



**TOWN OF AVON, COLORADO**  
**TOWN OF AVON MEETINGS FOR TUESDAY, JANUARY 26, 2016**  
**AVON LIQUOR AUTHORITY MEETING BEGINS AT 5:00 PM**  
**URBAN RENEWAL AUTHORITY MEETING BEGINS AT 5:10 PM**  
**REGULAR MEETING BEGINS AT 5:15 PM**  
AVON TOWN HALL, ONE LAKE STREET

**TOUR OF WALKING MOUNTAINS SCIENCE CENTER**  
**3:30 PM – MEET AT THE SCIENCE CENTER**

**AVON LIQUOR LICENSING AUTHORITY MEETING BEGINS AT 5:00 PM (SEE SEPARATE AGENDA PAGE 3)**

**AVON URBAN RENEWAL AUTHORITY MEETING BEGINS AT 5:10 PM (SEE SEPARATE AGENDA PAGE 4)**

**REGULAR MEETING BEGINS AT 5:15 PM**

- 1. CALL TO ORDER & ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT –COMMENTS ARE WELCOME ON ITEMS NOT LISTED ON THE FOLLOWING AGENDA**
- 4. ACTION ITEMS**
  - 4.1. **PUBLIC HEARING** AMPLIFIED SOUND PERMIT APPLICATION FOR WINTERWONDERGRASS MUSIC & BREW FESTIVAL (DIRECTOR OF FESTIVALS & SPECIAL EVENTS DANITA DEMPSEY)
  - 4.2. UPDATE ON 2016 FESTIVALS AND SPECIAL EVENTS AT THE PAVILION, HARRY A. NOTTINGHAM PARK AND MAIN STREET MALL (DIRECTOR OF FESTIVALS & SPECIAL EVENTS DANITA DEMPSEY)
  - 4.3. ACTION ON FUNDING REQUEST AND SETTING OF DATES FOR THE 2016 APRÈS AVON SPRING CONCERTS AT POSSIBILITY PLAZA (PRODUCER MIKE O'BRIEN)
  - 4.4. ACTION ON FUNDING REQUEST AND SETTING OF DATES FOR THE AVON LIVE! SUMMER CONCERTS (PRODUCER MIKE O'BRIEN)
  - 4.5. ACTION ON FUNDING REQUEST AND SETTING OF DATES FOR THE OUTLAWS & LEGENDS MUSIC FESTIVAL (BACKPORCH PRODUCTIONS, LLC)
  - 4.6. FIRST READING OF ORDINANCE 16-02 CONSIDERATION OF REQUEST BY EAGLE RIVER FIRE PROTECTION DISTRICT TO PROVIDE RELIEF FROM SALES TAX ON CONSTRUCTION MATERIALS FOR REGIONAL FIRE STATION AND CONSIDERATION OF THIRD AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR A JOINT FIRE-POLICE STATION FACILITY BETWEEN THE TOWN OF AVON AND THE EAGLE RIVER FIRE PROTECTION DISTRICT (TOWN ATTORNEY ERIC HEIL)
  - 4.7. **PUBLIC HEARING** SECOND READING OF ORDINANCE No. 16-01, AN ORDINANCE AMENDING CHAPTER 3.30 UNCLAIMED PROPERTY OF THE AVON MUNICIPAL CODE (ASSISTANT TOWN MANAGER SCOTT WRIGHT)



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4.8. FIRST READING OF ORDINANCE NO 15-11, AN ORDINANCE AMENDING THE AVON MUNICIPAL CODE TABLE 7.16-1 AND SECTION 7.16.060(H)(1) CONCERNING AMENDMENTS TO WILDRIDGE PUD APPLICATIONS **NOTE:** STAFF HAS REQUESTED CONTINUATION TO THE MARCH 8, 2016 REGULAR TOWN COUNCIL MEETING (PLANNING DIRECTOR MATT PIELSTICKER)

4.9. MINUTES FROM JANUARY 12, 2016 MEETING  
(EXECUTIVE ASSISTANT TO THE TOWN MANAGER PRESTON NEILL)

**5. WRITTEN REPORTS**

5.1. MONTHLY FINANCIAL REPORT (BUDGET ANALYST KELLY HUITT)

**6. COMMITTEE MEETING UPDATES: COUNCILORS AND MAYOR**

6.1. CAST (COUNCILOR SARAH SMITH HYMES)

**7. MAYOR & COUNCIL COMMENTS**

**8. EXECUTIVE SESSION**

8.1. DISCUSSION OF THE PURCHASE AND ACQUISITION OF A REAL PROPERTY INTEREST UNDER C.R.S. §24-6-402(2)(A) AND A CONFERENCE WITH THE TOWN ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE UNDER C.R.S. §24-6-402(2)(B) RELATED TO SUCH REAL PROPERTY DISCUSSION AND FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S. §24-6-402(2)(E) RELATED TO SUCH REAL PROPERTY DISCUSSION

**9. ADJOURNMENT**



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**CALL TO ORDER AND ROLL CALL**

**1. APPROVAL OF AGENDA**

**2. PUBLIC COMMENT**

**3. PUBLIC HEARING SPECIAL EVENTS PERMIT**

3.1. APPLICANT NAME: WALKING MOUNTAINS SCIENCE CENTER

EVENT NAME: WINTERWONDERGRASS MUSIC AND BREW FESTIVAL (4<sup>ND</sup> ANNUAL)

EVENT ADDRESS: HARRY A. NOTTINGHAM PARK, ONE LAKE STREET

EVENT MANAGER: SCOTT STOUGHTON

EVENT DATES / TIMES:    FEBRUARY 19, 2016, 2:00 P.M. UNTIL 10:30 P.M.  
                                  FEBRUARY 20, 2016, 2:00 P.M. UNTIL 10:30 P.M.  
                                  FEBRUARY 21, 2016, 2:00 P.M. UNTIL 10:00 P.M.

**4. PUBLIC HEARING FOR TRANSFER OF OWNERSHIP**

4.1. APPLICANT: 3 DRAGONS LLC

CURRENT OWNER: CHINA GARDEN, INC.

ADDRESS: 100 W. BEAVER CREEK BLVD.

NEW OWNER: LANA SWEENEY

MANAGER: MARTIN RODOSH

TYPE: HOTEL AND RESTAURANT LICENSE

**5. RENEWAL OF LIQUOR LICENSES**

5.1. APPLICANT: MILLERS BOTTLE SHOP, LLC D/B/A JOE'S LIQUORS

LOCATION: 1060 W. BEAVER CREEK BLVD. #1B

TYPE: LIQUOR STORE LICENSE

MANAGER: SCOTT SEITZ

5.2. APPLICANT: PHO 20, LLC D/B/A PHO 20

LOCATION: 47 BEAVER CREEK BLVD. UNIT C-13 & C-14

TYPE: HOTEL AND RESTAURANT LICENSE

MANAGER: CONG HUANG

**6. MINUTES FROM JANUARY 12, 2016**

**7. ADJOURNMENT**



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- 1. CALL TO ORDER AND ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT – COMMENTS ARE WELCOME ON ITEMS NOT LISTED ON THE FOLLOWING AGENDA**
- 4. CONSENT AGENDA**
  - 4.1. RESOLUTION NO. 16-01 DESIGNATING LOCATIONS FOR POSTING THE NOTICES OF PUBLIC MEETINGS (TREASURER SCOTT WRIGHT)
  - 4.2. APPROVAL OF DECEMBER 8, 2015 URA MEETING MINUTES (AUTHORITY CLERK DEBBIE HOPPE)
- 5. ADJOURNMENT**





## REPORT FOR AVON LIQUOR LICENSING AUTHORITY

**To:** Avon Liquor Licensing Authority  
**From:** Debbie Hoppe, Town Clerk  
**Date:** January 21, 2016

**Agenda topic:** SPECIAL EVENTS PERMIT APPLICATION – PUBLIC HEARING

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The Town Council serving as the Local Liquor Licensing Authority will consider a Special Events Permit Application for the upcoming WinterWonderGrass Music and Brew Festival. A public hearing is required before final action is taken.

Applicant Name: Walking Mountains Science Center  
Event Name: WinterWonderGrass Music and Brew Festival (4<sup>nd</sup> annual)  
Event Address: Harry A. Nottingham Park, One Lake Street  
Event Manager: Scott Stoughton  
Event Dates / Times: February 19, 2016, 2:00 p.m. until 10:30 p.m.  
February 20, 2016, 2:00 p.m. until 10:30 p.m.  
February 21, 2016, 2:00 p.m. until 10:00 p.m.

The applicant has submitted the appropriate materials required by the State of Colorado Liquor Enforcement Division and all materials are in order. Walking Mountains Science Center is applying for malt, vinous, spirituous liquor permit to serve/sell beverages at Nottingham Park for the February 19<sup>th</sup> thru February 21<sup>nd</sup> "WinterWonderGrass Music and Brew Festival". The premise has been posted with notice of the public hearing for this application. The event manager will be present to answer questions about the application. There are local liquor licensing fees associated with the special event permit; the applicant has submitted the appropriate local fees.

Special Events permits are issued by the Local Licensing Authority to allow particular types of organizations, municipalities, and political candidates to sell, serve or distribute alcohol beverages in connection with public events. Because of their temporary nature, needs and desires (reasonable requirements of the neighborhood) are not considered by the licensing authorities as a condition of issuance. Applications are made directly with the local licensing authority having jurisdictions over the place of the event. Article 48 of Title 12 regulates the issuance of special events permits. Note that these permits may only be issued for prescribed hours during the day and for not more than 15 days in any one calendar year.

### **SPECIAL EVENTS PERMIT APPLICATIONS ATTACHMENTS:**

The applicants for the special events permit have submitted the following materials:

- ✓ Application for a Special Events Permits (State form DR 8439)
- ✓ Alcohol Management Plan
- ✓ Diagram where liquor will be served
- ✓ Certificate of Good Standing
- ✓ Police Report on Background Checks

# APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

**IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)**

- |                                    |  |   |
|------------------------------------|--|---|
| <input type="checkbox"/> SOCIAL    | <input type="checkbox"/> ATHLETIC                              | <input checked="" type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER    | <input type="checkbox"/> POLITICAL CANDIDATE                  |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES  |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION                 |   |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	LIQUOR PERMIT NUMBER
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <b>Walking Mountains Science Center</b>	State Sales Tax Number (Required) <b>98-13554-0000</b>
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <b>PO BOX 9469 Avon, CO 81620</b>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <b>1 Lake Street Avon, CO 81620</b>
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <b>Markian Feduschak</b>		<b>004 Blue Grouse</b>	<b>376-6588</b>
5. EVENT MANAGER <b>Scott Stoughton</b>		<b>411 Eagle Drive Unit 11 Avon, CO 81620</b>	<b>970-376-1172</b>

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
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8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT				
Date <b>02/19/2016</b>	Date <b>02/20/2016</b>	Date <b>02/21/2016</b>	Date	Date
Hours From <b>2:00</b> p.m. To <b>10:30</b> p.m.	Hours From <b>2:00</b> p.m. To <b>10:30</b> p.m.	Hours From <b>2:00</b> p.m. To <b>09:30</b> p.m.	Hours From .m. To .m.	Hours From .m. To .m.

**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.*

SIGNATURE 	TITLE <b>President</b>	DATE <b>1/12/15</b>
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**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

**THEREFORE, THIS APPLICATION IS APPROVED.**

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) <b>Town of Avon</b>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK <b>970-748-4001</b>
SIGNATURE	TITLE	DATE

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

## APPLICATION INFORMATION AND CHECKLIST

### THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.  
**Note:** If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- If not incorporated, a NONPROFIT charter; **or**
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.
- THE PREMISES TO BE LICENSED MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE A HEARING CAN BE HELD. (12-48-106 C.R.S.)
- AN APPROVED APPLICATION MUST BE RECEIVED BY THE LIQUOR ENFORCEMENT DIVISION AT LEAST TEN (10) DAYS PRIOR TO THE EVENT.
- CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.

# **WinterWonderGrass Alcohol Management Plan**



## **ALCOHOL MANAGEMENT PLAN**

Submitted Tuesday January 11, 2016

Event Dates – February 19-21, 2016

### **THE EVENT OVERVIEW**

**Event Overview:** The fourth annual WinterWonderGrass Music and Brew Festival is coming to Avon, Colorado on February 19th for three nights of acoustic music, hot local foods, brewery talks and more. WinterWonderGrass is a unique, boutique out door winter music and beer festival highlighting bluegrass and acoustic roots music from around the country plus Colorado's finest craft breweries and a focus on local and sustainable products. The zero waste goal Festival takes place at Nottingham Park in Avon, Colorado, with Beaver Creek Ski Resort as the perfect backdrop. The location sits in the heart of Avon within walking distance to hotels, condos, shops, the gondola and public transportation.

This year's WinterWonderGrass includes two nights of Greensky Bluegrass, The Wood Brothers, Nahko and Medicine for the People, Fruition, Dustbowl Revival, Mandolin Orange, and many others.

The WinterWonderGrass Festival will transform the beautiful park into a playground for all ages. Two large heated beer halls featuring an assortment of local Colorado craft breweries plus inside pickin' and brewery talk stages will frame the main outdoor stage. Between main stage acts, the beer halls will heat up with some of the freshest and hottest pickers and bands making waves on the national scene today. Early in the day beer enthusiasts are invited to hear a daily talk by one of our presenting beer partners while the kids can take advantage of face painting and other activities in the Kid Zone.

Local foods, hot drinks, and other treats including vegetarian specialties will be available in the vendor village across from the main stage. New this year is the Soapbox stage, which hosts our coffee/wine bar, abundant warm seating, cold pressed juicery, and singer/songwriter stage.

The festival focuses on community, Colorado products, sustainability and the best acoustic music locally, regionally and nationally.

## **EXPERIENCE**

Founder and Festival Producer **Scott Stoughton** is a 20-year Vail Valley local with over a 15 years of experience in the music and event production industry. Scott has worked on major festivals and concert events throughout Colorado and has spent 3 years as an appointed member of the Vail Commission on Special Events, developing various town wide productions. Scott successfully produced the first WinterWonderGrass in Edwards, Colorado before moving to the bigger space in Avon for 2014. Scott has successfully produced and managed community outreach, non-profit coordination, emergency services coordination and talent buying plus marketing for the annual Campout for the Cause, currently in its seventh year. Stoughton and his company Bonfire Entertainment produced the 2011 and 2012 musical piece for the Town of Avon's Salute to the Fourth plus hundreds of Valley wide musical and fundraising endeavors including 2015 ASWC Apres Avon.

Director of Operations Michael Welle, of Minturn, Colorado is a eleven year resident of the Vail Valley. He has over a decade of bar and restaurant management experience in the valley, successful involvement in WinterWonderGrass, LA Food and Wine Festival, SnowBall, SnowGlobe, and South Park music festivals as well as State Bridge Amphitheater, Rancho Del Rio festivals, and many other events. He will directing the alcohol management of the event.

## **LICENSED PREMISE**

See attached map - perimeter outlined in red.

## **ENTRANCE / EXITS**

There will be one main public entrance for festival patrons located on the northeast side of Nottingham Park. Security, box office, first aid and an information booth will be located near the main entrance. All vendors, artists, security and event staff will enter through the west gate to load and unload gear. Lone Star Security will control the west gate. Lone Star Security, WinterWonderGrass staff plus Town of Avon uniformed police officers, will control the front gate.

All access points will be staffed by Lone Star Security with WWG staff assistance, no public parking will be permitted on Lake Street from 2pm – 11pm Friday February 19 - Sunday February 21. Signage stating alcohol perimeters will be posted at public entrance and exit gate.

## **STAFFING**

WinterWonderGrass will be onsite with a producer, assistant producer, local operations manager, assisting operations manager, box office staff, bar manager, bar captains and waste management coordinator. Lone Star Security will have up to between 12 and 18 officers on site. Certified flaggers will be posted along ingress and egress routes, assisted by WWG volunteers and working under Avon Police Department.

## **EDUCATION/TRAINING**

Anyone pouring alcohol will be certified by an Eagle County accredited program, TIPS or similar. A complete and current list will be provided to the Town of Avon and kept current at all times 14 days prior to the event.

## **CONTROL OF THE PREMISES**

Secured fencing, controlled access points, well lit signage and employee education will deal with the issue of controlling the flow of alcohol on and moving off the property. During the event we will have 12-18 security personnel positioned at all entrance points and around the perimeter. In addition, the Avon Police Department will be contracted to provide further security assistance as per their requirements. ID checking stations will be located in well-lit areas and staffed with TIPS certified staff. Brightly colored "21+" wristbands will be applied to each patron upon inspection/approval of ID. ID checking staff will be trained to recognize false ID's and will contact a bar manager to assist on questionable ID's. No one with out a wristband will be served alcohol. Bar staff will be trained to ID anyone that looks questionable whether or not they have a wristband. The staff will have access to the 2015/2016 ID-checking guide stationed through out the id checking booths.

Venue wristbands will be distributed to persons that have government-issued identification that proves that they are twenty-one (21) years or older – general policy is to request identification from anyone wanting a wristband regardless of how old they appear to be. Such wristbands will not only be required to purchase alcohol, but will be required to hold alcohol – Security personnel and bar staff will be briefed on the wristband colors daily and will enforce wristband rules. Unique 21+ wristbands will be used each day with each patron over 21 needing to have their ID's rechecked daily. There will be a zero-tolerance policy for outside alcohol that is smuggled into the event, which will result in immediate ejection. Additionally, there will be a zero-tolerance policy for underage drinking.

General alcohol serving guidelines will state that patrons are only allowed to hold two (2) alcoholic beverages at a time – signs to this effect will be posted at all points of sale. Patrons that are caught holding more than two (2) alcoholic beverages will receive verbal warnings; repeated incidences with

the same patrons may result in ejection from the event. Security personnel will assist personnel serving alcohol in enforcing the two (2) drink policy.

Personnel serving alcoholic beverages have the right to refuse service to any patron – in such cases it is recommended that the patron's wristband be removed and that black a black "X" is placed on the top of each hand in permanent marker to prevent the patron from attempting to get another wristband. Patrons refusing to comply with the refusal of service or acting in contravention of a refusal of service may be subject to ejection from the event.

We have the right to refuse entry to anyone who is deemed intoxicated as we know that they are only destined to become a problem. Bags will be checked thoroughly and **nothing** in the form of liquid will be allowed in or out except sealed water bottles. Security will be positioned around the perimeter and will be patrolling the venue constantly, monitoring the customers. Security will be equipped with radios to keep in constant contact with each other and management.

Patrons that appear to be too intoxicated during security screening shall be denied entrance to the venue – depending on their level of intoxication and willingness to comply with instructions to leave, such patrons may have their tickets removed by security personnel to prevent their attempting to enter through another entrance at a later time. Should it become necessary, the gate Supervisors will involve local law enforcement and/or medical personnel to perform an evaluation on any patrons appearing to be too intoxicated that have made it to the gate and have been denied entry.

If we deem someone has had too much to drink we will take the following steps: STOP SERVING the person, contact management, offer free food and water, determine if the patron is driving, find them a friend that can safely take care of them and if necessary, alert local authorities.

Alcohol will be stored in lockable vending trucks onsite with overnight security posted.

***Full WWG Security and Medical Plan for AMP located at end of this document.***

### **DAYS AND HOURS OF OPERATION**

Doors 2:00

Friday February 19<sup>th</sup> – 2:00 pm – 10:30 pm

Saturday February 20<sup>th</sup> – 2:00 pm – 10:30 pm

Sunday February 21<sup>st</sup> – 2:00 – 9:30 pm

## **FOOD SERVICE**

Approved and licensed Eagle County food vendors will be onsite to provide meals during events. All permits and applications will be finalized prior to February 7<sup>th</sup>. Unique food vendors will be serving during all event hours all (3) days.

## **INSURANCE**

Local carrier Alpine Insurance Agency will insure our event.  
***Insurance certificate will be provided prior hearing.***



# **WinterWonderGrass Safety & Security Plan**



## **GOALS**

To provide a safe and friendly environment for our fans, staff and guests. Detailed attention to the fan experience is essential for our success, as well as being proactive on communication and information dissemination. Our security provider (Lone Star Security) will work closely with the Town of Avon Police Department to create a seamless crowd management strategy and will remain in communication throughout. Highly visible Lone Star uniforms will be required.

## **LONE STAR SECURITY**

Lone Star provides security services throughout Colorado for all types of special events and locations including well-known amphitheatres, stadiums, major concert venues, high-level events, five star hotels, business and political gatherings.

When it comes to customer service, Lone Star has earned a reputation for excellence and long-term client relationships by creating the safest possible environment and the discreet enforcement of rules and regulations. In addition to complete risk assessment services, Lone Star is able to conduct searches for any contraband deemed inappropriate to the venue. Lone Star's personnel have been specifically trained for TIPs certification; allowing them to check identification, verify wrist banding and provide for alcohol safety.

- Highly-Trained and Professional Security Officers
- Customer Friendly Service
- Monitor Restricted and Closed Venue Areas
- Discreet Proactive Countermeasures
- Monitor Compliance with Alcohol and Identification Policies
- Event Equipment and Vehicle Protection
- Monitor Fire Safety and Hazard Regulations
- Check Backpacks and Perform Searches
- Certified Emergency Response
- Personal Protection for VIP's
- First Responder Services
- Special Response Team

LONESTAR and the promoter have recent experience with performers for this event: ***THE INFAMOUS STRINGDUSTERS, FRUITION, ELEPHANT REVIVAL, SAM BUSH, LEFTOVER SALMON, PAPER BIRD***, etc.

### **SECURITY HEADQUARTERS**

A heated 20' by 20' security tent will be located inside the venue in an obvious position next to the south beer hall with adequate signage. One half of the tent will be set up for minor medical situations and a place to get warm. The other half of the tent will be a security post and ID checking station. The tent will serve as a center point for security, medical, information dissemination and lost and found. Free water will be available inside.

### **LOCATION**

See attached map for details on the location of security staff.

### **PATRON PROFILE**

The 2016 WinterWonderGrass event anticipates a crowd relevant to the types of acts and offerings onsite. Acoustic roots and bluegrass music fans are generally 21-65 with a high level of respect for the artists and the environment. We will anticipate and prepare for cases of intoxication, public marijuana usage, underage drinking and general crowd issues related to high-density zones (dance floor / beer halls at peak time). We do not anticipate moshing, fighting, drug distribution or disrespect for security, staff or local law enforcement.

### **ENTRANCE**

One main gate will welcome all fans entering the site. A flexible security team including two (2) Town of Avon Police Officers will be stationed at the main gate at all times. Lone Star Security will be the only ones handling credential verification, administering of wristbands and personnel/bag search.

Entrance flow is as follows:

- Attendees line up at main gate
- Attendees are searched prior to entering the venue
- Attendees will have their printed tickets scanned and staff will put on event wristbands
- If attendees need to purchase tickets or are on will call or guest list they will proceed to the box office following search. The tent will be

set up with one side of box office outside the entrance point where scanners are stationed

- Any ticketing issues will be handled by the box office manager and Eventbrite staff

## **SEARCH**

For patrons attending the event, there will be a mandatory bag search and the size of bags will be limited to a size of 12"x12"x12" (approximately the size of a normal school backpack); large camping-style and frame backpacks will not be allowed. At no time will search personnel put their hand into a bag – search personnel will perform visual inspections of the contents of each bag, will feel the outside of each bag, and will ask patrons to remove items that seem exceptional and/or are blocking the view of other items in the bag. Additionally, all patrons will be subject to screening by search personnel that will consist of a visual inspection, search of pockets of bulky exterior clothing (i.e., coats, jackets), and a light pat down of pockets of underlying garments if there is visibly bulky exterior. Due to the nature of the patron profile, the primary goal of entrance searching will be to discover and dispose of any outside alcohol that patrons may attempt to bring in – outside alcohol found during searches will be disposed of at the point of search.

Signs will be posted at the gates that clearly list out the items that are prohibited from entering the event site and searchers should be educated and briefed in the list of items – gate Supervisors will have the final say on whether any particular item is to be allowed. When practicable, parking personnel should be briefed on the list of prohibited items and should attempt to inform patrons that may be carrying prohibited items to mitigate such patrons being turned away at the gates. Additionally, when possible, directors should be used at gate lines to inform patrons with bullhorns and/or one-to-one interactions of the prohibited items to reduce the number of patrons turned away at the search points. Finally, prohibited items are listed on the event website allowing patrons to become educated prior to the event taking place. Posts on social media and direct ticket holder emails will be utilized as well.

WWG will message via social media and email to attendees, the law regarding marijuana usage and the fact it is illegal to smoke in public. If staff discover an amount of marijuana deemed to be an excessive quantity (one ounce or more), that person will be denied entry and told to return to the venue without it, at which time they will be granted entry if cooperative.

Crowd control barricade (bike rack) will be used at entrance points to control crowd flow and ensure that there are orderly lines leading into the search points and the ticket taking points. A designated break or breaks in the perimeter fence line directly adjacent to the entrance will be created to not only allow working personnel access in and out of the site, but also to allow ticket and search exception to be escorted out if the case arises – such

breaks will either be secured with physical devices or staffed with security personnel.

Sufficient lighting will be provided at all entrances to ensure that effective bag and patron searches can be conducted and that tickets and credentials can be easily seen. All search personnel are required to have a flashlight to aid in searching contents inside of bags.

Uniformed law enforcement personnel will be visible at the main each gate to act in a support role for security personnel if required and to provide an enhanced visual presence at the entrances. Generally law enforcement personnel need not become involved in any of the search and ticket/credential checking operations.

Policy for fence jumpers or gatecrashers during this event will be flexible and based on an individual basis. Anyone caught will be escorted off the property, if any resistance is encountered, security will call Avon PD and turn over for prosecution. Attempts to either run through search and ticket/credential points will result in persons committing those acts being turned over to law enforcement personnel. Although local regulations may or may not have fines or penalties for evasion of admission, anyone on the festival site without a credential or ticket will be assumed to have trespassed on to the site and turned over to local law enforcement. However, re-entry will be allowed with the purchase of a WinterWonderGrass wristband. Each person re-entering is subject to search and will have the wristband physically tugged on by security personal.

### **PERIMETER SECURITY**

Perimeter security will be enforced through the use of chain-link scrimmed fencing. Once the majority of the crowd has entered the event area, gate personnel will be redeployed along the exterior perimeter to provide a visible presence to deter fence jumpers and provide general event security. .

### **STAGE SECURITY**

There are (4) stages planned for this event, main stage and one smaller (side) stage inside both beer halls, due to the nature of crowd activity anticipated for this event, the number of security personnel required for the front of each stage is minimal. Each side stage will have a stage manager / sound engineer to handle backline, band needs and crowd control during the performances. The main stage will have 1-3 security personal positioned at the promoter's discretion during the headliners.

Bike barricade will be utilized to create a moat in front of the main stage for photographer access and security flexibility to roam. We do not anticipate the need for any inertia barricades.

## **BACKSTAGE SECURITY**

Access to the backstage areas from the public space will be through the VIP area, stage right, then through a security checkpoint. Additional access will be a security-controlled gate in the southwest corner of the park towards the municipal building. All persons with access to backstage areas will be issued credentials and the credentials must be visibly worn at all times – security guards will check credentials at all access control points regardless of whether or not they recognize the person with the credential. Pass sheets will be made available to all security guards at all access points and will be posted conspicuously at each access control point for not only the guards to refer to, but also as a visual representation of credentials allowed past a particular point for those persons to whom credentials have been issued. The promoter will make the final determination on the access levels for each credential as the access levels may vary from act to act or at different times during each festival day. Persons attempting to go through access-controlled areas without the proper credentials will be stopped and warned and repeated attempts to enter into such areas without the appropriate credentials may result in the ejection of the persons and/or the involvement of law enforcement personnel.

All approved backstage personnel and artists will have a WinterWonderGrass laminate AND a secure ARTIST wristband. Headline acts will have the ability to bring (1) guest backstage, controlled by the production manager. Backstage bar will have TIPS trained bartenders pouring and checking ID's.

## **GENERAL FESTIVAL AREA**

Based on the anticipated crowd, security personnel will be positioned at key points. Security personnel will post- up at the front gate; once the majority of ticket holders are onsite those personnel will be repositioned to roam the site. Additional personnel will be located at the security tent, behind vending, around the main stage, and at all access points through out the venue. (See Map)

## **ALCOHOL CONTROL**

Patrons that appear to be too intoxicated during security screening shall be denied entrance to the venue – depending on their level of intoxication and willingness to comply with instructions to leave, such patrons may have their tickets removed by security personnel to prevent their attempting to enter through another entrance at a later time. Gate Supervisors and WWG management will make the final determination on whether a patron is too visibly intoxicated to enter the event. Should it become necessary, local law enforcement and/or medical personnel will be contacted to perform an evaluation on any patrons appearing to be too intoxicated that have made it to the gate and have been denied entry.

General alcohol serving guidelines will state that patrons are only allowed to hold two (2) alcoholic beverages at a time. If cups are used to serve alcoholic beverages, different cup colors should be used for alcoholic and

non-alcoholic beverage to aid in enforcing the two (2) drink policy. Patrons that are caught holding more than two (2) alcoholic beverages will receive verbal warnings; repeated incidences with the same patrons may result in ejection from the event. Security personnel will assist personnel serving alcohol in enforcing the two (2) drink policy.

Personnel serving alcoholic beverages have the right to refuse service to any patron. Persons identified as being intoxicated and a potential hazard to themselves or other attendees will be escorted to the Security tent. Following an evaluation, on site medical will utilize the best practices for patient's safety. Security or WWG management will offer a place to warm up, water and food if needed plus any basic first aid. Pending the medical evaluation security or WWG management will help find a safe ride home if possible and if the patient does not need further medical assistance. Following assessment, care and all other medical procedures to handle the situation, and if the attendee is in anyway a danger to the staff or themselves, Avon PD will be called for assistance. In extreme cases and if deemed necessary we will call local EMS transport to appropriate facilities. 911 will be utilized for ambulance dispatching.

### **ID-CHECK**

Inside the venue wristbands will be distributed to persons that have government-issued identification that proves that they are twenty-one (21) years or older – policy is to request identification from anyone wanting a wristband regardless of how old they appear to be. Such wristbands will not only be required to purchase alcohol, but will be required to hold alcohol. WWG staff and security personnel will be briefed on the wristband colors daily and will enforce wristband rules. There will be a zero-tolerance policy for outside alcohol that is smuggled into the event, which will result in immediate ejection. Additionally, there will be a zero-tolerance policy for underage drinking and underage drinkers that are encountered by security personnel will be escorted off the property.

### **COMMUNICATIONS**

Security personnel and WWG management and relevant staff will have radio (2) way radio communications with event staff and a predetermined channel for local police or an extra radio for PD (as directed by Avon PD). Communication with emergency services will be through 911.

### **MESSAGING**

WWG marketing team will push relevant safety information via email and social media in addition to timely stage announcements.

### **EMERGENCY ACTION PLANS**

Lone Star Security and WWG staff will follow all standard emergency action plans and protocols set forth by Avon PD. WWG staff and Lone Star will look to the Avon Police Department when dealing with onsite emergency

situations other than the normal scope of event situations outlined in this plan.

### **MASS CASUALTY INCIDENTS AND EVACUATIONS**

WWG personnel and security complies with any plans and procedures for Mass Casualty Incidents (MCIs) and evacuations currently put in place by local public safety officials. Personnel will be briefed on their roles for MCIs and evacuations prior to beginning work at the event. It is understood by WWG management that unless otherwise instructed by local public law enforcement officials, it shall be the role of Lone Star and WWG staff only to provide support to the operations and decision of public safety officials in the case of MCIs or evacuations and any matters of public safety.

### **TOWN OF AVON POLICE INTERACTION**

Town of Avon uniformed police officers will have access to the WWG event venue; wristbands will not be required.

It is strictly understood by WWG staff and Lone Star that final law enforcement decisions are solely in the hands of local law enforcement agencies that may be involved with the event. From a law enforcement perspective, Lone Star is there only to provide event security services and not to make judgment calls on the legality of actions or behaviors, nor is there any arrest authority outside that of a regular citizen implied or understood by Lone Star in its security role with the event. When Lone Star of WWG staff interacts with law enforcement personnel, they will make every best effort to provide as much information as possible about situations requiring law enforcement interaction and assist law enforcement in making the best possible decision as to the outcome of such situations.

### **COMMUNICATIONS PLAN**

The following WWG staff will be on (2) way radio communication throughout the event.

- *Production* – handling all things to do with the stages and sound
- *Management* – director of operations / artist relations and event producer
- *Bar management* – all bar activities
- *Medical - Safety*
- *Box Office* – Front Gate
- Security

In case of emergency 911 will be utilized to call in necessary emergency services.

WWG staff will follow Town of Avon PD recommendations for integration of communication with WWG Medical, Security and Director of Operations. If requested, WWG will order extra radios for Avon PD to utilize.

## **SECURITY SERVICE AGREEMENT BETWEEN LONESTAR AND WINTERWONDERGRASS**

The undersigned party (hereinafter called "Client") and Alpine Security, LLC: DBA: Lone Star Security and Safety Services, a Colorado limited liability company (hereinafter called the "Lone Star").

### **SCOPE OF SERVICE**

This Agreement provides for Lone Star to arrange for the performance of security service ("Service") at the Client, within Client's operation and on Client's property. Lone Star is a total asset protection security solutions company that offers a variety of security and safety services. Lone Star caters to the commercial, residential and industrial needs of our clients. We take pride in being a company that provides outstanding security services at the most economical price. We have the experience and training to offer the appropriate recommendations for all your security needs. The protection measures that we offer include, but are by no means limited to the following:

- Building and perimeter protection
- Concert & special events
- Executive protection
- Gated community public safety
- Hotel and retail loss prevention
- Investigation & surveillance
- Consultation & training

### **PERSONNEL**

Lone Star's employees shall wear uniforms approved by Lone Star and such to be provided at their expense. Lone Star shall remove employees, at Client's request, on a non-discriminatory basis any employee whom Client finds objectionable or whose continuing employment is contrary to Client's best interest. Lone Star agrees that it will perform a thorough background checks upon hire of all its employees. Lone Star agrees that it will provide guards free of any Felon criminal record. Lone Star shall provide its employees with training and supervision sufficient to allow such employees to provide the "Service" herein in a professional manner consistent with the standards of a first-class Client. All such personnel shall be trained and supervised in accordance with accepted industry practices and shall conform to the reasonable rules and regulations of Client established from time to time by Client for the conduct of, and in relation to, the employees of Lone Star of Client when such employees are on Client premises. Copies of all reports shall be given to Client such reports shall be prepared on forms designated by Lone Star. Lone Star shall maintain a security log at the Client and record all incidents responded to by Lone Star.

### **SCHEDULE OF SERVICES AND RATES**

Lone Star agrees that it shall provide adequate personnel as requested at least one week in advance by Client. Lone Star shall provide labor, materials and equipment on a schedule as agreed to by Client. Schedule of Services and rate will be defined in **Appendix A**.

### **TERMS AND FEE**

This Agreement shall be for designated term per the Schedule of Services. A



50% deposit will be required at least 5 business days before the start of the Schedule of Services. Client must cancel at least 5 business days prior, or they will be charged in full. All Service shall be provided at the specified rate to include holiday and overtime pay at the same rate. Client agrees to pay all fees to Lone Star within fifteen (15) days of receipt of an accurate invoice from Lone Star.

### **EQUIPMENT AND MATERIALS**

Lone Star shall provide and maintain adequate equipment to permit timely completion of all operations and shall use materials which are in conformance with existing federal, state and local laws and ordinances. The Client is responsible for site-specific equipment on premise, such as AED, First Aid, and Fire Extinguishers.

### **LICENSES AND PERMITS**

If any governmental license or permit shall be required for the proper and lawful conduct of Lone Star's business or other activity carried on, in or at Client, or if a failure to procure such a license or permit might or would in any way affect the operations of Lone Star, then Client, at its expense, shall duly procure and thereafter maintain such license or permit and submit the same to inspection by Lone Star. Client, at its sole cost and expense, shall at all times comply with the requirements of each such license or permit. This includes TIPS certification and requirements. Client agrees, at its own expense, to comply promptly with all requirements of any existing federal, state and local laws and ordinances.

### **INSURANCE**

Lone Star shall carry and maintain Workers' Compensation insurance in statutory amounts, and Comprehensive General Liability insurance in a minimum amount of \$2,000,000 combined single limit and Automobile Liability insurance in a minimum amount of \$1,000,000 combined single limit for Lone Star's vehicles. Lone Star shall furnish to Client a Certificate of Insurance evidencing such coverage upon request. Lone Star is an independent Contractor and all persons employed to furnish services hereunder are employees of Lone Star and not of Client.

### **INDEMNIFICATION**

Client shall defend, indemnify and hold harmless Lone Star Security and their employees, officers, directors and agents from and against any and all actions, costs, claims, losses, expenses and/or damages, for bodily injury and/or death to Lone Star's employees and/or third parties which arise out of or result in connection with the services to be performed by the Lone Star hereunder. This includes alcohol related events as a result of client over serving patrons.

### **BINDING**

This Agreement shall inure to and bind the successors, assigns and representatives of the parties, providing, however, this Agreement may not

## **MEDICAL ISSUES**

The following is a list of special medical concerns for this event:

- Altitude sickness. This event may attract persons that are not used to the high mountain altitude and may not be sufficiently hydrated or otherwise acclimated to the altitude effects; consumption of alcohol may intensify altitude effects.
- Dehydration. The duration of the event may cause dehydration effects if patrons do not consume adequate amounts of water – dehydration for this event will be compounded by altitude. Adequate sources of freely available water to refill containers will be provided, patrons will be allowed to bring at least one (1) 20oz or smaller bottle of water (caps will be removed at the gates) or a non-disposable container for water (containers will be emptied at the gates).
- Sunburn. Depending on weather, the altitude provides significantly higher ultraviolet exposure. It is recommended that sunscreen be made available for sale or that sunscreen be made available to patrons at medical stations.
- Intoxication. Altitude compounds alcohol effects and some patrons may not be used to the compounded effects. Due to the length of the event, it is possible that patrons may be able to leave the event site to become more sober and return to enjoy the rest of the event – Patrons will be evaluated on an individual basis.
- Hypothermia. Depending on weather, patrons may become subjected to very cold temperatures and may not be adequately prepared. Thought should be given to warming stations, availability of hot beverages for purchase, and policies around allowing patrons to return to their vehicles to get heavier clothes as the temperatures become colder throughout the event.

On site medical will utilize the best practices for patient's safety. We will offer a place to warm up, water and food if needed plus any basic first aid. Pending the medical evaluation we will help find a safe ride home if possible and if the patient does not need further medical assistance. Following assessment, care and all other medical procedures to handle the situation, and if the attendee is in anyway a danger to the staff or themselves, Avon PD will be called for assistance. In extreme cases and if deemed necessary we will call local EMS transport to appropriate facilities by calling 911.

## **COMMUNICATIONS**

Our EMT and security personal dedicated to the tent will have radio communication with event staff and incident command.

## **MESSAGING**

WWG marketing team will push relevant safety information via email and social media in addition to timely stage announcements

## **Appendix A: SCHEDULE OF SERVICES**

### **Winter Wonder Grass Festival**

**Date: Location: Times: Hours: Personnel Needed**

## **2:00 - GATES**

Feb 19, 2016 Nottingham Park - 1-11pm

Feb 20, 2016 Nottingham Park - 2-11pm

Feb 21, 2016 Nottingham Park - 2-10pm

### **Event Info**

#### **12-18 Lone Star Security Officers**

- Front gate 2pm – 11pm (2-4 officers)
- Bag check at front gate- 2pm – 9pm – (2-4 at officers)
- Tickets and wristbands at front gate (with WWG staff) - 2pm – 9pm – (2 officers)
- Checking ID's and wrist banding in the ID tent 2:45-9:45 (with WWG staff) (2-4 officers)
- Back stage 2:30 – 10:30pm - (1 officer)
- Main Stage 4:30 – 10:30pm - (1 officer)
- VIP – 3-10pm (2 officers)
- Controlling back stage access – 3-10pm (1-2 officers)
- Medical tent/security trailer – 3-10pm (1 officers)
- Officers roaming the venue following peak ingress times – 6-10pm (2 officers) time
- Officers will enforce all event rules and maintain a safe event

Town of Avon Police Officers Two (2) officers at the front gate at all times – 2-10pm

Two (2) officers in venue periodically walking through and observing  
Two (2) officers available for relief duties

be assigned without the prior written consent of Client.

### **ENTIRE AGREEMENT AND AMENDMENTS TO AGREEMENT**

This Agreement contains the entire agreement between the parties hereto; no representations, inducements, promises or agreements, oral or other, between the parties not embodied herein, shall be of any force or effect. This Agreement may be amended only by a written instrument signed by the parties hereto.

### **LEGAL**

In the event any legal action is taken by either party against the other party to enforce any of the terms and conditions of this Agreement, it is agreed that the unsuccessful party to such action shall pay to the prevailing party therein all court costs, reasonable attorneys' fees and expenses incurred by the prevailing party. With this agreement, Client agrees to any legal action to take place in State of Colorado. Client also agrees to Mediation as a means for resolution.

### **EXHIBITS AND HEADINGS**

If there are any terms and conditions contained in any exhibit attached hereto which are inconsistent with or additional to the terms and conditions contained in this Agreement, the terms and conditions of this Agreement shall prevail over any inconsistent terms and unless specifically accepted by the parties as part of this Agreement, the additional terms shall not be incorporated into the Agreement. Both parties shall initial the additional terms on the Exhibit as acceptance of such term as part of the Agreement. The headings used in this Agreement are inserted only as a matter of convenience and for reference and in no way define, limit or describe neither the scope of this Agreement nor the intent of any provision thereof. We the undersigned do agree to accept the terms and conditions of this offer made by Lone Star Security & Safety Services.

# **WinterWonderGrass Medical Plan**



## **GOALS**

To ensure each festival attendee and staff member has access to basic medical attention. WWG staff will provide direction and assistance to the on-site medical tent where EMT will be staffed. WWG staff will be directed to call 911 in case of emergency. WWG has identified the following conditions as the most common call for medical attention at the festival: exposure to the elements, minor cuts or bumps, overconsumption of alcohol. Free water will be available at the medical tent and identified on the map.

## **FACILITY**

A heated 20' by 20' tent will be located inside the next to the south beer with highly visible signage. One half of the tent will be set up for minor medical situations and a place to get warm. The other half of the tent will be a security post and ID checking station. The tent will serve as a center point for security, medical, information dissemination and lost and found. Basic supplies will be provided on site by approved medical team. Free water will be available inside.

## **LOCATION AND TIME**

See attached map for details of the location adjacent to the south beer hall.

Friday 2:00-10:30 p.m.

Saturday 2:00 – 10:30 p.m.

Sunday 2:00 – 9:30 p.m.

## **STAFFING**

Lone Star Security or another approved vendor, will staff one (1) certified EMT. At least one additional security member will be posted in the security tent. If at any time additional resources are needed Lone Star or Jam Care will facilitate with ECAD or Eagle County EMS.





https://mail.google.com/mail/u/0/#search/map/1516a14587e71ee?projector=1

Red = 1 inner perimeter



OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO  
CERTIFICATE OF REGISTRATION

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**WALKING MOUNTAINS**

is a **Charitable Organization** registered to solicit contributions in Colorado as required by the Colorado Charitable Solicitation Act, Title 6, Article 16, C.R.S.

This organization has been assigned a registration number of 20033006412.

The status of its registration is **GOOD**, and this status has been in effect since 10/30/2012.

The organization's registration is or was due to be renewed by 02/15/2014.

Registrations in good or delinquent status remain valid until the registration becomes suspended or revoked. An organization whose registration has been suspended is prohibited by law from soliciting contributions, providing consulting services in connection with a solicitation campaign, or conducting a solicitation campaign in Colorado.

This certificate reflects facts established or disclosed by documents delivered to this office electronically through 10/30/2013.

**IN TESTIMONY WHEREOF** I have hereunto set my hand and affixed the Great Seal of Colorado, at the City of Denver on 10-30-2013 10:58:56



A handwritten signature in blue ink, appearing to read "Scott Gessler".

Secretary of State of the State of Colorado

**Avon Police Department  
Liquor License Application**

**Individual Name(s):** Scott Stoughton

**Name of Business:** Walking Mountains Science School

**Type of License:**  Hotel & Restaurant  
 Special Event Permit

**Event Name:** Winter Wonder Grass Music and Brew Festival (4<sup>th</sup> annual)

**Date of Event:** February 19, 2016, 2:00 p.m. until 10:30 p.m.  
February 20, 2016, 2:00 p.m. until 10:30 p.m.  
February 21, 2016, 2:00 p.m. until 10:00 p.m.

**Location of Business:** Harry A. Nottingham Park, One Lake Street  
Avon, Colorado 81620

**Date Received:** 01/15/2016

**Photographs/Fingerprints:**  On File  
 Special Event – N/A

**Investigation by:**  Detective Sergeant Jonathan Lovins  
 Detective Jeremy Holmstrom

**Date:** 01/19/2016

**CBI Criminal Investigation (attached):** No Problems

**Local Criminal Investigation:** No Problems.

**Comments:**

Liquor Code Violations in the past calendar year:  Yes  No

If yes, explain: \_\_\_\_\_

Smoking violation in the past calendar year:  Yes  No

If yes, explain: \_\_\_\_\_

Background investigation conducted with no problems and or areas of concern.

N.C.I.C. database not accessed on this applicant.

**Investigation Time:** 2 hours.

**Administration Time:** 1 hour.

*RHJ  
1-20-16*





## LIQUOR LICENSING AUTHORITY REPORT

**To:** Avon Liquor Licensing Authority

**From:** Debbie Hoppe, Town Clerk

**Date:** January 21, 2016

**Agenda topic:** China Garden Transfer of Ownership Management Plan

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China Garden has successfully completed a management plan for the Transfer of Ownership application.

On Wednesday, December 16, 2015 Lana and David Sweaney completed TIPS training course with Jonathan Balliet at TIPSCOLORADO.COM Certified TIPS instructor and currently all staff has been TIPS certified.

Ben McNair, a restaurant consultant, has been hired. Ben has worked in the restaurant industry for many years and is currently the general manager of The Dusty Boot, Beaver Creek. Ben is helping Lana and David Sweaney with Liquor license compliance and best in industry practices.

Martin Rodosh was hired January 2, 2016 as the manager of China Garden. Attached you will find Martin's bar management experience. Local background check has been completed with no concerns. The Colorado Bureau of Investigation report is pending.



## REPORT TO AVON LIQUOR LICENSING AUTHORITY

**To:** Avon Liquor Licensing Authority  
**From:** Debbie Hoppe, Town Clerk  
**Date:** January 4, 2016  
**Re:** Permit Application Manager's Registration—China Garden

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Town Council acting as the Local Liquor Licensing Authority is asked to consider the Permit Application Manager's Registration for 3 Dragons, LLC d/b/a China Garden.

**Background on Application:** The Avon Local Liquor Licensing Authority previously reviewed the Change in Ownership application for 3 Dragons, LLC d/b/a China Garden on Tuesday, December 9, 2015. The Authority continued the hearing in order for the applicant to select a manager. A portion of Colorado Liquor Code Section 12-47-411 is re-printed for convenience as follows:

**12-47-411. Hotel and restaurant license - definition - rules.**

(8) Each hotel and restaurant licensee shall manage or have a separate and distinct manager and shall register the manager of each liquor-licensed premises with the state and the local licensing authority. No person shall be a registered manager for more than one hotel and restaurant license.

(9) The registered manager for each hotel and restaurant license or the hotel and restaurant licensee shall purchase alcohol beverages for one licensed premises only, and the purchases shall be separate and distinct from purchases for any other hotel and restaurant license.

(10) When a person ceases to be a registered manager of a hotel and restaurant license, for whatever reason, the hotel and restaurant licensee shall notify the licensing authorities within five days and shall designate a new registered manager within thirty days.

(11) Either the state or the local licensing authority may refuse to accept any person as a registered manager unless the person is satisfactory to the respective licensing authorities as to character, record, and reputation. In determining a registered manager's character, record, and reputation, the state or local licensing authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency.

(12) The hotel and restaurant licensee shall pay a registration fee not to exceed seventy-five dollars to the state and to the local licensing authority for actual and necessary expenses incurred in establishing the character, record, and reputation of each registered manager.

**Financial Implications:**

The permit application manager's registration application has been submitted to the Town of Avon and the State fees will be forwarded with the application materials upon the Local Liquor Authority approval.

**Background Investigation:** A background investigation has been completed by the Avon Police Department and the report indicates no concerns. The Colorado Bureau of Investigation report is pending.

**Proposed Motion:**

I move to approve (or deny stating the reasons for denial) the Permit Application Manager's Registration for 3 Dragons, LLC d/b/a China Garden.

## PERMIT APPLICATION AND REPORT OF CHANGES

**CURRENT LICENSE NUMBER** 0484 3920000  
**ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN**  
**LOCAL LICENSE FEE \$** \_\_\_\_\_  
**APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165**

1. Applicant is a		<b>PRESENT LICENSE NUMBER</b>
<input type="checkbox"/> Corporation ..... <input type="checkbox"/> Individual <input type="checkbox"/> Partnership ..... <input checked="" type="checkbox"/> Limited Liability Company		<u>0484 3920 000</u>
2. Name of Licensee <u>3 Dragons LLC</u>	3. Trade Name <u>China Garden</u>	
4. Location Address <u>100 W Beaver Creek Blvd A</u>		
City <u>Avon</u>	County <u>Esle</u>	ZIP <u>81620</u>

**SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.**

Section A – Manager reg/change	Section C
• License Account No. <u>0484 3920000</u> 1983-750 (999) <input checked="" type="checkbox"/> Manager's Registration (Hotel & Restr.)..\$75.00 2012-750 (999) <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses) NO FEE	2210-100 (999) <input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00 2200-100 (999) <input type="checkbox"/> Wholesale Branch House Permit (ea).... 100.00 2260-100 (999) <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) .50.00 2230-100 (999) <input type="checkbox"/> Change Location Permit (ea)..... 150.00 2280-100 (999) <input type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____
Section B – Duplicate License	
• Liquor License No. _____ 2270-100 (999) <input type="checkbox"/> Duplicate License .....\$50.00	2220-100 (999) <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ 1988-100 (999) <input type="checkbox"/> Addition of Related Facility to Resort Complex \$75.00 x _____ Total Fee _____

**DO NOT WRITE IN THIS SPACE – FOR DEPARTMENT OF REVENUE USE ONLY**

DATE LICENSE ISSUED	LICENSE ACCOUNT NUMBER	PERIOD
-750 (999)	-100 (999)	The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.
<b>TOTAL AMOUNT DUE</b>		<b>\$ .00</b>

## INSTRUCTION SHEET

FOR ALL SECTIONS, COMPLETE QUESTIONS 1-4 LOCATED ON PAGE 1

**Section A**

*To Register or Change Managers*, check the appropriate box in section A and complete question 8 on page 4. Proceed to the Oath of Applicant for signature (Please note: Hotel, Restaurant, and Tavern licensees are required to register their managers).

**Section B**

*For a Duplicate license*, be sure to include the liquor license number in section B on page 1 and proceed to page 4 for Oath of Applicant signature.

**Section C**

Check the appropriate box in section C and proceed below.

- 1) *For a Retail Warehouse Storage Permit*, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 2) *For a Wholesale Branch House Permit*, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 3) *To Change Trade Name or Corporation Name*, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 4) *To modify Premise*, go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 5) *For Optional Premises or Related Facilities* go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 6) *To Change Location*, go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

STORAGE PERMIT

**5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit**

**Retail Warehouse Permit for:**

- On-Premises Licensee (Taverns, Restaurants etc.)
- Off-Premises Licensee (Liquor stores)

**Wholesalers Branch House Permit**

Address of storage premise: \_\_\_\_\_  
 City \_\_\_\_\_, County \_\_\_\_\_, Zip \_\_\_\_\_

Attach a deed/ lease or rental agreement for the storage premises.  
 Attach a detailed diagram of the storage premises.

CHANGE TRADE NAME OR CORPORATE NAME

**6. Change of Trade Name or Corporation Name**

- Change of Trade name / DBA only
- Corporate Name Change (Attach the following supporting documents)
  1. Certificate of Amendment filed with the Secretary of State, or
  2. Statement of Change filed with the Secretary of State, and
  3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

Old Trade Name	New Trade Name
Old Corporate Name	New Corporate Name

CHANGE OF LOCATION

**7. Change of Location**

**NOTE TO RETAIL LICENSEES:** An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 12-47-311 (1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.

**Date filed with Local Authority** \_\_\_\_\_ **Date of Hearing** \_\_\_\_\_

(a) Address of current premises \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)

Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

(c) New mailing address if applicable.

Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_


(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.

<b>CHANGE OF MANAGER</b>	<p><b>8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.</b></p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)</p> <p>Former manager's name <u>Lance Sweeney</u></p> <p>New manager's name <u>Martin Rodosh</u></p> <p>(b) Date of Employment <u>Jan 2 2016</u></p> <p>Has manager ever managed a liquor licensed establishment?..... Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Does manager have a financial interest in any other liquor licensed establishment?..... Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, give name and location of establishment _____</p>
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<b>MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY</b>	<p><b>9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility</b></p> <p><b>NOTE:</b> Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed _____</p> <p>_____</p> <p>(b) If the modification is temporary, when will the proposed change:</p> <p>Start _____ (mo/day/year) End _____ (mo/day/year)</p> <p><b>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</b></p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?</p> <p>(If yes, explain in detail and describe any exemptions that apply) ..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises? ..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification.</p>
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**OATH OF APPLICANT**

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature 	Title <u>Manager</u>	Date <u>1-8-16</u>
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**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY / COUNTY)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority (City or County) <u>Town of Avon</u>	Date filed with Local Authority <u>1/8/2016</u>	
Signature	Title	Date

**REPORT OF STATE LICENSING AUTHORITY**

The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature	Title	Date
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## Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license

<b>Notice:</b> This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". <b>Any deliberate misrepresentation or material omission may jeopardize the license application.</b> (Please attach a separate sheet if necessary to enable you to answer questions completely)				
1. Name of Business <i>China Garden</i>		Home Phone Number <i>970-471-0185</i>	Cellular Number <i>970-471-0185</i>	
2. Your Full Name (last, first, middle) <i>Rodosh, Martin, Daniel</i>		3. List any other names you have used <i>n/a</i>		
4. Mailing address (if different from residence) <i>P.O. Box 1613 Edwards Co 81632</i>		Email Address <i>mrodosh@yahoo.com</i>		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
	<b>Street and Number</b>	<b>City, State, Zip</b>	<b>From</b>	<b>To</b>
Current	<i>88 Spruce Circle</i>	<i>Edwards, CO 81632</i>	<i>9/1/14</i>	<i>Present</i>
Previous	<i>81 Trinity Park Road</i>	<i>Oak Bluffs, MA 02557</i>	<i>4/1/12</i>	<i>8/23/14</i>
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
	<b>Name of Employer or Business</b>	<b>Address (Street, Number, City, State, Zip)</b>	<b>Position Held</b>	<b>From To</b>
	<i>Colorado Fasteners</i>	<i>US-6, 34510, Edwards Co, 81632</i>	<i>Sales Rep</i>	<i>10/1/14 Present</i>
	<i>see attached Resume</i>			
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
	<b>Name of Relative</b>	<b>Relationship to You</b>	<b>Position Held</b>	<b>Name of Licensee</b>
	<i>n/a</i>			
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)  Yes  No
11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.)  Yes  No
12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)  Yes  No

**Personal and Financial Information**

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth [REDACTED]	b. Social Security Number [REDACTED]	c. Place of Birth Alamosa Co	d. U.S. Citizen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. If Naturalized, state where n/a		f. When	g. Name of District Court
h. Naturalization Certificate Number	i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number
l. Height 5'9"	m. Weight 165	n. Hair Color Brown	o. Eye Color Hazel
p. Gender Male	q. Race white	r. Do you have a current Driver's License/ID? If so, give number and state. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No # [REDACTED] State Colorado	

**14. Financial Information.**

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other.  
\$ 300,000

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 0

\* If corporate investment only please skip to and complete section (d)

\*\* Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount

d. Provide details of the corporate investment described in 14 b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)


Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

**Oath of Applicant**

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature 	Print Signature Martin Radosh	Title Mr	Date 1/8/16
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## **Martin Rodosh**

### **Experience Cont'd**

**Bar Manager, The Atlantic Fish & Chop House, Martha's Vineyard May 2012 – August 2014**

**F&B Supervisor, Curve Restaurant, 5 Star London Marriott West India Quay UK January 2011 – December 2011**

**Bar Manager, Manhattan Bar, 5 Star London Marriott West India Quay UK March 2009 – January 2011**

**Bar Shift Leader, Manhattan Bar, 5 Star London Marriott West India Quay UK April 2006 – March 2009**

**Bartender, Manhattan Bar, 5 Star London Marriott West India Quay UK July 2004 – April 2006**

**Bar Consultant, Levy Restaurants O2 Arena UK June 2007**

### **Trainings / Courses / Special Achievements**

- T.I.P.S Certified Bartender in the USA – Colorado –
- Business Management, Colorado Mountain College 2000 – 2011
- Conflict Resolution Training – London – 2006
- Essential Skills – Graduated one year Management training course within the Marriott corp. – 2011
- Won a mixologist competition in Canary Wharf London
- Featured in local newspaper for original cocktails created while working at the Marriott
- Advanced Level Bartending Skills Course – Distinction Grade – IP Bartenders, London - 2006
- IP Bartenders Cocktail Training – London – 2006
- Bob Brown, Spirit to Sell Seminars – London – 2004, 05, 06
- Wine Seminars – Organic, New World and Old World Wines – London – 2005

**Martin Rodosh**

**Previous Address Cont'd**

41A Leathwell Road Se8-4JL London UK 2004-2006

**Avon Police Department  
Liquor License Application**

**Individual Name(s):** Martin Rodosh

**Name of Business:** 3 Dragons LLC

**Type of License:**  Hotel & Restaurant  
 Special Event Permit

**Event Name:** n/a

**Date of Event:** n/a

**Location of Business:** 100 W Beaver Creek Blvd.  
Avon, Colorado 81620

**Date Received:** 01/08/2016

**Photographs/Fingerprints:**  On File  
 Special Event – N/A

**Investigation by:**  
 Detective Sergeant Jonathan Lovins  
 Detective Jeremy Holmstrom

**Date:** 01/14/2016

**CBI Criminal Investigation (attached):** No Problems

**Local Criminal Investigation:** No Problems

**Comments:**

Liquor Code Violations in the past calendar year:  Yes  No  
If yes, explain:

Smoking violation in the past calendar year:  Yes  No  
If yes, explain: \_\_\_\_\_

Background investigation conducted with no problems and or areas of concern.

N.C.I.C. database not accessed on this applicant.

**Investigation Time:** 2 hours.

**Administration Time:** 1 hour.

RJD  
1-14-16



## REPORT TO AVON LIQUOR LICENSING AUTHORITY

**To:** Avon Liquor Licensing Authority  
**From:** Debbie Hoppe, Town Clerk  
**Date:** January 21, 2016  
**Agenda topic:** Renewal Application–Joe’s Liquors

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The Town Council serving as the Avon Liquor Licensing Authority will consider the following Liquor License Application for renewal at its Board meeting next week:

**RENEWAL OF LIQUOR LICENSE**

Applicant: Millers Bottle Shop, LLC d/b/a Joe’s Liquors  
Location: 1060 W. Beaver Creek Blvd. #1b  
Type: Liquor Store License  
Manager: Scott Seitz

Colorado Liquor Code, 12-47-302, provides for guidelines related to liquor licensing renewals; applications for the renewal of an existing license shall be made to the local licensing authority. The Town Clerk, Town Attorney, and Police Department have reviewed the application submitted and referenced above and the materials are in order. The Police Report results show the following information:

Millers Bottle Shop, LLC d/b/a Joe’s Liquors:

There have been no concerns or violations during the past year.

The owner/manager has been invited to attend the Liquor Board meeting.

During the liquor license renewal process, the Liquor Authority has broad discretion to consider any character issues related to the licensee holder at renewal in the same manner as granting a license. If there have been various types of behavior, such as failure to pay taxes and fraud, the courts have held these behaviors as a valid reason to find the applicant does not possess character. The Colorado Liquor Code §12-47-302 sets forth the local authority’s ability to hold a hearing on the application for renewal. It is also noted that a “yes or no action” only is required on renewals; there are no conditions that can be mandated in this process.

**Attachments:**

- ✓ State of Colorado Renewal Application Form
- ✓ Avon Police Department Summary Reports

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	<u>237.50</u>
<b>Amount Due/Paid</b>	

JOE'S LIQUORS  
 PO BOX 5940  
 AVON CO 81620

Make check payable to Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

**RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name <b>MILLER'S BOTTLE SHOP LLC</b>		DBA <b>JOE'S LIQUORS</b>		
Liquor License # <b>41644220000</b>	License Type <b>Liquor Store (city)</b>	Sales Tax License # <b>41644220000</b>	Expiration Date <b>3/28/2016</b>	Due Date <b>2/12/2016</b>
Street Address <b>1060 W BEAVER CREEK BLVD #1B AVON CO 81620</b>				Phone Number <b>(970) 845 7333</b>
Mailing Address <b>PO BOX 5940 AVON CO 81620</b>				
Operating Manager <b>Scott Seitz</b>	Date of Birth [REDACTED]	Home Address <b>2108 Zermott Ln, Vail, CO 81657</b>	Phone Number <b>970-476-0362</b>	
<p>1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                  Is the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>12-31-2017</u></p> <p>2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  <b>NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:</b> If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.</p> <p>3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>6. <b>SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:</b> Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.</p>				

**AFFIRMATION & CONSENT**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <b>Helen E Bird</b>	Title <b>Managing Member</b>
Signature <i>Helen E Bird</i>	Date <b>12-29-15</b>

**REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY**

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For <b>Town of Avon</b>	Date
Signature	Title
	Attest

**Avon Police Department  
Liquor License Application**

**Individual Name(s):** Scott Seitz

**Name of Business:** Miller's Bottle Shop, LLC d/b/a Joe's Liquors

**Type of License:**  Hotel & Restaurant  
 Special Event Permit

**Event Name:** n/a  
**Date of Event:** n/a

**Location of Business:** 1060 West Beaver Creek Blvd #1B  
Avon, Colorado 81620

**Date Received:** 01/08/2016

**Photographs/Fingerprints:**  On File  
 Special Event – N/A

**Investigation by:**  
 Detective Sergeant Jonathan Lovins  
 Detective Jeremy Holmstrom

**Date:** 01/14/2016

**CBI Criminal Investigation (attached):** No concerns

**Local Criminal Investigation:** No concerns

**Comments:** No negative Law Enforcement contacts in the last year.

Liquor Code Violations in the past calendar year:  Yes  No  
If yes, explain: \_\_\_\_\_

Smoking violation in the past calendar year:  Yes  No  
If yes, explain: \_\_\_\_\_

Background investigation conducted with no problems and or areas of concern.

N.C.I.C. database not accessed on this applicant.

**Investigation Time:** 2 hours.

**Administration Time:** 1 hour.

R + J  
1-14-16



## REPORT TO AVON LIQUOR LICENSING AUTHORITY

**To:** Avon Liquor Licensing Authority  
**From:** Debbie Hoppe, Town Clerk  
**Date:** January 21, 2016  
**RE:** Annual Renewal Application–PHO 20

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### ANNUAL RENEWAL APPLICATION for PHO 20

**Applicant:** PHO 20, LLC d/b/a PHO 20  
**Location:** 47 Beaver Creek Blvd. Unit C-13 & C14  
**Type:** Hotel and Restaurant License  
**Manager:** Cong Huang  
**Expiration Date:** February 26, 2016

The Applicant has submitted its annual renewal application. There is no change to the licensed premises or the Manager. The Police Report indicates one incident since the last renewal which is described as follows:

#### **NOVA Entertainment, LLC d/b/a Loaded Joe's:**

PHO 20 has been the subject of an investigation conducted by the Division. Agents of the Division allege violations of the Colorado Liquor Code, Section 12-47-901(1)(a.5)(I), C.R.S. On October 29, 2015, this Licensee, through its employee/agent Anthony Page, permitted the selling, serving, giving, or procuring of an alcoholic beverage (Bud Light, malt liquor) to 14-WF-19479, a nineteen-year-old Liquor Enforcement Division underage purchaser. Please see attachment State liquor enforcement information. (NOTE: PHO 20 had no other violations in 2015).

**Review:** The Avon Liquor Authority's review of a renewal application is limited to either a decision to renew or not renewal. The Avon Liquor Authority does not have any ability to impose additional penalties or conditions on a renewal. The Liquor Authority has broad discretion to consider any character issues related to the license holder. The Avon Liquor Authority also follows **Regulation 47-604** for penalty guidance. The State has imposed a penalty for the liquor violation on October 29, 2015.

The owner/manager has been invited to attend the Liquor Authority meeting.

**Process:** A hearing is not scheduled and is not required for this renewal. If the Avon Liquor Authority believes that cause may exist to not renew this liquor license then the Avon Liquor Authority must cause a hearing to be held and provide at least ten days notice of such hearing in accordance with C.R.S. §12-47-302(1).

**Proposed Motion:** "I move to approve the PHO 20 liquor license renewal application."

#### **Attachments:**

- ✓ State of Colorado Renewal Application Form
- ✓ Avon Police Department Summary Reports
- ✓ State liquor enforcement information

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

PHO 20  
 PO BOX 4015  
 AVON CO 81620

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
<b>Amount Due/Paid</b>	<b>500</b>

Make check payable to Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

**RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name PHO 20 LLC		DBA PHO 20		
Liquor License # 4704146	License Type Hotel & Restaurant (city)	Sales Tax License # 300810430000	Expiration Date 2/26/2016	Due Date 1/12/2016
Street Address 47 BEAVER CREEK BLVD UNIT C13 C14 AVON CO 81620				Phone Number (970) 748 3007
Mailing Address PO BOX 4015 AVON CO 81620				
Operating Manager CONG HUANG	Date of Birth [REDACTED]	Home Address 5389 S. BAHAMA CT AURORA CO 80015	Phone Number 720-361-8977	

- Do you have legal possession of the premises at the street address above?  YES  NO  
 Is the premises owned or rented?  Owned  Rented\* \*If rented, expiration date of lease 2019
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.  YES  NO  
**NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:** If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation.  YES  NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  YES  NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  YES  NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

**AFFIRMATION & CONSENT**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business CONG H HOANG	Title OWNER
Signature <i>[Signature]</i>	Date 1-4-16

**REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY**

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For Town of Avon	Date
Signature	Title
	Attest



**Avon Police Department  
Liquor License Application**

**Individual Name(s):** Cong Hoang

**Name of Business:** PHO 20, LLC d/b/a PHO 20

**Type of License:**  Hotel & Restaurant  
 Special Event Permit

**Event Name:** N/A  
**Date of Event:** N/A

**Location of Business:** 47 E. Beaver Creek Blvd. Unit C13-C14  
Avon, Colorado 81620

**Date Received:** 01/08/2016

**Photographs/Fingerprints:**  On File  
 Special Event – N/A

**Investigation by:**  
 Detective Sergeant Jonathan Lovins  
 Detective Jeremy Holmstrom

**Date:** 01/14/2016

**CBI Criminal Investigation (attached):** Clear

**Local Criminal Investigation:** Failed Compliance Check

**Comments:** Pho 20 failed a State Liquor Enforcement Compliance check on October 29<sup>th</sup> 2015.

Liquor Code Violations in the past calendar year:  Yes  No  
If yes, explain: Failed Compliance Check

Smoking violation in the past calendar year:  Yes  No  
If yes, explain: \_\_\_\_\_

Background investigation conducted with no problems and or areas of concern.

N.C.I.C. database not accessed on this applicant.

**Investigation Time:** 2 hours.

**Administration Time:** 1 hour.

RHJ  
1-14-16

BEFORE THE EXECUTIVE DIRECTOR, DEPARTMENT OF REVENUE

STATE OF COLORADO

---

STIPULATION, AGREEMENT, AND ORDER  
SA 15-435

---

IN THE MATTER OF:

**PHO 20 LLC  
D/B/A PHO 20  
47 BEAVER CREEK BOULEVARD UNIT C13 C14  
AVON, COLORADO 81620**

**Hotel & Restaurant License No. 47-04146**

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The State of Colorado, Liquor Enforcement Division ("Division") and Pho 20 LLC, d/b/a Pho 20, 47 Beaver Creek Boulevard Unit C13 C14, Avon, Colorado 81620 ("Licensee") hereby stipulate and agree as follows:

1. Licensee has been the subject of an investigation conducted by the Division. Agents of the Division allege violations of the Colorado Liquor Code, Section 12-47-901(1)(a.5)(I), C.R.S.

IT IS ALLEGED THAT:

- A. On October 29, 2015, this Licensee, through its employee Anthony Payne, permitted the selling, serving, giving, or procuring of an alcohol beverage (Bud Light, malt liquor) to 14-WM-19479, a nineteen-year-old Liquor Enforcement Division underage purchaser.
2. Licensee acknowledges receipt of sufficient notice, advisement of rights, and process of the proceedings and wishes to resolve all issues which were the subject of the investigation, by entering into this Stipulation, Agreement, and Order ("Order").
3. The Division and Licensee have discussed the merits of the investigation and allegations, and they have come to a mutual agreement and understanding to jointly propose to the State Licensing Authority a resolution of the allegations in lieu of proceeding to the issuance by the State Licensing Authority of an Order to Show Cause and conducting a hearing to determine the merits of such allegations. The terms and conditions of this Order are subject to approval by the State Licensing Authority.
4. Licensee admits the violations as alleged above in paragraph 1.

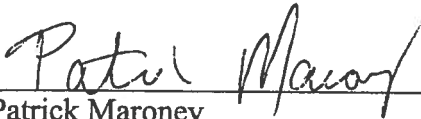
5. Licensee agrees, in lieu of the issuance of an Order to Show Cause, and subsequent proceedings, to submit to the following sanctions:
  - A. A **ten (10) day** suspension of Licensee's **hotel & restaurant license** to take place as follows:
    - i. License to be actively suspended for **five (5) days** from 12:01 a.m. on **January 8, 2016** until 11:59 p.m. on **January 12, 2016**.
    - ii. During any period of active license suspension, Licensee shall post signs on its premises in compliance with Regulation 47-600(F), 1 C.C.R. 203-2.
    - iii. **Five (5) days** of the suspension to be held in abeyance for a period of one (1) year, from the date of approval of this agreement by the state licensing authority, pending no further violations of the Colorado Liquor Code, Section 12-47-901(1)(a.5)(I), C.R.S., during this period.
6. The Licensee has filed a written petition to the Division in accordance with 12-47-601(3), C.R.S. requesting that the Licensee be allowed to pay a fine in lieu of active suspension. The Division finds that the petition supports the following:
  - A. That the public welfare and morals would not be impaired by permitting the Licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes; and
  - B. That the books and records of the Licensee are kept in such a manner that loss of sales of alcohol beverages which the Licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy.
7. The parties agree that the fine shall be the equivalent of twenty percent (20%) of the Licensee's estimated gross revenues from the sales of alcohol beverages during a period of five (5) days, except that the fine shall not be less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00). The parties agree that the average days' sales for the month of **October 2015** shall be the appropriate measure of said estimated gross revenues. Based upon these records, the amount of the fine has been determined to be **\$200.00**.
  - A. Payment of the fine pursuant to the provisions of this agreement shall be in the form of a **certified check or a cashier's check** made payable to the Colorado

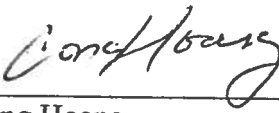
Department of Revenue. Said fine shall be paid to the Department of Revenue on or before **December 28, 2015.**

- B. Upon the timely payment of the fine agreed upon in this paragraph, Licensee's five (5) day suspension as set forth in paragraph 5 of this stipulation and agreement shall be deemed automatically permanently stayed.
  - C. If the Licensee fails to make payment in a timely manner as detailed in this paragraph, the full five (5) day suspension shall be served as detailed in paragraph 5.
8. This Order shall be admissible as evidence in future proceedings concerning any alleged violation of this Order. The matters at issue in said future proceeding shall be limited to the question of whether or not Licensee has failed to comply with the terms of this Order. Any issues relating to the underlying complaint or investigation that formed the basis for action against Licensee (and any defenses that Licensee may have to such complaint and investigation) shall specifically not be at issue in the proceeding against Licensee for failing to comply with the terms of this Order. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are proven, or Licensee enters into a stipulation in lieu of hearing in which it admits such allegations, the State Licensing Authority shall, in addition to any other penalty imposed, order Licensee to serve all or any days of suspension presently held in abeyance pursuant to this agreement. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are unproven, then the Division shall take no further action and this Order shall remain operative and in full force and effect.
9. Upon execution by all parties, this Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to § 12-47-601, C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the State Licensing Authority as set forth in §§12-47-103(9) (b) and 12-47-601, C.R.S.
10. Licensee expressly agrees and acknowledges that Licensee has entered into this Order knowingly and voluntarily. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon. After the opportunity to consult with legal counsel, Licensee affirms that Licensee has read this Order and fully understands its nature, meaning and content. Licensee agrees that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensee asserting the invalidity in any manner of this Order.

11. Upon execution by all parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
12. Licensee understands and knowingly and voluntarily enters into this Order. Licensee further understands and knowingly and voluntarily waives the following rights:
  - A. The right to a formal disciplinary hearing on the merits of the matters forming the basis of this Order and the right to require the State Licensing Authority to meet its burden of proof in a formal hearing;
  - B. The right to cross-examine all witnesses against Licensee at a formal hearing;
  - C. The right to subpoena witnesses, present evidence and to testify on Licensee's own behalf at a formal hearing;
  - D. The right to be represented by counsel of Licensee's own choosing and at Licensee's expense at any stage of this proceeding;
  - E. The right to engage in pre-hearing discovery of the State Licensing Authority's evidence; and
  - F. The right to appeal this Order.
13. All the costs and expenses incurred by Licensee to comply with this Order shall be the sole responsibility of the Licensee, and shall not in any way be the obligation of the Division.
14. This Order shall be effective on the date approved and ordered by the Executive Director of the Department of Revenue, as the State Licensing Authority. Should the State Licensing Authority reject the terms hereof, Respondent's admissions herein shall be withdrawn, and the matter scheduled for a hearing after issuance of an Order to Show Cause.
15. Upon approval and order of the State Licensing Authority, this Order shall become a permanent part of the record, and shall be open to public inspection and published pursuant to the Division's standard policies and procedures or applicable law.

Stipulation, Agreement, and Order  
Pho 20  
Grand Junction  
Page 5

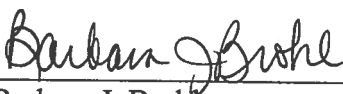
  
\_\_\_\_\_  
Patrick Maroney  
Division Director  
Liquor Enforcement Division

  
\_\_\_\_\_  
Cong Hoang  
Pho 20 LLC

12-3-15  
Date

11-30-15  
Date

APPROVED and ORDERED this 11<sup>th</sup> day of December 2015.

  
\_\_\_\_\_  
Barbara J. Brohl  
Executive Director  
Department of Revenue  
State Licensing Authority

*Telecopy or electronic versions of this stipulation which contain telecopy facsimiles of signatures shall be deemed duplicate executed originals of this stipulation. This stipulation may be executed in counterparts and delivered by facsimile, U.S. Mail (or private carrier), or .pdf transmission.*



**TOWN OF AVON, COLORADO**  
**AVON LIQUOR LICENSING AUTHORITY MEETING MINUTES FOR TUESDAY, JANUARY 12, 2016**  
AVON TOWN HALL, ONE LAKE STREET

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

Chairman Fancher called the meeting to order at 5:00 p.m. A roll call was taken and Board members present were Sarah Smith Hymes, Scott Prince, Megan Burch, Matt Gennett and Jake Wolf. Board member Buz Reynolds was absent. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Assistant Town Manager Scott Wright, Police Chief Bob Ticer and Executive Assistant Preston Neill.

**2. APPROVAL OF AGENDA**

There were no changes to the agenda.

**3. PUBLIC COMMENT – COMMENTS ARE WELCOME ON TOPICS NOT ON THE AGENDA**

No public comments were made.

**4. REPORT OF CHANGES – CORPORATION MASTER FILE**

- 4.1. APPLICANT: WAL-MART STORES, INC. D/B/A WAL-MART SUPERCENTER #1199  
LOCATION: 171 YODER AVENUE  
MANAGER: SAMUEL POTHIER

The application was presented to the Board and no concerns were raised. Board member Prince moved to approve the Report of Changes – Master file for Wal-Mart Stores, Inc.; Board member Wolf seconded the motion and it passed unanimously by those present.

**5. PUBLIC HEARING FOR ART GALLERY PERMIT APPLICATION**

- 5.1. APPLICANT: VAIL VALLEY ART GUILD D/B/A ART IN THE VALLEY GALLERY  
LOCATION: 240 CHAPEL PLACE # 119  
TYPE: ART GALLERY PERMIT  
MANAGER: KIM FOOS

The application was presented to the Board and no concerns were raised. Chairman Fancher opened the public hearing and no comments were made. Board member Wolf moved to approve the Art Gallery Permit for Vail Valley Art Guild d/b/a Art in the Valley Gallery; Board member Gennett seconded the motion and it passed unanimously by those present.

**6. RENEWAL OF LIQUOR LICENSES**

- 6.1. APPLICANT: HCCL, LLC D/B/A BOXCAR  
LOCATION: 182 AVON ROAD SUITE 208  
TYPE: HOTEL AND RESTAURANT LICENSE  
MANAGER: CARA LUFF

The application was presented to the Board with owner Hunter Chamness present. Board member Gennett moved to approve the Hotel and Restaurant Liquor License for HCCL, LLC d/b/a Boxcar; Board member Wolf seconded the motion and it passed unanimously by those present.



TOWN OF AVON, COLORADO
AVON LIQUOR LICENSING AUTHORITY MEETING MINUTES FOR TUESDAY, JANUARY 12, 2016
AVON TOWN HALL, ONE LAKE STREET

6.2. APPLICANT: BOB’S PLACE, LLC D/B/A BOB’S PLACE
LOCATION: 100 W. BEAVER CREEK BLVD
TYPE: HOTEL AND RESTAURANT LICENSE
MANAGER: ROBERT DOYLE

The application was presented to the Board and no concerns were raised. Board member Gennett moved to approve the Hotel and Liquor License for Bob’s Place, LLC d/b/a Bob’s Place; Board member Smith Hymes seconded the motion and it passed unanimously by those present.

7. MINUTES FROM DECEMBER 8, 2015

Board member Prince requested the addition of a sentence to item 4.1, the Transfer of Ownership Liquor License for 3 Dragons, LLC d/b/a China Garden, to read:

“The Board requested the applicant develop a Management Plan to ensure that liquor laws and codes will be adhered to and to identify the selection of a new Manager. The Board requested the Management Plan be delivered to the Town Manager by end of business on Friday, December 11, 2015.”

Board member Prince moved to approve the Minutes from December 8, 2015 with the requested changes made; Board member Wolf seconded the motion and it passed unanimously by those present.

8. ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 5:06 p.m.

RESPECTFULLY SUBMITTED:

Preston Neill, Executive Assistant to the Town Manager

APPROVED:

Jennie Fancher
Jake Wolf
Matt Gennett
Megan Burch
Albert “Buz” Reynolds
Scott Prince
Sarah Smith Hymes

Horizontal lines for signatures corresponding to the names in the APPROVED list.





## **AVON URBAN RENEWAL AUTHORITY REPORT**

**To:** Honorable Chairperson Jennie Fancher and URA Commissioners  
**From:** Scott Wright, Treasurer  
**Date:** January 26, 2016  
**Topic:** Resolution No. 16-01 – Designating Locations for Posting the Notices of Public Meetings

---

### **ACTION BEFORE THE COMMISSIONERS**

C.R.S. Section 24-6-402(2)(c) requires that the Authority’s posting places must be designated at the first regular meeting of the calendar year as part of Colorado’s “Open Meetings Law”. Resolution No. 16-01 is presented to satisfy this requirement whereby it identifies three public locations used for posting notices of the Avon Urban Renewal Authority’s public meetings in addition to the Town of Avon’s website.

### **PROPOSED MOTION**

“Move to approve Resolution No. 16-01 Designating Locations for Posting the Notices of Public Meetings.”

### **2016 BUDGET INFORMATION**

There is no direct impact to the URA’s 2016 budget.

### **Attachments:**

A – Resolution No. 16-01

**AVON URBAN RENEWAL AUTHORITY  
RESOLUTION NO. 16-01  
SERIES OF 2016**

**A RESOLUTION TO DESIGNATE A PUBLIC PLACE WITHIN THE BOUNDARIES  
OF THE AUTHORITY WHERE NOTICES OF MEETINGS OF THE AUTHORITY'S  
BOARD OF COMMISSIONERS SHALL BE POSTED**

**WHEREAS**, the Avon Urban Renewal Authority (the "Authority") is a duly organized body corporate and politic under and by virtue of the laws of the State of Colorado including the Urban Renewal Law, constituting Part 1 of Article 25 of Title 31, Colorado Revised Statutes ("C.R.S."); and

**WHEREAS**, the Board of Commissioners of the Authority (the "Board") is required by Section 24-6-402(2)(c), C.R.S., to designate the public place or places for posting notice of its meetings annually at the Board's first regular meeting of each calendar year; and

**WHEREAS**, the meeting of the Board on the date hereof represents the first regular meeting of the Board for calendar year 2016.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE AVON URBAN RENEWAL AUTHORITY:**

Notice of meetings of the Board required pursuant to Section 24-6-401, et seq., C.R.S. shall be posted within the boundaries of the Authority at least 24 hours prior to each meeting at the following locations:

Avon Town Hall, One Lake Street  
Avon Recreation Center, 90 Lake Street  
Avon Public Library, 200 Benchmark Road  
Town of Avon Website @ [www.avon.org](http://www.avon.org)

**ADOPTED this 26th day of January 2016.**

(SEAL)

AVON URBAN RENEWAL AUTHORITY

\_\_\_\_\_  
Jennie Fancher, Chairman

ATTEST:

\_\_\_\_\_  
Virginia Egger, Secretary

CERTIFIED BY:

\_\_\_\_\_  
Debbie, Hoppe, Authority Clerk



**TOWN OF AVON, COLORADO**

**MINUTES FOR THE URBAN RENEWAL AUTHORITY MEETING FOR DECEMBER 8, 2015**

AVON TOWN HALL, ONE LAKE STREET

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**1. CALL TO ORDER & ROLL CALL**

Chairman Fancher called the meeting to order at 5:30 p.m. A roll call was taken and Authority members present were Jake Wolf, Buz Reynolds, Matt Gennett, Megan Burch, Scott Prince, and Sarah Smith Hymes. Also present were Executive Director/Secretary Virginia Egger, Town Attorney Eric Heil, Treasurer Scott Wright, Planning Manager Matt Pielsticker, Police Chief Bob Ticer, Executive Assistant to the Town Manager Preston Neill and Authority Clerk Debbie Hoppe.

**2. APPROVAL OF AGENDA**

There were no changes to the agenda.

**3. PUBLIC COMMENT – COMMENTS ARE WELCOME ON ITEMS NOT LISTED ON THE FOLLOWING AGENDA**

No comments were made.

**4. ACTION ITEMS**

**4.1. PUBLIC HEARING - RESOLUTION NO. 15-03, RESOLUTION TO AMEND THE 2015 AVON URBAN RENEWAL AUTHORITY BUDGET (BUDGET ANALYST KELLY HUITT)**

Authority member Reynolds moved to approve Resolution No. 15-03, Resolution to Amend the 2015 Avon Urban Renewal Authority Budget; Authority member Burch seconded the motion and it passed unanimously by those present.

**4.2. PUBLIC HEARING - RESOLUTION NO. 15-04, RESOLUTION TO ADOPT THE 2016 AVON URBAN RENEWAL AUTHORITY BUDGET (BUDGET ANALYST KELLY HUITT)**

Authority member Reynolds moved to approve Resolution No. 15-04, Resolution to Adopt the 2016 Avon Urban Renewal Authority Budget; Authority member Burch seconded the motion and it passed unanimously by those present.

**4.3. APPROVAL OF NOVEMBER 10, 2015 URA MEETING MINUTES (TOWN CLERK DEBBIE HOPPE)**

Authority member Reynolds moved to approve the Minutes from November 10, 2015; Authority member Burch seconded the motion and it passed unanimously by those present.



TOWN OF AVON, COLORADO  
MINUTES FOR THE URBAN RENEWAL AUTHORITY MEETING FOR DECEMBER 8, 2015  
AVON TOWN HALL, ONE LAKE STREET

---

**5. ADJOURNMENT**

There being no further business to come before the Authority, the meeting adjourned at 5:32 p.m.

**RESPECTFULLY SUBMITTED:**

\_\_\_\_\_  
Debbie Hoppe, Authority Clerk

**APPROVED:**

Jennie Fancher \_\_\_\_\_  
Jake Wolf \_\_\_\_\_  
Matt Gennett \_\_\_\_\_  
Megan Burch \_\_\_\_\_  
Albert "Buz" Reynolds \_\_\_\_\_  
Scott Prince \_\_\_\_\_  
Sarah Smith Hymes \_\_\_\_\_



## TOWN COUNCIL REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council  
From: Danita Dempsey, Director of Festivals & Special Events  
Meeting Date: January 26, 2016  
Agenda Topic: **PUBLIC HEARING** AMPLIFIED SOUND PERMIT APPLICATION FOR WINTERWONDERGRASS MUSIC & BREW FESTIVAL

---

### **ACTION BEFORE COUNCIL**

The Town Council is asked to consider approving an Amplified Sound Permit to extend the hours of use on Sunday, February 21, 2016, to 9:30 p.m. as requested by WonderGrass, LLC, applicant, for the *WinterWonderGrass Music & Brew Festival*.

### **PROPOSED MOTION**

I move to approve (or approve with conditions or deny) the Amplified Sound Permit for *WinterWonderGrass Music & Brew Festival* on Sunday, February 21, 2016, to extend the hours to 9:30 p.m.

### **BACKGROUND**

The Amplified Sound Permit for the *WinterWonderGrass Music Festival* performance hours and sound check dates of Thursday, February 18<sup>th</sup> between the hours of 9:00 a.m. and 8:00 p.m.; and Friday, February 19<sup>th</sup> through Saturday, February 20<sup>th</sup>, between the hours of 9:00 a.m. and 10:00 p.m., have been approved administratively per Avon Municipal Code 5.24.020.

A public hearing is required for Outdoor Use of Amplified Sound for events, which will be using amplified sound systems before 9:00 a.m. or after 8:00 p.m. in Nottingham Park, including Avon Performance Pavilion, on Sundays through Wednesdays (Avon Municipal Code Chapter 5.24.020).

The *WinterWonderGrass Music Festival* proposed end time is 9:30 p.m. The applicant states there will be no more than 88db (decibels) with a A-frequency weighting, international standards of measurement of sound pressure levels, at any point greater than 200 feet from the origination of the amplified sound, during the show.

A PUBLIC NOTICE was published, as required in Avon Municipal Code, for the public hearing on Tuesday, January 19, 2016. The applicant has been invited to attend the meeting.

Information for Issuing Amplified Sound Permits:

The Ordinance 15-07 amending AMC 5.24, Section 9.12.080 provides the framework for issuing this type of permit.

The Council, in making its decision to issue the Amplified Sound Permit, may consider the following:

- 1.1. Comments by the public.
- 1.2. Necessity of the permit for the cultural, historical or social benefit of the community.
- 1.3. Proximity of the proposed location to residential neighborhoods.
- 1.4. Proposed direction of sound projection.
- 1.5. Screening of sound from neighboring properties.
- 1.6. Compatibility with other uses and activities in the vicinity.

The Town Council may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or surrounding neighborhood.

### **Attachments:**

- ✓ Application for Outdoor Use of Amplified Sound Equipment
- ✓ Diagram of Event in Nottingham Park showing Amplified Sound Projections



PERMIT APPLICATION FOR  
OUTDOORS USE OF SOUND AMPLIFICATION SYSTEM

- 1. NAME OF APPLICANT Scotty Stoughton
- 2. REPRESENTING BUSINESS/ORGANIZATION WinterWonderGrass  
ADDRESS AND/OR MAILING ADDRESS:  
PO Box 485 - Vail, CO 81658
- 3. ADDRESS OF PREMISE OR LOCATION WHERE SOUND IS TO BE PRODUCED Nottingham Park
- 4. TELEPHONE NUMBER 970-376-1172
- 5. EMAIL ADDRESS scotty@bonfireentertanment.com
- 6. PURPOSE FOR OUTDOOR USE OF SOUND AMPLIFICATION SYSTEM Music Festival

DATE/S OF PROPOSED USE Friday - Sunday Feb 19-21, 2016  
 TIME/S OF PROPOSED USE 2 pm - 10 pm Feb 19 & 20, 2 pm - 9:30 pm Feb 21

7. ATTACH A MAP OR DIAGRAM DEPICTING THE PROPOSED LOCATION OF SOUND AMPLIFICATION EQUIPMENT, DIRECTION OF SOUND PROJECTION AND POTENTIAL SOUND PROJECTION DISTANCE.

8. DESCRIPTION OF SOUND AMPLIFYING EQUIPMENT Professional Sound and Lights

SIGNATURE OF APPLICANT

DATE

12/24/15

THE PERMIT APPLICATION IS APPROVED BY THE TOWN OF AVON AS NOTED BY THE SIGNATURES BELOW. THE APPLICANT MUST COMPLY WITH CHAPTER 5.24 OF THE AVON MUNICIPAL CODE AS OUTLINED ON THE BACK OF THIS APPLICATION.

TOWN CLERK

DATE

DIRECTOR OF FESTIVALS & SPECIAL EVENTS

DATE

AVON POLICE CHIEF OR DESIGNEE

DATE

Please acknowledge that each page is understood by initialing:  
Special Events Application/Permit

TOA



Sponsor



**D** PUBLIC DOORS

**D** STAFF DOORS

**←** SOUND DIRECTION



**LIQUOR PERIMETER**

**CHAIN LINK FENCE & SCRIM**



## TOWN COUNCIL REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council  
From: Director of Festivals & Special Events Danita Dempsey  
Town Manager Virginia Egger  
Meeting Date: January 26, 2016  
Agenda Topic: UPDATE ON 2016 FESTIVALS AND SPECIAL EVENTS AT THE PAVILION, HARRY A. NOTTINGHAM PARK AND THE MAIN STREET MALL

---

### **ACTION BEFORE COUNCIL**

No action is requested. This agenda item provides a timely update on 2016 Festivals and Special Events approved and planned at the Pavilion, Harry A. Nottingham Park and the Main Street Mall.

### **2016 BUDGET INFORMATION:**

Festivals and special events (Events) have cash funding appropriations in the 2016 Budget from three sources in the General Fund:

- Special Events Assigned Fund Balance – Seed Funding for Major Events: \$400,000
  - Community Grants: \$ 39,000
  - Salute to the USA \$ 115,275
- \$554,275

In addition to cash support, several Events also are provided in-kind service support. In-kind includes, but is not limited to, facility use, Town staff support, such as police time; and, services, such as transit.

### **BACKGROUND**

Major Events, proposed by private producers, are presented to Council once final vetting and negotiations of written proposal is completed by the Town staff. Traditional or smaller events are, for the most part, approved during the Community Grants process. In 2016, a few privately produced Events, which have received seed funding for at least two years and do not exceed a \$10,000 cash request, are approved by the Town Manager. These include Man of the Cliff and Reds, Whites and Brews. For the first time, Town staff also has developed two “staff produced” Events, which are planned for funding from the appropriated seed funds in the General Fund. These are the Farm to Table Dinners (\$4,000) and Pop-Up Strings (\$9,400) – both planned for this summer on the Main Street Mall.

Each Event, with dates, location, type, in-kind support and cash funding commitment are summarized in Exhibit A: 2016 - 2017 Festival and Special Events - Dates and Funding.



**SEED FUNDING FOR MAJOR EVENTS:                 \$400,000**

**PAVILION/PARK ACTIVATION**

Events approved to date:

- WinterWonderGrass   \$40,000
- Cover Stock Festival   \$35,000
- Creative Writing Event   \$75,000
- Reds, Whites & Brews   \$ 8,500
- Total:                     \$158,500**

Action requested on January 26<sup>th</sup>:

- Avon Live!                 \$66,000
- Outlaws & Legends       \$72,000
- Total:                     \$138,000**

To be finalized:

- Dancing in the Park     \$40,000
- Man of the Cliff         \$5,000
- Lakeside Sundays       \$3,000
- Children's Theatre       \$5,000
- Total:                     \$53,000**

**MAIN STREET MALL ACTIVATION:**

To be finalized:

- Après Avon Spring     \$37,000 (Action requested on January 26<sup>th</sup>)
- Farm to Table Dinners   \$4,000
- Pop-Up Strings         \$9,400
- Total:                     \$50,400**

**TOTAL   \$399,900**

**SUMMARY:**

As detailed on the attached Exhibit A, the committed/in process seed fund allocations for 2016 total is \$399,900. These activations represent:

- Music – WinterWonderGrass, Coverstock, Avon Live, Outlaws & Legends and Après Avon
- Culinary – Reds, Whites & Brews
- Cultural – Dancing in the Park, Creative Writing Event and Children’s Theatre
- Participatory – Man of the Cliff
- Community Based – Farm to Table Dinners, Pop-Up Strings and Lakeside Sundays
  
- Two potential activations, which are not included in the budget, include a Summer/Winter Market (Producer identified) and any concerts, which may be proposed by one or more large scale producer.

Exhibit A also offers a complete listing of Community Grants awarded to events programming in at the Pavilion/Park, Main Street Mall venues and Beaver Creek Rodeo grounds.

Salute to the USA, a signature event, is also listed (\$115,275).

Finally, Exhibit A offers a snapshot of 2017 Events, which have started through the vetting process.

**ATTACHMENT:**

Exhibit A: 2016 - 2017 Festival and Special Events - Dates and Funding.

**Exhibit A: 2016 - 2017 FESTIVAL AND SPECIAL EVENTS - DATES AND FUNDING**

**GENERAL FUND - SEED FUNDS - PAVILION**

<b>PAVILION - APPROVED</b>	<b>Event Date</b>	<b>Free vs. Ticketed</b>	<b>Cash Contribution</b>	<b>In Kind Support</b>	<b>TOTAL CONTRIBUTION</b>
Winter Wonder Grass	2/19 - 2/21	Ticketed	\$40,000.00	\$25,000.00	\$65,000.00
Reds, Whites & Brews	6/17 - 6/18	Ticketed	\$8,500.00	\$4,000.00	\$12,500.00
CoverStock Festival	6/24-6/26	Ticketed	\$35,000.00	\$7,500.00	\$42,500.00
Creative Writing Event	9/2-9/5	Ticketed	\$75,000.00	\$5,000.00	\$80,000.00
<b>SUB-TOTAL</b>			<b>\$158,500.00</b>	<b>\$41,500.00</b>	<b>\$200,000.00</b>

<b>PAVILION - PENDING COUNCIL APPROVAL PROPOSALS RECEIVED</b>	<b>Event Date</b>	<b>Free vs. Ticketed</b>	<b>Cash Contribution</b>	<b>In Kind Support</b>	<b>TOTAL CONTRIBUTION</b>
Outlaws & Legends Music Festival	7/22-7/24	Ticketed	\$72,000.00	\$10,000.00	\$82,000.00
Avon Live! Concert Series (4 Nights)	August	Free	\$66,000.00	\$2,600.00	\$68,600.00
<b>SUB-TOTAL</b>			<b>\$138,000.00</b>	<b>\$12,600.00</b>	<b>\$150,600.00</b>

<b>PAVILION - PENDING PROPOSALS EXPECTED</b>	<b>Event Date</b>	<b>Free vs. Ticketed</b>	<b>Cash Contribution</b>	<b>In Kind Support</b>	<b>TOTAL CONTRIBUTION</b>
Dancing in the Park - Vail International Dance (2 Nights)	8/4 & TBD	Free	\$40,000.00	\$0.00	\$40,000.00
Man of the Cliff	10/8 - 10/9	Participant Fee Free to Spectators	\$5,000.00	\$3,000.00	\$8,000.00
Lakeside Sundays on the Event Terrace - 1 - Sunday Evening/Mo*	May - September	Free - 200 person limit	\$3,000.00	All Operations	\$3,000.00
Missoula Children's Theatre OR Children's Theater VPAA**	6/9-6/10	Registration Free to Spectators	\$5,000.00	All Operations	\$5,000.00
<b>SUB-TOTAL</b>			<b>\$53,000.00</b>	<b>\$3,000.00</b>	<b>\$56,000.00</b>

<b>TOTAL - SEED FUNDS PAVILION</b>			<b>\$349,500.00</b>	<b>\$57,100.00</b>	<b>\$406,600.00</b>
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**GENERAL FUND - SEED FUNDS - MAIN STREET MALL**

<b>MAIN STREET MALL - PENDING</b>	<b>Event Date</b>	<b>Free vs. Ticketed</b>	<b>Cash Contribution</b>	<b>In Kind Support</b>	<b>TOTAL CONTRIBUTION</b>
Apres Avon Spring - 2 Friday evenings	March	Free	\$37,000.00	\$2,000.00	\$39,000.00
Farm to Table Dinners*	Summer/Monthly	Fee from Restaurant	\$4,000.00	All Operations	\$4,000.00
Pop-Up Strings*	July; Weekly	Free	\$9,400.00	All Operations	\$9,400.00
Summer/Winter Market - Night Bazaar**	Summer/Winter	Free	UNK	UNK	UNK

<b>TOTAL - SEED FUNDS MAIN STREET MALL</b>			<b>\$50,400.00</b>	<b>\$2,000.00</b>	<b>\$52,400.00</b>
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<b>TOTAL - SEED FUNDS COMMITTED/IN PROCESS</b>			<b>\$399,900.00</b>	<b>\$59,100.00</b>	<b>\$459,000.00</b>
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<b>TOTAL SEED FUNDS APPROVED - 2016 BUDGET</b>			<b>\$400,000.00</b>		
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**GENERAL FUND - COMMUNITY GRANTS - PAVILION &/OR PARK**

<b>PAVILION OR PARK</b>	<b>Event Date</b>	<b>Free vs. Ticketed</b>	<b>Cash Contribution</b>	<b>In Kind Support</b>	<b>TOTAL CONTRIBUTION</b>
Lacrosse Tournament	5/21-6/22 & 6/28-6/29	Registration / Free to Spectators	\$0.00	\$0.00	\$0.00
Alpine Arts Social Series	TBD	Registration	\$7,500.00	\$0.00	\$7,500.00
Triple Bypass	7/9 - 7/10	Registration / Free to Spectators	\$2,500.00	\$2,500.00	\$5,000.00
Colorado Disc Dogs	7/16	Registration / Free to Spectators	\$0.00	\$0.00	\$0.00
XTERRA Championship	7/16	Registration / Free to Spectators	\$2,000.00	\$0.00	\$2,000.00
BecTri Sprint Triathlon	8/6	Registration / Free to Spectators	\$2,500.00	\$0.00	\$2,500.00
Ragnar Relay Race	8/12	Registration / Free to Spectators	\$0.00	\$0.00	\$0.00
Round Up River Ranch/Camp Fire Games	8/27	Registration	\$1,000.00	\$1,200.00	\$2,200.00
America Cup Fly Fishing Tournament	9/13-9/16	Registration / Free to Spectators	\$500.00	\$0.00	\$500.00
Vail Valley Soccer Tournament	10/1 - 1-2	Registration / Free to Spectators	\$0.00	Use of Fields	\$0.00
<b>SUB-TOTAL</b>			\$16,000.00	\$3,700.00	\$19,700.00

**GENERAL FUND - COMMUNITY GRANTS - MAIN STREET MALL**

<b>MAIN STREET MALL</b>	<b>Event Date</b>	<b>Free vs. Ticketed</b>	<b>Cash Contribution</b>	<b>In Kind Support</b>	<b>TOTAL CONTRIBUTION</b>
Starting Hearts	TBD - June	TBD	\$0.00	Use of MSM/Plaza	\$0.00
Speckled Hound Racing	Fall - TBD	Registration / Free to Spectators	\$2,000.00	\$1,000.00	\$3,000.00
<b>SUB-TOTAL</b>			\$2,000.00	\$1,000.00	\$3,000.00
<b>TOTAL - COMMUNITY GRANTS PAVILION/PARK/MALL</b>			\$18,000.00	\$4,700.00	\$22,700.00
<b>COMMUNITY GRANTS - OTHER</b>					
Beaver Creek Rodeo	6/30 - 8/25	Registration / Free to Spectators	\$5,000.00	\$0.00	\$5,000.00
<b>TOTAL - COMMUNITY GRANTS PAVILION/PARK/MALL</b>			\$39,000.00	\$8,400.00	\$47,400.00

**GENERAL FUNDS - SALUTE TO THE USA**

Salute to the USA	7/3	Free	\$115,275.00	All Operations	\$115,275.00
<b>TOTAL 2016 FESTIVALS &amp; SPECIAL EVENTS FUNDING</b>			<b>\$554,175.00</b>	<b>\$67,500.00</b>	<b>\$621,675.00</b>
<b>2017 PROPOSALS</b>					
Family Movie Night at MSM*	Summer	Free	\$2,000.00	All Operations	\$5,000.00
Avon Music & Eco Festival	8/22-8/23	Ticketed	\$30,000.00	\$7,000.00	\$30,000.00
Film Festival	Spring/Summer	TBD	\$65,000.00	UNK	
Rock/Indie/Progressive	Fall	Ticketed	UNK	UNK	UNK
<b>TOTAL 2017 PROPOSALS</b>			<b>\$97,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

\* Funding Estimate - Town Staff Produced

\*\* Producer identified



## TOWN COUNCIL REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council  
From: Director of Festivals & Special Events Danita Dempsey  
Town Manager Virginia Egger  
Meeting Date: January 26, 2016  
Agenda Topic: ACTION ON FUNDING REQUEST AND SETTING OF DATES FOR THE 2016 APRÈS AVON SPRING CONCERTS AT POSSIBILITY PLAZA

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### **ACTION BEFORE COUNCIL:**

To review and approve, approve with changes, or deny the dates of March 18 and March 25, 2016 for the *Après Avon Spring Concerts*, and to appropriate funding in the amount of \$37,000 to Peak Performances, producer of the event.

### **PROPOSED MOTION:**

I move to approve [approve with changes or deny], the dates of March 18 and March 25, 2016, and to appropriate \$37,000 from the 2016 General Fund Special Events Assigned Fund Balance, to Peak Performances, for the purpose of producing the 2016 *Après Avon Spring Concerts*.

### **2016 BUDGET INFORMATION:**

Funding is available in the 2016 General Fund Budget.

### **BACKGROUND:**

In February last year, during the FIS Alpine World Ski Championships, Avon, in partnership with Bonfire Productions, created and implemented *Après Avon*; featuring 12 consecutive days of live music, performance art and concessions in a “street fair” environment. *Après Avon*, one of three major venues of the Championships, was held on the new Main Street Mall, with Possibilities Plaza acting as the hub for all activity.

*Après Avon* was well attended by locals and visitor, hosting between 400 and 1,200 persons per day, between the hours of 2:00 p.m. and 5:30 p.m. *Après Avon* provided the Town with insight to venue set-up and design, costs, attendee capacity for the venue, and the high local interest in music in the intimate and central setting afforded in Possibilities Plaza.

With the successful production of a music/street fair event on the Main Street Mall, great attendance numbers and positive public responses, Mayor Jennie Fancher asked Town staff to pursue the *Après Avon* concept in 2016.

### **2016 PROPOSAL FOR *Après Avon Spring Concerts***

Mike O’Brien, Peak Performances, has proposed four (4) free *Après Avon Spring Concerts* at Possibility Plaza (PP) on the Main Street Mall (MSM). With a review of the seed funding available for 2016 events, staff is recommending *Après Avon* on only two (2) consecutive Friday evenings in March.

Summary: *Après Avon Spring Concerts*

- Friday, March 18<sup>th</sup> and 25<sup>th</sup>, 2016

- Hours of use: 4:30 p.m. to 8:45 p.m.
- The request is for non-exclusive use of the MSM/PP and Skier Building parking lot for the production of two, single-day, free concerts
- Projected attendance is estimated at 900 to 1,200 persons per concert
- Utilizing a third-party concessionaire agreement and a local non-profit, the event would have alcohol sales; the Town and third party concessionaire would negotiate a net revenue share
- Suggested talent may include:
  - Great American Taxi
  - The Rail-splitters
  - Six Million Dollar Band
  - Henhouse Prowlers
  - The Goonies
  - Mike Zito & The Wheel
  - Too Slim & The Taildraggers
  - Rapid Grass
  - The Contribution
  - Otis Taylor Band

Peak Performances will work closely with the Town Manager to further identify targeted talent and assure the highest level of talent for the agreed upon budget.

**FUNDING REQUEST:**

Peak Performances is requesting the Town cover one-hundred percent (100%) of the cost of production to include all elements of talent acquisition, backline and performance; sound, stage, heat and lighting; event operations and production; staffing and, marketing and promotion. A revenue share on alcohol sales and vendor booth sales is expected to generate a minimum of \$1,200 for the Town of Avon.

Town staff has worked closely with the producer to develop a budget, which will not exceed \$37,000. The producer will be required to provide invoices for all expenses prior to release of final payment. By comparison, the December 2014 Grand Opening of the Mall, which is similar to size and scope for the *Après Avon Spring Concerts*, was provided \$20,000 in production fees, for the one night event.

Additionally, the producer is requesting a total of \$2,000 of in-kind contribution to support the cost of staff resources needed for delivery/removal of Town-owned event assets.

**STAFF REVIEW:**

Peak Performances provided an excellent product this past summer with the production of the *Avon Live! Summer Concerts Series*, delivering a high level of talent and meeting the Town’s Festival Agreement’s commitments and deadlines. The event should be expected to attract sponsorship and greater revenue in future years.

**STAFF RECOMMENDATION:**

Based off the success of *Après Avon* during the 2015 Championships, staff believes the *Après Avon* concept is a successful event for Possibility Plaza. We find that the producer has the business capability, music background and passion to initiate and grow the event. The in-kind services requested are commensurate with the size of the expected attendance and type of production. The request of \$37,000 to produce the event is appropriate considering venue and expenditure history from *Après Avon* in 2015.

Staff, therefore, recommends approval of \$37,000 for the 2016 *Après Avon Spring Concerts*, and approval of the \$2,000 of in-kind support.

**ATTACHMENT:**

- Exhibit A - 2016 *Après Avon Spring Concerts Proposal*

# ***EXHIBIT A***

## ***2016 Après Avon Spring Concerts***

Town of Avon - Main Street Mall

### **Producer overview**

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Peak Performances has been a successful Rocky Mountain event producer since 1991. Specializing in community and resort-based concerts and concert series, Peak Performances has become synonymous with successful, open air, complimentary-based festivals.

Started in 1991 by proprietor Mike O'Brien, Mike quickly formed relationships with Copper Mountain Resort, the Town of Frisco, the Town of Breckenridge and others. Throughout the years, Peak Performances has organized and produced hundreds of events, featuring over 2,000 national touring acts, including everything from local happy-hour acts to 12,000 person festivals.

### **Series overview**

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Peak Performances is proposing to produce the 2016 Après Avon Spring Concert Series. The series would be a complimentary, Friday late afternoon/early evening set of two (2) concerts, featuring live music, food, alcoholic and non-alcoholic beverages, situated in Possibilities Plaza on the Main Street Mall.

### **2016 Proposed Series Format**

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- **Two** Friday late-afternoon/evening series, with the following dates:  
March 18<sup>th</sup>  
March 25<sup>th</sup>
- **Tentative** Afternoon Schedule:  
4:30pm            Vending Open  
5:00 6:00pm    Opening Act  
7:00 - 8:30pm    Headliner Act  
8:45pm            vending closes - event ends
- **Target** audience of 900 – 1,200 attendees each week
- **Complimentary** – Free to Attendees

### **Series Proposed Talent**

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Peak Performances will execute all arrangements necessary for the series, including but not limited to all booking of talent, audio production, lighting, talent travel, talent fees, transportation, accommodations and meals. Headliner talent shall be regional and burgeoning national-level acts, while the openers shall provide local talent the opportunity to take the main stage.





## Example Acts

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Great American Taxi  
The Railsplitters  
Six Million Dollar Band  
Lee Boys  
Henhouse Prowlers  
The Goonies  
Mike Zito & The Wheel  
Too Slim & The Taildraggers  
RapidGrass  
The Contribution  
Otis Taylor Band  
Bonorama  
New Monsoon  
Head for the Hills  
Glen David Andrews  
Hot Buttered Rum  
Oakhurst  
Hazel Miller Band  
Hamilton Loomis  
Honey Honey  
Musketeer Gripweed  
Chicago Farmer  
Jelly Bread  
Wash Park  
One Ton Pig  
Missed The Boat  
Tunisia  
Grant Farm  
Funkiphino  
Stanley Jordan Trio  
Screen Door Porch  
Rob Drabkin  
SHEL  
Hit and Run  
The Congress  
White Water Ramble  
Birds of Chicago  
Herbie Hancock Tribute featuring 3 members of The Motet  
Euforquestra  
40 Ounces to Freedom (Sublime Tribute)  
Hell's Belles  
Taarka  
Wood & Wire  
Gipsy Moon  
Trout Steak Revival

## **Vending**

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For both the food vending and alcohol sales during the series, the Town of Avon shall be responsible for all arrangements and costs, and keep all associated revenues.

## **Series Management Structure**

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In addition to the overall guidance and supervision by Mike O'Brien, the Peak Performances Team will consist of the following key members:

Jordan Weyand - Project Manager

For almost a decade, Jordan brought in major third-party events for Copper Mountain Resort. Prospecting, designing, contracting facilitating anything from major cycling tours to 20,000 person adventure runs to televised Olympic qualifying snowboarding and free-skiing events. Since 2013, Jordan has been producing events for Peak Performances, and will lead the effort for Avon *LIVE!*

Blake Hemmert - Audio Production Manager

Blake has been managing productions for well over a decade now. He has worked with Peak Performances on several large scale shows including shows at Keystone Resort and Copper Mountain.

## **Miscellaneous Series Details**

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### Series Security, Parking & Transportation

Peak Performances is committed to implementing detailed plans for event security, parking & transportation.

### Series Sponsorship

Peak Performances again requests the ability to sell and retain all funds for any/all appropriate sponsorship categories for the event. If the Town of Avon has any existing sponsors that would like to be involved, Peak Performances would be delighted to offer a first right of refusal.

### Series Marketing

An event-specific marketing plan will be developed over the upcoming weeks to promote the series around the Vail Valley region. The promotion plan shall include press releases, radio and/or newspaper inclusions, and a poster plan around the area.

## **Town of Avon Support**

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This is a producer-fee paid event, with all costs borne by the Town of Avon, and all concessions/vending revenue going to TOA. For the 2016 series, \$37,000 is the cost to produce the series, not including rain insurance. The producer also requests \$2,000 of in-kind support for asset delivery. Concession/vending revenue is projected at \$6,000.

## **Contact & Additional Information**

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To request any additional information or for all future correspondence please use the following contact information:

Mike O'Brien - [mike@gigdigger.com](mailto:mike@gigdigger.com)  
970-418-2121



## TOWN COUNCIL REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council  
From: Director of Festivals & Special Events Danita Dempsey  
Town Manager Virginia Egger  
Meeting Date: January 26, 2016  
Agenda Topic: Action on Funding Request and Setting of Dates for the Avon Live! Summer Concerts

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### **ACTION BEFORE COUNCIL:**

To review and approve, approve with changes or deny the dates of August 3, 10, 17 and 24, 2016, for the *Avon Live! Summer Concert Series*, and appropriate funding in the amount of \$66,000 to Peak Performances, producer of the event.

### **PROPOSED MOTION:**

I move to approve [approve with changes or deny] the dates of August 3, 10, 17 and 24, 2016, and appropriate \$66,000, from the 2016 General Fund Special Events Assigned Fund Balance, to Peak Performances, for the purpose producing of *Avon Live! Summer Concert Series*. In addition, I move to approve up to \$2,600 of in-kind services.

### **2016 BUDGET INFORMATION:**

Funding for this event is available in the 2016 Budget.

### **BACKGROUND:**

To further the towns economic vitality, create a vibrant community, and enhance the cultural fabric, the Town funded a series of three (3) free community concerts in August of 2015, taking place on August 5<sup>th</sup>, 12<sup>th</sup> and 19<sup>th</sup> and produced by Peak Performances. The attendance numbers for the 2015 series fell within, if not slightly above expectations. Approximate attendance numbers are as follows:

- August 5<sup>th</sup> = 800 – 900 people
- August 12<sup>th</sup> = 1,200 – 1,300 people
- August 19<sup>th</sup> = 1,000 – 1,100 people

The concerts were well received and attended by the community at large, with 61% living in Eagle County; 9% from in State; and 30% from out of State, as reported through the intercept survey conducted by Alpine Insights (attached as Exhibit A). A few additional findings of reported data on “All Guests” of the intercept survey are:

- 74% = Came specifically for the concert
- 86% = Extremely satisfied
- 85% = Highly likely to return
- 35% = Of the out-of-state guest stayed in paid lodging; 60% of those stayed in Avon
- 44% = Are married/partnered with children

The producer received \$47,000 in financial contribution from the town and reported a total net loss of \$12,000 on the series.

**2015 NON-EVENT WEEKEND COMPARISON:**

The Town asks businesses to report through the MuniRev system specific days over a non-event weekend and event weekend. This allows a comparison in measuring whether investing in special events yields higher lodging, restaurant and retail sales than when there is no special event occurring. Avon Live! was held during the middle of the week and tracked as a single-day event. In our MuniRev dates, there was not another single-day, middle of the week event comparison for analysis. The event can be compared, however, with the average daily sales over a non-event weekend and the average daily sales during the concerts to make general assumptions. The results are as follows:

MuniRev Collection Dates	Number of Days in Reporting Period	Percentage of available rooms occupied	Avg. Daily Lodging Revenue	Avg. Daily Restaurant Revenue	Avg. Daily Retail Revenue	Avg. Daily Other Revenue	Avg. Daily Total Revenue	Room Night Average
Avon Live 8/5; 8/12; 8/19	3	49.18%	\$51,783	\$91,319	\$250,409	\$6,430	\$399,943	\$103.15
Non-Event Weekend 8/21/15 - 8/24/15	4	49%	\$50,127	\$90,612	\$242,195	\$3,883	\$386,817	\$110.23
Variance		.18%	\$1,656	\$707	\$8,214	\$2,547	\$13,126	(\$7.08)

The data indicates that the single-day concerts produced total net positive revenue, with retail having the greatest gain from sales. Overall, the single-day concerts yielded more revenue than the single-day average on the non-event weekend.

**2016 PROPOSAL FOR USE OF THE AVON PERFORMANCE PAVILION & MAIN ATHLETIC FIELD:**

Mike O’Brien with Peak Performances is once again proposing the free Avon Live! Summer Concerts in the Park series to take place on four (4) consecutive Wednesday evenings in August.

*Avon Live! Summer Concerts in the Park*

- Wednesday, August 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup> and 24<sup>th</sup>
- The request is for exclusive use of the Avon Performance Pavilion, main athletic field and Town Hall parking lots for the production of a single-day, free concert
- Projected attendance is estimated at 1,200 to 1,500 persons per concert
- Producer would sell liquor through a local non-profit and provide a net revenue share with the Town above a certain level of revenue generation
- New in 2016 - a ticketed VIP Experience featuring back-stage access, artist meet & greet, food and beverage
- Suggested talent may include:
  - March Fourth Marching Band
  - Sam Bush
  - The Wood Brothers
  - Keller Williams
  - Keb Mo’
  - Nahko & Medicine for the People
  - Lukas Nelson

Peak Performances will work closely with the Town Manager to further identify targeted talent and assure the highest level of talent for the agreed upon budget. Furthermore, one of the concert dates will be required to include an artist , which is known for its “Latino or Hispanic” genre of music. The artist must be the main act, and, if possible, the opening act will be as well.

**FUNDING REQUEST:**

Peak Performances is requesting a contribution of \$66,000 from the town to cover the cost of talent acquisition, producer management fee and a 6% cost plus collectively on both of the previous expenses. Additionally, the producer is requesting a total of \$2,600 of in-kind contribution to support the cost of Avon PD services and staff resources needed for delivery/removal of town event assets.

**STAFF REVIEW:**

Overall, Peak Performances met the main objective of the 2015 *Avon Live! Summer Concerts Series* which was to enhance the cultural fabric of the community and provide an enriching experience. Staff found Peak Performances to have delivered a high level of talent commensurate with expectations, met contractual deadlines, made necessary in-field adjustments and delivered a superior product.

Sustainability Review: Free events can be expected to be popular and to attract a predominantly local attendance with seasonal visitors staying in Town at the time of the event. Free events, even with attendee spending in Town associated with an evening’s entertainment, most frequently are supported as opportunities for community gathering and as a cultural offering of the Town. Without the benefit of paid attendance, free events will require the on-going investment of Town of Avon general funds for support and/or strong sponsorships. The growth of sponsorships can be seen as possible over time as the producer is able to brand and market the success and name of the music series. One can generally envision three to five years of diminishing Town funding as the event gains sponsorship notoriety. A downturn in the economy can interfere with sponsorship growth and/or the Town’s ability to continue funding.

It is understood that the Town will want to support cultural offerings that are free and add into the mix of producer events. In considering funding for the *Avon Live! Summer Concerts in the Park* series, it should be noted the producer has taken the necessary steps in order to generate revenue, off-set the cost of production and reduce the town’s subsidy to include; 1.) retaining a larger percentage of revenue generated from alcohol sales up to \$16,000 at which point, a split of revenue will be negotiated with the Town; 2.) added a ticketed VIP experience; 3.) added a fee for vendor booth space; and, 4.) is actively seeking sponsorship dollars.

Staff will continue to work collaboratively with the producer to identify sponsorship elements and opportunities as well as other revenue generating mechanisms. Staff, based upon industry standards, will work with this producer to raise sponsorships to at least 30% of all revenue.

**STAFF RECOMMENDATION:**

Based off the success of the inaugural *Avon Live! Summer Concert Series*, staff believes there is a solid indication of support from the community for this concert series and the series has a good foundation to become synonymous with Avon, much like “Salute to the USA” and akin to “Hot Summer Nights” in Vail. *Avon Live!* gained notoriety in the community quickly and Avon became the “place to be” on Wednesday evenings.

Staff, therefore, recommends approval of \$66,000 for the 2016 *Avon Live! Summer Concerts in the Park* opportunity from the Special Events Assigned Fund Balance. Furthermore, staff recommends the approval of the \$2,600 of in-kind support which is appropriate and an adequate amount for the identified services.

**ATTACHMENTS:**

- Exhibit A - 2015 Avon Live! Survey Findings
- Exhibit B - 2016 Avon Live! Proposal



EXHIBIT A

# 2015 Avon LIVE Summer Concert Series

Intercept Survey Results



*August 2015*

# Objectives and Methodology

## Objectives

- Understand who is attending concerts at the Avon Performance Pavilion at Nottingham Park
- Gauge guest satisfaction with their experience
- Provide basic understanding of guests planning and spend

## Methodology

- Intercept surveys were conducted before and during each concert during the three week concert series
- 292 guests were randomly selected to take a short survey at each concert (Wednesdays)

## Analysis

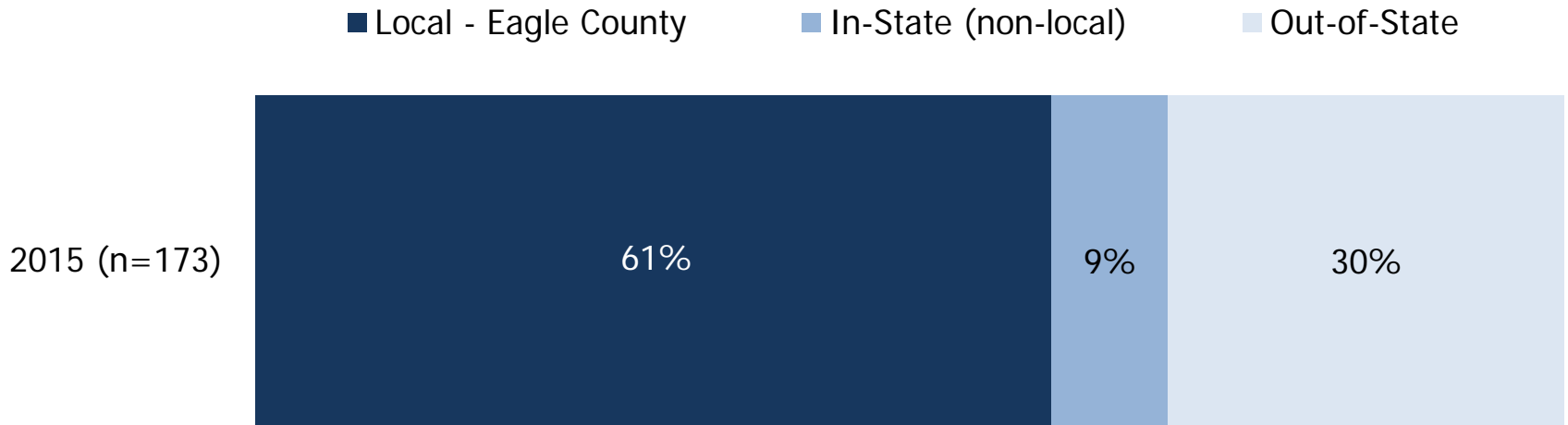
- Analytics for this report focus on 2 breakouts.
  - All guests at event
  - Locals vs. Destination Guests (out-of-state only)



# Summer Concert Series Guest

# Guest Origin

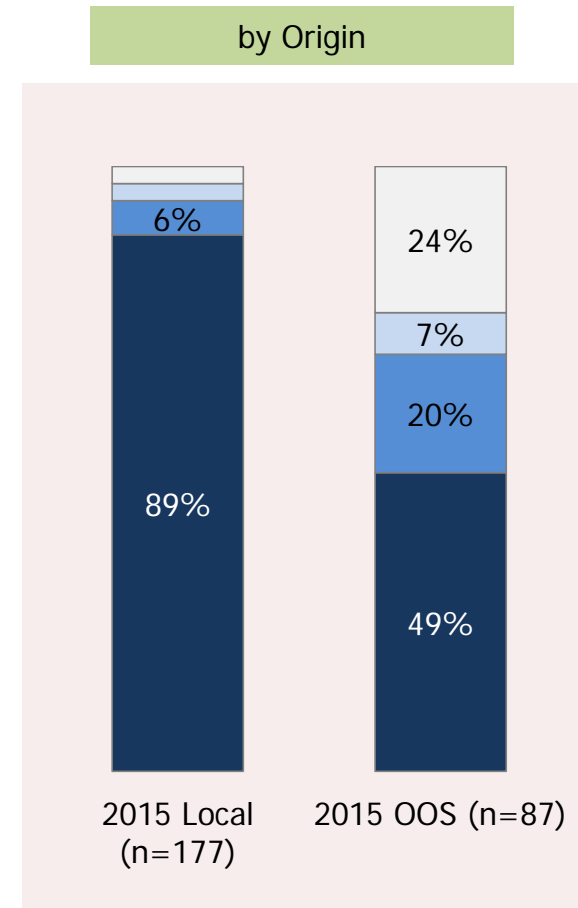
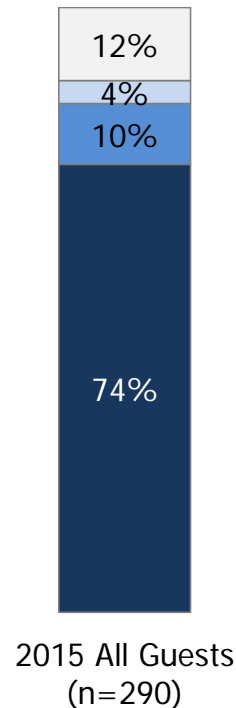
- Nearly one third of attendees are out-of-state destination guests.



# Concert Series Influence on Visitation

- Nearly three fourths of all guests came to Nottingham Park specifically for the concerts.

- I didn't even know about the concert when I decided to visit
- I knew about it, but it had no influence on my decision
- It had an influence on my decision
- I came specifically for the concert

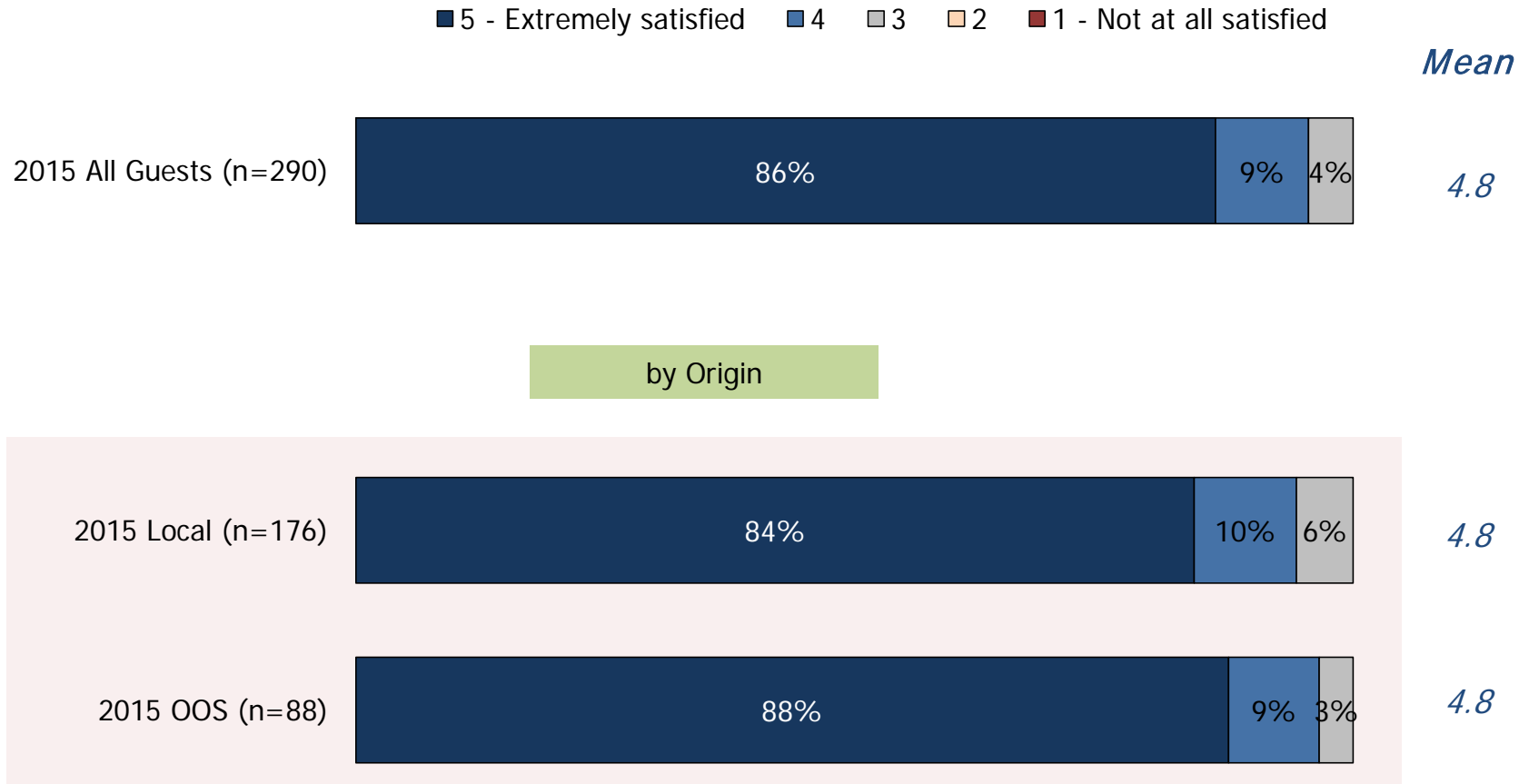




## Satisfaction with Summer Concert Series

# Satisfaction with the Avon Performance Pavilion

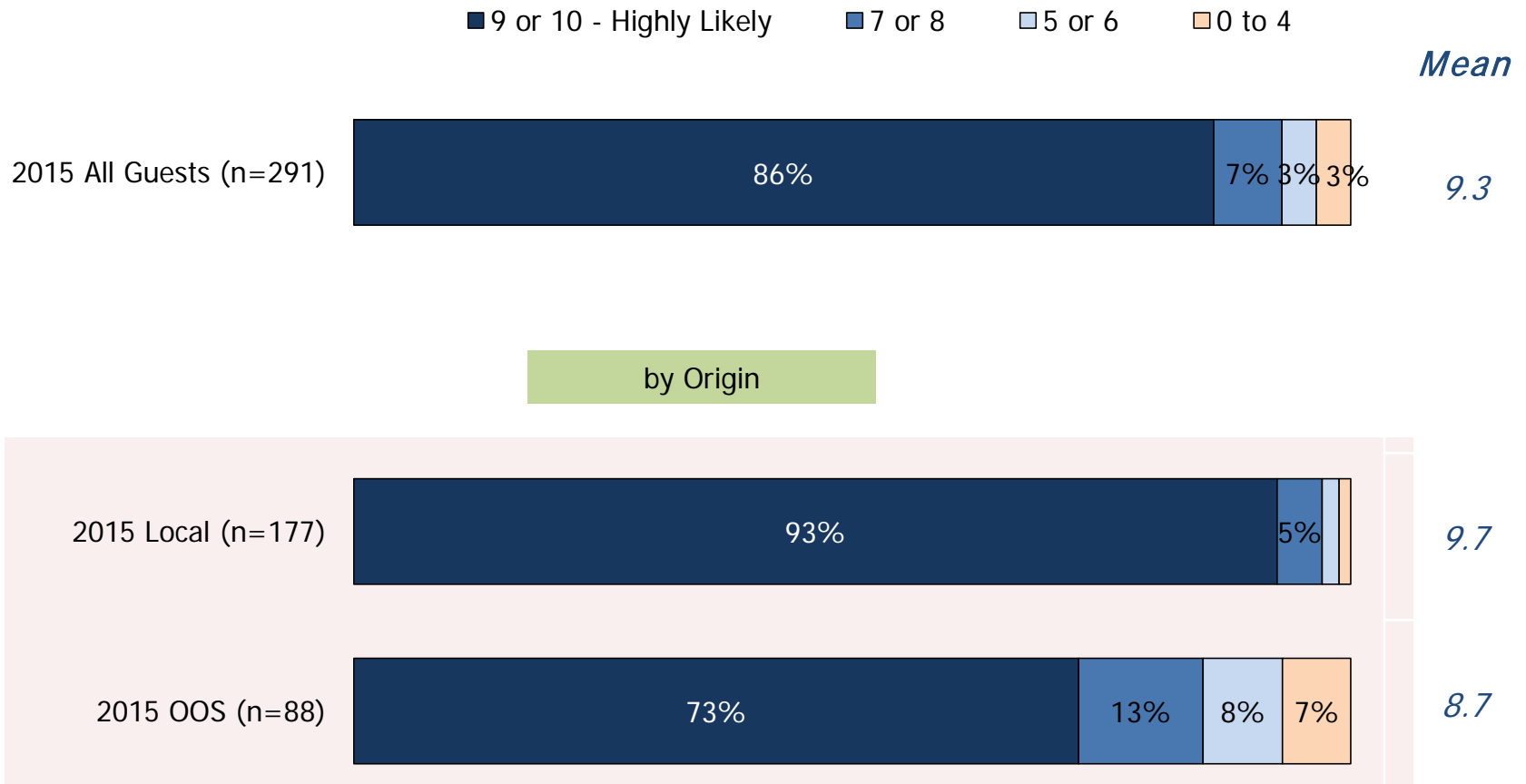
- Most all guests are extremely satisfied with the Avon Performance Center as a concert venue.



Using a scale from 1 to 5, where 5 is extremely satisfied, how satisfied are you with The Avon Performance Pavilion as a concert venue?

# Likelihood to Return to the Avon Performance Center

- Nearly three fourths of out-of-state guests are highly likely to return to the Avon Performance Center for a concert.



Using a scale from 0 to 10, where 10 is highly likely, how likely are you to return to The Avon Performance Pavilion for a concert in the future?

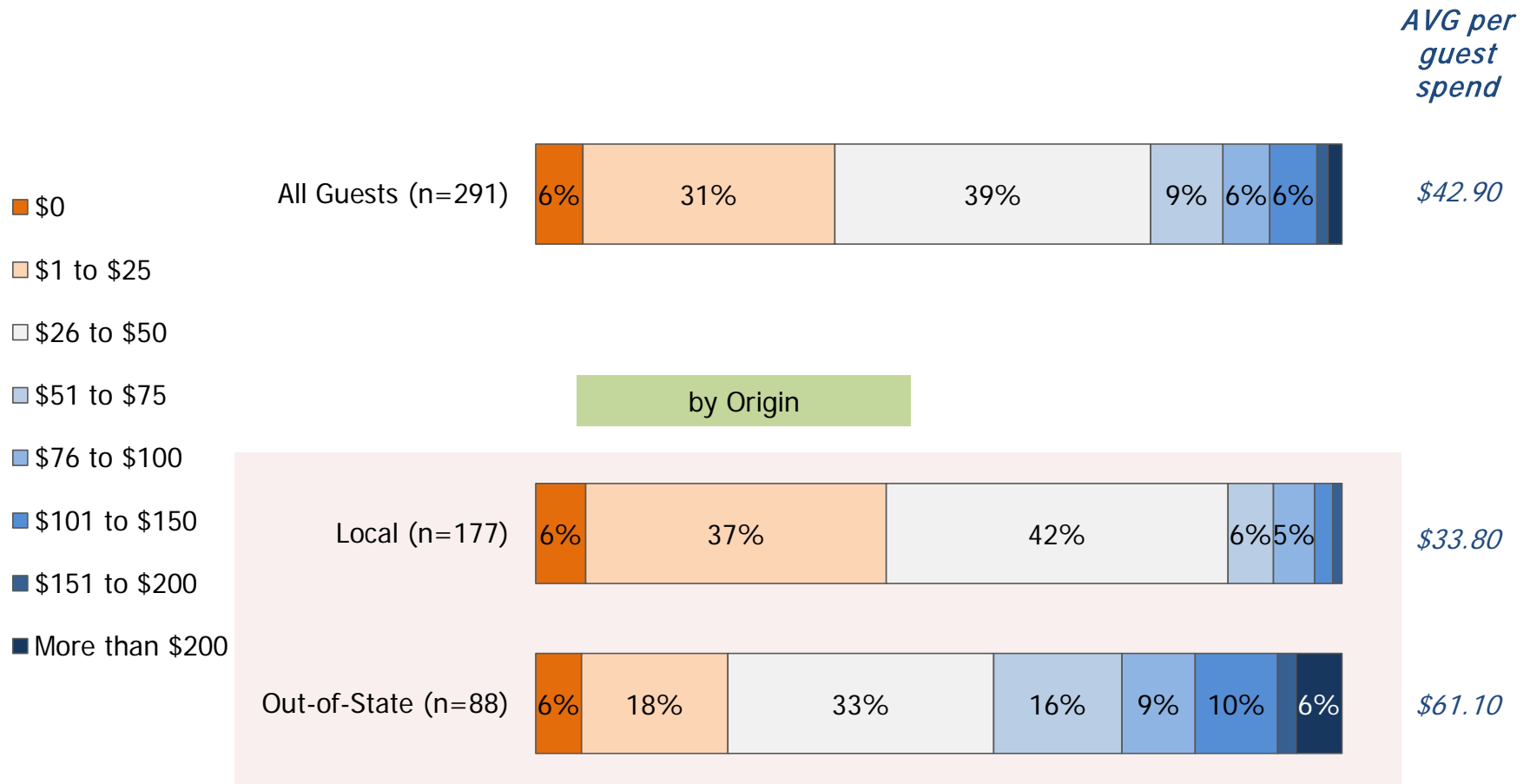




# Summer Concert Series Planning & Spend

# Guest Spend *Excludes Lodging and Travel Spend*

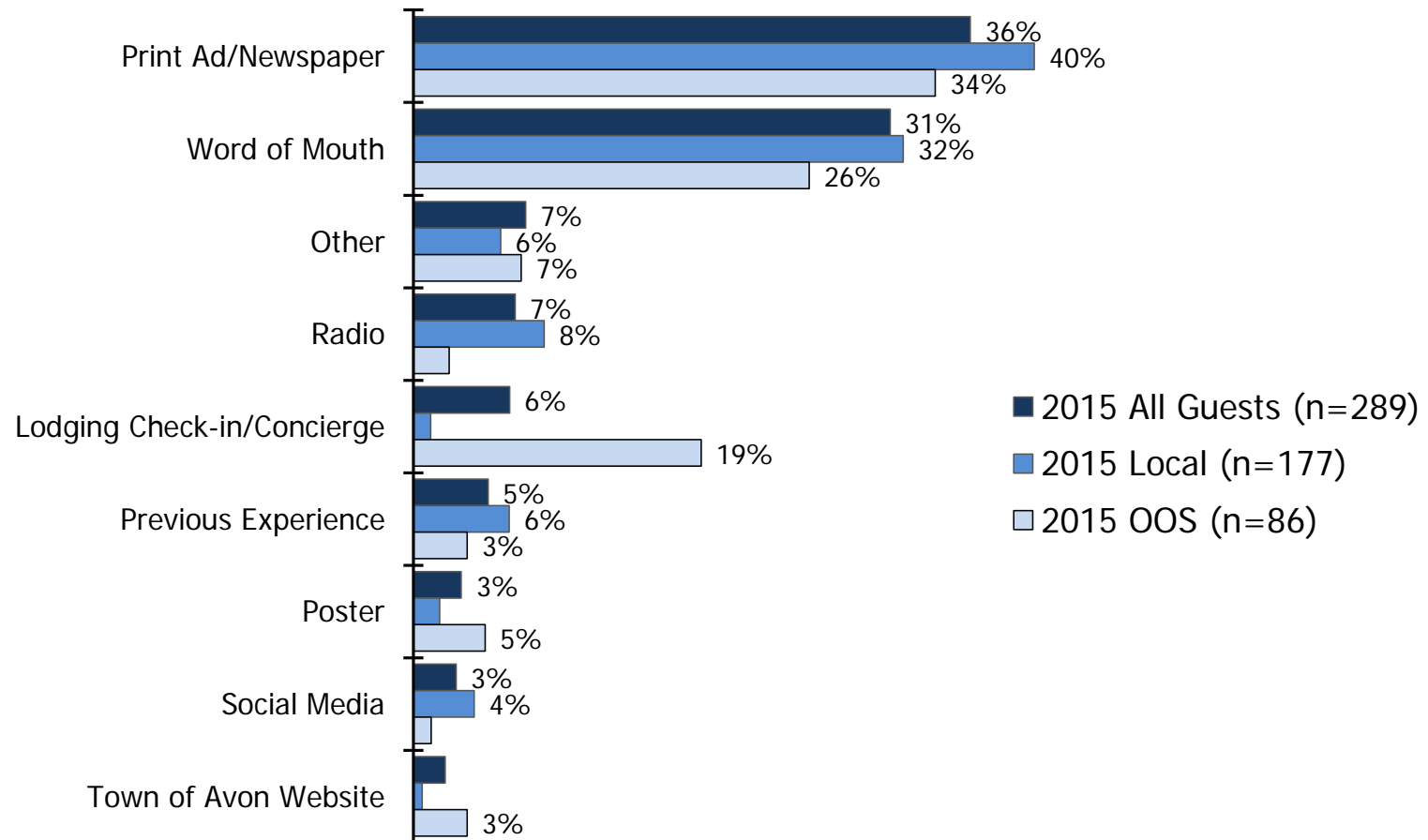
- Attendees spent on average over \$42 in the Town of Avon the day they attended.



Excluding lodging or travel expenses, how much will you spend at the concert & in the Town of Avon today (food, drinks, activities, retail, etc...)?

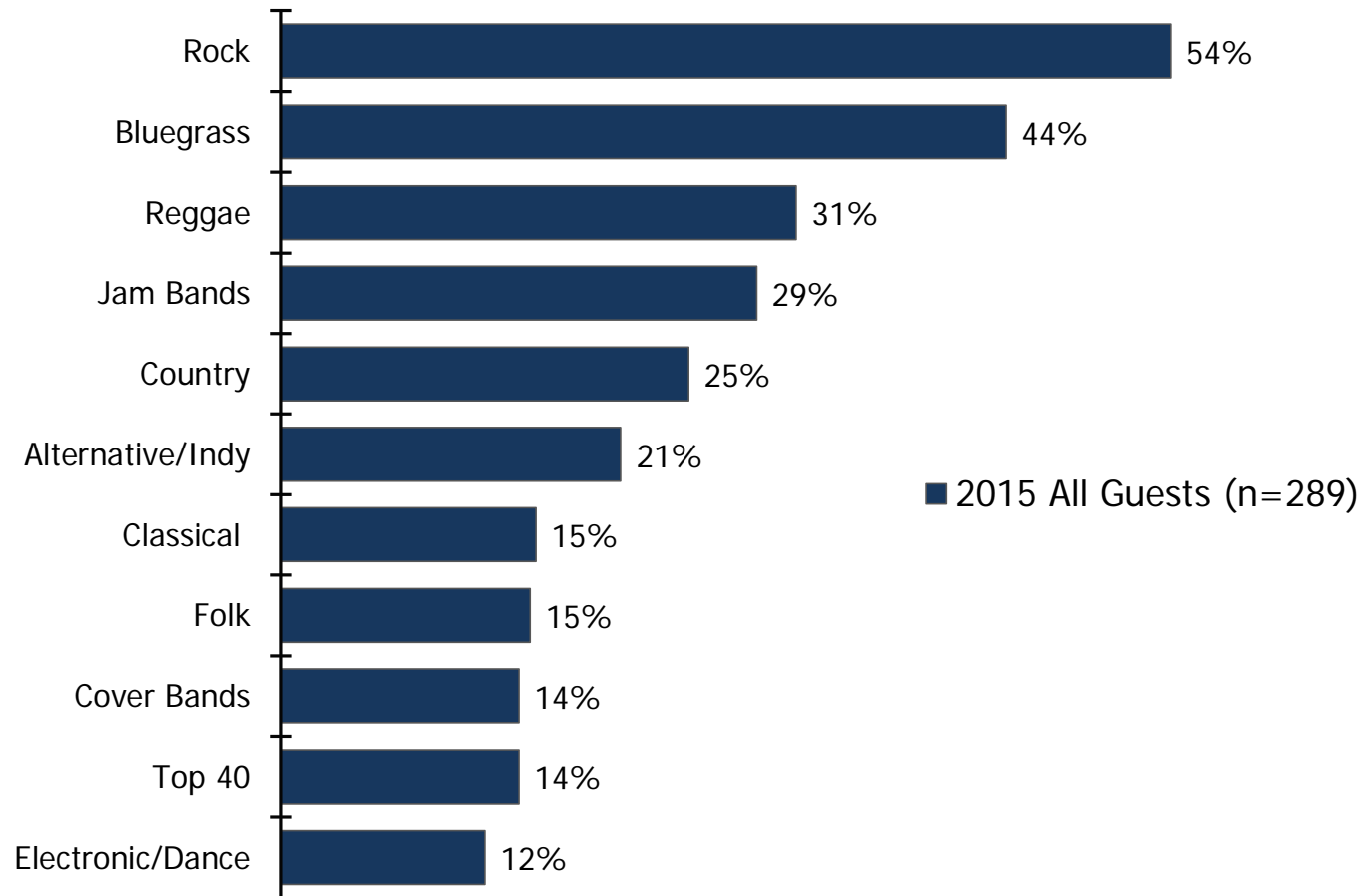
# Where Did You Hear About the Concert?

- Print ads appear to be a very effective avenue of communication for the concert series.



# Where Types of Music Would You Like to See?

- Rock, Bluegrass, and Reggae concerts would most likely draw the biggest crowds to the Avon Performance Pavilion.



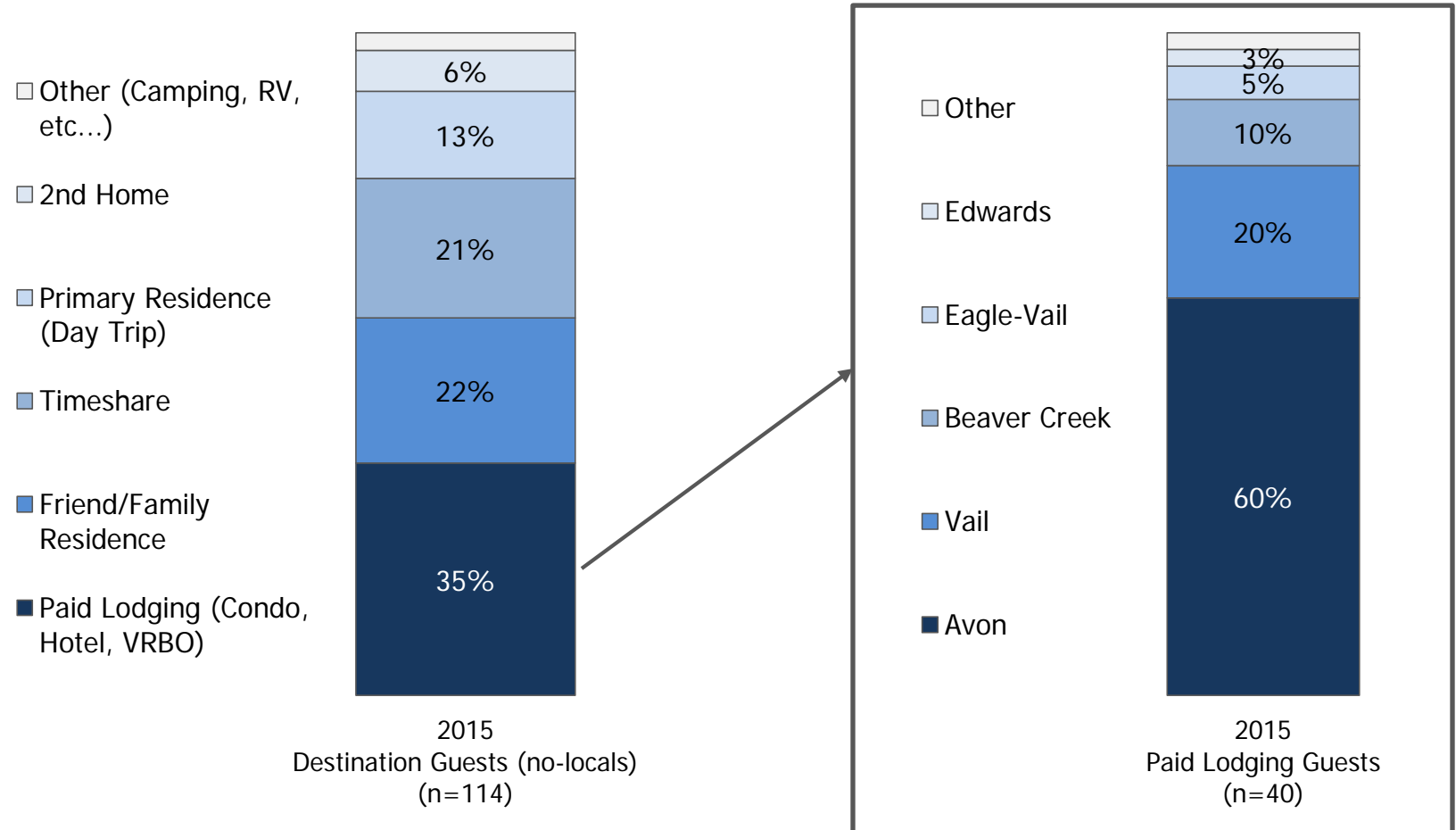
What types of music/bands would you like to see more of at The Avon Performance Pavilion?  
(select all that apply)



## Summer Concert Series Demographics

# Guest Accommodations

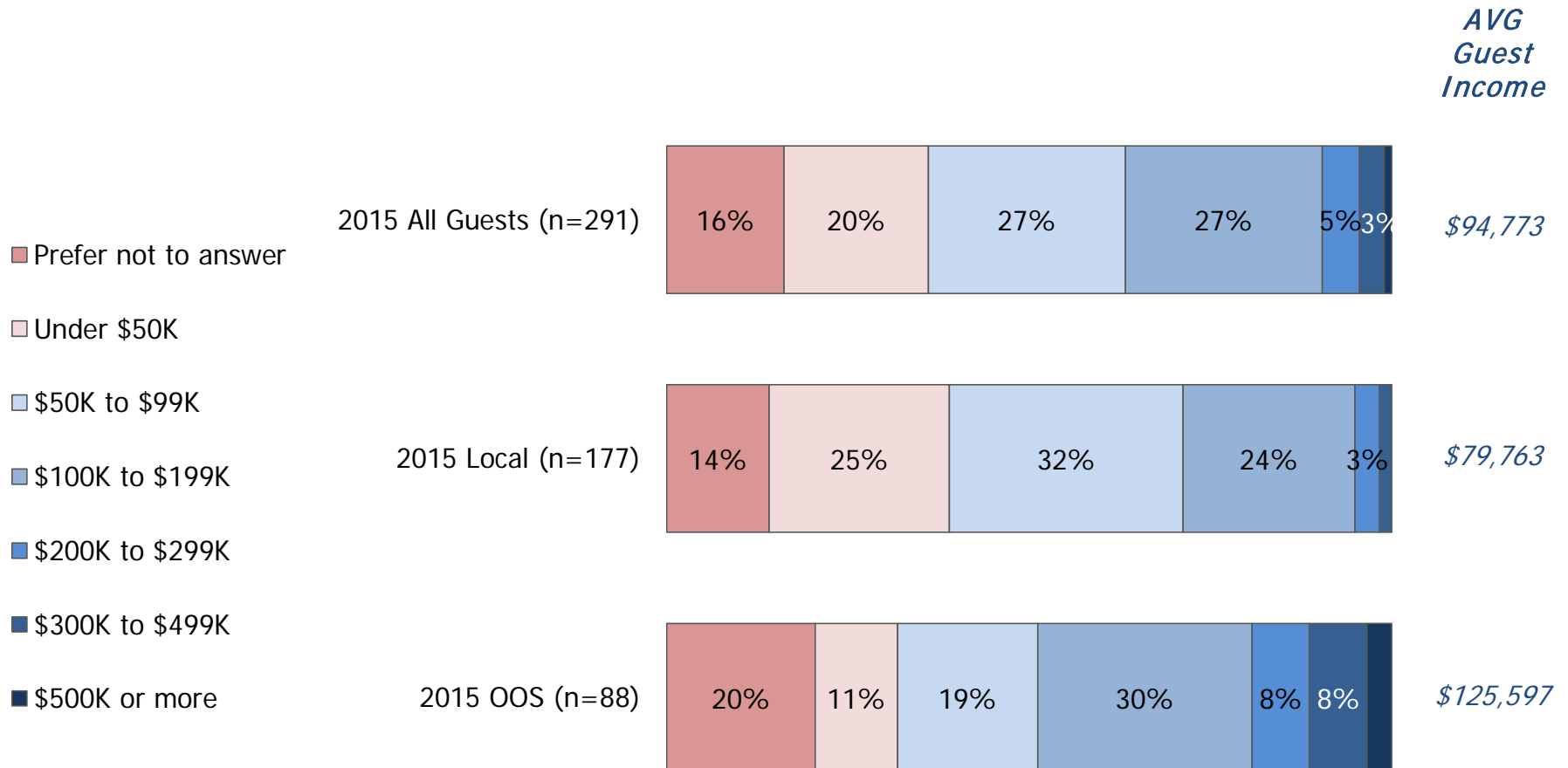
- Over one third of destination guests (in-state & out-of-state), stayed in paid lodging during their visit.
- A majority of guests using paid lodging stayed in Avon.



What type of accommodations are you using this trip?  
 In what town/area are you staying? (Paid Lodging Only)

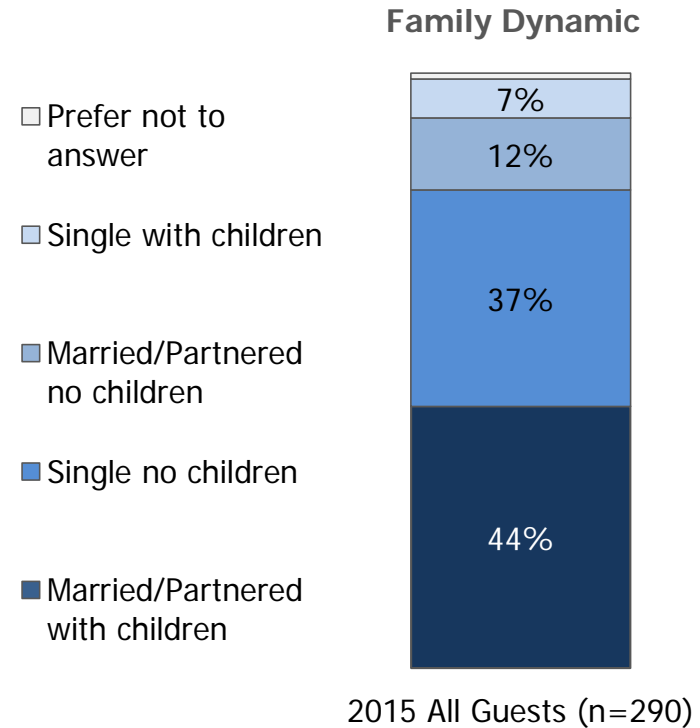
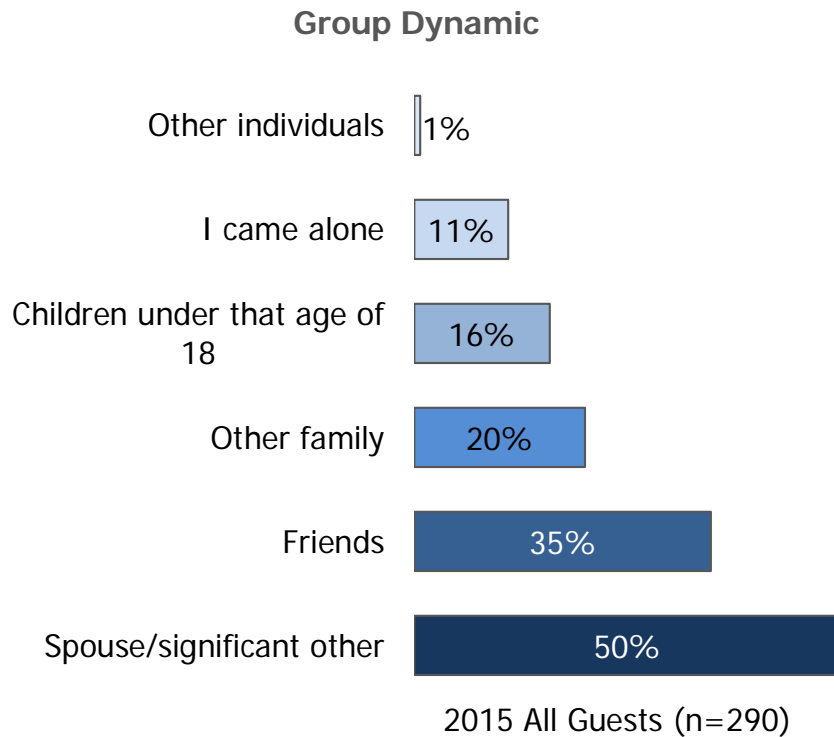
# Guest Income

- Out-of-state guests earn over \$125,000 annually.



# Guest Group and Family Dynamic

- A majority of the attendees came with their significant other and friends.
- Most attendees were either married with children or single with no children.

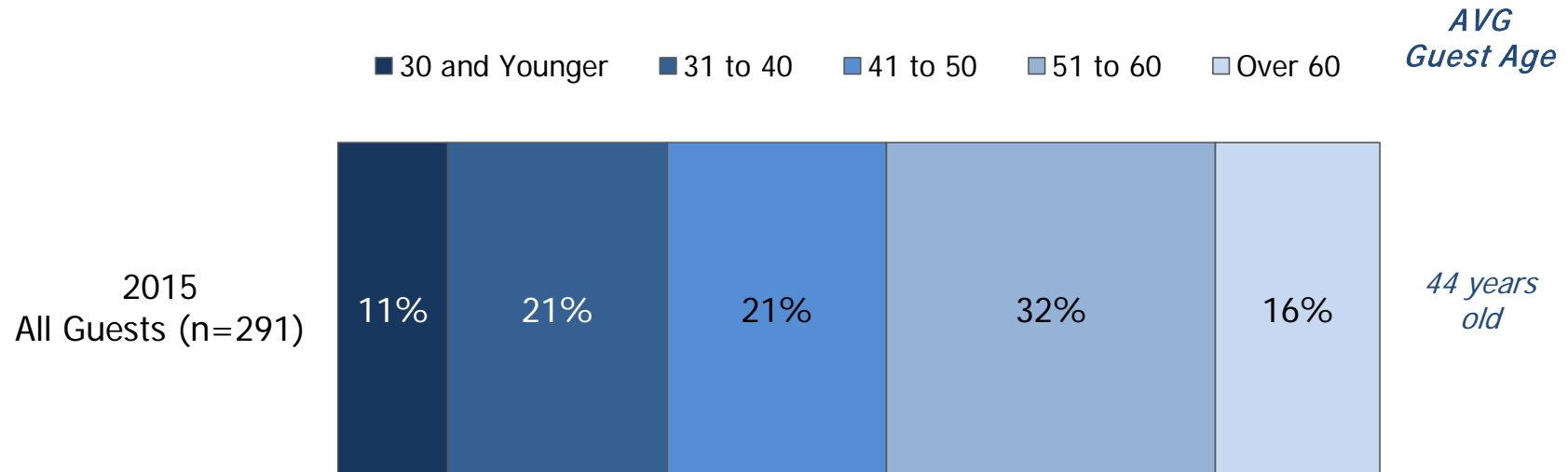


Who was in your group the day of your visit? (please select all that apply)  
Which best describes your family status?



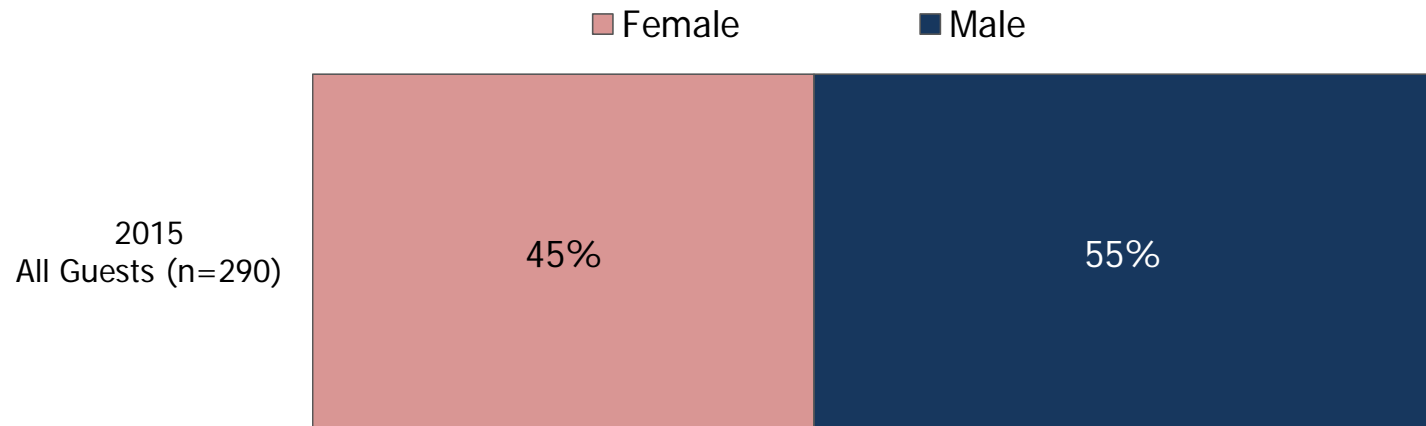
# Guest Age

- The average attendees age is 44.



# Guest Gender

- There were slightly more males than females at the concerts.





## Appendix

# Executive Summary

- The Avon Performance Center is a desirable venue to see a concert with nearly three quarters of the attendees visiting Avon specifically for the concert series. (The appeal for locals is exceptionally strong)
- Overall satisfaction with the Avon Performance Center is extremely high with nearly 90% of attendees stating they were extremely satisfied with the venue.
- Nearly all attendees are highly likely to return to the Avon Performance Center in the future to see a concert.
- Average per guest spend is nearly \$43 a day per person. Out-of-state guests spent double the amount of money the day of the event compared to the locals.
- Print advertisements appear to be a very effective form of communication regarding the concerts reaching nearly a third of the attendees.
- Rock, Bluegrass, and Reggae concerts would help bring in the largest attendance to future concerts as those were the main genres of music that attendees would like to see in the future.

# Intercept Questionnaire



Intercept Survey  
Questionnaire

- **Click on the icon to view the on-line questionnaire.**
  - View question order and layout.
  - View skip patterns.
  - View full question and response language.

**Thank You!!!**  
**For additional information, please contact...**

Doug Westenskow  
[dougw@alpineinsights.com](mailto:dougw@alpineinsights.com)

# EXHIBIT B

## 2016 Avon *LIVE!* Summer Concerts in the Park

### Town of Avon Performance Pavilion

#### **Producer Overview**

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*Peak Performances* has been a successful Rocky Mountain event producer since 1991. Specializing in community and resort-based concerts and concert series, *Peak Performances* has become synonymous with successful, open air, complimentary-based festivals.

Started in 1991 by proprietor Mike O'Brien, Mike quickly formed relationships with Copper Mountain Resort, the Town of Frisco, the Town of Breckenridge and others. Throughout the years, *Peak Performances* has organized and produced hundreds of events, featuring over 2000 national touring acts, including everything from local happy-hour acts to 12,000 person festivals.

#### **Series Overview**

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With the great success of last summer's 2015 Avon *LIVE!* Concert series, *Peak Performances* is proposing to produce the 2016 Avon *LIVE!* Summer Concerts in the Park. The series would again be a complimentary, Wednesday night, national level talent, blanket in the grass, twilight based music series, with a fair-style food truck food court and a kids play zone, designed to allow local families, second homeowners and mountain visitors alike to come together and enjoy a night outside in Nottingham Park.

#### **2016 Proposed Series Format**

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- Four-week series on consecutive Wednesday evenings on the following dates:  
August 3<sup>rd</sup>  
August 10<sup>th</sup>  
August 17<sup>th</sup>  
August 24<sup>th</sup>
- Tentative Evening Schedule:  
5:00 pm            Vending Open  
5:30-6:30 pm     Opening Act  
7:00-8:30 pm     Headliner Act  
8:45 pm            Vending closes, event ends
- Target Attendance: 1,200 to 1,500 per week/concert
- Complimentary –Free to Attendees

#### **Series Proposed Talent**

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*Peak Performances* will execute all arrangements necessary for the series, including but not limited to all booking of talent, audio production, lighting, talent travel, talent fees, transportation, accommodations and meals. Headliner talent will be national level, while the openers will be more local talent providing them the opportunity to perform on the Avon Performance Pavilion.

Example headliner acts commensurate with the Avon *LIVE!* budget and desired audience demographic:

- March Fourth
- Nora Jane Strothers
- Freddy Jones Band
- Nicki Bluhm & The Gramblers
- Marcia Ball
- Hooray for the Riff Raff
- Keller Williams
- The Motet
- Nitty Gritty Dirt Band
- Indigo Girls
- Michael Martin Murphy
- Rusted Root
- Suzy Bogguss
- Band of Heathens
- The Wood Brothers
- Nahko & Medicine for the People
- Elephant Revival
- Joan Osborne
- Keb Mo’
- Asleep at the Wheel
- Carbon Leaf
- Steve Earle
- Pokey Lafarge
- 10,000 Maniacs
- Stanley Jordan
- Peter Rowan
- Anders Osborne
- Hot Buttered Rum
- New Orleans Suspects
- Jonny Lang
- Cracker
- Robert Cray
- Lukas Nelson
- Samantha Fish
- Paper Bird
- Sam Bush
- David Grisman
- Blue Oyster Cult
- Smithereens
- Seven Mary Three
- Crash Test Dummies
- Patty Griffin
- Infamous String Dusters
- Cherry Poppin’ Daddies

## **Vending**

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Peak Performances will bring in 6+ selected food truck service providers. While a “food truck food court” environment is an ideal situation, Peak Performances is committed to working with local vendors, and is happy to work with interested businesses, regardless of going outside the “food truck” model.

As in the 2015 event, Peak Performances will arrange for a kids zone, to include bouncy castles, an indoor interactive maze, and face-painting.

Peak Performances will again organize, provide and retain funds for additional alcohol sales during the series, while adhering to any/all Town of Avon and State of Colorado liquor sales regulations. Peak Performances is dedicated to partnering with non-profit organizations for proper alcohol permitting.

## **Series Management Structure**

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In addition to the overall guidance and supervision by Mike O’Brien, the Peak Performances Team will consist of the following key members:

Jordan Weyand - Project Manager

For almost a decade, Jordan brought in major third-party events for Copper Mountain Resort. Prospecting, designing, contracting facilitating anything from major cycling tours to 20,000 person adventure runs to televised Olympic qualifying snowboarding and free-skiing events. Since 2013, Jordan has been producing events for Peak Performances, and will lead the effort for Avon *LIVE!*



Blake Hemmert - Audio Production Manager

Blake has been managing productions for well over a decade now. He has worked with Peak Performances on several large -scale shows, including shows at Keystone Resort and Copper Mountain.

Lisa May – Vending Manager. Lisa successfully managed all the vendor issues for Avon *LIVE!* 2015.

### **Improvements Over 2015 Series**

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- Expansion to a four-week series
- Inclusion of at least one Opening or Headliner act of Latino demographic
- Enhanced VIP package, to include free food & beverage, back-stage access, and artist meet & greet

### **Miscellaneous Series Details**

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#### Series Security, Parking & Transportation

Building on the success of Avon *LIVE!* 2015, Peak Performances is committed to implementing the revised & updated plans for event security, parking & transportation.

#### Series Sponsorship

Peak Performances again requests the ability to sell and retain all funds for any/all appropriate categories for the event. If the Town of Avon has any existing sponsors that would like to be involved, Peak Performances would be delighted to offer a first right of refusal.

#### Series Marketing

Based upon the marketing plan for Avon *LIVE!* 2015, an event-specific marketing plan will be developed over the upcoming weeks to promote the series around the Vail Valley region. The promotion plan shall include press releases, radio and/or newspaper inclusions, and a poster plan around the area.

### **Town of Avon Support**

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In addition to vending and sponsorship sales from the series, Peak Performances is requesting additional financial support from the town for the first several years, in order to help give the event a solid platform to launch. For the 2016 series, \$66,000 in financial assistance is requested. In addition, \$250/week of in-kind support (barriers, signage, etc.), and up to 8 volunteers, are requested.

### **Contact & Additional Information**

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To request any additional information or for all future correspondence please use the following contact information:

Mike O'Brien  
mike@gigdigge  
r.com  
970-418-2121



## TOWN COUNCIL REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council  
From: Director of Festivals & Special Events Danita Dempsey  
Town Manager Virginia Egger  
Meeting Date: January 26, 2016  
Agenda Topic: Action on Funding Request and Setting of Dates for the *Outlaws & Legends Music Festival*

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### **ACTION BEFORE COUNCIL:**

To review and approve, approve with changes or deny the dates of Thursday, July 28<sup>th</sup> through Sunday, July 31<sup>st</sup>, 2016 for the inaugural *Outlaws & Legends Music Festival*, and appropriate funding in the amount of \$72,000 to Backporch Productions, LLC, producer of the event.

### **PROPOSED MOTION:**

I move to approve [approve with changes or deny] the dates of July 28<sup>th</sup> through July 31<sup>st</sup>, 2016, and to appropriate \$72,000 from the General Fund Special Events Assigned Fund Balance to Backporch Productions to produce the *Outlaws & Legends Music Festival*. In addition, I move to approve up to \$10,000 of in-kind services.

### **2016 BUDGET INFORMATION:**

Funding for this event is available in the 2016 Budget.

### **BACKGROUND:**

To further the Town of Avon's economic development strategy, which calls for the Town to seed events with a goal of developing signature events for the Town, a Request for Qualifications (RFQ) was issued to producers and promoters covering a broad range of performance types, for activation at Avon's two prominent venues – the Harry A. Nottingham Park Performance Pavilion and the Main Street Mall.

### **2016 PROPOSAL FOR USE OF THE AVON PERFORMANCE PAVILION & MAIN ATHLETIC FIELD:**

Mark Powell, owner of Backporch Productions and owner/producer of the *Outlaws & Legends Music Festival* in Abilene, Texas; and, country music songwriter legend, Dean Dillon have responded to the RFQ with a proposal to produce the *Outlaws & Legends Avon Music Festival*, which will feature legendary country music and modern, Texas music artists.

*Outlaws & Legends Music Festival* - Avon Performance Pavilion & Nottingham Park

- Friday, July 29<sup>th</sup>, 2016 and Saturday, July 30<sup>th</sup>, 2016
- Hours of use: 2:00 p.m. to 10:00 p.m.
- The request is for exclusive use of the Avon Performance Pavilion, main athletic field and Town Hall parking lots for the production of a 2-day, ticketed festival
- First year paid attendance is estimated at 4,000 persons
- Attendance growth projections: Year 2 – 5,000 and Year 3 - 6,000 (Subject to evaluation of park capacity at the 5,000 level)

- Event would sell liquor through a local non-profit and feature food and merchandise vending
- Event would feature sixteen billing names over the two-day festival

*Outlaws & Legends Music Festival - Avon Hotel and/or Restaurant Venues*

- Thursday, July 28<sup>th</sup>, 2016 and Sunday, July 31<sup>st</sup>, 2016
- Hours of use: Thursday between the hours of 7:00 p.m. and 10:00 p.m.; Sunday between the hours of 12:00 p.m. and 3:00 p.m.
- Partner with a local Avon restaurant/hotel business for intimate setting songwriter events titled “Storytellers Unplugged”
- Limited to 150 people; ticketed event
- Estimated paid attendance is 300 persons

**PRODUCER QUALIFICATIONS:**

Mr. Powell of Backporch Productions, LLC is the owner and producer of the award-winning *Outlaws & Legends Music Festival* in Abilene, TX. Mr. Powell has produced fourteen country-themed music festivals since 2011 hosting between several hundred to up to 6,900. Known as the “Biggest 1-Stage Festival in Texas” and one of the Top-Five “Festival of the Year” by Texas Regional Radio Music Awards, the *Outlaws & Legends Music Festival* five year history boasts an average attendance of 5,800. The aforementioned festival reports a current positive economic impact to Abilene of \$823,000 and has received national media exposure in the *New York Times*, *Chicago Tribune*, *USA Today* and *Southern Living*, to mention a few.

Mr. Powell, combined with the high-level industry experience of Mr. Dillon, the direct fan-base data base and social media reach of *Outlaws & Legends Music Festival*; their multi-festival cross-marketing capabilities; and, collective music business connections, provide the right mix of experience, marketing prowess and expertise for an Avon edition of *Outlaws & Legends*.

**RETURN ON INVESTMENT:**

Backporch Productions is asking for \$72,000 in direct financial support in its first year. To conduct a return on investment analysis over three years, an ROI Assumptions Demonstration is provided in the attached Exhibit B. The results demonstrate as the event grows over time and gains profitability there is a yearly decrease in the need for seed funds. The results also project the Town of Avon would fully recover its contribution and experience additional revenues, from a combination of sales and lodging taxes and ticket admission fees, as early as year two.

- |                                    |   |
|------------------------------------|---|
| • Seed funds year one = \$72,000   | Net Recovered/Unrecovered Investment = (\$20,759) |
| • Seed funds year two = \$65,000   | Net Recovered/Unrecovered Investment = \$10,538   |
| • Seed funds year three = \$55,000 | Net Recovered/Unrecovered Investment = \$37,734   |

The proposal also asks for an in-kind commitment for police, bus transportation, traffic direction, banner installation/removal and staff assistance of up to \$10,000. These expenses are covered through ticket fee revenue or in the internal budgets of the department. The Net Recovered Investment indicates that by Year Two these costs are fully funded with new revenue.

The Storytellers Unplugged events being proposed on Thursday and Sunday of the event weekend will generate additional sales tax collections however, are not included as a separate line item in the ROI analysis for the reason that they are held on private property and the ticket admission fee per Resolution 15-18 is only applicable to Town owned property.

**STAFF RECOMMENDATION:**

Special events are integral and a key component in a resort community economy of which a mix and variety brings interest, culture, liveliness, creates a sense of place and community for residents. Additionally, special events are often the basis for guest visits. Funding special events the Town believes will grow into signature events being synonymous with Avon are of particular interest. Over the past two years, and in particular with the Pavilion and Main Street Mall being completed, the funding of new events has provided important experience to how and what to activate. Important take-aways include the qualifications of the producer in the genre of event being proposed, a spin or unique idea for the event and realistic expectations for attendance and thereby revenue collections.

Staff believes the *Outlaws & Legends Music Festival* meets the Town's desire to seed and support a music genre and concept that can become a signature event. We find that the producer has extensive music festival production experience, a widespread reach through other festivals for marketing and promotions, the business capability and industry connections, and the passion to initiate and grow the event. Staff would work closely with the producer to assure that all services and infrastructure are in place; and, all safety and emergency protocols are followed for the projected attendance. Furthermore, based off producer performance and crowd behavior of the proposed first year, analysis of future growth allowance can be determined however, in general terms a festival over 5,000 admissions is not the desired goal.

The in-kind services requested are commensurate with the size of the expected attendance and type of production. The request of \$72,000 for the first year exceeds the range of funding for a first year music event in Avon. Events to date have been granted funds ranging from \$30,000 to \$50,000. These productions have projected much smaller first year attendance. In review of the proposal and history of the producer, the ability to attract 4,000 attendees is convincing. While larger attendees will reduce needed Town funding, any first year event takes financial risk with no brand established in Avon. When considering the brand, estimated attendance and interest in a country music festival, staff supports the larger seed fund request. In addition, with a forecasted unrecovered investment of \$20,759, this first year, the larger seed payment presents a good opportunity for the Town to launch an event of this size and caliber of musicians.

**ATTACHMENTS:**

- Exhibit A – Outlaws & Legends Avon Music Festival Proposal
- Exhibit B – Outlaws & Legends Avon ROI Projections

EXHIBIT A

BACKPORCH PRODUCTIONS, LLC



4318 La Hacienda Dr.  
Abilene, TX 79602  
Phone: (325)660-8458

E-Mail: [outlawsandlegends@gmail.com](mailto:outlawsandlegends@gmail.com) Web: [www.outlawsandlegends.com](http://www.outlawsandlegends.com)

## Statement of Qualification Requirements

### 1. Proposed Signature Event and Scope

#### A. Objective

Backporch Productions seeks to team up with legendary country music songwriter and Colorado resident, Dean Dillon, and produce a long-term, landmark unique country music festival incorporating the best legendary country music artists with modern Texas Music artists. The ten-year objective is to become the highest quality and most sought-after ticket for purists' country music enthusiasts in the state of Colorado.

#### B. Detailed Summary

Backporch Productions plans to produce a two-day, main-stage festival in Avon, CO featuring legendary country music artists with modern-day "Texas Music" artists. Similar to Backporch Production's current Outlaws & Legends Music Festival in Abilene, TX, we seek to capitalize on the current niche of this product that exists within the Colorado territory. There will be eight (8) main-stage bands and eight (8) acoustic performances by popular roots singer/songwriters. Sixteen (16) billing names will make up the two day festival.

Backporch Productions plans to also incorporate two intimate-setting songwriter events in tandem with a select local hotel/restaurant locations nearby the event center. Each "Storytellers Unplugged" event will host 6 singer/songwriters on Thursday evening (7:00pm-10:00pm) and the other event on Sunday early afternoon (12:00pm-3:00pm). There will be a limit of 150, \$50 tickets sold to each of these events and Backporch Productions will kick-back \$10 of additional "goodwill" to the City of Avon, CO on these two intimate events.

Due to the nature of our niche incorporation of legendary country music entertainers with popular modern, southern entertainers, the age demographics are broader than other festivals targeting 18-24 year old patrons (as our "5-Year Average Percentage Per Age Group graph will reflect). Outlaws & Legends Music Festival- Avon will feature several Texas and legendary country music artists catered to a diverse age demographic and geographical reach, uniquely blending current Texas and Americana artists with legends in those genres has promoted: (1)equal splits in age groups and family involvement,

(2)greater tourism due to the quality we provide in this niche,  
(3)and diverse ticketing types.

Attendance numbers throughout the state of Colorado show a niche existing with Texas Music artists and festivals. It is our belief that the music style, multi-age and higher income demographic spreads, and multiple ticketing options; all similar to our current festival in Texas, makes the Avon site a good location for our Outlaws & Legends-Colorado.

## 2. Festival Ticketing

Backporch Productions will be offering a variety of ticket options. On the attached ROI spreadsheet, there is a breakdown of tickets with estimated numbers sold. We will offer private "Tailgate Party Packages" (limit 20) as a bulk ticket option that also includes a 20ftX20ft spot around the perimeter of the event. Dependent on ticket purchase dates, there will be four options for Weekend Passes and Day-Ticket options as well. As one may see from the ticket options, there are incentives for advanced purchasing and also weekend passes versus day tickets. This should promote an increased economic impact and encourage lodging occupancy.

*Children twelve and under will be admitted free.*

## 3. Schedule Summary *(Pending approval no later than Jan. 20, 2016)*

**Name:** Outlaws & Legends Music Festival© Avon, CO

**Producer/Promoter:** Backporch Productions, LLC

**Date:** July 28-31, 2016\*

Main Stage Festival Dates: July 29-30, 2016

Storytellers Unplugged: July 28, 2016. 7:00-10:00pm

Storytellers Unplugged: July 31, 2016. 12:00-3:00pm

Location: TBD

**Ad-Break Date:** March 1, 2016

**Ticketing Launch Date:** March 1, 2016

**Set-up Dates:** Sunday, July 24, 2016 - Thursday, July 28, 2016

**Gates:** 2:00pm - 10:00pm, July 29, 2016

2:00pm - 10:00pm, July 30, 2016



4. **Prospective 1<sup>st</sup> Year Line-Up:** (CONFIDENTIAL. No Commitments.)

<u>FRI., July 29</u>	<u>Show Times</u>	<u>SAT., July 30, 2016</u>
Robert Earl Keen	8:30-10:00p.m.	Merle Haggard
Mark Powell & Lariat	6:45-8:00p.m.	Randy Rogers Band
Ray Wylie Hubbard	5:15-6:15p.m.	Dean Dillon
Zane Williams	4:00-5:00p.m.	Stoney LaRue

Acoustic performances between acts with: Cooder Graw, Jamie Richards, Max Stallings, Sunny Sweeney, Jesse Raub Jr., Mike McClure, Dirty River Boys, Blue Water Highway Band.

Prospective Budget: \$282,000

5. **About the Producers:**

**Mark Powell** (owner of Backporch Productions, Abilene, TX) and **Dean Dillon** (owner of Mountain High Music Festival, Crested Butte, CO) plan on partnering production efforts on a large music festival in the ski region of Colorado, particularly Avon, CO. This will be a similar scale and festival experience of Outlaws & Legends Music Festival. There are built-in synergistic assets that include:

- Direct Fan-Base of Music Festival Attendees. Outlaws & Legends Music Festival currently has 9,400 registered (email) fans and 12,000 Facebook fans. Mountain High Music Festival currently has 990 registered (email) fans and 1,300 Facebook fans.
- Festival Cross-Marketing. Mountain High Music Festival (Crested Butte, CO held on the second week of January), Outlaws & Legends Music Festival (Abilene, TX held on the last weekend of March), and this festival will cross-market each other through incentives and multi-fest package deals.
- Radio. Mark Powell currently hosts a radio show “Mark’s Back Porch” on 106.9fm in Abilene, TX and syndicated to three outlying cities in central Texas. This platform will likely be expanded and consistently used to market and promote this festival.
- Music Business Connections. As performing artists, Mark Powell and Dean Dillon have past corporate attachments to Sony, Universal, BMI, Miller-Coors Brewing Company, Chevrolet, Hori-Pro, and several others. Both have also produced other artists



as well and have built and alumni list of artists thru festivals of 160 to date. As touring music artists, Mark and Dean plan to use the approximate 42 festivals and 145 annual shows to promote the festival as well.

Similar to both current festivals (Abilene and Crested Butte Festivals), Backporch Productions plans to encapsulate the ski valley region of businesses and patrons with a variety of high and low-end ticket types and products available. With the combination of built-in assets and the Avon area business appeal, the estimated attendance should be +3,000 in year one with a goal of 30% tourism from Texas, Oklahoma and other regions of Colorado.

## 6. Company Information

Backporch Productions, LLC.

Owners: Mark and Meredith Powell

Inception Date: 10/2010

Number of Music Events Produced: 14

Outlaws & Legends Music Festival (2011-2015)

Storytellers Unplugged (2011, 2012, 2013, 2014, 2015)

Wild West Fest (2011)

Swingin' Tex Fest (2013, 2014)

Abilene Music Awards (2015)

Total **Charitable Contributions** Since Inception: \$510,853

### **Awards & Successes:**

- Largest Attended Inaugural Texas Music Event, (2011)
- Top 5 "Festival of the Year", Texas Regional Radio Music Awards (2012)
- First Nationally Syndicated Festival in Texas, Texas Roadhouse Live (2012)
- Community Awareness Award, Abilene Convention and Visitors Bureau (2012)
- Most Country Music Artists on 1-Stage in 2 Days, Texas Music Office (2011, 2012)
- "Hat's Off To Tourism" Award, Abilene Convention and Visitors Bureau (2014)

- Top 5 “Festival of the Year”, Texas Regional Radio Music Awards (2015)

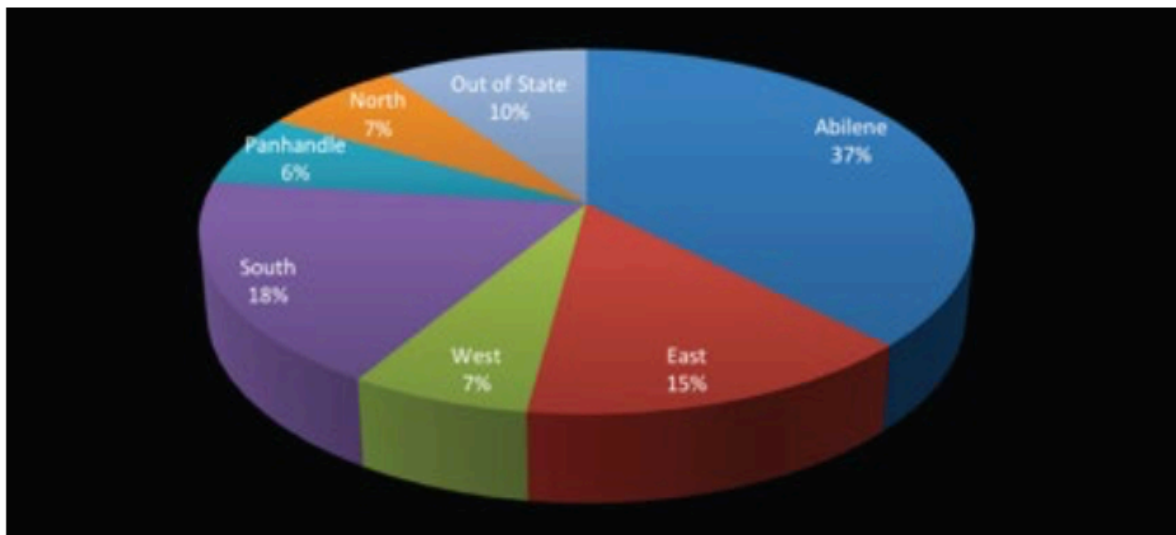
**Print Media Outlets** (where Outlaws & Legends has been featured):

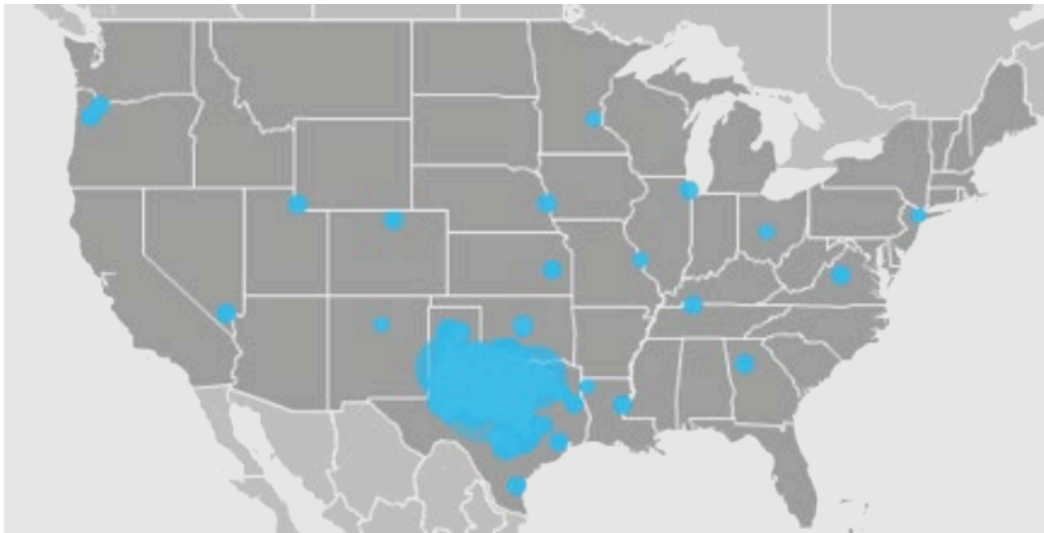
- New York Times Newspaper
- Chicago Tribune Newspaper
- Southern Living Magazine
- USA Today
- Texas Monthly Magazine
- United Airlines Spirit Magazine
- Texas Music Magazine
- Best in Texas Magazine
- Travel Host Magazine

Current Festival **Economic Impact** on Abilene, TX: \$823,500

## **FESTIVAL ATTENDANCE**

### **2015 Geographical Reach**



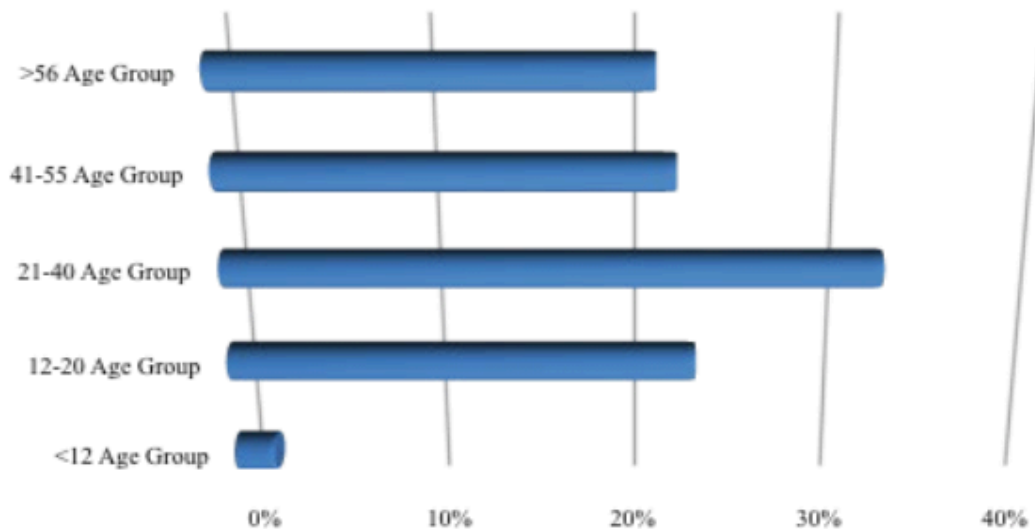


We are proud to have the growing Texas-wide and Out-of-State support for the festival each year. More patrons are purchasing from different markets. Below reflects our increase in attendee support each year per zip code:

- 2011: 48 Zip Codes Represented
- 2012: 94 Zip Codes Represented
- 2013: 155 Zip Codes Represented
- 2014: 226 Zip Codes Represented
- 2015: 248 Zip Codes Represented

Additionally, 20 states and 5 countries of patrons attended the festival in 2015. This made up 9.8% of total attendees. As the festival grows we look forward to the increase of tourism into other new markets as well.

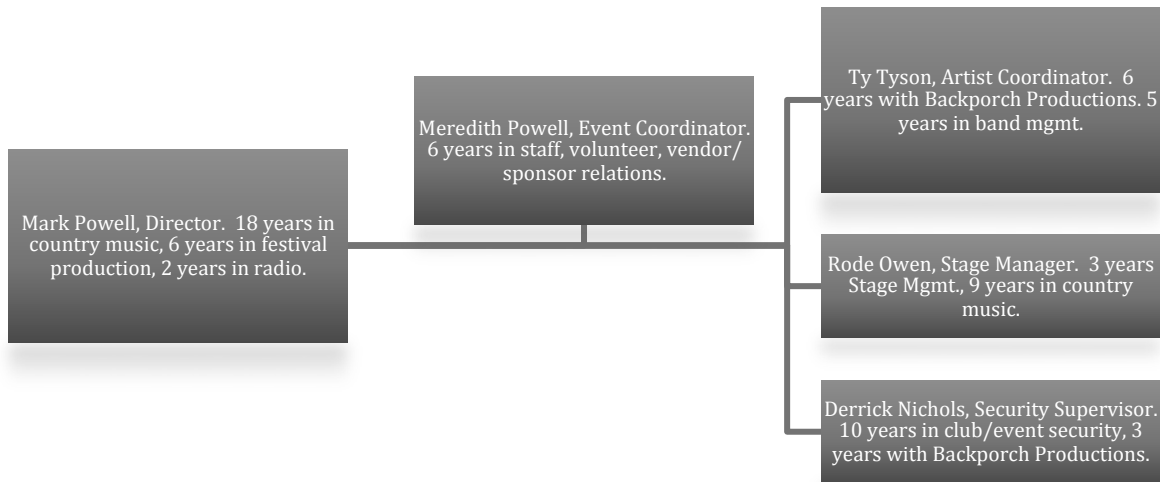
### 5-Year Average Percentage Per Age Group



7. Contact Information

Mark Powell, Owner Director  
Backporch Productions, LLC  
(325)660-8458  
[outlawsandlegends@gmail.com](mailto:outlawsandlegends@gmail.com)  
[www.outlawsandlegends.com](http://www.outlawsandlegends.com)  
[mark@backporchoftexas.com](mailto:mark@backporchoftexas.com)

8. Management Organizational Chart



5.

Festival Experience

Outlaws & Legends Music Festival- 2011-2015: Country music outdoor festival known as the “Biggest 1-Stage Festival in Texas”. 5 festivals over 5 years with an average attendance of 5,800. 6,918 was the highest attendance (2015) and 5,104 was the lowest attendance (2012). Location: The Back Porch of Texas, Abilene, TX. This venue is also owned by Mark and Meredith Powell. See above for awards and successes. The segment which we work to always improve year-over-year is technology with ticketing. This includes integration with safe and efficient ticket purchasing over websites, social media, and third party ticketing outlets.

## 9. References

Nanci Liles

Director

Abilene Convention and Visitors Bureau

(325) 676-2556

[nanci@abilenevisitors.com](mailto:nanci@abilenevisitors.com)

Gary Grubbs

Marketing Manager

Big Country Chevy Dealer (largest sponsor-Outlaws & Legends Music Fest)

(800) 568-7158

[ggrubbs@lawrencehall.com](mailto:ggrubbs@lawrencehall.com)

**EXHIBIT B**

<b>Outlaws &amp; Legends Avon- Backporch Productions, LLC - Avon, CO</b>							
<b>2016-2018 ROI - LAST WEEKEND of JULY - 2 DAYS</b>							
		<b>2016</b>		<b>2017</b>		<b>2018</b>	
<b>COMMODITY</b>	<b>4,000 per day ASSUMPTION</b>	<b>2016</b>		<b>2017</b>		<b>2018</b>	
		<b>CALCULATIONS</b>		<b>CALCULATIONS</b>		<b>CALCULATIONS</b>	
TOTAL TICKETS PER DAY	4,000			5,000		6,000	
TOTAL PERCENT PURCHASING 2-DAY PASSES	70%	2,800		3,500		4,200	
TOTAL PERCENT PURCHASING 1-DAY PASSES	30%	1,200		1,500		1,800	
TOTAL % STAYING IN LODGING 2-DAYS	44%	1,232		1,540		1,848	
TOTAL % STAYING IN LODGING 1-DAY***	20%	240		300		360	
AVERAGE PERSONS PER UNIT	2	736		920		1,104	
AVERAGE HOTEL RATE* - 2 nights/person	\$167	\$245,824		\$169	\$310,960	\$170	\$375,360
<b>4% ACCOMMODATIONS TAX</b>		\$9,833		\$12,438		\$15,014	
TOTAL MEALS AVAILABLE FOR WEEKEND (3 meals L/B/L)	5,600			20,000		24,000	
TOTAL PERCENT EATING MEALS IN RESTAURANTS	85%	4,760		17,000		20,400	
AVERAGE DAILY MEAL COST OUTSIDE VENUE**	\$20.00	\$95,200		\$20.00	\$340,000	\$20.00	\$408,000
<b>4% SALES TAX</b>		\$3,808		\$13,600		\$16,320	
TOTAL PERSONS FOR THE WEEKEND	6,800			8,500		10,200	
TOTAL % BUYING FOOD, RETAIL, INCREMENTAL	80%	5,440		6,800		8,160	
AVERAGE INCREMENTAL PURCHASE AMOUNT - Over 2/days	\$125	\$680,000		\$125	\$850,000	\$125	\$1,020,000
<b>4% SALES TAX</b>		\$27,200		\$34,000		\$40,800	
<b>TOTAL TAXES</b>		\$40,841		\$60,038		\$72,134	
<b>2 DAY SPECIAL EVENT TICKET ADMISSION FEE \$3</b>		\$16,800		\$21,000		\$25,200	
<b>1 DAY SPECIAL EVENT TICKET ADMISSION FEE \$3</b>		\$3,600		\$4,500		\$5,400	
<b>TOTAL REVENUE</b>		\$61,241		\$85,538		\$102,734	
<b>ANNUAL TOWN OF AVON FINANCIAL INVESTMENT</b>		\$72,000		\$65,000		\$55,000	
<b>ANNUAL TOWN OF AVON IN KIND INVESTMENT</b>		\$10,000		\$10,000		\$10,000	
<b>NET UNRECOVERED INVESTMENT</b>		<b>(\$20,759)</b>		\$10,538		\$37,734	
<b>* Based on (EST.)Destimetrics July 2015</b>							
<b>**Average cost of breakfast/lunch</b>							
<b>***Increase of 2% from 18% due to lodging guests on Thursday night's Storyteller Unplugged.</b>							

**TO:** Honorable Mayor Fancher and Town Council members  
**FROM:** Eric J. Heil, Town Attorney  
**RE:** 3<sup>rd</sup> Amendment to IGA w/ Fire District  
**DATE:** January 21, 2016

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**Summary:** A Third Amendment to the IGA with the Upper Eagle River Fire District is presented to Council to establish a sales tax rebate on all construction materials and tangible personal property for the regional fire station to be located at the Joint Public Safety Facility on Lot 1B, Buck Creek Subdivision. The Eagle River Fire Protection District submitted a formal request for a sales tax credit and waiver of water tap fee and building permit fees (letter is attached to this memorandum).

**Sales Tax:** Town staff considered enacting a "tax credit" by ordinance to amend the municipal code and thereby allow building supply vendors to sell and deliver construction materials and tangible personal property without paying the Avon sales tax. However, after review the Town's Annexation and Development Agreement with the Village (at Avon) it was determined that a "sales tax rebate" would avoid raising complicated issues with application of a tax credit to retail sales in the Village (at Avon). Also, this approach is legally neutral with regard to the Town Council's review of the imposition of sales tax on delivered construction materials because if Council amends the Town's sales tax regulations, the Town's obligation under this Third Amendment to the IGA is only to rebate those sales taxes that the Town receives.

An agreement to rebate sales taxes collected by the Town of Avon is essentially a contractual agreement to make payments to the Fire District. Therefore, as a contract it may be approved by motion and any payments due after 2016 will be subject to annual budget and appropriation.

Specific conditions and limitations are set forth in this agreement, including the following:

- The sales tax rebate only applies to sales tax collected on construction materials and tangible personal property purchased for and used in the regional fire station facility;
- The sales tax rebate only applies if both the Fire District ballot question and Avon ballot question pass on May 3, 2016; and,
- The sales tax rebate expires on December 31, 2016.

**Financial Impact:** The financial impact to the Town is estimated at roughly \$80,000 to \$90,000 based upon the Fire District's projected estimate of costs and projected sales tax during 2016 and 2017. If this Third Amendment to the IGA is approved and both ballot questions are approved on May 3, 2016, the projected sales tax revenues and rebate expenditures will be included in a budget amendment mid-way through the year.

**Proposed Motion:** "I move to approve the Third Amendment to the Intergovernmental Agreement for a Joint Fire-Police Station Facility between the Town of Avon and the Eagle River Fire Protection District."

*Thank you, Eric*

**ATTACHMENTS:** Third Amendment to IGA  
Letter from Upper Eagle River Fire District

**THIRD AMENDMENT TO  
INTERGOVERNMENTAL AGREEMENT  
FOR A JOINT FIRE-POLICE STATION FACILITY  
BETWEEN THE TOWN OF AVON AND  
THE EAGLE RIVER FIRE PROTECTION DISTRICT**

**THIS THIRD AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT** (“**Third Amendment**”) is made and entered into on January 26, 2016, (“**Effective Date**”) by the Town of Avon, a home rule municipal corporation of the State of Colorado (“**Avon**”) and the Eagle River Fire Protection District, a quasi-municipal corporation and political subdivision of the State of Colorado organized under Title 32 of the Colorado Revised Statutes (“**Fire District**”) (collectively, the “**Parties**,” and each individually a “**Party**”).

**RECITALS**

**WHEREAS**, the Parties have entered into an Intergovernmental Agreement for a Joint Fire-Police Station Facility Between the Town of Avon and the Eagle River Fire Protection District (“**IGA**”), dated April 28, 2015; and the Parties have entered into a MEMORANDUM OF AGREEMENT REGARDING COST SHARING FOR PROGRAMMING, DESIGN AND PRE-CONSTRUCTION MANAGEMENT OF A JOINT FIRE-POLICE STATION FACILITY BETWEEN THE TOWN OF AVON AND THE EAGLE RIVER FIRE PROTECTION DISTRICT dated June 9, 2015 (“**MOA**”); and the Parties have entered into a SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR A JOINT FIRE-POLICE STATION FACILITY BETWEEN THE TOWN OF AVON AND THE EAGLE RIVER FIRE PROTECTION DISTRICT, dated January 11, 2015 (“**2<sup>nd</sup> Amendment to IGA**”); and,

**WHEREAS**, the Fire District has submitted a written request to Avon dated January 15, 2016, requesting, among other matters, Avon to reduce the cost of the fire station portion of the joint fire-police station facility project by waiving any sales tax imposed and collected by Avon; and,

**WHEREAS**, Avon desires to accommodate the request of the Fire District to reduce the cost of the regional fire station by reducing the cost of Avon’s sales tax but has determined that a rebate of any sales tax collected by Avon will be the most appropriate method for legal and accounting purposes; and,

**WHEREAS**, Paragraph 14 provides that Parties may amend the IGA; and,

**WHEREAS**, this Third Amendment is authorized pursuant to §29-1-201 and §30-11-101, Colorado Revised Statutes, as amended, and Article XIV, Section 18, of the Colorado Constitution.

**NOW THEREFORE**, in consideration of the covenants and mutual agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, the Parties hereto agree as follows:

- 1. Effective Date.** This Third Amendment shall commence on the Effective Date.



**2. Rebate of Sales Tax.** Avon agrees to rebate any sales tax collected on construction materials or tangible personal property purchased for and used in the construction of the regional fire station facility on Lot 1B, Buckcreek Subdivision, Town of Avon, CO, subject to the following conditions:

- a. The Fire District voters approve a ballot question for financing the construction of the regional fire station facility on Lot 1B, Buckcreek subdivision, Avon, CO on May 3, 2016;
- b. The Avon voters approve a ballot question for financing the construction of a police station on Lot 1B, Buckcreek subdivision, Avon, CO on May 3, 2016;
- c. The Fire District shall submit receipts to Avon indicating the constructional materials and tangible personal property purchased and the sales tax paid to Avon and Avon shall rebate to the Fire District the sales taxes paid to Avon as evidenced by the receipts received a monthly basis within thirty (30) days of the end of the preceding month;
- d. Avon's obligation to rebate sales taxes in this Third Amendment shall expire and terminate on December 31, 2017; and,
- e. Avon's obligation to rebate sales taxes in this Third Amendment shall be subject to annual budget and appropriation.

**3. Other Terms in Full Force and Effect.** All other terms in the IGA, as amended by the MOU and the Second Amendment, shall remain in full force and effect.

**EXECUTED as of the date first written above.**

**TOWN OF AVON, COLORADO**

**BY:**

**ATTEST:**

\_\_\_\_\_  
**Jenny Fancher, Mayor**

\_\_\_\_\_  
**Debbie Hoppe: Town Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Eric J. Heil, Esq., Avon Town Attorney**

**EXECUTED as of the date first written above.**

**EAGLE RIVER FIRE PROTECTION DISTRICT**

**BY:**

**ATTEST:**

\_\_\_\_\_  
**Jennifer Cartmell Hays, Chairperson**

\_\_\_\_\_  
**Clark Shivley, Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**James P. Collins, Esq.**



January 15, 2016

**DISTRIBUTION TO ALL PARTIES VIA EMAIL**

Mayor Fancher and Members of the Town Council  
Town of Avon  
Post Office Box 975  
One Lake Street  
Avon, Colorado 81620

**Re: Lot 1B, Joint Public Safety Facility**

Dear Mayor Fancher and Members of the Avon Town Council:

As Chairperson of the Board of Directors of the Eagle River Fire Protection District, I am formally requesting approval of the following waivers for the Fire District's portion of the Joint Public Safety Facility.

1. Waiver of the Avon Sales Tax for materials to be purchased by the District for its portion of the Joint Public Safety Facility. Todd Goulding currently estimates that this amount will be approximately \$98,000.
2. Waiver of the separate Avon Water Tap Fee for a 2" tap currently projected for this Facility in the amount of \$41,200.00 (or any larger or smaller tap that may be eventually sized for this Facility), subject to the Fire District paying its share of all fees payable for this water tap to the Upper Eagle Regional Water Authority.
3. Waiver of the Fire District's portion of the Building Permit fees normally imposed by Avon for the plan check, the Building Permit, and the impact fee; excluding from such waiver, reimbursement to the Town for any expenses it incurs for outside consultants' "Third Party" review of the Fire District's plans for its portion of the Joint Public Safety Facility. The Fire District intends to waive any fees it might otherwise impose for Avon's portion of the Joint Public Safety Facility; excluding from such waiver, reimbursement to the Fire District for any expenses it incurs for Third Party review of the Town's plans for its portion of the Joint Public Safety Facility.


4. Although estimated costs have been included in this Request, these have been included only for your information; the District is not requesting waivers of a specific amount or amounts, but rather the amounts of Sales Tax, Tap Fee and Building Permit Fees that would otherwise be payable once the final design is approved and constructed.

**Please consider the following as you review the foregoing requests.**

- The Town and the Fire District have agreed to partner in this project to design and construct this Joint Public Safety Facility. Both parties expect to request voter approval for the financing required to complete the Joint Public Safety Facility and make it operational. We owe it to our respective constituencies to eliminate or minimize all of the costs of this project not otherwise payable to Third Parties.
- Because this Facility is planned to be constructed within the jurisdictional boundaries of the Town, it is subject to more of these types of taxes and fees than would be payable to the Fire District.
- The Fire District has taken the lead in site acquisition by first acquiring and financing Lot 1A; then negotiating for the acquisition and financing of Lot 1B as the site for this Facility. Understanding of the financing and legal expenses of these acquisitions by the Fire District should be considered.
- Upon completion of the Joint Public Safety Facility, the Fire District will be terminating two long-term leases it has for existing fire stations owned by the Town of Avon. As a result, Avon will have possession of two valuable properties at no expense for this transaction.
- The Fire District believes that both parties should be seeking to reduce each other's costs as much as possible. As noted previously when the terms of the Annual Appropriation Note were being negotiated, there is a significant overlap in the voters who will be eligible to vote on this project and determine our respective outcomes. We owe it to these constituencies to pare these expenses to zero, if possible.

The Fire District believes the waivers being requested from the Town are customary and reasonable accommodations that partners in a public project make for each other. We look forward to continuing to work together with you on this important project, which will have lasting benefits to all of our citizens. We look forward to your response as soon as possible.

Sincerely,

  
Jennifer Cartmell-Hays *on behalf of*  
Chairperson *Jennifer Cartmell-Hays*

cc: Virginia Egger, Town Manager  
Eric Heil, Town Attorney  
District Board Members  
Chief Karl Bauer  
Jim Collins  
Todd Goulding



## TOWN COUNCIL REPORT

**To:** Honorable Mayor Jennie Fancher and Avon Town Council

**From:** Scott Wright, Asst. Town Manager  
Robert Ticer, Police Chief

**Date:** January 26, 2016

**Topic:** Ordinance No. 16-01 – Amendment to Unclaimed Property Code

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### **ACTION BEFORE COUNCIL**

Ordinance No. 16-01 is presented to the Avon Town Council for second and final reading. Council approved first reading on January 12, 2016. Ordinance No. 16-01 would amend the Avon Municipal Code to increase the dollar amount of the notification requirements for disposing of personal effects and sports equipment so that these items can be disposed of more expeditiously.

### **PUBLIC HEARING**

Council is required to conduct a public hearing prior to taking final action on Ordinance No. 16-02 in accordance with Section 6.5 of the Avon Home Rule Charter.

### **PROPOSED MOTION**

I move to approved second and final reading of Ordinance No. 16-01 AN ORDINANCE AMENDING THE TOWN'S UNCLAIMED PROPERTY CODE CHAPTER 3.30.

### **2016 BUDGET INFORMATION**

There is no direct impact to the Town's 2016 budget.

### **BACKGROUND**

The Town's Unclaimed Property code was adopted in 1998 in order to prescribe procedures for disposing of certain items of unclaimed tangible and intangible personal property, primarily outstanding checks and personal effects and sports equipment. Currently, the dollar amount for disposing of personal effects and sports equipment after 30 days is set at \$100. The Police Department would like to raise this amount to \$1,000 in order to reduce the amount of equipment being held.

### **Attachments:**

A - Ordinance No. 16-01

**TOWN OF AVON, COLORADO  
ORDINANCE 16-01**

**AMENDING CHAPTER 3.30 - UNCLAIMED PROPERTY  
OF THE AVON MUNICIPAL CODE**

**RECITALS**

**WHEREAS**, the Town of Avon (“Town”) is a home rule municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law; and

**WHEREAS**, in 1998 Section 3.30.10 of Chapter 3.30 of Title 3 of the Municipal Code of the Town of Avon was added for the purpose of providing for the administration and disposition of unclaimed property which is in the possession of or under the control of the Town; and

**WHEREAS**, the amendment and update of the Unclaimed Property Code will ease the administrative burden of the disposition of unclaimed property; and

**WHEREAS**, the Avon Town Council finds that the health, safety and welfare of the Avon community will be enhanced and promoted by the adoption of this Ordinance; and

**WHEREAS**, approval of this Ordinance on First Reading is intended only to confirm the Town Council desires to comply with the requirements of the *Avon Home Rule Charter* by setting a Public Hearing in order to provide the public an opportunity to present testimony and evidence regarding the application, and that approval of this Ordinance on First Reading does not constitute a representation that the Town Council, or any member of the Town Council, supports, approves, rejects, or denies this Ordinance;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO:**

**Section 1.**     **Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

**Section 2.**     **Amendment to Section 3.30.040.** Section 3.30.040 of the Avon Municipal Code is repealed in its entirety and re-enacted to read as follows:

**“3.30.040 - Procedure for disposition of clothes and personal effects collected at Town facilities and having an estimated value of less than one thousand dollars.**

Notwithstanding any other provision of this Chapter to the contrary, any single item of clothing or personal effects, including sports equipment, having an estimated value of less than one thousand dollars (\$1,000.00) which has been left for a period of thirty (30) days or more at a Town facility or on Town property or turned into Town personnel is deemed abandoned and shall become the sole

property of the Town. Such property is subject to disposal in such way as the Director, at his or her discretion, deems to be in the best interests of the Town.”

**Section 3. Amendment to Section 3.30.050.** Sections 3.30.050(a) and (b) of the Avon Municipal Code are repealed in its entirety and re-enacted to read as follows:

**“3.30.050 - Procedure for disposition of all other property.**

(a) Notice—value one thousand dollars (\$1,000.00) or more. Prior to disposition of any other unclaimed property having an estimated value of one thousand dollars (\$1,000.00) or more, the Director shall send a written notice by mail, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address as shown by the records of the municipal department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property, and when available, the purpose for which the property was deposited or otherwise held. The notice shall also state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within thirty (30) days of the date of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

(b) Notice—value less than one thousand dollars (\$1,000.00) or no last known address. Prior to disposition of any unclaimed property having an estimated value of less than one thousand dollars (\$1,000.00) or having no last known address of the owner, the Director shall cause a notice to be published in a newspaper of general circulation in the municipality. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within thirty (30) days of the date of the publication of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.”

**Section 4. Codification Amendments.** The codifier of the Town’s Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Avon Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

**Section 5. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it has passed this Ordinance and each



provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 6.** **Effective Date.** This Ordinance shall take effect thirty (30) days after public notice following final passage in accordance with Section 6.4 of the Avon Home Rule Charter.

**Section 7.** **Safety Clause.** The Town Council hereby finds, determines and declares this Ordinance is promulgated under the general police power of the Town of Avon, that it is promulgated for the health, safety and welfare of the public and this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 8.** **Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 1.16 of the Avon Municipal Code.

**[execution page follows]**

**INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING** on January 12, 2016 and setting such public hearing for January 26, 2016 at the Council Chambers of the Avon Municipal Building, located at One Lake Street, Avon, Colorado.

BY:

ATTEST:

\_\_\_\_\_  
Jennie Fancher, Mayor

\_\_\_\_\_  
Debbie Hoppe, Town Clerk

**ADOPTED ON SECOND AND FINAL READING** on January 26, 2016.

BY:

ATTEST:

\_\_\_\_\_  
Jennie Fancher, Mayor

\_\_\_\_\_  
Debbie Hoppe, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Eric J. Heil, Town Attorney

# EXHIBIT A

## CHAPTER 3.30 - Unclaimed Property

### 3.30.010 - Purpose.

The purpose of this Chapter is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the Town.

### 3.30.020 - Definitions.

Unless otherwise required by context or use, words and terms shall be defined as follows:

Director shall mean the Finance Director or designee thereof.

Owner means a person or entity, including a corporation, partnership, association, governmental entity other than this municipality, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the town.

Town means the Town of Avon, Colorado.

Unclaimed property means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the Town and which has not been claimed by its owner for a period of more than one year after it became payable or distributable. Except that unclaimed property shall not include abandoned motor vehicles or confiscated weapons.

### 3.30.030 - Procedure for disposition of sums payable on a check.

Notwithstanding any other provision of this Chapter to the contrary, any sum payable on a check on which the Town is liable, which has been outstanding for a period of at least one (1) year after it was payable or after its issuance if payable on demand, is deemed abandoned and without providing notice the Town may write off the amount of such check.

### 3.30.040 - Procedure for disposition of clothes and personal effects collected at Town facilities and having an estimated value of less than one ~~thousand hundred~~ dollars.

Notwithstanding any other provision of this Chapter to the contrary, any single item of clothing or personal effects, including sports equipment, having an estimated value of less than one ~~thousand hundred~~ dollars (\$1,000.00) which has been left for a period of thirty (30) days or more at a Town facility or on Town property or turned into Town personnel is deemed abandoned and shall become the sole property of the Town. Such property is subject to disposal in such way as the Director, at his or her discretion, deems to be in the best interests of the Town.

### 3.30.050 - Procedure for disposition of all other property.

- (a) Notice—value one ~~thousand hundred~~ dollars (\$1,000.00) or more. Prior to disposition of any other unclaimed property having an estimated value of one ~~thousand hundred~~ dollars (\$1,000.00) or more, the Director shall send a written notice by mail, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address as shown by the records of the municipal department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property, and when available, the purpose for which the property was

## EXHIBIT A

deposited or otherwise held. The notice shall also state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within thirty (30) days of the date of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

- (b) Notice—value less than one ~~thousand hundred~~-dollars (\$1,000.00) or no last known address. Prior to disposition of any unclaimed property having an estimated value of less than one ~~thousand hundred~~-dollars (\$1,000.00) or having no last known address of the owner, the Director shall cause a notice to be published in a newspaper of general circulation in the municipality. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within thirty (30) days of the date of the publication of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.
- (c) Forfeiture. If the Director receives no written claim within the above thirty-day claim period, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.
- (d) Written claims. If the Director receives a written claim within the above thirty-day claim period, the Director shall evaluate the claim and file a written notice to the claimant within thirty (30) days thereof that the claim has been accepted or denied in whole or in part. The Director may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.
- (e) Multiple claimants. In the event that there is more than one (1) claimant for the same property, the Director may, at his or her sole discretion, resolve any claims, or may resolve such claims by depositing the disputed property with the registry of the Eagle County district court in an interpleader action.
- (f) Denial of claims. In the event that all claims filed are denied, the property shall become the sole property of the Town and any claim of the owner of such property shall be deemed forfeited.
- (g) Appeal. Any legal action filed challenging a decision of the Director shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Director pursuant to the order of the court having jurisdiction over such claim.
- (h) Disposal at Town's discretion. Thirty (30) days after the Director's final decision determining the Town's sole ownership to any unclaimed property described in this Section, the Director, in his or her sole discretion, is hereby authorized to sell such property or otherwise dispose of it in the best interest of the Town.
- (i) Sale of unclaimed property—advertisement. If the Director determines that any unclaimed property should be sold, then at any time after thirty (30) days after the Director's final decision determining the Town's sole ownership to any unclaimed property described in this

## EXHIBIT A

Section, the Director may prepare a notice, which notice shall be published in a newspaper legally qualified for Town publications pursuant to the Town Charter and posted at Town Hall, which notice shall be directed to the public and shall contain a statement that a list of all such property unclaimed is on file with the Town Clerk and available for public inspection. The notice shall further state the time and place where all such unclaimed property shall be sold by the Town; the time fixed in the notice for such sale shall be no greater than fifteen (15) days nor less than five (5) days from the date of posting. At the time and place mentioned in the notice, it shall be the duty of the Town to dispose of or sell all such unclaimed property for the highest and best price the same will bring in cash, and to receive from the purchaser of each and every article the amount paid by such purchaser for the same, and to deliver the article, together with a bill of sale for the same, to the purchaser.

- (j) Sale of perishable, bulky, etc., property. Notwithstanding any other provision in this Chapter, if any property taken possession of by the Town is of a perishable nature or so bulky or of such a nature as to make it dangerous or inadvisable to retain possession thereof for the length of time specified in this Article, the Director upon certifying such fact to the Town Manager, setting forth reasons why such property should not be retained for the fixed period before selling or disposing of the same, may cause such property to be advertised forthwith in a newspaper legally qualified for Town publications and sell or dispose of such property at public sale at any time after three (3) days shall have elapsed from the time the property comes under control of the Town.
- (k) Administrative procedures. The Director is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Article, including compliance requirements for other Town officers and employees in the identification and disposition of such property.

Action on First Reading of Ordinance No. 15-11 is being delayed until after the  
Wildridge Community Meeting

Motion: I move to continue First Reading of Ordinance No. 15-11 to the  
March 8, 2016, Regular Town Council Meeting



**TOWN OF AVON, COLORADO**  
**AVON MEETING MINUTES FOR TUESDAY, JANUARY 12, 2016**  
AVON TOWN HALL, ONE LAKE STREET

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**1. CALL TO ORDER & ROLL CALL**

Mayor Fancher called the meeting to order at 5:06 p.m. A roll call was taken and Council members present were Scott Prince, Megan Burch, Matt Gennett, Jake Wolf and Sarah Smith Hymes. Buz Reynolds was absent. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Assistant Town Manager Scott Wright, Planning Manager Matt Pielsticker, Police Chief Bob Ticer and Executive Assistant to the Town Manager Preston Neill.

**2. APPROVAL OF AGENDA**

There were no changes to the agenda.

**3. PUBLIC COMMENT**

Michael Cacioppo commented.

**4. WORK SESSION**

**4.1. LEGAL OPINION ON AVON SALES TAX ON CONSTRUCTION MATERIALS AND TANGIBLE PERSONAL PROPERTY  
(TOWN ATTORNEY ERIC HEIL, ASSISTANT TOWN MANAGER SCOTT WRIGHT)**

Michael Cacioppo, Chris Evans, Dave Dantas and Peter Buckley commented.

Councilor Reynolds joined the meeting at 5:29 p.m.

**5. ACTION ITEMS**

**5.1 PUBLIC HEARING SECOND READING OF ORDINANCE NO. 15-12 APPROVING AN EXTENSION OF VESTED RIGHTS FOR THE RED HOUSE PLANNED UNIT DEVELOPMENT (PLANNING DIRECTOR MATT PIELSTICKER)**

Mayor Fancher opened the Public Hearing and no comments were made. Councilor Gennett moved to approve Ordinance No. 15-12, an Ordinance approving a five (5) year extension to the Vested Rights for the Red House Planned Unit Development (PUD); Councilor Burch seconded the motion and it passed unanimously by those present.

**5.2 FIRST READING OF ORDINANCE NO. 16-01, AN ORDINANCE AMENDING CHAPTER 3.30 UNCLAIMED PROPERTY OF THE AVON MUNICIPAL CODE (ASSISTANT TOWN MANAGER SCOTT WRIGHT)**

Mayor Pro Tem Jake Wolf moved to approve Ordinance No. 16-01 amending the Town's Unclaimed Property Code on First Reading with amendments to Chapter 3.30; Councilor Reynolds seconded the motion and it passed unanimously by those present.

**6. CONSENT AGENDA**

**6.1 APPROVAL OF COMMUNITY GRANT FUNDING REQUEST FROM SALVATION ARMY  
(EXECUTIVE ASSISTANT TO THE TOWN MANAGER PRESTON NEILL)**

**6.2 APPROVAL OF FULLCOURT AGREEMENT FOR ELECTRONIC COURT TICKET PROCESSING  
(TOWN CLERK DEBBIE HOPPE)**

**6.3 APPROVAL OF DECEMBER 8, 2015 REGULAR MEETING MINUTES (TOWN CLERK DEBBIE HOPPE)**



TOWN OF AVON, COLORADO  
AVON MEETING MINUTES FOR TUESDAY, JANUARY 12, 2016  
AVON TOWN HALL, ONE LAKE STREET

Councilor Burch moved to approve the consent agenda; Councilor Reynolds seconded the motion and it passed unanimously by those present.

**7 WRITTEN REPORTS**

7.1 FINANCIAL REPORT (BUDGET ANALYST KELLY HUITT)

**8 COMMITTEE MEETING UPDATES: COUNCILORS AND MAYOR**

8.1 UPPER EAGLE REGIONAL WATER AUTHORITY (COUNCILOR SARAH SMITH HYMES)

8.2 ECO TRANSIT (MAYOR PRO TEM JAKE WOLF)

8.3 AFFORDABLE HOUSING BOARD (COUNCILOR MEGAN BURCH)

**9 MAYOR & COUNCIL COMMENTS**

**10 ADJOURNMENT**

There being no further business to come before the Council, the regular meeting adjourned at 7:59 p.m.

**RESPECTFULLY SUBMITTED:**

\_\_\_\_\_  
Preston Neill, Executive Assistant to the Town Manager

**APPROVED:**

Jennie Fancher	_____
Jake Wolf	_____
Matt Gennett	_____
Megan Burch	_____
Albert "Buz" Reynolds	_____
Scott Prince	_____
Sarah Smith Hymes	_____





**FISCAL YEAR 2015  
FINANCIAL REPORT**

**January 26, 2016**

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1. Fiscal Year 2015 Financial Report Cover Memo
2. Sales and Accommodations Tax Reports - November 2015
3. Real Estate Transfer Tax Report and Monthly Detail - December 2015
4. General Fund Year-To-Date Expenditures - December 2015
5. Fleet Maintenance Fund Year-To Date Expenditures - December 2015
6. Transit Fund Year-To Date Expenditures - December 2015



**TOWN COUNCIL REPORT**

**To:** Honorable Mayor Jennie Fancher and Avon Town Council

**From:** Kelly Huitt, Budget Analyst

**Date:** January 20, 2016

**Re:** Fiscal Year 2015 Financial Report – November / December

**Revenues:**

**SALES TAX**

- Sales tax revenue for the month of November is up \$40,380 or 10.15% compared to November 2014, and up 4.37% compared to the budget. This increase includes \$23,061 from new businesses, and after adjusting for new business growth, 4.35% is the gain in revenue from existing business for the month. Year-to-date sales tax is up \$542,441 compared to 2014, and new businesses make up 61.73% of this total growth.
- November sales tax collections are up for all categories except for Miscellaneous Retail when compared to 2014. The decrease in existing business growth from Miscellaneous Retail can be partially attributed to two entities being re-categorized. Service Related business is up 48.88%, Home/Garden increased 13.85%, and the Grocery, Specialty, & Health category grew 12.76% for November. The large increase in the Service Related category is due to wide variances in returns from interior design and architecture businesses. The change in Home/Garden is from new businesses located both out of city as well as in-town. The Restaurants/Bars total is skewed due to one entity filing their October return late. After correcting for this late payment the adjusted year over year change is 5.31% for this category. The Other business category has been trending from closing existing businesses to newly opened entities mostly related to construction and building finishing contractors.

<b>Sales Tax Monthly Totals</b>			
<b>Category</b>	<b>2014/2015</b>	<b>Growth</b>	<b>Growth</b>
	<b>Variance</b>	<b>Existing Business</b>	<b>New Business</b>
Home/Garden	5,729.85	-1.79%	15.64%
Grocery, Specialty, Health	12,442.45	7.18%	5.58%
Liquor Stores	338.21	1.66%	0.00%
Sporting Goods Retail/Rental	3,148.40	8.01%	0.16%
Miscellaneous Retail	(332.33)	-20.41%	19.31%
Accommodations	2,384.04	3.49%	3.67%
Restaurants/Bars	8,277.71	8.96%	3.10%
Other	1,749.82	0.13%	3.08%
Service Related	6,642.04	47.37%	1.51%
<b>Total</b>	<b>\$40,380.19</b>	<b>4.35%</b>	<b>5.80%</b>

## ACCOMMODATIONS TAX

- Accommodations tax revenue for November is up \$2,264, or 7.06% compared to November 2014, but down -1.22% compared to the monthly budget.
- November accommodations tax collections increased for Hotels at 17.06%, but Vacation Rentals and Timeshare units are down -24.53% and -2.24%, respectively.

## REAL ESTATE TRANSFER TAX

- 2015 real estate transfer tax collections for December equal \$175,552.42.
- Year-to-date real estate transfer tax collections through December total 103.05% of the revised 2015 estimated revenue, making the annual total \$68,715 over the projected budget.

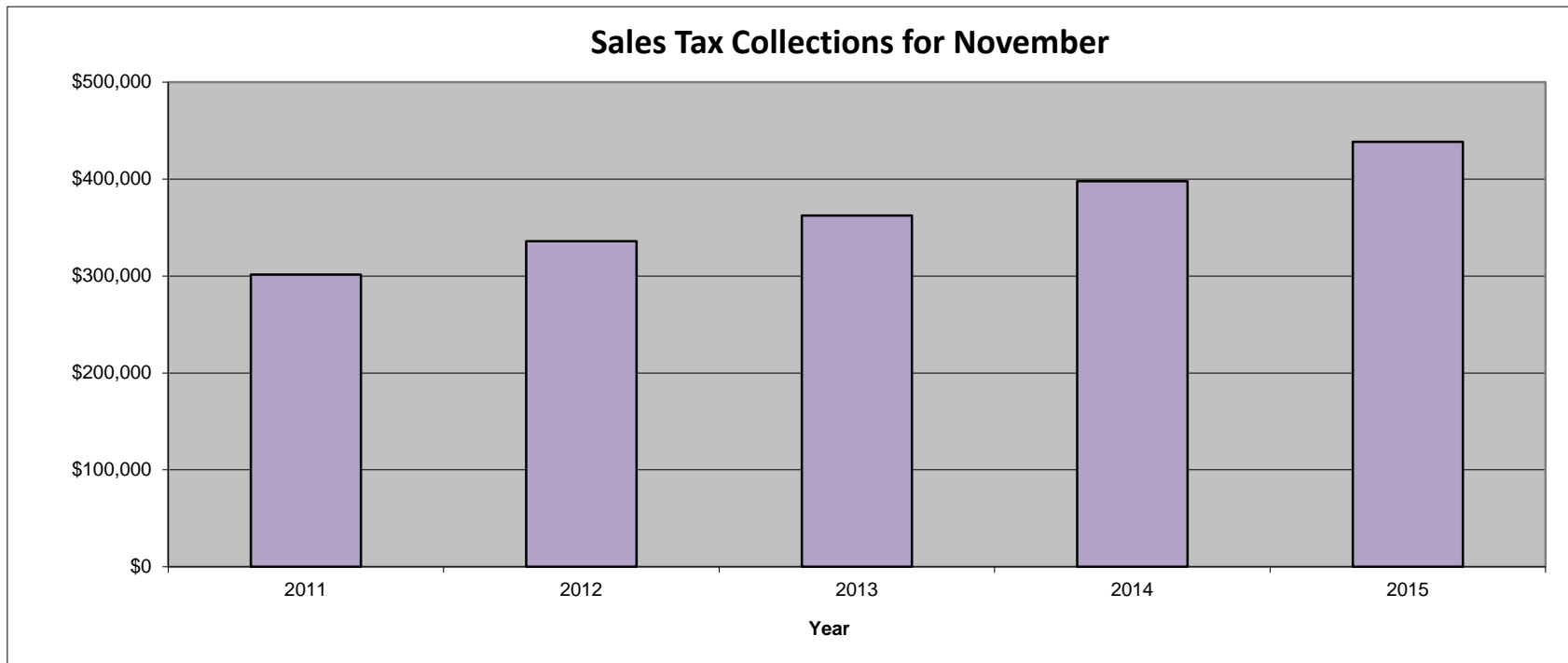
## **Expenditures:**

**Important:** Expenditures through December are preliminary - final 2015 purchases and journal entries have not yet been posted

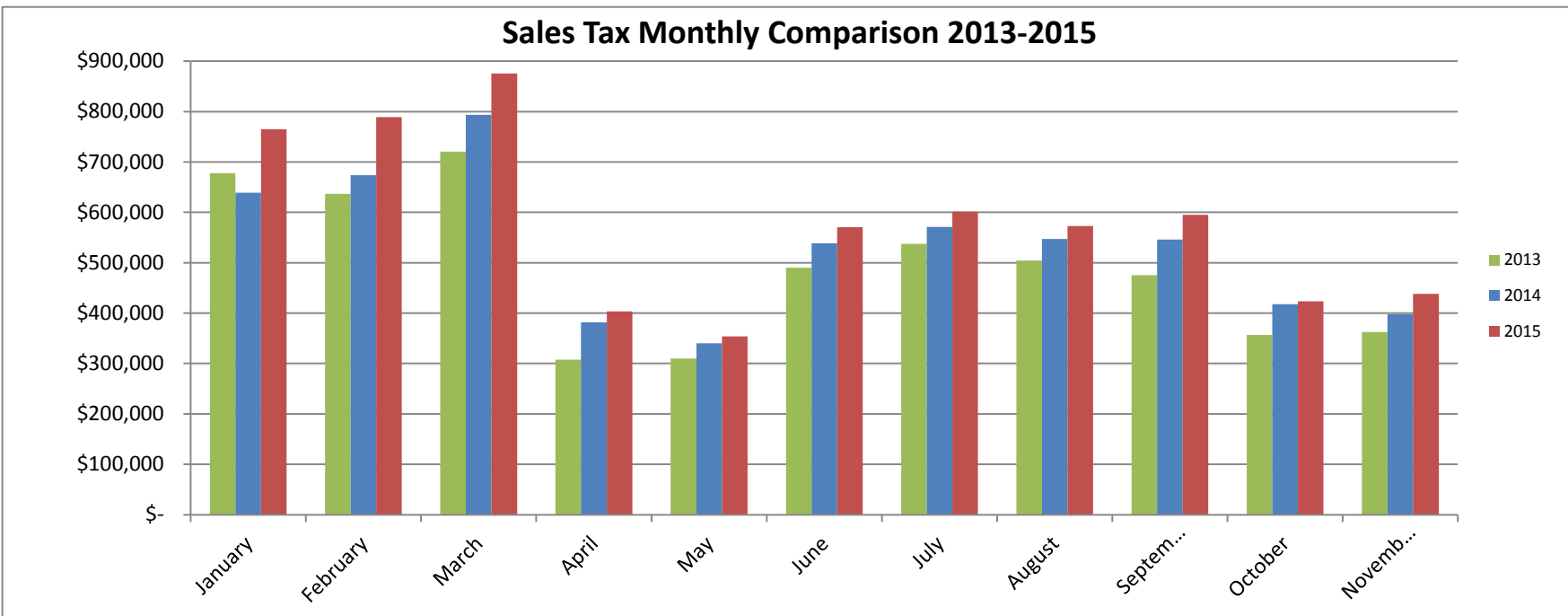
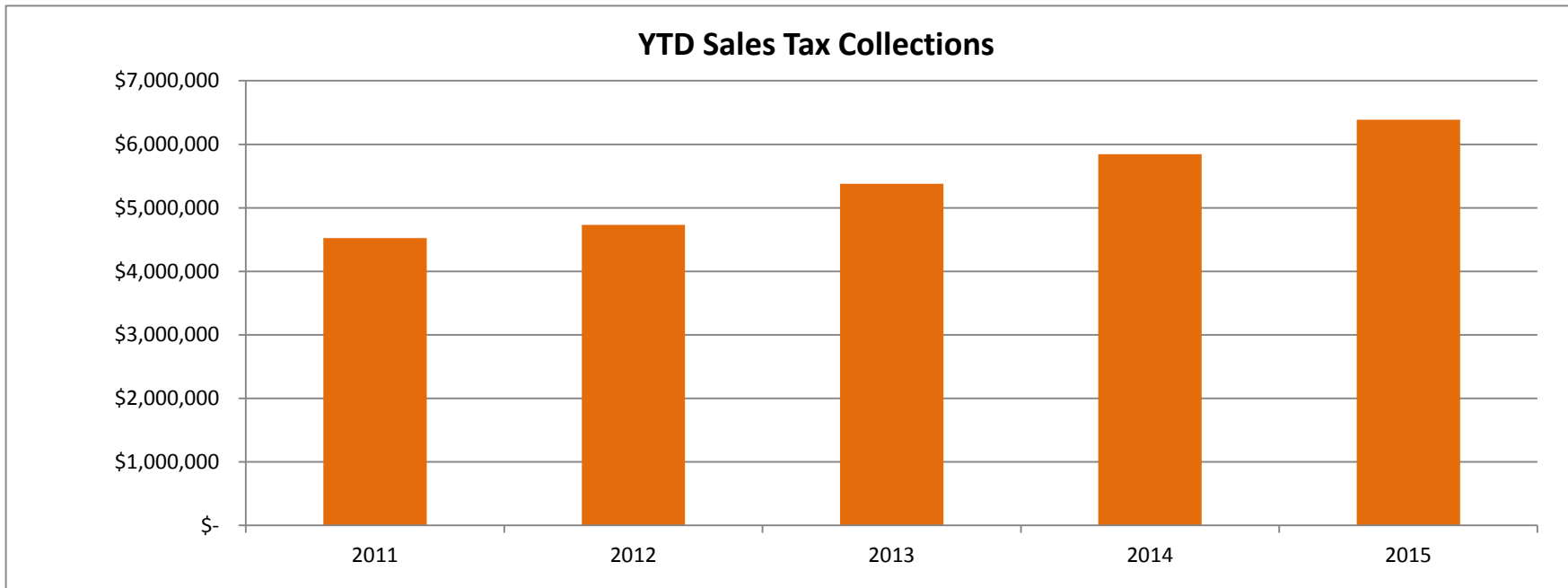
- General Fund expenditures through December 2015 total 92.91% of the total revised budget.
- Fleet expenditures to date are at 97.04% of the total revised budget. These costs include stock parts and ongoing expenditures such as regularly purchased shop supplies and monthly copier charges.
- Transit funds are 88.15% expended compared to the revised annual budget.

**TOWN OF AVON  
SALES TAX  
2015 Actual vs. Budget**

	Actual Collections					Budget 2015	YTD Collections 2015	Budget Variance	% of change from 2014
	2010	2011	2012	2013	2014				
January	\$ 515,009.18	\$ 511,040.76	\$ 519,784.89	\$ 677,943.78	\$ 638,863.27	\$ 674,203	\$ 765,195.68	\$ 90,992.75	19.77%
February	504,752.59	532,903.25	533,546.48	636,702.27	673,722.03	710,990	788,999.06	78,009.10	17.11%
March	620,937.20	665,532.70	643,910.29	720,267.31	793,301.96	837,185	875,499.53	38,314.90	10.36%
April	309,937.09	305,269.73	304,220.84	307,407.13	381,839.56	402,962	403,560.42	598.84	5.69%
May	242,830.16	236,424.93	270,082.79	309,938.72	340,332.28	359,158	353,840.11	(5,318.15)	3.97%
June	377,920.42	406,828.27	430,588.57	490,329.18	538,517.31	568,306	570,424.51	2,118.32	5.93%
July	421,975.98	452,873.44	472,215.40	537,479.66	570,959.86	602,543	601,516.82	(1,026.53)	5.35%
August	361,702.25	419,977.29	455,439.86	504,332.25	547,085.80	577,349	572,647.57	(4,701.09)	4.67%
September	359,139.22	391,546.49	424,793.75	475,362.88	546,016.59	576,220	595,235.68	19,015.38	9.01%
October	288,859.84	299,193.35	341,711.43	356,925.96	417,921.46	441,039	423,701.53	(17,337.87)	1.38%
November	284,528.70	301,407.41	336,060.63	362,460.94	397,935.36	419,948	438,315.55	18,367.81	10.15%
December	818,360.74	921,815.61	852,868.64	981,917.79	1,221,263.98	1,288,820			
<b>Total</b>	<b>\$ 5,105,953.37</b>	<b>\$ 5,444,813.23</b>	<b>\$ 5,585,223.57</b>	<b>\$ 6,361,067.87</b>	<b>\$ 7,067,759.46</b>	<b>\$ 7,458,723</b>	<b>\$ 6,388,936.46</b>	<b>\$ 219,033.46</b>	<b>9.28%</b>

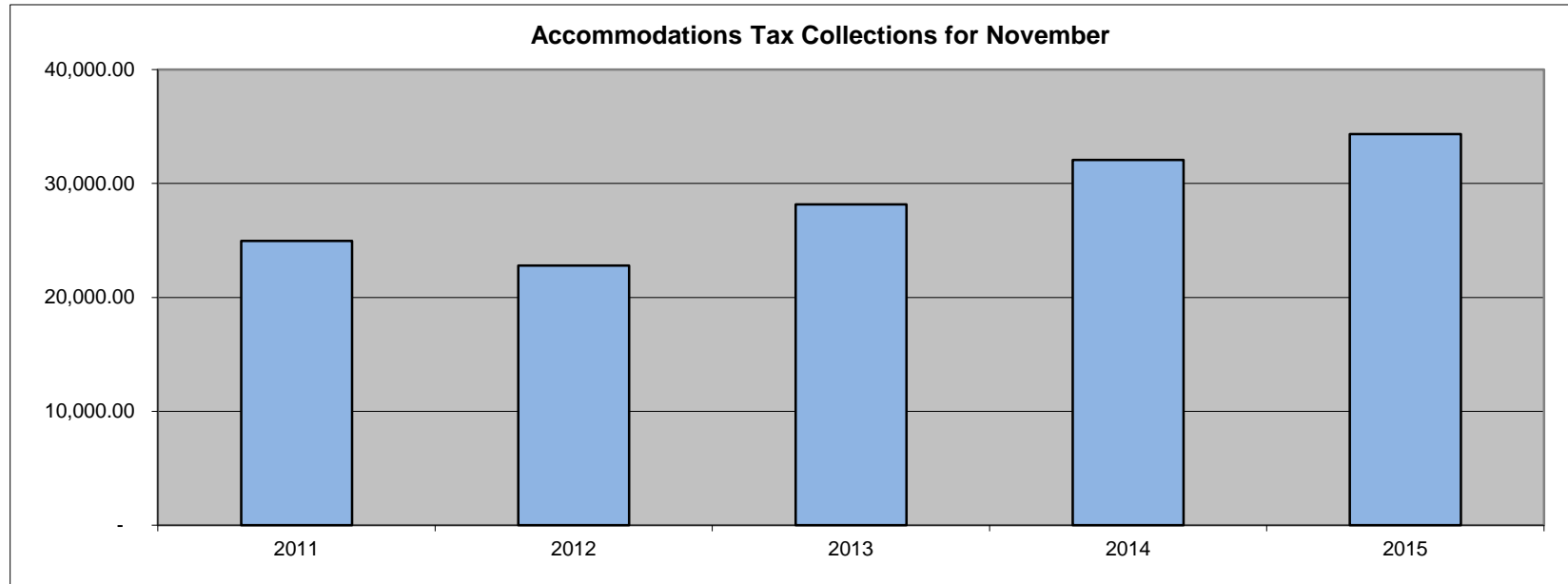


**TOWN OF AVON  
SALES TAX  
2015 Actual vs. Budget**



**TOWN OF AVON  
ACCOMMODATIONS TAX  
2015 Actual vs. Budget**

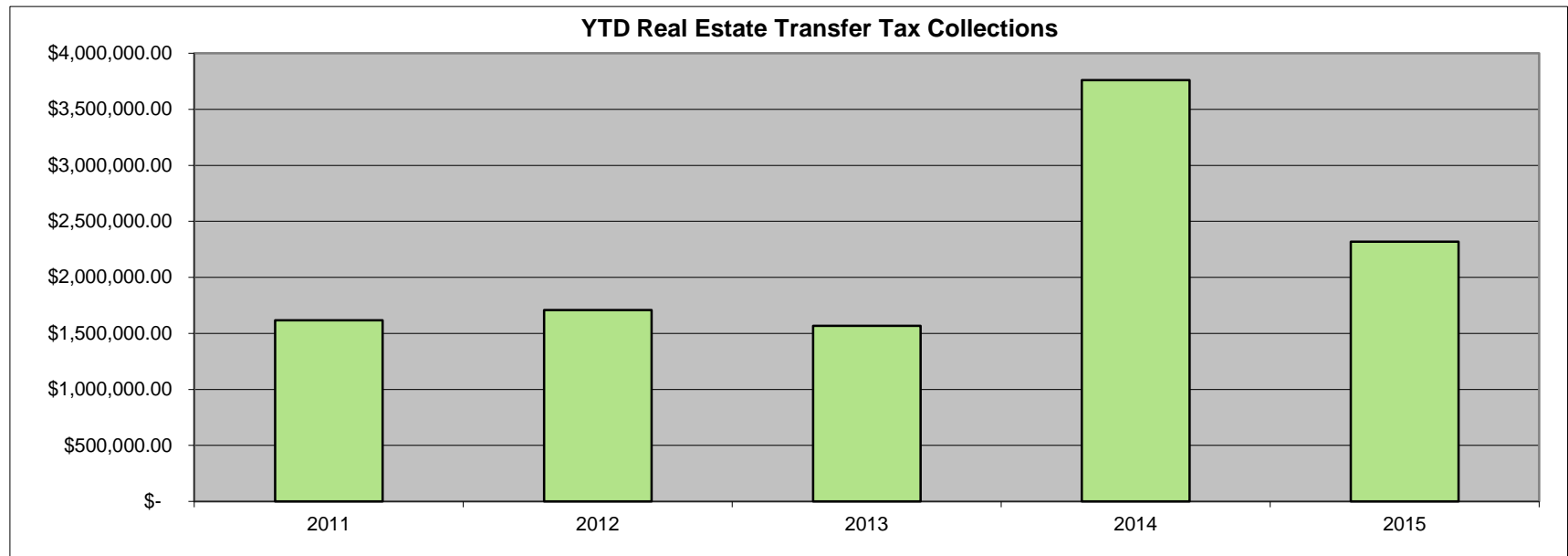
	Actual Collections					Budget 2015	YTD Collections 2015	Budget Variance	% change 2014
	2010	2011	2012	2013	2014				
January	\$ 87,938.84	\$ 85,233.73	\$ 90,118.88	\$ 108,508.43	\$ 129,851.78	\$ 140,746	\$ 164,361.04	\$ 23,615.12	26.58%
February	99,336.34	114,035.90	106,016.32	137,503.61	150,317.06	162,928	175,056.31	12,128.14	16.46%
March	105,518.15	122,145.16	115,043.42	153,208.80	168,597.39	182,742	183,650.29	908.13	8.93%
April	26,496.88	26,214.58	20,786.24	26,494.49	31,626.02	34,279	34,825.13	545.79	10.12%
May	12,425.51	15,152.82	16,664.44	24,527.17	21,961.97	23,805	28,002.56	4,198.05	27.50%
June	32,857.68	49,999.66	56,012.17	66,578.91	54,232.23	58,782	53,397.46	(5,384.68)	-1.54%
July	51,170.82	62,928.07	66,726.73	73,008.92	81,083.01	87,886	86,301.22	(1,584.39)	6.44%
August	42,188.56	52,037.55	58,358.93	67,688.07	71,044.33	77,005	75,107.71	(1,897.01)	5.72%
September	30,090.34	35,521.81	42,245.24	44,661.37	50,840.16	55,105	60,417.74	5,312.26	18.84%
October	20,614.06	21,801.56	25,879.51	27,154.53	34,977.59	37,912	38,706.72	794.62	10.66%
November	20,582.47	24,971.33	22,786.42	28,171.04	32,064.02	34,754	34,328.47	(425.62)	7.06%
December	98,561.90	135,984.00	112,759.02	131,361.43	168,944.85	183,119			
<b>Total</b>	<b>\$ 627,781.55</b>	<b>\$ 746,026.17</b>	<b>\$ 733,397.32</b>	<b>\$ 888,866.77</b>	<b>\$ 995,540.41</b>	<b>\$ 1,079,063</b>	<b>\$ 934,154.65</b>	<b>\$ 38,210.42</b>	<b>13.01%</b>



**Town of Avon  
Real Estate Transfer Tax  
2015 Actual vs. Budget**

	Actual Collections					Budget 2015	YTD Collections 2015	\$ change 2014	% of change 2014
	2010	2011	2012	2013	2014				
January	\$ 237,133.00	\$ 57,540.00	\$ 50,204.00	\$ 22,535.00	\$ 85,126.74	\$ 94,169	\$ 48,640.40	\$ (36,486.34)	-42.86%
February	362,719.22	230,705.50	41,750.07	55,872.69	562,219.70	260,794	85,479.08	(476,740.62)	-84.80%
March	284,243.65	187,099.47	84,760.49	125,927.64	50,375.06	152,407	168,744.22	118,369.16	234.98%
April	210,185.30	249,482.30	219,195.80	144,437.80	197,656.36	212,453	125,266.30	(72,390.06)	-36.62%
May	112,431.30	187,668.62	270,170.12	121,784.12	183,745.60	182,246	237,971.08	54,225.48	29.51%
June	66,271.14	49,606.58	169,040.47	90,309.74	220,009.15	123,864	294,434.84	74,425.69	33.83%
July	63,509.36	46,707.37	71,057.40	386,434.78	141,051.52	147,487	396,838.68	255,787.16	181.34%
August	88,823.40	106,785.21	232,505.93	97,579.70	154,032.32	141,445	152,380.93	(1,651.39)	-1.07%
September	159,861.96	140,876.56	96,389.34	157,010.67	267,886.92	171,056	291,223.61	23,336.69	8.71%
October	222,575.20	64,005.33	176,889.62	169,839.80	178,044.24	168,836	172,855.22	(5,189.02)	-2.91%
November	115,654.16	98,057.44	150,549.86	112,491.82	122,582.66	124,717	169,328.38	46,745.72	38.13%
December	236,117.45	198,448.03	145,134.57	83,382.60	1,598,062.92	470,525	175,552.42	(1,422,510.50)	-89.01%
<b>Total</b>	<b>\$ 2,159,525.14</b>	<b>\$ 1,616,982.41</b>	<b>\$ 1,707,647.67</b>	<b>\$ 1,567,606.36</b>	<b>\$ 3,760,793.19</b>	<b>\$ 2,250,000</b>	<b>\$ 2,318,715.16</b>	<b>\$ (1,442,078.03)</b>	<b>-38.35%</b>

Budget 2,250,000.00  
Variance, Favorable (Unfavorable) \$ 68,715.16



# General Fund December 2015 Expenditures to Date

## Department Expenditure Summaries

Dept./Div. Number	Description	2015 Budget	Encumbrances Outstanding	Year To Date Expenditures	Available Balance	YTD/Budget
<b>General Government:</b>						
111	Mayor and Town Council	\$ 239,890	\$ -	\$ 183,677	\$ 56,213	76.57%
112	Boards and Commissions	15,299	-	11,499	3,800	75.16%
113	Town Attorney	155,000	-	159,308	(4,308)	102.78%
115	Town Clerk	119,162	-	126,781	(7,619)	106.39%
121	Municipal Court	109,763	883	93,730	15,150	86.20%
131	Town Manager	359,067	-	340,719	18,348	94.89%
133	Community Relations	132,355	-	118,956	13,399	89.88%
<b>Total General Government</b>		<b>1,130,536</b>	<b>883</b>	<b>1,034,670</b>	<b>94,983</b>	<b>91.60%</b>
<b>Human Resources Department:</b>						
132	Human Resources	371,589	762	348,318	22,509	93.94%
<b>Finance &amp; IT Department:</b>						
141	Finance	779,580	3,440	755,491	20,649	97.35%
143	Information Systems	383,706	1,986	369,662	12,058	96.86%
149	Nondepartmental	395,157	6,359	362,877	25,921	93.44%
<b>Total Finance &amp; IT</b>		<b>1,558,443</b>	<b>11,785</b>	<b>1,488,030</b>	<b>58,628</b>	<b>96.24%</b>
<b>Total General Gov't Departments</b>		<b>3,060,568</b>	<b>13,430</b>	<b>2,871,018</b>	<b>176,120</b>	<b>94.25%</b>
<b>Community Development:</b>						
212	Planning	288,835	2,369	272,664	13,802	95.22%
213	Building Inspection	135,274	-	129,953	5,321	96.07%
214	Economic Development	130,568	1,261	85,171	44,136	66.20%
215	Town Produced Events	366,864	-	320,931	45,933	87.48%
216	Signature Event Seed Funding	302,122	-	297,221	4,901	98.38%
217	Community Grants	247,850	-	193,472	54,378	78.06%
<b>Total Community Development</b>		<b>1,471,513</b>	<b>3,630</b>	<b>1,299,412</b>	<b>168,471</b>	<b>88.55%</b>
<b>Police Department:</b>						
311	Administration	619,470	1,830	585,209	32,431	94.76%
312	Patrol	2,136,521	9,346	2,119,293	7,882	99.63%
313	Investigations	252,722	-	253,149	(427)	100.17%
<b>Total Police</b>		<b>3,008,713</b>	<b>11,176</b>	<b>2,957,651</b>	<b>39,886</b>	<b>98.67%</b>
<b>Public Works:</b>						
412	Engineering	378,633	552	329,658	48,423	87.21%
413	Roads and Bridges	1,494,783	4,828	1,307,395	182,560	87.79%
415	Parks	1,018,843	3,555	917,367	97,921	90.39%
418	Buildings & Facilities	1,160,027	42,256	998,660	119,111	89.73%
<b>Total Public Works</b>		<b>4,052,286</b>	<b>51,191</b>	<b>3,553,080</b>	<b>448,015</b>	<b>88.94%</b>



# General Fund December 2015 Expenditures to Date

## Department Expenditure Summaries

Dept./Div. Number	Description	2015 Budget	Encumbrances Outstanding	Year To Date Expenditures	Available Balance	YTD/Budget
<b>Recreation Department:</b>						
514	Administration	214,045	2,686	207,271	4,088	98.09%
515	Adult Programs	35,359	-	31,622	3,737	89.43%
516	Aquatics	435,468	1,600	381,342	52,526	87.94%
518	Fitness	131,054	-	135,413	(4,359)	103.33%
519	Guest Services	272,204	3,790	258,477	9,937	96.35%
521	Youth Programs	121,165	1,436	110,497	9,232	92.38%
522	Cabin	6,078	-	5,878	200	96.71%
<b>Total Recreation</b>		<b>1,215,373</b>	<b>9,512</b>	<b>1,130,500</b>	<b>75,361</b>	<b>93.80%</b>
<b>TOTAL OPERATING EXPENDITURES</b>		<b>\$ 12,808,453</b>	<b>\$ 88,939</b>	<b>\$ 11,811,661</b>	<b>907,853</b>	<b>92.91%</b>

## Fleet Maintenance Enterprise Fund December 2015 Expenditures to Date

### Expenditure Summary

Dept./Div. Number	Description	2015 Budget	Encumbrances Outstanding	Year To Date Expenditures	Available Balance	YTD/Budget
<b>EXPENDITURES</b>						
Public Works:						
434	Fleet Maintenance	\$ 1,725,637	\$ 18,882	\$ 1,655,735	\$ 51,020	97.04%
	<b>Total Operating Expenditures</b>	<u>1,725,637</u>	<u>18,882</u>	<u>1,655,735</u>	<u>51,020</u>	<u>97.04%</u>
	<b>TOTAL EXPENDITURES</b>	<u><u>\$ 1,725,637</u></u>	<u><u>\$ 18,882</u></u>	<u><u>\$ 1,655,735</u></u>	<u><u>\$ 51,020</u></u>	<u><u>97.04%</u></u>

# Transit Enterprise Fund

## December 2015 Expenditures to Date

### Expenditure Summary

Dept./Div. Number	Description	2015 Budget	Encumbrances Outstanding	Year To Date Expenditures	Available Balance	YTD/Budget
<b>EXPENDITURES</b>						
431	Transit Administration	\$ 235,325	\$ 1,117	\$ 221,086	\$ 13,122	94.42%
432	Transit Operations	1,140,722	-	1,024,020	116,702	89.77%
435	Wash Bay	132,967	1,107	82,825	49,035	63.12%
<b>Total Operating Expenditures</b>		<b>1,509,014</b>	<b>2,224</b>	<b>1,327,931</b>	<b>178,859</b>	<b>88.15%</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,509,014</b>	<b>\$ 2,224</b>	<b>\$ 1,327,931</b>	<b>\$ 178,859</b>	<b>88.15%</b>