



TOWN OF AVON, COLORADO
MINUTES FOR AVON REGULAR MEETING FOR TUESDAY, MAY 28, 2013
AVON TOWN HALL, ONE LAKE STREET

1. CALL TO ORDER & ROLL CALL

Mayor Carroll called the meeting to order at 3 PM. A roll call was taken and Council members present were Dave Dantas, Jennie Fancher, Todd Goulding, and Buz Reynolds. Councilors Evans and Wolf arrived a few minutes after Roll Call. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Assistant Town Manager/Town Clerk Patty McKenny, Finance Director Scott Wright, Senior Planner Matt Pielsticker and Planner II Jared Barnes, Town Engineer Justin Hildreth, 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 public comments at this time.

4. WORK SESSION

4.1. Overview of Town Properties: Use Options

Virginia Egger, Town Manager, presented an overview on this topic with reference to the council packet memo.

4.2. Site walk: Main Street; Mall, Town Properties

The tour began at 3:30 PM and finished at 4:15 PM. The Town Council, town staff, and members of the public toured the park and mall area. Some follow up comments included from the tour included the following:

- ✓ Discussion about Parking garage locations
- ✓ Get businesses engaged in the pedestrian mall
- ✓ Try not to overbuild
- ✓ Stage location input included support of staff's suggested location per the plan
- ✓ What size stage would be necessary
- ✓ Does council see selling town hall land for hotel or inn use; there was not great support for this concept
- ✓ Either use the field actively all summer or repurpose it
- ✓ Plans would include to use the park very actively for three major music venues; update park equipment
- ✓ Propose parking garage in the area of the library and fire station

4.3. Preliminary Report on 5-year Capital Improvements Program

Both Stan Bernstein, (Bernstein and Associates), and Jonathan Heroux (Piper Jaffrey), along with Scott Wright presented information about financing options for capital projects, with information provided about certificates of participation, General Obligation Bonds, and use of the Urban Renewal Authority. Mike Cacioppo, Avon resident, asked about the financing options specifically the certificates of participation; he would prefer that the voters be asked before moving forward with large capital improvements. Some Council direction included the following:

- No town hall on lot 5, understand the long term use of lot 5
- Keep town hall centrally located and try to leverage partnerships with other agencies, i.e. place Library and town hall together
- Support for trolley system for east & west connection
- Highlight street maintenance program in CIP program; protect streets with new layer of a sand seal



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to the roads

- Reduce lighting of signs
- Reviewed 2015 list of improvements

4.4. Review and Direction on Term Sheet for leasing space in I-70 Regional Transportation Operations Facility (Jane Burden, Transit Operations Supervisor)

The Town Council was asked to provide direction on the calculation methodologies used for the Term Sheet for leasing space in the new transit facility. The Town continues to negotiate leasing the space with ECO, Beaver Creek, and CDOT. There were some questions related to the 7% discount for those agencies who would use the fleet services provided by the town. It was suggested that maybe the discount would apply for a certain number of years. There was a question about Eagle County getting a return on the \$238K investment provided at the outset of the project and it was noted that this should be consistent for all partners in the project. Staff was directed to analyze the cost differentiation for the payback to Eagle County for the predesign costs.

5. AVON LIQUOR AUTHORITY MEETING (MINUTES DRAFTED SEPARATELY)

6. ACTION ITEMS

6.1. **Public Hearing** for Amplified Sound Permit for Outdoor Movie for Vail Valley Professionals Association (Patty McKenny, Asst. Town Manager)

Mayor Pro Tem Goulding recused himself from consideration of this agenda item due to a conflict of interest. The memo was reviewed by staff and the applicant Wendy Goulding was present to highlight the event. Mayor Carroll opened the public hearing on this matter, no comments were made and the hearing was closed. Councilor Evans moved to approve the sound permit for Vail Valley Young Professionals Association; Councilor Fancher seconded the motion and it passed by those present (Mayor Pro Tem Goulding recused).

6.2. Acceptance of Town of Avon 2012 Comprehensive Annual Financial Report and Single Audit (Paul Backus, McMahan & Associates)

Mayor Pro Tem Goulding joined the meeting at this time. The Town's 2012 Comprehensive Annual Financial Report and Single Audit were presented by McMahan & Associates with an overview of why an audit is conducted for municipal entities. Mayor Carroll moved to accept the 2012 Comprehensive Annual Financial Report and Single Audit; Councilor Evans seconded the motion and it passed unanimously.

6.3. Buffalo Ridge Affordable Housing Corporation: Refinancing Multifamily Housing Project Revenue Bonds with action on Resolution No. 13-17, Series of 2013, Resolution Approving the Execution and Delivery by Buffalo Ridge Housing Corporation of a Mortgage Loan and Subordinate Notes; Authorizing Certain Amendments and Authorizing Incidental Action (Calvin Hansen, Sherman & Howard, Gerry Flynn, Polar Star Properties)

Councilor Evans stepped down at this time due to a conflict of interest. The Town Council was provided some background about the Buffalo Ridge Affordable Housing Corporation noting the proposal for refinancing the multifamily housing project revenue bonds. Calvin Hansen, Sherman and Howard Law Firm, and Gerry Flynn, Polar Star Properties, presented the topic. There was some discussion about the following



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- The amended and restated project agreement that the town would sign; further revisions would be made to the agreement in the coming days
- The resolution approves the new HUD financing and new subordinate notes
- Timeline of the Refinancing which is slated to close June 27th
- Update on the performance of the Buffalo Ridge project with regard to financing information and leasing of units, capital improvements asset management
- Would the Board consider issuing revenue bonds vs the HUD financing; it was noted that the HUD financing was the best rate for this kind of project

Councilor Reynolds move to approve Resolution No. 13-17, Series of 2013, Resolution Approving the Execution and Delivery by Buffalo Ridge Housing Corporation of a Mortgage Loan and Subordinate Notes; Authorizing Certain Amendments and Authorizing Incidental Action with the conditions that the amount does not exceed \$822K and a change is made to the signature block to include the Mayor & not the Mayor Pro Tem. Mayor Pro Tem Goulding seconded the motion and it passed unanimously by those present (Councilor Evans abstained due to conflict).

6.4. Council Member Goulding's Residency Qualification and Membership on the Council (Eric Heil, Town Attorney)

This item was considered by Avon Town Council; the Town Attorney reviewed the town's Charter requirements and State Statutes and case law addressing this topic. He noted that it would be a council determination as to whether or not to allow the residency qualification. Councilor Dantas moved to extend Councilor Goulding's residency qualification and membership on the Avon Town Council to June 1, 2014 based upon a determination that Council member Goulding intends to regain a home or place of abode within the Town of Avon prior to June 1, 2014. There is not a need to create a Findings of Fact document or additional records because the reasons recognized by Council to determine intent will be documented on the recording of the Avon Town Council and such recording will be preserved for the next year.

6.5. Approval of Minutes from April 23, 2013

Councilor Evans moved to approve the minutes; Mayor Pro Tem Goulding seconded the motion and it passed unanimously.

6.6. **Public Hearing** on First Reading of Ordinance 13-06, An Ordinance Approving a Final PUD Amendment for Brookside Park Lot 1, Brookside Park PUD, Eaglewood Subdivision, Town of Avon, Eagle County, Colorado (Jared Barnes, Planner II)

The application submitted by Riverview Park Associates was reviewed with some of the following highlights related to the PUD process, the Agency Referrals, public notification, and the PZC public hearing. It was noted that the application proposes to amend the PUD to allow future flexibility to convert a portion or all of the Brookside Center office building to residential dwelling units. The application proposed a maximum of twenty-four (24) dwelling units in a loft style consisting of two (2) and three (3) bedroom configurations. The amended PUD Guide (Attachment B) in the council packet also described other minor amendments that were proposed. Staff continued a review of the memo that addressed some of their analysis with regard to parking, traffic demands on the property, affordable housing impact, need for additional water rights, ERFPD concerns, and the financial analysis on the property tax collection impact. Rick Pyleman, Pylman & Associates, representing the applicant was present to address questions. The



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public hearing was opened, no comments were made and the hearing was closed. Councilor Dantas moved to approve on first reading Ordinance 13-06, An Ordinance Approving a Final PUD Amendment for Brookside Park Lot 1, Brookside Park PUD, Eaglewood Subdivision, Town of Avon, Eagle County, Colorado. Councilor Evans seconded the motion and it passed unanimously.

6.7. Public Hearing on First Reading of Ordinance 13-07, An Ordinance Approving a Minor PUD Amendment for June Creek Corner on Lot 25, Block 2, Wildridge Subdivision, Town of Avon, Eagle County, Colorado (Matt Pielsticker, Senior Planner)

The application submitted by George Plavec requested an amendment to modify the allowed building type for Lot 25, Block 2, and allow for the ability to develop the property with two duplexes rather than a fourplex. The council packet addressed the minor PUD amendment process, the agency referrals, public notification, the PZC hearings. Staff analysis included a review of the land use in Wildridge, a review of the building footprint and building envelopes and related impacts on the neighborhood, which were found to be minimal. George Plavec, applicant was present to answer questions and provide reasons why the request for the amendment. The public hearing was opened. Mayor Carroll read an email from Larry Wolf, resident on June Creek Trail, who wrote in support of the minor PUD amendment. Councilor Evans moved to approve on first reading Ordinance 13-07, An Ordinance Approving a Minor PUD Amendment for June Creek Corner on Lot 25, Block 2, Wildridge Subdivision, Town of Avon, Eagle County, Colorado. Mayor Pro Tem Goulding seconded the motion and it passed unanimously.

7. VILLAGE AT AVON

7.1. Settlement Update (Eric Heil, Town Attorney)

A review of the update memo was made related to the status conference, the water tank bids, the bond issuance, the amendments to the service plans, the conveyance documents, the receipt and closing escrow agreement and the revocable license agreement for snow storage.

7.2. Public Hearing for Second Reading of Resolution No. 13-02, Series of 2013, Resolution Approving First Amended and Restated Service Plan for Traer Creek Metropolitan District
Eric Heil, Town Attorney, noted that council action was not necessarily required tonight on the two resolutions but that final action would be required no later than the June 11th meeting. Kathy Canda, McGeady Sisneros, representing the TCMD and VMD summarized the changes that would fall into the following descriptive category: 1) Request was to keep amendments to a minimum, 2) Reconciliations were made between the development agreement and the service plans, 3) Revisions were made in order to clarify language and avoid any future disputes. There was some discussion about the versions provided with v22 and v23.

Mayor Carroll opened the public hearing for Resolution No. 13-02, no comments were made and the hearing was closed. Mayor Carroll then opened the public hearing for Resolution No. 13-03, no comments were made and the hearing was closed. Councilor Evans moved to approve Resolution No. 13-02, Series of 2013, Approving Amendments to Traer Creek Metropolitan District Service Plan that is labeled as version 22 with changes outline in the memo dated May 22, 2013. Mayor Pro Tem Goulding seconded the motion and it passed unanimously.



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7.3. **Public Hearing** for Second Reading of Resolution No. 13-03, Series of 2013, Resolution Approving First Amended and Restated Service Plan for The Village Metropolitan District Councilor Evans moved to approve Resolution No. 13-03, Series of 2013, Resolution Approving Amendment to Village Metropolitan District Service Plan submitted as version 5. Mayor Pro Tem Goulding seconded the motion and it passed unanimously.

7.4. Resolution No. 13-16, Series of 2013, Resolution Approving the Receipt and Escrow Agreement Pertaining to the Village (at Avon) Settlement Implementation and Special Warranty Deed (Lot 6 – Filing 1)

Town Attorney Eric Heil noted that there were minor revisions to the documents made from last fall. Mayor Pro Tem Goulding moved to approve Resolution No. 13-16, Series of 2013, Resolution Approving the Receipt and Escrow Agreement Pertaining to the Village (at Avon) Settlement Implementation and Special Warranty Deed (Lot 6 – Filing 1). Councilor Dantas seconded the motion and it passed unanimously.

8. WORK SESSION

8.1. Discussion on Summer/Fall Regular Town Council Meeting Schedule (Rich Carroll, Mayor)

Mayor Carroll reviewed the information and questions related to scheduling council meetings over the next few months. Council input included the following:

- ✓ All supported the 5 pm start time as great
- ✓ It was noted that land use applications may change agendas
- ✓ There was input to not make one meeting per month the norm; it would be important to meet publicly on a routine basis
- ✓ Suggestion to use one meeting per month as a work session
- ✓ Suggestion to take more time with council to better understand what council would like for council reports
- ✓ Electronic packets are difficult to read when longer documents exist
- ✓ The meeting agendas do not include budget sessions
- ✓ Include operational topic updates from employees
- ✓ Review strategic plan with retreat
- ✓ Need branding exercise in a retreat setting

8.2. Financial Matters (Kelly Huitt, Budget Analyst) Report Only

There was a request to include a number that would combine March & April 2013 sales tax for the next report comparison because of the timing of Easter.

9. COMMITTEE MEETING UPDATES: COUNCILORS AND MAYOR

9.1. VVF meeting Update

Update about meeting with VVF to continue discussion about Avon's role in 2015 events planning

9.2. UERWA Meeting Updates (Todd Goulding, Mayor Pro Tem)

Highlights included that UERWA would charge TOA to fill lake in the fall because of the timing & a change in board membership.

9.3. Mayors / Managers Meeting (Rich Carroll, Mayor)

Highlights included that Senator Bennett spoke with the group about education and Regional collaboration group was working on transit



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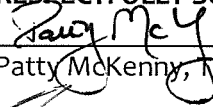
9.4. EGE Air Alliance (Rich Carroll, Mayor)

It was noted that the group continues to raise \$ to fund new flights.

Mayor Carroll informed council that a celebration on the land exchange closing would occur on June 5th at 4 pm at Beaver Creek Point, a celebration for the dedication of open space for the West Avon Preserve aka West Avon Parcel.


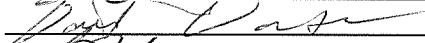
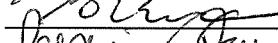
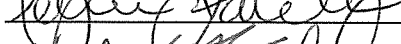
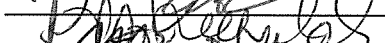

There being no further business to come before the Council, the regular meeting adjourned at 10:10 PM.

RESPECTFULLY SUBMITTED:



Patty McKenny, Town Clerk

APPROVED:

Rich Carroll 
Dave Dantas 
Chris Evans 
Jennie Fancher 
Todd Goulding 
Albert "Buz" Reynolds 
Jake Wolf 