



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 Staff at 970/824-5645 302 Pine St. Minturn, CO 81645

REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Wednesday, July 6, 2005

Regular Session: Council Chambers – 5:45 PM

Executive Session – 5:50 PM

Work Session: Council Chambers – 7:00 PM

REGULAR SESSION – 8:00 PM

Minturn Town Center
302 Pine Street • Minturn, CO 81645 • (970) 827-5645

MAYOR - Gordon “Hawkeye” Flaherty,
MAYOR PRO TEM - Darell Wegert

TOWN MANAGER - Ann K. Capela
TOWN CLERK/TREAS - Jay Brunvand

COUNCIL MEMBERS:

George Brodin
Jerry Bumgarner
Bill Burnett
Fred Haslee
Tom Sullivan

REGULAR SESSION – 5:45 PM

1. Call to Order

a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 5:45 p.m. Those present included Mayor Flaherty, Bill Burnett, Tom Sullivan, Fred Haslee, George Brodin, Jerry Bumgarner and Mayor Pro Tem Darell Wegert

Also present were Ann Capela, Town Manger; Allen Christensen, Town Attorney; Jay Brunvand, Town Clerk/Treasurer; Karen Earley, Econ Dev; Wiley Smith, Planner; Darrick Slocum, Planner.

b. Pledge of Allegiance

EXECUTIVE SESSION

1. Executive Session

An Executive Session Pursuant to: (exclude Mayor)

- Colorado Revised Statute (C.R.S.) 24-6-402 (4)(a) for the purpose of acquisition of land and 24-6-402(4)(b) consulting with the Town Attorney on pending legal issues.

Motion by Bill B., second by George B. to convene in Executive Session at 5:47pm pursuant to C.R.S. Section 24-6-402(4)(a) for the purpose of discussing the potential acquisition of real property and pursuant to C.R.S. Section 24-6-402(4)(a) for the purpose of consulting with the Town's Attorney on pending legal issues. Those to be included in the Executive Session are the Council present EXCLUDING Mayor Hawkeye Flaherty (conflict of interest), Town Manager Ann Capela, Town Water Attorney Anne Castle and Boots Ferguson of Holland and Hart, and Allen Christensen; all voted aye (*Note: At 6:30 Misers Bobby Ginn and Bill Weber of Ginn Clubs and Resorts were asked to join the Exec Session. Mayor Flaherty abstained and stepped down from the Council and did not participate in the Executive Session due to a conflict of interest in which he sits on the Eagle River Water and Sanitation Board.*)

(*Note: At this time Hawkeye resumed his seat.*) Council returned from Executive Session at 7:05pm; no action was taken. The Regular Council meeting was adjourned to meet in Work Session.

WORK SESSION – 7:00 PM

1. Minturn Citizen Survey Results – Linda Venturoni, NWCCOG
2. Minturn Town Council/Staff – CIP findings report by: Town Manager
3. Other

REGULAR SESSION – 8:00 PM

Hawkeye called the meeting back into session at 8:00pm. Those present included Mayor Flaherty, Bill Burnett, Tom Sullivan, Fred Haslee, George Brodin, Jerry Bumgarner and Mayor Pro Tem Darell Wegert

2. Discussion of the Agenda

- a. Items to be pulled from Action Calendar
- b. Items to be pulled from the Discussion Calendar.
- c. Items to be pulled from the Consent Calendar.
- d. Emergency Items to be added.
- e. Order of the Agenda Items.
- f. Approval of the agenda.

Motion by Fred H., second by Tom S., to approve the agenda with the following changes; all voted in favor.

See notes for order of agenda

3. Approval of the Minutes for June 15, 2005

Motion by Bill B., second by George B., to approve the minutes from June 15, 2005 as presented; all voted in favor. (*Note: Fred H. abstained as he was excused absent from the June 15th meeting.*)

4. Special Presentations/Citizen Recognition/Project Update

- **Minturn Towne Homes Update by Mike Wheelersburg.**

Mr. Mike Wheelersburg addressed the Council with an update on the Minturn Towne Homes development. There has been a sign installed signifying that the Lions Head access trail is closed between 8-5 daily for construction. The Towne Homes worked with the 4th of July fireworks crew allowing them access to the mountain face for the display. Paving for the fire station should be within the next 2 weeks. They have poured the footers for Building E. They are planning on paving the road and parking by Labor Day. Close to finishing Phase One. Fred H. asked about the missing roof on the end unit; the easement has been resolved and will go up once the power lines are down and under grounded and a copy of the easement will be sent to the Town.

5. Public comments on items, which are NOT on the agenda

6. Discussion/action of Emergency Items, if necessary

STAFF REPORTS AND OTHER ITEMS

7. Reports/Correspondence/Announcements/New Business

(Note this was moved to the end of the meeting.)

- Economic Development Director

Karen E. thanked Gallegos Family, Ginn, Coors, ERFPD, forest service for their support of the July 4th festivities. Karen E. reminded everyone of the Public Meeting on July 19th at 6pm at the Town Center to question and answer the Community Survey.

- Public Works
- Police
- Treasurer/Clerk
- Town Planner

Wiley stated he is having a Chapter 16 ad hoc meeting next week.

- Town Attorney
- Town Manager

Ann C. Stated the division of wildlife has awarded a 7500 grant for fishing is fun for the park. Also Lafarge will assist in moving the infamous boulders for the river project. Met with School dist re them annexing as well as a family that might be interested as well at the same time as Ginn's annexation. Jerry asked about HR4700 and the meeting to discuss he asked what that was. Ann C. was asked by Vail to set up a meeting to include Vail, Avon, HR4700, water and sewer issues and Hawkeye and Darell. Jerry asked if the Mayor excused himself from the meeting as it concerned the water issues. Jerry's concern was that Hawkeye excused himself from meetings due to a conflict. Jerry stated that meetings such as this should be informed to the Council. Discussion ensued as to why the two towns were at the table because they have no jurisdiction within the Town of Minturn and what was really discussed. Tom S. reiterated that the Council has requested and directed Hawkeye not participate in such meetings and yet the meeting included Hawkeye. It was reiterated that Hawkeye, or any Council Member, not participate in any meeting which would subject them to an appearance of or actual conflict of interest. As a result, Ann C. asked how better she may inform the Council. Jerry stated it was in her report and that is how he found it.

- Town Council

DISCUSSION, HEARINGS AND ACTION ITEMS

8. Discussion/Action - Advising Quasi-Judges:

- a) Bias**
- b) Conflict of Interest**
- c) Prejudgment**
- d) Ex-Parte Contacts/Communication**

(Moved after item #9)

Due to the lateness of the evening it was determined that this information would be reviewed by the Council Members during the next two weeks and be presented at the July 20, 2005 Council Meeting.

9. Discussion/Action – Ginn Clubs & Resorts,

Hawkeye announced the agenda item and turned the issue over to Ann C. for introduction of Anne Castle and Boots Ferguson of Holland and Hart. The Town's contract engineering firm is Carter and Burgess represented by Sean O'hearn, the Town's contract water engineer firm is Martin and Wood. This team will assist the Town Planner and the Town Manager for the purpose of the proposed Ginn Club and Resorts development and request for annexation.

Hawkeye stated this is a very preliminary meeting and will probably not be complete with details. Please remember this is the beginning of the process not the end. With that Hawkeye introduced Mr. Bobby Ginn for his presentation.

Mr. Ginn reviewed the process for the coming months. By statute the developer must present the Council with a Letter of Intent, which is what he will be offering tonight. Mr. Ginn then stated that over the next 10 days or 2 weeks they will be working on the firm timeline for the proposed annexation and ensuing development.

Mr. Ginn gave a background of what steps they have taken to get from purchase of the property to tonight. They are staffing up the offices, purchased the Cowboys and Indians building at 100 Main St. This will be staffed full time for a public question and public information office.

Currently they are working heavily on the water and the environmental issues related to the property and development of the property. Mr. Ginn stated they have come a long way and are ready for this next stage. Additionally, Mr. Ginn stated they had been working with the town of Red Cliff and keeping them updated as well as trying to understand the issues they have in their town that will be affected by the development. He stated that traffic is a common theme in both communities. He stated his company handles the development, construction, financing, and management of their properties; it is not a build and leave operation. Mr. Ginn stated he feels his company will be a large employer in the town and he feels his company is a good neighbor and citizen for the town.

Mr. Ginn stated his bubble diagram details the areas that are and will be developed, left as open space, addresses the Gilman tailings pile, and other environmental concerns. The tailings pile and the old town of Gilman itself need some additional clean up; however the rest of the development is very beautiful and pristine. His company has had several meetings already with the EPA and he intends on picking up with the clean up process where VIACOM (previous owner) left off. The more his company can do to continue the environmental mitigation the better it will be for all involved. He noted most of the building areas are near the tops of the mountains. He stated Ginn C&R will be developing Bolts Lake and the surrounding areas as much as possible to ensure the continued rehabilitation. Gilman is a question as far as the amount of development that may be allowed. They are planning on a resort ski mountain and a golf course along with high end lodging units of various types and sizes. They are looking at approximately 1700 units. This higher end of development numbers is based on how much can be done with Gilman. He stated many of the units will be purchased by private individuals and placed in a rental pool.

Mr. Ginn stated his company is looking at facilities that are grand in scale and relatively dense. He stated they are not working with the Railroad to develop a road on the west side of the Eagle River, rather he is working to find out the intentions of reopening the tracks etc as that would have a definite impact on his development that would need to be addressed. He stated, although very polite, they did not offer much more than the tracks will be where they currently are and they might use them in some capacity in the future; they also said they might not.

Mr. Ginn stated that he was excited about the project and turned the discussion back to the Mayor.

Darell asked about the website and will it be a Minturn exclusive or what; it will be both a local link including one that will be on our Town web site and one that also goes to the Corporate web page as well. Tom S. asked if he could see the unit calculation as hotel rooms are counted different from Single family homes etc; this will be on the petition. Hawkeye asked about the

1400-1700 units; Mr. Ginn stated this is a number that is higher end in order to account for the potential of the Gilman Town site itself which is currently allowed to be about 300 by itself. Again this will be determined later. Mr. Ginn stated that with the land they have they are looking at those 1400 to 1700 units that would include employee housing if necessary.

Pete Vance, 562 Main St, stated he read 300 units would be developed in Gilman; this site currently has zoning for approximately 300 units this is where they took that number from. It is an option to put that many up their however it will be determined once the environmental concerns are addressed.

Floyd Duran, 642 Main St, will their be retail; yes but it is very limited except what they operate themselves. They might use a local restaurateur to run an operation. He stated he feels his history shows that the commercial use within the community will be developed by the market to meet the needs of the market and the influx of customer base.

Ty Gillespie, 811 Main, his concern is traffic; Mr. Ginn stated clearly their will be more traffic and it is going to be addressed. Mr. Ginn's concern is, how can his development assist the town in mitigating the potential. He stated they would be looking at transportation systems as well as vehicular traffic potential. He also stated that some traffic will be coming from the south as well (Red Cliff and Leadville). Widening the road and improvements such as that will be addressed as the process continues.

Liz Campbell, 512 Main, announced CDOT will be in town at 11am to meet with the Town on cross walks. She stated the right of way (ROA) is different than what people perceive. She asked Ann C. when that information will be released. Hawkeye stated that she would get the information from staff once it is available.

Marka Brenner, owner of 100 Block of Main, asked what the intentions are on the widening and parking impacts and how they will be addressed. Bill Weber, from Ginn C & R, said he would be happy to meet with Marka to review the information with their (Ginn) traffic engineer. Liz Campbell stated that the maps the County has indicate the ROW on her property and it is difficult to determine from their maps. Ann C. stated she is working on the information and will be happy to work with Liz.

Tim Campbell, 512 Main, asked about the look and character of the resort as it aligns with the current town character; the Ginn C & R will impact the town by bringing people to the town; however the resort is somewhat removed from the town and will have a complimenting yet upper end character. They have pulled the buildings back to the hill sides as much as and where possible, they have envisioned turn of the century style architecture, etc. These characteristics will enhance and compliment the Town's over all character. It is quality and intended to be quality. It is very high end and the community itself should only enhance the town with better sidewalks etc.

Art, 501 Main St; how are the taxes going to effect the quality of life for the citizens. The overall money that will come into town will add to the current pot of money to provide services. More money will be available to pay for the increased services provided by the Town.

Danny Martinez, 355 Pine St., will the resort be part of the community or will it be its own community. This is its own community and it is operated very much like a large resort hotel property, it is not like Cordiera with many long term, non rental properties.

Randy Quintana 911 Main St, asked if it was their intention to sell in the future to VA or a similar entity; no, Ginn C & R has no intention to flip-flopping the property etc. Mr. Ginn feels this is the last great development in this area due to the buildup in this area and it is not for sale.

Lin Figger 494 Eagle St. asked about where Tigowan Rd is on the map. Mr. Ginn identified the area and stated from the road in it will realign from the mountain up it will be the same.

Earle Bidez, 449 Pine, asked about the pressure to develop more service areas. Mr. Ginn stated that most of the services for his other major property in FL come from the surrounding areas. This will be much the same now as the town grows and the adjacent communities of Vail and Avon will provide some of this as well.

Linda Osterberg, 1711 Main, asked when the numbers will be firm on the development. Booth Ferguson (our attorney) stated this will be determined in the annexation process and the development process. Generally, it is recommended to go forward with a pre-annexation agreement that addresses the vision. As we move through the public process the numbers will be agreed upon. At the end of the day, as these agreements mature through negotiation we will come down to a cost/benefit for both the developer and the community. Again, it was stressed that tonight is not the end of the process it is the beginning of the process. It is nice to look at 1700 units rather than 6000. The public process is very important the final development. It is important to hear and address the public concerns early and throughout the entire process. Mr. Ginn stated they are looking at approximately 1300-1400 units with Gilman itself being the wild card with as much as 300 units additional.

Alan Steinberg, Vail, stated he feels the Town should talk to Eagle to find out the impact the developments have cost the Town. They are looking at increasing the property taxes in order to support the existing infrastructure. Currently, Eagle does not cover the cost of services. Allen C. stated this is hysteria talking and it is well known that TABOR and other laws preclude much of this and that is why Eagle is in the position they are in currently. Allen C. reassured the meeting that by doing things proper and with a process many of the issues described by Mr. Steinberg will be averted.

Lori Wolf, 1610 Main St, what access will citizens have; they will have some limited access and Ginn C & R wants the citizens to be a part of the community. Public hiking and forest access will be preserved for certain areas of the property.

Rob Davis, 1769 Main, how will you access the development; certain roads will be constructed, some will be improved that currently exist. When the property was purchased did they get some water rights; yes and Mr. Ginn feels they have made substantial headway in the water arena. How will the building be staged; on site in order to least effect traffic and impact.

Daren Toholche, 530 N Taylor, water seems okay what about the sewer smells if a plant is built in Town; this is currently being worked on and data is being collected as well as designs and

potential locations. Mr. Ginn stated they will become a buyer of water and sewer from the Town.

Mark Siffers, 342 Main St., the resort is an internal resort, how much of the infrastructure of water sewer etc will be public; streets will be private and privately maintained, the water and sewer will be public after the installation at the cost of the development. The cost will be on the shoulders of the developer, the Town will be cash positive on this deal.

Tom S. asked what the costs will be to the Town; the Town will be responsible for the future maintenance if it is deeded to the town. Anything inside the community like plowing, roads, etc would be the cost of the development. Police will be the Town as they are the presiding jurisdiction but they will be providing their own security in conjunction with our Police Department.

Carl Babcock, 381 Main, at what point can the town or the developer back out; the day the annexation is signed is the day. Obviously as the agreement and public process matures the intentions grow stronger. Tim Campbell, 512 Main, how long will this take; hard construction is 4-5 years. The development will come in waves and as it sells it will grow. He stated the first five years of construction will be the worst as it will be mostly the infrastructure and heavy building.

Linda Osterberg asked what the north end of the property boundary is; it backs to Maloit Park.

Fred H. stated their won't be any employee housing on site but they will potentially buy property in town to build employee housing. Again, this is very preliminary. The employee housing will be part of the 1700 density if it is included in the development.

Floyd Duran asked what the public works commitment of the project will be; the HOA is designed to be set up to cover this within the resort community. Mr. Ginn stated the gondola that is indicated is a transportation gondola not solely a ski gondola. The community is envisioned to be a park and walk or shuttle type community.

Karen E reminded the survey results Community question and answer will be 7/19 at 6-8pm at the Town Center.

Hawkeye recognized the following citizens for the commitment they have made on redeveloping La Playuela Park, Laura Wolf, Kelly Brinkerhoff, Ernie Wolf, Stan Cole, and Jim Brinkerhoff. Through their assistance they raised \$100k plus a GOCO grant of \$200k. Tonight the Council will be doing the resolutions and ordinances to accept and spend the money.

Hawkeye called for a short recess at 9:35pm, the meeting was re-called to order at 9:42

10. Discussion/Action – Resolution 4 – Series 2005: Great Outdoors Colorado – authorizing the Town Manager to enter into an agreement with GOCO.

Hawkeye introduced and read the resolution.

Motion by Fred H., second by Bill B. to approve Resolution 4 – Series 2005: Great Outdoors Colorado – authorizing the Town Manager to enter into an agreement with GOCO as presented; all voted aye.

11. Discussion/Action – Ordinance 16 – Series 2005: Great Outdoors Colorado – authorizing the Town Manager to enter into an agreement with GOCO.

Hawkeye introduced and read the Ordinance.

Motion by Fred H., second by Bill B. to approve Ordinance 16 – Series 2005: (First Reading) Great Outdoors Colorado – authorizing the Town Manager to enter into an agreement with GOCO as presented; all voted aye.

12. Discussion/Action – Preliminary PUD and Final Plat at Lot 29 and 31 of the Minturn South Addition Subdivision by Wiley Smith.

Hawkeye introduced the agenda item and referred to Wiley S. who recommended the item be tabled.

Motion by Tom S., second by Fred H. to table the Preliminary PUD and Final Plat at Lot 29 and 31 of the Minturn South Addition Subdivision as presented with the following conditions until 7/20; all voted aye. *(Note: Mayor Flaherty abstained and stepped down from the Council due to a conflict of interest as owner of the adjacent property.)*

13. Discussion/Action – Minor Subdivision and associated Variance Request at Lot 10-12 Block G Booco's Addition by Wiley Smith.

(Note: This item was added to the agenda. At this time Tom S. stepped down from his Council seat with a conflict of interest as he owns the property immediately across Harrison Ave from this property.)

Hawkeye introduced the agenda item and referred to Wiley S. Wiley S. explained this is a subdivision of an existing lot located at 382 Main Street. The applicant has submitted the required documentation for a Minor Subdivision as stated in Section 17-172, Application Requirements. The applicant is also requesting a variance for Lot 11 which is 4259 sqft or 741 sqft less than the 5000 sqft minimum lot size. Wiley S. noted for the record the current lot has three single family dwellings on the lot. Each lot will have an existing single family dwelling if the Minor Subdivision is granted.

Hawkeye opened the public hearing. Ralph Myers was in the audience as the applicant. Mr. Myers stated they are considering selling the two rental units. The subdivision is required for the sale of the properties.

Discussion ensued as to the potential to subdivide the lots differently so that all are in conformance. It was determined that it was really not very plausible. Additional discussion centered around possible change of zoning for the two back properties.

Motion by Darell W., second by Bill B., to table the request and continue the hearing on July 20, 2005; all voted in favor.

14. Discussion/Action – Resolution 5 – Series 2005: Resolution of support for State Ballot Measure C & D.

Hawkeye introduced and read the resolution.

Motion by George B., second by Bill B. to approve Resolution 5 – Series 2005: Resolution of support for State Ballot Measure C & D as presented; Mayor Flaherty, Bill B., Tom S., Fred H., George B., and Darell W. voted aye, Jerry B. voted nay.

FUTURE AGENDA ITEMS / WORK SESSIONS

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

- Mike Wheelersburg – Minturn Towne Homes Update – 8/03/05
- Ginn Clubs & Resorts – Development Update – 7/20/05
- Update on Manger’s goals and short update on performance – 7/20/05

16. Set Future Meeting Dates

- 1) Council Meetings
 - July 20, 2005
 - August 3, 2005
 - August 17, 2005
- 2) Planning & Zoning Meetings
 - July 13, 2005
 - July 27, 2005
 - August 10, 2005
- 3) Other

17. Adjournment

As there was no further discussion, the meeting was adjourned at 10:40p.m.

Mayor, Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand