

**CALL TO ORDER, ROLL CALL**

Mayor Mamula called the meeting of February 14, 2017 to order at 7:03 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 24, 2017**

With no changes or corrections to the meeting minutes of January 24, 2017, Mayor Mamula declared they would stand approved as submitted.

**APPROVAL OF AGENDA**

Mr. Holman stated there were no changes to the agenda but stated that the Town Manager, Mayor and Councilmember Reports sections of this evening's agenda were completed via email. Mayor Mamula declared the agenda approved as presented.

**COMMUNICATIONS TO COUNCIL**

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

Mayor Mamula opened Citizen's Comment. There were no comments and Citizen's Comment was closed.

**CONTINUED BUSINESS**

A. Second 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. Tim Berry stated there were a couple of changes from the first reading and were outlined in the packet memo, i.e., a SCRAP closure provision, language dealing with source separated materials, the effective date of the ordinance to be April 1, 2017, and the inclusion of a Self-Certification Form as Exhibit "A".

Mayor Mamula opened the public hearing. He asked that if the Council feels that the tipping fees have gotten out of hand can this ordinance be repealed? Mr. Tim Berry replied that yes it can, and Council did approve an intergovernmental agreement, but it is not binding to legislative action. Mayor Mamula also asked of the public present, to help things move along this evening, not to restate something already mentioned.

1. Abby Browne - 26 Summer Green, Wellington Neighborhood. Operations Manager of Windwood Property Management and a representative of the Breckenridge Lodging Association. We manage 20 HOA's within Breckenridge town limits. Works with the HC3 and the task force for recycling. We do not believe in this ordinance as it is forcing a private company out of business. Believe that the costs will increase about 35% within the next two years. She further stated that she feels the information coming from the County is biased, and would like to have an outside opinion and bids.
2. Lisa Eurich – 53 Maggie Placer Loop. Ms. Eurich stated she is an avid recycler and pays the extra \$5/month to have the service. She further stated the HOA at Maggie Point pays \$360/month for trash hauling and understands that those costs could go up 30% and they do not want to see the costs going up. She stated they did not hear if the drop-off centers would remain a free service, and they do not want to subsidize recycling for others outside of Breckenridge. Ms. Eurich asked if the surplus in revenues from this ordinance will be used to upgrade the equipment?

Mr. Bergeron asked where the 30% comes from. Mayor Mamula responded he believes it is because if Timberline leaves and then Waste Management goes back up to their original fees of 2008. This was corroborated by Abbey Browne.

3. Chris Pappas - Beaver Run Resort, lives in Silverthorne. He stated he believes there would be a 35% increase in fees and agrees with what Abbey Browne said earlier. He further stated Beaver Run would like to see more time and a more in-depth analysis before making the decision and this change. Beaver Run has recycling in the rooms and in their restaurants.

4. Pam Bradley - 206 Marksbury Way. Ms. Bradley stated she and her friends in the Sierra Club are pro this ordinance. She stated she was using Timberline until January 1, 2017 – every week trash and every other week was recycling for \$120/quarter. She asked Talking Trash what they charge and their cost is \$114/quarter for the same service. She also stated she looked at the letter from Scott Vargo that says that they feel the fees will not be going up, that we need to operate it like a utility, and that any additional fees will approved through the public hearing process.
5. Barbara Gibbs - 100 Royal Tiger Road. Ms. Gibbs stated she fully supports passing this ordinance tonight, but believes that the communication could probably have been a bit better. She further stated that for the pay as you throw she doesn't know how that would work unless all the haulers abide by the same rules, and right now they don't have to. She referenced a letter from Thad Noll to Timberline in 2012 – if you take it out of the county a flow-control ordinance could be initiated. She also stated trash should be regulated just as other things are regulated, and she wants Council to pass this on second reading tonight and ask staff to fast-track the pay as you throw (PAYT) so we have a real plan for the future for trash and recycling.
6. Jennifer Cawley – Director of Operations for Mi Casa and Hearthstone. Ms. Cawley stated her business is in support of this ordinance. She further stated her restaurants, as well as other restaurants in town, are regulated by various organizations, thereby there is a level playing field. She further stated trash fund recycling is not ideal and needs to be figured out and she would like to keep our dollars local and keep our trash local to support the community businesses.
7. Jen Shank – High Country Conservation Center. Ms. Shank stated she is bummed about being here today, and she went to numerous Save as you Recycle meetings last year and what HC3 wanted was a Save as you Recycle Ordinance. HC3 feels that the number one driver for pricing is competition. She further stated everyone wants Timberline to succeed, and she never heard Larry (Timberline) say that he is leaving Summit County. Also, HC3 will be surprised if the prices go up, and Timberline is currently taking most of their recycling to the SCRAP (single stream recycling). HC3 is working with the County on long-term funding solutions and grants, and working with consultants and trying to find long-term solutions. She also stated she does not want Council to table this issue, no matter how the vote goes.
8. Thad Noll – Assistant County Manager. Mr. Noll stated he has heard tonight that there is a fear that garbage rates will go up 30%. He stated we have not raised rates at SCRAP since 2010, and we are an enterprise fund, just like your water rates are regulated, we have to be fair and follow state statute. Mr. Noll stated we are committed to lowering the fees (according to the memo in our packet). There are at least five large commercial haulers in the county – Waste Management and Timberline are just two of them. He stated he does not feel that Timberline will be leaving, but even if they did, there are four other haulers that could step in. Please do not table this tonight and we will be able to proceed. We will continue to do good things in the community – continuing towards zero waste.  
  
Mr. Dudick stated your rates may be going down, but haulers can still charge whatever rates they want, is that correct? Mr. Noll responded that is correct. Competition is the largest component to that. Ms. Wolfe asked what year they would be going back to in their tipping fees. Mr. Noll responded – back to 2009.
9. Cat Slaughter – Breckenridge Grand Vacations. Ms. Slaughter stated she read in the paper that the County is making just trash going to the dump and the council is trying to do trash and recycling. Is this correct? Mayor Mamula responded – yes, nothing leaves the county. She is for glass out – let the trash go to the dump. She further stated she wants recycling, but is against the ordinance tonight.

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

Mr. Bergeron moved to approve, in the form that is included in the packet, 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. Ms. Wolfe seconded the motion.

Discussion from Council included:

Ms. Wolfe: If we don't adopt this, for some reason, the County has still passed the ordinance – which covers the county, and so it covers everything within town limits of Breckenridge and unincorporated areas? There is the speculation that prices could go up 35% with lack of competition. I am still confused how Timberline can set up this facility, take it to Denver, and yet not pass any of that savings on to the consumer. This ordinance is not a perfect solution, but I will vote to pass this tonight.

Mr. Dudick: I know we have to vote tonight. I've been on the Council for many years and this is the first time that I have encountered an issue where I am completely lost and confused. We have gotten all kinds of information, and I would like to understand whether Timberline's rates are lower than anyone else's, and is it their way of passing along the savings by paying lower tipping fees? We are missing the big issue, which is having a real and viable sustainable recycling program. Recycling costs money. We have to address, as a community, how we get a real recycling program and no one is talking about that right now. I probably will vote against this because I just need more information. Mayor Mamula stated that we do not have to vote on this, we can continue it.

Mr. Bergeron: In addition to asking if this is a good business decision we should be asking if this is a good decision for our environment. I am looking at the Summit County 23% diversion rate, while nationwide it is 34%. There is something wrong with the fact that we haul our trash out of the county, we want our employees to live in the county but we want our trash to leave. I think it's a no-brainer. I also think we can do a pay as you throw and think this is our next step. This is a quick fix and we can rescind it. In the interim I don't think it costs us anything to do this. I don't believe it is onerous and I don't believe costs will go up 35%.

Mr. Burke: I'm with Mr. Dudick on this, on first reading I was in support of this and I was voting for it because of people I respect and trust, not because I understand it. This is a very confusing topic. I think that Mr. Dudick is right, I don't believe this is resolving anything, all we are doing is voting to continue to stay at the same percentage. We are just mandating that one hauler brings it to us so we can pay that bill, but it doesn't do any more for recycling. I don't understand it well enough to vote for it tonight.

Ms. Lawrence: It is not our role to control rates or what individual businesses do. We just want to say that if it's important to keep the trash in Summit County for environmental reasons then that is what we are asking people to do. Keeping recycling free is a separate issue.

Ms. Gigiello: I support this. This is a utility. SCRAP was created for the whole community.

Mr. Burke asked a question to Mr. Noll: Is there talk of closing down and getting rid of the recycling center we just built? Mr. Noll responded that that is a legitimate question; however, we can only look at the voluntary things to be able to reduce our costs. We won't have the dollars to run the discretionary programs only those mandated by the State and that is the landfill itself. Tipping fees help create other programs. The county has had financial problems in the past and they could have problems in the future. Mr. Bergeron stated that if the County closes the recycling center, we'll run it and rescind this ordinance. Also, it's all our trash and we are asking them to handle it and they are handling it.

Ms. Wolfe: We need to get a lot better on our recycling; we need to get those percentages up. This is not about that, this is about trying to keep the viability of our landfill and keeping our trash here, not sending it to Denver.

Ms. Gigiello: I think that we are finding out that recycling is an important issue and that we do need to pursue it and move forward, but it's a separate issue and the closing of the recycling center is a side issue.

Mayor Mamula: I have said this at virtually every meeting and that is that you (the County) need to figure something out. This is unsustainable, this is almost ridiculous in the way we run these programs and this should have never been about recycling. This is about a superfund site that the county had to take over. The recycling thing is almost a red herring, how we get people riled up in this county by threatening to take away a free recycling service. This is about sustainability in the short term for this program, and I am going to support this in the short term but we need to have a solution to this pretty quickly or people are going to get angry.  
The motion passed 6 - 1. Mr. Dudick dissented.

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
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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. Tim Berry stated there were no changes to this ordinance from first reading.

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

Mr. Bergeron 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. Ms. Wolfe seconded the motion.

The motion passed 7 - 0.

**NEW BUSINESS**

- A. First Reading of Council Bills, Series 2017 - Public Hearings
- B. Resolutions, Series 2017. There were no new Resolutions.
- C. Other

**PLANNING MATTERS**

- A. Planning Commission Decisions

Discussion about the Lincoln Park Master Plan Modification on the Planning Commission Decisions included questions regarding the phases of installation of the pedestrian bridges from Lincoln Park to the Wellington Neighborhood; the safety of the vehicular bridge with vehicles approaching in both directions at the same time; and, the potential moving of the Reiling Road bus stop to a safer location. Ms. Wolfe moved to call up the Lincoln Park Master Plan Modification (JP) PL-2016-0617 TBD Bridge Street, the purpose being to understand better the pedestrian crossings between Lincoln Park and our bus stops. Mr. Burke seconded the motion. The motion passed 7-0.

Mayor Mamula declared, with the above call up exception, that the Planning Commission Decisions would stand approved as presented.

**REPORT OF TOWN MANAGER AND STAFF**

There was nothing to report.

**REPORT OF MAYOR AND COUNCILMEMBERS**

The below list of reports were all completed during the work session.

- A. Cast/MMC (Mayor Mamula)
- B. Breckenridge Open Space Advisory Committee (Ms. Wolfe)
- C. Breckenridge Tourism Office (Ms. Gigliello)
- D. Breckenridge Heritage Alliance (Mr. Burke)
- E. Water Task Force (Mr. Dudick)
- F. Breckenridge Creative Arts (Ms. Lawrence)
- G. Breckenridge Events Committee (Mr. Bergeron)

**OTHER MATTERS**

There were no other matters brought to the table.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 8:20 pm. Submitted by Susan Brown, Municipal Services Specialist.

ATTEST:

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/s/  
Susan Brown, Municipal Services Specialist

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/s/  
Eric S. Mamula, Mayor