



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

Tuesday, July 10, 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
Shelly Bellm
Kelly Brinkerhoff

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 5:05pm. 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, Town Attorney Allen Christensen, Public Works Director Roc Cordova, Economic Development Director Ashley King and Assistant to Town Manager Dylan Zastrow. *(Note: Ann Capela and Chief Lorenzo Martinez were excused/absent.)*

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, Boots Ferguson, and Anne Castle for the purpose of receiving legal advice on the Ginn PUD/Annexation.
- 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)(f) for the purpose of discussing the Town Manager's contract negotiations and for the purpose of strategies for a Planning Director.
- Motion by Kelly B, second by George B, to convene into Executive Session pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen, Boots Ferguson, and Anne Castle for the purpose of receiving legal advice on the Ginn PUD/Annexation, 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 and pursuant to Colorado Revised Statutes (CRS) §24-6-402(4)(f) for the purpose of discussing the Town Manager's contract negotiations and for the purpose of strategies for a Planning Director.

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

There was no direction to Staff and Council will return from recess to executive session later on in the Council Meeting

4. Special Presentation/Individual Introductions/Citizen Recognition/Project Update. (1 Hour).

Capital Improvement Plan (CIP) and Community Planning- Carter & Burgess and Oz Architects.

Nancy Blackwood: A representative of Oz Architect Firm located at 1820 Folsom St. Boulder Colorado.

She stated they were here to confirm the idea of their concepts and if they were going in the right direction with the proposed project.

They have been holding numerous community workshops and information sessions.

They are attempting to keep the Minturn culture and feel like the old Town. This helps keep the idea of an old Rail Road (RR) Town.

Ignacio Correa-Ortiz: What is the future of Dowd Junction? We took the communities plans and addressed the possibility of a bike path in the Dowd Junction area. Community members and Council has expressed an interest in obtaining a bike path in that area. They also addressed a kayaking landing or put in near Dowd Chutes to address the desires of aquatic recreational sports. They focused on the question of how can the area become a gateway and

a signature place for the Town of Minturn? There is a wildlife corridor to protect the wildlife and they took into consideration the possible Waste Water Treatment Plant (WWTP) at the Vail Bone Yard just south of the Junction.

Their basic concept is to take what valuable and available land there is and see what type of development could ensue in that area to aid Minturn as a whole.

Down Town: There isn't too many areas of development in this area but you could use the current structure to build on it, modify it to create the total outcome the community is looking for.

South of Town: There is great potential for this area because of the possible Forest Service (FS) land available. A key component for Minturn is employee housing and a stable community, this new acquired area could be used for employee or affordable housing.

Mrs. Blackwood: They addressed the Parks and Recreation area.

They plan on expanding existing trails and create more available parking in these areas for more access to the community and people visiting the community. They have developed a trail from down town to Maloit Park as well as safe trails from pocket parks throughout Minturn so they are connected, kind of a human corridor.

They have devised three separate connecting paths from down town to have access to the Eagle River. There could possibly be interpretive signs explaining what Minturn has done in certain areas of Town, historic facts and preservation measures. There could be some landscaping and possible sitting areas along the river and on the paths.

Recreation area: Out towards public works the Town could develop a community center incorporating a SR. center, recreation center, conference center and a skate park. These are all things the local community has brought up during the work shops and would like to see the Town Of Minturn implement into its community.

Traffic/Transit/Parking: They suggested enhancing the county road towards Taylor Park to avoid the traffic flow through down town. There could be an access road from 24 over the river to the Turntable. This would avoid platoon traffic sections where you cannot access the Highway from the side streets due to traffic clusters.

The Town Parking Plan: The current down town parking plan doesn't allow much parking. They proposed that any new development should include parking and new off street parking. The area of the Turntable should have structured and or underground parking.

Mr. Correa-Ortiz: Streetscape Master Plan:

They looked at Highway 24 and how it could look in an ideal environment.

They looked at four different sections of highway 24 and addressed each of the sections and what could possibly be implemented in those sections. Most would include expanded sidewalks and more sidewalks throughout the Town and some section with a parking lane, depending on where the section is in Town.

Gateway and bridge concepts: They proposed a possible covered bridge at the entrance to the Town with a possible monument on the other side, something that would distinguish Minturn. On the south side of the Town they suggested the Town could build a bridge over cross creek to show the entrance to Minturn. There are a lot of minor modifications that could be made to Main St. and current bridge systems that would preserve the integrity of Minturn but create a more presentable and intriguing entrance. Along the river they suggested a sidewalk with a pedestrian bridge connecting certain parts of down Town and the river's edge. At the beginning of Town they suggested making a brick cross walk for the pedestrians entering the Minturn Market area. It will avoid cone and traffic personnel and may warm up the Market area a little. On Main St. they suggested creating protective shrub areas in order to create a sound and visual buffer zone for residents and camouflage the housing along Main St. They suggest the Town could also decide on certain street furniture

to fit the theme and feel of the Town. This would also affect the type of street lights the Town would have on the sidewalks.

Signs: They suggested addressing directional signs instead of more commercial signs on Main St. The signs here are ok as they are but, Minturn could make it a little more presentable especially if the community begins to grow.

Mrs. Blackwood: Opportunity Sites:

1. FS Bone Yard Land: They suggested developing the area with duplex units and mixed units with a park and trail head. On the other side they suggested building cottage homes in that area.

2. Martin Creek: They proposed building a park, mixed income housing formalizing a trail head for the Martin creek area.

3. Turntable District and Taylor Park: It would be an extension of down town with a mixture of uses, an ice rink, commercial, underground parking and new transit depot. This could be built to the original Turntable geometrics.

They asked the Town for confirmation that they were moving in the right direction and would like to take in any comments or questions and then return with a final revitalization plan for the Town.

Kelly B: What percentage of residents of Minturn attended these meetings?

Mrs. Blackwood: There was a low turnout but the participants had great suggestions.

Mr. Correa-Ortiz: It was about 1-2% of the general population of Minturn. This is not uncommon in a small town like Minturn.

Mrs. Blackwood: The two major community workshops held were actually highly attended by community members. They got some great feed back from those workshops.

Victoria: We also incorporated old info from the 1998 CIP into the current presentation.

Shelley B: Did you use the surveys taken from before?

Mr. Correa-Ortiz: Yes

Tom S. A lot of this deals with CDOT right of way and they have been difficult to work with lately. Are there alternatives?

Mrs. Blackwood: We have worked well with CDOT over the years and don't see it to be too much of a future problem.

Mike Gill: Representative of Carter and Burgess.

CDOT is not going to make any decision because these are such preliminary plans. They are willing to sit down and hear our improvement plans for side walks and other entities.

Tom S: If we went to develop on Martin Creek where there is open space people might not be happy because they wouldn't have access to the open space.

Mr. Correa-Ortiz: There will still be some open space behind the development and the access space would be the same.

Bill B: How do we get the Martin Creek land?

Mrs. Blackwood: I believe that is one of the parcels the FS is looking to dispose of and the Town Of Minturn could acquire it that way. People are concerned about being able to afford to live here and some of the development could be affordable housing.

Mr. Correa-Ortiz: A major concern is a lack of employee housing, you could use this area to house the Town's employees as well as other employers.

George B: Did you look at running an old town bus? And what about pedestrian crossing, you once discussed an overpass and now I am seeing stop lights instead.

Mrs. Blackwood: It is hard to build an overpass on CDOT roads. Also the topography is a question as well. We need to explore ideas of a shuttle from Dowd Junction to Maloit Park.

George B: Is there is a large enough space for a 300 car garage in the Turntable area?

Mrs. Blackwood: Yes

Tom S: If Ginn comes through is it possible to ask them to pay for some of the improvements?

Mr. Correa-Ortiz: That is not our place to say, it is the Town's responsibility to mention what they need from the developer but, we could supply the Town with the tools. A key component to the development and CIP are the Union Pacific (UP) lands. You need to address this as a community and business opportunity for the Town as well as UP.

Shelley B: As a member of the RR community we have been working on a plan to propose to the RR in order to make it a good business opportunity for everyone.

Tom S: Do you have any experience on historic preservation and economic incentives? If you have a building sell for \$2,000,000.00 on Main St. it isn't going to stay as a historic area, it will be demolished and built into something more modern and larger.

Mrs. Blackwood: We do have some models we could work with to ensure the preservation of the down town area. The local community gave good feed back what buildings they would like to see preserved.

Mr. Correa-Ortiz: Oz Architects recommend a housing committee to ensure the Town doesn't lose the historic value to big money.

Shelley B: I don't think Minturn needs 4 traffic light signals, we need to be safe but that seems like too much.

Mr. Gill: Those are shown to let you know where the ideal lights could be. You don't need all of them. Stop signs would be less effective because it would spread the traffic more and make it more difficult to get out of side streets, thus creating platoon traffic.

Hawkeye: We have been developing a mile long side walk on the south end of Town in recent months. Have you implemented your plans with Carter and Burgess?

Mr. Correa-Ortiz: Yes we have worked with them regarding the sidewalk and CIP.

Tim Siedlecki of Carter and Burgess: We have worked with them and when the sidewalk is built this summer it will be permanent and coincide with Oz Architect's development plans.

Hawkeye: Are you going to supply a plan prior to building because some of the street lights on their plan are on the wrong side of the street. We also discussed including conduit and wiring.

Rob Singer of Carter and Burgess: This is a concept plan and there is time to adjust accordingly. This is a preliminary plan and we will work with Oz Architect to ensure this will work out.

Hawkeye: It seems like we are on two different pages.

Mrs. Blackwood: We do need to modify our plan because Carter & Burgess' plan is quite new and we can adjust our plans prior to anything taking place. We can work together to make sure it will work out.

Kelly B: At the little beach park we are planning on expanding the amphitheater so we would like you to take a look at that area of our expansion.

Mrs. Blackwood: We didn't incorporate it because it is in progress, we have that information.

5. Approval of Agenda (5 min).

- 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

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

Allen C: We need to add an Item regarding elected officials giving direction to Staff as #19 A on the agenda

Jay B: Just to address the timing on the agenda, there are 2 hours noted for the public hearings instead of 30 per agenda item.

Hawkeye: We will just scratch the timing and keep it how it has been in the past.

Motion by George B, second by Shelley B, to approve the July 10, 2007 Council Meeting Agenda as amended. *All Voted in Favor*

- June 20, 2007

Shelley B: Pg. 12, she invited Chris C. to attend School Safety Committee not the Council. Also on Pg. 14, it should read 1,700 acres purchased not 17,000 by Mr. Miller.

Jerry B: We need to check our spelling with the minutes. On Pg. 17 Harris should be Harrison Ave. instead. Also on Pg. 16 it should read Mr. Frik not Mr. Fink.

George B: On Pg. 12 it should read that my wife and I have been married only 26 years.

Motion by Bill B, second by George B, to approve the June 20, 2007 Council Meeting Minutes as amended. *All voted in favor.*

- June 26, 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

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

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

9. Discussion/action of Emergency Items, if necessary

STAFF REPORTS AND OTHER ITEMS

10. Reports/Correspondence/Announcements/New Business (10 Min)

a. Economic Development Director

Ashley K: Report on pg 36 – 37: She reminded everyone that the Oz Architect presentation is on the Minturn website www.minturn.org. Also, 3pm 15th July there will be a Radio Free Minturn concert at Little Beach Park. The Missoula Children’s Theater will be here on July 30th for children tryouts.

Shelley B: Cowboy poetry, could you avoid the weekend of September 29th? Yes.

Kelly B: The Missoula Children's Theater will be held at Little Beach Park. Please get the word out. Also, I am concerned about the Staff volunteering at the Market every weekend. It is prevalent in your report that Staff is getting burnt out.

Ashley K: I just wanted to get that out on the table and address it and get it taken care of in the near future.

Bill B: I thought the council instructed you to hire two people, is that enough?

Ashley K: They did and I did but it's not enough. I need people mainly in the morning and afternoon.

Shelley B: I would like to commend you on a great Independence Day celebration. There were a lot of comments regarding its success from community members.

Ashley K: I would like to thank the Staff for their help. It really came together but only with their help.

b. Public Works

Rod C: I would like to point out we have fixed 4 water line repairs and that should take care of some of our water loss at this point but we are not done.

Tom S: Are the water line breaks contributed to the old lines we have installed?

Rod C: Yes, there are many problems with the service lines currently in affect because they are old lines.

Tom S: Are we going to continue to see these problems?

Rod C: Yes, these are old pipes implemented in the 80's so these things will continue to happen.

Hawkeye: Are we going to take out the Old Town Hall sidewalk?

Rod C: Carter and Burgess is on that project. Also we will be out there on HWY 24 doing flow fill so the total repair should be done in a few weeks. The process will be the same as the last repair on the South Bound side of the road.

c. Police

d. Treasurer/Clerk/Town Manager

Jay B: I would like to add to Ashley's report, the Staff has really come together and it is without being said you have a great Staff here in the Town Of Minturn.

Also, we are thinking about presenting less food at the council meetings due to money and Staff time it takes to prepare.

I would also like to address putting the phones on night mode for 2 hours during the day in order for staff to get their work done. Right now we are very short staffed and it is getting difficult to accomplish everything the Staff needs to without having to work massive amounts of overtime.

Hawkeye: Does anyone have a problem with that.... No Council Member spoke against the idea.

Hawkeye: Try it for now.

Jay B: We will try it for a few weeks.

Shelley B: Most of the Council Members come to the Council Meetings straight from work and we need some type of food to sustain through a long meeting.

Jay B: We will figure something out.

Hawkeye: Are you still coming up with a financial report?

Jay: It will be here soon, my plate has been full lately but it will get done.

e. Town Planner

Chris C: I have no report in the Council packet but we have been working with Pilgrim on.

Shelley B: Could you give an update on what you and Carter and Burgess have working on with the ADHOC?

Chris C: We have been reviewing close areas and we need to set up a meeting and continue from where we left off. We will most likely schedule something for later on this month.

f. Carter – Burgess

Rob S: Staff report is on page 48. With respect to the sidewalk CDOT has written the approval letter and we have received the approval letter for the sidewalk rebuild. One question, are we going to put in conduit along the sidewalks for street lights? We will need some clarification on this. One concern with this would be the cost. It would add \$35,000 to the project to add it now. We are proposing putting conduit under drive ways as of right now and addressing the rest of the sidewalk area once it is decided where the lights would be stationed.

George B: Would it be less expensive later?

Rob B: No, but once the side walk is in we can see where things need to be put in like pole boxes. We didn't see any cons to doing this later.

Hawkeye: Is this \$35,000 in addition to the proposed conduits under the driveways.

Rob S: Yes. It doesn't make sense to put in conduit with out putting in pole boxes and as of now we don't know where those are going to be located.

Hawkeye: Should we do it now or later?

Bill B: If we have the money lets do it now.

Hawkeye: How much money do we have in the fund budget at this time?

Jay: I don't think we have the money as of right now.

Bill B: If we can't pay for it there is no use on doing it.

Tom, Shelley, George, Jerry, Kelley - Lets Wait.

Hawkeye: I don't see the reason for doing it twice.

Rob S: Water well abandonment has been abandoned and the final plans have been sent into the state so that is a done deal. Old Town Hall has been taken care of. One issue is the damaged side walks. There is a section that is damaged, what is Council's direction on the repair. Do we get permission to repair in front of a private property and setting a precedence of repairing the sidewalk in front of a private property?

Tom S: It's in the public right of way.

Hawkeye: The direction was to fix all of the busted sidewalks. We can meet and I can show you where it is.

Jerry B: We are not going past the Old Town Hall and into the privates.

Hawkeye: We voted on it and everyone was in favor of doing the whole sidewalk.

Jerry B: What I understand it was the sidewalk in front of the Old Town Hall only. If we fix it in front of the private residence we are paying for the labor.

Kelly B: Wasn't the damage caused by the Old Town Hall?

Jerry B: It is been that way forever.

Hawkeye: I was probably caused by snow removal.

Jerry B: I don't recall it being ordered to fix it.

George B: I remember that we were going to go all the way down the side walk and fix all of it.

Rob S: I just wanted to clarify before we started to take any action.

Shelley B: We know of citizens already in an uproar for replacing other people's sidewalks.
Hawkeye: That is why we have a sidewalk Fund to replace side walks were citizens can sign up to have it replaced.

Jerry B: Have we been able to verify the water loss calculations.

Rob S: It has only been a few days so we will get the data and have it ready for the next meeting. I can't quantify anything until I have the data.

Jerry B: From my calculations we are losing about 15,000 gallons a month, enough to supply 180 families.

Hawkeye: have we identified anymore leaks?

Rod C: These are it for now and have been there for quite some time. There may be a couple more that aren't measurable at this point. There are issues with the line going across the Malloit Park though.

Hawkeye: I thought we fixed it.

Rod C: It was partially fixed

Rob: There is another area by the main tank we are investigating.

Hawkeye: When would you be coming back with a water loss number?

Rob: by the next meeting on July 18th

g. Town Attorney

h. Town Manager

See treasurer report

i. Town Council

Jerry: Could we get the corners on the streets painted because there are large vehicles parking on the corners and it's hard to get out and see traffic.

Shelley: I agree, for example the area at first bank.

Hawkeye: I have been working with the housing council of Eagle County and hopefully we will have a plan to bring to council a housing plan here on the first week of August.

DISCUSSION, HEARINGS AND ACTION ITEMS

11. Discussion/Action Item - Capital Improvement Plan and Community Planning Update - Carter & Burgess and Oz Architects (15 min)

No action was taken.

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. (30 min)

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 June 20, 2007. He explained that there are also 3 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), Applicant 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 on June 20, 2007. Bill B. no, Shelley B. no, Jerry B. no, Tom s. no, Kelly B. no and George B. no.

Hawkeye: I had an e-mail from the planner of Eagle County reminding that they have submitted comments to the Planning Commission during those public hearings regarding the annexation and land use applications. .

Chris C: I have nothing to add to the report.

Boots. Please add pages 48-52 to the records as testimony as well as the Carter and Burgess Staff report.

Dominic Mauriello: 5601 Wildridge Rd. Avon CO. Representative of the applicant:

The outline of the presentation is:

- Fiscal analysis update
- Superfund/ wet lands update
- Community Partnership Pass membership plan
- Scheduling of bolts lake visit: Tuesday next week @ 6pm

Hawkeye: Post the site visit as a work session. We will also provide our own transportation.

Boots: No, you have to allow this to be a public meeting in case public signs up and we have to provide transportation.

Dominic: If I could have people contact the Town by Friday at 3pm to sign up that would allow for us to get the transportation ready.

Ford Frik:

I would like to take a moment to address questions from the previous meeting regarding the annexation and mill levies:

Minturn has a very high mill levy. He presented a slide indicating the revenue to the town if the project went through and compared the actual annual increase in cost to the Town from the project. He stated it doesn't compare, the Town will have a major profit from this Reduction of Property tax payment would reduce the Mill levy on multiple fronts. This decision is up to the Town, they can lower property if they like or not. But, it will benefit them.

If you reduced your mill levy it would create a lot of revenue for the Town for annual funding.

Hawkeye: How much will it reduce it?

Mr. Frik: About 72% per property owner. If you reduced the mill levy you would obtain about 4 million annually.

Kelly B: How did you come to estimate the Town expenses over 20 years? How did you come up with the number for example police or public works?

Mr. Frik: The process is summarized on the chart handed to Council. We looked at the current expenses per house hold to each department and checked to see if this project would

produce the same demand per house hold. The project will have its own supplemental responsibilities. We were quite liberal on how much this project would cost the community. The 2 million community increase in cost for the project will be offset by how much the community will make from the project (up to 8 million, 4 million if you decrease the levies).

Kelley B: How did you come up with that percentage on the \$200,000 in addition to what you spent on the project? The fixed portion percentage cost.

Mr. Frik: There is an estimated fixed cost, the percentage and then a variable cost of operation

Kelly B: The fixed percentage would be what is spent on the Ginn annexed property.

Mr. Frik: Yes, for example your police cost is pretty much a fixed cost but with the project as a whole there are going to be variables, as the community grows the variable costs increase. This annexation project is going to be less burdensome than a normal annexation where the Town would incur all of the costs.

Kelly B: What comps did you use to get these numbers?

Mr. Frik: We have done this on many levels and addressed what goes into what levels of policing. We usually interview the Chiefs of Police and City Managers in these studies. But you need to understand that these are just general calculations.

Ken Waeskche: Representative of the applicant: 1703 Cuttysark Silverthorne, Colorado:

We have been conducting environmental research at the Bolts Lake Character/Gilman area and the superfund remediation:

The main goals of a superfund site clean up is to minimize the impact on fish in the Eagle River and the Eagle River Itself. The existing remedy at the Bolts Lake Character area currently includes functions to: Create safe ground water extraction, Surface water diversion, Ground water diversion, Mine water treatment, Ground water treatment and Revegetation.

These treatments are there to ensure that the remainder of the area isn't contaminated from the superfund site. The initial problems arose from the Tailings piles mainly the Eagle Tailings Piles from the Eagle Mine that has been there for over 50 years. The leaching of the tailings has impacted the natural ground covering in the immediate and surrounding areas. He then explained what the old measures were from the Environmental Protection Agency (EPA) to extract contaminated soils and materials.

Our proposed changes to the superfund site remedy are to take the process the rest of the way in order for people to have full access to the area. Meaning making the site to meet human health standards avoid using federal lands or federal funding, make it private land and a private resort, create limited use by controlled access and create a drinking water storage for Minturn. He then presented a color coordinated map stating the metal contaminants in the area. These hard element contaminants include lead, arsenic and manganese.

Our first steps are three steps:

1. A remedial investigation: Study the soil, ground surface and the ground water to see what is currently present in those conditions. We found out of several hundred compounds we found arsenic, lead, cadmium, copper, chrome and zinc, the same elements the EPA found back in the 80's. Lead and arsenic are of the major concern of ground contamination. He then explained the amounts of each found in both sections of the superfund site.

2. A risk assessment: They have identified in their risk assessment they need to excavate those upper sources and provide a cap of some type. This should consist of a minimum of 36 inches of clean soil and or some combination of one of these caps.

3. A feasibility step:

Hawkeye: how effective is the current system and keeping it out of the eagle river.

Mr. Waeskche: There is no valid water interception, treatment or recovery in these two areas. So the remedy here was based solely on removable soils. But, there are still concentrations of the metals in the area. At the tailings area there are 2 interceptors going to Maloit Park and they are about 75% effective.

Hawkeye: The research verifies the leakage points haven't changed over time.

Mr. Waeskche: Yes, the seepage is still the same and he addressed it on the map of the old tailings pond. The lower area has some remediation but the upper has none.

Hawkeye: Is it south of the road?

Mr. Waeskche: Yes, its south of the road, it's the hottest site of ground water contaminants. This is an on going study of contamination.

Remedial Action Goals:

- Enable unrestricted human use of area
- Protect and improve water quality in the eagle river
- Integrate site clean up with the development plan

We will do this by:

- Excavating the area of metal concentration greater than human health standards
- Transport and place contaminated soils in the CTP
- Cap the excavated areas with clean soil
- Install ground water collection trenches along Eagle river
- Treat and discharge the contaminated water form the eagle river
- Remove mine water trestle and place an underground pipeline
- Regrade and contour site to control surface water runoff

Hawkeye: How deep is the water at Rex flats?

Mr. Waeskche: About a foot – 18 inches and further down about 15 ft. The depth of contamination is down about 20-30 ft. We can place a cap on it to stop the continuation of contaminated flow down river. The problem we haven't address is the water from Eagle River flowing through this area which creates a large mixing zone.

Rex Flat Remediation site: Similar to all excavation of soils and ground soil, 36 inches of fresh soil, 18 inches of clean fill, 6 inches of ground soil and a capping or combination of capping there and lastly a remedy building will be put on site as a finalization.

Old tailings pile: There will be a reservoir placed there and a remedy building on site to clean the contaminated area.

Consolidated Tailings Pile Overview:

The contamination will be placed in the sludge Cell. The contaminated soils will be place on the property by the building in a holding cell and then capped. Once the contamination is on the CTP location it will eliminate mass amounts of contamination seeping into the Eagle River. The golf course will have a specific drainage system that will not seep into the contaminated capped area and drain into a catch area in order to be recycled.

George B: Is there a type of membrane liner placed in there?

Mr. Waeskche: We will be looking at alternatives if this project plan passes.

Bolts Lake will be replenished and have clean fill in the area and a new lake will be created.

Bill B: How deep will it be

Mr. Waeskche: About 10-12 feet pending on the area.

Tom S: Are you planning on trucking the clean fill into the area?

Mr. Waeskche: As for the immediate remediation I have almost all of that on site and when we get into golf course construction I would need to import into that area.

Bill Weber: 156 RR Ave. on behalf of the Applicant:

We would bring the materials up the rock creek drainage area.

Hawkeye: Rex flat area building; are they going to have basements.

Mr. Waeskche: they will all be ground level at this point to avoid penetrating the ground water. We will be adding fill to get above it.

Bill B: How are you going to fill the mine shaft that goes down about 400 ft.

Mr. Waeskche: I am not sure, a possible cap but we don't know as of now.

Mr. Weber: This would be a part of the early development and we will be cleaning up 50 of 100 acres immediately. Mainly the peninsula where the homes are currently located.

Rebecca Almond: on behalf of the applicant.

Minturn will not acquire the CERCLA liability by annexing all or part of the eagle Mine site. Ginn will also have liability protections if they follow all state, government and epa standards which they have to this point.

Hawkeye: What does CERCLA stand for?

Mrs. Almond: Compensation Environmental Response, Compensation and Liability act Of 1980

Stephanie Larson: Centennial Colorado: Environmental Resource Management:

Wetland Location on site and proposed plans:

Clean Water Act 404 regulates discharges to waters in the US

We conducted a wetlands delineation study in 2005 and 2006 where we obtained field verification with the EPA and army corps of engineers on May 17, 2006. We received the Army Corps delineation concurrence letter to the EPA on May 31, 2006.

Locations of Wetlands include:

- Maloit Park Character Area
- Highlands Character Area
- Bolts Lake Character Area
- And various smaller areas

The areas combined create a total wetland area of about 50 acres.

Bolts lake area is 500 acres, 50 acres are wetlands, 18 acres will be affected by development. 7 acres impacts from remediation, 9 acres wetland impacts in Bolts Lake and 2 acres wetland form golf course.

Development Constraints in Addition to Wetlands:

- New remediation features necessary to meet human health standards
- Protection of existing remedial features
- Drinking reservoir location
- Topography/slope sides
- Eagle River and Cross Creek setbacks
- Wildlife Corridors and habitat
- Traffic Management/CDOT
- Tournament design standards/safety concerns
- Property Configuration and boundaries
- Historic Resource preservation
- Floodplains area

Maloit Park:

18.3 acres of wetlands, 1.2 acres will be impacted by any Development

High and Low quality wetlands areas. South end was low quality due to the CTP run off.

Constraints to fix this area are: Cross Creek and Maloit Park road.

Golf Course Holes would be 4,5 and 6. Not all wetlands impacts are from the golf course but due to prior soil contaminations.

Note: There won't be any residential development in this area in order to sustain the wetlands area and not disturb the natural lands.

There will be an elevated golf cart causeway so we do not have to put concrete cart paths on wetlands, it will be bridged between holes 4 and 5. There will also be retaining walls in the location.

Bolts lake:

9.2 acres of wetlands

Hydrology of the area consists of the Bolts Ditch and Snowmelt.

There has been an increase since 1995 creating drainage of lake caused by snowmelt, the bolts ditch and it being a former water storage area.

Old Tailings Pile:

5 Acres of wetlands

Low quality due to impacted soil and ground water contamination from runoff.

Rex Flats:

2.8 acres of wetlands supported by the Eagle River and shallow ground water. The area is of low quality because of the impacted ground water and soil. Along the river there was a higher quality of wetlands.

Highlands:

13.2 acres of wetlands coming from beaver ponds in that area

1.6 acres of impacted. The hydrology of the area comes from Cross Creek, snowmelt, side slope runoff.

There are high and low quality wetlands found in the 13.2 acres.

Highlands golf course holes 12,13 and 14:

These holes are designed outside or along the wetlands perimeter. We also shorted hole number 12 in order to avoid the wetlands. Bridges are also used to minimally impact the wetlands.

Jerry B: Impacted Wetlands usually create other wetlands adjacent to the old one. Is that true?

Ms. Larsen: That is a true statement and new ones could be created in these locations.

Mr. Mauriello:

Community Partnership Pass Membership Plan:

This allows community members of Minturn and Redcliff to access some amenities on the project property.

The access will be to meeting rooms, community rooms, ski resort and golf course.

There was a written plan submitted to the Planning Commission detailing the agreement. You must own or be a resident of Minturn or Redcliff for no less than 18 months. Children and grandchildren can access this with other family members. Also guest members may be permitted from time to time.

The nominal fee is \$50. With a schedule of black out dates. There would be a minimum of 30 days a year for community access. These days would be set up on a website the community can view. Note: The membership is not transferable.

Tom S: The 30 day sounds pretty limited. 10 days in November 10 days in May and so on.

Mr. Mauriello: This is the first time the applicant has put a program like this into effect and there is room for modifications and improvements. We are trying to avoid high traffic time for property owners.

Tom S: How are we going to work this out?

Mr. Mauriello: I believe we can work this out with Ginn, they want a partnership with the community.

Shelley B: How are you going to prove residency of 18 months, it is going to be hard in this community.

Mr. Mauriello: We can work on this in a variety of way.

Shelley B: It is frustrating that you would limit it to 18 years and younger need to be with a parent. That means I can't allow my kids to go out there on their own. 13-14 is a good age and you should consider that they are a part of the community as well. I also believe you need to consider the limitation on days for the access to the amenities.

Kelly B: With the golf course access you should figure out tee times that would be available to the outside community. Also you stated that community members are limited to a certain number per day, you should figure out how many people that is. If a community member wants access and the maxed number of people allow to have access has been reached are they going to be turned away?

Mr. Mauriello: We can address those issues and numbers and also annually work with the Town on what has been working and what we need to do to move forward.

Tom S: You have good intentions now but, corporations change and down the road we could be dealing with a whole other group of people and they may not want to allow such access. We would like a little more detail in regards to maintaining this access.

Mr. Mauriello: Exhibit 28 is now submitted for the record.

Boots: Is there anything in the packet that was not included needs to be included.

Sarah baker 1914 Bear Creek Trail Edwards. On behalf of the applicant.

There are only two things added and we could submit it tonight as submitted at exhibit 29.

Boots: Please do. One suggestion regarding Shelley's question, the town of Aspen has a sales tax rebate for residents, to prove residency they could present utility bills.

Motion by Shelley B, and 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. 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 (30 min)

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 Shelley B, second by Jerry 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 18, 2007. *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. (30 min)

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 Shelley 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 18, 2007. *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 (30 min)

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.*

Hawkeye: Are we at a point for public comments at these hearings?

Ms. Baker: We are close and we will present some new items at the next meeting and then possibly the following meeting.

Tom S: Does this cover your design guidelines?

Ms. Baker: There are some discussions on design guidelines.

16. Discussion/Action Item - Ordinance 14 - Series 2007 (First Reading) An Ordinance allowing the Town Mayor to sign a contract with Strategic Fence and Wall Company to remove the barbed wire on the Town's Property - Christensen (5 Min)

Hawkeye: We had discussed this and decided on this bid from Strategic Fence and Wall Company at the June 26th Special Council Meeting. It appears that there might be something else going on with this?

George B: There was a question as to what was covered in this.

Allen C: I do not have anything regarding this, it's up to the Council and you guys chose the bid for \$2,250 and it seems as though there was another bid added to it.

Hawkeye: Jay, do you?

Jay B: I do not.

Hawkeye: Do you have any answers?

Dylan Z: After speaking with Hugh from Strategic Fence and Wall Company he indicated to me that the bid for \$2,250 included the removal, clean-up and post extraction from the old water tower. Included in a bid attached to the \$2,250 bid was another bid for \$400 to remove the barbed wire at the new water tower and another \$500 bid to replace the barbed wire with a regular wire as he indicated this area still had cattle.

George B: If his original bid is the same as a total bid from a local agency I say we go with the local agency.

Hawkeye: Do you remember the bid from Johnie's Garden, did it include everything?

Dylan Z: I would have to review their estimate at this point to give the Council an accurate summary of the bid.

Hawkeye: Dylan please research all the bids and present them to the Council at the next meeting.

Motion Tom S, second by Shelley B, to Table Ordinance No. 14 - Series 2007 (First Reading) An Ordinance allowing the Town Mayor to sign a contract with Strategic Fence and Wall Company to remove the barbed wire on the Town's Property to the July 18th Town Council Meeting.

17. Discussion/Action Item - Obtaining an Attorney to represent the Town of Minturn in the Boyd appeal (15Min)

Allen C: The insurance Company had a 5 day trial and the town one. Boyd stated the policy doesn't cover the cost of the appeal. I spoke to John C. of White and Seetle and they said they would continue to represent the Town through the appeal. They gave us a quote of \$150.00 an hour and the appeal is \$15,000. I cannot do it because I was a witness at the trial. I need direction to obtain the same people in the trial.

Hawkeye: Is it cheaper to pay him the \$15,000 so that we can settle this issue?

Allen C: We have made an offer to waive attorneys fee from the trial which is more than the \$15,000 if they drop the appeal and they denied our offer.

Motion by Tom S, second by Hawkeye, to higher White and Steele to represent the Town Of Minturn in the Boyd vs. Minturn appeal. *All Voted in Favor*

18. 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 - Christensen (10 min)

Motion by Tom S, second by Shelley B, to table this item until the July 18th meeting. *All Voted in Favor.*

19. Discussion/Action Item – Resolution 6 - Series 2007: Appointment of Jay Brunvand as Acting Town Manger (5 Min)

Motion by Tom S, second by Kelly B, to approve Resolution No. 6 - Series 2007 A Resolution Appointing Jay Brunvand as Acting Town Manger.

19a. Discussion/action item - Council members addressing Town staff and giving direction outside of public Council Meetings.

Allen C: We have a code MMC 2-25 no one on council may give direction to Staff. It seems to be the same person most of the time. I have written this memo so many times that I am done writing it, you now have to deal with it in a public hearing. This person asked a staff member to do something about a citizen complaint on a building project in Town.

Hawkeye: It was me, I didn't tell him to do anything to the project I was just passing on a public complaint.

Allen C: What part do you not understand? You cannot not talk to Staff. You need to address the issue with the Town Manager.

Hawkeye: I passed on a complaint and gave no direction.

Allen C: If you have a complaint you need to address it with the Town Manager.

Hawkeye: In the absence of the Town manager I brought the issue up with a department head. I will not sit here and be accused of something I didn't do.

Allen C: We are not going to have this, you are out of order.

Hawkeye: You are out of order for accusing me of something I didn't do.

Shelley B: We need to address all issues with the Town Manager and if they are not available wait until the Manager is back.

Allen C: I don't think the seven Council Members understand that when they talk to Staff the Staff may take the meaning of the conversation differently than intended, you are elected official they work for you. Perception is reality.

Chris C: The Mayor did come into my office with a citizen complain and I did feel uncomfortable in the situation. I believe the whole thing originated from an inaccurate survey.

Shelley B: We need to go through the proper lines of communication and that is through the town manager

Tom S: It is my project and I believe you have a personal vendetta with me. You shouldn't pressure the Town Planner. I believe this is borderline harassment on me. If the Town Planner said he was feeling a certain way then that is how he feels.

Hawkeye: I was just passing on information

Tom: I don't think you were just passing on information.

Jay B: When the mayor comes in and discusses another Council Members property to a Staff member it becomes a big deal real quick. At that point Staff has to address this situation.

There are circumstantial times and this wasn't one of them. The situation between Shelley and myself was one of those.

Tom S: If Chris felt pressured enough he could have come down and shut down my project and I would have to send guys home I am paying for.

Shelley B: We need to follow the code.

Tom S: When does this stop? We have discussed this routinely

Hawkeye: I don't think it's routinely

Shelley B: You are crossing the lines at times and use caution.

Jerry B: To keep this from happening again, is it legal/proper to write a letter of censure? There need to be a price to pay for stepping over the line.

Allen C: It is up to the seven of you and I am only asking for direction.

Motion by Jerry B, second Bill B, directing the Town Attorney to write a Resolution condemning the Mayor for his actions. *Tom S, Shelley B, Bill B, Kelly B and Jerry B Voted Yes. Hawkeye and George B. Voted no it passed 5:2*

George B: I am up for an apology accepted and move on.

Hawkeye: This is way out of proportion to what happened.

Hawkeye: Let's talk about individual Council Members talking to Staff:

Jerry B: I think if you go in and ask them a question its not over the line but, if you give them direction that is taking it over the line.

Hawkeye: That's what I did, even ask Chris.

Shelley: He obviously thought you were giving him direction.

Hawkeye: What should we do then?

Jerry B: When you were re elected you stated no one talk to the Town Manager accept yourself. That shouldn't be the case

Shelley B: We are going to have to talk to Staff at times, some of us are on the same committees.

Jay B: I think if its conversation to give options to council at a meeting is one thing but if it directs a Staff member to do something as an individual then it is crossing a line. We need to address the organizational chart.

Hawkeye: We need to address Allen giving Shelley direction to check Ann's e-mails.

Allen C: That wasn't me giving direction, it was council stating that someone needs to be checking the e-mail account in case there is pertinent information that needs to be passed on to other Staff members.

Shelley B: We just don't want to put Staff in that type of situation. As for the e-mail, the Council said someone needed to and I volunteered.

Hawkeye: It is past 10:30pm and we cannot conduct any new business past 10:30pm according to the Charter.

Motion by George B, second by Shelley B, to continue the meeting and convene into executive session.

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

FUTURE AGENDA ITEMS

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

- Ginn Petitions for Annexation – Continued from: 7/10/07 to _____.
- Town Council Special Meeting for a site visit to the Bolts Lake area for inspection of superfund remediation.
- 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 7/10/07 to _____.
- 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 7/10/07 to _____.
- 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 7/10/07 to _____.
- Special Council Meeting: Site Visit to Bolts Lake Character Area 7/17/07 at 6:00 pm.
- Minturn Town Homes Update – 7/18/07 – Fitzthum (Final Council Presentation).
- Water usage charges: Turntable Restaurant and Motel - 7/18/07
- Public Hearing on CU 07-04; Hi Cranes, Inc Conditional Use - 7/18/07.
- 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.
- Discussion of strategy for the forest service properties – Christensen/Zastrow
- Update on the Rail Road – Bellm/Christensen
- CU 07-03; Tory Enterprises (Budget Trucks) is requesting Conditional Use Approval for a motor vehicle parking lot at North Main Street - Tabled to a date uncertain
- Special Joint Meeting: Town of Minturn and Eagle River Water and Sanitation District - August 22, 2007 @ 10:00am.
- Follow up discussion on Chapter 13 revision questions and directions.

22. Set Future Meeting Dates

- a) Council Meetings
 - July 18
 - August 1
 - August 15
- b) Planning & Zoning Commission Meetings
 - July 11
 - July 25
 - August 8
- c) Other

23. Adjournment

Motion by Jerry B, second by George B, to adjourn the July 10, 2007 Town Council Meeting at 11:30 pm.

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk