



BRECKENRIDGE TOWN COUNCIL WORK SESSION
Tuesday, November 9, 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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3:00 – 3:15 p.m.	I	<u>PLANNING COMMISSION DECISIONS</u>	2
3:15 – 3:45 p.m.	II	<u>LEGISLATIVE REVIEW*</u>	
		Mill Levy Ordinance	55
		Water Ordinance-Billing, Account Sign-Up Fees	57
		Municipal Court Cost Fee Increase	62
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3:45 – 4:15 p.m.	III	<u>MANAGERS REPORT</u>	
		Ski Area Update	Verbal
		Public Projects Update	Verbal
		Housing/Childcare Update	Verbal
		Committee Reports	11
		Financials	12
4:15 – 5:30 p.m.	IV	<u>PLANNING MATTERS</u>	
		Shock Hill Lodge Development Agreement Proposed Modification	21
		Cucumber Gulch Summer Impacts	22
		Bicycle Friendly Community Update	40
5:30 – 6:10 p.m.	V	<u>EXECUTIVE SESSION (if time permits)</u>	
		Acquisition	
6:15 – 7:15 p.m.	VI	<u>JOINT MEETING – PLANNING COMMISSION</u>	
		Dinner Provided	47
		<i>*ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA</i>	50

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: November 3, 2010

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

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

CLASS B APPLICATIONS:

1. Village at Breckenridge Amendment to Master Sign Plan, Sign Variances and Fence Policy Variance, PC#2010057, 535 S. Park Avenue
Request to amend the Village at Breckenridge Master Sign Plan, three variances from the Sign Code, and a variance to the Fence policy. Approved.

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 p.m.

ROLL CALL

Dan Schroder	Jack Wolfe	Rodney Allen
Trip Butler	Kate Christopher	Gretchen Dudney
Dave Pringle	Mark Burke (Town Council Representative)	

APPROVAL OF MINUTES

With no changes, the October 19, 2010, Planning Commission meeting minutes were approved unanimously (4-0). Mr. Butler, Ms. Christopher and Ms. Dudney abstained as they were not in attendance at the October 19 meeting.

APPROVAL OF AGENDA

Mr. Neubecker noted that there were some changes. The sign code item will remain at the beginning. Otherwise, the Town Council report and election of chair are to be moved to the front of the meeting, allowing Mr. Burke to participate before the discussion of the Elk Building. With no additional changes, the Agenda for the November 2, 2010 Planning Commission meeting was approved unanimously (7-0).

WORKSESSIONS (1):

1) Sign Code Amendments (CN)

Mr. Neubecker presented. On October 12, 2010 the Town Council directed the staff to research amending the Breckenridge Sign Code to allow for off-premises signs on pedicabs. In addition, it was suggested that we consider allowing for advertising (off-premises signs) of community events on variable message boards used to provide wayfinding. The current Sign Code includes a list of prohibited signs, including off-premises signs. Staff is working with the Town Attorney on the sign ordinance for pedicabs, which will be presented to the Town Council for first reading next week.

On the issue of advertising for civic events, we will consider amending the Sign Code to allow for such promotions of community events. The current Sign Code provides an exemption for civic event posters in the windows of local businesses, but not on these electronic message boards. We believe that this addition would not be a stretch from the current regulations. The variable message boards would be used primarily for traffic information, wayfinding, closure of parking lots, etc. Ski Area and Town would partner on the purchase of the variable message signs. The signs will be mobile initially. After we establish the right location (year one) we would aim for a permanent location at the north end of town

Commissioner Questions / Comments:

Mr. Pringle: Are there criteria for what kind of detail could be included on the variable signage? (Mr. Neubecker – this is a different issue. In the context of wayfinding the Town wanted methods to control traffic. The Town Council thought these same signs could be used for other town information, such as “Snow Sculpture Next Weekend!”) During ski season it may be used at the north end of Town for parking needs and special event. Perhaps a permanent sign is needed too. Curious how this is to be managed. Is the pedicab signage for only this business? (Mr. Neubecker: No its for all pedicabs.)

Mr. Burke: Town Council did not want private advertising to be on these signs. Two signs are proposed. The fixed location will be established at a later date.

Mr. Allen: Is pedicabs signage the only items before Town Council next week? (Mr. Neubecker – Yes. We will deal with the variable message board issue at a later date.)

TOWN COUNCIL REPORT:

Mr. Burke: The Town Attorney was present at the Town Council meeting regarding the pedicabs. No new business and no old discussed last week. We discussed Planning Commission appointments and the sign code. Thanks and welcome to all. Town Council may want to look again at the proposed agenda for the joint meeting and adjust. (Mr. Neubecker – with the new Commissioner’s, there would be discussion about function of the Planning Commission and a discussion about the field trip and

redevelopment.) Should we do something for the members of the Commission that were not re-elected? Maybe an acknowledgement from the Town at the joint meeting.

OTHER MATTERS:

1) Election of Chair and Vice Chair through October 31, 2011:

Mr. Dave Pringle made a motion to elect Mr. Rodney Allen as Chair of the Planning Commission for the next 12 months. Mr. Schroeder seconded, and the motion was carried unanimously (7-0).

Mr. Dave Pringle made a motion to elect Mr. Dan Schroder as Vice-Chair of the Planning Commission for the next 12 months. Mr. Allen seconded, and the motion was carried unanimously (7-0).

WORKSESSIONS (2):

2) Elk Building Historic Re-Construction (MMO/CN)

Mr. Mosher presented. Staff has been approached by Janet Sutterley, Architect and agent for the Applicant, to develop Lot 80 Bartlett and Shock (105 North Main Street) with a new building of which overall massing would be based on photographs of the original historic structure that occupied the property up until the 1940's or 1950's.

As proposed, the new building would exceed (like the original historic structure) the recommended 9 units per acre (UPA) in the Development Code. This, and the proposed additions, would then bring the total above ground density to 12 UPA. This is larger than the recommended above ground density. Land Use District 19 and Historic Character Area #5 North Main Street Residential/Commercial allows a development to exceed 9 UPA up to 12 UPA and incur negative eighteen (-18) points. The applicant has requested to not receive negative points, since there is photographic evidence that a building of this size existed historically on this site. A passing score of zero (0) or greater is needed for a development to be approved. Staff has looked through the Development Code, and we think it could pass a point analysis. Public art, employee housing, trash enclosure, could be used to get positive points.

The second issue is the requested building height. In the Main Street Residential/Commercial Character Area, historic building heights were 1 and 2 story. Priority Policy 198 recommends that new buildings be designed with 1-story or 1-1/2 stories. If 2 full stories are proposed, the two story portion should be set back from the primary façade. The requested building is shown at 2-stories in the front.

Priority Policy 81 states to preserve the historic scale of the historic buildings in the area. Based on historic photos, at the Blue Front Bakery project (approved and under construction at Lincoln and Ridge) a larger building was placed on the corner of Ridge Street. Photos were shown during review by the Planning Commission, and Commission was OK with the large mass on the corner based on the photographic evidence. Staff noted that neither the Historic Standards nor the Development Code has any provision to deviate from adopted policies for new construction based on historic photos.

The agent is also seeking Commission input on waiving the -18 points based on the photographic evidence of the larger historic building and the choice to "replicate" this structure, with some deviations, as a public benefit and to have the proposed building better contribute to the Historic District. In addition to the proposed replication, the proposal would add more windows to the lower level facing Main Street, plus a small one-story addition behind the new building. Staff noted that there is no provision in the Code to allow waiving negative points.

Staff has explored the relative Policies in the Development Code and found possible sources for the positive eighteen (+18) points. Hence, we do not support this proposal considering the negative points could be mitigated with existing policies in the Development Code. Additionally, we question the precedent this approach might take with future applications with photographic evidence of other original historic buildings.

Overall, some sort of Code revision or change to the Design Standards would be necessary to allow modifications from the Code based on historic photographic evidence. Waiving any negative points is contrary to the Town's review process and philosophy that has been in place for many years.

Ms. Sutterley, Architect: We understand this is just a worksession, and the Commission can't make decisions. The transition from the Commercial Core Character Area to the Main Street Residential/Commercial Character Area is at

the north property line of the Gold Pan adjacent to his lot. We don't want a one story building next to the taller Gold Pan; that would look contrived. We want to transition down in scale to the historic SCI building to the north.

Replication or reconstruction of the original historic structure is really not where we want to go. That opens the idea of setting poor precedent. If we want to replicate it, then replicate it. If someone has a historic photo of a 4 story building, we would not want to see that. The delineated width of the façade meets the design policy. We do not propose any code violations except the request for the front façade height. The module size is 1,400 square feet as required. We can meet the parking requirement. (Ms. Sutterley then showed what the streetscape would look like with a 1-story building on the site. She said it would look out of place in the context to the neighboring historic buildings. We are meeting intent of Policy 194 with the exception of the building height along Main Street.

There is conflicting language in the historic design standards regarding the suggested height. The character area standards states that buildings were historically 1 to 2-stories tall (and surviving buildings exist along this block of both sizes), and then they suggested height for new construction asks for 1-story heights fronting Main Street. I would like Commission's input on this issue. The historic structure (now gone) was originally a rooming house, but the proposal is to use it as retail space. The intent is to compliment and loosely represent what was there based on the photograph, but not replicating it. The submitted site plan shows setbacks that meet the recommended setbacks in the Development Code. Representation of the original building is goal, but we are trying to make it work for present day use.

We are finding it difficult to make up -18 points. At 9 UPA, the floor area is only 1,364 square feet, which would look odd along the block. I understand there is nothing in the Development Code that allows the Town to waive negative points. But the SCI Building to north was over the allowed 12 UPA and had the -18 points waived. Maybe Staff can address why that happened. We can try to mitigate -18 points, but why did they allow it next door? Code wants buildings setback from the street, but also wants buildings to align with historic buildings. We could notch back from the Gold Pan. We don't want people walking between this building and Gold Pan. It becomes a urinal for the Gold Pan bar. It becomes a dead zone. We would set it back about 6 feet along the primary façade to create the required side yard. Coupling the north yard with the SCI Building's south yard creates about 12 feet of space between structures. We could put a walkway through, with nice landscaping. Question #1 is on waiving the -18 points, #2 is the height question being 2 stories at the street, #3 is on the side yard setbacks. Main building meets 1,400 square foot module size. Façade width is below what is allowed. Can a portion of a policy be deemed "not applicable"?

Mr. Allen opened the worksession to public comment.

Turk Montapare, Realtor for the property: I have always been perplexed by a character change in the middle of this block. Now we have someone trying to make sense of what was historically there and the code differs. Across the street to the east, we have evidence of a 2½ story façade hotel, which burned down. I could never understand why the commercial character area did not extend to Wellington Road. I think we are on the right track with this idea. We'll never know what the deal was with Cooney's (SCI) building's approval. I always felt that 9 UPA was Draconian. I don't know where the documentation came from that we should switch to a residential character in the middle of the block. Disclaimer: I have both of these lots listed. I think Janet has done a great job.

Peter Grosshuesch: Please note that Policy 194 states that new buildings should be in scale with "existing historic buildings". It does not say historic buildings that used to be there. The idea is to support the character of existing buildings. This character area is one of the smallest in scale, since these buildings were part of the settlement phase of the town's development. That is one of the reasons we have such small buildings here.

Commissioner Questions / Comments:

Mr. Schroder: There is nothing here to reconstruct. It's a new building, so the title should be changed. The area line transitions at the north edge of the Gold Pan.
Final: Shape of the gable helps make the height transition from the Gold Pan smoother. If there were any "twigs" (historic material) remaining, we'd have something to work with as restoration or reconstruction. But this is a new building. It looks like the commercial next door, which looks visually correct to me. We need to fall back on the code. Support you going ahead as presented,

but the -18 points? Look forward to seeing the application and having more vitality in this part of Town.

Mr. Wolfe: Do we know what happened to the original building? (Sutterley: Sometime before the ski area opened it was destroyed/torn down.) Are we being asked to waive the 18 negative points? (Mosher: Yes, but there is no Code provision or method to waive the points, and the applicant can actually mitigate the points.)

Final Comments: We may be distracted by the photos on the issues before us. The building shown by Ms. Sutterley seems to be a good transition from the Commercial Core to the buildings to the north. If we strictly follow the Historic Guidelines, we may end up with a building that is out of scale along this block. I don't know how we could waive -18 points. Maybe a Development Agreement. Like what is presented. (Mr. Mosher: The Code allows granting variances, but only to the priority policies and with hardships.) A variance requires a hardship; we'd need to see what the hardship is. We can't look at the financial hardship. That is the Town Council's role (example was pedicabs). But what's shown is a good transition from the Gold Pan to smaller buildings to north.

Final: We like the design, but we are not sure how to make it happen.

Mr. Pringle: At what point would it be historic preservation or restoration, if they replicate a historic building? If the Gold Pan burned down tomorrow, could it be rebuilt as it was? Should we review this as a new building, or replication of a historic building? (Mr. Grosshuesch: We would review it as new building. There is no provision to waive the points). Gold Pan and Sterling Building are different character area; BIC (SCI) building is a residential character. I don't know how to meet the Character Area 5 standards where the surrounding buildings do not follow these guidelines. If we meet the criteria of 5/A, Architectural Compatibility, it will be the only building on the block to do so. (Mr. Mosher: We don't want this development to be fodder for other applications to propose things that don't meet the Code.)

Final Comments: I agree with Mr. Wolfe and Ms. Dudney. We want to transition, and have continuity of the block. That's more important than 1 or 2 stories. I like the transition from Gold Pan to BIC. I find it palatable, but Code requires that we look at 9 UPA and 1-story heights.

Ms. Christopher: Is proposed height same as Gold Pan? (Ms. Sutterley: Yes, and the height is to Code.) What is separation of this building and the building to north? (Ms. Sutterley: 12 feet separation; 5 feet to property line). Is the side addition a flat roof? (Sutterley: Yes). I am concerned about leakage.

Final: I like the design. I understand the importance of square footage in the building. I prefer the 2 stories, but don't support that it's as tall as Gold Pan; perhaps making it a bit shorter would help it transition better. Concerned about public safety for pedestrians walking through the walkway in winter. Will be very icy. One story flat roof on south will need to have snow shoveled off in winter. Don't see how to waive the negative points. If density is important, need to find a way to mitigate points.

Mr. Butler: Final: I'd be supportive of the proposal the way it's drawn. It is representational. It's perfect for the character. The waiver of points, not sure how to support that. Would like to find a way to meet the code or to make a variance happen.

Ms. Dudney: Are we also asking to consider the height issue? "If 2 stories are proposed, they shall be setback from the front façade...". Is there some way to allow 2 stories without modifying this policy? (Mr. Mosher: Nauman Residence found a way to not require a connector link since the condition was existing. The Commission found that portion of the Design Standards as "inapplicable". There has been precedent to state that certain policies did not apply to a project.) Are there any other historic buildings that are 2 stories in this district? (Racer's Edge and one other). When you look at vacant lots, do you always have photos showing what was here? (No.) What precedent does this set to allow buildings at the property line? How many floodgates would this open? (Mr. Mosher - The historic Sanborn maps show building locations and rough footprint size, but we don't have historic photos of all historic buildings that were here. We don't want to perpetuate any precedent to all properties.) By going from 9 UPA to 12 UPA, you increase the building by 400 square feet. Why do you want to do that? (Sutterley: 12 UPA is what looks right next to the Gold Pan. Financially, it needs to be viable. It's extremely important to my client.) You think you would have difficulty finding a tenant at 1,300 square feet? (Sutterley: Yes.)

Final Comments: #4 may be the conflict. I agree with Mr. Wolfe, the transition is important. The Town does not want reproductions. We want people to know which is historic and which is new.

I'd like to see a 2 story façade work, since it's representational of what was there, but I don't see a way to waive the -18 points.

Mr. Allen: Priority Policy 198 states to be similar size to other historic buildings. (Mr. Mosher - Absolute polices can get a variance, but not relative policies. Variances need to be very specific to one unique property. We need to avoid setting a precedent. Sanborn maps show several outbuildings in the rear of this lot. Should they also be used as precedent? That is Staff's chief concern.) Could you explain how the SCI building next door was allowed over density? (Mosh: Planning Commission denied the project, but it went De Novo at the Town Council, and was eventually approved by Town Council. Additionally, the module size was broken up to maintain the average, but was over 12 units per acre. Staff could not find any negative points mentioned in the Findings and Conditions for the SCI building.)

Final: Historic representation is great. You meet Design Standard 194, but not Design Standard 198. Need to find a way around policy 198, or maybe find that it is not applicable. Agree with Ms. Christopher on transition to height; it should step down to the north. Support the pedestrian connection. Heat the sidewalk if it's a safety issue. Agree with others on the -18 points; maybe Council has ideas on how to waive that, but we can't. This project would be a great development in this part of Town.

COMBINED HEARINGS:

1. Village at Breckenridge Sign Variance (MGT) PC#2010057, 535 South Park Avenue

Mr. Thompson presented a proposal to request an amendment to the existing Village Master Sign Plan. This will involve three variances from the Sign Code and a variance to the Fence Policy.

There are four (4) variances proposed to the Sign Code:

- Variance #1: 8-2-12 (B) Maximum Sign Area. The applicant is proposing a sign larger than 20 square feet for the building identification sign.
- Variance #2: 8-2-13 (F) Freestanding Signs. The applicant is proposing more than one freestanding sign, and the signs proposed are taller than ten feet (10').
- Variance #3: 8-2-15 (F) Off-premises signs. The applicant is proposing wayfinding signage to properties off the VAB premises.

One variance is proposed from Policy 47 (Absolute) Fences, Gates and Gateway Entrance Monuments:

- Variance #4: The applicant is proposing an archway over Circle Drive. Gateway Entry Arches are currently prohibited in the Development Code.

Mr. Thompson described in detail each of the variance requests and criteria based on the Development Code.

Staff recognizes that there are unique circumstances at the Village at Breckenridge, including its use as a public portal to Peak 9, its unusual size, and the pedestrian/vehicle conflicts in this area. We believe that some flexibility is warranted in light of these issues. We believe that the proposed Master Sign Plan and the variances proposed are necessary to identify the Village at Breckenridge, provide adequate way finding, improve safety and to properly identify the commercial tenants of the property. The Village at Breckenridge is about to complete a major renovation of their property, and improved signage is the next step to complete this transformation. Staff believes that there are unique circumstances that apply only to this property, and we do not believe that we are creating a precedent.

The Planning Department recommends approval of the Village at Breckenridge Master Sign Plan and Variance requests, (PC#2010057) by supporting the attached Point Analysis and the attached Findings and Conditions.

Chris Guarino, Wember Inc. (applicant) – These variance requests are essential for proper use of the property. He explained that drivers have only around ten seconds from the time they see the Village at Breckenridge sign to locate Circle Drive and turn into the project, and that there is only one entrance into the VAB. He is excited to hear feedback from the Commission.

Mr. Allen opened the hearing to public comment.

There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

- Mr. Schroder: Four variance requests – clear presentation and review – good job! Don’t have much to add in questions. Hardship has been described well. Directional sign type “D” and “F” details? (Chris Guarino: There are four freestanding directional (way finding) signs and two that are freestanding pedestrian directional/directory signs). Initially my concern was this big sign on the building. Had concerns about the large sign on the side of the building. Does it have the word “Breckenridge in it?” (Chris Guarino: at 140 SF it was clearer but the sign was too large. VAB heard the Planning Commission at the worksession and realized a 140 SF sign was too large. They feel if the driver can read the word “VILLAGE” then they will be able to identify the Village at Breckenridge, even though “Breckenridge” is in a smaller font size. It all seems to work as the overall scale of the project is large and the signage is the proper scale).
Final: I support the 98 square foot sign. It’s a matter of scale. What’s presented is in balance. No problem with the archway.
- Mr. Pringle: Four variances in a combined hearing are a bit uncomfortable for me. We all have to weigh in tonight for approval. I am not comfortable with approving a Master Sign Plan this large with four variances in a Combined Hearing. Will all properties on Park Avenue now be requesting larger than 20 SF signs? Does One Breck Place have similar issues since it is on Highway 9? Are we going to see more applications for larger signs as a result of this review? I thought last time we said to use the smallest sign that is effective? Just because it’s next to Peak 9, is that a reason for a variance? Not sure if we had enough review at the last hearing. We should all feel comfortable before going ahead.
- Mr. Wolfe: The Sign Code was not written for a situation like this, due to its size and layout. This is a good example of Staff reading the “grey area” and trying to find a solution to a problem. He supports the request for the four variances. Thanks for providing wayfinding to adjacent properties. One small criticism, if there are more than three or four messages on one sign post they tend to get lost, five is too many. This is a good Master Sign Plan.
- Ms. Christopher: I agree with Mr. Wolfe. The Sign Code was not written for a development like this. I have personally been lost in this area. Public safety is important and makes the community “user friendly”. Use as many way finding signs as necessary, go for all you can. Check height for clearance of snow and skis. The arch is rather exclusive and not a life safety issue. Tend to say no to the arch as far a life safety. But appreciate the actual design of the archway.
- Mr. Butler: Supports all four of the requests. Scale and balance works here. Does not look out of place. Like free standing and off-premise signs and can support the arch, too.
- Ms. Dudney: Supports all four variances. As a past visitor here she appreciates the need for better signage at the Village at Breckenridge.
- Mr. Allen: Supports all four variances. Comfortable that he has seen enough information on this project to make a decision. The Village has some unique circumstances and design issues that make these request needed. Archway is appropriate and announces the entry to the property. Don’t think that it sets precedence for One Breck Place. Supports the proposal as presented.

Mr. Schroder made a motion to approve the point analysis for the Village at Breckenridge Sign Variance, PC#2010057, 535 South Park Avenue. Mr. Wolfe seconded, and the motion was carried unanimously (7-0).

Mr. Pringle: Questioned whether the Commission needed to approve each of the variance requests separately. Mr. Pringle wished to change his vote on the Point Analysis. Ms. Christopher questioned voting on each variance separately too.

Mr. Pringle: Have concerns about the method of approving the separate variances all at once in the Point Analysis. He does not feel the sign over 20 square feet needs to be 98 square feet, believes that this variance does depart from the provisions of this chapter more than is required. Wants to change Absolute Policy 12 to failing in the Point Analysis. Would like to change his vote on the Point Analysis to “No”.

The Point Analysis was amended to show Mr. Pringle voting “No”. The Point Analysis passed with a vote of 6-1.

Ms. Christopher was not sure. The archway is not a public safety issue. May set bad precedent. Exclusivity of an arch is not welcoming to the public. No other Commissions concurred.

Mr. Schroder made a motion to approve the Village at Breckenridge Sign Variance, PC#2010057, 535 South Park Avenue, with the presented Findings and Conditions. Mr. Wolfe seconded, and the motion was carried unanimously (7-0).

Discussion ensued on the method of discussing variance in conjunction with the Point Analysis. The uniqueness of this property was also discussed.

2. Shock Hill Lodge Permit Extension, Tract C, Shock Hill (CN), 200 Shock Hill Drive (*Withdrawn at the request of the Applicant.*)
3. Shock Hill Lodge Permit Extension, Tract E, Shock Hill (CN), 260 Shock Hill Drive (*Withdrawn at the request of the Applicant.*)

OTHER:

Mr. Schroder announced his new Breckenridge P.O. Box as 2303

ADJOURNMENT:

The meeting was adjourned at 9:50 p.m.

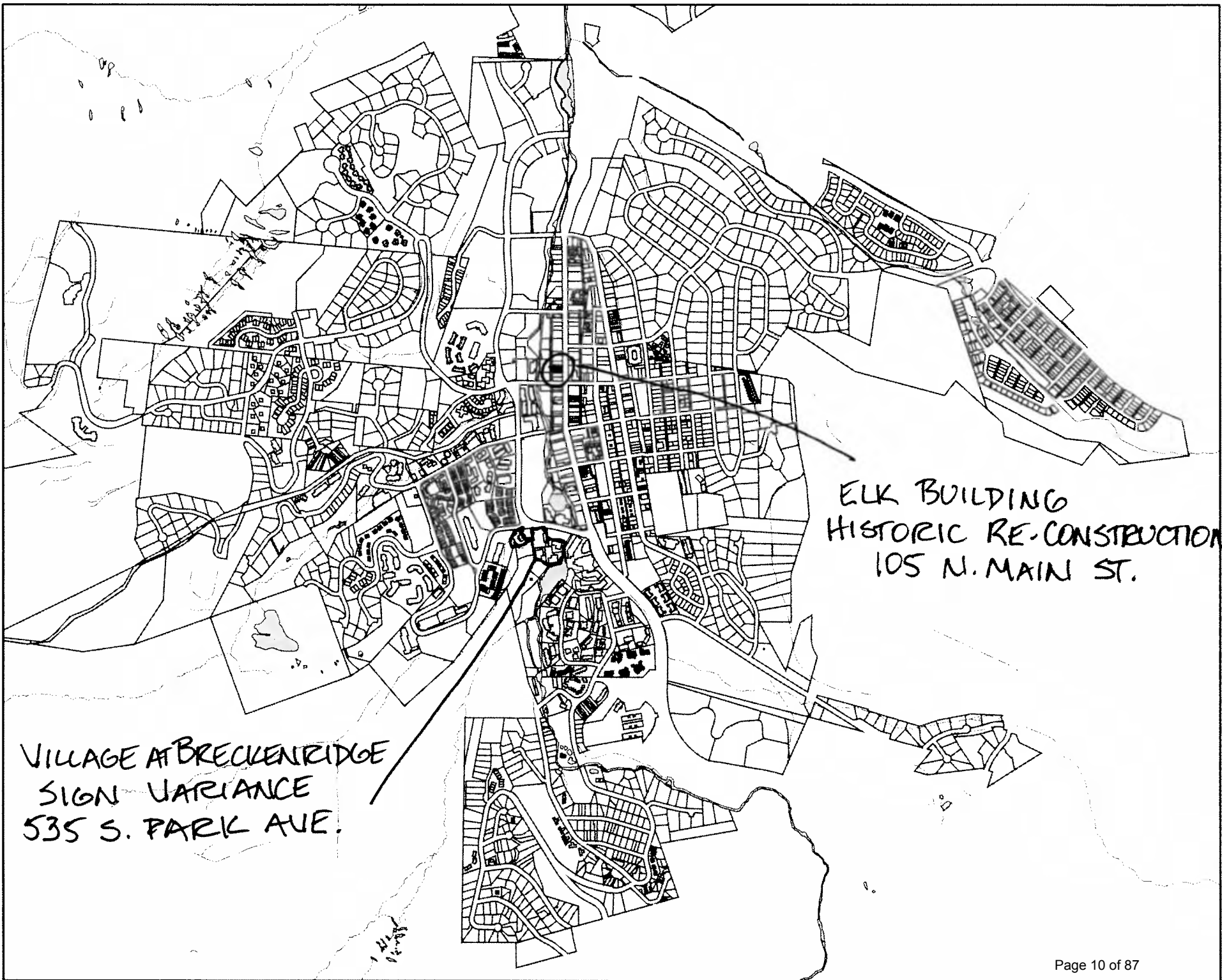
Rodney Allen, Chair



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 South

printed 2007



VILLAGE AT BRECKENRIDGE
SIGN VARIANCE
535 S. PARK AVE.

ELK BUILDING
HISTORIC RE-CONSTRUCTION
105 N. MAIN ST.

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen
DATE: November 3, 2010
SUBJECT: Committee Reports for 11.9.10 Council Packet

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

Summit Stage Board	James Phelps	October 27, 2010
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The Summit Stage Winter Service will begin Nov. 21, 2010.

The 2011 Summit Stage proposed budget is pending BOCC approval. The budget is status quo against previous two years. The proposed budget does not include any new service for 2011. The board is discussing the potential of achieving 30-minute service on the Frisco-Breckenridge route for summer 2011. This will be dependent on tax collection numbers thru Feb. 2011, as this will require additional dollars to operate. This service interest is to meet the Summit Stage goals of providing 30-minute service on all routes; currently this route operates at 40 minutes. The board has asked John Jones to provide cost information for future meeting discussion and feasibility.

Total Ridership for September: decrease of 10.64% under 2009. Para transit Ridership for September: a decrease of 23.19% under 2009. Late night Ridership for September: increase of 12.84% over 2009. Lake County (Contracted Route) Ridership – 253 riders, for the year 1832 riders. Tax Collections for August 2010 to date was up 4.8% or \$25,279.00. Tax Collection to date for 2010 up or \$49,188.00.

<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	No Meeting/Report
Wildfire Council	Matt Thompson	No Meeting/Report
Public Art Commission*	Jenn Cram	No Meeting/Report
Summit Stage Advisory Board*	James Phelps	Included
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.

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

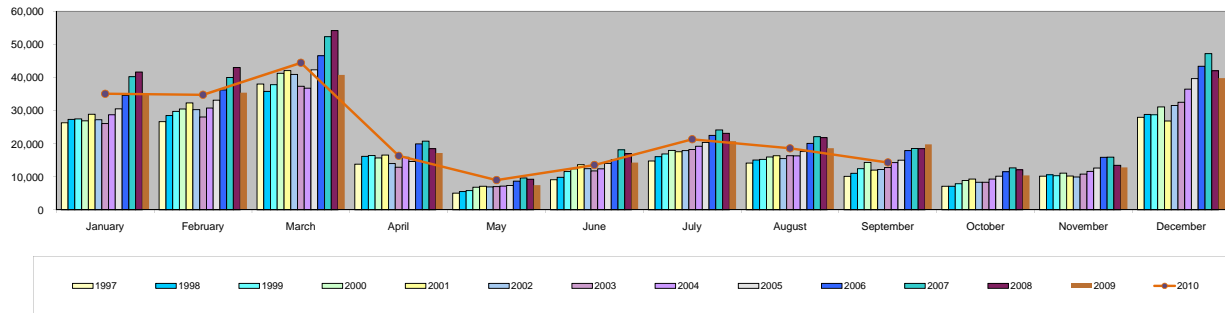
(in Thousands of Dollars)

Total - All Categories*

* excluding Undefined and Utilities categories

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	YTD 2009	YTD 2010	YTD % Change 09-10
January	26,315	27,355	27,490	26,938	28,887	27,264	26,117	28,764	30,549	34,589	40,283	41,665	34,783	35,105	0.9%	34,783	35,105	0.9%
February	26,667	28,510	29,777	30,510	32,350	30,295	28,093	30,808	33,171	36,236	40,034	43,052	35,453	34,791	-1.9%	70,236	69,896	-0.5%
March	38,037	35,824	37,843	41,307	42,120	40,962	37,377	36,807	42,370	46,603	52,390	54,237	40,810	44,485	9.0%	111,046	114,381	3.0%
April	13,809	16,196	16,407	15,702	16,565	13,982	12,868	15,894	14,635	19,963	20,758	18,483	17,171	16,346	-4.8%	128,217	130,727	2.0%
May	5,024	5,530	5,822	6,816	7,107	6,914	7,028	7,179	7,355	8,661	9,629	9,251	7,475	8,999	20.4%	135,692	139,726	3.0%
June	9,093	9,826	11,561	12,400	13,676	12,426	11,774	12,395	14,043	15,209	18,166	16,988	14,286	13,557	-5.1%	149,978	153,283	2.2%
July	14,791	16,080	16,899	17,949	17,575	17,909	18,273	19,208	20,366	22,498	24,168	23,160	20,788	21,346	2.7%	170,766	174,629	2.3%
August	14,145	15,077	15,253	15,994	16,389	15,508	16,362	16,326	17,625	20,071	22,125	21,845	18,656	18,603	-0.3%	189,422	193,232	2.0%
September	10,099	11,033	12,427	14,310	12,002	12,224	12,778	14,261	15,020	17,912	18,560	18,481	19,806	14,320	-27.7%	209,228	207,552	-0.8%
October	7,120	7,132	7,880	8,876	9,289	8,323	8,311	9,306	10,170	11,544	12,687	12,120	10,410	0	n/a	219,638	207,552	n/a
November	10,173	10,588	10,340	11,069	10,211	9,942	10,780	11,604	12,647	15,877	15,943	13,483	12,809	0	n/a	232,447	207,552	n/a
December	27,965	28,845	28,736	31,107	26,870	31,564	32,525	36,482	39,687	43,431	47,258	42,076	39,859	0	n/a	272,306	207,552	n/a
Totals	203,238	211,996	220,435	232,978	233,041	227,313	222,286	239,034	257,638	292,594	322,001	314,841	272,306	207,552				

2010 Monthly Sales Tax Activity (in thousands of dollars)



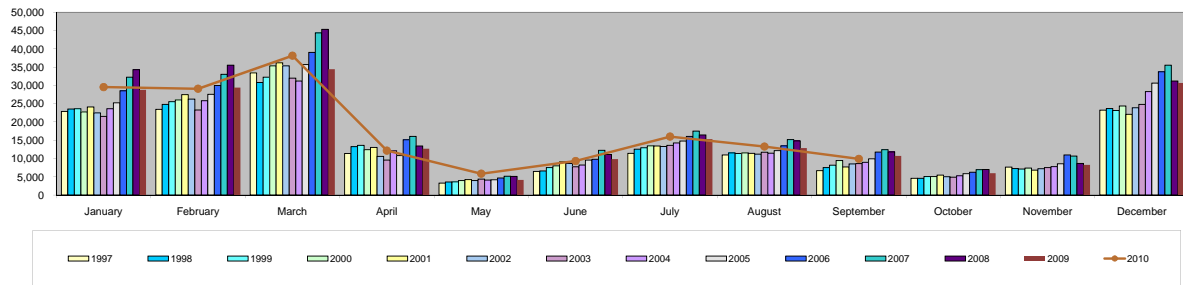
**TOWN OF BRECKENRIDGE
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail-Restaurant-Lodging Summary

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	YTD 2009	YTD 2010	YTD % Change 09-10
January	22,893	23,523	23,629	22,723	24,118	22,465	21,509	23,620	25,240	28,528	32,258	34,290	28,802	29,538	2.6%	28,802	29,538	2.6%
February	23,443	24,805	25,532	26,044	27,464	26,258	23,253	25,826	27,553	29,972	33,039	35,511	29,401	29,090	-1.1%	58,203	58,628	0.7%
March	33,414	30,809	32,254	35,348	36,196	35,344	31,988	31,209	35,705	39,051	44,390	45,338	34,428	38,136	10.8%	92,631	96,764	4.5%
April	11,347	13,256	13,579	12,426	13,029	10,587	9,562	12,102	10,773	15,134	16,025	13,410	12,653	12,154	-3.9%	105,284	108,918	3.5%
May	3,264	3,565	3,610	3,949	4,203	3,950	4,331	4,095	4,179	4,647	5,146	5,111	4,125	5,836	41.5%	109,409	114,754	4.9%
June	6,451	6,588	7,513	8,001	9,058	8,619	7,724	8,217	9,568	9,789	12,225	11,112	9,829	9,302	-5.4%	119,238	124,056	4.0%
July	11,405	12,527	12,944	13,464	13,406	13,292	13,590	14,248	14,766	16,038	17,499	16,446	15,305	15,993	4.5%	134,543	140,049	4.1%
August	10,981	11,517	11,352	11,542	11,407	11,174	11,717	11,429	12,122	13,446	15,167	14,815	12,859	13,261	3.1%	147,402	153,310	4.0%
September	6,687	7,492	8,160	9,443	7,666	8,513	8,599	8,940	9,897	11,761	12,418	11,794	10,705	9,894	-7.6%	158,107	163,204	3.2%
October	4,560	4,578	5,049	5,054	5,425	4,991	4,855	5,257	5,824	6,248	6,934	6,977	5,986	0	n/a	164,093	163,204	n/a
November	7,617	7,255	7,122	7,352	6,816	7,174	7,511	7,771	8,557	10,963	10,650	8,637	8,234	0	n/a	172,327	163,204	n/a
December	23,219	23,650	23,124	24,361	22,090	23,901	24,818	28,314	30,619	33,736	35,517	31,211	30,667	0	n/a	202,994	163,204	n/a
Totals	165,281	169,565	173,868	179,707	180,878	176,268	169,457	181,028	194,803	219,313	241,268	234,652	202,994	163,204				

2010 Monthly Sales Tax Activity (in thousands of dollars)



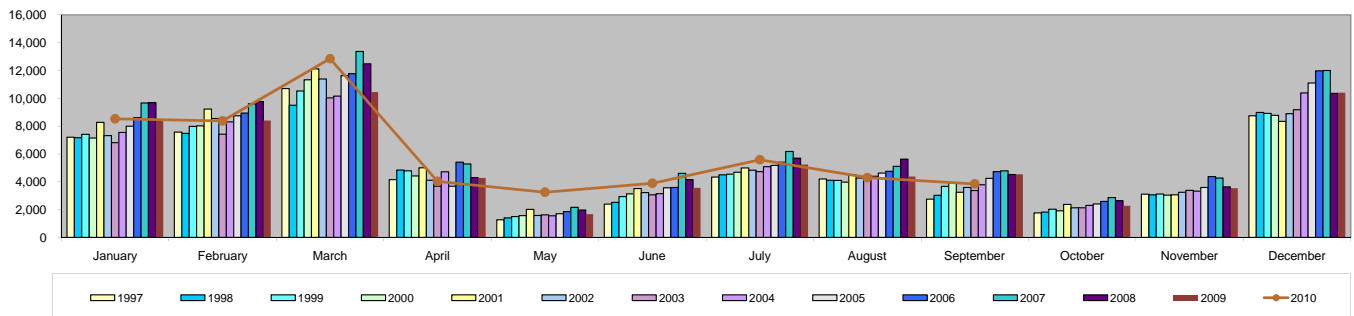
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail Sales

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	7,205	7,173	7,411	7,149	8,271	7,320	6,807	7,545	8,001	8,607	9,665	9,684	8,430	8,530	1.2%	8,430	8,530	1.2%
February	7,568	7,474	7,983	8,024	9,231	8,549	7,418	8,312	8,744	8,942	9,607	9,763	8,401	8,378	-0.3%	16,831	16,908	0.5%
March	10,702	9,507	10,525	11,337	12,116	11,390	10,028	10,162	11,632	11,774	13,373	12,479	10,449	12,851	23.0%	27,280	29,759	9.1%
April	4,156	4,841	4,789	4,423	5,008	4,105	3,679	4,714	3,678	5,406	5,287	4,301	4,274	4,032	-5.7%	31,554	33,791	7.1%
May	1,272	1,408	1,492	1,569	2,014	1,583	1,626	1,549	1,708	1,858	2,165	1,965	1,675	3,251	94.1%	33,229	37,042	11.5%
June	2,391	2,521	2,931	3,135	3,514	3,227	3,062	3,140	3,565	3,589	4,597	4,153	3,558	3,895	9.5%	36,787	40,937	11.3%
July	4,336	4,499	4,543	4,678	4,998	4,838	4,732	5,087	5,174	5,403	6,176	5,700	5,240	5,582	6.5%	42,027	46,519	10.7%
August	4,199	4,109	4,100	3,973	4,492	4,269	4,429	4,397	4,620	4,757	5,110	5,631	4,384	4,302	-1.9%	46,411	50,821	9.5%
September	2,753	3,021	3,671	3,944	3,242	3,587	3,370	3,781	4,249	4,726	4,783	4,527	4,536	3,848	-15.2%	50,947	54,669	7.3%
October	1,759	1,815	2,024	1,908	2,374	2,132	2,127	2,298	2,404	2,591	2,866	2,635	2,277	0	n/a	53,224	54,669	n/a
November	3,108	3,060	3,124	3,041	3,057	3,249	3,378	3,326	3,586	4,376	4,267	3,641	3,540	0	n/a	56,764	54,669	n/a
December	8,746	8,985	8,919	8,782	8,338	8,893	9,184	10,388	11,099	11,971	12,000	10,358	10,403	0	n/a	67,167	54,669	n/a
Totals	58,195	58,413	61,512	61,963	66,655	63,142	59,840	64,699	68,460	74,000	79,896	74,837	67,167	54,669				

2010 Monthly Sales Tax Activity (in thousands of dollars)



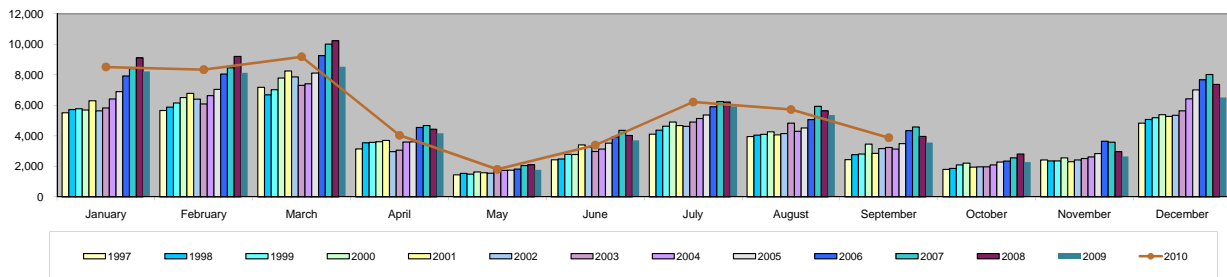
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Restaurants/Bars

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	5,515	5,723	5,784	5,697	6,300	5,644	5,835	6,425	6,897	7,924	8,414	9,117	8,231	8,515	3.5%	8,231	8,515	3.5%
February	5,667	5,880	6,162	6,519	6,783	6,412	6,092	6,637	7,047	8,058	8,467	9,208	8,129	8,343	2.6%	16,360	16,858	3.0%
March	7,180	6,688	7,031	7,792	8,258	7,870	7,307	7,413	8,117	9,256	10,015	10,240	8,527	9,186	7.7%	24,887	26,044	4.6%
April	3,149	3,548	3,576	3,624	3,706	2,967	3,068	3,595	3,609	4,552	4,678	4,440	4,173	4,042	-3.1%	29,060	30,086	3.5%
May	1,454	1,541	1,492	1,641	1,590	1,561	1,808	1,746	1,760	1,832	2,058	2,107	1,783	1,812	1.6%	30,843	31,898	3.4%
June	2,437	2,488	2,796	2,779	3,413	3,257	2,982	3,136	3,525	3,938	4,370	4,030	3,712	3,397	-8.5%	34,555	35,295	2.1%
July	4,113	4,380	4,639	4,910	4,675	4,632	4,913	5,138	5,375	5,905	6,249	6,218	5,931	6,222	4.9%	40,486	41,517	2.5%
August	3,953	4,056	4,106	4,270	4,068	4,156	4,832	4,302	4,521	5,067	5,933	5,639	5,365	5,729	6.8%	45,851	47,246	3.0%
September	2,452	2,770	2,814	3,468	2,860	3,169	3,249	3,138	3,498	4,340	4,585	3,971	3,565	3,883	8.9%	49,416	51,129	3.5%
October	1,807	1,870	2,097	2,220	1,959	1,977	1,978	2,100	2,290	2,352	2,564	2,818	2,285	0	n/a	51,701	51,129	n/a
November	2,428	2,364	2,367	2,558	2,307	2,425	2,520	2,624	2,841	3,651	3,593	2,972	2,649	0	n/a	54,350	51,129	n/a
December	4,834	5,076	5,191	5,393	5,275	5,354	5,646	6,428	7,017	7,681	8,028	7,371	6,524	0	n/a	60,874	51,129	n/a
Totals	44,989	46,384	48,055	50,871	51,194	49,424	50,230	52,682	56,497	64,556	68,954	68,131	60,874	51,129				

2010 Monthly Sales Tax Activity (in thousands of dollars)



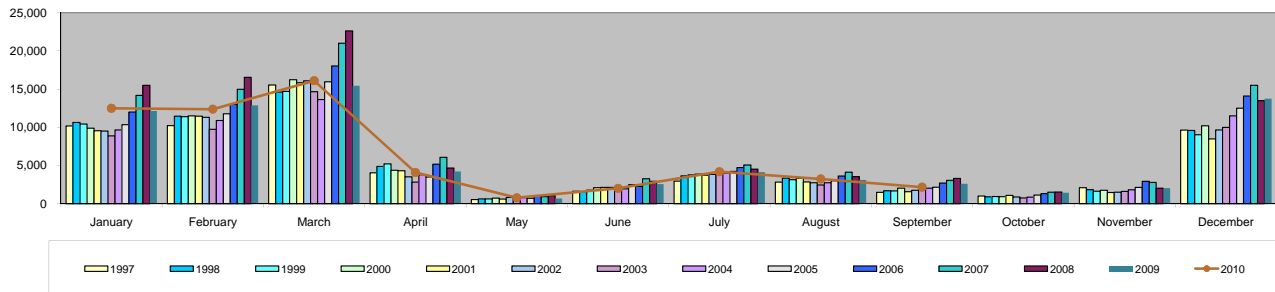
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Short-Term Lodging

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	10,173	10,627	10,434	9,877	9,547	9,501	8,867	9,650	10,342	11,997	14,179	15,489	12,141	12,493	2.9%	12,141	12,493	2.9%
February	10,208	11,451	11,387	11,501	11,450	11,297	9,743	10,877	11,762	12,972	14,965	16,540	12,871	12,369	-3.9%	25,012	24,862	-0.6%
March	15,532	14,614	14,698	16,219	15,822	16,084	14,653	13,634	15,956	18,021	21,002	22,619	15,452	16,099	4.2%	40,464	40,961	1.2%
April	4,042	4,867	5,214	4,379	4,315	3,515	2,815	3,793	3,486	5,176	6,060	4,669	4,206	4,080	-3.0%	44,670	45,041	0.8%
May	538	616	626	739	599	806	897	800	711	957	923	1,039	667	773	15.9%	45,337	45,814	1.1%
June	1,623	1,579	1,786	2,087	2,131	2,135	1,680	1,941	2,478	2,262	3,258	2,929	2,559	2,010	-21.5%	47,896	47,824	-0.2%
July	2,956	3,648	3,762	3,876	3,733	3,822	3,945	4,023	4,217	4,730	5,074	4,528	4,134	4,189	1.3%	52,030	52,013	0.0%
August	2,829	3,352	3,146	3,299	2,847	2,749	2,456	2,730	2,981	3,622	4,124	3,545	3,110	3,230	3.9%	55,140	55,243	0.2%
September	1,482	1,701	1,675	2,031	1,564	1,757	1,980	2,021	2,150	2,695	3,050	3,296	2,604	2,163	-16.9%	57,744	57,406	-0.6%
October	994	893	928	926	1,092	882	750	859	1,130	1,305	1,504	1,524	1,424	0	n/a	59,168	57,406	n/a
November	2,081	1,831	1,631	1,753	1,452	1,500	1,613	1,821	2,130	2,936	2,790	2,024	2,045	0	n/a	61,213	57,406	n/a
December	9,639	9,589	9,014	10,186	8,477	9,654	9,988	11,498	12,503	14,084	15,489	13,482	13,740	0	n/a	74,953	57,406	n/a
Totals	62,097	64,768	64,301	66,873	63,029	63,702	59,387	63,647	69,846	80,757	92,418	91,684	74,953	57,406				

2010 Monthly Sales Tax Activity (in thousands of dollars)



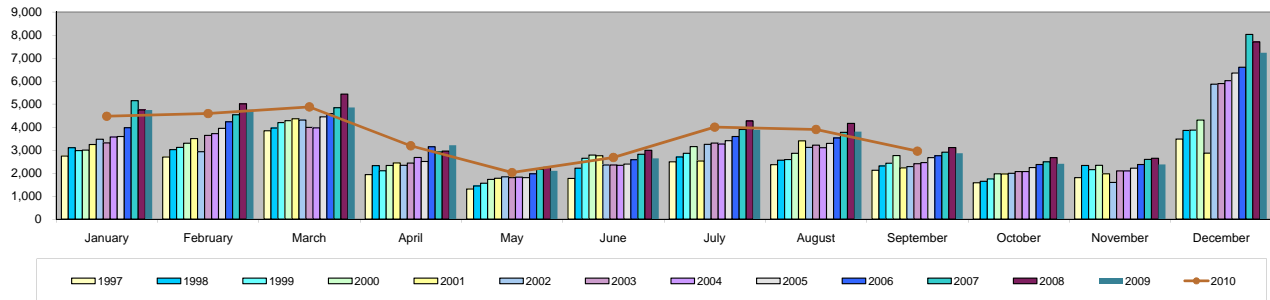
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Grocery/Liquor Stores

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	2,746	3,104	2,977	2,999	3,242	3,472	3,314	3,570	3,589	3,977	5,149	4,744	4,741	4,472	-5.7%	4,741	4,472	-5.7%
February	2,702	3,020	3,119	3,296	3,501	2,931	3,643	3,714	3,949	4,233	4,536	5,009	4,755	4,590	-3.5%	9,496	9,062	-4.6%
March	3,839	3,960	4,199	4,282	4,366	4,311	3,988	3,968	4,449	4,585	4,844	5,436	4,852	4,877	0.5%	14,348	13,939	-2.9%
April	1,937	2,325	2,105	2,330	2,441	2,336	2,437	2,682	2,503	3,149	2,920	2,959	3,213	3,186	-0.8%	17,561	17,125	-2.5%
May	1,309	1,440	1,558	1,728	1,779	1,836	1,801	1,823	1,806	1,969	2,169	2,246	2,100	2,024	-3.6%	19,661	19,149	-2.6%
June	1,772	2,214	2,648	2,784	2,760	2,352	2,354	2,341	2,392	2,584	2,822	2,990	2,643	2,682	1.5%	22,304	21,831	-2.1%
July	2,494	2,701	2,862	3,152	2,527	3,253	3,303	3,266	3,414	3,588	3,899	4,264	3,881	3,999	3.0%	26,185	25,830	-1.4%
August	2,364	2,559	2,587	2,861	3,404	3,117	3,216	3,103	3,292	3,529	3,771	4,161	3,807	3,896	2.3%	29,992	29,726	-0.9%
September	2,122	2,311	2,430	2,765	2,231	2,284	2,409	2,456	2,671	2,757	2,908	3,113	2,864	2,955	3.2%	32,856	32,681	-0.5%
October	1,584	1,644	1,748	1,969	1,965	1,990	2,066	2,069	2,239	2,372	2,494	2,673	2,408	0	n/a	35,264	32,681	n/a
November	1,804	2,330	2,152	2,339	1,970	1,597	2,096	2,096	2,214	2,377	2,600	2,647	2,379	0	n/a	37,643	32,681	n/a
December	3,477	3,858	3,869	4,305	2,865	5,868	5,897	6,017	6,356	6,604	8,028	7,705	7,234	0	n/a	44,877	32,681	n/a
Totals	28,150	31,466	32,254	34,810	33,051	35,347	36,524	37,105	38,874	41,724	46,140	47,947	44,877	32,681				

2010 Monthly Sales Tax Activity (in thousands of dollars)



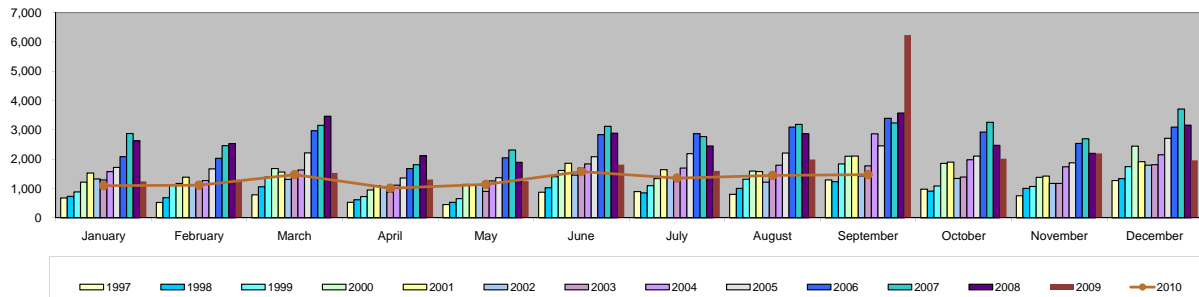
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Supplies

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	676	728	884	1,216	1,527	1,327	1,294	1,574	1,720	2,084	2,876	2,631	1,240	1,095	-11.7%	1,240	1,095	-11.7%
February	522	685	1,126	1,170	1,385	1,106	1,197	1,268	1,669	2,031	2,459	2,532	1,297	1,111	-14.3%	2,537	2,206	-13.0%
March	784	1,055	1,390	1,677	1,558	1,307	1,401	1,630	2,216	2,967	3,156	3,463	1,530	1,472	-3.8%	4,067	3,678	-9.6%
April	525	615	723	946	1,095	1,059	869	1,110	1,359	1,680	1,813	2,114	1,305	1,006	-22.9%	5,372	4,684	-12.8%
May	451	525	654	1,139	1,125	1,128	896	1,261	1,370	2,045	2,314	1,894	1,250	1,139	-8.9%	6,622	5,823	-12.1%
June	870	1,024	1,400	1,615	1,858	1,455	1,696	1,837	2,083	2,836	3,119	2,886	1,814	1,573	-13.3%	8,436	7,396	-12.3%
July	892	852	1,093	1,333	1,642	1,364	1,380	1,694	2,186	2,872	2,770	2,450	1,602	1,354	-15.5%	10,038	8,750	-12.8%
August	800	1,001	1,314	1,591	1,578	1,217	1,429	1,794	2,211	3,096	3,187	2,869	1,990	1,446	-27.3%	12,028	10,196	-15.2%
September	1,290	1,230	1,837	2,102	2,105	1,427	1,770	2,865	2,452	3,394	3,234	3,574	6,237	1,471	-76.4%	18,265	11,667	-36.1%
October	976	910	1,083	1,853	1,899	1,342	1,390	1,980	2,107	2,924	3,259	2,470	2,016	0	n/a	20,281	11,667	n/a
November	752	1,003	1,066	1,378	1,425	1,171	1,173	1,737	1,876	2,537	2,693	2,199	2,196	0	n/a	22,477	11,667	n/a
December	1,269	1,337	1,743	2,441	1,915	1,795	1,810	2,151	2,712	3,091	3,713	3,160	1,958	0	n/a	24,435	11,667	n/a
Totals	9,807	10,965	14,313	18,461	19,112	15,698	16,305	20,901	23,961	31,557	34,593	32,242	24,435	11,667				

2010 Monthly Sales Tax Activity (in thousands of dollars)



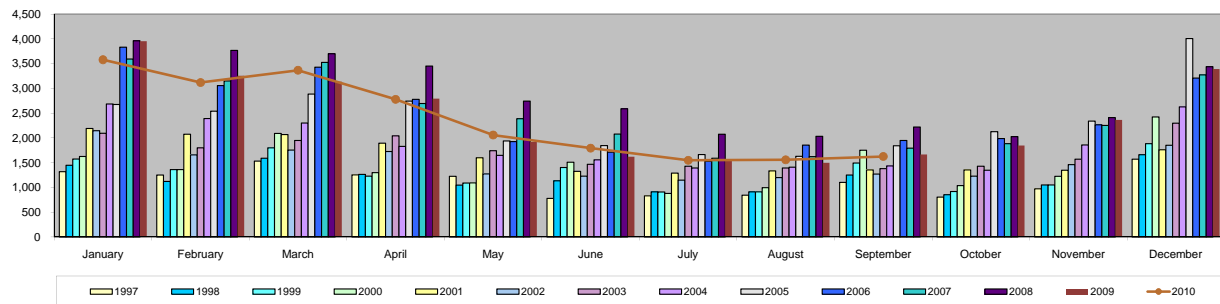
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Utilities

	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Monthly 09-10	Actual 2009	Actual 2010	YTD 09-10
January	1,320	1,446	1,575	1,625	2,191	2,144	2,093	2,684	2,675	3,829	3,591	3,961	3,950	3,577	-9.4%	3,950	3,577	-9.4%
February	1,250	1,121	1,360	1,359	2,075	1,659	1,800	2,391	2,540	3,056	3,149	3,765	3,253	3,118	-4.2%	7,203	6,695	-7.1%
March	1,533	1,591	1,799	2,090	2,067	1,754	1,947	2,299	2,883	3,428	3,525	3,699	3,134	3,365	7.4%	10,337	10,060	-2.7%
April	1,255	1,262	1,227	1,299	1,894	1,724	2,040	1,827	2,741	2,778	2,694	3,448	2,792	2,779	-0.5%	13,129	12,839	-2.2%
May	1,226	1,047	1,089	1,091	1,599	1,272	1,740	1,647	1,939	1,926	2,386	2,742	1,917	2,057	7.3%	15,046	14,896	-1.0%
June	780	1,133	1,402	1,510	1,325	1,228	1,466	1,558	1,846	1,713	2,078	2,588	1,620	1,793	10.7%	16,666	16,689	0.1%
July	830	913	907	880	1,289	1,147	1,427	1,394	1,663	1,529	1,588	2,075	1,539	1,548	0.6%	18,205	18,237	0.2%
August	844	910	913	994	1,336	1,198	1,393	1,408	1,629	1,854	1,621	2,031	1,497	1,558	4.1%	19,702	19,795	0.5%
September	1,103	1,249	1,494	1,752	1,354	1,271	1,381	1,435	1,843	1,949	1,792	2,219	1,667	1,625	-2.5%	21,369	21,420	0.2%
October	804	854	917	1,039	1,353	1,227	1,429	1,348	2,127	1,987	1,883	2,026	1,845	0	n/a	23,214	21,420	n/a
November	974	1,049	1,052	1,225	1,348	1,461	1,569	1,856	2,340	2,264	2,251	2,411	2,364	0	n/a	25,578	21,420	n/a
December	1,570	1,661	1,885	2,423	1,760	1,852	2,297	2,627	4,005	3,206	3,271	3,435	3,389	0	n/a	28,967	21,420	n/a
Totals	13,489	14,236	15,620	17,287	19,591	17,937	20,582	22,474	28,231	29,519	29,829	34,400	28,967	21,420				

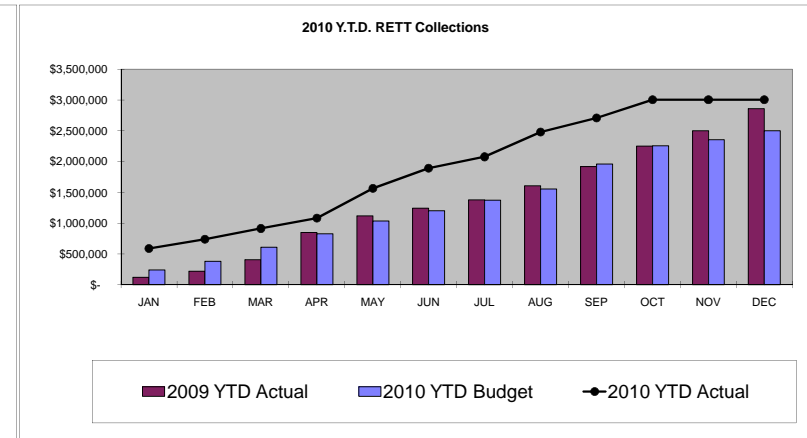
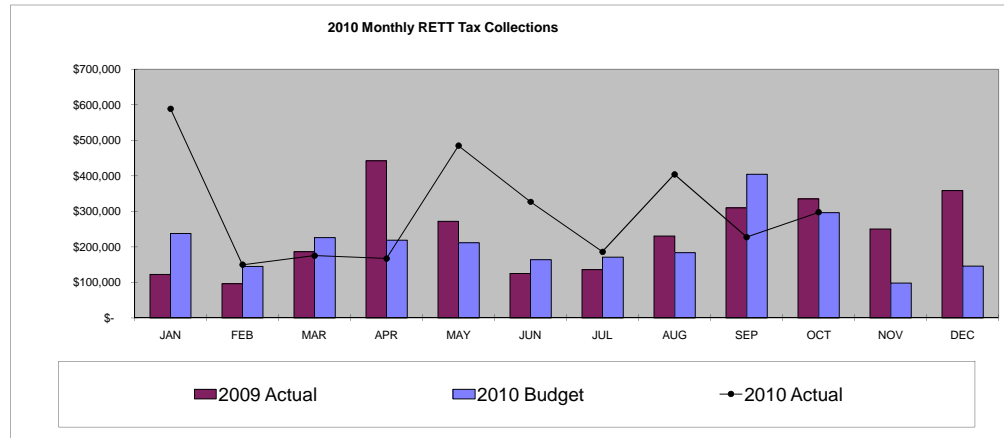
2010 Monthly Sales Tax Activity (in thousands of dollars)



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

Sales Period	2007 Collections			2009 Collections			2010 Budget			2010 Monthly				2010 Year to Date			
	Tax Collected	Year To Date	Percent of Total	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	% Change from 2007	% Change from 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%	227,439	56.2%	-68.1%	-26.6%	2,709,285	138.2%	-36.1%	41.3%
OCT	392,752	4,631,779	81.6%	334,899	2,252,591	78.7%	296,502	2,256,623	90.26%	297,460	100.3%	-24.3%	-11.2%	3,006,745	133.2%	-35.1%	33.5%
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	3,006,745	127.7%	-40.9%	20.1%
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	\$ 3,006,745	120.3%	-47.0%	5.1%

October #s are as of 10/31/10



RETT Churn Estimates

	YTD	1 Ski Hill	Grand Lodge	Beaver Run	Total Projects	YTD (projects excluded)	Year End	
2009	2,252,591		(450,000)		(450,000)	1,802,591	2,050,000	actual
2010	3,007,361	(422,000)	(392,500)	(220,000)	(1,034,500)	1,972,861	2,339,750	projected

NOTES: The above table shows 2009 actual RETT results as of 10/31 compared to 2010 RETT results as of 10/27. Non-recurring projects are then subtracted and the remaining activity is compared. This analysis shows that 2010 projected RETT activity, excluding projects, is 14.1% above 2009 levels.

MEMO

TO: Town Council

FROM: Chris Neubecker

RE: Shock Hill Lodge Development Agreement

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

Town Council approved a Development Agreement with AZCO II in March of 2007 for the development of the Shock Hill Lodge adjacent to the Shock Hill gondola turn-station. The Development Agreement set forth the conditions of the development, including transfers of density, the general layout of the site plan, building setbacks from steep slopes near Cucumber Gulch, and best management practices.

In January 2008 the Town Council approved Development Permits #2007108 and 2007109 for the construction of condo-hotels on Tracts E and C, Shock Hill. Tract E was approved as a 57-unit condo-hotel with commercial spa, small bar, café, outdoor pool and hot tubs, and underground parking. The project was approved with a transfer of 6 SFEs of density. Tract C was approved as a 52-unit condo-hotel with a small support/amenity café and underground parking garage. Tract C was approved with a transfer of 33 SFEs of density to this site. The development permits for both Tract E and Tract C is set to expire January 21, 2011.

At this time, the investors in the Shock Hill Lodge do not believe that it is possible to sell or finance the Shock Hill Lodge as it was approved. John Niemi from Mesa Homes Development (one of the primary investors) will attend the work session on Tuesday afternoon to explain the issues they have been facing, and to share his vision on how this property could be developed in the future. This would likely involve an amendment to the Development Agreement. In addition, he will be seeking an extension to the vesting of the current development permit. Staff will also be in attendance to hear the Council's direction on this issue.

Memorandum

To: Town Council

From: Open Space Staff

Date: November 9, 2010

Re: Cucumber Gulch Summer Use Impacts

In the last few months, Town Council anticipated the possibility of additional natural resource impacts in the Cucumber Gulch Preserve based on recent changes in human use patterns in and around the Preserve. These changes included:

- Use of the gondola to transport people from the ski resort parking areas to the Peaks 7 and 8 base areas during the summer season,
- Occupation of One Ski Hill Place at Peak 8 and a new phase of the Grand Lodge for the first time during the summer season, and
- A commercial hiking program in the Preserve based out of the Breckenridge Ski Resort.

Studies were undertaken to evaluate the impacts of these changes in use. These studies are detailed below.

Gondola Study

A study titled “Effects of summer gondola operation on avian populations in Cucumber Gulch, Breckenridge, Colorado” was conducted by the Town’s wildlife monitoring consultant Christy Carello and paid for by Breckenridge Ski Resort. The focus of the study was on birds because the Cucumber Gulch Preserve wetlands and surrounding areas are ideal habitat for numerous migratory bird species during their nesting season between May and August. The avian species that nest in Cucumber Gulch are an important part of the local ecosystem and, because they are relatively sensitive to habitat changes, can act as “bellweathers” or indicators of change due to human actions.

The study used a Before-After/Control-Impact design. Point counts of number of birds were done along both the gondola path and along a control transect¹. The point counts were done every day for seven days before the first day of the regular gondola operation and then for seven days after it began operating. There were five sites (each with 50 meter radius) selected randomly along the gondola path, each spaced at least 200 meters apart. Five control sites were also selected matching habitat types similar in type to those in the gondola path, which were also a minimum of 200 meters apart. Initially it was discussed that more sites (up to 12) would be used (as more data is always better from a statistical perspective in a study), but because of the need to space them at least 200 meters apart, the study was limited to 5 sites along the gondola path. The point counts were done between 5:30 and 8:00 am by experienced biologic technicians. After the field work was completed, statistical analyses were conducted to evaluate 1) changes in four specific variables (abundance, species richness, species

¹ A transect is a line or path along which ecological measurements are taken at determined intervals. The control transect in this case is a line which is similar in ecological characteristics and habitat types to the gondola line, but one in which no other changes are expected to occur.

diversity, and species evenness²), and 2) changes in species identified as management indicator species by either the Birds in Flight Program or the U.S. Department of Agriculture³.

The results of the analyses were the following:

- There was no statistically significant change (either an increase or decrease) in three of the four variables evaluated (species richness, species evenness, and species diversity).
- There was a statistically significant decrease in the *abundance* of birds (the fourth variable evaluated) after the gondola began operating. The number of individual birds decreased on average 2.5 birds/site (per day) or 12.5 birds/day following the gondola operation, whereas there was no statistical change in abundance at the control sites.
- There was no statistically significant change (increase or decrease) in the numbers of three of the four management indicator species evaluated. One of the four management indicator species evaluated however, the Wilson's Warbler, experienced a statistically significant decrease in numbers along the gondola line, whereas this was not the case along the control transect. The number of Wilson's Warblers decreased by one warbler/site (per day) or five less total per day along the entire gondola transect.

The original report done by Christy Carello, a review of the Carello report done by Rick Thompson of Western Ecosystems, and a response to Rick Thompson's review by Carello are all included in the packet for Town Council review.

There was anecdotal evidence noted in the study that the Violet Green Swallows might be using cavities under the gondola cars for nesting and were thus disturbed once the gondola began operation. It was suggested that the ski resort take proactive measures next summer season to prevent this potential breeding disruption for this species.

This study was very narrowly focused both spatially and by virtue of the species evaluated. The results therefore have to be evaluated within that context. It is possible that the effects recognized are localized, meaning the impacts are isolated to a small area as opposed to throughout the Preserve. It is impossible to extrapolate greater impacts (whether positive or negative) to the individuals or populations of the Preserve beyond what was specifically studied. For this reason, when BOSAC discussed this issue, they had the following comments/recommendations:

- The avian species should have also been evaluated later in the season to determine if the situation would have normalized after the initial impacts of running the gondola.

² Abundance is the number of individual birds/site; species richness is the mean number of species/site, species diversity is an index that is the function of the number of species present and the evenness with which individuals are distributed among the species; and species evenness is an index quantifying how equal a community is numerically (e.g. if there are 40 robins and two hummingbirds, the community is not very even. But if there are 40 robins and 42 hummingbirds, the community is quite even).

³ The four management indicator species evaluated were the Broad-tailed Hummingbird, Cordilleran Flycatcher, Wilson's Warbler, and Lincoln's Sparrow.

- The “value” of the species effected should be considered (e.g. whether the negative effects were to cowbirds or species considered to be more beneficial)
- The study provides a good baseline. The Town should consider doing this annually and potentially incorporating it into the monitoring program if the ski area opts to not continue the study. In the future, the study should begin before any maintenance days for the gondola operations to ensure an accurate pre-operational evaluation.
- In general, we need to look at a larger context. The Town collects a lot of data on avian species annually. We should take this study of limited scope and evaluate it against the greater pool of information we collect to see if there are changes over times on a larger scale.
- To decrease the impacts in the Gulch, the Town needs to direct more users to the new Peaks Connect Trail. Although this new trail is working well, a better connection needs to be across the base of the Peak 8 area that prevents trail users from needing to go through the congested base area.

Trail Use in Cucumber Gulch Preserve

The other summer uses and subsequent impacts were not studied on a quantitative level similar to that of the gondola. The only metric that we have to work from is the number of people/day as reported by our trail counters at specific portals around the Preserve. These portals are at the following locations:

Gold Digger: at the beginning of the Training Loop trail behind the Dayton’s shed

Overlook: on the Shock Hill Trail near the rock at the overlook

Peaks TH/Toad Alley: at the entrance to the Preserve from the Peaks Trail parking lot

Sauna: at the beginning of the Penn Lode trail

White Wolf: at the entrance to the Preserve from Highwood Circle

The trail counters were set up at the above locations both in 2009 and in 2010. Graphs A and B included in the packet show the patterns of user numbers by location by date for both of these years. Some of the conclusions that can be made from the graphs are as follows:

- The Peaks TH/Toad Alley entrance (until next year this has been called the “Peaks Connect”) receives the most amount of use, with the Overlook being the second most popular entrance. This may be in part due to the fact that some users may do an out and back from the Peaks TH.
- The use during both years was cyclical in nature, but usually higher on the weekends.
- The numbers definitely increased from 2009 to 2010. The trail counter measurements are somewhat crude, but the graphs do show that at the Peaks TH, the daily user numbers peaked at 160 in 2009 and 225 in 2010. In 2009 the range during the middle of the summer was largely between 80 and 120 people, whereas it was between 80 and 150 people in 2010.

At the Overlook, the numbers peaked at the 110 in 2009 and 140 in 2010. In 2009 the range was generally between 40 and 90 at this entrance, whereas in 2010 it was between 40 and 120.

Beyond these trail counter numbers, we do know the numbers of Breckenridge Ski Resort hiking program participants taken into Cucumber reported on a monthly basis. In July the program had 11 participants, in August there were 3 and in September there were none. The ski resort had very good weather this summer and was largely able to keep their hikes on the mountain, therefore mostly avoiding the use of the Cucumber trails.

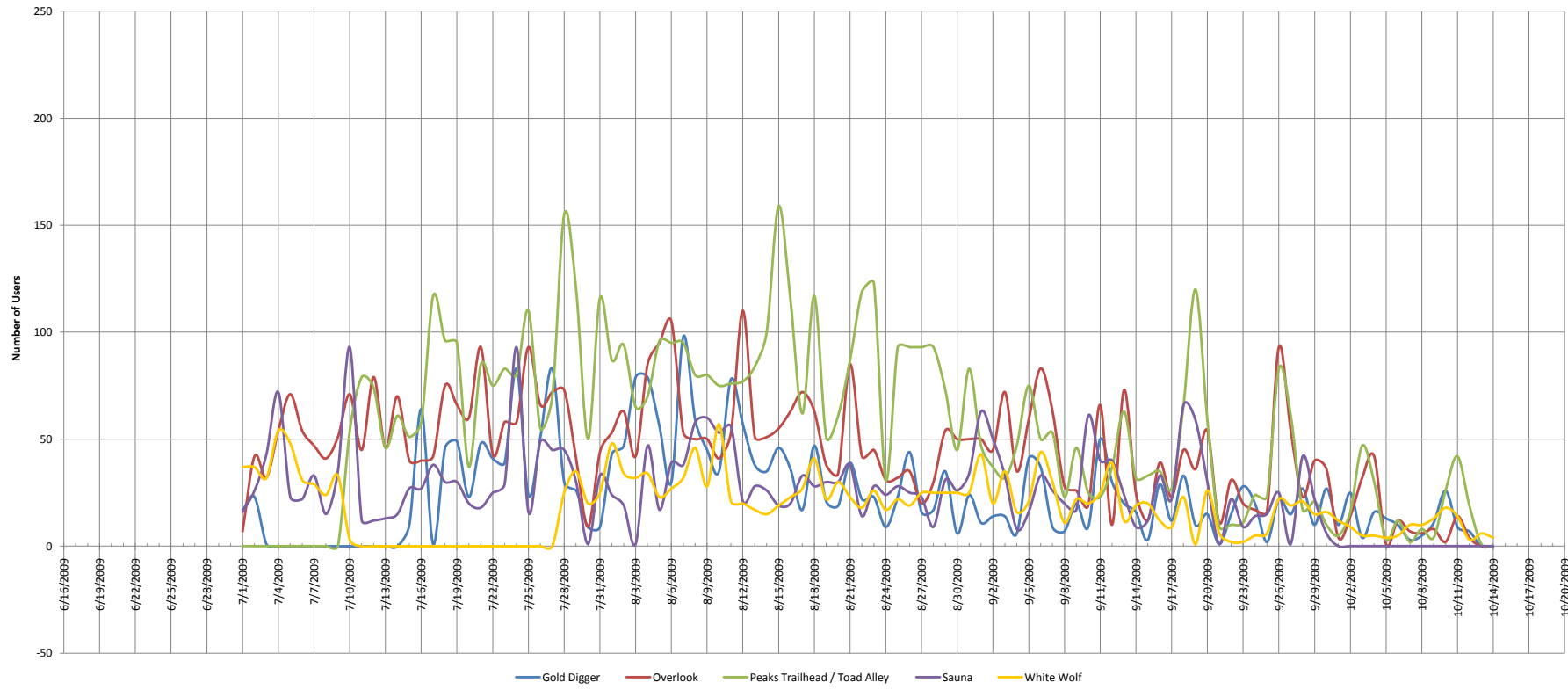
For these last two years, the trail counters have been the only measurement of use in the Cucumber Gulch Preserve. Council has already discussed a \$10,000 increase in the monitoring budget to be able to focus more specifically on the impacts to wildlife from human use (i.e. trail use) types and levels in 2011. Previously human use levels have been measured strictly by trail impacts and this study will make a more direct connection with wildlife impacts.

Council Input

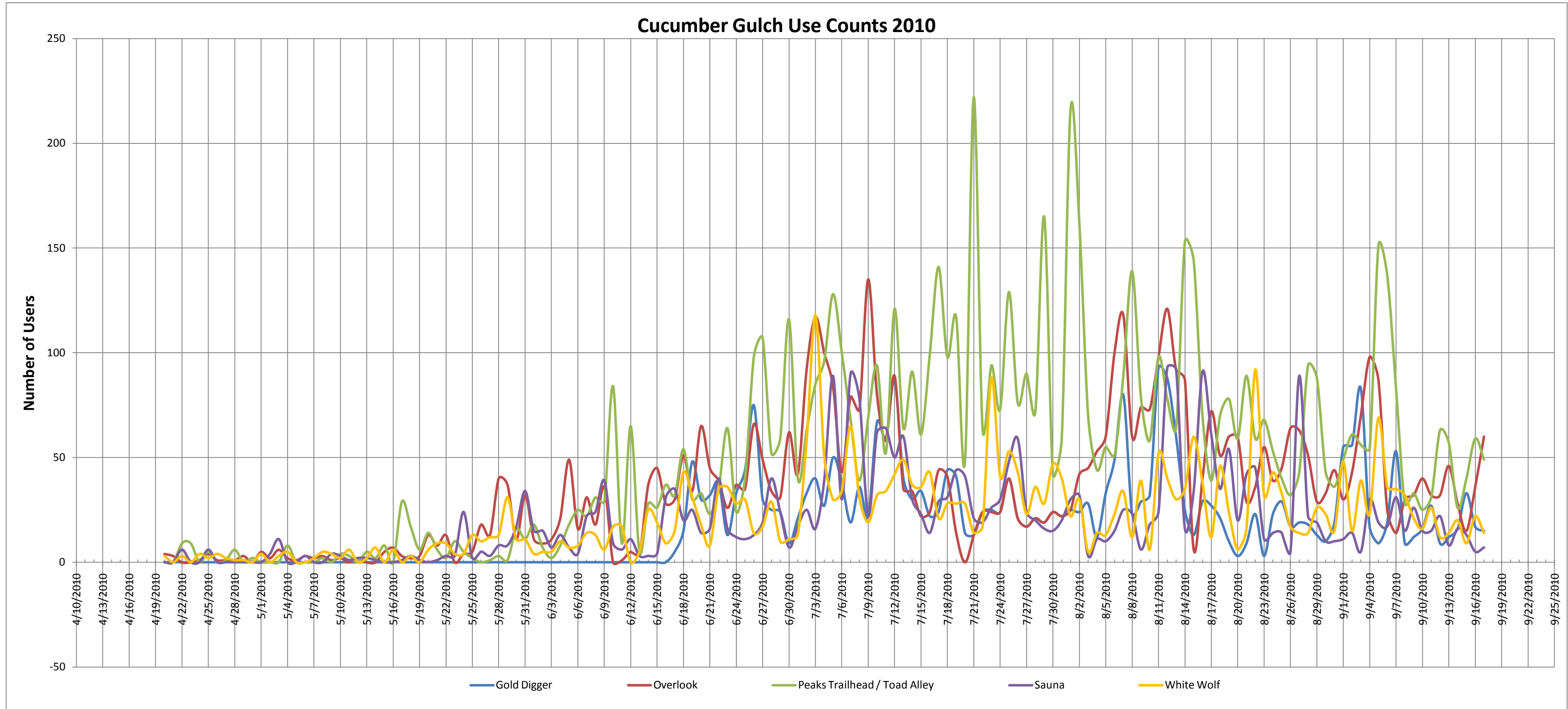
With this information gathered about the gondola impacts and the numbers of people entering Cucumber Gulch, there are several policy questions that Town Council might like to discuss. Staff would like to have input on the following questions:

1. Does Council agree with the BOSAC recommendations?
2. Was enough information gathered on the gondola summer impacts?
3. Does Council want to also continue the specific study on the gondola impacts next year? An alternative might be to incorporate into our annual monitoring program an element that evaluates the localized versus broader impacts of the gondola on the avian species.
4. Is Council comfortable with allowing the use of the gondola during the summer of 2011? If so, are there any additional conditions that should be placed on the approval of the operation, such as a) BSR taking proactive measures to prevent birds from nesting in the gondola cavities, b) BSR completing the new Peaks Connect trails connection across Peak 8 to avoid the base area, c) placing seasonal closures on the Town trails in the Preserve that coincide with those of the gondola?
5. Are there any other observations or concerns that Council may have in light of this information?

Cucumber Use Counts 2009



Cucumber Gulch Use Counts 2010



Effects of summer gondola operation on avian populations in Cucumber Gulch, Breckenridge, Colorado

Submitted to the Town of Breckenridge on September 10, 2010

by

Christy Carello, PhD.

of

Emerald Planet Conservation Consulting, LLC



Image of wetland complex and gondola in Cucumber Gulch, Breckenridge, Colorado

INTRODUCTION

The Cucumber Gulch Wildlife Preserve (CGWP) contains 77 acres of a unique and fragile mountain wetland system in central Colorado. This fen wetland system is surrounded by mixed conifer forest and the town of Breckenridge. This preserve is a haven for wildlife in an area with high levels of human activity. It has been designated an Aquatic Resource of National Importance (ARNI) by the Environmental Protection Agency and is susceptible to damage by anthropogenic activities. Of the many species of animals that utilize the preserve, the wetland provides an ideal habitat for numerous species of migratory birds during the May to August nesting season (Carello et al 2009, p 10). Avian species that nest in the Cucumber Gulch area are an important part of the local ecosystem and act as indicators of change due to human activities in the area (Carello et al 2009; Mac Nally 1997).

This decade, extensive development has occurred around the perimeter of Cucumber Gulch and construction of a gondola was recently completed that crosses over the wetland and fragments the forest buffer around the preserve. Operation of this gondola has been limited to winter activities until the summer of 2010. The gondola began daily operation on July 1, 2010 from 8:00 am until 5:00 pm. This study was conducted for the purpose of evaluating the affect of gondola operation on the avian population located in close proximity to the gondola.

METHODS

We used a before-after/control-impact (BACI) design to conduct this study (Smucker et al 2005, p 1536). We conducted 50-meter radius point counts along the gondola path and along a control transect for seven days prior to and seven days following the first day of gondola operation. Five sites were selected randomly along the gondola path spaced a minimum of 200 meters apart. Five additional sites were selected as controls, matching habitat types to the gondola sites and spaced a minimum of 200 meters apart and away from the gondola path. The ten sites were in mixed conifer habitat, edge habitat and wetland habitat (see map).

Point counts were conducted at each site were between 5:30 and 8:00 am by two technicians with more than a year of experience conducting avian point counts in the area. At each site the surveyors would pause for three minutes of silence followed by five minutes of recording avian species that could be identified by visual or auditory means. The data were recorded each day into a spreadsheet and abundance and species richness were recorded. In addition, the Simpson's diversity calculation was used to determine species evenness and species diversity.

Statistical analysis was conducted using SPSS. The data were modeled using a linear mixed effects model (Smucker et al 2005, p 1539) of the differences of the normalized data. Site pairs represented a random effect, period (before or after) and day nested within period represented fixed effects. In addition, a Student t-test was used to statistically analyze the effects of gondola operation on specific avian populations that are considered

management indicator species by either Partners in Flight: Broad-tailed Hummingbird (*Selasphorus platycercus*), Cordilleran Flycatcher (*Empidonax occidentalis*), and Wilson's Warbler (*Wilsonia pusilla*) (Beidleman 2000); or the USDA: Lincoln's Sparrow (*Melospiza lincolnii*) (Stephens and Anderson 2003). In all cases significance was set at $P < 0.05$.



Map 1. Satellite image of Cucumber Gulch Wildlife Preserve showing gondola transect test points (G1-G5) and control points (C1-C5).

RESULTS

Impact on Avian Community

There was a statistically significant difference between the abundance of birds before the start of gondola operation and after (Table 1, Figure 1). Abundance for all control points remained consistent through both before and after periods and dropped by an average of 2.5 birds per site for gondola sampling points.

Table 1. Statistical results table. * indicates statistical significance.

Variable	F-value	P-value
Abundance	5.57	0.03*
Species Richness	3.57	0.07
Diversity	0.38	0.54
Evenness	0.79	0.38

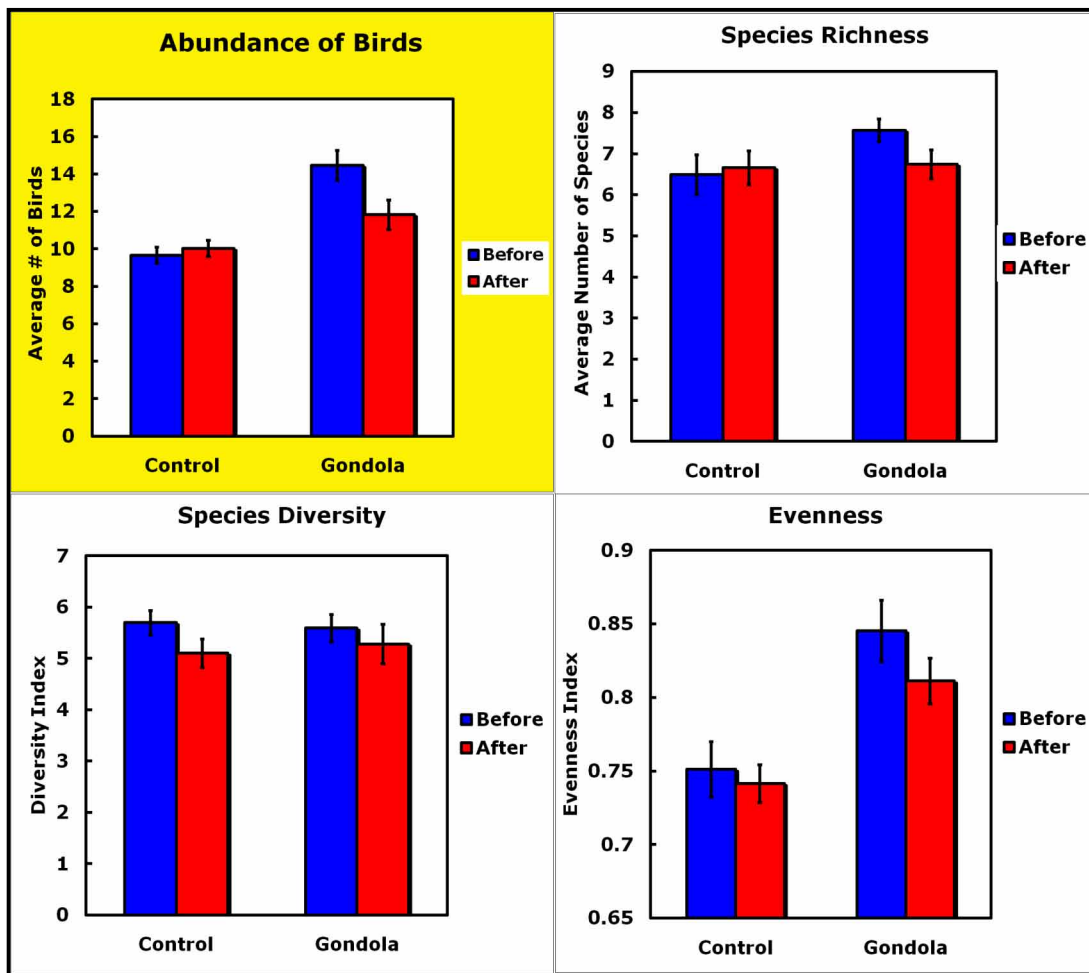


Figure 1. Graphical representation of data. A statistically significant decrease in avian abundance was found along the gondola corridor.

Impact on Avian Populations

There was a statistically significant decrease in Wilson’s Warbler populations (Table 2, Figure 2) in the gondola path after the gondola began operating. This decrease was not seen for other management indicator species.

Table 2. Statistical results table. * indicates statistical significance.

Species	Control (t-value, p-value)	Gondola (t-value, p-value)
Broad-tailed Hummingbird	1.363, 0.198	1.000, 0.337
Cordilleran Flycatcher	1.058, 0.311	0.700, 0.497
Lincoln’s Sparrow	0.051, 0.960	1.350, 0.202
Wilson’s Warbler	0.681, 0.509	3.452, 0.005*

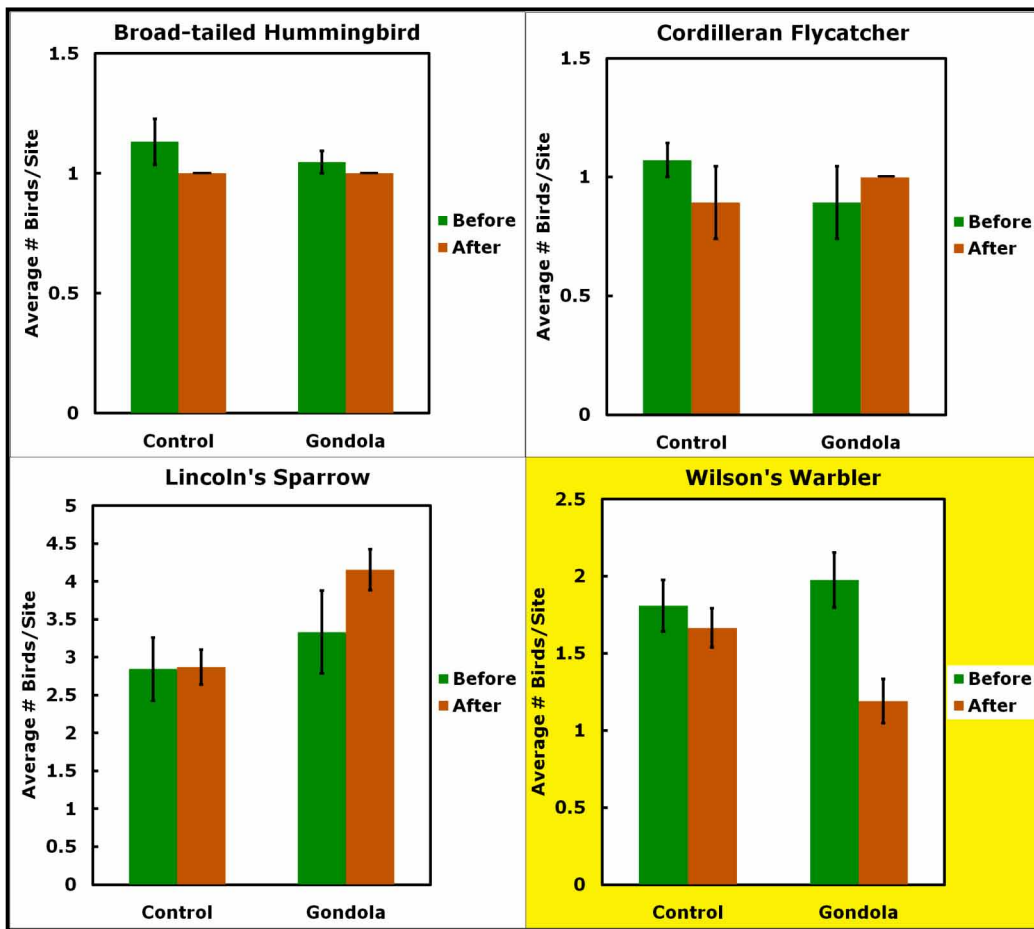


Figure 2. Graphical representation of data. A statistically significant decrease in Wilson’s Warbler numbers was found along the gondola corridor.

CONCLUSIONS

- The total number of birds found along the gondola path decreased when summer gondola operation began by 2.5 birds per sampling site or a total of 12.5 birds over the whole sampling area. There were no significant changes at the control sites.
- The Wilson's Warbler population was negatively impacted by gondola operation. Overall, there was 1 less warbler per site or a total of 5 less birds over the whole sampling area. Other management indicator species were not affected by gondola operation.
- Although our results did not show a direct impact to the Violet-green Swallow population, we did observe behavioral alterations. Swallows were observed perching on the gondola wires and entering cavities in the bottom of the gondola cars before operation. When the gondola was turned on the swallows became agitated and flew in erratic patterns around the gondola cars and wires attempting to land or enter the cavities. On more than one occasion swallows flew into the gondola cars and did not exit when the gondola was turned on.
- The impact of gondola operation on birds may have been greater than the results of our study revealed. Operational tests were conducted on the gondola on three separate days during the week prior to gondola operation. These tests may have caused some birds to relocate during the week prior to consistent gondola operation.

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- Smucker KM, Hutto RL, Steele BM. 2005. Changes in bird abundance after wildfire: importance of fire severity and time since fire. *Ecological Applications*. 15(5): 1535-1549.
- Stephens RM, Anderson SH. 2003. Lincoln's Sparrow (*Melospiza lincolnii*) a technical conservation assessment. USDA Forest Service, Rocky Mountain Region, Species Conservation Project.

Western Ecosystems, Inc.
Ecological Consultants
905 West Coach Road, Boulder, Colorado 80302 (303) 442-6144

October 15, 2010

Pat Campbell, COO
Breckenridge Mountain Resort
P.O. Box 1058 (BK1)
Breckenridge, CO 80424

email transmittal

Re: Review of the Carello (2010b) report examining the effects of summer, 2010 BreckConnect Gondola operations on breeding birds along the gondola corridor through Cucumber Gulch.

Dear Pat:

At your request, I have reviewed the report (Carello 2010b) examining the effects of initial, summer, BreckConnect Gondola operations on breeding birds along the gondola corridor through Cucumber Gulch. This letter presents my findings.

The study was well designed and appears to have been well conducted. The control points were well matched to their respective treatment points, a critical consideration in this study. The study protocol was modified slightly (only 5 points were sampled along each transect vs. the 12 proposed) from that originally proposed (Carello 2010a). It is unclear why that was done. Sample sizes of 12 vs. 5 are virtually always better at documenting actual conditions.

For your benefit, the report uses several undefined and unreferenced terms that may be defined (as used in the report) as follows:

Abundance is the number of birds of all species detected per plot. As presented in Figure 1, abundance represents the mean number of all birds of all species detected on all five treatment and control plots.

Species richness is the mean number of species detected per plot. As presented in Figure 1, species represents the mean number of all species detected on all five treatment and control plots.

Species diversity is an index that is a function of the number of species present (species richness) and the evenness with which the individuals are distributed among the species.

Species **evenness** is another diversity index which quantifies how equal the community is numerically. So, if there are 40 robins and two hummingbirds, the community is not very even. But if there are 40 robins and 42 hummingbirds, the community is quite even.

One general thought on the report, it is unfortunate that not even summary data were presented in table form. One can glean the approximate mean numbers from the figures, but it would be insightful to see even the mean numbers for each plot to better understand the variation between plots (as shown by the undefined vertical figure bars).

Below, I address the report's findings by section.

Impact on the Avian Community

The report did not objectively present all study results. The avian community was evaluated using four metrics, yet the only metric discussed was abundance, where there was a statistically significant decrease (of a mean 2.5 birds per plot, from about 14.5 to about 12.0 birds per plot) before and after the start of gondola operations. There was no discussion indicating that no statistical differences were found in three of four bird metrics evaluated, species richness, species diversity, and species evenness. Presumably, if three of the four metrics could not detect differences in bird use directly under and around operating gondola cars, and only detected an abundance decline averaging 2.5 birds per 1.94 acre plot (the area of a 50m radius), then study results suggest that the effect of the operating gondola on breeding birds is quite localized.

Another interesting aspect of Figure 1 (that might have prompted a quick statistical analysis) is that it appears to suggest that, as measured by bird evenness, abundance, and, possibly, species richness, the gondola corridor appears to support greater bird values than the similarly matched control areas. That may be attributable to the "edge effect" and greater habitat diversity along the gondola corridor.

Impact on Avian Populations

As identified for the prior report section, a more objective title sentence in this section would have indicated that there was no statistical difference in the abundance of three of four management indicator species before and after the start of gondola operations. Further, cursory examination of Figure 2 indicates that the abundance of Lincoln sparrows and Cordilleran flycatchers actually increased in the gondola corridor after gondola operations started and that pattern was not reflected in the corresponding control data. Those differences may or may not have been statistically significant, but they are just as valid to report as the small, but statistically significant decline in Wilson's warbler numbers.

Conclusions

Because the study only measured bird presence, we cannot conclude that "the Wilson's warbler population was negatively impacted by gondola operation's". That is valid speculation, but decreased presence does not necessary extend to population impacts. There are other equally valid explanations for such a decline. While the decline in Wilson's warbler abundance was statistically significant, the decrease from a mean of about 2.0 to 1.4 birds per plot (Fig. 2) before and after the start of gondola operations is not much of a change. In addition, "population" is undefined, but is presumed to refer to all of the Wilson's warblers in Cucumber Gulch. If that was the intent, then it should be recognized that the zone of influence of the gondola corridor is relatively narrow, that the vast majority of Cucumber Gulch and the highest quality Wilson's warbler habitat (presumably occupied and containing the majority of the local "population") is beyond the influence of the gondola, and that impacts, if any, on the reproductive output of corridor birds may not be detectable within the overall population.

Violet-green swallows are secondary cavity nesters and are apparently attempting to nest in gondola cavities. This worked out well when the gondola was not in summer operation as the birds had

hundreds of additional potential nest sites. However, if they laid eggs in gondola car cavities before the gondola became operational, I consider it unlikely that birds could keep track of which car their nest was in (gondola cars all look alike to me, and probably to swallows, also). That may have resulted in an appreciable loss of 2010 recruitment. I would recommend that before June 2011, Vail Resorts take appropriate prophylactic measures to deny cavity nesting birds the opportunity to nest in gondola car cavities.

Thank you for the opportunity to comment on this study. Please call or email me if you have any questions.

Sincerely,

Rick Thompson

Richard W. Thompson
Certified Wildlife Biologist
Western Ecosystems, Inc.

RWT/s

Literature Cited:

Carello, C. 2010a. Intensive summer gondola operation avian monitoring 2010. Carello Environmental Consulting, Inc. June 9. 1p.

Carello, C. 2010b. Effects of summer gondola operation on avian populations in Cucumber Gulch, Breckenridge, Colorado. Emerald Planet Conservation Consulting, LLC. Sep. 10. 5pp.

October 18, 2010

Heide Andersen
Open Space and Trails Planner III
Town of Breckenridge
150 Ski Hill Road
Breckenridge, CO 80424

Response to Rick Thompson's review of Dr. Carello's 2010 report: Effects of summer gondola operation in Cucumber Gulch, Breckenridge, Colorado.

Item 1 – Sample size

Mr. Thompson had a query as to why sample size for paired points was reduced from the proposed 12 to 5. The initial study protocol was modified from 12 paired sampling points to five paired sampling points because the length of the gondola spanning Cucumber Gulch turned out to be only 1000 meters. Reliable 50-meter radius point count sampling requires a 200-meter distance between each sampling point in order to prevent sampling overlap. Because the area was sampled over a 14 day period, there was adequate sample size for appropriate statistical analysis.

Item 2 – Data presentation and Summary Data

Mr. Thompson requested data to be presented in summary tables by site. I have included those tables below. The numbers in each table represent the mean at each site over seven days of sampling. *Before* represents prior to the onset of gondola operation and *After* represents after the start of gondola operation. Data in figure 1 of the original report was presented as the mean of for each day of sampling for each treatment (control points and gondola points).

Abundance

Site #	Control Mean Before	Control Mean After	Gondola Mean Before	Gondola Mean After
1	5.4	5.6	12.3	11.3
2	8.4	6.6	14.4	10.1
3	10.7	10.3	11.3	9.4
4	12.6	13.7	17.4	12.4
5	11.1	14.0	16.9	15.9
Average	9.7	10.0	14.5	11.8

Species Richness

Site #	Control Mean Before	Control Mean After	Gondola Mean Before	Gondola Mean After
1	5.0	4.4	7.6	7.6
2	6.0	5.4	8.4	7.3
3	8.3	7.6	7.0	7.1
4	7.0	8.3	8.0	5.9
5	6.1	7.6	6.9	5.9
Average	6.5	6.7	7.6	6.7

Species Diversity

Site #	Control Mean Before	Control Mean After	Gondola Mean Before	Gondola Mean After
1	4.8	4.1	6.0	5.9
2	5.1	4.8	6.7	6.4
3	7.3	6.1	5.8	6.3
4	5.4	6.0	5.7	3.8
5	5.4	5.3	4.4	3.1
Average	5.6	5.3	5.7	5.1

Evenness

Site #	Control Mean Before	Control Mean After	Gondola Mean Before	Gondola Mean After
1	0.96	0.93	0.78	0.77
2	0.87	0.90	0.79	0.86
3	0.88	0.82	0.82	0.87
4	0.79	0.72	0.74	0.66
5	0.72	0.69	0.62	0.54
Average	0.85	0.81	0.75	0.74

These numbers were mistakenly reversed in figure 1 in the original report, but not in the statistical analysis. This mistake does not change the overall statistical result or trend.

Item 3 – Interpretation of statistical results

Mr. Thompson discusses results that are not supported by statistics in reference to figure 2, but not in reference to figure 1. He states that in figure 2 there was an increase in Lincoln's Sparrows and Cordilleran Flycatchers after the onset of gondola operation. If this is a trend he feels is important to point out, than it should also be acknowledge that there was a decrease in species richness and species evenness in figure 1. Perhaps these trends are real or are not real. Because the differences were statistically insignificant, it is not valid to make conclusions from this data set.

The linear mixed effects model used in the analysis accounts for the natural variation between plots, and the Student t-test takes into account the overall differences in variation. Thus, in both cases the statistically significant results cannot be explained simply by natural variation. In other words, in the absence of any other plausible explanation, the decrease in avian abundance and Wilson's Warblers along the gondola path is most likely a result of the onset of gondola operation. Since the results of the other statistical tests were not significant, it would be irresponsible to base conclusions and make management decisions simply on the trends depicted in the figures.

Item 4 – Violet-green Swallow nest site recognition

In reference to an observation I made that Violet-green Swallows may be using stationary gondola cars as nest sites, Mr. Thompson states the following (page 3 of memo): "However, if they laid eggs in gondola car cavities before the gondola became operational, I consider it unlikely that birds could keep track of which car their nest was in (gondola cars all look alike to me, and probably to swallows, also)." This response is counterintuitive to established evolutionary principles. If Swallows are unable to keep track of nest locations, the species would go extinct. As a trained biologist with a masters degree and PhD, I must point out that this comment is inappropriate and should not have merit in a discussion regarding management decisions about gondola operation.

Conclusions

Please consider the meaning of statistical tests when critically reviewing the report. Avian abundance decreased and so did the number of Wilson's Warblers found along the gondola cut. Management decisions should be made based on the evidence. The statistically significant declines were localized along the gondola cut and the real question that needs to be addressed is whether this impact is acceptable to continue summer operation of the gondola in the future.

Respectfully Submitted,

Christy Carello, PhD
Professor of Biology
Department of Biology
The Metropolitan State College of Denver
Denver, CO 80217
Carello@mscd.edu



MEMORANDUM

TO: Town Council

FROM: Scott Reid, Open Space and Trails Planner

DATE: November 9, 2010

SUBJECT: Bicycle Friendly Community 2010 Update and 2011 projects

In 2009, the Town of Breckenridge (TOB) was designated as a silver-level Bicycle Friendly Community by the League of American Bicyclists. This designation recognizes the many efforts undertaken over the years to improve bicycle and pedestrian access throughout Town. Support of this program reflects the Town's values of sustainability, active transportation, and outstanding recreational access. Upon receiving the silver-level status, Council directed staff to solidify and enhance Breckenridge's position as a Bicycle Friendly Community.

The League of American Bicyclists suggested multiple ways for Breckenridge to improve its standing, and highlighted two primary improvements: 1) adopting a Complete Streets policy, and 2) improving wayfinding through maps, signs and educational efforts.

Pursuant to this feedback, in 2010 Town staff accomplished the following regarding the Bicycle Friendly Community program:

1. Designated, striped and "sharrowed" multiple bicycle routes through Town
2. Improved repath system wayfinding signage
3. Electronically distributed Town bike route maps to shops and via TOB website
4. Hosted Bike Rodeo education at local schools
5. Assisted with multiple public education efforts, including Channel 9 and SCTV 8 videos, Town trail conditions report, "Bicycling in the Town of Breckenridge" webpage, newspaper articles, and a free bike valet service at Town Party
6. Increased youth mountain bike programming through the Recreation Department
7. Assisted with Bike to Work Day and TOB Green Commutes programs
8. Completed Wellington Neighborhood repath connection
9. Organized Breck Bike Week, including Poker Ride and bike-in movie nights
10. Hosted the International Mountain Bicycling Association Trail Care Crew
11. Attended CDOT Bicycle Facilities training in Eagle, CO and visited Boulder, CO bike facilities
12. Added and improved several miles of new mountain bike trails

In 2011, staff hopes to accomplish the following Bicycle Friendly Community- related tasks:

1. Pass a Complete Streets policy (see attached memo from Chris Kulick and James Phelps)
2. Work with CDOT to complete bike lane markings on Park Avenue/ Highway 9 and Boreas Pass Road to French Street
3. Overlay the repath between the Recreation Center and Watson Avenue

4. Increase the amount and distribution of bicycle parking throughout Town, including designating two existing vehicular parking spots as summer seasonal bike parking
5. Improve trail connection wayfinding
6. Increase bicycle education efforts via TOB website and bike shops
7. Seek grant funding to provide free bike helmets to disadvantaged youth
8. Improve Breck Bike Week and Bike to Work Day education efforts
9. Work with other organizations (e.g. BRC) to expand the Green Commutes program

Staff will provide a brief verbal overview of these topics and seek Council's input for any future Bicycle Friendly Community-related steps. I look forward to discussing these topics with you on Tuesday.

MEMORANDUM

TO: Town Council

FROM: Chris Kulick, Planner I
James Phelps, Assistant Director of Public Works

DATE: October 11, 2010

SUBJECT: Complete Streets Policy

As previously noted in our update, the League of American Bicyclists (LAB) has designated Breckenridge as a Bicycle Friendly Community (BFC) at the silver level. The LAB was impressed with the potential and commitment the Town has made to make Breckenridge a great place for bicyclists. Specifically they noted the safe routes to schools program, improved bicycling way-finding signage, amount of streets with bicycle accommodations, access to singletrack trails and bike parks, and the Bike to Work Day promotion and participation as contributors to our silver level accreditation. In addition to these accomplishments the LAB noted two significant measures and a list of nineteen secondary suggestions the Town should address to further our BFC status. Listed below are the two most significant measures LAB noted in their evaluation.

1. *“Breckenridge should adopt a complete streets policy to ensure any new road or major road reconstruction accommodates pedestrians, cyclists and motorists alike”.*
2. *“Ensure that all bicycle routes are signed and mapped throughout the community, taking into account destination and connectivity within greater bicycling network. Invite people to ride every new designated route when opened as a way to educate and encourage residents and visitors to bike more often”.*

This past summer the Town made significant progress in addressing the second bulleted point by establishing and marking bicycle paths, and we are currently in the process of finalizing a bicycle map that will be available at many local businesses and on the Town’s website. With these accomplishments being addressed the lone remaining significant measure to accomplish is adopting a complete streets policy. It is staff’s hope that by satisfying the most significant measures we can quickly upgrade our BFC ranking.

Completes Streets Defined

Complete streets are designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists and transit riders of all ages and abilities must be able to safely move along and across a complete street. Since each complete street is unique, it is impossible to give a single description, but ingredients that may be found on a complete street include sidewalks, bike lanes (or wide paved shoulders), accessible transit stops, frequent crossing opportunities, median islands, accessible pedestrian signals, curb extensions, and more. A complete street in a rural area will look quite different from a complete street in a highly urban area. But both are designed to balance safety and convenience for everyone using the road.

In general a majority of areas within the Town currently have many of the recommended complete streets programming elements. Examples of these elements are incorporated throughout Town. These treatments range from highly urbanized treatments on Main Street and the historic district that consist of

sidewalks, intersection bulb-outs, bike lanes, on-street parking, transit stops, crosswalks and crossing signage. Slightly less urban treatments exist along Wellington, Village, Four O'clock and Ski Hill Roads that feature sidewalks, sharrows, and transit stops. The Town even has some complete streets features that are rural in character such as the trail crossings that exist along Highlands Drive, our in-town soft surface trail network, and the soft surface multi-use trail located between Vista Point and Corkscrew flats.

Benefits of a Complete Streets Policy

Despite the Town having many complete streets components already in place it is still important to adopt a transportation policy addressing complete streets. Recently the State of Colorado and the Colorado Department of Transportation (CDOT) passed a complete streets policy directive which states:

“Multimodal transportation is a key element of CDOT’s mission in providing improvements to the statewide transportation system. Federal surface transportation law places a strong emphasis on creating a seamless transportation system that persons of all ages and abilities can utilize for safe and convenient access to jobs, services, schools and recreation”. The policy further states “the challenge for transportation planners and highway engineers is to balance the needs of all roadway users and to develop a transportation infrastructure that provides connectivity and access for all, opportunity for modal choice, and safety for each mode of travel. More choice equates to more capacity” (CDOT).

With CDOT’s recent approval of a complete streets policy and the introduction of the Complete Streets Act of 2009, Staff recommends that it is in the Town’s best interest to adopt a complete streets policy. By adopting a policy it could make the Town more attractive in both State and Federal transportation funding opportunities and demonstrate the Town’s commitment to providing for all means of transportation.

Adopting a Complete Streets Policy

Complete streets policies have been adopted several different ways including ordinances, resolutions, plans, internal policies, design guidelines and executive orders. In reviewing the various ways a complete streets policy can be adopted, staff recommends the Town pursue a policy adoption through resolution. Adopting a policy through resolution publicly states the Town’s aspiration to accommodate a diverse range of right-of-way users in a completely non-binding document. It is important to note that even if a complete streets resolution is adopted by the Town, the Town will continue to have complete discretion to design and maintain its infrastructure. Included with this memo are a list of Federal, State and Local Governments that have adopted complete streets policies and a draft of a resolution that the Town could adopt at a future date. Staff will be happy to answer any further questions regarding complete streets policy at your request.

Federal, State and Local Government Complete Streets Adoptees

Complete Streets Policy Adopters					
State	County	Metropolitan Planning Organization	City	City	City
California	Ada County, ID	Anderson, IN MPO	Alber Lea, MN	Flint, MI	Pascagoula, MS
Colorado	Arlington County, VA	Austin, TX MPO	Anderson, SC	Fort Collins, CO	Philadelphia, PA
Conneticut	Cobb County, GA	Bay Area, CA MPO	Babylon, NY	Franklin, PA	Prattville, AL
Delaware	Cook County, IL	Birmingham, AL MPO	Basalt, CO	Golden, CO	Red Bank, NJ
Florida	Dona Ana County, NM	Bloomington, IN MPO	Binghampton, NY	Greenville, SC	Redmond, WA
Hawaii	Erie County, NY	Boise, ID MPO	Boulder, CO	Hendersonville, TN	Renton, WA
Illinois	Hennepin County, MN	Cheyenne, WY MPO	Bozeman, MT	Hernando, MS	Roanoke, VA
Kentucky	Jackson County, MI	Cleveland, OH MPO	Buffalo, NY	Honolulu, HI	Rochester, MN
Louisiana	Johnson County, IA	Columbus, OH MPO	Cascade, IA	Independence, MN	Rockville, MD
Maryland	Kauai County, HI	Jackson, MI MPO	Champaign, IL	Iowa City, IA	Ross, CA
Massachusetts	LA Plata County, CO	Knoxville Regional TPO	Charlotte, NC	Islip, NY	Rosswell, GA
Michigan	Lee County, FL	Las Cruces, NM MPO	Chicago, IL	Issaquah, WA	Sacramento, CA
Minnesota	Louisville, KY City/County	Madison, WI MPO	Chickasaw, AL	Jackson, MI	Salt Lake City, UT
New Jersey	Marin County, CA	Pensacola, FL MPO	Coeur d' Alene	Kirkland, WA	San Anselmo, CA
North Carolina	Monomouth County, NJ	Portage, In NIRPC	Colorado Springs, CO	Knoxville, TN	San Diego, CA
Oregon	Montgomery County, MD	Quad Cities, IA/IL MPO	Columbia, MO	Lansing, MI	Santa Barbara, CA
Pennsylvania	Pierce County, WA	San Antonio Bexar - County MPO	Columbia, SC	Las Cruces, NM	Saulte Ste. Marie, MI
Rhode Island	Richland County, SC	St. Joseph, MO MPO	Columbus, MS	Lee's Summit, MO	Scottsdale, AZ
South Carolina	Sacramento County, CA		Columbus, OH	Madison, WI	Seattle, WA
Tennessee	Salt Lake County, UT		Crystal City, MO	Manistique, MI	Sedro-Woolley, WA
Vermont	San Francisco (City County)		Daphne, AL	Mesilla, NM	Spartanburg, SC
Vermont	Sandiego County, CA		Dayton, OH	Miami, FL	Spokane, WA
Virginia	Spartanburg County, SC		Decatur, GA	Midland, MI	St. Louis, MO
Wisconsin	Ulster County, NY		Des Moines, IA	Missoula, MT	St. Paul, MN
	Washtenaw County, MI		Desoto, MS	Montclair, NJ	Tacoma, WA
			Duluth, MN	Netcong, NJ	Topeka, KS
			Edmond, OK	New Haven, CT	Tupelo, MS
			Everett, WA	New York City, NY	University Place, WA
			Fairfax, CA	Newport, RI	West Palm Beach, Fl
			Fairhope, AL	North Little Rock, AR	West Windsor, NJ
			Ferguson, MO	North Myrtle Beach, SC	
			Festus, MO	Novato, CA	
				Novi, MI	

RESOLUTION NO. ??

SERIES 2010

A RESOLUTION RECOGNIZING THE ADOPTION OF A COMPLETE STREETS POLICY

WHEREAS, the Town of Breckenridge Town Council recognizes the need to accommodate all modes of travel on Town streets, including pedestrians, cyclists, motorists, mass transit riders; and

WHEREAS, the the Town of Breckenridge seeks to meet the transportation needs of all its citizens by providing road networks that are safer, healthier, more livable and welcoming to everyone, regardless of age and ability; and

WHEREAS, the Town Council defines complete streets as roadways designed and operated to enable safe, attractive, and comfortable access and travel for all users. Pedestrians, bicyclists, motorists and public transport users of all ages and abilities are able to safely and comfortably move along and across a complete street; and

WHEREAS, Complete Streets are typically designed to include sidewalks, pedestrian intersection treatments, bicycle facilities, enhanced landscaping, and transit accommodations; and

WHEREAS, a Complete Streets policy is consistent with the Town of Breckenridge Vision Plan and Comprehensive Plan; and

WHEREAS, the Town Council has identified priority corridors that have been selected to provide the greatest benefit for the community.

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

Section 1. Town Council hereby establishes a Complete Streets Policy, which directs Town staff to accommodate all modes of travel, including pedestrians, cyclists and transit riders, to the highest degree possible when redesigning a public right-of-way..

Section 2. The Town Council authorizes staff to employ the approved "Priority Complete Streets Corridors" map, attached hereto as Exhibit A, which identifies those streets with the highest priority for improvement as resources become available.

Section 4. This resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED this ?? day of December, 2010.

ATTEST:

TOWN OF BRECKENRIDGE

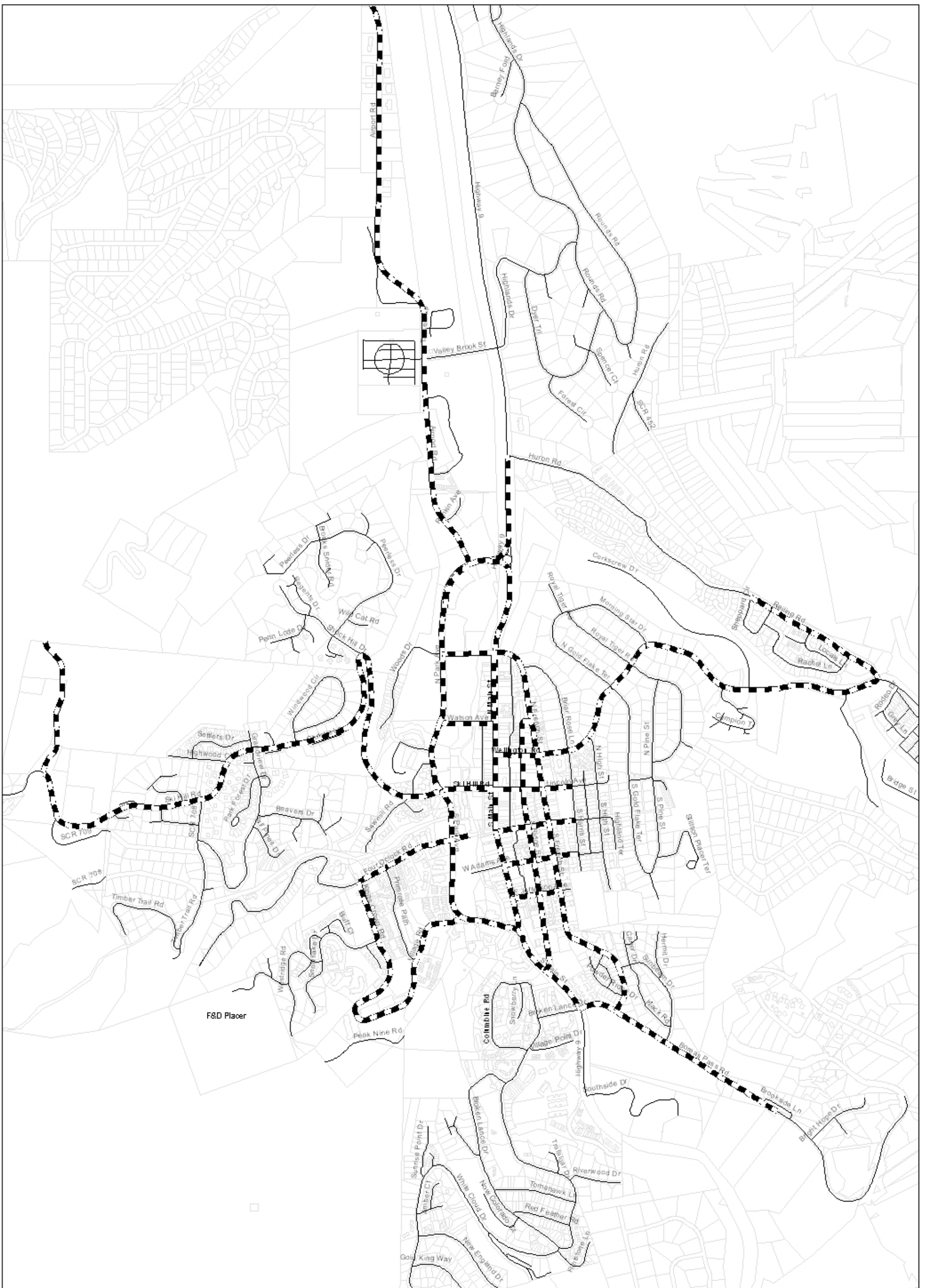
Mary Jean Loufek, CMC, Town Clerk

John G. Warner, Mayor

APPROVED IN FORM

Town Attorney

Date



Town of Breckenridge Complete Streets Map

This map is for display purposes only.
Do not use for legal conveyance.
Not necessarily accurate by surveying standards and
does not comply with the National Mapping Accuracy Standards
© 2010 Town of Breckenridge Open Space Division.

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Legend	
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	Town Streets



MEMORANDUM

TO: Town Council

FROM: Chris Neubecker, Current Planning Manager

DATE: November 3, 2010

SUBJECT: Joint Meeting with Planning Commission

The joint meeting with the Planning Commission is scheduled for November 9, from approximately 6:00 PM - 7:30 PM. Staff and the Commission have suggested the following agenda topics:

Topics for discussion include:

1. **Role of the Planning Commission:** We have several new members of the Planning Commission, and establishing the Commission's relationship to the Town Council as well as the limits of responsibility for the Commission is appropriate at this time. Issues to be discussed include the Commission's role on development agreements, code amendments, comprehensive planning, and public projects. Also, we suggest clarifying the issues that the Commission should not consider, such as budgets, staffing issues and business decisions.
2. **Redevelopment and Field Trip to Vail:** The Planning Commission and staff toured several redevelopment projects in Vail on October 14, 2010. We met with the Planning Director and several members of the development community. We would like to share some of the issues that we discussed, and some of the methods used to encourage the redevelopment of older and under-performing properties in Lionshead and Vail Village.

Vail Field Trip

The Planning Commission's field trip to Vail on October 14th was a success, and we learned a great deal about redevelopment and new development at both Lionshead and Vail Village. We met with George Ruther, Planning Director, as well as several representatives from Vail Resorts Development Company (VRDC), including Alex Iskenderian, Kristen Williams, Cody O'Kelly, Graham Frank and Dick Funk.

We would like to take a moment to summarize the topics that were discussed and the properties toured.

Vail Redevelopment Master Plan

The Town of Vail produced a Redevelopment Master Plan for Lionshead in 1998 that identified properties for redevelopment, and how the Town could partner with private developers. The Master Plan identified

major redevelopment themes, such as the pedestrian environment, connections to the natural environment, vehicular circulation, transit, service and delivery, and parking. The plan also identified steps necessary to change the outdated architecture, improve the retail experience, improve the poor pedestrian circulation, improve poor ski connections to Vail Mountain, maintain important view corridors, and make better connections between Lionshead and Vail Village. In order to encourage redevelopment, the Town of Vail provided rezoning in many areas, effectively increasing allowed density by 33% in some areas, and also increasing building height and reducing the parking requirement for some projects. While most of the redevelopment was by the private sector, the Town of Vail also made significant investments into infrastructure such as roads, heated plazas, creek and path investments, wayfinding, and transit.

The properties we toured included:



Ritz Carlton Residences: This new construction project was completed in 2010. It contains 71 residential units, 45 fractional interest units, plus 3,600 square feet of commercial space. The 5-star property is walking distance to the Eagle-Bahn gondola, and next door to the new Arrabelle mixed use development. The property includes an outdoor pool, fitness center, private lounge, valet parking under building, concierge service, and ski valet. The Ritz-Carlton was designed to reflect the architecture of Schönbrunn Palace in Vienna, Austria.

The Arrabelle at Vail Square: This was the central redevelopment of the Lionshead area. This VRDC Rock Resorts development includes 62 hotel rooms and suites, 25 private residences, plus 44,000 square feet of commercial space. The property includes a large central plaza, ice rink, glockenspiel (clock tower), spa and a roof-top lap pool. Arrabelle incorporates a European village design with several walk-through stone arches, and was completed in 2008.



Solaris: This redevelopment of the former Crossroads commercial area (Clark’s Market and movie theater) in Vail Village has just recently been completed. The project includes a mix of 77 residential units, and 74,000 square feet of commercial space. Some highlights of the commercial space include the CinéBistro full screen luxury movie theater with full meal service, and a high-end “ultra-lounge” bowling alley. These features normally found only in an urban setting, and the more urban design of Solaris, set it apart from the traditional mountain character. An outdoor ice rink with giant sculptures is a central feature visible to the general public.



Vail's Front Door: This 11-acre mixed use development at the base of Vail Mountain, includes 20,000 square feet of commercial space (including skier services and a private ski club), underground parking, and 13 luxury townhomes. The project includes a massive below grade delivery area to provide the back-of-house services needed to run the on-mountain and base facilities. The new 20,000 square foot Vista Bahn skier-services building includes lockers, ski school, ticket sales, restrooms, and ski and boot storage. The Front Door project also includes a tunnel to maintain public vehicular access to U.S. Forest Service property on the mountain.



Next Steps

Breckenridge is already starting to see some of the redevelopment pressures that Vail has been facing over the past 5 years. There are several large, older properties in Breckenridge that are underperforming, or in less than ideal condition. Some properties that have been mentioned in the past for possible redevelopment include:

- Village at Breckenridge: This property is currently undergoing an exterior renovation of 5 buildings, but the Vail Resorts owned properties (including the Maggie Building, Ten Mile Room, and Village Hotel) are not part of this project.
- Blazing Saddles: This mixed use property was built in 1973. It is centrally located on Park Avenue, with frontage of the Blue River and Riverwalk Center lawn, yet it is in less than idea condition. We have received interest in the past for redevelopment of the property as a hotel, but density limitations and the cost to buy-out the existing individual owners have left this property untouched.
- Parkway Center: The shopping plaza containing City Market is a topic for discussion. This one-level strip mall design is ripe for redevelopment, especially considering the recently approved Gondola Lots Master Plan. This area could be an excellent location for receiving density, and for employee housing. Its central location and proximity to transit, the gondola and downtown would make it an ideal location for residential housing for our local workforce. There has also been interest raised by City Market of expanding its store size, and offering additional services that cannot be accommodated in the current space.
- Breckenridge Mountain Lodge: This Vail Resorts owned property could be redeveloped more easily since there is one owner. The property is located at the south end of Main Street at the intersection with Ridge Street, so it is very central to town, and walking distance to the base of Peak 9.

Should the government be involved in encouraging redevelopment, or should this be left to the market to decide? If so, what steps could we take to encourage redevelopment? Should the Town adopt a redevelopment master plan to begin the process and get the ball rolling in the right direction?

We look forward to your input and direction on these issues during the joint meeting on Tuesday.



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING
Tuesday, November 9, 2010; 7:30 p.m.

I	CALL TO ORDER and ROLL CALL	Page
II	APPROVAL OF MINUTES – October 26, 2010	51
III	APPROVAL OF AGENDA	
VI	COMMUNICATIONS TO COUNCIL	
	A. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)	
	B. BRC Director Report	
V	CONTINUED BUSINESS	
	A. SECOND READING OF COUNCIL BILLS, SERIES 2010 - PUBLIC HEARINGS	
	1. None	
VI	NEW BUSINESS	
	A. FIRST READING OF COUNCIL BILLS, SERIES 2010	
	1. Council Bill No. 32, Series 2010 – An Ordinance Setting The Mill Levy Within The Town Of Breckenridge For 2011	55
	2. Council Bill No. 33, Series 2010 – An Ordinance Providing For An Increase In Municipal Water User Fees Effective January 1, 2011; Establishing A Fee For Mailing Paper Billing Statements; Providing An Exception From Such Statement Fee For Billing Statements Delivered Electronically; And Establishing A Fee For Setting Up And Transferring Water User Accounts	57
	3. Council Bill No. 34, Series 2010 – An Ordinance Amending Section 1-8-11 Of The <u>Breckenridge Town Code</u> Concerning Costs Assessed Against Persons In The Town’s Municipal Court	62
	4. Council Bill No. 35, Series 2010 – An Ordinance Amending Chapter 2 Of Title 8 Of The <u>Breckenridge Town Code</u> , Known As The “Breckenridge Sign Ordinance” By Adopting Provisions Concerning Signs On Human-Powered Vehicles	65
	5. Council Bill No. 36, Series 2010 – An Ordinance Repealing And Readopting With Changes Section 6-3A-1 Of The <u>Breckenridge Town Code</u> Concerning The Municipal Offense Of Assault	70
	B. RESOLUTIONS, SERIES 2010	
	1. None	
	C. OTHER	
	1. Public Hearing – 2011 Budget	
VII	PLANNING MATTERS	
	A. Planning Commission Decisions of November 2, 2010	2
	B. Town Council Representative Report (Mr. Burke)	
VIII	REPORT OF TOWN MANAGER AND STAFF*	
IX	REPORT OF MAYOR AND COUNCILMEMBERS*	
	A. CAST/MMC (Mayor Warner)	
	B. Breckenridge Open Space Advisory Commission (Ms. McAtamney)	
	C. BRC (Mr. Dudick)	
	D. Summit Combined Housing Authority (Mr. Joyce)	
	E. Breckenridge Heritage Alliance (Mr. Burke)	
	F. Sustainability Committee (Mr. Bergeron, Mr. Joyce, Mayor Warner)	
	G. Marketing Committee (Mr. Dudick)	
X	OTHER MATTERS	73
XI	SCHEDULED MEETINGS	87

*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

CALL TO ORDER and ROLL CALL

Mayor Warner called the October 26, 2010 Town Council Meeting to order at 7:39 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 – October 12, 2010

Mayor Warner stated the minutes were accepted as submitted.

APPROVAL OF AGENDA

There were no changes to the agenda.

COMMUNICATIONS TO COUNCIL

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

Eric Buck, full-time resident of Breckenridge, addressed the Council with a prepared statement concerning the Colorado Department of Transportation’s current plan to improve traffic congestion through the I-70 corridor. Mr. Buck remarked that the plan proposes a great risk to the Town of Breckenridge as it exists. He stated the plan would deliver more than nine million visitors to the area each year. He mentioned the increase in densities, the lack of infrastructure, and the easier commute would turn Summit County into a bedroom community for Denver. He believes the new commuter residents would have a voice to vote and change the face of Breckenridge by bringing in big box stores, and the other similar amenities. Mr. Buck stated that it was up to Town Council and the citizens to put a stop to this. He remarked there is currently no funding to support this change. He stated the solution to the issue is the time-shifting of traffic, and using the infrastructure the Town currently has more efficiently, by marketing to the guests to come early on Thursday, or stay later on Monday.

Mr. Buck addressed the Planning Commission’s enforcement of landscaping policies. He provided an example of some clear cutting of trees in the Highlands where there was an obvious violation of a Town Code with no consequences. He urged the Council to consider the enforcement of the existing ordinance.

The Mayor addressed Mr. Buck’s first concern regarding transportation through the I-70 corridor, and mentioned Crested Butte’s marketing campaign “Just Stay One More Night”. The Council discussed the time-shifting of guests, other communities’ marketing programs, the implications of a commuter economy, and the social and cultural changes that are apparent in other parts of the country, including the East Coast, and the Beltway into Washington D.C. Mr. Buck reiterated that the Town needs representation in the Colorado Department of Transportation, and Mayor Warner and Mr. Gagen gave examples of current and past representation. The Council agreed that this is an issue that the Marketing Advisory Committee should address.

CONTINUED BUSINESS

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

- 1. None

NEW BUSINESS

- A. **FIRST READING OF COUNCIL BILLS, SERIES 2010**

- 1. None

- B. **RESOLUTIONS, SERIES 2010**

- 1. None

- C. **OTHER**

- 1. Planning Commission Appointments

There were four vacancies with seven candidates for the Planning Commission. The Council discussed the different candidates and their merits. The Mayor stated they were blessed with very good candidates. The Council each voted for four candidates by ballot. The Council chose Rodney Allen, Kate Christopher, Gretchen Dudney and Frank “Trip” Butler.

The Council discussed possible appointees for the Joint Upper Blue Master Plan Update Committee. Mr. Bergeron volunteered to be one of the representatives. Mr. Mamula was selected during the work session.

PLANNING MATTERS

- A. Planning Commission Decisions of October 19, 2010

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

B. Town Council Representative Report (Mr. Burke)

Mr. Burke stated there was discussion at the Planning Commission regarding the redevelopment of the master plan. He reported the Planning Commission spent time discussing the Energy Commission, which should be brought up in front of the Town Council. The Council agreed that it should not be discussed at the next joint meeting, because it is a big topic and there are three new Planning Commission members, and the topic should be discussed when the new commission members are up to speed. Mr. Burke discussed the energy sliding scale designed to incentivize people. The Council discussed the negative versus positive points system; concerns regarding ratings staying with the house, and that people need a reason to build energy efficient homes, and agreed that the points system should be discussed with the Planning Commission. Mr. Burke mentioned that new Planning Commission members should be trained on their role, and how it differs from Town Council's role.

REPORT OF TOWN MANAGER AND STAFF

No report.

REPORT OF MAYOR AND COUNCILMEMBERS*

A. CAST/MMC (Mayor Warner)- No report.

B. Breckenridge Open Space Advisory Commission (Ms. McAtamney)-Ms. McAtamney reported on the Planning Commission's field trip. Topics included the redeveloped properties in Vail, Alex Iskenderian's report on the land swap, the density issue with the Solaris property, Arrabelle's special easement which allows for open space and public art, and public amenities within some of the redeveloped properties, including a bowling alley and a movie theatre. Ms. McAtamney reported on the Breckenridge Open Space Advisory Commission meeting in which topics included a discussion of the Hidden Gems Wilderness Proposal where the Commission does not want to support the Proposal as it is now, but would support ongoing negotiations, and a discussion proposal for Dog Mushing at the Gold Run Nordic Center where the Breckenridge Open Space Advisory Commission considered two times per month feasible. The Council discussed the implications of allowing the Dog Mushing activity at the Nordic Center, said they needed more information regarding when and the trails that would be utilized, and mentioned that Tim Walsh should be approached regarding any plans for land use at the Nordic Center. Ms. McAtamney reported on a discussion of the Connect Trail at the Breckenridge Ski Resort which would deflect the trail use through Cucumber Gulch, and re-route it above the Alpine Slide and down Four O'clock Run. She reported that the study of birds in the Gondola corridor was inconclusive, and did not provide enough information regarding the human impacts due to the limited amount of time of the study. Mr. Gagen and Mr. Truckey agreed they would follow up on the study, and bring the information to the next Town Council meeting.

C. BRC (Mr. Dudick)-No report.

D. Summit Combined Housing Authority (Mr. Joyce)-No report.

E. Breckenridge Heritage Alliance (Mr. Burke)-Mr. Burke reported the Alliance is on target with the park for the train. He urged the Alliance to continue fundraising. He mentioned that there has been a turn-over of Heritage Alliance board members, with Dan Gibbs and Janet Sutterly joining the board.

F. Sustainability Committee (Mr. Bergeron, Mr. Joyce, Mayor Warner)-Mr. Joyce reported the Committee's first topic from the Sustainable Breckenridge Actions Matrix was water issues. He mentioned that the committee is going through all the items from the public process by the percentages of the responses of the public, from highest frequency to lowest. Topics discussed at the meeting were gray water, pump backs, lessening the energy consumption for water processes, and the preservation of water quality. Mr. Joyce mentioned the next topic is land use, and strategies concerning the build out of the Upper Blue Basin.

G. Marketing Committee (Mr. Dudick)-Mr. Dudick reported the Marketing Advisory Committee has met twice and met with the Breckenridge Resort Chamber regarding their function, attended some groups sales events, and spent time getting new marketing committee members up to speed. He reported there will be a branding meeting on November 9, and then the Committee will meet regarding budgeting and allocation of funds.

OTHER MATTERS

Mr. Gagen noticed the first public hearing for the budget is the next meeting. He mentioned there is a summary of changes from the retreat, and the revised changes should be ready in advance of the next Town Council meeting.

Mr. Mamula mentioned citizen's comments regarding the lack of snow plows for the recent storm. Mr. Gagen stated the Streets Department is not staffed up, which is normal for this time of year.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:45 p.m. Mr. Mamula made the motion for adjournment. Mr. Burke seconded.

Submitted by Cathy Boland, Municipal Court Clerk

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor

EXECUTIVE SESSION CERTIFICATE

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

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

As part of the Town Council Work Session on Tuesday, October 26, 2010 at 6:55 p.m., Mr. Dudick 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 sales of any real, personal, or other property interest. Mr. Bergeron seconded.

The Mayor restated the motion. The Mayor further stated the property that is the subject of the executive session are two open space tracts the Town Council may have an interest in purchasing.

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

Mr. Mamula moved to adjourn the executive session at 7:35 p.m. Ms. McAtamney made the second. All were in favor of the motion.

This certificate shall be included before the minutes of the regular Town Council meeting of Tuesday, October 26, 2010.

John Warner, Mayor

TO: MAYOR AND TOWN COUNCIL
FROM: CLERK AND FINANCE DIVISION
SUBJECT: 2011 MILL LEVY
DATE: 11/4/2010
CC: TIM GAGEN

The attached ordinance establishing the 2011 Property Tax Mill Levy at the rate of 6.94 mills per dollar of assessed valuation of property within the limits of the Town of Breckenridge is hereby submitted to the Council for first reading. This rate represents a .02 mill decrease from the 2010 rate of 6.96 mills.

Of the 6.94 mills, 5.07 mills are for the purpose of defraying the expenses of the General fund. There is an additional assessment of 1.87 mills to meet the Town's general obligation indebtedness described in Ordinance No. 35, Series 1998, which is due and payable in fiscal year 2011.

FOR WORKSESSION/FIRST READING – NOV. 9

COUNCIL BILL NO.

Series 2010

AN ORDINANCE SETTING THE MILL LEVY WITHIN THE TOWN OF BRECKENRIDGE FOR 2011

WHEREAS, the Town Council of the Town of Breckenridge has determined that a mill levy of 6.94 mills upon each dollar of the assessed valuation of all taxable property within the Town of Breckenridge is needed to balance the 2011 General Fund budget;

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

Section 1. For the purposes of defraying the expense of the General Fund of Breckenridge, Colorado for the fiscal year 2011, there is hereby levied a tax of 5.07 mills upon each dollar of assessed valuation for all taxable property within the Town of Breckenridge.

Section 2. In addition to the General Fund mill levy described in Section 1 of this ordinance, there is hereby levied an additional 1.87 mill upon each dollar of assessed valuation of all taxable property within the Town of Breckenridge. Such additional levy is imposed pursuant to the authority granted by the electors to the Town Council by Ordinance No. 35, Series 1998. The revenues generated by such additional mill levy shall be applied toward the installment of the Town's general obligation indebtedness described in Ordinance No. 35, Series 1998, which is due and payable in fiscal year 2011.

Section 3. The Town Clerk is hereby authorized and directed, after adoption of the budget by the Town Council, to certify to the Board of County Commissioners of Summit County, Colorado, the total tax levy for the Town of Breckenridge, Colorado as herein set forth.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 9th day of November, 2010. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23rd day of November, 2010, at 7:30 P.M. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

TOWN OF BRECKENRIDGE

John Warner, Mayor

TO: MAYOR AND TOWN COUNCIL
FROM: CLERK AND FINANCE DIVISION
SUBJECT: 2011 WATER RATES ORDINANCE
DATE: 11/4/2010
CC: TIM GAGEN

Enclosed is the 2011 Water Rates Ordinance. It has been marked to show the changes in the water fees that will occur if the ordinance is adopted. If adopted, the new rates will go into effect on January 1, 2011.

The changes in the ordinance include an increase in existing fees (1%/year for water user fees, 5%/year for PIF's) as well as new fees for paper statements (\$5/billing cycle) and an account setup fee for new accounts and changes in ownership (\$25).

1 Section 2. Section 12-4-11 of the Breckenridge Town Code is hereby amended so as to
2 read in its entirety as follows:

3
4 12-4-11: WATER USER FEES; RESIDENTIAL:

5
6 A. The in town base rate user fee for all residential water users, regardless of the
7 size of the water meter, includes a usage allowance of not to exceed twelve
8 thousand (12,000) gallons of water per SFE per billing cycle, and shall be
9 computed according to the following table:
10

<u>Water Use Date</u>	<u>Base User Fee</u>
Effective January 1, 2010	\$30.04 per billing cycle per SFE
<u>Effective January 1, 2011</u>	<u>\$30.34 per billing cycle per SFE</u>

11
12 B. In addition to the base user fee set forth in subsection A of this section, each in
13 town residential water user shall pay an excess use charge for each one thousand
14 (1,000) gallons of metered water, or fraction thereof, used per SFE per billing
15 cycle in excess of the usage allowance of twelve thousand (12,000) gallons of
16 water per SFE per billing cycle. The amount of the excess use charge shall be
17 computed according to the following table:
18

<u>Water Use Date</u>	<u>Excess Use Charge</u>
Effective January 1, 2010	\$2.99
<u>Effective January 1, 2011</u>	<u>\$3.02</u>

19
20 Section 3. Section 12-4-12(A) of the Breckenridge Town Code is hereby amended so as
21 to read in its entirety as follows:

22
23 12-4-12: WATER USER FEES; NONRESIDENTIAL:

24
25 A. The in town base rate user fee per SFE per billing cycle and the usage
26 allowance per SFE per billing cycle for all nonresidential water users shall be
27 determined based upon the size of the water meter which connects the water
28 using property to the water system, as follows:
29

30 For water used commencing January 1, ~~2009~~**2011**

<u>Meter Size</u>	<u>Base Water Fee Per Account</u>	<u>Usage Allowance Per Account (Gallons)</u>
Less than 1 inch	\$ 34.40 <u>34.74</u>	13,000
1 inch	51.60 <u>52.12</u>	20,000

1	1 1/2 inch	90.04	35,000
2		<u>90.93</u>	
3	2 inch	141.77	54,000
4		<u>143.18</u>	
5	3 inch	272.58	105,000
6		<u>275.30</u>	
7	4 inch	421.38	162,000
8		<u>425.59</u>	
9	6 inch	827.91	318,000
10		<u>836.19</u>	

11
12 Section 4. Section 12-4-13 of the Breckenridge Town Code is hereby amended so as to
13 read in its entirety as follows:

14
15 12-4-13: WATER USER FEES; MIXED USE:

16
17 The in town base rate user fee and the usage allowance per billing cycle for all
18 mixed use water using properties shall be calculated based upon the predominant
19 use of the water using property as determined by the finance director. In addition
20 to the base user fee, each in town mixed use water user shall pay an excess use
21 charge of ~~two~~ three dollars ~~ninety nine~~ two cents (~~\$2.99~~3.02) per one thousand
22 (1,000) gallons of metered water, or fraction thereof, used per billing cycle in
23 excess of the applicable usage allowance.
24

25 Section 5. Chapter 4 of Title 12 of the Breckenridge Town Code is amended by the
26 addition of a new Section 12-4-21, which shall read in its entirety as follows:

27
28 12-4-21: FEE FOR PAPER STATEMENTS; ACCOUNT SET UP FEE:

29
30 A. Commencing with the periodic billing statement issued by the Town in March
31 2011 (for water service provided during the months of January-February 2011),
32 there shall be added to each paper billing statement mailed by the Town through
33 the United States Postal Service, and there shall be assessed and paid by the owner
34 of the property that is the subject of the billing statement, a statement fee in the
35 amount of five dollars (\$5.00) per statement per billing cycle. The statement fee shall
36 be a water charge within the meaning of section 12-1-6 of this title, and shall be due
37 and payable to the town at the same time and in the same manner as other water
38 charges are due and payable to the town under this chapter. There shall be no
39 statement fee charged if the owner elects to have the billing statement delivered by
40 electronic means.

41
42 B. A fee of \$25.00 shall be collected from each owner to either set up a new water
43 account, or to effect a change in ownership of a water account.

44
45 Section 6. Except as specifically amended hereby, the Breckenridge Town Code, and the
46 various secondary codes adopted by reference therein, shall continue in full force and effect.

Memorandum

To: Breckenridge Town Council

From: Ben Wilkins – Court Administrator

Re: Ordinance to Increase Court Costs

Date: 10/20/2010

Breckenridge currently has a \$15.00 court cost assessed on any case that comes before Judge Allen. This fee has been unchanged since 1992.

During the budget process, a review of the court costs assessed in other comparable resort municipalities was done. After the review, it was determined that \$15.00 was on the low end for what was being charged by these other comparable municipalities. Judge Allen has expressed support for an increase in the court costs assessed to \$25.00.

Attached for your approval is an ordinance proposing a change from \$15.00 to \$25.00 taking effect on January 1st, 2011.

1 *For Work Session/First Reading November 9th, 2010*

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2010

9
10 AN ORDINANCE AMENDING SECTION 1-8-11 OF THE BRECKENRIDGE TOWN CODE
11 CONCERNING COSTS ASSESSED AGAINST PERSONS IN THE TOWN'S MUNICIPAL
12 COURT

13
14 WHEREAS, Section 13-10-113(3), C.R.S., authorizes the Town Council from time to
15 time to establish by ordinance the amount of the costs that may be assessed by the Municipal
16 Judge in connection with proceedings in the Town's Municipal Court.

17
18 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
19 BRECKENRIDGE, COLORADO:

20
21 Section 1. Section 1-8-11 of the Breckenridge Town Code is amended so as to read
22 in its entirety as follows:

23 1-8-11: COSTS:

24
25 The municipal judge shall assess court costs of ~~fifteen~~ twenty five dollars (\$~~15.00~~
26 25.00) against any defendant who pleads guilty or nolo contendere, or who enters
27 into a plea agreement or who, after trial by the court without a jury, is found
28 guilty of a misdemeanor ordinance violation. Costs of fifty dollars (\$50.00) shall
29 be assessed against any defendant who is found guilty of a misdemeanor
30 ordinance violation following a trial by jury. The municipal judge shall assess
31 court costs of ~~fifteen~~ twenty five dollars (\$~~15.00~~ 25.00) against any defendant
32 who, after a municipal court appearance, admits liability for or is found to have
33 committed a violation of any infraction.

34
35 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and
36 the various secondary codes adopted by reference therein, shall continue in full force and effect.

37
38 Section 3. The Town Council hereby finds, determines and declares that this
39 ordinance is necessary and proper to provide for the safety, preserve the health, promote the
40 prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and
41 the inhabitants thereof.

MEMO

TO: Town Council

FROM: Chris Neubecker

RE: First Reading: Sign Code Amendment for Pedicabs

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

The first reading of an ordinance to amend the Breckenridge Sign Code, to allow for off-premises signs on pedicabs and other human powered vehicles, is scheduled for Tuesday evening. The ordinance addresses the size and location of signs on human powered vehicles. It also indicates that signs on such vehicles shall not be illuminated. The ordinance does not limit the type of businesses that may advertise on human powered vehicles.

Staff and the Town Attorney will be happy to answer questions about the proposed ordinance during the work session in the afternoon or during the evening meeting on Tuesday.

1 ***FOR WORKSESSION/FIRST READING – NOV. 9***

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

5
6 COUNCIL BILL NO. _____

7
8 Series 2010

9
10 AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 8 OF THE BRECKENRIDGE
11 TOWN CODE, KNOWN AS THE “BRECKENRIDGE SIGN ORDINANCE”, BY ADOPTING
12 PROVISIONS CONCERNING SIGNS ON HUMAN-POWERED VEHICLES

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

16
17 Section 1. The Town Council finds and determines as follows

18
19 A. The Town is a tourist-oriented community that would benefit from the presence of
20 human-powered vehicles, such as pedicabs.

21
22 B. The Town Council has been informed that the owners of pedicabs desire to be able to
23 place commercial signage on their vehicle.

24
25 C. Chapter 2 of Title 8 of the Breckenridge Town Code, known as the “Breckenridge
26 Sign Ordinance”, imposes rules and regulations governing the erection, construction,
27 enlargement, alteration, repair, display, maintenance and use of signs with the Town.

28
29 D. The Breckenridge Sign Ordinance generally prohibits “off premises signs” that do not
30 identify a business, service, product or other activity engaged in or provided upon the premises
31 where the sign is located.

32
33 E. In the context of municipal sign regulations, the on-premises versus off-premises
34 distinction has been upheld as being constitutional.

35
36 F. Attempting to regulate signage that is placed on human-powered vehicles (including
37 such vehicles as “pedicabs”) presents unique regulatory challenges because, among other factors,
38 human-powered vehicles have no fixed or permanent location, making it difficult to determine
39 the “premises” upon which such signage is located. As such, the Town Council finds there is a
40 rational basis for exempting signage on human-powered vehicles from the general prohibition
41 against off-premises signage.

42
43 G. Commercial speech, such as that anticipated to be evidenced by signs on human-
44 powered vehicles, is protected under the First Amendment to the United States Constitution, as
45 well as the Constitution of the State of Colorado, but not to the same extent as noncommercial
46 speech.

1
2 H. In adopting this ordinance that Town Council has considered the aesthetic and traffic
3 safety concerns of the Town. The Town Council concludes that because human powered vehicles
4 will travel on public streets at relatively slow speeds, there are minimal traffic safety concerns if
5 signs are allowed to be placed on such a vehicle. The Town Council also concludes that because
6 it is reasonably expected that there will be but a few human-powered vehicles operating within
7 the Town at any given time, the aesthetic impact of having signs on human powered vehicles
8 will be insignificant. For these reasons, the impact to the Town of allowing signage to be
9 displayed on human-powered vehicles in accordance with this ordinance will be de minimus.

10
11 Section 2. Section 8-2-3(M) of the Breckenridge Town Code is amended so as to read in
12 its entirety as follows:

13
14 M. Except as expressly provided in this chapter, ~~P~~prohibit off premises signs
15 ~~which~~ that do not identify a business, service, product or other activity engaged
16 in or provided upon the premises where the sign is located.

17
18 Section 3. Section 8-2-3 of the Breckenridge Town Code is amended by the inclusion of
19 the following additional definition, which shall read in its entirety as follows:

20
HUMAN-POWERED VEHICLE: A three-wheeled vehicle for hire that
regularly transports passengers for a fee
using only human power.

21
22 Section 3. The Breckenridge Town Code is hereby amended by the addition of a new
23 Section 8-2-14-1, which shall read in its entirety as follows:

24
25 8-2-14-1: SPECIFIC REGULATIONS: SIGNS ON HUMAN-POWERED
26 VEHICLES: The following regulations shall apply to signs placed on
27 human-powered vehicles. In the event of a conflict between this section and
28 any other provision of this chapter, the provisions of this section shall
29 control:

30
31 A. Number of Signs Permitted: Not more than one sign shall be placed on
32 the rear of a human powered vehicle. Not more than one sign per side shall
33 be placed on a human powered vehicle.

34
35 B. Size limitation: No individual sign on a human-powered vehicle shall
36 exceed four (4) square feet. The total signage that is placed on a human-
37 powered vehicle shall not exceed a combined total of seven (7) square feet in
38 size.

39
40 C. No Illumination: A sign that is placed on a human-powered vehicle shall
41 not be illuminated; provided, however, this provision shall not prohibit the
42 placement of lighting on a human-powered vehicle that is required for safety.
43

1 D. No Double-Sided Signage: No signage that is placed on a human-
2 powered vehicle shall be double-sided.

3
4 E. Off-Premises Signage Allowed: A sign that is placed on a human-
5 powered vehicle is exempt from the prohibition against off-premises signage
6 set forth in Section 8-2-15(F) of the chapter.

7
8 F. Permit Required: No person shall display, maintain, or use a sign on a
9 human-powered vehicle without a valid sign permit issued pursuant to this
10 chapter.

11
12 Section 4. Section 8-2-15(F) of the Breckenridge Town Code is amended so as to
13 read in its entirety as follows:

14
15 F. Off premises signs, except as specifically authorized in sections 8-2-6(I)
16 and 8-2-14-1 of this chapter.

17
18 Section 5. Except as specifically amended hereby, the Breckenridge Town Code, and the
19 various secondary codes adopted by reference therein, shall continue in full force and effect.

20
21 Section 6. The Town Council hereby finds, determines and declares that this ordinance is
22 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
23 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
24 thereof.

25
26 Section 7. The Town Council hereby finds, determines and declares that it has the power
27 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
28 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
29 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
30 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
31 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
32 contained in the Breckenridge Town Charter.

33
34 Section 8. This ordinance shall be published and become effective as provided by
35 Section 5.9 of the Breckenridge Town Charter.

36
37 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
38 PUBLISHED IN FULL this ____ day of _____, 2010. A Public Hearing shall be held at the
39 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
40 _____, 2010, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
41 Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk



MEMORANDUM

To: Mayor and Town Council
From: Rick Holman, Chief of Police
Date: November 9, 2010
Subject: Proposed Amendment to Town Ordinance for Assault

Staff is recommending the Town Council repeal the existing Town Ordinance for Assault and readopt with changes a revised version of the Assault ordinance.

Under the existing assault ordinance the municipal court would not have jurisdiction if an assault involved a deadly weapon or serious bodily injury. Normally assaults involving deadly weapons or serious bodily injury are considered "felony" and filed in District Court. This past year, our police department investigated a case where a subject who was involved in a fight received a broken leg (serious bodily injury). Because of the circumstances in this case we could not prove who broke the leg although we could show who was involved in the fight. We did not have enough evidence to file this case as a felony and so we charged into municipal court as a misdemeanor. The prosecuting attorney for the Town did not want to accept the case into Municipal Court because it involved a serious bodily injury. It was suggested we should amend the ordinance to drop the elements of weapon and serious bodily injury.

Amending this ordinance will not change how we charge minor assaults into municipal court and the vast majority of assaults involving serious bodily injury will still go to District Court.

1 *FOR WORKSESSION/FIRST READING – NOV. 9*

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2010

9
10 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES SECTION 6-3A-1
11 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL OFFENSE OF
12 ASSAULT

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

16
17 Section 1. Section 6-3A-1 of the Breckenridge Town Code is amended so as to read in its
18 entirety as follows:

19
20 ~~A. Intentionally, Without Deadly Weapon: It is unlawful for any person to~~
21 ~~intentionally cause bodily injury to another person; provided, however, that this~~
22 ~~subsection shall not apply to injury caused by means of a deadly weapon, nor~~
23 ~~shall it apply in the event of serious bodily injury.~~

24 ~~B. Recklessly: It is unlawful for any person to recklessly cause bodily injury to~~
25 ~~another person; provided, however, that this subsection shall not apply in the~~
26 ~~event of serious bodily injury caused by means of a deadly weapon.~~

27 ~~C. Criminal Negligence, Deadly Weapon: It is unlawful for any~~
28 ~~person with criminal negligence to cause bodily injury to another person by~~
29 ~~means of a deadly weapon.~~

30
31 **6-3A-1: ASSAULT: A person commits the municipal offense of assault if**
32 **the person knowingly or recklessly causes bodily injury to another person or**
33 **with criminal negligence the person causes bodily injury to another person**
34 **by means of a deadly weapon.**

35
36 Section 3. The Town Council hereby finds, determines and declares that this ordinance is
37 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
38 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
39 thereof.

40
41 Section 4. The Town Council hereby finds, determines and declares that it has the power
42 to adopt this ordinance pursuant to the provisions of: (i) Section 31-15-103, C.R.S. (concerning
43 municipal police powers); Section 31-15-401, C.R.S. (concerning municipal police powers); and
44 (iii) the powers possessed by home rule municipalities in Colorado.
45



October 29, 2010 – for November 9, 2010 Work Session

TO: Breckenridge Town Council

FROM: James Phelps and Maribeth Lewis Baker

RE: Winter 2010-2011 Service Plan

The Breckenridge Free Ride will begin Winter Schedule on Saturday, December 11, 2010. The system configuration will largely remain unchanged to the 2009-2010 winter service plan. Staff may adjust some timing of bus stops, but the routes will remain the same.

A possible change may be the addition of two bus stops along French Gulch Road for the Purple Route to extend service further into the neighborhood. Currently there are discussions by Community Development, the Home Owner's Association, and Housing Developer in which to provide bus pull offs and a turnaround for the bus. Should this option move forward, two additional stops would be added with one around Union Mill and one towards the end of the neighborhood along French Gulch Road.

For the winter, the Summit Stage winter service begins on November 21, 2010. The Frisco bus will be departing Breckenridge Station at the :15 and :45 starting on that date. This schedule change will work for the Interline coordination of the two Transit services.

The Free Ride Winter Schedule will operate for 20 weeks or through April 29, 2011. Beginning April 30th for the following 32 weeks, the Free Ride Summer Schedule will operate the Yellow and Purple routes only. Summer service will be on a one-hour basis. The bus will interline between the two routes. The Yellow route will provide service between CMC and Beaver Run. The Purple route will remain unchanged from current routing. All additional routes (Gray, Brown, Orange and Black) will not operate as part of the summer schedule.

This memo is for informational purposes only. Please reference maps (attachment) for any specific route questions. Staff will be on-hand at the Work Session to answer any questions.

WELCOME TO BRECKENRIDGE

Thanks for choosing Breckenridge! To make your stay more enjoyable and to save time, energy and money, we have created a transit system. Simply locate your destination on the map and refer to the route numbers on the opposite side for directions. For more information, your contact link between town and Peak 8. For more information about the Breckenridge FREE RIDE, please call our Transit Hotline at (970) 547-3140 or ask our friendly drivers and they will be happy to assist you.

Free Ride Bus Routes:

- Yellow Route (Year-round)
- Orange Route (Year-round)
- Brown Route (Year-round)
- Black Route (Year-round)
- Purple Route (Year-round)
- Gray Route (Year-round)
- Blue Route (Seasonal)
- Red Route (Seasonal)
- Green Route (Seasonal)

Summit Stage Bus Routes:

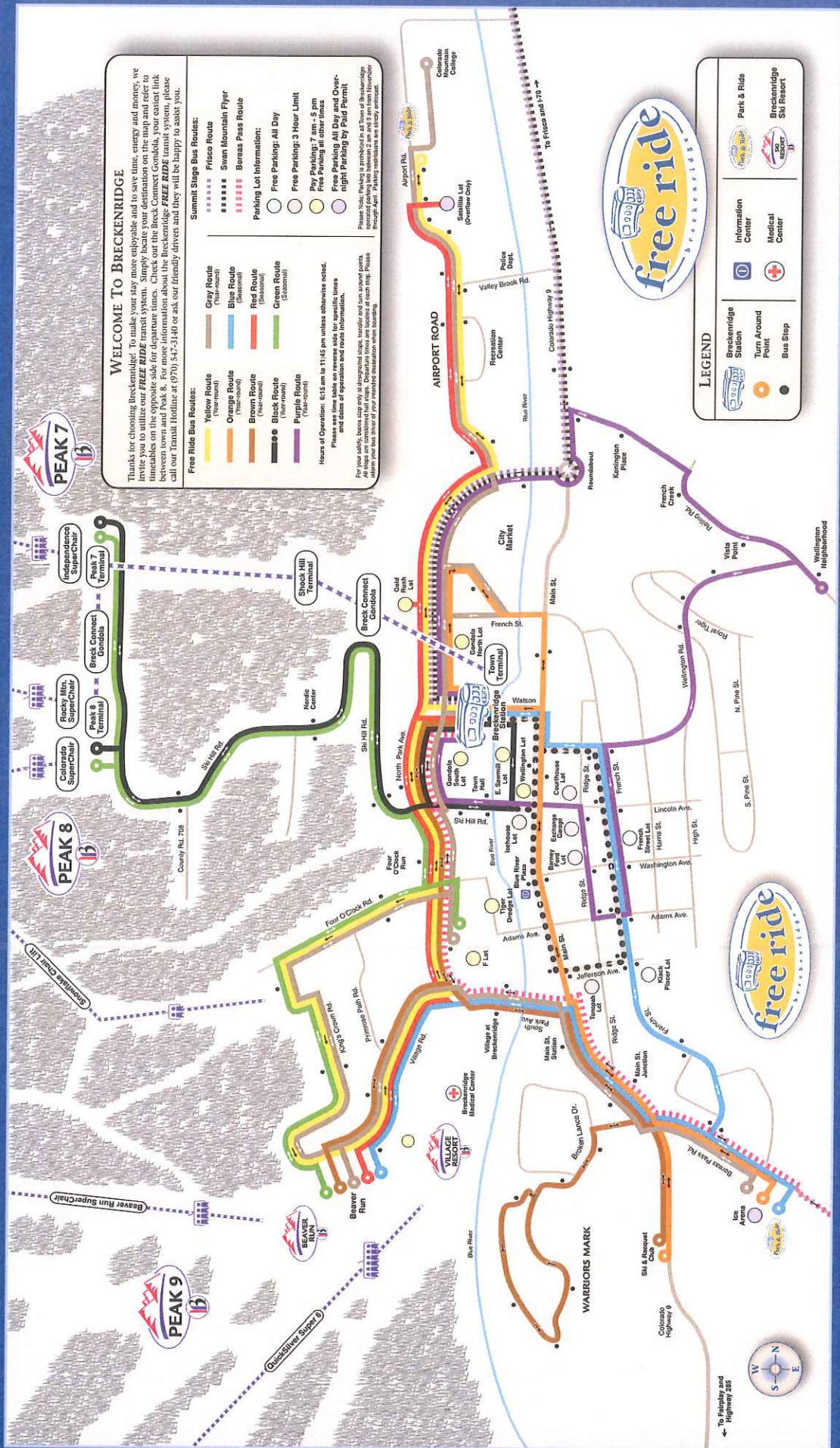
- Frisco Route
- Swan Mountain Flyer
- Boreas Pass Route

Parking Lot Information:

- Free Parking: All Day
- Free Parking: 3 Hour Limit
- Free Parking: 7 am - 5 pm
- Free Parking: All other times
- Free Parking: All Day and Over-night Parking by Paid Permit

Hours of Operation: 6:15 am to 11:45 pm unless otherwise noted. Please see line table on reverse side for seasonal times and dates of operation and route information.

For your safety, buses stop only at designated stops, transfer and turn signals. All stops are considered bus stops. Destination signs are located at each stop. Please turn your bus three of your intended destination when touring.



free ride

BRECKENRIDGE



WELCOME TO BRECKENRIDGE

Thanks for choosing Breckenridge! To make your stay more enjoyable and to save time, energy and money, we invite you to utilize our **FREE RIDE** transit system. Simply locate your destination on the map and refer to timetables at the Bus Stops for departure times. For more information about the Breckenridge **FREE RIDE** transit system, please call our Transit Hotline at (970) 547-3140 or ask our friendly drivers and they will be happy to assist you.

Free Ride Bus Routes:

- Yellow Route
- Purple Route

Parking Lot Information:

- Free Parking: All Day
- Free Parking: 3 Hour Limit
- Pay Parking: 7 am - 5 pm
- Free Parking all other times
- Free Parking All Day and Over-night Parking by Paid Permit

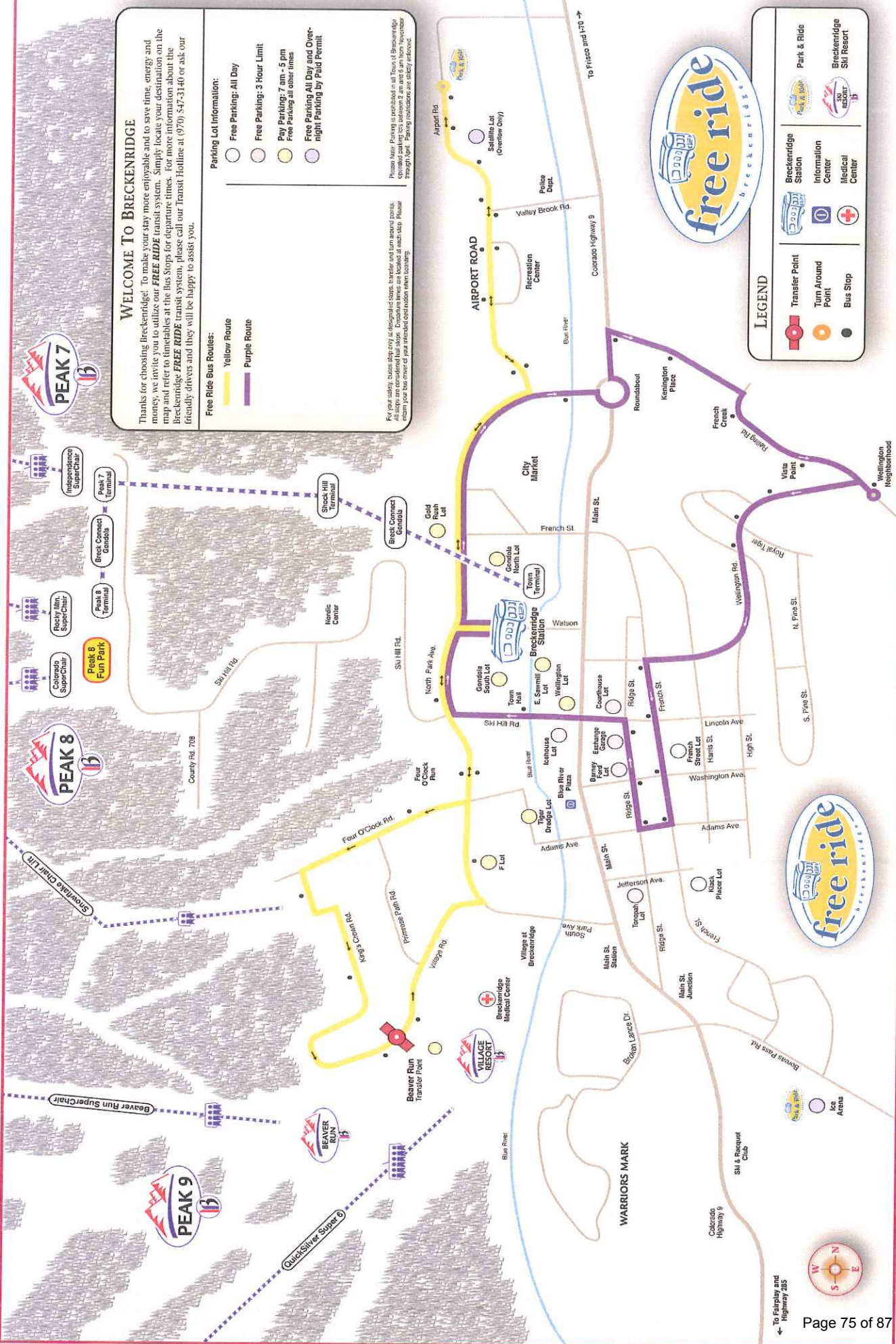
Please Note: Parking is prohibited in all Town of Breckenridge designated parking lots between 2 am and 5 am from November through April. Parking restrictions are strictly enforced.

For your safety, buses stop only at designated stops; transfer and turn around points. All stops are considered bus stops. Directional signs are located at each stop. Please plan your route to avoid your intended destination when necessary.



LEGEND

- Transfer Point
- Turn Around Point
- Bus Stop
- Breckenridge Station
- Information Center
- Medical Center
- Park & Ride
- Breckenridge Ski Resort



To Fairplay and Highway 205



TO: BRECKENRIDGE TOWN COUNCIL
FROM: BRIAN WALDES, FINANCIAL SERVICES MANAGER
SUBJECT: SOLAR ARRAY SITE DRAWINGS
DATE: 10/29/10
CC: TIM GAGEN

The purpose of this memo is to apprise Council of the latest developments with regards to the Power Purchase Agreement (PPA).

The PPA was signed by the Town on October 8. Since then, Vibrant Solar has supplied the Town with final site drawings for several locations. The first arrays to be installed will be at the Stephen C. West Ice arena, Recreation Center, Fleet administration buildings, and the Tarn water treatment plant. It is possible to get these sites built in the fall of 2010. Although weather will be a factor, the mounting methods used for these locations allow for work to progress in less than ideal conditions. Exceptional weather can still delay this time frame. The other arrays described in this memo will be installed in spring 2011. The designs for these subsequent installations are preliminary and subject to change.

Staff presented these drawings to the Breckenridge Planning Commission on October 5. The Commission was in favor of the project. They had concerns about communication of the projects to affected property owners. Staff sent letters to all home owners within 300 feet of any potential arrays notifying them of the project as well as the open house held on October 20.

Town Staff, along with representatives from Vibrant Solar and Renewable Social Benefits Funds (RSBF, the financing arm of the PPA), held an open house at Town Hall on Wednesday, October 20. About 10 citizens attended, four stayed for the presentation. Questions and comments were positive, and only a few minor concerns were raised.

Staff also attended the Blue River Planning Commission meeting on Tuesday, October 17, to present the Tarn roof mounted array as a courtesy review. The Commission was in favor of the project, but would have preferred to have been notified earlier. The relatively short time frame of this project prevented that. Staff will endeavor to notify the Commission of future plans for the site as early as possible. The next phase of the PPA calls for flush mounted panels on the dam itself.

Below is a brief narrative of each site. The site drawings are attached for your reference. The drawings, provided by Vibrant, also contain many useful statistics for each site;

1. Solar power generated annually (in kWh)
2. CO₂ annual offset in pounds (lbs)
3. Percentage of electrical use offset annually
4. Depiction of array location/size

Initial Sites

Fleet Maintenance

The goal for this site is to offset 100% of the electrical usage. This can be achieved due to the ample roof space available. Visual impacts will be minimal.

Stephen C. West Ice Arena

Arrays at this location will offset 15% of electrical consumption at this site, even though we are installing a very large (100 kW) array. The percentage is lower at this location due to the large amount of power consumed by compressors at the rink. Visual impact will be minimal.

Rec Center

The roof mounted arrays at this location will offset roughly 8% of the power consumed at the Rec Center. They will not be visible from most angles. The mounts will not penetrate the roof.

Tarn Water Facility

The first phase of the PPA calls for roof mounted arrays at the water treatment plant. These will offset a small amount of the power used at the facility. Future plans aim to incorporate flush mounted panels on the dam itself to bring the size of the array up to 100 kW.

Subsequent Sites

Golf Maintenance Facility

The main irrigation pump located at the Golf maintenance facility will be served by a 59 kW array that will offset 100% of electrical consumption at the site. Visual impacts will be minimal. The berms around the facility will serve to block the array from most site angles at the golf course.

Police Facility

The goal is to offset 100% of the electricity used at this facility. This can be accomplished by utilizing both roof and ground mounts. There will be some visual impact to the front of the building as a result of the roof mount. The Valley Brook childcare facility already has several roof mounted arrays visible from Valley Brook road. Arrays on the police facility, in combination with the extant arrays next door, will give the appearance of an intensive solar effort. Vibrant has also identified the berm on the south side of Valley Brook road (between the tennis courts and the road) as a good location for a large ground mounted array. The ground mounted array will be connected to the facility via lines running under the road. This design may require the removal of some trees on the berm.

Ski Hill Pump #1

The ski hill pump array will be installed on the ground behind ski hill pump #1. The panels will be in the triangle piece of land right where the skyway skiway and four o'clock run split. They will only be visible from 2 home located above the skyway skiway. This pump uses a large amount of power, and a 100 kW array will offset 90% of that usage annually.

Swan River Pump

The array for the Swam River Pump will be across Tiger road and located next to the access road for the Golf maintenance facility. The array will offset 100% of the pump's power usage and have minimal visual impact.

Conclusion

The PPA is moving forward very quickly. This pace has been beneficial to the Town. Renewable Energy Credit (REC) rates have fallen 20% since we signed, which would have reduced the Town's savings over 20 years by about \$200,000.

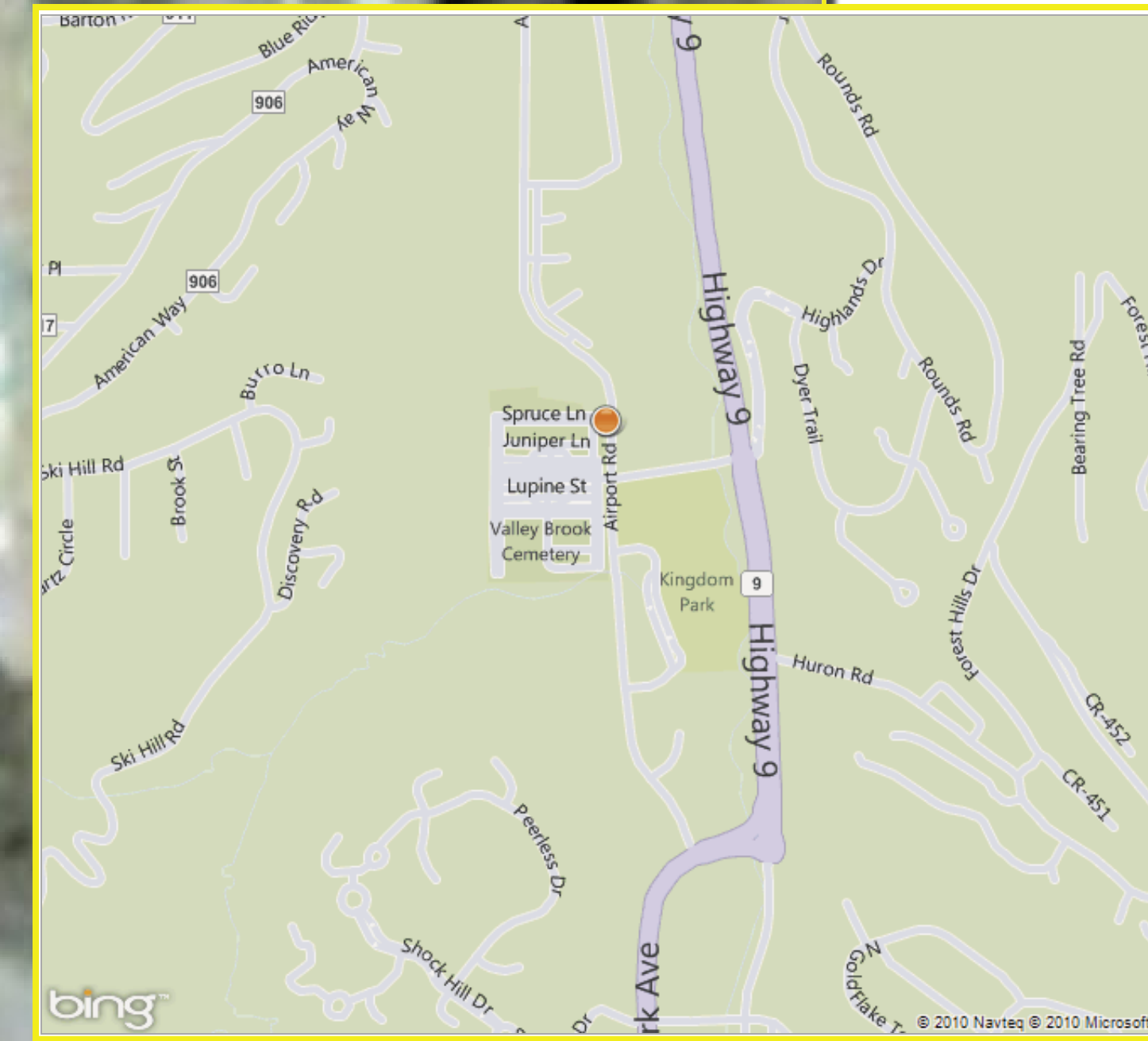
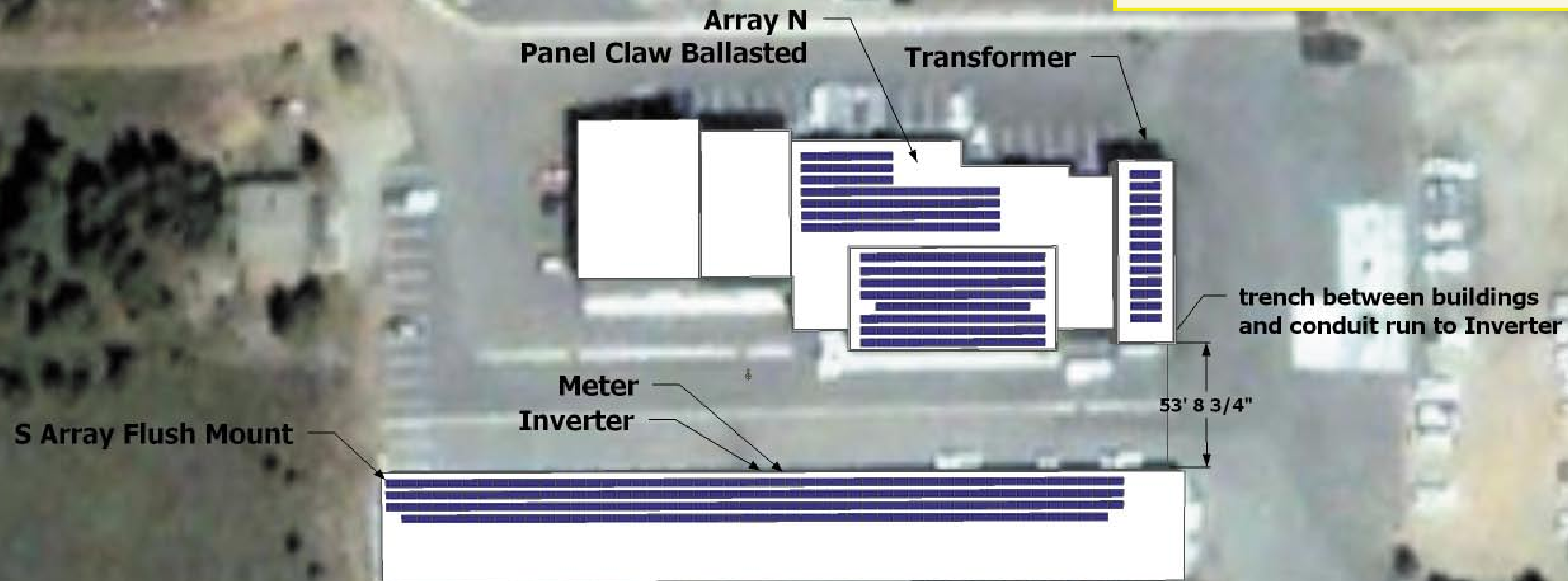
Vibrant is still looking at local contractors to do installation work. However, it bears stating that the 100 kW arrays will be much larger and complex than anything installed locally to date.

Breckenridge Solar Project

- ☀️ 1105 Airport Road 100.82 kW
- ☀️ Generates ~158,570 kWh/year
- ☀️ Reduces CO² emissions by ~364,580 lbs/year
- ☀️ Offsets 100% of annual usage



Fleet Maintenance



Breckenridge Solar Project

- ☀️ 189 Boreas Pass Road 100.82 kW
- ☀️ Generates ~158,570 kWh/year
- ☀️ Reduces CO² emissions by ~364,580 lbs/year
- ☀️ Offsets 15% of annual usage



Stephen C. West Ice Arena

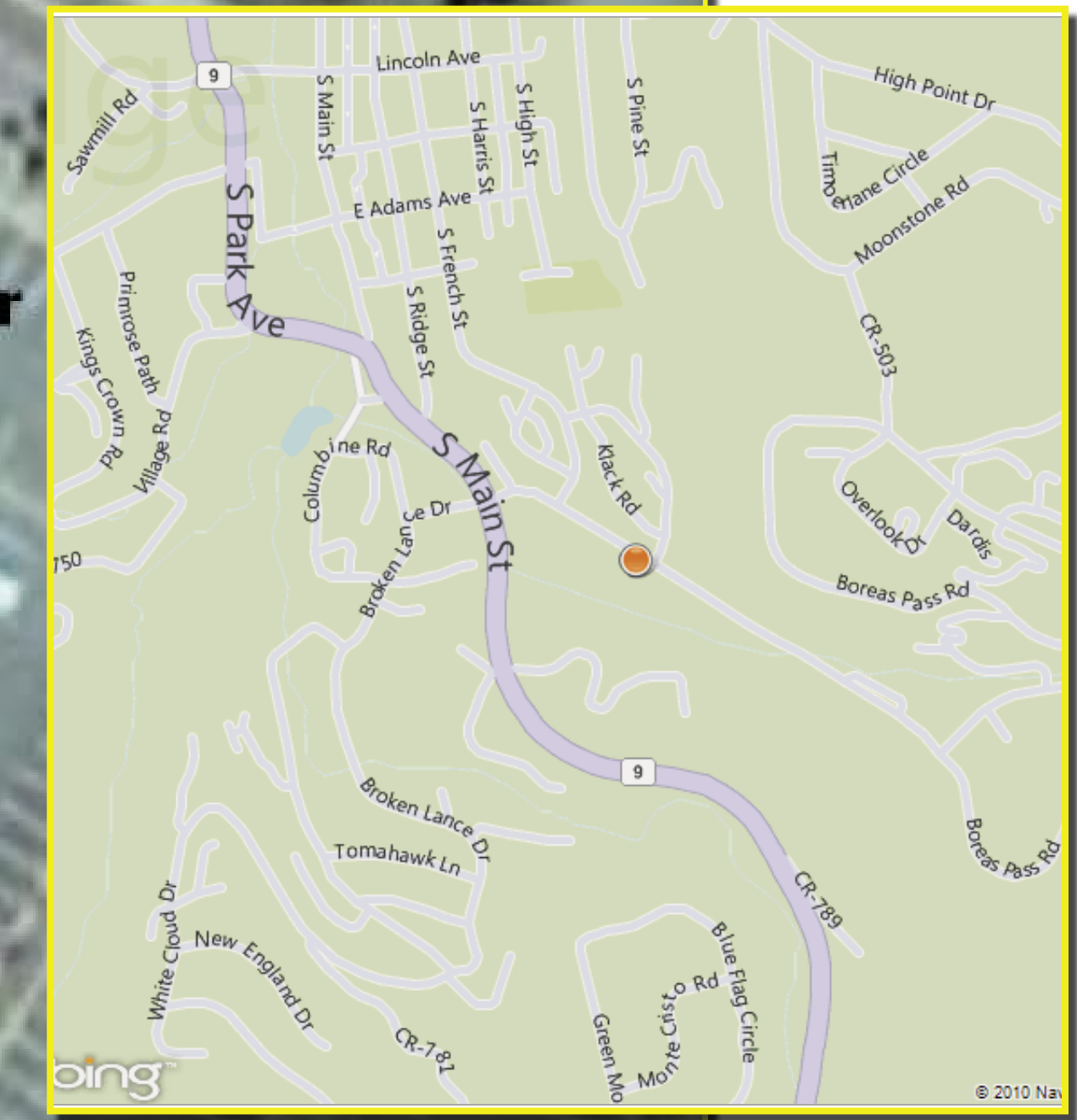
PV Array mounted flush to roof

Meter and Main Switch Gear

Inverter and PV Intertie

Conduit on Exterior

Area for snow slough
No added snow breaks specified
May need to protect compressor

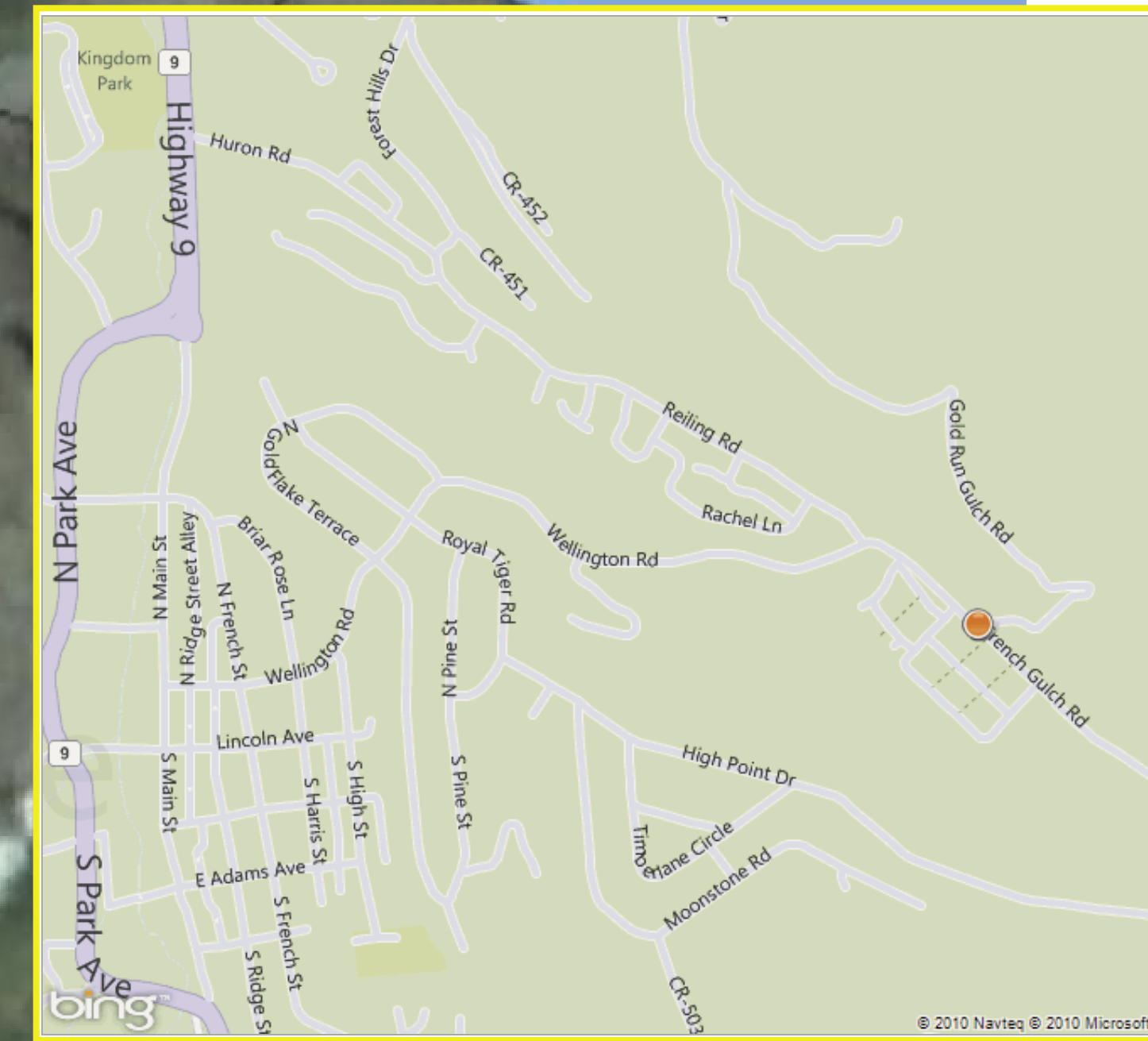
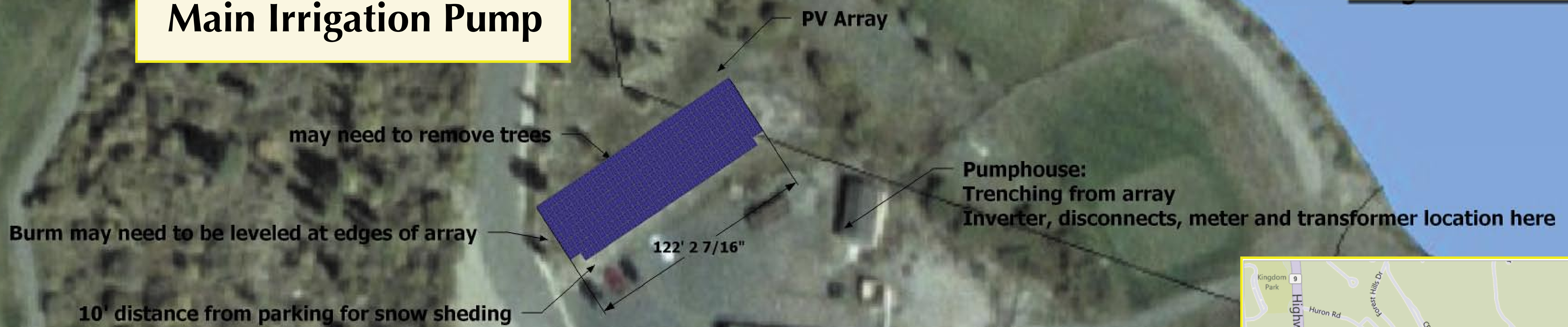


Breckenridge Solar Project

- ☀️ 85 Gold Run Gulch Road 59.22 kW
- ☀️ Generates ~94,350 kWh/year
- ☀️ Reduces CO² emissions by ~216,930 lbs/year
- ☀️ Offsets 100% of annual usage



Main Irrigation Pump

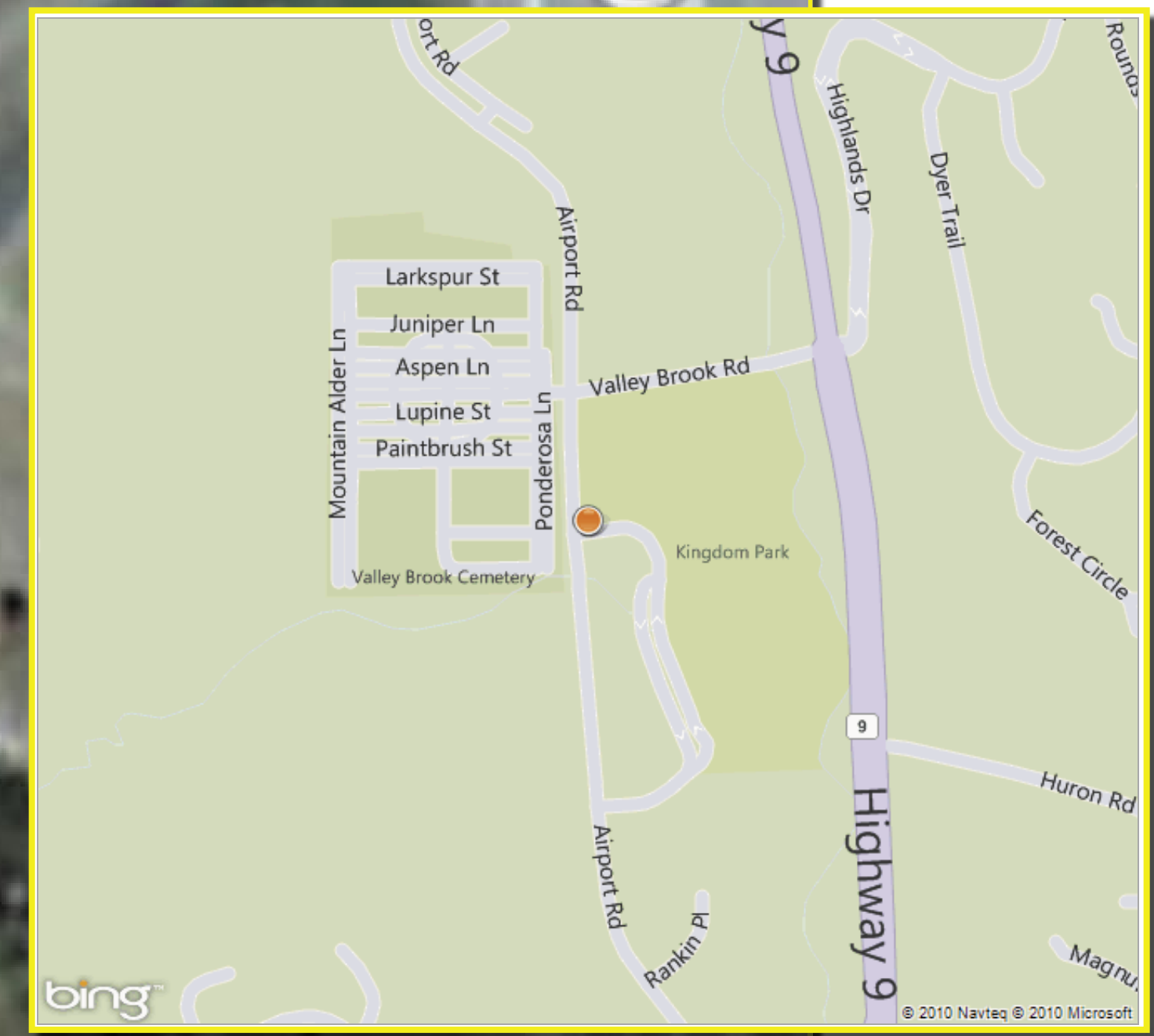
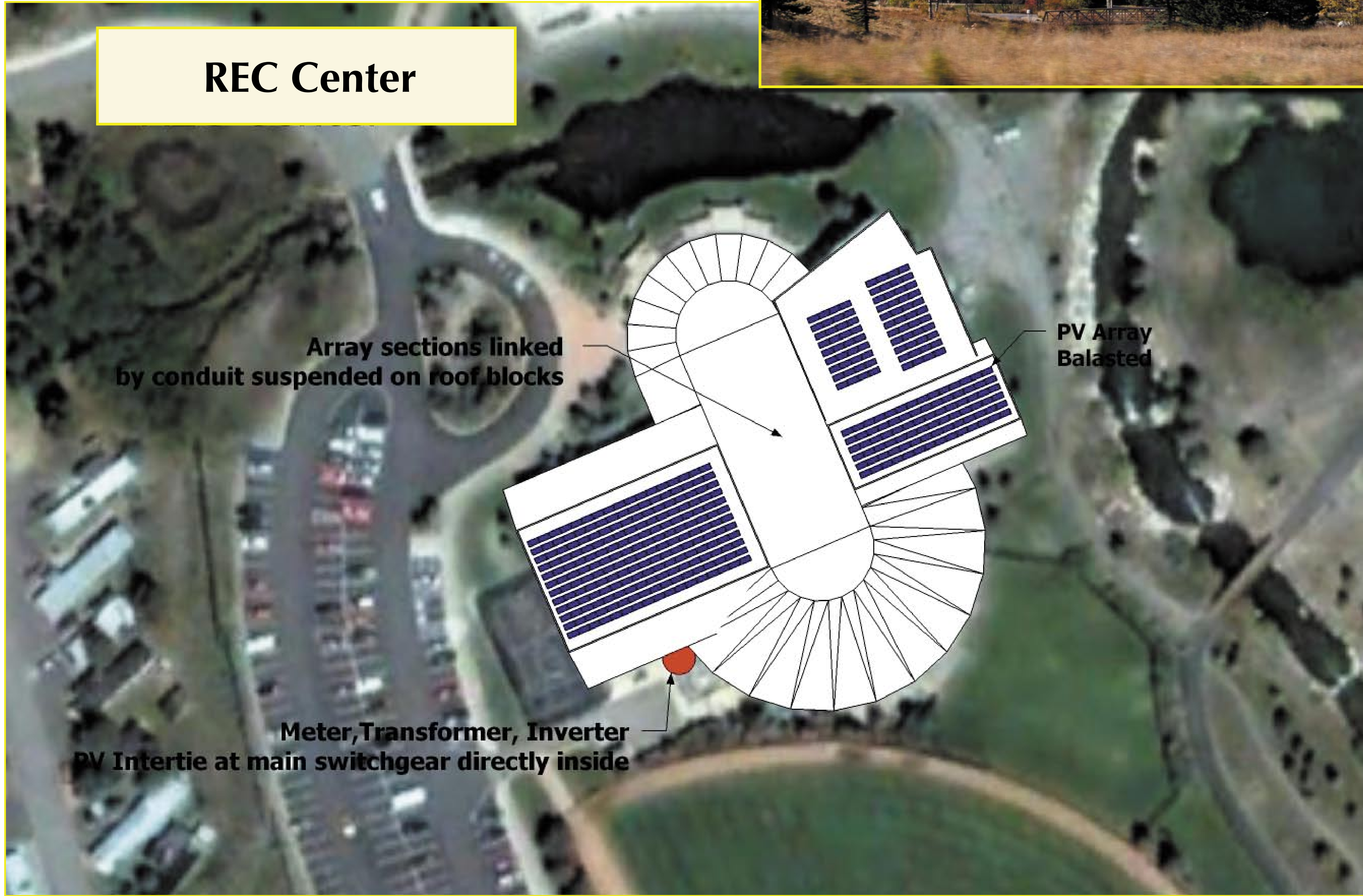


Breckenridge Solar Project

- ☀️ 880 Airport Road 100.82 kW
- ☀️ Generates ~158,570 kWh/year
- ☀️ Reduces CO² emissions by ~364,580 lbs/year
- ☀️ Offsets 8% of annual usage



REC Center



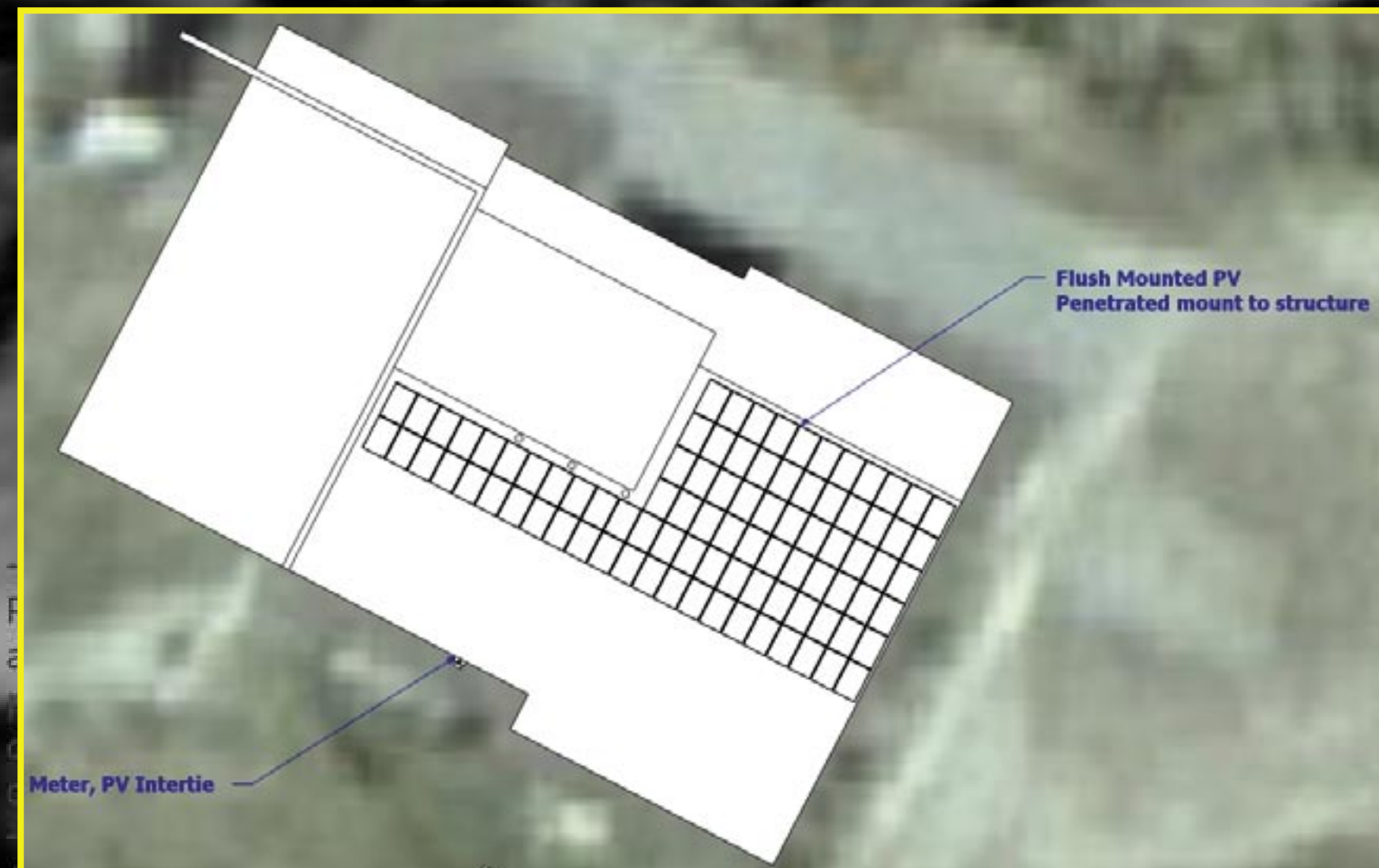
Breckenridge Solar Project

- ☀️ 271 Lakeshore Loop 21.62 kW
- ☀️ Generates ~33,940 kWh/year
- ☀️ Reduces CO² emissions by ~78,000 lbs/year
- ☀️ Offsets 8.8% of annual usage (54% when Part 2 complete)

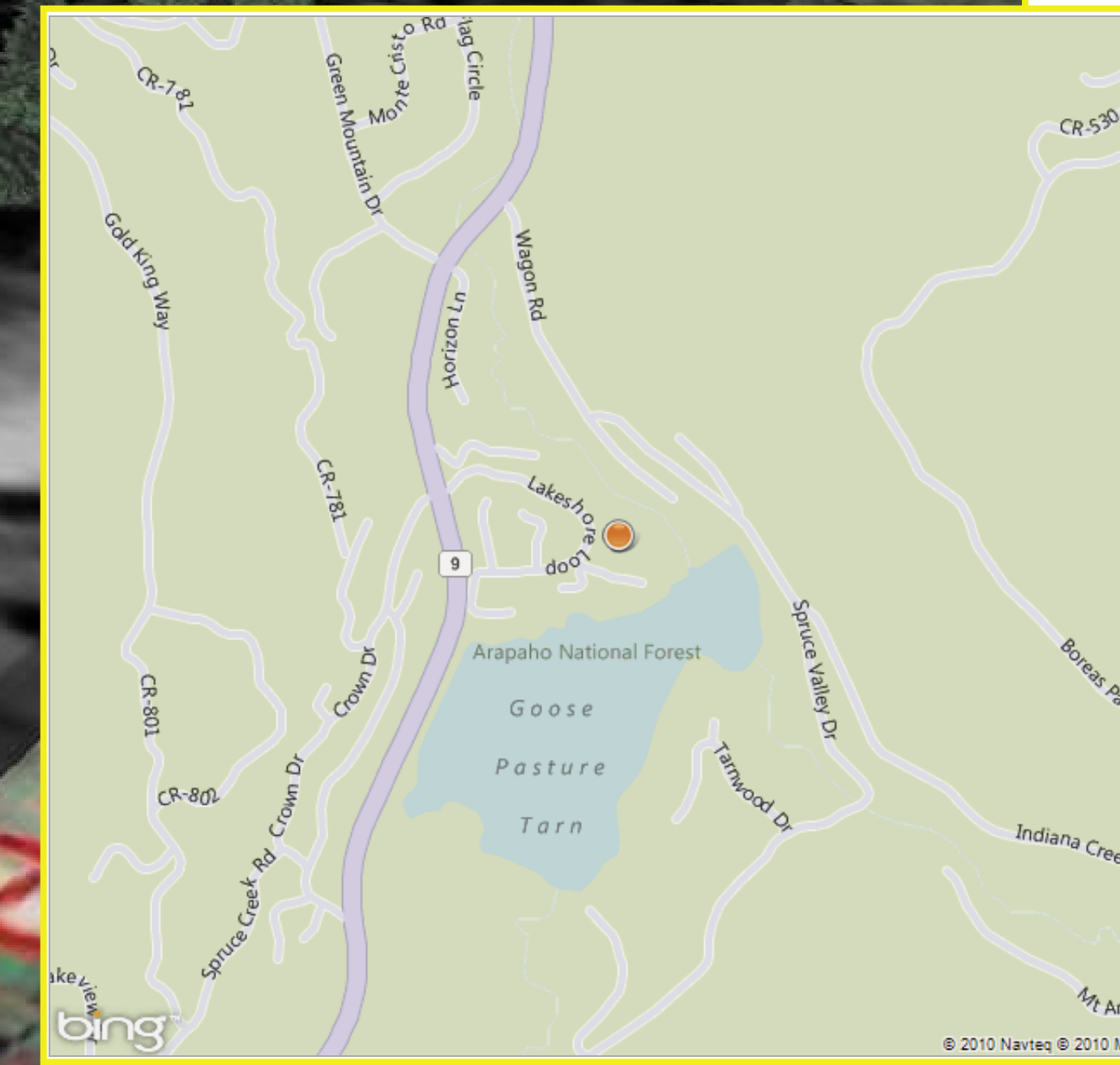


Tarn Water Plant Part 1

- SolarFun SF 230s
- 88 panels = 20.24 KW
- Azimuth = 207 deg
- Tilt = 28 deg
- Solar Access = 95.14 %
- Flush Mount on Roof

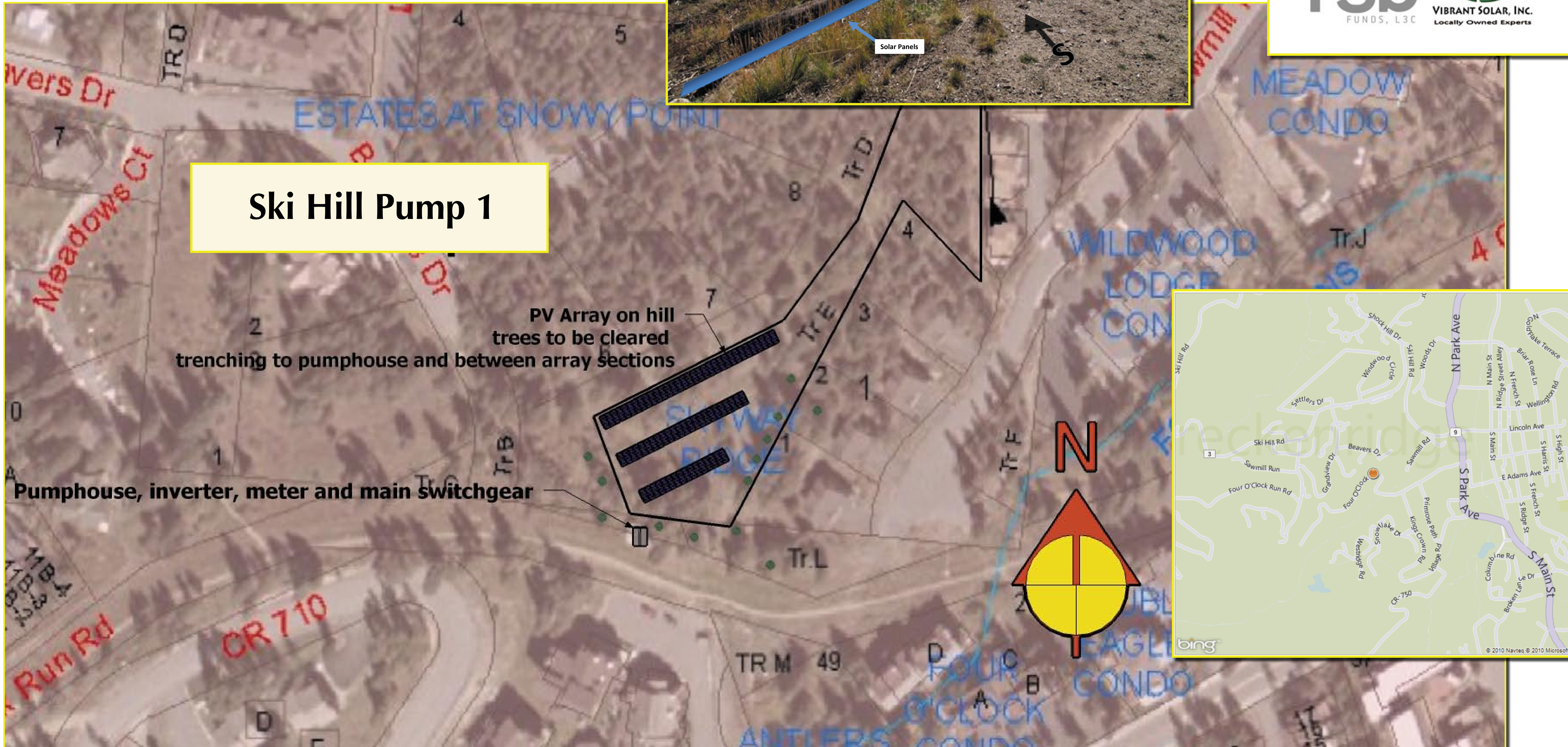


Additional array tentatively planned on dam.



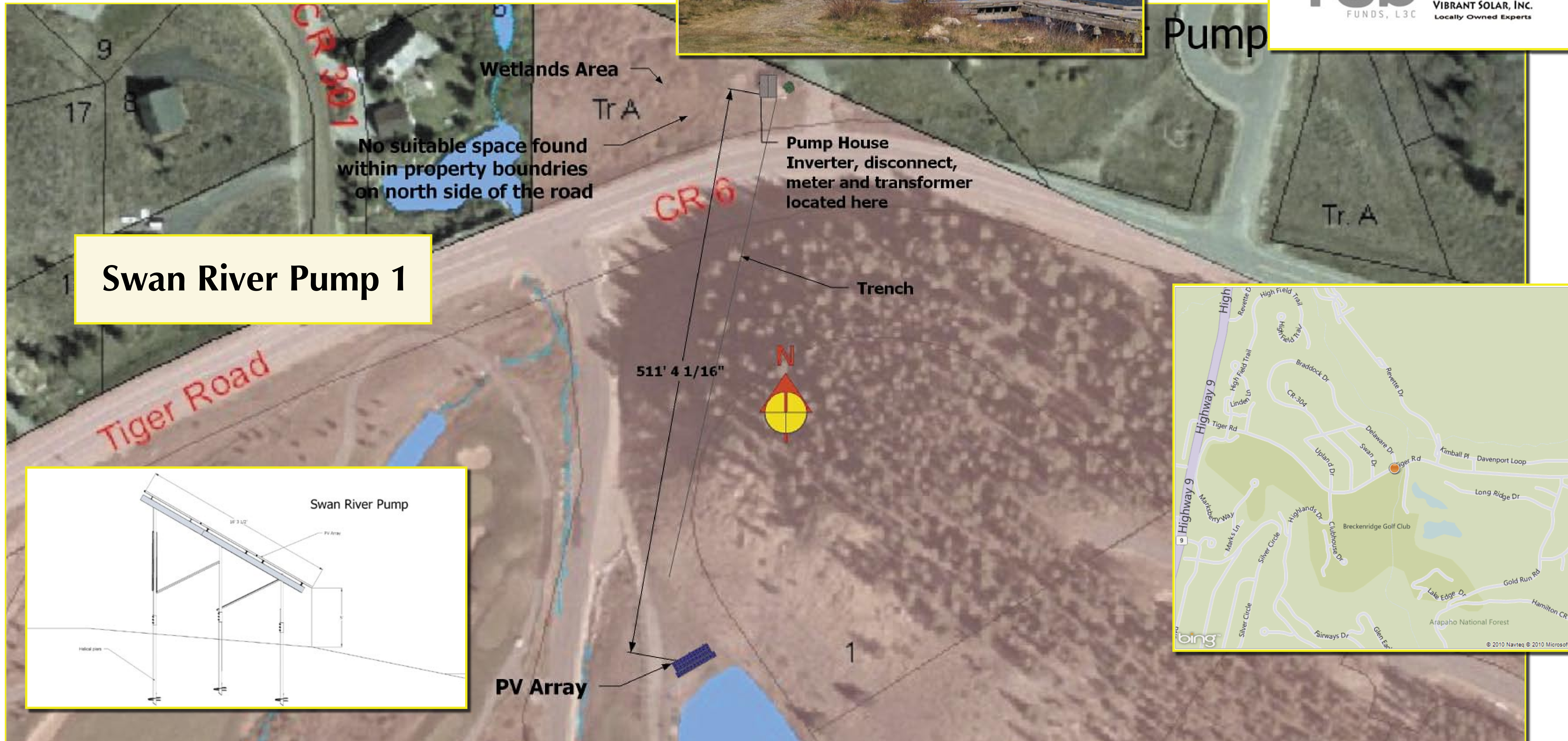
Breckenridge Solar Project

- ☀️ 750 Four O'Clock Run 100.82 kW
- ☀️ Generates ~160,620 kWh/year
- ☀️ Reduces CO² emissions by ~369,290 lbs/year
- ☀️ Offsets 90% of annual usage



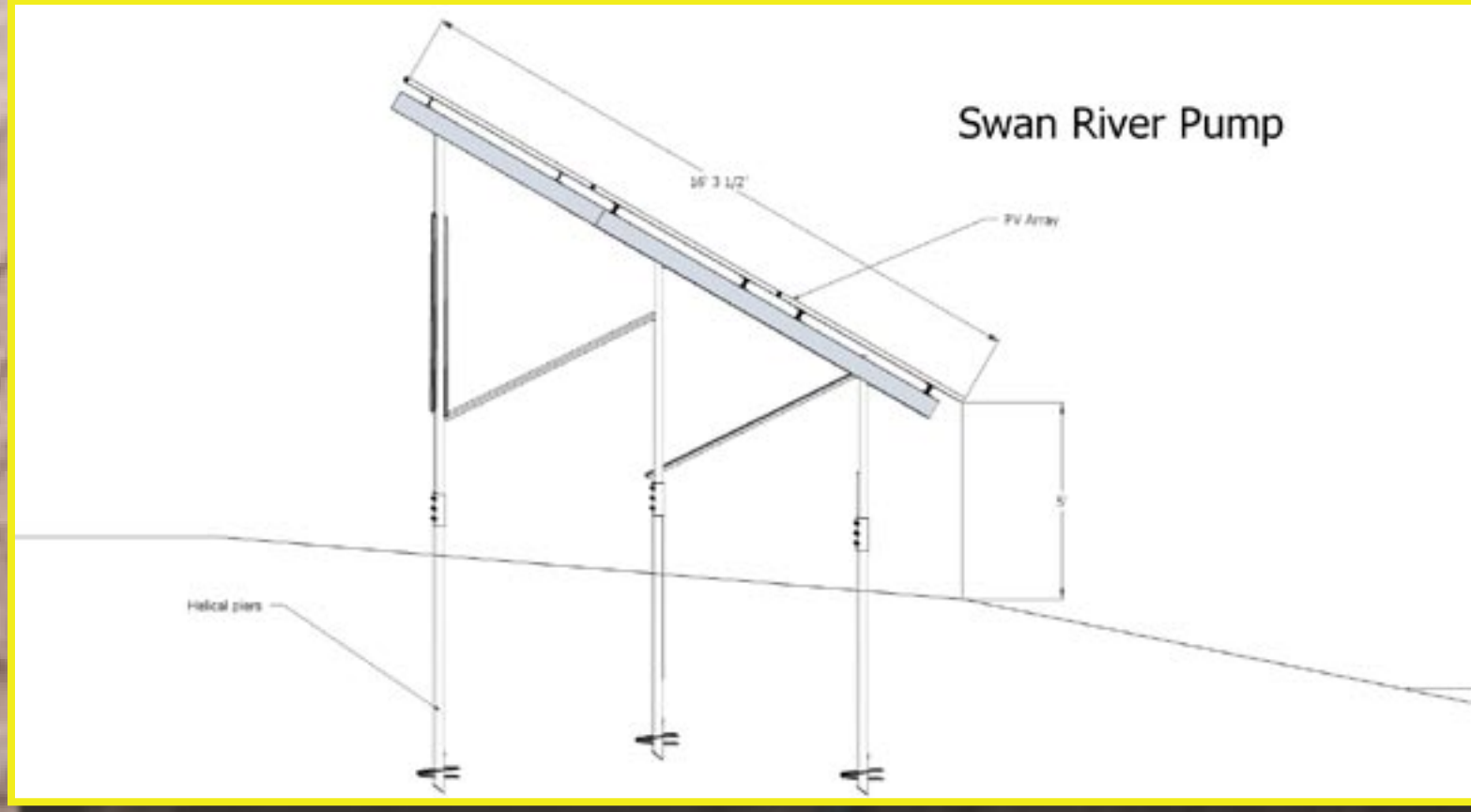
Breckenridge Solar Project

- ☀️ 901 Tiger Road, on Golf Course 7.05 kW
- ☀️ Generates ~ 11,232 kWh/year
- ☀️ Reduces CO² emissions by ~25,820 lbs/year
- ☀️ Offsets 100% of annual usage



Pump

Swan River Pump 1



Breckenridge Police Facility

150 Valley Brook Rd
Breckenridge CO 80424

-
Solarfun SF-235 P
Roof Only:
128 panels = 30.08 KW
Azimuth = 170 deg
Tilt = 26.6 deg
Solar Access = 97.64 %

Solarfun SF - 235 P
Total Site:
405 panels = 93.15 KW
Azimuth = 170 deg
Tilt = 26.6 deg
Solar Access = 97.64 %

Panel placement is
approximate, exact
placement to be
determined

-
(C) 2010, Vibrant Solar, Inc.



© 2010 Google
Image © 2010 DigitalGlobe
39°20'53.46" N 106°02'53.58" W elev 9465 ft



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.

NOVEMBER 2010

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

Thursday, November 11; 6:50 am – 9:00am **Wake Up Breckenridge/Event w/Ski Area**
Council members at various locations – Starbuck’s; Clint’s; Cool River; Amazing Grace; Coffee Cart @ City Market; Daylight Donuts; Coffee Depot/Main St. Station

Friday, November 12; 8:00 – 9:00am **Coffee Talk – Cool River**

Friday, November 12; 6:00 pm – 9:00 pm **Ski Hill One Place Grand Opening**

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

Thursday, Nov. 25th & Friday, Nov. 26th **Town Offices Closed for Holiday**

DECEMBER 2010

Tuesday, December 14; 3:00/7:30pm **First Meeting of the Month**

Friday, December 10; 8:00 – 9:00am **Coffee Talk – Blue Moose**

Friday, December 24th **Town Offices Closed for Holiday**

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**

2nd Tuesday of the month; 10 am – 12noon **Breckenridge Marketing Advisory Committee; 3rd floor Conf Room**

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