

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD FEBRUARY 28, 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 5:30 PM. A roll call was taken and Council members present were Dave Dantas, Chris Evans, Todd Goulding, Amy Phillips and Buz Reynolds. Kristi Ferraro was absent. Also present were Town Attorney Eric Heil, Town Manager Larry Brooks, Assistant Town Manager Patty McKenny, 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 the Executive Session Discussion would be moved to the end of the Regular Meeting.

Town Attorney Eric Heil mentioned that there may be a conflict of interest and would address the topic before the item was discussed on the council agenda as related to the Northside Coffee & Kitchen request

COMMUNITY & CITIZEN INPUT:

Ed Lyons from Mountain Valley Excavating spoke regarding his bid and interest in removing the modular buildings from Lot 5. The Stone Creek Charter School President Ron Wolfe spoke at the last council meeting on February 14th and committed to having the modular buildings removed by March 15th. A request was then received by council from Stone Creek Charter School to extend the time frame to remove the modular; Ed Lyon requested that the town decline the request . Eric Heil, Town Attorney, gave a brief summary on the request noting that the town's target date to have the modulares removed was by April 1st with some flexibility to delay it to May 1st. After some discussion, a motion was made to deny any further delay in moving the buildings, the motion passed with a five to one vote Councilors Evans, Reynolds, Phillips, Dantas, Goulding – aye; Carroll – nay; Ferraro - absent). The Town Council directed the town attorney to proceed with correspondence to Wells Fargo regarding the Stone Creek modulares being removed by the deadline of April 1, 2012.

✓ Kathy Ryan, a resident of Avon, commented on the Snowball Music Festival, noting her disappointment with the promoters promise to clean up around the lake after the event.

- a. Present Award of Appreciation from Vail Valley Medical Center Blood Screening Program (*Claudia Hilty, VVMC Health Advocate*) Award to be presented in appreciation of Avon Recreation Center hosting their program

Claudia Hilty from Vail Valley Medical Centre thanked the Avon Council and the Avon Recreation Center Staff for allowing the cholesterol screening to be held at the Town of Avon's Recreation Center. It was a government grant funded program free to the community for a review of overall health.

- b. Snowball Music Festival March 2, 3, 4, 2012: Final Update (Scott Stoughton, Promoter)
Scott Stoughton and Chad Donnelly, Snowball Promoters, gave a brief update on sales, snowball security, fencing, safety, transportation, clean up, restaurants and lodging. Councilor Reynolds had a

question regarding “what” extra precautions would be taken if there were high winds. Councilor Phillips had a concern regarding the new phone application to buy alcohol and if the purchasers would be carded before serving. Chief Ticer commented on the fact that the Eagle River Youth Coalition would be present at the event. He also thanked the staff at the Town of Avon and Snowball organizers as everyone had done a great job getting the right messages out there in preparation for the Snowball festival. Kathy Ryan, Avon resident, was concerned about the fencing around the lake as to whether or not it would protect the location at the Beaver Bench property from Snowball pedestrians. Scott Stoughton commented that the fencing perimeter plan is different from last year and eliminated the north side of the lake as an entrance. It would be used however as an emergency exit if needed. Mayor Carroll thanked Scott Stoughton and Chad Donnelly for their efforts.

CONSENT AGENDA

Mayor Carroll asked for a motion on the consent agenda as follows:

- a. Minutes from February 14, 2012

Councilor Evans moved to approve the Minutes from February 28; Councilor Goulding seconded the motion and it passed by those present. (Ferraro absent).

NEW BUSINESS

- a. Channel 5 Public Access TV PEG Fee Grant Request (*JK Perry, Executive Director*) *Review request for PEG Fees to use for equipment upgrades*

Scott Wright, Finance Director, presented a brief summary on the PEG fee grant. JK Perry explained that he would like to use the funds of \$10,000 to upgrade the 11 microphones for the council chambers and the remainder of the money to purchase the production switcher for the channel 5 Studio to use in the studio. Councilor Phillips moved to approve Channel 5 Public Access TV PEG Fee Grant Request; Councilor Dantas seconded the motion and it passed unanimously. (Ferraro absent)

- b. Northside Coffee & Kitchen: License Agreement Request for Use of Town Owned Land for Business Parking (*Matt Pielsticker, Planner II*) *Review request to use Lot 4 town property to construct 4 to 6 parking spaces to be used by customers of restaurant*

Town Attorney, Eric Heil, noted that there was a possible conflict of interest with Councilor Goulding renting Dominic Mauriello’s home. It was agreed by the council members that this was not a conflict of interest. Matt Pielsticker, Planner II, presented the license agreement request for use of town owned land as a temporary parking area for the restaurant. Dominic Mauriello of Mauriello Planning Group represented Jim Pavelich owner at Northside Coffee & Kitchen on this matter. He presented the request of entering into a License Agreement between the Town of Avon and Northside Coffee and Kitchen for use of town owned land for business parking and wanted input before designing a parking area and going through the design review process. Jim Pavelich, mentioned that it would be beneficial to the customers to have more parking available. Councilor Reynolds asked if this would be Avon public parking. Eric Heil noted that it would be a license agreement between the restaurant and the town. All council members were in favor of moving forward with the parking license agreement. It was noted that the Planning and Zoning Commission would review their design application.

- c. Discussion about “Request for Qualifications for Facilitation Services” (*Rich Carroll, Mayor*) *Discuss topic of hiring a facilitator*

Mayor Carroll gave a brief overview of what would be the outline of the Request for Qualifications for Facilitation Services. He asked the town council to consider seeking an individual/s or firm to conduct a meeting/ s to facilitate discussion on the following items:

- The Role as Elected Officials

- “ Best Practices” to ensure effective Council/ Town operations
- Identify and develop Town Council Goals and Objectives for 2012 and beyond
- Effective communication with each other, management, staff and the community

Mayor Carroll also noted that if desired the response may also include additional detailed scope of work that would help meet the objectives. After some council discussion, it was decided to release the RFQ with a review of proposals at the March 27th meeting. and possibly potential interviews on April 3 or April 10 meeting. Patty McKenny, Assistant Town Manager, noted that the RFQ’s would be distributed to the “A” list, Colorado Municipal League website and the Town of Avon website. Councilor Phillips moved to approve sending out the “Request for Qualifications for Facilitation Services” as outlined with the addition of the sentence from the memo consisting of “the response may also include additional detailed scope of work that would help meet the objectives” and with the additional detail on the lodging component of the town, and the inclusion of possible review dates of April 3 and 10. Councilor Goulding seconded the motion and it passed by those present. (Ferraro absent)

d. Council Committee Appointments for 2012 *(Rich Carroll, Mayor) Review committees and make appointments for 2012*

Mayor Carroll presented the council committee updates and wanted to identify the mission and roles for the committees as well as to get council members thoughts on the current committees. The summary describes the current committees that the Avon Town Council members have served on in 2011

There were some revisions based on the following:

- The addition of some community stakeholders
- The addition of a new internal subcommittee that would address transit.

The following changes and new appointments were discussed:

- ✓ Eagle County Homebuyers Assistance Committee - Councilor Phillips
- ✓ Eagle County Transit Board Councilor - Phillips/ Councilor Goulding
- ✓ Eagle County School District - Councilor Evans
- ✓ Eagle Water and Sanitation District - Councilor Goulding
- ✓ Mall improvements was added to the Community Development Subcommittee with Councilor Dantas, Councilor Evans, Chris Green Planning and Zoning Chairman, Community Development Director and Town Manager
- ✓ Transit Subcommittee – Councilor Phillips and Councilor Goulding

Changes would be made to the list & provided at the next meeting.

ORDINANCES

a. **Public Hearing** Ordinance No. 12-02, Series of 2012, Second 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*

Jared Barnes, Planner I, presented 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

Mayor Carroll opened the public hearing, no comments were heard and the hearing was closed. Councilor Evans moved to approve 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. Councilor Phillips seconded the motion and it passed by those present. (Ferraro absent)

b. Ordinance No. 12-03, Series of 2012, First Reading, Ordinance approving Amendments to the Town of Avon Comprehensive Plan for the Swift Gulch District (*Matt Pielsticker, Planner II*) Amend Comprehensive Plan in light of Swift Gulch Facility Plans

Matt Pielsticker, Planner II, and Justin Hildreth, Town Engineer, presented the amendments to the comprehensive plan for the Swift Gulch District. It was noted that the code permits buildings up to 40' tall in the public facilities zone district; and the bus barn is designed to be 52' tall. Amendments to the Towns Comprehensive plan documents were reviewed pursuant to Section 7.16.030, Comprehensive Plan amendments, Avon Municipal Code. He noted that Public hearings are required before the council takes action to amend the Comprehensive Plan, and were held by Planning and Zoning on February 7th and 12th 2012. The PZC approved Resolution 12-03 recommending approval to the amendments to the Swift Gulch District. He described that the proposed design of the Swift Gulch facility complies with the lot width, lot coverage, and setback requirements of the PF district and that the maximum building height of the project is 52 ft. the maximum height permitted in the PF zone district is 40 ft. It was noted that as an alternative to amending the entire PF zone district, which may result in unintended consequences for other PF zone properties in town, it was determined that a comprehensive Plan amendment was the appropriate vehicle for addressing height discrepancy. The proposed comprehensive plan amendment would address the long term vision of buildings in the Swift Gulch property and allow for the currently designed 52 ft bus barn. Councilor Phillips moved to approve Ordinance No. 12-03, Series of 2012, First Reading, Ordinance approving Amendments to the Town of Avon Comprehensive Plan for the Swift Gulch District. Councilor Goulding seconded the motion and it passed by those present. (Ferraro absent)

c. Ordinance No. 12-04, Series of 2012, First Reading, Ordinance of the town Council of the Town of Avon Authorizing the Execution and Delivery of Property Schedule No. 02 Pursuant to that Certain master Lease / Purchase Agreement dated August 26, 2011 between the Town of Avon and U.S. Bancorp Government Leasing and Finance, Inc., with Respect to the Acquisition, Purchase, Financing, and Leasing of Certain Equipment for the Public Benefit; Authorizing the Execution and Delivery of Documents Required in Connection therewith; and Authorizing the Taking of all other Actions Necessary to the Consummation of the Transactions Contemplated by this Ordinance (*Scott Wright, Finance Director*) Ordinance that adopts Property Schedule No. 02 pursuant to the Master Tax Exempt Lease/Purchase Agreement that adopted last year in order to finance the purchase the replacement street sweeper

Scott Wright, Finance Director, presented Ordinance 12- 04 Master Tax- Exempt Lease/ Purchase Agreement as detailed above. He explained that this lease adopts property No 02 pursuant to the Master Tax – Exempt Lease/ Purchase Agreement with US Bank Corp Equipment Finance, Inc tat was adopted last year. Property schedule No. 02 is for the financing of the purchase of a replacement street sweeper. This item and the lease financing were previously approved in the 2012 budget in the amount of \$260,000. Requests for quotes were sent to five different financing entities. The Town received 2 quotes back that met the Town of Avon’s terms of financing. US Bankcorp’s interest rate for

the seven year term was the lowest received. Councilor Evans moved to approve Ordinance No. 12-04, Series of 2012, First Reading, Ordinance of the town Council of the Town of Avon Authorizing the Execution and Delivery of Property Schedule No. 02 Pursuant to that Certain master Lease / Purchase Agreement dated August 26, 2011 between the Town of Avon and U.S. Bancorp Government Leasing and Finance, Inc., with Respect to the Acquisition, Purchase, Financing, and Leasing of Certain Equipment for the Public Benefit; Authorizing the Execution and Delivery of Documents Required in Connection therewith; and Authorizing the Taking of all other Actions Necessary to the Consummation of the Transactions Contemplated by this Ordinance. Councilor Goulding seconded the motion and it passed by those present. (Ferraro Absent)

EXECUTIVE SESSION

Councilor Phillips moved to convene to an Executive Session at 8:40 PM; Councilor Goulding seconded the motion and it passed unanimously by those present

- a. Meet with Town Attorney 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 and pending settlement negotiations 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 and there being no further business to come before the Council, the meeting adjourned at 10:00 PM.

RESPECTFULLY SUBMITTED:

Catherine Mythen

Catherine Mythen, Deputy Town Clerk

APPROVED:

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

[Signature]

[Signature]

 ABSENT

[Signature]

