



TOWN OF AVON, COLORADO
AVON REGULAR MEETING MINUTES FOR TUESDAY, JUNE 11, 2013
AVON TOWN HALL, ONE LAKE STREET

1. CALL TO ORDER & ROLL CALL

Mayor Carroll called the meeting to order at 5:05 PM. A roll call was taken and Council members present were Dave Dantas, Chris Evens, Jennie Fancher, Todd Goulding, Buz Reynolds and Jake Wolf. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Deputy Town Clerk Debbie Hoppe, 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. EXECUTIVE SESSION

At 5:05 pm Mayor Carroll moved to convene to an Executive Session to discuss the following:

- a. For the purpose of receiving legal advice pursuant to Colorado Revised Statute §24-6-402(4)(b) related to settlement matters regarding Town of Avon v Traer Creek Metropolitan District, 2008 CV 0385 and Traer Creek, LLC, et.al. v Town of Avon 2010 CV 316

The motion was seconded by Councilor Reynolds and the members met in Executive Session. Mayor Carroll noted that the discussion would be confined only to the purposes of the executive session as stated above and that if at any time during the executive session anyone believes that the discussion does not concern the topic and purpose of the executive session, to please raise your objection immediately. The following people were present during the executive session: Mayor Rich Carroll, Councilor Dave Dantas, Councilor Chris Evans, Councilor Jennie Fancher, Mayor Pro Tem Todd Goulding, Councilor Buz Reynolds, Councilor Jake Wolf, Town Manager Virginia Egger, Town Attorney Eric Heil, Finance Director Scott Wright, Town Engineer Justin Hildreth, Town Clerk/Asst. Town Manager Patty McKenny. Town Attorney Eric Heil noted that this executive session was for the purpose of providing legal advice on specific legal questions, and requested that the Town Clerk cease recording the executive session at this time.

Mayor Carroll noted that the executive session adjourned at 6:10 PM and the meeting was now reconvened in regular session. He asked if any Town Council member believed that any discussion in executive session was inappropriate and not related to the topic and purpose of the executive session to please state the objections at this time; there were no objections.

4. AVON URBAN RENEWAL AUTHORITY (SEE URA MINUTES)

5. AVON LIQUOR AUTHORITY MEETING (SEE LIQUOR AUTHORITY MINUTES)

6. AVON TOWN COUNCIL TO RECONVENE AT 6:00 P.M. OR AS SOON THEREAFTER AS POSSIBLE

7. PUBLIC COMMENT

Lee Rimel & Tess Christensen from Volunteers for Outdoor Colorado addressed the council with regard to a request for volunteers to help with a new trail construction on the new West Avon Preserve open space parcel. The community was invited to attend this weekend to construct the trail.

8. ACTION ITEMS



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8.1. Letter of Agreement for a \$7,500 Contribution to the Vail Leadership Institute in support of the Entrepreneurs BaseCamp (Patty McKenny, Assistant Town Manager)

The Letter of Agreement with Vail Leadership Institute was presented as a manner in which the Town of Avon could support the new educational initiative called the Entrepreneurs Basecamp with seed funding. Currently the group is proposed to move to the Avon Season's Building. It was noted there were no budget ramifications since the funding was included in the 2013 budget but through an investment type structure. After some discussion, Mayor Pro Tem Goulding moved to approve the Letter of Agreement with the Vail Leadership Institute with funding support of \$7,500; Councilor Reynolds seconded the motion and it passed unanimously.

8.2. **Public Hearing** on Second Reading of Ordinance 13-06, Series of 2013, 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)

There was nothing additional to the Brookside Park PUD application; Rick Pyleman, representing the applicant Riverview Park Associates, was present to answer questions. Mayor Carroll opened the public hearing, no comments were made, the hearing was closed. Councilor Evans moved to approve Ordinance 13-06, Series of 2013, An Ordinance Approving a Final PUD Amendment for Brookside Park Lot 1, Brookside Park PUD, Eaglewood Subdivision, Town of Avon, Eagle County, Colorado. Councilor Dantas seconded the motion and it passed unanimously.

8.3. **Public Hearing** on Second Reading of Ordinance 13-07, Series of 2013, 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)

There were a couple of conditions included in the Ordinance for the second reading for the June Creek Corner Minor PUD Amendment submitted by George Plavec, as follows:

- 1) the building footprints limited to 3,600 gross sq. ft (including garage)
- 2) building separation will be at least fifteen feet (15') between structures

Mayor Carroll opened the public hearing, no comments were made, the hearing was closed. Councilor Dantas moved to approve Ordinance 13-07, Series of 2013, An Ordinance Approving a Minor PUD Amendment for June Creek Corner on Lot 25, Block 2, Wildridge Subdivision, Town of Avon, Eagle County, Colorado. Councilor Evans seconded the motion and it passed unanimously.

8.4. **Public Hearing** on Resolution No. 13-19, A Resolution to amend the 2013 Town of Avon Budget (Kelly Huitt, Budget Analyst)

There was a review of the supplemental budget amendment with highlights presented on the General Fund, the Transit Enterprise Fund, the Fleet Maintenance Enterprise Fund, and the Equipment Replacement Fund. Mayor Carroll opened the public hearing, no comments were made, the hearing was closed. Councilor Evans moved to approve Resolution No. 13-19, A Resolution to amend the 2013 Town of Avon Budget; Councilor Fancher seconded the motion and it passed unanimously.

8.5. Action on Fee Waiver for Garden Fencing in Wildridge (Jared Barnes, Planner II)



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There was some discussion about how to move forward with this topic and consensus was to create a short term and long term approach as well as solution. After some discussion, Councilor Evans moved to keep the approval process in place per the Avon Municipal Code Chapter 7.28 with regard to Avon's Design Guidelines, but ask that the town waive the fee which is allowed for in Chapter 7.05.100 as a way to work with the neighbors who just want to erect a fence for gardening purposes. Councilor Fancher seconded the motion and it passed unanimously. Staff was directed to suggest alternate approaches to processing this type of request with a future code amendment.

8.6. Approval of Minutes from May 28, 2013

Councilor Evans moved to approve the May 28, 2013 minutes; Mayor Pro Tem Goulding seconded the motion and it passed unanimously.

9. WORK SESSION

9.1. Discussion about Eaglebend Dowd Affordable Housing Corporation (Kayak Crossing) Proposed Multifamily Revenue Bond Refinancing (Gerry Flynn, Polar Star Properties)

Councilor Evans stepped down from the Council at this time due to a conflict of interest as his spouse currently serves as a Board member. Gerry Flynn, Polar Star Property, presented a list of topics to address with the Town Council as follows:

- ✓ The current financial situation of the project
- ✓ The nonprofit structure of EDAHC
- ✓ The parameters of the refinancing proposal
- ✓ The formal request to refinance the bonds
- ✓ EDAHC would pay for legal review of the refinancing documents ((to be completed by Sherman & Howard)

There were some questions and discussion around the long term condition of the property, what kinds of capital items would be completed in the future, the terms of the financing as well as some historical performance operations information related to leasing, type of units, market needs, and finally information about the subordinate debt ramifications. It was noted that final documents would be presented either at the June 25th or July 9th meeting.

9.2. Discussion in regards to filling Town of Avon Board of Director vacancy for the Buffalo Ridge Affordable Housing Corporation, EagleBend Affordable Housing Corporation and Eaglebend Dowd Affordable Housing Corporation (Kayak Crossing) (Patty McKenny, Assistant Town Manager)

There was some discussion and at this time there was Council consensus to review this matter in August.

9.3. Council Review and Direction on Recommended 2014 Budget Process and 5 Year Capital Improvement Program, including Scheduling of Council Retreat(s) (Virginia Egger, Town Manager)

There was discussion surrounding the proposed 2014 budget schedule and process per the council packet information. Council provided some input to the schedule and process with general agreement on the information that was presented. There was consensus to schedule a budget retreat on August



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13th and not include a special meeting on September 18th. There was some discussion about getting community input on town services from both residents & businesses.

10. VILLAGE AT AVON

10.1. Settlement Update (Eric Heil, Town Attorney)

The memo outlining the settlement update was reviewed and included updates on the status conferences with the court, the water tank bids, the snow storage agreement and other documents.

- 10.2. Resolution No. 13-18, Series of 2013, A Resolution approving several documents related to The Village (at Avon) Litigation settlement, including: the Access Easement Agreement; the Wet Well Easement Agreement; the Raw Water Special Warranty Deed; the Raw Water System Operations and Maintenance Agreement; the Amended and Restated Nottingham Dam Easement and Assignment Agreement; the Special Warranty Deed for Tract G, Filing 3; the Bill of Sale for the Nottingham Gulch Storm Sewer; and the Bill of Sale for the Nottingham Gulch Energy Dissipater

There was a review and discussion of the numerous documents included with Resolution No. 13-18.

Councilor Evans moved to approve Resolution No. 13-18, Series of 2013, A Resolution approving several documents related to The Village (at Avon) Litigation settlement, including: the

- a. Access Easement Agreement as Exhibit A; accepting all language except the utilities wording which would be revised to include the right to install communication utilities within the easement area
- b. the Wet Well Easement Agreement as Exhibit B
- c. the Raw Water Special Warranty Deed as Exhibit C
- d. the Raw Water System Operations and Maintenance Agreement as Exhibit D
- e. the Amended and Restated Nottingham Dam Easement and Assignment Agreement as Exhibit E; this agreement was not to be included with this resolution
- f. the Special Warranty Deed for Tract G, Filing 3 as Exhibit F
- g. the Bill of Sale for the Nottingham Gulch Storm Sewer as Exhibit G
- h. the Bill of Sale for the Nottingham Gulch Energy Dissipater as Exhibit H

There was an amendment to the motion that included providing the Mayor authorization to make any minor changes with the Town Attorney regarding this resolution. Mayor Pro Tem Goulding seconded the motion as well as the amendment and it passed unanimously.

11. COMMITTEE MEETING UPDATES: COUNCILORS AND MAYOR

Mayor Carroll spoke about the EGE Air Alliance continued effort to raise funding for their program.

12. COUNCIL COMMENTS

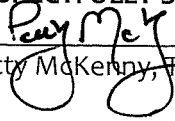
Councilor Wolfe spoke about summer kid's music camps he is sponsoring that are held at State Bridge.



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There being no further business to come before the Council, the regular meeting adjourned at 9:20 PM.

RESPECTFULLY SUBMITTED:



Patty McKerny, Town Clerk

APPROVED:

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

