



REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street • Minturn, CO 81645 • (970) 827-5645

Wednesday, October 17, 2007

Work Session – 5:00PM
Regular Session – 6:00PM

MAYOR - Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

Interim Town Administrator – Gary Suiter
TOWN CLERK/TREAS - Jay Brunvand

COUNCIL MEMBERS:

Jerry Bumgarner
Bill Burnett
Tom Sullivan
Kelly Brinkerhoff
Shelley Bellm

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 4:30pm, Monday through Friday, by contacting the Town Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

Work Session – 5:00 PM

- **FY2008 Budget Discussion – Brunvand (1 hour)**
Bring your budget books!

Regular Session – 6:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 6:08 P.M. Roll call: Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Tom Sullivan, Bill Burnett, Shelley Bellm, Kelly Brinkerhoff and Jerry Bumgarner

Staff present was, Interim Town Administrator Gary Suiter, Town Planner Chris Cerimele, Police Chief Lorenzo Martinez, Town Treasurer/Clerk Town Jay Brunvand, Attorney Allen Christensen, Public Works Director Rod Cordova and Deputy Clerk/AR Dylan Zastrow.

EXECUTIVE SESSION

2. Minturn Town Council will convene into executive session: (1 Hour)

- Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen, Arthur “Boots” Ferguson and Anne Castle for the purpose of receiving legal advice on the Ginn PUD/Annexation

Motion by Shelley B, second by Bill B, to convene into Executive Session Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen, Arthur “Boots” Ferguson and Anne Castle for the purpose of receiving legal advice on the Ginn PUD/Annexation; *All voted in Favor.*

3. Discussion/Action or Direction to Town Manager and Town Attorneys from the Executive Session (5 Min.).

Direction to Staff is to continue to work on the Ginn PUD Annexation

7:00 P.M.

STANDING ITEMS

4. Approval of Agenda (5 min).

- a. Items to be pulled or added
- b. Order of the Agenda Items

Shelley would like to know why we are passing the conditional uses by Resolutions?

Chris C: There is a provision in the MMC stating that all land use permits need to be approved by a Resolution

Motion by George B, second by Shelley B, to approve the October 17, 2007 Council Meeting Agenda as amended; *All voted in Favor*

5. Approval of Minutes and Action Report (5 Min).

- October 3, 2007

Shelley B. requested changes on page 16 to reflect that Jerry asked if there are other pairs of Peregrine Falcons in the area. Also she corrected the spelling of Dominic's name.

Tom S. requested changes on page 13 to reflect that the Town's contract with XCEL Energy would pay for utility alterations and not Tom.

- Review/Comment – Council Action Report

Motion by George B, second by Shelley B, to approve the, October 3, 2007 Council Meeting Minutes as amended; *All voted in Favor*

Shelley B: She asked Gary if she and Allen C. could obtain a copy of the Union Pacific Rail Road Lease.

6. Minturn Town Council Will Convene as The Liquor License Authority

- Mrs. Gail Crowder, DBA Minturn Mile Liquors, Annual Renewal Retail Liquor License; 341 Main Street; Gail Crowder, Owner/Manager – Brunvand

Jay B: This is an annual renewal and there have been no findings to not approve this liquor license request.

Motion by Tom S, second by Bill B, to approve a retail liquor license for Mrs. Gail Crowder, DBA Minturn Mile Liquors; 341 Main Street; *All voted in Favor*

- Highway 24 Store Inc, Annual Renewal Retail Liquor License; 996 S Main St.; Loretta Lucero Owner/Manager – Brunvand

Jay B: This is an annual renewal and there have been no findings to not approve this liquor license request.

Motion by Tom S, second by Bill B, to approve a retail liquor license for Highway 24 Store, Inc; 966 S. Main Street; *All voted in Favor*

7. Special Presentation/Individual Introductions/Citizen Recognition/Project Update

8. Public comments on items, which are NOT on the agenda (3 minute time limit per person).

Frank Lorenti: 1081 Main Street, Minturn, CO

I just want to follow up from last meeting. I followed up with the Waste Management who provides the Town's trash service and the customer service manager stated there is about 1 week waiting list to change out old trash bins to animal resistant trash bins. As far as the fluoride I think it is a benefit to all the people in the Town. The Town's excuse was the sand

filtration system wouldn't work. The second excuse was the piping wasn't able to facilitate it. I would like some answers.

Shelley B: We have already gone over this in another meeting.

Tom S: Basically our decision was based on the Con's out weighing the Pro's so, we decided not to implement fluoride into the Town's water system. Work with Dylan and have him get the prior Council Meeting information regarding this issue for you and if you need more we will then put you on the agenda.

Mr. Lorenti: Can I get on the agenda for the animal resistant trash cans?

Shelley B: I have been attempting to get an animal resistant trash can for 3 years now.

Tom S: We will be more proactive and get the word out to the citizens that they are now available and follow up on it.

Floyd Duran: 624 Main Street, Minturn, CO.

I can address the fluoride situation because I was working for the Town at the time they tried implementing. I will explain it to him on the side.

Duscleana Brown: 432 Main Street, Minturn, CO. Budget Trucks.

I would like to have Resolution 16 Series – 2007 A Resolution denying the CU; 07-03 tabled until a future meeting date. The date all depends on how quick the RR will respond with my request for a valid lease.

Allen C: I spoke to her attorney and she said it would be best to table this Resolution until the first meeting of December. I will follow up with Beth. She needs to get Dylan what he needs and then go to Chris and get what he needs and everything will be squared away.

Hawkeye: Will she still be able to operate her business?

Allen C: She has been and still is operating her business.

Pete Vance: I would like to start a new business in the Town of Minturn that would help heat our homes. I am planning to build a biomass energy plant on my property on Main Street. The efficiency of biomass energy out weighs the current energy sources we utilize. This is all conceptual and I want to address it with Council now to help lead them in the right direction. There are pellet plants everywhere in effect that help minimizing the impact on the environment and that are more efficient. There is also beetle kill stock all over the national forest and we can use the timber as biomass to fuel this plant. I would plan on putting up a network in the immediate area and then spread to other areas of the Town once it begins to grow. The environment would benefit from this because it would take over some of the natural gas plants negatively effecting the environment. Let's changes things now for the future.

Liz Campbell: The last time Planning Commission minutes were posted on the website were quite a few months ago. Also on the website; it would be good to have a comprehensive list of questions and answers regarding the public comment period for the Ginn hearings for the public so we can see who is participating and so we are not asking the same questions.

Allen C: This is all during public meetings, it is on TV and there are the Minutes on the website as well as open records requests. All the information is readily available and we do not need to put them on the website.

9. Discussion/action of Emergency Items, if necessary

10. Discussion Item - Town Administrator's Report (10 Min)

Gary S: I have 3 items indicated in my Staff report I would like Council's direction on. We have a joint meeting with ERWSD scheduled for next week. I spoke to Dennis Gelvin and he would like to keep dialogue going between the Council and ERWSD but there is no major information to divulge in the meeting scheduled for next week. Do you want to keep the meeting or would you rather keep the dialogue and schedule meeting at a later date?

Shelley B: I would like to hear from ERWSD because there are rumors about Vail Resorts building a new treatment plant here in Minturn and that needs to be cleared up.

Gary S: Rumor control is a good idea.

Shelley B: I would like to get an update on their progress as well.

Council agreed to keep the meeting on the 24th.

Gary S: This was brought to my attention by Staff, Council and Citizens; it is regarding the land use code; non-conforming buildings. I am requesting a work session to clarify this code and or amend it if needed. There seems to be conflicting information within the code and interpretation and we need to have clarification.

Shelley B: The ADHOC committee has been working on the non-conforming use but we haven't been meeting recently because we have had other meetings to attend recently. We need to be flexible on this issue regarding timing. We are right in the middle of the Ginn public hearings and its taking up most everyone's time. We can take it to work session if we need to.

Kelly B: I think we need to do a work session and have Staff look at the ADHOC information collected and bring it all together.

Mrs. Campbell: I will defer my time on the agenda this evening to address Council if there is a work session scheduled. I have been working on this with the ADHOC committee. This currently has an adverse effect on neighborhood properties. I will attend the work session on December 5, 2007 and address my concerns then. Has the Council put a stop provision on the non-conforming use until the work session?

Gary S: No. As long as everything is consistent from the past we will continue the same interpretation until Council requests changes.

The last issue is the USFS land survey. Dylan has been in touch with only one available person out of the three recommended by the USFS and the cost to do a preliminary value appraisal for the USFS "bone yard" and "compound" is about \$10k and he could start in the middle of December. I need approval to proceed with this preliminary appraisal.

Dylan Z: It would take approximately 6-7 weeks to finish the preliminary valued appraisal.

Tom S: I think we should delay the process because it doesn't seem like it will be up for sale until next summer.

George B: I agree.

Shelley B: These properties aren't going to be up for sale immediately?

Gary S: They are talking about six months to a year.

Shelley B: Let's wait

Bill B: Let's wait.

Kelley B: I agree, let's wait.

Jerry B: This was a priority we directed Staff to act quickly on and now we are telling them to slow down the process, we need to proceed.

George B: I say we wait

Hawkeye: I say we obtain the information so we have it when the parcels go up for sale.

Council voted 5:2 to wait for the preliminary valued appraisal.

Gary S: I would also like to add that the USFS found 10-12 encroachments on the parcels. The Carter Burgess report is attached. If you have questions Rob Singer is present to answer them.

11. Discussion Item - Town Council Comments (10 Min)

George B: They are going to open the Gypsum ECO Trail October 23rd @ 3:00pm

DISCUSSION, HEARINGS AND ACTION ITEMS

12. Discussion/Action Item – Public Hearing on Petitions for Annexation for Battle Mountain Annexation Parcels No. 1-9 for the annexation of territory to the Town of Minturn, Colorado for the purposes of determining and finding whether the areas proposed to be annexed as the Battle Mountain Annexation Parcels No. 1-9 comply with the applicable requirements of the Municipal Annexation Act of 1965, as amended, and is considered eligible for annexation.

Hawkeye introduced the discussion/action item and the applicants for the annexation hearing - Ginn Battle North LLC, Ginn Battle South LLC and Ginn LA Battle One LTD, LLLP He then opened the public hearing that has been continued from October 3, 2007. He explained that there were also three land use application and all information will be added as testimony to all applications to this public hearing, as well as the process of the public hearings.

The order of the public hearing is important. It begins with the Staff presentation, the Applicant presentation, Public comment (verbal or written) the applicant's response to any testimony and then staff can provide response to any testimony. He then asked if any council members had contact with the public about the annexation since the last public hearing held October 3, 2007.

Bill B: People want to know when a decision will be made.

Tom S: Kent from Kings Ranch went to a traffic meeting that Ginn held. He wanted to know why there wasn't a Town Representative there to answer questions. I told him it has to be a public forum and invited him to meetings.

Shelley B: No

Kelly B: No

Jerry B: No

George B: No

Hawkeye: No

Dominic Mauriello – On behalf of the applicant:

I would like to clarify the partnership pass for the Mountain. The newspaper stated something that wasn't true. The pass is offered for the life of the project.

Rob Singer - Carter::Burgess 707 17th Street, Denver

Mike Gill - Carter::Burgess 707 17th Street, Denver

Rob S: There are currently quite a few constraints in transportation within the Town of Minturn. As a Traffic Engineering Firm it is our job to find the problems with the applicant's traffic plan and present those concerns to the Town Council.

Power Point Presentation:

General Overview:

-He went over what information has been submitted by the applicant that answer quite a bit of the Council's concerns. Please refer to the data already submitted. These items include a traffic summary, traffic impact analysis, town traffic improvements plan, construction traffic management plan and resort guest and employee traffic management plan.

Tonight.

- Review of Traffic impact analysis (TIA).
- Review of Traffic improvement plan (TTIP).
- Review of Resort guest and employee management plan.
- Review of Construction traffic management plan.

He then gave a brief overview of the packet information presented in the Council Packet regarding this presentation.

Key Points of the TIA Plan:

- Background Traffic Projections - Projection of 1.5% traffic increase without the project.
- Traffic Impact Analysis proposed a level of service (LOS) of C/D as an acceptable level.
- Current LOS traffic estimated at B/C.
- Future background traffic is estimated to operate at LOS C/D with out project.
- Future Traffic is still estimated to operate at LOS "C/D" with project in Town.
- The applicant will avoid putting mass amounts of traffic on HWY 24 during the construction phase by creating an aggressive reduction from internal and external transit use due to the nature of the development.
- Details of internal/external capture to be presented in "future" management plans (Resort guest and employee traffic) by the applicant.
- The applicant estimates at full build out an increase of 160 additional trips during the peak hours through Minturn.

Carter Burgess Opinions to the applicant's TIA:

Unique approach to analysis:

- Town must concur that high LOS is acceptable within the Town's Main Street at a LOS of C/D, 160 extra trips per morning and evening. Minturn has to accept it as an individual decision maker regardless of CDOT approving it or not.

Hawkeye: Are we at level B/C right now without the project?

Rob S: Yes but numbers by the applicant indicates that Minturn will be at a LOS of C/D in the future.

- The Town must concur that enforcement measures will work.

Kelly B: Does the trip budget estimation increase of 160 during peak hours given by the applicant include the construction and employees and sub contractors? Did they under estimate those numbers? Are we going to be able to catch those infractions and enforce them?

Rob S: If you believe the Town can track them and enforce them then it doesn't matter. But the Town has to make the decision if they think that the Town can manage and enforce those numbers.

Tom S: I understand that you can measure and enforce those numbers but you cannot tell a resident they cannot access their home because they have gone over the trip budget.

Kelly B: I am concerned about monitoring and capturing the correct and accurate numbers.

Rob S: We have addressed that with the applicant as one of our concerns and we are waiting for clarification from the applicant.

Shelley B: What is the peak hour time frame? And how much of an effect will it have.

Mr. Gill: It will be at that LOS of C/D and at times it will be very difficult to pull out onto Highway 24. The Town Traffic Improvement Plan has some items that address this issue. It equates to about 3 extra cars per minute during the P.M. peak time.

Rob S: Another key opinions of Carter::Burgers is the validity of traffic projections:

- Trip generation rates are comparable to other Ginn resorts and neighboring communities
- Carter::Burgess would not recommend approval without strong enforcement mechanisms put into place.

Kelly B: Even if we don't believe the number assumptions of the applicant I still don't see how we would have control over the traffic numbers regardless. We need to do other things like reduce the trip budgets and not look at just monitoring and enforcement.

Tom S: You say there is an estimation of 50% transit utilization with the applicant's proposed plan, is that feasible?

Mr. Gill: There are areas in the United States that do up to 30% transit utilization but those are for entire cities. Here in a resort town you can increase that number more especially with the enforcement mechanisms.

Rob S: Carter::Burgess Opinions Continued.

Enforceability of the Trip Budget: This concern and issue will be documented in the November 7, 2007 Town Council Packets and discussed at the meeting.

Kelly B: How will traffic monitoring and trip budget going to be monitored and is it an effective method?

Rob S: It is monitored through GPS tracking and many other mechanisms but we will address that at the next meeting.

Analysis Methodology:

- Congestion methods are typical of industry standard.

Comment Resolutions:

Mr. Gill:

- Colorado Division of Wildlife concerns that increased traffic affects the wildlife.
- Trip distribution: There currently is nothing addressed and the applicant needs to present information.
- Employee Traffic: Clarification needs to be presented by the applicant.
- Applicant's engineering requests still needed from applicant for further discussion.

Tom S: I would like some clarification on the LOS or B/C and D. Are Town's and Cities accepting LOS of C/D?

Mr. Gill: There are people in Denver that accept a LOS of F but Minturn has different dynamics. Level C/D is commonly acceptable but you will always have people complaining about it.

Tom S: This doesn't account for the construction and residents, does it?

Mr. Gill: We will address construction traffic in the first phase, construction and residential generated traffic in phase two and then tailor the projections and needs to keep it down. Phase four is going to be site generated traffic only at that point.

Rob S: NEXT STEPS to TIA:

- Final meeting between Carter::Burgess and applicant to address outstanding comments on the TIA (these are minor).
- Satisfy CDOT access permit requirement and satisfy CDOT that the I-70 interchange will function in an acceptable manner. As of last week they haven't presented the application.
- Finalize text of TIA and traffic summary to incorporate agreed upon proposed resolutions.
- Satisfy Council concerns with the TIA from this evenings meeting.

Recommendation of approval if ALL of the "next steps" are met.

Tom S: I cannot imagine the upper area access point for the project. Is there going to be roundabouts put in place? I don't see how you can have an access point in that area.

Mr. Gill: We are not recommending roundabouts or traffic lights but acceleration and deceleration lanes at the ends of Town.

Tom S: Are the plans going to be available by February?

Mr. Gill: We suggested they work on that right now if they haven't already started.

Rob S: I don't see it being done by then.

Tom S: Can you envision the plan working?

Mr. Gill: I am not as familiar with the road as you are but it looks like from the drawings it could work.

Rob S: If it doesn't work CDOT will make them move and alter the access.

Tom S: When is the applicant going to apply for the permit?

Mr. Mauriello: The problem with the permit is that you have to build the access road within 1 year of approval of the permit for the project. This area won't even begin to be built until five years down the road.

Sam Otero – On behalf of the applicant: We have already begun the designs, they require more than just one. We have the application and could present it soon but we haven't presented them with a permanent access plan. CDOT won't attend the meeting to address Council until the applicant has presented all the information they require, a final presentation and application to obtain the permit. And again, construction would need to be built within that year.

Tom S: I would like to see these plans, when will we see those?

Mr. Otero: We will include the plans in our response to the Council.

Rob S: He presented a submittal timeline that is part of the public record with the Town.

Keys to the TTIP:

- Improve vehicle and pedestrian mobility and safety.
- Physical improvement proposals.
- Ginn's commitments to have traffic monitored by a traffic committee.

- Ginn's commitments to have traffic enforced; bonds for public improvements, negotiations with the Town.

Carter Burgess Opinions of the applicant's TTIP:

- Applicant hasn't really given a presentation regarding the TTIP to the Town and we believe they need to present to the Council.
- Applicant promised 5,000 linear ft. of sidewalk proposed on both sides of the road on Main Street, the Town needs to get those plans for funding or construction.
- The TTIP does not address parking within the Town of Minturn. The Planning Commission requested a parking plan as a condition of approval and they haven't addressed that condition as of yet. Carter::Burgess does not have a parking plan that was submitted by the applicant so we cannot address this Planning Commission condition. Our suggestion is to look at the OZ Architect Capital Improvement Plan (CIP). They addressed the parking concern in their CIP and the Council should take those plans into consideration and maybe adopt those parking proposals.
- Applicant proposed to have no obligations to the Town if CDOT doesn't approve the improvements. Carter::Burgess does not agree with this condition and recommends the Council change that proposal before approval. But, on the other side the applicant can also argue that they don't have control over a 3rd party, therefore not agreeing to the changed condition.

Tom S: How do we get CDOT to agree with these conditions

Mr. Gill: We cannot control everything but we can get that proposed funding to be assigned to other concerns the Town has if those improvements are approved by CDOT.

- Cost and schedule of improvements are not adequately described. The Town needs to know what the list costs are incase approvals from CDOT are denied. The Town can then look at other options for the funding.
- Additional specifics on how the funding provided to the Town will work.

Rob S: NEXT STEPS of TTIP:

- Revise TTIP to address comments and concerns in resolution matrix.
- Recommend preparation of parking plan (possibly from the OZ presentation).
Carter::Burgess recommends that the applicant get the Minturn Citizens involved in this process.
- Town to make TTIP a legally binding document as a condition of approval.
- Recommend that applicant prepare cost estimates for improvements and that the Town and applicant come to an agreement on those estimates.
- Recommend more specific language about how funds will be guaranteed.
- Address any additional questions or comments by Council.

Recommendation of approval if ALL of the "next steps" are met.

Other Comments To Consider:

- Does TTIP mesh with the OZ visioning document:

Mr. Gill: It meshes pretty well with the OZ visioning document but does have some minor differences.

- What is the biggest issue we disagree with the applicant:

Rob S: The applicant has no obligation if CDOT doesn't approve their improvement proposal.

- Are assumptions that the applicant used as a basis of the TIA and TTIP valid?

- What should the Town require of the applicant related to traffic mitigation?

Rob S: Carter::Burgess recommends the Council make a list of needs and have the applicant to address those concerns prior to approval.

-Primary issue is can the Town tolerate an additional 160 vehicles during peak hours and how to enforce it.

George B: At traffic level C or D how long would the wait be to turn on to hwy 24?

Mr. Gill: We attempted to present the expected wait time at our previous presentation with a computer simulation. Most wait times were estimated at 30 seconds or less but some were as high as 1 minute.

George B: Are speeds considered in this waiting period?

Mr. Gill: Yes on some sections but it depends on gapping of traffic.

George B: If you slow it down does it increase continual traffic?

Mr. Gill: Changing it by 5 miles an hour won't affect it minimally if at all.

George B: Do you know of any road material that can dampen the sound coming through Town?

Mr. Gill: I know of a few things but nothing significant.

George B: If you took out the street parking during construction time for utility lines could you run 2 lanes of traffic and have continuous traffic?

Mr. Gill: I don't think so. There is minimal area for traffic at this point. But, before putting in the bulb outs you could put in a turning lane which would help get some of that traffic out of the way.

Tom S: I think we already have a problem with large trucks driving through Town, they are already too close to our sidewalks and I don't want trucks even closer.

Mr. Gill: I agree, construction traffic control when you are building improvements in the roadway is tricky.

Tom S: Does their plan take this traffic and the roadway improvements that will be happening during the next few summers into consideration?

Mr. Gill: It is not typical to address that at this point, it would be considered as a temporary impact when they do decide to tear up the roadway and it would be addressed at that point. It would take into consideration the staging of the project, when they can work and how long they can work with certain restrictions being implemented.

Bill B: Do you think it's going to take three years to build a water main?

Mr. Gill: It depends on how stringent the Town is on the construction restrictions. It's often a trade off of a lot of pain for a short time or a little pain for a long time.

Tom S: My concern is the amount of trips per day with the amount of dwelling units currently in place and the fact of adding another 1,700 dwelling units and attempting to keep those additional trips to only an increase of 160.

Mr. Gill: Without defending the applicant, most residents at the proposed site are not going to create job transporting traffic especially during the peak times. It would be more recreation traffic that would be generated and during off peak times.

Kelly B: Those numbers don't seem to be attainable. The infrastructure needed for a community like the Ginn project is located out of Town and residents will be driving back and forth to access those amenities.

Mr. Gill: That is something we are going to address at the Nov. 7th meeting.

Kelly B: Is there anything addressing biker and pedestrian safety measures?

Rob B: We haven't addressed it with this presentation but we can address it at the next meeting.

Kelly B: It is a part of their plan to present a sidewalk and bike trail proposal but I think the sidewalk and bike trail proposal needs to be extended further south of Town.

Rob B: I think that would be more of a condition of the annexation of the project and not part of the traffic mitigation.

Hawkeye: You said we would be adding 160 trips but, adding it to what number?

Mr. Gill: It would be added to an estimated 981 trips currently based on peak hours during the summer time.

Kelly B: In your presentation you recommended addressing conditions imposed by the Planning Commission that have not been addressed and conditions you think the Council should impose prior to approval, is Carter::Burgess going to address those conditions with the applicant?

Rob S: I believe it needs to be done but we need to address how to go about it on a legal standpoint before we just jump into it.

PUBLIC COMMENT:

Liz Campbell: 512 Main.

I want to thank the Council for being so thorough with the Ginn public hearing proceedings. I think this project needs to go to a public vote. A public vote is a part of a small town character. Council can give their opinions and suggestions about the proposed project but the citizens should vote to approve or deny the applicant. I live within two blocks from Little Beach Park and I walked there for an event the other week. We were walking on the sidewalk and a semi passed us going fast, you can feel it and it's bad. We need to slow the traffic down. All the traffic on Main St. is going to impact my life and others on Main Street. We have a major traffic problem and this project will increase it even more. I believe, we as a Town, need this project, but make sure you get the most out of the applicant and things to improve the Town.

Floyd Duran 643 Boulder St.

I have noticed that there are a lot of things this project is depending on like traffic. We already have problems and will continue to have them but its all about the control. The applicant is doing a good job to work with the Town on all of these uncertainties and I think we need to work with them. The applicant is attempting to aid the Town during this process. We have been discussing minimizing the amount of traffic moving through Town but businesses are complaining about not having enough traffic come through Town, it doesn't make sense.

Matt Sherr: 511 Main St.

I spoke to the applicant about green building and other pro environmental concerns. I believe their plan is somewhat green but, the Council has the tools to require an even greener building plan and the ability to make the applicant follow those guidelines. I think Ginn needs a partner in building green to ensure they are doing it the right way. I think they need

someone to help who has the resources and experience in building green prior to the Council approving the project. I ask Council to require the applicant's assistance in environmentally sound practices and building with the entire project.

Kelly B: How do we get the details and Council concerns added to the 3 traffic plans? I would like to see the Council empower Carter::Burgess to obtain the information that we need to make a decision. Let's avoid the lingering effect of so many details on the proposed project and get the information we are requesting with their traffic plans. We need to end all details with this proposal and all other proposals with the project. Council agreed with Councilmember Brinkerhoff. Also Council needs more details on green building and what guidelines the project will follow. Council should make a list of what we want more details on and have the Staff, Attorneys and Consultants obtain the information.

Motion by Shelley B, and second by George B, to continue the public hearing on Petitions for Annexation for Battle Mountain Annexation Parcels No. 1-9 for the annexation of territory to the Town of Minturn, Colorado for the purposes of determining and finding whether the areas proposed to be annexed as the Battle Mountain Annexation Parcels No. 1-9 comply with the applicable requirements of the Municipal Annexation Act of 1965, as amended, and is considered eligible for annexation to the November 7, 2007 Council Meeting; *All voted in favor.*

13. Discussion/Action Item – A Public Hearing will be held for the following file PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain

Hawkeye: Introduced the next public hearing - PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain, the applicants are Ginn Battle North, LLC, Ginn Battle South LLC and Ginn LA Battle One LTD, LLLP. He then opened the public hearing.

Allen C: The public record on the petition for annexation of the battle mountain annexation parcels 1-9 is here by incorporated into this public hearing file.

Chris C: He had nothing to add.

Motion by Shelley B, second by George B, to continue the public hearing on file PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain to the November 7, 2007 Council Meeting; *All voted in favor*

14. Discussion/Action Item - A Public Hearing will be held for the following file PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain.

Hawkeye: Introduced the next public hearing - PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain. The applicants

are Ginn Battle North LLC, Ginn Battle South LLC and Ginn LA Battle One LTD, LLLC. He then opened the public hearing.

Allen C: The public record on the petition for annexation of the battle mountain annexation parcels 1-9 is here by incorporated into this public hearing file.

Chris C: He had nothing to add.

Motion by Jerry B, second by George B, to continue the public hearing on file PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain to the November 7, 2007 Town Council Meeting; *All voted in favor.*

15. Discussion/Action Item - A Public Hearing will be held for the following file PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan

Hawkeye: Introduced the next public hearing - PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan. The applicants are Ginn Battle North LLC, Ginn Battle South LLC and Ginn LA Battle One LTD, LLLP. He then opened the public hearing.

Allen C.: The public record on the petition for annexation of the battle mountain annexation parcels 1-9 is here by incorporated into this public hearing file.

Chris C: He had nothing to add to his report.

Motion by Kelly B, second by Jerry B, to continue the public hearing on file PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan to the November 7, 2007 Council Meeting; *All voted in favor.*

16. Discussion – Liz Campbell; Moratoriums on Legally Non-Conforming Buildings (15 Min)

Mrs. Campbell asked this discussion item to be dismissed and that she would attend the Council work session on December 5, 2007 addressing legally non-conforming uses.

17. Discussion/Action Item – Public Hearing – Fiscal Year 2007 Budget – Brunvand (10 Min)

Hawkeye introduced the public hearing on the Fiscal Year 2007 Town of Minturn Budget and opened it up to the public. He asked for public comment, there was no public comment He then closed the public hearing.

Hawkeye: He then mentioned to Jay that the expenses for the water fees in this budget were increased and he asked Staff to look at the revenues and change it so water fees aren't increased.

He then informed the audience of the next public hearing on the Minturn Fiscal Year Budget will be held on the December 5, 2007 at the Town Council Meeting located at the Town Center in the Council Chamber.

18. Discussion/Action Item – Resolution 13 - Series 2007 - A Resolution Approving Land Use Application C.U. 07- 07; El Dorado Development (5 Min)

Motion by Kelly B, second by Jerry B, to approve Resolution 13 - Series 2007 - A Resolution Approving Land Use Application C.U. 07- 07; El Dorado Development; *All voted in favor(George recused himself for conflict of interest)*

19. Discussion/Action Item – Resolution 14 – Series 2007 – A Resolution Approving Land Use Application C.U. 07-06; Tom Sullivan (5 Min)

Motion by Shelley B, second by Kelly B, to approve Resolution 14 – Series 2007 – A Resolution Approving Land Use Application C.U. 07-06; Tom Sullivan; *All voted in favor(Tom recused himself for conflict of interest)*

20. Discussion/Action Item – Resolution 15 – Series 2007 – A Resolution Approving Land Use Application VAR 07-01; Tom Sullivan (5 Min)

Motion by Kelly B, second by Shelley B, to approve Resolution 15 – Series 2007 – A Resolution Approving Land Use Application VAR 07-01; Tom Sullivan; *All voted in favor (Tom Recused himself for conflict of interest)*

21. Discussion/Action Item – Resolution 16 – Series 2007 – A Resolution Approving Land Use Application C.U. 07-03; Tory Enterprises (5 Min)

Motion by George B, second by Shelley B, to table Resolution 16 – Series 2007 – A Resolution Land Use Application C.U. 07-03; until December 5th Tory Enterprises; *All voted in favor (Tom was absent/excused)*

FUTURE AGENDA ITEMS

22. Items to be added to future agendas / work session

- Ginn Petitions for Annexation – Continued from: 10/17/07 – 11/7/07
- Public Hearing will be held for the following file PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain – Continue 10/17/07 – 11/7/07
- Public Hearing will be held for the following file PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain. – Continue from 10/17/07 – 11/7/07
- Public Hearing will be held for the following file PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan– Continue from 10/17/07 – 11/7/07
- Budget 2nd Public Hearing and First Reading of Ordinances – 11/07/07
- Second Reading of Ordinances and Budget adoption – 12/05/07

23. Set Future Meeting Dates

- a) Council Meetings
 - November 7
 - November 19
 - December 5

- b) Planning & Zoning Commission Meetings
 - October 24
 - November 14
 - November 28

- c) Other

24. Adjournment

Motion by Shelley B, second Jerry B, to adjourn the October 17, 2007 Town Council Meeting at 10:20pm AM; *All voted in favor(Tom was absent/excused)*

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk