

**MINUTES OF THE SPECIAL REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD MARCH 9, 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 4:30 PM. A roll call was taken and Council members present were Dave Dantas, Chris Evans, Kristi Ferraro, Amy Phillips and Buz Reynolds (via telephone conference). Todd Goulding was absent. Also present were Town Attorney Eric Heil, Interim Town Manager Patty McKenny, Town Engineer Justin Hildreth, Director PW&T Jenny Strehler, as well Ed Lyons, Mountain Valley Excavating.

APPROVAL OF AGENDA

Town Attorney Eric Heil there were no conflict of interest matters. Mayor Carroll noted one addition to the agenda as an update from Interim Town Manager Patty McKenny on the topic of the RFPs for the Town Manager Search. She noted that the RFPs would not be considered until the March 27th council meeting as there was an error in sending out the Appendix. She noted that the RFP included the "community assessment" appendix and not the "town manager search" assessment; staff would be contacting those firms who submitted as to the need for a re-scoping of the work.

UNFINISHED BUSINESS

- a. Discussion and Possible Action 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*

Town Attorney Eric Heil described the recent chain of events related to the removal of the modular buildings on Lot 5, noting that there included a couple of options to moving forward so that the Town could begin moving its town equipment onto Lot 5. He referred to correspondence from Stone Creek Charter School's attorney Gregory Perkins, LLC dated March 9, 2012 that addressed the characterization of the buildings as "abandoned", the settlement with Wells Fargo, and their intent to remove the buildings. Some topics discussed by the town council included the following:

- ✓ Whether or not to file the "forcible entry and detainer" document in court
- ✓ The final date as to "when" the buildings must be gone and what type of activity will occur on the site in order to move forward with Swift Gulch construction
- ✓ Whether or not there would be a need to use \$150K cash for site restoration and other expenditures incurred because of this delay.

Ed Lyons, Mountain Valley Excavating, was present at the meeting and made some comments. It was noted that both Ron Wolfe, SCCS, President was invited to attend the meeting. There was consensus as to move forward with legal action in order to move the modular and secure the site for the town to move onto it. There were comments about the fact the it seems as if the school has worked diligently to remove the buildings in light of some complexities, but that the town has supported it in this effort, but that it is time for some closure on the matter.

Councilor Evans moved to direct the Town Attorney to communicate to Stone Creek Charter School ("SCCS") the need for them to provide a commitment letter by the end of business day on Monday at 5 pm April 12th to remove the buildings, that the town would proceed with filing a forcible entry and detainer action on March 13, 2012 if the above doesn't happen on March 12th, and that the town would use the security funds for this purpose if they don't receive this commitment.

Councilor Phillips seconded the motion and it passed with a five to one vote (Carroll – nay; Goulding absent). Mayor Carroll did not agree with the motion in light of the fact that he thinks that SCCS has been working diligently to remove the buildings, but also expressed his understanding that the town needs to move forward as well.

The meeting adjourned at 5 PM.

RESPECTFULLY SUBMITTED:



Patty McKerny, Town Clerk

APPROVED:

Rich Carroll

Dave Dantas

Chris Evans

Kristi Ferraro

Todd Goulding

Amy Phillips

Albert "Buz" Reynolds














