STATE OF COLORADO
COUNTY OF AVON

AVON TOWN COUNCIL MEETING AGENDA
TUESDAY, SEPTEMBER 13, 2022
MEETING BEGINS AT 5:00 PM (ALL START TIMES LISTED IN RED ARE APPROXIMATE)
Hybrid meeting; in-person at Avon Town Hall or virtually through Zoom

AVON TOWN COUNCIL PUBLIC MEETING BEGINS AT 5:00 PM
1. CALL TO ORDER AND ROLL CALL 5:00
2. APPROVAL OF AGENDA
3. DISCLOSURE OF ANY CONFLICTS OF INTEREST RELATED TO AGENDA ITEMS
4. PUBLIC COMMENT – COMMENTS ARE WELCOME ON ITEMS NOT LISTED ON THE FOLLOWING AGENDA. Public comments are limited to three (3) minutes. Council may approve one additional one (1) minute upon request.
5. BUSINESS ITEMS
   5.1. Appointments Finance Committee Members (General Government Manager Ineke de Jong) (30 Minutes) 5:15
   5.2. Public Hearing: Resolution 22-20 Approving 2nd Amendment to 2022 Budget (Finance Director Scott Wright) (30 Minutes) 5:45
   5.3. Work Session: Broadband Update (IT Manager Robert McKenner and Public Works Director Eva Wilson and Town Manager Eric Heil) (30 Minutes) 6:15
   5.4. Work Session: Take Home Police Vehicles (Sgt. John Mackey) (15 minutes) 6:45
   5.5. First Reading of Ordinance 22-13 Enacting Title 8, Chapter 6 Recycling Requirements (Sustainability Coordinator Charlotte Lin) (30 Minutes) 7:00
   5.6. First Reading of Ordinance 22-14 Approving Purchase and Sale of Real Property (Town Manager Eric Heil) (15 Minutes) 7:30
   5.7. First Reading of Ordinance 22-15 Amending the Avon Development Code, Adopting Development Bonus Provisions (Planning Director Matt Pielsticker) (30 Minutes) 7:45
   5.8. Letter of Support for CORE Act (General Government Manager Ineke de Jong) (5 Minutes) 8:15
   5.9. FAMLI State Legislation Review (Town Manager Eric Heil; Chief Human Resources Officer Lance Richards) (5 Minutes) 8:20
   5.10. Notice of Award for the Metcalf Culvert (Town Engineer Justin Hildreth) (5 Minutes) 8:25
   5.11. Notice of Award US6 Mobility Improvements (Public Works Director Eva Wilson) (5 Minutes) 8:30
   5.12. Appointment of Inga Causey as Interim Town Prosecutor (Town Manager Eric Heil) (5 Minutes) 8:35
6. MINUTES
   6.1. Approval of August 23, 2022 Regular Council Meeting Minutes (Deputy Town Manager and Town Clerk Patty McKenny) (5 Minutes) 8:40
7. WRITTEN REPORTS
   7.1. September 6, 2022 Planning & Zoning Commission Meeting Abstract (Planner 1+ Max Morgan)
   ** Indicates topic will be discussed at future agenda’s
8. MAYOR AND COUNCIL COMMENTS & MEETING UPDATES (15 MINUTES) 8:45
9. ADJOURN 9:00

Public Comments: Council agendas shall include a general item labeled “Public Comment” near the beginning of all Council meetings. Members of the public who wish to provide comments to Council greater than three minutes are encouraged to schedule time in advance on the agenda and to provide written comments and other appropriate materials to the Council in advance of the Council meeting. The Mayor shall permit public comments for any
action item or work session item and may permit public comment for any other agenda item, and may limit such public comment to three minutes per individual, which limitation may be waived or increased by a majority of the quorum present. Article VI. Public Comments, Avon Town Council Simplified Rules of Order, Adopted by Resolution No. 17-05.
TO: Honorable Mayor Smith Hymes and Council members
FROM: Ineke de Jong, General Government Manager
RE: Interviews and Appointments to Finance Committee
DATE: August 17, 2022

SUMMARY: Resolution 22-14, adopted on June 14, 2022, extended the expiration date of the Finance Committee until January 31, 2024. Member terms are temporary and indefinite for the duration of the Finance Committee. All five (5) current members are planning to continue to serve on the committee and the other four (4) of the nine (9) seats are still vacant.

The Finance Committee is advisory in nature, reviews, researches, and studies the Town’s tax and fee structure and sources of revenue, including but not limited to: (i) comparisons to both incorporated and unincorporated peer communities, (ii) potential volatility associated with various revenue sources, and (iii) determining the percentage of revenues attributable to residents, second home owners, visitors and businesses. Their role is more defined in Resolution 19-15 adopted July 9, 2019 and amended in Resolution 22-14 on June 14, 2022.

A press release announcing the Town was seeking community members to serve on the Finance Committee was sent out on June 29, 2022, through the Town website / database, and social channels. We also advertised in the Vail Daily. We received four (4) outstanding applications for four (4) open seats on the Finance Committee. Applicant information is provided in Attachment A.

QUALIFICATIONS: Resolution 19-15 requires appointed members of the Finance Committee to be residents of the Town, property owners of the Town, or an owner or employee of a business in the Town, provided that he/she resides in Eagle County. Appointments shall be made by Council.

FINANCE COMMITTEE COMPOSITION: Provided in the table below, is a summary of the current committee members along with their professions:

<table>
<thead>
<tr>
<th>Committee Member</th>
<th>Profession</th>
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</thead>
<tbody>
<tr>
<td>Linn Brooks</td>
<td>General Manager, Eagle River Water &amp; Sanitation District.</td>
</tr>
<tr>
<td>Steve Coyer</td>
<td>Degrees in economics &amp; business administration. Experience and involvement with the Mountain Star HOA, YouthPower365, VVF and ERWSD.</td>
</tr>
<tr>
<td>Markian Feduschak</td>
<td>President of Walking Mountains Science Center.</td>
</tr>
<tr>
<td>Craig Ferraro</td>
<td>Former CFO for Aspen Skiing Company and East West Partners with exposure to municipal financing through Metro Districts in Colorado.</td>
</tr>
<tr>
<td>Dee Wisor</td>
<td>Lawyer with a practice focused on public finance including bond finance, taxation, elections, TABOR compliance and economic development.</td>
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Ex-Officio Non-Voting Members

<table>
<thead>
<tr>
<th>Committee Member</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scott Prince</td>
<td>Avon Town Council</td>
</tr>
<tr>
<td>Sarah Smith Hymes</td>
<td>Avon Town Council</td>
</tr>
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(970) 748-4013 idejong@avon.org
**SELECTION PROCESS:** The applicants will be brought into the Council meeting, one-by-one, in the order applications were received, as follows:

1. **Terry Nolan** – Managed budgets for both a for-profit and non-profit business and had own business. Experience and involvement with ERWSD, Vail Resorts and local real estate
2. **Lisa Post** – Internal Auditor, Senior Analyst, Vail Resorts
3. **Clark Rogers** – Retired Finance Professional
4. **John Widerman** – Banking Officer, First Bank Avon and former Mayor & Council member Town of Minturn

After a brief introduction by each applicant and a summary of their interest to serve, Council will have time to ask each applicant questions prior to appointments. Up to 5 minutes per applicant is scheduled. After the four (4) applicants have had a chance to address the Council, there will be time for Council discussion.

Staff will then request that each Council member mark their selected candidates on the provided voting card. These will be provided to Brenda Torres and Karl Hanlon for tallying. The results from each Council member will be read into the record, as well as the final selected candidates.

In the alternative, Council can make a motion to appoint all four candidates. This proposed motion is below.

**RECOMMENDATION:** I recommend the appointment of the four (4) applicants for the five (5) to nine (9) member Finance Committee so that combined the Finance Committee overall better represents diversity and there will be up to nine (9) voting members to attend the committee meetings.

**PROPOSED MOTION:** “I move to appoint Terry Nolan, Lisa Post, Clark Rogers and John Widerman to the Avon Finance Committee.”

*Thank you, Ineke*

**ATTACHMENTS:**

Attachment A – Applicant Information
Attachment B – Resolution 22-14 Extending Resolution 19-15 Approving an Ad Hoc Finance Committee
Dear Eric and Ineke,

I’m interested in serving on the Town of Avon Finance Committee. My resume is attached. A few highlights from the resume:

1. In nearly every position I’ve held I was responsible for creating, presenting, and managing budgets.
2. I’ve managed two small businesses (one was a for-profit and the other a non-profit) where I reported to the Board of Directors.
3. I’ve been on the Executive Team for two public companies.
4. I’ve managed my own business.
5. I purchased a second home in Avon in 1981 and moved here in 1990. My wife and I moved out of the Valley a couple of times but always ended up back in Avon. This is home.
6. Plus, I’m a bit of a nerd and enjoy working with numbers.

Thanks for your consideration.

Terry Nolan
Terry Nolan
Avon, Colorado
tolan917@gmail.com 970-471-2210

Summary
Operations, administration, and Human Resources management experience in data management, oil & gas, manufacturing, technology, financial services, and leisure/hospitality environments. Practical, common-sense approach to management and human resources. Expertise in building organization and infrastructure to support rapid growth, identifying and sustaining organizational culture, and managing mergers and acquisitions.
Specialties: Operations, Human Resources, Administration, Oil & Gas, Manufacturing.

Experience

Apex Residences HOA & Property Manager
Vail Resorts, Feb 2019 - Jan 2021 (2 years)
Vail Resorts Hospitality is the premiere property management company in Park City and provides comprehensive management services to both homeowner associations as well as individual homeowners renting their units on a short-term basis. The Apex Residences Property Manager will manage the community association and individual residences within the development. The Property Manager will build and lead the front desk, concierge, shuttle, and public area housekeeping teams.

CEO
Park City Board of REALTORS®, Apr 2016 - May 2018 (2 years 2 months)
The CEO plans, organizes, coordinates, controls and directs the Park City Board of REALTORS® programs and activities and manages the staff. The Chief Executive Officer (CEO) reports to the Board of Directors for the effective administration of the Park City Board of Realtors® and the Multiple Listing Service, which is operated as a wholly owned corporation.

Real Estate Broker & Managing Broker
Berkshire Hathaway Colorado Properties, 2004 - Apr 2016 (12 years 4 months)
Built successful real estate business. Focused on residential sales in both the Resort Markets of Beaver Creek and Vail and the local markets in Eagle County. Was Managing Broker in Beaver Creek.

Chairman, Vail Board of REALTORS®
The VBR Chair facilitates Board functions with the VBR CEO. The CEO runs the Association and the Chair provides guidance. The VBR Chair is also a member of the VMLS Board of Directors, VBR Foundation Board of Directors, and the Colorado Association of REALTORS® Board of Directors. The VBR Chair facilitates Board functions with the VBR CEO.
CEO | Team Leader
Keller Williams Realty, Inc. Feb 2015 - Oct 2015 (9 months)
The Team Leader functions as the CEO of the company and is responsible to the Operating Principal for all operations, profitability, growth, and company culture. In addition, the TL is responsible for recruiting, training, and retention.

Market Manager
Realtors Property Resource (RPR), Jun 2013 - Feb 2015 (1 year 9 months)
Expand and maintain RPR market partnerships with MLSs and Associations through coordination of communication, support and training programs and enrollment of new markets and services.

VP Operations & Administration
NetRatings, 2000 - 2003 (4 years)

VP Administration
Titan Holdings, 1997 - 2000 (4 years)

General Manager Rental Operations
Vail Resorts, 1996 - 1997 (2 years)

Deputy General Manager
Eagle River Water and Sanitation District, 1992 - 1993

Education
University of California, Davis
Bachelor of Engineering (B.E.), Civil Engineering
DEAR MS DE JONG AND MR HEIL,

Are you looking for a Finance Committee member with:

Twenty-five years of hands-on experience in financial and operational auditing?
Excellent written and oral communication skills?
A passion to understand the Town of Avon government finances?

- Twenty-five years of hands-on experience in financial and operational auditing?
- Excellent written and oral communication skills?
- A passion to understand the Town of Avon government finances?

If so, please consider my enclosed resume and contact me at your earliest convenience to schedule an interview or reach out anytime with questions.

Thank you for taking the time to review my resume. I look forward to talking with you.

Sincerely,

Lisa Post

Lisa Post, CIA, CISA, CFE, CRISC
Enclosure
LISA POST, CIA, CISA, CFE, CRISC
PO Box 1353 Avon CO 18620 · (970)331-8566
Heidiidaho1009@gmail.com
LinkedIn Profile https://www.linkedin.com/in/lisa-post-cia-cisa-cfe-crisc-3891b38/

Specialties: Financial, Operational & Compliance Audits, Sarbanes-Oxley, Fraud

EXPERIENCE

1996 – TO PRESENT
SENIOR ANALYST, VAIL RESORTS MANAGEMENT COMPANY
  • Comprehensive understanding of COSO, SOX (auditing financial statements), Internal Audit and Fraud Investigation
  • Operational knowledge of Vail Resorts business units and processes with expertise in most operating units
  • Assisted with Due Diligence for acquisition of Rock Resorts, Heavenly, Colorado Mountain Express and O2Gearshop
  • High rate of obtaining Statements of Admission for Fraud Investigations
  • Data Analysis expertise with ACL software using direct access with General Ledger and Resort POS data
  • Competent with PeopleSoft Ad Hoc reporting tools (nVision and query writing)

1984 – 1996
BUSINESS SYSTEM ANALYST, UNITEDHEALTHCARE (MINNEAPOLIS, MN)
  • Health Report Card development for United Mine Workers,
  • Prepared quarterly reports for fortune 1000 companies clients,
  • Fluent in systems design, testing, change control, implementation, conversion, decision support, and user documentation. Managed or assisted with 8 system conversions (acquisitions), Implementation of multiple fee schedules to physicians, DRG payment to hospitals and stabilization of the check writing program. Minor projects included expanding provider networks, place of service code and educating end users on claims data (key fields and expected values).
  • Implemented audit program to verify payment calculations prior to release of checks to hospital, physician, dentist and pharmacy,
  • Provider Education medical coding/claims submission and physician help line.

EDUCATION

MAY 1983
BA, GERMAN & INTERNATIONAL STUDIES, MACALESTER COLLEGE (ST. PAUL, MN)
CERTIFICATIONS

• CIA – Certified Internal Auditor #29766 (IIA, May 2000)
• CISA – Certified Information Systems Auditor #23205 (ISACA, Sep 2000)
• CFE – Certified Fraud Examiner #589832 (ACFE, Sep 2010)
• CRISC – Certified in Risk Management and IS Controls #115480 (ISACA, Oct 2011)
• CIQAV – Certified Internal Quality Assessment/Validation (IIA, Mar 2005)

ACTIVITIES

• TOA Health & Rec – Town of Avon Health and Recreation Department (May 2022 – present)
• DAR – Daughters of the American Revolution 10th Mountain Division (Vice Regent 2017 – 2019)
• CPM – Certified Pilates Mat Instructor (BASI, Nov 2008)
• NAWGJ – National Association of Women’s Gymnastics Judges (retired)
July 29, 2022

Town of Avon

Re: Finance Committee Candidate

Dear Town of Avon,

I have been in banking and finance all my life and worked on very complex business structures and am highly analytical. Modeling cash flows, net present values and return on investment calculations were routine for me. In short, I am confident in my ability to efficiently and accurately perform the duties you describe on your website.

I retired from my last position with KeyBank Real Estate Capital in April 2019. I was born in Wiesbaden, W. Germany in 1957 and moved back to Kansas City in 1959. My father was a surgeon, and my parents were avid skiers and I began skiing in Taos and Aspen. We then came to ski in Vail about 1966 and I have skied here all my life and have many good friends here.

I previously had a 2 bedroom condominium at Lion’s Mane and moved to Wildridge in Avon this last January and live in the Vista Townhomes.

I love this valley and have watched it develop and grow over the decades and want to give back in a meaningful way and be a solid member of this community as long as I am alive.

With kind regards,

Clark Rogers

P.O. Box 3840
3078 Wildridge Dr, Unit B
Avon, CO 81620

(913) 940-1160
Cwr0206@yahoo.com
Clark W. Rogers
3408 W. 71st Street
Shawnee Mission, Kansas 66208
(913) 722-7811

Summary of Qualifications:
Diversified experience including expertise in commercial real estate financing and management, bank administration and regulation, and financial analysis. Broad based generalist management background and prior supervisory experience combined with technical proficiency.

Highly developed interpersonal and communication skills.

Demonstrated organizational and managerial skills including the ability to direct others in the performance of complex assignments.

Education:
Bachelor of Science, Finance, December 1985, Cum Laude
Kansas State University, Manhattan, Kansas

Business Administration, University of Kansas

Experience:

1986 – 1992
Federal Reserve Bank of Kansas City
- Financial Analyst, Special Projects, Division of Bank Supervision and Structure: Research and monitor aggregate banking trends including US bank third world debt exposure, capitalization analysis, holding company stock price valuation and development of mainframe based commercial real estate loan risk exposure model selected for System-wide use. Supervise and monitor problem institutions.
- Management Development Program
  Human Resources Information System Project Manager: Evaluation, selection and implementation of a comprehensive Human Resource Information System solution for the 10th District (Peoplesoft). Chairman of a Task Force formed to develop System-wide HRIS strategic plan and implementation.
  Manager, Administrative Services: Supervision and direction over four functional units consisting of over 30 staff members.

1992 – 1993
Midland Loan Services, L.P.
- Asset Manager, Eastrich Multiple Investor Fund, L.P.: Asset management and disposition of $150 million of a $1.2 billion portfolio of sub-performing and non-performing commercial real estate loans located in geographically diverse regions.

1993 – 1997
Dickinson Financial Corporation/Bank Midwest, N.A.
- Vice President: Supervisory responsibility for Loan Review and Loan Administration Departments, including credit policy formation and implementation for a chain of over 30 banks with total assets of $2.3 billion. Lead due diligence teams in the evaluation of loan portfolios and bank acquisitions; conduct valuation analysis and make purchase recommendations. Monitor loan portfolio and identify watchlisted loans and establish specific reserves. Position reported directly to the Board of Directors.
1997 – Present  

**KeyBank Real Estate Capital (Formerly National Realty Funding)**

- **Mortgage Officer:** Origination and underwriting of $250 million in commercial real estate loans for pooling and sale as Commercial Mortgage Backed Securities with start-up company. Complete responsibility for market development nation-wide, correspondent and broker relationship management, and production volume.

- **Vice President, Special Servicing, KeyBank Real Estate Capital:** Transferred to Special Servicing in January 2000 with acquisition of NRF by KeyBank. Responsibilities include formation of departmental unit; establishing procedures and guidelines for specially serviced CMBS loans; disposition management of problem loans including CMBS, LIHTC, Private Equity Group, Life/Pension, Agency, FDIC and bank loans; preferred equity and mezzanine debt, CDO co-manager, master servicing support; watchlist monitoring; and managing investor relations.

- **Senior Vice President, Special Servicing and Asset Management, KeyBank Real Estate Capital:** In addition to Special Servicing and other duties, effective January 2004 manage KeyCorp subsidiary responsible for asset management of a 70,000 unit syndicated Section 42 Low Income Housing Tax Credit portfolio (“LIHTC”) consisting of approximately 350 properties nationwide, and CMBS Transactions processing group.

Since SVP Appointment in 2004 for various time periods had operational responsibility for Transactions Processing, Surveillance, Primary Servicing Departments,

- **Senior Vice President, Asset Management and Business Development:** Responsible for Business Development and Relationship management in addition to various duties listed above.

- **President, National Tax Assistance Corporation:** Operational responsibility, and liquidation oversight, of a portfolio for KeyBank subsidiary formed to acquire $300 million in delinquent tax liens.
Hi Ineke,

Again sorry for the delay. If I’m too late, just let me know. Otherwise, this email will serve as my intent to pursue a board seat on the TOA Finance Committee. I appreciate your consideration and look forward to the process. Let me know if you need anything else.

For reference I do live in Edwards, but work at the FirstBank in Avon full time, so I believe this qualifies me based on employment.

Thanks,
John

John Widerman
Banking Officer
NMLS ID 2057846
FirstBank – Mountains
11 West Beaver Creek Blvd, Avon, CO 81620
T 970.845.3109 F 970.845.3154 | efirstbank.com | Blog

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John Widerman

Johnwiderman@gmail.com | PO Box 761, Minturn, CO, 81645 | 970-977-6650

Objective

Board seat on the Town of Avon Finance Committee

Education

MBA - University of Colorado Denver, Business School  August 2017 - May 2020
Dual specialization - Finance and Managing for Sustainability

- Pertinent course work includes: Financial Modeling, Financial Management, Investment Management Analysis, Data Analysis, Accounting, Behavioral Finance, Acct/Finance for Sustainability, Strategic Management
- Finance specialization requires a detailed understanding of building financial models and organizing data, meeting outlined objectives, and supporting data driven solutions

Colorado Mountain College 2012 - 2017
Bachelor of Science - Business Administration

Executive Energy Leadership Academy - National Renewable Energy Lab June – September 2018
- Intensive 4-month program designed to give a deep understanding of all relevant technologies and patents produced by NREL that may be deployable in the free market

Professional Experience

FirstBank – Banking Officer November 2019 – Present

- Responsible for all aspects of residential and commercial lending, staying up to date on current economic condition, managing customer relationships for the long term, effectively managing internal teams, maintain credentials as related to fiduciary responsibilities
- Actively participate and maintain presence in the communities we serve, understanding the surrounding economic drivers and using our skill sets to give back to the community where we are most impactful

Public Administration
Mayor – Town of Minturn 2019 - 2021
Minturn Town Council 2016 - 2019

- Listening to constituents and colleagues, running effective meetings, managing staff, council and public expectations, implementation of goals and strategy, confidence in decision making, reviewing financial transactions, operations and project based financial analysis, move municipality towards respective goals outlined in community plans, preparing and presenting data on a large variety of topics
- Monthly budget review and annual audit with extensive analysis of spending in all departments, planning and implementation of significant Capital Improvement Plans, review and analysis of current and future economic conditions
Eagle County School District – Operations Management

- Detailed records of expense reports and inventories, define scope and deliverables, time/resource/communication/contract/risk management, board member updates
- Responsible for coordinating budget/finance and logistics of all operations on property including: employee housing, maintenance needs, private and public events, snow removal operations, health and safety, MOU/contract agreements

**Skills**

- Advanced MS office and Excel skills including: Solver, Developer, Pivot Tables, Logical Statements, @Risk
- Financial modeling and data analytics
- Excellent written and verbal communication
- Public speaking
- High-level EQ

**Certifications**

- Ethical Leadership Certificate - NASBA Center for the Public Trust
- Sustainable Leadership Certificate - Colorado Mountain College
- LEED - Green Associate

**Leadership and Community Service Activities**

Northwest Colorado Council of Governments - Advisory board designed to interpret and advise on state and regional legislation

Eagle County Climate Action Collaborative - Representative supporting the regional Climate Action Plan

Eagle County Regional Transportation Authority, Vice Chair - Regional board that guides public transportation decisions to be approved by the Board of County Commissioners

Partners in Energy – Community lead for organizing and implementing a municipal energy action plan through local energy supplier demand side management team, this plan is updated annually and is a living document for future councils to follow, designed to reduce energy use and greenhouse gas emissions through goal setting, reporting, and action steps to continuously improve results.
RESOLUTION NO. 22-14
EXTENDING RESOLUTION NO. 19-15 APPROVING AN AD HOC FINANCE COMMITTEE

WHEREAS, the Town of Avon, Colorado ("Town") is a home rule municipality and political subdivision of the State of Colorado ("State") organized and existing under a home rule charter ("Charter") pursuant to Article XX of the Constitution of the State; and

WHEREAS, Section 11.2 of the Charter authorizes the Town Council to create advisory boards; and

WHEREAS, by Resolution 19-15 the Town Council created an Ad Hoc Finance Committee; and

WHEREAS, the Town Council finds that the Ad Hoc Finance Committee provides valuable important review, research and advisory functions with regard to the financial understanding of the Avon community; and

WHEREAS, the Town Council finds that the Ad Hoc Finance Committee has promoted citizen understanding and involvement in the Town financial matters and will thereby promote the health, safety and general welfare of the Avon community.

NOW THEREFORE, the Town Council, hereby RESOLVES to extend Resolution No. 19-15 approving an Ad Hoc Finance Committee until 2024, by amending Section 16, Expiration. to expire on December 31, 2024 unless terminated earlier by Town Council resolution or unless the expiration date is extended by Town Council by resolution.

ADOPTED June 14, 2022 by the AVON TOWN COUNCIL

By: Sarah Smith Hymes, Mayor

Attest: Brenda Torres, Deputy Town Clerk
RESOLUTION NO. 19-15
APPROVING AN AD HOC FINANCE COMMITTEE

WHEREAS, the Town of Avon, Colorado (the “Town”) is a home rule municipality and political subdivision of the State of Colorado (the “State”) organized and existing under a home rule charter (the “Charter”) pursuant to Article XX of the Constitution of the State; and

WHEREAS, Section 11.2 of the Town’s Home Rule Charter authorizes the Town Council to create advisory boards and does not prohibit Town Council members from serving on non-permanent advisory boards as ex-officio members; and

WHEREAS, the Town Council finds that an Ad Hoc Finance Committee will provide valuable important review, research and advisory functions with regard to the Town’s financial structure and local economy; and

WHEREAS, the Town Council finds that the establishment of an Ad Hoc Finance Committee will promote citizen understanding and involvement in the Town’s financial structure, serve to grow trust with the Town’s government, assure transparency, and will thereby promote the health, safety and general welfare of the Avon community.

NOW THEREFORE, the Town Council, hereby RESOLVES to create the Ad Hoc Finance Committee, as follows:

Section 1. Establishment, Purpose and Duties. There is hereby established the Ad Hoc Finance Committee (“Finance Committee”) of the Town. The purposes and duties of Finance Committee are as follows:

(a) To review, research and study the Town’s tax and fee structure and sources of revenue, including but not limited to: (i) comparisons to both incorporated and unincorporated peer communities, (ii) potential volatility associated with various revenue sources, and (iii) determining the percentage of revenues attributable to residents, second home owners, visitors and businesses;

(b) To review, research and study the Town’s economy as it relates to the Town’s finances;

(c) To prepare reports as appropriate to assist the Town Council and the general public to better understand the Town’s finances;

(d) To make recommendations to the Town Council consist with this Resolution; and,

(e) To perform such other tasks related to the Town’s finances as the Town Council may request.

Section 2. Membership. Finance Committee shall be composed of five (5) to nine (9) appointed by the Town Council and who shall shall be eligible to cast votes as voting members on the Finance Committee (“Voting Members”) and two (2) ex-officio non-voting members of Council (“Ex-Officio Non-Voting Members”) appointed by Town Council.
Section 3. Qualification of Voting Members. Residents of the Town, property owners in the Town, and owners and employees of a business located in the Town are eligible to be appointed as Voting Members. Appointments shall be made jointly by the Mayor and Mayor-Pro Tem after posting notice of a vacancy for at least twelve (12) days.

Section 4. Qualification of Ex-Officio Non-Voting Members. Council members shall be eligible for appointment to the two (2) Ex-Officio Non-Voting Members. Appointments shall be made by Town Council. The term of office for Ex-Officio Non-Voting Members shall coincide with each appointed Town Council member's term or the expiration of the Finance Committee, whichever is shorter. Ex-Officio Non-Voting Members shall have the equal right to participate at Finance Committee meetings and equal right to receive all Finance Committee materials and notices of Finance Committee meetings, but shall not have any right to vote on recommendations, advisory matters, or other actions of Finance Committee.

Section 5. Quorum. Three (3) Voting Members of Finance Committee shall constitute a quorum for the transaction of business, but in the absence of a quorum, a lesser number may adjourn any meeting to a later time or date. In the absence of all Voting Members, any staff member may adjourn any meeting to a later time or date.

Section 6. Term. The term of office for a Voting Member shall be temporary and indefinite for the duration of the Finance Committee. A Voting Member of Finance Committee who ceases to possess the qualifications for office that the Voting Member possessed at the time of appointment may be permitted by the Town Council to serve until the end of the appointed term, provided that the Finance Committee member continues to reside in Eagle County. Any member of Finance Committee may be removed by Town Council pursuant to Section 8 - Removal from Office, below.

Section 7. Vacancies. A vacancy on Finance Committee shall occur whenever a member of Finance Committee is removed by the Council, dies, becomes incapacitated and unable to perform the required duties for a period of ninety (90) days, resigns, ceases to meet the qualifications of Finance Committee and is not permitted by Council to serve until the end of the existing term or is convicted of a felony. In the event a vacancy of a Voting Member occurs, the Mayor and Mayor Pro Tem shall jointly appoint a successor to fill the vacancy who shall serve the remainder of the term of the former member after posting notice of such vacancy to solicit interest from qualified persons. Council shall appoint Council members to fill any vacancy in an Ex-Officio Non-Voting seat.

Section 8. Removal from Office. Any member of Finance Committee may be removed for just cause at the pleasure of the Town Council by a majority vote of the entire Town Council in office at the time the vote is taken. Just cause shall include misconduct, conduct unbecoming of a Town official, violation of the Town Code of Ethics, inefficiency or more than two (2) unexcused absences within a twelve-month period. Prior to removal, Town Council shall conduct a hearing and shall provide written notice to the Finance Committee member stating the grounds for removal at least three (3) days prior to the hearing.

Section 9. Officers. Finance Committee shall select its own Chairperson and Vice-Chairperson. The Chair or, in the absence of the Chair, the Vice-Chair, shall be the presiding officer of its meeting. In the absence of both the Chair and the Vice-Chair from a meeting, the Voting Members present shall appoint a Voting Member to serve as Acting Chair at the meeting.
Section 10. Compensation. All members of Finance Committee shall serve with compensation and benefits, if any, as may be established by the Town Council and shall be reimbursed for all authorized personal expenses incurred while performing duties as a Finance Committee member.

Section 11. Staff. The Town Manager shall designate Town staff to serve as the staff of Finance Committee and shall provide for the service of a recording secretary who shall act in the capacity of secretary for Finance Committee.

Section 12. Rules and Regulations. Finance Committee shall operate in accordance with its own rules of procedure; provided, however, that Finance Committee shall submit its proposed rules or any amendment to the rules to the Town Council, which by motion shall approve the rules or amendment and direct their adoption by Finance Committee or disapprove the proposal with directions for revision and resubmission. The rules shall incorporate and comply with the Colorado Open Meetings Law, Colorado Open Records Act, and the Colorado Municipal Records Retention Schedule as such are adopted and implemented by the Town. The rules shall be filed with the Town Clerk and maintained in the records of the Town and shall be subject to public inspection. Finance Committee may provide for certain variances, exceptions and exemptions from the requirements of its rules and regulations.

Section 13. Meetings. Finance Committee shall meet in accordance with the rules of procedure governing Finance Committee and otherwise upon the call of the Chairperson or, in the absence of the Chair, by the Vice-Chairperson. All meetings shall be held at the offices of the Town, unless otherwise specified, with adequate notice given to all interested parties.

Section 14. Appropriation Authority. Finance Committee shall not have authority to appropriate or spend Town funds. Finance Committee may provide recommendations to the Town Manager and/or Town Council with regard to the annual budget for financial studies.

Section 15. Council Amendments. Town Council reserves the right to amend, increase, reduce or change any or all of the powers, duties and procedures of Finance Committee.

Section 16. Expiration. The Finance Committee is a temporary, non-permanent advisory board and shall automatically expire on January 31, 2022 unless terminated earlier by Council resolution or unless the expiration date is extended by Council by resolution.

ADOPTED July 9, 2019 by the AVON TOWN COUNCIL

By: Sarah Smith Hymes, Mayor
Attest: Brenda Torres, Town Clerk

ATTACHMENT B: Res 19-15 Finance Committee
SUMMARY: This report and Resolution No. 22-20 amend the General Fund and Community Housing Fund for revisions and updates since the last supplemental amendment that was adopted on May 10, 2022. The amendment updates projected revenues as well as an itemization and description of revisions in expenses as described below.

PROPOSED MOTION: "I move to approve Resolution No. 22-20, A Resolution Amending the 2022 Town of Avon Budget."

FINANCIAL CONSIDERATIONS: The Town has realized strong revenues in excess of budget revenues in the amount of $2.9 Million in actual revenues received more than the amount budgeted through July. There are also additional expenditures that Staff feels is appropriate to approve now in order to continue to provide high quality and efficient services and address unanticipated circumstances in a timely manner. There are also additional expenditures related to actual cost being higher than budgeted last fall (inflation).

General Fund expenditure increases are proposed for the Departments:

- General Government = $ 64,070
- Community Development = $ 20,324
- Public Safety = $ 71,000
- Public Works = $315,511
- Recreation = $ 52,355
- **TOTAL** = $523,260

Total increases to General Fund expenditures are **$523,260**. Total increases to General Fund revenues based on year-to-date actuals are **$2,999,684**.

MANAGER’S COMMENT: In addition the itemize expenditure increases in this Budget Amendment, Staff is also seeking approval to add the positions of a building inspector to support Chief Building Inspector Derek Place and a Public Works Administrator. The Community Development Department has received over $1 million in building permit and plan check fees, which is substantially over the budget revenues for these fees. This also represents a substantial increase in building inspection demands due to several large projects. An additional building inspector position will help the Town continue to provide timely and professional building inspection services with the additional inspection workload of large projects. The annual cost for this position is estimated to be $140,000 and the incremental cost for 2022 is estimated to be $25,000 depending on recruitment and start date this fall.

The Public Works Department has identified the efficiency of adding an administrative technician position to support the five divisions of Public Works (Buildings, Engineering, Fleet, Mobility and Operations). This was expected and will help free up some time by various managers and superintendent by providing administrative support. The annual cost for this position is estimated to be $110,000 and the incremental cost for 2022 is estimated to be $18,000 depending on recruitment and start date this fall. Public Works will have some cost
reductions in some positions where the overall increase to the General Fund is anticipated to be very modest (approximately $32,000) which will be presented in more detail at the September 30 Budget Retreat.

The $38,000 incremental cost for the addition of these two positions was not included in the budget amendment due to timing. I am requesting Council approval for this additional expenditure which will be included in the final budget amendment for 2022.

Below is a summary of the proposed budget revisions and the estimated impacts to fund balances.

**GENERAL FUND:** The following are proposed revisions to expenditure appropriations in the General Fund:

**General Government:**
- $11,423 for voter polling conducted in early summer 2022 for the Use Tax, Marijuana Tax in the Town Council budget;
- $1,200 for membership in ECLEI (sustainability group for local governments) in the Town Manager’s budget;
- $6,350 for employee recognition costs in the form of 250 logo’d hats for employees, Council and the P&Z Commission in the HR budget;
- $2,250 for outsourcing Spanish translation services for the monthly newsletter in the Communications budget due to strains on Staff work load for in-house translation;
- $15,000 for the cost of professional services related to identifying grants, grant writing, advocacy of grant applications, and developing grant strategies with Sustainable Strategies (see attached Report);
- $65,186 in various revisions to Special Events including additions to Heart & Soul ($65,376), AvonLive! ($4,675), Summer’s End ($5,030), Paddle Battles ($2,848), and reductions to Lakeside Cinema ($1,700) and Salute to the USA ($12,150) [MANAGER’S NOTE = these numbers reflect internal accounting updates. Overall Special Events costs are on track to come in UNDER budget for 2022 by approximately $10,000.];
- $9,558 for the renewal of the DocuSign software subscription fees for an additional 1,500 documents per year;
- $28,076 for new hire: Incoming Finance Director (expected 2 months of hire in 2022). Figure includes salary & benefits

**Community Development:**
- $3,700 for increased postage related to short-term rental mailings in the Planning budget;
- $16,624 for new hire: building inspector (expected 2 months of hire in 2022). Figure includes salary & benefits

**Police:**
- $17,000 for replacement of the Police Dept. drone that was destroyed in an accident;
- $30,000 to outfit two new SWAT operators;
- $5,000 for police office breaching equipment;
- $14,000 for ammunition purchases for 2022. The current budget was for ammunitions that was carried-over from the previous year;
- $5,000 for the purchase of handguns for plain clothes police;

**Public Works:**
• 13,000 for the reinstatement and support and maintenance of PubWorks software program to track work orders, time and costs in Public Operations;
• $80,000 for the replacement of the sand at Nottingham Lake beach due to the rainstorms in 2021, including repairs to the parking lot, pedestrian path, and topsoil in damaged grass areas during the sand replacement;
• $10,000 for the replacement of one of the Town’s stand-on mower used at Avon Road, Lake Street, the pocket parks and Avon Mall;
• $8,700 for asphalt crack sealing at the Swift Gulch parking lot and other roadways;
• $21,000 for paving areas on Benchmark Rd. where cars damage the landscaping next to the newly installed parking spaces. An asphalt path will keep pedestrians from walking on the roadway and wheel stops will be installed to prevent cars from rolling onto the path;
• $90,800 for the removal of cottonwood trees along Swift Gulch Road and the trail for public safety reasons (several trees fell on to Swift Gulch Road this summer);
• $49,800 increase for natural gas utilities due to additional gas transportation fees placed by Xcel energy;
• $2,050 for electrical supplies in order to replace the generator at the location of the Rocky Mountain Taco vendor food station with permanent electrical connections;
• $13,973 for ½ of the cost of a utilities accounting study completed by ERFPD to support appropriate cost sharing;
• $4,000 for the tinting of office glass to better control lighting.
• $8,000 for the replacement of wall mirrors in the fitness areas of the Avon Recreation Center. Mirrors will be raised up to at least 3’ from the floor to prevent weights from shattering mirrors;
• $14,188 for new hire: PW Admin Technician (expected 2 months of hire). Figure includes salary & benefits

Recreation:
• $1,770 replacement sound mixer for audio equipment, music and fitness in Recreation Admin;
• $2,400 for expired subscription fees for interactive / on-demand features for spin bikes in Recreation Fitness;
• $35,000 increase for unanticipated processing fees for the new Amilia recreation management software in Recreation Guest Services;
• $2,825 for the cost to repair damage to a basketball hoop at Avon Elementary School caused by a Town of Avon employee.
• $10,000 for “Avon Branded” merchandise to be sold at the Recreation Center front desk (full cost recovery is expected with sales);

The following are proposed revisions to revenue estimates:
• Increased estimated sales tax revenues based on year-to-date comparisons to budget by $881,220;
• Increased estimated accommodation tax revenues based on year-to-date comparisons to budget by $298,895;
• Increased building permit revenues and plan check fees by $624,200 and $303,167 respectively due to increased building activity. These amounts reflect actual building revenues received year-to-date;
• Increased Avon Recreation Center admissions revenues by $303,167 based on current year-to-date activity;
• Decreased special event sponsorships from Salute to the USA by $16,000;
• Increased event concessions by $4,00 for Heart and Soul event;
• Decreased special event admission fees for Circus Bella and Ultimate Après Avon events.

The revised ending fund balance of the General Fund reports a total of $14,597,561. Of this amount, the 27% reserve is $6,252,173, $980,080 is in the 3% TABOR emergency reserve and the remaining amount of $9,608,004 is undesignated and unreserved and can be used for any legal purpose.

COMMUNITY HOUSING FUND: Proposed increases to the Community Housing Fund expenditures are $128,551 and proposed increases to Community Housing Fund revenues are $275,000 (due to higher than budgeted Short Term Rental Tax revenues).

The revisions to the Community Housing Fund are as follows:
• $3,551 for sales tax rebates related to Wildwood townhomes;
• Added $75,000 for pre-construction services related to the Swift Gulch Employee Housing project;
• Added $50,000 for a land inventory project (NOTE this is an accounting entry. Avon is receiving $25,000 in grant funding from DOLA and partnership contributions from Eagle County and other municipalities such that Avon’s contribution is less than $10,000);
• Revised revenue estimates for the new community housing short-term rental tax from $740,000 to $1,000,000.

Thank you, Scott

ATTACHMENTS:  
Attachment A  Resolution No. 2022-20  
Attachment B  General Fund Supplemental Amendment No. 2  
Attachment C  Community Housing Fund Supplemental Amendment No. 2  
Attachment D  Grant Writing Proposal
TOWN OF AVON, COLORADO
RESOLUTION NO. 22-20

A RESOLUTION TO AMEND THE 2022 TOWN OF AVON BUDGET

WHEREAS, the Town Council of the Town of Avon has previously adopted the 2022 budget; and

WHEREAS, the Town Council has reviewed the revised estimated revenues and expenditures for 2022; and

WHEREAS, the Town Council finds it necessary to amend the 2022 budget to more accurately reflect the revenues and expenditures for 2022; and

WHEREAS, the Town Council has caused to be published a notice containing the date and time of a public hearing at which the adoption of the proposed budget amendment will be considered and a statement that the proposed budget amendment is available for public inspection at the office of the Town Clerk located in the Avon Town Hall during normal business hours, and that any interested elector of the Town of Avon may file any objection to the proposed budget amendment at any time prior to the final adoption of the proposed budget amendment; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO:

Section 1. That estimated revenues and expenditures for the following funds are revised as follows for 2022:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Original or Previously Amended 2022 Budget</th>
<th>Current Proposed Amended 2022 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beginning Fund Balance</td>
<td>$ 12,664,061</td>
<td>$ 14,567,561</td>
</tr>
<tr>
<td>Revenues and Other Sources</td>
<td>22,429,209</td>
<td>25,428,893</td>
</tr>
<tr>
<td>Expenditures and Other Uses</td>
<td>22,632,937</td>
<td>23,156,197</td>
</tr>
<tr>
<td><strong>Ending Fund Balance</strong></td>
<td>$ 12,460,333</td>
<td>$ 16,840,257</td>
</tr>
<tr>
<td></td>
<td>Original or Previously Amended 2022 Budget</td>
<td>Current Proposed Amended 2022 Budget</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>------------------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td><strong>Community Housing Fund</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beginning Fund Balance</td>
<td>$1,303,309</td>
<td>$1,303,307</td>
</tr>
<tr>
<td>Revenues and Other Sources</td>
<td>1,405,767</td>
<td>1,680,767</td>
</tr>
<tr>
<td>Expenditures and Other Uses</td>
<td>2,351,018</td>
<td>2,479,569</td>
</tr>
<tr>
<td>Ending Fund Balance</td>
<td>$358,058</td>
<td>$504,505</td>
</tr>
</tbody>
</table>

**Section 2.** That the budget, as submitted, amended, and hereinabove summarized by fund, hereby is approved and adopted as the budget of the Town of Avon for the year stated above.

**Section 3.** That the budget hereby approved and adopted shall be signed by the Mayor and made part of the public record of the Town.

**ADOPTED this 13th September, 2022.**

**AVON TOWN COUNCIL**

By: ___________________________  Attest: ___________________________
Sarah Smith Hymes, Mayor               Brenda Torres, Town Clerk
### General Fund #10
#### Supplemental Amendment No. 2

<table>
<thead>
<tr>
<th>Fund Summary</th>
<th>Actual 2021</th>
<th>Original Budget 2022</th>
<th>Supplemental Budget Amendment #1 2022</th>
<th>Proposed Budget Amendment #2 2022</th>
<th>Difference Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxes</td>
<td>$17,984,254</td>
<td>$18,469,729</td>
<td>$18,469,729</td>
<td>$19,649,844</td>
<td>$1,180,115</td>
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<tr>
<td>Licenses and Permits</td>
<td>453,213</td>
<td>320,325</td>
<td>320,325</td>
<td>1,244,525</td>
<td>924,200</td>
</tr>
<tr>
<td>Intergovernmental</td>
<td>1,143,901</td>
<td>1,086,080</td>
<td>1,138,869</td>
<td>1,138,869</td>
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</tr>
<tr>
<td>Charges for Services</td>
<td>1,481,861</td>
<td>1,423,493</td>
<td>1,388,493</td>
<td>2,283,862</td>
<td>895,369</td>
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<tr>
<td>Fines and Forfeitures</td>
<td>45,753</td>
<td>38,700</td>
<td>38,700</td>
<td>38,700</td>
<td>-</td>
</tr>
<tr>
<td>Investment Earnings</td>
<td>4,385</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
<td>-</td>
</tr>
<tr>
<td>Other Revenue</td>
<td>475,397</td>
<td>503,500</td>
<td>503,500</td>
<td>503,500</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Operating Revenues</strong></td>
<td>$21,588,764</td>
<td>$21,916,827</td>
<td>$21,934,616</td>
<td>$24,934,300</td>
<td>$2,999,684</td>
</tr>
<tr>
<td><strong>Other Sources</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer-In From Capital Projects Fund</td>
<td>341,648</td>
<td>494,593</td>
<td>494,593</td>
<td>494,593</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Other Sources</strong></td>
<td>341,648</td>
<td>494,593</td>
<td>494,593</td>
<td>494,593</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td>$21,930,412</td>
<td>$22,411,420</td>
<td>$22,429,209</td>
<td>$25,428,893</td>
<td>$2,999,684</td>
</tr>
<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Government</td>
<td>$5,058,990</td>
<td>$5,944,298</td>
<td>$6,201,854</td>
<td>$6,265,924</td>
<td>$64,070</td>
</tr>
<tr>
<td>Community Development</td>
<td>539,138</td>
<td>703,454</td>
<td>711,893</td>
<td>732,171</td>
<td>20,324</td>
</tr>
<tr>
<td>Public Safety</td>
<td>4,169,397</td>
<td>4,834,501</td>
<td>4,858,645</td>
<td>4,929,645</td>
<td>71,000</td>
</tr>
<tr>
<td>Public Works</td>
<td>4,476,007</td>
<td>7,019,921</td>
<td>7,123,255</td>
<td>7,438,766</td>
<td>315,511</td>
</tr>
<tr>
<td>Recreation</td>
<td>1,622,206</td>
<td>2,097,618</td>
<td>2,137,290</td>
<td>2,189,645</td>
<td>52,355</td>
</tr>
<tr>
<td><strong>Total Operating Expenditures</strong></td>
<td>$15,865,738</td>
<td>$20,599,792</td>
<td>$21,032,937</td>
<td>$21,556,197</td>
<td>$523,260</td>
</tr>
<tr>
<td><strong>Other Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers-Out to Mobility</td>
<td>1,300,000</td>
<td>1,300,000</td>
<td>1,300,000</td>
<td>1,300,000</td>
<td>-</td>
</tr>
<tr>
<td>Transfers-Out to Fleet Maintenance</td>
<td>400,000</td>
<td>300,000</td>
<td>300,000</td>
<td>300,000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Other Uses</strong></td>
<td>1,700,000</td>
<td>1,600,000</td>
<td>1,600,000</td>
<td>1,600,000</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
<td>$17,565,738</td>
<td>$22,199,792</td>
<td>$22,632,937</td>
<td>$23,156,197</td>
<td>$523,260</td>
</tr>
<tr>
<td><strong>NET SOURCE (USE) OF FUNDS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$4,364,674</td>
<td>211,628</td>
<td>(203,728)</td>
<td>$2,272,696</td>
<td>$2,476,424</td>
<td></td>
</tr>
<tr>
<td><strong>FUND BALANCES, Beginning of Year</strong></td>
<td>$10,202,887</td>
<td>$12,664,061</td>
<td>$12,664,061</td>
<td>$14,567,561</td>
<td>$1,903,500</td>
</tr>
<tr>
<td><strong>FUND BALANCES, End of Year</strong></td>
<td>$14,567,561</td>
<td>$12,875,689</td>
<td>$12,460,333</td>
<td>$16,840,257</td>
<td>$4,379,924</td>
</tr>
</tbody>
</table>

**FUND BALANCES:**

** Restricted For:

- **3% TABOR Emergency Reserve** | $980,080 | $829,650 | $829,650 | $980,080 | $150,430 |

** Unassigned:

- **27% Minimum Reserve Balance** | 4,742,749 | 5,993,944 | 6,110,893 | 6,252,173 | 141,280 |

**Undesignated, Unreserved** | 8,844,732 | 6,052,095 | 5,519,790 | 9,608,004 | 4,088,214 |

**TOTAL FUND BALANCES** | $14,567,561 | $12,875,689 | $12,460,333 | $16,840,257 | $4,379,924 |
## General Fund
### Supplemental Amendment No. 2

### Revenue Detail

<table>
<thead>
<tr>
<th>Description</th>
<th>Actual 2021</th>
<th>Original Budget 2022</th>
<th>Supplemental Budget Amendment #1 2022</th>
<th>Proposed Budget Amendment #2 2022</th>
<th>Difference Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Taxes:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Property Tax</td>
<td>$2,045,147</td>
<td>$2,103,515</td>
<td>$2,103,515</td>
<td>$2,103,515</td>
<td>-</td>
</tr>
<tr>
<td>General Property Tax - Delinquencies</td>
<td>301</td>
<td>500</td>
<td>500</td>
<td>500</td>
<td>-</td>
</tr>
<tr>
<td>General Property Tax - Interest</td>
<td>1,980</td>
<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
<td>-</td>
</tr>
<tr>
<td>General Property Tax - Abatements</td>
<td>(3,615)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Specific Ownership Tax</td>
<td>126,985</td>
<td>130,000</td>
<td>130,000</td>
<td>130,000</td>
<td>-</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>11,425,673</td>
<td>11,810,245</td>
<td>12,691,465</td>
<td>19,649,844</td>
<td>881,220</td>
</tr>
<tr>
<td>Utility Tax</td>
<td>115,387</td>
<td>120,000</td>
<td>120,000</td>
<td>120,000</td>
<td>-</td>
</tr>
<tr>
<td>Accommodation Tax</td>
<td>2,212,356</td>
<td>2,268,969</td>
<td>2,567,864</td>
<td>298,895</td>
<td>-</td>
</tr>
<tr>
<td>Penalties and Interest</td>
<td>52,933</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>-</td>
</tr>
<tr>
<td>Sales Tax Audit Assessments</td>
<td>129,442</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>-</td>
</tr>
<tr>
<td>VAA Retail Sales Fee</td>
<td>877,862</td>
<td>900,000</td>
<td>900,000</td>
<td>900,000</td>
<td>-</td>
</tr>
<tr>
<td>Cigarette Excise Tax</td>
<td>258,573</td>
<td>255,000</td>
<td>255,000</td>
<td>255,000</td>
<td>-</td>
</tr>
<tr>
<td>Tobacco Add-on Sales Tax</td>
<td>301,631</td>
<td>300,000</td>
<td>300,000</td>
<td>300,000</td>
<td>-</td>
</tr>
<tr>
<td>Franchise Fees</td>
<td>439,599</td>
<td>430,000</td>
<td>430,000</td>
<td>430,000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Taxes</strong></td>
<td>17,984,254</td>
<td>18,469,729</td>
<td>18,469,729</td>
<td>19,649,844</td>
<td>1,180,115</td>
</tr>
<tr>
<td><strong>Licenses and Permits:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquor Licenses</td>
<td>10,443</td>
<td>8,300</td>
<td>8,300</td>
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</tr>
<tr>
<td>Business Licenses</td>
<td>90,782</td>
<td>95,000</td>
<td>95,000</td>
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<tr>
<td>Contractor's Licenses</td>
<td>18,510</td>
<td>18,625</td>
<td>18,625</td>
<td>18,625</td>
<td>-</td>
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## General Fund
### Supplemental Amendment No. 2

#### Revenue Detail

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<th>Description</th>
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#### Charges for Services:

**General Government:**
- Photocopying Charges
- License Hearing Fees
- Other Fees and Charges
- CC & Paper Filing Fees

**Community Development:**
- Plan Check Fees
- Development Review Fees
- Animal Control Fees
- Fire Impact Fee Administration Fees

**Public Safety:**
- Police Reports
- Off-duty Police Employment
- Fingerprinting Fees
- False Alarm Fees/Misc Police Dept Fees

**Avon Recreation Center:**
- Admission Fees
- Program Fees
- Facility Rentals
- Merchandise Sales
- Rec Center Services
- Fitness Program Revenues
- Swim Team Revenue
- Private Lessons

**General Recreation:**
- Adult Program Revenues
- Cabin Equipment Rentals
- Athletic Field Rentals
- Cabin Concessions
- Youth Program Revenues

**Special Events:**
- Concession Sales
- Sponsorships
- Event Fees
- Special Event Admission Fees
- Pavilion Rental Fees

**Total Charges for Services** | 1,481,861 | 1,423,493 | 1,388,493 | 2,283,862 | 895,369
# General Fund
## Supplemental Amendment No. 2

### Revenue Detail

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<tr>
<th>Description</th>
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<th>Proposed Budget Amendment #2 2022</th>
<th>Difference Increase (Decrease)</th>
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### Department Expenditure Summaries

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<tr>
<th>Dept./Div. Number</th>
<th>Description</th>
<th>Actual 2021</th>
<th>Original Budget 2022</th>
<th>Supplemental Budget Amendment #1 2022</th>
<th>Proposed Budget Amendment #2 2022</th>
<th>Difference Increase (Decrease)</th>
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<tbody>
<tr>
<td><strong>General Government:</strong></td>
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### General Fund
#### Supplemental Amendment No. 2

#### Department Expenditure Summaries

<table>
<thead>
<tr>
<th>Dept./Div. Number</th>
<th>Dept./Div. Description</th>
<th>Actual 2021</th>
<th>Original Budget 2022</th>
<th>Supplemental Amendment #1 2022</th>
<th>Proposed Budget Amendment #2 2022</th>
<th>Difference Increase (Decrease)</th>
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**Total Recreation**

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<th>Proposed Budget Amendment #2 2022</th>
<th>Difference Increase (Decrease)</th>
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<td>1,622,206</td>
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**TOTAL OPERATING EXPENDITURES**

| Amount | $15,865,738 | $20,599,792 | $21,032,937 | $21,556,197 | $523,260 |
## Fund Summary

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<th>Supplemental Budget Amendment #1 2022</th>
<th>Proposed Budget Amendment #2 2022</th>
<th>Difference Increase (Decrease)</th>
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<td><strong>REVENUES</strong></td>
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<td>Taxes:</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Short-term Rental Tax</td>
<td>$</td>
<td>- $ 750,000</td>
<td>$ 750,000</td>
<td>$ 1,000,000</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>Intergovernmental</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>25,000</td>
<td>25,000</td>
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<tr>
<td>Charges for Services:</td>
<td></td>
<td></td>
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<tr>
<td>Rental Revenues - Employees</td>
<td>40,962</td>
<td>49,068</td>
<td>49,068</td>
<td>49,068</td>
<td>-</td>
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<tr>
<td>Investment Earnings</td>
<td>34</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other Revenue:</td>
<td></td>
<td></td>
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<tr>
<td>Bond Issuance Fees</td>
<td>9,514</td>
<td>9,000</td>
<td>9,000</td>
<td>9,000</td>
<td>-</td>
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<tr>
<td>Loan Principal Repayment</td>
<td>2,634</td>
<td>-</td>
<td>-</td>
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<td>Miscellaneous Nonclassified Revenues</td>
<td>4,728</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Total Operating Revenues</strong></td>
<td>57,872</td>
<td>808,068</td>
<td>808,068</td>
<td>1,083,068</td>
<td>275,000</td>
</tr>
<tr>
<td><strong>Other Sources</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Transfers-In:</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Capital Projects Fund</td>
<td>-</td>
<td>597,699</td>
<td>597,699</td>
<td>597,699</td>
<td>-</td>
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<tr>
<td><strong>Total Other Sources</strong></td>
<td>-</td>
<td>597,699</td>
<td>597,699</td>
<td>597,699</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td>57,872</td>
<td>1,405,767</td>
<td>1,405,767</td>
<td>1,680,767</td>
<td>275,000</td>
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<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Government:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Housing</td>
<td>920,422</td>
<td>1,200,000</td>
<td>2,351,018</td>
<td>2,479,569</td>
<td>128,551</td>
</tr>
<tr>
<td><strong>Total Operating Expenditures</strong></td>
<td>920,422</td>
<td>1,200,000</td>
<td>2,351,018</td>
<td>2,479,569</td>
<td>128,551</td>
</tr>
<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
<td>920,422</td>
<td>1,200,000</td>
<td>2,351,018</td>
<td>2,479,569</td>
<td>128,551</td>
</tr>
<tr>
<td><strong>NET SOURCE (USE) OF FUNDS</strong></td>
<td>(862,550)</td>
<td>205,767</td>
<td>(945,251)</td>
<td>(798,802)</td>
<td>146,449</td>
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<tr>
<td><strong>FUND BALANCES, Beginning of Year</strong></td>
<td>2,165,857</td>
<td>924,876</td>
<td>1,303,309</td>
<td>1,303,307</td>
<td>(2)</td>
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<tr>
<td><strong>FUND BALANCES, End of Year</strong></td>
<td>$ 1,303,307</td>
<td>$ 1,130,643</td>
<td>$ 358,058</td>
<td>$ 504,505</td>
<td>$ 146,447</td>
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</table>
TO: Honorable Mayor Smith Hymes and Council members  
FROM: Patty McKenny, Deputy Town Manager | Town Clerk  
RE: Proposal with Sustainable Strategies (S²) for Grant Administration Services  
DATE: September 7, 2022

SUMMARY: The Town Manager’s Office has reached out to Sustainable Strategies (S²), a government affairs and strategic consulting firm based in Washington, DC, and Denver, CO, for a grant administration services proposal. The consulting firm helps local governments secure resources for community projects that will revitalize, sustain and keep communities resilient. Town staff met with S² representatives, Ashley Badesch, Partner and Debra Figueroa, Principal, on August 8 to review some of the town’s goals for engaging their services. The group was able to tour Nottingham Park and the pedestrian mall areas to talk about a number of focus areas the town would like to address in securing federal, state and local grant funding, including infrastructure improvements, affordable housing, parks, trails and recreation, building electrification, waste diversion and composting programs, water resiliency and wildfire, mudslide, and hazard improvements. The Manager’s Office recommends contracting with S² to continue securing grant funding opportunities.

BACKGROUND: The Town Manager’s Office has prioritized developing and implementing a more formal program for grant administration that would seek to obtain federal, state, and local funding for town wide projects. Biden’s Bipartisan Infrastructure Law was passed to help fund local communities rebuild deteriorating infrastructure, guidebook link: www.whitehouse.gov/wp-content/uploads/2022/01/BUILDING-A-BETTER-AMERICA_FINAL.pdf#page=1. This is one example of many of the state and federal funding opportunities that exist today. The Town’s capital projects long range plan identifies projects that would be considered for the grant funding pipeline. Several departments have already been active in writing grant applications in 2022 and have secured the following grants for projects and programs:

Grant Funding for 2022

Recreation Department
- State of Colorado, Child Care Operations Stabilization and Workforce Sustainability Grant – $52,789  
- State of Colorado, Pools Special Initiative Grant - $12,500

Public Works Department
- Rural Avon – Two Bus Replacements - $840,000  
- A&O Funded by ARP Funds - $361,808  
- Avon Formation of Eagle River Valley Regional Transit Authority - $96,000  
- CRRSAA & Winter Surge Operating - $967,728  
- Operating - $245,980

General Government
- “best & brightest” DOLA grant for our intern Emily Myler to offset 50% of her salary  
- Grant for 6 new EV charging stations

Community Development
- Colorado Parks Wildlife Off Highway Vehicle Trail Maintenance Grant (for 2023 construction) of USFS 779 Road Improvements - $40,000  
- Department of Local Affairs for Regional Land Inventory for workforce housing development - $25,000
Grant Funding Opportunities for 2023
Not a complete list

Recreation Department
- GOCO Grants (park development)
- Gametime/PLAYCORE Playground Matching Grant
- Child Care Grants to support families and our programming
- OHV Grants; CPW, Yamaha Outdoor Initiative

Public Works
- CDOT Bus Replacements – est. $776K
- CDOT Admin and Operating Grant  est. $246K
- CDOT Capital Grant – Fleet Lift Replacement – est. $200K
- FEMA Hazard Mitigation Grant – Drainage Improvements – TBD
- Eagle River Pedestrian Bridge – TBD

PROPOSAL: In summary, the proposal from S² focuses on providing legislative updates, tailored funding strategies, full grant-writing services, project-specific congressional and agency advocacy, and ongoing strategic consulting. The firm has helped communities across America succeed on many innovative local projects. The scope of services identified in the proposal include:

- Providing strategic advice to help shape projects to be more competitive for foundation, federal, state, and other funding opportunities;
- Working with the Town’s Leadership Team to identify and gather stakeholder support for funding projects from the right local, regional, state, and national partners;
- Providing full-service grant-writing, including drafting, finalizing, and submission of narratives, stakeholder support letter templates, attachments, and other components of competitive proposals;
- Conducting grant review of proposals prepared by the Town and stakeholders;
- Submitting grants through Grants.gov or other means

FINANCIAL CONSIDERATIONS: The related costs for the professional services contract for 2022 is estimated at $15,000 and is included in the budget supplemental with Resolution No. 2022-20. The scope of work is related to performing grant writing and advocacy services that would assist the Town in developing and securing grant funds. In addition, the proposed contract work is also budgeted in 2023 which would include engaging full grant-writing services for up to for three (3) to five (5) grant opportunities.

PROPOSED MOTION: The formal motion is stated in the budget amendment report for Resolution No. 2022-20.

Thank you,
Patty
SUSTAINABLE STRATEGIES DC’S CLIENT SUCCESSES
2012-2022

➢ Sustainable Strategies DC helps localities obtain resources for their community revitalization priorities. The firm provides strategic consulting, funding strategies, grantwriting, and advocacy to secure resources and promote progress for our clients.

➢ Over 25+ years, the Sustainable Strategies DC team has secured nearly $5 billion for our local government clients. This includes over $655 million through more than 400 grants and other resources secured for over 40 cities, towns, counties, and states across America since 2012.

➢ Our work supports diverse local communities across America of all sizes, with populations ranging from 5,259 to 1.5 million.

➢ Sustainable Strategies DC has secured grants from federal and state agencies, philanthropic foundations, and the private sector for:

   Arts, Culture & Historic Preservation
   Brownfields Revitalization & Smart Growth
   Community & Economic Development
   Environmental Sustainability, Clean Energy & Green Infrastructure
   Community Health & Substance Abuse Prevention
   Manufacturing & Making
   Opportunity Zones
   Public Safety & Criminal Justice
   Technical Assistance, Awards & Designations
   Technology & Innovation
   Transportation & Infrastructure
   Workforce Development
RETAINER CLIENTS ($314.9 MILLION SINCE 2012)

Beaverton, OR ($3.9 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- White House Community Revitalization Roundtable
- $1.6 million Community Transformation Grant (Centers for Disease Control & Prevention)
- $600,000 Brownfields Coalition Assessment Grant (U.S. Environmental Protection Agency)
- $400,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- $324,750 Drug Treatment Courts Grant (Substance Abuse and Mental Health Services Administration)
- $306,000 Treatment Court Grant (Oregon Criminal Justice Commission)
- $288,750 Specialty Court Grant (Oregon Criminal Justice Commission)
- $150,000 Body-Worn Camera Pilot Implementation Grant (U.S. Department of Justice)
- $125,000 COPS Hiring Grant (U.S. Department of Justice)
- $100,000 Equitable Housing Planning and Development Grant (Metro Council)
- $50,000 Our Town Grant (National Endowment for the Arts)
- Building Blocks Technical Assistance (U.S. Environmental Protection Agency)
- Participation in Maker Mayors Challenge
- Leading city in launch of the My Brother’s Keeper Community Challenge

Carlisle, PA ($8.4 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- $5 million TIGER Grant (U.S. Department of Transportation)
- $1.5 million Multimodal Grant (Pennsylvania Department of Transportation)
- $599,000 Chesapeake Bay Stewardship Fund Grant (National Fish & Wildlife Foundation)
- $400,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- $380,000 Transportation Alternatives Program Grant (Federal Highway Administration)
- $200,000 Brownfields Area-Wide Planning Grant (U.S. Environmental Protection Agency)
- $200,000 Environmental Work Force Development and Job Training Grant (U.S. Environmental Protection Agency)
- $43,500 Body-Worn Camera Pilot Implementation Grant (U.S. Department of Justice)
- $30,000 Green Streets-Green Jobs-Green Towns Grant (Chesapeake Bay Trust)
- $10,000 Our Town Grant (National Endowment for the Arts)
- Leading community in launch of the My Brother’s Keeper Community Challenge

Charleston, WV ($5.6 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- $1,750,000 RAISE Grant (U.S. Department of Transportation)
- $1 million Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)
- $1 million Byrne Grant CDS (U.S. Department of Justice)
- $750,000 COPS Technology CDS (U.S. Department of Justice)
- $500,000 Employment and Training Administration CDS (U.S. Department of Labor)
- $300,000 SAMHSA CDS (U.S. Department of Health and Human Services)
- $300,000 Byrne Grant CDS (U.S. Department of Justice)

Braxton County, WV ($500,000)
- $500,000 Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)

Buena Vista, MI ($600,000)
- $500,000 Transportation, Community & System Preservation Grant Federal Highway Administration
- $100,000 Targeted Brownfields Assessment (U.S. Environmental Protection Agency)
- Building Blocks Technical Assistance (U.S. Environmental Protection Agency)
- White House Community Revitalization Roundtable

Beaverton, OR ($3.9 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- White House Community Revitalization Roundtable
- $1.6 million Community Transformation Grant (Centers for Disease Control & Prevention)
- $600,000 Brownfields Coalition Assessment Grant (U.S. Environmental Protection Agency)
- $400,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- $324,750 Drug Treatment Courts Grant (Substance Abuse and Mental Health Services Administration)
- $306,000 Treatment Court Grant (Oregon Criminal Justice Commission)
- $288,750 Specialty Court Grant (Oregon Criminal Justice Commission)
- $150,000 Body-Worn Camera Pilot Implementation Grant (U.S. Department of Justice)
- $125,000 COPS Hiring Grant (U.S. Department of Justice)
- $100,000 Equitable Housing Planning and Development Grant (Metro Council)
- $50,000 Our Town Grant (National Endowment for the Arts)
- Building Blocks Technical Assistance (U.S. Environmental Protection Agency)
- Participation in Maker Mayors Challenge
- Leading city in launch of the My Brother’s Keeper Community Challenge

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- $1.5 million Multimodal Grant (Pennsylvania Department of Transportation)
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- $400,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- $380,000 Transportation Alternatives Program Grant (Federal Highway Administration)
- $200,000 Brownfields Area-Wide Planning Grant (U.S. Environmental Protection Agency)
- $200,000 Environmental Work Force Development and Job Training Grant (U.S. Environmental Protection Agency)
- $43,500 Body-Worn Camera Pilot Implementation Grant (U.S. Department of Justice)
- $30,000 Green Streets-Green Jobs-Green Towns Grant (Chesapeake Bay Trust)
- $10,000 Our Town Grant (National Endowment for the Arts)
- Leading community in launch of the My Brother’s Keeper Community Challenge

Charleston, WV ($5.6 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- $1,750,000 RAISE Grant (U.S. Department of Transportation)
- $1 million Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)
- $1 million Byrne Grant CDS (U.S. Department of Justice)
- $750,000 COPS Technology CDS (U.S. Department of Justice)
- $500,000 Employment and Training Administration CDS (U.S. Department of Labor)
- $300,000 SAMHSA CDS (U.S. Department of Health and Human Services)
- $300,000 Byrne Grant CDS (U.S. Department of Justice)

Braxton County, WV ($500,000)
- $500,000 Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)

Buena Vista, MI ($600,000)
- $500,000 Transportation, Community & System Preservation Grant Federal Highway Administration
- $100,000 Targeted Brownfields Assessment (U.S. Environmental Protection Agency)
- Building Blocks Technical Assistance (U.S. Environmental Protection Agency)
- White House Community Revitalization Roundtable
Charles Town, WV ($6.1 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- $1.4 million Historic Restoration Tax Credit
- $1 million for restoration of historic Happy Retreat heritage center (private donations)
- $900,000 Brownfields Cleanup Revolving Loan Fund and Supplemental RLF Grants (U.S. Environmental Protection Agency)
- $725,000 Chesapeake Bay Stewardship Fund Grant (National Fish & Wildlife Foundation)
- $540,000 Transportation Alternatives Program Grant (West Virginia Department of Transportation)
- $500,000 Historic Preservation Fund CDS (National Park Service)
- $250,000 Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)
- $195,000 ARPA Coronavirus Recovery Fund Grant (U.S. Treasury)
- $132,500 Save America’s Treasures Grant (National Park Service)
- $118,500 African American Civil Rights Grant (National Park Service)
- $100,000 Transportation Alternatives Program Grant (West Virginia Department of Transportation)
- $75,000 Green Streets-Green Jobs-Green Towns Grant (Chesapeake Bay Trust)
- $50,000 Our Town Grant (National Endowment for the Arts)
- 20,600 Paul Bruhn Historic Revitalization Subgrant (West Virginia Division of Culture and History)
- $11,000 State Historic Preservation Grant (West Virginia Division of Culture and History)
- $10,000 State Historic Preservation Grant (West Virginia Division of Culture and History)
- $9,999 Historic Preservation Grant (Daughters of the American Revolution)
- Participation with President at White House Maker Faire, and Maker Mayors Challenge
- Leading city in launch of the My Brother’s Keeper Community Challenge
- Opportunity Zone designation in distressed neighborhoods

Dubuque, IA ($37.6 million)
- $31.5 million Natural Disaster Resilience Grant (U.S. Department of Housing & Urban Development)
- $1.2 million Disaster Relief Grant (Economic Development Administration)
- $800,000 Brownfields Multipurpose Grant (U.S. Environmental Protection Agency)
- $800,000 Brownfields Revolving Loan Fund Grant (U.S. Environmental Protection Agency)
- $600,000 Transportation, Community & System Preservation Grant (Federal Highway Administration)
- $508,000 Outdoor Recreation Legacy Partnership Grant (National Park Service)
- $500,000 Smart Grid Access Grant (U.S. Department of Energy)
- $500,000 Local Arts Agency Subgrant (National Endowment for the Arts)
- $400,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- $200,000 Brownfields Area-Wide Planning Grant (U.S. Environmental Protection Agency)
- $200,000 Brownfields Area-Wide Planning Grant (U.S. Environmental Protection Agency)
- $200,000 Brownfields Cleanup Grant (U.S. Environmental Protection Agency)
- $200,000 Brownfields Cleanup Grant (U.S. Environmental Protection Agency)
- Building Blocks Technical Assistance (U.S. Environmental Protection Agency)
- Building Blocks Technical Assistance (U.S. Environmental Protection Agency)
- National Award for Smart Growth Achievement (U.S. Environmental Protection Agency)
- Participation in Maker Mayors Challenge
- Leading city in launch of the My Brother’s Keeper Community Challenge
- Opportunity Zone designation in distressed neighborhoods

Frankfort, KY ($15.4 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- $8 million TIGER Grant (U.S. Department of Transportation)
- $5.5 million CARES Act Grant (U.S. Department of Transportation)
- $616,000 RAISE Planning Grant (U.S. Department of Transportation)
- $440,000 Employment and Job Training CDS (U.S. Department of Labor)
- $300,000 Brownfields Community-Wide Assessment Grant (U.S. Environmental Protection Agency)
- $250,000 Land and Water Conservation Fund Grant (National Park Service)
- $75,000 CommunityWINS Grant (U.S. Conference of Mayors)
- $50,000 African American Civil Rights Grant (National Park Service)
- $45,000 Body-Worn Camera Implementation Grant (U.S. Department of Justice)
- $25,000 Grants for Arts Projects Grant (National Endowment for the Arts)
- $25,000 Our Town Grant (National Endowment for the Arts)
- $15,000 Grants for Arts Projects Grant (National Endowment for the Arts)
- Local Foods, Local Places Technical Assistance (U.S. Environmental Protection Agency)
- Opportunity Zone designation in distressed neighborhood

**Frederick, MD ($5.3 million)**
- $5 million Economic Adjustment Assistance ARPA Grant (Economic Development Administration)
- $535,000 Highway Infrastructure Grant CDS (U.S. Department of Transportation)
- $300,000 Brownfields Community-Wide Assessment Grant (U.S. Environmental Protection Agency)
- $700,000 Joint Garfield County Federal Mineral Lease District (Garfield County)
- $500,000 Energy and Mineral Assistance Fund Grant (Colorado Department of Local Affairs)
- $500,000 Federal Mineral Lease District Grant (Garfield County)
- $400,000 Energy and Mineral Assistance Fund Grant (Colorado Department of Local Affairs)
- $297,570 Emergency Solutions Grant (Colorado Department of Local Affairs)
- $200,000 Brownfields Area-Wide Planning Grant (U.S. Environmental Protection Agency)
- $200,000 Federal Mineral Lease District Grant (Garfield County)
- $175,000 Federal Mineral Lease District Grant (Garfield County)
- $150 Revitalizing Main Street Grant (Colorado Department of Transportation)
- $150,000 Targeted Brownfields Assessment Award (U.S. Environmental Protection Agency - Region 8)
- $149,600 Recycling Resources Economic Opportunity Infrastructure Grant (Colorado Department of Public Health and Environment)
- $124,000 Resilient Communities Grant (Great Outdoors Colorado)
- $100,000 Energy and Mineral Assistance Fund Grant (Colorado Department of Local Affairs)
- $64,000 Transportation Demand Management Seed Funding Grant (Colorado Department of Transportation)
- $61,488 Coronavirus Small Business Relief (Colorado Department of Local Affairs)
- $50,000 Revitalizing Main Street (Colorado Department of Transportation)
- $25,000 Federal Mineral Lease District Mini Grant (Garfield County)
- $20,000 State Historical Fund Grant (History Colorado)
- $20,000 Art Works Grant (National Endowment for the Arts)
- $9,189 Water Resources Grant (Colorado River District)
- Recreational Economy for Rural Communities Technical Assistance (U.S. Environmental Protection Agency)
- Opportunity Zone designation in distressed neighborhoods

**Friends of Blackwater, WV ($2.4 million)**
- $1,226,000 POWER Grant (Appalachian Regional Commission)
- $1,190,000 POWER Grant (Appalachian Regional Commission)
- $1,190,000 POWER Grant (Appalachian Regional Commission)

**Glenwood Springs, CO ($13.1 million)**
- Creation of “Resource Roadmap” for community revitalization and funding
- $7 million BUILD Grant (U.S. Department of Transportation)
- $1 million Highway Infrastructure Grant CDS (U.S. Department of Transportation)
- $950,000 Energy and Mineral Assistance Fund Grant (Colorado Department of Local Affairs)
- $64,000 Transportation Demand Management Seed Funding Grant (Colorado Department of Transportation)
- $61,488 Coronavirus Small Business Relief (Colorado Department of Local Affairs)
- $50,000 Revitalizing Main Street (Colorado Department of Transportation)
- $50,000 Revitalizing Main Street (Colorado Department of Transportation)
- $50,000 Revitalizing Main Street (Colorado Department of Transportation)
- $25,000 Federal Mineral Lease District Mini Grant (Garfield County)
- $20,000 State Historical Fund Grant (History Colorado)
- $20,000 Art Works Grant (National Endowment for the Arts)
- $9,189 Water Resources Grant (Colorado River District)
- Recreational Economy for Rural Communities Technical Assistance (U.S. Environmental Protection Agency)
- Opportunity Zone designation in distressed neighborhoods
Hopewell, VA ($2.4 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- $840,750 Pre-Disaster Mitigation Grant (Federal Emergency Management Agency)
- $759,663 Transportation Alternatives Program Grant (Virginia Department of Transportation)
- $451,000 Chesapeake Bay Stewardship Fund Grant (National Fish & Wildlife Foundation)
- $396,000 Recreational Trails Program Grant (Virginia Department of Conservation & Recreation)
- Opportunity Zone designation in distressed neighborhoods

Huntington, WV ($36.8 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- $8.6 million Surface Transportation Block Grant (Federal Highway Administration)
- $5.2 million Economic Adjustment Assistance Grant (Economic Development Administration)
- $4.4 million Subsidized Loan (West Virginia Economic Development Authority)
- $3.2 million “America’s Best Community” Grand Prize (Frontier Communications)
- $2.9 million Pre-Disaster Mitigation CDS (U.S. Department of Homeland Security)
- $2.3 million POWER Grant (Appalachian Regional Commission)
- $1.9 million Public Works Grant (Economic Development Administration)
- $1.5 million POWER Grant (Appalachian Regional Commission)
- $1 million Mayors Challenge Competition (Bloomberg Philanthropies)
- $800,000 Brownfields Cleanup Revolving Loan Fund (U.S. Environmental Protection Agency)
- $750,000 POWER Grant (Appalachian Regional Commission)
- $500,000 Supplemental Revolving Loan Fund Grant (U.S. Environmental Protection Agency)
- $423,711 Drug Treatment Courts Grant (Substance Abuse and Mental Health Services Administration)
- $400,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- $350,000 Choice Neighborhoods Planning Grant (U.S. Department of Housing and Urban Development)
- $350,000 Every Place Counts Design Challenge (U.S. Department of Transportation/West Virginia Department of Transportation)
- $300,000 Brownfields Site-Specific Assessment Grant (U.S. Environmental Protection Agency)
- $297,000 Land and Water Conservation Fund (National Park Service)
- $250,000 Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)
- $220,000 Assistance to Coal Communities (Economic Development Administration)
- $218,000 COPS Technology CDS (U.S. Department of Justice)
- $200,000 Brownfields Area-Wide Planning Grant (U.S. Environmental Protection Agency)
- $150,000 CommunityWINS Grant (U.S. Conference of Mayors & Wells Fargo)
- $100,000 Mayor’s Challenge Grant (Bloomberg Foundation)
- $75,000 Our Town Grant (National Endowment for the Arts)
- $75,000 Economic Development Grant (Claude Worthington Benedum Foundation)
- $50,000 Rural Business Development Grant (U.S. Department of Agriculture)
- $50,000 POWER Planning Grant (Appalachian Regional Commission)
- $30,875 African American Civil Rights Grant (National Park Service)
- $25,000 Asphalt Art (Bloomberg Philanthropies)
- $25,000 Love Your Block Program Grant (Cities of Service)
- $25,000 Just Transition Grant (Appalachia Funders Network)
- $2,000 Byrne Grant CDS (U.S. Department of Justice)
- Participation in the Cities of Opportunity: Community of Health Practice (National League of Cities)
- Participation in the Cities of Opportunity: Healthy People, Thriving Communities pilot (National League of Cities)
- Culture of Health finalist, competition still pending (Robert Wood Johnson Foundation)
- Engaged Cities Award finalist, competition still pending (Robert Wood Johnson Foundation)
- Opportunity Zone designation in distressed neighborhoods
Ithaca, NY ($14.6 million)

- Creation of “Resource Roadmap” for community revitalization and funding
- $4.5 million State of Good Repair Grant (Federal Transit Administration)
- $3.3 million in U.S. Department of Transportation earmark reallocations to Ithaca projects
- $2 million Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)
- $1.4 million BUILD Grant (U.S. Department of Transportation)
- $1.4 million Highway Infrastructure Grant CDS (U.S. Department of Transportation)
- $1 million Energy Efficiency and Renewable Energy CDS (U.S. Department of Energy)
- $523,269 Parks Development Grant (New York State Office of Parks, Recreation and Historic Preservation)
- $300,000 Brownfields Community-Wide Assessment Grant (U.S. Environmental Protection Agency)
- $200,000 Brownfields Cleanup Grant (U.S. Environmental Protection Agency)
- Developed a strategy for working with the U.S. Army Corps of Engineers and other agencies to address sedimentation issues in Lake Cayuga, securing study authorization in federal statute
- Helped prevent permanent closure of the Ithaca-Tompkins Airport by the Federal Aviation Administration
- Participation in Maker Mayors Challenge
- Leading city in launch of the My Brother’s Keeper Community Challenge

Johnstown, PA ($34.1 million)

- Creation of “Resource Roadmap” for community revitalization and funding
- Secured EDA Regional Economic Diversification Summit
- $22,448,164 RAISE Grant (U.S. Department of Transportation)
- $2 million Public Works Grant (Economic Development Administration)
- $1.5 million POWER Grant (Appalachian Regional Commission)
- $1.5 million POWER Grant (Appalachian Regional Commission)
- $1.4 million Multimodal Grants (Pennsylvania Department of Transportation)
- $1.2 million Public Works Grant (Economic Development Administration)
- $850,000 U.S. Army Corps of Engineers Section 313 Grant for wastewater infrastructure upgrades
- $798,000 POWER Grant (Economic Development Administration)
- $650,000 Drug Free Communities Grant (U.S. Department of Health and Human Services)
- $600,000 Brownfields Coalition Assessment Grant (U.S. Environmental Protection Agency)
- $500,000 Save America’s Treasures Grant (National Park Service)
- $400,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- $250,000 Silver Jackets Designation (U.S. Army Corps of Engineers)
- $63,000 Body-Worn Camera Pilot Implementation Grant (U.S. Department of Justice)
- $20,000 Art Works Grant (National Endowment for the Arts)
- Local Foods, Local Places Technical Assistance (U.S. Environmental Protection Agency)
- Secured study authorizations in Corps of Engineers federal statute
- Participation in Maker Mayors Challenge
- Leading city in launch of the My Brother’s Keeper Community Challenge
- Opportunity Zone designation in distressed neighborhoods

Lansing, MI ($1.7 million)

- White House Community Revitalization Roundtable
- $600,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- $539,000 Brownfields Cleanup Revolving Loan Fund preserved (U.S. Environmental Protection Agency)
- $500,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- $40,000 Art Works Grant (National Endowment for the Arts)
- $39,400 African American Civil Rights Grant (National Park Service)
- Green Capital Award (U.S. Environmental Protection Agency)
- Investing in Manufacturing Communities Partnership designee (U.S. Department of Commerce)
- Helped remove 75+ year old restriction on city land to support revitalization
- Participation in Maker Mayors Challenge
- Leading city in launch of the My Brother’s Keeper Community Challenge
- Opportunity Zone designation in distressed neighborhoods

**Loraine, OH (7.8 million)**
- $4,025,899 Brownfield Remediation Grant (Ohio Department of Development)
- $1,647,292 Outdoor Recreation Legacy Partnership Grant (National Park Service)
- $709,167 Brownfield Remediation Grant (Ohio Department of Development)
- $500,000 Byrne Grant CDS (U.S. Department of Justice)
- $500,000 COPS Technology CDS (U.S. Department of Justice)
- $250,000 Small Business Administration CDS (Small Business Administration)
- $195,750 Brownfield Remediation Grant (Ohio Department of Development)

**Martin County, FL ($10.1 million)**
- $3.1 million Staffing for Adequate Fire and Emergency Response (Federal Emergency Management Agency)
- $1.7 million Assistance to Firefighters Grant (Federal Emergency Management Agency)
- $1.2 million Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant (Florida Department of Juvenile Justice)
- $429,000 Section 319(h) Grant (Florida Department of Environmental Protection)
- $398,500 Recreational Trails Program (Florida Department of Transportation)
- $388,000 Federal Clean Water Act Section 319 (h) Grant (U.S. Environmental Protection Agency)
- $346,109 Assistance to Firefighter Grant (Federal Emergency Management Agency)
- $345,000 Land & Water Conservation Fund Grant (Florida Department of Environmental Protection)
- $340,000 Land & Water Conservation Fund Grant (Florida Department of Environmental Protection)
- $300,000 Land & Water Conservation Fund Grant (Florida Department of Environmental Protection)
- $30,000 Land & Water Conservation Fund Grant (Florida Department of Environmental Protection)
- $167,061 Waterways Assistance Program Grant (Florida Inland Navigation District)
- $125,000 Special Category Historical Preservation Grant (Florida Division of Historical Resources)
- $115,699 Special Category Historical Preservation Grant (Florida Division of Historical Resources)
- $99,729 Emergency Medical Services Grant (Florida Department of Health)
- $60,000 Waterways Assistance Program Grant (Florida Inland Navigation District)
- $50,000 Our Town Grant (National Endowment for the Arts)
- $50,000 Our Town Grant (National Endowment for the Arts)
- $50,000 Florida Boating Improvement Program Grant (Florida Fish and Wildlife Conservation Commission)
- $40,000 Florida Boating Improvement Program Grant (Florida Fish and Wildlife Conservation Commission)
- $38,615 Rural Business Development Grant (U.S. Department of Agriculture)
- $35,000 Florida Boating Improvement Program Grant (Florida Fish and Wildlife Conservation Commission)
- $11,905 Fire Prevention and Safety (Federal Emergency Management Agency)
- $10,000 Energy Efficiency Retrofits for Public Facilities Grant (Florida Department of Agriculture & Consumer Services)
- $3,500 H.W. Wilson Library Staff Development Grant (American Library Association)
- Our Town Technical Assistance (National Endowment for the Arts)
- Opportunity Zone designation in distressed neighborhood

**Mills, WY ($125,000)**
- $125,000 COPS Hiring Grant (U.S. Department of Justice)
Minturn, CO ($2.65 million)
• $1,402,000 Revitalizing Main Street Larger Safety Grant (Colorado Department of Transportation)
• $1 million State and Tribal Assistance Grant CDS (U.S. Environmental Protection Agency)
• $250,000 Community Funding Partnership (Colorado River District)

North Hempstead, NY ($10.7 million)
• $2 million U.S. Department of Transportation earmark reallocations to North Hempstead projects
• $2 million for two Section 5310 Grant (Federal Transit Administration)
• $1 million Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)
• $1 million Cleaner, Greener Communities Grant (New York State Energy Research & Development Authority)
• $800,000 Brownfield Community Wide Multipurpose Grant (U.S. Environmental Protection Agency)
• $656,000 Transit Infrastructure Grant CDS (U.S. Department of Transportation)
• $625,000 Cleaner, Greener Communities Grant (New York State Energy Research & Development Authority)
• $480,000 Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)
• $300,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
• $295,000 New York Main Street Grant (New York State Homes and Community Renewal)
• $270,000 Local Government Efficiency Grant (New York State Department of State)
• $200,000 Brownfields Cleanup Grant (U.S. Environmental Protection Agency)
• $165,000 Maritime Heritage Grant (National Park Service)
• $159,000 Zombie Home Prevention Initiative Grant (New York Attorney General’s Office)
• $126,000 Brownfield Opportunity Area Grant (New York State Department of State)
• $125,000 Local Waterfront Revitalization Program Grant (New York State Department of State)
• $82,500 Market New York Grant (New York Empire State Development)

Port St. Lucie, FL ($10.1 million)
• Creation of “Resource Roadmap” for community revitalization and funding
• $2 million Resilient Florida Grant (Florida Department of Environmental Protection)
• $1.4 million Hazard Mitigation Grant (Federal Emergency Management Agency)
• $1.3 million 319(h)/SWAG Grant (Florida Department of Environmental Protection)
• $1.1 million River Lagoon Water Management Improvement Grant (South Florida Water Management District)
• $924,000 319(h)/SWAG Grant (Florida Department of Environmental Protection)
• $672,472 River Lagoon Water Management Improvement Grant (South Florida Water Management District)
• $562,500 Hazard Mitigation Grant (Federal Emergency Management Agency)
• $500,000 Recreational Trails Program (Florida Department of Transportation)
• $400,000 Waterways Assistance Program (Florida Inland Navigation District)
• $336,000 319(h) Grant (Florida Department of Environmental Protection)
• $264,000 Shuttered Venue Operators Grant (Small Business Administration)
• $250,000 Florida Recreation Development Assistance Program - Playground Enhancement Grant (Florida Department of Environmental Protection)
• $200,000 Florida Recreation and Development Assistance Program (Florida Department of Environmental Protection)
• $100,000 Water Quality Restoration Grant (Indian River Lagoon National Estuary Program)
• $98,175 COPS Community Policing Development Microgrant (U.S. Department of Justice)
• $80,000 Rebuild Florida Resiliency Planning Grant (Florida Department of Economic Opportunity)
• $50,000 Our Town Grant (National Endowment for the Arts)
• $10,000 Grants for Arts Projects Grant (National Endowment for the Arts)
• $10,000 Challenge America Grant (National Endowment for the Arts)
• Opportunity Zone designation in distressed neighborhood

Ranson, WV ($14 million)
• $5 million TIGER Grant (U.S. Department of Transportation)
• $4.5 million BEDI-Section 108 Finance package (U.S. Department of Housing & Urban Development)
• $3.2 million Transportation Grant (West Virginia Department of Transportation)
• $625,000 Transportation Alternatives Program Grant (West Virginia Department of Transportation)
• $250,000 COPS Hiring Grant (U.S. Department of Justice)
• $200,000 Transportation Alternatives Program Grant (West Virginia Department of Transportation)
• $125,000 COPS Hiring Grant (U.S. Department of Justice)
• $120,000 Transportation Grant (West Virginia Department of Transportation)
• $43,000 Body-Worn Camera Pilot Implementation Grant (U.S. Department of Justice)
• $30,000 Green Streets, Green Jobs, Green Towns (Chesapeake Bay Trust)
• Building Blocks Technical Assistance (U.S. Environmental Protection Agency)
• 2013 Phoenix Brownfields Award and Phoenix People’s Choice Award
• Participation in Maker Mayors Challenge
• Leading city in launch of the My Brother’s Keeper Community Challenge
• Opportunity Zone designation in distressed neighborhoods

Rifle, CO ($1.95 million)
• $1.8 million Revitalizing Main Street Larger Safety Grant (Colorado Department of Transportation)
• $150,000 Revitalizing Main Street Small Grant (Colorado Department of Transportation)

Rochester, MN ($21.1 million)
• Creation of “Resource Roadmap” for community revitalization and funding
• $5 million Outdoor Recreation Legacy Partnership (National Park Service)
• $4.3 million Buses and Bus Facilities (U.S. Department of Transportation)
• $3.2 million Low- or No-Emission Vehicle Grant (U.S. Department of Transportation)
• $3.1 million Main Street Economic Revitalization Program Grant (Minnesota Department of Employment and Economic Development)
• $988,000 Main Street Economic Revitalization Program Grant (Minnesota Department of Employment and Economic Development)
• $935,000 State and Tribal Assistance Grant CDS (U.S. Environmental Protection Agency)
• $750,000 Employment and Training Administration CDS (U.S. Department of Labor)
• $692,674 Expanded Meal Access for Minnesota Children and Adults Grant (Minnesota Department of Education)
• $525,000 Lead Hazard Reduction Grant (U.S. Department of Housing & Urban development)
• $500,000 COPS Technology CDS (U.S. Department of Justice)
• $468,699 Travel and Tourism Grant (Economic Development Administration)
• $383,650 Save America’s Treasures Grant (National Park Service)
• $58,040 Emergency Services Program (Minnesota Department of Human Services)
• $25,000 Grants for Arts Projects Grant (National Endowment for the Arts)
• Participation in the Mayors’ Institute on Job Creation and Economic Opportunity to Improve Health and Equity (National League of Cities)

Silverthorne, CO ($150,000)
• $150,000 Revitalizing Main Street Small Grant (Colorado Department of Transportation)
Stamford, CT ($16.6 million)
- $6.4 million Community Development Block Grant – Disaster Recovery Grant (U.S. Department of Housing & Urban Development)
- $2 million Highway Infrastructure Grant Program CDS (U.S. Department of Transportation)
- $1.8 million Outdoor Recreational Legacy Partnership Grant (National Park Service)
- $1.4 million U.S. Department of Transportation earmark reallocations to Stamford project
- $1.1 million Sustainable Communities Challenge Grant (U.S. Department of Housing & Urban Development)
- $1 million Staffing for Adequate Fire & Emergency Response Grant (Federal Emergency Management Agency)
- $850,000 Transportation, Community & System Preservation Grant (Federal Highway Administration)
- $800,000 Disaster Relief Grant (Economic Development Administration)
- $513,000 Workforce Development CDS (U.S. Department of Labor)
- $338,346 Body-Worn Camera Pilot Implementation Grant (U.S. Department of Justice)
- $147,840 Farmers Market Promotion Program Grant (U.S. Department of Agriculture)
- $133,151 Body-Worn Camera Policy and Implementation Program Grant (U.S. Department of Labor)
- $60,000 Invest Health Grant (Robert Wood Johnson Foundation)
- $28,400 Connecticut Farm Viability Grant (Connecticut Department of Agriculture)
- $25,701 Farm-to-School Planning Grant (U.S. Department of Agriculture)
- $25,000 Healthy Communities Grant (U.S. Environmental Protection Agency - Region 1)
- $21,000 Connecticut Farm Viability Grant (Connecticut Department of Agriculture)
- $20,000 Community Collaborative Learning Grant (Robert Wood Johnson Foundation)
- $20,000 Roadmaps Collaborative Learning Grant (Robert Wood Johnson Foundation)
- $10,000 Roadmaps to Health Action Award (Robert Wood Johnson Foundation)
- $9,800 Community Challenge Grant (AARP)
- Transit-Oriented Development Technical Assistance (Smart Growth America & Federal Transit Administration)
- Building Blocks Technical Assistance (U.S. Environmental Protection Agency)
- Opportunity Zone designation in distressed neighborhoods

Weirton, WV ($2.7 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- $1.2 million Assistance to Coal Communities Construction Grant (Economic Development Administration)
- $800,000 Brownfields Cleanup Revolving Loan Fund (U.S. Environmental Protection Agency)
- $300,000 Assistance to Coal Communities Reuse Planning Grant (Economic Development Administration)
- $393,500 Transportation Alternatives Program Grant (West Virginia Department of Transportation)
- $25,000 Our Town Grant (National Endowment for the Arts)
- Opportunity Zone designation in distressed neighborhood

Wheeling, WV ($29.7 million)
- Creation of “Resource Roadmap” for community revitalization and funding
- $25 million Transportation Grant (West Virginia Department of Transportation)
- $1,001,000 COPS Technology CDS (U.S. Department of Justice)
- $1 million Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)
- $750,000 Paul Bruhn Historic Revitalization Subgrant (National Park Service)
- $620,000 Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)
- $500,000 Health Resources and Services Administration CDS (U.S. Department of Health and Human Services)
- $359,953 Brownfields Cleanup Grant (U.S. Environmental Protection Agency)
- $192,000 Transportation Alternatives Grant (West Virginia Department of Transportation)
- $150,000 Historic Preservation Fund CDS (National Park Service)
- $75,000 Opportunity Appalachia (Appalachian Community Capital)
- $50,000 POWER Grant (Appalachian Regional Commission)
- $40,000 State Development Grant (West Virginia Department of Arts, Culture and History)

NON-RETAINER CLIENT PROJECTS ($343.5 MILLION SINCE 2012)

Advantage Valley, WV ($2.7 million)
- $1,055,001 POWER Grant (Appalachian Regional Commission)
- $1,052,000 POWER Grant (Appalachian Regional Commission)
- $323,000 Claude W. Benedum Foundation Grant (Claude W. Benedum Foundation)
- $300,000 Small Business Administration CDS (Small Business Administration)

Arcata, CA ($3.1 million)
- $3.1 million Active Transportation Program Grant (California Department of Transportation)

Aspen Fire Protection District ($1.3 million)
- $1.3 million SAFER Grant (Federal Emergency Management Agency)

Bay City, MI ($709,303)
- $709,303 Transportation Economic Development Fund (Michigan Department of Transportation)

Beaver County, PA ($600,000)
- $600,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)

Bourbon County, KY ($10.2 million)
- $10.2 million BUILD Grant (U.S. Department of Transportation)

Bridgeport, CT ($261,654)
- $261,654 Body-Worn Camera Pilot Implementation Grant (U.S. Department of Justice)

Butler Township, PA
- Creation of “Resource Roadmap” for community revitalization and funding

Catalyst Connection, PA ($10.6 million)
- Investing in Manufacturing Communities Partnership Award (Economic Development Administration)
- $5,000,000 Defense Manufacturing Communities Program Grant (Department of Defense)
- $1,423,297 POWER Grant (Appalachian Regional Commission)
- $1 million Employment and Training Administration CDS (U.S. Department of Labor)
- $994,883 POWER Grant (Appalachian Regional Commission)
- $670,000 POWER Grant (Appalachian Regional Commission)
- $625,000 POWER Grant (Appalachian Regional Commission)
- $5,000,000 Defense Manufacturing Communities Program Grant (Department of Defense)

Cedar Hill, TX ($300,000)
- $300,000 WaterSMART (Bureau of Reclamation)

Coalfield Development Corporation, WV ($3.6 million)
- $2.5 million Workforce Opportunities for Rural Communities Grant (U.S. Department of Labor)
- $500,000 Phase I Build Back Better Challenge (Economic Development Administration)
- $500,000 Brownfields Cleanup Grant (U.S. Environmental Protection Agency)
- $100,000 Our Town (National Endowment for the Arts)
<table>
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| Community College of Beaver County, PA ($1.3 million) | - $685,000 POWER Grant (Appalachian Regional Commission)  
- $587,950 POWER Grant (Appalachian Regional Commission)  
- Tri-State Energy & Advanced manufacturing (TEAM) Consortium formation |
| Dubuque County, IA ($5.4 million)   | - $5,452,023 BUILD Grant (U.S. Department of Transportation) |
| El Paso, TX ($2.1 million)         | - $2.1 million Desalination Construction Projects under the WIIN Act Grant (Bureau of Reclamation) |
| Flint, MI ($127 million)           | - Representation during 2015-2016 Water Crisis, leading to $127 million in federal & state water infrastructure funding  
- White House Community Revitalization Roundtable  
- Participation in Maker Mayors Challenge |
| Galveston, TX ($50,000)            | - $50,000 Our Town Grant (National Endowment for the Arts) |
| Generation WV & the Locally Driven Broadband Solutions Program ($7.3 million) | - $2.5 million POWER Broadband Grant (Appalachian Regional Commission)  
- $2.5 million POWER Broadband Grant (Appalachian Regional Commission)  
- $1,551,200 million POWER Broadband Grant (Appalachian Regional Commission)  
- $523,253 million POWER Grant (Appalachian Regional Commission)  
- $167,000 Employment and Training Administration CDS (U.S. Department of Labor)  
- $40,000 Just Transition Grant (Appalachia Funders Network) |
| Harrisburg, PA ($300,000)         | - $300,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency) |
| Holland, MI ($65,000)             | - Creation of “Resource Roadmap” for community revitalization and funding  
- $65,000 Local Sustainability Matching Fund Grant (Funders Network for Smart Growth & Livable Communities)  
- Georgetown University Clean Energy Prize; semi-finalist |
| Indianapolis, IN                  | - Creation of “Resource Roadmap” for community revitalization and funding |
| Iowa ($66 million)                | - $66 million National Disaster Resilience Competition Grant (U.S. Department of Housing and Urban Development) |
| Jefferson County, WV              | - Creation of “Resource Roadmap” for parks and recreation |
| Madison, WI ($11.7 million)       | - $4.7 million Buses and Bus Facilities Grant (Federal Transit Administration)  
- $7 million Buses and Bus Facilities Grant (Federal Transit Administration) |
| Martinsburg, WV ($400,000)        | - $400,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)  
- Opportunity Zone designation in distressed neighborhoods |
| Monaca, PA ($4.3 million)         | - Creation of “Resource Roadmap” for community revitalization and funding  
- $3 million Economic Development Transportation Grant (Pennsylvania Department of Community and Economic Development)  
- $1 million Livability Through Smart Transportation Grant (Southwestern Pennsylvania Commission)  
- $263,000 Multi-Modal Transportation Fund Grant (Pennsylvania Department of Transportation) |
| Morgantown, WV                    | - Opportunity Zone designation in distressed neighborhoods |
Norfolk, VA ($14.5 million)
- $14 million BUILD Grant (U.S. Department of Transportation)
- $300,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- $200,000 Brownfields Area-Wide Planning Grant (U.S. Environmental Protection Agency)

Norwalk, CT ($3.4 million)
- $3 million Community Development Block Grant - Disaster Recovery (Connecticut Department of Housing)
- $400,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
- Opportunity Zone designation in distressed neighborhoods

Philadelphia, PA
- Creation of “Resource Roadmap” for community revitalization and funding

Ponderay, ID ($1.4 million)
- $1.4 million BUILD Planning Grant (U.S. Department of Transportation)

Regional Optical Communications, Inc. ($1.2 million)
- $1.2 million American Rescue Plan Act Economic Adjustment Assistance Grant (Economic Development Administration)

Roaring Fork School District, CO ($1.2 million)
- $510,073 Transportation Alternatives Program Grant (Colorado Department of Transportation)
- $500,000 Safe Routes to School Grant (Colorado Department of Transportation)
- $200,000 Federal Mining Lease District Grant (Garfield County)

Roaring Fork Transportation Authority, CO ($24.5 million)
- $13 million BUILD Grant (U.S. Department of Transportation)
- $11.5 million Buses and Bus Facilities Grant (U.S. Department of Transportation)

Silt, CO ($201,000)
- Creation of “Resource Roadmap” for community revitalization and funding
- $201,000 Colorado Multimodal Fund Grant (Colorado Department of Transportation)

Southern Rail Commission ($37.4 million)
- $33 million Consolidated Rail Infrastructure and Safety Improvements (Federal Railroad Administration)
- $4.4 million Restoration & Enhancement Grant (Federal Railroad Administration)

Southwestern Pennsylvania Coalition ($1.4 million)
- $1,423,497 POWER Grant (Appalachian Regional Commission)

Spokane, WA
- Opportunity Zone designation in distressed neighborhoods

Steelton, PA
- Creation of “Resource Roadmap” for community revitalization and funding

St. Louis County, MO
- Creation of “Resource Roadmap” for community revitalization and funding

Unlimited Future, WV ($40,000)
- $40,000 Just Transition Grant (Appalachia Funders Network)

West Virginia High Tech Consortium ($838,000)
- $837,970 POWER Grant (Appalachian Regional Commission)

Waynesboro, VA
- Creation of “Resource Roadmap” for community revitalization and funding

Wellsburg, WV ($75,000)
- $75,000 Opportunity Appalachia (Appalachian Community Capital)
West Virginia High Technology Foundation, WV ($50,000)
- $50,000 Rural Business Development Grant (U.S. Department of Agriculture)

West Virginia Land Stewardship Corporation, WV ($1 million)
- $1 million Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)

West Virginia Municipal League, WV ($300,000)
- $300,000 Economic Development Initiative CDS (U.S. Department of Housing and Urban Development)

West Virginia University, WV ($400,000)
- $400,000 POWER Grant (Appalachian Regional Commission)

Wilmington, DE ($300,000)
- $300,000 Brownfields Assessment Grant (U.S. Environmental Protection Agency)
TO: Honorable Mayor Smith Hymes and Council members
FROM: Robert McKenner, IT Manager and Eric Heil, Town Manager
RE: Work Session: Broadband Infrastructure
DATE: September 8, 2022

SUMMARY: This report provides Council with an overview of a Broadband Needs Assessment conducted by HR Green and a proposed plan for moving forward with Broadband improvements for the Avon Community. Broadband improvements at the municipal level are expensive and present technical expertise that is outside our existing governmental activities. Most of our peer communities have already begun investments in broadband improvements. We feel that now is the appropriate time for Avon to begin investment in local broadband infrastructure improvement; however, we believe the most appropriate strategy for Avon’s needs and resources is for Avon to focus on joining Project THOR and installing fiber optic for the Town Core/Valley floor area.

BACKGROUND: In 2005, the Colorado General Assembly passed Senate Bill 05-152 (SB 05-152), which prohibited local governments from entering into the broadband market and prohibits most uses of municipal or county money for infrastructure to improve local broadband service without voter permission. In 2017 Avon asked the voters if they wanted to opt out of SB-152, 87% of Town’s resident voted to opt out. Many of our peer communities and front range communities also received voter approval to opt out of this prohibition.

The development and implementation of Project THOR by NWCOG accelerated the ability of municipalities to provide faster and more reliable internet services. Project THOR is a middle-mile network establishing carrier-class connectivity between 14 communities (and growing) across Northwest Colorado.

We interviewed several peer communities that have joined Project THOR. These communities deployed broadband using three different methods. The three approaches to broadband service include:

1. Municipal Broadband Utility, whereby the municipality installs all broadband infrastructure, including connections to the end consumer, becomes the Internet Service Provider (“ISP”) and conducts all aspects of marketing, customer service and billing. This approach is analogous to a municipal water system.

2. Public-Private Partnership, whereby the Town subscribes to Project THOR and then sells internet bandwidth to private internet service providers. The private ISP then develop, manage, and sells the broadband service to the end consumer.

3. Hybrid Public-Private Partnership, whereby the Town subscribes to Project THOR, sells directly to anchor institutions (such as local governments, schools, medical center) and a private ISP develops, manages and sells the broadband service to the end consumer.

Complete Municipal Broadband Utilities are the least used approach because they require the municipal to develop an entire utility system which is the most expensive for capital improvements and requires complete staffing to run all aspects of a utility system, including installation, maintenance and repair, customer service, marketing, billing and collections.
Staff is recommending the Public-Private Partnership approach, which may include a Hybrid Public-Private Partnership where the Town provides broadband service directly to anchor institutions depending upon interest by potential anchor institutions.

**NOTE:** The Village (at Avon) Development Agreement and PUD Guide gives the Master Developer the exclusive right to install, own and operate “Dry Utilities” in the public right-of-ways, which includes fiber optic, telephone, and cable. So the Town of Avon will not extend municipal fiber optic in the Village (at Avon) PUD area.

**GOALS:** The aim of Avon joining project THOR would be to increase the availability of internet services bandwidth in Avon and Eagle County. Project THOR network is very robust and reliable. Built with redundant paths to reduce service outages. Project THOR will increase the bandwidth service (transport) while reducing the resell cost to ISP, which will reduce consumer cost for service. The private public relationships can be built to help lower the cost for basic internet services for low-income households in Avon. Having the internet bandwidth and the infrastructure to support the bandwidth will make current business more competitive and attract businesses that benefit from and rely upon better internet service. Insuring that Avon does not behind our peer communities with broadband infrastructure.

- Provide affordable, reliable, and high speed internet that is comparable with our peer communities
- Increase competition among internet provides to achieve lower costs and better service for all Avon consumers
- Improve internet service for Town Facilities
- Improved Internet for Public/Guest Wi-Fi at Town Hall and Recreation Center
- Achieve availability of gig service at low/competitive cost for customers
- Promote low (very low) cost for basic internet for low-income households
- Modernize broadband infrastructure to serve and attract businesses that benefit from and rely upon better internet
- Avoid falling too far behind our peer communities with broadband infrastructure

**AVON COMMUNITY NEEDS ASSESSMENT:** In 2021 Avon contracted HR Green to do a broadband analysis, the final report is attached. A majority of the data that is presented in the finding was pulled from a broadband survey that was heavily advertised to Avon residences and businesses. Due to a lack of participants in Avon’s broadband survey HR Green used a prior Eagle County Survey to supplement the Town’s survey results. As presented in the report, Avon does have several competitive options for internet service, but there are conflicts in the findings. When reviewing the finding keep in mind that there was the lack of participation and outliers in self reporting data. There are also conflicts in data that were pulled from the websites. BroadbandNow, DecisionData, and AllConnect.

Overall, even with the availability of several service providers there is a desire by commercial and private consumer for better priced and more reliable internet service. Most participants of survey rely on internet to work and learn. We did contact several larger businesses to see if they would be interested in becoming anchor institutions. Although most were very interested, none would make commitment. Lack of commitment was due to current contracts, and the ambiguity of when and what service we could provide. One possible Anchor institution that we had a conversation with was Beaver Creek. They seemed to be very interested, they had just recently renewed their service contract.
During the project we meet with Aspen, Breckenridge, and Estes Park which all have broadband initiatives. Aspen was deploying using the hybrid model, Breckenridge is using the public-private model, and Estes Park has become an internet service provider. The key finding for these meetings can be found on page 18 of the report. One take away that we found is that all the peer communities have multiple staff positions in place to manage their initiatives.

We believe the installation of a fiber optic network to enable improved broadband service is appropriate and beneficial in Avon and deployment should commence in the near term so that Avon does not fall too far behind peer communities.

AVON BROADBAND STRATEGY: The following strategy outline is proposed to Council which would result in (1) joining Project THOR, (2) soliciting third party ISPs to lease broadband capacity from Avon to sell to end consumers, (3) designing extension of municipal fiber optic throughout the Town Core original Benchmark Subdivision area on the valley floor, and (4) applying for state and federal grant funds for broadband extension. Public Works is proposing to add a Project Engineer position that would be dedicated 50% to building our GIS system and 50% dedicated to Broadband deployment. This position can be funded from the CIP Fund with the other project engineers. We anticipate that a focused and successful effort will require at least a ½ dedicated staff position and some level of third party engineering and consulting.

Staff proposes that the Town commits to Project THOR in the Spring of 2023. There is a 9-12 month lead time of securing the required hardware, therefore Staff recommends a commitment this fall so that the hardware order can be placed this fall.

- Apply for grants to assist with cost of broadband infrastructure planning and installation of “Meet-Me Center” (fall 2022)
- Conduct Request for Proposal or post Job Description for broadband engineering services (fall 2022)
- Conduct Request for Proposal for 3rd Party Internet Providers (late 2022)
- Install connection to Meet-Me Center (spring 2023)
- Join Project THOR (fall 2023)
- Implement phased plan to extend Broadband fiber and infrastructure to serve Valley Floor area with schedule that seeks to optimize available grant monies (time frame to be determined based on cost, availability of grants, and consumer interest)

FINANCIAL CONSIDERATIONS: If the Town joins Project THOR the first-year cost is between $205k and $240k. These costs are broken down by hardware, fiber installation, and committed service cost. The initial hardware cost is $35,000, cost to connect fiber from CDOT to the Public Safety Facility is $85k to 120k, and the annual subscription to Project THOR is $85,000 for 10Gig committed service a year. There has been some discussion by NWCOG of offering lower bandwidth committed cost.

<p>| Initial Capital Improvements Year 1 (CIP fund) | $120k to $155k |</p>
<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project THOR subscription (annual – from general fund)</td>
<td>$85k</td>
</tr>
<tr>
<td>½ Project Engineer Position (annual – CIP fund, fully loaded with benefits and costs)</td>
<td>$85k</td>
</tr>
<tr>
<td>Matching Funds for Planning, Design and Consulting work (CIP Fund)</td>
<td>$75k</td>
</tr>
<tr>
<td>Capital Improvements – Fiber Optic Extension</td>
<td>TBD</td>
</tr>
<tr>
<td><strong>TOTAL Year 1</strong></td>
<td><strong>$375,000</strong></td>
</tr>
<tr>
<td><strong>TOTAL ANNUAL (not include capital improvements)</strong></td>
<td><strong>$170,000</strong></td>
</tr>
</tbody>
</table>

There has not ever been a time in history with as much Federal and State grant money available for Broadband projects. 2021 Infrastructure Investment and Jobs Act provided $65 billion for broadband. Colorado has ARPA funds for 500 million.

**RECOMMENDATION:** We recommend that Avon join Project THOR in 2023 and proceed with the Broadband Strategy as outlined above.

**OPTIONS:** Council may continue this work session for more information or may choose to do nothing at this time.

*Thank you, Robert and Eric*

**ATTACHMENT A:** Broadband Feasibility Study – June 2021
Executive Summary

This report includes a market assessment, peer communities’ broadband efforts report, public survey findings, public outreach briefing, and a smart city initiatives chapter. The information contained in this report is intended to provide a baseline analysis on the current broadband conditions in the Town of Avon, and should be viewed as a solid base upon which the town’s leadership team and Town Council can make informed decisions on next steps.

Key Finding #1: High Speed Broadband is Present in Much of Avon

Broadband is generally available in the Town core, but survey data shows a contrast between the well-served central portion of the community (disregarding pricing), and the lesser-served outskirts of the town. Survey responses collected during community outreach showed a complex patchwork of service capacity in areas of variable and lower population densities. These findings were confirmed through evaluation of supplemental data provided by Eagle County, which conducted a broader, county-wide survey in early 2021, which was overlaid onto the Town’s survey data. The findings show that the majority of customers served with broadband are subscribers of Comcast within and surrounding the Town boundaries. However, Comcast is not universally available and can be cost-prohibitive for some residents.

Key Finding #2: Avon’s Peer Communities are Executing Plans to Create Improved Broadband

The peer communities report outlines broadband initiatives of 26 other ski towns similar to Avon in Colorado. Ski towns are a useful cohort of comparable towns because they have some dependence on tourism revenue for economic development and many part-time residents.

In addition, five ski towns were selected to be interviewed for a detailed examination of their efforts, trajectories, successes, and lessons-learned (three of five completed to date). The efforts taken on behalf of these towns spans a wide range of possibilities, from actively pursuing a municipally-owned network to depending on the private sector to invest in the community. Avon shares some of the same conditions that have urged towns to become active in broadband efforts, including remote geography and low-population density that deters incumbent carriers from further investing in residential and commercial service. On the other hand, as work-from-home opportunities and the availability of online applications grow, many people are attracted to buying real estate with robust internet connectivity in small towns like Avon. The prospect of economic development as well as establishing a tech base to provide improved municipal services are powerful motivators for exploring broadband infrastructure options.

Key Finding #3: There is Support for Community Sponsored Broadband Improvements

The public survey and stakeholder interviews of Avon’s residents and businesses demonstrates a significant appetite for better broadband availability. As internet connectivity is becoming more important, residents, visitors, and employees of Avon rely on the internet to work, learn, and participate in events and the community. Many respondents indicated a desire for more availability of broadband options, lower prices, and increased mobility in their connectivity options. In other similar ski towns, public officials have been increasingly engaged with such efforts, particularly in the last few years, as they recognize the value that broadband can bring to enhancing their residents’ quality of life, business’ economic opportunities, and encouraging visiting travelers.
Key Finding #4: Avon has an Incentive to Evaluate its Options to Expand Broadband Infrastructure

Town Council members and senior leadership face an important choice. While high-speed broadband is available in much of the Town’s core area, residents and businesses report that they are frustrated with high prices, some service issues and a lack of satisfaction with service quality resolution. Many of its peer communities (who in some cases were more deeply underserved) are advancing projects to improve the competitiveness of their towns.

The pursuit of improved broadband service requires the commitment of capital resources at a large scale. Creating a publicly-owned and operated broadband provider requires government to compete with private businesses who will compete with the new entity to retain its customers and revenue stream. Crafting a plan that meets the needs of the Town, while mitigating these capital and competition risks will be a key part of the Council’s role in the second phase of the project.
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Chapter 1: Town of Avon Market Assessment

Introduction

The broadband coverage available has changed from something nice to have to becoming incredibly important. Education, working from home, economic development, keeping youth in the area, telemedicine, etc. all need good connectivity. Competitive analysis of the availability of coverage is challenging due to the fluidity of market pricing, products offered, and differences in the various sectors.

One of the beginning points of understanding broadband in a community is to research the industry reported data. We begin the task of understanding coverage with a Market Assessment. This is an analysis of industry data that shows what providers report their coverage to be. As part of licensing, broadband providers are required to provide certain data for the customers they serve. That data is available from the FCC and other secondary sources that provide additional insight.

This is helpful information, but it is known to be flawed. The shortcomings of this data are:

- There is a reporting and displaying cycle that can, in some instances, make the data one to two years old before it is available.
- There are not significant repercussions for inaccurate reporting and inaccurate entering of the data.
- There can be secondary incentives for some providers to overstate their coverage (grants may not be available to potential competitors if coverage appears to be adequate)
- Data is recorded at the census block level – in a given census block, the highest coverage is generalized to the entire census block.

This data is known to be flawed for several reasons, but it is important for two reasons:

- Provide a baseline of data to work from
- This data is used for many federal and state grants. If it is incorrect, it is important to correct it.

Because of these problems in the data, a high-level market assessment cannot be fully relied upon, but it does provide a beginning point to understand coverage and it can also point out areas that need to be compared to the actual data that comes from the surveys. It is why the Market Assessment data is supplemented with a Survey to the community and community stakeholder interviews.

To begin this analysis, service offerings of each primary provider in the Town of Avon will be examined, cataloged, and detailed.

A second step to verify this data can be focused feedback. We discuss options for that in the next Task. These can shed light on the actual practice of providers and, more importantly, on pricing and satisfaction, as well as determining what needs are in demand and are either not supplied by the marketplace or underserve the market.

One word of caution: If you do a market analysis without some sort of real feedback, there could be significant errors in the data. This information is gathered from self-reporting by providers. There have been important studies that have shown this data to be lacking. It is helpful as an overview, but we recommend some level of checking the data.

The residents and businesses in the Town of Avon can obtain internet access services from a variety of ISPs (internet service providers) via DSL (over copper), cable, fiber, fixed wireless, and satellite.
This section describes consumer internet offerings available to residents and businesses from established ISPs. Its goal is to draw a representative picture of the internet market in the Town of Avon and include one or more providers that serve their customers via copper (DSL), cable, fiber, fixed-wireless, and satellite.

The following statistics describe internet availability by transport medium (DSL, cable, etc.) in Avon with some of the data drawn from the following two dedicated websites.

- BroadbandNow (https://broadbandnow.com/)
- DecisionData (https://decisiondata.org/)
- AllConnect (https://www.allconnect.com/)

**Findings**

Since data is provided by zip code, all of the following findings are provided for the area of zip code 81620, as seen in *Figure 1*.

**Figure 1: Zip Code Coverage area for the Town of Avon for which Public Broadband Data is Available**

BroadbandNow states:

- The average download speed in Avon is 204.27 Mbps. This is 97.9% faster than the average in Colorado and 56.0% faster than the national average.
- There are 14 internet providers in Avon with 10 of those offering residential service
- Avon is the 25th most connected city in Colorado ahead of Eagle, Silverthorne, Edwards, Vail, and Gypsum.
- Colorado is the 27th most connected state in the U.S.
- 74% of residents in Eagle County have access to fixed wireless internet service.
- There are 11 companies offering business internet services in Avon.
- 90.2% of Coloradans have access to 100mbps or faster broadband.
- Approximately 4,000 people in Eagle County don’t have access to any wired internet.
- There are 259 internet providers in all of Colorado.

DecisionData states:

There are 2 home internet options and 3 business internet options in Avon, CO. 100.0% of homes can get fixed-line service. Competition in 81620 is less competitive than the average US zip code. There are 2 home internet providers in the entire zip code, which is below average. The majority of 81620 residents have two options for wired internet service at their homes: CenturyLink and Xfinity.

- 0.0% of homes can get Fiber. 81620 has 0 Fiber provider.
- 100.0% of homes can get DSL. 81620 has 1 DSL providers.
- 99.9% of homes can get Cable. 81620 has 1 Cable providers.
- 100.0% of homes can get Wired internet. 81620 has 2 Wired providers.

### Residential Service Providers (BroadbandNow)

<table>
<thead>
<tr>
<th>Provider</th>
<th>Technology Type</th>
<th>Coverage Area</th>
<th>Speeds (up to)</th>
<th>Pricing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xfinity</td>
<td>Cable</td>
<td>91.4%</td>
<td>1 gbps</td>
<td>$19.99</td>
</tr>
<tr>
<td>CenturyLink</td>
<td>DSL</td>
<td>84.1%</td>
<td>940 mbps</td>
<td>$49</td>
</tr>
<tr>
<td>CenturyLink</td>
<td>Fiber</td>
<td>33.6%</td>
<td>940 mbps</td>
<td>$49</td>
</tr>
<tr>
<td>Visionary Broadband</td>
<td>DSL</td>
<td>2.5%</td>
<td>7 mbps</td>
<td>UA</td>
</tr>
<tr>
<td>Visionary Broadband</td>
<td>Fixed Wireless</td>
<td>67.4%</td>
<td>100 mbps</td>
<td>$54.95</td>
</tr>
<tr>
<td>San Isabel Telecom</td>
<td>DSL</td>
<td>67.5%</td>
<td>50 mbps</td>
<td>UA</td>
</tr>
<tr>
<td>Brainstorm Internet</td>
<td>DSL</td>
<td>1%</td>
<td>25 mbps</td>
<td>$29</td>
</tr>
<tr>
<td>Forethought.net</td>
<td>DSL</td>
<td>1%</td>
<td>25 mbps</td>
<td>UA</td>
</tr>
<tr>
<td>HughesNet</td>
<td>Satellite</td>
<td>100%</td>
<td>25</td>
<td>$39.99</td>
</tr>
<tr>
<td>ViaSat (Exede)</td>
<td>Satellite</td>
<td>100%</td>
<td>100</td>
<td>$49.99</td>
</tr>
</tbody>
</table>

### Business Service Providers (BroadbandNow)
<table>
<thead>
<tr>
<th>Provider</th>
<th>Technology Type</th>
<th>Coverage Area</th>
<th>Speeds (up to)</th>
<th>Pricing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comcast Business</td>
<td>Cable</td>
<td>100%</td>
<td>987 mbps</td>
<td>$69.95</td>
</tr>
<tr>
<td>CenturyLink Business</td>
<td>DSL</td>
<td>92.3%</td>
<td>80 mbps</td>
<td>$49</td>
</tr>
<tr>
<td>CenturyLink Business</td>
<td>Fiber</td>
<td>53.7%</td>
<td>940 mbps</td>
<td>$49</td>
</tr>
<tr>
<td>Visionary Broadband</td>
<td>Fixed Wireless</td>
<td>53.7%</td>
<td>100 mbps</td>
<td>$69.95</td>
</tr>
<tr>
<td>San Isabel Telecom (Enterprise)</td>
<td>DSL</td>
<td>49.5%</td>
<td>10 mbps</td>
<td>UA</td>
</tr>
<tr>
<td>Verizon Business</td>
<td>DSL</td>
<td>9.1%</td>
<td>3 mbps</td>
<td>UA</td>
</tr>
<tr>
<td>GTT</td>
<td>DSL</td>
<td>3.3%</td>
<td>UA</td>
<td>UA</td>
</tr>
<tr>
<td>Brainstorm Internet</td>
<td>DSL</td>
<td>.2%</td>
<td>12 mbps</td>
<td>UA</td>
</tr>
<tr>
<td>Forethought.net</td>
<td>DSL</td>
<td>.2%</td>
<td>12 mbps</td>
<td>UA</td>
</tr>
<tr>
<td>Mammoth Networks</td>
<td>Fiber</td>
<td>.1%</td>
<td>1 mbps</td>
<td>UA</td>
</tr>
</tbody>
</table>

BroadbandNow also shows the same set of providers on both the Residential and Business competition map, both show Avon as being covered by at least 3 providers:

Figure 2: Residential and Business Offerings are the Same in the Competition Map in Avon
It is also useful to look at the State of Colorado Broadband Map, which is a source from which the previous maps are generated.
**Internet Service Providers & Plans**

The data listed for each internet provider below is as of 04/2021.

**CenturyLink**

With its headquarters based out of Monroe, Louisiana, CenturyLink provides Internet and phone services to customers in 36 different states. CenturyLink is the 3rd largest telecommunications business in the United States, providing telecommunication services to the Government, businesses, and residents throughout the country. CenturyLink was founded in 1930.

The table below shows the cost of CenturyLink’s plans, according to AllConnect.com:

<table>
<thead>
<tr>
<th>Download Speed – Up To (Mbps)</th>
<th>Cost/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>$49</td>
</tr>
<tr>
<td>100</td>
<td>$49</td>
</tr>
<tr>
<td>940</td>
<td>$65</td>
</tr>
</tbody>
</table>

From DecisionData.org: “71.5% of residents in this zip code can get CenturyLink DSL. The fastest internet service the ISP offers here is 100 Mbps, which is way below average speed for 81620 business internet providers. 68.8% of local customers in 81620 can get the fastest download speed with DSL offered by CenturyLink.”

AllConnect also collects data on the percentage of customers who get advertised data. The following table shows the percentage of customers who reported having the speed on the left column:

<table>
<thead>
<tr>
<th>SPEED RANGE</th>
<th>DOWNLOAD SPEED</th>
<th>UPLOAD SPEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>.1 to 5 Mbps</td>
<td>8.0%</td>
<td>31.2%</td>
</tr>
<tr>
<td>6 to 10 Mbps</td>
<td>13.1%</td>
<td>26.5%</td>
</tr>
<tr>
<td>11 to 20 Mbps</td>
<td>7.5%</td>
<td>0.0%</td>
</tr>
<tr>
<td>31 to 75 Mbps</td>
<td>2.7%</td>
<td>42.2%</td>
</tr>
<tr>
<td>76 to 100 Mbps</td>
<td>68.8%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

**Comcast (Xfinity)**

Comcast is the biggest cable television company and the second biggest internet provider in the United States. It is the largest cable internet company in Avon, and provides the fastest data rates in the areas it serves compared to its competition. The company offers the following internet service plans. Multiple prices were available for the same plans, which likely depends on the specific region in which the service is offered:

<table>
<thead>
<tr>
<th>Plan</th>
<th>Download Speed – Up To (Mbps)</th>
<th>Cost/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance Pro+</td>
<td>200</td>
<td>$49.99/$59.99</td>
</tr>
<tr>
<td>Performance Starter+</td>
<td>25</td>
<td>$19.99</td>
</tr>
</tbody>
</table>
According to AllConnect, in Avon, “99.9% of residents can get Xfinity Cable. The fastest internet service the ISP offers here is 987 Mbps, which is way above average speed for 81620 business internet providers.”

**Forethought.net / San Isabel Telecom / Brainstorm Internet**

Established a in 1995, Forethought.net provides internet services throughout Colorado and Northern New Mexico in the following locations:

- **Denver**: Littleton, Englewood
- **Grand Junction / Mesa County**: Fruita, Palisade, Collbran, DeBeque, Mesa
- **Telluride / San Miguel County**: Telluride Ski Ranches Association, Norwood, Placerville
- **Durango / La Plata County**: Mancos, Ignacio, Hesperus, Animas Valley, Cascade Village
- **Silverton/San Juan County**: Silverton – Anvil Mountain Apartments, Cascade Village
- **Ouray County**: Ouray
- **Eagle County**: Gypsum – Buckhorn, Gypsum – Chatfield, Gypsum – Airport Business Park, Dotsero, Eagle, Eagle – Castle Peak Ranch, **Avon**, Vail, Red Cliff, Lake County
- **Leadville**: Leadville – Railyard
- **Lake County**
- **Teller County**: Woodland Park, Cripple Creek
- **New Mexico**: Farmington, Aztec, Bloomfield

Forethought.net’s stated mission is to “bring state-of-the-art communications to the rural mountain communities of Colorado.” They have offices in Denver, Grand Junction, Durango, and Eagle. They provide service through fiber, copper (DSL), fixed wireless, or LTE depending on location.

In 2019, Forethought announced they were chosen to provide fiber service to the Eagle Valley Library District to provide fiber-optic Internet service to the Libraries in Eagle and Gypsum. They announced they were providing a “50 times speed increase to the libraries for less than half the price they are paying today for service from the incumbent.”

In 2019, BroadbandNow recognized FORETHOUGHT.net as the “#1 Fastest Internet Provider in Colorado.”

According to AllConnect.com, their plans are priced as follows:

<table>
<thead>
<tr>
<th>Performance Select</th>
<th>100</th>
<th>$34.99/$55</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blast! Pro+</td>
<td>400</td>
<td>$64.99/$74.99</td>
</tr>
<tr>
<td>Extreme Pro+</td>
<td>600</td>
<td>$60/$84.99</td>
</tr>
<tr>
<td>Gigabit</td>
<td>1000</td>
<td>$70/$94.99</td>
</tr>
</tbody>
</table>
A. Merger with San Isabel Telecom

As of April 2017, San Isabel Telecom, Inc. became a Forethought.net subsidiary. In 2004, San Isabel Telecom deployed one of the first FTTH systems in the county in Gypsum. It then built fiber networks to most areas in the Chatfield, Buckhorn, and Two Rivers areas in Gypsum.

B. Merger with Brainstorm Internet

“Brainstorm Internet is a FORETHOUGHT.net company. It is a Colorado Internet provider serving the Four Corners, the Western Slope and the Front Range. Based out of Durango, Colorado, Brainstorm offers business and residential services ranging from DSL, wireless, and fiber broadband to cloud hosted PBX, web hosting and colocation. Founded in 1999, Brainstorm Internet currently serves over 11,000 customers, from Grand Junction, CO to Denver, CO to Farmington, NM.

Although public sources list Brainstorm internet as a service offering, their website states: “Brainstorm DSL is available in Downtown Durango, Hillcrest, Skyridge, Durango West II, and Rockwood. We also offer Brainstorm DSL in downtown Grand Junction.” Similarly, business service “is available out of the Durango, Bayfield, Cortez, and Grand Junction wire centers in Colorado and the Farmington wire center in New Mexico. For service outside of these areas in the states of Colorado and New Mexico please contact us for a custom quote.”

So it appears that the data on BroadbandNow about Brainstorm’s residential service offerings is not accurate. It is likely that for any of those offerings, they would offer service directly through Forethought.net.

GTT

GTT is a small telecommunications provider, only serving 1.61% of the United States. It is a DSL provider that uses existing legacy copper telephone lines. According to their website they offer download and upload speeds ranging from 1.5 mbps to 8 mbps. According to BroadbandNow, they offer some limited amount of businesses service in Avon. The following Availability Map shows there is some limited service in the area.
Neither public sources nor the GTT website offer any specific data on service offerings in the Town of Avon.

**HughesNet**

Hughes Network Systems, LLC (formerly Hughes Communications) was founded in 1971. It is a wholly owned subsidiary of EchoStar (DirecTV). Hughes Network Systems is headquartered in Germantown, Maryland and provides a high-speed satellite internet service, HughesNet.

The table below shows the cost of HughesNet’s plans as of 6/6/2019. Their plans have data caps in place.

HughesNet is currently running a promotion, where if a user signs a two-year contract, each of the following costs are discounted by twenty ($20) dollars for the first six (6) months.

<table>
<thead>
<tr>
<th>Plan</th>
<th>Download Speed – Up To (Mbps)</th>
<th>Upload Speed – Up To (Mbps)</th>
<th>Cost/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internet</td>
<td>25 (10GB cap)</td>
<td>3</td>
<td>$59.99</td>
</tr>
<tr>
<td>Internet</td>
<td>25 (20GB cap)</td>
<td>3</td>
<td>$69.99</td>
</tr>
<tr>
<td>Internet</td>
<td>25 (30GB cap)</td>
<td>3</td>
<td>$99.99</td>
</tr>
<tr>
<td>Internet</td>
<td>25 (50GB cap)</td>
<td>3</td>
<td>$149.99</td>
</tr>
</tbody>
</table>

**ViaSat (formerly Exede)**

ViaSat Inc. (formerly Exede) was founded in May 1986. It is based in Carlsbad, California, with additional operations across the United States and worldwide. ViaSat is a provider of high-speed satellite broadband services and secure networking systems covering military and commercial markets.

The table below shows the cost of ViaSat’s plans. Their plans have data caps in place.
Visionary Broadband (Mammoth Networks)

Visionary was originally an ISP in Wyoming, having started business in December of 1994. Founded in a basement, Visionary has grown to become an ISP in a three-state region, providing more than 20,000 customers with Internet access via dialup, wireless, DSL, T1 and fiber. It delivers services in Colorado, Montana, and Wyoming.

The table below shows the cost of Visionary Broadband’s residential plans.

<table>
<thead>
<tr>
<th>Plan</th>
<th>Download Speed – Up To (Mbps)</th>
<th>Upload Speed – Up To (Mbps)</th>
<th>Cost/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internet</td>
<td>50</td>
<td>5</td>
<td>$59.99</td>
</tr>
<tr>
<td>Internet</td>
<td>100</td>
<td>5</td>
<td>$79.95</td>
</tr>
</tbody>
</table>

The table below shows the cost of Visionary Broadband’s business plans.

<table>
<thead>
<tr>
<th>Plan</th>
<th>Download Speed – Up To (Mbps)</th>
<th>Upload Speed – Up To (Mbps)</th>
<th>Cost/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internet</td>
<td>10</td>
<td>5</td>
<td>$69.95</td>
</tr>
<tr>
<td>Internet</td>
<td>50</td>
<td>5</td>
<td>$99.95</td>
</tr>
<tr>
<td>Internet</td>
<td>100</td>
<td>5</td>
<td>$199.95</td>
</tr>
</tbody>
</table>
References

1. https://broadbandnow.com
2. https://decisiondata.net
3. https://Allconnect.com
5. https://www.centurylink.com/small-business/
7. https://www.vcn.com/los/
Chapter 2: Broadband Initiatives in Colorado Ski Towns

NOTABLE LESSONS-LEARNED FROM SKI TOWN INTERVIEWS

This chapter provides information from research as well as interviews with select ski towns to better understand how they have managed to initiate and deploy municipal fiber and broadband projects. Interviewees included: Aspen, Breckenridge, Estes Park, Glenwood Springs, and Steamboat Springs (note: Glenwood Springs and Steamboat Springs interviews are still in progress).

The interviews represented a variety of broadband models adopted by ski towns, including an anchor institution municipal network (Aspen), a public-private partnership (Breckenridge), and a direct service to customers (Estes Park). These models represent some of the most common broadband alternatives that communities use to chart a path to better connectivity in similar towns. The differences may vary in the type of network ownership, operating structure, partnerships with external organizations, extent of network buildout, the pace for network deployment, targeting of potential customers, and choice of technologies.

Based on the interviews, the following points are notable as lessons-learned and potential setbacks for ski towns engaging in broadband infrastructure deployment:

1. Having an existing municipal utility can benefit expanding operations into internet service.
2. Creating a comprehensive plan in advance makes a big impact on the success of the project.
3. Having a comprehensive GIS system with well-known and surveyed assets can be an effective tool to plan and design fiber networks and diminish obstacles to deployment.
4. Actively leveraging a Dig Once policy (as well as similar Shadow Conduit or One-Touch-Make-Ready policies) can make a big difference in the availability of conduit for fiber and reducing the costs of installation. Installing extra conduit where possible is also helpful in the long-term.
5. There is a balance between building a network which attracts customers and knowing the potential customers in advance. Network design is likely to depend on the size, level of demand, and priorities of subscribers, and it is easier to plan for those considerations prior to deployment.
6. Having internet service being provided by a local organization can make a significant difference in the quality of customer service and responsiveness.
7. Due to limited capital and resources, an incremental approach to deployment can be quite effective, with the network growing along with the availability and demand for the service.
Introduction

The Colorado mountains provide many opportunities for skiing and other recreational activities, but the same geography that enables world-class mountain sports also creates significant challenges in broadband infrastructure deployment. As part of the Town’s study, HR Green evaluated broadband and wireless projects and initiatives of 27 Colorado municipalities composing the Colorado Association of Ski Towns. These members include:

1. Aspen  
2. Avon  
3. Basalt  
4. Blue River  
5. Breckenridge  
6. Crested Butte  
7. Denver  
8. Dillon  
9. Durango  
10. Estes Park  
11. Fraser  
12. Frisco  
13. Glenwood Springs  
14. Grand Lake  
15. Gunnison  
16. Mt. Crested Butte  
17. Mountain Village  
18. Ouray  
19. Pagosa Springs  
20. Silverthorne  
21. Silverton  
22. Snowmass Village  
23. Steamboat Springs  
24. Salida  
25. Telluride  
26. Vail  
27. Winter Park

Potentially related to the region’s relative affluence, tourism, population, and remoteness, the residents of these towns may have a multiple choice of commercial providers or a complete lack of service other than satellite. If undertaken, public initiatives to support broadband service vary from conducting feasibility analyses of options to expand the quality and extent of regional networks to actively engaging on projects with existing providers or public utilities. The range of initiatives within these towns demonstrate the wide variety of potential options available to poorly served areas of the state and the country.

While there are many unserved or underserved mountain communities in Colorado, these towns are distinct in their tourism-based economies. The local economy of many of these towns is considerably driven by revenue from visitors from all over the country visiting Colorado resorts in the winter for snow sports and in the summer for hiking, biking, and running. As such, these towns may be relatively affluent, but their remoteness can be a challenge for network infrastructure. As more jobs can increasingly be done remotely, quality internet service is becoming more important to maintain and grow these towns’ prosperity.

Many of these communities, as well as the state of Colorado, have engaged in efforts to improve internet infrastructure for decades. One of the first, biggest initiatives was called EagleNet – an effort to leverage $100 million of federal grant money to build high bandwidth backbones to extend broadband to 168 school districts in Colorado. Unfortunately, that project was criticized as being marginally successful, as many of the deployments were in more densely populated, relatively well-served parts of the state.1 Nevertheless, the effort helped establish important backhaul infrastructure as well as state programs to facilitate broadband expansion. The state of Colorado now maintains at least two broadband grant programs that have had a positive impact on facilitating the expansion of internet service networks in these ski towns.

Colorado has a law known as SB-152 that plays an important role in the capacity of any incorporated municipal entity in the state to engage in broadband initiatives. It then describes a program that has, arguably, been one of the most impactful on internet service in Colorado ski towns in recent years,

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Project Thor. Lastly, the paper lists and outlines initiatives taken by each of the ski towns to improve broadband infrastructure within their boundaries.

**Colorado’s SB-152**

SB-152 is a 2005 state law prohibiting towns from engaging in broadband provision unless its residents vote to opt out. Most of the ski towns have passed a repeal of SB-152 and are free to pursue local connectivity initiatives. In addition, some of the ski towns are located in counties which have also exempted themselves from SB-152 as well, which opens up a wider range of potential project opportunities for mountainous region. These include Summit County, home Breckenridge and Keystone, Pitkin County, home of Aspen, and Chafee County, which includes Salida. Voter approval of a county SB-125 ballot does not affect authorization within the municipalities within that county because the law requires that each jurisdiction requires voter approval. Avon passed with 83% of the vote in 2017.² Avon is in Eagle county, which also opted out, along with Vail, Beaver Creek, and the town of Eagle.³

For the status of all the ski towns’ repeal of the law, please see Table 1 at the end of this chapter.

**Project Thor**

Project Thor is an initiative to build a backbone and middle mile network to connect mountainous towns in northwestern Colorado. Figure 1 shows the map of the completed project Thor network.¹ The network was completed in April 2020, after two years, for $2.6m. Colorado’s Department of Local Affairs (DOLA) broadband grant provided $1.3 million in matching grants, while participating communities supplied the rest. The network spans 481 miles connecting 14 rural communities, with more looking to participate. The network is owned by Northwest Colorado Council of Governments (NWCCOG), and Mammoth Networks is the network’s operator. Figure 2 shows the latest information on the network’s future expansion plans.⁴

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Project Thor started as many rural broadband initiatives, as a response to private providers' unwillingness to invest in Colorado's mountainous towns. The project drew on a number of existing initiatives including efforts by the Northwest Colorado Broadband (NCB) nonprofit cooperative and existing networks such as the FTTH network in Rio Grande County and a regional network in Routt County.

The project focuses primarily on building a network to provide service and redundancy to anchor institutions such as health, educational, and governmental facilities. The middle-mile network terminates in each participating town’s Meet Me Centers, backhaul hubs from which it is up to each municipality to extend service and connect its facilities. The network is also open for internet service providers (ISPs) to connect individual residents and commercial businesses. Visionary Broadband, a subsidiary of Mammoth Networks, Luminate Broadband, part of the Yampa Valley Electric Association, and Allo Communications are examples of providers that have become private partners in Project Thor.

Figure 3 demonstrates the latest information on the existing capacity present in the network. It includes a 100 Gigabyte fiber loop on 178 miles of backbone with Colorado Department of Transportation (CDOT) fiber and fiber from other carriers. The Figure shows connection points between 10 towns and their partners.

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Ski Towns

Aspen

*Status SB-152: Exempt*

**Broadband Actions:**
In 2015, Aspen completed a Broadband Needs Assessment to explore options to expand fiber access in Aspen.8 The study was influenced by a widespread outage that lasted 19 hours, and a community survey that showed many of the residents lacked broadband.9 They explored several options including a FTTH fiber deployment and a hybrid wireless/fiber solution. They chose to pursue a matching grant from DOLA for the second half of a feasibility study to connect middle-mile network from Glenwood Springs to Aspen.10 In March 2020, Pitkin and Garfield Counties joined together to create the Garfield Pitkin Broadband Authority Board which will be responsible for creating and operating a fixed-wireless broadband service.

**Interview with Aspen:**
Dr. Paul Schultz with the City of Aspen

Aspen runs a municipal network to serve municipal facilities and anchor institutions. In 2019, they began serving customers, which are currently 23 city facilities and 13 outside customers, including the hospital, school district, Parks and Rec Department, and three local ISPs. They recently received a state

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10 More Feasibility Studies in Colorado and Ohio. (August 3, 2015). Community Broadband Networks. [https://communitynets.org/content/more-feasibility-studies-colorado-and-ohio](https://communitynets.org/content/more-feasibility-studies-colorado-and-ohio)
broadband grant to further expand the network into the Roaring Fork Valley.

One of the biggest benefits for the city has been achieving a level of resiliency and redundancy to ensure continuous provision of service. Another benefit is moving applications to the cloud and having the bandwidth to access services in real-time. Prior to launching their fiber deployment initiative, Aspen experienced a significant number of service outages, some of them being large-scale and incapacitating. Resiliency was a big problem and redundancy was essentially nonexistent. It was the biggest motivator for action.

In 2015, Aspen completed a broadband assessment of how to leverage and expand their 20-year-old fiber infrastructure for city and county facilities’ use. They received a DOLA grant to connect a middle-mile network from Aspen to Glenwood Springs. They began to work with the Northwest Colorado Council of Governments (NWCCOG) and bought into Project Thor. It has been helpful for them to partner with other cities in Colorado through the organization because it allows them to share experiences and practices.

The city believes that their incremental building approach has been important to their success. In connecting institutions slowly and opportunistically, they can find opportunities to connect some which are easiest and cheapest to reach, then work to expand the network from there. Prior to deployment, only two anchor institutions made commitments, which were the City and County. It was a risk, but for them, the build-it-and-they-will-come strategy worked – they have unmet demand from potential new customers. They do not seek to make the network profitable, only to maintain sustainability in order to cover costs. The city had sufficient staff capacity – with 7 full-time IT personnel – to maintain operations of the network without adding new employees. The department partners with internal finance and legal teams, and they send out the bills in a low-tech process.

Aspen is not sure if they will ever move from business class service to consumer class. It would require changing equipment and infrastructure like GPON, rather than dedicated fiber. The current ISP customers they serve have successfully extended service to remote customers with fixed wireless service. Without the network, they say those customers would not have gotten service for a long time. The incumbents, Comcast and CenturyLink, also lowered prices and improved service for customers in response to the entrance of Aspen in the ISP market. They have also received interest from carriers to put small cells in the town and hope that they can potentially lease excess capacity in their fiber network to wireless carriers for the installation of those sites.

Aspen recommends some lessons-learned that may be helpful to other cities engaging in similar initiatives. The city council and the town’s residents were very supportive of the effort, which Aspen partially credits their success. Opt-out ballot initiative of SB-152 was widely supported, and the City Council approved the effort unanimously. Their Dig Once/Shadow Conduit ordinance has been helpful to get fiber in the ground since all of their infrastructure is buried. They recommend beginning to talk with anchor institutions and businesses in town early to gauge interest in potentially becoming a supportive customer for any network deployment and build competitive intelligence. In addition, they recommend to learn the equipment. Aspen uses Ciena gear and has needed to become well informed on its configuration and deployment.

Avon

**Status SB-152:** Exempt

**Broadband Actions:**
Feasibility study in progress

Basalt

Status SB-152: Exempt

Broadband Actions:
Basalt is current installing some conduit resources in a joint build with Holy Cross Energy in hopes of positioning itself for future broadband expansion.

Blue River

Status SB-152: Exempt

Broadband Actions:
No Information available.

Breckenridge

Status SB-152: Exempt

Broadband Actions:
Breckenridge was already covered with multiple commercial service providers when it approved an $8 million budget to build city fiber, a 17-mile ring as a first stage, to homes and businesses in 2018. Breckenridge partnered with ALLO Communications to install and operate internet service to the community. Its rates are 20 Mbps for $45 a month, 300 Mbps for $60 a month, and 1 Gbps for $89 a month.\textsuperscript{12} HR Green helped the Town of Breckenridge by proposing a dashboard system with layered technical information for public and internal consumption of reference data. In October 2019, Breckenridge approved the first phase of a fiber design and construction project for $8 million. Earlier in the year, the council adopted a resolution supporting a cost of up to $25 million for the broadband project.\textsuperscript{12}

Interview with Breckenridge:
Mark Johnston with the Town of Breckenridge

The Breckenridge fiber network is a municipally owned and privately managed system. The project began in 2016, when the Breckenridge council began to think seriously about the limited broadband service offerings within the town. In 2017, they awarded a bid to design a network to Foresite, a partnership that did not meet its objectives and was terminated in Spring 2018. In the following months, Breckenridge opened bids for an operator, but there was little interest to create an open network due to the limited size and market of the rural mountain town. In 2019, Allo networks entered in a partnership with Breckenridge as a network operator. Breckenridge owns the FTTP (Fiber to the Premises) network, and Allo owns all internal wiring as it is responsible for building out the customer premise equipment and operating the network. The revenue sharing agreement is 80% Allo and 20% the town. Allo has been a helpful partner to Breckenridge, in part helping them with technical advice and ordering materials.

\textsuperscript{11} Community Broadband Networks. “First Breckenridge Residents Connect to Community’s Fiber9600 Network.” https://muninetworks.org/content/first-breckenridge-residents-connect-communitys-fiber9600-network.
The network is steadily growing. In 2019 and 2020, the network connected several parking structures, and in May 2020, they installed an additional seven miles of fiber. In 2021, they were awarded a DOLA grant to extend the network to a water plant, a community plant, and elementary school properties. Capital for funding the buildout of the Breckenridge network largely profits from the town’s 1% sales tax on property.

As deployment of the network continues, the network’s managers can begin to reflect on the success of their plans for the network. After three years, they still only have a couple of hundred customers. They found that take rates are not as high in some neighborhoods as initially projected, partially because, as many buildings are wired with coax, retrofitting buildings with fiber is labor and time-consuming.

They believe actively leveraging their Dig-Once policy made a big difference in the availability of conduit for fiber and reducing costs of installation. They advise to install extra conduit where possible. The town additionally installed a WiFi network on top of 12 dumpster buildings in town, creating a robust free public WiFi network to benefit its residents and visitors.

Crested Butte

*Status SB-152*: Exempt

**Broadband Actions:**
The state of Colorado is divided into 14 regional planning and economic development areas. Region 10 facilitated the enhancement of broadband in the Crested Butte area. In 2015, Region 10 began working with DOLA to develop a local broadband plan that garnered the participation of many regional partners, including Delta/Montrose Electric Association (DMEA), Tri-State Generation, Western State Colorado University, Gunnison County Electric Association, and the Economic Development Administration (EDA). The group initiated the creation of a 10 Gbps backbone from Montrose to Gunnison at Western Colorado University (WCU). The network has the potential to expand to Crested Butte and Mt. Crested Butte if they decide to join the effort.

Since 2017, CenturyLink also engaged in a project to deploy 58 miles of fiber in Crested Butte and across the Cottonwood Pass to Buena Vista region during repaving activities.

In addition, in 2017, a wireless microwave link was installed on the Gunnison MetRec tower locations on the Monarch and W mountain to connect the Gunnison Valley Hospital and Central Colorado Telecom from the San Luis Valley. It provides redundancy for internal operations.

Denver

*Status SB-152*: Exempt

**Broadband Actions:**
Smaller portions of the Denver metropolitan area have done fiber feasibility studies, such as Centennial, Golden, and others. Some have advanced projects beyond feasibility and into planning an operations. As a metropolitan area, Denver is generally well-served and does not engage in municipal fiber projects.

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Dillon

*Status SB-152: Exempt*

**Broadband Actions:**
There is no information specific to Dillon, but Summit county participates in Project Thor, and there are broadband initiatives in the vicinity of the City.

Durango

*Status SB-152: Exempt*

**Broadband Actions:**
The city of Durango had established its own ISP in the early 2000s, which has subsequently been purchased and expanded by Ting Internet. For more than 20 years, Durango has leased their dark fiber assets for the fifteen miles of fiber originally installed in 1994. Grants from DOLA have been estimated to contribute $1.7m to the network. It also utilized the fiber to install public community WiFi in its downtown areas.\(^16\)

Estes Park

*Status SB-152: Exempt*

**Broadband Actions:**
Estes Park conducted a feasibility study estimating a $30 million cost for a 300 square mile network potentially covered with a utility revenue board. In 2019, it officially launched Trailblazer Broadband, a $26 million project estimated to be adopted by 30-40 percent of the population.\(^17\)

**Interview with Estes Park:**
Reuben Bergsten and Travis Machalek with Estes Park.

In Estes Park, a university professor who was interested in providing remote classes, but could not due to inadequate internet service, found out that the town had built a fiber ring in the 1990s. A marketing study was completed to understand the potential value of the Estes Park brand, particularly the Power and Communications Utility for providing an internet service.

Since the town had a good GIS system which kept track of the assets, it was simpler to create a design. Over the course of 2016-2018, they looked at construction, labor, and materials costs. The project also coincided with an electric grid modernization project for Distributed Energy Resources (DER). They built a schedule and budget for the timeline of a year for 26 million dollars. The town financed the capital investment through bonds attained in November 2019. The project involved a comprehensive effort on behalf of several city departments, including finance, administration, and the Plat River Fiber Authority which was contracted to do the splicing work.

Currently the status of network completion includes the installation of 55 cabinets (each serving about 200 premises), two of four huts, and a central office. Nokia was selected as the manufacturing vendor.

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\(^16\) In Colorado, City of Durango Does Dark Fiber. (n.d.). Community Broadband Networks. https://muninetworks.org/content/colorado-city-durango-does-dark-fiber

for equipment. It is a good partnership because many of their neighbors are using them as well. Nokia provides a beacon which is both a switch and a local area network access point for about $130 per premise.

The take rate for the service is as high as half of premises passed in some areas. In general, the town is achieving its aggregate goal to achieve a 30% targeted take rate after a year of service availability. Generally, take rates have tracked with projections except for a few neighborhoods with many second homes and visitors. In the first few years, they expect the take rates to be suppressed because as they entered as a new competitor in the market, incumbents lowered their rates. They have found that larger commercial and industrial customers, which include the hospital, town buildings, and the YMCA, have different priorities than many of the residential customers – they care more about redundancy and higher data rates, which ends up influencing the network design.

Some of their lessons-learned included spending a lot of time discussing property rights, including using power poles for communications. They found that subscribers appreciate using a local service because they can get reliable customer service, as opposed to having to contact indifferent corporate customer service in a big company. They believe that doing a lot of planning in advance has a big impact on the success of the project. In addition, it is important to have substantial and solid community support.

Fraser

**Status SB-152:** Exempt

**Broadband Actions:**
Fraser and Winter Park completed a feasibility study in March 2017. The study examined three options: option 1 is a FTTP network with a private provider that would cost approximately $95 million; option 2 is a middle-mile network with cost estimates ranging from $482k to $704k; and option 3 is simply to encourage more private-sector investment. There were several discouraging reasons not to pursue the FTTP option including: MPE has 11 consumers per mile of electric service compared to a metropolitan area like Denver that has 80-90 consumers; in forming the electric co-op, subscription for service was ubiquitous across all households rather than a much lower broadband take-rate estimated at 45%; and they were unwilling to subsidize the service.

The Mountain Parks Electric (MPE) Board chose to pursue the middle-mile option that could be constructed in 1-2 years as well as serve internal operational uses for the electric utility without greatly impacting customer rates. MPE views it as a continuation of many similar efforts by electric co-ops around the country. In addition, the network could be potentially linked to project Thor to incrementally expand service in the future.

In 2020, a communications nonprofit, WRC approached the county to use federal and state funds to build middle mile fiber infrastructure, in partnership with Project Thor and MPE. The company mentioned they are shovel ready to build the first 50 miles of fiber between Winter Park and Hot Sulfur Springs.

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Frisco

**Status SB-152:** Exempt

**Broadband Actions:**
Frisco is participating in Project Thor. In 2018, Summit county had completed a broadband feasibility study on the state of connectivity in the county.\(^{21}\)

Glenwood Springs

**Status SB-152:** Exempt

**Broadband Actions:**
Due to an existing service, Glenwood Springs was already exempt from SB-152, but it also became the first city to vote for exemption in 2008. Glenwood Springs originally completed its open-access fiber network in 2001 to keep businesses in town and protect its economic base, as existing dial-up options were insufficient. In 2008, it began providing service directly to commercial customers instead of leasing the capacity out to private providers. In 2009, it also began to offer fixed wireless service for residents.\(^ {22}\) However, due to budget changes and sufficient wireless service for residents, it eventually cut back to serving businesses-only.\(^ {23}\) It has recently voted to expand the reach of its fiber to 150 miles, potentially serving 4,800 residential customers, at a cost of around $9m in two years.\(^ {24}\) In 2020, they began an expansion plan to install over 140 miles of fiber-optic cable covering the rest of the city limits.\(^ {25}\)

Grand Lake

**Status SB-152:** NOT Exempt

**Broadband Actions:**
No information available.

Gunnison

**Status SB-152:** Exempt

**Broadband Actions:**
Please see section “Crested Butte” for more information.

Mt. Crested Butte

**Status SB-152:** Exempt

**Broadband Actions:**
No information available aside from it could potentially join the broadband efforts of economic Region 10. Please see section “Crested Butte” for more information.

\(^{21}\) Broadband in Summit County: Challenges and Opportunities. https://www.summitcountyco.gov/documentcenter/view/16990


\(^{25}\) The City of Glenwood Springs Community Broadband Network. https://gscbn.com/149/Community-Broadband
Mountain Village

*Status SB-152: NOT Exempt (San Miguel County is Exempt)*

**Broadband Actions:**
The Town of Mountain Village is a municipal fiber network operator for 75% of the town’s residential addresses, approximately 1,300 customers. The network operator, Mountain Village Cable, is a town department. Since 2018, it issued an RFP for a broadband feasibility study to identify service gaps. It is currently in the process of upgrading all its infrastructure from cable to fiber service in the entire town. The FTTH network will provide up to 1 Gbps speeds to any customer.

The town has detailed information on its network, subscriptions, and rates:
- Click here for more details on the town’s fiber upgrade project and FTTP rates.
- Click here for the town’s interactive fiber map
- Click here for the town’s internet and tv package options and rates

Ouray

*Status SB-152: Exempt*

**Broadband Actions:**
Ouray operates a local network named OurayNet. It is a wireless internet network using 5 Ghz radio technology spanning most locations in Ouray and Ridgway. Installation is $99 in all location and plans are priced as follows:
- $42.95/month for 6Mbps Basic Service
- $64.95/month for 12Mbps Basic Plus Service
- $89.95/month for 25Mbps Premium Service

Ouray also engaged in an RFP for a fiber project to connect Ouray County Public Health office to a Region 10-connected sub-station at the Montrose Community Recreation Center. The RFP details that “the network consists of approximately 41.74 miles of conduit, carrying 96 strands of fiber; approximately 11.26 miles of the build are within Montrose County.”

Pagosa Springs

*Status SB-152: Exempt*

**Broadband Actions:**
The Southwest Colorado Council of Governments (SWCCOG) Southwest Colorado Access Network (SCAN) project to extend fiber into rural towns helped increase the available bandwidth in little towns like Pagosa Springs. The project spent over $4 million between 2012 to 2014, with $3m of it coming from DOLA. Pagosa Springs benefitted in a small part of its community, the historic downtown and

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29 https://www.ouraycountyco.gov/DocumentCenter/View/10832/E-10----RFP-Award-Recommendation---CTN---Broadband
government office buildings. The town and county own the fiber network.31

**Silverthorne**

*Status SB-152: Exempt*

**Broadband Actions:**
There is no information available on Silverthorne’s individual efforts apart from Summit County’s broader broadband feasibility study32 and efforts to join with Project Thor.

**Silverton**

*Status SB-152: Exempt*

**Broadband Actions:**
In 2010, Silverton initiated an effort to build a fiber network in rural San Juan County. The Silverton loop is part of the regional effort of Southwest Colorado Access Network (SCAN). For more information on the SCAN effort, please see section “Pagosa Springs”. The loop was estimated to cost $164k with most of it coming from a Southwest Colorado Access Grant and additional contributions of $41k from the City and the County.33

**Snowmass Village**

*Status SB-152: Exempt*

**Broadband Actions:**
Any ongoing fiber efforts of Snowmass Village are related to broader regional efforts with electric utilities and the Garfield Pitkin Broadband Authority Board, please see section “Aspen” for more information. Snowmass Village is building a community fiber ring network in conjunction with Holy Cross Electric’s planned fiber project and is anticipating construction of that network to connect municipal facilities and anchor institutions in calendar 2021.

**Steamboat Springs**

*Status SB-152: Exempt*

**Broadband Actions:**
Routt County, where Steamboat Springs is located, already had a regional network that provided service to residents when it joined with Project Thor. The town has historically had difficulties getting adequate service from the incumbents, particularly in connecting its school districts and other anchor institutions. Steamboat was one of the original participants in the Northwest Colorado Broadband nonprofit cooperative that was a precursor to Project Thor. According to the town: “Thor is exactly what we did but just with more parties, ...And now we share that cost and so I’m paying less now to join Thor, and I can turn the dial to 100 gigs. And I’m paying less than I was when I was paying (NCB) for 10 gigs. For the Steamboat Springs school district, ... now paying $500 a month less for 10 times the amount of bandwidth. And that’s already a major savings from what the district once paid CenturyLink years

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32 Broadband in Summit County: Challenges and Opportunities. https://www.summitcountyco.gov/documentcenter/view/16990
Salida  
*Status SB-152:* Exempt  

*Broadband Actions:*  
No information available.

Telluride  
*Status SB-152:* Exempt  

*Broadband Actions:*  
No information available.

Vail  
*Status SB-152:* Exempt  

*Broadband Actions:*  
Vail is participating in Project Thor. They had previously built their own fiber network and are able to leverage it for municipal needs through participation in Project Thor.

Winter Park  
*Status SB-152:* Exempt  

*Broadband Actions:*  
Please see section “Fraser” for a full description of the joint broadband efforts of Fraser and Winter Park.

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## Table 1
**Summary Table - Broadband in Colorado Ski Towns**

<table>
<thead>
<tr>
<th>Community</th>
<th>SB-152 Exempt</th>
<th>Broadband Actions (Links)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspen</td>
<td>Yes (2016)</td>
<td>Regional Broadband Project</td>
</tr>
<tr>
<td>Avon</td>
<td>Yes (2017)</td>
<td>Feasibility Study in Progress</td>
</tr>
<tr>
<td>Basalt</td>
<td>Yes (2016)</td>
<td>~</td>
</tr>
<tr>
<td>Blue River</td>
<td>Yes (2018)</td>
<td>~</td>
</tr>
<tr>
<td>Breckenridge</td>
<td>Yes (2016)</td>
<td>- Broadband Availability Study (p. 51-55)</td>
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<td></td>
<td></td>
<td>- Operating a P3 for broadband with Allo.</td>
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<tr>
<td>Crested Butte</td>
<td>Yes (2015)</td>
<td>Region 10 Broadband Project</td>
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<td>Denver</td>
<td>Yes (2020)</td>
<td>Some metro-area Feasibility Studies</td>
</tr>
<tr>
<td>Dillon</td>
<td>Yes (2017)</td>
<td>~</td>
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<tr>
<td>Durango</td>
<td>Yes (2015)</td>
<td>Dark Fiber Leasing</td>
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<tr>
<td>Estes Park</td>
<td>Yes (2015)</td>
<td>Broadband Strategy Study (Larimer county feasibility study)</td>
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<td></td>
<td></td>
<td>Fiber Project underway.</td>
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<td>Fraser</td>
<td>Yes (2015)</td>
<td>Fraser &amp; Winter Park Broadband Feasibility Report</td>
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<tr>
<td>Frisco</td>
<td>Yes (2018)</td>
<td>Participation in Project Thor</td>
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<td>Grand Lake</td>
<td>No</td>
<td>~</td>
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<tr>
<td>Gunnison</td>
<td>Yes (2015)</td>
<td>Region 10 Broadband Project</td>
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<tr>
<td>Mt. Crested Butte</td>
<td>Yes (2015)</td>
<td>~</td>
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<tr>
<td>Mountain Village</td>
<td>No</td>
<td>Fiber Network Operator</td>
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<td>Ouray</td>
<td>Yes (2015)</td>
<td>Public Health Fiber Project</td>
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<td>Pagosa Springs</td>
<td>Yes (2016)</td>
<td>Fiber Project</td>
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<td>Silverthorne</td>
<td>Yes (2017)</td>
<td>~</td>
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<tr>
<td>Steamboat Springs</td>
<td>Yes (2015)</td>
<td>Fiber Project</td>
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<td>Yes (2018)</td>
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<td>Telluride</td>
<td>Yes (2015)</td>
<td>~</td>
</tr>
<tr>
<td>Vail</td>
<td>Yes (2017)</td>
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[https://muninetworks.org/content/local-authority-wins-across-colorado-comcast-loses-fort-collins](https://muninetworks.org/content/local-authority-wins-across-colorado-comcast-loses-fort-collins)
[https://muninetworks.org/content/colorado-towns-say-yes-local-authority-state-lawmakers-take-stab-rural-funding](https://muninetworks.org/content/colorado-towns-say-yes-local-authority-state-lawmakers-take-stab-rural-funding)
[https://www.cml.org/docs/default-source/uploadedfiles/issues/elections/election-results/broadband-map.pdf?sfvrsn=58be2e86_0](https://www.cml.org/docs/default-source/uploadedfiles/issues/elections/election-results/broadband-map.pdf?sfvrsn=58be2e86_0)
Chapter 3: Public Community Survey

Introduction

The initial step of the Study was the development and implementation of a community engagement program. Since the available data on broadband speeds and coverage is known to be poorly representative of the reality of broadband in many locations, a public broadband survey was launched to the public to facilitate full understanding of the broadband situation in Town of Avon. This survey of residents and business owners helps decision makers better understand community needs.

The public survey asked questions to determine the community’s internet services, usage patterns, current market conditions and deficiencies, cost and budgeting statistics, and desire for improved service in the community. Identifying questions were also asked about the household composition: do they have children, do they work at home, and demographic questions. Some of the questions asked what is important to them personally, what do they value about communications services, and what is important to the community; and, most importantly, what they think the County should do. The survey garnered 86 responses, see Figure 4 of a breakdown between residential and business responders.

These results are not statistically representative. For a population of 6500 in the Town, the survey needed to obtain at least 363 responses to be statistically valid for a confidence level of 95% and a margin of error of +/- 5%, the minimum necessary for statistical validity. Instead, these results represent a 95% confidence level with a 10.5% margin of error. Nevertheless, the results are useful to create a general snapshot of the community.

Due to the low response rate to this survey, results from another broader county-wide survey with information for the Avon area are also listed in this chapter. While these results cannot be directly combined with Avon’s survey, they are useful for comparison purposes in gauging regional connectivity.

For the full list of survey questions, please see Appendix B, and for comments submitted to the survey, Appendix C. You may also view the entire set of results at the following link: https://arcg.is/rLCf4.

These findings help to illustrate the challenging conditions today and indicate a need for more robust broadband services in the future in the community. Identification of needs in the survey results will facilitate the development of network model alternatives that may be helpful to mitigate some of the most significant gaps between the community’s capabilities and needs. For each of these network alternatives, the questions relating to pricing and willingness to pay will contribute to a predicted take rate and an optimum monthly cost for service users. The questions relating to the community’s broadband vision will facilitate an understanding of what role Avon could take in providing the service.
Survey Findings

Apart from Comcast (Xfinity) Offerings, True Broadband is Rare in Town of Avon

When measured against the federal definition of Broadband, the residents of Town of Avon report significant gaps. The survey respondents were asked to take a speed test through an online tool and report their actual speeds. While this method is reliant on variables such as the quality of in-home networking equipment, the results are generally accurate to show actual speed of service received, if not precise to the Mbps level.

Residents across the County indicated that more than eighty-two percent (83.72%) subscribe to Comcast (Xfinity), followed by CenturyLink and satellite providers.

Those residents who have chosen to subscribe to Charter (Spectrum) services and the rare individuals who have direct access to fiber optics (this could be a mis-report based on the relatively low reported speed for this type of service), are receiving service that meets the federal definition.

By contrast, state of Colorado maps show ninety percent (90.2%) of residents in the state have access to Broadband service at 100Mbps or faster. This finding represents a meaningful gap for the residents of Town of Avon, despite the presence of multiple providers in the community.

Service Interruptions are Manageable in Town of Avon

Many survey respondents indicated that service interruptions are not relatively common. Sixty-one percent (61%) of residential service subscribers have outages for an hour or less a month. Although still a significant percentage—twenty-five percent (25%) of residential service subscribers have experienced an outage for an hour or less a week, with seven (7%), experiencing them more than one hour a day.

Most internet service providers (ISPs) attempt to attain a ninety-nine (99.999%) (commonly referred to as “five nines”) of network availability. This equates to total service outages of time, meaning a total service outage goal of just five minutes per YEAR of service.
Demographics of Respondents

Most of the respondents to this survey are permanent residents of Avon, with eighty-seven percent (87.2%) indicating they live in Avon year-round. The demographics of respondents were characterized by a relatively even split between men and women, a largely older demographic, and a relatively higher income and level of education than the average population.

Figure 11: Gender Distribution among Survey Respondents

Figure 12: Respondents had Generally Higher Levels of Income

Figure 13: Respondents were in a Generally Older Demographic

Figure 14: Survey Respondents Generally Had a Higher Level of Education
There is relatively strong support for Community Involvement

Survey respondents were questioned to determine their support for a potential municipal alternative to privately provided services. Survey results indicated quite strong support for some sort of public involvement to solve the challenges faced in the community.

- Ninety-two percent (92%) of residents felt that broadband should be considered an essential public infrastructure.
- Seventy percent (70%) of respondents said that they would be Likely or Very Likely to switch providers if a new provider built a fiber network offering superior service in Town of Avon.
- Seventy-two percent (72%) of respondents were Likely or Very Likely to purchase an offering if the local government helped facilitate broadband.
Survey Findings

• If a resident or business is in an area of population concentration – the odds are better that they will have a decent option, probably through Comcast
• But, that does not apply to everyone in the concentration – those areas are still spotty
• There are pent-up demand and broadband needs
• There is a small segment of the population that does not want public involvement – some of that is a misunderstanding

The creation of digital “haves” and “have nots” is commonly referred to as the digital divide. If there is good connectivity in one area, but not another, then those with better broadband have greater opportunity for economic development, higher home sale prices, health care, more diverse jobs, etc. In Avon, the more remote rural areas are not as well served by providers, but some urban areas may also experience this issue. This finding is relatively surprising as providers tend to have better service in more population dense areas. However, due to bandwidth limitations for non-fiber technologies, prohibitive cost of service for some residents, and seasonal fluctuations in population result in a significant threshold of poor service in the most populated areas of the county as well as rural.

Comparison of Download and Upload Speeds with Eagle County Survey

As previously stated, the Avon survey is not statistically representative, and it is useful to pull results from another broader county-wide survey with results within the boundaries of Avon, as well as the surrounding areas. The diagrams below demonstrate the spread of download and upload speeds per carrier in a box-and-whisker plot format. The middle line and number represents the median speed for that carrier. The top and bottom are the 25th and 75th quantile, respectively. Dots on the outside of the charts are statistical outliers.

Download and Upload Speeds in Avon Survey

The following download and upload speeds are indicated in the Avon Survey. Comcast (blue) represents the largest portion of respondents and the highest speeds, apart from the ‘Other category’, which included only 5 responses, 3 from Forethought, one from Dish, and one with Resort Internet.
Download and Upload Speeds in the Eagle Survey with Results in Avon

Considering the low response to the Avon survey, the following demonstrates a set of combined data results from both the Avon Survey and a broader county-wide survey for Eagle County, represented by the map below.
Comcast remains as having the highest download speeds in the Town of Avon Boundaries, as demonstrated by the results from both surveys below:

**Figure 21: Download Speeds in Mbps within the Town of Avon between the Avon and Eagle Surveys**

**Download and Upload Speeds in the Eagle Survey Surrounding the Town of Avon Boundary**

For additional comparison purposes, the following map and diagram is a broader overview of the download speeds in the area within and surrounding the Town of Avon, including Edwards, an area of similar density to Avon to its west in unincorporated Eagle County:

**Figure 22: Map of Download Speeds Surrounding Avon from both the Avon and Eagle Surveys**

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Survey References

For the full engagement plan, including survey distribution and marketing, stakeholder interview questions, and press release, please see Appendix A.

For the full list of survey questions, please see Appendix B.

Many respondents also provided useful comments about their service on the survey. For the full list of survey comments, please see Appendix C. Many of the respondents express frustration with their service. Some find it difficult to get customer service help. A significant number of comments are not happy with the price they pay for the service they receive. Many respondents say they have no choice of providers or are not aware of any alternatives. These comments provide a wide variety of perspectives and serve as valuable input directly from the residents of Avon on many of the subjects that can are important to decision-makers.
Chapter 4: Stakeholder Outreach Interviews

HR Green conducted interviews with Anchor Institutions (AIs) and local stakeholder organizations within the County to get a better idea of the region’s broadband needs.

Meetings with representatives from AIs paint a picture of some having adequate connectivity and others lacking. Some areas and specific organizations reported that they had adequate broadband, but that there were many more that did not. Generally, the organizations that felt that they had adequate broadband and many businesses which were able to sign up for fiber optic level service through existing providers.

Connectivity During and Post-Pandemic

This study took place within the context of the COVID-19 pandemic, and thus characterized the details of many stakeholder testimonies. Forefront in people’s minds is the broader context of how the internet became dramatically more important due to stay-at-home orders and quarantine, telework, distance education, and telehealth. Whereas this study may have yielded higher satisfaction rates with current providers before the pandemic, the increased importance of internet use during 2020-2021 changed the dynamic internet reliance for daily functions in significant ways.

Many respondents reported that their businesses have become much more accepting of work-from-home for their employees. For some, it was a challenge to initiative the types of web applications that would enable online conferencing, but many quickly adjusted. Many respondents reported a cultural shift in the comfort level and acceptance of using technology for collaboration and communication. Some saw several advantages in the new mode of operation, including the ability to attend a greater number of meetings in a more efficient and focused manner, thus increasing their overall performance productivity during the workday. The primary barrier became not the type of online communication, but its ability to work through the internet service people had in their homes.

In a post-pandemic future, many respondents hypothesized that they will keep many of the tools put in place for remote communication. They are likely to continue doing tele-health appointments, work meetings, and online classes. In some cases, their businesses benefitted from implementing these solutions because they can reach a wider clientele that would formerly be less able to participate in their programs or consume their products. The skills they’ve developed as well as greater cultural acceptance of online tools will continue to be important even when quarantine measures are lifted.

Anchor Institutions

Schools

The elementary school and library in Avon are the two educational institutions within the town. The library has been closed or operating in restricted capacity for the last year, and the elementary school put in place more programs for remote education.

The library used to have trouble with its connectivity with its former provider, but recently signed up for a new e-rate broadband service that enabled them to get fiber extended to the library facility. They expressed interest in having the Town facilitate broadband for residents but did not think it was likely they would switch providers. In fact, their connectivity difficulties were rooted in their security program which limited bandwidth on the software level. They do not expect a dramatic increase in demand after the pandemic that would challenge their existing capacity.
Whereas previously schools may have offered online classes as a feature, the pandemic forced them to become a necessity. Schools offered a greater number of online programs and enabled ways of doing homework online. The primary challenge turned out to be – not the internet quality within the institution itself, but – having the capacity for individual students to access the programs remotely. Several families with school-age children have no internet at all in their household, making it particularly difficult to meet their educational needs during the time of pandemic-driven remote-learning. Schools had to treat these students differently with solutions such as printed out packets of homework that they could take home and return. The school’s internal connectivity has met their needs during the pandemic, but having their students consistently be able to utilize online education has been challenging.

**Government Departments**

Some governmental anchor institutions have been connected to a fairly robust network for several years. They generally expressed that they receive excess capacity to what they are using for a fair price. Although some remote server and cloud solutions are still not in place, it is computing technology rather than broadband infrastructure that prevents more remote-work, cloud database storage, and other similar capabilities.

**Local Businesses**

Interviews with a few local businesses revealed a variety of different concerns and opportunities. Business service was generally adequate for their operations, but not always reliable and often more expensive than they wanted to pay. The biggest challenge, as with other institutions, was the ability of their employees to work remotely with the poor connectivity many of them had at home.

This desire expressed by respondents to support local broadband needs reflects the strong culture of community and sense of loyalty to the county’s residents.

**Stakeholder Outreach Interview Findings**

In summary,

- Where available, Comcast (Xfinity) provides the best service for residents and businesses.
- Service may be erratic, particularly during peak tourism season.
- Remote areas are usually unserved or underserved.
- Schools (K12) have good connectivity within their buildings, but struggle to get students to connect to programs from home, particularly during the pandemic.
- Internet service has been getting better in reliability. Compared with several years ago, outages are less common. Nevertheless, when outages happen, it completely debilitates the operations of many businesses.
- Many of the online programs started because of the pandemic are expected to continue being offered afterward. Use of technology has undergone a cultural change in acceptance.
Chapter 5: Smart City Initiatives

Smart City Advantages

The world and the United States are in the first wave of smart technology and implementation. As the below graphic shows, Smart Technology and applications have great potential in many areas of life and government operations and services.

The point of exploring Smart City possibilities as part of feasibility is to attempt to allow for capacity that might be needed in likely Smart City initiatives. The graphic below displays the path of Smart City deployments as reflected in a report by the McKinsey Global Institute.

McKinsey describes three levels that are needed to fully utilize the Smart City concept. They refer to the foundation for a Smart City as the “tech base”. Another way to understand that is that this is the infrastructure, network, and connected device level. Once there is a tech base, applications can be developed and run to meet goals.

Another way of visualizing the progression of Smart City applications from an established tech base can be seen in the HR Green graphic below.

A discussion of the tech base is an important component in the feasibility process because there may be needs that can be incorporated as Smart City applications in the high-level design. The high-level topology may require the consideration of separate demarcation points, higher fiber counts, or other design features to accommodate Smart City applications.

Additionally, as the high-level design can be utilized in detail design, this introductory Smart City work will be available for subsequent Smart City discussions and planning.

In fact, the Town of Avon has incorporated a colocation shadow conduit policy to facilitate its tech base. Communities like Avon who seek to develop advanced communications infrastructure (e.g., fiber, conduit, etc.) in conjunction with their infrastructure renewals and/or street milling and resurfacing can use the colocation policy as a unique opportunity to deploy assets at a fraction of the cost of overbuilding individually.

By enforcing a co-location policy and standards, the community can require builders with open trenches and boring projects to deploy conduit and/or fiber on behalf of the community including:

- **GIS Locations** Requiring 100% of all underground infrastructure placed by private sector utilities be included in the public agency asset management GIS systems – at no cost to the Town - with specific tolerances and penalties for non-compliance. In other words – should an electric or telecommunications line be placed in public right of way, the utility is required to provide GIS files to drop directly into Avon’s GIS system – to within perhaps 12-inch accuracy vertically and horizontally and delivered to the Town “as-built” locations.
- **Undergrounding of appurtenant structures** (e.g., pedestals) to preserve sight distance and views, enhance safety, minimize impact on pedestrian circulation in key areas and mitigate impacts to the public rights-of-way.

- **Joint-Build, “Piggybacking” and Dig Once initiatives** with the private sector.

- **Incentives** to:
  - Discourage utility open trenching, and to –
  - Encourage co-location, aesthetic considerations, and small cell deployment in pre-designated locations and considerations.

- **In new developments**, require converged networks, neutral host site and “plug and play” opportunities - installed “from the ground up” - required co-locations for carriers and specifications for new developers.

**Potential Avon Smart City Initiatives**

On May 12, 2021, the leadership in the Town of Avon participated in a workshop where they identified several possibilities of Smart City applications that might, over time, be beneficial to facilitating services and operations in the Town. The list of ideas they created includes smart improvements to transit, public works, irrigation, open space management, recycling, and event operations. The following ideas were presented for Smart City applications from the Town of Avon staff:

**Transit:**
- **Private security cameras** to expand eyes on public spaces. Avon does not have this technology today, but there are roughly 150 cameras in Avon Village which has been helpful in deterring crimes and identifying suspicious vehicles.
- **Smart bus stops** to let bus drivers know in advance how many people are at stops and let passengers know real-time information.

**Public Safety:**
- **License plate reading cameras** used to enforce traffic and parking laws. In the parking lots where the technology is available, the files are currently downloaded to a local server and uploaded to a cloud database after a car has been parked for more than two hours. A better network could enable constant video upload capability.
- **Safety vision cameras** on buses and other municipal transportation. The town currently has 11 buses and any generated videos are not available in real-time.
- **Large video file transfer** for police body cameras and surveillance cameras around municipal facilities. Currently, police must manually download this information to achieve access.

**Public Works:**
- Improved **work order processing** in the field where staff members do not have to go back to the office to close a work order. Field capability would enable more efficient maintenance and replacements work schedules.
- **Signage identification** including UPCs and other methods to track and adjust signage in the Town.
- **Preemptive maintenance on fleet:** implement tire pressure sensors, GPS when there are breakdowns, other asset management sensors.
Irrigation

- **Remote monitoring smart irrigation sensors**: currently, the irrigation system has sensors but no automatic data collection. There is no access to a network in many areas. Some areas require walking half a mile to get to irrigation infrastructure data because do not have capacity to get it remotely.

- **Other environmental sensors** such as moisture sensors to monitor relative humidity could be helpful in maintenance as well.

Open Spaces Management

- As a rural mountainous town, Avon has a lot of open spaces that are closed for times of the year, particularly in winter months where hazardous conditions could compromise safety. **Monitoring for trespassers and wildlife in open spaces** would facilitate better environmental management.

Recycling Center

- A smart application that can help facilitate **separation and monitoring capabilities of recycling materials** at the recycling center.

Event Operations

As Avon continues to grow, hosting events for visitors and tourists drives the need to connect multiple devices in the event venues. Most of them are small (under 2k) but some are very large (30k). In the future, there will be more events with more than five thousand attendees. The cellular networks can’t handle the traffic. Having a guest network would facilitate point of sale networks for vendors to operate concessions, provide guests with sufficient connectivity, and enable better ability for media coverage broadcasting or fast uploads. Currently it is difficult to supply a guest network for more than 50 people and only in a small area. Once there was a media live broadcasting biking event that garnered sponsorship to get 3 Gb from Comcast 1 Gb from the town. It was difficult and the Town has no capacity to do that regularly.

Other possible priorities could include:

- Kiosks and digital signage
- Connectivity for education (particularly ways to help students be connected)
- Streetlight monitoring
- Health care connectivity (either for health care facilities or for other health initiatives)
- Hot spots throughout Avon for those who can't afford Internet
- Recreation trails with sensors – usage, safety
- Town Hall business – digital forms, to be completed from anywhere, fees to be paid from anywhere with multiple options for payment
- Smart garbage cans – detect when full, connected to notify hauler when full; not to be emptied on a pre-planned schedule
- Connected municipal vehicles – location, moving or stopped, in Public Works vehicles – box up or down, sander on or off and rate, trackable routes, etc.
Fire Department and Emergency Services: Internet based dispatching (current system is radio based)

Smart Applications
Towns like Avon may further consider exploring other “smart applications” such as:

- **Streetlighting**: Re-evaluating the current and proposed streetlighting technologies and fee structures in place based on well-established utility valuation methodologies.
  - Performing a high-level asset overview of all streetlighting conductors, with special attention to those streetlight conductors encased in conduits. Exploring the phased conversion of all streetlights to newer technologies reducing energy costs and consumption.
  - Estimating the potential future value of fiber-optic based streetlights which may provide a platform for new 5G, LTE, micro-cell, and Distributed Access System (DAS) wireless and Wi-Fi broadband transmitters.
  - Exploring the Installation of a fiber based Automated Meter Instrumentation (AMI) system.

- **Parking**
  - As a result of this work, the Town may establish new approaches to manage parking, increasing transit services, expanding affordable housing options, enhancing traffic flow, and providing improved pedestrian-friendly environments.

- **Gigabit-speed Wi-Fi and “True 5G” (millimeter wave) mesh transmitters integrated into Avon’s fiber optic backbone (incorporating aesthetics, health, and monitored RF levels).**

- **Imaginative, variable Smart Lighting** which senses pedestrian movements, automatically brightens and dims, and can be centrally controlled and managed to enhance the visitor experience at a large open-air evening event.

- **Variations in energy and water consumption** can help “predict” the future and adjust energy management and irrigation control systems through advanced metering infrastructure (AMI) of utilities. Perhaps equally importantly, applications are being developed to foster communication with utility customers based on usage data and patterns. These can help with resource management, leak detection, and improve the customer experience.

- **Micro-grids**: a sample renewable energy system – perhaps solar panels or wind-powered devices could be employed, exploring possibly interconnecting these with energy management systems “next door” to share energy during peak periods and manage demand.

- **Integrated audio and video system(s)** integrated with the streetlights and landscaping with the ability to control each speaker separately from the others or in groups.

- **Pavement, weather, and environmental sensors** that notify staff so that the appropriate actions can be taken. For example, should a major unanticipated surface water flow be detected, Public Works staff can be alerted to mitigate irrigation, flooding, or ice/snow build-up.
• Smart Parking: Vacant parking space detectors integrated with surface parking kiosks and variable message signage to inform the public of the availability and location of parking in the garage(s).
• Wayfinding, variable message signing, and kiosks can be designed with technology interpretive displays at key “touchpoints” to guide and educate pedestrians.
• Sensors for rain gardens to enhance storm water quality, quantity, infiltration, and if desired, temperatures.
• Rideshare, bike share, and “seamless personal micro-transportation”.

Resiliency
Resiliency is also important in your critical infrastructure.

Water, fire, and other emergencies do not adhere to property lines and boundaries. The same must be said for emergency communications via Smart City methods. Advanced communication options should be evaluated to reach citizens regardless of their location or method. Traditional radio and television messages are still vital, and mobile messaging must be added.

An array of traditional, emerging, and innovative, high-tech flood control and emergency management methods can - and should - be considered as part of the strategic plan.

For example, during the spring/summer, when the risk of flooding along waterways is the highest, monthly aerial surveillance systems via UAS (aka, “fixed wing drones”) to ensure the “Mannings coefficients” (an estimate of how clear the channels area) can now be conducted for very low cost. Efforts such as these can ensure there are no trees and/or debris along critical areas, and flood waters would be able to pass easily safeguarding lives and minimizing property damage.

Through mobile/personal dashboards, citizens could link to the Town traffic operations center to see video of water way flood levels, showing images of the depth and velocity of water flow. Cameras could be located under exiting streetlights and send warning to the public of dangerous areas.

During emergency situations, redirecting traffic away from public safety incidents and areas of concern and “steered” into an alternate nearby street network can be accomplished through wireless communications and pre-positioning “hyperlocal” “variable message signs.” In neighborhoods, “Smart” methods could instantly alert the travelling public at the first hint of a flood or fire and could ultimately save lives of people who otherwise could be trapped in their cars trying to evacuate.

These kinds of changes can be instituted remotely, for very little cost, and when needed by traffic engineers, save precious seconds and without the need to send police officers into harm’s way to direct traffic manually.

Recommendations:
With plenty of common agreement about the value of asset management as that topic relates to developing a “Smart City roadmap,” there may be an opportunity to consider a list of actionable “best practices” to Avon and to suggest the adoption of a number of initiatives related to creating a path to becoming a Smart City. It is worth noting these best practices are themselves inter-related and could be included and developed concurrently include:
Implement Tech Core/Base to Support Future Applications

Installing a tech base across the major arterials of the city can facilitate smart city applications. Having a robust network makes it easy to add applications to existing infrastructure. Although, in thinking of potential implementations of a basic fiber network, it is important to also consider future services which may be operated on the network. This will influence the network design, including fiber counts necessary for those applications, fiber splicing points, and ensuring vertical infrastructure and buildings can support any devices.

Prioritize Objectives via a Smart City Strategic Plan

A full Smart City strategic plan was outside the scope of this study, but could be useful to help Avon prioritize the most impactful options for the community. In establishing smart city applications, a hierarchy of importance can help guide the most effective and highest-utilization services. Each locality is different in its structure, services, utilities, topography, and many other factors, so the same priorities which may be present in other regions may not apply. A city, town, or county may prioritize utility infrastructure over transportation or vice versa. They may have an extensive network of public transportation, or many events that require the use of public WiFi. Understanding top priorities will enable targeting of resources to their most effective use, and subsequent priorities may be added at a later time.
Appendix A: Broadband Assessment and Feasibility Study Community Engagement Plan

Overview

One key component of the Broadband Assessment and Feasibility Study is community engagement. This is important to understand the current connectivity in Avon, gaps where stakeholders are not served, gaps where there are organizations or citizens who are underserved (not enough capacity, not enough speed, lack of reliability, too high cost, etc.) and to have real information to compare to the Market Assessment (especially if any grants are possible).

This community engagement plan will include the following groups:

- Citizens
- Businesses
- Anchor institutions - Mainly quasi-government: Libraries, Post Office, health and can include key businesses either already present or thinking about locating to Avon
- Public entities

In our outreach to these groups, our primary goals are to find out each entity’s or household’s:

- Current service (provider, capacity, speed, price)
- Satisfaction with their current service
- Concerns with their current service (reliability, capacity, price)
- Anticipated needs for connectivity in the future

The following Community Engagement Plan outlines the strategies and tactics we recommend for informing the organizations and households about the study, encouraging their participation and the
specific questions we will ask to find out the above information.

The key messages to communicate include:

- The reason why Avon is conducting this study and potential benefits to businesses, organizations, and citizens: the goal of this study is to specifically understand where there are broadband connectivity issues (inadequate options, lack of reliability or price issues) for businesses and residents in Avon, so that the Town can explore options to improve broadband service.
- Encourage businesses, organizations, and residents to take the online survey.
- Encourage businesses, organizations, and residents to engage with public outreach and stakeholder interviews.

**Strategies**

- **Survey:**
  - A significant key to the success of this project will be the surveys. The key to getting enough responses to receive statistically valid response rates is **promotion**. Thus, the form of the survey (virtual only, printed, etc.) and how those will be made available become very important.
  - Survey will be online only. It will be promoted in several formats. We have not included the Scope for printing or mailing surveys (if they could be distributed in utility bills or made available at the Town facilities)
  - Online is, typically Plan A. Plan B (backup plan if we are not getting enough responses can include):
    - Printed survey (possibly mailed or dropped off at the Town courthouse; etc.) – this is possible as Plan B, but not currently in Plan A
    - It is also possible to do some door or door or phone canvassing, but those can become very costly.
  - Survey will be open for 45 days.
  - Statistically significant threshold of responses for a town of 6500 people, with a confidence level of 95%:
    - Confidence interval of +/- 5% = 363

- **Distribution:**
  - Working with Town public information personnel is very important.
  - What roles will the Town, County, or any local utilities play in promotion and distribution of the survey?
  - Websites – see website list below
  - Social media – see Facebook pages below
  - Email lists – if available, emails can be sent that include the survey link. Do those email lists exist?
  - Printed surveys can be included in utility billings, available at the Town Courthouse, handed out at public meetings and at information tables (if there are any of these that make sense) – this is possible, but not planned
• Put on digital billboards on roads and bridges?

- Audience:
  - Town residents
  - Town Businesses
  - Both – those operating businesses from their homes
  - Town Visitors
  - Town Employees

- Interviews:
  - Anchor Institutions – these will be done in group or individual meetings with questions very similar to the surveys. We meet with them separately to discuss their specific needs, timelines and if they own any broadband infrastructure – see Attachment C for sample questions
    - Schools
    - Libraries
  - Public entities
    - Fire
    - Police
    - Emergency Management
    - Town departments (where applicable)
  - Peer communities
    - Other ski towns (27 members of Colorado Ski Towns)
    - 5 interviews: (see Attachment D for sample interview questions)
      - Breckenridge
      - Aspen
      - Estes Park
      - Steamboat Springs
      - Glenwood Springs
  - Other key stakeholders – examples of these could be Chambers of Commerce, Business leaders, major developers (particularly if there are new planned commercial or residential developments that might need broadband service

- Outcomes:
  - Current market conditions and deficiencies
  - List of local providers
  - What they currently pay
  - Whether their current service is adequate
  - What they like and dislike today
  - Do they have any needs for the future
  - What they do with Internet services
  - Predicted take rate and optimum monthly cost they would be willing to pay – to develop feasibility of options and to use to talk with potential provider partners
  - Whether they want the Town taking an active role in improving broadband
Demographic questions (their location, age, etc.)

Websites
- Avon Website: https://www.avon.org/
- Soon to be launched: https://www.VVPConnect.org
- Avon Chamber of Commerce: https://www.visitvailvalley.com/

Social Media
- Monthly Newsletter: email mailing list – beginning of April (in 2 weeks)
- Instagram:
  - https://www.instagram.com/discoveravoncolorado/
  - https://www.instagram.com/avonrecreation/
- Twitter:
  - https://twitter.com/TownofAvon
- Facebook:
  - https://business.facebook.com/discoveravoncolorado/
- HighFiveMedia.org Access Radio
  - Eric can discuss the survey on the scheduled radio spot.

Public Meeting
- In these Covid-19 times, meetings are difficult. They can be good to answer questions and to generate interest in the survey. They are best done in person, but they can be done virtually. We find attendance is lower in the virtual setting, but they can still be beneficial. As with the surveys, the key is promotion.
  - Are there any community events that will happen within the timeline of the survey?
    - Council Meetings - 2nd and 4th Tuesday of the month
ATTACHMENT A
Individual Interviews – Contact List and Draft Outreach Email

<table>
<thead>
<tr>
<th>Type/Name</th>
<th>Facility</th>
<th>Address</th>
<th>Contact Name</th>
<th>Email address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comfort Inn</td>
<td>Contact #1</td>
<td>161 W. Beaver Creek Blvd.</td>
<td>Cherie Vittum</td>
<td><a href="mailto:cvittum@comfortinn.com">cvittum@comfortinn.com</a></td>
</tr>
<tr>
<td>Comfort Inn</td>
<td>Contact #2</td>
<td>161 W. Beaver Creek Blvd.</td>
<td>Willem Berkhout</td>
<td><a href="mailto:willemberkhout@millenniumhotels.com">willemberkhout@millenniumhotels.com</a></td>
</tr>
<tr>
<td>Buck Creek Medical Plaza</td>
<td>Medical Offices</td>
<td>55 Buck Creek Rd.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Local Governments:
- Eagle County Clerk and Recorder
  Lodge at Avon Center | Regina O'Brien | regina.obrien@eaglecounty.us |
- Eagle County Health and Human Services
  Lodge at Avon Center |            |               |
- Eagle County Fire Protection District
  Station 7, Joint Public Safety Facility | 60 Buck Creek Rd. | Karl Bauer | kbauer@eagleriverfire.org |
- Eagle Valley Library District
  Avon Branch | 200 Benchmark Rd. | Kim Saafeld | ksaafeld@eav.org |
- Eagle County Schools
  Avon Elementary | 850 W. Beaver Creek Blvd. |            |               |
- Eagle River Water and Sanitation District
  Avon Water and Wastewater Treatment Plant | 901 W. Beaver Creek Blvd. | Linn Brooks | brooks@erwsd.org |
- Eagle County Health Services District
  Avon Station | 1700 Swift Gulch Rd. |            |               |

Medical Offices:
- Colorado Mountain Medical
  Doctor's Offices |            |               |
- Centura
  Emergency and Urgent Care Center |            |               |

Major Retailers:
- Walmart
  171 Yoder Ave. | Cas Osantowski | osantosart.g01199.us@walmart.com |
- City Market
  72 Beaver Creek Pl. | Jeff Gentilini | jeff.gentilini@store.cismarket.com |

Other:
- High Five Access Media
  Comcast Service Center | 281 Metcalf Rd. | JK Perry | jj@highfivemedia.org |
- Vail Daily
  137 Benchmark Rd. | Ali Longwell | al@vaildaily.com |
- Vail
  Seasons at Avon | 48 E Beaver Creek Blvd. | Tony D'Agostino | tony@vail.com |
- Avon Town Square – professional offices
  318 Walking Mountains Ln, Avon, CO 81620 | Paul Abling | paul@walkingmountains.org |
- Beaver Creek Metropolitan District
  Bob He; Dane Bird |            |               |
- Beaver Creek Resort Company
  Jen Brown, Nadia Golestani |            |               |

SU: Avon Broadband Study - Stakeholder Meeting

Dear [First Name] [Last Name],

The Town of Avon is conducting a broadband connectivity study. As part of this study, the Town of Avon has identified key stakeholders that we would like to meet with to discuss your current connectivity, whether you are satisfied with your current connectivity, and what plans you might have for the future that might require greater capacity or speed. For more information about the project, please visit https://engage.avon.org/broadband.

Your organization is one of the key stakeholders in our community. We would like to schedule a Zoom meeting with you that will not take more than an hour. Your feedback is very important. We will aggregate the data, so your answers to questions will not be made public without your permission. Thank you for your input!

Are you available any of the possible meeting dates and times listed at the Doodle Calendar link below? https://doodle.com/mm/irenastevens1/avonbroadband

If you have issues using the Doodle system, please just reply to this email to schedule a meeting.

Attached is a sample of some of the questions we will discuss so that you know what to expect.

[Attachment C]

Thank you,

[Email Signature]
ATTACHMENT B

Group Interviews – Contact List and Draft Outreach Email

<table>
<thead>
<tr>
<th>Hotels and Lodges</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marriott Westin Riverfront Resort and Spa</td>
<td>Kristin Pryor (<a href="mailto:kpryor@westinriverfront.com">kpryor@westinriverfront.com</a>)</td>
</tr>
<tr>
<td>Marriott Westin Riverfront Resort and Spa</td>
<td>Todd Stipetich and Zeek Ferraro (<a href="mailto:tstipetich@eastwest.com">tstipetich@eastwest.com</a>; <a href="mailto:eferraros@eastwest.com">eferraros@eastwest.com</a>)</td>
</tr>
<tr>
<td>East West Hospitality Falcon Point</td>
<td>David Weiss (<a href="mailto:david.weiss@vailresorts.com">david.weiss@vailresorts.com</a>)</td>
</tr>
<tr>
<td>East West Hospitality The Ascent</td>
<td>David Weiss (<a href="mailto:david.weiss@vailresorts.com">david.weiss@vailresorts.com</a>)</td>
</tr>
<tr>
<td>Marriott Riverfront Mountain Villas</td>
<td>Todd Stipetich and Zeek Ferraro (<a href="mailto:tstipetich@eastwest.com">tstipetich@eastwest.com</a>; <a href="mailto:eferraros@eastwest.com">eferraros@eastwest.com</a>)</td>
</tr>
<tr>
<td>Marriott Lakeside Terrace Villas</td>
<td>David Weiss (<a href="mailto:david.weiss@vailresorts.com">david.weiss@vailresorts.com</a>)</td>
</tr>
<tr>
<td>Wyndham Hotels Club Wyndham Resort at Avon</td>
<td>Pete Reyes (<a href="mailto:pete.reyes@vailresorts.com">pete.reyes@vailresorts.com</a>)</td>
</tr>
<tr>
<td>Comfort Inn Contact #1</td>
<td>Chris Vittum (<a href="mailto:cvittum@comfortinnvail.com">cvittum@comfortinnvail.com</a>)</td>
</tr>
<tr>
<td>Contact Inn Contact #2</td>
<td>William Berkhout (<a href="mailto:wberkhout@millenniumhotels.com">wberkhout@millenniumhotels.com</a>)</td>
</tr>
<tr>
<td>Christie Lodge</td>
<td>Tom Buzz (<a href="mailto:tbuzz@christielodge.com">tbuzz@christielodge.com</a>)</td>
</tr>
<tr>
<td>The Seasons at Avon</td>
<td>Kyle Greenhaus (<a href="mailto:kgreenhaus@vailresorts.com">kgreenhaus@vailresorts.com</a>)</td>
</tr>
<tr>
<td>The Lodge at Avon Center</td>
<td>Brian Hofmanek (<a href="mailto:brian@vailmanagement.com">brian@vailmanagement.com</a>)</td>
</tr>
<tr>
<td>Financial Institutions</td>
<td></td>
</tr>
<tr>
<td>FirstBank Avon Branch</td>
<td>11 W. Beaver Creek Blvd.</td>
</tr>
<tr>
<td>Wells Fargo Bank Avon Branch</td>
<td>245 Chapel Pl. Bldg. C</td>
</tr>
<tr>
<td>Alpine Bank</td>
<td>10 W. Beaver Creek Blvd.</td>
</tr>
<tr>
<td>Community Banks of Colorado</td>
<td>70 W. Benchmark Rd., #101</td>
</tr>
<tr>
<td>Vail Valley Partnership</td>
<td>Chris Romer (<a href="mailto:cromer@vailvalleypartnership.com">cromer@vailvalleypartnership.com</a>)</td>
</tr>
</tbody>
</table>

SU: Avon Broadband Study - Stakeholder Meeting

CC: Eric, Robert, Ineke, and Ed

Timing: Group 1 (Lodging): Tuesday at 1, Group 2 (Retailers): Wednesday at 1, Group 3 (Financial Institutions): Thursday at 1

Dear [First Name] [Last Name],

The Town of Avon is conducting a broadband connectivity study. As part of this study, the Town has identified groups of key stakeholders, with your organization being part of the [group name]. We would like to schedule an hour to meet with you and [group name] to discuss your current connectivity, whether you are satisfied with your current connectivity, and what plans you might have for the future that might require greater capacity or speed. For more information about the project, please visit https://engage.avon.org/broadband.

Your feedback is very important. We will aggregate the data, so your answers to questions will not be made public without your permission. Thank you for your input!

Attached is a sample of some of the questions we will discuss so that you know what to expect. [Attachment C]

Thank you,
[Email Signature]
Follow-Up Correspondence Email

SU: Avon Broadband Study - Stakeholder Meeting

Dear [First Name] [Last Name],

We are following up on a previous outreach correspondence regarding the broadband connectivity study being conducted by the Town of Avon. As part of this study, the Town of Avon has identified key stakeholders that we would like to meet with to discuss your current connectivity, whether you are satisfied with your current connectivity, and what plans you could have for the future that might require greater capacity or speed. For more information about the project, please visit https://engage.avon.org/broadband.

If you might have 15-20 minutes to talk with us about your organization’s connectivity, would you be available any of the possible meeting dates and times listed at the Doodle Calendar link below? https://doodle.com/mm/irenastevens1/avonbroadband

If you have issues using the Doodle system, please just reply to this email to schedule a meeting. Attached is a sample of some of the questions we will discuss so that you know what to expect.

Your feedback is very important. We will aggregate the data, so your answers to questions will not be made public without your permission. Thank you for your input!

Thank you,
[Email Signature]
ATTACHMENT C
Anchor Institution/Public Sector Stakeholder Input Questions

Current Internet Usage:
- Who is your current provider(s)?
- What service(s) do you have (particularly up/down speed and capacity)?
- Do you feel like it is adequate? How well does your current technology meet the needs of your staff and of the community?
- Do you feel like their service is reliable? How frequently do users experience outages on your current platform?
- What are your current uses? Technologies used within the organization? Can you describe the equipment, standards and versions are currently deployed on your network? Is any of your communications equipment nearing end-of-life?
- Are you leveraging fiber, wireless or other connections to communicate with your equipment in the field?
- Do you have redundancy that you are comfortable with (and - do you know if your redundancy is on the same fiber as their provider)?
- What improvements would you like to see inside your organization in terms of improved connectivity?
- Can you provide any maps or diagrams that would help us better understand the technology and locations for the things we’ve just discussed?

Future Internet Usage:
- What plans do you have in the next five to 10 years to make significant improvements that will require new applications or upgraded technology?
- Can you describe the capital plan for your department and the types of improvements that you feel the community needs?

Costs:
- Do you feel like your pricing is fair (are you getting what you pay for)?
- How much are you currently paying?
- What is your contract term (when does it expire)?
- What price point would compel you to make a change?
- Do you currently have any grants available for connectivity upgrades?

Other:
- Would you be supportive of a Town-led broadband improvement effort.
- Schools:
  - Are you currently utilizing e-rate?
  - If so, can you change your e-rate arrangements for another provider?
- Are there any other considerations that you are thinking about with your broadband service?

THERE WILL BE ADAPTATIONS OF THESE QUESTIONS TO SPECIFIC ORGANIZATIONS
1. Can you tell us generally about the trajectory of your broadband project?
2. Who were the incumbents prior to the project? What service did they provide?
3. What is your current customer base? Are you providing services to businesses, residents? What is the process to sign up? How do you do billing?
4. Did you receive any grants?
5. Did you work with a private-sector or another government partner?
6. Did you have to add staff to operate and manage the network? If so, how many personnel and in what capacity?
7. Did you have anchor institutions committed to joining the network prior to construction?
8. Can you give us any examples of how service has changed for anchor institutions?
9. Have you implemented any ordinances or other policies to facilitate conduit, fiber, or wireless deployment?
10. Did you leverage your fiber network to provide any city services, such as public Wi-Fi or smart city applications or devices?
FOR IMMEDIATE RELEASE

AVON SOLICITING INPUT REGARDING BROADBAND SERVICES
FOR RESIDENTS AND BUSINESSES

The Town of Avon has initiated a discovery study to gain a clearer understanding of broadband needs in Avon. An online survey is now available to gather specific information from residents and businesses. The survey will be available through April 30th, and may be accessed at https://engage.avon.org/broadband.

The Town understands that broadband is a critical service for businesses, organizations, and citizens. This study will allow the Town’s leadership to gain a clearer understanding of what steps may be required to gain and maintain a competitive advantage in terms of broadband and to make sure that the community’s needs are met. The initial phase of the study includes gathering input from Town residents, businesses, and key stakeholders to compare against industry data.

“We want to take the steps to make sure our citizens and businesses have the connectivity they need to thrive in Avon. We also view broadband as essential infrastructure to maintain Avon as one of the top destinations to work and live,” said Avon Town Manager Eric Heil. “Our first step is to understand our current broadband infrastructure and the preferences and needs of our community.”

“It is important that we receive broad input from residents and businesses through the survey,” Heil continued. “Our project consultant, HR Green, will also be interviewing government representatives and leaders from various industries during that time to gather additional information.”

The study and analysis will be completed this summer. The Town has contracted with HR Green, a national broadband consulting firm who has worked extensively throughout Colorado and in Eagle County, to complete the broadband study.

For questions about Municipal Broadband or this survey, please contact Avon IT Manager Robert McKenner at rmckenner@avon.org or (970) 748-4034.
Appendix B: Survey Questions

**Avon, CO - Broadband Community Survey**
Your participation is very important to understand your satisfaction with your current broadband options, the service you are being provided, and your interest in other broadband options being developed.

The survey takes only a few minutes to complete and your feedback is very important.
Please limit your responses to one survey per household and/or business and please take the survey from a device connected to your wireline broadband service (instead of a device connected to cellular service).

Your individual answers are anonymous and confidential, so please answer as honestly as possible. Thank you for your input!

1. **Are you taking this survey as a resident, a business owner, or both?**
   - Resident
   - Business Owner
   - Both a Resident and a Business Owner in Avon
   - Visitor/Temporary Resident
   - Employee in Avon, but Live Elsewhere

2. **Please enter your location:**
   The location is used to determine the availability of internet options in your area.
   Please make sure that the location selected in this question is where you would receive internet service.
   If the tool does not accurately represent your location, please type in your address into the address box at the top.

3. **Business Address (if taking survey as both)**
   - Where is your business based?
     - In my Home
     - Storefront

4. **For those taking this survey as both a resident and a business, if your business is NOT IN YOUR HOME, please select your residential address in question #2 - location, and type your business address in the box below:**
   - BUSINESS ADDRESS (if different from residential):

5. **Service Subscriptions - Resident**
6. **Do you live in Avon all year or is this a second home?**
   - All Year
   - Second Home

7. **Does your home subscribe to Internet Service?**
   - Yes
   - No

8. **If you answered "no" to the previous question, what are the primary reasons you do not have internet services for your home?**
   - Not interested/don't need them
   - Services not available in my area
   - Price of service is outside my budget
   - Other
   - Access necessary services via free WiFi at locations outside my business

9. **Internet Service - Resident**
10. **Which company(ies) do you currently use to provide your internet service(s)?**
    - Comcast (Xfinity)
    - CenturyLink
    - Charter (Spectrum)
    - HughesNet
    - ViaSat/Excede
    - Rise Broadband
    - Other

11. **Upload and download speeds are important to many people. In some cases, providers will advertise "up to" speeds as part of your subscription package. What speeds were you told you would receive when you signed up for your service?**
    - Less than 10 Mbps
    - Between 10 and 25 Mbps
    - Between 25 and 50 Mbps
    - Between 50 and 100 Mbps
    - Over 100 Mbps
    - Don't Know / Not Sure

12. **In order to determine actual internet service performance, we would like you to perform a speed test. This speed test should be using your HOME INTERNET CONNECTION (through WiFi or ethernet), not your cellular data connection. To take the speed test, click the [https://www.speedtest.net](https://www.speedtest.net) link. Jot down the results in the boxes below.**
DOWNLOAD SPEED:  
https://www.speedtest.net

16

UPLOAD SPEED:

17

Please rate your level of satisfaction with your home internet service in the following categories:

<table>
<thead>
<tr>
<th>Customer service experience</th>
<th>Very dissatisfied</th>
<th>Somewhat dissatisfied</th>
<th>It's OK</th>
<th>Somewhat satisfied</th>
<th>Very Satisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data allowance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Price</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Reliability (frequency and length of service interruptions)</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Speed/Data Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

18

Please rate your overall level of satisfaction with your current Internet service provider.

<table>
<thead>
<tr>
<th>Very Dissatisfied</th>
<th>Somewhat Satisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Somewhat Dissatisfied</td>
<td>Very Satisfied</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>It's OK</td>
<td></td>
</tr>
</tbody>
</table>

19

If your answers to the previous question(s) were that you are unsatisfied, what are the key issues you have with your current provider?

20

In what ways does your household use the internet? (Check all that apply)

☐ Education - Primary/Secondary (K-12)
☐ Education - Adult (Degree or Certificate)
☐ Checking Email
☐ Online gaming
☐ Online Applications & Storage (Google Apps, Dropbox, etc.)
☐ Banking or Bill Paying
☐ Shopping
☐ Smart home & security applications
☐ Social Networking
☐ Streaming TV (Netflix, Hulu, etc.)
☐ Work From Home - Part Time
☐ Work From Home - Full Time
☐ Video Chat (FaceTime, Skype, etc.)
☐ Web surfing
☐ Home Healthcare / Telehealth
☐ Other

21

Do you or anyone in your home currently use the internet to work from home or run a business?

Yes  No

22

Has your internet met your work from home needs?

Yes  No

23

Do you plan to continue working from home after the pandemic?

Yes  No

24

Do you currently have students learning from home during the pandemic?

Using the internet to access and complete homework, research, or other assignments

Yes  No

25

Has your internet met their education needs?

Yes  No

26

Did your internet meet their student needs before the pandemic?

Yes  No

27

How often do you experience outages of an hour or longer due to connection problems or slow/inoperable speeds?
28. Have you considered moving or relocating as a result of limited access to high-speed, broadband internet services?
   - Yes
   - No
   - Maybe

29. How likely would you be to recommend your home Internet service provider to a friend or colleague?
   - Very Unlikely
   - Unlikely
   - Neutral
   - Likely
   - Very Likely

30. Do you have any other comments, questions, or concerns about your home Internet service?

31. **Economic Questions - Resident**

32. Approximately how much do you pay for your internet service connection every month?
   - Do not include the cost of your cellular plan.

33. If it was available, would you be interested in a broadband service that allowed you to receive internet service with greater speed and reliability for a cost which was comparable (+/- 10%) to your current internet service?
   - Yes
   - No

34. What is the highest amount you would be willing to pay for the following download speeds?

<table>
<thead>
<tr>
<th>Speed Range</th>
<th>0 to 25 Mbps</th>
<th>25 to 50 Mbps</th>
<th>50 to 100 Mbps</th>
<th>100 Mbps to 1 Gbps</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to $50</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>$50 to $100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$100 to $150</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>More than $150</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

35. **Tell Us About Yourself!**

36. Gender
   - Male
   - Female
   - Other

37. Age
   - (Optional)

38. What is the range of your current annual household income?
   - (Optional)

39. What is the highest level of education you have completed?
   - (Optional)

40. If we have additional questions, may we contact you?
   - No, I prefer to remain anonymous
   - Yes, you may contact me

41. Please enter your contact information:
   - Phone/email/etc.

42. **Internet Service - Visitor/Temporary Resident**

43. For how long do you typically visit or temporarily reside in Avon every year?
   - 1-2 weeks a year
   - 3-4 weeks a year
   - 1-2 months a year
   - 2-4 months a year
   - 4-7 months a year
   - Other

44. From which company do you receive internet service?
   - Do not know
   - Comcast (Xfinity)
In order to determine actual internet service performance, we would like you to perform a speed test. This speed test should be using your residential service internet connection (through WiFi or ethernet), NOT your CELLULAR data connection. To take the speed test, click the [https://www.speedtest.net](https://www.speedtest.net) link. Jot down the results in the boxes below.

**DOWNLOAD SPEED** in your temporary residence:

[ ]

**UPLOAD SPEED** in your temporary residence:

[ ]

Please rate your level of satisfaction with your internet service in the following categories:

<table>
<thead>
<tr>
<th></th>
<th>Very dissatisfied</th>
<th>Somewhat dissatisfied</th>
<th>It's OK</th>
<th>Somewhat satisfied</th>
<th>Very Satisfied</th>
</tr>
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</tr>
<tr>
<td>Data allowance (data cap)</td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Price</td>
<td></td>
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<tr>
<td>Speed/Data Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please rate your overall level of satisfaction with your current Internet service:

<table>
<thead>
<tr>
<th></th>
<th>Very Dissatisfied</th>
<th>Somewhat Dissatisfied</th>
<th>It's OK</th>
<th>Somewhat Satisfied</th>
<th>Very Satisfied</th>
</tr>
</thead>
</table>

If your answers to the previous question(s) were that you are unsatisfied, what are the key issues you have with your current service?

In what ways do you use the internet? (Check all that apply)

- [ ] Education - Primary/Secondary (K-12)
- [ ] Social Networking
- [ ] Education - Adult (Degree or Certificate)
- [ ] Streaming TV (Netflix, Hulu, etc.)
- [ ] Checking Email
- [ ] Work From Home - Part Time
- [ ] Online gaming
- [ ] Work From Home - Full Time
- [ ] Online Applications & Storage (Google Apps, Dropbox, etc.)
- [ ] Video Chat (FaceTime, Skype, etc.)
- [ ] Banking or Bill Paying
- [ ] Web surfing
- [ ] Shopping
- [ ] Home Healthcare / Telehealth
- [ ] Smart home & security applications
- [ ] Other

Do you or anyone in your residence currently use the internet to work from home or run a business?

- [ ] Yes
- [ ] No

Has your internet met your teleworking needs?

- [ ] Yes
  - Somewhat
- [ ] No
  - [ ] Not Sure

Do you plan to continue teleworking after the pandemic?

- [ ] Yes
  - No
- [ ] No
  - Not Sure

Do you currently have students using the internet for education?

- [ ] Yes
  - Using the internet to access and complete homework, research, or other assignments
- [ ] No
- [ ] Not Sure
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the internet met their educational needs?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Somewhat</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>How often do you experience outages of an hour or longer due to connection problems or slow/inoperable speeds?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would you consider visiting Avon more frequently or staying longer if you had reliable internet?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maybe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have you considered visiting or temporarily residing at another location due to poor internet service in Avon?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would you like to share any further comments, questions, or concerns about the Internet service you receive?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Profile and Service Subscriptions - Business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is your business in the Avon town limits?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Sure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What is the primary industry sector of your business?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Optional)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banking/Financial services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bar/Restaurant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Church or religious organization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government/Public service/Non-Profit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Care</td>
<td></td>
<td></td>
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<tr>
<td>Health Care</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospitality</td>
<td></td>
<td>Hospitality</td>
</tr>
<tr>
<td>Import/Export</td>
<td></td>
<td>Import/Export</td>
</tr>
<tr>
<td>Manufacturing</td>
<td></td>
<td>Manufacturing</td>
</tr>
<tr>
<td>Professional services (including legal and insurance)</td>
<td></td>
<td>Professional services</td>
</tr>
<tr>
<td>Real Estate</td>
<td></td>
<td>Real Estate</td>
</tr>
<tr>
<td>Retail sales</td>
<td></td>
<td>Retail sales</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>Other</td>
</tr>
<tr>
<td>Approximately how many full or part-time employees work for your business?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Optional)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What is your business name?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Optional)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>May we share your business name or your name with Town officials?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>If the Town engages with a broadband project, your business may be contacted as a potential customer.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does your business subscribe to Internet Service? *</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internet Service - Business Owner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Which company(ies) do you currently use to provide your business internet service?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comcast (Xfinity)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Centurylink</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charter (Spectrum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HughesNet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ViaSat/Excede</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rise Broadband</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is your business served by fiber optics?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Sure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In order to determine actual internet service performance, we would like you to perform a speed test.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>This speed test should be using your BUSINESS INTERNET CONNECTION, not your cellular data connection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To take the speed test, click the <a href="https://www.speedtest.net">https://www.speedtest.net</a> link. Jot down the results, then type them in the boxes below.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DOWNLOAD SPEED:</td>
<td></td>
<td></td>
</tr>
<tr>
<td><a href="https://www.speedtest.net">https://www.speedtest.net</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### UPLOAD SPEED:

<table>
<thead>
<tr>
<th>74</th>
<th>Does your business offer internet/WiFi service to the public/guests?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

### Approximately how many devices are connected to the Internet at your business? Include PCs, tablets, smart phones, or any other devices that use the Internet connection.

<table>
<thead>
<tr>
<th>75</th>
</tr>
</thead>
</table>

### If known, what specialized data service, if any, do you currently receive from your provider? (check all that apply)

- [ ] Dark fiber
- [ ] Dedicated bandwidth or circuit
- [ ] Fiber transport services
- [ ] MPLS
- [ ] SD-WAN
- [ ] Static IP addresses
- [ ] Other

### How do you use the Internet at your business? (check all that apply)

- [ ] Company website
- [ ] Credit card processing
- [ ] Data management (backup or data storage)
- [ ] Education and professional development (including webinars)
- [ ] Electronic health records
- [ ] Email
- [ ] Employee payroll
- [ ] File or data sharing
- [ ] Hosting your own server
- [ ] Online banking
- [ ] Online purchasing or tracking inventory
- [ ] Online sales
- [ ] Operations in the cloud (accounting, sales, project management, etc.)
- [ ] Social media (Facebook, Twitter, etc.)
- [ ] Streaming music (Pandora, Spotify, etc.)
- [ ] Streaming video (Netflix, Amazon Prime, Hulu, YouTube, etc.)
- [ ] Video conferencing
- [ ] Video security
- [ ] Web surfing
- [ ] Other

### Have you had employees work from home in 2020?

<table>
<thead>
<tr>
<th>78</th>
</tr>
</thead>
</table>

### Please rate your satisfaction with your Internet service provider on each of the following characteristics.

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Very dissatisfied</th>
<th>Somewhat dissatisfied</th>
<th>It's OK</th>
<th>Somewhat satisfied</th>
<th>Very Satisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer service experience</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data allowance (data cap)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Price</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reliability (frequency and length of service interruptions)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Speed/Data Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Please rate your overall level of satisfaction with your current provider.

<table>
<thead>
<tr>
<th>Level of Satisfaction</th>
<th>Very Dissatisfied</th>
<th>Somewhat Dissatisfied</th>
<th>It's OK</th>
<th>Somewhat Satisfied</th>
<th>Very Satisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Dissatisfied</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Somewhat Dissatisfied</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>It's OK</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### If your answers to the previous question(s) were that you are unsatisfied, what are the key issues you have with your current provider?
82 How often do you experience outages of an hour or longer due to connection problems or slow/inoperable speeds?

83 How likely would you be to recommend your business internet service to a friend?

| Very Unlikely | Likely |
| Neutral       | Very Likely |

84 Over the past few years, have internet speeds kept up with your business needs?

| Yes | No |

85 Have you considered moving or relocating your business as a result of limited access to high-speed, broadband internet services?

| Yes | No | Maybe |

86 How important is improved internet service to your business today?

| Not important | Very important |
| Somewhat important | Not sure, would like to learn more |

87 How important do you think improved internet service will be to your business in the next few years?

| Not important | Very important |
| Somewhat important | Not sure, would like to learn more |

88 Do you have any other comments, questions, or concerns about your current or future Internet service?

89 Not Internet Subscriber - Business

90 If you answered "no" to the previous question, what are the primary reasons you do not have internet services for your business?

- [ ] Not interested/don't need them
- [ ] Price of service is outside my budget
- [ ] Services not available in my area
- [ ] Access necessary services via free WiFi at locations outside my business
- [ ] Other

91 Economic Questions - Business

92 Approximately what is the total monthly cost (rounded to the nearest dollar) of the internet service that you receive for your business?

If you have more than one provider, please add those monthly bills together.

Do not include the cost of your cellular plan.

93 If it was available, would you be interested in a broadband service that allowed you to receive internet service with greater speed and reliability for a cost which was comparable (+/- 10%) to your current internet service?

| Yes | No |

94 What is the highest amount you would be willing to pay for the following download speeds?

<table>
<thead>
<tr>
<th>0 to 25 Mbps</th>
<th>25 to 100 Mbps</th>
<th>100 Mbps to 1 Gbps</th>
<th>Over 1 Gbps</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to $50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$50 to $100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$100 to $150</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$150 to $200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$200 to $300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over $300</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

95 Profile - Employee of a Business in Avon

96 On average, how many days a week do you commute to work as an employee in Avon?

| 1-2 | 3-4 | 5 or more |

97 What is the primary industry sector of your employment?

- Agricultural
- Bar/Restaurant
- Banking/Financial services
- Church or religious organization
Construction
Education
Government/Public service/Non-Profit
Health Care
Hospitality
Import/Export
Manufacturing
Professional services (including legal and insurance)
Real Estate
Rental housing
Retail sales
Other

98
Approximately how many full or part-time employees work for your business?

99
What is your employment business/organization name?
(Optional)

100
Does your employment business/organization subscribe to Internet Service?*
Yes No

101
Internet Service - Employee, not Resident, in Avon

102
Which company(ies) do your employer business/organization currently use to provide your business internet service?

Not Sure
Comcast (Xfinity)
Centurylink
Charter (Spectrum)
HughesNet
ViaSat/Excede
Rise Broadband
Other

103
Is your employer business/organization served by fiber optics?
Yes No Not Sure

104
In order to determine actual internet service performance, we would like you to perform a speed test.
This speed test should be using your BUSINESS INTERNET CONNECTION, not your cellular data connection.
To take the speed test, click the https://www.speedtest.net link. Jot down the results, then type them in the boxes below.

DOWNLOAD SPEED:
https://www.speedtest.net

UPLOAD SPEED:

105
Does the business/organization that employs you offer internet/WiFi service to the public/guests?
Yes No

106
How do you use the Internet as an employee at your organization? (check all that apply)

Company website
Credit card processing
Data management (backup or data storage)
Education and professional development (including webinars)
Electronic health records
Email
Employee payroll
File or data sharing
Hosting your own server
Online banking
Online purchasing or tracking inventory
Online sales
Operations in the cloud (accounting, sales, project management, etc.)
Social media (Facebook, Twitter, etc.)
Streaming music (Pandora, Spotify, etc.)
Streaming video (Netflix, Amazon Prime, Hulu, YouTube, etc.)
Video conferencing
Video security
Web surfing
Other
Please rate your satisfaction with your employer's Internet service provider on each of the following characteristics.

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Very dissatisfied</th>
<th>Somewhat dissatisfied</th>
<th>It's OK</th>
<th>Somewhat satisfied</th>
<th>Very Satisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer service experience</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data allowance (data cap)</td>
<td></td>
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<tr>
<td>Price</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Reliability (frequency and length of service interruptions)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Speed/Data Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please rate your overall level of satisfaction with your current provider.

<table>
<thead>
<tr>
<th>Satisfaction Level</th>
<th>Very Dissatisfied</th>
<th>Somewhat Dissatisfied</th>
<th>It's OK</th>
<th>Somewhat Satisfied</th>
<th>Very Satisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If your answers to the previous question(s) were that you are unsatisfied, what are the key issues you have with the current provider?

How often do you experience outages of an hour or longer due to connection problems or slow/inoperable speeds?

How likely would you be to recommend your business internet service to a friend?

How important is improved internet service to your business/organization today?

How important do you think improved internet service will be to your business/organization in the next few years?

Over the past few years, have internet speeds kept up with your needs?

Have you considered changing employers as a result of limited access to high-speed, broadband internet services?

How well do you think the current providers meet these needs?

When considering a company for broadband services, how important are the following characteristics of that company?
<table>
<thead>
<tr>
<th></th>
<th>Not important</th>
<th>Somewhat important</th>
<th>Very important</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is locally owned</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provides excellent customer service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is involved in the community</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses the best available technology</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Price</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

124
How strongly do you feel that the Town needs to help coordinate better broadband?
1 = Not At All
5 = Strongly feel there is an issue and would like the Town to coordinate

125
If a new provider (public or private) built a fiber network in Avon offering superior service for a competitive price, how likely would you be to switch from your current provider(s)?
1 = Certain to NOT switch
5 = Certain to switch

126
If the Town were able to help facilitate better or more reliable, high-speed internet services, how likely would you be to switch internet providers?

<table>
<thead>
<tr>
<th></th>
<th>Likely</th>
<th>Very Likely</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Unlikely</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unlikely</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neutral</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

127
Additional comments, questions, or concerns

128
We appreciate you taking time to participate in this survey!
Please click SUBMIT below
Submit
## Appendix C: Submitted Survey Comments

<table>
<thead>
<tr>
<th>Group</th>
<th>Question</th>
<th>Comments</th>
</tr>
</thead>
</table>
|       | If your answers to the previous question(s) were unsatisfied, what are the key issues you have with your current provider? | - Download and upload speed are out of alignment. I don't need 920 down... anything above 300 is fantastic. But upload speed being capped at around 30 is no longer sufficient with today’s needs (video conferencing, gaming, etc). I wish Comcast would take away some of the download speeds and bump up the upload speeds. Also, the only way to get the 30 upload speed is on their most expensive plan which is almost $100 a month. That’s super expensive for residential broadband.  
- It’s not so much the provider as it is the building. the building refuses to upgrade the wires except that I was told by comcast that board members used reserve account money to upgrade their own units but wouldn’t do it for the building. Now we have new board members so maybe there will be incentive.  
- I upgraded to Comcast’s Gigabyte service, and as the speed test I just completed attests, I get it - when it's working. Having an issue lately of dropping the connection, and my audio/visual company is trying to determine if its a Comcast problem or an issue with my equipment. Don't know the conclusion yet.  
- Cost and dependability  
- Internet is almost unusably slow, cannot have more than 2 devices connected at once  
- Frequent outages  
- since ive been working from home, I'm noticing that the internet connection drops out at least once a week. its a problem when I'm on a conference call with a client.  
- Speed and reliability  
- Comcast customer service is absolute garbage. Pricing is too high and the constant push for packages and contracts is aggravating. Using my own router causes problems on their system so I am forced to pay $14/month to rent their terrible equipment.  
- Cost  
- "Long waiting lines at the store in Avon.  
- Phone support can be a convoluted time suck."  
- no choice  
- No choice or competition in my area. Comcast is the only real option.  
- Customer service sucks. Issues take multiple visits to resolve because techs would not take my input based on experienced problems seriously.  
- unreliability, television streaming is 'spotty', when there are many users it gets slow  
- Slow inconsistent service. Poor coverage for wifi.  
- It blinks  
- Xfinity telephone customer service is infamous for being horrible. It's hard to imagine it could be any worse than it is.  
- Price  
- Really poor connectivity. My internet drops while I’m teleworking constantly and at night while doing yoga to unwind or watching movies.  
- Price....too expensive  
- The service provided does not not align with the cost associated with it.  
- The price and speeds are not competitive with the world or even other areas in the country.  
- My bill for internet only with Comcast has gone up over $30 since the first of the year. During the height of ski season, there are times that the internet speed and availability is reduced for several hours a day.  
- Outages and slowdown on an almost daily basis. Data download speed is less than 1/10th of advertised.  
- "Streaming is spotty  
- Slow  
- Ethernet interruptions  
- Weekly, if not daily interruptions in service. Slow speeds at times as well.  
- Slow speeds. High cost. The tech has repeatedly told us there are infrastructure issues that Centurylink refuses to address  
- Comcast is expensive and hard to work with. They always manage to come up with ways to make it more expensive by ratcheting up prices over time.  
- Price |
Do you have any other comments, questions, or concerns about your home Internet service?

- we really don't have a choice. We had century link at one time, but it was terrible. I think coomcast/xfinity is the only reliable choice in our area.
- data limits are a problem since working and school from home.
- We receive a bulk rate for internet and tv through Comcast for our condo association which makes it affordable. Our buildings are old and while we can have higher speeds for the same price, our infrastructure will not support higher speeds.
- We have no issues with Comcast and DO NOT want to see Avon make in changes in our ability to get and use Comcast.
- Please don't continue to expand what the town tries to do. Focus on effectively and efficiently managing the programs you already have. I'm not trying to be offensive or insensitive to Council Members or town employees, but let's try to do well at necessary and essential government functions. Don't stick your fingers in another area that will waste money and be inefficiently managed.
- it would be nice to have more high speed options so there is some competition & then possibly better consistency & rates
- Is the town trying to force 5G upon us? 5G is dangerous to humans and animals. Do not put profit above people! Internet access is not the ultimate goal of life. It is not a place where the town should be involved.
- what other options do I have?
- "Every home within the town of Avon should have access to a fiber internet connection for a reasonable fee per month with zero data caps. Internet is now an essential home utility, not a luxury service.
- If the town won't provide fiber to home internet then they need to invest in 5G home internet service. "
- We have a bulk rate through our condo HOA assn.
- "NO choice
- wildridge has gotten better but it has been a battle"
- It would be nice to have a choice other than xfinity
- No choice or competition in my area. Comcast is the only real option.
- I believe there needs to be investment in better infrastructure such as high speed fiber optic transmission systems and improved hardware solutions that are affordable and improve the reliability and cost of the current options. The need for higher speeds is only going to increase in the future so investments now will pay off in the long run.
- A satellite based service might be better
- My download speed is supposed to be about twice as fast as what I'm getting but I can live with this. Ten years ago there were far more frequent service outages in Wildridge and now they are rare. Telephone support from Xfinity is still the pits. In the big picture I'd still rather have them do it over the town of Avon or the Eagle county government.
- Hard to separate cable and Internet
- It is impossible to get ahold of anyone in a timely manner. Going in person is never a good experience. The bill is different-every time they change it. Comcast is REALLY bad.
- I have been told by people who work for the government of Avon, that we as residents have no choice available for internet service, it's Comcast (Xfinity) or nothing. It's hard to believe that a corporation can have this much power fro so long.
- Don't really have an option on internet service.
- As of now the only choice our apartment complex (The Piedmont) offers is service from Forethought. Hopefully that will change soon so we can see options for other services and price points. However, I do like that Forethought is a local independently owned company....NOT COMCAST! We plan to continue with their services if possible.
- I have complained and have been on the phone with Comcast/Xfinity so much this year and have replaced everything possible that, finally, we are getting decent internet that is not dropping out daily. This has been awful getting to the point, but it is somewhat reliable now. The only thing that makes the price not awful is that we can bundle our cell phones and the cell package is very cheap which makes total internet, cable, and phone <$200/mo which is reasonable. However, cell phone service is even worse than internet and we tried having a cell booster installed and the professionals installing could not get that to work so we cannot even use a booster.
- Trade off of a beautiful place to live-slow internet. But as the world changes, it becomes more of a necessity. Especially with limits in public spaces during Covid.
<table>
<thead>
<tr>
<th>Both a Resident and Business Owner – Residential Answers</th>
<th>If your answers to the previous question(s) were that you are unsatisfied, what are the key issues you have with your current provider?</th>
</tr>
</thead>
</table>
|                                                       | • data limits and reliability issues  
• Customer service, price  
• The internet is so slow and can’t have multiple devices on at the same time  
• No choice  
• Customer service sucks. Issues take multiple visits to resolve because techs would not take my input based on experienced problems seriously.  
• I can’t think of another company that has worse telephone customer service than Xfinity. With that said I’d still rather have them as my service provider rather than the town, county, state or federal government.  
• Ethernet interruptions  
• Slow speeds, high price |
|                                                       | Do you have any other comments, questions, or concerns about your home Internet service? |
|                                                       | • Comcast is one of the worst companies / service providers; there’s got to be better options  
• Please don’t continue to expand what the town tries to do. Focus on effectively and efficiently managing the programs you already have. I’m not trying to be offensive or insensitive to Council Members or town employees, but let’s try to do well at necessary and essential government functions. Don’t stick your fingers in another area that will waste money and be inefficiently managed.  
• no choice  
• We upgraded the property last fall to Xfinity service to each of 123 condos. It has been working great since they rewired the property and installed new modems to each condo. The cost listed below includes the cost to each condo.  
• I would like another choice, other than satellite  
• It would be nice to see more competition from other companies providing internet service in this area. I hope the government doesn’t prevent companies from providing service in this area. |
| Both a Resident and Business Owner – Business Answers | If your answers to the previous question(s) were that you are unsatisfied, what are the key issues you have with your current provider? |
|                                                       | • Cost and dependability  
• Long waiting lines at the store in Avon.  
• Phone support can be a convoluted time suck.  
• no choice  
• Ethernet interruptions |
|                                                       | Do you have any other comments, questions, or concerns about your current or future Internet service? |
|                                                       | • we really don’t have a choice. We had century link at one time, but it was terrible. I think coomcast/xfinity is the only reliable choice in our area.  
• data limits are a problem since working and school from home.  
• Please don’t continue to expand what the town tries to do. Focus on effectively and efficiently managing the programs you already have. I’m not trying to be offensive or insensitive to Council Members or town employees, but let’s try to do well at necessary and essential government functions. Don’t stick your fingers in another area that will waste money and be inefficiently managed.  
• ”NO choice  
• Wildridge has gotten better but it has been a battle"  
• As of now the only choice our apartment complex (The Piedmont) offers is service from Forethought. Hopefully that will change soon so we can see options for other services and price points. However, I do like that Forethought is a local independently owned company....NOT COMCAST! We plan to continue with their services if possible. |

<table>
<thead>
<tr>
<th>Both a Resident and Business Owner – Business Answers</th>
<th>If your answers to the previous question(s) were that you are unsatisfied, what are the key issues you have with your current provider?</th>
</tr>
</thead>
</table>
|                                                       | • data limits and reliability issues  
• No choice  
• Ethernet interruptions |
|                                                       | Do you have any other comments, questions, or concerns about your current or future Internet service? |
|                                                       | • Please don’t continue to expand what the town tries to do. Focus on effectively and efficiently managing the programs you already have. I’m not trying to be offensive or insensitive to Council Members or town employees, but let’s try to do well at necessary and essential government functions. Don’t stick your fingers in another area that will waste money and be inefficiently managed. |
| Visitor/Temporary Resident | If your answers to the previous question(s) were that you are unsatisfied, what are the key issues you have with your current service? | • Too expensive  
• Download delays |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee in Avon (Live Elsewhere)</td>
<td>If your answers to the previous question(s) were that you are unsatisfied, what are the key issues you have with the current provider?</td>
<td>• speed and reliability</td>
</tr>
</tbody>
</table>
TO: Honorable Mayor Smith-Hymes and Council members  
FROM: Chief Greg Daly and Sergeant John Mackey  
RE: Proposal for Department Wide Individually Assigned Take Home Patrol Vehicles for all Sworn Officers  
DATE: July 26, 2022

SUMMARY: Recruitment and retention are currently two of the hardest challenges facing policing in the United States. Unfortunately, the Avon Police Department has not been immune to these challenges, particularly in the last year. In the past, we have had ten to fifteen applicants for one police vacancy. Now, we are lucky to receive one application. We have been extremely fortunate to attract some excellent candidates locally who want to serve, but the process has been immensely challenging. As a Town we are constantly reviewing our salaries, benefits, and sign on bonuses (which we do not currently offer) against our direct competitors Vail PD and the Eagle County Sheriff's Office. We also evaluate against Summit County Sheriff’s Office, Silverthorne PD and Breckenridge PD.

However, we are currently suffering from a competitive disadvantage, that is, a take home car policy for all officers. All other law enforcement agencies in Eagle County have instituted an individual take home car policy to include Vail PD, Eagle PD, Eagle County Sheriff’s Office, Basalt PD, and the Colorado State Patrol.

MANAGERS COMMENTS: I support moving to assigned vehicles for each officer. Chief Daly and Sergeant Mackey have analyzed the benefits and incremental costs. First and foremost, I see this as an important recruitment and retention policy that matches existing policies with our neighboring law enforcement agencies. There are other valuable benefits in response time and reduction in vehicle maintenance costs.

BACKGROUND: The Avon Police Department has traditionally had a take home car policy for Chief, Deputy Chief, Sergeants, and Detective. Chief Daly previously submitted a council report explaining the rationale for the current APD take home policy. That previous report is attached to this report. Our twelve police officer positions share six assigned cars, two officers per car. Officers are authorized to drive their assigned vehicles to their residence during their three day or four-day duty tours. Officers work 11.5-hour shifts, with three days on, three days off, four days on, four days off over a 14 period. The schedule changes every four months and officers have to work at least one rotation of day and night shifts within the calendar year.

This proposal requests the purchase of six additional police Hybrid Ford Interceptor vehicles to achieve a department wide, one to one vehicle, assignment for all officers. The estimated cost to this once off purchase is $450,000. Note that the average cost of vehicles has recently jumped from $39,500 for a Police Ford Hybrid Interceptor to $45,000.

The proposal requests that the purchase price and emergency equipment upfit cost of these vehicles would come from the Capital Projects Fund AKA Capital Improvement Program (CIP). A replacement funding schedule will be set up, whereby the police department budget will transfer funds annually over a six to
seven-year period for future replacement of the vehicles. We will aim for a seven-year replacement but as the vehicle nears 100,000 miles, maintenance costs increase significantly and auction resale value decreases. We will continue to evaluate the overall fleet on an annual basis.

Craig Wilmers, Fleet Manager has an order in for two F-150 Lightning Electric Vehicles (costing approximately $50,000 per vehicle) for our Facilities Department since January 2022. It would appear that it may be up to two years before delivery for these highly sought-after vehicles. As a Town we will evaluate these incoming vehicles as possible future replacements for our Hybrid vehicles. We will evaluate the F-150 Lightning’s ability to operate in the Avon summer and winter environments and also evaluate charging station needs (approximately $75,000 for a Type II, $35,000 for a type III) and at home charging requirements for future vehicle replacements.

The primary reasons for take home cars are as follows:

- Recruitment and retention tool. With an additional six vehicles we would match Vail PD, Eagle County Sheriff’s Office, Eagle PD, Basalt PD, and the Colorado State Patrol with an individually assigned take home patrol vehicle program. Vail PD have expanded from six take home vehicles with an aim to get thirty-two (32) take home vehicles, for thirty-two sworn officers. Vail PD has a plan to hire an additional four overhire patrol positions. Vail PD authorizes officers to commute from home up to a limit of 45 minutes’ drive time. The Eagle County Sheriff’s Office purchased eleven (11) new Ford interceptor Hybrids to be able to continue to provide a one-to-one take home policy for each deputy. Deputies can drive up to 70 miles outside of the county border into Garfield County in their assigned take home vehicles. The Eagle County Sheriff’s Office currently has forty-six (46) "patrol" vehicles. This does not include detective’s, administration, and jail vehicles.
- Emergency response capability - emergency response back to Avon while officers are on their way home, while on their way into work, or when officers are off duty and there is a need to respond with lights and sirens to an emergency in town with all emergency response equipment on board.
- All Avon PD officers live in Gypsum, Eagle and one in Dillon. There is currently no available attainable affordable housing currently in the Avon Area.
- There will be a slightly longer replacement schedule for single assigned vehicles versus two officer assigned vehicles. Currently there is a five-year replacement schedule on dual officer assigned vehicles. Single officer assigned vehicles could increase replacement to six/seven years, based on mileage, maintenance costs and performance.
- One to one vehicle assignment typically increases pride in ownership, accountability, and longer useful life out of patrol vehicles. One to one assignment can increase officer morale.
- Achieving Climate Action Collaborative goals and reducing overall carbon footprint. Officers would drive more fuel-efficient Hybrid vehicles versus older personal cars and some larger personally owned less efficient trucks.
- Specialized officers like SWAT and crime scene investigators can carry their assigned equipment in their take home vehicles, reducing the time of having to come to the PD to collect and transfer that equipment. Transferring this equipment at the start and end of shifts currently accumulates lost employee work hours.
- A design evaluation of a possible car port to cover and store vehicles at the PD has come in at approximately $800,000. There would not be a need for a car port if all vehicles were take home vehicles.
- A byproduct of increased traffic safety on Interstate 70 where marked vehicles are driving westbound and eastbound. Motorists slow down and obey traffic laws when they observe police
vehicles on the interstate. Additionally, officers may stop and offer assistance on motor vehicle accidents until the Colorado State Patrol is on scene.

Here are some take home vehicle studies:

- Police Vehicle “Take Home” Study. The most comprehensive study regarding take home vehicles was done by the City of Tacoma, Washington. They used the outside consulting firm of Mercury Associates. The lead analyst was a professor from the University of North Carolina. The consultant’s report compared a fleet of 30 assigned vehicles to a pool of 34 vehicles. The study covered an 8-year accounting period. In this study they found the following:
  1. Operating costs per mile were 30% lower for assigned rather than pooled vehicles.
  2. Pooled vehicles had to be replaced every 20 to 26 months compared to an average of 60 months for assigned vehicles.
  3. Officers who take vehicles home typically render a significant amount of service while “off-duty”.
  4. One of the most significant reductions for assigned vehicles was due to lower accident and damage repair costs. The City of Tacoma found that a pool vehicle averaged $8,400 in damage, while an assigned vehicle required only $1,375 per year. Over the 8-year period, a fully assigned vehicle fleet would generate a total of $189,000 in accident and damage work compared to $365,000 for a full fleet of pooled vehicles.
  5. On average when using a pool car, it took between 28 to 40 minutes per day to check-out, load, and/or unload their pool car. On average a pool car was unavailable 5.6 days a month due to repairs, lost keys, etc. Changing to another car averaged 25 minutes, thereby adding an additional eight minutes per day to non-productive time. This equates to approximately 13 non-productive days per year. This does not include the paid time officers may take to get into uniform once they arrive at the station.
  6. The City of Tacoma found it was better for deputies to have take-home cars. The analysis showed the City saved $200,000 a year by just not having to provide a secured parking facility for 263 police vehicles. Additionally, the consultants provided a neighborhood questionnaire and survey to all of Tacoma’s neighborhood councils regarding take home vehicles. The responses indicated they believed the two most important benefits of an assigned take-home vehicle program were: quicker response and to deter crime. The two biggest concerns were vehicles get too much extra wear and tear and it provides incentive for officers to live outside of city. https://studylib.net/doc/7808456/police-vehicle-take-home-study

- Take-Home Vehicle Program, William M. Woods. In this analysis, several studies were consulted for this paper; each study contained analysis of the benefits and costs associated with a take-home vehicle program. With 96% of the surveyed agencies saying they feel a take-home vehicle program is beneficial to their community. Research showed that take-home vehicle programs increased the opportunity for officer contacts, rapid deployment, and availability of personnel to quickly respond. Within the extensive research by D. Lauria (2007) for Tacoma, Washington, and Smith and Banyan (2010) for Cape Coral, Florida, the following advantages were evident for take-home vehicles:
  • Rapid response to emergency call outs.
  • Vehicles last longer than fleet cars due to better maintenance and care.
  • Time saved without having to check and move around personal equipment.
  • Increase police visibility.
• Major selling point in recruiting.
• Increase officers’ morale and enhance their overall professional image.
• Saves government money in the long run.
https://www.fdle.state.fl.us/FCJEI/Programs/SLP/Documents/Full-Text/Woods,-William-paper
• Assigned Vehicle Program, Pima County Sheriff’s Department, Arizona, discussed all aspects of a take home vehicle program from increased vehicle longevity, maintenance, force multiplier to Homeland Security.

CURRENT FLEET:

<table>
<thead>
<tr>
<th>Vehicle Number</th>
<th>Assigned to</th>
<th>Purchase year</th>
<th>Replacement year</th>
</tr>
</thead>
<tbody>
<tr>
<td>352 Chevy Tahoe</td>
<td>Chief</td>
<td>2016</td>
<td>2022</td>
</tr>
<tr>
<td>354 Chevy Tahoe</td>
<td>Deputy Chief</td>
<td>2018</td>
<td>2024</td>
</tr>
<tr>
<td>353 Chevy Tahoe</td>
<td>Officers</td>
<td>2018</td>
<td>2023</td>
</tr>
<tr>
<td>355 Chevy Tahoe</td>
<td>Sergeant</td>
<td>2018</td>
<td>2023</td>
</tr>
<tr>
<td>357 Chevy Tahoe</td>
<td>Sergeant</td>
<td>2019</td>
<td>2024</td>
</tr>
<tr>
<td>358 Chevy Tahoe</td>
<td>Officers</td>
<td>2019</td>
<td>2024</td>
</tr>
<tr>
<td>359 Chevy Tahoe</td>
<td>Officers</td>
<td>2019</td>
<td>2024</td>
</tr>
<tr>
<td>360 Chevy Tahoe</td>
<td>Sergeant</td>
<td>2019</td>
<td>2024</td>
</tr>
<tr>
<td>349 Crashed Chevy Tahoe- being replaced by Ford F-150 Hybrid</td>
<td>Officers</td>
<td>2016</td>
<td>2022</td>
</tr>
<tr>
<td>361 Chevy Tahoe</td>
<td>Det. Sergeant</td>
<td>2019</td>
<td>2025</td>
</tr>
<tr>
<td>362 Chevy Tahoe</td>
<td>Detective</td>
<td>2019</td>
<td>2025</td>
</tr>
<tr>
<td>363 Ford Hybrid Interceptor</td>
<td>Code enforcement/ backup patrol vehicle</td>
<td>2020</td>
<td>2026</td>
</tr>
<tr>
<td>364 Ford Hybrid Interceptor</td>
<td>Officers</td>
<td>2021</td>
<td>2027</td>
</tr>
<tr>
<td>365 Ford Hybrid Interceptor</td>
<td>Sergeant</td>
<td>2021</td>
<td>2027</td>
</tr>
<tr>
<td>366 Ford Hybrid Interceptor</td>
<td>Officers</td>
<td>2021</td>
<td>2027</td>
</tr>
</tbody>
</table>
### CURRENT FLEET FINANCIAL INFORMATION (based 2022 budget financials)

<table>
<thead>
<tr>
<th>Vehicle/ Equipment</th>
<th>311 Administration</th>
<th>312 Patrol</th>
<th>313 Investigations</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle replacement transfer from PD budget</td>
<td>$42,139</td>
<td>$175,916</td>
<td>$17,615</td>
<td>$235,670</td>
</tr>
<tr>
<td>Fuel</td>
<td>$5,123</td>
<td>$32,153</td>
<td>$6,244</td>
<td>$43,520</td>
</tr>
<tr>
<td>Maintenance</td>
<td>$6,240</td>
<td>$49,826</td>
<td>$7,332</td>
<td>$63,398</td>
</tr>
<tr>
<td>Insurance</td>
<td>$4,117 (additional $2,523.78 for trailers not included here)</td>
<td></td>
<td></td>
<td>$4,117</td>
</tr>
<tr>
<td>CERF transfer for in car computers</td>
<td></td>
<td></td>
<td></td>
<td>$10,850</td>
</tr>
<tr>
<td>Axon fleet annual charges for in car cameras</td>
<td></td>
<td></td>
<td></td>
<td>$29,952</td>
</tr>
<tr>
<td><strong>Overall fleet total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$387,507</strong></td>
</tr>
</tbody>
</table>

### FINANCIAL CONSIDERATIONS:

**Breakdown of Purchase Cost per vehicle:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase price of vehicle</td>
<td>$45,000 (Ford Hybrid Interceptor)</td>
</tr>
<tr>
<td>Emergency equipment upfit- lights, sirens, push bar, prisoner/detainee compartment, equipment vault</td>
<td>$20,000</td>
</tr>
<tr>
<td>Mobile Data Terminal (in car computer)</td>
<td>$3,400</td>
</tr>
<tr>
<td>In car camera system</td>
<td>$2,496</td>
</tr>
<tr>
<td>E-citation software, printer, annual maintenance</td>
<td>$850</td>
</tr>
<tr>
<td>Verizon cellular plan for MDT and in car camera</td>
<td>$516</td>
</tr>
<tr>
<td>Breakdown of annual cost per vehicle:</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>In car camera Axon annual cost: $2,496</td>
<td></td>
</tr>
<tr>
<td>Fleet maintenance cost: $4,500</td>
<td></td>
</tr>
<tr>
<td>Gas (approximately 16,000 per year at average 24 miles per gallon @ $4.22 per gallon): $2,813</td>
<td></td>
</tr>
<tr>
<td>CIRSA vehicle Insurance: $240.73</td>
<td></td>
</tr>
<tr>
<td>Verizon cellular plan: $516</td>
<td></td>
</tr>
<tr>
<td>CERF transfer for in car computer: $875</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong> $11,441</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Breakdown of Capital Equipment Replacement Fund (CERF) annual transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purchase</strong></td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>$72,262</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional six vehicles future costs per year</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Vehicle replacement transfer</strong> $57,648</td>
</tr>
<tr>
<td><strong>In car camera Axon annual costs</strong> $14,976</td>
</tr>
<tr>
<td><strong>Fleet Maintenance</strong> $27,000</td>
</tr>
<tr>
<td><strong>Fuel</strong> $16,880</td>
</tr>
<tr>
<td><strong>CIRSA Insurance</strong> $1,444</td>
</tr>
<tr>
<td><strong>Verizon cellular plan $516 per car</strong> $3,096</td>
</tr>
<tr>
<td>CERF transfer for in car computer $875 per car</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Total additional costs</td>
</tr>
</tbody>
</table>

- **Current fleet annual cost** to include Capital Equipment Replacement Fund (CERF) transfers, fuel, maintenance, axon in car camera plan, in car computer CERF transfer and insurance- $387,507.
- **Cost per each additional vehicle** to include purchase price, emergency equipment, in car computer, in car camera system, e-citation software, printer, annual maintenance, Verizon cellular plan- $72,262
- **Annual cost for each additional vehicle** to include in car camera Axon annual cost, Fleet maintenance cost, Gas, CIRSA vehicle Insurance, Verizon cellular plan and CERF transfer for in car computer- $11,441 x 6 = $68,646
- **Annual CERF transfer for six vehicles** from PD budget over a 7-year period- per vehicle is $9,608 x 6 = $57,648
- **Total annual costs for six additional vehicles** per year to include Vehicle replacement transfer (CERF), Fuel, Maintenance, and Insurance- $126,294
- **New total would be** $387,507 plus $126,294 = $513,801

Thank you, Chief Greg Daly, and Sergeant John Mackey


###
TO: Eric Heil, Town Manager
CC: Mayor Smith Hymes and Council Members
FROM: Greg Daly, Chief of Police
RE: Police Take Home Vehicles
DATE: January 19, 2021

SUMMARY: This report is submitted at the request of the Town Manager to provide comprehensive information on the current policy of providing individually assigned take home vehicles for a portion of the Avon Police Department personnel. The Avon Police Department assigns individual vehicles to the Chief, Deputy Chief, Sergeants and Detective who have extensive on call responsibilities. These individuals are not financially compensated for their extensive on call responsibilities. This document provides an analysis of the facts regarding the rationale for the current assignments, costs of those vehicles, comparisons with surrounding Eagle County and other Peer Law enforcement agencies and examples of when these individually assigned vehicles have been used outside of normal work schedules.

TOWN MANAGER'S COMMENTS: Based upon a review of the incremental costs of take-home vehicles, benefits in response time, benefits in recruitment and retention, and review of the policies in peer communities, I believe the current policy and practice of individually assigned take home vehicles is appropriate. I do not recommend any change at this time.

BACKGROUND: For at least the last fifteen (15) years, Avon Police Department personnel who are subject to on call responsibilities have operated individually assigned vehicles (IAV) These vehicles are referred to as “take home” and are town owned and maintained emergency response vehicles. The staff members with extensive on call responsibilities include the Chief, Deputy Chief, Sergeants and Detectives. Prior to the last fifteen (15) years, Avon Police officers had a one to one vehicle plan, where all officers and supervisors had an individually assigned take home vehicle.

There are currently nine (9) individually assigned take home vehicles. The nine (9) vehicles are assigned to the Chief, Deputy Chief, five (5) Sergeants, Detective Sergeant and one (1) Detective.

Current Avon Police Department vehicle fleet:

- Six (6) black and whites - with two (2) officers assigned to each vehicle (from opposite sides of the work week) Note: At least one vehicle, sometimes two, are regularly down at fleet for preventive maintenance, warranty work or in need of repairs.
- Nine (9) assigned take home vehicles Five (5) are unmarked (Chief, Deputy Chief, Detective Sergeant, Detective and part time Sergeant) and four (4) are black and whites for the four (4) patrol sergeants.
- One (1) community response vehicle (Ford hybrid interceptor) - for Community Response Officer duties but also as a backup vehicle when a patrol vehicle is down for repairs or maintenance
One (1) older 2009 Ford hybrid pool vehicle (hold over, fully paid off) for police cadets to commute to the police academy. The cost benefit analysis definitively points to using this older (paid off) fuel efficient hybrid versus paying significant fuel mileage cost for personal vehicle use (56c per mile).

BENEFITS OF INDIVIDUALLY ASSIGNED TAKE-HOME VEHICLES: The main rationale for an individually assigned take home emergency response vehicle is described as follows:

- Supervisors and detectives can respond from their residence in their Town-maintained emergency response vehicles, at times, using lights and sirens to get safely to an emergency incident in Avon.
- Supervisors and detectives respond with all their assigned emergency equipment to include their rifles and other equipment. This provides an appropriate response time both to fellow officers who need an expedited response and to the citizens, residents and guests of Avon who have come to expect a high level of professional response by their police department.
- Equipment carried by supervisors and detectives (not including SWAT equipment); electronics e-ticket printer, mobile data terminal, charging cables, finger print scanner, portable breath testing device, window tint meter, material hazard materials book, victim resource books, domestic violence investigation forms, accident info exchange forms, Colorado revised statute blue book, multiple forms, parking ticket envelopes, statements, business cards, posse box, patrol bag apparel high visibility vest, high visibility jacket, warm jacket, warm gloves, hats, yak tracks, snow shoes (some supervisors) gear eye protection, ear protection, protective arrest control gloves, personal protective equipment (PPE), flashlights, spit hoods, anti-bite hoods, RIPP leg restraint, belly handcuff restraint belts, aggressive prisoner restraint, flex cuffs, hand sanitizer, masks, PPE gowns, PPE nitrile gloves, plate carriers, dog catcher tools investigatory tools cones, flares, roll-a-tape, marking chalk, excursion tape, latent print kit, NIK drug testing kits rescue gear swift water/lake ice rescue gear, breaching tools, 40 mm launcher sight sound diversionary device (flash bangs) in magazine, shield, first aid kit, Narcan, AED, blankets, fire extinguisher, less lethal shotgun, active shooter bag, trauma kit, unlock tools, spike strips, glass breaker, wildland fire evacuation marking tape roll firearms breaching shotgun (if certified), breaching rounds, rifle, extra ammo. SWAT for those supervisors with SWAT responsibilities; SWAT heavy vest, SWAT uniforms, helmet, rifle shield, snowshoes and poles (Exhibit C).
- Supervisors/detectives who are not on call can be summoned to a town wide emergency with all of their response equipment like a wildland fire or gas line fire. For example, in an emergency, multiple supervisors can respond to Town with all of their emergency equipment and efficiently respond directly to a scene e.g. structure fires at Chambertin, Beaver Bench fires x 2. Another example was the officer involved shooting at Walgreens, where Deputy Cosper was on his way home from work in his assigned vehicle and was able to turn around and arrive on scene as the shots were fired. Chief Daly and Sgt. Churches were able to respond from their residences directly to the incident scene with all needed response equipment.
- There is a lot of evidence/literature/research that individual assigned take home cars are better maintained and last longer than those vehicles that are pooled or shared.

All other agencies in Eagle County operate one to one car plans for supervisors and detectives and the majority of agencies in Eagle County operate a one to one car plan for all of their officers/deputies or troopers.

Individually assigned take home vehicles are a recruitment and retention benefit so that Avon is comparable and competitive with other public safety agencies. There is significant job retention related to individually assigned patrol vehicles. Basalt Police Department has a current job advertisement with the statement “Take home vehicles are issued to all Officers. Limited up to Silt” (copy of job advertisement attached as Exhibit B)

Only four of the assigned take home cars are black and whites, driven by the four patrol sergeants. Effectively there is a more visible Avon PD vehicle traveling and returning from the west of county approximately once every twelve (12) hours.

The current estimated commuting miles per year for the nine assigned vehicles is 89,018. The estimated fuel cost is $7,363 (approximately .175% of PD budget) (2021 PD budget is $4,194,557) The estimated maintenance for the same commuting miles is 89,018 miles x .25c= $22,254.50 (.53% of budget). Combining both fuel and maintenance is $29,617.50 per year, .7% of PD budget and on average $3,290.80 per vehicle per year.

On call expectations include that the supervisor or detective will not consume alcohol while they are on call, that they will be within a reasonable period of time to respond back to their residence if they have to respond to an emergency in town and they are required to have their work cell phone with them. If they are going to be out of cell phone coverage, they ensure that there is another supervisor available etc. We have policies covering take home vehicles and on call expectations; GO 920 APD Vehicle Operations and GO 1210 Off Duty Requirements & Manpower Availability

If supervisors/detectives were to drive their non-town maintained personal vehicle to Town, under emergency circumstances, if anything were to happen to them as they respond, for example, they were involved in a motor vehicle accident, they would be under town work comp (as they are paid from when they receive a page or phone call) and also their personal vehicle may have to be covered by the town if required to respond in a personal vehicle. Per the Colorado Intergovernmental Risk Sharing Agency (CIRSA), insurer for the Town of Avon, if the employee were driving in the performance of their duties and within the scope of their employment and had an accident that was their fault, CIRSA would pay the liability loss, including any 3rd party bodily injury or property damage to anyone else who is injured. Any physical damage to the car itself may have to be paid by the employee’s insurance but that would need to be a decision by the Town regarding damage to a personal vehicle while in the performance of their duties. Any loss amount paid on liability could impact the town’s loss experience and future contributions. If someone else is at fault and the employee was driving within the course and scope of their duties, CIRSA would pay the claim and subrogate against the at-fault party. This could happen in a vehicle that is not maintained by the town fleet department and driving on tires that are not mounted or maintained by fleet mechanics.

Under Internal Revenue Service (IRS) rules, use of a qualified nonpersonal use vehicle, including commuting, is excludable to the employee as a working condition fringe benefit if the specific requirements for the type of vehicle are met. A qualified nonpersonal use vehicle is any vehicle that the employee is not likely to use more than minimally for personal purposes because of its design.
Qualified nonpersonal use vehicles generally include: Clearly marked police, fire or public safety officer vehicles or unmarked vehicles used by law enforcement officers if the use is officially authorized; https://www.irs.gov/pub/irs-pdf/p5137.pdf

- Personal vehicles do not have gun locks or secure gun vaults storage for weapons. If a department issued weapon were stolen from a personal vehicle, there would a significant public safety concern and potential legal liability.

- Many police supervisors carry light/sound diversionary devices (flashbangs) in their assigned vehicles as less lethal tools to resolve critical incidents. The Federal Bureau of Alcohol, Tobacco and Firearms regulates explosive devices and dictates that these devices must be transported in an official designated emergency response vehicle with a type 3 explosive magazine preferably within a weapons vault. We keep these explosive magazines in the weapons storage vault in our assigned emergency response take home vehicles.

- Avon PD supervisors and detectives regularly assist Eagle County Sheriff’s Office or the Colorado State patrol with traffic accidents on the Interstate between Avon and Gypsum. This reflects the excellent cooperation and partnership with our neighbors in Eagle County. We have excellent working relationship with the Eagle County Sheriff’s Office and Colorado State Patrol where deputies/ troopers will respond to assist Avon Police Officers on critical incidents. In turn, Avon Police Officers will respond out to the county to assist on critical calls. We have an intergovernmental agreement with the Eagle County Sheriff that allows Avon Police Officers to take enforcement action within one quarter mile of Town limits, on DUI/Drug Task forces, on the Eagle County Special Operations Unit (SWAT) and if an Avon Officer observes a public safety traffic concern while they are in unincorporated Eagle County.

- There are four (4) supervisors who are also assigned to the Eagle County Special Operations Unit. With IAVs, they have all their assigned SWAT equipment and can react from home to Avon and to anywhere in the county to assist on a SWAT call.

- As compared with other agencies, we only assign take home vehicles to those positions with on call responsibilities except for the two (2) patrol SWAT officers (who are on call for SWAT call outs) who must move their gear back and forth between their personal vehicles and their assigned patrol vehicles every shift. Note: as one SWAT officer was moving his SWAT gear from his personal vehicle and preparing his patrol vehicle for shift, he broke his ankle on black ice in the PD parking lot.

- The four-patrol sergeants operate on four different time frames. One sergeant is on days and one sergeant on nights, Sunday through Tuesday with alternate Saturdays. The other two sergeants work a day shift and a night shift on Wednesday through Friday and work alternate Saturdays. The Detective Sergeant works Monday through Thursday and the Detective works Tuesday through Friday. The part time sergeant works a variable shift depending on department requirements. The Chief and Deputy Chief work predominantly Monday through Friday with extensive hours, sometimes late into the night (community outreach events, meetings and town council meetings) or early in the morning. Overall, there is a lot of fluidity in shift schedules and far from a 9-5 existence in other departments. There is no ability to carpool due to varying schedules and each supervisor and detective carries extensive emergency response equipment in their individually assigned emergency response vehicles. As mentioned earlier, all other Eagle County law enforcement
agencies have individually emergency response vehicles assigned to their supervisors and detectives.

- All Avon PD officers live in Eagle or Gypsum (with one in Dillon) due to the traditional cost of housing in Avon versus the west end of the county. There is no employee housing in Avon available to Avon Police Officers. Nearly all Aspen PD and Snowmass PD officers live within their jurisdictions in employee housing.

- Ancillary benefits for our sister communities are police cars parked outside of homes, elevating the safety and security to that neighborhood.

- There is also the safety benefit of traffic on I-70 as Avon Police vehicles drive west and east, contributing to slowing traffic to the speed limit and enhancing traffic safety and reducing traffic accidents.

**ANATOMY OF A RESPONSE BY SUPERVISORS/ DETECTIVES**

**SUMMER**

**TAKE HOME CAR**

1. Receive notification by phone at home and get sizeup of situation. Give initial guidance/direction/instruction to officers.
2. Turn on mobile handheld radio and monitor the situation while getting dressed.
3. Carry less lethal shot gun and rifle out to patrol car and depart for Avon.
4. Monitor in car radio and give guidance/direction/instruction to officers
   - a. If an event is in progress respond code 3 (lights and siren) (30.4 miles from DC Cosper’s residence in Gypsum: 23.36 minutes response time if 10 mph over posted speed limit. Can be shorter time if traveling faster. Lights and sirens assist with getting through traffic issues while en route to an incident.
   - b. If event is not in progress respond routine speed (no lights and siren obeying posted speed limit signs) (30.4 miles from DC Cosper’s residence in Gypsum: 31 minutes response time)
   - c. If there is construction, traffic control or accidents we can coordinate with CDOT, CSP, ECSO for clearance to proceed and use emergency lanes etc.
5. Respond to scene and take command of incident

**PERSONAL VEHICLE**

1. Receive notification by phone at home and get sizeup of situation. Give initial guidance/instruction to officers.
2. Turn on mobile handheld radio and monitor the situation while getting dressed.
3. Depart for Avon in personal vehicle.
a. If event in progress respond routine speed (no lights and siren obeying posted speed limit signs) (30.4 miles from DC Cosper's residence in Gypsum: 31 minutes response time)

b. If event not in progress respond routine speed (no lights and siren obeying posted speed limit signs) (30.4 miles from DC Cosper's residence in Gypsum: 31 minutes response time)

c. If there is construction, traffic control or accidents you must obey and wait for clearance to proceed.

d. Try to listen to handheld radio but is not as effective as the in-car radio.

4. Arrive at PD and obtain a patrol vehicle, war bag with documentation, e-citation, body camera, shield, less lethal shot gun, 40mm precision munition launcher and patrol rifle.

5. Carry equipment out to patrol vehicle (2 trips), start vehicle, stow equipment.

6. Conduct vehicle operational inspection for emergency lights and sirens.

7. Respond to scene and take command of incident. (If this is an assist down valley in Edwards, Eagle or even Gypsum where the officer began, additional response 60-mile round trip)

WINTER

TAKE HOME CAR

1. Receive notification by phone at home and get sizeup of situation. Give initial guidance/direction/instruction to officers.

2. Remote start patrol vehicle from inside house to thaw car while getting dressed.

3. Turn on mobile handheld set radio and monitor the situation while getting dressed.

4. Carry less lethal shot gun and rifle out to patrol car and depart for Avon.

5. Monitor radio and give guidance/direction/instruction to officers

   a. If event in progress respond code (lights and siren) (30.4 miles from DC Cosper's residence in Gypsum: Response times are uncertain as road conditions may be hazardous)

   b. If event not in progress respond routine speed (no lights and siren obeying posted speed limit signs) (30.4 miles from DC Cosper's residence in Gypsum: Response times are uncertain as road conditions may be hazardous)

   c. If there is construction, traffic control or accidents we can coordinate with CDOT, CSP, ECSO for clearance to proceed and use emergency lanes etc.

6. Respond to scene and take command of incident

PERSONAL VEHICLE

1. Receive notification by phone at home and get sizeup of situation. Give initial guidance/instruction to officers.

2. Turn on mobile handheld radio and monitor the situation.
3. Go out and clean off car and thaw it out.
4. Go back inside and get dressed.
5. Depart for Avon in personal vehicle.
   a. If event in progress respond routine speed (no lights and siren obeying posted speed limit signs) (30.4 miles from DC Cosper residence in Gypsum: Response times are uncertain as road conditions may be hazardous)
   b. If event not in progress respond routine speed (no lights and siren obeying posted speed limit signs) (30.4 miles from DC Cosper residence in Gypsum: Response times are uncertain as road conditions may be hazardous)
   c. If there is construction, traffic control or accidents we must obey and wait for clearance to proceed.
   d. Try to listen to handheld radio but is not as effective as the in-car radio.
6. Arrive at PD and obtain a patrol vehicle, war bag with documentation, e-citation, body camera, shield, less lethal shot gun, 40mm precision munition launcher and patrol rifle.
7. Carry equipment out to patrol vehicle (2 trips), start vehicle, stow equipment.
8. Clean and thaw patrol vehicle.
9. Conduct vehicle operational inspection for emergency lights and sirens.
10. Respond to scene and take command of incident. (If this is an assist down valley in Edwards, Eagle or even Gypsum where the officer began, additional response 60-mile round trip)

**COMPARISON TO PEER COMMUNITIES:** Supervisors and detectives from the Eagle County Sheriff’s Office, Vail PD, Eagle PD, Basalt PD and the Colorado State Patrol have individually assigned take home vehicles. In addition, every police officer, deputy, and nearly every trooper at the Eagle County Sheriff’s Office, Eagle PD, Basalt PD and the Colorado State Patrol have individually assigned take home cars. Vail PD has fourteen (14) individually assigned take home cars for chief, commanders, detectives, and some sergeants and officers. They have an additional eight (8) patrol vehicles, two (2) reserve patrol vehicles and three (3) code enforcement vehicles at the police department. They currently have a total of twenty-four (24) patrol vehicles. They have a plan to expand their individually assigned take home cars to all thirty-two (32) officers. Currently Vail PD provides one to one take home cars to 43.75% of their officers. Avon PD provides one to one take home cars to supervisors and detectives, equating to 42.86% of all officers (to include part time sergeant).

The Eagle County Sheriff’s Office have fifty-four (54) individually assigned vehicles. Deputies travel to their individual residences in these assigned vehicles. Deputies can travel as far as Rifle (40 miles past the county border).
### INDIVIDUALLY ASSIGNED VEHICLES BY VARIOUS AGENCIES

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of Vehicles</th>
<th>Supervisors &amp; Detectives Have IAVs?</th>
<th>Patrol Officers have IAVs?</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eagle County Sheriff's Office</td>
<td>54</td>
<td>Yes</td>
<td>Yes</td>
<td>Deputies can take their vehicle to their out of county residence as far as Rifle (40 miles from county line) and to Leadville.</td>
</tr>
<tr>
<td>Summit County Sheriff's Office</td>
<td>54</td>
<td>Yes</td>
<td>Yes</td>
<td>Command staff are authorized to use as personal vehicle anywhere in the state.</td>
</tr>
<tr>
<td>Vail Police Dept.</td>
<td>24</td>
<td>Yes, All detectives and majority of supervisors</td>
<td>Yes, some officers have take-home cars on a pilot basis, with a desire that all officers have take-home vehicles</td>
<td>14 take home cars and 10 vehicles based at station (2 of 10 are spare vehicles) Vail is looking at a take home vehicle policy for all officers. There are an additional 3 code enforcement vehicles.</td>
</tr>
<tr>
<td>Colorado State Patrol</td>
<td>16 (in Eagle County)</td>
<td>Yes</td>
<td>Yes (majority of Troopers have take-home vehicles)</td>
<td>All troopers have take-home vehicles. There are car partners when CSP are fully staffed. Car partners are on opposite schedules, so one is on duty while the other is on days off.</td>
</tr>
<tr>
<td>Avon Police Dept.</td>
<td>15</td>
<td>Yes</td>
<td>No</td>
<td>Take home east to Vail and west to Glenwood Springs.</td>
</tr>
<tr>
<td>Eagle Police Dept.</td>
<td>12</td>
<td>Yes</td>
<td>Yes</td>
<td>Officers can take home as far as Silt.</td>
</tr>
<tr>
<td>Basalt Police Dept.</td>
<td>12</td>
<td>Yes</td>
<td>Yes</td>
<td>11 for patrol and 2 for code enforcement. All deputies must live in county no further than 45 minutes out. $4 an hour for on call.</td>
</tr>
<tr>
<td>Telluride Marshall’s Office</td>
<td>13</td>
<td>Yes</td>
<td>Yes</td>
<td>Includes one traffic/ parking control vehicle that can function as a patrol vehicle and one community response/animal services Ford F150.</td>
</tr>
<tr>
<td>Snowmass Village Police Dept.</td>
<td>11</td>
<td>Yes</td>
<td>Yes</td>
<td>9 for officers, 1 for animal control, 2 for community service officers, 1 for Detectives, 1 for commanders and 1 for Chief.</td>
</tr>
<tr>
<td>Steamboat Police Dept.</td>
<td>15</td>
<td>No except one for on call detective and one for Chief</td>
<td>No</td>
<td>Detective is not required to be on call. All officers are required to live within 40 miles of Breckenridge. They also have employee housing near the PD that officers can live up to 2 years in nice apartments at</td>
</tr>
<tr>
<td>Breckenridge Police Dept.</td>
<td>13</td>
<td>No except for Chief</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
FINANCIAL COSTS/ CONSIDERATIONS;

➤ The current estimated commuting miles per year for the nine assigned vehicles is 89,018. Chevy Tahoe, average highway fuel consumption of 22 miles per gallon (fueleconomy.gov) equates to 4,046 gallons per year. Multiplied by current fuel cost of $1.82 per gallon = $7,363 (approximately .175% of PD budget) (Proposed 2021 PD budget is $4,194,557) (Exhibit A)

➤ The estimated maintenance for the same commuting miles is 89,018 miles x .25c = $22,254.50 (.5%)

➤ In respect, to carbon emissions, there is no potential carbon savings as the supervisors/detectives would be driving their own personal vehicles to Avon. Personal vehicles range from 2004-2006 minivans, to 2013 Ford F-150 to a 2019 Dodge Ram truck. Carbon emissions are based on the per gallon fuel consumption. The overall average mile per gallon fuel consumption from these vehicles is similar to that of the patrol vehicles.

➤ The cost differential between the IAV’s commuting to the west end of the county versus being permanently stationed at the police department is; 89,018 miles minus 15% for necessary west end meetings and for transports to Eagle County Detentions etc. = 75,665 miles Fuel: 75,665 / 22mpg x $1.82 per gallon = $6,259.56/ Maintenance: 75,665 x .25c per mile = $18,916.25/ Estimated Total cost differential = $25,175 (.6% of PD budget)
### Individually Assigned Vehicle

**Patrol Ready** (5 total)

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Cost</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of Ford interceptor vehicle</td>
<td>$39,640</td>
<td>Covered through annual transfers from PD budget to the CERF fund</td>
</tr>
<tr>
<td>Cost of installing emergency lighting, siren, truck vault,</td>
<td>$12,482.30</td>
<td>Cost of installing emergency lighting, siren and truck vault.</td>
</tr>
<tr>
<td>Prisoner compartment and graphics</td>
<td>$3,819.10</td>
<td></td>
</tr>
<tr>
<td>Cost of installing and annual cost of in car camera system</td>
<td>$2,496</td>
<td>Line item in annual PD budget</td>
</tr>
<tr>
<td>Mobile Data Terminal (MDT)</td>
<td>$3,400</td>
<td>Covered through annual transfers from PD budget to the CERF fund. Not all vehicles have a new CERF MDT.</td>
</tr>
<tr>
<td>Radar</td>
<td>$1,975</td>
<td>Separate line item in PD budget. We haven't replaced any in 2020 or 2021*</td>
</tr>
<tr>
<td>Cost of purchase of eCitation printer (over 5 years), annual software cost and annual maintenance cost</td>
<td>$1,029 for printer</td>
<td>Covered through annual transfers from PD budget to the CERF fund</td>
</tr>
</tbody>
</table>

**Notes:** *We have $7,500 per year in PD budget for radar replacement on a five (5) year basis.*

<table>
<thead>
<tr>
<th>1</th>
<th>Initial Purchase and Equipping</th>
<th>2</th>
<th>Initial Purchase and Equipping</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Cost to Purchase and Equip Each</strong></td>
<td><strong>Patrol Ready Vehicle $64,841.40</strong></td>
<td><strong>Command/Investigations Vehicle $52,122.23</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Total Cost of 5 Vehicles $324,207 spread over 6 years</strong></td>
<td><strong>Total Cost of 4 Vehicles $208,488.92 spread over 6 years</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Cost to Purchase and Equip 9 Vehicles $532,695.92 spread over 6 years (avg. $9,864.73 per car per year)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>Cost</td>
<td>Equipment</td>
<td>Cost</td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
<td>----------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>1 CERF (over 6 years)</td>
<td>$10,806.90</td>
<td>1 CERF (over 6 years)</td>
<td>$8,687.04</td>
</tr>
<tr>
<td>2 Maintenance estimated .25 per mile per vehicle</td>
<td>$3,750</td>
<td>2 Maintenance estimated .25 per mile per vehicle</td>
<td>$3,750</td>
</tr>
<tr>
<td>4 Fuel currently estimated at $1.82 a gallon. On average 22 miles per gallon (fueleconomy.gov). Average miles 15,000 @ 22 mpg</td>
<td>$1,240.91</td>
<td>4 Fuel currently estimated at $1.82 a gallon. On average 22 miles per gallon (fueleconomy.gov). Average miles 15,000 @ 22 mpg</td>
<td>$1,240.91</td>
</tr>
<tr>
<td>7 Insurance- based on CIRSA premiums,</td>
<td>$240.73</td>
<td>7 Insurance- based on CIRSA premiums,</td>
<td>$240.73</td>
</tr>
<tr>
<td>8 MDT cell phone plan</td>
<td>$516 ($43 per month-incorporated in the annual dispatch contract. The MDT software is maintained under the Dispatch Software)</td>
<td>MDT cell phone plan</td>
<td>No MDT-Not Applicable</td>
</tr>
<tr>
<td>9 Cost of purchase of eCitation printer (over 5 years), annual software cost and annual maintenance cost</td>
<td>$850 per year</td>
<td>Cost of purchase of eCitation printer (over 5 years), annual software cost and annual maintenance cost</td>
<td>No eCitation printer-Not Applicable</td>
</tr>
</tbody>
</table>

**Total Cost to Operate Each Patrol Vehicle Annually**

$17,404.54 x 5 = $87,022.70

**Total Cost to Operate Each Command/Investigations IAV**

$13,918.68 x 4 = $55,674.72

**Total annual operating costs:** $142,697.42 / 9 = $15,855.27

plus, fuel and maintenance of $3279.72 per vehicle = $19,134.00 (includes CERF annual transfer to replace the vehicle)
ON-CALL RESPONSES IN INDIVIDUALLY ASSIGNED VEHICLES (FROM RESIDENCES OR WERE ON THEIR WAY HOME OR ON THEIR WAY INTO AVON):

2019

In Avon

- Gas explosion in Eagle Bend - 18 Dec 2019
- Walgreens officer involved shooting - 5 Dec 2019
- Domestic violence in progress call at Sunridge - 12 Nov 2020, 03 Sept 2019
- Suspicious party with a knife at gunpoint (Walmart bus stop) - 09 Sept 2019
- Suicide scene with suspicious circumstances - 14 Apr 2019
- Deputy chief Cosper conducted multiple Interviews on the way home or into work - (Background investigation checks x 3 for multiple locations and in multiple towns for multiple new hires
- Detective Baldwin:
  - February 13, 2019 – Safe Driving Steering committee on day off
  - February 24 – February 25, 2020 – Training Officer in Training Sandoval on training warrant hunting throughout Eagle County.
  - April 13, 2019 – Retirement Board Meeting on day off.
  - June 30, 2019 – Assist ECSO with Sex Offender home search warrant
  - July 8, 2019 – Covered ECSO jail for employee funeral
  - July 29, 2019 – Latino Citizen Academy wet lab on day off
  - August 29, 2019 – Stayed late for sex assault victim interview
  - September 7, 2019 – Triathlon traffic control on day off
  - September 17 – September 20, 2019 – Sex Offender Registry Conference
  - September 23, 2019 – Standardized Field Sobriety Testing Instructor Update Rifle
  - September 30, 2019 – Citizen Academy wet lab on day off
  - October 14 – October 25, 2019 – Supervisory Institute Gypsum
  - November 4, 2019 – Citizen Academy range night on day off
  - November 12, 2019 – Glock Armorer school Lakewood
  - December 9, 2019 – Motions Hearing on day off
  - December 16, 2019 – Covered patrol officers on day off
  - February 25, 2019 – Written test for sergeant testing on day off
  - March 4, 2019 – Oral board test for sergeant testing on day off
  - March 11, 2019 – Motions Hearing on day off
  - April 1, 2019 – Phone interview concerning attempted murder case on day off
  - June 2, 2019 – Active shooter training on day off
  - June 24, 2019 – Human Trafficking training on day off
Assists to other Eagle County agencies

We have and continue to assist partner agencies if there’s a mass event like the robbery/shooting in Gypsum, Lake Christine fires and house explosions in Gypsum. Chief Daly and Sergeant Dammen responded to the Lake Christine Fire together on three shifts each.

2020

In Avon

- Shooting at Eaglebend Phase III - 19 Apr 2020 (6 officers called in/responded off duty)
- Domestic in progress at Liftview - 31 Mar 2020
- County and District Court in Eagle In 2020- Jan 7,9,23 (x3),27, Feb 3,10,18, Mar 3,4 (x2),12,16, Apr 13,16 (x2), May 12,28, Jun 8, Jul 7,9(x2), 23, Aug 11, Sep 2,3,4,16,21(x2), Oct 7,19,21, Nov 4,17,18, Dec 2,7,16 (40 officers total)
- Picking up and dropping off gear to Eagle County Sheriff's Office (ECSO), ECSO Range and Gypsum Range for Special Operations Unit SWAT trainings and Avon PD trainings (Min. 8x annually for APD and 24 x annually for SOU). Picking up FATS simulator from Snowmass Village and from Breckenridge 21 Sep 20.
- Driving to calls such as the recent auto theft calls, extra needs of Criminal Investigation Bureau including Granite drug operations, dead body calls and multiple background investigations from house. Sgt. Dammen routinely conducts all APD employee backgrounds; 7 in last two years.
- Additionally, responding into Avon (to come on duty) and a theft had just occurred at Walmart. The suspect had stolen a computer. The call came out just as Sgt. Jamison was about to exit Avon at the MM 167. He stayed on the Interstate and got off at the MM168 exit and was able to locate the suspect at a bus stop with the stolen computer - 13 Apr 20
- Motor vehicle theft suspect on foot in Wildwood - 7 Nov 20
- Intoxicated party missing in winter - 20 Jan 20
- On 12/26/2020, Patrol officers responded to a possible attempted kidnapping at the Comfort Inn. Initial report was that three (3) males tried to drag a female housekeeper into their room. When officers got on scene, they knocked and there was no response. They treated the event as a potential barricade situation. Chief Daly happened to be at the PD on his day off doing some work, and he responded from the PD in his individually assigned take home car with all of his response emergency equipment including his bullet proof vest. On scene he brought in a shield and a 44 MM less lethal weapon. Eagle County Sheriff's Deputies arrived also to assist. After some investigation we were able to ascertain that they had left and were at Big O tires in Eagle Vail. We responded and interviewed the three males. We concluded that they were disrespectful but compounded by language barrier issues, there was not enough probable cause to arrest. We further interviewed the housekeeper and they didn't physically touch her but were disrespectful to her. We believe some of the misinformation may have come from the initial report to the manager regarding the initial events. Comfort Inn management did not want to pursue charges.
- Staffing shortages - too many to account for but a lot. Not a metric we had to track before.
- There have been numerous times when sergeants are headed home (off duty) and hear something aired over the radio (example of a missing person). Sergeant calls the primary officer and assists with anything sergeant can access on the in car mobile computer in their driveway to access report management system for investigative leads, applying for warrants, working with District Attorney, TLO, Facebook, etc. Many times, and not documented as this was never tracked before.
- Transport detainees to Eagle County Detentions Center while on way home randomly and several times a month. We have not had a reason for tracking this metric until now.

- Det. Baldwin
  - January 29 – January 31, 2020 – Training Officer in Training (OIT) Sandoval on Warrant Hunt Throughout Eagle County
  - January 15, 2020 – Mantis Shooting Tool testing on day off
  - February 1 – February 7, 2020 – Krav Instructor Training
  - February 18 – February 21, 2020 – Training OIT Sandoval on Warrant hunting throughout Eagle County
  - July 6 – July 8, 2020 – Training OIT Hines
  - July 18, 2020 – Work on FlashCam surveillance camera under Bob the Bridge on day off
  - August 24, 2020 – Latino Citizen Academy wet lab on day off
  - August 31, 2020 – Latino Citizen Academy range night on day off
  - September 21, 2020 – Retrieved key for fairgrounds fitness testing on day off
  - October 5 – October 6, 2020 – Handgun Optic Reflex Sight Instructor School De Beque
  - October 24, 2020 – Drug takeback Walmart on day off
  - November 2 – November 4, 2020 – Empathy Based Interrogation training

- Det. Sgt. Lovins
  - SOU SWAT Call Out = 1
  - CIB/Call out/Surveillance efforts = 15
  - Forensic interviews / Meetings (SART, Investigator meetings, MDT and other projects): that have started the day or ended the day = 20
  - Trainings: direct travel = 20
  - Background investigation canvases or interviews = 4
  - Equipment relays/Radios/Armored vehicles = 41
  - Remote work: instances of days off and being contacted or having to engage for a partial day = 25
  - Transport on way home = 1
  - Court beginning or ending the day = 2

- Sergeants are able to monitor what’s happening on the way in and are ready for duty as soon as they arrive in town (not compensated until they reach city limits but are still providing that
supervisory risk management during their commute as they listen to the police radio). If Officers are on any other type of call, sergeants can respond to their location to ensure they are doing OK.

- Juvenile arrest where we needed to have patrol coverage, when two (2) officers had to transport the juvenile to the Mount View Juvenile Facility in Denver.

Assists to other Eagle County agencies

- Grizzly Creek fires to assist ECSO, responding with all our gear, evacuations and escorts - 10 Aug 20-3 Sept 20
- Gas explosions in Chatfield Corner - 17-18 Sept 20 (5 officers)
- Sgt. Churches responded to a “shot” fired Domestic Violence call in Gypsum as he was pulling into his driveway. He assisted in apprehending the shooter - 9 Aug 20
- Sergeants/Supervisors have provided multiple assists to motor vehicle accidents either on way home or on way into work where the Colorado State Patrol were not able to initially respond. In one circumstance, Sgt. Churches transported an injured party to Gypsum Urgent Care because there was a prolonged response time for an ambulance - 3 Feb 20 (transport)
- Sgt. Churches was flagged down by motorist on I-70 near Edwards when he was heading into work. Gave driver of the disabled vehicle ride to town - 25 Aug 20
- Missing child, Sebastian- in Eagle 7 Jun 20. Chief Daly responded from his home late and night and was there till the early hours. He was back to assist with the search. Multiple supervisors, detectives and officers assisted over multiple days.
- Sgt. Benson had a situation where he was driving home after ending his shift about three (3) months ago and Eagle PD was looking for an armed party. He offered help to them while driving home and ended up staging in the area while other deputies arrived.
- Sergeant Benson has made a few traffic stops coming home from work and heading to work where the drivers presented serious reckless behavior. One stop ended up being a mental health issue.
- On 12/26/2020, as Chief Daly was driving home from a previous incident in Avon, he came upon a multi vehicle accident at MM 150 West bound I-70. Officer Sandoval (not involved in the accident) who was off duty driving his personal vehicle had pulled over to render assistance. He donned his Avon PD reflective traffic vest and was directing cars over into the left lane away from the vehicle in the emergency shoulder. As Chief Daly was in his individually assigned take home vehicle with all of his emergency response equipment. Chief Daly was the first emergency vehicle on scene. Chief Daly was able to use his emergency lights to provide safety to the multiple vehicles on the shoulder (about 6-7). Chief Daly donned his reflective patrol jacket and rendered aid. There was a heavily pregnant woman with two young kids from one of the crashed vehicles. I remained on scene to provide assistance to the Colorado State Troopers, ECSO, Fire and EMS who arrived on scene shortly thereafter. Thankfully no significant injuries in a chaotic scene.
SWAT CALL OUT RESPONSES

- Multiple SWAT calls outs to include a recent criminal barricade incident in Basalt 27 Aug 2020. Chief Daly and Sergeant Dammen drove to Gypsum to collect an armored vehicle MRAP to drive to Basalt for SOU call out.
- Bellyache Ridge, criminal barricade shots fired SWAT call out - 9/9/19
- Armed barricaded suspect with two hostages at Streamside in Eagle Vail - 29 Feb 2020
- Manhunt up West Lake Creek Trail searching for Vail PD felony warrant subject - 13 Nov 2020
- Counter Assault Team for ten (10) days, sixteen (16) hours a day, working with the U.S. Secret Service protecting the Vice President of the United States- 23 Dec 2020 to January 1, 2021
- Sgt. Dammen is a tactical Advisor on the Eagle County SOU Team and facilitates training twice a month. The facilitation requires transporting equipment and setting up off site locations often without coming in the PD.

MEETINGS/TRAININGS

- Sgt. Dammen is the Avon PD Rangemaster and facilitates Firearms training and qualifications for the entire PD staff. Often several times a week he responds from home to either ECSO range in Wolcott or Gypsum range to qualify, sight in, test fire weapons after adjustment or repair. He often picks up and drops off the range trailer at the range from his house. He also drives to Grand Junction from home for two quarterly trainings which he facilitates.
- Sergeant Holmstrom attends board meetings for the Treetop Child Advocacy Center in Summit, generally on his days off. Six (6) meetings (plus community events, meetings have been zoom due to COVID in 2020)
- On in-service training days, Sergeants try to provide carpool from Gypsum and Eagle to other officers to training. In 2020 – Feb 11&13, Mar 3&5, Apr 14&16, May 5&7, Jul 21&23, Aug 4&6, Sep 22&24, Oct 13&15, Nov 17&19, Dec 1&3 (20 days total)
- Driving to Colorado Mountain College Spring Valley Academy from home to teach building search and firearms classes (2x to 16x annually depending on need from Academy), various times between 9 Mar 20 to 23 Sep 20. Starting 4 March 21 this year.
- Chief Daly, Deputy Chief Cosper, Det. Sgt. Lovins, Sgt. Dammen, Sgt. Holmstrom and Det. Baldwin have a variety of ongoing meeting commitments in Eagle County, surrounding counties and occasionally in Denver metro area (pre and post COVID) Eagle County Public Safety Council 4x a year, Radio Technical Operations Meeting 4x a year, CACP conference 2x a year, Eagle County Behavioral Health meetings 4x a year, Chief’s meeting 4x a year, Law Enforcement Immigrant Advisory Committee meeting 6x a year, District Attorney supervisor meetings 6x a year, Sex assault response team meetings 4x a year, Forensic interviews in child sex assault investigations at the Riverbridge Child Advocacy Center in Glenwood Springs of 17x in last two years, Regional Investigator meetings 4x a year, Total Health Alliance 4x a year, Speak up Reach Out 6x a year, Rocky Mountain Tactical Team Association conference, National Tactical Officer Association conference, Rocky Mountain Accreditation Network 4x a year, Police Officer Standards
Training (POST) Academy Director Meetings 4x a year, POST Board Meetings x4 a year, Assistant Police Chief Meetings 6x a year and various pop-up/required meetings in the valley (or adjacent to our county).

EXHIBITS:

Exhibit A  Mileage estimate for the individually assigned vehicles for the commute from Gypsum and Eagle.

Exhibit B  Basalt PD recruitment advertisement

Exhibit C  Photos of Chief, Deputy Chief, Detective Sergeant and Patrol Sergeant's vehicle with emergency response equipment

Thank you, Chief Greg Daly
## MILEAGE ESTIMATE FOR THE INDIVIDUALLY ASSIGNED VEHICLES FOR THE COMMUTE FROM GYPSUM AND EAGLE

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Assigned vehicle</th>
<th>Approximate commuting miles to Avon PD</th>
<th>Miles per day</th>
<th>Miles per week depending on schedule</th>
<th>Number of weeks per year minus vacation and training time</th>
<th>Total miles annually</th>
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<td>10,340</td>
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<td>Deputy Chief</td>
<td>354 (Gypsum)</td>
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<td>361 (Gypsum)</td>
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<tr>
<td>Detective</td>
<td>362 (Gypsum)</td>
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<tr>
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<td><strong>1894</strong></td>
<td><strong>423</strong></td>
<td><strong>89,018</strong></td>
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</tr>
</tbody>
</table>
Looking to become part of a great Community? Looking for Camaraderie, Professionalism, Compassion and Integrity? Join the Team!
The Town of Basalt, Police Department is hiring. Ride alongs are encouraged. Please call our office if you have questions (970)927-4316. Follow the below link for the application.

https://www.basalt.net/.../Police-Officer-Application-PDF

The current annual salary range is $65,051 - $81,500 annually depending on qualifications and work experience. We offer an excellent benefit package for employees and their families that includes monetary assistance with health, dental, vision and life insurance. Police Officer pensions are administered through the Fire and Police Pension Association (FPPA) of Colorado. Members of FPPA receive a defined monthly lifetime pension benefit upon meeting program requirements. We also offer a $3000 per year bilingual pay differential for Spanish speaking fluency. All uniforms and equipment is purchased and provided by the department. Including firearms with the most up to date optics. Ammunition provided on a monthly basis for training purposes. Take home vehicles are issued to all Officers. Limited up to Slt. And the most greatest benefit at all, the opportunity to serve a community that truly appreciates its Police.
EXHIBIT C.

Chief, Deputy Chief, Detective Sergeant and Patrol Sergeant's vehicle with emergency response equipment
TO: Honorable Mayor Smith Hymes and Council members  
FROM: Charlotte Lin, Sustainability Coordinator  
RE: First Reading: Town of Avon Recycling Ordinance  
DATE: September 1, 2022

SUMMARY: This report presents to Council first reading of Ordinance 22-13 Enacting Recycling Requirements (Attachment 1). Ordinance 22-13 would enact Title 8, Chapter 6, Recycling Requirements, of the Avon Municipal Code and establish the main proposed changes of (1) hauler reporting, (2) universal recycling (UR) for multi-family and commercial properties and (3) a Pay-as-You-Throw (PAYT) trash and recycling model for individuals, including single-family homes, duplexes, and town homes that subscribe to individual waste services.

In a work session for the draft Recycling Ordinance on July 26, 2022, Council provided direction to Staff to move forward in preparing a First Reading of the Ordinance with a detailed implementation plan containing the following elements:

- Hauler operation details
- Town outreach plan
- A timeline for a phased-based implementation
- Administration plan
- Enforcement plan
- Exemptions and waivers
- Related projects: composting, construction & demolition (C&D) waste & the future of Avon Recycling Center

BACKGROUND: The July 26, 2022 report “Analyzing Recycling Ordinances” contains comprehensive background information on recycling in Avon, Eagle County and the State of Colorado. For the First Reading of the Ordinance, the most pertinent background information is as follows:

- The Recycling Ordinance directly addresses both Department Goals 2022 #8 and #11 to improve recycling at multi-family and commercial properties and to analyze recycling ordinances in order to develop Avon’s own. Improving the diversion of recyclable and compostable waste away from landfill is a significant Greenhouse Gas (GHG) reduction strategy globally, as well as locally in Eagle County’s Climate Action Plan. In addition, the practice of recycling and waste reduction is well-suited for building a culture of sustainable behaviors for virtually everybody who visits, lives and works in Avon.

- Avon does not currently require recycling. Despite this, local haulers have reported excellent recycling registration as well as good behavior and compliance with recycling requirements. Avon residents who participated in the Community Survey have expressed great interest in waste diversion efforts. Our recent Business Outreach Survey shows that many businesses support a Recycling Ordinance in Avon. With the existing culture around recycling, the Recycling Ordinance will help push our waste diversion efforts to the next level.

- Avon does not currently require trash haulers to report. As a result, we do not know our true waste diversion rate. Acquiring our waste data would help us better manage our waste diversion efforts and increase waste diversion in meaningful and measurable ways.
The education of recycling appears to be the main concern for multi-family and commercial properties. However, people who use individual services, as well as Town employees, have also voiced the need for more education. The Recycling Ordinance would be a great opportunity to design more effective recycling education and a campaign that reach all residents and visitors of Avon.

The ordinance closely follows Town of Vail’s recycling requirements for consistency. For the first phase of the Ordinance implementation, it makes sense for Avon to focus our enforcement, education and administration efforts on the multi-family and commercial properties, including accommodations. Individuals can choose to have their recycling picked up or take it to the free recycling center at Lot 5.

**ANALYSIS:** This section provides (1) details to address Council comments from the July 26 Work Session, as well as (2) provide a draft implementation plan according to best practices. Council comments on the implementation plan would be helpful for next steps.

**Council Comments & Questions:** The following information aims to address the questions and comments posed by Council during the work session on July 26, 2022. Staff worked with Waste Management, Town of Vail and Walking Mountains to compile these responses.

1. **How much of the onus is on the hauler and how much is on the Avon trash customers to negotiate with their haulers to give them the services they need so that they can comply with the ordinance without much strife and stress? How are haulers helping people recycle easier and better and not making it a huge issue for every customer?**

**Staff response:** All three group - haulers, customers, and local government - need to work together.

Communication between government and haulers before implementing new policies would be very helpful for all three groups. Waste Management, for example, also has dedicated staff to work with local government, fostering a healthy collaboration to solve any problems that may arise. Avon already began this process before the Recycling Work Session on July 26, and the haulers have appreciated the engagement. It is worthwhile to mention that for open market municipalities like Avon, haulers do not work with the government directly and can only help their own customers instead of everybody. Therefore, it is crucial that municipality support the program where haulers cannot.

To support customers, haulers have educational and marketing materials available. Some of these materials have been compiled in Attachment 4 as examples. Throughout a service contract, haulers will assist customers by answering any questions. Contamination and overage are usually the biggest issue, and haulers support customers by leaving tags, direction communication, statement messages, bill inserts, and continuous educational reminders for correct recycling practices. Waste Management also has "Smart Trucks" that can take pictures of the containers and send them to customers. Customers can also sign up for mobile alerts for clear recycling pickup date and time. The ultimate goal is to make it easy on customers so that they don’t have to think about what is and isn’t recyclable. At the moment, Waste Management has a mature system for education, but the Town can work with other haulers to develop education if necessary.
In addition to continuous knowledge education, we would also benefit from education that focuses on behavior and mindset change around waste. Avon already has a positive culture for recycling. Customers in Avon, according to haulers, are happy to comply to the directions and would gladly fix recycling mistakes. Therefore, even though small groups of population may consider recycling to be stressful, most Avon residents and businesses are ready to be cooperative so that we can collectively do more for the issue.

Beyond education, the onus would mainly be on Avon to enforce the recycling requirements. The only way that universal recycling works is if there is an enforcement mechanism. Haulers can do a number of things to help with contamination and education, but ultimately, they do not have any authority to enforce a Town ordinance. The actual enforcement mechanism is usually code enforcement, but the specifics look different for different communities. Haulers can further assist in this effort by developing a robust marketing and educational campaign. They also recommend, similarly to Council, that we give ourselves plenty of lead time to roll out universal recycling requirements. With an open market like Avon, it would benefit the Town to make sure everyone knows about the changes and are given enough time to sign up for services. Working with haulers from the beginning of this process would be very helpful in the long run.

2. What are the haulers doing for people in Vail for example?

Staff response: A lot of what haulers do for people has already been described in the first question. Operationally, Vail’s trash and recycling set up for individuals, HOAs and businesses can be found in Vail’s Case Study (Attachment 5).

3. Can you describe to me how the haulers help multi-family properties? How do haulers assist people to do a better job with recycling?

Staff response: A lot of what haulers do for people has already been described in the first question. Beyond subscribing to haulers and getting the proper shared containers set up, the main responsibility would be on the Town to communicate with the multi-family complexes. It would be on the Town to notify them about the Recycling Ordinance with details and to assist the process of contacting trash services to set things up. Haulers can help communicate with HOAs, property owners, or property management to assist multi-family residents effectively. This is especially helpful for those complexes that currently have trash services but do not yet have recycling services. Once a complex is signed up, their chosen hauler can then assist and support them the best way possible to help them do a better job with recycling.

4. As Recycling can be very complicated, is it reasonable that we should rely more on the professionals (i.e. haulers) and less on the multi-family and commercial customers to do the right thing?

Staff response: Haulers generally agree that it is reasonable to rely on the haulers to monitor contamination and to assist their customers to the best of their ability. However, the constraint here is that the haulers can only help their customers. It would be the responsibility of the Town to make sure that as many customers are signed up for services and to have an enforcement mechanism if the end goal is to enforce universal recycling.

5. Is single stream recycling the only option? Town of Eagle does dual stream with Vail Honeywagon. Which is better or easier for the customers?
Staff response: The main reason why both single stream and dual stream recycling systems exist in Avon is because our recycling is hauled to both the Eagle County Landfill and the Denver Materials Recovery Facilities (MRF). Eagle County’s MRF is dual stream and the Denver MRF is single stream. Dual Stream Recycling can be described as “recycling 1.0”, whereas Single stream recycling can be “recycling 2.0”. Single stream recycling is much easier for the customers and, surprisingly, leads to a lot less contamination. The reason for that is because it’s not as complicated for residents to figure out what can and can’t go in the container. The waste management industry across Colorado is moving away from doing any dual stream recycling towards single stream recycling.

This industry movement towards single stream is significant and applicable for Avon because as more and more residents move here from other places where single stream recycling is more established and commonplace, they would find it difficult to go back to a system where they must sort the recyclables.

The other thing to consider with dual Stream recycling is that it typically uses smaller containers, sometimes as small as 18 gallons. As consumers recycle better, they would typically start producing more recycling and less trash. Therefore, it is recommended that customers get 96-gallon carts for recycling as early as possible, instead of having to transition and switch later. Using a larger recycling cart is also better for the environment and for the drivers. With dual stream pickup, typically the drivers have to get out of the truck, investigate and decide which cart goes in which side of the truck because the recyclables cannot be commingled. With single stream recycling, the process can be automated. It is safer for the drivers because they do not need to pick up containers. And it is better for the environment because it is a more efficient process where the trucks have less idling and driving time, contributing to less GHG emissions. Practicing single stream is a win-win-win-win for the environment, the Town, the haulers, and the customers.

6. What’s the County’s plan to upgrade the MRF to a single-stream facility instead of having single-stream recyclables sent to Denver? In a similar vein, what can be done here so that our compost isn’t sent to Pitkin County? We need to get Eagle County up to the same desires as Avon and Vail – how is this going to happen? How do we get this fixed?

Staff response: Eagle County’s Climate Action Plan includes single-stream recycling in Eagle County as a goal. The County is currently not ready to upgrade the MRF to a single-stream facility nor to start a County-owned composting facility. This does not indicate a lack of desire by the County, as both initiatives are extremely expensive in terms of cost, time, and human resources. In 2018, the County conducted a GHG study on the emissions comparing the dual stream recycling activities to what it would look like if the County's MRF was retrofitted into a single stream facility. This study included the transportation of materials by haulers to the front range. At the time of the study, the emissions were actually higher if the local MRF was retrofitted to single stream. It was decided to continue with business as usual and that this would be evaluated annually to see if something had changed. Unfortunately, no further studies have been conducted. It may be beneficial for the Avon Council and Town Staff to encourage the County to conduct this study again.

Things may also change as the Circular Economy and Extended Producer Responsibility bills move forward. In terms of the compost facility, we plan to look into the fees that Honeywagon Organics charges compared to the Pitkin facility. Pitkin facility has its cost covered by the County, so they are free or cheaper whereas Honeywagon is a private entity. Any way that the towns/council can help get to the bottom of the fee structures at Honeywagon would help, otherwise Evergreen Zerowaste or other haulers are going to have to increase their rates in order to take compost to Honeywagon in Eagle County.
To truly find meaningful answers and next steps to this set of questions, it should be taken to the Mayor and Managers meeting which includes the County.

Another important thing to address in this question is the issue around recycling that involves transportation, since dealing with travel is a reality in the mountain communities. For recycling, we have to consider both the front end and the back end of the sorting process. For front end, the manpower and the machine power that goes into sorting dual stream versus single stream is different. Single-stream is typically more automated, hence able to sort more materials faster. A quicker automation workflow also means it’s better for the environment and safer for workers. The back end process refers to where the recyclables are being taken from the MRF to the aftermarket providers. The Denver MRF on Franklin Street, for example, has rail lines leave directly from the MRF straight to cardboard manufacturers and other manufacturers that use the recyclable materials. In a dual stream facility, while it might be shorter drive on the front end, in most cases, it’s probably being trucked somewhere else before it can be sent out to the manufacturer. Therefore, even if the front end sorting is closer, in most cases, in all likelihood, the recyclables are traveling the same distance.

A 2019 Eco-Cycle report discusses the question “Is it still worth recycling despite the transportation impact?”. Transporting recyclables over long distances causes air pollution and carbon pollution, which could be significantly reduced if Colorado had local and regional end markets. However, it is important to note that these transportation emissions do not outweigh the benefits of recycling. Recycling saves huge amounts of energy in the manufacturing process, and these energy savings are far greater than the energy used to transport our recycling, including the extra trucks used to collect recycling from your home or business. For every 100 tons of recycling collected in the U.S., there is a net savings of about 235 tons of carbon emissions, while producing only about 4 tons of carbon emissions in the transportation of these materials’ emissions.

The distance between Wolcott (Eagle County Landfill) and Denver is 116.7 miles and we transport our recyclables by truck. The chart above shows how far recycled materials would have to be transported before the transportation emissions were greater than the energy savings. This isn’t to suggest that we should ship our recycling tens of thousands of miles. It simply shows that recycling is a net win for our climate despite the transportation impacts, and we should continue to recycle while we work to build local markets in order to reduce transportation. Another point here is not to say we need to choose one or the other in Eagle County, but rather that transporting some of our recyclables down to Denver does not pose any significant environmental issues. The same concept applies to composting as well; there is certainly...
emissions associated with transporting from here to Pitkin County, but the emission is always going to be less than the emissions that result in landfilled organic materials. A good guideline to follow when considering waste management, transportation and their impact on GHG emissions is bringing more materials to a centralized location where it can go directly from that location out to the manufacturers.

7. Why have our local haulers chosen to do single stream rather than dual stream so they can drop off locally?

**Staff response:** The various benefits and reasons why single-stream recycling is better for haulers are explained in Question 5. Locally, the main reason for this has been competition. All haulers were dual-stream to begin with, but single stream became a strong industry movement, with Waste Management leading the charge. Then, when Vail put in the Recycling Ordinance, the other haulers felt that in order to compete they would have to move towards single stream. After that happened there was no turning back.

8. What is our recycling registration rate in Avon? How well do they actually recycle?

**Staff response:** Haulers report that Avon’s recycling registration rate could be as high as 90%, and that Avon customers generally recycle well and have a good attitude for compliance. This is a rough estimate as each hauler can only speak for their own customers. Without the Ordinance requiring specific data, it is not possible to get a better understanding of how well people actually recycle.

9. In a strip mall, for example, there are a lot of people putting trash in the same receptacle, so it’s impossible to tell who did what. Enforcement is tricky in those locations. How do haulers work with this kind of situation to make sure recycling is successful? Especially for commercial customers such as restaurants that might have a lot of extra waste or difficult waste (like glass) to deal with.

**Staff response:** Haulers reported different scenarios of how this can be dealt with. For example, instead of sharing one large container, the complex might opt for three smaller ones and assign different users to different containers. This method narrows down the specific user per container ratio, which could make it easier to track contamination. Another method is to have a separate container for cardboard only, hence freeing up more space for other recyclables. This method may be applied to glass as well. Waste Management also has the Smart Truck technology that can take pictures of problematic recycling.

In addition to recycling set up, it would be critical for the haulers and Town to continue education and maintain communication with the customers in these complexes to help them succeed. This type of situation is tricky and there is no 100% foolproof way, unfortunately. The responsibility falls upon the businesses to do the right thing.

10. We understand haulers can provide different size bins for a Pay-As-You-Throw model and customers can potentially lower their cost if they choose smaller bins. How does this work exactly if we move forward with the Recycling Ordinance?

**Staff response:** The Pay-as-You-Throw (PAYT) system is quite common throughout Colorado now. Most communities have PAYT for trash, while it is less common for recycling. In practice, both haulers and local governments have observed that when people begin to shift their behaviors around waste, they produce more recycling than trash. For example, they might be fine using a 32-gallon trash bin but would need a 96-
gallon recycle bin. Many haulers allow customers to choose a certain size for trash plus “any size recycle cart” they want regardless of what they choose for trash. Haulers have advised that the Town includes education to help customers choose the right bin size before committing to a contract, as switching bin sizes is operationally burdensome and costly for haulers. Other than potential savings from choosing smaller bins, senior discounts are often available.

11. **How does pricing work for multi-family and commercial properties? How can Town and haulers work together to assist multi-family and commercial properties who may not have space for more containers?**

**Staff response:** Typically, pricing depends on the number of users, the type of use, the type of materials they will produce, and the volume. The most common sizes are three, six and eight yards. There is some price difference but not significant, due to the fact that collection trucks operation cost and labor cost are still the same. Usually it’s the management or HOAs that deal with the contract, and the cost to each customer may be built into the rent or charged separately. If the customers struggle with space, Waste Management can work with them by looking at building design, dimensions, etc. to figure out the best plan for where to put containers. If the properties need to expand and build new trash enclosures though, that would be the properties responsibility and it may be an opportunity for the Town to come in and offer assistance.

12. **We understand that haulers have exclusive and confidential pricing agreements with Vail. How would this work with Avon if we were to go ahead with the Recycling Ordinance? Will our residents get a better deal than what they can get now? Can we have detailed potential cost increase/decrease and any other financial impact?**

**Staff response:** Community-wide discounts can be potentially negotiated through a bid process to determine a single hauler who would service the entire Town. **Haulers would only disclose special rates through an official RFP process.**

13. **Can we have more details on how the bi-annual reporting will occur?**

**Staff response:** There are functions within Waste Management that would produce the reports for the Town.

**In addition, council suggested:**

- There should be at least 1 year of lead time for multi-family and commercial properties.
- The ordinance should be applied to everybody eventually, not just multi-family and commercial properties.

**Implementation Plan:** It should be noted that what is presented here is only a plan for implementation with draft materials. No actual implementation activities have been carried out.

**Preparation:** A promotional and educational campaign, similar to what Town of Vail did (**Attachment 3**), will be prepared prior to rolling out Ordinance 22-13.

**Town Outreach Plan**
Public Comments: Three types of public comments regarding recycling are provided in Attachment 2: (1) 2021 Community Survey, (2) 2022 Business Outreach Survey and (3) interviews with six HOAs by former General Government Intern Emily Myler. Staff will continue to collect more public comments specific to the Recycling Ordinance using the above Town Outreach plan. New public comments will be sent to Town Council to review prior to the Second Reading of Ordinance 22-13.

Educational Material and Campaign: Staff has gathered many examples of existing educational materials that are utilized by Waste Management (hauler), Walking Mountains and Town of Vail (Attachment 4). It is highly likely that Avon will create branded educational materials in collaboration with haulers and Walking Mountains. However, Avon should pursue new branding and design specifically for our sustainability and climate action initiatives, similar to the LoveVail.Org and Sustainable Breck examples.

Timeline for Implementation: The effective date of Ordinance 22-13 is January 1, 2024. If Council passes Ordinance 22-13 the Town Outreach Plan will commence. We have included plans for paid advertisement in the proposed 2023 Sustainability budget. The entire implementation, including outreach and education, may take up to two years. We plan to do a Town-wide outreach to create awareness and encourage questions and comments. The outreach results will generate public comments to be submitted to Town Council for review. We intend to apply the Town Outreach Plan to two groups: (1) multi-family and commercial & (2) individual homeowners. The outreach results will also inform the design of the educational campaign.

Administration: The rollout of the Recycling Ordinance will be administered by the Sustainability Coordinator and potential interns. The expected time commitment from Staff will be close to full-time during the rollout phase of the Ordinance for approximately a year, and about 10 hours/week after. Potential intern sources include Walking Mountains and Colorado Mountain College. Town of Vail subcontracted an intern from Walking Mountains to assist the rollout of their Recycling Ordinance. The cost was $20,000 for 5.5 months in 2014. The Colorado Mountain College intern will be working through their internship program at 8 hours a week and gaining credits through this work.

Enforcement: The Town will be responsible for enforcement of both PAYT and UR relating to waste customers and haulers. Staff will proceed with a strong education through January 1, 2024, then would proceed to issue warnings first for non-compliance, then would issue citations to municipal court.

CASE STUDY – VAIL: Town of Vail’s experiences with the Recycling Ordinance since 2014 is summarized in a case study in Attachment 3.

FINANCIAL IMPLICATION: In the proposed Sustainability budget in 2023, we have budgeted the following which can be used to implement the Recycling Ordinance. The items in blue are intended for all Sustainability initiatives, not just recycling.
• Recycle bins: $5000
• Feasibility study for composting: $5000
• Freelance service for recycling program: $1500
• Compost subsidies: $5000
• Graphic design: $2500
• Digital advertising: $4000
• Print advertising: $3000
• Educational signs, stickers and other printed materials: $15000

In addition, some expenses are eligible to be paid out of the Paper Bag Fee fund. Staff time on education, rollout and enforcement will be substantial and is a soft cost to consider in this program.

RELATED TOPICS: The following topics are highly relevant to the Recycling Ordinance but are to be discussed separately in the future Council meetings.

• Composting
• Construction & Demolition (C&D) Waste
• Avon Recycling Center upgrade

RECOMMENDATION: I recommend approval of Ordinance 22-13 on first reading, setting forth expectations for second and final reading.

OPTIONS: The following represents options for next steps regarding Ordinance 22-13

1. No Action
2. Approve the first reading of Ordinance No. 22-13 as drafted
3. Approve the first reading of Ordinance No. 22-13 with modifications, and schedule second reading for September 27, 2022
4. Continue first reading on September 27, 2022

PROPOSED MOTION: “I move to approve [with or without modification] ordinance 22-13, thereby adopting a new Chapter 6 of Title 8 of the Avon Municipal Code establishing recycling requirements, including hauler reporting and universal recycling for multi-family and commercial properties.”

Thank you, Charlotte

ATTACHMENT 1: Town of Avon Recycling Ordinance 22-13
ATTACHMENT 2: Public Comments
ATTACHMENT 3: Town of Vail Case Study (including education materials)
ATTACHMENT 4: Other Education Material Examples
ORDINANCE NO. 22-13

ENACTING CHAPTER 8.14 – RECYCLING
OF THE AVON MUNICIPAL CODE,

WHEREAS, pursuant to C.R.S. §31-15-103 and §31-15-104, and pursuant to the home rule powers of the Town of Avon (“Town”), the Town Council has the power to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of its inhabitants; and

WHEREAS, the Town Council (“Council”) adopted the Eagle County’s Climate Action Plan, which sets forth goals including the reduction of waste going to the landfill by 30 percent by 2030. Increased participation in recycling programs and maximizing capture rate of recyclables through existing and future programs are necessary to meet and exceed this recycling goal; and

WHEREAS, the current waste diversion rate in Eagle County is between 30 to 32 percent, and the diversion rate in the Town of Avon is unknown, hence the need for a Recycling Ordinance that requires hauler reporting; and

WHEREAS, the Colorado Department of Public Health and Environment estimates that each person generates approximately 3,150 pounds of waste per year and a large portion of the disposed materials could be reused, recycled or put to other beneficial use, resulting in significant resource, energy, and economic savings; and

WHEREAS, as the Eagle County landfill reaches permitted capacity, it is becoming more difficult and expensive to site, permit and develop new landfill capacity;

WHEREAS, through the adoption of Eagle County’s Climate Action Plan, the Town of Avon established a goal of reducing community greenhouse gas emissions by 50% by 2030, and diverting waste from the landfill is one of the most cost effective and efficient ways of reducing greenhouse gas emissions resulting from landfills and new resource processing; and

WHEREAS, municipalities are empowered by C.R.S § 30-15-401(1)(a)(II) to inspect vehicles proposed to operate in the conduct of business of transporting ashes, trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials; and

WHEREAS, the Council finds that adopting an Avon Recycling Ordinance will promote the health, safety and general welfare of the Avon community; and,

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Town Council desires to comply with the requirement of Section 8.6 of the Avon Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a
representation that the Town Council, or any member of the Town Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO the following:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.


Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Effective Date. This Ordinance shall take effect on January 1, 2024, which is more than thirty days after the date of final passage in accordance with Section 6.4 of the Avon Home Rule Charter.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Avon, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Codification of Amendments. The codifier of the Town’s Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Avon Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 7. Publication by Posting. The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 1.16 of the Avon Municipal Code.
INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING by the Avon Town Council on September 13, 2022 and setting such public hearing for September 27, 2022, 2022 at the Council Chambers of the Avon Municipal Building, located at One Hundred Mikaela Way, Avon, Colorado.

BY:                                           ATTEST:

____________________________  ____________________________
Sarah Smith Hymes, Mayor         Brenda Torres, Town Clerk

ADOPTED ON SECOND AND FINAL READING by the Avon Town Council on September 27, 2022.

BY:                                           ATTEST:

____________________________  ____________________________
Sarah Smith Hymes, Mayor         Brenda Torres, Town Clerk

APPROVED AS TO FORM:

____________________________
Karl Hanlon, Town Attorney
CHAPTER 8.14 - Recycling

8.14.010 – Purpose

The purpose of this Chapter is to establish policy and infrastructure to support recycling in the Town of Avon in order to promote effective and efficient recycling for Avon community.

8.14.020 – Definitions

For the purposes of this Chapter, the following definitions shall apply:

**Base Unit of Refuse:** The smallest increment of volume of refuse or solid waste collection which is no larger than 32 gallons of capacity.

**Commercial Customer:** Any premises where a commercial, industrial, or institutional business or enterprise is undertaken, including, without limitation, retail shops and establishments, eating or drinking establishment, healthcare facilities, child daycare centers, public and private schools, professional and business offices, religious institutions, and public buildings and facilities.

**Discarded Materials:** All putrescible and non-putrescible solid waste discarded from any residential, multi-family or commercial source including recyclable material. The term discarded materials shall exclude discarded or abandoned vehicles or parts thereof, sewage sludge, hazardous waste, materials used for fertilizer and recyclable material that have been source separated for collection.

**Hauler:** A registered person or company in the business of collecting, transporting or disposing of discarded materials for a fee, or for no fee except as described in Subsection B. of 8.14.030.

**Multi-Family Customer:** Any residential structure(s) that employs a communal system for solid waste and or recyclable materials collection.

**Non-Attractant:** Any substance which does not attract wildlife. Substances that are considered to attract wildlife include food products, pet food, feed, compost, grain or salt or materials which formerly contained such items. Office Paper or cardboard that did not previously contain food are considered non-attractants.

**Recycling:** The process of separating recyclable materials from refuse and placement for collection by a hauler for the purpose of such materials being re-used or reprocessed into new or different materials.

**Residential Customer:** Any residential structure(s) that does not employ a dumpster or communal service for solid waste and or recyclable materials collection.

**Recyclable Materials:** Materials from any commercial or multi-family residential property to be collected separately for the purpose of such materials being reused or repurposed or reprocessed into new or different materials.
Recycling Facility: A licensed Materials Recovery Facility (MRF) (e.g. the Eagle County MRF) that accepts and sorts, packages, and otherwise prepares recyclable materials to be repurposed or reprocessed into new or different materials.

Refuse: As defined in Section 8.12.010 Avon Municipal Code. Refuse shall not include recyclable material.

Solid Waste: All putrescible and non-putrescible waste or refuse, excluding discarded or abandoned vehicles or parts thereof, sewage sludge, hazardous waste, materials used for fertilizer and recyclable material that have been source separated for collection.

Source Separation: The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

8.14.030 – Hauler Registration Requirement

It shall be unlawful for any person or company to operate or conduct business as a hauler of residential, multi-family, or commercial solid waste or recyclable material without first obtaining a municipal solid waste hauler registration as set forth in this Section.

(a) Applicability: 8.14.030 applies to any hauler of solid waste or recyclable material operating in the Town of Avon.

(b) Exceptions: The following persons or entities are not required to obtain a municipal solid waste collection registration:

1. Any person or their designee who transports to the landfill only the refuse that person generates;

2. A civic, community, benevolent or charitable nonprofit organization collecting, transporting and marketing recyclables solely for the purpose of raising funds for a civic, community, benevolent, or charitable event;

3. A property owner or agent thereof who transports discarded materials left by a tenant upon such owner’s property, so long as such property owner is not provided compensation from tenants on a regular basis;

4. Demolition or construction contractors or landscaping companies that produce and transport discarded material produced incidentally to the demolition, construction, or landscaping work;

5. Any person who transports only liquid waste (e.g. restaurant grease or portable toilet waste);

6. The Town of Avon municipal organization and employees thereof, who transport solid waste, recyclable materials and compostable materials generated by the municipal organization, public containers, or special events;
7. Special event producers, who transport solid waste and recyclable materials for permitted events;

8. Companies that provide special event collection services (e.g. electronic waste collection, on-site paper shredding); and

9. Companies contracted by registered solid waste haulers.

(c) Registration Process: The General Government Department shall set forth the standards for the implementation of the municipal solid waste hauler registration process including the amount of the registration fees, the designation of recyclable materials, and the schedule for collecting registration fees.

1. Proof of Insurance: Registered municipal solid waste haulers shall provide proof of general comprehensive liability / automobile insurance policy protecting the hauler from all claims for damage to property of for bodily injury, including death, which may arise from operations under or in connection with this registration and providing limits of coverage of not less than five hundred thousand dollars ($500,000) for bodily injury and property damage per occurrence or in aggregate.

8.14.040 – Municipal Solid Waste Hauler Requirement

(a) Bi-Annual Reporting Required: All registered municipal solid waste haulers (the “registrant”) shall submit twice yearly reports to the General Government Department on the weight (in tons) of Solid Waste and Recyclable Materials collected within the Town limits of Avon. For loads that contain Solid Waste or Recyclable Materials originating in part from within the Town limits and in part from outside the Town limits the reported quantity may be estimated by the registered hauler but shall use an approved format provided by the Town of Avon which shall include the use of both the scale tickets and customer route sheets, and reported as an estimate.

(b) Submittal Required: Bi-annual reports shall be submitted on May 1 and October 1, or on the next business day, using a format approved by the General Government Department. All reports shall be treated as confidential commercial documents under the provisions of the Colorado Open Records Act.

(c) Recyclable Material Designation: Haulers may not dispose of recyclable materials set out by customers by any means other than delivering it to a MRF that sorts, packages, and otherwise prepares recyclable materials to be repurposed or reprocessed into new materials, except for materials that customers have not properly prepared for recycling or are contaminated with 25 percent or more of non-recyclable refuse,

(d) Notice: Haulers of multi-family, or commercial solid waste shall give each of its customers written notice of all available service options and corresponding variable rates upon commencement of service. Written notice of the full range of services including variable rate service, container sizes, and the recycling service options including the materials that may be recycled shall be provided to all new customers upon commencing
service and all haulers shall provide notice at least annually to customers on the full range of services, container sizes, variable rates and recycling options including the materials that may be recycled. On or before January 31st each year the hauler shall deliver to the General Government Department a true and correct copy of the notices sent to each customer type.

(e) **Residential Embedded Rates:** On residential customer waste bills, haulers shall combine charges for solid waste and recyclable material collection service and may not itemize them separately.

(f) **Residential Volume Based Rates:** Haulers shall offer each of its customers the option to subscribe to different levels of service with different capacities of solid waste containers, such as 32, 64 and 96 gallon containers/carts, and shall charge their customers based on this volume of service. For residential source customers, the base unit of solid waste service shall be no larger than the approximate capacity equivalent of a 32 gallon container or cart. If a customer does not select a level of service, the provider shall establish a default minimum level of service that is not larger than 2 units of service or a single 64 gallon container or cart.

(1) **Variable Rates:** Haulers shall charge variable rates for the corresponding level of service or units of solid waste collection for residential customers.

   (i) Haulers shall structure the increments of their variable rate at a multiple of the base unit of solid waste collection which is no larger than 32 gallons. The second largest increment of solid waste collection shall be no larger than two times the capacity of the base unit or no larger than 64 gallons, and the third largest increment of solid waste collection shall be no larger than two times the capacity of the second largest increment of solid waste collection. Such rate increments shall be equal to 80% or more of the charges for the base unit of collection (e.g., if $10.00 is applied to a 32 gallon container, a minimum of $18.00 shall be applied to a 64 gallon container, and a minimum of $32.40 shall be applied to a 96 gallon container).

   (ii) The provisions of this subsection shall not be construed to prohibit any hauler from establishing rules and regulations regarding the safe maximum weight of containers of solid waste and recyclable material containers.

   (iii) Nothing in this section shall be construed as prohibiting any hauler from providing separate pricing for special collection of bulky items, yard waste, contaminated recyclables, unscheduled pick-up or extra volumes of solid waste or recyclable material, or more than what was subscribed for with the hauler.

(g) **Commercial Embedded Rates:** On commercial customer account bills, every solid waste hauler shall combine charges for solid waste and recyclable material collection service and may not itemize them separately. Haulers shall provide sufficient recyclable material capacity and frequency service to prevent an overflow of material.
(h) **Auditing:** A representative of the Town of Avon may audit a registered municipal solid waste hauler’s subscription, billing and other relevant records to determine whether or not the provider has complied with the provisions of 8.14.040 at the provider’s office located nearest to the Town of Avon during hours that the office is open for business, on at least five day’s written notice.

(i) **Frequency of Residential Recycling Service:** Haulers shall offer each of their residential customers curbside recyclables collection service at least biweekly, no smaller than 64 gallons capacity of the designated recyclable materials. All containers are subject to the provisions of Chapter 8.32, wherein all attractants shall be stored in wildlife resistant, locked containers. Non-attractants are not required to be stored in wildlife resistant, locked containers provided they are not mixed with attractants.

(j) **Container Labels:** Haulers shall provide labels or label all solid waste and recycling material containers indicating what materials are accepted in each container. The labels shall include pictures and words of the acceptable materials and be in both English and Spanish.

**8.14.050 – Designated Recyclables List**

(a) **Designated Recyclables (Collection):** The recyclable materials that haulers are required to pick up shall be set forth in the Town’s ‘Recyclable Materials List’ which shall be prepared and may be amended as conditions change. The Recyclable Materials List shall be available for review on the Town’s website.

(b) **Designated Recyclables (Generators):** The recyclable materials that generators are required to source separate from their solid waste shall be set forth in the Town’s ‘Recyclable Material List’ which shall be prepared and amended as conditions change. The Recyclable Materials List shall be available for review on the Town’s website.

**8.14.60 – Recycling Requirements**

(a) **Applicability.** All residential which contracts for or arranges trash service by and through an owners’ association or a common service for the multi residential properties, and all commercial properties and uses, shall provide on-site service for the collection and transport of recyclable materials. This requirement shall not apply to residential properties which does not have trash service as a common service for multiple residential properties.

(b) **Recyclable Materials Requirements.** The following minimum requirements shall apply for separation of recyclable materials:

1. All recyclable materials accumulated on any premises shall be placed in a container or containers separate from solid waste.

2. Recyclable materials shall not be placed in solid waste containers.
(3) No refuse, solid waste, or compost shall be placed in any recycling container.

(4) Nothing in this section is intended to prevent any person from donating or selling recyclable materials generated on their premises.

(c) Minimum Requirements. The following minimum requirements shall apply for all properties required to provide on-site service for collection and transport of recyclable materials.

(1) All recyclable material shall be source separated, stored, and presented for collection by a registered municipal solid waste hauler.

(2) It shall be the duty of any owner or occupant of any premises to ensure that containers designated for collection or disposal as solid waste do not contain recyclable materials when such containers are offered for solid waste collection.

(3) It shall be the duty of any owner or occupant of any premises to ensure that they contract for recycling service or otherwise provide service for the delivery of recycling material to a MRF. The service shall be of an adequate level to prevent the designated recyclable material containers from overflowing on a regular basis.

(4) The container(s) shall be wildlife resistant, and handled in accordance with Chapter 8.32, Avon Municipal Code.

(5) Any owner or occupant of a commercial establishment with solid waste disposal containers available for customers or guests shall make available a container for recyclable materials that is of similar size and located in an equally convenient location.

8.14.070 – Violations – penalty

Any person violating any of the provisions of this Chapter shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code.
### 2021 Community Survey

The following comments are from Question 17: Please Provide any comments, suggestions, or questions regarding Climate Action in Avon.

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
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<tbody>
<tr>
<td>Recycle food waste- more recycling stations.</td>
</tr>
<tr>
<td>Incentive for less water use, recycling, composting (available thru the town of Avon!)</td>
</tr>
<tr>
<td>Thank you Avon, for taking a leadership role in climate action! Innovative policies should be coupled with foundational efforts for sustainability. Foundational efforts include: public recycling bins around town with standardized signage, a bus that services the North side of the highway businesses and includes EV business district, high-quality bike racks at all the core service centers (City Market - this bike rack is scary and looks decrepit, post office - doesn't have one, etc), bike lanes on US6, and plans for less parking (which is usually empty) in the East town core.</td>
</tr>
<tr>
<td>we MUST make recycling mandatory for all businesses and homes in Avon!!</td>
</tr>
<tr>
<td>make recycling easier to do &amp; understand.</td>
</tr>
<tr>
<td>More recycling spots</td>
</tr>
<tr>
<td>More recycling spots for people</td>
</tr>
<tr>
<td>More recycling options</td>
</tr>
<tr>
<td>There should be more focus / education on recycling. What types of materials specifically can be recycled. What about house hold chemicals / batteries etc.</td>
</tr>
<tr>
<td>Incentivize HOAs to add solar panels, compost, recycling, etc to neighborhoods already in existence and require it in new infrastructure.</td>
</tr>
<tr>
<td>Ban single-use plastic bottles, recycling ordinance, idling ordinance, more EV infrastructure</td>
</tr>
<tr>
<td>one area to improve is for more access to recycling. in order to recycle, one has to drive to Home Depot or to Edwards.. not very convenient.</td>
</tr>
<tr>
<td>more recycling options, incentives for solar, less water use etc</td>
</tr>
<tr>
<td>You need more recycling cans around town one next to every trash can.</td>
</tr>
<tr>
<td>Rental properties, particularly short-term, should be required to show they are supporting these environmental initiatives. For instance, they should be required to provide recycling bins with signage of what can/cannot be recycled and be required to put in LED bulbs and low flow water fixtures.</td>
</tr>
<tr>
<td>I would like to see recycling taken more seriously.</td>
</tr>
<tr>
<td>Recycling is great</td>
</tr>
<tr>
<td>Glass recycling program?</td>
</tr>
<tr>
<td>We need more recycling options when walking in town. Most receptacles are trash bins.</td>
</tr>
<tr>
<td>Continuing to make recycling easier for residents and businesses is key. I helped to run the recycling drop-off stations throughout the valley as a board member of Eagle Valley Alliance for Sustainability for several years; it has come a long way with the new landfill transfer station but there's still room for a lot of improvements.</td>
</tr>
<tr>
<td>I would support any additional climate action measures. More recycling options in the park, improved bike trails, incentives to bike vs driving, etc.</td>
</tr>
<tr>
<td>I do not know what Avon’s Climate Action plan is, but I'm always in favor of improving the environment. I think that Avon could do better with recycling and adapting a ban on plastic cutlery and napkins for take-out food unless asked. The ban on plastic bags is great!</td>
</tr>
<tr>
<td>Please offer an option for a drop off composting site (similar to our recycling site outside of the Home Depot). It would dramatically reduce our waste.</td>
</tr>
</tbody>
</table>
Thank you for the easy compost drop off site. It would be great if there was more recycling commitment and it would be great if we could enforce proper usage of the site.

2022 Business Outreach Survey

The survey results show that 46 out of 72 participants (63.89%) support adoption of Recycling Ordinance for all businesses in Avon. In addition, comments regarding recycling are:

<table>
<thead>
<tr>
<th>Wish we could have a better recycling, compost available for not only guests, owners and to all business. That would tremendously help for climate change.</th>
</tr>
</thead>
<tbody>
<tr>
<td>With respect to recycling, do any companies actually come up here to recycle most of what we separate or does the vast majority of it end up in the landfill? If you think you know the answer drive out to wolcot and see for yourself</td>
</tr>
<tr>
<td>Recycling and composting should both be adopted</td>
</tr>
<tr>
<td>Love the plastic-free venue initiatives.</td>
</tr>
<tr>
<td>Composting would be a nice option</td>
</tr>
<tr>
<td>Who regulates the recycling program? Is there oversight regarding any of it?</td>
</tr>
<tr>
<td>The recycling issue is a hard one...Nationally the averages of refuse actually recycled, is not great. I would want to make sure that my recycled items ARE recycled.</td>
</tr>
</tbody>
</table>

Interviews with six HOAs in Avon (2021)

<table>
<thead>
<tr>
<th>Not very effective at all. There is a lot of trash found in the recycling and short term rental guests and housekeepers do not follow recycling rules that are clearly posted. Residents are tired of fines for improper recycling and the excess of recycling from illegal dumpers and people that abuse the bins. I think recycling can be improved by offering a better way to sort recyclables.</th>
</tr>
</thead>
<tbody>
<tr>
<td>It’s very difficult for us to create a one size fits all plan on our property since we have several types of owners/guests. For recycling to be improved we would need more space in our existing dumpster sheds and provide recycle bins inside each condo. Any suggestions that can be done inexpensive would be great, as we have a very tight budget.</td>
</tr>
<tr>
<td>The recycle bins are located on the 1st floor in the trash room. Emails have been sent out to owners and instructions are in short term rental checkin envelopes with instructions on how and where to recycle, along with signage on each floor in the trash rooms. Waste Management picks up the recycle on Mondays and Fridays. I do not think our building could do more to inform guests and owners about recycling in the building. No chute for recycling. Convenience problems</td>
</tr>
<tr>
<td>As is always the issue, the recycling is almost always contaminated because people don’t understand what can and cannot be recycled. I often wonder if there’s any point at all in recycling when 99% of the time it’s ending up in the trash anyways. No kind of education besides maybe decals on the bins</td>
</tr>
</tbody>
</table>
| Dear Avon Town Council Members, As a new property owner in the Town of Avon, I am extremely happy to be able to base our property management business here! However, I was greatly disappointed to learn that our town does not have a mandatory recycling ordinance in place! Having moved here from Vail, where mandatory recycling has been in place for several years, it seems that Avon is doing its residents and businesses a severe disfavor by not requiring recycling. I would think that along with your disposable bag fee and Climate Action initiative, recycling would be a “no brainer” for the town. I do not think that loading recycling into a personal vehicle and driving it two miles east to Home Depot or three miles west to the Edwards rest area, while burning fossil fuel is a responsible way to reduce our carbon footprint on the environment. It makes much more sense to have the trash hauler also remove recycling by driving only one vehicle around. We manage over 35 community associations throughout the valley, from East Vail to Eagle. Only one of the HOAs that we manage (Canyon Run) does not have on-site recycling for its residents. Thank you for your consideration on this very important matter. I
would love to see some progress made and would be happy to serve on a committee that does some research and provides information to the Town Council.

Not many people use the bins, education is the biggest issue. There isn't much the property can do on its own.
Town of Vail – Recycling Ordinance Case Study

Town of Vail enacted their Community Wide Recycling Ordinance in July 2014, requiring universal recycling for all residents and businesses. Since then, Vail has increased their recycling rate from 9% to 35%, which is higher than that of Eagle County (32%) and the State of Colorado (15%). Vail’s example serves as a great resource for successful recycling and waste diversion in Eagle County. This case study provides more details of how recycling requirements are implemented in Vail from 2014 to 2022. All of this information was provided by Vail’s Environmental Sustainability Coordinator, Beth Markham.

Preparation Prior to Implementation

Vail hired an advertising agency to design an entire recycling marketing campaign, including branding, a new logo, slogan, web design, advertisements and a set of physical materials to promote the recycling requirements (image 1).

![Image 1: physical materials in the recycling campaign](image1.png)

![Image 2: the final packet](image2.png)

The physical materials include small posters, standing table signs, door hangers, magnets, weather-resistant stickers for receptacles, and a binder that holds everything together as a packet (image 2). A new website, LoveVail.org, was also created to host all information related to the Recycling Ordinance. The Love Vail website has since evolved into a space for all sustainability programs in Vail. As the Recycling program grows, Vail has also produced educational and promotional materials in-house, such as those for the pilot curbside composting program in West Vail. The current Recycling program on the LoveVail website contains multiple pages, detailing requirements, how to get started, low-income assistance, exemption process, announcements, contacts for the program, etc. Other than web content, there are also links, downloadable PDFs, and videos to help people learn about the program and how to do it all right. There are also separate materials serving homeowners, HOAs, and businesses (image 3). In addition, the campaign also went out on buses and public spaces.
IF YOU LOVE IT HERE

SIMPLE TIPS TO HELP YOU WITH THE NEW RECYCLING ORDINANCE

WHAT DO BUSINESSES NEED TO DO?

RESTAURANTS & BARS will need to recycle in the “back of house,” adding containers for recycling where they have trash, including their dumpster area. Recycling containers need to be added in the “front of house” if trash containers are provided for patron use.

LODGING will need to offer recycling where they have trash (in-rooms and back of house). Every public (common area) trash container need not be paired with recycling, but recycling containers must be located in equally convenient locations as those for trash.

RETAIL STORES will need to recycle in the “back of house,” adding containers for recycling where they have trash receptacles, including their dumpster area. Recycling containers need to be added if trash containers are available for patrons.

WHAT DO HOMEOWNERS & HOAS NEED TO DO?

HOMEOWNERS & HOAS ON SINGLE CART PICK-UP trash service will need to sign up for curbside recycling and purchase a wildlife-resistant container for recycling through their waste hauler, or switch to an existing wildlife-resistant trash bin to recycling. All waste haulers already offer recycling included with trash service. Recycling will be picked up as often as trash service. Recycling will be picked up as often as trash service and residents will pay for trash according to the size of their trash container.

HOAS ON DUMPSTER PICK-UP will need to recycle on site, adding a recycling dumpster and containers for condo renters if they are mostly a renter/vacation HOA.

The new recycling ordinance is effective as of July 1, 2014. A six-month transition period has been established for adoption of the requirements by residents and businesses. Compliance will be required as of January 1, 2015.

Businesses, Homeowners and HOAs are eligible for rebates to assist your purchase of new wildlife-resistant containers and initiation of recycling programs. To apply for your rebate, download and complete the rebate form at vailgov.com/recycling. Ask your hauler for signage or stickers for your bins or trash areas.

(Image 3: Vail’s operational set up for businesses, homeowners and HOAs)
Outreach & Implementation

In addition to the awareness generated by the marketing campaign, Vail also hired an intern from Walking Mountains for about 5.5 months to do door-to-door outreach with residents and businesses. The intern would pass out the packet shown above, explain the ordinance, deliver training and answer any questions as needed. The packet materials were also given to short-term rental owners and hotels to put in rooms. The door-to-door outreach was critical in establishing the recycling ordinance.

As mentioned above, there is plenty of information and education on the website to help people succeed with the recycling requirements. In addition, Vail also offers low-income assistance for residents, rebates, as well as exemptions for businesses and HOAs that are experiencing challenges to comply with the ordinance.

For business and HOA exemptions, applicants would go through Vail’s Planning and Environmental Commission to request a 12-month exemption. They would have to follow through with it eventually. Vail also offered a rebate program with both a residential rebate form and a business rebate form. Residents could get $100 rebate back from purchasing their recycling cart. Businesses could get up to $250 towards their startup costs plus $500 towards hauling fees for a recycling program at the business or HOA. Similar to Avon, Vail has a wildlife requirement for trash and recycling receptacles. Customers can usually receive receptacles from haulers as part of their subscription, but Vail did experience Vail Honeywagon telling customers to get their own at Ace Hardware or Home Depot, or order online. Vail also experienced that haulers would rarely provide 32-gallon trash receptacles. In order to fulfill the Pay-As-You-Throw (PAYT) of allowing people to choose the size they want, Vail purchased 40 of the 32-gallon receptacles in 2019, which was funded by the Colorado Department of Public Health and Environment’s grant program to support recycling infrastructure. The purpose was to incentivize the PAYT program so Vail gave the 32-gallon trash receptacle to residents who would trade in their 96 or 64-gallon ones, or residents could keep their big ones for recycling and get a smaller one for trash. The idea was to increase your capacity for recycling and decrease your trash.

Despite the recycling requirements, the free community recycling center maintains an option in Vail. The free recycling center is a great resource for part-time residents, short-term renters, etc. One of the caveats in Vail is that if you have trash service, then you’re required to have recycling, but having trash service is not required. Landlords are required to provide trash (and recycling) services though. Therefore, the recycling center is still actively used and filled all the time. Businesses and contractors would bring their recycling there too, even if they’re not supposed to. Sometimes people would just come and dump trash there too. There is surveillance and staff will do something if there is gross negligence.

Enforcement

Vail has practiced an education-first approach to enforcement for a long time since 2014, but this has not deterred the successful growth of the recycling program. Vail doesn’t currently issue tickets, but this does not mean an absence of enforcement methods. The ordinance was initially written so that it has required court summons for violations since 2014. Vail recently added recycling violations to wildlife warning tags and the code enforcement team watches for grossly noticeable recycling violations. The code enforcement team and Vail’s Environmental Sustainability Coordinator can write court summons now if needed. Typically, if there is a court violation, the penalty is minimal. Court summons can also impact second home owners who may be from out of the country and hold special visas.

Historically enforcement in general has been minimal - usually it is for wildlife violations (leaving carts out overnight, not having wildlife resistant carts, etc.). There is a code enforcement officer that was hired on recently and recycling violations are a priority of hers, so that lack of enforcement is starting to change a bit and more violations are being issued. The police department is asking the Sustainability team to consider moving to a ticket-and-fine approach.
this changes, Vail will amend their Recycling Ordinance. Overall, from the municipal perspective, it is very hard to enforce recycling requirements. It takes authority, power and human resources to succeed. Ticketing might be a more effective approach than court summons.

Haulers that operate in Vail assist with enforcement as well. They would leave hang-tags on the recycling receptacle to notify customers that their recycling is contaminated. Penalties or fines would typically be added to the next bill if issued.

**Results & Impact**

Since the implementation of the Recycling Ordinance, Vail’s recycling went from 9% to 35%, with a 90% registration rate. As a reference, Eagle County’s recycling rate is 32% and the State of Colorado is 15%.

The Recycling Ordinance set up a good foundation for other waste management programs, such as the curbside pilot composting program in 2021. The goal of the curbside composting program is to improve organic waste diversion, as outlined in the Eagle County Climate Action Plan. The pilot program ran from summer 2021 to summer 2022. For the first year, Vail subsidized the half of the monthly subscription fee for all 50 something residential participants (including both single family homes and an HOA with 20+ units). Around 20 other businesses have expressed interest to join as well. Vail is surveying current participants for feedback, and they hope to get to a point where they can start mandating composting as they did with recycling.

**Future**

**Internal Management:** municipality-run waste management, typically contracted with a single hauler via a bid process, is one of the best and most effective practices to increase recycling and waste diversion success due to the full-control that municipalities can exercise over requirements. Municipalities can usually receive a more competitive deal from haulers, which in turn benefits the customers. Customers don’t have to interact with haulers directly and don’t think about waste management as an extra thing to deal with; this would usually lead to less stress and help people perceive recycling as “a given”. A municipal management of waste collection also means that municipalities can receive much cleaner data to calculate waste diversion rates and inform strategies for improvement. On the operation side, a single hauler, compared to 3 or 4, would also reduce the traffic of trash trucks on the road, hence reducing GHG emissions. Vail is aware of all the benefits but is currently not considering implementation. There is a desire by Vail Town Council to maintain the free market. However, it may be an option in the future.
Waste Management of Colorado (WM) is committed to providing reliable, safe, and courteous services to every customer, every week. Thank you for allowing us to keep Hayden safe, clean and green.

SERVICE REMINDERS

- Place your wheeled cart(s) at the curb by 7:00 a.m. on Tuesday for service.
- Be sure the cart handle faces the house, not the street, and the cart is four feet from any other object (mailbox, tree, fence, other carts, etc.) so that we can service it safely.
- Cart lid must be shut to ensure service. Material left outside the container may be subject to additional fees.
- Do not put chemicals, batteries, propane tanks or other hazardous waste in your curbside cart.
- **Important!** Please bag your trash but not recyclables. Recyclable materials should be placed loose in the recycling cart.

NEW COLLECTION RATES (Effective February 1, 2021)

Weekly residential trash & every-other-week recycling service: $30.50/month
Senior rate: $19.50

OPTIONAL: Extra trash/recycle cart: $19.00/month

---

**BULKY ITEM COLLECTION AVAILABLE**

Schedule a large item collection today from the comfort of your own home! Call WM customer service at (970) 879-2400.

Acceptable Items: large appliances (Freon removed), sofa, lounge chair, microwave, water heater, mattress, yard waste (4 cubic feet).

Rate per item collected: $43

---

**QUESTIONS?**

If you’d like to start service, add an extra cart, add recycling, cancel service and for billing questions, please contact the Town at (970) 276-3741.

For service issues, like reporting a missed pick-up, or to schedule a bulky item collection, please contact WM Customer Service at (970) 879-2400.
**Hayden**

**2021 Recycling Calendar**

### Service Day Guidelines
- On your service day, place your recycling and trash carts at the curb by 7 a.m. with the wheels facing the curb.
- Please ensure recyclables fit in your recycling cart with the lid closed.
- Do not bag your recyclables.

### Service Holidays
- New Year’s Day: Friday, Jan. 1
- Memorial Day: Monday, May 31
- Independence Day: Sunday, July 4
- Labor Day: Monday, Sept. 6
- Thanksgiving Day: Thursday, Nov. 25
- Christmas Day: Saturday, Dec. 25

Holidays noted with a square may affect your collection service.
If your service day falls on or after a holiday, your service will be delayed by one (1) day. Regular service will resume the following week. Service will not be delayed if the holiday falls on a Sunday.

**Recycle (Clean & Dry):**
- Aluminum & Steel Cans
- Plastic Bottles, Jugs & Jars
- Glass Bottles & Jars
- Paper
- Cardboard & Boxboard

**Do NOT Recycle:**
- Plastic bags, wrap or film (return bags to store)
- Food, liquids
- Yard waste, wood
- Shredded paper
- Electronics
- Clothes, bedding, carpet
- Medical/hazardous waste
- Foam cups, take-out containers, packing material

*Items are not limited to those above.*

### Hayden Recycling Calendar

<table>
<thead>
<tr>
<th>January</th>
<th>February</th>
<th>March</th>
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<tr>
<th>May</th>
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</table>

**Recycle (Clean & Dry):**
- Aluminum & Steel Cans
- Plastic Bottles, Jugs & Jars
- Glass Bottles & Jars
- Paper
- Cardboard & Boxboard

**Do NOT Recycle:**
- Plastic bags, wrap or film (return bags to store)
- Food, liquids
- Yard waste, wood
- Shredded paper
- Electronics
- Clothes, bedding, carpet
- Medical/hazardous waste
- Foam cups, take-out containers, packing material

*Items are not limited to those above.*

**Questions?** Call (970) 879-2400.
Town of Milliken
Trash & Recycling Services
2022 Update

Trash Service
WM provides households one 96-gallon wheeled cart. Trash should be bagged and must fit inside cart with the lid fully closed.

Recycling Service
WM provides households one 96-gallon wheeled cart. Recyclable materials should be placed loosely in the cart, not bagged. If you would like to start recycling service, please call the Town at (970) 587-4331.

Need More Cart Space?
Order a second trash or recycling cart. To order an additional cart call WM at (970) 482-6319. Please allow two weeks for container.

Have your carts at the curb the night before or no later than 6:00 a.m. on your collection day. (even if your driver typically comes later).

Trash & Recycling Rates

<table>
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<tr>
<th>Service</th>
<th>2022 Rates</th>
<th>2021 Rates</th>
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<tr>
<td>Single Family Home Trash Service</td>
<td>$15.74/month</td>
<td>$12.56/month</td>
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<tr>
<td>Single Family Home Trash Service (Senior Rate)</td>
<td>$13.55/month</td>
<td>$10.63/month</td>
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<tr>
<td>Single Family Home Recycling Service</td>
<td>$10.44/month</td>
<td>$9.21/month</td>
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<tr>
<td>Extra Bagged/Bundled Materials</td>
<td>$4.95/bag</td>
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Additional Cart Fees

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<tr>
<th>Service</th>
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<th>2021 Rates</th>
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<tr>
<td>Extra Trash Cart</td>
<td>$9.49/month per cart</td>
<td>$8.37/month per cart</td>
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<tr>
<td>Extra Recycling Cart</td>
<td>$5.02/month per cart</td>
<td>$4.43/month per cart</td>
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</table>

WM strives to deliver the safest, most-efficient service. Rates are increasing in 2022 (effective July 1, 2022) due to rising costs for fuel, labor, equipment and supplies.

Questions
Town of Milliken - (970) 587-4331
• Billing Rates
• Service Change Requests

WM of Colorado - (970) 482-6319
• Waste or recycling services questions
• Additional Cart Requests
Always Recycle

- Empty recyclables loose into your cart - don’t bag recyclables and no loose plastic bags. Instead, reuse or return plastic bags to local retailers.
- Containers should be empty and free from food and liquid.
- Break down and flatten cardboard boxes before placing inside carts.

Do Not Include In Your Recycling Container

Items are not limited to those listed.

- Plastic bags, wrap or film (return bags to store)
- Food, liquids
- Yard waste, wood
- Shredded paper
- Electronics
- Clothes, bedding, carpet
- Medical / hazardous waste
- Foam cups, take-out containers, packing material
- Waxy cartons
- Tanglers (hoses, wire, rope, etc.)

My WM Alerts
To access your WM service and account information and get timely automated notifications, set up an online profile. Choose how you prefer to be notified - via email or text message. Visit My WM at [wm.com](http://wm.com).

Service Alerts
When weather or emergencies occur in your area, you can check for notices regarding WM service delays at [wm.com/weather-alert/index.jsp](http://wm.com/weather-alert/index.jsp).

2022 Holiday Schedule

Service days occurring on or after an observed holiday will be delayed and resumed one day later for the remainder of the week.
Normal schedules will resume the following week. If the holiday is NOT listed below, service will occur regularly.

- New Years Day - Monday, Jan. 3
- Memorial Day - Monday, May 30
- Independence Day - Monday, July 4
- Labor Day - Monday, Sept. 5
- Thanksgiving Day - Thursday, Nov. 24

To learn more about how to properly recycle visit [wm.com/RecycleRight](http://wm.com/RecycleRight).
How to Recycle in Eagle County

Always Recycle These Items
- Bottles, Tubs, Jugs with lids attached
- Aluminum Cans
- Tin Cans
- Glass Jars & Bottles without lids
- Cardboard
- Newspapers, Paper, Office/Mixed Paper
- Paperboard no frozen food boxes
- Magazines & Junk Mail

Sort Your Recycling

1 BIN (SINGLE-STREAM)
- Put all recyclables into the same bin.
- Note that most businesses use single-stream.

2 BINS (DUAL-STREAM)
- Bin 1: Plastics, glass, cans & bottles
- Bin 2: Paper & paperboard
- Bring to drop-site Cardboard (not collected curbside)

Dual-Stream Recycling Only
- Plastic Cups
- Clam Shell Containers fruits & veggies
- Shredded Paper

FREE RECYCLING DROP-SITES
- Vail | 75 S. Frontage Road & Textiles and Compost!
- Red Cliff | 400 Pine St. & Textiles and Compost!
- Avon | 375 Yoder Ave. & Textiles and Compost!
- Edwards | West End of Mountain Recreation Field House
- Eagle | 1050 Chambers Ave. 

Special Collection Locations Exist For These Items

- Batteries
- CFL Light Bulbs
- Electronic Waste
- Food, Yard Waste & Greasy Pizza Boxes compost!
- Scrap Metal
- Plastic Bags includes grocery and trash bags
- Aerosol Spray Cans
- Syringes & Needles
- Textiles clothing, sheets, fabrics, shoes

WHERE TO DIVERT?
Check the Waste Wizard App for these opportunities

Don’t just throw away old or used items! Help find them a new home...

Don’t guess! Check the Waste Wizard App

NEW TRASH ITEMS!
- Aspetic Cartons juice and milk cartons
- Starbucks/hot coffee cups

ALWAYS TRASH
- Broken Stemware or Ceramics
- Small Plastics utensils, cold/hot drink lids, dressing cups
- Styrofoam

Available in English and Spanish
Reach out to Honeywagon Organics for information about the compost drop-site program

Bin 1: Plastics, glass, cans & bottles
Bin 2: Paper & paperboard
Bring to drop-site Cardboard (not collected curbside)
SUMMARY: Ordinance No. 22-14 Approving the Purchase and Sale of Real Property is presented to Council for first reading. The property presented for acquisition is Unit 1B, Sherwood Meadows, which is a three bedroom townhome adjacent to the Unit 1A that is currently owned by the Town. This residence is proposed to be acquired for Avon employee housing. The residence can either be rented or sold to an Avon employee. If this residence is sold to an Avon employee, it is proposed to be sold with a price cap that limits appreciation and with a first right of the Town of Avon to re-acquire the property.

TERMS: The standard contract form to Buy and Sell Real Estate Real Property from the Colorado Real Estate Commission is used for this transaction. An appraisal process has started. The intent is that the Owner and Town will negotiate the sale and purchase price after receiving the appraisal. Title review, due diligence inspections, and determination of the purchase price should be completed before second reading. Closing cannot occur until 30 days after second reading, so first reading is presented even though the purchase price is not yet agreed in order to proceed with the scheduling for second reading.

HOME RULE CHARTER: Section 18.3 of the Avon Home Rule Charter states,

Section 18.3 - Restrictions on sale of municipally-owned real property.

The Town shall not sell or dispose of municipally-owned buildings or real property in use for public purposes without first obtaining the approval of a majority of the electors voting thereon.

The Town Attorney has advised that based on this language and case law in Colorado, the acquisition, use and resale of residential property for housing purposes does not constitute “real property in use for public purposes” and therefore voter approval for resale is not required. “Real property in use for public purposes” includes properties like Nottingham Park, the Town Hall, Police Station and Recreation Center.

FINANCIAL CONSIDERATIONS: The funds for the acquisition is proposed to come out of the Town of Avon’s general fund reserve balances. If the Town re-sells this property to a Town employee, the reserve funds would be replaced to the extent of the sales price.

Thank you, Eric

ATTACHMENT A: Ordinance No. 22-14
ORDINANCE NO. 22-14

AUTHORIZING PURCHASE OF
SHERWOOD MEADOWS UNIT 1B

WHEREAS, the Town Council ("Council") of the Town of Avon ("Town") is authorized to purchase real estate by ordinance; and

WHEREAS, Council finds that the acquisition of residential property for Town of Avon employee housing is beneficial and will help to stabilize and preserve the Town’s workforce; and

WHEREAS, the Owner of Unit 1-B, Sherwood Meadows, 371 Nottingham Road, Town of Avon, CO ("Property") desires to negotiate the sale of the Property to the Town; and

WHEREAS, Council finds that the acquisition and intended use of the Property is not for public use and that any future resale of this residential Property will not be subject to Section 18.3 of the Avon Home Rule Charter; and

WHEREAS, Council held a public hearing on September 27, 2022; and

WHEREAS, the Town Council finds that the acquisition of residential property will promote the health, safety and general welfare of the Avon community; and,

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Town Council desires to comply with the requirement of Section 6.5(d) of the Avon Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the Town Council, or any member of the Town Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO the following:

Section 1.   Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2.   Approval of Contract. The form of the Contract to Buy and Sell Real Estate (Residential) ("Contract") attached as Exhibit A is hereby approved. The Mayor, Town Clerk and Town Attorney are authorized to execute the Contract and all other documents related to the closing and acquisition of the Property.

Section 3.   Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared

ATTACHMENT A: Ord 22-14

Ord 22-14 Authorizing Unit 1-B, Sherwood Meadows
First Reading – September 13, 2022
Page 1 of 2
to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Effective Date. This Ordinance shall take effect thirty days after the date of final passage in accordance with Section 6.4 of the Avon Home Rule Charter.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Avon, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Publication by Posting. The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 1.16 of the Avon Municipal Code.

INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING by the Avon Town Council on September 13, 2022 and setting such public hearing for September 27, 2022 at the Council Chambers of the Avon Municipal Building, located at One Hundred Mikaela Way, Avon, Colorado.

BY: Sarah Smith Hymes, Mayor ATTEST: Brenda Torres, Town Clerk

ADOPTED ON SECOND AND FINAL READING by the Avon Town Council on September 27, 2022.

BY: Sarah Smith Hymes, Mayor ATTEST: Brenda Torres, Town Clerk

APPROVED AS TO FORM:

Karl Hanlon, Town Attorney
EXHIBIT A: Purchase Contract

The printed portions of this form, except differentiated additions, have been approved by the Colorado Real Estate Commission.

(CBS1-6-21)(Mandatory 1-22)

THIS FORM HAS IMPORTANT LEGAL CONSEQUENCES AND THE PARTIES SHOULD CONSULT LEGAL AND TAX OR OTHER COUNSEL BEFORE SIGNING.

CONTRACT TO BUY AND SELL REAL ESTATE (RESIDENTIAL)

Date:

AGREEMENT

1. AGREEMENT. Buyer agrees to buy and Seller agrees to sell the Property described below on the terms and conditions set forth in this contract (Contract).

2. PARTIES AND PROPERTY.

2.1. Buyer. Town of Avon a Colorado home rule municipal corporation,(Buyer) will take title to the Property described below as ☐ Joint Tenants ☐ Tenants In Common ☐ Other ____________________________

2.2. No Assignability. This Contract IS NOT assignable by Buyer unless otherwise specified in Additional Provisions.

2.3. Seller. Martin Matthew Golembiewski (Seller) is the current owner of the Property described below.

2.4. Property. The Property is the following legally described real estate in the County of Eagle, Colorado (insert legal description):

Unit 1-B, Sherwood Meadows, Phase 1, according to the Condominium Map recorded January 24, 1980 in Book 297 at Page 857 and as defined and described in Condominium Declaration recorded February 13, 1980 in Book 298 at page 730 and Supplement recorded December 16, 1980 in Book 314 at Page 825, County of Eagle, State of Colorado

22 known as: 371 Nottingham Road, #1B Avon Colorado 81620

Street Address City State Zip together with the interests, easements, rights, benefits, improvements and attached fixtures appurtenant thereto and all interest of Seller in vacated streets and alleys adjacent thereto, except as herein excluded (Property).

2.5. Inclusions. The Purchase Price includes the following items (Inclusions):


☐ Window Blinds ☐ Storm Windows ☐ Storm Doors ☐ Window Coverings and Treatments ☐ Curtain Rods ☐ Drapery Rods ☐ Fireplace Screens ☐ Lightning ☐ Water Rights

2.5.1. Inclusions – Attached. If attached to the Property on the date of this Contract, the following items are included unless excluded under Exclusions: lighting, heating, plumbing, ventilating and air conditioning units, TV antennas, inside telephone, network and coaxial (cable) wiring and connecting blocks/ jacks, plants, mirrors, floor coverings, intercom systems, built-in kitchen appliances, sprinkler systems and controls, built-in vacuum systems (including accessories) and garage door openers (including remote controls). If checked, the following are owned by the Seller and included: ☐ Solar Panels ☐ Water Softeners ☐ Security Systems ☐ Satellite Systems (including satellite dishes). Leased items should be listed under § 2.5.7. (Leased Items). If any additional items are attached to the Property after the date of this Contract, such additional items are also included in the Purchase Price.

2.5.2. Inclusions – Not Attached. If on the Property, whether attached or not, on the date of this Contract, the following items are included unless excluded under Exclusions: storm windows, storm doors, window and porch shades, awnings, blinds, screens, window coverings and treatments, curtain rods, drapery rods, fireplace inserts, fireplace screens, fireplace grates, heating stoves, storage sheds, carbon monoxide alarms, smoke/fire detectors and all keys.

2.5.3. Other Inclusions. The following items, whether fixtures or personal property, are also included in the Purchase Price:

☐ Remote Controls ☐ Satellite Dishes ☐ Satellites

2.5.4. Encumbered Inclusions. Any Inclusions owned by Seller (e.g., owned solar panels) must be conveyed at Closing by Seller free and clear of all taxes (except personal property and general real estate taxes for the year of Closing), liens and encumbrances, except:

☐ Solar Panels ☐ Water Softeners ☐ Security Systems ☐ Satellite Systems (including satellite dishes). Leased items should be listed under § 2.5.7. (Leased Items). If any additional items are attached to the Property after the date of this Contract, such additional items are also included in the Purchase Price.

2.5.5. Personal Property Conveyance. Conveyance of all personal property will be by bill of sale or other applicable legal instrument.

2.5.6. Parking and Storage Facilities. The use or ownership of the following parking facilities: ____________________________ and the use or ownership of the following storage facilities:

Note to Buyer: If exact rights to the parking and storage facilities is a concern to Buyer, Buyer should investigate.

2.5.7. Leased Items. The following personal property is currently leased to Seller which will be transferred to Buyer at Closing (Leased Items):

☐ Personal Property Conveyance. Conveyance of all personal property will be by bill of sale or other applicable legal instrument.

☐ Parking and Storage Facilities. The use or ownership of the following parking facilities: ____________________________ and the use or ownership of the following storage facilities:

Note to Buyer: If exact rights to the parking and storage facilities is a concern to Buyer, Buyer should investigate.

2.5.8. Water Rights/Well Rights.

2.7.1. Deeded Water Rights. The following legally described water rights:

2.7.2. Other Rights Relating to Water. The following rights relating to water not included in §§ 2.7.1, 2.7.3, and 2.7.4, will be transferred to Buyer at Closing:

☐ Well Rights. Seller agrees to supply, required information to Buyer about the well. Buyer understands that if the well to be transferred is a “Small Capacity Well” or a “Domestic Exempt Water Well” used for ordinary household purposes, Buyer must, prior to or at Closing, complete a Change in Ownership form for the well. If an existing well has not been registered with the Colorado Division of Water Resources in the Department of Natural Resources, (Division), Buyer must complete a registration of the well with the Division, and the use or ownership of the following storage facilities:

Note to Buyer: If exact rights to the parking and storage facilities is a concern to Buyer, Buyer should investigate.

2.7.3. Water Stock Certificates. The water stock certificates to be transferred at Closing are as follows:

☐ Water Stock Certificates. The water stock certificates to be transferred at Closing are as follows:

2.7.4. Water Rights Review. Buyer ☐ Does ☐ Does Not have a Right to Terminate if examination of the Water Rights is unsatisfactory to Buyer on or before the Water Rights Examination Deadline.

3. DATES, DEADLINES AND APPLICABILITY.

3.1. Dates and Deadlines.

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<th>Item No.</th>
<th>Reference</th>
<th>Event</th>
<th>Date or Deadline</th>
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<tr>
<td>1</td>
<td>§ 3</td>
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**Note:** If FHA or VA loan boxes are checked in § 4.5.3. (Loan Limitations), the Appraisal deadlines DO NOT apply to FHA insured or VA guaranteed loans.

### 3.2. Applicability of Terms.
If any deadline blank in § 3.1 (Dates and Deadlines) is left blank or completed with “N/A”, or the word “Deleted,” such deadline is not applicable and the corresponding provision containing the deadline is deleted. Any box checked in this Contract means the corresponding provision applies. If no box is checked in a provision that contains a selection of “None”, such provision means that “None” applies. The abbreviation “M&E” (mutual execution of this Contract) means the date upon which both parties have signed this Contract. The abbreviation “N/A” as used in this Contract means not applicable.

### 3.3. Day; Computation of Period of Days; Deadlines.
#### 3.3.1. Day. As used in this Contract, the term “day” means the entire day ending at 11:59 p.m., United States Mountain Time (Standard or Daylight Savings, as applicable). Except however, if a Time of Day Deadline is specified in § 3.1 (Dates and Deadlines), all Objection Deadlines, Resolution Deadlines, Examination Deadlines and Termination Deadlines will end on the specified deadline date at the time of day specified in the **Time of Day Deadline**, United States Mountain Time. If Time of Day Deadline is left blank or “N/A” the deadlines will expire at 11:59 p.m., United States Mountain Time.

#### 3.3.2. Computation of Period of Days. In computing a period of days (e.g., three days after MEC), when the ending date is not specified, the first day is excluded and the last day is included.

#### 3.3.3. Deadlines. If any deadline falls on a Saturday, Sunday or federal or Colorado state holiday (Holiday), such deadline will not be extended to the next day that is not a Saturday, Sunday or Holiday. Should neither box be checked, the deadline will not be extended.

### 4. PURCHASE PRICE AND TERMS.
#### 4.1. Price and Terms.
The Purchase Price set forth below is payable in U.S. Dollars by Buyer as follows:

- **Purchase Price:** $18,000
- **Cash at Closing:** $18,000

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**EXHIBIT A: Purchase Contract**
EXHIBIT A: Purchase Contract

5. FINANCING CONDITIONS AND OBLIGATIONS.

5.1. New Loan Application. If Buyer is to pay all or part of the Purchase Price by obtaining one or more new loans (New Loan), or if an existing loan is not to be released at Closing, Buyer, if requested by such lender, must make an application executable by such lender, on or before New Loan Application Deadline and exercise reasonable efforts to obtain a New Loan.

5.2. New Loan Terms. If Buyer is to pay all or part of the Purchase Price with a New Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the New Loan. Buyer agrees to pay all New Loan fees and costs incurred by Seller as a result of the Buyer’s New Loan Application, New Loan Terms Deadline, and exercise reasonable efforts to obtain a New Loan.

5.3. New Loan Availability. If Buyer is to pay all or part of the Purchase Price with a New Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the New Loan. Buyer agrees to pay all New Loan fees and costs incurred by Seller as a result of the Buyer’s New Loan Application, New Loan Terms Deadline, and exercise reasonable efforts to obtain a New Loan.

5.4. Existing Loan. If Buyer is to pay all or part of the Purchase Price with an Existing Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the Existing Loan. Buyer agrees to pay all Existing Loan fees and costs incurred by Seller as a result of the Buyer’s Existing Loan Application, Existing Loan Terms Deadline, and exercise reasonable efforts to obtain an Existing Loan.

5.5. Credit Information. If an existing loan or New Loan is not to be released at Closing, or if an existing loan is not to be released at Closing, Buyer, if requested by such lender, must make an application executable by such lender, on or before New Loan Application Deadline and exercise reasonable efforts to obtain a New Loan.

5.6. New Loan Application. If Buyer is to pay all or part of the Purchase Price by obtaining one or more new loans (New Loan), or if an existing loan is not to be released at Closing, Buyer, if requested by such lender, must make an application executable by such lender, on or before New Loan Application Deadline and exercise reasonable efforts to obtain a New Loan.

5.7. New Loan Terms. If Buyer is to pay all or part of the Purchase Price with a New Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the New Loan. Buyer agrees to pay all New Loan fees and costs incurred by Seller as a result of the Buyer’s New Loan Application, New Loan Terms Deadline, and exercise reasonable efforts to obtain a New Loan.

5.8. New Loan Availability. If Buyer is to pay all or part of the Purchase Price with a New Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the New Loan. Buyer agrees to pay all New Loan fees and costs incurred by Seller as a result of the Buyer’s New Loan Application, New Loan Terms Deadline, and exercise reasonable efforts to obtain a New Loan.

5.9. Existing Loan. If Buyer is to pay all or part of the Purchase Price with an Existing Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the Existing Loan. Buyer agrees to pay all Existing Loan fees and costs incurred by Seller as a result of the Buyer’s Existing Loan Application, Existing Loan Terms Deadline, and exercise reasonable efforts to obtain an Existing Loan.

5.10. Credit Information. If an existing loan or New Loan is not to be released at Closing, or if an existing loan is not to be released at Closing, Buyer, if requested by such lender, must make an application executable by such lender, on or before New Loan Application Deadline and exercise reasonable efforts to obtain a New Loan.

5.11. New Loan Application. If Buyer is to pay all or part of the Purchase Price by obtaining one or more new loans (New Loan), or if an existing loan is not to be released at Closing, Buyer, if requested by such lender, must make an application executable by such lender, on or before New Loan Application Deadline and exercise reasonable efforts to obtain a New Loan.

5.12. New Loan Terms. If Buyer is to pay all or part of the Purchase Price with a New Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the New Loan. Buyer agrees to pay all New Loan fees and costs incurred by Seller as a result of the Buyer’s New Loan Application, New Loan Terms Deadline, and exercise reasonable efforts to obtain a New Loan.

5.13. New Loan Availability. If Buyer is to pay all or part of the Purchase Price with a New Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the New Loan. Buyer agrees to pay all New Loan fees and costs incurred by Seller as a result of the Buyer’s New Loan Application, New Loan Terms Deadline, and exercise reasonable efforts to obtain a New Loan.

5.14. Existing Loan. If Buyer is to pay all or part of the Purchase Price with an Existing Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the Existing Loan. Buyer agrees to pay all Existing Loan fees and costs incurred by Seller as a result of the Buyer’s Existing Loan Application, Existing Loan Terms Deadline, and exercise reasonable efforts to obtain an Existing Loan.

5.15. Credit Information. If an existing loan or New Loan is not to be released at Closing, or if an existing loan is not to be released at Closing, Buyer, if requested by such lender, must make an application executable by such lender, on or before New Loan Application Deadline and exercise reasonable efforts to obtain a New Loan.

5.16. New Loan Application. If Buyer is to pay all or part of the Purchase Price by obtaining one or more new loans (New Loan), or if an existing loan is not to be released at Closing, Buyer, if requested by such lender, must make an application executable by such lender, on or before New Loan Application Deadline and exercise reasonable efforts to obtain a New Loan.

5.17. New Loan Terms. If Buyer is to pay all or part of the Purchase Price with a New Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the New Loan. Buyer agrees to pay all New Loan fees and costs incurred by Seller as a result of the Buyer’s New Loan Application, New Loan Terms Deadline, and exercise reasonable efforts to obtain a New Loan.

5.18. New Loan Availability. If Buyer is to pay all or part of the Purchase Price with a New Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the New Loan. Buyer agrees to pay all New Loan fees and costs incurred by Seller as a result of the Buyer’s New Loan Application, New Loan Terms Deadline, and exercise reasonable efforts to obtain a New Loan.

5.19. Existing Loan. If Buyer is to pay all or part of the Purchase Price with an Existing Loan, this Contract is conditional upon Buyer’s satisfaction with the availability of the Existing Loan. Buyer agrees to pay all Existing Loan fees and costs incurred by Seller as a result of the Buyer’s Existing Loan Application, Existing Loan Terms Deadline, and exercise reasonable efforts to obtain an Existing Loan.

5.20. Credit Information. If an existing loan or New Loan is not to be released at Closing, or if an existing loan is not to be released at Closing, Buyer, if requested by such lender, must make an application executable by such lender, on or before New Loan Application Deadline and exercise reasonable efforts to obtain a New Loan.

6. APPRAISAL PROVISIONS.

6.1. Appraisal Definition. An "Appraisal" is an opinion of value prepared by a licensed or certified appraiser, engaged on behalf of Buyer or Buyer’s lender, to determine the Property’s market value (Appraised Value). The Appraisal may also set forth certain lender requirements, replacements, repairs or demolitions necessary on the Property to be called out and disclosed to Buyer by the Seller.

6.2. Appraised Value. The applicable appraisal provision set forth below applies to the respective loan type set forth in § 4.5.3., or if a cash transaction (i.e., no financing), § 6.2.1. applies.
EXHIBIT A: Purchase Contract

6.2.1. Conventional/Other. Buyer has the right to obtain an Appraisal. If the Appraised Value is less than the Purchase Price, or if the Appraisal is not received by Buyer on or before Appraisal Deadline Date Buyer may, on or before Appraisal Objection Deadline, terminate this Contract on the terms and conditions set forth in this Section 6.2.1. (Appraisal Objection Deadline). If Buyer does not receive the Appraisal Report within 10 business days of Buyer's request for the Appraisal Report, Buyer may, on or before Appraisal Deadline Date, terminate this Contract on the terms and conditions set forth in this Section 6.2.1. (Appraisal Objection Deadline).

6.2.1.1. Notice to Terminate. Notify Seller in writing, pursuant to § 24.1., that this Contract is terminated; or

6.2.1.2. Appraisal Resolution. If an Appraisal Objection is received by Buyer, on or before Appraisal Objection Deadline and if Buyer and Seller have not agreed in writing to a settlement thereof on or before Appraisal Resolution Deadline, this Contract shall terminate on the terms and conditions set forth in this Section 6.2.1. (Appraisal Resolution Deadline).

6.2.2. FHA. It is expressly agreed that, notwithstanding any other provisions of this Contract, the purchase (Buyer) shall not be obligated to complete the purchase of the Property described herein or to incur any penalty by forfeiture of Earnest Money deposits or otherwise unless the Buyer (Buyer) has been given, in accordance with § 24.4.1., prior to the Appraisal Resolution Deadline, an Appraisal Report from the Appraiser selected by the Seller, which report shall confirm the Appraised Value is not less than the Purchase Price (Lender Verification). If the Appraisal Report does not meet the conditions as set forth above, Buyer may, on or before Appraisal Resolution Deadline, terminate this Contract on the terms and conditions set forth in this Section 6.2.2. (FHA). If the purchase price does not meet the conditions as set forth above, Buyer may, on or before Appraisal Resolution Deadline, terminate this Contract on the terms and conditions set forth in this Section 6.2.2. (FHA).

6.2.3. VA. It is expressly agreed that, notwithstanding any other provisions of this Contract, the purchase (Buyer) shall not incur any penalty by forfeiture of Earnest Money deposits due to the purchase price being less than the amount accepted under the terms and conditions set forth in this Section 6.2.3. (VA). If the purchase price does not meet the conditions as set forth above, Buyer may, on or before Appraisal Resolution Deadline, terminate this Contract on the terms and conditions set forth in this Section 6.2.3. (VA).

6.2.4. Earnest Money. On or before Closing, Buyer shall deliver to Seller, a current commitment for owner’s title insurance policy (Title Commitment), in an amount equal to the Purchase Price, or if this box is checked, a current commitment for owner’s title insurance policy (Title Commitment), in an amount equal to the Purchase Price. Seller will cause the title insurance policy to be issued and delivered to Buyer as soon as practicable at or after Closing. If neither box is checked, Seller shall select the title insurance company to furnish the owner’s title insurance policy to Buyer on or before Closing. If this box is checked, Seller will select the title insurance company to furnish the owner’s title insurance policy (Title Commitment), in an amount equal to the Purchase Price, in accordance with § 24.1.1. and § 24.1.2. (Earnest Money). Buyer shall select the title insurance company to furnish the owner’s title insurance policy (Title Commitment), in an amount equal to the Purchase Price, in accordance with § 24.1.1. and § 24.1.2. (Earnest Money). Buyer shall not be required to pay any additional premium expense to obtain the Title Commitment. Buyer may, on or before Closing, terminate this Contract on the terms and conditions set forth in this Section 6.2.4. (Earnest Money).

8. TITLE INSURANCE. RECORD TITLE AND OFF-RECORD TITLE.

8.1. Evidence of Title.

8.1.1. Seller Selects Title Insurance Company. If this box is checked, Seller will select the title insurance company to furnish the owner’s title insurance policy to Buyer on or before Closing. If this box is checked, Seller will select the title insurance company to furnish the owner’s title insurance policy (Title Commitment), in an amount equal to the Purchase Price. If neither box is checked, Seller shall select the title insurance company to furnish the owner’s title insurance policy (Title Commitment), in an amount equal to the Purchase Price.

8.1.2. Buyer Selects Title Insurance Company. If this box is checked, Buyer will select the title insurance company to furnish the owner’s title insurance policy to Buyer on or before Closing. If this box is checked, Buyer will select the title insurance company to furnish the owner’s title insurance policy (Title Commitment), in an amount equal to the Purchase Price.

8.1.3. Owner’s Extended Coverage (OEC). The Title Commitment will not contain Owner’s Extended Coverage (OEC). If the Title Commitment contains OEC, it will contain a commitment to issue or renew over the standard exceptions which relate to: (1) parties in possession, (2) unrecorded easements, (3) survey matters, (4) unrecorded mechanics’ liens, (5) gap period (period between the effective date and time of commitment to the date and time the deed is recorded) and (6) unapid taxes, assessments, liens, judgments, and other encumbrances. Buyer shall be entitled to a prorated sales tax on the purchase price of the Property at the end of the term of the Closing. Any additional premium expense to obtain OEC will be paid by Buyer. Seller will select the title insurance company to furnish the owner’s title insurance policy (Title Commitment), in an amount equal to the Purchase Price.

8.1.4. Title Documents. Title Documents consist of the following: (a) copies of any plat, declarations, covenants, conditions and restrictions burdening the Property and (b) copies of any other documents (or, if illegible, summaries of such documents) listed in the schedule of exceptions (Exceptions) in the Title Commitment furnished to Buyer (Claim) (Title Documents).

8.1.5. Copies of Title Documents. Buyer must receive, on or before Record Title Deadline, copies of all Title Documents. This requirement pertains only to documents as shown of record in the office of the clerk and recorder in the county where the Property is located. The cost of furnishing copies of the documents required in this Section will be at the expense of the party or parties obligated to pay for the owner’s title insurance policy.
8.1. Existing Abstracts of Title. Seller must deliver to Buyer copies of any abstracts of title covering all or any portion of the Property (Abstract of Title) in Seller’s possession on or before Title Deadline.

8.2. Record Title. Buyer has the right to review and object to the Abstract of Title or Title Commitment and any of the Title Documents as set forth in § 8.7. (Right to Object to Title). Buyer may have the Option to object to any unsatisfactory title, but not yet installed) or other title matters not shown by public records, of which Seller has actual knowledge. This Section excludes any New ILC or New Survey governed under § 9 (New ILC, New Survey).

8.3. Off-Record Title. Seller must deliver to Buyer, on or before Off-Record Title Deadline, true copies of all existing surveys in Seller’s possession pertaining to the Property and all legal descriptions of all encumbrances, liens (including easements), or other restrictions or limitations affecting the Property or the title thereto, including the Abstract of Title, as of the date of this Contract and the modified Title Commitment (as of the date of this Contract).

8.4. Special Taxing Districts. SPECIAL TAXING DISTRICTS MAY BE SUBJECT TO GENERAL OBLIGATION INDEBTEDNESS THAT IS PAID BY REVENUES PRODUCED FROM ANNUAL TAX LEVIES ON THE TAXPABLE PROPERTY WITHIN SUCH DISTRICTS. PROPERTY OWNERS IN SUCH DISTRICTS MAY BE PLACED AT RISK FOR INCREASED MILL LEVIES AND TAX TO SUPPORT THE SERVICING OF SUCH DEBT WHERE CIRCUMSTANCES OCCUR OR VARY SUCH THAT SUCH A DISTRICT ENCUMBERS OR CHARGES OWNERS WITH ADDITIONAL TAXES TO SERVICE THE DEBT. IF ANY TAXED PERSON OWNS REAL PROPERTY IN A SPECIAL TAXING DISTRICT, SUCH PERSON SHOULD INVESTIGATE WHETHER ANY SUCH INCREASE IN MILL LEVIES. BUYERS SHOULD INVESTIGATE THE SPECIAL TAXING DISTRICTS IN WHICH THE PROPERTY IS LOCATED BY CONTACTING THE COUNTY TREASURER, BY REVIEWING THE CERTIFICATE OF TAXES DUE AND OBLIGATIONS AND RECORD OR TAX DEEDS EXISTING OR HAVE BEEN RECORDED IN THE COUNTY WHERE THE PROPERTY IS LOCATED.

8.5. Tax Certificate. A tax certificate will be delivered to Buyer on or before Record Title Deadline. If the Property is within a special taxing district and such inclusion is unsatisfactory to Buyer, in Buyer’s sole subjective discretion, Buyer may terminate, on or before the Record Title Deadline, or Buyer, after Notice to Terminate, or Notice of Title Objection, or Notice of Title Dispute, or Notice of Right to Purchase, on or before the applicable deadline specified above, Buyer accepts title subject to such Off-Record Matters and rights, if any, of third parties not shown by public records of which Buyer has actual knowledge.

8.6. Third Party Right to Purchase/Approve. If any third party has a right to purchase the Property (e.g., right of first refusal on the Property, right to purchase the Property under a lease or an option held by a third party to purchase the Property) or a right of a third party to approve this Contract, Seller must promptly submit this Contract to said third party in accordance with the terms and conditions of such right. If the third party holder of such right exercises its right this right Contract will terminate. If the third party’s right to purchase is waived explicitly or expires, or the Contract is approved, this Contract will remain in full force and effect. Seller must promptly notify Buyer in writing of the foregoing. If the third party’s right to purchase is exercised by Buyer or Seller, the Contract will be terminated.

8.7. Title Objection, Resolution. If Seller receives Buyer’s written notice objecting to any title matter (Notice of Title Objection) on or before the applicable deadline and if Buyer and Seller have not agreed to a written settlement thereof on or before Title Resolution Deadline, this Contract will terminate on the expiration of Title Resolution Deadline unless Seller receives Buyer’s written no-objection to such item and waives the right to terminate for that reason, on or before expiration of Title Resolution Deadline. If either the Record Title Deadline or the Off-Record Title Deadline, or both, are extended pursuant to § 8.2 (Record Title), this Contract will also be automatically extended to the earlier of Closing or fifteen days after Buyer receives Buyer’s Notice to Terminate.


9.1. New ILC or New Survey. If the box is checked, (1) New Improvement Location Certificate (New ILC) or, (2) New Survey in the form of a plat map or other survey document; is required and the following will apply:

9.1.1. Ordering of New ILC or New Survey. Buyer may have the Option to order the New ILC or New Survey, in the form of a plat map or other survey document, at Buyer's sole and exclusive discretion. If Buyer does not order the New ILC or New Survey, Buyer must return the survey instrument within ten days after receipt by Buyer.

9.1.2. New ILC or New Survey Issue Date. If Buyer orders the New ILC or New Survey, Buyer has the right to review and object to: (1) any required New ILC, New Survey not timely received by Buyer, (2) any change to the Abstract of Title, Title Commitment or Title Documents, or (3) any endorsement to the Title Commitment. If Seller receives Buyer’s Notice to Terminate or Notice of Title Objection, pursuant to this § 8.2. (Record Title), any title objection by Buyer is governed by the provisions set forth in § 8.7. (Right to Object to Title, Resolution). If Seller has fulfilled all Seller’s obligations, if any, to deliver to Buyer all documents required by this Contract and has not received Buyer’s Notice to Terminate or Notice of Title Objection by the applicable deadline specified above, Buyer accepts the condition of title as disclosed by the Abstract of Title, Title Commitment and Title Documents as satisfactory.

9.2. Record Title Deadline. Buyer must deliver to Buyer, on or before Record Title Deadline, true copies of all existing surveys in Seller’s possession pertaining to the Property and all legal descriptions of all encumbrances, liens (including easements), or other restrictions or limitations affecting the Property or the title thereto, including the Abstract of Title, as of the date of this Contract and the modified Title Commitment (as of the date of this Contract). The New ILC or New Survey does not have any value to Buyer on or before the Record Title Deadline, or if there is an endorsement to the Title Commitment that adds a new Exception to title, a copy of the new Exception to title and the modified Title Commitment must have been delivered to Buyer until the earlier of Closing or ten days after receipt of such documents by Buyer to review and object to: (1) any required New ILC, New Survey not timely received by Buyer, (2) any change to the Abstract of Title, Title Commitment or Title Documents, or (3) any endorsement to the Title Commitment. If Seller receives Buyer’s Notice to Terminate or Notice of Title Objection, pursuant to this § 8.2. (Record Title), any title objection by Buyer is governed by the provisions set forth in § 8.7. (Right to Object to Title, Resolution). If Seller has fulfilled all Seller’s obligations, if any, to deliver to Buyer all documents required by this Contract and has not received Buyer’s Notice to Terminate or Notice of Title Objection by the applicable deadline specified above, Buyer accepts the condition of title as disclosed by the Abstract of Title, Title Commitment and Title Documents as satisfactory.

9.3. Off-Record Title Deadline. Buyer may have the Option to order the New ILC or New Survey, in the form of a plat map or other survey document, at Buyer's sole and exclusive discretion. If Buyer does not order the New ILC or New Survey, Buyer must return the survey instrument within ten days after receipt by Buyer.

9.4. Surface Use Agreement. BUYER IS ENCOURAGED TO SEEK ADDITIONAL INFORMATION REGARDING OIL AND GAS ACTIVITY. SURFACE USE AGREEMENT OR MINERAL RIGHTS REVIEW."
10. PROPERTY DISCLOSURE, INSPECTION, INDEMNITY, DUE DILIGENCE AND SOURCE OF WATER.

On or before Seller’s Property Disclosure Deadline, Seller agrees to deliver to Buyer the most current version of the applicable Colorado Real Estate Database for the Property. Seller must disclose to Buyer its actual knowledge and current as of the date of this Contract:

10.1.1. Seller’s Disclosure of Lead-Based Paint. Seller also discloses to Buyer that to Seller’s actual knowledge and current as of the date of this Contract, Seller has not received a Lead-Based Paint Disclosure form on or before the Lead-Based Paint Disclosure Deadline, except as otherwise provided in this Contract. Buyer has the Right to Terminate under § 24.1., on or before the Due Diligence Documents Resolution Deadline, based on any unsatisfactory condition (in Buyer’s sole subjective discretion), the Failure to deliver the Due Diligence Documents to Buyer on or before the Due Diligence Documents Delivery Deadline.

10.1.2. Disclosure of Adverse Material Facts; Subsequent Disclosure; Present Condition. Seller must disclose to Buyer any adverse material facts, the structure of the Property, the electrical, plumbing, HVAC and other physical systems of the Property, and any other adverse material fact known to Seller.

10.1.3. Inspection. Unless otherwise provided in this Contract, Buyer, acting in good faith, has the right to have inspections (by one or more third parties, personally or by Buyer’s agent) of the Property and, after delivery of Buyer’s written Notice to Terminate based on the adverse material fact, Buyer has the Right to Terminate under § 24.1., upon Seller’s receipt of Buyer’s written Notice to Terminate, notwithstanding any other Right to Terminate under this provision. In the event Seller discovers an adverse material fact after the date of this Contract, Seller must timely disclose to Buyer such adverse fact. The Buyer has the Right to Terminate under § 24.1., if Seller has not disclosed to Buyer the adverse material fact on or before the Due Diligence Documents Resolution Deadline.

10.1.4. Damages, Liens and Indemnity. Buyer, except as otherwise provided in this Contract or other written agreement between the parties, is responsible for payment for all inspections, tests, surveys, engineering reports, or other reports performed at Buyer’s request (Work) and must pay for any damage that occurs to the Property and Buyer’s agents. Buyer agrees to indemnify, protect and hold Seller harmless from and against any liability, damage, cost or expense incurred by Buyer and caused by any such Work, claim, or lien. This indemnity includes Seller’s right to recover all costs and expenses incurred by Seller to defend against any such liability, damage, cost or expense, or to enforce this Section, including Seller’s reasonable attorney fees, legal fees and expenses. The provisions of this Section survive the termination of this Contract. § 10.4. does not apply to items performed pursuant to an Inspection Resolution.

10.5. Insurability. Buyer has the Right to Terminate under § 24.1., on or before Property Insurance Termination Deadline, based on any unsatisfactory condition (in Buyer’s sole subjective discretion), the Failure to deliver the Due Diligence Documents to Buyer on or before the Due Diligence Documents Delivery Deadline.

10.6. Due Diligence.

10.6.1. Due Diligence Documents. Seller agrees to deliver to Buyer copies of the following documents and information pertaining to the Property and Leased Items (Due Diligence Documents) to Buyer on or before Due Diligence Documents Delivery Deadline:

10.6.1.1. Occupancy Agreements. All current leases, including any amendments or other occupancy agreements, pertaining to the Property. Those leases or other occupancy agreements pertaining to the Property that survive Closing are as follows (Leases):

10.6.1.2. Leased Items Documents. If any lease of personal property § 2.5.7., Leased Items) will be transferred to Buyer at Closing, Seller agrees to deliver to Buyer copies of the lease and information pertaining to the personal property to Buyer on or before Due Diligence Documents Delivery Deadline.

10.6.1.3. Encumbered Inclusions Documents. If any Inclusions owned by Seller are encumbered pursuant to § 2.5.4. (Encumbered Inclusions) above, Seller agrees to deliver to Buyer copies of the evidence of debt, security and any other documents creating the encumbrance to Buyer on or before Due Diligence Documents Delivery Deadline. Buyer may seek to have the encumbrance removed or modified prior to the Closing Date.

10.6.1.4. Other Documents. Other documents and information:

10.6.2. Due Diligence Documents Resolution. If a Due Diligence Documents Objection is received by Seller, on or before Due Diligence Documents Objection Deadline, and if Buyer and Seller have not resolved Seller’s written notice to Buyer of the due diligence documents resolution

10.7.2. Conditions Upon Sale of Property. This Contract is conditional upon the sale and closing of that certain property owned by Buyer and located as described on

10.10. Lead-Based Paint.

10.10.1. Lead-Based Paint Disclosure. Unless exempt, if the Property includes one or more residential dwellings constructed or a building permit was issued prior to January 1, 1978, for the benefit of Buyer, Seller and all required real estate licensees must sign and deliver to Buyer a completed Lead-Based Paint Disclosure (Sales) form on or before the Lead-Based Paint Disclosure Deadline. If Buyer delivers Buyer’s Notice to Terminate or on or before the due diligence documents resolution

10.11. Carbon Monoxide Alarms. Note: If the improvements on the Property have a fuel-fired heater or appliance, a fireplace, or an attached garage and include one or more alarms more commonly used for sleeping purposes (Bedroom), the parties acknowledge that Colorado law requires that Seller assure the Property has an operational carbon monoxide alarm installed and the failure to install one will result in the loss of the buyer’s termination rights, including the right to terminate under this provision.

10.12. Methamphetamine Disclosure. If Seller knows that methamphetamine was ever manufactured, processed, cooked, disposed of, or stored at the Property, Seller is required to disclose such fact. No disclosure is required if the Property was remodeled in accordance with state standards and other requirements are fulfilled pursuant to § 14-25.10-102, C.R.S. Buyer further acknowledges that Seller has the right to a certified hygienist or industrial hygienist to test whether the Property has ever been used as a methamphetamine laboratory. Buyer has the Right to Terminate under § 24.1., upon Seller’s receipt of Buyer’s written Notice to Terminate, notwithstanding any other provision of this Contract, based on any unsatisfactory condition (in Buyer’s sole subjective discretion), the Failure to deliver the Due Diligence Documents to Buyer on or before the Due Diligence Documents Delivery Deadline. Buyer may seek to have the encumbrance removed or modified prior to the Closing Date.

10.9. Existing Leases; Modification of Existing Leases; New Leases. [Intentionally Deleted]

10.10. Lead-Based Paint. [Intentionally Deleted]
EXHIBIT A: Purchase Contract

12. CLOSING DOCUMENTS, INSTRUCTIONS AND CLOSING.

12.1. Closing Documents and Closing Information. Seller and Buyer will cooperate with the Closing Company to enable the Closing Company to prepare and deliver documents necessary to effectuate the sale of the Property. Buyer acknowledges Seller’s lender is required to provide the Closing Company, in a timely manner, all required loan documents and financial information concerning Buyer’s loan. Buyer and Seller will furnish any additional information and documents required by Closing Company that will be necessary to complete this transaction. Buyer and Seller will sign and complete all customary or reasonably required documents or agreements at or before Closing.

12.2. Closing Instructions. Colorado Real Estate Commission’s Closing Instructions are Not executed with this Contract.

12.3. Closing. Delivery of deed from Seller to Buyer will be at closing (Closing). Closing will be on the date specified as the Closing Date or by mutual agreement at an earlier date. At Closing, Seller agrees to deliver a set of keys for the Property to Buyer. The hour and place of Closing will be as designated by

12.4. Disclosure of Settlement Costs. Buyer and Seller acknowledge that costs, quality and extent of service vary between different settlement service providers (e.g., attorneys, lenders, inspectors and title companies).

13. TRANSFER OF TITLE. Subject to Buyer’s compliance with the terms and provisions of this Contract, including the tender of any payment due at Closing. Seller must execute and deliver the following good and sufficient deed to Buyer, at Closing: a special warranty deed; b) general warranty deed; c) bargain and sale deed; d) quit claim deed; e) personal representative’s deed; and f) deed. Seller, provided another deed is not selected, must execute and deliver a good and sufficient special warranty deed to Buyer, at Closing:

13.1. Status Letter Fee. Any fee incident to the issuance of Association’s Status Letter must be paid by Buyer or Seller. One-Half by Buyer and One-Half by Seller.

13.2. Record Change Fee. Any Record Change Fee must be paid by Buyer or Seller. One-Half by Buyer and One-Half by Seller.

13.3. Association Fees and Required Disbursements. At least fourteen days prior to Closing Date, Seller agrees to promptly request that the Closing Company or the Association deliver to Buyer a current Status Letter, if applicable. Any fees associated with or specified in the Status Letter will be paid as follows:

13.4. Other Fees. Any fees other than the Status Letter required to be paid at Closing will be paid by Buyer or Seller. One-Half by Buyer and One-Half by Seller.

13.5. Local Transfer Tax. Any Local Transfer Tax must be paid by Seller.

13.6. Sales and Use Tax. Any sales and use tax that may accrue because of this transaction must be paid when due by Buyer or Seller. One-Half by Buyer and One-Half by Seller.

13.7. Transfer Taxes. Utility transfer fees can change. Any fees to transfer utilities from Seller to Buyer must be paid by Buyer or Seller. One-Half by Buyer and One-Half by Seller.

13.8. FIRPTA and Colorado Withholding.

13.9.1. FIRPTA. The Internal Revenue Service (IRS) may require a substantial portion of the Seller’s proceeds be withheld after Closing when Seller is a foreign person. If required for withholding does not occur, the buyer could be held liable for the full amount of the Seller’s tax, interest and penalties. If the box in this Section is checked, Seller represents thatSeller is a foreign person for purposes of U.S. income taxation. If the box in this Section is not checked, Seller represents that Seller is not a foreign person for purposes of U.S. income taxation. Seller agrees to cooperate with Buyer and Closing Company to provide any reasonably requested documents to verify Seller’s foreign person status.

13.10. Colorado Withholding. The Colorado Department of Revenue may require a portion of the Seller’s proceeds be withheld after Closing when Seller will not be a Colorado resident at Closing, if not otherwise exempt. Seller agrees to cooperate with Buyer and Closing Company to provide any reasonably requested documents to verify Seller’s status. If withholding is required, Seller authorizes Closing Company to withhold such amount from Seller’s proceeds. Seller should inquire with Seller’s tax advisor to determine if withholding applies or if an exemption exists.

13.11. Colorado Withholding.

14. PRORATION OF LIENS AND ENCUMBRANCES. Unless agreed to by Buyer in writing, any amounts owed on any liens or encumbrances securing a monetary sum against the Property and Inclusions, including any governmental liens for special improvements installed as of the date of Buyer’s signature hereon, whether assessed or not, and previous years’ taxes, will be paid at or before Closing by Seller from the proceeds of this transaction or from any other source.

15. CLOSING COSTS, FEES, ASSOCIATION STATUS LETTER AND DISBURSEMENTS, TAXES AND WITHHOLDING.

15.1. Closing Costs. Buyer and Seller must pay, in Good Funds, their respective closing costs and all other items required to be paid at Closing, except as otherwise provided herein. However, if Buyer’s loan is included in § 4.5.3. (Loan Limitations) prohibits Buyer from paying for any of the fees contained in this Section, the fees will be paid for by Seller.

15.2. Closing Services Fee. The fee for real estate closing services must be paid at Closing by Buyer or Seller.

One-Half by Buyer and One-Half by Seller.

15.3. Association Fees and Required Disbursements. At least fourteen days prior to Closing Date, Seller agrees to promptly request that the Closing Company or the Association deliver to Buyer a current Status Letter, if applicable. Any fees associated with or specified in the Status Letter will be paid as follows:

One-Half by Buyer and One-Half by Seller.

15.4. Local Transfer Tax. Any Local Transfer Tax must be paid by Buyer or Seller.

One-Half by Buyer and One-Half by Seller.

15.5. Sales and Use Tax. Any sales and use tax that may accrue because of this transaction must be paid when due by Buyer or Seller.

One-Half by Buyer and One-Half by Seller.

15.6. Property Transfer Tax. Any private transfer fee and other fees due to a transfer of the Property, payable at Closing, such as community association fees, developer fee and foundation fees, must be paid at Closing by Buyer or Seller.

One-Half by Buyer and One-Half by Seller.

15.7. Water Transfer Fees. Water Transfer Fees can change. The fees, as of the date of this Contract, do not exceed $ for:

Water Stock/Certificates: Water District

15.8. Augmentation Membership: Small Domestic Water Company

must be paid at Closing by Buyer or Seller. One-Half by Buyer and One-Half by Seller.

15.9. FIRPTA and Colorado Withholding.

15.9.1. FIRPTA. The Internal Revenue Service (IRS) may require a substantial portion of the Seller’s proceeds be withheld after Closing when Seller is a foreign person. If required for withholding does not occur, the buyer could be held liable for the full amount of the Seller’s tax, interest and penalties. If the box in this Section is checked, Seller represents that Seller is a foreign person for purposes of U.S. income taxation. If the box in this Section is not checked, Seller represents that Seller is not a foreign person for purposes of U.S. income taxation. Seller agrees to cooperate with Buyer and Closing Company to provide any reasonably requested documents to verify Seller’s foreign person status.

15.10. Colorado Withholding. The Colorado Department of Revenue may require a portion of the Seller’s proceeds be withheld after Closing when Seller will not be a Colorado resident at Closing, if not otherwise exempt. Seller agrees to cooperate with Buyer and Closing Company to provide any reasonably requested documents to verify Seller’s status. If withholding is required, Seller authorizes Closing Company to withhold such amount from Seller’s proceeds. Seller should inquire with Seller’s tax advisor to determine if withholding applies or if an exemption exists.

15.11. Colorado Withholding.

16. PRORATIONS AND ASSOCIATION ASSESSMENTS.

16.1. Prorations. The following will be prorated to the Closing Date, except as otherwise provided:

16.1.1. Taxes. Personal property taxes, if any, special taxing district assessments, if any, and general real estate taxes for the year of Closing, based on Taxes for the Calendar Year Immediately Preceding Closing of Most Recent Mill Levy and Most Recent Assessed Valuation, adjusted by any applicable qualifying seniors property tax exemption, qualifying disabled veteran exemption or Other.

16.1.2. Rents. Rents based on Rents Actually Received. Accrued. At Closing, Seller will transfer or credit to Buyer the security deposits for all Leases assigned to Buyer. Buyer and Seller must provide the Closing Company with all necessary information and documents required to construct a statement of each of the Leases’ name and address.

16.1.3. Other Prorations. Water and sewer charges, propane, interest on continuing loan and

16.1.4. Final Settlement. Unless otherwise specified in Additional Provisions, these prorations are final.

16.2. Association Assessments. Current regular assessments for assessments and dues (Association Assessments) paid in advance will be credited to Seller at Closing. Cash reserves held out of the regular Association Assessments for deferred maintenance by the Association will not be credited to Seller except as may be otherwise provided by the Governing Documents. Buyer may be obligated to pay the Association, at Closing, an amount for reserves or working capital. Any special assessment assessed prior to Closing Date by the Association will be the obligation of Buyer or Seller. Except however, any special assessment by the Association for improvements that have been installed as of the date of Closing, whether assessed prior to or after Closing, will be the obligation of Seller unless otherwise specified in Additional Provisions. Seller represents there are not unpaid regular or special assessments against the Property except the current regular assessments and

16.3.1. Possession. Possession of the Property and Inclusions will be delivered to Buyer on Possession Date at Possession Time, subject to the Leases as set forth in § 10.6.1.1. and, if applicable, any Post-Closing Occupancy Agreement.

16.3.2. If Seller, after Closing, has the right to deliver possession as specified, Seller will be subject to eviction and will be additionally liable to Buyer, notwithstanding § 20.2. (If Seller is in Default), for payment of $ 150.00 per day (or any part of a day notwithstanding § 3.3., Day) from Possession Date and Possession Time until possession is delivered.

Buyer represents that Buyer will occupy the Property as Buyer’s principal residence unless the following box is checked, then Buyer Does Not represent that Buyer will occupy the Property as Buyer’s principal residence.
EXHIBIT A: Purchase Contract

18. CAUSES OF LOSS, INSURANCE; DAMAGE TO INCLUSIONS AND SERVICES; CONDEMNATION; AND WALK-THROUGH. Except as otherwise provided in this Contract, the Property, Inclusions or both will be delivered in the condition existing as of the date of this Contract, ordinary wear and tear excepted.

18.1. Causes of Loss, Insurance. In the event the Property or Inclusions are damaged by fire, other perils or causes of loss prior to Closing (Property Damage) in an amount of not more than ten percent of the total Purchase Price and if the repair of the damage will be insured by insurance (other than the deductible to be paid by Seller), then after Buyer has received a copy of the insurance proceeds, will use Seller’s reasonable efforts to repair the Property before Closing Date. Buyer has the Right to Terminate under § 24.1., on or before Closing Date, if the Property is not repaired before Closing Date, or if the damage exceeds such sum. Should Buyer elect to carry out this Contract despite such Property Damage, Buyer is entitled to a credit at Closing for all insurance proceeds that were received by Seller (but not the Association, if any) resulting from damage to the Property or Inclusions, to the extent that the same is not covered by any deductible that is within the insurance policy. This credit may not exceed the Purchase Price. In the event Seller has not received the insurance proceeds prior to Closing, the parties may agree to extend the Closing Date to have the Property repaired prior to Closing or, at the option of Buyer, (1) Seller must assign to Buyer the right to the proceeds of all such insurance policies, (2) Buyer has the Right to Terminate under § 24.1., on or before Closing Date, or, at the option of Buyer, Buyer is entitled to a credit at Closing for the repair or replacement of such Inclusion or Service. Such credit must not exceed the Purcha se Price. If Buyer receives such a credit, Seller’s right for any claim against the Association, if any, will survive Closing.

18.2. Damage, Inclusions and Services. Should any Inclusion or service (including utilities and communication services), system, component or fixture of the Property (collectively Service) (e.g., heating or plumbing), fail or be damaged between the date of this Contract and Closing or possession, whichever is earlier, then Seller is liable for the repair or replacement of such Service at no additional cost to Buyer, on an equivalent replacement basis to the extent the maintenance or replacement of such Service or Inclusion is not the responsibility of the Association, if any, for any insurance proceeds received by Buyer covering such repair or replacement. If the failed or damaged Inclusion or Service is not repaired or replaced or on or before Closing or possession, whichever is earlier, Buyer has the Right to Terminate under § 24.1., on or before Closing Date, based on such condemnation action, in Buyer’s sole subjective discretion. Should Buyer elect to consummate this Contract despite such diminution of value to the Property and Inclusions, Buyer is entitled to a credit at Closing for all condemnation proceedings awarded to Seller for the diminution in the value of the Property or Inclusions, but such credit will not include relocation benefits or expenses or exceed the Purchase Price.

19. WALK-THROUGH AND VERIFICATION OF CONDITION. Buyer, upon reasonable notice, has the right to walk through the Property prior to Closing to verify that the physical condition of the Property and the Inclusions complies with this Contract.

19.5. Home Warranty. Seller and Buyer are aware of the existence of pre-owned home warranty programs that may be purchased and may cover the repair or replacement of such Inclusions.

19.9. RECOMMENDATION OF LEGAL AND TAX COUNSEL. By signing this Contract, Buyer and Seller acknowledge that their respective broker has advised that this Contract has important legal consequences and has recommended: (1) legal examination of title; (2) consultation with legal and tax or other counsel before signing this Contract as this Contract may have important legal and tax implications; (3) to consult with their own attorney if Water Rights, Mineral Rights or Leased Items are included or excluded in the sale; and (4) to consult with legal counsel if there are other matters in this transaction for which legal counsel should be engaged and consulted. Such consultations must be done timely as this Contract has strict time limits, including deadlines, that must be complied with.

20. TIME OF ESSENCE, DEFAULT AND REMEDIES. Time is of the essence for all dates and deadlines in this Contract. This means that all dates and deadlines are strict and absolute. If any payment due, including Earnest Money, is not paid, honored or tendered when due, or if any obligation is not performed timely as provided in this Contract or waived, the non-defaulting party has the following remedies:

20.1. If Buyer is in Default:

20.1.1. Specific Performance. Buyer, in its sole subjective discretion, has the right, at any time after closing, to cancel this Contract and to sue for specific performance by Buyer. Buyer has the Right to Terminate under § 24.1., on or before Closing Date, based on such condemnation action, in Buyer’s sole subjective discretion. Should Buyer elect to consummate this Contract despite such diminution of value to the Property and Inclusions, Buyer is entitled to a credit at Closing for all condemnation proceedings awarded to Seller for the diminution in the value of the Property or Inclusions, but such credit will not include relocation benefits or expenses or exceed the Purchase Price.

20.1.2. Liquidated Damages, Applicable. This § 20.1.2. applies unless the box in § 20.1.1. is checked. Buyer may cancel this Contract. All Earnest Money shall be returned to Buyer, regardless of whether or not paid by Buyer. Buyer may also seek liquidated damages based on § 4.1. LIQUIDATED DAMAGES and not a penalty, which amount the parties agree is fair and reasonable and (except as provided in §§ 10.4. and 21), such amount is SELLER’S ONLY REMEDY for Buyer’s failure to perform the obligations of this Contract. Seller expressly waives the remedies of specific performance and additional damages.

20.2. If Seller is in Default:

20.2.1. Specific Performance, Damages or Both. Buyer may elect to terminate this Contract as canceled, in which case all Earnest Money received hereunder will be returned to Buyer and Buyer may recover such damages as may be proper. Alternatively, in addition to the per diem in § 17 (Possession for failure to timely deliver possession of the Property after Closing occurs, Buyer may elect to treat this Contract as being in full force and effect and Buyer has the right to specific performance or damages, or both. 20.2.2. Seller’s Failure to Perform. In the event Seller fails to perform Seller’s obligations under this Contract, include, but not limited to, failure to timely disclose Association violations known by Seller, failure to perform any replacements or repairs required under this Contract or failure to timely disclose any known adverse possession or zoning or other restrictions, Buyer may cancel this Contract and recover any damages or liquidated damages as may be proper. Alternatively, in addition to the per diem in § 17 (Possession for failure to timely deliver possession of the Property after Closing occurs, Buyer may elect to treat this Contract as being in full force and effect and Buyer has the right to specific performance or damages, or both. 20.3. Seller’s Right to Terminate. If a party has a right to terminate, as provided in this Contract (Right to Terminate), the termination is effective upon the other party’s receipt of a written notice of termination (Notice to Terminate), provided such written notice was received on or before the applicable deadline specified in this Contract. If the Notice to Terminate is received on or before the specified deadline, the party with the Right to Terminate accepts the specified matter, document or condition as satisfactory and waives the Right to Terminate under such provision.

20.4. Effect of Termination. In the event this Contract is terminated, and all Earnest Money received hereunder is timely returned to Buyer, the parties are relieved of all obligations hereunder, subject to §§ 10.4. and 21.

21. EARNEST MONEY DISPUTE. Except as otherwise provided herein, Earnest Money Holder must release the Earnest Money following receipt of written mutual instructions, signed by both Buyer and Seller. In the event of any controversy regarding the Earnest Money, Earnest Money Holder is not required to release the Earnest Money. Earnest Money Holder, in its sole subjective discretion, has several options: (1) wait for any proceeding between Buyer and Seller; (2) interplead all parties and deposit Earnest Money into a court of competent jurisdiction (Earnest Money Holder is entitled to recover court costs and reasonable attorney and legal fees incurred with such action); or (3) provide notice to Buyer and Seller that unless Earnest Money Holder receives a copy of the Summons and Complaint or Claim (between Buyer and Seller) containing the case number of the lawsuit (Lawsuit) within one hundred twenty days of Earnest Money Holder’s notice to the parties, Earnest Money Holder is authorized to return the Earnest Money to Buyer. In the event that Earnest Money Holder does receive a copy of the Lawsuit and has not interpled the monies at the time of any Order, Earnest Money Holder must disburse the Earnest Money pursuant to the Order of the Court. The parties reaffirm the obligation of § 12 (Mediation). This Section will survive cancellation or termination of this Contract.

22. TERMINATION. 22.1. Right to Terminate. If a party has a right to terminate, as provided in this Contract (Right to Terminate), the termination is effective upon the other party’s receipt of a written notice of termination (Notice to Terminate), provided such written notice was received on or before the applicable deadline specified in this Contract. If the Notice to Terminate is received on or before the specified deadline, the party with the Right to Terminate accepts the specified matter, document or condition as satisfactory and waives the Right to Terminate under such provision.

22.2. Effect of Termination. In the event this Contract is terminated, and all Earnest Money received hereunder is timely returned to Buyer, the parties are relieved of all obligations hereunder, subject to §§ 10.4. and 21.

23. ENTIRE AGREEMENT, MODIFICATION, SURVIVAL; SUCCESSORS. This Contract, its exhibits and specified addenda, constitute the entire agreement between the parties relating to the subject hereof and any prior agreements pertaining thereto, whether oral or written, have been merged and integrated into this Contract. No subsequent change, modification or addition to the provisions of this Contract shall be binding upon the parties unless made in writing and signed by the parties. Any right or obligation in this Contract that, by its terms, exists or is intended to be performed after termination or Closing survives the same. Any successor to a party receives the predecessor’s benefits and obligations of this Contract.
26. NOTICE, DELIVERY AND CHOICE OF LAW.

26.1. Physical Delivery and Notice. Any document or notice to Buyer or Seller must be in writing, except as provided in § 26.2, and is effective when physically received by such party, any individual named in this Contract to receive documents or notices for such party, Broker, or Brokerage Firm of Broker working with such party (except any notice or delivery after Closing must be received by the party, not Broker or Brokerage Firm).

26.2. Electronic Delivery. As an alternative to physical delivery, any notice may be delivered in electronic form to Buyer or Seller, any individual named in this Contract to receive documents or notices for such party, Broker or Brokerage Firm of Broker working with such party (except any notice or delivery after Closing, cancellation or Termination must be received by the party, not Broker or Brokerage Firm) at the electronic address of the recipient by facsimile, email or _________________________________.

26.3. Electronic Delivery. Electronic Delivery of documents and notice may be delivered by: (1) email at the email address of the recipient, (2) a link or access to a website or server provided the recipient receives the information necessary to access the documents, or (3) facsimile at the facsimile number (Fax No.) of the recipient.

26.4. Choice of Law. This Contract and all disputes arising hereunder are governed by and construed in accordance with the laws of the State of Colorado that would be applicable to Colorado residents who sign a contract in Colorado for real property located in Colorado.

27. NOTICE OF ACCEPTANCE, COUNTERPARTS. This proposal will expire unless accepted in writing, by Buyer and Seller, as evidenced by their signatures below and the offering party receives notice of such acceptance pursuant to § 26 on or before Acceptance Deadline Date and Acceptance Deadline Time. If accepted, this document will become a contract between Seller and Buyer. A copy of this Contract may be executed by each party, separately and when each party has executed a copy thereof, such copies taken together are deemed to be a full and complete contract between the parties.

28. GOOD FAITH. Buyer and Seller acknowledge that each party has an obligation to act in good faith including, but not limited to, exercising the rights and obligations set forth in the provisions of Financing Conditions and Obligations; Title Insurance, Record Title and Off-Record Title; New ILC, New Survey; and Property Disclosure, Inspection, Indemnity, Insurability Due Diligence and Source of Water.

29. ADDITIONAL PROVISIONS. (The following additional provisions have not been approved by the Colorado Real Estate Commission.)

This contract and purchase price is subject to approval by Avon Town Council by Ordinance. In the event that Avon Town Council does not approve the purchase of the Property by ordinance in the month of September, 2022, Buyer or Seller may terminate this Contract and Buyer shall receive earnest money deposit back in full. Buyer will retain an appraiser or appraisers and agrees to share the appraisal or appraisals with Seller. Buyer and Seller will negotiate and determine the purchase price within ten (10) days after receipt of the appraisal of appraisals. In the event Buyer and Seller are not able to mutually determine the purchase price, Buyer or Seller may terminate this Contract and the Buyer shall receive earnest money deposit back in full.

30. OTHER DOCUMENTS.

30.1. Documents Part of Contract. The following documents are a part of this Contract:

30.1.1. Post-Closing Occupancy Agreement. If the Post-Closing Occupancy Agreement box is checked in § 17 the Post-Closing Occupancy Agreement is a part of this Contract.

30.2. Documents Not Part of Contract. The following documents have been provided but are not a part of this Contract:

[NOTE: If this offer is being countered or rejected, do not sign this document.]

END OF CONTRACT TO BUY AND SELL REAL ESTATE

SIGNATURES

Buyer’s Name: ___________________________ Buyer’s Name: ___________________________

Buyer’s Signature: ________________________ Date: __________________________

Address: ________________________________ Phone No.: __________________________

Fax No.: __________________________ Email Address: __________________________

Seller’s Name: ___________________________ Seller’s Name: ___________________________

Seller’s Signature: ________________________ Date: __________________________

Address: ________________________________ Phone No.: __________________________

Fax No.: __________________________ Email Address: __________________________

END OF CONTRACT TO BUY AND SELL REAL ESTATE

EXHIBIT A: Purchase Contract

EXHIBIT A: Purchase Contract
TO: Honorable Mayor Smith Hymes and Council  
FROM: Matt Pielsticker, AICP, Planning Director  
RE: Ordinance 22-15: First Reading  
Development Bonus Code Text Amendments  
DATE: September 6, 2022

SUMMARY: This report and ordinance attachment (“Attachment A”) summarize a Code Text Amendment application (“Application”) for Development Bonus code provisions. These amendments were initiated by Town Council on August 23, 2022. The Application received a favorable recommendation from the Planning and Zoning Commission (“PZC”) on September 6, 2022.

The Application includes a new discretionary flexible development review process allowing additional development rights when a developer provides highly desirable and meaningful community enhancements through their project. The Development Bonus process not only intends to foster additional Community Housing units but projects with a high economic impact that enhance public improvements, which also positively impacts the community.

PROCESS: Code Text Amendments can only be initiated by property owners and the Town Council. After initiation, staff provided the necessary public notification before a hearing with PZC. PZC held a public hearing and provided a recommendation to Town Council. Two readings of an Ordinance, with public hearing, are required before final action.

PUBLIC NOTIFICATION: The Application was publicly notified in the Vail Daily on August 25, 2022. No public comments have been received.

OPTIONS: Town Council has the following options with the Application:
- Approve First Reading
- Approve First Reading with direction to make changes
- Continue to future meeting date; or
- Direct Staff to formulate motion to Deny Application

DISCUSSION: It is not uncommon to see Development Bonus processes in other communities, which work to provide tangible community benefits in exchange for increased development opportunities. The process would be completely discretionary for PZC and Town Council. This provides some level of uncertainty for developers at the front end when designing projects, however, the potential increase in development rights will likely illicit more interest in projects.

Examples of Development Bonuses exist in other communities throughout Colorado. For example, the City of Boulder has been working hard to incentivize affordable housing projects based on community benefits through various bonuses (i.e., height and density). Longmont includes height, setback, density, and parking variations for eligible housing projects. Recent code assessments undertaken in Larimer County.

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matt@avon.org
the City of Grand Junction, and the City of Fort Collins have all determined that flexibility to their development standards requires implementation through their codes as well.

While many of the other surveyed communities direct incentives towards local housing projects exclusively, I feel that offering the same development review flexibility for high-impact projects that focus on existing underutilized buildings is also worthwhile. In particular, a flexible development bonus would afford projects that provide significant (measurable) economic impacts to the Avon community the incentive it may need to redevelop. In doing so, Avon achieves reinvigoration of otherwise less-functional or dated developments, while simultaneously, projects contribute to housing efforts through taxation and other existing mechanisms. The community may also obtain viable public spaces, infrastructure improvements, or other valuable amenities that may be lacking in older areas of town.

BACKGROUND: Planned Unit Development (PUD) zoning was a standard zone district within Avon for thirty years. This customized zoning gave flexible development standards to projects through the application approval process. Results and compatibility of development varied greatly, as did the resulting community benefits for PUD negotiated projects. The Town adopted the unified land use code in 2010 to bring the subdivision, zoning, and development standards together under one umbrella.

One of the primary goals of the unified land use code ("Title 7 - Development Code") was to diminish the PUD process to increase the compatibility of new projects by providing clear expectations for developers and reviewing bodies through standard zoning requirements. Generally, the code works well with smaller planning efforts and in the day-to-day governance of land use. More significant development projects are becoming additionally challenging to achieve, as developable land and other opportunities decrease; the code does not necessarily fit all new development situations equally. Redevelopment of older, more significant buildings initially built through the PUD process may also have many inefficiencies and technical issues to overcome, some of which would stymy reinvestment.

Earlier versions of a Development Bonus process were presented to the Town Council during the unified land use code adoption in 2010, and again in 2019, when Inclusionary Zoning was reintroduced. In each instance, Council removed these incentives from consideration. In 2022, conditions have changed that now warrant review of this proposed code text amendment.

REVIEW CRITERIA: The Town Council must consider a set of review criteria when reviewing code changes. The review criteria for Code Text Amendments are governed by Avon Municipal Code ("AMC") §7.16.040, Code Text Amendments. Staff responses to each review criteria are provided below.

(1) **The text amendment promotes the health, safety and general welfare of the Avon community;**

**Staff Response:** Added flexibility in the development review process, brought to PZC and Council for consideration, encourages creativity in design and may mean the difference in achieving a good project versus a great or highly beneficial project. Attracting local housing projects has been a focused goal of the Town since the adoption of the Community Housing Plan (2018, updated 2021), and post-covid, incentivizing new projects that result in attainable housing is more critical than ever. Staff has seen other jurisdictions respond to this reality by typically allowing new development bonuses for added height and density to have projects pencil out and provide new units for their jurisdictions without needing Variances- which would be likely unsuccessful to justify. Not being able
to support Variances may place the PZC (or Council) in a precarious situation, knowing that housing is an essential focus of the Town's sustainability presently.

(2) The text amendment promotes or implements the goals and policies of the Avon Comprehensive Plan;

**Staff Response:** These amendments attempt to balance the structured development review environment with (discretionary) flexibility incentives, which results in beneficial projects. One of the most pressing needs for implementing a Development Bonus would be housing.

The Community Housing Plan seeks to achieve the Town's goals with "...both incentives and regulations to create a policy environment that is favorable for local housing." Offering potential community housing projects some level of design flexibility while maintaining the Development Code's underlying goals is an intention supported by the Comprehensive Plan. Further, the Avon Comprehensive Plan includes **Policy A.1.1: Encourage redevelopment and revitalization of outdated, rundown, or otherwise neglected areas.** Development Bonuses are a way to promote the creative reuse of underutilized or vacant properties in Town, thereby having the potential to reshape outdated or inefficient development areas. Slight modifications to zoning standards can leverage positive aspects of a project and may mean the difference between creating a desirable project and not having new growth or redevelopment occur.

Updating land use regulations with new development tools is also supported by the Avon Comprehensive Plan **Policy C.1.1,** which recommends to: **Regularly update and enhance the Avon land use regulations and District Master Plans for innovative design approaches and positive development outcomes.** Introducing a Development Bonus option for new development or redevelopment adds another potential avenue for growth that is entirely discretionary by Town Council approval.

(3) The text amendment promotes or implements the purposes stated in this Development Code; or

**Staff Response:** Section 7.04.030 Purposes of the Development Code lists several pertinent goals and purposes for the Avon community that support Staff's efforts to enhance the Avon Municipal Code. These goals can be applied to both new development*, and redevelopment* when considering that many projects are upwards of 40 years old and may be deficient, or lacking in effective design elements. The most relevant goals that may be applied to both *scenarios include the following:

(b) Implement the goals and policies of the Avon Comprehensive Plan and other applicable planning documents of the Town;

(d) Avoid [or alleviate] undue traffic congestion and degradation of the level of service provided by streets and roadways, promote effective and economical mass transportation and enhance effective, attractive and economical pedestrian opportunities;

(e) Promote adequate light, air, landscaping and open space and avoid undue concentration or sprawl of population;

(f) Provide a planned and orderly use of land, protection of the environment and preservation of viability, all to conserve the value of the investments of the people of the Avon community and
encourage a high quality of life and the most appropriate use of land throughout the municipality;

(g) Prevent the inefficient use of land; avoid increased demands on public services and facilities which exceed capacity or degrade the level of service for existing residents; provide for phased development of government services and facilities which maximizes efficiency and optimizes costs to taxpayers and users; and promote sufficient, economical and high-quality provision of all public services and public facilities, including but not limited to water, sewage, schools, libraries, police, parks, recreation, open space and medical facilities;

(l) Promote architectural design which is compatible, functional, practical and complimentary checking to Avon’s sub-alpine environment;

(m) Achieve innovation and advancement in design of the built environment to improve efficiency, reduce energy consumption, reduce emission of pollutants, reduce consumption of non-renewable natural resources and attain sustainability;

(n) Achieve a diverse range of attainable housing which meets the housing needs created by jobs in the Town, provides a range of housing types and price points to serve a complete range of life stages and promotes a balanced, diverse and stable full time residential community which is balanced with the visitor economy;

Staff Response: Inflexible design standards result in many Variance applications (which may be challenging to achieve relief from under the typical intention of Variances); it is not good practice to use Variances for development design purposes. When trying to encourage new development and redevelopment, Avon needs the appropriate tools to make targeted projects the best for the community. By providing discretionary flexibility where strict application of the standards would otherwise create unnecessary difficulties or achieve projects not reflective of the needs of Avon in 2022, appropriate growth and better, more creative design may occur.

(4) The text amendment is necessary or desirable to respond to changed conditions, new planning concepts or other social or economic conditions.

Staff Response: The text amendments directly respond to trends in the development review processes by offering limited development standard incentives to projects that meet Town goals or could meet Town goals with minimal assistance. Having the tools to ensure that new growth and development contribute positively to the community’s quality of place allows Avon to develop reflectively in response to modern community needs and avoids repetitive code amendments to “keep up” with changing conditions. If we have learned anything from the recent pandemic, communities must be adaptive when systems change. E.g., skyrocketing land costs and construction materials trigger rethinking of project design, thus; resulting in minimalized projects that cannot afford to offer warranted yet very costly community benefits.

Conformance With General Review Criteria in AMC §7.16.010(F)(1), General Criteria, which provides criteria that are applicable to all development applications:

(1) Review Criteria. The reviewing authority shall be Director when the Director has the authority to administratively approve a development application. The reviewing authority shall be the PZC and/or Town Council for all development applications which are subject to public
hearing. The reviewing authority shall review development applications for compliance with all relevant standards and criteria as set forth in the specific procedures for the particular application in this Development Code, as well as the following general criteria which shall apply to all development applications:

(i) The development application is complete;

(ii) The development application provides sufficient information to allow the reviewing authority to determine that the development application complies with the relevant review criteria;

(iii) The development application complies with the goals and policies of the Avon Comprehensive Plan; and

(iv) The demand for public services or infrastructure exceeding current capacity is mitigated by the development application.

Staff Response: This code text amendment application is complete. Staff believes sufficient information exists to allow Council to review this application with the review criteria. Further, this code text amendment application complies with the Avon Comprehensive Plan and, specifically, the 2021 Avon Community Housing Plan. This code text amendment application will not impact demands for public services or infrastructure because it is not a development application; instead, it simply offers provisions that support the existing development code while enhancing Avon’s tools in helping improve and incentivize better design. If the changes are approved, future Development Bonus applications would be reviewed on a case by case basis to determine whether public services and/or infrastructure would be impacted.

PROPOSED MOTION: “I move to approve [with modifications or as presented] first reading of Ordinance 22-15, Code Text Amendments for Development Bonuses, with a second reading and public hearing scheduled for _________________, 2022.”

Thank You, Matt

ATTACHMENT A: Ordinance 22-15
EXHIBIT A: Development Bonus Code Text Amendments
ORDINANCE 22-15

AMENDING TITLE 7 OF THE AVON MUNICIPAL CODE
DEVELOPMENT BONUS CODE TEXT AMENDMENTS

WHEREAS, the Town of Avon (“Town”) is a home rule municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

WHEREAS, The Town Council of the Town of Avon (“Applicant” or “Council”) initiated a Code Text Amendment application to modify Title 7 of the Avon Municipal Code (“AMC”), incorporating a new section pertaining to Development Bonuses, intended to facilitate creative projects that would otherwise not be permitted by codified zoning and development standards; and

WHEREAS, the Town of Avon Planning & Zoning Commission (“PZC”), after publishing and posting notice as required by law, held a public hearing on September 6th, 2022, took action to make a recommendation for Town Council approval of the Application; and

WHEREAS, in accordance with AMC §7.12.020, Council and in addition to other authority granted by the Town Charter, its ordinances, and State of Colorado law, has review and decision-making authority to approve, approve with conditions or deny the Application; and

WHEREAS, after publishing and posting notice in accordance with the requirements of AMC Section 7.16.020(d), Step 4: Notice, Council held public hearing(s) on _____________, 2022, and prior to taking final action considering all comments, testimony, evidence and Town Staff reports; and then took action by approving this Ordinance; and

WHEREAS, pursuant to AMC §7.16.040(c), Review Criteria, the Town Council has considered the applicable review criteria for a Code Text Amendment application; and

WHEREAS, the Application complies with AMC §7.16.040(c), Review Criteria, and is consistent with the Comprehensive Plan’s goal of providing a balance of land uses while contemplating and attracting new development and redevelopment in the Town of Avon through the use of discretionary Development Bonus provisions; and

WHEREAS, the text amendments also promote the health, safety, and general welfare of the Avon community by providing this flexibility to developers in exchange for community benefits like new housing, economic benefits, and/or public or civic space enhancements, which without this tool, may dissuade or prohibit desirable projects or redevelopment from occurring; and
WHEREAS, this amendment will provide the discretionary tools necessary for Town Council to achieve good quality projects with increased community benefits for the Town of Avon; and

WHEREAS, these text amendments provide incentives to provide a policy environment that is favorable for local housing projects, as directly supported by the Avon Community Housing Plan; and

WHEREAS, the health, safety, and welfare of the citizens of the Avon community would be enhanced and promoted by the adoption of this Ordinance; and

WHEREAS, approval of this Ordinance on First Reading is intended only to confirm the Town Council desires to comply with the requirements of the Avon Home Rule Charter by setting a Public Hearing to provide the public an opportunity to present testimony and evidence regarding the Application, and, that approval of this Ordinance on First Reading does not constitute a representation that the Town Council, or any member of the Town Council, supports, approves, rejects, or denies this Ordinance prior to any final action prior to concluding the public hearing on second reading.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Code Text Amendments. AMC §7.16.170, AMC Table 7.16-1 and AMC §7.28.020 are hereby amended as depicted in “Exhibit A – Development Bonus Code Text Amendments” with strike-out depicting language to be deleted and underline depicting language to be added.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it has passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 6.4 of the Avon Home Rule Charter.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares this Ordinance is promulgated under the general police power of the Town of Avon, that it is promulgated for the health, safety and welfare of the public and this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. No Existing Violation Affected. Nothing in this Ordinance shall be construed to
release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 7. Correction of Errors. Town Staff is authorized to insert proper dates, references to recording information and make similar changes, and to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

Section 8. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 1.16 of the Avon Municipal Code.

INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING by the Avon Town Council on ________________, 2022, and setting such public hearing for ________________, 2022 at the Council Chambers of the Avon Municipal Building, located at One Hundred Mikaela Way, Avon, Colorado.

BY: ATTEST:

Sarah Smith Hymes, Mayor
Patty McKenny, Town Clerk

ADOPTED ON SECOND AND FINAL READING by the Avon Town Council on ________________ , 2022.

BY: ATTEST:

Sarah Smith Hymes, Mayor
Patty McKenny, Town Clerk

APPROVED AS TO FORM:

Karl Hanlon, Town Attorney
Section 7.16.170 Development Bonus

*Development bonus* means the approval of development project which differs from the minimum or maximum zoning as a means to provide an incentive for a development project that provides one or more desired public benefits described in this Section.

*Development bonus type* means the type of public benefit proposed by the development project that corresponds to one of the listed types in section (d) below.

(a) **Purpose.** The purpose of this section is to facilitate creative projects that would otherwise not be permitted by codified zoning and development standards. Development bonuses may be awarded for proposed development projects in all zone districts in accordance with this Section.

(b) **Applicability.** Development bonuses will be considered when the Applicant has demonstrated substantiated community benefits that would not otherwise be achieved through the strict or literal compliance with the zoning and development standards outlined in Section 7.16.170(ff).

(c) **Review Procedures.** Applications for development bonus shall follow the general review procedures set forth in Section 7.16.020. An application for a development bonus shall be submitted concurrently with the principal application for development of the property and shall follow the notice and hearing requirements of the underlying development application. A public hearing and recommendation by PZC, followed by a public hearing by Town Council is required before the Town Council acts on an application for a development bonus. A development bonus shall only be effective and binding on the Town if stated in a development agreement which contains provisions stating that the development bonus is conditioned upon the performance and completion by the property owner of defined public benefits offered for the development bonus.

(d) **Development Bonus Types.** A development bonus will only be considered for the public benefits in the categories defined in this sub-section (d). Multiple development bonuses may be awarded by the Town Council and may be applied cumulatively to a project or property. Development bonus proposals may include one or more of the following types:

1. **Community Housing.** Provision of Community Housing in excess of Employee Housing Mitigation standards required by Section 7.20.100.

2. **Economic Stimulus.** Projects demonstrating a substantiated economic benefit to the Town, that may not otherwise be achieved through the strict and literal interpretation of development standards. Examples of economic stimulus include hotel developments that significantly increase assessed property valuation, developments with retail and commercial activation components (i.e. guaranteed below market rate), and redevelopment of underutilized buildings or portions thereof.

3. **Public/Civic Space Enhancements.** A development bonus may be awarded for public enhancements such as parks, plazas, play areas, and other enhancements to public pedestrian areas, public parking, and transit facilities. On-site pedestrian enhancements and civic spaces shall be open to the public and shall be owned and maintained by the property owner or owners’ association. Off-site pedestrian enhancements shall be no further than 2,500 from the property boundary of the development.
EXHIBIT A
DEVELOPMENT BONUS CODE TEXT AMENDMENTS

(e) Review Criteria. The following criteria shall apply for the reviewing body when evaluating development bonus proposals:

1. Impacts do not outweigh benefits. External impacts of requested development bonuses on the public, adjacent property owners, or the Avon community do not outweigh the public benefits.

2. Mitigation of impacts. If impacts are presented by the requested development bonus, they should be mitigated to the extent practicable. Town may require an analysis and may require mitigation of the impacts on all public facilities, infrastructure, and services which serve the property, including but not limited to public infrastructure, streets, additional water rights required to serve the development, fire protection, ambulance services, transit, parks, and recreation. Conditions to granting a development bonus may be necessary to ensure harmony with the community.

3. Location and design. The location and design of any contribution towards public parking, transit, pedestrian enhancement, streetscape improvement, or civic facilities shall take into consideration functionality, current and projected demand, and long-term maintenance and operation costs, and shall include such legal documents as are deemed necessary and acceptable to the Town.

(f) Zoning and Development Standards. Density bonuses may be approved for the following zoning and development standards:

1. Parking. The minimum parking requirements may be reduced.

2. Building Height. The maximum building height may be exceeded.

3. Landscape Area. The minimum landscape area may be reduced.

4. Density. The maximum density may be exceeded.

5. Setback. The minimum setbacks may be reduced.

6. Lot Coverage. The maximum lot coverage may be exceeded.

RELATED AMENDMENTS:

Table 7.16-1: Development Review Procedures and Review Authority

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Notice Requirements*</th>
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<th>TC</th>
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<td>Development (§7.16.060)</td>
<td>Administrative PUD</td>
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<td>Minor PUD Amendment</td>
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<td>Lot Split PUD Amendment for Wildridge PUD</td>
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### EXHIBIT A
DEVELOPMENT BONUS CODE TEXT AMENDMENTS

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| Historic and/or Cultural Preservation Designated ($\S\ 7.50) | M | R | H-R | H-D |

#### 7.28.020. Parking and Loading

(h) Off-Site Parking.

   (1) Applicability. Off-site parking shall refer to any parking area which is provided and required to meet the minimum parking standards in this Development Code and which is located on a separate lot or ownership interest than the use, structure or lot which the parking serves.

   (2) Planned Unit Development. Establishment of off-site parking may only be established as by approval of a planned unit development.

   (3) Design and Location. Off-site parking shall have a direct, adequate and convenient pedestrian connection to the use, structure or lot which such parking serves and shall not be located more than five hundred (500) feet from the use, structure or lot which it serves.

   (4) Control of Off-Site Parking Facilities. In cases where off-site parking facilities are permitted, such facilities shall be owned and in the same identical ownership as the use, structure or lot which the parking serves.
TO: Honorable Mayor Smith Hymes and Council Members
FROM: Ineke de Jong, General Government Manager
RE: Town of Avon Letter CORE Act
DATE: September 7, 2022

SUMMARY: Mayor Smith Hymes attended the Colorado Association of Ski Towns (CAST) meeting in Salida at the end of August where John Whitney of Senator Bennett’s office discussed the CORE Act and requested letters of support to go directly to President Biden. The letter he submitted together with Senator Hickenlooper, Governor Polis, Congressman Neguse can be found in Attachment A.

The CAST members expressed support to submit a letter requesting President Biden take administrative action on elements of the CORE Act which can be found in Attachment B.

Town Council is asked to discuss support of the CORE Act and consider signing the sample Letter of Support on behalf of Town of Avon which can be found in Attachment C.

Thank you, Ineke

ATTACHMENT A: Senator Bennet, Senator Hickenlooper, Governor Polis, Congressman Neguse Letter to President Biden
ATTACHMENT B: Colorado Association of Ski Towns (CAST) Letter
ATTACHMENT C: Draft Town of Avon Letter
August 25, 2022

The Honorable Joseph R. Biden
President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

For more than a decade, we have worked to advance legislation – known as the Colorado Outdoor Recreation and Economy (CORE) Act – that will bring permanent protections to over 400,000 acres of vital public lands in Colorado. This legislation has been built from the ground up with years of dedicated stakeholder engagement and enjoys bipartisan support. Regrettably, progress in Congress has stalled despite strong support in Colorado. The time has come to take the next step in protecting the key landscapes within the CORE Act and we need your help.

We appreciate Secretary Vilsack’s recent visit to Colorado to see Camp Hale. Based on the overwhelming support expressed at the meeting and throughout the years from local elected leaders, conservation stakeholders, sportsmen, ranchers, business leaders, veterans and the 10th Mountain Division Foundation it is clear that Coloradans across the state support the conservation and preservation of these landscapes for future generations. We strongly urge you to use your Presidential authorities to swiftly protect Colorado’s public lands within the CORE Act.

Specifically, we urge your action under the Antiquities Act to designate Colorado’s Camp Hale and the Tenmile Range as the Camp Hale - Continental Divide National Monument. The history of this area, including the role that it played in preparing the 10th Mountain Division for some of the most difficult moments of World War II, makes it the ideal candidate for a national monument designation. Many of the veterans of the 10th Mountain Division returned to Colorado after the war to establish our state’s outdoor recreation economy by starting the ski areas that
Colorado is known for, further establishing the role Camp Hale and its veterans have played for our state and nation.

We also request the protection of Colorado’s Thompson Divide through a Federal Lands Policy and Management Act mineral withdrawal. This action would ban new oil and gas leasing, as well as mining, on a landscape where community members, including farmers and ranchers, have come together to request protection. We also ask that you bring new protections to the areas of the CORE Act proposed for wilderness designation, mineral withdrawal and special management areas on the Grand Mesa Uncompahgre and Gunnison National Forests by using the upcoming U.S. Forest Service plan revisions or other administrative tools. Appending this correspondence is a letter requesting specific protections of landscapes under the CORE Act from seven Colorado County Commissioners who have been key leaders of this legislation.

By taking these steps, you will be making sure that even more of Colorado’s open spaces will be preserved for future generations. We will continue our fight to pass the CORE Act to deliver permanent conservation for the areas featured in the legislation but ask for your help in the interim to offer administrative protections modeled after the bill.

We are grateful for your attention to this request and look forward to working with you to take action to safeguard some of our nation’s finest public lands.

Sincerely,

Michael F. Bennet  
U.S. Senator

John Hickenlooper  
U.S. Senator

Jared Polis  
Governor of Colorado

Joe Neguse  
Member of Congress

cc:
The Honorable Deb Haaland, Secretary, U.S. Department of Interior  
The Honorable Thomas Vilsack, Secretary, U.S. Department of Agriculture
September 6, 2022

The Honorable Joseph R. Biden
President
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear President Biden,

The Colorado Association of Ski Towns (CAST) represents 41 municipalities and counties that drive the ski industry and mountain tourism economy in Colorado and other western states. We write to you to urge your use of your Presidential authorities, including the Antiquities Act, to protect many of the landscapes included in the Colorado Outdoor Recreation & Economy (CORE) Act. In particular, we request that you designate Colorado’s Camp Hale and the Ten Mile Range as the Camp Hale - Continental Divide National Monument, that protection is offered on Colorado’s Thompson Divide through a mineral withdrawal, and that protections are put in place on the Grand Mesa Uncompahgre and Gunnison National Forests as identified in the CORE Act.

CAST has followed the CORE Act with great interest. CAST members that have formally supported the CORE Act include the municipalities of Ouray, Crested Butte, Glenwood Springs, Telluride, Basalt, Breckenridge, Mountain Village, Vail, Snowmass, Mt Crested Butte, Frisco, and Dillon along with the counties of Gunnison, Eagle, and Summit.

With strong bi-partisan support across local governments as well as a broad group of additional stakeholders, it is unfortunate that the Act has not found a path through the U.S. Senate. The economies of CAST communities are largely dependent on the adjacent public lands, and the protection of these natural places is key to maintaining our tourism-based economies. CAST respectfully asks for your attention to this request to bring permanent protection to over 400,000 acres of vital public lands in Colorado.

Respectfully submitted,

Dara MacDonald, President, CAST

CC:  Tom Vilsack, Secretary of Agriculture
     Deb Haaland, Secretary of Interior
     Senator Michael Bennet
     Senator John Hickenlooper
     Congressman Joe Neguse
     Governor Jared Polis
The Honorable Joseph R. Biden  
President  
The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20500  

September 13, 2022  

RE: CORE Act  

Dear President Biden,  

I would like to express the Town of Avon's thoughts on the CORE Act. We write to you to urge your use of your Presidential authorities, including the Antiquities Act, to protect many of the landscapes included in the Colorado Outdoor Recreation & Economy (CORE) Act. In particular, we request that you designate Colorado's Camp Hale and the Ten Mile Range as the Camp Hale - Continental Divide National Monument, that protection is offered on Colorado's Thompson Divide through a mineral withdrawal, and that protections are put in place on the Grand Mesa Uncompahgre and Gunnison National Forests as identified in the CORE Act.  

With strong bi-partisan support across local governments as well as a broad group of additional stakeholders, it is unfortunate that the Act has not found a path through the U.S. Senate. The economy on of our Town is largely dependent on the adjacent public lands, and the protection of these natural places is key to maintaining our tourism-based economy. The Town of Avon respectfully asks for your attention to this request to bring permanent protection to over 400,000 acres of vital public lands in Colorado.  

Thank you for your consideration of the thoughts and suggestions shared in this letter.  

Sincerely,  

Sarah Smith Hymes  
Mayor, Town of Avon  

Cc: Avon Town Council  
Tom Vilsack, Secretary of Agriculture  
Deb Haaland, Secretary of Interior  
Senator Michael Bennet  
Senator John Hickenlooper  
Congressman Joe Neguse  
Governor Jared Polis
TO: Honorable Mayor Smith Hymes and Council members
FROM: Lance J. Richards, Chief Human Resources Officer
RE: Avon FAML I Opt-out
DATE: September 8, 2022

SUMMARY:
As you are aware, in November, 2020 Colorado voters approved Proposition 118, which created the Family and Medical Leave Insurance (FAML I) program. The law allows local governments to opt out of participation by a vote of the governing body.

After reviewing the cost of participating, uncertainties surround the administration of the new program, the potential utilization (or not) of the program, the one year gap of paying premiums but no benefits being available, and the forced removal of premiums from employee paychecks, Finance and Human Resources staff have met and are in full agreement that the Town should not participate in FAML I, either fully or in handling voluntary employee contributions. We believe this is the best step for the Town because of the incremental costs to the Town, to our employees, and from administration.

Additionally, we had a meeting with Gallagher, our benefits broker, and their recommendation is also that the Town should opt out.

HEADLINES:
• The incremental cost to the Town would be approximately $44,426 (based on 2022 payroll budget), and our participation would remove .45% from each of our employees paychecks. For a $60,000 employee, this would be a deduction of $270 annually, or about $10.38 per paycheck. The law, as written, allows the State to increase that amount to .60%, or $59,236 cost to the Town in subsequent years.

• If the Town chooses to participate, all of our employees (full-time, part-time, and seasonal) must also participate, regardless of their personal wishes. This would result in an unwanted expense to employees who do not want this. Please note: if the Town opts out, employees who wish to participate may still do so.

• The Town currently offers benefits which are comparable with the benefits FAML I would provide, and in many cases our offerings are superior.

• Although the program is not effective until January 2023, the Town must decide in 2022 whether to participate in the state-run program. Employers are to start collecting and remitting premiums Jan. 1, 2023, and benefits will be available to employees starting Jan. 1, 2024.

• Opting out of the program requires a vote of Town Council. That decision is not permanent and can be reconsidered anytime by the entity. If no action is taken, the Town will automatically be included in the program.
BACKGROUND:
FAMLI differs from the federal FMLA in that it provides paid leave, based on an employee’s weekly wage; further, FAMLI’s benefits depend on time employed within Colorado and not at a particular employer.

The premium for FAMLI is .09% of an employee’s wages, split 50/50 between the employee (0.045%) and employer (0.045%), up to a maximum of $161,700 in wages/$1,454.96 in annual premium. By law, this can be increased by the State by a further 33% to 1.2% of wages, or $1,940.40. Employers do have the option of absorbing the full .9% if they choose.

If participating, the employer is responsible for collecting employee premiums via payroll deduction, and for remitting all premiums to the State on a quarterly basis. Premiums would be mandatory for all full-time, part-time, seasonal and temporary employees whether they ever utilize the benefit or not.

Benefits during a state-approved FAMLI leave, will pay employees between 37% and 90% of their wages, based on their income, capped at $1,100 per week and $13,200 annually. For example, employees earning about $1,500 per week will receive approximately 68% of their weekly wage, or $1,018 per week while on FAMLI.

The law requires that employers and employees begin paying premiums on Jan 1, 2023. Benefits will be available beginning Jan 1, 2024.

CONSIDERATIONS:
Ongoing increasing costs are one of several reasons staff recommends Town Council opt out of FAMLI.

Another reason is that the Town already offers competitive paid leaves: 10 holidays, two days of personal leave, at least two weeks of PTO and 12 sick days. PTO and Sick Leave accrue over time. The Town also offers Short-Term Disability coverage to employees at their cost, and we pay for Long-Term Disability (LTD) benefits.

If Council opts out, the Town would be following suit with a majority of municipalities in the State, as well as in our Comparator and neighboring communities.

If Council opts out, staff recommends also declining to withhold/remit employee premiums for those who elect coverage, to lessen the Town’s potential financial liabilities and administrative requirements.
COMPARATORS:
For reference, the FAMLI program won a 57.75% majority across the State. In Eagle County, it won with a 58.77% majority. That said, the Colorado Municipal League has been tracking how various municipalities are responding to this. As of September 8th:

Implementing FAMLI 2
Leaning toward Opt-out 21
Voted Opt-out 43
Not determined 13

From our nearby communities, we know:
- Silverthorne is recommending Opt Out
- Aspen is recommending Opt Out
- Eagle Council is voting to Opt Out in October
- Breck Council 1st vote to Opt Out on Sept 13
- Frisco voting to Opt Out on 11 October
- Steamboat Springs Council is voting to Opt Out in October
- Vail Council voted to Opt Out
- Mountain Village Council voted to Opt Out
- Snowmass Village Council voted to Opt Out
- Telluride Council voted to Opt Out
- Dillon Council is leaning towards participating.

IMPACT ON TOWN EMPLOYEES:
If Town Council does not opt out of FAMLI, every Town employee will have deductions made from their pay for this program beginning in 2023, regardless of whether they believe participating is the right choice for their family, given the cost and other time off benefits the Town provides.

The program is not optional for employees if the Town becomes a covered employer.

If Town Council opts out, Town employees would retain the option to participate in FAMLI on their own. We are recommending those employees should enroll directly with the State. Under this scenario, and at this point in CDLE’s rulemaking process, employees would receive full benefits from FAMLI at the same premium for employee (0.45%) regardless of whether the Town becomes a covered employer.

The Town, meanwhile, can save over $44,000 annually – and growing – by declining participation through approval of the resolution as recommended.
**MARKET POSITIONING:**
The Town strives to be an employer of choice by offering our employees competitive salaries and benefits. The benefits offered to our employees include paid time off (PTO) which many employees bank to cover life events. The Town also has seen, and allows for, the donation of paid leave from employees to other employees who experience life events which require additional assistance. Additionally, the Town offers our employees long term disability with Town-paid premiums, as well as short-term disability with employee-paid premiums.

The presentation to Council will provide examples on how the town’s benefits compare to the FAMLI program benefits as they are known today. In most cases the town’s benefits are of far greater value to the employee than the state’s FAMLI program for full-time employees. Additional details on the state’s benefit program will continue to be outlined over the coming months and town staff will continue to monitor these announcements.

Please note that the town’s leave programs for part-time and seasonal employees are less than the state FAMLI program in several areas. Our part-time and seasonal workforce have minimal paid leave and are not currently eligible for short-term disability.

The statute does not require the Town to provide a substitute benefit if opting out, however, there are advantages to the Town doing so as it relates to talent acquisition and retention. Since a replacement plan is not mandated, the Town has more flexibility to create a similar benefit if so desired. We will be working with Gallagher to see how the marketplace responds to this. We may wish to make some adaptations to our existing array of benefits to ensure we remain fully market competitive, based on how the market reacts.

**FINANCIAL CONSIDERATIONS:**
The town’s financial burden in the first year of the FAMLI program of .45% of wages is expected to be approximately $44,426. In addition, employees would bear the same equivalent financial contribution of .45%. The program cost may increase up to 33% in 2025 to 1.2% of wages, again split between the employer and employee.

Avon has, for several years now, offered employees STD coverage as an option, which is fully paid by the employee. This short-term disability coverage currently provides 60% of weekly wages for employees on disability for up to 90 days.

**NEXT STEPS:**
If you concur, our next steps would be to:
1. Prepare the required employee notification, and distribute to all employees 14 days prior to a Council discussion and Resolution
2. Prepare the appropriate resolution for Council, based on Town Attorney advice and Council direction
3. Council will vote on the resolution
4. Prepare the required post-vote employee notification, and distribute to all employees immediately following the Council vote
5. Prepare the documentation required to be submitted to CDLE
Colorado Family and Medical Leave Insurance (FAMLI)
What is FAMLI?

- Created through Statewide voters’ approval of Proposition 118 in 2020, the Family and Medical Leave Insurance (FAMLI) program “exists to ensure all Colorado workers have access to paid leave”
- FAMLI differs from the federal FMLA in that it provides paid leave, based on an employee’s weekly wage; further, FAMLI’s benefits depend on time employed within Colorado and not at a particular employer
- The Town will automatically become covered – with Town and employee premiums due beginning in 2023 – unless Town Council opts out of the program.

- **KEY POINT:** The decision to opt out is not permanent and can be reconsidered anytime
PARTICIPATE IN FAMLI:

- Participation requires shared responsibility for funding the program with employees. Premiums are set at 0.9% of the employee’s wage, with 0.45% paid by the local government and 0.45% paid by the employee.
- FAMLI premiums begin on January 1, 2023.
- FAMLI benefits for employees will not begin until January, 2024.
- Three (3) year commitment to participate.
- Premiums may increase starting in 2025, up to 1.2% of gross wages.

- **KEY POINT:** Participating will cost the Town over $44,000 in 2023.
DECLINE PARTICIPATION

• The local government’s governing body must vote to decline participation.
• Equivalent paid leave benefits are NOT required for local government employers who vote to decline participation. If the entity chooses to opt-out, they can re-join at any time with a 3 month waiting period.

• **KEY POINT:** Employees still have the option of self-selecting and self-paying FAMILI coverage, with full benefits, if the town votes to opt out.
Town of Avon’s Current Leave Provisions

**PTO & Personal Day Accrual** (Full time only)
- 0-4 Years of service = 2.8 Weeks / year
- 5-9 Years of service = 4.0 Weeks / year
- After 10 Years of service = 5.2 Weeks / year

**Sick Leave** – 96 hours per year for FT (accrues year to year) and up to 48 hours for seasonal and/or part-time

**Short-term Disability** – 7 day elimination period; 60% wage replacement for up to 90 days. Optional, employee-paid benefit

**Long-term Disability** – 120 day elimination period; 66.7% wage replacement to max of $10k/month (The Town is planning to change the elimination period to 90 days effective Jan 1, 2023)
<table>
<thead>
<tr>
<th>Pay / Benefit level</th>
<th>ToA Full-time</th>
<th>FAMLI</th>
</tr>
</thead>
</table>
| 100% of wages while on sick or vacation time | • 100% of wages while on sick or vacation time  
• 96 hours/year sick  
• 60% while on short-term disability max $1,000 per week  
• STD is optional and employee-paid | • 37% to 90% of wages  
• Max of $1,100 per week |
| Waiting period | • No wait on sick/vacation  
• Seven days on short-term disability | • After earning $2,500 in wages |
| Maternity paid time | • 12 week FMLA leave  
• 6-9 weeks paid based on sick leave and PTO accrual or short-term disability | • 12-16 weeks paid as above |
| Paternity paid time | • 12 weeks FMLA leave; paid based on accrued sick leave or PTO | • 12 weeks paid as above |
## Town of Avon’s Current Leave Provisions

<table>
<thead>
<tr>
<th>Part-time/Seasonal ToA</th>
<th>FAMLI</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pay / Benefit level</strong></td>
<td>• 100% of wages while on sick</td>
</tr>
<tr>
<td></td>
<td>• 48 hours/year sick leave max</td>
</tr>
<tr>
<td></td>
<td>• Sick leave earned in accordance with Colorado HFWA</td>
</tr>
<tr>
<td></td>
<td>• No short-term disability</td>
</tr>
<tr>
<td><strong>Waiting period</strong></td>
<td>• No wait on sick leave</td>
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</table>
## Pros and Cons of Opting Out

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
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<tbody>
<tr>
<td><strong>Financial savings</strong> to Town of Avon of 0.45% of wages, or more than <strong>$44K</strong> in 2023 (future year totals have not yet been estimated). These funds could be used for other employee programs that benefit all employees.</td>
<td>Employees don’t always make the best choices for themselves, so compulsory participation may help some who would not otherwise elect to participate.</td>
</tr>
<tr>
<td>Unknown <strong>financial savings</strong> to Town of Avon for <strong>avoiding backfill and training costs</strong> for expected added leaves allowed under the program.</td>
<td></td>
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<tr>
<td><strong>Employees can opt into</strong> the program even if Town of Avon opts out.</td>
<td></td>
</tr>
<tr>
<td><strong>Employee costs</strong> would be the <strong>same</strong> for those who opt in, whether or not Town of Avon participates.</td>
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</table>
# Pros and Cons of Opting Out

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
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<tbody>
<tr>
<td><strong>Benefits</strong> would be the same for employees who opt in, even if Town of Avon opts out and pays nothing.</td>
<td></td>
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<tr>
<td>The definition of “family member” is fairly broad and could lead to fraud or abuse of the program.</td>
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<tr>
<td>If Town of Avon <em>doesn’t</em> exercise its right to <strong>opt out</strong>, all employees who earn at least $2,500 <strong>have to participate</strong>, even those who are already eligible for other paid leave.</td>
<td></td>
</tr>
<tr>
<td>Those who feel they <em>don’t need</em> this benefit would <strong>save 0.45%</strong> of their wages in a time of significant increases to costs of living.</td>
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</tbody>
</table>
Staff Recommendation

OPT-OUT OF FAMLI

Staff recommends that Avon opt out of FAMLI

- Avon’s benefits exceed FAMLI benefits in most cases
- Employees get equivalent/better benefits without extra costs of FAMLI
- Employees can still choose participation instead of mandate for all
- Staff to consider some benefit upgrades to ensure we remain market competitive

Next steps
- Notify employees that FAMLI opt-out will be on Council agenda
- Council resolution to opt-out must be approved by Council by end of year
Thank You
SUMMARY: Staff requests Council authorization to issue a Notice of Award for the Metcalf Road Culvert Repair Project to Advanced Shotcrete, Inc. They presented a new, in-situ (in place) repair proposal that is significantly less impactful to the community and more economical.

DISCUSSION: The Metcalf Road Culvert Repair Project consists of repairing a failed 50-FT section of 7-FT diameter corrugated metal pipe (CMP) that is 32-FT underneath Metcalf Road and located near the north exit of Metcalf Lofts. The entire culvert is 154-FT long and transports Metcalf Gulch underneath the road. The method of repair previously selected required excavating the south side of Metcalf Road up to the edge of the road with associated road closures and traffic detours. Shoring the hillside because of the steepness as well as Eagle River Water and Sanitation District’s requirement that the sanitary sewer line draining Wildridge be bypassed during construction, contributed significantly to the project’s cost.
In August, a new proposal utilizing a different construction method was received from Advanced Shotcrete, Inc. for $265,000. Advanced Shotcrete, Inc. proposed design-build services to rehabilitate the culvert by repairing the collapsed sections in-situ and coating the culvert with 5,000 psi shotcrete, a concrete product that is sprayed on the repaired culvert surface. By lining the interior of the existing culvert with 1 1/2” of shotcrete, it will be fully functional with an extended life span.

![Figure 1 Profile of pipe repair](image)

This approach minimizes surface disturbance, avoids impacting the existing guard rail, precludes the need for bypassing the sanitary sewer line since no excavation will be near it, and dramatically lessens impacts on traffic on Metcalf Road.

Bids Received:
1) Ewing Construction: $942,405
2) American West Construction: $566,400
3) Advanced Shotcrete: $265,000
CONSTRUCTION SCHEDULE:  The construction performance period is approximately 3 weeks which includes final slope stabilization and permanent erosion control. The project is scheduled to begin on September 22, 2022. Liquidated damage for failure to complete the work by November 1st, is $1,500 per day and will be doubled to $3,000 per day after December 1.

FINANCIAL CONSIDERATIONS:  The 2022 Capital Projects Fund reserved $408,390 for the Metcalf Road Culvert Repair Project. The construction cost to repair the Metcalf culvert is $265,000.

RECOMMENDATION:  Staff requests Council authorization to award the Metcalf Road Culvert Repair Project to Advanced Shotcrete, Inc. for $265,000.

PROPOSED MOTION: “I move to authorize the issuance of Notice of Award for the Metcalf Road Culvert Repair Project contract to Advanced Shotcrete, Inc. in the amount of $265,000 as approved by the Town of Avon Capital Projects Fund”

Thank you, Tim

Attachment A:  Construction Agreement for Metcalf Road Culvert Repair Project
Attachment B:  Contractor Proposal
Attachment A

CONSTRUCTION AGREEMENT

Metcalf Road Culvert Repair Project

THIS AGREEMENT is dated as of the ____ day of ______________ in the year of 2022 by and between:

Town of Avon, Colorado (hereinafter called OWNER) and Advanced Shotcrete, Inc. (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as Metcalf Road Culvert Repair Project:

Rehabilitate the damaged culvert in-situ (in place) by repairing the collapsed sections and coating the interior of the culvert with shotcrete. Ancillary activities include potholing where necessary, temporary access paths, spoils disposal, backfilling and compacting, rip rap, revegetation seeding and watering, and operating an approved traffic control plan.

Article 2. ENGINEER

The Town of Avon, Colorado, Town Engineer, hereinafter called ENGINEER, will assume all duties and responsibilities and will have the rights and authority assigned to ENGINEER and OWNER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

Article 3. CONTRACT TIME

3.1 The Work will be completed and ready for final payment in accordance with paragraph 14.13 of the General Conditions. All work will be completed between the dates of September 14, 2022 and November 1, 2022.

Article 4. CONTRACT PRICE

4.1 OWNER shall pay CONTRACTOR for performance of Work in accordance with the Contract Documents, in current funds, as follows:

(see attached copy of Contractor’s Proposal PR-1 dated 08/24/22)

Article 5. PAYMENT PROCEDURES

5.1 Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by...
ENGINEER, as provided in Article 14 of the General Conditions.

Article 6. CONTRACTOR’S REPRESENTATIVES

In order to induce OWNER to enter into this Agreement, CONTRACTOR makes the following representations:

6.1 CONTRACTOR has familiarized himself with the nature and extent of the contract documents, Work, locality, and with all local conditions and federal, state, and local laws, ordinances, rules and regulations that in any manner may affect the cost, progress, or performance of the Work.

6.2 CONTRACTOR has studied carefully all reports of investigations and tests of subsurface and latent physical conditions at the site or otherwise affecting the cost, progress, or performance of the Work which were relied upon by ENGINEER in the preparation of the Contract Documents, and which have been identified in the Special Conditions.

6.3 CONTRACTOR has made or caused to be made examinations, investigations, tests, and studies of such reports and related data in addition to those referred to in paragraph 6.2, as he deems necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports, or similar data are or will be required by CONTRACTOR for such purposes.

6.4 CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents.

6.5 CONTRACTOR has given ENGINEER any conflicts, errors or discrepancies that he has discovered in the Contract Documents, and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

Article 7. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR are attached to this Agreement, made a part hereof and consist of the following:

7.1 Advanced Shotcrete, Inc. proposal (page P-1)

7.2 Instruction to Bidders (pages IB-1 to IB-6)

7.3 Performance and Labor & Materials Bonds

7.4 Notice of Award (page NA-1)

7.5 Construction Agreement (pages CA-1 to CA-5)
7.6 Notice to Proceed (page NP-1)

7.7 General Conditions (pages GC-1 to GC-45, inclusive)

7.8 Special Conditions (pages SC-1 to SC-12, inclusive)

7.9 Plans, consisting of a sheets listed below by number, title, date and revision number with each sheet:

<table>
<thead>
<tr>
<th>SHEET</th>
<th>DESCRIPTION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1</td>
<td>General Plan</td>
<td>08-19-2022</td>
</tr>
<tr>
<td>C-2</td>
<td>Typical Sections: Completed Rehabilitation</td>
<td>08-19-2022</td>
</tr>
<tr>
<td>C-3</td>
<td>Typical Sections: During Construction</td>
<td>08-20-2022</td>
</tr>
<tr>
<td>SR-1</td>
<td>Surface Restoration-Limits of Disturbance</td>
<td>09-02-2022</td>
</tr>
<tr>
<td>SR-2</td>
<td>Surface Restoration-Sinkhole Cross Section</td>
<td>09-02-2022</td>
</tr>
</tbody>
</table>

7.10 Addenda numbers to N/A, inclusive

7.11 Documentation submitted by CONTRACTOR prior to Notice of Award (pages to ______, inclusive)

7.12 Any Modification, including Change Orders, duly delivered after execution of Agreement.

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be altered, amended, or repealed by modifications (as defined in Article 1 of the General Conditions).

Article 8. MISCELLANEOUS

8.1 Terms used in this Agreement, which are defined in Article 1 of the General Conditions, shall have the meanings indicated in the General Conditions.

8.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law); and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.3 OWNER and CONTRACTOR each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, his partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.
Article 9. OTHER PROVISIONS

9.1 Pursuant to Section 24-91-103.6, C.R.S., the Owner hereby states that it has appropriated an amount equal to or in excess of the Contract amount. Owner shall not issue a Change Order or other form of order or directive requiring additional compensable work to be performed, which work causes the aggregate amount payable under the Contract to exceed the amount appropriated for the original Contract, unless Contractor is given written assurance by the public entity that lawful appropriations to cover the costs of the additional work have been made.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement in triplicate. One counterpart each has been delivered to OWNER, CONTRACTOR, and ENGINEER. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or by ENGINEER on their behalf.

This Agreement will be effective on ____________, 2022.

OWNER, Town of Avon, Colorado

By ________________________________

Attest ______________________________

Address for giving notices:

_________________________________

_________________________________

_________________________________

CONTRACTOR,

By ________________________________

Attest ______________________________

Address for giving notices:

_________________________________

_________________________________

_________________________________

License No. _________________________

Agent for service of process:

_________________________________

_________________________________

_________________________________
August 24, 2022

Eva Wilson, PE
Director, Public Works
Town of Avon
500 Swift Gulch Road
Avon, CO 81620

Subject: Metcalf Road Culvert Rehabilitation
Design-Build Proposal

Ms. Wilson:

The Advanced Shotcrete team is pleased to submit this proposal for providing design-build services to complete a full rehabilitation repair for the storm culvert and surface damage on Metcalf Road. The Advanced Shotcrete team consists of Advanced Shotcrete, Inc (Denver) as the prime contractor with Shotcrete Technologies, Inc. (Idaho Springs) as the shotcrete consultant and L-7 Services LLC (Golden) as the engineering design consultants. This team will provide the Town of Avon with a turn-key project experience including design, construction and earthwork services.

For the Metcalf Road Culvert, we propose an alternative construction method consisting of rehabilitation of the culvert in place and from within the existing culvert. This provides a significant benefit to the Town of Avon in terms of cost, schedule and impact to the public. As a general overview, the project approach will be to stabilize the existing culvert and recover the deformation by controlled jacking from within the culvert. A series of temporary props (stalls) will be installed as jacking progresses to maintain the shape and structural integrity of the culvert. Once the culvert diameter has been recovered, welding of the corrugated metal pipe seams will be performed. Grout ports will also be installed through the damaged section and an extensive grouting program will be performed to compact, consolidate, and fill any voids above and adjacent to the culvert. This work will be performed with the temporary props(stalls) still in place and will result in repaired culvert surrounded by a stabilized backfill and allow for removal of the prop system. It was noted that the primary failure mode within the culvert is failure of the spot welds along the radial seams of the culvert plates allowing the plates to slide relative to each other. To prevent future issues with the spot weld connections, the interior of the culvert will be lined with shotcrete to create a secondary internal structural liner within the metal CMP. More details on the construction approach are presented in the attached culvert jacking sequence. The repaired culvert with the new internal shotcrete liner will result in a fully functional culvert with an enhanced life span. An example of a successfully rehabilitated culvert (prior Shotcrete Technologies’ project at CDOT I-70 Lookout Mountain Exit Culvert) is shown below demonstrating no visible deterioration in the shotcrete lining after 17 years of service.
During the culvert repairs, the Advanced Shotcrete team will monitor the weather, sequence the work accordingly and allow any water flows to continue unimpeded in the culvert. Only the props/stalls would be in place during a storm event with all equipment and unused materials removed from the culvert. We do not see any issues working around the sporadic rain events during this relatively dry season (August/September) in Colorado.

In addition to the culvert rehabilitation, the Advanced Shotcrete team will restore the ground surface over the existing sinkhole on the western side of Metcalf Road. It is recognized that several restoration approaches are viable and currently it is anticipated that terracing with shotcrete walls will be the most convenient method for creating a stable longterm slope. The terraces will be hydroyseeded for revegetation to a native appearance. The goal of the surface restoration is to remedy the sinkhole and provide a properly contoured area consistent with the other graded areas adjacent to Metcalf Road. Fortunately, the area of disturbance lies to the west of the existing guardrail system and does not appear to have affected either the roadway, underlying utilities, or the guardrail. The limits of surface disturbance associated with the sinkhole will be documented as part of the design effort. All of the surface restoration will be able to be performed beyond the Metcalf Road travelway and traffic impacts will be negligible. Any traffic control measures necessary (flaggers, cones, barricades, etc.) will be provided by the Advanced Shotcrete team during the course of this project (both culvert repair and surface restoration efforts).
As requested, a full design package prepared and stamped by a Colorado registered Professional Engineer will be provided to the Town of Avon for review and approval prior to commencing any field work. Kurt Braun, PE (Principal Engineer of L-7 Services LLC) will serve as the Engineer of Record for this project and has over 25 years of experience with design of underground projects including culvert rehabilitations similar to this project. Mr. Braun’s resume is attached for your review.

As for schedule, the design will commence as soon as notice of authorization is received from the Town of Avon. It is anticipated that an initial draft set of drawings will be available for review by the project team within 3 business days after notice of authorization and a complete stamped design package (drawings and calculations) will be ready within 5 business days. The field repairs will commence shortly after the design is completed and the project approach has the advantage that all of the equipment and materials are readily available (no specialized heavy equipment needed). The culvert repairs will be performed first followed by the surface restoration effort. The construction duration is estimated to take approximately 3 weeks.

The Advanced Shotcrete team will perform the engineering and construction scope described above, for the following lump sum fixed cost amount:

<table>
<thead>
<tr>
<th>Inclusions:</th>
<th>Engineering and construction per scope above including 5000 psi shotcrete, grout, equipment, timbers, nozzle finish, ACI certified nozzlemen, QA/QC, surface restoration, traffic control, conventional project expenses (bonds, taxes, and permits), and clean up of general work area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exclusions</td>
<td>None</td>
</tr>
<tr>
<td>Bid Item:</td>
<td><strong>$265,000 lump sum pricing</strong> based on scope described above including culvert jacking sequence, nozzle finish shotcrete, and surface restoration. Contractor provides access for shotcrete equipment and concrete trucks, continuously throughout time of project. <strong>Prices Good For All Work Performed Before September 30, 2022.</strong></td>
</tr>
</tbody>
</table>

Again, the Advanced Shotcrete team appreciates the opportunity to provide the Town of Avon with this turn-key proposal and looks forward to working with the Town of Avon on this project.
Authorization to proceed:
By this signature, the undersigned authorizes the Advanced Shotcrete team to provide the scope of services described above, in accordance with the attached standard contract terms and conditions.

Signature:_________________________________________ Date:_____________________

Print Name:

Town of Avon
500 Swift Gulch Road
Avon, CO 81620
TO: Honorable Mayor Smith Hymes and Council members  
FROM: Eva Wilson, Public Works Director  
RE: Notice of Award – US6 Safety and Mobility Improvement: Task Order 2.2, Final Design  
DATE: September 7, 2022

SUMMARY: Staff seeks authorization to issue a Notice of Award for the US6 Safety and Mobility Improvement Project: Task Order 2.2 Final Design as approved in Avon’s 2022 Capital Projects Fund.

DISCUSSION: The Task Order will provide Final Design for the US6 Safety and Mobility Improvements project. The project received a $2M CDOT Revitalizing Main Street grant, a $1M CDOT Multimodal Transportation and Mitigation Options Fund grant, and a $200K contribution from Eagle County. The goal of the project is to slow the prevailing speed on US 6 to 35mph with the installation of a roundabout (RAB) at Stonebridge Drive which then would allow the installation of 3 pedestrian crossings as shown on the project site below.

Project Site:

 PROJECT STATUS: Per CDOT guidelines, Staff issued a Request for Statements of Qualification (RFQ) for an On-Call Traffic Engineering Company on Bidnet.com. Five Statements were received and “Stolfus and Associates” was selected based on their experience, expertise, and local knowledge.

The Stonebridge RAB is integral to the project as it needs to reduce the prevailing speed on US 6 which was tested at 47mph. Several iterations were needed to slow the fastest path of a vehicle traveling through the RAB. Extended concrete medians are needed for the channeling/tunneling effect to reduce speed. In addition, the relocation of a nearby driveway is needed to support the channeling/tunneling effect. The additional infrastructure needed and inflation has significantly increased the construction costs.

CDOT has accepted the RAB concept (30%) and the design is moving forward to completion. The estimated date to advertise the project is January 2023.
Pedestrian Crossings on US6 from east to west.

Figure 1 Mountain Stream Crossing

Figure 2 Stonebridge RAB Crossing
**Task Order 2.2.** Final Design Schedule: The proposed work, as described in the attached proposal, is to begin immediately. The estimated date of completion for Task Order 2.2 is January 2023.

**Scope of Services**
1. ROW Exhibits
2. SUE (Subsurface Utility Engineering) Investigation and Utility Coordination
3. Final Design
   a. Final (90%) Design Plans and Specifications
   b. Structure selection memo
   c. Final drainage report
   d. Conduct Final Design FOR (90%) Review meeting with CDOT
4. PS&E (Plans, Specifications, and Estimates)
   a. PS&E documents for approval and clearances for CDOT
   b. AD documents

**FINANCIAL CONSIDERATIONS:** US 6 Mobility Improvement Project, Task Order 2.2. Final Design will be funded with the Town’s Capital Projects Fund. Project cost estimate:

<table>
<thead>
<tr>
<th>Available Funds Budget</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDOT Revitalize Main Street Grant</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>CDOT Multimodal Options Fund Grant</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Eagle County Contribution</td>
<td>$200,000</td>
</tr>
<tr>
<td>Avon Commitment (CIP funds)</td>
<td>$300,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,500,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task Order 1: Preliminary Engineering</td>
<td>$124,548</td>
</tr>
<tr>
<td>Task Order 2.1: Preliminary Design (30% Design)</td>
<td>$23,050</td>
</tr>
<tr>
<td><strong>Task Order 2.2: Final Design</strong></td>
<td><strong>$252,402</strong></td>
</tr>
<tr>
<td>Construction Cost Estimate (30% Design)</td>
<td>$4,200,000</td>
</tr>
<tr>
<td><strong>Current Total Design and Construction</strong></td>
<td><strong>$4,600,000</strong></td>
</tr>
<tr>
<td><strong>Anticipated Shortfall</strong></td>
<td><strong>$1,200,000</strong></td>
</tr>
</tbody>
</table>

Increases in construction costs are due to the final Roundabout design and inflation. Staff will continue to seek grant opportunities and partners such as Eagle County and benefactors to address the shortfall.

Other options could be to construct the project in phases as additional funding becomes available.

**RECOMMENDATION:** Staff requests Council authorization to award the US 6 Mobility Improvement Project: Task Order 2.2. Final Design to Stolfus and Associates in the amount of $252,402.

**PROPOSED MOTION:** “I move to authorize the issuance of Notice of Award for the US 6 Mobility Improvement Project: Task Order 2.2. Final Design to Stolfus and Associates in the amount of $252,402 as approved by the Town of Avon Capital Projects Fund.”

*Thank you, Eva*

**Attachment A:** Task Order 2.2 Final Design
EXHIBIT B
On-Call Agreement for Professional Services
TASK ORDER 2.2
US6 Mobility Improvement Project: Final Design

This Task Order pertains to the On-Call Agreement by and between the Town of Avon (“TOWN”), and Stolfus and Associates (“CONTRACTOR”), dated On-Call Contract Execution of September 3, 2021 (“the Agreement”).

CONTRACTOR shall perform services as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

**Project Description:** Provide preliminary engineering and concept analysis for the US6 Multimodal Safety and Mobility Improvements project. The project received the CDOT Revitalizing Main Street Grant to slow prevailing speed on US6 and potentially install 3 pedestrian crossings as shown on the project site below.

**Project Site:**

![Project Site Image]

**Proposed Tasks:** See Attachment A.

1. Final Design Plans for the roundabout and 3 pedestrian crossings.

**Budget/Proposal:** $252,950

**Schedule:** Advertise in January 2023
This Task Order is executed this 13th day of September, 2022.

Town of Avon

Recommended: ___________________________ Public Works Director Date: __________
Name ______ Title

Stolfus and Associates

Approved: ___________________________ President Date: __________
Name ______ Title

Town of Avon

Approved: ___________________________ Avon Town Mayor Date: __________
Name ______ Title
September 6, 2022

Eva Wilson, PE, PTOE
Public Works Director
Town of Avon
EWilson@Avon.org

Dear Eva:

Stolfus & Associates, Inc. (Stolfus) is pleased to amend our proposal to include additional design support for the roundabout about at US 6 and Stone Bridge Road and for three separate pedestrian crossings to serve adjacent bus stops at River Edge Crossing, Eaglebend Crossing, and Mountain Stream Crossing. Stolfus has completed the conceptual and preliminary design and received support from CDOT to advance to final design. This scope of services will include final design for the roadway and traffic elements, as well as final design for drainage, lighting, and structures and support for ROW exhibits and SUE investigations.

It is our understanding the project is funded through a Revitalizing Main Streets grant administered by CDOT and will follow the CDOT Local Agency process. In addition, the project is located on a US Highway, so CDOT design standards will apply. Compliance with CDOT Local Agency process, CDOT standards, and coordination with CDOT staff is included in the scope of services.

Geotechnical, Pavement Design, Environmental, ROW Acquisition, Advertisement Support, and Construction Management services are not included in this scope of services.

SCOPES OF SERVICES

The anticipated scope of services and deliverables for this project include:

1. ROW Exhibits
2. SUE Investigation and Utility Coordination
3. Final Design
   a. Final (90%) Design Plans and specifications
   b. Structure selection memo
   c. Final drainage report
   d. Conduct a Final Design FOR Review meeting with CDOT (virtual)
4. PS&E
   a. PS&E documents for approval and clearances for CDOT
   b. AD documents

ELEMENTS OF THE SCOPE OF SERVICES

A. PROJECT MANAGEMENT

Stolfus will review and process invoices and provide other project administration/management services (coordination and product review) throughout the duration of the project. Stolfus will be responsible for day-to-day management and coordination of the work elements. Monthly schedule, budget and project status reports will be included in the invoices.

Stolfus will maintain the project design schedule. The schedule will be updated as necessary during the design process. Stolfus will notify the Town when tasks are falling behind schedule.
The following project team meetings are included in the scope of work:

- FOR plan review meeting (virtual)
- Up to 4 other progress meetings to address design elements and/or ROW needs

Stolfus will be responsible for scheduling the meetings, preparing meeting exhibits, and participating in the meetings. Meeting notes will be generated and distributed to the meeting attendees by Stolfus.

**B. TRAFFIC ANALYSIS AND CONCEPTUAL DESIGN**

This work element was completed in the original design task order. No further work is anticipated.

**C. PRELIMINARY DESIGN**

This work element was completed in the original design task order. No further work is anticipated.

**D. PRELIMINARY DESIGN (FIR) PLANS**

This work element was completed in the original design task order. No further work is anticipated.

**FINAL DESIGN (FOR) PLANS**

Stolfus will respond to FIR comments and prepare FOR level plans, specifications and an opinion of probable cost. General conditions are excluded from this scope of services. A CDOT Form 463 (Design Data) will be prepared and submitted to CDOT. Curb ramps will be detailed according to ADA standards. Designs will be refined. Stolfus will provide QA/QC review for the project. Signing and striping plans will be prepared with up to 6 special sign layouts. Phasing and traffic control device plans are excluded from this scope of services. A high-level construction schedule will be prepared to determine a number of working days for the Construction Contract. A memo and an exhibit with plan and profile for the modified driveway at River Forge will be prepared and submitted to CDOT to support Access Permitting to be completed by CDOT. CDOT permitting is excluded from this scope of work. We will also provide technical support throughout the project in an advisory capacity. Our review efforts will confirm appropriateness of methodologies used, accuracy of documents, reasonableness of conclusions, document completeness, and overall clarity.

The Final (90%) FOR Submittal will include:


**PS&E DOCUMENTS**

The final design will incorporate comments from the FOR and consist of final plans, specifications, and engineer’s opinion of probable cost. The PS&E plan package will be submitted to in electronic (PDF) format for the Town to reproduce for advertisement.

**E. TOWN OF AVON AND CDOT PLAN REVIEW**

Stolfus will submit plans to the Town and CDOT for formal review at 30% completion level. Reviews are approximately three (3) weeks. A formal FOR meeting will be held with the Town and CDOT to review the plans. Comments will be summarized and a response matrix will be prepared.

**F. DESIGN STANDARDS**


**G. FIELD SURVEYS & SUE**

Farnsworth completed a topographic survey and existing ROW verification for the project as part of the original task order, including the additional survey needed for the driveway modification at River Forge. Farnsworth Group, Inc. will provide SUE services including QL-B locates at the Stone Bridge intersection and an estimated
ten potholes for the project. A utility exhibit and report will be included. Utilities at other sites will be located, but not at a QL-B level. As subconsultant to Stolfus, Farnsworth will complete the following:

H.  RIGHT OF WAY
Approximate permanent and temporary impacts to ROW were defined as part of preliminary design for each site. Final design efforts will look to eliminate or minimize ROW needs. Farnsworth will research existing boundary information and existing plats. Up to 2 title commitments will be ordered to establish existing easements. Farnsworth will draw up any recorded easements in title work. Farnsworth will prepare two temporary easement exhibits and legal descriptions for the two condominium properties east of Stone Bridge (River Forge) and up to an additional two permanent easements for improvements outside the ROW at the eastbound bus stop at Stone Bridge and the westbound bus stop at River Edge. Right-of-way plans and a ROWPR are excluded from the scope of services based on information provided by the CDOT R3 ROW Unit.

I.  UTILITY COORDINATION
Stolfus will provide overall utility coordination/management for the project. Stolfus will coordinate with the SUE provider, review SUE plans and reports as completed and evaluate proposed design with existing utilities to identify impacts. Stolfus will work with the hydraulics and structures designers to develop a utility conflict matrix that will be updated as information is provided from the SUE investigation. Stolfus will assist in developing a testhole plan based on the utility conflict matrix and will coordinate with the SUE provider to obtain testhole information. Stolfus will also develop utility plans to accompany the utility conflict matrix that will identify conflicts, relocations, and responsible parties and will be incorporated into the plan set. Stolfus will hold up to 2 Utility Coordination Meetings with the Town, CDOT and affected utility companies to review impacts and relocations (one virtual and one in-person meeting). The in-person meeting will be scheduled such that only one day is required to meet with all utility owners. Additional one-on-one contacts via phone and email will be provided to coordinate relocation plans, estimates and agreements. Stolfus will work with the individual utility owners to develop utility agreements. Stolfus will also complete the utility specification that outlines the utility impacts and actions by the contractor and/or utility company.

J.  DRAINAGE AND WATER QUALITY
RESPEC will provide hydrology, hydraulics and water quality design for roundabout improvements at US 6 and Stone Bridge Road and at 3 proposed pedestrian crossings along US 6. Permanent water quality improvement features will be incorporated at Stone Bridge Road roundabout site but it is assumed that water quality for the pedestrian crossings will not be required. A stormwater management plan will be developed for the entire project. The Eagle River floodplain is a FEMA Zone AE floodplain which flows parallel to US 6, but it is contained within the existing channel and the proposed project limits are outside of the floodplain limits. Eagle River floodplain permitting is not anticipated and excluded from the scope of work.

The FOR phase will build on the analysis from the FIR phase. In addition to refined analysis from the FIR phase, the plans, the SWMP, hydraulic report, and quantities will include additional detail. Storm profiles will be incorporated into the plan set at this phase. PSPs and non-standard details will be added, if necessary.

The PS&E phase will build on the analysis from the FOR phase. The plans, SWMP, hydraulic report, PSPs will be finalized and prepared for bid.

RESPEC FOR Plan Sheets:
- Tabulation of Drainage Structures
- Drainage Plan Sheets
- Storm Sewer Profiles
- Detail Sheets
- Stormwater Management Plan Narrative & Plan Sheets

J. STRUCTURE DESIGN
A small 3-4" landscape wall is anticipated at the Stone Bridge roundabout on the south side of the roundabout. San Engineering will prepare a structure selection memo for review and acceptance by CDOT. The report will
recommend a feasible wall system for the location and conditions that is consistent with the Town’s desired aesthetics. Geotechnical data will not be collected since it is expected to be a small landscape wall. At FOR structural plans and details will be prepared as well as any project specifications for the landscape wall. Revisions will be made for advertisement, as appropriate.

K. LIGHTING DESIGN
Clanton and Associates will prepare the lighting and electrical consulting for the following:
1. Roundabout at US6 & Stone Bridge Road
2. Street Lighting
3. Pedestrian Lighting
4. Electrical for Lighting and Rapid Flashing Beacon

90% Final Design (FOR)
• Kickoff meeting
• Attend one (1) site visit to observe existing conditions
• Establish basis of design
• Lighting design
• Final lighting layout
• Luminaire selection
• Photometric (point-by-point illuminance) calculations to confirm CDOT compliance
• Lighting details
• Luminaire schedule
• Power Source Locations
• Utility coordination
• Electrical design
• Panel schedules
• One line diagrams
• Lighting Control Centers, including short circuit calculations and feeder sizing
• Circuiting and conduit, including voltage drop calculations and conduit sizing
• Electrical details
• Specifications (CDOT format)
• Tabulation of Approximate Quantities
• Opinion of Probable Cost
• Up to one (1) submittal (90% set)
• Quality Control
• IDR of submittal
• Up to three (3) design meetings
• Attendance at 90% Review meeting by web conference

100% Bid Set (PS&E)
• Incorporate comments from FOR review, up to one (1) comment response
• Final lighting design
• Final electrical design
• Final specification revisions (CDOT format)
• Tabulation of Approximate Quantities
• Opinion of Probable Cost
• Up to two (2) submittals
• Quality Control
• IDR of submittal
• Stamp set
• Up to one (1) design meeting

Specific exclusions from this scope are as follows:
• Electric Vehicle (EV) electrical infrastructure design
• Electrical receptacles for holiday lighting or maintenance
• Electrical engineering for additional electrical devices not listed
• Significant lighting and/or electrical redesign after resolution of 30% comments provided by Town of Avon and CDOT submittal based on client changes such as: changes in streetlight ownership, addition of new electrical service(s), or a change from resetting existing streetlights to new streetlight installation.
• Smart city and/or small cell infrastructure
• Any development, design, or detailing of custom luminaires
• Equipment procurement
• Commissioning

K. CONTRACT TIME
Stolfus will complete the scope of services by February 2023, excluding CDOT review and approval for advertisement.

L. DESIGN SUPPORT DURING CONSTRUCTION
This scope of services excludes advertisement and design services during construction.

M. PUBLIC INVOLVEMENT SUPPORT
No further public involvement is included in this scope.

DELIVERABLES
Deliverables expected for this project include meeting notes; ROW exhibits, SUE plans; design calculations; drainage report, structure selection memo; Final (90%) plans, quantities and opinion of probable cost; PS&E documents and comment response matrix; in electronic format.

FEE
Stolfus and its subconsultants will perform these engineering services for an additional fee of $252,402 for a total project cost of $400,000. We appreciate the opportunity to work with the Town of Avon and would be happy to answer any questions you have on this Scope of Services.

Sincerely,

STOLFUS & ASSOCIATES, INC.

Michelle R. Hansen, PE
Senior Transportation Engineer
TO: Honorable Mayor Smith Hymes and Council members  
FROM: Eric Heil, Town Manager  
RE: Interim Town Prosecutor Appointment  
DATE: Sept. 9, 2022

SUMMARY: Elizabeth Pierce-Durance recently provided notice that she is moving to New Zealand for at least the next year. Elizabeth has served as the Town Prosecutor for many years and has also provided legal services for enforcement, liquor licensing, Colorado Open Records Requests and Sales Tax Regulation amendments. I discussed her departure with Town Attorney Karl Hanlon who indicated that his firm, Karp Neu Hanlon, can handle all matters except the Town Prosecutor. Inga Causey is a local attorney who has served as the Town Prosecutor in Vail for many years and has occasionally provided legal services for Avon. I recommend that Council approve retaining Inga Causey as the Interim Town Prosecutor and that Staff post a request for proposal for prosecutor services. One or two Council members are invited to participate in the review of proposals and related interviews.

Section 10.1 contemplates that Council approve the Town Attorney, assistants and special counsel as deemed necessary by Council.

At this time I am still working on details of a retainer agreement with Inga Causey and should have more information on hourly rates for the Council meeting.

PROPOSED MOTION: “I move to appoint Inga Causey as the Interim Town Prosecutor”.

Thank you, Eric
1. **CALL TO ORDER AND ROLL CALL**
   Video Start Time: 00:00:01
   The meeting was hosted in a hybrid format, in person at Avon Town Hall and using Zoom.us. Mayor Smith Hymes called the Regular Avon Town Council Meeting to order at 5:00 p.m. A roll call was taken, and all council members were present in person, Lindsay Hardy, Scott Prince, RJ Andrade, Tamra Underwood, Amy Phillips, and Chico Thuon. Also present in person were Public Works Director Eva Wilson, Town Engineer Justin Hildreth, Planning Director Matt Pielsticker, Chief of Police Greg Daly, Town Attorney Karl Hanlon, Town Manager Eric Heil, General Government Manager Ineke de Jong, and Deputy Town Manager/Town Clerk Patty McKenny.

2. **APPROVAL OF AGENDA**
   Video Start Time: 00:00:28
   Councilor Underwood moved to approve the agenda with no changes and Mayor Pro Tem Phillips seconded the motion and it passed unanimously (7-0).

3. **DISCLOSURE OF ANY CONFLICTS OF INTEREST RELATED TO AGENDA ITEMS**
   Video Start Time: 00:00:47
   Councilor Underwood disclosed she is an STR license holder which is not a conflict, just a disclosure.

4. **PUBLIC COMMENT**
   Video Start Time: 00:01:12
   There were no in-person or virtual public comments.

5. **BUSINESS ITEMS**
   5.2. **Resolution 22-19: Referring Ballot Question(s) to the November 8, 2022 Ballot (Town Manager Eric Heil)**
   Video Start Time: 00:01:44 (this item was considered before 5.1)
   Resolution 22-19 was presented as a council referred ballot question to the Avon voters for consideration of the formation and funding of the Eagle Valley Transportation Authority (“Transit Authority”). The ballot question combines both the formation of the Transit Authority along with a TABOR tax increase question to impose a ½ cent sales tax to support expanded transit service. Heil presented highlights about the formation group process with a presentation addressing the background, the purpose of the authority and enhanced services, the components and some details of the IGA, the membership required, the funding question for a sales tax increase (1/2 cent) and the two-year transition plan from ECO to EVTA. He noted the survey results from additional polling by the RTA group (New Bridge Strategy) supported the funding question. There was reference to the Fair Campaign Practices Act and what action would be allowed by elected officials and the town and what is not allowed. It was noted the town is not allowed to use town resources or funds to advocate for a ballot question. It was noted Bill Rey, consultant for the formation group, and local business community would be active with the campaign efforts.

   Public input was provided by several community members who supported the proposal. Chris Romer, VVP, spoke about their role as one of the stakeholders in the effort and thanked Avon for their support and participation. It was noted the regional government partners have expressed support for the ballot questions at recent meetings. Romer spoke about the education and campaign strategy which would include valley wide social media, ads, lawn signs, radio and print with Spanish emphasis, and an effort
to mobilize other stakeholders such as the climate action group. Mike Brown, Alpine Bank and EGE Air Alliance Board member, also expressed support for the EVTAA and proposed ballot question and thanked Avon for their leadership in moving the discussions forward to hopefully what would be regional success.

There was some discussion about the town’s polling which supported the use of the lodging tax as the funding source for regional transit. The formation group decided to focus on the sales tax in light of the revenue it would generate which was more than a lodging tax. In addition, Eagle County would be proposing a ballot question that would use lodging tax to fund childcare. The discussion also addressed the multiple funding questions the town council considered earlier this year and it was noted there was hesitancy to send all three tax questions to the voters with preference to let voters decide on the sales tax for regional transit this November. The council also contemplated having further discussion about placing a marijuana tax question on the ballot, however, there was consensus to move forward with one question funding regional transit. There was agreement to hold a special meeting on Sept. 7 for further discussion about the topic.

Mayor Pro Tem Phillips moved to approve Resolution 22-09 Referring a Ballot Question for the Formation of the Eagle Valley Transit Authority to an Election of the Town of Avon; Councilor Thuon seconded the motion and it passed unanimously (7-0).

5.1. Work Session: Early Childhood Education (Town Manager Eric Heil and Mike Imhof, Vail Valley Foundation) (15 minutes) 5:15

Video Start Time: 00:46:50

The report presented an update about the town’s collaboration with the Vail Valley Foundation to develop new or expanded early childhood education facilities and programs. The packet materials included a map depicting Planning Area E, a letter from the Vail Valley Foundation, and a letter of support for the grant application from the town manager. There was council support for proceeding in partnership with Vail Valley Foundation to research and prepare conceptual designs for an Early Childhood Education facility on Planning Area E, Village (at Avon). Mike Imhof, VVF, addressed town council with comments about how the early childhood learning effort was launched by the VVF to improve the community and their desire to partner with the town would be important since Avon is the selected location for a new facility. He spoke about the business model structure and hoped that, if successful, they would launch other childcare facility / program initiatives throughout the county.

Johannes Faessler, local resident, Vail business owner, and VVF Board member, spoke on behalf of the VVF noting the partnership with Avon would be necessary in order to secure the land. He spoke about collaborating regionally with governments, business community and nonprofits to help bring the project to fruition. Town Manager Heil suggested two council members serve as liaisons for the project and noted staff would be spending time on this project. Town Council supported proceeding in the planning process with VVF. There was consensus about the following comments:

- There would be some utility challenges on the site that would need to be resolved
- There was support to include employee housing on the site
- There was some concern about the competition the project would create with other childcare providers however it was noted that these stakeholder groups have been involved and are supportive
There was interest that the Village at Avon representatives be involved; it was noted that the DRB has already been made aware of the project.

There was no formal action required at this time.

5.3. **Work Session: Business Survey Results (General Government Intern Emily Myler)**

   Video Start Time: 01:15:52

   The results of the Avon business survey was presented, a survey which was conducted from the Communications Office to gauge attitudes about community issues that impact them and their businesses. They survey contained 13 questions regarding special events, tourism, community values and climate action and was open from June 1 to June 30 with 72 business owners responding as reported by Myler. In general, the responses were very positive, and the summary of trends and data was part of the council packet materials. There was recognition for both Liz Wood and Emily Myler for initiating, launching, and analyzing the survey. The Mayor requested additional follow-up with the business community to occur mid-November.

5.4. **Public Hearing: Second Reading Ordinance 22-10 Council Compensation (Deputy Town Manager Patty McKenny)**

   Video Start Time: 01:40:48

   Ordinance 22-10 increasing elected official’s compensation was presented to Council on second reading; Council approved first reading of Ordinance No, 22-10 at the August 9 meeting. The ordinance addressed Council compensation increases over a period of time that would apply to future Council members. There was some concern expressed about an increase in 2028.

   The public hearing was opened, no comments were made, the hearing was closed. Mayor Pro Tem Phillips moved to approve Ordinance 22-10, Amending Avon Municipal Code Chapter 2.04 – Compensation of Council on second reading; Councilor Hardy seconded the motion and it passed 5 to 2 (Andrade and Prince voted no). Prince noted his opposition was around the 2028 increase to compensation.

5.5. **Public Hearing: Second Reading Ordinance 22-09 Short Term Rental Code Text Amendments (Senior Planner Jena Skinner)**

   Video Start Time: 01:46:10

   The report presented the Town of Avon’s application to amend the Avon Development Code and related business licensing requirements for Short Term Rentals to establish a cap on short-term rental licenses for properties within the Short Term Rental Overlay (“STRO”) zone district, and outside the Town Core. There were a number of updated changes and clarifications to Ordinance 22-09 outlined, as follows:
   - The ordinance language now reflects the findings as found in Staff’s report for Ordinance 22-09
   - Other changes to the Ordinance language includes the addition of clarifying definitions pertaining to license types
   - Cross references have been added to the text via hyperlinks for ease of the reader, knowing that our code is an online resource
   - Title 5 now includes a reference to the Town Core Map as found in Title 7
AVON REGULAR MEETING MINUTES
TUESDAY AUGUST 23, 2022
HYBRID MEETING; IN-PERSON AT AVON TOWN HALL OR VIRTUALLY THROUGH ZOOM

- Specific clarifications have been added to the definitions in Title 7 including that for Property and “primary resident” references match that found for Real Estate Transfer Tax (“RETT”)

There was discussion about whether a renter or owner would have authority to short-term rent the unit; currently the language allows both the owner and renter the ability to apply for the STR license. It was noted there is not good data that shows the frequency of this happening, however, licensing and forms should help administer the program accordingly and begin to show actual rentals. There was support to allow renters to obtain a license and to exempt duplex units from the cap.

The public hearing was opened, no comments were made, the hearing was closed. Councilor Underwood moved to approve second reading of Ordinance No. 22-09, Amending Titles 5 and 7 of the Avon Municipal Code and Town Core Map, with findings outlined in the staff memo and with modifications to to 5.04.050(g)(1) to include the term “multi-family” and in 7.20.90(b)(1) eliminate the words “…outside and…; Mayor Pro Tem Phillips seconded the motion and it passed (6 -1; Prince voted no).

5.6. Work Session I: Capital Projects (Town Engineer Justin Hildreth)
Video Start Time: 02:25:59
A review of the long-range Capital Improvements Projects Plan (“CIP Plan”) was presented with highlights about
1) available revenues and year-end fund balances, 2) CIP Plan policies, scheduling and prioritization, 3) proposed projects (non-discretionary include projects that are required to maintain existing facilities and discretionary projects include new facilities and improvements that expand existing facilities and programs) and 4) options for Council consideration. The changes in recommended projects from 2022 to 2023 and the non-discretionary projects was the focus of the discussion. A summary of the 2024-2027 longer range recommended projects was included with the materials as well. It was suggested to keep a fund balance in the CIP fund at $1M which required the long-range projects to remain unfunded at this time. Some comments and questions are outlined below:
   ▪ There was support to address the bridge at West Beaver Creek Blvd.
   ▪ There was support for maintenance along a number of trails through Avon, especially along Hurd Lane
   ▪ There interest in better understanding the funding request for the Eagle Valley Trail, specifically a request from the county from Avon to support the final trail construction work with a $300K contribution (over two years)
   ▪ There was support to address the old town hall site and surrounding area for some improvements
   ▪ There were questions about the park wi-fi and why the need to budget for the program; it was note an update about broadband would be presented in the near future
   ▪ There was not initial support for purchasing art pieces
   ▪ There were comments about why the old firehouse structure was not repurposed to housing and it was noted that the required costs for improvements were extremely high
   ▪ There was not support for reroofing the parks maintenance building at the park
   ▪ There was a question about the best timing to release construction bid requests for construction companies

It was noted the input would help to revise the list and another review of the CIP budget would be scheduled in the near future.
5.7. Resolution 22-16 Easement and Deed Agreement, Emergency Notification Siren located at Upper Eagle Regional Water Authority Mountain Star Water Tank property (Town Engineer Justin Hildreth)
Video Start Time: 03:20:00
The agenda report addressed Resolution No. 22-16, approving an easement with the Upper Eagle Regional Water Authority for an emergency notification siren at 1875 Paintbrush, near the upper water tank in Mountain Star subdivision. There was no public comment. Councilor Thuon moved to approve Resolution No. 22-16; Mayor Pro Tem Phillips seconded the motion and it passed unanimously (7-0).

Video Start Time: 03:25:52
The report for Resolution 22-17 establishes the Town of Avon’s intent to participate in the Eagle County 2021 International Energy Conservation Code (IECC) Cohort. It was noted the purpose of adopting the Resolution were two-fold: (1) to allow the Town of Avon to receive free state-sponsored consultation to adopt the latest building codes and (2) to demonstrate Avon’s commitment to the Climate Action Collaborative as a participating municipality in Eagle County. There was no public comment. Councilor Thuon moved to approve the Resolution 22-17, Participating in the Eagle County 2021 International Energy Conservation Code Cohort; Mayor Pro Tem Phillips seconded that motion and it passed unanimously (7-0).

5.9. Work Session: Development Bonus Code Text Changes (Planning Director Matt Pielsticker)
Video Start Time: 03:35:25
This report suggested a review of the town’s development code with some possible changes which would help create a more flexible development review process. There would be discussion about how to allow additional development rights when a project provides meaningful community benefits. Pielsticker noted earlier versions of a Development Bonus process were presented to the Town Council in 2010 during the unified land use code adoption, and again in 2019 when Inclusionary Zoning was reintroduced. However, both times these incentives were removed from consideration based on Town Council direction. With the housing crisis looming, it seemed the discussion might help foster some support for create more community housing units as part of a flexible review process. He requested a future work session to solicit input and dialogue on the draft regulations. Councilor Underwood suggested creating a different tone to the requirements that would have a focus on improving and providing benefits for the community. In addition, there was support to add revisions that would address and align with the town’s comp plan and other long term goals and objectives. Councilor Hardy moved to initiate the code text amendments; Councilor Prince seconded the motion and it passed unanimously (7-0).

6. MINUTES
6.1. Approval of August 9, 2022 Regular Council Meeting Minutes (Deputy Town Clerk Brenda Torres)
Video Start Time: 03:46:37
Mayor Pro Tem Phillips moved to approve the minutes with one correction to strike the word “interm” used before Town Attorney; Councilor Hardy seconded the motion and it passed unanimously (7-0).
7. WRITTEN REPORTS
   7.1. Monthly Financial Report (Finance Manager Joel McCracken)
   7.2. Draft July 20 Finance Committee Meeting Minutes (Deputy Town Manager Patty McKenny)
   7.3. Salute to the USA Update (CASE Manager Danita Dempsey)
   7.4. Open Water Swim Meet Update (Recreation Director Michael Labagh)
   7.5. 2023 Community Grant Funding Recommendation (General Government Manager Ineke de Jong)
   ** Indicates topic will be discussed at future agenda’s

8. MAYOR AND COUNCIL COMMENTS & MEETING UPDATES (15 MINUTES) 8:00
   Video Start Time: 03:47:58
   Mayor Pro Tem Phillips expressed she would not support a special meeting on Sept. 7 to continue discussions about referring a marijuana tax question to the ballot because she changed her mind about supporting a ballot measure for marijuana tax. Mayor Pro Tem Phillips moved to not have a special meeting on Sept. 7; Councilor Prince seconded the motion and it passed (Phillips; Prince, Underwood, Smith Hymes supported the motion; Andrade, Hardy and Thuon opposed the motion). The special meeting slated for Sept. 7 would not be scheduled.

   Councilor Thuon asked when the Town would make a statement about water conservation and drought. Heil noted the town defers to the water authority for guidance and regulations and town staff will review and draft best practices guidelines for water irrigation and conservation for council consideration in the future.

9. EXECUTIVE SESSION
   Video Start Time: 03:59:50
   9.1. Councilor Under moved to convene to an executive session pursuant to CRS 24-6-402(4)(a) and (e) regarding the purchase, acquisition, lease, transfer, or sale of any property interest and for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; more specifically regarding the acquisition of employee housing; Councilor Andrade seconded the motion and it passed unanimously (7-0). Others present included: Town Attorney Karl Hanlon, Town Manager Eric Heil, General Government Manager Ineke de Jong and Deputy Town Manager/Town Clerk Patty McKenny. The session was held in the Holy Cross meeting room beginning at 9:05 pm and ending at 9:24 pm.

10. ADJOURN
    There being no further business before Council, Mayor Smith Hymes moved to adjourn the regular meeting at 9:24 p.m.
AVON REGULAR MEETING MINUTES
TUESDAY AUGUST 23, 2022
HYBRID MEETING; IN-PERSON AT AVON TOWN HALL OR VIRTUALLY THROUGH ZOOM

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate records of the meeting are the audio of the meeting, which is housed in the Town Clerk’s office, and the video of the meeting, which is available at www.highfivemedia.org.

RESPECTFULLY SUBMITTED BY:

___________________________________________
Patty McKenny, Town Clerk | Deputy Town Manager

APPROVED:

___________________________________________
Sara Smith Hymes, Mayor

Avon Council Members:
Amy Phillips
Chico Thuon
Scott Prince
Tamra Underwood
Lindsay Hardy
RJ Andrade
AVON PLANNING & ZONING COMMISSION
MEETING ABSTRACT
TUESDAY, SEPTEMBER 6, 2022 - MEETING BEGINS AT 5:00 PM
100 MIKAELA WAY – AVON TOWN HALL

1. CALL TO ORDER AND ROLL CALL
   **Action:** The meeting was called to order at 5:02PM by Chairperson Nusbaum

   A rollcall was taken, and Planning Commissioners present were Bill Glaner, Steve Nusbaum, Tom Schaefer, and Anthony Sekinger. Also present were Town Manager Eric Heil, Planning Director Matt Pielsticker, Senior Planner Jena Skinner, and Planner 1+ Max Morgan. Commissioners Marty Golembiewski, Kevin Hyatt, and Donna Lang were not in attendance.

2. APPROVAL OF AGENDA
   **Action:** Commissioner Schaefer motioned to approve the agenda. The motion was seconded by Commissioner Sekinger, and all were in favor. The motion passed unanimously with a 4-0 vote.

3. DISCLOSURE OF ANY CONFLICTS OF INTEREST OR EX PARTE COMMUNICATION RELATED TO AGENDA ITEM
   There were none

4. PUBLIC HEARING – Code Text Amendments for Development Bonuses | File #CTA22003
   (Matt Pielsticker, Planning Director)

   **Public Comments:** There were no public comments

   **Action:** Commissioner Schaefer motioned to approve application #CTA22003. The motion was seconded by Commissioner Glaner. The motion to approve was approved unanimously, 4-0.

5. CONSENT AGENDA
   5.1. July 19, 2022 Planning and Zoning Commission Meeting Minutes
   5.2. Findings of Fact and Record – TMP22002 – Temp Use 332. E. Beaver Creek Boulevard
   5.3. Findings of Fact and Record – MNR22015/AEC22003 – Fence 2480 Saddleridge Loop

   **Action:** Commissioner Schaefer motioned to approve the consent agenda. The motion was seconded by Commissioner Sekinger. The motion to approve the consent agenda was approved unanimously, 4-0

6. STAFF UPDATES
   6.1. American Planning Association
   6.2. Short Term Rentals

7. ADJOURN
**Action:** Commissioner Nusbaum adjourned the meeting.

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Respectfully,
Max Morgan