

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD JULY 28, 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 6:20 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 that two items be included on the agenda as follows:

- the funding request for the Water Quality Study
- the future of the Main Street construction.

Mayor Wolfe noted his conflict with Ordinance No. 09-11 Mountain Star Conservation Easement. Councilors Dantas and Reynolds asked about potential conflicts with the Building Permit fee discussion; Town Attorney Eric Heil Reviewed the conflict of interest language of the Code and noted that it would not apply in this case.

CONSENT AGENDA

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

- a. Minutes from June 23, 2009 and July 14, 2009
- b. 2009 Street Improvements Project Construction Contract Award to Elam Construction, Inc (Shane Pegram, Engineer II) Contract award for the 2009 street improvements project
- c. Request to accept Grant Funds (Brian Kozak, Police Chief) The Avon Police Department was awarded funds under Walmart's Community Grant program seeking approval to accept the award

ORDINANCES

Mayor Wolfe stepped down at this time due to a conflict of interest. Town Attorney Eric Heil presented Ordinance No. 09-11, Series of 2009, Second Reading, Ordinance approving and accepting Mountain Star Conservation Easement. He noted that the Ordinance revises the conservation easement to reflect the changes of ownership that have occurred since the execution of the Original Conservation Easement along with the change to allow for planned trails / The amended conservation would exclude Tract AA and Tract Y; parcels not intended for inclusion in the original easement. It was brought to his attention that other trails exist in the surrounding area and Mayor Pro Tem Sipes noted that the additional attachments reflect trails around Buck Creek trail. It was thought that these existing informal trails, i.e. power line roads and old trails should probably be accepted with this conservation easement. Mayor Pro Tem Sipes opened the public hearing, no comments were heard, the hearing was closed. Councilor Phillips moved to approve Ordinance No. 09-11, Series of 2009, Second Reading, Ordinance approving and accepting Mountain Star Conservation Easement with the three attached docs submitted by staff (exhibits that show the existing trails). Councilor Ferraro seconded the motion and it passed unanimously.

UNFINISHED BUSINESS

Eric Heidemann, Assistant Town Manager, presented the Community Development Discussion regarding the Merits of a Permit Fee Reduction or Waiver Policy. He noted that given the recent economic climate and downturn in the construction industry Council had expressed an interest in evaluating the merits of a permit fee reduction or waiver policy in an effort to stimulate construction activity. The council packet memo outlined the proposal and ramifications to the revenues in Community development. He noted the philosophy has been to balance expenditures with incoming revenue and the department has been successful in the past in doing so. However, this year 2009 a general fund subsidy will be required. The following recommendations were outlined:

1. waiving 100% of all zoning applications, design review, and minor project fees for the next twelve months
2. waiving 100% of building permit fees for project types such as interior remodels, replacement of exterior stucco or siding and roof covering repair and replacement for 12 months
3. waiving 10% for all other building permits

And finally he noted the "cost recovery agreement arrangements" would not be considered with these other suggestions. Some discussion ensued about the timeframe, and there was consensus to keeping the program limited to six months with the requirement that the application must be completed and in the door within six months, by the end of February 2010. Staff noted that a resolution outlining this proposed program would be brought in the near future.

OTHER BUSINESS

a. Public Hearing for Amplified Sound Permit for American Crown Circus

Name of Applicant: Frank Osorio

Event Location: Harry A. Nottingham Park

Date and Time of Event: August 3, 4, 5, 2009 / two shows at 5 PM & 7 PM (past 8 PM)

Councilor Phillips moved to approve the amplified sound permit for American Crown Circus. Councilor Ferraro seconded the motion and it passed unanimously.

b. Public Hearing for Amplified Sound Permit for Bec Tri

Name of Applicant: David Wieder

Event Location: Harry A. Nottingham Park

Date and Time of Event: August 8, 2009 / 8 AM until 2 PM (race starts earlier)

Councilor Phillips moved to approve the amplified sound permit for Bec Triathlon. Councilor Ferraro seconded the motion and it passed unanimously.

c. Public Hearing for Amplified Sound Permit for IronKids Race

Name of Applicant: Amy Lessner

Event Location: Harry A. Nottingham Park

Date and Time of Event: September 6, 2009 / 8 am until 10:30 am (start time before 8 am)

Mayor Pro Tem Sipes moved to approve the amplified sound permit for IronKids Triathlon. Councilor Ferraro seconded the motion and it passed unanimously.

NEW BUSINESS

Town Manager Larry Brooks noted that the discussion on Main Street concluded during the work session but time did not permit them to discuss and focus on the proposal to phase the Main Street Streetscape Improvement Project. Discussion ensued as to how to proceed or not with the project. In light of budget ramifications, there was consensus to not proceed with the

streetscape project at this time.

Mayor Wolfe presented the topic discussed at the work session related to the Eagle River Water Quality Study Request for Funding, approximately \$5K for the next few years. Mayor Pro Tem Sipes noted some problems with the report as seen by the water and sewer district. Discussion ensued about the monitoring stations; it was confirmed that Avon did not have a monitoring station. Some were concerned that a monitoring station should exist in Avon in light of its location with many diverse functions along it. Mayor Wolfe noted that council would support funding if the station were moved to an area downstream from the water plant for a better sampling of the water. The Council members all agreed with this condition.

TOWN MANAGER REPORT

Northern Mountain Climate Energy Initiative Group, an effort to form a broader more comprehensive, a detailed report was provided about the grass roots effort of this group. Asked to include membership in the budget and providing a letter of support for a dola grant.

TOWN ATTORNEY REPORT

Town Attorney Eric Heil noted that he would provide an update on the CIRSA settlement claim against the town for a bus accident.

There being no further business to come before the Council, the regular meeting adjourned at 7:45 PM

RESPECTFULLY SUBMITTED:



Patty McKenny, Town Clerk

APPROVED:

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



