

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD JULY 13, 2010**

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 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, Assistant Town Manager Patty McKenny, Assistant Town Manager Community Development Sally Vecchio, Assistant Town Manager Finance Scott Wright, Recreation Director Meryl Jacobs, Community Relations Officer Jaime Walker as well as members of the public.

AGENDA APPROVAL & DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

Mayor Wolfe suggested the following changes to the agenda:

- Include Staff & Council updates as *Unfinished Business* since they were not discussed at the earlier work session

Mayor Pro Tem Sipes noted he would step down during the "Walkable Mountain School" request for water rights which is listed under *New Business*.

CONSENT AGENDA

Mayor Wolfe asked for a motion on the consent agenda. Comments and questions were heard on several of the consent items; both engineers Shane Pegram and Jeff Schneider answered questions about the projects. Mayor Pro Tem Sipes moved to approve the consent agenda; Councilor Phillips seconded the motion and it passed unanimously:

- a. Minutes from June 22, 2010
- b. Change Order 002 Nottingham Fishing Pier Construction Contract with Thrasher LLC to Account for Additional Work (Shane Pegram, Engineer II) Change order accounts for additional work that was not included in the original contract
- c. Resolution 10-17, A Resolution Approving a Supplemental Agreement revising the Pipeline Crossing Agreement with Union Pacific Railroad at Mile Post 308.51, Tennessee Pass Subdivision, for Construction of the Community Heat Recovery Project (Jeff Schneider, Project Engineer)
- d. Change Order 01 Community Heat Recovery Project to GE Johnson Construction Company contract (Jeff Schneider, Project Engineer) Change Order 1 to the construction contract with GE Johnson Construction Company for the Avon Community Heat Recovery Project
- e. Resolution No. 10-18, Series of 2010, Resolution Authorizing the Town of Avon to Participate in the Coordinated Election on November 2, 2010

UNFINISHED BUSINESS

Dave Dantas presented a review of the Harry A. Nottingham Park Pavilion Update. Several comments were suggested in light of trying to move the project forward as follows:

- \$200K of Community Enhancement Funds budgeted for the \$300K costs of constructing the project
- Purpose of pavilion is to add vibrancy to the park, goal to stimulate the local economy, and answer a number one priority identified in the community survey
- Need to take the project to the citizenry & community, some banks have been contacted, but the project really needs a coordinated effort
- To complete the project by 2015 when the championships are in Beaver Creek would be ideal

- Possibly using a naming sponsorship venue in order to raise funds
 - Create a new model for how community facilities are built, possibly create a “community fund” to act as a central funding source for public private partnerships
 - Would need to identify how to fund the ongoing maintenance of the new facility
 - Support the effort to go out for bid on the construction
 - Need to draft a model that would address the financial approach to building the project
 - Must be careful in overextending the town's financial means with the construction of projects
- In summary, there was council support and direction to obtain bids for the park pavilion construction at this time, and with a message that the town hopes to complete the project but it is dependent on fundraising success.

Sally Vecchio, Assistant Town Manager, Community Development, presented the Outdoor Lighting Ordinance Compliance Update. It was noted that the ordinance was adopted in 2004 and a breakdown of compliance by area of town was provided. Some discussion ensued about how to reach the property owners about non compliance; Community Development would continue trying to reach residents about the requirements.

ORDINANCES

Councilor Reynolds left the meeting at this time. Eric Heil, Town Attorney, presented Ordinance No. 10-11, Series of 2010, First Reading, Ordinance Amending Chapter 5.12 Of The Avon Municipal Code Concerning Booting Regulations. He noted that the proposed amendments included the following:

- require parking enforcement companies to accept payment by credit card
- include a phone # for the property Owner/Manager who authorized vehicle impoundment

Councilor Phillips noted that she did not support the use of credit cards as a form of payment as it is not a legitimate means of payment and uses a another private party in order to complete the transaction. Councilor Carroll moved to approve Ordinance No. 10-11, Series of 2010, First Reading, Ordinance Amending Chapter 5.12 Of The Avon Municipal Code Concerning Booting Regulations. Mayor Pro Tem Sipes seconded the motion and it passed unanimously (Reynolds absent). It was noted that a public hearing would be held on July 27, 2010.

Eric Heil, Town Attorney, presented Ordinance No. 10-12, Series of 2010, First Reading, Ordinance Amending the Avon Municipal Code to Prohibit Medical Marijuana Business Use of Property. He noted that the ordinance Amends the Municipal code to prohibit medical marijuana business use of property. After some brief discussion, Mayor Pro Tem Sipes moved to approve Ordinance No. 10-12, Series of 2010, First Reading, Ordinance Amending the Avon Municipal Code to Prohibit Medical Marijuana Business Use of Property. Councilor Carroll seconded the motion and it passed with four to one vote (Dantas – nay; Reynolds absent) It was noted that a public hearing would be held on July 27, 2010.

NEW BUSINESS

Jenny Strehler, Director PW&T, presented an update on Town wide Compliance with Ordinance No 10-06, Series of 2010, Ordinance Enacting Weed Control Regulations. She reviewed the noxious weed list and noted the properties in violation of the ordinance. Staff would continue to monitor the situation for compliance and pursue the means allowed for by the ordinance to get property owners to comply.

Mayor Pro Tem Sipes stepped down at this time due to a conflict of interest. Justin Hildreth, Town Engineer, presented a request from the "Walking Mountains School" (formerly Gore Range Natural Science School) for a Diversion of Water from Buck Creek to use town's water rights for private property ground irrigation. It was suggested that there would need to be some type of revocable license / lease agreement that would be unique with the school (and not run with the property) that would outline the program and related costs. The Town Council supported the request and staff was directed to draft in an agreement a formal arrangement.

TOWN MANAGER REPORT

Larry Brooks, Town Manager, provided an update on the town's appearance before the Colorado Water Quality Commission at the hearing where input was taking on the extension of temporary modifications on upper Colorado water quality standards.

EXECUTIVE SESSION

Mayor Pro Tem Sipes moved to convene into an Executive Session at 8:05 PM to discuss the following matters as outlined on the Executive Session agenda and were not discussed earlier in the day; Councilor Carroll seconded the motion and it passed unanimously.

- b. For the purpose of receiving legal advice pursuant to Colorado Revised Statute §24-6-402(4)(b) discussion related to potential acquisition of real estate pursuant to Colorado Revised Statute §24-6-402(4)(a) and for developing a strategy for negotiations and instructing negotiators pursuant to Colorado Revised Statute §24-6-402(4)(d) specifically related to the U.S. Forest Service Multi Party Land Exchange
- c. For the purpose of receiving legal advice pursuant to Colorado Revised Statute §24-6-402(4)(b), developing a strategy for negotiations and instructing negotiators pursuant to Colorado Revised Statute §24-6-402(4)(d), and for the discussion of potential transfer of real property pursuant to Colorado Revised Statute §24-6-402(4)(a) specifically related to the Upper Eagle River Water Authority Avon water treatment plant site
- d. Receiving legal advice pursuant to Colorado Revised Statute §24-6-402(4)(b) related to pending litigation and settlement discussions regarding Town of Avon v Traer Creek Metropolitan District, 2008 CV 0385 and Traer Creek, LLC, et.al. v Town of Avon 2010 CV 316

Councilor Ferraro moved to convene to the Regular Meeting at 9:15 pm; Mayor Pro Tem Sipes seconded the motion and it passed unanimously. There being no further business to come before the Council, the regular meeting adjourned at 9:15 PM.

RESPECTFULLY SUBMITTED:



Patty McKenny, Town Clerk

APPROVED:

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