



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, February 14, 2017; 7:00 PM

Town Hall Auditorium

I	CALL TO ORDER, ROLL CALL	
II	APPROVAL OF MINUTES - JANUARY 24, 2017	3
III	APPROVAL OF AGENDA	
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VI	NEW BUSINESS	
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	D. BRECKENRIDGE HERITAGE ALLIANCE (MR. BURKE)	
	E. WATER TASK FORCE (MR. DUDICK)	
	F. BRECKENRIDGE CREATIVE ARTS (MS. LAWRENCE)	
	G. BRECKENRIDGE EVENTS COMMITTEE (MR. BERGERON)	
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XI	SCHEDULED MEETINGS	53

*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:00 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

XII ADJOURNMENT

*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:00 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

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CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of January 24, 2017 to order at 7:00 pm. The following members answered roll call: Mr. Dudick, Mr. Bergeron, Ms. Lawrence, Mr. Burke, Ms. Wolfe, Ms. Gigliello and Mayor Mamula.

APPROVAL OF MINUTES - JANUARY 10, 2017

Ms. Lawrence stated the minutes should be corrected to note that her comments regarding the Breckenridge Events Committee should be listed under a separate item G. With no additional changes or corrections to the meeting minutes of January 10, 2017, Mayor Mamula declared they would stand approved as corrected.

APPROVAL OF AGENDA

Mr. Holman stated there was one change to the agenda, which was to add Resolution No. 4, Series 2017 regarding the assignment of partial interest in an option agreement with Summit County for the New Day Sun Claims. Mayor Mamula declared the agenda approved as amended.

COMMUNICATIONS TO COUNCIL

A. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)

Mayor Mamula opened Citizen's Comment.

Karen Cedar, a parent whose child attends Breckenridge Elementary School, stated she and other parents are concerned about a safety issue in relation to the how kids walk to the library after school. She further stated there are no 4-way stops or sidewalks on Harris Street where they walk. She further stated staff recommended kids need to go the safe route on the sidewalk, although it is longer, and Mr. Mark Johnston is looking at other alternatives as well. Ms. Lawrence asked about making that intersection a four way stop, and Ms. Cedar stated she supported that idea. Council and staff also discussed the potential to use an easement for a pathway between the homes. Mayor Mamula stated staff will look into the problem and possible alternative solutions.

There were no additional comments and Citizen's Comment was closed.

B. Breckenridge Ski Resort Update

Mr. John Buhler, COO of Breckenridge Ski Resort, stated there's been a lot of snow so far this season. He also stated the Ski Resort sent a thank you letter to all of the agencies that responded to and supported the Ten Mile Room incident. He further stated the resort opened Pioneer Crossing on Peak 7.

Mr. Buhler then read into record a prepared statement from Vail Resorts regarding Council's work session discussion about parking and traffic flow. (Full text of this letter is available on the audio recording of this meeting)

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2017 - Public Hearings

1. **COUNCIL BILL NO. 1, SERIES 2017 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE**
Mayor Mamula read the title into the minutes. Mr. Tim Berry stated there were no changes to this ordinance from first reading.

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Mayor Mamula opened the public hearing. There were no comments and the hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 1, SERIES 2017 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE. Ms. Gigliello seconded the motion. The motion passed 7 - 0.

NEW BUSINESS

A. First Reading of Council Bills, Series 2017 - Public Hearings

1. COUNCIL BILL NO. 2, SERIES 2017 - AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING A NEW CHAPTER 16, TO BE ENTITLED "SOLID WASTE COLLECTION AND DISPOSAL;" DESIGNATING THE SUMMIT COUNTY RESOURCE ALLOCATION PARK (SCRAP) AS THE EXCLUSIVE SOLID WASTE DISPOSAL SITE FOR ALL SOLID WASTE GENERATED WITHIN THE TOWN; REQUIRING EACH SOLID WASTE HAULER OPERATING WITHIN THE TOWN TO OBTAIN AN ANNUAL LICENSE; AND PROVIDING DETAILS OF THE TOWN'S PROGRAM FOR THE LICENSING OF SOLID WASTE HAULERS

Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would add new provisions to the Code that would require solid waste haulers to obtain licenses, and to designate the SCRAP as the exclusive solid waste disposal site for the Town of Breckenridge, among other things.

Mr. Berry stated he would recommend a provision to the ordinance that would allow the haulers to go to other locations if the SCRAP is closed, such as on holidays. He also stated the effective date at the end of the ordinance is set as April 1, 2017, but that will need to be confirmed by the County.

Mr. Burke stated he would like to base his vote on the letter in the agenda packet that is part of the legislative history of this ordinance.

Ms. Beth Groundwater, a resident of Breckenridge, spoke in favor of this ordinance. She further stated she is representing other Breckenridge residents in support of the ordinance, and urged the Council to keep the process going and to move forward with no more delays.

Ms. Kathlyn Haddocks, from Curb to Compost, spoke with some concern about this ordinance and its impacts on her composting business. She stated she would like to expand her business if possible and is worried this ordinance may keep her from doing that. Mr. Thad Noll, Assistant County Manager, stated they looked specifically at Curb to Compost when drafting the IGA and wrote an exemption for that. He further stated the County supports her type of business. Ms. Rhaelyn Haddocks explained that her idea started the business, and she stated she would like to see it succeed for the community.

Ms. Jess Hoover, a Summit County resident and representing HC3, stated HC3 supports the ordinance. She further stated trash is a public safety concern, and trash should be regulated so companies comply in the best interest of the community.

Ms. Katherine Slaughter, the Breckenridge Grand Vacations Sustainability Coordinator, asked to clarify about information about fees and operating hours, and whether her role would also be covered under the new ordinance. Mr. Noll stated that is not the intent, as she is not a registered trash hauler. She also asked about the Pay as You Throw

program.

Mr. Noll stated the charge for recycling at SCRAP is for single stream only, since it needs to be hauled elsewhere to be separated. He further stated source-separated materials can be brought to the SCRAP without a charge.

Ms. Patricia McLaughlin, a Breckenridge resident, asked if there has been any consideration of putting a deposit on bottles, and she would like the Town to consider that. Mr. Berry stated he hasn't heard of it except at a state level. Mr. Dave Axelrod, owner of Broken Compass, stated he is in support of this ordinance, and in support of pay as you throw as well.

Mr. Dudick stated the bigger question is how do we pay for our recycling? We are trying to save something that is not well conceived at this point and we aren't addressing the big picture problem. Mr. Bergeron stated this gives us some breathing room for now. Ms. Wolfe stated there are more pieces to this than meets the eye and it needs to be a priority. Ms. Gigliello stated she agrees.

Ms. Gigliello moved to approve COUNCIL BILL NO. 2, SERIES 2017 - AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING A NEW CHAPTER 16, TO BE ENTITLED "SOLID WASTE COLLECTION AND DISPOSAL;" DESIGNATING THE SUMMIT COUNTY RESOURCE ALLOCATION PARK (SCRAP) AS THE EXCLUSIVE SOLID WASTE DISPOSAL SITE FOR ALL SOLID WASTE GENERATED WITHIN THE TOWN; REQUIRING EACH SOLID WASTE HAULER OPERATING WITHIN THE TOWN TO OBTAIN AN ANNUAL LICENSE; AND PROVIDING DETAILS OF THE TOWN'S PROGRAM FOR THE LICENSING OF SOLID WASTE HAULERS. Mr. Bergeron seconded the motion.
The motion passed 7 - 0.

2. COUNCIL BILL NO. 3, SERIES 2017 - AN ORDINANCE AUTHORIZING THE GRANTING OF A WELL EASEMENT TO THE LOWER COYNE PLACER VALLEY WELL ASSOCIATION

Mayor Mamula read the title into the minutes. Mr. Berry stated the Town and County jointly acquired an open space parcel and this ordinance is necessary to maintain the well on the property.

Mr. Dudick moved to approve COUNCIL BILL NO. 3, SERIES 2017 - AN ORDINANCE AUTHORIZING THE GRANTING OF A WELL EASEMENT TO THE LOWER COYNE PLACER VALLEY WELL ASSOCIATION. Mr. Burke seconded the motion.
The motion passed 7 - 0.

B. Resolutions, Series 2017

1. RESOLUTION NO. 3, SERIES 2017 - INTERGOVERNMENTAL AGREEMENT REGARDING COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE IN SUMMIT COUNTY

Mayor Mamula read the title into the minutes. Mr. Berry stated this agreement is a basis for the solid waste ordinance and is between the Town and other Summit County municipalities and the County. He further stated staff recommends the adoption of this resolution.

Mayor Mamula noted that if Silverthorne chooses not to participate, Breckenridge will be subsidizing for their businesses to use the SCRAP, and that is a concern. Council

encouraged citizens of Silverthorne to push their town council for this IGA. Mr. Thad Noll, representing Summit County, stated it would be very unlikely that trash would be picked up by haulers entirely in Silverthorne, and Mayor Mamula stated we need to keep pushing Silverthorne to participate.

Mr. Bergeron moved to approve RESOLUTION NO. 3, SERIES 2017 - INTERGOVERNMENTAL AGREEMENT REGARDING COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE IN SUMMIT COUNTY. Mr. Dudick seconded the motion. The motion passed 7 - 0.

2. RESOLUTION NO. 4, SERIES 2017 - A RESOLUTION APPROVING AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO (NoonDay Sun Claims) Mayor Mamula read the title into the minutes. Mr. Berry stated Summit County has an option agreement to purchase these claims and this resolution would authorize the Town to purchase a partial-interest in these claims. Mr. Bergeron moved to approve RESOLUTION NO. 4, SERIES 2017 - A RESOLUTION APPROVING AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO (NoonDay Sun Claims). Ms. Gigliello seconded the motion. The motion passed 7 - 0.

C. Other

PLANNING MATTERS

A. Planning Commission Decisions

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

B. Town Project Public Hearing: Recreation Center Renovation and Tennis Center

Mayor Mamula introduced the Town Project: Recreation Center Renovation and Tennis Center. Mr. Chris Kulick presented the plans for the project. Mr. Kulick stated the Planning Commission recommends approval, with a positive 1 point. Mayor Mamula asked about the gas lines to Airport Road, and Mr. Reid stated the project should not impact that. Mr. Bergeron asked about the color scheme on the building. Mr. Dudick asked about the -1 point for an unbroken ridgeline on the building and suggested adding a cupola on the top. Ms. Lawrence, Mayor Mamula and Mr. Dudick discussed the possibility of making aesthetic changes to the building to make it more appealing. Ms. Gigliello spoke about the color of the building. Mr. Reid stated this was a cost-effective design, he will look into a cupola and if the color can be changed.

He further stated this project requires a public hearing, and he opened the public hearing.

Ms. Groundwater asked about placing solar panels on the Tennis Center, and Mr. Reid stated the building does not face the right direction for that. Ms. Groundwater also asked if the building would be visible from the bike path and Mr. Reid stated it is set back behind the turf field, so no, it won't be very visible.

There were no additional public comments and the hearing was closed.

Ms. Lawrence moved to Approve Town Project Public Hearing: Recreation Center

Renovation and Tennis Center. Mr. Dudick seconded the motion.

REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated there is a memo in the packet for the new operating hours at the Recreation Center. He further stated that these new hours have been approved by the Recreation Advisory Committee.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Cast/MMC (Mayor Mamula)

Mayor Mamula stated he had no report.

Mr. Holman stated he attended the CAST meeting. Mr. Holman stated we should be proud of what we have accomplished in our community. He further stated it was a good meeting, and he offered kudos to this and previous councils for their work on many key issues.

Mr. Holman stated Silverthorne will host a CAST meeting later this year.

B. Breckenridge Open Space Advisory Committee (Ms. Wolfe)

Ms. Wolfe stated the Committee rode fat bikes at the golf course during the last meeting, and the Town is starting to groom parallel trails at Gold Run. Ms. Wolfe also recommended staff groom a wider trail that is more hard packed for beginners. She also stated members of the public attended the BOSAC meeting and raised the conflict between winter biking and skiing on the trails, and she stated it's an evolving situation and we are committed to both groups. Ms. Lawrence asked about the recreation path being groomed. Mr. Reid stated they have also begun grooming single track on the golf course, and the new grooming on the trails just got approval so it will start soon. Mr. Reid stated he has heard a few comments about grooming, and within the last couple of days it's been better conditions for all users.

Ms. Wolfe stated there was an additional discussion about ebikes in relation to the County's regulation. She stated BOSAC strongly recommended not allowing ebikes on the recreation path or on the trails as the trails will be an extension of the recreation path and users may not understand the difference. Mr. Holman suggested we add this item to a future work session discussion, and we would need to amend the ordinance if we want to make a change to current policy. Mr. Reid clarified that Town Code specifically defines e-bikes and they are allowed on the recreation path at this time.

C. Breckenridge Tourism Office (Ms. Gigliello)

Ms. Gigliello stated there was no update. Mr. Burke stated he would like a Snow Sculpture jacket.

D. Breckenridge Heritage Alliance (Mr. Burke)

Mr. Burke stated he emailed the report to Council.

E. Water Task Force (Mr. Dudick)

Mr. Dudick stated water was discussed during the work session.

Council stated they are ready to make a decision about the water plant.

In a verbal vote, consensus was to move forward with the water plant and to start work this spring. Mr. James Phelps stated we should be close to the estimate of \$53 million for the new water plant, and we lost a year of construction. Mr. Holman stated we are building a Rec Path restroom stop and shelter as part of the building. Mr. Dudick stated he thought the peer review process was a good exercise in both this case and in the parking study, and this is something we should do regularly. Ms. Haynes stated there were two different scopes to these projects: one from a parking garage expert and the other from a traffic expert. Mayor Mamula stated we haven't made any mistakes yet, Vail Resorts is not working as our partner, and we are proceeding cautiously with the public's money. Ms. Gigliello stated we haven't lost time, and there's a reason why we did the analysis this way. Ms. Wolfe stated we have come out putting our best foot forward.

F. Breckenridge Creative Arts (Ms. Lawrence)

Ms. Lawrence stated there was a meeting last week. She further stated BCA discussed a grant from Colorado Creative Industries, hosting a stakeholder meeting, and developing a comprehensive schedule for the upcoming year. She further stated BIFA has some amazing new ideas, and is negotiating with Vail Resorts for use of the paved North Gondola Lot.

G. Breckenridge Events Committee (Mr. Bergeron)

Mr. Bergeron stated the next meeting is coming up next week.

OTHER MATTERS

Mr. Bergeron stated he was contacted by Men's Journal who was doing a story on Rob Katz. Mayor Mamula stated he doesn't know Mr. Katz well enough to have this conversation. Council debated the merits of responding to the interview request.

Ms. Lawrence stated she heard frustration about the busy weekend when people couldn't find parking in Town, and suggested more use of VMS signs to direct people where to park. Mayor Mamula stated the Ski Resort has to take some of the burden on their own shoulders for this problem, due in part to day skiers. Chief McLaughlin stated we are trying to collaborate with the ski area for portable signs. Ms. Haynes stated the Ski Resort chose not to overflow into the CMC parking lot that weekend. Council then discussed addition parking options during the busiest times.

Mr. Dudick stated he would like to consider heaters above bleachers at the outdoor ice rink. Ms. Lawrence asked about metrics for outdoor ice rink use during the big snows. Staff responded that it's getting more use as a covered rink.

Mr. Burke stated we need to celebrate staff on not a typical snow year, and Council appreciates the hard work removing snow. Ms. Haynes and Mr. Holman will be meeting with Public Works staff and will pass that on.

Mayor Mamula stated he went to the Pioneer Crossing grand opening and suggested to Council that when they are invited, they should go to these events.

Mayor Mamula stated Coffee Talk is on Friday, and he is asking staff to attend as well to ski. Also, the Snow Sculpture organizers are already starting to talk about moving that event, and we need to reach a solution to this.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:20 pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

DRAFT

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 2 (Solid Waste Collection and Disposal Ordinance)

DATE: February 6, 2017 (for February 14th meeting)

The second reading of the new Solid Waste Collection and Disposal Ordinance is scheduled for your meeting on February 14th.

The following changes are proposed to be made the version of the ordinance that was approved on first reading:

1. Section 4-16-12 on Page 13 of the ordinance has been revised to incorporate language from the County's ordinance allowing a solid waste hauler to transport and dispose of solid waste at a licensed disposal facility other than the SCRAP when the SCRAP is closed due to a weather event, an official County holiday, or other special event. Additionally, the exemption language at the end of Section B of Section 4-16-12 has been revised to describe the type of recyclable material to which the exemption applies as "source separated" recyclable materials. This is the description of the exempted materials that the County used at the Council worksession on January 24th, and staff believes the term to be appropriate for inclusion in our ordinance.

2. Section 3 on Page 14 of the ordinance has been amended to provide that the ordinance will become effective on April 1, 2017. This is the same date that the County has used in its Solid Waste Ordinance.

3. The "Solid Waste Hauling License Self-Certification Form" (Exhibit "A" to the ordinance) was inadvertently omitted from the version of the ordinance that was approved on first reading. The form has now been inserted into Exhibit "A" to the ordinance. Recall that this form must be signed and submitted by an applicant for a solid waste hauler license pursuant to Section 4-16-7(C) of the ordinance.

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

1 ***FOR WORKSESSION/SECOND READING – FEB. 14***

2
3 Additions To The Ordinance As Approved on First Reading Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. 2

7
8 Series 2017

9
10 AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE
11 BY ADOPTING A NEW CHAPTER 16, TO BE ENTITLED “SOLID WASTE COLLECTION
12 AND DISPOSAL;” DESIGNATING THE SUMMIT COUNTY RESOURCE ALLOCATION
13 PARK (SCRAP) AS THE EXCLUSIVE SOLID WASTE DISPOSAL SITE FOR ALL SOLID
14 WASTE GENERATED WITHIN THE TOWN; REQUIRING EACH SOLID WASTE HAULER
15 OPERATING WITHIN THE TOWN TO OBTAIN AN ANNUAL LICENSE; AND
16 PROVIDING DETAILS OF THE TOWN’S PROGRAM FOR THE LICENSING OF SOLID
17 WASTE HAULERS

18
19 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
20 COLORADO:

21
22 Section 1. Title 4 of the Breckenridge Town Code is amended by the addition of a new
23 Chapter 16, to be entitled “Solid Waste Collection and Disposal,” which shall read in its entirety as
24 follows:

25
26 CHAPTER 16

27
28 SOLID WASTE COLLECTION AND DISPOSAL

29
30 SECTION:

- 31
32 4-16-1: Short Title
33 4-16-2: Authority
34 4-16-3: Findings
35 4-16-4: Intent
36 4-16-5: Definitions
37 4-16-6: License Required; Exemptions
38 4-16-7: Licensing Process
39 4-16-8: Duties of Licensee
40 4-16-9: Renewal of License
41 4-16-10: Suspension or Revocation of License
42 4-16-11: Review of Decisions
43 4-16-12: Designated Disposal Site

2017 SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE

1 4-16-13: Penalties; Injunctive Relief

2 4-16-14: No Town Liability

3

4 4-16-1: SHORT TITLE: This Chapter shall be known and may be cited as the “2017 Town Of
5 Breckenridge Solid Waste Collection and Disposal Ordinance.”

6

7 4-16-2: AUTHORITY: The Town Council finds, determines, and declares that it has the power to
8 adopt this Chapter pursuant to:

9

10 A. Section 31-15-103, C.R.S. (concerning municipal police powers).

11 B. Section 31-15-401(1)(a), C.R.S. (concerning the power to pass and enforce all
12 necessary police ordinances).

13 C. Section 31-15-401(1)(b), C.R.S. (concerning the promotion of health or the
14 suppression of disease).

15 D. Section 31-15-401(1)(c), C.R.S. (concerning the power to declare what is a
16 nuisance and to abate the same).

17 E. Section 31-15-401(1)(d)(I), C.R.S. (concerning the power to compel removal of
18 rubbish).

19 F. Section 31-15-501(1)(c), C.R.S. (concerning municipal regulation of business).

20 G. Section 30-15-401, C.R.S. (concerning waste services).

21 H. Section 30-20-107, C.R.S. (concerning the power to designate an exclusive waste
22 disposal site and facility for the municipality).

23 I. The authority granted to home rule municipalities by Article XX of the Colorado
24 Constitution.

25 J. The powers contained in the Breckenridge Town Charter.

26 4-16-3: FINDINGS: The Town Council adopts this Chapter based upon the following findings of
27 fact:

28

29 A. The Town is a home rule municipality with those powers authorized by Article XX,
30 Section 6, of the Colorado Constitution.

31 B. The Colorado General Assembly has declared that the proper disposal of solid
32 waste is a matter of mixed statewide and local concern. “Optimal solid waste
33 management . . . should include . . . local efforts . . . focused toward the reduction
34 of the volume . . . of the waste stream . . . through source reduction, recycling,
35 composting, and similar waste management strategies.” The General Assembly

2017 SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE

1 also recognized that “improper disposal of solid wastes poses significant public
2 health risks, environmental hazards, and long-term liability for the citizens of the
3 state.” Section 30-20-100.5, C.R.S.

4 C. The Town is empowered by Section 31-15-401(1)(d)(I), C.R.S., “[t]o provide for
5 and compel the removal of . . . rubbish of all kinds from lots and tracts of land
6 within such municipalities . . . upon such notice, and in such manner as such
7 municipalities prescribe by ordinance”

8 D. The Town is empowered by Section 30-20-107, C.R.S., to designate and approve
9 by ordinance a solid waste disposal site and facility as its exclusive solid waste
10 disposal site and facility, and thereafter such site and facility shall be used for the
11 disposal of discarded solid waste generated from within its jurisdiction.

12 E. The Town is authorized by Section 31-15-103, C.R.S., “to make and publish
13 ordinances not inconsistent with the laws of this state, from time to time, for
14 carrying into effect or discharging the powers and duties conferred by this title,
15 which are necessary and proper to provide for the safety, preserve the health,
16 promote the prosperity, and improve the morals, order, comfort, and convenience
17 of such municipality and the inhabitants thereof not inconsistent with the laws of
18 this state.”

19 F. The Summit County Resource Allocation Park (“SCRAP”) is the only licensed
20 solid waste disposal facility located in Summit County and is operated by the
21 County in conjunction with the County’s recycling, composting, and other solid
22 waste management programs and facilities on County-owned property within the
23 Summit County Resource Allocation Park Planned Unit Development.

24 G. The Town has the legal authority to adopt ordinances regulating solid waste
25 disposal, including the performance of solid waste hauling services in the Town.

26 H. Persons or companies in the business of hauling discarded solid waste, including
27 recyclable materials, within the Town, through their collection and transportation
28 activities, are able to supply the Town with information necessary for long-term
29 solid waste management planning and therefore should be required to submit
30 annual information about their hauling activities to the Town.

31 I. The Town has entered into an Intergovernmental Agreement Regarding Collection,
32 Transportation and Disposal of Solid Waste in Summit County, Colorado dated
33 , 2017¹, in order to cooperate in the development and
34 implementation of a licensing and regulation program regarding the provision of
35 trash hauling services and other community environmental and solid waste
36 management goals stated therein.

¹ Date to be inserted administratively by Town Clerk

1 J. As required by Section 30-20-107, C.R.S., prior to adopting this Chapter the Town
2 Council held a public hearing to review the disposal method to be used at the
3 Summit County Resource Allocation Park (SCRAP), as well as the fees to be
4 charged for such disposal method. The Town Council finds such disposal method
5 and fees to be reasonable and necessary and in the best interest of the public health,
6 safety, and welfare.

7 4-16-4: INTENT: It is the intent of this Chapter to:
8

- 9 A. Promote the state and local solid waste management goals referenced in Section
10 4-16-3, as well as other applicable solid waste laws, rules, regulations and policies;
- 11 B. Encourage more recycling of certain discarded solid waste materials;
- 12 C. Accurately measure the volume of wastes entering the waste stream to assist in
13 designing programs to reduce those volumes, and otherwise obtain information for
14 long-term solid waste management planning;
- 15 D. Protect the health, safety and welfare of the public by providing for the long term
16 viability of the Summit County Resource Allocation Park (SCRAP);
- 17 E. Maintain and enhance the quality of the environment, conserve natural resources
18 and prevent pollution by providing a comprehensive and effective program to
19 regulate solid waste in the Town; and
- 20 F. Protect the health, safety, welfare and well-being of the citizens and property
21 owners within the Town.

22 4-16-5: DEFINITIONS: For the purpose of this Chapter the following words, terms, and phrases
23 have the following meanings:
24

APPLICANT: A person who has submitted an application for license pursuant to this Chapter.

APPLICATION: An application for license submitted pursuant to this Chapter.

DAY: A calendar day, unless otherwise indicated.

GOOD CAUSE (for the purpose of refusing or denying a license renewal under this Chapter):

A. The licensee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this Chapter; or any other law applicable to licensee; or

B. The licensee has failed to comply with the terms, conditions, or provisions of its solid waste hauler license issued pursuant to this Chapter.

LICENSEE:	The person to whom a solid waste hauler license has been issued pursuant to this Chapter.
RECYCLABLE MATERIALS:	Solid waste from any residential, commercial, or other source that is collected separately for the purpose of such material being re-processed into new or different products or packaging materials, provided that such material have been designated by the licensing authority as recyclable.
RECYCLING:	The process of recovering useful materials from solid waste, including items for reuse.
SOLID WASTE:	All putrescible and non-putrescible solid wastes discarded from any source including recyclable materials. The term “solid waste” shall exclude liquid wastes, sewage, sewage sludge, septic tank or cesspool pumpings; sand, asphalt, concrete, gravel, rock, dirt or other segregated construction materials to be used or reused in any construction project; timber, wood chips or vegetative matter hauled from the property where it is cut; agricultural wastes, solid or dissolved materials in irrigation return flows; industrial discharges which are point sources subject to licenses under the provisions of the Colorado Water Quality Control Act; materials handled at facilities licensed pursuant to the provisions on radiation control in Article 11 of Title 25, C.R.S.; exploration and production waste as defined in Section 34-60-103(4.5), C.R.S., except as such wastes may be deposited at a commercial solid waste facility; excluded scrap metal that is being recycled; shredded circuit boards that are being recycled; discarded or abandoned vehicles or parts thereof; residential appliances; materials used as fertilizers or for other productive purposes; household hazardous wastes; and hazardous materials as defined in the rules and regulations adopted by the Hazardous Materials Transportation Act of 1987.
SOLID WASTE HAULER:	Any person in the business of collecting, transporting to a landfill, disposal site, transfer station or other like facility, or disposing of solid waste, for a fee or other compensation.
SOLID WASTE HAULER LICENSE (OR LICENSE):	A solid waste hauler license issued pursuant to this Chapter.

SUMMIT COUNTY
RESOURCE ALLOCATION
PARK (SCRAP):

The solid waste disposal site and facility owned and operated by Summit County, Colorado government, located at 639 Landfill Road, Dillon, Colorado 80435. The County's solid waste drop off facility located at 284 Coyne Valley Road in the Town is part of the SCRAP, and the depositing of solid waste at the Coyne Valley Road facility shall be treated as depositing such solid waste at the SCRAP.

TOWN MANAGER:

The Town Manager of the Town of Breckenridge.

TRANSFER STATION:

A facility at which refuse, awaiting transportation to disposal site, is transferred from one type of containerized collection receptacle and placed into another or is processed for compaction. "Refuse" means all forms of solid waste, including garbage, rubbish, trash, recyclable materials, and similar material.

1

2 4-16-6: LICENSE REQUIRED; EXEMPTIONS:

3

A. No person shall operate as a solid waste hauler within the Town without a current solid waste hauler license.

4

5

B. A solid waste hauler license is non-transferable and non-assignable. Any attempt to transfer or assign a license voids the license.

6

7

C. Each licensee shall offer recycling services to its customers.

8

D. The following are not required to obtain a solid waste hauler license:

9

1. A demolition, construction, or landscaping contractor who produces and transports solid waste in the course of its performance of a project, where the waste produced is merely incidental to the particular demolition or construction work being performed by such contractor. However, any such solid waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP) as required by Section 4-16-12B.

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2. A civic, community, benevolent or charitable nonprofit organization that collects, transports, and markets solid waste for resource recovery solely for the purpose of raising funds for a charitable, benevolent, or civic activity.

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3. A property owner or agent thereof who transports solid waste left by a tenant upon such owner's property, so long as such property owner does not collect, transport, or dispose of solid waste for compensation for tenants on a regular or continuing basis. However, any such solid waste shall be

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21

1 disposed of at the Summit County Resource Allocation Park (SCRAP) as
2 required by Section 4-16-12B.

3 4. Furniture or appliance vendors and their delivery agents who deliver
4 furniture or appliances sold by such vendor and dispose of the purchaser's
5 used furniture or appliances being replaced by such purchase.

6 5. A person who transports his or her own solid waste, or who transports solid
7 waste for another person without compensation. However, any such solid
8 waste shall be disposed of at the Summit County Resource Allocation Park
9 (SCRAP) as required by Section 4-16-12B.

10 6. Haulers engaged solely in the transport of discarded materials that are
11 expressly excluded from the definition of solid waste in Section 4-16-5.

12 4-16-7: LICENSING PROCESS:

13
14 A. The Summit County Manager's Office is designated as the licensing authority for
15 solid waste hauler licenses, with licensing decisions subject to review by the Town
16 Council as provided in this Section.

17 B. A solid waste hauler license shall be valid for one (1) year from the date of approval
18 unless otherwise specified in such license, and may be renewed as provided in
19 Section 4-16-9.

20 C. An application for a solid waste hauler license shall be submitted to the licensing
21 authority along with a completed Solid Waste Hauling License Self-Certification
22 Form. At time of license application or renewal, each solid waste hauler shall
23 provide and attest to the truthfulness of the information requested in the Solid
24 Waste Hauling License Self-Certification Form. An example of such form is
25 included as **Exhibit A** to this Chapter.

26 D. Within thirty (30) days of receipt of a completed application, the staff of the
27 licensing authority shall review the application and make a recommendation to the
28 licensing authority. The licensing authority may make such additional
29 investigations as deemed necessary and shall refer all applications to the Town
30 Manager for comment.

31 E. The licensing authority shall issue a solid waste hauler license if the application
32 meets all applicable requirements and it makes all of the following findings:

33 1. The applicant has successfully completed the Solid Waste Hauling License
34 Self-Certification Form and such form is true and accurate;

35 2. The applicant has paid the license fee in full at the time of application;

- 1 3. The applicant has submitted a complete list of all vehicles to be used for the
2 collection, transportation, or disposal of solid waste within the Town along
3 with information that identifies such vehicles, including, but not limited to,
4 the Department of Motor Vehicle registration forms and license plate
5 numbers. Whenever a licensee desires to add or changes vehicles
6 authorized to operate within the Town, the licensee shall submit a written
7 request for a license amendment to the licensing authority, together with
8 identifying information for each new vehicle to be included under such
9 solid waste hauler license. The requested amendment shall be approved,
10 conditionally approved, or denied in accordance with the provisions of this
11 Section in the same manner as a new license application;
- 12 4. The applicant has provided adequate evidence of liability insurance in the
13 amount shown on the Solid Waste Hauling License Self-Certification Form
14 from a company authorized to do business in Colorado;
- 15 5. Granting the license will not result in a negative impact to the public’s
16 health, safety, and welfare and such license will promote the solid waste
17 management goals of the Town and the community. In making such
18 determination the licensing authority shall consider:
- 19 a. the character of the applicant, its officers, directors, or managers,
20 including any prior license violations or criminal convictions;
- 21 b. the applicant’s ability to provide solid waste hauling services in the
22 Town in a manner consistent with the solid waste management goals
23 of the Town;
- 24 c. the applicant’s ability to operate in the Town’s high alpine
25 environment and, if the applicant has previously done business in
26 the Town, any prior complaints received from citizens or property
27 owners in the Town; and
- 28 d. any statement by the applicant regarding its business plan or efforts
29 to support recycling, waste diversion, or other solid waste
30 management goals of the Town.
- 31 F. The amount of the license fee shall not exceed the cost of administering the solid
32 waste hauler licensing program. For 2017, the fee for a solid waste hauler license is
33 twenty dollars (\$20). Commencing in 2018, the fee for a solid waste hauler licensee
34 shall be fixed by the Town Council as part of its annual budget process for the next
35 fiscal year. If, for any reason, the solid waste hauler license fee is not fixed by the
36 Town Council as part of its annual budget process, the license fee for the preceding
37 year shall continue in full force and effect until changed by the Town Council.

- 1 G. Once the licensing authority approves, conditionally approves, or denies an
2 application for a solid waste hauler license, it shall promptly notify the applicant in
3 writing of such decision and the basis therefore.
- 4 H. The applicant may appeal such decision to the Town Council in writing within ten
5 (10) days of receiving such decision notwithstanding Section 1-19-13(B) of this
6 Code. Any appeal shall including a written statement of the grounds for such appeal
7 and any adverse effects that may result.
- 8 I. An appeal to the Town Council pursuant to this Section shall be processed in
9 accordance with Chapter 19 of Title 1 of this Code.
- 10 J. The Town Council shall approve, conditionally approve, or deny an application
11 within thirty (30) days of the conclusion of the public hearing on the applicant's
12 appeal.
- 13 K. The Town Council shall issue a solid waste hauler license when, from a
14 consideration of the application, the evidence received at the public hearing, and
15 from such other information as may otherwise be obtained, the Town Council
16 determines that the applicant is entitled to the issuance of such license under the
17 standards set forth in this Chapter.
- 18 L. The Town Council shall deny an application for a solid waste hauler license under
19 this Chapter if it determines that:
- 20 1. Information contained in the application, or supplemental information
21 requested from the applicant, is found to be false in any material respect;
- 22 2. The applicant is not entitled to the solid waste hauler license under the
23 standards set forth in this Chapter.
- 24 3. The operation of the proposed business operation is likely to:
- 25 a. create a substantial inconvenience or annoyance to the public; or
26 b. cause a public nuisance.
- 27 4. The granting of the application will endanger public health or safety.
- 28 M. If the application is denied, the Town Council shall clearly set forth in writing the
29 grounds for denial.
- 30 N. If the application is conditionally approved, the Town Council shall clearly set
31 forth in writing the conditions of approval.
- 32 O. If an application is denied the application fee shall not be refunded.

1 4-16-8: DUTIES OF LICENSEE: It is the duty and obligation of each licensee to do the
2 following:

- 3
- 4 A. Comply with all of the terms and conditions of the license.
- 5 B. Comply with all of the requirements of this Chapter.
- 6 C. Comply with all other Town ordinances that are applicable to the business for
7 which the license was issued.
- 8 D. Submit an annual report on the weight (in tons) of solid waste, including recyclable
9 materials by commodity, collected and transported from within the Town. The
10 licensing authority shall be responsible for designating materials as recyclables for
11 purposes of the reporting requirements of this Section. The initial list of recyclable
12 materials is shown in **Exhibit B** to this Chapter, and such list may be changed from
13 time to time by the licensing authority. Solid waste reports shall be submitted to the
14 Director, Summit County Solid Waste Department, P.O. Box 3789, Dillon,
15 Colorado 80435, by February 1st of each year for the period of the previous
16 calendar year (January 1- December 31).
- 17 E. Indemnify and defend the Town, its officers, employees, insurers, and
18 self-insurance pool from and against all liability, claims, and demands, on account
19 of injury, loss, or damage, including without limitation, claims arising from bodily
20 injury, personal injury, sickness, disease, death, property loss or damage, or any
21 other loss of any kind whatsoever, arising out of in any manner connected with the
22 operation of the business for which the license was issued. The licensee shall
23 investigate, handle, respond to, and to provide defense for and defend against, any
24 such liability, claims, or demands at the sole expense of the licensee, and bear all
25 other costs and expenses related thereto, including court costs and attorneys' fees.
26 The indemnity obligation of this Section E shall survive the expiration or
27 revocation of the license, and shall continue to be fully enforceable thereafter,
28 subject to any applicable statute of limitation.

29 4-16-9: RENEWAL OF LICENSE:

- 30
- 31 A. A licensee does not have a vested right or a property right in the renewal of its solid
32 waste hauler license.
- 33 B. Each solid waste hauler license may be renewed as provided in this Section. The
34 term of a renewal license shall be one (1) year, unless suspended or revoked as
35 provided in Section 4-16-10.
- 36 C. An application for the renewal of an existing license shall be made to the licensing
37 authority not less than forty-five (45) days prior to the date of expiration. No
38 application for renewal shall be accepted by the licensing authority after the date of

1 expiration. The licensing authority may waive the forty-five (45) day time
2 requirement set forth in this Section C if the applicant demonstrates an adequate
3 reason.

4 D. The timely filing of a renewal application shall extend the current license until a
5 final decision is made on the renewal application.

6 E. At the time of the filing of a renewal application the licensee shall pay a renewal fee
7 in an amount fixed by the Town Council as part of its annual budget process.

8 F. The licensing authority may refuse to renew a license for good cause; provided,
9 however, that the licensing authority shall not refuse to renew a license without
10 holding a public hearing on the renewal application. If a public hearing on a
11 renewal application is held, notice of such hearing shall be given to the licensee at
12 least ten (10) days prior to the hearing.

13 G. The licensee may appeal any decision of the licensing authority conditionally
14 approving or denying its renewal application to the Town Council in writing within
15 ten (10) days of receiving such decision notwithstanding Section 1-19-13(B) of this
16 Code. Any appeal shall including a written statement of the grounds for such
17 appeal and any adverse effects that may result.

18 H. An appeal to the Town Council pursuant to this Section shall be processed in
19 accordance with Chapter 19 of Title 1 of this Code.

20 I. The Town Council shall approve, conditionally approve, or deny a renewal
21 application within thirty (30) days of the conclusion of the public hearing on the
22 licensee's appeal.

23 4-16-10: SUSPENSION OR REVOCATION OF LICENSE:
24

25 A. A solid waste hauler license may be suspended or revoked for any of the following
26 reasons:

27 1. Fraud, misrepresentation, or a false statement of material fact contained in
28 the license application.

29 2. A violation of any Town, state, or federal law or regulation pertaining to the
30 operation of the business for which the license was issued.

31 3. A violation of any of the terms and conditions of the license.

32 B. The licensing authority shall hold a public hearing to consider whether to suspend
33 or revoke a solid waste hauler license. A public hearing held by the licensing
34 authority pursuant to this Section shall be held in accordance with Chapter 19 of
35 Title 1 of this Code.

2017 SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE

- 1 C. In connection with the suspension of a license, the licensing authority may impose
2 reasonable conditions.
- 3 D. For the purpose of disciplinary action imposed pursuant to this Section, a licensee
4 is responsible and accountable for the conduct of the licensee’s employees, agents,
5 and contractors occurring in connection with the operation of the business for
6 which a license has been issued.
- 7 E. In deciding whether a license should be suspended or revoked, and in deciding
8 what conditions to impose in the event of a suspension, if any, the licensing
9 authority shall consider all of the following:
- 10 1. The nature and seriousness of the violation.
- 11 2. Corrective action, if any, taken by the licensee.
- 12 3. Prior violation(s), if any, by the licensee.
- 13 4. The likelihood of recurrence.
- 14 5. All circumstances surrounding the violation.
- 15 6. Whether the violation was willful.
- 16 7. The number of previous violations by the licensee.
- 17 8. Previous sanctions, if any, imposed against the licensee.
- 18 F. The licensee may appeal any decision of the licensing authority suspending or
19 revoking its license to the Town Council in writing within ten (10) days of
20 receiving such decision. Any appeal shall including a written statement of the
21 grounds for such appeal and any adverse effects that may result.
- 22 G. In connection with an appeal taken to the Town Council pursuant to this Section,
23 Sections A – E of this Section shall apply equally to the Town Council.
- 24 H. No fee previously paid by a licensee in connection with the application shall be
25 refunded if such license is suspended or revoked.

26 4-16-11: REVIEW OF DECISIONS:
27

- 28 A. Any decision of the licensing authority pursuant to this Chapter that is not appealed
29 to the Town Council shall be a final decision of the Town, and may be appealed to
30 the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil
31 Procedure.

- 1 B. Any decision of the Town Council pursuant to this Chapter shall be a final decision
2 of the Town, and may be appealed to the district court pursuant to Rule 106(a)(4) of
3 the Colorado Rules of Civil Procedure.
- 4 C. The applicant's or licensee's (as applicable) failure to timely appeal a decision
5 issued by the licensing authority or the Town Council pursuant to this Chapter is a
6 waiver the applicant's or licensee's right to contest such decision.

7 4-16-12: DESIGNATED DISPOSAL SITE:

- 8 A. The Town designates the Summit County Resource Allocation Park (SCRAP) as
9 the exclusive solid waste disposal site and facility for all solid waste generated
10 within the Town.
- 11 B. All solid waste generated within the Town shall be disposed of only at the Summit
12 County Resource Allocation Park (SCRAP) **unless otherwise expressly**
13 **authorized in accordance with the provisions of this Chapter**; provided,
14 however, that upon request the licensing authority may exempt from this
15 requirement, with or without conditions, a solid waste hauler who primarily
16 transports only ~~one category of~~ **source separated** recyclable material **in**
17 **accordance with the solid waste management goals and requirements of this**
18 **Chapter**.
- 19 C. **If the Summit County Resource Allocation Park (SCRAP) is closed during**
20 **normally scheduled business hours due to a weather event, an official County**
21 **holiday, or other special event, solid waste haulers are authorized during such**
22 **closure to transport and dispose of solid waste in another licensed disposal**
23 **facility in lieu of depositing such solid waste at the Summit County Resource**
24 **Allocation Park (SCRAP)**.

25 4-16-13: PENALTIES; INJUNCTIVE RELIEF: It shall be unlawful and a misdemeanor offense
26 for any person to:

- 27
- 28 A. Fail or refuse to make or file any record, report, or other document required to be
29 made or filed by this Chapter, or to make any false or fraudulent record or report, or
30 any false or fraudulent statement in any such document.
- 31 B. Operate as a solid water hauler anywhere within the Town without a valid solid
32 waste hauler license, or to continue to do business during a period of suspension of
33 such license or after such license is revoked.
- 34 C. Dispose of any solid waste generated within the Town at any location other than the
35 designated disposal site as required by Section 4-16-12.

1 D. Any person convicted of having violated an offense described in this Section shall
2 be punished as set forth in Chapter 4 of Title 1 of this Code.

3 E. If a business is required to have a solid waste hauler license issued pursuant to this
4 Chapter the operation of such business within the Town without a valid solid waste
5 hauler license may be enjoined by the Town in an action brought in any court of
6 competent jurisdiction. In any case in which the Town prevails in a civil action
7 initiated pursuant to this Section E, the Town may recover its reasonable attorney
8 fees plus costs of the proceeding.

9 4-16-14: NO TOWN LIABILITY: The adoption of this Chapter and the issuance of solid waste
10 hauler licenses pursuant to this Chapter shall not create any duty to any person. No person shall
11 have any civil liability remedy against the Town, or its officers, employees or agents, for any
12 damage or loss of any kind arising out of or in any way connected with the issuance of any solid
13 waste hauler license pursuant to this Chapter. Nothing in this Chapter shall be construed to create
14 any liability or to waive any of the immunities, limitations on liability, or other provisions of the
15 Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any
16 immunities or limitations on liability otherwise available to the Town, or its officers, employees or
17 agents.

18
19 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
20 various secondary Codes adopted by reference therein, shall continue in full force and effect.

21
22 Section 3. This Chapter shall be published as provided by Section 5.9 of the Breckenridge
23 Town Charter and shall become effective on April 1, 2017.

24
25 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
26 PUBLISHED IN FULL this ____ day of _____, 2017. A Public Hearing shall be held at the
27 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
28 _____, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

29
30

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich
Town Clerk

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500-319\Solid Waste Hauler Licensing Ordinance_5 (02-07-17)(Second Reading)

2017 SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE

1
2 Exhibit "A"

3
4 Solid Waste Hauling License Self-Certification Form

5
6 **Trash Hauling License**
7 **Self Certification Form**
8

9 **The applicant must initial the items below, complete and sign for self-certification:**

10
11 **Each vehicle operated in the performance of waste hauling services, as licensed**
12 **under Chapter 16 of Title 4 of the Breckenridge Town Code, is insured through a policy**
13 **issued by an insurance carrier or insurer, authorized to do business in the State of**
14 **Colorado, in the sum of not less than \$150,000.00 for damages for or on account of any**
15 **bodily injury to or the death of each person as the result of any one accident, in the sum**
16 **of not less than \$150, 000.00 for damages to the property of others as the result of any**
17 **one accident, and in the total sum of not less than \$400,000.00 for or on account of any**
18 **bodily injury to or the death of all persons and for the damages to the property of others.**
19

20 **Each vehicle operated in the performance of waste hauling services, as licensed**
21 **under Chapter 16 of Title 4 of the Breckenridge Town Code, is maintained in**
22 **road-worthy and good condition and statements one through five below, where**
23 **applicable, are correct and true.**
24

- 25 1. **All compaction and roll-off vehicles designed and used for hauling putrescible (liquid**
26 **containing) wastes are leak proof at all times during operation.**
27
28 2. **All compaction vehicles are regularly maintained to ensure that compaction blades**
29 **move freely, hopper plugs and seals are in place, in good condition (not cracked), and**
30 **are leak proof.**
31
32 3. **Only vehicles designed to haul putrescible (liquid containing) wastes are used for this**
33 **purpose. Regular pickups and flat bed vehicles are only used to haul dry wastes.**
34
35 4. **All open-bed or open-top vehicles are provided with a tarpaulin of sufficient size to**
36 **cover all loads entirely, and to be used whenever waste is being transported to avoid**
37 **littering or loss of load onto the highway.**
38
39 5. **If vehicles have sideboards or a tailgate, these components are constructed of**
40 **permanent materials.**
41

42 **I have completed the information being submitted above for compliance with Chapter 16 of**
43 **Title 4 of the Breckenridge Town Code and, based on information and belief formed after**
44 **reasonable inquiry, I certify that the statements and information contained in this submittal**
45 **are true, accurate and complete.**
46

1 **I am aware that failure to provide true and accurate and complete information on this**
2 **self-certification form constitutes a violation of Chapter 16 of Title 4 of the Breckenridge**
3 **Town Code, and is punishable by a fine of not more than two thousand six hundred fifty**
4 **dollars (\$2,650.00) as adjusted pursuant to Section 13-10-113(1)(b), C.R.S.; by**
5 **imprisonment not to exceed one (1) year; or by both such fine and imprisonment, for each**
6 **separate violation and may also result in the suspension or revocation of my license.**
7

8 **Name and Address of Hauling Company:**
9

10 _____
11 _____
12 _____
13 _____
14 _____
15 _____

16
17
18 **Authorized Signature:** _____
19

20 **Title:** _____
21

22 **Printed Name:** _____
23

24 **Date:** _____
25
26
27
28
29
30
31
32

1 Exhibit "B"

2
3 List of Materials Designated As Recyclables

4
5 Materials may be collected in single stream or source separated form from residential
6 customers covered by this ordinance and shall include the following:

- 7
8 1. Materials: Aluminum cans, tin/steel cans, cardboard (OCC), paperboard, newspaper,
9 magazines, catalogs, junk mail, office paper, and plastic containers #1 and #2 (may be
10 collected separately or comingled in a single container.
- 11
12 2. Glass: If glass is collected, it shall be collected in a separate container or stream and
13 volumes tracked separately.
- 14
15 3. Other Materials: Any other materials collected as recyclable shall be collected in
16 source-separated containers.



OFFICE OF THE COUNTY MANAGER

970.453.3438 ph | 970.453.3535 f
www.SummitCountyCO.gov

208 East Lincoln Ave. | PO Box 68
Breckenridge, CO 80424

February 6, 2017

Mr. Rick Holman, Town Manager
Town of Breckenridge
PO Box 168
1 Ski Hill Road
Breckenridge, CO 80424

Dear Mr. Holman,

As the County and Towns have considered adoption of Disposal Site Designation ordinances, various technical, financial and policy questions have arisen through the public process. This letter addresses some of the primary questions that we have received.

What has SCRAP done to reduce costs and mitigate the revenue loss that has occurred?

When Timberline Disposal first announced the possibility of building a transfer station in Clear Creek County in 2012, our staff immediately began an aggressive re-evaluation of the various functions and operations of the SCRAP, including how we could reduce expenses. We undertook this analysis not knowing whether Timberline's proposed transfer center in Clear Creek would ever come to fruition. At that time, the County also sent an official letter (attached) to the owners of Timberline, letting them know in very clear terms that we were actively considering a flow-control policy, among other measures, in response to their proposal.

In March 2012, at the direction of the Summit County Commissioners, our staff established the Summit County Zero Waste Task Force, a communitywide stakeholder group comprised of commercial haulers, local Town elected officials, County and Town staff, HC3 staff, resort staff and members of the general public. This group was charged with providing input, identifying strategies and developing plans for SCRAP operations that would serve the needs of the public, the environment and the haulers. This included seeking cost efficiencies, improved operational efficiencies and new revenue opportunities (including grants) for all aspects of day-to-day operations for the landfill, recycling and composting programs. We contracted Laurie Batchelder Adams, past International President of the Solid Waste Association of America (SWANA), to facilitate the group's work from April 2012 through November 2013¹. During this process, the group helped develop a waste and recycling vision for the community, including answers to the question, "How can we continue to pay for a system that relies on trash revenue when we're trying to reduce trash?"

During this period, Summit County staff continued holding smaller meetings with the haulers to discuss SCRAP operations and policies vis-à-vis their business operations. Timberline Disposal encountered several substantial roadblocks in its efforts to gain approval for a transfer-center site in Clear Creek, and by all accounts, the project lost momentum. We did not learn that the transfer-center was moving forward until Spring of 2016, and did not know if Timberline intended to transport Summit County trash to the Silver Plume site until June, 2016. At that time we evaluated our revenues and expenses, made adjustments including a hiring freeze and deferring capital projects, and began our outreach within the community

¹ The Zero Waste Taskforce was reconvened in 2014 to address problems associated with glass contamination of other recyclable materials and damage to recycling equipment from glass. Following passage of Disposal Site Designation ordinances in local jurisdictions, the County would reconvene the ZWT to provide guidance on SCRAP operations and finances under the new policy.

regarding our options and intentions to pursue the Disposal Site Designation ordinance.

Based on the work of the Zero Waste Task Force, and continued diligence by SCRAP staff and County leadership, SCRAP has implemented the following cost-savings measures:

- Revised equipment replacement program: SCRAP extended the programmed lifecycles of our most costly equipment (compactor, bulldozer, loaders, etc.). Previously, SCRAP had been replacing equipment at end of warranty, typically at an equipment age of 5 years. The warranty-based lifecycle minimized maintenance and repair expenses and also reduced the operating risks associated with equipment breakdowns. Extending the replacement lifecycle beyond the warranty period has significantly reduced capital costs associated with equipment replacement. We also began utilizing lease-purchase agreements to minimize the need to set aside funds for equipment purchases and to take advantage of historically low interest rates.
- Use of GPS technology to guide compaction work by heavy equipment operators: GPS technology allows us to maximize compaction of waste placed in the landfill, while minimizing use of equipment time. It also ensures that we are maximizing the use of the existing landfill storage space. Both of these efforts help to extend the life of the landfill and the periods of time between large capital construction expenses.
- Outside expertise for long-range plans: SCRAP engaged an engineering consultant to evaluate our existing long range operating plan. A new long range plan was prepared that maximized the use of existing waste storage and spread the construction of new landfill storage space over a 40-year period as opposed to the 10-year period described in the previous plan. The construction of landfill storage is a significant capital cost for SCRAP. By spreading this expenditure over a longer period of time, we are able to minimize the budgetary burden of these costs, thereby allowing us to keep our waste disposal fees lower than they otherwise would be. SCRAP fees have not been increased since 2010, and it is our intent to reduce fees effective April 1, 2017, should disposal-site-designation ordinances be adopted by the majority of our local communities.
- Mulch as cover: We sought and received approval from Colorado Department of Public Health and Environment (CDPHE) to use a mulch material rather than soil as our required daily cover of solid waste in the landfill. This change maximizes the use of storage volume in the landfill, thereby reducing costs associated with constructing storage space.
- In-house environmental monitoring: We in-sourced much of our environmental monitoring and reporting by utilizing properly trained SCRAP staff rather than external consultants, thereby eliminating the associated costs.
- Snow storage: We sought and received permission from CDHPE to receive snow at SCRAP. This has created a new revenue source that has very little associated operating cost.
- Soil disposal: We began accepting clean soil from construction contractors for use as our required weekly soil cover of the landfill. This has eliminated the costs associated with mining soil on-site for this purpose.
- Privatization of County recyclables collection: We eliminated the use of staff time and equipment for the collection and hauling of recyclable materials from County facilities and other facilities. We found private sector haulers could provide this service more cost effectively than SCRAP could. Eliminating this area of our operations allowed us to divest of the associated equipment and better focus staff resources on SCRAP operations.
- Bottle to Bottle program: We eliminated the acceptance of single-stream recycle loads containing glass. Eliminating the handling of material containing glass significantly reduced costs associated with

wear and tear on MRF equipment and also created higher revenue from sale of recycle commodities. Not only were revenues higher, but the reduction in contamination to other recyclables significantly increased the volume of material that was ultimately recycled.

- MRF optimization: We optimized the operation of the existing Materials Recovery Facility to provide processing of single stream recycle materials rather than expending funds to convert to a true single stream facility. This includes utilizing trustees from the Summit County detention facility to sort materials.
- Hauling privatization: We partnered with a commercial trucking company that was making frequent empty truck trips along the I-70 corridor to back-haul our recyclable materials to Front Range buyers. This provided a significant reduction in cost, as compared with SCRAP hauling the material with our own staff and equipment.
- Heating upgrade: We recently upgraded the heating system in the MRF to greatly improve energy efficiency, thereby reducing operating costs.
- Compost program: We implemented a composting operation to divert wood and organic materials from being buried in the landfill, maximizing the use of landfill space. The composting operation is financially self-sustaining and has resulted in over 50,000 tons of material being put to beneficial use rather than being landfilled. That volume alone is the equivalent of more than one year of trash from the entire county.
- Open vacancies: Since June 2016, we have reduced personnel expenses by allowing vacant positions to remain open.
- Grants: We have pursued available grant opportunities to help defray the cost to the operation:
 - CDPHE grant funding to provide education and outreach, including advertising and research of market availability, compost operations and rebates. Over the past few years, HC3 and County staff have received over \$150,000.
 - CDPHE grant funding to support Free Recycle Drop off Centers (\$10,000 annually).

Does paying off debt service in the next few years affect or lessen the need for disposal site designation?

No. A large portion of debt service will be retired in 2017, but the expense reductions provided by retiring this debt service are a fraction of our lost revenue. The funds saved through debt service retirement are required for investment in the deferred capital spending that has occurred and future capital expenditures and should not be used to offset day to day operating costs.

Is there any reason to hope that there may actually be some cost savings or other benefits to residents and businesses as a result of this ordinance?

Yes. Adoption of the ordinance will provide SCRAP with a reasonably predictable revenue stream and economy of scale that should allow for the solid waste disposal fees charged by SCRAP to be reduced. The County will begin the public-hearing process to adjust fees this month, and staff will recommend that, in the event of widespread adoption of the ordinance, tip fees be reduced from \$60/ton to \$58/ton for municipal solid waste (MSW, or trash that's collected in a compactor truck) and from \$78/ton to \$72/ton for construction and demolition waste (C&D, or trash that's collected loose in a roll-off container). The ordinance does not set the fees charged to consumers by haulers, but by lowering the fees charged to haulers by SCRAP, we would expect the cost savings to be passed on to consumers.

The Summit County area is served by multiple solid waste haulers competing with each other for market share. The ordinance will create a level playing field for these haulers with respect to landfill tipping fees, potentially resulting in more robust waste-hauling price competition in our market. Additionally, this level

playing field may attract other haulers to our area, leading to further price competition.

Has there been any input from other haulers and their customers?

County staff has received positive comments on the proposed ordinance from several of the locally operating haulers. They recognize that the ordinance creates a level playing field in terms of solid waste disposal costs, and this will allow smaller, locally owned haulers to compete evenly with the larger regional and national corporations. The Summit Daily News conducted a public discussion forum on this topic on December 2, 2016, which was very well attended by Summit county residents and members of the local business community. It was apparent at the forum that there is strong support for recycling and continued compliant landfill operations among residents of the county, both of which are supported by adoption of the ordinance.

The primary input received from haulers has been concern over the current SCRAP operating-hour window. In response, the County is proposing to extend SCRAP operating hours for haulers to a window of 6 a.m. to 6 p.m., Monday through Saturday. And we will work with haulers on an ongoing basis to evaluate the facility schedule. We'll be able to offer this extended operating schedule at no additional labor cost by staggering work schedules for currently authorized staff.

What other alternatives to the ordinance have been considered?

We could increase tipping fees at the landfill, but that would likely drive additional haulers to take trash out of the county, further reducing landfill revenues, continuing a financial downward spiral. This would likely force another round of landfill fee increases and/or operational/hours cuts that would continue to reduce the amount of trash (and therefore revenue) we receive. And encouraging waste to be disposed of at Front Range landfills does not comply with our waste diversion goals.

We have also considered implementing fee collection at the community recycle drop-off locations. Doing so would significantly increase staffing costs, and we do not believe that the additional revenue received would cover these increased costs. Furthermore, we believe that this fee implementation would lead to a reduction in recycling that would be a direct conflict to our goal of moving toward zero-waste.

We have looked at service reductions, including closing the recycling drop-off centers and cutting funding to HC3 for waste-diversion education and outreach. But we heard strongly from the public that these services are highly valued and should not be reduced. Furthermore, such cuts would conflict with our own overarching waste-diversion goals.

Privatization of the landfill has been discussed, and in fact the County has utilized this model in the past. It was found to be financially inefficient, and protection of public and environmental health was inadequate.

There has been support expressed by the public to pay for recycling through a tax, and we will explore the level of community support this spring. But merely eliminating the recycling subsidy would not offset the loss of trash revenue. We would still fall short in funding the ongoing operations and capital investment required for the landfill.

Why don't we just close the landfill?

We can look to Grand County to see the impact of that approach. Grand County's landfill was forced to close, and as a result, tipping fees are about \$95/ton. The cost to haul trash may be marginally viable as long as fuel prices remain relatively low and Front Range landfill tipping fees do not increase. But fuel prices will eventually increase, and as CDPHE enforces compliance standards, Front Range tipping fees are likely to

increase. In addition, with our winter weather and frequent traffic delays to and from the Front Range, it is important that haulers have a local disposal alternative. As the cost of hauling trash outside the county increases, those costs would likely be passed along to the consumer.

What safeguards are in place to ensure that the County doesn't raise fees or reduce hours arbitrarily?

SCRAP is operated as a public enterprise in the same way that many of the Towns operate their utilities. Like other public utilities, changes to the operations and fees must be approved through a public hearing process. As with all public enterprises, there are regulations preventing the County from collecting fees that are in excess of those necessary for the sound operation and capital needs of the enterprise. The County has a demonstrated track record of prudence in operating SCRAP, and fees have not been increased since 2010. As described above, we believe that widespread adoption of the ordinance will create financial conditions that will allow fees to be reduced, and the County is committed to pursuing all reasonable fee reductions.

The ultimate safeguard is that each Town will always have the ability to revoke its own ordinance. Without broad implementation of the ordinance across jurisdictions, the finances at SCRAP will again falter. Therefore, the County has great motivation to operate SCRAP and set pricing in a way that serves the community and the haulers well.

The County understands that the Town councils strongly desire to monitor the outcome of the ordinance. Accordingly, the County proposes to conduct annual work sessions with each jurisdiction to discuss SCRAP financials, diversion rates, operations and fees. These sessions would also include discussion of the community's progress toward zero-waste goals and alternative approaches to funding recycling.

If you have any questions about any of the information I've presented, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Scott Vargo". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott Vargo, County Manager

Attachments:

- Letter to Timberline Disposal, dated February 24, 2012
- Master letter to Zero Waste Taskforce stakeholders, dated March 2012



OFFICE OF THE COUNTY MANAGER

970-453-2561
fax 970-453-3535
Post Office Box 68
208 East Lincoln Avenue
Breckenridge, Colorado 80424

February 24, 2012

Timberline Disposal, LLC
PO BOX 1627
Dillon, CO 80435

Dear Mssrs. Romine and Whitmer,

As you are aware, Summit County Government has been exploring a number of options to promote our solid waste management goals and sustainability objectives at our solid waste facility in a prudent, cost effective manner. Towards that end, we have met with you several times over the past few months in an effort to get your ideas on potential solutions and determine the impacts to your company and other solid waste haulers in the County of those various solutions. As we explained to you at our meetings on October 11, 2011, and again on January 19, 2012, one of the possible tools available to the County is commonly referred to as "flow control," which would require that most of the solid waste generated within Summit County be disposed of at the Summit County landfill.

During our meetings you stated that your company was looking into the feasibility of developing a trash transfer facility/dirty MRF to redirect solid waste from Summit County to the Front Range. We have also noted a Clear Creek County newspaper's recent article that your company has received certain approvals from the Town of Silver Plume for the development of a transfer facility. I am writing you to confirm Summit County's prior outreach efforts and your knowledge of our ongoing efforts to change Summit County's solid waste management policies. I also want to reiterate our belief that if the County does enact a flow control ordinance, it would likely affect the business model you are considering in your development of a Front Range transfer/disposal facility for Summit County solid waste.

We will continue to look at a variety of options to resolve the issues we are facing, and towards that end we will seek your input individually and as members of a stakeholder group within Summit County designed to develop alternatives that best meet the needs of our community. We hope to have these matters resolved in the near future so that you have the information necessary to make informed business decisions. However, it is quite possible that our discussions with the stakeholder group and the various town councils may occur over the next few months, culminating in the adoption of a plan that will help us accomplish the overall goals of a well-integrated solid waste program for our area. You are obviously free to pursue those business models or facilities as your deem appropriate but we simply want to ensure there

is no misunderstanding regarding the very real possibility that trash from Summit County will be subject to a flow control ordinance in the near future, which may or may not impact your overall business model.

Thank you for your involvement in helping with this effort. We look forward to developing a plan for our County that has the best interests of the public, our businesses and the environment at the forefront.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thaddeus J. Noll', with a long horizontal flourish extending to the left.

Thaddeus J. Noll
Assistant County Manager



OFFICE OF THE COUNTY MANAGER

970-453-2561
fax 970-453-3535

Post Office Box 68
208 East Lincoln Avenue
Breckenridge, Colorado 80424

March 15, 2012

(To whom it may concern),

Summit County is in the process of developing a stakeholder group to provide direction for our recycling and solid waste reduction programs going into the future. The goal of the facilitated stakeholder process will be to develop a vision for recycling and waste diversion programs for our community over the next 5-10 years, along with ideas and recommendations on how best to fund those programs.

As some of you may know, our current business model in solid waste uses funds from “tipping fees” from trash going to the landfill to help pay the cost of our many recycling programs. This model worked quite well for many years as trash volumes continued to climb even as we worked hard to provide more recycling / diversion programs to help curb that growth. The economic downturn resulted in significantly reduced trash volume and also made it very clear that this model is destined to fail because success in the area of waste reduction means decreases in funding for the very programs that helped reduce the waste. With a long term goal of reducing trash and increasing recycling and other diversion programs such as composting organic waste, we need a new model that will work into the future and is tailored to the unique attributes of our Summit County community.

Toward that end, we would like to invite you to participate in the process, which is expected to take about 4-6 meetings over the next few months. The first meeting will be held on April 25th at 5:30 pm in the Freemont Room of the Community & Senior Center in Frisco, and is expected to last about 2 hours. Future meeting times and dates will be determined by the group. We value everyone’s input and would like to know how your organization sees our future in this area.

Thank you for your help in this vital community issue.

Sincerely,

Thaddeus J. Noll
Assistant County Manager

Summit County Resource Allocation Park
970-468-9263x0, fax 468-9304
Hours of Operation: M-F 7:00 am – 4:00 pm*
Saturdays 7:00 am-noon Closed Sundays

Holiday Closures: New Years Day, Mem. Day,
July 4, Labor Day, Thanksgiving, Christmas,
early closure Christmas Eve

*With possible wind or lightening closures – call to check
 must be unloaded & out the gate by posted closing time or double charges will apply.

*All hand unloaders need to be in 30 min. prior to closure each day. All customers
<http://www.SummitCountyCO.gov> For more information

2016 TIPPING FEES (updated 8/18/2016)

Effective 1/1/16 additional \$1.17/ton surcharge applied to all trash/landfill items collected under C.R.S. 25-16-104.5 and 6 CCR 1007-2 1.7 \$.26/ton Contaminated Soil Surcharge

Car Minimum 0-300 lbs	\$20.00	Tires – With or Without Rim (ea)	
Truck Minimum 301-1000 lbs	\$35.00	23 inches & under	\$10.00
Commercial compacted trash	\$60.00/ton	24 inches & over	\$40.00
Loose tonnage	\$78.00/ton		

Each load is an isolated material.

Asphalt (no rebar or mesh)	\$30.00/ton	Minimum charge	\$30.00
Concrete (no rebar or mesh)	\$30.00/ton	Minimum charge	\$30.00
**Clean Structural fill (size 1ft minus)	\$Free if qualifies	Minimum charge	\$ 0.00
**Top Soil (size 1 ft minus)	\$Free if qualifies	Minimum charge	\$ 0.00
Contaminated Soil (& addtl admin chg)	\$78.00/ton	Minimum charge	\$15.00
**Scrap Metal	\$40.00/ton	Minimum charge	\$20.00
**Wood Waste Construction	\$30.00/ton	Minimum charge	\$30.00
**Wood - Slash	\$10.00/ton	Minimum charge	\$10.00
*Wood – Clean Stumps- defined pg 2	\$31.00/ton	Minimum charge	\$15.00
Wood Chips	\$ 5.00/ton	Minimum charge	\$ 5.00
MRF SingleStream adjusted quarterly		Minimum charge adjusted qtrly	
MRF Items source separated	FREE	Appliances (up to 2 - \$ 10 ea)	\$10.00
		3 appliances & up – charged as scrap metal	

All cooling units must have proper documentation that the coolant has been removed by a certified technician and provided at check in.

*****Effective 1/1/2015 – Safety 1st Program for Summit Electronic Waste, Household Hazardous Waste (Paint, etc) Fluorescent Bulbs – Free for Summit County Residents – Proof of Residency Required. Pricing applies for Residents outside of Summit County**

*****Large quantities of these materials can require appointments, see page 2 for guidelines**

Minimum charge in HHW	\$ 15.00	CPU,monitor,laptops,dvd,vcr (ea)	\$ 9.00
HHW (paint, etc) Residential	\$ 4.00/gallon	TV's large printers & scanner (ea)	\$20.00
HHW (paint, etc) Commercial	\$ 6.00/gallon	Large commercial loads of e-waste & TV's	
Ballast NoPCB\$4.00 ea PCB \$6.00ea – bulbs \$.50/1.00		26" & > charged at \$0.50 lb.	

Organic Material

Biosolids	\$33.00/ton	Minimum charge	\$15.00
***Food Scrap, contaminant Free	\$31.00/ton	Minimum charge	\$15.00
*Green Yard Waste	\$31.00/ton	Minimum charge	\$10.00
*Manure (no dirt, rocks, trash)	\$31.00/ton	Minimum charge	\$10.00

*Not accepted: dirt, rocks, bags, noxious weeds, dog waste, wood or slash for this material. Compost products for landscaping now available for retail sales – small & large quantity pricing available. Ask for pricing. Topsoil blends not guaranteed to be weed or seed free. ***Food Scrap requires prior approval arrangements.

All loads must be covered – double charge for uncovered loads. Accepted payment – cash or check with proper identification, credit cards accepted. There is a 75 cents charge & 2.25% convenience fee added to your total to pay with your credit or debit card.

****See more specific information on page 2**

**Criteria for structural fill – Contains no organic material, no trash, & is free of mud and/or excess moisture. Size – 1 ft. minus. Any material that does not meet the above requirements will be charged the current rate for trash along with applicable surcharges.

**Criteria for topsoil – Contains no trash, & is free of mud and/or excess moisture. Size – 1 ft. minus. Any material that does not meet the above requirements will be charged the current rate for trash along with applicable surcharges.

** Scrap metal – no contaminants - barbed wire, chicken wire, or rolled fencing, rebar, cable, brake shoes or pads, propane or fuel tanks. Barrels only accepted with lids off or cut open.

**Slash & Wood - Construction wood must be separate loads for lower rates – Raw, dimensional lumber only - no treated, creosoted, painted or stained lumber in construction wood. Plywood and OSB no longer accepted at construction wood rate- No metal hardware. No trash or other construction debris in load. Pallets without metal strapping or other contaminants are ok. No tree slash or stumps. Stumps must be separated from slash.

Beginning 7/1/11 we have instituted a lower rate for clean, isolated stump loads. No dirt, rocks, or additional logs or slash can go into the dedicated stump pile, CLEAN STUMPS ONLY. The price is \$31.00/ton. Loads will be inspected, & contaminated loads will be charged at the loose trash rate, along with applicable surcharges and additional hauling fees.

**Chip product – There is a 2-inch maximum size requirement to qualify for the chip price. The price defaults automatically to the slash rate if product does not meet these criteria. Also, no contamination in the load – no trash, limbs, log ends, rocks or dirt.

***Colorado Law, SB 12-133 bans landfill disposal of certain electronics waste from all sources, even residential. Effective 7/1/13. This facility does have a fee based collection service & uses certified R2, E-Steward recycling companies. Items include: television sets, central processing units, computer monitors or peripherals, printers or fax machines, laptops, notebooks, ultra & net books, tablets, dvd, vcr players, video display screens > 4 inches. C.R.S. Title 30, Article 20, Part 1 and 10. CRS Title 25 Article 17 Part 3

Quantities that require appointments: 50 gallons or more of HHW, 30 Ewaste units (cpu,tv,monitors, etc), & more than 50 fluorescent bulbs in a given delivery. Please call 970-468-9263x0 for scheduled appointment.

Dig outs - \$60.00

Contaminated Soil Analyses will require additional admin charges – to be determined case by case

Special handling rates may apply for any special equipment or handling needs - \$60.00 per 15 minutes.

Asbestos free sampling inspection reports signed by a certified engineer are required 14 days in advance of estimated delivery date for all building demolition projects including mobile home demolition. This includes abatement manifests for any material outlined for special handling in the report. Reports should be faxed to 970-262-3626, Neither friable nor non-friable asbestos is accepted at this facility. Call 970-468-9263x0 for more information.

MEMORANDUM

OPEN SPACE & TRAILS

To: Town Council

From: Open Space & Trails Staff

Date: February 14, 2017

Re: Coyne Placer Valley Lot B Encroachment Easement – 2nd Reading



The Town of Breckenridge and Summit County jointly purchased the 11.62-acre Coyne Placer Valley Lot B in May 2016. It was recently discovered that a water well, thought to be located on an adjoining lot, is actually located on open space property. A new survey, attached, shows a well located approximately 15 feet over the property boundary. The well serves adjoining Lots 3, 4, and 5.

Summit County has been working with the homeowners of Lots 3, 4, and 5, who have formed a well association, and has drafted a perpetual easement agreement for continued use and maintenance of the well. Because the granting of an easement represents a perpetual property right, the Town requires approval via ordinance.

Town Council introduced the encroachment issue and approved the easement ordinance on first reading at its January 24th meeting. The ordinance for the second reading is attached. There are no changes to the ordinance from first reading.

1 ***FOR WORKSESSION/SECOND READING – FEB. 14***

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

4
5 COUNCIL BILL NO. 3

6
7 Series 2017

8
9 AN ORDINANCE AUTHORIZING THE GRANTING OF A WELL EASEMENT TO THE
10 LOWER COYNE PLACER VALLEY WELL ASSOCIATION

11
12 WHEREAS, the Lower Coyne Placer Valley Well Association has requested the granting
13 of a well easement over, across, and through certain real property jointly owned by the Town and
14 Summit County government; and

15
16 WHEREAS, Summit County government has determined that it should grant the
17 requested easement; and

18
19 WHEREAS, the Town Council of the Town of Breckenridge has determined that it also
20 should grant the requested easement; and

21
22 WHEREAS, the Town Attorney has informed the Town Council that, in his opinion,
23 Section 15.3 of the Breckenridge Town Charter requires that granting of such easement be
24 authorized by ordinance.

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

28
29 Section 1. The Town Manager is hereby authorized, empowered, and directed to execute,
30 acknowledge, and deliver to the Lower Coyne Placer Valley Well Association a well easement,
31 in substantially the form which is marked **Exhibit “A”**, attached hereto, and incorporated herein
32 by reference.

33
34 Section 2. The Town Council hereby finds, determines and declares that it has the power
35 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
36 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

37
38 Section 3. This ordinance shall be published and become effective as provided by
39 Section 5.9 of the Breckenridge Town Charter.

40
41 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
42 PUBLISHED IN FULL this ____ day of _____, 2017. A Public Hearing shall be
43 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
44 ____ day of _____, 2017, at 7:00 P.M., or as soon thereafter as possible in the
45 Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

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COYNE VALLEY WELL EASEMENT

This COYNE VALLEY WELL EASEMENT is made and entered into as of this 12th day of December, 2016, by and between the Board of County Commissioners of the County of Summit, State of Colorado, whose address is P.O. Box 68, Breckenridge, CO 80424 and the Town of Breckenridge, Colorado whose address is P.O. Box 168, Breckenridge, CO (hereinafter collectively referred to as “Grantor”) and the Lower Coyne Placer Valley Well Association whose address is P.O. Box 3184, Breckenridge, CO 80424 (hereinafter referred to as “Grantee”).

RECITALS

1. The Grantor owns a parcel of real property known as Parcel B Coyne Placer Valley Subdivision, located in Section 24, Township 6 south, Range 78 West of the 6th P.M., County of Summit, State of Colorado (“Property”).
2. An existing well and 1 inch water line serving the Grantee is located on the Property, and the Grantee wishes to continue access and maintenance to the existing well and water line.
3. For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor has this date bargained, conveyed, delivered, transferred and sold, and by these presents does bargain, convey, deliver, transfer and sell to Grantee, its successors and assigns a perpetual easement in the location described and depicted on Exhibit A (“Well Easement”) attached and incorporated herein, in, under, and across the Property.
4. The easement is granted for the purpose of providing for the continued operation and maintenance of the well and water line located on the Property, together with the full right and authority of Grantee, its successors, licensees, lessees, contractors or assigns and its and their agents and employees to enter at all reasonable times upon the easement premises to repair, remove, replace, reconstruct, inspect, improve, and maintain such well, water line, and associated infrastructure in substantially their current location, design and configuration.
5. Grantee shall exercise the rights herein granted to it with due care and all damage to the Property occurring hereunder shall be paid for or repaired at the expense of the Grantee. Should Grantee disturb the surface of the lands encumbered by this Coyne Valley Well Easement during the exercise of the rights granted hereunder, Grantee shall restore the surface of the Well Easement and/or the Property to a state that is substantially equivalent to its original level and condition. Grantee shall revegetate the disturbed surface area with native grasses, and Grantee shall be responsible for restoration of landscaping or any other improvements. Grantee shall bear all costs of ensuring that no infestations of noxious weeds occur on Grantee disturbed areas.

6. Grantee shall indemnify, hold harmless and defend the Grantor, its successors and assigns, from and against any claim or liability including court costs arising from acts or omissions of the Grantee, its officers, employees, agents, contractors or subcontractors, in connection with the use authorized by this Coyne Valley Well Easement. Grantor does not waive and reserves all protections available under the Governmental Immunity Act, § 24-10-101 C.R.S., et seq., or any other provision of law.
7. In the event Grantee shall abandon its right herein granted or ceases to use the Well Easement for the purpose for which it was intended for a period of two years, all right, title, and interest hereunder of the Grantee shall cease and terminate and Grantor shall hold said premises, as the same may then be, free from the rights so abandoned.
8. Upon the abandonment or the termination of the easement by the Grantee, Grantee shall within a reasonable time remove all of its structures and improvements located on the Property and shall restore the Property to its natural condition, unless otherwise agreed to in writing by the parties.
9. Grantee, its employees, agents, and contractors, shall comply with all applicable laws, rules, regulations, or ordinances in the exercise of any rights granted hereunder.
10. Venue for any dispute regarding this Coyne Valley Well Easement or the Property shall be proper only in the District Court for Summit County, Colorado.
11. This Easement does not and shall not be deemed to confer upon or grant to any third party any right to claim damages or to bring any lawsuit, action or other proceedings against either party because of any breach hereof, or because of any terms, covenants, agreements or conditions contained herein.

WHEREFORE the parties have executed this Easement as of the date first stated above.

GRANTOR:
BOARD OF COUNTY COMMISSIONERS
Of the County of Summit, State of Colorado

By: _____
 Thomas C. Davidson, Chair

STATE OF COLORADO)
) ss.
 COUNTY OF SUMMIT)

The foregoing was acknowledged before me this ____ day of _____, 2016 by Thomas C. Davidson, as Chair of the Board of County Commissioners of Summit County, Colorado.

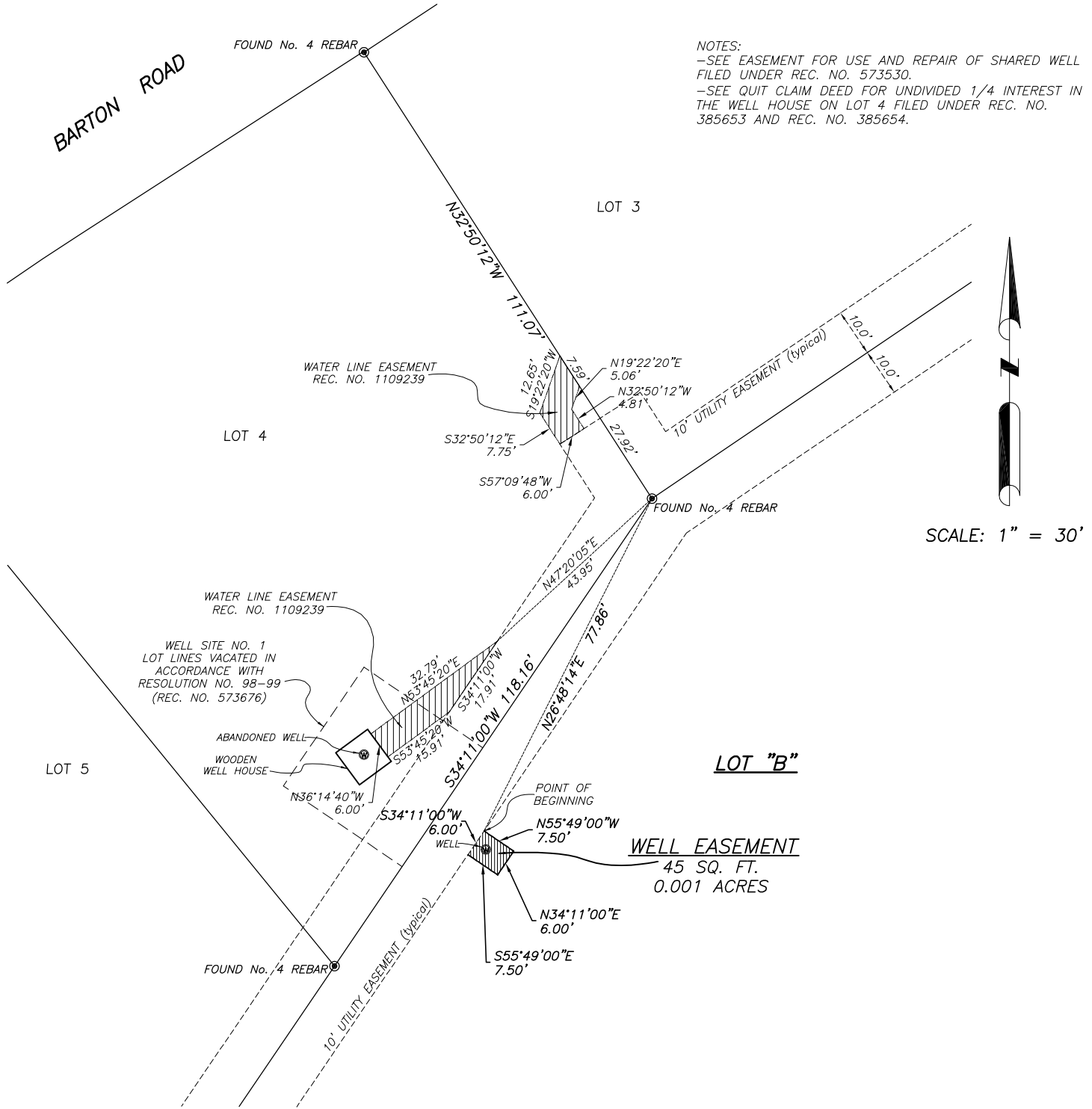
The foregoing was acknowledged before me this ___ day of _____, 2016 by Lisa LaRue, as Manager of the Lower Coyne Placer Valley Well Association.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT A
LOT "B", COYNE PLACER VALLEY,
COUNTY OF SUMMIT, STATE OF COLORADO



LEGAL DESCRIPTION

A Well Easement on Lot "B", Coyne Placer Valley, County of Summit, State of Colorado, being more particularly described as follows:

Beginning at point on the east line of the 10' utility easement of said lot "B", whence the NE corner of Lot 4 bears N26°48'14"E 77.86'; thence along the 10' utility easement line, S 34°11'00" W a distance of 6.00'; thence S 55°49'00" E a distance of 7.50'; thence N 34°11'00" E a distance of 6.00'; thence N 55°49'00" W a distance of 7.50' to the point of beginning. Described easement contains 45 square feet or 0.001 acres more or less.

I, MATTHEW J. WENTZ, A COLORADO REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND EXHIBIT DRAWING IS BASED ON A SURVEY MADE BY ME AND UNDER MY SUPERVISION, AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY.



MATTHEW J. WENTZ, P.L.S. 37719

SUMMIT
LAND SURVEYING, INC.

P.O. BOX 24212
 SILVERTHORNE, CO 80497
 970-513-0156

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

SCALE: 1" = 30'	DATE: 12/05/16	JOB NO. 151394
DRAWN BY: MJW	CHECKED BY: MJW	DRAWING NO. 151394EX-47-

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: February 8, 2017

Re: Planning Commission Decisions of the February 7, 2017, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF February 7, 2017:

CLASS C APPLICATIONS:

1) Lincoln Park Master Plan Modification (JP) PL-2016-0617, TBD Bridge Street
Amend the approved Lincoln Park at the Wellington Neighborhood Phase II, Master Plan Modification (PC#2014038) with a minor master plan modification. Primary modifications include the removal of bus stops on Bridge Street, detail on the one-lane/two-way bridge added, slight shift of Bridge Street alignment in Phase 4, four unit model changes in Phases 3 & 4, and changes to the master plan notes for clarification on Carriage Houses and Bonus Rooms. There is no change in the previously approved density or uses. *Approved.*

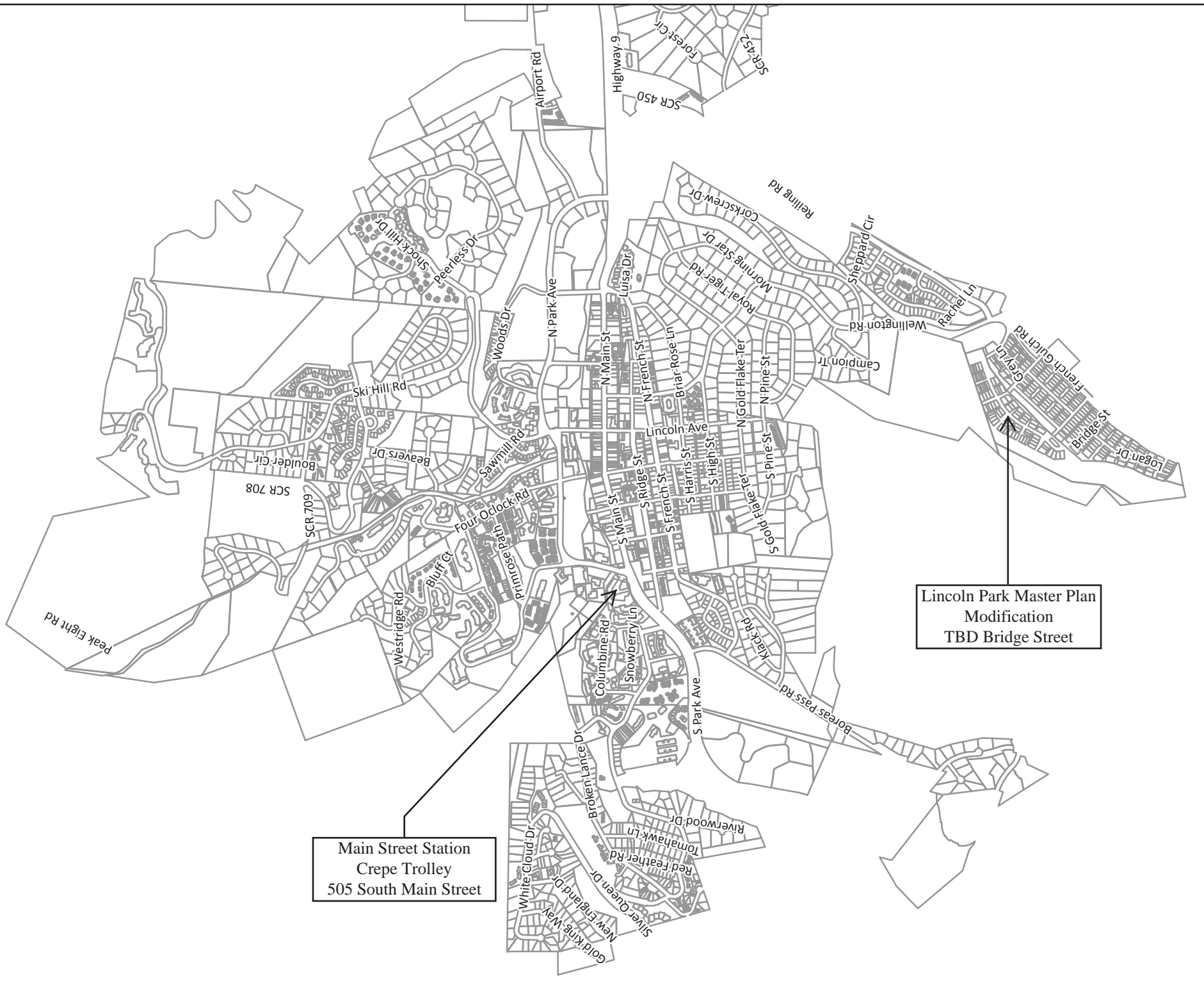
CLASS B APPLICATIONS:

1) Main Street Station Crepe Trolley (MM) PL-2017-0009, 505 South Main Street
Utilize custom food vendor “Crepe Trolley” in the common area plaza of Main Street Station Grand Central Breckenridge Houses East and West. *Approved.*

CLASS A APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.



Main Street Station
 Crepe Trolley
 505 South Main Street

Lincoln Park Master Plan
 Modification
 TBD Bridge Street



printed 3/25/2016
 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.

Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 6:00 pm by Chair Schroder.

ROLL CALL

Mike Giller Christie Leidal Ron Schuman
Jim Lamb Steve Gerard Dan Schroder
Gretchen Dudney was absent.

APPROVAL OF MINUTES

Mr. Giller: On page 4, please change “the combination of material and its cumulative effect” to “the combination of materials (masonry, fenestration pattern and open cornice) and its cumulative effect”

With no other changes, the January 17, 2017, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the February 7, 2017, Planning Commission Agenda was approved.

CONSENT CALENDAR:

1) Lincoln Park Minor Master Plan Modification (JP) PL-2016-0617, TBD Bridge Street

Commissioner Questions / Comments:

Mr. Schuman: I like that we kept vehicle passage on Bridge Street. What Phase are we on for construction?
(Courtney Kenady, Applicant: Finishing phase 1 and starting phase 2)

Mr. Schroder asked audience members if anyone would like to speak on this item. If so, the Planning Commission would call it off the consent calendar and conduct a hearing. With no audience members interested in speaking, Chair Schroder asked if any Commissioners were interested in a call-up.

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

TOWN COUNCIL REPORT:

Ms. Puester presented. Council is moving forward with new water treatment plant which the Commission will see as a Town Project. Solid waste collection ordinance passed on first reading. Changes were made to accommodate haulers schedules. The Council also approved Recreation Center expansion. Mr. Grosschuesch: There was a comments from the school regarding concern about kids walking from the Breckenridge Elementary to the library. French Street is close by and has a sidewalk but kids tend to take the quickest route. Town Staff will look at options. Asked about an alternative location for snow sculpting. Denison Placer will also be moving forward to the Commission as a Town Project site plan modification on the 21st.

COMBINED HEARINGS:

1) Main Street Station Crepe Trolley (MM) PL-2017-0009, 505 South Main Street

Mr. Mosher presented a proposal to utilize custom food vendor “Crepe Trolley” in the common area plaza of Main Street Station Grand Central Breckenridge Houses East and West.

Ms. Leidal: I have a client that is associated with this agenda item and may I have a conflict with the review this agenda item as it may relates to my future work with a client. Should I recuse myself? (Mr. Truckey: The decision to have you step down lies with the Planning Commission. You should discuss and vote.)

Mr. Lamb: Ms. Leidal would treat this in an unbiased manner.

Mr. Schuman: I agree. (Mr. Grosshuesch: You would have to directly profit from the discussion to recuse yourself.)

It was agreed to have Ms. Leidal remain for the review of this proposal.

Ms. Leidal: I will stay and be unbiased about the agenda item.

Staff has found that the proposal meets all absolute policies and has not been awarded any positive or negative points under the applicable relative policies. Staff is suggesting a passing score of zero (0) points.

This application was advertised as a Combined Preliminary and Final hearing. Staff felt the issues involved in this project are such that no useful purpose would be served by requiring two separate hearings. When reviewing this application, staff identified policies in the Development Code that could be applied to this unusual application. Staff also welcomed any additional comments and questions related to any applicable policies from the Planning Commission. Staff recommended approval of the Main Street Station Crepe Trolley, PL-2017-0009, with the presented Point Analysis showing a passing score of zero (0) points and the presented Findings and Conditions. Mr. Mosher noted there was one change to Condition 3: the correct expiration date would be February 14, 2020.

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

Commissioner Questions / Comments:

Mr. Giller: Uses less than 10% density. Will there be more trolleys? (Mr. Mosher: I don't know of any proposals now but they would go through this same scrutiny for placement of another Food Bus.)

Mr. Gerard: Can the electrical line not run on the ground? (Mr. Terry Barbu, Applicant: The distance will be very short and it will not be on the ground. The connection from the power to the trolley occurs at the same height and is only about 1-foot long. There is no pedestrian circulation between the column and the Trolley.)

Mr. Schuman: What if a garage door breaks and you can't store it inside over night? (Mr. Jack Wolfe: There are two garage doors.)

Mr. Lamb: Is there an issue with propane tanks in the parking garage? (Mr. Mosher: No. Red White and Blue has reviewed this proposal with no concerns. Plus, the building is sprinklered.)

Mr. Schroder: What about during special events? (Ms. Puester: They would be going through the special events permitting rules.)

Ms. Leidal: Will there be additional trash receptacles? (Mr. Mosher: They will use existing receptacles and add more if needed.) (Mr. Wolfe, Owner rep for MSS Breck, LLC: The applicant will be responsible for maintaining the trash beyond what is normally accumulating as a result of the Trolley, The Trolley is intended to drive additional foot-traffic to the Main Street Station.) (Mr. Barbu: The cart is not a windfall, but it will bring people to the area for the benefit of all businesses. It will be fun to run and will share profit with my employees of my other restaurants. It will be open from 9:30am to 9:00pm. – maybe less in off-season)

Mr. Lamb: I like the idea; I have no issues and I like the location.

Mr. Schuman: I like the idea and location of the trolley.

Ms. Leidal: I support it.

Mr. Giller: I support it.

Mr. Gerard: I like having a second trolley in town. I support the project.

Mr. Schroder: It's a creative revitalization idea. No issues with codes. I support.

Mr. Schuman made a motion to approve the Main Street Station Crepe Trolley, PL-2017-0009, 505 South Main Street, with a passing point analysis of zero (0) points and the presented Findings and Conditions including the change of Condition 3 to state the expiration date as February 14, 2020. Mr. Gerard seconded,

and the motion was carried unanimously (6-0).

DEVELOPMENT CODE STEERING COMMITTEE UPDATE:

Mr. Truckey presented. The loading policy (19A) was discussed. In the historic district there are often no loading areas provided and they load wherever they can (in alleys, on street). Talked about the underground loading in Vail and how it would be great to have this option in Breckenridge. Projects like the gondola lots or City Market redevelopment might be able to incorporate some good separate loading areas that might be worth awarding positive points. Change policy from an absolute to a relative policy. (Mr. Schroder: Are we talking about loading docks for semi trucks?) Possibly, needs to be discussed further. (Mr. Lamb: If you are redeveloping a large building they will have their own loading plan.)

We also discussed the Recreation Policy (20R) and providing public recreation vs. private. Want to focus on the fact that points are given under this policy only for public recreation. (Ms. Leidal: What about on site vs. off site? The policy seems to allow for either to qualify for points.) We will run that question by the steering committee.

We discussed Open Space policy 21R. The Steering Group has recommended that the Code clarify what constitutes open space (e.g., not hardscape) and that positive points for exceeding 30% open space is related to the gross square footage of a site.. Regarding Policy 22R Landscaping, the Group discussed including more of a focus on water conservation in the policy. The Group discussed minimizing sodded lawn areas and requiring drip irrigation systems. (Mr. Schroder: Any concerns about the new policy that residents can collect rain water now?) Staff noted the Group suggested a positive point might be considered for cisterns. (Mr. Schuman: I don't like limiting the amount of sod you can have.) (Mr. Giller: Do we limit the type of grass sod that can be used?) We will be considering that. There are certain types of grass (e.g., Summit grass) that are better acclimated to this area than Kentucky bluegrass and require much less water for irrigation.

OTHER MATTERS:

Mr. Schroder: Any other matters anyone would like to discuss? (Ms. Puester: We will make time to talk about the Saving Places Conference and I will send out information later this week on a workshop in Leadville about Certified Local Governments (CLG's).)

ADJOURNMENT:

The meeting was adjourned at 7:03pm.

Dan Schroder, Chair



Scheduled Meetings, Important Dates and Events

Shading indicates Council required attendance – others are optional

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

FEBRUARY 2017

Wednesday, February 8, 2017; 12:00 pm	Huron Landing Project Tour
Tuesday, February 14, 2017; 9:00/7:00 pm	SPECIAL MEETING & Regular Evening Meeting
Tuesday, February 21, 2017; 8:00-9:00 am; Mom's Baking Co.	Coffee Talk/Ski with the Mayor
Tuesday, February 28, 2017; 3:00/7:00 pm	Second Meeting of the Month

MARCH 2017

Tuesday, March 14, 2017; 3:00/7:00 pm	First Meeting of the Month
Thursday, March 16, 2017; 5:30 -7 pm; Town Council Chambers	State of the Town Presentation
Friday, March 17, 2017; 8:00-9:00 am; TBD	Coffee Talk
Tuesday, March 28, 2017; 3:00/7:00 pm	Second Meeting of the Month

APRIL 2017

Tuesday, April 11, 2017; 3:00/7:00 pm	First Meeting of the Month
Friday, April 14, 2017; 8:00-9:00 am; TBD	Coffee Talk
Tuesday, April 25, 2017; 3:00/7:00 pm	Second Meeting of the Month

OTHER MEETINGS

4 th Monday of the Month; 4:00 p.m.	Cultural Arts Advisory Committee; Riverwalk Center
1 st & 3 rd Tuesday of the Month; 6:00 p.m.	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00 p.m.	Public Art Commission; 3 rd floor Conf Room
2 nd & 4 th Tuesday of the Month; 1:30 p.m.	Board of County Commissioners; County
2 nd Wednesday of the Month; 12:00 noon	Breckenridge Heritage Alliance
2 nd Tuesday of the month; 2:00 p.m.	Workforce Housing Committee
2 nd Thursday of the Month; 5:30 p.m.	Sanitation District
3 rd Monday of the Month; 5:30 p.m.	BOSAC; 3 rd floor Conf Room
3 rd Tuesday of the Month; 9:00 a.m.	Liquor Licensing Authority; Council Chambers
4 th Wednesday of the Month; 9:00 a.m.	Summit Combined Housing Authority
4 th Wednesday of the Month; 8:30 a.m.	Breckenridge Tourism Office; BTO Offices
4 th Thursday of the Month; 7:00 a.m.	Red White and Blue Fire District; Main Fire Station
1 st Wednesday of the Month; 3:00 p.m.	Childcare Advisory Committee; Town Hall

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