

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD FEBRUARY 14, 2012**

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 5:45 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, Community Development Director Sally Vecchio, Finance Director Scott Wright, Town Engineer Justin Hildreth, Director PW&T Jenny Strehler, Deputy Town Clerk/HR Asst. Catherine Mythen, Community Relations Officer Jaime Walker, as well as other staff members and the public.

DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

Mayor Carroll noted that he may have a conflict with 8b Resolution No. 12-02, Series of 2012, Resolution Approving the Intergovernmental Agreement between the Town of Avon and the State of Colorado Department of Transportation Division of Transit and Rail for CDOT FASTER Project # STL R300-180 (18519) Avon Transit Op Facility Phase 1D, SAP PO#271001618 CMA# 12 HA3. After a discussion, Council decided that it would not be a conflict. Mayor Carroll noted that the consent item minutes from January 24th and January 31st, and Item B & E, and D would be voted on separately.

COMMUNITY & CITIZEN INPUT:

Email Only from Steve Coyer: re: Town Manager

Steve Linn, Paul Zoch on behalf of Jim Burnett with Western Enterprises thanked Larry Brooks for his assistance over the years with the Avon 4th of July Fireworks.

NEW BUSINESS

Patty McKenny, Asst. Town Manager presented the following application for an Amplified Sound Permit:

a. **Public Hearing** for Amplified Sound Permit (*Patty McKenny, Asst. Town Manager*)

Applicant Name: the Snowball, LLC

Event Name: the Snowball Music Festival

Event Managers: Chad Donnelly, Scott Stoughton, Rob Thomas

Location: Harry A. Nottingham Park

Event Dates & Times: Friday, March 2, 2012: noon until 10 pm, Saturday, March 3, 2012: noon until 10 pm, Sunday, March 4, 2012: noon until 8:00 pm

Event Manager Rob Thomas reviewed the various event plans, transit, security, parking and ticket sales, Mayor Carroll opened up the public hearing on the amplified sound permit, no comments were heard and the public hearing was closed. Councilor Phillips moved to approve the Amplified Sound Permit for the Snowball, LLC; Event Name the Snowball Music Festival Friday, March 2, 2012: noon until 10 pm, Saturday, March 3, 2012: noon until 10 pm, Sunday, March 4, 2012: noon until 8:00 pm; Councilor Ferraro seconded the motion and it passed unanimously.

b. **Award of Avon Community Heat Recovery Expansion Feasibility Study to CDM Smith** (*Jeff Schneider, Project Engineer*) **Review Professional Services Contract to conduct feasibility study to determine feasibility and preliminary costs for certain system expansion options**

Jeff Schneider, Project Engineer presented a review of the "Professional Services Contract" which was to provide professional services to conduct a feasibility study to determine feasibility and preliminary

costs for certain system expansion options. Council considered awarding the Community Heat Recovery Expansion Feasibility Study to CDM Smith. After some discussion, Councilor Phillips moved to approve the Professional Services Contract to CDM Smith; Councilor Goulding seconded the motion and it passed unanimously.

COUNCIL COMMITTEE AND STAFF UPDATE

- a. Review Appointments to External Boards served by Town Manager (*Rich Carroll, Mayor*)
 - *Letter from Boards of Directors for EagleBend and Buffalo Ridge Apartments: Review request from Board of Directors*
 - *I-70 Coalition Appointment: Executive Board & Full Board*
 - *Colorado Municipal League Policy Committee*
 - *Airport Master Planning Board*

Rich Carroll, Mayor, reviewed the request for the appointments to the external boards served by the town manager. After some discussion, the Council agreed that Larry Brooks should continue on the boards until there is a new town manager hired.

- b. Town of Avon Website Redesign Update and Contract (*Jaime Walker, Community Relations Officer*)
Review website redesign elements; approved in 2012 budget

Jaime Walker, Community Relations Officer gave a brief update on the Civic Plus Redesign Contract and reviewed the terms and conditions for the redesign of the town’s website approved in 2012 budget. Councilor Dantas moved to approve the Civic Plus Redesign Contract; Mayor Pro Tem Ferraro seconded the motion and it passed unanimously by those present

- c. Update on the Suicide Prevention Coalition / Speakup Reachout Program (*Greg Daly, Lieutenant, Meredith VanNess, Eagle River Youth Coalition*) *Update on Work Program*

Greg Daly Lieutenant and Meredith VanNess, Eagle River Youth Coalition gave an update on the Suicide Prevention Coalition / Speakup Reachout Work Program in Eagle County.

- d. Performance Measurements and Budgeting (*Scott Wright, Finance Director*) *Review “Performance Measurement System” as framework to use for town budgeting process*

Scott Wright, Finance Director reviewed the Performance Measurements system and Budgeting Review which is beginning this year as framework to use for town budgeting process. After some discussion it was decided that this topic would be a work session item on an upcoming agenda for further discussion.

- e. Monthly Transit Update for January 2012 (*Jane Burden, Transit Superintendent*) *Update on transit services provided per the Agreement with Beaver Creek Resort Company / Memo only*

Monthly Transit Update for January 2012 Update on transit services provided per the Agreement with Beaver Creek Resort Company / Memo only

CONSENT AGENDA

Mayor Carroll asked for a motion on the following topics.

- a. Minutes from January 24, 2012
Councilor Reynolds moved to approve the Minutes from January 24; Councilor Phillips seconded the motion and it passed unanimously. (Councilor Goulding and Councilor Ferraro abstained since they were not at the meeting).
- b. Minutes from January 31, 2012

Councilor Goulding moved to approve the Minutes for January 31, 2012; Councilor Phillips seconded the motion and it passed unanimously. (Councilor Ferraro abstained as she was not at the meeting).

- c. Fireworks Production Contract between Town of Avon and Western Enterprise for Salute to USA (*Danita Chirichillo, Special Events Supervisor*) Contract for Fireworks Display & Personnel Action Form for Acting Town Manager Salary adjustment for Acting Town Manager Patty McKenny effective March 1, 2012

Councilor Phillips moved to approve the above two items; Councilor Dantas seconded the motion and it passed unanimously

- d. Employment Agreement (Eric Heil, Town Attorney) Revised employment agreement for Larry Brooks.

Mayor Pro Tem Ferraro moved to approve the Employment Agreement; Councilor Evans seconded the motion and it passed unanimously.

RESOLUTIONS

- a. **Public Hearing** on Resolution No. 2012-04, Series of 2012, Resolution Approving Amendments to Avon's Trails Recreation Master Plan (*Matt Pielsticker, Planner II*) Review recommended amendments from Commission as initiated by Town Council on September 27, 2011

Matt Pielsticker, Planner II presented Resolution No. 2012-04, Series of 2012, Resolution Approving Amendments to Avon's Trails Recreation Master Plan. It was noted that the review by the PZC recommended several amendments as directed by Town Council on September 27, 2011. There were several opportunities to provide public input on the document, and the PZC did conduct some trail site visits. A review was made of the criteria used in evaluating the amendments. Upon completion of the staff update, Mayor Carroll opened the Public Hearing and the following people made comments:

- ✓ Wildridge Resident Sally Irten spoke about parking and the trails at Beaver Creek Point
- ✓ Wildridge resident Laurie Baker spoke about her continued dissatisfaction about the parking across from her house at Beaver Creek Point
- ✓ Wildridge resident Phil Struve also commented on the parking at Beaver Point

Mayor Carroll closed the Public hearing at this time and there was some further discussion about the location of parking at the point and how the USFS land exchange impacts this trail & parking system. Councilor Phillips moved to approve Resolution No. 2012-04, Series of 2012, Resolution Approving Amendments to Avon's Trails Recreation Master Plan; Councilor Dantas seconded the motion and it passed unanimously.

- b. Resolution No. 12-02, Series of 2012, Resolution Approving the Intergovernmental Agreement between the Town of Avon and the State of Colorado Department of Transportation Division of Transit and Rail for CDOT FASTER Project # STL R300-180 (18519) Avon Transit Op Facility Phase 1D, SAP PO#271001618 CMA# 12 HA3 (*Jeff Schneider, Project Engineer*) IGA that provides the 1M grant funding for site construction and utility work for I-70 Regional Transportation Operations Facility Project

Jeff Schneider, Project Engineer, presented Resolution No. 12-02, Series of 2012, Resolution Approving the Intergovernmental Agreement between the Town of Avon and the State of Colorado Department of Transportation Division of Transit and Rail for CDOT FASTER Project # STL R300-180 (18519) Avon Transit Op Facility Phase 1D, SAP PO#271001618 CMA# 12 HA3. He noted that the IGA provides the 1M grant funding for site construction and utility work for I-70 Regional Transportation Operations Facility Project. Councilor Phillips moved to approve Resolution No. 12-02, Series of 2012, Resolution Approving the Intergovernmental Agreement between the Town of Avon and the State of Colorado Department of Transportation Division of Transit and Rail for CDOT FASTER Project # STL R300-180

(18519) Avon Transit Op Facility Phase 1D, SAP PO#271001618 CMA# 12 HA3. Mayor Prop Tem Ferraro seconded the motion and it passed unanimously

UNFINISHED BUSINESS

- a. Mountain Travel Trip Program (“MTRiP”) Client Agreement (*Kelly Huitt, Budget Analyst, Todd Goulding, Councilor*) Review agreement that outlines participation in the MTRiP Program which provides lodging performance benchmarking to mountain resorts

Kelly Huitt, Budget Analyst, presented the Mountain Travel Trip Program (“MTRiP”) Client Agreement by reviewing the agreement that outlines participation in the MTRiP Program which provides lodging performance benchmarking to mountain resorts. It was noted that there were some basic governmental revisions made. The council memo highlighted the types of reports that would be provided. There was some concern about whether or not the hotels would participate; it was noted that some arrangements were already made. It was noted the town budgeted almost \$8K in funds that the town would receive from the hotels to participate in this program, however, if the town would impose this funding requirement on the lodges, they may not participate in the program. There was some information provided by MTRiPs representative, Katie Barnes, about program implementation, reporting, etc. Councilor Evans moved to approve Mountain Travel Trip Program (“MTRiP”) Client Agreement; Councilor Goulding seconded the motion and it passed with a six to one vote (Dantas - Nay).

- b. Review “Request for Proposals” for Selection of Firm/s to Conduct Community Assessment of Town of Avon and to Assist with Recruitment of Town Manager (*Rich Carroll, Mayor*) Review proposals and make final determination about each

Rich Carroll, Mayor, gave a review on the “Request for Proposals” for Selection of Firm/s to Conduct Community Assessment of Town of Avon and to Assist with Recruitment of Town Manager. There were some suggested changes to include on the RFP for the Manager, and there was not full consensus to move forward with the RFP for a community assessment. After some further discussion, it was agreed that the Town would move forward with releasing the proposal for the town manager executive search. The following timeline was agreed upon:

- March 1 deadline to collect proposals for the Request for Proposals for the recruitment of the Town Manager.
- Review the proposals at March 13th meeting
- Interviewing the recruitment firms in the regular meeting on March 27th.

ORDINANCES

- a. **Public Hearing** on Ordinance No. 12-01, Series of 2012, Second Reading, Ordinance Amending Chapter 2.30 Town Code of Ethics of the Avon Municipal Code (*Eric Heil, Town Attorney*) Review proposed amendments to the Code pertaining to conflict of interest and code of ethics / Continued from January 24, 2012 meeting

Eric Heil, Town Attorney, presented Ordinance No. 12-01 on second reading reviewing the language that revised the Avon Municipal Code with proposed amendments that primarily adopt language in the State Code of Ethics, set forth in C.R.S. 24-18-101 et. Seq. and address the option of a home rule municipality to supersede Article XXIX of the Colorado Constitution. Some of the specific additions and revisions addressed the following topics (see memo for details):

- ✓ Definition of Confidential Information
- ✓ Definition of Officer
- ✓ Definition of Substantial Financial Interest (additional amendment)
- ✓ Exemptions
- ✓ Disclosure of Conflict

- ✓ Voting when Conflict Exists
- ✓ Enforcement

It was noted that there was still opposition to the language by Councilors Evans and Goulding that required council members with conflict to leave the room for any discussions on the topic. Mayor Carroll opened the public hearing and no comments were made and the public hearing was closed. Councilor Dantas moved to approve Ordinance No. 12-01, Series of 2012, Second Reading, Ordinance Amending Chapter 2.30 Town Code of Ethics of the Avon Municipal Code to the February 14, 2012 meeting. Councilor Phillips seconded the motion and it passed with a five to two vote (Councilor Evans and Goulding– nay).

- b. Ordinance No. 12-02, Series of 2012, First Reading, Ordinance Approving Amendments to Title 7, Avon Development Code, To Allow Childcare Centers as Special Review Uses in the Industrial Commercial (IC), and Public Facilities (PF) Zone Districts; and Adding Use-Specific Regulations (*Jared Barnes, Planner I*) Proposed recommendations from Planning & Zoning Commission regarding amendment to the Code to include Child Care Centers as special review uses in certain zone districts / Continued from January 24, 2012 meeting

Jared Barnes, Planner I, presented the Ordinance No. 12-02 with the proposed recommendations from Planning & Zoning Commission regarding amendment to the Code to include Child Care Centers as special review uses in certain zone districts. He reviewed some of the following elements of the topic:

- ✓ Definition of child care
- ✓ Definitions of zone districts & review of the Zone District Map
- ✓ The addition of “Use Specific Regulations” for Child Care related to safety issues, recommendations that were building code and planning related principles
- ✓ Summarized the review criteria

Councilor Goulding moved to approve Ordinance No. 12-02, Series of 2012, First Reading, Ordinance Approving Amendments to Title 7, Avon Development Code, To Allow Childcare Centers as Special Review Uses in the Industrial Commercial (IC), and Public Facilities (PF) Zone Districts; and Adding Use-Specific Regulations with the revised Section 3 as presented, which includes the removal of subsection (c)(2)(i)(A) and (c)(2)(iv) and the addition of “Preschool and Nursery schools, and Child Care in home” as special review uses to Section 2. Councilor Phillips seconded the motion and it passed unanimously.

MAYOR REPORT

Mayor Carroll gave a brief update on the following items: 1) Mayor/ Managers report, 2) Leadville Railway feasibility, 3) Dowd Junction USF land sale of 13 acres, and 4) Vail Valley Partnership

There being no further business to come before the Council, the meeting adjourned at approximately 9:25 pm.

RESPECTFULLY SUBMITTED:



 Patty McKenny, Town Clerk

APPROVED:

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














