

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD JULY 24, 2007**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, 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, Kristi Ferraro, Amy Phillips, Brian Sipes and Tamra Nottingham Underwood. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, Public Works/Transportation Director Jenny Strehler, and Community Relations Officer Becky Lawlor as well as members of the press and public.

APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST

Mayor Wolfe noted that the 2008 Budget Discussion would be moved to the Regular Meeting Agenda from the work session meeting.

John Dunn, Town Attorney, asked if there were any discussion related to the Planning & Zoning items on the agenda that would require disclosure of conflict of interest related to the Gates item; there were no conflicts revealed.

CITIZEN INPUT

Randall Knipmeyer, manager of Finnegans, and resident of Avon, submitted a petition to the Avon Town Council requesting a work session discussion on the no smoking ban within 25 feet of the licensed establishment; some initial discussion took place. Mayor Wolfe asked if Council would consider talking with the restaurant community; all agreed to set the topic for the August 28th meeting.

APPEALS FROM OR RECOMMENDATIONS OF PLANNING & ZONING COMMISSION

John Dunn, Town Attorney, presented Ordinance No. 07-05, Series Of 2007, Second Reading, An Ordinance Approving An Amendment To The Chateau St. Claire Planned Unit Development (PUD) For Lots 1 & 2, Chateau St. Claire Subdivision, Town Of Avon, Eagle County, Colorado. Dunn reviewed the revised Second Amended & Restated Development Agreement for the Gates which outlines numerous conditions for the developer and complies with the adopted MOU dated March 27th. Groundwork has begun on the formation of the General Improvement District and the development of the service plan, these documents are slated for council consideration at the August meetings. He noted that the easement was executed and provided to the town. He reviewed the two minor changes made to the agreement, in sections 3.1 and 3.6 of the document. The changes to the construction schedule were explained as well. Joel Rosenstein, representing CSC, LLC, spoke on behalf of the developer and asked for council approval. Mayor Wolfe opened the Public Hearing, no comments were made and the public hearing was closed. Mayor Pro Tem Sipes moved to approve Ordinance No. 07-05, Series Of 2007, Second Reading, An Ordinance Approving An Amendment To The Chateau St. Claire Planned Unit Development (PUD) For Lots 1 & 2, Chateau St. Claire Subdivision, Town Of Avon, Eagle County, Colorado. Councilor Ferraro seconded the motion and it passed with a four to one vote (Dantas nay). Councilor Dantas noted that he did not agree with all the conditions required of the developer.

RESOLUTIONS

Jeff Schneider, Engineer II, presented Resolution No. 07-25, Series of 2007, Resolution approving and accepting the Public Improvements Installed and Constructed in Accordance with the Subdivision Improvements Agreement for the Dry Creek Planned Unit Development (PUD) and Establishing Warranty Period for the Public Improvements / 2510 Old Trail Road. He noted that staff has reviewed the documents submitted by THD Colorado, Inc., as required by the SIA for approval. Staff noted that this action approves & accepts the public improvements and establishes the warrant period. Mayor Pro Tem Sipes moved to approve Resolution No. 07-25, Series of 2007, Resolution approving and accepting the Public Improvements Installed and Constructed in Accordance with the Subdivision Improvements Agreement for the Dry Creek Planned Unit Development (PUD) and Establishing Warranty Period for the Public Improvements. Councilor Dantas seconded the motion and it passed unanimously.

NEW BUSINESS

Brian Kozak, Police Chief, presented an Intergovernmental Agreement with Eagle County for Animal Control Service (IGA requires 2/3 vote for adoption) Extension of agreement for continued animal control service by Eagle County. He noted that the initial agreement was for 6 months in order to determine if the level of service met Avon's expectations, he noted that the services have been acceptable and he would like to extend this agreement. Councilor Phillips moved to approve the Intergovernmental Agreement with Eagle County for Animal Control Service. Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

UNFINISHED / OLD BUSINESS

Jeff Schneider, Engineer II, presented an update to the construction of the Avon Transportation Center. He focused on the Snowmelt Options and related Change Order No. 001 – Temporary Snowmelt Boiler System. He also highlighted the carbon footprint implications of snow melt vs snow removal. It was suggested that the temporary boiler system (presented as CO 001 to the Avon Transit Center contract with B&B) be rejected at this time in favor of implementing a centralized boiler system with future components of the Avon Town Center West redevelopment. Discussion ensued as to how to handle the recommendation made by the Planning & Zoning Commission to include the temporary boiler system. It was noted that the town council has authority to override the decision of the P&Z. Various energy efficient systems were identified as well. Councilor Dantas moved to reject the temporary boiler system / Change Order No. 001; Councilor Carroll seconded the motion and it passed unanimously.

OTHER BUSINESS

Scott Wright, Asst. Town Manager Finance, presented an Urban Renewal Plan Update and asked for any preliminary input from Town Council regarding Town Center West Area Urban Renewal Plan. It was noted that the public notice was published in the Eagle Valley Enterprise and a hearing is scheduled for August 14, 2007 at 5:30 PM. Mayor Wolfe commented on the residential property owners and their protection from condemnation. Wright noted that condemnation was not included in the Avon Center West URA plan. Randy Funk addressed Council with regard to the plan, noting that this particular plan was fairly general, but specific in what it allows for. It was noted that Impacts to special districts have not been analyzed. Mr. Funk also noted that a certificate has been filed with the Department of Local Affairs which alerts the State of Colorado to the formation of the urban renewal authority. Future meetings would be scheduled and a formal agenda would be created for the meetings of the authority.

2008 BUDGET DISCUSSION – MOVED FROM WORK SESSION

Larry Brooks, Town Manager, Scott Wright, Asst. Town Manager Finance, presented a review of the budget calendar and asked for Council to identify priority budget issues for 2008 budget cycle. He noted that a first draft of the 5 year CIP plan would likely be submitted to Council on August 14th. Topics included: artwork policies, status of park plans, etc., WR road east & west plans, energy audit, e government, launch policy of an informed growth practice.

MAYOR REPORT

Mayor Wolfe presented an update on progress being made with regard to planning of the west Avon parcels, whether it remains an open space or not. He noted that they are trying to build the case. USFS has provided names of appraisers to assist with an appraisal for the parcels in west Avon and efforts for moving towards the possibility of purchasing the parcels in that area.

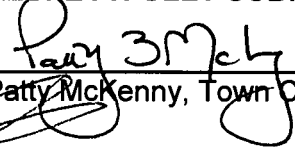
CONSENT AGENDA

Mayor Wolfe asked for a motion on the Consent Agenda. Councilor Ferraro moved to adopt the consent agenda; Councilor Phillips Sipes seconded the motion and it passed unanimously.

- a. Minutes from July 10, 2007
- b. Avon Road/Benchmark Road Roundabout / B&B Excavating Change Order No. 001 (Shane Pegram, Engineer) Adjustment of Final Contract Quantities
- c. Avon Road/Benchmark Road Roundabout / B&B Excavating Change Order No. 002 (Shane Pegram, Engineer) Costs related to additional project work
- d. Benchmark Road West Realignment – Streetscape Design Services Proposal (Jeff Schneider, Engineer II) Review of proposals distributed concurrently for civil engineering design services and streetscape design services
- e. Resolution No. 07-26, Series of 2007, Resolution approving the locations for posting the notices of public meetings (Patty McKenny, Director Administrative Services) Consider using Avon Public Library as posting location

There being no further business to come before the Council, the regular meeting adjourned at 7:15 PM.

RESPECTFULLY SUBMITTED:

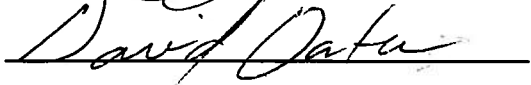


Patty McKenny, Town Clerk

APPROVED:
Rich Carroll



Dave Dantas



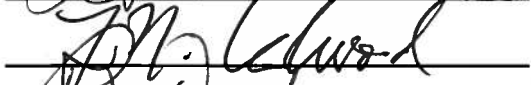
Kristi Ferraro



Amy Phillips



Brian Sipes



Tamra Underwood



Ron Wolfe



**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD AUGUST 14, 2007**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, 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, Brian Sipes and Tamra Nottingham Underwood. Kristi Ferraro was absent. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, Public Works/Transportation Director Jenny Strehler, and Community Relations Officer Becky Lawlor as well as members of the press and public.

APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST

Some discussion ensued about the order of the agenda items. Mayor Wolfe noted that the Council committee updates would be included during the regular meeting. John Dunn, Town Attorney, noted there were no items on the agenda which would require a disclosure.

ORDINANCES

John Dunn, Town Attorney, presented Ordinance No. 07-07, Series of 2007, First Reading, Ordinance Declaring the Town of Avon General Improvement District No. 1 organized and submitting to the Electors of the District the Question of Imposing an Ad Valorem Tax to Pay the Annual Expenses of the District Legislation organizing the GID No. 1 & submitting a ballot question as part of implementing the Second Amended and Restated Development Agreement for the Gates. The GID would annually impose a mill levy of \$40K, in 2008 and adjusted for inflation, to be used by the Town for transportation and recreation purposes. A brief explanation was provided regarding the process which will occur for the developers to become property owners who will then serve as the registered electors and how the Metro District is formed to serve the Gates property. Joel Rosenstein representing CSC Land asked for support of the Ordinance. Councilor Underwood moved to approve Ordinance No. 07-07, Series of 2007, First Reading, Ordinance Declaring the Town of Avon General Improvement District No. 1 organized and submitting to the Electors of the District the Question of Imposing an Ad Valorem Tax to Pay the Annual Expenses of the District Legislation organizing the GID No. 1 & submitting a ballot question as part of implementing the Second Amended and Restated Development Agreement for the Gates. Mayor Pro Tem Sipes seconded the motion and it passed unanimously by those present (Ferraro absent). It was noted that second reading & a public hearing would be held on August 28th.

John Dunn, Town Attorney, presented Ordinance No. 07-08, Series Of 2007, First Reading, Ordinance Amending Title 17, Municipal Code Of The Town Of Avon, As It Relates To Applicability To Public Agencies. He noted that this ordinance was housekeeping legislation which provided for the deletion of language that would be a basis for an argument that the Town's regulations do not preempt state law. Councilor Carroll moved to approve Ordinance No. 07-08 Ordinance Amending Title 17, Municipal Code Of The Town Of Avon, As It Relates To Applicability To Public Agencies. Mayor Pro Tem Sipes seconded the motion and it passed unanimously by those present (Ferraro absent). It was noted that second reading & a public hearing would be held on August 28th.

RESOLUTIONS

Rebecca Leonard, Design Workshop, presented the Avon West Town Center District Investment Plan addressing some historical information as follows: the Process began with a Charette in 2005, Drafted Design Guidelines 2/07 and presented publicly, Final Step to be the marketing campaign & launching of the plan. She highlighted the Design Guidelines document as follows: The Vision of Avon West Town Center, Design Guidelines – supported by Avon's Comprehensive Plan, Art & Public Spaces, Streets & Public Spaces, Public Signage Guidelines, General Building Guidelines, Site Specific Guidelines. Scott Wright, Asst. Town Manager Finance, presented the Urban Renewal Plan, noting that several people would be addressing various components of the plan, those people included Randy Funk, Shermant & Howard and Anne Ricker, Leland Consulting. The following items were noted:

- Public notices were published as a requirement of Colorado State Statutes
- The only changes were made to pages 11 & 15 of the plan document
- Condemnation was not included in the Plan for this location
- In order to use eminent domain powers the plan would have to be amended
- An explanation of "tax increment financing" was provided
- The procedure for creating the URA was highlighted
- Description of the survey area facts was provided
- How blight is identified and documented was described

Mayor Wolfe opened the public hearing and the following comments were made:

- Mike Bennet, Property owner & manager of West Beaver Creek Lodge – supported plan, asked about property tax impacts, and Nottingham Park as being able to service the community into the future?
- Patricia Cristigoodbody, Season's resident, asked if there were businesses that actually wanted to relocate to the new Main Street?
- Lynn Rossman, HR Director for Vail Resorts and expressed concern about the preschool at the Season's building.
- Kim Moorwood, resident on the lake, was concerned about her property on the lake.
- Kathy Ryan, resident on the lake, had some concerns about her property
- Sydney Pitman, Avon Center homeowner, was concerned about the plan & all the current empty buildings, the parking situation at the Seasons and Avon Center
- Barbara May, owner Beaver Bench, was supportive of the plan.
- Cookie Ritland, owner Stonebridge Condo, asked why Sunridge & W. Beaver Creek Blvd. weren't included in the plan.
- Mike Bennet, further questions about the use of eminent domain powers.
- Comments were received from Eagle County Commissioners & the letter was distributed Council and was asked to be included as a part of the record.

With no further comments from the public, Mayor Wolfe closed the public hearing.

Eric Heidemann, Community Development Director, presented Resolution No. 07-26, Series of 2007, Resolution Adopting the Avon West Town Center District Investment Plan – August 2007. Mayor Pro Tem Sipes moved to approve Resolution No. 07-26, Series of 2007, Resolution Adopting the Avon West Town Center District Investment Plan with one addition to include the word "west" to Avon Town Center District Investment Plan (final Whereas of resolution). Councilor Dantas seconded the motion and it passed unanimously by those present (Ferraro absent).

Mayor Wolfe presented Resolution No. 07-27, Series of 2007, A Resolution to approve the Town Center West Area Urban Renewal Plan. Mayor Wolfe noted a change to the resolution to include "the Plan" in letter (e) as well as the need for replacement pages to Nos. 11 & 15 of the URA document. Councilor Underwood moved to approve Resolution No. 07-27 Resolution to approve the Town Center West Area Urban Renewal Plan. Mayor Pro Tem Sipes seconded the motion and it passed unanimously by those present (Ferraro absent).

Ron Wolfe, Mayor, presented Resolution No. 07-29, Series of 2007, A Resolution Directing the Initiation of Acquisition of certain United States Forest Service Lands that are required for the Safe and Orderly Evolution of the Town. He asked for Council support to take this proposal to the USFS. He explained how to proceed with taking the parcels out of circulation and into saving as recreation space, included as an exhibit in the packet. Some discussion ensued about "how" this could be done, i.e. town site acquisition, land exchange, etc. Dominic Mauriello asked which pieces of property were to be included and requested a copy of the map showing the parcels. Councilor Dantas moved to approve Resolution No. 07-29 Directing the Initiation of Acquisition of certain United States Forest Service Lands that are required for the Safe and Orderly Evolution of the Town with a change to the 5th whereas to remove "completely surrounded" and include "mostly surrounded". Mayor Pro Tem Sipes seconded the motion and it passed unanimously by those present (Ferraro absent).

Shane Pegram, Engineer II, presented Resolution No. 07-30, Series of 2007, A Resolution approving the Fourth Amended Condominium Map of Avon Commercial Center, Level 2, a Resubdivision of Unit 230, Avon Center at Beaver Creek, Town of Avon, Eagle County, Colorado. He noted that this was the fourth amended condominium map to resubdivide Unit 230 at 100 W. Beaver Creek Blvd, which converted a hallway and is in conformance with Title 16 of the Code. Councilor Underwood moved to approve Resolution No. 07-30, Series of 2007, A Resolution approving the Fourth Amended Condominium Map of Avon Commercial Center, Level 2, a Resubdivision of Unit 230, Avon Center at Beaver Creek. Mayor Pro Tem Sipes seconded the motion and it passed unanimously by those present (Ferraro absent).

NEW BUSINESS

Larry Brooks, Town Manager, presented the Lease executed by Eagle River Fire Protection District for Snow Storage, with a brief review of the new lease arrangement with ERFPD for use of Tract E, Village at Avon, Filing 3 as a snow storage location. Mayor Pro Tem Sipes moved to approve the Lease with Eagle River Fire Protection District for Snow Storage; Councilor Dantas seconded the motion and it passed unanimously by those present (Ferraro absent).

UNFINISHED / OLD BUSINESS

Matt Pielsticker, Planner II, presented the West Avon Trail Project and related Cost Share Agreement between the United States Forest Service, Town of Avon, Berry Creek Metro District, and Singletree Property Owners Association. He reviewed the status & progress on trail planning in W. Avon; Don Drexler, USFS, was present to encourage Council to move forward with this project. Councilor Underwood moved to authorize the execution of the Cost Share Agreement in order to proceed with the project; Mayor Pro Tem Sipes seconded the motion and it passed unanimously by those present (Ferraro absent).

COUNCIL COMMITTEE UPDATES

Councilor Dantas presented an update from the Community Development SubCommittee meetings related to the zoning of large duplex lots to two single families with restrictions.

Council discussion ensued on the topic and further proposals would be presented for Council consideration.

Councilor Phillips presented a Channel 5 update on recent meetings and happenings at the station. Council expressed concerns about the success of the station and its programming. Council requested that questions included whether or not Channel 5 could coordinate & work with Eagle County's new programming & when Channel 5 would be able to go to a live stream utilizing Avon's new technology. Until these two topics were addresses, any future funding would be in jeopardy.

OTHER BUSINESS

Larry Brooks, Town Manager, presented Traer Creek Metro District letter to UERWA regarding Eagle County Health Service District Facility at Traer Creek and construction of water tank. It was noted that no action would be involved at this time, but that it was informational only. Some discussion ensued on the progress being made on the project.

Town Manager Report

Larry Brooks Town Manager noted the following:

- Asked that Becky attend the Beaver Creek Summer Marketing meetings
- Possibility of a joint meeting with P&Z and Orion Development to continue some discussion about an application

CONSENT AGENDA

Mayor Wolfe asked for a motion on the Consent Agenda. Councilor Phillips moved to adopt the consent agenda; Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

- a. Minutes from July 10, 2007

There being no further business to come before the Council, the regular meeting adjourned at 10:10 PM.

RESPECTFULLY SUBMITTED:



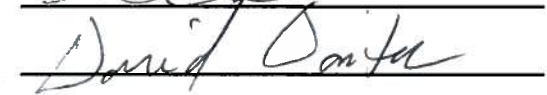
Patty McKerny, Town Clerk

APPROVED:

Rich Carroll

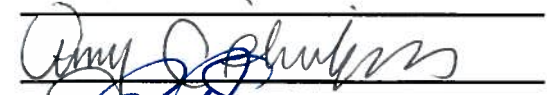


Dave Dantas



Kristi Ferraro

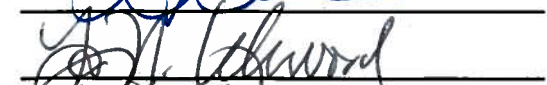
Amy Phillips



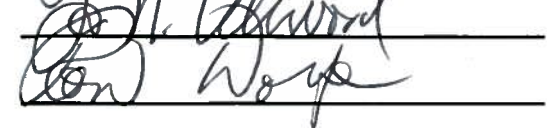
Brian Sipes



Tamra Underwood



Ron Wolfe



**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD AUGUST 28 2007**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, 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, Kristi Ferraro, Amy Phillips, Brian Sipes and Tamra Nottingham Underwood. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, Public Works/Transportation Director Jenny Strehler, and Community Relations Officer Becky Lawlor as well as members of the press and public.

APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST

Mayor Wolfe noted one addition to the agenda as an Executive Session at the end of the meeting to discuss Avon / Beaver Creek negotiations for transit services and consideration of the Cooperation Agreement and Resolution No. 07-32 as New Business. John Dunn, Town Attorney, noted there were no items on the agenda which would require a disclosure.

CITIZEN AND COMMUNITY INPUT

Mayor Wolfe recognized this time for discussion with petitioners and community about revising Avon's smoking ban legislation. Randall "Ray" Knipmeyer submitted the petition in August asking for some time with the Town Council to discuss the topic. Mayor Wolfe noted that the Town's legislation & the State's legislation differ based on the distance from an entrance, and what constitutes the entrance or the gathering area. Mayor Wolfe asked for public comment at this time and the following people commented:

- Randall Knipmeyer thanked council and presented the position of some of the restaurant owners in Avon. He asked for consideration to change the distance to be consistent with the State of Colorado's regulation describing some of the problems they encounter.
- Kent Beidel, owner Loaded Joe's, supported Ray's points and asked for reconsideration of the distance point.
- Gary Aubrey, Colorado Restaurant Assn and resident, asked that council consider an equitable scenario for the restaurant owners in Avon.
- Tyler Moline, Avon resident & CME employee, supported leaving the legislation as it.
- Jennifer Corrigan, Colorado Tobacco Education & Prevention Alliance, asked that the Council not support their request and commented as to why.

Mayor Wolfe noted for the record that there were six written comments in support of the current law and five written comments against the current law. It was noted that 72% of Eagle County voted for a smoking ban. Mayor Wolfe asked Council if there was a motion to act, staff would be directed to draft revisions. There was no motion and no further action was taken on this topic.

ORDINANCES

John Dunn, Town Attorney, presented Ordinance No. 07-07, Series of 2007, Second Reading, Ordinance Declaring the Town of Avon General Improvement District No. 1 organized and submitting to the Electors of the District the Question of Imposing an Ad Valorem Tax to Pay the Annual Expenses of the District Legislation organizing the GID No. 1 & submitting a ballot question as part of implementing the Second Amended and Restated Development Agreement

for the Gates. The GID would annually impose a mill levy of \$40K, in 2008 and adjusted for inflation, to be used by the Town for transportation and recreation purposes. A brief explanation was provided regarding the process which will occur for the developers to become property owners who will then serve as the registered electors and how the Metro District is formed to serve the Gates property. Joel Rosenstein representing CSC Land asked for support of the Ordinance. Mayor Wolfe opened the public hearing, no comments were made, and the hearing was closed. Mayor Pro Tem Sipes moved to approve Ordinance No. 07-07, Series of 2007, Second Reading, Ordinance Declaring the Town of Avon General Improvement District No. 1 organized and submitting to the Electors of the District the Question of Imposing an Ad Valorem Tax to Pay the Annual Expenses of the District Legislation organizing the GID No. 1 & submitting a ballot question as part of implementing the Second Amended and Restated Development Agreement for the Gates. Councilor Carroll seconded the motion and it passed unanimously.

John Dunn, Town Attorney, presented Ordinance No. 07-08, Series Of 2007, Second Reading, Ordinance Amending Title 17, Municipal Code Of The Town Of Avon, As It Relates To Applicability To Public Agencies. He noted that this ordinance was housekeeping legislation which provided for the deletion of language that would be a basis for an argument that the Town's regulations do not preempt state law. Mayor Wolfe opened the public hearing, no comments were made, the hearing was closed. Councilor Dantas moved to approve Ordinance No. 07-08 Ordinance Amending Title 17, Municipal Code Of The Town Of Avon, As It Relates To Applicability To Public Agencies. Councilor Underwood seconded the motion and it passed unanimously by those present.

Jenny Strehler, Public Works / Transportation Director, presented Ordinance No. 07-09, Series of 2007, An Ordinance Amending Chapter 12.16 Of The Avon Municipal Code As It Relates To The Responsibility For Maintenance Of Sidewalks, Drainage Ditches And Driveway Culverts. She noted that the proposed changes require that ditches and driveway culverts located in the right-of-way be maintained in good condition by the abutting property owners; currently sidewalks, curbs and gutters are maintained by the property owners. Discussion focused on the multiple property owners scenarios and who would be responsible for this maintenance as well as what would happen when the town were not maintaining the property. Strehler noted that each case would be evaluated individually and that the legislation is to try to further insist the property owners take responsibility for the ditches and culverts. Councilor Underwood moved to approve Ordinance No. 07-09, Series of 2007, An Ordinance Amending Chapter 12.16 Of The Avon Municipal Code As It Relates To The Responsibility For Maintenance Of Sidewalks, Drainage Ditches And Driveway Culverts. Councilor Phillips seconded the motion and it passed unanimously. It was noted that second reading & a public hearing would be held on September 11th.

RESOLUTIONS

John Dunn, Town Attorney, presented Resolution No. 07-28, Series of 2007, A Resolution Approving A Service Plan For The Gates Metropolitan District. Dunn noted that the organization of the Gates Metro District would implement a part of the Second Amended and Restate Development Agreement for the Gates (formerly Chateau St. Claire). The following topics were addressed:

- ✓ An exhibit presented outlining both Lot 1 & lot 2
- ✓ The location of the Director's parcel on Lot 2 was not supported; it was suggested that Lot 1 be used for that purpose

- ✓ Question as to whether or not Lot 2 was dedicated to the town – so the question remains as to when Lot 2 would be dedicated to the town
- ✓ Whether or not to proceed with adopting the resolution not knowing when Lot 2 would be dedicated; it was noted that it was important to obtain approval due to the timeline related to the creation of the Gates Metro District and the pending election for Avon's General Improvement District No. 1
- ✓ Clarify language related to infrastructure dedications & maintenance
- ✓ Whether or not the Metro District Board members should remain as property owners of the parcel and how that process should evolve; did not support that the directors should remain as voting members of the district

Councilor Ferraro moved to approve Resolution No. 07-28, Series of 2007, A Resolution Approving A Service Plan For The Gates Metropolitan District with the following two conditions:

- a) That Lot 2 is not included in the Service Plan / Metro D(only Lot 1 shall be included within the boundaries of the District)
- b) Nothing in the Service Plan shall impose upon the Town the obligations to maintain the infrastructure improvements governed by the service plan

Councilor Underwood seconded the motion and it passed unanimously.

NEW BUSINESS

Mayor Wolfe asked Council to consider the Cooperation Agreement that was approved at the URA meeting earlier. It was noted that the cooperation agreement between the Avon Urban Renewal Authority and the Town of Avon set forth several key financial and operating policies regarding the two entities. Councilor Underwood moved to approve Resolution No. 07-32 Series of 2007, A Resolution to approve a Cooperation Agreement between the Town of Avon, Colorado and the Avon Urban Renewal Authority. Councilor Carroll seconded the motion and it passed unanimously.

UNFINISHED / OLD BUSINESS

Matt Gennett, Senior Planner, presented the Attainable Housing Guidelines with a review and discussion of the topic. The following comments were made by Council and staff:

- ✓ It was noted that the document allows for interpretation and allows for guidance for each application.
- ✓ It was suggested to present the document to P&Z for their comments prior to final adoption
- ✓ It was suggested that the purposes clause should note that the guidelines are a step in the right direction to achieving the goals with housing; This document is only a start
- ✓ Would like to create an incentive for developers /
- ✓ Desire to adopt the guidelines in September
- ✓ Would prefer the priority be given to employees who work in Avon
- ✓ Think about the nexus for residential & nexus for commercial development
- ✓ Discussion about the Deed restricted units increase over time, the capital investments on the property

The document would be presented to the P&Z Commission at their next meeting in September and then scheduled for Council consideration and adoption on the September 11th Council meeting.

CONSENT AGENDA

Mayor Wolfe asked for a motion on the Consent Agenda. Councilor Underwood moved to adopt the consent agenda; Councilor Ferraro seconded the motion and it passed unanimously.

- a. Minutes from August 14, 2007
- b. Clifton Gunderson Engagement Letter for Auditing Services (Scott Wright, Asst. Town Manager Finance) Three year proposal for Audit fees for Audits of the Town's 2007-2009 financial statements

At 8 PM Councilor Underwood moved to convene into an Executive Session with the Town Attorney Pursuant to CRS 24-6-402 (4)(b) conference with town attorney for the local public body for the purposes of receiving legal advice on specific legal questions related to the transit negotiations with Beaver Creek and the Municipal Court Prosecutor position. Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

At 9 PM Councilor Carroll moved to adjourn the Executive Session; the motion was seconded.

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

RESPECTFULLY SUBMITTED:

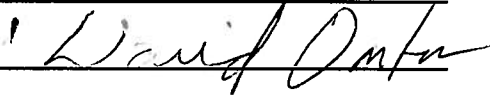


Patty McKenny, Town Clerk

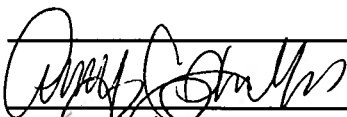
APPROVED:
Rich Carroll



Dave Dantas



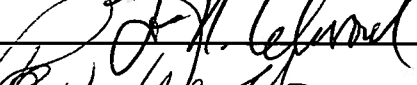
Kristi Ferraro



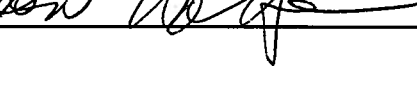
Amy Phillips



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Ron Wolfe



**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD SEPTEMBER 11, 2007**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, 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, Kristi Ferraro, Amy Phillips, Brian Sipes and Tamra Nottingham Underwood. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, Public Works/Transportation Director Jenny Strehler, and Community Relations Officer Becky Lawlor as well as members of the press and public.

APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST

There were no changes to the agenda. John Dunn, Town Attorney, asked if there were any conversations related to the appeals on the agenda. Councilor Carroll noted his very brief conversation with Ms. McKenny; Mayor Wolfe noted that he was contacted by the same party on 2 different occasions, the person was interested in the process related to the application. Mayor Wolfe noted that he advised them to review the minutes & abstracts of the meetings.

CITIZEN AND COMMUNITY INPUT

Andy Clark, organizer of the Rocky Mountain Pond Hockey Tournament, presented updates to this upcoming season's event. He noted that the hopes are that the event will someday becoming a national one. Council expressed their strong support of the event. It was noted that January 12th & 13th are slated for the kids event & January 18 at Dobson, 19th & 20th at Nottingham are slated for the adult tournament.

APPEALS FROM OR RECOMMENDATIONS OF PLANNING & ZONING COMMISSION

Duplex Final Design - Appeal

Property Location: Lot 70A, Block 1, Benchmark at Beaver Creek Subdivision /540 Nottingham

Applicant / Owner: Jerald Wuhrman

Description: Final Design review for a duplex development on Nottingham Road. The design incorporates stucco, stone and wood siding as well as a flat and gabled roof form. This application was denied by the Planning and Zoning Commission on August 21, 2007, and the decision is being appealed to Town Council by the property owner.

Eric Heidemann, Community Development Director, presented the above referenced appeal request submitted by Jerry Wuhrman. He noted that per the Charter Council is required to respond within 30 days; it was also noted that Council's role is to uphold, remand or deny the decision of the P&Z Commission. The application was reviewed over the course of several meetings from May through August 2007 and was denied based on concerns with access, grading, drainage, roof forms and architectural interests. Heidemann noted that that afternoon the property owner asked the item be tabled until further notice because he was not able to attend the meeting. Some discussion ensued about whether or not to table the appeal and reasons which would support either action. Council agreed to hear the information related to the application and then proceed with making a decision. The following people commented on the application:

- Chris Evans, P&Z Chairman, explained premise for denying the application

- Ron Triplehorn, neighbor, explained his support of the applicant's project

Further discussion ensued on whether or not to table the application. Councilor Underwood moved to continue consideration of the Duplex Final Design - Appeal *Property Location*: Lot 70A, Block 1, Benchmark at Beaver Creek Subdivision /540 Nottingham, until September 25, 2007. Councilor Carroll seconded the motion and it passed with a four to one vote (Dantas nay).

Color Change - Appeal

Property Location: Lot 32, Block 2, Wildridge Subdivision / 2643 Bear Trap

Applicant/Owner: Patrick McKenny

Description: A request to change materials and colors on one half of an existing duplex. Siding, Stucco, and Deck railings will be modified by this application. The application was approved by the Planning and Zoning Commission on August 21, 2007 for a change in material (siding and deck railing), with the color change conditionally approved based on the consent of the adjacent property owner. The Planning and Zoning Commission's decision is being appealed to Town Council by the adjacent duplex neighbor.

Eric Heidemann, Community Development Director, presented the appeal referenced above, noting that the Planning and Zoning Commission's decision was being appealed to Town Council by the adjacent duplex neighbor, Casey Frehe. It was noted that Council's role is to uphold, remand or deny the decision of the P&Z Commission. He explained the details of the minor project application related to color, siding & deck railing pickets. P&Z approved the siding & railing changes, but did not approve the color changes unless both parties agree to the color. He provided history/details related to the application, in that verbal approval was provided by staff to the applicant. It was then discovered that the property was a duplex and the decision was made in error. Some discussion ensued about Community Development's policy to require approval from both owners of multifamily units.

- Chris Evans, P&Z Chairman, spoke about the application and the Commission's decisions was based on the fact that the application was in complete compliance with the design guidelines
- Casey Frehe, owner of 2643 Bear Trap Rd E., commented on his opposition to the type of siding to be used, that P&Z did not scrutinize this application to the level it had on other applications that evening, and saw that the town's approval had a negative impact on him selling his units
- Patrick McKenny, resident of 2643 Bear Trap Rd W, spoke about the application process & related minor project forms and reasons why the larger siding was chosen.

Mayor Wolfe raised the question again as to whether or not the P&Z Commission made a valid decision within the design guidelines. Some discussion ensued about the deck railings and proposal to change the railing on existing structures vs. new construction. Mayor Wolfe asked Mr. Frehe whether or not he was contesting the process or the outcome. Mr. Frehe noted that he wanted consistency out of the town & the P&Z Commission, and suggested that the application was not reviewed thoroughly enough. Mr. Frehe noted that he did not want a construction zone while he is trying to sell his house and preferred that Mr. McKenny wait with maintenance issues until he has a seller. Mr. Frehe suggested that the maintenance decisions would be made between the three parties at that time. The Town Attorney reviewed that Council's role was to determine if there was sufficient evidence to support or deny the P&Z Commissions' decision. Further comments were made by the following P&Z members:

- Julia Foster, P&Z member, noted that P&Z's general impression of the proposal was that the changes were complimentary to the project

- Phil Struve, P&Z member, noted that their Commission is not shortsighted in its decisions and provides for thorough reviews of applications, the commission was supportive of the applications moving away from the “mirror image” that existed with the structure

Councilor Dantas made some comments related to the horizontal siding as a better product and the role of Council's in its decision making. Councilor Carroll moved to uphold the Planning & Zoning commission's decision to approve the minor project application for the property located at 2643 Bear Trap W. / Applicant/Owner: Patrick McKenny. Councilor Ferraro seconded the motion and it passed unanimously.

ORDINANCES

Jenny Strehler, Public Works / Transportation Director, presented Ordinance No. 07-09, Series of 2007, An Ordinance Amending Chapter 12.16 Of The Avon Municipal Code As It Relates To The Responsibility For Maintenance Of Sidewalks, Drainage Ditches And Driveway Culverts. She noted that the proposed changes require that ditches and driveway culverts located in the right-of-way be maintained in good condition by the abutting property owners; currently sidewalks, curbs and gutters are maintained by the property owners. Discussion focused on the multiple property owners scenarios and who would be responsible for this maintenance as well as what would happen when the town were not maintaining the property. Strehler noted that each case would be evaluated individually and that the legislation is to try to further insist the property owners take responsibility for the ditches and culverts. Some comments & questions were raised regarding the following:

- The Town's description of regular or routine maintenance
- Ordinance puts the town manager in the authority role
- Questioned the areas that don't have curb & gutter
- Property owners who will have problems related to drainage issues

Mayor Wolfe opened the public hearing, and the following comments were made:

- Tab Bondiy, resident, 5792 Wildridge R., problems occurring are related to cinders
- Dominic Mauriello, resident 5601 West Wildridge Rd, asked about basic municipal services the town provided, did not support the legislation, thought the town should provide the maintenance services for the citizens
- Phil Struve, resident W. Wildridge Rd., asked about the requirements of the maintenance and noted that the town should have to clean the culverts every 5 years and charge the homeowner when if there is a further problem
- Greg Barry, June Creek Trail, the ditch should be owned by the town

With no further comments, the public hearing was closed. Council was supportive of the fact that the maintenance of the ditches & culverts should be a benefit of living in the town and then move to a discussion of sidewalk maintenance. Staff was directed to review the topic again with a review of sidewalk maintenance as well. Mayor Pro Tem Sipes moved to table Ordinance No. 07-09, Series of 2007, An Ordinance Amending Chapter 12.16 Of The Avon Municipal Code As It Relates To The Responsibility For Maintenance Of Sidewalks, Drainage Ditches And Driveway Culverts. Councilor Carroll seconded the motion and it passed unanimously.

RESOLUTIONS

Matt Gannett, Senior Planner, presented Resolution No. 07-31, Series of 2007, Resolution Adopting the Town of Avon Attainable Housing Guidelines and Setting Forth Details in Regard Thereto, with a recap of what has taken place over the last year and a review of the latest version of guidelines addressing housing & criterion related to rezoning applications. Chris

Evans, P&Z Chairman, made several comments and in general noted that P&Z was not supportive of the guidelines; he requested that further dialogue take place between the Commission & Council prior to any approvals. Mayor Wolfe opened the public hearing and the following comments were heard:

- Julia Foster, resident, agreed that housing needs to be addressed, supported payment in lieu, don't limit to those who are not homeowners, evaluate the type of housing stock
- Larry Binyard, visitor & property owner in Eagle County, noted that he represents an application pending with P&Z, and was not supportive of the guidelines, and cautioned that passage might impact future development
- Chuck Madison, East West Partners, asked that Council continue to deliberate the topic, that there is not easy solution. He noted that the unintended consequences should be identified as well
- Mauriello noted that the guidelines are oppressive and asked for further review of them by both the town as well as developers
- Bob Kaufman, VRDC and lived in Avon the last 18 years, requested that 3rd party developers be at the table for this discussion
- Todd Goulding, P&Z member, Avon resident, works for developer, requested further participation as a P&Z member on the guidelines

Mayor Wolfe closed the public hearing. After some further suggestions related to maintenance of the units, the proposed 20% Gross Floor Area, staff was directed to take the topic back through a process that would include the community development subcommittee. Councilor Phillips moved to table Resolution No. 07-31, Adopting the Town of Avon Attainable Housing Guidelines and Setting Forth Details in Regard Thereto. Councilor Ferraro seconded the motion and it passed unanimously.

Shane Pegram, Town Engineer, presented Resolution No. 07-33, Series of 2007, Resolution Approving the Final Plat, a Re-subdivision of Lot 9, Block 4, Wildridge, Town of Avon, Eagle County, Colorado A Resubdivision of Lot 9 into two separate lots, 9A and 9B. Mayor Pro Tem Sipes moved to approve Resolution No. 07-33, Councilor Underwood seconded the motion and it passed unanimously.

ORDINANCES – CONTINUED

Council Ferraro moved to table Ordinance No. 07-11, Series of 2007, First Reading, An Ordinance Relating To The Establishment Of Special Districts Within The Town Of Avon, the proposed legislation which will establish regulations governing existing and new "Title 32" special districts, such as metro districts, water & sanitation districts, fire districts & recreation districts. The motion was seconded and unanimously approved.

NEW BUSINESS

Brian Kozak, Police Chief, presented the Parking Plan Proposal for Winter Ski Season 07/08 with a Review of the plan to address future parking issues. With the completion of the gondola & the Westin Riverfront Resort, the town is anticipating parking to become more of an issues. Chief Kozak outlined a preliminary guide to address this topic moving into the future as outlined in a Council memo. It was suggested that a heavy public relations effort be used to inform the residents, visitors, and property owners of the proposed plan. Some of the following suggestions were made:

- understand unintended consequences – don't discourage evening visitors
- parking only until 3 pm allowed
- fine should be in concert with the opportunity

- signage should have dates
- public lots would be fine
- fine established with input from judge & should be consistent with Vail
- goal is to deter from skier parking
- review parameters of metered parking and enforcement

CONSENT AGENDA

Comments & questions were heard related to the Municipal Building expansion; there was disappointment expressed in the total cost related to construction and how that served the town's need for housing staff. Mayor Wolfe asked for a motion on the Consent Agenda. Councilor Underwood moved to adopt the consent agenda; Councilor Ferraro seconded the motion and it passed unanimously.

- a. Minutes from August 28, 2007
- b. Engineering and Planning Studies Required to Complete Main Street and Lake Street Design (Justin Hildreth):
 - 1) Avon Town Center West Master Drainage Report Proposal from Marcin Engineering LLC
 - 2) Avon Town Center West Master Deep Utility Plan Proposal from Marcin Engineering LLC
 - 3) Avon Town Center West Overall Shallow Utility Map Proposal from Marcin Engineering LLC
 - 4) West Town Center Snowmelt Master Plan Proposal from Design Workshop
 - 5) Street Lighting Master Plan Project Proposal from Design Workshop
- c. 2007 Streetscape Lighting Conversion – Tri Phase Electric Construction Contract Award (Justin Hildreth, Town Engineer) Conversion project includes replace light fixture heads & arms along Sun Road, Chapel Place & Avon Road
- d. Proposal for the Jurisdictional Determination of Metcalf & Swift Gulch (Justin Hildreth, Town Engineer) Proposal to implement a program that would monitor the area in hopes of changing the jurisdiction of Metcalf Gulch from town of Avon to that of the Eagle River
- e. Request for additional funds for the Avon Municipal Expansion Project (Justin Hildreth, Town Engineer) Request for additional funds to complete municipal building expansion, including installation of data & voice lines, electrical modifications, staining of building, etc.
- f. Letter of Engagement with Sherman & Howard for legal services (John Dunn, Town Attorney)

There being no further business to come before the Council, the meeting was adjourned at 10:15 PM.


RESPECTFULLY SUBMITTED:

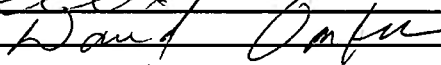


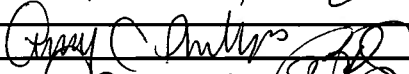
 Patty McKenny, Town Clerk

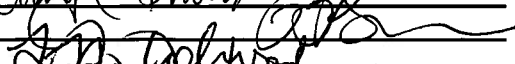
APPROVED:


- Rich Carroll
- Dave Dantas
- Kristi Ferraro
- Amy Phillips
- Brian Sipes
- Tamra Underwood
- Ron Wolfe

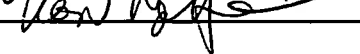












**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD SEPTEMBER 25, 2007**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, 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, Kristi Ferraro, Amy Phillips, Brian Sipes and Tamra Nottingham Underwood. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, Public Works/Transportation Director Jenny Strehler, and Community Relations Officer Becky Lawlor as well as members of the press and public.

APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST

There were no changes to the agenda. John Dunn, Town Attorney, asked if there were any ex parte contact related to the appeal on the agenda; none were noted.

CITIZEN AND COMMUNITY INPUT

Devin Trickle, Avon Rec Center, presented Council with a plaque from Eagle County EMS Prevention Committee thanking Avon for its sponsorship & participation in the Eagle County Camp 911 held for children in Eagle County.

Jeanette Hix, Avon resident & Historic Committee Member, made a review of five pending projects that the committee has undertaken in their efforts on the Preservation Committee, as follows:

- Develop a Historic Site Inventory
- Avon waterwheel stabilization & preservation and estimate of related costs
- Grant Application process with State of Colorado Historical Society
- Preservation and relocation of Red House & Barn located at Avon Road & Hwy 6
- Membership of the Committee

Danita Chirichillo presented Tom Frye, Vail Valley Soccer Club Board Member, who gave a brief overview of the large scale soccer event taking place in Eagle County on October 6th & 7th. He thanked the Town Council for supporting the club by allowing them to use the Avon fields.

RESOLUTIONS

Matt Pielsticker, Planner II, presented Resolution 07-35, Series of 2007, A Resolution Amending Resolution No. 05-13 To Allow the Appointment of Karen Nagel, Greg Macik and Kim Nottingham to the Historical Preservation Committee in the Town of Avon, Eagle County, Colorado. A review of the criteria for appointing four members to the Historic Committee was made; some discussion ensued about revising the requirements to include appointing people who submit a letter of interest and not necessarily include residence as a requirement. Council was supportive of the idea. Councilor Underwood moved to approve Resolution No. 07-35; Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

Matt Pielsticker, Planner II, presented Resolution 07-34, Series of 2007, A Resolution Approving Revised Town of Avon Residential, Commercial and Industrial Design Review Guidelines - Procedures, Rules And Regulations. He noted that the guidelines were originally adopted

November 6, 2001 and the proposed changes were reviewed & recommended by Community Development Subcommittee & P&Z Commission with changes specifically to the definition of "duplex development". The changes were a result of an appeal earlier in 07 that contemplated the duplex connection; this language was drafted in hopes of make the definition clearer. Councilor Phillips moved to approve Resolution 07-34, Series of 2007, A Resolution Approving Revised Town of Avon Residential, Commercial and Industrial Design Review Guidelines - Procedures, Rules And Regulations, As Originally Adopted November 6, 2001. Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

APPEALS FROM OR RECOMMENDATIONS OF PLANNING & ZONING COMMISSION

Duplex Final Design - Appeal

Property Location: Lot 70A, Block 1, Benchmark at Beaver Creek Subdivision /540 Nottingham

Applicant / Owner: Jerald Wuhrman

Description: Final Design review for a duplex development on Nottingham Road. The design incorporates stucco, stone and wood siding as well as a flat and gabled roof form. This application was denied by the Planning and Zoning Commission on August 21, 2007, and the decision is being appealed to Town Council by the property owner.

Eric Heidemann, Community Development Director, presented the above referenced appeal request submitted by Jerry Wuhrman. He noted that per the Charter Council is required to respond within 30 days; it was also noted that Council's role is to uphold, remand or deny the decision of the P&Z Commission. The application was reviewed over the course of several meetings from May through August 2007 and was denied based on concerns with access, grading, drainage, roof forms and architectural interests. Council's scope of role was to review P&Z decision with the evidence before them and then make a determination to uphold, deny or remand back to the P&Z the decision. Jerry Wuhrman, property owner & developer of the project, address council with why he did not feel that his project should be denied by the Avon P&Z Commission. He distributed a memo dated 9/10/07 outlining his comments requesting the Council to consider remanding the decision back to P&Z Commission. He presented the history of his application including the application for a variance which was denied. Neighbors have volunteered on their own to support the project. His concern is not the fee, but rather the need to have to redo all the drawings & site plans. The public hearing was opened and the following people spoke:

- Todd Goulding, VP of Bristol Pines HOA, resident of Avon, P&Z member, commented on how the commission arrived at its decision to deny this application.
- Chris Evans, P&Z Chair and resident of Avon, commented on the commission's decision to deny noting that the project just did not comply with the guidelines and the applicant had ample opportunity to rectify their concerns.

The public hearing was closed. Councilor Dantas moved to uphold the decision of the Planning & Zoning Commission to deny the Duplex Final Design for Lot 70A, Block 1, Benchmark at Beaver Creek Subdivision /540 Nottingham. Councilor Carroll seconded the motion and it passed unanimously.

ORDINANCES

Councilor Carroll & Councilor Ferraro left the room at this time due to conflict of interest on this topic. John Dunn, Town Attorney, presented Ordinance No. 07-12, Series of 2007, First Reading, An Ordinance Providing for the Vacation of a Portion of a Roadway within Riverfront Subdivision. Dunn made a review of the legislation which will implement a settlement

agreement entered into among the Town, East West Resort Development XIV, Confluence metro District & Union Pacific Railroad. He noted that this is a vacation of land acquired from the Union Pacific Railroad located within the Riverfront Subdivision and that following the ordinance is a Notice of Merger which reflects that the property acquired from the railroad will merge into the title of the property interested dedicated by the plat of Riverfront Subdivision. He noted that the exhibits were not in the correct order & needed to be switched around. Mayor Pro Tem Sipes moved to approve Ordinance No. 07-12, Series of 2007, First Reading, An Ordinance Providing for the Vacation of a Portion of a Roadway within Riverfront Subdivision. Councilor Phillips seconded the motion and it passed unanimously by those members present (Carroll Ferraro recused due to conflict of interest).

TOWN MANAGER REPORT

Larry Brooks, Town Manager, provided updates on the following topics:

- Skier Shuttle arrangements with Beaver Creek Resort Company (a final agreement on an abbreviated ski school shuttle)
- Union Pacific work train has arrived in avon and rollout of the schedule for the atgrade improvements & crossing installation.
- Village at Avon updates for Traer Creek Metropolitan District & Village Metropolitan District Board meetings & Nottingham Puder Ditch Project. Scott Wright presented an update to the meeting addressing the items outlined on the agenda. Justin Hildreth presented an update on the ditch maintenance agreement with Traer Creek.

CONSENT AGENDA

Mayor Wolfe asked for a motion on the Consent Agenda. Councilor Underwood moved to adopt the consent agenda; Councilor Ferraro seconded the motion and it passed unanimously.

- a. Minutes from September 11, 2007

There being no further business to come before the Council, the meeting was adjourned at 7:20 PM.

RESPECTFULLY SUBMITTED:

Patty McKenny, Town Clerk

APPROVED:

Rich Carroll

Rich Carroll

Dave Dantas

Dave Dantas

Kristi Ferraro

Kristi Ferraro

Amy Phillips

Amy Phillips

Brian Sipes

Brian Sipes

Tamra Underwood

Tamra Underwood

Ron Wolfe

Ron Wolfe

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD OCTOBER 9, 2007**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, 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, Kristi Ferraro, Amy Phillips, Brian Sipes and Tamra Nottingham Underwood. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, Public Works/Transportation Director Jenny Strehler, and Community Relations Officer Becky Lawlor as well as members of the press and public.

APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST

There were no changes to the agenda. John Dunn, Town Attorney, asked if there were any ex parte contact related to the appeal on the agenda; none were noted.

CITIZEN AND COMMUNITY INPUT

Brian Nolan, Wildridge resident, introduced new superintendent John Pacheco, Superintendent and Brooke Skjonsby, Director of Communications, Eagle County School District; updates were provided regarding the following:

- The Search for an interim candidate for superintendent
- The Focus on community outreach effort
- Mention of other management staff at ECSD
- Update on November election; Five of 7 seats are open in November
- Hope to hire permanent superintendent by March next year
- School site in Avon and ECSD response to the soils report

RESOLUTIONS

Eric Heidemann, presented Resolution 07-36, Series Of 2007, A Resolution Establishing a Schedule of Fees for Building, Mechanical, Plumbing and Grading Permits issued by the Town of Avon, Eagle County, Colorado, and setting forth details in regard thereto. It was noted the proposed fee schedule is intended to keep up with the rising construction costs and the increased time needed to review more complex building permit applications. The only new section is (e) of the additional fees section and it has been used in the past, however, it has never been put into writing formally. All other sections have been used before; all in an effort to implement a tool that will help achieve fairness in assessing the fees. Councilor Ferraro moved to approve Resolution 07-36, Series Of 2007, A Resolution Establishing a Schedule of Fees for Building, Mechanical, Plumbing and Grading Permits issued by the Town of Avon, Eagle County, Colorado, and setting forth details in regard thereto. Councilor Phillips seconded the motion and it passed unanimously.

Matt Gannett, Senior Planner, presented Resolution No. 07- 37, Series of 2007, A Resolution Amending Resolution No. 05-13, A Resolution Establishing a Historic Preservation Advisory Committee for the Purpose of Promoting Historical Preservation for the Town of Avon, Eagle County, Colorado, and setting forth details in regard thereto. He noted that the Resolution presents an amendment to Resolution No. 05-13, to consider future appointees who do not own real property or voters in the Town. Councilor Underwood moved to approve Resolution No. 07-

37, Series of 2007, A Resolution Amending Resolution No. 05-13, A Resolution Establishing a Historic Preservation Advisory Committee for the Purpose of Promoting Historical Preservation for the Town of Avon, Eagle County, Colorado, and setting forth details in regard thereto. Councilor Carroll

ORDINANCES

Councilor Carroll & Councilor Ferraro left the room at this time due to conflict of interest on this topic. Larry Brooks, Town Manager, presented Ordinance No. 07-12, Series of 2007, Second Reading, An Ordinance Providing for the Vacation of a Portion of a Roadway within Riverfront Subdivision. Brooks made a review of the legislation which will implement a settlement agreement entered into among the Town, East West Resort Development XIV, Confluence metro District & Union Pacific Railroad. He noted that this is a vacation of land acquired from the Union Pacific Railroad located within the Riverfront Subdivision and that following the ordinance is a Notice of Merger which reflects that the property acquired from the railroad will merge into the title of the property interested dedicated by the plat of Riverfront Subdivision. Mayor Wolfe opened the public hearing, no comments were made, the hearing was closed.

Councilor Phillips moved to approve Ordinance No. 07-12, Series of 2007, An Ordinance Providing for the Vacation of a Portion of a Roadway within Riverfront Subdivision. Councilor Dantas seconded the motion and it passed unanimously by those members present (Carroll & Ferraro recused due to conflict of interest). Councilor Underwood moved to approve the Notice of Merger; Councilor Phillips seconded the motion and it passed unanimously (Carroll & Ferraro recused due to conflict of interest).

Councilors Carroll & Ferraro joined the council at this time. Randy Funk, Sherman & Howard, presented Ordinance No. 07-11, Series of 2007, First Reading, An Ordinance Relating To The Establishment Of Special Districts Within The Town Of Avon. He made a review of the proposed legislation which will establish regulations governing existing and new "Title 32" special districts, such as metro districts, water & sanitation districts, fire districts & recreation districts. Questions and discussion ensued on this proposed ordinance as follows:

- Mill levy set for special districts
- The activities, services & types of improvements are governed by State Statutes
- The local jurisdiction has the right to accept or reject the above list
- Discussion related to Section 2 (c) which resulted in included the word "generally" after "housing program"
- Financial requirements of reporting for special districts
- Resolution adopting a model service plan

Councilor Underwood moved to approve Ordinance No. 07-11, Series of 2007, First Reading, An Ordinance Relating To The Establishment Of Special Districts Within The Town Of Avon including the word "generally" in Section 2 (c). Councilor Ferraro seconded the motion and it passed unanimously. The public hearing was scheduled for October 23, 2007.

Matt Gannett, Senior Planner, presented Ordinance 07-13, Series Of 2007, First Reading, An Ordinance Amending Sections of Title 15.20, Avon Municipal Code, Town of Avon, Eagle County, Colorado, and Setting Forth Details in Regard Thereto. He noted that the proposed amendment is intended to adopt, by reference, the 2003 Edition of International Plumbing Code which has been adopted by the State of Colorado and the Town of Avon is following suit in order to keep up with the latest standards and practices used in plumbing. A couple of typos

were revealed and corrected. Councilor Dantas moved to approve Ordinance 07-13, Series Of 2007, First Reading, An Ordinance Amending Sections of Title 15.20, Avon Municipal Code, Town of Avon, Eagle County, Colorado, and Setting Forth Details in Regard Thereto. Councilor Phillips seconded the motion and it passed unanimously. The public hearing was scheduled for October 23, 2007.

MAYOR REPORT

Mayor Wolfe presented an update to the USFS land acquisition proposal. The process has begun with the Forest Service; he noted it could take months to complete such a proposal – and that only a land exchange with the USFS would be contemplated. The next step will be for USFS to come back with the appraisal parameters and more details of a potential deal so town can commission an appraisal.

Resolution No. 07-38 was considered at this time; Councilors Carroll & Ferraro left the room at this time. Councilor Underwood moved to approve Resolution No. 07-38, Series Of 2007, Resolution To Approve The Termination Of An Intergovernmental Agreement Between The Town, Avon Station Metropolitan District, And Confluence Metropolitan District. Councilor Phillips seconded the motion and it passed unanimously.

CONSENT AGENDA

Mayor Wolfe asked for a motion on the Consent Agenda. Councilor Underwood moved to adopt the consent agenda; Councilor Ferraro seconded the motion and it passed unanimously.

- a. Minutes from September 25, 2007

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

RESPECTFULLY SUBMITTED:



Patty McKenny, Town Clerk

APPROVED:

Rich Carroll



Dave Dantas




Kristi Ferraro




Amy Phillips



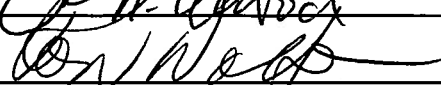
Brian Sipes



Tamra Underwood



Ron Wolfe



**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD OCTOBER 23, 2007**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, 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, Kristi Ferraro, Amy Phillips, and Tamra Nottingham Underwood. Brian Sipes was absent. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, Public Works/Transportation Director Jenny Strehler, and Community Relations Officer Becky Lawlor as well as members of the press and public.

APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST

There were no changes to the agenda.

CITIZEN AND COMMUNITY INPUT

Heather Warmuth presented information related to the Calvary Chapel Vail Valley Fall Fun Night.

NEW BUSINESS

Mayor Wolfe presented the Amplified Sound Permit for Calvary Chapel Vail Valley Fun Night and opened the Public Hearing, no comments were made, the hearing was closed. Councilor Dantas moved to approve the amplified sound permit; Councilor Phillips seconded the motion and it passed unanimously (Sipes absent).

Councilor Phillips moved to appoint Ron Wolfe, Mayor, to the Eagle County Open Space Advisory Committee for another two years, after Mayor Wolfe noted his interest to remain on that committee. Councilor Underwood seconded the motion and it passed unanimously (Sipes absent).

ORDINANCES

Jenny Strehler, Public Works / Transportation Director presented Ordinance No. 07-09, Series of 2007, Second Reading, An Ordinance Amending Chapter 12.16 Of The Avon Municipal Code As It Relates To The Responsibility For Maintenance Of Sidewalks, Drainage Ditches And Driveway Culverts. She noted that the proposed changes will require that ditches and driveway culverts located in the right-of-way be maintained in good condition by the abutting property owners, and that curbs & gutters have been removed from the ordinance, but sidewalks & ditches are still included in the ordinance. Entered into the record were comments from Dominic Mauriello, resident of Wildridge. Public Works Director Strehler added her observations to those comments. Mayor Wolfe opened the Public Hearing, no comments were made, the hearing was closed.

Councilor Ferraro moved to approve Ordinance No. 07-09, Series of 2007, An Ordinance Amending Chapter 12.16 Of The Avon Municipal Code As It Relates To The Responsibility For Maintenance Of Sidewalks, Drainage Ditches And Driveway Culverts with some minor revisions to the following sections:

- Section 12.16.030 sentence reads: *“The Town Manager may enforce the provisions of this chapter by ordering an abutting property owner to perform maintenance required by Section 12.16.020 when the abutting property owner has failed to do so.”*
- Section 12.16.040 reads: Delete word *“make such improvements”* and replace with *“perform such maintenance or repair”*.

Councilor Underwood seconded the motion with the suggested changes and it passed unanimously (Sipes absent).

John Dunn, Town Attorney, presented Ordinance No. 07-11, Series of 2007, Second Reading, An Ordinance Relating To The Establishment Of Special Districts Within The Town Of Avon. He made a review of the proposed legislation which will establish regulations governing existing and new “Title 32” special districts, such as metro districts, water & sanitation districts, fire districts & recreation districts. Some corrections were noted related to the formatting of the ordinance & its adoption into the Municipal Code; he noted that further review would be needed prior to final adoption. Darlene Sisneros, with law firm McGeady Sisneros, addressed Council and requested that the decision on the ordinance be tabled to a later date in hopes that she might provide input on the ordinance. After further discussion, council agreed to table the decision. Councilor Underwood moved to table Ordinance No. 07-11, Series of 2007, An Ordinance Relating To The Establishment Of Special Districts Within The Town Of Avon to November 13, 2007. Councilor Phillips seconded the motion and it passed unanimously (Sipes absent).

Eric Heidemann, Community Development, presented Ordinance 07-13, Series Of 2007, Second Reading, An Ordinance Amending Sections of Title 15.20, Avon Municipal Code, Town of Avon, Eagle County, Colorado, and Setting Forth Details in Regard Thereto. He noted that the proposed amendment is intended to adopt, by reference, the 2003 Edition of International Plumbing Code which has been adopted by the State of Colorado and the Town of Avon is following suit in order to keep up with the latest standards and practices used in plumbing. Mayor Wolfe opened the public hearing, no comments were made, the hearing was closed. Councilor Dantas moved to approve Ordinance 07-13, Series Of 2007, First Reading, An Ordinance Amending Sections of Title 15.20, Avon Municipal Code, Town of Avon, Eagle County, Colorado, and Setting Forth Details in Regard Thereto. Councilor Phillips seconded the motion and it passed unanimously (Sipes absent).

RESOLUTIONS

John Dunn, Town Attorney, asked that Resolution No. 07-39, Series of 2007, Resolution approving Service Model Plan, be tabled until the November 13, 2007 meeting with respect to the decision on Ordinance No. 07-11 which was tabled. Councilor Underwood moved to table Resolution No. 07-39, Series of 2007, Resolution approving Service Model Plan; Councilor Ferraro seconded the motion and it passed unanimously (Sipes absent).

TOWN MANAGER REPORT

Larry Brooks, Town Manager, noted the following items as future agenda items:

- Village PUD Amendment
- Climate Action Plan
- URA Meeting on December 11 Budget Adoption
- Lot C

CONSENT AGENDA

Mayor Wolfe asked for a motion on the Consent Agenda. Councilor Underwood moved to adopt the consent agenda; Councilor Phillips seconded the motion and it passed unanimously.

- a. Minutes from October 9, 2007

There being no further business to come before the Council, the meeting was adjourned at 6:15 PM.

RESPECTFULLY SUBMITTED:




Patty McKenny, Town Clerk

APPROVED:

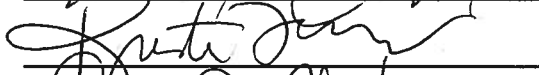
Rich Carroll



Dave Dantas



Kristi Ferraro



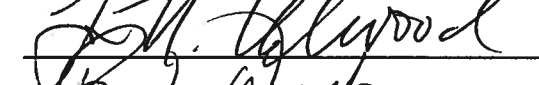
Amy Phillips



Brian Sipes



Tamra Underwood



Ron Wolfe



**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD NOVEMBER 13, 2007**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, 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, Kristi Ferraro, Amy Phillips, Brian Sipes and Tamra Nottingham Underwood. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, Public Works/Transportation Director Jenny Strehler, and Community Relations Officer Becky Lawlor as well as members of the press and public.

APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST

Two changes to the agenda included the following: 1) a property tax revenue update for Avon and 2) Recognition of Veteran's Day. Town Attorney John Dunn asked if there were any conflict of interest or ex parte conversations with respect to the Village at Avon PUD hearing; the following were noted:

- Councilor Phillips noted that she received correspondence & attended an open house about the matter, but did not receive any further information.
- Councilor Dantas noted that he has had contact with Mr. Mauriello but the conversations have been about other topics and not the Village at Avon.

Mayor Wolfe noted that Sunday, 11/11/07 was Veteran's Day; he spent a few minutes recognizing all men & women in the military. Asst. Town Manager Finance, Scott Wright presented a 2008 property tax update.

CITIZEN AND COMMUNITY INPUT

Drew Dodd, resident of Avon, asked about the recently released two hour parking limit press release. Details of the program were explained by Police Chief Kozak, he noted that the APD met with private business to discuss how they will need to maintain their own parking lots. It was suggested that Avon consider exempting the rules for the town's special events.

Don Cohen, Economic Council of Eagle County, presented the Housing Action Team 2008 Work Plan Proposal with a review of the 2008 proposed budget and funding request for Avon. Discussion ensued on some of the following:

- What other entities have committed
- How does Summit County's Housing Authority model work
- The Town could use it Housing Fund monies for the request

Larry Brooks, Town Manager, noted that the 2008 budget has been formulated, and that the discussion will take place on Friday with the Mayors/Managers about the need for cooperation on countywide topics such as housing. He suggested that the Council delay a decision until the next meeting.

**APPEALS FROM OR RECOMMENDATIONS OF PLANNING & ZONING COMMISSION
PUBLIC HEARING on Village at Avon PUD Amendment**

Property Location: Village at Avon PUD

Applicant: Dominic Mauriello, MPG / Owner: Traer Creek

Description: First Reading of Ordinance No. 07-10, an Amendment request to reconfigure the planning area boundaries of Planning Areas H, Neighborhood Center; I, Neighborhood Center; E, Village Residential; and F, Village Residential / An amendment to create a larger buffer between commercial uses and the adjacent existing Eaglebend drive residential neighborhood. Also part of the request is a text amendment to the PUD guide that will result in a modification to the current percentages and ratios of commercial-to-residential uses in order to permit more residential density in areas that are presently planned for more commercial square footage.

John Dunn, Town Attorney, presented the procedural protocol related to the agenda item noting that two public hearings would be held, one this evening and another one on second reading. He noted that Council could choose to deny the application or adopt the ordinance which would approve the application on first reading with or without conditions. Eric Heidemann, Community Development Director, presented Ordinance No. 07-10, An Ordinance recommending approval, with conditions, of a PUD Amendment Application Amending the Village at Avon PUD Planning Areas E, F, H, I, and J, Filing 1, Village at Avon Subdivision, Town of Avon, County of Eagle, and Setting Forth Details Regard Thereto. Mr. Heidemann reviewed the conditions in detail as well as the materials included in Council's packet and noted that staff recommended approval of the ordinance with the conditions. A brief explanation of the "vesting" requirement was provided by the Town's Attorney. Dominic Mauriello, planning consultant representing Traer Creek, presented the PUD application covering the materials enclosed in the Council packet. His presentation addressed some of the following topics: current PUD map, concepts developed based on community input, Traer Creek's proposal that reconfigures boundaries of planning areas (H, I, E, & F) and more fully and effectively integrates residential uses with Planning areas H (PUD Guide), review of Boundary changes, ratio of commercial to residential in the PUD guide (based on square footages), development scenario in the existing condition and the proposed condition, open house details, input from the open house attendees, no increase in building height proposed, and a conclusion which identified that the developer wants to work with the community on developing the area. Mauriello then responded to Traer Creek's position with regard to the six conditions included in the ordinance, and the reasons for their disagreement to each outlined condition. Munsey Ayers, Traer Creek attorney made some comments related to Planning area F & their fundamental rationale to integrate the commercial with the neighborhood and create a better buffer for Eaglebend residents. Mayor Wolfe opened the public hearing at this time and the following residents spoke:

- Bobby Bank, Avon resident, spoke about the changes, the parking garage, the public transportation, and requested that the developer present a specific plan to the development area.
- Drew Dodd, Avon resident, thanked Mr. Mauriello for his approach to this PUD amendment noting that prior PUD amendments were not handled as professionally. He asked the developer to work with the town on this future development. He expressed confusion as to why has there been so much delay in developing the property.
- Buz Dider, Avon resident, was not supportive of the application or strategy used in drafting the PUD amendment.
- Phil Struve, P&Z member, supported the conditions that were attached to the ordinance.

Mayor Wolfe closed the public hearing. The following topics were discussed and debated by Council members and Mr. Ayers representing the applicant:

- Who is responsible for bus service? It was noted that the metro district is responsible for this service and currently there are not enough funds to support providing it.
- The developer backfills the metro district for operating revenues
- Public benefits of the project vs. entitlements received per allowing the improvements
- Municipal Services formula was discussed as a result of past cooperation between the two parties to devise an acceptable formula.
- The problems the applicant has with the conditions attached to the PUD amendment.
- The need to work cooperatively.
- The applicant's desire to not change the existing PUD agreement.
- Whether or not the current application meets the findings of the minimum criteria of the design guidelines.
- Comments on height, traffic study, changes to commercial percentages, need to include more specifics on required affordable housing.

Councilor Carroll moved to approve on first reading Ordinance No. 07-10, Series of 2007, Ordinance recommending approval, with six conditions, of a PUD Amendment Application Amending the Village at Avon PUD Planning Areas E, F, H, I, and J, Filing 1, Village at Avon Subdivision, Town of Avon, County of Eagle, and Setting Forth Details Regard Thereto as well as the following conditions added to the ordinance:

- Condition (7) - the portion of Planning Area "I" added to Planning Area "F" will stay at 42 ft. height per the PUD and no further commercial changes to Planning Area "F" (stays at the 10%)

Councilor Dantas seconded the motion as stated above.

Mayor Pro Tem Sipes asked to include the following as an amendment:

- Revise the minimum amount from 0% to 30% to Planning Areas "H & I"

Councilor Carroll accepted the conditions proposed by Mayor Pro Tem Sipes.

Councilor Dantas requested the following addition:

- Planning Area "I" should be limited to the maximum height as outlined in the Town Code at 35 feet.

Mayor Wolfe asked for the following revisions to the ordinance as well:

- Condition 2): add the description of I(12)(d) of the Village at Avon PUD, include amenities "ice skating and event center"
- Condition 4): include the reference to the PUD Guide; the Annexation & Development Agreement is already included.
- Condition 4): Further propose to add a more definitive statement as to what the developer is to proposing related to the affordable housing requirement, – places specificity of type, size, quality, for sale or rental /
- Condition 6): include title of Ordinance No. 06-17 with further details to be included in this section that help clarify the passage of that legislation.

Councilor Carroll moved to accept the changes outlined above; Councilor Dantas seconded the motion and accepted the changes as well. The motion passed with a five to one roll call vote (Underwood nay). Mr. Ayers noted that he would agree to further discuss the changes to the planning areas, but the conditions that impact the Annexation Agreement pose problems.

ORDINANCES

John Dunn, Town Attorney, presented Ordinance No. 07-11, Series of 2007, Second Reading, An Ordinance Relating To The Establishment Of Special Districts Within The Town Of Avon. He made a review of the proposed legislation which will establish regulations governing existing and new "Title 32" special districts, such as metro districts, water & sanitation districts, fire districts & recreation districts. He noted that it was tabled from the last meeting per a request fro Darlene Sisneros representing Traer Creek Metro District. Several versions were presented in the notebooks and a review of the documents was made. There was a meeting with Ms. Sisneros & further substantive changes were made based on that input and further legal subcommittee input as outlined per the council packet memo. Mayor Wolfe opened the public hearing and the following person spoke and letter were submitted into the record:

- Darlene Sisneros, Traer Creek Metro District, spoke about further concerns as follows: the mill levy cap, the penalty, the ability to withhold building permits. She requested another table of the ordinance to continue the dialogue on those concerns and in the spirit of cooperation.
- Letter from Collins, Cockrel, and Cole dated November 12, 2007

Mayor Wolfe closed the public hearing. After some further deliberations related to the public input, Councilor Phillips moved to table Ordinance No. 07-11, Series of 2007, An Ordinance Relating To The Establishment Of Special Districts Within The Town Of Avon to November 27, 2007. Councilor Carroll seconded the motion and it passed unanimously.

RESOLUTIONS

John Dunn, Town Attorney, asked that Resolution No. 07-39, Series of 2007, Resolution approving Service Model Plan, be tabled until the November 27, 2007 meeting with respect to the decision on Ordinance No. 07-11 which was tabled. Councilor Underwood moved to table Resolution No. 07-39, Series of 2007, Resolution approving Service Model Plan; Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

John Dunn presented Resolution No. 07-40, Series of 2007, Resolution Certifying Delinquent Real Estate Transfer Tax for Collection by the Eagle County Treasurer. A brief review of the situation was made with regard to the taxpayer neglect to pay their Real Estate Transfer Tax on real estate transactions. With no further questions, Councilor Dantas moved to approve Resolution No. 07-40, Series of 2007, Resolution Certifying Delinquent Real Estate Transfer Tax for Collection by the Eagle County Treasurer. Mayor Pro Tem Sipes seconded the motion and it passed unanimously with a roll call vote.

TOWN MANAGER REPORT

Larry Brook, Town Manager, noted that a conversation has taken place with a local developer who has lot B under contract. There is a request for a joint work session with planning & zoning commission on 12/11/07.

CONSENT AGENDA

Mayor Wolfe asked for a motion on the Consent Agenda. Councilor Underwood moved to adopt the consent agenda without the minutes from October 23, 2007; Councilor Dantas seconded and the motion passed unanimously. Councilor Underwood moved to approve the minutes from October 23, 2007; Councilor Dantas seconded the motion and it passed unanimously.

- a. Minutes from October 23, 2007
- b. Design Workshop Add Services Contract for Avon Town Center East
- c. Change Order 2 for the 2007 Street Improvements (Shane Pegram, Engineer I)
- d. Union Pacific Railroad At-Grade Railroad Crossings, Contract with B&B Excavating, Change Order 002 (Jeff Schneider, Engineer II)
- e. B&B Excavating Proposal for Nottingham Power Plant Stabilization Plan (Waterwheel) (Shane Pegram, Engineer I)
- f. 3-D Modeling for East Town Center District Plan (Eric Heidemann, Community Development Director)
- g. Vail Valley Foundation Agreement – 2008 Fleet Maintenance Services (Jenny Strehler, Public Works/Transportation Director)
- h. Vail Resorts Dial a Ride Agreement – 2008 Fleet Maintenance Services (Jenny Strehler, Public Works/Transportation Director)
- i. Eagle County Ambulance District Agreement – 2008 Fleet Maintenance Services (Jenny Strehler, Public Works/Transportation Director)
- j. Intergovernmental Agreement between Town of Avon & Beaver Creek Metro District (Jenny Strehler, Public Works/Transportation Director) (Per Charter Section 16.2 approval requires 2/3 of Council support) Agreement related to Transportation Services to be provided by Avon Transit on behalf of the Beaver Creek Metro District – Parking Lot Shuttle & Special Services November 2007 through October 2008
- k. Agreement between Beaver Creek Resort Company and Town of Avon (Jenny Strehler, Public Works/Transportation Director) Third Party Agreement for Transportation Services to be provided by Avon Transit for BCRC November 2007 through October 2008 for Ski School Express

There being no further business to come before the Council, the meeting was adjourned at 10:35 PM.

RESPECTFULLY SUBMITTED:

Patty McKenny, Town Clerk

APPROVED:

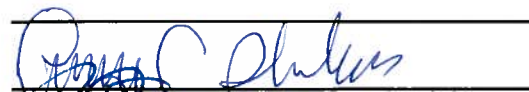
Rich Carroll



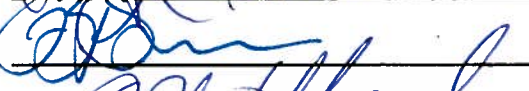
Dave Dantas



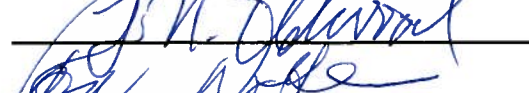
Kristi Ferraro



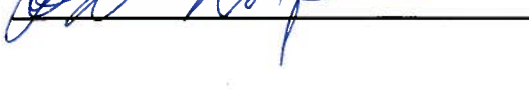
Amy Phillips



Brian Sipes



Tamra Underwood



Ron Wolfe

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD NOVEMBER 27, 2007**

A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, 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, Brian Sipes and Tamra Nottingham Underwood. Kristi Ferraro absent. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, Public Works/Transportation Director Jenny Strehler, and Community Relations Officer Becky Lawlor as well as members of the press and public.

APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST

Mayor Wolfe asked that the following changes be made:

- Ordinance No. 07-17 be considered first in order to receive public input
- Add to unfinished business the holiday lighting and public input at meetings discussion
- Remove Resolution No. 07-42 from consent agenda and consider under Resolutions

Town Attorney John Dunn asked if there were any ex parte conversations related to Village at Avon. Councilor Carroll noted a conversation; Councilor Underwood noted a conversation with Bobby Bank related to the agreement, Councilor Phillips noted a conversation with Bobby Bank related to process.

CITIZEN AND COMMUNITY INPUT

Mayor Wolfe asked for any public input on Ordinance No. 07-17, Amending Sections 3.12.020, and 3.12.060 of Avon Municipal Code, relating to exemptions from the Real Estate Transfer Tax, the following comments were heard:

- Chris Green, Avon resident, supported the compromise of the ordinance written and asked that consideration be given to all opportunities to assist the community with housing
- Leslie Rubising, resident of Avon, asked that the town reduce the transfer tax to 1%
- Phil Struve, Avon resident, supports compromise on this topic, supports reduction for local homeowners, but not for second homeowners; suggests building more Miller Ranch complexes as the real answer to the valley's housing problem
- Bill Carty, Vail Valley realtor, supported a compromise on this topic, sees it has having a larger impact on the buyers
- Buz Reynolds, Avon resident, supports compromise and providing incentives for keeping residents in Avon

Mayor Wolfe closed public input on the topic.

PUBLIC HEARING ON 2008 BUDGET

Scott Wright, Asst. Town Manager Finance, noted that the Town Charter requires a public hearing prior to the 2008 budget adoption. Citizens have had access to the budget through budget retreat meetings, Avon Library, Avon's website. Major Highlights were noted on the following topics: General Fund and Department Services, Revenues, Expenditures, Balanced Budget, Property Tax Mill Rates and Revenues, Debt Service, Personnel, Subsidy in Transit Department increase. Mayor Wolfe opened the public hearing, no comments were made, and the hearing was closed. It was noted that if RETT revenues were decreased due to adoption of

the proposed Ordinance No. 07-17, the 2008 budget may need to be revised during the 2008.

APPEALS FROM OR RECOMMENDATIONS OF PLANNING & ZONING COMMISSION

PUBLIC HEARING on Village at Avon PUD Amendment:

Eric Heidemann, Community Development Director, presented Ordinance No. 07-10 on second reading, An Ordinance recommending approval, with conditions, of a PUD Amendment Application Amending the Village at Avon PUD Planning Areas E, F, H, I, and J, Filing 1, Village at Avon Subdivision, Town of Avon, County of Eagle, and Setting Forth Details Regard Thereto. Mr. Heidemann noted that a letter to table the ordinance until January 22, 2008 was submitted by Munsey Ayers, Otten, Johnson, Robinson, Neff and Ragonetti (letter dated November 21, 2007). He noted that at the last meeting on November 13, 2007, council approved the ordinance on first reading and staff was directed to work with the applicant to further negotiate the conditions set forth in the ordinance based on conversations held that night. A brief review of the timeline was made, noting that almost six months have passed since the application was deemed complete by the Community Development Department. It was noted that notice would be made again for the next public hearing on the ordinance. Mayor Wolfe opened the public hearing and the following comments were made:

- Bobby Bank, Avon resident, did not support the PUD amendment; requested a master plan of the development asking that council deny the ordinance

Mayor Wolfe closed the public hearing. Dominic Mauriello, on behalf of Traer Creek, addressed the length of time passing in part is due to the holiday season. Council discussed the suggested timeline for consideration of the application, noting that a progress update should be provided at the December 11th meeting. Councilor Dantas moved to table the consideration of Ordinance No. 07-10, Ordinance recommending approval, with conditions, of a PUD Amendment Application Amending the Village at Avon PUD Planning Areas E, F, H, I, and J, Filing 1, Village at Avon Subdivision, Town of Avon, County of Eagle, and Setting Forth Details Regard Thereto, to January 8, 2007; Councilor Phillips seconded the motion. Councilor Carroll asked that the notice would be made again to the public of the new hearing date and recommended that the new hearing date be January 22, 2008. Both Councilors Dantas and Phillips agreed to the amendment to the motion and to change the date to January 22, 2008. The motion passed with a four to one roll call vote (Underwood- nay; Ferraro – absent).

ORDINANCES

Scott Wright, Assistant Town Manager Finance presented Ordinance No. 07-17, Series of 2007, First Reading, Ordinance Amending Sections 3.12.020 and 3.12.060, Avon Municipal Code, Relating to Exemptions from the Real Estate Transfer Tax. He noted that the legislation Amends Chapter 3.12 of the Town's Municipal Code by adding an additional exemption for town residences who have previously utilized the primary residence exemption and who are now purchasing a subsequent primary residence within the Town as long as the applicant has met the requirements of the first exemption. The Town amended the code to allow for one year after the date of closing to apply for the exemption. Some of Council's comments included the following:

- The language of the ordinance should align with that of Miller Ranch Project
- Some of the language does not coincide with language related to Avon's proposed housing guidelines
- Noted that RETT funds are used for capital projects that everyone benefits from
- Limit the language to the "buyer" only
- Limit the language to a maximum amount

Councilor Underwood moved to approve on first reading Ordinance No. 07-17, Series of 2007, Ordinance Amending Sections 3.12.020 and 3.12.060, Avon Municipal Code, Relating to Exemptions from the Real Estate Transfer Tax with the following changes:

1. *Eagle County Employee means an employee, working in Eagle County who works an average of **at least thirty (30) hours per week***
2. *typo sisty to **sixty***
3. *who has worked a minimum of five years in Eagle County for an average of **at least thirty (30) hours per week on an annual basis***
4. *Section (16) b 1: An affidavit that the applicant's current primary residence **used to satisfy the requirements of paragraph 15** is within the Town, that the applicant meets the definition of an Eagle County Employee, that the real property is being purchased for use as a new primary residence and not for investment, **and the applicant is the purchaser of the primary residence; and,***

Mayor Pro Tem Sipes seconded the motion and it passed unanimously by those members present (Ferraro absent).

John Dunn, Town Attorney, presented Ordinance No. 07-11, Series of 2007, Second Reading, An Ordinance Relating To The Establishment Of Special Districts Within The Town Of Avon. He made a review of the proposed legislation which will establish regulations governing existing and new "Title 32" special districts, such as metro districts, water & sanitation districts, fire districts & recreation districts. He noted that it was tabled from the last meeting per a request fro Darlene Sisneros representing Traer Creek Metro District. He noted that further revisions were made and outlined per his memo included in council's packet and that a further tabling has been requested by Darlene Sisneros, McGeady Sisneros. Further suggested changes were made by attorneys and incorporated into the ordinance, i.e. Page (7) of the special district ordinance – change from 42 days to 55 days; and reflect the change as well to the model service plan (page 7, section 16). Darlene Sisneros, McGeday Sisneros, further recommended changes to Page (4) to mill levy & the "mill levy cap" language, some discussion ensued on that request.

Mayor Wolfe opened the public hearing and the following person spoke and letter were submitted into the record:

- Michael Neary, Madison Partners who are the developers for the Folsom property, commented on the need for flexibility on this topic, asked for changes to the cap on the mill levy, encourages them to make development more feasible in Avon.

Mayor Wolfe closed the public hearing.

Further discussion ensued on the mill levy cap language and financing ability related to that language. Councilor Underwood moved to approve Ordinance No. 07-11, Series of 2007, Second Reading, An Ordinance Relating to the Establishment of Special Districts within the Town of Avon with the following changes:

- Page 3: 18.01.04 marked change per council packet enclosure
- Page 4: 18.01.05 Model Service Plan: (b)(2) The mill levy assessed by the District on real or personal property within the District shall be in an amount sufficient to satisfy only debt service and operations of the District. The burden shall be on the applicant to justify a proposed mill levy which exceeds the maximum mill levy set forth in the Model Service Plan. If a mill levy cap is imposed, the mill levy cap may be adjusted by the District to take into account legislative or constitutionally
- Page 7: 18.01.05 Model Service Plan: (b)(20) include 55 days
- Page 16: 18.01.15 Amendment (last paragraph) – add "only"
- Page 17: Delete effective date section

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

Brian Kozak, Police Chief, presented Ordinance No. 07-14, Series of 2007, First Reading, An Ordinance Repealing And Reenacting Section 9.08.030 Of The Avon Municipal Code Relating To The Definition Of Larceny. Kozak noted that by changing the definition of Larceny in the Avon Municipal code, crimes with less than \$1,000 can be heard in the Avon Municipal Court; currently Avon Municipal Court is limited to hearing crimes involving a value of \$30 or less. Mayor Pro Tem Sipes moved to approve Ordinance No. 07-14; Councilor Phillips seconded the motion and it passed unanimously by those members present (Ferraro absent)

Brian Kozak, Police Chief, presented Ordinance No. 07-15, Series of 2007, First Reading, An Ordinance Enacting Section 1.08.015 Of The Avon Municipal Code Relating To A Law Enforcement Training Surcharge. It was noted that the proposed surcharge imposed for violations of the Avon Municipal Code would be used to reimburse the Town for training expenses of the police department. Mayor Pro Tem Sipes moved to approve Ordinance No. 07-15; Councilor Phillips seconded the motion and it passed unanimously by those members present (Ferraro absent)

Town Engineer Justin Hildreth presented Ordinance No. 07-16, Series of 2007, First Reading, An Ordinance Amending Section 17.44.040 Of The Avon Municipal Code To Reference The December 4, 2007 Flood Insurance Rate Map (Firm) For Eagle County And Incorporated Areas He noted that the FIRM is a map provided by FEMA which delegates the floodplain; the current municipal code refers to the FIRM dated August 19,1987 and should refer to the new map dated December 4, 2007 The most recent passage adopted the 1987 version; this ordinance adopts a newly revised map. Councilor Underwood moved to approve Ordinance No. 07-16; Councilor Dantas seconded the motion and it passed unanimously by those members present (Ferraro absent)

RESOLUTIONS

John Dunn, Town Attorney, presented Resolution No. 07-39, Series of 2007, Resolution approving Service Model Plan noting some of the following proposed changes that need to be made to the resolution based on the earlier discussion about the ordinance.

Councilor Underwood moved to approve Resolution No. 07-39, Series of 2007, Resolution approving Service Model Plan with changes noted as follows:

Page 7: Section V (16) should be 55 days not 42 days

Page 9: Section VI (D) for both debt service & operating purposes and other typos as noted by town attorney

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

Town Manager Larry Brooks presented Resolution No. 07-42, Resolution approving a down payment assistance program, as requested by the Town Council during the budget retreat. He noted that the program is for selected employees of the town, for commissioned police officers & department heads. He noted the exhibit which explains the loan format of the program and the funds come from Avon's housing fund. He noted that other documents from other agencies are being compiled, the program has been reviewed by Sherman & Howard, and the town will recover funds from interest or appreciation of the property. Again, he noted that this is an

opportunity to help vital employees to keep the communities functioning as a town – directly affecting the health & safety of the citizens and in response the difficulties that exist with recruiting and retention. Councilor Dantas noted that it should be clear that the employee pays for the appraisals and to include language to that effect. Councilor Underwood noted that the residency requirements be outlined in the guidelines & not in the resolution. Mayor Pro Tem Sipes moved to approve Resolution No. 07-42, Series of 2007, A Resolution approving the Town of Avon Down Payment Assistance Program. Councilor Underwood seconded the motion and it passed unanimously by those members present (Ferraro absent).

NEW BUSINESS

John Dunn, Town Attorney, presented the information related to the Eaglebend Exclusion, a review of Citizens' Petitions requesting exclusion from Eagle-Vail Metropolitan District and proceedings related to the request. He noted that a meeting would be arranged with EVMD to discuss the request. He noted that the meetings will take place prior to meeting in district court in order to work with parties to agree to mutually agreeable situation. The council would be kept updated as to the progress on this effort.

UNFINISHED BUSINESS

Two topics were discussed: 1) when to obtain Public comments and the holiday lighting contest.

MAYOR REPORT

Mayor Wolfe reported on a meeting with the USFS appraiser; he provided an updated on that meeting.

CONSENT AGENDA

Mayor Wolfe asked for a motion on the Consent Agenda. Mayor Pro Tem Sipes commented on the agreement with Victor Mark Donaldson, noting several concerns related to contract administration, Budget contingency, costs estimating, and a request to include more LEED specific building parameters. The item was removed from the consent agenda. Councilor Underwood moved to adopt the consent agenda without the proposal from Mark Donaldson; Councilor Carroll seconded and the motion passed unanimously (Ferraro absent).

- a. Minutes from November 13, 2007
- b. Proposal for Base Mapping and Design Services for Avon Recreation Center from Victor Mark Donaldson Architects (Shane Pegram, Engineer I)
- c. Proposal of Budgetary Changes to 2007 Capital Improvements Projects (Justin Hildreth, Town Engineer)

There being no further business to come before the Council, the meeting was adjourned at 8:30 PM.


RESPECTFULLY SUBMITTED:



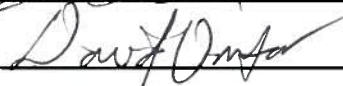
Patty McKenny, Town Clerk

APPROVED:


Rich Carroll



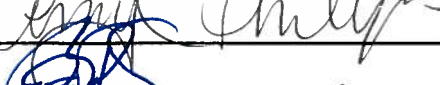
Dave Dantas




Kristi Ferraro



Amy Phillips



Brian Sipes



Tamra Underwood



Ron Wolfe

