

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD OCTOBER 27, 2009**

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

Mayor Ron Wolfe called the meeting to order at 5:30 PM. A roll call was taken and Council members present were Rich Carroll, Dave Dantas, Kristi Ferraro, Amy Phillips, Buz Reynolds and Brian Sipes. Also present were Town Attorney Eric Heil, Town Manager Larry Brooks, Director Administrative Services Patty McKenny, Town Engineer Justin Hildreth, Planning Manager Matt Gennett, Assistant Town Manager Finance Scott Wright, Police Chief Brian Kozak, and Public Works and Transportation Director Jenny Strehler as well as members of the public.

**INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**

Mayor Wolfe noted that both b) and c) under the Consent Agenda would be considered as New Business in order that further Council discussion take place.

- b. Resolution No. 09-28, Series of 2009, Resolution Consenting to Upper Eagle Regional Water Authority Increase in Base Rate (Eric Heil, Town Attorney)
- c. Change Order 01-Felsburg Holt & Ullevig (Justin Hildreth, Town Engineer) Request additional monies for consultant related to scope change on Comprehensive Transportation Plan

It was also noted that Justin Hildreth would be presenting Ordinance No. 09-17 instead of Jenny Strehler.

**Community & Citizen Input**

- ✓ Bob Doyle, Bob's Place Avon, noted his support of the construction of a Nottingham Park Pavilion.
- ✓ Roger Benedict, Business Owner & ABA, noted the ABA's support of the pavilion.

**DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST**

Town Attorney noted that there are no items that would require disclosures.

**CONSENT AGENDA**

Mayor Wolfe asked for a motion on the consent agenda. Mayor Pro Tem Sipes moved to approve the consent agenda as amended; Councilor Ferraro seconded the motion and it passed unanimously.

- a. Minutes from October 13, 2009

**ORDINANCES**

Justin Hildreth, Town Engineer, presented Ordinance No. 09-15, Series of 2009, Second Reading, Ordinance Approving the Water Easement to Upper Eagle River Water Authority, Tract A, Riverfront Subdivision. Staff noted that the ordinance is for granting a water line easement to the Upper Eagle River Water Authority for a water line that was constructed as part of the Riverfront Subdivision. Town Attorney Eric Heil had suggested that the easement be done by a quit claim deed; it was noted that the UERWA Board had not yet adopted those changes in language. Justin Hildreth noted that staff recommended a tabling of the ordinance so that UERWA could have additional time need to approve the language. Mayor Wolfe opened the public hearing, no comments were heard, and the public hearing was closed. Councilor Carroll moved to table Ordinance No. 09-15, Series of 2009, Second Reading, Ordinance Approving the Water Easement to Upper Eagle River Water Authority, Tract A, Riverfront Subdivision. Councilor Phillips seconded the motion and it passed unanimously.

Matt Gennett, Planning Manager, presented Ordinance No. 09-16, Series of 2009, First Reading, Ordinance approving the Court at Stonebridge, PUD Tract B, Eaglebend Subdivision, Filing # 3 to allow Short term Rental Use, Town of Avon, Eagle County. He noted that the ordinance addresses the Amendment to the Court at Stonebridge PUD allowing for Short Term Rentals. Matt Gennett presented an overview on the application. Town Attorney Eric Heil clarified the public hearing requirement for ordinances and for zoning changes. He noted that the ordinance was simple and straightforward and that debates might occur on second reading and after P&Z has received the application. Council asked that the full application be presented to them on first reading. Tyson Kennedy, property owner at Stone Bridge answer questions and noted that of 19 voters, 17 were reached; 3 were not reached and all were in favor of the short term rental use. The ordinance would be considered by Planning & Zoning Commission on November 3, 2009 and back to the Town Council on November 10, 2009 for a public hearing and final vote. Councilor Reynolds moved to approve Ordinance No. 09-16, Series of 2009, First Reading, Ordinance approving the Court at Stonebridge, PUD Tract B, Eaglebend Subdivision, Filing # 3 to allow Short term Rental Use, Town of Avon, Eagle County. Councilor Ferraro seconded the motion and it passed unanimously.

Justin Hildreth, Town Engineer, presented Ordinance No. 09-17, Series of 2009, First Reading, Ordinance Amending Chapter 12.16 of the Avon Municipal Code. He noted that the ordinance included amendments to clarify several terms and setting forth definitions regarding sidewalks. Discussion ensued on the burden it places on those property owners who abut the sidewalks and the ditches and those on the downward slope who don't have any burden, in essence the equity piece of the repair and maintenance of such property. It was also suggested to address public pathways; Town Attorney noted that such applicability would not necessarily apply to private property pathways. It was noted that the map would be very important to the enforcement of the legislation; it would be submitted for second reading. Councilor Ferraro moved to approve Ordinance No. 09-17, Series of 2009, First Reading, Ordinance Amending Chapter 12.16 of the Avon Municipal Code with some minor changes as follows:

*Abutting property owner* means the owner of property abutting a public right-of-way or easement area which contains (1) a sidewalk with the right of access for the general public, a(2) an open storm drainage ditch, or (3) a driveway culvert which serves the ~~abuttingsuch~~ property."

Councilor Phillips seconded the motion and it passed unanimously.

## **NEW BUSINESS**

Councilor Carroll noted some questions related to the Change Order 01-Felsburg Holt & Ullevig, a change which was a request for additional monies for the consultant related to scope change on the Comprehensive Transportation Plan. Justin Hildreth, Town Engineer, answered some questions about the scope change as it related to the extra meetings and document changes; he noted that staff reviewed their requests and verified the amounts being considered by the council as appropriate. All agreed that there was the need for additional dialogue between P&Z and the council as to the purpose of the document. This realistically led to some of the scope changes and thus the financial impacts. Councilor Phillips moved to approve the Change Order 01 for Felsburg Holt & Ullevig; Councilor Carroll seconded the motion and it passed unanimously.

Councilor Sipes stepped down at this time due to conflict of interest. Town Manager Larry Brooks presented the topic on the Professional Services Agreement to Vag, Inc. for Design of Harry A. Nottingham Park Pavilion and noted that additional information that was asked of staff would need to be presented at the next meeting, i.e. matrix of the proposals submitted. He noted that the item be tabled until the next meeting at which time staff would have ample time to compile information on both proposals. There was some clarification on the costs related to the

design work on the pavilion after removing the promenade portion of the project as decided on at the council budget retreat. Discussion ensued about some of the following concerns:

- Ability to pay for both the design and the construction
- Conversations had by the pavilion committee about its mission
- Size of the stage
- Requests that the area be staked
- HVAC and electrical supply needs
- Annual operating expenses
- Pavilion Programming

Councilor Reynolds moved to table the award of the design contract at this time until further information is received at the next council meeting. Councilor Dantas seconded the motion and it passed unanimously.

#### **RESOLUTIONS**

Mayor Wolfe presented Resolution No. 09-28, Series of 2009, Resolution Consenting to Upper Eagle Regional Water Authority Increase in Base Rate. It was noted that Becky Bultemeier, ERWSD, Customer and Financial Services Manager, presented Upper Eagle Regional Water Authority's Proposed Base Rate and Plant Investment Fee Increase for January 2010 at the last meeting on October 13, 2009. She explained that the UERWA proposed January 2010 rate increase of \$3.91/SFE (or 9% increase in average customer bill) and 3% increase in plant investment fee rates. Further discussion ensued on the topic with some suggested changes made to the resolution that would approve the increase to only pay the 2009 Revenue Bond indebtedness. Councilor Dantas moved to approve Resolution No. 09-28, Series of 2009, Resolution Consenting to Upper Eagle Regional Water Authority Increase in Base Rate with the following changes to the resolution:

1. Delete language in the first "Whereas" to read: Whereas, the Board of Directors of the Water Authority have proposed a Base Rate Increase to accommodate the payment of Debt Service on the proposed Series 2009 Revenue Bonds, ~~and possibly other future bonds (the "Bonds")~~
2. Include language in #1 – to read: The proceeds from the Debt Service Base Rate shall be solely for debt services payments on the Series 2009 Revenue Bonds.

Councilor Carroll seconded the motion with the changes and the motion passed with a roll call vote.

#### **TOWN MANAGER REPORT**

Larry Brooks, Town Manager, noted that he would be attending CAST this week.

#### **MAYOR REPORT**

Mayor Wolfe provided updates on the following topics:

- ✓ ECO Transit Meeting
- ✓ Multi Party Land Exchange
- ✓ Eagle County School District Update on use of Battle Mountain

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

**RESPECTFULLY SUBMITTED:**


  
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Patty McKenny, Town Clerk

**APPROVED:**

Rich Carroll 

Dave Dantas 

Kristi Ferraro 

Amy Phillips 

Albert "Buz" Reynolds 

Brian Sipes 

Ron Wolfe 