

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD APRIL 22, 2008**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, Avon, Colorado in the Council Chambers.

Mayor Ron Wolfe called the meeting to order at 5:30 pm. A roll call was taken and Council members present were Rich Carroll, Dave Dantas, Kristi Ferraro, Brian Sipes, Amy Phillips, and Tamra Nottingham Underwood. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, and Public Works/Transportation Director Jenny Strehler, and Becky Lawlor, Community Relations Officer as well as members of the public.

APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST

There were no items on the agenda that would require disclosures of any conflicts of interest.

COMMUNITY INPUT

Mayor Wolfe presented an opportunity for discussion, question and answer session with Avon Town Council regarding the Special Municipal Election to be held on May 6, 2008. He began by inviting public participation and then provided some information about the ballot question, the process surrounding the ballot question, and the reason why there is a ballot question as it relates to the downtown development plans with East Town Center & West Town Center. Sara Himes, resident of Wildridge, asked about the objections to the ballot question and Dino Anthony, Avon property owner, stated that he opposed the ballot question. Council Dantas noted his concerns about the ballot question and that he would have preferred there were a size or location limitation with the question. Cindy Cohagen with the Colorado Land Trust spoke about conservation easement process. Both Brian Nolan and Buz Reynolds commented on the ballot question as well. There was some debate by the Council members with some in support of the question and some opposed. It was noted that the election was May 6, 2008.

ORDINANCES

Scott Wright, Assistant Town Manager Finance, presented Ordinance No. 08-06, Series of 2008, First Reading, An Ordinance of the Town of Avon Colorado, Amending Title 17 of the Avon Municipal Code, by Adopting Fire Protection and Emergency Medical Services Impact Fees for Land Development Activities Generating the need for Additional Fire Protection or Emergency Medical Services. He noted that the ordinance provides for the adoption and addition of a new Chapter 17 to the Town's zoning code entitled "Impact Fees", and written in a manner that supports the language from CRS 29-20-104.5 authorizing municipalities to impose an impact fee as a condition of issuance of a development permit to offset the costs of providing capital facilities directly related to a service that the municipality is authorized to provide. Charlie Moore, Eagle River Fire Protection District's Fire Chief, noted that they have been before the Town Council before with this question, and that this material & ordinance is a follow up to the topic of impact fees. He noted that the legislation has been presented & will be presented to all jurisdictions within the district boundaries. Tom Pippen, BBC Research & Consulting, described to council how the impact fees were calculated noting the type of methodology used (information noted the Impact Fee Study as part of the council packet materials). Some discussion was had on the following topics:

- What happens if the impact fees do not get approved?

- Does property tax fund the district operations?
- How does the new growth happening in Minturn, Avon & Wolcott impact the discussion?

Council members expressed concern over the waiver section of the ordinance and asked that staff review this section prior to second reading. Some discussion ensued about how the State does not allow districts the authority to collect impact fees. Council requested that the financial modeling by Bernstein & Associates as well as an update on the pending site location be included in the materials for second reading.

Mayo Pro Tem Sipes moved to approve Ordinance No. 08-06, an Ordinance of the Town of Avon Colorado, Amending Title 17 of the Avon Municipal Code, by Adopting Fire Protection and Emergency Medical Services Impact Fees for Land Development Activities Generating the need for Additional Fire Protection or Emergency Medical Services. Councilor Ferraro seconded the motion and it passed with five to one vote (Dantas nay). It was noted the second reading and the public hearing were schedule for May 13, 2008.

RESOLUTIONS

Scott Wright, Assistant Town Manager Finance, presented Resolution No. 08-12, Series of 2008, A Resolution Summarizing Expenditures and Revenues by Fund and Amending the 2008 Budget for The Town of Avon Colorado for the Calendar Year beginning on the First Day of January, 2008 and Ending on the Last Day of December 2008. He noted that the budget amendment to the Transit Enterprise Fund is in light of Beaver Creek's request to terminate the parking lot shuttle service effective April 30, 2008. He summarized the service reduction in hours as it relates to the cost of providing the service. The annualized basis is about \$225K annually. Clyde Hanks, General Manager Beaver Creek Metro District, commented on the parking arrangement for the buses; it was noted that if parked at Swift Gulch, there would be a fee agreement in place. There continues to be in a place a service agreement for the buses. Mayor Pro Tem Sipes moved to approve Resolution No. 08-12, Series of 2008, A Resolution Summarizing Expenditures and Revenues by Fund and Amending the 2008 Budget for The Town of Avon Colorado for the Calendar Year beginning on the First Day of January, 2008 and Ending on the Last Day of December 2008. Councilor Phillips seconded the motion and it passed unanimously.

Larry Brooks, Town Manager, presented Resolution No. 08-13, Series of 2008, A Resolution Declaring the Intent of the Town Council to Maintain Certain Tracts of Land within Wildridge as Park and Open Space Tracts and Directing Town Staff to take all Action Necessary to Cause the Restriction of the Future use of those Tracts in Perpetuity by Conservation Easement. Mr. Brooks noted that the resolution declares an immediate intent to preserve open space & further directs staff to place parcels in a conversation easement. All the land is within the covenants of Wildridge, and therefore 75% of the residents would need to vote on changing the designation of the open space in that subdivision. Councilor Dantas asked about impacts on the motor vehicle access with some of the parcels. It was noted that the conservation easement language should reflect that which is in the Wildridge covenants, "use of open space land" is defined in the covenants. Council Underwood spoke of her thoughts on the matter noting that the legislation would have very many unintended consequences; it would be difficult to administer and there is really no need for it with the covenants in place. Councilor Ferraro moved to approve Resolution No. 08-13; there was no second to the motion and no further action taken on the resolution.

NEW BUSINESS

Eric Heidemann, Assistant Town Manager Community Development and Mayor Wolfe presented the Appointment of New Planning & Zoning Commission Members; there would be an appointment of four people to P&Z Commission positions based on interviews with six applicants (three incumbents). The following people were named to serve on the Commission by the Avon Town Council: Phil Struve, Todd Goulding, Drew Lane and Scott Prince.

MAYOR REPORT

Town Attorney John Dunn presented another update to the Exclusion of Eagle Vail from Eagle Vail Metro District. The request had been approved by Eagle-Vail Metro District and would now go before the water authority.

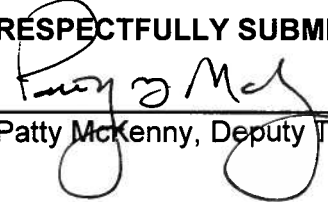
CONSENT AGENDA

Mayor Wolfe asked for a motion on the Consent Agenda. Some discussion ensued on the street improvements and the inclusion of the overlay for W. Beaver Creek Blvd with these projects. In light of the earlier conversation, it was agreed to postpone this overlay until after the completion of the transportation master plan. Councilor Ferraro moved to adopt the consent agenda but strike the W. Beaver Creek Blvd overlay at \$223K; Councilor Carroll seconded the motion and it passed unanimously.

- a. Minutes from April 8, 2008
- b. Change Order 003 - 2008 Street Improvements and Wildridge Road East/West (Shane Pegram, Engineer II) CO includes work associated with 08 paving/road improvements and Wildridge Loop Pedestrian improvements


There being no further business to come before the Council, the meeting was adjourned at 8:30 PM.


RESPECTFULLY SUBMITTED:

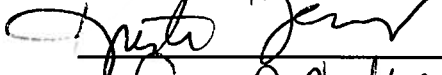


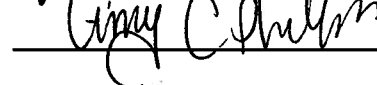
 Patty McKenny, Deputy Town Clerk

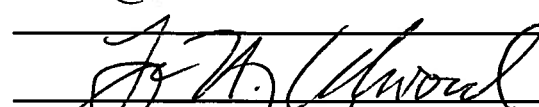
APPROVED:

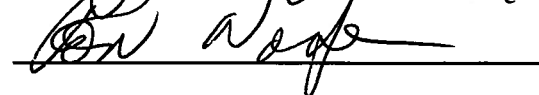
Rich Carroll 

Dave Dantas 

Kristi Ferraro 

Amy Phillips 

Brian Sipes 

Tamra Underwood 

Ron Wolfe 