

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD MAY 22, 2012**

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

Mayor Pro Tem Ferraro called the meeting to order at 5:30 PM. A roll call was taken and Council members present were Rich Carroll, Chris Evans, Todd Goulding, Amy Phillips and Buz Reynolds. (Carroll Absent). Also present were Town Attorney Eric Heil, Interim Town Manager Patty McKenny, Town Advisor Larry Brooks, Finance Director Scott Wright, Director PW&T Jenny Strehler, Deputy Town Clerk/HR Asst. Catherine Mythen, Community Relations Officer Jaime Walker, as well as other staff members and the public.

**DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST**

The Town Attorney noted that there were no conflicts of interest to report.

**COMMUNITY AND CITIZEN INPUT**

Andree Lucinges, Falcon Point Resort representing the following lodges submitted a letter of concern regarding the Snowball Music Festival noting that the negative aspects of the event are damaging to Avon's brand, recommending that it should not be continued in Avon:

- Mike Bennett, Beaver Creek West
- Andre de Lucinges, Falcon Point Resort
- Sheriff Masry, Sheraton Mountain Vista
- Jeffrey Burrell, Westin Riverfront Resort & Spa
- Bob Roman, Avon Center

**CONSENT AGENDA**

Mayor Pro Tem Ferraro asked for a motion on the Consent Agenda. Councilor Evans moved to approve the Minutes from May 8, 2012, Councilor Phillips seconded the motion and it passed unanimously by those present. (Carroll Absent)

- Minutes from May 8, 2012

**RESOLUTIONS**

- a. **Public Hearing** on Resolution No. 12-09, Series of 2012, Resolution Approving the Condominium Map of Traer Creek Plaza, Lot 2, The Village at Avon) Filing No. 1, Town of Avon, Eagle County, Colorado (101 Fawcett Road) *(Matt Pielsticker, Planner II) Review condo map that would subdivide Lot 2 and Traer Creek Plaza Building into several interests / This item was continued from the May 8<sup>th</sup> meeting*

Matt Pielsticker, Planner II, presented the application from Traer Creek Plaza, Lot 2, The Village at Avon, noting that the item was continued from the May 8 meeting. This application is being processed in accordance with the settlement term sheet which was approved on October 7, 2011. The application is a considered minor subdivision plat and requires a public hearing. There was some concern on parking requirements and rules which were addressed at the meeting. Mayor Pro Tem Ferraro opened up the Public Hearing, there were no comments, and the the public hearing was closed. Councilor Dantas moved to approve No. 12-09, Series of 2012, Resolution Approving the Condominium Map of Traer Creek Plaza, Lot 2, The Village at Avon) Filing No. 1, Town of Avon, Eagle County, Colorado (101 Fawcett Road) subject to the following conditions:

- ✓ Revise Plat Note No. 1 to update to the latest version of Stewart Titles title commitment report
- ✓ Revise Plat Note No. 14 to add “owner and parking owner” to the list of definitions in the declarations
- ✓ Revise Plat Note No. 19 to reference newly adopted PUD guide
- ✓ Revise Plat Note No. 20 adding March 7, 2012 to the existing parking rules.

Councilor Evans seconded the motion and it passed unanimously by those present. (Carroll Absent)

#### ORDINANCES

- a. **Public Hearing** on Ordinance No. 12-06, Series of 2012, First Reading, Ordinance Approving a Permit for Areas and Activities of State and Local Interested (1041 Permit) for the Eagle River Water and Sanitation District for an Expansion of the Avon Wastewater Treatment Plant (*Justin Hildreth, Town Engineer, Jared Barnes, Planner I*) *Review of 1041 Permit Application related to ERWSD expansion of Avon Wastewater Treatment Plant*

Jared Barnes, Planner I, presented the Ordinance No. 12-06 referenced above. He gave a brief summary on the proposal to expand the wastewater Treatment Plant; which application requires a 1041 review because the permit is for a major extension of existing domestic water treatment systems. Kirk Petrik and David Oerke from Eagle River Water and Sanitation District were also available and gave a brief presentation. After some discussion, the Council members requested that staff do some research regarding how this system has worked for other towns and the success rates of this type of expansion. Mayor Pro Tem Ferraro opened the public hearing, no comments were made, and the hearing was closed. Councilor Evans moved to approve Ordinance No. 12-06, Series of 2012, First Reading, Ordinance Approving a Permit for Areas and Activities of State and Local Interested (1041 Permit) for the Eagle River Water and Sanitation District for an Expansion of the Avon Wastewater Treatment Plant. Councilor Dantas seconded the motion and it passed unanimously by those present. (Carroll Absent)

- b. **Public Hearing** on Ordinance No. 12-07, Series of 2012, First Reading, Ordinance Approving an Amendment to the Gandorf PUD to Remove the Requirement for Deed Restricted Housing and Construction of a Pedestrian Path (*Matt Pielsticker, Planner II, Jared Barnes, Planner I*) *Review proposed PUD amendment request related to two conditions of current PUD 1) pedestrian access easement, 2) sale of one dwelling unit to full time resident of Avon*

Councilor Reynolds recused himself from this topic due to a conflict of interest. Jared Barnes, Planner I, presented the request from the applicant, Gandorf Trac B, LLC, for removal of the requirement for deed restricted housing and and the path construction required for the Gandorf PUD. He gave a brief history on the application that was approved by Ordinance in 2009 which included as part of the PUD 1) pedestrian access easement, 2) sale of one dwelling unit to full time residents of Avon. Mayor Pro Tem Ferraro opened the public hearing. Phil Matsen and Sean Reynolds presented their request and were available for questions. They noted that in the current market it was more difficult to sell properties with a deed restriction clause. After Council deliberation, Mayor Pro Tem Ferraro moved to approve Ordinance No. 12-07, Series of 2012, First Reading, Ordinance Approving an Amendment to the Gandorf PUD eliminating 1) Construction of the bike path easement and not eliminating the Requirement for Deed Restricted Housing. Councilor Phillips seconded the motion and it passed unanimously by those present. (Reynolds – abstained due to conflict of interest; Carroll Absent)

**NEW BUSINESS**

- a. 2011 Comprehensive Annual Financial Report (*Scott Wright, Finance Director*) Review preliminary draft report of the 2011 Comprehensive Annual Financial Report (CAFR)

Scott Wright, Finance Director, presented the final draft of the 2011 Comprehensive Annual Financial Report as audited by McMahan and Associates. He noted that this presentation would provide Council the information and a chance to make any comments on the report. Comments and suggestions would be incorporated into the final report that would be presented for approval at the June 12th meeting. He noted that this financial report is designed to provide a general overview of the Town of Avon's finances.

There being no further business to come before the Council, the regular meeting adjourned at 9:45 PM.

**RESPECTFULLY SUBMITTED:**

Catherine Mythen  
Catherine Mythen, Deputy Town Clerk

**APPROVED:**

Rich Carroll

Dave Dantas

Chris Evans

Kristi Ferraro

Todd Goulding

Amy Phillips

Albert "Buz" Reynolds

David Dantas  
Chris Evans  
Todd Goulding  
Amy Phillips  
Albert "Buz" Reynolds

