



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

**Wednesday, June 20, 2007**

**Regular Session – 5:00 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 – 5:00 PM**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 5:04pm Roll call: Those present included Mayor Flaherty, Mayor Pro Tem George Brodin, Bill Burnett, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff, and Jerry Bumgarner.

Staff present was, 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: Ann Capela was excused/absent.)*

## EXECUTIVE SESSION

### **2. Minturn Town Council will convene into executive session:**

- Minturn Town Council will convene into Executive Session for the following: Colorado Revised Statutes (CRS) §24-06-402(4)(b) the purpose of consulting with our attorney on the issue of Invest in Yourself vs. The Town of Minturn
- 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 PUD/Annexation
- Pursuant to Colorado Revised Statutes (CRS) 24-6-402 (4)(a) to consult and receive legal advice from the Town attorney's Allen Christensen, Anne Castle, Todd Miller and Arthur Ferguson concerning purchase, acquisition, lease transfer or sale of real property for the purpose of discussing the acquisition of property for construction of wastewater treatment plant and for update of pending water court matters and negotiations.
- Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (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) §24-06-402(4)(b) the purpose of consulting with our attorney on the issue of Invest in Yourself vs. The Town of Minturn, to consult with Town Attorneys Allen Christensen, Boots Ferguson, and Anne Castle for the purpose of receiving legal advice on the Ginn PUD/Annexation, Pursuant to Colorado Revised Statutes (CRS) 24-6-402 (4)(a) to consult and receive legal advice from the Town attorney's Allen Christensen, Anne Castle, Todd Miller and Arthur Ferguson concerning purchase, acquisition, lease transfer or sale of real property for the purpose of discussing the acquisition of property for construction of wastewater treatment plant and for update of pending water court matters and negotiations and Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(e) for the purpose of Town Manager's employment contract negotiations.

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

No direction was given to staff.

### **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: Council would like to move item # 22 up to # 16 on this evening's agenda. Council would also like to table item # 19 to until

Motion by Bill B, second by George B, to approve the June 20, 2007 Council Meeting Agenda as amended.

## 5. Approval of Minutes and Action Report

- June 6, 2007

Hawkeye: At the beginning of the public hearing on the June 6<sup>th</sup> meeting could you reflect that I had no public interactions regarding the Ginn public hearings since the last Town Council public hearing?

Motion by Kelly B, second by Jerry B, to approve the June 6, 2007 Council Meeting Minutes as amended. (*Note: Shelley abstained*).

- June 13, 2007-Special Meeting

Motion by Bill B, second by George B, to approve the June 13, 2007 Special Council Meeting Minutes as presented. *All voted in favor.*

- Review/Comment – Council Action Report

## 6. Liquor License

Council will now convene as a liquor license authority.

- Town of Minturn, Special Events Liquor License; 302 Pine Street; Ashley King, Event Coordinator - Christensen/Martinez

Ashley K: We are asking for a special events liquor license for the 4<sup>th</sup> of July celebration on July 2<sup>nd</sup> from 6pm -10pm and would like Town Council's approval for this one day event.

Hawkeye: Opened the public hearing He explained that the boundaries were not found under a neighborhood. He then explained who was able to and how to address this public hearing on the liquor license approval.

Hawkeye: We need to define the existing Town Boundaries.

Motion by George B, second by Jerry B, to define the existing town boundaries.

George is this the same process we go through every year for the 4<sup>th</sup> of July Celebration?  
Yes

Motion by Tom S, second by Bill B, to approve the Town of Minturn's special events liquor license for Minturn's annual 4<sup>th</sup> of July Celebration.

Council will reconvene as the Minturn Town Council.

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

- Minturn Clean Up Day Volunteer Recognition - Ashley King

Ashley K. Thanked everyone for their hard work on cleaning up Minturn and contributing to the major success as a result. She then read the list of participants/volunteers and presented them with a certificate of appreciation. She mentioned that this wouldn't and couldn't have happened if it wasn't for all the Public Works employees who played a key instrument in the whole success of the annual Minturn Clean-Up Day.

**8. Public comments on items, which are NOT on the agenda**

Scott Schmitz: A representative of Grid Feeders.

I just moved into the Town of Minturn and would like to address the Council and the local Community on renewable energy. We are attempting to bring renewable energy to the local community. I have brought information to present for Council consideration. There are also eco build building codes for Eagle County included in the packet of information I believe would benefit the construction about to happen here.

Charles Overy: A representative of LGI located at 523 Pine Street Minturn, Co.

I would like to address the concept of affordable housing in the Town of Minturn. I believe it would help out with employee housing as well as general Minturn Citizens. We are looking at a land lease concept at the Old Town Hall site as well as other lands within the Town limits. We would like take a step forward towards affordable housing in the area. I don't need to come before Council as a Discussion/Action Item I would like to know if I could talk to staff about this issue and present some concepts and ideas in which they could relay to the Council as they see fit. Council agreed and Chris agreed and will report findings in a staff report as appropriate.

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

STAFF REPORTS AND OTHER ITEMS

**10. Reports/Correspondence/Announcements/New Business**

- a. Economic Development Director

Ashley K: She thanked everyone for volunteering for the Minturn Market and contributing to the success of the event last weekend and stated she looks forward to this coming weekend and all the volunteers helping out again. It went very well with over 100 Vendors participating, great crowds and plenty of Community and Staff helping out. She expressed to the audience and Community that she could always use volunteers to help out in our local events success. She then stated to Council that she was open for questions.

Bill B: Did they get road painted on Nelson Ave?

Ashley K: Yes, Chief and his daughter Rose helped out and did a wonderful job. She thanked them very much for their help.

Kelly B: Are we going to have the Sunday Jam at little beach park?

Ashley K: Yes they will be doing it on Sunday @ 3:30pm.

Kelly B: I think they are having this as a free event because the cost before were a little too high so they are having a free concert to encourage families to come out for the festivities and have a picnic at the park.

Shelley B: The cabin the Historic Preservation Committee is attempting to preserve was built by one of my relatives and it was built just to live in and there is no major historic significance to the structure. I just wanted you to know that so you can report it back to the Historic Preservation Committee.

#### b. Public Works

Rod C: I would like to request from citizens to use water wisely, we are approaching our capacity quickly. Staff report is in packet and he is open for questions.

Hawkeye: Could you give a brief update regarding the construction on Highway 24?

Rod C: The water line was repaired, but the road has not been fixed as of right now. We have flow filled three feet down and have put steel plates over the damaged area we have repaired to protect it from heavy traffic damage until we can get it paved. We will be doing the same thing on the north bound side of the road next week. It's a slow process and step by step.

Hawkeye: The Public Works Crew has been inventorying citizens without bear resistance trash cans as they are out in the field. If you are a citizen in Minturn call Torrey and ask her for a bear resistant trash can to replace the one you currently have, it is our law and we all need to abide by it.

#### c. Police

Chief: He was unable to present a Staff Report for Council review because I was out of Town but he was open for questions.

Shelley B: How has the Police Officer recruiting been going?

Chief: We had one candidate not complete the program successfully but, there were two others we like and were good applicants we will be following up with.

#### d. Treasurer/Clerk

Jay B: His report is on page 57 and he was open for questions.

#### e. Town Planner

Chris C: His report is on page 58 and is open for questions. He informed the Council that the Community Plan is 10 years old and needs to be updated.

Hawkeye: Do you have the time and man power to update it.

Chris: We will have to use consultants and other people to help out in this project.

Allen C: The Charter requires the Town to update the Community Plan.

Kelly B: Will you be using all the current citizen information for this community plan

Chris: Yes, the information OZ has been working on with the community will be incorporated into this once we begin to tackle it. He informed the Council that he just wanted to bring this issue to the table for future items to address.

#### f. Carter – Burgess

Rob S: His report is on page 60 and is open for questions

Hawkeye: Have you heard back from CDOT?

Rob S: Yes we are just assessing their response and waiting to have them sign it.

George B: Are we going to build a side walk this summer?

Rob: Yes

Hawkeye: Have you gotten an assessment for well # 2 and are we going to address it?

Rob S: Yes we are fine tuning it.

Hawkeye: The rezoning of the Forest Service Property, are we going to be able to define the lots by the deeds or are we going to go out and survey the area?

Rob S: It looks like some of it we have done by just the deeds and some of it will have to be done by measurement. We are having our survey crew look at this.

Hawkeye: Could you provide us with that information when its done? Yes.

Hawkeye: What is going on with the traffic parking diagram for down town in the managers memorandum? This is the first time I have heard about this.

Tim S - Carter Burgess: Traffic parking and transit program - we worked with OZ and incorporated this into their CIP and the remodeling of the down town area. We will include it in their July 10 council update.

Hawkeye: Did you get with Ginn about the side walk and are they ok with it?

Rob S: They are ok with it as stands but they cannot foresee anything in the future. Closer to construction they will make needed adjustments. We are trying to get this done as soon as we can.

#### g. Town Attorney

Allen: Mr. Body and Invest in yourself sued the town 3 years ago. We went to Trial in March and all verdicts came in favor of the Town and now he is filing for an appeal. The Town will have to hire an attorney for the appeal. We can put it on the next meeting agenda if you would like.

#### h. Town Manager

Hawkeye: She is out for the evening. There was a copy of the letter to the Northwest COG in each Council Member's mail box and if there are no objections we can mail it out as is.

Shelley B: When do want our comments.

Hawkeye: By Friday

#### i. Town Council

George B: Happy Anniversary to my bride of 26 years, Linda.

Shelley B: The Safe Routes to School Committee will be convening soon and I invite Chris C to attend. He is looking for grants on this issue.

Hawkeye: I would like to address the Minturn Market. It was a volunteer program and was slowly taken over by the Staff. It still needs volunteers, it doesn't take much. You don't have to volunteer for the entire season or day even. It is better for morning set up and end of day tear down clean up. Please help out for our community

DISCUSSION, HEARINGS AND ACTION ITEMS

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

Hawkeye: He 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 April 18<sup>th</sup> 2007. He explained that there are three land use hearings going on and that any comment will go on the record for all public hearings and the process of the public hearings.

The order of the public hearing is important. It begins with the Staff presentation, the Applicant presentation, Public comment (verbal or written), Applicant response to any testimony and then staff can provide response to any testimony.

Author "Boots" Ferguson: Any communication with council regarding these issues shall be made public.

Bill B: He has had no communications regarding the public hearing since the last public hearing.

Tom S: He has had no communications regarding the public hearing since the last public hearing.

Shelley B: She has had no communications regarding the public hearing since the last public hearing.

Kelly B: She has had no communications regarding the public hearing since the last public hearing.

Jerry B: He has had no communications regarding the public hearing since the last public hearing.

George B: He has had no communications regarding the public hearing since the last public hearing.

Hawkeye: He has had no communications regarding the public hearing since the last public hearing.

Chris C: I do not have anything to add from the June 6<sup>th</sup> meeting. There are two items that need to be interred into the record. The fiscal impact analysis power point presentation and ridge line impact analysis.

Sarah Baker 1914 Bear Creek Tail Edwards, CO

This evening the applicant will address Red Cliff Traffic, Ownership of property, Fiscal Analysis, Model Review, Ridgeline Analysis Review and other Council comments or questions.

First issue is a house Keeping Matter exhibit # 5: One condition of approval in the P&Z commission is traffic mitigation for the Town of Red Cliff. Ginn has presented an impact study

Ownership: For annexation the applicant must prove ownership of property area. A non-unincorporated area may be annexed into a municipality. The landowners of more than 50% of the area may petition the governing body for annexation. Ginn is the only land owner of the land in question. There are three components that compile to the full ownership of the land in question for annexation; Ginn Battle North LLC, Ginn Battle South LLC and Ginn LA Battle One LTD, LLLP. Tonight three pieces of evidence will be presented to the public hearing to ensure full ownership of the property; Vesting deeds, Title commitments and Response to tucker claims.

Vesting deeds: She showed a map indicating the different areas of ownership and deeds. She then presented multiple deeds for the record as exhibits as well as the deeds to each part of land by ownership for the record. Ginn Battle North: Owns mainly the area of Bolts Lake. Ginn Battle South Property: Own mainly the area of Gilman. Ginn LA Battle One LTD, LLC: The land in question to the east of Highway 24

Title Commitments:

The ownership of the Battle Mountain Annexation is broken down as: parcel 1, Ginn Battle North, Parcel 2 Ginn Battle North, parcel 3, Ginn Battle North, Parcel 4, Ginn Battle North, Parcel 5, Ginn Battle North Parcel 6, Ginn Battle North, parcel 7, Ginn Battle North. Parcel 8 is a dual ownership of Ginn Battle North and South and parcel 9, Ginn La One Battle LTD. Certain portions of these properties are under litigation to determine ownership. The person representing the applicant in the litigation process is Nick Sears

Nick Sears: Representing Morris, Manning and Martin law firm:

We have represented Ginn since their acquisition of the Battle Mountain property. We looked into many things as to why we shouldn't acquire this property but we didn't find much and continued to proceed purchasing from a man name Jeff Tucker. A man who went bankrupt and stated on the record what he owned at the time. No property in Colorado was mentioned including what is now known as the Ginn property. He was asked about the Tucker corporations and what these corporations own, he did not divulge any information so they are still addressing the issue.

Tucker Claims include:

Small acreage: -pine martin mining company -piney lumber company

Main Claim:

-Battle Mountain Corporation (Florida). Mr. Tucker purchased the 1,700 acres for \$1,000 in 1994 and then changed the name from Battle Mountain Corporation to Battle Mountain Corporation of Florida. If this occurred he may have a leg to stand on. There have been 4 times it has been proven that he did not acquire the stock of Battle Mountain Corporation and the full stock of the 1,700 acres. Every time he has lost and then is back in court requesting that this issue is heard. Last time he lost and asked for a review and it was denied. Now he is at the Supreme Court level for review. We believe he is continuing this claim for the sole purpose to delay the battle mountain development by Ginn to the point where Ginn will give him money to go away. Anyone can file a suite against another for any reason and the person who is being sued must respond to this with time money and effort.

Are there any questions:

Hawkeye: Are you aware of the time the Supreme Court will know if this will get heard.

Mr. Sears: About 6 weeks.

Ford Frik: Representing the applicant.

He is here to discuss the fiscal impact analysis to Minturn if the project is annexed.

3 components:

1. Economic modeling mirroring the process of developing
2. Projections of housing units and development
3. Forecast the project to the town on costs and revenue.

Ginn will benefit Minturn by lower local taxes increasing the commercial tax base, sales tax generating businesses and property turnover.

The Ginn project could bring to the Town this benefit via high property values, numerous real estate transactions and retail tax base. It is a privatized service therefore it will have a limited burden on the town for maintenance.

He presented tables and rate for projections of occupancy and time versus sales and development expectation in relation to the revenue coming to the Town of Minturn via sales and real estate taxes. He showed a slide comparing Minturn's current revenue and what the revenue is allocated to and what the projected revenues could be with Ginn and what the Town can allocate it to.

Ginn's expectation on the build out to completion is 16 year. Minturn will have spend much more on maintaining the town and with the revenue amount over this period of time it will allow for this overhead cost with plenty of money to allocate funds to other entities in the Town.

Risks involved with the Ginn development:

Real estate sales slow which in turn affect the incoming revenue

Uncertainty in assessment process, modestly affecting property revenue

Property values lower than expected Minturn will still have a revenue cushion

Real estate transfer tax is significant part of incremental revenue increase and occurs .

Impact on Property Values in Town

- Minturn position is good already
- It will increase over time, slowly
- The project will generate excess revenue each year
- Tax breaks are up to the Town not Ginn

Tom S: What would you expect the PW expenditures be in the future?

Mr. Frik: We don't know the exact number. But, anytime an area's infrastructure increases there are higher general costs become. For example, police force, some public works employment will all have to increase at the infrastructure increases therefore adding to the total overhead cost of running those departments. These two departments are a part of the Town's entity and it will have a major impact on those work forces. Now, this is a general analysis and doesn't get too deep into the full impact on the Town and it's entities.

Tom: Citizens are concerned that the property taxes are going to sky rocket

Mr. Frik: I think there is an area to believe it will have a positive impact. There will be a 5 million dollars increase to the Town revenue annually from this development. The Town could use that revenue in any way deemed including possibly cutting the Town's property tax by 50%

Jerry B: If the Town lowered the tax rate by 20% we would have 9 ½ million dollars plus from this project in revenue. If the project is done quicker then we will have more funds quicker and we could lower the tax by 50%

Kelly B: The Battle Mountain built out expense is 2.6 Million that is just the cost of what it would take Minturn to look after then you have to add the expense to the Town to service the

other areas which I believe you stated was 1.7 million. My question is what is the total for the services going to add up to?

Mr. Frik: It is hard to gage because we have a lot of special expenses, Ginn will pay for some of them like the ski area. The expenses that will be passed on to the Town of Minturn are going to be greater than your current budget in your general fund.

Kelly B: My concern is that the 1.7 million you estimated might be a little low. I would like to see an exhibit that explains throughout the course of the build out how Minturn's expenses are going to change versus the expenses we have just to service Ginn. Can we look at the finances a little closer? Our current budget doesn't address the costs of living and other programs Minturn is addressing now that we can't afford but will be part of our expenses in the future. I don't see these items address in the revenue coming in from Ginn. The costs may not be in the budget. Some of this revenue will also have to go to traffic mitigation and wildlife impact.

Mr. Frik: The thing is this is a model that can reflect your concerns as we go. I would like to see these addressed as well as the expenses in more detail.

Mr. Frik: There are the revenues of the 5 million dollars a year coming to Minturn that could go to some of the incurred expenses by the Town from the Ginn development. This model is a pretty accurate representation of what will most likely occur.

Kelly B: I guess what I am getting at is that the surplus vs. revenue may not be as good as it looks and we need to be aware of that and plan for that.

Mr. Frik: The great thing about a model is you can alter it any way you would like to see the outcome and then plan for that outcome.

Hawkeye: There no expense addressing public transportation.

Mr. Frik: In your current budget there is no funds allocated to transportation so it wasn't addressed but could be in the future.

Bill Weber: A representative of Ginn.

All the transportation for citizens and employees are private transportation Ginn is willing to pick up the tab on.

Dominic Mauriello: On behalf of the applicant.

Physical Model Review:

Bolts lake character area: 702 units, 541 acres/466 are open space some areas are dedicated to golf course and reservoir area, recreation areas, resort areas and conference rooms. Including a gondola to willow creek character area

Gilman character area: 265 units 100 acres/ 22 open space Resort development and commercial but there are a lot of neighbor hood areas. Single family homes, ones currently there and rebuilt as historic. There will be employee housing in that area. Also a lift taking you to the top of the mountain.

Holy cross character area

83 units 1,262 acres of which there will be 1,023 acres of open space. The main area is open space which is in a natural state with a few lifts in the area. The two elk drainage is within this area.

Rock Creek Character Area:

385 Units 1,337 acres of which there will be 912 acres of open space. The largest character area in the development with a majority being open space.

## Willow Creek Character Area

292 units 1,100 acres of which there will be 927 acres of open space. Smaller single family duplex lots and also a village and a few lifts accessing that area.

One area in the future annexation is a proposed employee housing sub division incorporated into the Gilman housing development but more of an employee neighborhood not apartments like the others. Shuttle services will be offered to all employees in this employee housing area.

Bill B: Where will the water tanks be stored

Mr. Weber: We are looking at 3 different water storage areas in some area we have water rights at but they aren't shown because they are much higher up.

Mr. Mauriello: The area is very well covered and concealed

Bill B: Where will the high powered gas lines be.

Mr. Mauriello: It will stay in the bolts area but it will go through the property for its intended users.

Mr. Frik: Out transportation tax will also aid Eagle County by 2million a year

Spencer Stanek: A representative of Alpine Design

We were asked by Ginn to conduct the ridge line view shed analysis for Minturn. We chose a couple of view spots for the view she review.

Harrison Ave and hwy 24: A 2 dimensional format and lights to illuminate the entire terrain in red indicating what people can see. They then included the proposed buildings, ski lifts and terrains and built a 3d model. They looked at different profiles and density areas to see what people could see the most of. They used the line of site of the worse case scenario and took the entire building envelope. The vegetation shows that it covers up almost all of it. You can barley see the spot of the ski slopes from this area and won't be able to see details in that ski area.

The 900 block on Main and Highway 24 was the second area chosen for a view shed analysis:

The building envelopes were purposefully built behind mass grouping of vegetation. They picked this line of site and you couldn't really see much of anything just the ski slope and not much any of the building envelope.

They also did a view shed analysis for Red Cliff: They used the Willow Creek character area of their line of site from Red Cliff. By their calculations and analysis there would have to be a 230 foot build located in that character area for residents of Red Cliff to have visual contact with it. All the vegetation will cover the line of site of any building in the character area. Looking at Willow Creek character area from Main St. and or the School the building would have to be 170 feet in height.

The Bolts Lake character area (the main hotel location). They ran a reverse view shed analysis in that area. The showed in color where on Highway 24 were you could prospectively see the Hotel and the areas where you would not be able to see it. It would have to be 1,300 feet in height to be seen from the Pierson Property.

Bill B: Are you going to leave the model here for people to view.

Mr. Mauriello: We wouldn't have a problem leaving there we just don't want people to walk by and alter the model. We would be willing to work something out.

Hawkeye: We think you should take it for security purposes.

Mr. Mauriello: We have pictures of the model available and it is available at the Ginn offices during business hours.

Tom S: Can the Council request that it be present for future meeting? Yes.

Kelley B: Can we have someone field some traffic questions or will that be addressed later?

Ms. Baker: At our next public hearing meeting we will be addressing multiple issues and traffic will be one of them. As the Mayor pointed out we don't have a traffic specialist here but if it is a general question we may be able to answer it for you.

Kelly B: For the baseline traffic number why was only Wednesday instead of Saturday or both?

Maureen Mauziarro - HRD Engineering: We did address Wednesdays and Saturdays during peak hours during those days but Saturdays were not included in the report.

Kelly B: Guest and Owner using the public transportation. How do you compare this system to world renowned resorts? In your report you mention Hammock Beach Resort. Why do you think that project is comparable to this one? My concern is the number of people you estimate riding these shuttles and the under estimation of residents. What if this study is wrong and what if people are driving their own cars?

Mrs. Mauziarro: They looked at Hammock Beach Resort because it is unique because you won't have Denver traffic being a part of it. We used common numbers that would be used for Beaver Creek Resort. Also Highway 24 is the only highway here and no room to expand the Highway therefore we are expecting to keep the activity internal to the site.

Mr. Mauriello: Sam spoke on a trip budget before. Here are our estimates and our threshold. If people aren't going to be using our transportation we will enforce it on many different levels and address it the best way we can for the future.

Kelly B: Fig. 5a. in the report showing employee distribution; there is no connection for Dowd Junction to the resort.

Mrs. Mauziarro: To my knowledge it has been reported on by percentages coming from I 70.

Kelly B: I didn't see in the report and the Planning Commission brought it in as a condition but it would be great to get some more details on shuttles and transportation for employees and construction workers from Dowd Junction and other surrounding areas.

Mrs. Mauziarro: We factored in how many shuttles would be coming from I 70 or how many employees would be coming from a park and ride. We have an analysis on Dowd Junction and waiting on information from CDOT.

Kelly B: I would like a more comprehensive report on their traffic study.

Mr. Mauriello: I think the way this issue will be addressed is having a park and ride system in effect. People would park out side the area and then have a transportation system handle the commute for the employees and construction workers. We don't think people will drive to Minturn and then take a park and ride from the Town up the mountain. We think it would be better to have the shuttle closer to a point of origin. We can follow up with some information for you.

Kelley B: I would like to see Carter and Burgess' reports on what their analysis of this traffic study.

Rob S. - Carter and Burgess: We will cover this issue when all the people involved from Carter and Burgess are present.

Tom S: Are we going to hear from CDOT regarding Highway 24 being widened.

Mr. Weber: I hope so and we are going to try and get them here before the Council to read their comprehensive report. I believe the first issue will be the right of ways. CDOT has

already provided some documents in response and we can provide them to the Council in a report. .

Tom S: We want to make sure that Highway 24 doesn't become a 3 lane Highway.

Mr. Weber: There are going to be some areas of increase but not within the Town of Minturn.

Hawkeye: We are talking about traffic we need to talk about a railroad system to transport people to the site. Area like from Eagle County Airport to the Resort.

Mr. Weber: That is our goal. We are meeting U.P. tomorrow in Eagle and will taking a rail system from Eagle to Pueblo to see how it works. We are planning on equipment transport and would like to move to a passenger rail there after.

Mr. Mauriello: What would the Council like the applicant to address at the next hearing?

Tom S: I would like Wildlife issues to be addressed, kind of keep it on the radar.

Hawkeye: I would like to take another tour of the superfund site.

Mr. Mauriello: We are planning to address these issues: Wetlands and superfund mitigation. Review the PUD guide. The community resident Ski Pass recommended by the Planning Commission.

Ms. Baker: We can look at some areas on a site visit but, Gilman is currently a restricted area.

Hawkeye: I would like to see the consolidated tailings spawns and the water treatment plant, the Bolts Lake area.

Rebecca - On behalf of the applicant: A site tour with the Town Council would be great. We can review the remediation currently being implemented. I recommend all Council Members attend and we can go all over the property.

Hawkeye: Is the open hole still there and are you filling it?

Rebecca: There is a temporary cap on it for now and you might not want to walk in that area now.

Boots: We can do a site visit and because it is a public meeting we need to set a time and date at the next meeting and we should make it available for the public to attend this site tour as well. We need to record it as well for public viewing.

Hawkeye: We will continue this public hearing on July 10 at 7pm

Motion by Tom S, and second by Bill 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.

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

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

He then opened the public hearing.

Boots: 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 no additions to his report.

Ms. Baker: Nothing to add but asked that the testimony for annexation of battle mountain be added to the record of this public hearing file. Also, that this public hearing be continued.

Motion by Shelly 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 on July 10, 2007. *All voted in favor.*

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

Hawkeye: Introduced the next public hearing - PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain. The applicants are Ginn Battle North LLC, Ginn Battle South LLC and Ginn LA Battle One LTD, LLLC. He then opened the public hearing

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

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

Ms. Baker: Nothing to add but asked that the testimony for annexation of battle mountain be added to the record of this public hearing file. Also, that this public hearing be continued.

Motion by Shelly B, second by George B, to continue the public hearing on file PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain on July 10, 2007. *All voted in favor.*

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

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

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

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

Ms. Baker: Nothing to add but asked that the testimony for annexation of battle mountain be added to the record of this public hearing file. Also, that this public hearing be continued.

Motion by Shelley B, second by George B, to continue the on file PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan on July 10, 2007. *All voted in favor.*

**15. Discussion/Action Item – CU 07-03; Tory Enterprises (Budget Trucks) is requesting Conditional Use Approval for a motor vehicle parking lot at North Main Street, in the P.U.D. Holding Zone of the Game Creek Character Area – Cerimele**

Chris C: Dusleana Brown is requesting a Conditional Use (CU) on a leased area of land from Union Pacific (UP). The information on this leased land is on page 131 of the Council Packet. I recommend approval of the CU for Tory Enterprises based on the conditions outlined and recommended by Staff on pages 133-134 of the Council Packet.

Hawkeye: Opened the public hearing.

Dusleana Brown: Representative of Budget Trucks is filing for an approval for a CU on leased land from UP for a parking lot.

The Planning Commission had only one issue with the leased lot and that is only moving vehicles be parked on the lot. We sometimes store trailers and other Budget Truck items there. The Planning Commission was suppose to word it as also Budget Truck related business.

Hawkeye: Is there an issue with this language to be added?

Chris C: There is no issue with this.

Hawkeye: Is there anyone who would like to speak on this CU application by Tory Enterprises?

Ryan Flaherty: A representative of the Turntable Restaurant and Hotel.

She states that she leases certain land from UP but some of it is actually part of the land the Turntable leases which there was information submitted for Council review in the Council Packets. We have addressed this before. The Town would like a detailed snow removal and storage plan. We would also like to see a condition regarding snow removal prior to being approved. We have both seen nuisance parking in our lots. She has done pretty good with parking. We would like to address the snow plan mainly.

Mrs. Brown: We push our snow around the lot and when it gets too much then we remove it when it gets to be too much.

Hawkeye: Are you ok with that plan of snow removal Chris?

Chris C: It addresses the concern of emergency access and if we run into a problem with pushing snow on another property we can address it then.

Hawkeye: What about the signs?

Mrs. Brown: We have signage on the posts and a few other places.

Kelly B: We need to address the concern on the leased property.

Mrs. Brown: I have brought my executed lease with me.

Hawkeye: Is this the same one you presented to Chris.

Chris C: I have a letter from a UP representative, Rod Peterson, with the leased land from the applicant and it is not the same as what the applicant claims. This is a condition of approval for the Tory Enterprise CU, until she can provide proper documentation that she actually leases this she can use all the other property UP states she leases.

Mrs. Brown: I disagree with the said lease by Mr. Peterson. What had happened, we were sub-leasing this area from the Turntable years ago and when the business was turned over to Darla is when the problems began. So, she decided she wasn't going to follow the lease. I then went to UP directly and they stated she was in violation of her lease because she was subleasing. They then stated they would make an arrangement with me to go directly through UP to lease that land. It is clearly marked on this lease. Then abandoned vehicles got a violation sticker put on them by the police and towed a week later. Darla then called UP and stated that I had her cars towed from the leased land from UP. UP then said they would pull that piece of property and let her stay. I then responded and obtain the police report and stated that it wasn't me. I have plenty of evidence.

Hawkeye: What is the date on the lease?

Mrs. Brown: January 1<sup>st</sup> 2005

Chris C: The letter from Rod Peterson is dated August 2004. It clearly states there is no property between the railway. He produced the map recently on page 136 and it doesn't show that area as being leased.

Mrs. Brown: In my original contract I have that area marked and he had them highlighted across the road as well as below and above the road clearly stated in my contract.

Chris C: The letter in 2005 paragraph 2 states that this high lighted does not correspond with the original mapped area sent out to the applicant for signature therefore it appears that the applicant highlighted the area, signed the contract and then sent the contract back to UP. The original mapped area on the lease agreement sent out to the applicant does not include this area. This was originally overlooked by Mr. Peterson in the initial lease renewal but has been discovered since.

Mrs. Brown: We have leased that same area beginning with Darla and then UP for the past eight years.

Hawkeye: We need to continue this CU until you and the Town get everything needed to come to a consensus.

Allen C: I recommend not approving the CU until the two leases match. There is no dispute here, it is between her and the UP.

Hawkeye: There seems to be some discrepancies between the two letters and their dates.

Chris C: I have a correspondence from Mr. Peterson dated May of 2007 restating that this property in question is not part of the Tory Enterprise lease agreement.

Hawkeye: My recommendation is to further review this until we get the proper lease.

Tom S: We have the information from the UP representative and she doesn't agree with it. It is not a dispute between us it is between UP and her.

Mrs. Brown: I spoke to Rod the other week and he stated that I had to talk to the Town because they hold the lease.

Hawkeye: The Town holds the municipal lot lease only.

Chris C: Unless I heard that from Rod himself I would be a little skeptical.

Tom S: Would you rather us table this or approve it with this condition that you don't use the other part of the property or put it off for review by the Council later.

Mrs. Brown: Who gets to use that property?

Chris C: The Turntable has it leased and has a CU on that property.

Shelley B: It is your responsibility to show your customers where to park not the turntable. This is a fight between you and UP.

Hawkeye: Do you want the CU approved on the lease the town deems you have or do you want to continue it?

Mrs. Brown: Continue

Jerry B: I would like to add that Budget Trucks needs to park on the leased area and not on Main Street for 2-3 days. It is a hazard.

Mrs. Brown: It is clearly stated to my clients where they need to be and its not my problem if they don't follow the rules.

Jerry B: Do you move the ones on the street immediately. Yes.

Jerry B: I disagree

Motion by Tom S, second by Shelley B, to table the CU 07-03; Tory Enterprises (Budget Trucks) is requesting Conditional Use Approval for a motor vehicle parking lot at North Main Street, in the P.U.D. Holding Zone of the Game Creek Character Area indefinitely.  
*Hawkeye voted no.*

**16. Discussion/Action Item - 2006 Town Of Minturn Annual Audit with Swanhorst and Company LLC - Brunvand**

Ken LaCrone: Swanhorst and Company.

Jay B: This is our annual audit required to be done by law under CRS 29-1-601.

Mr. LaCrone: The key issues on this audit are addressed in our management letter.

The Budgeting and overspending are dually noted in the audit. There were a few negative funds in some of the accounts.

Hawkeye: How much money is remaining on the Great Outdoors Colorado (G.O.CO.) grant the general fund covering?

Mr. LaCrone: I believe it is at about \$100,000 and within in the budget it came out pretty relatively close.

Jay B: It was a \$200,000 G.O.CO. but we received about half of it. The Town is covering \$70,000 from the general fund and it will be returned to the conservation trust fund.

Hawkeye: We are supposed to get that in this year?

Jay B: Yes. My understanding is that we were going to get it in last but we ran into a problem with winter coming in.

Mr. LaCrone: The general fund (Planning and Zoning seem to be the driver on expenditures), arts fund and conservation were all under this year. There seems to be drivers for each of these. The arts fund was over drawn but the revenue was also over so you might want to recheck the budget allowance from your summer event for the following year.

There were also credit card issues from the past year was one of the problems we ran into. There needs to be detailed receipts on all expenditure in order to keep proper records.

Jay B: The Town didn't do a large enough supplemental appropriate in the budget last year.

Shelley B: What other recommendations do you have regarding the Towns budget?

Mr. LaCrone: Make sure one person handles the transaction from beginning to end. You need to have checks and balances. With Dylan's help you are getting there but until you have an accounting staff of 5-7 people.

Jay B: We are breaking it up by department as of now and with Dylan helping it aids the accounting situation.

Jerry B: I would like to indicate a correction on page ii. Our lodging tax is 1.5 % not 4%

Hawkeye: Page iii. Unrestricted amount of money indicates \$1, 000,000. Does that mean that's what the Town has?

Mr. LaCrone: On page 1 column 2006 the unrestricted amount of the assets of the governmental entity.

Hawkeye: How much cash did we have at the end of the year?

Mr. LaCrone: \$1,500,000 unrestricted

Hawkeye: Where are we at right now?

Jay B: The Town is \$1,200,000. We are down about 200,000 and it doesn't include the G.O.CO. grant. On the next budget we will try to line item everything to make it easier to address, maintain and follow.

Hawkeye: Good or bad assessment?

Mr. LaCrone: A little bit of both. You should be cautioned about is the PW building without it being finished and the issue with the general contractor. Mainly stick with the Budget and stick to your cash flow not needs.

Motion by Bill B, second by Shelley B, to accept the audit as presented/prepared by Swanhorst and Company LLC

**17. Discussion/Action Item - Funding for the removal of barbed wire fences on the Town's Property - Capela**

This item was tabled until the June 26, 2007 Town Council Special Meeting held at the Town Center located at 302 Pine St.

**18. Discussion/Action Item – MMC 7-24-(10), 7-24-(11), 7-24-(17) Mr. Lorenti Nuisance Complaint at 1071 Main Street and 947 Main Street**

Chris C: To this point it is a non issue, it has been addressed and you cannot even see hardly anything on his property.

Mr. Lorenti: Which property?

Chris C: I was addressing the 1071 address of Mr. Quintana. He has been presenting receipts from extracting items from his property and is consistently addressing the Nuisance Ordinance and keeping me updated.

Hawkeye: Are you following up with this?

Chris C: Yes, I have been quite often and Mr. Quintana has been keeping me posted.

Mr. Lorenti: Isn't the Town supposed to keep me updated on this issue?

Chris C: Yes, we can get a copy of the letter to you. The Town will follow up with this Nuisance issue this September.

Mr. Lorenti: Is it in writing?

Chris C: It is an agreement with Mr. Quintana and the Town.

Mr. Lorenti: Wasn't public health suppose to address this?

Chris C: If there is a container with waste in it larger than 25 gallons but its less than 25 gallons then they are concerned enough to address this and deemed it a non issue. The town is not able to walk onto his property and check these things out and so if the Health Department doesn't want to address it then that is where it is at.

Mr. Lorneti: Why didn't the Town inform me of this? This was something that was addressed in January.

Chris C: I don't think it is necessary the Town should copy Mr. Lorenti on every letter sent to his neighbor's house. He can come and visit any day of the week for an update on the status of his Nuisance complaint.

**19. Discussion/Action Item – Consideration of authorizations to proceed with the condemnation action to acquire from the Vail Corporation a 5.146 acre parcel of property adjoining Eagle County Road P-13 owned by the Vail Corporation commonly referred to as the Bone Yard Property, including authority to send to the Vail Corporation statutory notice of the Town's intent to proceed with the condemnation, as well as authority to file a Petition in Condemnation in Eagle County District Court and to prosecute the condemnation to conclusion.**

This item was tabled until the July 10, 2007 Town Council Meeting

**20. Discussion/Action Item - Staff update on the demolition of the Old Town Hall - Zastrow**

This item was tabled until the June 26, 2007 Town Council Special Meeting

**21. Discussion/Action Item - Ordinance 13 – Series 2007 (First Reading) An Ordinance authorizing the Mayor of the Town Of Minturn to sign an agreement with Western**

**Enterprises, Inc. for preparation and delivery of fireworks for July 4th celebration and fireworks display and declaring an emergency.**

Motion by George B, second by Bill B, to approve emergency Ordinance No. 13 – Series 2007 (First Reading) An Ordinance authorizing the Mayor of the Town Of Minturn to sign an agreement with Western Enterprises, Inc. for preparation and delivery of fireworks for July 4th celebration and fireworks display and declaring an emergency. *All voted in Favor.*

**22. Discussion/Action Item - Ordinance 11 – Series 2007 (Second 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**

Lori Satterfield: 555 17<sup>th</sup> St. Denver. Co

We need to get the water issues dealt with.

Hawkeye: In the second reading is there a reason we dropped the definitions for a corporation out?

Ms. Satterfield: Yes, because we don't use the word corporation any longer. We have defined curb stops where the water can be shut off to units, corporation valve does not occur in the ordinance.

Hawkeye: Do we have a definition of a private service line?

Ms. Satterfield: I spoke to Mr. Cordova and he stated that we don't have a definition for a private service line.

Hawkeye: How do we define a service line or a main that aren't built to specs that is connected to our line but maintained by the developer?

Ms. Satterfield: I don't believe it needs a definition but it is protected in the code. There has to be approval from the Town and the PW Director prior to construction. You won't be able to tap into the Town's main water line without prior approval. We require that it be moved and replaced if necessary.

Hawkeye: Say I have a service line I want to be private and not give it to the Town.

Ms. Satterfield: There are so many special and unusual issues to address and that is not what we have been paid for. The code is sufficient at this point and we have the flexibility to address special circumstances as they arise.

Hawkeye: If I have an 8" line going from the curb stop to the fire hydrant why can't I keep it private even though it's larger than 2". Eagle River Water and Sanitation District (ERWSD) does it?

Ms. Satterfield: I don't think we need to define it. You are about someone asking the Town for special treatment.

Hawkeye: Water meter, each water meter must have a separate service line. If I build a six-plex and six meters is the town going to make me have 6 separate service lines?

Ms. Satterfield: Yes, this is what I discussed with the PW Director. This is how most municipalities do it including ERWSD.

Hawkeye: If Ginn comes out here and builds a 300 unit condo and each unit has a meter on it are they going to have to have 300 service lines to that condo? These are things that have not been thought through.

Ms. Satterfield: I don't know of any place here that has a meter for every unit, that's not how it works. But we allow the Town to have discretion on the issues.

Hawkeye: I have seen areas with 300 meters and one service line.

Ms. Satterfield: We can add a provision to change this to the discretion of the Town.

Bill B: We can have a main line to the building and a separate service line to full time people in the building.

Ms. Satterfield: We can leave certain things out and revise and adopt specifications at a later date.

Hawkeye: We have already adopted the ERWSD specifications so I am not sure what specifications you are addressing.

Ms. Satterfield: Actually at our meeting a few months ago it was decided that you in fact had not adopted the ERWSD specification except water lines. So there is a gap there that needs to be addressed.

Hawkeye: I am sure we adopted the construction specifications but, we will have to research it more.

Ms. Satterfield: Let say that we allow this in the reading tonight but make it so the PW Director can approve a variance in this code pending on the circumstance at hand.

Hawkeye: I don't agree with that, I think if we are going to pass this we need to have it right. I will move on with my questions. On 13.2 a - Where does address the cost of the franchise?

Ms. Satterfield: The code hasn't been changed at all.

Hawkeye: 13.2 c - Exceptions of a well. Does it conflict from the code that they will get water from us.

Ms. Satterfield: This is something from the previous code and it hasn't been changed.

Hawkeye: Did you check and see if we have to make them hook up to our line and not use their well.

Ms. Satterfield: There are only two sites addressing this and we can make a provision on this current code.

Hawkeye: 13.7 - Right of entry for inspections.

Ms. Satterfield: This is so public works or the engineering crew can address the issues and fix what needs to be fixed.

Hawkeye: Why would we want to take responsibility for fixing lines on private property? Are we going to tear something down to get access and then leave without paying for the damage we made after we fix the problem? Why not just close the water off at the curb stop.

Ms. Satterfield: This is to ensure that if, at a last resort, we can go in and fix it. This is how it works on the entire county. It is discretionary to the Town . You don't have to do it, you have the right to.

Hawkeye: It doesn't make it right to come in and excavate someone's yard. There is no need to go on to some one else's property and assuming the liability. We could turn the water off at the curb stop, they won't have water and if they want water they will have to deal with the problem thus negating any liability of the Town. If we have to install a curb stop it would be worth it not to deal with private property.

Ms. Satterfield: Mr. Mayor I disagree and so do the engineers and the PW Director. This also allows us to go onto the property and install a curb stop.

Hawkeye: Shouldn't we install it on our own right of way and not on their property?

Ms. Satterfield: The situation may vary and this allows it.

Hawkeye: But there is no need to go onto private citizen's properties.

Allen C: But the lawyers and engineers are telling there is.

Hawkeye: I have a concern with section 13.9

Do we have authority to go onto federal and state land to address these water issues.

Ms. Satterfield: This is from the old code and hasn't been changed. The municipality has the right to maintain their water with 5 miles.

Hawkeye: 13.12.b A blockage of the system causing a buck up in the sewage. We don't have a sewage system.

Ms. Satterfield: That is a reason you would put it in there because the Town has no liability and also because this is something to address in the future.

Bill B: On page 179 13.32 Restricted water use of addresses. Our addresses in Minturn are all over the place and we would have to adopt a new system.

Ms. Satterfield: This has been there and not changed.

Bill B: Let's get new numbers on the houses.

Chris C: We are aware of the issue but no one wants to implement a Town wide change at this point.

Ms. Satterfield: This wouldn't need any immediate action and would be addressed during a drought situation. These can only be done with a resolution and can be addressed during this process.

Hawkeye: P. 8 13.25 Fire Fighting Systems:

Ms. Satterfield: The Town approves the connection not the suppression, the fire department does that post review from the PW director.

Hawkeye: Are we charging a base rate if service is disconnected?

Ms. Satterfield: Reason for non compliance there is a fee. If the water is voluntarily disconnected after an extended period of time there will be a fee.

Hawkeye: 13.67 A broken meter.

Ms. Satterfield: Negligence is the un-metered rate: A broken meter is the base rate.

Hawkeye: What about double charging?

Jay B: We divide it for an average by the month. You get the base rate plus the amount used as an overage. There is a separate line for base and overage.

Hawkeye: 13.27 Connections outside of Town.

Ms. Satterfield: We didn't address it because we addressed water dedication and this is how it was in the previous code.

Hawkeye: 13.30 Control of cross connections.

Ms. Satterfield: We have this code to comply with state law from the manual of the department of health.

Hawkeye: A back fill prevention shall be installed, who approves the back fill?

Ms. Satterfield: A plumber's guidance, the Town and the PW Director.

Hawkeye: Does a home occupancy need a back fill inspection?

Ms. Satterfield: If a residential property does not show a hazard to the system then it is not required.

Hawkeye 13.44.1 The Town doesn't want to be in the waterline installation business.

Ms. Satterfield: This is something we didn't address. Nothing on 13.44 was addressed.

Hawkeye: 13.63 Prepaid Taps. Are we going to sell them?

Ms. Satterfield: Lets set approve 13.22 d and come in with language later to address prepaid taps.

Hawkeye: Ok. Did you address 13. 73

Ms. Satterfield: We need to address this at a later date. It is not in appendix A which we can amend later.

Hawkeye: Watershed protection plan, we can apply it to lands we don't own.

Ms. Satterfield: That is correct. Also, we didn't touch down on the Sr. Citizens issue.

Tom S: Let's defer it to another night. All agreed.

Motion George B, by second by Tom S, to approve Ordinance No. 11- Series 2007 as amended and discussed (Second 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 voted NO.*

**22. Discussion/Action Item - Ordinance 12 – Series 2007 (Second 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 4<sup>th</sup> of July celebration use of parking lot in the Town of Minturn, Colorado – Christensen/King**

Motion by George B, second by Hawkeye, to approve Ordinance No. 12 – Series 2007 (Second 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*

FUTURE AGENDA ITEMS

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

- Ginn Petitions for Annexation – Continued from: 6/20/07 to 7/10/07
- 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 – 7/10/07
- 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. – 7/10/07
- 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– 7/10/07
- Turntable Restaurant and Hotel regarding water charges 7/10/07
- Capital Improvement Plan and Community Planning Update - Capela, Carter & Burgess and Oz Architects - 7/10/07
- 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
- Minturn Town Homes Update – 7/18/07 – Fitzthum
- Public Hearing on CU 07-04; Hi Cranes, Inc Conditional Use - 7/18/07
- Liz Campbell discussion regarding specific review or
- approval of any permits for legally non-conforming structures in the 30’ river setback until the code is reviewed for impact
- Discussion of strategy for the forest service properties – Christensen
- Update on the Rail Road – Bellm/Christensen
- USFS Properties - Cerimele
- Sec. 2-25. Absence of Town Administrator – Capela

**23. Set Future Meeting Dates**

- a) Council Meetings

- Note: July 4 meeting is canceled
- July 10
- July 18
- August 1

b) Planning & Zoning Commission Meetings

- June 27
- July 11
- July 25

c) Other

**24. Adjournment**

Motion by Tom S, second by Bill B, to adjourn the June 20, 2007 Town Council Meeting at 12:15am.

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Hawkeye Flaherty, Mayor

ATTEST:

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Jay Brunvand, Town Clerk