



MEETING OF THE • MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street • Minturn, CO 81645 • (970) 827-5645
February 13, 2008
Regular Session – 4:00PM

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

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

COUNCIL MEMBERS:

Jerry Bumgarner
Bill Burnett
Tom Sullivan
Kelly Brinkerhoff
Shelley Bellm

Ginn Annexation Public Hearing Topics: Applicant Response, Staff Response and Council Deliberations

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 – 4:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 4:00P.M. Roll call: Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff and Jerry Bumgarner (*Note: Bill B. was absent/excused, Tom S. arrived at 4:09PM*).

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

EXECUTIVE SESSION

2. Minturn Town Council will convene into executive session: (2.5 Hours)

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

Motion by Jerry 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, Arthur “Boots” Ferguson and Anne Castle for the purpose of receiving legal advice on the Ginn PUD/Annexation; *all voted in favor (Note: Bill B. was absent/excused)*

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

Direction to Staff and Attorneys is to continue to negotiate with the applicant on the conditions of the project.

7:00 PM

STANDING ITEMS

4. Approval of Agenda (5 min).

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

Motion by Shelley B, second George B, to approve the February 13, 2008 Council Meeting Agenda as presented; *all voted in favor (Note: Bill Burnett was absent/excused)*.

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

- February 6, 2008

Motion by George B, second by Shelley B, to approve the, February 6, 2008 Council Meeting Minutes as presented; *all voted in favor (Note: Bill B. was absent/excused)*.

- Action Item Memo

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

- Isaiah Martinez
- Jerry Bumgarner

Chief Martinez: He wanted to recognize Isaiah Martinez who couldn't be here. Citizens compliment him on his job on the snow removal and his attempt to make the Town safe for the citizens.

On 24th of January the police department received a phone call about a man in the river. Council Member Jerry B. directed the rescue operations and also allowed services to use his residents to access the river front and continue the rescue of the man in his house. Chief then thanked him for his outstanding services as a community member.

Jerry B: He wanted to also add that his wife played a major

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 Council Comments (10 Min)**

Hawkeye: The snow is getting soft right now with the warmer temperatures and the public works is attempting to remove the snow. So, if citizens see the public works crew attempting to remove the current snow build up please help them by moving your cars as needed.

DISCUSSION, HEARINGS AND ACTION ITEMS

- 10 **Discussion/Action Item - Resolution 8 – Series 2008: A Resolution Approving the Three Mile Plan – Cerimele (5 Min)**

Motion by Shelley B second by Hawkeye, to table Resolution 8 – Series 2008: A Resolution Approving the Three Mile Plan to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

Motion by Hawkeye, second by George B, to hold a regular Town Council Meeting on Wednesday February 20, 2008 in the Town Council Chambers at 4:00PM

11. **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, Staff Response and Council Deliberations**

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 February 6, 2008.

Tom S: He has had general conversations with the public and informed them we are close to a decision and if this current Council votes on it, it will have to be soon because the board seats may change at the next election held on April 8, 2008.

Shelley B: She has question on how the excessive traffic will affect the Town and urging the decision to go to a Council vote and not a referendum.

Kelly B: She has not had and contact or conversations with the public regarding these public hearings since the last Town Council Meeting.

Jerry B: A couple people asked if and when the Council will vote on the annexation and he told them the Council is working on the conditions and agreement and that hopefully the vote will be soon.

George B: He spoke to Tom Henderson, Redcliff's Mayor Pro Tem, about the annexation hearing and he advised Mr. Henderson to attend the public hearing this evening. Mr. Henderson was unable to attend but Mrs. Borne is here to witness the public hearing on the Ginn annexation.

Hawkeye: He has not had and contact or conversations with the public regarding these public hearings since the last Town Council Meeting.

Sarah Baker – 1914 Beard Creek Trail Edwards, CO; Here on behalf of the applicant: She submitted some revised exhibits to the public hearing record.

Arthur "Boots" Ferguson: This hand out is a compilation of the most recent plans of the representations of the applicant and encompasses the PDP. This is a consolidated summary of the exhibits to the proposed project. What is not included, but is in other documents in this public hearing, are still required by the applicant.

Employee Housing:

Kelly B: The concept of financial assistance to employee housing for the Town's of Redcliff and Minturn has been omitted from the conditions. I would like to see them put back in the conditions.

Mrs. Baker: The financial assistance is indicated in the conditions of the 50% - 50% - 50% employee housing plan committed by the applicant to qualifying applicants.

Kelly B: Does the 50% - 50% - 50% employee plan and financial assistance plan include the municipal employee housing?

Bill Weber – 160 Rail Road Ave Minturn, CO; Here on behalf of the applicant:

We committed that Town employees of the Town of Redcliff and Minturn will get the same financial assistance as the Ginn employees. We commit to treating them the same across the board.

Kelly B: The housing types and locations in the conditions indicate that it is at the discretion of the applicant. Didn't we agree that it needs to come in front of design and review board?

Mr. Weber: We committed to the 50% of employee housing but the architectural integrity will be brought in front of the Town's design and review board.

Tom S: I remember that the Council agreed that we didn't want the employee housing to look like barracks or dormitories.

Mr. Weber: We committed to treat everyone, Town employees of the Town of Redcliff and Minturn, the same as the Ginn employees across the board and the design review board will decide and approve the architecture of the buildings of the employee housing.

Kelly B: The construction management plan seems to be worse off compared to the last time we discussed it. I asked if the plan regulations were for the 7 days a week and it was agreed by the board. But the conditions currently state the regulations on time of construction traffic are only on week days now. Also, summer hours have been changed and I would like them back to the hours the board agreed on.

Mr. Weber: The conditions in this document are not what we discussed and agreed on and our team will have to review these conditions and make the proper changes.

Mrs. Baker: We will look at it and make the changes the Council has agreed upon.

Wildlife Mitigation:

Tom S: Is the wildlife plan all set up and do we need to have Bill Andre of the Department of Wildlife (DOW) sign off on the Wildlife Mitigation plan?

Mr. Weber: I spoke to Mr. Andre last Thursday and informed he we were carrying on and that we are not really receptive to any additional changes at this point, we have changed everything to this point except for the two sections of language and date. We submitted this to him last week with our proposed date and have not heard back from him. We have asked the DOW to sign off on it and hope they do but I don't think they normally do but we are committed to everything that we have discussed. Currently the only things in question are the operating dates and the location of the cliff ban, below as opposed to the west side.

Arthur "Boots" Ferguson: What is the difference between below the cliff ban and west of the cliff ban?

Mr. Weber: I think it has to do with consistency. The DOW and the experts on the Peregrine Falcon stated they were not adversely affected below the cliff ban that is why the highway and Eco Trail didn't come into play and we wanted to be consistent with that and we have a possible employee housing unit called "R-H" in that location and if you go west of the cliff ban it will impact the Falcon and if you go below the cliff ban it will not impact it.

Arthur "Boots" Ferguson: Mr. Andre has not been present at the Town Council Meetings recently do to personal issues and I wanted to clarify to the Council and allow them to decide what is appropriate regarding the conditions on The Wildlife Mitigation plan presented by the applicant and mostly agreed upon by the DOW.

Hawkeye: Mr. Weber, do you know why there is a difference between the applicant and the DOW on the two issues?

Mr. Weber: We have had good conversations and have come to agreement on plenty of the issues but I cannot answer why the two entities are an issue.

Arthur “Boots” Ferguson: Council needs to understand that Mr. Andre will not give a written approval for the applicants plan or any other plan for that matter regarding wildlife mitigation and the Council just needs to decide on approval or conditions with what has been presented by the applicant who has been working with the DOW. Also, note that Highway 24 has already created an environmental break above the cliffs.

Hawkeye: I would still like to see an increase of 30% commitment by the applicant for employee housing. Please talk to the Town Staff and see if we cannot work together on the total housing. We could have a partnership on creating the increase to 80% employee housing offered. The added 30% could kick in after the 50% has been built and occupied, then the applicant could build the additional 30% of employee housing through a partnership with the Town of Minturn. I believe this is important in order to accommodate all the needed employees to facilitate the resort.

Conditions Review Continued:

Arthur “Boots” Ferguson: I wanted to add that the Town has a say in the mix and configurations of the Town of Minturn and Redcliff employee housing units and the construction of those units. Also, if we could include a timing element of the employee housing configuration to be provided with the final subdivision plat and that the applicant and Council will agree on types and configurations of the housing units prior to construction.

Mrs. Baker: The applicant will add the Council concerns to the final subdivision plat.

Environmental Conditions:

Arthur “Boots” Ferguson: Council may have questions on the environmental conditions and Holland and Hart consultant attorney Anne Castle is here to answer any questions the Council may have.

Kelly B: I want to know in the redlined conditions what was deleted regarding the Gilman site.

Arthur “Boots” Ferguson: The provision that was deleted was regarding the terms and conditions of the clean up of the Superfund Site.

Elizabeth Mitchell – Attorney for Holland and Hart; Here on behalf of the Town of Minturn: This change in the conditions was regarding the conditions by the Planning Commission recommendations and certain areas of the Gilman property have not yet been evaluated and the conditions reflect what areas we do know about. We do not recommend putting conditions on the sites that have not yet been evaluated. This allows for flexibility by the applicant on requirements of the EPA. This is solely because the information submitted to the Planning Commission is outdated.

Hawkeye: If they buildings on the Superfund Site are not approved by the EPA and do not get built I see no requirement from the applicant in the conditions to clean up the Superfund Site. How do we obtain a commitment from the applicant to clean up the Superfund Site if the EPA won't allow for buildings to be constructed on those sites, the ICON Building at Bolts Lake and the Employee housing at Gilman.

Arthur "Boots" Ferguson: We made revisions to the conditions that address that particular situation.

Kelly B: Could the attorneys explain why EPA may not even allow the applicant to clean up the Superfund Site because it may disturb a small wetlands in the area and a lake that has recently developed in that area?

Mr. Weber: As an applicant we don't understand those concept and ideas presented by the EPA. We have presented additional clean up regulations and are presenting them to allow for the clean up to happen.

Mrs. Mitchell: We are attempting to put conditions in the agreement that address the Council's concerns. We are requiring the applicant to work diligently with the EPA to clean up the Superfund Site. We also added that the applicant work reasonably with the EPA to obtain a AOC for the Gilman and Bolts Lake areas. We also added that the applicant continue to work with the EPA over the years, with no limitation, to obtain and AOC for the Gilman and Bolts Lake areas.

Hawkeye: If the applicant doesn't receive the AOC from the EPA I still don't see where in the conditions that the applicant is committed to the clean up the Superfund Site if the development doesn't happen at the Bolts Lake and Gilman areas.

Arthur "Boots" Ferguson: The Staff has made the applicant commit to having a storage area at the Bolts Lake area and even if there is no buildings being constructed for the project in the area the applicant will still have to clean up the Superfund Site for a storage area required by the Town in the area as well as the area the train will be conducting through. Also, the EPA may give the applicant an AOC the EPA is ok with but the Town may not approve and the Town can require the applicant to deny the approval and appeal it. I am not saying that it is in the conditions that state the applicant will clean it up no matter what but we are crafting the language so that it will be cleaned up at some point or another.

Anne castle – Attorney for Holland and Hart; Here on behalf of the Town of Minturn: The applicant is not required to clean the superfund if they do not receive an AOC from the EPA for the bolts lake area.

Hawkeye: Please discuss with the Lawyers and Staff if this needs to be covered in the conditions and how it would be implemented.

Gary S: The applicant has addressed 46 out of 47 of the EPA criteria and regulations and the only criteria and regulation is the disturbance of the Wetlands located in the Bolts Lake area. We may be able to put in a condition that the applicant won't disturb the Wetlands during the Superfund Site clean up process.

Arthur “Boots” Ferguson: We can work with the applicant on that condition but in the end I think the Council can only require a faith based effort to clean up the Superfund Site as a part of the condition of approval. The ultimate decision comes from the EPA.

Tom S: I think this is a little big of the 11th hour concept. The applicant has put an agreement of approximately \$40-\$50 million dollar to clean up the Superfund Site and the EPA is the entity tying things up. I don’t think it’s fair to have the Staff, Attorneys and Applicant to spend more time on this. It is the EPA that is creating the difficulty with this process. I don’t see it fair to require the applicant to spend that money to clean up the Superfund Site if the applicant doesn’t get to develop on it. I believe the applicant will clean up the area in the long run for their own benefit.

Shelley: I agree with what Tom S. has stated regarding the Superfund Site and clean up.

Jerry B: The Superfund Site it there and not moving any closer to the Town. The EPA is tying the hands of the applicant and I don’t think it is fair to hold up everything because of this one thing.

Kelly B: I agree with Council Member Bumgarner.

Planning:

Mrs. Baker: The applicant has committed to no density change on the Gilman area capped at 265 units and Bolts lake area capped at 702 units.

Regarding condition #3 - Kelly B: I thought we were going to add \$2million commitment to various public improvements.

Arthur “Boots” Ferguson: The Town is to address that along with the other findings associated with the annexation agreements.

Regarding #9 - Hawkeye: Is the project limited to only 1 golf course or 2 golf courses?

Arthur “Boots” Ferguson: It is still pending and the project may include a 36 hole golf course, but we are discussing the annexation agreements in regards.

Regarding #12 - Hawkeye: I thought the setback for was 30ft. not 10 ft.

Mrs. Baker: The setback is regarding the easement of 10ft. not the setback of building of 30ft..

Hawkeye: If there is going to be a 30ft setback for building then we have to have a 30ft the easement.

Shelley B: I agree with the easement setback of 30ft.

Regarding #12 – Kelly B: I think we need to add picnicking in the easement setback back on the conditions, if you are fishing you need to eat.

Mr. Weber: We need to have further discussion with the Staff and we will have an answer tomorrow.

Regarding #13 - Hawkeye: I thought the start date for the traffic improvement plan for the annexation plan was 2009, does that need to be referenced here?

Arthur “Boots” Ferguson: Those concerns are in the annexation agreement and we will put that language in the conditions.

Hawkeye: The applicant has offered a 20ft easement not a 10ft. easement to the river. They have compromised with the Town on this condition. The Council agreed to the condition.

Redcliff Conditions:

Arthur “Boots” Ferguson: There has been 2 changes to the conditions added to the prior 3 changes by the Town of Redcliff. Redcliff requested there shall be waste water service options depending on the proposals for the next annexation of the 1,000 acres to the proposed project, Staff agrees with this condition. Also, the revenue sharing agreement should be prior to the completion of the initial annexation process, Staff has no opinion on this condition and believes its council’s decision. Redcliff would also like to have possible water service agreement through the Town if there is development on the 1,000 acres proposed for the second annexation. Prior requirements include compensation to the Town of Redcliff if construction traffic does impact their Town. Also, Willow Creek Road will only be used for emergency access only.

Shelley B: We have spoken on the revenue sharing with Redcliff but I thought it was going to be discussed when the second annexation is on the table. It should be considered during the second annexation.

Arthur “Boots” Ferguson: It is contained in the provision in this section under #5.

Kelly B: #1 is repetitive and we don’t need it within these conditions.

Regarding #7 - Hawkeye: I think we need to set up an impact fee determined by the applicant and the Town.

Arthur “Boots” Ferguson: We don’t know what the impacts are going to be down the road so I don’t think we can determine that at this point.

Mr. Weber: I think this should be in an agreement with the Town of Redcliff but not for the agreement with the Town of Minturn. We have worked with Redcliff and they know they will be compensated for the impact on the Town from the project.

Arthur “Boots” Ferguson: Let’s add the language that the applicant promises to work with the Town of Redcliff on the compensation from the impacts.

Environmental Impact Report Conditions:

Regarding #3 – Kelly B: I wanted to make sure that there is some language that the Town will still have final approval of the Sustainable Design Plan that is presented in the final form with the PUD final development.

Tom S: I believe the applicant wanted to have the individual private homes be exempt to Sustainable Design Plans.

Mrs. Baker: The applicant has addressed that and spoken to Boots about it.

Hawkeye: Does this mean the applicant can use something other than the LEEDS Certification?

Mrs. Baker: Yes, there are quite a few Sustainable Design Plans to choose from but the applicant commits to some type of Sustainable Design Plan.

Council & staff:

Regarding #3 - Hawkeye: It is appropriate to include the building envelopes in the final PUD Guide?

Arthur "Boots" Ferguson: A building envelope map will be submitted but it won't be required considering things may be moved around a little on the property and we would have to amend it every time.

Shelley B: I don't think there is much sustenance change in the conditions but we need to make sure the references reflect one another.

Arthur "Boots" Ferguson: There have been deletions because they address the Minturn Municipal Code and we don't need to have them in the conditions and we don't want to conflict with the Code.

Hawkeye: We need to address the payments to the Fire Department and the Library district for impact fees. Also, there seems like there is going to be an impact to the post office, I don't think they have the capacity to deal with an increase of magnitude.

Arthur "Boots" Ferguson: The post office and mail delivery options are up to the United State Post Office.

Hawkeye: I would like to address the impact on the traffic in the building where the post office is located.

Mr. Weber: We understand that the post office will have to expand because there is only room for 500 more boxes. There could be an annex on the property as done in some other resorts.

Hawkeye: Is there going to be access to the golf course for a Nordic track?

Mr. Weber: We don't have access during the winter time do to wildlife issues.

Hawkeye: Is there consideration for employee child care?

Mr. Weber: We have discussed with staff to provide the space but we are not in the child care business and the Town would have to take on that responsibility.

Hawkeye: Another thing is the support from the developer to keep the shooting range. Some Council Members don't see a problem with getting rid of the shooting range.

Motion by Shelley B, second by Jerry 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 February 20, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

12. Discussion/Action Item - Resolution 9 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #1 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Resolution 9 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #1 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

13. Discussion/Action Item - Resolution 10 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #2 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Resolution 10 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #2 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

14. Discussion/Action Item - Resolution 11 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #3 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Resolution 11 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #3 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

15. Discussion/Action Item - Resolution 12 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #4 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Resolution 12 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #4 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

16. Discussion/Action Item - Resolution 13 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #5 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Resolution 13 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #5 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

17. Discussion/Action Item - Resolution 14 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #6 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Resolution 14– Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #6 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

18. Discussion/Action Item - Resolution 15 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #7 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Resolution 15 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #7 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

19. Discussion/Action Item - Resolution 16 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #8 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Resolution 16 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #8 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

20. Discussion/Action Item - Resolution 17 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #9 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Resolution 17 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #9 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

21. Discussion/Action Item – Ordinance 1 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #1 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 1 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #1 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

22. Discussion/Action Item – Ordinance 2 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #2 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 2 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #2 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

23. Discussion/Action Item – Ordinance 3 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #3 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 3 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #3 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

24. Discussion/Action Item – Ordinance 4 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #4 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 4 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #4 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

25. Discussion/Action Item – Ordinance 5 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #5 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 5 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #5 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

26. Discussion/Action Item – Ordinance 6 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #6 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 6 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #6 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

27. Discussion/Action Item – Ordinance 7 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #7 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 7 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #7 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

28. Discussion/Action Item – Ordinance 8 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #8 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 8 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #8 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

29. Discussion/Action Item – Ordinance 9 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #9 – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 9 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #9 to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

30. Discussion/Action Item – Ordinance 10 – Series 2008 (First Reading): An Ordinance Approving the Annexation Agreement and Vesting Rights – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 10 – Series 2008 (First Reading): An Ordinance Approving the Annexation Agreement and Vesting Rights to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

31. Discussion/Action Item – Ordinance 11 – Series 2008 (First Reading): An Ordinance Approving the Water Service Agreement for Battle Mountain – Cerimele (5Min).

Motion by Shelley B second by Hawkeye, to table Ordinance 11 – Series 2008 (First Reading): An Ordinance Approving the Water Service Agreement for Battle Mountain to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

32. 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.
Hawkeye: Does anyone have questions for clarification?

Motion by Kelly B, second by Shelley B, to continue the public hearing on file PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain to the February 20, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused)*.

33. 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.
Hawkeye: Does anyone have questions for clarification?

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 February 20, 2008 Town Council Meeting; *all voted in favor (Note: Bill B. was absent/excused)*.

34. Discussion/Action Item – Ordinance 12 – Series 2008 (First Reading): An Ordinance Approving the Amendment to Zone District Map – Cerimele (5Min).

Motion by Shelley B, second by Hawkeye to table Ordinance 12 – Series 2008 (First Reading): An Ordinance Approving the Amendment to Zone District Map to the next regular Council Meeting to be held on Feb. 20, 2008 at 4:00PM.

35. 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).

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 February 20, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

FUTURE AGENDA ITEMS

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

- Ginn Petitions for Annexation – Continued from: 2/13/08 – 2/27/08
- 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: 2/13/08 – 3/5/08
- Public Hearing will be held for the following file PUD AZDM 06-01 (File #2) Amendment to Zone District Map – 2/27/08
- 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: 2/13/08 – 2/27/08
- Reconsider Funding Request for Non-Profit Organizations in 2008 – Date Unspecific
- Resolution 6 – Series 2008; A Resolution Approving Land Use Application CU 07-08 - March 5, 2008

37. Set Future Meeting Dates

- a) Council Meetings
 - February 20
 - February 27
 - March 5
 - March 19
- b) Planning & Zoning Commission Meetings
 - March 12
 - March 26
 - April 9

c) Other

- Joint Meeting: ERWSD
- February 27, 2008 @ 10:00AM

38. Adjournment

Motion by Jerry B, second George , to continue the February 13, 2008 Town Council Meeting to Monday February 18, 2008 @ 9:34pm *all voted in favor (Note: Bill B. absent/excused).*

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk