

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD MARCH 13, 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, Kristi Ferraro, Todd Goulding, Amy Phillips and Buz Reynolds. Also present were Town Attorney Eric Heil, Interim 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 budget update was moved from the work session and added as item 7) b under Unfinished Business, along with a change to item 6)a as an update on the request for proposals for the Town Manager search.

Mayor Carroll and Mayor Pro Tem Ferraro noted that they would recuse themselves on Resolution 12-05 Approving the Extension Request for Design Approval on Lot 1, Riverfront Subdivision. Eric Heil, Town Attorney added the following item to the executive session:

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 removal of the modular buildings from Lot 5, Village (at Avon).

CONSENT AGENDA

Mayor Carroll asked for a motion on the Consent Agenda. Councilor Dantas moved to approve the consent agenda; Councilor Phillips seconded the motion and it passed unanimously. (Ferraro Abstained)

Minutes from February 28, 2012

NEW BUSINESS

a. Review "Request for Proposals" for Executive Search for Town Manager (*Rich Carroll, Mayor*)
Patty McKenny, Interim Town Manager, stated that the consideration for the proposals for the town manager search would be moved to the March 27th Council meeting. After reviewing the proposals at the March 27th meeting, the interviews would be scheduled for the April 10th meeting. She noted that 6 proposals had been received at this time.

b. Avon Transit Services (*Rich Carroll, Mayor*) Review several topics related to transit service as follows:

- 1) Memo about "Requirements for Becoming Qualified Transit Provider" for Town of Avon (*Eric Heil, Town Attorney*)
- 2) Discuss establishing Transit Goals for upcoming year
- 3) Discuss "Regional Transit Service" as an option for providing services in the future
- 4) Review Status of IGA with ECO related to new Transit Facility
- 5) Discuss Skier Shuttle Services for 2012/2013 season

Rich Carroll, Mayor, reviewed the items related to the transit topic. Eric Heil, Town Attorney, summarized the requirements that a transit agency must satisfy in order to provide transit to the

grantee of Federal Transit Authority (FTA) Funds. It was noted that the town has complied with all the grant requirements and the documents and policies are in place. Tim Baker, Beaver Creek Resort Company, commented on the skier shuttle transit service provided by the town and how smoothly it was operating this winter. He also mentioned that Beaver Creek Resort Company would be interested in pursuing a joint approach with the Town of Avon to purchase permanent variable message boards to be placed in Avon to enhance guest services before the 2015 Championships. Some of the following topics were also discussed:

- The skier shuttle services for next season
- Regional Transit Service for providing transit services in the future
- Establishing transit goals for this year

Jenny Strehler discussed the intergovernmental agreements that are in place currently with the Town of Avon.

UNFINISHED BUSINESS

- a. Update on Removal of Abandoned Modular Buildings from Lot 5, Village (at Avon) Filing 1 (*Eric Heil, Town Attorney*) *Removal of Modular buildings from Lot 5*

Eric Heil, Town Attorney, gave a brief update regarding Stone Creek Charter School and the modulares that continue to sit on Lot 5. Glen Heelan, representing Eagle Airport Commercial LLC, presented an update and his interest in purchasing the modulares and moving them to a desired location in Gypsum. Eagle Airport Commercial LLC were working diligently on this move, and are scheduled to meet on April 4th with the Gypsum Planning and Zoning and on April 19th with the Gypsum Town Council on to discuss the matter. He noted that Eagle Airport Commercial LLC was hopefully signing a contract with the movers within 2 days. He also mentioned that if they do not get the approval on storing the buildings at the first location, there is another desirable location he could move the modulares to. It was noted that further discussion on this topic would occur in the executive session later that evening

- b. **BUDGET UPDATE** (*Scott Wright, Finance Director*) *Review 2011 Year End, 2012 Budget, and discussion about 2013 budget process*

Scott Wright, Finance Director, presented a review on numerous budget topics, including the 2013 budget process, the year end 2011, and the 2013 preliminary budget calendar. He noted that that the auditors would begin the audit; an audited year end report would follow in May. Mayor Carroll thought that the town did a great job with the challenges presented with budgeting last year. The 2013 preliminary budget calendar was discussed, and the process of approving the budget was discussed in light of it being an election year. All council members felt the budget process for last year went well with being able to review the budget material prior to the budget retreat. Rich Carroll Mayor summarized the items suggested by council members for the next budget preparation process:

- Work with a third party facilitator to help set goals and objectives by May
- Discuss collectively how these items will fit in the budgeting process
- Include more consistency between department budget presentations
- Compare Council and P&Z compensation plans to other municipalities packages
- Identify and review trends of fund changes over several years by departments Discuss Performance based measurements
- Cost of Furlough days
- Strategic Plan for Recreation Center
- Describe Mall & Park Improvements
- Discuss Deferred Asset Management Plan
- Understand the pros and cons of electronic packets

Jaime Walker Community Relation officer directed the council members to the website to review the past budget presentations.

RESOLUTIONS

- a. Resolution No. 2012-05, Series of 2012, Resolution Approving the Extension Request for Design Approval on Lot 1, Riverfront Subdivision (*Matt Pielsticker, Planner II*) Review request from Starwood Vacation Ownership time extension of three years for the timeshare project on Lot 1, Riverfront Subdivision

Rich Carroll and Kristi Ferraro recused themselves from this topic and left the room. Councilor Evans led the discussion of the item. Matt Pielsticker, Planner II, presented the request from Starwood Vacation Ownership for the time extension of three years for the timeshare project on Lot 1, Riverfront Subdivision. He noted that any request for a time extension greater than on year must be approved by Town Council. Councilor Phillips asked if any other extensions had been approved prior to this request. Matt Pielsticker stated that an extension on a home in Wildridge was approved with a 2 year extension in 2011. Gerry Parcy, Director of Architecture Planning Design and Development for Starwood Vacation Ownerships, and Ruth Borne, attorney and member of the team, led the presentation and requested the extension. Ruth Borne noted that a 3 year extension was reasonable for this type of project instead of revisiting the project in a year for another extension approval by council. Councilor Goulding moved to approve Resolution No. 2012-05, Series of 2012, Resolution Approving the Extension Request for Design Approval on Lot 1, Riverfront Subdivision of three years. Councilor Phillips seconded the motion and it passed unanimously by those present. (Carroll and Ferraro recused due to conflict of interest).

ORDINANCES

- a. **Public Hearing** on Ordinance No. 12-03, Series of 2012, Second 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, 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 a Public hearing is required before Council takes action to amend the Comprehensive Plan, and hearings 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. Mayor Carroll opened the public hearing, no comments were made and Mayor Carroll closed the public hearing. Councilor Goulding commented that the height would enhance the building. Councilor Phillips moved to approve Ordinance No. 12-03, Series of 2012, Second Reading, Ordinance approving Amendments to the Town of Avon Comprehensive Plan for the Swift Gulch District. Councilor Goulding seconded the motion and it passed unanimously.

- c. **Public Hearing** on Ordinance No. 12-04, Series of 2012, Second Reading, An Ordinance Authorizing the Execution and Delivery of Property Schedule No. 02 to Purchase a Street Sweeper Pursuant to

a Master Lease / Purchase Agreement dated August 26, 2011 between the Town of Avon and U.S. Bancorp Government Leasing and Finance, Inc. *(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 of a replacement street sweeper*

Scott Wright, Finance Director, presented Ordinance 12- 04 Master Tax- Exempt Lease/ Purchase Agreement. He noted this ordinance approves the capital lease for financing a 2012 street sweeper and the cost to the town is \$217,004 with a lease amortization schedule over seven years with semi-annual payments at a 2.19% interest rate. He noted that the town received a credit for \$8,000 for purchasing a demo street sweeper and also a \$10,000 allowance on the trade in of the old 1999 street sweeper. Councilor Goulding moved to approve Ordinance No. 12-04, Series of 2012, Second 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. Councilor Reynolds seconded the motion and it passed unanimously.

MAYOR REPORT

Mayor Carroll spoke about the following topics:

- Review future topics for the agenda
- Park improvements
- Review of agenda and topics with county commissioners for the March 27th meeting
- 2015 Planning for Championships

EXECUTIVE SESSION

Councilor Phillips moved to convene to an Executive Session at 7:00 PM to discuss the following topics (the 2nd item was an addition to the executive session); Councilor Ferraro seconded the motion and it passed unanimously.

- 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
- b. 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 removal of the modular buildings from Lot 5, Village (at Avon).

The Executive Session adjourned and the following motion was made:

Councilor Phillips moved to direct the Town Attorney to communicate to the Stone Creek Charter School ("SCCS") the following business points related to the modular buildings located on Lot 5:

- ✓ SCCS must produce contract stating that the modular buildings will be removed by April 2, 2012 or execute quit claim deed that transfers ownership to the town so that the buildings can be removed by the town
- ✓ The Town will file a "Forcible and Entry and Detainer" action on March 13, 2012 if the above contract has not been presented
- ✓ The Town will use cash security for the purpose of removing the buildings
- ✓ The town attorney and legal subcommittee shall review documents drafted in order to move in this direction

Councilor Ferraro seconded the motion and it passed Unanimously.

There being no further business to come before the Council, the meeting adjourned at 8:15 PM.

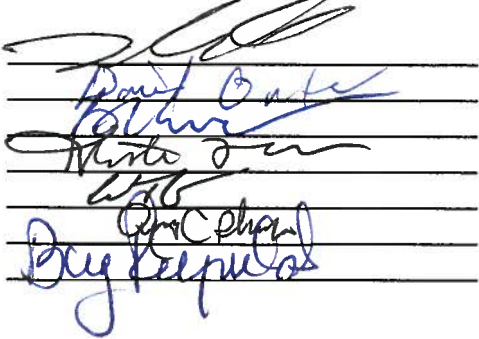
RESPECTFULLY SUBMITTED:

Catherine Mythen

Catherine Mythen, Deputy Town Clerk

APPROVED:

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


The image shows seven horizontal lines, each with a handwritten signature in blue ink. From top to bottom, the signatures correspond to the names listed in the 'APPROVED' section: Rich Carroll, Dave Dantas, Chris Evans, Kristi Ferraro, Todd Goulding, Amy Phillips, and Albert "Buz" Reynolds.

