

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD APRIL 12, 2011**

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A regular meeting of the Town of Avon, Colorado was held at the Avon Town Hall, One Lake Street, Avon, Colorado in the Council Chambers.

Mayor Rich Carroll called the meeting to order at 5:55 PM. A roll call was taken and Council members present were, Dave Dantas, Chris Evans, Kristi Ferraro, Todd Goulding, Amy Phillips, and Buz Reynolds. Also present were Town Attorney Eric Heil, Town Manager Larry Brooks, Assistant Town Manager Patty McKenny, Assistant Town Manager Community Development Sally Vecchio, Assistant Town Manager Finance Scott Wright, Town Engineer Justin Hildreth, Director PW&T Jenny Strehler, Community Relations Officer Jaime Walker and Deputy Town Clerk Catherine Mythen, as well as other staff members and the public.

**AGENDA APPROVAL & DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST**

Mayor Carroll noted that an executive session would be reconvened at the end of the regular meeting to further discuss the topics on the agenda. He also moved community input until after item # 5 "Council and Staff Updates". Town Attorney Eric Heil noted that there was no conflict of interest for the meeting.

Chris Green addressed the email that was presented to the town council from Dominic Mauriello referencing his suggestion to move the Planning & Zoning Meeting Day to another day because of conflicts. Mr. Green wanted to bring to Council's attention that he hadn't heard that the current date is a problem for either project applicants or applicants vying for the P&Z Commission vacancy.

**COUNCIL AND STAFF UPDATES**

Patty McKenny, Asst. Town Manager, and Rich Carroll, Mayor, awarded Town of Avon Certificates Recognizing employees for Years of Service to the following people:

- ✓ Five Year Awards to: Debbie Hoppe, Jeff Schneider, CJ Horn, Scott Stewart, Sergio Orellana
- ✓ Ten Year Awards to: Krista Jaramillo, Mike Lundblade, Penny Olesen, Dorothy Martinez
- ✓ Fifteen Year Award to: Dan Higgins
- ✓ Twenty Year Award to: Chris Peck
- ✓ Twenty Five Year Award to: Meryl Jacobs and Larry Brooks

Police Chief Ticer then presented a number of awards for other reasons as follows:

- ✓ A Life Saving Award was presented to Alberto Linares, Mario Medina, Hugo Castillo
- ✓ Teamwork Citation was awarded to Michelle Schlund and Jeff Dey,
- ✓ Chief's Community Partnership Award was awarded to Jeff Dey.
- ✓ Police Employee of the Year Award was given to Lieutenant Greg Daly, as selected by his sergeants.

Bob Ticer, Police Chief, also reviewed Police Department Updates on the following topics:

- ✓ Highlights of the "Suicide Coalition Media Event"
- ✓ 2010 Crime & Traffic Statistics

Rich Carroll, Mayor, gave a brief update on the Open Space Advisory Committee meeting  
Mayor Carroll noted the Memorial Park Bench Program as a memo only item.

### **COMMUNITY & CITIZEN INPUT**

Mayor Carroll noted the following information as email only to the Town of Avon:

- a. Brian Sipes Email only responding to Mr. Gennett's Email
- b. Matt Gennett Email only on Planning & Zoning Agenda
- c. Paul Gerhardt Email only on Transit Services
- d. CnNickel Email only on Snowball Festival

### **CONSENT AGENDA**

Mayor Carroll asked for a motion on the consent agenda. Mayor Pro Tem Ferraro moved to approve the consent agenda; Councilor Phillips seconded the motion and it passed unanimously.

- a. Minutes from March 22, 2011

### **NEW BUSINESS**

Bob Ticer, Police Chief, reviewed the Intergovernmental Agreement between the Town of Avon, Town of Vail, Town of Eagle and Eagle County on Behalf of the Eagle County Sheriff's Department for the Continued Operation of a Joint Special Operations Unit ("SOR"). This is an IGA that formalizes Avon Police Department's participation on the "Eagle County Special Operations Unit" that provides regional police services in response to more serious incidents that occur in Eagle County. Mayor Carroll stated that the agreement requires a 2/3 majority vote for approval. Councilor Dantas moved to approve the Intergovernmental Agreement between the Town of Avon, Town of Vail, Town of Eagle and Eagle County on Behalf of the Eagle County Sheriff's Department for the Continued Operation of a Joint Special Operations Unit ("SOR"). Councilor Phillips seconded the motion and it passed unanimously.

Matt Pielsticker, Planner II, presented the Xcel Energy 1041 Permit Application for Pipeline Construction within Highway 6 & 24. He noted that the application requests approval to construct two portions of the natural gas transmission pipeline project within Avon's boundaries. Jimmy Smith, Project Manager for Enserca Engineering, presented the project on behalf of Xcel Energy with a powerpoint presentation. CDOT Representative, Mike Verketic, presented CDOT's review of the proposal from Xcel and noted his job was to ensure the safety of the public. The construction project is due to start May 16<sup>th</sup> with a projected completion date of September 30<sup>th</sup>. Mayor Carroll opened the public hearing, no comments were made, and the hearing was closed. Mayor Carroll also noted that an additional memo was distributed to council that noted the review considerations were erroneously cited as 7.40.160 of the Development Code, and noted the correct section was 7.40.780, with an analysis of the "Major Facility Project" section as the appropriate review criteria. Councilor Goulding move to approve the Xcel Energy 1041 application for a gas pipeline within the town boundaries including staff conditions as listed on page 5 & 6 with the clarification that # 4 includes all holidays and staff included the Bec Tri event on August 6 which was not included in the special events and the CDOT permit application needs Four (4) days for each three (3) day holiday weekend and the application conforms to the review criteria for "Major Facility Projects" in §7.40.780, Avon Development Code. Councilor Reynolds seconded the motion and it passed unanimously.

### **UNFINISHED BUSINESS**

Mayor Carroll opened the discussion with some summary comments about the transit topic. Jenny Strehler, Director PW&T presented Funding Options for Transit Services and Ballot Proposals for Funding Transportation Services. The presentation address the Sustainable Transit and Event Project "STEP" Project Proposal, review two funding options, 1) accommodation tax, 2) accommodations tax + sales tax. She spoke about current transit service level, and two options of transit service level as well as special events funding scenario. Council discussion ensued and some of the following topics were raised:

- ✓ Spoke about specific language of ballot questions
- ✓ Ask for funding that is appropriate and not too much...
- ✓ Question about creating the GID to pay for transit
- ✓ Reduce the sales tax proposal to .25% not .4%
- ✓ Time to do some surveying in order to find out what might get passed
- ✓ Get Beaver Creek committed to paying for a survey as well as commit to supporting the question
- ✓ Get Beaver Creek to ensure that the skier shuttle can operate
- ✓ What about service agreements with beaver creek
- ✓ Should have a ballot question this fall
- ✓ Must keep the question simple
- ✓ How was the special events number estimated

Staff was directed to provide deliverables relating to the following topics:

- Provide for .25% increase estimates
- Survey other towns on fares
- Estimate costs of conducting a community survey to poll
- Get Beaver Creek commitment for some funding of survey and 50% payment on skier shuttle services
- Present review of the GID option, possibly as a longer term deliverable
- What other tax increase are proposed for the ballot

#### **TOWN MANAGERS REPORT**

Lot B sold to Chicago Title Insurance Company, Omaha, NE

LIBOR Rate update on the URA Bonds, structure of loan as follows:

- ❖ loan resets on June 1<sup>st</sup>, started at 4.25%, set last year at 3.2%, projected to set at 2.8% if reset today, are not projecting that rate to increase at this point in time
- ❖ 20 year loan with Vectra bank

#### **MAYORS REPORT**

Mayor Carroll reported on the following topics

- Eagle Valley Land Exchange, appraisals will be underway at this time
- The town's conservation easement exceptions need to be submitted sometime in May to the US Forest Service

#### **EXECUTIVE SESSION**

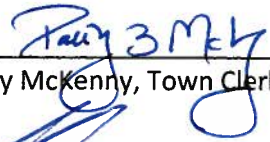
Councilor Phillips moved to reconvene the Executive Session at 9:35 PM; Councilor Evans seconded the motion and it passed unanimously. The following reason was noted for the discussion:

- a. For the purpose of discussing potential acquisition of real estate pursuant to Colorado Revised Statute §24-6-402(4)(a), receiving legal advice related to specific legal questions pursuant to §24-6-402(4)(b), and for developing a strategy for negotiations and instructing negotiators pursuant to Colorado Revised Statute §24-6-402(4)(e) specifically related to the U.S. Forest Service Multi Party Land Exchange
- b. For the purpose of receiving legal advice to specific legal questions pursuant to Colorado Revised Statute §24-6-402(4)(b) related to pending litigation regarding Town of Avon v Traer Creek Metropolitan District, 2008 CV 0385 and Traer Creek, LLC, *et.al.* v Town of Avon 2010 CV 316

The Executive Session adjourned at 10:05 PM and convened to the regular meeting.

There being no further business to come before the Council, the meeting adjourned at 10:05 pm.

**RESPECTFULLY SUBMITTED:**

  
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Patty McKenny, Town Clerk

**APPROVED:**

Rich Carroll

Dave Dantas








Chris Evans

Kristi Ferraro

Todd Goulding

Amy Phillips

Albert "Buz" Reynolds

  
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