



**BRECKENRIDGE TOWN COUNCIL  
WORK SESSION  
Tuesday, November 25, 2008**

**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. <u>PLANNING COMMISSION DECISIONS</u></b>	<b>Page 2</b>
<b>3:15 – 3:45 pm</b>	<b>II. <u>LEGISLATIVE REVIEW</u> *</b>	
	Mill Levy	<b>Page 45</b>
	Water Rates	<b>Page 47</b>
	Budget & CIP	<b>Page 52</b>
	Mercy Housing Grant Applications	<b>Page 54</b>
<b>3:45 – 4:30 pm</b>	<b>III. <u>MANAGERS REPORT</u></b>	
	Public Projects Update	<b>Verbal</b>
	Housing/Childcare Update	<b>Verbal</b>
	Committee Reports	<b>Page 9</b>
	Financial Update	<b>Page 11</b>
<b>4:30 – 5:30 pm</b>	<b>IV. <u>PLANNING MATTERS</u></b>	
	Tarn Easements	<b>Page 29</b>
	Plastic Bag Challenge Discussion	<b>Page 34</b>
	Planning Commission Field Trip Update	<b>Page 37</b>
<b>5:30 – 6:00 pm</b>	<b>V. <u>EXECUTIVE SESSION</u></b>	

**\*ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA** **Page 40**

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

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

**MEMORANDUM**

**To:** Town Council

**From:** Peter Grosshuesch

**Date:** November 19, 2008

**Re:** Town Council Consent Calendar from the Planning Commission Decisions of the November 18, 2008, meeting.

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***DECISIONS FROM THE PLANNING COMMISSION AGENDA OF November 18, 2008***

**CLASS C APPLICATIONS:**

1. Keith Addition (JP) PC#2008115; 209 Highlands Drive  
Addition of 1 bedroom and 1 bath to existing single family residence to create a total of 6 bedrooms, 6 baths, 4,987 sq. ft. of density and 5,951 sq. ft. of mass for a F.A.R. of 1:11.27. Approved.
2. Rush Addition (JP) PC#2008116; 93 Rounds Road  
Addition to garage of existing single family residence to create a total of 5 bedrooms, 4.5 baths, 4,760 sq. ft. of density and 6,177 sq. ft. of mass for a F.A.R. of 1:7.48. Approved.
3. Chlipala Residence (MM) PC#2008118; 88 Snowy Ridge Road  
Construct a new single-family residence with 7 bedrooms, 7.5 bathrooms, 9,437 sq. ft. of density and 12,324 sq. ft. of mass for a F.A.R. of 1:1.44. Approved.

**CLASS B APPLICATIONS:**

1. Shock Hill Cottages Footprint Lots (CN) PC#2008117; 16 and 48 Regent Drive  
Subdivide property to create two footprint lots (Lot 2 and Lot 6) around two existing single family homes. Approved.

**CLASS A APPLICATIONS:**

1. VRDC Building 804 Lodge (MM) PC#2007001; Tract C, Peak 7 & 8 Perimeter Subdivision  
Construct a new 47-room condo/hotel lodge at the base of Peak 8 totaling 54,442 square feet with 10,360 square feet of commercial space and 20,219 square feet of guest services. Approved.

**MAGGIE PLACER ANNEXATION:**

The Planning Commission reviewed the updated proposal for the Maggie Placer parcel, 9525 CO Highway 9, and recommends the Town Council amend the annexation agreement based on the submitted plans tentatively meeting applicable policies of the Development Code.

**PLANNING COMMISSION MEETING**

**THE MEETING WAS CALLED TO ORDER AT 7:03 P.M.**

**ROLL CALL**

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

Eric Mamula, Town Council Liaison, arrived at 8:55pm for the worksessions.

**APPROVAL OF MINUTES**

With no changes, the minutes, the November 4, 2008 Planning Commission minutes was approved unanimously (7-0).

**APPROVAL OF AGENDA**

With no changes, the Agenda for the November 18, 2008 Planning Commission agenda was approved unanimously (7-0).

Mr. Allen would like to discuss Commission Historic Preservation training under “Other Matters” at the end of the meeting.

**CONSENT CALENDAR:**

1. Keith Addition (JP) PC#2008115; 209 Highlands Drive
2. Rush Addition (JP) PC#2008118; 93 Rounds Road
3. Chlipala Residence (MM) PC#2008118; 0088 Snowy Ridge Road

Ms. Girvin suggested having future (and at the end of the meeting) general discussions regarding applications that propose large amounts of heated snow melt that are not for public safety or public benefit.

With no motions for call-up, the Consent Calendar was approved as presented.

**FINAL HEARINGS:**

1. VRDC Building 804 Lodge (MM) PC#2008032; Tract C, Peak 7 & 8 Perimeter Subdivision

*As a current employee of Vail Resorts, Mr. Bertaux stepped down due to a conflict of interest*

*Mr. Schroder brought up a potential conflict of interest in which he stated he works less than part time indirectly for Vail Resorts serving at banquets in the Keystone Conference Center. The Commission decided that his minimal relationship with Vail Resorts shouldn't preclude him from reviewing this application. The applicant had no concerns with Mr. Schroder participating in the discussion.*

Mr. Mosher presented a proposal to construct a 47-room condo/hotel lodge at the base of Peak 8 totaling 54,442 square feet of residential, with 10,360 square feet of commercial space and 20,219 square feet of guest services.

Building 804 would be located immediately adjacent (northwest) to the recently approved (and under construction) Building 801 or One Ski Hill Place, at the base of the ski slopes at Peak 8. Placement of this building will eliminate the existing Ullr Building that currently houses the ski school and ticketing/office functions at Peak 8. Additionally, the lower level supports of the Peak 8 Gondola station will be enclosed in this building. The Cucumber Gulch Preventative Management Area is to the east of the development site.

The Planning Commission approved the Amendment to the Peaks 7 and 8 Master Plan (PC#2005105) on December 6, 2005. The recently approved modification to the Master Plan (for Peaks 7 and 8) now contains a total of 549 SFEs of density with 470.5 Residential SFEs, 21.5 Commercial SFEs and 57 Guest/Skier services SFEs. The portion allocated just to Peak 8 consists of 282.0 Multi-family Residential SFEs, 14.5 Commercial SFEs, and 48.0 Guest Services Facilities SFEs for a total of 344.5 SFEs. The Master Plan also outlines specific design criteria and standards for the general development and the different uses.

This development is utilizing a portion of the allowed density. There are to be additional separate lodges (future development permits) created at the base of Peak 8 with the remaining density from the Master Plan. Per the approval of One Ski Hill Place, the applicants are planning on placing portions of the required meeting spaces and amenities for all the base development area within the main building to centralize these services. In addition, the overall site development is to be completed in phases (along with the development of the future buildings).

### **Changes Since the April 1, 2008 Hearing**

1. Minor revisions to density and mass calculations.
2. Plaza landscaping and hardscape enhancements.
3. More complete civil drawings.
4. Minor architectural “tweaking”.

The amenities at One Ski Hill Place will include:

**Garden Level:** A media room and game room, a two-lane bowling alley

**Level One:** Fitness room, spa, hot tubs and pools, 7 Conference rooms w/ prep-kitchen

The Guest Services include:

**Garden Level:** Administration office, Bakery and prep-kitchen

**Level One:** Kitchen and food court, Bar and restrooms

Staff has worked closely with the applicant and agent to carefully review this proposal against the 2005 Amendment to the Peaks 7 and 8 Master Plan. Staff found the architecture, density and mass, and site planning to match that of the Master Plan and had no concerns. Staff welcomed any questions or comments from the Commission.

Staff recommended approval of the Building 804 Lodge, PC#2008032, by supporting the presented Point Analysis which showed a passing score of zero (0) points along with the presented Findings and Conditions.

Randy May, Consultant working with Vail Resorts Development Company: Applicants have worked closely with staff to resolve any issues discussed previously. Ski plaza was designed to accommodate both winter and summer seasons. Plaza would be left open to accommodate the sheer volume of people that will be accessing the area. Many issues have been addressed through the 6 1/2 years of Master Planning.

Ken O’Bryan, Architect: Presented a power point presentation and scale model of the building to the Commission showing the features of the proposed development. Architecture would be essentially the same as previously presented with some minor design changes to the exterior.

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

#### *Commissioner Questions/Comments:*

Ms. Girvin: Final Comments: Supportive of the architecture, site planning, and plaza area plans. Understood the need for expansive hardscape the plaza area. Had no problem with the staff recommendations or final points.

Mr. Schroder: Final Comments: Liked the fact that more attainable housing is being developed since last review. Supportive of the color and material scheme and believed this development fits the intent of the Master Plan.

Ms. Katz: Final Comments: Great to see things come to fruition. Lots of hard work by applicant and staff. This is a testament to quality of proposal when the Planning Commission has few comments. Massing appropriate and appreciated the density centered at the base of the ski area. Sought clarification regarding the number of children the daycare center would accommodate. (John Buhler, Director of

Skier Services/Ski & Ride School, pointed out the license would continue to allow 34 children. Mostly young children of mountain employees. Facility is state governed and open to the public too.)

Mr. Bertaux: (Stepped down due to a potential conflict of interest.)

Mr. Lamb: Asked if the daycare center would be open to the public? (The applicant pointed out that yes, the daycare center would be open to the public.)

Final Comments: Felt what has been presented is consistent with the Master Plan. Feared that the childcare facility will not benefit the community and therefore struggled with the positive points for community benefit. (Mr. Buhler pointed out that the daycare would be a state licensed daycare center meeting the needs of first employees and then guests).

Mr. Pringle: Sought clarification regarding the area underneath the gondola and what functions were located there. (The applicant responded that this area will serve as a maintenance storage which will store snow equipment, tools, etc.). Pointed out the protection of Cucumber Creek is first in foremost as discussed in the Master Plan and that this project looks as if it protects the Gulch.

Final Comments: Very pleased with the way this building is coming together while addressing the Master Plan. This development will take Breckenridge to the next level. Liked the idea of adding more activities to the plaza. These are big buildings which will be iconic but nobody should be surprised by big buildings.

Mr. Allen: Asked staff to explain the height determination per the Master Plan requirements. (Staff replied that the height relates to the Land Use Guidelines and is a relative policy.) Regarding landscaping in the plaza, why isn't there more landscaping and less hardscape? (Mr. May pointed out that in the winter this area needs to accommodate a large amount of snow and individuals and thus not practical to plant large trees that will not survive. The more things in the way the harder it is to move people safely.) Asked the architect to elaborate on the summer landscape plan for the plaza. (Mr. O'Bryan pointed out that this area would remain open due to winter traffic but many ideas have been planned to accommodate summer activity. He further pointed out this area is only about 65 feet wide, similar to a typical double loaded parking and drive aisle.)

Final Comments: Thanked the applicant for the changes made to date. Questioned the negative points on the snowmelt which benefits the public. Perhaps should not assign negative points as it is a safety issue. (Staff pointed out precedent has been set on other applications and this can be reviewed as possible policy modification.) Felt the precedent shouldn't be set if public benefit was evident. Liked to see the daycare and was ok with the landscaping plans.

Mr. Pringle made a motion to approve the point analysis for VRDC Building 804 Lodge, PC#2008032, Tract C, Peak 7 & 8 Perimeter Subdivision. Mr. Lamb seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the VRDC Building 804 Lodge, PC#2008032, Tract C, Peak 7 & 8 Perimeter Subdivision with the presented findings and conditions. Ms. Katz seconded, and the motion was carried unanimously (6-0).

#### **COMBINED HEARINGS:**

##### **1. Shock Hill Cottages Footprint Lots (CN) PC#2008117; 16 & 48 Regent Drive**

Mr. Neubecker presented a proposal to create two footprint lots around two existing single family homes. The Planning Commission approved the Shock Hill Cottages on June 5, 2007. This approval included 14 single family homes ("cottages") plus one employee housing building, with HOA storage and an attached dumpster enclosure. Only two buildings have been built so far. Footprint lots were anticipated at the time of the development review. Now that two buildings exist, the precise location has been determined, and the actual footprint lots have now been surveyed.

The Planning Department has approved the proposed resubdivision of two footprint lots around two existing single family homes in the Shock Hill Cottages, at 16 and 48 Regent Drive (PC#2008117) with the attached Findings and Conditions. Staff recommends the Commission uphold this decision.

Don Nilsson, Applicant: Pointed out that condition #7, to place an address sign at the intersection with the private road, is unnecessary. (Staff pointed out they were OK striking this condition. Also strike "and street lights" and "prior to acceptance of the streets by the Town." from condition #11. These conditions do not make sense for this development.)

*Commissioner Questions/Comments:*

Ms. Girvin: No concerns.

Mr. Schroder: No concerns.

Ms. Katz: No concerns.

Mr. Bertaux: No concerns.

Mr. Lamb: No concerns.

Mr. Pringle: Sought clarification regarding wording on condition #11 changes and striking condition # 7. (Staff pointed out condition #7 could be struck.) Also, recommended inserting a new finding #7 with a statement clarifying why a combined hearing was held. There is no useful purpose in having two hearings on this application.

Mr. Allen: No concerns.

Mr. Pringle made a motion to approve Shock Hill Cottages Footprint Lots, PC#2008117, Tract C, Peak 7 & 8 Perimeter Subdivision, with the presented findings and conditions amended as follows: Condition #7 struck as it is irrelevant to this application. Revise condition #11 to read “Applicant shall submit and obtain approval from the Town Engineer of all traffic control signage which shall be installed at applicant’s expense.” In addition, add a new finding #7, to indicate that there is no useful purpose in having two hearings on this application. Mr. Bertaux seconded, and the motion was carried unanimously (7-0).

**WORK SESSIONS:**

1. Maggie Placer (MM) 9525 CO Highway 9

Mr. Mosher presented an update to the Maggie Placer application, with a request for the Commission to review a modified plan for the Maggie Placer Development against the Development Code and to recommend to Town Council a renewal of the existing Annexation Agreement based on the submitted changes.

The original request was: *Per the Maggie Placer Annexation Agreement, to develop the property with 18 permanently deed/equity restricted housing units in the form of condominiums. Pursuant to the Annexation Agreement, there shall be 6 one bedroom Restricted Units, 8 two bedroom Restricted Units, and 4 three bedroom units. There were to be 4 market rate cluster-single-family home sites. All parking for the units is surface spaces placed south of the building.*

The new plan would be to provide 12 permanently deed/equity restricted housing units in the form of condominiums. There would be 6 one-bedroom (847 SF) Restricted Units and 6 two-bedroom (1,217 SF) Restricted Units. There would also be 4 market rate properties for cluster-single-family homes. The maximum size of the market rate cluster-single-family homes would be 3,500 to 4,500 square feet.

Since the May 6th meeting, the applicant and agent have been analyzing the plans based on comments heard from the Commission, Staff and adjoining property owners. As a result, the presented changes included:

1. A reduction of overall density (75% of the permanently deed/equity restricted housing units would be affordable and 25% would be market-rate cluster homes).
2. The permanently deed/equity restricted housing portion would be located at the south of the site (no development is proposed down the steep hillside to the north). The four single family home sites would be to the north and west.
3. The drive aisle would be shared between the permanently deed/equity restricted housing units and the market home sites reducing the paving impacts.
4. CDOT has tentatively approved having the site accessed from Highway 9, since access through Ski & Racquet property has not been approved.
5. Overall solar orientation for the development is greatly improved.
6. The architecture has been enhanced.
7. Applicant would create the cluster-single-family home sites for sale, not the structures.

Over the past several months, Staff has been working with John Springer, of Springer Development, and John M. Perkins, AIA, of JMP Architects to present a proposal to the Planning Commission regarding the development of the recently annexed Lot 6, Tract 7-77, Section 06, Quarter 2, Maggie Placer, MS#1338, (Maggie Placer Development).

This application was last reviewed on May 6, 2008. Concerns were expressed about the amount of development proposed and the resulting site impacts. Specifically, adequate buffers, snow stacking, parking spaces and storage needs. Concerns were also expressed over the ability to access the property off of Highway 9.

Responding to the concerns expressed at the last hearing, the applicant was seeking Commissioner feedback on the reduction of density, increased parking spaces and increased site buffering. The concept was to reduce the intensity of the project and lessen the negative impacts seen in the initial submittal.

The access to the property would now be directly off of Highway 9. CDOT has giving preliminary approval for access to and from the right-hand turning lane that terminates at the Ski and Racquet Club drive. As a result, the access issues were no longer a concern. (Also, there would be no improvements made to the Ski and Racquet Club entrance.)

With this plan, the percentage of affordable to market units has changed from 82% to 75%. Of the 12 units, 2 would be restricted to 90% AMI and the remaining would be up to 110% AMI. There will be six large one-bedroom units and six large two-bedroom units. The Council Housing Sub-Committee has reviewed the plans and was supportive of the changes. The committee did want to see a quality development with large units and attractive architecture.

Addressing site concerns, the housing building is no longer over the north hillside and, as a result, more trees/buffering can be preserved. The placement and architecture of the three separate affordable buildings offer greater solar opportunities, buffering around each building and privacy. The looped drive, shared with the market lots, has reduced the overall paving. The architecture shows improved articulation with a variety of materials and massing. Staff was supportive of the changes and believed that plans could be reviewed against the Development Code with a passing score on a point analysis.

If the Commission was comfortable with the new plans, staff suggested a motion to recommend amending the annexation agreement based on the submitted plans meeting applicable policies of the Development Code.

Mr. Allen opened the hearing for public comment

Merle Hayworth, Ski and Racquet Club: Are buildings A, B, C stick-built or modular? (Applicant pointed out they would be stick-built.) Sought clarification regarding how Development Code addresses height measurements. Had concerns about the CDOT grant of the right-in and right-out only access to the property. We own all the way to the highway edge, at the entry driveway towards the south. Suggested the Commission look at the Ski and Rackets plat because a future problem will arise with non-Ski and Racquet Club cars turning around on their property to head back into Town. Didn't like having non-residents using this area. Also wanted to clarify that access through Ski & Racquet was not refused by Ski and Racket. (Commission noted that during the last hearing the attorney hired by the Ski & Racquet Club indicated otherwise.)

Jan Bowmen, Ski & Racquet Club: The proposed building height makes sidewalk dark and creates a safety issue. Ski & Racquet plans to re-dig the ditch running along the south property line to deter any people taking a short-cut through their property to get to the bus stop at their driveway. Safety of the intersection is main concern. Asked that the south buildings move further north with added buffer so we won't have to look at them as we access our property. Would like to see more landscaping. Cars will have conflicts at our driveway. Pointed out the proposed entrance (to Maggie Placer) appears to be a natural entrance as far as elevation to the highway.

Norm Stein, Ski & Racquet Club: Very concerned about people turning around on Ski & Rackets property. He further sought clarification regarding the placement of the buildings. There is not enough buffer to neighboring property. A little concerned about snow storage capacity and where it will drain.

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

*Commissioner Questions/Comments:*

Ms. Girvin: This project has come a long way. Architecture is better, and fits in better with single family homes proposed. Current access using Highway 9 seems to have reduced internal paving and drive aisles. The CDOT approved right turn only will present real problems. It just won't work. Need to reevaluate. Access is a stumbling block but all else looks good.

- Mr. Schroder: Felt this land should be made available for future development. Designing the 4-plexes in same scale and design as the single family homes is great.
- Ms. Katz: I used to live at Ski & Racquet. This is a strange piece of land. This plan seems to be better than the previous plan. Buffering between B and C is needed.
- Mr. Pringle: Pointed out Highway 9 belongs to the state, not the Town, and that CDOT has complete jurisdiction. Ski & Racquet would be better off working with the applicant in the end. The alternative is a horrible solution. All around better layout and better architecture. Encouraged the applicant and Ski & Racquet Club to get together and discuss options to resolve differences. Ski & Racket hates what is currently proposed and what was last proposed. If it is to move forward they have the option to now discuss better options.
- Mr. Bertaux: Whole heartedly agreed with all of Mr. Pringles' comments about getting along with neighbors. Sought clarification regarding Mr. Drills drainage issue. (Staff pointed that a dry-well will resolve any concerns.) Think about creating additional storage for toys etc. Better parking layout than before. Pointed out that Town Council will recognize the access issues from these minutes.
- Mr. Lamb: This is a much better plan than presented before. Access is going to be a mess but CDOT ultimately has control here. The applicant and Ski & Racket need to get together and talk. Human nature will be to turn around at Ski & Racquet. Would like to see future discussion. Liked the deed restricted housing component.
- Mr. Allen: Sought clarification regarding the level of input the Commission could give on access. Felt the current plan has real access problems, despite CDOT's decision. They should re-assess the situation. Really liked the project and the scale, and the way the affordable and market rate units have blended. Tie in the trail access to existing trails. Use decks and patios to make units more livable. Commended applicant on the size of the units. Increase planted buffering between buildings. Thanks for providing extra parking. Get the external circulation worked out with Ski & Racquet. Ski & Racket is in control to look at the whole plan and work together, but not if the applicant moves forward with CDOT permits.

## 2. PC Norms (CN)

Mr. Neubecker presented a memo reminding the Planning Commission of the Planning Commission Norms.

### ***TOWN COUNCIL REPORT:***

Mr. Mamula: Interested how Council will address the annexation renewal the Commission addressed earlier in the meeting.

### ***OTHER MATTERS:***

Mr. Bertaux pointed out he liked the Wellington Lot for the train display.

Preservation Training: Mr. Allen wanted to invite anyone to the training and expressed an interested in going himself.

Heated Driveways: Ms. Girvin was concerned about large snow melt systems which heat the outdoors. Ms. Katz suggested looking at commercial and residential differently. Mr. Neubecker pointed out the codes allows for negative six (-6) points; and the Commission can make a motion to change a point analysis. Ms. Katz suggested a commercial policy that encourages snow melt where there will be public safety concerns and many pedestrians, which could be awarded positive points, whereas negative points should be assigned for residential developments where there is no public benefit. Mr. Allen suggested the difference between minimal and excessive snow storage.

### ***ADJOURNMENT:***

The meeting was adjourned at 9:44p.m.

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Rodney Allen, Chair



## MEMO

**TO: Mayor & Town Council**

**FROM: Tim Gagen**

**DATE: September 23, 2008**

**RE: Committee Reports**

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**Police Advisory Committee** **Rick Holman** **November 6**

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- **Oktoberfest Update:** The Chief debriefed the PAC regarding the recent Oktoberfest event. Although there was record attendance at this event, there were fewer incidents than in the past. This is likely due to increased officer presence, improved planning for the event, and a larger area mapped out for the event activities. All of these efforts resulted in an event that was well-executed by the Town and more easily managed by law enforcement.
  
- **Safe Bar Campaign:**  
The Chief informed the PAC that the “Safe Bar Campaign” was ready to launch for the winter season. There appears to be solid support for this program from bar establishments. The police department recently trained over 30 bar employees on the merits of the campaign, and all officers are in the process of being briefed and trained. The PD is in the final stages of producing a poster that will be displayed in front of each bar establishment, to inform the public.
  
- **Parking Management Update:** The Chief briefed the PAC with respect to the parking management plan and the transition of Parking to the Police Department. The lodging/shuttle stop program was operational the week of 11/10/08. The PAC was also briefed regarding the ski area’s parking proposals for use of the Gold Rush lot, pay at the gondola lots, other ski area parking and shuttle stops.
  
- **2009 Budget Update:** As with other Town departments, the Police Department is responding to the reductions in revenue at the Town. The department is carefully monitoring the 2008 and 2009 budgets, and many efforts will be made in 2009 to hold budget amounts and reduce spending in some areas.
  
- **Staffing Update:** The Chief introduced the recent new hire police officer, Travis Weaver. Travis was previously employed with the Douglas County Sheriff’s Office.

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**LLA** **MJ Loufek** **November 18**

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- The consent calendar was approved, including an Art Gallery Permit application for Vail Fine Art Gallery d/b/a Breckenridge Fine Art Gallery, located at 421 S. Main Street.
  
- A new Optional Premise Liquor License with three optional premise permits was approved for Keystone Food & Beverage Company d/b/a Sevens Restaurant, located at 1979 Ski Hill Road. Included within the licensed premises are Sevens Restaurant, the Grand Lodge on Peak 7, the Crystal Peak Lodge, the plaza area and the “ski yard” (diagram attached). This is a rather unique class of liquor license limited to outdoor sports and recreational facilities, such as ski areas and

golf courses, that allows the licensee a certain degree of flexibility.

The Town Clerk presented information on the application of Lone Star Vino LLC d/b/a D'Vine Wine Silverthorne for a manufacturers sales room, to be located at 211 S. Main Street.

**Public Art Commission                      Jen Cram                      November 5**

Welcome New Commissioners - The Commission welcomed new appointees Amy Evans and Tom Kramer. Commissioners will continue to try and recruit a good candidate for the additional vacancy.

Dedication of "The Swing" at TLC – BPAC and the Anilionis family agreed to wait until the Spring for the dedication to allow time to get the plaque installed properly and for better weather.

Breckenridge Theatre Gallery – The Commission currently has a Call to Artists out to solicit artists to exhibit at the Breckenridge Theatre Gallery February 09 to December 09.

Annual Retreat – The Commission agreed to postpone the annual retreat until February so that the new Commissioner may participate, as Town Council will not be able to interview candidates until January 6<sup>th</sup>.

Community Arts Update – Jennifer noted that the Arts District Holiday Party was scheduled for Wednesday, December 10<sup>th</sup> from 5:00 pm to 8:00 pm. Janis Bunchman will help to host the event.

Misc. – The Commission discussed revisiting the donor program to revitalize it and hopefully generate some new public art for the collection.

**Other Meetings**

CML	Tim Gagen	No Meeting
CAST	Tim Gagen	No Meeting
Summit Leadership Forum	Tim Gagen	No Meeting
Wildfire Council	Peter Grosshuesch	No Meeting
NWCCOG	Peter Grosshuesch	No Meeting
I-70 Coalition	Tim Gagen	No Meeting
NWCCOG	Peter Grosshuesch	No Meeting
SCHA	Laurie Best	No Meeting
BEDAC	Julia Skurski	No Meeting
Summit Stage	James Phelps	No Meeting



**TOWN OF BRECKENRIDGE**  
**ALL FUNDS NET OF INTER-FUND TRANSFERS**  
 Current Year to Prior Year Comparison  
 YTD Ending: October 2008

	<i>Prior Year</i>			<i>Actual/Actual Pct Variance</i>	<i>Current Year</i>				<i>83.33% of FY Pct of Budget Rec'd/Spent</i>
	<i>YTD Actual</i>	<i>YE Total</i>	<i>Pct of YE Rec'd/Spent</i>		<i>YTD Actual</i>	<i>YTD Budget</i>	<i>Actual/Budget Pct Variance</i>	<i>Annual Budget</i>	
<b>General Fund</b>	8,027,760	9,411,733	85.30	<b>17.34</b>	9,419,994	8,859,969	106.32	9,913,509	95.02
<b>Water Fund</b>	2,892,064	4,308,025	67.13	<b>38.25</b>	3,998,351	2,955,270	135.30	3,424,679	116.75
<b>Capital Fund</b>	1,315,768	5,221,643	25.20	<b>-33.16</b>	879,399	281,951	311.90	310,000	283.68
<b>Marketing Fund</b>	788,915	1,213,453	65.01	<b>6.24</b>	838,108	829,177	101.08	1,157,295	72.42
<b>Golf Fund</b>	2,367,145	2,414,939	98.02	<b>-9.53</b>	2,141,609	2,000,178	107.07	2,291,855	93.44
<b>Excise Tax Fund</b>	16,778,783	21,783,177	77.03	<b>-7.89</b>	15,455,623	18,812,833	82.15	21,570,493	71.65
<b>Affordable Housing Fund</b>	317,945	1,862,906	17.07	<b>120.76</b>	701,891	882,803	79.51	1,143,600	61.38
<b>Open Space Fund</b>	1,625,475	2,226,421	73.01	<b>-2.42</b>	1,586,174	1,763,633	89.94	1,969,000	80.56
<b>Conservation Trust Fund</b>	25,594	35,043	73.03	<b>1.62</b>	26,009	22,401	116.11	30,600	85.00
<b>Garage Services Fund</b>	2,500	2,500	100.00	<b>4,539.37</b>	115,984	2,500	4,639.37	3,000	3,866.13
<b>Information Services Fund</b>	0	0	n/m	<b>n/m</b>	0	0	n/m	0	n/m
<b>Facilities Maintenance Fund</b>	0	0	n/m	<b>n/m</b>	0	0	n/m	0	n/m
<b>Special Projects Fund</b>	0	0	n/m	<b>n/m</b>	1,890,833	1,890,833	100.00	2,269,000	83.33
<b>TOTAL REVENUE</b>	<b>34,141,948</b>	<b>48,479,838</b>	<b>70.43</b>	<b>8.53</b>	<b>37,053,976</b>	<b>38,301,549</b>	<b>96.74</b>	<b>44,083,031</b>	<b>84.05</b>
<b>General Fund</b>	16,377,160	20,520,974	79.81	<b>-10.76</b>	14,615,421	16,006,300	91.31	20,701,979	70.60
<b>Water Fund</b>	1,519,923	2,736,031	55.55	<b>16.70</b>	1,773,718	4,119,921	43.05	5,087,229	34.87
<b>Capital Fund</b>	2,721,909	7,714,703	35.28	<b>227.63</b>	8,917,703	2,342,500	380.69	2,811,000	317.24
<b>Marketing Fund</b>	1,041,867	1,293,224	80.56	<b>33.21</b>	1,387,908	1,385,461	100.18	1,689,514	82.15
<b>Golf Fund</b>	1,401,284	2,028,215	69.09	<b>5.90</b>	1,483,908	1,561,142	95.05	2,360,091	62.88
<b>Excise Tax Fund</b>	78,669	297,338	26.46	<b>2,482.40</b>	2,031,545	1,967,644	103.25	2,567,288	79.13
<b>Affordable Housing Fund</b>	796,986	899,952	88.56	<b>208.30</b>	2,457,104	2,814,213	87.31	3,260,608	75.36
<b>Open Space Fund</b>	1,589,068	2,382,459	66.70	<b>44.44</b>	2,295,263	1,508,812	152.12	2,103,330	109.13
<b>Conservation Trust Fund</b>	0	0	n/m	<b>n/m</b>	0	0	n/m	0	n/m
<b>Garage Services Fund - Ops</b>	901,458	1,614,986	55.82	<b>36.30</b>	1,228,670	1,113,805	110.31	1,390,193	88.38
<b>Garage Services Fund - Capital</b>	409,659	100,958	405.77	<b>166.52</b>	1,091,842	636,610	171.51	747,440	146.08
<b>Information Services Fund</b>	714,573	856,307	83.45	<b>-2.06</b>	699,837	863,317	81.06	1,015,515	68.91
<b>Facilities Maintenance Fund</b>	9,235	20,689	44.64	<b>-100.00</b>	0	61,029	0.00	136,722	0.00
<b>Special Projects Fund</b>	0	0	n/m	<b>n/m</b>	1,827,554	1,890,238	96.68	2,268,286	80.57
<b>TOTAL EXPENDITURES</b>	<b>27,561,791</b>	<b>40,465,836</b>	<b>68.11</b>	<b>44.44</b>	<b>39,810,472</b>	<b>36,270,993</b>	<b>109.76</b>	<b>46,139,195</b>	<b>86.28</b>



**TOWN OF BRECKENRIDGE**  
**ALL FUNDS**  
**Current Year to Prior Year Comparison**  
**YTD Ending: October 2008**

	<i>Prior Year</i>			<i>Actual/Actual Pct Variance</i>	<i>Current Year</i>				<i>83.33% of FY Pct of Budget Rec'd/Spent</i>
	<i>YTD Actual</i>	<i>YE Total</i>	<i>Pct of YE Rec'd/Spent</i>		<i>YTD Actual</i>	<i>YTD Budget</i>	<i>Actual/Budget Pct Variance</i>	<i>Annual Budget</i>	
<b>General Fund</b>	19,721,237	23,431,655	84.16	<b>5.56</b>	20,816,782	20,256,757	102.76	23,589,654	88.25
<b>Water Fund</b>	2,892,064	4,308,025	67.13	<b>38.25</b>	3,998,351	2,955,270	135.30	3,424,679	116.75
<b>Capital Fund</b>	4,368,684	13,610,108	32.10	<b>-31.02</b>	3,013,566	2,416,118	124.73	2,871,000	104.97
<b>Marketing Fund</b>	897,248	1,343,453	66.79	<b>21.27</b>	1,088,108	1,079,177	100.83	1,457,295	74.67
<b>Golf Fund</b>	2,575,478	2,677,189	96.20	<b>-8.76</b>	2,349,942	2,208,511	106.40	2,541,855	92.45
<b>Excise Tax Fund</b>	16,778,783	21,783,177	77.03	<b>-7.89</b>	15,455,623	18,812,833	82.15	21,570,493	71.65
<b>Affordable Housing Fund</b>	625,429	2,849,329	21.95	<b>327.00</b>	2,670,592	1,619,215	164.93	3,506,041	76.17
<b>Open Space Fund</b>	1,625,475	2,226,421	73.01	<b>-2.42</b>	1,586,174	1,763,633	89.94	1,969,000	80.56
<b>Conservation Trust Fund</b>	25,594	35,043	73.03	<b>1.62</b>	26,009	22,401	116.11	30,600	85.00
<b>Garage Services Fund</b>	1,489,723	1,787,169	83.36	<b>21.48</b>	1,809,738	1,696,253	106.69	2,035,504	88.91
<b>Information Services Fund</b>	736,013	883,215	83.33	<b>8.45</b>	798,229	798,228	100.00	957,874	83.33
<b>Facilities Maintenance Fund</b>	358,673	430,408	83.33	<b>0.00</b>	358,675	358,675	100.00	430,410	83.33
<b>Special Projects Fund</b>	0	0	n/m	<b>n/m</b>	1,890,833	1,890,833	100.00	2,269,000	83.33
<b>TOTAL REVENUE</b>	<b>52,094,402</b>	<b>75,365,190</b>	<b>69.12</b>	<b>7.23</b>	<b>55,862,621</b>	<b>55,877,905</b>	<b>99.97</b>	<b>66,653,405</b>	<b>83.81</b>
<b>General Fund</b>	18,642,031	23,239,267	80.22	<b>-7.96</b>	17,158,165	18,547,996	92.51	23,752,046	72.24
<b>Water Fund</b>	1,911,114	3,205,460	59.62	<b>12.78</b>	2,155,309	4,501,512	47.88	5,545,139	38.87
<b>Capital Fund</b>	2,721,909	7,714,703	35.28	<b>227.63</b>	8,917,703	2,342,500	380.69	2,811,000	317.24
<b>Marketing Fund</b>	1,041,867	1,293,224	80.56	<b>33.21</b>	1,387,908	1,385,461	100.18	1,689,514	82.15
<b>Golf Fund</b>	1,466,202	2,106,117	69.62	<b>6.09</b>	1,555,514	1,632,748	95.27	2,446,018	63.59
<b>Excise Tax Fund</b>	15,281,187	23,882,767	63.98	<b>16.50</b>	17,802,813	17,738,912	100.36	21,492,810	82.83
<b>Affordable Housing Fund</b>	796,986	899,952	88.56	<b>208.30</b>	2,457,104	2,814,213	87.31	3,260,608	75.36
<b>Open Space Fund</b>	1,593,366	2,387,617	66.73	<b>44.35</b>	2,300,011	1,513,560	151.96	2,109,027	109.06
<b>Conservation Trust Fund</b>	25,000	30,000	83.33	<b>50.00</b>	37,500	37,500	100.00	45,000	83.33
<b>Garage Services Fund - Ops</b>	901,458	1,614,986	55.82	<b>36.30</b>	1,228,670	1,113,805	110.31	1,390,193	88.38
<b>Garage Services Fund - Capital</b>	409,659	100,958	405.77	<b>166.52</b>	1,091,842	636,610	171.51	747,440	146.08
<b>Information Services Fund</b>	717,411	859,713	83.45	<b>-2.42</b>	700,039	863,519	81.07	1,015,757	68.92
<b>Facilities Maintenance Fund</b>	9,235	20,689	44.64	<b>-100.00</b>	0	61,029	0.00	136,722	0.00
<b>Special Projects Fund</b>	0	0	n/m	<b>n/m</b>	1,827,554	1,890,238	96.68	2,268,286	80.57
<b>TOTAL EXPENDITURES</b>	<b>45,517,426</b>	<b>67,355,453</b>	<b>67.58</b>	<b>28.79</b>	<b>58,620,130</b>	<b>55,079,604</b>	<b>106.43</b>	<b>68,709,560</b>	<b>85.32</b>



**TOWN OF BRECKENRIDGE**  
**EXCISE FUND**  
**Current Year to Prior Year Comparison**  
**YTD Ending: October 2008**

	<i>Prior Year</i>			<i>Actual/Actual Pct Variance</i>	<i>Current Year</i>				<i>83.33% of FY Pct of Budget Rec'd/Spent</i>
	<i>YTD Actual</i>	<i>YE Total</i>	<i>Pct of YE Rec'd/Spent</i>		<i>YTD Actual</i>	<i>YTD Budget</i>	<i>Actual/Budget Pct Variance</i>	<i>Annual Budget</i>	
<b>Sales Tax</b>	9,731,536	13,040,545	74.63	<b>1.29</b>	9,856,844	11,486,077	85.82	12,955,270	76.08
<b>Accomodations Taxes</b>	1,419,073	1,803,464	78.69	<b>3.98</b>	1,475,600	1,614,427	91.40	1,713,223	86.13
<b>RETT</b>	4,631,779	5,675,235	81.61	<b>-27.24</b>	3,370,299	4,651,992	72.45	5,700,000	59.13
<b>Miscellaneous Taxes</b>	456,536	602,106	75.82	<b>17.58</b>	536,801	524,648	102.32	602,000	89.17
<b>Investment Income</b>	539,858	661,827	81.57	<b>-59.97</b>	216,080	535,690	40.34	600,000	36.01
<b>TOTAL REVENUE</b>	16,778,783	21,783,177	77.03	<b>-7.89</b>	15,455,623	18,812,833	82.15	21,570,493	71.65
<b>Transfers</b>	15,202,518	23,585,429	64.46	<b>16.18</b>	17,662,102	17,662,102	100.00	21,194,522	83.33
<b>Debt Service</b>	78,669	297,338	26.46	<b>78.87</b>	140,712	76,811	183.19	298,288	47.17
<b>TOTAL EXPENDITURES</b>	15,281,187	23,882,767	63.98	<b>16.50</b>	17,802,813	17,738,912	100.36	21,492,810	82.83
<b>YTD EXCESS/(DEFICIT)</b>	1,497,596	(2,099,590)			(2,347,190)	1,073,921		77,683	
<b>Jan. 1 2008 Fund Balance</b>					10,008,355				
<b>Reserved for Debt Service</b>					(900,000)				
<b>UNAUDITED BALANCE</b>					6,761,165				



**TOWN OF BRECKENRIDGE**  
**GENERAL FUND**  
 Current Year to Prior Year Comparison  
 YTD Ending: October 2008

	<i>Prior Year</i>			<i>Actual/Actual Pct Variance</i>	<i>Current Year</i>				<i>83.33% of FY Pct of Budget Rec'd/Spent</i>
	<i>YTD Actual</i>	<i>YE Total</i>	<i>Pct of YE Rec'd/Spent</i>		<i>YTD Actual</i>	<i>YTD Budget</i>	<i>Actual/Budget Pct Variance</i>	<i>Annual Budget</i>	
<b>REVENUES</b>									
Recreation Fees	2,057,138	2,618,575	78.56	-1.77	2,020,800	2,025,459	99.77	2,592,700	77.94
Property Tax	2,134,948	2,187,999	97.58	56.44	3,339,959	3,309,675	100.92	3,359,675	99.41
Investment Income	531,019	828,584	64.09	-21.36	417,585	562,950	74.18	630,000	66.28
Miscellaneous Income	185,822	232,213	80.02	99.67	371,036	146,818	252.72	169,900	218.38
Charges For Services	1,173,391	1,351,509	86.82	6.05	1,244,342	988,802	125.84	1,077,450	115.49
Licenses and Permits	1,032,936	1,144,615	90.24	-6.29	967,923	758,362	127.63	842,150	114.93
Intergovernmental	664,383	747,414	88.89	20.02	797,423	855,947	93.16	982,933	81.13
Fines/Forfeitures	248,123	300,824	82.48	5.16	260,925	211,956	123.10	258,700	100.86
Transfers In	11,693,477	14,019,922	83.41	-2.54	11,396,787	11,396,788	100.00	13,676,145	83.33
<b>Revenues</b>	19,721,237	23,431,655	84.16	5.56	20,816,782	20,256,757	102.76	23,589,654	88.25
<b>EXPENDITURES</b>									
General Government	1,425,920	1,822,663	78.23	19.37	1,702,150	1,990,442	85.52	2,480,385	68.62
Community Development	1,200,252	1,527,951	78.55	16.31	1,396,017	1,553,936	89.84	1,919,988	72.71
Engineering	345,675	429,530	80.48	18.50	409,634	408,133	100.37	512,760	79.89
Finance	884,504	1,114,833	79.34	0.33	887,409	1,018,285	87.15	1,294,176	68.57
Parking and Transit	1,680,180	2,067,358	81.27	33.94	2,250,375	2,307,409	97.53	2,833,036	79.43
Police	2,384,192	2,861,840	83.31	13.57	2,707,732	2,837,987	95.41	3,593,689	75.35
Public Works	3,920,337	5,020,450	78.09	-2.80	3,810,529	4,341,238	87.78	5,378,626	70.85
Recreation	3,293,742	4,329,635	76.07	15.45	3,802,675	3,913,243	97.17	5,048,780	75.32
Miscellaneous	3,443,293	3,529,234	97.56	-96.26	128,700	121,667	105.78	146,000	88.15
Debt Service	63,936	533,002	12.00	-1.55	62,945	55,656	113.10	544,606	11.56
Transfers Out	0	0	n/m	n/m	0	0	n/m	0	n/m
<b>Expenditures</b>	18,642,031	23,236,495	80.23	-7.96	17,158,165	18,547,996	92.51	23,752,046	72.24
<b>Rev Over(Under) Exp</b>	1,079,206	195,160			3,658,617	1,708,761		-162,392	
<b>Jan. 1 2008 Fund Balance</b>					11,970,176				
Operating Reserve					-5,800,000				
Tabor Reserve					-700,000				
Debt Service Reserve					-1,200,000				
Medical Reserve					-500,000				
<b>Unaudited Balance</b>					7,428,793				



## AFFORDABLE HOUSING FUND

**YTD Ending: October 2008**

	<i>Total Budget</i>	<i>YTD Activity OCT-08</i>	<i>PTD Activity OCT-08</i>	<i>Budget Balance OCT-08</i>	<i>Pct Us OCT-08</i>
<b>Revenue</b>					
007 0928 41211 SALES TAX	285,600.01	295,786.21	21,932.53	(10,186.20)	103.57%
007 0928 44350 SHA DEVELOPMENT IMPACT F	800,000.01	370,732.74	38,326.00	429,267.27	46.34%
007 0928 46162 TRF FROM EXCISE TAX FUND	2,362,441.01	1,968,700.80	196,870.08	393,740.21	83.33%
007 0928 49191 INVESTMENT INCOME	10,000.02	10,101.21	3,399.52	(101.19)	101.01%
007 0928 49591 RENTAL INCOME	27,999.97	25,270.70	800.00	2,729.27	90.25%
007 0928 49592 MORTGAGE PAYMENTS	20,000.01	0.00	0.00	20,000.01	0.00%
007 0928 TOTAL	3,506,041.03	2,670,591.66	261,328.13	835,449.37	76.17%
<b>Total Revenue</b>	3,506,041.03	2,670,591.66	261,328.13	835,449.37	76.17%
<b>Expense</b>					
007 0928 52239 MISC R & M SUPPLIES	999.97	0.00	0.00	999.97	0.00%
007 0928 53334 MEMBERSHIP FEES	2,880.01	2,111.00	206.00	769.01	73.30%
007 0928 53341 ELECTRIC & GAS	0.00	871.04	48.31	(871.04)	n/m
007 0928 53360 CHILD CARE PROGRAMS	598,628.00	352,328.37	(69,492.00)	246,299.63	58.86%
007 0928 54446 HOUSING CAPITAL (IMPACT	1,085,600.04	967,880.97	0.00	117,719.07	89.16%
007 0928 54448 HOUSING CAPITAL & PROJEC	1,500,000.01	1,029,056.52	4,588.21	470,943.49	68.60%
007 0928 57711 GRANTS TO OTHER AGENCIES	72,500.00	103,337.50	0.00	(30,837.50)	142.53%
007 0928 TOTAL	3,260,608.03	2,455,585.40	(64,649.48)	805,022.63	75.31%
<b>Total Expense</b>	3,260,608.03	2,455,585.40	(64,649.48)	805,022.63	75.31%

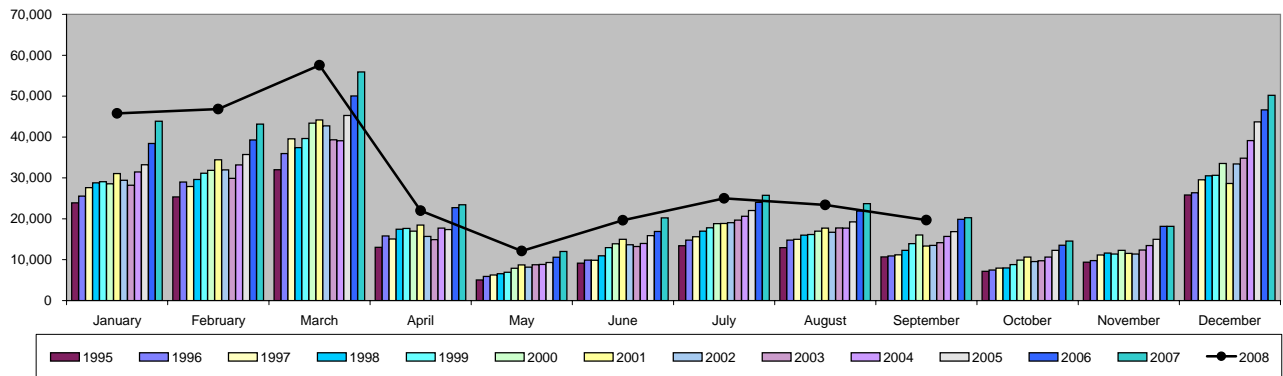
**TOWN OF BRECKENRIDGE  
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Total - All Categories**

	Monthly Totals															YTD 2007	YTD 2008	YTD % Change 07-08
	Actual 1995	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Monthly 07-08			
January	23,917	25,557	27,635	28,801	29,065	28,563	31,078	29,408	28,210	31,448	33,224	38,415	43,866	45,776	4.4%	43,866	45,776	4.4%
February	25,373	28,985	27,917	29,631	31,137	31,869	34,425	31,954	29,893	33,199	35,711	39,290	43,166	46,849	8.5%	87,032	92,625	6.4%
March	32,003	35,967	39,570	37,415	39,642	43,397	44,187	42,716	39,324	39,106	45,253	50,031	55,915	57,566	3.0%	142,947	150,191	5.1%
April	13,019	15,800	15,064	17,458	17,634	17,001	18,459	15,706	14,908	17,721	17,376	22,741	23,444	22,004	-6.1%	166,391	172,195	3.5%
May	5,055	5,898	6,250	6,577	6,911	7,907	8,706	8,186	8,768	8,826	9,294	10,587	12,012	12,143	1.1%	178,403	184,338	3.3%
June	9,173	9,883	9,873	10,959	12,963	13,910	15,001	13,654	13,240	13,953	15,889	16,922	20,217	19,660	-2.8%	198,620	203,998	2.7%
July	13,419	14,775	15,621	16,993	17,806	18,829	18,864	19,056	19,700	20,602	22,029	24,027	25,743	25,016	-2.8%	224,363	229,014	2.1%
August	12,942	14,784	14,989	15,987	16,166	16,988	17,725	16,706	17,755	17,734	19,254	21,925	23,730	23,409	-1.4%	248,093	252,423	1.7%
September	10,678	10,924	11,202	12,282	13,921	16,062	13,356	13,495	14,159	15,696	16,863	19,861	20,281	19,683	-2.9%	268,374	272,106	1.4%
October	7,166	7,464	7,924	7,986	8,797	9,915	10,642	9,550	9,740	10,654	12,297	13,531	14,546	0	-100.0%	282,920	272,106	-3.8%
November	9,399	9,782	11,147	11,637	11,392	12,294	11,559	11,403	12,349	13,460	14,987	18,141	18,160	0	-100.0%	301,080	272,106	-9.6%
December	25,837	26,356	29,535	30,506	30,621	33,530	28,630	33,416	34,822	39,109	43,692	46,637	50,203	0	-100.0%	351,283	272,106	-22.5%

2008 Monthly Sales Tax Activity (in thousands of dollars)





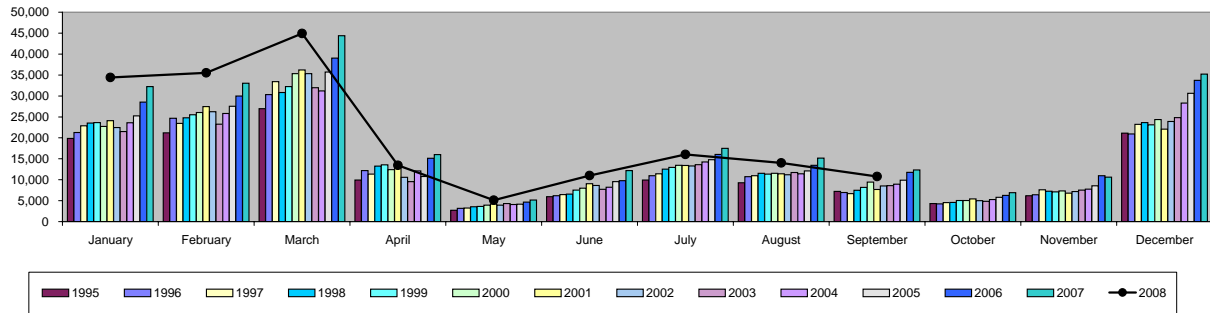
**TOWN OF BRECKENRIDGE  
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Retail-Restaurant-Lodging Summary**

	Monthly Totals															YTD 2007	YTD 2008	YTD % Change 07-08
	Actual 1995	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Monthly 07-08			
January	19,862	21,263	22,893	23,523	23,629	22,723	24,118	22,465	21,509	23,620	25,240	28,528	32,250	34,415	6.7%	32,250	34,415	6.7%
February	21,191	24,673	23,443	24,805	25,532	26,044	27,464	26,258	23,253	25,826	27,553	29,972	33,022	35,536	7.6%	65,272	69,951	7.2%
March	26,964	30,343	33,414	30,809	32,254	35,348	36,196	35,344	31,988	31,209	35,705	39,051	44,390	44,935	1.2%	109,662	114,886	4.8%
April	9,924	12,182	11,347	13,256	13,579	12,426	13,029	10,587	9,562	12,102	10,773	15,134	16,017	13,429	-16.2%	125,679	128,315	2.1%
May	2,700	3,167	3,264	3,565	3,610	3,949	4,203	3,950	4,331	4,095	4,179	4,647	5,143	5,102	-0.8%	130,822	133,417	2.0%
June	5,955	6,174	6,451	6,588	7,513	8,001	9,058	8,619	7,724	8,217	9,568	9,789	12,198	10,997	-9.8%	143,020	144,414	1.0%
July	9,914	10,950	11,405	12,527	12,944	13,464	13,406	13,292	13,590	14,248	14,766	16,038	17,486	16,045	-8.2%	160,506	160,459	0.0%
August	9,292	10,738	10,981	11,517	11,352	11,542	11,407	11,174	11,717	11,429	12,122	13,446	15,151	14,006	-7.6%	175,657	174,465	-0.7%
September	7,220	6,966	6,687	7,492	8,160	9,443	7,666	8,513	8,599	8,940	9,897	11,761	12,347	10,780	-12.7%	188,004	185,245	-1.5%
October	4,313	4,232	4,560	4,578	5,049	5,054	5,425	4,991	4,855	5,257	5,824	6,248	6,910	0	-100.0%	194,914	185,245	-5.0%
November	6,203	6,426	7,617	7,255	7,122	7,352	6,816	7,174	7,511	7,771	8,557	10,963	10,616	0	-100.0%	205,530	185,245	-9.9%
December	21,142	20,928	23,219	23,650	23,124	24,361	22,090	23,901	24,818	28,314	30,619	33,736	35,207	0	-100.0%	240,737	185,245	-23.1%

2008 Monthly Sales Tax Activity (in thousands of dollars)



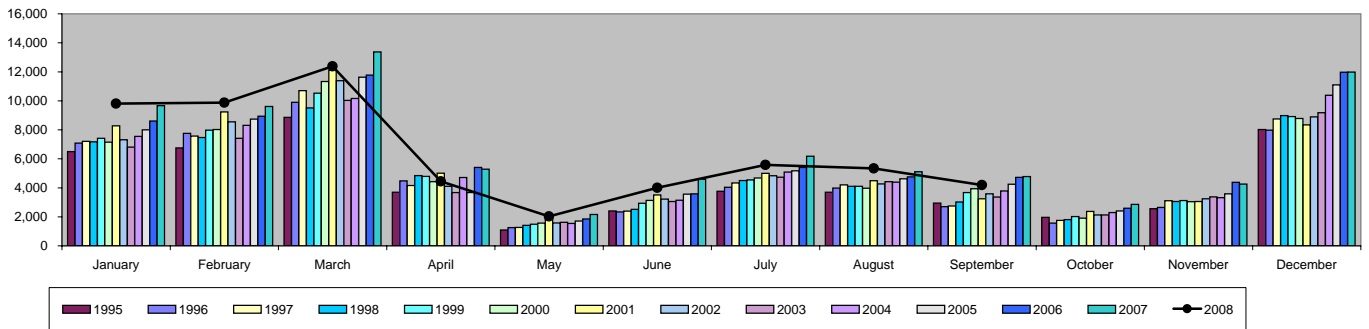
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Retail Sales**

	Month To Date															Actual 2007	Actual 2008	YTD % CHG
	Actual 1995	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Monthly % CHG			
January	6,497	7,079	7,205	7,173	7,411	7,149	8,271	7,320	6,807	7,545	8,001	8,607	9,665	9,814	1.5%	9,665	9,814	1.5%
February	6,756	7,753	7,568	7,474	7,983	8,024	9,231	8,549	7,418	8,312	8,744	8,942	9,607	9,876	2.8%	19,272	19,690	2.2%
March	8,858	9,902	10,702	9,507	10,525	11,337	12,116	11,390	10,028	10,162	11,632	11,774	13,373	12,379	-7.4%	32,645	32,069	-1.8%
April	3,702	4,481	4,156	4,841	4,789	4,423	5,008	4,105	3,679	4,714	3,678	5,406	5,281	4,451	-15.7%	37,926	36,520	-3.7%
May	1,092	1,263	1,272	1,408	1,492	1,569	2,014	1,583	1,626	1,549	1,708	1,858	2,163	2,026	-6.3%	40,089	38,546	-3.8%
June	2,404	2,335	2,391	2,521	2,931	3,135	3,514	3,227	3,062	3,140	3,565	3,589	4,591	4,008	-12.7%	44,680	42,554	-4.8%
July	3,767	4,040	4,336	4,499	4,543	4,678	4,998	4,838	4,732	5,087	5,174	5,403	6,176	5,579	-9.7%	50,856	48,133	-5.4%
August	3,693	3,981	4,199	4,109	4,100	3,973	4,492	4,269	4,429	4,397	4,620	4,757	5,110	5,345	4.6%	55,966	53,478	-4.4%
September	2,948	2,698	2,753	3,021	3,671	3,944	3,242	3,587	3,370	3,781	4,249	4,726	4,780	4,188	-12.4%	60,746	57,666	-5.1%
October	1,961	1,563	1,759	1,815	2,024	1,908	2,374	2,132	2,127	2,298	2,404	2,591	2,860	0	-100.0%	63,606	57,666	-9.3%
November	2,561	2,650	3,108	3,060	3,124	3,041	3,057	3,249	3,378	3,326	3,586	4,376	4,263	0	-100.0%	67,869	57,666	-15.0%
December	8,026	7,978	8,746	8,985	8,919	8,782	8,338	8,893	9,184	10,388	11,099	11,971	11,983	0	-100.0%	79,852	57,666	-27.8%

**2008 Monthly Sales Tax Activity (in thousands of dollars)**



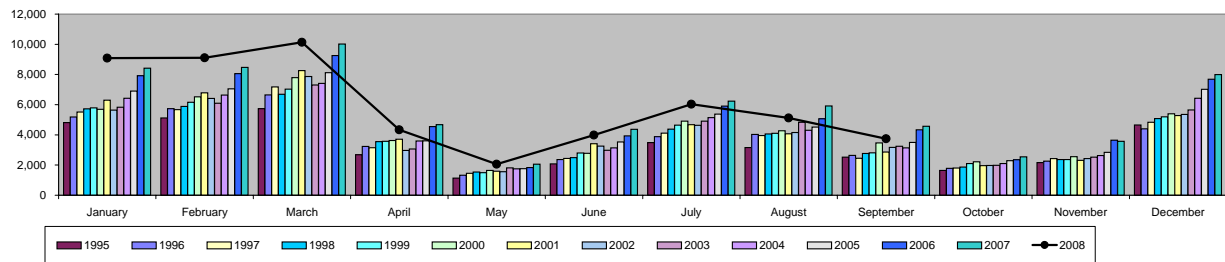
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Restaurants/Bars**

	Month To Date															Actual 2007	Actual 2008	YTD % CHG
	Actual 1995	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Monthly % CHG			
January	4,810	5,180	5,515	5,723	5,784	5,697	6,300	5,644	5,835	6,425	6,897	7,924	8,414	9,081	7.9%	8,414	9,081	7.9%
February	5,125	5,735	5,667	5,880	6,162	6,519	6,783	6,412	6,092	6,637	7,047	8,058	8,467	9,109	7.6%	16,881	18,190	7.8%
March	5,731	6,651	7,180	6,688	7,031	7,792	8,258	7,870	7,307	7,413	8,117	9,256	10,015	10,129	1.1%	26,896	28,319	5.3%
April	2,683	3,238	3,149	3,548	3,576	3,624	3,706	2,967	3,068	3,595	3,609	4,552	4,676	4,331	-7.4%	31,572	32,650	3.4%
May	1,129	1,329	1,454	1,541	1,492	1,641	1,590	1,561	1,808	1,746	1,760	1,832	2,057	2,055	-0.1%	33,629	34,705	3.2%
June	2,079	2,364	2,437	2,488	2,796	2,779	3,413	3,257	2,982	3,136	3,525	3,938	4,368	3,984	-8.8%	37,997	38,689	1.8%
July	3,491	3,877	4,113	4,380	4,639	4,910	4,675	4,632	4,913	5,138	5,375	5,905	6,236	6,028	-3.3%	44,233	44,717	1.1%
August	3,161	4,032	3,953	4,056	4,106	4,270	4,068	4,156	4,832	4,302	4,521	5,067	5,917	5,123	-13.4%	50,150	49,840	-0.6%
September	2,526	2,641	2,452	2,770	2,814	3,468	2,860	3,169	3,249	3,138	3,498	4,340	4,570	3,741	-18.1%	54,720	53,581	-2.1%
October	1,643	1,779	1,807	1,870	2,097	2,220	1,959	1,977	1,978	2,100	2,290	2,352	2,546	0	-100.0%	57,266	53,581	-6.4%
November	2,160	2,261	2,428	2,364	2,367	2,558	2,307	2,425	2,520	2,624	2,841	3,651	3,573	0	-100.0%	60,839	53,581	-11.9%
December	4,658	4,402	4,834	5,076	5,191	5,393	5,275	5,354	5,646	6,428	7,017	7,681	7,997	0	-100.0%	68,836	53,581	-22.2%

2008 Monthly Sales Tax Activity (in thousands of dollars)



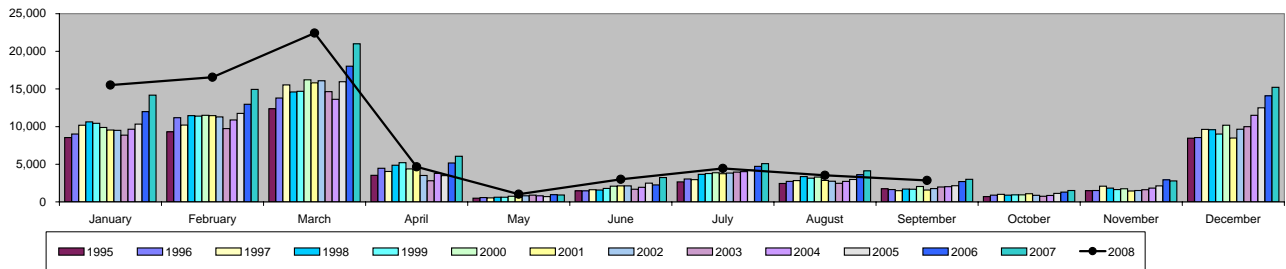
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Short-Term Lodging**

	Month To Date															Actual 2007	Actual 2008	YTD % CHG
	Actual 1995	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	% CHG			
January	8,555	9,004	10,173	10,627	10,434	9,877	9,547	9,501	8,867	9,650	10,342	11,997	14,171	15,520	9.5%	14,171	15,520	9.5%
February	9,310	11,185	10,208	11,451	11,387	11,501	11,450	11,297	9,743	10,877	11,762	12,972	14,948	16,551	10.7%	29,119	32,071	10.1%
March	12,375	13,790	15,532	14,614	14,698	16,219	15,822	16,084	14,653	13,634	15,956	18,021	21,002	22,427	6.8%	50,121	54,498	8.7%
April	3,539	4,463	4,042	4,867	5,214	4,379	4,315	3,515	2,815	3,793	3,486	5,176	6,060	4,647	-23.3%	56,181	59,145	5.3%
May	479	575	538	616	626	739	599	806	897	800	711	957	923	1,021	10.6%	57,104	60,166	5.4%
June	1,472	1,475	1,623	1,579	1,786	2,087	2,131	2,135	1,680	1,941	2,478	2,262	3,239	3,005	-7.2%	60,343	63,171	4.7%
July	2,656	3,033	2,956	3,648	3,762	3,876	3,733	3,822	3,945	4,023	4,217	4,730	5,074	4,438	-12.5%	65,417	67,609	3.4%
August	2,438	2,725	2,829	3,352	3,146	3,299	2,847	2,749	2,456	2,730	2,981	3,622	4,124	3,538	-14.2%	69,541	71,147	2.3%
September	1,746	1,627	1,482	1,701	1,675	2,031	1,564	1,757	1,980	2,021	2,150	2,695	2,997	2,851	-4.9%	72,538	73,998	2.0%
October	709	890	994	893	928	926	1,092	882	750	859	1,130	1,305	1,504	0	-100.0%	74,042	73,998	-0.1%
November	1,482	1,515	2,081	1,831	1,631	1,753	1,452	1,500	1,613	1,821	2,130	2,936	2,780	0	-100.0%	76,822	73,998	-3.7%
December	8,458	8,548	9,639	9,589	9,014	10,186	8,477	9,654	9,988	11,498	12,503	14,084	15,227	0	-100.0%	92,049	73,998	-19.6%

2008 Monthly Sales Tax Activity (in thousands of dollars)



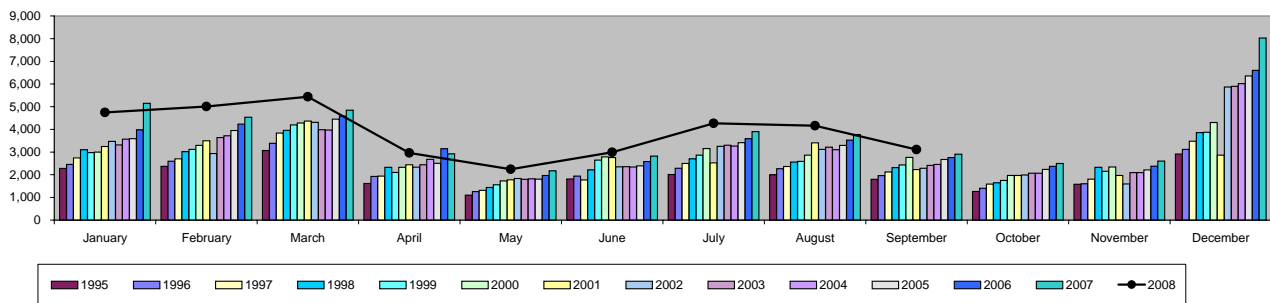
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Grocery/Liquor Stores**

	Month To Date															Actual 2007	Actual 2008	YTD % CHG
	Actual 1995	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Monthly % CHG			
January	2,280	2,458	2,746	3,104	2,977	2,999	3,242	3,472	3,314	3,570	3,589	3,977	5,149	4,744	-7.9%	5,149	4,744	-7.9%
February	2,371	2,595	2,702	3,020	3,119	3,296	3,501	2,931	3,643	3,714	3,949	4,233	4,536	5,009	10.4%	9,685	9,753	0.7%
March	3,068	3,383	3,839	3,960	4,199	4,282	4,366	4,311	3,988	3,968	4,449	4,585	4,844	5,436	12.2%	14,529	15,189	4.5%
April	1,615	1,928	1,937	2,325	2,105	2,330	2,441	2,336	2,437	2,682	2,503	3,149	2,920	2,959	1.3%	17,449	18,148	4.0%
May	1,103	1,256	1,309	1,440	1,558	1,728	1,779	1,836	1,801	1,823	1,806	1,969	2,169	2,246	3.6%	19,618	20,394	4.0%
June	1,815	1,940	1,772	2,214	2,648	2,784	2,760	2,352	2,354	2,341	2,392	2,584	2,822	2,990	6.0%	22,440	23,384	4.2%
July	2,008	2,283	2,494	2,701	2,862	3,152	2,527	3,253	3,303	3,266	3,414	3,588	3,899	4,264	9.4%	26,339	27,648	5.0%
August	1,993	2,266	2,364	2,559	2,587	2,861	3,404	3,117	3,216	3,103	3,292	3,529	3,771	4,161	10.3%	30,110	31,809	5.6%
September	1,799	1,959	2,122	2,311	2,430	2,765	2,231	2,284	2,409	2,456	2,671	2,757	2,908	3,113	7.0%	33,018	34,922	5.8%
October	1,266	1,407	1,584	1,644	1,748	1,969	1,965	1,990	2,066	2,069	2,239	2,372	2,494	0	-100.0%	35,512	34,922	-1.7%
November	1,578	1,602	1,804	2,330	2,152	2,339	1,970	1,597	2,096	2,096	2,214	2,377	2,600	0	-100.0%	38,112	34,922	-8.4%
December	2,910	3,115	3,477	3,858	3,869	4,305	2,865	5,868	5,897	6,017	6,356	6,604	8,028	0	-100.0%	46,140	34,922	-24.3%

2008 Monthly Sales Tax Activity (in thousands of dollars)



IN 2001 A MAJOR GROCERY/LIQUOR VENDOR CHANGED ITS REPORTING FREQUENCY FROM 12 TO 13 PERIODS  
THE TOWN IS AWARE OF INCONSISTENT FILING PRACTICES THAT HAVE NEGATIVELY IMPACTED COMPARISONS FOR THIS SECTOR.

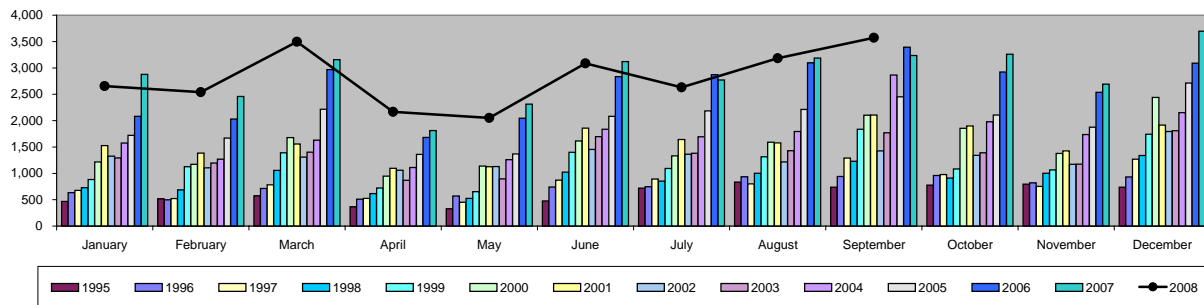
**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Supplies**

	Month To Date															Actual 2007	Actual 2008	YTD % CHG
	Actual 1995	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Monthly % CHG			
January	466	635	676	728	884	1,216	1,527	1,327	1,294	1,574	1,720	2,081	2,876	2,656	-7.6%	2,876	2,656	-7.6%
February	515	499	522	685	1,126	1,170	1,385	1,106	1,197	1,268	1,669	2,029	2,459	2,539	3.3%	5,335	5,195	-2.6%
March	573	712	784	1,055	1,390	1,677	1,558	1,307	1,401	1,630	2,216	2,967	3,156	3,496	10.8%	8,491	8,691	2.4%
April	363	509	525	615	723	946	1,095	1,059	869	1,110	1,359	1,680	1,813	2,168	19.6%	10,304	10,859	5.4%
May	327	571	451	525	654	1,139	1,125	1,128	896	1,261	1,370	2,045	2,314	2,053	-11.3%	12,618	12,912	2.3%
June	476	742	870	1,024	1,400	1,615	1,858	1,455	1,696	1,837	2,083	2,836	3,119	3,085	-1.1%	15,737	15,997	1.7%
July	719	746	892	852	1,093	1,333	1,642	1,364	1,380	1,694	2,186	2,872	2,770	2,632	-5.0%	18,507	18,629	0.7%
August	836	936	800	1,001	1,314	1,591	1,578	1,217	1,429	1,794	2,211	3,096	3,187	3,184	-0.1%	21,694	21,813	0.5%
September	736	940	1,290	1,230	1,837	2,102	2,105	1,427	1,770	2,865	2,452	3,394	3,234	3,571	10.4%	24,928	25,384	1.8%
October	778	959	976	910	1,083	1,853	1,899	1,342	1,390	1,980	2,107	2,924	3,259	0	-100.0%	28,187	25,384	-9.9%
November	794	819	752	1,003	1,066	1,378	1,425	1,171	1,173	1,737	1,876	2,537	2,693	0	-100.0%	30,880	25,384	-17.8%
December	737	932	1,269	1,337	1,743	2,441	1,915	1,795	1,810	2,151	2,712	3,091	3,697	0	-100.0%	34,577	25,384	-26.6%

**2008 Monthly Sales Tax Activity (in thousands of dollars)**

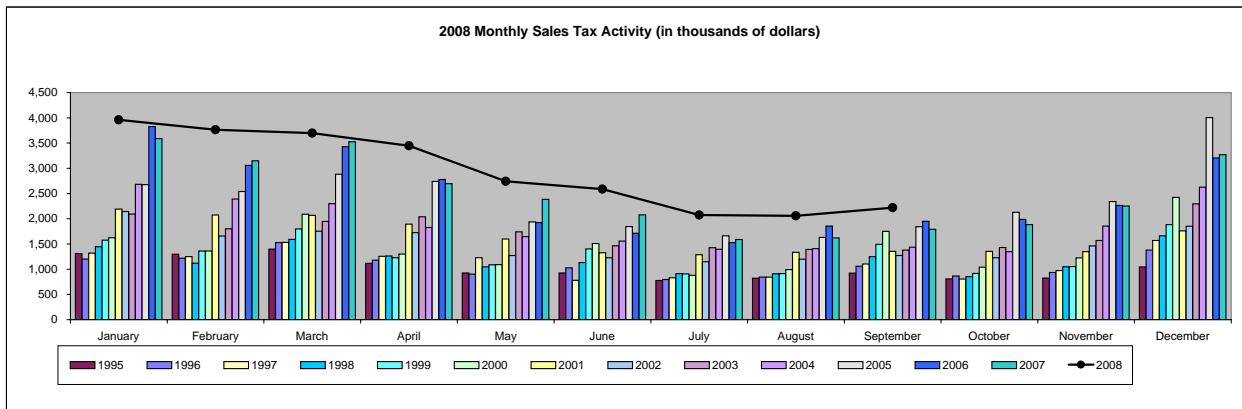


**TOWN OF BRECKENRIDGE  
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

**Utilities**

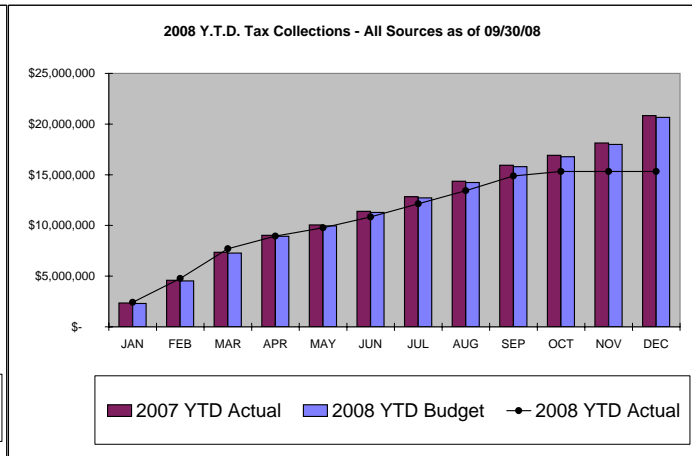
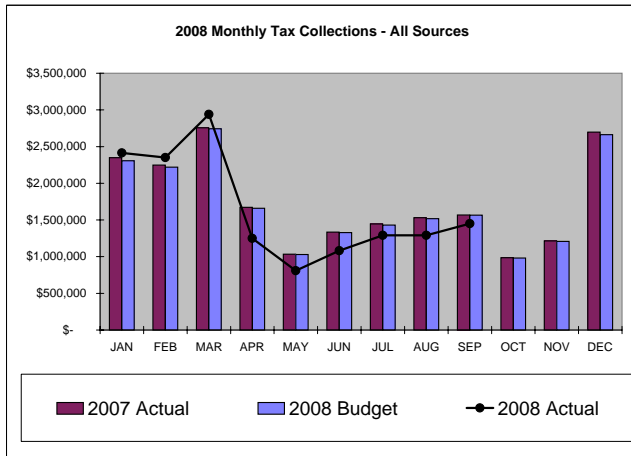
	Month To Date															Actual 2007	Actual 2008	YTD % CHG
	Actual 1995	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Monthly % CHG			
January	1,309	1,201	1,320	1,446	1,575	1,625	2,191	2,144	2,093	2,684	2,675	3,829	3,591	3,961	10.3%	3,591	3,961	10.3%
February	1,296	1,218	1,250	1,121	1,360	1,359	2,075	1,659	1,800	2,391	2,540	3,056	3,149	3,765	19.6%	6,740	7,726	14.6%
March	1,398	1,529	1,533	1,591	1,799	2,090	2,067	1,754	1,947	2,299	2,883	3,428	3,525	3,699	4.9%	10,265	11,425	11.3%
April	1,117	1,181	1,255	1,262	1,227	1,299	1,894	1,724	2,040	1,827	2,741	2,778	2,694	3,448	28.0%	12,959	14,873	14.8%
May	925	904	1,226	1,047	1,089	1,091	1,599	1,272	1,740	1,647	1,939	1,926	2,386	2,742	14.9%	15,345	17,615	14.8%
June	927	1,027	780	1,133	1,402	1,510	1,325	1,228	1,466	1,558	1,846	1,713	2,078	2,588	24.5%	17,423	20,203	16.0%
July	778	796	830	913	907	880	1,289	1,147	1,427	1,394	1,663	1,529	1,588	2,075	30.7%	19,011	22,278	17.2%
August	821	844	844	910	913	994	1,336	1,198	1,393	1,408	1,629	1,854	1,621	2,058	27.0%	20,632	24,336	18.0%
September	923	1,059	1,103	1,249	1,494	1,752	1,354	1,271	1,381	1,435	1,843	1,949	1,792	2,219	23.8%	22,424	26,555	18.4%
October	809	866	804	854	917	1,039	1,353	1,227	1,429	1,348	2,127	1,987	1,883	0	-100.0%	24,307	26,555	9.2%
November	824	935	974	1,049	1,052	1,225	1,348	1,461	1,569	1,856	2,340	2,264	2,251	0	-100.0%	26,558	26,555	0.0%
December	1,048	1,381	1,570	1,661	1,885	2,423	1,760	1,852	2,297	2,627	4,005	3,206	3,271	0	-100.0%	29,829	26,555	-11.0%



SEVERAL UTILITY VENDORS CHANGED FILING FREQUENCY FROM QUARTERLY TO MONTHLY IN 2001

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

Sales Period	2007 Collections			2008 Budget			2008 Monthly			2008 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2007	% of Budget	Actual	% Change from 2007	% of Budget
JAN	\$ 2,348,308	\$ 2,348,308	11.3%	\$ 2,308,254	\$ 2,308,254	11.2%	\$ 2,414,468	2.8%	104.6%	\$ 2,414,468	2.8%	11.7%
FEB	\$ 2,247,412	\$ 4,595,720	22.1%	\$ 2,219,423	\$ 4,527,677	21.9%	\$ 2,350,505	4.6%	105.9%	\$ 4,764,973	3.7%	23.1%
MAR	\$ 2,757,097	\$ 7,352,817	35.3%	\$ 2,742,890	\$ 7,270,567	35.2%	\$ 2,939,707	6.6%	107.2%	\$ 7,704,680	4.8%	37.3%
APR	\$ 1,672,447	\$ 9,025,264	43.3%	\$ 1,658,921	\$ 8,929,488	43.2%	\$ 1,249,210	-25.3%	75.3%	\$ 8,953,890	-0.8%	43.4%
MAY	\$ 1,034,214	\$ 10,059,479	48.3%	\$ 1,030,178	\$ 9,959,666	48.2%	\$ 808,893	-21.8%	78.5%	\$ 9,762,783	-2.9%	47.3%
JUN	\$ 1,333,633	\$ 11,393,112	54.7%	\$ 1,327,500	\$ 11,287,166	54.6%	\$ 1,081,794	-18.9%	81.5%	\$ 10,844,577	-4.8%	52.5%
JUL	\$ 1,445,255	\$ 12,838,367	61.6%	\$ 1,430,645	\$ 12,717,811	61.6%	\$ 1,290,595	-10.7%	90.2%	\$ 12,135,172	-5.5%	58.8%
AUG	\$ 1,530,395	\$ 14,368,763	69.0%	\$ 1,517,698	\$ 14,235,509	68.9%	\$ 1,291,414	-15.6%	85.1%	\$ 13,426,586	-6.6%	65.0%
SEP	\$ 1,566,855	\$ 15,935,618	76.5%	\$ 1,565,698	\$ 15,801,207	76.5%	\$ 1,449,347	-7.5%	92.6%	\$ 14,875,933	-6.6%	72.0%
OCT	\$ 986,233	\$ 16,921,851	81.2%	\$ 981,119	\$ 16,782,326	81.3%	\$ 442,830	-55.1%	45.1%	\$ 15,318,763	-9.5%	74.2%
NOV	\$ 1,215,687	\$ 18,137,538	87.1%	\$ 1,208,068	\$ 17,990,393	87.1%	\$ -	-100.0%	0.0%	\$ 15,318,763	-15.5%	74.2%
DEC	\$ 2,696,805	\$ 20,834,342	100.0%	\$ 2,663,700	\$ 20,654,093	100.0%	\$ -	-100.0%	0.0%	\$ 15,318,763	-26.5%	74.2%



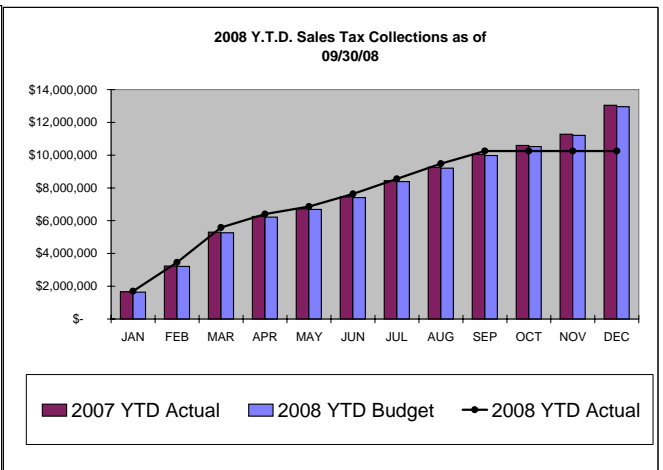
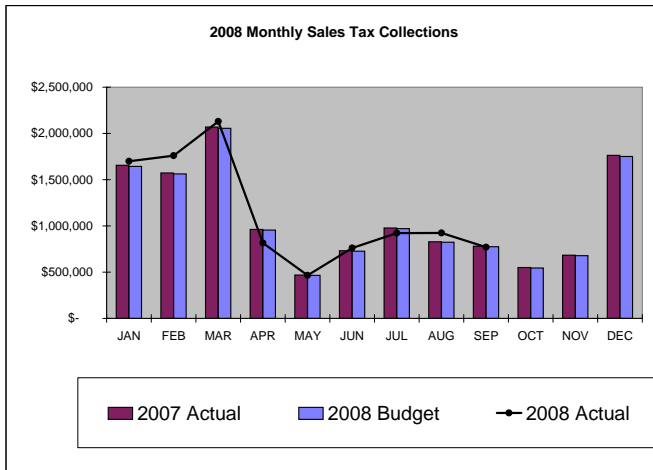
Prior Year Actual and Current Year Budget Variances					
	TOTAL	Sales	Accommodations	RETT	Housing
vs. August 07 Actual	(238,981)	94,911	(11,423)	(319,907)	(2,562)
vs. August 08 Budget	(226,283)	100,334	(7,312)	(322,500)	3,194
vs. YTD 07 Actual	(942,176)	210,825	43,136	(1,203,600)	7,463
vs. YTD 08 Budget	(808,923)	271,418	111,059	(1,218,991)	27,592



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

Sales Period	2007 Collections			2008 Budget			2008 Monthly			2008 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2007	% of Budget	Actual	% Change from 2007	% of Budget
JAN	\$ 1,655,286	\$ 1,655,286	12.7%	\$ 1,644,461	\$ 1,644,461	12.7%	\$ 1,699,052	2.6%	103.3%	\$ 1,699,052	2.6%	13.1%
FEB	1,573,159	3,228,444	24.8%	1,562,871	3,207,333	24.8%	1,759,932	11.9%	112.6%	3,458,985	7.1%	26.7%
MAR	2,068,772	5,297,217	40.6%	2,055,244	5,262,577	40.6%	2,129,985	3.0%	103.6%	5,588,969	5.5%	43.1%
APR	961,921	6,259,137	48.0%	955,630	6,218,207	48.0%	814,209	-15.4%	85.2%	6,403,179	2.3%	49.4%
MAY	468,712	6,727,849	51.6%	465,647	6,683,854	51.6%	464,918	-0.8%	99.8%	6,868,097	2.1%	53.0%
JUN	731,509	7,459,358	57.2%	726,726	7,410,580	57.2%	761,897	4.2%	104.8%	7,629,994	2.3%	58.9%
JUL	977,334	8,436,692	64.7%	970,943	8,381,523	64.7%	922,613	-5.6%	95.0%	8,552,607	1.4%	66.0%
AUG	829,380	9,266,072	71.1%	823,957	9,205,479	71.1%	924,291	11.4%	112.2%	9,476,897	2.3%	73.2%
SEP	779,729	10,045,801	77.0%	774,630	9,980,110	77.0%	770,561	-1.2%	99.5%	10,247,459	2.0%	79.1%
OCT	549,408	10,595,209	81.2%	545,815	10,525,925	81.2%	-	-100.0%	0.0%	10,247,459	-3.3%	79.1%
NOV	682,786	11,277,995	86.5%	678,321	11,204,246	86.5%	-	-100.0%	0.0%	10,247,459	-9.1%	79.1%
DEC	\$ 1,762,550	\$ 13,040,545	100.0%	\$ 1,751,024	\$ 12,955,270	100.0%	\$ -	-100.0%	0.0%	\$ 10,247,459	-21.4%	79.1%

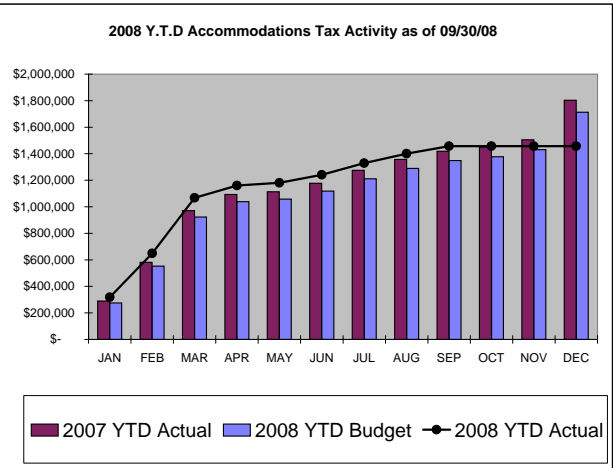
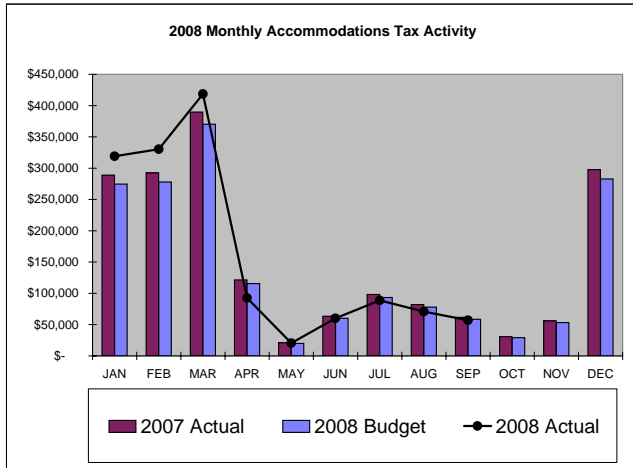
Sales tax amounts reflect collections net of the 3.3% transferred to the Marketing Fund and .5% tax earmarked for Open Space.



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

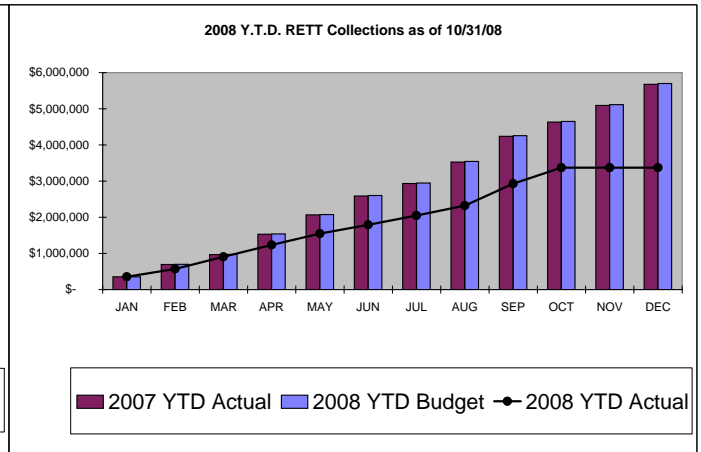
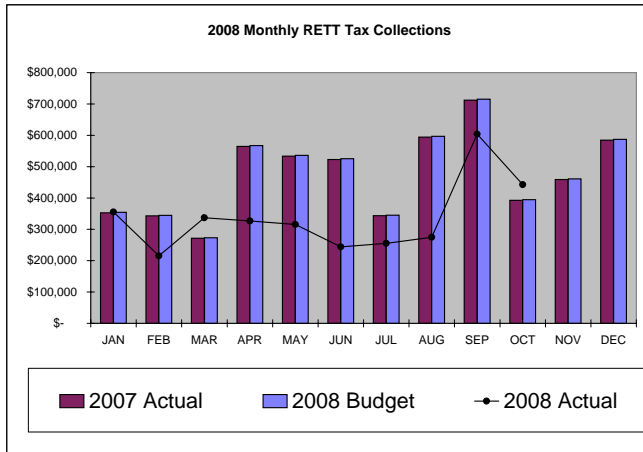
Sales Period	2007 Collections			2008 Budget			2008 Monthly			2008 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2007	% of Budget	Actual	% Change from 2007	% of Budget
JAN	\$ 288,977	\$ 288,977	16.0%	\$ 274,518	\$ 274,518	16.0%	\$ 319,027	10.4%	116.2%	\$ 319,027	10.4%	18.6%
FEB	292,577	581,554	32.2%	277,937	552,455	32.2%	330,262	12.9%	118.8%	649,289	11.6%	37.9%
MAR	389,705	971,260	53.9%	370,205	922,660	53.9%	418,622	7.4%	113.1%	1,067,911	10.0%	62.3%
APR	121,571	1,092,831	60.6%	115,488	1,038,149	60.6%	92,660	-23.8%	80.2%	1,160,571	6.2%	67.7%
MAY	20,872	1,113,703	61.8%	19,827	1,057,976	61.8%	20,413	-2.2%	103.0%	1,180,984	6.0%	68.9%
JUN	63,384	1,177,086	65.3%	60,212	1,118,188	65.3%	60,094	-5.2%	99.8%	1,241,078	5.4%	72.4%
JUL	98,186	1,275,272	70.7%	93,273	1,211,461	70.7%	88,754	-9.6%	95.2%	1,329,831	4.3%	77.6%
AUG	82,172	1,357,445	75.3%	78,060	1,289,522	75.3%	70,749	-13.9%	90.6%	1,400,580	3.2%	81.8%
SEP	61,629	1,419,073	78.7%	58,545	1,348,067	78.7%	57,015	-7.5%	97.4%	1,457,595	2.7%	85.1%
OCT	30,799	1,449,873	80.4%	29,258	1,377,325	80.4%		-100.0%	0.0%	1,457,595	0.5%	85.1%
NOV	56,042	1,505,915	83.5%	53,238	1,430,563	83.5%	-	-100.0%	0.0%	1,457,595	-3.2%	85.1%
DEC	\$ 297,549	\$ 1,803,464	100.0%	\$ 282,660	\$ 1,713,223	100.0%	\$ -	-100.0%	0.0%	\$ 1,457,595	-19.2%	85.1%

Accommodation tax amounts reflect collections at the 2% rate.



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

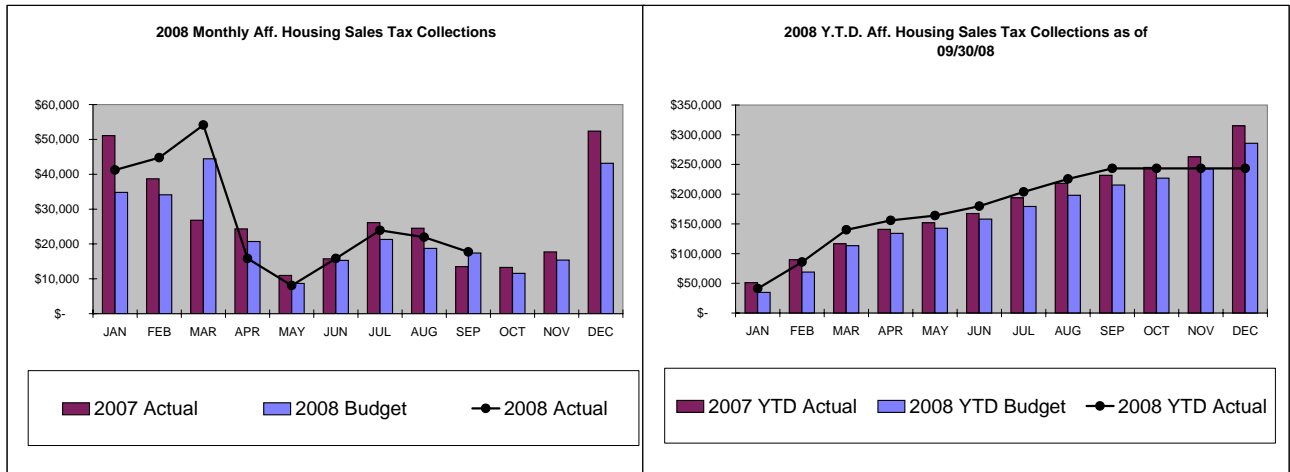
Sales Period	2007 Collections			2008 Budget			2008 Monthly			2008 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2007	% of Budget	Actual	% Change from 2007	% of Budget
JAN	\$ 352,958	\$ 352,958	6.2%	\$ 354,498	\$ 354,498	6.2%	\$ 355,179	0.6%	100.2%	\$ 355,179	0.6%	6.2%
FEB	342,995	695,953	12.3%	344,492	698,990	12.3%	215,566	-37.2%	62.6%	570,745	-18.0%	10.0%
MAR	271,817	967,770	17.1%	273,003	971,993	17.1%	336,956	24.0%	123.4%	907,701	-6.2%	15.9%
APR	564,624	1,532,394	27.0%	567,088	1,539,081	27.0%	326,521	-42.2%	57.6%	1,234,222	-19.5%	21.7%
MAY	533,680	2,066,074	36.4%	536,009	2,075,090	36.4%	315,494	-40.9%	58.9%	1,549,716	-25.0%	27.2%
JUN	522,999	2,589,073	45.6%	525,282	2,600,371	45.6%	243,969	-53.4%	46.4%	1,793,685	-30.7%	31.5%
JUL	343,610	2,932,683	51.7%	345,109	2,945,481	51.7%	255,305	-25.7%	74.0%	2,048,990	-30.1%	35.9%
AUG	594,349	3,527,032	62.1%	596,942	3,542,423	62.1%	274,442	-53.8%	46.0%	2,323,432	-34.1%	40.8%
SEP	711,996	4,239,028	74.7%	715,103	4,257,526	74.7%	604,037	-15.2%	84.5%	2,927,469	-30.9%	51.4%
OCT	392,752	4,631,779	81.6%	394,466	4,651,991	81.6%	442,830	12.8%	112.3%	3,370,299	-27.2%	59.1%
NOV	459,147	5,090,926	89.7%	461,150	5,113,142	89.7%	-	-100.0%	0.0%	3,370,299	-33.8%	59.1%
DEC	\$ 584,308	\$ 5,675,235	100.0%	\$ 586,858	\$ 5,700,000	100.0%	\$ -	-100.0%	0.0%	\$ 3,370,299	-40.6%	59.1%



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

Sales Period	2007 Collections			2008 Budget			2008 Monthly			2008 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2007	% of Budget	Actual	% Change from 2007	% of Budget
JAN	\$ 51,087	\$ 51,087	16.2%	\$ 34,776	\$ 34,776	12.2%	\$ 41,210	-19.3%	118.5%	\$ 41,210	-19.3%	14.4%
FEB	38,682	89,768	12.3%	34,123	68,899	11.9%	44,745	15.7%	131.1%	85,955	-4.2%	30.1%
MAR	26,803	116,571	8.5%	44,438	113,337	15.6%	54,144	102.0%	121.8%	140,099	20.2%	49.1%
APR	24,331	140,903	7.7%	20,714	134,051	7.3%	15,820	-35.0%	76.4%	155,919	10.7%	54.6%
MAY	10,950	151,853	3.5%	8,695	142,746	3.0%	8,068	-26.3%	92.8%	163,987	8.0%	57.4%
JUN	15,741	167,594	5.0%	15,281	158,027	5.4%	15,834	0.6%	103.6%	179,821	7.3%	63.0%
JUL	26,125	193,719	8.3%	21,320	179,346	7.5%	23,923	-8.4%	112.2%	203,744	5.2%	71.3%
AUG	24,494	218,214	7.8%	18,738	198,085	6.6%	21,933	-10.5%	117.0%	225,676	3.4%	79.0%
SEP	13,502	231,715	4.3%	17,420	215,504	6.1%	17,733	31.3%	101.8%	243,410	5.0%	85.2%
OCT	13,274	244,990	4.2%	11,580	227,085	4.1%	-	-100.0%	0.0%	243,410	-0.6%	85.2%
NOV	17,712	262,701	5.6%	15,358	242,443	5.4%	-	-100.0%	0.0%	243,410	-7.3%	85.2%
DEC	\$ 52,398	\$ 315,099	16.6%	\$ 43,157	\$ 285,600	15.1%	\$ -	-100.0%	0.0%	\$ 243,410	-22.8%	85.2%

Affordable Housing Sales Tax reflects money distributed to the Town net of the Housing Authority share and is deposited directly into the Affordable Housing Fund. Jan. 2007 sales tax receipts include overpayments from a large vendor that have been credited back in later months.



## MEMO

TO: Town Council

FROM: Town Attorney

RE: Proposed Easement Agreements With Mark Thomas and Walt and Susan Mueller

DATE: November 19, 2008 (for November 25<sup>th</sup> meeting)

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For a number of years Mark Thomas and Walt and Susan Mueller have allowed the Town to cross their properties near the Goose Pasture Tarn so that the Town can get to the Tarn to perform maintenance and repairs. Mr. Thomas and the Muellers have allowed the Town to use their properties without the benefit of a formal easement agreement. Now, however, the parties have decided that real easement agreements need to be signed in order to protect their respective interests.

Gary Roberts has indicated that obtaining the easements from Mr. Thomas and the Muellers is important to the Town, and negotiations between the parties have gone on for many months. The parties now believe that an agreement has finally been reach on all of the critical deal points. Proposed easement agreements have been drafted by me, and approved by Mr. Thomas and the Muellers. However, the proposed easements contain several unusual provisions. For this reason, I want you to be aware of easement proposals so you can decide whether the Town should enter into the easement agreements.

What makes these two easements unique is the “consideration” to be paid by the Town. Instead of paying money for the easements, or agreeing to provide utility service or maintenance, the proposal is to allow Mr. Thomas and the Muellers to use specified, limited quantities of untreated water from the Tarn for outside use and irrigation of their properties. Maybe the best way to describe the proposal is to set forth the full text of the “Consideration” section of the proposed Mueller easement (note: Grantor = Muellers; Grantee = Town):

4. Consideration. The consideration to be received by Grantor for this Grant shall consist of the perpetual right to use, without charge 1.0 acre-foot of untreated water (amounting to 325,851 gallons) per calendar year from the Blue River at the Goose Pasture Tarn for outside use and irrigation upon Parcel 1 (the “Water”). No other use may be made of the Water without the prior written consent of the Grantee. This point of diversion and water use is provided for by the Town’s senior direct flow water right in Case No. W-183. Grantor shall install at their cost a pump to deliver the Water from the spillway pool located at the bottom of the Goose Pasture Dam to Parcel 1. The amount of water taken by Grantor from the Goose Pasture Tarn shall be metered to insure accurate record keeping. Grantee will provide its standard water meter to Grantor at no cost, and Grantor shall install such meter with the Grantor’s water pump and keep the water meter from freezing. Grantor shall pay the cost to repair the water meter caused by

freezing. Grantee shall pay the cost to repair or replace the water meter resulting from normal use of the water meter. Nothing in this Paragraph 4 or this Grant shall obligate Grantee to convey legal ownership of the Water to Grantor; and Grantor's consideration for this Grant is merely the right to use the Water as provided in this Paragraph 4. Grantee will defend the Grantor's use of the Water pursuant to this Grant against any legal challenge, and if the Water becomes legally unusable by Grantor or otherwise legally unavailable for Grantor's use at anytime throughout the term of this Grant, this Grant may be terminated by either Grantor or Grantee upon written notice to the other party, notwithstanding the provisions of Paragraph 23 of this Grant.

The Thomas agreement is substantially similar, but since Mr. Thomas owns two lots (Lots 6 and 7, Spillway Filing No. 1), his agreement allows him to use 1.0 acre foot of water on each of his lots (a total of 2.0 acre feet). Because the Muellers own only one lot, their usage is limited to 1.0 acre foot.

Gary Roberts has indicated that he does not believe that granting Mr. Thomas and the Muellers the right to use the water will present any problem with the operation of the Tarn, or the Town's use of its water rights. It is important to note that the proposed easements do not require the Town to convey legal ownership of the water or water rights to Mr. Thomas or the Muellers; the agreement only provides the right to use the water. If the water becomes legally unusable by Mr. Thomas or the Muellers or is otherwise legally unavailable for any reason, the Town can terminate the easement agreements without penalty.

Mr. Thomas' proposed easement agreement contains two additional special provisions that I want to call to your attention:

- A. the agreement grants to Mr. Thomas and his successors the perpetual right to maintain his "dock" (about 6 x 12) on and below the surface of the Tarn; and
- B. the Town will install electrical power from the Gate House on the dam along the right spillway service wall to the edge of the spillway to provide power so that Mr. Thomas can operate his irrigation pump.

Gary has reviewed both of these special provisions and has indicated that he does not have any problem with them.

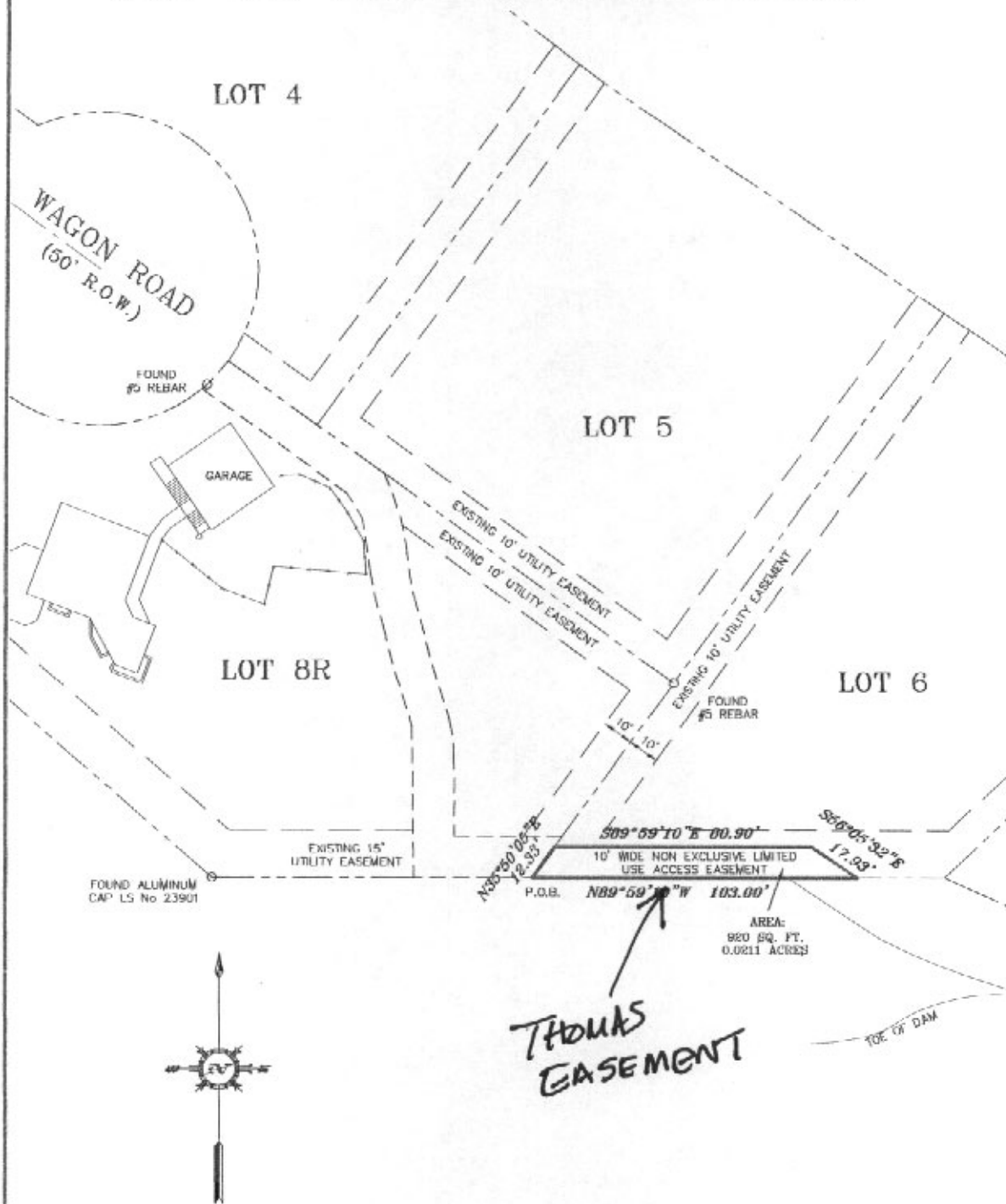
The proposed easements contractually obligate Mr. Thomas and the Muellers to abide by any emergency watering restrictions imposed by the Town. The Town agrees not to impose fines for watering restriction violations, but the Town retains that right to enforce compliance with the watering restrictions in court if need be.

Enclosed with this memo are the survey maps of the Thomas and Muellers properties so that you can see the locations of the proposed easements. I decided not to include the full text of the two easement agreements in the packet (they total about 20 pages), but I will have both of them available for your review at the worksession.

Although Gary has been out of the office for a while he will attend the worksession next Tuesday so that he can give you his take on the necessity of obtaining these two easements and his view on the implications of granting Mr. Thomas and the Muellers the use of the Town's water as proposed.

Although the Charter does not require the Council to formally approve these two easements, if you are comfortable proceeding with them I'd suggest that you adopt authorizing resolutions. Depending on how the discussion turns out next Tuesday I'll be happy to prepare the appropriate resolutions for your consideration.

**"EXHIBIT B"**  
**LOT 6 NON EXCLUSIVE LIMITED**  
**USE ACCESS EASEMENT**  
**FOR THE TOWN OF BRECKENRIDGE**



**THOMAS EASEMENT**



SCALE: 1" = 40'

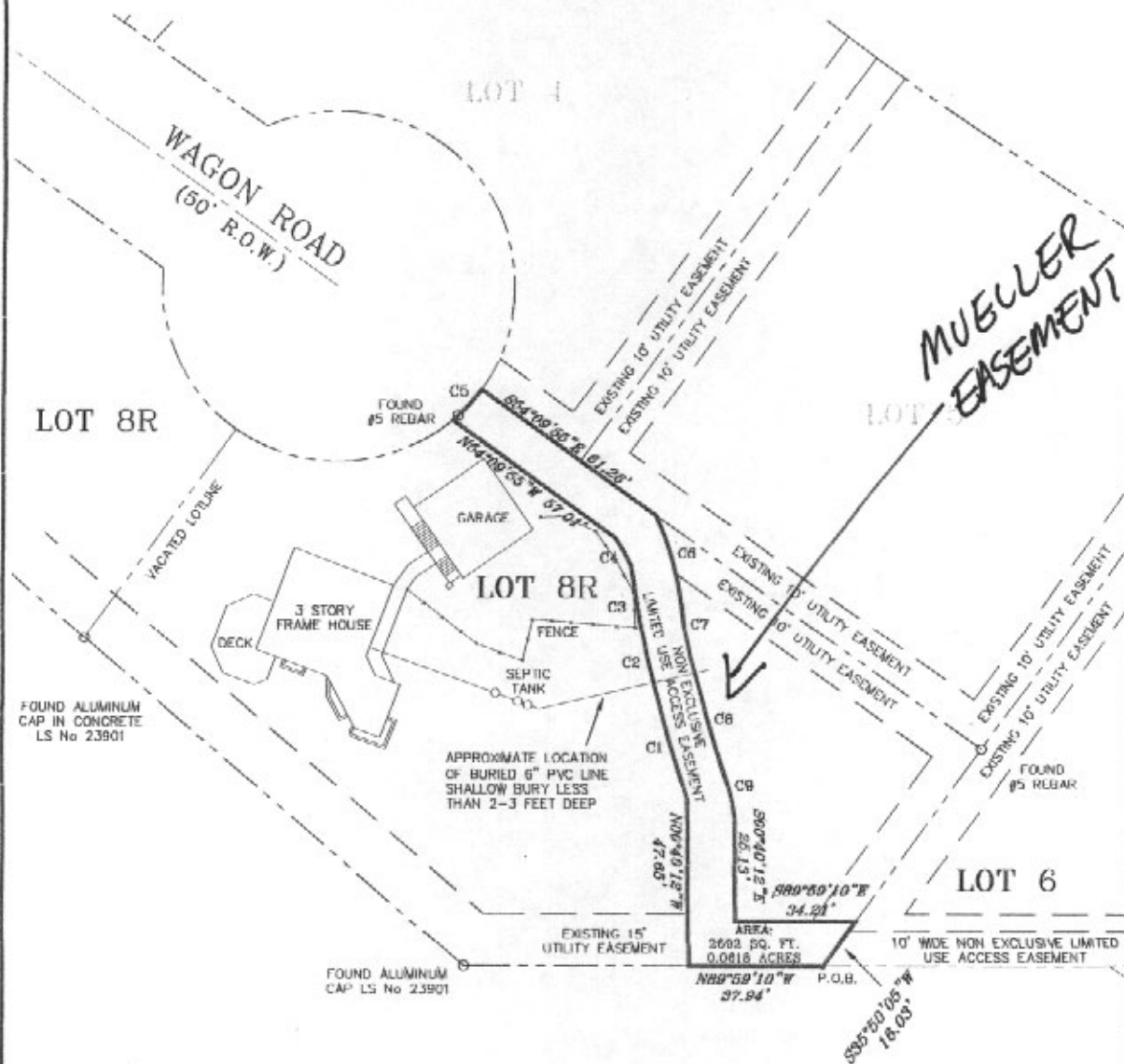
**BASELINE SURVEYS, INC.**  
P.O. BOX 7578 BRECKENRIDGE COLO. 80424

SCALE: 1" = 40'	DATE: 03/23/2008	JOB NO. 3472
DRAWN BY: R.D.	CHECKED BY: D.E.O.	DRAWING FILE: EXHIBITS

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



**"EXHIBIT B"**  
**LOT 8-R NON EXCLUSIVE LIMITED**  
**USE ACCESS EASEMENT**  
**FOR THE TOWN OF BRECKENRIDGE**



FOUND ALUMINUM CAP IN CONCRETE LS No 23901

FOUND ALUMINUM CAP LS No 23901

AREA: 2662 SQ. FT. 0.0618 ACRES



SCALE: 1" = 40'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	621.85'	32.21'	32.21'	N 16°20'21" W	02°58'04"
C2	144.31'	19.50'	19.49'	N 12°25'58" W	07°44'36"
C3	726.05'	16.81'	16.81'	N 09°16'53" W	01°19'37"
C4	49.96'	9.19'	9.18'	N 30°58'29" W	10°32'35"
C5	50.00'	12.12'	12.09'	N 42°46'25" E	13°53'11"
C6	84.80'	26.05'	25.95'	S 16°18'43" E	17°35'59"
C7	117.59'	15.40'	15.39'	S 09°09'22" E	07°30'10"
C8	740.04'	40.41'	40.41'	S 16°14'23" E	03°07'44"
C9	38.35'	11.55'	11.50'	S 06°56'20" E	17°15'09"

**BASELINE SURVEYS, INC.**  
 P.O. BOX 7578 BRECKENRIDGE COLO. 80424

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

SCALE: 1" = 40'	DATE: 03/23/2006	JOB NO. 3472
DRAWN BY: Page 33 of 65 R.D.	CHECKED BY: D.L.O.	DRAWING FILE: EXHIBITS

## MEMORANDUM

**TO:** Town Council  
**FROM:** Mark Truckey, Assistant Director of Community Development  
**DATE:** November 18, 2008  
**SUBJECT:** Plastic Bag Use Reduction and CAST Challenge

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In recent months, increased attention has been given by the press and public regarding disposable plastic bags and their environmental impacts. These impacts include resource consumption (including petroleum products) in manufacturing the bags, the disposal of billions of these bags on an annual basis (US estimates of up to 100 billion bags per year), and litter from these easily airborne bags across our landscapes and oceans. A growing number of communities nationwide have taken steps to curtail the use of plastic bags. Because the Town of Breckenridge is considering ways it can be a better steward of its environment, this issue is being brought to the Council for discussion.

The Town has taken several steps towards public outreach on this subject in the past year. On Earth Day, 1,200 reusable bags were handed out at different locations in Town and the Mayor and Council proclaimed the day as “Breckenridge Reusable Bag Day”. Also in the spring, a “Green Summit” was held with representatives from the Town, County, ski area, and local lodging groups. At the Summit, it was proposed that lodging companies work with the Town towards providing free reusable bags for their guests. This program has not yet been implemented.

### **Different Approaches to Addressing Disposable Bags**

Staff has researched the different approaches taken by communities in dealing with the disposable plastic bag issue. Most of these programs have been initiated by West Coast cities. However, more communities across the nation are addressing the issue each month. The approaches can be grouped generally into three categories: bag bans, fees for bags, and voluntary programs. Each approach is discussed in more detail below:

#### Disposable Plastic Bag Bans

- San Francisco requires large markets and drug stores to give customers only a choice among bags made of paper that can be recycled, plastic that breaks down easily enough to be made into compost, or reusable cloth. Took effect November, 2008.
- Los Angeles enacted legislation that bans the use of disposable plastic bags starting July, 2010. Consumers will be able to utilize reusable bags or purchase paper or other biodegradable bags for 25 cents each (proceeds are used to fund environmental education campaign).
- Oakland imposed an oil-based plastic bag ban. Legal action by the plastic industry against Oakland has led to a halt on implementation of the ban until the city has gone through a full environmental review process (required on certain governmental actions by state law).

#### Bag Fees

- Seattle has imposed a “Green Fee” of 20 cents per disposable bag for all grocery stores, drug stores, and convenience stores (effective January, 2009). Smaller stores (less than \$1 million in annual sales) are allowed to keep the revenues from the Green Fees for their administration of the program. Larger stores are required to remit 75 percent of the Green Fees to the City, which will use the

revenues to fund solid waste prevention and recycling programs. Seattle has also banned the use of Styrofoam containers by food service industries (e.g., restaurants, grocers), starting in July, 2010.

- Mayor Bloomberg has called for a six cent fee per bag in New York City.
- Portland, Oregon is considering a fee charge for plastic bag use.

### Voluntary Programs

- Austin, Texas initiated a one-year voluntary pilot program where large volume users of plastic bags (Walmart, Target, grocers) will discourage their use and encourage use of reusables, etc.
- Park City, Utah, is working on a voluntary program with area grocers.
- Telluride and Aspen participated in a challenge from May to September of 2008 to see which community could achieve the highest level of reusable bag use (Telluride won the contest). The towns worked with local grocery stores to implement special key codes at the cash register that tracked use of reusable bags. The grocery stores also donated five cents per reusable bag used towards an environmental education fund.

### **CAST Challenge**

The Sheep Mountain Alliance (an environmental group out of Telluride) and the Community Office of Resource Efficiency (CORE out of Aspen) have proposed a friendly challenge between different members of the Colorado Association of Ski Towns (CAST). The challenge would be similar to this year's challenge between Telluride and Aspen describe above, and would run through the entire calendar year of 2009. Staff has had some initial discussions with staff from CORE and it appears they have some resources and information to assist communities in getting these programs off the ground, including strategies for working with local grocery stores.

### **Green Team Discussions**

The Green Team has discussed the options described above and has made a recommendation that the Town start addressing the issue through a voluntary program. The Team's discussion focused on giving the local stores (e.g., City Market) an opportunity to encourage and track use of reusable bags as an appropriate first step. If there is not significant progress in reducing use of disposable bags, after a period of tracking/monitoring, then more dramatic steps (such as a fee or ban) could be considered.

The Green Team also feels that the CAST Challenge is a perfect vehicle to initiate the voluntary effort. It was recommended by the Team that the 2009 program should just focus on the City Market and Food Kingdom grocery stores. Apparently City Market is already tracking reusable bag use and is providing a five cent refund to customers that use reusable bags. The Green Team suggested that the two grocery stores be approached about the program and that grocers also be asked if they would be willing to contribute five cents per reusable bag used towards a community fund. The fund could be used for reusable bag handouts and other educational programs.

The Green Team recognized that the grocery stores are not the only producers of disposable plastic bags in the community. However, because they by far are the biggest producer it makes sense to initiate efforts working with them. A second phase of a plastic bag program could involve working with retailers and restaurants, but that is recommended not to happen until 2010 or later.

## Summary

Staff is looking for feedback from the Council on the issues discussed above, specifically:

- Does the Council feel the disposable plastic bag issue should be addressed by the Town?
- If so, does the Council agree with the recommendations of the Green Team regarding starting with a voluntary approach?
- Should the Town participate in the CAST Challenge?
- Does the Council agree with other Green Team recommendations regarding initiating the program with the two area grocery stores and requesting a five cent donation per bag to establish a fund for public education on the issue?

## MEMORANDUM

**TO:** Town Council

**FROM:** Chris Neubecker

**DATE:** November 19, 2008

**SUBJECT:** Review of Planning Commission Field Trip (Park City, Utah)

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The Planning Commission Field Trip to Park City was October 8-10, 2008. Several of our staff and Planning Commission met with staff from the Park City Municipal Corporation, as well as several developers, architects and realtors working on various developments in the Park City and Deer Valley areas. Staff will attend the work session to discuss the trip and give a brief PowerPoint presentation.

Some of the more interesting aspects of these developments and planning efforts include:

### **USSA Headquarters**

We visited the new headquarters of the United States Ski Association, expected to be a LEED certified building (still under construction). Building will act as an economic development tool, by bringing athletes and teams from within the US and across the world to train. Facility will include large weight training area, freestyle trampoline area, physical therapy area, nutrition counseling, museum and offices. This approximately \$60 million project was funded almost exclusively by donations raised by the USSA Foundation.

### **Park City Municipal Corporation**

Hosts of several ski events for the 2002 Winter Olympics. Also home of the Sundance Institute and Sundance Film Festival, which attracts 50,000 visitors each January and has a \$63 million impact each year. The City recently annexed most of the west side of town, including the Park City Ski Area. Ski area and most surrounding lands are privately owned (no Forest Service land). Major new commercial and residential developments outside of town are in unincorporated Summit County. Approximately 25,000 people just outside of city limits, but consider themselves Park City residents.

Use of bonds to purchase open space, repaid with property taxes. Myles Rademan, previous Planning Director, (and Director of Information for the 2002 Olympics) is credited with guiding the vision for the town and acquiring land for the town for open space and employee housing. Intergovernmental agreements with county allow residents outside the city to use city facilities (i.e. Recreation Center). County and federal money was used to help expand transit system to serve areas outside city limits.

Economic development focuses on resort tourism, not just new industry. Balancing economic development and quality of life is important. New parking garages, streetscape and infrastructure improvements in Old Town. New police facility (4% cost increase to make it "green") and \$11 million ice rink in town. Walkability study (\$150,000) focuses on urban connectivity. Bonds used for sidewalk and bike path installation. City is starting to get more involved with private sector, including small grants program for economic development. About \$20,000 per year made available for economic

development grants (i.e. business relocation).

Special events require economic impact analysis. If impact is positive enough, city may waive application fees and police overtime. Special event applications increased from 60 events in 2002 to 82 events in 2007. Master Festival permit required if town property is involved. 60-90 day review period, with all comments (from applicant and city) going through Special Events Coordinator. Master Festival permits require a public hearing. Joint venture with county to focus on marketing, arts and culture and tourism; city handles logistics of events.

Business Improvement District used to coordinate all trash pickup in Old Town.

Vertical Zoning is used to prohibit offices and private clubs on street level. Precipitated by a private club proposed on Main Street. City did not want the image of “exclusive clubs”. They received lots of support from Main Street property owners and business owners (except for a few). Went into effect 18 months ago. No noticeable impact on vacancy rates.

Traffic mitigation is big deal, especially during the Sundance Film Festival. Sundance Institute does a good job of providing advanced traffic information in brochures and marketing; encourages use of transit. Each year people attend, attendees learn more and don’t make same mistakes next year. Sundance is considering adding venues outside core of city to help alleviate traffic. Traffic is still a problem from 3:30 – 4:30 PM and there is some gridlock. They work closely with UDOT to try to alleviate traffic impacts. Expanded bus service is provided during Film Festival.

Historic District has about 240 structures, with “A” and “B” rating. Other structures not rated can be demolished. Temporary zoning ordinance prohibited demolition of pre-1962 buildings until historic assessment study was complete. City codes do not require parking for historic buildings. Preservation of historic fabric is important, but staff witnessed several buildings “panelized” where only one or two historic walls were preserved. Old windows must be repaired, not replaced. If no other option exists, then replace with wood windows on historic buildings. “Pregnant A-Frames” are some of the early ski era buildings they are trying to protect.

Department of Sustainability developed, including Sustainability Plan and Climate Change Plan. Mayor signed onto the U.S. Mayors Climate Protection Agreement, modeled on the Kyoto Protocol. They are working with second home owners on what they can do even while they are out of town (i.e. address phantom electricity loads). Important to start by measuring greenhouse gases. This could include drive up and airline traffic from visitors. Goal was to be 7% below 1990 rates by 2007 (did not meet goal).

Some good “green” resources are ICLEI (International Council for Local Environmental Initiatives) and “Cities Go Green” newsletter. An energy conservation audit by Johnson Controls aims for a 14% reduction in municipal greenhouse gases, \$100,000 annual energy savings, and saving 1.8 million gallons of water per year. Cost of project is \$1.4 million. A capital improvements policy was adopted in 2007. It requires all new municipal buildings and remodels to be meet LEED standards, requires minimum score of 75 on Energy Star rating, and provides up to 4% increase in funding to achieve environmental performance.

Affordable housing is managed by Department of Sustainability. Employee housing is encouraged to be built on-site, otherwise must be approved by Town Council. State of Utah does not all “perpetuity” covenants, so they need to find creative ways to tie in covenants for long time. Town keeps inventory of units for sale, which eliminates realtor commissions. Resale of units includes 3% equity per year, and \$10,000 in capital improvements. City holds right of first refusal on all affordable for-sale units.

## **Empire Pass Development**

Part of Deer Valley, developed by Talisker Mountain Incorporated. All development in Arts & Crafts style. All buildings must be green design. Four neighborhoods, and so far no fractional ownership has been developed. Red Cloud neighborhood average single family lot price is \$4.7 million. There is no ski connection from Park City to Empire Pass or Deer Valley. Also, snowboarding is prohibited at Deer Valley. Dial-A-Ride service is funded by maintenance fee paid by all residence at Empire Pass. Shuttles provided from lower Deer Valley to Empire Pass for day skiers. No day skier parking at Empire Pass. Clubhouse at Empire Pass has lots of activities for non-skiers. Some employee housing provided on site near base, but most employees commute from Heber City. Montage Hotel (6 stars) is at Empire Pass on former silver mine site.

### **Montage Hotel (6 stars)**

LEED Silver rating, developed by Athens Group (who also did Ritz-Carlton at Bachelor Gulch) at base of Empire Pass. 1<sup>st</sup> three floors are hotel rooms; rest are condo-hotel. 30,000 sq. ft. spa, bowling alley ballroom and three food and beverage areas. Units range from 2,000 – 6,900 square feet. Development Agreement with Park City established the base development rights and community benefits. Density transferred to protect 1,800 acres of open space. Improvements to old mine road (state highway) as part of community benefits included: drainage improvements, new runaway truck ramps, re-grade the road, added local bus stops, developed park-and-ride, built ball fields. Hotel is not visible from downtown; variance was granted for height. No “natural grade” existed due to previous mining activity. Mine was CERCLA site. Lease agreement with EPA to address liability issues. Talisker leased land to Athens Group for 999 years. Traffic was main opposition from public, but traffic study eased concerns.

### **St. Regis Hotel (5 star condo-hotel)**

Under construction. Units sales start at \$2,200 per square foot. Hotel is primarily in Wasatch County, but the front door and base of funicular are in Summit County. Funicular is used to access main entrance; this allows guests to pay in Park City, and thus Park City collects the lodging tax. Guests are encouraged to drive through Park City to access 24-hour funicular, but back roads can take guests directly to hotel. About 12 on-site employee housing units. Top floor (13,000 sq. ft.) purchased by “Papa John” for \$30 million. Parking (2 stories) is below building, with 155 spaces maximum per code.



**TOWN OF BRECKENRIDGE TOWN COUNCIL AGENDA**  
**Tuesday, November 25, 2008 (Regular Meeting); 7:30 p.m.**

- I CALL TO ORDER and ROLL CALL**
- II APPROVAL OF MINUTES – November 11, 2008**
- IV COMMUNICATIONS TO COUNCIL**
  - A. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)
- V CONTINUED BUSINESS**
  - A. SECOND READING OF COUNCIL BILL, SERIES 2008 - PUBLIC HEARINGS\*\***
    - 1. Council Bill No. 42, Series 2008- AN ORDINANCE SETTING THE MILL LEVY WITHIN THE TOWN OF BRECKENRIDGE FOR 2009** **Page 45**
  - VI NEW BUSINESS**
    - A. FIRST READING OF COUNCIL BILL, SERIES 2008 –**
      - 1. Council Bill No. 43, Series 2008- AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL WATER USER FEES EFFECTIVE JANUARY 1, 2009** **Page 47**
      - B. RESOLUTIONS, SERIES 2008-**
        - 1. A RESOLUTION ADOPTING THE 2009 BUDGET AND MAKING APPROPRIATIONS THEREFOR** **Page 52**
        - 2. A RESOLUTION CONCERNING THE SUBMISSION OF AN ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM GRANT APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS** **Page 54**
    - B. OTHER- NONE**
- VII PLANNING MATTERS**
  - A. Planning Commission Decisions of November 18, 2008 **Page 2**
- VIII REPORT OF TOWN MANAGER AND STAFF\***
- IX REPORT OF MAYOR AND COUNCILMEMBERS\***
  - A. CAST/MMC (Mayor Warner)
  - B. Breckenridge Open Space Advisory Commission (Mr. Rossi)
  - C. BRC (Mr. Bergeron)
  - D. Summit Combined Housing Authority (Ms. McAtamney)
  - E. Breckenridge Heritage Alliance (Mr. Joyce)
  - F. Peak 6 Task Force (Mr. Rossi)
- X OTHER MATTERS**
- XI SCHEDULED MEETINGS** **Page 65**
- XII ADJOURNMENT**

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



**CALL TO ORDER and ROLL CALL**

Mayor Warner called the November 11, 2008 Town Council Meeting to order at 7:32 p.m. The following members answered roll call: Mr. Joyce, Ms. McAtamney, Mr. Millisor, Mr. Mamula, Mr. Bergeron, and Mayor Warner. Mr. Rossi arrived at 7:35 p.m.

**APPROVAL OF MINUTES – October 28, 2008 Regular Meeting**

Several minor typological errors were noted and with those changes made, Mayor Warner declared the minutes were approved.

**APPROVAL OF AGENDA**

Assistant Town Manager Kate Boniface requested the addition of an Executive Session. With that addition, the agenda was approved.

**COMMUNICATIONS TO COUNCIL**

A. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please) – None

B. BRC Marketing Proposal – John McMahon presented two proposals to the Town Council. The first was for \$70,000 funding for the Friends Welcome program, with a portion of the allocation for public relations. The second proposal, and the one he strongly urged the Council to consider, was for funding of \$13,000 for Friends Welcome and an additional \$237,000 to supplement marketing. Mr. McMahon described a disturbing trend analysis whereby the Town is losing significant momentum at the important holiday period. December is currently down 12 percent down over last year but competitors are only down about 8%. The trend continues with January down 20 percent and February down 23 percent. Compounding the issue is that competitors are investing 25 percent more in winter marketing. Mr. McMahon said the BRC was grateful for \$67,000 injected into marketing this year and understands the need to cut back on some programs. The additional marketing dollars would be used to fortify brand awareness and promote opportunities. There would be two main messages – one for the holidays and another for special events. He suggested the Town consider expanding the Mardi Gras event in February. They are also looking to public relations and paid marketing opportunities, travel trade and traditional media. The idea is to get the message out now to help bolster winter.

Steve Lapinson, board member and 17-year retailer, explained that his concern over this season has caused him to make business changes such as putting merchandise shipments on hold and increasing the amount spent on advertising to try and get a “bigger piece of a smaller pie.” Through his web store and live web cam, he is partnering with the Town to push his own product and the Town as well. He urged Council to look closely at the BRC proposal. He added that he has great faith in the marketing department and that the Chamber deserves the Council’s confidence.

Bruce Horii of Beaver Run believes the numbers are very alarming. Beaver Run is pacing behind previous holidays and Mr. Horii explained that he never worried about Christmas before. He noted that if you “miss the first quarter, you miss the year.” His concern is that once market share is lost, it is very hard to regain, and competition in the market place is very active. Another concern is that once people get used to buying another product, it is hard to get them back. He asked the Council for consideration and believes they have an opportunity to reinvest to help out every one in the long term.

Mike Dudick stated that the marketing committee is committed to transparency and would be judicious in its oversight. He clarified that giving \$250,000 to the BRC is really giving it to the business community; the BRC is only the group that will execute the plan. Mr. Dudick recognizes that this is a potentially catastrophic time and it may be time for the Town to spend some of its fund balance and reinvest in the community.

Council asked many questions and raised concerns including: how much bookings were down; expectation for last minute bookings; confidence in getting the message out fast enough to start recovery to make up the gap; interest in dropping rates, but caution over becoming a discount resort; need to monitor results; focusing on overnight occupancy; potential to lose market share; being sensitive to rates; recognition that the competition is getting more sophisticated; ability to regain 50 percent of revenue; metrics; effect on the budget discussion; concern that this request is being made because the town has a fund balance; and the idea of partnering with other businesses in the community.

After discussion, the Council members unanimously agreed to proceed with Proposal 2, commenting that: it was the right thing to do; there is a need to try to generate some revenue, but cautioned that withdrawing money from the general fund is not a sustainable idea – the issue needs to be addressed; recognition that this is a different year and financial time and will support for this year; okay with the amount requested and trusts the BRC and Board; would like to see larger lodging companies help with the project; and would like to see more businesses join the BRC. Mayor Warner thanked those who turned out for the discussion.

**CONTINUED BUSINESS**

A. **SECOND READING OF COUNCIL BILL, SERIES 2008 - PUBLIC HEARINGS\*\***  
NONE

**NEW BUSINESS**

A. **FIRST READING OF COUNCIL BILL, SERIES 2008**

**1. Council Bill No. 42, Series 2008- AN ORDINANCE SETTING THE MILL LEVY WITHIN THE TOWN OF BRECKENRIDGE FOR 2009**

Town Attorney Tim Berry explained this ordinance sets the annual mill levy as required by law. For 2009, the proposed mill levy is 7.51 mills, a slight reduction from 7.52 in 2008.

Mr. Millisor moved to approve Council Bill No. 42, Series 2008. Mr. Bergeron seconded the motion. Mr. Mamula stated that he would be voting the same as he did last year because he did not agree with the mill levy increase last year. There was then general Council discussion on the pros and cons of increasing the mill levy that was previously authorized to pay off the Rec Center debt, thereby freeing up general fund money to fund childcare. Other comments: Breckenridge property taxes are low compared to the rest of the state; the town should have been using the mill levy all along to pay for the debt, rather than paying for it out of the general fund; and, there could be consequences when the county or schools ask for tax increases. Mayor Warner closed the discussion noting that the debt will be retired in 2013 and that the Council continues to receive kudos from the childcare community. The motion passed 5-2, with Mr. Mamula and Mr. Rossi voting “no.”

**B. RESOLUTIONS, SERIES 2008**

**1. A RESOLUTION RATIFYING AND APPROVING A REAL ESTATE OPTION AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE, THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, AND THE BRILL FAMILY TRUST (Parcel A, Quandary Village Subdivision #1 and Lots in Valley of the Blue Subdivision)**

Town Attorney Tim Berry explained that this resolution if adopted will ratify the Town Manager’s signature on an option agreement to purchase open space parcels. He noted that several contingencies are built into contract.

Mr. Bergeron moved to approve A Resolution Ratifying and Approving a Real Estate Option Agreement between the Town of Breckenridge, The Board Of County Commissioners Of Summit County, And The Brill Family Trust (Parcel A, Quandary Village Subdivision #1 And Lots In Valley Of The Blue Subdivision). Mr. Mamula seconded the motion. The motion passed 7-0.

**OTHER**

**A. Public Hearing – 2009 Budget**

Ms. Boniface informed that this is the first of two public hearings on the budget and provided an overview of the proposed budget. General fund expenses are budgeted one percent below 2008 despite rising fuel, utility and labor costs; the overall excise tax fund revenue is projected down just over three percent; marketing and special projects have been reduced; and capital projects have been reduced to basic maintenance only. Core services are being maintained; no expansion of services or new staffing is proposed; and two positions have been eliminated. The Town continues to maintain a “rainy day” fund and funds to cover all debt; the water fund is in good shape with revenue covering expenses; and housing and childcare have dedicated revenue. In closing, Ms. Boniface added that staff has worked hard to present a balanced budget for 2009.

Mayor Warner asked for any comments from the public. There were none and Mayor Warner closed the public hearing.

**PLANNING MATTERS**

**A. Planning Commission Decisions of November 4, 2008**

With no requests for call up, Mayor Warner stated the Planning Commission decisions of the November 4, 2008 meeting would stand as presented.

**B. Report of Planning Commission Liaison**

No report.

**REPORT OF TOWN MANAGER AND STAFF**

Ms. Boniface will bring back revised budget numbers before the next public hearing on the budget. Council requested that the marketing request be handled as a special appropriation.

**REPORT OF MAYOR AND COUNCILMEMBERS**

**A. CAST/MMC**– Mayor Warner reported on the recent CAST meeting in Vail. Rob Katz spoke about why Vail Resorts dropped out of Ski Country USA. There was discussion about Telluride’s plastic bag challenge; further details about the program are forthcoming.

**B. Breckenridge Open Space Advisory Commission**– Mr. Rossi reported on the meeting the previous night including a discussion of the overall master plan for the French Gulch area; small trailhead parking lot to be developed in 2009; access point issues; and how to widen the road to make it safer for bicyclists and pedestrians.

**C. BRC** - Mr. Bergeron reported on the meeting two weeks’ ago where the same issues as presented tonight were discussed and added that he sees a very positive change in the BRC.

**D. Summit Combined Housing Authority** - Ms. McAtamney previously sent her report to council.

**E. Breckenridge Heritage Alliance** - Mr. Joyce reported the meeting is tomorrow.

**TOWN OF BRECKERIDGE  
TOWN COUNCIL REGULAR MEETING  
TUESDAY, NOVEMBER 11, 2008  
PAGE 3**

F. **Peak 6 Task Force** - Mr. Rossi reported on social service statistics. Forty-two percent of food bank assistance is for workers in the resort service industry, followed by day laborers at 34 percent. Many seasonal workers are at the federal poverty level. The ski area restaurant is looking at potential employment of 60 people and mitigation is being considered. There was further discussion about the community care clinic and the fact that it does not cover catastrophic events; housing pressures; overcrowding in rental units, and the influx of seasonal workers from South America. The next step is the capacity discussion.

***OTHER MATTERS***

Ms. McAtamney reminded Council about the Little Red/Carriage House hockey event on Sunday, and tried to recruit broomball goalies. She also requested staff look at providing a safe sidewalk along the north side of the Theobald building during construction.

***SCHEDULED MEETINGS***

Council was reminded of the Recognition Reception taking place tomorrow night.

***EXECUTIVE SESSION***

At 9:12 p.m., Mr. Mamula moved to convene in Executive Session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiators. Mr. Rossi seconded the motion. The Mayor restated the motion and a roll call vote was taken. The motion passed unanimously.

Mr. Mamula moved to adjourn the Executive Session at 9:31 p.m. Ms. McAtamney made the second. The motion passed unanimously

***ADJOURNMENT***

With no further business to discuss, the meeting adjourned at 9:31 p.m.

ATTEST:

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Mary Jean Loufek, CMC, Town Clerk

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John Warner, Mayor

**EXECUTIVE SESSION CERTIFICATE**

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

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

As part of the Town Council meeting on Tuesday, November 11, 2008 at 7:03 p.m., Mr. Rossi moved to convene in Executive Session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiators.

Ms. McAtamney made the second. A roll call vote was taken. All were in favor of the motion.

Ms. McAtamney moved to adjourn the Executive Session at 7:31 pm. Mr. Mamula made the second. All were in favor of the motion.

This certificate shall be included after the minutes of the regular Town Council meeting of Tuesday, November 11, 2008.

\_\_\_\_\_  
John Warner, Mayor

**TO:** MAYOR AND TOWN COUNCIL  
**FROM:** CLERK AND FINANCE DIVISION  
**SUBJECT:** 2009 MILL LEVY  
**DATE:** 11/19/2008  
**CC:** TIM GAGEN, KATE BONIFACE

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The attached ordinance establishing the 2009 Property Tax Mill Levy at the rate of 7.51 mills per dollar of assessed valuation of property within the limits of the Town of Breckenridge is hereby submitted to the Council for first reading. This rate represents a .01 mill decrease from the 2008 rate of 7.52 mills.

Of the 7.51 mills, 5.07 mills are for the purpose of defraying the expenses of the General fund. There is an additional assessment of 2.44 mills to meet the Town's general obligation indebtedness described in Ordinance No. 35, Series 1998, which is due and payable in fiscal year 2009.

**FOR WORKSESSION/SECOND READING – NOV. 25**

COUNCIL BILL NO.

Series 2008

AN ORDINANCE SETTING THE MILL LEVY WITHIN THE  
TOWN OF BRECKENRIDGE FOR 2009

WHEREAS, the Town Council of the Town of Breckenridge has determined that a mill levy of 7.51 mills upon each dollar of the assessed valuation of all taxable property within the Town of Breckenridge is needed to balance the 2009 General Fund budget;

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

Section 1. For the purposes of defraying the expense of the General Fund of Breckenridge, Colorado for the fiscal year 2009, there is hereby levied a tax of 5.07 mills upon each dollar of assessed valuation for all taxable property within the Town of Breckenridge.

Section 2. In addition to the General Fund mill levy described in Section 1 of this ordinance, there is hereby levied an additional 2.44 mill upon each dollar of assessed valuation of all taxable property within the Town of Breckenridge. Such additional levy is imposed pursuant to the authority granted by the electors to the Town Council by Ordinance No. 35, Series 1998. The revenues generated by such additional mill levy shall be applied toward the installment of the Town's general obligation indebtedness described in Ordinance No. 35, Series 1998, which is due and payable in fiscal year 2009.

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

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 25<sup>th</sup> day of November, 2008. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 25th day of November, 2008, at 7:30 P.M. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Mary Jean Loufek, CMC, Town Clerk

\_\_\_\_\_  
John Warner, Mayor

**MEMO**

TO: Town Council

FROM: Town Attorney

RE: 2009 Water Rates Ordinance

DATE: November 17, 2008 (for November 25<sup>th</sup> meeting)

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Enclosed is the 2009 Water Rates Ordinance. It has been marked to show the changes in the water fees that will occur if the ordinance is adopted. If adopted, the new rates will go into effect on January 1, 2009.

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

1                   ***FOR WORKSESSION/FIRST READING –NOV. 25***

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

5  
6                   COUNCIL BILL NO. \_\_\_\_

7  
8                   Series 2008

9  
10 AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL WATER USER FEES  
11 EFFECTIVE JANUARY 1, 2009

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

15  
16                   Section 1. The Town Council of the Town of Breckenridge hereby finds and determines  
17 as follows:

18  
19                   A. The Town of Breckenridge is a home rule municipal corporation organized and  
20 existing pursuant to Article XX of the Colorado Constitution.

21  
22                   B. The Town owns and operates a municipal water utility pursuant to the authority  
23 granted by Section 13.1 of the Breckenridge Town Charter and §31-35-402(1)(b), C.R.S.

24  
25                   C. Section 13.3 of the Breckenridge Town Charter provides that "(t)he council shall by  
26 ordinance establish rates for services provided by municipality-owned utilities."

27  
28                   D. The rates, fees, tolls and charges imposed in connection with the operation of a  
29 municipal water system should raise revenue required to construct, operate, repair and replace  
30 the water works, meet bonded indebtedness requirements, pay the overhead and other costs of  
31 providing service. Such rates, fees, tolls and charges may also recover an acceptable rate of  
32 return on investment. The rates, fees, tolls and charges imposed by this ordinance accomplish the  
33 Town's goals and objectives of raising revenue required to construct, operate, repair and replace  
34 the Town's water works and to service the bonded indebtedness of the Town's enterprise water  
35 fund.

36  
37                   E. The action of the Town Council in setting the rates, fees, tolls, and charges to be  
38 charged and collected by the Town in connection with the operation of its municipal water  
39 system is a legislative matter.

40  
41                   Section 2. Section 12-4-11 of the Breckenridge Town Code is hereby amended so as to  
42 read in its entirety as follows:  
43



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

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

<u>Water Use Date</u>	<u>Base User Fee</u>
<del>Commencing November 1, 2005, and ending December 31, 2006</del>	<del>\$25.00 per billing cycle per SFE</del>
<del>Commencing January 1, 2007</del>	<del><b>29.74</b> per billing cycle per SFE</del>
<b><u>Effective January 1, 2009</u></b>	<b>27.14</b> per billing cycle per SFE

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

<u>Water Use Date</u>	<u>Excess Use Charge</u>
<del>Commencing November 1, 2005, and ending December 31, 2006</del>	<del>\$2.50</del>
<del>Commencing January 1, 2007</del>	<del><b>2.96</b></del>
<b><u>Effective January 1, 2009</u></b>	<b>2.70</b>

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

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

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

~~For water used commencing November 1, 2005, and ending December 31, 2006:~~

<u>Base Water Fee</u>	<u>Usage Allowance Per Account</u>
<u>Meter Size</u>	<u>Per Account (Gallons)</u>
<del>Less than 1 inch</del>	<del>\$ 28.64 13,000</del>
<del>1 inch</del>	<del>42.97 20,000</del>

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1 1/2 inch	74.97	35,000
2 inch	118.05	54,000
3 inch	226.98	105,000
4 inch	350.89	162,000
6 inch	689.41	318,000

For water used commencing January 1, ~~2009~~2007:

Base Water Fee Meter Size	Usage Allowance Per Account	Per Account (Gallons)
Less than 1 inch	\$ <del>31.08</del> <b><u>34.06</u></b>	13,000
1 inch	<del>46.62</del> <b><u>51.09</u></b>	20,000
1 1/2 inch	<del>81.35</del> <b><u>89.14</u></b>	35,000
2 inch	<del>128.08</del> <b><u>140.36</u></b>	54,000
3 inch	<del>246.28</del> <b><u>269.88</u></b>	105,000
4 inch	<del>380.71</del> <b><u>417.20</u></b>	162,000
6 inch	<del>748.01</del> <b><u>819.71</u></b>	318,000

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

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

The in town base rate user fee and the usage allowance per billing cycle for all mixed use water using properties shall be calculated based upon the predominant use of the water using property as determined by the finance director. In addition to the base user fee, each in town mixed use water user shall pay an excess use charge of two dollars ~~thirty~~ **ninety six** cents (~~\$2.30~~**2.96**) per one thousand (1,000) gallons of metered water, or fraction thereof, used per billing cycle in excess of the applicable usage allowance.

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

Section 6. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of Section 31-35-402(1)(f), C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 7. This ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Charter and shall become effective January 1, 2009.

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INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2008. A Public Hearing shall be held at the  
regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
\_\_\_\_, 2008, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
Town.

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

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

ATTEST:

\_\_\_\_\_  
Mary Jean Loufek, CMC,  
Town Clerk

## MEMORANDUM

TO: Mayor and Council  
FROM: Finance Department  
DATE: November 19, 2008  
RE: 2009 Budget Resolution

---

The attached resolution has been prepared to adopt the 2009 budget and the Capital Improvement Plan. Adoption of the budget also includes changes to certain fees and charges that will become effective January 1, 2009.

Council is asked to review the summary sheets together with the bound version of the 2008 proposed budget. Council is also asked to hold a public hearing and to be prepared to vote on the budget resolution during the November 25th Council meeting.

RESOLUTION NO.

SERIES 2008

A RESOLUTION ADOPTING THE 2009 BUDGET  
AND MAKING APPROPRIATIONS THEREFOR

WHEREAS, the Charter of the Town of Breckenridge requires that the Town Council adopt an operating budget for each fiscal year; and

WHEREAS, the Charter of the Town of Breckenridge requires that the Town Council adopt a five-year Capital Improvement Plan.

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

Section 1. The proposed operating budget for 2009 based on certain fee changes, as revised by Town Council and maintained on file by the Town Clerk, is adopted and appropriations are made to the various programs as shown therein.

Section 2. The 2008-2012 Capital Improvement Plan, as proposed by the Town Manager and as amended by the Town Council, is hereby approved.

Section 3. All fees and charges contained in the 2009 operating budget are hereby approved and adopted. Such fees shall become effective January 1, 2009. Further, the Town Manager may implement any of the other fees and charges contained in the 2009 operating budget prior to January 1, 2008 if the Town Manager determines, in his judgment, that such early implementation is necessary or appropriate.

Section 4. The provisions of this Resolution shall be effective upon adoption.

RESOLUTION ADOPTED AND APPROVED this 25th day of November, 2008.

ATTEST:

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Mary Jean Loufek, CMC, Town Clerk

\_\_\_\_\_  
John Warner, Mayor

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Date

**MEMO**

**TO: Breckenridge Town Council**  
**FROM: Laurie Best, Community Development Department**  
**RE: Resolution for DOLA Grant Application (Energy and Mineral Impact Assistance Program for Valley Brook Housing)**  
**DATE: November 19, 2008 (for November 25th meeting)**

---

Mercy Housing intends to submit an application for funding assistance to the Colorado Department of Local Affairs (DOLA) for the Valley Brook Housing project. The application will be submitted on behalf of the Town under the Energy and Mineral Impact Assistance Program requesting \$1,500,000 to offset expense that will be incurred in conjunction with developing the infrastructure for the housing development. DOLA will review the application and we expect a decision regarding the grant in the spring. As part of the submittal for this grant, DOLA does require the Town's governing Board to authorize the grant request. A resolution has been prepared and is scheduled for your consideration this evening. Also enclosed in your packets is a copy of the grant application that will be submitted by the December 1<sup>st</sup> DOLA deadline.

Staff will be available during the worksession in the event the Council has any questions.

STATE OF COLORADO

# \_\_\_\_\_  
(For Use by State)

**Department of Local Affairs**  
**ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM APPLICATION**  
**Tier I or Tier II**

Public Facilities/Public Services/Community Development Projects  
 (Refer to back page for application filing information)  
**Applications Must Be Submitted Electronically**

**A. GENERAL AND SUMMARY INFORMATION**

1. Name/Title of Proposed Project: Valley Brook Workforce Housing

2. Applicant: Town of Breckenridge  
 (In the case of a multi-jurisdictional application, name of the "lead" municipality, county, special district or other political subdivision).

In the case of a multi-jurisdictional application, provide the names of other directly participating political subdivisions: \_\_\_\_\_

3. Chief Elected Official (In the case of a multi-jurisdictional application, chief elected official of the "lead" political subdivision):

Name: \_\_\_\_\_ Title: Mayor

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City/Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

4. Designated Contact Person (will receive all mailings) for the Application:

Name: Laurie Best Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City/Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

5. Amount of Energy/Mineral Impact Funds requested: (**Tier I**; Up to \$200,000 or **Tier II**; Greater than \$200,000 to \$2,000,000) \$1,500,000.

6. a. Brief Description of the Project and the Community's Documented or Demonstrated Need:

(The reason for this project application in 100 words or less)

The Valley Brook neighborhood will consist of 42 affordable townhomes and condominiums. These homes will be deed restricted and sold to households whose incomes do not exceed 80%-120% Area Median Income. The prices for these homes are \$133,949 or \$223,692 for two bedrooms and \$153,810 or \$253,848 for three bedroom homes. The pricing is dependant of household income. This development is specifically identified as a 2008 goal in the Town's Workforce Housing Action Plan. The primary goal of the Breckenridge Town Council is to insure that 900 affordable workforce housing units are approved and/or constructed in the Upper Blue by the time the community reaches build out.

b. Brief Description of how this project addresses the Community's Documented or Demonstrated Need:

(Is the project a benefit to public health [e.g. improve water quality, provide for a more reliable quantity of water]; or does the project improve the effectiveness or efficiency of services [e.g. by improving the drainage system, upgrading the financial records system, adding

office space]; or does the project add to the quality of life of the community [e.g. improvements to community centers, senior and/or youth centers] Describe in **100 words or less.**

---



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7. A. Local priority if more than one application from the same local government (e.g., 1 of 2, 2 of 2, etc.). \_\_\_\_\_

**B. DEMOGRAPHIC AND FINANCIAL INFORMATION.**

**1. Population**

a. What was the 2000 population of the applicant jurisdiction? \_\_\_\_\_

b. What is the current estimated population for the applicant jurisdiction? \_\_\_\_\_  
 (Current/most recent lottery distribution estimate is acceptable.) What is the source of the estimate? \_\_\_\_\_

c. What is the population projection for the applicant in 5 years? \_\_\_\_\_  
 What is the source of the projection? \_\_\_\_\_

**2. Financial Information (Current Year):**

In the column below labeled "Applicant" provide the financial information for the municipality, county, school district or special district directly benefiting from the application. In the columns below labeled "Entity", provide the financial information for any public entities on whose behalf the application is being submitted (if applicable).

<b>Complete items "a through i" for ALL project types:</b>			
	Applicant	Entity	Entity
a. Assessed Valuation (AV) Year: 200__			
b. Mill Levy			
c. Property Tax Revenue (mill levy x AV)			
d. Sales Tax (Rate/Estimated Annual Revenue)	% / \$	% / \$	% / \$
e. Total General Fund Budget			
f. Total Applicant Budget Amount (Sum of General Fund and all Special or Enterprise Funds)			
g. Total Multi-year Debt Obligations for all Fund Types*			
h. Total Lease-Purchase and Certificates of Participation obligations*			
i. General Fund Balance (Reserves) as of January 1 of this current calendar year.			

**For projects to be managed through a Special Fund other than the General Fund (e.g. County Road and Bridge Fund) or managed through an Enterprise Fund (e.g. water, sewer, county airport), complete items "j through n":**

Identify the relevant Special Fund or Enterprise Fund: <b>NOT APPLICABLE</b>			
j. Special or Enterprise Fund Budget Amount			
k. Special or Enterprise Fund Multi-Year Debt Obligations*			
l. Special or Enterprise Fund Balance (Reserves) on January 1 of this calendar year			
m. Special or Enterprise Fund Lease-Purchase and Certificate of Participation Obligations*			
n. Special Fund Mill Levy (if applicable)			

**For Water and Sewer Project Only complete items "o through q": NOT APPLICABLE**



o. Tap Fee			
p. Average Monthly User Charge (Divide sum of annual residential revenues by 12 and then divide by the number of residential taps served.)			
q. Number of Taps Served by Applicant			

**\* Include the sum of the year-end principal amounts remaining for all multi-year debt obligations, lease purchase agreements or certificate of participation notes.**

**C. PROJECT BUDGET. List expenditures and sources of revenue for the project. The totals on each side of the ledger must equal.**

<b>Expenditures</b>		<b>Sources of Revenue</b> (Dollar for Dollar Cash Match is Encouraged)			<b>Funding Committed</b>
List Budget Line Items (Examples: architect, engineering, construction, equipment items, etc.)		List the sources of matching funds and indicate either cash or documentable in-kind contribution			Yes/No
		<u>Cash</u>		<u>In-Kind</u>	
Hard Cost Construction	\$ \$9,496,875	Energy/Mineral Impact Fund Grant Request	\$ 1,500,000		N
<b>Professional Fees</b>	\$583,270	*Energy/Mineral Impact Fund Loan Request (If applicable)	\$		N
Construction Interim Costs	\$134,700	<b>Town of Breckenridge Cash</b>			
Loan Costs	\$47,495	<b>Town of Breckenridge Land</b>			
Soft Costs(Mkt, Appraisal, Audit)	\$59,500	<b>Town of Breckenridge Planning and Building Fees</b>			
Developer Overhead	\$150,000	<b>Town of Breckenridge Water and Sewer Taps</b>			
Contingency	\$474,844	<b>Energy Impact</b>			
Developer Fee	\$850,000	<b>Governors Energy Office</b>			
Construction Interest	\$363,473	<b>CARHOF</b>			
<b>TOTAL</b>	<b>\$</b>	<b>TOTAL</b>	<b>\$</b>	<b>\$</b>	

Please attach a more detailed budget if available

\*Loans with a 5% interest rate may only be awarded for potable water and sewer projects. Leave blank if a loan is not requested.

#### D. PROJECT INFORMATION.

The statutory purpose of the Energy and Mineral Impact Assistance program is to provide financial assistance to “political subdivisions socially or economically impacted by the development, processing or energy conversion of minerals and mineral fuels.”

##### 1. Energy/Mineral Relationship/Social and Economic Impact.

- a. Describe how the applicant is, has been, or will be impacted by the development, production, or conversion of energy and mineral resources.
- b. To further document the impact in the area, name the company or companies involved, the number of employees associated with the activities impacting the jurisdiction and other relevant, quantitative indicators of energy/mineral impact.

##### 2. Project Significance/Demonstration of Community Need.

- a. Why is the project needed at this time?
- b. How does the implementation of this project address the need?
- c. Does this project, as identified in this application, **completely** address the stated need? If not, please describe additional work or phases and the estimated time frame. Do you anticipate requesting Energy and Mineral Impact Assistance funds for future phases?
- d. What other implementation options have been considered?
- e. What are the consequences if the project is not awarded funds?

##### 3. Local Commitment.

- a. Why can't this project be funded locally?
- b. Explain the origin of your local cash match. (Note: Whenever possible, local government cash match on a dollar for dollar match basis is encouraged.)
- c. Describe any in-kind contributions by type and value. How were the in-kind services valued? (If in-kind contributions are included in the project budget, detailed tracking will be required on project monitoring reports).
- d. Has the applicant dedicated the financial resources in their current budget, reserve funds and/or unused debt capacity that are being used for the local matching funds? Yes \_\_\_ No \_\_\_ Explain if No:
- e. Have the applicant's tax rates, user charges or fees been reviewed recently to address funding for the proposed project? Yes \_\_\_ No \_\_\_
- f. If the tax rate, user charges or fees were modified, what was the modification and when did this change occur? \_\_\_\_\_
- g. Has the applicant contacted representatives from local energy or mineral companies to discuss the project? Has the applicant requested financial support from the industry and to what success?

##### 4. Relationship to Community Goals / Increased Livability of Community.

The next series of questions attempts to more clearly understand how your community development/capital development project improves the livability of your community. Livability means, increasing the value and/or benefit in the areas that are commonly linked in community development such as housing, jobs, infrastructure benefit, transportation, education and environment.

- a. Is the project identified in the applicant's budget or a jurisdictionally approved plan (e.g. capital improvement plan, equipment replacement plan, comprehensive plan, utility plan, road maintenance and improvement plan or other local or regional strategic management or planning document)? What is its ranking?
- b. Has this project been deferred because of the lack of local funding? If so, how long?
- c. What other community entities, organizations, or stakeholders recognize the value of this project and are collaborating with you to achieve an increased livability of the community? What measurable outcomes will demonstrate the increased livability because of the implementation of this project? Please describe how your partners are contributing to achieve the improvement to the livability of the community through this project.
  - i. Please describe the level of commitment by each collaborator. (e.g. fee waivers, in-kind services, fundraising, direct monetary contribution, policy changes.)
  - ii. Please list the value the resources that each collaborator is bringing to the program.

**5. Management Capacity / Readiness To Go.**

- a. Assuming this project is funded as requested, how soon will the project begin? What is the time frame for completion?
- b. How will you separate and track expenditures, maintain funds and reserves for the capital expenditures and improvement as described in this project?
- c. Describe the funding plan in place to address the new operating and maintenance expenses generated from the project?
- d. Describe the technical and professional experience/expertise of person(s) and/or professional firms responsible to manage this project.
- e. Describe how your facility will meet the energy standards specified in C.R.S. 24-30-1301 - 1305, if applicable? How were these measures determined to be appropriate? Are the measures cost-effective? What is the estimated time for return on investment?
- f. Describe how you determined that the project can be completed within the proposed budget as outlined in this application? Are contingencies considered within the project budget?
- g. Has the necessary planning been completed? How? What additional design work must still be completed, if any? When? How did the applicant develop project cost estimates? Is the project supported by bids, professional estimates or other credible information? Please attach a copy of any supporting documents.
- h. Does the project duplicate service capacity already established? Is the service inadequate? (Has consolidation of services with another provider been considered?)

**6. Measurable Outcomes.**

- a. Describe measurable outcomes you expect to see when implementation of this project is complete. How will the project enhance the livability of your region, county, city, town or community (e.g. constructing a new water plant will eliminate an unsafe drinking water system and provide safe and reliable drinking water; the construction of a new community center will provide expanded community services, or projects involving energy conservation, community heritage, economic development/diversification, traffic congestion)?
- b. How many people will benefit from the project? (i.e., region, county, city, town, community, subdivision, households or specific area or group; or any portion thereof)
- c. How will the outcome of the project be measured to determine whether the anticipated benefits to this population actually occur?

**E. TABOR COMPLIANCE.**

1. Does the applicant jurisdiction have the ability to receive and spend state grant funds under TABOR spending limitations? Yes\_\_\_ No\_\_\_ Explain: \_\_\_\_\_
2. Has the applicant jurisdiction been subject to any refund under TABOR or statutory tax limitations? Yes\_\_\_ No\_\_\_ Explain: \_\_\_\_\_
3. Has the applicant sought voter approval to keep revenues above fiscal spending limits? Yes\_\_\_ No\_\_\_ Explain: \_\_\_\_\_
4. Are there any limitations to the voter approved revenues? (e.g. Can only be spent on law enforcement or roads)?
5. If the applicant jurisdiction is classified as an enterprise under TABOR, will acceptance of a state grant affect this status? Yes \_\_\_ No\_\_\_ Explain: \_\_\_\_\_

**F. ENVIRONMENTAL REVIEW.**

Indicate below whether any of the proposed project activities:

1. Will be undertaken in flood hazard areas. Yes \_\_\_ No\_\_\_ List flood plain maps/studies reviewed in reaching this conclusion. Describe alternatives considered and mitigation proposed.
2. Will affect historical, archeological or cultural resources, or be undertaken in geological hazard area? Yes\_\_\_ No\_\_\_ Describe alternatives considered and mitigation proposed.
3. Address any other related public health or safety concerns? Yes \_\_\_ No\_\_\_ Describe:

\*\*\*\*\*  
**Submission of this form indicates official action by the applicant's governing board authorizing application for these funds.**

Official Board Action taken on \_\_\_\_\_  
Date

\*\*\*\*\*

Applications and any attachments must be submitted electronically to:  
(If you are unable to submit electronically please contact your field representative)

[Bret.hillberry@state.co.us](mailto:Bret.hillberry@state.co.us)

Phone: 303.866.4058 for any questions related to the electronic submittal.

Attachments List (Check and submit the following documents, if applicable):

- ▶ Preliminary Engineering Reports \_\_\_\_\_
- ▶ Architectural Drawings \_\_\_\_\_
- ▶ Cost Estimates \_\_\_\_\_
- ▶ Detailed Budget \_\_\_\_\_
- ▶ Map showing location of the project \_\_\_\_\_
- ▶ Attorney's TABOR decision \_\_\_\_\_

1 ***FOR WORKSESSION/ADOPTION – NOV. 25***

2  
3 A RESOLUTION

4  
5 SERIES 2008

6  
7 A RESOLUTION CONCERNING THE SUBMISSION OF AN ENERGY AND MINERAL  
8 IMPACT ASSISTANCE PROGRAM GRANT APPLICATION TO THE COLORADO  
9 DEPARTMENT OF LOCAL AFFAIRS  
10 (Valley Brook Parcel)

11  
12 WHEREAS, the State of Colorado “Energy and Mineral Impact Assistance Program”  
13 was created to assist political subdivisions that are socially and/or economically impacted by the  
14 development, processing, or energy conversion of minerals and mineral fuels; and  
15

16 WHEREAS, the Town has a contract with Mercy Housing, Inc. to develop affordable  
17 workforce housing on a Town-owned parcel of land commonly known as the “Valley Brook  
18 Parcel”; and  
19

20 WHEREAS, the Valley Brook Parcel has been impacted by historical mining activities;  
21 and  
22

23 WHEREAS, the Town desires to obtain a grant of \$1,500,000 from the Energy and  
24 Mineral Impact Assistance Program to assist with the cost of developing the infrastructure for  
25 affordable workforce housing on the “Valley Brook Parcel”; and  
26

27 WHEREAS, the Town staff has prepared a proposed “Energy and Mineral Impact  
28 Assistance Program Application” for submission to the Colorado Department of Local Affairs  
29 (“Grant Application”), a copy of which is marked Exhibit "A", attached hereto and incorporated  
30 herein by reference; and  
31

32 WHEREAS, the Town Council has reviewed the Grant Application, and finds and  
33 determines that it would be in the best interest of the Town and its residents for Grant  
34 Application to be submitted to the Colorado Department of Local Affairs.  
35

36 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
37 BRECKENRIDGE, COLORADO, as follows:  
38

39 Section 1. The “Energy and Mineral Impact Assistance Program Application” (Exhibit  
40 "A" hereto) is approved, and the Town Manager is hereby authorized, empowered, and directed  
41 to execute and submit such application on behalf of the Town of Breckenridge.  
42

43 Section 2. This resolution shall become effective upon its adoption.  
44

45 RESOLUTION APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
46 2008.

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TOWN OF BRECKENRIDGE

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

ATTEST:

\_\_\_\_\_  
Mary Jean Loufek, CMC,  
Town Clerk

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney                      date





## Scheduled Meetings, Important Dates and Events

**Shading indicates Council attendance – others are optional**

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them. All Council Meetings are held in the Council Chambers, 150 Ski Hill Road, Breckenridge.*

### **November 2008**

Tuesday, November 25; 3:00/7:30pm                      Second Meeting of the Month

### **December 2008**

Friday, December 12                                      Town Holiday Party

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

### **OTHER MEETINGS**

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

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