

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD MAY 26, 2009**

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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 5:30 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 Eric Heil, Town Manager Larry Brooks, Director Administrative Services Patty McKenny, Town Engineer Justin Hildreth, Assistant Town Manager Community Development Eric Heidemann, Assistant Town Manager Finance Scott Wright, Police Chief Brian Kozak, and Public Works and Transportation Director Jenny Strehler as well as members of the public.

**INQUIRE OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**

Mayor Wolfe asked to include the 2009 CIP Fund Update from the work session agenda under "Unfinished Business" on the regular agenda because of time constraints.

**CONSENT AGENDA**

Mayor Wolfe asked for a motion on the consent agenda. Councilor Ferraro moved to approve the consent agenda with one change on page 3 from the word "snow melt" to "sustainability" in reference to the motion about the Red House Project; Councilor Phillips seconded the motion and it passed unanimously.

- a. Minutes from April 28, 2009

**RESOLUTIONS**

Scott Wright, Assistant Town Manager Finance, presented Resolution No. 09-18, Series of 2009, Resolution to Amend the 2009 Town of Avon Budget. He noted the details of the amendment were included in the council packet memo and addressed the reductions made to both revenues related to sales tax collections, building permits and plan check fees, Recreation center admission fees as well as expenditures reductions related to the following: personnel costs, special event programs, commodities, contract services, travel and training, equipment replacement charges and capital outlay. It was noted that the deficit of \$293K would be covered by the town's fund balance. Mr. Wright noted that further cuts would be a possible reduction in service levels that the town currently provides its residents and recommended that further evaluations would continue with the 2010 budgeting cycle. Councilor Ferraro moved to approve Resolution No. 09-18, Series of 2009, Resolution to Amend the 2009 Town of Avon Budget Resolution; Mayor Pro tem Sipes seconded the motion and it passed unanimously.

Scott Wright, Assistant Town Manager Finance, presented Resolution No. 09-19, Series of 2009, A Resolution Concerning The Avon Urban Renewal Authority And Its Loan Agreement With Vectra Bank Colorado; Authorizing And Directing Actions By The Town Manager With Respect To The Preparation Of Requests To The Town Council For Appropriation Of Funds For The Replenishment Of Certain Funds Pertaining Thereto; Authorizing The 2009 Cooperation Agreement; And Other Actions Taken By The Town In Connection Therewith He noted that the Resolution that addresses the Town's non-binding intent to replenish the bond reserve fund if the Authority ever needs to use the reserve fund to pay for the bonds. Some discussion ensued about the Cooperation Agreement, Section 3, Pledged Property Tax Revenues, and the impacts on the URA budget mill levy rates. Mayor Pro Tem Sipes moved to approve Resolution No. 09-19, Series of 2009, A Resolution Concerning The Avon Urban Renewal Authority And Its Loan

Agreement With Vectra Bank Colorado. Councilor Carroll seconded the motion and it passed unanimously.

#### **RECOMMENDATIONS OF PLANNING & ZONING COMMISSION**

##### **PUBLIC HEARING ON RED HOUSING ANNEXATION PROJECT:**

- a. **Public Hearing** on Ordinance No. 09-06, Series of 2009, Second Reading, Ordinance Annexing the Red House Property (Eric Heidemann, Assistant Town Manager, Matt Gennett, Planning Manager) The applicant and property owner, the Vail Corporation, represented by Rick Pylman of Pylman and Associates, is proposing an annexation of approximately 1.131 acres of land known as the "Red House" site, located on the northeast corner of Avon Road and Highway 6 (**Staff requests continuing until June 9, 2009**)

Mayor Pro Tem Sipes moved to continue Ordinance No. 09-06, Series of 2009, First Reading, Ordinance Annexing the Red House Property. Councilor Carroll seconded the motion and it passed unanimously.

- b. **Public Hearing** on Ordinance No. 09-07, Series of 2009, Second Reading, Ordinance Approving The Planned Unit Development (PUD) Application, The Preliminary Plan for Subdivision, and Annexation and Development Agreement for the "Red House Lots 1 and 2" (Eric Heidemann, Assistant Town Manager, Matt Gennett, Planning Manager) The applicant and property owner, the Vail Corporation, represented by Rick Pylman of Pylman and Associates, is proposing a new Planned Unit Development (PUD) and Preliminary Plan for Subdivision, for a development site currently located in unincorporated Eagle County zoned Commercial Limited (CL) under the County's zoning regulations. The proposal calls for fifteen (15) townhomes with associated private and public amenities on a development site comprised of 1.131 acres. This application is being consider concurrent with an annexation petition for the "Red House" site into the Town of Avon / Property Location: Lots 1-2, Red House Exemption Plat / 38361 Highway 6 / Applicant: Rick Pylman, Pylman and Associates / Owner: Vail Corporation (**Staff requests continuing until June 9, 2009**)

Mayor Pro Tem Sipes moved to continue Ordinance No. 09-07, Series of 2009, Second Reading, Ordinance Approving The Planned Unit Development (PUD) Application, The Preliminary Plan for Subdivision, and Annexation and Development Agreement for the "Red House Lots 1 and 2. Councilor Phillips seconded the motion and it passed unanimously.

- c. **Public Hearing** on Ordinance No. 09-08, Series of 2009, Second Reading, Ordinance Approving The Planned Unit Development (PUD) Application For The Buck Creek PUD, Lots 1, 2, 3, & 4, Wildwood Resort, Town Of Avon, Eagle County, Colorado , And Setting Forth Details In Regard Thereto (Eric Heidemann, Assistant Town Manager) Proposal to allow for new land uses, including but not limited to: fire station hub with separate administration building, 42 single-family, duplex, or triplex units, a Montessori school with office space, and natural science school campus with employee housing (**Applicants request tabling until June 23, 2009**)

Councilor Phillips moved to table the public hearing to June 26, 2009 for Ordinance No. 09-08, Series of 2009, Second Reading, Ordinance Approving The Planned Unit Development (PUD) Application For The Buck Creek PUD, Lots 1, 2, 3, & 4, Wildwood Resort, Town Of Avon, Eagle County, Colorado, And Setting Forth Details In Regard Thereto. Councilor Ferraro seconded the motion and it passed unanimously (Sipes abstained from voting due to a conflict of interest).

#### **ORDINANCES**

Brian Kozak, Police Chief, presented Ordinance No. 09-10, Series of 2009, First Reading, Ordinance Adopting Regulations for Booting Vehicles on Private Property through the Amendment of Chapter 5.12 of the Avon Municipal Code. Chief Kozak reviewed the council packet memo addressing this topic including the background, the opinions provided by the District Attorney and Attorney General as well as the specifics of the proposed ordinance.

Avon's Town Attorney Eric Heil read the letter from Kursten Canada, Garfield & Hect Attorneys at Law, representing the property owners of Sunridge Phase, II, Westlake, Beaver Bench and Liftview Homeowner's Associations, into the record about their proposed revisions to the ordinance. He noted that there were also comments received from Mr. Glen, a property owner in Avon who resides in Florida. Mayor Wolfe took public input from the following people: Drew Dodd, Nick Antuna, Bob Taylor. Council comments were heard addressing numerous business points proposed in the ordinance, such as the commercial vs residential impacts, the background approval process, and the proposed fees related to the licensing. Councilor Reynolds moved to table Ordinance Adopting Regulations for Booting Vehicles on Private Property through the Amendment of Chapter 5.12 of the Avon Municipal Code. Mayor Tem Sipes seconded the motion and it passed unanimously.

### **NEW BUSINESS**

Mayor Ron Wolfe stepped down from the board due to a conflict of interest related to his role on as a board member for the Stone Creek School. Councilor Dantas noted a possible conflict of interest with his child's enrollment in kindergarten. Town Attorney Eric Heil noted that since there was no business interest in the school, a conflict of interest would not be present. When Council members were asked if they deemed it a conflict of interest, none of them thought his participation on the topic was a conflict. Town Manager Larry Brooks noted that this is not an action item for the town council; he asked them to listen to Mr. Mollina's comments and then the town would schedule some discussion time at a later date. At this time, Russell Molina, School Board President, presented a request on behalf of the Stone Creek Elementary School, he made a request for a change and extension of the school's lease. He noted that the school's first option would be to stay at the current location. Some of the following topics were reviewed:

- ◆ The proposed cost to move the buildings has not been yet estimated
- ◆ Any new buildings would require an amendment to the current lease
- ◆ Enrollment is 191 at this time and increases to 221 students for next year
- ◆ There was general consensus from Council that the school not request that it become a permanent location and that the town did not want to see anymore building on the property.
- ◆ A possible opportunity to use another parcel as a staging area for the town if the grant request for Swift Gulch was awarded
- ◆ Suggestion that the town outline the needs for a staging property if the school could find another property

It was agreed that staff would meet with Mr. Mollina to discuss the validity of the business proposal in a timely manner (next 30 days) because if a grant were awarded later this summer the town would need to be in a position to respond to the grant award. Mayor Wolfe returned to the podium at this time.

Larry Brooks, Town Manager, Justin Hildreth, Town Engineer, presented a discussion on the Water Case No. 09CW28 concerning an application by the Colorado River Water Conservation District, the Eagle Park Reservoir Company, the Upper Eagle Regional Water Authority and others for adjudication of an augmentation and exchange plan. After review of the information and some discussion Councilor Reynolds moved to direct the Town's Water Attorney to file a statement of opposition in Case No. 09CW28; Councilor Ferraro seconded the motion and it passed unanimously.

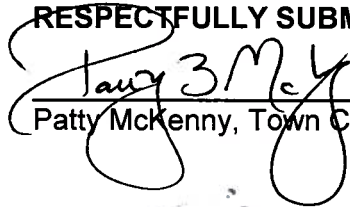
**UNFINISHED BUSINESS**

Rich Carroll, Councilor, and Brian Sipes, Mayor Pro Tem, provided an update to recent meetings with ERWSD staff about the IGA for the Heat Recovery Project. The current proposal includes the arrangement of a 20 year term on the project. After some council discussion a motion was made by Mayor Pro Tem Sipes to approve the IGA between the Town of Avon and the Eagle River Water and Sanitation District for the Heat Recover Project with the 20 year term. Councilor Ferraro seconded the motion and it passed with a five to one vote (Dantas nay). Staff was asked to follow up with the District.

Town Engineer Justin Hildreth presented an update of the current status of the Town's Capital Improvement Projects, reviewing the scopes, budgets and schedules for projects such as the 09 Street Improvements, Nottingham Puder Ditch, Nottingham Lake Spillway, Harry A. Nottingham Park Improvements, Transportation Master Plan, Avon Town Hall Building Lobby Remodel, Street Lighting conversion, Avon Recreation Center, and Beaver Creek Point Trailhead.

There being no further business to come before the Council, the regular meeting adjourned at 9 PM

**RESPECTFULLY SUBMITTED:**

  
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Patty McKenny, Town Clerk

**APPROVED:**

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

