



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, January 24, 2012; 7:30 PM

Town Hall Auditorium

| | | |
|-------------|---|-----------|
| I | CALL TO ORDER, ROLL CALL | |
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| | C. BRC (MR. BURKE) | |
| | D. MARKETING COMMITTEE (MR. DUDICK) | |
| | E. SUMMIT COMBINED HOUSING AUTHORITY (MR. JOYCE) | |
| | F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BURKE) | |
| | G. WATER TASK FORCE (MR. MAMULA) | |
| X | OTHER MATTERS | |

*Report of the 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.

XI SCHEDULED MEETINGS

XII ADJOURNMENT

*Report of the 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.



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, January 10, 2012; 7:30 PM
Town Hall Auditorium

CALL TO ORDER, ROLL CALL

Mayor Warner called the January 10, 2012 Town Council meeting to order at 7:30 p.m. The following council members answered roll call: Mr. Bergeron, Mr. Burke, Mr. Dudick, Mr. Joyce, Mr. Mamula, Ms. McAtamney and Mayor Warner.

APPROVAL OF MINUTES - DECEMBER 13, 2011

With no changes or corrections to the meeting minutes of December 13, 2011, Mayor Warner declared they would stand approved as presented.

APPROVAL OF AGENDA

Mr. Gagen, Town Manager, stated there are two changes to the agenda. Under New Business; First Readings, there is a revised version of Council Bill No. 3, Series 2012. The new title reads: An Emergency Ordinance Amending Section 6-3F-16 of the Breckenridge Town Code Concerning the Municipal Offense of "Open Containers Prohibited" (Ullr Festival 2012). The second change to the agenda involves Council Bill No. 4, Series 2012. That item will be deleted from the agenda. The numbering of council bills will remain the same. For members of the public Mayor Warner summarized the content of the two council bills.

COMMUNICATIONS TO COUNCIL

A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)

Mary Whatley Siekman addressed the council. She asked for a copy of the Red Tail Ranch Study. Mr. Gagen stated there was a study conducted, however it was decided not to proceed further with anything in that area. He asked Ms. Siekman to file an open records request with the town clerk.

B. BRECKENRIDGE RESORT CHAMBER UPDATE

John McMahon reported on Ullr Fest. The coronation was last night at Main Street Station. Jan and Eric Degerberg were crowned King and Queen. Ullr Olympics is currently in progress at the Riverwalk Center. There are approximately 75 - 100 people attending. Already the BRC is seeing the benefits to having Ullr events in town. The BRC is in the process of doing their annual calculations, numbers are exceeding 2011 goals. There is a new marketing committee. It is believed this committee will enable better oversight. The annual Snowsculpture event is coming up in late January. Teams look to be the best the event organizers have seen in a number of years. The BRC will keep an eye on the planning of ski area spring events. The BRC hopes to compliment what is being planned. Membership is up. Sponsors for Snowsculpture will be Cadillac and 5 Hour Energy. With the lack of snow, Mr. McMahon was asked if he had seen cancellations. He responded yes, however, not to the extent he would have expected. Mr. Bergeron congratulated the BRC on a job well done with the Ski Area 50th Celebration.

C. SKI AREA UPDATE

Pat Campbell, Vail Resorts, reported they have pulled past records concerning opening dates for upper terrain. This is the first time they have gone this long without having at least some of that terrain open. The good news is E Chair will open Friday. Dew Tour was very successful. Vail is in negotiations with the event organizer for next year. They are looking to "activate" the town more during that event. Ms. Campbell will update council. With limited snow at other areas, participants of the X Games are training here. The ski area is getting a lot of media exposure. Their marketing people are working hard on Spring Fever. Vail staff has been talking to town staff about transportation. Vail will be doing market research this winter.

CONTINUED BUSINESS

A. SECOND READING OF COUNCILS BILLS, SERIES 2011 - PUBLIC HEARINGS

1. Council Bill No, 41, Series 2011 - An Ordinance Amending The Model Traffic Code For Colorado, 2010 Edition, Concerning The Operation Of Pedal Busses Within The Town Of Breckenridge

Mayor Warner read the title of this council bill into the record. Mr. Berry stated this council bill amends the town's traffic code and establishes traffic rules for the operation of pedal busses within town limits. There are no

changes from first reading. Mayor Warner opened a public hearing. With no comments from the public, he closed the public hearing. He asked for a motion.

Mr. Dudick moved to approve Council Bill No. 41, Series 2011 as previously read into the record. Mr. Mamula seconded the motion. A roll call vote was taken. The motion passed 7-0.

2. Council Bill No, 42, Series 2011 - An Ordinance Amending The Breckenridge Town Code Concerning Pedal Busses

Mayor Warner read the title of this council bill into the record. Mr. Berry stated Council Bill No. 42 amends the town's Riverwalk Ordinance and Sign Code to specifically deal with pedal busses. There are no changes to this council bill from first reading. Mayor Warner opened a public hearing. With no comments from the public, he closed the public hearing. He asked for a motion.

Mr. Bergeron moved to approve Council Bill No. 42, Series 2011 as previously read into the record. Ms. McAtamney seconded the motion. A roll call vote was taken. The motion passed 7-0.

3. Council Bill No, 43, Series 2011 - An Ordinance Making The Keeping Of Manure A Public Nuisance, And Providing An Exception For Aged Manure That Is Thoroughly Mixed Into The Soil And Used As Fertilizer

Mayor Warner read the title of this council bill into the record. Mr. Berry stated this council bill amends Section 5-1-7 in the Town Code adding Section K. There are no changes from first reading. Mayor Warner opened a public hearing. Andy Carlberg, resident of Warrior's Mark, thanked council for taking a look at this matter. With no further comments from the public, Mayor Warner closed the public hearing. He asked for a motion.

Mr. Bergeron moved to approve Council Bill No. 43, Series 2011 as previously read into the record. Ms. McAtamney seconded the motion. The motion passed 7-0.

4. Council Bill No. 44, Series 2011 - An Ordinance Designating The Summit Fire Authority As The Emergency Response Authority For The Town Of Breckenridge

Mayor Warner read this council bill into the record. Mr. Berry stated if approved, this council bill would designate the Summit Fire Authority as the emergency response authority for hazardous substance incidents occurring within the corporate limits of the Town of Breckenridge. Mayor Warner opened a public hearing. With no comments from the public, he closed the public hearing. He asked for a motion.

Ms. McAtamney moved to approve Council Bill No. 44, Series 2011 as previously read into the record. Mr. Bergeron seconded the motion. A roll call vote was taken. The motion passed 7-0.

5. Council Bill No. 45, Series 2011 - An Ordinance Approving A Lease With Colorado Mountain Junior College District

Mayor Warner read this council bill into the record. Mr. Berry introduced this matter and stated at the time of the old Colorado Mountain College building acquisition, a lease was never entered into for CMC's use of the Ceramic Studio, Photography Lab and Dance Studio. Both parties agreed it was time to enter into a lease. Mr. Berry stated there are no changes to the council bill from first reading. Mayor Warner opened a public hearing. With no comments from the public, he closed the public hearing. He asked for a motion.

Mr. Bergeron moved to approve Council Bill No. 45, Series 2011 as previously read into the record. Ms. McAtamney seconded the motion. A roll call vote was taken. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2012

1. Council Bill No. 1, Series 2012 - An Ordinance Amending Chapter 12 Of Title 1 Of The Breckenridge Town Code Concerning Municipal Elections

Mayor Warner read this council bill into the record. Ms. Loufek, Town Clerk, introduced this matter stating this council bill proposes several changes to Chapter 12 of Title 1 of the Breckenridge Town Code concerning "Municipal Elections". Section 1-12-1 specifies the appropriate Election Code to be followed for conducting municipal elections. The proposed change will authorize the town to also use the Uniform Election Code for conducting municipal mail ballot elections. Section 1-12-8 requires any person who wishes to run as a write-in candidate to file a "write-in candidate affidavit" by 21 days before the election. Section 1-12-9 allows for the cancellation of an election. Section 1-12-10 specifies the town council adopt a resolution to conduct any municipal election as a mail ballot election. Mr. Burke asked if the procedure related to write in candidates is standard in other communities. Mr. Berry stated several years ago the Colorado Municipal League sponsored a bill that would amend the Municipal Election Code to specifically provide this opt-in provision; it is now part of the state statute.

Mayor Warner asked for a motion. Mr. Bergeron moved to approve Council Bill No. 1, Series 2012 as previously read into the record. Ms. McAtamney seconded the motion. Mayor Warner asked for discussion. Mr. Mamula stated he does not like the provision addressing write-in candidates. He will be voting in opposition to the

motion. A roll call vote was taken. The motion passed 6-1, with Mr. Mamula voting in opposition to the motion.

2. Council Bill No. 2, Series 2012 - An Ordinance Amending Chapter 1 Of Title 9 Of The Breckenridge Town Code, Known As The "Breckenridge Development Code", Concerning Landscape Plans

Mayor Warner read this council bill into the record. Mr. Berry introduced this council bill stating in 2007 the Colorado Legislature enacted a law which is a comprehensive licensing law for landscape architects. The purpose of this council bill is to bring the town's Development Code into compliance with existing state law.

Mayor Warner asked for a motion. Ms. McAtamney moved to approve Council Bill No. 2, Series 2012 as previously read into the record. Mr. Dudick seconded the motion.

Mayor Warner asked for discussion. Mr. Bergeron was not in favor of this council bill and will be voting in opposition to the motion. Mr. Mamula was also not in favor of this council bill, he will also vote in opposition to the motion. A roll call vote was taken. The motion failed 1-6. Mayor Warner voted in favor of the motion with all other council members voting in opposition to the motion. Mr. Burke asked now that the town's code is not in compliance with the state law, what will happen? Mr. Berry stated landscape architects will still need to submit their plans. He will direct staff that state law still applies.

3. Council Bill No. 3, Series 2012 - An Emergency Ordinance Amending Section 6-3F-16 Of The Breckenridge Town Code Concerning The Municipal Offense Of "Open Containers Prohibited"

Mayor Warner read this ordinance into the record. Chief Holman was present and introduced this emergency ordinance. A new version of the ordinance was submitted to council before the meeting. Staff is asking for an amendment to the current Open Container law. Specifically a new subsection A1 has been added and will apply to Ullr Parade and Bonfire, 2012. If this ordinance passes it is set to be repealed on January 13, 2012. Mr. Berry stated a more generic form of this ordinance will be brought back to council in a non-emergency form. There were no questions for Chief Holman. Mayor Warner asked for a motion.

Mr. Mamula moved to approve Council Bill No. 3, Series 2012 as an emergency ordinance in the form handed out by the town attorney before the meeting, the title of which was previously read into the record. Mr. Burke seconded the motion. Mayor Warner asked for any questions or comments from council. There were none. A roll call vote was taken. The motion passed 7-0. Mayor Warner thanked Chief Holman for the work done on this ordinance.

4. Council Bill No. 4, Series 2012 - An Ordinance Submitting To The Registered Electors Of The Town Of Breckenridge At The Regular Town Election To Be Held On April 3, 2012 The Question Of Whether, Commencing July 1, 2012, The Town Of Breckenridge Should Impose An Admissions Excise Tax Of Four And One-Half Percent (4.5%) On Every Person Who Pays To Gain Admission To Any Place Or Event Open To The Public And Requiring Every Person, Whether Owner, Lessee, Or Operator, Who Charges Or Causes To Be Charged Admission To Any Such Place Or Event Open To The Public To Collect Such Admissions Tax For The Town, As A New Tax Pursuant To Article X, Section 20 Of The Colorado Constitution; Requiring Revenues Collected By The Town From The New Tax To Be Used Only For Designated Purposes; Setting Forth The Ballot Title; And Providing For The Conduct Of The Election

This item was removed from the agenda.

5. Council Bill No. 5, Series 2012 - An Ordinance Providing For An Increase In Municipal Water User Fees Effective January 1, 2012; And Increasing The Fee For Mailing Paper Billing Statements

Mayor Warner read this council bill into the record. Mr. Gagen introduced this council bill for first reading. The changes to the ordinance show water fees that will become effective January 1, 2012. Changes include an increase in existing fees (1% per year for water user fees, 5% per year for PIFs). There is also an increased fee for paper statements (\$10 per billing cycle). Mayor Warner asked for any questions. With none, he asked for a motion.

Mr. Bergeron moved to approve Council Bill No. 5, Series 2012 as previously read into the record. Mr. Mamula seconded the motion. A roll call vote was taken. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2012 - NONE

C. OTHER

1. Open Burn Permits - Ullr, Snowsculpting

Kim Dykstra DiLallo, Director of Communications, introduced this matter which includes a request for open burn permits for Ullr Festival: Thursday, January 12, 2012 from 5:00 p.m. - 7:00 p.m. - open fire in a metal box to be located in the Gondola South Lot and the 2012 International Snow Sculpture Championships: Thursday, January 26, 2012 from 7:00 p.m. - 11:30 p.m.; Friday, January 27, and Saturday, January 28, 2012 from 7:00 p.m. - 1:00 a.m. - open fire in a 55 gallon drum and "kiva" stove to be located in the Tiger Dredge Lot in front of the Riverwalk Center at 150 West Adams Avenue.

With no questions or comments from council Mayor Warner asked for a motion. Ms. McAtamney moved to

approve a special permit to allow open fires during the 2012 Ullr Festival and 2012 International Snow Sculpture Championships on the following dates: for Ullr Festival on Thursday, January 12, 2012 from 5:00 p.m. – 7:00 p.m. and for Snow Sculpture on Thursday, January 26, 2012 from 7:00 p.m. until 11:30 p.m. and on Friday, January 27, 2012 from 7:00 p.m. – 1:00 a.m. on Saturday, January 28, 2012. All burning shall comply with the “Open Burning” requirements of Section 307 of the International Fire Code, 2006 Edition. In addition, the applicant shall obtain a bonfire or open burning permit from the Red, White & Blue Fire Department. Mr. Dudick made the second. A roll call vote was taken. The motion passed 7-0.

PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS

Mayor Warner asked council if there was a request to call an item off the consent calendar. With no request, he declared the Planning Commission Decisions of January 3, 2012 would stand approved as presented.

B. BRECKENRIDGE STABLES, LLC CALL UP DECISION

Mr. Dudick removed himself from the discussion. Mr. Berry stated after the December 10 call up hearing, council directed him to draft a Decision reflecting the Town Council’s oral decision denying the Breckenridge Stables LLC application. It is his hope that he has captured the council’s intent. Mayor Warner asked for any discussion. Council received clarification on the actual page numbers of the Decision. With no further questions or comments from council, Mayor Warner asked for a motion. Mr. Mamula moved that the written decision prepared by the Town Attorney regarding the Town Council’s call up hearing on Application No. PC #2011061, the Class C Development Permit application submitted by Breckenridge Stables, LLC, as set forth in tonight’s agenda packet on Pages 100 - 104, inclusive, be adopted as the final decision of the Town Council with respect to such application. Mr. Burke made the second. A roll call vote was taken. The motion passed 6-0 with Mr. Dudick excused from the discussion and abstaining from the vote.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen had two items to report. He wanted to notify council that the REC Center has been experiencing cold water in the women's locker room. Town staff has been working to remedy the issue, however, they have now had to call the manufacturer. The second item concerns the Breck Beats. The event organizer is now looking at the Riverwalk Center rather than the site on Block 11. Mr. Gagen would like to hear discussion concerning the prospect of having an event that size on Block 11. Mr. Mamula initially wondered why the event was not in town to stimulate business in the core. Mr. Burke felt a major concert/event in that location would benefit town businesses. Mayor Warner wanted to see some benefit to the lodging community, as well as other businesses in town. Ms. Dykstra DiLallo stated currently staff does not have clear direction if there is not a venue in town large enough for some events; should staff direct these events to the Block 11 area or send the event away? Mr. Joyce felt the town and town businesses would receive some overflow benefit if an event were held on Block 11. Mayor Warner wondered if there wasn't some process to shape the organizing of the event. Ms. McAtamney felt there were benefits to be realized. Mr. Mamula was concerned about presenting the "best of Breckenridge" and wondered if this would be possible on the Block 11 site. Mayor Warner thought if there was a possibility of a branding to come out of an event, it would be worth looking into.

REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (MAYOR WARNER)

Mayor Warner emailed his report to council concerning topics discussed at the Mayor and Managers meeting on January 5. Council was interested in talking about the 2022 Olympics. Mayor Warner's emphasis to the group was that he thought the Olympic movement ought to change its emphasis on new venues/facilities every 4 years and move towards 2-3 permanent Olympic venues on every continent. Mr. Gagen suggested inviting Ernie Blake, who is on the organizing committee, to a council meeting. Mr. Mamula agreed with Mayor Warner and stated a sustainable event might be the way Colorado should go, using what the state currently has without creating facilities that might never be used again.

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. DUDICK)

Mr. Dudick stated there will be a meeting on Monday, January 16.

C. BRC (MR. BURKE)

Mr. Burke reported there will be a joint meeting with BMAC.

D. MARKETING COMMITTEE (MR. DUDICK)

Mr. Dudick reported there will be a meeting the following Wednesday.

E. SUMMIT COMBINED HOUSING AUTHORITY (MR. JOYCE)

Mr. Joyce reported there will be a meeting on January 25.

F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BURKE)

Mr. Burke reported the #9 Tender restoration is underway. Filming of the ski documentary has begun. The BHA is in the final stages of hiring a new operations manager.

G. WATER TASK FORCE (MR. MAMULA)

Talked about it earlier and had nothing further to report.

OTHER MATTERS

Mr. Bergeron had two items to bring up. He asked about the volume of trash around town. Mr. Gagen stated staff has noticed and is working to remedy the problem. Mr. Bergeron mentioned a town citizen who is very ill and in the hospital.

SCHEDULED MEETINGS

Other than the meetings listed in council's packet there are no further meetings scheduled. The Snowsculpture reception was brought to council's attention.

ADJOURNMENT

With no further business to discuss, Mr. Mamula moved to adjourn the meeting at 8:50 p.m.
Submitted by Wanda Creen, Deputy Town 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, January 10, 2012 at 6:00 pm, Mr. Mamula moved to convene in executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the town attorney for purposes of receiving legal advice on specific legal questions and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators. Mr. Bergeron made the second.

The Mayor stated a motion had been made to go into executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the town attorney for purposes of receiving legal advice on specific legal questions and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators. The Mayor further stated the purpose of the executive session involves an update to the town council on the status of the pending land exchange involving the town, the Golf Course Clubhouse Lease, an update to the town council on the status of various negotiations involving the town’s water rights and water system, and the possible redevelopment of a parcel of land located near the town’s boundaries. The conference with the town attorney involves the Golf Course Clubhouse Lease but may also include conferences with the town attorney concerning the other subject matter of the executive session or matters protected by the attorney-client privilege that exists between the town and the town attorney.

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

Ms. McAtamney moved to adjourn the executive session at 7:14 pm. Mr. Bergeron 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, January 10, 2012.

John Warner, Mayor

MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 1 (Amending Town Code Concerning Municipal Elections)
DATE: January 12, 2012 (for January 24th meeting)

The second reading of the ordinance amending various sections of the Town Code concerning municipal elections is scheduled for your meeting on January 24th. There are no changes proposed to ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – JAN. 24**

2
3 **NO CHANGE FROM FIRST READING**

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

6
7
8 COUNCIL BILL NO. 1

9
10 Series 2012

11
12 AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 1 OF THE BRECKENRIDGE
13 TOWN CODE CONCERNING MUNICIPAL ELECTIONS

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

17
18 Section 1. Section 1-12-1 of the Breckenridge Town Code is amended by to read in its
19 entirety as follows:

20
21 1-12-1: MUNICIPAL ELECTION CODE: Except as otherwise provided by
22 ordinance, or in connection with a coordinated election as provided in Section 1-
23 12-6 of this **Chapter or a mail ballot election as provided in Section 1-12-10 of**
24 **this Chapter**, all municipal elections shall be held in accordance with the
25 provisions of the Colorado Municipal Election Code of 1965, Article 10 of title
26 31, Colorado Revised Statutes.

27
28 Section 2. Chapter 12 of Title 1 of the Breckenridge Town Code is amended by the
29 addition of new a Section 1-12-8, which shall read in its entirety as follows:

30
31 **1-12-8: WRITE-IN CANDIDATE AFFIDAVIT: No write-in vote for any**
32 **Town office shall be counted unless an affidavit of intent has been filed with**
33 **the Town Clerk by the person whose name is written in prior to twenty (20)**
34 **days before the date of the election indicating that such person desires the**
35 **office and is qualified to assume the duties of that office if elected.**

36
37 Section 3. Chapter 12 of Title 1 of the Breckenridge Town Code is amended by the
38 addition of new a Section 1-12-9, which shall read in its entirety as follows:

39
40 **1-12-9: ELECTION MAY BE CANCELLED – WHEN: If the only matter**
41 **before the voters is the election of persons to Town office and if, at the close**
42 **of business on the nineteenth (19th) day before the election, there are not**
43 **more candidates than offices to be filled at such election, including write-in**
44 **candidates filing affidavits of intent pursuant to Section 1-12-8 of this**
45 **Chapter, the Town Clerk, if instructed by resolution of the Town Council**

1 either before or after such date, shall cancel the election and by resolution
2 declare the candidates elected. Upon such declaration the candidates shall be
3 deemed elected. Notice of cancellation shall be published by the Town Clerk,
4 if possible, in order to inform the electors of the Town, and notice of
5 cancellation shall be posted at each polling place and in not less than one (1)
6 other public place.

7
8 Section 4. Chapter 12 of Title 1 of the Breckenridge Town Code is amended by the
9 addition of new a Section 1-12-10, which shall read in its entirety as follows:

10
11 1-12-10: MAIL BALLOT ELECTIONS: Pursuant to the authority granted
12 by Section 1-7.5-104(1), C.R.S., unless otherwise prohibited by law the Town
13 Council may determine by resolution that any municipal election shall be
14 conducted as a mail ballot election under the supervision of the Colorado
15 Secretary of State and pursuant to the rules for mail ballot elections
16 promulgated by the Colorado Secretary of State.

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 it has the power
22 to adopt this ordinance pursuant to: (i) the Colorado Municipal Election Code of 1965 (Article
23 10 of Title 31, C.R.S.); (ii) the Uniform Election Code of 1992 (Articles 1 through 13, inclusive,
24 of Title 1, C.R.S.); (iii) the authority granted to home rule municipalities by Article XX of the
25 Colorado Constitution; and (iv) the powers contained in the Breckenridge Town Charter.

26
27 Section 7. This ordinance shall be published and become effective as provided by
28 Section 5.9 of the Breckenridge Town Charter.

29
30 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
31 PUBLISHED IN FULL this ____ day of _____, 2012. A Public Hearing shall be held at the
32 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
33 _____, 2012, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
34 Town.

35
36 TOWN OF BRECKENRIDGE, a Colorado
37 municipal corporation

38
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41 By _____
42 John G. Warner, Mayor
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ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

TO: MAYOR AND TOWN COUNCIL
FROM: CLERK AND FINANCE DIVISION
SUBJECT: 2011 WATER ORDINANCE
DATE: 1/19/2012
CC: TIMGAGEN

Enclosed is the 2012 Water Rates Ordinance. It has been marked to show the changes in the water fees that will occur effective January 1, 2012.

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 an increased fee for paper statements (\$10/billing cycle).

1 ***FOR WORKSESSION/SECOND READING –JAN. 24***

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

5
6 COUNCIL BILL NO. 5

7
8 Series 2012

9
10 AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL WATER USER FEES
11 EFFECTIVE JANUARY 1, 2012; AND INCREASING THE FEE FOR MAILING PAPER
12 BILLING STATEMENTS

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

16
17 Section 1. The Town Council of the Town of Breckenridge hereby finds and determines
18 as follows:

19
20 A. The Town of Breckenridge is a home rule municipal corporation organized and
21 existing pursuant to Article XX of the Colorado Constitution.

22
23 B. The Town owns and operates a municipal water utility pursuant to the authority
24 granted by Section 13.1 of the Breckenridge Town Charter and §31-35-402(1)(b), C.R.S.

25
26 C. Section 13.3 of the Breckenridge Town Charter provides that "(t)he council shall by
27 ordinance establish rates for services provided by municipality-owned utilities."

28
29 D. The rates, fees, tolls and charges imposed in connection with the operation of a
30 municipal water system should raise revenue required to construct, operate, repair and replace
31 the water works, meet bonded indebtedness requirements, pay the overhead and other costs of
32 providing service. Such rates, fees, tolls and charges may also recover an acceptable rate of
33 return on investment. The rates, fees, tolls and charges imposed by this ordinance accomplish the
34 Town's goals and objectives of raising revenue required to construct, operate, repair and replace
35 the Town's water works and to service the bonded indebtedness of the Town's enterprise water
36 fund.

37
38 E. The action of the Town Council in setting the rates, fees, tolls, and charges to be
39 charged and collected by the Town in connection with the operation of its municipal water
40 system is a legislative matter.

41
42 Section 2. Section 12-4-11 of the Breckenridge Town Code is hereby amended so as to
43 read in its entirety as follows:

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

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

| <u>Water Use Date</u> | <u>Base User Fee</u> |
|---|---|
| Effective January 1, 2011 | \$30.34 per billing cycle per SFE |
| <u>Effective January 1, 2012</u> | <u>\$30.64 per billing cycle per SFE</u> |

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

| <u>Water Use Date</u> | <u>Excess Use Charge</u> |
|---|--------------------------|
| Effective January 1, 2011 | \$3.02 |
| <u>Effective January 1, 2012</u> | <u>\$3.05</u> |

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

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

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

For water used commencing January 1, ~~2011~~**2012**

| <u>Meter Size</u> | <u>Base Water Fee Per Account</u> | <u>Usage Allowance Per Account (Gallons)</u> |
|-------------------|--|--|
| Less than 1 inch | \$ 34.74 <u>35.09</u> | 13,000 |
| 1 inch | 52.12 <u>52.64</u> | 20,000 |
| 1½ inch | 90.93 <u>91.84</u> | 35,000 |

| | | | |
|---|--------|-------------------|---------|
| 1 | 2 inch | 143.18 | 54,000 |
| 2 | | <u>144.61</u> | |
| 3 | 3 inch | 275.30 | 105,000 |
| 4 | | <u>278.06</u> | |
| 5 | 4 inch | 425.59 | 162,000 |
| 6 | | <u>429.84</u> | |
| 7 | 6 inch | 836.19 | 318,000 |
| 8 | | <u>844.55</u> | |
| 9 | | | |

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

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

14
 15 The in town base rate user fee and the usage allowance per billing cycle for all
 16 mixed use water using properties shall be calculated based upon the predominant
 17 use of the water using property as determined by the finance director. In addition
 18 to the base user fee, each in town mixed use water user shall pay an excess use
 19 charge of ~~three~~ three dollars ~~two~~ five cents (~~\$3.02~~ \$3.05) per one thousand
 20 (1,000) gallons of metered water, or fraction thereof, used per billing cycle in
 21 excess of the applicable usage allowance.
 22

23 Section 5. Chapter 4 of Title 12 of the Breckenridge Town Code is hereby amended so as
 24 to read in its entirety as follows:

25
 26
 27 12-4-21: FEE FOR PAPER STATEMENTS; ACCOUNT SET UP FEE;

28
 29 A. Commencing with the periodic billing statement issued by the Town in March ~~2011~~
 30 2012 (for water service provided during the months of January-February ~~2011~~ 2012),
 31 there shall be added to each paper billing statement mailed by the Town through the
 32 United States Postal Service, and there shall be assessed and paid by the owner of the
 33 property that is the subject of the billing statement, a statement fee in the amount of ~~five~~
 34 ten dollars (~~\$5.00~~ 10.00) per statement per billing cycle. The statement fee shall be a
 35 water charge within the meaning of section 12-1-6 of this title, and shall be due and
 36 payable to the town at the same time and in the same manner as other water charges are
 37 due and payable to the town under this chapter. There shall be no statement fee charged if
 38 the owner elects to have the billing statement delivered by electronic means.
 39

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

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

1 Section 7. The Town Council hereby finds, determines and declares that it has the power
2 to adopt this ordinance pursuant to the provisions of Section 31-35-402(1)(f), C.R.S., and the
3 powers possessed by home rule municipalities in Colorado.

4
5 Section 8. This ordinance shall be published as provided by Section 5.9 of the
6 Breckenridge Town Charter and shall become effective January 1, 2012.

7
8 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
9 PUBLISHED IN FULL this ____ day of _____, 2012. A Public Hearing shall be held at the
10 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of
11 _____, 2012, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
12 Town.

13
14 TOWN OF BRECKENRIDGE, a Colorado
15 municipal corporation

16
17
18
19 By _____
20 John G. Warner, Mayor

21
22 ATTEST:

23
24
25
26 _____
27 Mary Jean Loufek, CMC,
28 Town Clerk



MEMORANDUM

To: Mayor and Town Council
From: Rick Holman, Chief of Police
Date: January 17, 2012
Subject: Open Container Ordinance

Once or twice a year, the Town will host an event that does not have an event liquor permit associated with the event. Because of the long history of those events, many participants will often attend with an alcoholic beverage. Under our current Town Code, it is illegal to possess an open container of alcohol in a public place. Staff is recommending the Council consider amending this ordinance which will allow for an exception to the law for permitted events that do not have an associated liquor license and which the Town Manager considers appropriate. In addition, this exception is only valid during the scheduled time of a designated event. Under the new law, participants could attend those designated events with an open container of alcohol and not be in violation of a Town ordinance. Staff does not feel this change in the law will lead to more problems at any event as there are other laws that still would pertain to participants who become disorderly or problematic.

At the Council's recommendation, staff is bringing back this proposal in a non-emergency format. The amended ordinance is set for first reading at the January 24th Town Council meeting. I will be available for questions and discussions.

1 ***FOR WORKSESSION/FIRST READING – JAN. 24***

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

5
6 COUNCIL BILL NO. 6

7
8 Series 2012

9
10 AN ORDINANCE AMENDING SECTION 6-3F-16 OF THE BRECKENRIDGE TOWN
11 CODE CONCERNING THE MUNICIPAL OFFENSE OF “OPEN CONTAINERS
12 PROHIBITED”

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

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

19
20 6-3F-16: OPEN CONTAINERS PROHIBITED:

21
22 A. 1. It is unlawful for any person to possess any alcoholic beverage in any open
23 container or to consume any alcoholic beverage in any public place within the
24 town, or in the interior of any motor vehicle while the motor vehicle is either
25 parked on a public street, right of way or alley within the town or is being
26 operated on a public street, right of way or alley within the town.

27
28 2. The provisions of subsection A1 of this section shall not apply to the
29 possession of an open container or the consumption of an alcoholic beverage
30 within the licensed premises of an establishment licensed by the town to sell such
31 beverage for consumption upon the premises, or to the possession of an open
32 container or the consumption of a malt liquor or a vinous liquor as defined in the
33 Colorado liquor code in those public parks known as “Kingdom park” and “Carter
34 park”.

35
36 3. The provisions of this subsection A1 shall not apply to a person in possession
37 of one opened but resealed container of partially consumed vinous liquor which
38 was lawfully removed from the licensed premises of an establishment holding a
39 liquor license pursuant to section 12-47-411(3.5), CRS.

40
41 **4. The provisions of subsection A1 of this section shall not apply to the**
42 **possession of an open container or the consumption of an alcoholic beverage**
43 **within the permitted area of a special event for which a special event permit**
44 **has been issued pursuant to chapter 13 of title 4 of this code if: (a) no special**
45 **event liquor license has been issued and is in effect for the special event; and**

1 **(b) the Town Manager or his designee approves the application of this**
2 **subsection A4 to such event. When made applicable, this exception applies**
3 **only during those times when the special event is approved to operate.**
4

5 B. The provisions of subsection 6-3F-2F of this article shall be applicable to any
6 trial for a violation of subsection A of this section.
7

8 C. Any peace officer is authorized to seize any alcoholic beverage which is used
9 in the commission of a violation of subsection A of this section. If no summons or
10 complaint is issued for a violation of this section, and if the circumstances
11 reasonably permit, the peace officer may require the person who has committed a
12 violation of this section to abandon the alcoholic beverage to the officer for
13 destruction.
14

15 ~~D. The provisions of this subsection A1 shall not apply to a person in possession~~
16 ~~of one opened but resealed container of partially consumed vinous liquor which~~
17 ~~was lawfully removed from the licensed premises of an establishment holding a~~
18 ~~liquor license pursuant to section 12-47-411(3.5), CRS.~~
19

20 **ED.** The town council hereby finds, determines and declares that the provisions of
21 this section are no less restrictive than the provisions of section 42-4-1305, CRS.
22

23 **FE.** An underage person and one or two (2) other persons shall be immune from
24 criminal prosecution under this section if they establish the following:
25

- 26 1. One of the underage persons called 911 and reported that another underage
27 person was in need of medical assistance due to alcohol consumption;
28
- 29 2. The underage person who called 911 and, if applicable, one or two (2) other
30 persons acting in concert with the underage person who called 911 provided each
31 of their names to the 911 operator;
32
- 33 3. The underage person was the first person to make the 911 report; and
34
- 35 4. The underage person and, if applicable, one or two (2) other persons acting in
36 concert with the underage person who made the 911 call remained on the scene
37 with the underage person in need of medical assistance until assistance arrived
38 and cooperated with medical assistance and law enforcement personnel on the
39 scene.
40

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

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

1
2 Section 4. This ordinance shall be published and become effective as provided by Section
3 5.9 of the Breckenridge Town Charter.

4
5 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
6 PUBLISHED IN FULL this ____ day of _____, 2012. A Public Hearing shall be held at the
7 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
8 _____, 2012, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
9 Town.

10
11 TOWN OF BRECKENRIDGE, a Colorado
12 municipal corporation
13

14
15
16 By _____
17 John G. Warner, Mayor
18

19 ATTEST:
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23 _____
24 Mary Jean Loufek, CMC,
25 Town Clerk
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INTEROFFICE MEMORANDUM

TO: MAYOR AND TOWN COUNCIL
FROM: FINANCE DEPARTMENT
SUBJECT: 2011 SUPPLEMENTAL APPROPRIATION RESOLUTION
DATE: JANUARY 16, 2012

Purpose: The two attached resolutions have been prepared for Council's review during the January 24th work session and subsequent action as appropriate during the Council meeting.

Description: The resolution titled "A Resolution Making a Supplemental Appropriation to the 2011 Town Budget" is intended to provide additional 2011 budget authority for the following purposes:

Golf Debt Service: to reflect transfers between General Fund and Golf Fund for Golf Debt Service. The tax payments for the golf debt are paid into the General Fund (001), but a portion of debt service payments are made from the Golf Fund (005):

| | |
|-----------------------|-----------|
| General Fund Revenue: | \$659,460 |
| General Fund Expense: | \$659,460 |
| | |
| Golf Fund Revenue: | \$659,460 |
| Golf Fund Expense: | \$659,460 |

General Fund Revenues and Expenses (001): to reflect revenue received and expenses paid in 2011 that were unforeseen at the time of the adoption of the 2011 budget.

Revenue

- Transit Operating Grant \$113,000
- RWC-change in accounting for third party tickets \$112,000
- Town Clerk-grant \$ 3,800

Expense

- Coyne Valley Road repair \$225,000
- RWC-change in accounting for third party tickets \$112,000

Marketing: the award of the USAPCC stage was uncertain at the time of the adoption of the 2011 budget. The Town commitment was \$150k but the net of expenditures less sponsorship revenue was only \$108k (\$42k under budget).

Revenue

- USAPCC sponsorship revenue \$ 77,000

Expense

- USAPCC sponsorship expense \$185,000

Excise

Expense

- Additional transfer to Capital fund for Main Street Improvements \$ 50,000
- Additional transfer to Capital fund for Airport Road sidewalks \$220,000
- Additional transfer to Capital fund for Asphalt Overlays \$155,000

Capital Fund

Revenue

- Locomotive Grant \$100,000
- Additional transfer from Excise for Main Street Improvements \$ 50,000
- Additional transfer from Excise for Airport Road sidewalks \$220,000
- Additional transfer from Excise for Asphalt Overlays \$155,000
- Riverwalk Center Roof contribution \$ 10,000

Expense

- Main Street Improvements \$ 50,000
- Airport Road sidewalks \$220,000
- Asphalt Overlays \$155,000

Affordable Housing; Revenue-Housing grants \$ 86,197

Open Space; Revenue-Grant \$ 62,377

Facilities Fund; Expenses-Rec Center roof replacement ahead of schedule \$ 80,000

Description: The resolution titled “**A Resolution Making a Supplemental Appropriation to the 2012 Town Budget**” requests changes to the 2012 budget authority for the following purposes:

- The Police Department requests a rollover from the 2011 budget to 2012 for the COPLINK Grant Revenue. The police department received a data sharing grant but the remaining \$28,000 will not be spent until 2012.
- The Transit Department requests a rollover of \$5,000 to complete the Transit Ridership Collection System project.
- The Community Development Department requests a rollover of \$8,000 received from the High Country Conservation Center to be used in 2012 for Sustainable Breck Business program as well as a rollover of \$30,000 in the Special Projects Fund for the BHA’s Reiling Dredge Stabilization project.

Recommended Action: We request that Council review the attached resolutions named above. Staff will also be present during the January 24th Work Session to respond to any questions that Council may have. It is also requested that Council hold a public hearing and be prepared to vote on the resolutions during the January 24th Council Meeting.

A RESOLUTION

SERIES 2012

A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2011 TOWN BUDGET

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2011 budget by making supplemental appropriations in the amount of \$2,308,294 in revenues and \$2,770,920 in expenditures; and

WHEREAS, pursuant to Section 10.12(a) of the Breckenridge Town Charter, the Finance Department, on behalf of the Town Manager, has certified that there are available for appropriation revenues in excess of those estimated in the Town's 2011 budget or revenues not previously appropriated in an amount sufficient for the proposed supplemental appropriation; and

WHEREAS, a public hearing on the proposed supplemental appropriation was held on January 24, 2012, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

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

General Fund Revenues (001):

- Town Clerk grant \$ 3,800
- Transit Operating Grant \$113,000
- RWC-change in accounting for third party tickets \$112,000
- Golf Debt Service \$659,460

Total General Fund Revenue Increase: \$888,260

General Fund Expense (001):

- Coyne Valley Road Repair \$225,000
- RWC-change in accounting for 3rd party tickets \$112,000
- Golf Debt Service \$659,460

Total General Fund Expenditure Increase: \$996,460

Excise Fund Expense (006):

- Transfer to Capital for Airport Road Sidewalks \$220,000
- Transfer to Capital for Main Street Improvements \$ 50,000
- Transfer to Capital for Asphalt Overlays \$155,000

Total Excise Fund Expenditure Increase: \$425,000

Capital Fund Revenue (003):

- Transfer to Capital for Airport Road Sidewalks \$220,000
- Transfer to Capital for Main Street Improvements \$ 50,000
- Transfer to Capital for Asphalt Overlays \$155,000
- Locomotive Grant \$100,000
- Riverwalk Roof Replacement Contribution \$ 10,000

Total Capital Fund Revenue Increase: \$535,000

Capital Fund Expense (003):

- Airport Road Sidewalks \$220,000
- Main Street Improvements \$ 50,000
- Asphalt Overlays \$155,000

Capital Fund Expenditure Increase: \$425,000

Marketing Fund Revenue (004):

- USAPCC Sponsorships \$ 77,000

Total Marketing Fund Revenue Increase: \$ 77,000

Marketing Fund Expense (004):

- USAPCC Expenditures \$185,000

Total Marketing Fund Expenditure Increase: \$185,000

Golf Fund Revenue (005):

- Debt Service-transfer from General Fund \$659,460

Total Golf Fund Revenue Increase: \$659,460

Golf Fund Expense (005):

- Debt Service \$659,460

Total Golf Fund Expenditure Increase: \$659,460

Affordable Housing Revenue (007):

- Housing Grants \$ 86,197

Total Affordable Housing Revenue Increase: \$ 86,197

Open Space Revenue (008):

- Colorado Dept. of Natural Resources Grant \$62,377

Total Open Space Fund Revenue Increase: \$62,377

Facilities Fund Expenses (012):

- Recreation Center Roof Replacement \$80,000

Total Facilities Fund Expense Increase: \$80,000

This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 24th DAY OF JANUARY 2012.

ATTEST

TOWN OF BRECKENRIDGE

Mary Jean Loufek, CMC, Town Clerk

By _____
John G. Warner, Mayor

APPROVED IN FORM

Town Attorney Date

A RESOLUTION

SERIES 2012

A RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2012 TOWN BUDGET FOR PROJECTS NOT COMPLETED IN BUDGET YEAR 2011

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2012 budget by making supplemental appropriations in the amount of \$71,000; and

WHEREAS, pursuant to Section 10.12(a) of the Breckenridge Town Charter, the Finance Department, on behalf of the Town Manager, has certified that there are available for appropriation revenues in excess of those estimated in the Town's 2012 budget or revenues not previously appropriated in an amount sufficient for the proposed supplemental appropriation; and

WHEREAS, a public hearing on the proposed supplemental appropriation was held on January 24th, 2012, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

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

Section 1. A supplemental appropriation is made to the General Fund in the amount of \$41,000 to rollover 2011 authority to continue funding of police equipment purchases (\$28,000), complete the Transit Ridership Collection System project (\$5,000), Sustainable Breck Business program (\$8,000).

Section 2. A supplemental appropriation is made to the Special Projects Fund in the amount of \$30,000 to complete the Breckenridge Historical Association's Reiling Dredge Stabilization project.

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

RESOLUTION APPROVED AND ADOPTED THIS 24th DAY OF JANUARY 2012.

ATTEST

TOWN OF BRECKENRIDGE

Mary Jean Loufek, CMC, Town Clerk

By _____
John G. Warner, Mayor

APPROVED IN FORM

Town Attorney

Date



MEMORANDUM

To: Mayor & Town Council
From: Tim Gagen, Town Manager
Date: January 17, 2012
Subject: *Policy on Child Care Funding, Golf Fund and Utility Fund*

Background

As part of the 2012 budget approval process, the Council heard from the Child Care Task Force who had been asked to recommend a permanent funding source for continuing the Town's Child Care program. The Task Force suggested a possible ballot issue for April 2012 which would have asked voters to approve an increase to the Town's property tax to fund this program beginning in 2013. Due to current economic conditions, the Council decided not to pursue a ballot issue in 2012. Instead, Council committed to the Task Force continued funding for the Child Care Program through 2014 when the Council would consider a possible ballot issue for permanent funding. To document this funding commitment, the Council has requested a policy statement to be prepared for approval that commits the Council to funding through 2014.

The Council has also been reviewing the different funds of the Town and their reserves and has asked that a policy statement also be prepared for the Golf Fund and the Utility (Water) Fund. These funds are enterprise funds under the meaning of TABOR and are primarily supported by user fees for the respective fund. The reserves within each fund are earmarked for future improvements to the Golf Course and Water Utility. As such, Council wishes by policy to keep those reserves for the exclusive use of these enterprises by the adoption of a written policy.

Staff has prepared a policy resolution dealing with each of these policy issues for Councils consideration and possible adoption.

A RESOLUTION

SERIES 2012

A RESOLUTION DECLARING IT TO BE THE POLICY OF THE TOWN COUNCIL ON
CERTAIN FINANCIAL MATTERS ---

WHEREAS, Rule 6.1(b) of the Council Procedures and Rules of Order provides that a resolution may be used on formal statements of policy that are not required to be adopted by ordinance,

WHEREAS, the Town of Breckenridge maintains a separate Affordable Housing fund which supports the Affordable Housing and Childcare programs of the Town, and

WHEREAS, current funding for the Childcare program will expire in 2013 and the Council has not determined a permanent new revenue source for the program and

WHEREAS, the Council wish to ensure that funding for the Childcare program will be forthcoming through 2014, and

WHEREAS, the Town of Breckenridge has established two enterprise funds, the Golf Fund and the Utility (Water) Fund, which are primarily supported by user fees and comply with the TABOR definition of enterprises, and

WHEREAS, within the Golf Fund and Utility Fund, the Town maintains reserves which are generated by the user fees of each fund for the future needs of each of the enterprises.

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

Section 1. It is declared to be the policy of the Town Council that it will appropriate sufficient funds in the budget for years 2013 and 2014 to support the Childcare program of the Town.

Section 2. It is declared to be the policy of the Town Council that reserves that are accumulated in the Golf Fund from the various user revenues of the golf operation shall be restricted for the future uses of the golf enterprise.

Section 3. It is declared to be the policy of the Town Council that reserves that are accumulated in the Utility (Water) Fund from the various user revenues of the water utility operation shall be restricted for future uses of the water utility enterprise.

Section 4. It is declared to be the policy of the Town Council that notwithstanding the restrictions of the above policies for the Golf and Water Fund, the Town Council may make

temporary use of the reserves for other purposes of the Town so long as those funds are restored to those respective enterprise funds and they do not jeopardize the future needs of the enterprise.

RESOLUTION APPROVED AND ADOPTED this ___ day of ___, 2012.

TOWN OF BRECKENRIDGE

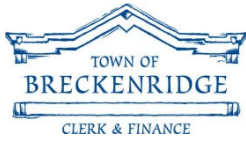
By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek,
CMC, Town Clerk

APPROVED IN FORM

Town Attorney Date



MEMORANDUM

TO: Mayor & Town Council
FROM: MJ Loufek, Town Clerk
DATE: January 18, 2011
SUBJECT: Resolution to Designate the April 3, 2012 Election as a Mail Ballot Election

Attached to this memo is a resolution designating the April 3, 2012 Election as a mail ballot election. If approved by the Council, this would be Breckenridge's first municipal mail ballot election. Municipalities are allowed to conduct mail ballot elections for nonpartisan candidates or ballot issues.

Many more small municipalities are choosing to conduct their municipal elections by mail ballot, following a change to the Municipal Election Code that went into effect for the 2010 municipal election. That change required the Town of Breckenridge to mail ballots to all persons who are registered as a "permanent mail-in voter" in the voter registration records of the county clerk and recorder. Of the 1,968 current, active Breckenridge voters, 701 (36%) are permanent mail-in voters.

Following is some information about how a mail ballot election is run:

- **February 8:** This is the last day to notify the Secretary of State that the Town will conduct a mail ballot election. Notification includes a proposed plan for conducting the election. The Secretary of State must approve or disapprove the plan within 15 days of its receipt.
- **March 12-16:** Mail ballot packets are sent to all active Breckenridge voters. If a voter is designated inactive for any reason, they may contact the Town Clerk's office to obtain a ballot packet. Inactive voters will be required to submit an application requesting a change in status prior to being given a ballot packet.
- Mailed ballot packets may not be forwarded and no ballots returned as "undeliverable" will be re-mailed. The Town Clerk will meet and coordinate with local USPS officials to review election procedures.
- The ballot number of the ballot assigned to each registered elector is recorded on the registration list/poll book at the time the ballots are mailed.
- **March 12-April 3:** Voters may walk-in to Town Hall during normal business hours (8 a.m.-5 p.m., Monday-Friday; 7 a.m.-7 p.m. on Election Day only) where:
 - Ballots can be dropped off.
 - Replacement ballots can be issued. Any eligible elector who did not receive a ballot packet, or who lost, spoiled or damaged their ballot and upon completion of a Replacement Ballot Application, may be issued a replacement ballot.
 - Issuance of a replacement ballot automatically voids the original ballot issued.

Any person may check their Colorado voter registration information by visiting the Town of Breckenridge website: www.townofbreckenridge.com and selecting "Departments & Services > Clerk & Finance > Elections > Voter Registration" and clicking on the link to the Secretary of State's website. The success of Breckenridge's first mail ballot election will depend on a good program of public outreach and education, including press releases and web site updates.

The Breckenridge Election Commission and the Town Clerk recommend that the Town Council consider authorizing a mail ballot election for the April 3, 2012 Regular Municipal Election.

1 A RESOLUTION

2
3 SERIES 2012

4
5 A RESOLUTION DETERMINING THAT THE APRIL 3, 2012 REGULAR TOWN
6 ELECTION SHALL BE A MAIL BALLOT ELECTION

7
8 WHEREAS, Section 1-7.5-104(1), C.R.S., and Section 1-12-10 of the Breckenridge
9 Town Code authorize the Town Council, by resolution, to determine that any municipal election
10 shall be conducted as a mail ballot election; and

11
12 WHEREAS, the Town Council determines that the regular Town election to be held on
13 Tuesday, April 3, 2012 shall be conducted as a mail ballot election.

14
15 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
16 BRECKENRIDGE, COLORADO, as follows:

17
18 Section 1. The regular Town election to be held on Tuesday, April 3, 2012 shall be
19 conducted as a mail ballot election.

20
21 Section 2. The mail ballot election to be held on Tuesday, April 3, 2012, shall be
22 conducted under the supervision of the Colorado Secretary of State and pursuant to the rules for
23 mail ballot elections promulgated by the Colorado Secretary of State.

24
25 Section 3. The mail ballot election to be held on Tuesday, April 3, 2012, shall be held in
26 accordance with the Colorado Municipal Election Code of 1965 and the Uniform Election Code
27 of 1992.

28
29 Section 4. This resolution shall become effective upon its adoption.

30
31 RESOLUTION APPROVED AND ADOPTED this ___ day of ___, 2012.

32
33 TOWN OF BRECKENRIDGE

34
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36 By _____
37 John G. Warner, Mayor

38
39 ATTEST:

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

1 APPROVED IN FORM

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Town Attorney Date

MEMORANDUM

To: Town Council

From: Peter Grosshuesch

Date: January 18, 2012

Re: Town Council Consent Calendar from the Planning Commission Decisions of the January 17, 2012, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF January 17, 2012:

CLASS C APPLICATIONS:

None

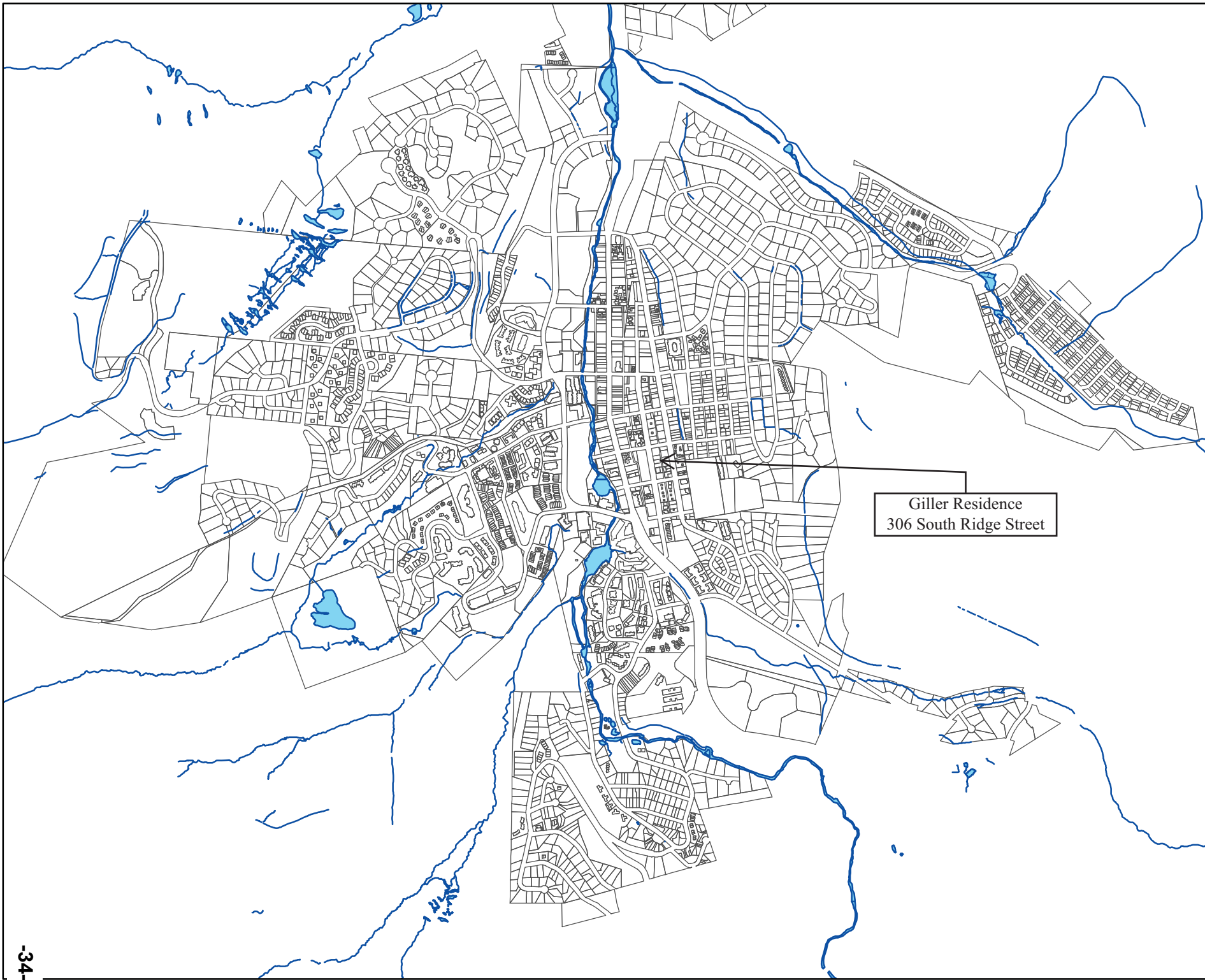
CLASS B APPLICATIONS:

1. Giller Residence (MM) PC#2011054; 306 S Ridge Street

Restore the exterior of the historic house to an earlier period, landmark the historic house, add a full basement beneath the historic house, demolish newer historic addition to the house along with a non-historic shed addition at the back of the site. The property would be used as a residential duplex, with a three-car garage (with a vehicle lift over one space). Continued to a future meeting.

CLASS A APPLICATIONS:

None

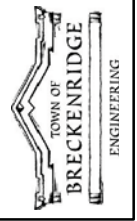


NOT TO SCALE

printed 4/12/2011

Breckenridge South

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.



PLANNING COMMISSION MEETING

The meeting was called to order at 7:04 p.m.

ROLL CALL

Kate Christopher Jim Lamb Trip Butler
Gretchen Dudney Michael Rath Dan Schroder
Jennifer McAtamney, Town Council
Dave Pringle arrived at 7:05

APPROVAL OF MINUTES

With no changes, the January 3, 2012 Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

Mr. Neubecker suggested discussing Joint Planning Commission and Town Council meeting dates and topics after the Town Council update. With no further changes, the January 17, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

WORKSESSIONS:

1) Landscaping Ordinance (JC)

Mr. Neubecker presented on behalf of Ms. Cram. The purpose of the Landscaping Guide is to provide more detail with regard to species selection, location, spacing between plants, planting details and maintenance of plants than what is outlined in the Landscaping Policy within the Development Code.

The Planning Commission reviewed Section 1 of the Landscape Guide on August 16th 2011. Section 1 specifically discussed species selection. Since that time, Staff has included the mature size for all trees and shrubs under Section 1 and completed Sections 2, 3 and 4.

Section 2 covers location and spacing. Section 3 includes details for planting and Section 4 discusses maintenance. Section 5 will cover common pests and diseases and is currently in progress. Graphics have been included to aid in descriptions. Some portions of this draft need additional work. This is to act as a guide for property owners.

Commissioner Questions / Comments:

Mr. Pringle: Some plants are encouraged others are not. How will the Town handle this? (Mr. Neubecker: Staff will review plans and likely not assign any positive points if selected plants won't survive in this environment.) How about after any review; not subject to points? Is anything discouraged? (Mr. Neubecker: Not subject to review by Staff. Does the Commission want to include direction on discouraging specific species of plants?) Maybe allow or encourage fescue vs. bluegrasses when planting grasses. In Section 1, you mention a microclimate requires shelter from the wind, etc. What others do you mean by "etc.?"

Ms. Dudney: The Town does not really need to identify the plantings that are discouraged, unless it is part of an application that is seeking points. I am surprised irrigation systems are encouraged. Irrigation systems can use a lot of water. Sod uses a lot of water. Would we regulate how often people can use their irrigation? Don't prohibit any species if people want to take a chance.

Mr. Rath: Lawns use a lot of water as they cover large areas and there is more evaporation. Drip irrigation is locally placed at each plant, delivered below grade. Drip irrigation is encouraged by the Town. (Mr. Neubecker: Encouraged to allow plantings to establish, for at least two years.) The suggestions in this book are going to affect a development application given to the Town? (Mr. Grosshuesch: That is what the Development Code is for, these are guidelines.)

Mr. Schroder: Noted that the changes note "No known vines in this area". Maybe add cautionary note that if plants are not listed here, don't bother planting them since they won't survive. Like the way this is being presented.

Ms. Christopher: The document acts as a good guideline for anyone wanting to plant in this environment.

Mr. Lamb: Don't prohibit sod, but give people access to the information.

Ms. McAtamney: Good to point out plants that don't grow here since people buy plants in other places and bring them back to Breckenridge. Often the local stores sell plants that do poorly here. With the grasses, pumping

verses broadcasting seed could be defined in more detail. If you cut grasses and not allow them going to seed, may not spread as well. (Mr. Grosshuesch: The Landscaping Policies in the Development Code identify the general guidelines and refers to this guide.) (Mr. Truckey: We are trying to not get too specific as the existing code covers much of this already.)

2) Town Council Update

Ms. McAtamney: End of the year was only one meeting. Ski Area Lift Tax was big issues. Looked at Council's Top Ten List, which was reviewed and some items were crossed off and modified. MMD, Summit Stage was modified, plastic bags was incorporated into a sustainable business program (i.e. not propping door open in winter.) (Mr. Neubecker: Maybe an airlock entry could allow outer door to stay open.) Amusement tax was another idea; some thought lift ticket tax was punitive to ski area, some thought it was rational. Consolidating the transportation system throughout the Town and the ski area is another goal; we are not at the point of solidifying this idea, but looking for opportunities for other partnerships with the ski area. Council has started talking about the round-about at Four O'clock Road and Park Avenue; CDOT does not have the money, so Town Council may fund more of improvements; then we looked at Town wide road and traffic issues. Water planning, the Riverwalk study, and F-Lot redevelopment are other goals.

Council passed an emergency ordinance to allow open containers at the Ullr Parade. We will be bringing back a regular ordinance allowing open containers at other events. Manure ordinance was adopted. Landscape Architect signature requirement was not supported by Town Council and did not pass. Carriage rides was resolved at Welcome Center location.

The Town Attorney is looking at sign code changes and limits of signs on private property and vehicles.

Mr. Pringle: Don't see a lot of presence of Staff helping patrons around town, on the bus systems or getting around or out of Town, etc. Hard to find an officer to ask directions. As a charter home rule community (not statutory) we can allow open containers. What about signs on vehicles? It used to be a small magnetic sign on the side of a truck. Now the whole vehicle is a sign. (Mr. Neubecker: We can look at this when sign code revisions come up.)

Mr. Rath: Regarding traffic, has anyone thought of a smart-phone application to aid guests? (Mr. Grosshuesch: The Variable Message Sign does some of this.) (Mr. Neubecker: The Ski Area is adding some signs too.) Lift ticket tax would be only for tickets sold in Town? Could tickets be sold out of town, or in remote lots, without the tax? (Ms. McAtamney: Most are season pass holders and we want them to not park in the remote lots, as the remote guest usually spend less in Town.)

Mr. Neubecker: Joint PC and TC topics and dates?

Mr. Schroder: April 7-14 is Spring Break.

Ms. McAtamney: Sign Code revisions could be a topic.

Mr. Lamb: Improved transit; smart phone apps.

FINAL HEARINGS:

1. Giller Residence (MM) PC#2011054; 306 South Ridge Street

Mr. Mosher presented an application to restore the exterior of the historic house to an earlier period, landmark the historic house, add a full basement beneath the historic house, and demolish a newer historic addition to the house along with a non-historic shed addition at the back of the site. The property would be used as a residential duplex, with a three-car garage (with a vehicle lift over one space). A color material board was also presented.

Changes since the last Preliminary Hearing on November 15, 2011

1. The landscaping plan has been modified to meet the suggested criteria under the Landscaping Policy of the Development Code to be awarded positive two (+2) points.
2. Overall square footage has increased by four square feet.
3. A draft HERS index rating has been included.

This is the fourth review of this proposal. The applicant and agent have responded to all concerns and direction provided over the last meetings. At this time, Staff had only one question: Did the Commission support assigning negative two (-2) points for heating the internal courtyard for the project?

Negative points proposed for snow removal/heated driveway (-2 points); All parking in rear of house away from street (positive points); Landscaping plan improved, planting sizes increased, more in line with code suggestions for positive points (positive two (+2) points recommended); Positive twelve (+12) points suggested for historic preservation; Local Landmarking recommended since it exceeds minimum requirements; Draft HERS rating proposed; Index of 60 needed for positive three (+3) points. Staff noted that this needs to be certified before the building permit issued. A total of negative nineteen (-19) points, and positive nineteen (+19) points were suggested. Total score is zero (0) points. Staff requested the Commission confirm negative two (-2) points for heated driveway.

Staff welcomed any other comments.

Staff recommended approval of the Giller Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2011054, by supporting the presented Point Analysis. Staff recommended approval of the same with the presented Findings and Conditions.

Staff also suggested the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Commissioner Questions / Comments:

- Mr. Lamb: Is it sprayed-in foam for high R-value? I think there is space to park two reasonable cars. This meets the parking requirement.
- Mr. Pringle: Please explain how lift will work in garage. (Mr. Giller, Applicant: Lift is high enough to allow one vehicle to park above another. Attraction of Breckenridge is that it is walk-able. Lift does work. However, it won't accommodate height of two Range Rovers, but will hold two normal sedans. Garage is about 9'10" overall height. We slightly lowered the garage floor to accommodate the lift.) Is this required parking? (Mr. Mosher: Yes.) I know the Code has a two dimensional requirement for parking spaces. What about three dimensions, for height? This is an absolute parking requirement, but it only works for small vehicles. A Jeep Grand Cherokee is not a tall vehicle, but very popular here. If three parking spots are required, the presumption is that parking will accommodate a reasonable vehicle. Not sure this is what was intended. Don't want to design parking for only one type of vehicle that will fit. Don't think there is precedent for this. Storm Residence is not good precedent, since the lift was not for required parking. Anything bigger than a sedan or compact car may not fit. Question if it complies with absolute policy. We are not getting parking in garage. I question positive points. Bad precedent to set. What does the Fire Department and Building Department say about this?
- Mr. Butler: I think a Subaru and an Audi will fit.
- Ms. Christopher: Average garage door height is 7 feet. Toyota Corollas, which I own, are 57" high. I am concerned about all the other issues related to garage doors. Other than that, we love it. Maybe the floor can be lowered some more.
- Mr. Rath: Lots of people have ski racks too. Most garages now have 8 foot doors. What about BMW X5; an SUV won't ever be parked in garage? We need to be reasonable about the cars people drive up here, with ski racks on them.
- Mr. Schroder: What we are saying is that reasonable vehicles need to fit. We need to see what the code says about this. Code does not address height.
- Ms. Dudney: What happens if they can't fit 2 cars? How big is the garage? (Ms. Sutterley, Architect: 22' x 22'.) What car could you park? Parking spot does not need to fit every conceivable car, but it should accommodate reasonable vehicles. If it was a relative policy, we could assign negative points. I need to know a car that will fit for sure. I don't have any problem with the lift idea. It does not have to fit the tallest car, but an average car.
- Ms. Sutterley: (To Mr. Mosher): During your narrative you mentioned negative six (-6) points, not negative nine (-9) points for above ground density. On parking, there is one spot behind the building. We have room to have 5 more cars in driveway. We can't do that since we would have to ask someone to move their

- car. Technically it blocks a parking spot. (Mr. Giller: I acknowledge that garage is tight. It is not ideal but I think it works.)
- Mr. Pringle: It may work for you. I have seen so many projects go to sale after approved. But what do we do with the next guy? (Mr. Giller: I did calculate that my car and my wife's car will fit. She drives an Audi A3 and I have an A4. Both are 56" tall. That is 9'5".)
- Ms. Dudney: According to the calculations described by Ms. Christopher, you can't even fit those cars. (Mr. Giller: We will go back and make sure it fits.)

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

Mr. Mosher suggested that we continue this discussion to a future meeting, to allow for more research and to provide exhibits and details on the parking lift.

Mr. Pringle moved to continue the Giller Residence (PC#2011054), 306 South Ridge Street, to a future meeting date. Ms. Christopher seconded. The motion was approved unanimously (7-0).

OTHER MATTERS:

None.

ADJOURNMENT:

The meeting was adjourned at 9:09 p.m.

Dan Schroder, Chair

Town of Breckenridge Executive Summary
Economic Indicators
(Published January 16, 2012)

Indicator Monitoring System

Up and down arrow symbols are used to show whether the indicator appears to be getting better, appears stable, or is getting worse. We have also designated the color green, yellow or red to display if the indicator is currently good, fair or poor.



Unemployment: Local (November 2011)

Summit County's November unemployment rate dropped one full percent from October's rate to 7.6%. November's rate is significantly lower than the November 2010 rate of 8.3% yet higher than November 2009 rate of 6%. Summit's November rate is lower than surrounding counties tracked including Pitkin County (9.8%) and Eagle County (8.9%), however our rate is still considered high. *See comparison chart below. (Note that the arrow follows the KEY for all of the indicators. In this case, the arrow pointing up meaning that the unemployment rate has dropped and is 'getting better' and yellow indicates the condition as "fair".)*

(Source: BLS)



Unemployment: State (November 2011)

The Colorado State unemployment rate dipped one tenth of a percent for the third month in a row in November reaching 8%. (The highest unemployment rate the State has ever seen was 9.3% in February 2011-rates tracked since 1976) *(Note that the arrow follows the KEY for all of the indicators. In this case, the arrow pointing up meaning that the unemployment rate has dropped and is 'getting better' and yellow indicates the condition as "fair".)*(Source: State of Colorado)



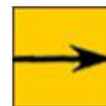
Unemployment: National (Nov.-Dec. 2011)

National unemployment rate has seen a slight decrease for the third consecutive month to 8.5% for December. December 2011 remains trending down from last December's rate of 9.4% and December's 2009 rate of 10%. *(Note that the arrow follows the KEY for all of the indicators. In this case, the arrow pointing up meaning that the unemployment rate has dropped and is 'getting better' and yellow indicates the condition as "fair".)* (Source: BLS)



Destination Lodging Reservations Activity (December 2011)

The Occupancy rate saw a slight drop of 1.3%. However, ADR saw a significant increase in ADR (10.1%) for the month of December 2011 over December 2010 (Source: MTrip)



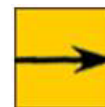
6 Month Projected YTD Occupancy (Jan.-June 2012)

Future bookings for the upcoming January-June 2012 period shows a slight increase of 2% in projected occupancy rate over the corresponding period last year and increase in ADR of 2.3%. This indicator will continue to be monitored closely however we are optimistic to see an increase despite this season's early snow conditions. (Source: MTrip)



Traffic Counts and Sales Trend (November 2011)

November traffic count in town on Highway 9 at Tiger Road was 15,089 total vehicles. As the traffic count is under 20,000 and near the same count as last year, we expect to see similar sales tax revenues for November. *(Note: There is a strong correlation between high net taxable sales and traffic once a 20,000 vehicle count has been reached. Please see detailed report for chart.)* (Source: CDOT and Town of Breckenridge Finance)



Traffic Count at Eisenhower Tunnel and Highway 9 (Nov/Dec 2011)

During the month of December, the traffic count at the Eisenhower tunnel (westbound) was down slightly at 2% over December 2010 while November traffic saw a 1% increase over the same time last year. *The last traffic information reported for Highway 9 was for November.* Data showed November traffic coming into town on Highway 9 up 0.5% from November 2011 (15,089) over November 2010 (15,010). Traffic flows indicate that the Town is maintaining its relative capture coming from the tunnel. (Source: CDOT)



Consumer Confidence Index-CCI (December 2011)

The Consumer Confidence Index (CCI), which was at 55.2 in November continued to rise to 64.5 in December (1985=100). Moves of 5% or more often indicate a change in the direction of the economy. An Index of 50 or more typically translates to a "good" level of consumer confidence and indicates an increase in consumer spending. Based on the index levels, we expect that real estate transfer tax revenues may see an uptick or higher prices for the months ahead over the same period improvements years should the index continue to see improvements. (Source: CCB)

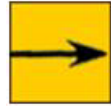


Mountain Communities Sales Tax Comparisons (October/Nov. 2011)*

**The latest Mountain Town Report available is October.* The amount of taxable sales in Town for November 2011 was up 9.52% from November 2010 levels. For October (the last tracked Mountain Communities Report), Breckenridge has jumped to the third ranked mountain community for sales tax collected for the month in comparison to last year's numbers. However, of the tracked mountain communities, Breckenridge remains on the lower end of sales tax collected YTD (up 4.7% for October) over last year. The communities with the most increase over previous YTD continue to be Vail (10.71%), Snowmass (8.75%) and Crested Butte (7.74%). (Source: Steamboat Springs Finance Dept.)



Standard & Poor's 500 Index and Town Real Estate Transfer Tax (December 2011)
The S&P 500 average monthly adjusted closing price has been fluctuating over the past six months. We saw our RETT receipts decrease this month from Town collections in December 2010 and December 2009. We believe that RETT will continue to lag the growth rates that the S&P 500 achieves for the near future. A prolonged positive change in RETT will likely require a long sustained recovery in the S&P 500 index, with an increase in the wealth effect. *See website for detailed chart and additional information.*
(Source: S&P 500 and Town Finance)



Town of Breckenridge RETT Collection (December 2011)
December 2011 RETT collection (\$301,397) is down 35% from December 2010 (\$406,202). This December is down from December 2009 (\$358,422) by 19% however is up from 2008 (\$217,939) by 28. (Source: Town Finance)



Real Estate Sales (November 2011)
November 2011 compared to November 2010 Summit county real estate sales were down in \$ volume by 3%, and increased 1% in number of transactions. Of that, Breckenridge took in 41% of the \$ volume and 37% of the transactions countywide for this month. YTD, Breckenridge has seen 42% of the dollar volume and 35% of the number of transactions. This month reflects a second consecutive month of decline in the \$ volume for 2011 for the first time in two months. (Source: Land Title)



Foreclosure Stressed Properties (November 2011)
Breckenridge properties (excluding timeshares) which have started the foreclosure process are at 25% (75 properties) of the total units within Summit County in November. These are considered distressed properties which may or may not undergo the foreclosure process. This holds fairly steady compared to previous months. Should these properties actually undergo foreclosure, these properties may sell at an accelerated rate and lower price per square foot in the short term. (Source: Land Title)



If you have any questions or comments, please contact Julia Puester at (970) 453-3174 or juliap@townofbreckenridge.com.



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, unless otherwise noted.

JANUARY 2012

Tuesday, January 24; 3:00/7:30 p.m. Second Meeting of the Month

Tuesday, January 24; 6:00-7:15 p.m. ISSC Opening Reception

FEBRUARY 2012

Tuesday, February 14; 3:00/7:30 p.m. First Meeting of the Month

Friday, February 24; Columbine Café; 8:00 a.m. Coffee Talk

Tuesday, February 28; 3:00/7:30 p.m. Second Meeting of the Month

OTHER MEETINGS

- 1st & 3rd Tuesday of the Month; 7:00 p.m. Planning Commission; Council Chambers
1st Wednesday of the Month; 4:00 p.m. Public Art Commission; 3rd floor Conf Room
2nd & 4th Tuesday of the Month; 1:30 p.m. Board of County Commissioners; County
2nd Thursday of every other month (Dec, Feb, Apr, June, Aug, Oct) 12:00 noon Breckenridge Heritage Alliance
2nd & 4th Tuesday of the month; 2:00 p.m. Housing/Childcare Committee
2nd Thursday of the Month; 5:30 p.m. Sanitation District
3rd Monday of the Month; 5:30 p.m. BOSAC; 3rd floor Conf Room
3rd Tuesday of the Month; 9:00 a.m. Liquor Licensing Authority; Council Chambers
3rd Thursday of the Month; 7:00 p.m. Red White and Blue; Main Fire Station
4th Wednesday of the Month; 9:00 a.m. Summit Combined Housing Authority
4th Wednesday of the Month; 8:30 a.m. Breckenridge Resort Chamber; BRC Offices
TBD (on web site as meetings are scheduled) Breckenridge Marketing Advisory Committee; 3rd floor Conf Room

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