



**TOWN OF AVON, COLORADO**

**AVON REGULAR MEETING MINUTES FOR TUESDAY, JANUARY 24, 2017**

AVON TOWN HALL, ONE LAKE STREET

---

**1. A CALL TO ORDER & ROLL CALL**

Mayor Fancher called the meeting to order at 5:08 p.m. A roll call was taken and Council members present were Jake Wolf, Amy Phillips and Megan Burch. Council members Matt Gennett, Scott Prince and Sarah Smith Hymes were absent. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Assistant Town Manager Scott Wright, Police Chief Greg Daly, Planning Director Matt Pielsticker, Fleet Director Rego Omerigic, Recreation Director John Curutchet, Human Resources Director Lance Richards, Executive Assistant to the Town Manager Preston Neill and Town Clerk Debbie Hoppe.

**2. APPROVAL OF AGENDA**

Start time: 00:05:46

Councilor Phillips requested the addition of a memo for meeting updates on High Five Access Media.

**3. PRESENTATION – SWEARING IN CEREMONY OF DEPUTY CHIEF COBY COSPER AND SERGEANTS JEREMY HOLMSTROM AND MATT JAMISON**

Start time: 00:06:10

Mayor Fancher presided over the swearing-in ceremony.

Councilor Gennett arrived at 5:20 p.m.

**4. PUBLIC COMMENT – COMMENTS ARE WELCOME ON ITEMS NOT LISTED ON THE FOLLOWING AGENDA**

Start time: 00:18:11

Michael Cacioppo, an Avon resident, addressed the following concerns regarding road diet:

- By removing ingress and egress lanes will potentially cause backups.
- The potential for 4 minute waits for the new hotel when delivery trucks have to back down from the street.
- The most dangerous part of this is the fire trucks, when there are backed up cars the firetrucks may not be able to access homes further west on Beaver Creek Blvd.
- The idea to narrow the road for pedestrian traffic is wrong.
- Council has failed to put the light system at every pedestrian walkway through the whole roundabout system.

Mayor Fancher responded that Council has not seen the final plan for the road. Mayor Fancher thought it would be here in early February and Council would be looking at it during the second meeting in February.

Michael Cacioppo replied that he was told the final plan was at the Recreation Center.

Michael Cacioppo is very disappointed and would like to know why Councilor Burch voted on giving away our rights to Eagle County her employer. Also, a similar issue with Councilor Prince's son involved with the Recreation Center.



TOWN OF AVON, COLORADO  
AVON REGULAR MEETING MINUTES FOR TUESDAY, JANUARY 24, 2017  
AVON TOWN HALL, ONE LAKE STREET

---

Councilor Burch responded the issue that Michael Cacioppo is referring to is when the Town decided to place some public land into a trust. Councilor Burch did not see any financial gain on the Counties part or on her part by voting.

Town Attorney Eric Heil responded that ultimately it is the Council who raises conflict of interest issues under the code of ethics.

Michael Cacioppo asked “you think you have the right to take away my right to file a lawsuit on a conflict of interest issue”?

Councilor Wolf commented that he is very opposed to the road diet and had never thought about the police and fire issue.

Buz Reynolds, an Avon resident, asked to discuss two items. The first is transfer tax, it doing extremely well and feels we are double taxing our citizens. Mr. Reynolds recommended taking it down ½% to 1.5% we are the highest transfer tax in the County right now.

Mayor Fancher responded that it would be on a future agenda.

Councilor Phillips suggested that it should considered when discussing the increase of home owner occupancy waiver amount.

Buz Reynolds second item for discussion was the salaries of Planning & Zoning Commission and Council. Buz Reynolds noted the charter was written in 1978 and the fees paid were established at that time. The work that is associated with being on Council and Planning & Zoning has changed and is proposing raising the salaries.

Mayor Fancher responded that it would be on a future agenda.

**5. PRESENTATION – RECREATION DEPARTMENT UPDATE (RECREATION DIRECTOR JOHN CURUTCHET)**

Start time: 00:43:10

Recreation Director John Curutchet presented the update along with staff Ryan Graham, Jamie Taylor, Matt Koch and Meghan Hershey.

Councilor Wolf asked if there was more space available would more classes be held. Recreation Director John Curutchet explained that they have maximized their space.

Councilor Phillips noted that it had been mentioned that the Avon Elementary children that are on the reduced lunch programs are eligible for scholarships, and wanted to know if Homestake Peak



TOWN OF AVON, COLORADO

AVON REGULAR MEETING MINUTES FOR TUESDAY, JANUARY 24, 2017

AVON TOWN HALL, ONE LAKE STREET

---

School children are also eligible for scholarships. Recreation Director responded that all Eagle County children on the reduced lunch program are eligible.

Councilor Phillips suggested the data points need to match up on the revenue graphs and have the full time staff listed.

**6. ACTION ITEMS**

Start time: 00:63:56

**6.1. REVIEW AND ACTION ON VENUE DATES, FUNDING AND IN-KIND REQUEST FOR ZOPPE' FAMILY CIRCUS (RECREATION DIRECTOR JOHN CURUTCHET)**

Councilor Prince arrived at 6:30 p.m.

Gina Hallisey presented the event and request for funding for Zoppe' Family Circus.

Councilor Wolf moved to approve the event dates of September 8 – 10, 2017, for the production of the Zoppe' Italian Family Circus, with cash funding in the amount of \$21,500, appropriated from the General Fund Special Events Reserve, and all rider elements except lodging, sawdust, hay and to the extent possible Town staff will assist in the setup and funding up to \$500 for portalets. Councilor Gennett seconded the motion and it passed unanimously by those present. Councilor Prince abstained from the vote. Mayor Pro Tem Smith Hymes was absent.

**6.2. FIRST READING OF ORDINANCE 17-01, ACCEPTING A DONATION OF THE EAGLEBEND PROPERTY, AUTHORIZING THE CONVEYANCE OF SUCH REAL PROPERTY, AND APPROVING A PROJECT AGREEMENT (TOWN ATTORNEY ERIC HEIL)**

Start time: 00:99:55

Councilor Prince asked for clarification regarding a conflict of interest. Town Attorney Eric Heil responded he was not aware of any conflict of interest. Council agreed there was not a conflict of interest. Gerry Flynn (Eaglebend Properties) agreed there was not a conflict of interest.

Councilor Gennett moved to approve Ordinance No. 17-01 accepting the donation of the Eaglebend Affordable Housing property, authorizing disposal of such property, and approving a new project agreement between the Town of Avon and Eaglebend Affordable Housing Corporation on first reading. Councilor Phillips seconded the motion and it passed unanimously by those present. Mayor Pro Tem Smith Hymes was absent.

**6.3. FIRST READING OF ORDINANCE 17-02, TO REZONE LOT 4, MOUNTAIN VISTA RESORT SUBDIVISION FROM PUD TO PUBLIC FACILITIES (PLANNING DIRECTOR MATT PIELSTICKER)**

Start time: 00:117:13

Councilor Burch moved to approve Ordinance 2017-02 (**Exhibit A**), thereby approving first reading of an Ordinance rezoning Lots 4, Mountain Vista Resort Subdivision, from PUD to PF. Councilor



TOWN OF AVON, COLORADO

AVON REGULAR MEETING MINUTES FOR TUESDAY, JANUARY 24, 2017

AVON TOWN HALL, ONE LAKE STREET

---

Gennett seconded the motion and it passed unanimously by those present. Mayor Pro Tem Smith Hymes was absent.

6.4. MOTION TO INCREASE PUBLIC SAFETY FACILITY BUDGET TO PROVIDE A WINTER CONDITIONS AND UNFORESEEN EXPENDITURES CONTINGENCY DUE TO THE COST OF THE PIERS (TOWN ENGINEER JUSTIN HILDRETH)

Start time: 00:120:20

Mayor Fancher asked “with regard to the poor soils did you hear a similar story from the construction of the medical office building?” Town Engineer Justin Hildreth responded the medical office building did a different foundation design that did not use the piles we are using. Also, when they constructed the medical office building no water was encountered.

Councilor Prince asked if the \$124,000 is the Town’s share. Town Engineer Justin Hildreth explained all the numbers are the Town’s share of the change orders.

Councilor Phillips asked who the original soils report. Town Engineer Justin Hildreth responded HP Geotech.

Councilor Gennett asked if any specific borings had been done on the sight. Town Engineer Justin Hildreth explained 3 different borings were completed on the sight.

Councilor Prince was in support of electric hand dryers. Council agreed to add the hand dryers back into the budget.

Councilor Phillips questioned the low voltage system coming in double the anticipated cost and who provided the original cost and who are you working with now. Town Engineer Justin Hildreth explained he had an allowance that was estimated off a previous project, but the needs of the Police station are significantly more.

Todd Goulding commented on the change orders being compatible on both fire & police sides.

Chris Evans answered Council questions regarding contingencies, stating that design change would be an owner covered contingency item.

Councilor Prince moved to approve the increase in the Public Safety Facility construction budget in the amount of \$300,000 for a total of \$6,320,855 and to include the change in the next Capital Projects Fund (CPF) budget amendment. Councilor Burch seconded the motion and it passed unanimously by those present. Mayor Pro Tem Smith Hymes was absent.

6.5. REVIEW AND SELECT ONE OF THREE OPTIONS FOR THE AVON PAVILION CURTAIN OR DOOR SYSTEM (TOWN ENGINEER JUSTIN HILDRETH)



**TOWN OF AVON, COLORADO**  
**AVON REGULAR MEETING MINUTES FOR TUESDAY, JANUARY 24, 2017**  
AVON TOWN HALL, ONE LAKE STREET

---

Start time: 00:29:19 Part Two

Councilor Phillips asked if any of the bids were made in Kansas. Town Engineer Justin Hildreth responded none of the bids were local. Councilor Phillips challenged staff to find a better price.

Councilor Wolf shared photos and recommended translucent material.

Michael Cacioppo spoke of a concern with the metal doors coming of the track and getting bent. His recommendation is spending \$75,000 or less.

Councilor Wolf wanted to know what is going on with the right pillar on the stage; all the rocks are crumbling down.

Council provided direction to staff to further explore a door system with a rubber pull down and the possibility of having a portion of either door being made of a translucent material. At a future Council meeting, staff will present the additional research and options.

**6.6. REVIEW AND ADOPTION OF AVON TOWN COUNCIL POLICY FOR THE APPLE IPAD OR SIMILAR DEVICE USE BY TOWN COUNCIL (EXECUTIVE ASSISTANT TO THE TOWN MANAGER PRESTON NEILL)**

Start time: 00:55:12 Part Two

Councilor Phillips recommended that Council have a secured access to Wi-Fi.

Michael Cacioppo asked for clarification if personal computers are also subject to public records request. Also, can the attorney give legal advice during the meeting on the device?

Town Attorney Eric Heil responded that legal advice will be given on the microphone and if it is private he will recommend going into executive session.

Council agreed two members of the Council may ask to review any of the other Council member devices.

Councilor Wolf suggested protective coverings for the device.

Councilor Wolf moved to adopt the *Avon Town Council Policy for the Apple iPad or Similar Device Use by Town Council* with the changes as modified. Councilor Wolf seconded the motion and it passed unanimously by those present.

**6.7. CONSENT AGENDA**

Start time: 00:79:11



**TOWN OF AVON, COLORADO**  
**AVON REGULAR MEETING MINUTES FOR TUESDAY, JANUARY 24, 2017**  
AVON TOWN HALL, ONE LAKE STREET

---

6.7.1. APPROPRIATION OF \$3,060 FOR THE PURCHASE OF A TOWN OWNED IPAD FOR TOWN COUNCIL MEMBER USE FROM THE GENERAL FUND CONTINGENCY LINE ITEM (EXECUTIVE ASSISTANT TO THE TOWN MANAGER PRESTON NEILL)

Councilor Prince requested the minutes to be extract from the consent agenda.

Councilor Burch moved to approve the transfer of \$4,000 from the 2017 General Fund Contingency line item to the 2017 Mayor and Town Council budget for the purchase of Apple iPads and annotation software and additional protective cases. Councilor Wolf seconded the motion and it passed unanimously by those present.

6.7.2. APPROVAL OF THE JANUARY 10, 2017 MEETING MINUTES (TOWN CLERK DEBBIE HOPPE)  
Councilor Prince requested it be noted that he recused from the second portion of the executive session.

Councilor Phillips recommended the addition of more time references on each topic for the future minutes.

Councilor Prince thought it would be pertinent to add under item 9.3, Ad Hoc Special Events Committee. Council agreed including Councilor Wolf and Councilor Burch to be listeners only on the committee.

Councilor Gennett moved to approve the January 10, 2017 regular meeting minutes with suggested changes by Councilor Prince. Councilor Prince seconded the motion and it passed unanimously by those present.

Michael Cacioppo knows a lot of people who show up to Council meeting and speaking before the Council and Debbie Hoppe is not allow to write the general topic of what they spoke about.

Mayor Fancher responded we have gone to more detailed minutes and asked if Michael Cacioppo had read the minutes and he had not.

**7. WRITTEN REPORTS**

7.7. MONTHLY FINANCIALS REPORT (ASSISTANT TOWN MANAGER SCOTT WRIGHT)

**8. MAYOR & COUNCIL COMMENTS & MEETING UPDATES**

Start time: 00:95.20 Part Two

Councilor Phillips reviewed her memo and asked if there were any questions.

Michael Cacioppo asked for the resignation of JK Perry the Executive Director of High Five Access Media for the following reasons:

- JK refuses to email notices of the public access meetings to those that request it.
- There has been unfairness during the political campaign.



TOWN OF AVON, COLORADO  
AVON REGULAR MEETING MINUTES FOR TUESDAY, JANUARY 24, 2017  
AVON TOWN HALL, ONE LAKE STREET

- Refuses to advertise upcoming shows.
- Refuses to acknowledge the truthful history of the founding of access television.
- Refuses to remove the program Democracy Now.

Mayor Fancher recommended a work session and asked Michael Cacioppo to submit comments in writing.

Councilor Wolf discussed feedback received on the skier bus and suggested 4:00 p.m. pick up.

Town Manager Virginia Egger requested setting a time to meet with Vail Town Council. Council recommended Friday afternoon.

9. **EXECUTIVE SESSION** FOR A CONFERENCE WITH THE TOWN ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON LITIGATION INVOLVING THE VILLAGE (AT AVON) WATER STORAGE TANK

Council did not meet in executive session a confidential memo was provided.

10. **ADJOURNMENT**

There being no further business to come before the Council, Mayor Fancher moved to adjourn the regular meeting. Councilor Gennett seconded the motion and it passed unanimously by those present. The time was 9:18 p.m.




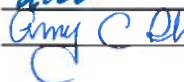
*These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate records of the meeting are the audio of the meeting, which is housed in the Town Clerk's office, and the video of the meeting, which is available at [www.highfivemedia.org](http://www.highfivemedia.org).*

**RESPECTFULLY SUBMITTED:**

  
\_\_\_\_\_  
Debbie Hoppe, Town Clerk

**APPROVED:**

- Jennie Fancher
- Sarah Smith Hymes
- Jake Wolf
- Megan Burch
- Matt Gennett
- Scott Prince
- Amy Phillips

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_