



**BRECKENRIDGE TOWN COUNCIL WORK SESSION**

Tuesday, October 23, 2012; 3:00 PM

Town Hall Auditorium

**ESTIMATED TIMES:** *The times indicated are intended only as a guide. They are at the discretion of the Mayor, depending on the length of the discussion, and are subject to change.*

|                    |            |   |  |
|--------------------|------------|---|--|
| <b>3:00-3:15pm</b> | <b>I</b>   | <b><u>PLANNING COMMISSION DECISIONS</u></b>   | <b>2</b>   |
| <b>3:15-3:20pm</b> | <b>II</b>  | <b><u>LEGISLATIVE REVIEW*</u></b><br>Resolution to Repeal Water Restrictions  | <b>16</b>  |
| <b>3:20-4:00pm</b> | <b>III</b> | <b><u>MANAGERS REPORT</u></b><br>Public Projects Update<br>Housing/Childcare Update<br>Committee Reports<br>Financials  | <b>19</b><br><b>20</b><br><b>21</b>              |
| <b>4:00-4:30pm</b> | <b>IV</b>  | <b><u>OTHER</u></b><br>Harris St. Building-Space Utilization Discussion<br>Ethics Ordinance Amendment   | <b>35</b><br><b>40</b>                           |
| <b>4:30-5:30pm</b> | <b>V</b>   | <b><u>PLANNING MATTERS</u></b><br>LUD Process for MBJ/Wedge and Claimjumper Parcels<br>McCain Property Bubble Analysis<br>Sustainable Breck Annual Report<br>Planning Commission Interviews | <b>62</b><br><b>67</b><br><b>70</b><br><b>98</b> |
| <b>5:30-5:55pm</b> | <b>VI</b>  | <b><u>EXECUTIVE SESSION</u></b>   |  |
| <b>6:00-7:15pm</b> | <b>VII</b> | <b><u>JOINT MEETING - UPPER BLUE SANITATION DISTRICT</u></b>  |  |

Note: Public hearings are not held during Town Council Work Sessions. The public is invited to attend the Work Session and listen to the Council's discussion. However, the Council is not required to take public comments during Work Sessions. At the discretion of the Council, public comment may be allowed if time permits and, if allowed, public comment may be limited. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item. The public will be excluded from any portion of the Work Session during which an Executive Session is held. Report of the Town Manager; Report of Mayor and Council members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items.

**MEMORANDUM**

**To:** Town Council

**From:** Chris Neubecker, Current Planning Manager

**Date:** October 17, 2012

**Re:** Town Council Consent Calendar from the Planning Commission Decisions of the October 16, 2012, Meeting.

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***DECISIONS FROM THE PLANNING COMMISSION AGENDA OF October 16, 2012:***

**CLASS C APPLICATIONS:**

- 1) Wellington Block 9, Lot 12 (MM) PC#2012081; 6 Logan Road  
New single family residence with 2 bedrooms, 1.5 bathrooms, 1,180 sq. ft. of density and 1,664 sq. ft. of mass for a F.A.R. of 1:2.11. Approved.
- 2) Wellington Block 9, Lot 13 (MM) PC#2012082; 18 Logan Road  
New single family residence with 3 bedrooms, 2 bathrooms, 1,665 sq. ft. of density and 2,149 sq. ft. of mass for a F.A.R. of 1:2.45. Approved.
- 3) Wellington Block 9, Lot 19 (MM) PC#2012083; 15 Logan Road  
New single family residence with 3 bedrooms, 3 bathrooms, 1,968 sq. ft. of density and 2,452 sq. ft. of mass for a F.A.R. of 1:2.05. Approved.
- 4) Wellington Block 9, Lot 21 (MM) PC#2012085; 21 Paradise Green  
New single family residence with 2 bedrooms, 1.5 bathrooms, 1,180 sq. ft. of density and 1,664 sq. ft. of mass for a F.A.R. of 1:2.10. Approved.
- 5) Lot 20, Corkscrew Flats (MGT) PC#2012089; 339 Corkscrew Drive  
New single family residence with 4 bedrooms, 4.5 bathrooms, 3,589 sq. ft. of density and 4,495 sq. ft. of mass for a F.A.R. of 1:3.30. Approved.
- 6) Toth Residence Addition (MGT) PC#2012088; 250 Cottonwood Circle  
Addition to existing single family residence to create a total of 4 bedrooms, 5.5 bathrooms, 4,810 sq. ft. of density and 5,314 sq. ft. of mass for a F.A.R. of 1:5.09. Approved.
- 7) Flat Bread Pizza Company (CN) PC#2012087; 500 South Main Street  
Change of use of existing commercial space from general commercial (retail / office) to snack bar / deli with on-site seating for a wood-fired pizzeria. Approved.

**CLASS B APPLICATIONS:**

None.

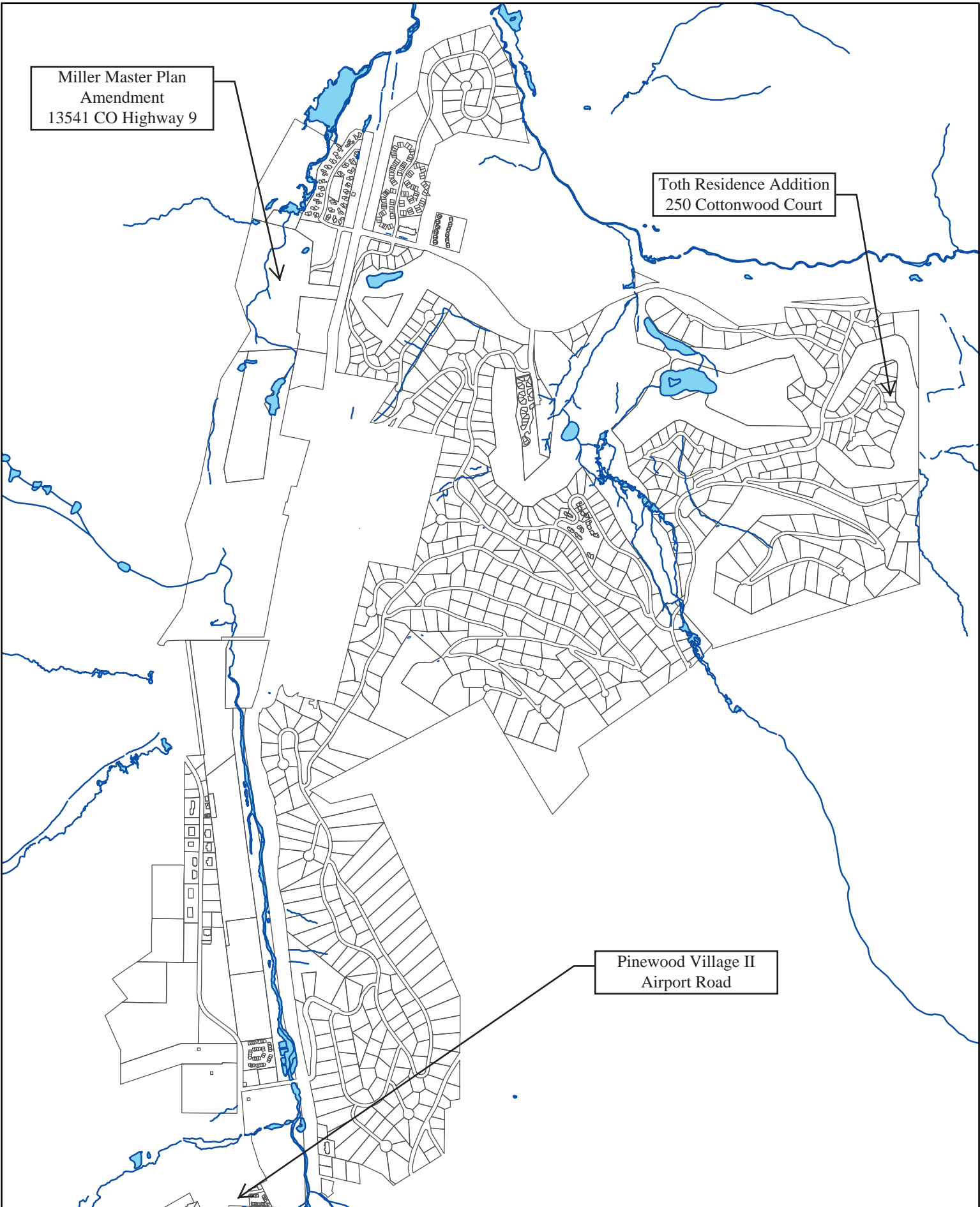
**CLASS A APPLICATIONS:**

- 1) Miller Master Plan Amendment (MM) PC#2012012; 13541 Colorado Highway 9  
Modification of the existing Amended Miller Master Plan with a change in previously allowed uses and density allocations. Approved.

Miller Master Plan  
Amendment  
13541 CO Highway 9

Toth Residence Addition  
250 Cottonwood Court

Pinewood Village II  
Airport Road



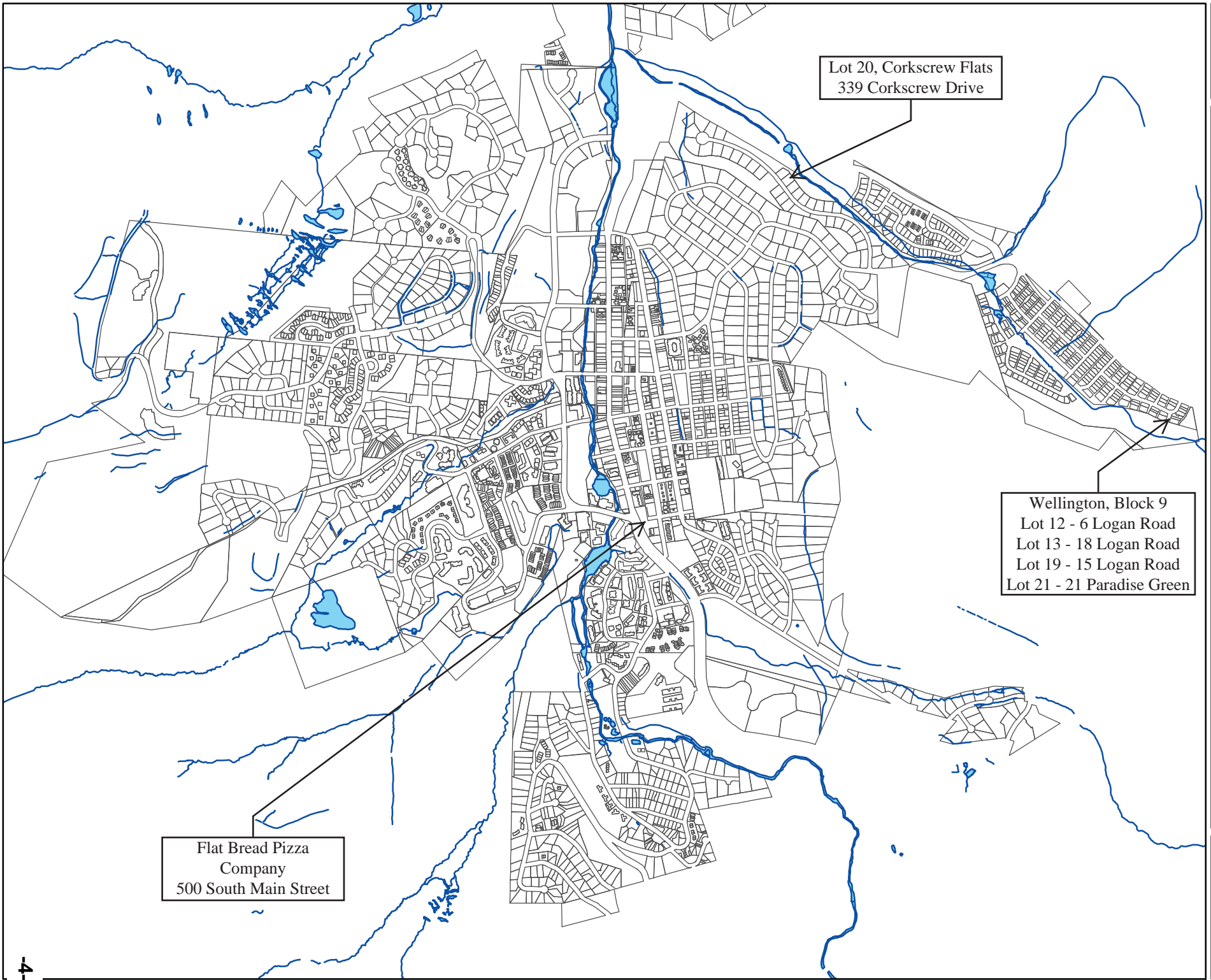
# Breckenridge North

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

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NOT TO SCALE -3-



Flat Bread Pizza  
Company  
500 South Main Street

Lot 20, Corkscrew Flats  
339 Corkscrew Drive

Wellington, Block 9  
Lot 12 - 6 Logan Road  
Lot 13 - 18 Logan Road  
Lot 19 - 15 Logan Road  
Lot 21 - 21 Paradise Green



*printed 4/12/2011*

# Breckenridge South

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**PLANNING COMMISSION MEETING**

The meeting was called to order at 7:00 pm

**ROLL CALL**

|                                      |             |               |
|--------------------------------------|-------------|---------------|
| Kate Christopher                     | Jim Lamb    | Dan Schroder  |
| Trip Butler                          | Eric Mamula | David Pringle |
| Gary Gallagher, Town Council Liaison |             |               |
| Gretchen Dudney was absent           |             |               |

**APPROVAL OF AGENDA**

With no changes, the October 16, 2012 Planning Commission meeting agenda was approved unanimously (6-0).

**APPROVAL OF MINUTES**

With no changes, the October 2, 2012 Planning Commission meeting minutes were approved unanimously (6-0).

**CONSENT CALENDAR:**

1. Wellington Block 9, Lot 12 (MM) PC#2012081; 6 Logan Road
2. Wellington Block 9, Lot 13 (MM) PC#2012082; 18 Logan Road
3. Wellington Block 9, Lot 19 (MM) PC#2012083; 15 Logan Road
4. Wellington Block 9, Lot 21 (MM) PC#2012085; 21 Paradise Green
5. Lot 20, Corkscrew Flats (MGT) PC#2012089; 339 Corkscrew Drive
6. Toth Residence Addition (MGT) PC#2012088; 250 Cottonwood Circle
7. Flat Bread Pizza Company (CN) PC#2012087; 500 South Main Street

Mr. Pringle: What about the change in code by Town Council regarding the wood fire pizza oven? Why didn't we discuss and why would a wood fire pizza oven be exempt from the air quality? (Mr. Grosshuesch: Do you want to have a work session? There were several reasons that we made the code change.) I've already taken up enough of the Commissions time, I just wanted to ask the question, and it's upsetting that we made a code change in that way.

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

**TOWN COUNCIL REPORT:**

Gary Gallagher: The council agreed to hold the rodeo for 11 weekends this coming summer; the actual weekend dates are being discussed. There was some feeling about not having the rodeo around July 4<sup>th</sup>; others felt that people were here during that time anyway, so perhaps that weekend wouldn't be a big deal. If this 11 weeks is successful and makes money, (this last rodeo didn't make money) we need to find a different venue for it. As we look at the Master Plan, there may be some land to be set aside for it, away from the neighborhoods. Next year it will be at Airport Road, but there is a strong feeling that in the future it needs to be moved. There was a lot more negativity going into the rodeo than during, and most of those people changed their minds; couple of folks had noise on their decks in the Highlands. There was less negative clamor during than prior. Elizabeth Lawrence on Airport Road said that one of the weekends when she counted cars, of every 10 cars 3 turned towards the rodeo. Maybe make people park downtown, so that they take bus service to the rodeo and then back to downtown to give business to town.

Mr. Schroder: July 4<sup>th</sup> is on a Thursday; are you only on weekends with the rodeo? I wondered if it might interrupt.

Mr. Mamula: The rodeo is on Thursdays in Steamboat.

Mr. Gallagher: Brad Bays said that he had discussed this with Steamboat so that we don't compete. I go to the rodeo for the carnage. Since the rodeo was held late in the season, many people didn't participate for the smaller purse. If we start sometime in June, lots of activity through July and August,; more activity and more interesting.

Second item to discuss: the council has a top ten items list. One of the items is Public Engagement, meaning public engagement in order to get community input. The Town has purchased a web-based program specific to public engagement (Mind Mixer). This will provide two-way communication between the town and the public. It was supposed to roll out this week, but will definitely come out in the next two weeks. It's called "Engage Breckenridge".

The third item is remediation in Cucumber Gulch. We went up and saw the ponds, and it looks good. It is worth looking at the ponds that have been dredged and filled. It looks wonderful. (Mr. Neubecker: We don't actually encourage people to walk around that work.) It looks terrific.

Last item: The study on the Riverwalk Center and Tiger Dredge parking lot are going to present their feedback on November 13, 2012, and on the 14<sup>th</sup> they will have something for the public at the Riverwalk Center. They had something like 90 interviews, so they have a lot to draw from; they will put it to Council to see how much tweaking needs to be done. Whoever is re-interviewing for the Planning Commission, they are next Tuesday.

Mr. Butler: Is there an opportunity for a recreation center credit that might be extended to the Planning Commission? (Mr. Gallagher: I would be happy to raise the subject at Council.)

Mr. Pringle: What has been proposed to be put in the Riverwalk Center? (Mr. Gallagher: This is the last key area in our downtown. What could the town do in terms of are there more activities that we could drive into the Riverwalk Center? What about the Tiger Dredge lot? Breck really doesn't have a downtown urban kind of park; is that something that should be incorporated there? One of the key rules is not to lose parking; the other part of it is to not lose the arts district. I suspect that each of us has our own specific vision as to what we would like to see there; one of the important things in this is at the end of the day, what kind of a structure and organization do you need to manage this? I think that we need a specific group of people to manage the Town's assets. The study is going to be looking at all of these things; is there a different structure to ensure the success of any changes or modifications that are being made to these properties?) Is there a vision?

Mr. Mamula: It started with the AG with Lyle Lovett; 90% of what we do there is orchestral and that's it; can we drive more business with something else? We also started talking about that green space. I don't feel like there is a vision right now; more of a "what could this become?" The hotel came to us, we didn't approach them. The Council at the time hired consultants as opposed to us trying to figure it out ourselves. (Mr. Gallagher: Hopefully the consultants will come through.)

## **WORKSESSIONS:**

### **1. Moving Historic Structures (CN)**

Mr. Neubecker presented. On September 4, 2012 staff presented a memo to the Commission on moving historic structures. The intent of the memo was to discuss possible changes to the Development Code concerning historic structures, and the negative points allocated. At that meeting, the Commission generally agreed that there should be more flexibility on moving historic secondary structures, end the "double dinging" in the point allocation, and lower the negative points for moving secondary structures. The Commission supported a reduction in the allocation of negative points in cases when the context of the historic structure does not change significantly. Since that meeting, Staff has also received feedback from the Town Council on this issue. The Town Council shares some of the opinions of the Planning Commission. The Town Council particularly wanted to allow for flexibility in those cases where there is not a negative impact on the rating of the historic structure, or a negative impact on the Town's Historic District designation.

Staff has drafted some possible revisions to both Policy 5 (Architectural Compatibility) and Policy 24 (Social Community) relating to the historic district. By consolidating some of the existing language out of Policy 5 and into Policy 24, it will be easier for applicants to find the relevant information. Staff has also suggested

adding definitions of “Primary Structure” and “Secondary Structure” which are not currently defined in the Development Code.

Staff welcomed feedback on the proposed code amendments.

*Commission Questions / Comments:*

Mr. Schroder: Compared to a regular 3 point on a primary structure, this needs a little word smithing. (Mr. Neubecker: If you’re encroaching over a property line and bringing it on a property, you can bring it inside the setback; the 15 feet could alter the context of the site but it might be 2 or 3 feet to avoid a property line encroachment.)

Mr. Lamb: I don’t think with historical significance it was 15 feet off the property line. (Mr. Neubecker: But we have several that are over the property lines and we want to encourage people to bring them onto the property. We said several years ago, if you’re going to bring it back, it needs to be within the property line.)

Mr. Butler: You refer to historic context; on page 73 and top of 74, I think that we had one of these not to long ago; “but keeping the structure on the original site but not changing the context”. Doesn’t that mean it doesn’t change the orientation? (Mr. Neubecker: We are saying that orientation and location does change the context; if you think it should actually say orientation, we would agree.) I would say that orientation should be in that verbiage.

Mr. Schroder: We have other things that come into play like snow shedding.

Mr. Mamlua: I think that’s the allocation point and building precedent; you let the Planning Commission make the decision case by case. (Mr. Neubecker: What it might do is you might get 3 points if you don’t change the orientation, and if you change the orientation it gets you to the next level. There will always be reasons to change it. I think it is important and we should preserve it. Every time you change something it alters the story of what life was like at that time.) As it is, these points are not insurmountable for moving structures. This started out as a shed moving discussion, but I don’t think that the points are great enough and particularly off site.

Mr. Schroder: Employee housing fixes that in one swoop.

Mr. Mamula: I would be hesitant of where we are going with this.

Mr. Lamb: A shed is much different than a primary structure. Back then, they moved outhouses all of the time.

Mr. Pringle: I think that we want to stay more strict on the primary. I think that the code was fine for primary, it just didn’t allow for the preservation and moving of a shed without a negative 5 points. I think this policy is expanded more than necessary. Not only is the relocation of a shed onsite, but the change and intensity of its use matters. For example, if it becomes habitable space, does it change the historical context of this structure? Is this something that we should consider? More important than orientation. (Mr. Neubecker: In some cases, this is what helps the structure gets rehabilitated.) When all of a sudden it becomes habitable, it becomes more.

Mr. Lamb: If they are within their density numbers, does it matter?

Mr. Pringle: I think that it is something to think about.

Ms. Christopher: I agree that it changes the context, but this is what people are looking for; as time moves on the buildings that we are using will change use.

Mr. Gallagher: The sense of Council is that to encourage development without stepping over the line without running afoul of historic district; and the idea of using a secondary structure to increase habitable space, it might encourage someone to conduct historic restoration and more families. What is the priority? To encourage development or preserve historic context? (Ms. Dudney had asked.) Council’s feeling is that if we can encourage people wanting to restore historic structures, we would like to see that.

Mr. Schroder: Habitable or not, we take a look at someone’s exterior. It’s private property; we aren’t invited inside. I’m not as concerned about what is inside.

- Mr. Lamb: When you drive by a historic shed you can't see what is inside; you aren't allowed to change the window or door openings.
- Mr. Pringle: Be careful, caution. (Mr. Neubecker: It does raise issues: lights, radio, satellite dish, smoke, porch, etc.) This whole discussion started about moving a shed and not penalize them for moving the sheds. (Mr. Neubecker: I think that it also gives people incentive to use the structure; it prevents the need for new construction on the site. I could see some of the concerns, but I would rather that the structures were restored and if that what it takes, I think that's a good thing.)
- Mr. Mamula: I don't mind the use as much as it's integrated into the site. If you take a shed that is attached to a connector, and you lose historical material, that is when I have an issue. It's the integration that is what is important. (Mr. Neubecker: That's an issue of connecting as opposed to maintaining it as freestanding.) Generally you make it habitable by attaching it to the primary building. (Mr. Neubecker: Or you take Ms. Sutterley's example; maybe that's an exception to the rule. The language on the primary structure, we could 'bump' up. Mr. Mamula thinks it's too easy to overcome these points.) I would like to move this to 50 not 24; rather than trying to put this in a social community. This is sort of a weird number; why can't we make this different? (Mr. Grosshuesch: We are having an internal debate and are focusing on language first. If we change them, we are always going to have to train Staff, and its going to last a long time. We are leaning towards leaving the numbers as they are. That way we won't be missing things.) (Mr. Neubecker: An example of that, Handbook of Design Standards, says 'these refer to Policy 5' and if we've moved it, it might make it easier for new Applicants but lots of other moving parts.)
- Mr. Pringle: I'd like to reiterate that we took something reasonably simple and made it complex.

Mr. Schroder opened the worksession to public comment.

Ms. Janet Sutterley, Architect:

I thought that the rewrite was clean; I don't think that it was getting more complicated. I think it's really close. Like you said, there are so many unforeseen projects, but my big question was what Mr. Butler brought up, the orientation of structures. I think that we should put stronger language in about orientation; it should be avoided at all costs. We do have one project that under the new point analysis would fall under a negative 1 point instead of a negative 5 points. The other one I wanted to bring up, under this system, each structure gets looked at individually, right? For example, the Harris residence, the house moved 5 feet, the shed moved 14 feet for a total of negative 8 points in that scenario. (Mr. Grosshuesch: Because we are addressing primary separately, they would be separately accounted for; if you move 2 secondary structures.) (Mr. Mamula: You are going to get separate point allocations for moving; we do everything in one set of allocations all of the time. There is no break down for size. Now, though, primary is more important, so the point allocations are different. This is a potential stumbling block.) (Mr. Schroder: If multiple negatives are garnered against a positive, because at the end of the day we are working towards them not to be moved.) (Mr. Lamb: If you're restoring both a primary and secondary, maybe that's what takes you to 12.) (Mr. Mamula: Would you look at a shed, and get full refix of the shed, is it worth 9 or 12 points? See there's a problem. If you're going to ding me separately, you need to also give me the proper amount of points for fixing the shed up.) (Mr. Schroder: Cap on sheds?) (Mr. Neubecker: I don't believe the code is written that way, but we've only ever given 6 points to a shed.) (Mr. Pringle: You could move a secondary structure on a lot without substantially changing historic context and receive zero points.) (Mr. Neubecker: We specifically put in 3 points for that; we think that these historic structures are important, but we want to encourage development; in the case of primary we suggested 1.) (Mr. Pringle: We have the same penalty for moving a primary and a shed. It doesn't make sense.) (Mr. Neubecker: Does this make more sense?) (Mr. Pringle: I just think that you should be able to move a shed on a property and not receive negative points for it. I don't think you put a number on it if it doesn't change historic context.) (Mr. Grosshuesch: We've got one negative point in the draft for this.)

To know its black and white would be good, but there may be situation where you need wiggle room, and we don't know what those are. Just going through the last 8 projects, you could tell where they all fit. (Mr. Neubecker: If you look at the allocation of positive points, it does say that ultimately it is up to Planning Commission.) I'd like to see



Planning Commission weigh in on things; not just read the code. (Mr. Neubecker: We can add language that creates that flexibility.) (Mr. Schroder: I liked reading 5 feet, but then I felt like we would need a variance.) (Mr. Pringle: ‘Any greater than the extent necessary’; I think you’re tying the Applicant and Staff down if you put a number on it. Code has been a little ambiguous and it works well with precedent. We’ve gotten to the point where we allow them to move the shed.) Deciding on positive points is nebulous; loose language for historic points. (Mr. Grosshuesch: We see both sides of this; we understand that you want the flexibility, but what comes along with that is that you negate the reliability/predictability. There’s a certain value to that; Applicants will want to know what the limit is. It might be important in the final point analysis.)

Ms. Carol Rockne:

I think you should give positive points for the sheds; one day we are going to work on our three sheds, and we should get positive points. Flexibility is very important and you should gear your thinking to giving positive points. I would like to see you thinking that way and making the code ambiguous.

Mr. Lee Edwards:

Everything is being done in the national historic district, right? Park Service yard stick: what do they say about moving structures? (Mr. Neubecker: I haven’t researched those since the last meeting.) How many properties are we actually talking about? Properties with sheds; every single structure in the historic district has the potential for moving? It would be nice to know that answer. You guys are the pros from Dover; we have to rely on your expertise and Staff. We don’t need a straight jacket; this code was written to allow you to create and be creative. Keep some of your flexibility.

## 2. Pinewood Village II (MGT); Airport Road

Mr. Thompson presented. Corum Real Estate Group has approached the Town regarding a second phase of Pinewood Village, name to be determined. The proposal is for two buildings that would be 100% affordable rental housing. Corum has proposed a project similar to the original Pinewood Village, but with larger buildings and underground garage parking for residents. The property is currently in Land Use District 9.2, which recommends building heights of two stories, with three stories acceptable if situated in such a way that the hill to the west provides an appropriate backdrop and sufficient trees to the east to provide screening. However, because this property is going through the annexation process, the Land Use District designation needs to be formally adopted by the Town. This gives staff the opportunity to reconsider the Land Use District provisions in LUD 9.2, and custom design those provisions to accommodate this development. The purpose of the work session is to see if the Planning Commission is comfortable with the increased height over the recommended height in current Land Use District 9.2.

### **Changes from the last meeting**

- The front building closest to Airport Road has been lowered by 10’ – 7 ¾” or a half story.
- The Applicants have tried to bury the garage at the first floor as much as possible to minimize the massing of the building above grade. The Applicants believes they can bury one end of the building (south side) and leave a minimal exposure for the garage entry on the other end (north).
- Building 2 (further away from Airport Road) has been moved farther away from Claimjumper Condos and pushed up the hill away from Airport Road. At the last work session Building 2 was 31’-10” off of the property line to the north. The building is now proposed at 54’ – 4 ¾” off the property line to the north.
- The total density of both buildings has been reduced from 96,000 sq. ft. to 91,868 sq. ft.
- The applicants have eliminated the 3 bedroom units from the project and went to only 2 bedroom/2 bath, 1 bed/1bath, and studio units. This had an overall effect of lowering the gross area of each building while staying at the same unit count (96 units). In addition, this shortened the buildings slightly since there are no longer 3 bedroom units on the ends of the building.

Staff conducted an informal point analysis and believes the project may be eligible for some positive points:

- Parking mostly in garage: +2
- Employee housing: +10
- Transit if a bus stop was added possible +4 (this is an ongoing discussion with Transit Division)
- Strong landscaping plan could incur positive points
- Dumpster kept inside of building could incur positive points
- HERS report and energy upgrades could incur positive points

Depending upon the interpretation of the appropriate height, it appears possible the proposal could pass a point analysis. However, there are several unknowns in the proposal at this time. Provision of affordable rental housing is a priority goal of the Town Council and the Town is looking at higher densities on its affordable housing sites, provided the housing meets a fit test and achieves good design. Staff is looking at drafting a new Land Use District if the Commission is not comfortable with how the proposal works in Land Use District 9.2. At this point, we are looking for general feedback on the proposal. We also have the following specific questions:

- Did the Commission find that the Applicant addressed their concerns from the first work session?
- Did the Commission find that the proposed buildings would comply with Land Use District 9.2?
- Should a new Land Use District (different from LUD 9.2) be created for this site?
- What other feedback does the Commission have at this time?

Staff also presented two additional letters from public including negative comments saying too dense, too tall, don't like the parking, impacts, landscaping, sidewalks and transmits.

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

*Commission Questions / Comments:*

Ms. Christopher: Does the Town want density here enough that they will just put in a different land use district? (Mr. Thompson: Affordable housing is a priority of Town Council.)

Mr. Schroder: The fit test is the big driver; Town Council would like to see a higher density project on this parcel. (Mr. Neubecker: It couldn't just go into 9.2 which would be upzoning; but being deed restricted we could accommodate that. We can craft this the way that we need to depending upon your feelings. Did we respond to your comments? Does this fit?) (Mr. Grosshuesch: We are bringing the land use question to Council at the next meeting. I think that probably it might make the most sense is create 9.3 for this parcel and for the rest of the parcel on the other side of Claimjumper. We would probably mimic what was in 9.2; we would be careful about building heights.) Should we spend time tonight on land use if you're going to Council? (Mr. Grosshuesch: The most pressing question is does this fit?)

*Applicant Presentation:*

Mr. Tim Casey, Mr. John Payne, Mr. Robert Miller (Partners in Pinewood Village I and Pinewood Village II)

Mr. Casey: This was a forest service property; we tried to see what we could accommodate with affordability component. There is a demand for this; there has been an affordability analysis. In trying to address your concerns, we moved the building 70 feet from Claimjumper up the hill and back. The other building shifted away from Airport Road as well. There are 90 spaces in these buildings; toy storage in the space itself. We have about 133 spaces which is 1.38 part; we lowered the height 10 feet 7 inches. Yes, there will be a sidewalk and a bus turn out area along with landscaping which we will work on later. We also provided a perspective as to how this compares to Pinewood I and Claimjumper. (Mr. Casey superimposed both projects side by side.) Pinewood I actually sits up the

hill; the roofline of Pinewood I is pretty close to the elevation of Pinewood II. The actual heights, because Pinewood I is up the hill, the elevation of Pinewood I and II are similar. (Mr. Lamb: Do they line up with Claimjumper?) (Mr. Payne: Their building is a 3 story building.) (Mr. Schroder: If I am in Claimjumper, headlights are on in Pinewood II, is there any way to solve this?) (Mr. Miller: We will make a commitment to solve this problem; I think we can create a retaining wall to screen lights.) We have the same issue with the other units as well, so we will address that issue with all of them. (Mr. Schroder: I've appreciated what I've observed.) We have tried to create as much as space as possible. (Mr. Miller: There is about 10 foot grade change, so it starts about a story below Pinewood II.) (Mr. Payne: We eliminated 3 bedroom units and added studio units as well as decreasing height and mass of buildings. We pushed the building away from Claimjumper and along the front side of Airport Road. We buried the garage as much as possible. The entry of the garage is buried to effectively provide a three story along that face.) (Mr. Miller: Where we were before was 108,000 square feet and we reduced it to 91,000 square feet; we heard the Town's concerns and made a dramatic cut.) (Ms. Christopher: From what I'm seeing, the middle section is all one line; how long is that bridge line?) (Mr. Miller: It's longer than what we want to be; we'll design a break in this line. Part of the betterment of this discussion is the improvement of this building; we built those studios into the roof, and it creates a visual interest with a lot of movement. We can do a better job on the ridge line. I do need clarification about whether there could be future development on the other side of Claimjumper by moving it into 9.3?) (Mr. Grosshuesch: Our thought is no, but we will be discussing that with Council.) (Mr. Miller: It is worth it to clarify that the Council has never intended to develop over there.)

Mr. Schroder opened the worksession to public comment.

Mr. Doug Adcock, Claimjumper Resident:

Besides moving the buildings away, it looks like the ridgeline is 63 feet in the air. How far is the distance from the parking lots? (Further clarification regarding the parking lot sizes were given.) About Building 2, looks like 4 stories and a high roof. (Mr. Payne: We've dropped it to 2 stories at the ends as it gets closer to Claimjumper and Pinewood I.) (Mr. Miller: Can we take some of the front density and put it into the back building (from the last meeting)? We are trying to provide good housing opportunities and meet Planning Commission requirements.) The trail between Claimjumper and Pinewood II; is there some sort of barrier so that we aren't looking into each other's windows? (Mr. Casey: We drew in a trail, but the intention is to tie it with the other.) (Mr. Thompson: Mr. Scott Reid (Town of Breckenridge Open Space and Trails) asked the Corum team to show the trail; the other trail in the area actually splits Building I in half. They want to develop more trails in other areas. I did ask the Architects to show screening.) (Mr. Casey: This is the two story element; if you look at that to where it jumps up, it's about 100 feet from the corner of Claimjumper to the jump.) Comparing it to Pinewood I, how many units are in I? How many residents was it originally designed for? (Mr. Casey: 74 in Pinewood I; I can get you numbers on number of occupants.) How many people are going to be there? (Mr. Miller: It's difficult to say but we do have studios (10%), 37 two bedrooms, and no 3 bedrooms.) In Land Use 9.2, is Pinewood included in that? Is Kingdom Park? (Mr. Thompson: No. Some of those are in the County.) Since the original Planning Commission looked at the site, I am very pleased that there is underground parking, storage, reduced distance, consideration of bus stop and sidewalk. There's a lot of talk of changing the standards, I thought that there was probably a good reason for the creation of the old standards. Traffic and safety on Airport Road: If you're adding 133 parking places, please take a look at what that will do to traffic coming down Airport Road. One of the things about the residents of Pinewood II is safety without a sidewalk. The busier the road is, the more dangerous it is to cross. Please consider the traffic and safety question.

Ms. Carol Rockne:

They are so far away from what should have been presented to begin with; should be half of this amount. Pinewood I is 74 units with much more land involved. How many units/acres is this? 96 units on 3 acres? I'm assuming that both of the parcels that you annexed are going into district 9.2. When Charlie Terrell was going to annex the trailer park, you were going to put him in district 9.2. I believe Pinewood I was in 9.2 which is 10units/acre. These are the exact duplicate of River Mountain Lodge. Two buildings, stepped down on each side, parking garage underneath; and that doesn't meet any fit test whatsoever. How can the Town do that? Even though they are a developer with the

Town? The rec center is 2 stories, police station is 1 ½ stories, Breckenridge Terrace is 2-3 stories. Everything is 2 stories; here they are going 5 stories, 4 stores, it's just huge. I don't know who encouraged them; maybe they started thinking about how much money they need to make, and for one negative point for going over 50 feet? Anyway, I am so discouraged that you're even considering it. It's just huge. I think it's horrible.

Mr. Lee Edwards:

Where does the density come from? (Mr. Mamula: 1-4 ratios.) If this were not deed restricted, how many units would actually be allowed? (Mr. Mamula: You'd have to transfer all of the density in.) (Mr. Neubecker: It doesn't have a land use assigned to it.) How many units based on Pinewood I? (Mr. Mamula: 64 units but they are still smaller.) (Mr. Grosshuesch: It could be as high as 80.) I am just interested. Without employing housing, what would this parcel support? How much more is being put on the lot because it is employee housing? For the next meeting, could you develop that? (Mr. Grosshuesch: 70,000 - 80,000 square feet.) I have to agree that Pinewood I works well; there is no reason we have to jam everything onto this site. We are not that community. We do not have people living in dumpsters without a place to live. You are setting in stone a precedent. This is a huge impact. Love the underground parking; there are all kinds of ways to deal with this by not having the mass.

Mr. Scott Hornafius, Kingdom Park Townhomes:

Seems like a very large structure that is incongruous with the neighborhood. Doesn't look like what is across the street, or on either side of it. Please consider a modification to make it more consistent with the neighborhood. I realize that you have to support employee housing, but maybe you could spread them over multiple properties. I'd like to know if I have to say something in writing. (Mr. Neubecker: You can always provide us something in writing.)

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

*Commissioner Questions / Comments:*

Mr. Pringle: You could probably break this into more modules but if you did we would end up closer to Claimjumper. There is some value in condensing the density into fewer buildings and preserving open space. This type of housing has been desired by the Town; I like the idea of dropping the 3 bedrooms and adding studios for more predictable parking. As far as Claimjumper is concerned, they have done an excellent job of setting these buildings away from them; they orientated Building 2 away, and there is quite a good distance between there. I believe the mountainside behind it will be the backdrop. We can't protect you from seeing nothing there; I think having more open space around the building has more value than more buildings. I'd like to see more into the roofline. Incorporate more density into the roof. I don't get the same feeling as the last meeting; it seems like it lines up with Pinewood I and Claimjumper. If there is any way to compress that down, and put a natural sort of grade against the garage, it will help. We are heading in the right direction. I'm interested in 9.2 vs. 9.3; I think we can justify the numbers. (Mr. Grosshuesch: It's not going to be a transfer off of this site; you have to go with the lower of two densities and there was no prior density. We have to sunset it off of a parking lot. On the north side of Claimjumper there will probably be no density. Just like all of the land behind it.) I don't know what those boundaries are. (Mr. Grosshuesch: It's about a 35 acre parcel.) (Ms. Laurie Best, Town of Breckenridge Long Range Planner III gave clarification of the land going into 9.2.)

Mr. Lamb: It always scares me when I agree with Mr. Pringle; I think we have to remember that this addresses a median income that we haven't addressed yet. It looks better today than in previous meeting; good strides. It still looks like a massive building; you mentioned breaking up the roof, if you moved some of the density into the roof, I think that might be a good idea. Things are going to get built next to you; I think this is going the right way and we can come up with a plan that will make the neighbors somewhat pleased. I support this project going forward.

Mr. Butler: I like the direction that they are going. I appreciate the streetscape. I also think that it isn't

unreasonable that the back building pick up the density; I don't think it has to be the same condition as the front building. I like the direction its going.

Mr. Mamula: I have a problem with this Land Use District conversation. If the Council wants to make that call, that's their decision. Asking us if this fits in a district that doesn't exist is a bogus question. It fits on the site but not in the neighborhood as far as I'm concerned. It's a straight facade of 4 stories; if we were Vail, this is just a shuffle game. If Council wants to make this 9.3, that's not my call. In 9.2, the front building is too massive for the rest of the street scape; the back building could make it longer because I don't care how this looks to Pinewood I. My concern is to keep the 70+ to Claimjumper if this is LUD 9.2. We do a lot of things in the name of affordability; this land use district question is one for the Council.

Ms. Christopher: I appreciated the public comments; a lot of my concerns were identical to yours. I appreciate the Applicant; this plan has made leaps and bounds from the first work session. We still have a lot of design issues, mostly the roofline. This is too tall for the current land use district.

Mr. Schroder: Having a high density use is appropriate in town because it would address our employees housing; a number of services are immediately adjacent to the property. The location is perfect; the condominium apartment style is good. Three stories is the prescription for this district for 9.2; if it isn't 9.2, does it fit? The hillside shooting up behind it might make it okay; after looking at it personally, it appeared so tall. 50 feet seems pretty massive. I'm not entirely sure; it doesn't fit the current district, and if it is a different district, it still might be too tall.

#### **FINAL HEARINGS:**

1. Miller Master Plan Amendment (MM) PC#2012012; 13541 Colorado Highway 9

Mr. Mosher presented a proposal to modify the existing Amended Miller Master Plan with a change in previously allowed uses and density allocations. (Note: the portion of the property owned by Braddock Holdings, Parcels F and D-2, will be reviewed as a separate modification to the Master Plan for their property.)

As reviewed a the last meeting, the purpose of this Master Plan Modification is to provided more flexibility for the placement and type of uses and to specifically include some commercial uses. There is no change to the overall density from the original master Plan.

The Applicants have met with the Town Council and obtained approval for and have executed A Resolution Approving A Second Amended And Restated Annexation Agreement With SMI Land, LLC, A Colorado Limited Liability Company, And Braddock Holdings, LLC, A Colorado Limited Liability Company.

This change modified the Annexation Agreement to address:

- a. A modification to the distribution of density to provide more flexibility regarding the placement and location of all uses (deed restricted units, market units, commercial uses).
- b. A provision to allow up to 20 commercial SFEs - inclusive in the existing density, not additional.

After further review among Staff, we believe that rather than include the note: "Other commercial uses as may be approved by the Town under special review" that having the applicant modify the Master Plan to include a specific use instead would better follow the intent of Absolute Policy 39, Master Plan.

Separation between all multi-family residential buildings shall have a minimum of 20-feet between structures, measured eave to eave.

Mr. Bill Campie, DTJ Design, and Mr. Kermit Miller, Stan Miller Inc., are in attendance.

Mr. Campie: With regard to whether the negative points are assigned now, at Master Plan, or with any future application for commercial use, I would rather take the Commercial points now. Secondly, I don't remember the 20

foot separation from the previous meeting. (Mr. Mosher explained it was in the report but not in the Master plan notes.) It seems like it would be fine. Not sure about this provision for single-family homes. (Clarification was made by Chris and Mosh regarding setbacks for single family uses.) Well, there are some narrow lots; as narrow as 60 feet. We're getting pretty tight. For multi-family, the 20 feet between buildings is fine; 30 feet for single family is tight for a 60 foot lot. (Mr. Neubecker: If the setbacks are an issue, than we need to address them in the Master Plan.) (Discussion regarding points and setbacks commenced.)

*Applicant, Staff and Commissioner Questions / Comments:*

- Mr. Grosshuesch: On the Master Plan Notes and under Commercial Uses, you have listed 1B, "Assisted Living:" regarding dementia care related to old age. There is a definition that doesn't seem to tie it to old age; are we talking about age related dementia or is it your intent to house all ages and mental illnesses?
- Mr. Campie: Our intent is old age. We are purposing to have assisted care living that is for people with or without dementia; we are not looking to have a mental health facility. It's the venue of age related assistance required, not a mental health facility.
- Mr. Neubecker: I think it makes sense to establish those setbacks in the Master Plan. (Clarified Policy 9 specific to single family and exclusions.)
- Mr. Campie: I'm a little concerned about building a 30 foot house; I don't know how marketable that would be. I would like feedback about what the Commission and Staff think is acceptable.
- Mr. Mamula: We wouldn't be able to give him an exception from our normal setback rules, right? (Mr. Mosher: The application must follow the Development Code.)
- Mr. Campie: Can we even possibly address this now without knowing how many single family units will be in this project? I don't know the mechanism for dealing with this without having a site plan.
- Mr. Mosher: With a 40-foot combined side-yard setback they would be meeting the absolute but not the relative. Negative points must be assigned and there aren't enough positive to have a passing score then.
- Mr. Neubecker: We could go forward with the Master Plan now and they can come back with a revision.
- Mr. Campie: We were trying to do something a little more neighborhood oriented. We need more clarification on setbacks and making the changes in the Master Plan.
- Mr. Pringle: Why can't we make a Master Plan inside the Master Plan just for those lots?
- Mr. Neubecker: I think that it might be difficult to mitigate the negative points for setbacks. I think we have flexibility at the Master Plan level that we don't have at the site plan level.
- Mr. Schroder: Could we ease the points at the Master Plan level? (Mr. Mosher: The Development Code does not allow this.)
- Mr. Miller: What Mr. Campie has drawn up in this new one is not very different than what was approved before. I don't understand.
- Mr. Neubecker: We are catching a problem that was not clear in the Master Plan notes.
- Mr. Grosshuesch: They need to comply with the Code in the Master Plan; they can take negative points; but for relative policies. They can't be changed in a Master Plan. If they want to go with approvable setbacks, they can take the negative points now and make them back in the Master Plan.
- Mr. Campie: Wellington was passed before the exception under Policy 9/A came in; this is an absolute policy? (Mr. Mosher: Yes, and it only applies to single family homes where 75% are affordable housing.) I don't know that we want to do 75% affordable housing. I'm failing to see where we can change this issue other than making 75% of the project affordable housing.
- Mr. Mamula: I think we should keep doing what we are doing tonight and then you can come back with a revision.
- Mr. Schroder: Remind us of the difference between the current and previous Master Plans? (Mr. Mosher: The Applicants had referred to the State definitions for home and dementia care. These may change; Staff prefers the Master Plan to be more static in case the State definitions change. If there is dementia, etc., we wanted them to be in a secure facility and that we have control over these

specific definitions. Our key was on the elderly/retirement persons. Other changes are noted in bold.)

Mr. Schroder: And the commercial piece? (Mr. Mosher: We have that the same as the last meeting.) The Master Plan allows the uses and we want to assign points.

Mr. Pringle: Are we going to have a change in the point analysis? (Mr. Mosher: Yes.)

(Mr. Mosher asked for 5 minutes with the Applicant. Mr. Schroder announced a 5-minute break in the presentation.)

Mr. Mosher: I'd like to propose a change with the Master Plan notes to replace all references to "Detached dwelling units" with "Single-Family and/or Cluster Single-Family".

Mr. Pringle: Negative 4 on uses? (Mr. Mosher: Correct.) Change detached dwelling units to single family and or cluster single family.

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

Mr. Pringle made a motion to change the point analysis for the Miller Master Plan Amendment, PC#2012012, 13541 Colorado Highway 9, to change Policy 2/R from zero (0) to negative four (-4) points. Mr. Lamb seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the point analysis for Miller Master Plan Amendment, PC#2012012, 13541 Colorado Highway 9, showing a final of positive one (+1) point. Mr. Mamula seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the 3<sup>rd</sup> modification of the Miller Master Plan Amendment, PC#2012012, 13541 Colorado Highway 9, along with the presented findings and conditions and changing "detached dwelling units" to "single family and/or cluster single family". Mr. Mamula seconded, and the motion was carried unanimously (6-0).

**OTHER MATTERS:**

The Field trip to Steamboat Springs is scheduled for tomorrow morning, October 17, 2012. Departure is at 7am from Breckenridge Town Hall. We will be meeting with Steamboat Springs Planning Staff, and Steamboat Springs Ski and Resort Corporation staff.

**ADJOURNMENT:**

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

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Dan Schroder, Chair

## Memorandum

**TO:** Town Council  
**FROM:** Tom Daugherty, Public Works Director  
**DATE:** October 17, 2012  
**RE:** Repeal of Water Restrictions

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As a result of the drought, the Town Council passed a resolution creating water restrictions on July 10, 2012. Now that the summer has passed and the water levels in the Blue River are close to normal for this time of year staff is recommending that the Town repeal the resolution that created the water restrictions. Attached is an ordinance repealing the water restrictions.



1 ***FOR WORKSESSION/ADOPTION – OCT. 23***

2  
3 A RESOLUTION

4  
5 Series 2012

6  
7 A RESOLUTION DETERMINING THAT A WATER SHORTAGE NO LONGER EXISTS IN  
8 THE TOWN OF BRECKENRIDGE; AND REPEALING THE MANDATORY  
9 RESTRICTIONS ON THE USE OF WATER BY CUSTOMERS OF THE TOWN’S WATER  
10 SYSTEM IMPOSED BY RESOLUTION NO. 17, SERIES 2012

11  
12 WHEREAS, by Resolution No. 17, Series 2012, the Town Council found and determined  
13 that a shortage existed in the supply of water to the Town’s Water System, or that a shortage was  
14 imminent, such as to require the implementation of restrictions on the use of water from Town’s  
15 Water System; and

16  
17 WHEREAS, by Resolution No. 17, Series 2012, the Town Council further declared a  
18 water shortage to exist within the Town, and imposed mandatory restrictions on the use of the  
19 Town’s Water System, all as more fully set forth in the resolution; and

20  
21 WHEREAS, the previously declared water shortage no longer exists, and the Town  
22 Council has determined that the restrictions on the use of water from Town’s Water System  
23 imposed by Resolution No. 17, Series 2012, are no longer needed to protect the public health,  
24 safety, and welfare.

25  
26 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
27 BRECKENRIDGE, COLORADO:

28  
29 Section 1. Resolution No. 17, Series 2012, is repealed.

30  
31 Section 2. The repeal of Resolution No. 17, Series 2012, does not affect or prevent  
32 the prosecution or punishment of any person for any act done or committed in violation of  
33 Resolution No. 17, Series 2012, prior to its repeal.

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35 Section 3. This resolution is effective upon adoption.

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37 RESOLUTION APPROVED AND ADOPTED this \_\_\_ day of \_\_\_, 2012.

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39 TOWN OF BRECKENRIDGE

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43 By \_\_\_\_\_  
44 John G. Warner, Mayor  
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ATTEST:

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

APPROVED IN FORM

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Town Attorney                      Date

## Memorandum

**TO:** TOWN COUNCIL  
**FROM:** Dale Stein, Assistant Town Engineer  
**DATE:** October 17, 2012  
**RE:** Public Projects Update

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### **Arts District Civil Site Plan**

Staff is finalizing contracts with the team of Alpine Engineering (Frisco) and Mary Hart Design (Breckenridge) to complete the master plan for site grading, utilities, drainage, and outdoor spaces of the Arts District campus. The design of the flexible use space for Barney Ford parking lot is also included in this project.

### **Four O'clock Roundabout**

Staff is finalizing a contract with the team of J-U-B Engineers and BHA Landscape Design to design the proposed roundabout at the Four O'clock and Park Avenue intersection. Staff anticipates that a conceptual design of the proposed improvements will be completed in late November.

### **Harris Street Community Building**

The project architect, Anderson Hallas, has begun the design process for the renovation work at the historic building on Harris Street. Upcoming work by the architect will include programming of the site and landscaping, programming of the IT and communication requirements, and conceptual design of the exterior modifications to the building. The proposed modifications to the building exterior are expected to be generally limited to a new entrance on the NW building corner for the movie theatre. These proposed modifications are scheduled to be presented to the Planning Commission in December.

### **Riverwalk Center Master Plan**

The initial background research of the facilities and operations of the Riverwalk Center and Arts District and stakeholder interviews have been completed by our consultant. Staff will be presenting the findings of this first phase of work at the November 13<sup>th</sup> work session. A public open house is scheduled to follow on November 14<sup>th</sup>.

### **Breckenridge Nordic Center**

Parking lot grading and utility infrastructure work by Stan Miller Inc. has been progressing well at the Nordic Center. Phase I of the project is expected to be completed by the end of October.

**MEMO**

**TO:** Mayor & Town Council  
**FROM:** Tim Gagen, Town Manager  
**DATE:** October 18, 2012  
**SUBJECT:** Committee Reports for 10-23-2012 Council Packet

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

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|                                   |                         |                    |
|-----------------------------------|-------------------------|--------------------|
| <b>Liquor Licensing Authority</b> | <b>October 16, 2012</b> | <b>Linda Coxen</b> |
|-----------------------------------|-------------------------|--------------------|

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- Transfer liquor licenses were approved for the following new business owners at existing establishments:
  - Blue River Concepts LLC d/b/a Modis 113 S. Main Street, Hotel and Restaurant License
  - Hero LLA d/b/a Hero, 500 S. Main Street, Suite 1J and 1K, Hotel and Restaurant License
- Palmer Industries LLC d/b/a Liquid Lounge was pulled off the Consent Calendar. Further review of the renewal status was warranted due to recent and pending citations issued at that location. All other Consent Calendar items were approved.
- An executive session was held.
- Administrative updates were given by the following: Red, White and Blue Fire Department regarding a public information event for occupancy restrictions as we head into peak season; Detective Blank updated LLA on the status of local PD citations issued; Town Clerk updated on State Compliance Check resulting in 5 establishments cited for underage service (State cases are pending).

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

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

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

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**FINANCIAL MEMORANDUM**

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**TO:** TIM GAGEN, TOWN MANAGER; RICK HOLMAN, ASSISTANT TOWN MANAGER  
**FROM:** CLERK AND FINANCE DIVISION  
**SUBJECT:** AUGUST TAX COLLECTIONS  
**DATE:** 10/17/2012

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This memo explains significant items of note in relation to collections that occurred within the Town of Breckenridge in the month of August.

**New Items of Note:**

- Overall, at the time of this report, tax collections for August were up 3.3% from 2011, and 108.9% of the month's budget.
- Sales Tax was up 4.9% from 2011, and 103% of budget. YTD, we are up 5.3% from prior year, but down 4.5% from budget.
- Accommodations Tax was up from prior year by 19%, and 151.1% of budget for the month. YTD we are now up 3% from prior year, and 110.7% of budget.
- Real Estate Transfer Tax in August was up from prior year by 5.1%, and reached 125.8% of budget. For September, we were up from prior year by 12.5%, and reached 88.6% of budget. October is already at 106.9% of budget at this time.
- For housing, we had not yet received our check from the Summit Combined Housing Authority at the time of this report.
- Medical Marijuana currently totals 68.8% of the annual budget.

**Continuing Items of Note:**

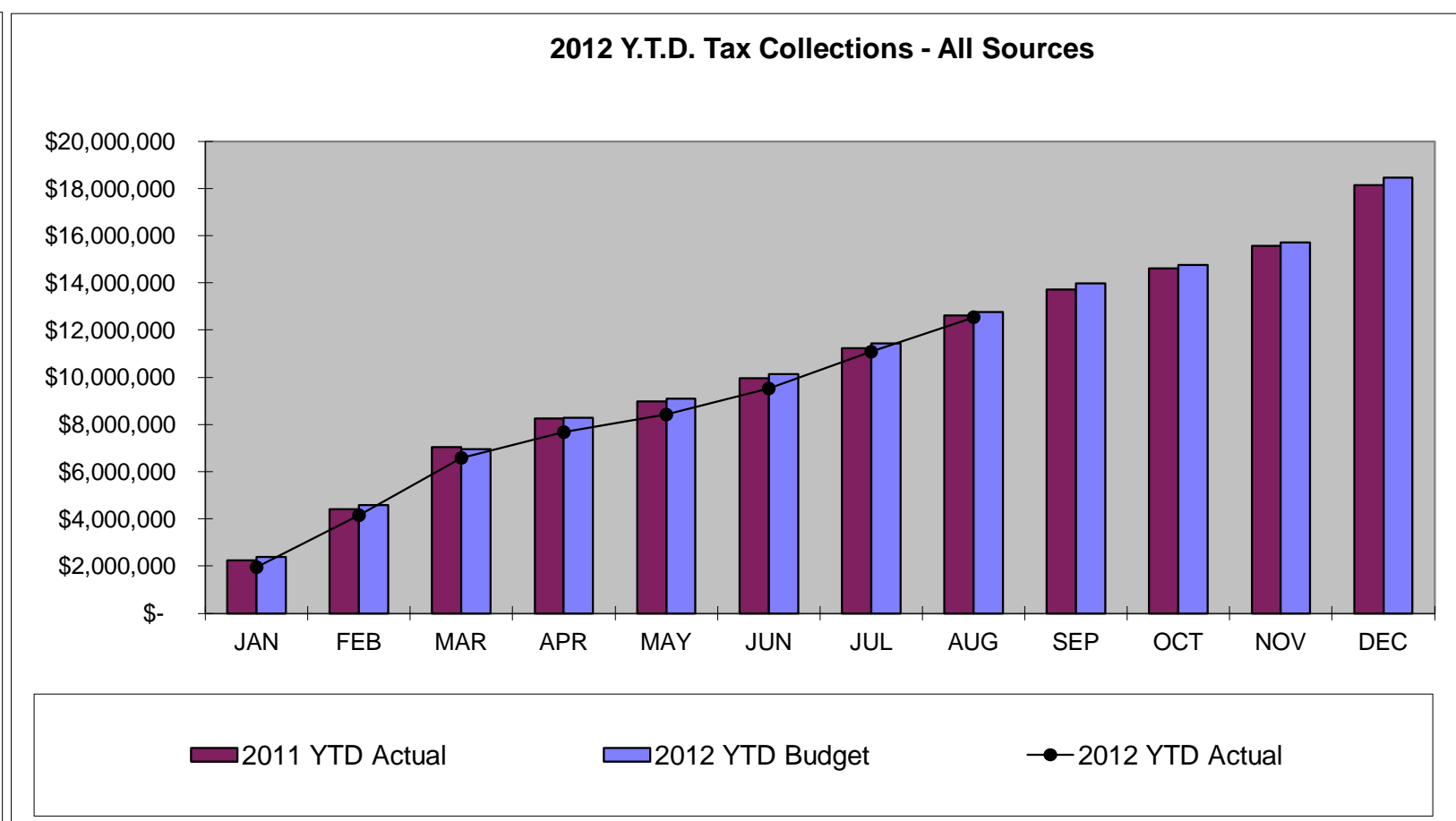
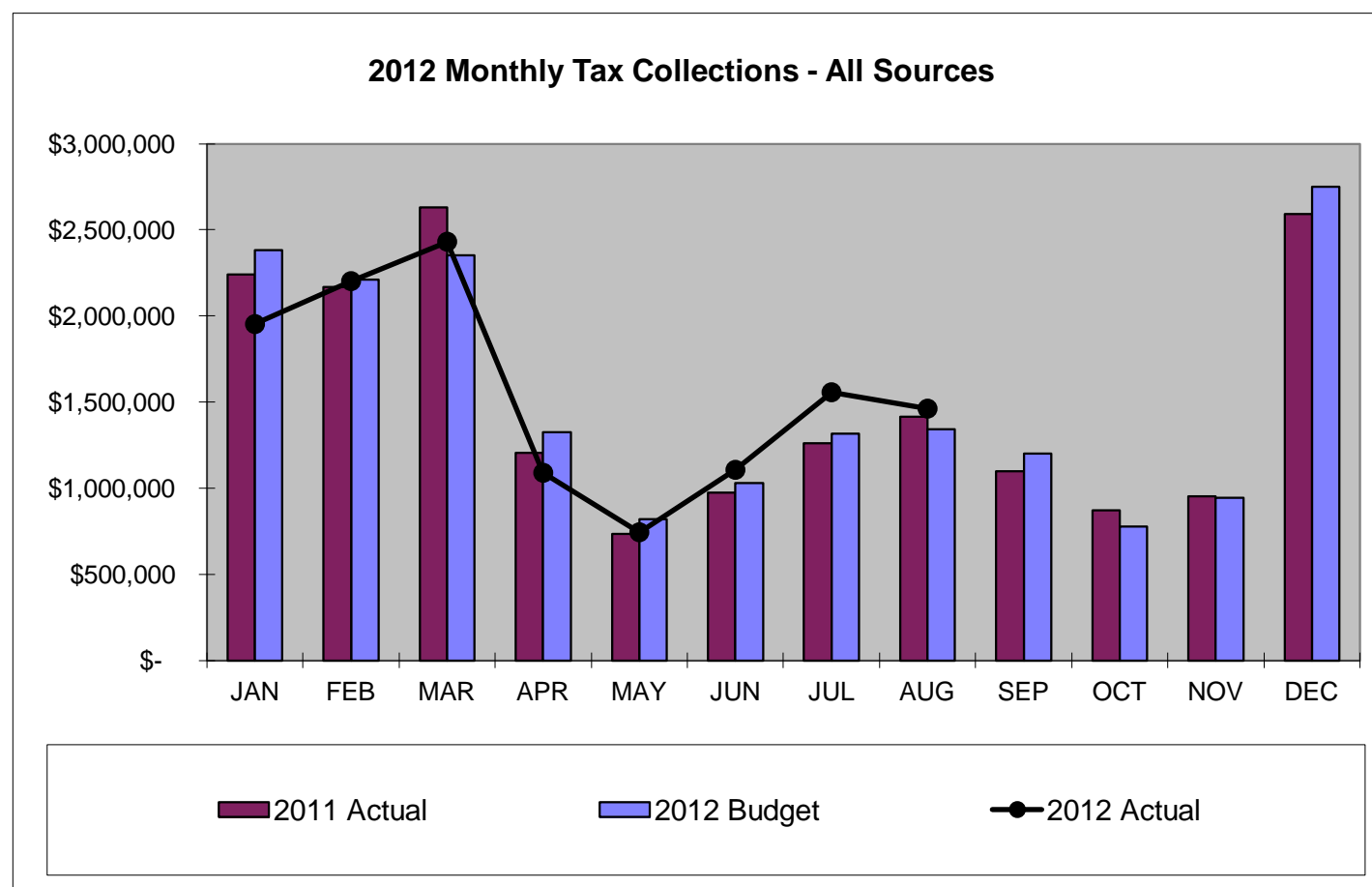
- Tax collections are reported in the second Council meeting following the due date of the tax remittance to the Town of Breckenridge. The taxes in these reports are listed in the month that they were collected by the vendor. The tax may have been remitted to the Town in any month and therefore these reports will vary from the amounts reported in the financial statements.
- Town of Breckenridge taxes collected from the customer by the vendor are remitted to the Town on the 20<sup>th</sup> of the following month.
- Taxes remitted to the State of Colorado, Department of Revenue for Summit County are distributed to the Town around the 8<sup>th</sup> business day of the month following the due date – ex. taxes collected by the vendor in January are due to the State on February 20<sup>th</sup> and distributed to the Town on the 8<sup>th</sup> business day of March.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are include on the report for the period of March.
- Sales and Accommodations Tax collections are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- Sales & Accommodations Tax collections are reported as of the day that the reports are generated. Therefore, if late returns have been remitted in the current month that revenue is included in the tax collection reports. However, that revenue would not be included in the financial statements provided to Council for the same meeting. This difference can cause the total collections to exceed the total tax reported in the financial statements.

- Medical Marijuana Tax Collections was added to these reports beginning with the period of June 2012. Note that the distribution for 2012 is appearing to be more consistent on a monthly basis than prior years' (versus seasonal highs and lows) net taxable sales. This is what should be expected of such a category and future budgets will reflect the adjusted distribution. Due to the fact that there is no prior year data available for comparison, this data is not included on the Tax Summary sheet.

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

| Sales Period | 2011 Collections |               |                  | 2012 Budget  |               |                  | 2012 Monthly |                    |             | 2012 Year to Date |                    |             |
|--------------|------------------|---------------|------------------|--------------|---------------|------------------|--------------|--------------------|-------------|-------------------|--------------------|-------------|
|              | Tax Collected    | Year To Date  | Percent of Total | Tax Budgeted | Year To Date  | Percent of Total | Actual       | % Change from 2011 | % of Budget | Actual            | % Change from 2011 | % of Budget |
| JAN          | \$ 2,241,955     | \$ 2,241,955  | 12.4%            | \$ 2,380,436 | \$ 2,380,436  | 12.9%            | \$ 1,952,753 | -12.9%             | 82.0%       | \$ 1,952,753      | -12.9%             | 82.0%       |
| FEB          | \$ 2,168,971     | \$ 4,410,925  | 24.3%            | \$ 2,212,365 | \$ 4,592,801  | 24.9%            | \$ 2,202,063 | 1.5%               | 99.5%       | \$ 4,154,816      | -5.8%              | 90.5%       |
| MAR          | \$ 2,630,255     | \$ 7,041,180  | 38.8%            | \$ 2,350,673 | \$ 6,943,474  | 37.6%            | \$ 2,430,967 | -7.6%              | 103.4%      | \$ 6,585,783      | -6.5%              | 94.8%       |
| APR          | \$ 1,206,703     | \$ 8,247,883  | 45.4%            | \$ 1,327,067 | \$ 8,270,541  | 44.8%            | \$ 1,089,379 | -9.7%              | 82.1%       | \$ 7,675,162      | -6.9%              | 92.8%       |
| MAY          | \$ 736,222       | \$ 8,984,105  | 49.5%            | \$ 822,135   | \$ 9,092,676  | 49.3%            | \$ 744,210   | 1.1%               | 90.5%       | \$ 8,419,372      | -6.3%              | 92.6%       |
| JUN          | \$ 973,532       | \$ 9,957,638  | 54.9%            | \$ 1,028,725 | \$ 10,121,401 | 54.9%            | \$ 1,106,731 | 13.7%              | 107.6%      | \$ 9,526,103      | -4.3%              | 94.1%       |
| JUL          | \$ 1,261,917     | \$ 11,219,554 | 61.8%            | \$ 1,315,918 | \$ 11,437,320 | 62.0%            | \$ 1,556,955 | 23.4%              | 118.3%      | \$ 11,083,058     | -1.2%              | 96.9%       |
| AUG          | \$ 1,414,582     | \$ 12,634,137 | 69.6%            | \$ 1,342,085 | \$ 12,779,404 | 69.3%            | \$ 1,461,897 | 3.3%               | 108.9%      | \$ 12,544,955     | -0.7%              | 98.2%       |
| SEP          | \$ 1,097,827     | \$ 13,731,963 | 75.7%            | \$ 1,200,980 | \$ 13,980,384 | 75.8%            | \$ 311,285   | -71.6%             | 25.9%       | \$ 12,856,240     | -6.4%              | 92.0%       |
| OCT          | \$ 869,832       | \$ 14,601,795 | 80.5%            | \$ 778,969   | \$ 14,759,353 | 80.0%            | \$ 207,079   | -76.2%             | 26.6%       | \$ 13,063,319     | -10.5%             | 88.5%       |
| NOV          | \$ 953,932       | \$ 15,555,728 | 85.7%            | \$ 944,049   | \$ 15,703,402 | 85.1%            | \$ -         | n/a                | 0.0%        | \$ 13,063,319     | -16.0%             | 83.2%       |
| DEC          | \$ 2,592,183     | \$ 18,147,911 | 100.0%           | \$ 2,748,099 | \$ 18,451,501 | 100.0%           | \$ -         | n/a                | 0.0%        | \$ 13,063,319     | -28.0%             | 70.8%       |

Medical Marijuana Tax is not included in this Tax Summary page  
August Housing revenue was not received at the time of this report.

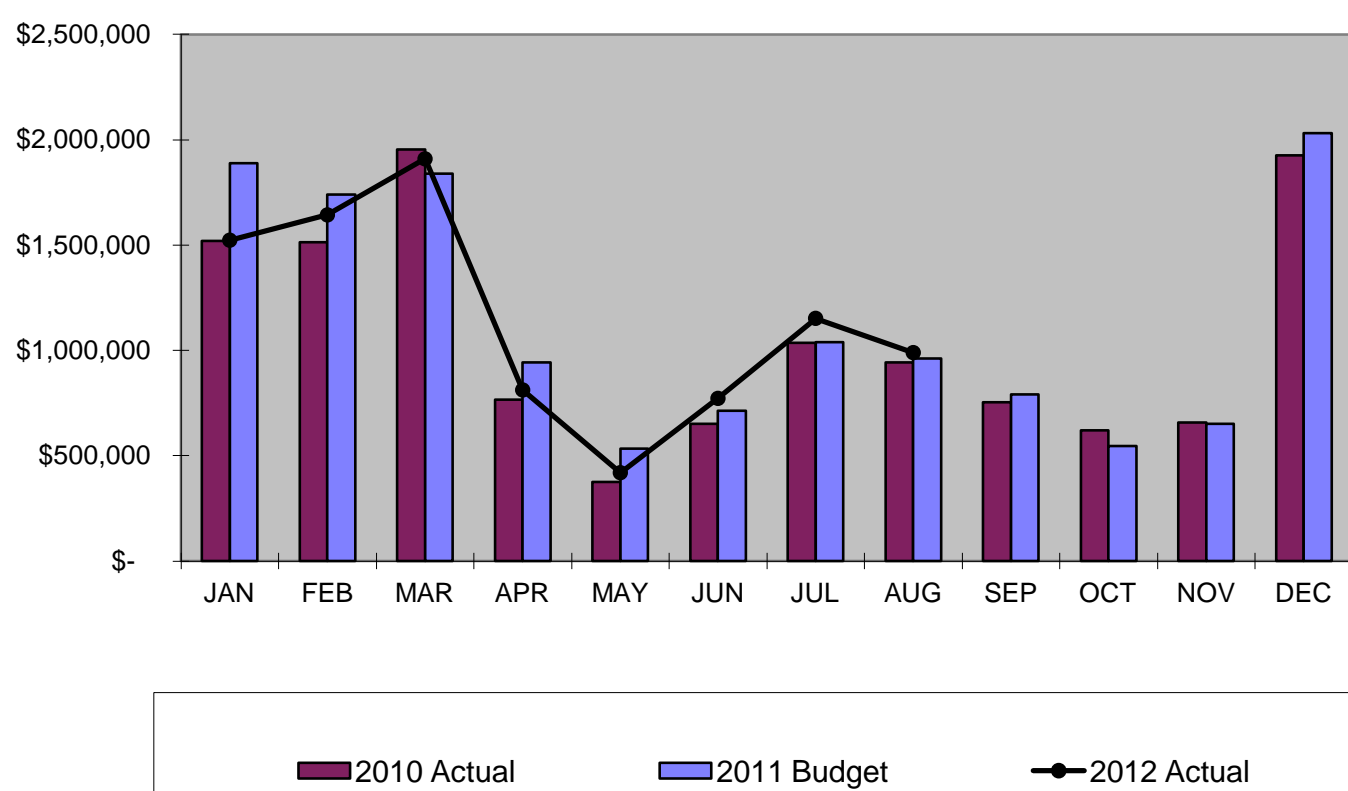


| Prior Year Actual and Current Year Budget Variances |           |           |                |           |          |
|---|-----------|-----------|----------------|-----------|----------|
|   | TOTAL     | Sales     | Accommodations | RETT      | Housing  |
| vs. August 11 Actual                                | 47,315    | 46,439    | 16,478         | 18,019    | (33,621) |
| vs. August 12 Budget                                | 119,813   | 29,158    | 34,934         | 75,514    | (19,793) |
| vs. YTD 11 Actual                                   | (89,182)  | 463,433   | 36,983         | (573,933) | (15,665) |
| vs. YTD 12 Budget                                   | (234,450) | (436,792) | 123,664        | 81,444    | (2,766)  |

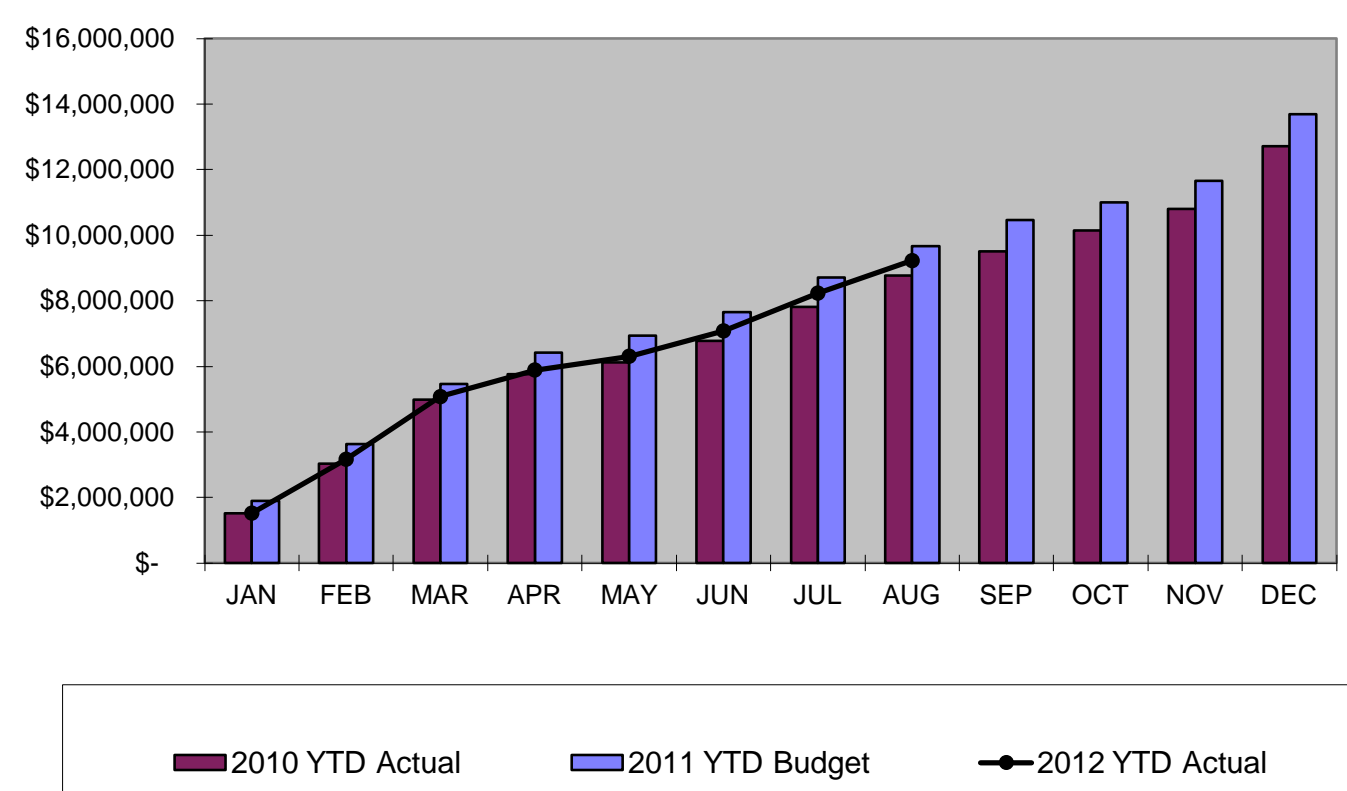
**TOWN OF BRECKENRIDGE  
SALES TAX COLLECTIONS  
REPORTED IN THE PERIOD EARNED**

| Sales Period | 2011 Collections |               |                  | 2012 Budget  |              |                  | 2012 Monthly |                    |             | 2012 Year to Date |                    |             |
|--------------|------------------|---------------|------------------|--------------|--------------|------------------|--------------|--------------------|-------------|-------------------|--------------------|-------------|
|              | Tax Collected    | Year To Date  | Percent of Total | Tax Budgeted | Year To Date | Percent of Total | Actual       | % Change from 2011 | % of Budget | Actual            | % Change from 2011 | % of Budget |
| JAN          | \$ 1,520,247     | \$ 1,520,247  | 11.9%            | \$ 1,888,658 | \$ 1,888,658 | 13.8%            | \$ 1,523,500 | 0.2%               | 80.7%       | \$ 1,523,500      | 0.2%               | 80.7%       |
| FEB          | \$ 1,512,513     | 3,032,760     | 23.8%            | 1,741,629    | 3,630,287    | 26.5%            | \$ 1,643,514 | 8.7%               | 94.4%       | 3,167,015         | 4.4%               | 87.2%       |
| MAR          | \$ 1,954,811     | 4,987,571     | 39.2%            | 1,838,986    | 5,469,273    | 40.0%            | \$ 1,909,647 | -2.3%              | 103.8%      | 5,076,661         | 1.8%               | 92.8%       |
| APR          | \$ 767,248       | 5,754,819     | 45.2%            | 943,740      | 6,413,013    | 46.9%            | \$ 812,434   | 5.9%               | 86.1%       | 5,889,095         | 2.3%               | 91.8%       |
| MAY          | \$ 374,562       | 6,129,381     | 48.2%            | 533,132      | 6,946,146    | 50.8%            | \$ 419,715   | 12.1%              | 78.7%       | 6,308,811         | 2.9%               | 90.8%       |
| JUN          | \$ 652,272       | 6,781,653     | 53.3%            | 714,458      | 7,660,603    | 56.0%            | \$ 772,559   | 18.4%              | 108.1%      | 7,081,370         | 4.4%               | 92.4%       |
| JUL          | \$ 1,035,217     | 7,816,869     | 61.4%            | 1,039,211    | 8,699,814    | 63.6%            | \$ 1,152,494 | 11.3%              | 110.9%      | 8,233,864         | 5.3%               | 94.6%       |
| AUG          | \$ 943,359       | 8,760,228     | 68.9%            | 960,640      | 9,660,454    | 70.6%            | \$ 989,798   | 4.9%               | 103.0%      | 9,223,662         | 5.3%               | 95.5%       |
| SEP          | \$ 754,534       | 9,514,762     | 74.8%            | 792,398      | 10,452,852   | 76.4%            | n/a          | 0.0%               |             | 9,223,662         | -3.1%              | 88.2%       |
| OCT          | \$ 622,162       | 10,136,925    | 79.7%            | 547,043      | 10,999,895   | 80.4%            | n/a          | 0.0%               |             | 9,223,662         | -9.0%              | 83.9%       |
| NOV          | \$ 659,329       | 10,796,254    | 84.9%            | 652,433      | 11,652,328   | 85.2%            | n/a          | 0.0%               |             | 9,223,662         | -14.6%             | 79.2%       |
| DEC          | \$ 1,926,736     | \$ 12,722,990 | 100.0%           | \$ 2,032,073 | 13,684,401   | 100.0%           | n/a          | 0.0%               |             | \$ 9,223,662      | -27.5%             | 67.4%       |

2012 Monthly Sales Tax Collections



2012 Y.T.D. Sales Tax Collections

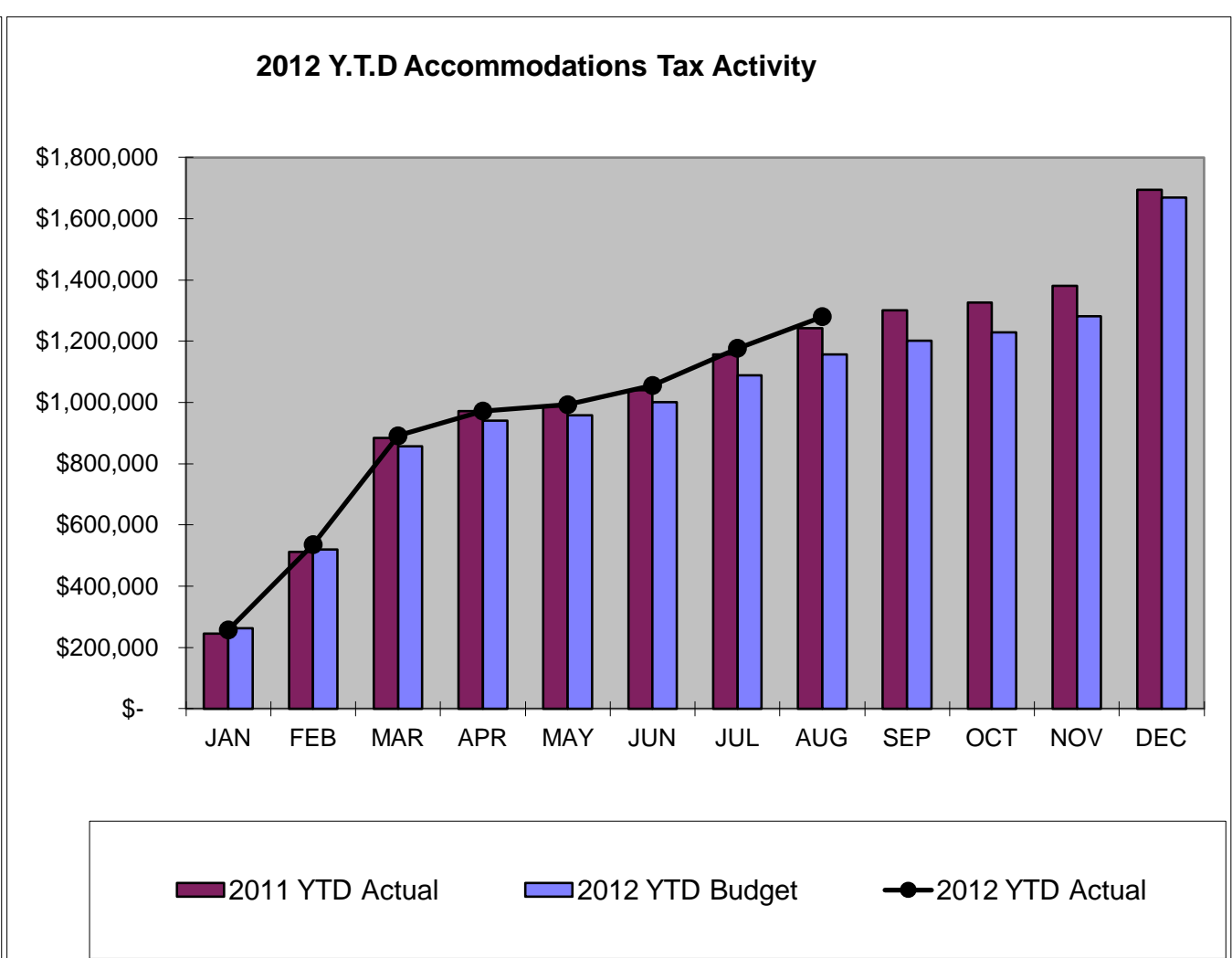
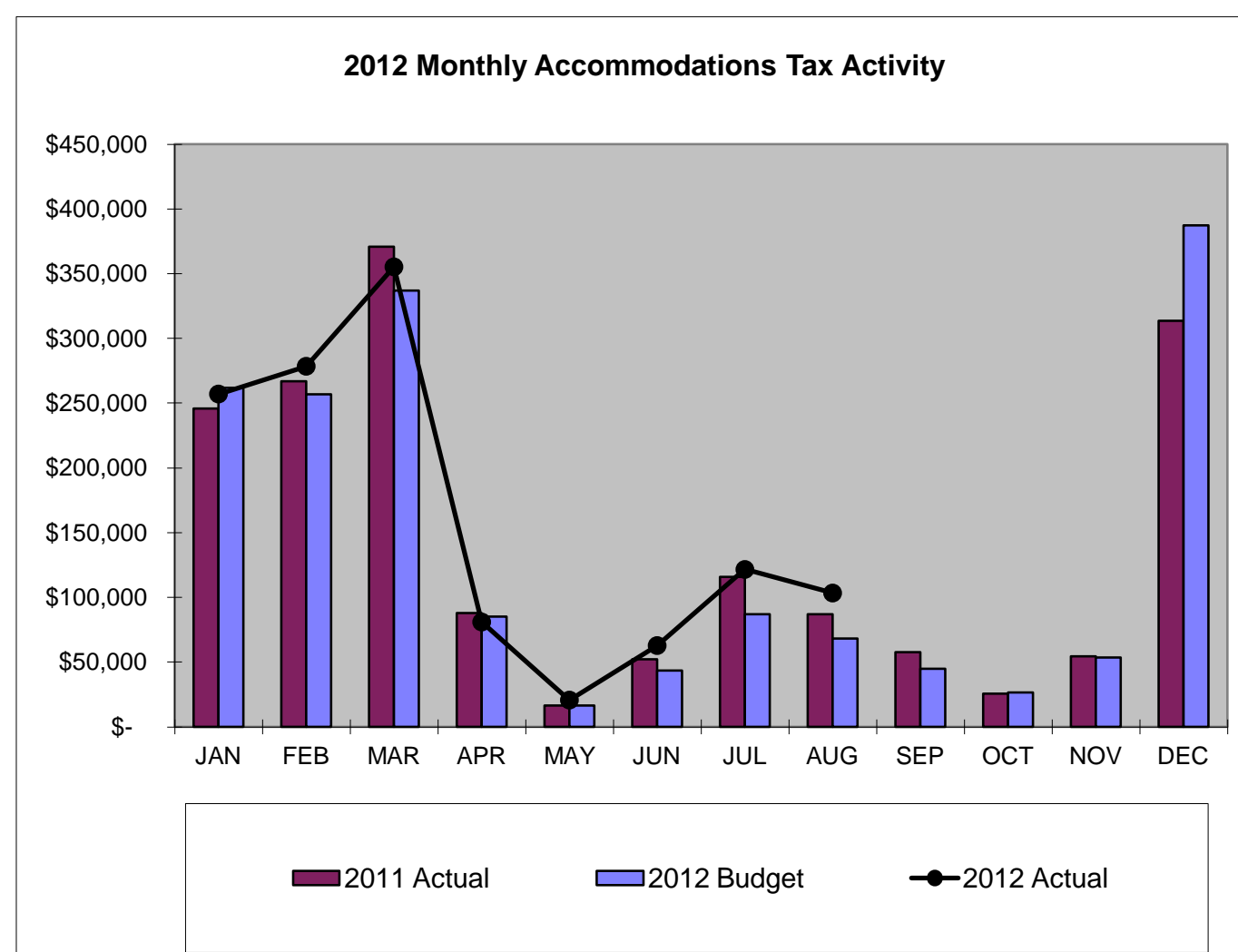




**TOWN OF BRECKENRIDGE  
ACCOMMODATION TAX COLLECTIONS  
REPORTED IN THE PERIOD EARNED**

| Sales Period | 2011 Collections |              |                  | 2012 Budget  |              |                  | 2012 Monthly |                    |             | 2012 Year to Date |                    |             |
|--------------|------------------|--------------|------------------|--------------|--------------|------------------|--------------|--------------------|-------------|-------------------|--------------------|-------------|
|              | Tax Collected    | Year To Date | Percent of Total | Tax Budgeted | Year To Date | Percent of Total | Actual       | % Change from 2011 | % of Budget | Actual            | % Change from 2011 | % of Budget |
| JAN          | \$ 245,846       | \$ 245,846   | 14.5%            | \$ 261,985   | \$ 261,985   | 15.7%            | \$ 257,038   | 4.6%               | 98.1%       | \$ 257,038        | 4.6%               | 98.1%       |
| FEB          | \$ 266,709       | 512,555      | 30.2%            | 256,979      | 518,965      | 31.1%            | \$ 278,462   | 4.4%               | 108.4%      | 535,500           | 4.5%               | 103.2%      |
| MAR          | \$ 370,938       | 883,493      | 52.1%            | 337,077      | 856,042      | 51.3%            | \$ 355,231   | -4.2%              | 105.4%      | 890,731           | 0.8%               | 104.1%      |
| APR          | \$ 87,676        | 971,169      | 57.3%            | 85,104       | 941,145      | 56.4%            | \$ 80,965    | -7.7%              | 95.1%       | 971,696           | 0.1%               | 103.2%      |
| MAY          | \$ 16,675        | 987,844      | 58.3%            | 16,687       | 957,832      | 57.4%            | \$ 20,684    | 24.0%              | 124.0%      | 992,380           | 0.5%               | 103.6%      |
| JUN          | \$ 52,413        | 1,040,257    | 61.4%            | 43,386       | 1,001,218    | 60.0%            | \$ 62,790    | 19.8%              | 144.7%      | 1,055,169         | 1.4%               | 105.4%      |
| JUL          | \$ 115,959       | 1,156,216    | 68.2%            | 86,772       | 1,087,990    | 65.2%            | \$ 121,552   | 4.8%               | 140.1%      | 1,176,721         | 1.8%               | 108.2%      |
| AUG          | \$ 86,872        | 1,243,089    | 73.4%            | 68,417       | 1,156,407    | 69.3%            | \$ 103,350   | 19.0%              | 151.1%      | 1,280,071         | 3.0%               | 110.7%      |
| SEP          | \$ 57,840        | 1,300,928    | 76.8%            | 45,055       | 1,201,462    | 72.0%            | n/a          | 0.0%               |             | 1,280,071         | -1.6%              | 106.5%      |
| OCT          | \$ 25,726        | 1,326,654    | 78.3%            | 26,699       | 1,228,161    | 73.6%            | n/a          | 0.0%               |             | 1,280,071         | -3.5%              | 104.2%      |
| NOV          | \$ 54,350        | 1,381,004    | 81.5%            | 53,398       | 1,281,559    | 76.8%            | n/a          | 0.0%               |             | 1,280,071         | -7.3%              | 99.9%       |
| DEC          | \$ 313,529       | \$ 1,694,533 | 100.0%           | \$ 387,142   | 1,668,701    | 100.0%           | n/a          | 0.0%               |             | \$ 1,280,071      | -24.5%             | 76.7%       |

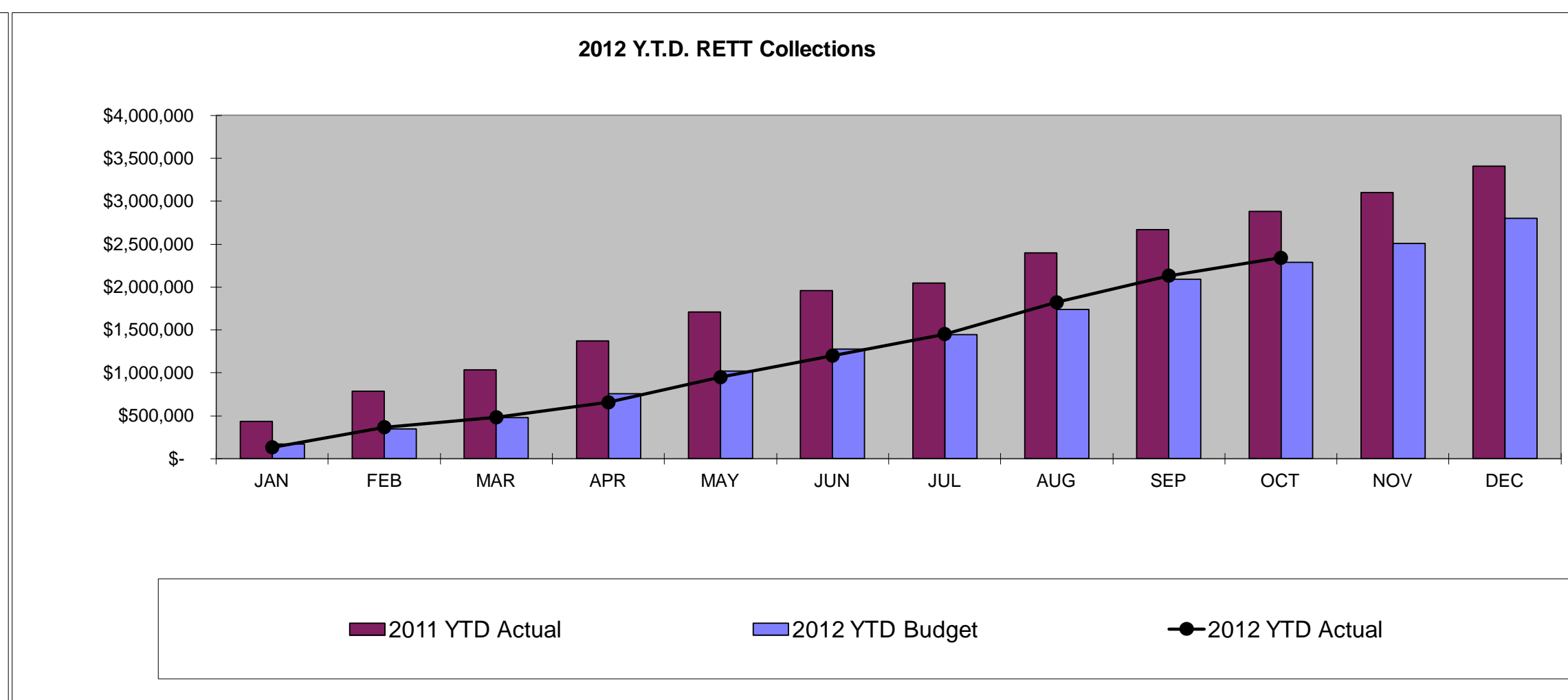
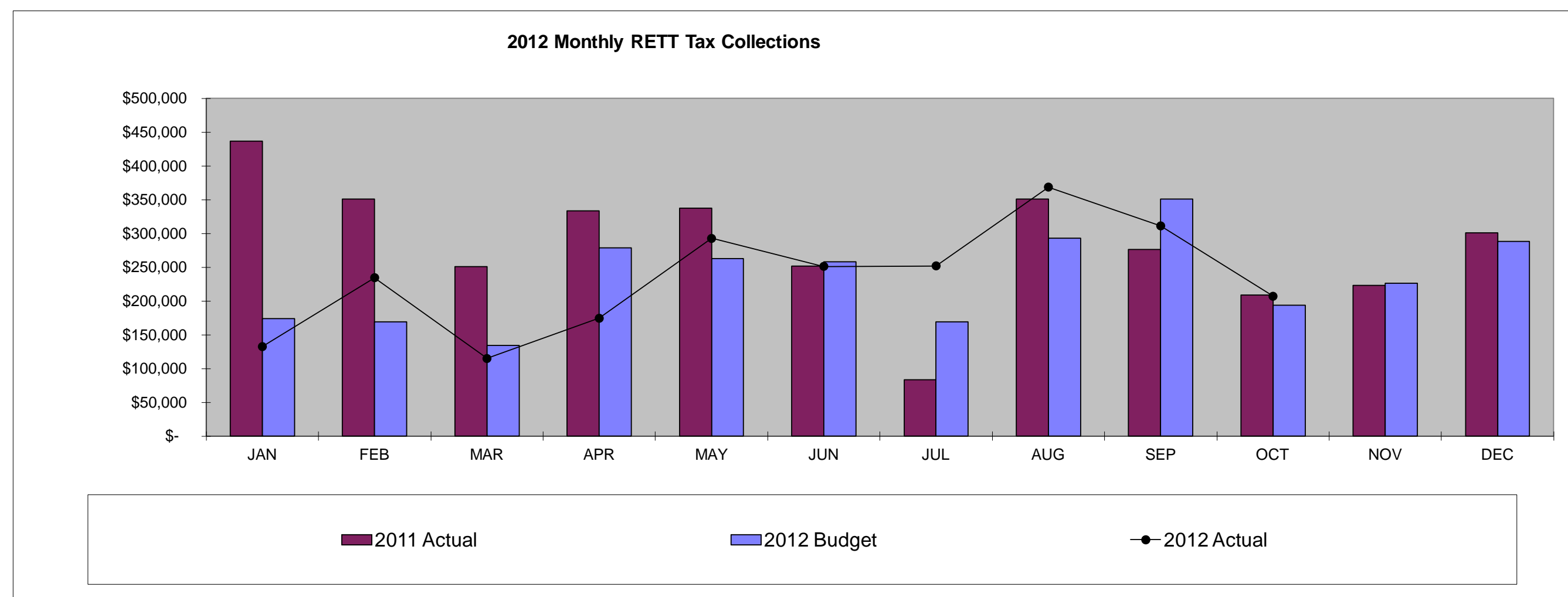
Accommodation tax amounts reflect collections at the 2% rate.



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

| Sales Period | 2007 Collections |              |                  | 2009 Percent of Total | 2011 Collections |              |                  | 2012 Budget  |              |                  | 2012 Monthly |             |                    |                    | 2012 Year to Date |             |                    |                    |
|--------------|------------------|--------------|------------------|-----------------------|------------------|--------------|------------------|--------------|--------------|------------------|--------------|-------------|--------------------|--------------------|-------------------|-------------|--------------------|--------------------|
|              | Tax Collected    | Year To Date | Percent of Total |                       | Tax Collected    | Year To Date | Percent of Total | Tax Budgeted | Year To Date | Percent of Total | Actual       | % of Budget | % Change from 2007 | % Change from 2011 | Actual            | % of Budget | % Change from 2007 | % Change from 2011 |
| JAN          | \$ 352,958       | \$ 352,958   | 6.2%             | 4.3%                  | \$ 436,605       | \$ 436,605   | 12.8%            | \$ 174,140   | \$ 174,140   | 6.2%             | \$ 132,557   | 76.1%       | -62.4%             | -69.6%             | \$ 132,557        | 76.1%       | -62.4%             | -69.6%             |
| FEB          | 342,995          | 695,953      | 12.3%            | 7.6%                  | 350,866          | 787,471      | 23.1%            | 169,224      | 343,364      | 12.3%            | 234,630      | 138.7%      | -31.6%             | -33.1%             | 367,186           | 106.9%      | -47.2%             | -53.4%             |
| MAR          | 271,817          | 967,770      | 17.1%            | 14.1%                 | 250,986          | 1,038,457    | 30.5%            | 134,107      | 477,470      | 17.1%            | 114,921      | 85.7%       | -57.7%             | -54.2%             | 482,107           | 101.0%      | -50.2%             | -53.6%             |
| APR          | 564,624          | 1,532,394    | 27.0%            | 29.6%                 | 333,424          | 1,371,881    | 40.3%            | 278,570      | 756,040      | 27.0%            | 174,514      | 62.6%       | -69.1%             | -47.7%             | 656,621           | 86.9%       | -57.2%             | -52.1%             |
| MAY          | 533,680          | 2,066,074    | 36.4%            | 39.1%                 | 337,577          | 1,709,458    | 50.2%            | 263,303      | 1,019,342    | 36.4%            | 292,708      | 111.2%      | -45.2%             | -13.3%             | 949,329           | 93.1%       | -54.1%             | -44.5%             |
| JUN          | 522,999          | 2,589,073    | 45.6%            | 43.4%                 | 251,806          | 1,961,263    | 57.6%            | 258,033      | 1,277,375    | 45.6%            | 251,400      | 97.4%       | -51.9%             | -0.2%              | 1,200,729         | 94.0%       | -53.6%             | -38.8%             |
| JUL          | 343,610          | 2,932,683    | 51.7%            | 48.2%                 | 83,522           | 2,044,785    | 60.0%            | 169,527      | 1,446,903    | 51.7%            | 252,104      | 148.7%      | -26.6%             | 201.8%             | 1,452,833         | 100.4%      | -50.5%             | -28.9%             |
| AUG          | 594,349          | 3,527,032    | 62.1%            | 56.2%                 | 350,730          | 2,395,515    | 70.3%            | 293,235      | 1,740,138    | 62.1%            | 368,749      | 125.8%      | -38.0%             | 5.1%               | 1,821,582         | 104.7%      | -48.4%             | -24.0%             |
| SEP          | 711,996          | 4,239,028    | 74.7%            | 67.0%                 | 276,774          | 2,672,289    | 78.5%            | 351,278      | 2,091,416    | 74.7%            | 311,285      | 88.6%       | -56.3%             | 12.5%              | 2,132,867         | 102.0%      | -49.7%             | -20.2%             |
| OCT          | 392,752          | 4,631,779    | 81.6%            | 78.7%                 | 208,831          | 2,881,120    | 84.6%            | 193,773      | 2,285,189    | 81.6%            | 207,079      | 106.9%      | -47.3%             | -0.8%              | 2,339,946         | 102.4%      | -49.5%             | -18.8%             |
| NOV          | 459,147          | 5,090,926    | 89.7%            | 87.5%                 | 223,271          | 3,104,391    | 91.2%            | 226,530      | 2,511,719    | 89.7%            | -            | 0.0%        | n/a                | n/a                | 2,339,946         | 93.2%       | -54.0%             | -24.6%             |
| DEC          | \$ 584,308       | \$ 5,675,235 | 100.0%           | 100.0%                | \$ 301,397       | \$ 3,405,788 | 100.0%           | \$ 288,281   | \$ 2,800,000 | 100.0%           | \$ -         | 0.0%        | n/a                | n/a                | \$ 2,339,946      | 83.6%       | -58.8%             | -31.3%             |

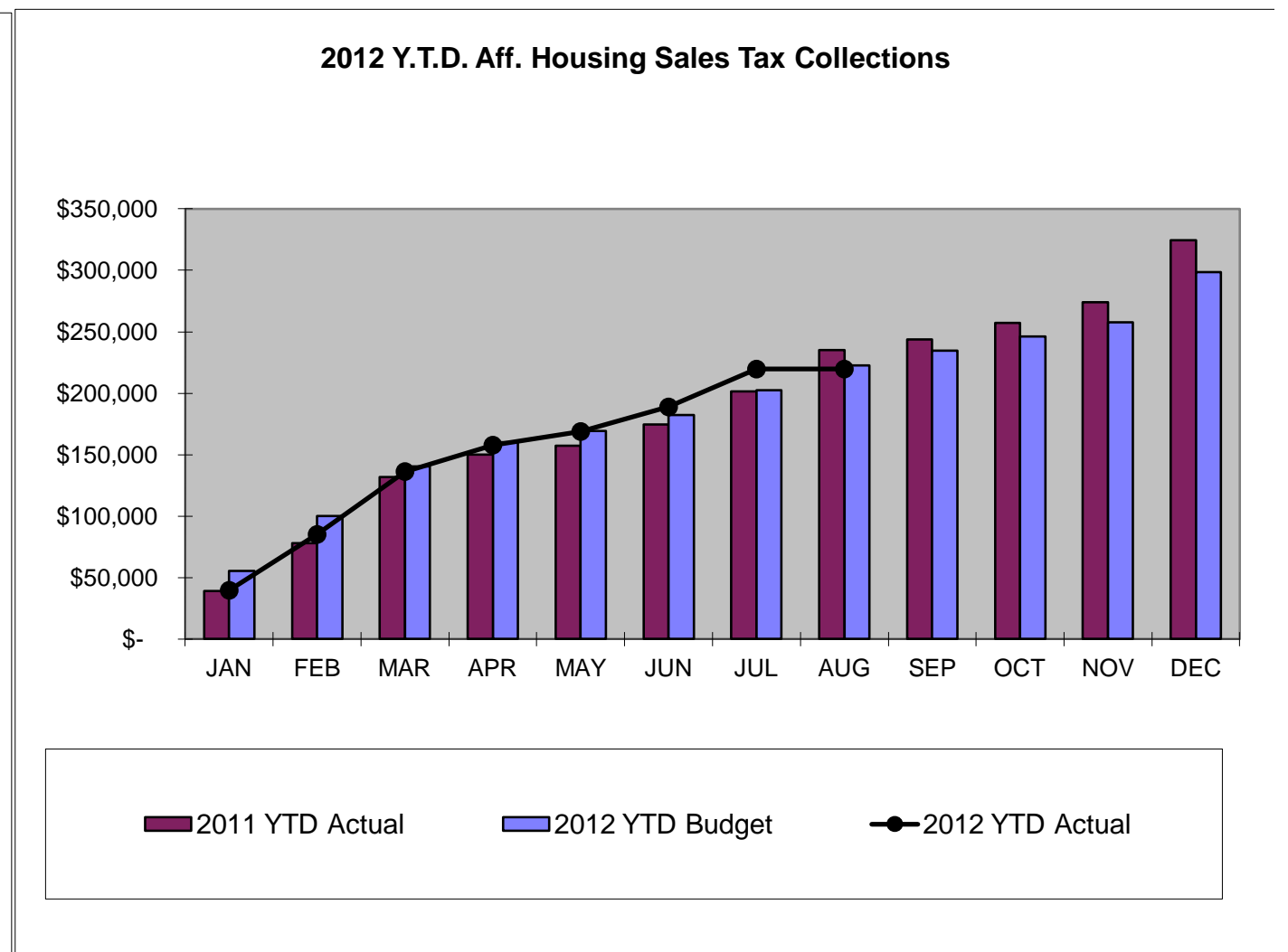
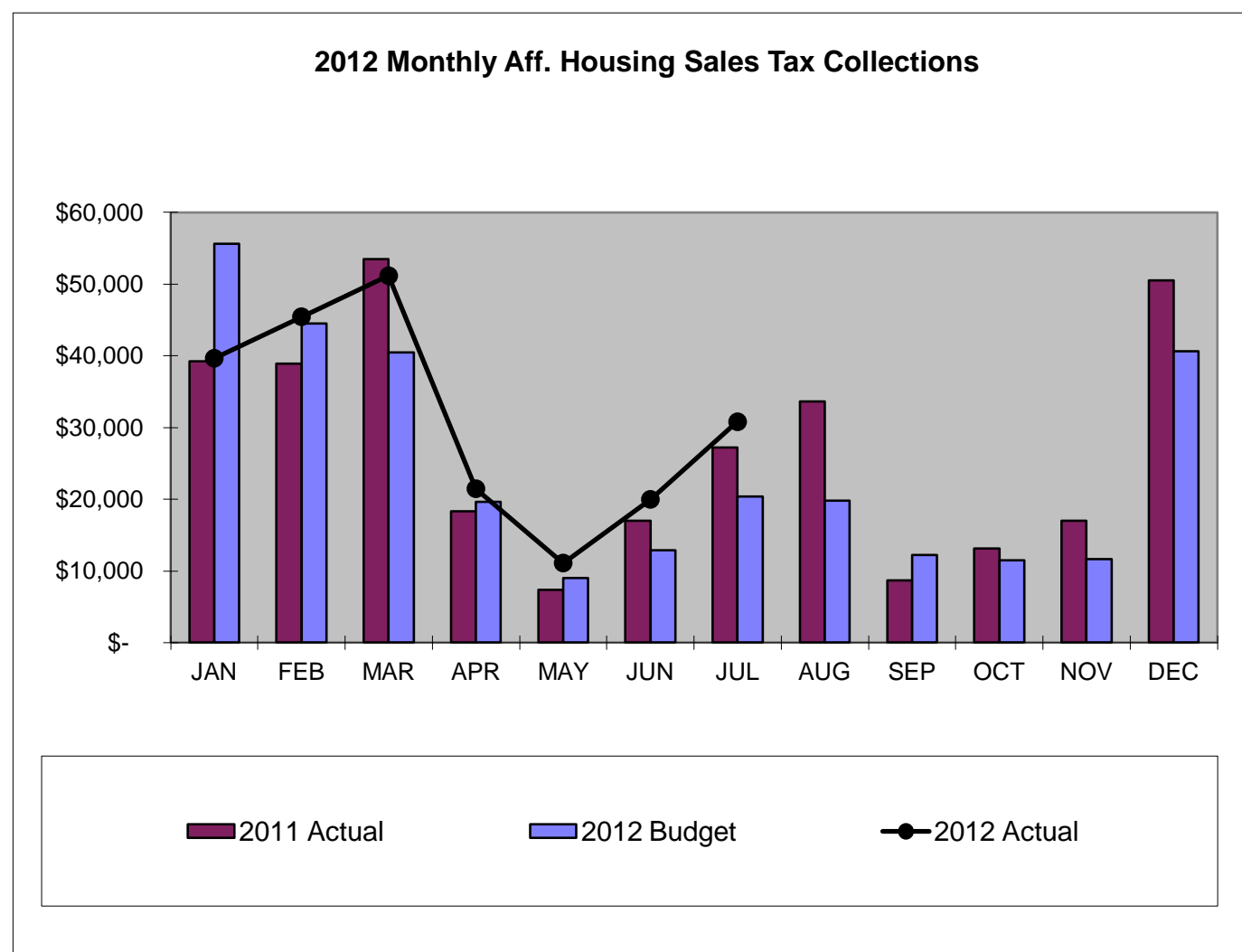
2012 budget is based upon 2007 monthly distribution  
October #s are as of 10/16/12



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

| Sales Period | 2011 Collections |              |                  | 2012 Budget  |              |                  | 2012 Monthly |                    |             | 2012 Year to Date |                    |             |
|--------------|------------------|--------------|------------------|--------------|--------------|------------------|--------------|--------------------|-------------|-------------------|--------------------|-------------|
|              | Tax Collected    | Year To Date | Percent of Total | Tax Budgeted | Year To Date | Percent of Total | Actual       | % Change from 2011 | % of Budget | Actual            | % Change from 2011 | % of Budget |
| JAN          | \$ 39,257        | \$ 39,257    | 12.1%            | \$ 55,654    | \$ 55,654    | 18.7%            | \$ 39,658    | 1.0%               | 71.3%       | \$ 39,658         | 1.0%               | 71.3%       |
| FEB          | \$ 38,882        | 78,139       | 24.1%            | 44,532       | 100,186      | 33.6%            | \$ 45,457    | 16.9%              | 102.1%      | 85,115            | 8.9%               | 85.0%       |
| MAR          | \$ 53,520        | 131,660      | 40.6%            | 40,504       | 140,690      | 47.1%            | \$ 51,168    | -4.4%              | 126.3%      | 136,284           | 3.5%               | 96.9%       |
| APR          | \$ 18,354        | 150,014      | 46.2%            | 19,654       | 160,343      | 53.7%            | \$ 21,466    | 17.0%              | 109.2%      | 157,750           | 5.2%               | 98.4%       |
| MAY          | \$ 7,409         | 157,423      | 48.5%            | 9,013        | 169,356      | 56.8%            | \$ 11,103    | 49.9%              | 123.2%      | 168,853           | 7.3%               | 99.7%       |
| JUN          | \$ 17,042        | 174,465      | 53.7%            | 12,848       | 182,204      | 61.1%            | \$ 19,982    | 17.3%              | 155.5%      | 188,834           | 8.2%               | 103.6%      |
| JUL          | \$ 27,219        | 201,684      | 62.1%            | 20,408       | 202,612      | 67.9%            | \$ 30,805    | 13.2%              | 150.9%      | 219,640           | 8.9%               | 108.4%      |
| AUG          | \$ 33,621        | 235,305      | 72.5%            | 19,793       | 222,406      | 74.5%            | n/a          | 0.0%               |             | 219,640           | -6.7%              | 98.8%       |
| SEP          | \$ 8,679         | 243,984      | 75.2%            | 12,249       | 234,654      | 78.6%            | n/a          | 0.0%               |             | 219,640           | -10.0%             | 93.6%       |
| OCT          | \$ 13,113        | 257,097      | 79.2%            | 11,454       | 246,108      | 82.5%            | n/a          | 0.0%               |             | 219,640           | -14.6%             | 89.2%       |
| NOV          | \$ 16,982        | 274,079      | 84.4%            | 11,688       | 257,796      | 86.4%            | n/a          | 0.0%               |             | 219,640           | -19.9%             | 85.2%       |
| DEC          | \$ 50,521        | \$ 324,600   | 100.0%           | \$ 40,603    | 298,399      | 100.0%           | n/a          | 0.0%               |             | \$ 219,640        | -32.3%             | 73.6%       |

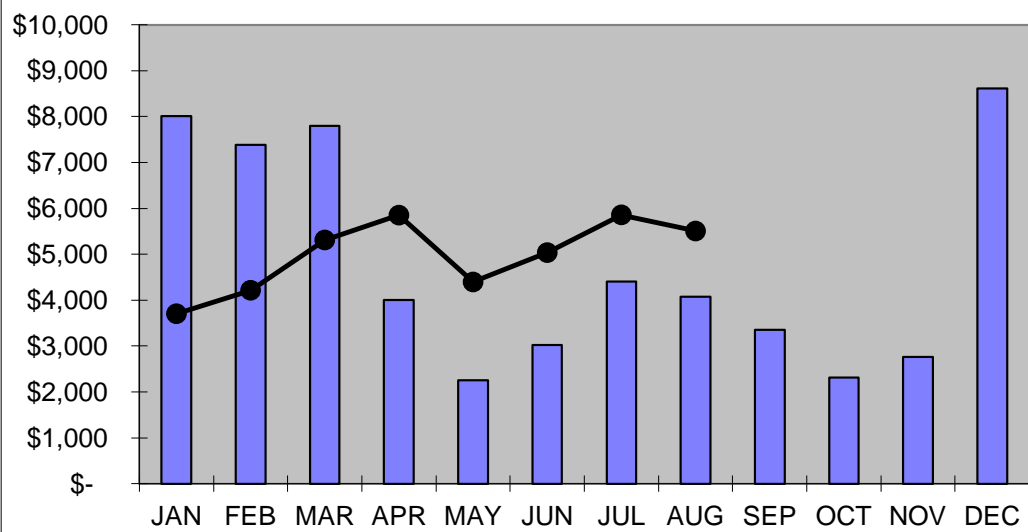
\* August check was not received at the time of this report



**TOWN OF BRECKENRIDGE  
MEDICAL MARIJUANA TAX COLLECTIONS  
REPORTED IN THE PERIOD EARNED**

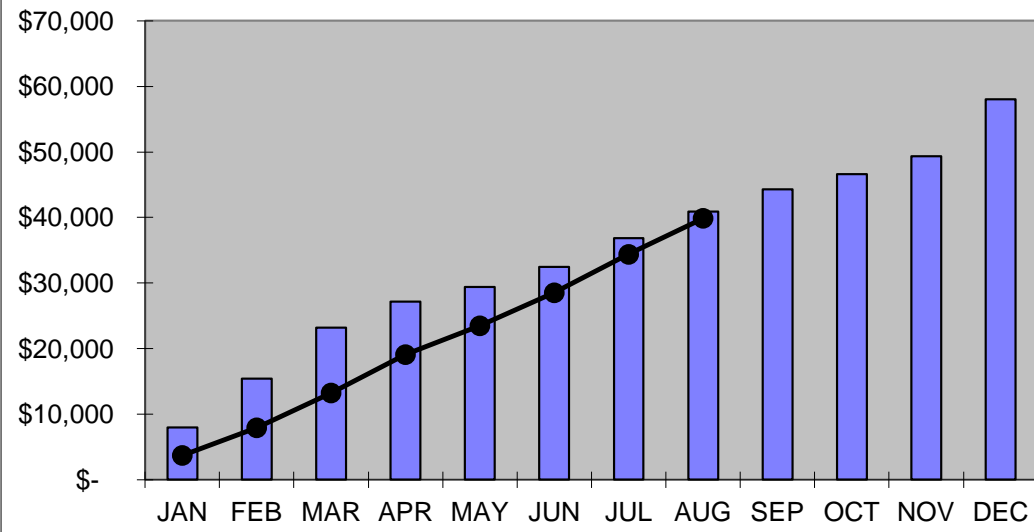
| Sales Period | 2012 Budget  |              |                  | 2012 Monthly |             | 2012 Year to Date |             |
|--------------|--------------|--------------|------------------|--------------|-------------|-------------------|-------------|
|              | Tax Budgeted | Year To Date | Percent of Total | Actual       | % of Budget | Actual            | % of Budget |
| JAN          | \$ 8,004     | \$ 8,004     | 13.8%            | \$ 3,704     | 46.3%       | \$ 3,704          | 46.3%       |
| FEB          | 7,381        | 15,386       | 26.5%            | \$ 4,215     | 57.1%       | 7,920             | 51.5%       |
| MAR          | 7,794        | 23,179       | 40.0%            | \$ 5,311     | 68.1%       | 13,231            | 57.1%       |
| APR          | 4,000        | 27,179       | 46.9%            | \$ 5,852     | 146.3%      | 19,082            | 70.2%       |
| MAY          | 2,259        | 29,439       | 50.8%            | \$ 4,396     | 194.6%      | 23,478            | 79.8%       |
| JUN          | 3,028        | 32,466       | 56.0%            | \$ 5,036     | 166.3%      | 28,514            | 87.8%       |
| JUL          | 4,404        | 36,871       | 63.6%            | \$ 5,858     | 133.0%      | 34,372            | 93.2%       |
| AUG          | 4,071        | 40,942       | 70.6%            | \$ 5,506     | 135.2%      | 39,878            | 97.4%       |
| SEP          | 3,358        | 44,300       | 76.4%            |              | 0.0%        | 39,878            | 90.0%       |
| OCT          | 2,318        | 46,619       | 80.4%            |              | 0.0%        | 39,878            | 85.5%       |
| NOV          | 2,765        | 49,384       | 85.2%            |              | 0.0%        | 39,878            | 80.8%       |
| DEC          | \$ 8,612     | 57,996       | 100.0%           |              | 0.0%        | \$ 39,878         | 68.8%       |

2012 Monthly Medical Marijuana Tax Collections



■ 2012 Budget      ● 2012 Actual

2012 Y.T.D. Medical Marijuana Tax Collections



■ 2012 YTD Budget      ● 2012 YTD Actual

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INTEROFFICE MEMORANDUM

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**TO:** TIM GAGEN, TOWN MANAGER; RICK HOLMAN, ASSISTANT TOWN MANAGER  
**FROM:** FINANCE DIVISION  
**SUBJECT:** SEPTEMBER 2012 FINANCIAL VARIANCE HIGHLIGHTS MEMO  
**DATE:** 10/16/2012

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

**Fund Updates/New Items of Note:**

**Excise Fund:** Revenue is at 102% of YTD budget and Expense (transfers) are at 100% of YTD budget

Items of Note:

- Sales Tax ahead of budget at 103% (\$247k over budget)
- Accommodation Tax revenues at 108% of budget (\$93k over budget)
- RETT collections at 103% of YTD budget (\$61k over budget)
- Public Service Franchise Tax below budget by \$93k (timing).

**General Fund Revenue:** 104% of YTD budget

- General Revenue under budget by \$100k due to a large abatement for the Shock Hill development which resulted in a refund of property tax payments.

**General Fund Expenses:** 90% of YTD budget

- A new expenditure category of "General Expenditures" has been added to reflect supplemental budget appropriations for upcoming expenditures encompassing Breckenridge Nordic Center financing, Alpine Rock land acquisition, Breck Bike week and Dew Tour.

**All Funds Net of Transfers:**

- Revenue: 97% of budget. Primarily due to Affordable Housing.
  - \$3million settlement for Valley Brook from the Summit Housing Authority received in October.
  - Utility Fund revenue at 109% of YTD budget. Water restrictions over past two months resulted in 2012 utility billing of \$615k vs. 5 year historical average of \$452k. PIF's continue to exceed budget (\$154k). \$144k Vail Resorts water rent budgeted in September, received in October.
- Expense: 76% of budget. Primarily due to General Fund supplemental appropriations. Capital, Utility Fund, and Affordable Housing variances are from prior months (see below for more info).

**Variations Explained in Prior Months:**

**General Fund Revenue:**

- Municipal Court Program ahead of budget by 41% (\$72k), primarily due to traffic and penal fines (related to ski pass violations).
- Transit Services received a grant of \$113k which contributed to the favorable variation.
- Public Safety Admin/Records at 63% of budget-timing. Grant of \$32k budgeted in January, not yet received.
- Public Safety Community Service at 141% of YTD budget due to pay parking and parking ticket revenues.
- PW Admin over budget by \$55k due to County Road and Bridge levy (timing)

**General Fund Revenue (continued):**

- Building Services Admin Program at 122% of budget (\$83k over budgeted revenue) due to permits and plan check fees.
- Recreation Programs 19% over budget primarily due to Summer Recreation Fees.

**General Fund Expenses:**

- Public Safety Communication at 67% of budget due to timing of Summit County Communications invoice.
- Facilities Admin over budget due to timing: Liability Insurance premium paid in January to take advantage of discount, budgeted over 12 months.
- Recreation Operation Programs under budget by 8% primarily due to electric and gas.

**All Funds Net of Transfers:**

***Utility Fund:***

- Revenue: see above
- Expense: (all of 2012) expense variance is due to Major System Improvement budgeted expenses of \$2 million for the pump back project for which no expenditures have been made.

***Capital Fund:***

- Revenue: under budget due to County contribution budgeted for PW building, now scheduled for 2013.
- Expense: the budget for expenditures in the Capital Fund is reflected at 100% as the expenditures in the Capital Fund do not follow a particular trend.

***Marketing Fund:***

- Revenue: Accommodations tax revenue ahead of budget by 6% or \$77k (see Excise fund report). Business licenses also ahead of budget by \$49k.
- Expense: over budget due to USPCC. Fund balance was appropriated for this purpose.

***Golf Fund:***

- Revenue: the course ended the season ahead of budget by \$107k. Greens fees (\$34k) and cart fees (\$79k) were primarily responsible for the favorable variance.
- Expense: also favorable to budget (under by \$51k) due to capital expenditures budgeted but not spent.

***Housing Fund:***

- Revenue: under budget due to Valley Brook sales-settlement from Summit Housing Authority-received in October.
- Expenses: under budget due to capital expenditures; Valley Brook construction was paid out of the proceeds from sales but was budgeted gross revenue and expense. Supplemental appropriation for Pinewood financing has been added to the 2012 budget.

***Open Space Fund:***

- Revenue: over budget primarily due to a \$108k Forest Restoration Grant received from Colorado State University
- Expense: supplemental appropriation for Cucumber Gulch land acquisition.

***Garage Fund:***

- Revenue: over budget due to grants.

***Information Technology Fund:***

- Expense: variance due to purchases of equipment

***Special Projects Fund:***

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

**TOWN OF BRECKENRIDGE  
EXCISE TAX FUND  
CURRENT YEAR TO PRIOR YEAR COMPARISON  
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2012**

75% OF THE FISCAL YEAR HAS ELAPSED

|                                      | PRIOR YEAR        |                   |                        | 2011 vs.<br>2012 ACTUAL<br>% VARIANCE | CURRENT YEAR       |                    |                              |                             |                   |                            |
|--------------------------------------|-------------------|-------------------|------------------------|---------------------------------------|--------------------|--------------------|------------------------------|-----------------------------|-------------------|----------------------------|
|                                      | YTD<br>ACTUAL     | YE<br>TOTAL       | % OF YE<br>REC'D/SPENT |                                       | YTD<br>ACTUAL      | YTD<br>BUDGET      | ACTUAL/BUDGET<br>\$ VARIANCE | ACTUAL/BUDGET<br>% VARIANCE | ANNUAL<br>BUDGET  | % OF BUDGET<br>REC'D/SPENT |
| <b>TAX REVENUE</b>                   |                   |                   |                        |                                       |                    |                    |                              |                             |                   |                            |
| SALES TAX                            | 8,322,182         | 12,706,676        | 65%                    | 94%                                   | 8,819,032          | 8,572,090          | 246,942                      | 103%                        | 13,684,401        | 64%                        |
| ACCOMMODATIONS TAX                   | 1,209,510         | 1,790,093         | 68%                    | 93%                                   | 1,301,461          | 1,208,810          | 92,651                       | 108%                        | 1,668,701         | 78%                        |
| CIGARETTE TAX                        | 37,353            | 51,304            | 73%                    | 101%                                  | 36,937             | 32,203             | 4,734                        | 115%                        | 44,003            | 84%                        |
| TELEPHONE FRANCHISE TAX              | 12,681            | 25,282            | 50%                    | 109%                                  | 11,614             | 17,601             | (5,987)                      | 66%                         | 23,500            | 49%                        |
| PUBLIC SERVICE FRANCHISE TAX         | 372,894           | 592,916           | 63%                    | 109%                                  | 342,392            | 435,540            | (93,148)                     | 79%                         | 524,299           | 65%                        |
| CABLEVISION FRANCHISE TAX            | 78,140            | 154,971           | 50%                    | 96%                                   | 81,024             | 108,417            | (27,393)                     | 75%                         | 163,200           | 50%                        |
| MEDICAL MARIJUANA TAX                | 0                 | 0                 | 0%                     | 0%                                    | 39,457             | 47,607             | (8,150)                      | 83%                         | 57,996            | 68%                        |
| REAL ESTATE TRANSFER TAX             | 2,676,889         | 3,411,973         | 78%                    | 124%                                  | 2,152,864          | 2,091,417          | 61,447                       | 103%                        | 2,800,001         | 77%                        |
| INVESTMENT INCOME                    | 17,885            | 22,714            | 79%                    | 121%                                  | 14,826             | 12,843             | 1,983                        | 115%                        | 17,124            | 87%                        |
| <b>TOTAL FUND REVENUE</b>            | <b>12,727,534</b> | <b>18,755,928</b> | <b>68%</b>             | <b>101%</b>                           | <b>12,799,607</b>  | <b>12,526,528</b>  | <b>273,079</b>               | <b>102%</b>                 | <b>18,983,225</b> | <b>67%</b>                 |
| <b>EXCISE TAX DEBT SERVICE</b>       |                   |                   |                        |                                       |                    |                    |                              |                             |                   |                            |
| COP FEES                             | 1,300             | 1,950             | 67%                    | 200%                                  | 650                | 1,300              | (650)                        | 50%                         | 1,300             | 50%                        |
| 2005 COP'S PRINCIPAL                 | 0                 | 165,000           | 0%                     | 0%                                    | 0                  | 0                  | -                            | 0%                          | 170,000           | 0%                         |
| 2005 COP'S INTEREST                  | 68,506            | 137,013           | 50%                    | 106%                                  | 64,794             | 64,794             | (0)                          | 100%                        | 129,588           | 50%                        |
| 2007 COP'S PRINCIPAL                 | 0                 | 135,000           | 0%                     | 0%                                    | 0                  | 0                  | -                            | 0%                          | 140,000           | 0%                         |
| 2007 COP'S INTEREST                  | 66,433            | 132,865           | 50%                    | 104%                                  | 63,733             | 63,733             | (1)                          | 100%                        | 127,466           | 50%                        |
| <b>TOTAL EXCISE TAX DEBT SERVICE</b> | <b>136,239</b>    | <b>571,828</b>    | <b>24%</b>             | <b>95%</b>                            | <b>129,176</b>     | <b>129,827</b>     | <b>651</b>                   | <b>99%</b>                  | <b>568,354</b>    | <b>23%</b>                 |
| <b>TRANSFERS</b>                     |                   |                   |                        |                                       |                    |                    |                              |                             |                   |                            |
| TRANSFER TO GENERAL FUND             | 7,771,572         | 10,362,096        | 75%                    | 92%                                   | 8,490,690          | 8,490,699          | (9)                          | 100%                        | 11,320,932        | 75%                        |
| TRANSFER TO GOLF FUND                | 187,497           | 249,996           | 75%                    | 82%                                   | 228,753            | 228,753            | -                            | 100%                        | 305,004           | 75%                        |
| TRANSFERS TO CAPITAL FUND            | 1,483,247         | 1,835,996         | 81%                    | 55%                                   | 2,697,122          | 2,697,122          | -                            | 100%                        | 3,274,496         | 82%                        |
| TRANSFER TO MARKETING                | 301,463           | 336,762           | 90%                    | 93%                                   | 325,365            | 304,475            | 20,890                       | 107%                        | 420,312           | 77%                        |
| TRFS TO AFFORDABLE HSG FUND          | 1,935,801         | 2,581,068         | 75%                    | 100%                                  | 1,930,347          | 1,930,347          | -                            | 100%                        | 2,573,796         | 75%                        |
| TRFS TO SPECIAL PROJECTS FUND        | 296,253           | 395,004           | 75%                    | 102%                                  | 291,753            | 291,753            | -                            | 100%                        | 389,004           | 75%                        |
| <b>TOTAL TRANSFERS</b>               | <b>11,975,833</b> | <b>15,760,922</b> | <b>76%</b>             | <b>117%</b>                           | <b>13,964,030</b>  | <b>13,943,149</b>  | <b>(20,881)</b>              | <b>100%</b>                 | <b>18,283,544</b> | <b>76%</b>                 |
| <b>TOTAL FUND EXPENDITURES</b>       | <b>12,112,072</b> | <b>16,332,749</b> | <b>74%</b>             | <b>116%</b>                           | <b>14,093,206</b>  | <b>14,072,976</b>  | <b>(20,230)</b>              | <b>100%</b>                 | <b>18,851,898</b> | <b>75%</b>                 |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>615,462</b>    | <b>2,423,179</b>  |                        |                                       | <b>(1,293,599)</b> | <b>(1,546,448)</b> | <b>293,310</b>               |                             | <b>131,327</b>    |                            |

**TOWN OF BRECKENRIDGE  
GENERAL FUND  
CURRENT YEAR TO PRIOR YEAR COMPARISON  
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2012**

75% OF THE FISCAL YEAR HAS ELAPSED

|                                    | PRIOR YEAR        |                   |                        |   | CURRENT YEAR      |                   |   |                             |                   |                            |  |
|------------------------------------|-------------------|-------------------|------------------------|---|-------------------|-------------------|---|-----------------------------|-------------------|----------------------------|--|
|                                    | YTD<br>ACTUAL     | YE<br>TOTAL       | % OF YE<br>REC'D/SPENT | 2011 ACTUAL/<br>2012 ACTUAL<br>% CHANGE | YTD<br>ACTUAL     | YTD<br>BUDGET     | ACTUAL/BUDGET<br>\$ VARIANCE<br>FAVORABLE/(UNFAVORABLE) | ACTUAL/BUDGET<br>% VARIANCE | ANNUAL<br>BUDGET  | % OF BUDGET<br>REC'D/SPENT |  |
| <b>REVENUE</b>                     |                   |                   |                        |   |                   |                   |   |                             |                   |                            |  |
| MUNICIPAL COURT PROGRAM            | 225,636           | 281,167           | 80%                    | 91%                                     | 246,929           | 175,342           | 71,587  | 141%                        | 223,237           | 111%                       |  |
| ADMINISTRATIVE MGT PROGRAM         | 716               | 716               | 100%                   | 0%                                      | 0                 | 0                 | -   | 0%                          | 0                 | N/A                        |  |
| SPECIAL EVENTS/COMM PROGRAM        | 479,494           | 550,204           | 87%                    | 104%                                    | 459,269           | 427,194           | 32,075  | 108%                        | 478,102           | 96%                        |  |
| CLERK & MUNICIPAL SERVICES PROGRAM | 38,243            | 46,167            | 83%                    | 98%                                     | 39,001            | 19,730            | 19,271  | 198%                        | 26,996            | 144%                       |  |
| TRANSIT ADMIN PROGRAM              | 15,000            | 15,000            | 100%                   | 21%                                     | 72,746            | 47,000            | 25,746  | 155%                        | 47,000            | 155%                       |  |
| TRANSIT SERVICES PROGRAM           | 438,771           | 558,208           | 79%                    | 92%                                     | 477,136           | 336,477           | 140,659   | 142%                        | 597,069           | 80%                        |  |
| PUBLIC SAFETY ADMIN/RECORDS        | 33,622            | 49,480            | 68%                    | 94%                                     | 35,930            | 56,737            | (20,807)  | 63%                         | 66,755            | 54%                        |  |
| PUBLIC SAFETY COMMNTY SVC PROG     | 521,844           | 599,507           | 87%                    | 105%                                    | 498,835           | 354,184           | 144,651   | 141%                        | 485,604           | 103%                       |  |
| PLANNING SERVICES ADMIN PROGRAM    | 89,962            | 113,794           | 79%                    | 54%                                     | 168,084           | 70,498            | 97,586  | 238%                        | 90,479            | 186%                       |  |
| ARTS DISTRICT                      | 34,734            | 40,240            | 86%                    | 81%                                     | 42,850            | 20,303            | 22,547  | 211%                        | 29,700            | 144%                       |  |
| BUILDING SERVICES ADMIN PROGRM     | 783,390           | 882,764           | 89%                    | 171%                                    | 457,240           | 374,709           | 82,531  | 122%                        | 450,008           | 102%                       |  |
| PUBLIC WORKS ADMIN PROGRAM         | 479,828           | 589,246           | 81%                    | 118%                                    | 406,542           | 351,952           | 54,590  | 116%                        | 474,005           | 86%                        |  |
| STREETS PROGRAM                    | 28,105            | 39,191            | 72%                    | 62%                                     | 45,047            | 25,887            | 19,160  | 174%                        | 35,096            | 128%                       |  |
| PARKS PROGRAM                      | 18,075            | 19,537            | 93%                    | 0%                                      | 0                 | 0                 | -   | 0%                          | 0                 | N/A                        |  |
| FACILITIES ADMIN PROGRAM           | 71,054            | 79,754            | 89%                    | 85%                                     | 83,819            | 64,369            | 19,450  | 130%                        | 85,648            | 98%                        |  |
| ENGINEERING ADMIN PROGRAM          | 4,098             | 4,408             | 93%                    | 288%                                    | 1,425             | 1,883             | (458)   | 76%                         | 2,101             | 68%                        |  |
| RECREATION PROGRAM                 | 340,961           | 405,097           | 84%                    | 94%                                     | 363,407           | 304,192           | 59,215  | 119%                        | 392,291           | 93%                        |  |
| RECREATION OPERATIONS PROGRAM      | 1,032,507         | 1,509,776         | 68%                    | 101%                                    | 1,024,585         | 1,052,662         | (28,077)  | 97%                         | 1,473,517         | 70%                        |  |
| NORDIC CENTER OPERATIONS           | 109,858           | 184,554           | 60%                    | 91%                                     | 121,263           | 128,692           | (7,429)   | 94%                         | 161,260           | 75%                        |  |
| ICE RINK OPERATIONS PROGRAM        | 447,526           | 632,324           | 71%                    | 104%                                    | 431,476           | 471,818           | (40,342)  | 91%                         | 644,896           | 67%                        |  |
| GENERAL REVENUE                    | 12,120,500        | 15,699,173        | 77%                    | 99%                                     | 12,216,362        | 12,315,953        | (99,591)  | 99%                         | 15,362,323        | 80%                        |  |
| <b>TOTAL REVENUE</b>               | <b>17,324,241</b> | <b>22,310,674</b> | <b>78%</b>             | <b>101%</b>                             | <b>17,191,240</b> | <b>16,600,035</b> | <b>591,205</b>  | <b>104%</b>                 | <b>21,126,591</b> | <b>81%</b>                 |  |



**TOWN OF BRECKENRIDGE  
GENERAL FUND  
CURRENT YEAR TO PRIOR YEAR COMPARISON  
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2012**

75% OF THE FISCAL YEAR HAS ELAPSED

|                                    | PRIOR YEAR        |                   |                        |   | CURRENT YEAR      |                   |   |                             |                    |                            |  |
|------------------------------------|-------------------|-------------------|------------------------|---|-------------------|-------------------|---|-----------------------------|--------------------|----------------------------|--|
|                                    | YTD<br>ACTUAL     | YE<br>TOTAL       | % OF YE<br>REC'D/SPENT | 2011 ACTUAL/<br>2012 ACTUAL<br>% CHANGE | YTD<br>ACTUAL     | YTD<br>BUDGET     | ACTUAL/BUDGET<br>\$ VARIANCE<br>FAVORABLE/(UNFAVORABLE) | ACTUAL/BUDGET<br>% VARIANCE | ANNUAL<br>BUDGET   | % OF BUDGET<br>REC'D/SPENT |  |
| <b>EXPENDITURES</b>                |                   |                   |                        |   |                   |                   |   |                             |                    |                            |  |
| LAW & POLICY MAKING PROGRAM        | 76,652            | 119,782           | 64%                    | 86%                                     | 88,655            | 93,076            | 4,421   | 95%                         | 139,008            | 64%                        |  |
| MUNICIPAL COURT PROGRAM            | 139,349           | 192,266           | 72%                    | 146%                                    | 95,576            | 164,171           | 68,595  | 58%                         | 217,390            | 44%                        |  |
| ADVICE & LITIGATION PROGRAM        | 111,076           | 135,796           | 82%                    | 92%                                     | 120,797           | 171,252           | 50,455  | 71%                         | 227,725            | 53%                        |  |
| ADMINISTRATIVE MGT PROGRAM         | 403,513           | 522,688           | 77%                    | 81%                                     | 497,628           | 421,016           | (76,612)  | 118%                        | 552,743            | 90%                        |  |
| HUMAN RESOURCES ADMIN PROGRAM      | 290,688           | 384,621           | 76%                    | 89%                                     | 325,277           | 323,173           | (2,104)   | 101%                        | 446,638            | 73%                        |  |
| SPECIAL EVENTS/COMM PROGRAM        | 836,133           | 1,014,423         | 82%                    | 107%                                    | 784,596           | 835,221           | 50,625  | 94%                         | 1,007,246          | 78%                        |  |
| CLERK & MUNICIPAL SERVICES PROGRAM | 199,279           | 263,137           | 76%                    | 102%                                    | 194,828           | 221,774           | 26,946  | 88%                         | 302,814            | 64%                        |  |
| FINANCE ADMINISTRATION PROGRAM     | 214,201           | 291,978           | 73%                    | 103%                                    | 208,558           | 235,827           | 27,269  | 88%                         | 312,110            | 67%                        |  |
| ACCOUNTING PROGRAM                 | 258,423           | 328,426           | 79%                    | 80%                                     | 321,274           | 285,333           | (35,941)  | 113%                        | 382,192            | 84%                        |  |
| TRANSIT ADMIN PROGRAM              | 136,801           | 175,852           | 78%                    | 76%                                     | 181,186           | 191,696           | 10,510  | 95%                         | 226,410            | 80%                        |  |
| TRANSIT SERVICES PROGRAM           | 1,302,219         | 1,726,062         | 75%                    | 84%                                     | 1,544,737         | 1,614,103         | 69,366  | 96%                         | 2,176,353          | 71%                        |  |
| PUBLIC SAFETY ADMIN/RECORDS        | 674,762           | 867,299           | 78%                    | 97%                                     | 699,101           | 676,524           | (22,577)  | 103%                        | 933,233            | 75%                        |  |
| PUBLIC SAFETY COMMUNICATN PROG     | 215,039           | 305,632           | 70%                    | 134%                                    | 160,541           | 239,005           | 78,464  | 67%                         | 322,231            | 50%                        |  |
| PUBLIC SAFETY PATROL SVCS PROG     | 1,198,150         | 1,534,062         | 78%                    | 100%                                    | 1,199,641         | 1,253,700         | 54,059  | 96%                         | 1,701,026          | 71%                        |  |
| PUBLIC SAFETY COMMNTY SVC PROG     | 305,616           | 424,249           | 72%                    | 100%                                    | 305,462           | 349,698           | 44,236  | 87%                         | 491,178            | 62%                        |  |
| PLANNING SERVICES ADMIN PROGRAM    | 804,003           | 1,041,952         | 77%                    | 96%                                     | 838,351           | 830,104           | (8,247)   | 101%                        | 1,151,247          | 73%                        |  |
| ARTS DISTRICT                      | 25,655            | 40,820            | 63%                    | 77%                                     | 33,392            | 21,002            | (12,390)  | 159%                        | 29,697             | 112%                       |  |
| BUILDING SERVICES ADMIN PROGRAM    | 287,200           | 372,846           | 77%                    | 95%                                     | 303,736           | 303,145           | (591)   | 100%                        | 412,601            | 74%                        |  |
| PUBLIC WORKS ADMIN PROGRAM         | 369,585           | 494,526           | 75%                    | 121%                                    | 304,767           | 283,766           | (21,001)  | 107%                        | 384,614            | 79%                        |  |
| STREETS PROGRAM                    | 1,380,217         | 1,805,824         | 76%                    | 122%                                    | 1,127,405         | 1,113,483         | (13,922)  | 101%                        | 1,503,145          | 75%                        |  |
| PARKS PROGRAM                      | 851,249           | 1,128,348         | 75%                    | 96%                                     | 884,366           | 869,962           | (14,404)  | 102%                        | 1,180,840          | 75%                        |  |
| FACILITIES ADMIN PROGRAM           | 937,819           | 1,291,306         | 73%                    | 95%                                     | 985,418           | 899,524           | (85,894)  | 110%                        | 1,359,657          | 72%                        |  |
| ENGINEERING ADMIN PROGRAM          | 230,413           | 303,897           | 76%                    | 81%                                     | 283,377           | 299,681           | 16,304  | 95%                         | 406,940            | 70%                        |  |
| CONTINGENCIES                      | 121,500           | 126,350           | 96%                    | 56%                                     | 215,781           | 263,497           | 47,716  | 82%                         | 277,996            | 78%                        |  |
| RECREATION ADMIN PROGRAM           | 455,520           | 608,784           | 75%                    | 101%                                    | 449,112           | 483,907           | 34,795  | 93%                         | 646,618            | 69%                        |  |
| RECREATION PROGRAM                 | 500,775           | 634,441           | 79%                    | 89%                                     | 561,590           | 530,642           | (30,948)  | 106%                        | 703,815            | 80%                        |  |
| RECREATION OPERATIONS PROGRAM      | 1,223,821         | 1,658,585         | 74%                    | 104%                                    | 1,176,618         | 1,281,330         | 104,712   | 92%                         | 1,816,321          | 65%                        |  |
| NORDIC CENTER OPERATIONS           | 157,299           | 245,589           | 64%                    | 106%                                    | 148,560           | 180,025           | 31,465  | 83%                         | 253,673            | 59%                        |  |
| ICE RINK OPERATIONS PROGRAM        | 714,178           | 967,765           | 74%                    | 96%                                     | 744,490           | 750,711           | 6,221   | 99%                         | 1,057,364          | 70%                        |  |
| LONG TERM DEBT                     | 210,136           | 419,997           | 50%                    | 101%                                    | 208,669           | 206,545           | (2,124)   | 101%                        | 415,312            | 50%                        |  |
| GENERAL EXPENDITURES               | 2,867             | 662,307           | 0%                     | 1338%                                   | 214               | 1,206,250         | 1,206,036   | 0%                          | 1,206,250          | 0%                         |  |
| COMMITTEES                         | 11,415            | 30,979            | 37%                    | 123%                                    | 9,262             | 37,630            | 28,368  | 25%                         | 55,751             | 17%                        |  |
| <b>TOTAL EXPENDITURES</b>          | <b>14,645,553</b> | <b>20,121,620</b> | <b>73%</b>             | <b>98%</b>                              | <b>15,002,967</b> | <b>16,636,773</b> | <b>1,633,806</b>  | <b>90%</b>                  | <b>22,300,138</b>  | <b>67%</b>                 |  |
| <b>REVENUE LESS EXPENDITURES</b>   | <b>2,678,688</b>  | <b>2,189,054</b>  |                        |   | <b>2,188,273</b>  | <b>(36,738)</b>   | <b>2,225,011</b>  |                             | <b>(1,173,547)</b> |                            |  |

**TOWN OF BRECKENRIDGE  
ALL FUNDS, NET OF TRANSFERS  
CURRENT YEAR TO PRIOR YEAR COMPARISON  
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2012**

75% OF THE FISCAL YEAR HAS ELAPSED

|                                  | PRIOR YEAR        |                   |                        | 2011 ACTUAL/<br>2012 ACTUAL<br>% CHANGE | CURRENT YEAR      |                    |  |                             |                    |                            |
|----------------------------------|-------------------|-------------------|------------------------|---|-------------------|--------------------|--|-----------------------------|--------------------|----------------------------|
|                                  | YTD<br>ACTUAL     | YE<br>TOTAL       | % OF YE<br>REC'D/SPENT |   | YTD<br>ACTUAL     | YTD<br>BUDGET      | \$ VARIANCE<br>FAVORABLE/<br>(UNFAVORABLE) | ACTUAL/BUDGET<br>% VARIANCE | ANNUAL<br>BUDGET   | % OF BUDGET<br>REC'D/SPENT |
| <b>REVENUE</b>                   |                   |                   |                        |   |                   |                    |  |                             |                    |                            |
| 1 GENERAL FUND                   | 9,242,016         | 11,534,374        | 80%                    | 110%                                    | 8,381,947         | 7,789,359          | 592,588                                    | 108%                        | 9,379,023          | 89%                        |
| 2 UTILITY FUND                   | 2,394,326         | 3,271,842         | 73%                    | 106%                                    | 2,257,799         | 2,080,792          | 177,007                                    | 109%                        | 2,961,582          | 76%                        |
| 3 CAPITAL FUND                   | 126,054           | 265,285           | 48%                    | 34%                                     | 370,358           | 537,651            | (167,293)                                  | 69%                         | 716,868            | 52%                        |
| 4 MARKETING FUND                 | 1,359,490         | 2,008,761         | 68%                    | 95%                                     | 1,425,704         | 1,298,744          | 126,960                                    | 110%                        | 2,022,929          | 70%                        |
| 5 GOLF COURSE FUND               | 1,980,619         | 2,630,466         | 75%                    | 95%                                     | 2,082,140         | 1,975,285          | 106,855                                    | 105%                        | 2,031,201          | 103%                       |
| 6 EXCISE TAX FUND                | 12,727,542        | 18,755,928        | 68%                    | 99%                                     | 12,799,607        | 12,526,528         | 273,079                                    | 102%                        | 18,983,225         | 67%                        |
| 7 HOUSING FUND                   | 498,669           | 730,318           | 68%                    | 116%                                    | 428,636           | 3,036,879          | (2,608,243)                                | 14%                         | 3,256,311          | 13%                        |
| 8 OPEN SPACE ACQUISITION FUND    | 1,298,930         | 1,860,502         | 70%                    | 91%                                     | 1,429,188         | 1,309,968          | 119,220                                    | 109%                        | 1,828,710          | 78%                        |
| 9 CONSERVATION TRUST FUND        | 26,790            | 36,467            | 73%                    | 34%                                     | 78,496            | 24,645             | 53,851                                     | 319%                        | 33,024             | 238%                       |
| 10 GARAGE SERVICES FUND          | 92,541            | 115,725           | 80%                    | 32%                                     | 284,773           | 66,090             | 218,683                                    | 431%                        | 81,494             | 349%                       |
| 11 INFORMATION TECHNOLOGY FUND   | -                 | -                 | 0%                     | 0%                                      | -                 | -                  | -  | 0%                          | -                  | 0%                         |
| 12 FACILITIES MAINTENANCE FUND   | -                 | -                 | 0%                     | 0%                                      | -                 | -                  | -  | 0%                          | -                  | N/A                        |
| 13 SPECIAL PROJECTS FUND         | -                 | -                 | 0%                     | 0%                                      | 150               | -                  | 150  | 0%                          | -                  | N/A                        |
| <b>TOTAL REVENUE</b>             | <b>29,746,977</b> | <b>41,209,670</b> | <b>72%</b>             | <b>99%</b>                              | <b>29,538,797</b> | <b>30,645,941</b>  | <b>(1,107,144)</b>                         | <b>96%</b>                  | <b>41,294,367</b>  | <b>72%</b>                 |
| <b>EXPENDITURES</b>              |                   |                   |                        |   |                   |                    |  |                             |                    |                            |
| 1 GENERAL FUND                   | 12,417,318        | 16,491,104        | 75%                    | 98%                                     | 12,710,342        | 14,343,325         | 1,632,983                                  | 89%                         | 19,244,183         | 66%                        |
| 2 UTILITY FUND                   | 1,525,987         | 2,728,137         | 56%                    | 106%                                    | 1,442,470         | 3,448,001          | 2,005,531                                  | 42%                         | 4,628,564          | 31%                        |
| 3 CAPITAL FUND                   | 866,747           | 1,403,261         | 62%                    | 44%                                     | 1,953,697         | 3,992,500          | 2,038,803                                  | 49%                         | 3,992,500          | 49%                        |
| 4 MARKETING FUND                 | 1,853,137         | 2,309,298         | 80%                    | 88%                                     | 2,110,716         | 1,999,091          | (111,625)                                  | 106%                        | 2,521,638          | 84%                        |
| 5 GOLF COURSE FUND               | 1,400,208         | 1,819,079         | 77%                    | 97%                                     | 1,438,457         | 1,489,319          | 50,862                                     | 97%                         | 2,273,056          | 63%                        |
| 6 EXCISE TAX FUND                | 136,239           | 571,828           | 24%                    | 105%                                    | 129,176           | 129,827            | 651  | 99%                         | 568,354            | 23%                        |
| 7 HOUSING FUND                   | 1,991,040         | 2,741,831         | 73%                    | 204%                                    | 977,745           | 3,383,992          | 2,406,247                                  | 29%                         | 4,237,336          | 23%                        |
| 8 OPEN SPACE ACQUISITION FUND    | 2,560,948         | 3,230,897         | 79%                    | 154%                                    | 1,662,231         | 1,569,472          | (92,759)                                   | 106%                        | 2,089,050          | 80%                        |
| 9 CONSERVATION TRUST FUND        | 0                 | 0                 | 0%                     | 0%                                      | 0                 | 0                  | -  | 0%                          | 0                  | N/A                        |
| 10 GARAGE SERVICES FUND          | 1,248,321         | 1,661,682         | 75%                    | 80%                                     | 1,564,170         | 1,628,839          | 64,669                                     | 96%                         | 2,111,983          | 74%                        |
| 11 INFORMATION TECHNOLOGY FUND   | 659,557           | 951,032           | 69%                    | 88%                                     | 750,616           | 620,575            | (130,041)                                  | 121%                        | 780,242            | 96%                        |
| 12 FACILITIES MAINTENANCE FUND   | 51,000            | 51,000            | 100%                   | 75%                                     | 67,620            | 51,192             | (16,428)                                   | 132%                        | 76,815             | N/A                        |
| 13 SPECIAL PROJECTS FUND         | 223,279           | 329,716           | 68%                    | 42%                                     | 529,224           | 631,250            | 102,026                                    | 84%                         | 740,000            | 72%                        |
| <b>TOTAL EXPENDITURES</b>        | <b>24,933,780</b> | <b>34,288,864</b> | <b>73%</b>             | <b>102%</b>                             | <b>25,336,464</b> | <b>33,287,383</b>  | <b>7,950,919</b>                           | <b>76%</b>                  | <b>43,263,721</b>  | <b>59%</b>                 |
| <b>Revenue Less Expenditures</b> | <b>4,813,198</b>  | <b>6,920,806</b>  |                        |   | <b>4,202,333</b>  | <b>(2,641,442)</b> | <b>6,843,775</b>                           |                             | <b>(1,969,354)</b> |                            |

# MEMORANDUM

**To:** Mayor and Town Council  
**From:** Rick Holman, Assistant Town Manager  
**Date:** October 17, 2012  
**Subject:** Potential Use of Non-programmed Space in Harris St. Community Center

---

At the October 23, 2012 worksession there will be an opportunity to discuss potential uses for non-programmed space in the Harris St. Community Center. As we reviewed the ideas that were being submitted, it became apparent there were two recurring themes (arts-related and non-profit office space) being presented for potential use of the space.

*Below is a list of the ideas submitted:*

## **Arts-Related**

- Museum – historical archives (BHA has stated they would prefer not to have dedicated museum space, but rather, rotate displays throughout the corridors.)
- Artist display - gallery concept coordinated through the Arts District
- Additional arts programming space managed by Arts District; art classes, photography workshops
- Yoga studio
- Dance studio
- Soundproof room that would host music lessons
- Backstage Theater style art gallery

## **Non-Profit Office Space**

- Summit Housing Authority
- Breckenridge Heritage Alliance
- SOS Outreach
- FIRC collection/drop-off center
- BRC offices/conference space
- Ticket office for Riverwalk Center concerts/events
- “7-Arts” campus concept that would house many of these listed non-profits with a central administrative shared space

## **Other Ideas**

- Teen gathering space
- Indoor playground/play space
- Additional meeting/party space
- Montessori pre-school

## **Evaluation Criteria**

Staff is suggesting some criteria the Council may wish to consider when narrowing down this list. They are:

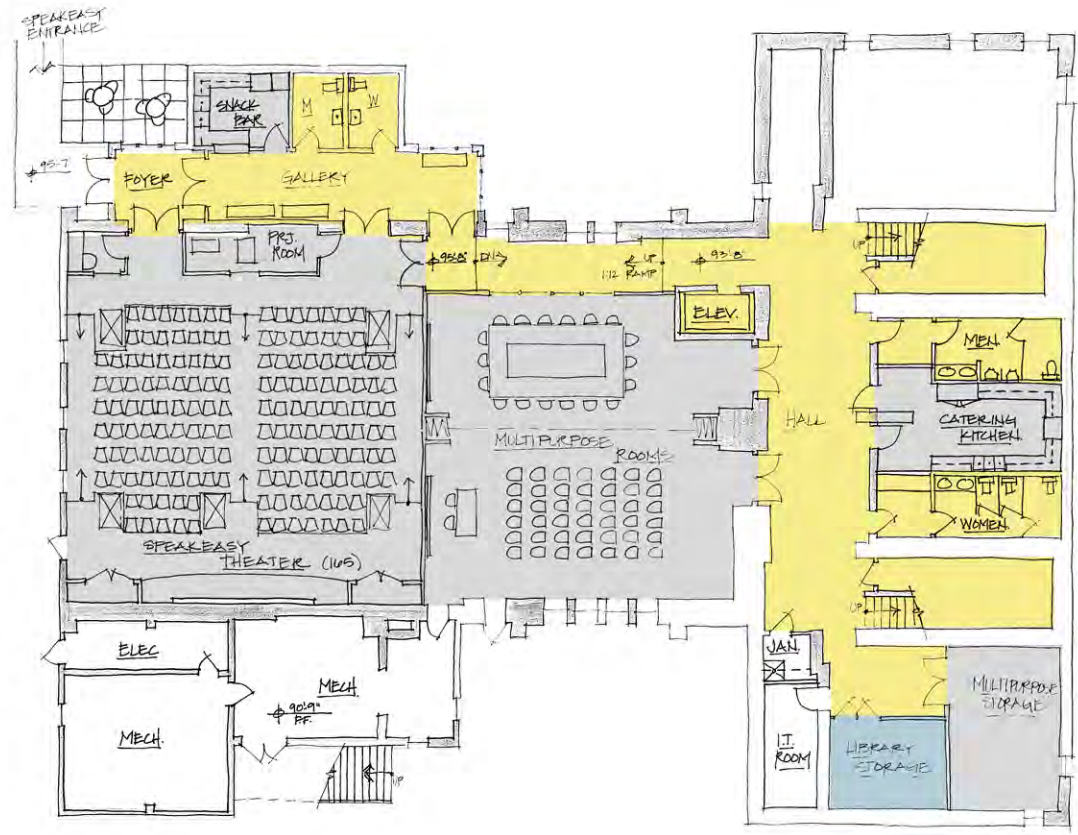
- Community Need – is there a need for this type of activity that is currently unmet or would be better served at this location?
- Community Impact - how many people would be served by this activity?
- Cost Recovery - does this activity/service have the ability to pay rent or will it be subsidized by the Town?
- Compatibility - is this activity/service compatible with other uses in the building?
- Space Needs – there is limited non-programmed space available and it is located on the lower and upper level of the building. Is the space needed for an activity/service available within the building?

## **Non-Programmed Space Availability**

Attached to this memo is the architectural rendering of the Harris Street Community Center based on the latest programming study. As you can see, there are a total of four rooms (one on the lower level and 3 on the upper level) that are labeled “TBD”. These are the non-programmed areas we are addressing possible uses for. The total square footage is 3280 and the rooms vary in size from 748 sf to 990 sf. Each of these rooms has direct access to public circulation/hallways and restrooms.

## **Questions for Council**

1. How do you want to narrow down the list of potential uses for this space? Is the evaluative criteria helpful as a tool to assist in this decision and are there any additional criteria the Council feels are important?
2. Staff heard from the Council they want to involve the public in this selection process. How would the Council like staff to proceed? We could, for example, utilize “Engage Breckenridge” to solicit feedback on suggested ideas and/or schedule an open house?



**LEGEND**

|        |                    |
|--------|--------------------|
| Green  | Adult Area         |
| Purple | Teen Area          |
| Blue   | Children Area      |
| Red    | Staff Area         |
| Yellow | Circulation/Public |
| Grey   | Community Use      |
| White  | TBD                |

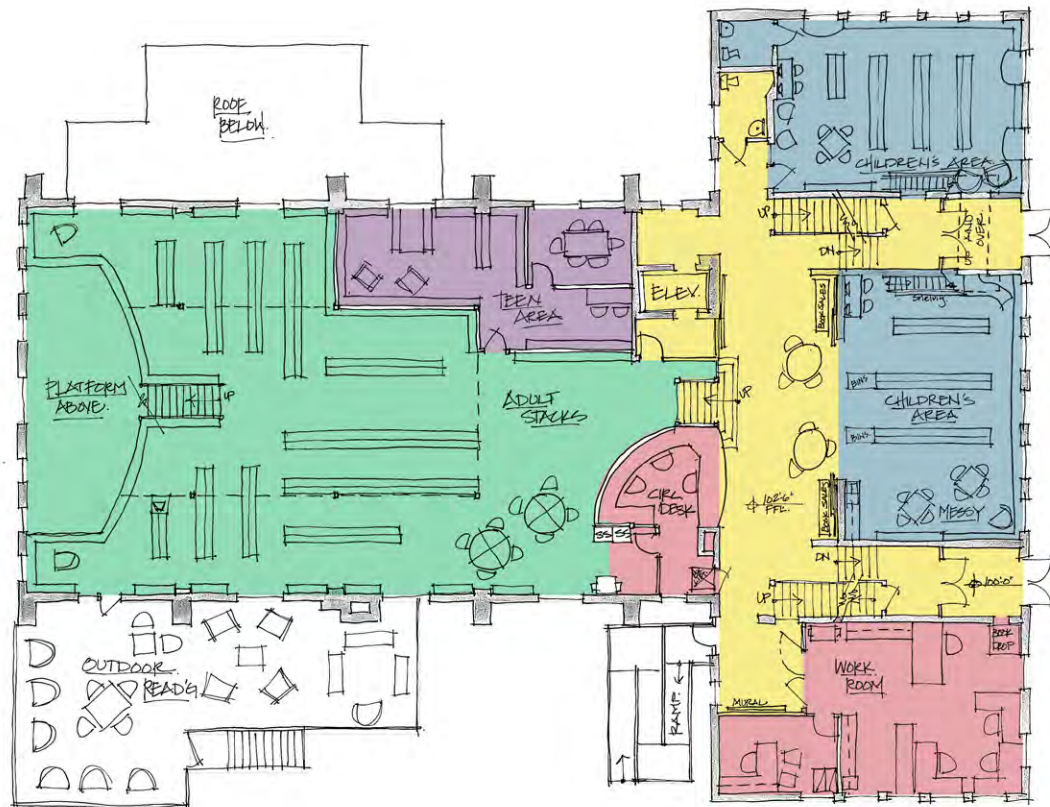


**Basement Level, Option 3**  
**103 South Harris Street Rehabilitation**  
**Town of Breckenridge**  
 June 20, 2012



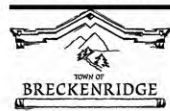
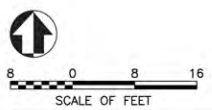
Anderson Hallas Architects  
 715 Fourteenth Street  
 Golden, CO 80401





**LEGEND**

|  |                    |
|--|--------------------|
|  | Adult Area         |
|  | Teen Area          |
|  | Children Area      |
|  | Staff Area         |
|  | Circulation/Public |
|  | Community Use      |
|  | TBD                |

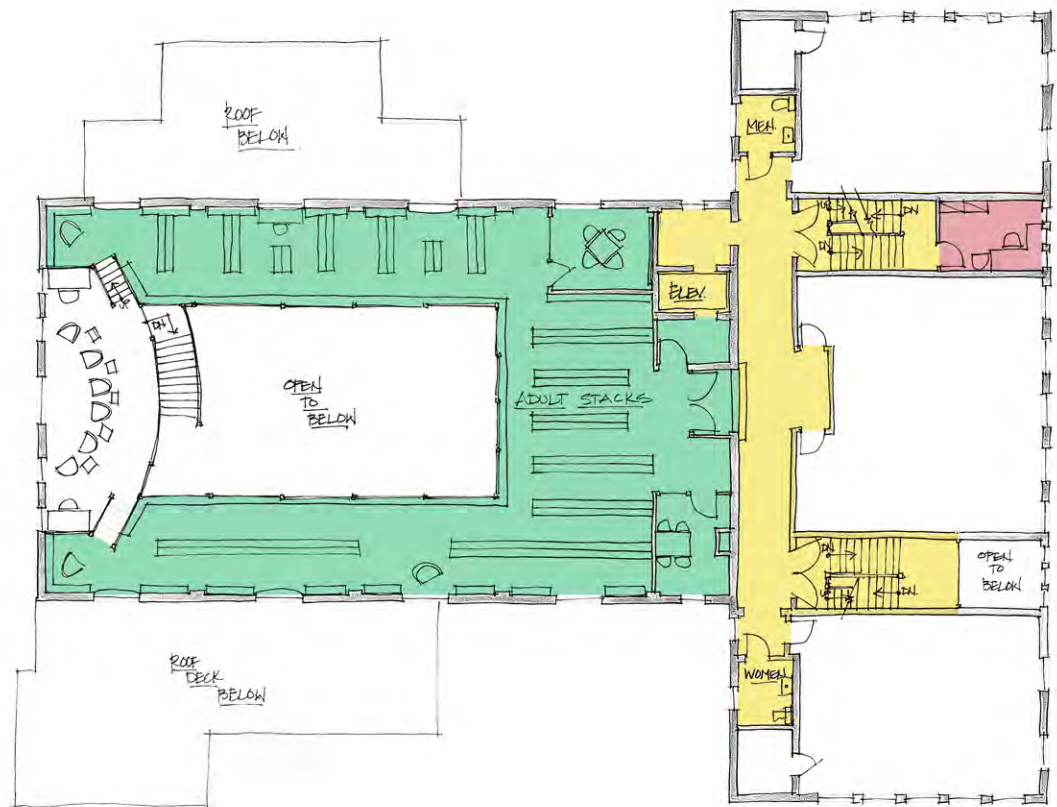


Main Level, Option 3B  
 103 South Harris Street Rehabilitation  
 Town of Breckenridge  
 June 26, 2012

Anderson Hallas Architects  
 715 Fourteenth Street  
 Golden, CO 80401

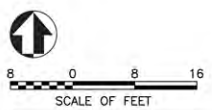






**LEGEND**

|   |                    |
|---|--------------------|
| <span style="display:inline-block; width:15px; height:15px; background-color:lightgreen;"></span> | Adult Area         |
| <span style="display:inline-block; width:15px; height:15px; background-color:purple;"></span>     | Teen Area          |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightblue;"></span>  | Children Area      |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightcoral;"></span> | Staff Area         |
| <span style="display:inline-block; width:15px; height:15px; background-color:yellow;"></span>     | Circulation/Public |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightgrey;"></span>  | Community Use      |
| <span style="display:inline-block; width:15px; height:15px; border:1px solid black;"></span>      | TBD                |



**Upper Level, Option 3**  
**103 South Harris Street Rehabilitation**  
**Town of Breckenridge**  
 June 20, 2012

Anderson Hallas Architects  
 715 Fourteenth Street  
 Golden, CO 80401



**MEMO**

TO: Town Council  
FROM: Town Attorney  
RE: Continued Discussion of Updated Ethics Ordinance  
DATE: October 16, 2012 (for October 23<sup>rd</sup> meeting)

---

Time has been scheduled on Tuesday to allow us to continue our discussion of the proposed new Ethics Ordinance.

At the last worksession, I heard the following concerns with the draft ordinance:

1. I need to try to eliminate the redundancy in the portions of the ordinance dealing with prohibited conduct and exemptions.
2. The ordinance needs to include a provision allowing an official to refuse to act if he or she still believes a conflict of interest exists, even though the Council or the board has concluded that a conflict does not exist.
3. The portion of the ordinance prohibiting an official from “assisting” or “enabling” an immediate family member in obtaining employment needs to be tightened to only prohibit an official from overtly acting to obtain employment for a family member.

My goal next Tuesday is for you to identify any other problems or issues with the draft ordinance so that I can address them and bring a revised ordinance back to you in the near future for formal consideration.

I look forward to discussing the proposed new ordinance with you next Tuesday.



1 ***DRAFT October 3, 2012 DRAFT***

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

4  
5 Series 2012

6  
7 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 16 OF  
8 TITLE 1 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE  
9 TOWN CODE OF ETHICS”

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

13  
14 Section 1. Chapter 16 of Title 1 of the Breckenridge Town Code is repealed and  
15 readopted with changes so as to read in its entirety as follows:

16  
17 CHAPTER 16

18  
19 TOWN CODE OF ETHICS

20  
21 **Part A  Introduction**

- 22
- 23 1-16-1: Citation
- 24 1-16-2: Declaration of Policy
- 25 1-16-3: Finding of Local Concern
- 26 1-16-4: Finding Concerning Article XXIX of the Colorado Constitution; Statutory Gift-
- 27 Reporting Form
- 28 1-16-5: Authority
- 29 1-16-6: Effect of Common Law
- 30 [1-16-7 though 1-16-8: reserved]

31  
32 **Part B  Definitions**

- 33
- 34 1-16-9: Definitions
- 35

36 **Part C  Town Council**

- 37
- 38 1-16-10: Prohibited Conduct  Town Council Member
- 39 1-16-11: Exemptions  Town Council Member
- 40 1-16-12: Conflict of Interest in Town Council Action
- 41 1-16-13: When Town Council Member With Conflict of Interest May Vote
- 42 [1-16-14 though 1-16-16: reserved]

43  
44 **Part D – Town Boards and Commissions**

2012 ETHICS ORDINANCE

- 1  
2 1-16-17: Prohibited Conduct  Members of Planning Commission, Open Space Advisory  
3 Commission, and Liquor Licensing Authority  
4 1-16-18: Exemptions  Members of Planning Commission, Open Space Advisory  
5 Commission, and Liquor Licensing Authority  
6 1-16-19: Conflict Of Interest in Action of Planning Commission, Open Space Advisory  
7 Commission, and Liquor Licensing Authority  
8 1-16-20: When Member of Planning Commission, Open Space Advisory Commission, or  
9 Liquor Licensing Authority with Conflict of Interest May Vote  
10 1-16-21: Prohibited Conduct  Members of Temporary Boards, Commissions and  
11 Advisory Bodies

12 [1-16-22 through 1-16-23: reserved]  
13

14 **Part E  Town Employees**  
15

- 16 1-16-24: Prohibited Conduct  Town Employee  
17 1-16-25: Exemptions  Town Employee  
18 1-16-26: Restriction on Representation After Leaving Town Employment  
19 [1-16-27 though 1-16-28: reserved]  
20

21 **Part F  Town Contractors**  
22

- 23 1-16-29: Prohibited Conduct  Town Contractors  
24

25 **Part G  Town Contracts**  
26

- 27 1-16-30: Public Contracts  
28

29 **Part H  Enforcement**  
30

- 31 1-16-31: Enforcement  
32 1-16-32: Penalties and Remedies  
33 1-16-33: Authority of Town Attorney to Issue Opinions  
34 1-16-34: Distribution Of Code Of Ethics  
35

36 **PART A  INTRODUCTION**  
37

38 1-16-1: CITATION: This Chapter is to be known and may be cited as the *2012 TOWN OF*  
39 *BRECKENRIDGE CODE OF ETHICS*.  
40

41 1-16-2: DECLARATION OF POLICY:  
42

- 43 A. The proper operation of democratic government requires:  
44

- 1           1.     that the public officers and employees be independent, impartial, and  
2           responsible to the people.
- 3           2.     that government decisions and policy be made within the proper channels  
4           of the governmental structure.
- 5           3.     that public office not be used for personal gain.
- 6           4.     that the public have confidence in the integrity of its government.

7           B.     The purpose of this Code is to establish minimum ethical standards of conduct  
8           for:

- 9           1.     the members of the Town Council;
- 10          2.     the members of all Town boards and commissions;
- 11          3.     the members of all Town temporary boards, commissions and advisory  
12          board (to the extent provided in Section 1-16-21);
- 13          4.     all Town employees; and
- 14          5.     all Town contractors

15                     by setting forth those acts or actions that are incompatible with the best interest of  
16                     the Town, and by directing disclosure by such persons of private financial or other  
17                     interests in matters affecting the Town.

18   1-16-3: FINDING OF LOCAL CONCERN: The Town Council finds and determines that the  
19   matter of ethical municipal government is a matter of local concern upon which home rule  
20   municipalities in Colorado are fully empowered to legislate and to supersede conflicting state  
21   statutes. Accordingly, this Chapter supersedes all conflicting state statutes, including, but not  
22   limited to: (i) Article 18 of Title 24, C.R.S.; (ii) Section 24-6-203, C.R.S.; and (iii) Section 31-4-  
23   404, C.R.S.

24  
25   1-16-4: FINDING CONCERNING ARTICLE XXIX OF THE COLORADO CONSTITUTION;  
26   STATUTORY GIFT-REPORTING FORM:

27  
28           A.     The Town Council finds, determines, and declares that this Chapter addresses the  
29           matters covered by Article XXIX of the Colorado Constitution. Therefore, the  
30           provisions of Article XXIX of the Colorado Constitution are inapplicable to the  
31           Town, and to the Town Council, Town boards and commissions, Town  
32           employees, and Town contractors. As such, the Independent Ethics Commission  
33           created by Section 5 of Article XXIX of the Colorado Constitution has no  
34           jurisdiction over any member of the Town Council, any member of a Town board  
35           or commission, any Town employee, or any Town contractor.

36

1 B. Notwithstanding the inapplicability to the Town of Article XXIX of the Colorado  
2 Constitution and Section 24-6-203, C.R.S., members of the Town Council shall  
3 file the periodic reports required by Section 24-6-203(2), C.R.S.  
4

5 1-16-5: AUTHORITY: The Town Council finds, determines, and declares that it has the power  
6 to adopt this Chapter pursuant to the authority granted to home rule municipalities by Article XX  
7 of the Colorado Constitution, and the powers contained in the Breckenridge Town Charter.  
8

9 1-16-6: EFFECT OF COMMON LAW: This Chapter supersedes and overrides the common law  
10 as to the subject matter of this Chapter.  
11

12 [1-16-7 through 1-16-8: reserved]  
13

#### 14 **PART B □ DEFINITIONS**

15  
16 1-16-9: DEFINITIONS:  
17

18 A. As used in this Chapter, unless the context otherwise requires:  
19

BUSINESS: Any corporation, limited liability corporation, partnership, sole proprietorship, trust, or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

CONFIDENTIAL INFORMATION: All information, whether transmitted orally or in writing, that is of such a nature that it is not, at that time, a matter of public record or public knowledge.

COUNCIL MEMBER: A member of the Town Council.

COUNCIL OR TOWN COUNCIL: The Town Council of the Town of Breckenridge.

EMPLOYEE OR TOWN EMPLOYEE: Any person employed in the service of the Town, including, without limitation, the Town Attorney, municipal judge and associate municipal judge(s). The term “town employee” does not include a member of the Town Council or a member of any Town board or commission.

LIQUOR LICENSING AUTHORITY: The Town of Breckenridge Liquor Licensing Authority created pursuant to Title 2, Chapter 5 of this Code.

OFFICIAL ACT OR OFFICIAL ACTION: Any vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority.

OPEN SPACE ADVISORY COMMISSION: The Town of Breckenridge Open Space Advisory Commission created pursuant to Title 2, Chapter 4 of this Code.

PLANNING COMMISSION: The Planning Commission of the Town of Breckenridge.

SUBSTANTIAL FINANCIAL INTEREST: An interest owned or held that is:  
A. an ownership interest in a business;  
B. a creditor interest in a business;  
C. an ownership interest in real or personal property;  
D. a loan or any other debtor interest;  
E. a directorship or officership in a business; and  
F. an employment or a prospective employment for which negotiations have begun.

A person has a substantial financial interest in any of the above mentioned interests owned, held, or controlled by the person’s spouse or dependent children.

TOWN BOARD OR COMMISSION: The Planning Commission, the Open Space Advisory Commission, and the Liquor Licensing Authority.

TOWN CONTRACTOR: A person or business under contract to perform work for the Town; or a person or business who has submitted a bid to do work for the Town, which bid is still pending.

UNDERTAKING: Any activity conducted primarily for the purpose of making a profit, including, without limitation, any activity that substantially advances a person’s private financial interest or position.

1  
2 B. Terms not defined in this Chapter are to be given their common meaning.  
3

4 **PART C □ TOWN COUNCIL**

5  
6 1-16-10: PROHIBITED CONDUCT □ TOWN COUNCIL MEMBER: A Town Council  
7 member shall not:  
8

- 1 A. Disclose or use confidential information acquired in the course of the Council  
2 member's duties in order to further a business or other undertaking in which the  
3 Council member has a substantial financial interest.
- 4
- 5 B. Disclose any confidential information acquired in the course of the Council  
6 member's duties to any person under circumstances where the Council member  
7 knows, or reasonably should know, that the person to whom the confidential  
8 information is disclosed will use the confidential information in order to further a  
9 private business or undertaking.
- 10
- 11 C. Solicit or accept a present or future gift, favor, loan, service or thing of value from  
12 a person under circumstances that would lead a reasonably prudent person to  
13 believe that the gift, favor, loan, service, or thing of value was made or given  
14 primarily for the purpose of influencing or attempting to influence the Council  
15 member in connection with an official act, or as a reward of official action he or  
16 she has previously taken.
- 17
- 18 D. Make or accept an ex parte communication or contact concerning a quasi-judicial  
19 matter pending before the Town Council without making the contents of the  
20 communication or contact a part of the record of the public hearing. The  
21 provisions of this subsection do not apply to a legislative or administrative matter.
- 22
- 23 E. Appear, except as authorized by Section 1-16-11C and Section 1-16-11D, with  
24 respect to any matter before the Town Council, any Town board or commission,  
25 or the municipal court; provided, however, this subsection does not prohibit a  
26 Town Council member from appearing before the Liquor Licensing Authority.
- 27
- 28 F. Assist or enable a member of his or her immediate family in obtaining  
29 employment, a gift of substantial value, or an economic benefit tantamount to a  
30 gift of substantial value, from a person whom the Town Council member is in a  
31 position to reward with official action or has rewarded with official action in the  
32 past.

33 1-16-11: EXEMPTIONS □ TOWN COUNCIL MEMBER: Section 1-16-10 does not prohibit a  
34 Town Council member from:

- 35
- 36 A. Accepting or receiving a benefit as an indirect consequence of the performance of  
37 an official act.
- 38
- 39 B. Taking official action when the Council member is similarly situated with other  
40 Town residents, such as in connection with the adoption of general land use  
41 regulations, the formation of a special or local improvement district within which  
42 the Council member owns real property, the imposition of taxes, the authorization  
43 of bonds, or generally acting when the matter involves the common public  
44 interest.

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- C. Appearing before the Town Council or the Planning Commission in connection with a planning/development matter pertaining to the Council member’s primary residence; provided that the Council member shall be deemed to have a conflict of interest with respect to the matter.
  
- D. Appearing in municipal court on the Council member’s own behalf, or on behalf of the Council member’s spouse or minor child.
  
- E. Accepting gifts or loans that are:
  - 1. campaign contributions reported as required by law;
  - 2. an occasional nonpecuniary gift, insignificant in value;
  - 3. a nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;
  - 4. payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which the Council member is scheduled to participate as a speaker or other contributor in his or her capacity as a Town Council member if the paying or reimbursing party has no current or anticipated business with the Town. Any honorarium or other monetary compensation received by the Council member in connection with the convention or meeting shall be turned over to the Town;
  - 5. reimbursement for or acceptance of an opportunity to participate in a social function or meeting that is not extraordinary when viewed in light of the position held by the Council member;
  - 6. items of perishable or nonpermanent value, including, but not limited to, meals and tickets to sporting, recreational, educational, or cultural events;
  - 7. payment for speeches, debates, or other public events, reported as honorariums to the Town Manager; or
  - 8. a loan at a rate of interest that is not substantially lower than the commercial rate then currently prevalent for similar loans within the Town.
  
- F. Receiving the compensation for his or her services to the Town as may be fixed by ordinance, pay plan, budget, or other similar official action.

1 G. Personally contracting with a Town contractor for the performance of work so  
2 long as the contract will not interfere with or delay the contractor's performance  
3 of any contract with the Town, and the contractor is paid by the Council member  
4 at substantially the generally prevailing market rate for the services within the  
5 Town. Before entering into the contract the Council member shall notify the  
6 Town Manager in writing.

7 1-16-12: CONFLICT OF INTEREST IN TOWN COUNCIL ACTION:  
8

9 A. No member of the Town Council may take any official action on a matter as to  
10 which he or she is determined by the Town Council to have a conflict of interest.

11 B. A Town Council member has a conflict of interest with respect to any matter  
12 coming before the Town Council when the taking of any official action by the  
13 Council member would:

14 1. substantially affect to its economic benefit a business or other undertaking  
15 in which the Council member has a substantial financial interest;

16 2. substantially affect to its economic benefit a business or other undertaking  
17 by whom the Council member is employed, or by whom the Council  
18 member is engaged as counsel, consultant, representative, or agent;

19 3. substantially affect to its economic detriment any business or other  
20 undertaking when the Council member has a substantial financial interest  
21 in a competing business or undertaking;

22 4. give rise to the appearance of impropriety on the part of the Council  
23 member; or

24 5. result in a conflict of interest as described in subsection 1-16-11C.

25 C. A Council member does not have a conflict of interest with respect to any matter  
26 determined by the Council to involve the common public interest, such as matters  
27 involving the adoption of general land use regulations, the formation of a special  
28 or local improvement district within which the Council member owns real  
29 property, the imposition of taxes, the authorization of bonds, and similar actions.  
30

31 D. Each member of the Town Council must carefully consider whether he or she  
32 may have a conflict of interest before taking official action on a matter.

33 E. A member of the Town Council who may have a conflict of interest on a  
34 particular matter must disclose the potential conflict of interest before the Council  
35 begins its consideration of the matter.  
36



- 1 F. Any member of the Council who believes that another member of the Council has  
2 a conflict of interest may, but is not required to, bring the issue to the attention of  
3 the Council before the Council begins its consideration of the matter.  
4
- 5 G. The Council will determine whether a conflict of interest exists by applying the  
6 standards set forth in this Chapter.  
7
- 8 H. If the Town Council determines that a Council member has a conflict of interest  
9 on a particular matter:  
10
  - 11 1. the Council member with the conflict may not attempt to influence other  
12 members of the Town Council in connection with the matter;
  - 13 2. except as provided in Section 1-16-13, the Council member with the  
14 conflict may not vote upon the matter; and
  - 15 3. the Council member with the conflict must leave the Council table during  
16 Council's discussion and action on the matter, and may return only when  
17 the Council has taken up the next agenda item.

18 1-16-13: WHEN TOWN COUNCIL MEMBER WITH CONFLICT OF INTEREST MAY  
19 VOTE: Notwithstanding Section 1-16-12, a Town Council member may vote upon a matter as to  
20 which the Council member has a conflict of interest if:  
21

- 22 A. His or her participation is necessary to obtain a quorum or to otherwise enable the  
23 Town Council to act; and
- 24 B. Not later than seventy two (72) hours before voting the Town Council member  
25 gives written notice to both the Colorado Secretary of State and the Town  
26 Council. The notice must clearly state the nature of his or her conflict of interest.

27 [1-16-14 though 1-16-16: reserved]  
28

29 **PART D □ TOWN BOARDS AND COMMISSIONS**  
30

31 1-16-17: PROHIBITED CONDUCT □ MEMBERS OF PLANNING COMMISSION, OPEN  
32 SPACE ADVISORY COMMISSION AND LIQUOR LICENSING AUTHORITY: A member  
33 of the Planning Commission, Open Space Advisory Commission, or Liquor Licensing Authority  
34 shall not:  
35

- 36 A. Disclose or use confidential information acquired in the course of the member's  
37 duties in order to further a business or other undertaking in which the member has  
38 a substantial financial interest.  
39
- 40 B. Disclose any confidential information acquired in the course of the member's  
41 duties to any person under circumstances where the member knows, or reasonably

1 should know, that the person to whom the confidential information is disclosed  
2 will use the confidential information in order to further a private business or  
3 undertaking.  
4

- 5 C. Solicit or accept a present or future gift, favor, loan, service or thing of value from  
6 a person under circumstances that would lead a reasonably prudent person to  
7 believe that the gift, favor, loan, service, or thing of value was made or given  
8 primarily for the purpose of influencing or attempting to influence the member in  
9 connection with an official act, or as a reward of official action he or she has  
10 previously taken.  
11
- 12 D. Make or accept an ex parte communication or contact concerning a quasi-judicial  
13 matter pending before the member's Town board or commission without making  
14 the contents of the communication or contact a part of the record of the public  
15 hearing. The provisions of this subsection do not apply to a legislative or  
16 administrative matter.  
17
- 18 E. Appear, except as authorized by Section 1-16-18C and Section 1-16-18D, with  
19 respect to any matter before the Town Council, any Town board or commission,  
20 or the municipal court; provided, however, this subsection does not prohibit a  
21 member of a Town board or commission from appearing before the Liquor  
22 Licensing Authority.  
23
- 24 F. Assist or enable a member of their immediate family in obtaining employment, a  
25 gift of substantial value, or an economic benefit tantamount to a gift of substantial  
26 value from a person whom the member is in a position to reward with official  
27 action or has rewarded with official action in the past.

28 1-16-18: EXEMPTIONS □ MEMBERS OF PLANNING COMMISSION, OPEN SPACE  
29 ADVISORY COMMISSION, AND LIQUOR LICENSING AUTHORITY: Section 1-16-17  
30 does not prohibit a member of the Planning Commission, Open Space Advisory Commission, or  
31 Liquor Licensing Authority from:  
32

- 33 A. Accepting or receiving a benefit as an indirect consequence of the performance of  
34 an official act.  
35
- 36 B. Taking official action when the member is similarly situated with other Town  
37 residents, or generally acting when the matter involves the common public  
38 interest.  
39
- 40 C. Appearing before the Town Council or Planning Commission in connection with  
41 a planning/development matter pertaining to the member's primary residence;  
42 provided that the member shall be deemed to have a conflict of interest with  
43 respect to the matter.  
44

- 1 D. Appearing in municipal court on the member's own behalf, or on behalf of the  
2 member's spouse or minor child.  
3
- 4 E. Accepting gifts or loans that are:  
5
- 6 1. an occasional nonpecuniary gift, insignificant in value;  
7
  - 8 2. a nonpecuniary award publicly presented by a nonprofit organization in  
9 recognition of public service;  
10
  - 11 3. payment of or reimbursement for actual and necessary expenditures for  
12 travel and subsistence for attendance at a convention or other meeting at  
13 which the member is scheduled to participate as a speaker or other  
14 contributor in his or her capacity as a member if the paying or reimbursing  
15 party has no current or anticipated business with the Town. Any  
16 honorarium or other monetary compensation received by the member in  
17 connection with the convention or meeting shall be turned over to the  
18 Town;  
19
  - 20 4. reimbursement for or acceptance of an opportunity to participate in a  
21 social function or meeting that is not extraordinary when viewed in light  
22 of the position held by the member;  
23
  - 24 5. items of perishable or nonpermanent value, including, but not limited to,  
25 meals and tickets to sporting, recreational, educational, or cultural events;  
26
  - 27 6. payment for speeches, debates, or other public events, reported as  
28 honorariums to the Town Manager; or  
29
  - 30 7. a loan at a rate of interest that is not substantially lower than the  
31 commercial rate then currently prevalent for similar loans within the  
32 Town.  
33
- 34 F. Appearing with respect to any matter of public concern before the town council,  
35 or any town board or commission of which the person is not a member, in his or  
36 her capacity as a citizen, and neither in such person's official capacity and or  
37 counsel, consultant, representative or agent for any person, business or  
38 undertaking.
- 39 G. Receiving the compensation for his or her services to the Town as may be fixed  
40 by ordinance, pay plan, budget, or other similar official action.
- 41 H. Personally contracting with a Town contractor for the performance of work so  
42 long as the contract will not interfere with or delay the contractor's performance  
43 of any contract with the Town, and the contractor is paid by the member at

1 substantially the generally prevailing market rate for the services within the  
2 Town. Before entering into the contract the member shall notify the Town  
3 Manager in writing.

4 1-16-19: CONFLICT OF INTEREST IN ACTION OF PLANNING COMMISSION, OPEN  
5 SPACE ADVISORY COMMISSION, AND LIQUOR LICENSING AUTHORITY:  
6

7 A. No member of the Planning Commission, Open Space Advisory Commission, or  
8 Liquor Licensing Authority may take any official action on a matter as to which  
9 he or she is determined by the member's board or commission to have a conflict  
10 of interest.

11 B. A member of the Planning Commission, Open Space Advisory Commission, or  
12 Liquor Licensing Authority has a conflict of interest with respect to any matter  
13 coming before the member's board or commission when the taking of any official  
14 action by the member would:

15 1. substantially affect to its economic benefit a business or other undertaking  
16 in which the member has a substantial financial interest;

17 2. substantially affect to its economic benefit a business or other undertaking  
18 by whom the member is employed, or by whom the member is engaged as  
19 counsel, consultant, representative, or agent;

20 3. substantially affect to its economic detriment any business or other  
21 undertaking when the member has a substantial financial interest in a  
22 competing business or undertaking;

23 4. give rise to the appearance of impropriety on the part of the member; or

24 5. result in a conflict of interest as described in subsection 1-16-18C.

25 C. A member of the Planning Commission, Open Space Advisory Commission, or  
26 Liquor Licensing Authority does not have a conflict of interest with respect to any  
27 matter determined by the member's board or commission to involve the common  
28 public interest.  
29

30 D. Each member of the Planning Commission, Open Space Advisory Commission,  
31 and Liquor Licensing Authority must carefully consider whether a he or she may  
32 have a conflict of interest before taking official action on a matter.  
33

34 E. A member of the Planning Commission, Open Space Advisory Commission, or  
35 Liquor Licensing Authority who may have a conflict of interest on a particular  
36 matter must disclose the potential conflict of interest before the member's board  
37 or commission begins its consideration of the matter.  
38

- 1 F. Any member of the Planning Commission, Open Space Advisory Commission, or  
 2 Liquor Licensing Authority who believes that another member of the member's  
 3 board or commission has a conflict of interest may, but is not required to, bring  
 4 the issue to the attention of the board or commission before the board or  
 5 commission begins its consideration of the matter.  
 6
- 7 G. The Planning Commission, Open Space Advisory Commission, or Liquor  
 8 Licensing Authority will determine whether a member has a conflict of interest  
 9 applying the standards set forth in this Chapter.  
 10
- 11 H. If the Planning Commission, Open Space Advisory Commission, or Liquor  
 12 Licensing Authority determines that an actual conflict of interest exists on a  
 13 particular matter:  
 14
- 15 1. the member with the conflict may not attempt to influence other members  
 16 of the Town board or commission in connection with the matter;
  - 17 2. except as provided in Section 1-16-20, the member with the conflict may  
 18 not vote upon the matter; and
  - 19 3. the member with the conflict must leave the table during the board or  
 20 commission's discussion and action on the matter, and may return only  
 21 when the board or commission has taken up the next agenda item.

22 1-16-20: WHEN MEMBER OF PLANNING COMMISSION, OPEN SPACE ADVISORY  
 23 COMMISSION, OR LIQUOR LICENSING AUTHORITY WITH CONFLICT OF INTEREST  
 24 MAY VOTE: Notwithstanding Section 1-16-19, a member of the Planning Commission, Open  
 25 Space Advisory Commission, or Liquor Licensing Authority may vote upon a matter as to which  
 26 the member has a conflict of interest if:  
 27

- 28 A. his or her participation is necessary to obtain a quorum or to otherwise enable the  
 29 member's board or commission to act; and
- 30 B. not later than seventy two (72) hours before voting the member gives written  
 31 notice to both the Colorado Secretary of State and to the member's board or  
 32 commission. The notice must clearly state the nature of his or her conflict of  
 33 interest.

34 1-16-21: PROHIBITED CONDUCT □ MEMBER OF TEMPORARY BOARDS,  
 35 COMMISSIONS AND ADVISORY BODIES: A member of a temporary Town board,  
 36 commission, or advisory body shall not perform an official act that may have a direct economic  
 37 benefit on a business or undertaking in which such member has a direct or substantial financial  
 38 interest. Except as provided in this Section, the provisions of this Chapter do not apply to the  
 39 member of any temporary Town board, commission, or advisory body.  
 40

41 [1-16-22 through 1-16-23: reserved]

1  
2 **PART E □ TOWN EMPLOYEES**  
3

4 1-16-24: PROHIBITED CONDUCT □ TOWN EMPLOYEE: A Town employee shall not:  
5

- 6 A. Disclose or use confidential information acquired in the course of the employee's  
7 duties in order to further a business or other undertaking in which the employee  
8 has a substantial financial interest.  
9
- 10 B. Disclose any confidential information acquired in the course of the employee's  
11 duties to any person under circumstances where the employee knows, or  
12 reasonably should know, that the person to whom the confidential information is  
13 disclosed will use the confidential information in order to further a private  
14 business or undertaking.  
15
- 16 C. Engage in a substantial financial transaction for the employee's private business  
17 purposes with a person whom the employee inspects or supervises in the course of  
18 his or her employment with the Town.  
19
- 20 D. Perform an official act that directly and substantially affects to its economic  
21 benefit a business or other undertaking in which the employee has a substantial  
22 financial interest.  
23
- 24 E. Acquire or hold an interest in any business or undertaking that the employee has  
25 reason to believe may be directly and substantially affected to its economic  
26 benefit by official action to be taken by the agency over which he or she has  
27 substantive authority.  
28
- 29 F. Perform an official act directly and substantially affecting to its economic  
30 detriment any business or other undertaking when the employee has a substantial  
31 financial interest in a competing business or undertaking.  
32
- 33 G. Solicit or accept a present or future gift, favor, loan, service or thing of value from  
34 a person under circumstances that would lead a reasonably prudent person to  
35 believe that the gift, favor, loan, service or thing of value was made or given  
36 primarily for the purpose of influencing or attempting to influence the employee  
37 in connection with an official act, or as a reward for official action he or she has  
38 previously taken.  
39
- 40 H. Perform any official act under circumstances that give rise to an appearance of  
41 impropriety on the part of the employee.  
42
- 43 I. Appear, except as authorized in Section 1-16-25B, Section 1-16-25C, and Section  
44 1-16-25E, with respect to any matter before the Town Council, any Town board  
45 or commission, or the municipal court.

- 1
- 2 J. Seek or accept election, nomination, or appointment to the governing board of any
- 3 unit of local government operating in Summit County, Colorado, whose
- 4 boundaries overlap with the boundaries of the Town.
- 5
- 6 K. Assist or enable a member of his or her immediate family in obtaining
- 7 employment, a gift of substantial value, or an economic benefit tantamount to a
- 8 gift of substantial value, from a person whom the employee is in a position to
- 9 reward with official action or has rewarded with official action in the past.

10 1-16-25: EXEMPTIONS  TOWN EMPLOYEE: Section 1-16-24 does not prohibit a Town  
11 employee from:

- 12
- 13 A. Accepting or receiving a benefit as an indirect consequence of the performance of
- 14 an official act.
- 15
- 16 B. Appearing before the Town Council, any Town board or commission, or the
- 17 municipal court in the course of the performance of the employee's duties for the
- 18 Town.
- 19
- 20 C. Appearing before the Town Council or the Planning Commission in connection
- 21 with planning/development matters pertaining to the employee's primary
- 22 residence.
- 23
- 24 D. Appearing in municipal court on the employee's own behalf, or on behalf of the
- 25 employee's spouse or minor child.
- 26
- 27 E. Appear with respect to any matter of public concern before the town council,
- 28 planning commission, or any town board in such employee's capacity as a citizen,
- 29 and neither in such person's capacity as an employee, nor as counsel, consultant,
- 30 representative or agent for any person, business or undertaking.
- 31
- 32 F. Accepting gifts or loans that are:
- 33
- 34 1. an occasional nonpecuniary gift, insignificant in value;
- 35
- 36 2. a nonpecuniary award publicly presented by a nonprofit organization in
- 37 recognition of public service;
- 38
- 39 3. payment of or reimbursement for actual and necessary expenditures for
- 40 travel and subsistence for attendance at a convention or other meeting at
- 41 which the employee is scheduled to participate as a speaker or other
- 42 contributor in his or her capacity as a Town employee if the paying of
- 43 reimbursing party has no current or anticipated business with the Town. If
- 44 the employee is paid by the Town while attending the convention or

1 meeting, any honorarium or other monetary compensation received by the  
2 employee in connection with the convention or meeting must be turned  
3 over to the Town;

- 4
- 5 4. reimbursement for or acceptance of an opportunity to participate in a  
6 social function or meeting that is not extraordinary when viewed in light  
7 of the position held by the employee;
- 8
- 9 5. items of perishable or nonpermanent value, including, but not limited to,  
10 meals and tickets to sporting, recreational, educational, or cultural events,  
11 unless prohibited by applicable departmental rule or regulation;
- 12
- 13 6. payment of speeches, debates, or other public events, reported as  
14 honorariums to the Town Manager; or
- 15
- 16 7. a loan at a rate of interest that is not substantially lower than the  
17 commercial rate then currently prevalent for similar loans within the  
18 Town.

19

20 G. Receiving the compensation for his or her services to the Town as may be fixed  
21 by ordinance, pay plan, budget, or other similar official action; or

22 H. Personally contracting with a Town contractor for the performance of work so  
23 long as the contract will not interfere with or delay the contractor's performance  
24 of any contract with the Town, and the contract is paid by the employee at  
25 substantially the generally prevailing market rate for the services within the  
26 Town. Before entering into the contract the employee shall notify the Town  
27 Manager in writing.

28 1-16-26: TOWN EMPLOYEE  RESTRICTION ON REPRESENTATION AFTER  
29 LEAVING TOWN EMPLOYMENT: No former Town employee may personally represent  
30 another person or entity for compensation before the Town Council, or any Town board,  
31 commission, or department, with respect to any matter that the former employee worked on  
32 while employed by the Town.

33

34 [1-16-27 through 1-16-28: reserved]

35

36 **PART F  TOWN CONTRACTORS**

37 1-16-29: PROHIBITED CONDUCT  TOWN CONTRACTORS: A Town contractor may not  
38 offer, give, or arrange to give to a member of the Town Council, a member of a Town board or  
39 commission, or a Town employee a present or future gift, favor, loan, service or thing of value  
40 under circumstances that would lead a reasonably prudent person to believe that the gift, favor,  
41 loan, service or thing of value was offered or given primarily for the purpose of influencing or  
42 attempting to influence the member of the Town Council, member of a Town board or



1 commission, or Town employee in connection with an official act, or as a reward for official  
2 action he or she has previously taken. Nothing in this Chapter prevents a Town contractor from  
3 accepting tips or gratuities for services provided if the acceptance of tips or gratuities is  
4 authorized by the Town contractor's contract, or by the Town Manager.

5 **PART G □ TOWN CONTRACTS**

6  
7 1-16-30: PUBLIC CONTRACTS:  
8

- 9 A. Except as provided in subsection C of this Section, no member of the Town  
10 Council, member of a Town board or commission, or Town employee may have  
11 an interest in any contract made by the Town.
- 12 B. Every contract made in violation of this Section is voidable at the request of any  
13 party to the contract, except the member of the Town Council, member of a Town  
14 board or commission, or Town employee interested in such contract.
- 15 C. Subsection A of this Section does not apply to:
- 16 1. contracts awarded to the lowest responsible bidder based on competitive  
17 bidding procedures;
- 18 2. merchandise sold to the highest bidder at public auction;
- 19 3. investments or deposits in financial institutions that are in the business of  
20 loaning or receiving monies;
- 21 4. a contract between the Town and a member of the Town Council, member  
22 of a Town board or commission, or Town employee if, because of  
23 geographic restrictions, the Town could not otherwise reasonably afford  
24 itself of the subject of contract. It is presumed that the Town could not  
25 otherwise reasonably afford itself of the subject of a contract if the  
26 additional cost to the Town is greater than ten percent (10%) of a contract  
27 with a member of the Town Council, member of a Town board or  
28 commission, or Town employee, or if the contract is for services that must  
29 be performed within a limited time period and no other contractor can  
30 provide those services within that time period. If the contract involves a  
31 Council member, the Council member shall disclose his or her interest to  
32 the Town Council before the contract is signed; or
- 33 5. a contract between the Town and a then-current member of the Town  
34 Council if:
- 35 a. the Town Council member disclosed a personal interest in the  
36 proposed contract to the Town Council on the record before the  
37 approval of the contract;

- 1                   b.     the Town Council itself (and not the Town Manager or other Town  
2                   employee) approved the contract at a public meeting; and
- 3                   c.     the Town Council member did not vote on the question of the  
4                   approval of the contract. Note: Section 1-16-13 does not apply to a  
5                   Town Council member voting to approve a contract that he or she  
6                   has a personal interest in.

7   **PART H □ ENFORCEMENT**

8  
9   1-16-31: ENFORCEMENT:

- 10  
11       A.     The Town Manager has the responsibility for the enforcement of this Chapter as  
12             to all Town employees, other than those Town employees appointed or hired by  
13             the Town Council. The Town Manager may investigate any complaint, and direct  
14             the filing of appropriate legal action against any person as to whom he has  
15             enforcement authority if the Town Manager believes such action is appropriate.  
16             The Town Manager may exempt from the provisions of this Chapter the conduct  
17             of a person as to whom he has enforcement authority upon the finding that the  
18             enforcement of this Chapter with respect to the employee’s conduct would not be  
19             in the public interest.
- 20       B.     The Town Council has the responsibility for the enforcement of this Chapter as to  
21             all other persons who are subject to the provisions of this Chapter. The Town  
22             Council may investigate any complaint, and direct the filing of appropriate legal  
23             action against any person as to whom it has enforcement authority if the Town  
24             Council believes such action is appropriate. The Town Council may exempt from  
25             the provisions of this Chapter the conduct of a any person as to whom it has  
26             enforcement authority upon the finding that the enforcement of this Chapter with  
27             respect to such person’s conduct would not be in the public interest.
- 28       C.     The Town Manager or Town Council, as the case may be, may direct the Town  
29             Attorney to investigate or prosecute any apparent violation of this Chapter, or the  
30             Town Manager or Town Council may employ or appoint any qualified attorney to  
31             investigate or prosecute any violation or series of violations by one or more  
32             persons of this Chapter.
- 33       D.     Any person who believes that a violation of any portion of this Chapter has  
34             occurred may file a complaint with the Town Manager or Town Council, as the  
35             case may be, which complaint will be promptly investigated and such action taken  
36             thereon as the Town Manager or Town Council determines to be appropriate.

37   1-16-32: PENALTIES AND REMEDIES:  
38

- 1 A. It is unlawful and a misdemeanor offense for any person to knowingly violate any  
2 provision of this Chapter. “Knowingly” has the meaning provided in Section 6-3-  
3 5 of this Code.
- 4 B. Any person convicted of violating any provision of this Chapter shall be punished  
5 as provided in Chapter 4 of this Title. Additionally, upon conviction such person  
6 is liable to the Town for such damages as may have been suffered or incurred as a  
7 result of the violation, together with any costs (including, but not limited to,  
8 attorneys’ fees and expert witness fees) incurred by the Town in the investigation  
9 and prosecution of the violation.
- 10 C. Any court of competent jurisdiction called upon to enforce the provisions of this  
11 Chapter may, with the consent of the Town Council or the Town Manager  
12 (whichever has enforcement authority over the person pursuant to Section 1-16-  
13 31) exempt from the provisions of this Chapter the conduct of any person upon  
14 the finding that the enforcement of this Chapter with respect to such person’s  
15 conduct would not be in the public interest.

16 1-16-33: AUTHORITY OF TOWN ATTORNEY TO ISSUE OPINIONS:

- 17 A. Notwithstanding anything contained in this Chapter to the contrary, no person  
18 who is subject to the provisions of this Chapter may be convicted of violating any  
19 of the provisions of this Chapter if, prior to engaging in the conduct that would  
20 otherwise have resulted in a violation of this Chapter, such person obtains a  
21 written opinion from the Town Attorney that the particular conduct in question  
22 would not violate the provisions of this Chapter, and such person acts in  
23 accordance with the opinion of the Town Attorney.
- 24 B. The Town Attorney must promptly render an opinion as to legality of proposed  
25 conduct or action under this Chapter upon request.
- 26 C. The Town Attorney has no authority to finally determine whether a conflict of  
27 interest exists with respect to a member of the Town Council or a member of a  
28 Town board or commission; such determination may only be made by the Town  
29 Council or applicable Town board or commission.

30 1-16-34: DISTRIBUTION OF CODE OF ETHICS:

- 31 A. Within thirty (30) days after the effective date of the ordinance adopting this  
32 Chapter, the Town Clerk shall notify the following persons of the adoption of the  
33 ordinance and provide such persons with a link to this Chapter on the Town’s web  
34 site:
- 35 1. each current member of the Town Council;
- 36 2. each current member of all Town boards and commissions;

- 1                   3.     each current member of any Town temporary board, commission and
- 2                   advisory board.
  
- 3           B.     Within thirty (30) days after they assume office the Town Clerk shall provide the
- 4                   following persons with a link to this Chapter on the Town’s web site:
  
- 5                   1.     each new member of the Town Council;
- 6                   2.     each new member of all Town boards and commissions; and
- 7                   3.     each new member of any Town temporary board, commission and
- 8                   advisory board.
  
- 9           C.     Within thirty (30) days after their appointment or hiring the Town Clerk shall
- 10                  provide each newly hired Town employee with a link to this Chapter on the
- 11                  Town’s web site.
  
- 12           D.     Not later than the date of the contractor’s commencement of work for the Town,
- 13                  the Town Clerk shall provide each Town contractor with a link to this Chapter on
- 14                  the Town’s web site.

15           Section 2. Except as specifically amended by this ordinance, the Breckenridge Town  
 16 Code, and the various secondary Codes adopted by reference therein, shall continue in full force  
 17 and effect.

18  
 19           Section 3. The Town Council finds, determines, and declares that this ordinance is  
 20 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
 21 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
 22 thereof.

23  
 24           Section 4. This ordinance shall be published and become effective as provided by  
 25 Section 5.9 of the Breckenridge Town Charter.

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

32  
 33   TOWN OF BRECKENRIDGE, a Colorado  
 34   municipal corporation

35  
 36  
 37  
 38   By \_\_\_\_\_  
 39   John G. Warner, Mayor

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ATTEST:

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Town Clerk

500-13\Revised Ethics Ordinance (10-03-12)(worksession on 10-09-12)

**MEMO**

**TO: Town Council**

**FROM: Laurie Best**

**RE: Land Use Districts for Recently Annexed Property (Claimjumper Parcels and MBJ/Wedge)**

**DATE: Sept 18, 2012 (for worksession October 9 or October 23rd)**

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The purpose of this memo is to review with the Town Council the process and next steps to place the recently annexed properties into a Breckenridge Land Use District. The Town is required by Section 31-12-115 (2) Colorado Revised Statutes to place the properties into a Land Use District within 90 days of annexation. Given the effective date of the annexations is Oct 3, 2012 for MBJ/Wedge and October 17, 2012 for the Claimjumper parcels, the properties must be placed in a Land Use District by December 31<sup>st</sup> and January 14<sup>th</sup> respectively. Staff will be presenting the proposed Land Use Districts for both properties to the Planning Commission first, and then to the Council for adoption. Prior to drafting the recommendations, staff wanted to review the properties with the Council for your input.

Following are issues that should be considered when placing properties into a Land Use District:

- the Town of Breckenridge recommended Land Use District (appropriate uses/density for the parcels) as shown on the Town's Annexation Plan/ Master Plan
- the surrounding Town of Breckenridge Land Use Districts and County zoning and existing uses
- the annexation policies established in the Joint Upper Blue Master Plan originally adopted in 1997 and updated in 2011, specifically:
  - Vacant land annexations should restrict development levels to the density established by the applicable County zoning, Town of Blue River zoning, or the Town of Breckenridge Land Use Guideline recommended density, whichever is less, unless additional density is transferred to the site
  - Additional density should not be created anywhere within the Basin, whether through upzonings, annexations, or some other mechanism. An exception is for community facilities and institutional uses, and those identified in the Affordable Workforce Housing section
    - Affordable workforce housing as defined by respective jurisdictions, shall not be subject to transferable development rights (TDR) requirements
    - The impacts of new affordable workforce housing on the overall density and activity levels within the Basin should be mitigated by permanently extinguishing density on County and/or Town of Breckenridge owned properties. Recommended guidelines or goals for Breckenridge is transfer one development right for every four affordable housing units to be built.

Following is an analysis and recommendation for each of the recently annexed parcels (MBJ/Wedge and Claimjumper)

**MBJ/Wedge (34.026 acres)**

Wedge (16.81 acres) Town Recommended Land Use District is LUD 10 (2 UPA) and LUD 1=30 SFEs  
County zoning is NR-2 =no density

Lesser would be County NR-2 which allows no density

MBJ (17.216 acres) There is no Town LUD recommended

County zoning is A-1 = 1 SFE

Lesser would be County A-1 which allows 1 unit unlimited density

Combined (34.026 ac) Overall, the lesser is 1 SFE for the entire 34.026 acres as permitted under County zoning

**Adjacent Land Use Districts/Zoning**

Town-owned adjacent property is Land Use District 1

**Recommendation:**

These parcels were acquired by the Town for the purpose of open space and to protect the important wetlands and wildlife habitat. They are located at the top of Cucumber Gulch which is considered a significant open space property within the Town and there are considerable wetlands within each of the parcels.

While the Upper Blue Master Plan policy recommends the lower of the 1) recommended Breckenridge Land Use District or 2) County zoning (maximum of 1 SFE for the entire 34.026 acre site), staff is recommending Land Use District 1 for the entire 34.026 acre parcel. Land Use District 1 is consistent with the adjacent Town-owned open space and is the Town's least intensive land use. Since Land Use District 1 would allow up to 3.4 SFEs of density, this technically could be viewed as an upzoning which is not recommended under the Joint Upper Blue Master Plan. Therefore, staff would also recommend a provision in the Zoning Ordinance to specify that the 3.4 SFEs may not be transferred off site and can only be used for 'community facilities' as exempted in the Joint Upper Blue Master Plan. This would insure that there is no increase in density as a result of this zoning.

Staff feels that LUD 1 is appropriate because it is specifically created for environmentally sensitive areas where the goal is to minimize density. According to the Towns Land Use District Guidelines "The majority of District 1 should remain in its natural state. Accordingly, all proposals for development within this District will be carefully reviewed. Whenever possible, development rights within District 1 should be transferred to more suitable locations...Land Use District 1 should be located predominately in steep sloped or otherwise environmentally sensitive areas throughout the Master Plan area, land within District 1 should remain substantially in its natural state. As such, it can function as a scenic background for the community as well as a preserved area for mountain wetlands, development buffers, and recreational opportunities...".

The alternative to placing the property in Land Use District 1 would be to create a new land use district that is specific to this property and limits development to only 1 SFE for all 34.026 acres. Since the property is owned by the Town and is designated open space, staff does not feel this is necessary and would recommend Land Use District 1 with specific language in the Zoning Ordinance. In addition to placing the parcels into Land Use District 1, staff would also recommend the properties be placed in the Cucumber Gulch Overlay District which insures best management practices to protect the wetlands.

### **Claimjumper Parcels (25.633 acres)**

The Town Recommended Land Use District includes approximately 8 acres of Land Use District 9.2 (10 UPA = 80 SFEs plus 17.633 acres of Land Use District 1 (1 unit per 10 acres) = 1.76 SFEs for a total of 81.76 SFEs allowed under Town Recommended Land Use Districts. Since the County's current zoning is NR (Natural Resources) which allows no density, the maximum density recommended under the Joint Upper Blue Master Plan would be zero, with the only exception being for Affordable Workforce Housing, institutional uses, or community facilities.

#### Recommendation:

This property was acquired for the purpose of open space and affordable housing. The majority of the site is steep and heavily treed with only a small relatively flat building site along Airport Road. The development to the north and south of the development parcel is high density residential.

Staff is recommending that the steep sections of this property, and the parcel immediately north of the Claimjumper Condos (as depicted on the attached map,) be placed in Land Use District 1 with the same language that is proposed for the MBJ/Wedge zoning ordinance to address concerns about upzoning.

Regarding the development parcel which is approximately 4 acres between Pinewood Village and Claimjumper Condominiums, there are two alternatives:

Establish a new Land Use District that is specific to this site and includes maximum density, development standards, and permitted uses based on a fit test. This is the way most workforce housing annexations have typically been handled. The Planning Commission is currently reviewing different possible development scenarios to determine the appropriate intensity of a development in this location. This alternative provides some flexibility as Planning Commission works thru potential plans. Since there is currently approximately 8 acres recommended for 9.2 we have been reviewing plans with about 80 SFEs, but mass and height are an issue since the development is proposed to be concentrated on 4 acres between Pinewood Village Phase 1 and Claimjumper Condominiums with the other 4 acres north of the Condominiums remaining undeveloped.

An alternative would be to place the development parcel in Land Use District 9.2 with some language in the Zoning Ordinance restricting the development to Workforce Housing as exempted in the Joint Upper Blue Master Plan. This might be difficult as the development parcel is only about 2.5 acres which would only allow about 25 units under LUD 9.2. Given that there is



approximately 8 acres currently recommend for LUD 9.2 this significantly restrict the number of workforce housing units.

To retain flexibility, staff recommends the first options, which would be drafted based on fit test by the Planning Commission. In either case, the impacts of the workforce housing should be mitigated as recommended in the Joint Upper Blue Master Plan with a transfer of Town-owned density at a ratio of one TDR for every four workforce housing units that are developed.

**Summary**

Staff is looking for Council feedback regarding the following recommendations:

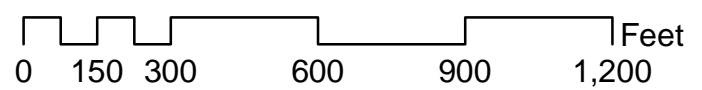
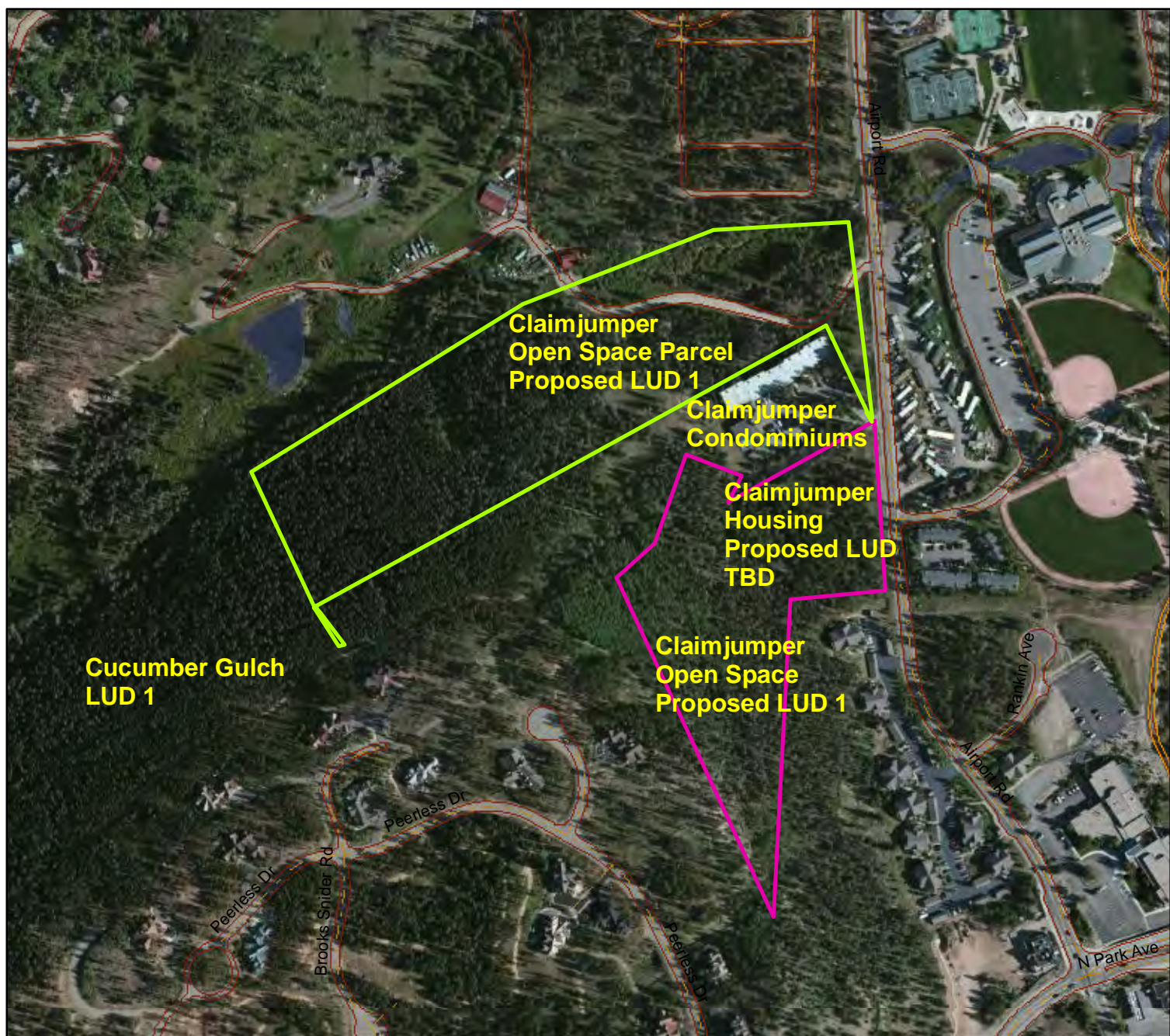
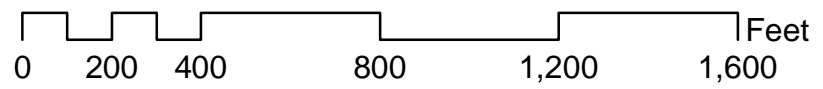
MBJ/Wedge=Land Use District 1 with Cucumber Gulch Overlay District

Claimjumper Open Space (approx 21 acres)= Land Use District 1

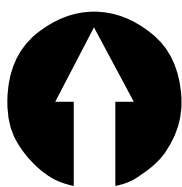
Claimjumper Housing Site (approx 4 acres)=new site specific Land Use Districted to be drafted based on Planning Commission fit test.

We look forward to your comments. Thank you.





**Forest Service Parcels Potential Zoning - October 2012**





MEMO

TO: Breckenridge Town Council  
FROM: Laurie Best  
RE: McCain Property (Bubble Diagram)  
DATE: October 15, 2012 (worksession October 23, 2012)

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Enclosed in your packet is a map that shows the general location of the land uses that have been discussed for the McCain property. Staff would like to review the map with the Council to determine if:

1. the uses that have been included are valid uses still under consideration for the property, and if
2. any additional uses should be included or considered for the property, and if
3. there are any concerns or issues with the general layout of the uses as depicted in the attached bubble diagram and most specifically with the designated Solar Garden Site.

As far back as 2003 the Council has been considering what might be the best use(s) for this 127 acre parcel. Many uses have been discussed in previous programming exercises and the Councils have prioritized uses based on community need. There are many uses, such as Housing, Golf, Motorized Sports, Railroad, Nordic Skiing, etc., that were considered at one time, but have been eliminated because there are other higher priority uses for this site. Staff believes that the following list represents the most likely and preferred uses for the property and would ask Council for your input, whether the following uses are still considered priorities and if there are any additional uses that should be considered:

- Service Commercial (approx 5 acres plus 5 acre Alpine Rock site)
- General Commercial (approx 5 acres)
- PV Garden Site (approx 10 acres, sufficient to accommodate two 500 KW arrays)
- Water Treatment (TBD-approx 2 acres)
- Water Storage/Reservoir Site (approx 16 acres)
- Public Works Yard/Snow Storage (approx 16 acres)
- Overflow/River Corridor Parking (approx 5 acres)
- Public Works/Recycling (approx 2 acres)
- Open Space with river access and trails (approx 40 acres-30% funding from Open Space fund)

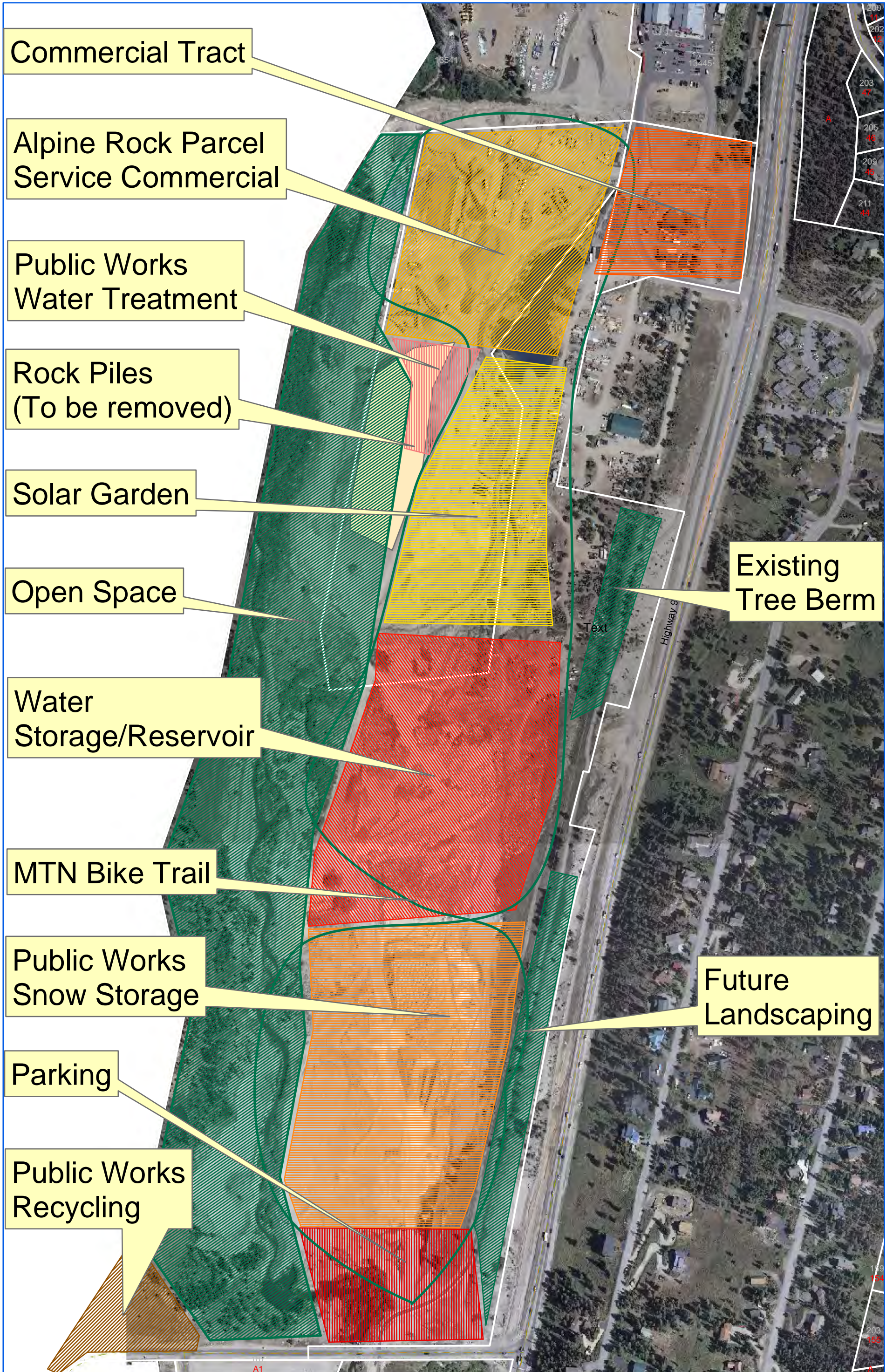
The map illustrates how these uses can be accommodated on the property. It should be noted that the primary goal of the exercise was to program the site and identify the general location and size of each land use. There may be some revisions to location and size as more details become available, but the general layout as depicted on the bubble diagram shows that the uses can be accommodated in an efficient land use pattern. The more intensive uses are tucked to the north behind the existing tree berm and the more open space, natural uses are focused along the river corridor adjacent to Forest Service land on the west. Additional landscaping and screening has been added along Highway 9 south of the existing tree berm. One possible revision for future consideration may be to flip the Public Works/Snow Storage and the Reservoir, but staff recommends that decision be deferred until more details are available concerning aesthetics and engineering requirements for the Reservoir.

It is particularly important at this time to confirm the general location of the Solar Garden site as the detailed planning for a 500 KW array is underway. Clean Energy Collective (CEC) intends to apply for a development permit and to begin construction in the spring so the facility can be on line in August of 2013 as required by Xcel. The attached map shows the Solar Garden site located towards the north end of the parcel, behind the existing tree berm. Sufficient area has been allocated to accommodate the initial 500 KW array as well as room for a second phase should that be a consideration in the future. The site is partially shielded from Highway 9. Although the Solar Garden will be visible to northbound traffic and from some of the residential areas to the east, staff believes this location provides the most screening while maintaining excellent solar orientation. Staff has walked the site with representatives from CEC and determined that this location does meet their needs.

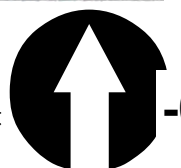
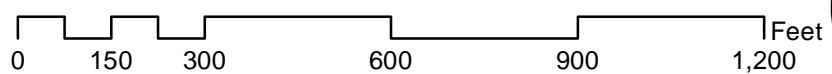
#### Summary

Staff will be available during the worksession to review the bubble diagram of the McCain Property. We are looking to Council to comment on whether the uses that have been depicted are still valid prioritized uses, whether there are any other uses that should also be included, and whether the land use layout proposed by staff is acceptable in terms of the general location and size of the uses that are being contemplated.





**McCAIN BUBBLE DIAGRAM - OCTOBER 2012**





## MEMORANDUM

**TO:** Town Council

**FROM:** Mark Truckey, Assistant Director of Community Development  
Julia Puester, Planner II  
Chris Kulick, Planner II

**SUBJECT:** SustainableBreck Annual Report

**DATE:** October 15, 2012 for October 23 Council Meeting

The Town Council adopted the SustainableBreck Plan in July of 2011, after several years of development and community input. One of the key focuses of the Plan was a goal of monitoring the Plan over time to see how the community has progressed on the different topics addressed in the Plan. Thus, a series of “Indicators” were created with baseline data established for each Indicator. The Economic Indicators that the Council receives on a monthly basis were the first of the Indicators to go public. Now, a year after adoption of the SustainableBreck Plan, staff has prepared an annual report, with the Indicators being one of the main elements of the report. The report also outlines some key achievements related to different sustainability topics.

Attached is a copy of the draft Annual Report. Indicators and achievements are identified for each of the following ten topic areas:

- Resource Conservation
- Local Economy
- Transportation
- Water
- Housing
- Forest Health
- Child Care
- Land Use
- Wildlife Habitat
- Recreation and Open Space

Some of the findings in the Annual Report include:

- Town-wide overall energy use is down and the last year has seen the largest increase of renewable energy projects (primarily solar) for both public and private properties.
- Both sales and accommodations taxes showed increases from 2011 to 2012.
- Over half of all Breckenridge workers are taking alternative modes of transportation (e.g., walking, transit) to work, which greatly exceeds national averages and positions us favorably with peer communities.

- Days of traffic congestion decreased in the 2011/2012 season to the targeted 20 days/year of manual traffic control.
- An additional 1.5 miles of trail was added to the Town’s trail system and 224 acres of open space were acquired.
- Forest management activities occurred on over 100 acres of Town and Town/County land in and around the Town. Private property owners continued to create defensible space, but to date only a little over one-quarter of the recommended properties have been treated.
- 73 additional deed-restricted housing units were added to the Town inventory of affordable housing.
- The number of children receiving child care scholarships increased by 31 percent.

In addition to the achievements outlined in the Annual Report, a number of additional sustainability initiatives are underway and will hopefully be implemented in the next year. A few of these initiatives include:

- Reduction in single-use plastic and paper bags
- Certification of local “SustainableBreck” businesses and implementation of energy and sustainability upgrades at the businesses
- Installation of solar gardens at the Stillson and McCain sites

### **Council Feedback**

After the Council has reviewed the Annual Report, staff will post the report on the Town’s SustainableBreck web page. Staff appreciates any comments or suggestions that the Council has on the Annual Report.



2012



SUSTAINABLEBRECK

Annual Report





### It is our pleasure to present the 2012 Town of Breckenridge Sustainability Annual Report.

This last year, responding effectively to our nation's economic downturn has been everyone's top priority. In every Town department we focused on how to provide the essential services Town residents and visitors expect and deserve with fewer resources. Our work here continues.

Every day the Town makes policy and operational decisions that can lead to both cost savings and increased sustainable practices. We must be fiscally sound, socially supportive and environmentally strong. These three components of the Town's sustainability philosophy are not mutually exclusive. The 2012 Sustainability Report highlights some great achievements in this regard.

As an example, since last year, the

Town of Breckenridge has saved \$100,000 by purchasing clean locally produced energy from a power purchase agreement program.

That savings can be used to bridge our budget gap and ensure funding for programs and services, or a combination of them all.

Some other actions that the Town has taken in the last year include providing a total of 8 acres of land for community solar gardens, starting a SustainableBreck Business Certification program, implementing BRC/BMAC joint marketing efforts, placing the historic engine #9 at the Locomotive Park, installing a sidewalk on Airport Road, constructing 41 deed restricted housing units, building pedestrian bulb-outs on Main Street, providing more bike parking and stripping throughout Town, and providing childcare scholarships to 239 children.

While this report highlights major community achievements, it also is intended to hold the Town and community responsible for goals set in the SustainableBreck Plan. We are not just reporting our accomplishments but also noting where we fall short

so that we can identify actions that need to be taken.

Looking towards the future, we need to connect with other regional governmental leaders and the community where mutual interests intersect. Issues related to energy efficiency, trash reduction, clean air and water, or green jobs creation do not stop at the Town's borders, and we acknowledge that we must work collectively as a region on all these important issues in order to achieve success.

Finally, none of the accomplishments listed here would have been possible without the expertise and enthusiasm of the Town's Green Team and employees from every department. We thank them for their efforts, leadership and hard work.

Enjoy the report and thank you for your efforts in making this community more sustainable.

*Dr. John Warner , Mayor*



SUSTAINABILITY EFFORTS TO DATE  
AT A GLANCE

\$10,000,000

dedicated funds used to acquire & maintain  
open space

6,410,733

riders that have used the Freeride transit system

6th

community ranking in the National Bike Challenge

471

properties that have initiated voluntary  
defensible space

636

number of deed-restricted workforce housing units

47%

reduction in per-capita water usage  
from 2000-2011

282

goal achievers in the Green Commutes program

14

number of locally landmarked historic structures

48.5

miles of in-Town bikeways

26%

reduction in solid waste from 2007-2010

627

childcare scholarships given



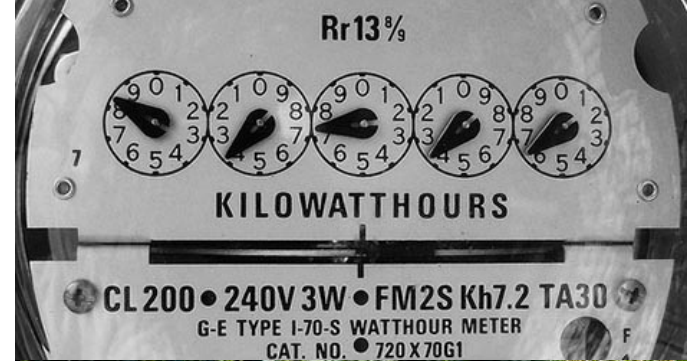
## Plan Monitoring Indicators & Targets: (How We Measure Success)

The goal of the monitoring program is to provide the community and decision-makers a snapshot of the level of progress being made on different sustainability topics.

For each category specific indicators have been developed to measure progress toward meeting the goals and actions of the SustainableBreck Plan. Indicators are tools that help to determine the condition of a system, or the impact of a program, policy or action. When tracked over time indicators tell us if suggested actions are helping achieve stated goals. This provides useful information to assist with decision-making.


Specific targets have been created for many of the indicators. The targets represent aggressive yet achievable milestones for the community. Unless otherwise noted, the targets are for the year 2030 using 2010 as a baseline. In many cases a trend direction was substituted for a numerical target.


Colors are assigned (green, yellow, or red) to indicate a good, fair, or poor condition for each indicator in comparison to the stated goals from the Plan. Similarly, an upward, downward or straight arrow shows if the indicator is improving, stabilizing, or getting worse.




## Resource Conservation

The Town strives to significantly decrease overall community resource consumption, specifically the consumption of non-renewable energy, fuels and non-recyclable materials. The Town government should take a leadership role in reducing its own energy consumption, increasing its use of renewable energy to power the energy it needs for its own facilities, and should explore innovative strategies to become a zero waste government.

 **Energy Use**—Overall resource use is stable with sustainable practices are increasing. Town-wide electrical consumption in 2010 is 8% below 2009 levels. Natural gas consumption remained relatively flat over the same time. CO2 production associated with energy consumption has decreased 2% since 2009, largely due to cleaner sources of energy generation coming online. Overall there is a significant amount of work ahead for the community if we are to meet our goal of a 20% reduction in energy use by 2020.

 **Renewable Energy**-The community falls well short of our goal of 10% of electricity being produced by renewable resources by 2020. Presently only a small percentage of Breckenridge's electricity comes from renewable resources. Despite our low percentage of overall electricity coming from renewable resources, 989 kW of renewable infrastructure was added in 2011, making it the greatest amount of renewable energy infrastructure added in a single year.

 **Solid Waste Generation**—From 2007-2011, solid waste has decreased by 33%, which is ahead of our 2020 reduction goal of 20%. 2010-2011 saw a 4% decrease. However, during the same period we have decreased our diversion rate (percent of materials recycled) from 28% to 24%, significantly below our goal of a 40-75% diversion rate by 2020, with a 5% reduction in the diversion rate between 2010 and 2011.





## 2011/12 Resource Conservation Achievements

- Solar on Town facilities (459 KW installed in 2011), offsetting 14% of all Town facility electric consumption.
- Upgrades made to Rec Center lighting along with mechanical controls for the snowmelt system.
- Development code change adopted to incentivize energy efficient construction as measured through a HERS (Home Energy Rating Survey) index.
- Development code change adopted to permit more sustainable material (fiber cement siding) on building exteriors.
- Voluntary SustainableBreck Business Certification program released in 2012 which provides town funded sustainability and energy audits to businesses. Fifteen businesses signed up to date.
- Town contracted with company to develop two solar gardens on Town owned property.
- Valley Brook Neighborhood, a Town developed project, received HERS rating of 40-55 which is 50% more efficient than a code compliant home.

DID YOU KNOW?


The average person goes through 500 plastic bags every year.



# Local Economy

The Town seeks to Focus on efforts to enhance and promote the tourism related economy, strengthen marketing efforts toward new visitors and provide an atmosphere which focuses on economic stability in real estate and commercial trades.

## National


 **Unemployment**– Since 2007, an economically stable period, both Summit County and the State of Colorado’s average annual unemployment rate has continued to climb through the end of 2011. The national unemployment rate also increased during this time, however it has seen a slight downward trend since November 2011.

## State



## Local



 **Area Median Income (AMI)**– In Summit County, the AMI has risen 12.4% (between 2007 and 2011).

## \$ Volume Sales



**Real Estate**– The dollar volume of sales in the Breckenridge area decreased 2% between 2010 and 2011. However, in comparing year to date data for 2011 to 2012, real estate sales is up 2%. The number of properties starting the foreclosure process has also been cut by 26% during the same time period.

## Foreclosures



**Lodging**– The six month lodging forecast for 2011 started out at an average of 3.4% down from 2010. However, future bookings picked up slightly starting in May at an average of 2% for the remainder of the year. 2012 YTD shows an increase of 13.2% in our future 6 month outlook.







**Sales Tax**- Breckenridge taxable sales for 2011 was up 2.6% over 2010 and 8.9% from January 2012 through July 2012. Lodging was up 5.8% between 2010 and 2011 and 3.3% 2012 YTD. We are optimistic to see an increased sales and accommodation tax collected during a time period of high unemployment and lower CCI and hope it translates to a recovery in tourism.





## Local Economy continued...

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-  **Consumer Confidence Index (CCI)**- The Consumer Confidence Index (CCI), saw a consistent downward trend in 2011 and in October it hit a low of 39.8 points. After October, the index generally rose until February 2012, reaching 71.6 points and has since started a slow overall downward trend. However it is still in the range that most economists consider a “good” level of consumer confidence.
-  **Real Estate Transfer Tax (RETT)**- Between 2008 and 2011, the real estate transfer tax fell 9.5%. The 2012 YTD RETT remains relatively flat compared to the same time period last year, up 0.4%.
-  **Standard & Poor’s 500 (S&P 500)**- While 2011 saw fluctuating adjusted closing prices, 2012 YTD has had an overall trend of higher adjusted closing prices.
-  **Traffic**-The annual traffic count at the Eisenhower tunnel (westbound) was down 4.7% over 2010 in 2011. Data showed that the annual traffic coming into town on Highway 9 dipped 0.9% during the same period. Traffic flows indicate that the Town is actually gaining its relative capture rate coming from the tunnel. The same trend has continued in 2012.



## 2011/12 Economic Achievements

- Town has added a few new special events at the recommendation of the Marketing Advisory Committee (BMAC) and Town Council including the Rodeo, USA ProCycling Challenge and additional concerts geared toward young families.
- BRC/BMAC working on joint marketing efforts with package deals in target markets.
- Efforts to engage lodging companies, retailers and restaurants to assist in informing customers on activity information have been made.
- The Town has hired consultants to master plan the Riverwalk Center and Arts District to create a long term appeal to its guests.
- BMAC has continued to work on enhancing programs to increase lodging and general visitation.
- The Breckenridge Resort Chamber (BRC) website has become more inclusive as a central “clearing house” of offerings in Town.
- Town rec opportunities enhanced with addition of 4 new trails and/or realignments; historic interpretive signage and spurs in the Golden Horseshoe; sharrows and bike path overlays; rec passes sold online; more races in Breck Ascent series and curling added to Ice Arena.
- Historic Engine #9 added to historic site offerings; added new saloon tour.
- Code amendment passed to allow for basement density of historic commercial buildings to have other uses beyond storage.





# Transportation

The Town strives to lessen automobile dependency in favor of alternative modes of travel to reduce the consumption of fossil fuels, alleviate traffic congestion and minimize the amount of resources dedicated to parking management and infrastructure.



**Alternative Transportation**—According to the 2010 American Community Survey, U.S. Census, alternative transportation usage among Breckenridge’s workforce is higher than the U.S. and State of Colorado averages. 2010 shows significant growth over 2009 (of 9.6%) in alternative transportation usage with public transit and walking the preferred methods in Town for 36% of the respondents. Breckenridge commuters used public transportation and walked in greater numbers than most of the similar communities they were compared against.



**Traffic Volumes**—The ski season traffic volume decreased 7.1% from 2001/2002 to 2011/2012. The 2009/2010 season to 2010/2011 season remained relatively the same with an increase in traffic volume by 0.18%. Over the long term trend, skier days increased 5.5%.



**Transit**—Since the launch of the Freeride there has been a significant growth in ridership. Despite this long-term trend of system growth, ridership decreased 3.5% from 2010 to 2011. This decline is not directly attributed to anything in particular but the large decrease in ridership from 2009 to 2010 is attributable to the significant non-winter service reductions instituted in 2010.

**Ski Resort**

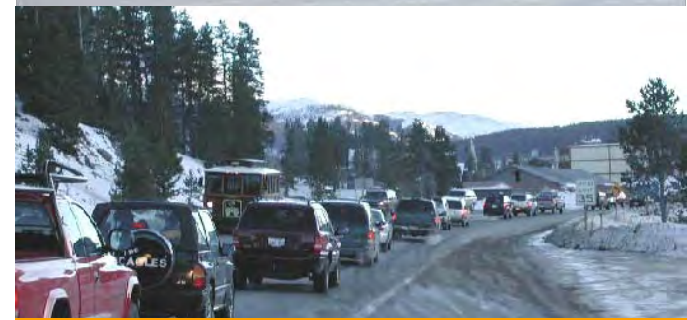


**Parking**—The recommended guideline for optimal parking levels is to design facilities for the 5<sup>th</sup> busiest day. To illustrate what this looks like we have selected the 5th busiest days from three categories. In the category of Town owned lot parking the 5th busiest day totaled 920, and is at 79% of our current capacity. For on-street parking the total was 417 or 72% of capacity. Lastly ski resort parking totaled 1,942 vehicles, resulting in 101% of current capacity. Using this methodology indicates our Town controlled parking supply is adequate and the Ski Resort’s day skier parking allocation is deficient.

**Town**



**Congestion**—The Town began measuring days of congestion in the 2009/2010 winter season to better identify congestion trends and reoccurring trouble spots. In 2009/2010, a total of 26 days required manual traffic control, in 2010/2011 the number of days dropped to 23 and most recently during the 2011/ 2012 season the number of days decreased to our target of 20 days.





## 2011/12 Transportation Achievements

- The Town obtained a Gold Level Bicycle Friendly Community Designation from the League of American Bicyclists.
- Complete Streets policy adopted.
- Increased bike parking, bike striping and sharrows.
- Last summer, the Town added bulb-out improvements to assist pedestrian crossings at the intersection of Main Street and Watson.
- Sidewalk installed along Airport Road.
- The Town held it's fourth annual Employee Green Commutes Program, encouraging employees to take an alternative mode of transportation to work.
- Our community ranking in the National Bike Challenge Program was first in the state and 6th nationally.
- The Town adopted "rolling stop" legislation, making the Town more bike friendly.

**DID YOU KNOW?**

**Traffic volumes on Highway 9 decreased 7.1% from 2001-2011, during the same period skier days increased 5.5%.**



# Water

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The Town seeks to conserve water, maintain high standards of water quality and increase its ability to fully store available water rights to ensure an adequate water supply for future generations.

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**Water Use**—In 2011, water production in the Town of Breckenridge Water System is down for the third consecutive year. Breckenridge’s yearly per capita water production decreased 47% between 2000 and 2011. The year 2011 produced the lowest amount of water per capita of the previous eleven years.



**Peak Day Water Use**—Peak day water use and per capita peak day water use increased from 2010-2011. However, the system overall is operating well below capacity at 55% for the annual peak day compared to the water system’s current buildout level of 71%.



**Water Supply**—The Town’s water system at buildout is projected to exceed future buildout demand. A water system buildout estimate has been conducted every year since 2007 to ensure the Town’s water system will have enough capacity to adequately service future growth.



## 2011/12 Water Achievements

- Summit, Grand and Eagle counties entered into an agreement with Denver Water in which the Town of Breckenridge will receive an additional 182 acre/feet of annual yield in the Dillon and Clinton reservoir and \$2 million for environmental, water quality and water supply projects.
- Task Force continues to investigate a reservoir and new water treatment facility.

DID YOU KNOW?

**The Town currently has the ability store 57% of its water rights.**







# Recreation & Open Space


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The Town aspires to maintain our existing inventory of open space properties and trails, acquire additional open space property that complements existing properties, increase trail connectivity, provide new recreational opportunities, renovate existing parks/facilities and develop new parks and facilities

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 **Open Space Acreage** — Since the Open Space Program’s inception in 1996, 4,046 acres of open space have been acquired. Last year, 224 acres were acquired through the program including joint Town/County properties.

 **Miles of trails** — The Town maintains a 22 mile network of in Town trails and 25 miles of jointly owned Town/County trails. In the last year, 1.5 miles of new trails have been constructed and incorporated into the Town’s trail network. In addition to the Town’s trail network, there are over 100 miles of trails on United States Forest Service land which compliment the Town’s trail system.

 **Park Acreage** — Presently the Town’s 52.9 acres of park space inventory is below the 87 acres recommended by the National Parks and Recreation Association. In the last year no new park space has been developed. However, the Town has identified a number of future park sites along the Blue River corridor.





## 2011/12 Recreation and Open Space Achievements

- Cucumber Gulch Management Plan was adopted.
- \$1.7 million worth of open space was acquired in 2011 through open space funds.
- In 2011, 13 trail maintenance projects were completed and 2 new trails constructed.
- Monitoring of the Cucumber Gulch continued with the hiring of new hydraulic/water consultants.
- Rocky Mountain Youth Corps crews closed and revegetated 1.8 miles of unsustainable user-created trails in the Golden Horseshoe.
- A major landscape project added several hundred trees along the Blue River on Block 11.

**DID YOU KNOW?**


**The Town has successfully obtained more than \$ 250,000 in grant funding for trail maintenance and construction since 2005.**







# Forest Health

The Town seeks to aggressively undertake forest health initiatives to protect residents and visitors from a large scale wildfire, protect the Town's watershed and associated water supply infrastructure and conduct large scale replanting efforts in areas with extensive tree removal.

 **Forest Management Treatment on Open Space Properties** — The Town of Breckenridge continued its forest health and defensible space treatments on Town open space in 2011, targeting open space parcels adjacent to or surrounded by residential development. Over the past year, nine (9) units of land, totaling 101 acres, within and around the Town were treated in an effort to promote species diversity, regenerative health and defensible space.

 **Forest Management Treatment on National Forest Properties** — To combat the existing unhealthy forest conditions, the U.S. Forest is proposing to treat 5,700 acres of forest surrounding the Town of Breckenridge. None of these proposed treatments have occurred to date.

 **Defensible Space** — In mid 2009 the Town initiated a voluntary defensible space policy. To date 471 of 1,674 recommended properties have been treated. There were 259 properties treated in 2009, 25 properties treated in 2010, 165 properties in 2011 and 22 properties as of August 2012.



## 2011/12 Forest Health Achievements

- In 2010/11, 101 acres of jointly owned Town and County properties underwent forest health projects. 2012 forest health projects include 84 acres of firebreak and fuels reduction projects.
- Tree replanting and seed scattering projects were undertaken in 2011.
- A major revegetation and tree planting project was completed along the Blue River corridor on Block 11.
- Tetra Tech has been contracted to complete a Watershed Protection Plan identifying water and sediment catchment methods. Staff expects that the Plan will be completed in Spring 2013.

### DID YOU KNOW?

**The Town has partnered with the Bristlecone Foundation to plant over 1,000 trees since 2010.**





# Housing

The Town strives to ensure the availability of affordably priced housing for its permanent residents through the protection of market-rate housing serving as workforce housing, the creation of deed restricted for sale units priced for average incomes families and the creation of deed restricted rental housing.



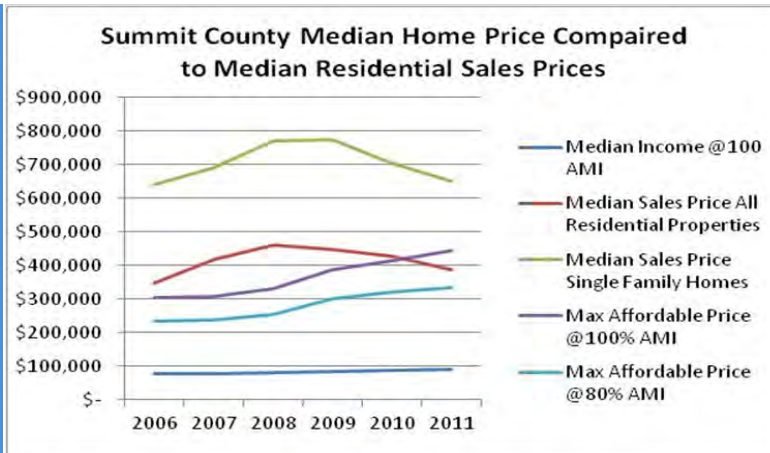
**Deed Restricted Workforce Housing Inventory** — In 2011, 73 deed restricted workforce housing units were added to the Town’s inventory. Since 2001 the number of deed restricted workforce housing units has increased from 225 to 621 units.



**Housing Affordability Gap** — In the last year, the gap between the median sales price of residential property in Summit County and the affordable price for a four person family making 100% of the area median income (AMI) has decreased due to a drop in both median sale price and interest rates.

## Housing Affordability Gap Explained

*The housing affordability gap is the gap between the maximum mortgage that a four person household earning 100% of the area median income can afford and the median sales price of housing in Summit County at the average annual interest rate.*





## 2011/12 Housing Achievements

- Valley Brook Neighborhood provided 41 new deed restricted units.
- The Town entered into a service contract with SCHA in November 2011 to implement a buy down program.
- One unit was been purchased as a buy down unit and 1 buy down unit was sold.
- 7 new private sector deed restricted housing units were constructed in 2011 and 4 units in 2012.
- A Request for Proposal (RFP) has been issued for a new Housing Needs Assessment. Staff expects to have the assessment completed in 2013.
- The Town completed the USFS land trade to acquire the Claim-jumper property for affordable rental units and is working on a plan for up to 100 new apartments.


### DID YOU KNOW?


**Over the last decade growth in primary residences has out-paced second home development in the Town.**





# Land Use

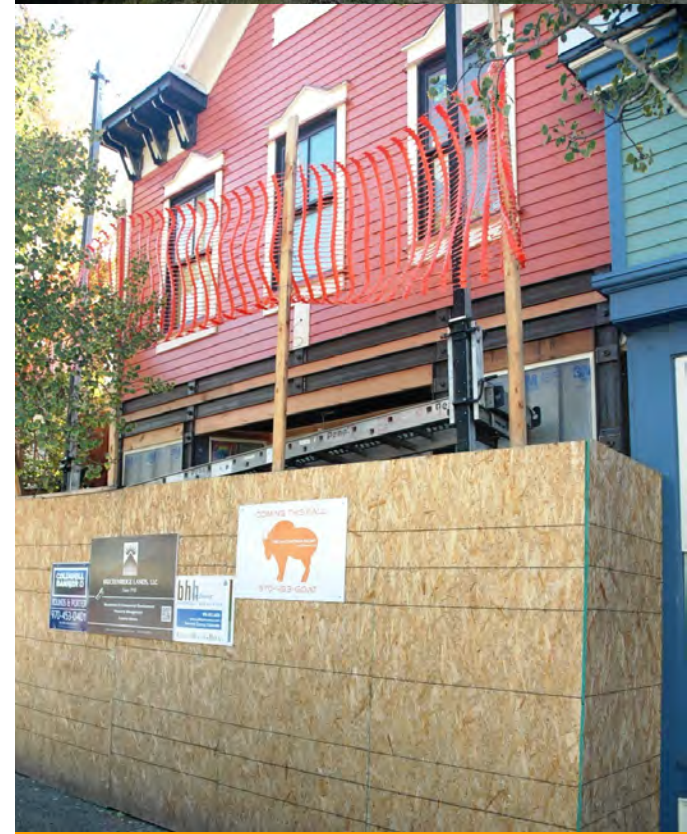
Protecting backcountry lands, historic resources, maintaining service commercial uses and not exceeding the Upper Blue Basin’s buildout are all land use priorities for the Town.

 **Buildout** — As of January 1, 2012 the combined total of residential units located within Breckenridge, Blue River and unincorporated Summit County is 10,968, below the target goal of 14,255 units. Additionally over the past year, the growth rate of newly constructed units in Town was 1.2%, well below the historic average.

 **Backcountry Protection** — Since 2000, the Upper Blue Transfer of Development Rights (TDR) Program has protected 988 acres of sensitive backcountry resources. This is in addition to the 4,046 acres of open space protected through the Open Space Program.

 **Service Commercial** — On January 1, 2011 a baseline of service commercial properties was established. A total of 96 units and 233,302 square feet of service commercial space are located within Breckenridge and adjacent unincorporated Summit County. No new commercial space has been added since the baseline was established.

 **Historic Resources** — Since 2003, 14 historic structures have been locally landmarked in connection with redevelopment and preservation efforts, half of which have been in the last 4 years.



## 2011/12 Land Use Achievements

- The Joint Upper Blue Master Plan was amended and readopted in 2011.
- The Town continues to financially support the bulk of operations and capital expenses which promote heritage tourism for the Breckenridge Heritage Alliance.
- Planning staff continues to meet with key property owners in the historic district to promote private historic preservation projects and encourage adaptive reuse.

### DID YOU KNOW?

**Breckenridge's National Register Historic District was formed in 1980 and is one of the largest in the State of Colorado.**





## Child Care

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The Town aspires to support child care centers in creating quality child care programs which are accessible and affordable for Breckenridge families and workforce and to secure a long-term funding source.

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**Scholarship Program-** The Town's Child Care Scholarship program has gained incredible momentum growing by 125% in number of children served since its inception in 2009. Between 2011 and 2012, the number of children receiving scholarships grew 31% to 239 children.



## 2011/12 Child Care Achievements

- In 2011, the Town funded scholarships for 179 families which translates to 239 children. This represents approximately 50% of the children in care.
- Childcare Task Force was created to make recommendations on childcare cost savings strategies, long term funding, and scholarship guidelines.
- A possible Citizen's Initiative is being evaluated for November 2013 to establish a dedicated revenue stream.

### DID YOU KNOW?

**1,027 working families have received Town funded childcare scholarships since 2008.**





## Wildlife

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The Town seeks to preserve large, biodiverse open spaces that serve vital wildlife habitat through land purchases and through practice with the development of a wildlife management plan.

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Overall Cucumber Gulch Preserve Health— In the 2011 year end report, Dr. Christy Carello, the Town’s wildlife consultant found no notable changes in overall special richness, diversity, composition or abundance in the Preserve. However, in a small sampling, there was signs of reduction of avian species diversity, abundance and richness in the Upper Cucumber Gulch. Research along summer recreational routes indicated no change in abundance between open and closed trails.



## 2011/12 Wildlife Achievements

- Town acquired the 17 acre MBJ parcel and the 17 acre Cucumber Wedge parcel in the Cucumber Gulch area containing important wetlands. The parcels also contain a high priority wildlife migration corridor.
- The Town initiated work on the Swan River restoration project planning to assist in restoring native cutthroat trout habitat.
- The Town adopted the Cucumber Gulch Wildlife Preserve Management Plan.

### DID YOU KNOW?

**The Town has conducted yearly wildlife monitoring in Cucumber Gulch since 2000.**







For more information please visit [www.sustainablebreck.com](http://www.sustainablebreck.com)





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## MEMORANDUM

**TO:** Town Council  
**FROM:** Chris Neubecker, Current Planning Manager  
**DATE:** October 16, 2012  
**SUBJECT:** Planning Commission Vacancies

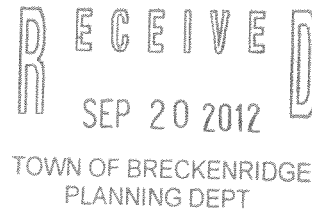
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Attached please find four letters of interest for the Planning Commission. There are three vacancies on the Commission. These terms will run until October 31, 2016. You will be interviewing four applicants.

Suggested interview questions and a ballot will be emailed under separate cover.

September 20, 2012

Director of Community Development  
Town of Breckenridge  
150 Ski Hill Road  
Breckenridge, CO 80424



Dear Director of Community Development:

I write to express my interest in serving a second term on the Town of Breckenridge Planning Commission.

Throughout my tenure as a Planning Commissioner I have taken my role seriously and have actively participated in meetings and ongoing education opportunities. During my first term I learned a great deal about how the Town of Breckenridge applies the code to evaluate projects. I have grown to understand many aspects of the planning and review process and would appreciate the opportunity to continue to serve as a Town of Breckenridge Planning Commissioner.

My motivation toward serving a second term is driven by my interest in being an active member of the community. For me personally, this role has provided a professional growth opportunity through the many challenges it presents. My participation in the review and development of consent calendar items, work sessions, master plans, and preliminary and final applications is an important part of my professional life. I enjoy the role I serve as a community catalyst.

The skill set I bring as an applicant to the Town of Breckenridge Planning Commission is of high value. Please consider me for a formal interview. I am excited about this ongoing opportunity with the Town of Breckenridge. I look forward to speaking with you about serving a second term on the Town of Breckenridge Planning Commission.

Sincerely,

A handwritten signature in cursive script that reads "Dan Schroder".

Dan Schroder  
14 Meadow Lark Green  
Breckenridge, CO 80424



## Dan Schroder

Mailing: P.O. Box 2303

Physical: 14 Meadow Lark Green, Breckenridge, CO 80424

Cell: 970-389-5756; danjschroder@yahoo.com

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**Objective:** Gain reappointment on Town of Breckenridge Planning Commission

### EDUCATION

**Master of Education**, Elementary Education

Regis University, Denver, Colorado

**Bachelor of Science**, Environmental Science

Minor, Appropriate Technology

Humboldt State University, Arcata, California

### PROFESSIONAL EXPERIENCE

**Natural Resources Agent and Director**

*Colorado State University Extension, Summit County*, Frisco, CO; 2010-Present

- Engage community members in county wide forest health initiatives
- Administer Summit County Wildfire Council
- Oversee Summit County 4-H Youth Development

**Planning Commissioner**

*Town of Breckenridge*, Breckenridge, CO; 2008 – 2012

- Utilize code based approach to evaluate applications and review community development policies
- Served as Chair in 2012

**Senior Associate, Key Issues Program Director**

*The Keystone Center & Keystone Science School*

Keystone, CO; June 2000-December 2009

- National: Train classroom teachers to teach students to be critical thinkers through sustainability, systems thinking, and consensus building concepts utilizing past and present Summit County issues
- Local: Teach water science, weather, climate, chemistry, and forest ecology as well as interpersonal initiatives to Summit School District K-8 students

**Teacher, Yearbook Advisor, Supplies Manager**

*Joseph Academy*, Niles, IL; school year 1999-2000

- Teach learning and behaviorally challenged students in alternative school

**Program Director**

*AmeriCorps\*VISTA Member: Recycling to Build Community*, Arcata, CA, Nov 1996 - Dec 1997

- Co-established and managed overall operation of The Order of the Dragon Kids Recycling Club

**Wilderness Trip Leader**

*Poulter Colorado Camps*, Steamboat Springs, CO. Summer 1993-1998

- Lead up to 18 students on up to month long outdoor courses in Routt National Forest

Michael R. Cavanaugh  
P.O.878  
Breckenridge, Co. 80424

RECEIVED  
SEP 25 2012  
TOWN OF BRECKENRIDGE  
PLANNING DEPT

Director of Community Development  
P.O. 168  
150 Ski Hill Rd.  
Breckenridge, Co. 80424

To Whom it may Concern,

This Letter is to show my interest in the available vacancies on the Town of Breckenridge Planning Commission for terms from November 1, 2012 to Oct. 31 , 2016. Attached is my resume .

Sincerely,

 09-25-12

Michael R. Cavanaugh

Synopsis of a resume of: Michael R. Cavanaugh  
P.O. Box 878  
Breckenridge, CO 80424

- 1985 Owner: Brown hotel and Restaurant Breckenridge, CO 80424  
Numerous remodel projects to the interior. Owned and operated to present day.
- Director: Cavanaugh Resorts, Breckenridge, CO 80424  
Duties include property management, guest services, marketing expenditures and staff supervision for local/private owned rental properties.
- Police Commissioner: Town of Blue River, CO 80424  
Responsible for lawful deliberation within the limits of the town, participation in bi-monthly board meetings, community improvement objectives and maintaining adequate performance of personnel that vocate daily, active duty.
- Ski Instructor: Summit County  
Position encompassed scheduling and instruction of students under provisions of the RMSIA code.
- 1984 General Contractor: Residential Project, Breckenridge, CO  
Responsible for purchase of interior furnishings and internal finish work. Total structure measuring 6000 sq. feet.
- Director: Initiated formal explication of Cavanaugh Resorts Property Management Company.
- General Contractor: Residential Project, Breckenridge, CO  
Responsible for structural planning, budgeting, completion and staff management.
- Ski Instructor: Summit County, CO.  
Duties outlined above.
- 1983 General Partner: CDC Enterprises Breckenridge, CO.  
Performed as partner and general contractor for construction of Warrior's Mark project.
- Ski Instructor: Summit County, CO.  
Duties outlined above.
- Public Official: Town of Blue River, CO  
Appointed as Trustee for Town of Blue River.
- 1982 Negotiated with the S.B.A. (Raoul De Chante) and Breckenridge Lands Investment regarding the purchase and lease of an established restaurant located in the Lincoln West Mall on Main St in Breckenridge. The contract was negated upon review of financial prospectus.
- 1979 Manager and Vice President: Spruce Creek Investments; dba Adams Street Café  
Was responsible for complete reorganization of business proceedings which facilitated a marked increase in profit and generated financial solvency which had been in deficit prior to my employment with the establishment.  
(Frank Wilson)



Assistant Marketing Director: Recreation Sports, Breckenridge, CO

Responsible for all general advertising, specifically scheduling and directing of weekly destination ski tours for groups averaging 40 in number.

1977 Assistant Manager and Shareholder: Jar-Win Coperationdba; Mike's Pub, Breckenridge, CO

Duties encompassed all those of restaurant management, including marketing, customer relations and staff supervision.

1976 Ski Instructor: Breckenridge Ski Area, Breckenridge, CO

NASTAR program coordinator in addition to daily ski school responsibilities.

Head Carpenter: Armstrong Wall/Gore Range Construction.

Various building projects within Summit County.

Project Involvement: Was involved in the building of Peak 9 Restaurant, Beck Building (Swiss Haven) and Bank of Breckenridge building (Kenosha Steakhouse.)

1972 Began permanent residence in Breckenridge, CO.

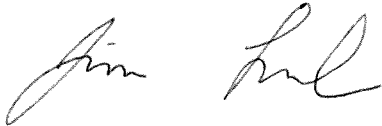
Oct. 4, 2012

Jim Lamb  
Box 3854  
Breckenridge, CO  
80424

Dear Mayor Warner and the Breckenridge Town Council,

I would like to apply for another term on the Breckenridge Planning Commission. I feel that I bring a solid understanding of the code and policies involved in the planning process. I have lived in the historic district for many years, and have a strong understanding of the area. I have completely restored an 1881 house on Harris Street, and am currently finishing up the restoration of a historic shed. I feel that I bring dedication and experience to the commission.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Jim Lamb".

Jim Lamb

RECEIVED  
OCT 04 2012

TOWN OF BRECKENRIDGE  
PLANNING DEPT

October 7, 2012

David Pringle  
PO Box 859  
Breckenridge. CO 80424

RECEIVED  
OCT 09 2012  
TOWN OF BRECKENRIDGE  
PLANNING DEPT

To : The Honorable Mayor John Warner

The Breckenridge Town Council

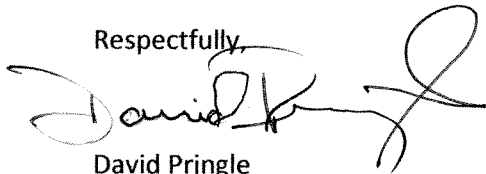
It has been my distinct privilege and honor to have served on the Breckenridge Planning Commission for thirty-five and a half years. It is a gratifying and rewarding experience, and I hope that you have found my time on the commission to have been a positive contribution. Your trust and confidence in me is deeply rewarding.

I believe that the Planning Commission provides a valuable service to the town, and that the commissioners have a unique responsibility to be conversant in all town codes and be able to apply them to a wide variety of situations. There are elements of the code that at times come into conflict with each other. Being able to discern the nuances of conflicting polices, organizing and reprioritizing the values that sometimes change over time, is one of the many functions the commission is faced with, as we interpret and enforce the code. Reviewing applications from the simplest to the very complex requires a commission with a great deal of experience and knowledge, especially relating to precedents of past decisions.

I believe the years I have served the town have helped to instill a sense of consistency and bring a degree of predictability to the planning process.

In closing, I seek your continued confidence and ask that you re-appoint me to another term on the Planning Commission.

Respectfully,



David Pringle