



**BRECKENRIDGE TOWN COUNCIL WORK SESSION**

Tuesday, July 24, 2012; 3:00 PM

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.*

<b>3:00-3:15 PM</b>	<b>I</b>	<b><u>PLANNING COMMISSION DECISIONS</u></b>	<b>2</b>
<b>3:15-3:45 PM</b>	<b>II</b>	<b><u>LEGISLATIVE REVIEW*</u></b>	
		Emergency Powers and Procedures	<b>14</b>
		Development Agreement Breckenridge Grand Vacations and Vail Resorts	<b>23</b>
		Policy 33/R Energy Conservation	<b>39</b>
<b>3:45-4:15 PM</b>	<b>III</b>	<b><u>MANAGERS REPORT</u></b>	
		Public Projects Update	<b>46</b>
		Housing/Childcare Update	<b>Verbal</b>
		Committee Reports	<b>47</b>
		Financials	<b>48</b>
<b>4:15-5:30 PM</b>	<b>IV</b>	<b><u>OTHER</u></b>	
		Recreation Department Annual Report	<b>70</b>
		Street Use Licensing	<b>100</b>
		BMAC Interviews	<b>120</b>
	<b>V</b>	<b><u>PLANNING MATTERS</u></b>	
<b>5:30-6:30 PM</b>	<b>VI</b>	<b><u>EXECUTIVE SESSION</u></b>	
		Acquisitions and Negotiations	

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 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.

**MEMORANDUM**

**To:** Town Council

**From:** Peter Grosshuesch

**Date:** July 18, 2012

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

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**DECISIONS FROM THE PLANNING COMMISSION AGENDA OF July 17, 2012:**

CLASS C APPLICATIONS:

None.

CLASS B APPLICATIONS:

1) Jerky Wagon (CN) PC#2012049; 100 South Main Street

Application for small vendor cart to sell beef jerky (dried meats). Approved.

2) Lot 1, Block 10A, Airport Resubdivision (MGT) PC#2012045; Continental Court (CR 923)

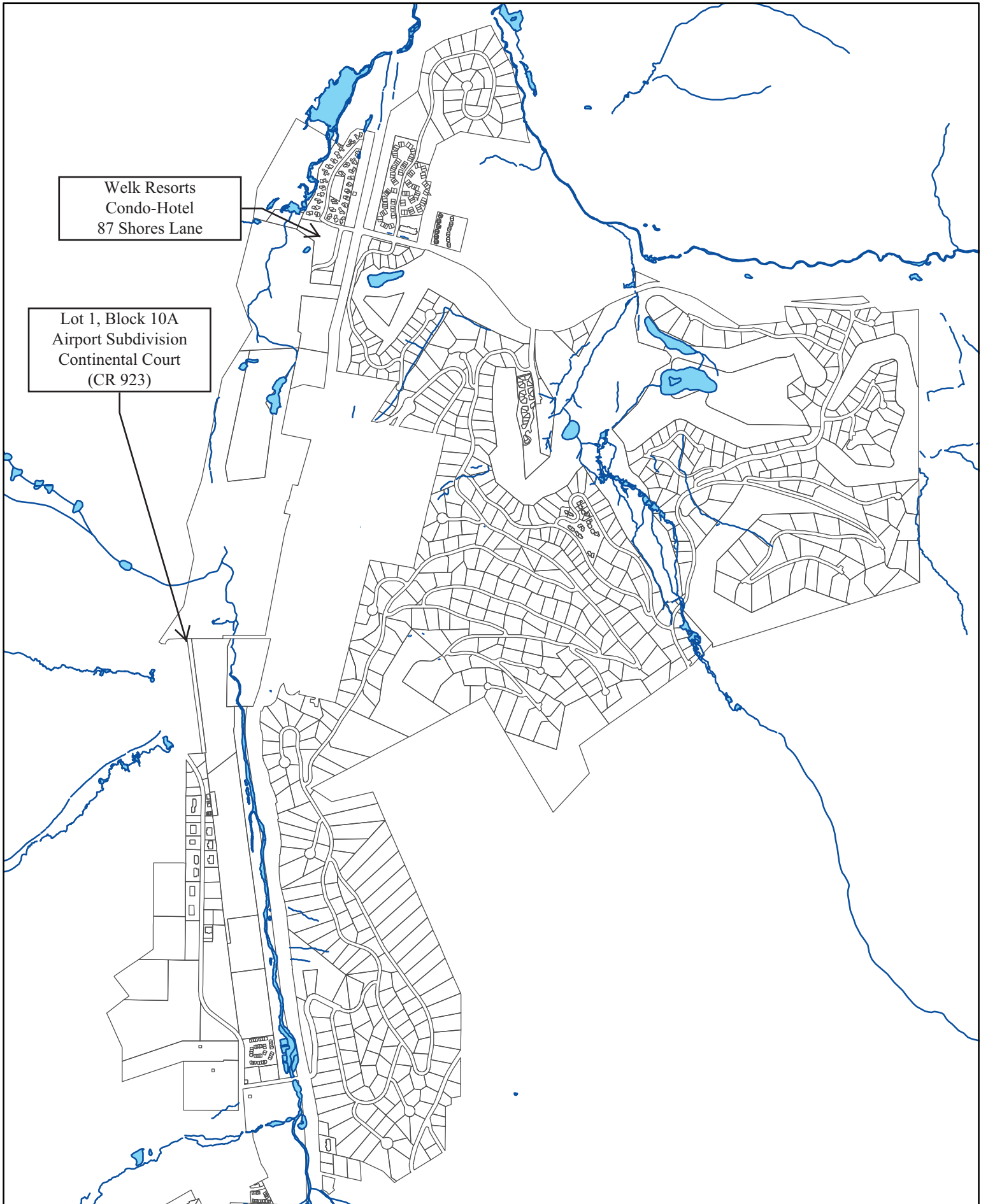
Application to re-subdivide Lot 1, Block 10A, Breckenridge Airport Subdivision Amended into two lots. Approved.

3) Silverthorne House Extended Vesting (JP) PC#2012035; 300 North Main Street

Application to extend site plan development permit to construct one duplex building (Building B), one single family building (Building C), relocate, restore and convert the existing barn (Building D) to a deed restricted residential unit, add a parking area in the rear of the lot, install remaining landscaping, and install a new trash enclosure. Approved.

CLASS A APPLICATIONS:

None.



Welk Resorts  
Condo-Hotel  
87 Shores Lane

Lot 1, Block 10A  
Airport Subdivision  
Continental Court  
(CR 923)

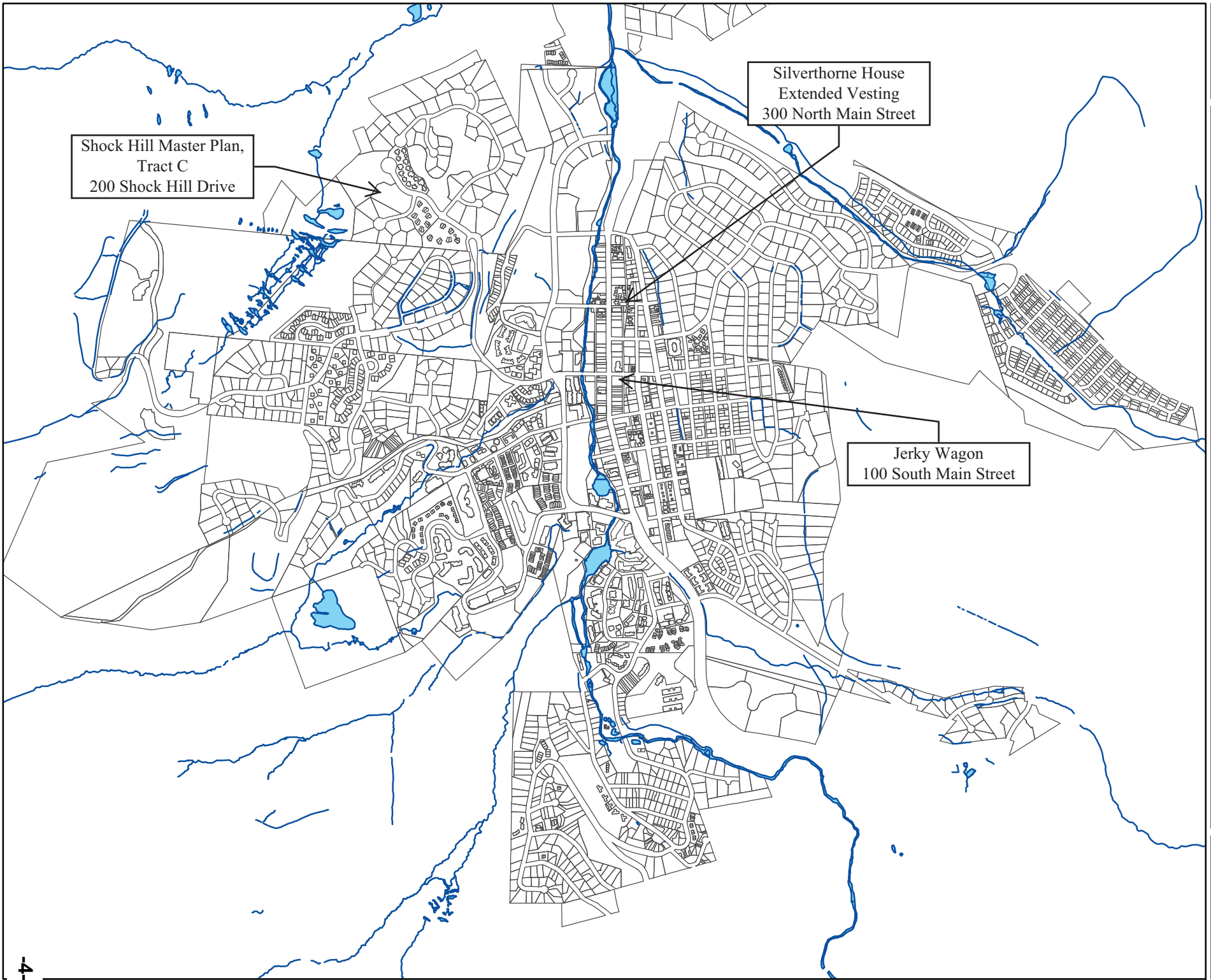


**Breckenridge North**

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.

*printed 4/12/2011*



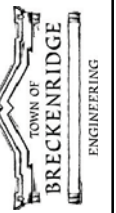


NOT TO SCALE

printed 4/12/2011

# Breckenridge South

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## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

### ROLL CALL

Kate Christopher              Trip Butler                      Gretchen Dudney  
Jim Lamb                      Michael Rath                      David Pringle arrived at 7:05 pm  
Dan Schroder was absent.

### APPROVAL OF AGENDA

With no changes, the July 17, 2012 Planning Commission meeting agenda was approved unanimously (6-0).

### APPROVAL OF MINUTES

With no changes, the July 3, 2012 Planning Commission meeting minutes were approved unanimously (6-0).

### TOWN COUNCIL REPORT:

Gary Gallagher:

1. Harris Street Building (old CMC building): Council is prepared to take it to the next step; architect plan has received favorable feedback; where it needs to go now is pricing vs. wants. Construction site will cost out the project and if the county will contribute along with fundraising to cover the cost of the space. We would like to see everyone pay their 'fair share'. 4-6 weeks until info comes back.
2. Breckenridge is enticing the Ice Castle promoter, who was in Silverthorne, to be located in the downtown Breckenridge area. Possible sites include the Riverwalk Center lawn or Tiger Dredge Parking Lot. The Council is concerned about the damage to the lawn. Fits nicely with Breckenridge in that it is family event. 6,000 visitors in Silverthorne and have had 20,000 hits on internet.
3. Several articles on Snowball Express, not yet approved by all Council members, but at this point the venue would be ice skating rink. Up in the air is that the promoter would like to do something in January; lodging would prefer early April when season is quieter. Lots of conflict; lots of emails; unless something else occurs, there is currently 4 in favor and 3 against the Snowball.
4. Last Town Council meeting, Breckenridge Grand Vacations on Peak 8; development agreement is being hashed out. Breckenridge Ski Resort is asking initially for 22 SFEs to handle their ski services, and the Breckenridge Grand Vacations and Breckenridge Ram agreed to come together. That space would not count against mass but would against density (worth about 10 SFEs). The Town asked for assistance on the balance of 12; Town Council felt that the request was not appropriate, said Breckenridge Grand Vacations needs to pay the 'full freight'. Since they weren't moving forward, and sales didn't know what they would need in the future, we will see sometime in the future what they really want to do on Peak 8.
5. Solar Gardens: Xcel is finally close to accepting our solicitations for Solar Gardens. 2 acres of Stillson property and property out on the McCain parcel on Airport Road. Might be heating up; Town wants to pursue Solar Gardens and when the Xcel and developer gets worked out, we will hear more about this in August. This is something that will progress subject to Planning Commission approval. Promoter's intention is to present first the Stillson and then the McCain.
6. Plastic bag conversation: Town has decided that they would like community, lodging, etc. to work some program together to come to resolution in trying to eliminate plastic refuse that people take out of the stores here in town. Council would like to have a program in place by end of year at which time businesses would come on board.
7. Fire Bans: County dropped their fire ban. Open fires are now allowed. Frisco and Dillon will also be dropping their fire bans. The Forest Service will be meeting about the National Forest; early indications are that they will maintain Stage One; able to burn in camp areas but keeping fires tighter.

Breckenridge may drop their Stage One altogether. If Breckenridge drops their Stage One, we can have heaters on patio, tiki torches, etc. as prior to severe fire ban.

8. Council would like Planning to reevaluate sheds as a primary structure. Lots of historic projects that have come before Planning; sheds and secondary structures have been part of that; Planning said that they are already working on this issue and are planning a work session.
9. Rodeo: Mr. Pringle asked about the rodeo and expressed a desire that it is a fun event with little conflict and suggested that Council attend to ward off any unhappy attendees.

**PRELIMINARY HEARINGS:**

1. Shock Hill Master Plan, Tract C (MGT) PC#2012050, 200 Shock Hill Drive  
Mr. Thompson presented a proposal to Master Plan for 15 units totaling 38,400 sq. ft. per the approved Shock Hill Master Plan. The proposal is for 15 market-rate units in duplex and single family form. Master Plan development standards in the form of Master Plan Notes are proposed for the entire development. After Council approval, each building will be submitted separately for review under individual Class C applications. The Shock Hill Master Plan allocated 24 SFE's for Tract C Shock Hill. In December 2010 an amendment to the Shock Hill Master Plan was approved for the Shock Hill Lodge and Spa with 66.70 SFE's, which would have required density to be transferred to the site. The current proposal is to go back to the original Shock Hill Master Plan and only use the 24 SFE's allowed in the Master Plan.

Staff had the following questions with this evening's presentation:

- Did the Commission have any comments on the Master Plan notes?
- Did the Commission support the depicted building separation for the units?
- Did the Commission believe the level of intensity is appropriate and allows for the site to function efficiently, and is still buffered well from the neighbors?
- Did the proposed Penn Lode Drive access and circulation work well as a 14' wide one-way private road?

*Commissioner Questions / Comments:*

- Mr. Pringle: I can't read the notes. I would think that you could gain a little bit more of the urban look. Tweak the setbacks between structures to gain a little bit of space. Level of intensity is appropriate; buffer the site from neighbor to neighbor; the 14 foot roadway is fine.
- Mr. Lamb: Well written Staff Report Matt; building separation is fine; narrow road is a good idea, less asphalt is a good thing.
- Ms. Dudney: Ditto, agree with Mr. Lamb's comments.
- Mr. Butler: No comments. I do support the building separation; level of intensity is appropriate; like the 14 foot private road.
- Ms. Christopher: Ditto.
- Mr. Rath: Ditto. The access makes a lot of sense; integrates well with the surrounding neighborhoods.

Staff welcomed any additional comment and suggested this application return for a Final Hearing.

Mr. Marc Hogan, Architect for the Applicant: Very pleased to be here; Tim and Patty Casey are also present. Appreciate the one way drive saving more trees; got rid of all of the pine beetle trees. We will incorporate energy conservation; all units planned for both solar thermal and PV. Some of the buildings are shaded and they will be challenged, but they will all be roughed in for those elements.

(No questions from Planning Commission.)

Mr. Casey: We assembled a team with Marc and Steve considering what would fit well on the site. We approached the owners and indicated that we would like to purchase Tract C and do something and more like the Shock Hill Cottages; met with Mr. John Quigley and feel that we have landed on something fitting. We appreciate the Staff and their review.

Ms. Dudney opened the hearing to public comment. There was no public comment and the hearing was closed.

*Commissioner Questions / Comments:*

Ms. Christopher: Master plan notes on our pdf; can't read the notes. Question: Does this private one way drive line up with Columbia drive? (Mr. Thompson: Yes it does line up with Columbia Drive.) Looks good so far. Likes the idea of less paving for the private road.

Mr. Lamb: No negative points? (Mr. Thompson: No.)

*Final Comments:*

Mr. Rath: Interested in final design. (Mr. Neubecker: Staff will compare the proposed architecture to the concept Master Plan notes to make sure that they are consistent.) I think variety is important. (Mr. Hogan: Have developed rough concepts and have some to provide at the final hearing. Variety is important to this Master Plan.)

Ms. Christopher: Appreciate the lower amount of paving; are you going to continue the sidewalk from the road? (Mr. Casey: Yes; it will be tied into the existing sidewalk.) (Mr. Thompson: Wetlands report; the original plat for Tract C showed a small wetland.) (The applicants did not believe it was a wetland; however, there is a recorded wetland on the plat. The applicants hired a consultant (Mike Claffey) to determine as to whether or not it was a wetland and ultimately decided that it was not a wetland. A Condition of Approval will be added prior to the final hearing requiring a new Plat to be recorded with no wetland shown.)

Mr. Pringle: Hoping that we get a better idea of what architecture the project will look like. Suggested the applicant consider not use up all of the allowable density and mass, as property owners in the future will want to do additions.

Ms. Dudney: Relied on Matt's Staff Report, which listed many of the Master Plan Notes. Comfortable with the Master Plan as proposed.

2. Welk Resorts Condo-Hotel (MM) PC #2012044; 87 Shores Lane

Mr. Mosher presented a proposal to construct a 72-unit condo-hotel at Parcels C-1, C-2 and a Portion of Tract A of the Shores at the Highlands Subdivision. With this submittal, the Applicants have refined the design of the buildings and site and are in the process of adjusting the areas and counts with staff to be sure the calculations work and that there will be a passing point analysis. Hence, this submittal is still lacking these numerical details. Staff has recently met with the applicants with the goal of offering a more comprehensive review at the next hearing.

At the June 5, 2012, Worksession, Staff heard general support for the overall concept for the building forms, finishes and general architecture. There were concerns expressed about the parking layout and site buffering. Changes since that meeting include: modification of the parking layout and creation of landscaping with berms. Staff anticipates having greater numerical detail (densities, parking, snow stacking etc.) with the next submittal.

As indicated, the Applicant is seeking comments regarding the general concept as presented. There will be additional detail when the application returns again for a second preliminary review. Staff welcomed any

additional comments or concerns.

Ms. Dudney: There seems like there are so many negative points. (Mr. Mosher: Lots of options available to add positive points for example, for shuttle, employee housing, refuse within building, etc. The initial draft review of the points came up with a passing score of positive eight (+8) points. That is what the developer is working towards.)

The Applicants were present and made a presentation. Jon Fredericks, President of Welk Resorts; Brett Park, Valley Landscape Design Group (Landscape Architect); Jeff Edwards, Development Crew; Rick Hulbert, Architect.

Mr. Fredericks: Welk is a family owned company - a grandson of Lawrence Welk; we have been in this business since 1964 with 43,000 vacation owners. Average owner is 47 years old; \$90,000 a year income. We generate \$130 million per year in annual revenue. We want to focus on the revision on the plans based on your input. We are known for high product and service levels; top 5% of our industry.

Mr. Hulbert: The great thing about working with the Welk Company is that each development should have a sense of place in its own context. I toured the town with Mr. Tom Begley, met Mr. Mosher, and came up with our objectives:

- Respect the town history; use as inspiration;
- Celebrate the present setting and emerging development (the challenge is that it has been dredge mined);
- Anticipate the future of sustainable master planned resort design.
- Guests that come to the resort, neighbors who come to the resort and visitors.

Narrative in conjunction with conceptual drawings and plat for Level 3:

The great thing about this team is that we have members in all venues of the development: landscape, design, production. We want to encourage a design that is more timeless and less trendy and sets a precedent. (Mr. Hulbert presented an aerial view.) Some portions of the buildings will be three-stories stepping down at the edges to two-stories. We are going to make a case for it. We would like to pretend that there is a miner who made some money; didn't want to be a miner anymore, wanted to be a rancher, so he built a big stone based home with a big chimney. What was left when we "found it" was a chimney; also he had a bunkhouse for the ranch hands and a horse barn. We are going to take these three elements to design our community. Lobby building is for amenities; barn is now a meetings facility with a little commercial. The lobby building interfaces with the new time share units that are a mix of 2 and 3 stories. Employee housing, housekeeping and maintenance building is also provided. No backs or sides; all fronts. Amenities: indoor and outdoor pool, lobby, check in, ski storage, owners lounge, fitness facility, games room for family use. We put a skylight over the fireplace for light, but all of the lighting is downcast lighting per planning. From the lobby building you can walk down to time share suites lighted by side lights for mobility. Lots of elegant berms; internal gardens in-between the lobby and pool area and time share building. (Mr. Hulbert provided elevations of the buildings, plats with grade noted from top of project to bottom. Showed floor plans for 2 bedrooms and 3 bedrooms; 1,200-1,300 square feet.)

Ms. Dudney opened the hearing to public comment. There was no public comment and the hearing was closed.

*Commissioner Questions / Comments:*

Ms. Dudney: What is happening around the project? I am concerned about project looking into the units south. (Mr. Park and Mr. Hulbert: They would be buffered with landscape and berm. Berms



- wrap around the project that buffer and repeat throughout the project.) How close are you to the McCain property? (Mr. Park: Determined to be almost a mile away.) My only concern is to protect the project from what can happen around you.
- Mr. Pringle: What is your relationship with the river? You are going to set the tone; this will be a positive impact on the surrounding projects. (Mr. Park: We are working backwards from the river; trying to let nature take its natural course up the slope; this is a working landscape with the fish, birds and river. We are going to work with staff to restore the landscape.) When I talked about telling a story last time, in my mind, when you come into Breckenridge people wonder why buildings are there. The project has context. I am a leery of the design of the big barn, and maintenance facility. Don't know if that is the design concept; maybe go to a mining type concept. Height will be an issue although I am not opposed to it as long as it is done well and can be mitigated.
- Mr. Rath: You have a lot of 'guts' for launching this without knowing what else will go out there; looks like you are creating an 'oasis'. You're going to bring all of this greenery and I hope that it starts a trend out of it; it was once, before the dredge boats, a river running through trees. I wish you luck and hope the neighbors support you. You really listened to us from last time; creating something that belonged here. I like that you have a story. Sooner rather than later, involve some people who are intimate with Breckenridge to inject some local design passion.
- Ms. Christopher: Thank you for listening from the last meeting. Good design here. I hope that you have neighbor support. Thoughts: 50 foot line on the barn; looks like glass for balusters; not safe for mountain living.
- Mr. Lamb: Story is interesting; I understand that it isn't a modern building. I like the idea of recreating the ecosystem, and the berming around the parking lot.
- Mr. Butler: In the future, this will be coveted for seeing this vision today.

**COMBINED HEARINGS:**

1) Jerky Wagon (CN) PC#2012049, 100 South Main Street

Mr. Neubecker presented a proposal for a small vendor cart to sell jerky (dried meats) at the southeast corner of Lincoln and Main Streets. Climax Jerky, Inc. is a retail business that sells a variety of dried meats, known as "jerky". The company operates in several locations throughout the state, and has operated in Breckenridge since 2008. Sales are made from a covered wagon. The wagon is 8'4" long, 4'4" wide and about 8' tall. The wagon is constructed primarily of wood and steel, with a canvas cover.

The Jerky Wagon has been in this location since 2008. Prior to 2008, other vendors have used this location for vending food and beverages, since at least 1992. In March 2012 the Town Council adopted a revised Vendor Cart policy in the Development Code to address the new and existing vendor carts in town. The new Vendor Cart Policy 49 (Absolute) sets design standards for both large and small vendor carts. This proposal is for a small vendor cart, since it is less than 40 square feet and the cart will be removed from the site each day after operations end.

Mr. Neubecker went through the design standards for small vendor carts. Staff found the application to be in compliance with all policies required.

The Planning Department has approved Climax Jerky Wagon vendor cart, PC#2012049, located at 100 S. Main Street, Lincoln West Mall, with the attached findings and conditions.

Ms. Dudney opened the hearing to public comment. There was no public comment and the hearing was closed.

The owner, Brooke Comi started in Climax 13 years ago and thanked the Commission for taking the time to review.

*Commissioner Questions / Comments:*

Ms. Christopher: Do you have other jerky carts? (Ms. Comi: Silverthorne, all farmers markets, 16<sup>th</sup> Street mall and 2 locations at DIA.)

Mr. Pringle: This is exactly what we had in mind when we discussed vendor carts. I support it.

Mr. Lamb: This is what a proper vendor application should look like.

Mr. Pringle made a motion to approve the point analysis for the Jerky Wagon, PC#2012049, 100 South Main Street. Ms. Christopher seconded and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the Jerky Wagon, PC#2012049, 100 South Main Street, with the presented findings and conditions. Ms. Christopher seconded, and the motion carried unanimously (6-0)

2) Lot 1, Block 10A, Airport Resubdivision (MM) PC#2012045, Continental Court (CR 923)

Mr. Mosher presented a proposal to resubdivide Lot 1, Block 10A, Breckenridge Airport Subdivision Amended into two lots. The proposed lots are to be used with the adjacent western lots in the County's Continental Subdivision. No density is associated with this land. The lots may only be used in the future for landscaping, parking, and storage in accordance with the provisions of the Town's Development Code.

The Planning Department has advertised this resubdivision as a Combined Preliminary and Final Hearing, as Staff believes all relevant issues to be resolved. This resubdivision complies with the Subdivision Ordinance and the terms of the Breckenridge Airport Planned Unit Development.

Staff recommended that the Commission approve the Re-subdivision of Lot 1, Block 10A, Breckenridge Airport Subdivision Amended Class B Subdivision, PC#2012045, with the presented Findings and Conditions.

Ms. Dudney opened the hearing to public comment. There was no public comment and the hearing was closed.

*Commissioner Questions / Comments:*

Mr. Lamb: Could you ever transfer density back on? (Mr. Mosher: No, property is stripped of all density.) What does splitting this accomplish? (Mr. Mosher: This property abuts parcels that are in the County. The conditions within the PUD are that if any of these were to subdivide, we would say it needed to be subdivided as well. Intended for parking; ownership should line up and work together.)

Mr. Pringle made a motion to approve the Lot 1, Block 10A, Airport Resubdivision, PC#2012045, Continental Court (CR 923), with the presented findings and conditions. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

3) Silverthorne House Extended Vesting (JP) PC#2012035, 300 North Main Street

Ms. Puester presented a proposal to extend the property rights vesting for a site plan development permit to construct one duplex building (Building B), one single family building (Building C), relocate, restore and convert the existing barn (Building D) to a deed restricted residential unit, add a parking area in the rear of the lot, install remaining landscaping, and install a new trash enclosure. Mr. Dave Hartman, Applicant, was also present at the meeting.

The Silverthorne house site plan addition, restoration, and landmarking development permit was approved June 9,

2009 and was valid for a 3 year period (expiring on June 8, 2012). The Applicant has partially completed the development. Last summer the Silverthorne house underwent a historic restoration including installation of foundation, restoration and repair of the building exterior and 20 foot relocation on site. The Silverthorne house and carriage barn was also historically landmarked in 2009. The front yard was restored to its historic condition by removing the driveway off of Main Street, allowing the Town to construct Main Street improvements and landscaping and drainage was installed. The completed work primarily received all positive points with the exception of relocating the historic house 20 feet on the lot.

The Applicant has not completed the site plan primarily due to economic conditions. Mr. Hartman has expressed his intent of moving forward with the carriage barn this summer and buildings B and C in the next two years.

No changes to the application are proposed from the development permit approved in 2009. Staff has kept the original point analysis, approved by the Planning Commission at the June 9, 2009 meeting; however, should the Planning Commission find that the Applicant shall meet the modifications to the Handbook of Design Standards, the applicant would not meet Policy 5 (Absolute) *Architectural Compatibility*, resulting in a failing point analysis and failing project.

Subsequent to the approval of this application in 2009, the Town approved a number of code changes that would no longer allow several features of their design or future subdivision of footprint lots. As such, code section 9-1-17 (I) allows the Planning Commission several options in its consideration of the request to extend the vesting. The Commission has the ability to 1) review and approve this application under the Codes in effect at the time of the original permit application in 2009 which would essentially be extending the vested property rights, 2) deny the extended property right application or 3) require the recently adopted Design Standards to be followed or a combination of the two as conditions. The Planning Commission may approve, deny or approve the extension with conditions (per code section 9-1-17-11 (I)).

Mr. Dave Hartman, the owner and Applicant: The property was in a state of disrepair; we started this project in 2006 and it took 3 years to take it through the Planning Commission. It is a landmark property on Main; the key was to get the Silverthorne house relocated to a foundation; we completed a good restoration and restored the front yard historic context. We slowed the development because of the economy in 2009. In 2010, I set up a temporary office and moved the Silverthorne house to its current location. We are ready to start Phase 2 of this project; had structural's come through today for the Carriage House restoration and conversion into a two story employee unit. Please extend these vested rights as I received them and support a future waiver to the new subdivision footprint code requirements. If we resubmit under the the current code, I will not be able to put the density allowed and planned for the site plan to recoup restoration costs incurred. I would like to recoup some of the capital I invested in the restoration of the property. Additionally, Staff's request to change the exterior can be done, but seems like a lot of barn wood. (Mr. Rath: What percentage of your total budget has been spent?) We are just shy of a half million dollars for the Silverthorne house. We need about \$150,000 for the carriage barn and \$1 million for the two new buildings, so we spent about 1/3 of what the total costs will be thus far.

Staff has specific questions on the following:

1. Would the Commission apply the 2010 code modification regarding building scale to the project resulting in a non-passing point analysis or uphold the decision made in 2009?
2. Staff has recommended that Building B have an exterior material modification to rough sawn siding or similar to appear more like that found historically on outbuildings. Did the Commission concur?
3. Did the Commission find that the application should be modified to meet Priority Policy 89 regarding setbacks resulting in a non-passing point analysis?
4. Did the Commission want to require the application to meet the Priority Policy 81 modification and have the buildings lowered in height to be below the building height of the Silverthorne house resulting in a

failed point analysis or find that as the original barn in 1890 was 2 stories results in this policy being not applicable?

5. Would the Commission support a waiver at this time per Code section 9-2-1-15 to the 2010 subdivision code modifications on footprint lots? (Note that as a subdivision application is not before the Commission at this time, this is not a formal decision for a waiver.)

If the Commission finds that the Silverthorne House Site Plan meets all absolute polices and supports the final point analysis which was previously approved, Staff recommended approval of PC#2012035 with the following additional condition (to the 2009 development permit):

1. The applicant shall modify Building B exterior materials to be a rough sawn siding or similar material to be approved by staff prior to the issuance of a building permit.

Ms. Dudney opened the hearing to public comment.

Mr. Michael Cavanaugh: Congrats to Dave for his tenacity and restoration work; there is a precedent that you might be setting. I think that it is a good one to set. His project is a good project.

There was no further public comment and the hearing was closed.

*Commissioner Questions / Comments:*

Ms. Dudney: Does this set a precedent for future Planning Commissions? (Ms. Puester: This is a unique circumstance; it is extending a project which has already begun in which the Applicant has developed what received positive points initially.) In the 1890 Sanborn map, the original barn in the back was higher. So why would we write the code so that secondary properties should be shorter than primary? (Mr. Neubecker: That was the desired character, generally. We had seen a lot of taller buildings in the back being proposed at the time and it was determined that was not the desired character. Not necessarily will it always be that way. There are always special circumstances such as this one where the barn was taller than the Silverthorne house historically.)

Mr. Rath: Is it relevant that these will be footprint lots? (Mr. Grosshuesch: Spoke to the national standards with respect to the footprint lots-they are acceptable in mixed use areas which this is in, our Downtown Overlay District; also said that the recommendation is to extend the vested property rights which means keep the footprint, keep the structure sizes and change the material on the Building B. In the downtown area there is more of a mixed product, and having units subdivided off is more in character with the rest of the area.)

Mr. Lamb: I am in agreement with Staff. To change the rules for the Applicant in the middle of the project construction is not fair. If we hold him up we would end up with a worse project. These are special circumstances. He was in before the code changes. We want people to restore historic houses and we need to treat him fairly. I support a waiver to allow for the subdivision and am ambivalent about the material change.

Mr. Butler: It is incongruous that the 2010 Commission helped modify the code to current state and now in 2012 would not apply it. I like the project. I would not apply the 2010 code modifications in this case. I don't have a problem with exterior material on the duplex. No, they should not have to modify setbacks, no on building height modification and I support a future waiver at this time.

Ms. Christopher: The location of this project is in an area with mixed uses, there are other examples of footprint subdividing in this block. We should allow the Applicant to continue project as approved. This is a unique circumstance where the code was changed after his project was approved and he went forward in good faith. Alright with the 3 year vesting, uphold

- the 2009 codes, the setbacks no change, Applicant should work with the Staff on exterior of building B, no to the lower building heights, the waiver, yes supports one.
- Mr. Rath: Thinks there is a lot of density-the whole alley is like that; the argument that there have been changes in the economy is common although code has changed. I don't want to pull the 'rug' out from someone's feet. He started this with good intentions. Stick with 2009, exterior modification seems like such a small issue but I support Staff's opinion on that. Applicant should change exterior of building B to be more barn like. In support of a passing analysis, I don't believe that we should support a failing analysis, I support a waiver.
- Mr. Pringle: Asked for clarification on the building elements change. Is there any inappropriate ornamentation? (Ms. Puester: No, that was removed prior to the 2009 approval). Do we accomplish what we want with the barn siding? (Ms. Puester: We would work with the Applicant to find something appropriate that fits. C is 1/8 rough sawn; B is 4" cementations horizontal lap reveal.) (Mr. Neubecker and Mr. Grosshuesch: Discussed a simple design for the barn wood design.) I agree with what Mr. Lamb said; the Applicant has been working on completing this property. He has done a beautiful job. It would be easy to give him a permit renewal with no changes. I don't want to answer any of the questions except will we grant the waiver, and the answer is yes.
- Ms. Dudney: This is the first time that the Planning Commission has had this 'power'. It is not common that the code changes so significantly and not fair to change the rules on the applicant half way through. A Master Plan is different than a single property. He has encountered all of the expensive outlay upfront. I think we should waive the code change. I also agree with the Applicant about not changing the exterior on Bldg B. It was approved in 2009.

Mr. Lamb made a motion to approve the point analysis for the Silverthorne House Extended Vesting, PC#2012035, 300 North Main Street. Ms. Christopher seconded the motion to approve and the motion was carried unanimously (6-0).

Mr. Lamb made a motion to approve the Silverthorne House Extended Vesting, PC#2012035, 300 North Main Street, leaving the presented findings and conditions that were approved in 2009. Mr. Rath seconded, and the motion was carried unanimously (6-0).

**OTHER MATTERS:**

- Ms. Dudney: Can we talk about having a work session per City (Town) Council. (Mr. Grosshuesch: We would like to give you some recommendations and analysis; we don't have it yet but it is coming.)
- Mr. Grosshuesch: Regarding the Silverthorne House; the principle is important to the integrity of the historic district. We are happy with the outcome. Don't minimize the importance of the principle.

**ADJOURNMENT:**

The meeting was adjourned at 10:14 p.m.

---

Gretchen Dudney, Vice Chair

**MEMO**

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 23 (Emergency Powers and Procedures Ordinance)

DATE: July 17, 2012 (for July 24<sup>th</sup> meeting)

---

The second reading of the ordinance dealing with Town powers and procedures in the event of an emergency is scheduled for your meeting on July 24<sup>th</sup>. 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 – JULY 24**

2  
3 **NO CHANGE FROM FIRST READING**

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

7  
8 COUNCIL BILL NO. 23

9  
10 Series 2012

11  
12 AN ORDINANCE ADOPTING CHAPTER 23 OF TITLE 1 OF THE BRECKENRIDGE  
13 TOWN CODE CONCERNING CIVIL EMERGENCIES, EMERGENCIES, AND LOCAL  
14 DISASTERS

15  
16 WHEREAS, Section 15.7 of the Breckenridge Town Charter empowers the Mayor, or in  
17 his absence, the Town Manager to take certain acts in the event of a riot, insurrection, or  
18 extraordinary emergency; and

19  
20 WHEREAS, Section 15.8 of the Breckenridge Town Charter, entitled “Continuity of  
21 Government”, mandates that the Town Council shall have the power to provide for continuity of  
22 the government of the Town of Breckenridge in the event of a natural or enemy caused disaster;  
23 and

24  
25 WHEREAS, the Town Council wishes to enact legislation to fully implement these  
26 Charter provisions.

27  
28 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
29 BRECKENRIDGE, COLORADO:

30  
31 Section 1. Title 1 of the Breckenridge Town Code is amended by the addition of a new  
32 Chapter 23, entitled “Civil Emergencies, Emergencies, or Local Disasters”, which shall read in  
33 its entirety as follows:

34  
35 **CHAPTER 23**

36  
37 **CIVIL EMERGENCIES, EMERGENCIES, OR LOCAL DISASTERS**

38  
39 **SECTION:**

40  
41 **1-23-1: Title**

EMERGENCY POWERS AND PROCEDURES ORDINANCE

- 1 1-23-2: Legislative Declaration
- 2 1-23-3: Definitions
- 3 1-23-4: Authorization to Issue Declaration of Civil Emergency, Emergency, or Local
- 4 Disaster
- 5 1-23-5: Filing of Declaration
- 6 1-23-6 Term of Declaration
- 7 1-23-7: Succession of Authority
- 8 1-23-8: Powers
- 9 1-23-9: Enforcement of Orders
- 10 1-23-10: Authority to Enter Property
- 11 1-23-11: Location of Town Council Meetings and Departments
- 12 1-23-12: Mutual Aid Agreements
- 13 1-23-13: Access to TABOR Funds
- 14 1-23-14: Report By Town Manager/Discretionary Ratification By Town Council
- 15 1-23-15 Conflict With Other Laws

17 1-23-1: TITLE: This Chapter shall be known and may be cited as the “Town of  
 18 Breckenridge Civil Emergency, Emergency, and Local Disaster Ordinance.”

20 1-23-2. LEGISLATIVE DECLARATION: It is the intent of this Chapter to provide for  
 21 Continuity of Government (Sec. 15.8, Town Charter) and for the necessary organization,  
 22 powers, and authority to enable the timely and effective use of all available Town resources  
 23 to prepare for, respond to and recover from civil emergencies, emergencies, or local  
 24 disasters, whether natural or man-made, that are likely to affect the health, security, safety,  
 25 or property of the inhabitants of the Town. It is intended to grant as broad a power as is  
 26 permitted within the letter and spirit of the Town Charter and the Council-Manager form  
 27 of government. The Town Council retains the power to direct the Town Manager during  
 28 the pendency of a declaration.

30 1-23-3: DEFINITIONS:

- 32 A. As used in this Chapter, the following words have the following meanings,  
 33 unless the context otherwise requires:

CIVIL EMERGENCY: A condition of unrest including, but not  
limited to riot, civil disturbance, unlawful  
assembly, hostile military or paramilitary  
action, war, terrorism, or sabotage.

DECLARATION: The written document executed by the  
Mayor or Town Manager declaring a  
disaster, emergency, or civil emergency.



**EMERGENCY:**

**Any occurrence or threat of natural or man-made disaster of a major proportion in which the safety and welfare of the inhabitants of the Town or their property are jeopardized or placed at extreme peril that timely action may avert or minimize.**

**LOCAL DISASTER:**

**The occurrence of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause including but not limited to flood, fire, cyclone, tornado, earthquake, severe high or low temperatures, blizzard, landslide, mudslide, hurricane, building or structural collapse, high water table, water pollution, air pollution, epidemic, riot, drought, utility emergency, sudden and severe energy shortages, volcano, snow, ice, windstorm, waves, hazardous substance spills, chemical or petroleum spills, biological material release or spill, radiological release or spill, structural failure, public health emergency or accidents.**

1  
2       **B. Terms not defined in this Chapter are to be given their common meaning.**

3  
4       **1-23-4: AUTHORIZATION TO ISSUE DECLARATION OF CIVIL EMERGENCY, EMERGENCY, OR LOCAL DISASTER: The Mayor, or in his absence the Town**  
5       **Manager, is authorized to declare a civil emergency, emergency, or local disaster if such**  
6       **person finds that the Town, or any part of the Town, is suffering from or is in imminent**  
7       **danger of suffering a natural or man-made civil emergency, emergency, or local disaster. If**  
8       **the Mayor issues the declaration, the Town Manager is authorized and directed to**  
9       **implement the declaration in accordance with this Chapter.**

10  
11  
12       **1-23-5: FILING OF DECLARATION: The person issuing the declaration pursuant to**  
13       **Section 1-23-4 shall promptly notify the Town Council. In addition, such person shall**  
14       **promptly file a copy of the declaration with the Town Clerk and the Board of County**  
15       **Commissioners of Summit County. The public shall be notified of such a declaration**  
16       **through general dissemination to the news media, posting on the Town website, or other**  
17       **means of publicity intended to advise the general public.**  
18

1 **1-23-6: TERM OF DECLARATION: The declaration of a civil emergency, emergency, or**  
2 **local disaster shall be in effect as determined by the person issuing the declaration for a**  
3 **period of up to seven (7) days. This period may be extended upon submission of a request**  
4 **by the person issuing the declaration and the approval of the Town Council. In the event a**  
5 **quorum of the Town Council cannot be assembled to approve a continuance of the**  
6 **declaration, such declaration shall remain in effect until such time as a quorum can be**  
7 **assembled. In the event a quorum of the Town Council can meet to provide the Town**  
8 **Manager with advice and consultation during the pendency of a declaration, such meeting**  
9 **shall be held in compliance with the Colorado Open Meetings Law and Town Council**  
10 **Rules and Procedures as soon as possible, but in no event later than seven (7) days**  
11 **following the initial declaration.**

12  
13 **1-23-7: SUCCESSION OF AUTHORITY: In the event of a civil emergency, emergency,**  
14 **or local disaster the succession of authority shall be as provided in Section 15.8 of the Town**  
15 **Charter.**

16  
17 **1-23-8 POWERS: Upon the issuance of civil emergency, emergency, or local disaster**  
18 **declaration, the Town Manager has full power and authority to take the following actions**  
19 **and issue the following orders:**

20 (a) **any action necessary for the protection of life and property, including, but not**  
21 **limited to, establishing regulations governing conduct related to the cause of the emergency**  
22 **or disaster.**

23 (b) **an order establishing a curfew during such hours of the days or nights and**  
24 **affecting such categories of persons as may be designated.**

25 (c) **an order to direct and compel the evacuation of all or a part of the population**  
26 **from any stricken or threatened areas within the Town if the Town Manager deems this**  
27 **action is necessary for the preservation of life, property or other civil emergency,**  
28 **emergency, or local disaster mitigation, response or recovery activities and to prescribe**  
29 **routes, modes of transportation and destination in connection with an evacuation.**

30 (d) **an order controlling, restricting, allocating or regulating the use, sale,**  
31 **production or distribution of food, water, clothing, and other commodities, materials,**  
32 **goods, services and resources.**

33 (e) **an order requiring the closing of businesses deemed nonessential by the Town**  
34 **Manager.**

35 (f) **an order suspending or limiting the sale, distribution, dispensing, or**  
36 **transportation of alcoholic beverages, firearms, explosives and/or combustible products**  
37 **and requiring the closing of those businesses or parts of businesses insofar as the sale,**  
38 **distribution, dispensing or transportation of these items are concerned.**

39 (g) **an order prohibiting the sale or distribution within the Town of any products**  
40 **that the Town Manager determines could be employed in a manner that would constitute a**  
41 **danger to public health or safety.**

42 (h) **subject to any applicable requirements for compensation, commandeer or**  
43 **use any private property if the Town Manager finds this action necessary to cope with the**

EMERGENCY POWERS AND PROCEDURES ORDINANCE

1 civil emergency, emergency or local disaster.

2 (i) appropriate and expend funds, execute contracts, authorize the obtaining and  
3 acquisition of property, equipment, services, supplies and materials without the strict  
4 compliance with procurement regulations or procedures.

5 (j) transfer the direction, personnel, or functions of Town departments and  
6 agencies for the purposes of performing or facilitating civil emergency, emergency, or local  
7 disaster services.

8 (k) utilize all available resources of the Town as may be reasonably necessary to  
9 cope with the civil emergency, emergency, or local disaster whether in preparation for,  
10 response to, or recovery from a civil emergency, emergency, or local disaster.

11 (l) suspend or modify the provisions of any ordinance if strict compliance with  
12 such ordinance would in any way prevent, hinder or delay necessary action in coping with  
13 any civil emergency, emergency, or local disaster.

14 (m) accept services, gifts, grants and loans, equipment, supplies, and materials  
15 whether from private, nonprofit or governmental sources.

16 (n) suspend or limit the use of the Town's water resources.

17 (o) make application for local, state or federal assistance.

18 (p) terminate or suspend any process, operation, machine, device or event that is  
19 or may negatively impact the health, safety and welfare of persons or property within the  
20 Town.

21 (q) delegate authority to such Town officials as the Town Manager determines  
22 reasonably necessary or expedient.

23 (r) require the continuation, termination, disconnection or suspension of natural  
24 gas, electric power, water, sewer or other public utilities.

25 (s) close or cancel the use of any municipality owned or operated building or  
26 other public facility.

27 (t) exercise such powers and functions in light of the exigencies of civil  
28 emergency, emergency, or local disaster including the waiving of compliance with any time  
29 consuming procedures and formalities, including notices, as may be prescribed by law  
30 pertaining thereto.

31 (u) issue any and all other order or undertake such other functions and activities  
32 as the Town Manager reasonably believes is required under the circumstances to protect  
33 the health, safety, welfare of persons or property within the Town of Breckenridge, or to  
34 otherwise preserve the public peace or abate, clean up, or mitigate the effects of any civil  
35 emergency, emergency or local disaster.

36  
37 The declaration of emergency shall list the restrictions applicable to that  
38 circumstance by reference to the individual subsections of this section. The restrictions may  
39 be changed from time to time during the time frame of the declaration based upon the  
40 discretion of the Town Manager.

41  
42 1-23-9: ENFORCEMENT OF ORDERS:  
43

1 (a) The members of the Police Department, code enforcement, and such other law  
2 enforcement and peace officers as may be authorized by the Town Manager are authorized  
3 and directed to enforce the orders, rules, and regulations made or issued pursuant to this  
4 Chapter. All members of the public shall be deemed to have been given notice of the  
5 restrictions contained within a declaration upon its dissemination to the news media or  
6 publication on the Town website or other means of publicity.

7 (b) During the period of a declared civil emergency, emergency, or local disaster,  
8 a person shall not:

9 (1) enter or remain upon the premises of any establishment not open for business  
10 to the general public, unless such person is the owner or authorized agent of the  
11 establishment.

12 (2) violate the provisions of a declaration issued pursuant to Section 1-23-4.

13 (3) violate any of the orders duly issued by the Town Manager or designee  
14 pursuant to such declaration.

15 (4) willfully obstruct, hinder, or delay any duly authorized Town officer,  
16 employee or volunteer in the enforcement or exercise of the provisions of the Chapter, or of  
17 the undertaking of any activity pursuant to this Chapter.

18 (c) The Municipal Court shall have the jurisdiction to preside over alleged  
19 violations of this section. A person convicted of a violation of this section shall be subject to  
20 the penalties  
21 set forth in section 1-4-1 of this Code.

22  
23 1-23-10: AUTHORITY TO ENTER PROPERTY: During the period of a declared civil  
24 emergency, emergency, or local disaster, a Town employee or authorized agent may enter  
25 onto or upon private property if the employee or authorized agent has reasonable grounds  
26 to believe that there is a true emergency and an immediate need for assistance for the  
27 protection of life or property, and that entering onto the private land will allow the person  
28 to take such steps to alleviate or minimize the emergency or disaster or to prevent or  
29 minimize danger to lives or property from the declared civil emergency, emergency, or  
30 local disaster.

31  
32 1-23-11: LOCATION OF TOWN COUNCIL MEETINGS AND DEPARTMENTS:

33 (1) Whenever a civil emergency, emergency, or local disaster makes it imprudent  
34 or impossible to conduct the affairs of the Town at its regular locations, the Town Council  
35 may meet at any place, inside or outside the Town limits, or may meet via the telephone or  
36 other communication device. Any temporary civil emergency, emergency, or local disaster  
37 meeting location for the Town Council shall continue until a new location is established or  
38 until the civil emergency, emergency, or local disaster is terminated and the Town Council  
39 is able to return to its normal location.

40 (2) Any emergency meeting of the Town Council shall be conducted in  
41 accordance with the applicable provisions of the Council's Procedures and Rules of Order.

42 (3) Whenever a civil emergency, emergency, or local disaster makes it imprudent  
43 or impossible to conduct the affairs of any department of the Town at its regular location,

## EMERGENCY POWERS AND PROCEDURES ORDINANCE

1 such department may conduct its business at any place, inside or outside the Town limits,  
2 and may remain at the temporary location until the civil emergency, emergency or local  
3 disaster is declared ended or until the department is able to return to its normal location.

4 (4) Whenever a civil emergency, emergency, or local disaster makes it imprudent  
5 or impossible for Town Council, or any Town board, commission, or committee, to meet at  
6 a previously scheduled date and time, such meeting shall be deemed to be postponed until a  
7 quorum of the Town Council or Town board, commission, or committee is able to meet, not  
8 to exceed one (1) week.

9 (5) Any official act or meeting required to be performed at any regular location  
10 of the Town Council board, commission, or committee or any Town department is valid  
11 when performed at any temporary location under this section.

12 (6) The provisions of this section shall apply to all executive, legislative ,and  
13 judicial branches, powers and functions conferred upon the Town and its officers,  
14 employees, and authorized agents by the Colorado Constitution, Colorado Statutes, the  
15 Town Municipal Code, including the Town Charter.

16  
17 **1-23-12: MUTUAL AID AGREEMENTS:**

18 (1) The Town Manager may, on behalf of the Town, enter into such reciprocal  
19 aid, mutual aid, joint powers agreements, intergovernmental assistance agreements, or  
20 other compacts or plans with other governmental entities for the protection of life and  
21 property. Such agreements may include the furnishing or exchange of supplies, equipment,  
22 facilities, personnel and/or services.

23 (2) The Town Council or any Town board, commission, or committee may  
24 exercise such powers and functions in light of the exigencies of the emergency or disaster  
25 and may waive compliance with time consuming procedures and formalities prescribed by  
26 law pertaining thereto.

27 (3) The foregoing shall apply to all executive, legislative and judicial powers and  
28 functions conferred upon the Town and its officers, employees and authorized agents.

29  
30 **1-23-13: ACCESS TO TABOR FUNDS:** In the event of a declared civil emergency,  
31 emergency, or local disaster, the Town Manager shall have access to the Town's emergency  
32 funds mandated by the Taxpayer's Bill of Rights (TABOR) as set forth in Article X,  
33 Section 20, Subsection (5) of the Colorado Constitution ,entitled "Emergency reserves."  
34 Funds utilized pursuant to this Chapter shall be replenished no later than the conclusion of  
35 the fiscal year following the end of the emergency.

36  
37 **1-23-14: REPORT BY TOWN MANAGER/DISCRETIONARY RATIFICATION BY**  
38 **TOWN COUNCIL:** At such time as a civil emergency, emergency, or local disaster is  
39 declared to have ended, the Town Manager shall prepare a written report that details the  
40 official actions taken by the Town Manager during the declaration, including a timeline,  
41 significant actions, and a detailed summary of all expenses incurred during such  
42 declaration and such written report shall be submitted to the Town Council within thirty  
43 (30) days. The Town Council may, but is not required to, approve a resolution ratifying the

1 **actions taken by the Town Manager during the declaration. In the event that a resolution is**  
2 **not approved, the Town Manager report shall be retained by the Town Clerk and made a**  
3 **part of the official record of the Town Council Meeting at which the report was discussed**  
4 **by the Town Council in conjunction with the Town Manager.**

5  
6 **1-23-15: CONFLICT WITH OTHER LAWS: If any provision of this Chapter conflicts**  
7 **with the Town Charter, the Town Charter shall control. If any provision of this Chapter**  
8 **conflicts with any provision of this Code, or any provision of the Town Councils**  
9 **Procedures and Rules of Order, this Chapter shall control.**

10  
11 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the  
12 various secondary codes adopted by reference therein, shall continue in full force and effect.

13  
14 Section 3. The Town Council hereby finds, determines and declares that this ordinance is  
15 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
16 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
17 thereof.

18  
19 Section 4. The Town Council hereby finds, determines and declares that it has the power  
20 to adopt this ordinance pursuant to Section 15.8 of the Breckenridge Town Charter, and the  
21 authority granted to home rule municipalities by Article XX of the Colorado Constitution.

22  
23 Section 5. This ordinance shall be published and become effective as provided by  
24 Section 5.9 of the Breckenridge Town Charter.

25  
26 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
27 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2012. A Public Hearing shall be held at the  
28 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
29 \_\_\_\_\_, 2012, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
30 Town.

31  
32 TOWN OF BRECKENRIDGE, a Colorado  
33 municipal corporation

34  
35 By \_\_\_\_\_  
36 John G. Warner, Mayor

37  
38 ATTEST:

39  
40 \_\_\_\_\_  
41 Town Clerk

42  
43 500-329\Emergency Powers and Procedures Ordinance (07-17-12)(Second Reading)

EMERGENCY POWERS AND PROCEDURES ORDINANCE



## MEMORANDUM

**To:** Mayor & Town Council  
**From:** Tim Gagen, Town Manager  
**Date:** July 17, 2012  
**Subject:** *Breckenridge Grand Vacation (BGV) & Vail Resorts Development Agreement*

---

The owners of BGA have approached the Town regarding a potential time share development at the Base of Peak 8 in the general location of the Berghof Restaurant. This proposed site is part of the Peak 8 Master Plan with Vail Resorts (VR) and would be purchased from VR. Before beginning the formal planning review process, BGV has requested a development agreement with the Town to deal with certain development related issues. The following issues are addressed in the proposed development agreement before the Council for consideration tonight on First Reading:

1. Ability to begin infrastructure improvements and demolition of the Berghof prior to issuance of building permit.
2. Extent vesting by one year from the normal three years.
3. Increase the bonus multiplier for conference/amenity space from approximately 6,000 square feet to approximately 18,000 square feet.
4. Decrease parking requirement to 1.7 spaces per parking study.
5. Transfer 11.5 residential SFE's and five commercial SFE's via TDR from Open Space bank.
6. Reclassify already built and future proposed public restroom space, employee locker room space and storage spaces as listed in the Peak 7 and 8 Master Plan as skier services to new category that does not require density.

In connection with the requested changes listed, the proponents are providing \$25,000 to be applied toward the Town's ongoing Cucumber Gulch preservation activities.

The development agreement, if approved, does not approve the proposed development. It only provides a framework upon which the development can be considered by the Planning Commission. The development is still subject to full review by the Planning Commission including a fit test and ultimate approval by the Town Council.

The proposed development agreement has been subject to give and take by the Council and proponents and we believe is now ready for formal Council consideration.

1                   ***FOR WORKSESSION/FIRST READING – JULY 24***

2  
3                   COUNCIL BILL NO. \_\_\_\_\_

4  
5                   Series 2012

6  
7                   AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH  
8 VAIL SUMMIT RESORTS, INC., a Colorado corporation, AND PEAK 8 PROPERTIES, LLC,  
9 a Colorado limited liability company)

10  
11 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
12 COLORADO:

13  
14                   Section 1. Findings. The Town Council of the Town of Breckenridge finds and  
15 determines as follows:

16  
17                   A. Vail Summit Resorts, Inc., a Colorado corporation (“**VSR**”) is the owner of the  
18 Remainder of Tract C, Peak 8 Subdivision Filing No. 1 according to the Plat thereof recorded  
19 March 24, 2010 at Reception No. 936240, Summit County, Colorado (“**Property**”).

20  
21                   B. VSR and Peak 8 Properties, LLC, a Colorado limited liability company (“**Peak 8**”),  
22 are in discussions related to a potential sale of an approximately 2.1 acre portion of the Property  
23 (the “**Sale Parcel**”) for Peak 8 to develop in a manner similar to Peak 8’s project known as  
24 Grand Lodge on Peak 7.

25                   C. The Property is subject to the Master Plan - Amended, Breckenridge Ski Resort,  
26 Amendment to May 2003 Peaks 7 & 8 Master Plan approved by the Breckenridge Town Council  
27 on April 8, 2008, notice of which approval was recorded June 3, 2008 at Reception No. 889143  
28 of the Summit County, Colorado records (the “**Master Plan**”).

29                   D. As owner of the Property, VSR has the right to propose an amendment to the Master  
30 Plan, to request density transfers to the Property, to request Town approval for the gross density  
31 recommended by the Town’s Land Use Guidelines (“**Guidelines**”) to be exceed as provided for  
32 in Subsection 9-1-19:39.I.(2) of the Breckenridge Town Code, and to enter into agreements with  
33 the Town concerning such amendment to the Master Plan, such a density transfer, such density  
34 in excess of that recommended by the Guidelines, and such other matters as the Town and the  
35 VSR may agree is appropriate.

36  
37                   E. Pursuant to Chapter 9 of the Breckenridge Town Code the Town Council has the  
38 authority to enter into a development agreement. Further, in connection with a master plan  
39 amendment, there is no process in the Town’s Development Code for approval of density in  
40 excess of that recommended by the Guidelines and the transfer of density pursuant to a  
41 certificate of development rights (“**TDRs**”) issued pursuant to the Intergovernmental Agreement  
42 concerning transfer of development rights between the Town and Summit County, Colorado  
43 (“**IGA**”), and, therefore, a development agreement provides a means for such an approval and  
44 transfer.



1 F. In order for Peak 8 to develop the Sale Parcel in a manner that will enhance the sale  
2 of Peak 8's timeshare product an additional 11.5 SFEs of residential density and 5 SFEs of  
3 commercial density will be required and an amendment to the Master Plan and authorization to  
4 use TDRs to accommodate such density will be required.

5 G. In connection with the future development of the Property, it has been proposed that  
6 there should be an amendment to the Master Plan to authorize an increase in the 200% multiplier  
7 for amenity space as provided for in Subsection 9-1-19:24 (Relative): D of the Breckenridge  
8 Town Code to 600% in order to further encourage meeting and conference facilities or recreation  
9 and leisure amenities.

10 H. In connection with VSR's ability to complete the potential build-out authorized under  
11 the Master Plan and provide additional improved facilities to service VSR's guests, including  
12 facilities planned to be included in Peak 8's development of the Sale Parcel, an amendment to  
13 the definition of Guest Services in the Master Plan has been proposed to provide for existing and  
14 future non-income producing space for such functions as employee lockers, public restrooms,  
15 storage areas, and lift and lift personnel facilities not to be treated as density or mass.

16 I. Based on parking data provided by Peak 8 verifying that, at its two other timeshare  
17 resorts in Breckenridge (Grand Timber Lodge and Grand Lodge on Peak 7), the average number  
18 of cars parked per two bedroom unit with a lock-off or divisible room was 1.55 over the 12  
19 months from April, 2011 through March, 2012, a variance or exception of the requirement under  
20 Subsection 9-3-16:A of the Breckenridge Town Code for two off-street parking spaces for each  
21 such two bedroom unit with a divisible room should be provided to reduce the required parking  
22 to 1.7 spaces for each such two bedroom unit with a divisible room.

23 J. Because there is no provision in the Breckenridge Town Code allowing site work to  
24 begin prior to issuance of a building permit, in order to facilitate the beginning of vertical  
25 construction of Peak 8's proposed project in the spring of 2014, the Town has been requested to  
26 authorize its Department of Community Development to grant permission for the  
27 commencement of infrastructure improvements, including, but not limited to, demolition of the  
28 Bergenhof building located on the Sale Parcel, construction of storm water management  
29 facilities, and relocation of utilities prior to issuance of a building permit, and site excavation  
30 subject to receipt of assurances of completion deemed satisfactory by the Town's Department of  
31 Community Development.

32 K. As the commitment encouraged to be made in connection with an application for a  
33 development agreement in accordance with Section 9-9-4 of the Breckenridge Town Code, Peak  
34 8 has proposed a payment to the Town of \$25,000 to be applied toward the Town's ongoing  
35 Cucumber Gulch preservation activities. This commitment is intended to apply as the  
36 commitment encouraged not only for the proposed Development Agreement described in this  
37 ordinance, but also as the commitment for a subsequent development agreement for one  
38 additional year of vesting (four total years of vesting) for Peak 8's development permit, which  
39 has been requested by Peak 8 but cannot be approved by the Town until after the applicable  
40 permit has been issued.

41

1 L. A proposed development agreement between the Town, BSR, and Peak 8 addressing  
2 the topics described above has been prepared, a copy of which is marked **Exhibit “A”**, attached  
3 hereto and incorporated herein by reference (“**Development Agreement**”).  
4

5 M. The Town Council had a preliminary discussion of the development agreement  
6 application, and the proposed Development Agreement, as required by Section 9-9-10(A) of the  
7 Breckenridge Town Code.  
8

9 N. The Town Council determined that request for a development agreement need not be  
10 referred to the Breckenridge Planning Commission for its review and recommendation.  
11

12 O. The Town Council has reviewed the Development Agreement.  
13

14 P. The approval of the Development Agreement is warranted in light of all relevant  
15 circumstances.  
16

17 Q. The procedures to be used to review and approve a development agreement are  
18 provided in Chapter 9 of Title 9 of the Breckenridge Town Code. The requirements of such  
19 Chapter have substantially been met or waived in connection with the approval of the  
20 Development Agreement and the adoption of this ordinance.  
21

22 Section 2. Approval of Development Agreement. The Development Agreement between  
23 the Town, Vail Summit Resorts, Inc., a Colorado corporation, and Peak 8 Properties, LLC, a  
24 Colorado limited liability company, (**Exhibit “A”** hereto) is approved, and the Town Manager is  
25 authorized, empowered, and directed to execute such agreement for and on behalf of the Town of  
26 Breckenridge.  
27

28 Section 3. Notice of Approval. The Development Agreement must contain a notice in the  
29 form provided in Section 9-9-13 of the Breckenridge Town Code. In addition, a notice in  
30 compliance with the requirements of Section 9-9-13 of the Breckenridge Town Code must be  
31 published by the Town Clerk one time in a newspaper of general circulation in the Town within  
32 fourteen days after the adoption of this ordinance. Such notice shall satisfy the requirement of  
33 Section 24-68-103, C.R.S.  
34

35 Section 4. Police Power Finding. The Town Council finds, determines, and declares that  
36 this ordinance is necessary and proper to provide for the safety, preserve the health, promote the  
37 prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and  
38 the inhabitants thereof.  
39

40 Section 5. Authority. The Town Council finds, determines, and declares that it has the  
41 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by  
42 Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town  
43 Charter.  
44

45 Section 6. Effective Date. This ordinance shall be published and become effective as  
46 provided by Section 5.9 of the Breckenridge Town Charter.

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

TOWN OF BRECKENRIDGE

By \_\_\_\_\_  
John G. Warner, Mayor

ATTEST:  
  
\_\_\_\_\_  
Town Clerk

APPROVAL OF THIS DEVELOPMENT AGREEMENT CONSTITUTES A VESTED  
PROPERTY RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24, COLORADO REVISED  
STATUTES, AS AMENDED

DEVELOPMENT AGREEMENT

This Development Agreement (“Agreement”) is made as of the \_\_\_\_ day of \_\_\_\_\_, 2012 among the TOWN OF BRECKENRIDGE, a municipal corporation of the State of Colorado (the “Town”), VAIL SUMMIT RESORTS, INC., a Colorado corporation (the “Owner”), and PEAK 8 PROPERTIES, LLC, a Colorado limited liability company (the “Buyer”).

Recitals

A. Owner is the owner of the Remainder of Tract C, Peak 8 Subdivision Filing No. 1 according to the Plat thereof recorded March 24, 2010 at Reception No. 936240, Summit County, Colorado (“Property”).

B. Owner and Buyer are in discussions related to a potential sale of an approximately 2.1 acre portion of the Property (the “Sale Parcel”) for Buyer to develop in a manner similar to Buyer’s project known as Grand Lodge on Peak 7.

C. The Property is subject to the Master Plan - Amended, Breckenridge Ski Resort, Amendment to May 2003 Peaks 7 & 8 Master Plan approved by the Breckenridge Town Council on April 8, 2008, notice of which approval was recorded June 3, 2008 at Reception No. 889143 of the Summit County, Colorado records (the “Master Plan”).

D. As owner of the Property, Owner has the right to propose an amendment to the Master Plan, to request density transfers to the Property, to request Town approval for the gross density recommended by the Town’s Land Use Guidelines (“Guidelines”) to be exceed as provided for in Subsection 9-1-19:39.I.(2) of the Breckenridge Town Code, and to enter into agreements with the Town concerning such amendment to the Master Plan, such a density transfer, such density in excess of that recommended by the Guidelines and such other matters as the Town and the Owner may agree is appropriate.

E. Pursuant to Chapter 9 of the Breckenridge Town Code the Town Council has the authority to enter into a development agreement. Further, in connection with a master plan amendment, there is no process in the Town’s Development Code for approval of density in excess of that recommended by the Guidelines and the transfer of density pursuant to a certificate of development rights (“TDRs”) issued pursuant to the Intergovernmental Agreement concerning transfer of development rights between the Town and Summit County, Colorado (“IGA”), and, therefore, a development agreement provides a means for such an approval and transfer.

F. In order for Buyer to develop the Sale Parcel in a manner that will enhance the sale of Buyer’s timeshare product an additional 11.5 SFEs of residential density and 5 SFEs of

commercial density will be required and an amendment to the Master Plan and authorization to use TDRs to accommodate such density will be required.

G. In connection with the future development of the Property, it has been agreed that there should be an amendment to the Master Plan to authorize an increase in the 200% multiplier for amenity space as provided for in Subsection 9-1-19:24 (Relative): D of the Breckenridge Town Code to 600% in order to further encourage meeting and conference facilities or recreation and leisure amenities.

H. In connection with Owner's ability to complete the potential build-out authorized under the Master Plan and provide additional improved facilities to service Owner's guests, including facilities planned to be included in Buyer's development of the Sale Parcel, an amendment to the definition of Guest Services in the Master Plan is required to provide for existing and future non-income producing space for such functions as employee lockers, public restrooms, storage areas, and lift and lift personnel facilities not to be treated as density or mass.

I. Based on parking data provided by Buyer verifying that, at its 2 other timeshare resorts in Breckenridge (Grand Timber Lodge and Grand Lodge on Peak 7), the average number of cars parked per 2 bedroom unit with a lock-off or divisible room was 1.55 over the 12 months from April, 2011 through March, 2012, a variance or exception of the requirement under Subsection 9-3-8:B of the Breckenridge Town Code for 2 off-street parking spaces for each such 2 bedroom unit with a divisible room should be provided to reduce the required parking to 1.7 spaces for each such 2 bedroom unit with a divisible room.

J. Because there is no provision in the Breckenridge Town Code allowing site work to begin prior to issuance of a building permit, in order to facilitate the beginning of vertical construction of Buyer's proposed project in the spring of 2014, the Town is prepared to authorize its Department of Community Development to grant permission for the commencement of infrastructure improvements, including, but not limited to, demolition of the Berghof building located on the Sale Parcel, construction of storm water management facilities, and relocation of utilities prior to issuance of a building permit, and site excavation subject to receipt of assurances of completion deemed satisfactory by the Town's Department of Community Development.

K. As the commitment encouraged to be made in connection with an application for a development agreement in accordance with Section 9-9-4 of the Breckenridge Town Code, Buyer has proposed a payment to the Town of \$25,000 to be applied toward the Town's ongoing Cucumber Gulch preservation activities. This commitment is intended to apply as the commitment encouraged not only for this Agreement but also as the commitment for a development agreement for 1 additional year of vesting (4 total years of vesting) for the Buyer's development permit, which has been requested by Buyer but will not be approved by the Town until after the applicable permit has been issued.

L. The Town Council has received a completed application and all required submittals for a development agreement, had a preliminary discussion of the application and this Agreement, determined that it should commence proceedings for the approval of this Agreement

and, in accordance with the procedures set forth in Subsection 9-9-10:C of the Breckenridge Town Code, has approved this Agreement by non-emergency ordinance.

### Agreement

1. Upon: (a) final approval of (i) the transfer of TDRs consisting of up to 16.5 SFEs (11.5 for residential use and 5 for commercial use) to the Sale Parcel, (ii) a Class A Development Permit amending the Master Plan to allow for such additional density (the “Master Plan Amendment”), and (iii) a Class A Development Permit for the Sale Parcel acceptable to Buyer and Owner allowing for the development of the Sale Parcel utilizing up to 91.5 SFEs for a Condo-Hotel (as provided for in the Town Code) at 1,200 square feet of density per SFE and up to 5 SFEs for commercial use at 1,000 square feet of density per SFE (the “Permit”); and (b) the passage of any time periods within which any referendums, appeals or other challenges to such approvals must be brought, without any such referendums, appeals or other challenges having been filed, commenced or asserted, Buyer shall: (A) pay \$25,000 to the Town to be applied to the Town’s ongoing Cucumber Gulch preservation activities, and (B) pursuant to the terms of the IGA, pay the then-current price per TDR for each TDR required to support the total residential density authorized by the Permit minus the total residential density of 80 SFEs to be assigned to the Sale Parcel by Seller under the Master Plan.

2. Pursuant to Subsection 9-1-19:39.I.(2) of the Development Code, the Town’s Planning Commission is hereby authorized to review and approve, subject to compliance with all other applicable development policies of the Town, an application for the Master Plan Amendment providing for density in excess of the current Guidelines by the addition of up to 16.5 SFEs (11.5 residential and 5 commercial) to the allowable density of 80 SFEs for the Sale Parcel and an application for the Permit accommodating such excess density.

3. Upon approval of the Master Plan Amendment and the Permit, the Owner is hereby authorized to process the transfer to the Sale Parcel of up to 16.5 TDRs providing for up to 16.5 SFEs, pursuant to the terms of the IGA.

4. The provisions of subsection 9-1-19:24 (Relative):D of the Breckenridge Town Code notwithstanding, in connection with the future development of the Property pursuant to the Master Plan, meeting and conference facilities or recreation and leisure amenities over and above that required in subsection 9-1-19:24 (Absolute) of the Breckenridge Town Code shall not be assessed against the density and mass of a project when the facilities or amenities are legally guaranteed to remain as meeting and conference facilities or recreation and leisure amenities and they do not equal more than 600% of the area required under said subsection 9-1-19:24 (Absolute).

5. Pursuant to Subsection 9-1-19:39.I.(2) of the Development Code, the Town’s Planning Commission is hereby authorized to review and approve, subject to compliance with all other applicable development policies of the Town, an application for the Master Plan Amendment providing for the following amended definition of Guest Services Facilities:

Guest Services Facilities include space for the following primary activities or facilities: ticket sales, administration, nursery or childcare facilities, lockers for guests, cafeterias, lounges, storage areas for recreational equipment for sale or rental, patrol and first aid facilities, and instruction related activities. Guest Services Facilities constructed using the 57 SFEs, which were excluded from total density for purposes of a separate density reduction calculation, may not be used as a private club or other restricted access facility requiring membership. Cafeterias constructed using Guest Services Facilities density may be used from time to time outside of the winter recreation season, but may not be used as full service restaurants open to the public on a regular basis outside of the winter recreation season.

Guest Services Facilities will not include lockers for employees, public restrooms, storage areas (not including storage areas for recreational equipment for sale or rental) and lift and lift personnel facilities (“Support Facilities”) already constructed at the time of approval of this Amendment or to be constructed. Support Facilities will not apply against the 57 SFEs authorized under this Master Plan for Guest Services Facilities and shall not be assessed against the density and mass of any building within which they are located or are to be located provided that the Support Facilities are legally guaranteed to be used only for the foregoing described purposes and do not exceed a total of 17,594 square feet.

6. Buyer has requested the Town to provide, in connection with the development of the Sale Parcel as a timeshare resort, a variance or exception of the requirement for 2 off-street parking spaces for each 2 bedroom unit with a divisible room that would be required under the Town’s “Off-Street Parking Regulations”, Subsection 9-3-8:B of the Breckenridge Town Code. Pursuant to Section 9-3-16 of the Breckenridge Town Code, the Town Council finds and determines as follows:

(A) the granting of the variance or exception of the requirement for 2 off-street parking spaces for each 2 bedroom unit with a divisible room will not be detrimental to the public health, safety, or welfare or injurious to other property;

(B) the conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

(C) because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the Buyer would result, distinguished from a mere inconvenience if the strict letter of these regulations is carried out; and

(D) The relief sought will not in any manner vary the provisions of the Development Code, Town Master Plan or other Town law, except that those documents may be amended in the manner described by law.

Based upon such findings, the Town grants, in connection with the development of the Sale Parcel as a timeshare resort, the variance or exception of reducing the required off-street parking

spaces for each 2 bedroom unit with a divisible room to 1.7 off-street parking spaces for each such 2 bedroom unit with a divisible room.

7. Subject to the Town's Department of Community Department receiving adequate assurances of or security for completion of the authorized infrastructure improvements or return of the Sale Parcel generally to the condition it was in before the commencement of any work, the Town's Department of Community Development is hereby authorized to permit the excavation for and construction of infrastructure improvements, including, but not limited to, demolition of the Berghof building located on the Sale Parcel (subject to obtaining a demolition permit from the Town), construction of storm water management facilities, and relocation of utilities, and site excavation after issuance of the Permit but before issuance of a building permit.

8. Except as provided in Section 24-68-105, C.R.S. and except as specifically provided for herein, the execution of this Agreement shall not preclude the current or future application of municipal, state or federal ordinances, laws, rules or regulations to the Property (collectively, "laws"), including, but not limited to, building, fire, plumbing, engineering, electrical and mechanical codes, and the Town's Development Code, Subdivision Standards and other land use laws, as the same may be in effect from time to time throughout the term of this Agreement. Except to the extent the Town otherwise specifically agrees, any development of the Property which is the subject of this Agreement, the Master Plan Amendment and the Permit shall be done in compliance with the then-current laws of the Town.

9. Nothing in this Agreement shall preclude or otherwise limit the lawful authority of the Town to adopt or amend any Town law, including, but not limited to the Town's: (i) Development Code, (ii) Master Plan, (iii) Land Use Guidelines and (iv) Subdivision Standards.

10. This Agreement shall be binding upon and inure to the benefit of Town, Owner and Buyer, their successors and assigns.

11. Prior to any action against the Town for breach of this Agreement, Owner or Buyer shall give the Town a sixty (60) day written notice of any claim by the Owner or Buyer of a breach or default by the Town, and the Town shall have the opportunity to cure such alleged default within such time period.

12. No official or employee of the Town shall be personally responsible for any actual or alleged breach of this Agreement by the Town.

13. Buyer with respect to its interests or benefits provided for in paragraphs 1, 2, 3, 4, 6, and 7 agrees to indemnify and hold the Town, its officers, employees, insurers, and self-insurance pool, harmless from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with such benefits under this Agreement, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the negligence or wrongful intentional act or omission of Buyer; any subcontractor of Buyer, or any officer, employee, representative, or agent of Buyer or of any



subcontractor of Buyer, or which arise out of any worker's compensation claim of any employee of Buyer, or of any employee of any subcontractor of Buyer; except to the extent such liability, claim or demand arises through the negligence or intentional act or omission of Town, its officers, employees, or agents. Buyer agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at the sole expense of the Buyer. Buyer also agrees to bear all other costs and expenses related thereto, including court costs and attorney's fees.

14. Owner with respect to its interests or benefits provided for in paragraph 5 agrees to indemnify and hold the Town, its officers, employees, insurers, and self-insurance pool, harmless from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with such benefits under this Agreement, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the negligence or wrongful intentional act or omission of Owner; any subcontractor of Owner, or any officer, employee, representative, or agent of Owner or of any subcontractor of Owner, or which arise out of any worker's compensation claim of any employee of Owner, or of any employee of any subcontractor of Owner; except to the extent such liability, claim or demand arises through the negligence or intentional act or omission of Town, its officers, employees, or agents. Owner agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at the sole expense of the Owner. Owner also agrees to bear all other costs and expenses related thereto, including court costs and attorney's fees.

15. If any provision of this Agreement shall be invalid, illegal or unenforceable, it shall not affect or impair the validity, legality or enforceability of the remaining provisions of the Agreement.

16. This Agreement constitutes a vested property right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended.

17. No waiver of any provision of this Agreement shall be deemed or constitute a waiver of any other provision, nor shall it be deemed to constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both Town and Owner; nor shall the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The Town's failure to exercise any right under this Agreement shall not constitute the approval of any wrongful act by the Owner or Buyer or the acceptance of any improvements.

18. This Agreement shall be recorded in the office of the Clerk and Recorder of Summit County, Colorado.

19. Nothing contained in this Agreement shall constitute a waiver of the Town's sovereign immunity under any applicable state or federal law.

20. Personal jurisdiction and venue for any civil action commenced by either party to this Agreement shall be deemed to be proper only if such action is commenced in District Court of Summit County, Colorado. The Owner and Buyer expressly waive their right to bring such action in or to remove such action to any other court, whether state or federal.

21. Any notice required or permitted hereunder shall be in writing and shall be sufficient if personally delivered or mailed by certified mail, return receipt requested, addressed as follows:

If To The Town: Timothy J. Gagen, Town Manager  
Town of Breckenridge  
P.O. Box 168  
Breckenridge, CO 80424

With A Copy (which shall not constitute notice to the Town) to: Timothy H. Berry, Esq.  
Town Attorney  
P.O. Box 2  
Leadville, CO 80461

If To The Owner: Alex Iskenderian  
Vail Resorts Development Company  
137 Benchmark Road  
P.O. Box 959  
Avon, CO 81620

With A Copy (which shall not constitute notice) to: Stephen C. West, Esq.  
West Brown Huntley & Hunter, P.C.  
P.O. Box 588  
Breckenridge, CO 80424

With A Copy (which shall not constitute notice) to: Vail Resorts Management Company  
137 Benchmark Road  
P.O. Box 959  
Avon, CO 81620  
Attn: Legal Department

If to the Buyer :

Nick Doran  
Peak 7, LLC  
100 S. Main Street  
P.O. Box 6879  
Breckenridge, CO 80424

With A Copy (which  
shall not constitute  
notice) to:

John L. Palmquist, Esq.  
GC Legal Strategies  
2520 S. St. Paul Street  
Denver, CO 80210

Notices mailed in accordance with the provisions of this paragraph shall be deemed to have been given upon delivery. Notices personally delivered shall be deemed to have been given upon delivery. Nothing herein shall prohibit the giving of notice in the manner provided for in the Colorado Rules of Civil Procedure for service of civil process.

22. As between Owner and Buyer, nothing contained within this Agreement shall be deemed to modify that certain letter of intent related to the Sale Parcel dated as of June 7, 2012 between Owner and Buyer (the "LOI") or to create any binding obligations of a part of Owner to Buyer or Buyer to Owner which are not expressly set forth in the LOI. The foregoing sentence shall not affect Owner's or Buyer's obligations to the Town as provided for in this Agreement.

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

24. This Agreement shall be interpreted in accordance with the laws of the State of Colorado.

**[SEPARATE SIGNATURE PAGES TO FOLLOW]**

TOWN OF BRECKENRIDGE

Attest:

\_\_\_\_\_  
\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
Timothy J. Gagen, Manager

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF SUMMIT    )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012  
by Timothy J. Gagen as Town Manager and \_\_\_\_\_, of the Town of  
Breckenridge.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

VAIL SUMMIT RESORTS, INC.  
a Colorado corporation

By:

\_\_\_\_\_  
Alex Iskenderian, Senior Vice President

STATE OF COLORADO    )  
                                  ) ss.  
COUNTY OF SUMMIT    )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012  
by Alex Iskenderian as Senior Vice President of Vail Summit Resorts, Inc., a Colorado  
corporation.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

PEAK 8 PROPERTIES, LLC  
a Colorado limited liability company

By:

\_\_\_\_\_  
Robert A. Millisor, Member

STATE OF COLORADO    )  
                                  ) ss.  
COUNTY OF SUMMIT    )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012  
by Robert A. Millisor as a Member of Peak 8 Properties, LLC, a Colorado limited liability  
company.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

# Memo

**To:** Mayor and Town Council  
**From:** Julia Puester, AICP  
**Date:** July 16, 2012 for meeting of July 24, 2012  
**Re:** First Reading Policy 33R Energy Conservation (Existing Structures)

---

In January 2011, the Town Council approved an amendment to Policy 33R *Energy Conservation* which quantified the amount of energy being conserved. This was accomplished using a Home Energy Rating System (HERS) for residential uses. A relatively similar method was also recognized for commercial development. The results are calculated and measurable.

While the code language has worked well for new construction, it has not been useful for existing structures. New construction starts from scratch. These buildings can take advantage of new materials installed such that there are no major air leaks, new windows and so on, creating a tight building envelope. Existing structures on the other hand have aged over time. The materials and construction methods used on older structures are also lacking many advancements in the field that we see today.

It is important that the Town encourage existing structures to make strides toward energy efficiency and conservation. However, the Policy as currently written does not provide this encouragement. Thus staff has provided the attached modification to Policy 33R that would incentivize energy improvements in existing buildings.

The attached modification to Policy 33R would warrant points for existing structures based on the percentage improvement of the HERS index of the existing structure before and after improvements have been made. A similar modification is proposed for existing commercial, mixed use and multifamily buildings over 3 stories in height (maximum height in HERS system). In this case, positive points would be based on the percentage of energy use saved by comparing the existing energy consumption of the building to the consumption of the proposed remodeled structure.

The Planning Commission unanimously approved the attached modification to Policy 33R *Energy Conservation* with regard to existing structures on June 5, 2012.

## **Proposed Changes**

The following highlights the attached the proposed changes to Policy 33R:

- Positive points for proposed incremental percentage increase in energy consumption saved in existing residential and commercial structures.
- Clarification on HERS and commercial International Energy Conservation Code analysis submittal timing for review with the development permit application and building permit application.
- Detailed descriptions of required plan information for commercial structures (for clarification to applicants).
- Clarification on public safety areas for exemptions (both public and private high pedestrian areas) based on Council discussion on Energy Policies on July 10<sup>th</sup>.

Staff will be available to answer questions at the meeting on the proposed Policy 33R attached.



1 **FOR WORKSESSION/FIRST READING – JULY 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. \_\_\_\_

7  
8 Series 2012

9  
10 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33  
11 (RELATIVE) OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS  
12 THE “BRECKENRIDGE DEVELOPMENT CODE”, CONCERNING ENERGY  
13 CONSERVATION;

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

17  
18 Section 1. Policy 33 (Relative) of Section 9-1-19 of the Breckenridge Town Code is  
19 amended so as to read in its entirety as follows:

20 9-1-19-33R: POLICY 33 (RELATIVE) ENERGY CONSERVATION:

21  
22 The goal of this policy is to incentivize energy conservation and renewable energy  
23 systems in new and existing development at a site plan level. This policy is not  
24 applicable to an application for a master plan. This policy seeks to reduce the  
25 community’s carbon footprint and energy usage and to help protect the public  
26 health, safety and welfare of its citizens.

27 A. Residential Structure Three Stories Or Less: All new and existing  
28 residential developments are strongly encouraged to have a home energy rating  
29 survey (HERS) **as part of the development permit review process** to determine  
30 potential energy saving methods and to reward developments that reduce their  
31 energy use.

32  
33 **For existing residential development, including additions, positive points will be**  
34 **awarded for the percentage of improvement in the HERS index when comparing the**  
35 **HERS index of the existing structure to the HERS index of the proposed structure**  
36 **with improvements. (Example: The percentage shall be calculated as follows: If the**  
37 **existing structure has a HERS index of 120, and has a HERS index of 70 as a result**  
38 **of the improvements proposed in the development permit application, there is a**  
39 **41% improvement in the HERS index over the existing conditions (120-70=50;**  
40 **50/120=0.41). Such improvement warrants an award of positive three (+3) points.)**

41  
42 Positive points will be awarded according to the following point schedule:

<u>Points</u>	<u>HERS Index For New Residential: HERS Index</u>	<u>Existing Residential (prior to _____, 2012): Percentage (%) Improvement Beyond existing HERS Index</u>
+1	Obtaining a HERS index	<u>Obtaining a HERS Index</u>
+2	61 - 80	<u>10-29%</u>
+3	41 - 60	<u>30-49%</u>
+4	21 - 40	<u>50-69%</u>
+5	1 - 20	<u>70-99%</u>
+6	0	<u>100+%</u>

1 B. Commercial, Lodging ~~A~~ and Multi-Family In Excess Of Three Stories In  
2 Height: New and existing commercial, lodging, and multi-family developments  
3 are strongly encouraged to take advantage of the positive points that are available  
4 under this policy by achieving demonstrable and quantifiable energy ~~saving~~ use  
5 reduction within the development. ~~For new construction, p~~Positive points will  
6 be awarded for the percentage of energy saved use reduction of the  
7 performance building when compared to the same building built to the  
8 minimum beyond the ~~minimum~~ standards of the adopted IECC<sup>1</sup>. The  
9 percentage of energy use saved shall be expressed as MBh (thousand  
10 BTUs/hour).

11 For modifications to existing buildings including additions, positive points  
12 will be awarded for the percentage of energy saved beyond the energy  
13 consumption analysis of the existing structure(s) compared to the energy  
14 consumption of the proposed structure remodel. Points shall be awarded in  
15 accordance with the following point schedule:  
16

<u>Points</u>	<u>New Structures: Percent Energy Saved Beyond The IECC Minimum Standards</u>	<u>Existing Structures (prior to 2012): Percent Improvement Beyond Existing Energy Consumption</u>
+1	10% - 19%	<b>10% - 19%</b>
+3	20% - 29%	<b>20% - 29%</b>
+4	30% - 39%	<b>30% - 39%</b>
+5	40% - 49%	<b>40% - 49%</b>
+6	50% - 59%	<b>50% - 59%</b>
+7	60% - 69%	<b>60% - 69%</b>
+8	70% - 79%	<b>70% - 79%</b>
+9	80%+	<b>80%+</b>

<sup>1</sup> The international energy conservation code adopted and amended by title 8, chapter 1 of this code.

1 Positive points will be awarded only if an energy analysis has been prepared by a  
2 registered design professional **as required by Section E of this Policy**, using an  
3 approved simulation tool in accordance with simulated performance alternative  
4 provisions of the Town's adopted energy code.

5 ~~Development approval will be subject to conditions requiring third party~~  
6 ~~balancing and design professional certification of the performance building prior~~  
7 ~~to building permit and a certificate of occupancy/completion.~~

8 C. Excessive Energy Usage: Developments with excessive energy components  
9 are discouraged. However, if the planning commission determines that any of the  
10 following design features are required for the health, safety and welfare of the  
11 general public, then no negative points shall be assessed. To encourage energy  
12 conservation, the following point schedule shall be utilized to evaluate how well a  
13 proposal meets this policy:  
14

<u>Point Range</u>	<u>Design Feature</u>
1x(-3/0)	Heated driveway, sidewalk, plaza, etc.
1x(-1/0)	Outdoor commercial or common space residential gas fireplace (per gas fireplace)
1x(-1/0)	Large outdoor water features (per feature)

15 D. Other Design Features:

16  
17 1x(-2/+2) Other design features determined by the planning commission to  
18 conserve significant amounts of energy may be considered for positive points.  
19 Alternatively, other features that use excessive amounts of energy may be  
20 assigned negative points.

21 E. General Provisions:

22 **(1) A projected analysis shall be submitted at the time of development**  
23 **permit application as well as submittal of a confirmed analysis prior to**  
24 **the issuance of a certificate of occupancy or certificate of completion. A**  
25 **HERS analysis shall be performed by a certified HERS rater. An analysis**  
26 **of energy saved beyond the IECC shall be performed by a licensed**  
27 **Colorado Engineer.**

28 **(+2)** No development approved with required positive points under this policy  
29 shall be modified to reduce the HERS index, **percentage of improvement**, or  
30 percentage of energy savings above the IECC standards in connection with the  
31 issuance of such development permit. ("Required positive points" means those  
32 points that were necessary for the project to be approved with a passing point  
33 analysis.)

1 (23) Prior to the issuance of a certificate of occupancy each development for  
2 which positive points are awarded under this policy shall submit a letter of  
3 certification showing compliance with the projected energy rating or  
4 percentage of energy savings in comparison to the IECC. The required  
5 **confirmed** certification for a residential development three (3) stories or less  
6 in height shall be submitted by a ~~registered Colorado engineer, or a qualified~~  
7 **certified** HERS rater. The required **confirmed** certification for a residential  
8 development taller than three (3) stories, and for all commercial development,  
9 shall be submitted by a licensed Colorado Engineer **and accompanied by**  
10 ~~balance~~ and **commissioning reports**.

11 F. Sliding Scale Examples: Examples set forth in this policy are for purpose of  
12 illustration only, and are not binding upon the planning commission. The  
13 ultimate allocation of points shall be made by the planning commission  
14 pursuant to section 9-1-17-3 of this chapter.

15 (1) Heated Outdoor Spaces 1x(0/-3):

16 a. Zero points: For public safety concerns **on public or private property**  
17 **such as high pedestrian traffic areas**, ~~systems which are one hundred~~  
18 ~~percent (100%) powered by alternative energy source such as solar, wind or~~  
19 ~~geothermal~~, or small areas on private property which are part of a generally  
20 well designed plan that takes advantage of southern exposure and/or specific  
21 site features.

22 b. Negative points: Assessed based on the specific application of heated area.  
23 (For example, a heated driveway of a single-family home compared to a  
24 driveway apron only; a heated patio). The points warranted are dependent on  
25 the specific project layout such as safety concerns, amount of heated area,  
26 design issues such as north or south facing outdoor living spaces, etc.

27 (2) Water Features 1x(0/-1):

28 a. Zero points: No water feature or features powered by an alternative energy  
29 source or feature utilizing less than four thousand (4,000) watts or less than  
30 five (5) horsepower.

31 b. Negative points: Based on the amount of energy (watts) utilized for the  
32 feature (large features of 4,000 watts or more, or 5 horsepower motor or  
33 greater).  
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 Section 3. The Town Council hereby finds, determines and declares that this  
38 ordinance is necessary and proper to provide for the safety, preserve the health, promote the

1 prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and  
2 the inhabitants thereof.

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

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

12 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
13 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2012. A Public Hearing shall be held at the  
14 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
15 \_\_\_\_\_, 2012, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
16 Town.

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TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By \_\_\_\_\_  
John G. Warner, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

## Memorandum

**TO:** TOWN COUNCIL  
**FROM:** Dale Stein, Assistant Town Engineer  
**DATE:** July 18, 2012  
**RE:** Public Projects Update

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### **Main Street Revitalization & Gold Pan Alley**

The Contractor and staff are working on the final clean-up of Main Street north of Ski Hill. The remaining order of stone pavers has been delivered. The stone masons expect to be completed with the west side of Main Street in a few days.

### **Concrete Replacement**

The Contractor was delayed briefly on the work at the intersection of Airport Rd and Valley Brook Rd due to afternoon rain. The new concrete at the intersection was placed today and is scheduled to reopen by Monday July 23 if concrete testing results allow. All other 2012 concrete replacement locations are completed.

**MEMO**

**TO: Mayor & Town Council**  
**FROM: Tim Gagen, Town Manager**  
**DATE: July 19, 2012**  
**SUBJECT: Committee Reports for 7.24.2012 Council Packet**

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**Police Advisory Committee (PAC) July 11, 2012 Chief Haynes**

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The Police Advisory Committee (PAC) held its bimonthly meeting on July 11, 2012. The Chief and PAC members discussed the following:

- **Introduction of new members:** New members Tom Byledbal, Jim Tisler and Jason Smith introduced themselves to the group. Tom and Jim represent the Highlands community; Jason represents the late night bar establishments.
- **Council Update/Recent Events:** The group discussed highlights from the Town Council meeting on July 10<sup>th</sup>. The conversation included an update on the Harris Street Building and two potential new events – Snowball and the Ice Castle. The group also asked if the July 4<sup>th</sup> festivities went smoothly. The group expressed concerns similar to those of council with regard to both the Snowball and Ice Castle events.
- **Parking:** The group was briefed on the closure of the entrance to the Wellington lot from Main Street and the impending increase in signage to facilitate use of the lot and parking within the core of Town. There was a question from the group regarding locations for overnight parking. Committee members were provided with locations for summer and winter overnight parking.
- **Investigations:** Assistant Chief Morrison provided the committee with an update on recent crimes. He discussed recent embezzlement cases and recent arrests for stolen bicycles.
- **Staffing:** The group was briefed on the most recent hiring process. Members asked questions regarding testing and the types of tests administered. Committee members expressed support for stringent hiring requirements.
- **Forest Health and Fire Danger** – RWB Chief Lori Miller, RWB Captain Matt Benedict and BPD Assistant Chief Greg Morrison briefed the group on the continued fire danger. Chief Miller provided the group with clarification on Fire Ban/Fire Danger messaging. Captain Benedict explained the state of health of our forests and how the extreme fire danger has developed. Chief Miller and Captain Benedict offered an opportunity for personal property owners to contact Red, White and Blue Fire for information and recommendations regarding fire mitigation on their property.

<b>Committees</b>	<b>Representative</b>	<b>Report Status</b>
CAST	Mayor Warner	No Meeting/Report
CDOT	Tim Gagen	No Meeting/Report
CML	Tim Gagen	No Meeting/Report
I-70 Coalition	Tim Gagen	No Meeting/Report
Mayors, Managers & Commissions Meeting	Mayor Warner	No Meeting/Report
Summit Leadership Forum	Tim Gagen	No Meeting/Report
Liquor Licensing Authority*	C&F Staff	No Meeting/Report
Wildfire Council	Matt Thompson	No Meeting/Report
Public Art Commission*	Jenn Cram	No Meeting/Report
Summit Stage Advisory Board*	James Phelps	No Meeting/Report
Police Advisory Committee	Chief Haynes	Included
Housing/Childcare Committee	Laurie Best	No Meeting/Report
CMC Advisory Committee	Tim Gagen	No Meeting/Report

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

\* Minutes to some meetings are provided in the Manager's Newsletter.

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INTEROFFICE MEMORANDUM

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**TO:** TIM GAGEN, TOWN MANAGER; RICK HOLMAN, ASSISTANT TOWN MANAGER  
**FROM:** FINANCE DIVISION  
**SUBJECT:** JUNE 2012 FINANCIAL VARIANCE HIGHLIGHTS MEMO  
**DATE:** 7/17/2012

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This report highlights variations between budget and actual figures for the Town of Breckenridge for the first six months of 2012.

**Fund Updates:**

**Excise Fund:** Revenue is at 99% of YTD budget and Expense (transfers) are at 100% of YTD budget

Items of Note:

- Sales Tax slightly ahead of budget at 101% (\$48k over budget)
- Accommodation Tax revenues at 104% of budget (\$42k over budget)
- RETT collections below budget at 94% (\$77k under budget)

**General Fund Revenue:** 106% of YTD budget (112% net of transfers)

- New Item of Note: Transit Services received a grant of \$75k which contributed to the 44% favorable variation.

**General Fund Expenses:** 97% of YTD budget (96% net of transfers)

New Items of Note: none

**All Funds Net of Transfers:**

- Revenue: 92% of budget. Primarily due to Affordable Housing. See page 2 for item descriptions
- Expense: 82% of budget. Primarily due to Capital and Utility Fund (see below)

**Variations Explained in Prior Months:**

**General Fund Revenue:**

- Municipal Court Program ahead of budget by 58% (\$62k), primarily due to traffic and penal fines related to ski pass violations.
- Special Events/Comm Program at 84% of YTD budget-timing..
- Public Safety Admin/Records at 40% of budget-timing. Grant of \$32k budgeted in January, not yet received.
- Public Safety Community Service at 186% of budget due to pay parking and parking ticket revenues.
- Planning Services Admin at 216% of YTD budget-ahead of budget in all fee categories and ahead of prior year.
- Building Services Admin Program at 124% of budget (\$64k over budgeted revenue) due to permits and plan check fees.
- Recreation Programs 31% over budget primarily due to Summer Recreation Fees.
- General Revenue 2% ahead of budget due to Property Tax collections-timing.



**General Fund Expenses:**

- Special Events/Comm Program at 84% of YTD budget-timing.
- Public Safety Patrol Services at 86% of budget due to personnel.
- Facilities Admin over budget due to timing: Liability Insurance premium paid in January, budgeted over 12 months.

**All Funds Net of Transfers:**

***Utility Fund:***

- Revenue: Utility Fund over budget by \$132k, primarily due to Plant Investment Fees (PIFs)
- Expense: (all of 2012) expense variance is due to Major System Improvement budgeted expenses of \$2 million for the pump back project for which no expenditures have been made.

***Capital Fund:***

- Revenue: over budget primarily due to a contribution for the RWC roof
- Expense: the budget for expenditures in the Capital Fund is reflected at 100% as the expenditures in the Capital Fund do not follow a particular trend.

***Housing Fund:***

- Revenue: under budget due to Valley Brook sales-settlement from Summit Housing Authority forthcoming.

***Open Space Fund:***

- Revenue: over budget primarily due to a \$108k Forest Restoration Grant received from Colorado State University
- Expense: variance due to Cucumber Gulch land acquisition. Reimbursement of \$400k from County received in April.

***Garage Fund:***

- Expense: variance due to vehicle repair parts and repair services as well as wages

***Information Technology Fund:***

- Expense: variance due to purchases of equipment

***Special Projects Fund:***

- Expense: variance due to Grants to Other Organizations not yet paid out

**TOWN OF BRECKENRIDGE  
EXCISE TAX FUND  
CURRENT YEAR TO PRIOR YEAR COMPARISON  
FOR THE 6 MONTHS ENDING JUNE 30, 2012**

50% OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2011 vs. 2012 ACTUAL % VARIANCE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
<b>TAX REVENUE</b>										
SALES TAX	6,006,261	12,706,676	47%	97%	6,194,424	6,146,125	48,299	101%	13,684,401	45%
ACCOMMODATIONS TAX	947,121	1,790,093	53%	93%	1,023,643	981,599	42,044	104%	1,668,701	61%
CIGARETTE TAX	24,550	51,304	48%	103%	23,883	20,873	3,010	114%	44,003	54%
TELEPHONE FRANCHISE TAX	6,360	25,282	25%	109%	5,830	11,755	(5,925)	50%	23,500	25%
PUBLIC SERVICE FRANCHISE TAX	259,053	592,916	44%	101%	256,688	317,769	(61,081)	81%	524,299	49%
CABLEVISION FRANCHISE TAX	38,977	154,971	25%	97%	40,147	54,159	(14,012)	74%	163,200	25%
MEDICAL MARIJUANA TAX	0	0	0%	0%	23,285	35,507	(12,222)	66%	57,996	40%
REAL ESTATE TRANSFER TAX	1,961,263	3,411,973	57%	163%	1,200,726	1,277,377	(76,651)	94%	2,800,001	43%
INVESTMENT INCOME	14,269	22,714	63%	145%	9,829	8,562	1,267	115%	17,124	57%
<b>TOTAL FUND REVENUE</b>	<b>9,257,854</b>	<b>18,755,928</b>	<b>49%</b>	<b>95%</b>	<b>8,778,454</b>	<b>8,853,726</b>	<b>(75,272)</b>	<b>99%</b>	<b>18,983,225</b>	<b>46%</b>
<b>EXCISE TAX DEBT SERVICE</b>										
COP FEES	650	1,950	33%	0%	0	0	-	0%	1,300	0%
2005 COP'S PRINCIPAL	0	165,000	0%	0%	0	0	-	0%	170,000	0%
2005 COP'S INTEREST	68,506	137,013	50%	106%	64,794	64,794	(0)	100%	129,588	50%
2007 COP'S PRINCIPAL	0	135,000	0%	0%	0	0	-	0%	140,000	0%
2007 COP'S INTEREST	66,433	132,865	50%	104%	63,733	63,733	(1)	100%	127,466	50%
<b>TOTAL EXCISE TAX DEBT SERVICE</b>	<b>135,589</b>	<b>571,828</b>	<b>24%</b>	<b>95%</b>	<b>128,526</b>	<b>128,527</b>	<b>1</b>	<b>100%</b>	<b>568,354</b>	<b>23%</b>
<b>TRANSFERS</b>										
TRANSFER TO GENERAL FUND	5,181,048	10,362,096	50%	92%	5,660,460	5,660,466	(6)	100%	11,320,932	50%
TRANSFER TO GOLF FUND	124,998	249,996	50%	82%	152,502	152,502	-	100%	305,004	50%
TRANSFERS TO CAPITAL FUND	705,498	1,835,996	38%	61%	1,154,748	1,154,748	-	100%	2,309,496	50%
TRANSFER TO MARKETING	235,866	336,762	70%	92%	255,911	247,245	8,666	104%	420,312	61%
TRFS TO AFFORDABLE HSG FUND	1,290,534	2,581,068	50%	100%	1,286,898	1,286,898	-	100%	2,573,796	50%
TRFS TO SPECIAL PROJECTS FUND	197,502	395,004	50%	102%	194,502	194,502	-	100%	389,004	50%
<b>TOTAL TRANSFERS</b>	<b>7,735,446</b>	<b>15,760,922</b>	<b>49%</b>	<b>113%</b>	<b>8,705,021</b>	<b>8,696,361</b>	<b>(8,660)</b>	<b>100%</b>	<b>17,318,544</b>	<b>50%</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>7,871,035</b>	<b>16,332,749</b>	<b>48%</b>	<b>112%</b>	<b>8,833,547</b>	<b>8,824,888</b>	<b>(8,659)</b>	<b>100%</b>	<b>17,886,898</b>	<b>49%</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>1,386,820</b>	<b>2,423,179</b>			<b>(55,092)</b>	<b>28,838</b>	<b>(66,613)</b>		<b>1,096,327</b>	

**TOWN OF BRECKENRIDGE  
GENERAL FUND  
CURRENT YEAR TO PRIOR YEAR COMPARISON  
FOR THE 6 MONTHS ENDING JUNE 30, 2012**

50% OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR						
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT	2011 ACTUAL/ 2012 ACTUAL % CHANGE	YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT	
<b>REVENUE</b>											
MUNICIPAL COURT PROGRAM	142,742	281,167	51%	84%	170,560	108,072	62,488	158%	223,237	76%	
ADMINISTRATIVE MGT PROGRAM	716	716	100%	0%	0	0	-	0%	0	N/A	
SPECIAL EVENTS/COMM PROGRAM	181,545	550,204	33%	128%	141,999	169,592	(27,593)	84%	478,102	30%	
TOWN CLERK ADMIN PROGRAM	22,776	46,167	49%	90%	25,203	13,312	11,891	189%	26,996	93%	
FINANCE ADMINISTRATION PROGRAM	226	309	73%	143%	158	402	(244)	39%	504	31%	
TRANSIT ADMIN PROGRM	15,000	15,000	100%	45%	33,200	47,000	(13,800)	71%	47,000	71%	
TRANSIT SERVICES PROGRAM	318,021	558,208	57%	100%	318,578	221,498	97,080	144%	597,069	53%	
PUBLIC SAFETY ADMIN/RECORDS	32,605	49,480	66%	168%	19,425	48,909	(29,484)	40%	66,755	29%	
PUBLIC SAFETY COMMNTY SVC PROG	479,306	599,507	80%	107%	445,903	239,478	206,425	186%	485,604	92%	
PLANNING SERVICES ADMIN PROGRM	64,541	113,794	57%	63%	103,002	47,635	55,367	216%	90,479	114%	
ARTS DISTRICT	16,069	40,240	40%	64%	25,144	10,589	14,555	237%	29,700	85%	
BUILDING SERVICES ADMIN PROGRM	525,937	882,764	60%	158%	333,760	270,151	63,609	124%	450,008	74%	
PUBLIC WORKS ADMIN PROGRAM	254,512	589,246	43%	118%	215,338	227,743	(12,405)	95%	474,005	45%	
STREETS PROGRAM	18,220	39,191	46%	58%	31,424	17,590	13,834	179%	35,096	90%	
PARKS PROGRAM	15,062	19,537	77%	0%	0	0	-	0%	0	N/A	
FACILITIES ADMIN PROGRAM	55,635	79,754	70%	110%	50,514	33,551	16,963	151%	85,648	59%	
ENGINEERING ADMIN PROGRAM	2,990	4,408	68%	269%	1,113	1,552	(439)	72%	2,101	53%	
RECREATION PROGRAM	240,762	405,097	59%	93%	257,929	197,324	60,605	131%	392,291	66%	
RECREATION OPERATIONS PROGRAM	739,922	1,509,776	49%	107%	691,837	717,450	(25,613)	96%	1,473,517	47%	
NORDIC CENTER OPERATIONS	109,808	184,554	59%	91%	121,128	128,668	(7,540)	94%	161,260	75%	
ICE RINK OPERATIONS PROGRAM	337,283	632,324	53%	109%	309,119	333,316	(24,197)	93%	644,896	48%	
GENERAL REVENUE	8,637,338	15,699,173	55%	98%	8,777,670	8,593,713	183,957	102%	15,362,323	57%	
<b>TOTAL REVENUE</b>	<b>12,211,014</b>	<b>22,310,674</b>	<b>55%</b>	<b>101%</b>	<b>12,072,817</b>	<b>11,427,545</b>	<b>645,272</b>	<b>106%</b>	<b>21,126,591</b>	<b>57%</b>	

**TOWN OF BRECKENRIDGE  
GENERAL FUND  
CURRENT YEAR TO PRIOR YEAR COMPARISON  
FOR THE 6 MONTHS ENDING JUNE 30, 2012**

50% OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR						
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT	2011 ACTUAL/ 2012 ACTUAL % CHANGE	YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT	
<b>EXPENDITURES</b>											
LAW & POLICY MAKING PROGRAM	52,622	119,782	44%	87%	60,511	63,822	3,311	95%	139,008	44%	
MUNICIPAL COURT PROGRAM	90,922	192,266	47%	108%	83,848	112,993	29,145	74%	217,390	39%	
ADVICE & LITIGATION PROGRAM	64,763	135,796	48%	83%	78,406	130,047	51,641	60%	227,725	34%	
ADMINISTRATIVE MGT PROGRAM	285,203	522,688	55%	80%	354,940	301,743	(53,197)	118%	552,743	64%	
HUMAN RESOURCES ADMIN PROGRAM	183,339	384,621	48%	87%	209,967	214,043	4,076	98%	446,638	47%	
SPECIAL EVENTS/COMM PROGRAM	384,289	1,014,423	38%	107%	359,136	425,756	66,620	84%	1,007,246	36%	
TOWN CLERK ADMIN PROGRAM	128,565	263,137	49%	93%	138,329	150,981	12,652	92%	302,814	46%	
FINANCE ADMINISTRATION PROGRAM	135,667	291,978	46%	89%	153,249	158,345	5,096	97%	312,110	49%	
ACCOUNTING PROGRAM	164,974	328,426	50%	84%	195,733	194,244	(1,489)	101%	382,192	51%	
TRANSIT ADMIN PROGRAM	88,992	175,852	51%	60%	148,643	158,449	9,806	94%	226,410	66%	
TRANSIT SERVICES PROGRAM	973,970	1,726,062	56%	87%	1,118,055	1,125,999	7,944	99%	2,176,353	51%	
PUBLIC SAFETY ADMIN/RECORDS	456,306	867,299	53%	100%	454,307	442,107	(12,200)	103%	933,233	49%	
PUBLIC SAFETY COMMUNICATN PROG	144,557	305,632	47%	92%	157,685	160,265	2,580	98%	322,231	49%	
PUBLIC SAFETY PATROL SVCS PROG	775,089	1,534,062	51%	103%	752,533	861,048	108,515	87%	1,701,026	44%	
PUBLIC SAFETY COMMNTY SVC PROG	206,044	424,249	49%	89%	231,871	240,716	8,845	96%	491,178	47%	
PLANNING SERVICES ADMIN PROGRAM	523,814	1,041,952	50%	96%	547,101	571,845	24,744	96%	1,151,247	48%	
ARTS DISTRICT	14,936	40,820	37%	73%	20,393	11,936	(8,457)	171%	29,697	69%	
BUILDING SERVICES ADMIN PROGRAM	188,909	372,846	51%	95%	198,889	208,610	9,721	95%	412,601	48%	
PUBLIC WORKS ADMIN PROGRAM	241,846	494,526	49%	108%	224,227	187,436	(36,791)	120%	384,614	58%	
STREETS PROGRAM	824,950	1,805,824	46%	113%	730,006	755,681	25,675	97%	1,503,145	49%	
PARKS PROGRAM	499,528	1,128,348	44%	95%	525,188	534,633	9,445	98%	1,180,840	44%	
FACILITIES ADMIN PROGRAM	627,117	1,291,306	49%	95%	661,646	588,833	(72,813)	112%	1,359,657	49%	
ENGINEERING ADMIN PROGRAM	150,807	303,897	50%	80%	188,208	201,861	13,653	93%	406,940	46%	
CONTINGENCIES	121,500	126,350	96%	56%	215,781	248,998	33,217	87%	277,996	78%	
RECREATION ADMIN PROGRAM	304,247	608,784	50%	98%	311,512	328,874	17,362	95%	646,618	48%	
RECREATION PROGRAM	287,063	634,441	45%	85%	337,558	328,930	(8,628)	103%	703,815	48%	
RECREATION OPERATIONS PROGRAM	801,249	1,658,585	48%	105%	765,741	841,411	75,670	91%	1,816,321	42%	
NORDIC CENTER OPERATIONS	136,759	245,589	56%	99%	137,511	127,746	(9,765)	108%	253,673	54%	
ICE RINK OPERATIONS PROGRAM	496,940	967,765	51%	100%	494,552	515,316	20,764	96%	1,057,364	47%	
LONG TERM DEBT	210,136	419,997	50%	101%	208,669	206,545	(2,124)	101%	415,312	50%	
GENERAL EXPENDITURES	2,867	662,307	0%	3359%	85	0	(85)	0%	0	N/A	
COMMITTEES	6,936	30,979	22%	242%	2,862	19,692	16,830	15%	55,751	5%	
<b>TOTAL EXPENDITURES</b>	<b>9,574,905</b>	<b>20,121,620</b>	<b>48%</b>	<b>95%</b>	<b>10,067,139</b>	<b>10,418,905</b>	<b>351,766</b>	<b>97%</b>	<b>21,093,888</b>	<b>48%</b>	
<b>REVENUE LESS EXPENDITURES</b>	<b>2,636,109</b>	<b>2,189,054</b>			<b>2,005,677</b>	<b>1,008,640</b>	<b>997,037</b>		<b>32,703</b>		

**TOWN OF BRECKENRIDGE  
ALL FUNDS, NET OF TRANSFERS  
CURRENT YEAR TO PRIOR YEAR COMPARISON  
FOR THE 6 MONTHS ENDING JUNE 30, 2012**

50% OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2011 ACTUAL/ 2012 ACTUAL % CHANGE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	\$ VARIANCE FAVORABLE/ (UNFAVORABLE)	ACTUAL/BUDGET % CHANGE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
<b>REVENUE</b>										
1 GENERAL FUND	6,822,864	11,534,374	59%	110%	6,200,416	5,553,761	646,655	112%	9,379,023	66%
2 UTILITY FUND	1,600,614	3,271,842	49%	105%	1,524,194	1,391,930	132,264	110%	2,961,582	51%
3 CAPITAL FUND	78,412	265,285	30%	23%	341,838	358,434	(16,596)	95%	716,868	48%
4 MARKETING FUND	1,024,128	2,008,761	51%	94%	1,086,124	1,038,764	47,360	105%	2,022,929	54%
5 GOLF COURSE FUND	541,862	2,630,466	21%	83%	651,542	609,046	42,496	107%	2,031,201	32%
6 EXCISE TAX FUND	9,257,854	18,755,928	49%	105%	8,779,235	8,853,726	(74,491)	99%	18,983,225	46%
7 HOUSING FUND	343,233	730,318	47%	144%	237,784	2,942,628	(2,704,844)	8%	3,256,311	7%
8 OPEN SPACE ACQUISITION FUND	921,807	1,860,502	50%	90%	1,026,807	894,791	132,016	115%	1,828,710	56%
9 CONSERVATION TRUST FUND	18,842	36,467	52%	178%	10,599	15,596	(4,997)	68%	33,024	32%
10 GARAGE SERVICES FUND	63,350	115,725	55%	101%	62,769	39,743	23,026	158%	81,494	77%
11 INFORMATION TECHNOLOGY FUND	-	-	0%	0%	-	-	-	0%	-	0%
12 FACILITIES MAINTENANCE FUND	-	-	0%	0%	-	-	-	0%	-	N/A
13 SPECIAL PROJECTS FUND	-	-	0%	0%	75	-	75	0%	-	N/A
<b>TOTAL REVENUE</b>	<b>20,672,967</b>	<b>41,209,670</b>	<b>50%</b>	<b>96%</b>	<b>19,921,384</b>	<b>21,698,419</b>	<b>(1,777,035)</b>	<b>92%</b>	<b>41,294,367</b>	<b>48%</b>
<b>EXPENDITURES</b>										
1 GENERAL FUND	8,093,919	16,491,104	49%	95%	8,539,465	8,893,891	354,426	96%	18,037,933	47%
2 UTILITY FUND	884,437	2,728,137	32%	101%	878,210	2,303,002	1,424,792	38%	4,628,564	19%
3 CAPITAL FUND	363,863	1,403,261	26%	37%	974,561	2,989,500	2,014,939	33%	2,989,500	33%
4 MARKETING FUND	1,378,831	2,309,298	60%	98%	1,408,785	1,401,818	(6,967)	100%	2,525,274	56%
5 GOLF COURSE FUND	866,865	1,819,079	48%	99%	874,411	930,820	56,409	94%	2,273,056	38%
6 EXCISE TAX FUND	135,589	571,828	24%	105%	128,526	128,527	1	100%	568,354	23%
7 HOUSING FUND	975,770	2,741,831	36%	100%	972,800	1,181,041	208,241	82%	3,294,336	30%
8 OPEN SPACE ACQUISITION FUND	1,974,330	3,230,897	61%	201%	981,300	620,298	(361,002)	158%	1,688,050	58%
9 CONSERVATION TRUST FUND	0	0	0%	0%	0	0	-	0%	0	N/A
10 GARAGE SERVICES FUND	883,532	1,661,682	53%	114%	774,506	901,587	127,081	86%	1,784,688	43%
11 INFORMATION TECHNOLOGY FUND	444,658	951,032	47%	83%	537,406	484,290	(53,116)	111%	780,242	69%
12 FACILITIES MAINTENANCE FUND	-	51,000	0%	0%	67,620	34,128	(33,492)	198%	76,815	N/A
13 SPECIAL PROJECTS FUND	145,634	329,716	44%	30%	482,014	522,500	40,486	92%	740,000	65%
<b>TOTAL EXPENDITURES</b>	<b>16,147,430</b>	<b>34,288,864</b>	<b>47%</b>	<b>103%</b>	<b>16,619,605</b>	<b>20,391,402</b>	<b>3,771,797</b>	<b>82%</b>	<b>39,386,812</b>	<b>42%</b>
<b>Revenue Less Expenditures</b>	<b>4,525,538</b>	<b>6,920,806</b>			<b>3,301,779</b>	<b>1,307,017</b>	<b>1,994,762</b>		<b>1,907,555</b>	

**TOWN OF BRECKENRIDGE  
ALL FUNDS  
CURRENT YEAR TO PRIOR YEAR COMPARISON  
FOR THE 6 MONTHS ENDING JUNE 30, 2012**

50% OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2011 ACTUAL/ 2012 ACTUAL % CHANGE	CURRENT YEAR					
	YTD	YE	% OF YE		YTD	YTD	ACTUAL/BUDGET	ACTUAL AS A %	ANNUAL	% OF BUDGET
	ACTUAL	TOTAL	REC'D/SPENT		ACTUAL	BUDGET	\$ VARIANCE FAVORABLE/(UNFAVORABLE)	OF BUDGET	BUDGET	REC'D/SPENT
<b>REVENUE</b>										
1 GENERAL FUND	12,211,014	22,310,674	55%	101%	12,074,200	11,427,545	646,655	106%	21,126,591	57%
2 UTILITY FUND	1,600,614	3,271,842	49%	105%	1,524,194	1,391,930	132,264	110%	2,961,582	51%
3 CAPITAL FUND	783,910	2,101,281	37%	52%	1,496,592	1,513,188	(16,596)	99%	3,026,380	49%
4 MARKETING FUND	1,259,994	2,345,522	54%	94%	1,342,035	1,286,009	56,026	104%	2,443,241	55%
5 GOLF COURSE FUND	666,860	2,880,462	23%	83%	804,044	759,559	44,485	106%	2,336,196	34%
6 EXCISE TAX FUND	9,257,854	18,755,928	49%	105%	8,779,235	8,853,726	(74,491)	99%	18,983,225	46%
7 HOUSING FUND	1,633,767	3,311,386	49%	107%	1,524,682	4,229,526	(2,704,844)	36%	5,830,107	26%
8 OPEN SPACE ACQUISITION FUND	921,807	1,860,502	50%	90%	1,026,807	894,791	132,016	115%	1,828,710	56%
9 CONSERVATION TRUST FUND	18,842	36,467	52%	178%	10,599	15,596	(4,997)	68%	33,024	32%
10 GARAGE SERVICES FUND	1,094,834	2,178,693	50%	96%	1,139,139	1,116,113	23,026	102%	2,234,234	51%
11 INFORMATION TECHNOLOGY FUND	443,232	886,464	50%	102%	436,638	436,638	-	100%	873,276	50%
12 FACILITIES MAINTENANCE FUND	132,546	265,092	50%	97%	136,740	136,740	-	100%	273,480	50%
13 SPECIAL PROJECTS FUND	197,502	395,004	50%	102%	194,577	194,502	75	100%	389,004	50%
<b>TOTAL REVENUE</b>	<b>30,222,777</b>	<b>60,599,320</b>	<b>50%</b>	<b>101%</b>	<b>30,489,482</b>	<b>32,255,863</b>	<b>(1,766,381)</b>	<b>95%</b>	<b>62,339,050</b>	<b>49%</b>
<b>EXPENDITURES</b>										
1 GENERAL FUND	9,579,447	20,121,266	48%	95%	10,067,443	10,418,905	351,462	97%	21,093,888	48%
2 UTILITY FUND	1,149,127	3,257,517	35%	101%	1,142,234	2,567,026	1,424,792	44%	5,156,612	22%
3 CAPITAL FUND	363,863	1,403,261	26%	37%	974,561	2,989,500	2,014,939	33%	2,989,500	33%
4 MARKETING FUND	1,383,991	2,319,618	60%	98%	1,413,897	1,406,930	(6,967)	100%	2,810,498	50%
5 GOLF COURSE FUND	895,215	2,535,239	35%	99%	905,047	962,219	57,172	94%	2,334,329	39%
6 EXCISE TAX FUND	7,871,035	16,332,749	48%	89%	8,833,547	8,824,888	(8,659)	100%	17,886,898	49%
7 HOUSING FUND	975,770	2,741,831	36%	100%	972,800	1,181,041	208,241	82%	8,392,210	12%
8 OPEN SPACE ACQUISITION FUND	1,979,178	3,240,593	61%	200%	987,558	614,058	(373,500)	161%	2,625,896	38%
9 CONSERVATION TRUST FUND	22,002	0	0%	137%	16,002	19,636	3,634	81%	35,638	45%
10 GARAGE SERVICES FUND	906,836	1,708,290	53%	113%	802,106	929,187	127,081	86%	1,839,888	44%
11 INFORMATION TECHNOLOGY FUND	447,142	956,000	47%	83%	538,876	485,760	(53,116)	111%	2,289,988	24%
12 FACILITIES MAINTENANCE FUND	-	51,000	0%	0%	67,620	34,128	(33,492)	198%	1,533,694	4%
13 SPECIAL PROJECTS FUND	145,634	329,716	44%	30%	482,014	522,500	40,486	92%	740,000	65%
<b>TOTAL EXPENDITURES</b>	<b>25,719,242</b>	<b>54,997,079</b>	<b>47%</b>	<b>106%</b>	<b>27,203,705</b>	<b>30,955,778</b>	<b>3,752,073</b>	<b>88%</b>	<b>69,729,039</b>	<b>39%</b>
	<b>4,503,536</b>	<b>5,602,240</b>			<b>3,285,777</b>	<b>1,300,085</b>	<b>1,985,692</b>		<b>(7,389,989)</b>	

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**FINANCIAL MEMORANDUM**

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**TO:** TIM GAGEN, TOWN MANAGER; RICK HOLMAN, ASSISTANT TOWN MANAGER  
**FROM:** CLERK AND FINANCE DIVISION  
**SUBJECT:** MAY NET TAXABLE SALES & JUNE RETT REPORTING  
**DATE:** 7/5/2012

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This memo explains significant items of note in relation to sales that occurred within the Town of Breckenridge in the month of May. Real Estate Transfer Tax, including an analysis of the monthly “churn” and sales by property type, is also included.

### **New Items of Note:**

#### **Net Taxable Sales**

- Overall, although net taxable sales for May were ahead of 2011 by 24.8%, remember that May represents the least amount of tax of any month of the year. Additionally, the month fell below 2007 #s.
- Except for Utilities, all other categories were ahead of prior year by a considerable amount. However, Short-Term Lodging, Supplies, & Utilities all fell below 2006 #s.
- Grocery and Liquor is the only category that had its best month ever. It also tracked ahead of 2011 by 11.8%
- Retail sales did quite well – above 2009 #s & ahead of prior year by 33.5% (again, keep in mind that we receive relatively small tax amounts in May).

#### **Real Estate Transfer Tax**

- Collections for the month of June fell behind prior year by 0.2%, and we came in at 97.4% of budget.
- YTD collections fell behind PY by 38.8%. We are still behind YTD budget – now by 6%
- For the second time in 2012 (May being the first), we exceeded the prior year churn.
- Single family homes & townhomes tracked well in June.

### **Continuing Items of Note:**

- Net Taxable Sales are reported in the first Council meeting following the due date of the tax remittance to the Town of Breckenridge. Taxes collected from the customer by the vendor are remitted to the Town on the 20<sup>th</sup> of the following month.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are include on the report for the period of March.
- Net Taxable Sales are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- 2012 Real Estate Transfer Tax budget is based upon the monthly distribution for 2007. The reasoning is that we should compare to a year with a “normal distribution.”

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

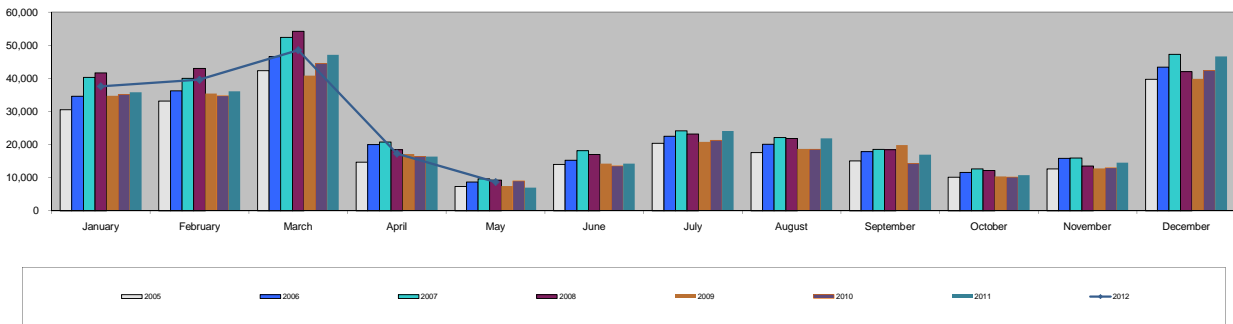
(in Thousands of Dollars)

**Total - All Categories\***

\* excluding Undefined and Utilities categories

	Actual 2005	YTD 2005	Actual 2006	YTD 2006	Actual 2007	YTD 2007	Actual 2008	YTD 2008	Actual 2009	YTD 2009	Actual 2010	YTD 2010	Actual 2011	YTD 2011	Actual 2012	YTD 2012	Monthly 11-12	YTD % Change 11-12
January	30,549	30,549	34,589	34,589	40,283	40,283	41,665	41,665	34,783	34,783	35,105	35,105	35,805	35,805	37,617	37,617	5.1%	5.1%
February	33,171	63,720	36,236	70,825	40,034	80,317	43,052	84,717	35,453	70,236	34,791	69,896	36,128	71,933	39,609	77,226	9.6%	7.4%
March	42,370	106,090	46,603	117,428	52,390	132,707	54,237	138,954	40,810	111,046	44,485	114,381	47,101	119,034	48,549	125,775	3.1%	5.7%
April	14,635	120,725	19,963	137,391	20,758	153,465	18,483	157,437	17,171	128,217	16,346	130,727	16,371	135,405	17,279	143,054	5.5%	5.6%
May	7,355	128,080	8,661	146,052	9,629	163,094	9,251	166,688	7,475	135,692	8,999	139,726	6,971	142,376	8,700	151,754	24.8%	6.6%
June	14,043	142,123	15,209	161,261	18,166	181,260	16,988	183,676	14,286	149,978	13,557	153,283	14,235	156,611	0	151,754	n/a	n/a
July	20,366	162,489	22,498	183,759	24,168	205,428	23,160	206,836	20,788	170,766	21,346	174,629	24,134	180,745	0	151,754	n/a	n/a
August	17,625	180,114	20,071	203,830	22,125	227,553	21,845	228,681	18,656	189,422	18,603	193,232	21,878	202,623	0	151,754	n/a	n/a
September	15,020	195,134	17,912	221,742	18,560	246,113	18,481	247,162	19,806	209,228	14,320	207,552	16,969	219,592	0	151,754	n/a	n/a
October	10,170	205,304	11,544	233,286	12,687	258,800	12,120	259,282	10,410	219,638	10,226	217,778	10,740	230,332	0	151,754	n/a	n/a
November	12,647	217,951	15,877	249,163	15,943	274,743	13,483	272,765	12,809	232,447	12,985	230,763	14,549	244,881	0	151,754	n/a	n/a
December	39,687	257,638	43,431	292,594	47,258	322,001	42,076	314,841	39,859	272,306	42,343	273,106	46,651	291,532	0	151,754	n/a	n/a
<b>Totals</b>	<b>257,638</b>		<b>292,594</b>		<b>322,001</b>		<b>314,841</b>		<b>272,306</b>		<b>273,106</b>		<b>291,532</b>		<b>151,754</b>			

2012 Monthly Sales Tax Activity (in thousands of dollars)





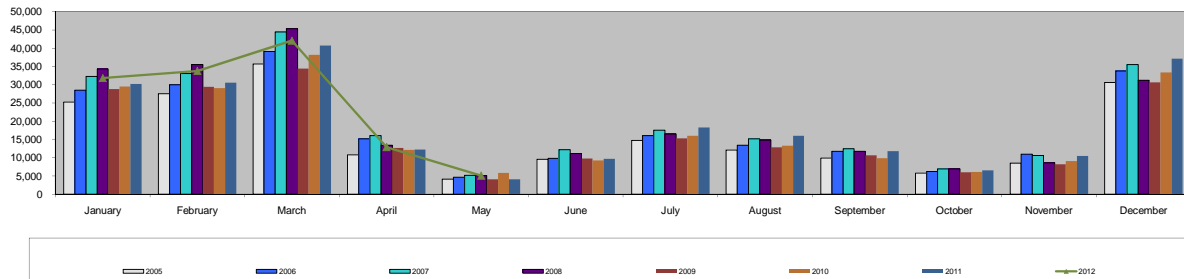
**TOWN OF BRECKENRIDGE  
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Retail-Restaurant-Lodging Summary**

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD % Change 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	25,240	25,240	28,528	28,528	32,258	32,258	34,290	34,290	28,802	28,802	29,538	29,538	30,174	30,174	31,783	31,783	5.3%	5.3%
February	27,553	52,793	29,972	58,500	33,039	65,297	35,511	69,801	29,401	58,203	29,090	58,628	30,504	60,678	33,737	65,520	10.6%	8.0%
March	35,705	88,498	39,051	97,551	44,390	109,687	45,338	115,139	34,428	92,631	38,136	96,764	40,676	101,354	42,026	107,546	3.3%	6.1%
April	10,773	99,271	15,134	112,685	16,025	125,712	13,410	128,549	12,653	105,284	12,154	108,918	12,281	113,635	12,931	120,477	5.3%	6.0%
May	4,179	103,450	4,647	117,332	5,146	130,858	5,111	133,660	4,125	109,409	5,836	114,754	4,077	117,712	5,119	125,596	25.6%	6.7%
June	9,568	113,018	9,789	127,121	12,225	143,083	11,112	144,772	9,829	119,238	9,302	124,056	9,713	127,425	0	125,596	n/a	n/a
July	14,766	127,784	16,038	143,159	17,499	160,582	16,446	161,218	15,305	134,543	15,993	140,049	18,296	145,721	0	125,596	n/a	n/a
August	12,122	139,906	13,446	156,605	15,167	175,749	14,815	176,033	12,859	147,402	13,261	153,310	16,010	161,731	0	125,596	n/a	n/a
September	9,897	149,803	11,761	168,366	12,418	188,167	11,794	187,827	10,705	158,107	9,894	163,204	11,834	173,565	0	125,596	n/a	n/a
October	5,824	155,627	6,248	174,614	6,934	195,101	6,977	194,804	5,986	164,093	6,143	169,347	6,517	180,082	0	125,596	n/a	n/a
November	8,557	164,184	10,963	185,577	10,650	205,751	8,637	203,441	8,234	172,327	9,068	178,415	10,513	190,595	0	125,596	n/a	n/a
December	30,619	194,803	33,736	219,313	35,517	241,268	31,211	234,652	30,667	202,994	33,363	211,778	37,081	227,676	0	125,596	n/a	n/a
<b>Totals</b>	<b>194,803</b>		<b>219,313</b>		<b>241,268</b>		<b>234,652</b>		<b>202,994</b>		<b>211,778</b>		<b>227,676</b>		<b>125,596</b>			

**2012 Monthly Sales Tax Activity (in thousands of dollars)**



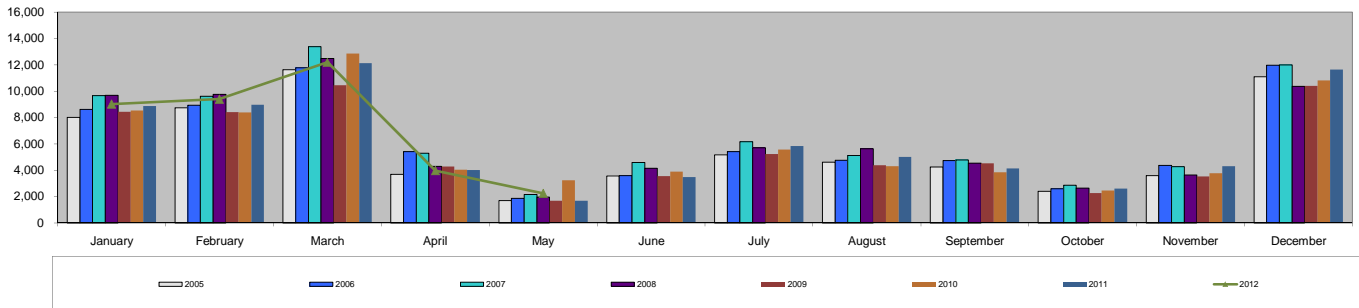
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Retail Sales**

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	8,001	8,001	8,607	8,607	9,665	9,665	9,684	9,684	8,430	8,430	8,530	8,530	8,862	8,862	9,028	9,028	1.9%	1.9%
February	8,744	16,745	8,942	17,549	9,607	19,272	9,763	19,447	8,401	16,831	8,378	16,908	8,982	17,844	9,401	18,429	4.7%	3.3%
March	11,632	28,377	11,774	29,323	13,373	32,645	12,479	31,926	10,449	27,280	12,851	29,759	12,125	29,969	12,208	30,637	0.7%	2.2%
April	3,678	32,055	5,406	34,729	5,287	37,932	4,301	36,227	4,274	31,554	4,032	33,791	4,006	33,975	3,967	34,604	-1.0%	1.9%
May	1,708	33,763	1,858	36,587	2,165	40,097	1,965	38,192	1,675	33,229	3,251	37,042	1,679	35,654	2,241	36,845	33.5%	3.3%
June	3,565	37,328	3,589	40,176	4,597	44,694	4,153	42,345	3,558	36,787	3,895	40,937	3,477	39,131	0	36,845	n/a	n/a
July	5,174	42,502	5,403	45,579	6,176	50,870	5,700	48,045	5,240	42,027	5,582	46,519	5,834	44,965	0	36,845	n/a	n/a
August	4,620	47,122	4,757	50,336	5,110	55,980	5,631	53,676	4,384	46,411	4,302	50,821	5,003	49,968	0	36,845	n/a	n/a
September	4,249	51,371	4,726	55,062	4,783	60,763	4,527	58,203	4,536	50,947	3,848	54,669	4,132	54,100	0	36,845	n/a	n/a
October	2,404	53,775	2,591	57,653	2,866	63,629	2,635	60,838	2,277	53,224	2,453	57,122	2,609	56,709	0	36,845	n/a	n/a
November	3,586	57,361	4,376	62,029	4,267	67,896	3,641	64,479	3,540	56,764	3,764	60,886	4,301	61,010	0	36,845	n/a	n/a
December	11,099	68,460	11,971	74,000	12,000	79,896	10,358	74,837	10,403	67,167	10,824	71,710	11,629	72,639	0	36,845	n/a	n/a
<b>Totals</b>	<b>68,460</b>		<b>74,000</b>		<b>79,896</b>		<b>74,837</b>		<b>67,167</b>		<b>71,710</b>		<b>72,639</b>		<b>36,845</b>			

**2012 Monthly Sales Tax Activity (in thousands of dollars)**



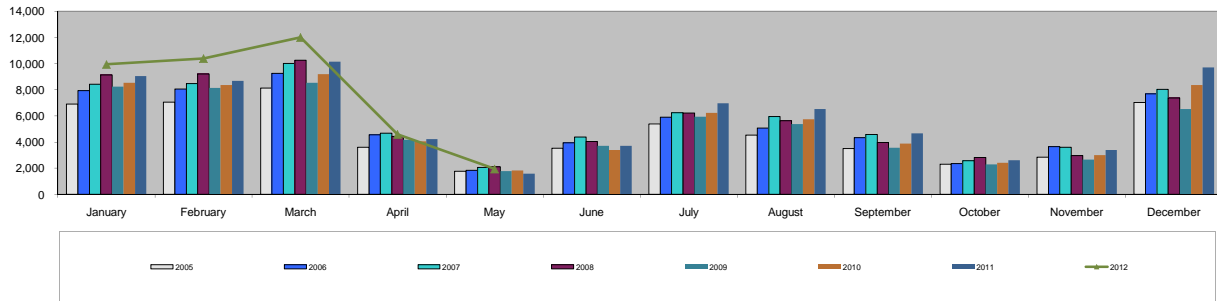
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Restaurants/Bars**

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	6,897	6,897	7,924	7,924	8,414	8,414	9,117	9,117	8,231	8,231	8,515	8,515	9,039	9,039	9,942	9,942	10.0%	10.0%
February	7,047	13,944	8,058	15,982	8,467	16,881	9,208	18,325	8,129	16,360	8,343	16,858	8,660	17,699	10,381	20,323	19.9%	14.8%
March	8,117	22,061	9,256	25,238	10,015	26,896	10,240	28,565	8,527	24,887	9,186	26,044	10,151	27,850	11,996	32,319	18.2%	16.0%
April	3,609	25,670	4,552	29,790	4,678	31,574	4,440	33,005	4,173	29,060	4,042	30,086	4,222	32,072	4,585	36,904	8.6%	15.1%
May	1,760	27,430	1,832	31,622	2,058	33,632	2,107	35,112	1,783	30,843	1,812	31,898	1,570	33,642	1,944	38,848	23.8%	15.5%
June	3,525	30,955	3,938	35,560	4,370	38,002	4,030	39,142	3,712	34,555	3,397	35,295	3,704	37,346	0	38,848	n/a	n/a
July	5,375	36,330	5,905	41,465	6,249	44,251	6,218	45,360	5,931	40,486	6,222	41,517	6,949	44,295	0	38,848	n/a	n/a
August	4,521	40,851	5,067	46,532	5,933	50,184	5,639	50,999	5,365	45,851	5,729	47,246	6,526	50,821	0	38,848	n/a	n/a
September	3,498	44,349	4,340	50,872	4,585	54,769	3,971	54,970	3,565	49,416	3,883	51,129	4,656	55,477	0	38,848	n/a	n/a
October	2,290	46,639	2,352	53,224	2,564	57,333	2,818	57,788	2,285	51,701	2,420	53,549	2,618	58,095	0	38,848	n/a	n/a
November	2,841	49,480	3,651	56,875	3,593	60,926	2,972	60,760	2,649	54,350	3,006	56,555	3,380	61,475	0	38,848	n/a	n/a
December	7,017	56,497	7,681	64,556	8,028	68,954	7,371	68,131	6,524	60,874	8,351	64,906	9,701	71,176	0	38,848	n/a	n/a
<b>Totals</b>	<b>56,497</b>		<b>64,556</b>		<b>68,954</b>		<b>68,131</b>		<b>60,874</b>		<b>64,906</b>		<b>71,176</b>		<b>38,848</b>			

**2012 Monthly Sales Tax Activity (in thousands of dollars)**



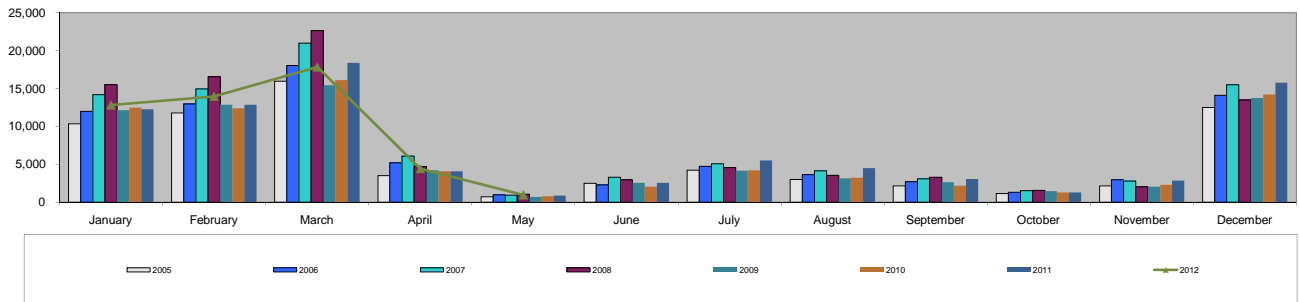
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Short-Term Lodging**

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	10,342	10,342	11,997	11,997	14,179	14,179	15,489	15,489	12,141	12,141	12,493	12,493	12,273	12,273	12,813	12,813	4.4%	4.4%
February	11,762	22,104	12,972	24,969	14,965	29,144	16,540	32,029	12,871	25,012	12,369	24,862	12,862	25,135	13,955	26,768	8.5%	6.5%
March	15,956	38,060	18,021	42,990	21,002	50,146	22,619	54,648	15,452	40,464	16,099	40,961	18,400	43,535	17,822	44,590	-3.1%	2.4%
April	3,486	41,546	5,176	48,166	6,060	56,206	4,669	59,317	4,206	44,670	4,080	45,041	4,053	47,588	4,379	48,969	8.0%	2.9%
May	711	42,257	957	49,123	923	57,129	1,039	60,356	667	45,337	773	45,814	828	48,416	934	49,903	12.8%	3.1%
June	2,478	44,735	2,262	51,385	3,258	60,387	2,929	63,285	2,559	47,896	2,010	47,824	2,532	50,948	0	49,903	n/a	n/a
July	4,217	48,952	4,730	56,115	5,074	65,461	4,528	67,813	4,134	52,030	4,189	52,013	5,513	56,461	0	49,903	n/a	n/a
August	2,981	51,933	3,622	59,737	4,124	69,585	3,545	71,358	3,110	55,140	3,230	55,243	4,481	60,942	0	49,903	n/a	n/a
September	2,150	54,083	2,695	62,432	3,050	72,635	3,296	74,654	2,604	57,744	2,163	57,406	3,046	63,988	0	49,903	n/a	n/a
October	1,130	55,213	1,305	63,737	1,504	74,139	1,524	76,178	1,424	59,168	1,270	58,676	1,290	65,278	0	49,903	n/a	n/a
November	2,130	57,343	2,936	66,673	2,790	76,929	2,024	78,202	2,045	61,213	2,298	60,974	2,832	68,110	0	49,903	n/a	n/a
December	12,503	69,846	14,084	80,757	15,489	92,418	13,482	91,684	13,740	74,953	14,188	75,162	15,751	83,861	0	49,903	n/a	n/a
<b>Totals</b>	<b>69,846</b>		<b>80,757</b>		<b>92,418</b>		<b>91,684</b>		<b>74,953</b>		<b>75,162</b>		<b>83,861</b>		<b>49,903</b>			

2012 Monthly Sales Tax Activity (in thousands of dollars)



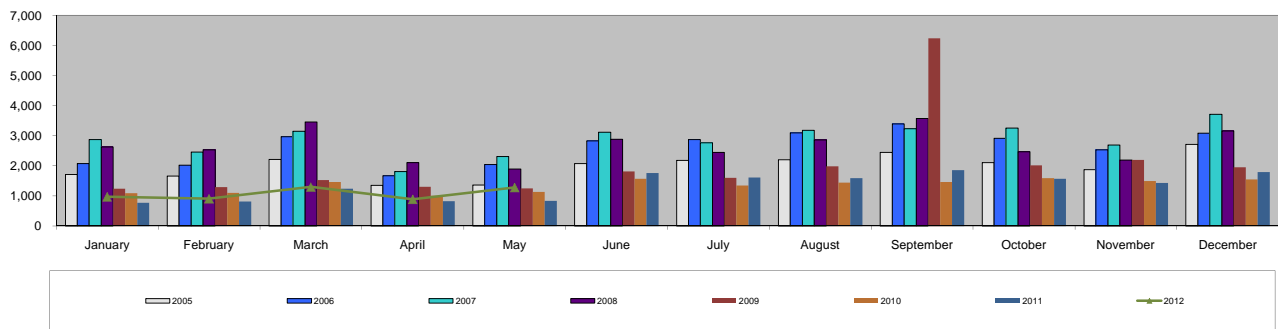
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Supplies**

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	1,720	1,720	2,084	2,084	2,876	2,876	2,631	2,631	1,240	1,240	1,095	1,095	777	777	977	977	25.7%	25.7%
February	1,669	3,389	2,031	4,115	2,459	5,335	2,532	5,163	1,297	2,537	1,111	2,206	821	1,598	910	1,887	10.8%	18.1%
March	2,216	5,605	2,967	7,082	3,156	8,491	3,463	8,626	1,530	4,067	1,472	3,678	1,245	2,843	1,303	3,190	4.7%	12.2%
April	1,359	6,964	1,680	8,762	1,813	10,304	2,114	10,740	1,305	5,372	1,006	4,684	829	3,672	894	4,084	7.8%	11.2%
May	1,370	8,334	2,045	10,807	2,314	12,618	1,894	12,634	1,250	6,622	1,139	5,823	841	4,513	1,285	5,369	52.8%	19.0%
June	2,083	10,417	2,836	13,643	3,119	15,737	2,886	15,520	1,814	8,436	1,573	7,396	1,765	6,278	0	5,369	n/a	n/a
July	2,186	12,603	2,872	16,515	2,770	18,507	2,450	17,970	1,602	10,038	1,354	8,750	1,619	7,897	0	5,369	n/a	n/a
August	2,211	14,814	3,096	19,611	3,187	21,694	2,869	20,839	1,990	12,028	1,446	10,196	1,597	9,494	0	5,369	n/a	n/a
September	2,452	17,266	3,394	23,005	3,234	24,928	3,574	24,413	6,237	18,265	1,471	11,667	1,857	11,351	0	5,369	n/a	n/a
October	2,107	19,373	2,924	25,929	3,259	28,187	2,470	26,883	2,016	20,281	1,595	13,262	1,575	12,926	0	5,369	n/a	n/a
November	1,876	21,249	2,537	28,466	2,693	30,880	2,199	29,082	2,196	22,477	1,495	14,757	1,437	14,363	0	5,369	n/a	n/a
December	2,712	23,961	3,091	31,557	3,713	34,593	3,160	32,242	1,958	24,435	1,548	16,305	1,794	16,157	0	5,369	n/a	n/a
<b>Totals</b>	<b>23,961</b>		<b>31,557</b>		<b>34,593</b>		<b>32,242</b>		<b>24,435</b>		<b>16,305</b>		<b>16,157</b>		<b>5,369</b>			

**2012 Monthly Sales Tax Activity (in thousands of dollars)**



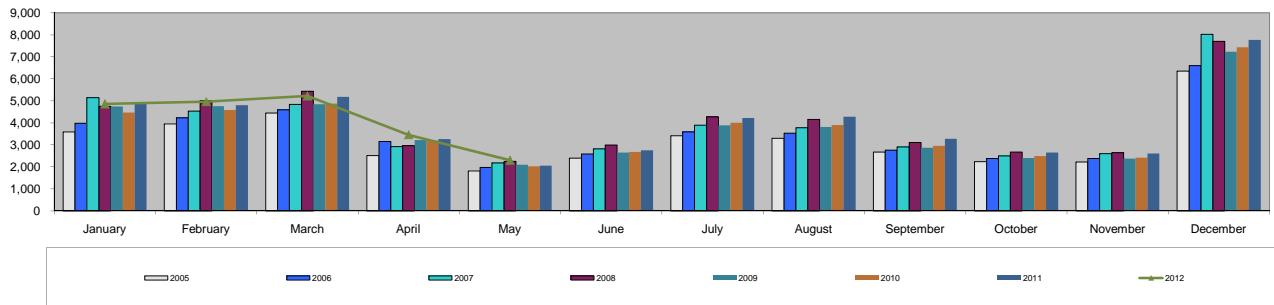
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Grocery/Liquor Stores**

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	3,589	3,589	3,977	3,977	5,149	5,149	4,744	4,744	4,741	4,741	4,472	4,472	4,854	4,854	4,857	4,857	0.1%	0.1%
February	3,949	7,538	4,233	8,210	4,536	9,685	5,009	9,753	4,755	9,496	4,590	9,062	4,803	9,657	4,962	9,819	3.3%	1.7%
March	4,449	11,987	4,585	12,795	4,844	14,529	5,436	15,189	4,852	14,348	4,877	13,939	5,180	14,837	5,220	15,039	0.8%	1.4%
April	2,503	14,490	3,149	15,944	2,920	17,449	2,959	18,148	3,213	17,561	3,186	17,125	3,261	18,098	3,454	18,493	5.9%	2.2%
May	1,806	16,296	1,969	17,913	2,169	19,618	2,246	20,394	2,100	19,661	2,024	19,149	2,053	20,151	2,296	20,789	11.8%	3.2%
June	2,392	18,688	2,584	20,497	2,822	22,440	2,990	23,384	2,643	22,304	2,682	21,831	2,757	22,908	0	20,789	n/a	n/a
July	3,414	22,102	3,588	24,085	3,899	26,339	4,264	27,648	3,881	26,185	3,999	25,830	4,219	27,127	0	20,789	n/a	n/a
August	3,292	25,394	3,529	27,614	3,771	30,110	4,161	31,809	3,807	29,992	3,896	29,726	4,271	31,398	0	20,789	n/a	n/a
September	2,671	28,065	2,757	30,371	2,908	33,018	3,113	34,922	2,864	32,856	2,955	32,681	3,278	34,676	0	20,789	n/a	n/a
October	2,239	30,304	2,372	32,743	2,494	35,512	2,673	37,595	2,408	35,264	2,488	35,169	2,648	37,324	0	20,789	n/a	n/a
November	2,214	32,518	2,377	35,120	2,600	38,112	2,647	40,242	2,379	37,643	2,422	37,591	2,599	39,923	0	20,789	n/a	n/a
December	6,356	38,874	6,604	41,724	8,028	46,140	7,705	47,947	7,234	44,877	7,432	45,023	7,776	47,699	0	20,789	n/a	n/a
<b>Totals</b>	<b>38,874</b>		<b>41,724</b>		<b>46,140</b>		<b>47,947</b>		<b>44,877</b>		<b>45,023</b>		<b>47,699</b>		<b>20,789</b>			

**2012 Monthly Sales Tax Activity (in thousands of dollars)**



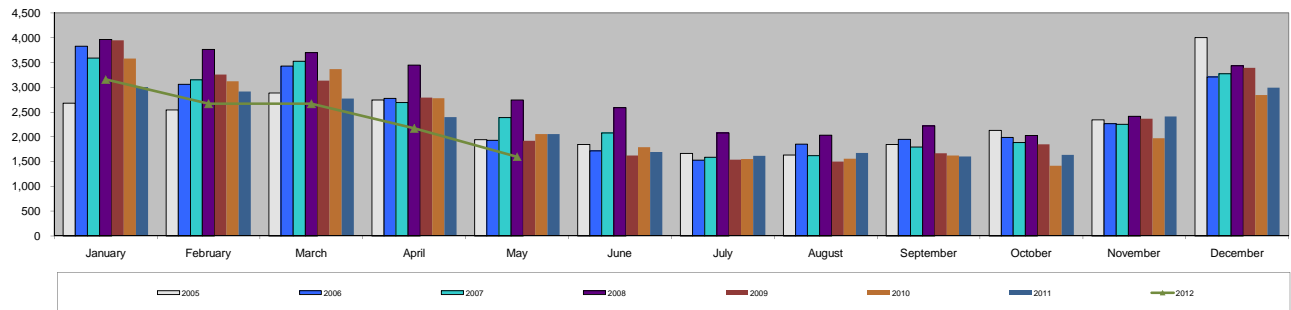
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Utilities**

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	2,675	2,675	3,829	3,829	3,591	3,591	3,961	3,961	3,950	3,950	3,577	3,577	3,004	3,004	3,159	3,159	5.2%	5.2%
February	2,540	5,215	3,056	6,885	3,149	6,740	3,765	7,726	3,253	7,203	3,118	6,695	2,913	5,917	2,668	5,827	-8.4%	-1.5%
March	2,883	8,098	3,428	10,313	3,525	10,265	3,699	11,425	3,134	10,337	3,365	10,060	2,772	8,689	2,667	8,494	-3.8%	-2.2%
April	2,741	10,839	2,778	13,091	2,694	12,959	3,448	14,873	2,792	13,129	2,779	12,839	2,400	11,089	2,170	10,664	-9.6%	-3.8%
May	1,939	12,778	1,926	15,017	2,386	15,345	2,742	17,615	1,917	15,046	2,057	14,896	2,057	13,146	1,597	12,261	-22.4%	-6.7%
June	1,846	14,624	1,713	16,730	2,078	17,423	2,588	20,203	1,620	16,666	1,793	16,689	1,693	14,839	0	12,261	n/a	n/a
July	1,663	16,287	1,529	18,259	1,588	19,011	2,075	22,278	1,539	18,205	1,548	18,237	1,614	16,453	0	12,261	n/a	n/a
August	1,629	17,916	1,854	20,113	1,621	20,632	2,031	24,309	1,497	19,702	1,558	19,795	1,673	18,126	0	12,261	n/a	n/a
September	1,843	19,759	1,949	22,062	1,792	22,424	2,219	26,528	1,667	21,369	1,625	21,420	1,604	19,730	0	12,261	n/a	n/a
October	2,127	21,886	1,987	24,049	1,883	24,307	2,026	28,554	1,845	23,214	1,412	22,832	1,632	21,362	0	12,261	n/a	n/a
November	2,340	24,226	2,264	26,313	2,251	26,558	2,411	30,965	2,364	25,578	1,972	24,804	2,409	23,771	0	12,261	n/a	n/a
December	4,005	28,231	3,206	29,519	3,271	29,829	3,435	34,400	3,389	28,967	2,845	27,649	2,991	26,762	0	12,261	n/a	n/a
<b>Totals</b>	<b>28,231</b>		<b>29,519</b>		<b>29,829</b>		<b>34,400</b>		<b>28,967</b>		<b>27,649</b>		<b>26,762</b>		<b>12,261</b>			

2012 Monthly Sales Tax Activity (in thousands of dollars)

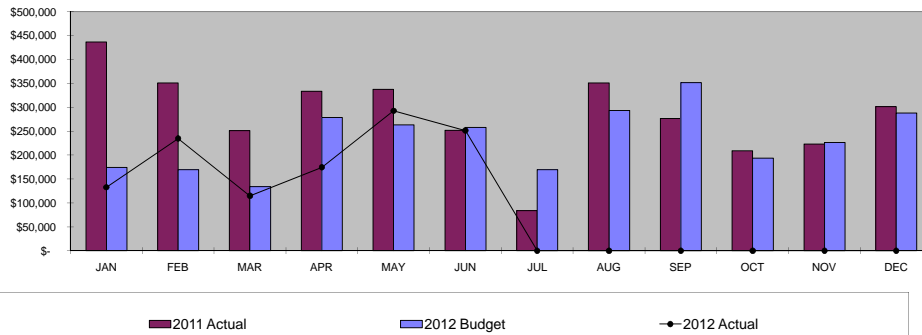


**TOWN OF BRECKENRIDGE  
REAL ESTATE TRANSFER TAX COLLECTIONS  
REPORTED IN THE PERIOD EARNED**

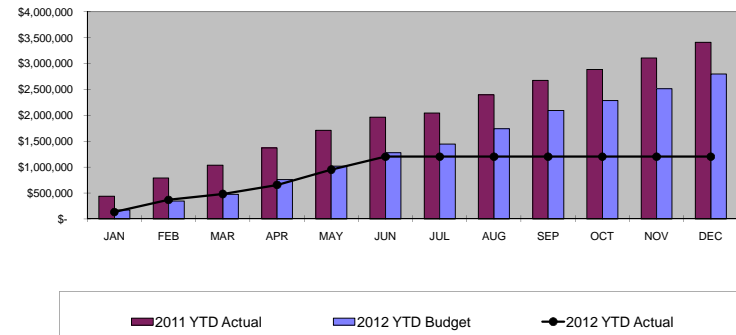
Sales Period	2007 Collections			2011 Collections			2012 Budget			2012 Monthly				2012 Year to Date			
	Tax Collected	Year To Date	Percent of Total	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	% Change from 2007	% Change from 2011	Actual	% of Budget	% Change from 2007	% Change from 2011
JAN	\$ 352,958	\$ 352,958	6.2%	\$ 436,605	\$ 436,605	12.8%	\$ 174,140	\$ 174,140	6.2%	\$ 132,557	76.1%	-62.4%	-69.6%	\$ 132,557	76.1%	-62.4%	-69.6%
FEB	342,995	695,953	12.3%	350,866	787,471	23.1%	\$ 169,224	\$ 343,364	12.3%	234,630	138.7%	-31.6%	-33.1%	367,186	106.9%	-47.2%	-53.4%
MAR	271,817	967,770	17.1%	250,986	1,038,457	30.5%	\$ 134,107	\$ 477,470	17.1%	114,921	85.7%	-57.7%	-54.2%	482,107	101.0%	-50.2%	-53.6%
APR	564,624	1,532,394	27.0%	333,424	1,371,881	40.3%	\$ 278,570	\$ 756,040	27.0%	174,514	62.6%	-69.1%	-47.7%	656,621	86.9%	-57.2%	-52.1%
MAY	533,680	2,066,074	36.4%	337,577	1,709,458	50.2%	\$ 263,303	\$ 1,019,342	36.4%	292,708	111.2%	-45.2%	-13.3%	949,329	93.1%	-54.1%	-44.5%
JUN	522,999	2,589,073	45.6%	251,806	1,961,263	57.6%	\$ 258,033	\$ 1,277,375	45.6%	251,400	97.4%	-51.9%	-0.2%	1,200,729	94.0%	-53.6%	-38.8%
JUL	343,610	2,932,683	51.7%	83,522	2,044,785	60.0%	\$ 169,527	\$ 1,446,903	51.7%	-	0.0%	n/a	n/a	1,200,729	83.0%	-59.1%	-41.3%
AUG	594,349	3,527,032	62.1%	350,730	2,395,515	70.3%	\$ 293,235	\$ 1,740,138	62.1%	-	0.0%	n/a	n/a	1,200,729	69.0%	-66.0%	-49.9%
SEP	711,996	4,239,028	74.7%	276,774	2,672,289	78.5%	\$ 351,278	\$ 2,091,416	74.7%	-	0.0%	n/a	n/a	1,200,729	57.4%	-71.7%	-55.1%
OCT	392,752	4,631,779	81.6%	208,831	2,881,120	84.6%	\$ 193,773	\$ 2,285,189	81.6%	-	0.0%	n/a	n/a	1,200,729	52.5%	-74.1%	-58.3%
NOV	459,147	5,090,926	89.7%	223,271	3,104,391	91.2%	\$ 226,530	\$ 2,511,719	89.7%	-	0.0%	n/a	n/a	1,200,729	47.8%	-76.4%	-61.3%
DEC	\$ 584,308	\$ 5,675,235	100.0%	\$ 301,397	\$ 3,405,788	100.0%	\$ 288,281	\$ 2,800,000	100.0%	\$ -	0.0%	n/a	n/a	\$ 1,200,729	42.9%	-78.8%	-64.7%

2012 budget is based upon 2007 monthly distribution  
June Collections through 06/30/12

2012 Monthly RETT Tax Collections



2012 Y.T.D. RETT Collections



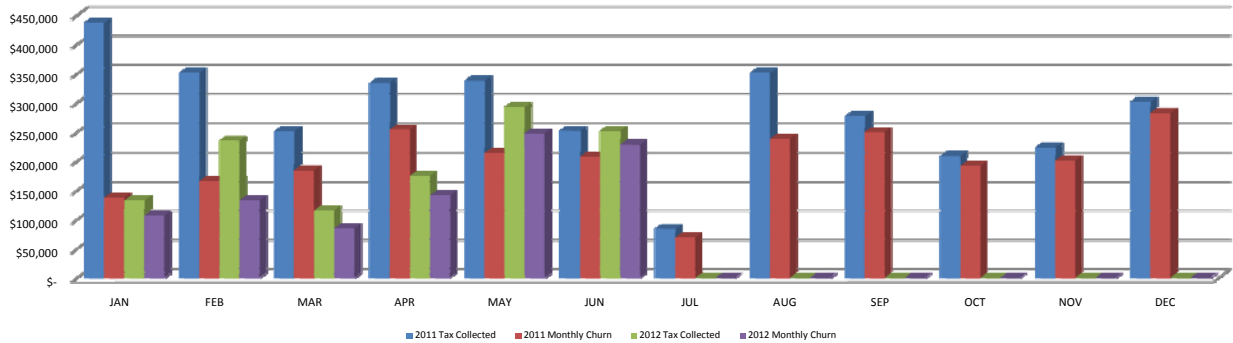


**TOWN OF BRECKENRIDGE  
REAL ESTATE TRANSFER TAX CHURN  
REPORTED IN THE PERIOD EARNED**

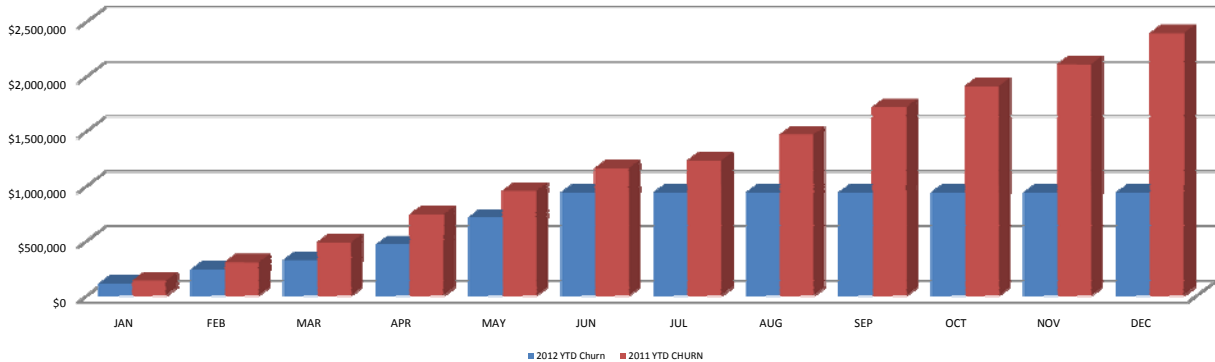
Sales Period	Tax Collected	Year To Date	2011 Collections				Monthly Churn	YTD Churn	% of YTD Total
			New Construction						
			Grand Lodge	1 Ski Hill	Water House	Other			
JAN	\$ 436,605	\$ 436,605	246,243	0	53,370	0	\$ 136,992	\$136,992	31.4%
FEB	\$ 350,866	\$ 787,471	147,234	26,482	11,550	0	\$ 165,599	\$302,592	38.4%
MAR	\$ 250,986	\$ 1,038,457	57,703	0	9,300	0	\$ 183,982	\$486,574	46.9%
APR	\$ 333,424	\$ 1,371,881	41,651	7,296	19,170	11,300	\$ 254,006	\$740,580	54.0%
MAY	\$ 337,577	\$ 1,709,458	87,830	36,403	0	0	\$ 213,344	\$953,925	55.8%
JUN	\$ 251,806	\$ 1,961,263	44,417	0	0	0	\$ 207,389	\$1,161,314	59.2%
JUL	\$ 83,522	\$ 2,044,785	14,277	0	0	0	\$ 69,244	\$1,230,558	60.2%
AUG	\$ 350,730	\$ 2,395,515	107,470	0	0	5,050	\$ 238,210	\$1,468,768	61.3%
SEP	\$ 276,774	\$ 2,672,289	27,114	0	0	0	\$ 249,660	\$1,718,428	64.3%
OCT	\$ 208,381	\$ 2,880,670	2,223	0	0	14,800	\$ 191,359	\$1,909,787	66.3%
NOV	\$ 223,271	\$ 3,103,941	5,083	17,212	0	0	\$ 200,975	\$2,110,762	68.0%
DEC	\$ 301,397	\$ 3,405,338	7,928	0	0	11,300	\$ 282,169	\$2,392,931	70.3%

Sales Period	Tax Collected	Year To Date	2012 Collections				Monthly Churn	YTD Budget	YTD Churn	% of YTD Total	% Change In Churn from Prior Year
			New Construction								
			Grand Lodge	1 Ski Hill	Water House	Other					
JAN	\$ 132,557	\$ 132,557	26,492	0	0	0	\$ 106,065	\$ 174,140	\$106,065	80.0%	-22.6%
FEB	\$ 234,630	\$ 367,186	69,718	0	0	32,250	\$ 132,661	\$ 343,364	\$238,726	65.0%	-21.1%
MAR	\$ 114,921	\$ 482,107	29,935	0	0	0	\$ 84,985	\$ 477,470	\$323,712	67.1%	-33.5%
APR	\$ 174,514	\$ 656,621	33,127	0	0	0	\$ 141,388	\$ 756,040	\$465,099	70.8%	-37.2%
MAY	\$ 292,708	\$ 949,329	45,605	0	0	0	\$ 247,103	\$ 1,019,342	\$712,203	75.0%	-25.3%
JUN	\$ 251,400	\$ 1,200,729	23,453	0	0	0	\$ 227,947	\$ 1,277,375	\$940,150	78.3%	-19.0%
JUL	\$ -	\$ 1,200,729					\$ -	\$ 1,446,903	\$940,150	n/a	n/a
AUG	\$ -	\$ 1,200,729					\$ -	\$ 1,740,138	\$940,150	n/a	n/a
SEP	\$ -	\$ 1,200,729					\$ -	\$ 2,091,416	\$940,150	n/a	n/a
OCT	\$ -	\$ 1,200,729					\$ -	\$ 2,285,189	\$940,150	n/a	n/a
NOV	\$ -	\$ 1,200,729					\$ -	\$ 2,511,719	\$940,150	n/a	n/a
DEC	\$ -	\$ 1,200,729					\$ -	\$ 2,800,000	\$940,150	n/a	n/a

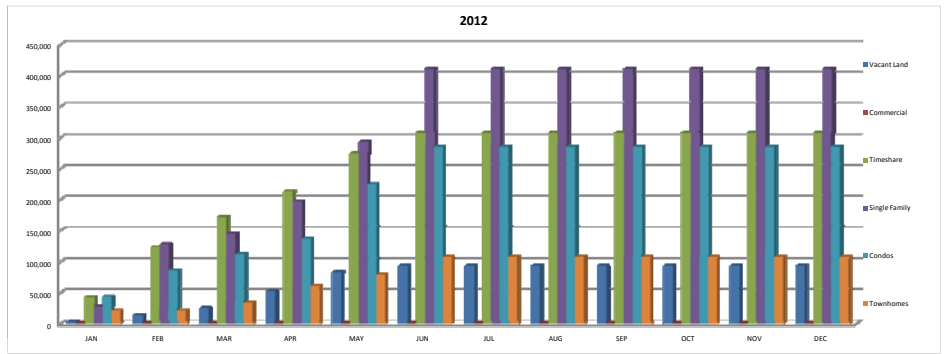
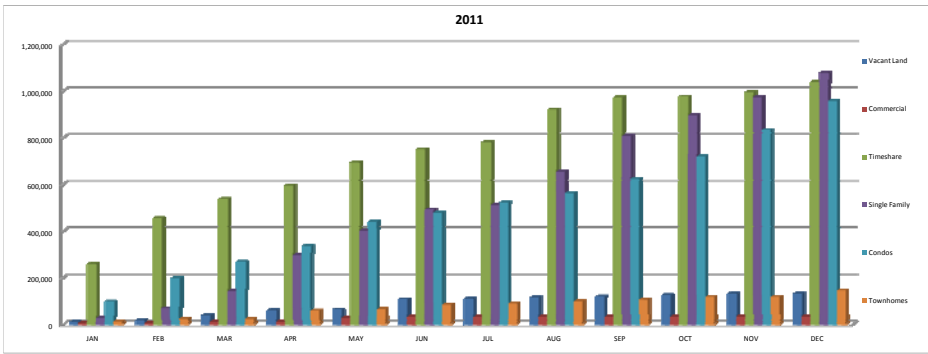
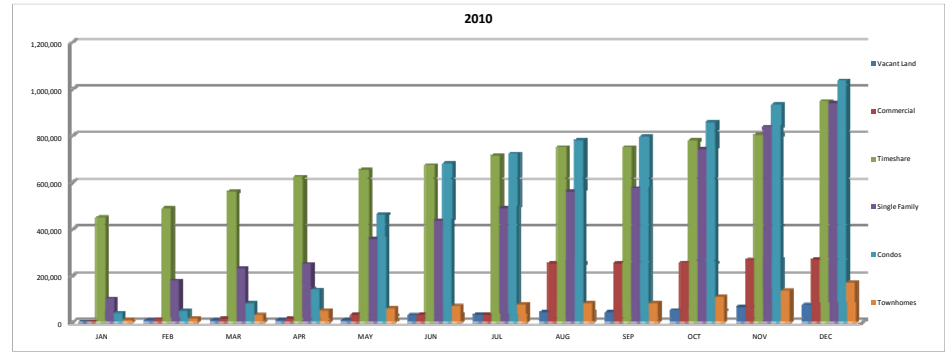
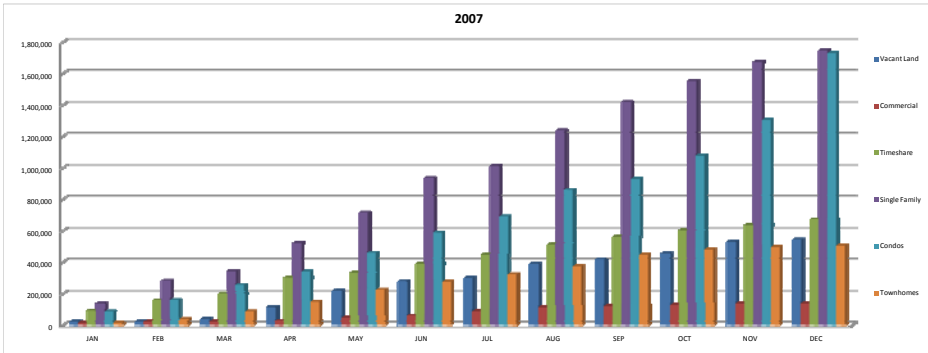
**RETT Monthly Collections vs. Churn**



**YTD Churn Analysis**

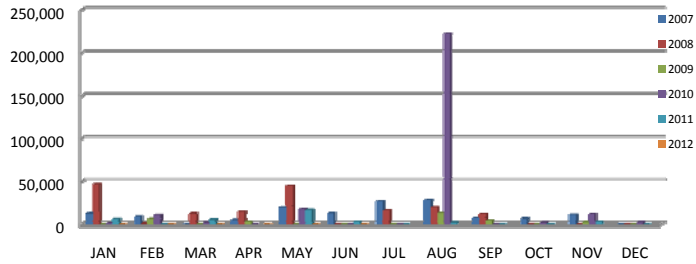


**TOWN OF BRECKENRIDGE  
REAL ESTATE TRANSFER TAX COLLECTIONS  
YTD CATEGORIES BY MONTH**

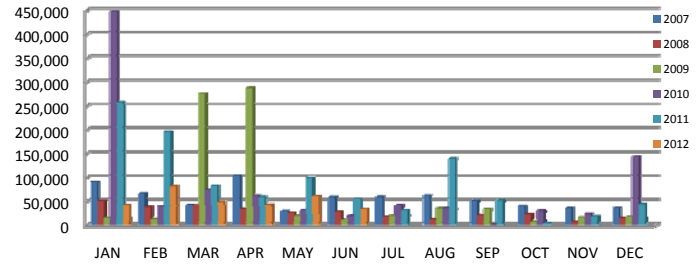


# TOWN OF BRECKENRIDGE REAL ESTATE TRANSFER TAX COLLECTIONS MONTHLY BY CATEGORY

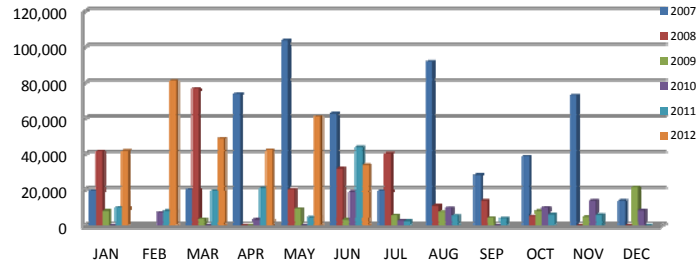
### Commercial



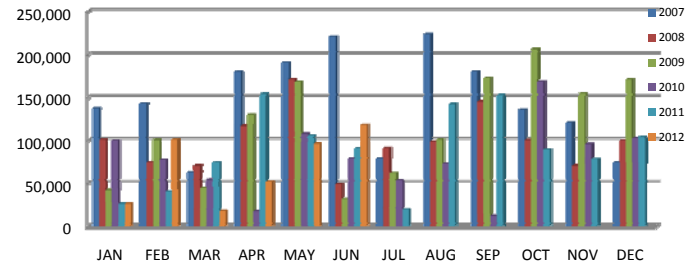
### Timeshare



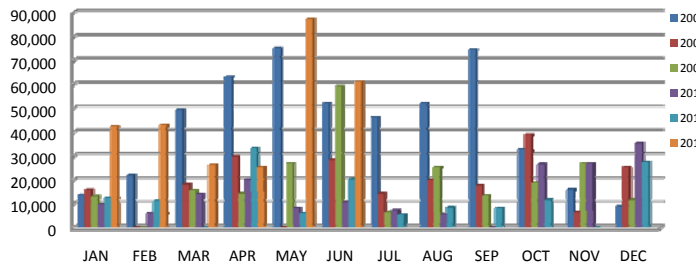
### Vacant Land



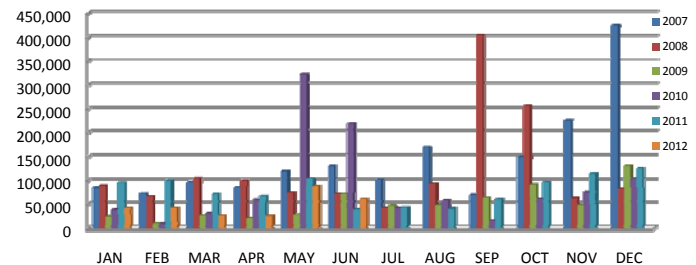
### Single Family



### Townhomes



### Condos



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**FINANCIAL MEMORANDUM**

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**TO:** TIM GAGEN, TOWN MANAGER; RICK HOLMAN, ASSISTANT TOWN MANAGER  
**FROM:** CLERK AND FINANCE DIVISION  
**SUBJECT:** TAXABLE REVENUE ANALYSIS BY SQUARE FOOTAGE  
**DATE:** 7/17/2012

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At a previous Town Council meeting, it was requested by Council that Staff prepare a comparative analysis of taxable revenue analysis by square footage. For accommodation units, it was requested that the number of units be used, instead of the square footage of the units. This memo is intended to provide an update of the project's status.

With the assistance of the County Assessor's office and the records of the Town's Community Development Department, we were able to compile the current square footages by sector. The amounts determined will serve as our baseline. Staff is unable to provide data prior to this date, due to the limited historical information on addressing (specifically information captured on units within our addressing data). Please review the information currently compiled on the following page.

Going forward, staff will provide an annual comparative report at year-end. This process will include assigning square footages by Business Sector as of January 1<sup>st</sup> with the comparison to year end net taxable sales totals for that year. For Accommodation Units, the data will compare by number of licensed units in Town. Alternatively, as shown above, we can provide an analysis based upon the number of bedrooms reported.

Staff will be present during the July 24 Work Session to respond to any questions that Council may have.

**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY SQUARE FOOTAGE**

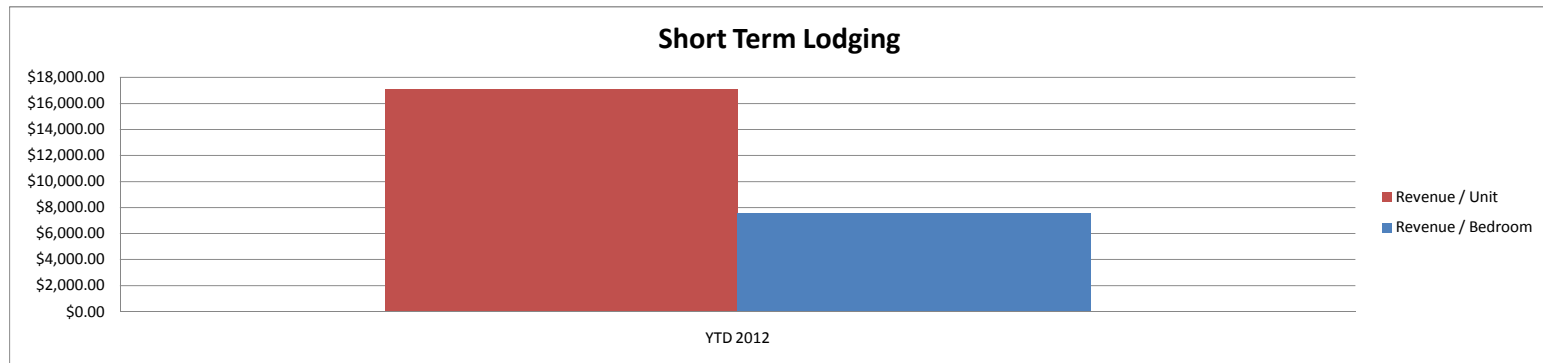
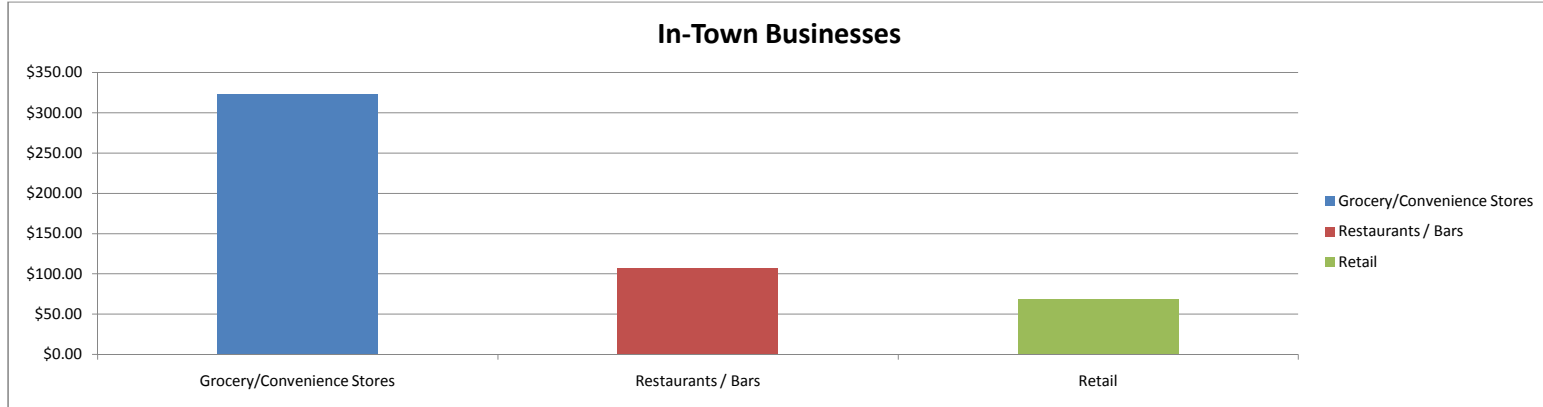
For the months of January - May 2012

**Net Taxable Sales / Square Foot**

Grocery/Convenience Stores \$ / sq ft	Restaurants / Bars \$ / sq ft	Retail \$ / sq ft	Short Term Lodging	
			per Unit	per Bedroom *
\$322.59	\$107.34	\$68.32	\$17,113.51	\$7,574.83

YTD 2012

\* Studio units are counted as 1 bedroom



# 2011 Breckenridge Recreation Department Annual Report





## Insights from the Recreation Director

**Dear Recreation Department Stakeholders,** It is with great pride that the department staff and I present this 2011 annual report. As you will see upon reviewing the highlights, summaries and data, it was another fantastic year for the department in many ways.

For starters, the department exceeded many of its financial goals including total cost recovery which reached 66% in 2011, the highest cost recovery since 2004. In line with the Town's goals to achieve and maintain 2006 level budget numbers, the Recreation Department was below 2006 expenditure levels while exceeding 2006 actual revenues, and required \$400,000 less subsidy in 2011 than in 2006. Although the improving economy played a large role in the department's financial success, a more important factor was the conscious effort of all department staff to control expenses, improve efficiencies, and provide high quality facilities, programs, and events that kept people coming back for more. All in all, the department served over 257,000 people in 2011!

The Recreation Department also went through a significant re-organization late in 2011, which helped to flatten our structure and re-align some managerial responsibilities and operations. The re-organization included the elimination of the Recreation Center Manager position and two Recreation Supervisor positions that are to be downgraded through attrition. This resulted in the creation of a new Facility Operations Manager position that is responsible for the recreation center and ice arena facilities. The Programs Manager assumed leadership of Tennis and Ice Programs, and there is now a clear distinction within the department between the management of our facilities and the management of the programming which occurs in them. This new staffing structure, while lean, is completely adequate to ensure we are able to meet all of our mandates and provide the quantity and quality of services, programs, and activities that the community expects from us.

In addition to successes in finances, participation numbers, and improving efficiencies, the Recreation Department initiated and accomplished other things that continue to make Breckenridge a great community. In support of Summit County Special Needs families, the department partnered with Easter Seals to support a summer day camp experience for youth with physical, mental, emotional, and developmental disabilities. The group met each Wednesday in the summer here in Breckenridge and used the recreation center as its base camp on those days. The Recreation Department also developed a new scholarship program to be introduced in 2012 which provides more families and individuals with the opportunity to receive financial assistance for access to facilities and programs. As the leader in providing youth services in Summit County, the department picked up much of the slack from the school district's decision to no longer offer after school and summer programming and increased our capacity to serve 100 youth each day in our Breckenridge Mountain Camp Program.

In looking toward 2012, the Recreation Department will be focused on continuing to improve operational efficiencies, improving the quality of the experience for all of our guests, and identifying opportunities for partnerships that allow us to share our resources with community partners that are also making Breckenridge a great place to live, visit, and play! Thanks for all of your support and continued patronage.

Mike Barney, Director of Recreation, Town of Breckenridge

# Acknowledgements

## 2011 Breckenridge Town Council



(Pictured left to right: Mike Dudick, Jen McAtamney, Jeffrey Bergeron, John Warner, Eric Mamula, Peter Joyce, Mark Burke)

## Recreation Department Management



Mike Barney  
Director of  
Recreation



Jenise Jensen  
Administrative  
Manager



Kevin Zygulski  
Facility Operations  
Manager



Bree Schacht  
Recreation Programs  
Manager



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## Vision, Mission & Values



# VISION

Breckenridge Recreation Department, leading Colorado's most active and healthy community!



# MISSION

The Breckenridge Recreation team offers quality programs, facilities, and services that encourage community participation and promote fun, physical activity, and growth.



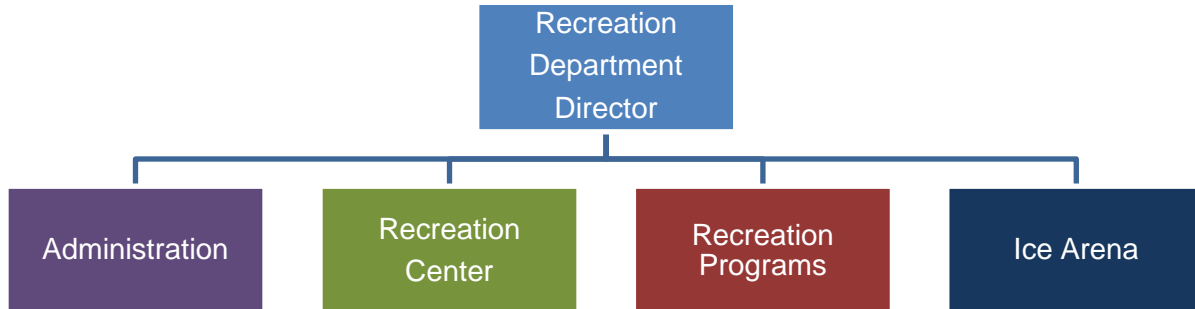
# VALUES

Influence • Relationships • Adaptability  
Knowledge • Communication

## Department Overview

### Recreation Department Divisions

The Recreation Department is separated into four separate operating divisions. Those divisions are: Administration, Recreation Center, Recreation Programs, and the Ice Arena.



The **Administrative Division** of the Town of Breckenridge Recreation Department consists of the following:

- Personnel administration and support for the department, including approximately 24 full time and over 200 part-time and/or seasonal employees.
- Software systems, processes and support for the Active software, which handles facility reservations, program registration, membership sales, and POS transactions for all financial transactions throughout the department.
- Finances, including reconciliations, record keeping, budgeting and reporting.
- Marketing and advertising, including website and social media development.
- Business development, strategic partnerships, grant administration and public relations

The **Recreation Center Division** of the Town of Breckenridge Recreation Department consists of the following:

- Operational management of the Rec Center
- Permitting of Carter Park and Kingdom Park Amenities.
- Fitness, wellness programs, and personal training programs.
- Aquatics programs and operations.
- Tennis programs and operations
- First aid, CPR & AED training for all department staff

The **Recreation Programs Division** of the Town of Breckenridge Recreation Department consists of the following:

- Financial management, risk management, and general programming for programs offered at the Recreation Center and held at various locations throughout Town, such as Carter Park, Kingdom Park, and town open space and trails.
- Adult sports, youth sports, sports camps, special events, and race series that accompany Town events.
- Climbing wall and climbing programs for adults and youth, climbing competitions, summer adventure camps, and outdoor recreation programming.
- Bearly Big childcare, toddler programs, preschool programs, home-school programs, licensed childcare including afterschool and summer day camp, and teen programs.
- Operations and facility management for Gold Run Nordic Center, guest services, pro shop, lessons, clinics, skier services, and special events.

The **Ice Arena Division** of the Town of Breckenridge Recreation Department consists of the following:

- Operational management of the Stephen C. West Ice Arena, including indoor and outdoor ice sheets, pro shop, meeting rooms, guest services, and facility rentals and events.
- Figure Skating Programs including learn to skate, freestyle programming, feature ice shows, and special events.
- Hockey Programs including mini-mites, learn to play hockey, hockey leagues, tournaments, and special events.

## Partnerships

The Recreation Department is committed to providing recreational opportunities for the community. To that end, the Department partners with a number of organizations and businesses by providing facilities, services and fundraisers that support many community organizations and activities. Some of the more significant partnerships include:

- The Great Egg Scramble, made possible through a grant from Vail Resorts ECHO, had a total of 400 participants, consisting of 200 parents and 200 youth. There were multiple egg scrambles from 10a-Noon, including a pool, climbing wall and gym scramble. In addition, the inflatables were used by many children in between other activities.
- The 3<sup>rd</sup> Annual Tons of Trucks event took place on Saturday, June 4<sup>th</sup> from 10a-1p at the Riverwalk Center. There were over 500 in attendance, with 20 vehicles on display for families to enjoy. New this year was the addition of inflatable rides and sponsors Kava and LaMontana Linda. Other Town departments who participated in the event included the Riverwalk Center (co-sponsor), Streets, Ice, Transit and Police.
- For the third year, The North Face Breckenridge was the title sponsor of the Summit Trail Running Series. This year the event also had sponsorships from The Quandary Grille and Mountain Beverage (Coors) and new sponsorships were created with Ultimate Direction, MiCasa, Coconut Water, and Pop Chips.
- The Hockey Classic, a fundraiser for Summit Youth Hockey Association, raised over \$24,000 on April 1-2, 2011. The event is annually played on a Friday and Saturday, with local adult league players as well as celebrity players. Four teams play a round robin format and the teams were sponsored by Peak One Surgery Center, Vail Summit Orthopedics, Beaver Run Resort, and Copper Mountain.
- Kingdom Kup Hockey Tournament – In October, the annual Kingdom Kup Hockey Tournament was hosted at the Ice Arena



as another fundraiser for Summit Youth Hockey Association. The tournament included 8 teams for PeeWee and Bantam aged players (11-14 yrs old).

- Gold Run Nordic Center partnered with the Summit High School, Summit Middle School and the Summit Nordic Ski Club to host the High School Pursuit Races on January 2<sup>nd</sup>. This was a qualifying race for the state championships with 300 participants statewide. This was an unique event for high school racers because it was the first time in the state of Colorado that a continuous pursuit was used as a qualifying race for classic and freestyle compared to the typical qualifying races where competitors will compete in classic in the morning and freestyle in the afternoon. The race format was well-received by the competitors and a majority of the racers said that this was the best race they've competed in this year!
- In January, Gold Run Nordic Center hosted the annual Ullr Bonfire with 100 spectators to kick off the week of Ullrfest activities. The event was coordinator by the Breckenridge Resort Chamber and the highlight of the evening was the crowning of the Ullr King and Queen.
- The Breckenridge Recreation Center partnered with the Breckenridge Festival of Film for the annual Festival of Film Tennis Tournament on July 9<sup>th</sup>, 2011. This mixed-doubles and round-robin tournament helps support the film festival that comes to Breckenridge every summer.

The Recreation Department provides support to over 25 local non-profit organizations with donations or in-kind services, including the Summit Foundation, the Summit Nordic Ski Club, Summit Youth Hockey Association, Carriage House, Advocates for Victims of Assault, Team Breck, the Family Intercultural Resource Center, Keystone Science School, Little Red, the BOEC, Mountain Top Children's Museum, Breckenridge Elementary School, Upper Blue Elementary School, Summit High School, the National Repertory Orchestra and the Breckenridge Music Festival, Breckenridge Film Festival, LAPS, and the Lake Dillon Foundation for the Performing Arts.



## 2011 Department Highlights (Projects, Programs, Services)

2011 continued with business and operational changes that were implemented since 2008. The Recreation Department began 2011 with a projected expense budget of \$4,526,480 and ended the year at \$4,115,124. This was a \$411,356 savings.

As outlined in the customer feedback section of this report, the Recreation Department collects customer feedback through random surveys, program evaluations, and customer comment cards. A total of 1,279 written facility and program surveys were collected throughout the year.

Total participation in the Programs Division, was up slightly from 2010, with 37,383 total participants in 2011 compared to 36,660 in 2010. The primary areas with an increase were Outdoor Recreation and Youth. There was a decline in Nordic and Sports & Special Events participation in 2011 compared to 2010.

Total participation in Recreation Center facility and programs was 174,192 in 2011 and 173,843 in 2010. This includes general admission, pass visits, fitness programs, and aquatics programs. Total Participation at the Ice Arena was 21,604 in 2011 and 20,134 in 2010. This includes general admission, pass visits, freestyle admission, and drop-in hockey and stick and puck sessions.

The Programs Division initiated the development of a Comprehensive Program Plan that will define the types of services, programs, and activities that the department will offer to the community and its' guests. The first phase completed was an environmental scan to identify all of the services and programs currently being offered in the community. A community survey will be completed in early 2012 to assess the types of activities and programs that the community desires and establish the foundational purpose for how the department serves the community.

During the week of June 6<sup>th</sup>, a new flooring system was installed at the climbing wall. The new flooring system is a Pad-Less System, which consists of two layers of open cell foam (one layer is 8" and the other is 4") that is covered with a vinyl coated fabric cover. This flooring system eliminates the need for individual bouldering crash pads, and has significantly minimized ankle injuries from the landing on the edge of these crash pads.

The Recreation Center conducted an annual maintenance shutdown from October 10 -16<sup>th</sup>. Major projects included the removal of the old climbing wall in the gym and installation of a new storage closet. This project actually started one week



earlier than the total facility shutdown. The Facilities division of the Public Works department was instrumental to the project. Other projects during the shutdown included routine maintenance, such as draining and cleaning the pools, painting throughout the entire facility, stripping and re-sealing the wood floors, cleaning carpets throughout the facility, and cleaning all equipment.

The Ice Arena did a bi-annual shutdown in May to remove the ice sheet and inspect dasher boards, as well as the floor and refrigeration system. In addition, the locker room and shower room walls were painted, restrooms and the back hallway behind the bleachers were re-painted, and the bleachers were re-painted. Both ice resurfacers were serviced and thoroughly cleaned and waxed. The cooling tower for the refrigeration system was completely serviced during this time, and the ice sheet was reinstalled.

Recreation Department staff offered many new programs throughout the year, and a few of the highlights included:

- Expansion of the Breckenridge Mountain Summer Camp (BMC) to a capacity of 100 participants per day, to better meet the needs of youth and families within the Summit County community. As a result of the expansion, the BMC Summer Camp saw an increase of 1,426 participants over 2010, and participation hit an all-time high of 4,831 campers. This expansion of the state-licensed youth program extended into the school year, with a new Frisco transportation option for afterschool programs. As a result, the BMC Afterschool program was up 847 participants.
- The Recreation Center hosted an Open House on Saturday, May 14<sup>th</sup>. During the Open House, staff was available to provide information and assist with registration of summer programs. There were 412 people in attendance at the Recreation Center during the Open House.

When out-of-town visitors travel to Breckenridge specifically to attend Recreation Department facilities or programs, economic impact data is collected utilizing formulas provided by the Breckenridge Resort Chamber. In 2011, the economic impact of programs and services offered by the Recreation Department was \$1,094,611. This economic impact came from recreation programs (\$188,609), the Ice Arena (\$452,772), and the Recreation Center/ Carter Park (\$453,230).





## Recreation Center Operations

Highlights for the Recreation Center Division in 2011 included the following:

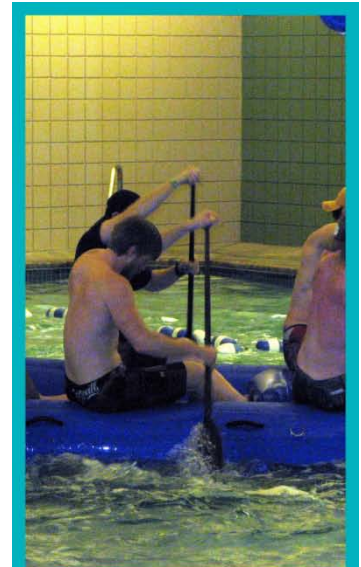
- Finances:
  - Achieved 102% of the revenue budget
  - Spent 88% of expense budget
  - Cost recovery for the Division was 91%, budgeted cost recovery for the division was 78%
  - Subsidy for the Division was \$148,809
- Total participation in Recreation Center facility and programs was 176,475 in 2011 and 173,843 in 2010. This includes general admission, pass visits, fitness programs, and aquatics programs. Fitness program total visits for 2011 was 27,175 and Aquatics program total visits for 2011 was 4,462.
- Significant equipment purchases were made in 2011 that included Jacob's Ladder, Technogym Crossover, 2 LifeFitness ellipticals, 2 Concept II rowing machines, and a FreeMotion treadmill. Most of this (all but the Jacob's Ladder) was purchased late in the year, primarily in November and December.
- Tennis attained 80% of the tennis revenue budget for the year with \$171,497. The two areas that performed well were tennis lessons, which came in at 109% of budget, and the tennis pro shop, which came in at 90% of budget. Tennis court fees were significantly under budget, generating ~\$40,000 and only attaining 51% of the revenue budget. This can mainly be attributed to the fee structure of court rentals, and staff restructured the fees in October. The new fee structure had been well-received from the tennis community and has resulted in an increase of \$2,171 from October through December of 2011, compared to the same time period in 2010.
- Overall there were 9,068 visits for tennis in 2011 and participation numbers were up 38%, primarily due to an increase in participation in tennis leagues and tennis lessons.
- The Department scholarship program continues to be a success, with \$3,022 granted in scholarships to those in need. Individuals interested in applying must complete scholarship application and show proof of need to the department's scholarship committee, who meet quarterly to review all applications.



## Recreation Programs

Highlights for the Programs Division in 2011 included the following:

- Finances:
  - Achieved 117% of revenue budget for the year
  - Spent 101% of the expense budget
  - Cost recovery for the Division was 64%, which is 9% higher than the budgeted cost recovery of 55%.
  - Subsidy for the Division was \$222,485.
- Summer day camp recreation fees account for approximately 30% of the total Programs budget. The summer camp program had one of the best summers on record, coming in at 138% of revenue budget at \$134,987.
- Overall participation numbers increased approximately 6% compared to 2010 numbers. The increase in program numbers can primarily be attributed to the success of BMC Summer Camp, the increased popularity in youth climbing programs and Taekwondo, an increase in climbing wall visits, and additional BMC Afterschool & No School Days participants.
- The Programs Division developed a Character Building component that will be incorporated into all youth programs beginning in Spring 2012. This Character Building piece will specifically focus on teaching, encouraging and increasing our youth's awareness and understanding of Respect, Responsibility and Sportsmanship. Youth participants caught displaying positive Character Building will be recognized and awarded for their positive behavior PLUS, they will be eligible for the Monthly MVP Award, the winner of which will have his/her photo and write-up posted in the Recreation Center lobby.
- The 2<sup>nd</sup> Annual Breck Ascent Series: This 5-race series kicked off on January 12th and was a collaboration between the Breckenridge Ski Resort and the Breckenridge Recreation Center. For the races, competitors raced uphill from the base of Peak 8, 9 or 10 using different ski hill runs for each race. The Breck Ascent Series saw a total of 237 participants and included sponsorships from Backcountry Access, Mountain Outfitters, Breckenridge Ski Resort, and Lucha.



- A new sponsorship was created with The North Face on a corporate level (the Skylark Group). This sponsorship assisted in the purchasing of additional t-shirts for the 4th Annual Independence Day 10K Trail Running Race. This race saw a big increase in participation from 278 in 2010 to a record of 350 runners, which sold-out the event. The race started at 7am and finished at Carter Park so that participants were done racing in time to watch the parade and join in on the other 4th of July festivities offered by the Town of Breckenridge.
- The Summit Trail Running Series had a record-setting year with a total of 1,180 racers, an increase of almost 10% from 2010.
- Highlights of new programs for 2011 included:
  - Peaceful Warriors . This session-based youth yoga class ran during the school year in 2011. Over this time, there were 122 participants.
  - The inaugural Hunky Dory Half Marathon took place on Saturday, August 6th. This event had 65 participants and utilized numerous Town trails. Vista Point Park was the registration and finishing site and runners were able to take advantage of lunch from Soupz On after the race.
  - A free Speaker Series was added to kick off the Summit Trail Running Series. The first speaker, Julie Thebeau (Certified Running Coach, RRCA and a Mind + Motion Coach) spoke on fueling and training strategies for trail running, and the second speaker was Helen Cospolich (Recreation Dept Marketing Coordinator & a member of The North Face Endurance Running Team), who spoke on her adventures while competing on The North Face Endurance Team.
  - Other new programs included: Skateboard Field Trips, Ladies Skateboarding Night, Drum Lessons, Upper Blue Elementary Wellness Day, Back to School Night, a fall session of Afterschool Lacrosse, and the Outdoor Recreation Camps were given a complete facelift in order to attract additional participants and are now called the Wild Child Wilderness Camp and High Altitude Heritage Camp.



## Nordic

Highlights for Gold Run Nordic Center in 2011 included the following:

- Finances:
  - Achieved 116% of revenue budget for the year
  - Spent 102% of the expense budget
  - Cost recovery for the Division was 75%, which is 9% higher than the budgeted cost recovery of 66%
  - Subsidy for Nordic was \$82,356.
- Nordic staff worked with the Town Open Space Department to have the Preston Loop trail widened and rerouted during the summer of 2011. This trail change helped to improve skier safety as it reduced blind spots, allowed the Preston Loop to be groomed by the snowcat instead of the snowmobile (which should lower grooming costs), and received positive feedback from the guests who stated it skied better and was more appealing aesthetically.
- Overall participation numbers at Gold Run were down compared to 2010 participation. Some of the contributing factors to the lower numbers are the great snow conditions on the mountains in January through March of 2011, and the poor snow conditions from November through December 2011. As a result, season pass visits were down 1,355 visits, punch passes were down 470 visits and daily pass visits were down 826 visits. However, Nordic events and programs in 2011 were popular, coming in with an additional 396 visits compared to 2010.
- The Wellington and Frisco Peak One Neighborhoods teamed up with the Gold Run Nordic Center for a Thursday Night Race Series. This sponsorship provided Gold Run with 1-2 volunteers, snacks, drinks and glowsticks for each race; assisted with initiating “theme” races (ie – 70s Night); and provided an additional marketing method for Gold Run events, as the photos and videos from the races were posted on the Wellington and Peak One Neighborhood’s Facebook pages.
- The Summit Nordic Ski Club continues to have a strong relationship with Breckenridge Gold Run Nordic. In exchange for space in the wax room at Gold Run for the club to use, the Ski Club provides the Nordic Center with pace skiers for the youth in the Thursday Night Race Series and mentors for the Bill Koch Youth Ski programs.



## Stephen C. West Ice Arena Operations

Highlights for the Ice Arena Division in 2011 included the following:

- Finances:
  - Achieved 94% of revenue budget
  - Spent 86% of expense budget
  - Cost recovery for the Division was 65%, budgeted cost recovery for the division was 60%
  - Subsidy for the Division was \$335,441
- Ice Programs had a total of 18,840 visits in 2011, which was 979 more participants than in 2010. The increase can be attributed to an additional 669 hockey league participants, 84 hockey clinic and Mini Mite participants, and 347 more skaters enrolled in Breckenridge Skating School in 2011 compared to 2010.
- The Men's Spring Fling Tournament took place May 20-22, 2012. The tournament had a record number of teams and filled to capacity with 14 teams this year. There were 7 local teams and 7 teams from all over Colorado, generating an economic impact of \$44,480.
- During 2011, there were a total of 77 adult league hockey teams and 12 Breck Betties hockey teams, generating \$159,174 in revenue.
- September 16-18th was the Oktoberfest Women's Tournament, which attracted 11 teams that were a combination of local and in-state players. The visiting teams had an economic impact of \$50,180.
- The spring ice skating show had a record number of spectators, with 281! This can be attributed to the audience connecting with the storyline of the show, as the theme incorporated aspects of The Little Mermaid.



## Administration

Highlights for the Administrative Division in 2011 included the following:

**ACTIVENET SOFTWARE:** The department utilizes the Active software system to conduct all business transactions, including point-of-sale, membership sales, activity and program registration and facility scheduling. During 2011, the department continued to push online program registration and online membership purchases.

- Total online revenue for the year was \$414,124, accounting for approximately 14% of the department’s revenue, and online sales more than doubled from 2010. This year the Rec Center pass sales surpassed Nordic’s season pass sales in total online sales. Online Rec Center pass sales made up 39% of the total online sales, while Nordic pass sales made up 17%. Nordic guest seemed more comfortable with purchasing season passes online, as 71% of all Nordic season passes were purchased online.
- Hockey league registration went online in 2011. Adding this feature allows players to register online when it is convenient for them and provides a “greener” solution, with respect to a decrease in paperwork printed. Additionally, having the leagues online has also allowed participants to see results and standings in real time. Player feedback on seeing results and standings online has been overwhelmingly positive.
- Lastly, online gift certificate purchasing was rolled out in 2011. Guests are now able to purchase gift certificates for their friends and family online. The gift certificates come in \$50 increments, and during 2011, over \$1,000 was redeemed in gift certificate purchases online.
- Staff routinely uses the electronic messaging components of the software system and e-blasts on upcoming programs, activities and special events are now sent monthly to all users.

**HUMAN RESOURCES:** As part of personnel support, the administrative division processes all personnel paperwork (hiring, separations, evaluations and status changes) from the department to Human Resources.

- During 2011, paperwork was processed for approximately 350 separate employee actions.
- Administration provides support, guidance and training to supervisors and managers throughout the department on coaching, counseling and training for department employees.



**GUEST FEEDBACK:** In August 2011, administrative staff developed a new Customer Comment Card Database. This has allowed the department to easily track the large volume of comments cards received by the department (450 year to date).

- The new MS Access database has given managers and coordinators a new and easier way to search customer comments, including the ability to see trends and keywords. The new system has also created a uniform system of reporting and analysis for staff, further enabling supervisors to respond to customer feedback with more ease and within a timely manner.

**WEBSITE:** The Administrative division maintains the Recreation Department’s web pages on the Town of Breckenridge’s website and social media initiatives. During 2011, administrative staff worked to improve website pages by adding interactive links to individual programs in the ActiveNet system. This action helped drive online registration for programs and events for the department. In addition, staff used the website pages to advertise online promotions, contributing to more traffic to the site.

- The Town of Breckenridge website has 652 pages, and the Recreation Center page ranked 5<sup>th</sup> overall with 27,005 visits and 33,241 page views. The Recreation (general) page followed closely in 8<sup>th</sup> overall with 20,493 visits and 25,667 page views (an increase over 2010). The increase in the Recreation main page presence can be attributed to the strong online registration push for the department, which included special promotions and focused marketing efforts throughout the year. Most of the Recreation Department main pages fell within the top 25 most visited pages of the site overall.

Other top performing recreation pages included:

- 10<sup>th</sup> - Fun Things To Do – 15,597 visits; 19,311 pageviews
- 14<sup>th</sup> – Recreation Center Daily Admission – 14,573 visits; 18,675 pageviews
- 16<sup>th</sup> – Stephen C. West Ice Arena – 11,991 visits; 14,286 pageviews
- 20<sup>th</sup> – Recreation Programs – 9,491 visits; 11,881 pageviews



## Marketing

### Initiatives and Successes

Over the course of 2011, the Recreation Department stayed in the forefront with locals and visitors through a variety of print, radio, television and social media, as well as direct communication in the form of e-mail blasts and website updates.

Some of the highlights included:

- In the spring, the department rolled out the 2011 Recreation Bucket List of activities. This promotion featured a list of activities to try before the end of the year, with the goal to drive registration to new and less popular programs. The Bucket List was promoted in print ads and within the Recreation facilities. Most featured programs saw increases in overall enrollment.
- The effective use of e-blasts to communicate with guests and past program participants resulted in 66 separate e-blasts sent through the ActiveNet system in 2011, which encompassed approximately 96,000 individuals.
- The Department partnered with National sports teams (United States, Canada, etc) to promote the Recreation Center as the training facility of choice for future Olympic and elite athletes. These partnerships included a meet and greet session with the U.S. Snowboard Team, a Sports Science seminar with the Australian Halfpipe Snowboard Team, youth and teen programming with the U.S. Rafting Team, and multiple recorded features on Summit County Television featuring individual athletes using the facility.
- The Recreation Department hosted an Olympic Day in partnership with the National Recreation and Parks Association (NRPA) in June. Olympic Day featured two Olympians and included free activities for approximately 100 children (ages 3-12) who attended.
- The Town of Breckenridge website saw consistent growth as one of the primary ways guests receive information, according to surveys conducted throughout the year. Overall, it was the 3<sup>rd</sup> most popular way to learn about facilities, programs and events, behind “Past Participant” and “Other”. Website statistics indicate more than 33,000 page views occurred during the year, which was consistent with 2010 numbers. Staff worked throughout the year to improve page layout and graphics, resulting in increased online registration statistics.





- Beginning in the fall, the Department ran a series of glossy 2-month calendar inserts in 10,000 Summit Daily News copies around the county. Success of the inserts was loosely tracked through QR Codes (Quick Reference for mobile phones), with limited tracking of the codes. However, anecdotal feedback indicates the calendars were popular, especially among local parents.

**SOCIAL MEDIA** - The Department’s social media initiative, in the form of Facebook, Twitter and a Wordpress Blog site, continued to grow in reach throughout 2011. The goal of each of these media forms was to communicate program and facility information to guests in a method different from traditional media, with the call to action being online registration through the Town of Breckenridge website. Facebook grew in scope to 516 lifetime likes, and staff continues to use a Twitter account that gained 2,629 followers. Wordpress continued to gain views via access to the site through our Facebook page, with 2,574 blog views in 2011, an increase of nearly 500% over 2010. In all, Social Media value in advertising dollars is estimated to be more than \$60,000 in 2011. Value was calculated using the 2010 Syncapse Analysis, equating Facebook Fans to \$136.38 per fan, Facebook Shares to \$14 per share, Facebook Likes to \$8 per like, Twitter Tweets to \$5 per Tweet and Twitter Follows to \$2 per follow (reference: SocialMediaToday.com).

**BLACK FRIDAY SALE** - On November 24, 2011, the Division ran a revised BLACK FRIDAY sale, which took place online only on Friday, November 24, the day after Thanksgiving. The sale was heavily marketed in an entirely new format. A new pass product was developed with the goal of meeting the needs of winter seasonal visitors, and a cartoon ad series was developed. Advertising and promotion was done via multiple e-blasts, print ads in the Summit Daily News, live mentions on local TV, website presence and radio ads on KSMT and KYSL. The result of this promotion was over \$97,000 of online purchases on that one single day. Approximately 576 of these new passes were sold. Staff analyzed each sale and 66% of the sales were to new customers, or customers that had not had a pass for over 6 months.

### Net Promoter and Customer Feedback

The department seeks regular feedback throughout the year, through written evaluations, comment cards and online surveys. We measure the effectiveness of our marketing efforts, along with guest satisfaction. The goal is to utilize feedback to constantly improve facilities, programs and services to the community.



**Net Promoter Score:**

A net promoter score (NPS) is the result of a customer satisfaction survey in which customers are asked only one "Ultimate" question: How likely are you to recommend Company or Product X to a friend or colleague? Responses to the "ultimate question" above are solicited on a 0 - 10 scale, with 0 meaning the least likely to recommend and 10 meaning the most likely to recommend. The 0 - 10 scale is required for proper NPS calculation. Responses are then coded as follows:

Customers rating 9-10 are called promoters.

Customers rating 7-8 are called neutral.

Customer rating 0-6 are called detractors.

The difference between the percentage of a company's promoters and detractors is the Net Promoter Score (NPS). For example, if 50% of a company's customers respond with a 9 or 10, and 30% respond 0 - 6, the company's NPS would be 20%.

A customer's response to the "recommend" question typically serves as a strong indicator of that individual's economic value to the company. For example, according to research, customers with higher scores typically buy more, remain customers for longer, and refer others than do those with lower scores. Aggregated across an entire customer set, the Net Promoter score is expected to signify a company's growth potential based on the strength of its customer relationships. It can also help management make the right decisions to facilitate such growth. NPS methodology is credited with the ability to both identify and create fast growth companies and help build market share by moving managerial focus away from short-term profits and toward long-term value in positive customer relationships. NPS reports can therefore be used as an additional managerial tool to accompany a firm's financial statements.

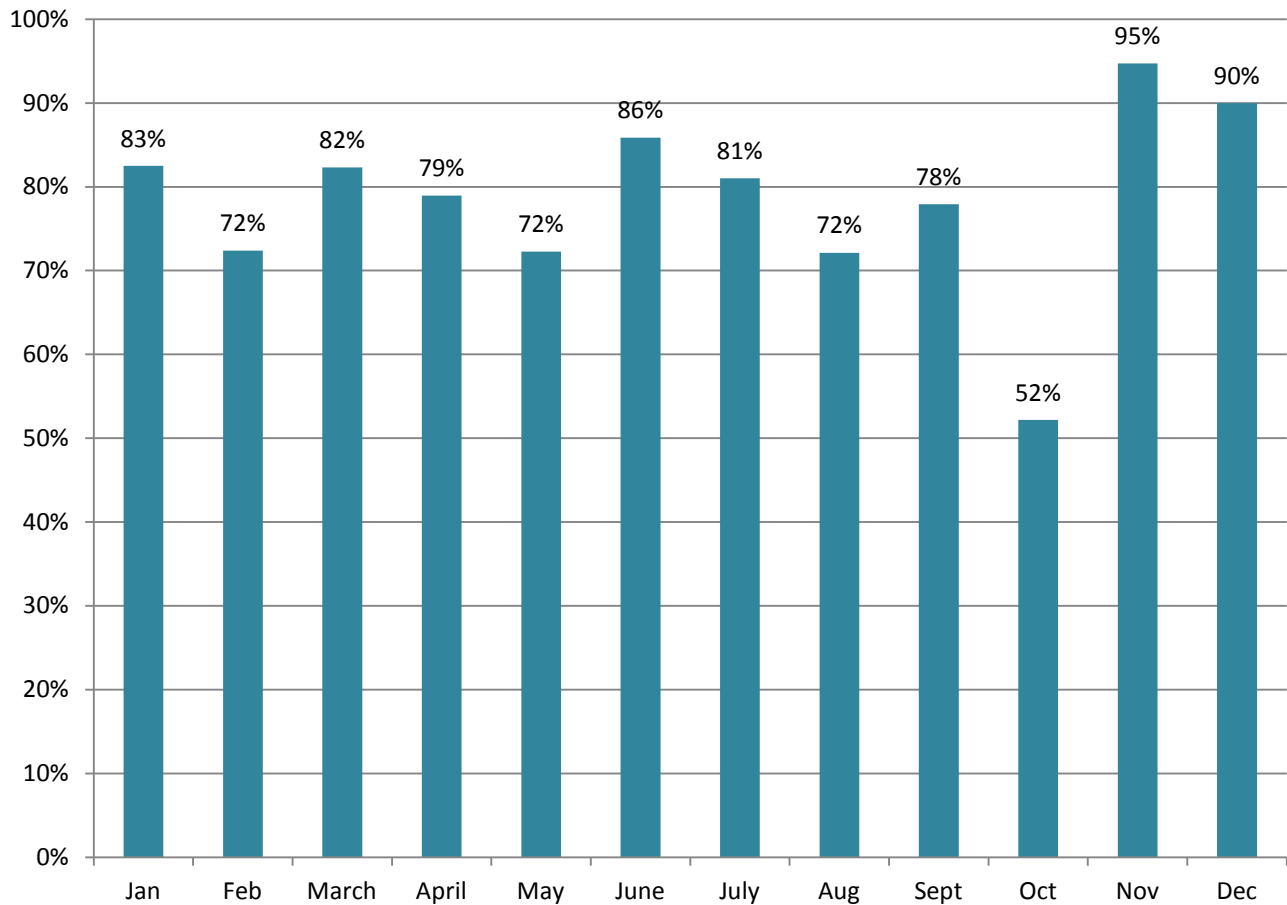
**Net Promoter® Leaders**  
Source: Satmetrix 2012 Net Promoter® Benchmark Study of U.S. Consumers

Company	NPS®
USAA - Banking	83%
Amazon.com - Online Shopping	76%
USAA - Auto Insurance	74%
Trader Joe's - Grocery	73%
Wegmans - Grocery	73%
Costco - Department Stores	71%
Apple - Computer Hardware	71%
USAA - Homeowners Insurance	71%
Apple - Computer Software	68%
HEB - Grocery	68%

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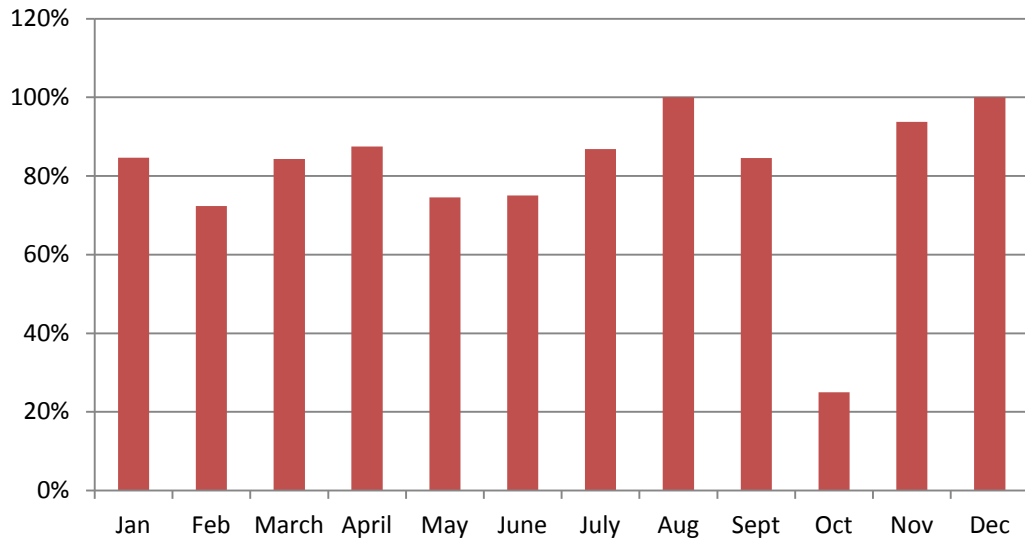


# 2011 Recreation Department Net Promoter Score (1,279 Respondents) 80% Overall



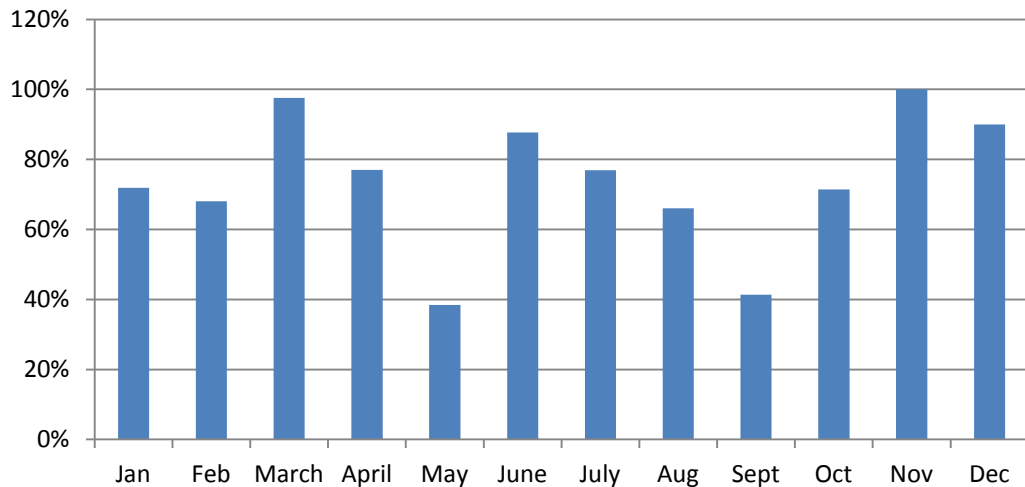
## Recreation Center

**2011 Net Promoter Score (498 Respondents): 81%**

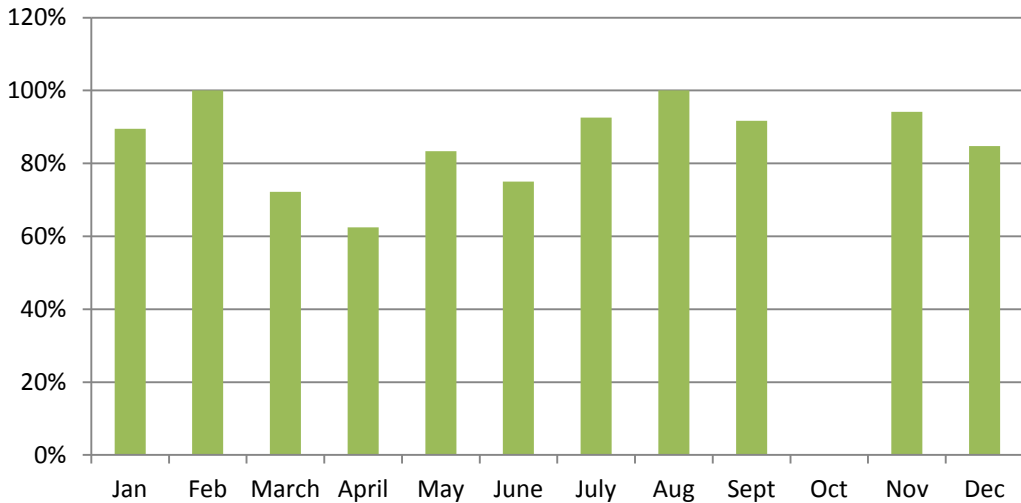


## Recreation Programs

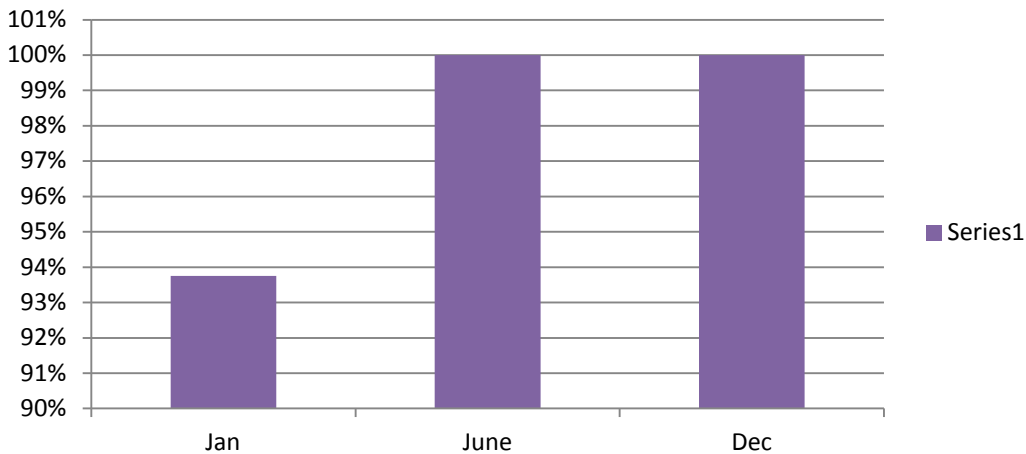
**2011 Net Promoter Score (516 Respondents): 76%**



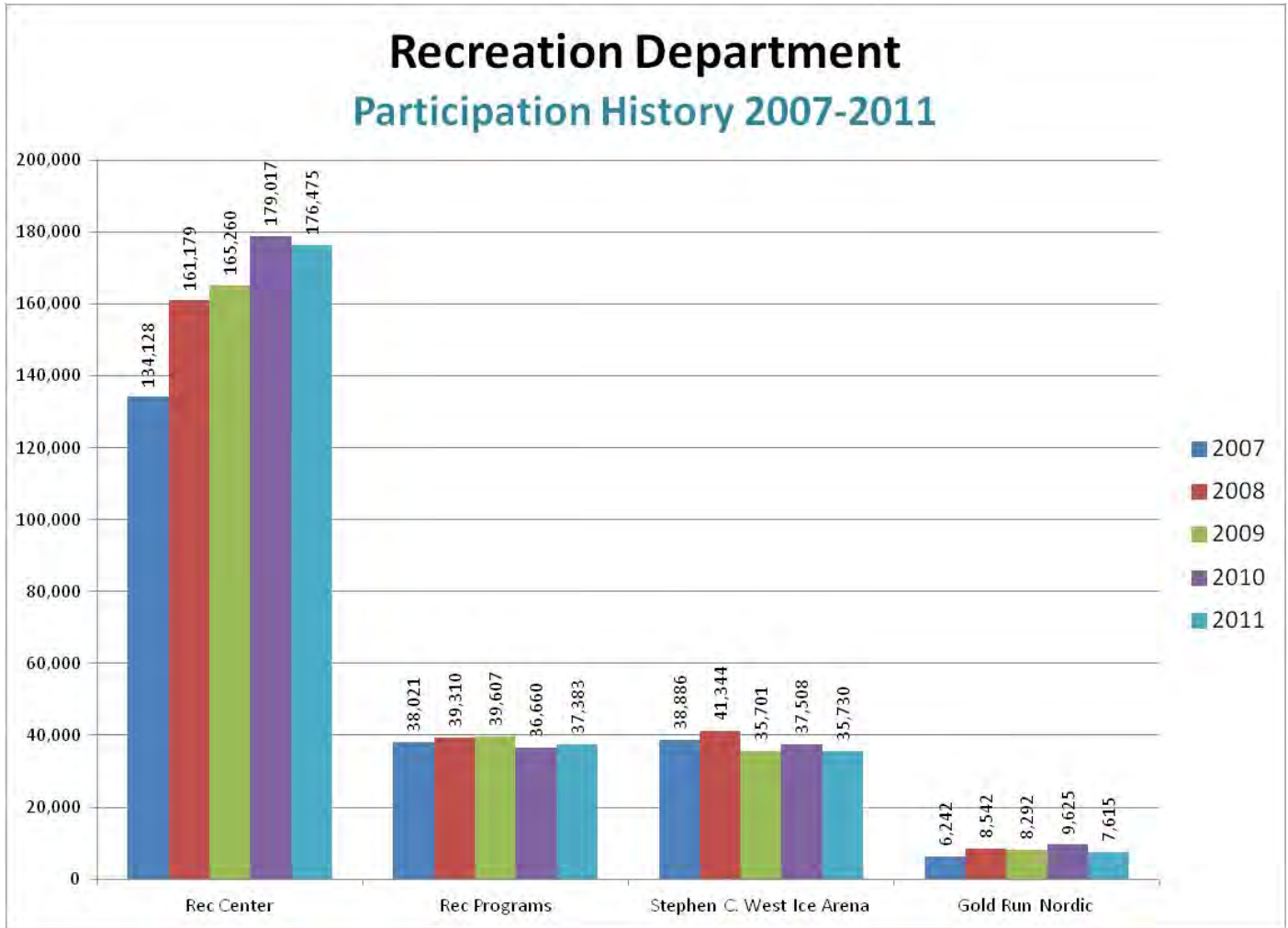
## Stephen C. West Ice Arena 2011 Net Promoter Score (241 respondents): 83%



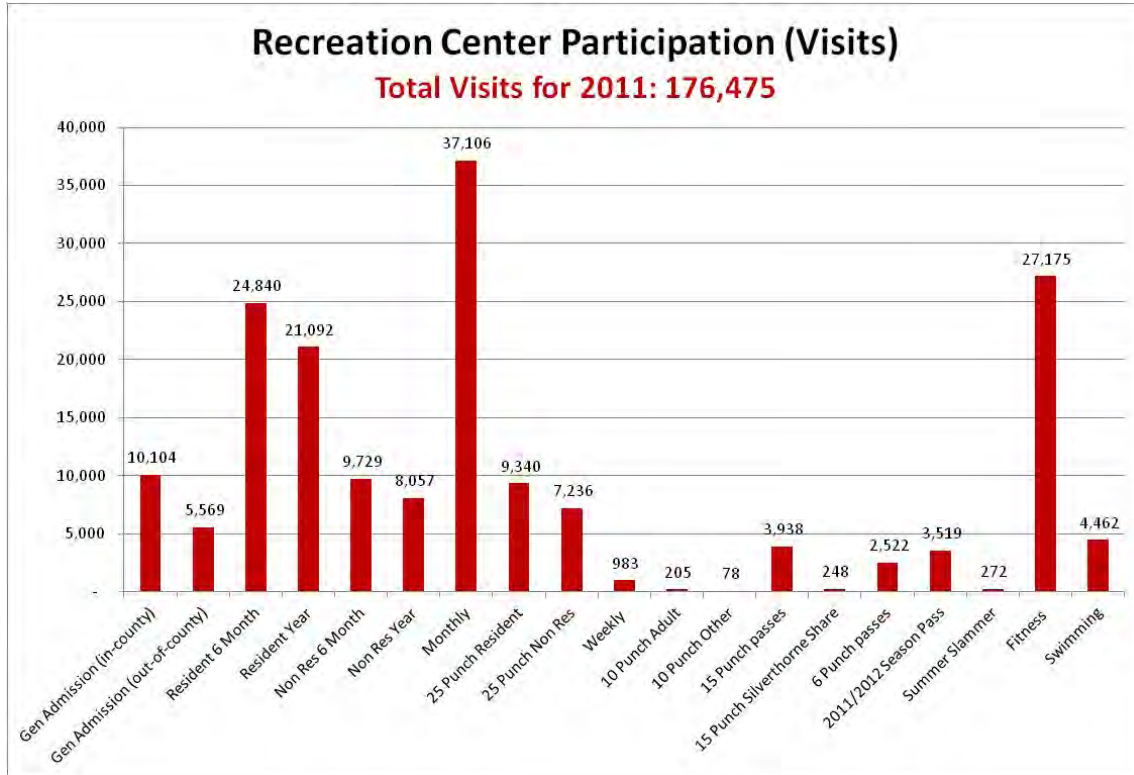
## Gold Run Nordic Center 2011 Net Promoter Score (24 Respondents): 96%



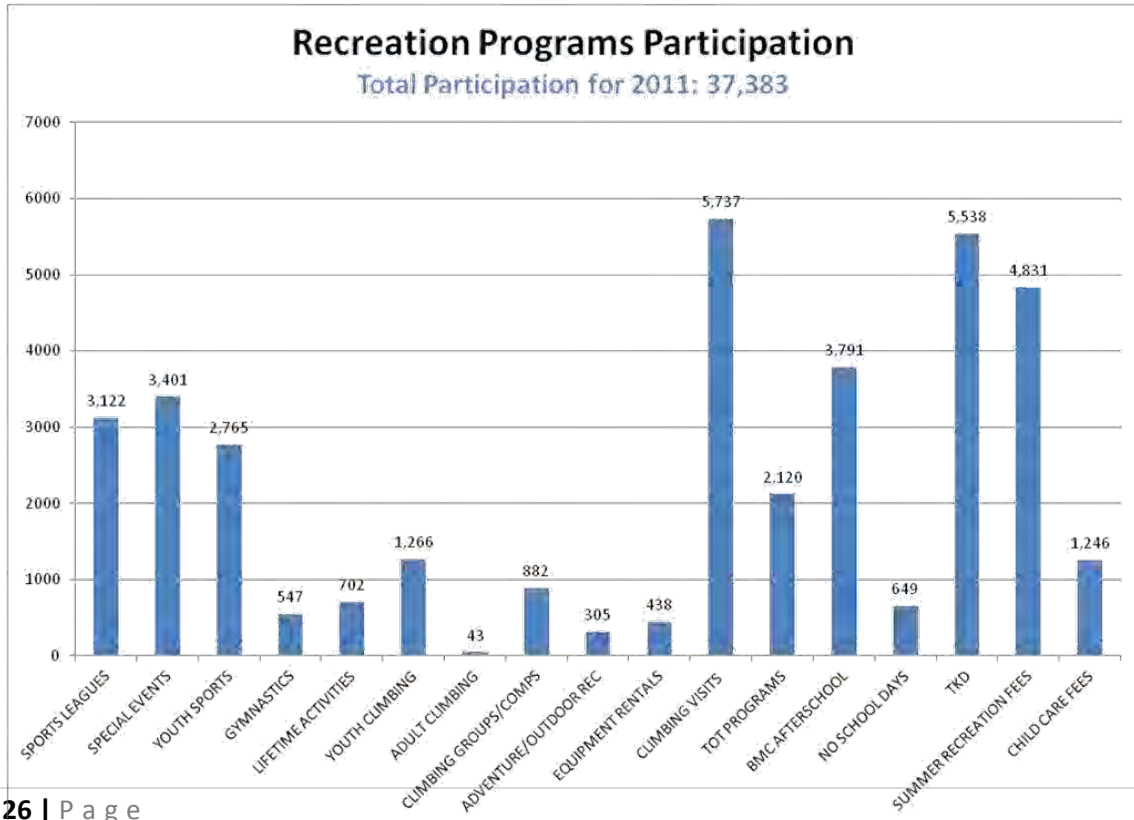
## Participation Statistics



## Recreation Center



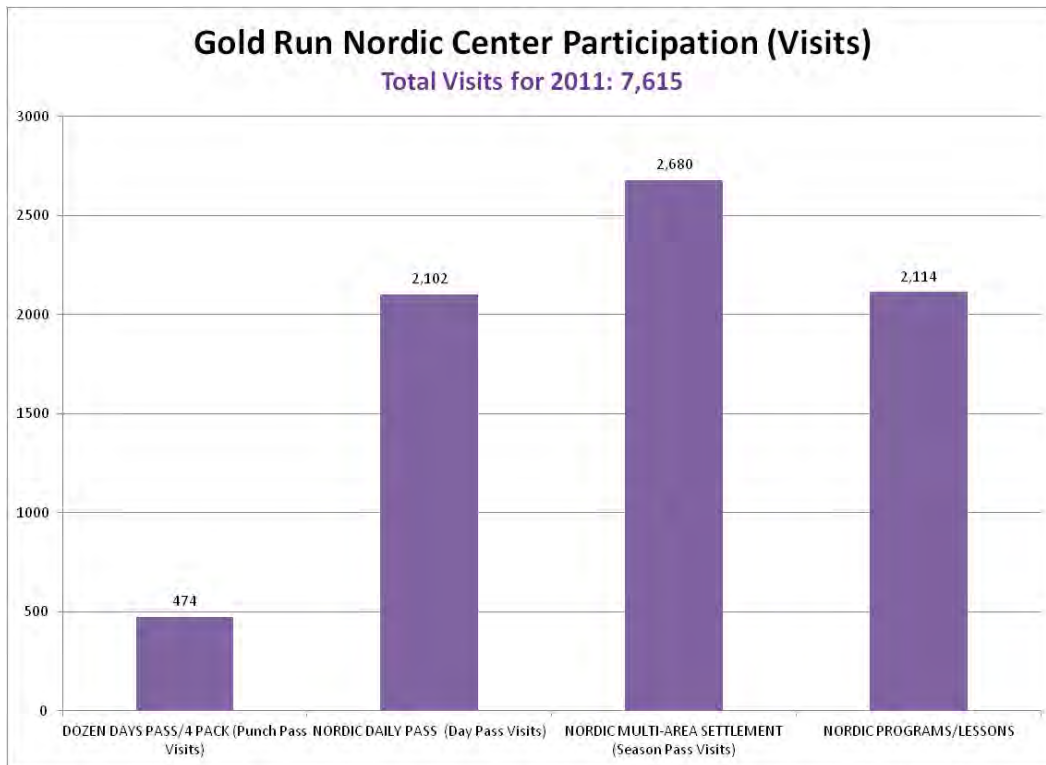
## Recreation Programs



## Stephen C. West Ice Arena

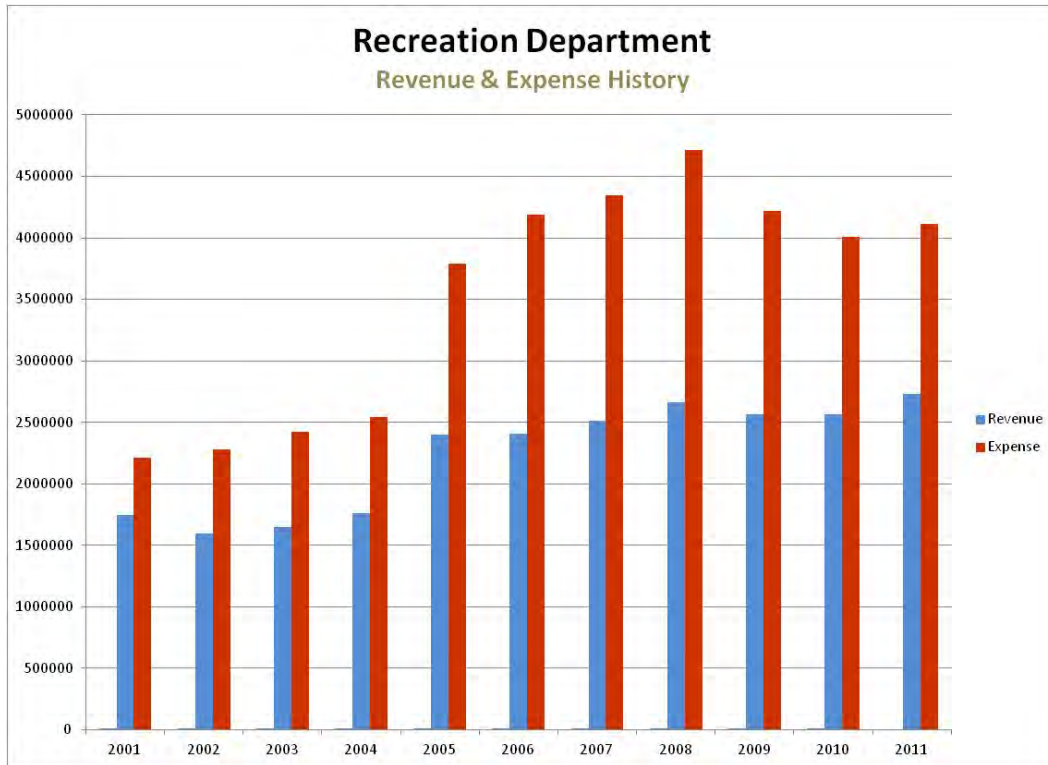


## Gold Run Nordic Center

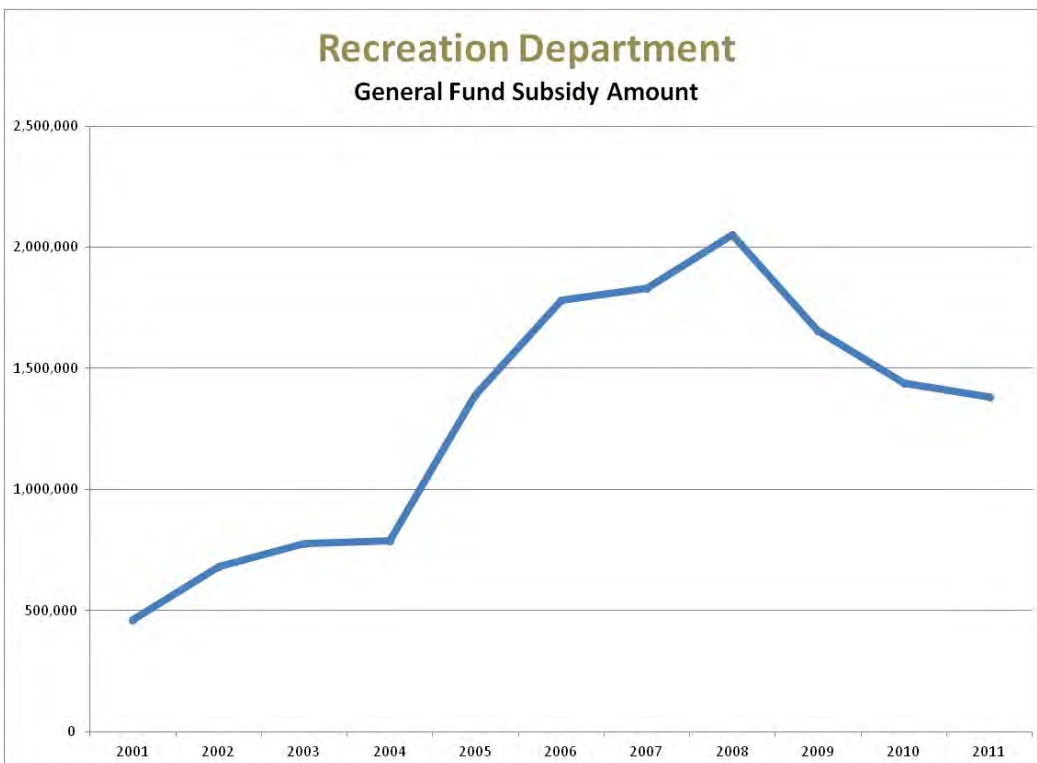




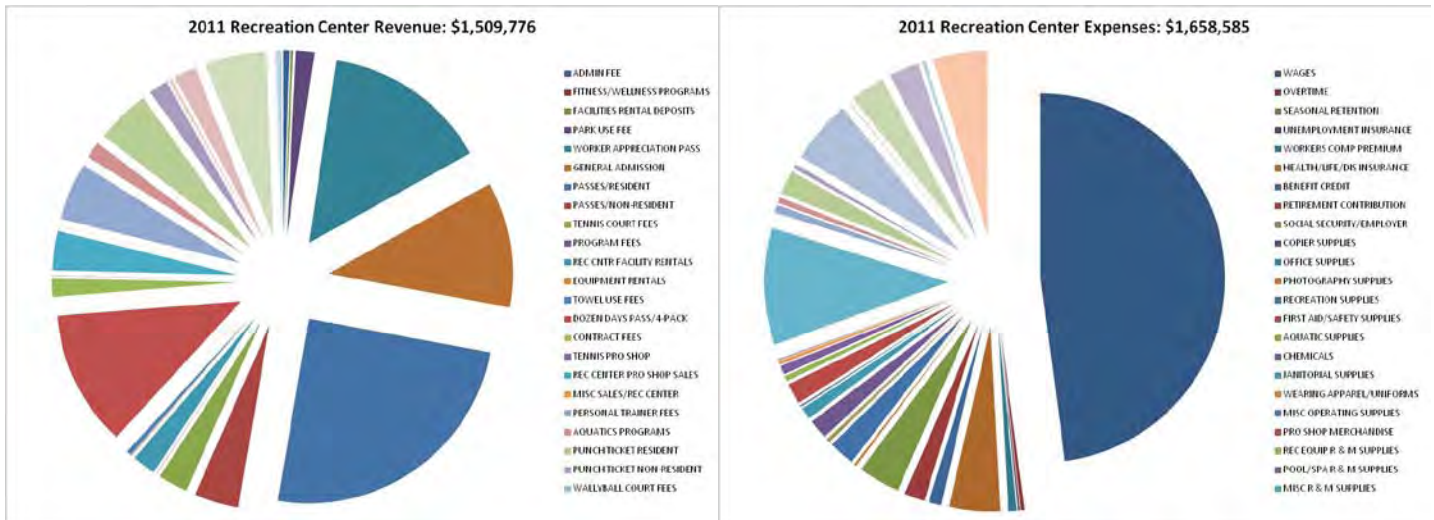
## Finances



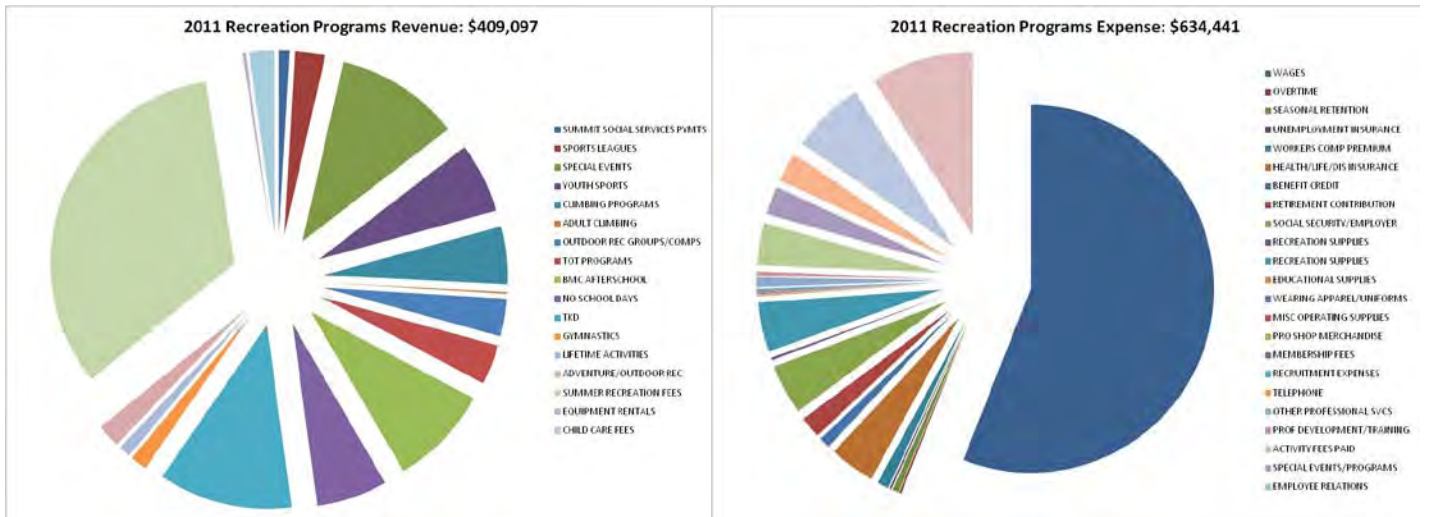
## Recreation Department Overview



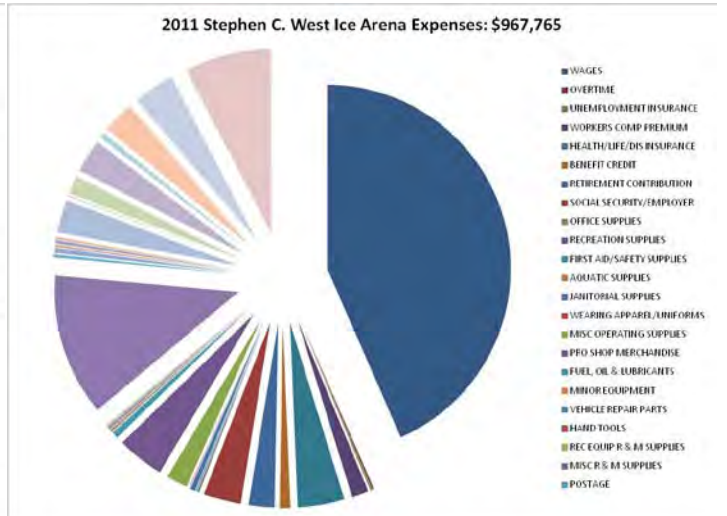
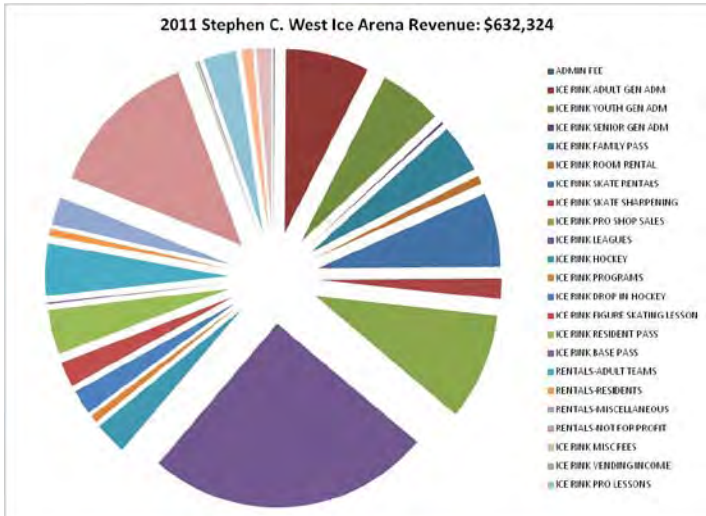
## Recreation Center



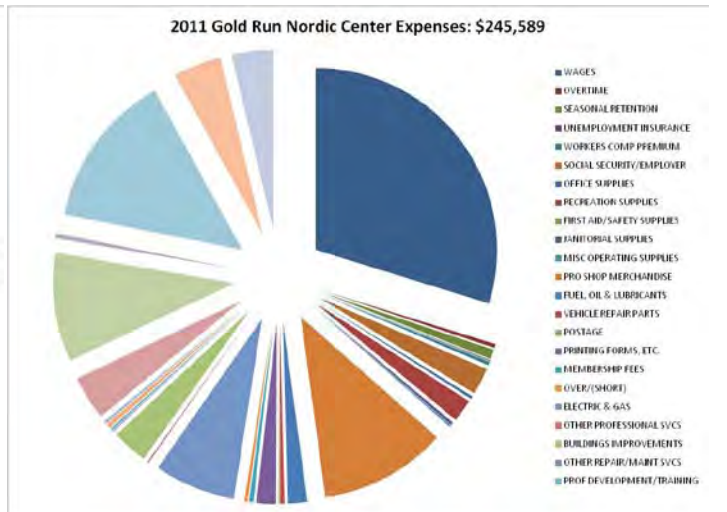
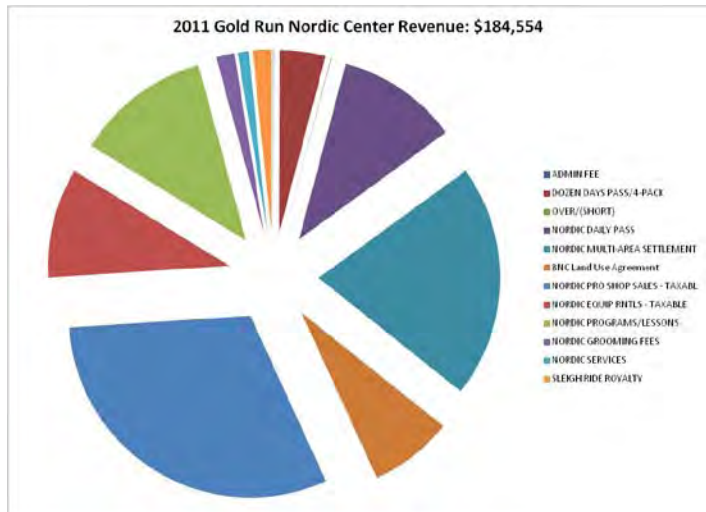
## Recreation Programs



## Stephen C. West Ice Arena



## Gold Run Nordic Center



**MEMO**

TO: Town Council

FROM: Town Attorney

RE: Draft Street Use Licensing Ordinance

DATE: June 6, 2012 (for June 12<sup>th</sup> meeting)

---

Last year the Town Council conducted a call-up hearing on an application to operate a horse and carriage business on the Town streets. Although the application was finally approved, it became clear (at least to me) that the Town's Development Code is not a particularly good regulatory framework for dealing with requests to operate a business on the Town's streets and alleys. Perhaps this is because these kinds of businesses do not fit well into the Development Code's definition of "development."

As a result of the Council's struggles with the horse and carriage application, I thought a better approach would be to create a special licensing process for businesses like the horse and carriage, pedicabs, and pedal busses. This approach led me to draft the enclosed ordinance.

The ordinance establishes a new licensing and regulatory system for the horse and carriage, pedicabs, and pedal busses, as well as other businesses whose operations involve stopping on Town streets and alleys as part of their routine operations. The underlying philosophy of the ordinance is to take the regulation of these unique businesses out of the Development Code, and regulate them under their own ordinance.

The ordinance requires the operators of horse and carriage, pedicab and pedal bus businesses to obtain annual permits from the Town. The ordinance establishes a new licensing process for permits to operate these kinds of businesses on the Town's streets and alleys.

The ordinance requires the Town Manager to conduct a preliminary investigation of the application, but places the ultimate licensing decision in the hands of the Town Council. I toyed with the idea of allowing/requiring the Town Manager to make the initial licensing decision himself, with the Council becoming involved in the process only in the event of an appeal. However, as part of the recent horse and carriage application it became clear that these kinds of applications can generate substantial public interest, and that a public hearing on the application would be important so that the public can express their thoughts and concerns. The Town does not have any current procedure for the Town Manager to conduct a public hearing himself. As a result, I drafted the ordinance so that the actual licensing decision will be made by the Council after it conducts a public hearing on the application.

The general framework of the ordinance substantially follows the most recent version of the Town's Medical Marijuana Faculties Licensing Ordinance, although that ordinance does place the initial licensing decision in the hands of the Town Manager.

As you will see, there are proposed unique “Standard Terms and Conditions” for horse and carriages, pedicabs, and pedal busses. The suggested terms and conditions for horse and carriages are loosely based on the City and County of Denver’s regulations for the horse and carriages that operate on the 16<sup>th</sup> Street Mall and surrounding areas. I spoke with the attorney in the Denver City Attorney’s Office who prepared their regulations, and know that the Denver regulations were somewhat controversial when they were put in place. The Denver regulations require that a horse and carriage operator pass a test before the operator is permitted to operate the vehicle on the Mall. Although I understand that the operation of a horse and carriage on a public street can create the potential for danger to the public, I am unaware of any safety concerns with the current operator of the Town horse and carriage business. As a result, I thought that it would be regulatory overkill to require testing in Breckenridge (not to mention that the Town – unlike Denver – does not have anyone qualified to administer such a test). Thus, the draft ordinance does not include a test before a horse and carriage (or a pedicab or pedal bus for that matter) can be operated on the Town streets.

The suggested terms and conditions for pedicabs and pedal busses were not modeled after anybody else’s regulations, but were simply drafted to attempt to address what seemed to be obvious concerns with these two types of businesses. If the Council thinks the proposed ordinance is worth pursuing, it would be a good idea to seek input on the standard terms and conditions from the operators of the businesses currently operating in the Town that would be subject to the new ordinance.

One business the ordinance does not deal with are mobile food trucks. The proposed regulation of these types of vehicles within the Town has been discussed at the staff level for some time now, but staff is not sure whether the new Council wants to regulate these vehicles or not. Staff would appreciate receiving direction from the Council on this issue. If Council wants to establish new regulations for mobile food trucks, it might be possible to include them in the Street Use Licensing Ordinance (although they tend to stop on private property, not on the public streets), or a separate regulatory ordinance could be crafted.

The enclosed ordinance has been scheduled for worksession discussion only next Tuesday. Depending upon the Council’s direction, the ordinance can be revised and brought back for formal consideration at a later date, or discarded.

I look forward to discussing this draft ordinance with you next Tuesday.

1 ***FOR WORKSESSION ONLY – JUNE 12***

2  
3 ORDINANCE NO. \_\_

4  
5 Series 2012

6  
7 AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE  
8 BY ADOPTING PROVISIONS REQUIRING THE ISSUANCE OF A SPECIAL PERMIT TO  
9 CONDUCT CERTAIN BUSINESS OPERATIONS ON TOWN STREETS

10  
11 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
12 COLORADO:

13  
14 Section 1. Title 4 of the Breckenridge Town Code is amended by the addition of a new  
15 Chapter 15, to be entitled “Permits Required to Conduct Certain Businesses on Town Streets”,  
16 that shall read in its entirety as follows:

17  
18 CHAPTER 15

19  
20 PERMITS REQUIRED TO CONDUCT CERTAIN BUSINESSES ON TOWN STREETS

21  
22 SECTION:

- 23  
24 4-15-1: Short Title  
25 4-15-2: Authority  
26 4-15-3: Findings  
27 4-15-4: Definitions  
28 4-15-5: Permit Required; Exceptions  
29 4-15-6: Application For Permit  
30 4-15-7: Application Fee  
31 4-15-8: Town Manager’s Preliminary Investigation of Application  
32 4-15-9: Town Council Review of Application  
33 4-15-10: Decision By Town Council  
34 4-15-11: Authority To Impose Conditions on Permit  
35 4-15-12: Standard Terms and Conditions  
36 4-15-13: Contents of Permit  
37 4-15-14: Permit Not Transferable  
38 4-15-15: Duration of Permit  
39 4-15-16: Renewal of Permit  
40 4-15-17: Duties of Permittee  
41 4-15-18: Suspension Or Revocation of Permit  
42 4-15-19: Town Council Decision Is Final  
43 4-15-20: Signage

- 1 4-15-21: Transition From Prior Development Permit
- 2 4-15-22: Penalties; Injunctive Relief
- 3 4-15-23: No Town Liability
- 4 4-15-24: Rules and Regulations

5  
6 4-15-1: SHORT TITLE: This Chapter shall be known and may be cited as the “2012 Town Of  
7 Breckenridge Street Use Licensing Ordinance.”

8  
9 4-15-2: AUTHORITY: The Town Council finds, determines, and declares that it has the power  
10 to adopt this Chapter pursuant to:

- 11
- 12 A. Section 31-15-501, C.R.S. (concerning municipal regulation of business), and in  
13 particular, Section 31-15-501(1)(h), C.R.S. (concerning municipal regulations of  
14 hackmen, omnibus drivers, carters, cabmen, porters, expressmen, and all others  
15 pursuing like occupations);
- 16 B. Section 31-15-702, C.R.S. (concerning municipal regulation of streets and alleys);
- 17 C. Section 31-15-103, C.R.S. (concerning municipal police powers);
- 18 D. Section 31-15-401, C.R.S.(concerning general municipal police powers);
- 19 E. The authority granted to home rule municipalities by article XX of the Colorado  
20 Constitution; and
- 21 F. The powers contained in the Breckenridge Town Charter.

22 4-15-3: FINDINGS: The Town Council adopts this Chapter based upon the following findings  
23 of fact:

- 24
- 25 A. The primary purpose of a public street is for public travel.
- 26 B. There is no natural right to use the public streets for the purposes of private  
27 business or gain. Such rule is often stated as a cardinal doctrine of municipal law.
- 28 C. The Colorado courts have held that a municipality has the legal authority to  
29 regulate, by the issuance of a license or permit, the private business use of a  
30 public street that may obstruct the use of a public street for public travel.
- 31 D. If not regulated, the use of the public streets by those business activities regulated  
32 by this Chapter can cause obstruction of the public streets along with the attendant  
33 disruption to the right of the people to use the public streets as an avenue of  
34 travel.

- 1 E. The use of the public streets by those business activities regulated by this Chapter  
2 are private, not public, uses.
- 3 F. The public receives some benefit for the use of the public streets by those  
4 business activities regulated by this Chapter.
- 5 G. The issuance of a permit to use the public streets as authorized by this Chapter is  
6 not inconsistent with the primary purpose of the public streets as described in  
7 finding A of this Section.
- 8 H. This Chapter is necessary and proper to provide for the safety, preserve the health,  
9 promote the prosperity, and improve the order, comfort and convenience of the  
10 Town and the inhabitants thereof.

11 4-15-4: DEFINITIONS:  
12

- APPLICANT: A person who has submitted an application for permit pursuant to this Chapter.
- APPLICATION: An application for permit submitted pursuant to this Chapter.
- DAY: A calendar day, unless otherwise indicated.
- GOOD CAUSE (for the purpose of refusing or denying a permit renewal under this Chapter): Means:
- A. The permittee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this Chapter and any rule and regulation promulgated pursuant to this Chapter; or
  - B. The permittee has failed to comply with any special terms or conditions that were placed on its permit at the time the permit was issued, or that were placed on its permit in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings.
- HORSE DRAWN CARRIAGE: A wheeled vehicle pulled by a horse and used to carry people for a fee.
- PARTY IN INTEREST: The applicant; a resident of the Town; or the



owner or manager of a property or business located within the Town.

PEDAL BUS: Has the meaning provided in the Town’s Traffic Code, Chapter 1 of Title 7 of this Code.

PEDICAB: Has the meaning provided in the Town’s Traffic Code, Chapter 1 of Title 7 of this Code.

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

PERMITTED BUSINESS: A business authorized to be operated on Town streets and alleys by a permit issued pursuant to this Chapter.

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

POLICE CHIEF: The Police Chief of the Town, or the Police Chief’s designee authorized to act pursuant to Section 1-7-2 of this Code.

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

TOWN MANAGER: The Town Manager of the Town, or the Town Manager’s designee authorized to act pursuant to Section 1-7-2 of this Code.

1  
2 4-15-5: PERMIT REQUIRED; EXCEPTIONS:

3 A. No person shall operate for hire any of the following business activities upon any  
4 street or alley within the Town without a valid permit issued by the Town Council  
5 in accordance with this Chapter:

6 1. a horse drawn carriage;

7 2. a pedicab;

8 3. a pedal bus; or

9 4. any other business whose operation on Town street or alleys routinely  
10 includes, or may include, stopping on Town streets or alleys (except to  
11 comply with applicable traffic regulations).

- 1           B.     This Section shall not apply to:
- 2                     1.     a business engaged in interstate or intrastate commerce;
- 3                     2.     a business licensed or permitted to operate on Town streets or alleys by
- 4                             the State of Colorado, including, but not limited to, taxicabs and similar
- 5                             forms of public conveyance;
- 6                     3.     a business that operates on Town streets or alleys only to make deliveries;
- 7                     4.     a governmental or quasi-governmental entity while performing its lawful
- 8                             governmental functions;
- 9                     5.     a business that the Town Manager determines is not subject to the terms
- 10                            and conditions of this Chapter; and
- 11                    6.     any business that the Town may not lawfully require to have a permit to
- 12                            operate on Town streets and alleys.
- 13           C.     Any person operating a vehicle described in Subsection A of this Section on a
- 14                            public street or alley in a special event authorized by the Town pursuant to
- 15                            Chapter 13 of Title 4 of this Code shall be exempt from the requirements of this
- 16                            Chapter, but shall comply with the terms and conditions of the special event
- 17                            permit issued by the Town.
- 18           D.     This Chapter does not apply to the use of the public streets of the Town by any
- 19                            person authorized to operate a business on the public streets pursuant to a valid
- 20                            license or permit issued by the state or federal government, or any agency or
- 21                            instrumentality thereof.

22   4-15-6: APPLICATION FOR PERMIT:

23

- 24           A.     A person seeking to obtain a permit pursuant to this Chapter shall file an
- 25                            application with the Town Manager. The form of the application shall be provided
- 26                            by the Town Manager.
- 27           B.     A permit issued pursuant to this Chapter does not eliminate the need for the
- 28                            permittee to obtain other required Town licenses and permits related to the
- 29                            operation of the permitted business, including, without limitation:
- 30                            1.     a development permit if required by the terms of Chapter 1 of Title 9 of
- 31                                    this Code;
- 32                            2.     a sign permit if required by the terms of the Town's Sign Code (Chapter 2
- 33                                    of Title 8 of this Code);

- 1                   3.     a Town sales tax license; and
- 2                   4.     a Town Business and Occupational Tax License.
- 3           C.     An application for a permit under this Chapter shall contain the following
- 4                   information:
- 5                   1.     the applicant's name, address, and telephone number;
- 6                   2.     a statement of the nature of the applicant's proposed business;
- 7                   3.     the primary location of the business;
- 8                   4.     the primary route(s) over Town streets and alleys where the applicant
- 9                   proposes to operate the business;
- 10                  5.     a statement of the applicant's qualifications and experience in operating
- 11                   the proposed business;
- 12                  6.     a list of the applicant's equipment/animals that will be used to operate the
- 13                   proposed business;
- 14                  7.     a statement of the training that will be provided to the applicant's
- 15                   employees or contractors to be involved in the operation of the proposed
- 16                   business
- 17                  8.     a list of any permit or license previously issued to the applicant
- 18                   authorizing the operation of a business similar to the proposed business,
- 19                   and a statement of any disciplinary action imposed by the issuing authority
- 20                   with respect to such permit or license; and
- 21                  9.     any additional information that the Town Manager reasonably determines
- 22                   to be necessary in connection with the investigation and review of the
- 23                   application.

24 4-15-7: APPLICATION FEE: An applicant shall pay to the Town a non-refundable application

25 fee when the application is filed. The purpose of the fee is to cover the administrative costs of

26 processing the application, and monitoring and enforcing permits issued pursuant to this Chapter.

27 For applications filed in 2012 the application fee is \$ [REDACTED]. Thereafter, the amount of the

28 application fee shall be fixed by the Town Council as part of its annual budget process.

29

30 4-15-8: TOWN MANAGER'S PRELIMINARY INVESTIGATION OF APPLICATION:

31

- 32           A.     Upon receipt of a properly completed application, together with all information
- 33                   required in connection therewith, and the payment of the application fee as

1 required by Section 4-15-7, the Town Manager shall transmit copies of the  
2 application to:

- 3 1. the Police Department;
- 4 2. the Department of Community Development;
- 5 3. the Public Works Department; and
- 6 4. any other person or agency that the Town Manager determines should  
7 properly investigate and comment upon the application.

8 B. Within twenty days of receipt of a completed application those Town departments  
9 and other referral agencies described in Subsection A of this Section shall provide  
10 the Town Manager with comments concerning the application.

11 C. The Town Manager shall complete his preliminary investigation of the application  
12 with within forty five days of his receipt of the application, unless the applicant  
13 agrees to an extension of such time period. The Town Manager's preliminary  
14 investigation of the application shall be provided to the Town Council and the  
15 applicant in connection with the Town Council's review of the application.  
16

17 4-15-9: TOWN COUNCIL REVIEW OF APPLICATION:  
18

19 A. Once the Town Manager has completed his preliminary investigation of the  
20 application as described in Section 4-15-8, the Town Manager shall schedule the  
21 application for consideration by the Town Council at the earliest practicable date.

22 B. Written notice of the date and time of the meeting at which the Town Council will  
23 consider the application shall be provided to the applicant at least ten days before  
24 the meeting.

25 C. Before deciding the application the Town Council shall hold a public hearing to  
26 receive public comments concerning the application.

27 D. Notice of the public hearing on the application shall be provided as follows:

- 28 1. Notice shall be published on the Town's website for at least five days  
29 prior to the hearing;
- 30 2. Notice shall be published once in a newspaper of general circulation in the  
31 Town at least five days prior to the public hearing; and
- 32 3. Notice shall be mailed by first class mail to all property owners whose  
33 property lies within three hundred feet of the primary location of the

1 proposed business as described in the application. Such notice shall be  
2 mailed by the Town not less than ten days prior to the public hearing.

3 E. At a public hearing held by the Town Council pursuant to this Chapter any party  
4 in interest shall be allowed to present evidence.

5 4-15-10: DECISION BY TOWN COUNCIL:  
6

7 A. The Town Council shall review an application submitted pursuant to this Chapter  
8 and approve, deny, or conditionally approve an application within thirty days of  
9 the conclusion of the public hearing on the application unless, by written notice to  
10 the applicant, the decision period is extended for an additional ten days if  
11 necessary for the Town Council to complete its review of the application.

12 B. The Town Council shall issue a permit under this Chapter when, from a  
13 consideration of the application, the evidence received at the public hearing, and  
14 from such other information as may otherwise be obtained, the Town Council  
15 determines that:

16 1. The application (including any required attachments and submissions) is  
17 complete and signed by the applicant;

18 2. The applicant has paid the application fee and any other fees required by  
19 Section 4-15-7;

20 3. The application does not contain a material falsehood or  
21 misrepresentation;

22 4. The application complies with all of the requirements of this Chapter;

23 5. The proposed primary location of the business will not substantially  
24 interfere with motor vehicle or pedestrian travel, or pose a threat to the  
25 public health, safety or welfare;

26 6. The operation of the proposed business on the Town streets and alleys is  
27 not likely to:

28 a. cause substantial disruption of traffic or pedestrian flow in the area  
29 of the Town where the proposed business will operate;

30 b. create a substantial inconvenience or annoyance to the public; or

31 c. cause a public nuisance.

32 In making this determination, the Town Council shall consider such  
33 factors as:

- 1 a. the number of then-current permits issued under this Chapter;
- 2 b. the experience and qualification of the applicant to operate the
- 3 proposed business;
- 4 c. the quality of the equipment proposed to be used by the applicant
- 5 in operating the proposed business;
- 6 d. the days/hours of operation of the proposed business;
- 7 e. the proposed routes or area of operation of the proposed business;
- 8 f. the reasonable requirements of the Town and the desires of the
- 9 inhabitants as evidenced by petitions, remonstrances, or otherwise;
- 10 and
- 11 g. such other relevant and probative factors as may be determined by
- 12 the Town Council.

13 C. The Town Council shall deny an application for a permit under this Chapter if it  
14 determines that:

- 15 1. Information contained in the application, or supplemental information
- 16 requested from the applicant, is found to be false in any material respect;
- 17 2. The applicant has had a permit issued under this Chapter revoked by the
- 18 Town Council within the two years immediately preceding the filing of
- 19 the application, or if the applicant owned a fifty percent or greater interest
- 20 in any business entity that has had a permit issued under this Chapter
- 21 revoked by the Town Council within the two years immediately preceding
- 22 the filing of the application;
- 23 3. The applicant is currently indebted to the Town for any lawfully assessed
- 24 tax or fee; or
- 25 4. The operation of the proposed business on the Town streets and alleys is
- 26 likely to:
  - 27 a. cause substantial disruption of traffic or pedestrian flow in the
  - 28 area of the Town where the proposed business will operate;
  - 29 b. create a substantial inconvenience or annoyance to the public; or
  - 30 c. cause a public nuisance.

1 D. If the application is denied, the Town Council shall clearly set forth in writing the  
2 grounds for denial.

3 E. If the application is conditionally approved, the Town Council shall clearly set  
4 forth in writing the conditions of approval.

5 F. If an application is denied the application fee shall not be refunded.

6 4-15-11: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT: The Town Council shall  
7 have the authority to impose such reasonable terms and conditions on a permit as may be  
8 necessary to protect the public health, safety, and welfare, and to obtain compliance with the  
9 requirements of this Chapter and applicable law.

10  
11 4-15-12: STANDARD TERMS AND CONDITIONS: The following shall be standard terms  
12 and conditions for any permit issued under this Chapter:

13  
14 A. The permittee shall procure and continuously maintain throughout the term of the  
15 permit a policy of comprehensive commercial general liability insurance with  
16 limits of liability not less than One Million Dollars (\$1,000,000) per claim, One  
17 Million Dollars (\$1,000,000) aggregate, and Fifty Thousand Dollars (\$50,000) for  
18 property damage. The Town shall be named as an additional insured under such  
19 insurance policy. An ACORD Form 27, or other certificate of insurance  
20 acceptable to Town Clerk, shall be completed by the permittee's insurance agent  
21 and provided to the Town Clerk as evidence that policies providing the required  
22 coverages, conditions, and minimum limits are in full force and effect and shall be  
23 reviewed and approved by Town prior to commencement of the operations of the  
24 business pursuant to the permit, and on each renewal or replacement of the policy  
25 during the term of the permit.

26 B. The permittee shall indemnify and defend the Town, its officers, employees,  
27 insurers, and self-insurance pool (with counsel acceptable to the Town), from and  
28 against all liability, claims, and demands, on account of injury, loss, or damage,  
29 including without limitation, claims arising from bodily injury, personal injury,  
30 sickness, disease, death, property loss or damage, or any other loss of any kind  
31 whatsoever, arising out of in any manner connected with the operation of the  
32 business for which the permit was issued. The permittee shall investigate, handle,  
33 respond to, and to provide defense for and defend against, any such liability,  
34 claims, or demands at the sole expense of the permittee, and bear all other costs  
35 and expenses related thereto, including court costs and attorney fees. The  
36 indemnity obligation of this Subsection shall survive the expiration or revocation  
37 of the permit, and shall continue to be fully enforceable thereafter.

38 C. If the permit authorizes the operation of a horse and carriage, the following  
39 additional standard terms and conditions apply:

- 1 1. The driver or operator of the horse drawn carriage must be at least 18  
2 years of age, and have a valid Colorado driver's license.
- 3 2. The driver or operator of the horse drawn carriage must be qualified to  
4 safely operate the horse drawn carriage.
- 5 3. The driver or operator of the horse drawn carriage must register with the  
6 Police Chief by providing the Police Chief with a copy of the driver's or  
7 operator's current Colorado driver's license.
- 8 4. The permittee shall:
- 9 a. Use new ropes or halters, not bridle ties, when stopped;
- 10 b. Properly adjust all equipment;
- 11 c. Not leave horses unattended while hitched or untied; and
- 12 d. Never remove the bridle while hitched to a horse drawn carriage.
- 13 e. Each horse drawn carriage shall be equipped with the following:
- 14 (i) Buckles only on hold back and driving end lines; snaps  
15 allowed on other harness parts;
- 16 (ii) Throat latch;
- 17 (iii) Blinders;
- 18 (iv) Nose band;
- 19 (v) Brichen;
- 20 (vi) Buckle safes or keepers behind all buckles;
- 21 (vii) Round collar or breast collar style harness;
- 22 (viii) Kickstrap; and
- 23 (ix) Diapers/harness bags to trap manure.
- 24 f. The permittee shall maintain the horse drawn carriage and related  
25 equipment in a clean and safe condition.
- 26 g. The permittee shall not permit horse waste to accumulate and  
27 create an offensive odor.



- 1 h. The permittee shall properly collect and dispose of all horse waste.  
 2 Manure shall not be deposited in either Town refuse containers or  
 3 the Blue River. Urine shall be collected by an absorbent material  
 4 and disposed of properly.
- 5 i. The permittee shall immediately clean up any manure or urine  
 6 deposited onto a Town street, alley or sidewalk.
- 7 j. At the end of its operations each day the permittee shall wash  
 8 down the area of the street where its horses stand.
- 9 k. The permittee shall clean the storm sewer inlet structure nearest to  
 10 the area of the street where its horses stand at least two times each  
 11 year, once in June and again in September. The permittee shall  
 12 contact the Town's Public Works Department at least twenty four  
 13 hours prior to each cleaning, and again within twenty four hours  
 14 after each cleaning.
- 15 l. The permittee shall operate the horse drawn carriage in accordance  
 16 with all applicable state and local traffic laws.
- 17 m. This list is not intended to be exclusive, and the permittee shall  
 18 take such other and further action as may be needed to safely  
 19 operate the horse drawn carriage.
- 20 D. If the permit authorizes the operation of a pedicab, the following additional  
 21 standard terms and conditions apply:
- 22 1. A permittee shall comply with the following restrictions:
- 23 a. The driver or operator of the pedicab must be at least 18 years of  
 24 age, and have a valid Colorado driver's license.
- 25 b. The driver of operator of the pedicab must be qualified to safely  
 26 operate the pedicab.
- 27 c. The driver or operator of the pedicab must register with the Police  
 28 Chief by providing the Police Chief with a copy of the driver's or  
 29 operator's current Colorado driver's license.
- 30 2. The permittee shall maintain the pedicab in a clean and safe condition.
- 31 3. The permittee shall operate the pedicab in accordance with all applicable  
 32 state and local traffic laws.

- 1 E. If the permit authorizes the operation of a pedal bus, the following additional  
2 standard terms and conditions apply:
- 3 1. A permittee shall comply with the following restrictions:
- 4 a. The driver or operator of the pedal bus must be at least 18 years of  
5 age, and have a valid Colorado driver's license.
- 6 b. The driver of operator of the pedal bus must be qualified to safely  
7 operate the pedal bus.
- 8 c. The driver or operator of the pedal bus must register with the  
9 Police Chief by providing the Police Chief with a copy of the  
10 driver's or operator's current Colorado driver's license.
- 11 2. The permittee shall maintain the pedal bus in a clean and safe condition.
- 12 3. The permittee shall operate the pedal bus in accordance with all applicable  
13 state and local traffic laws.

14 4-15-13: CONTENTS OF PERMIT: A permit shall contain the following information:

- 15
- 16 A. The name of the permittee;
- 17 B. The date of the issuance of the permit;
- 18 C. The address at which the permittee is authorized to operate the business; and
- 19 D. The date of the expiration of the license.

20 A permit must be signed by both the applicant and the Town Manager to be valid.

21

22 4-15-14: PERMIT NOT TRANSFERABLE: A permit is non-transferable and non-assignable.  
23 Any attempt to transfer or assign a permit voids the permit.

24

25 4-15-15: DURATION OF PERMIT: Each permit issued pursuant to this Chapter shall be valid  
26 for one year from the date of issuance, unless the Town Council specifies a shorter term for the  
27 permit.

28

29 4-15-16: RENEWAL OF PERMIT:

- 30
- 31 A. Each permit issued pursuant to this Chapter may be renewed as provided in this  
32 Section.
- 33 B. An application for the renewal of an existing permit shall be made to the Town  
34 Manager not less than forty-five days prior to the date of expiration. No

1 application for renewal shall be accepted by the Town Manager after the date of  
2 expiration. The Town Manager may waive the forty-five days time requirement  
3 set forth in this Subsection if the applicant demonstrates an adequate reason.

4 C. The timely filing of a renewal application shall extend the current permit until a  
5 final decision is made on the renewal application by the Town Council.

6 D. At the time of the filing of an application for the renewal of an existing permit the  
7 applicant shall pay a renewal fee in an amount fixed by the Town Council as part  
8 of its annual budget process.

9 E. The Town Council may, but is not required to, hold a public hearing on an  
10 application for renewal of a permit.

11 F. The Town Council may refuse to renew a permit for good cause; provided,  
12 however, that the Town Council shall not refuse to renew a permit without  
13 holding a public hearing on the renewal application. If a public hearing on a  
14 renewal application is held, notice of such hearing shall be given as provided in  
15 Section 4-15-9(D).

16 4-15-17: DUTIES OF PERMITTEE: It is the duty and obligation of each permittee to do the  
17 following:

18  
19 A. Comply with all of the terms and conditions of the permit, and any special  
20 conditions on the permit imposed by the Town Council pursuant to Section 4-15-  
21 11;

22 B. Comply with all of the requirements of this Chapter; and

23 C. Comply with all other Town ordinances that are applicable to the business for  
24 which the permit was issued.

25 4-15-18: SUSPENSION OR REVOCATION OF PERMIT:

26  
27 A. A permit issued pursuant to this Chapter may be suspended or revoked by the  
28 Town Council after a hearing for any of the following reasons:

29 1. Fraud, misrepresentation, or a false statement of material fact contained in  
30 the permit application.

31 2. A violation of any Town, state, or federal law or regulation pertaining to  
32 the operation of the business for which the permit was issued.

33 3. A violation of any of the terms and conditions of the permit, including any  
34 special conditions of approval imposed upon the permit by the Town  
35 Council pursuant to Section 4-15-11;

- 1                   4.     The permittee or the permittee’s employees, agents, or contractors were  
2                   involved in one or more accidents while operating the vehicle, device or  
3                   contrivance authorized by the permit that were determined to be the fault  
4                   of the operator.
- 5                   5.     Operations have ceased at the business for more than six months for any  
6                   reason.
- 7                   6.     Ownership of the permitted business has been transferred without the new  
8                   owner obtaining a permit pursuant to this Chapter.
- 9                   B.     In connection with the suspension of a permit, the Town Council may impose  
10                  reasonable conditions.
- 11                  C.     A hearing held pursuant to this Section shall be processed in accordance with  
12                  Chapter 19 of Title 1 of this Code.
- 13                  D.     For the purpose of disciplinary action imposed pursuant to this Section, a  
14                  permittee is responsible and accountable for the conduct of the permittee’s  
15                  employees, agents, and contractors occurring in connection with the operation of  
16                  the business for which a permit has been issued.
- 17                  E.     In deciding whether a permit should be suspended or revoked, and in deciding  
18                  what conditions to impose in the event of a suspension, if any, the Town Council  
19                  shall consider all of the following:
- 20                    1.     The nature and seriousness of the violation.
- 21                    2.     Corrective action, if any, taken by the permittee.
- 22                    3.     Prior violation(s), if any, by the permittee.
- 23                    4.     The likelihood of recurrence.
- 24                    5.     All circumstances surrounding the violation.
- 25                    6.     Whether the violation was willful.
- 26                    7.     The number of previous violations by the permittee.
- 27                    8.     Previous sanctions, if any, imposed against the permittee.
- 28                  F.     No fee previously paid by a permittee in connection with the application shall be  
29                  refunded if such permit is suspended or revoked.

1 4-15-19: TOWN COUNCIL DECISION IS FINAL: Any decision made by the Town Council  
2 pursuant to this Chapter shall be a final decision of the Town and may be appealed to the district  
3 court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's or  
4 permittee's (as applicable) failure to timely appeal the decision is a waiver the applicant's or  
5 permittee's right to contest the denial or conditional approval of the application.  
6

7 4-15-20: SIGNAGE: All signage for a business for which a permit has been issued shall comply  
8 with the requirements of Chapter 2 of Title 8 of this Code.  
9

10 4-4-21: TRANSITION FROM PRIOR DEVELOPMENT PERMIT: Any person required to  
11 obtain a permit pursuant to this Chapter who holds a valid development permit issued pursuant to  
12 Chapter 1 of Title 9 of this Code authorizing the operation of the permittee's business is not  
13 required to obtain a permit pursuant to this Chapter until the current development permit expires  
14 or is revoked. Thereafter, the person must obtain a permit pursuant to this Chapter.  
15

16 4-15-22: PENALTIES; INJUNCTIVE RELIEF:  
17

18 A. It is a misdemeanor offense for any person to violate any provision of this  
19 Chapter. Any person convicted of having violated any provision of this Chapter  
20 shall be punished as set forth in Chapter 4 of Title 1 of this Code.

21 B. If a business is required to have a permit issued pursuant to this Chapter the  
22 operation of such business on a Town street or alley without a valid permit issued  
23 pursuant to this Chapter may be enjoined by the Town in an action brought in the  
24 municipal court pursuant to Section 1-8-10 of this Code, or in any other court of  
25 competent jurisdiction. In any case in which the Town prevails in a civil action  
26 initiated pursuant to this Section, the Town may recover its reasonable attorney  
27 fees plus costs of the proceeding.

28 C. The remedies provided in this Section are in addition to any other remedy  
29 provided by applicable law.

30 4-15-23: NO TOWN LIABILITY: The adoption of this Chapter and the issuance of permits  
31 pursuant to this Chapter shall not create any duty to any person. No person shall have any civil  
32 liability remedy against the town, or its officers, employees or agents, for any damage or loss of  
33 any kind arising out of or in any way connected with the issuance of any permit pursuant to this  
34 Chapter. Nothing in this Chapter shall be construed to create any liability or to waive any of the  
35 immunities, limitations on liability, or other provisions of the Colorado Governmental Immunity  
36 Act, Section 24-10-101, et seq., C.R.S, or to waive any immunities or limitations on liability  
37 otherwise available to the town, or its officers, employees or agents.  
38

39 4-15-24: RULES AND REGULATIONS: The Town Manager shall have the authority from  
40 time to time to adopt, amend, alter, and repeal administrative rules and regulations as may be

1 necessary for the proper administration of this Chapter. Such regulations shall be adopted in  
2 accordance with the procedures established by Chapter 18, Title 1 of this Code.

3  
4 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the  
5 various secondary Codes adopted by reference therein, shall continue in full force and effect.

6  
7 Section 3. This ordinance shall be published and become effective as provided by  
8 Section 5.9 of the Breckenridge Town Charter.

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

15  
16 TOWN OF BRECKENRIDGE, a Colorado  
17 municipal corporation

18  
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20  
21 By \_\_\_\_\_  
22 John G. Warner, Mayor  
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ATTEST:

\_\_\_\_\_  
Town Clerk

500-314\Street Use License Ordinance\_4 (06-05-12)



**To:** Mayor and Town Council Members  
**Cc:** Town Manager and Assistant Town Manager  
**From:** Director of Communications  
**Date:** July 18, 2012 (*for July 24 meeting*)  
**RE:** Breckenridge Marketing Advisory Committee Interviews

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Background

Town Council formed the Breckenridge Marketing Advisory Committee (BMAC) in 2010. Toby Babich (Lodging) submitted his resignation from BMAC in late May, so a call for letters of interest was advertised in the Summit Daily News, as well as sent to the members of the Breckenridge Lodging Association. Following this memo are the letters of interest received by the deadline of Mon., July 16 for interviews during the Work Session. An appointment is scheduled to take place during your evening meeting.

As reminders:

The purpose of the Breckenridge Marketing Advisory Committee (BMAC) is to advise Town Council on best practices that will maximize the effectiveness and efficiency of all tourism marketing investments made with town marketing funds.

Applicants must be an elector or a BOLT holder within the Town and have previous marketing experience. The overall composition shall be as follows:

**1. Three (3) members of the Committee shall be owners, operators or employees of lodging businesses within the Town. These three (3) Committee members shall be selected so as to provide a broad representation of the lodging businesses, including, but not limited to, large and small lodging businesses.**

2. One (1) member of the Committee shall be an owner, operator or employee of a restaurant/retail business;

3. One (1) member of the Committee shall be a member of the Town Council; and

4. The remaining two (2) members of the Committee shall be at large members who need not represent any particular category or type of business within the Town.

Applicants (Lodging position):

Shannon Bosgraaf

John Hendryson

Mark Waldman

NOTE: Toby asked me to pass along the list of lodging companies by size (following) and to note that "with Great Western and Beaver Run represented at BMAC, we currently have 2 of the 7 largest companies in town."

I will provide suggested questions for the interviews at the Work Session.





PO Box 1118  
Breckenridge, CO 80424  
970-453-3813 ph.  
970-389-9168 cell  
[www.YourBreckRental.com](http://www.YourBreckRental.com)

To: Breckenridge Town Council

From: Shannon Bosgraaf, Owner of Season's Dreams Vacation Homes

RE: Intent to serve on Breckenridge Marketing Advisory Committee

Ladies and Gentlemen of the Council,

I would like to thank you for the opportunity to potentially serve Breckenridge as a member of BMAC. I am currently the owner of a small sized lodging company, Season's Dreams Vacation Homes consisting of 25 private vacation homes. When moving to Breckenridge in 2005 from London, UK, we purchased a defunct Bed and Breakfast in the heart of Breckenridge, and turned it into a thriving business within 1 year. As owner and operator of this 7 bedroom B&B, we were intimately involved in every detail from guest relations, operations, and marketing. After 2 years, we started our property management business moving the ideas of customer service to the private vacation home market. We provide all of our own Marketing support from web development, to SEO and partnerships, we've utilized contacts in various European Countries as well as the US. We've had the opportunity to grow 2 separate profitable businesses within our 7 years of living, working, and raising our 3 children in Breckenridge. Together with my husband, our small family owned and operated business has been providing quality lodging and services to the guests of Breckenridge for the past 7 years.

It is my desire to provide my service to the Town as a member of the BMAC and represent the smaller privately owned businesses. Having a voice for our small lodging sector is a role I would like to serve to ensure marketing decisions have an equal impact across all sizes of lodging companies in Breckenridge, as well as our business community as a whole. Through my experience of starting and growing 2 small lodging businesses, I've witnessed the decisions that marketing makes on a variety of lodging options, both long term planners as well as last minute planners. Working with guests directly provides me the direct contact and knowledge of what our type of guests of larger private homes are looking for. We mainly represent families and larger groups that make long term decisions, need family friendly activities, and stay longer term in Breckenridge. With my vast career past, I've shown the marketing ability to strategize at board level, but also have a detailed understanding of operational level tactics of a smaller family business.

I take my role as a Breckenridge business, lodging, and town advocate very seriously and represent those functions with dedication, responsibility, and passion with a unique perspective reflective of our small business community. I am requesting my first term as the small lodging representative.

Below is a condensed list of my business experience and qualifications for the position.

I appreciate your consideration,

Shannon Bosgraaf  
Season's Dreams Vacation Homes

1994-2005 Senior Management Consultant with Cap Gemini Strategy and Accelerated Solutions Environment. Worked both US, Netherlands, and UK. Worked with top Fortune 500 in the retail industry in the US as well as Top Retailers in Netherlands and the UK formulating strategy and implementation.

2005-2007 Owner and Operator of Four Peaks Inn Bed and Breakfast, Breckenridge, Co

2007-2012 Owner and Operator Season's Dreams Vacation Homes, Breckenridge, Co

Member of Breckenridge Lodging Association and Breckenridge Resort Chamber

Co-Creator of the Breckenridge Signature Advantage Card



July 15, 2012

Please accept my application for the opening on the Breckenridge Marketing Advisory Committee.

John Hendryson  
General Manager  
Ski Village Resorts  
With Ski Village Resorts since 2001, General Manager since 2004  
Also responsible for Sales and Marketing domestic and international

1997-2001  
Abarta Media Sales Manager  
Responsible for ad sales with 7 publications in Breckenridge and Summit County to include Breckenridge Vacation Planner, Summit Chamber Vacation Planner, Breckenridge Magazine, Summit Magazine, and What to Do.  
Top sales person for 5 years  
Created Summit County CO-OP program for Ski and Travel Shows, domestic and international  
Summit Chamber Marketing Committee member and chair.

1991-1997  
Director of Sales Breckenridge Resort Chamber  
Created CO-OP program with lodging and business community to represent Breckenridge at Ski Shows, Travel shows and Travel agent /wholesaler shows  
These shows and contacts were domestic and International.  
Took program from 15 shows to 65 shows a year on same budget with CO-OP funds  
Created Group leads program for lodging and retail community  
Developed a FAM program with partners for airlines, wholesalers and media.

1989-1991  
Director of Events for Breckenridge.



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John Hendryson

1989-1991

Director of Events Breckenridge Resort Chamber  
Breckenridge Event Tent the first event structure at  
F Lot

Booked entertainment to include the first United States  
performance by the Ukrainian Folk Dancers.

Responsible for Ullr Fest , Lighting of Breckenridge ,  
No Mans Land celebration and more.

1973 to present

Arrived in Breckenridge in 1973 from the US Army with my  
family.

Currently working on the Sustainable Breck Business Task  
Force.

Have served on many committees in my 38 years in  
Breckenridge.

Registered voter in Breckenridge.

Contact information.

John Hendryson

Ski Village Resorts

970-453-8200

# Summit Mountain Rentals

PO Box 1618  
Breckenridge, CO 80424  
111 Ski Hill Road, Breckenridge  
308 Main Street, Frisco

[www.SummitRentals.com](http://www.SummitRentals.com)  
[www.White-Cloud.com](http://www.White-Cloud.com)  
[www.CorraAtBreckenridge.com](http://www.CorraAtBreckenridge.com)

[Reservations@SummitRentals.com](mailto:Reservations@SummitRentals.com)  
800-383-7382 Toll Free  
970-453-7370 Phone  
970-453-4041 Fax

To the Town of Breckenridge Town Council:

Please accept my name for consideration for the Breckenridge Marketing Action Committee (BMAC). As owner of Summit Mountain Rentals and The Hotel Frisco, I've been active in the Summit County business community for the past 10 years. I currently serve as a member of the Breckenridge Lodging Association and served one term on the Frisco Planning Commission.

I started my career in strategic marketing for National Semiconductor in 1993 and have been in sales and marketing ever since. My current companies are generating great results in driving people to the Breckenridge area. Much of my effort is focused on the World Wide Web and other forms of electronic marketing, and we've been extremely successful with these strategies, including:

- The Hotel Frisco being voted "Best Lodging in Summit County" eight years in a row
- Summit Mountain Rentals winning "Best Property Management Company" the last two years

Although my team has accomplished much in (and for) Breckenridge, it isn't enough. The local business community and town government need to work together more to increase share of market, influence travelers and drive demand for the Breckenridge "brand." I believe I possess the experience and track record to help accomplish this — and I ask the Town of Breckenridge to let me be part of this effort by affording me the honor of serving on the BMAC.

Regards,

Mark Waldman  
President  
Summit Mountain Rentals  
970-423-7382

Lodging Member Name	Number of Units
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**Large companies with over 200 properties**

1 Breckenridge Hospitality	635			
2 Beaver Run Resort	402			
3 ResortQuest Breckenridge	263	# companies	# units	% of Total #
4 Breckenridge Grand Vacations	261	4	1561	51%

**Companies with 50 - 200 properties**

1 Ski Country Resorts	184			
2 Great Western Lodging	160			
3 Summit Mountain Rentals	118			
4 Ski Village Resorts	103			
5 Pine Ridge Rentals	80			
6 DEDM, Inc.	79			
7 Valdoro *	70			
8 Alpine Meadows Management	64	# companies	# units	% of Total #
9 Tonti Management	52	9	910	30%

**Small companies under 50 properties**

1 Lodge and Spa at Breckenridge *	46			
2 Resort Managers	45			
3 Peak Property Management Co.	45			
4 Resort Town Lodging	41			
5 Breckenridge Wayside Inn	37			
6 Woodwinds Property Mgmt.	34			
7 Colorado Rocky Mountain Resorts	30			
8 Tannhauser Lodging & Realty	30			
9 Breckenridge's Wildwood Suites	29			
10 The Lift	29			
11 Fireside Inn	25			
12 River Ridge Rentals	24			
13 Corral at Breckenridge	23			
14 Paragon Lodging	21			
15 All Summit Accommodations	21			
16 Ski Colorado	19			
17 Majestic Properties - Ryan Greff	19			
18 Wilderndest Property Management	11			
19 Janes Lodges	11			
20 Allaire Timbers Inn	10			
21 Twin Summits	9			
22 BookBreck Lodging	8			
23 Skiway Lodge, LLC	8			
24 Bighorn Rentals, Inc.	7			
25 Phelps Lodging	7			
26 Seasons Dreams	6			
27 Abbett Placer Inn	5			
28 Accommodations by Wilkin's Lodging	5			
29 Briar Rose - Dave Yost	3			
30 Best in Breck- Sharon Liko	2	# companies	# units	% of Total #
31 Ross Management Co.	1	31	611	20%

Indicates a non-BRC member

<b>Grand Total:</b>	<b>44</b>	<b>3082</b>
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Summit Vacations