



BRECKENRIDGE TOWN COUNCIL WORK SESSION

Tuesday, November 27, 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.*

3:00-3:15pm	I	<u>PLANNING COMMISSION DECISIONS</u>	2
3:15-3:45pm	II	<u>LEGISLATIVE REVIEW*</u>	
		Mill Levy Ordinance	13
		Water Rates Ordinance	15
		Welk Resort Group Development Agreement Ordinance	21
		Wedge and MJB Parcels LUGs	30
		Resolution to Adopt the 2013 Budget and 2013-2018 CIP	36
3:45-4:30pm	III	<u>MANAGERS REPORT</u>	
		Public Projects Update	
		Housing/Childcare Update	
		Committee Reports	38
		Financials	39
		e-Minutes Module Demo	53
4:30-5:30pm	IV	<u>OTHER</u>	
		Harris Street Community Center Design Review	55

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

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

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: November 21, 2012

Re: Town Council Consent Calendar from the Planning Commission Decisions of the November 20, 2012, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF November 20, 2012:

CLASS C APPLICATIONS:

- 1) Young Residence (MGT) PC#2012093; 882 Preston Way
New single family residence with 4 bedrooms, 4 bathrooms, 3,902 sq. ft. of density and 4,693 sq. ft. of mass for a F.A.R. of 1:16.55. Approved.
- 2) Jost Residence (MGT) PC#2012094; 757 Highfield Trail
New single family residence with 3 bedrooms, 3.5 bathrooms, 4,179 sq. ft. of density and 5,271 sq. ft. of mass for a F.A.R. of 1:8.60. Approved.
- 3) Lot 26, Corkscrew Flats (MM) PC#2012092; 396 Corkscrew Drive
New single family residence with 3 bedrooms, 3.5 bathrooms, 2,910 sq. ft. of density and 3,568 sq. ft. of mass for a F.A.R. of 1:5.13.

CLASS B APPLICATIONS:

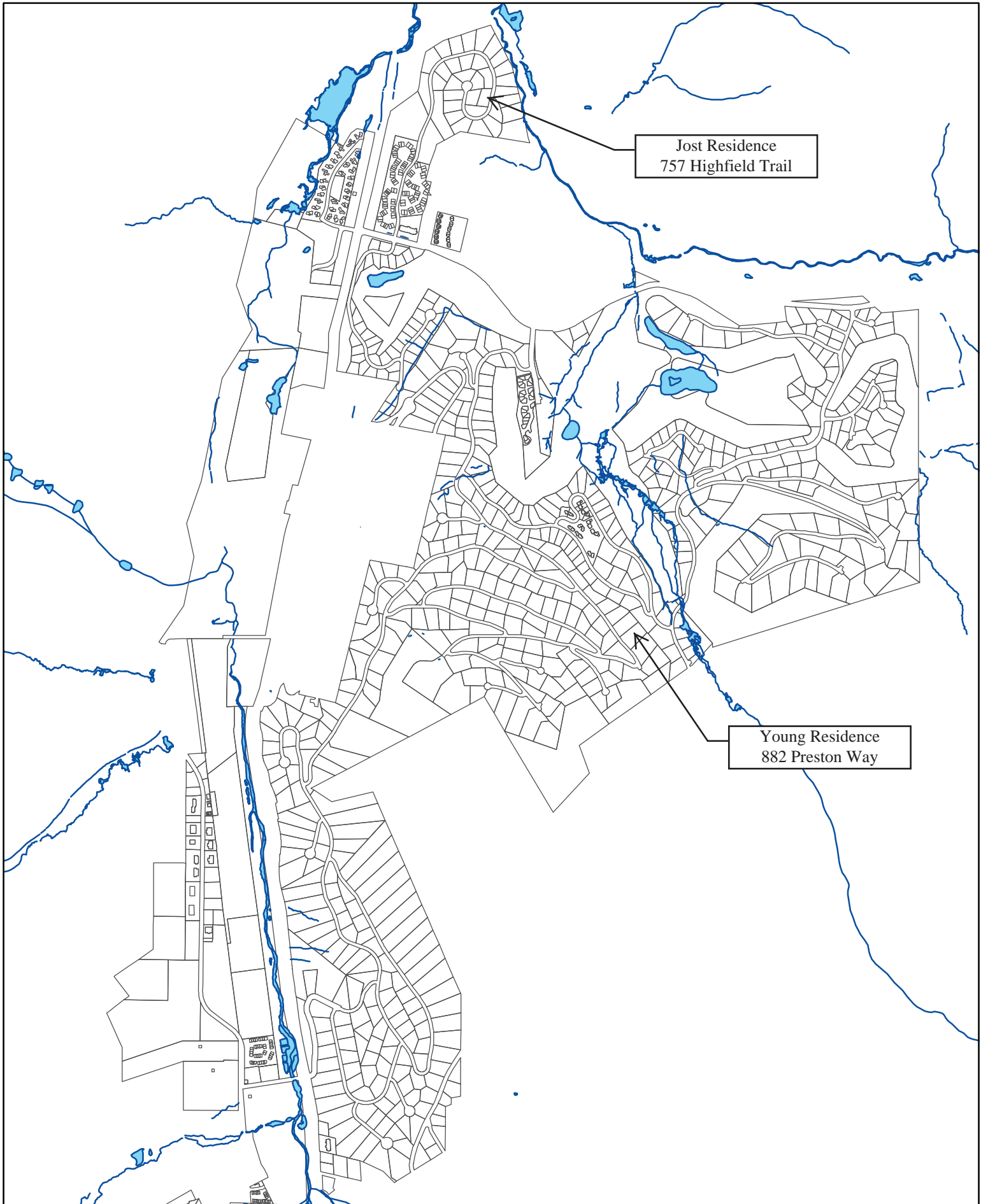
- 1) Jones Residence Restoration, Rehabilitation and Addition (MM) PC#2012043; 203 South High Street
Restoration, rehabilitation and addition to existing single family residence to create a total of 1,070 sq. ft. of above ground density and 1,834 sq. ft. of mass for a F.A.R. of 1:3.00. Approved.

CLASS A APPLICATIONS:

None.

PLANNING COMMISSION RECOMMENDATIONS:

- 1) Motion to Approve Placing Recently Annexed Property in Land Use District 1 (Wedge and MBJ Parcels). Approved.
- 2) Motion to Recommend the Town Council Adopt an Ordinance to Landmark the Historic Structure for the Jones Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012043, 203 South High Street. Approved.



Breckenridge North

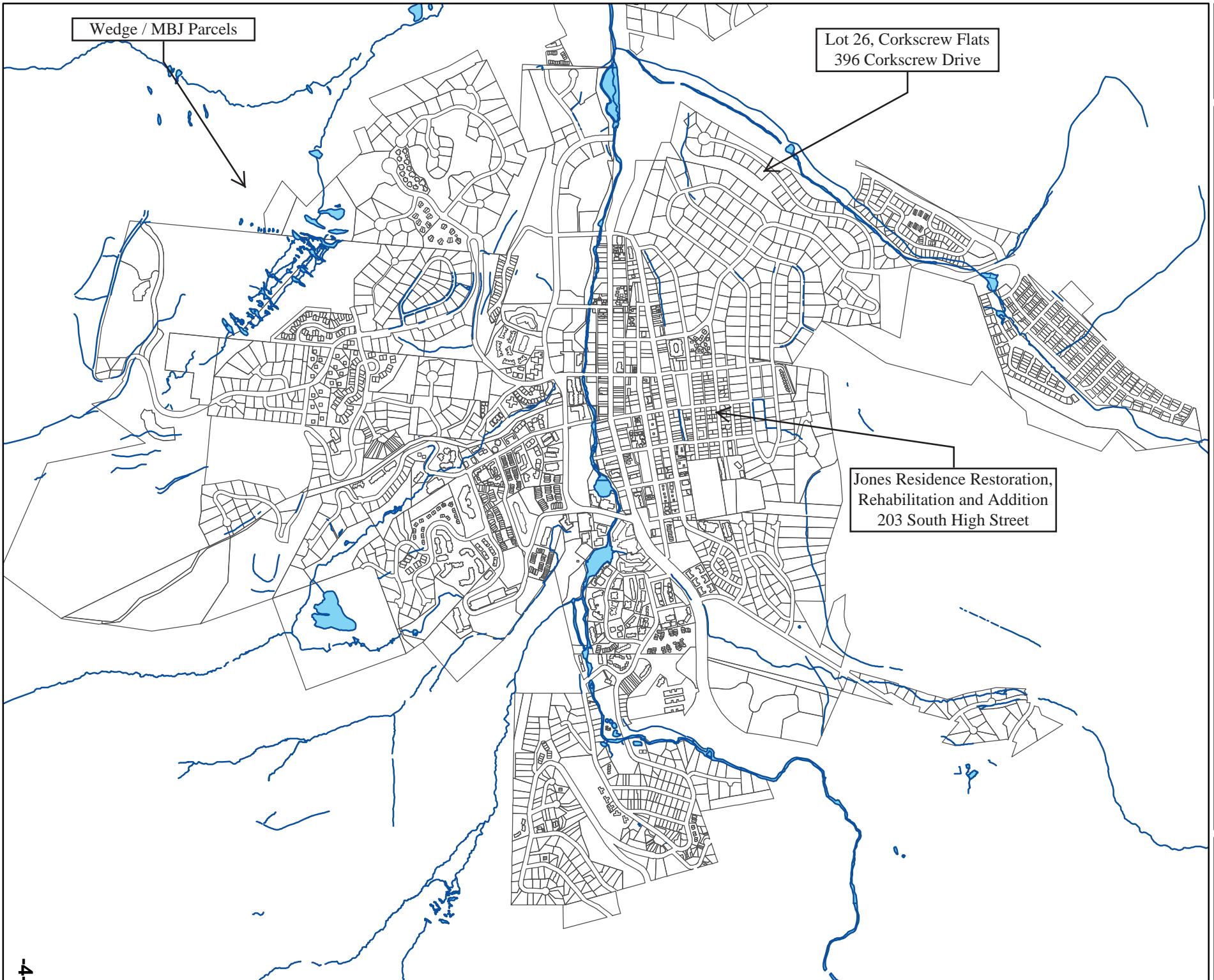
printed 4/12/2011



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 -3-



Wedge / MBJ Parcels

Lot 26, Corkscrew Flats
396 Corkscrew Drive

Jones Residence Restoration,
Rehabilitation and Addition
203 South High Street



NOT TO SCALE

printed 4/12/2011

Breckenridge South

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PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

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

APPROVAL OF AGENDA

With no changes, the November 20, 2012 Planning Commission meeting agenda was approved unanimously (6-0).

APPROVAL OF MINUTES

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

CONSENT CALENDAR:

1. Young Residence (MGT) PC#2012093; 882 Preston Way
2. Jost Residence (MGT) PC#2012094; 757 Highfield Trail
3. Lot 26, Corkscrew Flats (MM) PC#2012092; 396 Corkscrew Drive

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

WORKSESSIONS:

1. Motion to Approve Placing Recently Annexed Property in Land Use District 1 (Wedge and MBJ Parcels) (LB)

Ms. Best presented. The Town recently annexed the MBJ and Wedge parcels which are located off Ski Hill Road at the top of Cucumber Gulch. According to Colorado Statute (Section 31-12-115 (2)) the Town is required to formally zone the parcels by placing them in a Land Use District by December 31, 2012 which is 90 days after annexation. The properties were acquired by the Town for open space and to protect important wetlands and wildlife, and therefore, the Council has indicated that the properties should be placed in Land Use District 1. An Ordinance has been prepared and is scheduled for first reading on November 27th. Staff requested that the Planning Commission review this zoning and forward a recommendation to the Council.

Because the properties were acquired for open space and they contain environmentally sensitive areas, Staff supported placing both properties entirely within Land Use District 1. It should also be noted that the Joint Upper Blue Master Plan (JUBMP) recommends that the initial zoning on annexed properties be the lower of the Town master plan or the County zoning prior to annexation. This is intended to prevent ‘upzonings’. The Council intends to comply with the JUBMP policy by extinguishing all of the density on these parcels. The parcels will also formally be placed in the Cucumber Gulch Overlay District.

Recommendation:

Staff is recommending that the Planning Commission adopt a motion recommending these parcels be placed in Land Use District 1.

Commissioner Questions / Comments:

Mr. Mamula: Wonderful idea .
Mr. Pringle: It’s taken a long time to come to this point.

Mr. Schroder made a motion to approve placing the recently annexed Wedge and MJB parcels into Land Use District 1. Mr. Mamula seconded, and the motion was carried unanimously (6-0).

2. Certified Local Government (CLG) Presentation (Dan Corson, History Colorado)

Ms. Cram introduced Dan Corson from History Colorado. Mr. Corson presented to the Commission on the responsibilities of being Planning Commissioners for a Certified Local Government.

3. Solar Panels in the Historic District (JP/CN)

Ms. Puester presented. Solar panels in the Conservation District became a topic of discussion with a recent application to install solar panels on a flat roof within the District which mounting structure would be visible from Ridge Street. At the November 13th joint Town Council/Planning Commission meeting, it was directed to have staff return to the Planning Commission for more discussion on direction for a potential modification to Policy 5 Architectural Compatibility regarding solar panels in the Conservation District. Policy language regulating solar panel installations was originally adopted in 2008 with subsequent modifications in 2009.

Changes were made following concerns over vague language in the existing policies regarding the assignment of points, increased interest in solar applications, desire to assist in renewable energy production and following the adoption of the Green Building Code. These modifications were discussed with no objections from the Architect at the State Historic Preservation Office and National Park Service. Prior to the language modifications there was little direction on point assignments and acceptable solar panel locations and design for the applicant and Planning Commission to utilize.

During the joint Town Council/Planning Commission, two primary issues arose. One issue was that panels should not be too large or out of character with the Conservation District. The second issue was limiting how visible from the public rights of way an array should be. Staff was interested to hear the Commission's discussion on whether the main concern is how visible the array is or the size of the array (in some cases the array may not be readily visible from the public right of way). Another question pertaining to flat roof buildings is whether solar array mounting systems are more detrimental to the District than other types of existing mechanical systems such as roof top HVAC systems. Was the concern having arrays on all types of flat roofs or from unscreened flat roofs with no setback or parapet?

Lastly, the *Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability* recommend on site solar technology after all appropriate treatments to improve energy efficiency of the building have been implemented. Currently, the Development Code has an optional relative policy under Policy 33R for positive points which an energy audit would be conducted to obtain a HERS index or commercial energy analysis. Would the Commission be supportive of property owners in the Conservation District being required to conduct an energy audit and associated improvements prior to applying for a development permit for a solar array?

Questions for the Commission:

1. Did the Commission feel that modifications are needed to the policy?
2. Should preference (f) "*highly visible from the public right of way*" be removed in its entirety to prohibit highly visible solar panels? Are there additional modifications desired in the preference order?
3. Should the existing language "*Solar devices shall be set back from the edge of a flat roof to minimize visibility and may be set at a pitch and elevation if not highly visible from a public right of way*" be revised with additional guidelines or revised to not permit pitched solar arrays on flat roofs?
4. Does the size of the array need to be addressed?
5. Should an energy audit be required of the property owner as well as improvements made prior to submitting a development application for a solar array?

Staff welcomed input from the Commission on the direction we should head with this policy, and if any changes are needed.

Commissioner Questions / Comments:

- Mr. Schroder: Listening to Town Council last week, thought they were against visible solar panels in the District. This could speak more to energy conservation, and our willingness to get off of our oil addiction. We're ok with HVAC systems and stoplights, but not with solar panels. It sounds like the Secretary of Interior wants us to look at all energy conservation things first. Would be in favor of an energy audit first.
- Mr. Pringle: I think that Mayor Warner liked solar panels; it's not a question of whether or not you like them; it's how they interact with our historic district guidelines and how we blend the two. The Council erred on the side of the Historic District rather than the wholesale adoption of solar panels. Not to be totally prohibited.
- Mr. Lamb: I think that it was left somewhat open, depending on how the questions were phrased; there are some places in the historic district that have them right on their roof and you wouldn't know it unless you flew over the house. What I heard was, should they be obvious? No. Is there a place on a historic structure for solar? Maybe. Define right of way; what constitutes a right of way?
- Ms. Dudney: I didn't hear opposition to solar; just opposition to visibility from a public right of way; they didn't want it visible at all from a public right of way. I heard Ms. Wolfe specifically that it was fine for it to be in residential areas where it was not visible from a public right of way. I didn't think that it should be prohibited. A backyard or side roof might be appropriate. What is our goal here?
- Mr. Butler: I do recall a couple of votes that indicated that they wouldn't have them at all, there was a split. Isn't that part of the reason for the solar garden? I only remember two who indicated that; that's a short term answer, solar is a great solution. Maybe solar panels just don't visually work in every spot.
- Mr. Mamula: We thought about one instance in this policy; there are multiple levels of this thing. We have a lot of flat roofs in the historic district; the HVAC thing is a valid point, but they aren't as high of a profile potential as solar systems are. I believe all rights of ways are rights of ways, including alleys. I know that we don't talk about backs of buildings, but think that is a mistake. I am fine with solar panels in the historic district as long as we can make them integrate with the character. One of our problems is that we don't let people replace their historic windows, yet we are okay with letting you slap solar panels on the roof. I agree with Mr. Schroder; button up everything else. Make sure that an applicant has done everything possible prior to solar panels. We need to have multiple sized buildings with different regulations. Now we are talking about a complex policy. We have a sea of roofs on Main Street, and if people put large solar panel arrays- tall, slanted, long, they will start affecting views. (Mr. Grosshuesch: Discussion around the original design of the ordinance, and how it didn't bring flat roofs to the top of the conversation. Arrays need to be bigger than we thought for people to make it work. Maybe just some tweaking to the gable roof settings; add regs for flat roofs. Go through the energy audit first so that if you have some obvious energy problems first, and then go to solar last. The payback on the fixing inefficient heating, leaks in the building is much bigger than solar. The tough part is the flat roof buildings. Options from may be banning them, to putting some complex regulations about how they can be set up on the roof tops. We have to address them. A number of jurisdictions use 'sketch up' to see 3-D views from various locations so that you can visualize what they will look like. Maybe we require applicants to provide that. I think therein lie a range of options.)

- Mr. Schroder: Should we have a non-historic commercial section within this policy that is different than residential?
- Ms. Dudney: The current policy doesn't prohibit it at all. (Mr. Grosshuesch: I think that we're on the right track with our standards; and I didn't get that sense from the Council.)
- Mr. Pringle: That was the gist of the whole conversation; when we have to lift them up and it changes the whole context of the story. (Mr. Grosshuesch: Mr. Eric Westerman, Innovative Energy, tells us that you need a 30% pitch.)
- Ms. Dudney: Does everyone agree with energy audit first?
- Mr. Schroder: Yes.
- Mr. Pringle: It would be another requirement. I understand why that would be a nice thing to encourage people to do; if people are energy conscious, they will do it anyway. I don't think that people put the solar up just because it is a sexy thing to do.
- Mr. Lamb: I'm with Dave on this. It's a great idea, but to require it I'm struggling with that. Someone who is going to install a solar cell is really unlikely to not perform an energy audit. In a way, I worry that if we require it, it will discourage people from doing it.
- Mr. Mamula: We are talking about historic homes and solar is the easy out; you're talking about degrading the home by allowing solar panels on it and not forcing people to do what we materially look at that won't affect the historic aspect of the home. That's why I think the audit is important. Solar is easy and sexy. And it's not sexy to re-insulate, take newspaper out of the walls, and you get no credit. I don't have a problem with you putting solar panels on a gabled roof that is not a historic structure. I care about the degradation of the historic structure.
- Ms. Dudney: I think some people consider it unsightly to the character of the area regardless of whether or not it is historic. I don't think that there is a problem requiring an energy audit for non-historic too. Do we need to all agree to what you should be changing this ordinance to?
- Mr. Lamb: Something that would help is to find out how much the energy audit costs. I was under the impression that it was \$2,000. (Ms. Puester: A HERS is expensive, but an energy audit is more in the range of a couple hundred dollars for a home. They do the blower door test for leaks, infrared camera, alot less detail.)
- Mr. Pringle: How are we going to measure all of the improvements that might be done before we allow solar panels? (Mr. Grosshuesch: I think that you just want to increase homeowners' awareness; it's not implied that we make them do any of that stuff. You could make them do the top three; pick a system.)
- Ms. Dudney: Should we change the visibility aspect in the ordinance? Should we say it is not allowed to be visible? And define "right away"?
- Mr. Schroder: Given the conversation, I think removing the last preference option would ease people's feelings about solar in the historic district. I always thought that we were concerned about the front of the building but I guess the right of way should be defined.
- Mr. Pringle: I'm not ready to rule on that. What's visible or highly visible depends upon who is viewing it and from where.
- Mr. Lamb: Something that is highly visible, clearly.
- Ms. Dudney: Isn't the point, is that it harms the appearance of the historic nature of the downtown? It's not the point that your neighbor may just not like a dark panel on your roof. I am still thinking that we should be allowed to have solar panels as long as they are not visible.
- Mr. Lamb: We aren't going to be putting up large arrays; it's what is reasonable. We will know it when we see it; case by case basis. To write an ordinance to cover every single situation is going to be difficult and we should give the Planning Commission some leeway. (Mr. Grosshuesch: It's not just the individual structures and their compliance; it's the setting that they are in. We are looking at new buildings coming in, and we have nonhistoric buildings that predated Nori's standards. For the surviving historic structures to not be blown away

and scaled by a new building, we protect the setting. All new buildings need to be oriented the same way on the blocks, same size, no satellite dishes; we have a problem with solar panels on flat roofs, double-stacked.)

Ms. Dudney: Wouldn't that be taken care of by saying that they aren't to be visible from a right of way? (Mr. Grosshuesch: The other one is the freestanding poles in the backyard, I've never come to terms with that one. We need to preserve the context.)

Mr. Pringle: We need to highlight the third sentence in the policy: there may be instances wherein the solar panels are inappropriate. We have the teeth to say that a solar array is not a good idea. Also, now you can shift people to the gardens.

Ms. Dudney: Once that is sold, though, they are gone. It is not unlimited over time.

Mr. Pringle: I think that the Town should subsidize to make it fly, but maybe they can give up their right to panels in the array so that individual homeowners within the historic district can buy them.

Mr. Butler: The character issue is what kills that Dudick building. And that's the view and right down the street. Technology is changing so quickly though, believe these arrays are going to be a thing of the past anyway.

Mr. Mamula: Things are progressing but not as fast as we would like them; my issue with the right of way discussion is there are multiple places in the code where it says "its potential impact on neighboring properties as a whole", etc. I disagree that because its solar panels it's okay. If I'm sitting in Hearthstone's picture window upstairs and I look out at a sea of roof top solar, I don't think that's okay. I don't like to use that public right of way language. There is more to the blocking views, blocking light. The Fatty's example is the perfect one. Rather than having an argument about right of way, I'd rather focus on its impact to the neighborhood views.

Ms. Dudney: And have it somewhat flexible for the Planning Commission to decide.

Mr. Mamula: The minute I have to get those 3 feet off of the roof, that blocks someone view and is detrimental to the historic district, I have a problem. (Mr. Grosshuesch: Just to clarify: Should there be a difference between flat roofs and gabled roofs?) (All Commissioners said yes.)

Mr. Butler: An examination rather than formal audit might be a good thing to include. (Mr. Grosshuesch: On the gabled roof; is it your feeling that the standards need to be tweaked and maybe we look at rewording freestanding pole mounted?)

Ms. Dudney: I agree with that.

Mr. Pringle: We have a new building on Main Street where the panels are integrated with the roof line. I think that they don't negatively define the building. The solar panels on the recreation center are horrible; they change and redefine the whole roof of that building. We need to move freestanding arrays down the list for people.

Ms. Dudney: I think all of this is in the context of the historic district and outside property rights tend to make a presence. I wouldn't like us to mandate property owners outside historic districts.

Mr. Pringle: I would. (Mr. Grosshuesch: To summarize, look at right of way definition, flat roofs and gable roofs are different sections, remove the last preference, homes verses large buildings, energy examination, move pole mounted down the preference line.)

TOWN COUNCIL REPORT:

None.

FINAL HEARINGS:

1. Jones Residence Restoration, Rehabilitation and Addition (MM) PC#2012043; 203 South High Street
Mr. Mosher presented a proposal to restore the exterior of the historic house to an earlier period, landmark the historic house, add a full basement beneath the historic house, and demolish a newer non-historic addition to

the house. Two small additions are proposed in the rear and side of the original house with two parking spaces along the south side yard.

Changes since the August 7, 2012, Preliminary Review.

1. Slight modifications in the square footage.
2. Shed roof over master bedroom changed to gable roof.
3. Slight modifications to window openings.

Staff believes that the local landmarking criteria have been met with this application and the house can be recommended for local landmarking. Staff suggested the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Staff recommended negative nine (-9) points as reflected in the final point Analysis.

- Policy 5/R (-3 points) Above Ground Density of 9.32 UPA
- Policy 9/R (-6 points) for not meeting two suggested building setbacks.
A total of positive nine (+9) points were shown in the final Point Analysis.
- Policy 24/R (+9 points) for the restoration/rehabilitation efforts.

This results in a passing score of zero (0) points.

At the meeting, the applicant and agent informed Mr. Mosher that the false shutter/doors were removed from the north elevation of the master bedroom addition. Hence, this question to the Commission was eliminated. Mr. Mosher also stated that the project can pass with the positive 9 points; twelve were not needed for a passing score.

Staff believes that the restoration of this historic house is a good public benefit for the community. We understand some of the hardships the property has incurred from past additions and the non-compliant subdivision of the historic lot. The applicant and agent have responded to all concerns and direction provided over the last meeting. Staff had the following question:

1. Did the Commission support awarding positive nine (+9) points for the restoration efforts?

Mr. Pringle: If this application was to be completely restored it to the original condition, it couldn't achieve positive 15 points, because it is on a legally subdivided place? (Mr. Mosher: Correct; the site has been compromised.)

Ms. Dudney: So if a 10-acre parcel with one house that was subdivided 100 years ago, it couldn't obtain positive 15 points? (Mr. Mosher: If it were subdivided 100 years ago, it would fall into the Town's period of significance and would be historic. Hence it could obtain the points.) I still have a problem with punishing people for something completely beyond their control. (Mr. Mosher: It is unfortunate, not punishment. The context of the original site, as stated in the policy, has been compromised.)

Janet Sutterley, Architect - Agent for Mr. Jones:

Thanks to Mr. Mosher; Staff has done a great job working with us. I have just one thing on my list. I disagree with Staff about the 9 positive points. In terms of the lot being split, it's my opinion that the Code takes care of the impacts by restricting the amount of density that you're allowed to put on that lot. We can only allow the amount of square footage that is supported by this having to become a half lot. We are doing exactly what the Code is asking for. This is a complex plan. There are like 26 corners in this house to achieve these lengths Set forth in the Code. My question is: someone could come in with this house and not take that thing off the

south end and put bevel lap on, and do a nice job but leave the form of the house the way it is; would that also be a 9 point project? What I am trying to convince people to do is to take off the non-historic pieces, and that wouldn't necessarily be what everyone would agree to do. My problem is that we are doing above and beyond; the problem I have is with 'we don't need the 12 pts'. Of the three projects that were listed in the report as precedent, the Strobel residence was in the same boat, we didn't need 12 points to pass; it was a double dip. We received negative points for moving the historic house and less points because of it. To me, that project, for someone to come in and take that roof off and make it what it was, but I still feel like it was a 12 point project. I am going to ask the Planning Commission again to consider 12 points for this project. (Mr. Grosshuesch: We've talked about this at length; with 9 points we are handsomely rewarding the applicant for the efforts. 12 points requires that restoration or preservation efforts bring it back to a period of time. Anytime you add on to a building you cannot meet this definition.)

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

Commissioner Questions / Comments:

- Ms. Dudney: It doesn't say for 12 points no additions, just 15 points. (Mr. Grosshuesch: When we wrote the policy, to get to 12 points, that is what the verbiage means. 15 points is almost unattainable.)
- Mr. Lamb: Wouldn't the Barney Ford be a 15 point?
- Mr. Pringle: 15 point was put out there for the absolute 'love' dollars; for a museum.
- Ms. Dudney: So, you would be in favor of the 9 points because of the additions, not the subdividing of the property. (Mr. Grosshuesch: I can't get past the additions.) (Mr. Mosher: The site is still compromised with the subdivision and associated impacts.)
- Mr. Mamula: I think it's an awesome project; it has its own character, and I am fine with everything as presented.
- Mr. Butler: I'm fine with everything as presented.
- Ms. Dudney: I am too, with Mr. Grosshuesch's explanation; if there are any additions, then you can't qualify for 12 points.
- Mr. Lamb: I think it's a great project, with all due respect it's currently the ugliest house on High Street, and you're doing a great job and I support the 9 points. Very nice restoration.
- Mr. Pringle: I was going to make the comment that we should not ever say I won't give you 12 points because you don't need them. 9 will get you to pass on any policy based on what you need to pass. Ms. Sutterley, I will have to agree with Mr. Grosshuesch's assessment that you have done an absolutely wonderful job on this and you've exceeded the minimum threshold to achieve 9 points.
- Mr. Schroder: Yes.

Mr. Butler made a motion to approve the point analysis for the Jones Residence Restoration, Rehabilitation and Addition, PC#2012043, 203 South High Street. Mr. Mamula seconded, and the motion was carried unanimously (6-0).

Mr. Butler made a motion to approve the Jones Residence Restoration, Rehabilitation and Addition, PC#2012043, 203 South High Street, with the presented findings and conditions. Mr. Mamula seconded, and the motion was carried unanimously (6-0).

Mr. Butler made a motion to recommend that the Town Council adopt an ordinance to Landmark the historic structure for the Jones Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012043, 203 South High Street, based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance. Mr. Mamula seconded, and the motion was carried unanimously (6-0).

OTHER MATTERS:

None.

ADJOURNMENT:

The meeting was adjourned at 9:10 p.m.

Gretchen Dudney, Chair

TO: MAYOR AND TOWN COUNCIL
FROM: FINANCE AND MUNICIPAL SERVICES DEPARTMENT
SUBJECT: 2013 MILL LEVY
DATE: 11/19/2012
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 second 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.

There are no changes proposed to ordinance from first reading.

FOR WORKSESSION/SECOND READING-NOV 27

NO CHANGES FROM FIRST READING

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: Council Bill No. 32 (2013 Water Rate & Miscellaneous Water Amendments Ordinance)

DATE: November 19, 2012 (for November 27th meeting)

The second reading of the ordinance fixing the 2013 water rates and making miscellaneous amendments to the Town's Water Ordinance is scheduled for your meeting on November 27th. There are no changes proposed to ordinance from first reading.

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

1 ***FOR WORKSESSION/SECOND READING – NOV. 27***

2
3 ***NO CHANGE FROM FIRST READING***

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

7
8 COUNCIL BILL NO. 32

9
10 Series 2012

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

16
17 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
18 COLORADO:

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

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

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

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

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

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

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

7
8 12-4-11: WATER USER FEES; RESIDENTIAL:

9
10 A. The in town base rate user fee for all residential water users, regardless of the
11 size of the water meter, includes a usage allowance of not to exceed twelve
12 thousand (12,000) gallons of water per SFE per billing cycle, and shall be
13 computed according to the following table:
14

<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>

15
16 B. In addition to the base user fee set forth in subsection A of this section, each in
17 town residential water user shall pay an excess use charge for each one thousand
18 (1,000) gallons of metered water, or fraction thereof, used per SFE per billing
19 cycle in excess of the usage allowance of twelve thousand (12,000) gallons of
20 water per SFE per billing cycle. The amount of the excess use charge shall be
21 computed according to the following table:
22

<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>

23
24 Section 3. Effective January 1, 2013, Section 12-4-12(A) of the Breckenridge Town
25 Code is amended so as to read in its entirety as follows:

26
27 12-4-12: WATER USER FEES; NONRESIDENTIAL:

28
29 A. The in town base rate user fee per SFE per billing cycle and the usage
30 allowance per SFE per billing cycle for all nonresidential water users shall be
31 determined based upon the size of the water meter which connects the water
32 using property to the water system, as follows:
33

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

<u>Meter Size</u>	<u>Base Water Fee</u> <u>Per Account</u>	<u>Usage Allowance</u> <u>Per Account (Gallons)</u>
-------------------	---	--

1			
2	Less than 1 inch	\$ 35.09	13,000
3		<u>\$ 35.44</u>	
4	1 inch	52.64	20,000
5		<u>53.16</u>	
6	1 1/2 inch	91.84	35,000
7		<u>92.76</u>	
8	2 inch	144.61	54,000
9		<u>146.06</u>	
10	3 inch	278.06	105,000
11		<u>280.84</u>	
12	4 inch	429.84	162,000
13		<u>434.14</u>	
14	6 inch	844.55	318,000
15		<u>853.00</u>	
16			

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

19
20 12-4-13: WATER USER FEES; MIXED USE:

21
22 The in town base rate user fee and the usage allowance per billing cycle for all
23 mixed use water using properties shall be calculated based upon the predominant
24 use of the water using property as determined by the finance director. In addition
25 to the base user fee, each in town mixed use water user shall pay an excess use
26 charge of three dollars five cents (~~\$3.05~~3.08) per one thousand (1,000) gallons of
27 metered water, or fraction thereof, used per billing cycle in excess of the
28 applicable usage allowance.
29

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

33
34 **12-1-17: NO GUARANTEE OF PRESSURE OR CONTINUOUS FLOW:**
35 **The Town is not responsible or liable for damage from any cause whatsoever**
36 **to service connections, fixtures, and water using appliances, and no person is**
37 **entitled to damages or payment of refunds, by reason of temporary or**
38 **permanent pressure changes or stoppage of the flow of water through the**
39 **Water System. Dirt and debris can enter the water lines for any number of**
40 **reasons under normal operations of the Water System, and no person is**
41 **entitled to damages by reason of dirt or debris entering a such person’s**
42 **service line or connection.**
43

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

1
2 **12- 1-18: VARIATIONS IN OPERATION: Water pressure and water flow**
3 **in a main may vary as part of the normal operations of the Water System.**
4 **The Town reserves the right at any time, without notice, to modify water**
5 **pressure or shut off the water in a main as part of its operation, repair,**
6 **replacement, modification, and maintenance of the Water System. The Town**
7 **is not responsible for damage resulting from pressure changes or stoppage of**
8 **the flow of water through the Water System, regardless of how the pressure**
9 **change or stoppage was caused.**

10
11 Section 7. Chapter 1 of Title 12 of the Breckenridge Town Code is amended by the
12 addition of a new Section 12-1-19, entitled “Damages To Water System,” which shall read in its
13 entirety as follows:

14
15 **12-1-19: DAMAGES TO WATER SYSTEM: Any person who damages the**
16 **Water System is liable to the Town for the actual and necessary costs**
17 **incurred by the Town in repairing such damages.**

18
19 Section 8. Chapter 1 of Title 12 of the Breckenridge Town Code is amended by the
20 addition of a new Section 12-1-20, entitled “Required Indemnification Against Third Party
21 Claims,” which shall read in its entirety as follows:

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

38
39 Section 9. Except as specifically amended hereby, the Breckenridge Town Code, and
40 the various secondary codes adopted by reference therein, shall continue in full force and effect.

41
42 Section 10. The Town Council hereby finds, determines and declares that it has the
43 power to adopt this ordinance pursuant to the provisions of Section 31-35-402(1)(f), C.R.S., and
44 the powers possessed by home rule municipalities in Colorado.

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 33 (Approving Welk Resort Group Development Agreement)

DATE: November 19, 2012 (for November 27, 2012 meeting)

The second reading of the ordinance approving the proposed Development Agreement with Welk Resort Group, Inc. is scheduled for your meeting on November 27th.

No changes are proposed to the ordinance from first reading. However, there are two changes proposed to Development Agreement:

1. In Recital A of the agreement (on page 1), the legal description of the property that is the subject of the agreement has been amended to add a small parcel (Tract D-3, The Shores at the Highlands) that was omitted from the prior version of the Development Agreement. Staff will have a plat showing Tract D-3 available for your review on Tuesday.

2. In Section 1 of the agreement (on page 2) additional language has been added providing that if the Harris Street Building project is not undertaken by the Town, Welk's \$50,000 payment may be used for such other purpose as the Town Council may determine.

At the time the ordinance was approved on first reading, Mr. Dudick asked whether the recitals in the agreement stating that Braddock Properties, LLC (and not Welk Resort Group, Inc.) was the current owner of the subject property was correct. I have confirmed that Braddock recently purchased the property from a bank that had acquired it through foreclosure (this was the transaction that Jack Wolfe was involved in). Braddock currently owns the property, and has contracted to sell it to Welk. As a result, the recitals in the Development Agreement are correct and do not need to be changed.

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

1 ***FOR WORKSESSION/SECOND READING – NOV. 27***

2
3 ***NO CHANGE TO ORDINANCE FROM FIRST READING***

4
5 COUNCIL BILL NO. 33

6
7 Series 2012

8
9 AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH
10 WELK RESORT GROUP, INC., A CALIFORNIA CORPORATION

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

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

17
18 A. Pursuant to Chapter 9 of Title 9 the Breckenridge Town Code the Town Council has
19 the authority to enter into a development agreement.

20
21 B. Welk Resort Group, Inc., a California corporation (“**WRG**”) has submitted to the
22 Town a completed application for a development agreement.

23
24 C. A proposed development agreement between the Town and WRG has been prepared,
25 a copy of which is marked **Exhibit “A”**, attached hereto and incorporated herein by reference
26 (“**Development Agreement**”).

27
28 D. The Town Council had a preliminary discussion of WRG’s application and the
29 proposed Development Agreement as required by Section 9-9-10(A) of the Breckenridge Town
30 Code.

31
32 E. The Town Council determined that WRG’s request for a development agreement
33 need not be referred to the Breckenridge Planning Commission for its review and
34 recommendation.

35
36 F. The Town Council has reviewed the Development Agreement.

37
38 G. The approval of the Development Agreement is warranted in light of all relevant
39 circumstances.

40
41 H. The procedures to be used to review and approve a development agreement are
42 provided in Chapter 9 of Title 9 of the Breckenridge Town Code. The requirements of such
43 Chapter have substantially been met or waived in connection with the approval of the
44 Development Agreement and the adoption of this ordinance.
45

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 [and Tract D-3, The Shores at the Highlands, according to A Resubdivision Plat of Tract A, The Shores at the Highlands, Filing No. 2 recorded October 2, 2012 at Reception No. 1004529](#) (“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 \$50,000 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 \$50,000 to the Town to be applied to the Harris Street Building project, or, if such project is not undertaken by the Town, for such other uses as the Town Council may determine, with a payment of \$16,667 due within 30 days after final approval of the Permit; a second payment of \$16,667 due 1 year after final approval of the Permit; and a third and final payment of \$16,666 due 2 years after final approval of the Permit, provided that no certificate of occupancy for the first phase of the development will be issued until the first and second payments have been made and no certificate of occupancy for the full development 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]

Attest: _____
Town Clerk

TOWN OF BRECKENRIDGE

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

| 7612.01 dev ag 11-15-12 red line (for 2nd reading)

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MEMO

TO: Town Council

FROM: Laurie Best

RE: First Reading-Ordinance Placing Recently Annexed Property (MBJ/Wedge) in Land Use District 1

DATE: November 19, 2012 (for November 27th meeting)

The Town recently annexed the MBJ and Wedge parcels which are located off Ski Hill Road at the top of Cucumber Gulch. According to Colorado Statute (Section 31-12-115 2), the Town is required to formally zone the parcels (by placing them in a Land Use District) by December 31, 2012 which is 90 days after annexation. Staff and the Planning Commission have both recommended that the properties be placed in Land Use District 1. These properties were acquired by the Town for open space and to protect important wetlands and wildlife habitat. Land Use District 1 provides the most protection. An ordinance has been prepared and is scheduled for first reading on November 27th. The ordinance also formally places the properties in the Cucumber Creek Overlay District.

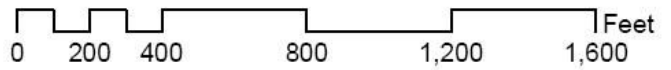
The parcels equal 34.026 acres and would be allowed 3.4026 SFES in Land Use District 1. Placing the property in Land Use District 1 could be viewed as an upzoning since the maximum density that was permitted prior to the annexation was 1 SFE under the County zoning. Upzonings, even in the context of annexations, are inconsistent with the density reduction policies of the Joint Upper Blue Master Plan (JUBMP). To insure that the zoning is consistent with JUBMP, the ordinance also includes language that further restricts the permitted uses on these parcels to only those uses that are exempt in the JUBMP. It is staff's understanding that the Council may also intend to extinguish all of the density off of these parcels. Staff would like to confirm if that is Council's intent as we may slightly modify the language in the ordinance.

Recommendation:

Staff recommends that the Ordinance that has been presented that places the property in Land Use District 1 be approved on first reading.

Staff would also like Council to confirm if your intent is to extinguish all of the density from these parcels.

Thank you.



1 ***FOR WORKSESSION/FIRST READING – NOV. 27***

2
3 COUNCIL BILL NO. ____

4
5 Series 2012

6
7 AN ORDINANCE PLACING RECENTLY ANNEXED
8 PROPERTY IN LAND USE DISTRICT 1
9 (Wedge & MBJ Parcels - 34.026 acres)

10
11 WHEREAS, the Town owns the real property described in Section 1 of this ordinance;
12 and

13
14 WHEREAS, by Ordinance No. 28, Series 2012, adopted August 28, 2012, the real
15 property described in Section 1 of this ordinance was annexed into and made a part of the Town
16 in accordance with the Municipal Annexation Act of 1965 (Part 1 of Article 12 of Title 31,
17 C.R.S.); and

18
19 WHEREAS, the Town is required by Section 31-12-115(2), C.R.S., to zone all newly
20 annexed areas within ninety (90) days of the effective date of the annexation ordinance; and

21
22 WHEREAS, the Town’s Planning Commission has recommended that the recently
23 annexed parcel be placed within Land Use District 1; and

24
25 WHEREAS, the Town’s Annexation Plan adopted pursuant to Section 31-12-105(1)(e),
26 C.R.S., indicates that the property should be placed in Land Use District 1; and

27
28 WHEREAS, to implement the Joint Upper Blue Master Plan the Town Council finds and
29 determines that it is necessary and appropriate to place special restrictions on the density located
30 on the real property described in Section 1 of this ordinance.

31
32 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
33 BRECKENRIDGE, COLORADO:

34
35 Section 1. The following described real property:

36 A TRACT OF LAND BEING PORTIONS OF THE NUGGET PLACER, U.S.
37 MINERAL SURVEY NO. 20873, THE GROUND HOG NUMBERS 1, 2, AND
38 3, U.S.M.S. 15733, AND THE WILDCAT NUMBERS 1, 2, 3, 4 AND 5,
39 U.S.M.S. NO. 15733, LOCATED IN THE NORTHWEST ONE-QUARTER OF
40 SECTION 36, TOWNSHIP 6 SOUTH, RANGE 78 WEST OF THE SIXTH
41 PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF COLORADO,
42 AND DESCRIBED AS FOLLOWS:
43

1 BEGINNING AT A POINT ON THE 2-3 LINE OF SAID NUGGET PLACER,
2 ALSO BEING ON THE 8-7 LINE OF THE CUCUMBER PLACER, M.S. 2630,
3 WHENCE CORNER NO. 8 OF SAID CUCUMBER PLACER BEARS
4 N84°36'58"W 181.01 FEET DISTANT, SAID POINT ALSO BEING ON THE
5 EAST RIGHT-OF-WAY LINE OF SKI HILL ROAD; THENCE ALONG SAID
6 EASTERLY RIGHT-OF-WAY LINE OF SKI HILL ROAD ACCORDING TO
7 A LAND SURVEY PLAT DATED SEPTEMBER 23, 1998 BY DREXEL
8 BARREL & CO. (LOREN K. SHANKS, P.L.S. NO. 28285) RECORDED AS
9 LSP-243 IN THE COUNTY RECORDS FOR THE FOLLOWING TWENTY
10 (20) COURSES:

- 11
- 12 1.) N34°43'55"E A DISTANCE OF 50.26 FEET;
- 13 2.) 66.99 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A
14 RADIUS OF 130.00 FEET AND A CENTRAL ANGLE OF 29°31'26";
- 15 3.) N05°12'29"E A DISTANCE OF 305.90 FEET;
- 16 4.) 58.25 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A
17 RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 47°40'31";
- 18 5.) N52°53'00"E A DISTANCE OF 206.18 FEET;
- 19 6.) 29.83 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A
20 RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 24°25'05";
- 21 7.) N77°18'05"E A DISTANCE OF 196.67 FEET;
- 22 8.) 56.11 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A
23 RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 45°55'41";
- 24 9.) S56°46'14"E A DISTANCE OF 137.57 FEET;
- 25 10.) 134.29 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A
26 RADIUS OF 130.00 FEET AND A CENTRAL ANGLE OF 59°11'05";
- 27 11.) N64°02'41"E A DISTANCE OF 4.85 FEET;
- 28 12.) 176.23 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A
29 RADIUS OF 160.00 FEET AND A CENTRAL ANGLE OF 63°06'25";
- 30 13.) N00°56'16"E A DISTANCE OF 299.33 FEET;
- 31 14.) 71.35 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A
32 RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 136°16'40";
- 33 15.) S42°47'04"E A DISTANCE OF 334.12 FEET;
- 34 16.) 314.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A
35 RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 180°00'00";
- 36 17.) N42°47'04"W A DISTANCE OF 277.08 FEET;
- 37 18.) 54.33 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A
38 RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 155°38'17";
- 39 19.) S67°08'47"E A DISTANCE OF 89.50 FEET;
- 40 20.) 238.47 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A
41 RADIUS OF 130.00 FEET AND A CENTRAL ANGLE OF 105°06'08" TO A
42 POINT BEING THE SOUTHWEST CORNER OF THE ZEPPELIN
43 SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 361076 IN
44 THE COUNTY RECORDS;
- 45

1 THENCE ALONG THE SOUTH LINE OF SAID ZEPPELIN SUBDIVISION
2 S60°42'35``E A DISTANCE OF 662.72 FEET TO THE SOUTHEAST
3 CORNER; THENCE S64°32'38``E A DISTANCE OF 24.56 FEET TO A POINT
4 ON THE 5-4 LINE OF THE SNIDER MILL SITE, M.S. 3537-B; THENCE
5 S29°12'00``W, ALONG THE 2-3 LINE OF SAID GROUND HOG NO. 1, A
6 DISTANCE OF 254.61 FEET; THENCE S45°17'00``W A DISTANCE OF
7 180.11 FEET; THENCE S41°21'55``E A DISTANCE OF 11.82 FEET; THENCE
8 S45°33'10``E A DISTANCE OF 39.91 FEET TO A POINT ON SAID 2-3 LINE
9 OF GROUND HOG NO. 1, ALSO BEING THE NORTHWEST CORNER OF
10 TRACT R, SHOCK HILL SUBDIVISION, ACCORDING TO THE PLAT
11 RECORDED AT RECEPTION NUMBER 598532 IN THE COUNTY
12 RECORDS; THENCE ALONG THE WEST LINE OF SAID TRACT R FOR
13 THE FOLLOWING TWO (2) COURSES:
14

- 15 1.) S29°15'17``W A DISTANCE OF 488.91 FEET;
- 16 2.) S10°52'26``E A DISTANCE OF 207.19 FEET TO THE SOUTHWEST
17 CORNER, ALSO BEING A POINT ON SAID 2-3 LINE OF THE NUGGET
18 PLACER, AND ALSO THE NORTH LINE OF TRACT A (PUBLIC OPEN
19 SPACE), PEAKS 7 & 8 PERIMETER SUBDIVISION, ACCORDING TO THE
20 PLAT RECORDED AT RECEPTION NUMBER 730218 IN THE COUNTY
21 RECORDS;
22

23 THENCE N84°36'58``W ALONG SAID LINE A DISTANCE OF 1,599.04
24 FEET TO THE POINT OF BEGINNING, CONTAINING 34.026 ACRES,
25 MORE OR LESS.
26

27 is placed in Breckenridge Land Use District 1. The Town staff is directed to change the Town's
28 Land Use District Map to indicate that the abovedescribed property has been annexed and placed
29 within Land Use District 1.
30

31 Section 2. The density on the real property described in Section 1 may not be transferred
32 off of such property. Further, such density may only be used for those uses specifically
33 described in Goal B – Policy/Action 1 of the Joint Upper Blue Master Plan as adopted by the
34 Town, which uses include as of the date of the adoption of this ordinance community facilities,
35 institutional uses, and affordable workforce housing. The Town Council finds and determines
36 that the density restrictions imposed by this Section 2 comply with and implement the Joint
37 Upper Blue Master Plan as adopted by the Town.

38 Section 3. The real property described in Section 1 of this ordinance shall also be
39 included within the boundaries of the Cucumber Gulch Overlay Protection District (but not the
40 Preventive Management Area [PMA] portion of said District). The Town staff shall also change
41 the Town's Cucumber Gulch Overlay Protection District Map to indicate that the property
42 described in Section 1 of this ordinance is included within the boundaries of the Cucumber
43 Gulch Overlay Protection District.

MEMORANDUM

TO: Mayor and Council

FROM: Finance and Municipal Services Division

DATE: October 29, 2012

RE: 2013 Budget Resolution

The attached resolution has been prepared to adopt the 2013 budget and the 2013-2017 Capital Improvement Plan. Adoption of the budget also includes changes to certain fees and charges that will become effective January 1, 2013.

Council is asked to review the summary sheets together with the bound version of the 2013 proposed budget. Council is also asked to hold a public hearing and to be prepared to vote on the budget resolution during the November 27th Council meeting.

1 **FOR WORKSESSION/ADOPTION – NOV. 27**

2
3 RESOLUTION NO. 26

4
5 SERIES 2012

6
7
8 A RESOLUTION ADOPTING THE 2013 BUDGET
9 AND MAKING APPROPRIATIONS THEREFOR

10
11 WHEREAS, the Charter of the Town of Breckenridge requires that the Town Council adopt an
12 operating budget for each fiscal year; and

13
14 WHEREAS, the Charter of the Town of Breckenridge requires that the Town Council adopt a
15 five-year Capital Improvement Plan.

16
17 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
18 BRECKENRIDGE, COLORADO:

19
20 Section 1. The proposed operating budget for 2013 based on certain fee changes, as
21 revised by Town Council and maintained on file by the Town Clerk, is adopted and
22 appropriations are made to the various programs as shown therein.

23
24 Section 2. The 2013-2017 Capital Improvement Plan, as proposed by the Town
25 Manager and as amended by the Town Council, is approved.

26
27 Section 3. All fees and charges contained in the 2013 operating budget are approved
28 and adopted. Such fees shall become effective January 1, 2013. Further, the Town
29 Manager may implement any of the other fees and charges contained in the 2013
30 operating budget prior to January 1, 2013 if the Town Manager determines, in his
31 judgment, that such early implementation is necessary or appropriate.

32
33 Section 4. This Resolution is effective upon adoption.

34
35 RESOLUTION ADOPTED AND APPROVED this 27th day of November, 2012.

36
37 ATTEST:

TOWN OF BRECKENRIDGE

38
39
40
41
42 _____
Linda Coxen, Town Clerk

43
44 APPROVED IN FORM

45
46
47
48 _____
Town Attorney

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen, Town Manager
DATE: November 20, 2012
SUBJECT: Committee Reports for 11-27-2012 Council Packet

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

Liquor Licensing Authority	November 20, 2012	Mistaya Pierpont
<ul style="list-style-type: none"> All items on the consent calendar were approved as submitted, including an Art Gallery Permit for Breckenridge Fine Art Gallery. Detective Blank stated that they held a ‘Safe Bar’ meeting last week that had very good attendance. They had one session for the employees of the establishments and one session for the owners. There was a State Liquor enforcement agent presenting as well as several member of the Police force. They have already seen a good response from the training. The Clerk’s office has received some updates from the State in relation to the enforcement of the five businesses that failed their compliance checks. Only one agreement has been signed, but according to the State it appears that all of the other establishments are going to pay the fine in lieu of suspension of their license. Linda Coxen updated the Authority on moving to E-minutes for their future meetings. The authority convened in an executive session. 		

Summit County Wildfire Council	November 8, 2012	Matt Thompson
<ul style="list-style-type: none"> Updates on 2012 Hazardous Fuels Reduction and CWPP Implementation Grants. Breckenridge has completed the 9 acre fuels reduction project near Pinewood Village I and Claimjumper Condos. This project was funded with a 50/50 match CWPP Implementation Grant from the Wildfire Council. Of the 14 projects awarded: 6 are complete and reimbursed, 2 more are complete and waiting for reimbursement paper work, and the final 6 are still in process. U.S. Forest Service Project Update. The Highlands Hand Treatment above the Upper Flume Trail is complete. The Highlands Stewardship project is 455 acres of mechanical tree removal work south and east of the Highlands and Summit Estates that will begin in the summer of 2013. The Golden Horseshoe Stewardship project is 430 acres of mechanical tree removal in the Lincoln Park area of the Golden Horseshoe, which will begin in 2013 under a three-year contract. Education Update. Ran a “Ready, Set, Go” ad campaign at the movie theater in Dillon this summer. “Ready, Set, Go” ads in the Summit Daily, on Krystal 93, NRC, KSMT, and Pandora internet radio. Two Wildland Fire Workshops (one early summer and one late summer). \$18,586 dollars has been spent out of the \$20,000 Education Budget for 2012. 28,000 people have been reached with this education message. 		

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	Included
Wildfire Council	Matt Thompson	No Meeting/Report
Public Art Commission*	Jenn Cram	No Meeting/Report
Summit Stage Advisory Board*	James Phelps	No Meeting/Report
Police Advisory Committee	Chief Haynes	No Meeting/Report
Housing/Childcare Committee	Laurie Best	Verbal Report
CMC Advisory Committee	Tim Gagen	No Meeting/Report

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 TAX COLLECTIONS
DATE: 11/21/2012

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

New Items of Note:

- Overall, at the time of this report, tax collections for September were up 12.4% from 2011, and 102.7% of the month's budget. YTD, we are up .7% and 98.9% of budget
- Sales Tax was up 11.5% from 2011, and 106.2% of budget. YTD, we are up 6% from prior year, but down 3.5% from budget.
- Accommodations Tax was up from prior year by 3.7%, and 133.2% of budget for the month. YTD we are now up 3.1% from prior year, and 111.7% of budget.
- Real Estate Transfer Tax in September was up from prior year by 12.5%, but only reached 88.6% of budget. For October, we were up from prior year by 85.3%, and reached 199.7% of budget. November is already at 100.4% of budget at this time.
- For housing, we were up from prior year by 146.6%, and 174.7% of budget for the month. YTD we are now up 9.4% from prior year, and 113.8% of budget.
- Medical Marijuana currently totals 84.1% of the annual budget. A collection on a previously uncollected account is reflected in September and increases will also be seen for January – August as the collections for those months are received.

Continuing Items of Note:

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

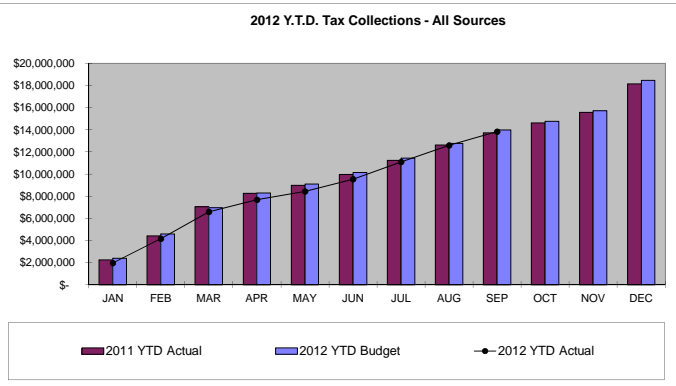
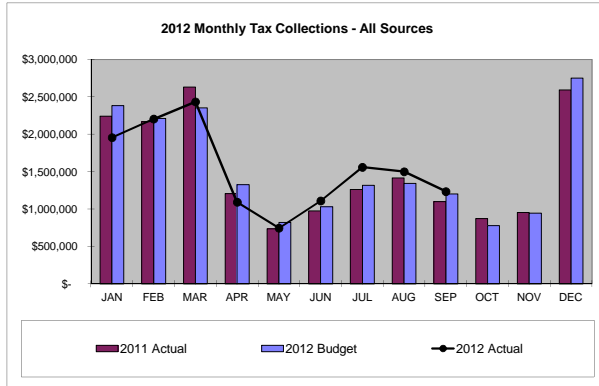
Council for the same meeting. This difference can cause the total collections to exceed the total tax reported in the financial statements.

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

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

Sales Period	2011 Collections			2012 Budget			2012 Monthly			2012 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2011	% of Budget	Actual	% Change from 2011	% of Budget
JAN	\$ 2,241,955	\$ 2,241,955	12.4%	\$ 2,380,436	\$ 2,380,436	12.9%	\$ 1,954,889	-12.8%	82.1%	\$ 1,954,889	-12.8%	82.1%
FEB	\$ 2,168,971	\$ 4,410,925	24.3%	\$ 2,212,365	\$ 4,592,801	24.9%	\$ 2,203,483	1.6%	99.6%	\$ 4,158,372	-5.7%	90.5%
MAR	\$ 2,630,255	\$ 7,041,180	38.8%	\$ 2,350,673	\$ 6,943,474	37.6%	\$ 2,433,274	-7.5%	103.5%	\$ 6,591,647	-6.4%	94.9%
APR	\$ 1,206,703	\$ 8,247,883	45.4%	\$ 1,327,067	\$ 8,270,541	44.8%	\$ 1,091,245	-9.6%	82.2%	\$ 7,682,892	-6.9%	92.9%
MAY	\$ 736,222	\$ 8,984,105	49.5%	\$ 822,135	\$ 9,092,676	49.3%	\$ 745,226	1.2%	90.6%	\$ 8,428,118	-6.2%	92.7%
JUN	\$ 973,532	\$ 9,957,638	54.9%	\$ 1,028,725	\$ 10,121,401	54.9%	\$ 1,109,011	13.9%	107.8%	\$ 9,537,128	-4.2%	94.2%
JUL	\$ 1,261,917	\$ 11,219,554	61.8%	\$ 1,315,918	\$ 11,437,320	62.0%	\$ 1,558,511	23.5%	118.4%	\$ 11,095,640	-1.1%	97.0%
AUG	\$ 1,414,582	\$ 12,634,137	69.6%	\$ 1,342,085	\$ 12,779,404	69.3%	\$ 1,499,352	6.0%	111.7%	\$ 12,594,992	-0.3%	98.6%
SEP	\$ 1,097,827	\$ 13,731,963	75.7%	\$ 1,200,980	\$ 13,980,384	75.8%	\$ 1,233,939	12.4%	102.7%	\$ 13,828,931	0.7%	98.9%
OCT	\$ 869,832	\$ 14,601,795	80.5%	\$ 778,969	\$ 14,759,353	80.0%	\$ 387,028	-55.5%	49.7%	\$ 14,215,959	-2.6%	96.3%
NOV	\$ 953,932	\$ 15,555,728	85.7%	\$ 944,049	\$ 15,703,402	85.1%	\$ 227,533	-76.1%	24.1%	\$ 14,443,492	-7.2%	92.0%
DEC	\$ 2,592,183	\$ 18,147,911	100.0%	\$ 2,748,099	\$ 18,451,501	100.0%	\$ -	n/a	0.0%	\$ 14,443,492	-20.4%	78.3%

Medical Marijuana Tax is not included in this Tax Summary page

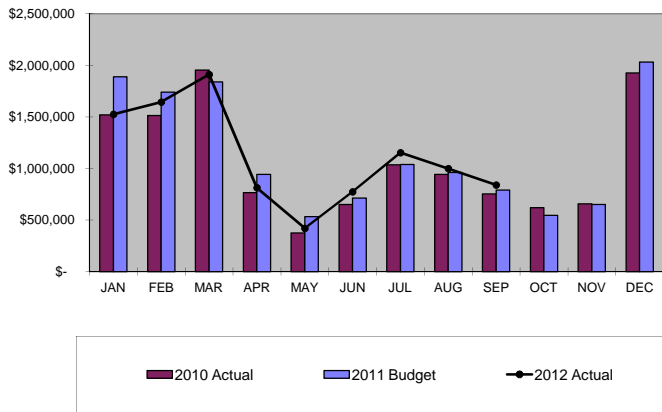


Prior Year Actual and Current Year Budget Variances					
	TOTAL	Sales	Accommodations	RETT	Housing
vs. September 11 Actual	136,112	86,718	2,165	34,511	12,719
s. September 12 Budget	32,959	48,853	14,949	(39,993)	9,150
vs. YTD 11 Actual	96,967	572,772	40,578	(539,422)	23,039
vs. YTD 12 Budget	(151,454)	(365,318)	140,045	41,451	32,369

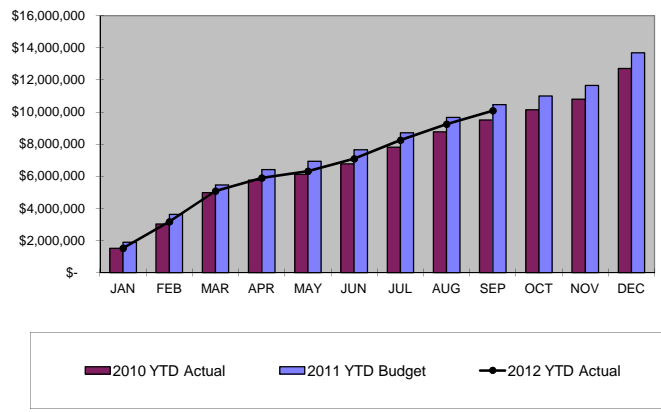
**TOWN OF BRECKENRIDGE
SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

Sales Period	2011 Collections			2012 Budget			2012 Monthly			2012 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2011	% of Budget	Actual	% Change from 2011	% of Budget
JAN	\$ 1,520,247	\$ 1,520,247	11.9%	\$ 1,888,658	\$ 1,888,658	13.8%	\$ 1,525,637	0.4%	80.8%	\$ 1,525,637	0.4%	80.8%
FEB	\$ 1,512,513	3,032,760	23.8%	1,741,629	3,630,287	26.5%	\$ 1,644,906	8.8%	94.4%	3,170,543	4.5%	87.3%
MAR	\$ 1,954,811	4,987,571	39.2%	1,838,986	5,469,273	40.0%	\$ 1,911,827	-2.2%	104.0%	5,082,370	1.9%	92.9%
APR	\$ 767,248	5,754,819	45.2%	943,740	6,413,013	46.9%	\$ 814,277	6.1%	86.3%	5,896,647	2.5%	91.9%
MAY	\$ 374,562	6,129,381	48.2%	533,132	6,946,146	50.8%	\$ 420,732	12.3%	78.9%	6,317,379	3.1%	90.9%
JUN	\$ 652,272	6,781,653	53.3%	714,458	7,660,603	56.0%	\$ 774,699	18.8%	108.4%	7,092,078	4.6%	92.6%
JUL	\$ 1,035,217	7,816,869	61.4%	1,039,211	8,699,814	63.6%	\$ 1,153,842	11.5%	111.0%	8,245,920	5.5%	94.8%
AUG	\$ 943,359	8,760,228	68.9%	960,640	9,660,454	70.6%	\$ 1,000,362	6.0%	104.1%	9,246,283	5.5%	95.7%
SEP	\$ 754,534	9,514,762	74.8%	792,398	10,452,852	76.4%	\$ 841,251	11.5%	106.2%	10,087,534	6.0%	96.5%
OCT	\$ 622,162	10,136,925	79.7%	547,043	10,999,895	80.4%	n/a	0.0%		10,087,534	-0.5%	91.7%
NOV	\$ 659,329	10,796,254	84.9%	652,433	11,652,328	85.2%	n/a	0.0%		10,087,534	-6.6%	86.6%
DEC	\$ 1,926,736	\$ 12,722,990	100.0%	\$ 2,032,073	13,684,401	100.0%	n/a	0.0%		\$ 10,087,534	-20.7%	73.7%

2012 Monthly Sales Tax Collections



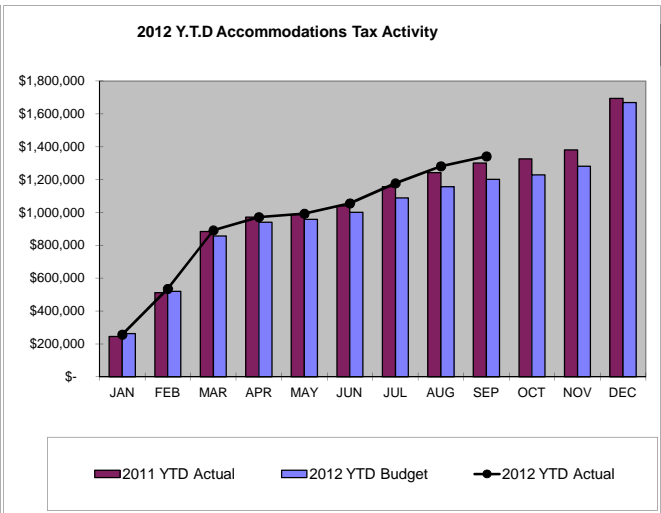
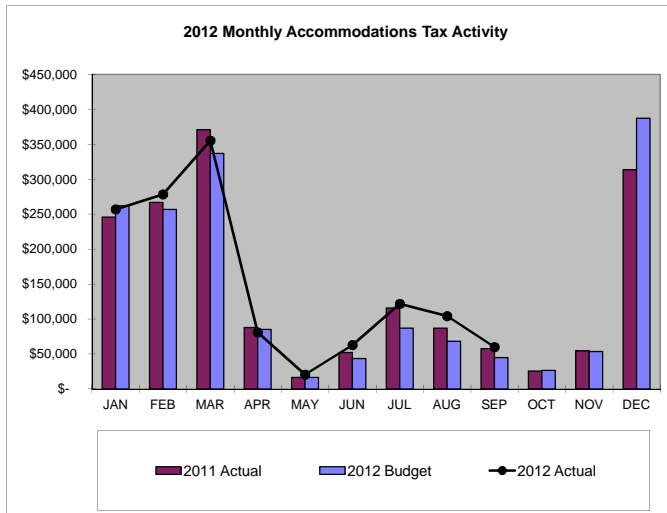
2012 Y.T.D. Sales Tax Collections



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

Sales Period	2011 Collections			2012 Budget			2012 Monthly			2012 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2011	% of Budget	Actual	% Change from 2011	% of Budget
JAN	\$ 245,846	\$ 245,846	14.5%	\$ 261,985	\$ 261,985	15.7%	\$ 257,038	4.6%	98.1%	\$ 257,038	4.6%	98.1%
FEB	\$ 266,709	512,555	30.2%	256,979	518,965	31.1%	\$ 278,490	4.4%	108.4%	535,528	4.5%	103.2%
MAR	\$ 370,938	883,493	52.1%	337,077	856,042	51.3%	\$ 355,358	-4.2%	105.4%	890,886	0.8%	104.1%
APR	\$ 87,676	971,169	57.3%	85,104	941,145	56.4%	\$ 80,988	-7.6%	95.2%	971,874	0.1%	103.3%
MAY	\$ 16,675	987,844	58.3%	16,687	957,832	57.4%	\$ 20,684	24.0%	124.0%	992,557	0.5%	103.6%
JUN	\$ 52,413	1,040,257	61.4%	43,386	1,001,218	60.0%	\$ 62,930	20.1%	145.0%	1,055,487	1.5%	105.4%
JUL	\$ 115,959	1,156,216	68.2%	86,772	1,087,990	65.2%	\$ 121,759	5.0%	140.3%	1,177,247	1.8%	108.2%
AUG	\$ 86,872	1,243,089	73.4%	68,417	1,156,407	69.3%	\$ 104,256	20.0%	152.4%	1,281,502	3.1%	110.8%
SEP	\$ 57,840	1,300,928	76.8%	45,055	1,201,462	72.0%	\$ 60,004	3.7%	133.2%	1,341,507	3.1%	111.7%
OCT	\$ 25,726	1,326,654	78.3%	26,699	1,228,161	73.6%		n/a	0.0%	1,341,507	1.1%	109.2%
NOV	\$ 54,350	1,381,004	81.5%	53,398	1,281,559	76.8%		n/a	0.0%	1,341,507	-2.9%	104.7%
DEC	\$ 313,529	\$ 1,694,533	100.0%	\$ 387,142	1,668,701	100.0%		n/a	0.0%	\$ 1,341,507	-20.8%	80.4%

Accommodation tax amounts reflect collections at the 2% rate.

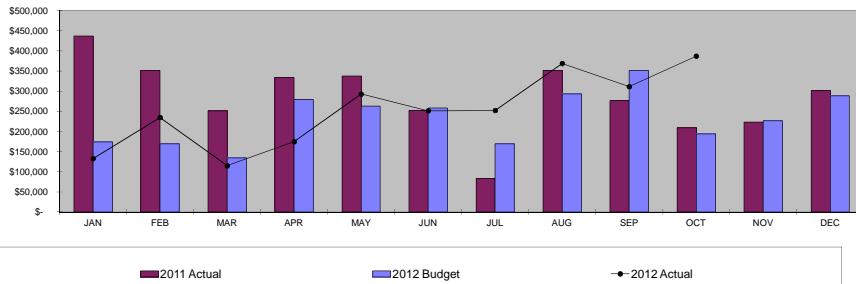


**TOWN OF BRECKENRIDGE
REAL ESTATE TRANSFER TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

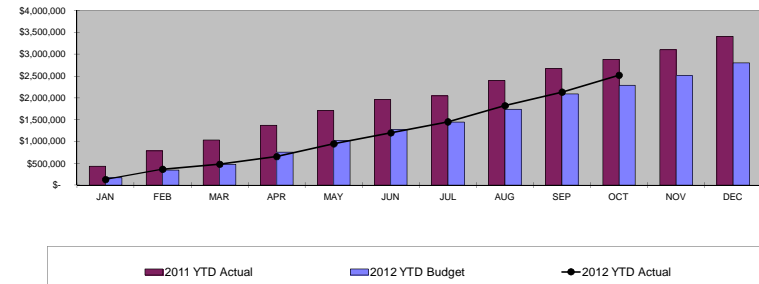
Sales Period	2007 Collections			2009 Percent of Total	2011 Collections			2012 Budget			2012 Monthly				2012 Year to Date			
	Tax Collected	Year To Date	Percent of Total		Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	% Change from 2007	% Change from 2011	Actual	% of Budget	% Change from 2007	% Change from 2011
JAN	\$ 352,958	\$ 352,958	6.2%	4.3%	\$ 436,605	\$ 436,605	12.8%	\$ 174,140	\$ 174,140	6.2%	\$ 132,557	76.1%	-62.4%	-69.6%	\$ 132,557	76.1%	-62.4%	-69.6%
FEB	342,995	695,953	12.3%	7.6%	350,866	787,471	23.1%	169,224	343,364	12.3%	234,630	138.7%	-31.6%	-33.1%	367,186	106.9%	-47.2%	-53.4%
MAR	271,817	967,770	17.1%	14.1%	250,986	1,038,457	30.5%	134,107	477,470	17.1%	114,921	85.7%	-57.7%	-54.2%	482,107	101.0%	-50.2%	-53.6%
APR	564,624	1,532,394	27.0%	29.6%	333,424	1,371,881	40.3%	278,570	756,040	27.0%	174,514	62.6%	-69.1%	-47.7%	656,621	86.9%	-57.2%	-52.1%
MAY	533,680	2,066,074	36.4%	39.1%	337,577	1,709,458	50.2%	263,303	1,019,342	36.4%	292,708	111.2%	-45.2%	-13.3%	949,329	93.1%	-54.1%	-44.5%
JUN	522,999	2,589,073	45.6%	43.4%	251,806	1,961,263	57.6%	258,033	1,277,375	45.6%	251,400	97.4%	-51.9%	-0.2%	1,200,729	94.0%	-53.6%	-38.8%
JUL	343,610	2,932,683	51.7%	48.2%	83,522	2,044,785	60.0%	169,527	1,446,903	51.7%	252,104	148.7%	-26.6%	201.8%	1,452,833	100.4%	-50.5%	-28.9%
AUG	594,349	3,527,032	62.1%	56.2%	350,730	2,395,515	70.3%	293,235	1,740,138	62.1%	368,749	125.8%	-38.0%	5.1%	1,821,582	104.7%	-48.4%	-24.0%
SEP	711,996	4,239,028	74.7%	67.0%	276,774	2,672,289	78.5%	351,278	2,091,416	74.7%	311,285	88.6%	-56.3%	12.5%	2,132,867	102.0%	-49.7%	-20.2%
OCT	392,752	4,631,779	81.6%	78.7%	208,831	2,881,120	84.6%	193,773	2,285,189	81.6%	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%	227,533	100.4%	-50.4%	1.9%	2,747,428	109.4%	-46.0%	-11.5%
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	\$ 2,747,428	98.1%	-51.6%	-19.3%

2012 budget is based upon 2007 monthly distribution
November #s are as of 11/19/12

2012 Monthly RETT Tax Collections



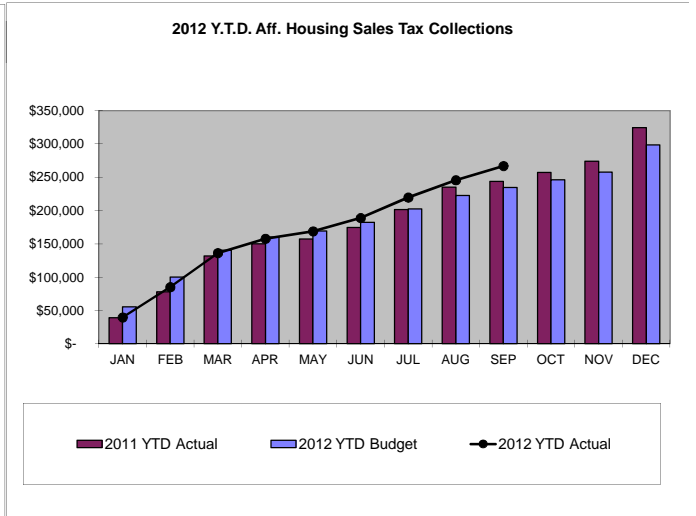
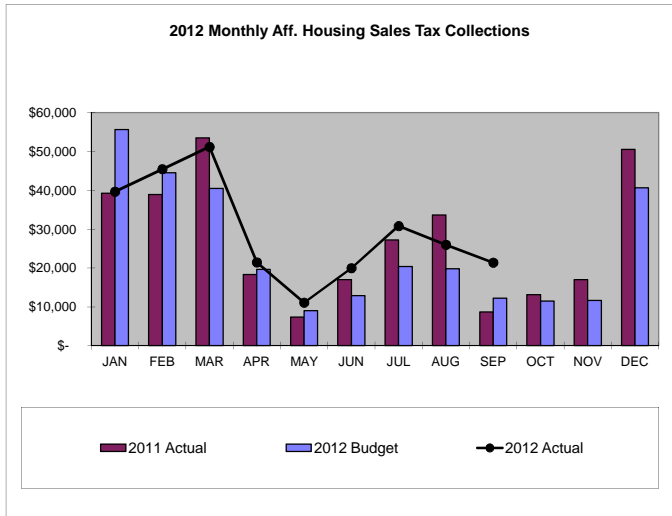
2012 Y.T.D. RETT Collections



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

Sales Period	2011 Collections			2012 Budget			2012 Monthly			2012 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2011	% of Budget	Actual	% Change from 2011	% of Budget
JAN	\$ 39,257	\$ 39,257	12.1%	\$ 55,654	\$ 55,654	18.7%	\$ 39,658	1.0%	71.3%	\$ 39,658	1.0%	71.3%
FEB	\$ 38,882	78,139	24.1%	44,532	100,186	33.6%	\$ 45,457	16.9%	102.1%	85,115	8.9%	85.0%
MAR	\$ 53,520	131,660	40.6%	40,504	140,690	47.1%	\$ 51,168	-4.4%	126.3%	136,284	3.5%	96.9%
APR	\$ 18,354	150,014	46.2%	19,654	160,343	53.7%	\$ 21,466	17.0%	109.2%	157,750	5.2%	98.4%
MAY	\$ 7,409	157,423	48.5%	9,013	169,356	56.8%	\$ 11,103	49.9%	123.2%	168,853	7.3%	99.7%
JUN	\$ 17,042	174,465	53.7%	12,848	182,204	61.1%	\$ 19,982	17.3%	155.5%	188,834	8.2%	103.6%
JUL	\$ 27,219	201,684	62.1%	20,408	202,612	67.9%	\$ 30,805	13.2%	150.9%	219,640	8.9%	108.4%
AUG	\$ 33,621	235,305	72.5%	19,793	222,406	74.5%	\$ 25,985	-22.7%	131.3%	245,625	4.4%	110.4%
SEP	\$ 8,679	243,984	75.2%	12,249	234,654	78.6%	\$ 21,399	146.6%	174.7%	267,023	9.4%	113.8%
OCT	\$ 13,113	257,097	79.2%	11,454	246,108	82.5%		n/a	0.0%	267,023	3.9%	108.5%
NOV	\$ 16,982	274,079	84.4%	11,688	257,796	86.4%		n/a	0.0%	267,023	-2.6%	103.6%
DEC	\$ 50,521	\$ 324,600	100.0%	\$ 40,603	298,399	100.0%		n/a	0.0%	\$ 267,023	-17.7%	89.5%

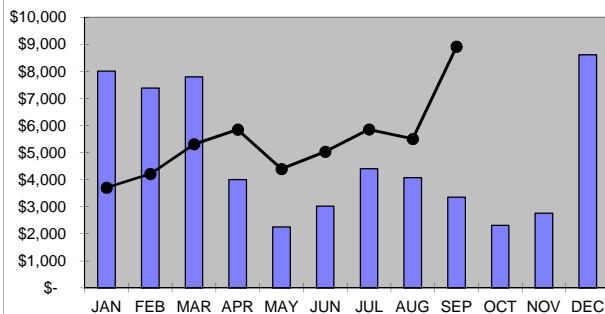
* August check was not received at the time of this report



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

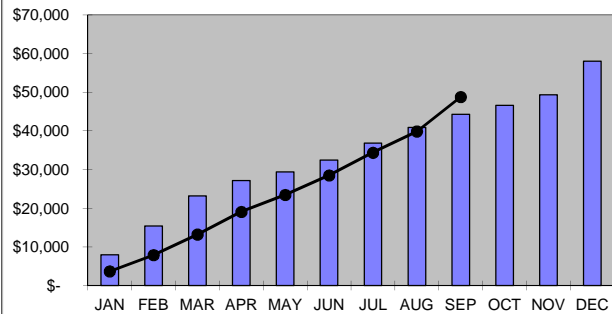
Sales Period	2012 Budget			2012 Monthly		2012 Year to Date	
	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	Actual	% of Budget
JAN	\$ 8,004	\$ 8,004	13.8%	\$ 3,704	46.3%	\$ 3,704	46.3%
FEB	7,381	15,386	26.5%	\$ 4,215	57.1%	7,920	51.5%
MAR	7,794	23,179	40.0%	\$ 5,311	68.1%	13,231	57.1%
APR	4,000	27,179	46.9%	\$ 5,852	146.3%	19,082	70.2%
MAY	2,259	29,439	50.8%	\$ 4,396	194.6%	23,478	79.8%
JUN	3,028	32,466	56.0%	\$ 5,036	166.3%	28,514	87.8%
JUL	4,404	36,871	63.6%	\$ 5,858	133.0%	34,372	93.2%
AUG	4,071	40,942	70.6%	\$ 5,506	135.2%	39,878	97.4%
SEP	3,358	44,300	76.4%	\$ 8,913	265.4%	48,791	110.1%
OCT	2,318	46,619	80.4%		0.0%	48,791	104.7%
NOV	2,765	49,384	85.2%		0.0%	48,791	98.8%
DEC	\$ 8,612	57,996	100.0%		0.0%	\$ 48,791	84.1%

2012 Monthly Medical Marijuana Tax Collections



2012 Budget 2012 Actual

2012 Y.T.D. Medical Marijuana Tax Collections



2012 YTD Budget 2012 YTD Actual

INTEROFFICE MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER; RICK HOLMAN, ASSISTANT TOWN MANAGER
FROM: FINANCE DIVISION
SUBJECT: OCTOBER 2012 FINANCIAL VARIANCE HIGHLIGHTS MEMO
DATE: 11/20/2012

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

Fund Updates/New Items of Note:

Excise Fund: Revenue is at 103% of YTD budget and Expense (transfers) are at 100% of YTD budget

Items of Note:

- Sales Tax at 102% of budget (\$165k over budget)
- Accommodation Tax revenues at 112% of budget (\$153k over budget)
- RETT collections at 111% of YTD budget (\$255k over budget)
- Public Service Franchise Tax below budget by \$94k.

General Fund Revenue: 103% of YTD budget; variances are from prior months (see below for more info).

General Fund Expenses: 88% of YTD budget; variances are from prior months (see below for more info).

All Funds Net of Transfers:

- Revenue: 108% of budget
 - \$3million settlement for Valley Brook from the Summit Housing Authority received in October.
- Expense: 76% of budget; variances are from prior months (see below for more info).

Variations Explained in Prior Months:

General Fund Revenue:

- Municipal Court Program ahead of budget by 36% (\$70k), primarily due to traffic and penal fines (related to ski pass violations).
- Public Safety Community Service at 130% of YTD budget due to pay parking and parking ticket revenues.
- Planning Services over budget by \$99k (228% of YTD budget). All classes of fees substantially ahead.
- Building Services at 140% of budget (\$165k over budgeted revenue) due to permits and plan check fees.
- Recreation Programs 17% over budget primarily due to Summer Recreation Fees.
- Recreation Operations under budget by \$49k (96% of budget) primarily due to General Admission and punch pass sales.
- Ice Rink Operations under budget by \$58k (89% of budget) due to leagues, general admission, and lessons.
- General Revenue under budget by \$107k due to a large abatement for the Shock Hill development which resulted in a refund of property tax payments.

General Fund Expenses:

- Transit Services under budget by 6% due to personnel costs (timing).
- Public Safety Communication at 51% of budget due to timing of Summit County Communications invoice.
- Public Safety Patrol and Community Service Programs under budget due to personnel expenses.
- Contingencies under budget due to Medical Marijuana expenses budgeted, not yet posted.
- Recreation Operation Programs under budget by 10% primarily due to electric and gas.
- Ice Rink Operations under budget by \$52k (6% under budget) primarily due to wages.
- New expenditure category of “General Expenditures” added to reflect supplemental budget appropriations for upcoming expenditures encompassing Breckenridge Nordic Center financing, Alpine Rock land acquisition, Breck Bike week and Dew Tour.

All Funds Net of Transfers:

Utility Fund:

- Revenue: 119% of YTD budget. Water restrictions over past two billing cycles resulted in 2012 utility billing of \$174k over budgeted revenue. PIF's are at 271% of budget (\$235k above budget).
- Expense: (all of 2012) expense variance is primarily due to Major System Improvement budgeted expenses of \$2 million for the pump-back project for which no expenditures have been made.

Capital Fund:

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

Marketing Fund:

- Revenue: Accomm. tax revenue ahead of budget by \$133k. BOLT ahead of budget by \$109k.
- Expense: over budget due to USPCC. Fund balance was appropriated for this purpose.

Golf Fund:

- Revenue: the course ended the season ahead of budget by \$120k. Greens fees (\$36k) and cart fees (\$81k) were primarily responsible for the favorable variance.
- Expense: also favorable to budget (under by \$146k) due to capital expenditures budgeted but not spent.

Housing Fund:

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

Open Space Fund:

- Revenue: over budget primarily due to sales tax. Also, received a Forest Restoration Grant from CSU.
- Expense: supplemental appropriation for Cucumber Gulch land acquisition.

Garage Fund:

- Revenue: over budget due to grants.

Information Technology Fund:

- Expense: variance due to purchases of equipment. Fund balance is fully appropriated.

Special Projects Fund:

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

**TOWN OF BRECKENRIDGE
EXCISE TAX FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 10 MONTHS ENDING OCTOBER 31, 2012**

83% OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2011 vs. 2012 ACTUAL % VARIANCE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
TAX REVENUE										
SALES TAX	9,236,092	12,706,676	73%	94%	9,806,750	9,641,561	165,189	102%	13,684,401	72%
ACCOMMODATIONS TAX	1,268,760	1,790,093	71%	92%	1,376,599	1,224,002	152,597	112%	1,668,701	82%
CIGARETTE TAX	42,013	51,304	82%	102%	41,173	35,796	5,377	115%	44,003	94%
TELEPHONE FRANCHISE TAX	18,991	25,282	75%	109%	17,389	17,664	(275)	98%	23,500	74%
PUBLIC SERVICE FRANCHISE TAX	406,776	592,916	69%	109%	371,510	465,609	(94,099)	80%	524,299	71%
CABLEVISION FRANCHISE TAX	117,104	154,971	76%	145%	81,024	108,417	(27,393)	75%	163,200	50%
MEDICAL MARIJUANA TAX	0	0	0%	0%	46,298	50,607	(4,309)	91%	57,996	80%
REAL ESTATE TRANSFER TAX	2,885,270	3,411,973	85%	114%	2,539,892	2,285,190	254,702	111%	2,800,001	91%
INVESTMENT INCOME	18,805	22,714	83%	116%	16,268	14,270	1,998	114%	17,124	95%
TOTAL FUND REVENUE	13,993,812	18,755,928	75%	102%	14,296,905	13,843,116	453,789	103%	18,983,225	75%
EXCISE TAX DEBT SERVICE										
COP FEES	1,300	1,950	67%	200%	650	1,300	(650)	50%	1,300	50%
2005 COP'S PRINCIPAL	165,000	165,000	100%	0%	0	0	-	0%	170,000	0%
2005 COP'S INTEREST	137,013	137,013	100%	211%	64,794	64,794	(0)	100%	129,588	50%
2007 COP'S PRINCIPAL	135,000	135,000	100%	0%	0	0	-	0%	140,000	0%
2007 COP'S INTEREST	132,865	132,865	100%	208%	63,733	63,733	(1)	100%	127,466	50%
TOTAL EXCISE TAX DEBT SERVICE	571,178	571,828	100%	23%	129,176	129,827	651	99%	568,354	23%
TRANSFERS										
TRANSFER TO GENERAL FUND	8,635,080	10,362,096	83%	92%	9,434,100	9,434,110	(10)	100%	11,320,932	83%
TRANSFER TO GOLF FUND	208,330	249,996	83%	82%	254,170	254,170	-	100%	305,004	83%
TRANSFERS TO CAPITAL FUND	1,600,830	1,835,996	87%	55%	2,889,580	2,889,580	-	100%	3,274,496	88%
TRANSFER TO MARKETING	316,276	336,762	94%	92%	344,150	308,302	35,848	112%	420,312	82%
TRFS TO AFFORDABLE HSG FUND	2,150,890	2,581,068	83%	100%	2,144,830	2,144,830	-	100%	2,573,796	83%
TRFS TO SPECIAL PROJECTS FUND	329,170	395,004	83%	102%	324,170	324,170	-	100%	389,004	83%
TOTAL TRANSFERS	13,240,576	15,760,922	84%	116%	15,391,000	15,355,162	(35,838)	100%	18,283,544	84%
TOTAL FUND EXPENDITURES	13,811,753	16,332,749	85%	112%	15,520,176	15,484,989	(35,187)	100%	18,851,898	82%
NET REVENUE OVER EXPENDITURES	182,058	2,423,179			(1,223,271)	(1,641,873)	488,976		131,327	

**TOWN OF BRECKENRIDGE
GENERAL FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 10 MONTHS ENDING OCTOBER 30, 2012**

83% OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR						
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT	2011 ACTUAL/ 2012 ACTUAL % CHANGE	YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT	
REVENUE											
MUNICIPAL COURT PROGRAM	247,224	281,167	88%	94%	262,485	192,743	69,742	136%	223,237	118%	
ADMINISTRATIVE MGT PROGRAM	716	716	100%	0%	0	0	-	0%	0	N/A	
SPECIAL EVENTS/COMM PROGRAM	488,474	550,204	89%	102%	478,620	430,713	47,907	111%	478,102	100%	
CLERK & MUNICIPAL SERVICES PROGRAM	43,033	46,167	93%	102%	42,209	22,830	19,379	185%	26,996	156%	
TRANSIT ADMIN PROGRAM	15,000	15,000	100%	21%	72,746	47,000	25,746	155%	47,000	155%	
TRANSIT SERVICES PROGRAM	478,146	558,208	86%	93%	516,511	485,770	30,741	106%	597,069	87%	
PUBLIC SAFETY ADMIN/RECORDS	34,968	49,480	71%	91%	38,333	59,585	(21,252)	64%	66,755	57%	
PUBLIC SAFETY COMMNTY SVC PROG	535,904	599,507	89%	104%	515,475	396,388	119,087	130%	485,604	106%	
PLANNING SERVICES ADMIN PROGRM	100,682	113,794	88%	57%	177,258	77,884	99,374	228%	90,479	196%	
ARTS DISTRICT	36,060	40,240	90%	79%	45,455	22,413	23,042	203%	29,700	153%	
BUILDING SERVICES ADMIN PROGRM	838,760	882,764	95%	144%	582,367	416,994	165,373	140%	450,008	129%	
PUBLIC WORKS ADMIN PROGRAM	521,883	589,246	89%	122%	429,013	393,812	35,201	109%	474,005	91%	
STREETS PROGRAM	31,785	39,191	81%	55%	58,224	28,541	29,683	204%	35,096	166%	
PARKS PROGRAM	18,075	19,537	93%	0%	0	0	-	0%	0	N/A	
FACILITIES ADMIN PROGRAM	74,204	79,754	93%	80%	92,448	65,777	26,671	141%	85,648	108%	
ENGINEERING ADMIN PROGRAM	4,304	4,408	98%	220%	1,955	2,021	(66)	97%	2,101	93%	
RECREATION PROGRAM	359,092	405,097	89%	93%	384,832	329,600	55,232	117%	392,291	98%	
RECREATION OPERATIONS PROGRAM	1,132,666	1,509,776	75%	100%	1,133,205	1,182,259	(49,054)	96%	1,473,517	77%	
NORDIC CENTER OPERATIONS	151,577	184,554	82%	122%	124,101	129,821	(5,720)	96%	161,260	77%	
ICE RINK OPERATIONS PROGRAM	481,766	632,324	76%	102%	474,034	532,525	(58,491)	89%	644,896	74%	
GENERAL REVENUE	13,138,664	15,699,173	84%	99%	13,216,651	13,323,940	(107,289)	99%	15,362,323	86%	
TOTAL REVENUE	18,743,308	22,310,674	84%	101%	18,645,304	18,141,086	504,218	103%	21,126,591	88%	

**TOWN OF BRECKENRIDGE
GENERAL FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 10 MONTHS ENDING OCTOBER 30, 2012**

83% OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR						
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT	2011 ACTUAL/ 2012 ACTUAL % CHANGE	YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT	
EXPENDITURES											
LAW & POLICY MAKING PROGRAM	87,351	119,782	73%	78%	112,289	101,649	(10,640)	110%	139,008	81%	
MUNICIPAL COURT PROGRAM	157,289	192,266	82%	147%	107,324	184,187	76,863	58%	217,390	49%	
ADVICE & LITIGATION PROGRAM	121,900	135,796	90%	87%	140,452	198,531	58,079	71%	227,725	62%	
ADMINISTRATIVE MGT PROGRAM	438,109	522,688	84%	82%	536,492	476,024	(60,468)	113%	552,743	97%	
HUMAN RESOURCES ADMIN PROGRAM	321,402	384,621	84%	90%	357,190	371,839	14,649	96%	446,638	80%	
SPECIAL EVENTS/COMM PROGRAM	866,911	1,014,423	85%	104%	833,675	881,952	48,277	95%	1,007,246	83%	
CLERK & MUNICIPAL SERVICES PROGRAM	219,069	263,137	83%	102%	215,614	251,518	35,904	86%	302,814	71%	
FINANCE ADMINISTRATION PROGRAM	232,477	291,978	80%	104%	223,375	263,778	40,403	85%	312,110	72%	
ACCOUNTING PROGRAM	281,819	328,426	86%	78%	360,366	323,932	(36,434)	111%	382,192	94%	
TRANSIT ADMIN PROGRAM	151,392	175,852	86%	79%	190,967	204,772	13,805	93%	226,410	84%	
TRANSIT SERVICES PROGRAM	1,410,985	1,726,062	82%	84%	1,682,684	1,793,699	111,015	94%	2,176,353	77%	
PUBLIC SAFETY ADMIN/RECORDS	743,227	867,299	86%	98%	760,569	778,353	17,784	98%	933,233	81%	
PUBLIC SAFETY COMMUNICATN PROG	296,015	305,632	97%	184%	161,049	315,158	154,109	51%	322,231	50%	
PUBLIC SAFETY PATROL SVCS PROG	1,308,602	1,534,062	85%	99%	1,326,788	1,425,906	99,118	93%	1,701,026	78%	
PUBLIC SAFETY COMMNTY SVC PROG	338,334	424,249	80%	101%	335,466	404,127	68,661	83%	491,178	68%	
PLANNING SERVICES ADMIN PROGRAM	885,378	1,041,952	85%	95%	932,691	954,013	21,322	98%	1,151,247	81%	
ARTS DISTRICT	27,823	40,820	68%	78%	35,446	22,787	(12,659)	156%	29,697	119%	
BUILDING SERVICES ADMIN PROGRAM	315,535	372,846	85%	95%	333,028	346,919	13,891	96%	412,601	81%	
PUBLIC WORKS ADMIN PROGRAM	410,080	494,526	83%	124%	331,484	318,530	(12,954)	104%	384,614	86%	
STREETS PROGRAM	1,534,028	1,805,824	85%	126%	1,221,971	1,264,868	42,897	97%	1,503,145	81%	
PARKS PROGRAM	953,756	1,128,348	85%	100%	954,331	986,872	32,541	97%	1,180,840	81%	
FACILITIES ADMIN PROGRAM	1,051,280	1,291,306	81%	98%	1,074,891	1,053,070	(21,821)	102%	1,359,657	79%	
ENGINEERING ADMIN PROGRAM	253,206	303,897	83%	81%	311,308	344,706	33,398	90%	406,940	76%	
CONTINGENCIES	121,500	126,350	96%	56%	215,781	268,330	52,549	80%	277,996	78%	
RECREATION ADMIN PROGRAM	509,669	608,784	84%	103%	495,064	540,454	45,390	92%	646,618	77%	
RECREATION PROGRAM	543,169	634,441	86%	90%	606,694	584,653	(22,041)	104%	703,815	86%	
RECREATION OPERATIONS PROGRAM	1,365,168	1,658,585	82%	104%	1,318,003	1,466,143	148,140	90%	1,816,321	73%	
NORDIC CENTER OPERATIONS	171,572	245,589	70%	100%	171,359	198,593	27,234	86%	253,673	68%	
ICE RINK OPERATIONS PROGRAM	794,633	967,765	82%	98%	810,762	863,045	52,283	94%	1,057,364	77%	
LONG TERM DEBT	210,136	419,997	50%	51%	410,953	410,953	0	100%	415,312	99%	
GENERAL EXPENDITURES	2,867	662,307	0%	12%	23,214	1,206,250	1,183,036	2%	1,206,250	2%	
COMMITTEES	11,568	30,979	37%	127%	9,073	40,276	31,203	23%	55,751	16%	
TOTAL EXPENDITURES	16,136,248	20,121,620	80%	97%	16,600,354	18,845,887	2,245,533	88%	22,300,138	74%	
REVENUE LESS EXPENDITURES	2,607,060	2,189,054			2,044,950	(704,801)	2,749,751		(1,173,547)		

TOWN OF BRECKENRIDGE
ALL FUNDS, NET OF TRANSFERS
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 10 MONTHS ENDING OCTOBER 31, 2012

83% OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2011 ACTUAL/ 2012 ACTUAL % CHANGE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	\$ VARIANCE FAVORABLE/ (UNFAVORABLE)	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
REVENUE										
1 GENERAL FUND	9,763,058	11,534,374	85%	110%	8,855,637	8,351,446	504,191	106%	9,379,023	94%
2 UTILITY FUND	2,994,155	3,271,842	92%	101%	2,974,797	2,504,771	470,026	119%	2,961,582	100%
3 CAPITAL FUND	175,491	265,285	66%	46%	385,578	597,390	(211,812)	65%	716,868	54%
4 MARKETING FUND	1,460,342	2,008,761	73%	91%	1,600,623	1,367,669	232,954	117%	2,022,929	79%
5 GOLF COURSE FUND	2,001,554	2,630,466	76%	94%	2,125,277	2,005,496	119,781	106%	2,031,201	105%
6 EXCISE TAX FUND	13,993,820	18,755,928	75%	98%	14,296,905	13,843,116	453,789	103%	18,983,225	75%
7 HOUSING FUND	569,468	730,318	78%	16%	3,552,571	3,068,914	483,657	116%	3,256,311	109%
8 OPEN SPACE ACQUISITION FUND	1,420,969	1,860,502	76%	90%	1,573,714	1,414,353	159,361	111%	1,828,710	86%
9 CONSERVATION TRUST FUND	26,792	36,467	73%	34%	78,498	24,647	53,851	318%	33,024	238%
10 GARAGE SERVICES FUND	149,707	115,725	129%	46%	325,911	72,406	253,505	450%	81,494	400%
11 INFORMATION TECHNOLOGY FUND	-	-	0%	0%	-	-	-	0%	-	0%
12 FACILITIES MAINTENANCE FUND	-	-	0%	0%	-	-	-	0%	-	N/A
13 SPECIAL PROJECTS FUND	-	-	0%	0%	150	-	150	0%	-	N/A
TOTAL REVENUE	32,555,356	41,209,670	79%	110%	35,769,661	33,250,208	2,519,453	108%	41,294,367	87%
EXPENDITURES										
1 GENERAL FUND	13,660,425	16,491,104	83%	97%	14,052,267	16,093,862	2,041,595	87%	19,244,183	73%
2 UTILITY FUND	1,763,175	2,728,137	65%	107%	1,643,606	3,880,068	2,236,462	42%	4,628,564	36%
3 CAPITAL FUND	1,023,030	1,403,261	73%	48%	2,128,552	3,992,500	1,863,948	53%	3,992,500	53%
4 MARKETING FUND	2,023,705	2,309,298	88%	87%	2,313,885	2,199,394	(114,491)	105%	2,521,638	92%
5 GOLF COURSE FUND	1,518,757	1,819,079	83%	85%	1,796,909	1,943,154	146,245	92%	2,273,056	79%
6 EXCISE TAX FUND	571,178	571,828	100%	442%	129,176	129,827	651	99%	568,354	23%
7 HOUSING FUND	2,212,711	2,741,831	81%	202%	1,093,881	3,812,526	2,718,645	29%	4,237,336	26%
8 OPEN SPACE ACQUISITION FUND	2,959,872	3,230,897	92%	162%	1,825,234	1,788,920	(36,315)	102%	2,089,050	87%
9 CONSERVATION TRUST FUND	0	0	0%	0%	0	0	-	0%	0	N/A
10 GARAGE SERVICES FUND	1,305,220	1,661,682	79%	79%	1,650,669	1,811,261	160,592	91%	2,111,983	78%
11 INFORMATION TECHNOLOGY FUND	810,018	951,032	85%	102%	793,681	682,526	(111,155)	116%	780,242	102%
12 FACILITIES MAINTENANCE FUND	51,000	51,000	100%	75%	67,620	65,439	(2,181)	103%	76,815	N/A
13 SPECIAL PROJECTS FUND	290,779	329,716	88%	49%	596,724	712,500	115,776	84%	740,000	81%
TOTAL EXPENDITURES	28,189,870	34,288,864	82%	100%	28,092,205	37,111,977	9,019,772	76%	43,263,721	65%
Revenue Less Expenditures	4,365,485	6,920,806			7,677,456	(3,861,769)	11,539,225		(1,969,354)	

TO: BRECKENRIDGE TOWN COUNCIL
FROM: BRIAN WALDES, FINANCIAL SERVICES MANAGER
SUBJECT: NEW COUNCIL MEETING MINUTES FORMAT
DATE: 11/15/12
CC: TIM GAGEN, RICK HOLMAN

A month ago staff informed Council we were planning to move to a new e-minutes format intended to increase public access to our Town Council meetings as well as save a substantial amount of staff time, which Council supports. We would like to demonstrate how this new format works.

Council is aware that the 11/13/12 regular meeting was recorded digitally to facilitate the generation of e-minutes for that meeting. A version using our usual minutes format, i.e. a typed transcript, was also prepared. The plan is for the new e-minutes format to replace the typed format. We have several motivations for making this change;

1. **Accuracy** – There can be no better record of the Town Council meetings than an actual recording. Our document management software allows us to map a digital recording to the agenda document itself. The end user simply clicks on the agenda item they want to hear and the software will take them right to that point in the recording. We also have the ability to place e-minutes on our website to make them accessible to the public.
2. **Easy to use** – Typed minutes require a user to sift through the pages to find the particular item they want to read. The e-minutes module allows for direct and instantaneous access to any item from the agenda.
3. **Staff Time** – Currently our Municipal Services Staff spends over 4 hours per Council meeting creating the minutes. The e-minutes module will allow us to have the minutes substantially completed by the time the meeting ends. This is because the software enables the staff recording the meeting to time-stamp agenda items real time.
4. **Council Time** – Council currently reviews minutes for accuracy, a time consuming and rote task. E-minutes will abrogate the need for this review, saving Council members' time as well.
5. **Cost Effective** – The Town already owns the software package that supports e-minutes. Implementation will have a marginal cost, but we are utilizing a lot of the hardware and software we already have in place. This saves both money and staff time during the installation process. The Municipal Services Staff is also ready to apply for a SIPA (State Internet Portal Authority) grant to cover the cost of the program. The Town has won SIPA grants two years in a row now, and we believe this project is a great candidate for this year's program.

We will have a working example of what our e-minutes will look like for the 11/27/12 Council work session. We will demonstrate how the e-minutes from that meeting can be accessed by the public. It bears stating that the audio from that meeting isn't of high quality, but new microphones currently

on order will greatly increase the sound quality of the recordings (as well as better audio quality in the chambers during meetings). Even with the new audio equipment, Council will need to be conscious of speaking into the microphones. This will give us the highest quality e-minutes record, and will also greatly improve the audio amplification in the chambers themselves.

We will still be required by our Town Charter to create a written record of our meetings. This requirement will also be met by the e-minutes module, as brief "action minutes" will be a part of each meeting document. Action minutes comprise a written record of voting action by Council, but no details about discussion, debate etc.

Centennial, Durango, and the City and County of Denver have all adopted this e-minutes format and are currently live, using the same software package we are using.

We are excited to bring to Council a process solution that not only saves substantial staff time, but also furthers the Town's goals of increased efficiencies, public access to government information, and innovation. We are currently ready to proceed starting with the evening meeting of 11/27/12.

Memorandum

TO: TOWN COUNCIL
FROM: Dale Stein, Engineering Department
DATE: November 21, 2012
RE: Harris Street Community Building
Schematic Design Update

Schematic Design Update

The Schematic Design report for the renovation of the historic building at 103 S. Harris Street has been recently completed by the design team lead by the architectural firm Anderson Hallas Architects (AHA), and is under review by Town staff. The schematic design phase is the second step in the process for the renovation of the historic building. The goal of this short phase of the design process is to refine the findings and decisions made in the Feasibility Study phase of the project and to further depict and describe the project concepts through narratives and conceptual drawings.

AHA will attend the November 27th Town Council work session and to present the proposed design for the renovation focusing on the interior layout, and give Town Council the opportunity to provide feedback on the proposed concepts.

The proposed interior renovation concepts include:

- The basement level (Sheet A1.0) with a multi-purpose room, public restrooms, a warming kitchen, a movie theatre with supporting restrooms and ticket area, storage areas and +/- 750 SF of un-assigned space.
- The proposed main level (Sheet A1.1) of the building includes the main floor of the library, circulation desk, study rooms, children's area, library work room, outdoor reading space and a coffee kiosk. This space is shown on attached plan sheet A1.1
- The second level of the building (Sheet A1.2) includes a mezzanine with further book stacks, study rooms, public restrooms, an elevated reading platform, and +/- 2500 SF of unassigned floor space.

In addition to the discussion on the interior of the building, AHA will also have on hand an update of the proposed concepts for renovation of the exterior of the building, including the addition of the entrance to the movie theatre, and proposed site improvements that would enhance the project.

Estimated Project Schedule

Feasibility Study: Completed July 2012
Application Deadline for Unassigned Space: December 1, 2012
Preliminary Planning Commission review: December 4th, 2012
Schematic Design & Review Period: To be completed December 7th, 2012.
Design Development (Final design and detailing): December 2012 through March 2013
Construction Document Preparation: April 2013 through June 2013
Project Bidding & Construction: July 2013 through October 2014

HARRIS STREET COMMUNITY BUILDING

103 South Harris Street
Breckenridge, CO. 80424

PROJECT TEAM

Owner

Town of Breckenridge
P.O. Box 168
Breckenridge, CO. 80424
P: 970.453.3164
F: 970.547.3132
Assistant Town Engineer: Dale Stein
dales@townofbreckenridge.com

Library

Summit County Libraries
P: 970.453.3404
F: 970.453.3453
Assistant County Manager: Scott Vargo
scottv@co.summit.co.us

Architect

Anderson Hallas Architects, PC
715 14th St.
Golden, CO 80401
P: 303-278-4378
F: 303-278-0521
Principal in Charge: Elizabeth Hallas, AIA, LEED BD+C
Project Manager: Anne Cutrell, LEED BD+C
Project Architect: Ben Heppie, AIA, LEED BD+C
email: elizabethhallas@andarch.com
annecutrell@andarch.com
benheppie@andarch.com

Architectural Consultant

Janet L. Sutterley
J.L. Sutterley, Architect, P.C.
P.O. Box 3636
500 S. Ridge Street
Breckenridge, CO. 80424
P: 970-453-1718
F: 970-453-6463
janet@jsutterleyarchitect.com

Civil Engineer

JVA, Inc.
P.O. Box 1860
Winter Park, CO. 80782
P: 970-722.7677
Project Manager: Kevin Vecchiarelli
kvecchiarelli@jvajva.com

Landscape Architecture

DHM Design
1309 East 3rd Ave, Room 11
Durango, CO. 81301
P: 970-385-4219
Project Manager: Walker Christensen
wchristensen@dhdurango.com

Structural Engineer

JVA Inc.
1319 Spruce Street
Boulder, CO. 80302
P: 303-444-4951
F: 303-241-3969
Project Manager: Ian Glaser
Senior Project Engineer: Jennifer Arndt
jglaser@jvajva.com
jarndt@jvajva.com

Mechanical Engineer

360 Engineering
1600 Jackson Street, Suite 360
Golden, CO. 80401
P: 303-940-2050
President: Denise Dible
Project Engineer: Adam Phipps
ddible@360engineering.com
aphipps@360engineering.com

Electrical Engineer

AE Design Group
1900 Wazee, Suite 350
Denver, CO. 80202
P: 303-296-3576
F: 303-296-3035
President: Jon Brooks
Project Engineer: Bryan Jass
jbrooks@aedesign-inc.com
bjass@aedesign-inc.com

IT/AV

Rimrock Group
10807 New Allegiance Dr., Suite 400
Colorado Springs, CO. 80921
P: 719-533-1112
Principal: John Thompson
Project Manager: Dave Bretton
john.thompson@rimrockgroup.com
dave.bretton@rimrockgroup.com

Acoustical Engineer

K2 Audio
4900 Pearl East Circle, 201E
Boulder, CO. 80301
P: 303-865-5500
Project Manager: Ted Pypier
ted.pypier@k2audio.com

Environmental Engineer

Landmark Environmental, Inc.
250 Bryant Street
Denver, CO. 80219
P: 720-283-8975
F: 720-283-8666
Project Manager: Charlie Senz
csenz@landmarkenviro.com

Kitchen Designer

3pm Design
11801 East 333rd Ave., Unit C
Aurora, CO. 80010
P: 303-840-0883
F: 720-283-8666
Principal: Pierre Metellus
monabba@3pmdesign.com

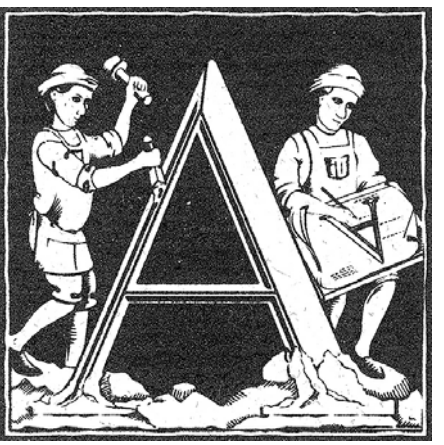
Furniture Design

Group 3 Planners
32276 Edward Dr.
Conifer, CO. 80433
P: 303-838-2352
F: 720-283-8666
Principal: Mary Gulash
mgulash@group3planners.com



This image is courtesy of Maureen Nicholls

100% SCHEMATIC DESIGN
NOVEMBER 16, 2012



Anderson Hallas
Architects, PC

ARCHITECTURE
HISTORIC PRESERVATION
PLANNING

715 FOURTEENTH STREET
GOLDEN, COLORADO 80401
(303) 278-4378
FAX (303) 278-0521

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HARRIS ST. COMMUNITY
BLDG.
TOWN OF BRECKENRIDGE
BRECKENRIDGE, COLORADO

No.	Description	Date

Project Number	2012430
Issue	Schematic Design
Date	11.16.2012
Drawn by	BH
Checked by	EH/AFC
Scale	1" = 1'-0"

COVER SHEET

G0.1



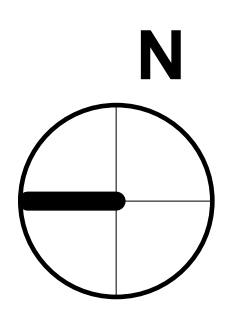
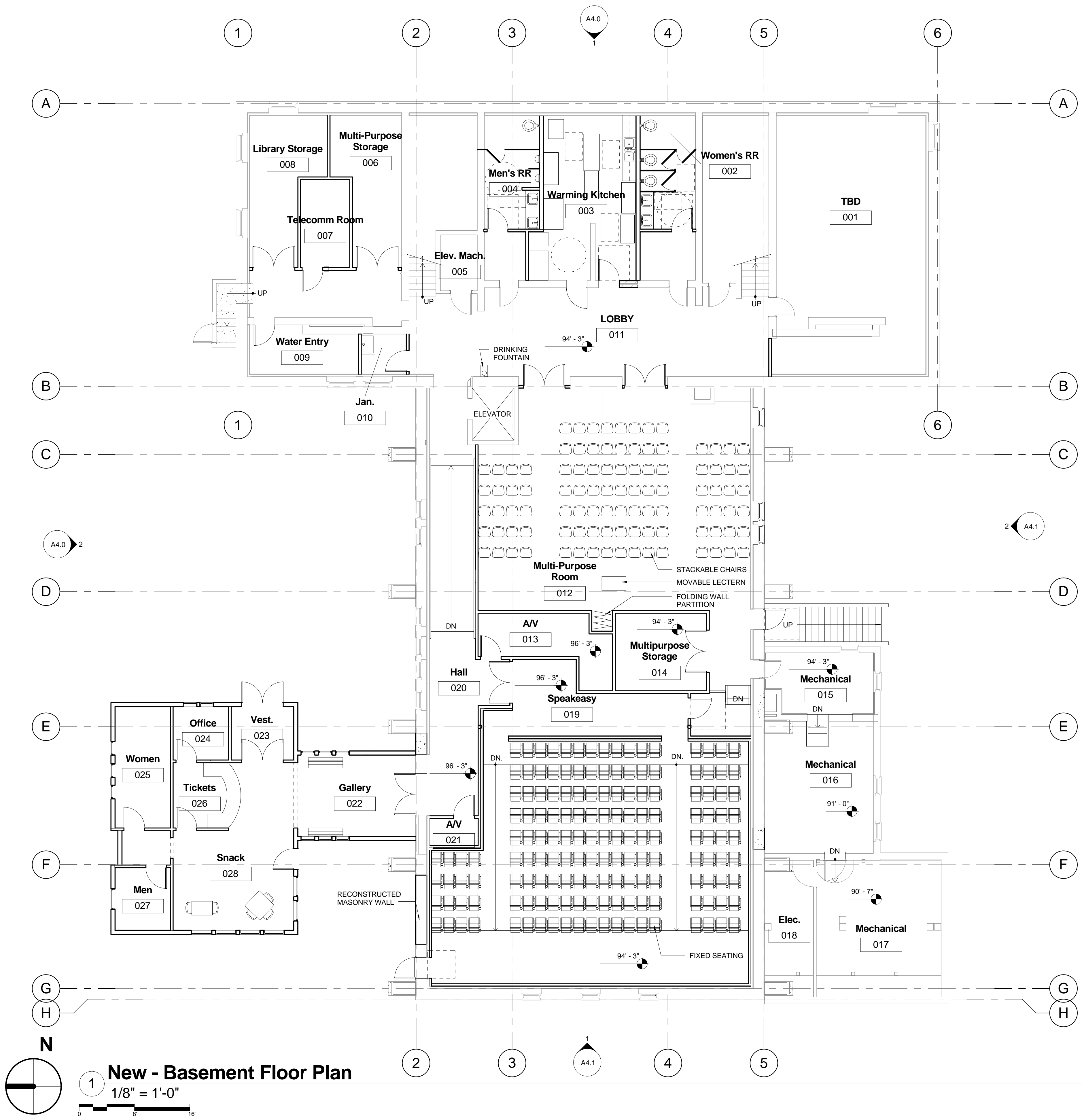
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Architects, PC

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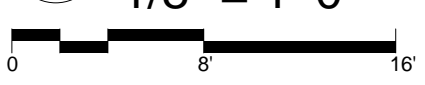
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TOWN OF BRECKENRIDGE
BRECKENRIDGE, COLORADO**



New - Basement Floor Plan
1/8" = 1'-0"



No.	Description	Date

Project Number	2012430
Issue	Schematic Design
Date	11.16.2012
Drawn by	BH
Checked by	EH/AFC
Scale	1/8" = 1'-0"

Basement Floor Plan

A1.0



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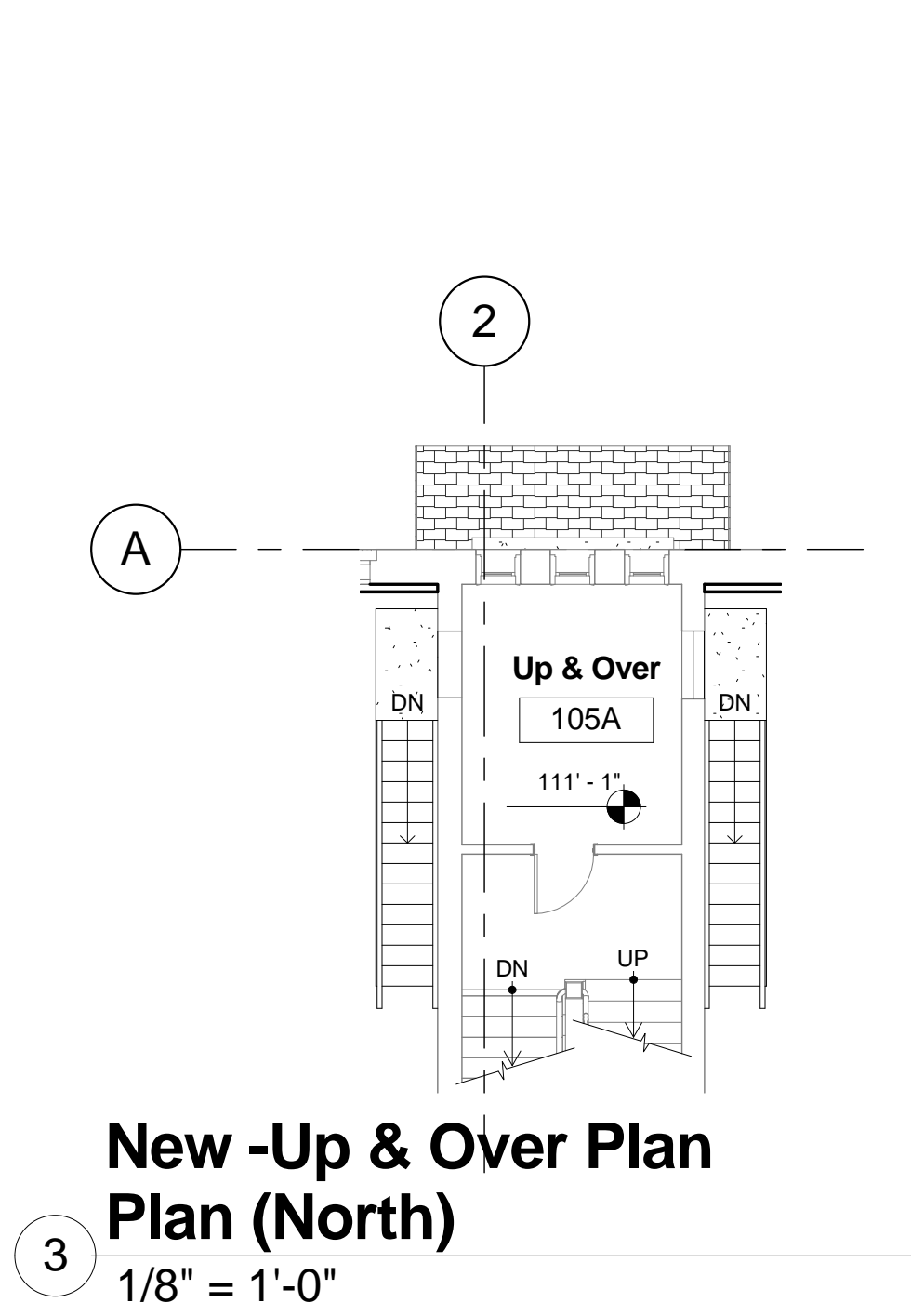
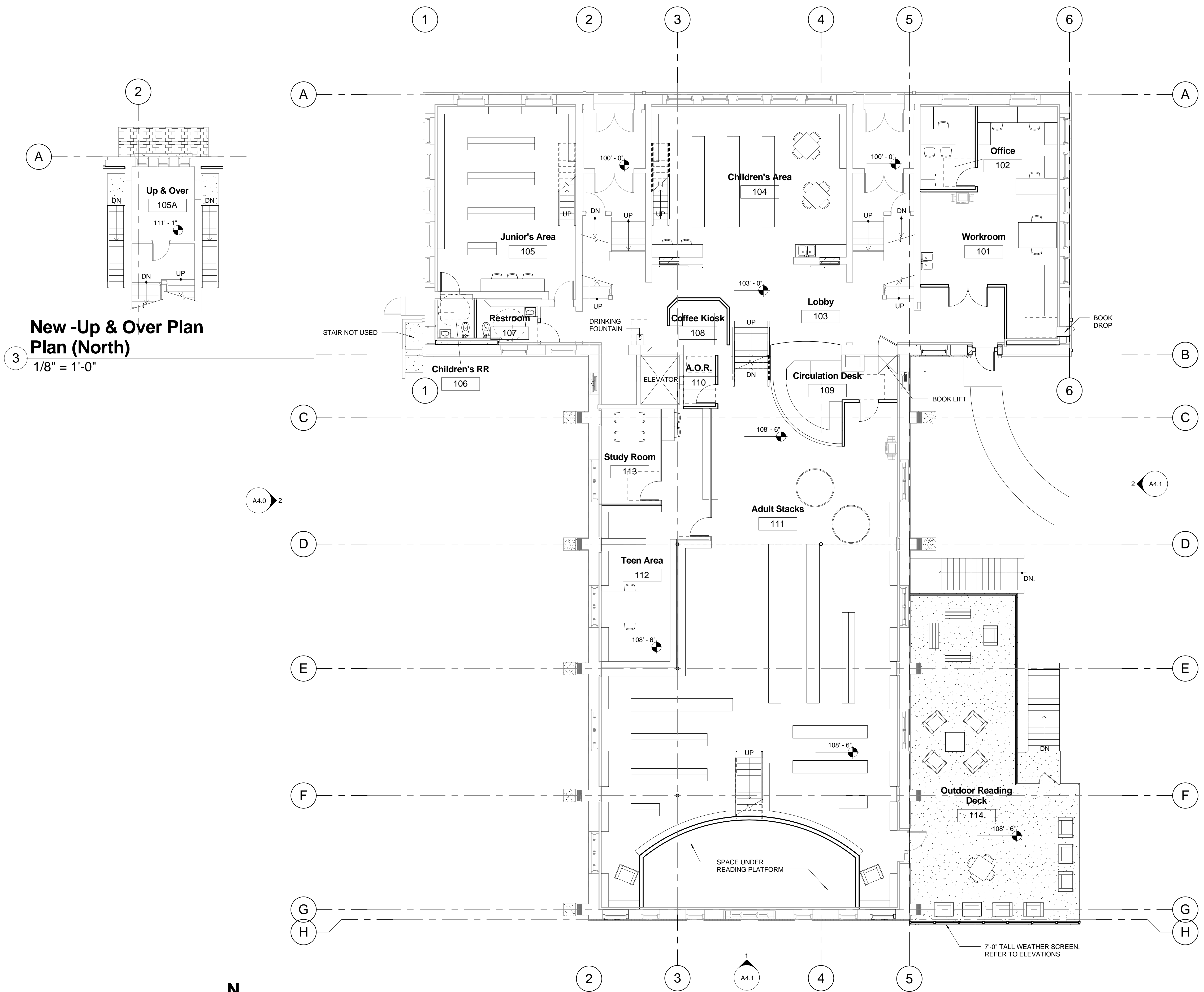
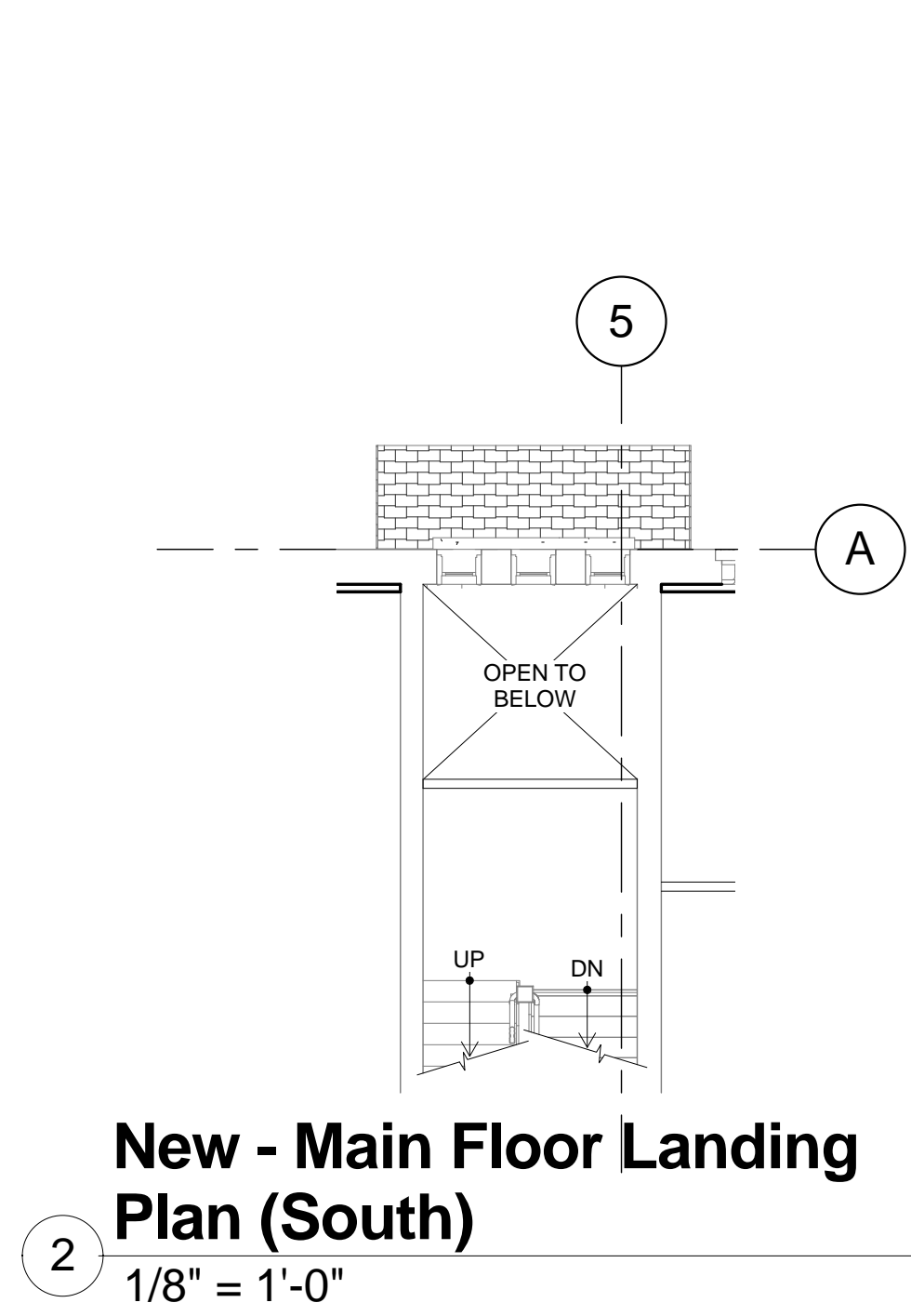
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BRECKENRIDGE, COLORADO

No.	Description	Date

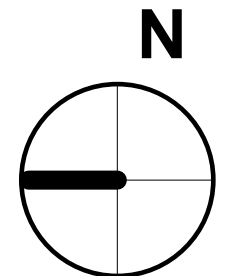
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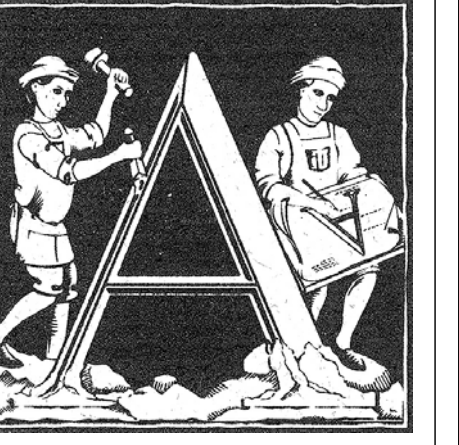
Main Floor Plan

A1.1



1 New - Main Floor Plan
1/8" = 1'-0"





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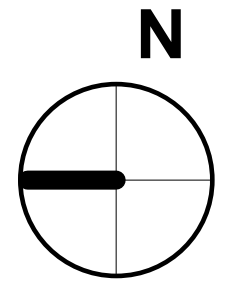
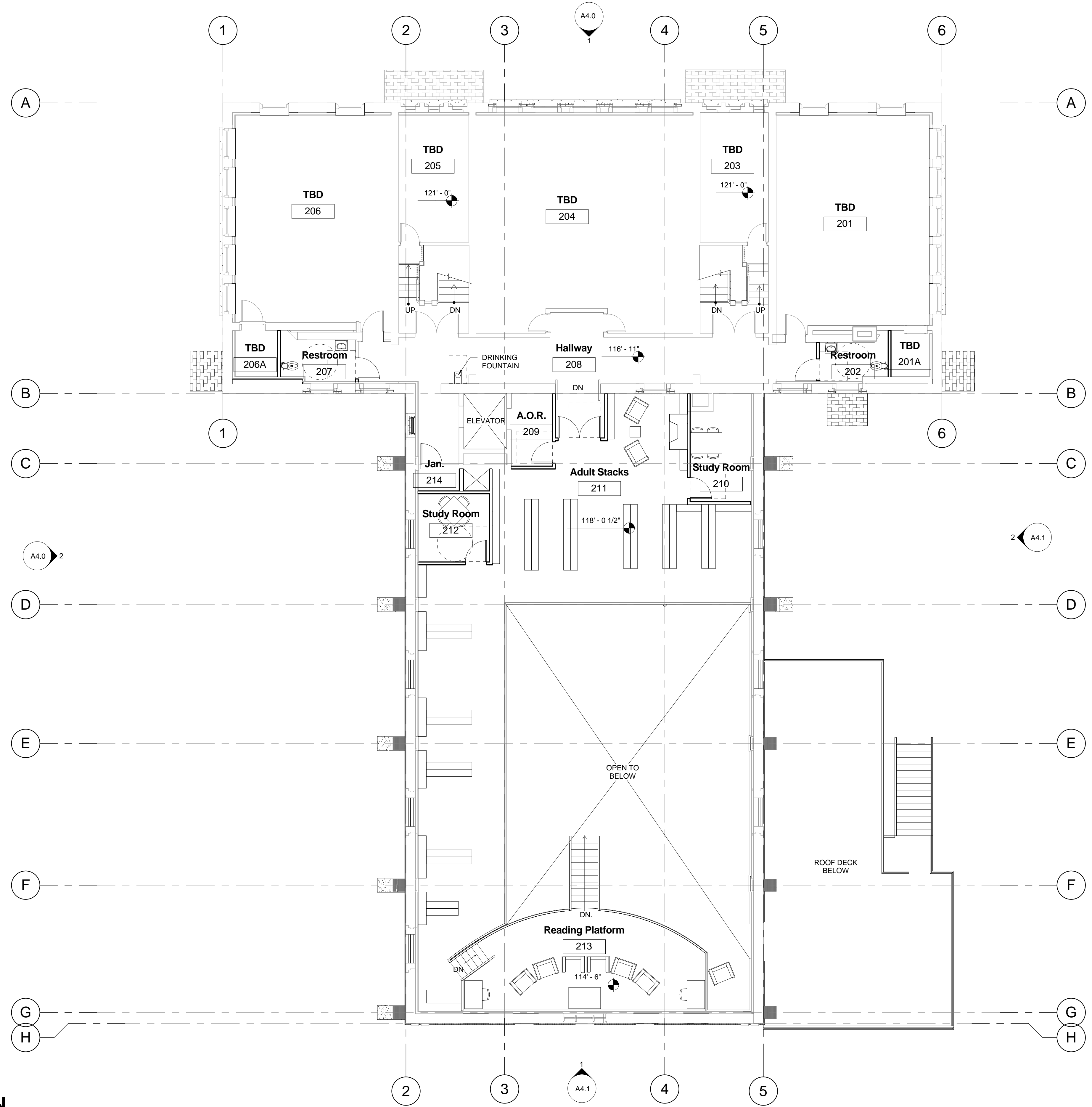
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BRECKENRIDGE, COLORADO**

No.	Description	Date

Project Number 2012430
Issue Schematic Design
Date 11.16.2012
Drawn by BH
Checked by EH/AFC
Scale 1/8" = 1'-0"

Second Floor Plan

A1.2



1 New - Second Floor Plan
1/8" = 1'-0"

