking the permit, the Town Council shall uphold the Event Manager's
30 order of suspension or revocation. If the Town Council finds by a
31 preponderance of the evidence that the Events Manager acted improperly in
32 suspending or revoking the permit, the appeal shall be sustained, and the
33 Events Manager's order of suspension or revocation shall be set aside. Any
34 decision made by the Town Council pursuant to this Section shall be a final
35 decision and may be appealed to the district court pursuant to Rule 106(a)(4)
36 of the Colorado Rules of Civil Procedure. The applicant's failure to timely

1 appeal the decision is a waiver the applicant's right to contest the denial or
2 conditional approval of the application.

3 G. No fee previously paid by a permittee in connection with the application shall
4 be refunded if such permit is suspended or revoked.

5 4-13-25: PENALTIES; INJUNCTIVE RELIEF:

6
7 A. It is a misdemeanor offense for any person to violate any provision of this
8 Chapter. Any person convicted of having violated any provision of this
9 Chapter shall be punished as set forth in Title 1, Chapter 4 of this Code.

10 B. The staging, holding, presenting, or conducting of a special event without a
11 valid permit issued pursuant to this Chapter may be enjoined by the Town in
12 an action brought in a court of competent jurisdiction, including, but not
13 limited to, the Town's municipal court pursuant to Section 1-8-10 of this
14 Code

15 4-13-26: RULES AND REGULATIONS: The Events Manager shall have the
16 authority from time to time to adopt, amend, alter, and repeal administrative rules and
17 regulations as may be necessary for the proper administration of this Chapter. Such
18 regulations shall be adopted in accordance with the procedures established by Chapter 18,
19 Title 1 of this Code.

20 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
21 various secondary Codes adopted by reference therein, shall continue in full force and effect.

22
23 Section 3. The Town Council hereby finds, determines and declares that this ordinance is
24 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
25 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
26 thereof.

27
28 Section 4. The Town Council hereby finds, determines and declares that it has the power
29 to adopt this ordinance pursuant to Section 31-15-501, C.R.S; the authority granted to home rule
30 municipalities by Article 4 of the Colorado Constitution; and the powers contained in the
31 Breckenridge Town Charter.

32
33 Section 5. This ordinance shall be published and become effective as provided by
34 Section 5.9 of the Breckenridge Town Charter.

35
36 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
37 PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be held at the
38 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
39 _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
40 Town.

41 TOWN OF BRECKENRIDGE, a Colorado
42 municipal corporation

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By: _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

MEMO

TO: Town Council
FROM: Town Attorney
RE: Sanitation District IGA
DATE: April 23, 2009 (for April 28th meeting)

Enclosed is the final version of the IGA with the Sanitation District, together with a proposed form of approving resolution. As you will recall, the agreement will result in the Town acquiring 31.5 sewer SFEs from the Sanitation District, in return for which the Sanitation District will acquire 31.5 water SFEs from the Town. The Sanitation District will acquire obtain the right to use a specified amount of the Town's reuse water to provide outdoor irrigation water at the District's Farmer's Korner Facility.

Tim Gagen and I will be happy to discuss this IGA with you on Tuesday.

1 **FOR WORKSESSION/ADOPTION – APRIL 28**

2
3 A RESOLUTION

4
5 SERIES 2009

6
7 A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE
8 UPPER BLUE SANITATION DISTRICT
9 (Exchange of Water/Sewer Taps)

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

15
16 WHEREAS, a proposed Intergovernmental Agreement between the Town and the Upper
17 Blue Sanitation District concerning an exchange of water and sewer single family equivalents, a
18 copy of which is marked Exhibit “A”, attached hereto and incorporated herein by reference; and

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

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

26
27 Section 1. The proposed Intergovernmental Agreement with the Upper Blue Sanitation
28 District described above substantially in the form of Exhibit "A" hereto is approved, and the
29 Town Manager is hereby authorized, empowered and directed to execute such Agreement for
30 and on behalf of the Town of Breckenridge.

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

33
34 RESOLUTION APPROVED AND ADOPTED THIS ____ DAY OF _____, 2009.

35
36 TOWN OF BRECKENRIDGE

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

41 ATTEST:

42
43
44 _____
45 Mary Jean Loufek, CMC,
46 Town Clerk

Memorandum

To: Town Council
From: Open Space Staff
Re: Culbreath Claims Acquisition
Date: April 28, 2009

Included in your packet are the option agreements and the corresponding resolutions for the ratification of Tim Gagen's signature on the option agreements for the Culbreath mining claims on the ridge above Summit Estates. The purchase of the July Lode from Gert Young and the Ironside and Goldbug Lodes from George and Susanne Culbreath were presented to Town Council in executive session at the last meeting on April 14th. BOSAC had reviewed the purchase and agreed to make the recommendation to Council at their April 13th meeting. The purchase price of these properties is \$210,000 total, which will be split 50/50 with Summit County.

1 Assignment of Partial Interest in Option Agreement. In connection therewith, the Town Manager
2 shall have full power and authority to do and perform all matters and things necessary to the
3 purchase and acquisition of the property described in the Assignment of Partial Interest in Option
4 Agreement, including but not limited to the following:

- 5
6 1. The making, execution and acknowledgment of extension
7 agreements, settlement statements, closing agreements and
8 other usual and customary closing documents;
- 9
10 2. The acceptance of delivery of the deed for the Town's
11 interest in subject real property;
- 12
13 3. The recording of the deed for the Town's interest in the
14 subject property with the Summit County Clerk and
15 Recorder; and
- 16
17 4. The performance of all other things necessary to the
18 acquisition of the subject property by the Town.

19
20 Section 3. This resolution shall become effective upon its adoption.

21
22 RESOLUTION APPROVED AND ADOPTED THIS ____ DAY OF _____, 2009.

23
24 TOWN OF BRECKENRIDGE

25
26
27 By: _____
28 John G. Warner, Mayor

29
30 ATTEST:

31
32
33 _____
34 Mary Jean Loufek, CMC,
35 Town Clerk

36
37 APPROVED IN FORM

38
39
40 _____
41 Town Attorney date

42
43 600-201\Resolution (04-16-09)
44

Assignment of Partial Interest in Option Agreement

This Assignment of Partial Interest in Option Agreement ("*Assignment*") is dated _____, 2009 and is between SUMMIT COUNTY, COLORADO, acting by and through its Board of County Commissioners ("*County*") and the TOWN OF BRECKENRIDGE, a Colorado municipal corporation ("*Town*").

WHEREAS, the County entered into that Option Agreement with George Culbreath and Susanne Culbreath dated March 19, 2009 ("*Option Agreement*"); and

WHEREAS, pursuant to the Option Agreement the County obtained the option to purchase the following described real property situate in the County of Summit and State of Colorado, to wit:

Schedule #2803964: Ironside Claim, M.S. #8313
Schedule #2803965: Gold Bug Claim, M.S. #8313

; and

WHEREAS, the Town desires to obtain an assignment of a partial interest in the County's option to purchase the Ironside and Gold Bug Claims so that at closing the Town and the County will acquire the Ironside and Gold Bug Claims as tenants in common with each owning an undivided one-half interest; and

WHEREAS, the County is willing to assign to the Town a partial interest its option to purchase the Ironside and Gold Bug Claims in accordance with, and subject to, the terms, conditions and provisions of this Assignment.

NOW, THEREFORE, the parties agree as follows:

1. Partial Assignment of Option. For Fifty Dollars (\$50.00), the receipt and sufficiency of which is hereby acknowledged, the County hereby assigns, transfers, and conveys to the Town the right to jointly purchase the Ironside and Gold Bug Claims with the County pursuant to the Option Agreement and this Assignment. The Town hereby accepts such partial assignment, and agrees to be bound by the terms and conditions of the Option Agreement with respect to the joint purchase of the Ironside and Gold Bug Claims with the same force and effect as if it had originally executed the Option Agreement.

2. Financial Obligations. At closing, Town will pay Seventy-One Thousand and Nine-Hundred Forty Dollars (\$71,940.00) toward the purchase price for the Ironside and Gold Bug Claims, plus one-half of all closing costs incurred in connection with the purchase of the Ironside and Gold Bug Claims. County will pay the balance of the purchase price for the Ironside and Gold Bug Claims, together with the other one-half of the closing costs incurred in connection with the purchase of the Ironside and Gold Bug Claims.

3. Title To the Ironside and Gold Bug Claims. Title to the Ironside and Gold Bug Claims will be taken such that the Town and the County as tenants in common with the Town
ASSIGNMENT OF PARTIAL INTEREST IN OPTION AGREEMENT

and County each owing an undivided one-half interest in the Ironside and Gold Bug Claims. The form of the deed of conveyance for the Ironside and Gold Bug Claims must be acceptable to counsel for both the Town and the County.

4. No Partition. Following closing, neither party will seek to partition the Ironside and Gold Bug Claims. This agreement will survive the closing and delivery of the deed of the deed to the Ironside and Gold Bug Claims.

5. Applicable Law. This Assignment is to be interpreted in all respects in accordance with the laws of the State of Colorado.

6. Entire Agreement. This Assignment constitutes the entire agreement and understanding between the parties and supersedes any prior agreement or understanding relating to the subject matter of this Assignment.

7. Binding Effect. This Assignment is binding upon, and inures to the benefit of the parties, and their respective successors and assigns.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Timothy J. Gagen, Town Manager

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By _____
Gary Martinez, County Manager

ATTEST:

Clerk and Recorder,
Summit County, Colorado;
ex officio Clerk of said
Board

ASSIGNMENT OF PARTIAL INTEREST IN OPTION AGREEMENT

Assignment of Partial Interest in Option Agreement

This Assignment of Partial Interest in Option Agreement ("*Assignment*") is dated _____, 2009 and is between SUMMIT COUNTY, COLORADO, acting by and through its Board of County Commissioners ("*County*") and the TOWN OF BRECKENRIDGE, a Colorado municipal corporation ("*Town*").

WHEREAS, the County entered into that Option Agreement with Gertrude E. Young Trust dated March 19, 2009 ("*Option Agreement*"); and

WHEREAS, pursuant to the Option Agreement the County obtained the option to purchase the following described real property situate in the County of Summit and State of Colorado, to wit:

Schedule #2803969: July Claim, M.S. #8313

; and

WHEREAS, the Town desires to obtain an assignment of a partial interest in the County's option to purchase the July Claim so that at closing the Town and the County will acquire the July Claim as tenants in common with each owning an undivided one-half interest; and

WHEREAS, the County is willing to assign to the Town a partial interest its option to purchase the July Claim in accordance with, and subject to, the terms, conditions and provisions of this Assignment.

NOW, THEREFORE, the parties agree as follows:

1. Partial Assignment of Option. For Fifty Dollars (\$50.00), the receipt and sufficiency of which is hereby acknowledged, the County hereby assigns, transfers, and conveys to the Town the right to jointly purchase the July Claim with the County pursuant to the Option Agreement and this Assignment. The Town hereby accepts such partial assignment, and agrees to be bound by the terms and conditions of the Option Agreement with respect to the joint purchase of the July Claim with the same force and effect as if it had originally executed the Option Agreement.

2. Financial Obligations. At closing, Town will pay Thirty-Five Thousand and Eight Hundred Twenty Dollars (\$35,820.00) toward the purchase price for the July Claim, plus one-half of all closing costs incurred in connection with the purchase of the July Claim. County will pay the balance of the purchase price for the July Claim, together with the other one-half of the closing costs incurred in connection with the purchase of the July Claim.

3. Title To the July Claim. Title to the July Claim will be taken such that the Town and the County as tenants in common with the Town and County each owing an undivided one-

ASSIGNMENT OF PARTIAL INTEREST IN OPTION AGREEMENT

half interest in the July Claim. The form of the deed of conveyance for the July Claim must be acceptable to counsel for both the Town and the County.

4. No Partition. Following closing, neither party will seek to partition the July Claim. This agreement will survive the closing and delivery of the deed of the deed to the July Claim.

5. Applicable Law. This Assignment is to be interpreted in all respects in accordance with the laws of the State of Colorado.

6. Entire Agreement. This Assignment constitutes the entire agreement and understanding between the parties and supersedes any prior agreement or understanding relating to the subject matter of this Assignment.

7. Binding Effect. This Assignment is binding upon, and inures to the benefit of the parties, and their respective successors and assigns.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Timothy J. Gagen, Town Manager

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By _____
Gary Martinez, County Manager

ATTEST:

Clerk and Recorder,
Summit County, Colorado;
ex officio Clerk of said
Board

ASSIGNMENT OF PARTIAL INTEREST IN OPTION AGREEMENT

Memorandum

To: Town Council
From: Open Space Staff
Re: Swan River Valley PUD Parcel 12
Date: April 28, 2009

The resolution in your packet ratifies and approves the Town Manager's signature on an Assignment of Partial Interest in the Real Estate Option Agreement signed by Summit County for the purchase of the Sawlog and Wonderful Placers. Following BOSAC and Town Council discussions over the potential acquisition, it was decided that the Town would pursue a 25% interest in this property.

As the original option agreement was signed by only the County and the seller, this Assignment of Partial Interest in Real Estate Option Agreement brings the Town into the contract, so that it can jointly acquire the Sawlog and Wonderful Placers with the County.

1 ***FOR WORKSESSION/ADOPTION – APRIL 28***

2
3 A RESOLUTION

4
5 SERIES 2009

6
7 A RESOLUTION RATIFYING AND APPROVING THE TOWN MANAGER’S SIGNING OF
8 AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT
9 WITH SUMMIT COUNTY, COLORADO
10 (Sawlog Placer, M.S. #2154, and Wonderful Placer, M.S. #10281)

11
12 WHEREAS, Summit County, Colorado, acting by and through the Board of County
13 Commissioners ("County") has entered into an Option Agreement granting to the County the
14 right and option to acquire the interests of Richard Thompson in the Sawlog Placer, M.S. #2154,
15 and the Wonderful Placer, M.S. #10281 (“ Option Agreement”) ; and

16
17 WHEREAS, the Town desires to obtain a partial assignment of the County’s rights under
18 the Option Agreement so that the Town can jointly acquire the real property described in the
19 Option Agreement; and

20
21 WHEREAS, a proposed Assignment of Partial Interest in Option Agreement between the
22 Town and the County has been prepared, a copy of which is marked Exhibit "A", attached hereto
23 and incorporated herein by reference ("Assignment"); and

24
25 WHEREAS, the Town Council has reviewed the proposed Assignment, and finds and
26 determines that it would be in the best interests of the Town and its residents for the Town to
27 enter into the proposed Assignment; and

28
29 WHEREAS, Rule 6.1(b) of the Council Procedures and Rules of Order provides that a
30 resolution may be used to approve a contract; and

31
32 WHEREAS, the proposed Assignment has previously been executed by the Town
33 Manager, and it necessary and appropriate for the Town Council to ratify the previous execution
34 of the Agreement by the Town Manager.

35
36 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
37 BRECKENRIDGE, COLORADO, as follows:

38
39 Section 1. The Assignment of Partial Interest in Option Agreement between the Town
40 and Summit County, Colorado, acting by and through the Board of County Commissioners
41 (Exhibit "A" hereto) is approved, and the Town Manager’s previous execution of such document
42 for and on behalf of the Town of Breckenridge is hereby ratified, confirmed and approved.

43
44 Section 2. At such time as the Town Manager is advised by the Town Attorney that it is
45 appropriate to do so, the Town Manager is hereby authorized, empowered and directed to take all
46 necessary and appropriate action to close the purchase of the real property contemplated by the

1 Assignment of Partial Interest in Option Agreement. In connection therewith, the Town Manager
2 shall have full power and authority to do and perform all matters and things necessary to the
3 purchase and acquisition of the property described in the Assignment of Partial Interest in Option
4 Agreement, including but not limited to the following:

- 5
6 1. The making, execution and acknowledgment of extension
7 agreements, settlement statements, closing agreements and
8 other usual and customary closing documents;
- 9
10 2. The acceptance of delivery of the deed for the Town's
11 interest in subject real property;
- 12
13 3. The recording of the deed for the Town's interest in the
14 subject property with the Summit County Clerk and
15 Recorder; and
- 16
17 4. The performance of all other things necessary to the
18 acquisition of the subject property by the Town.

19
20 Section 3. This resolution shall become effective upon its adoption.

21
22 RESOLUTION APPROVED AND ADOPTED THIS ____ DAY OF _____, 2009.

23
24 TOWN OF BRECKENRIDGE

25
26
27 By: _____
28 John G. Warner, Mayor

29
30 ATTEST:

31
32
33 _____
34 Mary Jean Loufek, CMC,
35 Town Clerk

36
37 APPROVED IN FORM

38
39
40 _____
41 Town Attorney date

Assignment of Partial Interest in Option Agreement

This Assignment of Partial Interest in Option Agreement ("**Assignment**") is dated _____, 2009 and is between SUMMIT COUNTY, COLORADO, acting by and through its Board of County Commissioners ("**County**") and the TOWN OF BRECKENRIDGE, a Colorado municipal corporation ("**Town**").

WHEREAS, the County entered into that Option Agreement with Richard Thompson dated April 9, 2009 ("**Option Agreement**"); and

WHEREAS, pursuant to the Option Agreement the County obtained the option to purchase the following described real property situated in the County of Summit and State of Colorado, to wit:

A tract of land situated in portions of the Sawlog Placer, M.S. 2154, and the Wonderful Placer, M.S. 10281, totaling 10.0 acres; Summit County Assessor's schedule 2809194

("**Property**")

and

WHEREAS, the Town desires to obtain an assignment of a partial interest in the Option Agreement so that at closing the Town and the County will acquire the Property as tenants in common with the County owning an undivided seventy five percent (75%) interest and the Town owing an undivided twenty five percent (25%) interest; and

WHEREAS, the County is willing to assign to the Town a partial interest in its option to purchase the Property in accordance with, and subject to, the terms, conditions and provisions of this Assignment.

NOW, THEREFORE, the parties agree as follows:

1. Partial Assignment of Option. For Fifty Dollars (\$50.00), the receipt and sufficiency of which is hereby acknowledged, the County hereby assigns, transfers, and conveys to the Town the right to purchase an undivided twenty five percent (25%) interest the Property pursuant to the Option Agreement and this Assignment. The Town hereby accepts such partial assignment, and agrees to be bound by the terms and conditions of the Option Agreement with the same force and effect as if it had originally executed the Option Agreement.

2. Financial Obligations. At closing, Town will pay Fifty Six Thousand Two Hundred Fifty Dollars (\$56,200.00) toward the purchase price of the Property, plus twenty five percent (25%) of all closing costs incurred in connection with the purchase of the Property. County will pay the balance of the purchase price for the Property, together with the seventy five percent (75%) of the closing costs incurred in connection with the purchase of the Property.

3. Title To the Property. Title to the Property will be taken such that the Town and the County are tenants in common with the Town owing an undivided twenty five percent (25%) interest and County owing an undivided seventy five percent (75%) interest in the Property. The form of the deed of conveyance for the Property must be acceptable to counsel for both the Town and the County.

4. No Partition. Following closing, neither party will seek to partition the Property.. This agreement will survive the closing and delivery of the deed to the Property.

5. Applicable Law. This Assignment is to be interpreted in all respects in accordance with the laws of the State of Colorado.

6. Entire Agreement. This Assignment constitutes the entire agreement and understanding between the parties and supersedes any prior agreement or understanding relating to the subject matter of this Assignment.

7. Binding Effect. This Assignment is binding upon, and inures to the benefit of the parties, and their respective successors and assigns.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Timothy J. Gagen, Town Manager

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By _____
Gary Martinez, County Manager

ATTEST:

Clerk and Recorder,
Summit County, Colorado;
ex officio Clerk of said
Board



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.

April 2009

Tuesday, April 14; 2:00pm	Carter Museum Opening
Tuesday, April 14; 3:00/7:30pm	First Meeting of the Month
Tuesday, April 28; 3:00/7:30pm	Second Meeting of the Month

MAY 2009

Tuesday, May 12; Noon	Mini- Retreat Meeting
Tuesday, May 12; 3:00/7:30pm	First Meeting of the Month
Saturday, May 16	Town Clean Up Day
Tuesday, May 26; 3:00/7:30pm	Second Meeting of the Month
Tuesday, March 31; 5:30-8:30	FDRD Annual Party & Membership Drive

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
3 rd 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
2 nd Thursday of the Month; 5:30pm	Sanitation District;
Last Wednesday of the Month; 8am	Breckenridge Resort Chamber; BRC Offices
4 th Wednesday of the Month; 9am	Summit Combined Housing Authority;
2 nd Wednesday of the Month; 12 pm	Breckenridge Heritage Alliance

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