

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD JUNE 23, 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 5:30 PM. A roll call was taken and Council members present were Rich Carroll, Dave Dantas, Amy Phillips, Buz Reynolds and Brian Sipes. Kristi Ferraro was absent. 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

COMMUNITY INPUT

Kathy Ryan, Avon Resident, commented on her recent experience sailing on the lake and encounter with town of Avon staff regarding the need to have a boating license. She was concerned that there was no signage around the lake instructing people about this regulation and asked several related questions, such as why was she not given a warning. She asked that the town please allow the recreation department to have the rules and regulations posted more visibly to the public and the need to create another launching location on the lake.

Danita Chirichillo, Special Events Supervisor, presented an update on Salute to U.S.A., July 3, 2009 Event, spoke about the advertising taking place on the event.

CONSENT AGENDA

Mayor Wolfe asked for a motion on the consent agenda. Councilor Dantas moved to approve the consent agenda; Mayor Pro Tem Sipes seconded the motion and it passed unanimously (Ferraro: absent).

- a. Minutes from June 9, 2009
- b. Acceptance of 2008 Comprehensive Annual Financial Report (Scott Wright, Assistant Town Manager Finance) Adoption of the Town's comprehensive annual financial report to Council

DISCLOSURE OF CONFLICT OF INTEREST

Mayor Wolfe asked if there were any conflicts of interest on the agenda; Mayor Pro Tem Sipes noted his conflict with the Buck Creek PUD project and that he would step down.

RECOMMENDATIONS OF PLANNING & ZONING COMMISSION

PUBLIC HEARING ON RED HOUSING ANNEXATION PROJECT:

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

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

Matt Gennett, Planning Manager, reviewed briefly the ordinances listed above on second reading. He noted that the applicant has met all the pertinent criteria as required by the PUD Design Criteria of the Town of Avon. Rick Pylman, Pylman and Associates and representing the applicant, Vail Corporation, reviewed the conditions of approval that were outlined at first reading such as the vesting rights, cash in lieu of housing, conveyance of the infrastructure, etc. Some discussion ensued on the housing requirements, standards for sustainability, and setbacks for the project Mayor Wolfe opened the public hearing on Ordinance No. 09-06, no comments were made, the hearing was closed. Councilor Phillips moved to approve Ordinance No. 09-06 Annexing the Red House Property on second reading. Councilor Carroll seconded the motion and it passed unanimously. Mayor Wolfe opened the public hearing on Ordinance No. 09-07, no comments were made, the hearing was closed.

Mayor Pro Tem Sipes moved to approve on second reading Ordinance No. 09-07 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 with the following conditions:

- ◆ that the completed project will discharge 25% less storm water from the baseline condition for a two year 24-hour design storm (with evidence of achieving this standard submitted with the building permit which will include calculations)
- ◆ that the completed project shall exceed minimum energy efficiency standard defined in ASHRE 90.2 by 20%
- ◆ that the completed project shall meet all EPA construction activity pollution prevention requirements of local/state controls (whichever is more restrictive)
- ◆ that all the technical corrections are accepted

Councilor Phillips seconded the motion and it passed unanimously by those present (Ferraro absent).

Mayor Wolfe noted that the applicant has once again asked for a continuance until July 14, 2009 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. Councilor Carroll moved to continue 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 until the July 14, 2009 meeting. Councilor Phillips seconded the motion and it passed unanimously by those present (Ferraro: absent).

ORDINANCES

Mayor Wolfe presented a brief history and update on the booting legislation before the Town Council. He noted the numerous reasons why the town had become involved in this process, how the law will help the property owners and residents of the multi dwelling units. Brian Kozak, Police Chief, presented Ordinance No. 09-10, Series of 2009, Second 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 elements of the ordinance as follows: fees, background checks, require adequate equipment and recordkeeping, the appeal process, the annual license fee, the rules set forth by the police chief, etc. Municipal Judge Buck Allen presented his thoughts on the ordinance in that both the regulations guide the balance for that who provides the booting service and those who are being booted. Mayor Wolfe opened the public hearing and the following people provided input:

- David Smith, Garfield & Hecht, Glenwood Springs: representing various homeowners associations, commented on his opposition to the legislation and noted reasons why
- Richard Barnes, President of Sunridge Board, noted that no parking problems have occurred since the booting program had been implemented; didn't support the legislation
- Carole Warren: did not support the ordinance nor the chief of police creating the restrictions
- Ron Bartell: homeowner at Avon Center and representing the homeowner's assn; supported the recommendations made by Mr. Smith. Would like access to those legal cases cited
- Nick Antuna: owners of AAA booting company; commented on the requirement of the background check
- Mike Tutorres: asked that the company notify the owner of the vehicle before booting the vehicle
- Shawn Primer: manager of several condo complexes; stated for the record that he has never used APD on the parking scenario
- Bill Isaacs: commented on the fact that it is better to get booted instead of towed

Mayor Wolfe closed the public hearing. He noted that the council could deny the ordinance and ask that staff determine the costs of implementing a program within the Avon police department. The Town Attorney noted that he continues to support the drafted legislation. Mayor Pro Tem Sipes provided some summary comments about the town's role in this matter. Councilor Phillips asked again about the towing rate, consideration to increase the rate to higher than the 75% of PUC rate and noted that if the legislation doesn't work revisions could be made.

Councilor Phillips moved to approve Ordinance No. 09-10, Series of 2009, Second Reading, Ordinance Adopting Regulations for Booting Vehicles on Private Property through the Amendment of Chapter 5.12 of the Avon Municipal Code with a revision to Section 15.12.80 to the 75% PUC rate with an increase to 90% of the PUC rate. Councilor Dantas seconded the motion and it failed with a three to two vote (Carroll, Sipes, Reynolds: nay; Phillips, Dantas: yea; Ferraro: absent).

Councilor Carroll moved to approve Ordinance No. 09-10, Series of 2009, Second Reading, Ordinance Adopting Regulations for Booting Vehicles on Private Property through the Amendment of Chapter 5.12 of the Avon Municipal Code. Councilor Dantas seconded the motion and it passed with a four to one vote (Reynolds: nay; Ferraro: absent).

NEW BUSINESS

Jenny Strehler, Director PW&T, presented the Intergovernmental Agreement with the State of Colorado, Department of Revenue, Motor Carrier Services Division, CDL Compliance Section Proposal to certify Town of Avon as a Commercial Driver's License (CDL) Testing Authority and allow the Town to conduct CDL testing of third parties. She noted the program is a revenue neutral proposal and the town has already been engaged in this training and in fact CDOT actually had asked the town to help them with their testing. The Town would test for only other public agencies. Mayor Pro Tem Sipes moved to approve the Intergovernmental Agreement with the State of Colorado, Department of Revenue, Motor Carrier Services Division, CDL

Compliance Section Proposal to certify Town of Avon as a Commercial Driver's License (CDL) Testing Authority and allow the Town to conduct CDL testing of third parties. Councilor Carroll seconded the motion and it passed unanimously by those members present (Ferraro absent).

Jenny Strehler, Director PW&T, presented information on the Professional Services Contract for Design and Construction Management Assistance of the Community Heat Recovery Project. It was noted that this is a recommendation to award the professional services agreement to Camp Dresser and McKee, Inc. for design of the heat recovery facility. She provided an amendment to the Professional Services Agreement with an explanation that the change in the scope of work was to include heating the raw water booster pump station which was only going to include the stub out. It was asked that this information would be made very clear to the ERWSD. Mayor Pro Tem Sipes moved to approve the award of the Professional Services Contract for Design and Construction Management Assistance of the Community Heat Recovery Project to Camp Dresser and McKee, Inc. Councilor Carroll seconded the motion and it passed unanimously by those members present (Ferraro absent).

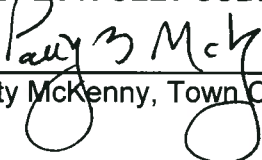
Jenny Strehler, Director PW&T, presented the 2009 TIGA Advertising, Inc Agreement Proposal for revenue sharing agreement with TIGA Advertising, Inc. for bus advertising. She outlined the past historical arrangement that existed between TIGA the town and Beaver Creek. It was noted that this advertising has been very successful in the past. Councilor Reynolds moved to approve the TIGA Advertising Agreement; Mayor Pro Tem Sipes seconded the motion and it passed unanimously by those members present (Ferraro absent).

TOWN MANAGER REPORT

Lake Street improvements will take place on June 24th.

There being no further business to come before the Council, the regular meeting adjourned at 8 PM

RESPECTFULLY SUBMITTED:



Patty McKenny, Town Clerk

APPROVED:

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

