

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD FEBRUARY 24, 2009**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, One Lake Street, Avon, Colorado in the Council Chambers.

Mayor Ron Wolfe called the meeting to order at 5:33 PM. A roll call was taken and Council members present were Rich Carroll, Dave Dantas, Kristi Ferraro, Amy Phillips, Buz Reynolds, and Brian Sipes. Also present were Town Attorney Linda Michow, Town Manager Larry Brooks, Director Administrative Services Patty McKenny, Town Engineer Justin Hildreth, Assistant Town Manager Community Development Eric Heidemann, Police Chief Brian Kozak and Public Works and Transportation Director Jenny Strehler as well as members of the public.

APPROVAL OF AGENDA AND DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

There were no potential conflicts of interest noted. It was agreed to discuss the ECO board retreat during Mayor Report. The waiver of conflict of interest with respect to the Town and Sherman and Howard was added to the consent agenda. Councilor Reynolds noted that he would step down during the new business item.

COMMUNITY INPUT

Avon Police Department Awards

Brian Kozak, Police Chief, presented numerous awards including a Life Saving Awards, Medals of Excellence to Officer Aurion Hassinger and Officer Mike Lundblade, and a Gore Range DUI Task Officer of the Year award to Mike Lundblade.

Recreation Center Updates:

- ◆ Introduction of New Employees: Meryl Jacobs, Recreation Director and John Curutchet, Recreation Superintendent, make employee introductions of new staff from building maintenance and aquatics staff
- ◆ Special Events Sponsorships Update: Danita Chirichillo, Special Events/Fitness Supervisor, and Charlie Wolf, Recreation Coordinator, provided updates on

CONSENT AGENDA

Mayor Wolfe asked for a motion on the consent agenda. Councilor Phillips moved to approve the consent; Councilor Ferraro seconded the motion and it passed unanimously.

- a. Minutes from February 10, 2009
- b. Intergovernmental Agreement with Eagle County for Brightstart Program (Meryl Jacobs, Recreation Director) Agreement provides for grant funding to offset costs and improve quality care of after school programs / Requires 2/3 majority vote
- c. InterMountain Engineers and Terrasan Landscape Architects - Change Order 01 (Justin Hildreth, Town Engineer) Proposal to update the April 2000 East Beaver Creek Blvd Streetscape Improvement Plans

Mayor Wolfe asked for a motion on the consent agenda. Councilor Phillips moved to approve the consent; Councilor Dantas seconded the motion and it passed unanimously. Councilors Ferraro & Carroll did not vote on this topic due to conflict of interest.

- a. Sherman and Howard LLC Waiver of Conflict Request

RESOLUTIONS

Shane Pegram, Engineer II, presented Resolution No. 09-01, Series of 2009, Resolution approving the Final Plat, Mountain Villa Townhomes, a Resubdivision of Lot 10, Block 1, A Specially Planned Area, Replat Number 2, Final Subdivision Plat of Wildridge, Town of Avon, Eagle County Colorado / 3070 Wildridge Road. He noted that this item was tabled at the last meeting due to an unresolved matter. The applicant has submitted a final plat to resubdivide the existing Lot 10, Block 1, Wildridge into four distinct lots. Staff noted that everything was in order. Councilor Ferraro moved to approve Resolution No. 09-01, Series of 2009, Resolution approving the Final Plat, Mountain Villa Townhomes, a Resubdivision of Lot 10, Block 1, A Specially Planned Area, Replat Number 2, Final Subdivision Plat of Wildridge, Town of Avon, Eagle County Colorado / 3070 Wildridge Road. Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

Mayor Wolfe presented Resolution No. 09-02, Series of 2009, Resolution to approve Recreational Trails Master Plan Action adopts Recreational Trails Master Plan. It was suggested that some revisions noted during the work session might be addressed at this time prior to the approval of the resolution. There was consensus to approve the resolution with the following suggestions:

- Modify the shown table to eliminate priorities and years
- Allow for future additions to the table as projects are identified
- The implementation will include a strategy to create a volunteer trails group

Mayor Pro Tem Sipes moved to approve Resolution No. 09-02, Series of 2009, Resolution to approve Recreational Trails Master Plan Action adopts Recreational Trails Master Plan. Councilor Carroll seconded the motion and it passed unanimously.

Scott Wright, Assistant Town Manager Finance, presented Resolution No. 09-03, Series of 2009, Resolution to Amend the 2009 Town of Avon Capital Projects Fund Budget and made a review of the 09 revised capital projects budget and long range plans which have been revised due to the downturn in the economy. He commented on the following topics:

- Current fund balance
- Revenues in future years related to transfer tax
- Village at Avon revenue

Councilor Ferraro moved to approve Resolution No. 09-03, Series of 2009, Resolution to Amend the 2009 Town of Avon Capital Projects Fund Budget. Councilor Phillips seconded the motion and it passed unanimously.

NEW BUSINESS

Councilor Reynolds stepped down from the council at this time due to a conflict of interest. Eric Heidemann, Assistant Town Manager Community Development, presented the proposal for Tract B, Block 1, Wildridge Subdivision Purchase Contract with a review of the proposed purchase contract as submitted by Gandorf Track B, LLC. With a declining fund balance in the Capital Projects Fund, staff recommended that no action be taken on the purchase of this property. The PUD description for the property was included in the council packet memo and some dialogue was exchanged about the type of commercial use that might benefit the subdivision. Town Attorney Eric Heil recommended that if the town were to move forward in considering a purchase of the property, that it would include further due diligence on understanding the entitlements and the purchase contract as well as a complete appraisal on the property. A straw poll was taken on the idea of moving forward in any due diligence to purchase the property; there was a three-to-two vote in opposition to moving forward at this time. (Carroll and Dantas – yes; Ferraro, Phillips and Sipes – nay).

APPEALS FROM OR RECOMMENDATIONS OF PLANNING & ZONING COMMISSION

Matt Pielsticker, Planner II, presented Ordinance No. 09-01, Series of 2009, Second Reading, Ordinance approving the rezoning of Lots 1A, 1B, 2, Swift Gulch Addition, and Tract AA, Mountain Star, from Planned Unit Development (PUD) to the Government, Park, and Employee Housing (GPEH) zone district. He also noted that the ordinance would rezone four town owned parcels of land as brought before them by the Public Works and Transportation Department. He noted that the GPEH zone district is "intended to provide sites for parks, community centers, park and recreation facilities, water storage, treatment and distribution systems, fire station, governmental facilities and public and/or private housing units for Avon area employees, a new designation that is consistent with other town owned parcels that have development opportunities to serve town operations. Mayor Wolfe opened the public hearing, no comments were made, the hearing was closed. Councilor Phillips moved to approve Ordinance No. 09-01, Series of 2009, Second Reading, Ordinance approving the rezoning of Lots 1A, 1B, 2, Swift Gulch Addition, and Tract AA, Mountain Star, from Planned Unit Development (PUD) to the Government, Park, and Employee Housing (GPEH) zone district. Councilor Ferraro seconded the motion and it passed unanimously.

TOWN MANAGER REPORT

Town Manger Larry Brooks commented on a recent ECO Board meeting with the Eagle County Commissioners at which time there was discussion about how the regional transportation system would be able to continue to operate in light of its deficits and these economic times. Mayor Wolfe summarized the financial status of ECO and asked the council to complete an "input" sheet for the boards to review at a future meeting. A small task force was created to assist with the analysis of ECO operations to outline cost saving measures. Councilor Reynolds noted that in light of their recent meeting with Beaver Creek this is a good time to be discussing how transit might operate more efficiently.

TOWN ATTORNEY REPORT

Town Attorney Eric Heil provided updates on numerous topics including a claim against the town related to a transit bus incident which happened during 08/09 ski season, several Village at Avon items (Nottingham Puder Ditch, the school site dedication, Vested rights litigation, E. Beaver Creek Blvd improvements) and the Red House Annexation.



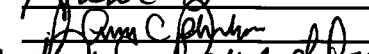

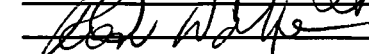

There being no further business to come before the Council, the regular meeting adjourned at 6:55 PM.

RESPECTFULLY SUBMITTED:



Patty McKenny, Town Clerk

APPROVED:

Rich Carroll 
Dave Dantas 
Kristi Ferraro 
Amy Phillips 
Albert "Buz" Reynolds 
Brian Sipes 
Ron Wolfe 