



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

Wednesday December 5, 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

Ginn Annexation Public Hearing Topics: Special District Structures and Funding and Employee Housing

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

- **Colorado Department of Transportation (30 Min)**
- **Non-conforming Uses/Structures – Cerimele (30 Min)**

Regular Session – 6:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 6:15PM Those present included, Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff and Jerry Bumgarner (*Note: Bill B. was absent/excused*)

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

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 George B, second by Shelley B, to convene into Executive Session Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen, Arthur “Boots” Ferguson and Anne Castle for the purpose of receiving legal advice on the Ginn PUD/Annexation; *all voted in favor. (Note: Bill B. was absent/excused)*

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

Council direction is for the Attorneys to continue the negotiations with the applicant regarding the annexation proposal.

7:00 PM

STANDING ITEMS

4. Approval of Agenda (5 min).

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

Motion by Jerry B, second by Shelley B, to approve the December 5, 2007 Council Meeting Agenda as presented; *all voted in favor. (Note: Bill B. was absent/excused)*

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

- November 19, 2007

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

- Review/Comment – Council Action Report

The Town Council Will Convene as the Town of Minturn's Liquor License Authority

6. Liquor License (5 Min).

- F.M. Saloon LTD. dba The Saloon Restaurant Liquor License Annual Renewal; 146 N. Main St., Andy Kaufman Owner/Manager

Jay B: It is an annual renewal for the Saloon. Mr. Campbell is here to represent the Saloon if Council has any comments or questions.

Chief Martinez: I would like to thank proprietors of the establishment for being a good community neighbor and for their continued service to the community. They do a lot more for this community than just run a restaurant-bar.

Hawkeye: He asked Mr. Campbell if he would like to comment, he responded with no.

Motion by George B, second by Tom S, to approve a Liquor License Renewal for the F.M. Saloon LTD dba. The Saloon Restaurant; *all voted in favor (Note: Bill B. was absent/excused)*

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

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

Michael Gallagher of 475 Pine St; Minturn: I would like to discuss the Library Impact Fee from the last meeting. Twice the Town of Minturn has offered the land for the library, and invited them here and twice the Town of Minturn turned them away. They were asked to leave once the old town offices were torn down. When the new offices were built there was a new library in what is now the Town conference room. There was \$40k spent on new books for the new library in the Town Center. There was poor attendance to the library but, the district stood strong and wanted stay in this location. The town asked them to leave once again. Historically there used to be tons of buildings in the Town of Minturn housing many community entities but now they are all outside the town and in our neighboring towns and we have to travel 15 plus minutes to use these entities. A lot of Minturn citizens hold library cards and I ask you to reconsider helping with the impact fee.

Pete Burnett of 447 Meadow Rd; Minturn: Mr. Sullivan put in a new driveway towards the top of Nelson Ave. and there is no drainage plan for the driveway. This is going to create a major ice problem in the area. There is a steep grade and cars are not going to be able to stop. There should be a provision for that driveway so the water doesn't run into a public street. Please also look handicap parking spot at the Molly G. building; it seems a little smaller than what regulations call for.

Hawkeye: We could put the drainage issue on the next council meeting. Council agreed.

9. Discussion/action of Emergency Items, if necessary

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

Gary S: I am requesting the Council set some dates aside in late January or early February in order to set up interviews for a new Town Administrator.

The Minturn Winter Market will be held Saturday December 8th and 15th. This year it is geared towards more of a family oriented event. There will also be indoor booths this year. I have addressed the concerns with the United States Post Office lease and took care of any contract concerns. The Town will perform outside building maintenance and will shovel the snow but will not be responsible for anything inside the leased part of the building, it will fall as a responsibility of the leaser.

There is a recommended \$13k approval for employee holiday bonus, this would allow a \$1,000 bonus for each employee on Staff.

All Council agreed on the Town Staff bonuses (*Note: Bill B. was absent/excused*).

We will also be having a holiday pot luck at the Town Center on December 21st in the conference room and Council is welcome to join the Staff.

Jerry B: What is the status of the water leak last week? What was the location?

Rob S-Carter Burgess: I was not a part of that leak repair project last week. But, I understand it was a significant leak but not for an extended period of time.

Gary S: The leak was located between the corp. valve and curb stop. It was pretty significant and it appeared to drop the water tank a few feet.

Shelley B: When is your meeting with Eagle County School Board?

Gary S: Chris and I have already met with a representative of the school board once and it went very well. Tom is getting back to his board and we will move forward from there. I believe Chris will be setting up another meeting in the near future.

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

George B: The ECO Transit Board has decided to construct a bus park in Leadville considering the amount of people commuting into the valley for work from Lake County. We will also be discussing how the bus system is used in the different Towns it will be servicing.

DISCUSSION, HEARINGS AND ACTION ITEMS

12. Discussion/Action Item – A Public Hearing on Petitions for Annexation for Battle Mountain Annexation Parcels No. 1-9 for the annexation of territory to the Town of Minturn, Colorado for the purposes of determining and finding whether the areas proposed to be annexed as the Battle Mountain Annexation Parcels No. 1-9 comply with the applicable requirements of the Municipal Annexation Act of 1965, as amended, and is considered eligible for annexation – Discussion Topics: Special District Structures and Funding and Employee Housing (Alex Potente)

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 November 7, 2007. He explained that there were also three land use applications and all information will be added as testimony to all applications to this public hearing, as well as the process of the public hearings.

The order of the public hearing is important. It begins with the Staff's presentation, the applicant's presentation, Public comment (verbal or written) the applicant's response to any testimony and then staff can provide response to any testimony. He then asked if any Council members had contact with the public about the annexation since the last public hearing held November 19, 2007.

Tom S: No, he has not had contact with the public about the public hearings.

Shelley B: No, she has not had contact with the public about the public hearings.

Kelly B: No, she has not had contact with the public about the public hearings.

Jerry B: A couple of people have inquired where we are at in the process and I informed them we are at the public comment period and invited them to attend the Council Meeting.

George B: I have had some general questions and I have invited those people to attend the Council Meeting and they showed up tonight.

Hawkeye: No, he has not had contact with the public about the public hearings.

Hawkeye: We will be starting the public hearing for annexation with the public comment section of the public hearing.

Jeannie Huff of 1287 Lake Creek Rd; Edwards, CO:

I would like to discuss the ECO bike trail from Dowd Junction to Redcliff. I would like to encourage the Council to consider the Ginn annexation project and what the Town could benefit from it. I encourage the Council to take advantage of this opportunity from the project and ask the applicant to make the ECO trail a contiguous trail. This will provide a safe route for visitors and citizens to commute through the town and around the town. I would like to thank the council for putting this at the top of the list for the developer to consider.

Darren Tucholke of 520 Taylor St; Minturn, CO

I have seen a lot of change in the Town of Minturn and I don't really care to see anymore. I think this Ginn annexation project should come down to a Town wide vote. Council needs to consider letting the voters make the decision on this project. Even though the Council was elected to make decisions for the Citizens of Minturn I believe this is the far way to go. I feel what is going on right now is going in the wrong direction and it needs to be addressed.

Ruth Borne-Redcliff Town Manager; 39 Pinnacle Point; Edwards CO.

I am here on behalf of the Town of Redcliff. We would like to know what the Council's thoughts are about the second Ginn annexation of 1,000 acres and the possibility of allowing

Redcliff to annex the property into the Town of Redcliff as well as possible revenue sharing between the Town of Minturn and Redcliff.

Boots: We are allowed to exchange comments with the public and the Council can ask question and express themselves in this process.

Tom S: I am reluctant to give up control of the second annexation of 1,000 acres because Redcliff could turn around and put 3, 000 units on it that parcel of land having a greater affect than anticipated. I agree with the revenue sharing though. I was elected to look out for the best interest of Minturn so we, as a board, need to look at the best interest of Minturn.

Shelley B: I am afraid to lose control of the 1,000 acres because Ginn's current dwelling unit limit is 1,700 units and we want to avoid more units being developed. I think we should discuss the revenue sharing with the Town of Redcliff though.

Kelly B: I agree and I think we need to have a meeting on the revenue sharing but I am reluctant to give control over on the second annexation.

Jerry B: Revenue Sharing is a good idea. The control of the 1,000 acres is important and we need to take that into consideration and limit the number of units that impact the Town of Minturn.

George B: I am in agreement with the board on this matter. I want to make sure we are not excluding Redcliff in these processes though. We need to set some time aside to have the boards meet. I am afraid of how out of control the project could become if we don't keep it in check.

Hawkeye: I believe the consensus of the board is we agree on the revenue sharing but we are all afraid of what this project could become if we allow someone else to make those decisions on the second annexation.

Mrs. Borne: I don't think it is up to Minturn to make that decision. It will directly affect the Town of Redcliff as well. I think we could meet and decide what the density could be if we were able to annex this 1,000 acres into the Town of Redcliff.

Tom S: I don't think we need to meet with the Town of Redcliff to decide the density of the second annexation. We as a board were elected to seek the needs and best interest of the Town of Minturn not the Town of Redcliff.

Shelley B: I would like to see what they want as dwelling unit density and what Minturn would benefit from allowing them to annex the last 1,000 acres.

Kelly B: I would like to see what their plans are for the second annexation and look at a proposal.

Jerry B: I don't have problems having staff look at some information and proposals from the Town of Redcliff. We have a lot going on at this point and we need to focus on what is in front of us right now, the first annexation.

George B: I think we should consider continuing the dialog with the Town of Redcliff. We are here for Minturn's interests but Redcliff has interests as well. I think this is a group effort and we should work together.

Hawkeye: I agree with George and to continue talks and have them propose their plan.
Boots: The continued conversations should be at Staff level and go through Gary S.

Hawkeye: He informed the citizens and audience that the last date for public comments for the Ginn annexation public hearing will be held on December 19 2007 at the Council Meeting.

Fred Haslee of 225 Pine St; Minturn, CO.

I have two questions for the Council: Considering the high cost of the project is the applicant going to bring in a high speed internet and cable system?

And when is the public going to know the outcome of this public hearing? When are we going to know if it will be a referendum?

Boots: He explained the remainder of the process of the public hearings to Mr. Haslee

Hawkeye: As of now the timeline is the end of March. There is the possibility that it could extend from that time line though and we will have to address that if the time comes.

David Johnson - ECO Transit:

I would like to remind the Council that Eco Transit has submitted referral comments of the 2030 vision to the Council and that we are asking that those referrals are taken into consideration with this project. He then explained the complexity and in depth process to the 2030 vision and what Eco Transits goals are from this long term plan and what they would like to accomplish. He mentioned the UP rail lines from Dotsero to Minturn and an extension of the rail system to Vail. He recommended that Minturn create a local transit that can feed into the Eagle County proposed transit system. He asked that Minturn and the applicant should address those needs for the transit as well as the needs for the transit to Leadville

Harry Taylor - Eco Transit:

I would like to add that in the interim of the end all goal is how we can blend in what we would like to see in the future with what we have today. We are attempting to blend the transit systems to create service to all areas in the County including the Town of Minturn.

Shelley B: The train continues to come up in the 2030 plan. There is no plan to have train service back to this area. Avon, County Commissioners and so on have stated they do not want transit of train back into the area.

Mr. Johnson: There were talks about revitalizing the rail system then the talks died back in 2001 and now the talks are back. Sometimes it feels like it's a 5 year vision and sometimes as a 50 year vision during the talks and negotiations but it is a 20 year vision. It is a long process and we have had conversations with UP and some communities so far and plan to continue discussions regarding the rail system.

Ramone Montoya - Mayor of Redcliff; 707 Eagle St:

I think your concern of the second annexation of 1,000 acres should be a negotiating point not one of a solid statement. Water and wastewater has been taken off the table, they are very important. I also heard that you made a decision to not allow the Town of Redcliff the opportunity to annex the 1,000 acres and now you want a proposal for density plans on a decision you have already made.

SPECIAL DISTRICT STRUCTURE/FUNDING:

Mary Joe Dorthy - 450 East 17th Ave, Denver.

There is a massive development proposed by Ginn with the potential of on site improvements. Some of these include streets and safety, water system and trash service. There are also off site improvements including road widening, waste water treatment facility and water quality monitoring of the Eagle River.

Potential Financing Mechanisms:

- Metropolitan District (Title 32): Commonly used financing tool in Colorado. It is tax exempt for public improvements and it increases property taxes for Battle Mountain without affecting tax structure in the remainder of the Town. The funding can go to many improvements including Safety, streets, parks and recreation, transportation and fire protection. The revenues can come from a variety of sources including, fees, rates, tolls, URA tax increment revenues and real estate transfer fees.
- General Improvements District (GID): Sources of revenue are property taxes, rates, tolls and charges. The GID can coincide with the Metro District and back it up via an intergovernmental agreement (IGA) at the request of the Town of Minturn.
- Urban Renewal Authority (URA): Revenue would come from base tax amount paid to districts. All URA revenues are generated by the project as well as property tax and sales tax increments. As a newly designated URA the Town pledges its tax increment revenues to the Metro District who in turn pledges financing construction of public improvements within the URA.
Also the Town would be the board for the GID.

HOUSING:

Alex Potente - Acting Housing Director for Eagle County.

The state of housing in Eagle County is a huge issue. The difference between what people make and the cost of property are skewed and the cost of property is currently very high and gets worse as you move towards Vail. The vacancy rate for rentals in Eagle County is about zero percent as well. There are no places for employees to move when they come into the valley for work. We are looking at income limitations, the Average/Area Medium Income A.M.I., in the Eagle Valley is extremely low. We are looking towards developers to completely mitigate this problem and provide housing for all of their employees and asking that they create a certain amount of square feet of affordable housing per square foot of commercial buildings. It is hard to play catch up in the game of affordable and employee housing so, you need to get it addressed and taken care of immediately when a developer comes in to expand development.

A major problem is that there aren't many areas to import employees from. So if you cannot import people to work in the community or find people who can commute you need to provide housing.

Hawkeye: You are saying someone needs to make 140% of AMI to afford to live in the valley?

Mr. Potente: Maybe even more. If you earn \$100k you can probably afford a \$350k mortgage. The average AMI in the valley for a house hold of 3 is mid \$70k
You need short term, long term rentals as well as sellable units. It is difficult in the beginning but best in the long run.

Hawkeye: I recommend the Staff talk to Alex regarding this issue.

All council agreed to have Staff continue talks on the housing issue and gather information.

Tom S: The housing crisis is getting worse, the applicant has the land to address this problem. Do you think market forces will mandate that they build the employee housing they will need?

Mr. Potente: No, that type of market will push it into high end housing. This would push the affordable and employee housing projects concerns another 5 years down the road. During the interim who is going to maintain the current structures and housing units?

Tom S: We imposed a limit on the units for sale but not employee housing. Will the market require extensive employee housing units to run the resort and staff it?

Mr. Potente: That is not how resorts think right now. I am sure all projects are different and case by case but if the goal is to house the employees and have an in house community and not have to outsource it would be best to start at the building of employee housing at the beginning of the project. The longer you wait the more difficult it is to get employee housing built and the more expensive it becomes. I mean do we want to encourage people to have to commute from Leadville and other communities. There are many reasons to not have them commute, safety, environmental and so on.

Hawkeye: I think there are two housing issues. Employees for the resort staff and the employees who are going to service the 1,700 units.

Hawkeye: He asked Council if they had any questions of the applicant from previous presentations at Town Council Meetings.

Kelly B: I would like to know what the applicant is going to present as a response to traffic, "green" building and so on.

Tom S: I would like answers and a follow up on the Bolts Lake Character Area.

Dominic Mauriello, Ginn Development Consultant: I believe that will be addressed in the next applicant response.

Mariana Baoldu - VAg Architects and Planners: 90 bench mark Rd; Avon, CO.
She has spent the last 10 years studying and practicing sustainable design.

LEED Certification: Plan is to promote environmentally sound mountain development and reasonable resort living. This includes the clean up to the clean up of the superfund site.

Ginn's commitment to LEED Certifications.

LEED: Leadership in Energy and Environmental Design. It is a rating system that validates sustainable building design and construction practices. It provides a framework for assessing building performance and meeting sustainability goals.

Why LEED? Ginn believes the LEED Certification is the appropriate framework within which to express its commitment to sustainable building design and construction practices for the following reasons:

- The rating system provides the building industry which is consistent, credible standards for what constitutes a "green" building.
- LEED has become the nationally accepted benchmark for design and construction operations.
- LEED promotes green design measures reducing operating cost.
- LEED offers objective project certification, professional accreditation and training.

How it will be implemented? LEED certification will be pursued throughout the resort for:

- MU Village core buildings
- All onsite employee housing buildings
- All multi-family buildings
- Residences developed by Ginn

Additional Comments:

- Waste management Plan
 - Create a comprehensive resort recycling program
 - Use of materials generated locally and regionally
 - Use pre-engineered and pre-built construction components to reduce construction waste and employees
- Adoption of the "International Dark Skies Guidelines"
 - Minimize glare and obtrusive lighting to reduce impact to the night sky
 - As codified in the revised PUD Guide for the project
- Adoption of Firewise Community Standards
 - Firewise standards have been incorporated to delineate defensible space zones
- Environmental Education
 - Develop environmental education programs for guests, homeowners and employees
 - Resort personnel will establish, measure and monitor environmental goals

LEED's guidelines and goals are the best you can hope for a development to follow. It is of the highest certifications of its kind.

Kelly B: To be LEED Certified do you have to comply with all the items on the checklist?

Mrs. Baoldu: Yes. There is a long list of prerequisites and then higher achievements and to be certified you have to follow the guidelines.

Chris C: What level of certification are you planning on achieving or pursuing for the proposed project?

Mrs. Baoldu: We are starting with the LEED Certification and we will see from there.

Tom S: What about the residential housing Certifications?

Mrs. Baoldu: Right now we are focusing on Ginn properties only, the residential properties or individual builds are not included in the LEED Certification proposal.

Mr. Weber: We are encouraging LEED Certification for residential as of now and will hopefully be able to mandate it at some point. We don't want to start spending other peoples money as of yet.

Hawkeye: Have you given any consideration to centralized trash locations?

Mr. Mauriello: Yes that is going to be part of the resort community because you will have people leaving from rentals before the trash pick up and a centralize trash location would help alleviate trash sitting out for long periods of time an having wildlife get into them.

Mr. Weber: We will contract private contractors for trash service through the home owners association. We have thought about having a central drop locations with recycling.

Hawkeye: I think you will have problems with the wildlife if you don't have a central drop location.

Mr. Weber: We will take that into consideration.

Brian Judge of VAg Architects and Planners; 90 Bench Mark Rd. Avon, CO:

We have been asked by the applicant to look over the parcels on the proposed project. We have looked at all the parcels and tonight we will focus on the Bolts Lake Character Area.

BOLTS LAKE VILLAGE DESIGN PHILOSOPHY:

Design goals:

- Architecture scaled and massed commensurate to its context
- Planned to reduce visual impact to sensitive areas
- Areas of centralized mass, surrounded by areas of open space and recreation
- Development located in vastly different setting than "Downtown" Minturn.

He presented Location #1 – Switchback Overlook – Looking West a 62 acre zone MU-1 and discussed why they looked at this area. Walking distance, visual impacts and environmental impacts. He presented 4 separate locations where you were able to compare the visual impacts of the project. He then presented pictured view points from location #1. We have pushed the applicant to create lower buildings and more buildings instead of higher buildings. Location #2 is at a lower elevation on HWY 24. It is probably the most visible and closest to HWY 24 where people/cars passing by could actually see the structure. #3 you can barley see the proposed ICON building. #4 Beaver Ponds, you can see the group of buildings a little more now. He then presented a scale of the buildings compared the mountain back drops. The scales presented the maximum height of buildings in that location.

Bolts Lake Village Design Parameters:

- Hierarchy and diversification of Building Form, Mass and Height
- Create "Village" ambiance through appropriate building types, scale and placement
- Integration of indoor and outdoor spaces and experiences

- Incorporation of the sites natural amenity within the designed spaces to reinforce the “Village” concept as a unified whole.

The Architect Firm has focused on what the Resort Character Imagery could be and what the architectural characteristics would be. These are general specs; there is still a lot of work that needs to be done with this project still. The presentation is focusing on generalizations and we are trying to set those standards. The building structures are designed to be located in an area where you can easily move from one building/location to another. He then discussed possible materials for buildings and roofs as well as site and landscape character imageries. He showed pictures of the possible proposed Bolts Lake Icon building compared to the Westin Riverfront Hotel and explained the differences in character, architecture and size.

Hawkeye: Did you get the height of the Westin Building?

Mr. Judge: The height of the Westin Building is approximately 145ft. It is measured by an “ultimate height”.

Tom S: How are you raising the lake 15ft. from the river?

Mr. Judge: We don’t want to modify the river bed but you can address it on how it is fed and its ability to thrive and how it feeds lower down the river. We would bring in fill to build it up and control erosion while respecting the set backs.

Tom S: When are we going to see that proposal to raise the lake?

Mr. Judge: We have created guidelines for those projects and we will bring the specifics when we figure out the building settings.

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

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.

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

Chris C: He had nothing to add to the public hearing on PUD PDP 06-01 (File #1).

Motion by George B, second by Shelley 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 December 19, 2007 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused)*

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.

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

Chris C: He had nothing to add to the public hearing on PUD AZDM 06-01 (File #2).

Motion by Jerry B, second by Shelley B, to continue the public hearing on file PUD AZDM 06-01 (File #2) Amendment to Zone District Map – PUD Preliminary Development plan-Battle Mountain to the December 19, 2007 Town Council Meeting; *all voted in favor (Note: Bill B. was absent/excused)*

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.

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

Chris C: He had nothing to add to the public hearing on PUD PP 06-01 (File #3).

Motion by Kelly B, second by Jerry B, to continue the public hearing on file PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan to the December 19, 2007 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused)*

16. Discussion/Item - A Public Hearing and Consideration of Resolution 16 – Series 2007 – A Resolution Approving Land Use Application C.U. 07-03; Tory Enterprises (Budget Trucks) – Cerimele (10 Min)

Hawkeye: He introduced the conditional use; C.U. 07-03; and resolution 16 and opened the public hearing on CU 07-03.

Chris C: This is a conditional use application for Tory Enterprises; dba Budget Trucks. The Staff has worked with her lawyer Beth Ayers to resolve a lot of the issues addressed at prior Council Meeting and on the Staff level. Her lawyer assures me that she has obtained a valid lease for the Union Pacific (UP) land in the north section of town. I have also confirmed that statement with a UP representative. Dusleana did express concern regarding some of the conditions for the Tory Enterprise C.U. One is about the applicant being responsible for removal of trash on the leased property. Her other concern dealt with the statement that the parking lot use is only for truck storage. She would eventually like to be able to build a shed on the property for storage of business related items such as moving beds and dollies.

Chris C: After speaking to Dylan we have decided it would be good to include a condition that Tory Enterprises, Inc. obtains a valid business license within the required time as related to the MMC for the following business license season.

Allen C: What is the date?

Dylan Z: The MMC states that the renewal date for the 2008-2009 business license season is between April 1st and April 30th 2008, April 30th being the very last date prior to being in violation of Chapter 6 Section 3 of the MMC. Staff proposes this condition to ensure we will not be in this position at this time next year and ensure that Tory Enterprises, Inc. is not conducting business illegally. Staff recommends that violation of this condition results in revocation of Tory Enterprise, Inc. conditional use permit.

Chris C: Lastly, Dusleana had a concern that we put a condition in there stating that her conditional use is up on an annual review. This is in the code and is redundant. She thought it was a ploy to get her back here, pay the \$500.00 fee and go through the public hearing process again. That is not the intent it is just a trigger to review this C.U. again in a year.

Hawkeye: Is there anything else we would like to address or add as a condition of approval?

Jerry B: I believe there should be no rental trucks parked on Main Street.

Chris C: That condition is already in there, no rental trucks shall be parked on Main St. for any period of time.

Hawkeye: Also, no parking of vehicles on adjacent leased property, which will result in the revocation in the CU permit. This avoids the Town from getting involved in a civil lawsuit.

Chris C: The second condition states that all parking must be within the leased area.

Hawkeye: What are the consequences of not parking in the designated area?

Chris C: We can revoke the CU permit.

Allen C: Put that as a part of the conditions. We need to put deadlines on all the conditions as well.

Dusleana Brown - 432 Main St. of Tory Enterprises, Inc:

Hawkeye: When can you have those parking lot conditions taken care of?

Mrs. Brown: We have already addressed those issues. Also, I accept the parking on the side of the street condition as it pertains to the code and I believe that is up to 3 days. Sometimes people don't drop the keys and as soon as they drop the keys we can move the vehicle. What ever the town allows in the municipal code is acceptable to me.

Hawkeye: Typically how long does it take a customer to get you the keys?

Mrs. Brown: There are many circumstances and it depends on if they leave the right phone number, sometimes up to 3 days. We cannot legally make copies of those keys until they turn them in or if we are out of town.

Kelly B: Can a drop box be placed on the property for the customers?

Mrs. Brown: No, because there is no dwelling on the property and there is nothing to affix the drop box to.

Allen C: The police state this is a habitual problem and I recommend using Staff recommendations of no parking for any period of time.

Mrs. Brown: I cannot agree to a no parking on the street any period of time condition. I will agree with what ever the Town's municipal code states and I believe that states 3 days.

Allen C: No, the code states that after 3 days it is an abandoned vehicle and will be towed at that point. We are telling you that this is a condition to the C.U. and the C.U. has nothing to do with the code.

Kelly B: I see this as a constant problem and I agree with the planner's recommendation

Jerry B: I agree with the recommendations of the Town Planner. This is a habitual issue and it obscures the view corridor for pedestrians attempting to cross the street.

Tom S: Maybe we should impose a condition stating a truck can be parked on the street for a ½ a day or for about 4 hours, I mean if you have an office in the house and a parking lot seven blocks away I don't see how people are not going to park on the street. I do believe in an ideal situation of having no trucks park on the street at anytime. I think that Tory Enterprises has abused the situation habitually in the past and we need to address it. There are times where there is a truck parked on the street for an extended period of time. I don't think it's realistic to say no time at all though.

Mrs. Brown: Again if they don't drop the keys I can't move the truck, so I cannot agree to that stipulation.

Hawkeye: We have had complaints of trucks being parked on the street for up to 5-6 days in a row.

George B: I think you have more control over your customers than you think. If your customers are educated before they get into town then things would work out better and they would know they have to drop the trucks off at the parking lot not on Main Street. Also, instead of pulling your C.U. permit maybe a fine would work better.

Mrs. Brown: If you want to ticket them that's fine with me because I can pass the cost onto the customer.

George B: How about a key drop in the parking lot?

Mrs. Brown: That will not work; people will just walk off with the drop box.

Tom S: It comes down to this, it's a conditional use. We wouldn't allow a moving truck rental business in a residential zone on Main Street without conditions. We don't want to be in a position where we cannot do anything about the parking of large moving trucks on Main Street.

Mrs. Brown: We have been here for 9 years and we don't use Main Street as a parking lot, which is why we have a large lot in the north side of town.

Shelley B: If trucks are parked on the street during the winter then we will have issues with snow removal. If you are on vacation for 5 days it is not unreasonable to ask someone to move the trucks for you. I don't think 4 hours is unreasonable amount of time to allow a Budget moving truck to be parked on Main Street but, the trucks need to be moved within those 4 hours of time. If there are no keys it is your responsibility to have it towed and pass that onto the customer.

George B: 4 hours is reasonable amount of time to allow a truck to be parked on Main Street. If you don't get keys have it ticketed and towed.

Mrs. Brown: You cannot ticket a truck for no reason. I cannot legally tow the truck because it is in their name/possession until they return the paper work and keys to me.

George B: In that case no budget trucks should be parked on Main St. for any period of time.

Allen C: Everyone is getting the code confused with the C.U. conditions they are two different things.

Tom S: Maybe we should have the business at the parking lot.

Hawkeye: I say lets give the business 6 hours to move the trucks off of Main St.

Gary S: How about as a condition we get a lock smith there, make a key and pass the bill on to the business.

Hawkeye: Your business will have to deal with those conditions. Maybe put a key box at the parking lot.

Tom S: If she states she cannot live with the conditions then I won't approve the C.U. She is trying to run a commercial business in a mixed use area. If she cannot comply with the conditions we shouldn't approve the CU.

Kelly B: Once a customer drops off a truck, key or no key, it is in your businesses custody and it is your responsibility to move it to the businesses leased parking lot.

Chris C: I recommend putting in a lock box at the leased parking lot.

Hawkeye: She needs to put a lock box in the lot in 30 days and there are to be no trucks parked on Main St. for any period of time. He then went through the remaining conditions and asked if any council members had issues with them. They added the condition that if she doesn't comply with Chapter 6 to obtain a business license by the due date of April 30th 2008 will result in revocation of the CU.

Motion by Hawkeye, second by George B, to approve Resolution 16 – Series 2007 – A Resolution Approving Land Use Application C.U. 07-03; Tory Enterprises as presented with the following conditions; *motion carried 5:1 Jerry B. voted no. (Note: Bill B. was absent/excused)*

- The parking area must be clearly delineated by post and rope fencing or another method approved in writing by the Town Manager or Planning Director and posted with signage stating that the area is an exclusive parking lot for Budget Rentals;
- All parking must be within the leased area. Budget Rentals must provide each client with a map showing the designated parking area;
- No rental trucks shall be parked on Main Street for longer than 6 hours;
- Trash and junk accumulating in the parking area must be picked up by the applicant and disposed of properly daily;
- The parking area shall not be used for repair or maintenance of rental trucks and vehicles;
- The parking area shall not be used for temporary storage of anything other than rental trucks, associated vehicles and equipment, and Minturn Market overflow parking;
- All-season use will require site storage of snow and keeping emergency access cleared;
- Conditional use granted is subject to an annual review;
- A lock box or similar apparatus for rental truck keys must be located at the drop-off lot;
- Failure to have a valid business license by the end of the renewal period each year will result in revocation of the Conditional Use Permit.

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

Jay B: I need direction on page 87. Funding requests numbers 1-5.

Gary S: Jay and I tried to meet this week and could not but will meet tomorrow.

Hawkeye: I am in favor of funding all of them. If we obtain the money requested from the applicant then we fund them if not then we do not fund any of them.

Tom S: If the money requested comes in I say we fund them but I am not in support of giving money to the housing action committee and the Vail valley foundation.

Shelley B: I would like to see what we could do for Radio Free Minturn and the Community fund even if we don't get the money requested. If we get the money then fund the rest.

Kelly B: What is the amount we are asking for?

Jay B: A portion of \$400k, we have already allocated about \$200k of those funds.

Kelly B: I say we focus on the needs of the Town and what gives back to the community. I suggest denying all of them for now until we know about the money requested.

Jerry B: I say we deny all of the funding requests for now until we see if the money comes through.

Council agreed to revisit if the money comes through but deny for now.

Hawkeye: What about the other ones.

Jay B: The 2008 budget does include a 5% increase on water and trash user fees and the enterprise fund but an increase has not been levied on the water tap fees. The funding for the Economic Development Department is not totally funded, we are going to make due with where we are at. Additional funding will be appropriated as needed. South Minturn sidewalk is not funded. There is a grant from CDOT of \$60k and \$100k from the La Farge agreement that is stagnant at this point and available. The old Town Hall site, "Not-a-Park", has not been budgeted but is still on the back burner. The code enforcement officer has been budgeted for about \$10k for a contracted person and a new employee, including all benefits would be about \$73k.

Kelly B: I thought we were going to partially fund it from fees.

Tom S: I am not in favor of funding that and would rather wait.

Shelley B: What is under the equipment that is partially funded?

Jay B: That is basically public works small equipment funding, items like lawn mowers.

Motion by George B, second by Jerry B, to approve Ordinance #20 Series – 2007 (Second Reading) – An Ordinance amending the 2007 budget as set forth in the following exhibit "A", recognizing additional General Fund revenues in the amount of \$544,000.00, and appropriating General Fund expenditures of \$558,000.00, and appropriating Enterprise Fund expenditures of \$6,050.00, and recognizing additional Conservation Trust Fund revenues in the amount of \$100,000.00, and appropriating Conservation Trust Fund expenditures in the amount of \$8,200.00, and recognizing additional Arts Fund revenues in the amount of \$30,000.00, and appropriating Arts Fund expenditures of \$55,000.00, and authorizing an inter fund transfer from the General Fund to the Capital Fund and allowing for the expenditure thereof in the amount of \$14,474.00; *all voted in favor (Note: Bill B. was absent/excused)*

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

Motion by Kelly B, second by George B, to approve Ordinance #21 Series – 2007 (Second 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 (Note: Bill B. was absent/excused)*

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

Motion by George B, second by Jerry B, to approve Ordinance #22 Series – 2007 (Second 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; *all voted in favor (Note: Bill B. was absent/excused)*

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

Motion by Tom S, second by Shelley B, to approve Ordinance #23 Series – 2007 (Second Reading) – An Ordinance recognizing revenues, appropriating expenditures, approving transfers 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; *all voted in favor (Note: Bill B. was absent/excused)*

21. Discussion/Action Item – Resolution #17 Series – 2007 – A Resolution Adopting the 2007 FEMA Flood Insurance Rate Maps – Cerimele (10 Min)

Motion by Shelley B, second by Kelly B, Resolution #17 Series – 2007 – A Resolution Adopting the 2007 FEMA Flood Insurance Rate Maps; *all voted in favor (Note: Bill B. was absent/excused)*

21. Discussion/Action Item – Consideration of Extension of the Interim Town Administrator’s Contract – Suiter (10 Min)

Motion by George B, second by Jerry B, to approve a Contract Extension of the Interim Town Administrator’s; *all voted in favor (Note: Bill B. was absent/excused)*

FUTURE AGENDA ITEMS

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

- Ginn Petitions for Annexation – Continued from: 12/5/07 – 12/19/07
- 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 – Continue from: 12/5/07 – 12/19/07
- 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. – Continue from: 12/5/07 – 12/19/07
- 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 Continue from: 12/5/07 – 12/19/07

23. Set Future Meeting Dates

- a) Council Meetings
 - December 19

- January 2
- January 16

b) Planning & Zoning Commission Meetings

- December 12
- January 9
- January 23

c) Other

- Joint Meeting with ERWSD

24. Adjournment

Motion by Shelley B, second Hawkeye, to adjourn the December 5, 2007 Town Council Meeting at 11:50PM; *all voted in favor (Note: Bill B. was absent/excused)*

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk