



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

Wednesday, November 7, 2007

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

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

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

COUNCIL MEMBERS:

Jerry Bumgarner
Bill Burnett
Tom Sullivan
Kelly Brinkerhoff
Shelley Bellm

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

Work Session – 5:00 PM

- **FY2008 Budget Discussion – Brunvand/King/Suiter (1 hour)**
 - **Minturn Memoirs**
 - **Economic Development Options**
 - **Decisions on unbudgeted items**

Bring your budget books!

Regular Session – 6:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 6:00P.M. Those present included, Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Tom Sullivan, Bill Burnett, Shelley Bellm, Kelly Brinkerhoff and Jerry Bumgarner

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

EXECUTIVE SESSION

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

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

Motion by Jerry 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 and Anne Castle for the purpose of receiving legal advice on the Ginn PUD/Annexation; all voted in Favor.

Council returned from Exec Session at 7:10

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

Direction to the Water Committee to continue working with Water District on the existing issues and direction to the Attorney's to continue with the Sewer plant work.

At this time Hawkeye noted for the audience that tonight's meeting started with an hour long Work Session in which the FY2008 Budget and the Economic Development Department discussed options and solutions.

7:00 P.M.

STANDING ITEMS

4. Approval of Agenda (5 min).

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

Motion by George B., second by Shelley B., to approve the November 7, 2007 Council Meeting Agenda as presented; all voted in Favor.

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

- October 17, 2007

Motion by George B., second by Jerry B., to approve the, October 17, 2007 Council Meeting Minutes as presented; all voted in Favor.

- Review/Comment – Council Action Report

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

Hawkeye presented a plaque honoring Police Chief Lorenzo Martinez for his many years of service to the Town of Minturn and her citizens both as an officer and Police Chief. Lorenzo's family, Susan and Rose, were present and both stood close while the Mayor reviewed Lorenzo's long and illustrious career in Minturn. Rose's support was duly noted. George B. noted the definite strength that Lorenzo lends to the community.

Lorenzo thanked the community for the opportunity to serve.

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

9. Discussion/action of Emergency Items, if necessary

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

Gary S. noted his report in the packet. He noted the nuisance enforcement item and he is addressing it on a target of the big ticket items of the trailers, vehicles, etc first then progress through the list to the more minor violations. Gary S outlined the procedure that will be followed to abate those identified nuisances. He stated that the Staff will be setting up a cross section of citizens for a Citizens Task Force to address the identified nuisance issues on an equal basis.

Garbage removal: Gary S. has developed a spec sheet on the trash removal contract and met with Waste Mgmt and will meet with Vail Honey wagon to determine needs, capabilities and request bids for future service. As this progresses Gary S. will keep Council informed.

Police Officer Rains has submitted her resignation for personal reasons. Gary S. noted that we are in competition for quality Police officers and Lorenzo has been directed to survey the local municipalities on the wage and benefits. Once this is done the Town will determine if adjustments need be made on the Police employment package or if it is simply a factor of supply and demand.

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

George B. stated a bike path grant in the amount of \$299,000 has been awarded to continue the bike path from Dowd Junction south to the town northern town limit. This project is a joint undertaking between, the Colo Dept of Transit, Eagle County, and the Town of Minturn this path, it will be a joint project between CDOT, eagle County, the Town (In 2009)

Hawkeye noted that George B. had been appointed to the Eagle County Open Space Advisory Committee. And announced that, due to the Thanksgiving Holiday, the next Council meeting will be held on Monday November 19, 2007 not on Wednesday November 21, 2007.

DISCUSSION, HEARINGS AND ACTION ITEMS

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

Hawkeye asked if the Council had any questions for C&B? Hawkeye inquired what the timeline for the repairs to the water lines and water loss is; C&B does not anticipate that the repairs will be interruptive of the traffic or the main service line based on preliminary findings.

Hawkeye stated that during the Work Session the Council discussed Bill's book and gave direction to Gary S. to move forward to memorialize that agreement.

At this time Hawkeye asked for 10-15 minutes for cake to commemorate Lorenzo's honorarium.

Hawkeye introduced the discussion/action item and the applicants for the annexation hearing - Ginn Battle North LLC, Ginn Battle South LLC and Ginn LA Battle One LTD, LLLP. He then opened the public hearing that has been continued from October 3, 2007. He explained that there were also three land use application and all information will be added as testimony to all applications to this public hearing, as well as the process of the public hearings. The order of the public hearing is important. It begins with the Staff presentation, the Applicant presentation, Public comment (verbal or written) the applicant's response to any testimony and then staff can provide response to any testimony. He then asked if any council members had contact with the public about the annexation since the last public hearing held October 17, 2007. Hawkeye started the Public Hearing at 7:45

Hawkeye announced that to night we will take public comment first; no comments.

Had any Council Member been contacted outside of the meetings:

Bill B: no

Tom S: Just in passing asking where we are in process and referred them to attend the meetings.

Shelley B: same

Kelly B: no

Jerry B: same

George B: same

Hawkeye contacted by a citizen stating that we should annex but only if it will help the citizens of Minturn.

Chris C. noted he has received some written comments after the packet and would make copies and provide them to the council fro the public record

Rob Singer and Mike Gill, Carter and Burgess, tonight will cover Construction Traffic Management Plan and Resort PUD

To cover on Construction Traffic:

C&B Reviewed the constructing traffic management plan and the resort guest and employee traffic management plan.

Rob noted the updated traffic comment tracking sheet which holds further comments and outlined the differences in the information presented tonight over what was presented at the previous meeting.

10/29 detailed comments were presented and the applicant noted several changes would be made. This presentation will be based on the reports as they are currently submitted not the possible or proposed changes that have been recognized over the hearings.

Rob S. noted the question is what is an acceptable traffic level and how can the mitigation of the traffic inconvenience be monitored and enforced. They will be using smart tagging of the vehicle counts based on type of vehicle and how many passes that vehicle or vehicle type. This information will be monitored by a Town Traffic Committee. How this is enforced is separated into 2 target levels. (5% to 15% variance and over 15%). The major concern is that the police action would be to limit the building permits of property owned by Ginn. The issue is who would pull the building permits: the owner of the property or Ginn? The Traffic study also only limits traffic for those employees of Ginn not the home builder. Rob S. noted the traffic target value was set by the Minturn Planning Commission, Council needs to consider if this is an appropriate level. It was noted that a lot of the solutions would be born by the traffic committee rather than the development itself and that the development would be responsible for the generation of the development and the reports would then need to be reviewed by the traffic committee, this cold be an inordinate amount of information and time commitment. If targets are not hit then what can be the mitigation? Would this committee be paid or volunteer and how is a member appointed.

Rob S stated that the first Target level should be 0-15%. The goal should be 0 not 5% over the threshold before enforcement is levied. The enforcement goal should be to levy a penalty that will entice compliance. The Developers report is not to that level at this point.

Recommendation

The concerns are significant enough that staff recommends holding off on the recommendation until these issues are addressed by the developer.

Resort Guest employee Traffic Management Plan

The goal is to keep the level of service on HW24 at an acceptable level. Monitoring will be done at the entrance to the resort. Enforcement is 3 tier 0-10 10-20 and above 20%. First level the developer tries to improve. If they do not improve the TOWN many limit building permits Level 2 includes the same as level one but also a fine of up to \$1k IF the project is at full build out (not before).

Level 3 includes tier's one and two and a fine of up to \$2,500 but not more than 25% of the value of the independent travel consultant's recommendations.

Does the town feel a grade level of C or D is adequate as that is the level of the proposed traffic will flow at? Rob S noted traffic is not an exact science and it is likely that some estimates will not be exact which will need to be taken into account in the enforcement and service level standards. C&B recommends the enforcement be a factor of the targets not additional studies.

The issue should be if the incentives to be strong enough and consistent enough to cause compliance not the availability of the level of enforcement mechanisms.

Tom S stated he felt the Traffic Plan has no teeth in it and feels because of that he feels he may not be able to vote on the annexation. Tom S. stated that we have five meetings before we vote on this and the time and effort spent has been a waste. This document is not sufficient and he is disappointed.

Shelley B is concerned that none of the enforcement controls are only on the project if they sell lots not houses because this is against only the property developed by Ginn not the private development.

Kelly B. stated she believes the definition of workers does not encompass and capture all the construction workers and traffic. The concept of being able to w/hold permits on amenities is not sufficient, amenities are not the homes they are the recreation facilities. How do we get a document that shows the Developer has adjusted the plans? Also, there should be no construction traffic on Sundays during the build of the project. Mass Transit should be required of the construction workers. The applicant should follow all Carter::Burgess Recommendations

Jerry B., if an icon building is built with 400 plus units that would represent an amenity and can be limited. Once that portion of the project is built out then would it not be assumed that the traffic would be naturally reduced? Rob S. stated that would be a phasing program and yes that

could be accomplished. Rod S. stated he would defer to the applicant for this phasing concept. However, if we limit the traffic then the phasing would be accomplished by default.

Tom S. stated that the icon buildings would be the major hurdle of the traffic plan and the plan does not have the teeth to cause the phasing condition to materialize.

Kelly B stated the worker trips would be from both north and south so the transit system would have to accommodate that.

Shelley B. agreed that other developer owned projects would be built throughout the duration of construction. The traffic committee would be a slow process that might not be able to take action until after the traffic condition has passed.

Both Kelly B. and Shelley B. felt it necessary that the trip budget violations should start immediately, not at the time of the build out.

Tom S. stated he did not want citizens coming up to him complaining about the traffic when we don't have any enforcement available.

Hawkeye asked where we go from here; Rob S. stated if the list C&B has developed is sufficient?

George B. would like the real-time data so that we can address the traffic conditions as they currently exist not past tense.

Shelley B. asked Rob S. if he or C&B has suggestions or insight for the issues on what the right number of traffic is? Rob S. stated no, we can determine the true cost and place impact fees on that cost. Kelly stated she did not think you can put a price on quality of life you can put a cost on the impact of development. Rob S. stated a good traffic number is not the same for each person. It is important to see the basis of the traffic numbers from the developer to determine if that number is well founded.

Hawkeye stated that Council is in agreement to pass on the concerns of Council and the recommendations of C&B to the applicant for their response. Written comments from Council or citizens may be submitted to Gary S. for dispersion to Council.

Audience comments; none.

Dominic Mauriello, Ginn Development consultant, stated the Ginn team will be working on the answers to the Council concerns and address them during their rebuttal period beginning on December 5.

PUD Guide:

Chris C. read his comments on the PUD by noting the PUD is the underling building code of the development. Some of Chris C.'s concerns were that the docs do not count decks and patios and water structures in the footprint, they should be included as they affect the overall look and density of the project.

Staff feels an employee housing audit should be presented every two years to verify they are still within the guideline of 30-40% of the work force on the property. Employee housing should be in town or on site. Lighting standards should be beefed up to comply with the Dark Sky standards to avoid undue light pollution. Also, golf courses should only be allowed in the Bolts Lake area. Staff recommends only 18 holes maximum be allowed on the project in order to least affect the riparian areas within the Bolts Lake zone. Conservation easement should be implemented rather than just open space. Staff feels buildings should not be allowed within 75 feet of any water body.

George B. listed several concerns he had with the PUD relating to the definitions and general vagueness of the report. Some of the concerns were the town should have membership in the development's Architectural Board to make sure they comply with Town standards. Residential and Commercial zones are taxed differently and if fees are attached to the open spaces then that should be considered. George B. felt the 250,000sqft of commercial space designation is small and feels many properties may fall into a gray area between residential and commercial. Felt many of the limits could be avoided by changing density and envelopes without town approval. Felt the authority to change some of the allowances in the PUD be under the prevue of the Planner should also include the town manager and possibly the Council but that it was too much authority for one person in a development of this magnitude.

Shelley B. expressed a concern that the Architectural Board of the development takes authority away from the Town. This puts too much authority in that committee and the developer and the town should at least have some representation on the committee.

Tom S. stated he had a difficult time assessing the PUD when he has not seen any proposed designs. He stressed we are running out of time to review and comment. He still sees the 24,000sqft single family home as too big and still in the PUD. If the developer states the town will have approval of the icon buildings then why is that not in the PUD? Stated he was unsure how to be more clear that he would like to see the concerns presented by Council and our consultants in the documents, they are not.

Kelly B. noted we have asked for more information on the designs and guidelines but that has not been presented and felt this information is crucial. When can we see that information? The conservation easements on the open space were agreed to by council as a priority and that has not been done. Any transfer of density should be a major change and come to Council for approval. Council should be more involved in the modifications in the plan.

Hawkeye stated he agreed with Chris C. on the decks and what not however under no condition should they extend into the setbacks. Hawkeye stated he would like to see the composition of the Architectural Board before he agrees to it. How does this icon building compare between some of the larger developments in the area so we can compare. Hawkeye stated he felt Ginn should be responsible for 100% of the employee housing over the course of build out. He does not understand the density controls and height limits and would like that address. The project should be well thought through and is very important. Stream and water set back should be 100 not 75 as staff recommends. A condition should be that the highwater mark be addressed and identified prior to development and agreed to. Incandescent lighting should not be allowed on the project. Would the conservation easements be public or private? Hawkeye felt the easements should be public so that the public forests can be accessed across the property.

Public Comment on the PUD guide:

Andy Kaufman, 2877 O'Neal Spur Avon. Felt the employee housing is the most critical issue to be addressed. Affordable housing and employee housing requirements should be on the project or in town and not allowed out of the town limits. This will bring a critical mass to the town that is necessary for businesses to succeed. It can not be left to the private market. Without the guidance of the government it would leave second homeowners with no children in our schools, no one shopping in the stores. OZ Arch plan should be used and mandated to create a vital center of commerce.

Hawkeye asked what would be covered at the next meeting (11/19/07); the fiscal analysis and employee housing. Kelly B. asked when will the applicant respond to the Council concerns; Allen C. stated once we close the public comment section is completed the applicant will have a chance to respond.

Sarah introduced herself and stated that they will share comments with staff but applicant will respond beginning on 12/5 and subsequent meetings.

Hawkeye announced this Public Hearing will be continued to Monday November 19, 2007.

Motion by George B., second by Shelley B., to continue the public hearing on Petitions for Annexation for Battle Mountain Annexation Parcels No. 1-9 for the annexation of territory to the Town of Minturn, Colorado for the purposes of determining and finding whether the areas proposed to be annexed as the Battle Mountain Annexation Parcels No. 1-9 comply with the applicable requirements of the Municipal Annexation Act of 1965, as amended, and is considered eligible for annexation to the November 19, 2007 Council Meeting; all voted in Favor.

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

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

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

Chris C: He had nothing to add.

No questions from the council or public

Motion by Jerry B., second by George B., to continue the public hearing on file PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental

Impact Report-PUD Preliminary Development Plan-Battle Mountain to the November 19, 2007 Council Meeting; all voted in Favor.

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

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

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

Chris C: He had nothing to add.

Motion by Kelly B., second by George B, to continue the public hearing on file PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain to the November 19, 2007 Town Council Meeting; all voted in Favor.

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

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

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

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

Motion by Kelly B., second by George B., to continue the public hearing on file PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan to the November 19, 2007 Council Meeting; all voted in favor.

16. Discussion Item– Citizen Frank Lorenti to address Council regarding the Fluoride in Minturn’s Water System and Animal Proof Trash Receptacles – (45 Min)

Frank Lorenti, 1081 Main St, noted that several of his concerns were addressed in the Manager’s Report and that he would obtain a copy of that report.

Mr. Lorenti asked how he could bring forward the concern of Fluoride not being added to the water as he would like to present a packet to Council; Hawkeye stated we have had two presentations to Council and Council has made a deliberate and conscious decision to not add

Fluoride to the water. Mr. Lorenti would pursue this and feels that Council did not get the complete story. Hawkeye stated the process and options that Mr. Lorenti has to bring this back before Council.

Mr. Lorenti discussed the trash can situation and agreed this is being addressed.

17. Discussion/Action Item – Public Hearing (Second Hearing) – Fiscal Year 2008 Budget – Brunvand (45 Min)

Hawkeye introduced the agenda item and opened the public hearing on the Fiscal Year 2008 Budget. Jay B. outlined the events of tonight referred to page 65 of the packet which contained the FY2008 Budget Funding Requests. At this point the five outside agencies requesting funding were allowed five minutes to present their request to the Council as follows:

- Bravo! Vail Music Festival – Julie Brinker

Ms. Jean Read, 201 Main St presented. Asking for \$1000 for musician fees for events that will be performed in town. Ms. Read outlined the scheduled events and other items of interest at Bravo!

- Radio Free Minturn – David Eickholt

Mr. David Eickholt, Radio Free Minturn. Outlined this years' request and thanked the Town for the donation in 2007. This studio is located on Williams St in Minturn. This is a huge benefit for the town both in people coming to town for radio and production as well as programs for the town. Request is for \$3000.

- Vail Valley Partnership – Michael Robinson

No one present

- Economic Council of Eagle County – Don Cohen

Mr. Don Cohen thanked the Council for the 2007 donation. For 2008 they are requesting \$2500. This program provides County wide support to assist member municipalities and the county on housing needs and issues.

- Minturn Community Fund – Andy Kaufman

Mr. Andy Kaufman, 2877 O'Neal Spur, Avon. Outlined the Community Fund accomplishments for 2007 such as the leasing of the Little Beach Park Amphitheater and the Missoula Children's Theater and the goals for 2008. Those included several community building events such as ice cream socials and block parties where citizens and visitors can meet their neighbors and create a strong community. The Community Fund is requesting \$5000

Additionally any citizen was allowed to comment on the budget; there were no comments.

Both George B. and Hawkeye stated they felt all the applicants were very worthy programs. Hawkeye stated that each of these organizations benefits the town directly. Hawkeye outlined the Housing Action Team branch of the Econ Council of Eagle County.

Hawkeye recommended that we hold off on a decision on these requestors until 12/5

Tom S. stated he did not feel well would be able to fund them all even though they are very good organizations.

Shelley B. stated if we were able to fund any of them we should start with those that reside in town.

Kelly B. felt waiting was a good idea. Would put a priority on the groups that directly benefit Minturn. It also should be a function of the Econ Dev Dept.

Jerry B. felt the requests were warranted and it would be nice if things developed where we could fund them.

Hawkeye stated developmental fees could be assessed on the developers to help fund the Housing request.

Jay B. asked Council if they had any direction for staff on the Funding requests not covered.

18. Discussion/Action Item – Ordinance #20 Series – 2007 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2007 Town of Minturn Budget – Brunvand (10 Min)

Hawkeye introduced the item and solicited questions for the budget supplementation.

Motion by Kelly B., second by Shelley B., to approve Ordinance #20 Series – 2007 (First Reading) – An Ordinance amending the 2007 Budget as set forth in the following Exhibit “A”, recognizing additional General Fund revenues in the amount of \$519,000 and appropriating General Fund expenditures of \$526,000, and appropriating Enterprise Fund expenditures of \$4,950, and recognizing additional Conservation Trust Fund revenues in the amount of \$100,000, and appropriating Conservation Trust Fund expenditures of \$8,000 and recognizing additional Arts Fund revenues in the amount of \$30,000 and appropriating Arts Fund expenditures of \$30,000, and authorizing an Inter Fund Transfer from the General Fund to the Capital Fund and allowing for the expenditure thereof in the amount of \$12,974; All voted in favor

The second reading on Ordinance #20 Series – 2007 will be held on December 5, 2007

19. Discussion/Action Item – Ordinance #21 Series – 2007 (First Reading) – An Ordinance Setting the General Property Tax Mill Levy for the Town of Minturn 2008 – Brunvand (10 Min)

Hawkeye introduced the item and solicited questions for the Mill Levy ordinance. Jay B. stated he had received a letter from the County Assessor stating the final assessed valuation would be available prior to the end of November and the letter cautioned that assessments could fluctuate more than normal this year due to the very high level of appeals.

Motion by Tom S., second by Bill B., to approve Ordinance #21 Series – 2007 (First Reading) – An Ordinance levying General Property Taxes for the year 2008 to help defray the costs of Government for the Town of Minturn, Colorado for the 2008 Budget year; all voted in Favor.

The second reading on Ordinance #21 Series – 2007 will be held on December 5, 2007

20. Discussion/Action Item – Ordinance #22 Series – 2007 (First Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2008 for the Town of Minturn – Brunvand (10 Min)

Hawkeye introduced the item and solicited questions for Ordinance 22-2007.

Allen C. requested the first whereas to be moved down below the words “NOW THEREFORE”. Gary S. expressed concern that to increase the trash rates or tie the rates to the fee schedule during the current period of refuse service provider negotiations might have unanticipated negative implications.

Shelley asked if we were raising the water rates for 2008 she stated she thought this was not the case.

It was noted that this was first reading and that any concerns would be addressed prior to second reading.

Motion by Bill B., second by George B. to approve Ordinance #22 Series – 2007 (First Reading) – An Ordinance annually setting, amending and approving town fees as set forth in the following attachment to be included in Appendix “A” of the Minturn Municipal Code for the Town of Minturn, Colorado fees commencing January 1, 2008 as presented with the change to the Whereas as requested by Allen C.; all voted in favor

The second reading on Ordinance #22 Series – 2007 will be held on December 5, 2007

21. Discussion/Action Item – Ordinance #23 Series – 2007 (First Reading) – An Ordinance Adopting and Recognizing the Town of Minturn’s 2008 Revenues and Expenses by Fund – Brunvand (10 Min)

Hawkeye introduced the item and solicited questions for Ordinance 23-2007.

Motion by Tom S., second by Bill B., to approve Ordinance #23 Series – 2007 (First Reading) – An Ordinance recognizing revenues, appropriating expenditures, and adopting the Town of Minturn budget for the period beginning on the first day of January, 2008 and ending on the last day of December, 2008 as presented; all voted in favor.

The second reading on Ordinance #23 Series – 2007 will be held on December 5, 2007

FUTURE AGENDA ITEMS

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

- Ginn Petitions for Annexation – Continued from: 11/7/07 – 11/19
- Public Hearing will be held for the following file PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain – Continue 11/7/07 –11/19

- Public Hearing will be held for the following file PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain. – Continue from 11/7/07 – 11/19/07
- Public Hearing will be held for the following file PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan– Continue from 11/7/07 – 11/19/07
- Resolution #17 Series 2007 - A Resolution Approving a Contract for Engineering Services with Carter/Burgess 11/19/07
- Second Reading of Ordinances and Budget adoption – 12/05/07
- Resolution 16 – Series 2007 – A Resolution Approving Land Use Application C.U. 07-03; Tory Enterprises – 12/5/07
- Work Session: Non-conforming Use – 12/5/07

23. Set Future Meeting Dates

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

- b) Planning & Zoning Commission Meetings
 - November 14
 - November 28
 - December 12

- c) Other

24. Adjournment

Motion by Tom S., second by Hawkeye, to adjourn the November 7, 2007 Town Council Meeting at 11:01PM; all voted in favor.

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk