

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD OCTOBER 23, 2012**

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 Carroll called the meeting to order at 5:50 PM. A roll call was taken and Council members Present were Dave Dantas, Chris Evans, Kristi Ferraro, Todd Goulding, Amy Phillips and Buz Reynolds. Also present were Town Attorney Eric Heil, Acting Town Manager Patty McKenny, Town Advisor Larry Brooks, Finance Director Scott Wright, Director PW&T Jenny Strehler, Deputy Town Clerk Catherine Mythen, Dee Wiser, Sherman and Howard as well as other staff members and the public.

APPROVAL OF AGENDA

Mayor Carroll added the following item to Staff updates

- Updates on Metcalf road

Financial Matters (Scott Wright, Finance Director) ***Memo Only***

PUBLIC HEARING ON 2013 BUDGETS (*Scott Wright, Finance Director*) *Review budget highlights and take public input on budget*

Mayor Carroll thanked staff for the hard work on the 2013 budget; it was noted that staff presented a balanced budget at their budget retreat. Scott Wright, Finance Director, provided some brief highlights to the budget and he noted that the final budget adoption was scheduled for November 13. Mayor Carroll opened the public hearing no comments were heard and the public hearing was closed.

COMMUNITY & CITIZEN INPUT

CONSENT AGENDA

- a. Minutes from September 25, 2012 (amended)
- b. Minutes from October 9, 2012
- c. Amendment to Employment Agreement for Town Advisor (*Eric Heil, Town Attorney*)

Mayor Carroll asked for a motion on the consent agenda. Councilor Evans moved to approve the consent agenda; Councilor Phillips seconded the motion and it passed unanimously.

NEW BUSINESS

- a. Intergovernmental Agreement with Eagle County Animal Control Services for 2013 (*Bob Ticer, Police Chief*) *Agreement that allows Eagle County Animal Control to provide Animal Control services in the Town of Avon*

Bob Ticer, Police Chief, provided some background information on the IGA with Eagle County Animal Control Services. He noted that there was no change to the existing agreement from the current to the existing contract. Mayor Pro Tem Ferraro moved to approve the Intergovernmental Agreement with Eagle County Animal Control Services for 2013; Councilor Phillips seconded the motion and it passed unanimously.

- b. Assignment of Town Council Member to Avon Committee on Disposition of Forfeited Property Per Resolution 2000-12 (*Bob Ticer, Police Chief*) *Request for Council participation on the Committee in order to proceed with decisio0-making about "use of forfeited property of expenditure of forfeited proceeds"*

Bob Ticer, Police Chief, noted that during the course of criminal investigations, the Avon Police Department sometimes seizes assets used to facilitate crimes. Colorado State Statutes provide for the creation of a committee to approve the use or expenditure of forfeited proceeds. He noted that Avon's resolution 2000-12 had established this committee, which consists of the Eagle County District Attorney or designee, Avon Police Chief and a representative from the Avon Town Council. He noted that at this time he was requesting a council member to sit on this established Committee. Councilor Reynolds volunteered to sit on the committee on Disposition of Forfeited property to approve the use or expenditure of forfeited proceeds. Mayor Carroll moved to approve Assignment of Town Council Member Reynolds to Avon Committee on Disposition of Forfeited Property Per Resolution 2000-12; Councilor Phillips seconded the motion and it passed unanimously.

c. Lot 61 Update, Wyndham Development Application (*Matt Pielsticker, Planner II*) Review request from Lot 61 owners to use town property (*Lettuce Shed Lane*) in zoning calculations
Matt Pielsticker, Planner II, noted that the purpose of the applicants' request is to include the 50' Lettuce Shed Lane, and the planted 20' Transportation Easement in zoning calculations for the limited purposes of determining site coverage and landscaping calculations, thereby eliminating the necessity for a variance application. Councilor Goulding moved to approve the request by Wyndham in using town owned land in its calculation; Mayor Pro Tem Ferraro seconded the motion and it passed unanimously.

RESOLUTIONS

- a. Resolution No. 12-13, Series of 2012, Resolution of Support for Eagle River Fire Protection District Ballot Question 5 A (*Rich Carroll, Mayor*)

Mayor Carroll, read a letter that he sent to council into the record supporting the District 5A Ballot Question. After some discussion Councilor Phillips moved to approve Resolution No. 12-13, Series of 2012, Resolution of Support for Eagle River Fire Protection District Ballot Question 5 A; Councilor Goulding seconded the motion and it passed with a 6-1 vote. (Carroll Evans, Ferraro, Goulding, Phillips - Yay) (Dantas - Nay)

- b. Resolution No. 12-14, Series of 2012, Resolution Supporting the Multi-Party Land Exchange located in the White River National Forest in Eagle County (*Rich Carroll, Mayor*) Resolution supporting land exchange which includes transferring two National Forest Parcels of land to the Town of Avon

Mayor Carroll presented the Resolution supporting the Multi- Party Land Exchange. The Town of Avon is not a party to this agreement but is a participant in funding the land transactions, and also the intended recipient of the two land parcels. It was noted that this resolution reaffirms the Town of Avon's commitment to the Land Exchange. Councilor Goulding moved to approve Resolution No. 12-14, Series of 2012, Resolution Supporting the Multi-Party Land Exchange located in the White River National Forest in Eagle County; Councilor Evans seconded the motion and it passed unanimously.

- c. Resolution No. 12-15, Series of 2012, Resolution Thanking Larry Brooks for Years of Service (*Rich Carroll, Mayor*)

Mayor Carroll read the resolution and thanked Larry Brooks for his significant role in helping Avon achieve its full potential as a community where a diversity of people live, work, and play. Mayor Carroll moved to approve Resolution No. 12-15, Series of 2012, A Resolution Thanking Larry Brooks for Years of Service. Councilor Phillips seconded the motion and it passed unanimously.

- d. Resolution No. 12-16, Series of 2012, Resolution Adopting Eagle County Pre-Disaster Mitigation Plan (*Justin Hildreth, Town Engineer*) Resolution adopting 2012 Eagle County Pre-Disaster Mitigation Plan which identifies potential natural and man-made disasters that could occur in the region

Justin Hildreth, Town Engineer, presented Resolution No. 12-16, Series of 2012 noting that this plan replaces the 2005 Pre- Disaster Mitigation plan. This plan identifies potential natural and manmade disasters that could occur in the Town of Avon and throughout Eagle County. Councilor Dantas moved to approve Resolution No. 12-16, Series of 2012, Resolution Adopting Eagle County Pre-Disaster Mitigation Plan. Councilor Reynolds seconded the motion and it passed unanimously.

- a. **Public Hearing** on Ordinance No. 12-10, Series of 2012, First Reading, Ordinance Implementing Settlement Term Sheet to Resolve Pending Litigation on 2008 CV 385 and 2010 CV 316; Approving the Consolidated and Restated Annexation and Development Agreement; Approving Acceptance of Real Property and Equipment; Approving the Acceptance and Conveyance of Water Rights; Approving an Amendment to Village (at Avon) PUD; Approving a Re plat of Lot 1; Approving Amendments to Chapter 18 of the Avon Municipal Code; Approving the Traer Creek Plaza condominium application; and Taking such other Actions as Set Forth Herein to Implement the Settlement Term Sheet (*Public hearing continued from 9/25/12 meeting*)

Village (at Avon) Topics & Presentations include:

1. *Traer Creek LLC & Traer Creek Metropolitan District "Development Plan Application" including the following items (Developer & Metro District Representatives):*
 - a. *Consolidated, Amended and Restated Annexation & Development Agreement for the Village (at Avon) v-20*
 - b. *The Village (at Avon) Amended and Restated PUD Guide v 19 and Map v 12*
 - c. *Minor Subdivision Application for the Purpose of Resubdividing Lot 1, Amended Final Plat, The Village (at Avon) Filing 1 Avon Colorado, Eagle County*
2. *Review PUD Amendment Application in accordance with Review Criteria and compile Report of Findings (Town Council)*
3. *Public Input*
4. *Review Ordinance No. 12-10 referenced above (Town Council)*

Applicant Representatives: Marcus Lindholm TCMD & Traer Creek LLC, Dan Leary, President Traer Creek Metro District, Munsey Ayers, Otten Johnson Robinson Neff & Ragonetti, representing Traer Creek LLC, Kiberly Martin, Otten Johnson Robinson Neff & Ragonetti, representing Traer Creek LLC, Mary Jo Dougherty, McGeady Sisneros representing Traer Creek Metro District

Mayor Rich Carroll gave a brief update on the materials that were received late Monday evening and additional documents presented before the meeting. After some discussions, it was agreed that a special council meeting would be held on November 7th to give staff and council time to review the materials in full and create a report for council with Findings of Fact. Mayor Carroll noted that the public, the council and staff had not had enough time to review the additional changes that were submitted earlier that day. At this time Mayor Carroll opened the public hearing and the following comment was heard:

- Tamra Underwood commented that she did see new documents posted to the website she was not in favor of the settlement.

The Public Hearing was closed.

Councilor Dantas moved to continue the Public Hearing on Ordinance No. 12-10, Series of 2012, First Reading, Ordinance Implementing Settlement Term Sheet to Resolve Pending Litigation on 2008 CV 385 and 2010 CV 316; Approving the Consolidated and Restated Annexation and Development Agreement; Approving Acceptance of Real Property and Equipment; Approving the Acceptance and Conveyance of Water Rights; Approving an Amendment to Village (at Avon) PUD; Approving a Re plat of Lot 1; Approving Amendments to Chapter 18 of the Avon Municipal Code; Approving the Traer Creek Plaza condominium application; and Taking such other Actions as Set Forth Herein to Implement the Settlement Term Sheet; Councilor Goulding seconded the motion and it was approved unanimously.

Eric Heil noted for further clarification that the approval included

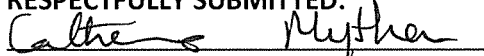
- the continuance of the Public hearing on Ordinance 12-10
- the continuance of Public Hearing on the PUD Guide
- and the continuance of the Public Hearing on the Replat of Lot 1

Councilor Dantas and Councilor Goulding agreed with this addition.

Mayor Carroll noted that there would be a Special Meeting on November 7th and a Regular Council Meeting on November 13.

There being no further business to come before the Council, the regular meeting adjourned at 6:50 PM.

RESPECTFULLY SUBMITTED:



Catherine Mythen, Deputy Town Clerk

APPROVED:

Rich Carroll
Dave Dantas
Chris Evans
Kristi Ferraro
Todd Goulding
Amy Phillips
Albert "Buz" Reynolds

