



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

Wednesday, June 6, 2007
Regular Session – 5:30 PM

MAYOR - Gordon “Hawkeye” Flaherty TOWN MANAGER - Ann K. Capela
MAYOR PRO TEM – George Brodin 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

Regular Session – 5:30 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 5:37 pm Roll call: Those present included Mayor Flaherty, Mayor Pro Tem George Brodin, Bill Burnett, Tom Sullivan, Shelley Bellm, Kelly Brinderhoff, and Jerry Bumgarner. *(Note: Tom S. was late, Shelley B. left at 7:00pm)*

Staff present was Town Manager Ann Capela, Town Planner Chris Cerimele, Town Treasurer Jay Brunvand, Police Chief Lorenzo Martinez, Town Attorney Allen Christensen, Public, Economic Development Director Ashley King and Assistant to Town Manager Dylan Zastrow. *(Note: Works Director Rod Cordova was excused absent.)*

EXECUTIVE SESSION

2. Minturn Town Council will convene into executive session:

- Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen, Boots Ferguson, and Anne Castle for the purpose of receiving legal advice on the Ginn Annexation, the Invest In Yourself vs. Minturn appeal and any other pending legal issue.
- Minturn Town Council will convene into Executive Session for the following: Colorado Revised Statutes (CRS) §21-6-402(4)(f) for the purpose of Town Manager's employment contract negotiations.

Motion by George B, Second by Shelley B, to convene into Executive Session pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen, Boots Ferguson, and Anne Castle for the purpose of receiving legal advice on the Ginn Annexation, the Invest In Yourself vs. Minturn appeal and any other pending legal issue and (CRS) §21-6-402(4)(f) for the purpose of Town Manager's employment contract negotiations. *(all voted in favor)*

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

Direction to Staff is to put on the 6/20 Council agenda the consideration of authorizations to proceed with the condemnation action

Direction was also given to Staff to schedule a Special meeting for Wednesday June 15th for 5:00 pm to continue the Manger's Contract Negotiations.

4. Approval of 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
- Hawkeye would like to amend to emergency agenda items.
 1. Agenda Item 8a. Sign contract agreement w/ Holland and Hart regarding conflict of interest
 2. Agenda Item 8b. Sign contract w/ fireworks company

Boots informed the audience that the initial agenda had the Ginn concept plan on it but it was moved from the agenda because of lack of information

- Amended to the agenda was also to move agenda item #20 - Radio Tower/ Pilgrim Communication – an amendment to the existing contract ahead of the Ginn PUD/PDP public hearings do to travel time.
- Amended to the agenda was a discussion/action Item: Minturn Fireworks Contract

Motion by George B, second by Tom S, to approve the agenda as amended; all voted in favor. (*Note: , Shelly B. was excused/absent*)

5. Approval of Minutes and Action Report

- May 16, 2007

Chris C: I would like to make a correction on page 14 regarding the retaining walls that are allowed in the side yard setback. They can be up to 6ft. in height not 4ft.

Motion by Bill B, second by George B, to approve the May 16, 2007 Council Minutes as amended. (*Note: Kelly B. abstained, Shelly B. was excused/absent*)

- May 24, 2007-Executive Session

Motion by Jerry B, second by Bill B, to approve the May 24, 2007 Council Special Meeting Minutes as presented. (*Note: Kelly B. abstained, Shelly B. was excused/absent*)

- Review/Comment – Council Action Report

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

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

Frank Lorenti: 1081 Main Street Minturn, Colorado.

Last year the Town conducted a survey of the Town of Minturn which resulted in the realization of how dirty Minturn was which then led to the Town realizing that they haven't enforced the Nuisance Ordinance. He waited for a while to see if the Town would act on these survey finding and continuously check up on these violations to see if the Town was acting on them. After a while he phoned the Town Manger, Ann Capela, and asked what he could do to get the Town to address these issues.

He stated that he complained about Mr. Quintana and his Nuisance Ordinance violation and that he would like be put on the agenda in regards.

He also stated that he had watched a council meeting on channel 5 and noticed the Council member laughing about some Nuisance Ordinance violation pictures and believed that Mr. Quintana's property was one of them and that was right.

It seems as though no one is taking action on my complaint about Mr. Quintana but the Council has already taken action and put an Ordinance on my barbed wire fence. The reason for the fence is to protect my land from snowmobile damage that has been occurring. I will bring that up later when it is addressed in the agenda.

I want to know why the Town hasn't taken action on cleaning up the Town of Minturn. I want to make the Council do the job they are paid to do.

Ann C: I would like to present all the information regarding action taken with Mr. Lorenti.
Hawkeye: I would like to clarify for you Mr. Lorenti that the Council was laughing in that meeting you viewed because we were looking at council member's houses who was in violation of the Nuisance Ordinance. The findings came back that Hawkeye and Shelly's houses were in violation. The Council members have taken action to comply with the Nuisance Ordinance. We picked one end of Town and are moving through it to address this clean up issue, that end of Town was picked randomly. It is our understanding that since your complaint the Town Planner and Town Attorney have been addressing this issue with Mr. Quintana and are working to clean up the area.

8. Discussion/action of Emergency Items, if necessary

- Hawkeye: Our Attorneys from Holland and Hart are working on the water issue and another Attorney is working with Vail Resorts and they recommend we keep everything separate and sign a conflict of interest letter regarding skier liability and employee benefits, which doesn't relate to annexation and land development.

Motion by George B, second by Bill B, to sign conflict of interest letter. Passed 5:1
(*Note: Tom S. voted no, Shelly B. was excused/absent*).

- Authorization to put the firework contract on next agenda as an emergency ordinance.

Motion by Tom S, second by Bill B, to put this item on the June 20, 2007 council agenda as an Ordinance- An Ordinance to sign a 2007 Fireworks Production Contract with Western Enterprises, Inc.

STAFF REPORTS AND OTHER ITEMS

9. Reports/Correspondence/Announcements/New Business

a. Economic Development Director

Ashley K: She had nothing to add to her Staff Report but was open for questions.

b. Public Works

Rod C: Was not present at the meeting

Hawkeye Informed the audience about the road work being done on Main Street. He commended Rod and his crew for their hard work.

c. Police

Chief Martinez: He had nothing to add to his Staff Report but was open for questions.

d. Treasurer/Clerk

Jay B: He had nothing to add to his Staff Report but was open for questions.

e. Town Planner

Chris C: As of now there are two residents on Taylor Ave who have complied with his request to address their Nuisance Ordinance violations, so we are making progress.

f. Carter – Burgess

Rob S: He thanked the Fire Department for their help on the road construction.
Hawkeye: Thanked Rob S. for helping out as well.

g. Town Attorney

Allen C: He had nothing to add.

h. Town Manager

Ann C: She had nothing to add but was open for questions.

i. Town Council

Bill B: We have had water running all over Nelson Ave for years. We have hired a private person to dig ditches to figure out where the drainage is coming from and to diverge it. He would like the town to step in on this issue and help out and to diverge the water to where it needs to go.

Hawkeye: Will you work with public works and Carter Burgess, our Engineering Consultants, on this issue.

Jerry B: He thanked Rob S. for ensuring the safety of the job site and worker. He also thanked him for ensuring the dirty water didn't go into the river. He Thanked to everyone who helped out with the project.

Hawkeye: He updated the audience on the project and future plans of the project.

Item # 20 on the Council Agenda: Radio Tower/ Pilgrim Communication – an amendment to the existing contract was amended to be moved up on the agenda before the Ginn PUD/PDP public hearing.

Allen C: The Town entered the contract with Pilgrim Communications with the understanding and agreement the old trailer would be removed and replaced. They countered our offer by offering to reside the existing trailer and make it presentable without having to remove it.

Chris C: Representatives of Pilgrim Communications are present and have provided a proposal to the Council.

Hawkeye: Their proposal would still have to go through the Planning and Zoning design review before construction and alterations could be made right?

Chris C: Yes.

Ron Nickel: Senior Vice President of Pilgrim Communications.

We have an issue that started with a lot of communication problems mainly with one of our former employees who misrepresented the company. The main problem is the trailer is not just a tool shed but has a transmitter in it. We have attempted to clean up the entire area but, there is trash in the area which has been added to the site by other parties. The issue we face here is if we remove the building we would be off the air completely. If we need to rebuild the building and remove the existing trailer we would be off the air for a period of time until the new building could be finished. I have someone who can build anything and I would like to have him work with the Town and fix up the trailer to everyone in the two parties needs are met and so we won't have to be off the air.

Lee Thompson a construction worker and friend of Ron's. I think I have presented a plan in order to just remodel the trailer to a presentable level to avoid just tearing down the building, yanking their equipment and avoid being off the air.

Tom S: I don't have problems with what you want to do but it won't work.

Mr. Thompson: I know the structural changes that will be need done in order to make this work. The proposal handed to you only shows the outside appearance and not the structural content of the project.

Kelly B: Are Pilgrim Communications current on the rest of their contract?

Allen C: Yes, but council has to approve the change in the contract.

Hawkeye: The only problem with Pilgrim is that they are slow. It took so long to just get someone up here to sign the contract.

Mr. Nickel: I assure you things are going to change because I am in total control now and we got rid of the employee you were dealing with before and who was misrepresenting Pilgrim Communications..

Hawkeye: How long will it take to fix the existing trailer to a presentable level once the project and contract amendment is approved.

Mr. Thompson: 2 ½ month.

Hawkeye: You will have to follow all the rules and fill out all the proper paper work and pay the proper fees to do this.

Jerry B: Is this a non-conforming use? Do we have any problems at this point with what they want to do on that site?.

Chris C: Every thing has been reviewed an no problems were found.

Hawkeye: Is there a security fence up there?

Mr. Nickel: We rebuilt the fence on the property.

Hawkeye: How about the tree planting?

Mr. Nickel: It has not been done yet but it will be part of Mr. Thompson's remodeling project.

Motion by Tom S, second by Bill B, to amend the radio tower contract enabling Pilgrim Communications to remodel the existing trailer and not having replace it. By October 1st.

Mr. Nickel: If someone in the Town will communicate with us we will give you free promos on Minturn events.

Hawkeye: Make sure if there are problems and you cannot meet the deadline to come back to the Council. We are fair we just ask that you follow the rules.

Item # 22 on the Council Agenda - Recommendation for Declaration of nuisance at 1081 Main Street as it relates to a barb wire fence on this property was amended to be moved up in the agenda before the Ginn PUD/PDP public hearings.

Chief Martinez: The barbed wire issue on Mr. Lorenti's property has been addressed for a few months now because of a few citizen complaints. Allen and I checked the records to see if there was a law prohibiting barbed wire fences in residential area to see if there were any violations Mr. Lorenti was committing. After review there were no such laws prohibiting this no violations so we then presented to council to amend an Ordinance to prohibit barbed wire fences or fixing/modifying existing barbed wire fences in the Town limits. I have seen it since this Ordinance was passed and he has modified it by tighten it, a clear violation to the Ordinance adopted by the Council.

Frank Lorenti 1081 Main St.

I have never been aware of any citizen complaints. I also was never given the chance to address this issue with the Council before the Barbed Wire Ordinance was passed. Again, Ann never gave me a chance to address this issue in front of the Council. I would like to obtain the citizens complaints from Chief and the police department.

Hawkeye: You do have the right to obtain this public information via the proper procedures.

Mr. Lorneti: I have asked for this information before and it was never given to me.

Hawkeye: Have you submitted a written request for these documents?

Mr. Lorenti: I was never advised to do so.

Allen C: You were informed. I have bullet pointed e-mail sent to you underlining these procedures. I can produce the e-mail if you wish.

Hawkeye: We need to address the issue at hand here.

Tom S: I believe it is un-neighborly to put up a barbed wire fence in a high traffic area where there is access to National Forest and children play. If my child got hurt from that I would be very upset.

Hawkeye: We would like for you to take it down because it's a safety hazard to the community.

Mr. Lorenti: Is it a legal fence?

Hawkeye: Yes if you haven't modified it. If you don't comply with our asking we will pursue this. You can work with us and do what we are asking to ensure the safety of the community or we will make you take it down. We will go to court on this issue and make you take it down.

Mr. Lorenti: What is the Town's timeline to take the barbed wire fence down on the Town's property?

Ann C: On the action item report it states the bids to take these areas of fencing down have been done. We have to agree on a contact before we know a date for sure. I will check tomorrow and set it up.

Mr. Lorenti: The only reason I am asking the Town's timeline is because I want to make it fare to all parties having to comply with this Ordinance. You are asking me to do this and the Town hasn't addressed the issue on their own property.

Hawkeye: Our time line is as soon as possible.

Mr. Lorenti: Is it ok if I say as soon as possible? No.

Tom S: This is an issue of life and death and it needs to be addressed immediately.

Mr. Lorenti: What can I put up instead of the barbed wire fence? I have damage every year from snow mobiles and I need to put something up.

Chris C: Any area in a side setback can have fences up to 6ft and can be unspecified.

Hawkeye: Please be reasonable and not set up something hazardous, something no one can see and may run into it.

Mr. Lorenti: I will take it down but I am here to prove a point, the Council expects the citizens to abide by rules but they are not taking action on the Town's issues at the same time.

DISCUSSION, HEARINGS AND ACTION ITEMS

- 10. 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: He explained this hearing will be regarding the Ginn PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain and asked the Planning and Zoning (P&Z) Commission Chair Woody Woodruff to address the Council on this public hearing considering it has already been passed by the this hearing that has already been through the P&Z commission.

@ 8:06pm Hawkeye asked for a 5 min. break.

Council reconvened at 8:13pm

Woody Woodruff 494 Eagle St Minturn: Chair of the Minturn P&Z Commission.

One thing said by Ginn I would like to point out, stated by Bobby Ginn himself actually, was "We want to be good neighbors" Minturn has a lot of neighbors good and bad. The P&Z Commission stated they don't want neighbors but they want a partner. The P&Z Commission pressed this issue with Ginn and I recommend that the Council do that as well. It is not just Ginn at the end of Town it's a Partner. Two Major issues that arose from citizens during the P&Z hearing were traffic and wildlife. We went through the presentations and attempted to agree on items everyone would be happy with. The public felt these were the two biggest issues that came out of Ginn's plan. The P&Z Commission set up specified conditions for the development and we pushed them to the fullest. Ginn has addressed these issues and I think the Council needs to continue to push these issues two issues that seem to be the most concerning of the local citizens. Some things the P&Z Commission couldn't address was because they were land use issues. The proposed bike trail through the Ginn property and built by them is supported by the citizens. They will build it but we need to be a partner in this to get a bike path from interstate 70 to Red Cliff. There is a lot of information being presented during these hearings. P&Z members realized it was too much for one person to intake so members would address an issue that interested them and bring it forward. You cannot individually get through all the information you will have to rely on one another to bring certain issues to the table. We couldn't handle all the information Ginn brought to the P&Z Commission as an individual, we relied on one another.

Hawkeye: Asked that no cell phones should be on during the hearing and that no neighborly talking, if you need to talk please do so outside. Please if you disagree on a statement or an issue do it on a professional level. This is a continuation of a hearing from April 18th - PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain. He then stated the citizens rights at a public hearing and the procedure that follow.

Author "Boots" Ferguson: This matter is in front of the town council and they are acting as a quasi judicial and congressional board. We would appreciate that everyone follows the rules and guidelines to public hearings.

Hawkeye: Council will present any interactions with citizens and people of the community regarding the Ginn hearings and proposals.

Tom S: A number of people have asked what has been going on with the Ginn hearings and I always state to them I don't know and that they should attend the meetings. Also, Robert Martinez stated that Ginn allowing people to ski on the private mountain is great for the community but not all people ski and those people should benefit as well, like get a center out of it.

Kelley B: Andy Kaufman of the Saloon stated we should get employee/affordable housing for the Town and not just for Ginn

Jerry B: I have had tons of interactions and I have stated to all inquiries that I cannot comment on that issue.

George B: I ran into two citizens last night at the road construction site who asked some questions about the proposed project and I stated they should come to tonight's meeting for more information..

Hawkeye: Stated that he did not have any interaction with the public regarding Ginn since the last public hearing. He then opened the public hearings.

Chris C: Ginn Battle North LLC, Ginn Battle South LLC and Ginn LA Battle One LTD, LLLP, collectively referred to as the applicant will present three proposed developments to the Battle Mountain area to the Town Council. PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain. He then explained under what parameters the construction could be conducted and what limitations are created by the PUD. He stated what the Council has to decide after the hearing for the PUD. They can approve the project, approve with conditions, deny the applicant, refer the applicant back to the Planning Commission with directions on specific instruction for study or continue public hearing to obtain additional information throughout the 90 day to a fixed time, date and place. The applicant may request one continuance during this time and granted at the discretion of the Town. The applicant has demonstrated at least the minimal compliance with the PUD requirements and the Minturn Municipal Code (MMC). The applicant has also presented an architectural plan to mitigate the visual affect of the project as stated in the Minturn Design Guidelines and the policies of the Minturn Community Plan. On May 21st the Planning Commission recommended the approval of PUD PDP 06-01 with conditions that he specified in the Staff report. The staff recommend approval PUD PDP 06-01 pending said conditions. He then introduced Sara Baker.

Sara Baker: 1914 bear creek trail - A representative of the applicant.

The Planning Commission unanimously recommended approval of PUD PDP 06-01. Tonight is the 3rd hearing of these three applications. She stated there are several exhibits presented with this presentation/hearing and they will be left with Chris for review. She then explained what the exhibits represented and their meaning. Pursuant to CH.16 of the MMC that a re-notification is not required. We continued this public hearing to a date certain that is why we are presenting here tonight. She mentioned that exhibit H is an affidavit stating their compliance with the Mineral Notification Act, Colorado Revised Statute (24-65.5-103). The exhibits for the Preliminary Sub-Division Plat have separate notice and are included in exhibit one. We have compiled a notebook that doesn't include all information for these plans but has the most important info.

Dominique Moriello: 5601 Wild Ridge Rd. Avon – He is a representative of the applicant. He explained what has been included in the binder, including what has been presented to the Council already so they won't have to hear redundant information already presented. They will be talking about traffic and traffic mitigation at tonight's hearing. The Planning Commission thought it was an important issue and they would like to address this because it will most likely be an issue Council would like to address as well.

Hawkeye: What is the address of the Ginn office here in Town?

Mr. Moriello: 164 Rail Road Avenue, Minturn.

Sam Otero: 957 Sylvan Lake Road – An employee of HDR Engineering representing the applicant, mainly on the bolts lake area but now aiding with the traffic mitigation plans. The goal is to manage the traffic. We are all looking for a proactive approach to traffic. This isn't easy to achieve. Solutions require an integrated approach, 1. Town improvement plans. 2. Resort management plan 3. Construction management plan. Leffwhich consulting firm conducted a traffic study to aid our understanding of how an increase of traffic created by a resort will impact the local area. The study focused on resort generated traffic based on current Ginn resorts. It was sent to the Town Of Minturn and CDOT for review. It was created to establish a monitoring program to evaluate long term traffic performances. The Planning Commission requested we expand the study, to address the non-peak hours as well. They also suggested we take into consideration construction generated traffic and worker traffic moving through Town. The Planning Commission wanted to also focus on additions to the study to address the current status of traffic conditions.

Resort Traffic Projections are addressed on 2 fronts. 1. Private 2. Public.

Public: The study takes into consideration restaurants and retail shops to create an estimated volume of traffic. It is hard to address the volume of traffic just on occupancy because there are numerous variables to account for. For example if there is a large snow storm the study doesn't take into consideration the volume of traffic coming from surrounding areas who are accessing the mountains for skiing. In a Private resort all the generated traffic comes from residents only, all inclusive. The traffic comes mainly from residents, guests and employees. The people eating at the restaurants are homeowners on the property, it is not generating outside traffic. Comparing the two you will notice that if you take the private resort route will see lower projections of how much traffic is in the roadway. Through the Planning Commission we took those lower projections and use them in a "Trip Budget"(a calculated amount of traffic moving into and out of town on a daily basis, meaning we will stay within those confines of the "Trip Budget". The lower those numbers are the more restrictive it is and more protective to the Town.

With a private resort the occupancy is a very good measurement of how many vehicles will be accessing the roadways. The key feature that came out of that report was the monitoring program and the whole basis of it is to prove the "Trip Budget" is something that will work for traffic mitigation. You have to look at resort implementation and operations and see how they stay within that budget. There are also a few trigger points that need improvement and have to occur should those budgets and thresholds be breeched. The Planning Commission agreed that should those budget and thresholds be broken we need to have a predetermined plan to enact, enabling us to be more proactive and monitor all issues that may occur. This will also hold the applicant to long term accountability. It will

allowing tracking of traffic which in turn allows us to regulate the amount of traffic, commercial and residential, coming through the Town. We would restrict the number of vehicles passing through town as traffic is monitored.

Volume Analysis was conducted as well. It was directional by hour as requested. Intersections on the highway and side streets were addressed for delays during peak and non peak hours determining the effects during both those time frames. Minturn has 2 peak periods during the day, lasting about an hour to an hour and a half, "the Leadville 500" is what it has been called. During the middle of the day almost all of the traffic is Minturn in town traffic, the eb and flow of the Town. 50% of the trips in the peak hours are coming from or going to Lake County the other 50% is Minturn daily traffic. He gave traffic estimates for 2015, not including construction traffic. In any instance on average there will be a 1.5% increase on an annual basis. In addition to the 1.5% increase annually with the project it adds another 1.3% increase.

Intersection delays, how long does it typically take them: Based on an average model and statistics, no intersection in Minturn warrants a signal light.

Findings: During the morning peak there are about 500 trips heading to the North and only about 40 heading to the South.

Proposed reductions: Modes of transportation of operation reduce resort traffic by 25%

There are no required traffic lights or a widening of the highway to CDOT's standards.

Construction Traffic: 1. Remediation 2. Infrastructure 3. Resort 4. Single family

5. Recreation .

Given the diversity of construction traffic and the amount we have come up with a "Trip Budget" during the construction period. The initial projections for Ginn construction on our restrictions of 150 truck through town daily.

Workers: 150 worker vehicles through town per day on a basis of 500 workers on the Ginn construction. NOTE: Trips are 2 ways.

Tom S: How are you going to account for the trucks?

Mr. Otero: We will count them at the site.

Hawkeye: Per day, how many hours? 24 hours.

Mr. Otero: We will limit deliveries during peak hours and during the summer there are more people out so we won't be running the delivery trucks during the evenings.

Current operations create problems on the highway. Driveway access directly onto the highway, multiple users, especially during the summer, uncontrolled drainage along the edges. We came up with some operational items to address. The grouping of cars or the school bussing effect. It only takes one slow car can create a 15 car traffic issue or a school bus or a garbage pick up truck because there are not any passing zones. This creates a lot of speeding and illegal/dangerous passing. Especially witnessed by me, cars trying to pass other cars before they get to that S-turn.

Configuration: Highway 24 has a non-uniform Highway right of way. Geometry creates inefficient highway operations. There are a lot of trees, cars parked on the side of the road so the line of site is not very clear.

Solutions:

To be proactive and manage traffic as a partnership. To develop a management plan with common objectives, measures for determining the plans success, monitor the program and report results to the Town and CDOT and create improvement and mitigations plans.

1. Town Improvement Plans (traffic): What can be done now and some over time to improve the roadway.

-define highway right of way on site conditions

- reduce vehicle grouping in peak hours by looking at passing lanes out side of town
- improve intersections, lines of sight by coordinating the lines of site
- Enhance pedestrian mobility and crossing safety by extending side walks which will also increase the line of sight for vehicles at the intersections.
- Promote acceptable driver behaviors through the use of Town gateways
- Improve drainage on highways.
- Put a pedestrian actuated lights at cross walks for safer pedestrian crossing.
- Consistencies in adjoining land use
- Road construction maintenance during the Ginn construction period and post repairs from the Ginn construction.

2. Resort Traffic management Plan

- Provide Ginn operated transit and promote it
- HOV priority parking
- Ride share program for guest
- Resort amenities to avoid that in town travel
- Off peak shift changes
- Employee incentives to take the provided transit
- Onsite employee housing.
- Ride share programs for guests

3. Construction Traffic Management Plan:

- Shuttle for seasonal workers
- Onsite living
- Ginn will hold contractor accountable via incentive based performances
- Manage deliveries based on roadway function
- No peak hour deliveries.
- Off peak shift hour changes.
- Queuing management of trucks delivering materials
- Materials Management
- Discuss with Union Pacific (UP) to use railroad for materials delivery.
- Look onsite for as much material we can use, rock aggregate, soils and what ever we can find.

Goals:

- Ginn and town to create an integrated proactive approach and a partnership with the Town
- Establish budgets for resort and construction related traffic
- Provide the Town with finances for Highway improvements
- Work with CDOT to address the roadway

Bill B: During construction you will have to tear up some of the roadway and waterlines, how are you going to address traffic?

Mr. Otero: Start those projects early and address them with construction management plans.

Mr. Moriello: The plans will be approved prior to prior to final approval from the Town Council.

Bill Weber: Senior Vice President of Ginn

Our progress with UP has been going along well and more in depth than I had perceived. We would have a lot of deliveries a day and this would allow us to take some of the truck traffic off the highway. So there is a great reason for us to pursue this avenue to the fullest. Hawkeye: Bill you may not have the answer but where were you planning on staging the train to load it?

Mr. Weber: Where ever they give me an area to do so. It could be Gypsum, it could be Lake County.

Tom: How are you going to get your access to the Mountain Village. The town has had a hard time with CDOT obtaining access.

Mr. Otero: It has not been fully decided on but we are using the traffic study to work with CDOT on this access issue.

Tom S: Have they been approved at this point?

Mr. Otero: We are in negotiations with CDOT on permanent and construction access.

Tom S: Do you expect those to be approved by the end of the hearing process?

Mr. Otero: Yes

Hawkeye: We have been working on a sidewalk on the se side of town. Will this affect your traffic mitigation plans? Will we have to build it then tear it out?

Mr. Otero: We need to coordinate prior to doing anything yet.

Hawkeye: We are working on it for this summer so please address this issue.

Kelley B: You mentioned by 2015 that the resort traffic will increase the total traffic by 1.3% per year. With that modeling and looking at the best case scenario is there an average take?

Kelley B: I assume you run different models and they are in the exhibit box?

Mr. Otero: Yes ,we have run different models

George B: Have all the plans been discussed and figured out, regarding the terms for meeting trip figures and what will ensue once you have met those thresholds?

Mr. Otero: The frame works are in your notebook. The final plans will be done before the final plans are approved.

Boots: There were also some concerns on the conditions about monitoring, levels of service and enforcement that came out of the Planning Commission and that the final proposal come out of those conditions.

Tom S: One of my concerns is with the increase of traffic you also increase the hazard to pedestrians. Have you looked at improving the sidewalk structure on main street

Mr. Moriello: It has been addressed in our plans and we would work with CDOT on this issue. At the next meeting we would like to address this. Also at the next meeting we would like to address two other items. 1. The view shed analysis. 2. A physical analysis

Tom S: What is a view shed analysis?

Mr. Moriello: Multiple sites from the town and what they would see on the development site.

Motion by Tom S, second by Bill B, to continue the public hearing on the PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain. *All voted in favor. (Note: Shelly B. was absent/excused).*

- 11. 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: He introduced the public hearing and opened the hearing on PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain. The applicant is Ginn Battle North LLC, Ginn Battle South LLC and Ginn LA Battle One Limited LTD - LLLP

Boots: We will be presenting all of the information from the previous public hearing on the preliminary development plan and the environmental impact report.

Chris C: Chris recited the file name and gave a back ground on the PUD/PDP. It will create 5 new character areas in the Town of Minturn. These will include the Bolts Lake area, the Gilman area, Willow Creek area, Rock Creek area and Holy Cross area; They will be separate land use zones in each character area. The planning and zoning commission passed this on May 21, 2007 the applicant agrees to the comments, conditions and improvements to the plan Staff recommends approval

Ms. Baker: Nothing is to be added and we wish to continue the hearing at the next Town Council Meeting.

Motion by George B, second by Jerry B, to continue the public hearing on the PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain at the June 20, 2007 Minturn Town Council Meeting, *all voted in favor.* (Note: Shelly B. was absent/excused).

12. 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 public hearing and opened the public hearing on PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan. The applicant is Ginn Battle North LLC, Ginn Battle South LLC and Ginn-LA Battle One LTD-LLLP

Boots: He would like to reference and incorporate the information from the previous public hearing on this file for the preliminary development plan, the environmental impact report and public hearing to the zone district map in this record which incorporates all documents and testimony to this hearing.

Chris C: Gave the background on this PUD/PDP. The Planning commission passed this on May 21, 2007 with conditions relating Staff and Planning Commission comments, outside agency comments and environmental conditions related to the subdivision plat. Complete listings of these conditions are found in my Staff report. The staff recommends approval.

Ms. Baker: Same presentation as before submitted and I would like to make sure that the same evidence is presented for the record. We would like it to be continued to June 20th

Motion by George B, second by Hawkeye, to continue the public hearing on PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan. *All voted in favor.* (Note: Shelly B. was absent/excused).

13. Discussion/Action Item – A Public Hearing on CU 07-04; Hi Cranes, Inc. is requesting Conditional Use Approval for a maintenance shop and primary operations building at North Main Street, in the P.U.D. Holding Zone of the Game Creek Character Area – Cerimele

Motion by Tom S, second by George B, to table this discussion/action item until the July 18th. *All voted in favor. (Note: Shelly B. was absent/excused).*

14. Discussion/Action Item - Ordinance 11 – Series 2007 (First Reading): An Ordinance amending Chapter 13 of the Minturn Municipal Code by repealing and re-enacting Chapter 13 as that Chapter pertains to Municipal Utilities

Hawkeye: This Chapter revision is still a long way away from being finished.

Bill B: We can pass the first reading and address it before the second reading

Lori Satterfield - Holland and Hart 555 17th st. Denver

We need to move on this issue so Carter-Burgess and staff can address the water issues. A few point I would like to address: Monthly service fee. 2 years from the tap fee of property

Jerry B: So there would be no pre-paid taps

Mrs. Satterfield: That's how some places in the Valley do it. You pay for your tap when you get it.

Jerry B: Lets do no pre paid taps.

Tom S: Sometimes you run into the fact the house is torn down but the tap is still there.

Mrs. Satterfield: When the water service is disconnected there is still a service fee.

Jerry B: We have to pay for the water plant operation.

Hawkeye: We should make them pay if they aren't getting water.

Jerry B: But we have the infrastructure and personnel to pay no matter how much we produce a month.

Kelly B: What do other towns do on that issue, on the disconnected service?

Mrs. Satterfield: They charge a fee. This provision in the code is just bringing us up to code with what other municipalities do because its not less expensive when you have people drop off, the Town still has to face the same amount of charges.

Hawkeye: We charge \$50-\$60 a month and when you are not using it, it adds up. We charge differently than other Towns so we can't compare them.

Jerry B: It doesn't work that way. You can't say I will make enough water for 15 people this month and then 16 next month and adjust your power and all other amenities.

Hawkeye: Its supply and demand and the amount you need is the amount you make.

Allen C: I am sorry Hawkeye but that's not what our water lawyers are telling us how it works.

Mrs. Satterfield: Bare in mind that these people have the privilege to tap back into the line without any other fees or taxes.

Hawkeye: These are just my thoughts, I don't agree with it.

Mrs. Satterfield: Can we get approved on first reading and deal with it before the next reading.

My next issue is controversial is the pay break for the seniors. The staff recommendation is to treat all citizens the same.

Kelly B: There are other methods for pay breaks other than this type.

Jerry B: I suggest we grandfather the 65 year olds and change the rest.

Kelley B: Can we do that though, isn't that illegal?

Mrs. Satterfield: It's treating someone of a different class differently.

Allen C: Probably. Thing is that this has been going on for a long time and we can't fix the water problem until this passes.

Motion by George B, by second by Tom S, to approve Ordinance No. 11- Series 2007 (First Reading): An Ordinance amending Chapter 13 of the Minturn Municipal Code by repealing and re-enacting Chapter 13 as that Chapter pertains to Municipal Utilities. *All voted in Favor. (Note: Shelly B. was absent/excused).*

15. Discussion/Action Item – Minturn representative to Eagle County Open Space Committee - Brinkerhoff/Capela

Hawkeye: Does anyone want to volunteer?

George B: I will

Motion by Hawkeye, second by Bill B, to appoint George B. as the Minturn representative to Eagle County Open Space Committee. *All voted in favor. (Note: Shelly B. was absent/excused).*

16. Discussion/Action Item - Sec. 2-25. Absence of Town Administrator – Capela

Hawkeye: I suggest we table it until 6/20

Motion by Tom S, second by Kelly B, to table this discussion/action item until June 20, 2007. *All voted in favor. (Note: Shelly B. was absent/excused).*

17. Discussion/Action Item – Old Town Hall Property/Basketball Court. – Capela

Lynn Teach: I represent 5 other people who had to leave. We oppose building this basketball court. She quoted an Ordinance stating to maintain the quietness of the neighborhood. It is a dangerous area to put a court there, it is between a few busy streets. Basketball is very noisy and there are two residents on either side. The town is going through a lot of changes and we need to be sure what we want to do with it before we throw money down. It would be nice to implement something for the whole town. Vail has 19 parks and only two have basketball courts. We have two parks and two basketball courts. It would be nice to do something for the entire community. We could move the court to another location or even an indoor facility. She then passed out some information to council.

Hawkeye: This got blown way out of proportion. We were going to put grass there, and I suggested that we put a small court temporarily and fix the sidewalk until we find out what we want to do with the land.

Mrs. Teach: Grass would be good but not a high traffic situation.

Ann C: Tony Aiello stated he would like a grass area, picnic table and a nice peaceful family area.

Hawkeye: Basketball court is taken off the plan for the piece of land.

18. Discussion/Action Item – A Public Hearing, Ordinance 35-Series 2005 (Second Reading): An Ordinance amending the Town of Minturn Municipal Code by revising Chapter 16, Article XV; Chapter 16, Article XXI; Chapter 17, and reenacting as Chapter 16 Article XV Planned Unit Development Overlay; Chapter 16, Article XXI, Administration and Procedure; Chapter 17 Subdivision Regulations of the Municipal Code of Minturn – Christensen

Hawkeye: stated that it wasn't published and we are addressing it now and doing some house cleaning. Jay was it published correctly? Yes

Motion Tom S, by second by Bill B, to approve Ordinance No. 35-Series 2005 (Second Reading): An Ordinance amending the Town of Minturn Municipal Code by revising Chapter 16, Article XV; Chapter 16, Article XXI; Chapter 17, and reenacting as Chapter 16 Article XV Planned Unit Development Overlay; Chapter 16, Article XXI, Administration and Procedure; Chapter 17 Subdivision Regulations of the Municipal Code of Minturn. *All voted in favor. (Note: Shelly B. was absent/excused).*

19. Discussion/Action Item - Ordinance 12 – Series 2007 (First Reading) An Ordinance authorizing the Mayor of the Town of Minturn to sign a limited nonexclusive license and indemnity agreement between Minturn Realty and the Town of Minturn contracting for Minturn Market and 4th of July celebration use of parking lot in the Town of Minturn, Colorado – Christensen/King

Motion Tom S, by second by Bill B, to approve Ordinance No. 12 – Series 2007 (First Reading) An Ordinance authorizing the Mayor of the Town of Minturn to sign a limited nonexclusive license and indemnity agreement between Minturn Realty and the Town of Minturn contracting for Minturn Market and 4th of July celebration use of parking lot in the Town of Minturn, Colorado. *All voted in favor. (Note: Shelly B. was absent/excused).*

20. Discussion/Action Item – Request by Radio Tower/ Pilgrim Communication – an amendment to the existing contract: Christensen/Cerimele

This discussion/action item was amended by the Town Council at the beginning of the meeting to be moved in front of the Ginn public hearings as item 8a.

21. Discussion/Action Item – Parking issues regarding Minturn Realty – Cerimele

Hawkeye: Any questions, she has enough parking. I did my own calculations and she is fine in both scenarios. Chris is she ok?

Chris C: There were some areas in question but she has 93 spots and she is ok.

22. Discussion/Action Item – Recommendation for Declaration of nuisance at 1081 Main Street as it relates to a barb wire fence on this property: Christensen/Martinez

This discussion/action item was amended by the Town Council to be moved ahead of the Ginn public hearings as item 8b.

Allen C: I would like to state for the record, he lied. We faxed him the records release form.

Hawkeye: He wanted a copy of the police records of the citizen complaints.

Motion by Tom S, second by Bill B, to table this and revisit this at the next meeting to see if he has taken it down.

23. Discussion/Action Item – Resignation of Mr. James Brinkerhoff from the Minturn Planning and Zoning Commission – Cerimele/Capela

Motion by Hawkeye, second by Jerry B, to accept Mr. Brinkerhoff's resignation

Hawkeye: Chris, ask Ann and Jay about advertising this.

Chris C: Thanked him for his hard work

FUTURE AGENDA ITEMS

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

- Ginn Petitions for Annexation – Continued from: 4/18/07 to 6/20/07
- Discussion of strategy for the forest service properties – Christensen
- FY 2006 Audit Report Presentation – 6/20/07
- Update on the Rail Road – Bellm/Christensen
- Minturn Town Homes Update – 7/18/07 – Fitzthum
- Turntable Restaurant and Hotel regarding water charges– 6/20/07
- July 2nd Special Event Liquor Permit – 6/20/07
- 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 – 6/20/07
- 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. – 6/20/07
- 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– 6/20/07
- Request by Eagle County Commissioner, Arn Menconi, to address Town Council regarding possible Minturn support for Early Childhood Education in Eagle County – 8/1/07
- Liz Campbell – Discussion over Chapter 13

Hawkeye: Should we have a meeting on the 4th of July

Kelly B: I won't be here.

Jerry B: I believe we should have one.

Tom S: We should have a meeting but not on that day.

Hawkeye: July 10th (Tuesday) at 5pm.

25. Set Future Meeting Dates

a) Council Meetings

- June 20
- Note: July 4 meeting is canceled
- July 18
- August 1

b) Planning & Zoning Commission Meetings

- June 13
- June 27
- July 11

c) Other

26. Adjournment

Motion by Tom S, second by George B, to adjourn the Town Council Meeting. @
10:39pm

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk