

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD MAY 10, 2011**

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 5:35 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, as well as other staff members and the public.

AGENDA APPROVAL & DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

Mayor Carroll noted that the topic on "Recreation Programs" from the Work Session would be included as 5 b) under the regular meeting.

COMMUNITY & CITIZEN INPUT

Public Hearing on US Forward Service Multi-Party Land Exchange

Mayor Carroll opened this topic by thanking the public for attending the Public Hearing for Town of Avon's Land Use Recommendations to U.S. Forest Service related to the Multi Party Land Exchange. Sally Vecchio, Assistant Town Manager Community Development, noted that the Town of Avon is partnering with Eagle County, Colorado State Land Board, Eagle County Land Trust and the US Forest Service on a multi-party land exchange proposal and Avon's recommendations on parcels included in the exchange. She noted that the public hearing was held in order to receive public input on the types of uses that should be established on two parcels of land that the town would receive in the land exchange. The following topics were discussed:

- ❖ Description of both the West and East Parcels per the council packet memo.
- ❖ Description of existing trails for both locations

The public was asked to comment on the following proposals to the conservation easement by the town:

West Parcel:

Trail Alignments: trailheads and other associated improvements recommended in the Avon Recreational Trails Master Plan (2009), See Exhibit A – USFS West Parcel Map

Conceptual alignment for a paved trail through the USFS West Parcel that extends from Nottingham Road north to the June Creek Trail in the Wildridge Subdivision, See Exhibit A as attached USFS West Parcel

East Parcel:

The "Core Trail" Alignment: Recommended in the Eagle Valley Regional Trails Plan (Dec 2001), which runs east/west across this property, See Exhibit B – USFS East Parcel Map – Trails

Additional Trail Alignments: Staff has identified a number of additional trails which follow existing wildlife corridors and old ranching / jeep roads. Connector trails to Hwy 6 and the I=70 Post Blvd. interchange area are also recommended. See Exhibit B – USFS East Parcel Map - Trails

Affordable Housing and Community Facilities: Given that the northwest corner of the USFS West Parcel is characterized by relatively flat grades and is adjacent to the RMF-1 log in the village (at Avon), staff recommends that this area of the USFS East Parcel be reserved for Affordable Housing and Community Facility uses. These uses would complement the future development plans for RMF-1, which includes a

mix of residential uses. Development of these uses would follow development on the adjacent RMF-1 parcel, which would provide utilities and road access to the parcel. These uses would require an amendment to the Town's Comprehensive Plan, which as previously noted, recommends that the parcel be preserved for open space and low – impact recreational uses. See Exhibit B – USFS East Parcel Map - Trails

Road Easement across the Eagle River from Highway 6: Pursuant to the recommendations of the Town Engineer and the Avon Comprehensive Plan, a road easement should be reserved that would allow access to Planning Area M from Highway 6 across the Eagle River and a portion of southwest corner of USFS East Parcel as depicted on Exhibit C USFS East Parcel

It was noted that the town has \$1M budgeted for its contribution to the multiparty land exchange. All parcels will be appraised. The public was encouraged to contact the County Commissioners about this project as well with their input.

Harvey Robertson, RMT Architects, Principal, Vail, CO, proposed an easement across the USFSEast Parcel. He distributed a packet of information and pre-engineered maps (from Alpine Engineering) that graphically depicted the forest service east parcel and requested an easement across the parcel for a road. The package showed the road designs from different angles on the property. Some of the retaining walls were described; it was noted that current roads with similar retention walls would include Mountain Star and Swift Gulch roads. He asked that the public consider the easement as something positive for the public in terms of having direct access and less of a visual impact. Jeff Schneider, Project Engineer, made some general comments about the submittal.

Mayor Carroll asked for public input at this time:

Dave Neely, District Manager, USFS, noted that he is the deciding official for the USFS on the environmental analysis part of the project. He noted that land exchanges are complex processes. He noted that his job is to understand the environmental impacts, the social aspects of the exchange, and then understand the public benefits of the land exchange. He noted that some of the characteristics of the land exchange include:

- ✓ parcels are not necessarily contiguous with other USFS land
- ✓ the exchange is analyzed from various aspects both environmentally & socially
- ✓ several agencies are involved
- ✓ takes into account public input on the matter
- ✓ Looking at alternatives right now
- ✓ Draft assessment will be submitted to the public with another 30 day round of public input
- ✓ The decision is pending

Teri Hammond, Avon resident, asked what the impact would be on the Eagle River with regard to constructing a road on the east parcel; Mr. Neely responded that that has not been analyzed.

Paula Ludermonsky, Beaver Point Point resident, spoke about the swap and impacts of leaving it in its current state and in the proposed land swap; doesn't support the current parking scenario; would prefer that it stay as it was; support the swap and wants to protect the area, no buildings

Mayor Carroll provided a brief summary of how the exchange is consistent with what the Town's Comprehensive Plan includes. Councilor Ferraro noted that the Council really wanted to protect the west parcel for the public as open space. It was noted that information about the county's involvement

comes through the Open Space Advisory Committee. The public was encouraged to follow that group as well as check the town's website for updates on the matter.

Jim Cahill, Beaver Creek Point resident, supported the land exchange in general, expressed concern about the changes to access to that area.

Laurie Baker, Beaver Creek Point, commented on the very negative impact the new parking area has on her residence

Peter Warren, 4181 Little Point, asked about the 2009 Recreational Trails Master Plan and noted that he would like to make some suggestions to the plan. He had some confusion about the town's plans.

Angelo Floria, Wildridge resident, spoke generally in favor of open space the public can use as opposed to public space the public cannot use; doesn't want the parcel to be developed. He expressed concerns about access to the point as well.

Howard Leavitt, Draw Spur resident, supported the exchange and asked about the other partners and the likelihood of the exchange being completed. It was noted that the partners are also very supportive of the exchange.

Councilor Evans thanked the public for their input, and noted that outlining the specifics of the easement are important to understand at this time.

Michael Sanner, Wildridge resident, supported the effort, but expressed concerns with the parking easement for the west parcel.

Paul Bird, Eagle Valley Land Trust, spoke about their request in requiring specifics about the parcels and the need to know where parking areas and building envelopes might be included.

David Neeley, USFS, noted that their needs might be a bit different in that they are not necessarily requiring these kinds of specifics.

It was noted that some of these specifics about the trails and parking would be developed over the next 10 months or so. Again, Councilor Reynolds explained the Councils' strong support of the exchange and he asked that the public contact the county commissioners to continue communicating their support on the matter. Council directed staff to review the east parcel and the proposal for the road easement. Mayor Carroll noted that another discussion on the topic would happen on May 24th at which time the Council would consider a resolution that would outline some of the exceptions to the conservation easements based on the public input.

There was some further conversation about the desired parking area location at the west parcel. Councilor Evans asked if the revised parking configuration could be addressed again in light of the public input that supported the prior access points, he suggested taking signs down and allowing for 2 hour parking; this would address an immediate concern of the neighborhood. It was noted that Council would continue to review a solution to the parking situation. Jenny Strehler, Director PW&T, explained how the recent changes came about as a result of 1) enforcing "no parking on the streets", and 2) the need to eliminate the current access to the area which was through private property.

Again, Larry Brooks, Town Manager, noted that Council would be able to debate the topic over the next few months in order to further refine the specifics details of parking for the west parcel. Staff would address both that required by the USFS and what the town would do in regard to the temporary parking at Beaver Creek Point. It was noted that there is a high degree of risk to allow people to park in drive lanes but at the same time it is necessary to balance that with a more friendly response to the neighborhood.

CONSENT AGENDA

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

a. Minutes from April 26, 2011

Mayor Carroll noted that the following topic would be addressed at this time: Recreation Programs. Meryl Jacobs, Recreation Director, was present for the Recreation Programs discussion (item from earlier work session) as follows:

➤ Pond Hockey:

It was noted that there might be an impact from the event with some damage to the fields; to soon to know. Council wanted to continue supporting the event, however, would prefer it happen on the pond, but understanding of mother natures constraints.

Council supported the idea that the promoters would decide on the location venue in light of weather and then if the event is held on the field, the promoter should put up a bond that would cover the cost of any damage to the field.

➤ Snowball Music Festival:

It was noted that the town would approach the event with no further budget impacts to Avon if it hosted the event again. It was suggested that there should be some conditions outlined when considering approving the event as outlined in the presentation by staff.

Councilors Phillips, Evans, Goulding, and Mayor Pro Tem Ferraro, and Mayor Carroll expressed that they did not support paying the invoices for various reasons: 1) The town did not direct property owners to incur the expenses, 2) The town does not reimburse these properties during other town events, such as Salute, and 3) There wasn't any property damage reported for these areas. Councilor Dantas wanted to help protect the property rights of the owners along the park, but didn't express any support or not on paying the invoices; he did express concern about the drug & alcohol use. Mayor Carroll suggested that the promoter should be mitigating the problems and that more planning would be in order if the town were to host the event again. Town Manager Larry Brook's comments addressed the fact that staff contact the promoter with all the concerns identified and then we would hear from them in June.

➤ What to do with \$50K sales tax dedicated to sustain special events?

There was mostly support for using some of these funds to find a new event or pay for an event that comes to the town.

NEW BUSINESS

Jeff Schneider, Project Engineer, presented a Contract Approval & Notice to Proceed for Professional Services Agreement with Camp Dresser & McKee, Inc. for the I-70 Regional Transportation Operation Facility Project Proposal for design services work on the project. There was some discussion on the following:

- ✓ The design team deliverables and timeline
- ✓ Professional Liabilities: errors & omission: the date does go through construction

Mayor Pro Tem Ferraro moved to approve the Professional Services Agreement with Camp Dresser and McKee; Councilor Reynolds seconded the motion and it passed unanimously.

UNFINISHED BUSINESS

Jenny Strehler, Director PW&T, presented a follow-up presentation on the proposed ballot scenarios for Sustainable Transit & Events Project (STEP). She reviewed additional information that addressed funding by other transit agencies, varying tax scenarios and services, polling voters, General Improvement Districts, Beaver Creek Resort Company partnerships, and new revenue for special events. Council consensus included getting feedback from general public through an electronic survey vs. the telephone survey. Council’s comments on the ballot proposal options are as follows; see next page for description of options per council packet memo:

- ❖ Dantas: favors option 1
- ❖ Goulding: Don’t include two together, get lodging tax out there
- ❖ Phillips: use survey monkey to get input; would support any of the options
- ❖ Ferraro: wants unanimous council support
- ❖ Evans: favors option 1 / would like input from public
- ❖ Reynolds: any of the options ; conduct the survey monkey; need to have all support from council in order to put it on the ballot
- ❖ Carroll: put something on the ballot
- ❖ Brooks: fund balance and revenue projections will be presented at the next meeting ; be completely transparent with the voters so if they say no, then don’t go back to funding the additional transit

Table 3. Approximate Cost Allocation of Transit Services by Route and User Groups

Routes and Mode	Estimated Annual User Split		Annual Cost for Existing or Modified Levels of Service (LOS)			
	General Public	Lodging guests	Existing	Option 1 [After 1% Accommodations Tax Increase]	Option 2 [After 1% Accommodations + 0.25% Sales Tax Increase]	Option 3 [After 1% Accommodations + 0.40% Sales Tax Increase]
Operations Costs						
Town Routes	65%	35%	\$ 610,000	\$ 610,000	\$ 1,075,800	\$ 1,208,000
Gondola Express						
Shuttle	0%	100%	\$ 35,000	\$ -	\$ -	\$ -
Mtn. Express*	10%	90%	\$ 54,100	\$ 128,700	\$ 128,700	\$ 128,700
Restaurant						
Shuttle*	0%	100%	\$ 16,100	\$ 34,100	\$ 34,100	\$ 34,100
Gondola	20%	80%	\$ 234,000	\$ 234,000	\$ 234,000	\$ 234,000
Subtotal Operations			\$ 949,200	\$ 1,006,800	\$ 1,472,600	\$ 1,604,800
Capital Costs						
Rolling Stock & Equipment	47%	53%	\$ 105,000	\$ 183,000	\$ 285,000	\$ 326,000
Bus Stops & Facilities	20%	80%	\$ 15,000	\$ 36,000	\$ 72,000	\$ 265,000
Subtotal Capital			\$ 120,000	\$ 219,000	\$ 357,000	\$ 591,000
Total Cost			\$ 1,069,200	\$ 1,225,800	\$ 1,829,600	\$ 2,195,800
Approximate New Revenue			\$ 0	\$ 156,000	\$ 760,000	\$ 1,125,000
Estimated Average General Fund Subsidy			\$ 1,069,200	\$ 1,069,800	\$ 1,069,600	\$ 1,070,800

❖ *Cost borne by the Town assumes an on-going contribution of \$75,000/yr*CPI adjustment from Beaver Creek Resort Company or Vail Resorts.

Staff was asked to compile costs and time estimates on conducting its own online survey with the information available at the next council meeting on May 24th.

ORDINANCES

Eric Heil, Town Attorney, presented Ordinance No. 11-05, Series of 2011, Second Reading, An Ordinance Adopting the 2010 Model Traffic Code by Reference and Repealing and Reenacting Sections of the Title 10 of the Municipal Code. He noted that this Ordinance repeals, reorders, replaces and updates all of the Article III Amendments in Avon Municipal Code sections 10.04.060 through 10.04.130 and that many changes are simply to update cross-references. He added one sentence to the ordinance that addressed coordination with vehicle impoundment; it was also noted that the signage for towing has its own elements. Mayor Carroll opened the public hearing, no comments were heard, the hearing was closed. Councilor Goulding moved to approve Ordinance Adopting the 2010 Model Traffic Code by Reference and Repealing and Reenacting Sections of the Title 10 of the Municipal Code. Councilor Phillips seconded the motion and it passed unanimously.

Terry & Paul Hammond asked if the was being sued by the homeowner’s associations that have submitted their requests for payments. Both resident expressed support for the Snowball Music Festival, even though they lives at Beaver Creek West and were impacted by the event. They encouraged the town council to continue supporting such events in the park.

EXECUTIVE SESSION

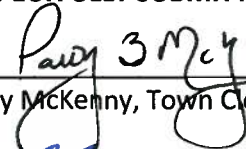
Councilor Phillips moved to convene an Executive Session at 8:45 PM; Councilor Evans seconded the motion and it passed unanimously. The following reason was noted for the discussion:

- a. 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 10:15 pm and convened to the regular meeting.

There being no further business to come before the Council, the meeting adjourned at 10:15 pm.

RESPECTFULLY SUBMITTED:



Patty McKenny, Town Clerk

APPROVED:

- Rich Carroll
- Dave Dantas
- Chris Evans
- Kristi Ferraro
- Todd Goulding
- Amy Phillips
- Albert "Buz" Reynolds

