

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD NOVEMBER 10, 2009**

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, new Assistant Town Manager Community Development Sally Vecchio 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 a request has been made to move #10 prior to consideration of #9 due to a conflict of interest issue for Councilor Ferraro.

DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

Town Attorney noted that there were several items that would create a conflict of interest for several business items where council members would need to step down, including Ordinance No. 09-14, the Red House Property Resolutions and Ordinance and the Professional Service Agreement for Design Services on the town's proposed pavilion.

NEW BUSINESS

Mayor Wolfe presented a Fee Agreement with Heil Law and Planning, LLC, for Eric Heil, current town attorney who was forming his own law firm. Councilor Ferraro noted a couple of recommended changes to the agreement. The Town Manager noted that the arrangement included a reduced fee consistent with the town's personnel cost savings program of 3%. Councilor Ferraro moved to approve the Fee Agreement with Heil Law and Planning, LLC; Councilor Phillips seconded the motion and it passed unanimously.

Mayor Wolfe opened the **Public Hearing** on the 2010 Town of Avon Budget and 2010 Capital Projects Fund Budget & Five Year Long Range Plans. No comments were heard and the public hearing was closed.

CONSENT AGENDA

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

- a. Minutes from October 27, 2009

RECOMMENDATIONS OF PLANNING & ZONING COMMISSION

Matt Gennett, Planning Manager, presented Ordinance No. 09-16, Series of 2009, Second 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. Tyson Kennedy, property owner at Stone Bridge was present to answer any questions. Mayor Wolfe opened the public hearing, no comments were made, the hearing was closed. Councilor Phillips 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.

ORDINANCES

Meryl Jacobs, Recreation Director, presented Ordinance No. 09-18, Series of 2009, First Reading, An Ordinance Repealing Resolution numbers 84-23 AND 87-19 and adopting CHAPTER 9.4 concerning regulations for the use of Public Parks and Special Events Areas and Penalties for Violations. Ms. Jacobs provided a brief summary of the purpose of the ordinance as a follow up to the adoption of the Nottingham Park Master Plan. It was noted during that process that an update to the rules and regulations concerning proper use of Town parks and special events areas was in order. Items addressed in the ordinance included the following items:

- Codification of Regulations
- Establishing designated hours for park use
- Use for Nottingham Lake and the park
- Violations Process and Procedures

Councilor Dantas moved to approve Ordinance No. 09-18, Series of 2009, Ordinance Repealing Resolution numbers 84-23 AND 87-19 and adopting CHAPTER 9.4 concerning regulations for the use of Public Parks and Special Events Areas and Penalties for Violations. Mayor Pro Tem Sipes seconded the motion and it passed. It was noted that the public hearing would take place at the November 24, 2009.

Councilor Reynolds stepped down from the podium at this time due to a conflict of interest. Matt Gennett, Planning Manager, presented Ordinance No. 09-14, Series of 2009, Second Reading, Ordinance approving a Planned Unit Development (PUD) application for the Gandorf ("PUD"), Tract B, Block 1, Wildridge Subdivision, Town of Avon, Eagle County, Colorado. He noted that this was a request for review of an amendment to the Wildridge PUD to remove the "Light Commercial" land-use designation from Tract B, and replace the currently allowed "4 apartment" residential designation with the allowance for two duplex structures. The dwelling units are proposed to contain between 1,500 and 1,900 sq. ft. of living area. Mayor Wolfe noted the following:

- An original proposal was submitted by the applicant
- Ordinance under consideration takes into account the direction from the town council to continue dialogue with the applicant about obtaining a deed restricted unit as a public benefit option.

Dominic Mauriello, MPG, summarized the application and proposal before the town council, noting the action and recommendations made by the P&Z Commission. He noted that the public benefit of the project would include the down zoning proposal and elimination of the neighborhood commercial aspect of the zoning. He noted that staff did not accept their two proposals, and reviewed them for council. He noted that the suggestion by the town to include one unit as deed restricted was too heavy handed for this project. Some discussion ensued about the cost of the units and what would be acceptable for the public benefit offering. Paul Matsen, applicant, answered some questions about the financial pro forma for the project. After some extensive dialogue about the public benefit, Council expressed support for the ordinance included in the packet that would require the applicant to provide for one deed restricted unit. Mayor Wolfe opened the public hearing, no comments were heard, the hearing was closed. In light of the Council's support of the ordinance, the need to provide for a draft of the deed restriction language, and the applicant needing to further evaluate the request, the preference to table the ordinance was discussed. Councilor Carroll moved to table Ordinance No. 09-14,

Series of 2009, Second Reading, Ordinance approving a Planned Unit Development (PUD) application for the Gandorf ("PUD"), Tract B, Block 1, Wildridge Subdivision, Town of Avon, Eagle County, Colorado. Councilor Phillips seconded the motion and it passed unanimously. (Reynolds recused due to conflict of interest).

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 adopted those changes in language. Mayor Wolfe opened the public hearing, no comments were heard, and the public hearing was closed. Councilor Ferraro 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.

Jenny Strehler, Director PW&T, presented Ordinance No. 09-17, Series of 2009, Second Reading, Ordinance Amending Chapter 12.16 of the Avon Municipal Code, An ordinance amending sidewalk regulations. The map was presented and would be very important to the enforcement of the legislation. Mayor Wolfe opened the public hearing, no comments were heard, and the public hearing was closed. Some discuss ensued on amending the map and what to include and not to include; some revisions would be made addressing the Wildridge & W. Beaver Creek walking trails that run along the roads. Councilor Ferraro moved to approve Ordinance No. 09-17, Series of 2009, First Reading, Ordinance Amending Chapter 12.16 of the Avon Municipal Code; Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

UNFINISHED BUSINESS

Mayor Pro Tem Sipes stepped down from this discussion due to a conflict of interest. Justin Hildreth, Town Engineer, presented the Professional Services Agreement for Design of Harry A. Nottingham Park Pavilion for discussion. He noted that staff continued to recommend awarding the contract to Vag, Inc. not to exceed \$32K. It was noted that this design work would be funded by the Holy Cross Community Enhancement Funding. Some discussion ensued about the specifics of the proposal related to landscaping and subcontractors. Councilor Phillips moved to award the contract to Vag, Inc.; Councilor Dantas seconded the motion and it passed with a three to two vote (Carroll, Ferraro – nay; Sipes recused due to conflict of interest).

RED HOUSE PROPERTY

Councilor Ferraro stepped down from the discussion due to a conflict of interest on this agenda matter. Shane Pegram, Engineer II, presented the following documents for Council's consideration as follow up to the recent annexation of the Red House Property into the Town of Avon:

Resolution No. 09-29, Series of 2009, Resolution Approving the Final Plat, Eagle River at Avon, A Resubdivision of Lots 1 and 2, Exemption Plat, Red House, Section 12, Township 5 South, Range 82 West of the Sixth Principal Meridian, Town of Avon, Eagle County, Colorado (Shane Pegram, Engineer II)

Resolution No. 09-30, Series of 2009, Resolution Approving a Second Supplemental Water Lease Agreement With The Upper Eagle River Water Authority (Shane Pegram, Engineer II)

This agreement increases the total SFE's that the Authority will service to the Town by 15 SFE's to account for the Red House development

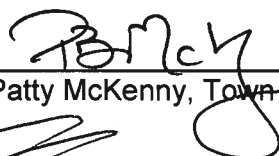
It was noted that the final plat was submitted by the applicant, Pylman and Associates, Inc. for the Eagle River at Avon (aka Red House) development. Councilor Carroll asked about the Certificate of Dedication of Ownership and the language related to dedication of the river tract. Council provided direction as to what language they wanted on the final plat that would address the types of activities allowed for in that area. After some discussion on the topic, it was suggested to table Resolution No. 09-29 and Resolution No. 09-30. Councilor Carroll moved to table Resolution No. 09-29; Councilor Phillips seconded the motion and it passed unanimously (Ferraro recused due to conflict of interest). Councilor Carroll moved to table Resolution No. 09-30 Councilor Phillips seconded the motion and it passed unanimously (Ferraro recused due to conflict of interest).

Ordinance No. 09-19, Series of 2009, First Reading, An Ordinance Approving a Landscape Construction and Maintenance Easement Agreement between the Town and Vail Associates, Inc. (Shane Pegram, Engineer II) This easement agreement is part of the Development Agreement with Vail Associates, Inc. for the Red House Property

Shane Pegram, Engineer II, presented Ordinance No. 09-19 as referenced above. He noted that the Easement Agreement would allow the Vail Corporation to fulfill obligations to construct, install and maintain certain landscape and irrigation improvements. The improvements would be required by a future Subdivision Improvements Agreement that is required prior to issuance of a building permit. It was agreed to move forward on first reading with action on this item, and then second reading would occur at the same time the resolutions would be considered upon completion of recommended changes. Councilor Carroll moved to approve Ordinance No. 09-19, Series of 2009, First Reading, An Ordinance Approving a Landscape Construction and Maintenance Easement Agreement between the Town and Vail Associates, Inc.

There being no further business to come before the Council, the regular meeting adjourned at 7:30 PM.

RESPECTFULLY SUBMITTED:

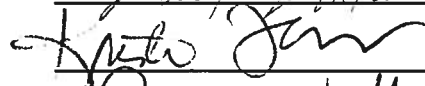


Patty McKenny, Town Clerk

APPROVED:

Rich Carroll  _____

Dave Dantas  _____

Kristi Ferraro  _____

Amy Phillips  _____

Albert "Buz" Reynolds  _____

Brian Sipes  _____

Ron Wolfe  _____