



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

**Wednesday January 16, 2008**  
**Regular Session – 5:30PM**

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

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

**COUNCIL MEMBERS:**

Jerry Bumgarner  
Bill Burnett  
Tom Sullivan  
Kelly Brinkerhoff  
Shelley Bellm

**Ginn Annexation Public Hearing Topics: Applicant Response**

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 – 5:30 PM**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 5:32P.M. Roll call: Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff and Jerry Bumgarner

Staff present were, Interim Town Administrator Gary Suiter, Town Planner Chris Cerimele, Police Chief Lorenzo Martinez, Town Treasurer/Clerk Town Jay Brunvand, Deputy Clerk/AR Dylan Zastrow and Town Attorney Allen Christensen (*Note: Bill Burnett was absent/excused*).

## EXECUTIVE SESSION

### **2. Minturn Town Council will convene into executive session: (90 Min)**

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

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

The direction to Staff is to continue negotiations with the applicant on pending agreements.

**7:00 PM**

## STANDING ITEMS

### **4. Approval of Agenda (5 min).**

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

Hawkeye: We need to amend the agenda with Resolution 5 Series – 2008; a Resolution excusing the absence of Council Member Bill Burnett as item #16a on the agenda.

Motion by George B, second by Jerry B, to approve the January 16, 2008 Council Meeting Agenda as amended; *all voted in favor (Note: Bill Burnett was absent/excused)*.

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

- January 3, 2008

Motion by Kelly B, second by Shelley B, to approve the, January 3, 2008 Council Meeting Minutes as presented; *all voted in favor (Note: Bill Burnett was absent/excused)*.

- Review/Comment – Council Action Report

### **6. Special Presentation/Individual Introductions/Citizen Recognition/Project Update -**

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

## 8. Discussion/action of Emergency Items, if necessary

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

Gary S: My report is in the packet.

Executive search: The resumes are coming in and the deadline is at the end of the week. My concern is that the majority of the applicants are under qualified. This raises the question if the pay is great enough. There are good up and comers in the resume batch. I recommend that if the candidates are not up to the Council's expectations we reconsider the salary and re-advertise.

I spoke to Bill Weber on salary reimbursements and we have come to an agreement. The numbers for the salary reimbursements are for the time being and will be revisited in the next stage of the project if needs be. This would take care of the Town until revenues start to come in from the project to handle our needs.

Jay and I met with Rob Singer and Nancy Blackwood of Oz Architects and we discussed the outstanding bill and when they could present the final presentation. I asked for the presentation to be at end of March as a time line.

We have been getting complaints on the amounts of snow being piled up around Town, which is common for resort towns. Public works is working at it diligently to clear the roads and then remove the snow piles. We know this is a concern and we are working on it.

Shelley B: I have had citizen's commend the public works staff for their hard work and effort but I have also heard that they have concerns that the Town are focusing too much of their efforts on Main St. since we took over the CDOT contract. Also the storage on Pine St. needs to be moved sooner than later.

Gary S: I will bring that back to Staff level and work with them on the concerns.

I also want to thank the police department for getting cars moved for snow removal. We are targeting a day in March for the fireworks event, Ashley is attempting to get sponsorships for the event and the event depends on the sponsorship.

The Eagle County School District invited the Town of Minturn to participate on the committee regarding the use of Battle Mountain High School considering Minturn Middle School might be affected. It is recommended to have a Council Member or Staff on the board. Is there a Council Member that would like to volunteer?

Shelley B: I think since the due date isn't until July we should wait because there are 4 seats up on this board and we want to make sure that the person on the board will be here after the election.

Gary S: We will appoint Jay for now as interim to get on the committee until a Council Member has volunteered.

I am working with Chief Martinez on fining abandoned vehicles and we will schedule a clean up day in the summer as well as diligently work with the citizens on getting those cars off the roads.

Recruiting issues still are present for the police department.

We were also informed that Ernie Glesner is moving and will not continue his seat on the Planning Commission.

Jerry B: Can we get info on current terms and total time of terms and the protocol for replacing an existing seat in the middle of a term?

Gary S: I will research that and get back to Council.

Also, we have a draft code of the MMC and each department is reviewing chapters relating to their departments. We will have to set up a work session to review this.

The Economic Council is holding a shaping our future seminar they would like to have a couple Council Members to sit on the board so let me know if there are any council members interested.

Hawkeye: Since I have been working with them I will sit on the board.

Gary S: Lastly Jacobs Carter Burgess report is attached and Rob Singer is here to answer any questions the Council may have.

George B: I would like to know why the water loss went back up.

Rob S: The reason it went back up was the very significant leak, the most recent leak detected. It was repaired in November and the leak was there for awhile. This just spiked the data.

#### **10. Discussion Item - Town Council Comments (10 Min)**

### **DISCUSSION, HEARINGS AND ACTION ITEMS**

#### **11. Discussion/Action Item –Discussion/Action Item – Resolution 4 – Series 2008: A Resolution to amend Conditional Use Conditions on C.U. 07-03; Tory Enterprises d.b.a. Budget Trucks – Beth Ayers (15 Min)**

Chris C: Tory Enterprises is requesting to amend the condition on conditional use (CU) 07-03 regarding the 6 hours of parking on Main St. and have it changed to 12 hours. As well as amend the condition of the lock box on the property. Budget Trucks head quarters stated it is against policy to have a lock box at a location different from where the actual business takes place.

Beth Ayers of Otto, Porterfield & Ayres, LLC - Attorney for Tory Enterprises d.b.a. Budget Trucks:

I am here on behalf of my client to ask the Council's consideration on changing certain conditions on CU 07-03 so both parties will be satisfied with the CU. I am here to request the two above mentioned amendments to the CU.

The purpose of the time change is to allow Dusleana an ample amount of time for her to move the trucks, but not allow her to park on the street. The lock box is against head quarter's policy and we are asking to remove that from the conditions. These amendments would allow her to operate her business. Also please add to the Resolution conditions to address her customers so she is not penalized for unrelated budget trucks on Main St.

Shelley B: I don't have a problem with adding that language.

Chris C: I believe these are reasonable request and Staff recommends approval.

George B: The reason this issue came to Council, it is because of the abuses of the business.

I don't have a problem relaxing conditions a little but I don't want to go back to the business abuses of the past.

Jerry B: If she is out of Town she needs to arrange for someone to continue to run her business.

- No rental trucks shall be parked on Main Street for longer than 12 hours;
- There doesn't need to be a lock box at the parking facility for the vehicles due to company policies prohibiting it.

Motion by Tom S, second by George B, to approve Resolution 4 – Series 2008: A Resolution to amend Conditional Use Conditions on C.U. 07-03; Tory Enterprises d.b.a. Budget Trucks. *All voted in favor (Note: Bill Burnett was absent/excused).*

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

Hawkeye introduced the discussion/action item and the applicants for the annexation hearing: Ginn Battle North LLC, Ginn Battle South LLC and Ginn LA Battle One LTD, LLLP He then opened the public hearing that has been continued from the January 3, 2008 Town Council Meeting. 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's presentation, the applicant's presentation, Public comment (verbal or written) the applicant's response to any testimony and then staff can provide response to any testimony. He then asked if any Council members had contact with the public about the annexation since the last public hearing held January 3, 2008.

Tom S: A number of people asked me where we are at in the process and I tell them we are trying to get all of the information and to agreements before this Council switches chairs

Shelley B: No

Kelly B: A couple people asked what the status was on the process and when will it come to a vote. I told them we are reviewing the material still and that nothing is set in stone.

Jerry B: Some people asked where we were in the process and I informed them where we were at and that no decision has been made at this point.

George B: Tom Henderson, Mayor Pro Tem of Redcliff and I talked at the open space meeting and halted the conversation when we felt it was getting a little too in depth so we stopped and he is here in attendance now.

Hawkeye: I was contacted by the local paper and they asked why we couldn't talk to citizens one on one about the project and I told them we are a quasi judicial system and have to watch what we are saying.

Chris C: I have a few things to add to the record. A memo from ECO Transit that I will provide Council a copy of.

I received information from the Leland Corporation and that information should be in Council's note books.

I have received further information on the LEEDS Certification stating what areas of the resort will be required to follow the LEEDS Certification. Right now there is no incentive for the builders to follow these guidelines nor are there any consequences for them not following these guidelines. Staff recommends getting in writing a commitment of what needs to follow the LEEDS Certification guidelines. As well that all single family homes are required to follow the Silver LEEDS Certifications.

Boots: In addition to all requested items from Staff and Council; we would like the cost estimation for the remediation of the superfund site.

Sarah Baker on behalf of the applicant: 1914 Beard Creek Tr.  
She went through the exhibits they are submitting for the public record.

Dominic Mauriello of Mauriello Planning Group; here on behalf of the applicant:

**Tonight's Agenda:**

- Response to Council concerns
- Response to comments- overview of PUD Guide and overview of changes to employee housing plan
- Update: CDOT, DOW,USFWS, EPA, Union Pacific
- Applicant response summary

**Changes to PUD Guide:**

- The Applicant limited the density at Bolts Lake to 702 units unless PUD amendments are approved
- The Design Review Board has the authority to review and approve plans for building at Gilman and Bolts Lake or any employee housing location
- Limitation on PUD to a maximum of 700 single family lots
- Added definition of floor area
- Reduction of home size reduced from 18,000 sq. ft. to 15,000 sq. ft.
- Limitation to height of retaining wall allowed within the stream setback: Max at 6ft tall; all improvements at Bolts Lake must be approved by the design review board so it can be approved prior to building. He then showed the Council graphics of the buffer zones, river setbacks and the heights of the walls in 3 different zones and what would be implemented there

Ken Washee: 1707 Cutty Sark Silverthorne, CO:

There are 2 areas of concern for contamination: Water and Soil.

There are two measures to control water contamination. There will be remediation at the 75 ft. setback and there will be a French drain to catch that water prior to entering the Eagle River. If we need collection vessels we will obtain those.

For soils we will excavate the old soils and cover the area with 3 ft. of fresh soil. Also a building on the Rex Flats area will be a buffer zone for the contaminants.

Tom S: You said you had the 6ft wall within the 30 ft. setback meaning you could have them all the way up to the river.

Mr. Mauriello: That would be from the ordinary high water mark and that also is true for the golf course.

Tom S: My concern is with the way its written is that you can put 6ft. retaining walls all the way down the river.

Brian Judge VAg. Inc. Architects and Planners:

I agree, the way it's written you could possibly do that. The concept of the wall is to retain as well as to protect natural features and revitalize those riparian zones. The intent is to allow people access to the rivers edge. I believe we could reword that portion to better clarify what we are proposing.

Tom S: I am concerned on how you are going to raise the lake level 14ft. above the river level with a huge retaining wall.

Mr. Judge: We don't want to have a huge retaining wall either. If you go out to the site you would be able to see the landscape that allows for that level rise with a minimal height on a retaining wall.

Kelly B: It looks like roadways, fences, facilities and cart path are allowed to be in the river setback.

Mr. Mauriello: Roadway represents a road iterance to a bridge over the river for access to buildings on the other side. The facilities include golf cart paths, retaining walls associated to club houses. But no buildings. We could change that to features.

**Clarification:**

- 32 single family building envelopes at 30-40% slope
- 3 single family building envelopes in excess of a 40% slope
- If these building envelope slopes are included as restrictions in the International Building Code we can add them as provisions to the PUD Guide prior to final plat

Hawkeye: Mr. Judge; is it a common practice in the valley to build on 30-40% slopes?

Mr. Judge: I wouldn't say it's too common but does happen. I would say there aren't more than two to three lots proposed that would be of concern.

Chris C: The Minturn Municipal Code states nothing in excess of a 30% slope is a build able envelope unless a variance is issued.

**Employee housing plan changes:**

- The applicant will commit to an immediate response to correct deficiency of housing
- Penalties of violation to include holding of TCO's along with CO's. - Preference in excessive housing will be awarded to the Towns of Minturn and Redcliff citizens if Ginn employees do not occupy the housing instead of full time Eagle County workers

**Housing plan:**

- The applicant has agreed to the 50-50-50 plan: 50% of the full time Ginn employees will be provided housing, 50% of that housing will be on site and the applicant will provide 50% of Minturn and Redcliff Municipal employees with affordable housing.

Hawkeye: Where is the 50% of employee housing going?

Bill Weber – 164 Rail Road Ave Minturn, CO; on behalf of the applicant:

He showed Gary S. a map today on where the housing would go. If more housing is needed we have identified 8 separate spots for employee housing and those would be on the Ginn owned property and not in Minturn or Redcliff proper.

Mr. Mauriello: This plan has the flexibility to work with the two municipalities to build the housing in the municipalities proper if the Town's would like to have it built there.

**Traffic:**

The applicant has agreed that Sunday will be the exception instead of a rule; special permission would have to be granted from the Town to operate materials transfer on Sundays.

Kelly B: There are restrictions are stated that no trucks will deliver materials during morning peak hours and evening peak hours. Could this be harmonious with the summer hours stated in the plans?

Mr. Mauriello: We will look at that and get back to Council.

**United States Fish and Wildlife Service:**

- The applicant has obtained correspondent letters from USFWS and addressing their concerns

**Colorado Department of Transportation:**

- The applicant has initiated the access permit process to obtain access to the CDOT right of way
- The applicant has provided a copy of transmittal letter to Town

**Department of Wildlife:**

Mr. Weber: Mr. Andre and I have come to a consensus on many of these issues brought up by Council and the DOW. We have changed fines to match Cordillera's violation fines. Mr. Andre has mentioned a cut off date due to lack of Staff to monitor the Peregrine Falcon but the applicant decided to take over the monitoring for the remainder of the "active" nesting period. We will have to revisit this once Mr. Andre is available but I assure you we are working together on all levels.

Kelly B: The applicant has shown a faith based effort and extending the buffer zones from the Peregrine Falcon nesting areas from ¼ mile to ½ mile as suggested by the DOW and I think this shows the applicants willingness to work with the concerns of the DOW, Council and their understanding of the sensitivity of the area.

**Environmental Protection Agency:**

Mr. Weber: We had a meeting with the EPA today and they have asked for additional information regarding water storage and alternatives to the water storage. I believe that we have given that information to the EPA but, they stated they would send a letter identifying what other information they need and then we will get that to them.

**Union Pacific:**

Sam Otero and Don Wolfertz are in Omaha Nebraska right now working with UP on terms and agreements and I am in anticipation of a good meeting. They are meeting and presenting improvements UP wants Ginn and other companies to make in order to get the line moving again.

**Net Benefits to Minturn:**

- The applicants reports and analyses recognize and help to mitigate the impacts of the project to the Town of Minturn
- The applicant recognizes the impacts of the project to the Town of Minturn, but they also believe the benefits to the community are substantial and outweigh any negative impacts

The community benefits of this project and annexation exceed the impacts. Pros outweigh the Cons overall.

Mr. Weber: There will be negatives that come with the project, we know, but the positives will definitely outweigh the negatives by far. The Town will be more positively affected than negatively affected.

**Empowerments:**

Mr. Mauriello:

- With this project the Town of Minturn will have the ability and revenue to determine the fate of the Town
- The Town will have regulatory control over the project to review all aspects of the project prior to approval and building begins
- Improving relationships with CDOT, DOW, UP and EPA enabled by Ginn partnership with the Town
- The applicants proposed traffic mitigation plans will help improve current traffic conditions as well as future growth
- The applicant believes this project will be a catalyst to revise the down town area and make those businesses and future businesses thrive

**Infrastructure Improvements:**

- The applicant has agreed to the full funding of waste water treatment plant for the entire Town
- Approval of the project will allow the Town of Minturn to get back water rights it lost in the past
- The applicant will work with the Town on a water service agreement to address potable water and infrastructure improvements
- The applicant will aid in streetscape improvements as well as new revenue comes in the Town can expand on those improvements
- Proposed streetscape improvements funded by Ginn to improve roadway safety and enhance Minturn's character via the Oz Architect CIP

**Environmental Benefits:**

- The applicant has committed to cleaning up the superfund site and improving Eagle River water supply

- The applicants proposed plan preserves vast areas of open space
- The Wildlife mitigation plan presented provides the Town a substantial funding source for wildlife habitat enhancement activities in Minturn and the region
- The proposed project is committed to “green” development practices through the pursuit of LEED Certification
- The applicant will encourage residents to follow the Dark Sky Alliance guidelines to avoid light pollution

**Employment and Workforce Housing:**

Mr. Weber:

- Ginn offers exceptional employment opportunities with full-time, year round employment with benefits and profit sharing
- Workers do not rely on tips for income; Ginn pays them a substantial wage so they don’t have to rely on tips
- The applicant’s workforce housing benefits including down payment assistance, loan assistance, and quality deed restricted housing with amenities

We don’t allow tips for workers; we pay them above the mean in order to provide good service without having to obtain tips to live. We have seasonal jobs but not seasonal employees. If someone worked on the ski slopes we find them something to do during the summer seasons.

**Other Benefits:**

Mr. Mauriello:

- The Town will have access to public lands through the Ginn property and amenities to private lands
- The Towns of Minturn and Redcliff residence have access to guided hunting excursions on the Battle Mountain Property
- There will be a 7 mile pedestrian and bicycle trail across Ginn property from Bolts Lake to Redcliff funded and constructed fully by Ginn.
- Continued access across Ginn property over public roads: Tigiwon Road and Shrine Pass Road

**Community Partnership Program:**

- The residents of the Towns of Minturn and Redcliff have access to a season pass to for \$50.00 with no extra or external costs
- Town residents will have a total of 30 days during the ski season to use the resort and a minimum of 10 days on weekends and holidays and at least 3 days each month of ski season
- Town Residents would have a total of 15 days of access to the golf course at locally consistent rates
- Also Town Residents will have Access to Ginn’s pools, meeting rooms and retail facilities

Shelley B: Are the days to access the pool and other facilities limited?

Mr. Mauriello: Not as of right now but there are circumstances that would limit access to those facilities such as a private party and things of that nature.

**Economic Benefits:**

- This is an opportunity for the Town to grow financially from stable and dependable annual revenues
- Annual revenues after all Town expenses would be approximately \$6 million in 2-5 years
- Annual revenues after all Town expenses at build out would be approximately \$6-\$10 million in 5-20+ years

**Summary of Benefits:**

- The Town will receive new revenues from the Battle Mountain Project and they will provide opportunity for the Citizens to fulfill their needs and wants such as:
  - Parks and Recreation amenities
  - Reduced mill levy, lower taxes on citizens
  - Increased Town staffing to carry out municipal services
  - Streetscape improvements beyond those funded by Ginn

Kelly B: I want to make it clear to the residents and everyone else that we are still negotiating the deals in the project. I want to inform the frustrated citizens who feel they are not getting any information that when we get details worked out they will be informed. In the meantime attend the meetings. Council Member Bellm agreed.

Also, I would like to see more of a commitment to provide mass transit to temporary, full time and municipal employees.

I would also like to make sure that Redcliff is involved on traffic counts and where the smart tags will be identified.

Rob Singer - Jacobs, Carter and Burgess; 707 17<sup>th</sup> Street, Denver CO:

We put together a response to the applicant's response to Council concerns. I would like to commend the applicant because they have come a long way in the past few months.

**Differences from the prior traffic proposal to the most recent traffic proposal:**

- There were significant changes to identifying what a vehicle is and how is it counted. They decided that every vehicle counts and they have identified how they would count it. Another issue the applicant addressed was how they would enforce excessive traffic. If they go over their trip budget the Town has a list of options for enforcement of excessive traffic numbers. The applicant will monitor the traffic numbers and report to the Town the statistics.
- Parking within the Town is an issue we believe should be discussed between the applicant and the Town during the annexation agreement procedures.

**Costs:**

The applicant has committed to fund the all the items on the list in table 1. Or they will fund the Town to increase their transit system.

We need direction on this issue: The applicant is requesting that the Town not have the ability to Red Tag the project. The problem with this is that construction workers are now

counted in the trip budgets. If a person buys a lot and because of another project you are essentially putting a deed restriction on someone's property and now they cannot build because of something they cannot control. They would like a 450 single family homes in a 15 year plan, which puts it at about 30 homes a year.

Mr. Mauriello: This is actually addressed to home owners building and not being red tagged but still having to deal with traffic limitations. All Ginn properties would still be subjected to being red tagged. So if we are over the trip budget the Council can only red tag Ginn building projects and not private owners.

Rob S: We need direction on if Council is ok with this condition or change to the proposed PUD.

Kelly B: I want to make sure we are committing to travel service C not C-D or D

Rob S: I believe that there is a section of Dowd Junction that with the current back ground traffic there it will automatically create a D level of service but just in that area.

Bahram Seifipour; HDR Engineering – 1586 Hermosa Drive Highlands Ranch, CO: CDOT is working on a multi phase construction project at Dowd Junction on I-70 due to funding issues and the level of service of D will be addressed as they continue their construction project. Phase one of the project is to improve the east bound ramp which will directly improve the level of service. Phase two will address the lower part of highway 6 will create additional improvements and the final stage, three (depending when the funding is available), will create an additional lane on I-70 east and west bound, but that is uncertain as of now. The designs for these three phases will hopefully be done by 2008 and then the rest depends on funding.

Rob S: The level C-D is a basis to getting to the vehicle counts. You cannot just say level of service C because there are little issues here and there that create more than a level C service.

Motion by Jerry 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 to the January 30, 2008 Council Meeting; *all voted in favor (Note: Bill Burnett was absent/excused).*

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

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

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

Chris C: He had nothing to add.

Ms. Baker: The applicant has nothing further to add but is open for questions.

Hawkeye: Does anyone have questions for clarification?

Motion by Jerry B, second by George B, to continue the public hearing on file PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain to the January 30, 2008 Council Meeting; *all voted in favor (Note: Bill Burnett was absent/excused).*

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

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

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

Chris C: He had nothing to add.

Ms. Baker: The applicant has nothing further to add but is open for questions.

Hawkeye: Does anyone have questions for clarification?

Motion by Kelly B, second by Jerry 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 January 30, 2008 Town Council Meeting; *all voted in favor (Note: Bill Burnett was absent/excused).*

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

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

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

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

Ms. Baker: The applicant has nothing further to add but is open for questions.

Hawkeye: Does anyone have questions for clarification?

Motion by Kelly B, second by Jerry B, to continue the public hearing on file PUD PP 06-01 (File #3) Preliminary Subdivision Plat-Battle Mountain Planned Unit Development

Preliminary Plan to the January 30, 2008 Council Meeting; *all voted in favor (Note: Bill Burnett was absent/excused).*

**16. Discussion/Action Item – Consideration of the proposed updated 3 Mile Plan Annexation as Required by (CRS) § 31-12-105(1)(e)(I) – Cerimele (10 Min)**

Chris: We addressed Councils concern and amended the map to include the Pierson property. We are presenting to Council to see if anyone would like additional changes to the 3 mile plan before it is voted on. We will review this proposed plan and present it to Council for approval. I will provide Council with an updated map.

**16.a Discussion/Action Item – Resolution 5 Series – 2008; A Resolution excusing the absence of Council Member Bill Burnett – Christensen (5 Min).**

Motion By Tom S, second by George B, to approve Resolution 5 Series – 2008; a Resolution excusing the absence of Council Member Bill Burnett

**FUTURE AGENDA ITEMS**

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

- Ginn Petitions for Annexation – Continued from: 1/16/08 – 1/30/08
- 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: 1/16/08 – 1/30/08
- 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: 1/16/08 – 1/30/08
- 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: 1/16/08 – 1/30/08

**18. Set Future Meeting Dates**

- a) Council Meetings
  - January 30 – Special Council Meeting
  - February 6
  - February 13
- b) Planning & Zoning Commission Meetings
  - January 9
  - January 23
  - February 27
- c) Other

## 19. Adjournment

Motion by Jerry B, second Hawkeye, to adjourn the January 16, 2008 Town Council Meeting at 10:13P.M.; *all voted in favor (Note: Bill Burnett was absent/excused).*

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Hawkeye Flaherty, Mayor

ATTEST:

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Jay Brunvand, Town Clerk