



**1. CALL TO ORDER AND ROLL CALL**

Mayor Carroll called the meeting to order at 5:35 PM. A roll call was taken and Council members present were Dave Dantas, Chris Evans, Jennie Fancher, Todd Goulding, Buz Reynolds and Jake Wolf. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Assistant Town Manager/Town Clerk Patty McKenny, Finance Director Scott Wright, Planners Matt Pielsticker and Jared Barnes, Community Relations Officer Jaime Walker, as well as other staff members and the public.

**2. APPROVAL OF AGENDA**

There were no changes to the agenda.

**3. PUBLIC COMMENT**

There were no comments at this time.

**4. ACTION ITEMS**

4.1. Approval of Minutes from February 26, 2013

Mayor Carroll asked for a motion on the minutes. Councilor Dantas moved to approve the minutes; Councilor Reynolds seconded the motion and it passed unanimously by those voting (Council Evans abstained).

4.2. Request to Transfer Town of Avon Radio License to Eagle County per Letter to Federal Communication Commission (Lt. Greg Daly)

It was noted that a request was made by the Police Department to execute a letter to the Federal Communications Commission that would allow for the assignment of the Town of Avon license (Call Sign WPRG237) from the Town to Eagle County in order to streamline management of the county wide system. Councilor Fancher asked if the Town would be able to get another license in the future. Finance Director Scott Wright noted that the town does have other licenses and that the transfer of this license would just consolidate this frequency to the County oversight. Mayor Pro Tem Goulding moved to approve the letter to the FCC that assigns the town's license currently in the name of the Town (officially "Avon, Town of", call sign WPRG237) to Eagle County (officially "Eagle, County of", Colorado). Councilor Evans seconded the motion and it passed unanimously.

4.3. Wildridge Point Subdivision (Jared Barnes, Planner I)

4.3.1. Resolution 13-11, Series of 2013, Resolution Approving a Variance from Sections 7.32.020(e)(6) and 7.32.020(e)(7) for Lots 2 and 3, Wildridge Point, A Resubdivision of Lots 33-34, Block 4, Wildridge Subdivision, Town of Avon, Eagle County, Colorado

4.3.2. First Reading of Ordinance 13-05, Series of 2013, Ordinance Approving A Minor PUD Amendment and Minor Subdivision for Wildridge Point on Lots 33 and 34, Block 4, Wildridge Subdivision, Town of Avon, Eagle County, Colorado

Councilor Dantas recused himself at this time due to a conflict of interest. The Applicant, Dominic Mauriello of Mauriello Planning Group, representing the owner, Mountain C.I. Holdings LTD, reviewed the submitted Minor PUD Amendment, Minor Subdivision, and Variance Applications ("the Application"). It was noted that the Application requests a Minor Amendment to the Wildridge PUD to modify two (2) duplex lots, Lots 33 & 34, Block 4, Wildridge Subdivision ("the Property"), into three (3) single-family lots, Lots 1-3, Wildridge Point Subdivision. His slideshow presentation addressed some of the following:

- ✓ Review of PZC action & conditions with an explanation about the variance request
- ✓ Review exact location of properties

- ✓ Highlights of the application in terms of its impacts
- ✓ Diagram of existing lots
- ✓ Review of the duplex development scenario
- ✓ Review of the proposed plat renamed Wildridge Point
- ✓ Review of proposed plat showing the “no build easements”
- ✓ Review of Family Development Scenario showing the proposed residence locations
- ✓ Review of Building Footprints showing parking, retaining, and size of residences
- ✓ Review of 3D views of residences
- ✓ Review of Variance Applicability and basis for Resolution
- ✓ Review of Precedent & Similar Approvals
- ✓ Review of Zoning Analysis
- ✓ Review of Public Benefits of Project

Jared Barnes, Planner I, noted that staff did not have additional comments to the presentation. The minor subdivision was reviewed by staff and met all the requirements of the Avon Municipal Code. There was some discussion about the merits of the application and the variance application. Council input was given at this time with some questions about SFE requirements, density, and slope of the lots. Additional topics discussed included addressing the density compared to the original PUD, the variance analysis, and support of the project as a good fit for the neighborhood in moving from duplex to single family homes, and the current market demand. Mayor Carroll opened the public hearing, no comments were made, and the hearing was closed. There was some discussion addressing the subdivision process on the variance and Town Attorney Eric Heil addressed the status of the variance requirement and how the current Municipal Code addresses this PUD amendment. It was noted that this provision would likely be revised in the future. There was further discussion about the technical aspect of the variance component of the application, and whether or not the Town Council agrees to address the variance through action on the resolution. Again it was noted that the PZC did not see the need to apply this to the application. It was noted that staff would review the code since it would be likely that other similar applications would possibly be submitted, and language revisions might be in order. Staff would return with some suggested code amendments that would include this item.

Mayor Pro Tem Goulding moved to approve Resolution 13-11, Series of 2013, Resolution Approving a Variance from Sections 7.32.020(e)(6) and 7.32.020(e)(7) for Lots 2 and 3, Wildridge Point, A Resubdivision of Lots 33-34, Block 4, Wildridge Subdivision, Town of Avon, Eagle County, Colorado. Councilor Reynolds seconded the motion and it passed unanimously by those present (Councilor Dantas recused due to conflict of interest).

Mayor Pro Tem Goulding moved to approve on first reading Ordinance 13-05, Series of 2013, Ordinance Approving A Minor PUD Amendment and Minor Subdivision for Wildridge Point on Lots 33 and 34, Block 4, Wildridge Subdivision, Town of Avon, Eagle County, Colorado. Councilor Reynolds seconded the motion and it passed unanimously by those present (Councilor Dantas recused due to conflict of interest).

4.4. Resolution 13-09, Series of 2013, Resolution to Amend the 2013 Avon Capital Projects Fund Budget, 2013 Supplemental Budget Amendment (Scott Wright, Finance Director)

Councilor Dantas returned to the meeting at this time. Scott Wright, Finance Director, presented the memo that addressed the 2013 Capital Projects Fund Supplemental Budget Amendment with Resolution No. 13-09. He highlighted the following items and related details that would be addressed in this budget amendment and noted that there would be a net increase in expenditures of just over \$10M:



- ✓ Carryover of unexpended project budgets & associated revenues from 2012
- ✓ Unanticipated projects that the original budget did not include in 2012
- ✓ The delay of the Heat Recovery Expansion project to 2014 with a resulting reduction of the expenditure
- ✓ Revenues not realized in previous year for I-70 RTOF carried over
- ✓ Transfer from Community Enhancement Fund were eliminated to balance the removal of the expenditure
- ✓ Reviewing to fund balances due to I-70 RTOF funding
- ✓ Increase to RETT due to actual collections
- ✓ Adjustment to URA fund in light of delay on mall improvements

Councilor Evans moved to approve Resolution 13-09, Series of 2013, Resolution to Amend the 2013 Avon Capital Projects Fund Budget, 2013 Supplemental Budget Amendment. Councilor Dantas seconded the motion and it passed unanimously.

#### 4.5. Village at Avon Settlement implementation (Eric Heil, Town Attorney)

##### 4.5.1. Update on Settlement Implementation

Town Attorney Eric Heil presented an update on the settlement implementation noting that some revisions have been received for the "Add-on retail sales fee services agreement" and the declarations, but noting new on the service plans. It was noted that bond documents should be forthcoming soon and the town would be involved in a review of the documents, keeping in mind it is not the town's bond issuance however. Status conference report on 3/21, next schedule for 4/8; requested status conference every 2 weeks

##### 4.5.2. Resolution No. 13- 10, Series of 2013, Resolution Repealing Resolution No. 12-30 and Re-Approving the Asphalt Overlay Escrow Account Agreement

Town Attorney Eric Heil noted that this document was approved in December 2012. He noted that subsequent to that approval the master developer was removed as a party to the escrow agreement, and that the legal obligation to the master developer's commitment was outlined in the development agreement. The agreement sets forth various terms concerning the execution and deposit of documents and agreements into escrow. Mayor Pro Tem Goulding moved to approve Resolution Repealing Resolution No. 12-30 and Re-Approving the Asphalt Overlay Escrow Account Agreement. Councilor Evans seconded the motion and it passed unanimously.

##### 4.5.3. Approval by Motion of Revocable License Agreement for Snow Storage

Town Attorney Eric Heil noted that the License Agreement is a document that is a requirement of the development agreement. He highlighted the parties that are part of the arrangement and then reviewed several sections of the agreement including the "grant of the license, the hazardous materials section and Exhibit B as the diagram noting the location. It was noted that the form of the agreement was approved by the other parties. Councilor Evans moved to approve the Revocable License Agreement for Snow Storage. Mayor Pro Tem Goulding seconded the motion and it passed unanimously.

##### 4.5.4. Motion to Continue to April 9 the Public Hearing for Second Reading of Resolution No. 13-02, Series of 2013, Approving Amendments to Traer Creek Metropolitan District Service Plan

Mayor Carroll presented this topic noting there would be another delay with the dates. He opened the public hearing, no comments were made and the hearing was closed. Councilor Reynolds moved to continue the public hearing and consideration of Resolution No. 13-02, Series of 2013, Approving



Amendments to Traer Creek Metropolitan District Service Plan to April 23, 2013. Mayor Pro Tem Goulding seconded the motion and it passed unanimously.

4.5.5. Motion to Continue to April 9 the Public Hearing for Second Reading of Resolution No. 13-03, Series of 2013, Approving Amendments to The Village Metropolitan District Service Plan  
Mayor Carroll presented this topic noting there would be another delay with the dates. Mayor Carroll opened the public hearing, no comments were made and the hearing was closed. Councilor Evans moved to continue the public hearing and consideration of Resolution No. 13-03, Series of 2013, Approving Amendments to The Village Metropolitan District Service Plan to April 23, 2013. Councilor Wolf seconded the motion and it passed unanimously.

## 5. WORK SESSION

### 5.1. Planning and Zoning Commission Appointments: Update on Upcoming PZC Appointment Process (Matt Pielsticker, Planner II)

Mayor Carroll presented this topic in order to update the council about the process used for selecting the PZC members. He reviewed the memo that described the number of vacancies, the posting for the position, and the process for interviewing and selecting new members. Matt Pielsticker presented an update on those members leaving and the applications received. There was council support of the process especially in light of transparency when counting the votes.

### 5.2. Hahnewald Barn Report—Historic Status and Relocation Plan (Matt Pielsticker, Planner II)

Matt Pielsticker, Planner II, presented this topic with an update about a meeting on February 5, 2013, with representatives from the Eagle River Water and Sanitation District (“ERWSD”) who met with the Town to hold a Water Summit to identify matters of mutual interest. There was a request by ERWSD to remove the Hahnewald Barn (“the Barn”) from their property no later than October, 2013 in order to better utilize the property. He noted that the Barn is located at the Wastewater Treatment Plant, and has been used for storage purposes since ERWSD acquired the property in 1985. There was some information presented in the packet, the Historic Status Report on the Barn in April, 2013 that noted the Barn is not listed as a Historic Landmark at the local, state, or national level and the Town does not have any historic preservation regulations or criteria that would limit the ERWSD from applying for a Town demolition or removal approval for the structure. A brief reference was made to the fact that the Town had a Historic Preservation Ordinance in effect from 2007-2010 and that this language was inadvertently removed in the Code update. Then in 2010, the *Hahnewald Barn Historic Background and Field Analysis (Field Analysis)* was completed by a historic preservation consultant, who was retained by the Town. The *Field Analysis* found historic significance despite changes that had taken place over the years, i.e. new roof material and design. In summary, the Barn is at least 100 years old and is one of the only remnants of Avon’s agricultural heritage dating back to the early 20<sup>th</sup> century. It was noted that the complete *Field Analysis* is attached to this report, and some additional corresponded was presented by Linn Brooks & Jeanette Hix. There was some discussion about the email from Jeanette Hix requesting the Town council not make any final decision about the Hahnewald Barn, and that the Historic Committee requested more time to fully understand; the letter was read into the record. There was discussion about who serves as the regulatory agencies on the building as well as how to go about making the historical designation. It was agreed that both the Mayor and Town Manager would contact ERWSD to inquire about the timeline to see if a further review of the barn could be made, and Matt Pielsticker would follow up with commission members.

TOWN OF AVON, COLORADO  
AVON REGULAR MEETING FOR TUESDAY, MARCH 26, 2013  
MEETING BEGINS AT 3:45 PM  
AVON TOWN HALL, ONE LAKE STREET



5.3. Council Comments

Councilor Wolf informed Council about the a new effort from a movie production company hoping to complete a documentary film on education at Avon Elementary School.

5.4. Mayor Report

5.4.1. Future Agenda Items

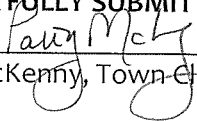
Mayor Carroll reviewed some topics for next meetings; and asked for any other input on agenda to let him know.

5.5. Financial Matters – Sales and Accommodations Tax January 2013 (Report Only, Kelly Huitt, Budget Analyst)

There was some discussion about what the “out of city” tax collections included.

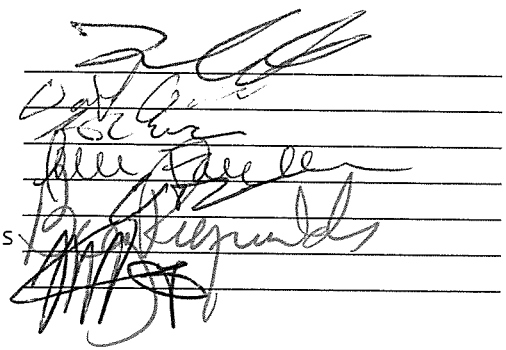
There being no further business to come before the Council, the regular meeting adjourned at 7:15 PM.

RESPECTFULLY SUBMITTED:

  
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Patty McKenny, Town Clerk

APPROVED:

- Rich Carroll
- Dave Dantas
- Chris Evans
- Jennie Fancher
- Todd Goulding
- Albert “Buz” Reynolds
- Jake Wolf

  
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