



BRECKENRIDGE TOWN COUNCIL WORK SESSION
Tuesday, September 28, 2010; 3:00 p.m.
Town Hall Auditorium

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.*

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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: September 22, 2010

Re: Town Council Consent Calendar from the Planning Commission Decisions of the September 21, 2010, Meeting.

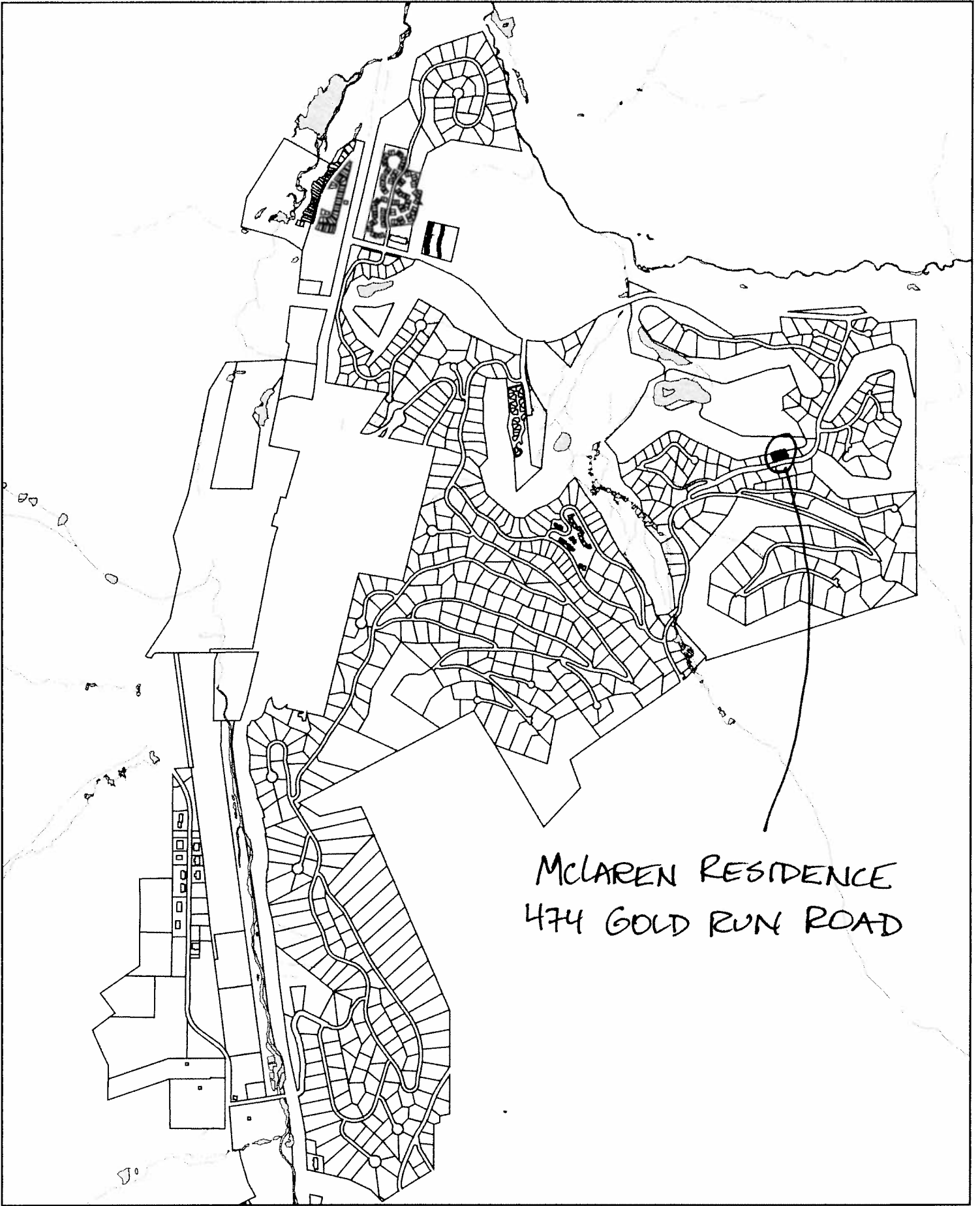
DECISIONS FROM THE PLANNING COMMISSION AGENDA OF September 21, 2010:

CLASS C APPLICATIONS:

1. McLaren Residence (MGT) PC#2010051, 474 Gold Run Road
Construct a new single family residence with 4 bedrooms, 4.5 bathrooms, 3,568 sq. ft. of density and 4,248 sq. ft. of mass for a F.A.R. of 1:6.20. Approved.
2. Hosley Remodel (CK) PC#2010049, 215 Wellington Road
Remodel to existing single family residence including new entry extension and updated exterior materials (existing large expanses of stucco to be covered with vertical rough sawn wood siding). No increase in density or mass is proposed. Approved.
3. Breckenridge Pedicabs
Pedicab business with non-motorized pedicabs to transport paying guests throughout the downtown core. (No use on Colorado Highway 9 or on the Riverwalk plaza/walkways.) Approved.

CLASS A APPLICATIONS:

1. Lot B, Parkway Center (CK) PC#2010037, 503 Airport Road
Construct a new, 8,583 sq. ft. mixed use building. The first level will consist of 4,727 sq. ft. of retail space, 335 sq. ft. of café space and 449 sq. ft. of common space. The second level is designed for 2,629 sq. ft. of office space and 443 sq. ft. of employee housing. The primary exterior materials proposed include vertical wood siding, horizontal wood siding, brick, vertical metal siding, glass, and timber beams with steel plants and fasteners. Approved.



MCLAREN RESIDENCE
474 GOLD RUN ROAD



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

Breckenridge North

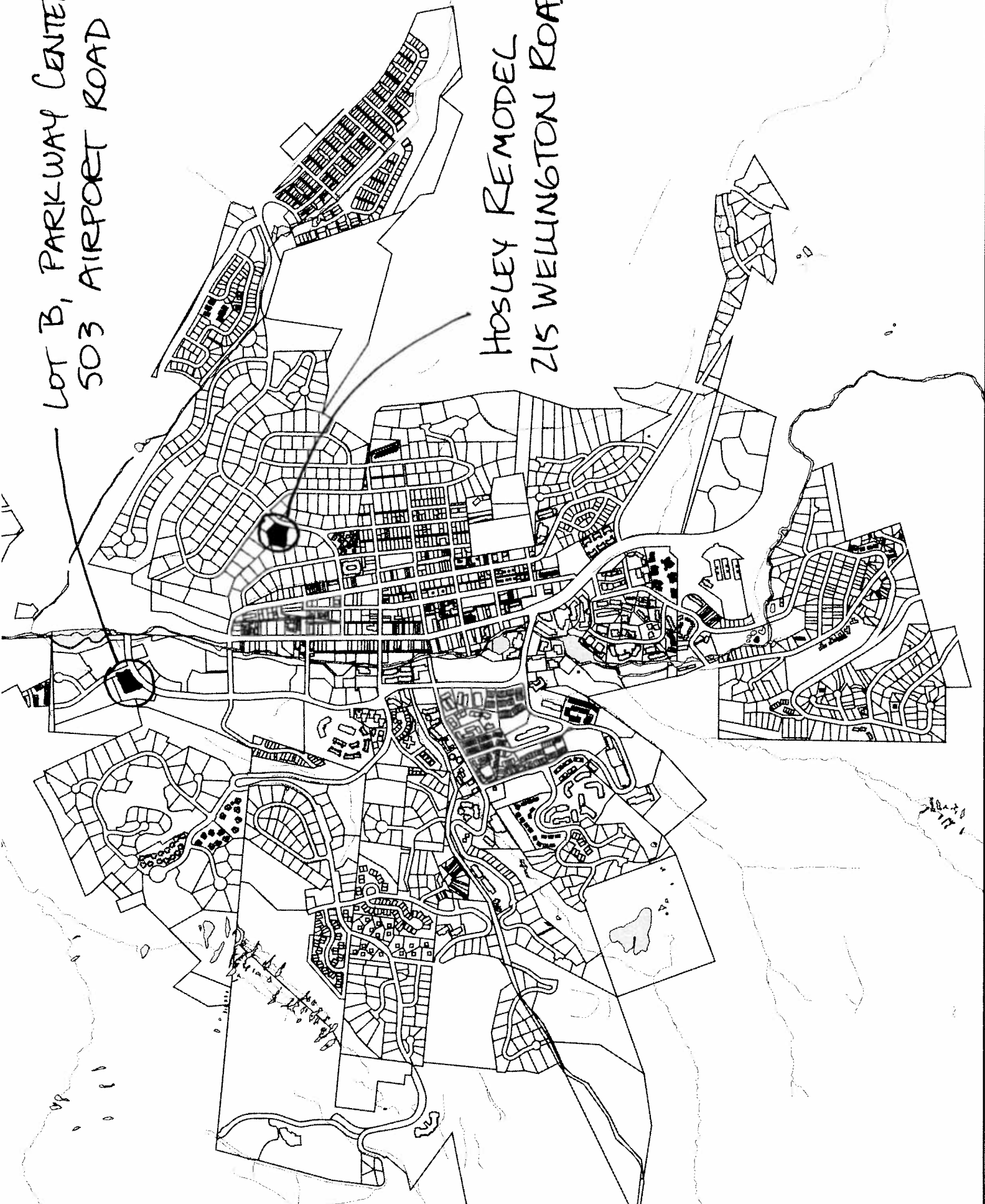
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LOT B, PARKWAY CENTER
503 AIRPORT ROAD

HOSLEY REMODEL
215 WELLINGTON ROAD



PLANNING COMMISSION MEETING

The meeting was called to order at 7:02 p.m.

ROLL CALL

Dan Schroder	Michael Bertaux	Jim Lamb
Rodney Allen	Jack Wolfe	Leigh Girvin
Mark Burke		

Dave Pringle was absent

APPROVAL OF MINUTES

With no changes, the minutes of the September 7, 2010 Planning Commission meetings were approved unanimously (6-0).

APPROVAL OF AGENDA

Mr. Neubecker would like to add three items to other matters: Planning Commission Field Trip on Oct. 14th, expiring Planning Commissioners' terms, and a brief discussion of the Joint Meeting with Town Council on Nov. 9th. With these changes, the Agenda for the September 21, 2010 Planning Commission meeting was approved unanimously (6-0).

CONSENT CALENDAR:

- 1) McLaren Residence (MGT) PC#2010051; 474 Gold Run Road
- 2) Hosley Remodel (CK) PC#2010049; 215 Wellington Road
- 3) Breckenridge Pedicabs (CK) PC#2010052

Ms. Girvin moved to call up PC#2010052, Breckenridge Pedicabs. Mr. Schroder seconded it. The motion up was approved unanimously (6-0).

With no other requests for call up, the remainder of the consent calendar was approved as presented. Mr. Burke was excused for the call up discussion.

Commissioner Questions/Comments (Breckenridge Pedicabs):

Mr. Schroder: I would like some clarification regarding the rider distances on page thirty (30), for the Breckenridge Pedicabs. The prohibited zones were discussed with Mr. Neubecker, Mr. Kulick and Mr. Kevin Holmquest (the Applicant). Can I have clarification of the sign code on the cabs for advertising? (Mr. Kulick: They would not allow off-premise signs as advertising.) Mr. Neubecker, can you clarify the difference of this and advertising on sides of the ski area buses? Also, what about the ads inside the bus? (Staff explained that outside of the bus is used for promoting the ski resort, not other businesses. Ads inside the bus are not signs, since they are not seen from outside.)

Final Comments: I see this Pedicab project as a cool venture and great for the Town, but although conditions are unique, I do not want to see mobile advertising in Town, as it does not follow the sign code. I suggest that Council looks at this in a hard way, and see if it will make sense.

Mr. Lamb: I do not see the hardship; however, I think that this would increase the character and 'bike-friendly' aspect of the Town.

Final Comments: I like the idea of this form of transportation in Town.

Mr. Bertaux: What is the hardship (for the variance)? I do not agree that it has been proven. Would we grant this same variance if there were a second pedicab company to come into the picture?

Final Comments: I support the pedicabs, but without advertising variance.

Ms. Girvin: Asked the applicant to discuss his view of 'advertising' on the cabs. (Mr. Holmquest: Presented types of businesses and locations of advertising on the cabs. Explained that in order to run a business such as this, they *need* advertising. They would not reach out to certain advertising, such as Budweiser or medical marijuana, but more relevant advertising to help support local businesses, such as restaurants, retail, or, for example, the Town of Breckenridge. The applicant added that this would qualify as a hardship, not to keep out cost down, but to keep the cost more effective for their customers.) I think that the Grand Timber shuttle is an eyesore. I don't see why this section of the code is worse. (Mr. Neubecker: Read the section of the code describing signage on vehicles

describing the name and type of business.) I believe that a happy-medium would be that the Pedicab would advertise town events instead of other businesses.

Final Comments: Agree that this is a unique project in light of the Sustainability Plan. Is in favor of granting a future variance to approve this opportunity.

Mr. Wolfe: (Ms. Girvin compared this advertisement to local buses already in use in town, for example, Grand Timber Lodge.) Mentioned that there is a fine line between posting, aka ‘advertsing’, that your vehicle is a courtesy vehicle for Grand Timber Lodge, vs. advertising timeshares for sale at Grand Timber Lodge.

Final Comments: Encourages this company as a sustainable form of transportation; however, does not see the hardship aspect. Would like staff to take a hard look at this application.

Mr. Allen: Final Comments: I love this business idea and I am in support of the application, but could not support an advertising variance, as it is not allowed in the sign code.

Mr. Bertaux made a motion to approve Breckenridge Pedicabs (CK) PC#2010052 with the presented findings and conditions. Mr. Lamb seconded the motion, and it was approved unanimously (6-0).

WORKSESSIONS:

1) Energy Policy (JP)

Ms. Puester presented. This is the fifth worksession on revising the existing Policy 33R *Energy Conservation*. The policy currently addresses energy conservation and renewable energy with the intent of encouraging renewable and conservation methods beyond those required in the Sustainable Building Code and State Energy Code. While this relative policy has been in place for many years, the actual amount of energy conservation or production of energy have not typically been measurable, making it difficult to determine how much energy is being saved or produced and therefore how many points are warranted. This has resulted in concerns on how points were being assigned and if the points have been equitable. Staff proposes using a HERS (Home Energy Rating System) score. The purpose of using a HERS rating for residential and a similar method for commercial is that they are internationally recognized and universal calculations by certified raters (as established by the Residential Energy Services Network-RESNET). The results are calculated and measurable.

Staff proposed a draft policy with changes based on the Planning Commissioners concerns at the July 9th meeting. Changes to the policy were been shown in strike and bold.

One question that was brought up for clarification was how much energy an outdoor water feature utilizes. There is a broad range of water features and the typical feature circulates 20-30 gallon of water per hour. The amount of energy is dependent on the type of energy source. For instance, there are some solar powered features (although these tend to be small bird bath size features) and some more energy efficient motors. However, these design features appear to be used in warmer climates and are turned off in cooler months. To take these energy conservation methods into consideration, staff has included a statement to reduce the negative point assessment based on the information the applicant provides on the water feature.

Staff would like to get Commissioner comments on the proposed changes to Policy 33R. If the Commission is comfortable with the policy as drafted, staff would like direction to proceed to the Town Council.

Commissioner Questions/Comments:

Mr. Schroder: Agreed that the HERS system is a tangible system to use to measure energy.

Final Comments: Is in favor of this presentation.

Mr. Lamb: Can we control the size of the water feature (hence, the emissions) by limiting the type of motor used? (Ms. Puester: It is possible to define but it limits the future ability to be flexible as the motors advance over time, such as the solar powered motors that are coming out now.)

Mr. Bertaux: What would allow a water feature to run twelve months out of the year, other than glycol, which is not allowed? (Mr. Allen: The motor would have to be running constantly and give off enough heat to keep the water from freezing.) Maybe more negative points should be added to water features.

Final Comments: Believes that HERS should be required for new construction. Just to reiterate his opinion, does not want to give one positive point (+1) just for doing the HERS rating.

Ms. Girvin: Asked about the water feature emissions. Asked if there was a sliding scale for teardowns of existing buildings. (Ms. Puester: Yes, as written it would be zero (0) through negative six (-6)).

Final Comments: Supports the negative points, and feels better knowing that all of the negative points proposed for big energy users are on a sliding scale for the negative points. Believes that some examples of teardowns would help the Commission.

Mr. Wolfe: Suggested that a negative six (-6) points given for teardowns is discouraging to owners of a commercial property that needs to be redeveloped. Suggests that historic commercial buildings should be addressed differently than other commercial property. (Mr. Grosshuesch: The negative points for teardowns are on a sliding scale ranging from negative six (-6) to zero (0). They can be assigned in one point increments like the other policies in the Development Code.) (Mr. Neubecker: Tearing down an entire building and replacing with new materials, wood, siding, concrete and all the energy it takes to make those materials and truck them to Town is the ‘embodied energy’ that you destroy with a teardown.) Likes that there is a zero (0) option given to these negative points, as some people may reach this by attempting to recycle and reuse materials. (Staff agreed.) Has staff looked into other areas using this system of rating and how did it apply or mesh with LEED certification? (Ms. Puester: There have been several field trips and projects that we have looked at. The LEED certifications apply to overall ‘green design’ not specifically to energy conservation, so for our purpose, the HERS rating system is more applicable for our energy conservation policy. The LEED system has a lot of holes when it comes to looking at energy. You can get points for bus stops or low VOC paint rather than energy measures.) Would Gold certified LEED buildings fall into this HERS rating? (Ms. Puester: A builder could get gold or platinum certified LEED building with very little energy efficiency or very much efficiency. It is not exactly the same rating system. In the Sustainable Building Code, however, you can use different rating such as LEED or Green Globes to get points under the building code. This focuses entirely on energy.)

Mr. Allen: How many builders re-use material? What would the average gallon rate be for water features? (Ms. Puester: It may be twenty (20) to thirty (30) gallons, but it greatly depends on the pump valve, the motor, the form of energy used (solar or electric), etc. and could range up to several hundred gallons per minute for a large commercial scale feature.) What about negative points given after a home has been built and they want to add heated driveways and a water feature etc.? (Ms. Puester: This would assess negative points that would have to be made up either through the energy policy or another policy in the code for positive points, landscaping for example.) Receiving a negative five (-5) points on a single family home would be very hard to overcome. Would like to see an example of negative points applied for heated driveways, heated culverts, or heated roofs, etc. (Mr. Neubecker: On some projects we have given negative points for snowmelt, but then positive points for community benefit and safety.) (Mr. Grosshuesch: If it was for safety reasons, the Commission could choose to assign zero points. It would be based on the precedent that would be developed. The first few cases are always more difficult to get through and then it gets easier.)
Final Comments: I am concerned with negative points given to heated driveway aprons, complete tear-downs, and water features. Depends on the energy use (they might not need negative points; we need to address that per feature). Would like to see some examples for numbers on the sliding scale. Would like to see specifics such as amps of the motor for one amount of negative points vs. another amp number for a larger amount of points. (Ms. Puester: This could limit the flexibility of the code and Commission; other policies are done using precedent.)

Mr. Burke: I am concerned with ‘perpetuity’ with the HERS ratings that we are giving. (Staff discussed that they can catch things when permits are applied for and they find things that need to be upgraded to keep the HERS ratings.) (Ms. Puester: This is an optional policy. Plus, if someone’s refrigerator dies 10 years later, it is unlikely that a new fridge would require more energy than the old one did.) I am concerned with non-conforming buildings. How do we address these? Agreed with Mr. Wolfe’s comment that assigning zero (0) points is good if the situation required it. What if the homeowner has asbestos in their materials and can’t recycle them, even if they want to?
Final Comments: I would like the Planning Commission to look at some examples on the specific examples of a sliding scale.

Mr. Allen opened the worksession to public comment.

Ms. Stacy Lindholm, Allen-Guerra & Burns Design-Build: Tony Miller, a local contractor, would be a good reference, as he just tore down a home in the Weisshorn and recycled the materials.

Ms. Suzanne Allen-Guerra, Allen-Guerra & Burns Design-Build: The Canepa-Olson residence had a grey water system approved. Maybe that would be something to look at here, too.

Mr. Allen closed the Energy Policy worksession to public comment and directed staff to bring back examples of the sliding scale.

2) Transition Standards (MM)

Mr. Mosher presented. The Planning Commission last reviewed modifications to the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” on June 11, 2010. As originally drafted, the South Main Transition Area focused on architectural character that was more relevant to commercial properties along Main Street and identified design standards more in line with the Core Commercial Character Area. Staff reviewed the existing character of this Transition Area along with the neighboring South Main Street Residential Character Area to the north.

Based on the surviving historic buildings in the South Main Street Residential Character Area, immediately to the north, Staff believes that development in this Transition Area should reflect a residential character rather than mimic what was seen in the Core Commercial Character Area, similar to the recently built Shops at Historic South Main Street. The Land Use Districts (18-2 and 19) both allow commercial uses, but the character would be residential.

Staff believes that these suggested changes are more in character with the pattern of recent redevelopment in the South Main Street Residential Character Area that abuts this Transition Area than the Core Commercial Character Area. Staff has the following questions:

1. Does the Commission support changing from Core Commercial character to the more traditional residential character?
2. Does the Commission support allowing reduced yards along Main Street?

Staff welcomed any additional Commissioner comments.

Commissioner Questions/Comments:

Mr. Lamb: Is a side yard applicable as well? (Mr. Mosher: Yes, in reduced sizes along Main Street.)
Final Comments: Support the proposed changes.

Mr. Bertaux: Do the current yards reflect residential character? (Mr. Mosher: Yes.) (Staff explained the front and side yard character standards that were written for 200 block of South Main were based on development after the historic fire at the turn of the century. They are classified commercial, but they look residential. It is suggested to the Commission to emulate that character written for the south 200 block.) Noted the use of the word ‘urban’ in the second sentence under landscaping. Suggest changing this to “complement the architecture” instead.
Final Comments: Support the proposed changes.

Ms. Girvin: The 300 block (of South Main) works well, because there are variations in setbacks between the buildings as you walk down the street. It does not feel clustered or cramped.
Final Comments: Supportive of the proposed modifications.

Mr. Wolfe: Could we achieve this desired yard character with the large amount of density in La Cima Mall, for example? La Cima Mall and Main Street Station are very dense. How do we apply this historical yard character in these areas that are very urban? (Mr. Neubecker: These buildings are legal non-conforming and can maintain the density if destroyed by accident. If the property were scraped to redevelop, then the new density and associated design criteria would come into play.)

Mr. Allen: Look at the Breckenridge Mountain Lodge. They have a higher density. The Lodge might not come into this; but, for example, if they scraped the lot and rebuilt, would we change their density if they decided to redevelop in this character area? Why are the scales of doors and windows not as critical in this area? (Staff: Massing and scale need to be flexible in this transition area. Their general forms and scale are important as described in the overall design standards for the Transition Areas, but details are less important in transition areas.)
Final Comments: Conceptually supports this application, but wants to make sure that we are not taking away anyone’s rights.

TOWN COUNCIL REPORT:

Mr. Burke: Dick Taft from the Village at Breckenridge came, without even being asked to come, to address the brightness of the clock. We were pleased to see him and impressed with his presentation. (Staff quickly explained the lighting issues that were addressed, such as brightness and color of the light. They are looking for ways to reduce brightness.) The Entrada was de-annexed, and was bought at a great foreclosure price; however those owners were developers of storage units. We may see some of that in the short term, especially in the back of the lot, which is already an approved development proposal from the County. The lighting code amendment was approved, essentially as approved by Planning Commission. (Staff mentioned holiday lighting proposal approved to be used in winter only, until end of ski season.) Town Council approved a resolution opposing Amendments 60 and 61 and Proposition 101; Town Council is also looking into a resolution to support the school district ballot proposal. Hidden Gems was not supported as currently existing. Heide Andersen was asked to come to the next meeting to explain it more. (Mr. Bertaux suggested that we tell Congressman Polis to create a specific proposal on Hidden Gems; not one that constantly changes.) I agree that that is how the Council felt as well. Council was not yet ready to support the Hidden Gems until they have more information. Footprint lots ordinance was approved at first reading. (Staff: We were asked to consider specific setbacks outside the Conservation District; will have a second reading soon.)

FINAL HEARINGS:

1) Lot B, Parkway Center (CK) PC#2010037; 503 Airport Road

Mr. Kulick presented a proposal to construct an 8,583 sq. ft. mixed use building. The first level will consist of 4,727 sq. ft. of retail space, 335 sq. ft. of café space and 449 sq. ft. of common space. The second level is designed for 2,629 sq. ft. of office space and 443 sq. ft. of employee housing. The primary exterior materials proposed include vertical wood siding, horizontal wood siding, brick, vertical metal siding, glass, and timber beams with steel plants and fasteners.

Circulation and drainage proposed were approved by CDOT. The applicants willingly agreed for the proposal of a sidewalk and bus station added north of Park Avenue. The transit system, Summit Stage and Town Public Works did not agree. They were concerned that the sidewalk will end and force people to cross at an inappropriate location. They were also concerned with plowing and maintenance, snowplowing, etc. Staff would like to know if the Commission approves this plan without these suggested circulation issues. If not approved, what are your concerns? The applicants are receiving one positive (+1) point for the proposed amount of employing housing.

Mr. Tom Begley, Applicant, thanked the Commission for their previous comments and the Staff report given. As a developer of this site, we like the sidewalk north of Park Avenue because it will allow better pedestrian traffic and front-door access to the bus system. If the Commission has any ideas on helping us achieve this, please do suggest.

Ms. Suzanne Allen-Guerra, Agent, discussed the sidewalk and curb setting. They also, as per Mr. Pringle's suggestion on material choices, selected a 'tumbled and antiqued' brick to make it look more worn and historical. Also, she suggested that the initial measurement of height was off by 12" and noted the corrected height. Tower element is 36', not 35'.

Changes Since the Last Submittal

1. The overall square footage has been reduced from 9,721 sq. ft. to 8,583 square feet.
2. The café's density has been reduced from 908 square feet to 335 square feet.
3. Office density has been reduced from 3,472 square feet to 2,629 square feet.
4. Retail space has been decreased from 4,861 square feet to 4,727 square feet.
5. The roof lines have changed to incorporate gable elements instead of previously proposed wooden truss elements.
6. Minor alterations to the floor plans and exterior elevations.
7. Due to the overall reduction in density, the total number of required parking spaces has been reduced from 31 to 24.
8. The left turn movement off of Park Avenue presented in the previous circulation plan has been removed.

Staff recommends the Planning Commission approve Lot B, Parkway Center, PC#2010037, by supporting the Point Analysis along with the proposed Findings and Conditions.

Commissioner Questions/Comments:

Mr. Schroder: This proposition does not include a future sidewalk. I can see that this argument is valid for this application. We can't ask the applicants to build a sidewalk here if it leads to nowhere.

Final Comments: I am in support of the easement, materials, and future development of sidewalk along the entire lot. As for now, a sidewalk in the new proposed area and landscaping are good.

Mr. Lamb: Final Comments: Supports the project, materials, sidewalk proposed for now and eventually running it the entire length of Park Avenue.

Mr. Bertaux: Asked about wording in the application referring to the CDOT access movement, saying that the applicant 'may...' (Applicant discussed the wording.) Suggested that if we want to have pedestrians stay on the east/south side of Park Avenue, then the zoning is wrong! What happens if they build a sidewalk at least down to the intersection? Does the applicant escrow that money for future use in building the sidewalk? (Staff: This is a safety element. We do not feel that this sidewalk proposal is safe, unless there is an intersection that it leads to.) (Mr. Begley: Can we as the developer legally build the sidewalk, whether it was approved or not?) (Staff replied that it could not be built if it was not in the approved plan.)

Final Comments: Agrees with Mr. Lamb.

Ms. Girvin: Is pretty adamant about seeing a sidewalk on the Park Avenue side. Can Town Council intervene here and demand that Public Works allow this? (Staff: If it gets called up, yes we could do that. This maintenance issue would also involve the Police Department. Other examples of pedestrian flows were discussed.) What would it take to run a sidewalk from this proposed lot clear to the Gold Rush parking lot? (Staff: It is not in the budget.) The sidewalk on this side will need to link the Café to the bike shop. Does it end there? (Mr. Neubecker: Signage could show that the "Sidewalk will end in one hundred (100') feet. Cross here.") Under density and intensity, it looks like this development uses only twenty-five percent (25%) of the SFEs allowed, so will seventy-five percent (75%) of the density fit on the other two (2) lots? (Mr. Begley: These densities are not guaranteed, but for example, other buildings will be larger.)

Final Comments: This is an important gateway to our community, and it looks good. I am okay with ending the sidewalk at the suggested perpendicular access area for now, but would like to keep the future dedications in place to continue the sidewalk in the future.

Mr. Wolfe: Agrees that the Town should build and maintain sidewalks all along the Park Avenue for pedestrians. This is an urbanized area. People will walk here, whether we provide them with a sidewalk or not. Asked staff what their opinion is. (Staff: Building sidewalks here is a safety issue. We want to reduce pedestrian risk.)

Final Comments: Likes the project overall. Supports bringing the sidewalk down to the perpendicular intersection of the interior sidewalk, to support the path of least resistance for pedestrians. Would like to see the bus easement, if that is wanted by the transit system. Long term, I believe that there will eventually be a sidewalk along the entire length of Park Avenue and I support that.

Mr. Allen: Summarized what the applicant suggested, that they take the sidewalk to the intersection of the internal sidewalk next to the parking lot. In reality, people will mostly walk out of the building in this area.

Final Comments: Agrees with Mr. Lamb and Mr. Bertaux.

Mr. Allen opened the hearing to public comment.

Mr. Dave Hartman, Woodwinds Property Management: I was present at the meeting when Commission had this same discussion for the sidewalk and rock wall along Ski Hill Condos near Mountain Thunder Lodge. Pedestrians were not crossing where they were supposed to, and the Town had to come back in and add sidewalk to allow better skier access to parking. Pedestrians will want to take the quickest route to their car. We cannot force them to cross exactly where we want them to, if it is out of their way to get to their car. This is just a brief history and I feel that this is exactly the same situation.

There was no further comment and the hearing was closed.

Mr. Bertaux made a motion to approve the point analysis of positive one (+1) point for Lot B, Parkway Center, PC#2010037, 503 Airport Road. Mr. Schroder seconded, and the motion was carried unanimously (6-0).

Mr. Bertaux made a motion to approve Lot B, Parkway Center, PC#2010037, 503 Airport Road, with the presented findings and conditions (and to end the sidewalk at the end of the internal sidewalk on the east side of the parking lot). Mr. Wolfe seconded, and the motion was carried unanimously (6-0).

OTHER MATTERS:

Planning Commission field trip: Oct 14th to Vail. We will be meeting with other developers, tentatively leaving town hall around 8:00 A.M. We will have lunch somewhere. (Mr. Bertaux suggested Sweet Basil.)

Staff is looking for Hardi-board samples ten (10) years old or older (specifically cementitious siding). We want to further observe how it weathers in regards to making decisions to reconsider Policy 5/Architectural Compatibility. Please keep your eyes peeled.

Mr. Bertaux, Ms. Girvin, Mr. Lamb and Mr. Allen will need to submit a letter for reconsideration of their positions as Commissioners. Their terms end October 31st. (Letters are due Oct. 18th by 5:00 P.M.) Oct 26th will be our interviews with Town Council.

Are there any issues that we need to discuss with the Town Council at the future joint meeting? (The Commission supported meeting with Town Council, if for nothing else than for Town Council bonding. We could discuss our Vail tour. The Commission was sure that other issues would come up.)

ADJOURNMENT:

The meeting was adjourned at 9:52 p.m.

Rodney Allen, Chair

Memorandum

TO: Town Council
FROM: Tom Daugherty, Town Engineer
DATE: 9/23/2010
RE: Public Projects Update

Valley Brook Housing

The project is proceeding as scheduled.

Welcome Center

The floors for the Welcome Center are scheduled to be refinished this year. In order to complete the work we need to close the Welcome Center. We expect the closure to be in the last two weeks of October. The finish will take a few days to cure so the closure will be for multiple days. We will update you once we have a solid day for the work and the number of days that it will be closed. We are trying to minimize the closure time.

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen
DATE: September 22, 2010
SUBJECT: Committee Reports for 9.28.10 Council Packet

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

Liquor Licensing Authority	MJ Loufek	September 21, 2010
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- Dave Garrett was re-elected as Chair; Dave Blank was re-elected as Vice Chair.
- A public hearing was held on the application of Mimi's Fried Pies LLC d/b/a/ Mimi's Fried Pies, 411 S. Main Street, Unit 4, for a new Hotel & Restaurant Liquor License. The application was approved.
- Sgt. Eric Stremel updated the LLA on Oktoberfest. The crowd was estimated to be around 45,000 and there were very few incidents, with the exception of two fights that occurred about an hour after the event ended on Saturday. The Police Department provided signs for liquor establishments adjacent to the Oktoberfest event site to post, to help make patrons aware that it is illegal to enter or leave a licensed premise with alcoholic beverages.
- Three Safe Bar meetings will be held during the next couple of months.

Summit County Wildfire Council	Matt Thompson	September 8, 2010
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The Council met and discussed the following:

- Guidelines for administrative discretion for expending Wildfire funds: \$5,000 or 10% of grant (whichever is less), \$10,000 put aside for this purpose, has to be an already approved project. Only used for unseen circumstances and must further the intent of the grant project.
- County Wildfire Grant Program status: Only one outstanding Grant award (Keystone Ranch) may not take their grant, all others are coming along.
- Public Education update: Dan Schroder manned a wildfire education and preparedness booth at the Beetlefest event in Frisco on September 11, 2010. Dan is working with Town of Frisco on an Art Beetle campaign. The Firewise organization awarded a Certificate of Community Protection Achievement to the Wildfire Council Community Wildfire Protection Plan.
- The Town of Breckenridge's fuels reduction project on 56 acres of Town-owned land is moving along well. The project is anticipated to be complete by the end of October 2010.

<u>Committees</u>	<u>Representative</u>	<u>Report Status</u>
CAST	Mayor Warner	Verbal Report
CDOT	Tim Gagen	Verbal
CML	Tim Gagen	No Meeting/Report
I-70 Coalition	Tim Gagen	No Meeting/Report
Mayors, Managers & Commissions Mtg	Mayor Warner	Verbal Report
Summit Leadership Forum	Tim Gagen	No Meeting/Report
Liquor Licensing Authority*	MJ Loufek	Included
Wildfire Council	Matt Thompson	Included
Public Art Commission*	Jenn Cram	No Meeting/Report
Summit Stage*	James Phelps	No Meeting/Report
Police Advisory Committee	Rick Holman	No Meeting/Report
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 are provided in the Manager's Newsletter.

INTEROFFICE MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER
FROM: CLERK AND FINANCE DIVISION
SUBJECT: AUGUST 2010 FINANCIAL VARIANCE HIGHLIGHTS MEMO
DATE: 9/22/2010

This report highlights variations between the 2010 budget and actual figures for the Town of Breckenridge for the period ending August 31, 2010.

Fund Updates:

General Fund

Revenue continues to track ahead of budget at 106% overall. No new variances in August (prior month variations that persist are at the end of this memo):

Expenses are also favorable to the 2010 budget at 97% overall.

- PD Patrol Services are at 80% of budgeted expenditures primarily due to staffing.

Excise Fund: Revenue is at 113% of budget as of August 31

Sales tax collections through August 31 are ahead of budget by 5% (\$353k) and accommodation tax collections exceeded budgeted revenue by 6% (\$57k).

RETT collections through August 31, 2010 exceeded budget by 60%: \$2,482k collected vs. \$1,556k budgeted.

Excise Fund transfers were made according to the 2010 annual budget without variation.

All Funds

Housing: Revenue and expenditures are below budget due to timing.

Utility (Water): Revenue under budget by \$196k primarily due to Plant Investment Fees

All other significant variances were explained in the July 31, 2010 memo and are recapped on page 2 of this memo.

Variations explained in prior memos that continue to appear in the reports:

General Fund:

- Revenue is on the mark with the 2010 budget at 106% overall:
 - Advice and Litigation Program over budget for revenue by \$221k due to settlement received for Police facility-final settlement amount of an additional \$825k received in September.
 - Municipal Court over budget by \$42k primarily due to increase in traffic fines
 - Transit Admin is over budget for revenue by \$100k due to a Grant received
 - Transit Service below (\$63k) budget due to timing.
 - Planning Services over budget by \$70k due to grants.

- Expenses are also in line with the 2010 budget at 97% overall:
 - Advice and Litigation over budget by \$97k for the Police Facility Trial

Utility (Water) Fund: expenditures were less than budget by \$1,780k primarily due to the Major System Improvements that are budgeted each year but have not yet been made.

Capital Fund: the budget amount shown on the “All Funds” report is for the entire year as Capital expenditures do not necessarily follow a predictable schedule.

Garage Fund: expenses are over budget by \$126k due to the timing of the purchase of equipment and vehicle repairs and maintenance.

**TOWN OF BRECKENRIDGE
GENERAL FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 8 MONTHS ENDING AUGUST 31, 2010**

67 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR					
	YTD	YE	% OF YE	2009 ACTUAL/ 2010 ACTUAL	YTD	YTD	ACTUAL/BUDGET	ACTUAL/BUDGET	ANNUAL	% OF BUDGET
	ACTUAL	TOTAL	REC'D/SPENT	% CHANGE	ACTUAL	BUDGET	\$ VARIANCE FAVORABLE/(UNFAVORABLE)	% VARIANCE	BUDGET	REC'D/SPENT
REVENUE										
MUNICIPAL COURT PROGRAM	144,715	202,220	72%	87%	167,123	124,811	42,312	134%	174,605	96%
ADVICE & LITIGATION PROGRAM	0	0	0%	0%	221,746	-	221,746	0%	-	n/a
ADMINISTRATIVE MGT PROGRAM	6,145	6,445	95%	389%	1,580	167	1,413	946%	302	523%
SPECIAL EVENTS/COMM PROGRAM	91,025	132,372	69%	20%	453,114	69,130	383,984	655%	99,952	453%
TOWN CLERK ADMIN PROGRAM	15,433	27,616	56%	60%	25,913	13,745	12,168	189%	20,751	125%
FINANCE ADMINISTRATION PROGRAM	65	83	78%	5%	1,241	-	1,241	0%	100	1241%
TRANSIT ADMIN PROGRAM	95000	95,000	100%	95%	100,000	-	100,000	0%	-	N/A
TRANSIT SERVICES PROGRAM	363,685	523,810	69%	111%	329,049	391,917	(62,868)	84%	589,065	56%
PUBLIC SAFETY ADMIN/RECORDS	60,475	100,104	60%	82%	73,453	20,426	53,027	360%	37,244	0%
PUBLIC SAFETY COMMNTY SVC PROG	445,195	629,566	71%	109%	408,720	374,043	34,677	109%	485,446	84%
PLANNING SERVICES ADMIN PROGRM	133,771	178,389	75%	82%	163,442	93,526	69,916	175%	124,680	131%
ARTS DISTRICT	0	0	0%	0%	18,178	-	18,178	0%	-	N/A
BUILDING SERVICES ADMIN PROGRAM	294,489	441,249	0%	0%	402,008	340,745	61,263	118%	438,796	92%
PUBLIC WORKS ADMIN PROGRAM	377,505	518,338	67%	70%	423,636	397,747	25,889	107%	532,685	80%
STREETS PROGRAM	47,450	50,558	73%	1060%	35,607	30,673	4,934	116%	32,509	110%
PARKS PROGRAM	0	0	94%	204%	23,222	-	23,222	0%	-	N/A
FACILITIES ADMIN PROGRAM	10,611	12,961	0%	0%	46,167	-	46,167	0%	-	0%
ENGINEERING ADMIN PROGRAM	3266	3,741	82%	719%	1,476	336	1,140	439%	404	365%
RECREATION PROGRAM	272,899	373,049	95%	7%	255,740	292,906	(37,166)	87%	359,038	71%
RECREATION OPERATIONS PROGRAM	951,587	1,473,946	73%	29%	948,308	1,120,892	(172,584)	85%	1,712,402	55%
NORDIC CENTER OPERATIONS	123,642	184,784	65%	557%	170,711	140,025	30,686	122%	174,659	98%
ICE RINK OPERATIONS PROGRAM	411,402	607,544	67%	30%	409,983	459,007	(49,024)	89%	645,709	63%
PROPERTY TAX/EXCISE TRANSFER COMMITTEES	12,720,225 0	17,495,095 0	68% 0%	3% 0%	11,898,307 2,000	11,758,126 -	140,181 2,000	101% 0%	15,872,224 0	75% N/A
TOTAL REVENUE	16,592,664	23,075,767	73%	77%	16,580,724	15,628,222	952,502	106%	21,300,571	78%

**TOWN OF BRECKENRIDGE
GENERAL FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 8 MONTHS ENDING AUGUST 31, 2010**

67 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR						
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT	2009 ACTUAL/ 2010 ACTUAL % CHANGE	YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT	
EXPENDITURES											
LAW & POLICY MAKING PROGRAM	94,756	124,649	76%	114%	82,960	86,714	3,754	96%	129,070	64%	
MUNICIPAL COURT PROGRAM	112,297	178,662	63%	99%	112,971	118,195	5,224	96%	204,254	55%	
ADVICE & LITIGATION PROGRAM	208,621	668,210	31%	86%	241,493	144,803	(96,690)	167%	229,008	105%	
ADMINISTRATIVE MGT PROGRAM	361,297	536,021	67%	95%	378,864	367,935	(10,929)	103%	595,917	64%	
HUMAN RESOURCES ADMIN PROGRAM	267,382	412,117	65%	110%	242,481	265,321	22,840	91%	433,459	56%	
SPECIAL EVENTS/COMM PROGRAM	392,992	593,856	66%	51%	764,064	398,839	(365,225)	192%	610,091	125%	
TOWN CLERK ADMIN PROGRAM	153,200	248,439	62%	95%	160,897	173,154	12,257	93%	277,204	58%	
FINANCE ADMINISTRATION PROGRAM	186,257	280,391	66%	99%	188,673	208,209	19,536	91%	317,483	59%	
ACCOUNTING PROGRAM	210,029	318,069	66%	102%	204,990	232,440	27,450	88%	353,961	58%	
TRANSIT ADMIN PROGRAM	78,693	122,251	64%	101%	77,987	83,004	5,017	94%	122,140	64%	
TRANSIT SERVICES PROGRAM	1,430,481	2,161,853	66%	97%	1,477,591	1,516,106	38,515	97%	2,356,546	63%	
PUBLIC SAFETY ADMIN/RECORDS	562,502	878,406	64%	103%	544,959	538,666	(6,293)	101%	880,098	62%	
PUBLIC SAFETY COMMUNICATN PROG	248,001	320,942	77%	104%	238,732	168,617	(70,115)	142%	333,522	72%	
PUBLIC SAFETY PATROL SVCS PROG	1,199,632	1,836,204	65%	125%	963,000	1,203,428	240,428	80%	1,826,775	53%	
PUBLIC SAFETY COMMNTY SVC PROG	294,101	439,598	67%	110%	267,083	254,561	(12,522)	105%	511,088	52%	
PLANNING SERVICES ADMIN PROGRAM	747,404	1,166,696	64%	102%	733,008	767,625	34,617	95%	1,222,253	60%	
ARTS DISTRICT	-	(120)	0%	0%	20,069	-	(20,069)	0%	-	N/A	
BUILDING SERVICES ADMIN PROGRAM	256,454	402,077	64%	100%	255,826	265,195	9,369	96%	417,602	61%	
PUBLIC WORKS ADMIN PROGRAM	245,064	498,308	49%	80%	307,426	316,085	8,659	97%	503,464	61%	
STREETS PROGRAM	1,186,560	1,797,524	66%	99%	1,194,303	1,201,598	7,295	99%	1,858,768	64%	
PARKS PROGRAM	683,598	1,071,289	64%	100%	684,323	724,188	39,865	94%	1,140,838	60%	
FACILITIES ADMIN PROGRAM	841,666	1,392,548	60%	120%	703,569	898,667	195,098	78%	1,404,310	50%	
ENGINEERING ADMIN PROGRAM	280,789	333,603	84%	142%	197,811	193,864	(3,947)	102%	300,728	66%	
CONTINGENCIES	200,000	204,050	98%	151%	132,620	116,181	(16,439)	114%	122,500	108%	
RECREATION ADMIN PROGRAM	413,455	703,099	59%	100%	413,388	421,349	7,961	98%	661,727	62%	
RECREATION PROGRAM	363,760	565,985	64%	100%	362,835	438,289	75,454	83%	627,016	58%	
RECREATION OPERATIONS PROGRAM	1,120,402	1,737,236	64%	109%	1,029,176	1,178,364	149,188	87%	1,877,907	55%	
NORDIC CENTER OPERATIONS	202,198	292,260	69%	119%	170,403	168,789	(1,614)	101%	253,771	67%	
ICE RINK OPERATIONS PROGRAM	615,105	984,999	62%	101%	606,344	724,243	117,899	84%	1,116,633	54%	
LONG TERM DEBT	209,101	413,659	51%	100%	208,589	202,086	(6,503)	103%	417,120	50%	
SHORT TERM DEBT	5,929	133,274	4%	200%	2,971	3,021	50	98%	128,542	2%	
COMMITTEES	878	2,293	38%	11%	8,225	29,856	21,631	28%	44,784	18%	
TOTAL EXPENDITURES	13,179,763	20,823,732	63%	102%	12,981,494	13,409,392	427,898	97%	21,278,579	61%	
REVENUE LESS EXPENDITURES	(459,538)	(3,328,637)			3,599,230	2,218,830	1,380,400		21,992		

**TOWN OF BRECKENRIDGE
EXCISE TAX FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 8 MONTHS ENDING AUGUST 31, 2010**

67 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2009 vs. 2010 ACTUAL % VARIANCE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
TAX REVENUE										
SALES TAX	7,041,485	11,969,634	59%	104%	7,340,419	6,986,549	353,870	105%	11,411,609	64%
ACCOMODATIONS TAX	1,024,064	1,477,316	69%	104%	1,070,096	1,013,154	56,942	106%	1,358,423	79%
CIGARETTE TAX	35,309	53,698	66%	92%	32,534	44,386	(11,852)	73%	60,000	54%
TELEPHONE FRANCHISE TAX	14,354	28,708	50%	95%	13,597	15,039	(1,442)	90%	29,999	45%
PUBLIC SERVICE FRANCHISE	426,237	693,123	61%	92%	393,794	368,666	25,128	107%	549,998	72%
CABLEVISION FRANCHISE TAX	73,897	144,795	51%	102%	75,584	72,875	2,709	104%	149,998	50%
REAL ESTATE TRANSFER TAX	1,607,991	2,861,119	56%	154%	2,481,846	1,555,681	926,165	160%	2,499,999	99%
INVESTMENT INCOME	49,936	5,168	966%	74%	36,799	50,000	(13,201)	74%	75,000	49%
TOTAL FUND REVENUE	10,273,273	17,233,561	60%	111%	11,444,669	10,106,350	1,338,319	113%	16,135,026	71%
EXCISE TAX DEBT SERVICE										
COP FEES	383	2,100	0%	0%	0	413	413	0%	800	0%
2005 COP'S PRINCIPAL	0	275,000	0%	N/A	0	0	-	N/A	155,000	0%
2005 COP'S INTEREST	145,570	291,140	50%	49%	71,413	68,785	(2,628)	104%	142,825	50%
2007 COP'S PRINCIPAL	0	0	N/A	N/A	0	0	-	N/A	129,996	0%
2007 COP'S INTEREST	0	0	N/A	N/A	69,033	80,535	11,502	86%	138,060	50%
TOTAL EXCISE TAX DEBT SERVICE	145,953	568,240	26%	96%	140,446	149,733	9,287	94%	566,681	25%
TRANSFERS										
TRANSFER TO GENERAL FUND	8,980,000	12,180,000	74%	85%	7,591,784	7,591,784	-	100%	11,387,676	67%
TRANSFER TO GOLF FUND	0	0	0%	N/A	86,664	86,664	-	100%	129,996	67%
TRANSFERS TO CAPITAL FUND	591,333	2,604,002	23%	108%	637,336	637,336	-	100%	956,004	67%
TRANSFER TO MARKETING	290,000	435,000	67%	169%	488,864	488,864	-	100%	733,296	67%
TRFS TO EMPLOYEE HSG FUND	1,555,279	2,093,748	74%	100%	1,555,280	1,555,280	-	100%	2,332,920	67%
TRFS TO SPECIAL PROJECTS FUND	670,163	809,005	83%	36%	243,336	243,336	-	100%	365,004	67%
TOTAL TRANSFERS	12,086,775	18,121,755	67%	88%	10,603,264	10,603,264	-	100%	15,904,896	67%
TOTAL FUND EXPENDITURES	12,232,728	18,689,995	65%	88%	10,743,710	10,752,997	9,287	100%	16,471,577	65%
NET REVENUE OVER EXPENDITURES	(1,959,455)	(1,456,434)			700,959	(646,647)	1,347,606		(336,551)	

**TOWN OF BRECKENRIDGE
ALL FUNDS
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 8 MONTHS ENDING AUGUST 31, 2010**

67 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2009 ACTUAL/ 2010 ACTUAL % CHANGE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL AS A % OF BUDGET	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
REVENUE										
1 GENERAL FUND	16,592,665	23,075,766	72%	100%	16,580,721	15,628,222	952,499	106%	21,300,571	78%
2 UTILITY FUND	1,796,441	2,774,197	65%	109%	1,963,614	2,160,179	(196,565)	91%	3,057,733	64%
3 CAPITAL FUND	746,733	2,893,302	26%	110%	821,766	750,039	71,727	110%	1,123,500	73%
4 MARKETING FUND	869,156	1,557,764	56%	128%	1,113,757	1,071,580	42,177	104%	1,798,362	62%
5 GOLF COURSE FUND	1,672,883	2,697,807	62%	106%	1,771,772	1,857,897	(86,125)	95%	2,274,398	78%
6 EXCISE TAX FUND	10,273,273	17,233,561	60%	112%	11,472,715	10,106,350	1,366,365	114%	16,135,026	71%
7 HOUSING FUND	2,341,047	3,213,472	73%	89%	2,077,043	2,390,974	(313,931)	87%	3,712,493	56%
8 OPEN SPACE ACQUISITION FUND	1,140,193	1,767,706	65%	106%	1,207,839	1,070,418	137,421	113%	1,741,274	69%
9 CONSERVATION TRUST FUND	16,702	33,502	50%	92%	15,389	16,173	(784)	95%	32,152	48%
10 GARAGE SERVICES FUND	1,996,607	2,399,012	83%	99%	1,972,578	1,670,600	301,978	118%	2,574,193	77%
11 INFORMATION TECHNOLOGY FUND	649,894	974,841	67%	107%	695,984	695,984	-	100%	1,043,976	67%
12 FACILITIES MAINTENANCE FUND	154,940	232,410	67%	99%	153,624	153,608	16	100%	230,412	67%
13 SPECIAL PROJECTS FUND	670,323	809,081	83%	39%	262,336	243,336	19,000	108%	365,004	72%
TOTAL REVENUE	38,920,857	59,662,421	65%	103%	40,109,138	37,815,360	2,293,778	106%	55,389,094	72%
EXPENDITURES										
1 GENERAL FUND	13,179,761	21,490,316	61%	98%	12,981,494	13,409,392	427,898	97%	21,278,579	61%
2 UTILITY FUND	1,376,469	2,124,620	65%	114%	1,562,579	3,342,260	1,779,681	47%	4,991,109	31%
3 CAPITAL FUND	915,714	3,905,277	23%	68%	622,370	1,586,723	964,353	39%	1,586,723	39%
4 MARKETING FUND	1,260,769	1,752,538	72%	105%	1,323,859	1,342,771	18,912	99%	1,803,122	73%
5 GOLF COURSE FUND	1,521,256	3,324,969	46%	82%	1,243,364	1,383,830	140,466	90%	2,321,692	54%
6 EXCISE TAX FUND	12,232,729	18,689,995	65%	88%	10,743,709	10,752,997	9,288	100%	16,471,577	65%
7 HOUSING FUND	504,030	1,507,369	33%	375%	1,887,894	2,353,717	465,823	80%	3,231,625	58%
8 OPEN SPACE ACQUISITION FUND	1,465,724	2,183,712	67%	45%	654,826	833,374	178,548	79%	2,000,457	33%
9 CONSERVATION TRUST FUND	20,667	30,996	67%	100%	20,664	20,664	-	100%	30,996	67%
10 GARAGE SERVICES FUND	906,422	1,795,038	50%	124%	1,121,039	994,581	(126,458)	113%	1,915,967	59%
11 INFORMATION TECHNOLOGY FUND	395,614	681,542	58%	108%	425,729	509,297	83,568	84%	726,290	59%
12 FACILITIES MAINTENANCE FUND	201,095	203,193	0%	N/A	0	0	-	N/A	0	N/A
13 SPECIAL PROJECTS FUND	638,624	810,791	79%	33%	211,387	194,423	(16,964)	109%	364,999	58%
TOTAL EXPENDITURES	34,618,874	58,500,356	59%	95%	32,798,914	36,724,029	3,925,115	89%	56,723,136	58%
	4,301,983	1,162,065			7,310,224	1,091,331	6,218,893		(1,334,042)	

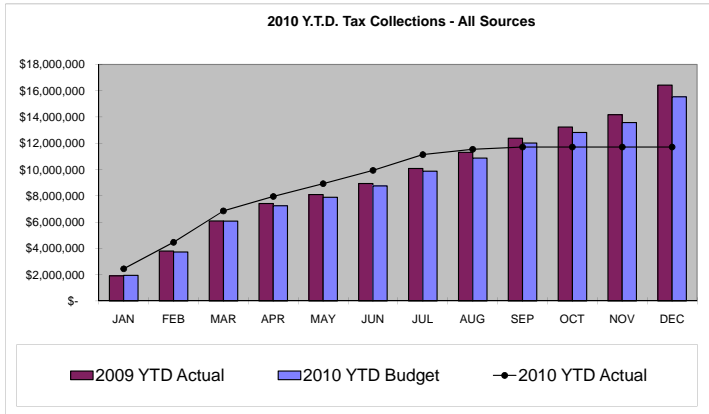
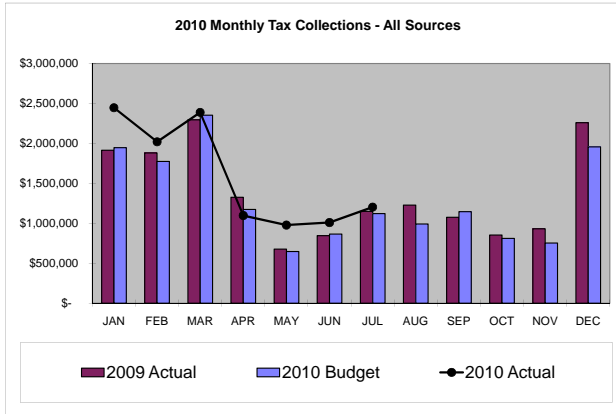
**TOWN OF BRECKENRIDGE
ALL FUNDS, NET OF TRANSFERS
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 8 MONTHS ENDING AUGUST 31, 2010**

67 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2009 ACTUAL/ 2010 ACTUAL % CHANGE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % CHANGE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
REVENUE										
1 GENERAL FUND	7,352,375	10,505,331	70%	119%	8,720,841	7,768,342	952,499	112%	9,510,751	92%
2 UTILITY FUND	1,796,441	2,774,197	65%	109%	1,963,614	2,160,179	(196,565)	91%	3,057,733	64%
3 CAPITAL FUND	155,400	289,300	54%	119%	184,430	112,703	71,727	164%	167,496	110%
4 MARKETING FUND	579,156	1,122,764	52%	108%	624,893	582,716	42,177	107%	1,065,066	59%
5 GOLF COURSE FUND	1,672,883	2,697,807	62%	101%	1,686,779	1,771,233	(84,454)	95%	2,144,402	79%
6 EXCISE TAX FUND	10,273,273	17,233,561	60%	112%	11,472,715	10,106,350	1,366,365	114%	16,135,026	71%
7 HOUSING FUND	785,769	1,119,724	70%	66%	521,763	835,694	(313,931)	62%	1,379,573	38%
8 OPEN SPACE ACQUISITION FUND	1,140,193	1,767,706	65%	106%	1,207,839	1,070,418	137,421	113%	1,741,274	69%
9 CONSERVATION TRUST FUND	16,702	33,502	50%	92%	15,389	16,173	(784)	95%	32,152	48%
10 GARAGE SERVICES FUND	450,416	79,725	565%	72%	326,458	70,008	256,450	466%	105,012	311%
11 INFORMATION TECHNOLOGY FUND	0	0	N/A	N/A	0	0	-	N/A	0	N/A
12 FACILITIES MAINTENANCE FUND	0	0	N/A	N/A	0	0	-	N/A	0	N/A
13 SPECIAL PROJECTS FUND	160	76	211%	11875%	19,000	0	19,000	N/A	0	N/A
TOTAL REVENUE	24,222,768	37,623,693	64%	110%	26,743,721	24,493,816	2,249,905	109%	35,338,485	76%
EXPENDITURES										
1 GENERAL FUND	11,659,544	18,543,499	63%	98%	11,379,629	11,807,943	428,314	96%	18,876,731	60%
2 UTILITY FUND	1,094,117	1,701,091	64%	116%	1,266,155	3,045,844	1,779,689	42%	4,546,485	28%
3 CAPITAL FUND	915,714	3,905,277	23%	68%	622,370	1,586,723	964,353	39%	1,586,723	39%
4 MARKETING FUND	1,260,769	1,752,538	72%	105%	1,323,859	1,342,771	18,912	99%	1,803,122	73%
5 GOLF COURSE FUND	1,521,256	2,014,692	76%	82%	1,243,364	1,383,830	140,466	90%	2,321,692	54%
6 EXCISE TAX FUND	145,953	568,240	26%	96%	140,445	149,733	9,288	94%	566,681	25%
7 HOUSING FUND	504,030	1,507,369	33%	375%	1,887,894	2,353,717	465,823	80%	3,231,625	58%
8 OPEN SPACE ACQUISITION FUND	1,463,515	2,180,399	67%	44%	650,818	829,366	178,548	78%	1,994,445	33%
9 CONSERVATION TRUST FUND	0	0	N/A	N/A	0	0	-	N/A	0	N/A
10 GARAGE SERVICES FUND	906,422	1,795,038	50%	123%	1,110,951	984,501	(126,450)	113%	1,900,847	58%
11 INFORMATION TECHNOLOGY FUND	393,851	678,897	58%	108%	423,897	507,465	83,568	84%	723,542	59%
12 FACILITIES MAINTENANCE FUND	201,095	203,193	99%	0%	0	0	-	N/A	0	N/A
13 SPECIAL PROJECTS FUND	638,624	810,791	79%	33%	211,387	194,423	(16,964)	109%	364,999	58%
TOTAL EXPENDITURES	20,704,890	35,661,024	58%	98%	20,260,769	24,186,316	3,925,547	84%	37,916,892	53%
Revenue Less Expenditures	3,517,878	1,962,669			6,482,952	307,500	6,175,452		(2,578,407)	

TOWN OF BRECKENRIDGE
CASH TAX COLLECTIONS - ALL SOURCES - SALES, LODGING, RETT, ACCOMMODATIONS
REPORTED IN THE PERIOD EARNED

Sales Period	2009 Collections			2010 Budget			2010 Monthly			2010 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2009	% of Budget	Actual	% Change from 2009	% of Budget
JAN	\$ 1,914,193	\$ 1,914,193	11.7%	\$ 1,946,599	\$ 1,946,599	12.5%	\$ 2,445,656	27.8%	125.6%	\$ 2,445,656	27.8%	125.6%
FEB	\$ 1,880,837	\$ 3,795,030	23.1%	\$ 1,773,619	\$ 3,720,218	24.0%	\$ 2,019,377	7.4%	113.9%	4,465,033	17.7%	120.0%
MAR	\$ 2,293,993	\$ 6,089,023	37.1%	\$ 2,351,856	\$ 6,072,074	39.1%	\$ 2,387,074	4.1%	101.5%	6,852,107	12.5%	112.8%
APR	\$ 1,325,730	\$ 7,414,752	45.1%	\$ 1,172,250	\$ 7,244,324	46.6%	\$ 1,096,851	-17.3%	93.6%	7,948,959	7.2%	109.7%
MAY	\$ 676,634	\$ 8,091,386	49.3%	\$ 646,259	\$ 7,890,583	50.8%	\$ 976,996	44.4%	151.2%	8,925,955	10.3%	113.1%
JUN	\$ 844,559	\$ 8,935,945	54.4%	\$ 864,354	\$ 8,754,938	56.4%	\$ 1,009,020	19.5%	116.7%	9,934,975	11.2%	113.5%
JUL	\$ 1,148,282	\$ 10,084,227	61.4%	\$ 1,121,936	\$ 9,876,873	63.6%	\$ 1,202,159	4.7%	107.2%	11,137,134	10.4%	112.8%
AUG	\$ 1,226,749	\$ 11,310,975	68.8%	\$ 991,855	\$ 10,868,729	70.0%	\$ 404,004	-67.1%	40.7%	11,541,138	2.0%	106.2%
SEP	\$ 1,075,451	\$ 12,386,427	75.4%	\$ 1,144,450	\$ 12,013,179	77.3%	\$ 170,234	-84.2%	14.9%	11,711,372	-5.4%	97.5%
OCT	\$ 853,659	\$ 13,240,086	80.6%	\$ 811,550	\$ 12,824,728	82.6%	\$ -	n/a	0.0%	11,711,372	-11.5%	91.3%
NOV	\$ 930,260	\$ 14,170,346	86.3%	\$ 751,933	\$ 13,576,661	87.4%	\$ -	n/a	0.0%	11,711,372	-17.4%	86.3%
DEC	\$ 2,258,751	\$ 16,429,097	100.0%	\$ 1,956,122	\$ 15,532,784	100.0%	\$ -	n/a	0.0%	\$ 11,711,372	-28.7%	75.4%



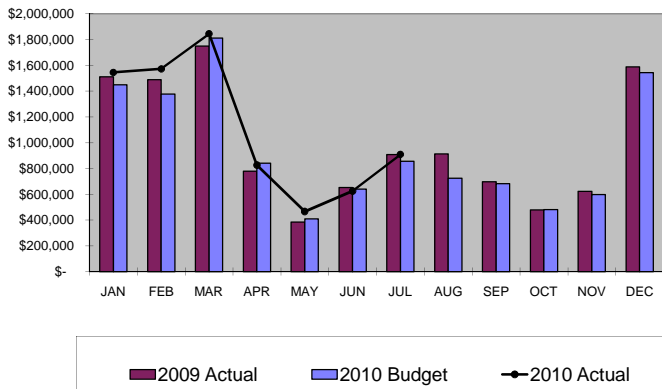
Prior Year Actual and Current Year Budget Variances

	TOTAL	Sales	Accommodations	RETT	Housing
vs. July 09 Actual	53,877	2,046	554	50,674	603
vs. July 10 Budget	80,223	54,377	9,268	15,125	1,453
vs. YTD 09 Actual	1,052,908	315,761	(1,692)	699,864	38,974
vs. YTD 10 Budget	1,260,261	406,847	78,325	705,916	69,172

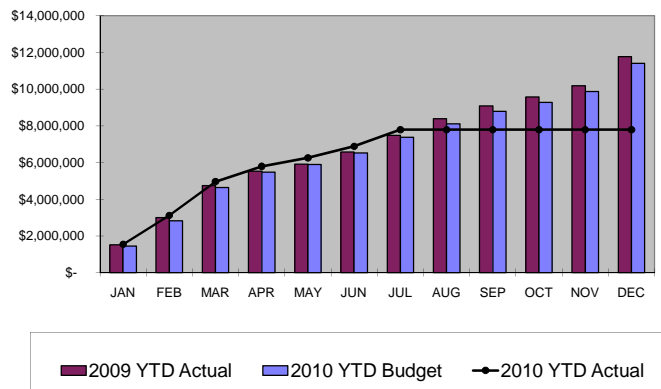
**TOWN OF BRECKENRIDGE
SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

Sales Period	2009 Collections			2010 Budget			2010 Monthly			2010 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2009	% of Budget	Actual	% Change from 2009	% of Budget
JAN	\$ 1,511,420	\$ 1,511,420	12.8%	\$ 1,448,519	\$ 1,448,519	12.7%	\$ 1,544,725	2.2%	106.6%	\$ 1,544,725	2.2%	106.6%
FEB	1,488,667	3,000,087	25.5%	1,376,650	2,825,169	24.8%	\$ 1,572,567	5.6%	114.2%	3,117,292	3.9%	110.3%
MAR	1,749,041	4,749,128	40.3%	1,810,355	4,635,524	40.6%	\$ 1,844,677	5.5%	101.9%	4,961,969	4.5%	107.0%
APR	780,544	5,529,671	47.0%	841,764	5,477,288	48.0%	\$ 826,063	5.8%	98.1%	5,788,032	4.7%	105.7%
MAY	384,759	5,914,431	50.2%	410,164	5,887,452	51.6%	\$ 466,655	21.3%	113.8%	6,254,686	5.8%	106.2%
JUN	651,911	6,566,341	55.8%	640,134	6,527,586	57.2%	\$ 625,370	-4.1%	97.7%	6,880,056	4.8%	105.4%
JUL	907,582	7,473,924	63.5%	855,252	7,382,838	64.7%	\$ 909,629	0.2%	106.4%	7,789,685	4.2%	105.5%
AUG	914,206	8,388,129	71.2%	725,780	8,108,618	71.1%	\$ -	n/a	0.0%	7,789,685	-7.1%	96.1%
SEP	697,168	9,085,297	77.2%	682,331	8,790,948	77.0%	\$ -	n/a	0.0%	7,789,685	-14.3%	88.6%
OCT	479,350	9,564,648	81.2%	480,780	9,271,728	81.2%	\$ -	n/a	0.0%	7,789,685	-18.6%	84.0%
NOV	623,385	10,188,032	86.5%	597,497	9,869,225	86.5%	\$ -	n/a	0.0%	7,789,685	-23.5%	78.9%
DEC	\$ 1,587,558	\$ 11,775,591	100.0%	\$ 1,542,384	11,411,609	100.0%	\$ -	n/a	0.0%	\$ 7,789,685	-33.8%	68.3%

2010 Monthly Sales Tax Collections



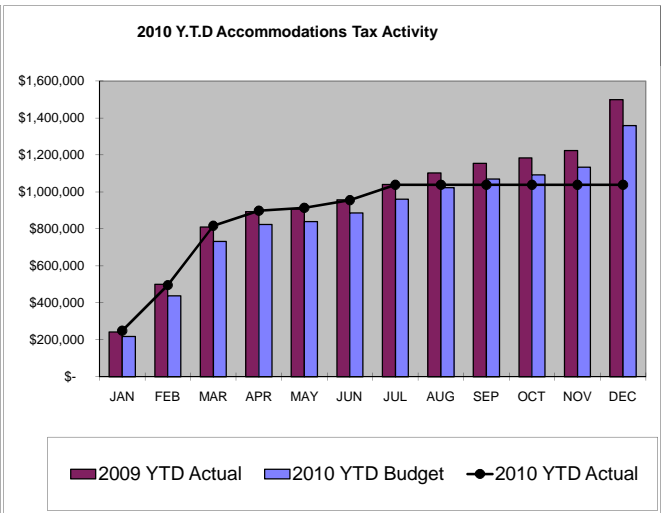
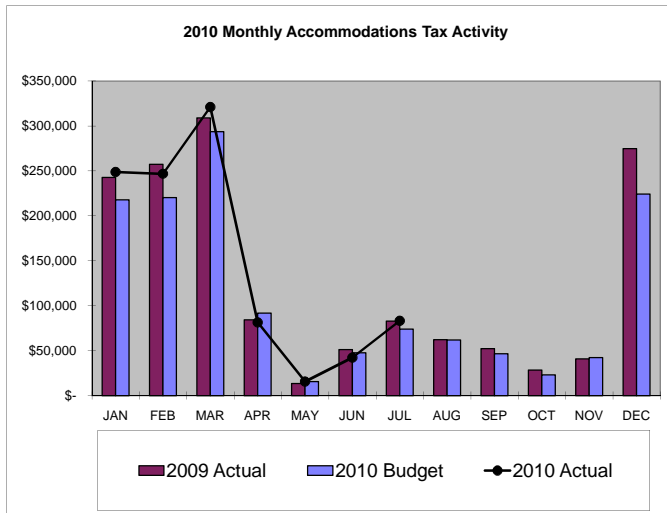
2010 Y.T.D. Sales Tax Collections



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

Sales Period	2009 Collections			2010 Budget			2010 Monthly			2010 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2009	% of Budget	Actual	% Change from 2009	% of Budget
JAN	\$ 242,816	\$ 242,816	16.2%	\$ 217,666	\$ 217,666	16.0%	\$ 248,685	2.4%	114.3%	\$ 248,685	2.4%	114.3%
FEB	257,415	500,230	33.4%	220,378	438,044	32.2%	\$ 246,800	-4.1%	112.0%	495,485	-0.9%	113.1%
MAR	309,038	809,268	54.0%	293,538	731,582	53.9%	\$ 321,114	3.9%	109.4%	816,600	0.9%	111.6%
APR	84,113	893,382	59.6%	91,571	823,153	60.6%	\$ 81,371	-3.3%	88.9%	897,971	0.5%	109.1%
MAY	13,349	906,730	60.5%	15,721	838,874	61.8%	\$ 15,461	15.8%	98.3%	913,432	0.7%	108.9%
JUN	51,189	957,919	63.9%	47,743	886,617	65.3%	\$ 42,241	-17.5%	88.5%	955,673	-0.2%	107.8%
JUL	82,671	1,040,591	69.4%	73,957	960,574	70.7%	\$ 83,225	0.7%	112.5%	1,038,899	-0.2%	108.2%
AUG	62,207	1,102,798	73.6%	61,895	1,022,468	75.3%	\$ -	n/a	0.0%	1,038,899	-5.8%	101.6%
SEP	52,076	1,154,873	77.0%	46,421	1,068,889	78.7%	\$ -	n/a	0.0%	1,038,899	-10.0%	97.2%
OCT	28,488	1,183,361	78.9%	23,199	1,092,088	80.4%	\$ -	n/a	0.0%	1,038,899	-12.2%	95.1%
NOV	40,901	1,224,262	81.7%	42,213	1,134,300	83.5%	\$ -	n/a	0.0%	1,038,899	-15.1%	91.6%
DEC	\$ 274,807	\$ 1,499,070	100.0%	\$ 224,123	1,358,423	100.0%	\$ -	n/a	0.0%	\$ 1,038,899	-30.7%	76.5%

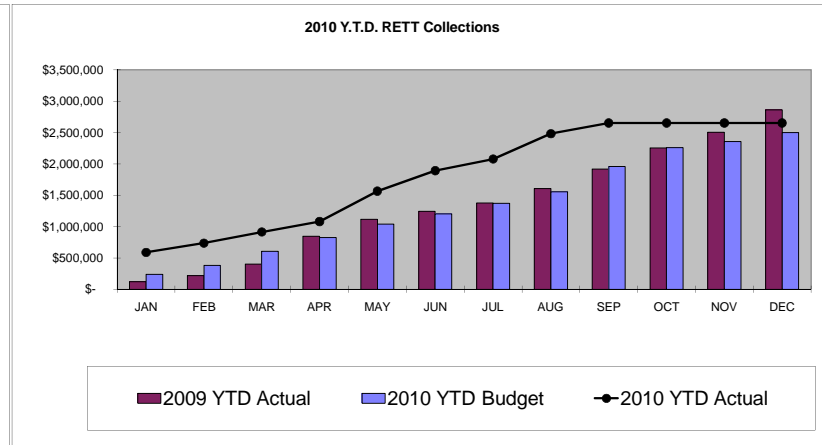
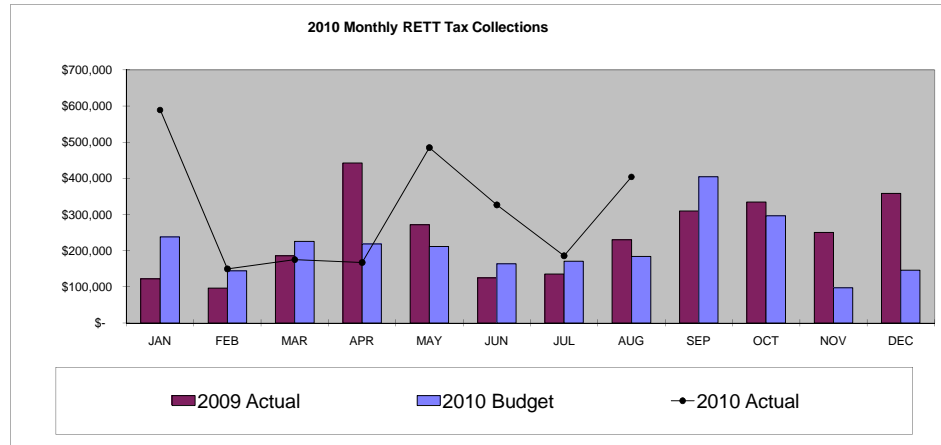
Accommodation tax amounts reflect collections at the 2% rate.



**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 2009	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	247.6%	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	193.2%	6.1%	237.7%
MAR	271,817	967,770	17.1%	185,714	404,331	14.1%	225,613	607,762	24.31%	175,161	77.6%	-35.6%	-5.7%	913,339	150.3%	-5.6%	125.9%
APR	564,624	1,532,394	27.0%	442,039	846,370	29.6%	218,626	826,388	33.06%	167,038	76.4%	-70.4%	-62.2%	1,080,377	130.7%	-29.5%	27.6%
MAY	533,680	2,066,074	36.4%	271,393	1,117,763	39.1%	211,243	1,037,631	41.51%	484,618	229.4%	-9.2%	78.6%	1,564,995	150.8%	-24.3%	40.0%
JUN	522,999	2,589,073	45.6%	124,822	1,242,585	43.4%	163,352	1,200,983	48.04%	326,779	200.0%	-37.5%	161.8%	1,891,775	157.5%	-26.9%	52.2%
JUL	343,610	2,932,683	51.7%	135,393	1,377,977	48.2%	170,942	1,371,925	54.88%	186,067	108.8%	-45.8%	37.4%	2,077,841	151.5%	-29.1%	50.8%
AUG	594,349	3,527,032	62.1%	230,014	1,607,991	56.2%	183,756	1,555,681	62.23%	404,004	219.9%	-32.0%	75.6%	2,481,846	159.5%	-29.6%	54.3%
SEP	711,996	4,239,028	74.7%	309,701	1,917,692	67.0%	404,440	1,960,121	78.40%	170,234	42.1%	-76.1%	-45.0%	2,652,080	135.3%	-37.4%	38.3%
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	2,652,080	117.5%	-42.7%	17.7%
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	2,652,080	112.7%	-47.9%	6.0%
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	\$ 2,652,080	106.1%	-53.3%	-7.3%

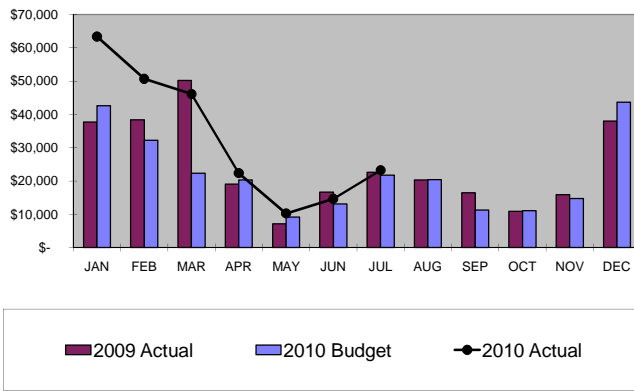
September #s are as of 09/22/10



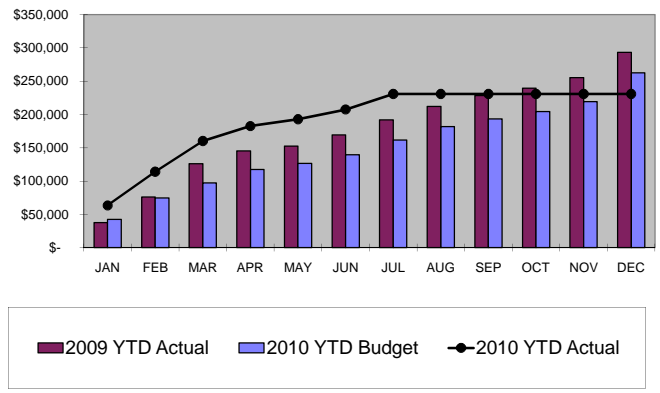
TOWN OF BRECKENRIDGE
AFFORDABLE HOUSING SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED

Sales Period	2009 Collections			2010 Budget			2010 Monthly			2010 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2009	% of Budget	Actual	% Change from 2009	% of Budget
JAN	\$ 37,720	\$ 37,720	12.9%	\$ 42,600	\$ 42,600	12.2%	\$ 63,372	68.0%	148.8%	\$ 63,372	68.0%	148.8%
FEB	38,376	76,096	13.1%	32,256	74,855	11.9%	\$ 50,707	32.1%	157.2%	114,079	49.9%	152.4%
MAR	50,200	126,296	17.1%	22,350	97,205	15.6%	\$ 46,121	-8.1%	206.4%	160,200	26.8%	164.8%
APR	19,034	145,330	6.5%	20,289	117,495	7.3%	\$ 22,379	17.6%	110.3%	182,579	25.6%	155.4%
MAY	7,133	152,462	2.4%	9,131	126,626	3.0%	\$ 10,262	43.9%	112.4%	192,841	26.5%	152.3%
JUN	16,637	169,100	5.7%	13,126	139,752	5.4%	\$ 14,630	-12.1%	111.5%	207,471	22.7%	148.5%
JUL	22,635	191,735	7.7%	21,785	161,537	7.5%	\$ 23,238	2.7%	106.7%	230,709	20.3%	142.8%
AUG	20,323	212,058	6.9%	20,425	181,962	6.6%	\$ -	n/a	0.0%	230,709	8.8%	126.8%
SEP	16,506	228,564	5.6%	11,259	193,221	6.1%	\$ -	n/a	0.0%	230,709	0.9%	119.4%
OCT	10,922	239,486	3.7%	11,069	204,290	4.1%	\$ -	n/a	0.0%	230,709	-3.7%	112.9%
NOV	15,868	255,354	5.4%	14,769	219,059	5.4%	\$ -	n/a	0.0%	230,709	-9.7%	105.3%
DEC	\$ 37,964	\$ 293,318	12.9%	\$ 43,693	262,752	15.1%	\$ -	n/a	0.0%	\$ 230,709	-21.3%	87.8%

2010 Monthly Aff. Housing Sales Tax Collections



2010 Y.T.D. Aff. Housing Sales Tax Collections



TO: BRECKENRIDGE TOWN COUNCIL
FROM: BRIAN WALDES, FINANCIAL SERVICES MANAGER
SUBJECT: STATE SALES TAX AUDIT
DATE: 9-21-10
CC: TIM GAGEN, KATE BONIFACE

The State of Colorado recently performed an audit on its sales tax distributions. As a result of this audit, it was discovered that sales tax amounts remitted to the Town of Breckenridge per our IGA with Summit County were deficient. All of the deficiencies were related to allocations for one in-town tax payer. The audit went back to 2003 and determined the Town was owed \$1.2mm. That amount was wired to our bank account on September 13, 2010.

The Town was not notified by the State of this audit until we actually received the funds. The reason for this being the State is collecting on behalf of the County, not the Town. We receive our money directly from the State per the County's agreement with us. As such, the County was aware of the audit, but we were not. The County did not know the Town was to receive these funds until very shortly before we actually received them.

For reporting purposes, we will keep this amount on our balance sheet and recognize it as revenue at year end. This way we do not end up with a skewed month that will make future historical comparisons difficult.

I will endeavor to contact the State and get some detailed information on this audit, but I am not optimistic about getting clear answers. I will keep Council posted as we learn more.

I-70 Mountain Corridor Revised Draft Programmatic Environmental Impact Statement



Where We've Been

- Studying corridor for more than 10 years.
- Released Draft PEIS in 2004.
- More than 2,000 concerns identified.
- Stakeholder dissatisfaction.

Figure 1-1. I-70 Mountain Corridor in Colorado



Where We've Been

- November 2007 form Collaborative Effort.
- June 2008 adopt Consensus Recommendation.
 - Multi-modal.
 - High Priority Projects.
 - Triggers for future capacity.
 - Decision-making role.
- CDOT & FHWA adopt recommendation as the Preferred Alternative in PEIS.



What is a Programmatic EIS?

Tier 1

- Broad-level decision on a program of transportation improvements.
 - Mode choice.
 - General location.
 - Alignment.
- Does not directly result in construction or impacts.
- Informs and refines future decisions.

Tier 2

- Solves transportation problems consistent with Tier 1 decision.
- Site-specific
 - Project –specific purpose and need.
 - Evaluate alternatives.
 - Understand and disclose specific impacts.
- Decision leads to construction.



Why do a Revised Draft PEIS?

- CDOT responded to stakeholder comments on the 2004 Draft by:
 - Committing to a long-term vision.
 - 50 Year Planning horizon.
 - Adopting Consensus Recommendation as the Preferred Alternative.
 - Removing \$4 Billion threshold.
 - Capturing all changes since the 2004 Draft.
 - Committing to an adaptive solution.



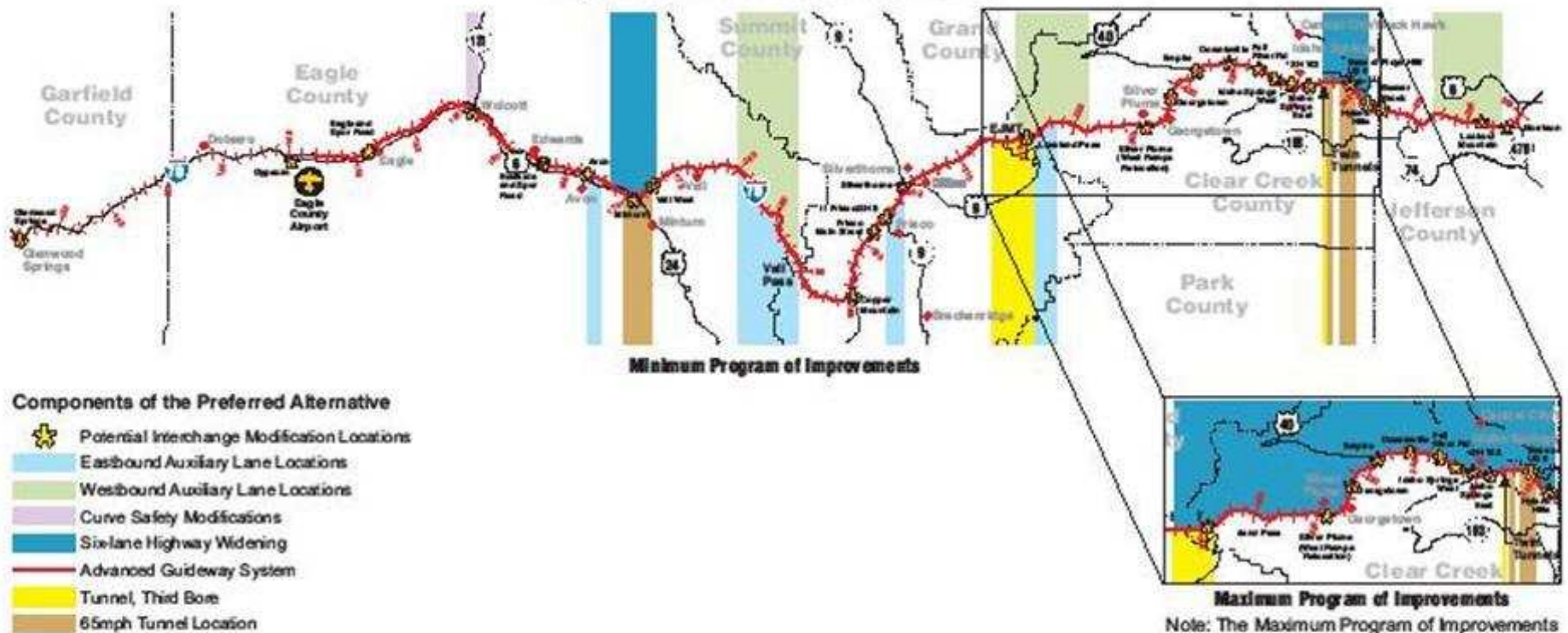
Project Purpose & Need

The purpose for transportation improvements is to increase capacity, improve accessibility and mobility and decrease congestion for travel demand, projected to occur in 2035 and 2050, to destinations along the I-70 Mountain Corridor as well as for interstate travel, while providing for and accommodating environmental sensitivity, community values, transportation safety, and ability to implement the proposed solutions for the Corridor.



Preferred Alternative

Figure 2-11. Preferred Alternative



Note: EJMT = Eisenhower-Johnson Memorial Tunnels

Maximum Program of Improvements

Note: The Maximum Program of Improvements would result in Six-lane Highway Widening from EJMT to Floyd Hill and in Dowd Canyon. All other components in the Corridor are common to the Minimum and Maximum Programs of Improvement.



Impacts, Key Findings & Benefits

On a corridor wide basis, the Preferred Alternative:

- Improves safety, mobility, and accessibility for all users.
- Is responsive and adaptive to broader global trends that affect the way travel decisions are made in the future.
- Best meets the project purpose and need.
- Meets environmental and legal requirements.
- Preserves, restores, and enhances community and cultural resources.
- Preserves and restores or enhances ecosystem functions.
- Is economically viable over the long term.

Preferred Alternative provides the most capacity along the Corridor and best reduce congestion but also have the greatest environmental impacts.



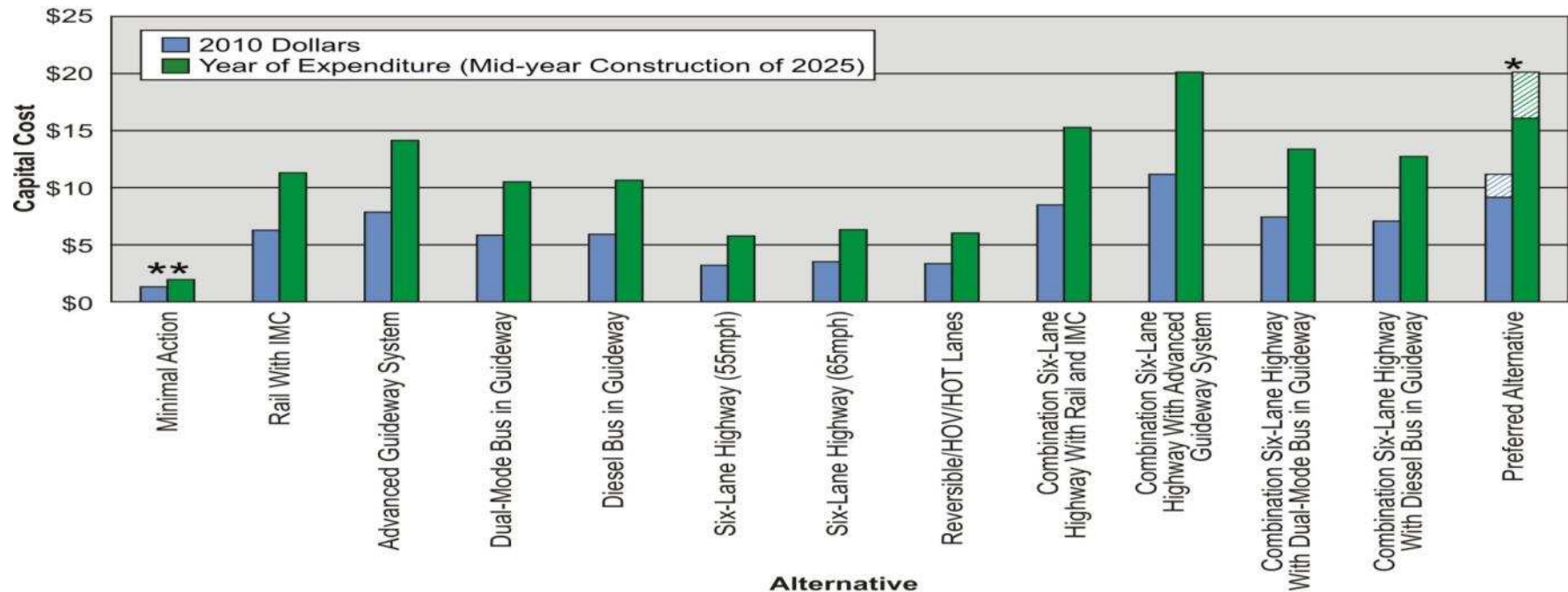
Resources Analyzed

- Climate & Air Quality
- Biological Resources
- Wetlands & Other Waters of U.S.
- Water Resources
- Geologic Hazards
- Regulated Materials & Historic Mining
- Land Use & Right of Way
- Social & Economic Values
- Environmental Justice
- Noise
- Visual Resources
- Recreation Resources & Section 6(f) Evaluation
- Historic Properties & Native American Consultation
- Section 4(f)
- Paleontology
- Energy



Financial Considerations

Figure 5-1. Capital Cost by Alternative



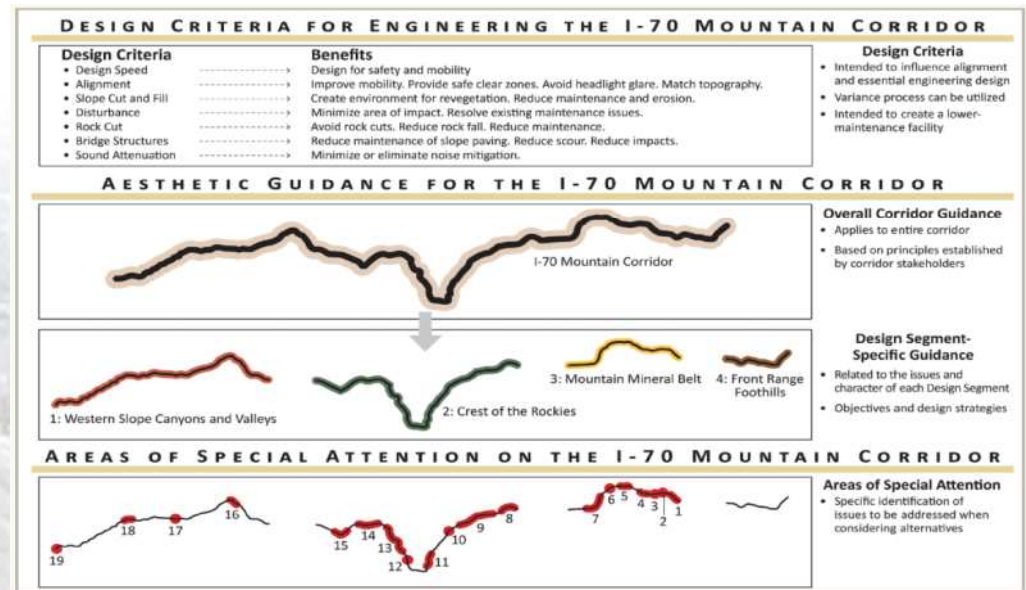
* The Maximum Program presents the range of impacts that could occur with the Preferred Alternative. The solid bar represents the implementation of the Minimal Program only. The hatched bar area shows the range of the Maximum Program. It is presented as a range because the adaptive management component of the Preferred Alternative allows it to be implemented based on future needs and associated triggers for further action. The top end of the bar represents the full implementation of the Maximum Program. Section 2.7 of this document describes the triggers for implementing components of the Preferred Alternative.

** The methodology focuses on year of expenditure cost to a mid-year of construction of 2020 for the Minimal Action Alternative.



Defined How Projects Advance

- Designed a Context Sensitive Solutions process that ensures an open, collaborative method for making decisions.
- Develop instructions for use by future planners, designers, engineers, contractors, stakeholders



Project Schedule

- Release Revised Draft PEIS.
 - 60-day Public Comment Period:
 - Sept.10, 2010 – Nov. 8, 2010.
 - Three public hearings first week of October.
 - 24 public repositories to view document.
 - Comment through public hearings, website or letter.
- Release Final PEIS
 - Winter 2010
 - 30-day public review period.
- Record of Decision.
 - Spring 2011.



How to Comment

- Attend public hearing.
- Provide comments online:
www.i70mtncorridor.com
- Submit letter
- No surprises approach.
- 30,000-foot level.
 - Consistent with policy decisions of CE and PLT?
- Specific focus
 - Frame within the Tier 2 process context



Questions?

www.i70mtncorridor.com

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MEMORANDUM

To: Mayor and Town Council

From: Laurie Best
Community Development Department

Date: September 21, 2010 (for worksession Sept 28th)

Subject: Pinewood Village Apartments

Purpose: Because the Town has a long-term investment interest in the Pinewood Village Apartments, the management company, Corum Real Estate Group provides a regular update to the Town Council. The last Council update was presented in 2008.

Background: In recognition of the need for affordable housing, the Town of Breckenridge entered into a 50 year lease commencing in 1997 that assisted Corum Real Estate Group to build the affordable housing community referred to as Pinewood Village Apartments. The Town's real property, described as Lot 5, Block 1 Parkway Center Subdivision, is across from the North Branch of the Summit County Library at 605 Airport Road.

The Town's investment in the project consists of more than the 50-year lease of the real property. In the lease agreement, the Town agreed to waive development permits, application review fees, a percentage of building and mechanical permit charges, Plant Investment Fees, and other fees such as plans and specifications check fees in support of the development. Furthermore, the Town elected to delay lease payments until such time as the Summit Housing Authority, the Development Partnership, and the Tax Credit Owner received repayment. According to the current projection by Corum Real Estate Group the lease payments to the Town are projected to begin in 2025. In exchange, the Town secured a minimum of 50 years of 74 affordable housing units at terms that keep rents lower than federal affordable housing formula requirements.

Summary: An overview of Pinewood Village's Property History and Summary of Operations has been prepared by Corum Real Estate Group and follows this cover memo. The report provides information on the occupancy rates, rental rates, resident profiles, and operating/ capital budgets. The report indicates that the apartment complex continues to meet housing needs in the community for a variety of employees while meeting financial obligations related to the financing, operations, and capital improvements. Staff walked the site with representatives on June 29, 2010, and it appears that repair and maintenance issues are being planned for and addressed. Representatives from Corum Real Estate Group will attend the Council worksession to discuss the project and/or answer any questions.

PINWOOD VILLAGE APARTMENTS PROPERTY HISTORY & SUMMARY OF OPERATIONS

Project History

Pinewood Village Apartments is comprised of 74 units including 55 market units and 19 Very Low-Income Restricted units (Tax Credit Units) and 51 garages. The rents are restricted both in accordance with the Breckenridge Land Lease and the average median income (AMI) levels for Summit County Residents as determined by the U.S. Department of Housing and Urban Development (HUD) and provided by the Colorado Housing and Finance Authority, (CHFA). On average Pinewood Village’s market rents can’t exceed 83.75% of AMI as determined by HUD and in no case can exceed 100% of AMI. The very low income units are based on 50% of AMI as determined by HUD.

Income and rent restrictions for the Market units are as follows:

<u>Annual Income</u>	<u>Monthly Rent</u>
combined household - \$61,100	1 Bedroom/1 Bath - \$850
combined household - \$69,800	2 Bedroom/1 Bath - \$1,100
combined household - \$78,500	2 Bedroom/2 Bath - \$1,150
combined household - \$87,200	3 Bedroom/2 Bath - \$1,400

Income and rent restrictions for the Very Low Income units (Tax Credit) are as follows:

<u>Annual Income</u>	<u>Monthly Rent</u>
1 person household - \$30,550	1 Bedroom - \$725
2 person household - \$34,900	2 Bedroom - \$875
3 person household - \$39,250	3 Bedroom - \$1,000
4 person household - \$43,600	
5 person household - \$47,100	

Both market and tax credit residents pay separately for gas for hot water and heat in the form of a monthly utility charge equating to \$55, \$60 or \$65 for 1, 2 and 3 Bedroom units respectively. Water, sewer and trash are included in the monthly rent. Washing machines and dryers are included in each unit at no extra charge. Typically all leases are initially written for one year with options to renew for anywhere from 30 days to one year. In most cases the lease renewals are executed for one-year periods since there is a fee for leases rolling into month to month as opposed to one-year terms. Garages are available for lease to all residents for \$65 per month so as long as the resident agrees to use the garage for parking a vehicle. Parking remains tight but is not as much of an issue today as in past years as a result of enforcing the parking of vehicles in garage units along with the strict enforcement of parking passes for all residents.



Pinewood Village’s first building was completed in February of 1997 with the eighth and final building being completed in August of 1997. Since that time period the property has traditionally operated with occupancy rates somewhere between 88% to 100% depending on the time of year. The early spring months tend to have the highest vacancy rates while the winter months continue to maintain incredibly high occupancy rates. During 2009 the average occupancy rate at Pinewood Village throughout the entire year was 95%. The winter months averaged 97%. Pinewood is currently 97% leased and preleased.

Resident Profile

The typical Pinewood Village Resident works in one of many services industries primarily in the Town of Breckenridge or on the ski mountain. Below is a summary of the type of employment that the current residents are involved in for both the market and low-income units:

<u>Market Units (55 Units)</u>	<u>Low-Income Units (19 Units)</u>
11% Ski Industry	17% Ski Industry
18% Retail Sales & Rentals	21% Retail Sales/Rentals
13% Hospitality Industry	11% Hospitality Industry
24% Restaurant Business	16% Restaurant Business
10% Clerical/Office	6% Clerical/Office
18% Service Industry	19% Service Industry
2% Construction	10% Disabled/SSI
4% Retired	

Operating Budget

Pinewood Village’s financial condition as of July 2010 is in good shape. Rental Income is under budget by \$33,022 year to date or 6%. Operating expenses are under budget \$10,756 for the year or 4%. Overall net operating income (NOI) year to date is under budget \$22,276 on a \$317,628 budget. By year end NOI is anticipated to meet or exceed the budget as a result of the anticipated fall and winter occupancy rates that should be in the high 90’s while the property continues to maintain a positive variance in expenses. Currently Pinewood Village is 97% leased and preleased and is expected to maintain this high occupancy rate in to late spring to mid summer of 2011. Pinewood Village has experienced this same type of success financially in the year 2009.

Capital Improvements

Pinewood Village overall is in good physical shape. The entire exterior of the property was repainted this past summer. Additionally, where necessary, replacement of siding and trim boards took place. Over the past years there are a number of exterior stairways and walkways that have shifted and resulted in failures in the concrete, stair treads, wood stringers and railings. As of this year 70% of those repairs and / or replacements have occurred. The balance of the repair and replacement work is scheduled to take place in 2011. There are also aging carpets and appliances that are now being replaced on an as needed basis as has happened in the past several years.

Refinancing of CHFA Note

In early 2006 the CHFA (Colorado Housing and Finance Authority) note was refinanced. The interest rate was decreased from 7.1% to 6.0% in April of 2006. Additionally, a second note was put in place for \$425,000 at an interest rate of 5.75% amortized over 30 years. The net decrease to debt service by refinancing is \$6,400 annually.

Summary

In summary, Pinewood Village is once again anticipating a highly successful year. Occupancy rates have remained fairly strong throughout 2009 and 2010 while enduring tough economic times that has created a challenging rental market in Summit County. On average throughout the past year and a half the average occupancy rate has continued hover somewhere in the mid to high 90's. The property has continued to operate in compliance with all financing agreements, including the Breckenridge Land Lease, the Land Use Agreement with CHFA and the regulatory agreement with HUD. Pinewood Village has continued to make timely payments to the Summit Housing Authority in accordance with the note. Furthermore, the property appears to be serving a need of the community by offering housing to full time year round residents of Breckenridge at affordable rates.

Memo

To: Town Council
From: Julia Puester and Chris Neubecker
Date: September 21st for meeting September 28, 2010
Re: 2002 Merchant's Committee Identified Issues

At a recent Council meeting, some representative of the Merchant's Association raised concerns that the Town Council could address to encourage visitors to spend more time in town. These issues included a Main Street shuttle from the gondola lots to Main Street, additional signage in parking lots stating "Free After 3:00 PM", and ski storage for visitors. Staff would like to inform the Council about similar issues that were raised by the Merchant's Association in the past, and the actions the town took (or did not take) at the time.

In 2002, a Merchant's Committee was formed to identify positive and negative issues in the Town Code. Staff has attached the Committee's 2002 issues list and has provided what response, if any, the Town Council had implemented or discussed.

Staff will be available at the worksession to answer any questions that the Council may have.

Merchants Committee Issues as Identified on May 22, 2002

The following issues, topics and code sections were raised by the Merchants Committee, or seen by staff, as issues for discussion in 2002.

2002 Issue: Temporary Vendor Carts (9-1-19-36 C): There was discussion of allowing vending carts in Blue River Plaza and other public areas to create additional animation. Vending was allowed on private property, or on public property designated for vending by the Town. Must be less than 100 square feet, and were allowed only for the sale of food and beverage for immediate consumption.

RESPONSE: Vending carts are still allowed on private property. The Council was not supportive of a change to allow vending on public property at the time, due to concerns raised by in Town businesses' potential loss of revenue and overhead incurred with an existing business. No change was made to the code at the time.

2002 Issue: Sandwich Board Signs (8-2-15 I): Were prohibited; many merchants wanted to use these to attract attention. Also, the BRC wanted to use sandwich board signs to promote the entertainment in Blue River Plaza. Commonly these signs are proposed for directional signs to civic events. Some businesses in less desirable areas have requested these signs to gain attention to their location.

RESPONSE: Sandwich Board Signs are currently allowed for civic events but in 2002 Council did not want to allow them for individual businesses, as this could lead to clutter. Discussions included concerns about regulating how many would be out on display at a time. Also, sandwich board signs can be hazardous in windy snowy or icy conditions. Typically these signs are proposed by businesses with less prime locations.

2002 Issue: Outdoor Music and Loudspeakers (9-1-19-42): These were allowed only on the deck or patio or a restaurant or bar. This section of the Town Code does not apply to the amplification of live music acts (i.e. Blue River Plaza, Riverwalk Center, etc.). Some retailers wanted to have music outside the entrance to their store, to let people know they are open, add atmosphere, etc.

RESPONSE: Council discussed after Merchants Committee recommendations in 2002 and decided to leave the code as is to allow for patios of restaurants or bars. A concern was that businesses competing for attention with music may be too much if locations are close together and different music is on each site.

2002 Issue: Temporary Tents for Radio Broadcasts (9-1-19-36): Local radio stations and businesses wanted to set up tents for a few hours to promote a special sale, event, etc. In 2002, temporary tents were allowed only for non-commercial purposes, or in connection with civic events (Oktoberfest, Art Fairs, Snow Sculpting, etc.)

RESPONSE: Policy 44/A was adopted in 2002 to address remote radio broadcasts, which does allow a banner and temporary tent structure.

2002 Issue: Holiday Lights (8-2-6-Q): The Sign Code allowed for outline lighting from November 1st until April 1st. Some merchants in 2002 wanted to leave outline lights on all year, to add to the ambiance of the town.

RESPONSE: Code was rewritten in 2004 to allow for lights to be up until end of ski season. Also, current code allows for outdoor bistro lights in the summer for outdoor dining and bars. Council discussed the possibility of year-round holiday lighting at last meeting and decided against it noting that it does not get dark until late in the evening in the summer, reduction in energy usage and that holiday lights provide a special ambiance when it is limited to the ski season.

2002 Issue: Sale Signs / “Going Out of Business” Signs (8-2-15-K): Temporary signs are prohibited, but the Sign Code allows up to two window signs, not more than 3 square feet total. In 2002, merchants wanted the Town to prohibit, or limit, sale signs, “Going Out of Business” signs, “50% OFF” signs, etc. The thought was that these tarnish, or cheapen, the town’s image.

RESPONSE: This is a 1st amendment right because it regulates the content of the sign. We could potentially regulate all short term temporary signs, but not based on content.

2002 Issue: Animation on Private Property (8-2-15 A): The use of buskers, jugglers, magicians, and other street performers was discussed to create more activity in town. This was seen as an “attention getting device” which was (and is) prohibited. Also, what if local merchants wanted to “sponsor” the performances in Blue River Plaza? Should they be allowed a sign, pamphlets, freebie handouts etc.?

RESPONSE: Council discussed in 2002 and did not feel a change to the code was appropriate.

2002 Issue: Animation on Public Properties: The use of buskers, jugglers, magicians, and other street performers in public spaces was discussed to create more activity in town. These were potentially individuals who would perform for money (“pass the hat”). Town also considered other public places, such as the area behind Bubba Gump Shrimp Company, a possible amphitheater (near the current Alpine Garden), West Jefferson right of way, etc.

RESPONSE: The Council discussed street performers and put in place some procedures to allow them through a contract with the BRC, with the BRC regulating entertainment in Blue River Plaza. The idea at the time was that the BRC would be able to hire family friendly entertainment, and prevent aggressive or lewd performers, and the BRC had done well in the past regulating this type of

programming. The ordinance did not allow individuals to perform and “pass the hat”.

2002 Issue: Costumed Characters (8-2-15 A): This is prohibited in the current sign code, when used as part of a promotion, as it is considered an “attention getting device”.

RESPONSE: Staff could not find record of Council discussion or action.

2002 Issue: Outdoor Displays / Mannequins (9-7-6): The outdoor display of merchandise was prohibited in the core of town, but allowed in areas such as City Market, 7-Eleven, and Airport Road. There were also exceptions for Christmas tree sales, seasonal plants, merchandise of historical significance, and sculpture or statures. Some merchants wanted to display one mannequin or piece of merchandise, such as a photo or T-shirt.

RESPONSE: An ordinance modification in 2002 allows for a single piece of merchandise or mannequin on private property.

2002 Issue: Neon Signs (8-2-15 E): These are prohibited in the current sign code. The question posed was whether the Town should enforce the code when the sign is not intended for outside viewers, but is still visible from the public right of way.

RESPONSE: The code has not been modified. Council felt that to keep the Victorian town character, neon signs were not appropriate. Enforcement has still been a bit of an issue when signs are not intended for outside viewing, but are still visible from the street.

2002 Issue: Banners (8-2-15 K): The only banners that are allowed are sponsor banners for civic events, or the Main Street Banner. Otherwise, they are prohibited. Some businesses want to use temporary “Grand Opening” banners. Also, many realtors want to display “Model Open” banners.

RESPONSE: No code changes have been made. Some businesses do still try to use these and it has been an enforcement issue.

MEMORANDUM

TO: Town Council

FROM: Mark Truckey, Assistant Director of Community Development

DATE: September 22 for September 28 Council meeting

SUBJECT: Joint Upper Blue Master Plan Update

The Joint Upper Blue Master Plan (JUBMP) was adopted by the Towns of Breckenridge and Blue River and Summit County in 1997. The Plan provides general policy guidance on broad land use issues affecting the Upper Blue Basin. For several reasons discussed below the three jurisdictions have agreed to revisit the 13-year old Plan and update it. The Council previously endorsed a recommendation of the Sustainability Task Force to undertake a “minor” update to the JUBMP.

Reasons to Update the Plan

Overall the JUBMP has provided solid direction for basin land use planning. Its policies concerning not creating new density in the basin have been key in ensuring that upzonings, etc. were not approved which would overwhelm our infrastructure and carrying capacity. The policies concerning backcountry protection have resulted in the Town and County jointly acquiring several thousand acres of backcountry (through joint open space acquisitions and through the Upper Blue Transfer of Development Rights program).

Basin Density Target and Density Reduction Strategies

The Sustainability Task Force discussed some issues related to the JUBMP in 2009 and recommended that a “minor” update be undertaken. Particularly one portion of the JUBMP has proven less successful in its implementation than other portions of the Plan. This is the goal of reducing ultimate build-out in the basin to 75 percent of the zoned density in the basin. Supporting this goal/policy were a series of “density reduction” strategies for reducing buildout. Unfortunately the density reduction strategies were probably overly optimistic and although there have been some density reductions (about 600 units), they fall far short of the JUBMP’s target of 2,550 units. Meanwhile the JUBMP goal of reaching an ultimate basin density of 10,500 units has already been surpassed (about 10,800 units have been constructed to date in the basin and it is likely that full buildout will reach close to 14,000 units). Note: one other factor impacting density is the exemption from density provided in the JUBMP for deed restricted affordable housing projects (the Council did in 2009 indicate a desire to transfer density the Town owns at a 1:2 ratio for all new affordable housing projects in order to mitigate impacts created by the new housing density).

Given the above discussions, a portion of the amendments to the JUBMP would focus on revisiting the Plan’s 10,500 unit buildout target, determining whether it should be revised or possibly eliminated, and re-evaluating and amending the density reduction strategies.

District Court Ruling

A second reason for undertaking an amendment to the JUBMP is the County’s desire to amend all of their master plans to address a recent District Court ruling. Recent land use litigation involved the County and a property owner in the Upper Blue Basin (i.e. Polanski) wanting to re-subdivide a property in Silver Shekel, which had previously had its lot lines vacated. The plaintiff, Polanski,

challenged the County’s approval of this resubdivision, which included a condition that three TDRs be purchased in order to reinstate three lots. The Summit County District Court ruled in favor of the plaintiff. In doing so, the Court made some conclusions that questioned the County’s ability to impose master plan policies that conflict with the underlying zoning for a property.

In response to this decision, the County has amended all of their master plans (except the JUBMP) to include more language that clarifies the roles of master plans in relation to zoning and development approvals. The County is suggesting language clarifying that developments must be in “general conformance” with master plan policies, and that the reviewing authority (e.g., planning commission, BOCC) has the discretion to use the master plan policies when reviewing development proposals. The suggested language notes that the master plans may be used to limit density to less than that allowed by zoning.

The Town Attorney has reviewed the District Court ruling and generally feels that it should not affect the way the Town uses its planning documents. The Town has always taken the approach that master plan/comprehensive plan policies are advisory, and that specific requirements are outlined in the Development Code and the Land Use Guidelines. Also, unlike the County, we do not specifically refer to our comprehensive plan policies when reviewing development applications.

Other Plan Modifications

We anticipate that generally the update will be focused on the issues discussed above. In addition, there will likely be some reformatting of the Plan document and a general updating of the Plan to reflect changes that have occurred in the last 13 years. The goal will be to keep focused on accomplishing these “minor” amendments. We do not envision opening the Plan up to a complete overhaul—given the time and resources that would need to be expended for such an effort—and that the Plan is for the most part still working well. Thus, staff intends to focus the update efforts on the key points discussed above.

Committee Appointments

The original 1997 JUBMP was developed by a seven-member Joint Upper Blue Master Plan Committee with staff’s assistance. The committee was made up of representatives from the Towns of Breckenridge, Blue River, and Summit County. The Plan was ultimately adopted by the Breckenridge Town Council, the Blue River Town Board, and the County’s Upper Blue Planning Commission at a joint meeting. Our staff has discussed establishing a similar committee for this process. The committee would be fairly short-lived, given that we intend to focus the update effort. Staff requests feedback from the Council regarding the Town’s appointees to the committee.

Questions for Council

- Does the Council agree with the general direction and focus of the proposed Joint Upper Blue Master Plan update?
- Does the Council have thoughts on what type of representation the Town should have on the committee (e.g., Council representatives, Planning Commission members, at-large appointees)?



Memorandum

To: Town Council
From: Jennifer Cram, AICP
Date: August 4, 2010
Subject: Landscaping Policy 22 Changes

Staff has been working with the Planning Commission since July of 2009 to update Policy 22 - Landscaping to better reflect the goals of the Town's forest health programs, the desire to raise the bar on new landscaping and to consolidate the requirements of recent Ordinance adoptions. The end result is to create a Policy that is user friendly for applicants, sets a basic requirement for landscape plans that improve forest health, utilize native or high altitude plants and provides for the appropriate allocation of positive points for those landscape plans that exceed basic requirements.

Because there have been so many changes made throughout the last year it has been difficult to continue to track all of the changes and move forward with an understandable document. Many of the changes involved simple word-smithing to allow the Planning Commission to better evaluate a development proposal. As such, the document attached is cumulative and staff outlined below the primary changes made to the Policy over the past year.

Absolute Changes

Under Section A. Maintenance, the following additions/changes were added.

- (2) Properties shall be kept free of noxious weeds as designated in the Town's Noxious Weed Management Plan as updated from time to time.
- (4) Dead and terminally diseased shall be cut as close to the ground as possible and removed from the property and disposed of properly on an annual basis. (Please refer to the Landscaping Guidelines for references on common diseases and infestations that affect vegetation at a high altitude.)
- (5) Terminally diseased trees that are removed, such as Mountain Pine Beetle infested trees, shall be replaced on a case-by-case basis in a manner to provide effective screening between properties for privacy and to screen properties from view sheds and public rights of way. Property owners will not be required to replace trees on a per caliper inch basis.

Under Section B. Requirements, the following additions/changes were made. Changes to an

existing number are underlined.

- (1) Each site shall provide through existing vegetation or with new landscaping screening from adjacent properties, a separation of uses, enhancement of privacy and the protection of view sheds from public rights of way as appropriate for each neighborhood. The individual character of each neighborhood shall be considered by the Commission. (Moved from #13 to #1 and enhanced)
- (4) All planting materials proposed in areas also designated as snow stacking areas or anticipated snow shedding areas shall be of a size or type that will not be adversely affected by the proposed snow storage. To the extent possible, new trees shall not be located in areas proposed for snow storage or snow shedding.
- (6) All surface areas on the approved landscaping plan that will not be a hard surface shall be planted with adequate native or high altitude ground cover as approved by the Town and shall be top-dressed with a minimum of two inches (2") of top soil prior to planting. In addition, irrigation shall be provided in those instances where required to guarantee the proper growth and maintenance of the landscaping being provided. (The addition of native or high altitude was added and irrigation for proper growth and maintenance was added.)
- (9) Wheel retention devices shall be utilized for parking areas to protect landscaping where possible. Flexibility in the design of wheel retention devices will be reviewed on a case by case basis to allow for positive drainage and so as not to interfere with snow removal operations.
- (10) At least fifty percent (50%) of all tree stock shall be of a size equal to or greater than six feet (6') in height for evergreen trees and one and one-half inches (1-1/2") caliper for deciduous trees, measured six inches (6") above ground level. (Minimum sizes were increased.)

Section C. Wildfire Mitigation was created based on the Voluntary Defensible Space Ordinance. As this is a Development Code Policy, it will only apply to new construction and major remodels.

The creation of defensible space around structures is required for all new construction, additions greater than 10% of existing square footage, and major remodels that affect the exterior of a structure and/or a structures footprint. All Properties shall be divided into three zones. Properties will be reviewed on a case-by-case basis. Properties within the Conservation District and those properties within a Master Plan with smaller setbacks shall be given special consideration to allow for site buffers and screening to be maintained and created while still meeting the intent of reducing fuels for wildfire mitigation.

(1) Zone One

- (a) Zone One shall extend 30-feet from the eave of the structure or deck.
- (b) All non-firewise vegetation shall be removed within Zone One except that specimen trees with a minimum of ten feet (10') between

the crowns of other vegetation may remain. Specimen trees in close proximity to a structure may be considered part of the structure for measurement purposes.

- (c) Stone or other noncombustible materials with a weed barrier shall be placed under all decks or structure projections such as bay windows.
- (d) Fire-wise landscaping may be planted within Zone One, 15 –feet away from the edge of all eaves or decks. All fire-wise landscaping planted within Zone One shall be maintained in irrigated planting beds. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.
- (e) All grasses within Zone One shall be maintained less than six inches (6") in height. For landscape plans that propose taller growing native grasses or wild flowers, these plantings shall be cut back annually in the fall after the plantings have gone to seed.
- (f) All fire-wise trees within Zone One shall be pruned annually to remove all dead branches a minimum of six-feet (6') above ground level.

(2) Zone Two

- (a) Zone Two shall be measured 75 feet up to 125 feet (depending on slope) from the eave of a structure or deck.
- (b) All dead and diseased trees shall be removed within Zone Two.
- (c) All dead trees and branches on the ground shall be removed. Leaf and needle clutter shall not exceed three inches (3") in depth.
- (d) New landscaping may be planted to create site buffers and screening. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.
- (e) All trees shall be pruned annually to remove all dead branches a minimum of six-feet (6') above ground level.

(3) Zone Three

- (a) Zone Three shall be measured from the edge of Zone Two to the property line.
- (b) All dead and diseased trees shall be removed within Zone Three. A minimum of one standing dead tree per acre or fraction thereof may remain on site for wildlife habitat provided that a minimum of ten feet (10') is maintained between the dead tree and the crowns of living trees.
- (c) All dead trees and branches on the ground shall be removed. Leaf and needle clutter shall not exceed three inches in depth.
- (d) New landscaping may be planted to create site buffers. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.

- (e) All trees shall be pruned annually to remove all dead branches a minimum of six-feet above ground level.

Section D. Water Features was added to address the moratorium on water features.

- (1) Water features shall meet all required setbacks for structures and shall not be permitted outside of disturbance envelopes, nor shall they be permitted when the construction of said feature results in the removal of existing specimen trees, or trees that provide required site buffers. Replacement trees may be considered.
- (2) The use of Glycol or other anti-freezing additives within water features is prohibited.
- (3) Water features that are proposed for year round use may receive negative points under Policy 33 – Energy Conservation.

Relative Changes

Under Section A. the following additions/changes were made. Changes to an existing number are underlined.

- Within the beginning explanation the following language was added. New landscaping should enhance forest health, preserve the natural landscape and wildlife habitat and support fire-wise practices. A layered landscape, through the use of ground covers, shrubs and trees that utilize diverse species and larger sizes where structures are screened from view sheds, public rights of way and other structures, is strongly encouraged.
- (1) It is encouraged that at least one tree a minimum of eight-feet (8') in height, or three inch (3") caliper be planted at least every fifteen feet (15') along public rights of way. (The caliper size was increased.)
- (2) It is encouraged that all landscaping areas have a minimum dimension of ten feet (10'). (The minimum dimension was increased from 5' to 10')
- (4) It is encouraged that the landscaping materials utilized are those species that are native to Breckenridge, or appropriate for the high altitude environment found in Breckenridge.(Native, or appropriate for the high altitude environment was added.)
- (5) It is encouraged that the landscaping materials utilized are those species that need little additional water to survive, or that the applicants provide for an irrigation system that is based on low flows or the recycling of water. In general, native species are the most drought tolerant after establishment. Xeriscaping with native species is encouraged.
- (6) Irrigation that utilizes low flow systems and the recycling of water are strongly encouraged. (Emphasis on low flow and recycling of water.)
- (7) The use of bioswales planted with native vegetation that can filter and absorb

surface water runoff from impervious surfaces to promote water quality is encouraged.

- (8) The use of permeable paving in low traffic areas, to allow precipitation to percolate through areas that would traditionally be impervious, is encouraged.
- (10) It is encouraged that the remaining fifty percent (50%) of the tree stock include a variety of larger sizes ranging up to the largest sizes for each species which are possible according to accepted landscaping practices at maturity which recognize the Breckenridge high altitude environment, transplant feasibility, and plant material availability. Interrelationships of height, caliper, container size and shape shall be in general compliance with the American Standard for Nursery Stock. Fifty percent (50%) of all deciduous trees should be multi-stem.
- (11) It is encouraged that landscaping be provided in a sufficient variety of species to ensure the continued appeal of a project in those instances where a particular species is killed through disease. Native species are preferred.
- (12) It is encouraged that at least fifty percent (50%) of the area of a project that is not being utilized for buildings or other impervious surfaces shall be kept in a natural/undisturbed state. Native grasses, wild flowers and native shrubs are desirable features to maintain.

The point multipliers has also been changed to negative two (-2), positive two (+2), positive four (+4) and positive six (+6). The original point multipliers were negative eight (-8) to positive eight (+8). The change places more emphasis on the absolute policy, yet still allows for the allocation of negative points for applications that provide no public benefit. The positive points were restructured to allow the Commission flexibility in allocating positive points and reducing the likelihood that landscaping can offset major negative impacts of a proposal. In order to aid the Commission examples were also provided for each point allocation for illustrative purposes with the ultimate discretion being up to the Commission.

Negative points will be awarded according to the following point schedule for new landscaping proposals, in direct relation to the scope of the project, subject to approval by the Planning Commission:

-2: Proposals that provide no public benefit. Examples include: providing no landscaping to create screening from adjacent properties, public right of way and view sheds; the use of large areas of sod or other non-native grasses that require excessive irrigation and that do not fit the character of the neighborhood; the use of excessive amounts of exotic species; and the removal of Specimen trees that could be avoided with an alternative design layout.

Positive points will be awarded according to the following point schedule for new landscaping proposals, in direct relation to the scope of the project, subject to approval by the Planning Commission:

+2: Proposals that provide some public benefit. Examples include: the

preservation of a specimen tree/s as a result of a new building footprint configuration to preserve the tree/s; preservation of groupings of existing healthy trees that provide wildlife habitat; preservation of native ground covers and shrubs significant to the size of the site; xeriscape planting beds; the planting of trees that are of larger sizes a minimum of 2.5" caliper for deciduous trees and eight feet (8') for evergreen trees; utilizing a variety of species and the layering of ground covers, shrubs and trees that enhance screening and assist in breaking up use areas and creating privacy. In general plantings are located within Zone One (as defined) on the site.

+4: Proposals that provide above average landscaping plans. Examples include: all those noted above in addition to the planting of trees that are of larger sizes a minimum of 3" caliper for deciduous trees and ten feet (10') for evergreen trees; utilizing a variety of species and the layering of ground covers, shrubs and trees that enhance screening and assist in breaking up use areas and creating privacy 50% of all new planting should be native to Breckenridge and the remaining 50% should be adapted to a high altitude environment. In general plantings are located within Zones One and Two (as defined) on the site.

+6: Proposals that that provide significant public benefit through exceptional landscape plans. Examples include: all those noted above and the planting of deciduous and evergreen trees that are a combination of the minimum sizes noted under positive four points (+4) and the largest possible for their species; the planting of the most landscaping possible on the site at maturity; utilizing a variety of species and the layering of ground covers, shrubs and trees to break up use areas, create privacy and provide a substantial screening of the site; 75% of all new plantings should be native to Breckenridge and the remaining 25% should be adapted to a high altitude environment. In general plantings are located in Zones One, Two and Three (as defined) on site.

Staff looks forward to reviewing the updates to Policy 22 – Landscaping that have been proposed thus far and getting direction on further changes for adoption.

22. (ABSOLUTE) LANDSCAPING (22/A):

General Statement: The Town hereby finds that it is in the public interest for all developments to maintain healthy trees and to provide landscape improvements for the purposes of: complementing the natural landscape and retaining the sense of a mountain environment; improving the general appearance of the community and enhancing its aesthetic appeal; preserving the economic base; improving the quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the adverse effects of climate, aspect, and elevations; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving air and water quality.

To ensure that landscaping is provided and maintained, the following requirements for the installation, maintenance, and protection of landscaping areas are required to be met for every project issued a permit under this Chapter:

A. Maintenance:

- (1) All plantings shall be maintained in a healthy and attractive condition. Maintenance shall include, but not be limited to, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating.
- (2) Properties shall be kept free of noxious weeds as designated in the Town's Noxious Weed Management Plan as updated from time to time.
- (2) Landscaping structural features such as fencing, planter boxes, etc., shall be maintained in a sound structural and attractive condition.
- (3) Selective tree cutting/thinning to maintain the health of the tree stand and to allow for greater species diversity is appropriate, provided that effective screening is maintained to protect view sheds, blend the development into the site and provide privacy between properties.
- (4) Dead and terminally diseased shall be cut as close to the ground as possible and removed from the property and disposed of properly on an annual basis. (Please refer to the Landscaping Guidelines for references on common diseases and infestations that affect vegetation at a high altitude.)
- (5) Whenever plants are removed or die, they shall be replaced by planting materials as soon as possible that meet the original intent of the approved landscaping design. Terminally diseased trees that are removed, such as Mountain Pine Beetle infested trees, shall be replaced on a case-by-case basis in a manner to provide effective screening between properties for privacy and to screen properties from view sheds and public rights of way. Property owners will not be required to replace trees on a per caliper inch basis.

B. Requirements:

- (1) Each site shall provide through existing vegetation or with new landscaping screening from adjacent properties, a separation of uses, enhancement of privacy and the protection of view sheds from public rights of way as appropriate for each neighborhood. The individual character of each neighborhood shall be considered by the Commission.
- (2) All open industrial or commercial storage areas shall be screened from all public rights of way or adjacent property by use of landscaping, berms, or a combination of landscaping and other features to a height of six feet (6') minimum.
- (3) When a parking lot and public right of way are contiguous, a landscaped area a minimum of five feet (5') in width, separating the parking lot from the right of way, and which also effectively screens the lot shall be provided.
- (4) All planting materials proposed in areas also designated as snow stacking areas or anticipated snow shedding areas shall be of a size or type that will not be adversely affected by the proposed snow storage. To the extent possible, new trees shall not be located in areas proposed for snow storage or snow shedding.
- (5) Any site contiguous to or facing any residential uses or future residential uses shall screen its parking lots, loading docks, or similar uses through the use of landscaping elements to a height of four feet (4') minimum.
- (6) All surface areas on the approved landscaping plan that will not be a hard surface shall be planted with adequate native or high altitude ground cover as approved by the Town and shall be top-dressed with a minimum of two inches (2") of top soil prior to planting. In addition, irrigation shall be provided in those instances where required to guarantee the proper growth and maintenance of the landscaping being provided.
- (7) Revegetation measures, including but not limited to seeding with native or high altitude seed mixtures, biodegradable netting, straw, mulching and irrigation to establish plantings on cut/fill slopes, are required. Cut and fill slopes intended for plantings shall not exceed a 2:1 gradient. Retaining walls shall be required for all gradients greater than 2:1.
- (8) Not less than six percent (6%) of the interior areas of all parking lots and drive-through establishments shall be placed in landscaping.
- (9) Site plans shall be designed to avoid conflicts with parking areas and landscaping materials. Wheel retention devices shall be utilized for parking areas to protect landscaping where possible. Flexibility in the design of wheel

retention devices will be reviewed on a case by case basis to allow for positive drainage and so as not to interfere with snow removal operations.

- (10) At least fifty percent (50%) of all tree stock shall be of a size equal to or greater than six feet (6') in height for evergreen trees and one and one-half inches (1-1/2") caliper for deciduous trees, measured six inches (6") above ground level. Said tree shall be in a minimum of five (5) gallon containers, if container stock; or a minimum of twelve inch (12") root spread, if bare root stock; or a minimum of fourteen inch (14") ball diameter if balled and burlapped with the ball depth not less than seventy five percent (75%) of diameter or three-quarters ($\frac{3}{4}$) of width. Size adjustments which reflect the growth habits of particular species may be made at the discretion of the Town. (Refer to Landscaping Guidelines for further details.)
- (11) At least fifty percent (50%) of all shrub stock shall be of a size equal to or greater than Type 2, four (4) cans or more, two feet (2') and up, if deciduous; Type 1, twelve inch (12") spread, if creeping or prostrate evergreens; or Type 2, twelve inch (12") spread and height, if semi-spreading evergreens. Size adjustments which reflect the growth habits of a particular species may be made at the discretion of the Town. (Refer to Landscaping Guidelines for further details.)
- (12) All plant materials shall be specified and provided according to the American Standard for Nursery Stock and adapted to a high altitude environment, or an elevation appropriate for the site. Additional information beyond the minimum requirements stated therein, which provide a more definitive indication of size, quality, shape, confirmation, condition, and/or the method of transplanting, is encouraged.
- (13) Large trees shall be staked as per American Nursery Standards. (Ord. 19, Series 1988)

C. Wildfire Mitigation:

The creation of defensible space around structures is required for all new construction, additions greater than 10% of existing square footage, and major remodels that affect the exterior of a structure and/or a structures footprint. All Properties shall be divided into three zones. Properties will be reviewed on a case-by-case basis. Properties within the Conservation District and those properties within a Master Plan with smaller setbacks shall be given special consideration to allow for site buffers and screening to be maintained and created while still meeting the intent of reducing fuels for wildfire mitigation.

- (1) Zone One

- (a) Zone One shall extend 30-feet from the eave of the structure or deck.
- (b) All non-firewise vegetation shall be removed within Zone One except that specimen trees with a minimum of ten feet (10') between the crowns of other vegetation may remain. Specimen trees in close proximity to a structure may be considered part of the structure for measurement purposes.
- (c) Stone or other noncombustible materials with a weed barrier shall be placed under all decks or structure projections such as bay windows.
- (d) Fire-wise landscaping may be planted within Zone One, 15 –feet away from the edge of all eaves or decks. All fire-wise landscaping planted within Zone One shall be maintained in irrigated planting beds. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.
- (e) All grasses within Zone One shall be maintained less than six inches (6") in height. For landscape plans that propose taller growing native grasses or wild flowers, these plantings shall be cut back annually in the fall after the plantings have gone to seed.
- (f) All fire-wise trees within Zone One shall be pruned annually to remove all dead branches a minimum of six-feet (6') above ground level.

(2) Zone Two

- (a) Zone Two shall be measured 75 feet up to 125 feet (depending on slope) from the eave of a structure or deck.
- (b) All dead and diseased trees shall be removed within Zone Two.
- (c) All dead trees and branches on the ground shall be removed. Leaf and needle clutter shall not exceed three inches (3") in depth.
- (d) New landscaping may be planted to create site buffers and screening. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.
- (e) All trees shall be pruned annually to remove all dead branches a minimum of six-feet (6') above ground level.

(3) Zone Three

- (a) Zone Three shall be measured from the edge of Zone Two to the property line.
- (b) All dead and diseased trees shall be removed within Zone Three. A minimum of one standing dead tree per acre or fraction thereof may remain on site for wildlife habitat provided that a minimum of ten feet (10') is maintained between the dead tree and the crowns of living trees.
- (c) All dead trees and branches on the ground shall be removed. Leaf and needle clutter shall not exceed three inches in depth.
- (d) New landscaping may be planted to create site buffers. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.
- (e) All trees shall be pruned annually to remove all dead branches a minimum

of six-feet above ground level.

D. Water Features

- (1) Water features shall meet all required setbacks for structures and shall not be permitted outside of disturbance envelopes, nor shall they be permitted when the construction of said feature results in the removal of existing specimen trees, or trees that provide required site buffers. Replacement trees may be considered.
- (2) The use of Glycol or other anti-freezing additives within water features is prohibited.
- (3) Water features that are proposed for year round use may receive negative points under Policy 33 – Energy Conservation.

22. (RELATIVE) LANDSCAPING (22/R):

A. All developments are strongly encouraged to make landscaping improvements which exceed the requirements outlined in the absolute policy. New landscaping should enhance forest health, preserve the natural landscape and wildlife habitat and support fire-wise practices. A layered landscape, through the use of ground covers, shrubs and trees that utilize diverse species and larger sizes where structures are screened from view sheds, public rights of way and other structures, is strongly encouraged. The resulting landscape plan should contribute to a more beautiful, safe, and environmentally sound community. To meet this goal, all projects will be evaluated on how well they implement the following suggested criteria:

- (1) It is encouraged that at least one tree a minimum of eight-feet (8') in height, or three inch (3") caliper be planted at least every fifteen feet (15') along public rights of way.
- (2) It is encouraged that all landscaping areas have a minimum dimension of ten feet (10').
- (3) Development applications are encouraged to identify and preserve specimen trees, significant tree stands, tree clusters and other existing vegetation that contribute to wildlife habitat. Trees considered as highest priority for preservation are those that are disease-free, have a full form, and are effective in softening building heights and creating natural buffers between structures and public rights of way. Buildings shall be placed in locations that result in adequate setbacks to preserve these specimen trees and existing vegetation. Measures shall be taken to prevent site work around these areas. Applicants are encouraged to seek professional advice on these issues from experts in the field.
- (4) It is encouraged that the landscaping materials utilized are those species that are native to Breckenridge, or appropriate for the high altitude environment found in Breckenridge. The Town of Breckenridge Landscaping Guide shall be used to evaluate those particular criteria.

- (5) It is encouraged that the landscaping materials utilized are those species that need little additional water to survive, or that the applicants provide for an irrigation system that is based on low flows or the recycling of water. In general, native species are the most drought tolerant after establishment. Xeriscaping with native species is encouraged.
- (6) Installation, use and maintenance of irrigation systems to ensure survival of landscaping in the long-term is strongly encouraged until plant material is established. Irrigation that utilizes low flow systems and the recycling of water are strongly encouraged. All irrigation systems should be maintained on an annual basis.
- (7) The use of bioswales planted with native vegetation that can filter and absorb surface water runoff from impervious surfaces to promote water quality is encouraged.
- (8) The use of permeable paving in low traffic areas, to allow precipitation to percolate through areas that would traditionally be impervious, is encouraged.
- (9) It is encouraged that plant materials be provided in sufficient quantity, of acceptable species, and placed in such arrangement so as to create a landscape which is appropriate to the Breckenridge setting and which subscribes to the Historic District Guidelines as appropriate.
- (10) It is encouraged that the remaining fifty percent (50%) of the tree stock include a variety of larger sizes ranging up to the largest sizes for each species which are possible according to accepted landscaping practices at maturity which recognize the Breckenridge high altitude environment, transplant feasibility, and plant material availability. Interrelationships of height, caliper, container size and shape shall be in general compliance with the American Standard for Nursery Stock. Fifty percent (50%) of all deciduous trees should be multi-stem.
- (11) It is encouraged that landscaping be provided in a sufficient variety of species to ensure the continued appeal of a project in those instances where a particular species is killed through disease. Native species are preferred.
- (12) It is encouraged that at least fifty percent (50%) of the area of a project that is not being utilized for buildings or other impervious surfaces shall be kept in a natural/undisturbed state. Native grasses, wild flowers and native shrubs are desirable features to maintain.
- (13) In all areas where grading and tree removal is a concern, planting of new landscaping materials beyond the requirements of absolute policy 22 "Landscaping" of this policy is strongly encouraged. New trees and

landscaping should be concentrated where they will have the greatest effect on softening disturbed areas and buffering off site views of the property. (Ord. 19, Series 1995)

Negative points will be awarded according to the following point schedule for new landscaping proposals, in direct relation to the scope of the project, subject to approval by the Planning Commission:

-2: Proposals that provide no public benefit. Examples include: providing no landscaping to create screening from adjacent properties, public right of way and view sheds; the use of large areas of sod or other non-native grasses that require excessive irrigation and that do not fit the character of the neighborhood; the use of excessive amounts of exotic species; and the removal of Specimen trees that could be avoided with an alternative design layout.

Positive points will be awarded according to the following point schedule for new landscaping proposals, in direct relation to the scope of the project, subject to approval by the Planning Commission:

+2: Proposals that provide some public benefit. Examples include: the preservation of a specimen tree/s as a result of a new building footprint configuration to preserve the tree/s; preservation of groupings of existing healthy trees that provide wildlife habitat; preservation of native ground covers and shrubs significant to the size of the site; xeriscape planting beds; the planting of trees that are of larger sizes a minimum of 2.5" caliper for deciduous trees and eight feet (8') for evergreen trees; utilizing a variety of species and the layering of ground covers, shrubs and trees that enhance screening and assist in breaking up use areas and creating privacy. In general plantings are located within Zone One (as defined) on the site.

+4: Proposals that provide above average landscaping plans. Examples include: all those noted above in addition to the planting of trees that are of larger sizes a minimum of 3" caliper for deciduous trees and ten feet (10') for evergreen trees; utilizing a variety of species and the layering of ground covers, shrubs and trees that enhance screening and assist in breaking up use areas and creating privacy 50% of all new planting should be native to Breckenridge and the remaining 50% should be adapted to a high altitude environment. In general plantings are located within Zones One and Two (as defined) on the site.

+6: Proposals that that provide significant public benefit through exceptional landscape plans. Examples include: all those noted above and the planting of deciduous and evergreen trees that are a combination of the minimum sizes noted under positive four points (+4) and the largest possible for their species; the planting of the most landscaping possible on the site at maturity; utilizing a variety of species and the layering of ground covers, shrubs and trees to break up use areas, create privacy and provide a substantial screening of the site; 75%

of all new plantings should be native to Breckenridge and the remaining 25% should be adapted to a high altitude environment. In general plantings are located in Zones One, Two and Three (as defined) on site.

¹. Examples set forth in this policy are for purpose of illustration only, and are not binding upon the planning commission. The ultimate allocation of points shall be made by the planning commission pursuant to section 9-1-17-3 of this title.

Memorandum

TO: Town Council
FROM: Tom Daugherty, Town Engineer
DATE: September 23, 2010
RE: Capital Improvement Plan

At the work session the proposed 2011 Capital Improvement Plan (CIP) will be handed out. It will include an "A" and "B" list of projects for 2011. The "A" list is the projects that are proposed to be funded and the "B" list is projects that could be funded if moneys become available.

The 5 year plan shows the planned projects for the next 5 years. This list evolves from year to year and is intended for the Council to use when evaluating the future spending on capital projects.

Behind the 5 year plan are the information sheets for each project in the 5 year plan.



To: Mayor and Town Council Members
Cc: Town Manager and Assistant Town Manager
From: Director of Communications
Date: September 22, 2010 (*for September 28 meeting*)
RE: Breckenridge Marketing Advisory Committee Goals

The newly-formed Breckenridge Marketing Advisory Committee will be meeting soon (or will have already met) to begin the process of learning and advising the Town Council on the marketing plans and efforts funded by the Town's Marketing Fund.

One of the first steps is to set goals for this committee. Below are goals we heard from the Council to include:

- Review and comment on annual Marketing Plan
- How to incorporate potential new funding into plan/efforts
- Strategy (long-term) for cultural nonprofits that currently benefit from Marketing Fund (i.e. NRO, BMF, Film Fest, etc.)
- Strategy for incorporating cultural and historical amenities/aspects into marketing message
- Mechanism for evaluating technology and it's place in marketing mix
- Incorporating Town's critical issues (i.e. Sustainability)
- Evaluation of what is missing
- Development of metrics and evaluation tools
- Define Events philosophy – seed new events, enhance current ones
- Develop guidelines for messaging on Variable Messaging Boards

Council Action:

1. Did staff capture the goals listed above correctly?
2. Are there additional goals to list?

Thank you.



committed to excellence

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BOARD OF EDUCATION

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MILLIE HAMNER, PH.D., SUPERINTENDENT

Summit School District RE-1

Board of Education Agenda

Work Session with the Town of Breckenridge Town Council

Breckenridge Town Hall – Work Session

Breckenridge Elementary School – Business Meeting

Tuesday, September 28, 2010

***Please note: all times are approximate. Agenda is subject to change.*

6:15 – 7:15 P.M. Joint Work Session with the Town of Breckenridge Town Council

- ✓ School District's Election Question Presentation
- ✓ Update on Town's Plans for Affordable Housing
- ✓ Updates on Breckenridge and Upper Blue Elementary Schools
 - attendance, special initiatives, and any projects

Summit School District Ballot Initiative – Override Mill Levy for Operations



November 2, 2010

Why an Election Question Now?

- To prevent deeper cuts at the classroom level
- To retain quality teachers and programs
- Property taxes will be reduced even if the question is approved
- To protect the schools from Amendment 61



Colorado's Financial Crisis

- ❑ Colorado cut funding to K-12 public schools by \$260 million
- ❑ We cut \$1.4 million this year as a result
- ❑ Further cuts are on the horizon for next year
- ❑ Per pupil funding has decreased by 4.4% from 2009 levels

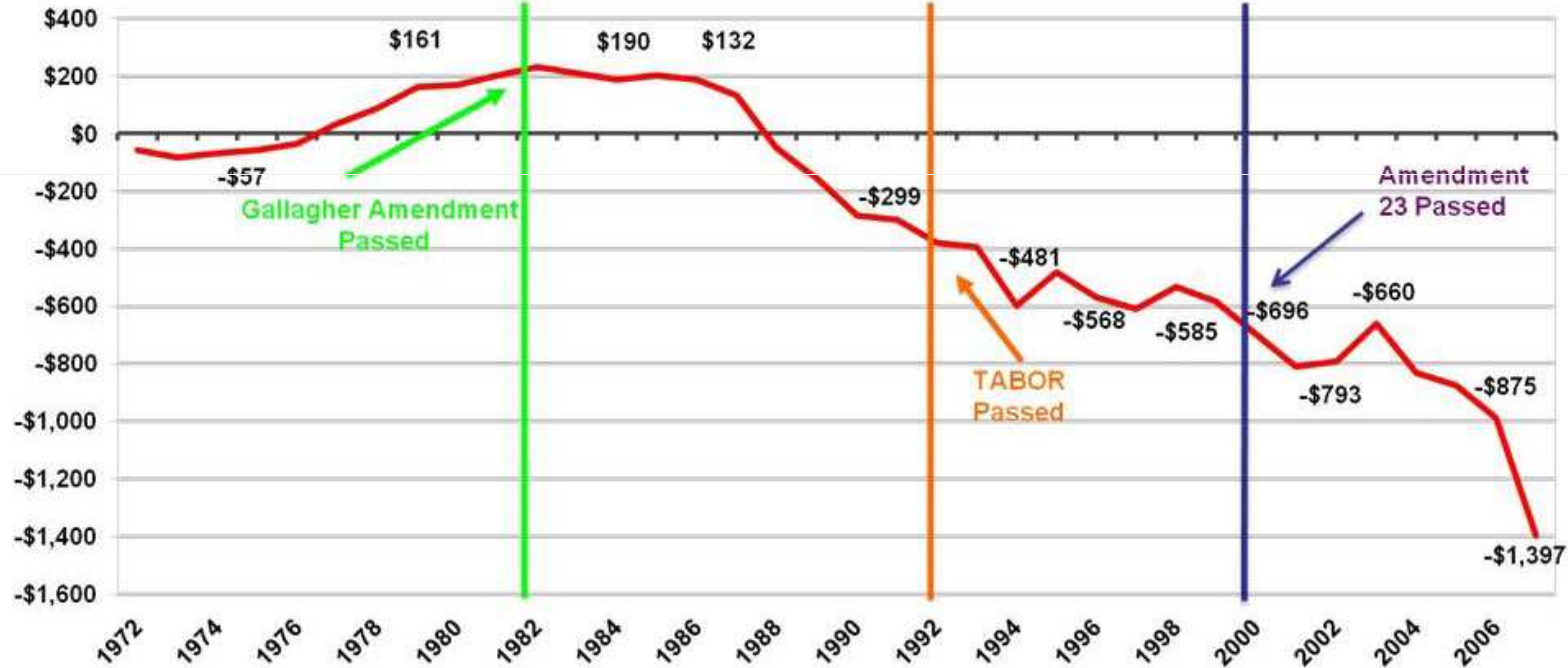


Colorado Per Pupil Funding vs National Average

K-12 Per-Pupil Funding: Colorado vs. National Average

Source: National Center for Education Statistics

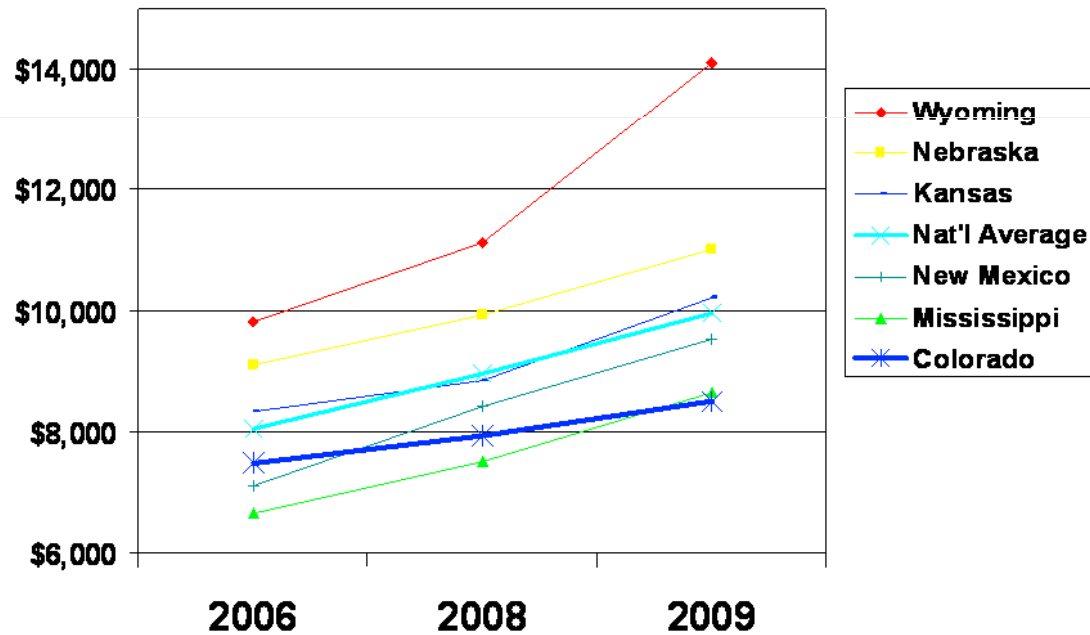
Difference between CO and National Average



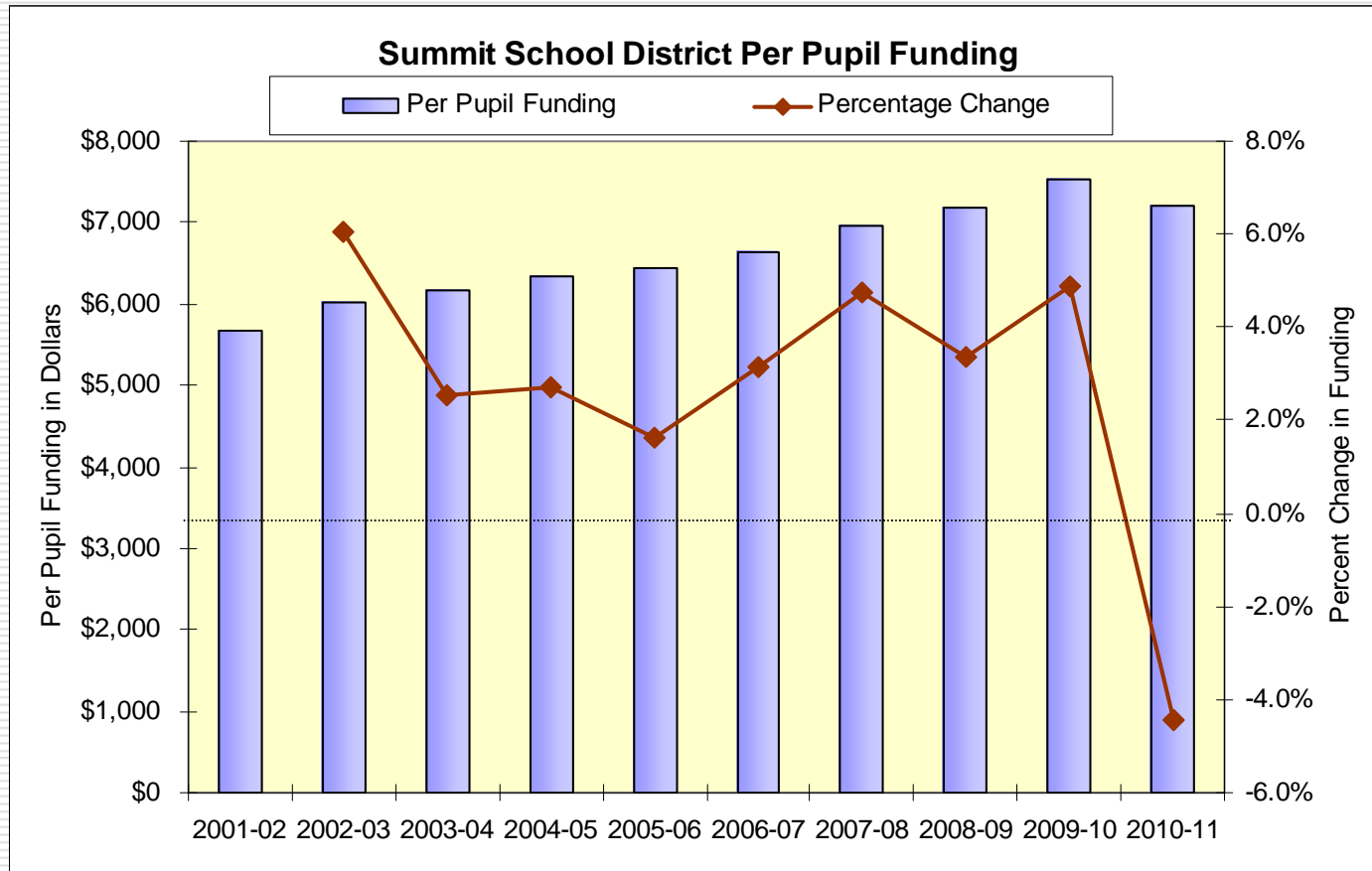
Colorado Per Pupil Funding vs Selected States

Regional-Cost-Adjusted Per Pupil Spending of Selected States

[Source, Education Week "Quality Counts" 2006, 2008, 2009 – data not reported in 2007. Per pupil amounts are based on data from 2004, 2006 and 2007]



Summit School District Per Pupil Funding



2010/2011 SSD Budget Cuts of \$1.4 Million

- Froze salaries
- Cut professional development
- Increased lunch prices
- Reduced IB Program
- Reduced athletics
- Reduced special education administration
- Reduced materials, supplies and consultant budgets
- Lowered temperatures in all buildings
- Reduced playground maintenance
- Eliminated food at meetings



Why an Election Question Now?



- ❑ The School District wants to maintain a well-rounded education program without increases to class size and reductions in programs.
- ❑ Just waiting for better economic times will mean more cuts in our schools



What is an Override Election?

- ❑ Local communities can fund 25% more than the state formula per pupil.
 - This is called an “override mill levy.”
- ❑ We have approved 20% override elections in 1989, 2001 and 2007.
- ❑ The State increased the allowable override from 20% to 25% in 2009



Property taxes will be reduced below current levels even if the question is approved by voters. . .

- ❑ 2007 Special Building Maintenance Levy is “sunsetting”
 - This levy generated \$ 5.7 million for 3 years
 - Used for safety and security improvements



About the Election

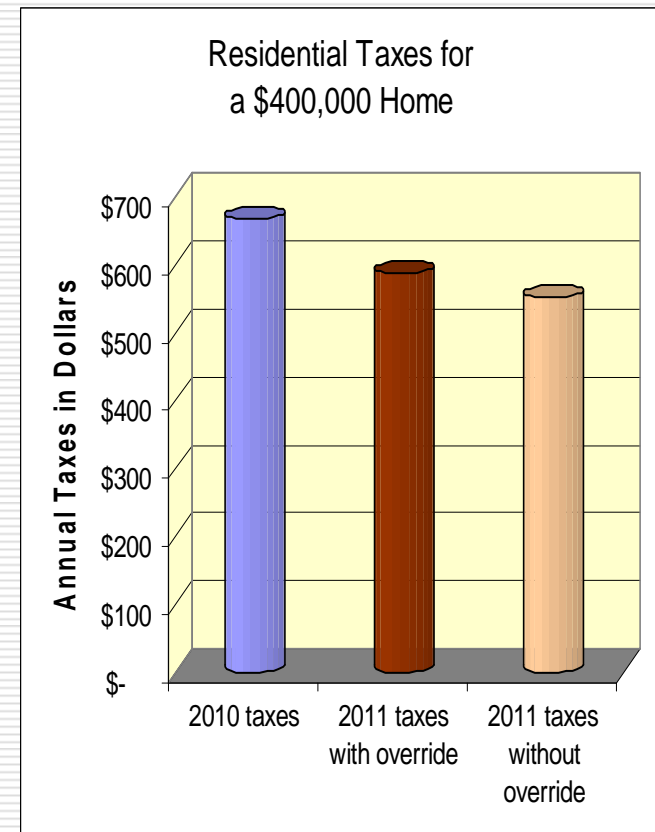
- We are asking citizens for approval to keep 1/3 of the 2007 mill levy
- Generate \$2.1 million annually
- Property taxes would be lowered by about \$80 for a \$400,000 house



Snapshot of Election Financing

- Tax impact on a \$400,000 home
 - 2010 taxes 20.936 mills-\$667
 - 2011 with override 18.393 mills-\$587
 - 2011 without override 17.275 mills-\$551

- TABOR calls this a tax increase because without it, property taxes would be reduced further to \$551 for a \$400,000 house



Protecting the District if Amendment 61 Passes

- The ballot question has two parts that total \$5.7 million;
 - \$2.1 million “mill levy override”
 - \$3.6 million to safeguard the district if Amendment 61 passes

- If Amendment 61 passes, we will have to reduce the mill levy by the amount borrowed to cover cash flow



Proposition 101

- Proposition 101 would:
 - Reduce the state income tax rate from 4.63% to 4.5% in 2011, and to 3.5% gradually over time;
 - Reduce or eliminate taxes and fees on vehicle purchases, registrations, leases and rental over the next four years;
 - Eliminate all state and local taxes and fees on telecommunication services, except 911 fees; and
 - Require voter approval to create or increase fees on vehicles and telecommunication services.
- Effect on Schools
 - \$395,000 each year for four years totaling \$1,574,300.



Amendment 60

□ Amendment 60 would:

- Repeal current voter-approved authority;
- Expiration dates for future voter-approved property tax increases;
- Cut local property tax rates for public schools' operating expenses in half over ten years and replace it with state funding;
- Require publicly owned enterprises to pay property taxes and reduce local property tax rates to offset the new revenue; and
- Provide new voting rights to certain property owners in Colorado and permit citizens to petition all local governments to reduce property taxes

□ Effect on Schools

- Loss of \$10,194,922 over ten years; State would be required to backfill
- Loss of \$5,684,125 in 2014 from loss of All Day Kindergarten, Transportation, Cost of Living and Overrides

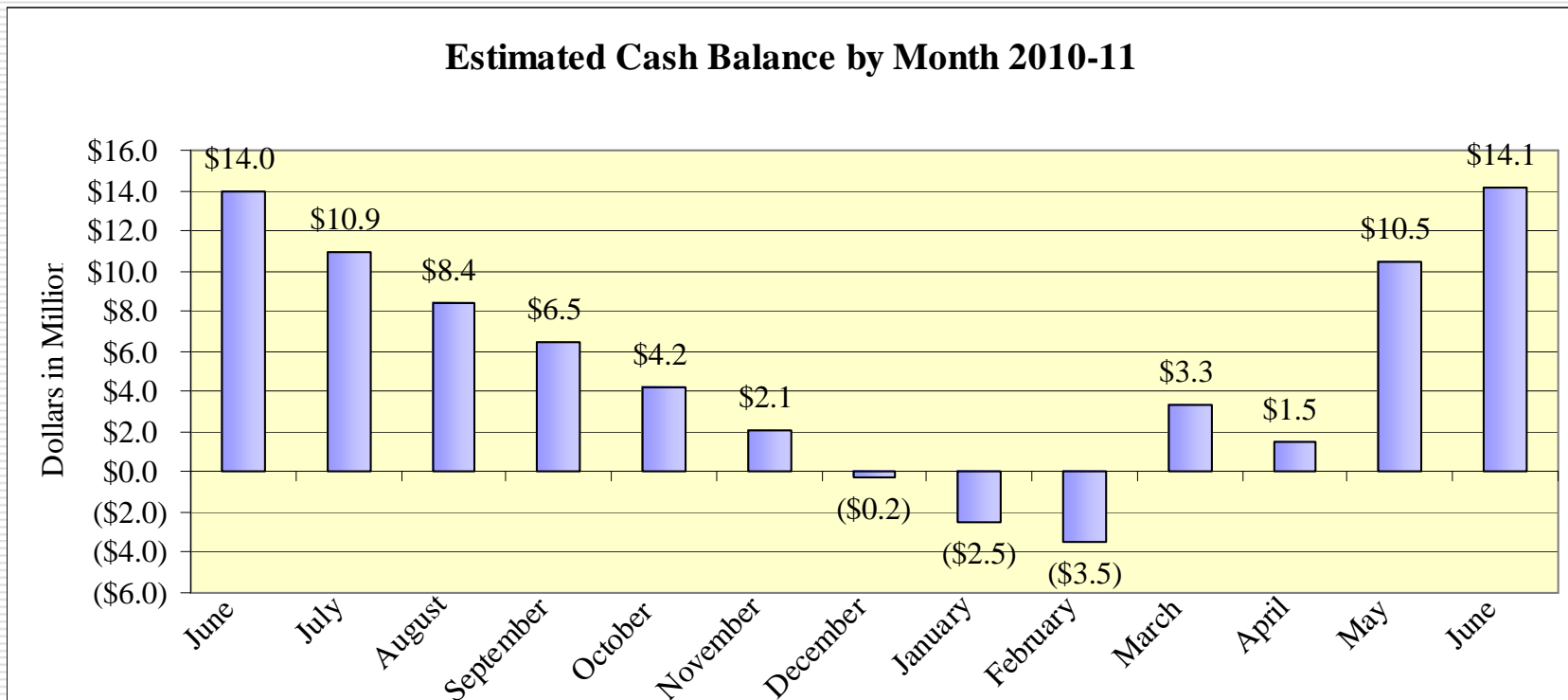


Amendment 61

- Amendment 61 would:
 - Prohibit all new state government borrowing after 2010;
 - Prohibit new local government borrowing after 2010, unless approved by voters;
 - Limit the amount and length of time of local government borrowing; and
 - Require that tax rates be reduced after borrowing if fully repaid.
- Effect on Schools
 - Loss of State Interest Free Loan Program to finance annual cash flow



Cash Flow in Summit School District



Possible Outcomes

- ❑ Best case - If we are successful and the other measures are not – maybe a small funding increase (\$98,000)
 - Likely more state budget reductions
 - Mandatory increases in teachers retirement funding
- ❑ Worst case - reduction of \$4.3 million



Election Timeline

- ❑ September 3 – Ballot content certified
- ❑ September 17 – TABOR notice
- ❑ October 1 – TABOR notice mailed
- ❑ October 4 – Last day to register to vote
- ❑ October 13 – Mail In Ballots mailed out
- ❑ October 18 – 29 Early voting
- ❑ November 2 – Election Day



Those voting “No” . . .

- Not the right time for any taxes
- District should reduce its budget – we’re all having to tighten our belts
- Nonessential programs should be cut first
- Tax increases should be the last resort and only after cutting staff and admin expenses
- Taxpayers would pay even less without the override levy



Those voting “Yes” . . .

- Public schools are critical to the strength of our nation
- The State is not providing more dollars to our local schools, so we need to
- There should be no more cuts to schools
- Maintain a quality educational program
- Property taxes will still go down
- Solves cash flow issues



Summit School District

- ❑ We are accountable with taxpayer dollars
- ❑ We have great kids and teachers!
- ❑ We have amazing community support
- ❑ We are developing caring learners for the 21st century



Preparing Students for the Future

- 85.2% of our students graduated from high school*
- 74.5% of these students continued their education after graduation*
- Pre-Collegiate of the Summit Program is a success



SHS Pre-collegiate students attend University of Colorado College Fair

**End of 2008-2009 School Year*



Summit School District Ballot Initiative



November 2, 2010



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING
Tuesday, September 28, 2010; 7:30 p.m.

I	CALL TO ORDER and ROLL CALL	
II	APPROVAL OF MINUTES – September 14, 2010	93
III	APPROVAL OF AGENDA	
VI	COMMUNICATIONS TO COUNCIL	
	A. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)	
V	CONTINUED BUSINESS	
	A. SECOND READING OF COUNCIL BILLS, SERIES 2010 - PUBLIC HEARINGS	
	1. Council Bill No. 30, Series 2010 – AN ORDINANCE AMENDING THE <u>BRECKENRIDGE TOWN CODE</u> REGARDING BUILDING FOOTPRINT LOTS	98
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*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

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CALL TO ORDER and ROLL CALL

Mayor Warner called the September 14, 2010 Town Council Meeting to order at 7:30 p.m. The following members answered roll call: Ms. McAtamney, Mr. Dudick, Mr. Bergeron, Mr. Burke, Mr. Mamula, Mr. Joyce, and Mayor Warner.

APPROVAL OF MINUTES – August 24, 2010

The Mayor corrected a misspelling on page 80 Mr. Westerhoff's name is spelled correctly at the beginning but misspelled the rest of the time.

Mr. Dudick corrected page 81 point .004% should be .004 of the accommodation tax (not percent); Page 84 a contract that is three years in duration not a contract that would be renewed annually; and in the same vain the third paragraph the marketing committee should be "discuss" not "obtain" a long term contract.

Mayor Warner stated the minutes were approved as corrected.

APPROVAL OF AGENDA

Mr. Gagen added under "Other Matters" an Executive Session, as well as the School District, and Hidden Gems Wilderness Proposal.

COMMUNICATIONS TO COUNCIL

A. Citizen's Comment - (Non-Agenda Items ONLY; 3 minute limit please)

Dick Taft spoke on behalf of the Village at Breckenridge's Home Owner's Association. He is the chair of the architecture and design committee, and is the homeowner overseeing the process of the remodel project. He discussed the clock tower regarding any comments that may have been received by the Town Council. He responded to the letter to the editor in the Summit Daily News. He stated that the intent of the clock tower was to create a definite icon, and not for the clock tower to be offensive in any way; it is brighter than they thought it would be. The manufacturer specializes in clocks that are easy to read and be seen, and is working on a couple of fixes, including the amount of light that hits the face. Mr. Taft thinks the manufacturers should change the color and make it more yellow instead of the bright light, but he doesn't know the methods. He stated he was really there to answer any questions, and to make sure Town Council knows that the Village at Breckenridge Home Owner's Association is working to correct it. He mentioned that the remodel project is ahead of schedule and the project is going very well. The Village is getting positive feedback from both locals and visitors. The Mayor stated he likes the idea of an iconic clock, and has contemplated ways it could be changed. Mr. Mamula remarked that the face is difficult to read, which may be the brightness, and that the brightness takes away from what they are trying to do. Mr. Taft reiterated that the Village is taking the feedback from the public and Town Council seriously. Mr. Bergeron said thank you for coming in and that he has heard a lot about the clock tower's brightness, and believes that Mr. Taft is on the case, and appreciates it. Mr. Burke mentioned he has taken a tour of the Village at Breckenridge and is impressed. He also stated he loves the iconic clock idea, and hopes that it is toned down. He remarked that they are doing a great job on the remodel.

Greg Abernathy stated that the Village at Breckenridge has always been an icon. He stated that the clock is way too bright, and it shines into his bedroom at night. He mentioned that the Village is now easy to point out. He stated he hoped there is mitigation going on in the Village, and compared the brightness of the clock to the sign on the Qwest Building in downtown Denver. He thanked the Breckenridge Resort Chamber for doing a good job promoting Breckenridge this summer.

Julie Chandler, the National Repertory Orchestra Director of Development thanked the Town Council for supporting the orchestra. She pointed out some features in the National Repertory Orchestra's 2010 Season Program: Page Five, shows the NRO has been in Breckenridge since 1993; Page nine has information regarding the education and community outreach program; Page twelve shows for a donation, a chair in the audience can be named after the donor; Page forty-eight has a great advertisement for Imagination Express put together by Kim DiLallo and her staff; and, Page fifty-eight demonstrates how the National Repertory Orchestra collaborates with the Arts District in Breckenridge, enabling Breckenridge to be a cultural center, with gallery sponsorship on the second Saturday. She mentioned Colorado Mountain College is holding an Opera Series in the Breckenridge Auditorium with twelve different Met Life Operas. The Opera Series is represented on forty different website calendars. She spoke about a marketing plan to get younger people to concerts by promoting free beer at mixers, and inviting the attendees to go to a National Repertory Concert after. Ms. Chandler thanked the Town Council for their support. She stated the NRO is a cultural gem for the Town of Breckenridge, and enjoys its support. Mr. Bergeron asked Ms. Chandler if they were seeking a new director. Ms. Chandler stated yes.

B. Breckenridge Resort Chamber Director Report

John McMahan encouraged the Town Council members to enjoy their beer steins with their credentials, and to have fun at Oktoberfest. He mentioned the Breckenridge Resort Chamber offices are moving to the old drug building; the

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Breckenridge Resort Chamber has a new Public Relations Manager, Rachel Zerowin; and the Resort Chamber is ahead on revenue for Oktoberfest. Mr. Gagen remarked the weather should be good.

CONTINUED BUSINESS

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

1. **Council Bill No. 19, Series 2010 - AN ORDINANCE REPEALING ORDINANCE NO. 23, SERIES 2009, CONCERNING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BRECKENRIDGE (Entrada – 3.98 acres, more or less)**

Town Attorney, Tim Berry stated the property involved in the annexation has been sold. The new owner agreed that repealing the annexation makes the most sense. Mr. Berry mentioned the new owner may reengage the annexation at a later date. Mr. Gagen stated it is best to adopt this ordinance and put it back at square one. The Council discussed the planning implications of the property under Summit County's building code, the future plans for the property, and the purchase price.

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

Mr. Mamula moved to approve Council Bill No. 19, Series 2010 An Ordinance Repealing Ordinance No. 23, Series 2010, Concerning the Proposed Annexation of a Parcel of Land to the Town of Breckenridge (Entrada-3.98 acres, more or less). Mr. Joyce seconded the motion. The motion passed 7-0.

2. **Council Bill No. 29, Series 2010 – AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING EXTERIOR LIGHTING**

Mr. Berry revised the ordinance after the work session and handed out the revised version to the Council. Mr. Berry read through all the changes, and stated that the Town Council would be adopting this revision. Mr. Mamula made one change stating Section 5B should read "through end of ski season". Mr. Berry said that if there is a motion to approve that it includes the correction on line 5 of the word "though" to "through" and the Council should make the motion with reference to the changed version.

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

Mr. Bergeron asked if he could vote against it because he wants lighting to be year round. The Mayor said yes, and remarked the Council should ask themselves if on balance the ordinance is acceptable. The Council discussed the public's perception of whether or not this Ordinance was to be year-round or seasonal, and whether or not the lighting is an issue in the summer because there is longer daylight. Ms. Puester stated the original issue for the change in the ordinance was to allow back alley businesses to have canopy lighting during the winter, and this change would be consistent with the policy regarding lighting for summer outside dining.

Mr. Bergeron moved to approve the revised version of Council Bill No. 29, Series 2010 An Ordinance Amending Chapter 12 of Title 9 of the Breckenridge Town Code Concerning Exterior Lighting. Ms. McAtamney seconded the motion. The motion passed 6-1, with Mr. Burke voting no.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2010

1. **Council Bill No. 30, Series 2010 – AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE REGARDING BUILDING FOOTPRINT LOTS**

Planner, Julia Puester said this ordinance would amend the subdivision code by adding definitions for "footprint lots" and "wall plane" would change the definition of Class C subdivisions to include footprint lots, require building footprint lots to be approved as part of the master plan, and require setbacks for footprint lots within the Downtown Overlay District.

Ms. McAtamney moved to approve Council Bill No. 30, Series 2010 An Ordinance Amending the Breckenridge Town Code Regarding Building Footprint Lots. Mr. Burke seconded the motion. The motion passed 7-0.

2. **Council Bill No. 31, Series 2010 – AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE BY AMENDING "THE BRECKENRIDGE DESIGN STANDARDS" CONCERNING FOOTPRINT LOTS**

Ms. Puester stated this Ordinance would modify the Handbook of Design Standards, so that all secondary structures would have standards of design and size. She added one correction on page 100, line 33 "should" has been changed to "must".

The Council and Planner, Chris Neubecker discussed setbacks in the conservation district. The Council agreed that there should be a discussion about setbacks during the next work session.

Mr. Joyce moved to approve Council Bill No. 31, Series 2010 An Ordinance Amending Chapter 5 of Title 9 of the Breckenridge Town Code by Amending "The Breckenridge Design Standards" Concerning Footprint Lots. Mr. Burke seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2010

1. A RESOLUTION OPPOSING PROPOSITION 101 AND AMENDMENTS 60 AND 61, URGING THE VOTERS OF BRECKENRIDGE TO VOTE AGAINST THESE PROPOSITIONS AND AMENDMENTS AND URGING THEM TO EDUCATE THEIR FAMILY AND FRIENDS ON THE NEGATIVE IMPACTS THEY WILL HAVE ON THE STATE OF COLORADO

Mr. Gagen stated this Resolution is the Town Council taking a formal position on these State wide ballot issues which may impact revenue streams and property taxes for the Town of Breckenridge. He stated the Resolution has included the financial impacts, and the formal position allows the staff to comment on the Town of Breckenridge's stance.

The Council discussed the rules regarding public funds to fight these bills. Mr. Gagen stated there is a state law regarding funding and people are looking for violations.

Mr. Bergeron moved to approve the Resolution Opposing Proposition 101 and Amendments 60 and 61, urging the Voters of Breckenridge to Vote Against These Propositions and Amendments and Urging them to Educate their Family and Friends on the Negative Impacts they will have on the State of Colorado. Ms. McAtamney seconded the motion. The motion passed 7-0.

C. OTHER

1. Red, White and Blue Burn Permit

Ms. McAtamney made a motion to approve a special permit to allow the Red White and Blue Fire Protection District (RWB) to burn ten burn piles in two locations as noted on the attached site plan as early as the end of October through January as weather permits and with the approval from the Colorado Air Pollution Control Division. All burning of the burn piles shall comply with the "Open Burning" requirements of Section 307 of the International Fire Code, 2000 Edition. The RWB shall notify the Town when the burning of the ten piles commences.

Mr. Gagen relayed the information regarding a controlled burn for slash and other material, stating this would give the Red, White and Blue Fire Protection District the authority when all other conditions are met.

Mr. Burke seconded the motion. The motion passed 7-0.

2. Marketing Committee Selection

The Council voted for Marketing Committee members according to Council Bill 19, Series 2010. The Council discussed the voting process. Mr. Gagen wondered if any members of the Breckenridge Resort Chamber Board should be considered since it is not an independent group looking at the marketing. Mr. Dudick agreed that there should be some disconnect between the two groups. The Council discussed the merits of the candidates and how they may fit in within the vision of the committee. The Voting results were as follows: For Lodging Bruce Horii, Henry Babich, and Peyton Rogers, with the alternate fourth, Mitch Weiss; Retail/Restaurant is Dick Carlton; and, Dick Sosville, and Brad Perry for At-Large. Mr. Gagen suggested all the appointees' names be put in a hat to determine the terms of one and two years.

PLANNING MATTERS

- A. Planning Commission Decisions of September 7, 2010

There were no requests for call up. Mayor Warner declared the Planning Commission Decisions approved as presented.

- B. Town Council Representative Report (Mr. Burke) No report.

REPORT OF TOWN MANAGER AND STAFF*

No report.

REPORT OF MAYOR AND COUNCILMEMBERS*

A. CAST/MMC (Mayor Warner) - Mayor Warner reported on the CAST meeting. The topics were Aspen's method of providing grant money for Town events, the real estate boom and its relation to the Tax Reform Act of 1986, the Colorado Main Street Heritage Tour, the program Save Our Snow, which gives communities funds for conservation efforts and community education, Amendments 60, 61, and Proposition 101, the Zipper Lane Proposal, and the Towns are budgeting for a flat 2011, although all Towns reported they were up for 2010. He also reported that Dillon's lodging is down 17%, and that everyone is planning on losing full-time employees in the coming years, which is similar across Summit County.

B. Breckenridge Open Space Advisory Commission (Ms. McAtamney) - The next meeting is on Monday. Mr. Mamula requested Ms. McAtamney mention the sign at Sally Barber.

C. BRC (Mr. Dudick) - Mr. Dudick had nothing additional to add.

D. Summit Combined Housing Authority (Mr. Joyce) - The next meeting is next Wednesday.

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E. Breckenridge Heritage Alliance (Mr. Burke) - Mr. Burke reported the Alliance is moving forward with the plans for the locomotive. They are on track to build the structure. There have been a lot of donations. The Alliance is confident they will stay within the \$100,000 budget.

F. Sustainability Committee (Mr. Bergeron, Mr. Joyce, Mayor Warner) - The council was debriefed with the breakout and survey results.

OTHER MATTERS

At this point of the meeting, Mayor Warner drew names from a bowl to determine the Marketing Committee members' term length. The names picked from the bowl were for a one-year term. Mr. Mamula made a motion to appoint Brad Perry, Henry Babich, and Dick Carlton to a one-year terms; Richard Sosville, Bruce Horii, and Peyton Rogers to two-year terms. Mr. Burke seconded the motion. The appointees were approved by a voice vote. All were in favor.

Hidden Gems Wilderness Proposal – Mayor Warner mentioned three concerns regarding the Hidden Gems Wilderness Proposal: 1) Representative Polis would like to submit a statement to Congress regarding the proposal, 2) the Forest Service has reservations regarding the Quandary region of the South portion of Summit County, and may accept that portion of the for mining claims, and management issues, 3) the companion designation originally discussed by the Town Council that would allow some mechanized travel including mountain bikes, has been largely reduced in some areas. Overall, the Mayor stated the Hidden Gems Wilderness Proposal has been watered-down, but it will still protect the Breckenridge watershed, and maintain the Town of Breckenridge's ability to protect the watershed. The Mayor mentioned Representative Polis would like to know if he can still count on the Breckenridge Town Council for their support. The Council discussed how much the proposal has changed and whether or not they can support it with all the changes. The Council agreed that Mayor Warner would talk to Heidi Andersen regarding the proposal, and if time allows have Ms. Andersen come to a work session to talk about the proposal.

School District – Mayor Warner stated the Town Council should support the School District ballot question. The Council members were all in favor of preparing a resolution.

Mr. Mamula mentioned that his lunch discussion with Andy Carlberg, the Breckenridge Sanitation District Manager, went well.

Mr. Mamula mentioned a gentleman suggested that Breckenridge become a non-smoking town.

Mr. Burked discussed an issue regarding parking. A local business owner, Anthony Bulfin, Napper Tandy's Restaurant sent an email to Mr. Burke regarding a parking situation on Sunday. Chief Holman mentioned he had tracked down the complaint regarding afternoon tickets during the opening season of the NFL. The Council discussed the fall parking policies, and agreed that consistency is important when implementing the parking policies. The Council discussed the re-parking rule, and that it is only unacceptable in the Lower Exchange Parking Lot.

Mr. Bergeron has been monitoring the canine waste station at the Bomber Trail, B&B trailhead, and they have been emptying it. He noticed a lot less canine waste on the first 100 yards of the trail. He suggested the Reiling Dredge parking lot needs improvement regarding waste.

Mayor Warner received a letter from the woman affected by the AT&T cell phone tower, stating she has moved from her home. The Council discussed the implications of the agreement including responsibility of compensation. The Council agreed that Mayor Warner should contact the woman to talk about the situation.

Mr. Burke voiced concerns regarding the Breckenridge Recreation Center's plan for more budget cutbacks. Mr. Gagen reminded the Council that not everyone seen working at the Recreation Center is in a full time positions, and that the Aquatics department and After-School Program have legal requirements for staffing; and, that even with these requirements staffing has been cut back thousands of hours.

SCHEDULED MEETINGS

EXECUTIVE SESSION

Mr. Burke moved that the Town Council go into Executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase acquisition, lease, transfer, or sale of any real, personal, or other property interest; 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, redeveloping strategies for negotiations; and instructing negotiators. Mr. Mamula seconded the motion.

The Mayor stated "a motion has been made for the Town Council to go into an executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase acquisition, lease, transfer, or sale of any real, personal, or other property interest; 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, redeveloping strategies for negotiations; and instructing negotiators."

The subject matter of the executive session involves:

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1. Confidential consideration of certain privately-owned land that the Town might want to acquire, and instructing the Town Manager as to how to proceed with negotiations to acquires such lands; and

2. Developing a strategy for negotiations concerning the Breckenridge Nordic Center, and instructing the Town Manager as to how to proceed with respect to such negotiations.”

A roll call vote was taken. All members of Council were in favor of the motion.

At 10:30 p.m. Mr. Mamula moved to reconvene in the regular meeting. Mr. Bergeron made the second. All members of Council were in favor of the motion.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 10:30 p.m.

Submitted by Cathy Boland, Municipal Court Clerk

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 30 (Footprints Lots – Subdivision Ordinance)

DATE: September 23rd, 2010 (for September 28th meeting)

The second reading of the ordinance amending the Town's Subdivision Ordinance with respect to footprint lots is scheduled for your meeting on September 28th. Staff considered the issue Councilmember Mamula raised about the need for additional language dealing with footprint lot setbacks outside of the Conservation District, but concluded that additional language was, in its opinion, not required. Accordingly, 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 – SEPT. 28

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

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

7
8 COUNCIL BILL NO. 30

9
10 Series 2010

11
12 AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING
13 BUILDING FOOTPRINT LOTS

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

17
18 Section 1. Section 9-2-2 of the Breckenridge Town Code is amended by the addition of a
19 new definition of “Building footprint lot”, that shall read in its entirety as follows:

<u>BUILDING FOOTPRINT LOT:</u>	<u>A lot the boundaries of which approximate the exterior walls of a building or a portion of a building, and designated as “Building footprint lot” on a subdivision plat.</u>
CLASS C SUBDIVISION:	A subdivision of structure(s) into separate units of interest, including, but not limited to, condominiums, timeshare interests, cooperatives, townhouses, <u>footprint lots in conjunction with an approved Master Plan,</u> and duplexes when done in accordance with a previously approved subdivision plan, site plan, development permit or site specific development plan; the modification or deletion of existing property lines resulting in the creation of no additional lots (lot line adjustment); an amendment to a subdivision plat or plan which does not result in the creation of any new lots, tracts or parcels; or the platting or modification of easements, building envelopes or site disturbance envelopes. A class C subdivision application may be reclassified by the director as either a class A or class B subdivision application within five (5) days following the submission of the completed application if the director

	determines that the application involves issues which make it inappropriate for the application to be processed administratively as a class C application.
<u>WALL PLANE:</u>	<u>The horizontal length of the exterior building wall.</u>

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Section 2. Section 9-2-4-5 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

9-2-4-5: LOT DIMENSIONS, IMPROVEMENTS AND CONFIGURATION:

- A. Political Boundaries: No lot shall be laid out so it crosses a political boundary.
- B. Arrangement: The lot arrangement shall be such that there will be little difficulty in securing development permits and building permits in compliance with the Breckenridge development code and building codes and in providing driveway access to buildings on such lots from an approved street at a grade in compliance with all town ordinances and standards.
- C. Lot Dimensions And Standards:
 - 1. Lots for residential uses and all lots located within residential neighborhoods shall be a minimum of five thousand (5,000) square feet in size, except lots created through the subdivision of townhouses, duplexes, or building footprint lots created as part of a ~~single family or duplex~~ master plan ~~or planned unit development~~, which are exempt when the lot and project as a whole is in general compliance with the town comprehensive planning program and have little or no adverse impacts on the neighborhood. Determination of “general compliance with the town’s comprehensive planning program” shall be based upon, without limitation, the adequacy of proposed setbacks (including setbacks from other building footprint lots), privacy, functional parking, aesthetics, site buffering, circulation and compliance with the Handbook of Design Standards as adopted in Chapter 5 of Title 9 of this Code.
 - 2. The depth and width of lots shall be adequate to provide for sufficient ingress and egress, for parking facilities as required by the proposed use, and to avoid lot depth greater than twice the width.
 - 3. In general, side lot lines shall be at right angles or radial to curving street lines unless a variation from this rule provides a better street plan or lot layout. Lots shall take the form of plain geometric shapes except where topographic conditions require otherwise for environmentally sensitive development. Flag lots or other irregular shapes proposed as a means of manipulating the square footage of lots in developed areas shall not be permitted.

- 1 4. Where lots are more than double the minimum required area for the zoning district, the
2 town may require that such lots be arranged so as to allow further subdivision and the
3 opening of future streets where they would be necessary to serve such potential lots, all
4 in compliance with this chapter.
5
6 5. The depth and width of properties reserved or laid out for business, commercial or
7 industrial purposes shall be adequate to provide for the off street parking and loading
8 facilities required for the type of use and development contemplated.
9
10 6. Building setback reservations, nonbuildable and tree preservation easements may be
11 required to protect significant environmentally sensitive areas, significant stands of
12 mature trees and comply with the plan required in subsection 9-2-4-2D2 of this
13 chapter, sites of historical significance, recreation areas including golf courses, parks,
14 significant views or other special areas that in the opinion of the town are necessary for
15 the protection of the health, safety and welfare of the community. (Ord. 23, Series
16 1992)
17
18 7. The following standards shall apply to site disturbance envelopes:
19
20 a. Site disturbance envelopes shall be platted for all residential lots at the time of
21 subdivision.
22
23 b. Outside of the Conservation District, a site disturbance envelope shall be located on a
24 lot in a manner which complies with the following minimum setbacks:
25
26 i. Front Yard: Twenty-five feet (25')
27 ii. Rear Yard: Fifteen feet (15')
28 iii. Side Yard: Fifteen feet (15'), with combined side yard setbacks on each lot
29 equaling a minimum of fifty feet (50').
30

31 Site disturbance envelopes shall be located away from significant ridgelines and hillsides.
32

- 33 c. In addition to the minimum requirements which will be established through subsection
34 C7b of this section, the location of a site disturbance envelope shall also take into
35 consideration: 1) the topography of the lot; 2) wetlands or water bodies on or adjacent
36 to the lot, if any; 3) the vegetation, geology, hydrology, and/or historic resources of the
37 lot; 4) any ridgelines or hillsides on the lot visible from an area of concern; and 5)
38 significant trees which will effectively screen future development when viewed from
39 an area of concern. Particular attention shall be given to trees on the downhill side of a
40 site disturbance envelope.
41
42 d. Except as provided in subsection C7e of this section, the following shall occur within a
43 platted site disturbance envelope: 1) all construction activities, including, but not
44 limited to, grading, excavation, soil disruption (tree cutting and/or the removal of
45 native vegetation unless approved by separate review in connection with an approved
46 fire mitigation and/or a forest management plan); and, 2) the construction of all

1 permanent improvements, such as buildings, roof overhangs, structures, decks, at grade
2 patios, fences, stairs, window wells, bay windows, or other similar improvements.
3 e. The following may occur outside of a platted site disturbance envelope: 1) construction
4 of approved driveway access and paving, walkways, necessary driveway retaining
5 walls, utility connections, pedestals and boxes, approved drainage facilities, culverts,
6 public and private trails, street lighting, driveway entrance signage and related lighting,
7 and soil disturbances related to all such activities; 2) approved tree planting and
8 landscaping; and 3) other activities approved by the director which are consistent with
9 the intent and purpose of the town requirement for the creation of site disturbance
10 envelopes.

11
12 **8. The following rules shall apply to the subdivision of a building footprint lot:**

- 13
14 a. A building footprint lot shall only be allowed if specifically authorized in a
15 approved Master Plan.
16
17 b. A building footprint lot located within the Conservation District (as defined in
18 Section 9-1-5) shall only be allowed within the Downtown Overlay District.
19
20 c. Within the Downtown Overlay District the minimum distance between a
21 building footprint lot and any adjacent building or another building footprint
22 lot within the Master Plan shall be a distance that is equal to one third the
23 length of the longest wall plane of the existing or proposed building to be
24 located on the building footprint lot, or six feet (6'), whichever is greater.
25
26 d. A building footprint lot shall not be located in significant view corridors, or on
27 ridgelines or hillsides.
28
29 8. 9. Lots abutting a water course, drainage way, channel, streams or steep slopes shall
30 have a minimum width and depth required to provide an adequate building site and the
31 minimum usable area for front, side and rear yards, as required in the Breckenridge
32 Development Code.

33
34 Section 3. Policy 35(Absolute) (Subdivision) of Section 9-1-19 of the Breckenridge
35 Town Code is amended so as to read in its entirety as follows:

36 35.(ABSOLUTE) SUBDIVISION:

- 37
38 A. All subdivisions shall comply with the Breckenridge Subdivision Ordinance.
39
40 B. If a development proposal will require a Subdivision or replatting of the
41 existing parcel, a preliminary plat in conformance with the Breckenridge
42 Subdivision Ordinance shall be filed along with the development application.

43
44 **C. Development on a building footprint lot shall comply with the Master**
45 **Plan that authorized the subdivision of the building footprint lot. Proposed**
46 **changes to a Master Plan for a building footprint lot shall be reviewed for**

1 access, circulation, and general compatibility with the remainder of the
2 Master Plan.

3
4 Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the
5 various secondary codes adopted by reference therein, shall continue in full force and effect.

6 Section 5. The Town Council hereby finds, determines and declares that this ordinance is
7 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
8 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
9 thereof.

10 Section 6. The Town Council hereby finds, determines and declares that it has the power
11 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
12 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
13 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
14 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
15 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
16 contained in the Breckenridge Town Charter.

17 Section 7. The Town Council hereby finds, determines and declares that it has the power
18 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
19 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

20 Section 8. This ordinance shall be published and become effective as provided by
21 Section 5.9 of the Breckenridge Town Charter.

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

27
28 TOWN OF BRECKENRIDGE, a Colorado
29 municipal corporation

30
31
32 By _____
33 John G. Warner, Mayor

34
35 ATTEST:

36
37
38 _____
39 Mary Jean Loufek, CMC,
40 Town Clerk

41
42 | 500-283\Footprint Lot Subdivision Ordinance Amendments_4 (09-20-10)(Second Reading)
43

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 31 (Footprint Lots – Design Standards)

DATE: September 21, 2010 (for September 28th meeting)

The second reading of the ordinance amending the Town’s “Design Standards” as they apply to footprint lots is scheduled for your meeting on September 28th. There are no changes proposed to ordinance from first reading.

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

1 FOR WORKSESSION/SECOND READING – SEPT. 28

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

4
5 COUNCIL BILL NO. 31

6
7 Series 2010

8
9 AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 9 OF THE BRECKENRIDGE
10 TOWN CODE BY AMENDING “THE BRECKENRIDGE DESIGN STANDARDS”
11 CONCERNING FOOTPRINT LOTS

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

15
16 Section 1. Section 9-5-3-1 of the Breckenridge Town Code is amended by the addition
17 of a new subsection C, which shall read in its entirety as follows:

18 C. The portion of Section 5.2 of the “Breckenridge Design Standards” entitled
19 “Building Scale”, and design standard Priority Policy 80 of the “Breckenridge
20 Design Standards”, are amended so as to read in their entirety as follows:

21
22 Building: Scale

23
24 Policy:

25 New buildings should be similar in scale with the historic context of the
26 respective character area.

27
28 Design Standard:

29 **80. Respect the perceived building scale established by historic structures**
30 **within the relevant character area.**

- 31 • An abrupt change in scale within the historic district is inappropriate,
32 especially where a new, larger structure would directly abut smaller historic
33 buildings.
- 34 • Locating some space below grade is encouraged to minimize the scale of new
35 buildings.
- 36 • Historically, secondary structures at the rear of the property were generally
37 subordinate in scale to the primary building façade. This relationship should
38 be continued with new development.

39
40 Section 2. Section 9-5-3-1 of the Breckenridge Town Code is amended by the addition
41 of a new subsection D, which shall read in its entirety as follows:

42 D. The portion of Section 5.2 of the “Breckenridge Design Standards” entitled
43 “Building Height”, and design standard Priority Policy 81 of the “Breckenridge
44 Design Standards”, are amended so as to read in their entirety as follows:

1
2 Building Height

3 *Important Note:*

4 *When considering building heights, also refer to the town's height ordinance,*
5 *which sets limits on construction heights; note that the height limit is a maximum*
6 *which cannot be exceeded but may theoretically be achieved under certain*
7 *combinations of development concepts. It is not a guaranteed, standard building*
8 *height. Each project must still respect its context, and the relationship of the*
9 *height of the proposed project to that of historic buildings must be considered.*

10
11 Policy:

12 Similarity with historic building heights is an important factor that contributes to
13 the visual continuity of the district in general and to the individual character areas
14 specifically. New buildings should not overwhelm historic structures in terms of
15 building height, but rather should be within the range of heights historically found
16 along the block. For instance, most outbuildings were shorter than primary
17 buildings on site.

18
19 In addition to creating visual continuity, the consistent small size of most historic
20 buildings in Breckenridge helps to establish a sense of human scale that
21 encourages walking and contributes to the sense of community that the town
22 enjoys. This pedestrian-friendly character is a key to the well-being of the town's
23 residents and contributes to the economic health of the area; therefore, it should
24 be emphasized in new buildings.

25
26 Design Standard:

27 **P 81. Build to heights that are similar to those found historically.**

- 28 • This is an important standard which should be met in all projects.
29 • Primary facades should be one or two stories high, no more.
30 • Secondary structures must be subordinate in height to the primary building.
31 • The purpose of this standard is to help preserve the historic scale of the block
32 and of the character area.
33 • Note that the typical historic building height will vary for each character area.

34
35 Section 3. Section 9-5-3-1 of the Breckenridge Town Code is amended by the addition
36 of a new subsection E, which shall read in its entirety as follows:

37 E. The portion of Section 5.2 of the “Breckenridge Design Standards” entitled
38 “Building Setbacks”, and design standard Priority Policy 89 of the “Breckenridge
39 Design Standards”, are amended so as to read in their entirety as follows:
40
41

1 Building Setbacks

2 Policy:

3 Front and side yard setbacks for new buildings should be similar to those of
4 historic buildings in the area.

5
6 Design Standard:

7 **P 89. Maintain the established historic set-back dimensions in new
8 construction.**

- 9 • In some areas, the setbacks will be uniform and buildings will be perceived to
10 align along the block. In such cases, this alignment should be reinforced with
11 new development.
- 12 • In other areas, historic setbacks may vary within an established range. In these
13 cases, new building setbacks should also fit within this range.
- 14 • When constructing new buildings on a site with an existing primary structure,
15 new structures are recommended to be setback from other structures by one
16 third the length of the shortest wall of the existing or proposed building OR
17 not less than five feet (5') whichever is greater.

18
19 Section 4. Section 9-5-3-1 of the Breckenridge Town Code is amended by the addition
20 of a new subsection F, which shall read in its entirety as follows:

21 F. The portion of Section 5.2 of the “Breckenridge Design Standards” entitled
22 “Building Materials”, and design standard Priority Policy 90 of the “Breckenridge
23 Design Standards”, are amended so as to read in their entirety as follows:

24 Building Materials

25 Policy:

26 The major building materials for new structures should appear to be similar to
27 those of historic structures in the area. The most common material on primary
28 structures was painted lap siding with a dimension of roughly 4”-4 1/2”.

29 Secondary structures such as barns and sheds were typically unpainted wood
30 (horizontal lap or vertical board and batten) or corrugated metal sheet siding.

31
32
33 Design Standard:

34 **P 90. Use materials that appear to be the same as those used historically.**

- 35 • New materials that appear to be the same in scale, texture and finish as those
36 used historically may be considered.
- 37 • Imitation materials that do not successfully repeat these historic material
38 characteristics are inappropriate.
- 39 • For secondary structures, stain or paint in appearance similar to natural wood
40 is appropriate. Materials such as stone, brick or masonry wainscoting is
41 inappropriate.

42
43 Section 5. Section 9-5-3-1 of the Breckenridge Town Code is amended by the addition
44 of a new subsection G, which shall read in its entirety as follows:

1 G. The policy portion of Section 5.2 of the “Breckenridge Design Standards”
2 entitled “Architectural Details”, and design standards Policies 91, 92 and 93 of the
3 “Breckenridge Design Standards”, are amended so as to read in their entirety as
4 follows:

5
6 Architectural Details

7 Design Standard:

8 **91. Use building components that are similar in size and shape to those found**
9 **historically along the street.**

- 10 • These include windows, doors and porches.
11 • Building components on secondary structures should be similar to those on
12 historic secondary structures.

13
14 Policy:

15 If ornamental details are to be used that are similar to those used historically, they
16 should appear to be functional in the same manner in which they originally
17 occurred. Ornamental details should appear to perform an obvious function.
18 Traditionally, decorative brackets were used to support overhanging cornices, for
19 example. Today, when such details are applied, they should be used in similar
20 ways.

21
22 Design Standard:

23 **92. Ornamental elements, such as brackets and porches, should be in scale**
24 **with similar historic features.**

- 25 • Thin, fake brackets and strap work applied to the surface of a building are
26 inappropriate uses of these traditional details.
27 • Brackets, porches, long eaves, and other ornamental details or embellishments
28 are inappropriate on secondary structures.

29
30 Policy:

31 Non-historic, small scale ornamentation should relate to the visual characteristics
32 of neighboring historic buildings. They should be simple in their design.

33
34 Design Standard:

35 **93. Avoid the use of non-functional or ornamental bric-a-brac that is out of**
36 **character with the area** and secondary structures.

37
38 Section 6. Section 9-5-3-1 of the Breckenridge Town Code is amended by the addition
39 of a new subsection H, which shall read in its entirety as follows:

40 H. Priority Policy 95 of the “Breckenridge Design Standards” is amended so as to
41 read in its entirety as follows:

42
43 Design Standard:

44 **P 95. The proportions of window and door openings should be similar to**
45 **historic buildings in the area.**

- 1 • **This is an important design standard.**
- 2 • These details strongly influence the compatibility of a building within its
- 3 context.
- 4 • Large expanses of glass, either vertical or horizontal, are generally
- 5 inappropriate on commercial or residential buildings. Oversized doors that
- 6 would create a "grand entry" are also inappropriate.
- 7 • Smaller windows with simple window frames are recommended for secondary
- 8 structures.
- 9

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

12 Section 8. The Town Council hereby finds, determines and declares that this ordinance is
13 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
14 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
15 thereof.

16 Section 9. The Town Council hereby finds, determines and declares that it has the power
17 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
18 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
19 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
20 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
21 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
22 contained in the Breckenridge Town Charter.

23 Section 10. The Town Council hereby finds, determines and declares that it has the
24 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by
25 Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
26 Charter.

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

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

34
35 TOWN OF BRECKENRIDGE, a Colorado
36 municipal corporation

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39
40 By _____
41 John G. Warner, Mayor
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ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

1 FOR WORKSESSION/ADOPTION – SEPT. 28

2
3 A RESOLUTION

4
5 SERIES 2010

6
7 A RESOLUTION IN SUPPORT OF SUMMIT SCHOOL DISTRICT’S BALLOT QUESTION
8 3B ON THE NOVEMBER 2010 BALLOT
9

10 WHEREAS, reduced funding from the State of Colorado has forced Summit School
11 District to cut its 2010-11 budget by approximately \$1.4 million and another \$500,000 for the
12 2011-12 school year; and

13
14 WHEREAS, additional cuts are likely to be made in funding from the State of Colorado
15 for the 2011-12 school year; and

16
17 WHEREAS, the Summit School Board has balanced its 2010-11 budget by freezing the
18 salaries of all employees for the 2010-11 school year, making cuts to programming, athletics,
19 stipends and maintenance contracts, and restructuring employee benefits; and

20
21 WHEREAS, the Summit School Board did not cut district instructional staff for the 2010-
22 11 school year and is committed to continuing to preserve teaching positions; and

23
24 WHEREAS, a portion of the district mill levy expires in 2010; and

25
26 WHEREAS, the Summit School District seeks to retain approximately 32% of the mill
27 levy that expires in 2010 by asking voters to approve a \$2.1 million mill levy override (Ballot
28 Issue 3B) at the general election to be held on November 2, 2010; and

29
30 WHEREAS, the proceeds of the \$2.1 million mill levy override will be used to help
31 prevent deeper cuts at the classroom level, including teachers, programming and instructional
32 materials; and

33
34 WHEREAS, Ballot Issue 3B will also protect Summit School District from serious short-
35 term cash flow problems and disruption of District operations if Amendment 61 passes; and

36
37 WHEREAS, with a mill levy expiring this year, property taxes will still be reduced—
38 even with the passage of Ballot Issue 3B—by an estimated \$20 per \$100,000 of a home’s value,
39 or about \$80 for a \$400,000 home.

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

43
44 Section 1. The Town Council of the Town of Breckenridge supports Ballot Issue 3B,
45 Summit School District’s mill levy override, which will appear on the November 2, 2010 general
46 election ballot, and urges the electors of the Town to vote in favor of such ballot issue.

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Section 2. 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



MEMORANDUM

To: Mayor and Town Council
From: Rick Holman, Chief of Police
Date: September 28, 2010
Subject: Resolution to approve IGA for Summit County SWAT Team

Staff is recommending the Town Council approve a resolution that will allow the Town Manager to enter into an IGA with the County and the Towns of Breckenridge, Dillon, Frisco, and Silverthorne for the continued operation of our county-wide Special Weapons and Tactics (SWAT) Team.

The Town is currently operating under a memorandum of understanding for the SWAT Team and with the addition of a Tactical Emergency Medical Services (TEMS) unit to the team it has become necessary to update the agreement. The legal staff for the participating agencies feels an IGA is a more appropriate document.

Staff recommends the Breckenridge Police Department continue to be a participating member of this team since we seem to experience critical incidents at least 2-3 times a year in the county that involve the response of SWAT. There is little fiscal impact to the Town for our involvement in this team as we only budget \$1,000/year for SWAT related expenses.

1 **WORKSESSION/ADOPTION – SEPT. 28**

2
3 A RESOLUTION

4
5 SERIES 2010

6
7 A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
8 CONCERNING THE SUMMIT COUNTY SPECIAL WEAPONS, TACTICS AND
9 NEGOTIATIONS TEAM (SWAT)

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

15
16 WHEREAS, the Towns of Breckenridge, Dillon, Frisco, and Silverthorne, the Board of
17 County Commissioners of Summit County, and the Summit County Sheriff propose to enter into
18 an intergovernmental agreement concerning the Summit County Special Weapons, Tactics and
19 Negotiations Team; and

20
21 WHEREAS, a proposed Intergovernmental Agreement between Towns of Breckenridge,
22 Dillon, Frisco, and Silverthorne, the Board of County Commissioners of Summit County, and the
23 Summit County Sheriff concerning the Summit County Special Weapons, Tactics and
24 Negotiations Team has been prepared, a copy of which is marked Exhibit "A", attached hereto
25 and incorporated herein by reference; and

26
27 WHEREAS, the Town Council has reviewed the proposed Intergovernmental Agreement
28 and finds and determines that it would be in the best interest of the Town to enter into such
29 agreement.

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

33
34 Section 1. The proposed Intergovernmental Agreement between the Town and the
35 Towns of Dillon, Frisco, and Silverthorne, the Board of County Commissioners of Summit
36 County, and the Summit County Sheriff concerning the Summit County Special Weapons,
37 Tactics and Negotiations Team (Exhibit "A" hereto) is approved, and the Town Manager is
38 hereby authorized, empowered, and directed to execute such agreement for and on behalf of the
39 Town of Breckenridge.

40
41 Section 2. This resolution shall become effective upon its adoption.

42
43 RESOLUTION APPROVED AND ADOPTED this ___ day of ___, 2010.
44
45

TOWN OF BRECKENRIDGE

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek,
CMC, Town Clerk

APPROVED IN FORM

Town Attorney Date

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INTERGOVERNMENTAL AGREEMENT
(Summit County Special Weapons and Tactics and negotiations Team)
(SWAT)

This Intergovernmental Agreement is made and entered into among Summit County, Colorado acting through its Board of County Commissioners and the Summit County Sheriff (“County” or “County Sheriff”), the Town of Breckenridge, Colorado (“Breckenridge”), the Town of Silverthorne, Colorado (“Silverthorne”), the Town of Frisco, Colorado (“Frisco”), and the Town of Dillon, Colorado (“Dillon”), hereinafter referred to as the “Parties” and is effective _____, 20__.

WITNESSETH:

WHEREAS, the Parties hereto are each authorized to lawfully provide, establish, maintain and operate law enforcement and other emergency services; and,

WHEREAS, emergencies may arise, in one or another of the jurisdictions of the Parties, which may be of such intensity and duration as to place greater demands on that jurisdiction’s personnel and equipment than the jurisdiction can handle; and,

WHEREAS, it is in the best interest of each of the Parties to maintain uniform equipment, training, policies and procedures, and personnel standards, pertaining to each other’s tactical and negotiations team so that each may have the service of the other Parties to aid and assist it in exceptional instances when other than standard police procedures and weapons are required; and,

WHEREAS, the Parties desire to establish and implement a joint Dillon, Frisco, Silverthorne, Breckenridge and Summit County Sheriff’s Office Special Weapons, Tactics and Negotiations Team – hereinafter referred to as SUMMIT SPECIAL WEAPONS, TACTICS and NEGOTIATIONS TEAM (SWAT); and,

WHEREAS, other parties who provide similar services and maintain similar equipment may, in the future, desire to be included in this Agreement; and,

WHEREAS, establishment of joint SWAT Team through this Intergovernmental Agreement (“IGA”) serves a public purpose and will promote the safety, security and general welfare of the inhabitants of the Towns of Breckenridge, Dillon, Frisco, Silverthorne and the County.

NOW THEREFORE, for and in consideration of the promises and covenants of the Parties set forth herein, it is mutually agreed by and between each of the Parties as follows:

1. Provisions of Article 5, Title 29, the Colorado Revised Statutes, as amended from time to time throughout the term of this IGA, are incorporated herein by this reference. The Statute shall control in the event of a conflict between the Statute and this Agreement.
2. It is understood and agreed that this IGA provides for the joint exercise by the Parties of the function of service provided herein, but does not establish a separate legal entity to do so, nor does this IGA establish any employee of any Party as an employee or agent of any other Party for any purpose whatsoever. This IGA shall provide only for sharing on in-kind services and costs by the Parties toward the establishment of a common mutual goal, said going being the joint development of SWAT, to be utilized in exceptional instances when other than standard police procedures and weapons are required.
3. Each Party agrees, subject to the limitations herein set forth, to aid and assist the other, by causing and permitting its law enforcement and ambulance personnel and its equipment to be used in responding to emergencies and exceptional instances which occur in the jurisdiction of the other such as but not limited to barricaded armed individuals, hostage situations, execution of high risk warrant service, riotous crowd control, threat of potential sniper activities, terrorist incidents, or other exceptional instances when other than standard police procedures and weapons are needed in the jurisdiction serviced by one Party which are beyond the control of the police or sheriff's department of that Party. The need for such aid and assistance shall be determined by the Party's respective Chief of Police or the County Sheriff, or their designees requesting assistance, and upon such a request the Parties agree that the Party receiving such a request must respond as timely as possible. It is understood and agreed that each Party shall maintain appropriate personnel and funding in support of this IGA. All Parties shall, however, be excused from making their equipment or services available to the other in the event of the need of such equipment or manpower in their respective jurisdictions. A Party's decision as to availability or equipment or services shall be conclusive.
4. Each Party shall establish, maintain and implement mutually agreed upon policies and procedures governing uniform equipment, training and personnel standards required to operationalize this IGA, subject to the following:
 - a. It is understood and agreed that such mutually agreed upon policies and procedures shall require that each Party shall maintain a level of personnel and equipment necessary to safely and effectively deploy SWAT during exceptional instances when other than standard police procedures and weapons are required to meet its obligations under this Agreement.
 - b. The Parties' Chiefs of Police and the County Sheriff shall be unanimous in agreement with the selection or appointment of each Party's SWAT members prior to operationalizing this joint SWAT IGA. Officers

assigned or appointed to the negotiation team and the TEMS (Tactical Emergency Medical Services) portion of the SWAT Team shall not be required to complete a psychological examination.

- c. Officers assigned or appointed to the tactical team portion of the SWAT shall successfully pass and maintain mutually agreed upon performance standards such as firearm qualifications and physical fitness standards. Officers assigned or appointed to the negotiation team and TEMS portion of the SWAT shall not be required to complete physical fitness standards; however, they shall be required to maintain the performance standards for firearm qualifications set by the Parties respective law enforcement agency. All TEMS members will be required to meet the firearms qualification standards of the Summit County Sheriff's Office. All SWAT members shall maintain all other mutually agreed upon performance standards established by each Party's Chief of Police and the Sheriff of his/her law enforcement agency, and in the case of TEMS Officers the standards set forth by the Summit County Ambulance Service.
- d. TEMS Officers are non-certified Deputy Sheriffs appointed by the Sheriff under the authority of C.R.S. § 16-2.5-103. All TEMS Officers will be armed and deployed with the SWAT Team after they have received the equivalent of the P.O.S.T. (Peace Officer Standards and Training) firearms training course, or other equivalent training accepted by the Governing Board; and have qualified with their duty weapons.
- e. TEMS Officers will serve in a limited armed capacity. The purpose of a TEMS Officer being armed is to defend themselves, defend a patient under their care, or to defend a SWAT Team member, or a third party from imminent danger of being killed or of receiving great bodily injury as defined by C.R.S. § 18-1-704.
- f. An officer who has passed the performance standards is not eligible for appointment to SWAT unless the Parties' Chiefs of Police and the County Sheriff all agree to such assignment. Any officer assigned to SWAT shall be removed from SWAT at any time, after consideration of the facts, and a majority vote of the Governing Board (as hereafter defined).
- g. A Party's Chief of Police or County Sheriff may remove any officers assigned to SWAT under their direct command with or without cause.
- h. Officers assigned to SWAT shall be subject to the supervision of the supervisory and command personnel assigned to SWAT regardless of which Party assigned the supervisor or officer to SWAT.
- i. A governing board shall be created to establish uniform policies, rules, procedures and promulgate such, establish an annual operating budget to

provide funds for equipment, weapons, ammunition, uniforms, training and personnel costs and oversee operational and administrative matters of concern to SWAT, referred to as the "Governing Board." The Governing Board shall include the Parties' Chiefs of Police or designee of each town and the Sheriff of Summit County or his designee, and the Summit County Ambulance Director or his designee who will serve as an Ex-Officio member of the Governing Board. The operating budget shall be subject to annual approval by each entity's governing body.

- j. It is understood and agreed that should disciplinary action be required as a direct result of an officer's involvement or participation in the SWAT, disciplinary action shall be the responsibility of the officer's respective agency. The officer's continued involvement in the joint SWAT, however, shall be subject to approval of the majority vote of the Governing Board. Any disciplinary action involving a TEMS Officer will be subject to the same conditions outlined above, and should the Governing Board wish to consider the removal of a TEMS Officer the Governing Board will consult with the Ambulance Director prior to such officer's removal from SWAT.
 - k. It is understood and agreed that should an exceptional instance arise requiring the response of the joint SWAT, the requesting Party shall be in command of the incident. Tactical operations involving SWAT shall remain the responsibility of supervisory and command personnel assigned to SWAT and shall follow the SWAT chain of command.
5. Each Party shall, at all times, be responsible for its own costs incurred in the performance of this IGA.
 6. Any claims against any Party, their Boards, Councils, employees or agents incurred as a result of any act or omission by that Party or its employees and agents pursuant to the terms of this IGA, or the provisions of C.R.S. §§ 29-5-103, 29-5-104 and 29-5-108, shall be subject to the provisions of Article 10, Title 24 C.R.S.
 7. Each Party agrees not to allow any other County Sheriff's Department or Municipal Police Department to join in the IGA except with approval of all Parties.
 8. Each Party shall provide the other Parties written evidence of general liability and police professional liability coverage for an amount not less than the amount of the Colorado Governmental Immunity Act (as amended from time to time throughout the term of this IGA) for protection from claims for bodily injury, death, property damage or personal injury which may arise through the execution of this IGA. Receipt of such evidence shall be acknowledged by each Party prior

- to the commencement of this IGA, and on each annual renewal of such insurance policies.
9. It is understood and agreed by the Parties hereto that if any part, term or provision of this IGA is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the IGA did not contain the particular part, term or provision held to be invalid.
 10. Each and every term, provision or condition herein is subject to and shall be construed in accordance with the provisions of Colorado law, the Charters of all Parties, and the ordinances and regulations enacted pursuant thereto.
 11. This IGA shall be binding upon the successors and assigns of each of the Parties hereto, except that no Party may assign any of its rights or obligations hereunder, without the prior written consent of all of the other Parties.
 12. It is expressly understood and agreed that enforcement of the terms and conditions of this IGA, and all rights of action relating to such enforcement, shall be strictly reserved to the named Parties hereto, and nothing contained in this IGA shall give or allow any such claim or right of action by any third person to this IGA. It is the expressed intention of the named Parties that any person other than the named Parties receiving services or benefits under this IGA shall not be deemed to be a third party beneficiary of this IGA.
 13. The Parties enter into this IGA as separate, independent governmental entities and shall maintain such status throughout.
 14. This IGA embodies the entire agreement of the Parties. The Parties shall not be bound by or liable for any statement, representation, promise, inducement or understanding of any kind or nature not set forth herein. No changes, amendments or modifications of any kind of any of the terms or conditions of this IGA shall be valid unless reduced to writing and signed by all Parties.
 15. Any Party hereto may terminate its participation in this IGA with or without cause upon thirty (30) days prior written notice to the other Party. This IGA shall remain in force and effect with respect to the remaining parties.
 16. Notwithstanding anything herein contained to the contrary, each of the Party's obligations under this IGA are expressly subject to an annual appropriation being made by such Party's governing body in the amount sufficient to allow such Party to perform its obligations hereunder. No Party's obligations hereunder shall constitute a general obligation indebtedness or multiple year direct or indirect debt or other financial obligation whatsoever within the meaning of the Constitution or laws of the State of Colorado.

17. The intergovernmental agreement between the Parties related to the formation of the SWAT, dated October 27, 1999, and the modified Memorandum of Understanding, dated November 29th, 2004, is hereby terminated.

18. This IGA may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

Effective on the date first written above:

TOWN OF SILVERTHORNE

By: _____
Dave Koop, Mayor

ATTEST:

Michele Miller, Town Clerk

TOWN OF BRECKENRIDGE

By: _____
Timothy J. Gagen, Town Manager

ATTEST:

MJ Loufek, Town Clerk

TOWN OF FRISCO

By: _____
Bill Pelham, Mayor

ATTEST:

Deborah Wohlmuth, CMC
Town Clerk

TOWN OF DILLON

By: _____
Ronald Holland, Mayor

ATTEST:

Jan Thomas

SUMMIT COUNTY:

SUMMIT COUNTY SHERIFF

By: _____
John Minor, Sheriff

ATTEST:

BOARD OF COUNTY COMMISSIONERS

By: _____
Gary Martinez, Manager

ATTEST:

MEMO

TO: Town Council

FROM: Town Attorney

RE: Revised Real Estate Transfer Tax Administrative Regulations

DATE: September 21, 2010 (for September 28th meeting)

Enclosed with this memo is a set of revised Real Estate Transfer Tax Administrative Regulations. These are submitted to you for you review and comment in accordance with the Town's Administrative Regulations Ordinance.

The only change to the current RETT Regulations is a new Rule 12 dealing with transfers of land to a "revocable living trust." These transfers are done for estate planning purposes, and I am told by estate planners that they have become somewhat commonplace (although I've never had to deal with the taxability of such transfers under the Town's RETT Ordinance before).

Under a revocable living trust the property owner conveys the land to the trustee of the trust, who holds the land until the original owner dies; then, the trustee conveys the land to the person designated in the living trust. The trust device is used to avoid probate.

The Town's current RETT Ordinance exempts deeds that are made pursuant to a will or estate proceeding. It strikes me that the conveyance of property to a revocable trust, followed by the conveyance from the trust to the ultimate beneficiary of the trust, is essentially the same as a conveyance made pursuant to a will or estate proceeding (only the first conveyance is done prior to death, but as part of the overall estate planning process).

I inquired on the CML Attorneys' ListServ of home rule municipalities with RETT Ordinances as to how these kinds of transfers are treated under their ordinances. I only got two responses. Both municipalities indicated that they treat the conveyances as being exempt under their RETT Ordinance.

This matter is proposed to be addressed by amending the RETT Ordinance Administrative Regulations, instead of amending the RETT Ordinance itself, because of my concern that amending the ordinance might create problems with the TABOR Amendment. TABOR flatly prohibits any "new" real estate transfer tax, and no case has yet to answer the question of whether an amendment to an existing RETT ordinance is a "new" real estate transfer tax under TABOR. The issue can be avoided by dealing with the new exemption for transfers to and from revocable trusts in the Town's RETT Ordinance Administrative Regulations.

If the proposed amendment to the RETT Administrative Regulations is acceptable, it will go into effect two weeks after your review and approval. If the proposed amendment is not acceptable, we will treat conveyances to and from revocable living trusts as being taxable under the RETT Ordinance.

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

1 *DRAFT September 21 DRAFT*

2
3 Additions To The Current RETT Administrative Regulations Are
4 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

5
6 AMENDED ADMINISTRATIVE RULES AND REGULATIONS CONCERNING TOWN OF
7 BRECKENRIDGE “REAL ESTATE TRANSFER TAX ORDINANCE”
8

9 1. **Effective Date.** These amended regulations are effective _____, 2010.

10
11 2. **Authority.** These amended regulations are issued by the Town Manager of the
12 Town of Breckenridge pursuant to the authority granted by Section 3-3-9(A) of
13 the Breckenridge Town Code.

14
15 3. **Adoption Procedures.** The procedures set forth in Chapter 18 of Title 1 of the
16 Breckenridge Town Code were followed in connection with the issuance of these
17 amended regulations. Notice of the adoption of these amended regulations was
18 given in accordance with the requirements set forth in Section 1-18-3 of the
19 Breckenridge Town Code.

20
21 4. **Conflict With Real Estate Transfer Tax Ordinance.** These amended
22 regulations do not amend the Town’s “Real Estate Transfer Tax Ordinance”
23 (found at Chapter 3 of Title 3 of the Breckenridge Town Code). If there is a
24 conflict between these amended regulations and the Real Estate Transfer Tax
25 Ordinance, the ordinance will control.

26
27 5. **What is the Breckenridge “Real Estate Transfer Tax”?**

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

36
37 6. **Is the purchase or sale of a “timeshare” subject to the RETT?**

38
39 Yes. A timeshare interest is treated as real property under the RETT Ordinance.

40
41 7. **How do I find out if my property is located within the Town?**
42

1 Visit the **Summit County Assessor’s website**
2 (http://www.co.summit.co.us/Assessor/assessor_home.htm)
3

4 **8. How much is the RETT?**
5

6 The RETT is equal to 1% of the “consideration” paid for the land.
7

8 *Example:* You purchase a lot in Breckenridge for \$250,000. The RETT due to
9 the Town is \$2,500 [$\$250,000 \times 1\% = \$2,500$]
10

11 **9. What does “consideration” mean?**
12

13 The term “consideration” is broadly defined in the RETT Ordinance. It is the
14 “gross consideration” paid for the land affected by the transfer, and includes
15 actual cash paid, the money equivalent of real and personal property delivered or
16 conveyed in exchange for the transfer, or contracted to be paid or delivered or
17 conveyed, in return for the transfer of ownership or interests in real property.
18 Consideration also includes the amount of any lien, mortgage, contract
19 indebtedness, or other encumbrance or debt, either given to secure the purchase
20 price, or any part thereof, or remaining on the property at the time of the transfer.
21 It is important to note that the consideration includes the transfer of the current
22 fair market value of the property.
23

24 **10. Which transfers of land are exempt under the RETT?**
25

26 The following transfers of land are exempt from the RETT. Section references in
27 the table are to the sections of the RETT Ordinance describing exempt transfers of
28 real property¹:
29

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 Amended regulations. Note: If it is claimed that no consideration was given or received as part of a transfer of the land, the burden of

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).

	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 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

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 amended 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.

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 Amended 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 and s Affidavit (if any) describing the

AMENDED REAL ESTATE TRANSFER TAX REGULATIONS

	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 Appreciation Limiting Deed of Trust.

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12. Are Transfers To or From Revocable Living Trust For Estate Planning Purposes Exempt From RETT?

The RETT does not apply to the transfer of real property to the trustee of a revocable living trust if the trust provides for the further transfer of the real property to the beneficiaries designated in trust only upon the death of the trustor. The transfer of real property back to a trustor upon the revocation of a revocable living trust is also exempt from the Real Estate Transfer Tax. As used in this Rule “revocable living trust” is a trust created by a living person that can be revoked by such person at any time during his or her life.

13. 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

1 exempt from RETT, a Certificate of Exemption will be issued and the deed will
2 be stamped to evidence that the transfer described in the deed is exempt from
3 RETT.
4

5 14. **When must I make a claim that my transfer is exempt from the RETT?**
6

7 An application for exemption must be properly submitted and approved by the
8 Sales Tax Auditor prior to the recording of the deed with the Summit County
9 Clerk and Recorder. If the Town has not approved a transfer as being exempt
10 from RETT prior to the need to record it, the RETT must be paid before the deed
11 is recorded. However, you may file an application for a refund of the RETT after
12 the deed has been recorded.
13

14 For good cause, the Town may consider an RETT exemption application that is
15 filed after the deed has been recorded. The burden is on the applicant to show
16 good cause for the late filing of the RETT exemption application.
17

18 15. **How is RETT paid?**
19

20 The RETT is paid by using the **RETT Verification of Gross Consideration**
21 **Form** and submitting that form along with the tax due and the original deed to
22 RETT Processing, 150 Ski Hill Road, PO Box 1237, Breckenridge, CO 80424.
23 You should include a pre-paid, self-addressed envelope for where you would like
24 it returned. The Town will send it to the Summit County Clerk & Recorder's
25 office if you have included a self-addressed prepaid envelope for mailing, along
26 with a check for the County's recording fees. Please contact Summit County
27 government fees at 970-547-3475 if you have questions about the recording fees.
28

29 Please note that RETT is processed by the Finance Division between 9 A.M. and
30 10 A.M. Monday through Friday (holidays excepted). If a deed and RETT
31 payment are submitted during other hours, the deed will be available for pick up
32 from the Town Clerk's office at 10 A.M. the next business day. If batches of 10
33 or more deeds are submitted together, they will be available for pick up two
34 business days later at 10 A.M.
35

36 16. **Who is responsible for paying the RETT?**
37

38 It is the responsibility of the purchaser to pay the RETT.
39

40 17. **Are there penalties and interest due if the RETT is not paid when due?**
41

42 Yes. A penalty equal to 10% of the RETT is due if the RETT is not paid within
43 30 days after the deed transferring the property is recorded with the Summit

1 County Clerk and Recorder. In addition, interest accrues at the rate of 1.5% per
2 month from the date the taxes becomes delinquent until the tax is fully paid.
3

4 18. **What else can happen if I don't pay the RETT?**
5

6 Failure to pay the RETT when the tax is due is a violation of the Town Code, and
7 upon conviction a violator is subject to a possible fine of up to \$999;
8 imprisonment in the county jail for a up to one day less than one year; or both a
9 fine and imprisonment.
10

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

20 Finally, unpaid RETT, penalty and interest is a debt owed to the Town. The
21 Town can file a civil suit to collect the debt.
22

23 19. **How does the RETT apply to an exchange of land?**
24

25 Both transfers are subject to the RETT. The RETT is based on the current fair
26 market value of each of the parcels at the time of the transfer.
27

28 ***Example:*** You exchange your lot for a condominium. Both are located in
29 Breckenridge. The current fair market value of the lot at the time of the exchange
30 is \$250,000. The current fair market value of the condominium unit at the time of
31 the exchange is \$275,000. The RETT due to the Town for the transfer of the lot is
32 \$2,500 [$\$250,000 \times 1\% = \$2,500$]. The RETT due to the Town for the transfer of
33 the condominium is \$2,750 [$\$275,000 \times 1\% = \$2,750$].
34

35 ***Note:*** If two parcels of land are exchanged, the consideration for the exchange
36 can only be \$500.00 or less if the property exchanged has a current fair market
37 value of \$500.00 or less. Current fair market value will be used when the
38 consideration is in non-cash form.
39

40 20. **How does the RETT apply to land that is transferred by the owners to a new**
41 **limited liability company or corporation?**
42

1 So long as the owners of the new limited liability company or corporation own the
2 same percentage in the business entity that they owned in the land that was
3 transferred the transfer is exempt.
4

5 **Example:** Bill, Sam, and Mary each own a one-third interest in a lot in
6 Breckenridge. They decide to form a new corporation. They each convey their
7 one-third interest in the lot to the new corporation in return for one-third of the
8 issued stock in the new corporation. The transfers of the fractional interests to the
9 new corporation are each exempt from the RETT.
10

11 **Note:** If the owners of the land do not end up owning the same percentages in the
12 new corporation or limited liability company, a RETT may be due to the Town.

13 **Example:** Same facts as above, but Bill and Mary each end up owning 40% of
14 the stock in the new corporation. Sam ends up owning the remaining 20% of the
15 stock. Because the percentages of ownership in the land and the stock are
16 different, a RETT may be due to the Town on the deeds from Bill and Mary to the
17 corporation.
18

19 21. **How does the RETT apply to a transfer that changes the percentage of**
20 **ownership in the land?**
21

22 If the percentage of ownership of any of the owners has changed, the additional
23 percentage of ownership acquired, multiplied by the current total fair market
24 value of the property, is that amount on which the RETT will be calculated.
25

26 **Example:** Bill, Sam, and Mary each own a one-third interest in a lot in
27 Breckenridge. They execute a deed (or series of deeds) resulting in Bill owning
28 40% of the lot; Sam owning 30%; and Mary owning the remaining 30%. Since
29 Bill's interest in the lot increased from 33.3% to 40%, a RETT is due to the
30 Town. Assuming the fair market value of the lot at the time of the conveyance is
31 \$250,000, the RETT would be \$167.50 [40% – 33.3% = increase of 6.7%
32 ownership interest in lot. 6.7% x \$250,000 x 1% = \$167.50] No RETT is due on
33 the deeds resulting in the reduction of Sam's and Mary's ownership interest in the
34 lot.
35

36 22. **How does the RETT apply to owner "upgrades" and "enhancements"?**
37

38 RETT is due based upon the current fair market value of the unit that is traded
39 back to the timeshare company, in addition to the RETT that is due on the sale of
40 the new unit.
41

42 **Example:** Steve owns a 1-bedroom unit in Pretty Breckenridge Condominiums.
43 He likes the project, and wants to upgrade to a 2-bedroom unit. He deeds his 1-

1 bedroom unit back to the developer and, in return, the developer deeds Steve a 2-
2 bedroom unit. Both transactions are taxable under the RETT Ordinance, and the
3 tax is based on the fair market value of the two units at the time of the transfer. If
4 the fair market value of the 1-bedroom unit is \$150,000 the developer (the
5 ‘purchaser’ of the 1-bedroom unit) owes a RETT to the Town of \$1,500
6 [\$150,000 x 1% = \$1,500]. If the fair market value of the 2-bedrrom unit is
7 \$300,000 at the time of the transfer, Steve (the purchaser of the 2-bedroom unit)
8 owes a RETT to the Town of \$3,000 [\$300,000 x 1% = \$3,000]

9
10 23. **Aren't real estate transfer taxes prohibited in Colorado?**

11 The Taxpayers Bill of Rights amendment to the Colorado Constitution (the
12 “**TABOR**” amendment) was passed in 1990. It prohibits any “new” or “increased”
13 real estate transfer tax. However, Breckenridge's RETT Ordinance was adopted in
14 1981, well before the passage of the TABOR Amendment. As such, enforcement
15 of the Town’s RETT is not a violation of the TABOR Amendment.
16

17
18 24. **Disclaimer.**

19 The Town’s enforcement of the RETT Ordinance always involves applying the
20 ordinance to the facts of a particular transaction. Not all possible factual scenarios
21 involving the application of the RETT Ordinance are described in these amended
22 regulations. Nothing in these amended regulations limits the Town’s authority to
23 apply the RETT Ordinance to factual situations not specifically described in these
24 amended regulations.
25

26
27 25. **Whom can I contact if I have any other questions concerning Town of**
28 **Breckenridge Real Estate Transfer Taxes?**

29 The Town of Breckenridge, Sales Tax Auditor, 150 Ski Hill Road, PO Box 1237,
30 Breckenridge, CO 80424 970-547-3193
31

32
33 Dated: _____, 2010
34

35
36
37 _____
38 Timothy J. Gagen, Town Manager
39 Town of Breckenridge, Colorado
40
41
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45



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.

SEPTEMBER 2010

Tuesday, September 28; 3:00/7:30pm Second Meeting of the Month

OCTOBER 2010

Tuesday, October 5, 12:00 – 1:00pm Joint Meeting /Work Session with BOCC

Location: BOCC Hearing Room, 208 E. Lincoln, 3rd floor

(Topic of the joint meeting/work session with the Board of County Commissioners and the Town Council: Peak 6 MOU)

Friday, October 8; 8:00 – 9:00am Coffee Talk – Daylight Donuts

Tuesday, October 12; 8:00 am – 5:00 pm* Council Budget Retreat – Ski Hill One/Peak 8

*Tentative schedule - TBA

Tuesday, October 12; 7:30pm First Meeting of the Month

*The 3:00 pm work session on 10/12 has been cancelled, and a budget retreat schedule is being finalized.

Thursday, October 14; 8:00am – 5:00 pm Planning Commission Field Trip/ Avon, CO (council invited to attend)

Tuesday, October 26; 3:00/7:30pm Second Meeting of the Month

OTHER MEETINGS

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

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