

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD JANUARY 26, 2010**

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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, Assistant Town Manager Management Services Patty McKenny, Town Engineer Justin Hildreth, Assistant Town Manager Finance Scott Wright, Police Chief Brian Kozak, Assistant Town Manager Community Development Sally Vecchio and Public Works and Transportation Director Jenny Strehler as well as members of the public.

**DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST**

Town Attorney Eric Heil noted a conflict of interest for Councilor Ferraro for the Red House documents under Resolution & Ordinances.

**COMMUNITY INPUT**

- a. Chris Kline, sixteen year resident of Avon on W. Beaver Creek Blvd., commented on his recent correspondence from the town on his light fixture and his concern about imposing this on residents. It was noted that the legislation was adopted five years ago and residents would be required to comply. After some discussion, Council directed staff to return with a proposal to extend the date for compliance.
- b. Brian Kolso, Wildridge resident, commented on the recycling area in Avon as being a "mess". He noted that there were other locations that have a much better appearance. It was noted that the Eagle Valley Alliance is the group responsible for maintaining the site. Sally Vecchio, Assistant Town Manager, noted that the town has contacted the Alliance about violations to the Municipal Code with regard to signage and the fence.

**CONSENT AGENDA**

Mayor Wolfe asked for a motion on the consent agenda. Councilor Dantas noted that he did not agree with the proposal or manner in which to repair the Rec Center roof. He suggested that it should be vented below to get rid of the moisture. There was discussion about a warranty period and who would be responsible if problems reoccurred. Mayor Pro Tem Sipes moved to approve the consent agenda; Councilor Ferraro seconded the motion and it passed unanimously.

- a. Minutes from January 12, 2010
- b. 2009 Audit Engagement Letter (Scott Wright, Asst. Town Manager Finance) Contract with McMahan and Associates for auditing services
- c. Engagement Proposal from Heizer Paul LLP (Eric Heil, Town Attorney) Proposal for legal services
- d. Revised Engagement Letter from Heil Law and Planning LLC (Eric Heil, Town Attorney) Revised proposal for legal services with revisions to insurance coverages
- e. Resolution No. 10-02, Series of 2010, Resolution authorizing a contract with the Colorado Department of Natural Resources, Division of Wildlife related to Project FIF-1659-10, Harry A. Nottingham Lake Fishing Pier, for Construction of a Fishing Pier and Access Path (Shane Pegram, Engineer II)
- f. Wiss, Janey, Elstner Associates, Inc. (Shane Pegram, Engineer II) Proposal to complete construction documents for the Recreation Center Roof Replacement and CMU Block Repair

## **RESOLUTION**

Sally Vecchio, Assistant Town Manager Community Development, presented Resolution No. 10-03, Series of 2010, Resolution Readopting a Temporary Fee Reduction and Waiver Program for Zoning, Design Review and Building Permit Applications Collected by The Town of Avon. She noted that this Resolution addressed the extension to the fee waiver program and noted that if council did not want to proceed with adopting the resolution, there would be no action taken because the current resolution expires on its own. Comments were made in both support and opposition to extending the program. Councilor Ferraro moved to approve Resolution Readopting a Temporary Fee Reduction and Waiver Program for Zoning, Design Review and Building Permit Applications Collected by The Town of Avon. Councilor Reynolds seconded the motion and it passed with a four to three vote (Dantas, Reynolds, Sipes, Wolfe – yea; Carroll, Ferraro, Phillips – nay). It was noted that the program expires May 12, 2010, and staff was directed to be proactive in getting the “word out” about this fee reduction.

Councilor Ferraro recused herself from the meeting at this time (6:30 PM) due to a conflict of interest with the remainder of the agenda items.

Sally Vecchio, Assistant Town Manager Community Development, presented 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. She noted that this was a Revised Final Plat for Red House Development. It was noted that was tabled at the November 10 and December 8, 2009 Meetings. She reviewed in detail the “Restrictive Covenants” as outlined in the council memo and noted on the final plat; both the applicant and staff were in agreement with the language. Councilor Phillips moved to approve 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. Mayor Pro Tem Sipes seconded the motion and it passed unanimously by those present (Ferraro recused).

Shane Pegram, Engineer II, presented Resolution No. 09-30, Series of 2009, Resolution Approving a Second Supplemental Water Lease Agreement With The Upper Eagle River Water Authority. It was noted that 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 and that the Resolution was tabled at November 10 and December 8, 2009 Meetings. It was noted that this Second Supplement Water Lease Agreement will update the Water Lease Agreement to include the Red House Development, dedicating the appropriate water rights to serve the needs of the project. Mayor Pro Tem Sipes moved to approve Resolution No. 09-30, Series of 2009, Resolution Approving a Second Supplemental Water Lease Agreement With The Upper Eagle River Water Authority. Councilor Carroll seconded the motion and it passed unanimously by those present (Ferraro recused).

## **ORDINANCES**

Shane Pegram, Engineer II, presented Ordinance No. 09-19, Series of 2009, Second Reading, An Ordinance Approving a Landscape Construction and Maintenance Easement Agreement between the Town and Vail Associates, Inc. He noted that this easement agreement is part of the Development Agreement with The Vail Corporation d/b/a Vail Associates, Inc. for the Red House Property and requires the owner to fulfill obligations to construct, install and maintain certain landscape and irrigation improvements on the property.

Mayor Wolfe opened the Public Hearing, no comments were made, the hearing was closed. Councilor Carroll moved to approve Ordinance No. 09-19, Series of 2009, Second Reading, An Ordinance Approving a Landscape Construction and Maintenance Easement Agreement between the Town and Vail Associates, Inc. Councilor Phillips seconded the motion and it passed unanimously by those present (Ferraro recused).

**TOWN MANAGER REPORT**

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

- ✓ NWCCOG membership, dues, and provided services with elevator maintenance
- ✓ Water Treatment Plant

**MAYOR REPORT**

Ron Wolfe, Mayor, presented updates on the following topics:

- ✓ Balancing the ECO budget with a reduction in service level
- ✓ US Forest Service Land Exchange

There being no further business to come before the Council, the regular meeting adjourned at 6:55 PM.

**RESPECTFULLY SUBMITTED:**

  
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Patty McKenny, Town Clerk

**APPROVED:**

Rich Carroll

  
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Dave Dantas

  
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Kristi Ferraro

  
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Amy Phillips

  
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Albert "Buz" Reynolds

  
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Brian Sipes

  
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Ron Wolfe

  
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