

TOWN OF AVON, COLORADO  
**MINUTES FOR THE AVON REGULAR MEETING FOR TUESDAY, JANUARY 8, 2013**  
MEETING BEGINS AT 5:30 PM  
AVON TOWN HALL, ONE LAKE STREET



**1) CALL TO ORDER AND ROLL CALL**

Mayor Carroll called the meeting to order at 5:30 PM. A roll call was taken and Council members Present were Dave Dantas, Chris Evans, Jennie Fancher, Todd Goulding, Buz Reynolds and Jake Wolf. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Assistant Town Manager/Town Clerk Patty McKenny, Finance Director Scott Wright, Town Engineer Justin Hildreth, Community Relations Officer Jaime Walker, as well as other staff members and the public.

**2) APPROVAL OF AGENDA**

Mayor Carroll added one item to the agenda as follows:

- ✓ Update under 6e) on the “Eagle County Regional Collaboration Group”.

**3) PUBLIC COMMENT**

Jake Wolf requested a moment of silence to think about those involved in the Sandy Hook Connecticut school incident.

**4) WORK SESSION**

- a) Review and Discussion of the *Town of Avon Analysis of Water Rights, Future Water Use, and Related Water Issues Report* - Presentation by Glenn Porzak, Water Counsel for the Upper Eagle Regional Water Authority/ Eagle River Water and Sanitation District and Linn Brooks, General Manager, Eagle River Water and Sanitation District

Present: Glenn Porzak, Porzak, Browning and Bushong LLC, Tom Leonhardt, Arrowhead Metropolitan District, Diane Johnson, Communication & Public Affairs Manager, and Linn Brooks, General Manager, Eagle River Water & Sanitation District.

Mr. Porzak presented slideshow that addressed the following topics:

- ✓ ERW&SD water service Area
- ✓ UERWA : showed water service area – includes six seats on the board
- ✓ Minturn has its own stand alone water system
- ✓ Reviewed District & Authority Facts
- ✓ Reviewed Augmentation Sources
- ✓ Review of the Reservoir Locations
- ✓ Executive Summary of Avon’s Water Rights

It was noted that the group wanted to present basic water education to the town council and the parties would continue to dialogue about issues of concern.

**5) ACTION ITEMS**

a) ORDINANCE

- i) First Reading of Ordinance No. 13-01 an Ordinance Accepting the West Avon and Village Parcels in the Eagle Valley Land Exchange; Granting Easements to Holy Cross Energy; Granting a Conservation Easement on the West Avon Parcel to Eagle Valley Land Trust; Approving an Intergovernmental Agreement with Eagle County; and Approving an Intergovernmental Agreement with Eagle County and Berry Creek Metropolitan District

Eric Heil, Town Attorney, presented the ordinance and numerous documents associated with the Eagle Valley Land Exchange. He noted that Avon’s approval of the ordinance was required in order to implement in full the Eagle Valley Land Exchange transactions. It was noted that an Exchange Agreement was executed by State of Colorado, Board of Land Commissioners, the Upper Eagle Regional Water Authority, Eagle

TOWN OF AVON, COLORADO  
**MINUTES FOR THE AVON REGULAR MEETING FOR TUESDAY, JANUARY 8, 2013**  
MEETING BEGINS AT 5:30 PM  
AVON TOWN HALL, ONE LAKE STREET



County and the US Forest Service on November 9, 2012. He highlighted the various documents that are part of the transaction identified below:

- US Patents
- Easements to Holy Cross Energy
- Conservation Easement
- Management Plan
- IGA for Future Conservation Easement on Village Parcel
- IGA for Maintenance of West Avon Parcel

Toby Sprunk, Executive Director Open Space Advisory Committee, noted the landmark accomplishment of the land trade, speaking to all the parties dedicated efforts involved in finalizing the documents. He noted the recent approval from Eagle County Planning Commission that approved some additional land transactions between Minturn and the State. Kara Heide, Eagle Valley Land Trust, was present to discuss the transactions and applauded Ron Wolfe for his efforts on the matter. She commended the community for participating in the process and setting forth such a goal. She thanked all those involved. It was noted that a supermajority would be required for approval in light of the term of more than ten years on the agreement.

Mayor Pro Tem Goulding moved to approve on first reading on Ordinance No. 13-01, an Ordinance Accepting the West Avon and Village Parcels in the Eagle Valley Land Exchange; Granting Easements to Holy Cross Energy; Granting a Conservation Easement on the West Avon Parcel to Eagle Valley Land Trust; Approving an Intergovernmental Agreement with Eagle County; and Approving an Intergovernmental Agreement with Eagle County and Berry Creek Metropolitan District with the following conditions to be addressed:

- Language that would address the fact that the final US Patents form were not finalized, but would allow the town to move forward with approval from the attorney and manager
- Language that would address reconciliation between the Deed of Conservation Easement and the final US Patents forms
- Allow for revisions to the Management Plan addressing minor improvements to be able to practically administer the plan, and allowing for future revisions to the plan to be done administratively as needed.

Councilor Evans seconded the motion and it passed unanimously. It was noted that the public hearing would be held on January 22, 2013 on second reading.

b) CONSENT AGENDA

There was confirmation from the Town Attorney that it would be acceptable for the current council members to approve the minutes from prior meetings even though not in attendance as the minutes are just a record of that which happened at the meeting.

- i) Resolution No. 13-01, Series of 2013, Resolution approving the Locations for Posting the Notices of Public Meetings
- ii) Minutes from November 27, 2012
- iii) Minutes from December 11, 2012

It was noted that the elementary school location would be allowed as communicated by Councilor Wolf. Again there was consensus to discuss the matter more fully at a future meeting. Councilor Evans moved to approve the Consent Agenda that included removing Alpine Bank as one of the locations for posting public notices. Mayor Goulding seconded the motion and it passed unanimously.

TOWN OF AVON, COLORADO  
**MINUTES FOR THE AVON REGULAR MEETING FOR TUESDAY, JANUARY 8, 2013**  
MEETING BEGINS AT 5:30 PM  
AVON TOWN HALL, ONE LAKE STREET



**6) WORK SESSION - CONTINUED**

a) Village at Avon Settlement Implementation – Update

Eric Heil, Town Attorney, presented the update on this matter addressing some of the following topics:  
Upper Eagle Regional Water Authority Meeting update

1. Noted who has executed documents, PNB Parribas Bank and TCMD; Traer Creek had not yet executed the documents
2. Funds from TCMD have been released to complete design documents by end of February
3. Town council must still review some of the following documents:
  - ✓ Amendments to service plans
  - ✓ Covenant Declarations for the retail sales fee
  - ✓ Add on Retail Sales Fee Collection Agreement
  - ✓ Final form of conveyance docs

Mayor Carroll requested that a list of documents to review and approve to implement the settlement be updated and provided. Some discussion occurred on the timing for completion of the settlement; it was difficult to anticipate the ending date.

b) Official Conduct and Conduct of Meetings - Review and Discussion of Law regarding Meetings and the Conduct of Elected and Appointed Officials

Eric Heil, Town Attorney, reviewed the memo included in council's packet that addressed a number of State and Town laws regarding meetings and conduct of elected and appointed officials. Specific topics addressed included the following:

- ✓ Conflicts of interest
- ✓ Colorado Open Meeting Law
- ✓ Colorado Open Records Act
- ✓ Executive Session
- ✓ Legislative vs. Quasi-Judicial actions

c) Responsibilities in Reviewing and Acting on Land Use Applications: Process & Ex Parte Communication

Eric Heil, Town Attorney, noted that some of the highlights were already addressed with the discussion earlier.

d) Town Council and Mayor Retreat: Review Retreat Agenda

Rich Carroll, Mayor, presented the information and agenda to the retreat which will take place on January 14<sup>th</sup> at the Walking Mountain Science Center starting at 8 AM. Some discussion ensued about how to raise specific topics for consideration; it was determined that session 2 would allow for consideration of many topics that help describe the vision for the town.

e) Regional Committee Meeting Updates: Councilors and Mayor

i) Confirm Council Committee Appointments

Mayor Carroll noted that the list was discussed and assignments made, but recommended that a review of the list be made in a few months. It was suggested that follow up be provided after councilors attended their meetings. It was noted to add ECO Trails to the list with the Mayor attending the meetings.

ii) Eagle Air Alliance

Mayor Rich Carroll presented this update noting some of the proposed flight changes in to Eagle Airport.

iii) Eagle County Regional Collaboration Meeting

TOWN OF AVON, COLORADO  
MINUTES FOR THE AVON REGULAR MEETING FOR TUESDAY, JANUARY 8, 2013  
MEETING BEGINS AT 5:30 PM  
AVON TOWN HALL, ONE LAKE STREET



Mayor Rich Carroll presented an update on his attendance at this meeting and noted some topics that received some interest for regional cooperation, i.e. transit coordination.

iv) Upper Eagle Regional Water Authority Meeting

Councilor Todd Goulding presented an update on some of his recent meetings serving in his new board role on the Authority. There was some discussion about the need to develop some policy with regard to long range planning for water rights and development for the Town.

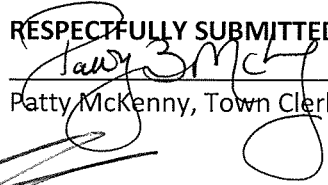
7) **MAYOR REPORT**

Mayor Carroll encouraged members to forward any agenda items to him. And Council was comfortable with the new format.

- a) Future Agenda Items
- b) Obtain Council Feedback on New Council Meeting Agenda Format

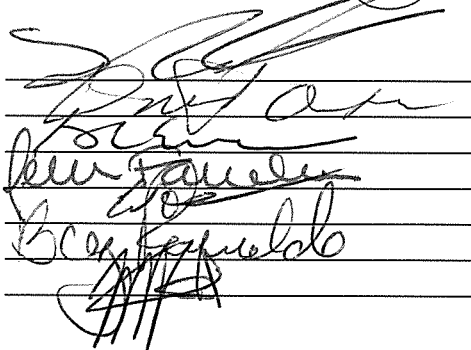
There being no further business to come before the Council, the regular meeting adjourned at 8:20 PM.

**RESPECTFULLY SUBMITTED:**

  
\_\_\_\_\_  
Patty McKenny, Town Clerk

**APPROVED:**

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

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_