



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

**Thursday January 3, 2008**  
**Regular Session – 5:00PM**

**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

**Ginn Annexation Public Hearing Topics: Applicant Response**

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

**Regular Session – 5:00 PM**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 5:05 P.M. Roll call: Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff and Jerry Bumgarner (*Note: Tom S. and Kelly B. were late and Bill B. was absent/excused*).

Staff present were, Interim Town Administrator Gary Suiter, Town Planner Chris Cerimele, Police Chief Lorenzo Martinez, Town Treasurer/Clerk Town Jay Brunvand, Deputy Clerk/AR Dylan Zastrow and Town Attorney Allen Christensen

## EXECUTIVE SESSION

### 2. Minturn Town Council will convene into executive session: (60 Min)

- Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(a) to consult and receive legal advice from the Town Attorneys Allen Christensen and Arthur “Boots” Ferguson concerning purchase, acquisition, lease transfer or sale of real property
- 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(CRS) §24-6-402 (4)(a) to consult and receive legal advice from the Town Attorneys Allen Christensen and Arthur “Boots” Ferguson concerning purchase, acquisition, lease transfer or sale of real property

Motion by Jerry B, second by George B, to convene into Executive Session Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(a) to consult and receive legal advice from the Town Attorneys Allen Christensen and Arthur “Boots” Ferguson concerning purchase, acquisition, lease transfer or sale of real property and 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(CRS) §24-6-402 (4)(a) to consult and receive legal advice from the Town Attorneys Allen Christensen and Arthur “Boots” Ferguson concerning purchase, acquisition, lease transfer or sale of real property *Note: Bill B. were absent/excused and Tom S. and Kelly B. were absent).*

*Note: Kelly B. arrived for executive session @ 5:11pm*

*Note: Tom S. arrived for executive session @ 5:14pm*

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

Have Staff continue on course to obtain the forest service parcels from the USFS.

**6:00 PM**

## STANDING ITEMS

### 4. Approval of Agenda (5 min).

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

Motion by Kelly B, second by Hawkeye, to approve the January 3, 2008 Council Meeting Agenda as presented; *all voted in favor (Note: Bill B. was absent/excused).*

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

- December 19, 2007

Shelley B: On page 16 the comment by Mr. Weber should state that the applicant will offer their own private transit, not won.

Kelly B: On page 17 I stated I would like no traffic on Sundays, not just a break during the week.

Motion by Shelley B, second by Kelly B, to approve the, December 19, 2007 Council Meeting Minutes as Amended; *all voted in favor (Note: Bill B. was absent/excused).*

- Review/Comment – Council Action Report

Shelley B: We need to get the USFS back on track and have it on the action item list.

Hawkeye: We need to add the nuisance enforcement and updates back on the action item list.

**6. Special Presentation/Individual Introductions/Citizen Recognition/Project Update -**

Jay Hufford - 1982 Cross Creek Minturn, CO:

I would like to discuss the nuisance ordinance and the cleaning up of Minturn. I want to give my approval of Mr. Lorneti's comments from the last meeting regarding the nuisance ordinance. Three years ago citizens received a letter from the Town and it stated they would be enforcing six specific steps that would aid the cleaning of the Town and enforcement of the nuisance ordinance. I am disappointed that the Town sent a letter out to the citizens addressing this situation but hasn't given an update, written report to the citizens on how the Town has dealt with the nuisance violators.

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

- Certificate of Appreciation – Town Staff

Chief Martinez: The police department wanted to thank the Council for the end of the year bonus presented to all the employees of the police department. He then presented the Council members with a certificate.

**8. Discussion/action of Emergency Items, if necessary**

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

Gary S: He updated the Council and audience on the waste management service from Vail Honeywagon and that Vail Honeywagon has ordered the bear resistant cans and will begin distributing them and starting service in March. Waste management, who currently provides the Town with its waste management services, has been working with us during this transition.

We will also have Ashley K. run a recycling campaign when the new waste management service is about to begin.

We have also been receiving applicants for the executive position with the Town of Minturn and I have blocked out a few days for Town tours for the applicants to meet staff.

Also, Jacobs, Carter and Burgess did not present a written report but representative Rob S. is here for any questions on Town projects.

Jerry B: We have discussed a while ago using the fireworks since they were postponed during the summer for fire hazard; what has been going on with the use of them because we are on a time line to use them?

Dylan Z: Town Staff has gotten together and discussed some possibilities for events and events that would get the local businesses involved. There has been nothing concrete and we haven't been able to meet again since the winter market was in full bloom. I will contact Ashley K. and we will continue to work on an event for the firework use.

Shelley B: On the executive search you wanted a few council members to help review.

Gary B: Kelly B. has mentioned she would like to be a part of that process. We would like to have only two Council Members so council doesn't have to hold a special meeting every time there is a resume to review.

Shelley B: I would like to be a part of that committee since we were both a part of the process to hire Gary S. as the interim Town Administrator.

All council agreed.

#### **10. Discussion Item - Town Council Comments (10 Min)**

Shelley B: I don't think we are getting a great response from Wastemanagement; trash hasn't been picked up at my house in 2 weeks. Please have Staff follow up with that.

Hawkeye: He wished all Citizens, Staff and Council a Happy New Year

### DISCUSSION, HEARINGS AND ACTION ITEMS

#### **11. Discussion/Action Item – Annual Update on the 3 Mile Plan Annexation as Required by (CRS) § 31-12-105(1)(e)(I) – Cerimele (10 Min)**

Chris C: This plan needs to be updated every year and is part of the 3 mile annexation act. It has been through the Planning Commission and they have approved items and made recommendations on the 3 Mile Plan Annexation which are indicated in your packets. One change was the Two Elk Area, area #14, the land be zoned for recreation and open space. Also added was the school, Malloit Park, Bolts Lake Area, the USFS Boneyard and Battle Mountain.

Kelly B: Is there a time line for approval of the revised 3 Mile Plan Annexation?

Allen C: This has brought up because there is a possible annexation vote coming to the Council in the near future and this would be something to consider prior to the possible annexation vote and before the Ginn application comes to the council as a final draft.

Kelly B: How do you decide the land use?

Chris C: The Planning Commission believed it was important for the future to designate it as open space to protect those lands.

Kelly B: So some one would need a permit to do anything on those lands?

Chris C: Yes.

Tom S: My belief is that this would protect the land from future PUD's, they have been a disaster for the town.

Allen C: This is not a zoning document but an annual annexation document for update. These are lands of possible future annexation.

Hawkeye: The only property I couldn't find was the Pierson property, one I though was part of Maloit Park.

Chris C: I will check into that and report back to Council.

**12. Discussion/Action Item – Resolution 1 – Series 2008: A Resolution designating four public places within the Town of Minturn for the posting of Public Notices and Notice for Public Meetings of the Minturn Town Council, Planning and Zoning Commission, and other boards, commissions, and authorities of the Town of Minturn – Brunvand**

Motion by Shelley B, second by George B, to approve Resolution 1 – Series 2008: A Resolution designating four public places within the Town of Minturn for the posting of Public Notices and Notice for Public Meetings of the Minturn Town Council, Planning and Zoning Commission, and other boards, commissions, and authorities of the Town of Minturn *all voted in favor (Note: Bill B. was absent/excused).*

**13. Discussion/Action Item – Resolution 2 – Series 2008: A Resolution designating or appointing the Minturn Town Clerk as the Designated Election Official of the Town of Minturn – Brunvand**

Motion by Tom S, second by Shelley B, to approve Resolution 2 – Series 2008: A Resolution designating or appointing the Minturn Town Clerk as the Designated Election Official of the Town of Minturn; *all voted in favor (Note: Bill B. was absent/excused).*

**14. Discussion/Action Item – Resolution 3 – Series 2008: A Resolution designating or appointing the Minturn Treasurer as the Budget Official of the Town of Minturn – Brunvand**

Motion by Jerry B, second by Kelly B, to approve Resolution 3 – Series 2008: A Resolution designating or appointing the Minturn Treasurer as the Budget Official of the Town of Minturn; *all voted in favor (Note: Bill B. was absent/excused).*

**7:00 PM**

**15. Discussion/Action Item – A 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 – Discussion Topics: Applicant Response**

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 December 19, 2007. He explained that there were also three land use applications 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's presentation, the applicant's 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 December 19, 2007.

Tom S: He has not had contact with the public since the last public hearings.

Shelley B: A Redcliff citizen asked about the hearings and commented that their board stated Minturn has no interest in helping/protecting Redcliff. I informed the person where we were at in the proceedings and pointed out the Minturn Council did not make such statements and what was said was we talked about revenue sharing with Redcliff.

Kelly B: People have asked me when the vote is coming and I told them we have a lot of information and the final vote is not set in stone.

Jerry B: A few people asked about the vote. People have mentioned the vote should go to the people and they mentioned the Council doesn't know what they're doing and I responded to them by telling them the Council members have sat through all the proceedings, reviewed the documents and have the best knowledge of the project.

George B: I had a discussion with Darren T. who asked me where I was on the position of a town wide vote on the project. I told him I was elected to make these decisions and that I have listened to all the information throughout the proceedings and feel I have a good handle on it. I will hopefully make the right decision with the information I have received and that they can bring it to a referendum if they so choose to if they believe their elected officials have made the wrong vote.

Hawkeye: He has not had contact with the public since the last public hearings. He did receive a letter from the Town of Redcliff that already has been presented for evidence.

Dominic Mauriello of Mauriello Planning Group; here on behalf of the applicant:

**Tonight's Agenda:**

- Applicants response to Council questions
- Employee housing revisions.
- PUD Guide Revisions.

**Employee Housing Plan Revisions:**

- Commitment was 40% of employee housing of onsite full time operational workforce.
- They added that 50% of this commitment will be located on site, within the town of Minturn or Redcliff.

- The applicant also added that they would supply the Town of Minturn and the Town of Redcliff with 50% of their employee housing.

Monitoring and enforcement questions:

- Annual accounting of workforce to the town
- If at anytime there is a deficiency below 40% Ginn must take immediate steps to correct the situation within a 2 year, which the applicant sees as reasonable.
- Town can withhold CO's or building Permits if a violation persists. On the request of Council Member Sullivan is the applicant agrees to add withholding TCO's as well.

Employee Housing Schedule:

- The employee housing construction will begin after the 100<sup>th</sup> TCO has been issued by the Town within the project. The first approval of TCO's will be most likely more than that of 100 units. This allows the applicant time for planning and construction of employee housing. And there after Ginn must have 40% of the current workforce housed.

Housing Type and Location:

- Housing format, whether rental or ownership, is at the discretion of the Ginn based on need.
- Zone districts within the battle mountain PUD allow employee housing either as a permitted use or as a conditional use.
- Currently employee housing is planned for Gilman area and on land considered to be the second year annexation.

Hawkeye: Are care taker housing on properties accounted for?

Mr. Mauriello: We do not allow for care taker housing on the properties at this point in the PUD Guide.

-Deed Restrictions:

- All units must be occupied by a qualified employee; An employee of Ginn or an employee working at least 30 hours a week within Eagle County, at Ginn's discretion
- Real estate restriction of appreciation capped at 3% annually.

Kelly B: I would like clarification from the applicant on what percentage of employees are full time, part time and construction workers.

Mr. Mauriello: There would be seasonal employees but would be working 2 seasonal jobs, one on the mountain during the winter and one season on the golf course during the summer. If there are 2 people working 20 hours a week then that equates to 1 full time employee.

Kelly B: I am looking for a number of full time employees.

Bill Weber - 164 Railroad Ave Suite #150 Minturn CO; On behalf of the Applicant:

This is new for us because all of our other resorts are full time employees. I would estimate that approximately 75% would be full time employees.

Mr. Mauriello: These people would be eligible for the affordable employee housing. We estimate this at approx, 770 employees others studies have estimated over 1000 employees.

Shelley B: I think the applicant needs to take into consideration employee housing for the construction workers on the project.

Mr. Weber: There is going to be a provision stating we will have to provide housing for the construction workers as well.

Tom S: When you mention employee housing I don't want to see barrack style housing on the site.

Mr. Weber: We don't want to see that type of facility either. The Gilman area would have buildings that are similar to the one that are currently there and there in the past.

Tom S: Will the transfer tax of the employee housing be enough revenue help aid the maintenance and up keep of those properties as well as a fund for future employee housing with growth?

Mr. Mauriello: I believe the revenue from the HOA dues, club dues, transfer tax and property tax will create enough to maintain those units and create a fund for future units.

Tom S: Can you commit to a certain percentage of those fees going to future units?

Mr. Mauriello: Probably not. There is going to have to be some internal fund mechanism in order to ensure that those extra employee housing units get built.

Mr. Weber: If there are any questions on the style of the employee housing we would be willing to bring the employee housing building plans to the Planning Commission for approval.

Shelley B: I think the applicant needs to increase their commitment of employee housing from 40% - 50% to 75% - 80%.

Mr. Weber: I stand by my quote stating 40% is a fair number. But I am willing to bring that number to 50% as well that 50% within the town of Minturn and Redcliff and 50% of employee housing for the Town of Minturn and Redcliff employees.

Kelly B: Is that Minturn employees and residents working in Minturn?

Mr. Mauriello: It includes government employee for the Towns of Minturn or Redcliff.

Mr. Weber: I know it is beneficial to have our employees onsite and down the road if we figure out that 50% employee housing isn't working we would correct that in order to provide the service required for the resort.

Kelly B: I just want to reiterate the fact that I think that 80% of employee housing and 50% of that be onsite is more of an ideal number. Also, when correcting the problem of insufficient housing 2 years is too long to wait for it to be corrected. There should be some type of temporary housing available.

Shelley B: I think the people of the Town's of Minturn or Redcliff should have the priority for affordable housing over people working within Eagle County 30 hours a week.

Mr. Weber: That is what we were trying to convey and we did a poor job of that.

Hawkeye: I agree with other board members that 40% and 50% are not acceptable. I think that this will create a problem with running your resort. Are you going to be able to function if only half the employees show up? This is a concern of your resort succeeding. I don't see that you have the tools to succeed with those numbers of employee housing provided.

PUD GUIDE:

Applicant Changes Include;

- Clarified that the Town is responsible for any determination of “similar use”.
- Home size reduced on lots of 2 acres or larger to 18,000 sq. ft. except allowing 15 lots to be designated for up to 24,000 sq. ft.
- Ordinary high water mark to be surveyed prior to construction and agreed to by the Town.
- The applicant feels that this was a good compromise to Council concerns. We have a couple large lots that would create a nice place for the larger home.

Tom S: Could we drop that 18,000 sq. ft. home on 2 acres or larger to 15, 000 sq. ft.

Mr. Weber: We could drop that number to 15,000 sq. ft.

Jerry B: Last time the Council gave to an approval to building on the river there were different thoughts on high water marks. Would you be willing and able to use the Army Corp of Engineers survey and not the water line on a particular day of the survey being completed?

Mr. Mauriello: It is standard practice to go by the Army Corps of Engineers and that is what the applicant plans on going by.

- Density shifting allowed for housing percentages that are identified. When we come into final plat submittal to the Town for approval the applicant shall indicate the total density and account for any shifting of units that occurs. The Town has the ability to review density with each plat submitted.

Kelly B: I think it's not the accounting for but the review and approval.

Sarah Baker - Attorney for Ginn Club and Resorts: The Council will have to review the final plat submittal and identify what the density should be and approve it prior to any construction taking place.

“Boots” Ferguson: It's not the review; it's the option of transferring density that is in question. I don't think currently that the Council has the opportunity to deny a PUD on one site once the project is approved. There are concerns of sensitive areas that couldn't have an increase of those transferred units.

Ms. Baker: We need to work on that issue/concern then.

“Boots” Ferguson: I am fine with that.

Mr. Mauriello:

PUG Guide Revisions Summary:

- Town has the ability to deny any building permit that fails to comply with the PUG Guide
- Town has ability to review density with each plat submitted
- Major amendments are reviewed by the Town Council
- Minor amendments approved by the Planning Commission; Planning director can refer minor amendments to the Town Council
- Stream setbacks amended to 75 ft. except the MU - 1 zone at Bolts Lake where a building of 30ft in height may be located 50 ft .from high water mark
- No setback required to Bolts Lake, a manmade body of water
- Incandescent lights discouraged

- Compliance with Dark Skies standards required

Kelly B: If you can move units in that area will there be an issue with water storage, riparian zones?

Mr. Mauriello: The current PUD only allows an area of 60 acres of building in the Bolts Lake area and we do not propose moving any units in the Bolts Lake PUD guide.

Shelley B: Council needs clarification on the retaining wall in that 30ft. setback.

Tom S: We need to address the fact of having a golf cart path or a 30ft. retaining wall within that 30ft. setback.

Ms. Baker: Our definitions regarding setbacks are very similar. Obviously golf cart paths are not considered in the Minturn Code.

As for the retaining wall that is something that the EPA is requiring us to do for remediation.

Shelley B: It needs to not be a wall; the applicant needs to present a different type of remediation solution.

Tom S: The riparian area and setbacks are there for a reason and we don't want it like Beaver Creek. This isn't what the Council envisioned, it is very unclear what the applicant is planning to construct within those setbacks.

Mr. Mauriello: We will have a meeting with the environmental specialists on the Council concerns but we will also have to abide by the EPA requirements for the project and remediation.

Mr. Weber: We will get some drawings and specs stating the three areas of the retaining walls proposed and present them to Council next meeting.

Hawkeye: If the walls are required for remediation can they be offset and not be a straight wall?

Mr. Mauriello: Kind of like we proposed for the Highway 24 retaining wall? Yes. We will ask the specialists if that is a plausible concept for the specific area.

Hawkeye: I would like to see a commitment from the applicant of having nothing in the 30ft setback including golf cart paths.

Kelly B: I would like to see the design guide review for both the employee housing at Bolts Lake and Gilman areas.

Mr. Weber: We will include both those areas for the design review.

Shelley B: I also want to make sure the applicant isn't planning on putting up vertical retaining walls on Highway 24.

Mr. Weber: There are some sections that will require a vertical retaining wall but not throughout the entire section.

"Boots" Ferguson: We have a concern about the sq. footage and we need to ensure we are on the same page. Does the 15,000sq. ft. unit include decks and garages? We don't address those situations in the current Minturn Code. Maybe we need to make sure it is within the IBC.

Mr. Mauriello: We will meet and make sure we are viewing the same regulations.

Gary S: Is there anything that regulates flipping units and altering them over the years so that the unit total isn't changed. Something regulating someone gutting an entire multi unit building and altering the original number of units?

Ms. Baker: Currently there are not regulations stated in the PUD Guide. The applicant can address this when they address the density transfer.

Hawkeye: Are you going to have any buildings on a slope greater than 30%?

Mr. Mauriello: We have lots with greater than 30% but the building envelopes are on less than 30% slopes.

Hawkeye: What are the details for the ski pass?

Ms. Baker: The annual ski pass will cost residents of Minturn \$50.00. The golf course accessibility will be similar to the Red Sky Residence Pass.

Kelly B: We have talked about access to public lands but I am not sure we have fully addressed those concerns. I want to make sure that there will be public parking for access to Tigawon Road and other areas.

Ms. Baker: Ginn has committed from day one that there public access to those areas but the applicant will not condone trespassing that has occurred in the past.

Tom S: Can you shut the roads off through your property that have been used for 17 years that access public lands?

Ms. Baker: Yes

"Boots" Ferguson: It is grandfathered in if it has been 18 years.

Mr. Weber: We will allow access to Shrine Pass as well as Tigawon Road and we believe that is fair. We will also have available access to Willow Creek area for some years now.

George B: Regarding the town traffic improvement plan; will there be road paving throughout the entire project and will there be a final paving at the end of the project so we can clear up everything? Also the transit system; is it going to be reliable and available for the two towns and to surrounding areas?

Mr. Weber: I cannot address the first question. But as for the transit system it will be available to all people in the area and if the 10:05am is supposed to come it will be there and there will be a posted schedule.

Kelly B: I think there needs to be a commitment to 100% employee transportation for construction workers through town and have no construction traffic on Sundays because this project will create that much more traffic and that is one of the biggest issues this town is concerned about. There are other projects that have had 100% mass transit for construction workers.

Tom S: I would still like to know why there needs to be a 195 ft. tall building on the property.

Mr. Mauriello: The applicant believes this is in a unique area that is hidden from the main views of the road and that the area can facilitate the building.

Mr. Weber: For clarification only about 5% of the planned building is above 195 ft. and the rest drops to 150ft with a majority of it being below that. Dominic then when through the PUD Guide as to what percentages were able to be at what height of the ICON building.

Tom S: Is there a unit in the 195 ft. area of the building.

Mr. Weber: That is strictly for architectural structure integrity and the highest unit would be at 150ft.

Council then asked the applicant for clarification and final documents by certain deadlines considering they are coming down to the wire on time.

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 January 16, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

**16. Discussion/Action Item – A Public Hearing will be held for 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.

Arthur “Boots” Ferguson: 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.

Ms. Baker: The applicant has nothing further to add but is open for questions.

Hawkeye: Does anyone have questions for clarification?

Motion by Kelly 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 January 16, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

**17. Discussion/Action Item - A Public Hearing will be held for 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.

Arthur “Boots” Ferguson: 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.

Ms. Baker: The applicant has nothing further to add but is open for questions.

Hawkeye: Does anyone have questions for clarification?

Motion by Kelly B, second by Shelley 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 January 16, 2008 Town Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

**18. Discussion/Action Item - A Public Hearing will be held for 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.

Arthur “Boots” Ferguson: 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 the public hearing on PUD PP 06-01 (File #3).

Ms. Baker: The applicant has nothing further to add but is open for questions.

Hawkeye: Does anyone have questions for clarification?

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 January 16, 2007 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

**19. Discussion Item – Town of Minturn Citizen Frank Lorenti (15 Min)**

Frank Lorenti: 1081 Main St. I am here to follow up with Council regarding the nuisance ordinance enforcement.

Also I would like to address an ordinance I think is good that was passed which it states the Town of Minturn will aid the less fortunate and the seniors clean up their properties.

Tom S: I have done a few projects in the south end of Town and have hauled about 3 dumpsters from those sites. There are a lot of new houses going up and taking over the old condemned houses and run down houses. That is a major step in addressing the nuisance issue. We have heard from citizens in the past and you are not the only one. I feel that in the past 15 years things have cleaned up quite a bit. Council has given Chris clear direction to enforce the nuisance ordinance but I also think that the Town citizens don't like big government. Things are moving slow and that's how things move in this Town. Randy has done what we have asked but it is not as fast as you want it to. When you said Minturn was the armpit of the County then why did you move here? If you are that dissatisfied with what is going on run for Council and get things changed to your likings.

Mr. Lorenti: It sounds like the only way change will happen is with new comers tearing down old houses and building new ones in their place. You are on the Council board to uphold the laws I am asking you to uphold.

Tom S: I am on Council to represent the citizens and I don't think the citizens want big government and the heavy hand. There are some problem areas that need to be addressed and the Town is addressing those.

Hawkeye: We are following it up and Chris C. has been back to the property in question in October and on December 1<sup>st</sup>. It has been presented to Chris C. that approximately \$1,700 worth of dumping cost of material has been removed from the property. People on Taylor Avenue that have been sent a letter are now in compliance, my house was not in compliance and I took care of it. We are addressing the nuisance ordinance concerns of the Town.

Shelley B: Home owners who have large nuisances were told we would work with them because it cannot be taken care of immediately. Things take patience and it won't happen overnight. Your problem is with your neighbor and if Staff says there has been progress then there has been and Council stands by that.

Mr. Lorenti: You aren't doing your job. What I am reading to the Council is written by the Council in these letters and you are not following it.

Tom S: We are not going to be a heavy hand here in the Town. The Town is enforcing the nuisance ordinance the way they have decided to do so.

Jerry B: Mr. Mayor I would like to make a point of order. Mr. Mayor we have Staff and legal teams looking over these issues. Mr. Lorenti's habitual actions and continually repeat himself is uncalled for. I ask you to not put him on the agenda again. I want thank you for coming and if you don't think we are doing our job you can go and retain some legal council and bring it back to our town attorneys. I think you came to the Town with a vendetta because we asked you to take down a barbed wire fence that was a danger to citizen's health.

Kelly B: I would like to know from Gary what we need to do to address this or if Chris should spend more time on this.

Gary: Chris is supposed to enforce the zoning code and Chris and chief are addressing the nuisance ordinance but that is not their job. We are not staffed for this and we would need a code enforcement officer in order to have the in house resources to address the issues fully. I commend the Council for asserting the law the way you deem necessary.

Kelly B: I think we need a code enforcement officer and I would like to see the Town inform the public with updates on the nuisance ordinance enforcement.

Shelley B: We need to decide to add the Staff recommended meeting the last Wednesday of January. And change the second February meeting to February 13<sup>th</sup> not the 20<sup>th</sup>.

Motion by Tom S, second by Shelley B, to add a Special Council Meeting on Wednesday January 30, 2008 and change the February 20, 2008 Council Meeting to Wednesday February 13, 2008; *all voted in favor (Note: Bill B. was absent/excused).*

FUTURE AGENDA ITEMS
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**20. Items to be added to future agendas / work session**

- Ginn Petitions for Annexation – Continued from: 01/03/07 – 1/16/08
- 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 from: 12/19/07 – 1/03/08
- 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: 1/03/07 – 1/16/08
- 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: 1/03/07 – 1/16/08

**21. Set Future Meeting Dates**

- a) Council Meetings
  - January 16
  - February 6
  - February 20
  
- b) Planning & Zoning Commission Meetings
  - January 9
  - January 23
  - February 13
  
- c) Other

**22. Adjournment**

Motion by Tom, second Shelley, to adjourn the January 3, 2008 Town Council Meeting at 9:40pm; *all voted in favor (Note: Bill B. was absent/excused).*

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Hawkeye Flaherty, Mayor

ATTEST:

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Jay Brunvand, Town Clerk