



**BRECKENRIDGE TOWN COUNCIL
WORK SESSION
Tuesday, March 9, 2010; 3:00 p.m.**

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 p.m.	I. <u>PLANNING COMMISSION DECISIONS</u>	Page 2
3:15 – 3:45 p.m.	II. <u>LEGISLATIVE REVIEW*</u> Open House Signs Text Messaging/Muni Court Initiative & Referendum Procedures Jason & Scott Lodes, Jumbo Mill	Page 76 Page 79 Page 8 Page 83
3:45 – 4:15 p.m.	III. <u>MANAGERS REPORT</u> Housing/Childcare Update Committee Reports Financials I-70 Coalition Funding	Verbal Page 20 Page 22 Page 31
4:15 – 4:45 p.m.	IV. <u>OTHER</u> Real Estate Transfer Tax Administrative Rules Earth Hour Proclamation	Page 41 Page 75
4:45 – 6:00 p.m.	V. <u>PLANNING MATTERS</u> Firewise Task Force Consensus Points Valley Brook Final Approval (information coming under separate cover)	Page 51 Page 54
6:00 p.m.	VI. <u>EXECUTIVE SESSION</u>	
	*ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA	Page 68

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

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

MEMORANDUM

To: Town Council

From: Peter Grosshuesch

Date: March 3, 2010

Re: Town Council Consent Calendar from the Planning Commission Decisions of the March 2, 2010, meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF March 2, 2010:

CLASS C APPLICATIONS:

1. Inner Circle Exterior Remodel, PC#2010010, 820 Columbine Road
Exterior renovation of condo complex to consist of: new roof and fascia, siding and trim, windows, patio doors, light fixtures, decking & railings, walkways & stairs, and new paint colors. Approved.
2. Winterpoint II Exterior Remodel, PC#2010011, 250 Primrose Path
Exterior renovation of condo complex to consist of: installation of new natural stone veneer at the base of the buildings and new exterior stain colors. Approved.

CLASS A APPLICATIONS:

1. Miller Master Plan Modification, PC#2010008, 13541 Colorado State Highway 9
Modify the existing Miller Master Plan with a change in product type, and increase in density for Parcel F. Approved.
2. Miller Subdivision Modification, PC#2010009, 13541 Colorado State Highway 9
Re-subdivide Tract F and D-2 of the existing Miller subdivision to reflect the changes proposed in the Master Plan revisions. The boundaries of the parcels remain the same. Approved.

PLANNING COMMISSION MEETING

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

ROLL CALL

Leigh Girvin	Michael Bertaux	Rodney Allen
Jim Lamb	JB Katz	Dan Schroder
Dave Pringle		

APPROVAL OF MINUTES

On the even pages of the minutes, the date in the header is incorrect.

Page 6 of the minutes, regarding the Matheson residence, it should read “High Street” not “Harris Street”.

With two changes, the minutes of the February 16, 2010, Planning Commission meetings were approved unanimously (7-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the March 2, 2010 Planning Commission meeting was approved unanimously (7-0).

CONSENT CALENDAR:

1. Inner Circle Exterior Remodel, PC#2010010, 820 Columbine Road
Ms. Girvin requested that staff present images of the proposed remodel.
Mr. Pringle noted that since these types of projects (Class C) are on the consent calendar, it would be beneficial for the Planning Commission to have better quality copies of the drawings for review.
2. Winterpoint II Exterior Remodel, PC#2010011, 250 Primrose Path
Ms. Girvin requested that staff present images of the proposed remodel.

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

WORKSESSIONS:

1. Transition Areas

Mr. Mosher presented. The Commission last reviewed modifications to the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” on February 2, 2010, which included review of the overall direction of the proposed revisions and specifics for the proposed Transition Area Standards for #9, the proposed “North Main Transition Area and #11”, the “North End Residential Transition Area” . The proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” will be substantially revised prior to final adoption.

Staff heard the Commission’s concerns about respecting the Town’s historic grid, support for the 13.5 UPA above ground and increased building height within the Transition Areas. These have been added to the “Overview” portion of the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District”.

Ultimately, the goal is to create two separate handbooks; one for the Historic District (including each individual Character Area) and one for the Transition Areas (including each individual Transition Area).

Staff presented a copy of:

1. The “Overview” portion of the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District”.
2. Chapters 4.0 and 5.2 of the adopted “Handbook of Design Standards for the Historic and Conservation Districts”.*

* Staff noted that Chapters 4.0 and 5.2 of the adopted “Handbook of Design Standards for the Historic and Conservation Districts” are the only sections that include policies for the Historic District **and** the Conservation District. Staff believes that these chapters should be an attachment with the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” as a part of the booklet set.

Staff welcomed additional Commission comments.

Commissioner Questions/Comments:

- Ms. Girvin: Did you look at the Sanborn maps to see if secondary structures are smaller or larger than the primary structure? (Mr. Mosher: Yes, there are instances where the secondary buildings were of primary use, like dipping, fabricating pipes for hydro mining, etc. The Sanborn Maps are not an official correlative document and is not binding in this case.) (Mr. Neubecker: We are addressing the Transition Standards. We don't need an exact replica of the historic Town; we just want to make sure the character is correct. We can write these standards to create the type of development that we want to encourage.)
- Mr. Schroder: Can we make sure that the language in these documents is clear about references to the Sanborn maps in relation to primary and secondary structures? (Mr. Neubecker: The Sanborn maps are not a regulating document.) I think a simple diagram defining districts would be really helpful and useful.
- Mr. Bertaux: Can we have a simplified definition of "The Conservation District is..." and "a Transition District is..."? (Mr. Mosher: Yes. We will add that. A simple "bubble" diagram may also be helpful.) Will Mr. Noré Winter be involved with this review? (Mr. Mosher: No, staff's experience with his standards is pretty detailed. We have nearly 20 years of using the standards in Town.) When you start with the standards, can you describe the difference between a policy and a standard? (Mr. Mosher: It is defined in the adopted handbook, and we can repeat this in the proposed Transition handbook too.) In the draft, on the "orientation to the grid", there is a large "P" but is all of that the policy, or is some of that the design standard? (Mr. Mosher: All of that is policy. Every design standard is either relative or absolute, with the "P" in a circle for the absolute policies.) On page 35 of the packet, what are the negative and positive points discussed? Do we want those multipliers stated here? (Mr. Mosher: All the non-priority standards fall back to Policy 5/R, Architectural Compatibility in the Development Code. We can define the name better, but not restate the policy in the handbook.) I would add the words "up to" 13.5 UPA on page 39. We do not want people to go above 13.5 UPA. On page 40, the 4th bullet under 269, can you please explain the current wording? (Mr. Mosher: There is a graphic that goes along with this as well that will help explain it. Staff will add graphics at the next review.) I would prefer that the documents are bound together, to make it easier for applicants.
- Ms. Katz: Agree with Staff, we don't want to repeat Policy 5/R in the handbook. It invites errors if there are any code changes down the road.
- Mr. Pringle: There are several examples in Town of large barns as secondary structures. We need to acknowledge that there are some larger existing secondary structures in Town, but typically they were subordinate, which is the Town's preference. We want to encourage that secondary structures are smaller. There is an area labeled a "transition area" in Town (Briar Rose in the Weisshorn) that has nothing to do with the historic district, other than the fact it is adjacent to it. Are we going to separate this from this document? We need to explain this better, that there are areas where these standards may not apply, such as the Briar Rose. (Mr. Mosher: We will clarify where these standards will apply. There is a hierarchy to the guidelines. We will address the Briar Rose area at a future meeting.) (Mr. Bertaux: The River Park area may be another area that this doesn't apply.) (Mr. Grosshuesch: The Briar may be the only area where some standards don't apply. The River Park will apply. When we get to the Briar Rose transition Area we can discuss it more, but we need to keep the basic standards in all other areas so that there are standards that will apply if the properties are developed.) Have we taken the 13.5 UPA above ground and gone site specific to see if that was the correct established density? Will this be applied to all the transition areas? (Mr. Mosher: Yes. 9 UPA is for the existing the standards, 1.5 times larger is 13.5 UPA for the transition areas.) On page 34 of the packet, should the overview point out that the transition area has been expanded? (Mr. Mosher: Yes. Staff can add further detail of the history.) Priority Policy 272 or Priority 90 in the adopted handbook; would this be a good place to describe the "Breckenridge" 4-4.5" reveal horizontal siding? (Mr. Neubecker: This isn't included now. We could say that typically buildings had specific siding types, and that applicants should approximate those sizes. The adopted handbook, Design Standard 90, would be the best place to add this information.) This would apply to the historic standards, and in some transition areas based on the character area. (Mr. Bertaux: I agree with Mr. Pringle.) (Mr. Mosher: It could also be described in the individual character areas.)

- Mr. Lamb: There was also vertical siding that was used. You could word it “where siding is horizontal, it is encouraged to be...a certain size.”
- Mr. Allen: There are a few missing parts on the map. The area across from Wellington Square on the north end, the elementary school, and other places that aren’t included. (Mr. Mosher: This is the adopted map prior to any review of the Transition Areas and has only been shared with this discussion tonight for reference only. We will have a discussion just about map boundaries at a future meeting.) On page 36 of the packet under the “realtors” section, the Realtor should tell their clients to review the standards rather than know the standards. It should also say “real estate agent” instead since “Realtor”, which is a trademark name. The third bullet point on 268 regarding driveways, the word “asphalt” should come out. (Mr. Mosher: This will be done.) When you talk about flexibility in the document, should we be specific about what “flexibility” means or provide examples? (Mr. Neubecker: In the introduction to the transition areas we could describe it.) (Mr. Grossheusch: We have tried in the past to determine how to define this flexibility, but with historic preservation, each site presents a unique situation.) (Mr. Mosher: We can also use precedent, which is a legal part of our Development Code to add flexibility.) (Ms. Girvin: On page 42, the flexibility sentence is awkwardly written.)

TOWN COUNCIL REPORT:

Mr. Rossi: There is nothing to report.

COMBINED HEARINGS:

1. Miller Master Plan Modification, PC#2010008, 13541 Colorado State Highway 9
2. Miller Subdivision Modification, PC#2010009, 13541 Colorado State Highway 9

Mr. Mosher presented two proposals together as they are closely related and accepted comments and questions on both: one to modify the existing Miller Master Plan with a change in product type, and increase in density for Parcel F, and one to re-subdivide Tract F and D-2 of the existing Miller subdivision to reflect the changes proposed in the Master Plan revisions. The boundaries of the parcels remain the same. No other changes to the overall subdivision are proposed.

The Master Plan is proposed to be changed to adapt to the changing economy and sales market. This proposed amendment will have a net effect of increasing the number of deed restricted units on Parcel F from 17 to 22 and increasing the number of market units from 22 to 24, a net increase of 7 units. The 7 unit increase is proposed as adding 5 additional deed-restricted units and adding 2 additional market units (by purchasing 2 additional TDR’s). The uses are also amended as follows:

TRACT F	<u>Current</u>		<u>Proposed</u>
	22 Market Single Family	to	18 Market Duplex; 6 Market Single Family (+2)
	6 Deed Restricted Single Family	to	4 Deed Restricted Duplex; 2 Deed Restricted SF
	11 Deed Restricted Townhomes	to	11 Deed Restricted Duplex and adding 5 additional Duplex units

The Commission reviewed these proposed changes during a worksession on November 17, 2009 and Town Council approved the modification, via a resolution, to the Annexation Agreement reflecting these changes on January 12, 2010.

As an inducement to the Town to annex the property, the applicant will provide the following public benefits at no cost to the Town:

1. Applicant will restore the Blue River (in accordance with the Town’s Blue River Restoration Master Plan and the Stan Miller Master Plan as approved by the Town) by relocating the river along the westerly boundary of the property. The reclaimed river will be vegetated with natural landscaping and a soft surface public trail will be created for the length of the corridor. The river and trail will be located within a 6.14-acre corridor to be dedicated to the Town as public open space. Timing of the river reclamation and land dedication is scheduled for 2008 and 2009. This has been completed.
2. Applicant will dedicate to the Town a new 60’ wide right of way and will construct “Stan Miller Drive” within the new R.O.W. This road connects Tiger Road to Fairview Boulevard. Not completed yet.

3. Applicant will construct a public trail network throughout the project located on approximately 3 acres of private open space including four separate pocket parks. The trail easements will allow public access to the Blue River for residents of the project and the general public. A 10 space public parking lot and bus stops with shelters (pending approval by the Transportation Agencies) will be provided adjacent to Stan Miller Drive near the existing Red White and Blue North Station. Not completed yet.

Staff recommended approval of the Stan Miller Master Plan Modification, Class A, PC#2010008, by supporting the attached Point Analysis along with the presented Findings and Conditions.

The subdivision proposal is in general compliance with the Subdivision Standards with the exception of size and setbacks (discussed in the Master Plan). Staff recommended approval of The Miller Re-subdivision, PC# 2010009, with the attached Findings and Conditions.

Mr. Don Nilsson, applicant, presented the locations for the Habitat for Humanity homes. The applicant is giving Habitat two lots, and an option on additional lots.

Mr. Allen opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions/Comments:

- Ms. Girvin: We looked at this in November as a work session. Has this changed since then? (Mr. Mosher: No.) Which areas will be landscaped? (Mr. Mosher pointed them out on the map.)
- Ms. Katz: Looks fine.
- Mr. Schroder: Does having Habitat for Humanity in Town provide any additional opportunities for grants? (Mr. Mosher: I think it is pretty positive image overall.) (Mr. Allen: We should market it.)
- Mr. Lamb: I hope that this sets a good precedent for Habitat for Humanity.
- Mr. Bertaux: How many units will Habitat for Humanity build? (Mr. Tom Begley, applicant: We are starting with one duplex.) (Mr. Nilsson: We have provided two lots for a total of four units.) I would like to repeat my comments from the previous meeting regarding allowing some possible commercial and/or daycare facilities in this area north of town.
- Mr. Pringle: All good.
- Mr. Allen: Where is the density coming from on the restricted homes? (Mr. Mosher: The town is providing those SFEs. It is a 1:1 ratio, but not unit per unit. The SFEs square footage may vary depending on the proposed use.) What are the restrictions on the Habitat Homes? Is it the same as the SCHA? (Mr. Begley: It is different, and there are specific rules.)

Mr. Bertaux made a motion to approve the point analysis for the Miller Master Plan Modification, PC#2010008, 13541 Colorado State Highway 9. Ms. Katz seconded, and the motion was approved unanimously (7-0).

Mr. Bertaux made a motion to approve the Miller Master Plan Modification, PC#2010008, 13541 Colorado State Highway 9, with the presented findings and conditions. Mr. Pringle seconded, and the motion was approved unanimously (7-0).

Mr. Lamb made a motion to approve the Miller Subdivision Modification, PC#2010009, 13541 Colorado State Highway 9. Ms. Katz seconded, and the motion was approved unanimously (7-0).

OTHER MATTERS:

Ms. Girvin asked if anyone toured the net-zero green home on Saturday. There were a lot of good things to learn regarding the green and sustainability code that we are currently discussing. They were able to show the structure of the home, the pipes, wires and insulation. Each outlet was on its own circuit; this was to reduce phantom load. It would be interesting to compare the energy bill of that home to another home of similar size in the area. The Town of Breckenridge building department did attend the event.

Mr. Kulick talked about the HERS rating system. The Council did not want to jump into mandatory HERS ratings for homes, but rather the potential for integrating into Policy 33/R for positive points on a quantifiable scale. They are looking at an overall goal of building the most sustainable house possible, and are looking at negative points that are received and off-setting those with positive points from the energy savings quantified with HERS ratings. The

paper also noted in the article that the Council is working on looking at providing up to \$1 million in a revolving loan fund, giving homeowners an opportunity to upgrade their homes while there are rebates available. (Mr. Bertaux: Does the county have to take action first on the revolving loan fund?) No, but we want to make sure that we have a similar set of rules. We are looking into who would do the energy audits as well.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Rodney Allen, Chair

MEMO

TO: Town Council

FROM: Town Attorney

RE: Initiative and Referendum Procedures Ordinance

DATE: March 1, 2010 (for March 9th meeting)

If the initiative and referendum provisions of the Town Charter are amended as proposed at the April 6th election, it will be necessary for the Council to adopt an ordinance describing the procedures that will have to be followed in connection with a citizens' initiative or referendum. As we discussed before, I want you (as well as the public) to see what such an ordinance would look like prior to the election.

Enclosed is a proposed ordinance describing initiative and referendum procedures. It is closely modeled after the current state law on municipal and referendum procedures. However, I have preserved the current Town Charter requirements for the number of signatures required for initiative (15% of total number of electors registered to vote at the last election [see Section 1-12-15(A) on page 3 of the ordinance]) and referendum (10% of total number of electors registered to vote at the last election [see Section 1-21-6(B) at the bottom of page 3 of the ordinance]). I have also maintained the Town Charter list of ordinances that are not subject to the power of referendum (also in Section 1-21-6 (B) of the ordinance).

If the Council wants to adopt this ordinance prior to the election, it can do so because I've provided in Section 4 (on pages 10-11) that the ordinance does not become effective unless the ballot question concerning initiative and referendum passes at the upcoming election. The ordinance has not been scheduled for first reading consideration next Tuesday, but can be added to the nighttime agenda if Council directs.

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

1 **FOR WORKSESSION – MARCH 9**

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2010

9
10 AN ORDINANCE ADOPTING CHAPTER 21 OF TITLE 1 OF THE BRECKENRIDGE
11 TOWN CODE CONCERNING PROCEDURES FOR THE EXERCISE OF THE RIGHTS OF
12 INITIATIVE AND REFERENDUM

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

16
17 Section 1. The Breckenridge Town Code is amended by the addition of a new Chapter
18 21 of Title 1, to be entitled “Initiative and Referendum Procedures”, which shall read in its
19 entirety as follows:

20
21 **CHAPTER 21**

22
23 **INITIATIVE AND REFERENDUM PROCEDURES**

24
25 **SECTION:**

26
27 **1-21-1: AUTHORITY**

28 **1-21-2: PURPOSE; INTERPRETATION**

29 **1-21-3: DEFINITIONS**

30 **1-21-4: COMPUTATION OF TIME**

31 **1-21-5: ORDINANCES–INITIATIVE–CONFLICTING MEASURES**

32 **1-21-6: ORDINANCES–WHEN EFFECTIVE–REFERENDUM**

33 **1-21-7: FORM OF PETITION SECTIONS**

34 **1-21-8: CIRCULATOR–REQUIREMENTS**

35 **1-21-9: SIGNATURES**

36 **1-21-10: SIGNATURE VERIFICATION–STATEMENT OF SUFFICIENCY**

37 **1-21-11: PROTEST**

38 **1-21-12: INITIATIVE AND REFERENDA, AND REFERRED MEASURES–BALLOT**

39 **TITLES**

40 **1-21-13: RECEIVING MONEY TO CIRCULATE PETITIONS–FILING**

41 **1-21-14: RETENTION OF PETITIONS**

42 **1-21-15: POWERS OF TOWN CLERK AND DEPUTY**

43 **1-21-16: UNLAWFUL ACTS–PENALTY**

44 **1-21-17: TAMPERING WITH INITIATIVE OR REFERENDUM PETITION**

45
46 **1-21-1: AUTHORITY: This Chapter is adopted pursuant to the authority granted to the**

1 Town Council by Section 6.2 of the Breckenridge Town Charter.

2
3 1-21-2: PURPOSE; INTERPRETATION: This Chapter sets forth the procedures for
4 exercising the initiative and referendum powers reserved to the Town’s electors in
5 Subsection (9) of Section 1 of Chapter V of the Colorado Constitution and Article VI of the
6 Breckenridge Town Charter. The intent of this Chapter is not to limit or abridge in any
7 manner these powers, but rather to properly safeguard, protect, and preserve inviolate for
8 Town electors these modern instrumentalities of democratic government. If any part of this
9 Chapter conflicts with the Breckenridge Town Charter, the provisions of the Breckenridge
10 Town Charter shall control.

11
12 1-21-3: DEFINITIONS: As used in this Chapter, unless the context otherwise requires:

13
BALLOT TITLE: The language that is printed on the ballot
that is comprised of the submission clause
and the title.

CHARTER: The Breckenridge Town Charter, as
amended from time to time.

FINAL DETERMINATION OF
PETITION SUFFICIENCY: The date following passage of the period of
time within which a protest must be filed
pursuant to Section 1-21-11 or the date on
which any protest filed pursuant to Section
1-21-11 results in a finding of sufficiency,
whichever is later.

PETITION SECTION: The stapled or otherwise bound package of
documents described in Section 1-21-7.

REGISTERED ELECTOR: A “registered elector” as defined in Section
15.12(d) of the Charter.

SUBMISSION CLAUSE: The language that is attached to the title to
form a question that can be answered by
“yes” or “no”.

TITLE: A brief statement that fairly and accurately
represents the true intent and meaning of
the proposed initiative, referendum, or
referred measure.

14
15 1-21-4: COMPUTATION OF TIME: Except as otherwise provided in this Chapter,
16 calendar days shall be used in all computations of time made under the provisions of this
17 Chapter. In computing time for any act to be done before any Town election, the first day
18 shall be included, and the last or election day shall be excluded. Except when computing

1 business days, Saturdays, Sundays, and legal holidays shall be included, but, if the time for
2 any act to be done or the last day of any period is a Saturday, Sunday, or a legal holiday,
3 the period is extended to include the next day that is not a Saturday, Sunday, or legal
4 holiday. If the time for an act to be done under this Chapter is referred to in business days,
5 the time shall be computed by excluding Saturdays, Sundays, and legal holidays.
6

7 1-21-5: ORDINANCES–INITIATIVE–CONFLICTING MEASURES:
8

9 A. Any proposed ordinance may be submitted to the Town Council by filing written
10 notice of the proposed ordinance with the Town Clerk and, within one hundred eighty days
11 after approval of the petition pursuant to Section 1-21-7(A), by filing a petition signed by at
12 least fifteen percent of the of the total number of electors registered to vote at the last
13 municipal election. The proposed ordinance may be adopted without alteration by the
14 Town Council within twenty days following the final determination of petition sufficiency.
15 If the proposed ordinance is not adopted by the Town Council, the Town Council shall
16 forthwith publish the proposed ordinance as other ordinances are published and shall refer
17 the proposed ordinance, in the form petitioned for, to the registered electors of the Town at
18 a regular or special election held not less than sixty days and not more that one hundred
19 fifty days after the final determination of petition sufficiency, unless otherwise required by
20 the Colorado Constitution. The ordinance shall not take effect unless a majority of the
21 registered electors voting on the measure at the election vote in favor of the measure.
22

23 B. Alternative ordinances may be submitted at the same election, and, if two or
24 more conflicting measures are approved by the people, the one that receives the greatest
25 number of affirmative votes shall be adopted in all particulars as to which there is a
26 conflict.
27

28 1-21-6: ORDINANCES–WHEN EFFECTIVE–REFERENDUM:
29

30 A. The effective dates of Town ordinances shall be as provided in Section 5.9 of the
31 Charter.
32

33 B. Within thirty days after final publication of the ordinance, a referendum petition
34 protesting against the effect of the ordinance or any part thereof may be filed with the
35 Town Clerk; provided, however, that the right of referendum shall not extend to an
36 ordinance appropriating revenues, an ordinance calling for a special election, an ordinance
37 authorizing municipal borrowing requiring an election pursuant to Article XI of the
38 Charter, and an emergency ordinance adopted pursuant to Section 5.11 of the Charter.
39 The petition must be signed during the thirty-day period by at least ten percent of the total
40 number of electors registered to vote at the last municipal election.
41

42 C. If a referendum petition is filed, the ordinance or part thereof protested against
43 shall not take effect, and, upon a final determination of petition sufficiency, the Town
44 Council shall promptly reconsider the ordinance. If the petition is declared not sufficient by
45 the Town Clerk or found not sufficient in a protest, the ordinance shall forthwith take
46 effect, unless otherwise provided therein.

1
2 D. If, upon reconsideration, the ordinance or part thereof protested is not repealed,
3 the Town Council shall submit the measure to a vote of the registered electors at a regular
4 or special election held not less than sixty days and not more than one hundred fifty days
5 after the final determination of petition sufficiency, unless otherwise required by the state
6 constitution. The ordinance or part thereof shall not take effect unless a majority of the
7 registered electors voting on the measure at the election vote in favor of the measure.
8

9 **1-21-7: FORM OF PETITION SECTIONS:**

10
11 A. Each petition section shall be printed in a form consistent with the requirements
12 of this Chapter. No petition section shall be printed or circulated unless the form and the
13 first printer's proof of the petition section have first been approved by the Town Clerk. The
14 Town Clerk shall approve or reject the form and the first printer's proof of the petition no
15 later than five business days following the date on which the Town Clerk received such
16 material. The Town Clerk shall assure that the petition section contains only those elements
17 required by this Chapter and contains no extraneous material. The Town Clerk may reject
18 a petition or a section of a petition on the grounds that the petition or a section of the
19 petition does not propose municipal legislation pursuant to Subsection (9) of Section 1 of
20 Chapter V of the Colorado Constitution.
21

22 B. Each petition section shall designate by name and mailing address two persons
23 who shall represent the proponents thereof in all matters affecting the petition and to
24 whom all notices or information concerning the petition shall be mailed.
25

26 C. (1) At the top of each page of every initiative or referendum petition section, the
27 following shall be printed, in a form as prescribed by the Town Clerk:
28

29 **“WARNING:**

30 **IT IS AGAINST THE LAW:**

31
32
33 **For anyone to sign any initiative or referendum petition with any name other than his or**
34 **her own or to knowingly sign his or her name more than once for the same measure or to**
35 **knowingly sign a petition when not a registered elector who is eligible to vote on the**
36 **measure.**
37

38 **DO NOT SIGN THIS PETITION UNLESS YOU ARE A**

39
40 **REGISTERED ELECTOR**
41 **AND ELIGIBLE TO VOTE ON THIS MEASURE.**
42

43 **TO BE A REGISTERED ELECTOR,**

44
45 **YOU MUST BE A CITIZEN OF COLORADO**
46 **AND REGISTERED TO VOTE.**

1
2 Do not sign this petition unless you have read or have had read to you the proposed
3 initiative or referred measure or the summary in its entirety and understand its meaning.”
4

5 (2) A summary of the proposed initiative or ordinance that is the subject of a
6 referendum petition shall be printed following the warning on each page of a petition
7 section. The summary shall be true and impartial and shall not be an argument, or likely to
8 create prejudice, either for or against the measure. The summary shall be prepared by the
9 Town Clerk.

10
11 (3) The full text of the proposed initiated measure or ordinance that is the subject of
12 a referendum petition shall be printed following the summary on the first page or pages of
13 the petition section that precede the signature page. Notwithstanding the requirement of
14 paragraph (1) of this subsection (c), if the text of the proposed initiated measure or
15 ordinance requires more than one page of a petition section, the warning and summary
16 need not appear at the top of other than the initial text page.

17
18 (4) The signature pages shall consist of the warning and the summary, followed by
19 ruled lines numbered consecutively for registered electors' signatures. If a petition section
20 contains multiple signature pages, all signature lines shall be numbered consecutively, from
21 the first signature page through the last. The signature pages shall follow the page or pages
22 on which the full text of the proposed initiated measure or ordinance that is the subject of
23 the referendum petition is printed.

24
25 (5)(a) Following the signature pages of each petition section, there shall be attached
26 a signed, notarized, and dated affidavit executed by the person who circulated the petition
27 section, which shall include the following:

28
29 (I) The affiant's printed name, the address at which the affiant resides, including the
30 street name and number, the city or town, the county, and the date the affiant signed the
31 affidavit;

32
33 (II) That the affiant has read and understands the laws governing the circulation of
34 petition;

35
36 (III) That the affiant was eighteen years of age or older at the time the section of the
37 petition was circulated and signed by the listed electors;

38
39 (IV) That the affiant circulated the section of the petition;

40
41 (V) That each signature thereon was affixed in the affiant's presence;

42
43 (VI) That each signature thereon is the signature of the person whose name it
44 purports to be;

45
46 (VII) That, to the best of the affiant's knowledge and belief, each of the persons

1 signing the petition section was, at the time of signing, a registered elector; and
2

3 (VII) That the affiant has not paid or will not in the future pay and that the affiant
4 believes that no other person has paid or will pay, directly or indirectly, any money or
5 other thing of value to any signer for the purpose of inducing or causing such signer to affix
6 the signer's signature to the petition.
7

8 (b) The Town Clerk shall not accept for filing any section of a petition that does not
9 have attached thereto the notarized affidavit required by subparagraph (A) of this
10 paragraph (5). Any disassembly of a section of the petition that has the effect of separating
11 the affidavit from the signature page or pages shall render that section of the petition
12 invalid and of no force and effect.
13

14 (c) Any signature added to a section of a petition after the affidavit has been
15 executed shall be invalid.
16

17 D. All sections of any petition shall be prenumbered serially.
18

19 E. Any petition section that fails to conform to the requirements of this Chapter or
20 that is circulated in a manner other than that permitted by this Chapter shall be invalid.
21

22 1-21-8: CIRCULATORS–REQUIREMENTS: The circulation of any petition section
23 other than personally by a circulator is prohibited. No section of a petition for any initiative
24 or referendum measure shall be circulated by any person who is not at least eighteen years
25 of age at the time the section is circulated.
26

27 1-21-9: SIGNATURES: Any initiative or referendum petition shall be signed only by
28 registered electors of the Town who are eligible to vote on the measure. Each registered
29 elector shall sign his or her own signature and shall print his or her name, the address at
30 which he or she resides, including the street number and name, the city or town, the
31 county, and the date of signing. Each registered elector signing a petition shall be
32 encouraged by the circulator of the petition to sign the petition in ink. In the event a
33 registered elector is physically disabled or is illiterate and wishes to sign the petition, the
34 elector shall sign or make his or her mark in the space so provided. Any person, but not a
35 circulator, may assist the disabled or illiterate elector in completing the remaining
36 information required by this section. The person providing assistance shall sign his or her
37 name and address and shall state that such assistance was given to the disabled or illiterate
38 elector.
39

40 1-21-10: SIGNATURE VERIFICATION–STATEMENT OF SUFFICIENCY:
41

42 A. The Town Clerk shall inspect timely filed initiative or referendum petitions and
43 the attached affidavits, and may do so by examining the information on signature lines for
44 patent defects, by comparing the information on signature lines against a list of registered
45 electors provided by the county, or by other reasonable means.
46

1 B. After examining the petition, the Town Clerk shall issue a statement as to
2 whether a sufficient number of valid signatures have been submitted. A copy of the
3 statement shall be mailed to the persons designated as representing the petition proponents
4 pursuant to Section 1-21-7(B).

5
6 C. The statement of sufficiency or insufficiency shall be issued no later than thirty
7 calendar days after the petition has been filed. If the Town Clerk fails to issue a statement
8 within thirty calendar days, the petition shall be deemed sufficient.

9
10 **1-21-11: PROTEST:**

11
12 A. Within forty days after an initiative or referendum petition is filed, a protest in
13 writing under oath may be filed in the office of the Town Clerk by any registered elector
14 who resides in the Town, setting forth specifically the grounds for such protest. The
15 grounds for protest may include, but shall not be limited to, the failure of any portion of a
16 petition or circulator affidavit to meet the requirements of this Chapter. No signature may
17 be challenged that is not identified in the protest by section and line number. The Town
18 Clerk shall forthwith mail a copy of such protest to the persons designated as representing
19 the petition proponents pursuant to Section 1-21-7(B) and to the protester, together with a
20 notice fixing a time for hearing such protest that is not less than five or more than ten days
21 after such notice is mailed.

22
23 B. Every hearing shall be held before the Town Clerk with whom such protest is
24 filed. The Town Clerk shall serve as hearing officer unless some other person is designated
25 by the Town Council as the hearing officer, and the testimony in every such hearing shall
26 be under oath. The hearing officer shall have the power to issue subpoenas and compel the
27 attendance of witnesses. The hearing shall be summary and not subject to delay and shall
28 be concluded within sixty days after the petition is filed. No later than five days after the
29 conclusion of the hearing, the hearing officer shall issue a written determination of whether
30 the petition is sufficient or not sufficient. If the hearing officer determines that a petition is
31 not sufficient, the officer shall identify those portions of the petition that are not sufficient
32 and the reasons therefor. The result of the hearing shall be forthwith certified to the
33 protester and to the persons designated as representing the petition proponents pursuant to
34 Section 1-21-7(B). The determination as to petition sufficiency may be reviewed by the
35 Summit County, Colorado District Court upon application of the protester, the persons
36 designated as representing the petition proponents pursuant to Section 1-21-7(B), or the
37 Town, but such review shall be had and determined forthwith.

38
39 **1-21-12: INITIATIVE AND REFERENDA, AND REFERRED MEASURES–BALLOT**
40 **TITLES:**

41
42 A. After an election has been ordered pursuant to Section 1-21-5 or Section 1-21-6,
43 the Town Council shall promptly fix a ballot title for each initiative or referendum.

44
45 B. The Town Council may, without receipt of any petition, submit any proposed or
46 adopted ordinance or any question to a vote of the registered electors of the Town. The

1 Town Council shall fix a ballot title for the referred measure.

2
3 C. In fixing the ballot title, the Town Council shall consider the public confusion
4 that might be caused by misleading titles and shall, whenever practicable, avoid titles for
5 which the general understanding of the effect of a “yes” or “no” vote would be unclear. The
6 ballot title shall not conflict with those titles selected for any other measure that will appear
7 on the municipal ballot in the same election. The ballot title shall correctly and fairly
8 express the true intent and meaning of the measure.

9
10 D. Any registered elector may file a protest concerning a ballot title by filing a
11 written protest with the Town Clerk within five days after the ballot title has been set by
12 the Town Council. No protest shall be considered that is not received by the Town Clerk
13 within such five day period. The protest shall describe with particularity the basis for the
14 protest. The Town Council shall hear and determine the protest at its next regular meeting
15 after the protest is filed. The protesting party shall be forthwith notified of the Town
16 Council’s determination of the protest. The Town Council’s determination of a protest may
17 be reviewed by the Summit County, Colorado District Court upon application of the
18 registered elector who filed the protest, but such review shall be had and determined
19 forthwith.

20
21 1-21-13: RECEIVING MONEY TO CIRCULATE PETITIONS–FILING: The
22 proponents of the petition shall file with the Town Clerk a report disclosing the amount
23 paid per signature and the total amount paid to each circulator. The filing shall be made at
24 the same time the petition is filed with the Town Clerk. Any payment made to circulators is
25 an expenditure under Chapter 45 of Title 1, C.R.S.

26
27 1-21-14: RETENTION OF PETITIONS: After a period of three years from the time of
28 submission of the petitions to the Town Clerk, if it is determined that the retention of the
29 petitions is no longer necessary, the Town Clerk may destroy the petitions.

30
31 1-21-15: POWERS OF TOWN CLERK AND DEPUTY:

32
33 A. Except as otherwise provided in this Chapter, the Town Clerk shall render all
34 interpretations and shall make all initial decisions as to controversies or other matters
35 arising in the operation of this Chapter.

36
37 B. All powers and authority granted to the Town Clerk by this Chapter may be
38 exercised by a deputy Town Clerk in the absence of the Town Clerk or in the event the
39 Town Clerk for any reason is unable to perform the duties of the Town Clerk's office.

40
41 1-21-16: UNLAWFUL ACTS–PENALTY:

42
43 A. It is unlawful:

44
45 (1) For any person willfully and knowingly to circulate or cause to be circulated or
46 sign or procure to be signed any petition bearing the name, device, or motto of any person,

1 organization, association, league, or political party, or purporting in any way to be
2 endorsed, approved, or submitted by any person, organization, association, league, or
3 political party, without the written consent, approval, and authorization of the person,
4 organization, association, league, or political party;

5
6 (2) For any person to sign any name other than his or her own name to any petition
7 or knowingly to sign his or her name more than once for the same measure at one election;

8
9 (3) For any person knowingly to sign any petition relating to an initiative or
10 referendum in a municipality who is not a registered elector of that municipality at the
11 time of signing the petition;

12
13 (4) For any person to sign any affidavit as circulator without knowing or reasonably
14 believing the statements made in the affidavit to be true;

15
16 (5) For any person to certify that an affidavit attached to a petition was subscribed
17 or sworn to before him or her unless it was so subscribed and sworn to before him or her
18 and unless the person so certifying is duly qualified under the laws of this state to
19 administer an oath;

20
21 (6) For any officer or person to do willfully, or with another or others conspire, or
22 agree, or confederate to do, any act that hinders, delays, or in any way interferes with the
23 calling, holding, or conducting of any election permitted under the initiative and
24 referendum powers reserved by the people in section 1 of article V of the state constitution
25 and provided for in Article VI of the Charter, or with the registering of electors therefor;

26
27 (7) For any officer to do willfully any act that shall confuse or tend to confuse the
28 issues submitted or proposed to be submitted at any election or refuse to submit any
29 petition in the form presented for submission at any election;

30
31 (8) For any officer or person to violate willfully any provision of this Chapter.

32
33 B. Any person, upon conviction of a violation of any provision of this section, shall
34 be punished by a fine of not more than five hundred dollars, or by imprisonment for not
35 more than one day less than one year in the county jail, or by both such fine and
36 imprisonment.

37
38 1-21-17: TAMPERING WITH INITIATIVE OR REFERENDUM PETITION:

39
40 A. (1) It is unlawful for any person to:

41
42 (1) Willfully destroy, deface, mutilate, or suppress any initiative or referendum
43 petition;

44
45 (2) Willfully neglect to file or delay the delivery of the initiative or referendum
46 petition;

1
2 **(3) Conceal or remove any initiative or referendum petition from the possession of**
3 **the person authorized by law to have custody of the petition;**
4

5 **(4) Add, amend, alter, or in any way change the information on the petition as**
6 **provided by the elector; or**
7

8 **(5) Aid, counsel, procure, or assist any person in doing any of such acts.**
9

10 **B. Any person, upon conviction of a violation of any provision of this section shall**
11 **be punished as provided in Chapter 4 of Title 1 of this Code.**
12

13 **C. This section shall not preclude a circulator from striking a complete line on the**
14 **petition if the circulator believes the line to be invalid.**
15

16 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
17 various secondary codes adopted by reference therein, shall continue in full force and effect.
18

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

23 Section 4. This ordinance shall be published as provided by Section 5.9 of the
24 Breckenridge Town Charter. It shall become effective only if ballot Question "A", concerning
25 the citizens' rights of initiative and referendum, is passed by the voters at the regular Town
26 election to be held April 6, 2010. If such ballot question is passed by the voters, this ordinance
27 shall become effective April 7, 2010. If such ballot question shall not be passed by the voters,
28 this ordinance shall be null, void and of no force or effect.
29

30 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED
31 IN FULL this ____ day of _____, 2010. A Public Hearing shall be held at the regular meeting of
32 the Town Council of the Town of Breckenridge, Colorado on the ___ day of ____, 2010, at 7:30
33 P.M., or as soon thereafter as possible in the Municipal Building of the Town.
34

35 TOWN OF BRECKENRIDGE, a Colorado
36 municipal corporation
37

38
39
40 By _____
41 John G. Warner, Mayor
42

43 ATTEST:
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Mary Jean Loufek, CMC,
Town Clerk

500-282\Initiative & Referendum Procedures Ordinance_2 (03-01-10)

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen
DATE: March 3, 2010
SUBJECT: Committee Reports for March 9, 2010 Council Packet

The following committee reports were submitted by Town Employees and/or the Town Manager:

Liquor Licensing Authority MJ Loufek March 1, 2010

The Liquor Licensing Authority held a Special Meeting to conduct a hearing on a new liquor license application for Paisano's II, LLC d/b/a Taddeo's. The application was approved and a new license was issued.

Summit Stage Board James Phelps February 24, 2010

Ridership is currently still trending down. Total Ridership for January: decrease of 24.18% under 2009. Para transit Ridership for January: a decrease of 10.65% under 2009. Late night Ridership for January: decrease of 8.40% under 2009. Lake County (Contracted Route) Ridership – 248 riders. Tax Collections January through November 2009 are down 15.5% under same period collections for 2009 or -\$1,076,568.

The Summit Stage will begin the Summer Schedule on April 10th, 2010.

The Lake County route (contractor Summit Stage) has had only 248 riders since its inception. The upcoming summer schedule contains some revisions to tighten up the time frames so that users won't have to wait quite so long. The service is not working at all for Copper employees (although the summer schedule may be a little better). Copper realizes that the route is a Frisco-Leadville route and not specifically designed for Copper employees. However, they are in the process of issuing a survey to their employees asking, among other things, if it is the hours of service or the cost that is keeping them off the bus. There was some talk amongst Board members to change to the summer schedule for this route now. However, this would adversely impact connections with other routes and the summer service will start in about six weeks.

Summit Cove Survey Results have been evaluated. The BOD recognizes this route as a non-performing route that leaves the Stage with two options per their operations plan. 1. Terminate the route or 2. Reconfigure the route to increase ridership and improve performance. The Board wants to reconfigure the route if possible because it does meet some needs and is politically beneficial. The BOD is recommending the route to go over Swan Mountain to the County Commons. A few advantages are:

- Would shorten travel time and reduce transfers for Summit Cove residents
- Would not increase costs and may provide some modest cost savings
- Would be a benefit for the high school ridership
- Would be a benefit for those living in Summit Cove but working in Breckenridge – and to all riders traveling the Breckenridge – Keystone corridor

There will be a meeting for public input on Thursday, March 11, 2010, from 5:30 P.M. – 7:00 P.M. at the Snake River Water Treatment Plant. Board Members agree that this input is needed before a final decision can be made.

Verbal Reports to Council

Housing/Childcare Committee Laurie Best

Committees	Representative	Report Status
CAST	Tim Gagen	No Meeting
CDOT	Tim Gagen	No Meeting
CML	Tim Gagen	No Meeting
Summit Leadership Forum	Tim Gagen	No Meeting
Liquor Licensing Authority	MJ Loufek	Included
Wildfire Council	Matt Thompson	No Meeting
Public Art Commission	Jenn Cram	No Meeting
Fire Wise Task Force	Jenn Cram	No Meeting
Summit Stage	James Phelps	Included
Police Advisory Committee	Rick Holman	No Meeting
Housing/Childcare Committee	Laurie Best	Verbal Report

Note: Reports by provided by the Mayor and Council Members are listed in the council agenda.

* Minutes to some meetings will be provided in the Manager's Newsletter.

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

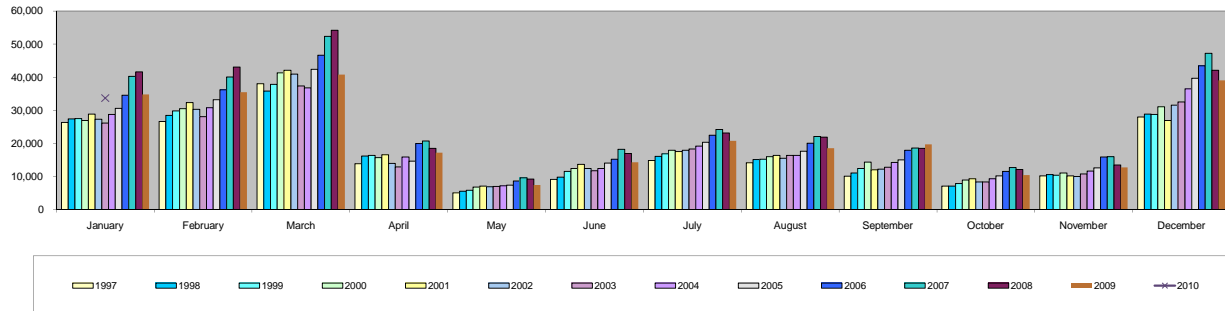
(in Thousands of Dollars)

Total - All Categories*

* excluding Undefined and Utilities categories

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	YTD 2009	YTD 2010	YTD % Change 09-10
January	26,315	27,355	27,490	26,938	28,887	27,264	26,117	28,764	30,549	34,589	40,283	41,665	34,772	33,707	-3.1%	34,772	33,707	-3.1%
February	26,667	28,510	29,777	30,510	32,350	30,295	28,093	30,808	33,171	36,236	40,034	43,052	35,444	0	n/a	70,216	33,707	n/a
March	38,037	35,824	37,843	41,307	42,120	40,962	37,377	36,807	42,370	46,603	52,390	54,237	40,805	0	n/a	111,021	33,707	n/a
April	13,809	16,196	16,407	15,702	16,565	13,982	12,868	15,894	14,635	19,963	20,758	18,483	17,160	0	n/a	128,181	33,707	n/a
May	5,024	5,530	5,822	6,816	7,107	6,914	7,028	7,179	7,355	8,661	9,629	9,251	7,459	0	n/a	135,640	33,707	n/a
June	9,093	9,826	11,561	12,400	13,676	12,426	11,774	12,395	14,043	15,209	18,166	16,988	14,246	0	n/a	149,886	33,707	n/a
July	14,791	16,080	16,899	17,949	17,575	17,909	18,273	19,208	20,366	22,498	24,168	23,160	20,734	0	n/a	170,620	33,707	n/a
August	14,145	15,077	15,253	15,994	16,389	15,508	16,362	16,326	17,625	20,071	22,125	21,845	18,552	0	n/a	189,172	33,707	n/a
September	10,099	11,033	12,427	14,310	12,002	12,224	12,778	14,261	15,020	17,912	18,560	18,481	19,743	0	n/a	208,915	33,707	n/a
October	7,120	7,132	7,880	8,876	9,289	8,323	8,311	9,306	10,170	11,544	12,687	12,120	10,434	0	n/a	219,349	33,707	n/a
November	10,173	10,588	10,340	11,069	10,211	9,942	10,780	11,604	12,647	15,877	15,943	13,483	12,775	0	n/a	232,124	33,707	n/a
December	27,965	28,845	28,736	31,107	26,870	31,564	32,525	36,482	39,687	43,431	47,258	42,076	39,058	0	n/a	271,182	33,707	n/a
Totals	203,238	211,996	220,435	232,978	233,041	227,313	222,286	239,034	257,638	292,594	322,001	314,841	271,182	33,707				

2009 Monthly Sales Tax Activity (in thousands of dollars)



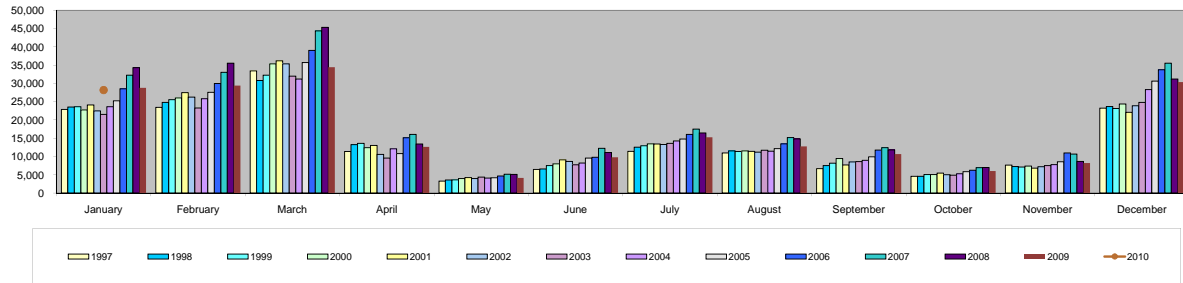
**TOWN OF BRECKENRIDGE
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail-Restaurant-Lodging Summary

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	YTD 2009	YTD 2010	YTD % Change 09-10
January	22,893	23,523	23,629	22,723	24,118	22,465	21,509	23,620	25,240	28,528	32,258	34,290	28,791	28,171	-2.2%	28,791	28,171	-2.2%
February	23,443	24,805	25,532	26,044	27,464	26,258	23,253	25,826	27,553	29,972	33,039	35,511	29,392	0	n/a	58,183	28,171	n/a
March	33,414	30,809	32,254	35,348	36,196	35,344	31,988	31,209	35,705	39,051	44,390	45,338	34,423	0	n/a	34,423	0	n/a
April	11,347	13,256	13,579	12,426	13,029	10,587	9,562	12,102	10,773	15,134	16,025	13,410	12,642	0	n/a	47,065	0	n/a
May	3,264	3,565	3,610	3,949	4,203	3,950	4,331	4,095	4,179	4,647	5,146	5,111	4,109	0	n/a	4,109	0	n/a
June	6,451	6,588	7,513	8,001	9,058	8,619	7,724	8,217	9,568	9,789	12,225	11,112	9,789	0	n/a	13,898	0	n/a
July	11,405	12,527	12,944	13,464	13,406	13,292	13,590	14,248	14,766	16,038	17,499	16,446	15,251	0	n/a	15,251	0	n/a
August	10,981	11,517	11,352	11,542	11,407	11,174	11,717	11,429	12,122	13,446	15,167	14,815	12,755	0	n/a	28,006	0	n/a
September	6,687	7,492	8,160	9,443	7,666	8,513	8,599	8,940	9,897	11,761	12,418	11,794	10,642	0	n/a	10,642	0	n/a
October	4,560	4,578	5,049	5,054	5,425	4,991	4,855	5,257	5,824	6,248	6,934	6,977	6,010	0	n/a	16,652	0	n/a
November	7,617	7,255	7,122	7,352	6,816	7,174	7,511	7,771	8,557	10,963	10,650	8,637	8,200	0	n/a	8,200	0	n/a
December	23,219	23,650	23,124	24,361	22,090	23,901	24,818	28,314	30,619	33,736	35,517	31,211	30,361	0	n/a	38,561	0	n/a
Totals	165,281	169,565	173,868	179,707	180,878	176,268	169,457	181,028	194,803	219,313	241,268	234,652	202,365	28,171				

2009 Monthly Sales Tax Activity (in thousands of dollars)



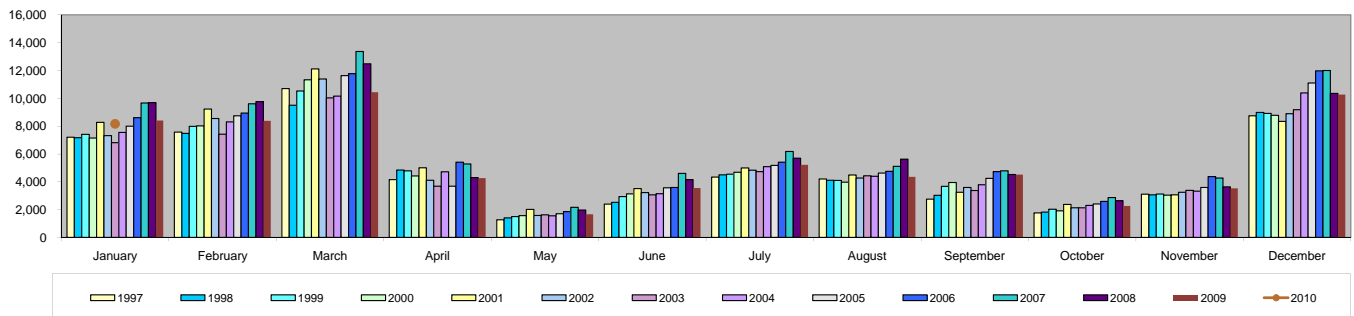
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail Sales

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	7,205	7,173	7,411	7,149	8,271	7,320	6,807	7,545	8,001	8,607	9,665	9,684	8,407	8,162	-2.9%	8,407	8,162	-2.9%
February	7,568	7,474	7,983	8,024	9,231	8,549	7,418	8,312	8,744	8,942	9,607	9,763	8,383	0	n/a	16,790	8,162	n/a
March	10,702	9,507	10,525	11,337	12,116	11,390	10,028	10,162	11,632	11,774	13,373	12,479	10,435	0	n/a	10,435	0	n/a
April	4,156	4,841	4,789	4,423	5,008	4,105	3,679	4,714	3,678	5,406	5,287	4,301	4,262	0	n/a	14,697	0	n/a
May	1,272	1,408	1,492	1,569	2,014	1,583	1,626	1,549	1,708	1,858	2,165	1,965	1,667	0	n/a	1,667	0	n/a
June	2,391	2,521	2,931	3,135	3,514	3,227	3,062	3,140	3,565	3,589	4,597	4,153	3,549	0	n/a	5,216	0	n/a
July	4,336	4,499	4,543	4,678	4,998	4,838	4,732	5,087	5,174	5,403	6,176	5,700	5,216	0	n/a	5,216	0	n/a
August	4,199	4,109	4,100	3,973	4,492	4,269	4,429	4,397	4,620	4,757	5,110	5,631	4,352	0	n/a	9,568	0	n/a
September	2,753	3,021	3,671	3,944	3,242	3,587	3,370	3,781	4,249	4,726	4,783	4,527	4,516	0	n/a	4,516	0	n/a
October	1,759	1,815	2,024	1,908	2,374	2,132	2,127	2,298	2,404	2,591	2,866	2,635	2,265	0	n/a	6,781	0	n/a
November	3,108	3,060	3,124	3,041	3,057	3,249	3,378	3,326	3,586	4,376	4,267	3,641	3,524	0	n/a	3,524	0	n/a
December	8,746	8,985	8,919	8,782	8,338	8,893	9,184	10,388	11,099	11,971	12,000	10,358	10,268	0	n/a	13,792	0	n/a
Totals	58,195	58,413	61,512	61,963	66,655	63,142	59,840	64,699	68,460	74,000	79,896	74,837	66,844	8,162				

2009 Monthly Sales Tax Activity (in thousands of dollars)



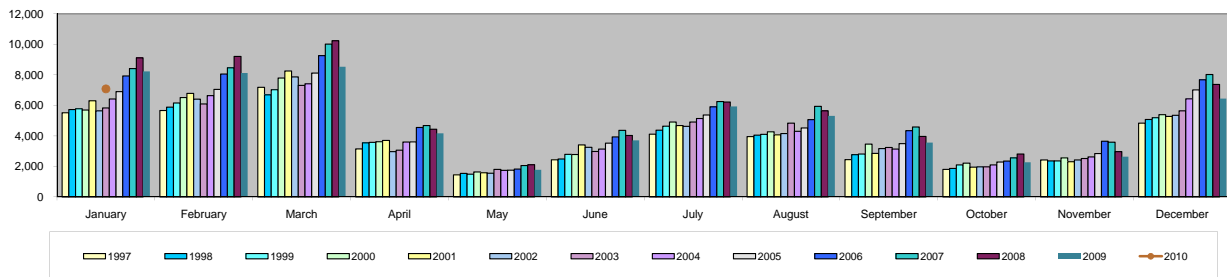
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Restaurants/Bars

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	5,515	5,723	5,784	5,697	6,300	5,644	5,835	6,425	6,897	7,924	8,414	9,117	8,229	7,083	-13.9%	8,229	7,083	-13.9%
February	5,667	5,880	6,162	6,519	6,783	6,412	6,092	6,637	7,047	8,058	8,467	9,208	8,127	0	n/a	16,356	7,083	n/a
March	7,180	6,688	7,031	7,792	8,258	7,870	7,307	7,413	8,117	9,256	10,015	10,240	8,527	0	n/a	8,527	0	n/a
April	3,149	3,548	3,576	3,624	3,706	2,967	3,068	3,595	3,609	4,552	4,678	4,440	4,173	0	n/a	12,700	0	n/a
May	1,454	1,541	1,492	1,641	1,590	1,561	1,808	1,746	1,760	1,832	2,058	2,107	1,783	0	n/a	1,783	0	n/a
June	2,437	2,488	2,796	2,779	3,413	3,257	2,982	3,136	3,525	3,938	4,370	4,030	3,712	0	n/a	5,495	0	n/a
July	4,113	4,380	4,639	4,910	4,675	4,632	4,913	5,138	5,375	5,905	6,249	6,218	5,931	0	n/a	5,931	0	n/a
August	3,953	4,056	4,106	4,270	4,068	4,156	4,832	4,302	4,521	5,067	5,933	5,639	5,319	0	n/a	11,250	0	n/a
September	2,452	2,770	2,814	3,468	2,860	3,169	3,249	3,138	3,498	4,340	4,585	3,971	3,563	0	n/a	3,563	0	n/a
October	1,807	1,870	2,097	2,220	1,959	1,977	1,978	2,100	2,290	2,352	2,564	2,818	2,279	0	n/a	5,842	0	n/a
November	2,428	2,364	2,367	2,558	2,307	2,425	2,520	2,624	2,841	3,651	3,593	2,972	2,641	0	n/a	2,641	0	n/a
December	4,834	5,076	5,191	5,393	5,275	5,354	5,646	6,428	7,017	7,681	8,028	7,371	6,447	0	n/a	9,088	0	n/a
Totals	44,989	46,384	48,055	50,871	51,194	49,424	50,230	52,682	56,497	64,556	68,954	68,131	60,731	7,083				

2009 Monthly Sales Tax Activity (in thousands of dollars)



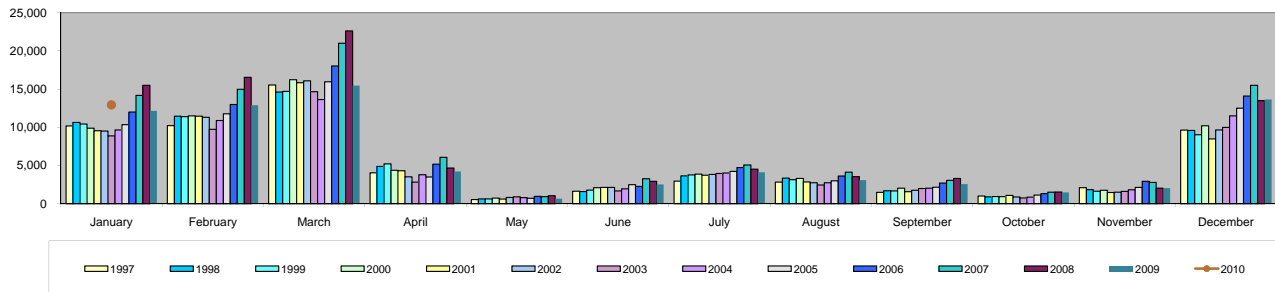
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Short-Term Lodging

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	10,173	10,627	10,434	9,877	9,547	9,501	8,867	9,650	10,342	11,997	14,179	15,489	12,155	12,926	6.3%	12,155	12,926	6.3%
February	10,208	11,451	11,387	11,501	11,450	11,297	9,743	10,877	11,762	12,972	14,965	16,540	12,882	0	n/a	25,037	12,926	n/a
March	15,532	14,614	14,698	16,219	15,822	16,084	14,653	13,634	15,956	18,021	21,002	22,619	15,461	0	n/a	15,461	0	n/a
April	4,042	4,867	5,214	4,379	4,315	3,515	2,815	3,793	3,486	5,176	6,060	4,669	4,207	0	n/a	19,668	0	n/a
May	538	616	626	739	599	806	897	800	711	957	923	1,039	659	0	n/a	659	0	n/a
June	1,623	1,579	1,786	2,087	2,131	2,135	1,680	1,941	2,478	2,262	3,258	2,929	2,528	0	n/a	3,187	0	n/a
July	2,956	3,648	3,762	3,876	3,733	3,822	3,945	4,023	4,217	4,730	5,074	4,528	4,104	0	n/a	4,104	0	n/a
August	2,829	3,352	3,146	3,299	2,847	2,749	2,456	2,730	2,981	3,622	4,124	3,545	3,084	0	n/a	7,188	0	n/a
September	1,482	1,701	1,675	2,031	1,564	1,757	1,980	2,021	2,150	2,695	3,050	3,296	2,563	0	n/a	2,563	0	n/a
October	994	893	928	926	1,092	882	750	859	1,130	1,305	1,504	1,524	1,466	0	n/a	4,029	0	n/a
November	2,081	1,831	1,631	1,753	1,452	1,500	1,613	1,821	2,130	2,936	2,790	2,024	2,035	0	n/a	2,035	0	n/a
December	9,639	9,589	9,014	10,186	8,477	9,654	9,988	11,498	12,503	14,084	15,489	13,482	13,646	0	n/a	15,681	0	n/a
Totals	62,097	64,768	64,301	66,873	63,029	63,702	59,387	63,647	69,846	80,757	92,418	91,684	74,790	12,926				

2009 Monthly Sales Tax Activity (in thousands of dollars)



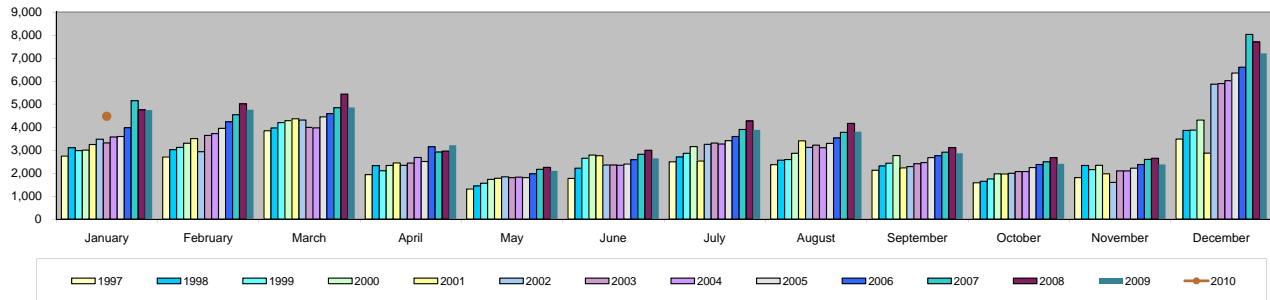
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Grocery/Liquor Stores

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	2,746	3,104	2,977	2,999	3,242	3,472	3,314	3,570	3,589	3,977	5,149	4,744	4,741	4,472	-5.7%	4,741	4,472	-5.7%
February	2,702	3,020	3,119	3,296	3,501	2,931	3,643	3,714	3,949	4,233	4,536	5,009	4,755	0	n/a	9,496	4,472	n/a
March	3,839	3,960	4,199	4,282	4,366	4,311	3,988	3,968	4,449	4,585	4,844	5,436	4,852	0	n/a	4,852	0	n/a
April	1,937	2,325	2,105	2,330	2,441	2,336	2,437	2,682	2,503	3,149	2,920	2,959	3,213	0	n/a	8,065	0	n/a
May	1,309	1,440	1,558	1,728	1,779	1,836	1,801	1,823	1,806	1,969	2,169	2,246	2,100	0	n/a	2,100	0	n/a
June	1,772	2,214	2,648	2,784	2,760	2,352	2,354	2,341	2,392	2,584	2,822	2,990	2,643	0	n/a	4,743	0	n/a
July	2,494	2,701	2,862	3,152	2,527	3,253	3,303	3,266	3,414	3,588	3,899	4,264	3,881	0	n/a	3,881	0	n/a
August	2,364	2,559	2,587	2,861	3,404	3,117	3,216	3,103	3,292	3,529	3,771	4,161	3,807	0	n/a	7,688	0	n/a
September	2,122	2,311	2,430	2,765	2,231	2,284	2,409	2,456	2,671	2,757	2,908	3,113	2,864	0	n/a	2,864	0	n/a
October	1,584	1,644	1,748	1,969	1,965	1,990	2,066	2,069	2,239	2,372	2,494	2,673	2,408	0	n/a	5,272	0	n/a
November	1,804	2,330	2,152	2,339	1,970	1,597	2,096	2,096	2,214	2,377	2,600	2,647	2,379	0	n/a	2,379	0	n/a
December	3,477	3,858	3,869	4,305	2,865	5,868	5,897	6,017	6,356	6,604	8,028	7,705	7,203	0	n/a	9,582	0	n/a
Totals	28,150	31,466	32,254	34,810	33,051	35,347	36,524	37,105	38,874	41,724	46,140	47,947	44,846	4,472				

2009 Monthly Sales Tax Activity (in thousands of dollars)



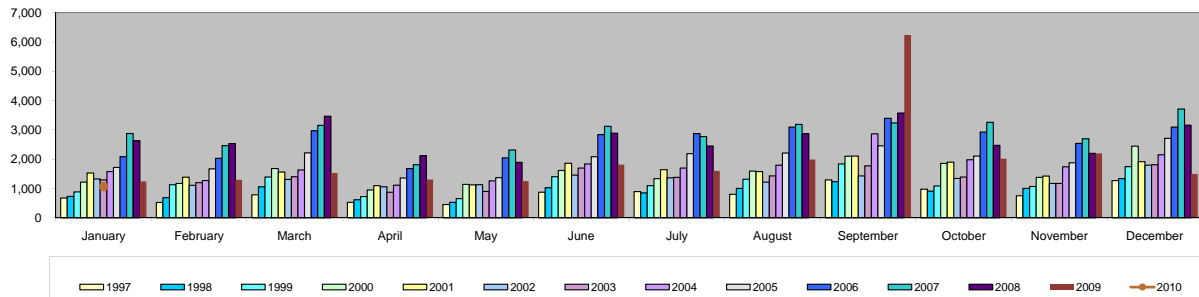
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Supplies

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	676	728	884	1,216	1,527	1,327	1,294	1,574	1,720	2,084	2,876	2,631	1,240	1,064	-14.2%	1,240	1,064	-14.2%
February	522	685	1,126	1,170	1,385	1,106	1,197	1,268	1,669	2,031	2,459	2,532	1,297	0	n/a	2,537	1,064	n/a
March	784	1,055	1,390	1,677	1,558	1,307	1,401	1,630	2,216	2,967	3,156	3,463	1,530	0	n/a	1,530	0	n/a
April	525	615	723	946	1,095	1,059	869	1,110	1,359	1,680	1,813	2,114	1,305	0	n/a	2,835	0	n/a
May	451	525	654	1,139	1,125	1,128	896	1,261	1,370	2,045	2,314	1,894	1,250	0	n/a	1,250	0	n/a
June	870	1,024	1,400	1,615	1,858	1,455	1,696	1,837	2,083	2,836	3,119	2,886	1,814	0	n/a	3,064	0	n/a
July	892	852	1,093	1,333	1,642	1,364	1,380	1,694	2,186	2,872	2,770	2,450	1,602	0	n/a	1,602	0	n/a
August	800	1,001	1,314	1,591	1,578	1,217	1,429	1,794	2,211	3,096	3,187	2,869	1,990	0	n/a	3,592	0	n/a
September	1,290	1,230	1,837	2,102	2,105	1,427	1,770	2,865	2,452	3,394	3,234	3,574	6,237	0	n/a	6,237	0	n/a
October	976	910	1,083	1,853	1,899	1,342	1,390	1,980	2,107	2,924	3,259	2,470	2,016	0	n/a	8,253	0	n/a
November	752	1,003	1,066	1,378	1,425	1,171	1,173	1,737	1,876	2,537	2,693	2,199	2,196	0	n/a	2,196	0	n/a
December	1,269	1,337	1,743	2,441	1,915	1,795	1,810	2,151	2,712	3,091	3,713	3,160	1,494	0	n/a	3,690	0	n/a
Totals	9,807	10,965	14,313	18,461	19,112	15,698	16,305	20,901	23,961	31,557	34,593	32,242	23,971	1,064				

2009 Monthly Sales Tax Activity (in thousands of dollars)



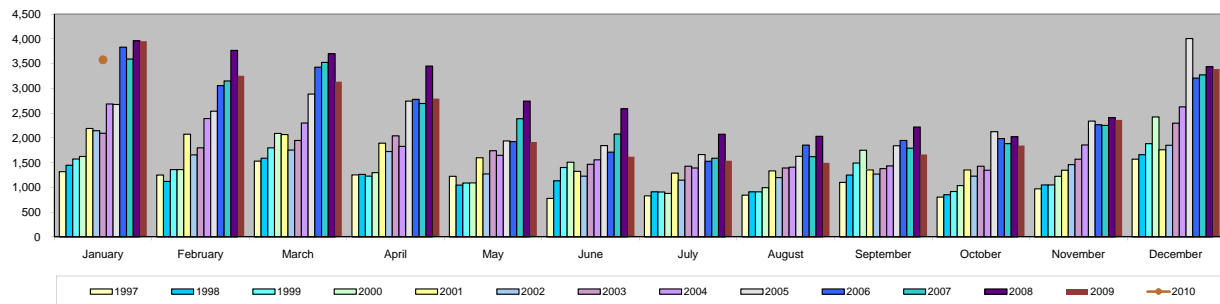
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Utilities

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	1,320	1,446	1,575	1,625	2,191	2,144	2,093	2,684	2,675	3,829	3,591	3,961	3,950	3,576	-9.5%	3,950	3,576	-9.5%
February	1,250	1,121	1,360	1,359	2,075	1,659	1,800	2,391	2,540	3,056	3,149	3,765	3,253	0	n/a	7,203	3,576	n/a
March	1,533	1,591	1,799	2,090	2,067	1,754	1,947	2,299	2,883	3,428	3,525	3,699	3,134	0	n/a	3,134	0	n/a
April	1,255	1,262	1,227	1,299	1,894	1,724	2,040	1,827	2,741	2,778	2,694	3,448	2,792	0	n/a	5,926	0	n/a
May	1,226	1,047	1,089	1,091	1,599	1,272	1,740	1,647	1,939	1,926	2,386	2,742	1,917	0	n/a	1,917	0	n/a
June	780	1,133	1,402	1,510	1,325	1,228	1,466	1,558	1,846	1,713	2,078	2,588	1,620	0	n/a	3,537	0	n/a
July	830	913	907	880	1,289	1,147	1,427	1,394	1,663	1,529	1,588	2,075	1,539	0	n/a	1,539	0	n/a
August	844	910	913	994	1,336	1,198	1,393	1,408	1,629	1,854	1,621	2,031	1,497	0	n/a	3,036	0	n/a
September	1,103	1,249	1,494	1,752	1,354	1,271	1,381	1,435	1,843	1,949	1,792	2,219	1,667	0	n/a	1,667	0	n/a
October	804	854	917	1,039	1,353	1,227	1,429	1,348	2,127	1,987	1,883	2,026	1,845	0	n/a	3,512	0	n/a
November	974	1,049	1,052	1,225	1,348	1,461	1,569	1,856	2,340	2,264	2,251	2,411	2,364	0	n/a	2,364	0	n/a
December	1,570	1,661	1,885	2,423	1,760	1,852	2,297	2,627	4,005	3,206	3,271	3,435	3,388	0	n/a	5,752	0	n/a
Totals	13,489	14,236	15,620	17,287	19,591	17,937	20,582	22,474	28,231	29,519	29,829	34,400	28,966	3,576				

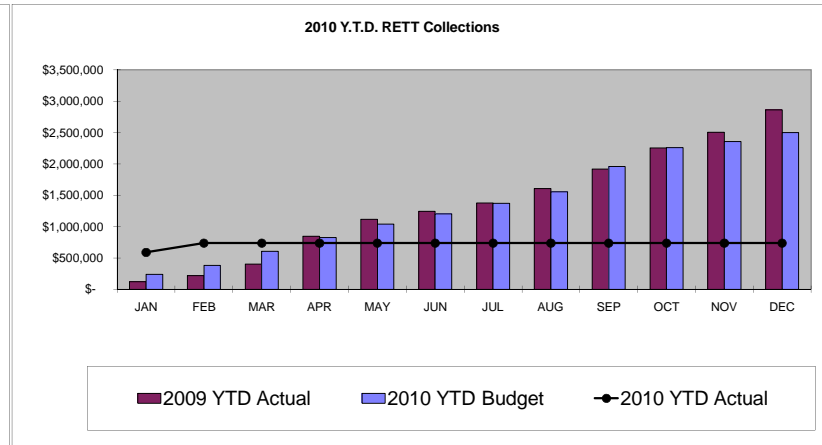
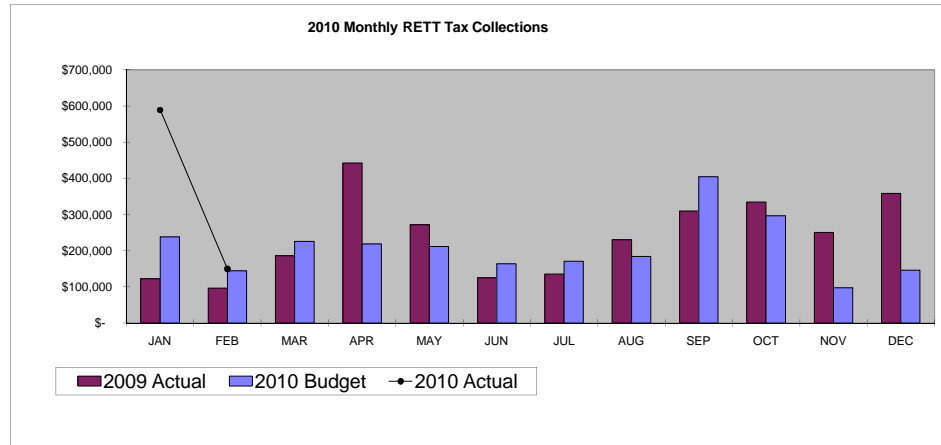
2009 Monthly Sales Tax Activity (in thousands of dollars)



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


Sales Period	2007 Collections			2009 Collections			2010 Budget			2010 Monthly				2010 Year to Date			
	Tax Collected	Year To Date	Percent of Total	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	% Change from 2007	% Change from 2008	Actual	% of Budget	% Change from 2007	% Change from 2009
JAN	\$ 352,958	\$ 352,958	6.2%	\$ 122,238	\$ 122,238	4.3%	\$ 237,814	\$ 237,814	9.51%	\$ 588,874	247.6%	66.8%	381.7%	\$ 588,874	23.6%	66.8%	381.7%
FEB	342,995	695,953	12.3%	96,379	218,617	7.6%	144,335	382,149	15.29%	149,303	103.4%	-56.5%	54.9%	738,178	29.5%	6.1%	237.7%
MAR	271,817	967,770	17.1%	185,714	404,331	14.1%	225,613	607,762	24.31%	-	0.0%	n/a	n/a	738,178	29.5%	-23.7%	82.6%
APR	564,624	1,532,394	27.0%	442,039	846,370	29.6%	218,626	826,388	33.06%	-	0.0%	n/a	n/a	738,178	29.5%	-51.8%	-12.8%
MAY	533,680	2,066,074	36.4%	271,393	1,117,763	39.1%	211,243	1,037,631	41.51%	-	0.0%	n/a	n/a	738,178	29.5%	-64.3%	-34.0%
JUN	522,999	2,589,073	45.6%	124,822	1,242,585	43.4%	163,352	1,200,983	48.04%	-	0.0%	n/a	n/a	738,178	29.5%	-71.5%	-40.6%
JUL	343,610	2,932,683	51.7%	135,393	1,377,977	48.2%	170,942	1,371,925	54.88%	-	0.0%	n/a	n/a	738,178	29.5%	-74.8%	-46.4%
AUG	594,349	3,527,032	62.1%	230,014	1,607,991	56.2%	183,756	1,555,681	62.23%	-	0.0%	n/a	n/a	738,178	29.5%	-79.1%	-54.1%
SEP	711,996	4,239,028	74.7%	309,701	1,917,692	67.0%	404,440	1,960,121	78.40%	-	0.0%	n/a	n/a	738,178	29.5%	-82.6%	-61.5%
OCT	392,752	4,631,779	81.6%	334,899	2,252,591	78.7%	296,502	2,256,623	90.26%	-	0.0%	n/a	n/a	738,178	29.5%	-84.1%	-67.2%
NOV	459,147	5,090,926	89.7%	250,106	2,502,697	87.5%	97,454	2,354,077	94.16%	-	0.0%	n/a	n/a	738,178	29.5%	-85.5%	-70.5%
DEC	\$ 584,308	\$ 5,675,235	100.0%	\$ 358,422	\$ 2,861,119	100.0%	\$ 145,922	2,500,000	100.00%	\$ -	0.0%	n/a	n/a	\$ 738,178	29.5%	-87.0%	-74.2%

February #s are as of 2/28/10





MEMORANDUM

To: Mayor and Town Council
From: Tim Gagen, Town Manager 
CC: Kate Boniface
Date: March 1, 2010
Subject: *I-70 Coalition Funding Request*

The I-70 Coalition Board of Directors has recently completed the hiring of a new Executive Director and the setting of goals for the next couple of years. During this process, it became clear that the mission of the Coalition was changing from an advocacy group trying to get the best preferred alternative for the final PEIS, to implementation and acquiring future funding for I-70 improvements, AGS and TDM activities.

This shifting of focus could well result in a different organization and expanded membership over the next several years. To best prepare for these changes, the Board of Directors has recommended that the Coalition undertake the development of a strategic business, fundraising and communication plan this year. This effort will also provide for the meaningful reengagement of our members to ensure that the Coalition is meeting the needs of all of our members.

To accomplish this planning, the Board of Directors is asking members for a special assessment to fund the effort. Breckenridge's share would be \$1,746. As a member of the Board of Directors, I support the planning effort and the special assessment request. 2010 is a pivotal year as the Coalition reassesses the organization and prepares for the next five years, so that actual work can begin on the I-70 corridor. If Council is supportive of this undertaking, I do not plan to ask for any additional appropriation at this time, as I would hope to cover the assessment within the existing approved budget.

I have attached additional material regarding the planning process that has been developed by the Board of Directors. I will raise this issue under my manager's report on Tuesday.

Attachments



February 24, 2010

Dear I-70 Coalition Members,

The I-70 Board of Directors (BOD) would like to take this opportunity to highlight the significant achievements of the Coalition to date, the current state of the organization and key next steps.

Since 2004, the Coalition has been advocating for the advancement of local and regional transportation issues impacting the I-70 mountain corridor and off corridor communities. Key Coalition accomplishments include: establishing the Coalition as a political steward for the I-70 Corridor; completing projects and reports such as the Travel Demand Management and Construction Mitigation, UrbanTrans Organizational Structure, Land Use Transit Planning, and the Performance Criteria for AGS; participating in state initiatives; securing funding; and advocating for the preferred alternative, including strategic highway expansion and AGS.

With the start of 2010 and as a follow up to the January Coalition meeting, the BOD initiated planning discussions. As a result of the February BOD meeting, we have deemed it necessary to conduct a 6-month strategic and business planning process with all Coalition members and communities on and off the corridor. We are confident this process will achieve the following outcomes:

- Expand the mission and purpose.
- Identify strategic direction.
- Mobilize members and stakeholders.
- Develop an organizational structure and sustainable operations.
- Position for long term sustainability and success.
- Increase funding and visibility of coalition.
- Increase implementation of effective solutions included in the ROD, when available.

As you are aware, the intergovernmental agreements with the I-70 Coalition allows for special assessments. At this pivotal juncture with the organization, the Board of Directors has made a determination that a special assessment is reasonable and necessary for continued success and sustainability. We'd like to request a total of \$50,000 from Coalition members to adequately fund a team of consultants to develop a strategic, business, fundraising and communication plans. Such plans will serve as a foundation to strategically advance the organization and solidify steps to execute our mission.

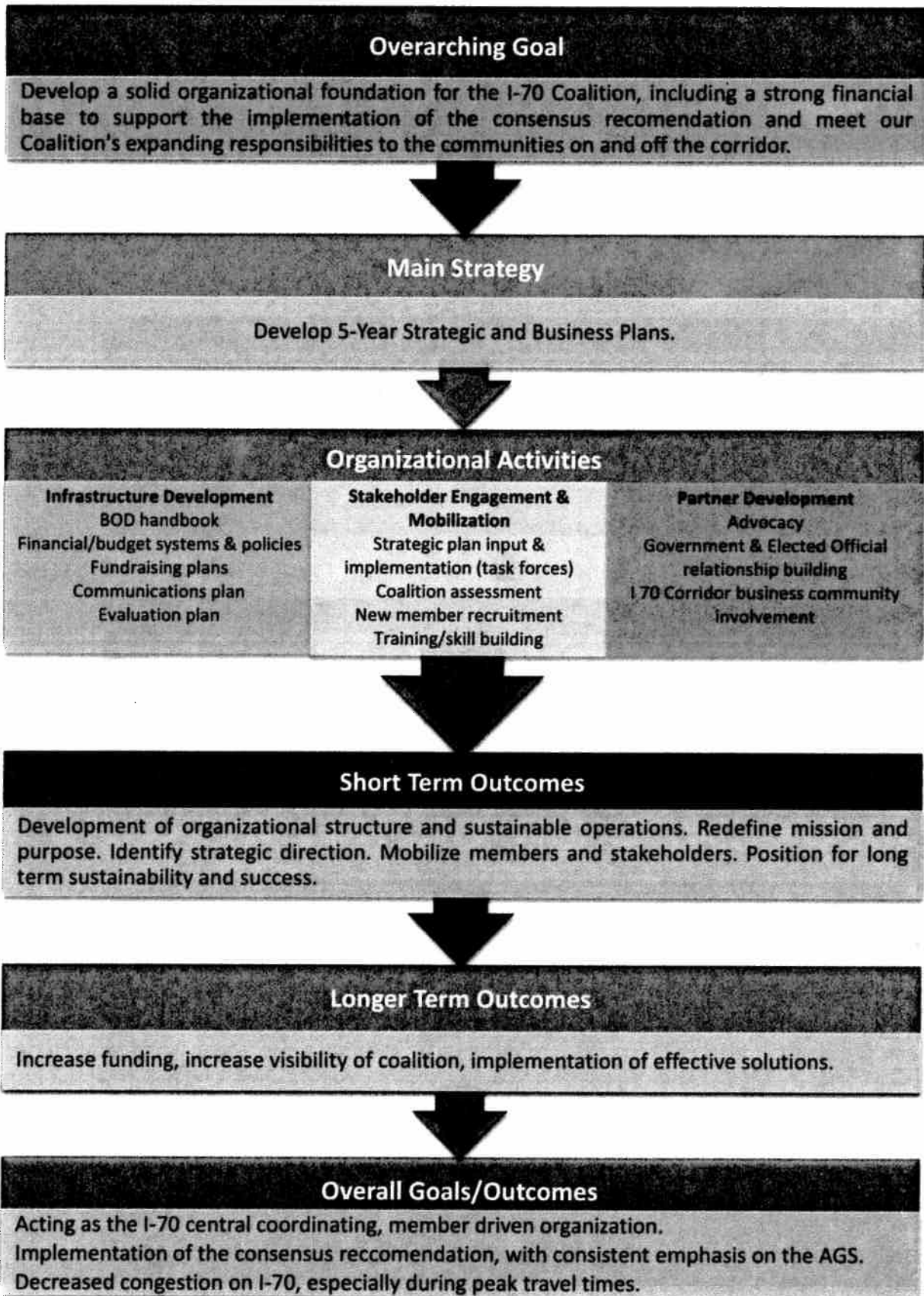
Specific member's contributions are identified in the attached table, which correlates to the membership dues equation. We understand that many organizations are experiencing budget shortfalls and appreciate any contributions; equally important is your participation in the planning process over the next 6 months.

We appreciate your consideration and support. Additional details will be provided at the Coalition meeting scheduled Thursday, March 11 from 1:00-3:00pm at the Silverthorne Library. Please do not hesitate to contact Michael Penny, Chair or Rachel Oys, Executive Director.

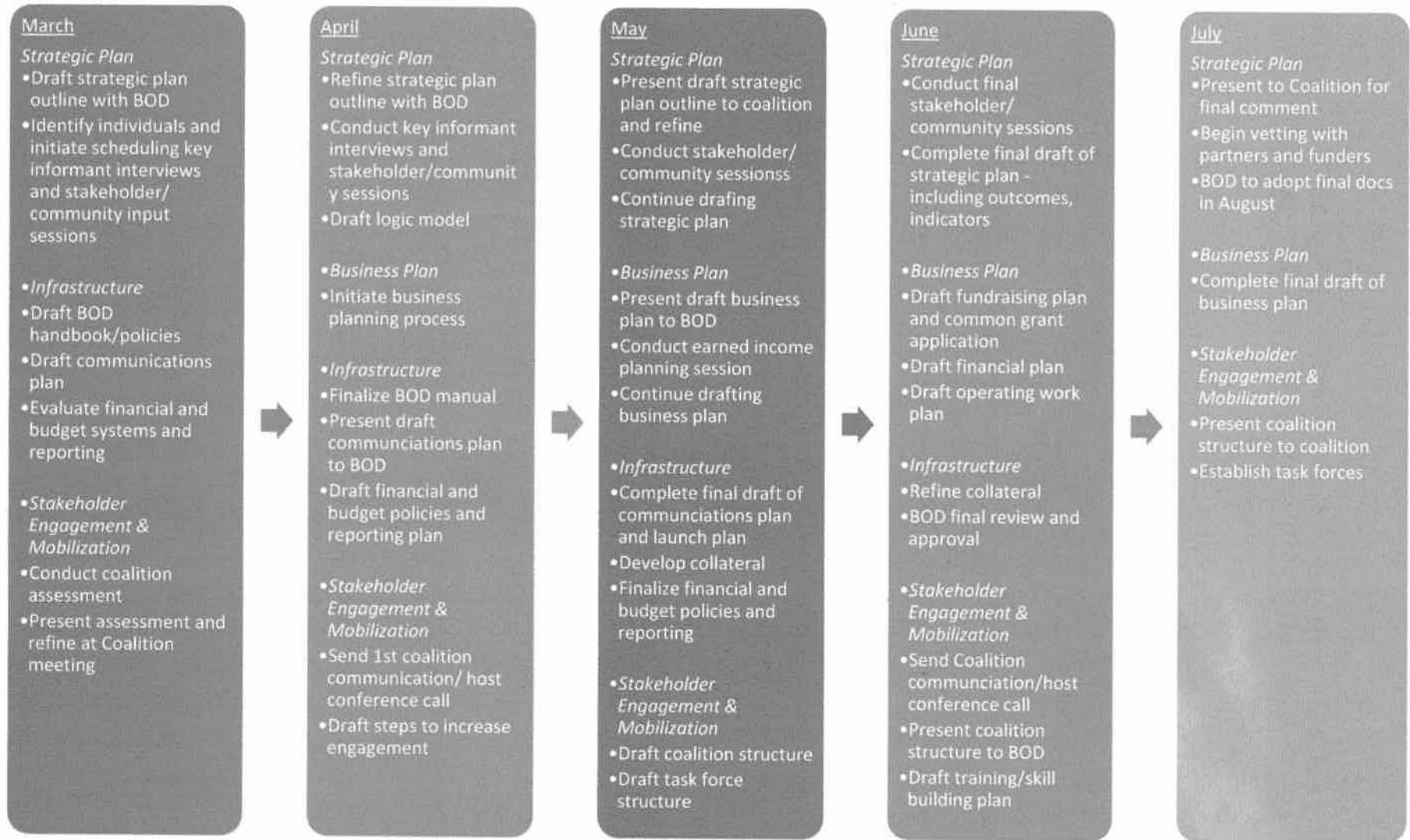
Sincerely,

Michael Penny

I-70 Coalition Member Proposed Assessment			
	Proposed 2010		Proposed 2010
	Assessment		Assessment
COUNTIES		MUNICIPALITIES	
Clear Creek	\$ 5,700	City of Aspen	\$ 1,271
Eagle County	\$ 5,700	Town of Avon	\$ 1,746
Garfield County	\$ 5,700	Town of Breckenridge	\$ 1,746
Grand County	\$ 2,850	Town of Carbondale	\$ 349
Jefferson County	\$ 2,850	Town of Dillon	\$ 499
Summit County	\$ 5,700	Town of Eagle	\$ 879
Total County	\$ 28,500	Town of Empire	\$ 72
		Town of Fraser	\$ 88
PRIVATE SECTOR		Town of Frisco	\$ 998
Intrawest, Colorado	\$ 750	Town of Georgetown	\$ 250
Powdr-Copper Mtn	\$ 750	City of Glenwood Springs	\$ 879
DRCOG	\$ -	City of Golden	\$ 748
Gart Companies	\$ -	Town of Grand Lake	\$ 76
Vail Resorts	\$ 4,988	City of Idaho Springs	\$ 368
Total Private Sector	\$ 6,488	City of Leadville	\$ 126
		Town of Minturn	\$ 250
		Town of Silver Plume	\$ 48
	Proposed Assessment	Town of Silverthorne	\$ 1,497
Total Commitment	\$ 49,636	Town of Winter Park	\$ 150
		Town of Vail	\$ 2,613
		Total Municipalities	\$ 14,648



Internal Work Plan March -July 2010



GOAL: Develop a solid organizational foundation for the I-70 Coalition, including a strong financial base to support the implementation of the consensus recommendation and meet our Coalition's expanding responsibilities to the community.

Objective: Ensure clear strategic and operating direction.

Tasks: Develop Strategic Plan

Revise/develop vision, mission, goals, strategies, action items, guiding principles

Draft Strategic Plan outline

Draft I-70 Coalition in Review

Draft outcomes and logic model

Develop and execute external input plan

Develop broad stakeholder list

Identify participants for interview and group input session

Conduct stakeholder/member input sessions

Schedule interviews

Schedule group input sessions

Develop slides for interviews and sessions

Develop questions for interviews and sessions

Conduct interviews

Conduct group input sessions

Develop online survey questions

Conduct survey

Compile information and findings

Provide thematic feedback to BOD and Coalition

Revise draft strategic plans with BOD/Coalition guidance

Finalize and Vet strategic plan

Adopt and publicize strategic plan

Tasks: Develop business plan

Conduct market research

Conduct analysis of nonprofit and government organizations involved in transportation

Develop a map of existing coalition members

Conduct market research to gauge market demographics and for I-70 Coalition services

Identify key competitors

Develop strategies for competitors

Develop earned income strategy

Identify potential participants for earned income brainstorm

Schedule earned income brainstorm

Conduct earned income brainstorm

Present to BOD to identify short list of ventures to conduct further analysis

Conduct initial marketing of feasibility

Prepare earned income plan with strategies and financial projections

Develop fundraising plan

- Conduct partnership research
- Conduct analysis of membership dues structures
- Conduct prospect research of funders
- Develop funders database
- Develop a general operating grant template
- Develop operating work plan*
 - Review all data and decisions re: business/operating model
 - Develop a series of goals and objectives for the next 3-5 years
 - Develop a series of tactical steps for year 1
- Develop financial plan*
 - Develop revenue and expense assumptions from market and fundraising plan
 - Determine need for refining accounting systems
 - Develop interactive 5-year financial projections
- Compile findings and model into business plan*
 - Draft 5 year business plan
- Present plan to BOD for feedback and finalization*

Objective: Ensure financial, legal and ethical integrity and maintain accountability.

Tasks: Develop BOD handbook and documents

- Draft history*
- Develop BOD statement of understanding and position description*
 - Draft statement of understanding and position description
 - Present to BOD for adoption
- Draft BOD handbook*
 - Develop outline of handbook and documents
 - Draft policies (such as committee structures, conflict of interest, anti-discrimination, Director compensation, attendance, whistleblower)
 - Present draft to BOD for review
- Revise and finalize handbook*
 - Present to BOD for adoption

Tasks: Develop effective communication strategies between the BOD, its members, and the general public.

- Develop communications plan and identified collateral*
 - Develop letterhead
 - Develop PowerPoint template
 - Develop Coalition e-newsletter
 - Develop website map for revised content
 - Develop membership/partner packets
 - Develop media packets
 - Develop sponsor packets
 - Develop member/partner outreach plan (communications plan)

Tasks: Develop financial and budget system and policies

- Conduct financial system analysis (accountability, reporting, grant tracking, grant application)*
 - Review current and establish revised accounting system
 - Review current and establish revisions to chart of accounts
- Draft financial policies and procedures (including accounting system processes)*
 - Draft internal control, investment, whistleblower, grant tracking, income receipt, audit/review, purchasing, contracting policies, etc.

Track business plan development for incorporation into system and policies
Develop budget policies and procedures
 Establish budget monitoring procedures
 Identify general income ratios (membership, grant, partnership, earned income percentages)
 Identify general expense categories
 Identify budget development and reporting procedures
Conduct financial reporting needs analysis (grant reporting, BOD, external)
 Conduct financial statement planning
 Identify frequency of reporting (BOD, grants, stakeholder)
 Develop reports
Implement financial model from business plan
 Submit grant proposals
 Initiate earned income development

Objective: Ensure appropriate stakeholder engagement and mobilize partners to action.

Tasks: Conduct coalition assessment

Conduct survey of coalition members (past and present), partners, etc.
 Develop survey
 Administer survey
 Compile results and present findings to BOD and Coalition
Conduct survey of community members potentially impacted by I-70 work.
 Develop survey
 Administer survey
 Compile results and present findings to BOD and Coalition
Revise Coalition structure according to survey results and BOD/Coalition feedback
 Determine membership strategies and dues structure
 Identify and define necessary work groups
Present Coalition structure to BOD and Coalition for approval
Identify member recruitment strategies
 Initiate member recruitment strategies

Tasks: Mobilize stakeholders, partners and community

Identify action steps to increase engagement
Establish task forces
 Select appropriate members for task forces
 Develop task force group charters and expected outcomes
 Conduct task force meetings
Implement communication plan as developed

Tasks: Develop capacity building and training plan

Identify members, stakeholders, BOD community training needs
 Utilize collected data to develop training plan
Develop training schedule
Implement training schedule

Objective: Encourage a close working relationship between government, its elected officials and the greater I-70 business community.

Tasks: Participate in the CDOT I-70 PEIS

I-70 Final PEIS

I-70 PEIS Project Leadership Team
I-70 Context Sensitive Solutions Guideline Development Process
I-70 Collaborative Effort
I-70 Pre-Tier 2 Study Efforts

Tasks: Participate in the development CDOT Division of Transit and Rail.

Interim Advisory Committee
FRA Funding Applications
FRA State Rail Plan
Statewide Transit Plan
RTD Interconnectivity Plan
Follow-On Study to RMRA Colorado High Speed Rail Feasibility Study
Multi-State High Speed Rail Feasibility Studies (may be include DRCOG)

Tasks: Participate in the CE

Tasks: Participate in the CSS

Tasks: Initiate contact with Hickenlooper and McGinnis

Objective: Ensure organizational effectiveness through monitoring and evaluation of activities.

Tasks: Develop organizational evaluation plan

Identify evaluation tools necessary

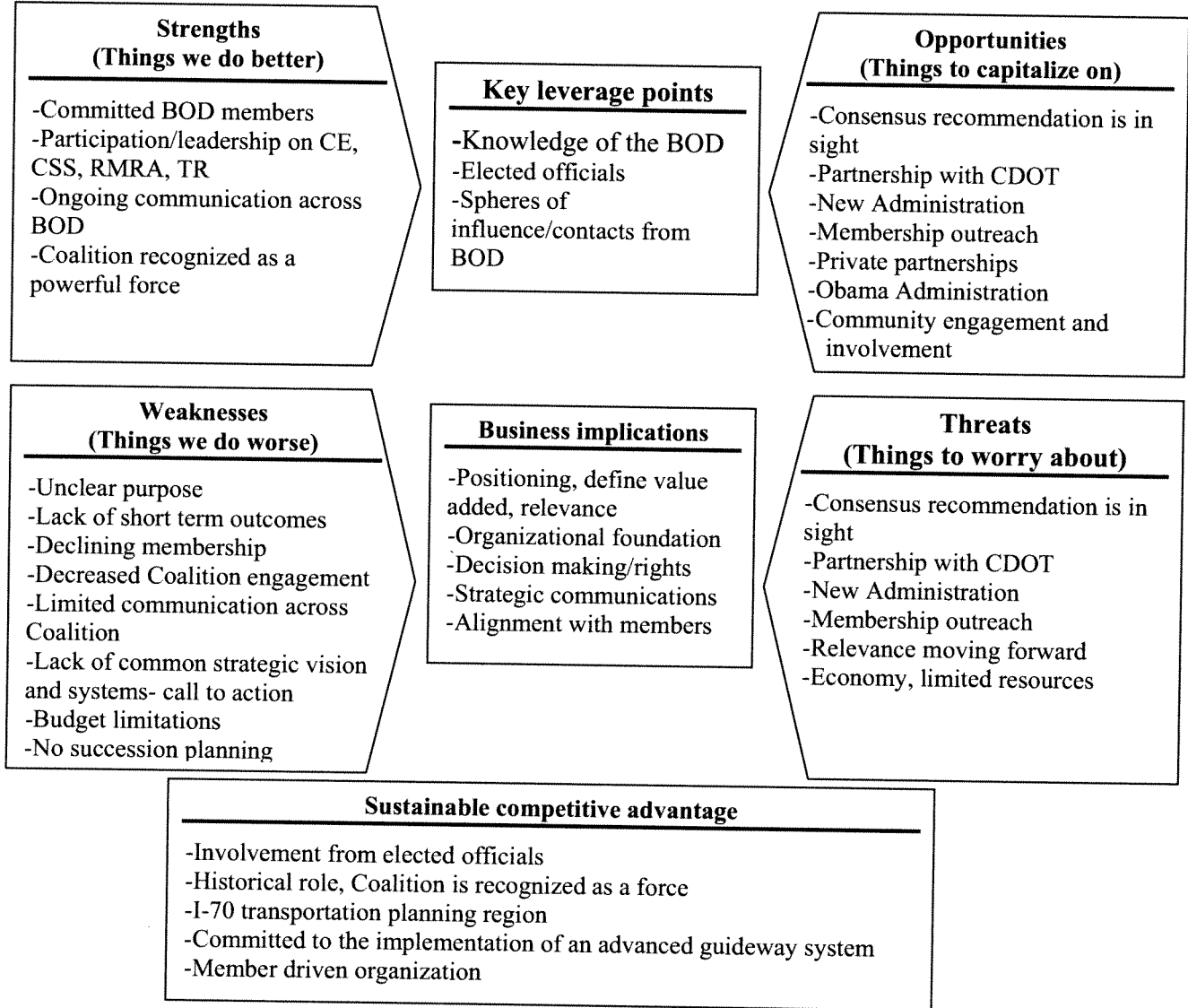
Create evaluation tools

Establish tracking mechanisms

I-70 Coalition SWOT Form

Internal

External



Strengths: Internal to organization; Things we do better
Weaknesses: Internal to organization; Things we do worse
Opportunities: External to organization; Things to capitalize on
Threats: External to organization; Things to worry about

Key Leverage Points:
 Opportunities we can leverage our strengths against (where play to win)

Business Implications:
 Threats our weaknesses make us vulnerable to (where play not to lose)

Sustainable Competitive Advantages:
 Key leverage points that can be sustained over extended period of time

MEMORANDUM

To: Mayor and Town Council
From: Finance Department
Date: March 3, 2010
Subject: Real Estate Transfer Tax Administrative Regulations

Purpose: The attached administrative regulations have been prepared for Council's review. These regulations are intended to provide guidance and clarification to staff and to the public on how the Town applies Chapter 3 of Title 3 of the Breckenridge Town Code, regarding Real Estate Transfer Tax. The adoption of the regulations should allow for efficiency, consistency, and effective enforcement of the Town's Real Estate Transfer Tax Ordinance.

Description: Enclosed with this memo are the proposed RETT administrative regulations. The points of note include guidance on the definition of consideration as included in the Breckenridge Town Code, formalized hours of RETT processing for the sake of efficiency, examples of supporting documentation for approval of an exemption from RETT, and allowance for the submittal of an application for exemption after recording under circumstances where good cause is proven. Staff expects that the clarification and guidance provided in these regulations will facilitate an improved and more transparent process for the public. The guidelines are also intended to prevent potential disputes related to any misinterpretations of the Code.

Recommended Action: We ask that Council review and adopt the attached regulations. Staff will be present during the March 9th Work Session to respond to any questions that Council may have. No action is requested for tonight's meeting, but with Council's approval we will add it to the agenda for the March 23rd evening Council Meeting.

1 ADMINISTRATIVE RULES AND REGULATIONS CONCERNING TOWN OF
2 BRECKENRIDGE “REAL ESTATE TRANSFER TAX ORDINANCE”
3

- 4 1. **Effective Date.** These regulations are effective March 23, 2010.
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 3-3-9(A) 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. **Conflict With Real Estate Transfer Tax Ordinance.** These regulations do not
16 amend the Town’s “Real Estate Transfer Tax Ordinance” (found at Chapter 3 of
17 Title 3 of the Breckenridge Town Code). If there is a conflict between these
18 regulations and the Real Estate Transfer Tax Ordinance, the ordinance will
19 control.
20

21 5. **What is the Breckenridge “Real Estate Transfer Tax”?**
22

23 The Town of Breckenridge “Real Estate Transfer Tax” (called the “**RETT**” in
24 these regulations) is a local tax on the transfer of land located within the
25 boundaries of the Town. Under the RETT Ordinance, a tax must be paid to the
26 Town each time real property is transferred, unless that particular transfer is
27 specifically exempted. The presumption is that a transfer of land is subject to the
28 tax, and the burden is on the purchaser of the land to demonstrate that the transfer
29 is not taxable because it is specifically exempt under the RETT Ordinance.
30

31 6. **Is the purchase or sale of a “timeshare” subject to the RETT?**
32

33 Yes. A timeshare interest is treated as real property under the RETT Ordinance.
34

35 7. **How do I find out if my property is located within the Town?**
36

37 Visit the **Summit County Assessor’s website**
38 (http://www.co.summit.co.us/Assessor/assessor_home.htm)
39

40 8. **How much is the RETT?**
41

42 The RETT is equal to 1% of the “consideration” paid for the land.
43

44 ***Example:*** You purchase a lot in Breckenridge for \$250,000. The RETT due to
45 the Town is \$2,500 [$\$250,000 \times 1\% = \$2,500$]
46

1 9. **What does “consideration” mean?**
2

3 The term “consideration” is broadly defined in the RETT Ordinance. It is the
4 “gross consideration” paid for the land affected by the transfer, and includes
5 actual cash paid, the money equivalent of real and personal property delivered or
6 conveyed in exchange for the transfer, or contracted to be paid or delivered or
7 conveyed, in return for the transfer of ownership or interests in real property.
8 Consideration also includes the amount of any lien, mortgage, contract
9 indebtedness, or other encumbrance or debt, either given to secure the purchase
10 price, or any part thereof, or remaining on the property at the time of the transfer.
11 It is important to note that the consideration includes the transfer of the current
12 fair market value of the property.
13

14 10. **Which transfers of land are exempt under the RETT?**
15

16 The following transfers of land are exempt from the RETT. Section references in
17 the table are to the sections of the RETT Ordinance describing exempt transfers of
18 real property¹:
19

Exemption Section	Description of Exemption Transfer
A	A transfer where there is no consideration or when the actual consideration is \$500 or less. See the discussion of consideration under Question 9 of these Regulations. Note: If it is claimed that no consideration was given or received as part of a transfer of the land, the burden of proving that rests upon the purchaser. The Town presumes that land is not simply given away for no consideration, and the purchaser must overcome that presumption by demonstrating that the transfer was actually and in good faith made without payment of any consideration.
B	A transfer when a governmental entity is the purchaser
C	A transfer made as a gift where there is no consideration other than love and affection, or a charitable donation Note: To qualify under the “love and affection” portion of this exemption the deed must state on its face that it was given for no consideration other than “love and affection” or that it was made “as a gift.” To qualify under the “charitable donation” portion of this exemption the deed

¹ See Section 3-3-6 of the Town of Breckenridge Real Estate Transfer Tax Ordinance (Section 3-3-6 of the Breckenridge Town Code).

	must specifically state that it was made as a charitable contribution, or the grantee of the deed by an entity qualified under Section 501(c)(3) of the Internal Revenue Code.
D	A transfer creating or terminating a joint tenancy in the land
E	A transfer made pursuant to a will or an estate proceeding
F	Certain transfers made pursuant to a reorganization, merger, or consolidation of corporations
G	A transfer made to implement an approved bankruptcy plan
H	Certain transfers made to correct a prior recorded deed; making a minor boundary adjustment; removing clouds on title; or granting rights of way, easements, or licenses in land.
I	A quiet title decree or a court order transferring title in a condemnation proceeding
J	A transfer between spouses or former spouses made in connection with a divorce or legal separation
K	A transfer of a cemetery lot
L	Certain leases of land
M	A transfer of only a mineral or royalty interest in land
N	A transfer of land to secure a debt or other obligation
O	A deed in lieu of foreclosure (but only to the extent of the balance of the secured debt)
P	A sheriff's deed, public trustee's deed, or similar transfer
Q	An executory (unperformed) contract for the sale of real property of less than 3 years under certain terms and conditions
R	A transfer made before the RETT Ordinance became effective on January 1, 1981
S	A transfer made pursuant to a presale contract entered into before the RETT Ordinance became effective on January 1, 1981
T	A sale or conveyance of real property for the purpose of constructing or providing low or moderately priced housing for sale or lease to persons of lower or moderate income

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Under the RETT Ordinance there are special rules and limitations that may apply to certain of the exemptions. No attempt has been made in these regulations to set forth in detail such special rules and limitations. If you believe your transfer is or may be exempt from the RETT, you should obtain a copy of the RETT Ordinance and review it carefully to determine whether your transfer falls into one of the exempt categories.

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11. **What are examples of documents that can be used to support a claim of exemption under the RETT?**

Exemption Section	Example of Acceptable Documentation to Support Claim of Exemption
A	Credible evidence that the fair market value of the transferred property is \$500 or less, such as an appraisal, or where the Grantor and Grantee on the deed are the same person. If the deed involves a name change, the exemption application should be accompanied with Court documentation, marriage license or other legal proof of change of name.
B	Proof that the Grantee in the deed is a government agency, municipality, or political subdivision.
C	The deed must reflect that the transfer is a gift or charitable donation. For a gift, the deed must state: “For no consideration other than love and affection”, “as a gift”, or similar language clearly expressing a donative intent. For a charitable donation, the deed must specifically state that it was made as a charitable contribution and the grantee of the deed must be an entity qualified under Section 501(c)(3).
D	The names of the Grantor and Grantee listed on the deed must match exactly. Additionally, the exemption application must affirm that no additional consideration was paid in connection with the transfer, or must describe the amount of such additional consideration.
E	Death certificate, will, Personal Representative’s deed, Decree of Distribution, or other formal transfer of real property made for the purpose of transferring a decedent’s interest in real property to those persons entitled to take the property by law or pursuant to the decedent’s will. Note: This exemption does not apply to a sale of real property by a decedent’s estate.
F	Proof that the percentage of ownership has not changed. Examples include: Articles of Organization, Operating Agreement, Stock certificate(s), Membership Ledger, Trust Agreement, Affidavit of Trust, or Memorandum of Trust. See the discussion under Question 19 of these Regulations.
G	Certified copy of court documentation (bankruptcy or receivership)

H	The wording of deed should clearly describe the situation (example: Deed of Correction” or “Corrective Deed”), and a written explanation should be provided on the exemption application.
I	A certified copy of a final judgment of a court (a Quiet Title Decree, a Rule and Order or other court judgment) should accompany the exemption application.
J	A certified copy of a Separation Agreement, Decree of Legal Separation, or Decree of Dissolution of Marriage stating that the Grantor’s interest in the subject property is to be transferred to the Grantee.
K	Documentation demonstrating that the land that is transferred is a cemetery lot.
L	A copy of the lease.
M	The deed must specifically described the mineral or royalty interest being transferred. Unless another exemption applies, this exemption does not apply if any interest in real property other than a mineral or royalty interest is conveyed.
N	A copy of the mortgage, deed of trust, or other legal documentation providing for the transfer of legal title to the real property to secure a debt or other obligation.
O	Copies of the Deed-In-Lieu of Foreclosure and Deed-In-Lieu Agreement describing the then-current amount of the obligation that is being cancelled by the transfer of the real property, and evidence of current fair-market value of the transferred real property.
P	Copy of sheriff’s deed, public trustee’s deed, or other real property conveyance representing a forced sale of property to satisfy a financial obligation, judgment, or debt of the property owner, and proof of the then-current amount of the obligation to be satisfied at the execution or foreclosure sale and any obligations to prior lienholders paid from the sale.
Q	Copy of the executory (unperformed) contract for the sale of real property. Evidence of relationship, such as 1031-reverse exchange documentation (or statement on deed).
R	Evidence of sale prior to 1/1/1981
S	Evidence of sale prior to 1/1/1981
T	Proof that the property has been approved by Town of Breckenridge Community Development Department as a qualifying deed-restricted property, and: (i) a copy of the deed restrictive covenant or other legal restriction creating the qualifying deed restriction and (ii) if applicable, a copy of the signed Appreciation Limiting Deed of Trust.

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12. **How do I make a claim that my transfer is exempt from the RETT?**

To make a claim that a particular transfer of land is exempt from the RETT a completed **RETT Exemption Application** must be submitted to the Town’s Sales Tax Auditor. The application must be accompanied by adequate proof to support the claim of exemption. The Town has the right to require that additional evidence to support the claim of exemption be provided if the initial submission is found to be inadequate or incomplete. If the Town determines that a transfer is exempt from RETT, a Certificate of Exemption will be issued and the deed will be stamped to evidence that the transfer described in the deed is exempt from RETT.

13. **When must I make a claim that my transfer is exempt from the RETT?**

An application for exemption must be properly submitted and approved by the Sales Tax Auditor prior to the recording of the deed with the Summit County Clerk and Recorder. If the Town has not approved a transfer as being exempt from RETT prior to the need to record it, the RETT must be paid before the deed is recorded. However, you may file an application for a refund of the RETT after the deed has been recorded.

For good cause, the Town may consider an RETT exemption application that is filed after the deed has been recorded. The burden is on the applicant to show good cause for the late filing of the RETT exemption application.

14. **How is RETT paid?**

The RETT is paid by using the **RETT Verification of Gross Consideration Form** and submitting that form along with the tax due and the original deed to RETT Processing, 150 Ski Hill Road, PO Box 1237, Breckenridge, CO 80424. You should include a pre-paid, self-addressed envelope for where you would like it returned. The Town will send it to the Summit County Clerk & Recorder’s office if you have included a self-addressed prepaid envelope for mailing, along with a check for the County’s recording fees. Please contact Summit County government fees at 970-547-3475 if you have questions about the recording fees.

Please note that RETT is processed by the Finance Division between 9 A.M. and 10 A.M. Monday through Friday (holidays excepted). If a deed and RETT payment are submitted during other hours, the deed will be available for pick up from the Town Clerk’s office at 10 A.M. the next business day. If batches of 10 or more deeds are submitted together, they will be available for pick up two business days later at 10 A.M.

15. **Who is responsible for paying the RETT?**

1 It is the responsibility of the purchaser to pay the RETT.
2

3 16. **Are there penalties and interest due if the RETT is not paid when due?**
4

5 Yes. A penalty equal to 10% of the RETT is due if the RETT is not paid within
6 30 days after the deed transferring the property is recorded with the Summit
7 County Clerk and Recorder. In addition, interest accrues at the rate of 1.5% per
8 month from the date the taxes becomes delinquent until the tax is fully paid.
9

10 17. **What else can happen if I don't pay the RETT?**
11

12 Failure to pay the RETT when the tax is due is a violation of the Town Code, and
13 upon conviction a violator is subject to a possible fine of up to \$999;
14 imprisonment in the county jail for a up to one day less than one year; or both a
15 fine and imprisonment.
16

17 In addition, the Town has the right to file a lien against the property that was
18 transferred without the tax being paid. The lien amount includes the RETT,
19 penalty, interest and collection costs. The Town's lien is prior to any other lien on
20 the land, except the lien of general property taxes and special improvement
21 district liens. The Town's lien can be foreclosed through the courts. A valid tax
22 lien against a parcel of land can cause the title to the land to be found to be
23 "unmarketable" until the lien is paid and released. Unmarketable title can make it
24 very difficult for the owner to sell the land.
25

26 Finally, unpaid RETT, penalty and interest is a debt owed to the Town. The
27 Town can file a civil suit to collect the debt.
28

29 18. **How does the RETT apply to an exchange of land?**
30

31 Both transfers are subject to the RETT. The RETT is based on the current fair
32 market value of each of the parcels at the time of the transfer.
33

34 ***Example:*** You exchange your lot for a condominium. Both are located in
35 Breckenridge. The current fair market value of the lot at the time of the exchange
36 is \$250,000. The current fair market value of the condominium unit at the time of
37 the exchange is \$275,000. The RETT due to the Town for the transfer of the lot is
38 \$2,500 [$\$250,000 \times 1\% = \$2,500$]. The RETT due to the Town for the transfer of
39 the condominium is \$2,750 [$\$275,000 \times 1\% = \$2,750$].
40

41 ***Note:*** If two parcels of land are exchanged, the consideration for the exchange
42 can only be \$500.00 or less if the property exchanged has a current fair market
43 value of \$500.00 or less. Current fair market value will be used when the
44 consideration is in non-cash form.
45

Memorandum

To: Town Council

From: Jennifer Cram, Planner III

Date: 03/02/2010

Re: Fire Wise Task Force Consensus Points and Recommendations

The Fire Wise Task Force met five times since their formation in October. A review of what was discussed at each meeting, consensus points and recommendations is attached below. Staff has also included some questions of the Council in order to move forward with potential policy changes.

10-22-09 – Fire Wise Task Force reviewed all Town of Breckenridge Forest Health Plans and collaborations with other organizations.

MPB Ordinances 2007 and 2009

Mandatory and Voluntary Defensible Space Ordinances

Upper Blue River Basin Wildland-Urban Interface Forest Management Plan

Mountain Pine Beetle Hazard Analysis for Town of Breckenridge Open Space parcels

11-11-09 – Fire Wise Task Force reviewed and commented on the Forest Service Fuels Reduction and Forest Health Plan.

12-09-09 – Fire Wise Task Force reviewed and agreed to the Fire Wise Best Management practices as presented in the Firewise Communities brochure. A copy of the brochure has been included for the Council.

MPB Ordinance – recommended that the MPB Ordinance be updated to require removal of dead and infested trees on an annual basis. Staff shared

the implications to staff resources if this ordinance was updated. The Task Force supported enforcement on a complaint basis.

- Does the Council support amending the current MPB Ordinance to require annual removal of dead and infested trees on a complaint basis?

Defensible Space for New Construction – The task Force agreed that it was appropriate to require Defensible Space for new construction and recommended basing requirements on the structure of the Voluntary Ordinance. The Task Force also agreed that major remodels of 10% of the existing structure and greater that affect the exterior of a structure should create defensible space.

- Staff has already drafted in the updated absolute policy under Policy 22 – Landscaping. Does the Council support this update?

1 –13-10 – Fire Wise Task Force reviewed fire wise building materials with chief building official Glen Morgan.

Agreed that code should be updated to require Class A roofs for new construction and reroofs. Will not ban any materials.

Did not recommend any changes regarding siding, thought aesthetics were important and that roofing materials and fire wise practices around the home most important.

Did not recommend any changes regarding Windows. Most windows are double glazed for energy efficiency.

Recommended code change to specify minimum vent opening and screening size and materials.

Vents should be screened with a maximum opening of ¼”.

Recommend changing Development Code under Landscaping Policy to require non-combustible materials/ rocks under all decks and eave projections with a weed barrier underneath. Noted that keeping grasses cut back was important.

Did not recommend any changes regarding sprinkler systems.

- Does the Council support amending the Building Code to require Class A roofs for all new construction and reroofs?
- Does the Council support amending the Building Code to specify minimum vent opening and screening size and materials and requiring that all vents should be screened with a maximum opening of 1/4"?
- Staff has already drafted language in the updated absolute policy under Policy 22 – Landscaping to require non-combustible materials/ rocks under all decks and eave projections with a weed barrier underneath. Does the Council support this update?

2-10-10 – Kim Green from the Breckenridge Police Department, Captain Kim Scott from Red, White and Blue Fire Protection District and Kim DiLallo walked through the Breckenridge Multi-hazard Evacuation Plan adopted for the Upper Blue with the Task Force. Moving Forward with Public Education was also discussed.

The Task Force appreciated being brought up to speed on the evacuation plan.

The Task Force noted that all modes of communication would need to be utilized and that Public Education was important especially since we have so many visitors at any time in Breckenridge.

The three Kim's noted that extensive public education was planned including, radio, television, newspaper, website, HOA meetings, meetings with property managers, etc. Captain Kim Scott also goes into the schools to educate local children as well.

The Task Force agreed at the February 10th meeting that all items and issues that they had hoped to cover had been discussed and consensus points and recommendations were completed.

Staff will be present during the worksession to discuss the outcomes from each of the meetings with the Fire Wise Task Force and answer any questions.

MEMO

TO: Town Council
FROM: Laurie Best
DATE: February 25, 2010 (for March 9th)
RE: Valley Brook Housing Development

The Valley Brook packet, including project information and cost, will be forwarded to the Council separately. Some project expenses were still being tallied and were not available for your regular packet. Council should receive all of the information by Thursday, March 4th.

MEMORANDUM

TO: Town Council

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

DATE: March 2, 2010

SUBJECT: Sustainability Task Force Recommendations Regarding Water, Affordable Workforce Housing, and Child Care

Staff has been periodically bringing the recommendations of the Sustainability Task Force (STF) to the Town Council over the last year. The three subjects (water, affordable workforce housing, and child care) in this memo have been discussed previously by the Town Council, but not necessarily under the context of the STF recommendations. Because the Council has already discussed these issues at length, and because the recommendations of the Task Force largely mimic these previous discussions, these recommendations are being forwarded to the Council in “memo only” format. If there are any issues or clarifications that the Council would like to discuss regarding this memo and its recommendations, there will be time on the Council’s March 23 work session when the final STF recommendations are presented.

Water Quality & Supply

Policy Direction and Availability.

Town policies in the Vision Plan and Comprehensive Plan focus on ensuring an adequate water supply and on implementing measures to conserve water use. The Town’s current water availability information is attached in the table.

As previously noted in the Capacity Analysis and the Workforce Housing Impact Study, the Town’s water system at buildout is projected to exceed buildout demand by 951 water SFEs under the system capacity that was established by Water Division Manager Gary Roberts on April 11, 2007. The system capacity of 13,055 water SFEs is based off of wet water treatment capacity solely from the Goose Pasture Tarn Plant, with precipitation numbers from our worst recorded drought year in history, 1950.

Since the initial water buildout report in the Capacity Analysis, the Council has given direction to transfer Town owned density at a ratio of one SFE for every two units of affordable housing. This decision has enlarged the previous surplus of water estimation to 320 SFEs.

Water Availability	
Total Future Residential	1936
Total Future Commercial	436
Total Future Residential & Commercial	2,372
Out of Town	490
Total Future Within District	2,862
Existing Within District	9,242
Projected Buildout	12,104
System Capacity	13,055
Excess SFEs at Buildout	951
Excess SFEs at Buildout + 914 WF Units	320

In addition to assuring there is an adequate water supply to the Town it is equally important to ensure

that our water sources are kept clean and free of pollutants. Although the Town as a whole enjoys high quality water, there are nevertheless a number of human-related activities that have degraded waters within the Town and nearby. Historically, mining activities negatively impacted water quality, introducing high concentrations of trace elements (e.g., manganese, cadmium, zinc) into area streams. Other impacts come from stormwater runoff from highways (e.g., sediments, salts) and septic tank effluents. With that in mind, the State of Colorado classifies streams for certain uses (e.g., recreation) and establishes standards to protect those classified uses. With the exception of French Creek and the Blue River, from French Gulch to the Swan River, the streams in and around Town are generally meeting state standards. In cases where standards have been exceeded the Town has been actively trying to improve water quality through projects like the Wellington Oro Treatment Plant, the stormwater quality enhancement project and continued water quality testing.

Water Storage

Looking to the future, there is some uncertainty if current precipitation levels will persist and the current levels of water will be available. The STF believes it is in our own best interest to plan infrastructure to store the maximum amount of wet water rights possible, to have the flexibility to allocate greatest amount of our water rights as we see fit and safeguard the Town from an unforeseen drought situation. The Town has rights to store 1,400 Acre Feet (AF) of water. Presently the Town has capacity to store 800 AF at the Tarn reservoir. Council in the past has expressed desire to store more of the Town's water rights on the McCain parcel. According to feasibility studies looking at utilizing the McCain site as a reservoir indicated storing a maximum of 400 AF and more realistically storing 200 AF onsite. When they were presented with conceptual plans, Council members indicated a preference for the 200 AF plan because the dam necessary for the project would be substantially lower and less obtrusive than what was proposed for the 400 AF version. It was estimated a 50-75 foot dam would be necessary for a 400 AF reservoir. Additionally Council preferred the 200 AF proposal because it wouldn't occupy the entire site which the 400AF option was shown doing. The estimated cost of constructing the proposed 200 AF reservoir was in the range of \$10 – \$20 million dollars.

Another idea that has been floated around to achieve better utilization of the Town's water rights is the construction of a pump back system. A pump back system would return water that the Town has rights to, but does not have storage space for, back into Town from a point downstream. The pump back system in most cases would keep water levels on the Blue River higher on segments that are within the Town and thereby in theory the Town would have greater availability to utilize these water rights. There could be some limitations to the pump back system during drought conditions (e.g., too low river flows to return water). However, coupling the pumpback capability with the reservoir (which could provide water during droughts) would be the most efficient combination to increase the Town's water availability.

Recommended Action Steps/Options

The STF has identified the following as possible actions for addressing water quality & supply targets:

1. Town work with QQ to monitor and protect water resources (STF stated its number one goal related to water is protecting the Goose Pasture Tarn).
2. Encourage water conservation measures such as low flow fixture technologies, drought resistant landscaping and public education.
3. Increase Town's capacity to store more of what our water rights allow. (Explore developing a reservoir on the McCain Parcel and consider the "Pump Back Project").
4. Continue water quality remediation efforts on French Creek & the Blue River.

STF Monitoring Recommendation

1. Continue to monitor water SFEs on a yearly basis.
2. Continue to monitor peak water usage days on a yearly basis.
3. Continue to monitor water quality progress associated with water remediation projects and where state/ local data is already being collected.
4. Continue to monitor precipitation on a regular basis.

Affordable Workforce Housing

Policy Direction

The Town's Vision Plan and the Joint Upper Blue Master Plan have cited affordable housing as a pressing issue that impacts the community's character and economic sustainability.

"Ensure that Affordable Housing programs are accessible to all members of the community." (Vision Plan)

"Vision Plan participants repeatedly expressed concern about the cost of housing for local residents and the impact that the lack of affordable housing would have on the desire to maintain a diverse population." (Vision Plan)

"Lack of affordable housing is consistently identifies as one of the most pressing problems in the Upper Blue Basin. Adequate supply and availability of affordable housing is critical to retaining a healthy community and healthy economy." (JUMP)

Analysis—Where are we Today?

Historically the market has not provided sufficient affordable workforce housing to meet the needs of local employees/households. With high land cost and demand for housing from outside sources (second homes and retirees), real estate prices outpace wages and local employees have fewer and fewer affordable options in the community. Based on estimates from the Colorado Department of Local Affairs and the Economic Census, it was estimated that there were 7,530 jobs (full time equivalent) in Breckenridge in 2006 and that by buildout there will be approximately 10,028 jobs. Because many Breckenridge employees hold multiple jobs (1.31 average jobs per employee) it is estimated that the community will need approximately 7,600 employees to fill the jobs at buildout.

The 2006 needs assessment established a target of 900 additional units beyond the 743 deed restricted units already existing or approved. The need for additional units was based on the gap created by job growth (keep up), by in-commuters moving closer to jobs (catch up), and by current residents with housing problems (overcrowded/cost burdened). If the Town were to achieve 900 additional units, the total number of units designated for employees at buildout would be 1,643, which should house approximately 3,089 employees (40% of total needed). As of June, 2009 staff has identified possible sites/opportunities for approximately 589 of the 900 units (2,800 employees/36% of total needed).

The Town has established a Housing Fund that is supported by the County-wide impact fee, a 1/8th percent sales tax, and a transfer from excise fund. This fund is used for the acquisition and development of affordable housing and to cover housing subsidies. It has been estimated that on average the subsidy per unit is \$50,000-\$60,000 per unit based on 100% AMI units. The subsidy is higher for lower AMI units and lower for higher AMI units. Based on current projections the housing fund could potentially subsidize just under 300 units by 2017.

Recommended Action Steps

In October of 2007 the Town Council endorsed a master plan for affordable housing on the Town-owned Block 11 property. The plan allows for approximately 210 to 400 units depending on the density which ranges from 7 to 15 units per acre. In February, 2008 the Town Council also endorsed the attached Housing Action Plan which established specific goals, objectives, and tasks. The STF has discussed the Action Plan and recommends it be implemented. The STF recommendations include:

- Implement the recommendations of the attached Housing Action Plan
- Establish residency requirements in future housing deed restrictions that require workers to be employed in the Upper Blue Basin.
- Market the benefits of affordable workforce housing to the community, focusing on its benefits in guaranteeing a middle class and ensuring diversity of community character.
- Formalize housing-related guidelines for annexations (e.g., 80 % affordable, fee waivers, etc.)

Childcare and Early Childhood Education (Childcare)

Policy Direction

“Expand support for non-profits that provide services to the Breckenridge community” (Vision Plan)

“The Town of Breckenridge is a cohesive and diverse community where residents and visitors experience an historic mountain town with characteristic charm that offers a safe, friendly, peaceful atmosphere where individuals can live, work, and raise a family.” (Vision Plan)

“Provide Town support for new and existing daycare facilities in the community” (Comprehensive Plan)

Analysis and Background

For many years the Town and the County have experienced a shortage of affordable quality care. In 2000, the Summit County Board of Commissioners commissioned a Summit Childcare Strategic Planning Team to evaluate the issues. Their report was issued in February of 2001 and described the importance of high quality care to the community, to local families, and for the healthy development of children into successful adults. The report identified the most significant issues in local childcare as:

- 1) a shortage of slots (licensed providers were only meeting 30-50% of the demand for childcare which was driven by high labor force participation)
- 2) insufficient revenue for centers to cover expenses (rates that were perceived to be affordable to local families were not sufficient to cover costs so all Centers were operating on non-sustainable budgets and relying on fundraising events to cover up to 20% of operating expenses) and
- 3) inability of centers to compensate teachers and staff competitively (attrition rates of 40% for childcare professionals were negatively impacting the quality of care and efficiency of operation).

The report found several issues that contributed to a ‘market failure’ in local childcare, including the community’s high cost of living, high workforce participation rates, and projected job growth. The report concluded that new sources of revenue coupled with cost reductions would be necessary to sustain affordable quality care in the community.

For many years the Town of Breckenridge had been supporting local childcare with grants and land leases including the 1995 land lease to Carriage House and the 2005 land lease to Little Red School House. Even with support from the Town, the Centers struggled financially and access to affordable quality care continued to be an issue for local families. By 2006 the wait list at Breckenridge Centers exceeded 200 children and Kinderhut announced it would be closing its Breckenridge center thereby eliminating 73 daycare spots. The Town Council created a sub-committee in 2006 to address both childcare issues and affordable housing issues, commissioned an updated Needs Assessment, and organized a Childcare Task Force with representatives from local Centers, from early Childhood Options, and other professionals in the field of childcare. The Childcare Task Force was asked to identify strategies to address both the short term immediate 'crisis' and the long term needs of the community.

Summary of 2007 Needs Assessment and Childcare Plan endorsed by the Town Council

The Needs Assessment projected demand for 56 to 69 slots to accommodate families that live or work in Breckenridge. The report indicated that the need would increase to 100-115 slots by buildout if affordable care was available and families increased use of care from 1 or 2 days a week to 4 or 5 days a week. The Childcare Task Force recommended several initiatives which the sub-committee and the Council endorsed. The initiatives that were approved and initiated by the Town included:

- Construction of a new center to increase local capacity by 64 slots to eliminate wait lists and satisfy local demand
- Support to Timberline Learning Center, a start up non-profit childcare operator selected to lease/operate the new center
- Designation of specific account for childcare program. The account is funded by direct transfer from the Excise Fund. The amount approved to be transferred from the Excise Fund for childcare programs is approximately \$1m annually from 2007 thru 2013. That is equal to the amount of debt service that was freed up beginning in 2007 when the Council began levying a property tax to pay a General Obligation Debt (GO) for the Ice Rink and Golf Course. Prior to 2007 the GO debt was paid out of the General Fund and the Town was not collecting the property tax to cover the GO debt. Voters had approved a property tax for that purpose, so beginning in 2007 the property tax was levied to cover the GO debt, basically allowing the Town to use Excise Funds to pay for childcare rather than the GO debt. In 2014 the debt related to the Ice Rink and Golf Course and the income related to the property tax will both be extinguished. Approximately one third of the annual Excise transfer is used annually on childcare programs with the balance carrying over each year to create a Reserve Fund for Childcare.
- Debt Relief to the three existing Centers (Carriage House, Little Red, and Breckenridge Montessori) to significantly reduce their operating expenses and allow the creation of Capital Improvement and Maintenance Funds
- Annual salary supplement to the four non-profit Centers in Town to increase teacher/staff compensation, reduce attrition, and incentivize professional growth. As a condition of the salary supplements Centers are required maintain competitive wages and balanced budgets through rate increases and cost reductions. The annual salary supplement decreases annually and expires in 2012.
- Scholarship program for families paying in excess of 15% of income for childcare. As Centers increase rates to cover the true cost of care and pass this cost on to the users, the scholarship program is available to assist local families in covering this expense. The Scholarship budget increases annually as rates increase, number of children in care increases, and use of care increases. A reserve fund has been established to sustain this program after the revenue stream expires after 2013. Based on current budget the scholarship program can be sustained through 2018-2020 after which a new revenue stream will need to be identified if the program is to be maintained.

Childcare Support by Town of Breckenridge (\$)							
	New Center	Debt Relief (CH,LR, BM)	Start Up (TLC)	Salary Supplement	Scholarship	Revenue for Childcare Programs	Reserve Fund
2007 (act.)		618,442.11		154,795.00	15,000.00	788,237.11	
2008 (act.)	3,680,848		95,500.00	260,361.84	139,917.50	1,080,000.00	714,500.00
2009 (est.)				209,950.55	297,799.39	1,093,750.00	1,291,206.00
2010 (bud)				160,570.00	316,556.00	1,076,431.00	1,877,486.00
2011				115,241.00	345,724.00	1,081,066.00	2,519,991.00
2012				0	474,795.00	1,073,792.00	3,118,988.00
2013				0	489,039.00	926,163.00	3,556,112.00
2014				0	500,000.00	0	3,056,112.00
2015				0	515,000.00	0	2,541,112.00
2016				0	530,450.00	0	2,010,622.00
2017				0	546,363.00	0	1,464,298.00
2018				0	562,753.00	0	901,545.00

Impacts of Breckenridge Programs:

Reports from the Centers and from early Childhood Options are collected annually. These reports indicate the impacts of the programs have been significant, including:

- Salary Increases: All Centers granted immediate salary increases (approximately 15-23%) and established pay scales equivalent to other teaching positions. Raises are available to reward training and professional development. All Centers have reported that attrition rates related to wage and salary have declined significantly.
- Rates: Average charge to customer increased from \$42 in 2007 to \$57 in 2009 (average of 33%)
- Maintenance Funds: All Centers have established Capital Funds and contribute annually to their reserve account.
- Wait Lists: The 2007 wait list, which exceeded 200 children, was eliminated and only a short wait for infant spots was noted late in 2009. This may be attributable to both the addition of the new center and the economic recession of 2008-2009 which has resulted in less demand for childcare because of higher unemployment.
- Scholarships: Scholarships were awarded to 69 children in 2008, 105 children in 2009, and have been approved for 148 children in 2010. In 2009 approximately 1/3 of the children in the Breckenridge centers utilized the scholarship program (105 of 308 enrolled). Approximately 1/3 of the children receiving scholarships are from very low income families (CCCAP) and account for approximately 56% of the financial awards.

Recommended Action Steps

- Continue to track the impacts of salary supplements (wages, teacher retention, quality ranking, etc.) and the fiscal condition of local centers.

- Continue to evaluate impact and demand for Scholarship Program and adjust criteria and budget as necessary.
- Identify long term funding for childcare programs. While the Childcare Programs are funded from the Excise Fund, the money available to fund the program was made available because of a property tax that was levied in 2007 to cover approximately \$1million of General Obligation Debt. Because of that property tax, less money is transfer from the Excise Fund to the General Fund and is therefore available for childcare. Since both the debt service and the property tax related to that debt service expire in 2014, the Council will need to evaluate whether a new designated property tax should be considered for childcare or whether the program will be funded from existing revenue.
- Work with operators on cost reductions (i.e.: collective management).
- Continue to evaluate demand and need for construction of new Center at build out. The project is identified in long term Capital Improvement Plan.
- Consider reserving a space on Block 11 for a future childcare facility.
- Explore incentives that could be implemented to encourage home day care.
- Establish an education program to inform the community of the steps (e.g., salary supplements, scholarships) the Town has taken to create a sustainable future for childcare and to garner support for renewing the mill levy in 2013 for childcare purposes.

Town of Breckenridge

Workforce Housing Action Plan – 2008 FINAL (Endorsed by Council March 11, 2008)

This document is intended to guide efforts to achieve a sufficient amount of workforce housing to preserve the town's character and support its economy. It incorporates and builds upon key elements of the Town of Breckenridge Vision Plan adopted August 28, 2002 and the Affordable Housing Strategy adopted May 23, 2000. It is a work in progress that will continue to evolve over time as specific work elements are completed and additional opportunities arise.

Vision

To have a diversity of permanently-affordable housing integrated throughout the community, which provides a variety of housing options to sustain the local economy and preserve the character of the community.

Policies

- Assure that workforce housing is comprised of a variety of densities and styles, and is accessible to all members of the community, both dispersed throughout the town and concentrated in neighborhoods of primary residences.
- Seek a balance between population growth and housing for employees who work in the community, with an emphasis on reducing the impacts of in commuting and providing the labor force needed for local businesses to succeed.
- Strive to ensure that ownership and rental housing for the workforce is provided for a wide diversity of income levels that support the local economy and preserves a vibrant middle class.
- Place priority on housing for employees who work in the Upper Blue providing products and services within the local economy. It is not the intent to utilize limited resources to provide housing for telecommuters, location-neutral remote workers, or residents who are unemployed.
- Utilize strategies that place top priority on development of units by the private sector, followed by acquisition of land for housing; payment of fees to the Town is third in terms of the options through which the responsibility for workforce housing will be shared.

Goals and Objectives

The primary goal of the Breckenridge Town Council is to insure that 900 additional workforce housing units are approved and/or constructed in the Upper Blue by the time the community reaches full build out. This goal is to be achieved through a combination of Town resources, impact fee and sales tax revenue, incentives, policies placed on new development, and partnerships. Approximately 60% of these units will address existing needs while 40% or 360 units will partially keep up with the demand for workforce housing as the community grows. Approximately 66% (600 units) should be ownership units and 33% (300) should be rental units.

The Breckenridge Town Council also seeks to insure that key characteristics of the community are preserved or enhanced through the adoption of these specific objectives:

- The proportion of employees who work in Breckenridge and also live there will not drop below the current level of 47%.
- The relationship between primary homes and second homes/vacation accommodations will not significantly change; at least 25% of all units will be occupied as primary residences at build out.
- Renters will be provided increased opportunities for ownership with the homeownership rate moving upward from its current level of 41%.
- Housing will be provided for all income levels up to 180% AMI with intent to preserve the middle class (80%-180%) based roughly on the income distribution as follows:

Income Distribution to be Targeted by Workforce Housing Initiatives

AMI	% of Total Need	% of Households 2000	Targeted Distribution	Number of Units
<50% AMI	30.1%	21.1%	25.60%	231
50.1 to 60% AMI	4.3%	2.6%	3.40%	31
60.1 - 80% AMI	6.0%	17.3%	11.70%	109
80.1 - 100% AMI	29.0%	19.3%	24.20%	216
100.1 - 120% AMI	6.9%	8.2%	7.60%	69
120.1% -140% AMI	14.9%	7.5%	11.30%	99
140%-180%	8.8%	24.0%	16.40%	145
Total	100.0%	100.0%	100.0%	900

2008 Work Plan

1. Annex the Stan Miller parcel to provide approximately 100 workforce housing units.
2. Amend relative requirements for new commercial development to partially address the keep-up demand it generates; remove the exemption for projects of less than 5,000 square feet and consider incentives to provide workforce housing on site though negotiated parking requirements, fee waivers, residential density and public subsidies/partnerships.
3. Amend the relative requirement for multi-family development removing the exemption for projects of less than 5,000 square feet to partially address the keep up demand it generates and consider incentives to provide workforce housing on site though negotiated parking requirements, fee waivers, residential density and public subsidies/partnerships.
4. Create a new relative requirement for single-family homes that encourages the construction of accessory dwelling units (ADU’s) in units of 3,500 square feet or larger, possibility through -10 points if not provided and +10 points if provided. Minimum and maximum sizes for the ADU’s should be established (400 to 800 sq ft) with covenants restricting occupancy to employees and an administrative system with enforcement procedures. Target – 50% of all units ≥ 3,500 sq ft, or 150 units by build out.

5. Amend the relative requirements for lodging (condo hotels, timeshare, hotels, etc.) so that development of accommodations is required to produce workforce housing more proportional to the number of jobs it generates.
6. Preserve market units that are now occupied by employees for occupancy as workforce housing in the future through buy downs, acquisition and resale/rental, buying the right to impose deed restrictions or other methods that might be identified. Evaluate the cost of this strategy and implement a program to evaluate the rate of loss by monitoring rental vacancies/availability, use of second homes, retirement trends, etc. Develop an annual target considering the projected loss and cost of the preservation program.
7. Create a partnership with a private developer for development of at least 40 workforce housing units on the Valley Brook parcel to partially address existing (catch-up) demand for workforce housing; amend LUGS to be consistent with the recently completed Valley Brook Master Plan.
8. Develop a concept, phasing plan, schedule and approximate budget for future development of the Block 11 parcel with at least 325 workforce housing units.
9. Pursue the acquisition of the Claimjumper parcel.
10. Negotiate with developers for construction of Phase 2 of Pinewood Village to add approximately 30 apartments.
11. Formalize incentives such as fee waivers, funding assistance, density transfers, supplying land and utility taps, tax rebates, and other methods for new construction and conversion of existing free market to affordable units.
12. Continue to work with the School District on partnerships for production of employee housing.
13. Continue to respond to opportunities for annexation with application of guidelines calling for 80% of the units to be workforce housing.
14. Consider expanded down payment assistance programs to increase home ownership opportunities such as the Funding Partners program proposed by the Summit County Housing Authority.
15. Utilize the Summit County Housing Authority for administration of deed restrictions, sale and rental of workforce housing units, homebuyer education and other specific tasks associated with managing the growing inventory of units. Work with the SCHA to develop a manual/procedural guide for use by the SCHA.
16. Revisit and update the standard deed restriction template and the Administrative Guidelines/Procedures to insure that deed restrictions and the guidelines are current, are standardized, and that they insure permanent affordability for local employees.
17. Track progress annually – number of units produced and preserved, age groups served, incomes served and number of units lost annually; modify strategies as appropriate.

1. Identify and land bank sites appropriate for workforce housing.
2. Evaluate opportunities for other Town-owned parcels that have been identified as potential sites for housing including the Ice Rink, Stillson and McCain sites.
3. Evaluate the effectiveness of the housing assistance offered to Town employees.
4. Work with the business community to create programs through which employers can help provide housing for their employees, known as employer-assisted housing (EAU).
5. Explore options for housing members of the workforce as they age and retire.
6. Expand efforts to acquire existing free-market units and convert them to permanently affordable workforce housing.
7. Explore other mechanisms for no net loss of units that function as workforce housing.
8. Work with the Housing Authority to make sure that renters who want to buy have adequate homebuyer education and resources to qualify for mortgages.

Accomplishments

The following table is an inventory of the employee housing units that have been produced through 2007 as a result of the implementation of strategies used alone or in combination including:

- The relative development code;
- Fee waivers;
- Density for employee units;
- Land banking;
- Annexation policy;
- Out of town water service.

This information should serve as a baseline for measuring the effectiveness of future programs.

Property	Price Cap	Avg AMI	pre-1999	2000	2001	2002	2003	2004	2005	2006	2007	Subtotal	Future	Total
Dispersed in Town	No	none	99	2	6		1	1		6	1	116		116
Wellington 1	Yes	99%		14	20	17	15	17	8	7		98		98
Wellington 2	Yes	110%								7	16	23	105	128
GibsonHeights	Yes	71%			1	34	5					40		40
Vista Point	Yes	113%				9	5	5				19		19
Kennington	No	none	36									36		36
Farmers Grove*	No	none				2	4	7	2			15		15
Monarch Townhomes	Yes	90%		3	4		1	4	1			13		13
Breck Terrace	Both	90%		20		11	5			15		51	129	180
Pinewood Village	Yes	83%			74							74		74
Vic Landing	Yes	86%										0	24	24
Maggie Placer	Yes	106%										0	18	18
Stan Miller	Yes	117%										0	100	100
Pinewood #2	Yes	TBD										0	30	30
Valley Brook	Yes	TBD										0	40	40
Block 11	Yes	TBD										0	325	325
Annual Increase			135	39	105	73	36	34	11	35	17	485	771	1,256

* Farmers Grove includes 35 additional units that are restricted for no short-term rental.

Other Options - The following options have been considered and are not recommended at this time:

1. Inclusionary Zoning, which would require a percentage of the units in new subdivisions to be deed restricted as workforce housing. This was not included in the work plan because all developable land within the Town is already subdivided. Therefore, inclusionary zoning is not viewed as a viable effective strategy at this time.
2. Commercial and Residential Linkage, which would have required new development to provide housing for a portion of the demand generated by new employees, was eliminated since the amount of new development is limited and the number of units that could be produced given legal constraints would be low relative to the amount of effort required to create and administer the requirements.

2008 Housing Budget

Revenue		Expenses	
Interest	\$10,000	Acquisition of Block 11 parcel	\$960,000
Rental Income	\$28,000	Town Down Payment Assistance	\$60,000
Mortgage Payments	\$20,000	Town Rental Assistance	\$12,500
Impact Fee	\$800,000	Claimjumper parcel acquisition	TBD
Sales tax	\$285,600	Valley Brook development subsidy	TBD
Capital Funds	\$1,500,000	Buy Down Program	TBD
Transfers	\$462,441	County-wide Down Payment	TBD
Total	\$3,106,041		

The Town has budgeted \$1.5m from Capital funds through 2012 for a total of \$7.5m for capital housing development; the Impact Fee is effective for 10 years and will generate an estimated \$10m for housing projects.



TOWN OF BRECKENRIDGE TOWN COUNCIL AGENDA
Tuesday, March 9, 2010 (Regular Meeting); 7:30 p.m.

I	CALL TO ORDER and ROLL CALL	
II	APPROVAL OF MINUTES – February 23, 2010	Page 69
III	APPROVAL OF AGENDA	
IV	COMMUNICATIONS TO COUNCIL	
	A. Proclamation – March 7- 13, 2010 Girl Scout Week	Page 74
	B. Proclamation – Earth Hour - March 27, 2010; 8:30 – 9:30 p.m. (Patrick Paden, Junior SHS present)	Page 75
	C. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)	
	D. Breckenridge Resort Chamber	
V	CONTINUED BUSINESS	
	A. SECOND READING OF COUNCIL BILL, SERIES 2010 - PUBLIC HEARINGS	
	1. Council Bill No. 5, Series 2010- AN ORDINANCE AMENDING ORDINANCE NO. 9, SERIES 2009, BY EXTENDING THE SUNSET DATE FOR THE “TOWN OF BRECKENRIDGE OPEN HOUSE SIGN ORDINANCE”	Page 76
VI	NEW BUSINESS	
	A. FIRST READING OF COUNCIL BILL, SERIES 2010	
	1. Council Bill No. 6, Series 2010 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2003 EDITION, ADOPTED BY REFERENCE IN CHAPTER 1 OF TITLE 7 OF THE Breckenridge Town Code, BY ADOPTING PROVISIONS CONCERNING WIRELESS TELEPHONE PROHIBITIONS FOR DRIVERS	Page 79
	B. RESOLUTIONS, SERIES 2010	
	1. A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY (Jumbo Mill Site and Scott and Jason Lodes)	Page 83
	C. OTHER	
	1. None	
VII	PLANNING MATTERS	
	A. Planning Commission Decisions of March 2, 2010	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)	Page 89
	B. Breckenridge Open Space Advisory Commission (Mr. Joyce)	
	C. BRC (Ms. McAtamney)	Page 90
	D. Summit Combined Housing Authority (Mr. Millisor)	
	E. Breckenridge Heritage Alliance (Mr. Bergeron)	
	F. Sustainability Committee (Mr. Millisor)	
X	OTHER MATTERS	
XI	SCHEDULED MEETINGS	Page 91
XII	ADJOURNMENT	

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

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 23, 2010
PAGE 1**

CALL TO ORDER and ROLL CALL

Mayor Warner called the February 23, 2010 Town Council Meeting to order at 7: 30 p.m. The following members answered roll call: Mr. Bergeron, Mr. Mamula, Mr. Millisor, Mr. Joyce, and Mayor Warner. Ms. McAtamney and Mr. Rossi were absent.

APPROVAL OF MINUTES – February 9, 2010 Regular Meeting

With no changes or corrections to the meeting minutes of February 9, Mayor Warner declared they would stand approved as presented.

APPROVAL OF AGENDA

There were no changes to the agenda. Mayor Warner accepted the agenda as submitted.

COMMUNICATIONS TO COUNCIL

A. Citizen's Comments - (Non-Agenda Items ONLY; 3 minute limit please). There were none. However, a citizen comment was allowed later in the meeting.

CONTINUED BUSINESS

A. *SECOND READING OF COUNCIL BILL, SERIES 2010 - PUBLIC HEARINGS***

1. *Council Bill No. 3, Series 2010- AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 2 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING SOLID WASTE AND WEEDS; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE*

Tim Berry, Town Attorney explained the ordinance would rewrite the town code regarding trash and garbage related ordinances into one chapter of the town code with additional clarification on line 31 through 33, Section 5-2-2(C). There is one proposed change to the ordinance from the first reading which deals with the placement of trash recyclables at curbside and does not apply to the placement of rubbish.

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

Mr. Bergeron moved to approve Council Bill No. 3, Series 2010. Mr. Mamula seconded the motion. The motion passed 5-0.

After this ordinance was approved by Council, Andrew Biggen, a realtor from Breckenridge Associates Real Estate made a request for public comment. Mayor Warner explained that his comments would come under Planning Matters. Mr. Berry clarified that there was to be no public proceeding as to the decision to call up. Mr. Berry asked for the Council's permission to have Andrew Biggen speak. The Council approved.

Andrew Biggen a realtor from Breckenridge Associates Real Estate explained that he attended the Planning Commission meeting held on February 16, 2010 where an AT&T emergency cell site was discussed. Several letters were submitted to the Planning Commission to support the addition of another cell tower for extra usage which has occurred over approximately the past 18 months during peak times. Bandwidth usage increased by 400% last summer although the usage during the Christmas season was around 700%. These calculations were underestimated; therefore AT&T has requested that an additional tower be placed in the historic district that will take up approximately two or three parking spaces with a tower height of about 30 feet. Mr. Biggen explained that people have had problems with placing emergency 911 cell calls. Mr. Biggen strongly requested the Council's approval. Mayor Warner expressed concern with compromising the historic district for a corporation that should have had planners to figure out the situation before it occurred.

2. *Council Bill No. 4, Series 2010 – AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE, AT THE REGULAR TOWN ELECTION TO BE HELD APRIL 6, 2010, PROPOSED AMENDMENTS TO THE BRECKENRIDGE TOWN CHARTER SETTING FORTH*

**THE BALLOT TITLE; AND PROVIDING OTHER DETAILS IN CONNECTION
WITH THE SUBMISSION OF THE QUESTIONS TO THE ELECTORS**

Mr. Berry explained the Town of Breckenridge is a Home Rule municipality. Under Colorado law, any proposed charter amendments must be submitted to the voters. This ordinance would submit four different questions to voters. The first deals with reserved powers of initiative which would authorize the Council to adopt procedures to explain how a citizen's right of initiative would be implemented. Second, it would also change the effective date of a town ordinance from five days following newspaper publication to 30 days, the reason for this being is so that an ordinance would not go into effect until the 30 day referendum period by law. Third, it submits a question to the voters concerning the definition of "elector". Fourth, the definition of "publication" is intended to allow the posting of adopted ordinances to the Town's official website. There are no changes from the first reading.

Council asked about the format of the questions on the election ballot. Mr. Berry confirmed they would be the same as in the ordinance.

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

Mr. Mamula moved to approve Council Bill No. 4, Series 2010. Mr. Bergeron seconded the motion. The motion passed 5-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2010

- 1. Council Bill No. 5, Series 2010- AN ORDINANCE AMENDING ORDINANCE NO. 9, SERIES 2009, BY EXTENDING THE SUNSET DATE FOR THE "TOWN OF BRECKENRIDGE OPEN HOUSE SIGN ORDINANCE"**

Mr. Berry introduced this council bill stating that it would extend the automatic repeal date of this ordinance to April 1, 2011. Mayor Warner asked for questions. There were none. Andrew Biggen thanked Council concerning the sign ordinance. Mayor Warner was thankful that everyone was agreeable to the ordinance and that cooperation with local realtors was positive.

Mr. Bergeron moved to approve Council Bill No. 5, Series. Mr. Millisor made the second. A roll call vote was taken. The motion passed 5-0.

B. RESOLUTIONS, SERIES 2010

- 1. A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2009 TOWN BUDGET**

Mr. Gagen explained that the items in the resolution would provide additional 2009 budget in the following areas: Police Department, Community Development, and Transit. It would also provide funds for the levy payment of debt for the Golf Fund, as well as the purchase of Colorado Mountain College. Council had no questions.

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

Mr. Millisor moved to approve the "Resolution Making Supplemental Appropriations to the 2009 Town Budget". Mr. Joyce seconded the motion. The motion passed 5-0.

- 2. A RESOLUTION APPROVING A CONTRACT FOR THE MAINTENANCE OF COLORADO HIGHWAY 9 WITH THE STATE OF COLORADO, DEPARTMENT OF TRANSPORTATION**

Mr. Berry explained that CDOT annually pays \$27,000 towards the maintenance services performed by the Town for State Highway 9.

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 23, 2010
PAGE 3**

Mr. Joyce moved to approve the “Resolution Approving a Contract for the Maintenance of Colorado Highway 9 with the State of Colorado, Department of Transportation”. Mr. Mamula seconded the motion. The motion passed 5-0.

3. A RESOLUTION APPROVING THE “CITIZEN PARTICIPATION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – VALLEY BROOK HOUSING DEVELOPMENT, BRECKENRIDGE, COLORADO

Mr. Berry explained the citizen participation plan and that the federal government requires the Town to adopt a citizen participation plan to ensure public participation. The Town is required to certify and hold a public hearing. Council would need to approve the plan and submit it.

Mr. Bergeron moved to approve the “Citizen Participation Plan for the Community Development Block Grant Program – Valley Brook Housing Development”. Mr. Mamula seconded the motion. The motion passed 5-0.

4. A RESOLUTION TO BECOME AN OFFICIAL CENSUS 2010 PARTNER

Mr. Gagen explained that this resolution encourages public participation and formalizes it through a legislative act through the Council.

Mr. Mamula moved to approve the “Resolution to become an Official Census 2010 Partner”. Mr. Millisor seconded the motion. The motion passed 5-0.

C. OTHER

None.

PLANNING MATTERS

A. Planning Commission Decisions of February 16, 2010

With no questions, comments, or requests to call up an item, Mayor Warner declared the Planning Commission Decisions of the February 16, 2010 Planning Commission meeting would stand approved as presented. One Council member expressed concern about placing the cell tower in the historic district.

B. Town Council Representative Report

No report.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen had nothing further to report.

REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (Mayor Warner) – CAST meeting is next Thursday. Mayor Warner is unable to attend the MMC meeting; Mr. Gagen will attend.

B. Breckenridge Open Space Advisory Commission (Mr. Joyce) – Mr. Joyce reported on dog waste at trailheads. He made the suggestion of constructing a bag station with a trash can. A volunteer will be responsible for discarding the waste for a time period of one year. Mr. Gagen reminded the Council of hidden gems and watershed protection. BOSAC is open to the thoughts that Council has expressed in the past. Things are moving forward.

C. Breckenridge Resort Chamber (Ms. McAtamney) – Mr. Mamula will attend the meeting tomorrow.

D. Summit Combined Housing Authority (Mr. Millisor) – Mr. Millisor attended the February 18 meeting where it was discussed that they apply for funds through the County for the energy audit.

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
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PAGE 4**

E. **Breckenridge Heritage Alliance** (Mr. Bergeron) – The next meeting is to take place next Tuesday. More direction is needed from Council to talk with BHA regarding town issues. Larissa O’Neil is requesting guidance from Council and that they take a more active role.

F. **Sustainability** (Mr. Millisor) – The next meeting will be on March 12 where they will talk about the public process.

OTHER MATTERS

Mayor Warner added that he’d like to see the possibility of an additional tax on medical marijuana on the November ballot and stated that others would like to see it as well. There was some concern from other Council members with putting it on the November ballot. Others don’t think that it would be a problem. Mr. Gagen stated that there are several other communities that are considering doing the same thing.

SCHEDULED MEETINGS

The next Town Council meeting is March 9. Candidate petitions are due in the Town Clerk’s office by Friday, March 5. A candidate forum will be held on Thursday, March 18 from 7:00 to 9:00 p.m. in the Town Hall auditorium. The Breck Buzz meeting is on March 4; Kim DiLallo will attend the meeting.

ADJOURNMENT

With no further business to discuss, Mr. Warner moved to adjourn the meeting at 8:14 p.m.

Submitted by Jena Taylor, Administrative Specialist.

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 work session meeting on Tuesday, February 23, 2010 at 6:12 p.m., Mr. Mamula moved to convene in Executive Session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for 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. Bergeron made the second.

The Mayor then stated: “A motion has been made for the Town Council to go into an executive session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal 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”.

The conference with the Town Attorney involves interpretation of the display of political signs on property that has been leased by the Town, but may also include conferences with the Town Attorney concerning the other subject matter of the executive session.

A roll call vote was taken and all were in favor of the motion.

Mr. Bergeron moved to adjourn the Executive Session at 7:16 p.m. Mr. Mamula made the second. All were in favor of the motion.

John Warner, Mayor



**GIRL SCOUTS OF the USA
PROCLAMATION**

WHEREAS, Friday, March 12, 2010, marks the 98th anniversary of Girl Scouts of the USA, founded in 1912 by Juliette Gordon Low in Savannah, Georgia; and,

WHEREAS, Girl Scouts, the largest organization for girls in the world, is the leading authority and advocate for girls inspiring millions of girls and women with the highest ideals of courage, confidence and character; and,

WHEREAS, Girl Scouts is a safe place for girls to explore their world, develop an understanding and empathy for others and take action to make the world a better place; and,

WHEREAS, through leadership experiences that build self-confidence, creative decision-making skills and teamwork, girls develop real-world leadership abilities that will last them a lifetime in Girl Scouts; and,

WHEREAS, Girl Scouting is for every girl, everywhere, and is dedicated to serving members from all racial, ethnic, cultural, religious and socioeconomic groups; and,

WHEREAS, Girl Scouts of Colorado is a statewide council serving 33,000 girls, ages 5 to 17, across the state.

NOW, THEREFORE, BE IT RESOLVED THAT, that I, Mayor John Warner, designate March 7–13, 2010, as Girl Scout Week in the Town of Breckenridge, and express the appreciation of our citizens to the Girl Scouts of the USA for their interest in and dedication to America’s youth.

Adopted this _____ day of _____, 2010.

Mayor John Warner

Town Clerk Mary Jean Loufek



EARTH HOUR PROCLAMATION

8:30 – 9:30 p.m.

March 27, 2010

WHEREAS, the Town of Breckenridge is concerned about the potential impacts of climate change and believes that efforts at energy efficiency and natural resource conservation should be promoted; and

WHEREAS, “Earth Hour” is both an international and local symbolic event to raise awareness about climate change issues, to encourage businesses, individuals and government to take action to reduce their carbon emissions and their impact on the environment in their daily lives; and

WHEREAS, “Earth Hour” asks all citizens, businesses, government agencies and commercial and non-commercial establishments to turn off all non-essential lighting for one hour from 8:30 to 9:30 p.m. on Saturday, March 27, 2010 and further, to commit to actions they can take in the coming year to reduce their carbon footprint and conserve energy;

WHEREAS, the Town of Breckenridge will turn off non-essential lights in Town buildings during “Earth Hour” to show support for energy conservation and “Earth Hour” events around the world.

NOW, THEREFORE, BE IT RESOLVED THAT, that I, Mayor John Warner do hereby proclaim, March 27, 2010 from 8:30 – 9:30 p.m. as “Earth Hour” in Breckenridge, Colorado and call upon all residents of Breckenridge to join me in supporting the aims and goals of this effort.

Adopted this _____ day of _____, 2010.

Mayor John Warner (SEAL)

Attest:

Town Clerk Mary Jean Loufek

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 5 (Open House Signs Sunset Extension Ordinance)

DATE: March 1, 2010 (for March 9th meeting)

The second reading of the ordinance extending the sunset date for the Open House Signs Ordinance until April 1, 2011 is scheduled for your meeting on March 9th. 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 – MARCH 9***

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

4
5 Additions To The Current Open House Sign Ordinance Are
6 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

7
8 COUNCIL BILL NO. 5

9
10 Series 2010

11
12 AN ORDINANCE AMENDING ORDINANCE NO. 9, SERIES 2009, BY EXTENDING THE
13 SUNSET DATE FOR THE “TOWN OF BRECKENRIDGE OPEN HOUSE SIGN
14 ORDINANCE”

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

18
19 Section 1. Section 8 of Ordinance No. 9, Series 2009, is amended so as to read in its
20 entirety as follows:

21 Section 8. Section 1 and Section 2 of this ordinance ~~is~~are repealed effective April
22 1, ~~2010~~2011.

23
24 Section 2. Except as specifically amended, Ordinance No. 9, Series 2009, shall continue
25 in full force and effect.

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

30 Section 4. The Town Council hereby finds, determines and declares that it has the power
31 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
32 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
33 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
34 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
35 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
36 contained in the Breckenridge Town Charter.

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

39 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
40 PUBLISHED IN FULL this ____ day of _____, 2010. 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

1 _____, 2010, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
2 Town.

3
4 TOWN OF BRECKENRIDGE, a Colorado
5 municipal corporation
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8
9 By _____
10 John G. Warner, Mayor

11
12 ATTEST:
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16 _____
17 Mary Jean Loufek, CMC,
18 Town Clerk
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MEMO

TO: Town Council

FROM: Town Attorney

RE: Ordinance Adopting New State Law Re: Cell Phones and Texting

DATE: March 2, 2010 (for March 9th meeting)

As I am sure you have heard, the 2009 Colorado legislature adopted a new state law prohibiting a person under age 18 from using a cell phone to talk or to text while driving, and prohibiting a person age 18 or over from texting while driving. The state law became effective December 1, 2009.

As we have done with other state traffic laws, it seems appropriate to make this new state law part of the Town's Traffic Code. Doing so would allow violations to be written into the Town's Municipal Court, rather than having to be written into the County Court as is now required.

Enclosed is a proposed ordinance to make the new state law part of the Town's Traffic Code. The ordinance has been blacklined to show the changes to the Traffic Code that would be brought about by the adoption of the ordinance.

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

1 *FOR WORKSESSION/FIRST READING – MARCH 9*

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2010

9
10 AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2003
11 EDITION, ADOPTED BY REFERENCE IN CHAPTER 1 OF TITLE 7 OF THE
12 BRECKENRIDGE TOWN CODE, BY ADOPTING PROVISIONS CONCERNING
13 WIRELESS TELEPHONE PROHIBITIONS FOR DRIVERS

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

17
18 Section 1. Section G.3 of Section 7-1-2 of the Breckenridge Town Code is hereby
19 amended so as to read in its entirety as follows:

20
21 G.3 Article I is hereby amended by the addition of a new section 239 which shall
22 read in its entirety as follows:

23
24 **239. Misuse of a wireless telephone - definitions.** (1) As used in this section,
25 unless the context otherwise requires:

26 (a) "Emergency" means a situation in which a person:

27 (I) Has reason to fear for such person's life or safety or believes that
28 a criminal act may be perpetrated against such person or another person,
29 requiring the use of a ~~mobile communication device~~ wireless telephone
30 while the car is moving; or

31 (II) Reports a fire, a traffic accident in which one or more injuries
32 are apparent, a serious road hazard, a medical or hazardous materials
33 emergency, or a person who is driving in a reckless, careless, or otherwise
34 unsafe manner.

35 (b) ~~"Mobile communication device" means a cellular telephone or~~
36 ~~other device that enables a person in a motor vehicle to transmit and receive~~
37 ~~audio signals to and from a person or audio recording device located outside~~
38 ~~the motor vehicle.~~ "Operating a Motor Vehicle" means driving a
39 motor vehicle on a public highway, but "operating a motor vehicle" shall not
40 mean maintaining the instruments of control while the motor vehicle is at
41 rest in a shoulder lane or lawfully parked.

42 (c) "Use" means talking on or listening to a wireless telephone or engaging
43 the wireless telephone for text messaging or other similar forms of manual
44 data entry or transmission.

1 (d) "Wireless Telephone" means a telephone that operates without a
2 physical, wireline connection to the provider's equipment. the term includes,
3 without limitation, cellular and mobile telephones.

4 (2) No Δ person who holds a temporary instruction permit or a minor's instruction
5 permit pursuant to section 42-2-106 under eighteen years of age shall not use a
6 mobile communication device wireless telephone while operating a motor
7 vehicle. This section shall not apply to a person who is using the mobile
8 communication device:

9 (a) To contact a public safety entity;

10 (b) While the vehicle is lawfully parked; or

11 (c) During an emergency.

12 (3) A person eighteen years of age or older shall not use a wireless telephone
13 for the purpose of engaging in text messaging or other similar forms of
14 manual data entry or transmission while operating a motor vehicle.

15 (4) Subsection (2) or (3) of this section shall not apply to a person who is
16 using the wireless telephone:

17 (a) to contact a public safety entity; or

18 (b) during an emergency.

19 ~~(3)~~ (5) (a) An operator of a motor vehicle shall not be cited for a violation of
20 subsection (2) of this section unless such operator was stopped by the operator
21 was under eighteen years of age and a law enforcement officer for an alleged
22 violation of articles 1 to 4 of this title other than a violation of this section saw the
23 operator use, as defined in paragraph (c) of subsection (1) of this section, a
24 wireless telephone.

25 (b) An operator of a motor vehicle shall not be cited for a violation of
26 subsection (3) of this section unless the operator was eighteen years of age or
27 older and a law enforcement officer saw the operator use a wireless telephone
28 for the purpose of engaging in text messaging or other similar forms of
29 manual data entry or transmission.

30 (6) The provisions of this section shall not be construed to authorize the
31 seizure and forfeiture of a wireless telephone, unless otherwise provided by
32 law.

33 (7) This section does not restrict operation of an amateur radio station by a
34 person who holds a valid amateur radio operator license issued by the federal
35 communications commission.

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

39
40 Section 3. The Town Council hereby finds, determines and declares that this ordinance is
41 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
42 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
43 thereof.
44

Memorandum

To: Town Council
From: Heide Andersen
Re: Resolution on Scott and Jason Lode Claims and Jumbo Mill Site
Date: March 9, 201

Last fall and early winter, the BOSAC and Town Council agreed to purchase the Scott and Jason Lode Claims (10 acres total) near Hoosier pass jointly with Summit County and to pay \$35,000 towards the purchase of the Jumbo Mill Site within the Peabody Placer. Because of the timing of the necessary Town meetings and approvals, the County purchased both properties solely, with the intention that the Town would buy into them at a later date. The contract that is in the packet is between the Town and the County, through which the Town will purchase 50% interest in Scott and Jason Lodes for \$12,500 and 37% interest in the Jumbo Mill Site for \$35,000.

The Scott and Jason Lodes are located in the high alpine zone of the Hoosier Pass area above the Northstar neighborhood. They contain threatened/endangered plant communities, provide important wildlife habitat, and are situated on a mountainside that is highly visible from the highway.

The Jumbo Millsite is an inholding within the Peabody Placer. It contains a beautiful meadow and diverse vegetation. It is close to Gold Run Road and, if developed, could very much affect the integrity of the groomed nordic experience in the area near the Preston Townsite.

1 *FOR WORKSESSION/ADOPTION – MARCH 9*

2
3 A RESOLUTION

4
5 SERIES 2010

6
7 A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH THE
8 BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY
9 (Jumbo Mill Site and Scott and Jason Lodes)

10
11 WHEREAS, the Town of Breckenridge desires to purchase from the Board of County
12 Commissioners of Summit County ("County") an undivided one-half interest in the Scott Lode,
13 U.S.M.S. No. 714, and the Jason Lode, U.S.M.S. 715, together with an undivided thirty seven
14 percent interest in the Jumbo Mill Site, U.S.M.S. No. 4254, located in the Peabody Placer,
15 U.S.M.S. No. 4252 (Section 20, Township 6 South, Range 77 West of the 6th P.M.)(collectively,
16 the "Property"); and

17
18 WHEREAS, a proposed Purchase and Sale Agreement between the Town and the County
19 has been prepared, a copy of which is marked Exhibit "A", attached hereto and incorporated
20 herein by reference ("Agreement"); and

21
22 WHEREAS, the Town Council has reviewed the proposed Agreement, and finds and
23 determines that it would be in the best interests of the Town and its residents for the Town to
24 enter into the proposed Agreement; and

25
26 WHEREAS, Rule 6.1(b) of the Council Procedures and Rules of Order provides that a
27 resolution may be used to approve a contract.

28
29 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
30 BRECKENRIDGE, COLORADO, as follows:

31
32 Section 1. The Purchase and Sale Agreement between the Town and the County (Exhibit
33 "A" hereto) is approved; and the Town Manager is hereby authorized, empowered and directed
34 to execute such Option Agreement for and on behalf of the Town of Breckenridge.

35
36 Section 2. At such time as the Town Manager is advised by the Town Attorney that it is
37 appropriate to do so, the Town Manager is hereby authorized, empowered and directed to give
38 notice of the exercise of the option granted to the Town by said Agreement prior to the deadline
39 provided for in the Agreement, and thereafter to take all necessary and appropriate action to
40 close the purchase of the Property. In connection therewith, the Town Manager shall have full
41 power and authority to do and perform all matters and things necessary to the purchase and
42 acquisition of the Property, including but not limited to the following:

- 43
44 1. The making, execution and acknowledgment of extension
45 agreements, settlement statements, closing agreements and
46 other usual and customary closing documents;

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- 2. The acceptance of delivery of the Deed for the Town's interest in the Property;
- 3. The recording of the Deed for the Town's interest in the Property with the Summit County Clerk and Recorder; and
- 4. The performance of all other things necessary to the acquisition of the Property by the Town.

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

RESOLUTION APPROVED AND ADOPTED THIS ____ DAY OF _____, 2010.

TOWN OF BRECKENRIDGE

By: _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

APPROVED IN FORM

Town Attorney date

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (“*Agreement*”), dated February _____, 2010, is between the BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (the “*Seller*”), and the TOWN OF BRECKENRIDGE, a Colorado municipal corporation (“*Purchaser*”).

RECITALS

WHEREAS, the Seller is the owner of the following real property located within the County of Summit and State of Colorado:

Scott Lode, U.S.M.S. No. 714 (“*Scott Lode*”);
Jason Lode, U.S.M.S. No. 715 (“*Jason Lode*”) and
Jumbo Mill Site, U.S.M.S. No. 4252, located in the Peabody Placer, U.S.M.S. No. 4252 (Section 20, Township 6 South, Range 77 West of the 6th P.M.) (“*Jumbo Mill Site*”)

(individually by name or, collectively the “*Property*”); and

WHEREAS, the Purchaser desires to acquire certain undivided interests in the Property from Seller, and Seller agrees to sell certain undivided interests in the Property to Purchaser, all as more fully set forth hereafter.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Purchase and Sale. Seller agrees to sell to Purchaser, and Purchaser agrees to buy from Seller, the following:
 - A. an undivided one-half (1/2) interest in the Scott Lode and an undivided one-half interest (1/2) in the Jason Lode for the total price of Twelve Thousand Five Hundred Dollars (\$12,500.00); and
 - B. an undivided thirty seven percent (37%) interest in the Jumbo Mill Site for the total price of Thirty Five Thousand Dollars (\$35,000.00).

Upon payment of the sales price at Closing, Seller shall provide Purchaser with a special warranty deed conveying an undivided one-half (1/2) interest in the Scott Lode, an undivided one-half (1/2) interest in the Jason Lode, and a thirty seven percent (37%) undivided interest in the Jumbo Mill Site. The form of the deed shall be reasonably acceptable to Seller’s and Purchaser’s attorneys.

2. Closing. Closing shall occur at 1:00 P.M. on March 16, 2010 at the offices of Land Title Guarantee Company (“*LTGC*”) in Breckenridge, Colorado, or at such other date, time and location as the parties may agree upon.

3. Condition of Property. The undivided interests in the Property described in Section 1 shall be delivered in the condition existing as of the date of this Agreement.

4. Title Insurance. Title insurance policy number 20091785 (insuring Seller's title to the Scott and Jason Lodes) and title insurance policy number 20091719 (insuring Seller's title to the Jumbo Mill Site) have been issued to Seller by LTGC. Purchaser will accept title to the interests in the Property that are the subject of this Agreement subject to the title exceptions described in policy number 20091785 and title insurance policy number 20091719. LTGC has represented to Seller that, for the consideration of approximately One Hundred Dollars (\$100.00) for each policy, LTGC will issue revised title insurance policies to the Seller that adds policy endorsement 107.9. Such endorsement will name the Purchaser as an additional insured to the subject policies. Actual costs of issuance of a new title policies for the purpose of adding Purchaser as an additional insured shall be paid by the Purchaser.

5. Severability. In case one or more of the provisions contained in this Agreement, or any application hereof, shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this Agreement and the application thereof shall not in any way be affected or impaired thereby.

6. Entire Agreement; Subsequent Modification; Assignment. This Agreement constitutes the entire agreement between the parties relating to the subject hereof, and any prior agreements pertaining thereto, whether oral or written, have been merged and integrated into this Agreement. No subsequent modification of any of the terms of this Agreement shall be valid, binding upon the parties, or enforceable unless made in writing and signed by the parties. This Agreement shall not be assignable by Purchaser without Seller's prior written consent.

7. Governmental Immunity Act. The contracting parties understand and agree that the Seller and the Purchaser are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as from time to time amended, or any other law, protection or limitation otherwise available to the parties and to their respective officers, agents, fiduciaries, representatives and employees.

THIS AGREEMENT IS EFFECTIVE THE DATE FIRST WRITTEN ABOVE.

MEMORANDUM

To: Mayor and Town Council
From: Tim Gagen, Town Manager
Date: March 4, 2010
Subject: *Mayors, Managers & Commissions Meeting Update*

Mayor Warner was unable to attend the recent Mayors, Managers and Commissions meeting. In his absence, I submit the following highlights:

- The three state-wide ballot issues were discussed and all on the board agreed that they were bad for local government and should be opposed;
- A sample resolution of opposition for Town Councils and Commissions to consider will be circulated;
- I-70 Coalition special assessment and school district budget challenges were discussed, and Council has received separate memos on these;
- An update regarding the establishment by CAST of the VRBO enforcement program was provided and a working group is meeting to prepare an RFP to perform services; and;
- Each community representative provided a report regarding their upcoming April elections.



MEMORANDUM

To: Mayor and Town Council
From: Tim Gagen, Town Manager
Date: March 4, 2010
Subject: *BRC Board Meeting Update*

I filled in for Council member Jen McAtamney at the February 24th Breckenridge Resort Chamber (BRC) board meeting.

Highlights of this meeting included the following:

- Resignation of Chris Love from the Board, due to personal job change;
- Discussion on supporting the new Go170 web site;
- Questions regarding the CAST initiative involving Vacation Rentals By Owner (VRBO's);
- Upcoming Town election issues and candidates; and,
- Central Reservations.

The major topic was the status of Central Reservations, including a prospective joint meeting with the Central Reservations Board. The BRC board requested several business model scenarios be run, given certain assumptions, in order to test the future viability of Central Reservations.



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.

MARCH 2010

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

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

OTHER MEETINGS

1 st & 3 rd Tuesday of the Month; 7:00pm	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00pm	Public Art Commission; 3 rd floor Conf Room
2 nd & 4 th Tuesday of the Month; 1:30pm	Board of County Commissioners; County
2 nd Wednesday of the Month; 12 pm	Breckenridge Heritage Alliance
2 nd Thursday of the Month; 5:30pm	Sanitation District
3 rd Monday of the Month; 5:30pm	BOSAC; 3 rd floor Conf Room
3 rd Tuesday of the Month; 9:00 am	Liquor Licensing Authority; Council Chambers
3 rd Thursday of the Month; 7:00pm	Red White and Blue; Main Fire Station
4 th Wednesday of the Month; 9am	Summit Combined Housing Authority
Last Wednesday of the Month; 8am	Breckenridge Resort Chamber; BRC Offices

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