



BRECKENRIDGE TOWN COUNCIL WORK SESSION

Tuesday, November 13, 2012; 3:00 PM

Town Hall Auditorium

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

2:30-3:00pm

FREE RIDE 15 YEAR ANNIVERSARY CELEBRATION

Council members are encourage to meet at the Breckenridge Station at 2:30pm for the celebration and will ride the Free Ride bus to the Town Hall.

3:00-3:15pm

I

PLANNING COMMISSION DECISIONS

2

3:15-3:30pm

II

LEGISLATIVE REVIEW*

Mill Levy Ordinance

13

Water Rates Ordinance

15

Resolution for DOLA Harris Street Grant

21

3:30-4:00pm

III

MANAGERS REPORT

Public Projects Update

33

Housing/Childcare Update

Committee Reports

34

Financials

36

4:00-4:45pm

IV

OTHER

RAD- Renaissance Arts District/Riverwalk Center Discussion

50

4:45-5:15pm

V

PLANNING MATTERS

Administrative Guidelines for Deed Restrictions

97

Proposed Development Agreement for Welk Project

102

5:15-6:00pm

VI

EXECUTIVE SESSION

Acquisitions and Negotiations

6:00-7:15pm

VII

JOINT MEETING

Planning Commission Joint Meeting

115

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

MEMORANDUM

To: Town Council

From: Chris Neubecker, Current Planning Manager

Date: 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 4th 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 4th 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 4th 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 4th 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 4th 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 4th 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.

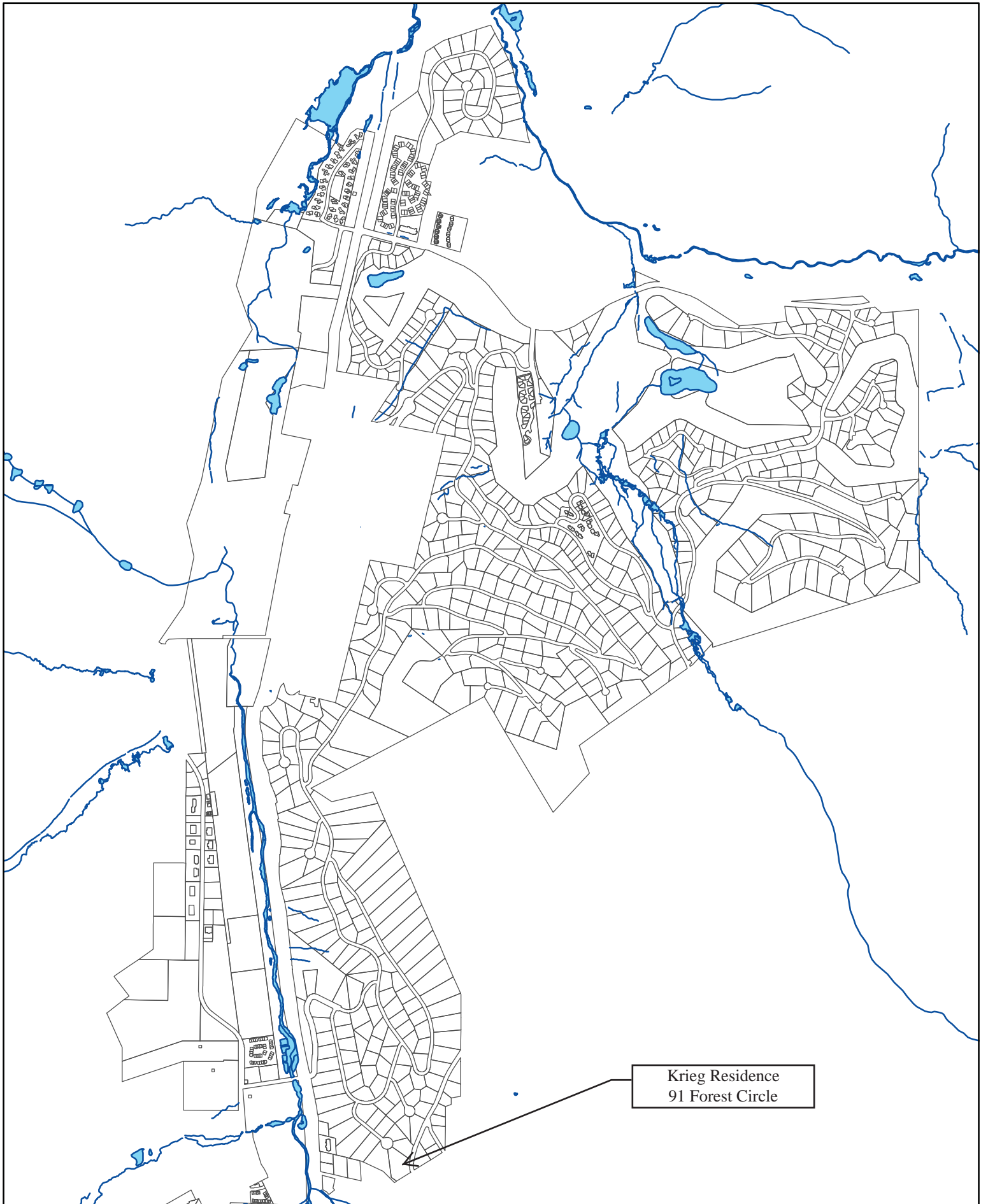
OTHER MATTERS:

None.

ADJOURNMENT:

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

Gretchen Dudney, Chair



Krieg Residence
91 Forest Circle

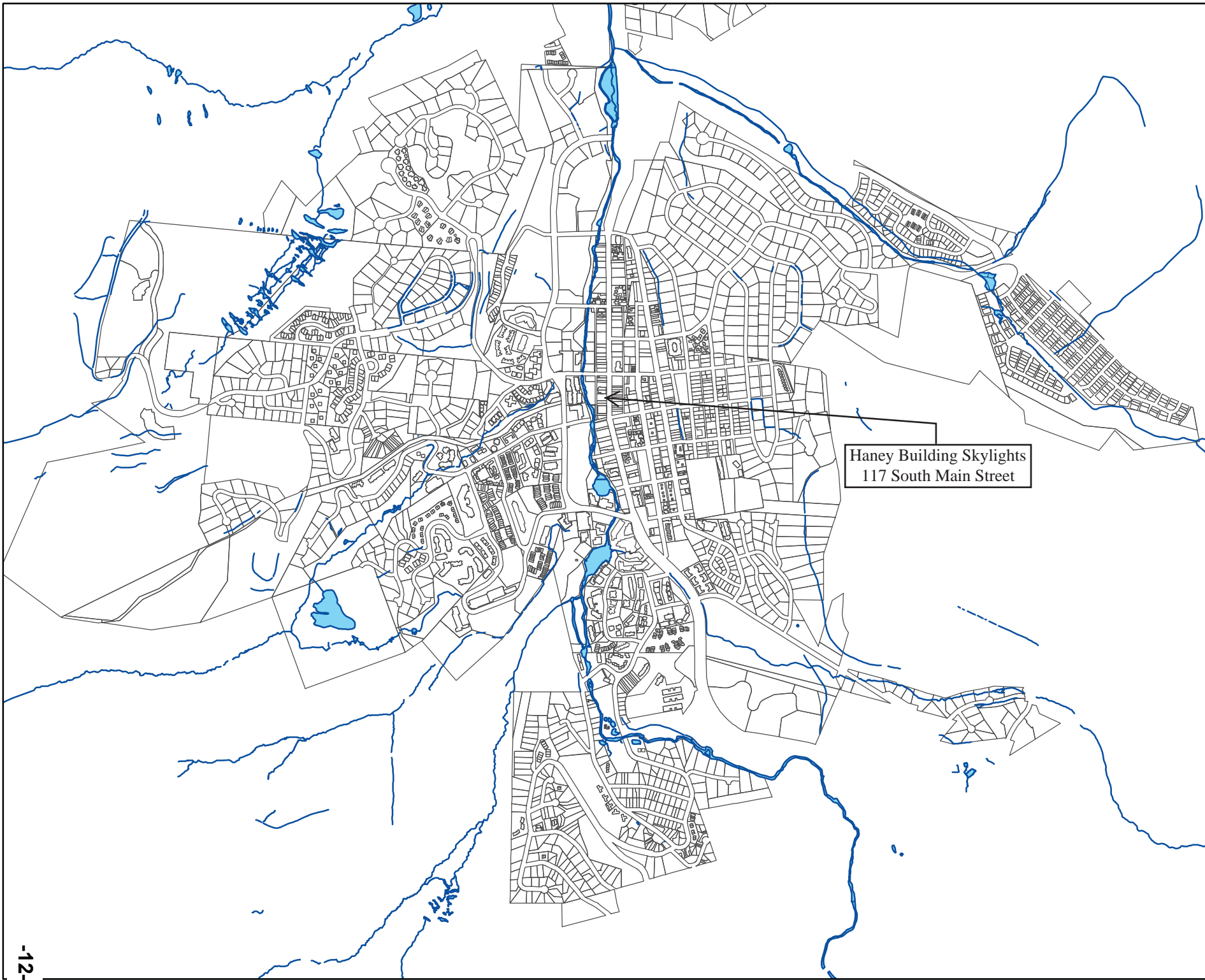
Breckenridge North

printed 4/12/2011



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.





NOT TO SCALE

printed 4/12/2011

Breckenridge South

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



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

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 27th 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

Linda Coxen, Town Clerk

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 13th meeting)

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
<u>Effective January 1, 2013</u>	<u>\$30.95 per billing cycle per SFE</u>

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
<u>Effective January 1, 2013</u>	<u>\$3.08</u>

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	\$ 35.09 <u>\$ 35.44</u>	13,000
1 inch	52.64 <u>53.16</u>	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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15
16

17 _____
18 Town Clerk
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MEMO

TO: Town Council
FROM: Laurie Best
DATE: November 6, 2012 (for November 13th 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 13th.

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

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

A. GENERAL AND SUMMARY INFORMATION

1. Name/Title of Proposed Project:	
-------------------------------------------	--

2. Applicant:

(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 List Budget Line Items (Examples: architect, engineering, construction, equipment items, etc.)	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	
\$	Energy/Mineral Impact Fund Grant Request		N
	*Energy/Mineral Impact Fund Loan Request (If applicable)		N
TOTAL	TOTAL	TOTAL	
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.

- Does the applicant jurisdiction have the ability to receive and spend state grant funds under TABOR spending limitations? Explain:
- 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?
- Has the applicant jurisdiction been subject to any refund under TABOR or statutory tax limitations? Explain.
- Has the applicant sought voter approval to keep revenues above fiscal spending limits? Explain.
- Are there any limitations to the voter approved revenues? (e.g., Can revenues only be spent on law enforcement or roads?)
- 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:

- 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.
- Will affect historical, archeological or cultural resources, or be undertaken in geological hazard area? Yes _____ No _____
 Describe alternatives considered and mitigation proposed.
- 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

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**

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

Memorandum

TO: TOWN COUNCIL
FROM: Dale Stein, Assistant Town Engineer
DATE: November 7, 2012
RE: Public Projects Update

Arts District- Architectural Request For Proposal

Staff is preparing an RFP for architectural services for the design of the remaining buildings. This includes both the historic structures (Burro Barn Restrooms, Robert Whyte House, Mikolitis, and the Little Red Shed) and new buildings for ceramics, a flexible use studio, and dance studio with catering kitchen. These buildings are planned to be completed by the end of 2014.

Four O'clock Roundabout

Preliminary design of the roundabout layout is scheduled for completion in late December and will be presented to Council at a January work session.

Harris Street Community Building

Schematic design is planned to be completed in mid-November. Staff plans to present the schematic layout of the interior and proposed modifications of the building exterior to Council at the November 27th work session.

Rec Center Softball Fence

Installation of the new fence is completed. Minor clean-up of the warning track and landscaping will be completed in the spring.

Main Street 2013

Staff has begun final design of bulb-outs and storm sewer upgrades for the Adams and Jefferson intersections. Construction is planned to begin in spring of 2013.

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen, Town Manager
DATE: November 7, 2012
SUBJECT: Committee Reports for 11-13-2012 Council Packet

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

Summit Stage Advisory Board	October 31, 2012	James Phelps
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John Jones reported that the (8) buses from FREX are here and will be coming ‘on line’ over the next few weeks. The buses will be distinct by there all black color scheme. The buses will be logoed with Summit Stage reflective markings. The 2013 Summit Stage proposed budget has been submitted for review. There are no new service areas or routes that are included as part of the proposed budget. There are minor time changes being discussed by the advisory board for 2013. John will present at the next meeting a possible route change for the Dillon area (summer 2013) that is expected to be budget neutral. The advisory board has requested a full report inclusive of any budget and service level impacts, prior to vote for approval. John reported that ridership was up for the month of Sept. or 6.5% over 2011. He also reported that due to salaries, fuel, & maintenance costs the Stage will overrun the 2012 budget. The overrun is projected to be \$300K. Under New Business John discussed that he is still reviewing the Transit Plus, Inc., - Planning Study & Comprehensive Operations Analysis/Final Report. Findings and recommendations from the report have not been discussed by the Advisory Board.

Police Advisory Committee (PAC)	November 7, 2012	Chief Haynes
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The Police Advisory Committee (PAC) held its bimonthly meeting on November 7, 2012. The Chief and PAC members discussed the following:

- **Introductions:** Officer Robert Pelfrey, who recently graduated from the police academy and is now in training, introduced himself with a brief synopsis of his background.
- **Council Update/Recent Events:** The group briefly discussed the recent budget retreat. The PAC was informed that there are no changes to the Police Department budget for 2013. Members asked for clarification on “cost of living” v. merit increases, as well as the overall bottom line of the Town Budget with regard to increases/decreases.
- **Items of Concern/Questions:** Committee members and staff discussed the possible implications of Amendment 64. The group suggested educational messaging for citizens.
- **Parking:** CSO Parking Supervisor, Matthew Collver, talked with the committee about the new pay parking machines. He discussed a partnership between the PD and BRC to help advertise incentives for guests to stay in town after the ski day is over. He noted that pay parking begins November 9th. A flyer has been distributed by hand to Main Street businesses reminding employees to purchase employee parking permits. The group suggested sending the flyer to the BRC for mass distribution. Dave Askeland also asked for the flyer so he can post it at CMC. All were reminded to pick up their Uphill Skier passes.
- **Investigations:** Assistant Chief Morrison and Detective Blank gave an update on recent cases, including Craigslist scams and a large embezzlement case.
- **Engage Breckenridge:** Chief Haynes provided the group with a demonstration of the Engage Breckenridge website. Some committee members are already signed up, others plan to sign up. The group feels the website is a great tool for reaching the community.

- **Drug Free Community Coalition:** Chief Haynes discussed her involvement with a revitalized DFCC. She is participating in a sub-committee looking at ways to engage parents in available resources, as well as looking at the potential need for a Family Court. The group provided thoughts on expanding resources and engaging influential community members.
- **Other:** The group asked about potential uses for the Harris Street building. They provided suggestions such as: increased technology areas for students, a safe gathering place as an alternative to bars, and a space for connecting with/reaching out to the Latino community.

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

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

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

FINANCIAL MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER; RICK HOLMAN, ASSISTANT TOWN MANAGER
FROM: CLERK AND FINANCE DIVISION
SUBJECT: SEPTEMBER NET TAXABLE SALES & OCTOBER RETT REPORTING
DATE: 11/5/2012

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

New Items of Note:

Net Taxable Sales

- September net taxable sales tracked quite well and are currently ahead of 2011 by 13.4%. More importantly, we fell behind only 2009 as the most September sales on record.
- All categories, with the exception of Lodging, Supplies and Utilities, had the best September sales on record.
- In the Supplies category, we experienced a material amount of growth in September. While we remain below 2006 #s, year-to-date figures are now ahead of 2010 and 2011.

Real Estate Transfer Tax

- Collections for the month of October surpassed prior year by 85.3% (yet, still below 2007 by 1.5%), and we reached 199.7% of budget.
- YTD collections are still behind PY – currently by 12.5%. However, this is in line with our budget prediction; we are ahead of YTD budget – at 110.3%.
- We continue to exceed the prior year monthly churn (6 months in a row). Additionally, we are ahead of 2011 year-to-date churn.
- Vacant Land has tracked quite impressively for most of 2012.
- Single Family homes continue to comprise the majority of the sales.

Continuing Items of Note:

- Net Taxable Sales are reported in the first Council meeting following the due date of the tax remittance to the Town of Breckenridge. Taxes collected from the customer by the vendor are remitted to the Town on the 20th of the following month.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are include on the report for the period of March.

- Net Taxable Sales are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- 2012 Real Estate Transfer Tax budget is based upon the monthly distribution for 2007. The reasoning is that we should compare to a year with a “normal distribution.”

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

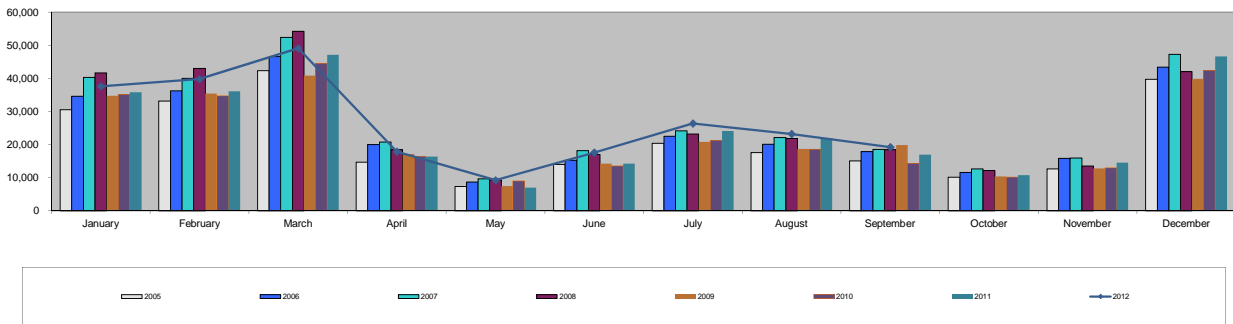
(in Thousands of Dollars)

Total - All Categories*

* excluding Undefined and Utilities categories

	Actual 2005	YTD 2005	Actual 2006	YTD 2006	Actual 2007	YTD 2007	Actual 2008	YTD 2008	Actual 2009	YTD 2009	Actual 2010	YTD 2010	Actual 2011	YTD 2011	Actual 2012	YTD 2012	Monthly 11-12	YTD % Change 11-12	
January	30,549	30,549	34,589	34,589	40,283	40,283	41,665	41,665	34,783	34,783	35,105	35,105	35,805	35,805	37,642	37,642	5.1%	5.1%	
February	33,171	63,720	36,236	70,825	40,034	80,317	43,052	84,717	35,453	70,236	34,791	69,896	36,128	71,933	39,799	77,441	10.2%	7.7%	
March	42,370	106,090	46,603	117,428	52,390	132,707	54,237	138,954	40,810	111,046	44,485	114,381	47,101	119,034	49,134	126,575	4.3%	6.3%	
April	14,635	120,725	19,963	137,391	20,758	153,465	18,483	157,437	17,171	128,217	16,346	130,727	16,371	135,405	17,870	144,445	9.2%	6.7%	
May	7,355	128,080	8,661	146,052	9,629	163,094	9,251	166,688	7,475	135,692	8,999	139,726	6,976	142,381	9,248	153,693	32.6%	7.9%	
June	14,043	142,123	15,209	161,261	18,166	181,260	16,988	183,676	14,286	149,978	13,557	153,283	14,235	156,616	17,578	171,271	23.5%	9.4%	
July	20,366	162,489	22,498	183,759	24,168	205,428	23,160	206,836	20,788	170,766	21,346	174,629	24,134	180,750	26,385	197,656	9.3%	9.4%	
August	17,625	180,114	20,071	203,830	22,125	227,553	21,845	228,681	18,656	189,422	18,603	193,232	21,878	202,628	23,232	220,888	6.2%	9.0%	
September	15,020	195,134	17,912	221,742	18,560	246,113	18,481	247,162	19,806	209,228	14,320	207,552	16,969	219,597	19,242	240,130	13.4%	9.4%	
October	10,170	205,304	11,544	233,286	12,687	258,800	12,120	259,282	10,410	219,638	10,226	217,778	10,740	230,337	0	240,130	n/a	n/a	
November	12,647	217,951	15,877	249,163	15,943	274,743	13,483	272,765	12,809	232,447	12,985	230,763	14,549	244,886	0	240,130	n/a	n/a	
December	39,687	257,638	43,431	292,594	47,258	322,001	42,076	314,841	39,859	272,306	42,343	273,106	46,651	291,537	0	240,130	n/a	n/a	
Totals	257,638		292,594		322,001		314,841		272,306		273,106		291,537		240,130				

2012 Monthly Sales Tax Activity (in thousands of dollars)



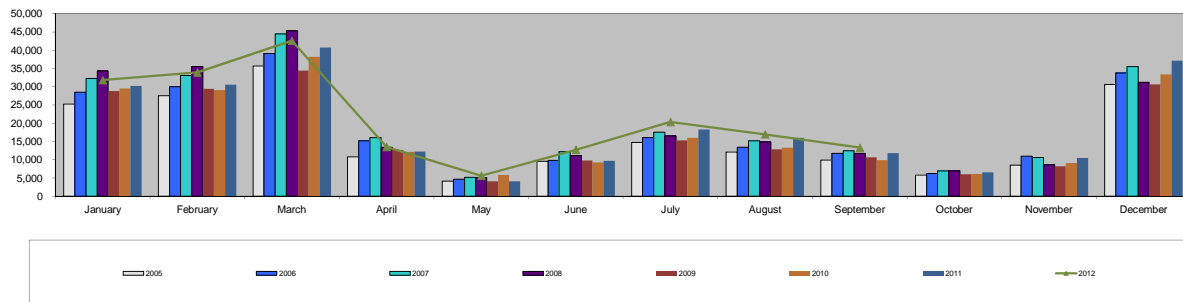
**TOWN OF BRECKENRIDGE
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail-Restaurant-Lodging Summary

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD % Change 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	25,240	25,240	28,528	28,528	32,258	32,258	34,290	34,290	28,802	28,802	29,538	29,538	30,174	30,174	31,808	31,808	5.4%	5.4%
February	27,553	52,793	29,972	58,500	33,039	65,297	35,511	69,801	29,401	58,203	29,090	58,628	30,504	60,678	33,927	65,735	11.2%	8.3%
March	35,705	88,498	39,051	97,551	44,390	109,687	45,338	115,139	34,428	92,631	38,136	96,764	40,676	101,354	42,611	108,346	4.8%	6.9%
April	10,773	99,271	15,134	112,685	16,025	125,712	13,410	128,549	12,653	105,284	12,154	108,918	12,281	113,635	13,522	121,868	10.1%	7.2%
May	4,179	103,450	4,647	117,332	5,146	130,858	5,111	133,660	4,125	109,409	5,836	114,754	4,082	117,717	5,660	127,528	38.7%	8.3%
June	9,568	113,018	9,789	127,121	12,225	143,083	11,112	144,772	9,829	119,238	9,302	124,056	9,713	127,430	12,748	140,276	31.2%	10.1%
July	14,766	127,784	16,038	143,159	17,499	160,582	16,446	161,218	15,305	134,543	15,993	140,049	18,296	145,726	20,373	160,649	11.4%	10.2%
August	12,122	139,906	13,446	156,605	15,167	175,749	14,815	176,033	12,859	147,402	13,261	153,310	16,010	161,736	16,970	177,619	6.0%	9.8%
September	9,897	149,803	11,761	168,366	12,418	188,167	11,794	187,827	10,705	158,107	9,894	163,204	11,834	173,570	13,355	190,974	12.9%	10.0%
October	5,824	155,627	6,248	174,614	6,934	195,101	6,977	194,804	5,986	164,093	6,143	169,347	6,517	180,087	0	190,974	n/a	n/a
November	8,557	164,184	10,963	185,577	10,650	205,751	8,637	203,441	8,234	172,327	9,068	178,415	10,513	190,600	0	190,974	n/a	n/a
December	30,619	194,803	33,736	219,313	35,517	241,268	31,211	234,652	30,667	202,994	33,363	211,778	37,081	227,681	0	190,974	n/a	n/a
Totals	194,803		219,313		241,268		234,652		202,994		211,778		227,681		190,974			

2012 Monthly Sales Tax Activity (in thousands of dollars)



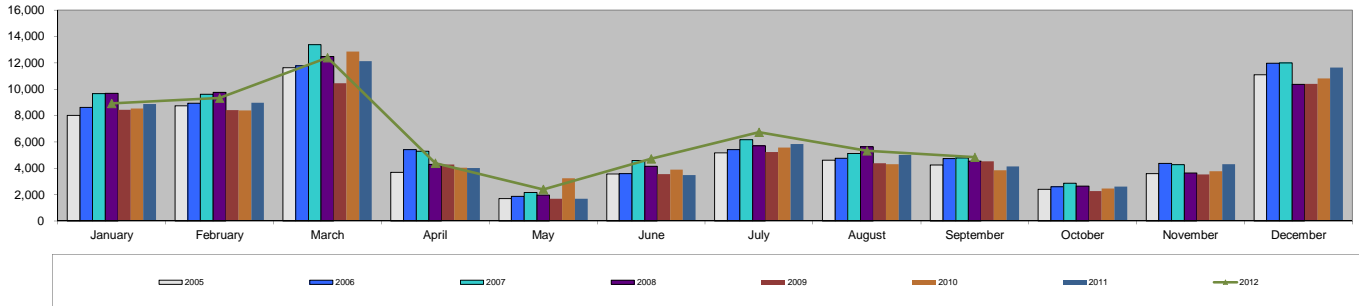
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail Sales

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	8,001	8,001	8,607	8,607	9,665	9,665	9,684	9,684	8,430	8,430	8,530	8,530	8,862	8,862	8,925	8,925	0.7%	0.7%
February	8,744	16,745	8,942	17,549	9,607	19,272	9,763	19,447	8,401	16,831	8,378	16,908	8,982	17,844	9,332	18,257	3.9%	2.3%
March	11,632	28,377	11,774	29,323	13,373	32,645	12,479	31,926	10,449	27,280	12,851	29,759	12,125	29,969	12,402	30,659	2.3%	2.3%
April	3,678	32,055	5,406	34,729	5,287	37,932	4,301	36,227	4,274	31,554	4,032	33,791	4,006	33,975	4,393	35,052	9.7%	3.2%
May	1,708	33,763	1,858	36,587	2,165	40,097	1,965	38,192	1,675	33,229	3,251	37,042	1,679	35,654	2,402	37,454	43.1%	5.0%
June	3,565	37,328	3,589	40,176	4,597	44,694	4,153	42,345	3,558	36,787	3,895	40,937	3,477	39,131	4,720	42,174	35.7%	7.8%
July	5,174	42,502	5,403	45,579	6,176	50,870	5,700	48,045	5,240	42,027	5,582	46,519	5,834	44,965	6,736	48,910	15.5%	8.8%
August	4,620	47,122	4,757	50,336	5,110	55,980	5,631	53,676	4,384	46,411	4,302	50,821	5,003	49,968	5,333	54,243	6.6%	8.6%
September	4,249	51,371	4,726	55,062	4,783	60,763	4,527	58,203	4,536	50,947	3,848	54,669	4,132	54,100	4,845	59,088	17.3%	9.2%
October	2,404	53,775	2,591	57,653	2,866	63,629	2,635	60,838	2,277	53,224	2,453	57,122	2,609	56,709	0	59,088	n/a	n/a
November	3,586	57,361	4,376	62,029	4,267	67,896	3,641	64,479	3,540	56,764	3,764	60,886	4,301	61,010	0	59,088	n/a	n/a
December	11,099	68,460	11,971	74,000	12,000	79,896	10,358	74,837	10,403	67,167	10,824	71,710	11,629	72,639	0	59,088	n/a	n/a
Totals	68,460		74,000		79,896		74,837		67,167		71,710		72,639		59,088			

2012 Monthly Sales Tax Activity (in thousands of dollars)



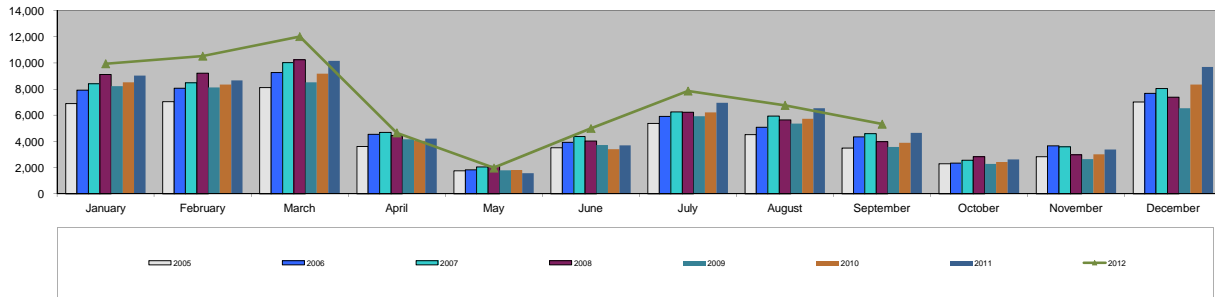
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Restaurants/Bars

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	6,897	6,897	7,924	7,924	8,414	8,414	9,117	9,117	8,231	8,231	8,515	8,515	9,039	9,039	9,942	9,942	10.0%	10.0%
February	7,047	13,944	8,058	15,982	8,467	16,881	9,208	18,325	8,129	16,360	8,343	16,858	8,660	17,699	10,527	20,469	21.6%	15.7%
March	8,117	22,061	9,256	25,238	10,015	26,896	10,240	28,565	8,527	24,887	9,186	26,044	10,151	27,850	12,015	32,484	18.4%	16.6%
April	3,609	25,670	4,552	29,790	4,678	31,574	4,440	33,005	4,173	29,060	4,042	30,086	4,222	32,072	4,662	37,146	10.4%	15.8%
May	1,760	27,430	1,832	31,622	2,058	33,632	2,107	35,112	1,783	30,843	1,812	31,898	1,570	33,642	1,976	39,122	25.9%	16.3%
June	3,525	30,955	3,938	35,560	4,370	38,002	4,030	39,142	3,712	34,555	3,397	35,295	3,704	37,346	4,992	44,114	34.8%	18.1%
July	5,375	36,330	5,905	41,465	6,249	44,251	6,218	45,360	5,931	40,486	6,222	41,517	6,949	44,295	7,856	51,970	13.1%	17.3%
August	4,521	40,851	5,067	46,532	5,933	50,184	5,639	50,999	5,365	45,851	5,729	47,246	6,526	50,821	6,766	58,736	3.7%	15.6%
September	3,498	44,349	4,340	50,872	4,585	54,769	3,971	54,970	3,565	49,416	3,883	51,129	4,656	55,477	5,332	64,068	14.5%	15.5%
October	2,290	46,639	2,352	53,224	2,564	57,333	2,818	57,788	2,285	51,701	2,420	53,549	2,618	58,095	0	64,068	n/a	n/a
November	2,841	49,480	3,651	56,875	3,593	60,926	2,972	60,760	2,649	54,350	3,006	56,555	3,380	61,475	0	64,068	n/a	n/a
December	7,017	56,497	7,681	64,556	8,028	68,954	7,371	68,131	6,524	60,874	8,351	64,906	9,701	71,176	0	64,068	n/a	n/a
Totals	56,497		64,556		68,954		68,131		60,874		64,906		71,176		64,068			

2012 Monthly Sales Tax Activity (in thousands of dollars)



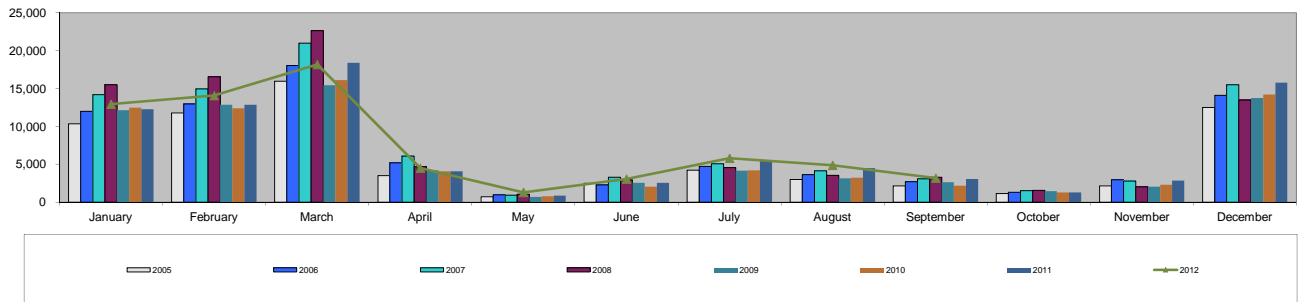
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Short-Term Lodging

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	10,342	10,342	11,997	11,997	14,179	14,179	15,489	15,489	12,141	12,141	12,493	12,493	12,273	12,273	12,941	12,941	5.4%	5.4%
February	11,762	22,104	12,972	24,969	14,965	29,144	16,540	32,029	12,871	25,012	12,369	24,862	12,862	25,135	14,068	27,009	9.4%	7.5%
March	15,956	38,060	18,021	42,990	21,002	50,146	22,619	54,648	15,452	40,464	16,099	40,961	18,400	43,535	18,194	45,203	-1.1%	3.8%
April	3,486	41,546	5,176	48,166	6,060	56,206	4,669	59,317	4,206	44,670	4,080	45,041	4,053	47,588	4,467	49,670	10.2%	4.4%
May	711	42,257	957	49,123	923	57,129	1,039	60,356	667	45,337	773	45,814	833	48,421	1,282	50,952	53.9%	5.2%
June	2,478	44,735	2,262	51,385	3,258	60,387	2,929	63,285	2,559	47,896	2,010	47,824	2,532	50,953	3,036	53,988	19.9%	6.0%
July	4,217	48,952	4,730	56,115	5,074	65,461	4,528	67,813	4,134	52,030	4,189	52,013	5,513	56,466	5,781	59,769	4.9%	5.8%
August	2,981	51,933	3,622	59,737	4,124	69,585	3,545	71,358	3,110	55,140	3,230	55,243	4,481	60,947	4,871	64,640	8.7%	6.1%
September	2,150	54,083	2,695	62,432	3,050	72,635	3,296	74,654	2,604	57,744	2,163	57,406	3,046	63,993	3,178	67,818	4.3%	6.0%
October	1,130	55,213	1,305	63,737	1,504	74,139	1,524	76,178	1,424	59,168	1,270	58,676	1,290	65,283	0	67,818	n/a	n/a
November	2,130	57,343	2,936	66,673	2,790	76,929	2,024	78,202	2,045	61,213	2,298	60,974	2,832	68,115	0	67,818	n/a	n/a
December	12,503	69,846	14,084	80,757	15,489	92,418	13,482	91,684	13,740	74,953	14,188	75,162	15,751	83,866	0	67,818	n/a	n/a
Totals	69,846		80,757		92,418		91,684		74,953		75,162		83,866		67,818			

2012 Monthly Sales Tax Activity (in thousands of dollars)



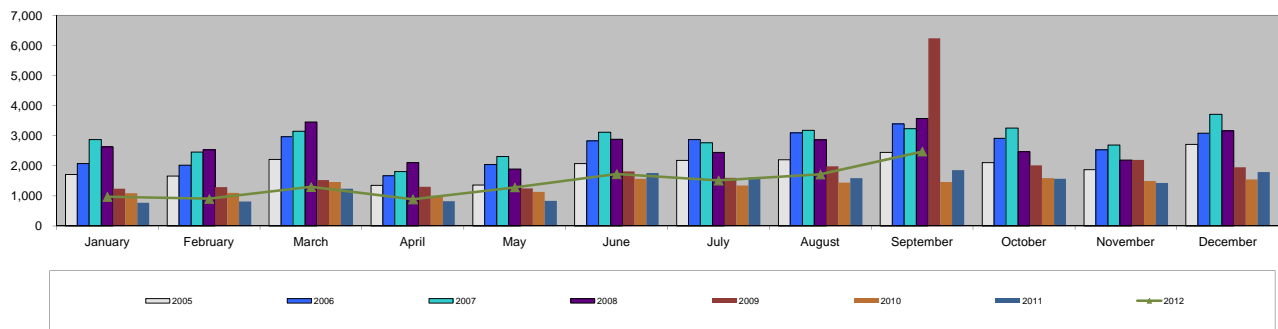
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Supplies

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	1,720	1,720	2,084	2,084	2,876	2,876	2,631	2,631	1,240	1,240	1,095	1,095	777	777	977	977	25.7%	25.7%
February	1,669	3,389	2,031	4,115	2,459	5,335	2,532	5,163	1,297	2,537	1,111	2,206	821	1,598	910	1,887	10.8%	18.1%
March	2,216	5,605	2,967	7,082	3,156	8,491	3,463	8,626	1,530	4,067	1,472	3,678	1,245	2,843	1,303	3,190	4.7%	12.2%
April	1,359	6,964	1,680	8,762	1,813	10,304	2,114	10,740	1,305	5,372	1,006	4,684	829	3,672	894	4,084	7.8%	11.2%
May	1,370	8,334	2,045	10,807	2,314	12,618	1,894	12,634	1,250	6,622	1,139	5,823	841	4,513	1,292	5,376	53.6%	19.1%
June	2,083	10,417	2,836	13,643	3,119	15,737	2,886	15,520	1,814	8,436	1,573	7,396	1,765	6,278	1,732	7,108	-1.9%	13.2%
July	2,186	12,603	2,872	16,515	2,770	18,507	2,450	17,970	1,602	10,038	1,354	8,750	1,619	7,897	1,522	8,630	-6.0%	9.3%
August	2,211	14,814	3,096	19,611	3,187	21,694	2,869	20,839	1,990	12,028	1,446	10,196	1,597	9,494	1,721	10,351	7.8%	9.0%
September	2,452	17,266	3,394	23,005	3,234	24,928	3,574	24,413	6,237	18,265	1,471	11,667	1,857	11,351	2,483	12,834	33.7%	13.1%
October	2,107	19,373	2,924	25,929	3,259	28,187	2,470	26,883	2,016	20,281	1,595	13,262	1,575	12,926	0	12,834	n/a	n/a
November	1,876	21,249	2,537	28,466	2,693	30,880	2,199	29,082	2,196	22,477	1,495	14,757	1,437	14,363	0	12,834	n/a	n/a
December	2,712	23,961	3,091	31,557	3,713	34,593	3,160	32,242	1,958	24,435	1,548	16,305	1,794	16,157	0	12,834	n/a	n/a
Totals	23,961		31,557		34,593		32,242		24,435		16,305		16,157		12,834			

2012 Monthly Sales Tax Activity (in thousands of dollars)



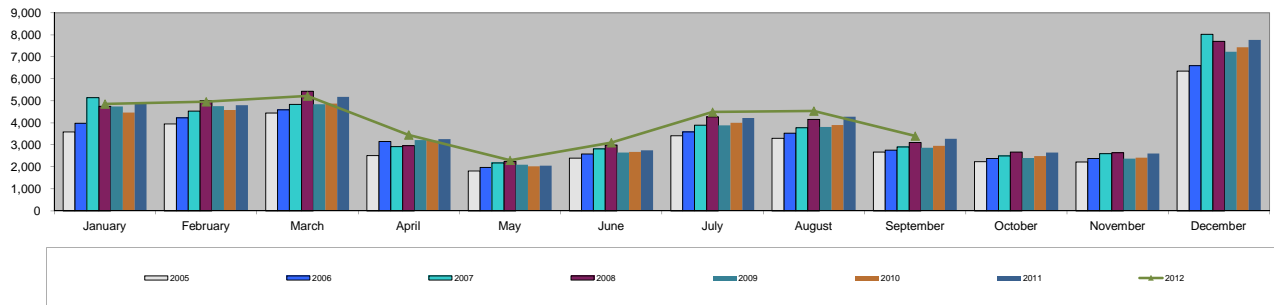
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Grocery/Liquor Stores

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	3,589	3,589	3,977	3,977	5,149	5,149	4,744	4,744	4,741	4,741	4,472	4,472	4,854	4,854	4,857	4,857	0.1%	0.1%
February	3,949	7,538	4,233	8,210	4,536	9,685	5,009	9,753	4,755	9,496	4,590	9,062	4,803	9,657	4,962	9,819	3.3%	1.7%
March	4,449	11,987	4,585	12,795	4,844	14,529	5,436	15,189	4,852	14,348	4,877	13,939	5,180	14,837	5,220	15,039	0.8%	1.4%
April	2,503	14,490	3,149	15,944	2,920	17,449	2,959	18,148	3,213	17,561	3,186	17,125	3,261	18,098	3,454	18,493	5.9%	2.2%
May	1,806	16,296	1,969	17,913	2,169	19,618	2,246	20,394	2,100	19,661	2,024	19,149	2,053	20,151	2,296	20,789	11.8%	3.2%
June	2,392	18,688	2,584	20,497	2,822	22,440	2,990	23,384	2,643	22,304	2,682	21,831	2,757	22,908	3,098	23,887	12.4%	4.3%
July	3,414	22,102	3,588	24,085	3,899	26,339	4,264	27,648	3,881	26,185	3,999	25,830	4,219	27,127	4,490	28,377	6.4%	4.6%
August	3,292	25,394	3,529	27,614	3,771	30,110	4,161	31,809	3,807	29,992	3,896	29,726	4,271	31,398	4,541	32,918	6.3%	4.8%
September	2,671	28,065	2,757	30,371	2,908	33,018	3,113	34,922	2,864	32,856	2,955	32,681	3,278	34,676	3,404	36,322	3.8%	4.7%
October	2,239	30,304	2,372	32,743	2,494	35,512	2,673	37,595	2,408	35,264	2,488	35,169	2,648	37,324	0	36,322	n/a	n/a
November	2,214	32,518	2,377	35,120	2,600	38,112	2,647	40,242	2,379	37,643	2,422	37,591	2,599	39,923	0	36,322	n/a	n/a
December	6,356	38,874	6,604	41,724	8,028	46,140	7,705	47,947	7,234	44,877	7,432	45,023	7,776	47,699	0	36,322	n/a	n/a
Totals	38,874		41,724		46,140		47,947		44,877		45,023		47,699		36,322			

2012 Monthly Sales Tax Activity (in thousands of dollars)



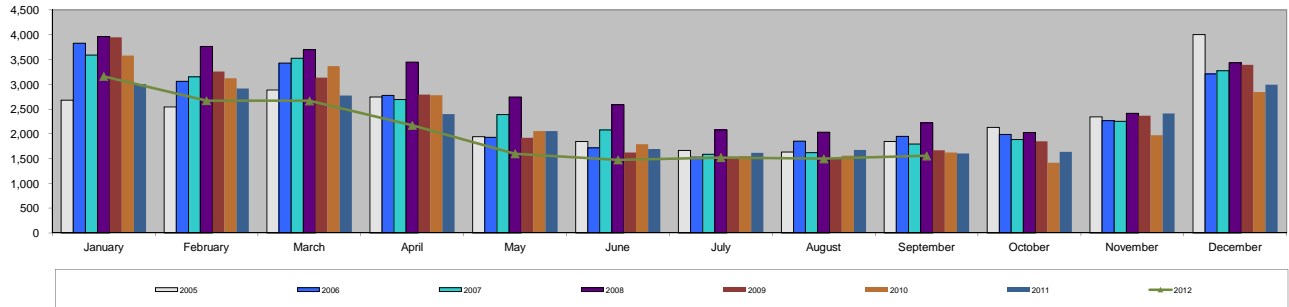
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Utilities

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	2,675	2,675	3,829	3,829	3,591	3,591	3,961	3,961	3,950	3,950	3,577	3,577	3,004	3,004	3,159	3,159	5.2%	5.2%
February	2,540	5,215	3,056	6,885	3,149	6,740	3,765	7,726	3,253	7,203	3,118	6,695	2,913	5,917	2,668	5,827	-8.4%	-1.5%
March	2,883	8,098	3,428	10,313	3,525	10,265	3,699	11,425	3,134	10,337	3,365	10,060	2,772	8,689	2,667	8,494	-3.8%	-2.2%
April	2,741	10,839	2,778	13,091	2,694	12,959	3,448	14,873	2,792	13,129	2,779	12,839	2,400	11,089	2,170	10,664	-9.6%	-3.8%
May	1,939	12,778	1,926	15,017	2,386	15,345	2,742	17,615	1,917	15,046	2,057	14,896	2,057	13,146	1,597	12,261	-22.4%	-6.7%
June	1,846	14,624	1,713	16,730	2,078	17,423	2,588	20,203	1,620	16,666	1,793	16,689	1,693	14,839	1,473	13,734	-13.0%	-7.4%
July	1,663	16,287	1,529	18,259	1,588	19,011	2,075	22,278	1,539	18,205	1,548	18,237	1,614	16,453	1,521	15,255	-5.8%	-7.3%
August	1,629	17,916	1,854	20,113	1,621	20,632	2,031	24,309	1,497	19,702	1,558	19,795	1,673	18,126	1,497	16,752	-10.5%	-7.6%
September	1,843	19,759	1,949	22,062	1,792	22,424	2,219	26,528	1,667	21,369	1,625	21,420	1,604	19,730	1,555	18,307	-3.1%	-7.2%
October	2,127	21,886	1,987	24,049	1,883	24,307	2,026	28,554	1,845	23,214	1,412	22,832	1,632	21,362	0	18,307	n/a	n/a
November	2,340	24,226	2,264	26,313	2,251	26,558	2,411	30,965	2,364	25,578	1,972	24,804	2,409	23,771	0	18,307	n/a	n/a
December	4,005	28,231	3,206	29,519	3,271	29,829	3,435	34,400	3,389	28,967	2,845	27,649	2,991	26,762	0	18,307	n/a	n/a
Totals	28,231		29,519		29,829		34,400		28,967		27,649		26,762		18,307			

2012 Monthly Sales Tax Activity (in thousands of dollars)

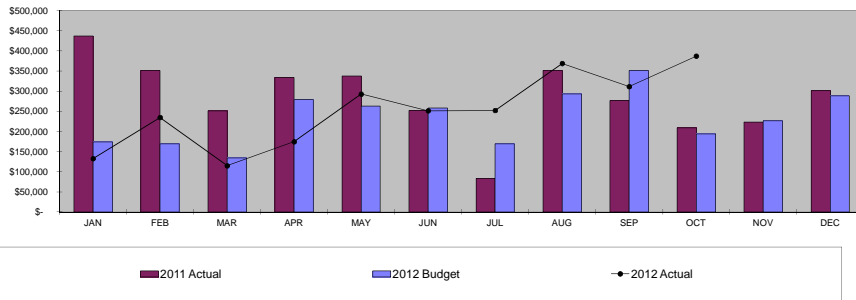


**TOWN OF BRECKENRIDGE
REAL ESTATE TRANSFER TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

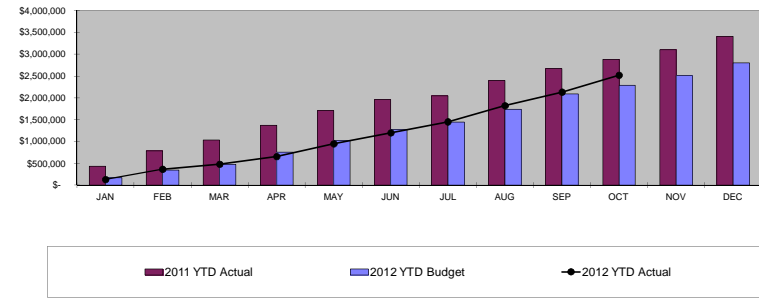
Sales Period	2007 Collections			2009 Percent of Total	2011 Collections			2012 Budget			2012 Monthly				2012 Year to Date			
	Tax Collected	Year To Date	Percent of Total		Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	% Change from 2007	% Change from 2011	Actual	% of Budget	% Change from 2007	% Change from 2011
JAN	\$ 352,958	\$ 352,958	6.2%	4.3%	\$ 436,605	\$ 436,605	12.8%	\$ 174,140	\$ 174,140	6.2%	\$ 132,557	76.1%	-62.4%	-69.6%	\$ 132,557	76.1%	-62.4%	-69.6%
FEB	342,995	695,953	12.3%	7.6%	350,866	787,471	23.1%	169,224	343,364	12.3%	234,630	138.7%	-31.6%	-33.1%	367,186	106.9%	-47.2%	-53.4%
MAR	271,817	967,770	17.1%	14.1%	250,986	1,038,457	30.5%	134,107	477,470	17.1%	114,921	85.7%	-57.7%	-54.2%	482,107	101.0%	-50.2%	-53.6%
APR	564,624	1,532,394	27.0%	29.6%	333,424	1,371,881	40.3%	278,570	756,040	27.0%	174,514	62.6%	-69.1%	-47.7%	656,621	86.9%	-57.2%	-52.1%
MAY	533,680	2,066,074	36.4%	39.1%	337,577	1,709,458	50.2%	263,303	1,019,342	36.4%	292,708	111.2%	-45.2%	-13.3%	949,329	93.1%	-54.1%	-44.5%
JUN	522,999	2,589,073	45.6%	43.4%	251,806	1,961,263	57.6%	258,033	1,277,375	45.6%	251,400	97.4%	-51.9%	-0.2%	1,200,729	94.0%	-53.6%	-38.8%
JUL	343,610	2,932,683	51.7%	48.2%	83,522	2,044,785	60.0%	169,527	1,446,903	51.7%	252,104	148.7%	-26.6%	201.8%	1,452,833	100.4%	-50.5%	-28.9%
AUG	594,349	3,527,032	62.1%	56.2%	350,730	2,395,515	70.3%	293,235	1,740,138	62.1%	368,749	125.8%	-38.0%	5.1%	1,821,582	104.7%	-48.4%	-24.0%
SEP	711,996	4,239,028	74.7%	67.0%	276,774	2,672,289	78.5%	351,278	2,091,416	74.7%	311,285	88.6%	-56.3%	12.5%	2,132,867	102.0%	-49.7%	-20.2%
OCT	392,752	4,631,779	81.6%	78.7%	208,831	2,881,120	84.6%	193,773	2,285,189	81.6%	387,028	199.7%	-1.5%	85.3%	2,519,895	110.3%	-45.6%	-12.5%
NOV	459,147	5,090,926	89.7%	87.5%	223,271	3,104,391	91.2%	226,530	2,511,719	89.7%	51,162	22.6%	-88.9%	-77.1%	2,571,057	102.4%	-49.5%	-17.2%
DEC	\$ 584,308	\$ 5,675,235	100.0%	100.0%	\$ 301,397	\$ 3,405,788	100.0%	\$ 288,281	\$ 2,800,000	100.0%	\$ -	0.0%	n/a	n/a	\$ 2,571,057	91.8%	-54.7%	-24.5%

2012 budget is based upon 2007 monthly distribution
November #s are as of 11/05/12

2012 Monthly RETT Tax Collections



2012 Y.T.D. RETT Collections

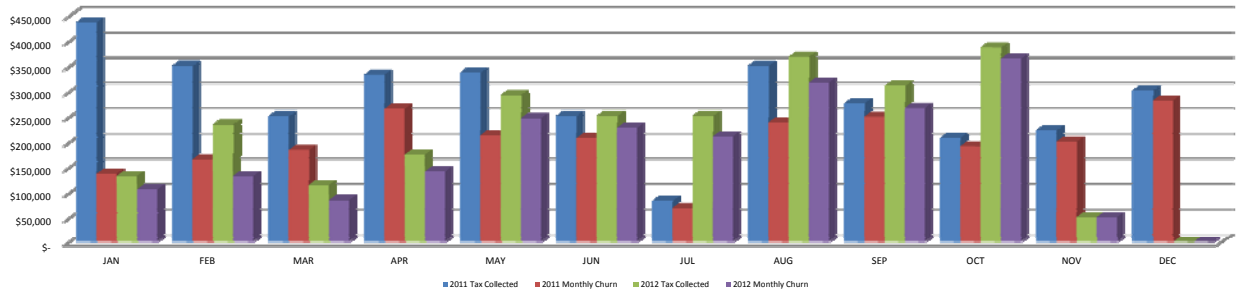


**TOWN OF BRECKENRIDGE
REAL ESTATE TRANSFER TAX CHURN
REPORTED IN THE PERIOD EARNED**

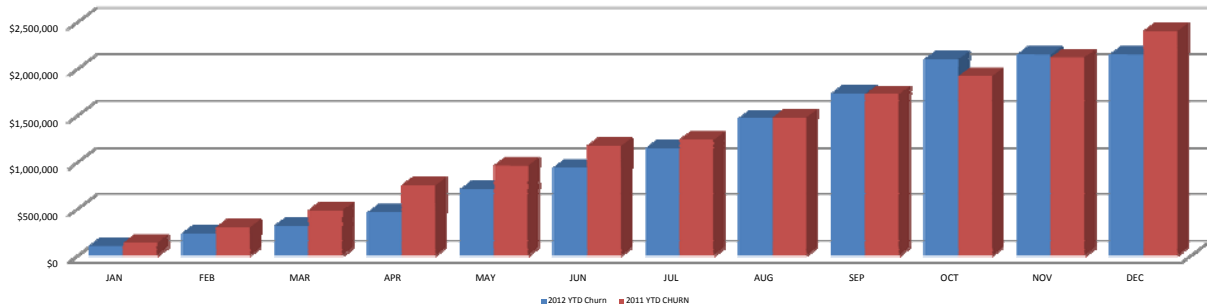
Sales Period	Tax Collected	Year To Date	2011 Collections				Monthly Churn	YTD Churn	% of YTD Total	
			Grand Lodge	New Construction		Water House				Other
JAN	\$ 436,605	\$ 436,605	246,243	1 Ski Hill	0	53,370	0	\$ 136,992	\$136,992	31.4%
FEB	\$ 350,866	\$ 787,471	147,234	26,482	11,550	0	0	\$ 165,599	\$302,592	38.4%
MAR	\$ 250,986	\$ 1,038,457	57,703	0	9,300	0	0	\$ 183,982	\$486,574	46.9%
APR	\$ 333,424	\$ 1,371,881	41,651	7,296	19,170	0	0	\$ 265,306	\$751,880	54.8%
MAY	\$ 337,577	\$ 1,709,458	87,830	36,403	0	0	0	\$ 213,344	\$965,225	56.5%
JUN	\$ 251,806	\$ 1,961,263	44,417	0	0	0	0	\$ 207,389	\$1,172,614	59.8%
JUL	\$ 83,522	\$ 2,044,785	14,277	0	0	0	0	\$ 69,244	\$1,241,858	60.7%
AUG	\$ 350,730	\$ 2,395,515	107,470	0	0	5,050	0	\$ 238,210	\$1,480,068	61.8%
SEP	\$ 276,774	\$ 2,672,289	27,114	0	0	0	0	\$ 249,660	\$1,729,728	64.7%
OCT	\$ 208,381	\$ 2,880,670	2,223	0	0	14,800	0	\$ 191,359	\$1,921,087	66.7%
NOV	\$ 223,271	\$ 3,103,941	5,083	17,212	0	0	0	\$ 200,975	\$2,122,062	68.4%
DEC	\$ 301,397	\$ 3,405,338	7,928	0	0	11,300	0	\$ 282,169	\$2,404,231	70.6%

Sales Period	Tax Collected	Year To Date	2012 Collections				Monthly Churn	YTD Budget	YTD Churn	% of YTD Total	% Change In Churn from Prior Year
			Grand Lodge	1 Ski Hill	Water House	Other					
JAN	\$ 132,557	\$ 132,557	26,492	0	0	0	\$ 106,065	\$ 174,140	\$106,065	80.0%	-22.6%
FEB	\$ 234,630	\$ 367,186	69,718	0	0	32,250	\$ 132,661	\$ 343,364	\$238,726	65.0%	-21.1%
MAR	\$ 114,921	\$ 482,107	29,935	0	0	0	\$ 84,985	\$ 477,470	\$323,712	67.1%	-33.5%
APR	\$ 174,514	\$ 656,621	33,127	0	0	0	\$ 141,388	\$ 756,040	\$465,099	70.8%	-38.1%
MAY	\$ 292,708	\$ 949,329	45,605	0	0	0	\$ 247,103	\$ 1,019,342	\$712,203	75.0%	-26.2%
JUN	\$ 251,400	\$ 1,200,729	23,453	0	0	0	\$ 227,947	\$ 1,277,375	\$940,150	78.3%	-19.8%
JUL	\$ 252,104	\$ 1,452,833	40,804	0	0	0	\$ 211,300	\$ 1,446,903	\$1,151,450	79.3%	-7.3%
AUG	\$ 368,749	\$ 1,821,582	50,843	0	0	0	\$ 317,906	\$ 1,740,138	\$1,469,355	80.7%	-0.7%
SEP	\$ 311,285	\$ 2,132,867	24,763	0	0	18,956	\$ 267,566	\$ 2,091,416	\$1,736,922	81.4%	0.4%
OCT	\$ 387,028	\$ 2,519,895	22,064	0	0	0	\$ 364,964	\$ 2,285,189	\$2,101,886	83.4%	9.4%
NOV	\$ 51,162	\$ 2,571,057					\$ 51,162	\$ 2,511,719	\$2,153,047	83.7%	1.5%
DEC	\$ -	\$ 2,571,057					\$ -	\$ 2,800,000	\$2,153,047	n/a	n/a

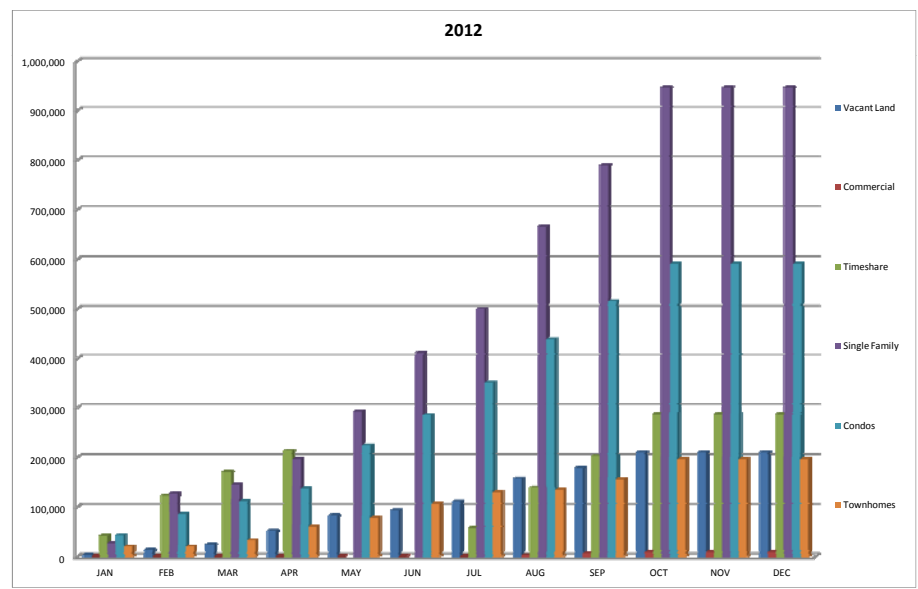
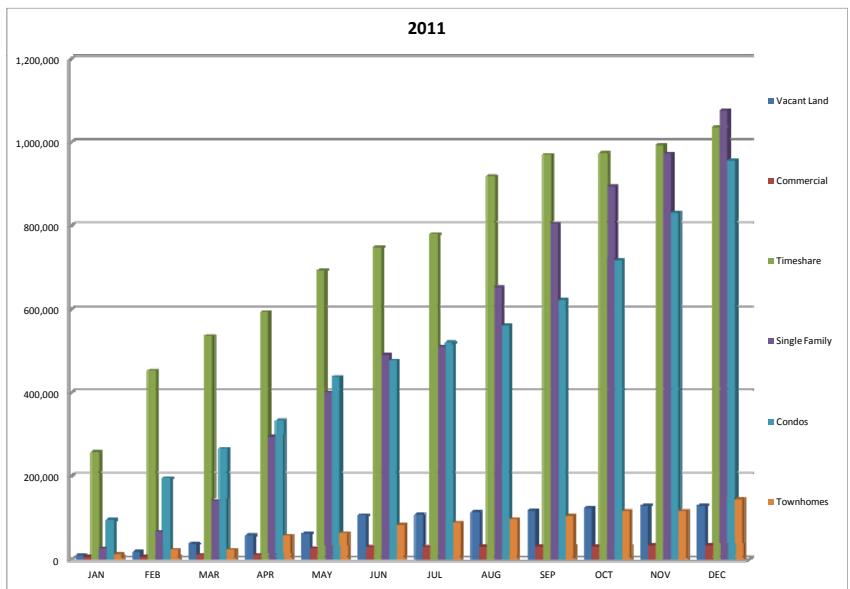
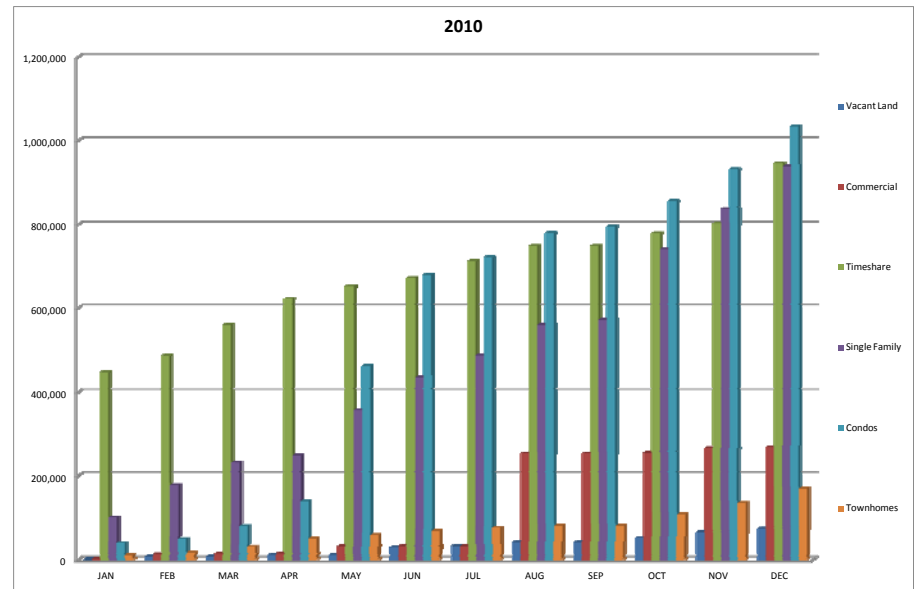
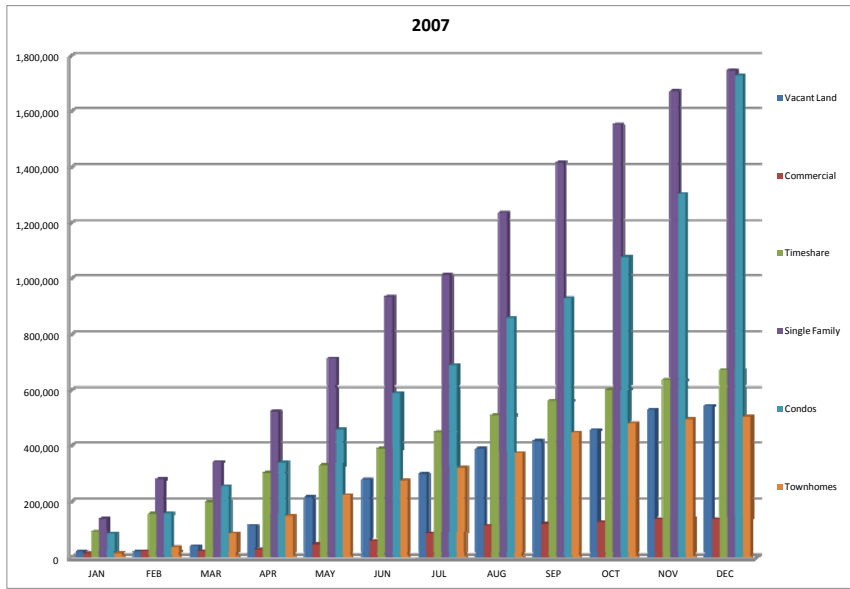
RETT Monthly Collections vs. Churn



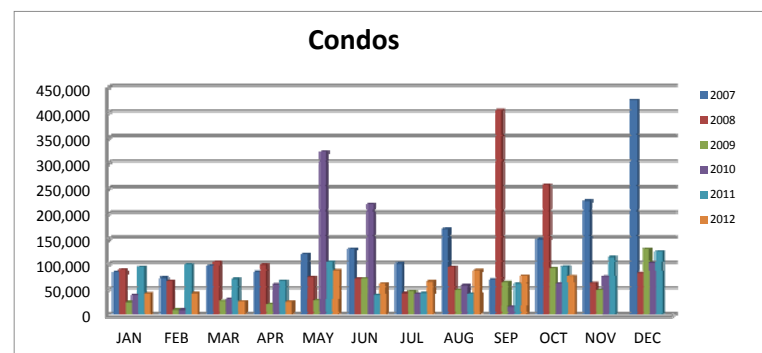
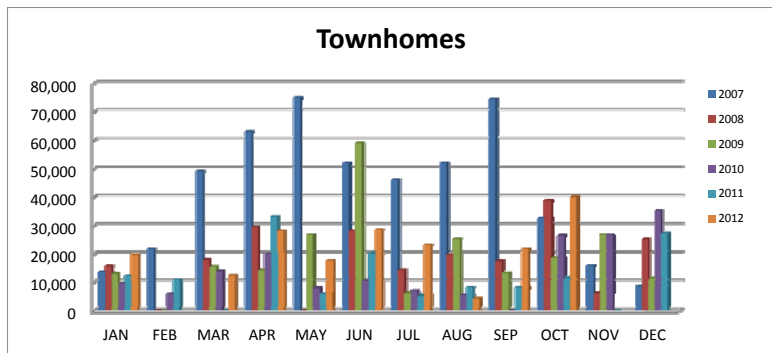
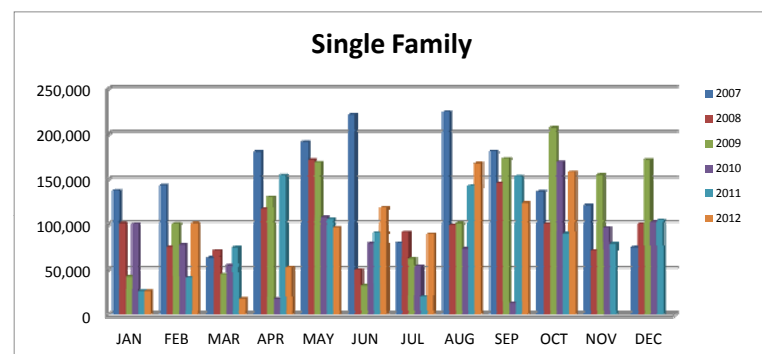
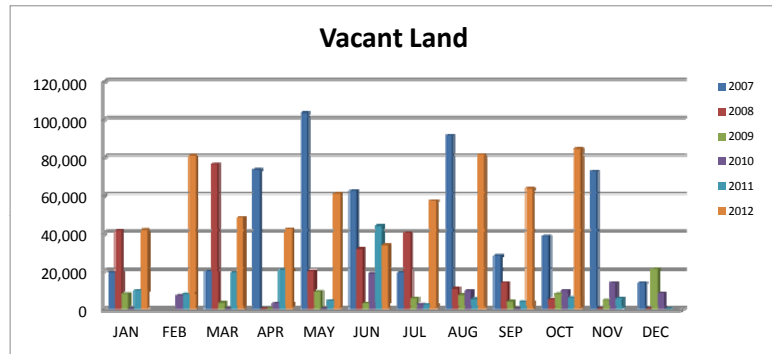
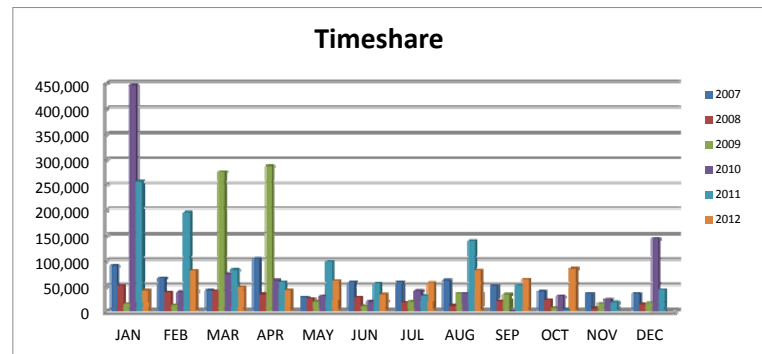
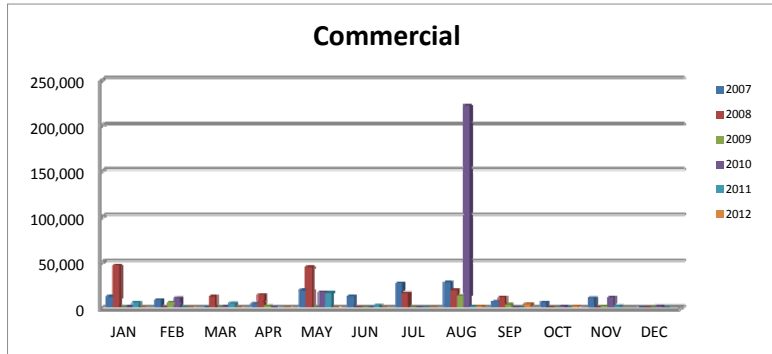
YTD Churn Analysis



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



TOWN OF BRECKENRIDGE REAL ESTATE TRANSFER TAX COLLECTIONS MONTHLY BY CATEGORY



Memorandum

TO: TOWN COUNCIL
FROM: Shannon Smith, Engineering Department
DATE: November 7, 2012
RE: RWC Assessment Report

The first steps of the Riverwalk and Tiger Dredge Master Plan project have been completed. This work included an in-depth review of the RWC and Arts District operations and facilities, researching market trends and other local venues, and interviews of key stakeholders of both the RWC and Arts District.

Our consultant has prepared the attached report to update Council on the information gathered during interviews, their background research to assess the current operational models of the RWC and Arts District, and to provide preliminary options of alternative programming models for the Riverwalk Center. This preliminary report was completed prior to the community open house which is scheduled for November 14th.

Below is a brief summary of the findings presented in the report.

Arts District

Stakeholder feedback:

- The public perception of the Arts District is very positive. It functions at a high level with excellent feedback from users on the quality of classes offered. Improvements could be made to the registration process and marketing overall.
- There is room to improve cohesiveness between the Arts District Campus and the RWC.
- Public desire to expand to include the “seven arts”. (This is already part of the master plan).

Funding: Currently staff salary is the only Town funding requirement, other than the capital development expense, and all other expenses are covered through rentals, workshop fees, merchandise sales, and charitable contributions.

Operations: Future growth in the Arts District will require more staffing, money, and leadership.

Riverwalk Center

Stakeholder feedback:

- There is public desire for increased programming during the winter months.
- Public perception is that programming is not diversified and is focused on classical music.
- Requests for improvements to ticketing operations.
- Feedback on patron amenities was positive; however, there was mention of improvements to the restroom, a lack of lobby, and desire for a larger bar area.

- Not viewed as an ideal venue for meetings and events.

Operations & Programming:

- The RWC is operated by Events and Communications Staff (3 full time and 1 part time) and summer seasonal staff for the Box Office and a Technical Director.
- The RWC hosts 24-27 community and free events each year.
- Private events are held at the RWC approximately 10 times per year.
- The venue is busiest during summer months, utilized mainly by the NRO (15 performances) and BMF (20 performances) plus numerous rehearsal times. Very few weekend evenings are available for additional programming.
- Expansion opportunities currently exist in the winter programming schedule at the RWC.

Options for Changes to Programming: Please refer to the report for an analysis of facility modifications that would be recommended for these initial suggestions for programming alternatives.

1. Keep NRO and BMF as main summer tenants and focus on increased winter programming with modest to extensive physical and operational investments.
2. Push to diversify summer programming. Make “prime” summer dates available for programming beyond the NRO and BMF, again, this would involve modest to extensive investments.
3. Build new performing arts facility to pursue major commercial acts.

The consultant will lead a discussion of the report and suggested options for physical and operational changes to the facility at the work session. Conceptual site drawings will also be presented. The consultant will welcome any initial feedback on the broad vision for the future of the RWC/Arts District, keeping in mind some elements of our community engagement are still to come.

Council’s input on programming will help to shape the next phases of the project. Programming choices will dictate what improvements may be needed to the facility as well as outdoor site improvements.

The next step in the project is to develop the draft Vision for the RWC, Tiger Dredge lot, and surrounding open space. The draft Vision will be presented to Council in December. Options for a new business and operational models, programming, and associated phasing program for capital improvements will then be further developed based on Council’s guidance. A return on investment (ROI) analysis will be performed and presented to Council in the draft Master Plan in January.



management
services
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building creativity

November 1, 2012

Assessment & Opportunities Report

Riverwalk Center and Arts District
Breckenridge, CO

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1. introduction + context

The Town of Breckenridge has hired Webb Management Services as a part of a team led by Semple Brown Design to consider the future of the Breckenridge Riverwalk Center (RWC), the adjacent Tiger Dredge Lot and the Breckenridge Arts District (BAD). In this first report, we review operations of the RWC and BAD, and identify opportunities for their future development. This work is to inform the development of physical plans, and then new operating plans for these important Town assets.

1.1 Breckenridge Riverwalk Center

The impetus for the construction of the Riverwalk Center was the permanent relocation of the National Repertory Orchestra (NRO) from Keystone and the positioning of Breckenridge as the NRO's summer home and resulted in a home for the Breckenridge Music Festival. Constructed in 1993, the Riverwalk Center is an 11,000 square foot facility with a 770-seat theater and administrative and support space. Since 1993, the venue has undergone a number of physical improvements, evolving from a seasonal music tent into a year round venue.

In 2000, our firm, Webb Management Services, completed a feasibility study for a new performing arts center for Summit County. Our 2000 study recommended improvements to the Riverwalk Center, including the remodeling of support spaces, improved audience amenities, and technical enhancements to sound and theatrical systems. We also recommended the development of a 400-seat proscenium theater and an arts production center.

Two years later, the Town's 2002 Breckenridge Vision Plan again identified the issue that there was a lack of adequate year-round performing arts facilities. The Vision Plan found that "many residents and visitors believe that the Town would benefit from expanding existing facilities to house cultural events on a year-round basis". The Vision Plan also indicated the need for the *Town of Breckenridge Master Plan* to reflect the desire of the community to promote cultural events, and directed the Cultural Resources section to develop a year-round performing arts center.

Most recently and in August 2006, Harry Teague Architects completed an improvement evaluation report for the Riverwalk Center, recommending two options for improvement. The first option was to construct a hard shell that could remain in place year round, which would eliminate the need to erect to tent each spring, improve acoustics, and complement the arts district. The hard shell was also recommended because it could also be retrofitted in the future with additional improvements. After a \$1.1M public and private fundraising effort, the Riverwalk Center was renovated in 2008-09 to include a new roof and a garage door in the rear of the auditorium, which can be opened up onto the lawn behind the venue. A new boiler and forced air system were also installed in the venue so that it could be utilized year round.

1.2 Breckenridge Arts District

The Arts District was officially established in 2001 and is bound by South Ridge Street and Washington Avenue, and is anchored by an “axis” that includes the Riverwalk Center, the Town’s planned Library, the Blue River Plaza, and the Riverwalk. Breckenridge Town Council has phased the development of BAD, restoring structures and adding programs when financial resources are available.

In 2004, Harry Teague Architects, Mathew Stais Architects and Jenn Cram from the Town of Breckenridge completed a revised *Arts District Master Plan: Stage 2* for the arts district of Breckenridge. Unlike the Riverwalk Center, BAD has a defined vision, which is to:

- * Create a vibrant community focal point,
- * Provide an additional layer of downtown activity, and
- * Attract visitors and community,
- * Strengthening existing arts organizations and encompassing the seven arts.

One of the unique qualities of the Breckenridge Arts District (BAD) is its restoration, preservation and adaptive reuse of heritage structures. The arts district is located in Historic District and is home to a number of historically designated structures originally constructed in the late 19th century, including the Robert Whyte House, the Robert Whyte Burro Barn, the Tin Shop, the Mikolitis Barn and the Fuqua Livery Stable.

Presently, the Arts District’s primary programs include visual arts classes, a guest artist program, resident artist program, and is also home to the Breckenridge Theater, which houses the Backstage Theater Company. Many Arts District stakeholders have the long-term vision to grow BAD into a “seven arts” destination and also to have a profile, programs and brand similar to that of Anderson Ranch in Snowmass.

Most recently, Town Council has approved the accelerated build-out of BAD, including renovation of the existing historic structures, three new structures, and the Ridge St. Arts Square. Build-out is hoped to be achieved by the end of 2014.

2. operational assessment

2.1 Breckenridge Riverwalk Center

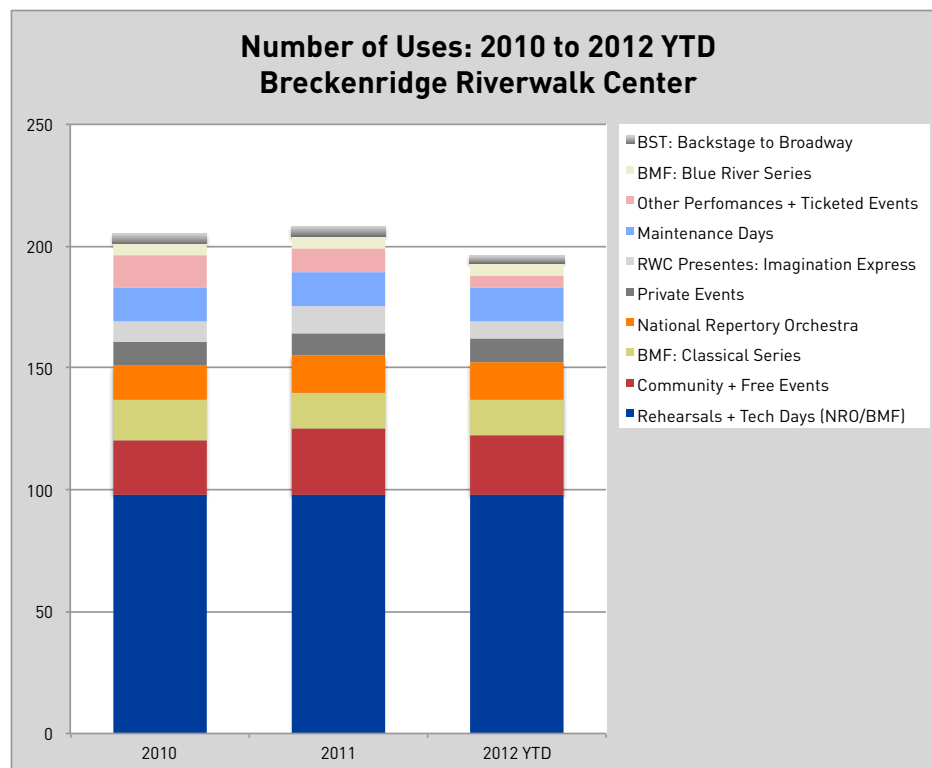
Activity Review

For the purpose of this study, the consulting team reviewed activity, attendance and box office detail for the Riverwalk Center for 2010 to 2012 (year to date). This data included events that took place within the theater and also events that utilized the lawn or parking lot outside of the venue. Additionally, we reviewed the *Analysis of RWC Usage, Expenses and Nonprofit Contributions* completed in May 2011, which summarized facility usage for 2008 to 2011.

The findings of this review confirm a number of anecdotal observations from our community interviews – particularly that the facility is perceived as incredibly busy during the summer season and is used by the Breckenridge Music Festival and National Repertory Orchestra.

The activity analysis confirms the public perception that the venue is busy during the summer months and underutilized in the winter months. It is no surprise that we heard that the Riverwalk Center is a difficult venue to book in the height of Breckenridge’s six-week summer season.

This first graph summarizes the number of events by type of user. Maintenance, rehearsal and tech days were estimated using 2012 data.



Our review of three years of activity for the Riverwalk Center indicates the following:

- * Not surprisingly, the venue is busiest during the summer months. From May to September, the RWC is used approximately 180 times and from October to April, the venue is used 30 to 40 times. The *Analysis of RWC Usage, Expenses and Nonprofit Contributions* also found that during the summer, the BMF and NRO utilized the RWC on most Fridays and Saturdays.
- * More than half of all uses were for daytime rehearsals and maintenance. For example, NRO rehearsed on-stage in the Riverwalk Center 55 times between June and August. Breckenridge Music Festival had a similar pattern, rehearsing 40 times during that period. Finally, both organizations also rehearsed together 3 times.
- * Two-thirds of these uses are by the facility's de facto resident music organizations – the NRO and BMF. In 2012, The NRO utilized the RWC for 15 performances and 40 rehearsal days. The BMF, which utilizes the venue for its Classical Series and its Blue River Series, utilized the venue for 20 performances and 55 rehearsals.
- * The venue and its grounds also hosted a number of community and free events – between 24 and 27 per year.
- * The Center's own presenting series, Imagination Express, has a smaller presence at the venue, having occurred between 7 and 11 times during this period.
- * The venue is occasionally used for private events, approximately 10 times per year.

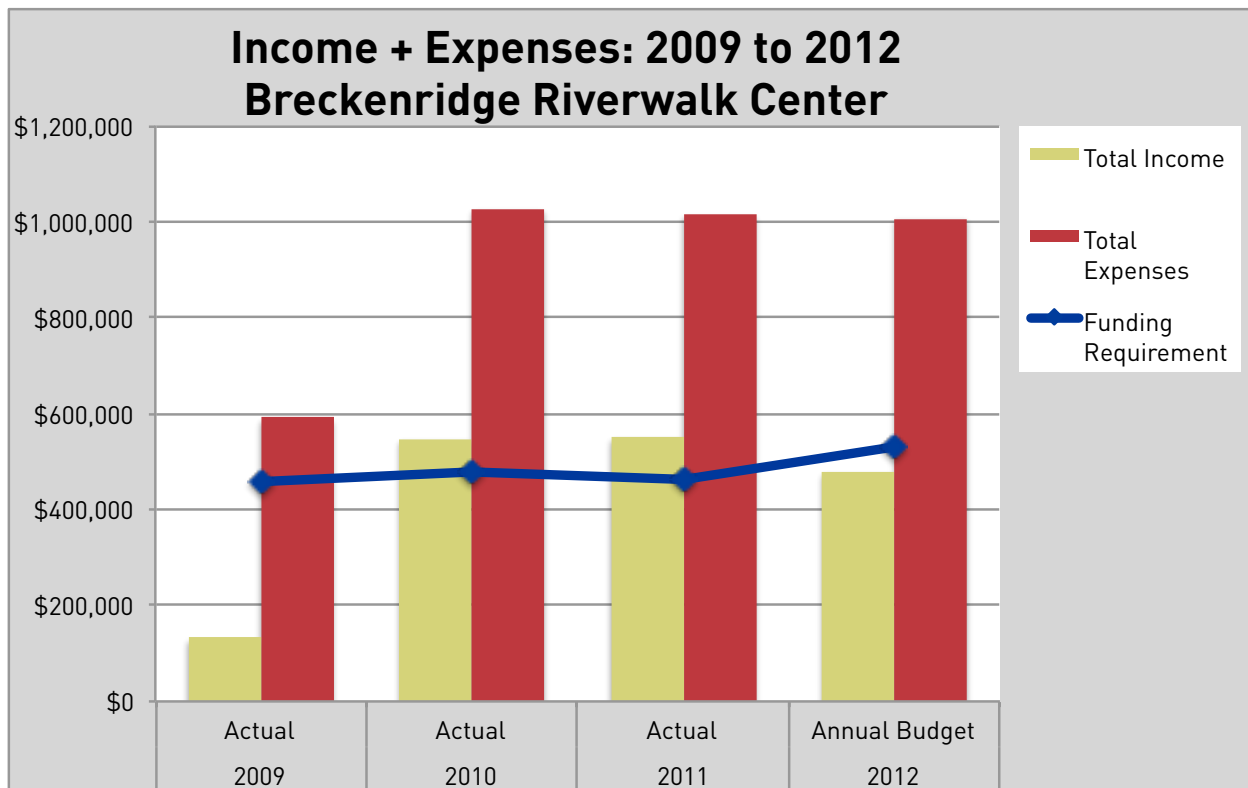
Attendance + Gross Ticket Sales

We also reviewed three years of attendance and gross ticket sales (where available). Data for attendance and gross ticket sales was only available for events that used the Center's ticketing system. An analysis of the Riverwalk Center's attendance, by user is appended to this report as Appendix B. This chart summarizes total attendance, average attendance, and capacity sold (based on a capacity of 770) for key users and event types. This review of activity from 2010 to 2012 YTD suggests the following (for ticketed events):

- * The National Repertory Orchestra attracted the highest total audiences and consistently had stable number of the average capacity sold. In 2012, NRO had audiences of nearly 7,000 for 15 performances, attracting an average audience of 460 and filling 59% of seats at the venue.
- * The Breckenridge Music Festival Classical Series had the second highest total audiences, attracting audiences of approximately 5,400 over 15 performances. For 2012, BMF's Classical Series had an average attendance of 359 per performance, filling, on average, 46% of the venue.
- * BMF's Blue River Series, which consisted of 5 concerts in 2012, had a significantly higher percentage of seats sold than any other category event. In 5 concerts, the Blue River Series attracted nearly 3,500, for an average audience size of 682. It is worth noting that these numbers have shown a 3-year upward trend – between 2012 and 2010, total audiences for the 5-concert series increased 87%.
- * The Riverwalk Center's presenting series, Imagination Express, generally attracted smaller audiences and in 2012, had an average attendance of 310 for eight shows, filling an average of 40% of the venue.

Financial Analysis

As a part of this study effort, we reviewed a number of budgets, financial analysis and actual financial statements for the Riverwalk Center that were provided by the Town of Breckenridge. Using the actual operating results from fiscal 2009 to fiscal 2011 and the 2012 YTD, we developed the following summary of income and expenses. The following chart summarizes income, expenses and funding requirements for the Riverwalk Center for 2009 to 2012.



The 2012 annual budget forecasts that the Riverwalk Center will cover 47% of expenses with earned income and have a funding requirement of \$529,144. Since 2009, the building has covered a higher percentage of expenses with earned income. At the same time, the funding requirement has increased by 15%. The funding requirement is offset by general tax support.

The chart on the following page summarizes income and expenses by category, indicating that:

- * Despite the perception that the Riverwalk Center is a rental house, rental revenue generates only 5% of total income and covers less than 3% of total expenses.
- * Merchandise and concessions revenue accounts for just over 6% of total income.
- * Total income is projected to decrease slightly between 2011 and 2012. Comparing actual results and the 2012 annual budget, income for rent, ticket surcharges, concessions and sponsorship decreased slightly.
- * Total expenses and income increased between 2009 and 2010 because of the inclusion of third party expenses and BMF/NRO user fees, which were charged back to users with no markup.

BMF/NRO Revenue is related to BMF/NRO expenses, which are user fees that are charged back to users.

- * Personnel expenses and benefits accounted for 23% of the total budget, which is lower than industry standards (approximately 30% to 40%).
- * Increases in the size of the operating budget and therefore the funding requirement are largely due to increases in overhead, including employee benefits, production supplies, utilities, and building improvements.

Riverwalk Center: Income + Expenses				
	2009	2010	2011	2012
	Actual	Actual	Actual	Annual Budget
Income				
Ticket Surcharge Revenue	33,260	30,875	29,345	30,999
Rental Revenue	29,974	30,540	25,639	24,001
Town of Breckenridge Event Revenue	8,843	4,576	7,035	6,500
Merchandise + Concessions Revenue	35,795	31,640	25,099	31,001
BMF/NRO Revenue	0	307,476	293,168	275,000
Other Revenue	24,499	141,755	169,919	110,601
Total Income	132,371	546,862	550,205	478,102
Expenses				
Wages + Benefits Expenses	287,894	286,220	293,015	304,959
Administrative Expenses	118,673	91,370	87,278	99,345
Building Expenses	126,693	131,861	98,305	129,760
Special Events/Program Expenses	53,981	59,895	56,115	71,002
BMF/NRO Expenses	0	306,324	290,169	275,000
Rental + Production Expenses	3,174	150,437	189,542	127,180
Total Expenses	590,415	1,026,107	1,014,424	1,007,246
Earned Income as a % of Total Expenses	22%	53%	54%	47%
Funding Requirement	458,044	479,245	464,219	529,144

Operating Policy and Practices

Having reviewed the Center's activity and operating budget, we have also summarized the operations and staff of the venue.

- * The Riverwalk Center is operated by Town staff and as a part of the Events and Communications Division.
- * The Events and Communications Division has 3 full-time and one part-time staff person, including a Director of Communications, Riverwalk and Events Manager, Events and Communications Coordinator and an Administrative Assistant.
- * It should also be noted that in addition to the operation of the Riverwalk Center, the Events and Communications Division has a number of other functions and responsibilities, such as

negotiating contracts, overseeing Welcome Center coordination, creation of the Summer Guide, permitting, website content and maintenance and more.

- * During the summer months, the Riverwalk Center adds seasonal staff, including a Technical Director and box office personnel.
- * Town Council oversees governance, and long-term planning and decision-making for the Riverwalk Center.

Community Perceptions

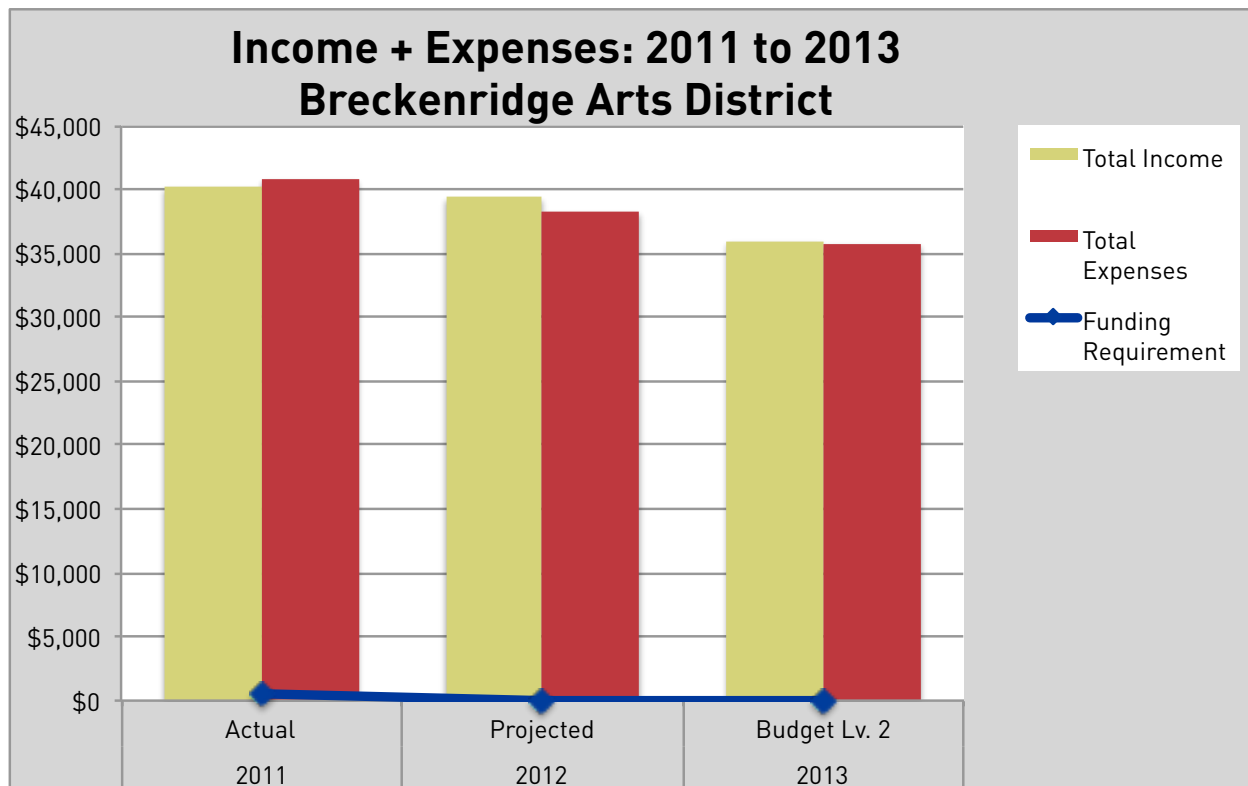
Finally, we've provided an overview of some of the reoccurring comments that have come out of our one-on-one interview sessions, which were conducted in Breckenridge between October 2nd and 4th.

- * There is a strong desire on part of Breckenridge residents for the Riverwalk Center to have additional activities, particularly during the colder months. There is a belief that the roof was added to the facility at a significant expense to both the Town and private donors, making the Riverwalk Center a year-round venue. Yet the venue has not been actively programmed outside of the summer months. At the same time, there is an ongoing discussion about how the Riverwalk Center can be best positioned for residents and visitors during the winter months, when demand for evening cultural activities and nightlife appears to be limited.
- * There is also a perception that the Riverwalk Center does not offer a diverse spectrum of events and is primarily focused on classical music. In particular, there is a desire for the Riverwalk Center to offer more contemporary music concerts.
- * Many believe that the Riverwalk Center and plaza are geographically located at the center of Town.
- * Ticketing functions at the Riverwalk Center were identified as an area requiring improvement. The Riverwalk Center has a box office with limited hours and seasonal staff, making it difficult to purchase tickets. Riverwalk Center personnel also oversee season subscriptions for resident arts organizations, which is unusual for a rental facility. Finally, there is some desire to investigate if an alternative partner can be identified (such as the Welcome Center) to provide support to the Riverwalk Center staff and to provide an additional location to purchase Riverwalk Center tickets.
- * Feedback on patron amenities was generally positive, although there was certainly mention of the outdoor washrooms, desire for a larger bar area, and lack of a lobby.
- * As a meeting and event space, the Riverwalk Center is perceived as a challenging venue, although there is a desire for the venue to be realized as an alternative venue to the Town's existing ballroom and hotel and conference spaces during "all-Town" meetings and events. Limitations are primarily around availability in the calendar and the venue's support and storage spaces. The Riverwalk Center lacks a catering kitchen or staging area, which means that catered events require that everything be prepared offsite or a catering tent to be set up (at additional expense) outside the venue. The Riverwalk Center also does not have adequate storage space for banquet tables and chairs, so outside equipment must be rented and brought in. Compared to many of the Town's other meeting and event spaces, which are described as "one-stop shops", holding a meeting or private event at the Riverwalk Center is logistically complex, because different entities handle the facility rental, concessions, catering, and equipment rentals.

2.2 Breckenridge Arts District

Financial Analysis

The Town of Breckenridge provided us with the Arts District budget (as submitted on 9/11/2012) for our review. This budget includes income from concessions, merchandise, workshop fees, rent and contributions as well as expenses from supplies, utilities, artist commissions and marketing. The chart on the following page summarizes income and expenses for the Arts District using actual results from 2011, projected results for 2012 and budget projections for 2013.



Following sustainability mandates set by the Town Council in 2010, the Arts District is self-sustaining, meaning that it does not receive any funding from Town Council and covers all expenses with earned income from rentals, workshop fees, auction fees, concessions and merchandise or other income from auction proceeds and contributions. As shown above, the Arts District generally does not have a funding requirement, except staff salary.

The chart on the following page summarizes income and expenses by category, indicating that:

- * For 2013, the Artist District 's largest income category is workshop fees, which account for approximately 45% of total income.
- * The 2013 budget also projects that the Arts District will receive \$8,000 in contributions and generate \$3,000 from auction proceeds. Together this income is 31% of total income.

- * The budget does not include expenses for the Town's allocation of a part-time (20 hours/week) employee to the Arts District.
- * Annual expenses for the Arts District are low and between \$35,000 and \$41,000.
- * Approximately one-third of the Arts District budget is allocated to artist commissions.
- * The 2013 budget has \$8,000 allocated for marketing expenses, 22% of total expenses.

Arts District: Income + Expenses			
	2011	2012	2013
	Actual	Projected	Budget Lv. 2
Income			
Concessions + Merchandise	5,152	4,642	3,750
Auction Proceeds	0	3,000	3,000
Contributions	14,433	7,000	8,000
Workshop Fees	14,343	20,800	16,250
Rental Revenue	6,313	3,500	5,000
Other Revenue	0	500	
Total Income	40,241	39,442	36,000
Expenses			
Supplies	11,449	6,000	6,500
Marketing Expenses	7,183	9,000	8,000
Facility Expenses	8,870	8,300	9,300
Artist Commissions	11,207	13,000	10,000
Other Professional Services	2,111	2,000	2,000
Total Expenses	40,820	38,300	35,800
Earned Income as a % of Total Expenses	99%	103%	101%
Funding Requirement	579	0	0

Overall, this analysis suggests that the Arts District is highly efficient, delivering programs with limited staff and resources. We also believe that the Town's long-term plans to restore additional buildings, construct additional structures and expand existing facilities will require additional human and financial resources for operations to be successful.

Operating Policy and Practices

Having reviewed BAD's annual operating budget, it is clear that the District functions with limited resources. Here is an overview of governance and operations for the entity:

- * The Arts District is operated by Town staff and based out of the Town's Community Development Department. Formally, BAD operates with one part-time Town staffer dedicated to operations and programming.
- * The Arts District relies heavily on a number of dedicated volunteers and teaching artists who are independent contractors.

- * The Town of Breckenridge Public Art Commission is an advisory board to council, providing guidance and recommendations around the future of BAD.
- * The Friends of the Arts District also functions as a fundraising entity.

Governance Options

Following are three brief descriptions of smaller arts districts in smaller communities.

HyArts District, Barnstable, MA

Established in 2005, the HyArts Cultural District is located on the Cape Cod seashore and is home to a collection of “harbor shanties”, the JFK Hyannis Museum, the Cape Cod Maritime Museum, the Hyannis and the Harbor Arts Center. The HyArts District started in 2005 when the Town of Barnstable established the harbor shanties program, where local artists exhibit, create and sell art. In 2012, the Town’s Board of Selectmen approved Articles for the Arts district and the District then received official designation as a cultural district from the State of Massachusetts. Presently the Arts District is managed by the Town of Barnstable’s Growth Management Department and has a part-time Arts & Cultural Coordinator. This position, which is funded through the general fund, oversees programming and management of arts studios, the Artist Shanty program and the Summer Performance Series, solicits grants and markets the arts and culture in downtown Hyannis to residents and visitors. The Arts & Cultural Coordinator is considered to be a position that supports economic development.

The City of Santa Rosa (CA) Arts District is overseen by the Art in Public Places Committee and the Recreation, Parks and Community Services Department of the City of Santa Rosa. In 2009 the District adopted a Business Plan developed to identify ongoing sources for support and documented the Districts current assets. Under the guidance of this Business Plan the District has been undergoing the following development strategy since 2009: The formation of a review panel of stakeholders, including City staff, to execute the business plan; Align City departments with nonprofits in the District; the Recreation, Parks and Community Services Department leads the Districts promotion and programming with financial support from Redevelopment; adopt City policies and the ordinance governing 1% for Art for expenditures on programming and staff support; Consolidate Arts District fundraising, promotion and programming under the City’s Recreations and Park Department; and so forth.

The Pawtucket Arts District is one of Rhode Island’s 9 live-work districts for practicing artists. In 1998 the Rhode Island General Assembly passed legislation to offer tax incentives for artists to live and work in these designated areas or districts. The Arts District is overseen by the City of Pawtucket’s Office of Economic and Cultural Affairs, Department of Planning and Redevelopment, and the Pawtucket Arts Panel. In 2005 the Pawtucket Arts Panel and the City’s Department of Planning and Redevelopment created the Arts Registry, documenting local artists, live/work spaces, arts organizations, etc. The City of Pawtucket has partnered with Pawtucket Foundation in cultural and economic development efforts in the city.

These other districts, like BAD, are all oriented more to the visual arts, and are all managed by the local community. Those structures are each a bit different, but in all cases there is an effort to partner with the private and/or educational sector.

Community Perceptions

Themes and comments that emerged from our one-on-one interviews conducted in Breckenridge during October 2nd to 4th included the following.

- * The Arts District is perceived as providing a small but successful set of programs that have surpassed expectations, especially considering the budget size and staffing. Under its current operating model, the Arts District is likely operating “at capacity” given its level of resources.
- * There is concern over the Town’s plans to continue to expand that Arts District’s buildings and programs with one part-time staff member allocated to the project and a limited budget.
- * Arts District stakeholders have the vision that the Arts District will evolve into an entity similar to Anderson Ranch, a non-profit organization based in Snowmass Village that offers year-round arts workshops and residencies.
- * Marketing functions and resources for the Arts District are limited. Arts District classes are “buried” on the Town’s own website and listed in the summer guide. A number of individuals who had participated in workshops also pointed out that the registration process for workshops was difficult and a possible barrier to participation.
- * Programs developed for the Town’s children were highly regarded and in-demand, particularly in light of the need for after-school arts activities to supplement the limited arts and humanities curriculum taught in public schools.
- * Certain parts of the Arts District, specifically the Riverwalk Center, are not perceived as a cohesive part of the district.
- * Similarly, there is a vision for the Arts District to be more encompassing of the seven arts. Presently, the district’s programs have a focus on visual arts and ceramics.

3. forces + trends

Here is some of our current thinking on how shifts in audiences and organizations are changing the prospects for facilities, and how they should be developed and operated.

3.1 Performing Arts Audiences

In order to predict audiences and their response to current, improved or new facilities, we must first understand their general characteristics and patterns of participation. Here are the basic facts about arts audiences.

- * Only a small percentage of adults attend professional performing arts event each year. This ranges by discipline - from 2.5% for opera and 7% for ballet and other dance to 15% going to a classical music or jazz performance and 21% going to plays or musicals. (Source: SPPA 2008)
- * Over the last 20 years, participation within traditional performing arts genres has remained relatively flat. More specifically, a decline in levels of participation (percentages of adults attending various types of events) has been mitigated only by increases in the total adult population.
- * Participation in the traditional performing and visual arts amongst adults under the age of 40 has been on the decline for over 20 years. We will discuss how and why this is happening in the following sections.
- * Educational attainment is by far the best predictor of arts attendance. The propensity to attend arts events among those who have completed college is at least three times greater than for those who have finished only high school; with each advanced level of education there is an increased probability of arts attendance.
- * Income and age also matter, but not nearly as much; those with higher incomes and those who are over 45 are more likely to attend.
- * Race is not a predictor of whether a person is likely to attend the arts, but is a predictor of the genre of art likely to be attended.
- * A large proportion of adults also participate in the arts. One-third of adults took music lessons or classes at some point in their lives and 18% took some sort of visual arts class. More adults take visual art or music classes than other types of lessons or classes.

Now let's look at some of the more important and recent trends in consumption of the arts and how audiences choose to participate:

- * **Less Time and Less Planning:** We are all busier today and are less likely to make a significant investment of our precious time into any activity, especially when we are asked to make that commitment well in advance of the event. We live in a world of shortened planning

horizons, meaning a decline of advance commitment. This has led to the propitious decline in subscription ticketing, as individuals are less willing to commit early and more likely to keep their options open until the last moment. This also means that there are more consumers now who are willing to pay more later - the perceived premium of flexibility and the "on-demand" lifestyle.

- * **The Demand for More Stimulation:** All consumers, and particularly younger ones, are acclimated to multi-sensory engagement. They are watching, hearing and reading simultaneously (so they believe). But this does mean that they have higher satisfaction thresholds and expectations for immediate rewards from the experience.
- * **The Demand for Convenience:** Audiences are also seeking convenience, as in all aspects of life. There is less tolerance for the event with built-in hardships, whether that means an uncomfortable seat, poor concessions service or bad traffic on the way home. This suggests a low threshold for opting out and the never-ending search for attractive and convenient alternatives. This pushes facilities and presenters towards a higher level of customer service, but also an attempt to influence other factors that affect the experience, from parking to the after-show drink.
- * **The Importance of Interpretation-rich Experiences:** A generation ago, there was little concern for how audiences responded to the work. And if there was, it was likely to direct audiences towards a prescribed interpretation of what they saw, heard or felt. That has now changed. First, we have determined that the quality of experience for audiences is dramatically improved by properly preparing them for the experience with information and context, then, more importantly, by providing them the opportunity to process and share their experience with others. Secondly, we must now accept that audiences are less willing to accept someone else's interpretation of an experience, alternatively wishing (often demanding) to develop and provide their own interpretation of the experience - ultimately seeing themselves as co-authors of meaning.
- * **The Diffusion of Cultural Tastes:** Because of advances in information and communication technologies, people are now interested in a much broader array of programs. We now have cheap access to more cultural output and the ability to pick and choose as we like. We are less loyal to the artists we knew before and less prone to follow the tastes of others (at least not for long). This means both a fragmentation and diversification of tastes, both narrowing and broadening at the same time. A generation ago, I might have been a fan of music from the Romantic period. Now I like the early work of Prog-Rockers Genesis and the Strawbs, Mozart's choral works, and K-Pop. Related to this is the abandonment of old boundaries and behaviors on the part of audiences. Fifty years ago, there was a snobbishness of traditional arts audience and a sense that preferences and appearances were representative of social standing. Now, I am an omnivore - I might go to opera one night and a county music performance the next, with little regard for how these choices reflect on me as a person.
- * **The Paradox of Choice:** All consumers are now faced with an extraordinary range of choices - whether that relates to food, cars or culture. And with our hyper-active, consumption-based economy, consumers are constantly being bombarded with those choices and exhortations to buy. For many consumers, there are simply too many choices being thrown at them, and they

often shut down and make no choice at all. Thus, consumers are hungry for filters and enablers, people and services that will help them get past the paralysis brought on by too many choices. Word-of-mouth is the strongest version of this, a piece of one-on-one advice from a credible source. But people are looking for other filters and influencers – in fact curators who can help them make these decisions.

- * **Risk Versus Reward:** Because of the cost (time and money) of participating and all of the other choices available, audiences are generally less willing to take risks, and more willing to pay large sums for a guaranteed “home run” experience. This is evidenced by the blockbuster phenomenon and super-premium price points on Broadway. It is also consistent with a pervasive trend towards “trading up” and the rise of VIP culture, where there is an attempt to create an illusion of exclusivity, status and prestige. The challenge is the more everything becomes accessible, the more some people want to be separate – which suggests demand for value-added, premium arts experiences.
- * **The Social Experience:** Research suggests that what is drawing audiences to the arts today is the opportunity for a social experience, as opposed to the more traditional attraction of intellectual stimulation associated with the performance. The good news is that this is a clear competitive advantage - the shared social experience not available to those at home, no matter the quality of their technology. The challenge is that presenters and facilities must deliver much more than what is on the stage – creating an environment in which the social elements of the experience are fully enjoyed. People construct all sorts of social groups around arts experiences – from co-workers, college alumni groups, church groups, families and friends. We are thus in the business of creating social experiences for these different kinds of groups, a part of which is art.
- * **The Role of Media:** We now see the lower consumption of traditional media and the reduced role it plays in driving arts participation. There is a fragmentation of the media and the absence of the critical voice to help audiences make purchase decisions. At the same time, there is a proliferation of personal communications technologies and online Word-of-Mouth tools, including Facebook and the like. These tools are critically important as a means for consumers to spread word of mouth in a viral way. And they are even more important for the cultural suppliers to build a community of friends and supporters in a world where consumer loyalty is largely a thing of the past.
- * **Everyone’s an Artist:** There has been a rise in self-directed, home-based living arts participation, including everyday creativity like gardening, writing, crafting, photography, film production, cooking, and decorating through fashion, home décor, and art collection. Also, consumers are demanding more intense, “hands-on” arts experiences. This is evidenced by higher rates of personal and ‘amateur’ participation in community theatre groups, choirs, dance and movement classes, art and music classes and more.

Nonprofit Arts Organizations

There are also significant changes occurring on the supply side, specifically around the health and sustainability of nonprofit arts organizations. Specifically:

- * **Baumol and Bowen:** These two NYU economists published “The Economic Dilemma of the Performing Arts” in 1965, positing that the lack of productivity gains in the creation of art, plus the inevitability of cost increases, would essentially force all organizations to raise more contributed income every year. Though there have been marginal improvements in the administration of buildings and organizations, there is ample evidence of this cost squeeze, and increasing pressure on all arts organizations to raise more money to sustain operations. Even if an organization matches its prior year revenue targets and buys only what it bought the year before, the annual funding requirement will increase, year after year after year. As a more tangible example, think of how technology has allowed the corporate sector to keep staffing levels at lower levels than they were pre-2008, even as the economy continues to improve. Contrast this with the creation of symphonic music, where the same time and energy is invested in the rehearsal and performance of a Brahms Symphony as was the case one hundred and fifty years ago.
- * **Supply Issues:** According to the 2012 Arts Index report by Americans for the Arts, as of 2010 there are 113,000 arts and culture nonprofit organizations in the United States. The number of arts nonprofits has increased 49% in the past decade (76,000 to 113,000). This increase is greater than any other category of nonprofit organizations in the United States.
- * **The Political Environment:** It is also safe to say that we are now operating in a political environment in which direct support of the arts is controversial, difficult to justify with so many other priorities, and more often seen as an inappropriate role for government. The Tea-Party movement is no longer on the front page, but its influence is substantial.
- * **Private Sector Funding:** On the private side, we have a fully developed philanthropic sector lead by skilled marketers, technologists and communicators, raising the bar for arts fundraisers and bringing new competition for sectors like the environment. In addition, the new generation of funders are much more pro-active and engaged in their causes, expecting to be given the ability to direct the organization and the use of their funds in a much more personal (and often intrusive) manner.

Responding to a Changing Environment

So how should cultural facilities respond to these changes in audiences and users?

- * **From Friday Night Lights to Community Living Rooms:** The old image of the theater - where the lights come on at 7PM on a Friday night so that fancy people wearing formal attire can attend a performance - is gone. The new image is that of a community living room - a place that is always open and always active - with informal programming and an atmosphere that is buzzing and welcoming. New spaces have enlarged lobbies where high quality food and drink are available for sale over longer periods of time. These spaces are informal but physically attractive in the ways they are designed and animated. They are warm and inspirational, rather than cold and institutional. And they facilitate and promote the interaction of artists and audiences.

- * **From Shepherd to Concierge:** It is no longer sufficient, or even appropriate, for facility staff to treat audiences as sheep – lining them up, herding them in and later hustling them back out of a performance. Now, staff must be trained as concierges, doing everything they can to support and supplement the experience of their guests, before during and after.
- * **Program affects place:** A place becomes known for the programs it hosts, which means that places with strong curatorial instincts have the ability to become associated with the quality and types of programming that goes on there, such that ultimately consumers can be drawn there without any knowledge of the program or performers, solving for them the paradox of choice. On the other hand, facilities that present and rent for all types of activities at all levels of quality risk a loss of identity and create apprehension on the part of consumers uncertain of what they will experience in that place. All of which is to say – make programming choices that build and maintain a desirable and consistent image of the facility.
- * **Facilitating Active Participation:** Facilities and their users must support a culture of more active participation in the arts and arts experiences, including audience engagement before, during, and after the experience. This suggests open rehearsals, hands-on training and even invitations to formally document an experience, elevating the patron to the role of critic. Buildings must also provide more opportunities for everyone in the community to express creativity - whether that means joining a choir, learning to paint, or volunteering to build sets.
- * **Control of the Experience:** Cultural norms of behavior around performances must change. Audiences (particularly younger ones) must be given more opportunities to decide how they would like to experience a performance, without disturbing those around them. Expecting younger patrons to give up all control of their experience of coming to a performance will only drive them away.
- * **Don't Custom Build:** We must accept the notion that arts organizations will come and go given their fragile balance sheets and the competitive pressures they face. Facilities should be able to accommodate multiple users at once or successive users in quick order so as not to be dragged down by any one user facing a dark future.
- * **Cost Structure:** The future of facilities that serve the nonprofit sector depends on their ability to provide ongoing affordable access to nonprofit users, and arrangements that motivate efficient use of space and the maximization of revenues for both user and facility. Facility management organizations must be lean and nimble in their staffing, and embracing of technologies that drive operating efficiencies and economies.
- * **Community Engagement:** Fundamentally, performing arts facilities must become deeply engaged and connected to the life of their communities. They cannot be seen as palaces or temples of the arts, but rather the literal or figurative center of the community. Whatever an arts facility can and should do to connect with life of the community should be done – whether that means hosting community meetings or acting as emergency response centers. In order to survive, performing arts facilities must make themselves indispensable to the future of their communities, in ways that are understood and embraced by all.

4. market analysis

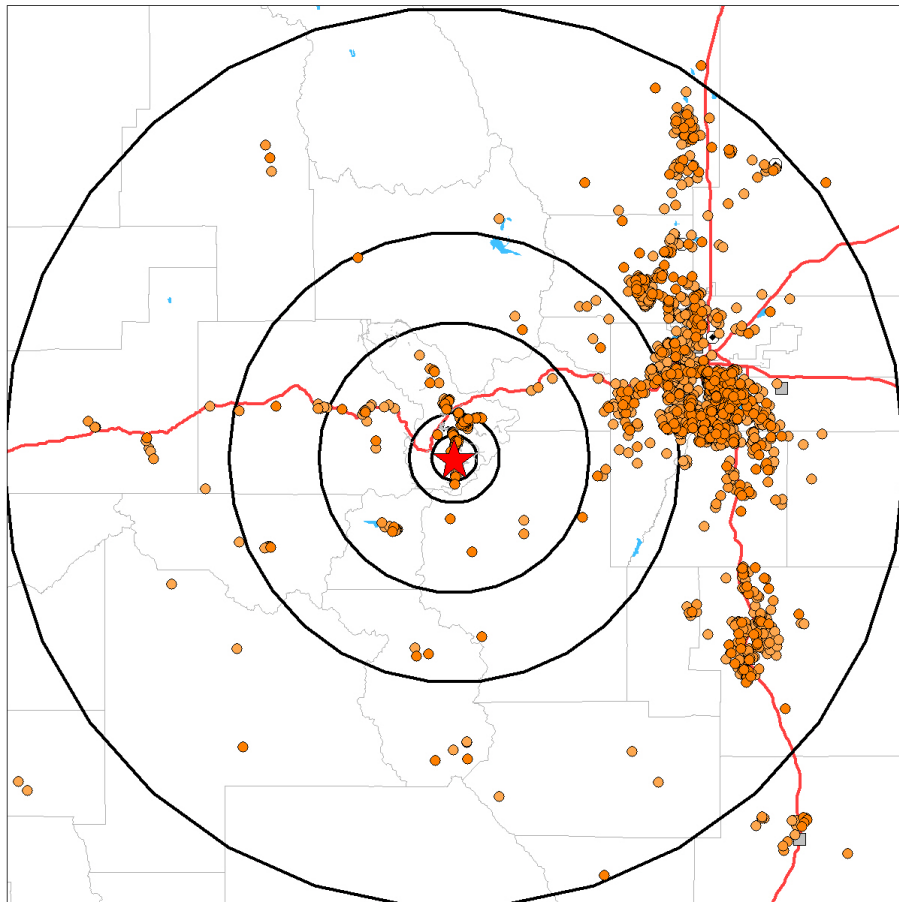
Now let's look at the local market and how that influences choices for the future of the Riverwalk Center and the Arts District.

4.1 Market Definition + Methodology

We have considered the local and regional market using the following geographic definitions.

1. The Town of Breckenridge
2. Summit County
3. 30-mile Radius
4. Colorado (when applicable for context)
5. US (when applicable for context)

The market was defined using a zip code analysis of 8,235 ticket buyer households from the Riverwalk Center, which included ticket buyers from the Breckenridge Music Festival, National Repertory Orchestra, and other ticketed events. The following map shows the geographic distribution of ticket buyers within 5, 10, 30, 50 and 100-mile radii of the Riverwalk Center.



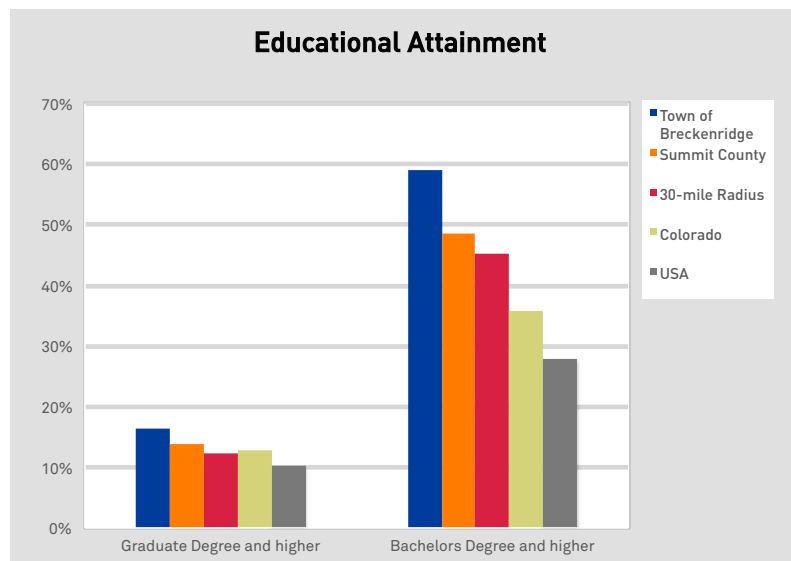
This analysis found that 35% of ticket buyers originated from within a 30-mile radius and 60% of ticket buyers originated from within a 100-mile radius. Additionally, this suggests that 62% of Riverwalk Center ticket buyers travel from more than 50 miles away. These results are consistent with anecdotal input that audiences for the Riverwalk Center are primarily second homeowners and visitors.

Data used for this analysis comes from Nielsen Claritas, a marketing research resource company that provides up-to-date demographic data as well as future estimates based on Census data and *the Breckenridge Overview 2011*, which was provided by the Town of Breckenridge. Appendix B is a series of charts that describe the market in terms of the geographic definitions from above. An overview of the local and regional market that highlights demographic characteristics and trends follows.

4.2 Town of Breckenridge

Overall, the Town of Breckenridge experienced substantial year-round residential population growth since our 2000 market analysis. A review of demographic trends and characteristics indicates that:

- * Between 2000 and 2012, the Town of Breckenridge experienced a 63% increase in population – growing from 2,408 to 3,919, outpacing state, national and County growth rates. Comparatively, Summit County grew at a rate of 23% during the same time, increasing in population from 23,548 to 28,954.
- * Educational attainment rates were well above national averages - nearly 60% of Breckenridge residents holding a Bachelors degree and higher, and 16% hold a graduate degree and higher.
- * In 2000, the Town’s median household income was \$44,689, comparable to national median household incomes of \$42,729. Between 2000 and 2012, the Town’s median household income increased significantly and is now nearly \$10,000 higher than the national median household income.
- * The Town is home to an unusually high concentration of young adults. Compared to national averages of 22%, 39% of Breckenridge’s population is between the ages of 18 and 34. Conversely, 15% of the population is age 55 or over, well below national averages of 27%.
- * Population estimates indicate that Breckenridge’s population aged 55 and over will increase gradually in the coming years. By 2017, populations aged 55 and over will increase from 15% to 18% of the population.



4.3 The Regional Market

We have also chosen to review population characteristics for several components of the regional market, including Summit County and the 30-mile radius. There are some notable distinctions in each segment or set of segments, particularly:

- * Population growth for both Summit County and the 30-mile Radius increased at a slower pace than the Town of Breckenridge. Between 2000 and 2012, the resident population of Summit County increased by 23%. Populations within the 30-mile radius increased by 13%, a slower rate than state averages of 20%.
- * Households in both Summit County and the 30-mile Radius had median income significantly higher than state and national averages. Summit County households have a median income of \$68,261, and households within the 30-mile radius have a median income of \$62,840.
- * Collectively, these market segments had educational attainment levels (of a bachelors degree or higher) between 48% and 45%, significantly higher than national averages of 28%.
- * Notably, the 30-mile radius had the highest concentration of Hispanic or Latino populations – 20% if the population is Hispanic or Latino.
- * Like the Town, both the County and 30-mile Radius are home to high levels of populations between the ages of 18 and 34. This concentration is largely due to the concentration of young adults between the ages and 25 and 34.

4.4 Non-resident Visitors + Cultural Tourism

Breckenridge has a thriving tourism industry, attracting visitors for sporting events such as tournaments and marathons as well as meetings, reunions and weddings. Gobreck.com, the Town's Convention and Visitors Bureau, has a tourism strategy with a focus on attracting and hosting social, military, educational, religious and fraternal meetings and events.

Having said that, public information on the volume and activities of Breckenridge tourists and second homeowners is only limited. Our best source is the Summer 2011 Visitor Survey Program, some highlights from which follow:

- * Thirty-nine percent of summer visitors come from Colorado. Fifty-eight percent come from other states, the most popular being Texas.
- * Seventy-seven percent stay overnight. And of those overnight guests, the average stay is six nights.
- * The vast majority of visitors have visited Breckenridge previously.
- * Eighty percent of visitors come with their spouse, and one third travel with children.
- * Most people come to Breckenridge in the summer for recreation/sports (48%), or sightseeing/touring (44%). Nineteen percent come for arts/music/culture.
- * Satisfaction ratings for Breckenridge stays are very high. Notably, the lowest satisfaction score was for nightlife options.

5. users + facilities

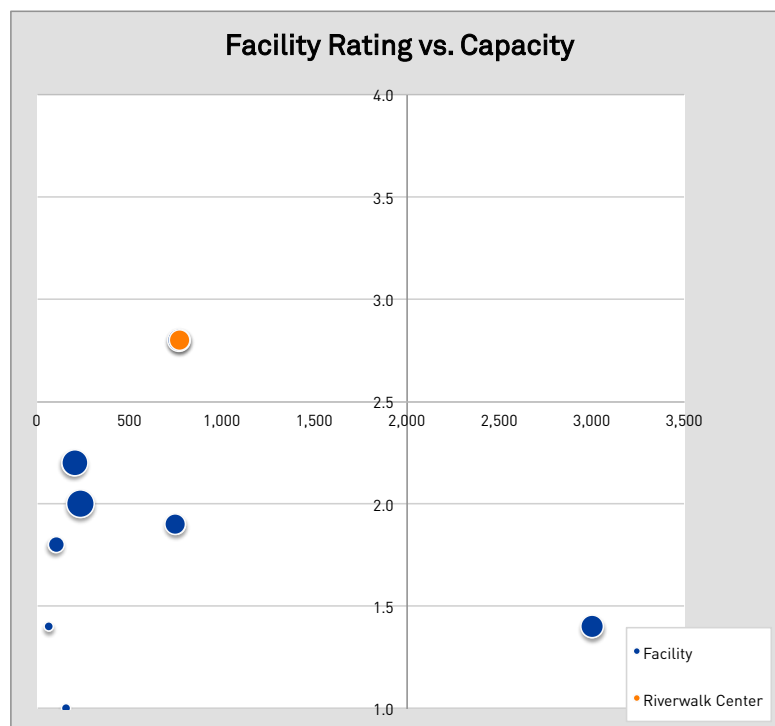
Here we assess the current stock of performance facilities available to local and touring artists and organizations, and then consider the nature and level of demand coming from those groups.

5.1 Performance Facilities in Breckenridge

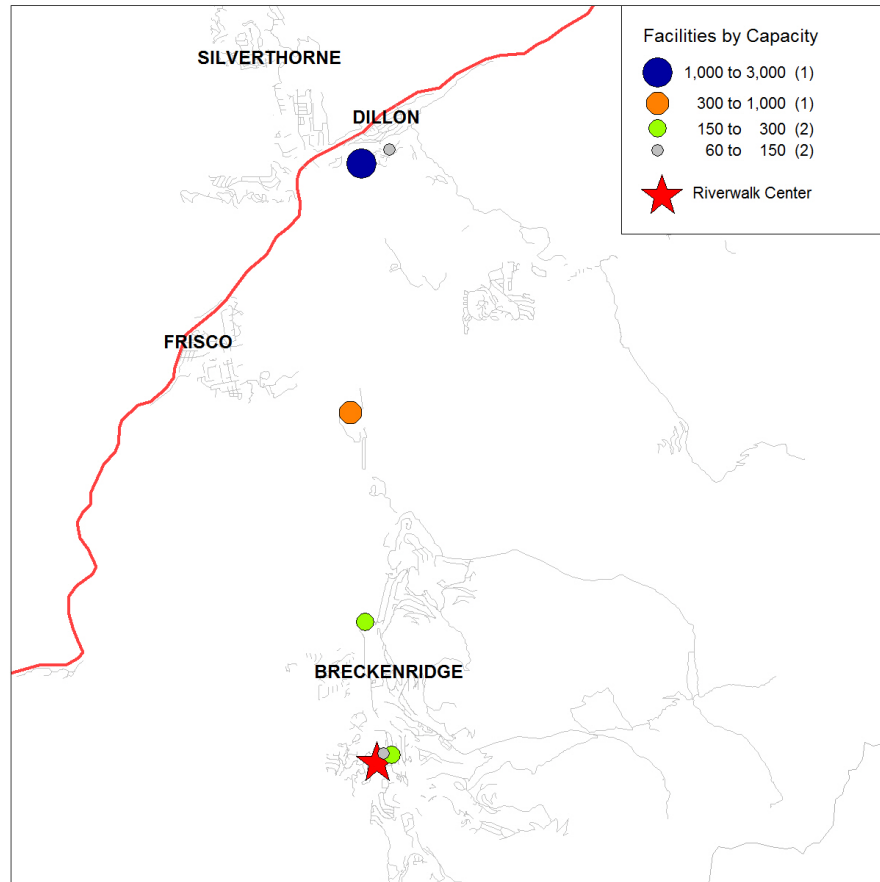
Most importantly, this analysis considers how the current inventory of performance facilities serves Breckenridge. The inventory, included as Appendix D, considers the physical features and types of activity hosted within each space. Members of the consulting team visited a number of area facilities including the Riverwalk Center, Summit High School Auditorium, CMC Finkell Auditorium and Breckenridge Theatre. Facilities were rated on a scale of 1 to 4, higher being best. The condition and functionality of each facility has been rated using 8 variables. These include:

- * Facility condition
- * Staff and support
- * Theatrical functionality
- * Room acoustics
- * Customer amenities
- * Performer amenities
- * Atmosphere and character
- * Suitability for users

Next, the following matrix compares facility quality to capacity, showing a small number of facilities with varying capacities and conditions. The matrix indicates that the Riverwalk Center is the most highly rated venue within the market.



The following map illustrates the geographic location of performance facilities, indicating that facilities are distributed throughout the region in Dillon, Keystone and Breckenridge and along State Highway 9. The area's mountains and natural features largely define the geographic distribution of these facilities. A number of facilities are located in proximity to the Riverwalk Center, including the Summit High School Auditorium, Breckenridge Theatre, CMC Finkell Auditorium and Speakeasy Theatre.



This analysis also included a review of programming and physical characteristics of competitive facilities, which range in size from 65 to 3,000 seats and offer a range of seasonal and year-round programming. The following are key points that emerged from this analysis.

- * The 3,000-seat Lake Dillon Amphitheater is the largest venue in the region. The Amphitheater is owned by the Town of Dillon and hosts a number of seasonal free music events including the Friday Night Concert series and the Sunset at the Summit County series, presented by the Lake Dillon Foundation for Performing Arts. These free concerts include a range of talent and feature cover bands, Motown, rock and jazz concerts.
- * 4 venues regularly produce programming, and the market is home to two producing theatre companies.
- * 3 venues present film and the CMC Finkell Auditorium hosts the Metropolitan Opera broadcast in partnership with the NRO.
- * Gaps for presented events in the market include dance, presented touring theatre and lectures.

- * Nearly all venues are available for outside rental by local nonprofit and performing arts organizations.
- * Both the Lake Dillon Amphitheater and Warren Station at Keystone Center for the Arts present popular music concerts.
- * The competitive market lacks facilities with certain technical amenities, including a full fly tower and an orchestra pit.
- * 2 venues, the Riverwalk Center and Warren Station at Keystone Center for the Arts, have flexible seating configurations.

5.2 Local and Touring Demand for Facilities

Information regarding additional programming opportunities was reviewed with local arts organizations, existing users and promoters. This indicates the following:

- * Representatives from AEG felt that there was a need to bring more diversity into the Riverwalk Center's programming, that there was potential to develop après ski shows and use the Riverwalk Center for additional events. However, the desired relationship from AEG may not be the most advantageous deal for the Riverwalk Center.
- * Representatives from Backstage Theatre felt that there was potential to produce the organization's Christmas show at the Riverwalk Center but noted that the venue lacks staff support during the Winter.
- * Individuals familiar with the meeting and events industry in Breckenridge felt that the Riverwalk Center could host an incremental number of additional private events if additional amenities were added to the venue. These amenities include a catering kitchen and prep space, blackout curtains and projection equipment and additional storage for tables and chairs. As a group, these individuals felt that there were a number of well-equipped conference and meetings facilities and that there wasn't any specific unmet demand for private events.
- * Representatives from BMF would like to add other types of programming and are also somewhat interested in presenting winter programming at the Riverwalk Center. BMF would like to bring in larger bands for the Blue River Series but they do not fit into the venue and BMF would require bigger television screens, a better in-house sound and lighting system and blackout curtains. They are hesitant to do winter programming because of the likelihood that the BMF will lose money.
- * Representatives from the NRO indicated it currently produces 18 concerts per summer season but they would be interested in additional summer dates if available.
- * A representative from NRC365 indicated that the organization would use the Riverwalk Center for more events if improvements were made, including those that create the opportunity to produce more events on the lawn and a movie screen and projector.

5.3 Facility Conclusions

Overall, this analysis led to the following conclusions.

- * Although the Riverwalk Center is one of the highest quality venues in the region, the market lacks a year-round venue with sufficient technical capabilities and year round full-time professional staff able to accommodate the needs of users (i.e. fulltime box office staff, house staff and production staff), a venue with a fly tower and orchestra pit, wing space, backstage accommodations and so on.
- * There are some gaps in the facility inventory for presented events, particularly touring theatre, lectures and dance.
- * There is limited additional demand for private event rentals such as meetings and banquets, but the overall quality of the Riverwalk Center as a meetings and events venue could be improved with the addition of amenities to support event production, such as a catering kitchen and additional storage.
- * There is some additional user demand on part of frequent and occasional users of the Riverwalk Center, some of which cannot be accommodate because of the busy summer calendar. Other uses would require improvements to the venue, such as improved outdoor space for concerts, blackout curtains, a projector and screen and food and beverage amenities for customers and caterers.

6.moving forward

The Arts District

First of all, let us offer a few conclusions and thoughts on the Arts District.

- * We love the idea and the development to date of the Arts District. It is physically close and connected to the Riverwalk Center, and there is a great opportunity to take better advantage of the Welcome Center as a key connector between RWC and the current District. Promoting that physical connection and role for the Welcome Center also should allow the Town to play a more assertive role in getting all of its Breckenridge-selling organizations (The Arts District, RWC, NRO, BMF, Resort Chamber, Heritage Alliance, etc.) working together in a more collaborative fashion.
- * Future growth and development of the Arts District is a good thing, but will need more staff, more money and more leadership. It makes sense for the Town to be involved, but there should be more staff time and a reporting relationship that builds a stronger relationship with other cultural assets. We are glad that Town Council has now committed to accelerate the development of the District, and will embrace that goal as we start to look at governance options.

The Riverwalk Center

As to the future of the Riverwalk Center, we see several possible directions.

1. If the consensus is that the Town should make physical and operational improvements based on the current key users and structure, we would suggest a modest level of investment.

- * With the NRO and BMF remaining as the key tenants of RWC in the summer, it is hard to make the case for significant changes for summer programming. They don't need additional seating and are not interested in outdoor programming. What they need and want is a better orchestra shell (to project non-amplified music out into the room), better backstage accommodations, perhaps better lighting, sound and video, and maybe improvements to washrooms, box office and food & beverage operations.
- * Nevertheless, physical and operating investments should be made in the Riverwalk Center to improve its use and functionality for the non-summer months. We imagine the Center being open and operating much more often than today with a variety of programs, some targeted to skiers and other visitors around the end of the ski day, and some others targeted more to fulltime and seasonal residents in the evenings. This also includes the occasional rental by successful groups like the Backstage Theater. Here, you could make the case to improve public facilities – better lobby area, coat-check, F&B, and washrooms inside the same building. It might also be worth

looking at other seating options - perhaps a more efficient table & chairs set-up and different seating options. And ideally a way to make a 300-seat house look full.

- * Operationally, this means more staff and support in order to animate the facility to a greater extent. Physically, there are some relatively inexpensive adjustments, such as black-out curtains and performance equipment systems. Then there are more significant investments to improve the front-of-house (food and beverage operations, ticketing, lobby and washrooms). In addition, we would encourage some consideration of a more flexible seating system that would allow the space to convert from a terraced open space to tables and chairs and then again to theater seating.
- * Certainly a push towards more non-summer programming will require additional staff time for technical support, event management and front-of-house operations.

2. If the Town wishes to make a more aggressive push to expand summer programming in the Riverwalk Center in order to attract and support other types of uses and users, there is a higher level of investment required in facilities and how they are operated.

- * Physically, there are once again small and large investments possible. More modest improvements relate again to technology and equipment systems. But there are several more significant opportunities. First of all, there is the search for more capacity to improve the financial upside for promoters. This could mean some new seating at the back of the Hall, perhaps a new balcony, and then extensive outdoor seating on the lawn, which would then require the "gating" of the property and very significant site work. Enhancements to public spaces (washrooms, lobbies, ticketing and F&B) would be required to support larger capacities, as would improved backstage access and support.
- * The other big development option is to tear down and replace the entire back of house. It's very inefficient. Load-in and support spaces are less than optimal. It would be great to add rehearsal space and practice rooms, and perhaps classrooms. The big idea would be to have these spaces used in the summer by NRO and BMF (if they make a commitment to all of this), and then turn them over to Town Arts District as classroom space for more arts education.
- * Operationally, more summer activity with a broader range of uses and users will require additional skills and resources in the areas of programming, event management and marketing. Note that we would not recommend a formal arrangement with a promoter like AEG to operate or exclusively program the Riverwalk Center. The commercial music sector remains in a state of flux, and these larger promoters are having a much harder time providing a stable flow of product to their venues. We do like the idea of invited commercial promoters to bring events to the Riverwalk Center on an occasional basis, but we could discourage major physical alterations desired by promoters.
- * Within this scenario, we do not see the case for a significant investment to turn the Riverwalk Center into a major facility for meetings and special events. We did not observe significant demand in that area and there is significant private sector competition. Nevertheless, this is good business for the RWC, and there should be small investments such as additional storage for tables and chairs and a catering kitchen that would improve service to these renters and supplement earned income.

3. Finally, there is a scenario in which the Town pursues the idea of attracting major commercial acts to perform in Breckenridge, requiring the development of a large-capacity facility and the organization to manage such an enterprise.

- * As can be demonstrated by our physical planners, we do not believe that the Riverwalk Center site is large enough to increase capacity to a number that would make the venue attractive to a commercial promoter/operator. Thus, this scenario requires the development of a new facility at another location.
- * A new large-capacity venue in any location is not likely to serve any cultural use or user that we have seen in Breckenridge. The current RWC capacity is on the high end for the NRO and the BMF, and there are no other groups needing anything that large. Thus, this becomes a purely commercial venue, which should then be managed by a commercial entity (as opposed to Town staff). Operating risk to the Town can thus be minimized, but there remains the risk that the capital investment in new facilities cannot be protected given the vagaries of the commercial music sector.

We look forward to reviewing these possibilities on November 13 and 14.

appendix a: study participants

Study Participants

Kevin Abernathy	Gary Martinez
Doug Adams	Jennifer McAtamney
Vanessa Agee	John McMahon
David Askeland	Sandy Metzger
Bob Barto	Sandy Mortensen
Karin Bearnarth	Greg Oswald
Jeffrey Bergeron	Jen Radueg
Ryan Bernal	Mike Rafferty
Ben Brewer	Michael Rath
Janis Bunchman	Stephanie Sadler
Mark Burke	Sheri Shelton
Kieran Cain	Marci Sloan
Dick Carleton	Matt Stais
Jennifer Cawley	Joe Taddeo
Maria Chambers	Robin Theobald
Julie Chandler	Carl Topilow
Marsha Cooper	Barbara Vonderheid
Carol Craig	Lou Wagner
Jenn Cram	John Warner
Dennis Dineen	Wendy Wolfe
Wally Ducayet	Hans Wurster
Mike Dudick	Gerhardt Zimmerman
Deb Edwards	
Bryan Etkie	
Victoria Eubanks	
Amy Evans	
Matt Fackler	
Paul Finkel	
Cecile Forsberg	
Gary Freese	
Gary Gallagher	
Olivia Grover	
Joanne Hanson	
Stephen Henderson	
Rick Holman	
Frankie Hood	
Donna Horii	
Bruce Horii	
Tim Jarrell	
Jenny Lundin	
Eric Mamula	

appendix b: activity & audiences

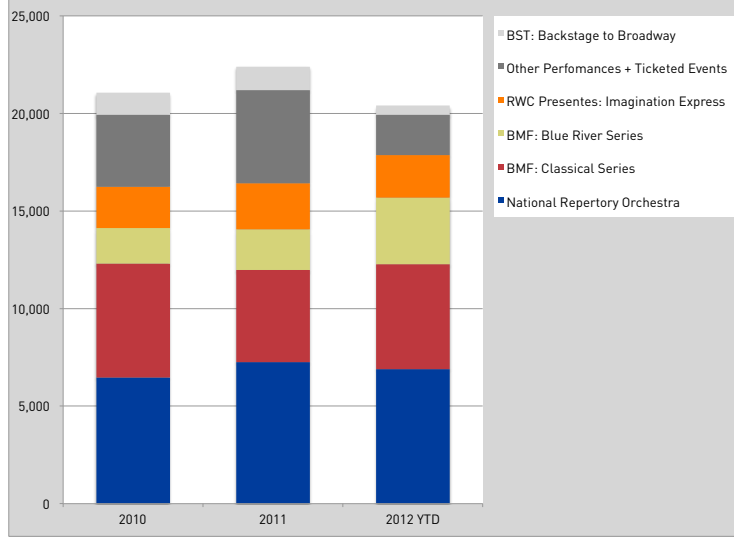
Riverwalk Center: Attendance Activity

Attendance	2010	2011	2012 YTD
National Repertory Orchestra	6,464	7,247	6,894
BMF: Classical Series	5,841	4,732	5,385
BMF: Blue River Series	1,827	2,078	3,411
RWC Presents: Imagination Express	2,118	2,359	2,171
Other Performances + Ticketed Events	3,675	4,774	2,074
BST: Backstage to Broadway	1,141	1,199	466
Total	21,066	22,389	20,401

Riverwalk Center: Events

Use Days	2010	2011	2012 YTD
Community + Free Events	22	27	24
BMF: Classical Series	17	15	15
National Repertory Orchestra	14	15	15
Private Events	10	9	10
RWC Presents: Imagination Express	8	11	7
BMF: Blue River Series	5	5	5
Other Performances + Ticketed Events	13	10	5
BST: Backstage to Broadway	4	4	3
Sub-total: Performances + Events	93	98	94
Maintenance Days	14	14	14
Rehearsals + Tech Days (NRO/BMF)	98	98	98
Total	205	208	198

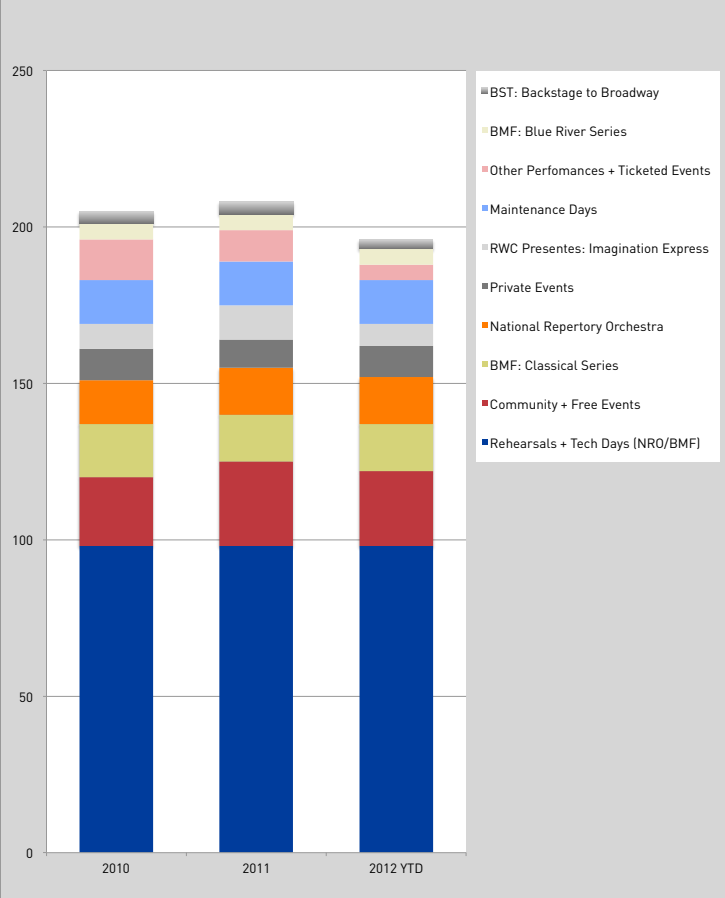
Attendance Activity: 2010 to 2012 YTD Breckenridge Riverwalk Center



Riverwalk Center: Attendance Activity

Attendance	2010	2011	2012 YTD
National Repertory Orchestra			
Total Attendance	6,464	7,247	6,894
Average Attendance	462	483	460
Average Percent Sold	59%	62%	59%
BMF: Classical Series			
Total Attendance	5,841	4,732	5,385
Average Attendance	344	315	359
Average Percent Sold	44%	40%	46%
BMF: Blue River Series			
Total Attendance	1,827	2,078	3,411
Average Attendance	365	416	682
Average Percent Sold	47%	53%	87%
RWC Presents: Imagination Express			
Total Attendance	2,118	2,359	2,171
Average Attendance	265	214	310
Average Percent Sold	34%	27%	40%
Other Performances + Ticketed Events			
Total Attendance	3,675	4,774	2,074
Average Attendance	283	477	415
Average Percent Sold	36%	61%	53%
BST: Backstage to Broadway			
Total Attendance	1,141	1,199	466
Average Attendance	285	300	155
Average Percent Sold	37%	38%	20%
Totals			
Total Attendance	21,066	22,389	20,401
Average Attendance	345	373	408
Average Percent Sold	44%	48%	52%

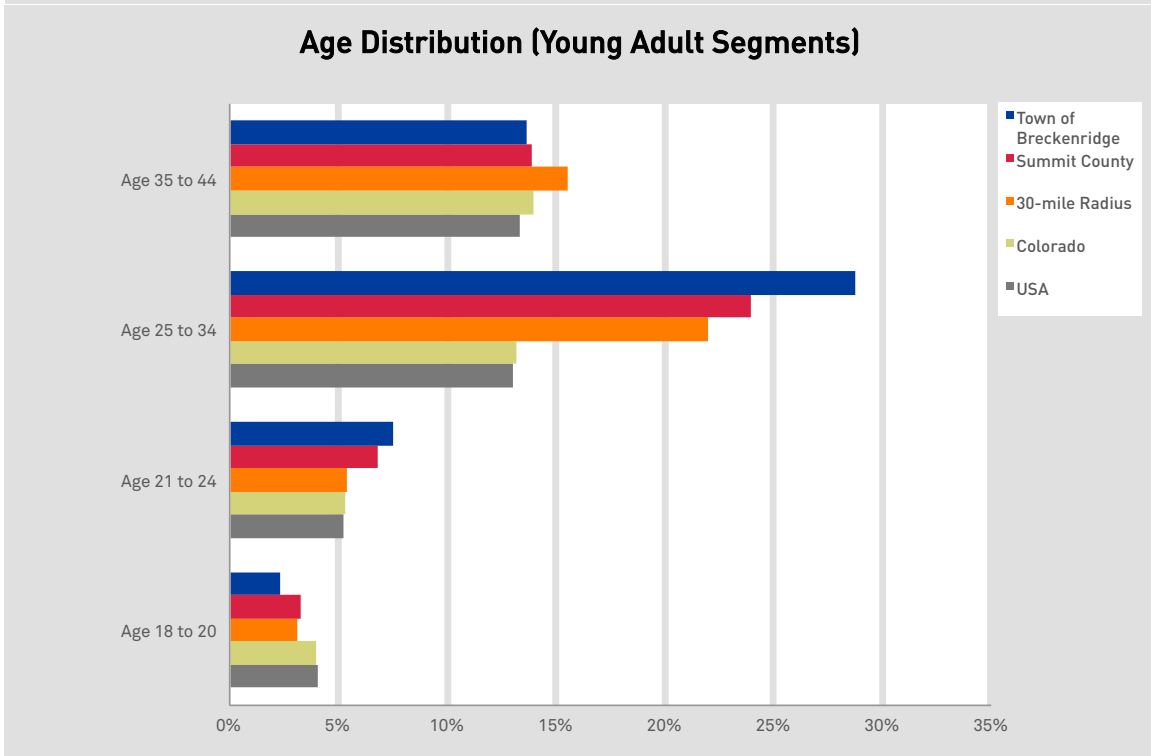
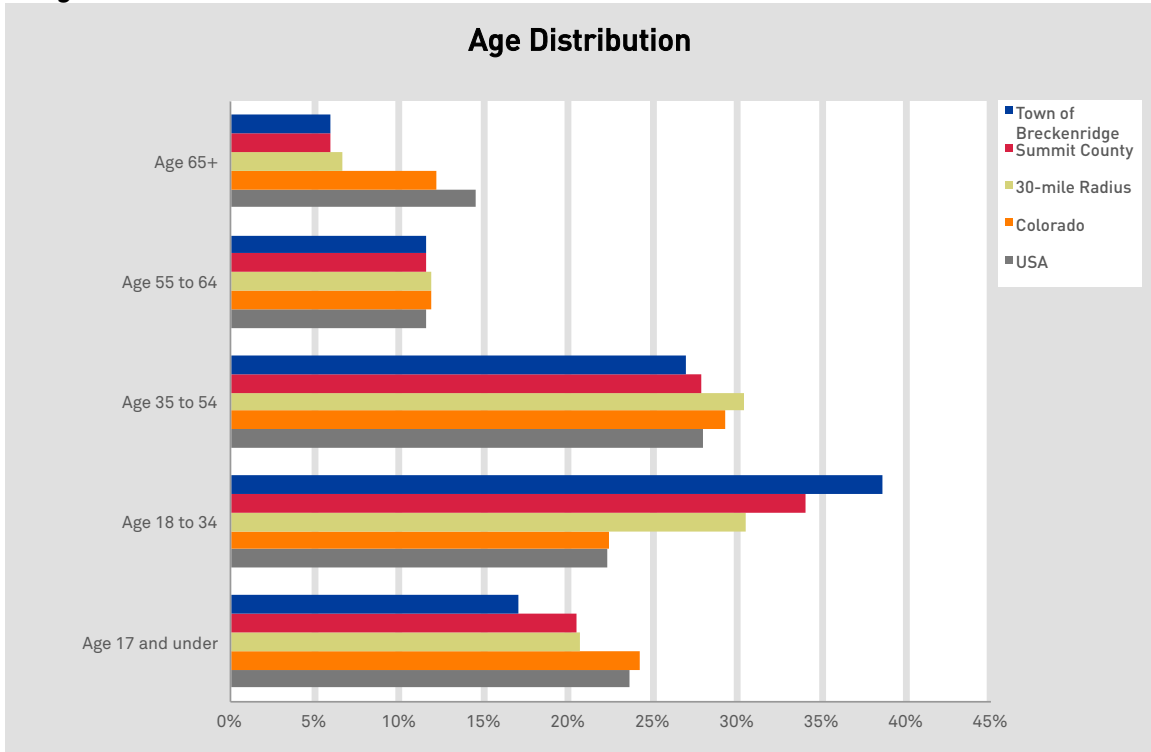
Number of Uses: 2010 to 2012 YTD Breckenridge Riverwalk Center



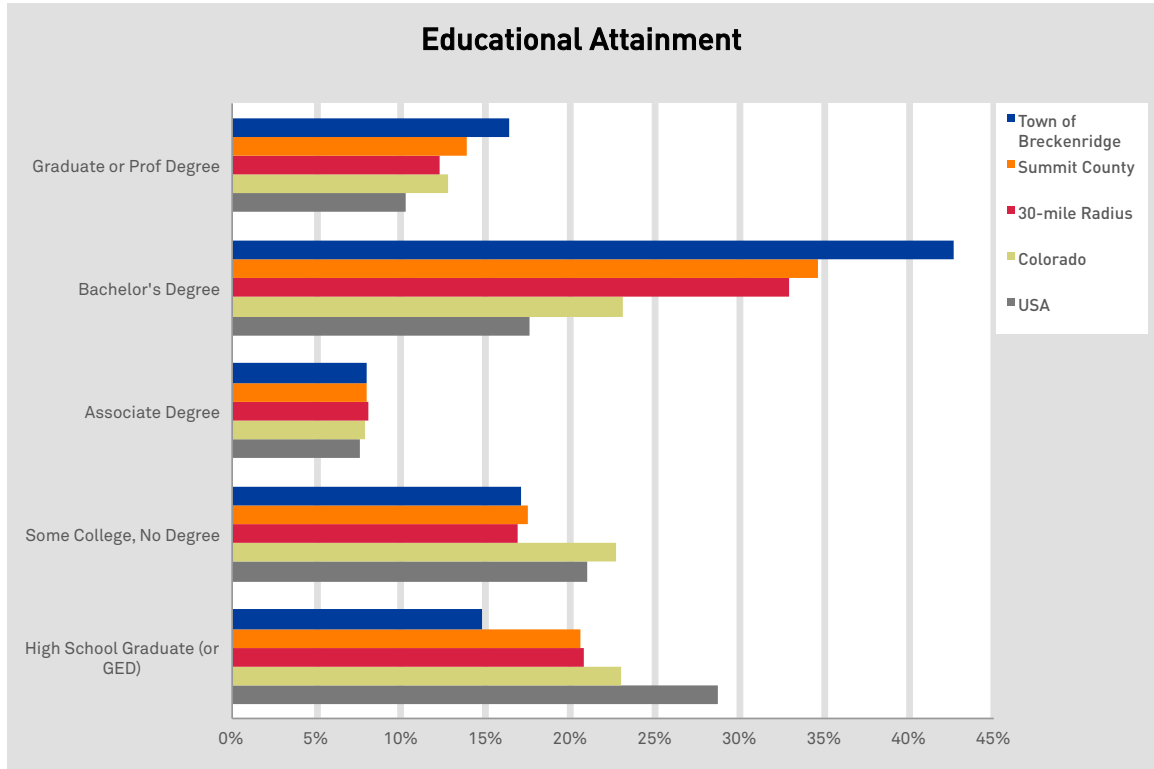
Breckenridge Riverwalk Events Center: Activity + Attendance									
Use or User	2010			2011			2012 YTD		
	Attendance	# of Events	Gross Ticket Sales	Attendance	# of Events	Gross Ticket Sales	Attendance	# of Events	Gross Ticket Sales
BMF: Classical Series	5,841	17	\$118,913	4,732	15	\$92,903	5,385	15	\$100,843
RWC Presentes: Imagination Express	2,118	8	\$8,826	2,359	11	\$8,870	2,171	7	\$8,542
BST: Backstage to Broadway	1,141	4	\$18,991	1,199	4	\$26,585	466	3	\$8,085
BMF: Blue River Series	1,827	5	\$47,786	2,078	5	\$49,609	3,411	5	\$88,571
National Repertory Orchestra	6,464	14	\$131,385	7,247	15	\$144,590	6,894	15	\$143,276
Other Performances + Ticketed Events	3,675	13	\$111,494	4,774	10	\$150,542	2,074	5	\$42,697
Private Events	N/A	10		N/A	9		N/A	10	
Community Rentals + Free Events	N/A	22		N/A	27		N/A	24	
Total	21,066	93	\$437,395	22,389	96	\$473,099	20,401	84	\$392,014
Uses: May - September		183			184			181	
Uses: October - April		40			36			29	
Available Days: May - September		152			152			152	
Available Days: October - April		213			213			213	
Percent Capacity: May - September		120%			121%			119%	
Percent Capacity: October - April		19%			17%			14%	
***Some Community Events are Multiple Days									
*A handful of events provide their own ticketing			462			483			460
NRO Has one free event per year									
Rehearsals + Tech Days (June-August)									
National Repertory Orchestra		55			55			55	
Breckenridge Music Festival		40			40			40	
Jont NRO/BMF		3			3			3	
Maintenance									
All Mondays (Summer)		14			14			14	
Total Dark Days		112			112			112	

appendix c: market review

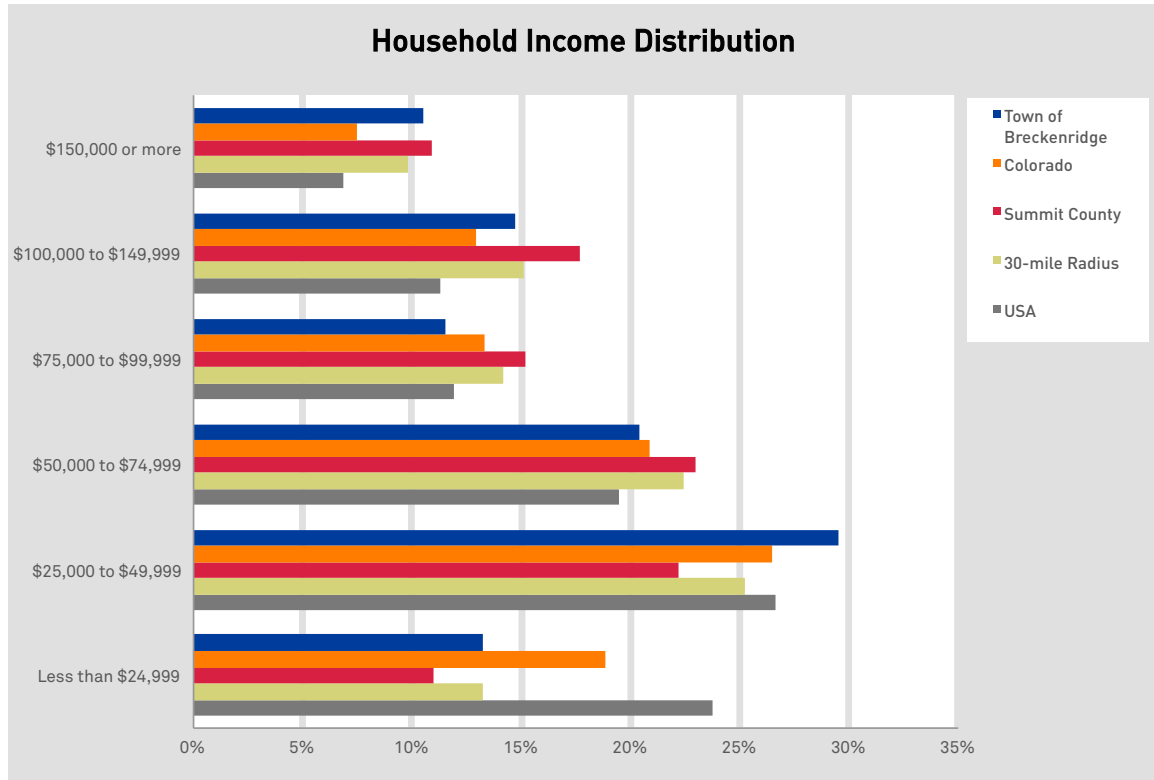
Market Appendix
1. Market Characteristics
A. Age



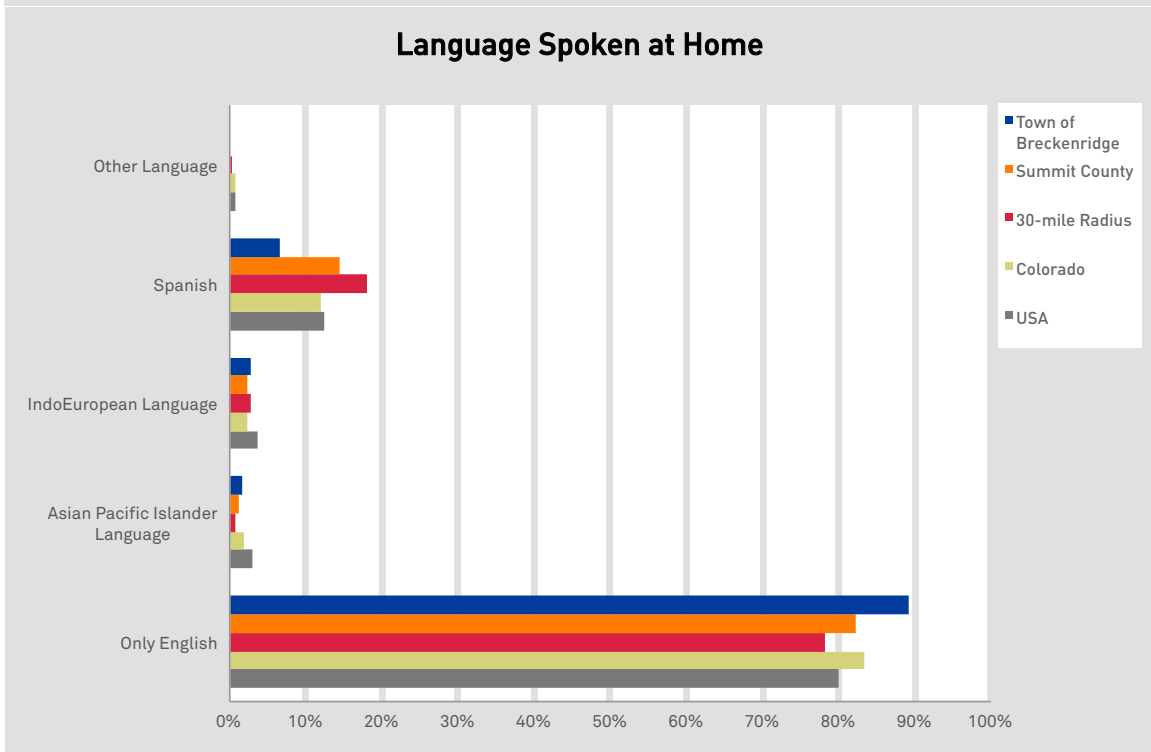
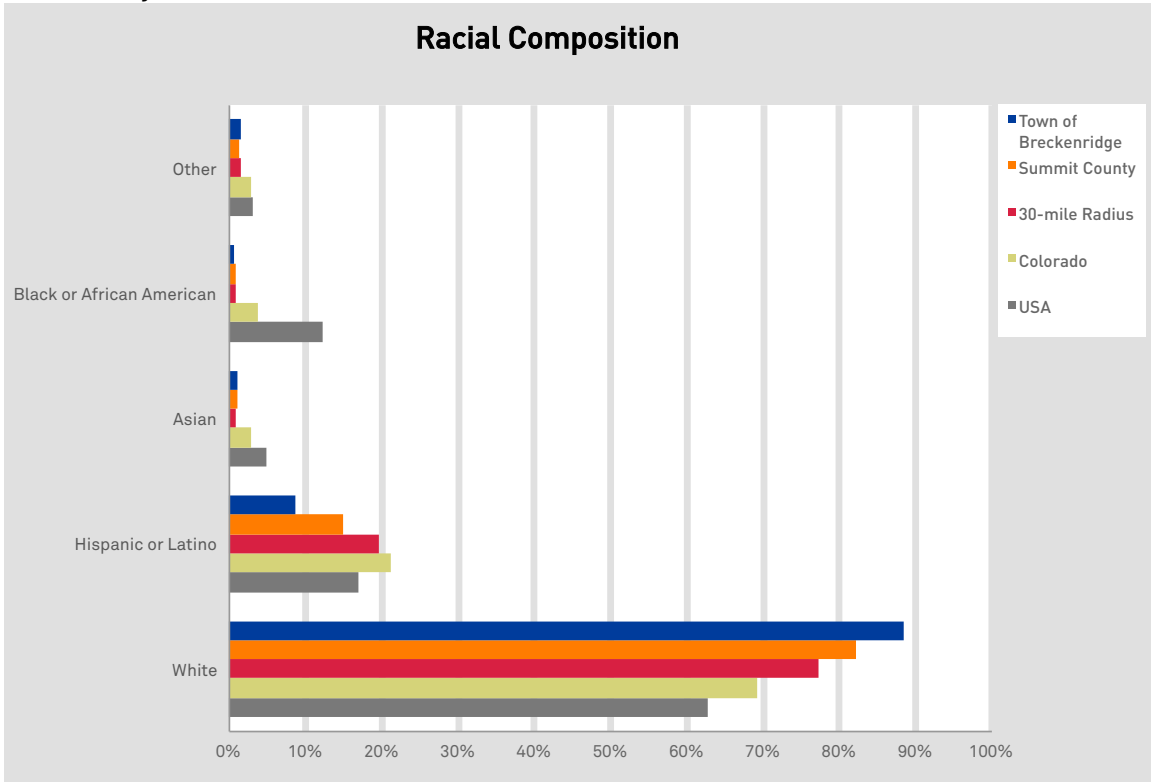
B. Education



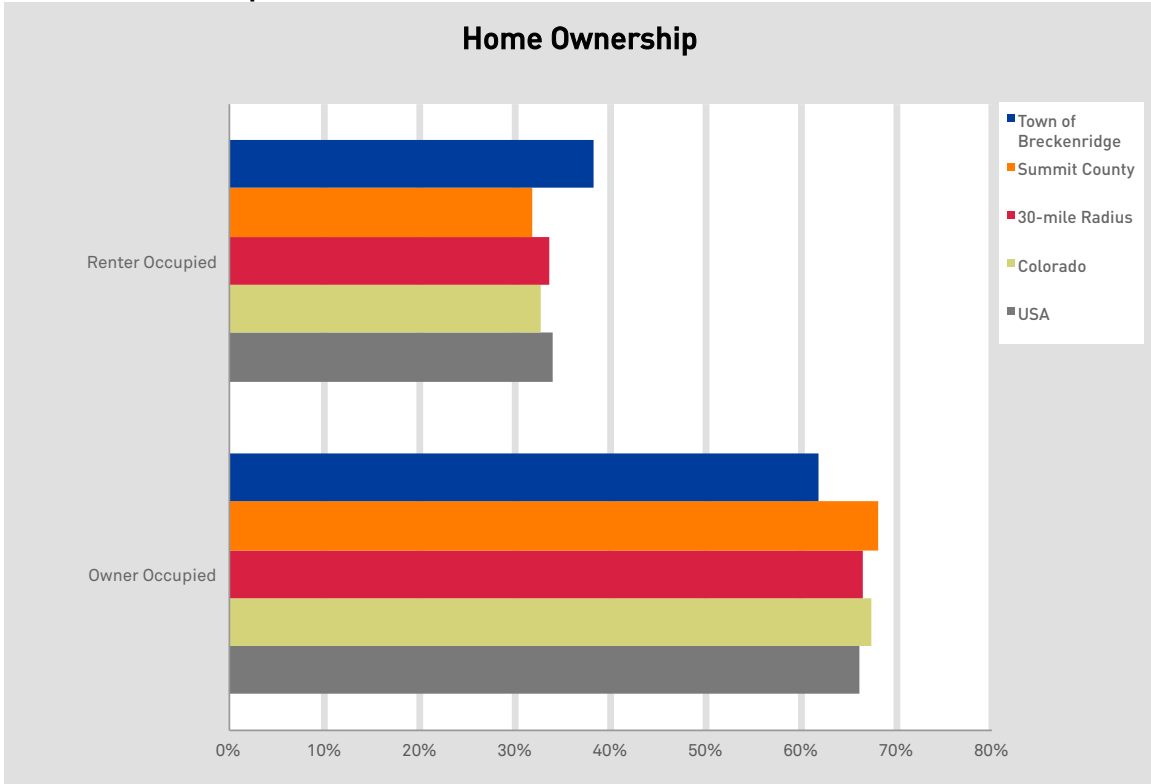
C. Income



D. Ethnicity

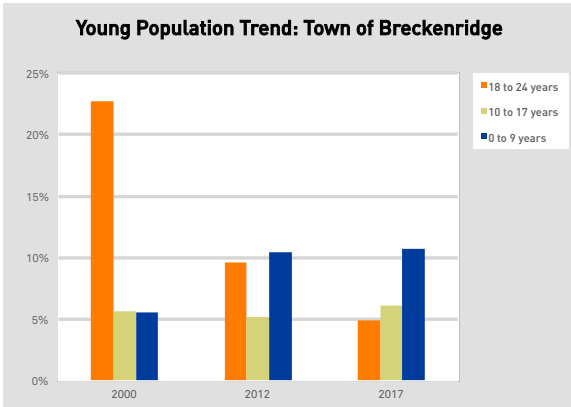
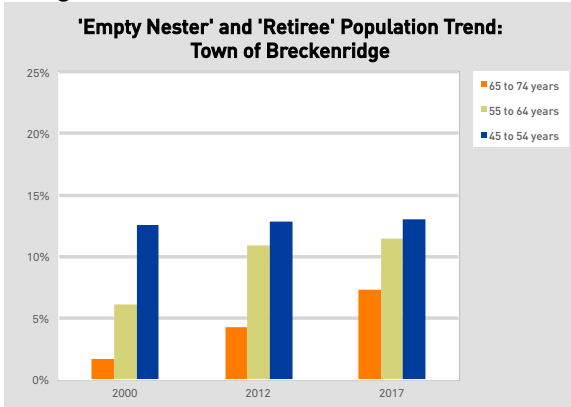


E. Home Ownership

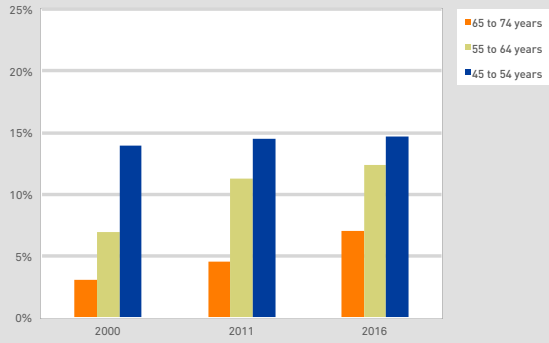


2. Market Trends

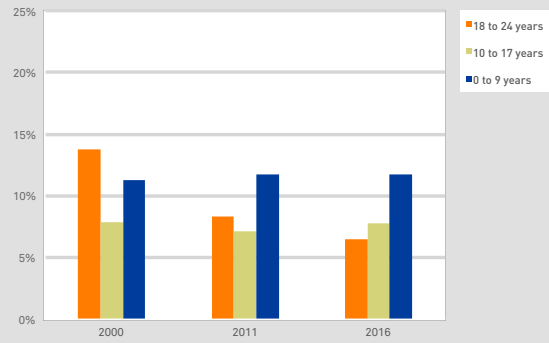
A. Age



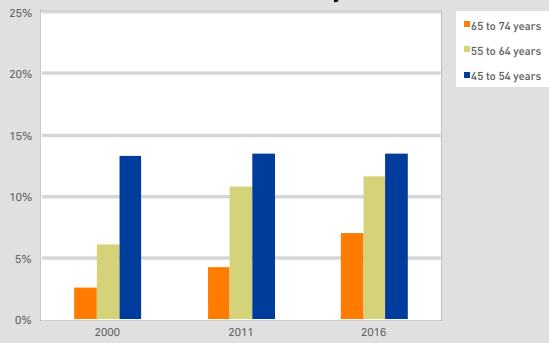
**'Empty Nester' and 'Retiree' Population Trend:
30-mile Radius**



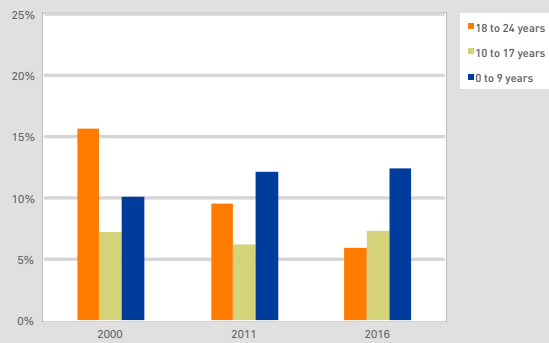
Young Population Trend: 30-mile Radius



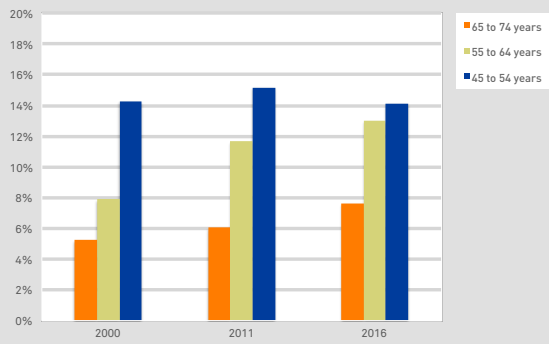
**'Empty Nester' and 'Retiree' Population Trend:
Summit County**



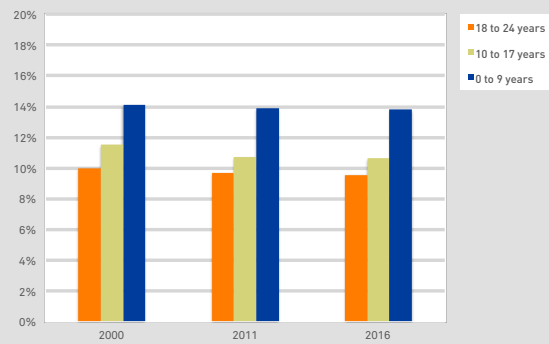
Young Population Trend: Summit County



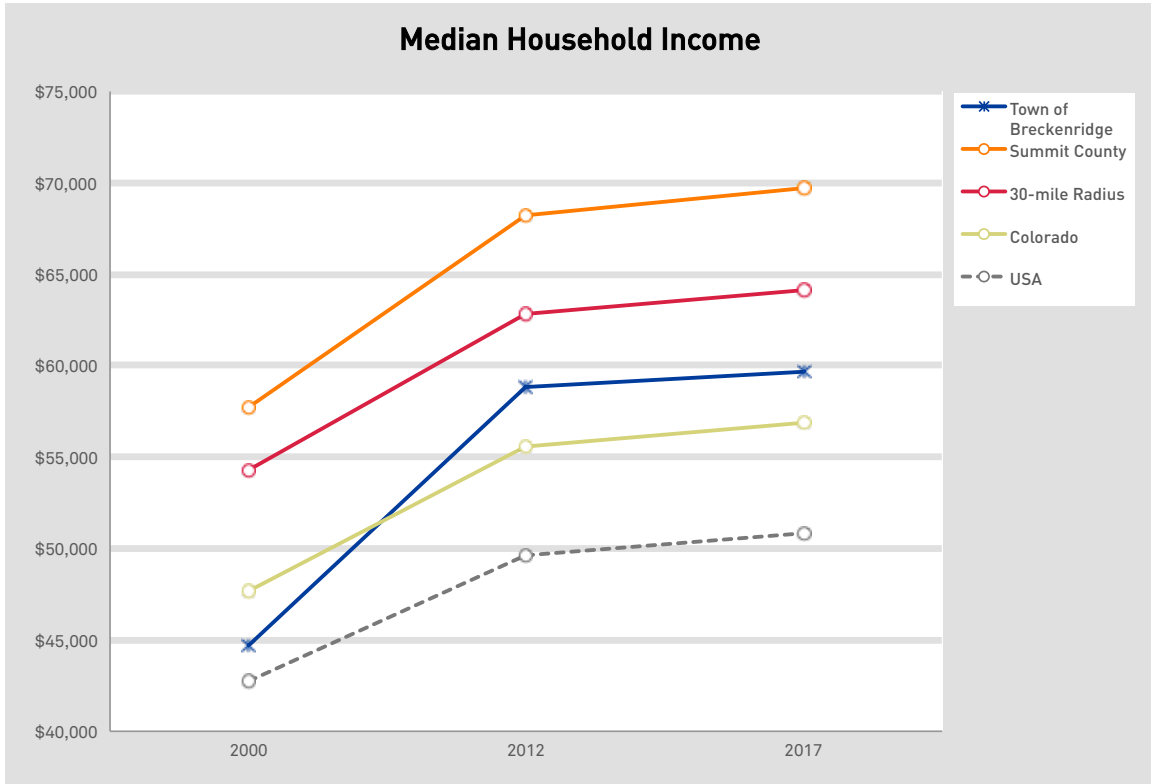
**'Empty Nester' and 'Retiree' Population Trend:
Colorado**



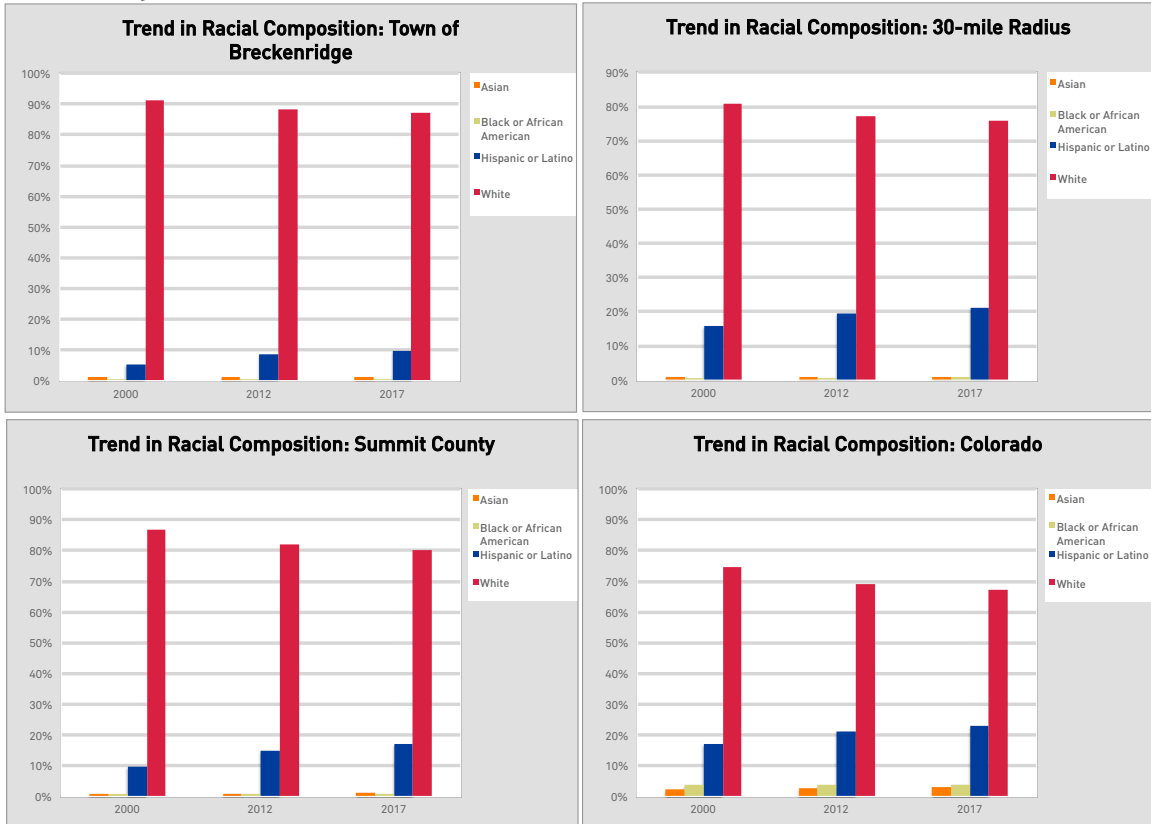
Young Population Trend: Colorado



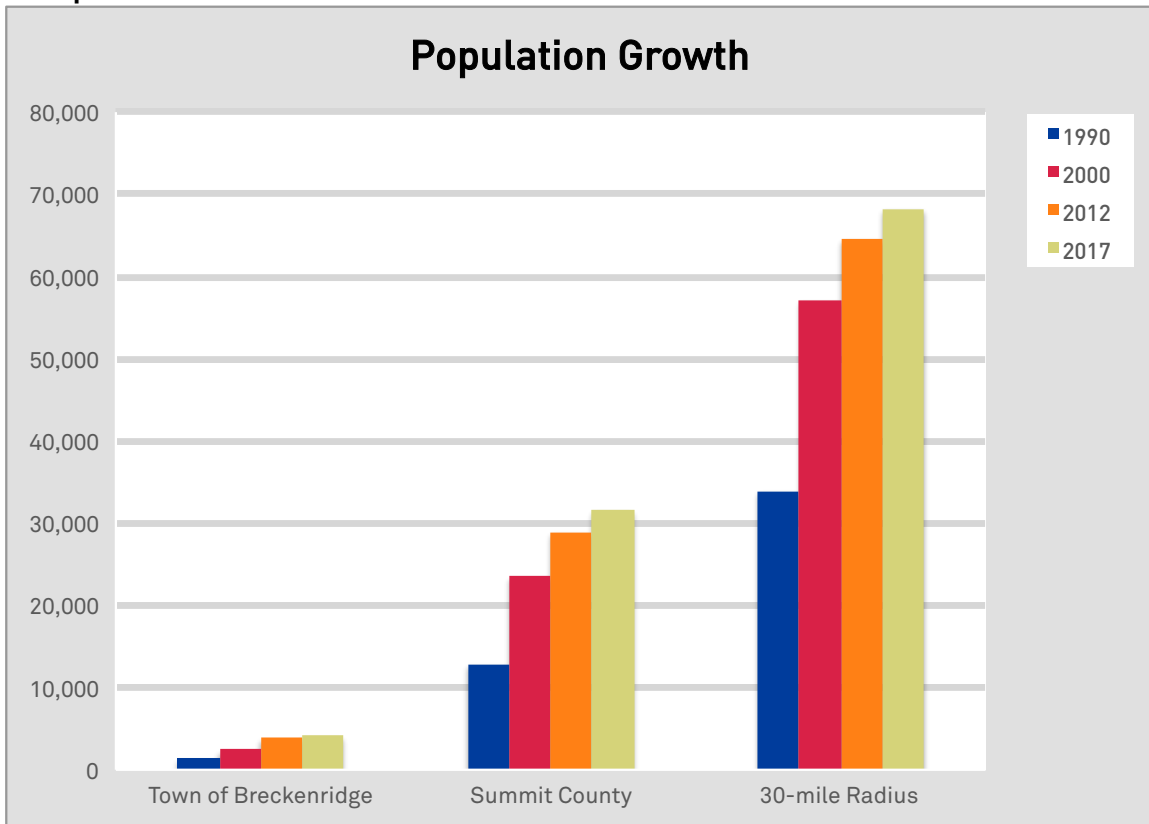
B. Income



C. Ethnicity



D. Population Growth

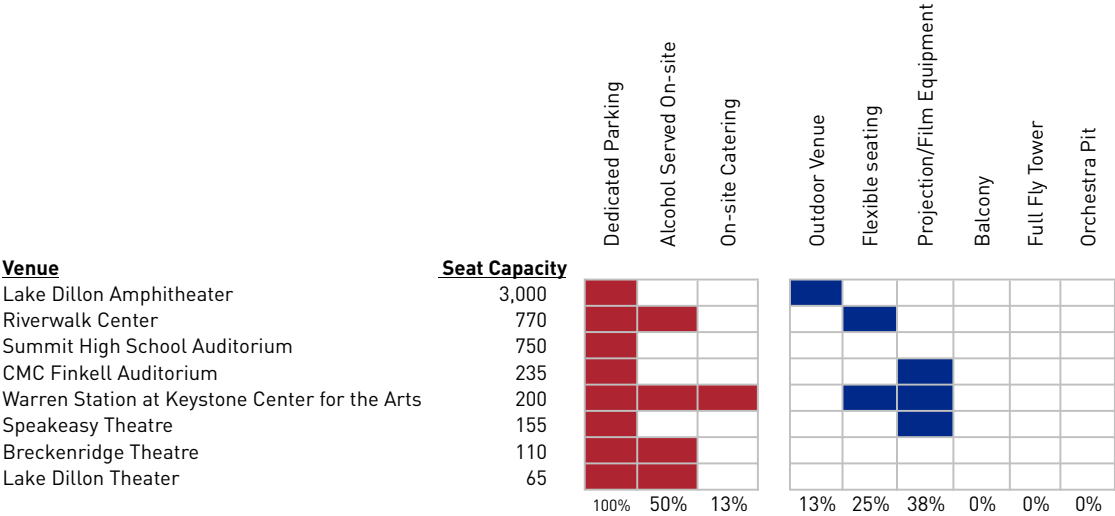


appendix d: facility inventory

Performance Spaces: Facility Ratings

Facility	Max Theater Capacity	Types of Activity	Facility Condition	Staff and Support	Theatrical Functionality	Room Acoustics	Customer Amenities	Performer Amenities	Atmosphere/Character	Suitability for Performances	Rating
Lake Dillon Amphitheater	3,000	6	1	1	1	1	1	1	4	2	1.4
Riverwalk Center	770	6	3	2	3	3	2	3	4	3	2.8
Summit High School Auditorium	750	5	2	1	3	3	2	1	2	2	1.9
CMC Finkell Auditorium	235	9	3	2	1	2	2	2	1	2	2.0
Warren Station at Keystone Center for the Arts	200	8	3	2	2	2	2	2	2	2	2.2
Speakeasy Theatre	155	1	1	1	1	1	1	1	1	1	1.0
Breckenridge Theatre	110	3	2	2	2	2	1	1	2	2	1.8
Lake Dillon Theater	65	1	1	2	2	1	1	1	1	2	1.4

Performance Spaces: Facility Features



Performance Spaces: Programs & Activity

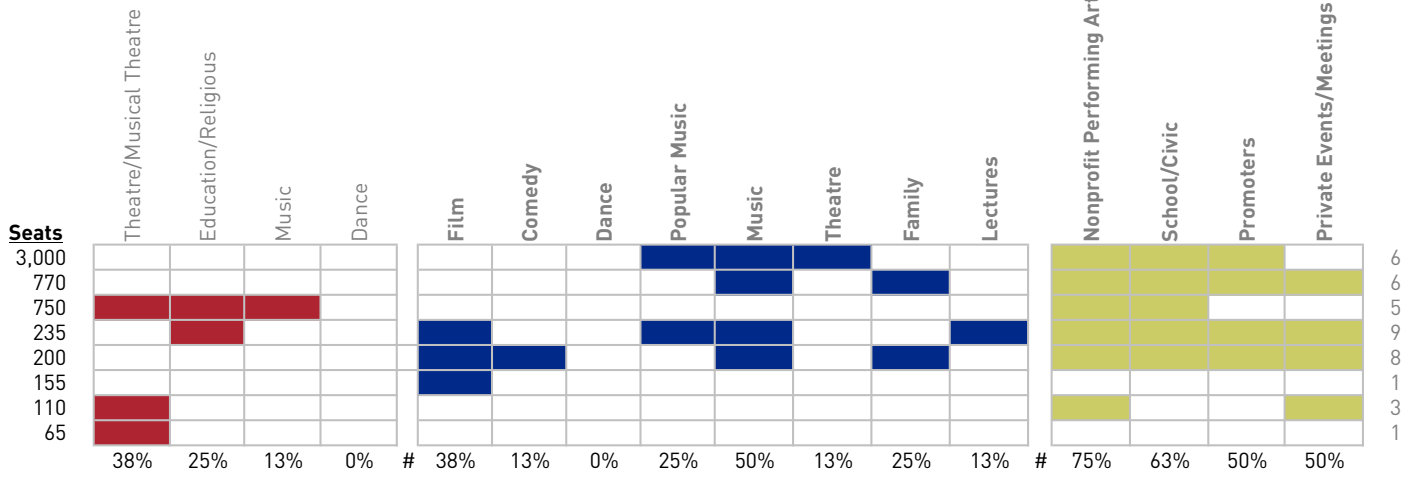
Producing

Presenting Activity

Rentals

Breckenridge

- Lake Dillon Amphitheater 3,000
- Riverwalk Center 770
- Summit High School Auditorium 750
- CMC Finkell Auditorium 235
- Warren Station at Keystone Center for the Arts 200
- Speakeasy Theatre 155
- Breckenridge Theatre 110
- Lake Dillon Theater 65



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MEMO

TO: Breckenridge Town Council

FROM: Laurie Best

RE: Administrative Rules and Regulations-Termination of Employee Housing Covenants

DATE: November 7, 2012 (for Nov 13th)

In recent months the Town has received two requests for termination of Housing Covenants. In both cases, the property owners offered financial compensation in return for the termination of a restriction that encumbered their property. These requests were reviewed with the Council subcommittee on Housing and Childcare and they supported releasing the deed restrictions because of unique circumstances associated with each of those requests. Because the Town Code currently allows termination of a covenant only with a substitute unit, the sub-committee asked staff to create a clear process for the future consideration of these unique kinds of requests.

The Town Code includes a procedure for the promulgation of Rules and Regulations. Staff has prepared "Administrative Rules and Regulations Concerning Requests to Terminate and Release Town-Held Employee Housing Covenants." The code requires that these Rules be presented to the Town Council. A copy is attached to this memo and we look forward to your comments.

The Rules that are proposed give the Director of the Community Development Department the authority to terminate employee housing covenants based on a case-by case review. In evaluating the requests the Director will consider issues including, but not limited to:

- age of the covenant
- form and content of the covenant
- advise of the Town Attorney and the Council sub-committee

These Rules establish a fee of \$75,000 for the release of a covenant, but the Director does have the authority to set a different amount which may be higher or lower depending on the unique circumstances of the case. Funds collected under these Rules will be placed into the Town's Housing Fund. It should also be noted that the Director may modify or waive the provisions of these Rules at his or her discretion.

In drafting these Rules, staff wanted to create a process for just the very unique cases. We look forward to your comments at the November 13th work session. If these Rules are acceptable they will become effective November 28, 2012.

1 ***DRAFT November 7, 2012 DRAFT***

2
3 **ADMINISTRATIVE RULES AND REGULATIONS CONCERNING REQUESTS TO**
4 **TERMINATE AND RELEASE TOWN-HELD EMPLOYEE HOUSING COVENANTS**
5

6 1. **Effective Date.** These administrative regulations are effective November 28, 2012.
7

8 2. **Authority.** These administrative regulations are issued by the Director of the
9 Department of Community Development of the Town of Breckenridge pursuant to the authority
10 granted by Section 9-1-28 of the Town of Breckenridge Development Code (Chapter 1 of Title 9
11 of the Breckenridge Town Code).
12

13 3. **Adoption Procedures.** The procedures set forth in Chapter 18 of Title 1 of the
14 Breckenridge Town Code were followed in connection with the issuance of these administrative
15 regulations. Notice of the adoption of these administrative regulations was given in the
16 following manner in accordance with the requirements set forth in Section 1-18-3 of the
17 Breckenridge Town Code.
18

19 4. **Definitions.** As used in these administrative regulations, the following words have
20 the following meanings:
21

DIRECTOR: The Director of the Department of
Community Development, or his or her
designee.

EMPLOYEE HOUSING
COVENANT: A restrictive covenant or restriction
recorded in the records of the Summit
County Clerk and Recorder, however
denominated, pursuant to which the
property owner agrees to limit the rental,
use, or occupancy of the owner's real
property in a manner that furthers the
Town's goal of providing affordable and
attainable housing for residents of the
Town. The Town must be the sole
beneficiary of the restrictive covenant.

OWNER: All of the then-current legal owners of the
real property encumbered by an employee
housing covenant when a request to
terminate and release the covenant is

EMPLOYEE HOUSING TERMINATION REGULATION

made, or an appropriate termination document is to be executed, whichever is applicable.

1
2 5. **Request to Terminate Employee Housing Covenant**. Instead of substituting one
3 employee housing unit for another employee housing unit under Section (A)(4) of Policy
4 24(Relative) of the Development Code, the Town will consider a property owner's written
5 request to terminate and release a recorded employee housing covenant under the following
6 terms, conditions, and limitations:
7

- 8 A. A request to terminate and release a recorded employee housing covenant will be
9 considered by the Town on a case-by-case basis. Nothing in this administrative
10 regulation requires the approval of a request to terminate and release a recorded
11 employee housing covenant; the decision to terminate and release a recorded
12 employee housing covenant is always within the sound discretion of the Director.
13
- 14 B. This administrative regulation applies only to requests to terminate and release a
15 recorded employee housing covenant for an employee housing unit located within
16 an accessory apartment, manager's unit, or a single family residence.
17
- 18 C. When considering an owner's request to terminate and release a recorded employee
19 housing covenant, the Town will consider the following:
20
- 21 (i) the age of the restrictive covenant;
 - 22 (ii) the form and content of the restrictive covenant;
 - 23 (iii) the owner's reason for requesting the termination and release of the
24 restrictive covenant;
 - 25 (iv) any relevant special circumstances related to the restrictive covenant, or the
26 owner;
 - 27 (v) the advice and recommendation of the Town Attorney with respect to the
28 validity and continued enforceability of the recorded employee housing
29 covenant, and other relevant legal issues related to the request;
 - 30 (vi) the recommendation, if any, of the Town Council Housing Committee; and
31 (vii) any other factor determined by the Director to be relevant to the request.
32
- 33 D. A request to terminate and release a recorded employee housing covenant must be
34 submitted to the Director. There is no fee required to submit such a request. A
35 request to terminate and release a recorded employee housing covenant must be
36 accompanied by a copy of the applicable housing covenant, together with the
37 owner's explanation for the request.
38

EMPLOYEE HOUSING TERMINATION REGULATION

- 1 E. Upon receipt of a complete request to terminate and release a recorded employee
2 housing covenant the Director will, within 90 days, review the request and render a
3 decision. Before making a decision on a request the Director may consult with the
4 Town's Housing Committee. The Director's failure to act on a request to terminate
5 and release an existing employee housing covenant within the 90 period will be
6 treated as a denial of the request.
7
- 8 F. Unless the Director determines otherwise, no request to terminate and release a
9 recorded employee housing covenant will be considered unless the owner:
10
- 11 (i) pays the Town, in cash, a fixed sum as compensation for the loss of the
12 housing covenant. Unless the Director determines that good cause exists to
13 increase or reduce the amount of the payment, the required payment shall be
14 \$75,000.00;
 - 15 (ii) encumbers real property with a perpetual private transfer fee pursuant to
16 Section 38-35-127(2)(b)(III), C.R.S., in form and substance acceptable to
17 the Town. The real property to be encumbered by the private transfer fee
18 must be deemed acceptable by the Director; or
 - 19 (iii) does both (i) and (ii).
20
- 21 G. The Director's decision on a request to terminate and release a recorded employee
22 housing covenant must be made in writing, and provided to the owner.
23
- 24 H. The Director's decision on a request to terminate and release a recorded employee
25 housing covenant is final, and no appeal from such decision is permitted.
26
- 27 I. Any money received by the Town as compensation for the termination and release
28 of a recorded employee housing covenant will be placed into the Town's Housing
29 Fund and used as the Town Council directs.
30
- 31 J. If a request to terminate and release a recorded employee housing covenant is
32 approved, the Town Attorney will prepare the appropriate documentation. The
33 document formally releasing and terminating the employee housing covenant must
34 be signed by the Director and the owner, and then recorded with the Summit County
35 Clerk and Recorder. The cost of recording the document must be paid by the owner,
36 unless the Director determines that sufficient cause is shown for the Town to pay the
37 recording fee.
38
- 39 K. If a request to release and terminate a recorded employee housing covenant is
40 approved, the owner must reimburse the Town for any attorneys' fees incurred by
41 the Town in connection with the request.

EMPLOYEE HOUSING TERMINATION REGULATION

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L. For good cause shown the Director, in his or her discretion, may modify or waive any provision of this administrative regulation.

Peter Grosshuesch, Director
Department of Community Development
Town of Breckenridge, Colorado

500-334\Employee Housing Buy-Out Administrative Regulation_2 (11-07-12)

EMPLOYEE HOUSING TERMINATION REGULATION

M E M O

TO: Town Council
FROM: Michael Mosher, Planner III
RE: Welk Resort Group, Inc. Development Agreement request
DATE: November 5, 2012 (for November 13th Worksession)

The Welk Resort Group, Inc. has an application before the Planning Commission to build a condo-hotel at Parcels C-1, C-2 and a Portion of Tract A, Shores at the Highlands Subdivision. As part of their application, Welk Resort Group is planning on providing additional amenities to enhance the guest experience.

As part of the proposed development, Welk Resort Group is requesting that the Town Council approve a Development Agreement to authorize an increase from the 200% mass bonus provided for in subsection 9-1-19:24 (Relative): D of the Development Code ("Code") to 700%.

Staff has reviewed this request in association with similar condo-hotel developments. We asked the Welk Resort Group to provide the square footages of the residential portions of their existing developments and the associated amenities. We also reviewed similar areas from three recent developments in Steamboat Springs for comparison. (Most recently, the Town Council has approved a Development Agreement with Breckenridge Grand Vacations to increase the mass bonus for amenities from 200% to 600%.)

Also, as part of this review, Staff notes that the Welk Resort Group site at the Shores Subdivision has some unique conditions. On this property, and the entire Shores Subdivision, the water table is very high to where burying density or parking is not economically feasible. The property is also relatively flat, precluding burying any of the development into a slope or hillside.

Amenities:

For condo-hotels, the Absolute Policy 24 of the Development Code requires one square foot of amenity space for every 35 square feet of residential space. The Code also allows 100% increase (2 times) bonus without affecting the total density or mass calculations. Beyond the 100% bonus, density may be unlimited, but the mass associated with the amenities is counted.

Other properties developed by Welk Resort Group show an average of 11.5 times more amenity space than what the Development Code requires. (See attached memo from Welk Resorts, Inc.) Additionally, Staff reviewed three condo-hotels in Steamboat Springs (Ski Times Square, Thunderhead, and One Steamboat Place) and found the following:

Ski Times Square has 399,719 square feet of units, 138,626 square feet of amenities; 11,421 square feet of amenities would be required under Absolute Policy 24 (1/35) This is 12 times more than required.

Thunderhead has 229,643 square feet of units, 24,272 square feet of amenities; 6,561 square feet of amenities would be required under Absolute Policy 24 (1/35). This is 4 times more than required.

One Steamboat Place has 218,736 square feet of units, 30,821 square feet of amenities; 6,250square feet of amenities would be required under Absolute Policy 24 (1/35). This is 5 times more than required.

With the current proposal before Planning Commission, the applicants are seeking a mass cap for amenities of 700% instead of 200% (the 1/35+ 100%).

As the commitment encouraged for public benefit in connection with this development agreement, The Welk Resort Group has proposed a payment to the Town of \$25,000 for use with the Harris Street Building project.

Concluding, Staff is seeking input on the request from Welk Resort Group that the Town Council approve a Development Agreement to authorize an increase from the 200% mass bonus provided for in subsection 9-1-19:24 (Relative): D of the Development Code ("Code") to 700%.

We welcome any additional comment and request that the Council decide how it wishes to proceed with respect to the proposed Welk Resort Group Development Agreement.



November 1, 2012

Mr. Michael Mosher
Town of Breckenridge
Planner III
150 Skill Hill Road
Breckenridge, CO. 80424

Dear Mosh,

Welk Resorts has a variety of amenities at its resorts, depending on location, size, and need. We operate live production theaters, activity centers with a variety of passive and active programming (including arts and crafts, educational sessions, dancing, mixology, culinary sessions, and health and wellness programs), fitness centers, indoor pool and water play spaces, owner's lounges, game rooms, demographic targeted programming (e.g. teen center and Kid's Club), sales centers, casual dining restaurants, fast casual restaurants (e.g. Pizza Hut Express), convenience stores, retail shops, rental department, concierge services, resort security, lost and found, storage facilities, guest storage spaces (e.g. luggage, bicycles, etc.), administrative spaces, owner services, PBX operators, marketing services, housekeeping and engineering storage, and work spaces (e.g. par stock for units, areas to repair and construct, staging areas, etc.).

When Welk develops a Resort, such as the one in Breckenridge, we always listen to what our guests are asking for from our existing Resorts. They want a fun environment for their families and their small children. They want Welk Resorts to be set apart, and stand out from other Resorts. Welk goes out of their way to provide not only the guest experience, but a family experience by building pools, waterslides, jacuzzi areas, kiddy amenities, BBQ areas, Owners Lounge, Kids Club and several outer amenities.

Aside from the amenities listed above, I have prepared a list below of our existing Resorts indicating unit square footages and amenity square footages. I also included the allowed 1/35 Breckenridge ordinance for comparison. As you will see when you go through the figures, the Breckenridge 1/35 creates a much smaller amenity area than we build into our Resorts.

I want to provide you with an example of how a pool and deck sizing is achieved by Health Department standards. Let's use Mountain Villas, 148 units X 2 bedrooms on average, 1.5 guests per unit, or 444 total guests. Multiply that by 6 square feet (per person); 2,664 square feet divided by a 3 foot deep pool, equals 888 square feet. 888 square feet x 4 hour water turnover rate, or pump cycle, the pool size needs to at least be 3,552 surface square feet.

If you compare the 1/35 calculations, the size of the pool alone would be more than half the ordinance required, not leaving much footage to achieve a Resort environment for our Guests.



Below I have provided you with our Resorts and the existing square footages of the total units and amenity areas, and then combining this with the Breckenridge 1/35 ordinance. You will notice a significant difference in the square footage numbers.

The Welk Mountain Villas Resort has 212,380 square feet of units and 87,500 square feet of amenities. This would allow 6,068 square feet of amenities under the Breckenridge 1/35 ordinance. This results in 14.4 times more amenity square footage than allowed.

The Welk Villas on the Greens has 187,920 square feet of units and 56,570 square feet of amenities. This would allow 5,369 square feet of amenities under the Breckenridge 1/35 ordinance. This results in 10.5 times more amenity square footage than allowed.

Lawrence Welk Resort Villas has 391,820 square feet of units and 125,500 square feet of amenities. This would allow 11,195 square feet of amenities under the Breckenridge 1/35 ordinance. This results in 11.2 times more amenity square footage than allowed.

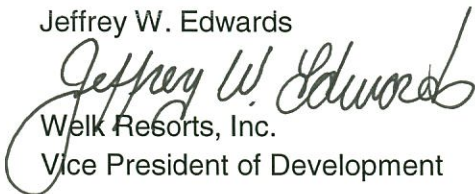
Welk Branson has 540,995 square feet of units and 164,000 square feet of amenities. This would allow 15,457 square feet of amenities under the Breckenridge 1/35 ordinance. This results in 10.6 times more amenity square footage than allowed.

Welk Resorts Cabo San Lucas Mexico has 203,770 square feet of units and 72,500 square feet of amenities. This would allow 5,822 square feet of amenities under the Breckenridge 1/35 ordinance. This results in 12.5 times more amenity square footage than allowed.

Please contact me if you have any questions.

Sincerely,

Jeffrey W. Edwards



Welk Resorts, Inc.
Vice President of Development

Cc: Jon Fredricks

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MIRO KOVACEVIC

DANIEL TEODORU
Special Counsel
JILL D. BLOCK
Paralegal

November 5, 2012

VIA EMAIL (mosh@townofbreckenridge.com)

Michael Mosher
Department of Community Development
Town of Breckenridge
P.O. Box 168
Breckenridge, CO 80424

Re: Development Agreement to Authorize Increased Mass Bonus for
Welk Resort Group Proposal for Tracts C-1 and C-2, The Shores at the Highlands

Dear Mosh:

In connection with Application No. 2012044 ("Application") for a development permit for Tracts C-1 and C-2, The Shores at the Highlands ("Property"), Welk Resort Group, Inc. is requesting that the Town Council approve the attached Development Agreement ("Agreement") to authorize an increase in the mass bonus provided for in subsection 9-1-19:24 (Relative):D of the Development Code ("Code"). Specifically, the Agreement would permit the Planning Commission to approve the Application with both meeting and conference facilities or recreation and leisure amenities ("Amenities") being allowed a mass bonus of 700% (7 square feet of Amenities for every 35 square feet of gross dwelling area as opposed to the 2 square feet of Amenities for every 35 square feet of gross dwelling area allowed under the relative policy) without having the Amenities square footage assessed against the density and mass of the proposed development, provided that the Amenities are legally guaranteed to be used for the purposes described and the total square footage of all such Amenities do not equal more than 700% of the area required under 9-1-19:24 (Absolute) of the Code.

As we have discussed, and the Town Council is aware from recent similar discussions, the market for timeshare type developments is such that substantial additional meeting, recreation and leisure facilities are required for a successful project.

Michael Mosher
Department of Community Development
Town of Breckenridge
November 5, 2012
Page 2

In addition, and of significant importance because it would appear to constitute the basis for a variance, the Property has water as close to the surface as 18" and, therefore, none of the mass of the Project can be buried as generally would occur with other projects in Breckenridge. However, rather than requesting something like a 600% multiplier to accommodate the Amenities and a variance to support the small amount of additional mass resulting from effectively not being able to bury any mass, it was suggested that handling the entire excess mass with the proposed Agreement should be a simpler approach and one which would benefit both the Town and Welk by avoiding the potential complications of a variance, such as a hypothetical analysis of how much of the excess mass could have been buried but for the water near the surface. An additional explanation of the extent of the excess mass, although not one that would support a variance, is that the Property is flat so none of the Amenities can be built into a hillside where they would not be counted as mass, as is frequently the case in Breckenridge.

The purpose of this letter is to serve as the required application for a development agreement to allow for approval of the Amenities over and above the 1 square foot per 35 square feet required under 9-1-19:24 (Absolute) of the Code and the 2 square feet per 35 square feet allowed under 9-1-19:24 (Relative), provided that the use of such Amenities is guaranteed and that the total thereof does not exceed 700% of the required square footage for Amenities.

With respect to the encouraged commitments provided for in Section 9-9-4 of the Town Code in connection with an application for a development agreement, Welk Resort Group, Inc. is proposing \$25,000.00 toward the Harris Street Building project, to be paid in two installments, the first upon the final approval of the Application and the second one year later.

Based on the foregoing, Welk Resort Group, Inc. respectfully requests that this letter be considered as the formal application for consideration of the proposed Agreement attached. Because the proposed Agreement is filed in connection with the pending Application for a development permit, a separate application fee has not been included with this letter. The remainder of the submittal requirements set forth in Section 9-9-9 of the Town Code are complied with as follows: Subsection A will be satisfied by the delivery of a commitment for title insurance showing ownership of the property to be in the name of Braddock Holdings, LLC; Subsections B and C will be satisfied by delivery of a letter from Braddock Holdings authorizing Welk Resort Group, Inc. to process this application and proceed with the proposed Agreement; Subsections D and E are satisfied by this letter and the attached Agreement; and Subsection F is satisfied with the submittal of the proposed Agreement itself. If any additional information or documentation is needed, please do not hesitate to let me know.

Michael Mosher
Department of Community Development
Town of Breckenridge
November 5, 2012
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We look forward to working with you and the Town Council on approval of the Development Agreement.

Respectfully,



Stephen C. West
Attorney and Agent for
Welk Resort Group, Inc.

SCW/amw

cc: Timothy H. Berry, Esq. (via email w/enc.)
Mary Obidinski, Esq. (via email w/ enc.)
Jon Fredricks (via email w/enc.)
Jeff Edwards (via email w/enc.)

7612.01

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

DEVELOPMENT AGREEMENT

This Development Agreement (“Agreement”) is made as of the _____ day of _____, 2012 among the TOWN OF BRECKENRIDGE, a municipal corporation of the State of Colorado (the “Town”) and WELK RESORT GROUP, INC., a California corporation (“Welk”).

Recitals

A. Welk has a contract with Braddock Properties LLC, a Colorado limited liability company (“Braddock”) for the purchase of Tracts C-1 and C-2, The Shores at the Highlands, according to the replat of Tract C, The Shores at the Highlands recorded August 12, 2011 at Reception No. 972933, Summit County, Colorado (“Property”).

B. Braddock, as the owner of the Property, has consented in writing to Welk’s application to the Town for this Agreement and a copy of such written consent has been provided to the Town.

C. Welk has filed an application for a Development Permit with the Town for the development of the Property, and as of the result of such application, Welk and the Town have identified circumstances or conditions of the Property and features of the proposed development that make it extremely difficult, if not impossible, to obtain the density permitted for the Property without obtaining relief from provisions of the Town’s Development Code through this Agreement.

D. As the result of the following circumstances or conditions, the mass, but not the density, of the development of the Property as proposed by Welk will exceed the mass allowed under the Development Code: (i) improvements on the Property cannot be constructed substantially below grade where they would not count as mass because there is water as close as 18 inches to the surface of the Property; and (ii) Welk’s proposed development currently includes a little over 14,000 square feet of amenity space critical to the success of the development that is substantially in excess of the amount of amenity space authorized under subsection 9-1-19:24 (Relative):D of the Development Code.

E. Pursuant to Chapter 9 of the Breckenridge Town Code the Town Council has the authority to enter into a development agreement.

F. In connection with the future development of the Property as proposed by Welk, authorization to increase the 200% multiplier for amenity space as provided for in Subsection 9-1-19:24 (Relative): D of the Development Code to 700% would allow for meeting and conference facilities or recreation and leisure amenities on the Property.

G. As the commitment encouraged to be made in connection with an application for a development agreement in accordance with Section 9-9-4 of the Breckenridge Town Code, Welk has proposed a payment to the Town of \$25,000 for the Harris Street Building project.

H. The Town Council has received a completed application and all required submittals for a development agreement, had a preliminary discussion of the application and this Agreement, determined that it should commence proceedings for the approval of this Agreement and, in accordance with the procedures set forth in Subsection 9-9-10:C of the Breckenridge Town Code, has approved this Agreement by non-emergency ordinance.

Agreement

1. Upon: (a) final approval of a Class A Development Permit for the Property acceptable to Welk (the "Permit"); and (b) the passage of any time periods within which any referendums, appeals or other challenges to such approval must be brought, without any such referendums, appeals or other challenges having been filed, commenced or asserted, Welk shall pay \$25,000 to the Town to be applied to the Harris Street Building project, with a payment of \$12,500 due within 30 days after final approval of the Permit and the second and final payment due 1 year after final approval of the Permit, provided that no certificate of occupancy will be issued until full payment has been made.

2. The provisions of subsection 9-1-19:24 (Relative):D of the Breckenridge Town Code notwithstanding, in connection with the development of the Property as proposed by Welk, meeting and conference facilities or recreation and leisure amenities over and above that required in subsection 9-1-19:24 (Absolute) of the Breckenridge Town Code shall not be assessed against the density and mass of the development proposed by Welk provided that: (a) the facilities or amenities are legally guaranteed to remain as meeting and conference facilities or recreation and leisure amenities; and (b) the total of all such meeting, conference, recreation, leisure facilities do not equal more than 700% of the area required under said subsection 9-1-19:24 (Absolute) of the Development Code.

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

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

5. This Agreement shall be binding upon and inure to the benefit of Town and Welk, their successors and assigns.

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

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

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

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

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

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

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

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

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

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

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

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

If To Welk: Welk Resort Group, Inc.
300 Rancheros Drive, Suite 450
San Marcos, CA 92069

With A Copy (which shall not constitute notice) to: Mary Obidinski, Esq.
Welk Resort Group, Inc.
300 Rancheros Drive, Suite 450
San Marcos, CA 92069

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

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

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

[SEPARATE SIGNATURE PAGES TO FOLLOW]

TOWN OF BRECKENRIDGE

Attest:

Town Clerk

By: _____
Timothy J. Gagen, Manager

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

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

Witness my hand and official seal.
My commission expires: _____

Notary Public

WELK RESORT GROUP, INC.
a California corporation

By: _____
Jonathan P. Fredricks, President

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 2012
by Jonathan P. Fredricks, as President of Welk Resort Group, Inc., a California corporation.

Witness my hand and official seal.
My commission expires: _____

Notary Public



MEMORANDUM

TO: Town Council

FROM: Chris Neubecker, Current Planning Manager

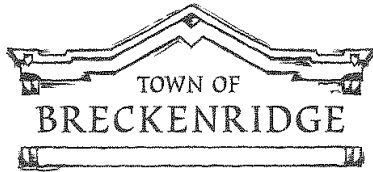
DATE: November 7, 2012

SUBJECT: Joint Meeting with Planning Commission
November 13, 2012
6:00 – 7:30 PM

During the meeting of November 6, the Planning Commission and Council Liaison Gary Gallagher suggested the following items for discussion with Town Council:

1. Moving Historic Structures: This policy, which staff has presented twice to the Commission, would change the way negative points are assigned for moving historic structures. The new policy would be designed to increase flexibility, and reduce the number of negative points allocated for very minor relocations of a structure. The policy would likely include a smaller increment of negative points, and could also allow some limited moving of structures without negative points, if the historic context of the site is maintained. As currently drafted, the policy creates separate standards and points for moving primary and secondary structures.
2. Solar Panels in the Historic District: The Town Council recently asked the Commission to discuss the existing policy on the location and design of solar panels within the Historic District to consider if modifications are needed. Changes to this policy would likely include a revised priority list for locating solar panels within the historic district, and could also include an option for off-site solar panels in a solar garden.
3. Policy on Wireless Communications Towers: We do not currently have a policy concerning wireless communications towers. Existing Policy 41 (Absolute) Satellite Earth Station Antennas could be revised, or a new policy created to address the location and design of both permanent and temporary communications facilities. (Time Permitting).
4. Top 10 List: This is a review of the Top 10 most important topics, policies and issues for staff to focus on in the upcoming year. Please see the Top 10 List, provided with this memo.

Planning Commission and staff appreciate the opportunity to meet with Town Council. We find these annual meetings to be insightful and productive and look forward to your feedback.



MEMORANDUM

TO: Town Council

FROM: Chris Neubecker, Current Planning Manager

DATE: November 7, 2012

SUBJECT: Planning Top 10 List Update

Each year the Planning Department creates a list of the Top 10 most important policy issues and code amendments for staff to focus on in the upcoming year. Following is a list of the accomplished items from the past Top 10 List.

1. Adoption of Transition Area Standards (March 27, 2012)
2. Energy Policy / Mechanical Mass Update (Adopted August 14, 2012)
3. Fiber Cement Siding (Adopted March 22, 2011)
4. Footprint Lots and Design Standards (Adopted September 28, 2010)
5. Free Basement Density (Commercial) (Adopted April 26, 2011)
6. JUBMP Update
7. Forest Management on Town Owned Parcels: Ongoing
8. Landscaping Policy (Adopted January 11, 2011) and Guidelines (Adopted May 22, 2012)
9. Vendor Carts (Adopted March 27, 2012)
10. Fence Policy Update (Adopted May 24, 2011)

Following are some other issues that staff are currently working on, or could start working on soon (in no particular order):

1. Moving Historic Structures
2. Solar Panels in the Historic District
3. Transition Standards Near Carter Park/Elementary School
4. Mass Policy: Airlock Entries
5. Wildlife Policy
6. Condo Hotels Update (Amenities Bonus, Check-In Desks, Shuttles)
7. Snack Bar / Restaurant Water PIFs
8. Wireless Communication Towers
9. Arts District Expansion
10. McCain Planning and Solar Gardens

We welcome Town Council input on these topics, and suggestions for additional issues where staff should focus our resources.