



**BRECKENRIDGE TOWN COUNCIL REGULAR MEETING**

Tuesday, November 13, 2012; 7:30 PM  
Town Hall Auditorium

<b>I</b>	<b>CALL TO ORDER, ROLL CALL</b>	
<b>II</b>	<b>APPROVAL OF MINUTES - OCTOBER 23, 2012</b>	<b>3</b>
<b>III</b>	<b>APPROVAL OF AGENDA</b>	
<b>IV</b>	<b>COMMUNICATIONS TO COUNCIL</b>	
	A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)	
	B. BRECKENRIDGE RESORT CHAMBER UPDATE	
	C. RWB FD UPDATE	
<b>V</b>	<b>CONTINUED BUSINESS</b>	
	A. SECOND READING OF COUNCILS BILLS, SERIES 2012 - PUBLIC HEARINGS-NONE	
<b>VI</b>	<b>NEW BUSINESS</b>	
	A. FIRST READING OF COUNCIL BILLS, SERIES 2012	
	1. COUNCIL BILL NO. 31, SERIES 2012-AN ORDINANCE SETTING THE MILL LEVY WITHIN THE TOWN OF BRECKENRIDGE FOR 2013	<b>6</b>
	2. COUNCIL BILL NO. 32, SERIES 2012-AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL WATER USER FEES EFFECTIVE JANUARY 1, 2013; AND MAKING MISCELLANEOUS AMENDMENTS TO TITLE 12 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE WATER ORDINANCE"	<b>8</b>
	B. RESOLUTIONS, SERIES 2012	
	1. RESOLUTION NO. 25, SERIES 2012-A RESOLUTION AUTHORIZING THE SUBMISSION OF AN ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM GRANT APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS (103 South Harris Street Building)	<b>14</b>
	C. OTHER	
	1. PUBLIC HEARING - 2013 BUDGET	
<b>VII</b>	<b>PLANNING MATTERS</b>	
	A. PLANNING COMMISSION DECISIONS	<b>26</b>
	B. PLANNING COMMISSION REPORT (MR.GALLAGHER)	
<b>VIII</b>	<b>REPORT OF TOWN MANAGER AND STAFF</b>	
<b>IX</b>	<b>REPORT OF MAYOR AND COUNCILMEMBERS</b>	
	A. CAST/MMC (MAYOR WARNER)	
	B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BREWER)	
	C. BRC (MR. BURKE)	
	D. MARKETING COMMITTEE (MR. DUDICK)	
	E. SUMMIT COMBINED HOUSING AUTHORITY (MS. WOLFE)	
	F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BREWER)	
	G. WATER TASK FORCE (MR. GALLAGHER)	

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

- H. LANDFILL TASK FORCE (MS. WOLFE)
- I. PUBLIC ART COMMISSION (MR. GALLAGHER)

**X OTHER MATTERS**

**XI SCHEDULED MEETINGS**

**37**

**XII MEMO ONLY ITEMS [MISC. DOCS/NON-DISCUSSION ITEMS]**

- A. FOLLOW UP REPORT TO BUDGET RETREAT

**38**

**XIII ADJOURNMENT**

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**I CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of October 23, 2012 to order at 7:32pm. The following members answered roll call: Mr. Gallagher, Ms. Wolfe, Mr. Brewer, Mr. Dudick, Ms. McAtamney, Mr. Burke and Mayor Warner.

**II APPROVAL OF MINUTES - OCTOBER 9, 2012**

The following changes were made to the October 9, 2012 minutes: Mr. Burke asked to correct the spelling of Mr. Cavanaugh name. Mr. Burke wanted us to strike the statement that he had voiced concerns about partnerships with Vail Resorts.

Under Other Matters- Mr. Dudick wanted to add that he had stated that he supports an allocation of resources towards an improved effort to educate the public on their water billing.

Mayor Warner declared the meeting minutes of October 9, 2012, would stand approved as corrected.

**III APPROVAL OF AGENDA**

Mr. Gagen reported there were no changes to the agenda.

**IV COMMUNICATIONS TO COUNCIL**

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

Ms. Swider, a representative of the Forest House Condominiums residents, wanted to speak to the Council regarding overnight parking issues on High St. in the area of Carter Park; She was hoping that the Town would consider adding additional parking spaces; This is only the second year with the parking permits; There are more permits than there are spaces; The Council had a discussion regarding the policy of overnight parking. The Council stated that they would look into this.

Mr. Casey, Chair of the BOEC Board of Directors, wanted to thank the Council and Staff again for their approval of the new BOEC ski school offices. He also shared the article the Summit Daily had written regarding these new facilities. There will be a grand opening soon and the Council will be invited to attend.

Mr. Sodergren wanted to talk to the Council regarding the pricing of the F-lot in relation to the other Ski Area parking lots. He stated that we, as a Town, are trying to encourage people to come into the core of the town and the pricing is prohibitive. He wants the Town to consider changing the price to match the other lots and possibly encourage more people to come into the core of the town. The Council stated they would discuss this at the budget retreat next week.

**B. SKI AREA UPDATE**

Ms. Pat Campbell, COO of Breckenridge Ski Resort, stated that the snowmaking season is officially underway; With 16 days left until opening, they are confident that they can make enough snow to make this date; Opening day on November 9- Peak 8; Peak 9-Target date is November 21(day before Thanksgiving); Peak 7-opening on November 30; Wake up Breckenridge event on Thursday, Nov 8.

Very busy season for them; working on marketing and PR for opening week events; Winter is back viral video, featuring ULLR is out; Today Show-Australia will be doing a live broadcast at the Dew Tour; There is also going to be a weather summit happening again this winter in Breckenridge.

Cucumber gulch update: They have completed the repair of two drop inlets and construction of another is ongoing; Will be ready for spring run-off.

Still in the appeal period for the Peak 6 expansion; will no more at the end of November.

**C. US PRO CHALLENGE DEBRIEF**

The USPCC organizing committee showed a great photo montage from the race; Brian Waldes stated they came in ahead of their budgeted amount for sponsorship; they had budgeted to take in at least \$20,000 in sponsorship and ended up getting \$27,000; This is more than what they got for the finish stage in 2011; They are actually going to come in below the budgeted expenditures for this event.; According to the surveys sent to all of the retail businesses, 94% of business owners thought it was a very positive event for the Town; They presented a few commemorative items from the event.

Mr. Michael Shilling stated that this event is going to go forward in the future; He has however turned in his resignation for his position because of personal reasons

Ms. Lucy Kay stated that the amazing organizing committee, Town staff and all of the volunteers made this event so successful; they are very grateful to have the Town Councils support; Thanks for having a vision that this will benefit the Town in the long run; Strongest start of any community in the tour this summer; There is such passion for this event and many people who want to volunteer for this event; The bid process is in the works for next year, will update the Council as soon as they hear more.

**V CONTINUED BUSINESS**

**A. SECOND READING OF COUNCILS BILLS, SERIES 2012 - PUBLIC HEARINGS-NONE**

**VI NEW BUSINESS**

**A. BRECKENRIDGE FREE RIDE 15TH BIRTHDAY PROCLAMATION**

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Ms. Maribeth Lewis, Manager of the Transit division, stated that they are approaching the 15th anniversary of the Breckenridge Free Ride system; On Nov. 13, 2012 they will be having an open house celebration at the Breckenridge Station.

Mayor Warner read a proclamation celebrating the free ride anniversary.

**B. FIRST READING OF COUNCIL BILLS, SERIES 2012 - NONE**

**C. RESOLUTIONS, SERIES 2012**

1. Resolution No. 24 - A RESOLUTION DETERMINING THAT A WATER SHORTAGE NO LONGER EXISTS IN THE TOWN OF BRECKENRIDGE; AND REPEALING THE MANDATORY RESTRICTIONS ON THE USE OF WATER BY CUSTOMERS OF THE TOWN'S WATER SYSTEM IMPOSED BY RESOLUTION NO. 17, SERIES 2012

Mayor Warner read the title into the minutes. Mr. Daugherty stated that the Town was no longer in the watering season and thus they are repealing these water restrictions.

Mr. Gallagher moved to approve Resolution No. 24 - A RESOLUTION DETERMINING THAT A WATER SHORTAGE NO LONGER EXISTS IN THE TOWN OF BRECKENRIDGE; AND REPEALING THE MANDATORY RESTRICTIONS ON THE USE OF WATER BY CUSTOMERS OF THE TOWN'S WATER SYSTEM IMPOSED BY RESOLUTION NO. 17, SERIES 2012

Mr. Burke seconded the motion.

The motion passed 7-0.

**D. OTHER - NONE**

**VII PLANNING MATTERS**

**A. PLANNING COMMISSION DECISIONS**

With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission decisions would stand approved as presented.

**B. PLANNING COMMISSION APPOINTMENTS**

Mr. Burke made a motion to appoint Mr. Schroder, Mr. Lamb and Mr. Pringle to the Planning Commission. Ms. McAtamney seconded the motion. Mr. Dudick recused himself from the vote. The motion passed 6-0.

**VIII REPORT OF TOWN MANAGER AND STAFF**

Mr. Gagen stated that they did get a response on the Beaver Run access issues; He talked with Jan Cutts from the Dillon Ranger District; He asked that they have some dialogue between the Forest Service and Beaver Run; Should hear more about this in the upcoming weeks.

Update on the vitality of the South end of town; Vail Lodging has shown interest in this area; The Town has put the Maggie on the top of the list of areas to re-evaluate.

USA Pro Cycling challenge has asked the question of whether or not Breckenridge would consider be the start location of the whole tour; We have only entered an application for either a start or a finish at this point; We will no more soon; Mr. Gagen asked the question of the Council about whether or not we would be interested in this; This commitment would be more money, but it would allow us to make it a weekend event; Will provide more information as it is presented.

**IX REPORT OF MAYOR AND COUNCILMEMBERS**

*\*These updates were shared as part of the work session because time allowed prior to the regular meeting.*

**A. CAST/MMC (MAYOR WARNER)**

No report.

**B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BREWER)**

Mr. Brewer stated that they did a field trip to the Cucumber gulch restoration area; the restoration is working really well and the work has come in under budget; Several Council members also stated that they are really please with the progress that has happened in this area.

**C. BRC (MR. BURKE)**

Mr. Burke stated that the BRC retreat is coming up on Friday/Saturday.

**D. MARKETING COMMITTEE (MR. DUDICK)**

No Report

**E. SUMMIT COMBINED HOUSING AUTHORITY (MS. WOLFE)**

No Report

**F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BREWER)**

Mr. Brewer stated that they had good attendance for the unveiling of the stained glass replica at the Barney Ford House Museum; Haunted tours are taking place during the end of October; They are still looking at the Jesse Mill study.

**G. WATER TASK FORCE (MR. GALLAGHER)**

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No Report

H. LANDFILL TASK FORCE (MS. WOLFE)  
No Report

I. PUBLIC ART COMMISSION (MR. GALLAGHER)  
No Report

**X OTHER MATTERS**

Mayor Warner gave an update from the sustainability task force; they need to look at restaurants and their use of non-reusable plates etc.

Mr. Gallagher wanted to discuss the option of an additional credit for recreation benefits; Possible compensation for the Planning commission members; Additional incentive to recruit people; Will discuss benefits at the retreat.

Ms. Wolfe brought up that the Town needs to work on the sound in the Council Chambers; Mr. Gagen stated that we are considering going to audio minutes and we would also be evaluating the sound system; The Council would be very supportive of this.

Mayor Warner met with Backstage theatre folks and let them know that they are a very important part of the arts district; They should in fact be an anchor of the Arts District; They will be meeting with the PAC soon.

Mr. Brewer wanted to discuss the additional bus stop that was supposed to be installed in the Wellington neighborhood; The neighbors would like the Town to get involved with making David O'Neill follow through with a plan for this and get this out of limbo.

**XI SCHEDULED MEETINGS**

A. ECONOMIC INDICATORS EXECUTIVE SUMMARY

**XII ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 8:42pm  
Submitted by Mistaya Pierpont, Administrative Services

ATTEST:

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Linda Coxen, Town Clerk

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John G. Warner, Mayor

**TO:** MAYOR AND TOWN COUNCIL  
**FROM:** FINANCE AND MUNICIPAL SERVICES DEPARTMENT  
**SUBJECT:** 2013 MILL LEVY  
**DATE:** 11/1/2012  
**CC:** TIM GAGEN, RICK HOLMAN

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The attached Council Bill establishing the 2013 Property Tax Mill Levy at the rate of 6.95 mills per dollar of assessed valuation of property within the limits of the Town of Breckenridge is hereby submitted to the Council for first reading. There is no change from the 2012 rate of 6.95 mills.

Of the 6.95 mills, 5.07 mills are for the purpose of defraying the expenses of the General fund. There is an additional assessment of 1.88 mills to meet the Town's general obligation indebtedness described in Ordinance No. 35, Series 1998, which is due and payable in fiscal year 2013.

# FOR WORKSESSION/FIRST READING – NOV. 13

COUNCIL BILL NO. 31

Series 2012

## AN ORDINANCE SETTING THE MILL LEVY WITHIN THE TOWN OF BRECKENRIDGE FOR 2013

WHEREAS, the Town Council of the Town of Breckenridge has determined that a mill levy of 6.95 mills upon each dollar of the assessed valuation of all taxable property within the Town of Breckenridge is needed to balance the 2013 Town budget;

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

Section 1. For the purposes of defraying the expense of the General Fund of Breckenridge, Colorado for the fiscal year 2013, there is hereby levied a tax of 5.07 mills upon each dollar of assessed valuation for all taxable property within the Town of Breckenridge.

Section 2. In addition to the General Fund mill levy described in Section 1 of this ordinance, there is levied an additional 1.88 mill upon each dollar of assessed valuation of all taxable property within the Town of Breckenridge. Such additional levy is imposed pursuant to the authority granted by the electors to the Town Council by Ordinance No. 35, Series 1998. The revenues generated by such additional mill levy shall be applied toward the installment of the Town's general obligation indebtedness described in Ordinance No. 35, Series 1998, which is due and payable in fiscal year 2013.

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

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

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of November, 2012. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27<sup>th</sup> day of November, 2012, at 7:30 P.M. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

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Linda Coxen, Town Clerk

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John G. Warner, Mayor

**MEMO**

TO: Town Council

FROM: Town Attorney

RE: 2013 Water Rate Ordinance/Ordinance Making Miscellaneous Amendments to Town's Water Ordinance

DATE: November 6, 2012 (for November 13<sup>th</sup> meeting)

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Enclosed with this memo is an ordinance adjusting the rates for users of the Town's water system effective as of January 1, 2013. The adjusted rates are a 1% increase over the 2012 water rates, and reflect the proposed 2013 Town budget.

In addition, the ordinance makes several amendments to the Water Ordinance that have been suggested by CIRSA, the Town's general liability insurance carrier. The proposed changes to the Water Ordinance are as follows:

1. Section 5 of the ordinance adds a new section to the Water Ordinance providing that the Town is not liable for damage caused by reason of a temporary or permanent change of the water pressure in the Town's water mains, or the stoppage of the flow of water through the Town's water system.
2. Section 6 deals with the right of the Town to modify water pressure in the water system or to shut off the water in a water main as part of its operation, repair, and maintenance of the water system. The section also provides that the Town is not responsible for damage resulting from water pressure changes or the stoppage of flow through the water system.
3. Finally, Sections 7 and 8 make a person who damages the water system liable to the Town for the actual and necessary costs incurred by the Town in repairing the damages, and require a person who causes damage to a user of the Town's water system to indemnify the Town against claims for the damage caused. The purpose of these two provisions is to place the financial burden on the party causing the damage, and to reduce the Town's potential financial exposure in such circumstances.

These three sections are similar to provisions in the City of Denver's water ordinance and regulations, and seem appropriate for inclusion in the Town's Water Ordinance.

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



1                   ***FOR WORKSESSION/FIRST READING – NOV. 13***

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

5  
6                   COUNCIL BILL NO. 32

7  
8                   Series 2012

9  
10                  AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL WATER USER FEES  
11                  EFFECTIVE JANUARY 1, 2013; AND MAKING MISCELLANEOUS AMENDMENTS TO  
12                  TITLE 12 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “TOWN OF  
13                  BRECKENRIDGE WATER ORDINANCE”

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

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

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

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

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

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

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

1           Section 2.    Effective January 1, 2013, Section 12-4-11 of the Breckenridge Town Code  
 2 is amended so as to read in its entirety as follows:

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

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

<u>Water Use Date</u>	<u>Base User Fee</u>
Effective January 1, 2012	\$30.64 per billing cycle per SFE
<b><u>Effective January 1, 2013</u></b>	<b><u>\$30.95 per billing cycle per SFE</u></b>

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

<u>Water Use Date</u>	<u>Excess Use Charge</u>
Effective January 1, 2012	\$3.05
<b><u>Effective January 1, 2013</u></b>	<b><u>\$3.08</u></b>

19  
 20           Section 3.    Effective January 1, 2013, Section 12-4-12(A) of the Breckenridge Town  
 21 Code is amended so as to read in its entirety as follows:

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

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

30           For water used commencing January 1, ~~2013~~ **2013**

<u>Meter Size</u>	<u>Base Water Fee Per Account</u>	<u>Usage Allowance Per Account (Gallons)</u>
Less than 1 inch	\$ <del>35.09</del> <b><u>\$ 35.44</u></b>	13,000
1 inch	<del>52.64</del> <b><u>53.16</u></b>	20,000

1	1 1/2 inch	91.84	35,000
2		<u>92.76</u>	
3	2 inch	144.61	54,000
4		<u>146.06</u>	
5	3 inch	278.06	105,000
6		<u>280.84</u>	
7	4 inch	429.84	162,000
8		<u>434.14</u>	
9	6 inch	844.55	318,000
10		<u>853.00</u>	

11  
12 Section 4. Effective January 1, 2013, Section 12-4-13 of the Breckenridge Town Code  
13 is amended so as to read in its entirety as follows:

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

16  
17 The in town base rate user fee and the usage allowance per billing cycle for all  
18 mixed use water using properties shall be calculated based upon the predominant  
19 use of the water using property as determined by the finance director. In addition  
20 to the base user fee, each in town mixed use water user shall pay an excess use  
21 charge of three dollars five cents (~~\$3.05~~ 3.08) per one thousand (1,000) gallons  
22 of metered water, or fraction thereof, used per billing cycle in excess of the  
23 applicable usage allowance.  
24

25 Section 5. Chapter 1 of Title 12 of the Breckenridge Town Code is amended by the  
26 addition of a new Section 12-1-17, entitled “No Guarantee of Pressure or Continuous Flow,”  
27 which shall read in its entirety as follows:

28  
29 **12-1-17: NO GUARANTEE OF PRESSURE OR CONTINUOUS FLOW:**  
30 **The Town is not responsible or liable for damage from any cause whatsoever**  
31 **to service connections, fixtures, and water using appliances, and no person is**  
32 **entitled to damages or payment of refunds, by reason of temporary or**  
33 **permanent pressure changes or stoppage of the flow of water through the**  
34 **Water System. Dirt and debris can enter the water lines for any number of**  
35 **reasons under normal operations of the Water System, and no person is**  
36 **entitled to damages by reason of dirt or debris entering a such person’s**  
37 **service line or connection.**  
38

39 Section 6. Chapter 1 of Title 12 of the Breckenridge Town Code is amended by the  
40 addition of a new Section 12-1-18, entitled “Variations in Operations,” which shall read in its  
41 entirety as follows:

42  
43 **12-1-18: VARIATIONS IN OPERATION: Water pressure and water flow**  
44 **in a main may vary as part of the normal operations of the Water System.**  
45 **The Town reserves the right at any time, without notice, to modify water**  
46 **pressure or shut off the water in a main as part of its operation, repair,**

1 replacement, modification, and maintenance of the Water System. The Town  
2 is not responsible for damage resulting from pressure changes or stoppage of  
3 the flow of water through the Water System, regardless of how the pressure  
4 change or stoppage was caused.

5  
6 Section 7. Chapter 1 of Title 12 of the Breckenridge Town Code is amended by the  
7 addition of a new Section 12-1-19, entitled “Damages To Water System,” which shall read in its  
8 entirety as follows:

9  
10 **12-1-19: DAMAGES TO WATER SYSTEM: Any person who damages the**  
11 **Water System is liable to the Town for the actual and necessary costs**  
12 **incurred by the Town in repairing such damages.**

13  
14 Section 8. Chapter 1 of Title 12 of the Breckenridge Town Code is amended by the  
15 addition of a new Section 12-1-20, entitled “Required Indemnification Against Third Party  
16 Claims,” which shall read in its entirety as follows:

17  
18 **12-1-20: REQUIRED INDEMNIFICATION AGAINST THIRD PARTY**  
19 **CLAIMS: To the fullest extent permitted by law, any person who, as a result**  
20 **of his or her negligent, intentional, or willful wrongful act, causes any**  
21 **damage to any user of the Water System shall indemnify, hold harmless, and**  
22 **defend the Town with respect to such damage; except to the extent such**  
23 **damage results from the negligent, intentional, or willful wrongful act of the**  
24 **Town, its officers, employees, or agents. “Damage” means each and every**  
25 **injury, wound, wrong, hurt, harm, fee, damage, cost, outlay, expenditure, or**  
26 **loss of any and every nature, including, but not limited to: (i) injury or**  
27 **damage to any property or right; (ii) injury, damage, or death to any person**  
28 **or entity; (iii) attorneys’ fees, witness fees, expert witness fees, and expenses;**  
29 **and (iv) all other costs and expenses of litigation. This indemnity provision is**  
30 **to be interpreted to require a person to indemnify, hold harmless, and defend**  
31 **the Town only to the extent of the proportionate share of negligence or fault**  
32 **attributable to such person.**

33  
34 Section 9. Except as specifically amended hereby, the Breckenridge Town Code, and  
35 the various secondary codes adopted by reference therein, shall continue in full force and effect.

36  
37 Section 10. The Town Council hereby finds, determines and declares that it has the  
38 power to adopt this ordinance pursuant to the provisions of Section 31-35-402(1)(f), C.R.S., and  
39 the powers possessed by home rule municipalities in Colorado.

40  
41 Section 11. This ordinance shall be published and become effective as provided by  
42 Section 5.9 of the Breckenridge Town Charter.

43  
44 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
45 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2012. A Public Hearing shall be held at the

1 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_ day of  
2 \_\_\_\_, 2012, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
3 Town.

4  
5 TOWN OF BRECKENRIDGE, a Colorado  
6 municipal corporation  
7

8  
9  
10 By \_\_\_\_\_  
11 John G. Warner, Mayor  
12

13 ATTEST:  
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16

17 \_\_\_\_\_  
18 Town Clerk  
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**MEMO**

**TO: Town Council**  
**FROM: Laurie Best**  
**DATE: November 6, 2012 (for November 13<sup>th</sup> meeting)**  
**RE: Resolution for Department of Local Affairs-Harris Street Community Building**

---

Staff is preparing a grant application which will be submitted to the Department of Local Affairs to request \$750,000 for the Harris Street Community Building project. The application deadline is December 1, 2012 and the application requires that the governing board officially authorize application for the funds. Therefore, a resolution that authorizes the submission of a grant application has been prepared for your approval.

Staff will be available to answer questions on the 13<sup>th</sup>.

1 ***FOR WORKSESSION/ADOPTION – NOV. 13***

2  
3 RESOLUTION No. 25

4  
5 SERIES 2012

6  
7 A RESOLUTION AUTHORIZING THE SUBMISSION OF AN ENERGY AND MINERAL  
8 IMPACT ASSISTANCE PROGRAM GRANT APPLICATION TO THE COLORADO  
9 DEPARTMENT OF LOCAL AFFAIRS  
10 (103 South Harris Street Building)

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

15  
16 WHEREAS, the Town desires to obtain a Tier II grant of \$750,000 from the Energy and  
17 Mineral Impact Assistance Program to assist with the cost of redeveloping the Town’s property  
18 at 103 South Harris Street for uses that include a new public library; and

19  
20 WHEREAS, the Town staff is working to complete an “Energy and Mineral Impact  
21 Assistance Program Application” for submission to the Colorado Department of Local Affairs  
22 (“**Grant Application**”) for the December 2012 grant cycle; and

23  
24 WHEREAS, the Town Council has reviewed the Grant Application, and finds and  
25 determines that it would be in the best interest of the Town and its residents for Grant  
26 Application to be submitted to the Colorado Department of Local Affairs.

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

30  
31 Section 1. The “Energy and Mineral Impact Assistance Program Application” (**Exhibit**  
32 **“A”**) is approved, and the Town Manager is authorized, empowered, and directed to execute and  
33 submit such application on behalf of the Town of Breckenridge.

34  
35 Section 2. This resolution is effective upon its adoption.

36  
37 RESOLUTION APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
38 2012.

39  
40 TOWN OF BRECKENRIDGE

41  
42  
43  
44 By \_\_\_\_\_  
45 John G. Warner, Mayor

1 ATTEST:

2

3

4

5

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

7

8 APPROVED IN FORM

9

10

11

12

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

14

15

16



# Exhibit A-Council Resolution

Rev. 7/12

<b>STATE OF COLORADO</b>	# _____ (For Use by State)
<b>Department of Local Affairs</b>	
<b>ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM APPLICATION</b>	
<b>Tier I or Tier II</b>	
<b>Applications Must Be Submitted Electronically - Directions on Last Page</b>	

## A. GENERAL AND SUMMARY INFORMATION

<b>1. Name/Title of Proposed Project:</b>	
---	--

<b>2. Applicant:</b>
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(In the case of a multi-jurisdictional application, name of the "lead" municipality, county, special district or other political subdivision).  
In the case of a multi-jurisdictional application, provide the names of other directly participating political subdivisions:

--

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

Name: _____	Title: _____
Mailing Address: _____	Phone: _____
City/Zip: _____	Phone: _____
E-Mail Address: _____	

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

Name: _____	Title: _____
Mailing Address: _____	Phone: _____
City/Zip: _____	Phone: _____
E-Mail Address: _____	

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

\$
----

**6. Brief Description of the Project:**

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

--

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

**B. DEMOGRAPHIC AND FINANCIAL INFORMATION.**

**1. Population**

- a. What was the 2010 population of the applicant jurisdiction? \_\_\_\_\_
- b. What is the current population? \_\_\_\_\_  
 (Current/most recent conservation trust fund/lottery distribution estimate is acceptable.) What is the source of the estimate? \_\_\_\_\_
- c. What is the population projection for the applicant in 5 years? \_\_\_\_\_  
 What is the source of the projection? \_\_\_\_\_

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

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

**Complete items "a through i" for ALL project types:**

	Applicant	Entity	Entity
a. Assessed Valuation (AV) Year: 201_			
b. Mill Levy			
c. Property Tax Revenue (mill levy x AV)			
d. Sales Tax (Rate/Estimated Annual Revenue)	% / \$	% / \$	% / \$
e. Total General Fund Budget			
f. Total Applicant Budget (Sum of General Fund and all Special or Enterprise Funds)			
g. Total Multi-year Debt Obligations for all Fund Types*			
h. Total Lease-Purchase and Certificates of Participation obligations*			
i. General Fund Balance (Reserves) as of January 1 of this current calendar year.			

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

Identify the relevant Special Fund or Enterprise Fund:

j. Special or Enterprise Fund Budget Amount			
k. Special or Enterprise Fund Multi-Year Debt Obligations*			
l. Special or Enterprise Fund Balance (Reserves) on January 1 of this calendar year			
m. Special or Enterprise Fund Lease-Purchase and Certificate of Participation Obligations*			
n. Special Fund Mill Levy (if applicable)			

**For Water and Sewer Project Only complete items "o through q":**

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

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

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

Expenditures	Sources of Revenue (Dollar for Dollar Cash Match is Encouraged) List the sources of matching funds and indicate either cash or documentable in-kind contribution		Funding Committed Yes/No
	Cash	In-Kind	
List Budget Line Items (Examples: architect, engineering, construction, equipment items, etc.)			
	\$		N
			N
<b>TOTAL</b>	\$	\$	
Please attach a more detailed budget if available			
*Loans with a 5% interest rate may only be awarded for potable water and sewer projects. Leave blank if a loan is not requested.			

**D. PROJECT INFORMATION.**

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

**1. Demonstration of Need:**

a. Why is the project needed at this time?

b. How does the implementation of this project address the need?

c. Does this project, as identified in this application, **completely** address the stated need? If not, please describe additional work or phases and the estimated time frame. Do you anticipate requesting Energy and Mineral Impact Assistance funds for future phases?

d. What other implementation options have been considered?

e. What are the consequences if the project is not awarded funds?

**2. Measurable Outcomes:**

a. Describe measurable outcomes you expect to see when implementation of this project is complete. How will the project enhance the livability\* of your region, county, city, town or community (e.g. constructing a new water plant will eliminate an unsafe drinking water system and provide safe and reliable drinking water; the construction of a new community center will provide expanded community services, or projects achieving goals regarding energy conservation, community heritage, economic development/diversification, traffic congestion, etc.)?

\*(Livability means increasing the value and/or benefit in the areas that are commonly linked in community development such as jobs, housing, transportation, education, emergency mitigation, health and environment)

b. How many people will benefit from the project? (i.e., region, county, city, town, community, subdivision, households or specific area or group; or any portion thereof)

c. How will the outcome of the project be measured to determine whether the anticipated benefits to this population actually occur?

d. Does this project preserve and protect a historic building, facility or structure? If yes, please describe.

e. Will this project implement an energy efficiency/strategy that could result in less carbon footprint or conserve energy use or capitalize on renewable energy technology? If yes, please describe.

**3. Relationship to Community Goals**

a. Is the project identified in the applicant’s budget or a jurisdictionally approved plan (e.g. capital improvement plan, equipment replacement plan, comprehensive plan, utility plan, road maintenance and improvement plan or other local or regional strategic management or planning document)? What is its ranking?

**4. Local Commitment and Ability to Pay**

a. Why can’t this project be funded locally?

b. Has this project been deferred because of lack of local funding? If so, how long?

c. Explain the origin of your local cash match. (Note: Whenever possible, local government cash match on a dollar for dollar match basis is encouraged.)

d. What other community entities, organizations, or stakeholders recognize the value of this project and are collaborating with you to achieve increased livability of the community? Please describe how your partners are contributing to achieve the improvement to the livability of the community through this project. If in-kind contributions are included in the project budget, detailed tracking will be required on project monitoring report.

i. Please describe the level of commitment by each collaborator. (e.g. fee waivers, in-kind services, fundraising, direct monetary contribution, policy changes.)

ii. Please list the value of the resources that each collaborator is bringing to the program.

e. Has the applicant dedicated the financial resources in their current budget, reserve funds and/or unused debt capacity that are being used for the local matching funds? Explain if No

f. Have the applicant's tax rates, user charges or fees been reviewed recently to address funding for the proposed project?

g. If the tax rate, user charges or fees were modified, what was the modification and when did this change occur?

h. Has the applicant contacted representatives from local energy or mineral companies to discuss the project? If yes, when was the contact and what was discussed.

i. Has the applicant requested financial support from the industry? If yes, when was the contact, what amount did you request? What were the results? If no, why not?

### 5. Readiness to Go

a. Assuming this project is funded as requested, how soon will the project begin? What is the time frame for completion?

b. Describe how you determined that the project can be completed within the proposed budget as outlined in this application? Are contingencies considered within the project budget?

c. Has the necessary planning been completed? How? What additional design work or permitting must still be completed, if any? When? How did the applicant develop project cost estimates? Is the project supported by bids, professional estimates or other credible information? Please attach a copy of any supporting documents.

### 6. Energy & Mineral Relationship

a. Describe how the applicant is, has been, or will be impacted by the development, production, or conversion of energy and mineral resources.

b. To further document the impact in the area, name the company or companies involved, the number of employees associated with the activities impacting the jurisdiction and other relevant, quantitative indicators of energy/mineral impact.

### 7. Management Capacity

a. How will you separate and track expenditures, maintain funds and reserves for the capital expenditures and improvements as described in this project?

b. Describe the funding plan in place to address the new operating and maintenance expenses generated from the project?

c. Describe the technical and professional experience/expertise of the person(s) and/or professional firms responsible to manage this project.

d. Does the project duplicate service capacity already established? Is the service inadequate? Has consolidation of services with another provider been considered?

### E. HIGH PERFORMANCE CERTIFICATION (HPCP) PROGRAM COMPLIANCE.

Colorado Revised Statutes (C.R.S. 24-30-1301 to 1307) require all new facilities, additions, and renovation projects funded with 25% or more of state funds to conform with the High Performance Certification Program (HPCP) policy adopted by the Office of the State Architect (OSA) if:

- The new facility, addition, or renovation project contains 5,000 or more building square feet; **and**
- The project includes an HVAC system; **and**
- In the case of a renovation project, the cost of the renovation exceeds 25% of the current value of the property; **and**
- The project has NOT entered the design phase prior to January 1, 2008.

The HPCP requires projects achieve the highest possible LEED certification with the goal being LEED Gold. Projects are strongly encouraged to meet the Office of the State Architect’s (OSA) Sustainable Priorities in addition to the LEED prerequisites. Projects funded through DOLA are required to participate in the OSA’s registration and tracking process. See DOLA’s [HPCP web page](#) for more information or contact your [DOLA regional manager](#).

In instances where achievement of LEED Gold certification is not practicable, an applicant may request a modification of the HPCP policy or a waiver if certain conditions exist.

**Please answer the following questions:**

- |   |                    |
|---|--------------------|
| 1. What is the total building square footage of the new facility, addition, or renovation?  |                    |
| 2. Does the project include an HVAC system?   | Yes _____ No _____ |
| 3. Is the project a renovation? (If no, please skip to Question 6 below.)   | Yes _____ No _____ |
| 4. What is the current property value*?   | \$ _____           |
| 5. What is the total project cost for the renovation?   | \$ _____           |
| 6. Will you need assistance locating resources, third party consultants, or technical assistance for LEED requirements, preparing cost estimates, or otherwise complying with the HPCP? |                    |
| Yes _____ No _____ Explain _____  |                    |

**F. TABOR COMPLIANCE.**

1. Does the applicant jurisdiction have the ability to receive and spend state grant funds under TABOR spending limitations? Explain:
2. If the applicant jurisdiction receives a grant with State Severance funds, will the local government exceed the TABOR limit and force a citizen property tax rebate?
3. Has the applicant jurisdiction been subject to any refund under TABOR or statutory tax limitations? Explain.
4. Has the applicant sought voter approval to keep revenues above fiscal spending limits? Explain.
5. Are there any limitations to the voter approved revenues? (e.g., Can revenues only be spent on law enforcement or roads?)
6. If the applicant jurisdiction is classified as an enterprise under TABOR, will acceptance of a state grant affect this status? Explain.

**G. ENVIRONMENTAL REVIEW.**

Indicate below whether any of the proposed project activities:

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



# APPLICATION SUBMISSION INSTRUCTIONS AND OFFICIAL BOARD ACTION DATE (REQUIRED)

Application and attachments must be submitted electronically in

WORD .DOC (Preferred) or .PDF Format (Unsecured) to: [ImpactGrants@state.co.us](mailto:ImpactGrants@state.co.us)

**In email subject line include: Applicant Local Government name and Tier for which you are applying**

-example- **Subject:** Springfield County EIAF Grant Request, Tier 1

**NOTE: Please do not submit a scanned application (scanned attachments ok).**  
(If you are unable to submit electronically please contact your [DOLA regional manager](#))

For any questions related to the electronic submittal please call Bret Hillberry @ 303.866.4058

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

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

\*\*\*\*\*

## Official Board Action taken on

\_\_\_\_\_

Date

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





**Energy and Mineral Impact Program  
Rating Criteria**

<b>CRITERIA (points per criteria)</b>	<b>CRITERIA DESCRIPTION</b>	<b>Rating</b>
Demonstration of Need (1-15)	<ul style="list-style-type: none"> <li>• Problem is clearly identified.</li> <li>• Quantifiable need is well described and documented</li> </ul>	
Measurable Outcomes (1-5)	<ul style="list-style-type: none"> <li>• Project directly addresses the need and assists with solving the problem</li> <li>• Project benefit and # of people benefitting is clearly described and reasonable</li> </ul>	
Relationship to Community Goals (1-5)	<ul style="list-style-type: none"> <li>• The project is identified in their comprehensive plan</li> <li>• The project is a local priority</li> </ul>	
Local Commitment (1-10)	<ul style="list-style-type: none"> <li>• Match and partners are committed/documented</li> <li>• Applicant is providing sufficient matching funds to the project</li> </ul>	
Ability to Pay (1-10)	<ul style="list-style-type: none"> <li>• If minimum match is not provided, there is appropriate documentation and justification why not</li> <li>• Applicant match is appropriate considering the size of the fund balance</li> </ul>	
Readiness to Go (1-15)	<ul style="list-style-type: none"> <li>• Budget is realistic</li> <li>• Money approved for expenditure</li> <li>• Preliminary engineering has been completed</li> <li>• Plans and permits approved</li> <li>• Ready to bid</li> <li>• Project is ready to proceed within an acceptable timeframe</li> </ul>	
Energy/Mineral Impact (1-15)	<ul style="list-style-type: none"> <li>• Pre-scored using metrics</li> <li>• Score can be amended if applicant has added information to describe impacts not measured by metrics as long as total score in this category does not exceed 15</li> </ul>	
	<b>Maximum Possible Score = 75      TOTAL SCORE</b>	

**MEMORANDUM**

**To:** Town Council

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

**Date:** November 7, 2012

**Re:** Town Council Consent Calendar from the Planning Commission Decisions of the November 6, 2012, Meeting.

---

***DECISIONS FROM THE PLANNING COMMISSION AGENDA OF November 6, 2012:***

**CLASS C APPLICATIONS:**

1) Krieg Residence (MGT) PC#2012091; 91 Forest Circle

New single family residence with 3 bedrooms, 3.5 bathrooms, 3,842 sq. ft. of density and 4,479 sq. ft. of mass for a F.A.R. of 1:24.65. Approved.

2) Haney Building Skylights (CN) PC#2012090; 117 South Main Street

Modify the exterior of the existing commercial building (under construction) to add one skylight to the south facing roof. Approved.

**CLASS B APPLICATIONS:**

None.

**CLASS A APPLICATIONS:**

None.

## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm by Gretchen Dudney

### ROLL CALL

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

### APPROVAL OF AGENDA

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

### APPROVAL OF MINUTES

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

### ELECTION OF CHAIR AND VICE CHAIR FOR 2012-2013

Mr. Neubecker indicated that Mr. Schroder was willing to serve the Commission as chair or vice chair if elected.

There was a general discussion about the desire to allow various Planning Commissioners to gain experience as chair or vice chair. Some Commissioners in the past have not been suited to run a meeting, and that should be considered. It was agreed that it is important for whoever is elected as chair to run meetings efficiently, keep issues and applications progressing forward, and ensure that all Commissioners voice their views without one or two strong Commissioners monopolizing the discussion.

Mr. Mamula made a motion to elect Ms. Dudney as Planning Commission Chair for November 1, 2012, to October 31, 2013. Ms. Christopher seconded, and the motion was carried unanimously (6-0). Mr. Mamula made a motion to elect Mr. Lamb as Planning Commission vice Chair for November 1, 2012 to October 31, 2013. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

### CONSENT CALENDAR:

1. Krieg Residence (MGT) PC#2012091; 91 Forest Circle
2. Haney Building Skylights (CN) PC#2012090; 117 South Main Street

Mr. Pringle: I have some questions with respect to the point analysis for the additional 4<sup>th</sup> skylight on the Haney Building, 117 S. Main Street. (Mr. Neubecker: The Applicant has requested a call up because he doesn't agree with point analysis.)

Mr. Lamb made a motion to call up the Haney Building Skylights, PC#2012090, 117 South Main Street. Ms. Dudney seconded and the motion was carried unanimously (6-0).

Mr. Neubecker presented the history of the project. The plans submitted for building permit showed 3 skylights. The Applicant is requesting approval for a 4<sup>th</sup> skylight not shown in these plans. The Applicant did install those without permission. Two other skylights (a total of six) were installed. At this point, those two extra skylights have been removed. Staff felt this would not have been approved originally. Staff is recommending five negative points (-5) under Policy 5/R, Architectural Compatibility. The project has a passing point analysis, and staff is recommending approval, with a passing score of zero points.

*Commissioner Questions / Comments:*

- Mr. Mamula: Are the skylights that protrude from the roof are operational? (Mr. Neubecker: Yes, the ones that are higher off the roof are operational.)
- Ms. Dudney: Did they install the solar panels per the plan? (Mr. Neubecker: Yes.) How was it discovered that the three additional skylights were installed? (Mr. Neubecker: Planning staff walking around Town; there was not a lot of discussion about the skylights during initial plan review and approval.)
- Mr. Pringle: Of the four skylights that are shown on the roof, three of them were approved in that location, right? (Mr. Neubecker: Yes.) And then the bank of solar panels is that correct? (Mr. Neubecker: Yes, they were also approved.)

Mr. Tom Begley, Breckenridge Lands (Applicant): I just wanted to add a few things; we didn't try to add these without understanding that we needed to go through the process. I thought that we would go through a Class D permit for the skylights. The Staff didn't feel comfortable, so before we got to C.O. (Certificate of Occupancy), I was going to go through that process. We are waiting on a decision here before we C.O. the upper floor. There was a bit of confusion. There were three solar panels approved with the development permit as well as a solar array. These three skylights were intended to get light and air into the lower retail space; it's about 80 feet long and we wanted to provide light and air there. So here is where the discrepancy between the development and construction plans happened...typically we have a set of plans and a set of working drawings with planning, engineering and building department which we go over with a red line. On this set of plans that went through building plan review, it doesn't show another sky light, but it shows an optional array of solar panels towards the front of the building. So for all intents and purposes, I operate off of these plans. We are not sure how they (optional solar panels) got on this set of plans. We have an apartment in this building, approved for the affordable housing. We have to provide 5% of our density as affordable housing. At the onset of this project our plans was that we were going to eliminate that employee housing. We were going to build the building better than a sustainable code building to achieve the positive points. Really, our initial intent was not to have the deed restricted unit in the building and build a 30% more efficient building to avoid that. The economies make it difficult to rent this unit like this (as employee housing) in town. These were included in the approved building plans but not in the building permit plans. The Staff called us on this before we submitted for a Class D. We removed the two skylights immediately and ask you if it would be reasonable for us to keep this fourth skylight, the main reason being to provide light and air to the office on the second floor. We have a lot of solar gain, a two hour firewall on the north with no openings, and this is the only place for light and air. We did install an operable skylight.

*Commissioner Questions / Comments (continued):*

- Mr. Mamula: Where is the break on the plan between the office and the apartment? How do you operate that middle skylight? (Mr. Begley: Electronically operate the skylight. During the approval process, we voiced an objection to that deed restricted unit. We would put the deed restriction on until we went through the ASHRAE analysis that proves that it is 30% better than a code built building.)
- Ms. Dudney: But somehow it got on the plans to put the skylights on the east side, and then solar panels changed skylights. (Mr. Begley: While we were under construction it became apparent that we needed a natural solution to the solar gain.) And at the time you didn't realize it wasn't approved? (Mr. Begley: Yes.)
- Mr. Pringle: Did we end up with a 30% more efficient building without solar? (Mr. Begley: We have achieved a 34% more efficient building.) Is that agreed to by the Town? (Mr. Begley: The ASHRAE analysis, unlike a HERS analysis, projects it 365 days/year, and looks at typical weather patterns and tries to project what the efficiency of the building will be via a computer method. I think that it is a minimum standard. The Town recognizes the ASHRAE

- method.)
- Ms. Dudney: I think what you are saying is that the point analysis didn't bring acceptable measure to meet the required points. (Mr. Neubecker: It's the commercial portion.)
- Mr. Lamb: The optional solar panels; were they on the development permit? (Mr. Neubecker: No; they were not shown on the plans that we saw; we don't put a lot of weight on "optional" notes on drawings; we do require an Architectural Statement of Compliance. These were not identified on the Architects Statement of Compliance.) They were not at all on the plans then. (Mr. Begley: I was working through these thinking that I could just go through and ask for a Class D, but I admit, it's 100% my fault.) (Mr. Neubecker: I know what the solar panel policy says about visibility, it's a big leap to assume that solar panels would be approved in this location.)
- Mr. Mamula: Because the plan sets are so huge, and our staff is so limited, we started requiring that the architects start listing all of their changes so it isn't the Town's obligation to find the plan changes.
- Ms. Dudney: If you have the negative five points and switch out the deed restricted to market rate, and you have the energy efficiency points, what happens? (Mr. Begley: The project fails. With the deed restricted housing we are at a positive 8; without the deed restricted unit and the negative 5 points we fail. We went through all of this process with ASHRAE for the points knowing that we were going to go back and take the deed restriction off. It's going to be difficult to achieve those 4 points back other than take the skylight out. That is why I wanted to come ask you; this skylight will cut down on the need for air conditioning, allow more natural light; frankly, looking at those photos it is marginally more visible than the skylights and there wasn't a lot of discussion on the skylights. This made me think that Staff or you would be okay with some skylights.)
- Mr. Mamula: Mr. Neubecker, what was the final point analysis before this? (Mr. Neubecker: It was plus 5 because it did include the housing.) (Mr. Begley: There is a line in that document that specifically says that once we got the ASHRAE analysis we would remove the deed restriction.)
- Ms. Dudney: And with the energy efficiency, it would have been plus one. (Mr. Neubecker: We weren't sure that they would get +3 or +4, but now it looks like it would have been plus one for the final score.)
- Mr. Mamula: Have we always done the open space points with this zero lot line issue? I don't remember it ever being this way. (Mr. Neubecker: No.) (Mr. Mosher: Historically these properties had outbuildings and they truncated the lot so there was space for open space in the rear yard.) That entire block is lot line to line. (Mr. Neubecker: It is in the front, but not always in the back. There may need to be a discussion on Policy 21.)
- Mr. Dudney: I think the issue is, do we agree with the Staff, or should it be more or less points?

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

*Commissioner Questions / Comments (continued):*

- Mr. Butler: I don't think that four skylights have any more impact than 3 skylights. I don't have a problem with the 4.
- Ms. Dudney: I agree, but I'm disturbed by the process; by the architect compliance letter, the construction plans mysteriously have this solar array and the conversion into skylights, the dependence on the Staff finding it, and they were only removed after the Staff found it. If the 4<sup>th</sup> skylight had been there in the beginning, I wouldn't have a problem with it, but I have a trust issue. You're starting behind the 8 ball with me.
- Mr. Lamb: I agree with both of you; this should have been caught. I understand what we are being told

what happened, and it sounds plausible; what Mr. Butler said I agree with as well. I looked at it today and I don't see that 4<sup>th</sup> skylight changing the entire look of the roofline. I would be in support of it. It's almost as if we need a better process and should be a topic for a future discussion. You can't count on the building department to analyze the plans for the planning department.

Mr. Pringle: Whose job is it then? Who checks that? We just assume it? (Mr. Grosshuesch: We added #15 Standard Condition of Approval because we have run into similar issues. The Applicant needs to list out the changes that they have made and the building department reviews the plans.)

Ms. Dudney: I have familiarity with this; the taxpayer doesn't want the building department going over every line and trust is imperative.

Mr. Butler: I don't think if anyone in front of us, for having 'gone to the well before', when they have a considerable record of nice construction projects, it's not entirely fair to say that I only met you today and you've made a bad impression. I know Breckenridge Lands work, and I was a builder, and I feel like it makes sense to put in the 4<sup>th</sup> skylight when you're doing the roof. When it's time to put the roof on, you can't wait around. It could snow, get a crew up there, I'd rather take it out than leave it open. I would go to the Town and say I have an idea, etc. No malfeasance, just, I wish that I had thought about it later. (Mr. Neubecker: Keep in mind this is Staff going to the Applicant, not vice versa.) I just don't feel like it's malfeasance as much as "now is the time to do the skylights" and if they say no, I'll pull it out. (Mr. Neubecker: Knowing Mr. Begley, who's been in Town a long time, one would know to come in with a plan change prior to doing this. The decision should be based on what is the code. Would it have been approved had it been here originally? Had they shown more skylights we would have discussed it.) (Mr. Grosshuesch: I understand what you're saying; we work every day to try and train the building community not to do it this way.) I just think that there is a difference between that and malfeasance. (Mr. Begley: There are the checks and balance of the Staff coming out; before C.O. I was going to come to get it approved. You have to sign the green sheet, and I can't tell you how many times we haven't had one shrub in the back. I think the process works pretty good. This is one case. I take full responsibility. I think you guys have a good system in place to check what has been approved. It was pure happenstance that you saw the skylights before I got in the application.)

Mr. Pringle: I concur with Mr. Neubecker. Everyone in this project has been in this process a number of times. You have to come in before you do your changes in the field. We are in the business of enforcing the code; when people change plans, something is wrong here. I'm not sure that this was meant to be deceitful on your part, but something needs fixed.

Ms. Christopher: I don't have a problem with the skylight. My problem is that the Applicant was using a set of plans that were not approved. That is where I have a problem.

Mr. Pringle: As far as the additional light, I don't have a problem with the 4<sup>th</sup> skylight. We should have caught this.

Ms. Christopher: I think it's wrong for the Applicant to assume that the skylights are fine. (Mr. Grosshuesch: Development Code based reasons must be used; procedural stuff is not going to go against points.)

Ms. Dudney: Is it worth the negative 5 points for this skylight? (Mr. Neubecker: 5x points is the multiplier.)

Mr. Mamula: It is difficult for me to go against the Staff on this; I will say that aesthetically the flat, the pop up, the flat does not look right; I would like them to all be the same. What reads oddly is the difference in size, but again, nothing to do with the application. If this was coming through for the first time, I would be interested in the private open space discussion; as it is right now it is hard for me not to agree with the Staff.

Mr. Pringle: I agree with you; I was just questioning the negative three points for the private open space.  
Mr. Mamula: We have fought with this forever. Every big building something happens; remember Main Street Station? They were supposed to be pushed out decks. I don't know if this is ever anyone's fault. I would never say that Mr. Begley did this on purpose. Agree with what Staff has done.

Mr. Pringle made a motion to approve the point analysis for the Haney Building Skylights, PC#2012090, 117 South Main Street, with a net score of zero points. Mr. Mamula seconded, and the motion was approved (5-1) with Mr. Butler voting no.

Mr. Pringle made a motion to approve the Haney Building Skylights, PC#2012090, 117 South Main Street, with the presented findings and conditions. Mr. Mamula seconded and the motion was approved unanimously (6-0).

### **WORKSESSIONS:**

#### 1. South End Residential Transition Standards (MM)

Mr. Mosher presented. The *Handbook of Design Standards for the Transition Character Areas of the Conservation District* was formally adopted by the Town on March 27, 2012. Within these standards, the adopted map shows the limits of the South End Residential Transition Area abutting Historic Character areas beyond the Breckenridge Elementary/Summit School District properties. The discussion tonight centers on the possibility of including the west-most Summit School District property (where the elementary school is located) into the South End Residential Transition Area.

The property lies in Land Use District (LUD) 26. This is the same LUD that includes portions of Sunbeam Estates, Hermit Placer Grove condominiums, and the Falcon Condominiums. This LUD suggests any residential use at 4 units per acre (UPA), encourages greater setbacks than suggested by the Code, and discourages building height in excess of 3-stories (38-feet tall measured to the mean of the roof). Staff will address the discrepancies between the density the LUGs allow and the Transition Standards above ground density at a future meeting.

There are no platted lots on the west-most Summit School District property. Hence a variety of scenarios are possible. However, if this property were to be included into the South End Residential Transition Area, the more restrictive provisions of the Code would be applied. Thus, the total allowed density would be 4 UPA (per the LUGS), the maximum above ground density allowed would be 13.5 UPA (per the Transition Standards), the maximum height would be 26-feet measured to the mean of the roof (per the Transition Standards) and “a building that is composed of a set of smaller masses is preferred in order to reduce the overall perceived mass of the structure” (per the Transition Standards).

Did the Commission believe that by including the west most school property into the South End Residential Transition Area there would be enough design controls in place already to not require any changes to the South End Residential Transition Area verbiage or LUD 26?

Or did the Commission believe the boundary should include all of the school owned property?

If any additional design controls are suggested, they can be included within the verbiage of the chapter for the South End Residential Transition Area (#13) when the boundary map is modified. Verbiage might include more specific language on lot sizes, building orientation and scale beyond that already addressed in the General Guidelines for the Transition Areas.

*Commission Questions / Comments:*

- Mr. Lamb: This would kick in only if the school property would sell, right? (Mr. Mosher: For non-school uses, yes.) (Mr. Neubecker: If the school would develop it or could develop it, we are asking about the character only. I think that staff can look at a creative way to preserve the development rights. We are talking about a character issue.)
- Mr. Mamula: I don't want to see this property develop like Sunbeam Estates with large single family homes. The nice thing about Goldflake Terrace to the east is that it is screened behind trees; it's the homes next to the park that has large homes sitting right at the edge of the historic district. I would rather see this density feather (gradually increase) to the larger sizes. (Mr. Mosher: This is the point; to create a transition.)
- Ms. Dudney: The LUGs aren't specific on the residential uses allowed. You don't want a big apartment or condo building. What is the relationship with the Town and the school district? Are they a private owner and we are just talking about their property? (Mr. Mosher: The school will be approached as our review develops. What we're asking for is should the Transition Area be extended to come out and protect more of the Conservation District rather than have this indentation of land mass with non-regulated use.) (Mr. Mosher clarified the limits of what the school owns.) (Mr. Grosshuesch: We need to do some more research. We are seeking general direction at this time.) (Mr. Mosher: Conceptually, the western lot is flat and easily developable where the eastern lots house the Carter Park Pavilion and the sledding hill, which are not so easily developed.)
- Mr. Pringle: The answer to your question is yes, we should extend the transition area; what if the school decided that they wanted to build something on this property? We could say "these are our standards". (Mr. Grosshuesch: At that point we would go on record and say "this is what our plan is for that property".)
- Mr. Gallagher: Is this something that the Town can do without speaking with the school? (Mr. Grosshuesch: This is just a statement of desired character; similar to form based zoning.) I can understand not wanting to have Mc-Mansions here; if I were the school district, I wouldn't necessarily jump on that wagon. Would have concerns about development rights. (Mr. Mosher: The density could be moved to increase it on the west lot and allow this area to function better with the standards.)
- Ms. Dudney: Preserving the street grid is also important. (Mr. Neubecker: If the school was to redevelop, they would come to the Town for review, I could see the Town acquiring the green space at least; maybe the park, the ball field and requesting that the density be concentrated into the area where the school building and parking lots currently sit and designing houses that look like the homes on Harris Street. If we get through today and the Commission agrees that the property should be included in the Transition Area, then we will proceed. If the Commission agrees that this is something you want to address, we can start those discussions with the school.)
- Mr. Pringle: Are there ways to make distinctions between the Falcon Townhomes and the Forest Haus that are not typical types of construction? (Mr. Neubecker: They would be outside of the Conservation District.)
- Ms. Dudney: Transition standards preclude a multi-family right? (Mr. Grosshuesch: Yes, the module size would make that difficult.)
- Mr. Pringle: If you were the school district, couldn't you build what you want? (Mr. Grosshuesch: You would have to fulfill the IRS interpretation of a school for that freedom.) I would suggest we extend the South End Transition Character Area boundaries to the most western portion of this property and we want to see the scale and character more sensitive to the historic buildings than the buildings that are adjacent to them.
- Mr. Lamb: I concur.
- Ms. Dudney: I concur.
- Mr. Mamula: I concur.
- Mr. Butler: I concur.
- Ms. Christopher: I concur.



2. Joint Planning Commission / Town Council Meeting Agenda Topics (CN)

Mr. Neubecker presented a memo listing the potential topics for the Joint Meeting with the Town Council, scheduled for Tuesday, November 13, 2012, from 6-7:30pm: moving historic structures, solar panels in the Historic District, policy on wireless communication towers, transition area standards.

*Commission Questions / Comments:*

- Mr. Pringle: Isn't #1 (Moving Historic Structures) taken care of? (Mr. Neubecker: Need to make sure the numbers are addressed.)
- Mr. Gallagher: I think Council wants to get a sense of where you all are; I left the last meeting thinking that you were not all together on that. I would say it's the most important item. I think with solar panels in the historic district, that several of us on the Council would like to discuss. It's important for all of you to express your different points of views on the moving historic structures. Our clients need to know what they are running into before they submit. (Mr. Neubecker: Council is interested in hearing about moving historic structures, it should be addressed.)
- Mr. Pringle: I agree; the solar panels in the historic district are our biggest discussion; we saw an application and one tonight, and they create a big problem.
- Mr. Mamula: I agree; I think we should leave #3(Wireless Communication Tower) off. I think we just set a great precedent for this.
- Mr. Gallagher: I agree; and how many of these are going to come through?
- Mr. Lamb: We are all a yes on that.
- Mr. Gallagher: If we have time, maybe we can discuss the Steamboat Springs field trip.
- Ms. Dudney: Do you envision briefing the Council with the proposed revisions and then reviewing the concept from there? (Mr. Grosshuesch: Do you want to get 'down and dirty' or conceptual?)
- Mr. Pringle: More conceptual level.
- Mr. Mamula: I would like to hear Council's opinion on Pinewood Village II and what land use district it should be in. Is it a real application even though it's a Town deal? Because honestly, we can't make a decision here until Council does. (Mr. Grosshuesch: When you make decisions like that, you have to assume that we will get sued; taking a chance on something like that we would advise against.)
- Mr. Gallagher: Wasn't it left with Mr. Tim Casey that they would 'shrink' the project? (Mr. Grosshuesch: Yes, Mr. Casey is trying to make the project fit in Land Use District 9.2. We may not be able to simply say that we can't have solar in the historic district, just so that you understand.)
- Mr. Mamula: We can limit what they look like; the ones that are on the side of the Haney building are much less offensive than others.
- Mr. Pringle: In that context, I thought that what they were going to do on the top of Lincoln West would be a solar array. (Mr. Grosshuesch: We would probably set up different standards for historic district.) Maybe revisit that whole policy. (Mr. Neubecker: I think that you're right; the large array of solar wasn't considered at that time. So, like Mr. Grosshuesch said, tinkering with the priority order is more likely; where is the most appropriate place to put them, etc. as we've learned from recent applications.) Are these cell towers going to be considered a utility and addressed that way by the Town? Or a facet of a business? (Mr. Grosshuesch: No, they are public infrastructure. They need their own provision not governed by building heights. Council has asked us to take a look at this.)
- Mr. Gallagher: We'll leave it on and if we get to it we will.

**TOWN COUNCIL REPORT:**

Gary Gallagher: Council had their budget retreat; many things were discussed and approved: Council decided to increase the budget for snow plowing and sidewalks; the summer transit route for two of our neighborhoods on Peak 8 and Warriors Mark area were eliminated during the downturn, so transit budget was increased for hourly service for employee service. We'll do it this year if the ridership is warranted; if the Town's goal is getting people using transit, the free service is incentive. Landscaping in the medians coming into Town: some wanted more tailored looking landscaping. There was approval for over-seeding and

maintenance for the landscaping coming into our town. On the capital program, we need to make investments to make us competitive so the Council decided to squeeze into a two year period the Arts District expansion. A year ago it was deemed to be a 20 year program. So Staff has been directed to lay out the plan and see how that would be accomplished. That's about 2 ½ million dollars of capital improvements. Main Street revitalization will continue, the solar gardens are coming up (between \$800,000 - \$1.6 million) for about ½ of the 10 acres being set aside. The 4 O'clock roundabout in concert with CDOT; landscaping recommendations will be forthcoming. Artificial turf in 2013 for the ball fields to extend the playing seasons. Our hard assets are underutilized; what can we do to enhance those programs? Town Hall needs improvements. Appropriated money to obtain artists work to do a sculpture at the entry of Town. On Lincoln Street, where it gets icy, we are putting in heated sidewalks. If that works, other sidewalks may be in the works. All in all, \$11 million. What has not been calculated is whatever Riverwalk Center recommendations occur via the master plan; if some of those are accepted, that will be more money that the Town will have to consider appropriating. Another issue is a new water plant in 2014.

The other big initiative will be the Child Care Initiative, putting it on the ballet in 2013 if the daycare centers get into it so that whatever money is being asked for, that the number is accurate for a sustainable revenue stream; secondly, if the community seems to be behind it, because if the vote says no, it puts the Council in a bad position. This is all subject to what the dollars are going to be; Laurie Best indicated that it could be \$800,000/year. So right now, we prefer a sales tax in lieu of a real estate tax. Town Council really wants to see what the real number is prior to making the decision. At the end of the day, the day care centers are going to have to rally the parents and the prior parents.

The next two years, the Town is going to spend a lot of money. Great for jobs, any construction let's get behind us, and we will remain very competitive. Let's get some people to buy some real estate. Additionally, we gave the Commissioners a free recreation pass. It was an easy thing for Council to do; these folks spend a lot of time, do a great job.

**OTHER MATTERS:**

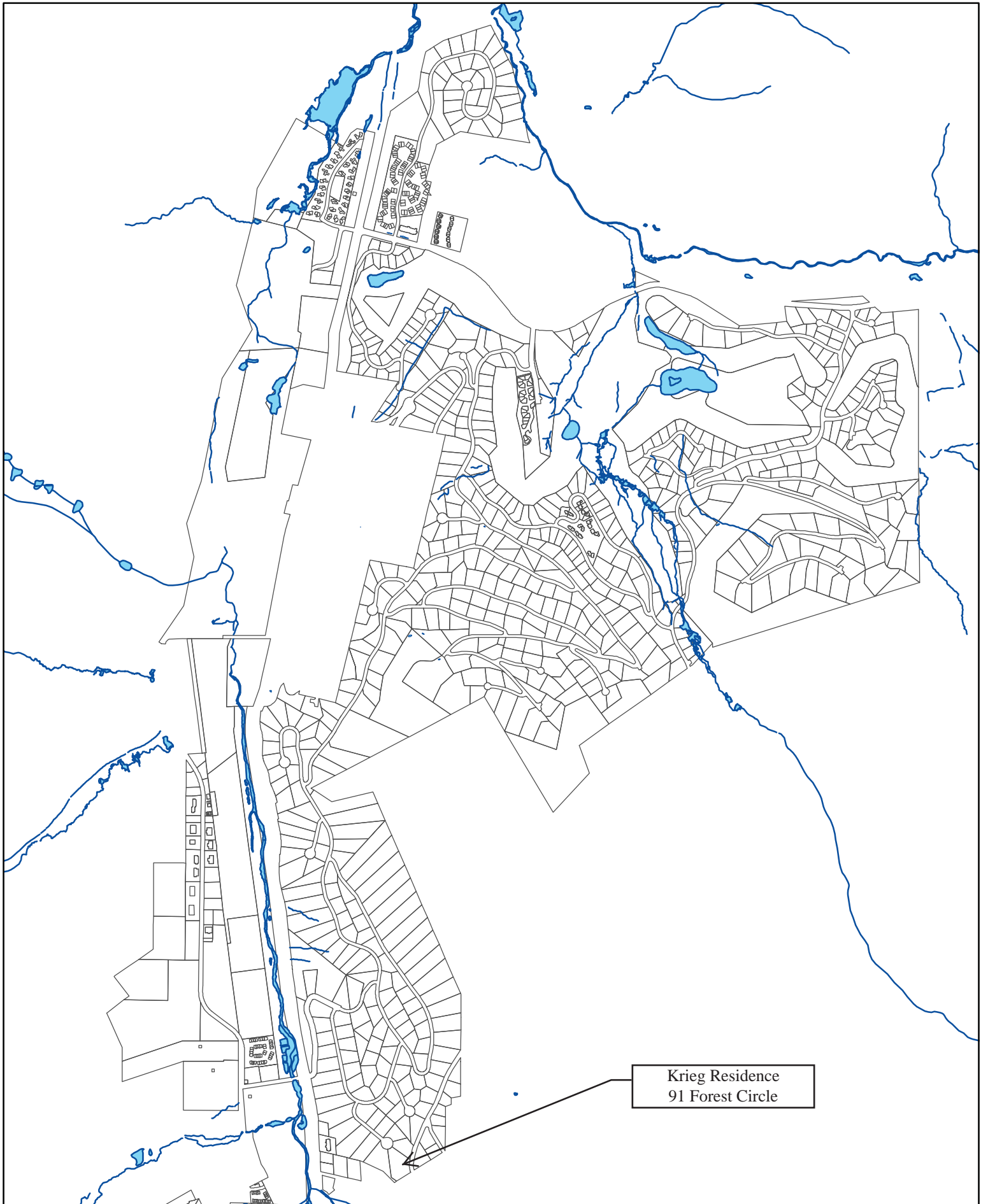
None.

**ADJOURNMENT:**

The meeting was adjourned at 9:04 p.m.

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Gretchen Dudney, Chair



Krieg Residence  
91 Forest Circle

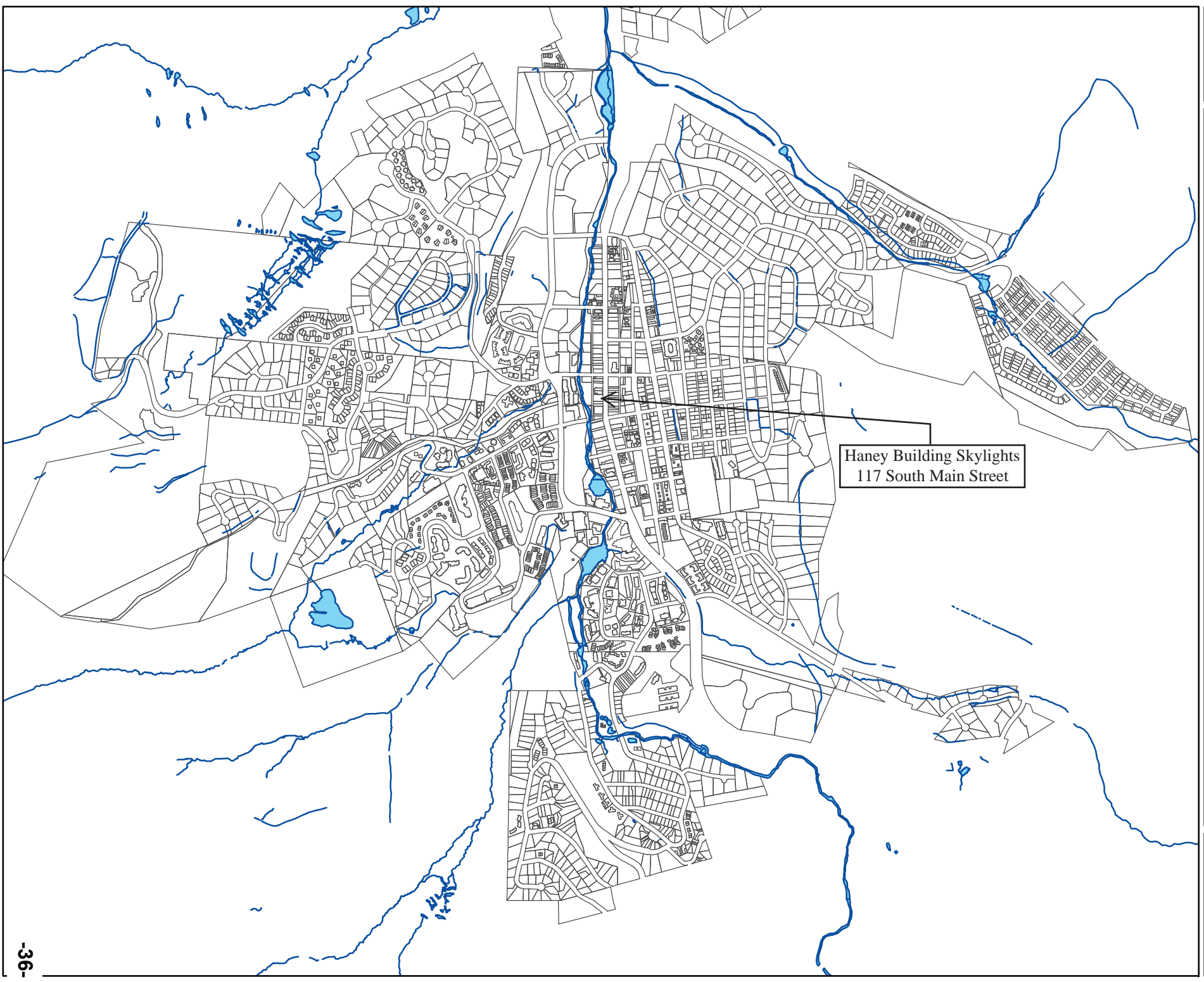


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### Breckenridge North

printed 4/12/2011





*printed 4/12/2011*

# Breckenridge South

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





## Scheduled Meetings, Important Dates and Events

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

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

### **NOVEMBER 2012**

Tuesday, November 6, 2012	Election Day
Tuesday, November 13, 2012; 2:30 p.m.; Breckenridge Station	Breckenridge Free Ride-15yr Celebration
Friday, November 9, 2012; 8:00-9:00am; Clint’s Coffeehouse	Coffee Talk
<b>Tuesday, November 13, 2012; 3:00/7:30 p.m.</b>	<b>First Meeting of the Month</b>
<b>Tuesday, November 27; 3:00/7:30 p.m.</b>	<b>Second Meeting of the Month</b>

### **DECEMBER 2012**

<b>Tuesday, December 11, 2012; 3:00/7:30 p.m.</b>	<b>First Meeting of the Month</b>
Friday, December 14, 2012; TBD	Coffee Talk
<b>Tuesday, December 25, 2012; 3:00/7:30 p.m.</b>	<b>CANCELLED</b>

### **OTHER MEETINGS**

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

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

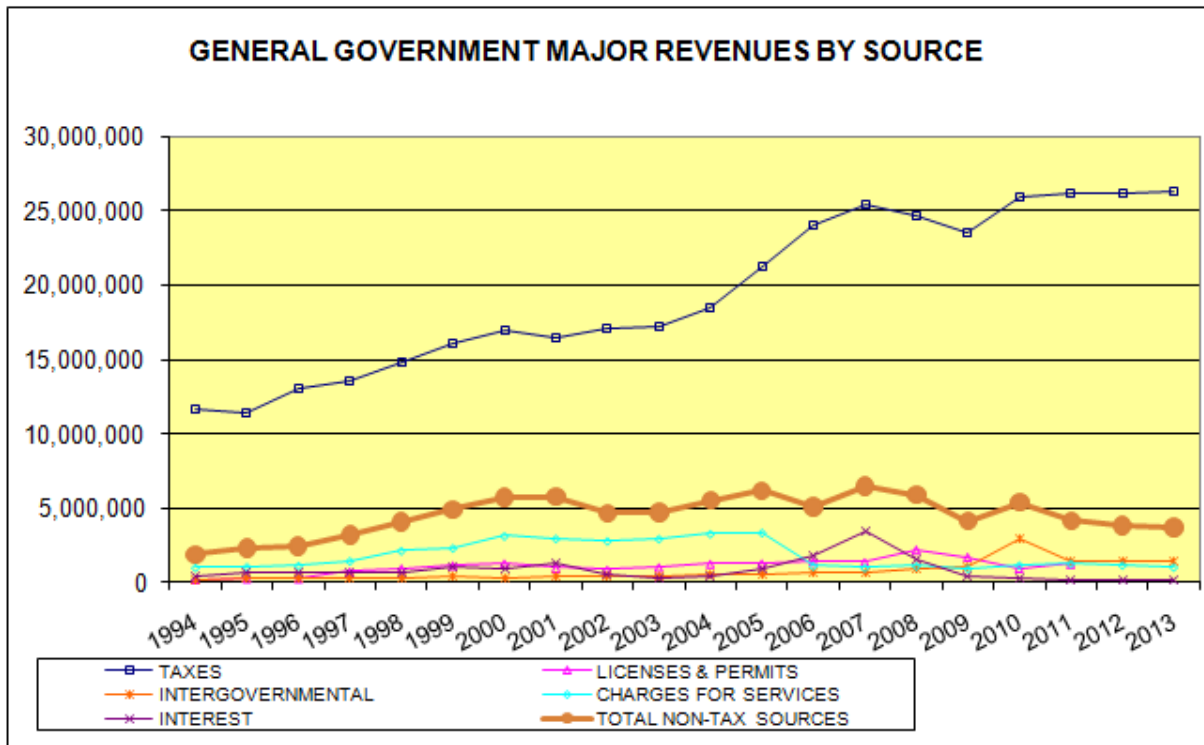


**MEMORANDUM**

**To:** Mayor and Town Council  
**From:** Rick Holman, Assistant Town Manager  
**Date:** November 7, 2012  
**Subject:** Follow up on Retreat

This memo will serve to provide a brief written update to some action items coming out of the fall budget retreat.

- The recreation credit program for BOSAC/Planning Commission has been established and those members have been notified with the program specifics.
- The addition of \$75,000 into the 2013 budget for increased streets/sidewalks snow plowing will result in an 8% increase in winter service level over 2012 budget. This 8% increase equates to an additional 2500 personnel hours of winter plowing work being performed.
- CIP Revision- Attached to this memo is a portion of the updated CIP pertaining to the Arts District and the removal of the Hwy 9 median landscaping. The Arts District improvements have been compressed into a two-year plan.
- The Marketing Fund has been adjusted to show \$2,550,000 for marketing expense.
- Approximately \$82k will be added to the transit budget for 1 hour Brown/Black route bus service during the summer months.
- The “Fund Balance and Reserve Analysis” report has been revised to show a column for Capital funds that were authorized in prior years and up till now unspent (see attached report).
- At the request of Council, a new chart was developed (see below) to illustrate the “General Government Major Revenue by Source.” This compares the revenue generated by taxes vs. non-tax sources.



## Capital Improvement Plan Summary for 2013

A list			B List	Total of A & B Projects
Other Funding	Capital Fund	Total cost		

### Administration

Riverwalk Center Master Plan	0	???	???	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Recreation

Rec Center Upgrades	0	0	0	400,000	400,000
Artificial Turf Field*	350,000	535,000	885,000	0	885,000
<b>TOTAL</b>	<b>350,000</b>	<b>535,000</b>	<b>885,000</b>	<b>400,000</b>	<b>1,285,000</b>

### Public Works

Roadway Resurfacing	0	400,000	400,000	0	400,000
Main Street/Riverwalk	0	800,000	800,000	0	800,000
McCain MP/Implementation	65,000	0	65,000	0	65,000
Harris Street Community Building**	4,675,000	2,475,000	7,150,000	0	7,150,000
Town Hall Improvements	0	100,000	100,000	0	100,000
Four O'clock Roundabout	0	150,000	150,000	0	150,000
Heated Sidewalks	0	65,000	65,000	0	65,000
<b>TOTAL</b>	<b>4,740,000</b>	<b>3,990,000</b>	<b>8,730,000</b>	<b>0</b>	<b>8,730,000</b>

### Community Development

Public Art Commission	0	90,000	90,000	0	90,000
Arts District Improvements*	0	780,000	780,000	0	780,000
<b>TOTAL</b>	<b>0</b>	<b>870,000</b>	<b>870,000</b>	<b>0</b>	<b>870,000</b>

<b>GRAND TOTAL</b>	<b>5,090,000</b>	<b>5,395,000</b>	<b>10,485,000</b>	<b>400,000</b>	<b>10,885,000</b>
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### Funding Sources

	Other Funding	Capital Fund	Total Funds
Current Revenue/Reserves	-	5,357,000	5,357,000
McCain Revenues	65,000		65,000
Harris St - County funds & fund raising	4,675,000		4,675,000
Grants for Turf Field	350,000		350,000
Conservation Trust Transfer	38,000		38,000
<b>TOTAL</b>	<b>5,128,000</b>	<b>5,357,000</b>	<b>10,485,000</b>

\* Indicates that staff will be applying for grants

\*\* \$250,000 has been previously funded in 2012 for a total project budget of \$7,400,000

## Five Year Capital Improvement Plan Summary 2013 to 2017

Dept/Project	2013	2014	2015	2016	2017	TOTAL
<b>Administration</b>						
Riverwalk Center Master Plan	???	-	-	-	-	-
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Recreation</b>						
Rec Center Upgrades	400,000	-	-	-	-	400,000
Artificial Turf Field*	885,000	-	-	-	-	885,000
Rec Ctr Renovation	-	-	1,000,000	1,000,000	625,000	2,625,000
Water Slide Replacement	-	-	130,000	-	-	130,000
<b>TOTAL</b>	<b>1,285,000</b>	<b>-</b>	<b>1,130,000</b>	<b>1,000,000</b>	<b>625,000</b>	<b>4,040,000</b>
<b>Public Works</b>						
Utility Undergrounding	-	200,000	-	200,000	-	400,000
Roadway Resurfacing	400,000	420,000	440,000	460,000	480,000	2,200,000
Main Street/Riverwalk	800,000	600,000	-	-	-	1,400,000
McCain MP/Implementation	65,000	65,000	65,000	65,000	65,000	325,000
Harris Street Community Building**	7,150,000	-	-	-	-	7,150,000
Town Hall Improvements	100,000	100,000	100,000	-	-	300,000
Four O'clock Roundabout	150,000	-	-	-	-	150,000
Heated Sidewalks	65,000	65,000	65,000	50,000	-	245,000
Blue River Reclam/ACOE	-	6,750,000	-	-	-	6,750,000
Coyne Valley Road Bridge	-	-	1,500,000	-	-	1,500,000
Childcare Facility #2	-	-	-	-	250,000	250,000
Solar Buy Out	-	-	-	500,000	-	500,000
Core Parking Lot Improvements	-	-	-	150,000	2,000,000	2,150,000
S. Park Avenue Underpass	-	-	-	-	1,650,000	1,650,000
Gondola Lot Development Partnership	-	-	-	-	1,000,000	1,000,000
<b>TOTAL</b>	<b>8,730,000</b>	<b>8,200,000</b>	<b>2,170,000</b>	<b>1,425,000</b>	<b>5,445,000</b>	<b>25,970,000</b>
<b>Community Development</b>						
Public Art Commission	90,000	50,000	50,000	50,000	50,000	290,000
Arts District Improvements*	780,000	1,510,000	100,000	-	-	2,390,000
Blue River Corridor*	-	500,000	-	-	-	500,000
<b>TOTAL</b>	<b>870,000</b>	<b>2,060,000</b>	<b>150,000</b>	<b>50,000</b>	<b>50,000</b>	<b>3,180,000</b>
<b>GRAND TOTAL</b>	<b>10,885,000</b>	<b>10,260,000</b>	<b>3,450,000</b>	<b>2,475,000</b>	<b>6,120,000</b>	<b>33,190,000</b>
<b>Funding Sources</b>						
Current Revenue/Reserves	5,357,000	8,213,000	3,353,000	2,378,000	4,823,000	24,124,000
McCain Royalties	65,000	65,000	65,000	65,000	65,000	325,000
CDOT-S.Park Underpass	-	-	-	-	1,200,000	1,200,000
Harris St - County funds & fund raising	4,675,000	-	-	-	-	4,675,000
Grants Turf	350,000	-	-	-	-	350,000
Army Corps of Engineers (ACOE)	-	1,750,000	-	-	-	1,750,000
Denver Water Agreement	-	200,000	-	-	-	200,000
Conservation Trust Transfer	38,000	32,000	32,000	32,000	32,000	166,000
<b>Total</b>	<b>10,485,000</b>	<b>10,260,000</b>	<b>3,450,000</b>	<b>2,475,000</b>	<b>6,120,000</b>	<b>31,040,000</b>

\* Indicates that staff will be applying for grants



**Town of Breckenridge  
Capital Improvement Plan**

**Project Name:** Art District Improvements  
**Department:** Community Development  
**Division:** Long Range  
**Scheduled Start:**  
**Schedule Completion:** Ongoing

**Description:**

This item provides funding for various infrastructure, building, and landscape improvements to the Arts District. The Council wants to complete the project by the end of 2014 with the exception of the Washington Avenue Improvements in 2015 and the projects are broken out below:

	Design 2013	Construction 2013	2013 Total	Construction 2014	Construction 2015
Transformer		\$ 70,000	\$ 70,000		
Overlot Grading/Drainage		\$ 50,000	\$ 50,000		
Parking Lot			\$ -	\$ 100,000	
Ceramics	\$ 50,000		\$ 50,000	\$ 350,000	
Robert Whyte House	\$ 30,000	\$ 300,000	\$ 330,000		
Burro Barns	\$ 16,000	\$ 144,000	\$ 160,000		
Mikolitas	\$ 30,000		\$ 30,000	\$ 270,000	
Dance/Kitchen	\$ 40,000		\$ 40,000	\$ 400,000	
Flexible Space	\$ 40,000		\$ 40,000	\$ 360,000	
Little Red Shed			\$ -	\$ 30,000	
Washington Avenue Improv	\$ 10,000		\$ 10,000		\$ 100,000
<b>Total</b>	<b>\$ 216,000</b>	<b>\$ 564,000</b>	<b>\$ 780,000</b>	<b>\$ 1,510,000</b>	<b>\$ 100,000</b>

Staff will be applying for grants for the Robert Whyte House and Mikolitas Barn which could offset some costs.

Project Funding	2013	2014	2015	2016	2017	Total
Town Funds	780,000	1,510,000	100,000	-		2,390,000
Grant Proceeds			-	-	-	-
<b>Total</b>	<b>780,000</b>	<b>1,510,000</b>	<b>100,000</b>	<b>-</b>	<b>-</b>	<b>2,390,000</b>

Project Costs	2013	2014	2015	2016	2017	Total
Construction	780,000	1,510,000	100,000	-		2,390,000
<b>Total</b>	<b>780,000</b>	<b>1,510,000</b>	<b>100,000</b>	<b>-</b>	<b>-</b>	<b>2,390,000</b>

Town of Breckenridge Fund Balance and Reserves Analysis																			
	Budgeted Fund Balance 12/31/13	Required Reserves						Discretionary Reserves and Appropriated Amounts											
		TABOR	Debt	PPA	Dedicated Revenue	Total	Net	Medical	Debt	Operations Reserve	BHA	Equipment	Aff. Housing	Childcare	Appropriated	Capital Reserve	Council Policy of 1/24/12	Total	Net
General Fund	20,303,463	1,009,379	-	1,200,000		2,209,379	18,094,084	600,000		6,990,621								7,590,621	10,503,463
Excise Fund	10,092,552		570,828			570,828	9,521,724		567,228									6,261,228	3,260,496
<b>Sub 1</b>							<b>27,615,808</b>												<b>13,763,959</b>
Capital	948,128					-	948,128							948,128				948,128	-
Special Projects	50,000					-	50,000				50,000							50,000	-
<b>Sub 2</b>							<b>28,613,936</b>												<b>13,763,959</b>
Utility	7,776,985		37,000			37,000	7,739,985											7,739,985	-
Golf	1,767,512					-	1,767,512					(70,000)						1,837,512	-
<b>Sub 3</b>							<b>38,121,433</b>												<b>13,763,959</b>
Garage Fund	4,555,480					-	4,555,480							4,555,480				4,555,480	-
Information Tech.	1,508,919					-	1,508,919							1,508,919				1,508,919	-
Facilities	1,260,226					-	1,260,226							1,260,226				1,260,226	-
<b>Sub 4</b>							<b>45,446,058</b>												<b>13,763,959</b>
Affordable Housing	6,463,228				504,700	504,700	5,958,528						2,923,096	-			3,035,432	5,958,528	-
Open Space	351,654		297,627				351,654										351,654	351,654	-
Conservation Trust	13,057				13,057	13,057	-											-	-
Marketing	300,000				-	-	300,000								300,000			300,000	-
<b>TOTAL</b>	<b>55,391,204</b>	<b>1,009,379</b>	<b>905,455</b>	<b>1,200,000</b>	<b>517,757</b>	<b>3,334,964</b>	<b>52,056,240</b>	<b>600,000</b>	<b>567,228</b>	<b>6,990,621</b>	<b>50,000</b>	<b>(70,000)</b>	<b>2,923,096</b>	<b>-</b>	<b>8,572,753</b>	<b>5,694,000</b>		<b>38,292,281</b>	<b>13,763,959</b>
<b>Sub 1</b>	The totals of the General and Excise funds. These are the most accessible funds for the Town, i.e. they have not been earmarked for specific purposes																		
<b>Sub 2</b>	This includes the Capital and Special projects fund totals. These funds have been designated for projects by Council, but they are not legally restricted.																		
<b>Sub 3</b>	Golf and Utility, the Town's enterprise funds, are included in this total. These funds are also not legally restricted, but do exist in enterprise funds and are designated for specific purposes. The operations and fund balances represented by these funds are funded by user fees.																		
<b>Sub 4</b>	The Town's internal service funds are included in this amount. These fund balances represent reserves for ongoing capital replacement expenses and have been accumulated over the years to service all the other funds' operations																		
<b>TOTAL</b>	Included in this total are the special revenue funds. Part or all of these fund balances are legally designated for specific purposes and cannot be used for any purpose other than those designated.																		
<b>Budgeted Capital Expenses</b>																			
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>TOTAL</b>															
Capital	8,213,000	3,353,000	2,378,000	13,944,000															
(less) base funding	(2,750,000)	(2,750,000)	(2,750,000)	(8,250,000)															
Total	5,463,000	603,000	(372,000)	5,694,000															
<b>NOTES</b>	Capital expenses are budgeted assuming future revenue streams are adequate to fund at the budgeted level. As such, short and long term budgeted Capital amounts are subject to change. The Capital Reserve column reflects the 3 year funding reserve. The reserve was calculated assuming a base funding level of \$2.75 million annually. The amounts programmed in the 2013-2017 CIP document above that level have been reserved.																		