



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

Wednesday, July 18, 2007

Regular Session – 5:00 PM

MAYOR - Gordon “Hawkeye” Flaherty TOWN MANAGER - Ann K. Capela
MAYOR PRO TEM – George Brodin TOWN CLERK/TREAS - Jay Brunvand

COUNCIL MEMBERS:

Jerry Bumgarner
Bill Burnett
Tom Sullivan
Kelly Brinkerhoff
Shelley Bellm

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

Regular Session – 5:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 5:02pm. Roll call: Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Bill Burnett, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff, and Jerry Bumgarner, *(Note: Tom S. was late, Kelley B. excused herself for personal matters @ 7:00pm)*

Staff present was, Town Planner Chris Cerimele, Town Treasurer Jay Brunvand, Police Chief Lorenzo Martinez, Town Attorney Allen Christensen, Public Works Director Rod Cordova, Economic Development Director Ashley King and Assistant to Town Manager Dylan Zastrow. *(Note: Ann Capela and Ashley King was 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 Annexation/PUD.
- Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(e) to consult with Town Attorney Allen Christensen for the purpose of discussing a contract as it relates to the Minturn Interim Town Manger.
- Motion by George B, second by Shelly B, to convene into Executive Session pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen, Boots Ferguson, and Anne Castle for the purpose of receiving legal advice on the Ginn Annexation/PUD and Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(e) to consult with Town Attorney Allen Christensen for the purpose of discussing a contract as it relates to the Minturn Interim Town Manger.

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

Direction to Staff and Town Attorney to continue with the Forest Service Land Acquisition and report back to Council.

4. 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

George B: I would like to move Discussion/Action Item #10 on the agenda, Resolution 9 Series - 2007 to the end of the agenda due to possible time issues.

Shelley B: I agree with George B.

Bill B: I say leave it,

Tom S: I vote to move it to the end.

Jerry B: I vote to move the issue to the end.

Shelley B: I would like to amend to the agenda to accept the existing Town Manager's (Ann Capela's) resignation as item 8a. on the agenda and to offer a contract to Gary Suiter as interim Town Manager as item # 8b.

Motion by Shelley B, second by George B, to approve the July 18, 2007 Council Meeting Agenda as amended. *All Voted in Favor (Note: Kelly B. was absent/excused).*

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

- July 10, 2007

Shelley B: On page 15 at the top it should read comps, not cops.

Also on page 19 at the top could you clarify the sentence dealing with max external community capacity.

Hawkeye: On page 9 mid way down the page it should read street lights not traffic lights.

Motion by George B, second by Shelley B, to approve the July 10, 2007 Council Meeting Minutes as amended. *All Voted in Favor (Note: Kelly B. was absent/excused).*

- Review/Comment – Council Action Report

Shelley B: I would like the item to paint all the intersection corners to include all crosswalks in Town as well.

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

- Minturn Town Homes Update – Hall

Aubrey Hall: A representative of Minturn Town Homes

We are currently in the process of working with Chris C. and Chuck L. to finish the project. It should be done in about 4 weeks. We will be working with Chief Martinez on any parking issues that have been brought up.

The dirt on site currently visible will be hydro-seeded and eventually be grass.

Hawkeye: Are you working on all the items on the PUD?

Mr. Hall: Yes, Chris C. and I are working on it together to ensure all items have been addressed

Hawkeye: Has the yellow line been painted on Taylor Avenue yet?

Mr. Hall: No, we are going to stake the line then obtain approval from Chief Martinez to ensure he doesn't have any problems with it before we paint it.

Jerry B: There is conduit running off the building to a private residence, are you going to address that?

Mr. Hall: That conduit was temporary energy source for the project site that hooked directly to the electrical pole and we are going to move because the underground conduit is finished.

Jerry B: Is it safe just sitting there?

Mr. Hall: Yes, it is completely safe.

Tom S: I have a concern with the wall that was built. The Town gave permission to access the Town property to construct the project wall and the terms were that it be revegetated by your crew. I also have a concern that the wall impedes onto the Town's property, not to mention my concern that the buildings aren't even in the right places. I have asked for information regarding your project and I still haven't gotten it and I believe it is for that specific reason, things are not where the initial plan stated. We gave the project 15 feet of Town right of way for the project and I think more than 15 feet were taken. I see the buildings not being in the right place and there is a lack of parking as well.

Mr. Hall: I have worked and will work with Chris C. regarding these issues. I do believe there was one question of lack of parking and I believe that Chris C. and I resolved that.

Tom S: I would like to look at the ILC document. Having had the area surveyed, are the buildings exactly where they are supposed to be in comparison to the initial project proposal?

Mr. Hall: To my knowledge.

Tom S: So what is it going to take to an ILC here for the next meeting? I have been asking for a year and have not gotten anything

Mr. Hall: I will do my best to get an ILC here for the next meeting.

Tom S: If we don't get it by next meeting I am going to make a motion to pull the project.

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

8. Discussion/action of Emergency Items, if necessary

8a. Acceptance of the current Town Manager's (Ann Capela) resignation.

Motion by Shelley B, second by Bill B, to accept Ann Capela's resignation as Minturn Town Manager dating on June 30 2007. *(Note: Kelly B. was absent/excused).*

8b. Contract offer to Gary Suiter as interim Town Manager.

Motion by Shelley B, second by George B, to extend a contract to Gary Suiter as Minturn's Interim Town Manager and direct the Town Attorney to draw up an Interim Town Manager contract.

STAFF REPORTS AND OTHER ITEMS

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

a. Economic Development Director

Jay B: Ashley is not present due to a prior engagement.

Jerry B: I would like to commend her for her good work and encourage her to keep it up.

Jay B: Ashley is still looking for volunteers.

Tom S: Responding to her previous Staff Report: If the Market's Budget cannot afford to hire outside employees to run the Market then we shouldn't have the Market. We can't rely on the Town Staff to work on Saturdays. We need to look at the budget and see if we can do it.

b. Public Works

Rod C: He stated he had no staff report but he was open for questions

George B: How is Main St. coming along?

Rod C: It will be paved tomorrow.

George B: The fence issue has been addressed?

Rod C: Yes, it's being worked out.

George B: You said you were looking at other pending water issues can you update the Council on that?

Rod C: Yes there are some issues right now that we could address. The others areas haven't been identified yet.

Hawkeye: What are Public Works next 30 days looking like for projects?

Rod C: I am looking at going on vacation. We have been busy with street repair and water leaks. We haven't prescheduled any new/major projects for the next 30 days.

c. Police

Chief Martinez: As for new recruitment we have interviewed three people last week and two of them were good. We also had another interview today and will follow up with her. We had an officer who used to work for the Town possibly come back and interview for the position but wasn't able to make it out. Also, this Saturday the Courage Classic Bike Race from Leadville will be coming through Town during the market time and I have been working with State Patrol to ensure everything runs smoothly. Also I would like to thank Jerry B. for the Staff appreciation lunch.

Hawkeye: Do you know how long it takes to get your NIMS test results back?

Chief: It should be immediate.

d. Treasurer/Clerk

Jay B: To go back to Ashley's report, she is taking book orders for Bill's book. She will also be holding the Cowboy Poetry on September 22, 2007 instead of in August 5, 2007.

Jay B: I would also like to thank Jerry B. for the Staff appreciation lunch. I would like to thank the Council for the opportunity to be acting Town Administrator. He then stated he was open for questions.

Shelley B: Thank you for stepping up in the time of need.

Hawkeye: Are you getting closer to getting us a financial report?

Jay B: I am still plugging away at it and will report to the Council when it is completed.

e. Town Planner

Chris: My report is on pg 36. Currently there are a few proposals for development and I am working with Carter and Burgess on these proposals.

f. Carter – Burgess

Rob S. Carter and Burgess 707 17th St. Denver

The report starts on pg 41.

Minturn water audit: The tank data has been analyzed. Water loss adds up to about 6 million gallons per month. That equates to about 140gallons of water loss per minute. Public Works has fixed some of the leakage problems and now the water loss can be calculated to about 90 -100 gallons lost per minute. If you had a 60% loss before after such repairs the water loss would be at about 35% now. Why is it still 35%? While the pumps are running there is often overflow which adds about another 1% everyday so overflow is a contributing factor. It has been improved a great amount with the fixes made by Public Works.

Side walk: We have received 2/3 bids for the sidewalk. They were significantly higher than the grant. One bid was 1.4 million dollars the other was about 600 thousand dollars and the

grants are at about 100 thousand dollars. We need to find out why the amounts are so different. We need to figure out some numbers and figure out a proposal of how low we can go with the cost as well as altering it to save cost.

CDOT right of way survey has been reviewed and is now back with CDOT.

Old Town Hall: We have some preliminary bids for the site. The numbers are a little high right now. One bid was for \$4,000 for a sprinkler system and we are working with the demo crew to help out some of the cost of labor and finish up the finalization of the lot before we begin anything. The sidewalk in front of Old Town Hall is estimated at about \$5,000 to finish. We could start on that immediately if the Council would like.

Hawkeye: What type of sprinkler system are you talking about?

Rob S: A very small one, only a few heads.

Hawkeye: We were thinking about moving a hose around the area instead to save some money.

Rob S: That would become labor intensive but if it gets developed right away that would be an ok alternative. But it would be a little too expensive in the long run if the site wasn't developed fairly soon..

g. Town Attorney

h. Town Manager

i. Town Council

DISCUSSION, HEARINGS AND ACTION ITEMS

10. Discussion/Action Item - Resolution 9 - Series 2007 - A Resolution censuring the Town Mayor in the act of giving Town Staff direction.

This Discussion/Action Item was amended on the agenda and moved to Discussion/Action Item #24 on the agenda.

11. Discussion/Action Item - Water usage charges: Turntable Restaurant and Motel (15 Min)

Jay B: I believe Ms. Goodell's concern is when the town turns off the water for fixing the lines and the effect on her business..

Darla Goodell: 160 Rail Road (RR) Avenue. A representative of the Turntable Restaurant and Motel.

Ms. Goodell: I didn't come to complain about the Public Works Department, they do a good job. During this last water outage was the Town doing something to fix the water lines or was it a private individual doing something that required the water to be shut off?

Rod C: It was private individual. They tried to freeze the line but it didn't work so they had to shut it off. The individual made a valid attempt.

Ms. Goodell: Someone from the Town called and asked when a good time would be to shut the water off. I told her a time and they said they couldn't because it would interrupt the other restaurants prep time. Why can't the water shut offs be done at another time instead of peak service hours?

Jay B: We are in the process of attempting to work with the local businesses to obtain the best time for everyone. The parts are so old that it takes longer and longer to repair. Also the system is old and there are no loops to avoid shutting off certain parts of Town. Also, you have to bleed more hydrants because of the mass shut. I sympathize on behalf of the Town.

Ms. Goodell: I can't lose thousands of dollars every time the water is shut off a few times..

Hawkeye: Why did it take 45 – 60 days to fix the old problem in the first place?

Jay B: I wasn't the acting Town Administrator at that point so I do not have the answer to that question. But, if there is a problem we have to allow the citizen to take care of it by themselves before the Town steps in.

Rod C: The citizen paid for it out of pocket and it wasn't cheap. He was also on vacation so that delayed fixing the problem. Public Works is on site during these repairs working traffic for the project team. That project was done in a timely manner once it was started. I also notice the question of why nighttime wasn't a good time to work. We have to apply for a permit from CDOT because it was on the CDOT right of way and they don't really allow project work anytime other than day light hours during the week and not on Holidays.

Bill B: Do we have insurance on our machines when we are digging for these projects?

Rod C: Yes, but most excavating is contracted out and the sub contractors secure the insurance. Public Works is mainly support for the crew and manage the scene because we don't possess the proper equipment for a project of that magnitude.

George B: Is there any way we can feed water around the area to the businesses.

Rod C: Yes, we can pump it to them but traffic can't drive over water transporting device.

Ms. Goodell: We also need a directory down Town. There was a sign and now there is not. We need to have this put back up. I would pay my part to get it taken care of.

Hawkeye: Are you suggesting a kiosk as you enter town?

Ms. Goodell: Yes.

Jay B: I believe it has to do with the skyway/byway to Leadville. I will pass this item/concern onto Ashley to work on it and she will get back to Ms. Goodell.

12. Discussion/Action Item - Public Hearing on CU 07-04; Hi Cranes, Inc Conditional Use - Cerimele (15 Min)

Chris C: I recommend the Town Council table this conditional use until the August 1, 2007 Town Council Meeting in order for Hi Cranes, Inc. to explain where their negotiations are with Union Pacific (UP).

Motion by Bill B, second by George B, to table CU 07-04; Hi Cranes, Inc Conditional Use until the August 1, 2007 Council Meeting. *All Voted in Favor (Note: Kelly B. was absent/excused).*

13. Discussion/Action Item - Public Hearing on CU 07-02; Lawrence Chadwick Construction Conditional Use - Cerimele (15 Min)

Chris C: Mr. Chadwick is not present at this time, he was notified at the Planning Commission Meeting but I wasn't able to get in touch with him this week. In his absence I recommend the Town Council table Lawrence Chadwick Construction's conditional use until the August 1, 2007 Town Council Meeting

Motion by Tom S, second by Shelley B, to table CU 07-02; Lawrence Chadwick Construction Conditional Use until the August 1, 2007 Town Council Meeting. *All Voted in Favor (Note: Kelly B. was absent/excused).*

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

Hawkeye: He introduced the discussion/action item and the applicants for the annexation hearing - Ginn Battle North LLC, Ginn Battle South LLC and Ginn LA Battle One LTD, LLLP

He then opened the public hearing that has been continued from June 20, 2007. He explained that there were also three land use application and all information will be added as testimony to all applications to this public hearing, as well as the process of the public hearings.

The order of the public hearing is important. It begins with the Staff presentation, the Applicant presentation, Public comment (verbal or written), the applicant's response to any testimony and then staff can provide response to any testimony. He then asked if any council members had contact with the public about the annexation since the last public hearing held on July 10, 2007. Bill B. no, Shelley B. no, Jerry B. no, Tom s. no, George B. no and Hawkeye no. *(Note: Kelly B. was absent/excused).*

Hawkeye: He then asked the Planning Director if there was further information to be added to the public.

Chris C: I have nothing to add.

Sarah Baker on behalf of the applicant: 1914 Beard Creek Tr.

Outline for tonight's Ginn Resorts power point presentation:

1. House keeping
2. Traffic follow up
3. PUD guide overview
- and if there is time.....
4. Wildlife overview - time permitting
5. Wildlife Mitigation Plan- time permitting.

1. Housekeeping: She presented for the record a letter from Sarah J. Baker given on July 13, 2007 stating what the applicant would be presenting to the Council at tonight's meeting.

She wanted to thank everyone for attending the site visit last night, Tuesday July 17, 2007 @ 6pm, and when we get the DVD it will be presented as an exhibit for public record. She then reviewed what areas they visited, the three areas on the Bolts Lake Character Area (Rex Flat, Tailings Area and Maloit Park). She presented a full size map of the Bolts Lake Area to the record.

Sam Otero: 957 Sylvan Lake Road – An employee of HDR Engineering representing the applicant and Maureen Paz De Araujo of HDR Engineering representing the applicant

2. TRAFFIC SUMMATION:

Mr. Otero: We would like to address in this presentation some of the questions from the last public hearing where we addressed traffic mitigation concerns.

Mrs. Paz de Araujo:

Traffic Study Conclusions:

- There needs to be no capacity or widening improvements of HWY 24 to maintain CDOT criteria of LOS C with the Battle Mountain Resort Traffic.
- In lieu of widening they will implement an aggressive travel demand management (TDM) transit program to minimize traffic impacts on HWY 24
- Traffic access to Battle Mountain via HWY 24 will be provided in accordance with the State Access Code: 1. Classified as R-A, Rural Regional HWY. 2. One access per parcel permitted in ½ mile intervals. 3. Auxiliary lanes will be provided. Ginn Resorts will maintain the permitted allotment of budgeted trips throughout the life of the project.

Questions from a previous public hearing:

1. How was the analysis prepared and what information was used and why? Elements of the study were based on the most common practices of a study such as this on and certain elements were taken into account because they are project specific.
2. What is the accuracy of the study? Calculations and results are similar and congruent to comparable studies as well as the best and worse case scenarios were also averaged into the data.

Traffic study approach: There are five steps identified into this methodology of study:

1. Data collection: They took past, existing, future (growth rates) roadway geometrics and trip generation into account when collecting data. We then took the data, analyzed it and came up with plans, programs and created a traffic mitigation proposal which encompasses all aspects of a development project.
2. Existing traffic: Their traffic mitigation proposal takes into consideration current traffic at peak hours, the traffic characteristics, roadway geometrics and State access code compliance.
3. Future traffic (No build): They took the CDOT 20 year growth factors and calculated corridor segments then estimated future traffic on HWY 24 without the construction of the Battle Mountain Resort. They are illustrated on the power point presentation.
4. Identify constraints: They used the HCM 2000 methodology to determine the LOS C volumes for individual corridors and calculated them with the future projections with and without the Battle Mountain Resort Project.
5. Site traffic estimation:
 - a. Trip Generation (daily): Recreational Home = 3.16 trips Resort Hotel = .49 trips Trip reductions by transit use, internal trip capture and occupancy.
 - b. Mode Choice: The calculated resort trip volumes to HWY 24 trip budgets during each project phase. To reduce traffic they proposed the creation of a transit system for all people going to and from the resort, mandate transit use for employees and incentive based transportation.
 - c. Distribution: They looked at traffic distributions for external trip, CDOT required distributions as well as employee, guest and home owner distributions.
 - d. Assignment of distribution: They looked at multiple places to assign the traffic distribution including to shuttles on and off site, gondolas and on site transit for owners and guests.

Enforcement of Commitments:

Sam Otero: The difference between this plan and others is that this plan is site specific in order to address the concerns of capacity. How will the commitments be enforced and how will we be accountable.

Reliability : Assurance of no impact on HWY 24

Trip Budget will be the standard by which Ginn will be measured

Enforcement for going over promised number: Required applicant to be proactive in maintaining activities below budgets.

Sensitivity analysis was taken as the worse case scenario: The analysis was during the peak day and hours on North Main St, Center of Minturn, Cemetery Rd and High St. (Red Cliff).

The analysis showed 3 different measurements throughout the years: 1. Existing traffic in Minturn. 2. With projects no restrictions 3. Project with restrictions. It peaked at no restrictions then lowered back down to still above current conditions, butt below no restrictions.

Town Improvement Frameworks: The Oz CIP and our plans mesh well together. Both improvements are looking towards the long term enhancements. The roadway conditions goals are to avoid blind side streets, make is safer for pedestrians to cross the road by implementing bulb outs, metering – between two peak periods (leaving or coming home). They proposed creating gaps to avoid excessive traffic and traffic clumping.

Gateways: Signs highlighting Main St. and inform the people coming into town what amenities the Town has to offer.

Construction management framework: Implementation continued to approve what we are trying to accomplish. They need to make sure they are using shuttles for workers by setting incentive/disincentives (raising parking pricing or state there isn't parking for employees).

Trucks: Incentives/Disincentives, on and off site management by controlling all trucks on and off site. They will monitor and know where the trucks are coming from in order to get them on site efficiently. As well as training for what the truck requirements and expectations are.

Resort Management Framework: Same as before, incentives/disincentives for employees to ride the shuttle. For owners and guests they will have on site amenities so they don't have to travel in and out as much the resort as much (such as restaurants), shuttles, gondolas and private vehicles for owners only.

Summary:

- Restrict the project to stay within the CDOT LOS C criteria
- Frameworks designed to guide implementation efforts to ensure the project traffic remains within the traffic budget. The concern was that the study/report was written to show no effects of the project, we did and we kept it within the framework to avoid massive impacts.

Shelley B: How do you restrict people from driving? You can't.

Mr. Otero: You are right, you can't stop people from driving but, you have to give people options and incentives not to drive. You can't dictate who uses a shuttle but, you can with the construction workers, employees and guests.

Shelley B: This may make Gin Resorts go over their trip budget.

Ms. Paz de Araujo: We addressed what we could control and these are the things we can control. You need to take into consideration won't have the day to day ski traffic which accounts for a majority of traffic at a resort. .

Bill Weber a representative of the applicant: You can't control people from driving, you are right. But if you have multiple people leaving the property around the same time (which we can coordinate) we will provide transportation pooling.

George B: Who is monitoring the traffic flow?

Mr. Otero: Ginn is and we will report to Council regularly and address any concerns as they arise.

George b: We already have a lot of traffic in Town, is there a way to lay a surface to minimize the noise?

Ms. Paz de Araujo: There is rubberized asphalt currently under study. Also, the traffic speed currently imposed helps reduce the noise. You can also limit at what time trucks can use the roads, they seem to be much noisier than regular traffic.

George B: But is there something we can do now to avoid increased noise?

Mr. Otero: We could restrict times of travel for Ginn constructions traffic.

George B: Minturn was thinking about having our own bus pass system could we integrate such a system with Ginn Resorts?

Mr. Otero: Yes

Mr. Weber: We are continuing to talk to Union Pacific (UP) about access to the RR. For every RR cart used to transport materials to the project sites it equates to about 10 truck loads, avoiding mass traffic.

George B: We have been hearing that CDOT agrees with your study on mitigation would they be willing to write a letter saying they agree with your study?

Mr. Otero: Yes, they would address it to the Council directly or via written questions instead of the previous actions of going through Carter and Burgess. They would like to deal with the Council. You won't get full information until an agreement has been reached. As we get letters from UP we will provide them to the Council.

Jerry B: People who live here have a concern about how long it would take to get out of their driveway at 7:30 in the morning.

Mr. Otero: It is hard to address that scenario but you have to create gaps for those opportunities to occur. We did an analysis of delays and they are up to par with acceptable limits but we are still looking at setting gaps to enable the time variance for people on side streets or driveway to have clear access to the HWY.

Shelley B: Can you define metering?

Ms. Paz de Araujo: Metering is a traffic signal that creates a delay in traffic before it is released like on ramps on the interstate.

Mr. Otero: We have discussed a traffic light on each end of town, having the light stay red for a certain amount of time to create those gaps. We also discussed choosing strategic locations on the HWY where we could put the lights pending on needs of the Town. We have also looked at passing lanes entering into Town from both ends of Town to get past slow cars. This would also alleviate illegal passing that sometimes occurs now.

Tom S: Has there been any determination of how much of the right of way would have to be torn up to place your utilities?

Mr. Otero: All utilities by the site will be on property and the utilities through Town, we have just started with Carter and Burgess to assess this situation. They are looking at the surveys to determine where they are currently located and what would have to happen to fulfill both parties' needs.

Tom S: This is going to create a huge problem. If you are running the sewer lines down the CDOT right of way that is going to tear everything up.

Mr. Otero: We will work with and coordinate with the Town on the best time to do construction.

Tom S: Do you know where the lines would be laid?

Mr. Otero: I believe they would stay pretty close to where they are out now unless we need to modify it. It would be in the right of way.

Tom S: Have you discussed with the FS about running the utilities on their property or is it better running straight down the street. Are you planning on one or two batch plants?

Mr. Otero: Two, one on Bolts Lake and one at Gilman.

Shelley B: Can we get a professional to address the plans and make sure this is all working the way it needs to be?

Rob S: We can address the plans for traffic, a traffic consultant with Carter and Burgess who might already have reviewed some of these proposed plans.

Shelley B: We need to hear our consultants opinion regarding the applicants proposal

Rob S: We could address this next meeting. We were going to do it this evening but we didn't think it was appropriate. We have already been addressing previous questions from council. We need to know from Council if we are addressing these things the way the Council would like.

Tom S: Do you have a specialist on traffic.

Rob S: Yes, we are a transportation firm. We have already had some people looking at this. Now there is enough information getting to Council we will have a report regarding the traffic concerns.

Bill B: We need to get more information not just a little at a time.

Rob S: We respond to information from the applicant and when the Council feels that the issue has been addressed by the applicant then we can respond. We are on the pace of the applicant.

Boots: We need to follow the procedures of a public hearing as defined by code.

Mr. Otero: I wanted to mention that the review on the traffic study we conducted we presented it to CDOT and they have hired another person to review the study. The county has also hired someone to review our study and report. There are a lot of people and entities reviewing the traffic mitigation proposal of the applicant.

Hawkeye: How many vehicles do you think you are taking off the road with the employee shuttles?

Mr. Otero: 40-50 depending on the phases the project is in. In the report we are looking at a 30% capture during the day and peak hours.

Hawkeye: This is during peak hours but we will have to deal with traffic 24 hours a day. The train and light rail hasn't even been addressed and how it would affect the traffic. I think those two are the answers to mitigate traffic through Town.

Tom S: Is there a definite plan to mitigate the traffic or is this just a model.

Mr. Otero: Yes, we are waiting for certain approvals and then those plans will be presented. You will get those by final development plan. We are continuously gaining information for the final plan.

Tom S: When will we get a rough draft?

Mr. Otero: Once we have the final comments. The draft will be here within about a month. We will continue to get information to the Council before the draft appears.

Hawkeye: Ginn will be responsible for the traffic budget, what are the consequences for exceeding the budget?

Mr. Otero: The enforcement process means that we can address it as it comes. Maybe a policy change or monetary punishment. We are creating an enforcement policy with plenty of options for consequences.

Boots: The planning commission conditions presented a number of consequences. A moratorium on building permits and T.C.O.'s until budgets get back to where it needs to be.

Mr. Otero: CDOT also has enforcement mechanisms and consequences.

Dominic Mauriello on behalf of the applicant:

3. PUD Guide:

Primary zoning document regulating uses within a PUD.

We will discuss building heights, setbacks and other building regulations.

We modeled our zoning code after the Town of Minturn's codes. These codes will establish specific procedures and changes for modifications. The PUD guide will be enforced by the architectural control board and the Town of Minturn.

The PUD guide has five character areas:

1. Bolts Lake. 2. Gilman. 3. Holy Cross. 4. Rock Creek. 5. Willow Creek.

PUD guide has 15 zone districts broken into three areas:

1. Mixed use places: Bolts Lake Village, Gilman Village, Battle Mountain Core and Willow Creek Village Battle.

Residential Areas (single family and duplex units).

Recreation and open space (the largest area)

PUD Caps density at 1,700 saleable units:

It allows flexibility of areas to enable one to either increase or decrease within the 1,700 unit cap. If one increases the other will decrease to stay true to the cap.

The PUD maintains the Town's stream setbacks code of 30' feet from the eagle river 50' feet from the cross creek high water mark.

The PUD also addresses the lighting restrictions in the Minturn Code. This is to preserve the night sky. As well as the wood burning controls: EPA Rated wood burning only allowed in common lodge areas.

Wildlife mitigation Plan: Incorporated in the PUD but, this will be discussed in further detail at the next Town Council Meeting. Things addressed are bear proof trash containers, seasonal access restrictions, mitigation funds.

Housing PUD limitations:

-Set backs 15' for single family and duplex

-Building envelope: controls building locations on a lot

-Home Size: Floor area

-.5 acres = 7,000 square feet

-.5 acres to 2 acres = 12,000 square feet

-Over 2 acres = 24,000 square feet

Building height:

Residential = 35 ft. which is consistent through out Eagle County.

Bolts Lake Village: Absolute height limit = 195 ft.

- Only 5% of the building would be over 150 ft.

- Only 25% of the building would be at 100-150 ft.

- Only 40% of the building would be at 50-100 ft.
 - There would be no percentage limit for a building section lower than 50ft.
- Willow Creek and Battle Mountain Core = 150 ft. maximum building height.

Site Coverage: Single family or duplex

- 40% on .5 acres or less
- 20% on all other lots. These are very close to Minturn's current requirements.

Tom S: Stream setbacks, why is it necessary to have storage for irrigation features, water diversion, storage facilities? I mean we have 30ft. setbacks here and it is tight. I don't know why you need to have a storage facility in a setback.

Mr. Mauriello: I believe that was specifically for the remediation of the Rex Flats Character area. We can clarify that. It was part of the remediation from the contaminants on the site Area.

Tom S: I am not going to vote for you to have the storage on a 30ft. setback. It is tough to review the PUD without a design. I would like to review some visuals.

Mr. Mauriello: We have sent out to council drawings and also a draft has been presented as well.

Tom S: How definite are the items you sent to us. I mean the sketches aren't really close to what they are going to look like.

Mr. Mauriello: No, and the design guidelines aren't required to be presented until the final plat. The drafts given to you create a broad parameter of height and other aspect of the project.

Tom S: Can you explain to me the necessity for a 24,000 square foot house?

Mr. Mauriello: I believe there is a market for people to buy 24,000 square foot houses.

Tom S: That seems a little excessive. In ROS you had an absolute building height of 45ft. What would that be for?

Mr. Mauriello: In those areas it would be for something like lifts towers, lift houses, maintenance areas, items you would need to run a ski resort.

Tom S: Like a cafeteria or something.

Mr. Mauriello: No, it is more for ski resort maintenance item to be stored.

Hawkeye: Are you planning to put a maintenance facility for the ski resort in the ROS district?

Mr. Mauriello: I believe those storages might be in the mixed use areas. There will be a fire house facility and some maintenance facilities within the ROS district.

Tom S: Could separate the open space and recreation space. It is a little misleading stating that 70% of the area is ROS. That 70% would be mostly taken up by the golf course and ski resort.

Mr. Mauriello: We have those numbers and can get them to the Council.

Shelley B: You are counting some of your support facilities as open space or recreation. A club house is not open space. Can we get those numbers without the buildings?

Mr. Mauriello: A lot of those facilities are in mixed use areas. We have those numbers that address your concerns and we will get them to the Council.

Tom S: When are we at the point where we don't vote for this project because there are going to be 24,000 square foot houses, that seems excessive. I mean you can have a footprint of 24,000 square foot houses, 35 feet in height on a 2 acre lot.

Mr. Mauriello: We can discuss this. What is a plausible number?

Tom S: I think a footprint of a 24,000 square foot house is unbearable on any size lot.

Mr. Mauriello: We are in the process of proposing there be a building envelope on every lot stating you cannot have the 24,000 square feet on one level.

Tom S: I may have missed it but, there is a building envelope for all lots?

Mr. Mauriello: Yes, there is an over all graphic that shows every lot with a building envelope.

Tom S: These building envelopes are definite and not changing?

Sarah Baker: They will be definite once the final plat is being implemented and we can go through the numbers once we get closer.

Mr. Weber: 24,000 square foot house wouldn't be a deal breaker. This number came from some other projects of ours. Now if its 24,000 or 5,000 we will control the environmental aspects.

Shelley B: You mentioned the building height as adopted by Eagle County, we use to have the same type of building codes as Eagle County but that is why we have so many problems in this Town. We have adopted new ones and we would like to have those addressed and be consistent with what your project is proposing.

Mr. Mauriello: We adopted that before you started looking into changing your code. But, we can look closer into that.

Shelley B: You mentioned moving density and have you addressed wildlife impact on overpopulating one area over another?

Mr. Weber: We have worked with the Fish and Wildlife Division on certain impacts of populating certain areas and have come up with some numbers at this point. We have and will be addressing this as plans continue.

Mr. Mauriello: The development site must stay the same in size no matter the amount of units on that site.

Shelley B: I heard that the planning commission put a restraint on building heights at 100ft. Are your heights presented tonight what was presented to the planning commission?

Mr. Mauriello: Yes, they were presented with a revised plan before they voted and we have also modified this plan on Council requests

Tom S: How many stories is 195'

Mr. Mauriello: About 12 – 14 floors. What is being proposed in the Bolts Lake Character Area has quite a sizable roof form so floors were cut to allow that steep pitch roof form.

Tom S: When will we have the structural design of this project?

Mr. Mauriello: To my understanding the Council won't have the final design guidelines until final plat. Knowing this is an issue we have presented to the Council a draft of the guidelines to address those issues and concerns.

Ms. Baker: We have been discussing this concern of the Council and we have come up with a couple of ideas. We would suggest a Council Member become a part of the Architectural Board so the Council could have a say in the process of determining what those building look like. With the current process we don't have to have definite drawings until the final plat.

Tom S: That's not acceptable. You can say that is how the process is set up but the Council can't wait until final plat. Let's try and work together. We need to make any changes we need to now not at the final plat stage. Let's get an idea of what the Bolts Lake Character Area will look like. That is the area affecting the Town the most visually. If you are going to wait to show it to the citizens and the Council until the final plat I really think you are going to have a hard time getting this passed.

Mr. Mauriello: We have a design drawing draft at this point of what we are aiming at. This process is to ensure that you have a project before you actually spend billions of dollars designing the project.

Tom S: We need more than what was presented today. We need a middle ground in the steps.

Mr. Mauriello: You have sketches and bulk and mass, you don't have the final architectural theme of the building. We could figure a process that we agree on.

Mr. Weber: Where do we need to get to in order to satisfy the Council? These buildings are 3-4 years out and we can't guarantee we will be building that specific building that far out.

Shelley B: Regarding the density control, it was stated there was only 1,700 units minus employee units. Bobby Ginn stated the total number of units on that site would be 1,700 now we are being told that is excluding employee housing. That is quite a few more units. How many employee housing units are you planning on building?

Mr. Weber: 1,700 units have been what we have stated to be sold. We also stated we will be providing 40% of employee housing on or off site. These areas would be in Gilman and the Red cliff area and possess about 70 units a piece.

Shelley B: My concern is that 300 more units would be a larger impact.

Bill: We will max out at about 150 on site.

Mr. Mauriello: The planning commission suggested as a condition that the total 40% of employee housing be on site. Employee housing is something people want more of and we have addressed that.

Chris C: The planning commission stated all the employees should be on site. The applicant did not agree to that. The business owners stated they wanted a large percentage of the employee housing in town and think that would be the best way to go.

Mr. Weber: What we committed to was 40% of employee housing on and off site.

Mr. Mauriello: The power point presentation is being presented as exhibit #33 for the record.

Tom S: We have been trying to move this thing along by doing double meetings. It was pointed out that you are far away of getting your EPA approval. It seems like the time frame is getting put further out. It seems like there is a lot of unanswered questions here.

I don't see us approving an annexation of a superfund site into Town without the EPA approval.

Mr. Weber: It could be a condition to the annexation approval. There might be something coming up this August and then 60 days after that. Sooner would be better. I don't think the EPA approval will have a major impact on your annexation action. If it's a condition I don't see it being a problem. I don't think your exposure is as bad as you think it is.

Tom S: Do you have an idea of when you will get your EPA approval.

Ms. Baker: The Administrative Order of Consent (AOC) document should come out in August but the document isn't final at that point but it isn't likely they would change it. That will come out in August and there is a 60 day comment period at that point.

Mr. Weber: They answer the questions from the public comment period and usually won't change the document.

Chris C: The eco-tails people would like to hear a presentation soon.

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

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

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

He then opened the public hearing.

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

Chris C: He had no additions to his report.

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

Motion by Shelley , second by George B, to continue the public hearing on file PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain to the August 1, 2007 Council Meeting. *All voted in favor. (Note: Kelly B. was absent/excused).*

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

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

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

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

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

Motion by 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 to the August 1, 2007 Town Council Meeting. *All voted in favor. (Note: Kelly B. was absent/excused).*

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

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

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

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

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

Motion by Shelley B, second by George B, to continue the on file PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development Preliminary Plan to the August 1, 2007 Council Meeting. *All voted in favor. (Note: Kelly B. was absent/excused).*

Motion by Tom s, second by Shelley B, to continue the July 18, 2007 Minturn Town Council Meeting past 10:30 pm. to address the remainder of the agenda. *All voted in favor. (Note: Kelly B. was absent/excused).*

18. Discussion/Action Item - Public Hearing on AZDM 07-01; USFS Property Rezoning (Cross Creek Area) - Cerimele (15 Min)

Motion by Shelley B, second by George B, to table AZDM 07-01; USFS Property Rezoning (Cross Creek Area) indefinitely, 2007 Town Council Meeting. *All voted in favor. (Note: Kelly B. was absent/excused).*

19. Discussion/Action Item - Public Hearing on AZDM 07-02; USFS Property Rezoning (Meadow Mountain Area) - Cerimele (15 Min)

Motion by Tom S, second by Shelley S, to table AZDM 07-02; USFS Property Rezoning (Meadow Mountain Area) indefinitely, 2007 Town Council Meeting. *All voted in favor. (Note: Kelly B. was absent/excused).*

20. Discussion/Action Item - Discussion of strategy for the forest service properties – Christensen/Zastrow (15 Min)

Allen C: You have to give direction to Dylan from our executive session. Direction to staff is to continue working with the Forest Service and Congressional Representative to acquire the five Forest Service parcels within the town limits.

Tom: How about Cross Creek?

Chris: It is a portion of a larger acreage.

Hawkeye: This is the same direction from item # 3

21. 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/Zastrow (5 Min)

Motion by Tom S, second by Shelley B, to approve 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. *All voted in favor. (Note: Kelly B. was absent/excused).*

22. 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 Boneyard 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 George B, to table the 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 Boneyard 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 indefinitely. . *All voted in favor. (Note: Kelly B. was absent/excused).*

23. Discussion/Action Item - Town Council appointing a Town Planning Commissioner - Christensen (5 Min)

Chris C: Robert Martinez is currently an alternative on the Minturn Planning Commission and he has expressed interest in becoming a full time member on the Planning Commission Board.

Hawkeye: Were there any other applicants?

Allen C: Need to table this and get all of the applications to the council.

Hawkeye: The Council needs to review all applicants for this position.

Motion by Tom S, second by Hawkeye, to table the appointment of a Town Planning Commissioner until the August 1, 2007 Town Council Meeting. *All voted in favor. (Note: Kelly B. was absent/excused).*

24. Discussion/Action Item - Resolution 9 - Series 2007 - A Resolution censuring the Town Mayor in the act of giving Town Staff direction.

George B: I say we accept an apology from him and move on.

Hawkeye: Is Chris's e-mail to you Allen public information?

Allen C: You are not allowed to address this situation. I believe code states you cannot address the board.

George B: I think this is over the top and a verbal apology would suffice.

Motion by Bill B, second by Shelley B, to approve Resolution 9 - Series 2007 - A Resolution censuring the Town Mayor in the act of giving Town Staff direction. *The vote passed 4:1 (Note: George B. voted no and Kelly B. was absent/excused).*

FUTURE AGENDA ITEMS

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

- Ginn Petitions for Annexation – Continued from: 7/18/07 to _____

- 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 7/18/07 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 7/18/07 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 7/18/07 to _____
- 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 Old Town Hall Property - August 1, 2007
- 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

26. Set Future Meeting Dates

- a) Council Meetings
 - August 1
 - August 15
 - September 5
- b) Planning & Zoning Commission Meetings
 - July 25
 - August 8
 - August 22
- c) Other
 - Special Joint Meeting: Town Council and ERWSD - 8/22/07

27. Adjournment

Motion by Jerry B, second by George B, to adjourn the July 18, 2007 Town Council Meeting at 10:51 pm.

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

