



MEETING OF THE • MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street • Minturn, CO 81645 • (970) 827-5645
February 20, 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 Pro Tem George B, called the meeting to order at 4:07P.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*).

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

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

Direction to Staff and Attorneys is to continue the negotiations with the applicant regarding the annexation hearings.

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 Tom S, second Shelley B, to approve the February 20, 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 13, 2008

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

- Action Item Memo

Shelley B: Is the Council going to get copies of the UP and Home Owners Association from Minturn Town Homes?

Chris C: Yes, I have them on file and will have them included in the next Council packet.

Shelley B: When are we having the fireworks event?

Gary S: I believe it will be March 16th.

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

DISCUSSION, HEARINGS AND ACTION ITEMS

7. 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 13, 2008.

Tom S: The Vail Daily news paper called and asked when the Council would vote on the annexation and I told them it could be tonight. Also, Minturn Citizens have asked about the vote.

Shelley B: One resident asked how the hearings were going and if we were hiding anything from the public. I told them we are still negotiating the annexation agreements and once we vote all the information will be public.

Also, Pete Buckley asked about the process of the public hearing and vote and what we are covering at tonight's meeting. And I have had some other inquiries from citizens.

Kelly B: Some people have asked when we will vote on the annexation and I told them soon after the last details have been worked out.

I received a phone call from the Vail daily who asked about the hiring of a new Town Manager. I told them we would hire a certain type of Town Manager pending approval or denial of the annexation.

Jerry B: The Vail Daily called and I told them I wasn't able to talk at that moment because I was in a meeting at that time and didn't get back to them prior to the meeting. Also a Vail woman asked me if we are going to allow this tall building to be built and I told her I wasn't sure because we were still working out the details.

George B: The Vail Daily called and asked a few questions regarding the annexation hearings. Also random people have asked about the possible vote and were the Council was at this point.

Hawkeye: The Vail Daily called I didn't give input on the questions they asked because I did not believe it was public information at that point.

He then asked the Town Planner if there was anything that needed to be added for this public hearing.

Chris C: We have two additional conditions to add to the current list of conditions.

1. One additional condition deals with open space
2. Another additional condition deals with wireless technology provided to the Town by the applicant and constructed and installed by the applicant.

Arthur "Boots" Ferguson:

- Also, Town Staff recommends amending the condition regarding the 36 hole golf course. Staff recommends that 18 holes of the golf course must be in the Bolts Lake Character Area
- Funding sources for the USFS properties: There will be bridge funding by the applicant if the General Improvement District (GID) funding does not come through.
- Sustainable design plans will apply to ALL single family homes and dwelling units whether construction of the dwelling unit is by applicant or private persons
- In addition to commercial space, residential water requirements and non residential areas cannot exceed expectations

Changes to the PUD Guide:

- Regarding #2a – lighting: The areas of MU – 1 and MU – 2 are to be deleted from the conditions.
- The sections of the PUD Guide regarding river setbacks need to be re-crafted to make sure they are consistent with the other sections of the PUD Guide.
- There needs to be an addition of a conservation easement that includes the cliff band and the peregrine falcon area nesting area.

Arthur "Boots" Ferguson: Interred into the public record is the chart of the authorized debt limits for the Minturn GID. The applicant has agreed to many of these issues that were initially presented at the beginning of this public hearing. There have been some funds shifted around but the over authorized debt limit is well within the range of our last discussion. The applicant believes the tax revenue from the transfer tax and other taxes will be sufficient to maintain operations at the district level expectations. The GID is to ensure that the Town will be able to operate and maintain the facilities and infrastructures if revenue does not meet the expectations of the Town and the applicant. This is a question of Capital Funding vs. a Safety Net for the Town. We want to insure that the burden doesn't fall on the citizens of the Town of Minturn. There are two matters that are different from the last presentation of this. One issue is having the mill levy in perpetuity to address operation and maintenance costs. The applicant has a concern with this because at some point the property tax revenues accruing to the Town will be more than sufficient to take over the operation and maintenance obligations in this district. The applicant also believes in the future this would create a double taxation on the same service. There are foot notes in this document insuring a safety net in some of these matters. The second issue is the safety net implemented in this document and is insurance for the Town and not considered double dipping.

Gary S: Another issue is that the applicant has agreed to many of the capital funding items but not all of them. There is still some disagreement on a few of them that are not safety net security related.

Sarah Baker – 1914 Beard Creek Trail Edwards, CO; Here on behalf of the applicant:

She submitted the revised PUD Guide into the public record as an exhibit. As well, she submitted the revised construction traffic plan into the public record as an exhibit and the revised site specific plan.

Kelley B: I have a concern regarding no construction traffic on Sundays. The minimum level of acceptance should be no traffic on Sunday and as a condition there could be exceptions to the condition approved by the Town Council

Gary S: I have worked in a Town for 11 years that passed an Ordinance regulating any construction traffic on Sundays. It was a great concept and appreciated by the public.

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

I believe that what is in the conditions states and covers what your concerns are.

Bill Weber – 164 Rail Road Ave. Suite 150 Minturn, CO; on behalf of the applicant: We will rewrite the traffic condition and clarify what Council would like to see. If we want to run construction traffic on Sundays we will get special permission from the Council before hand.

Tom S: We need to add into the conditions that there will be FREE internet for the citizens of Minturn, not just the option for wireless internet.

Shelley B: I would like to know what Mr. Andre of the Department of Wildlife (DOW) concerns are on those two issues on wildlife mitigation the DOW and the applicant could not agree on.

Bill Andre – DOW: The issue is on the use of the ski lift times during the ski season. We brought in a specialist, Gary Craig, on the Peregrine Falcon. We recommended to the applicant a date specific of March 15th to stop the surface gondola lift because it is easy to miss the arrival of a Peregrine Falcon and the first 2 days are critical for them. If the lift is still active they may abandon the area. The second issue was the ½ mile buffer zone below the cliffs that would include the west area of the cliffs. The applicant wanted to remove the ½ buffer below the cliffs. Our expert Mr. Craig stated you have to protect the buffer zones above and below the cliffs.

Tom S: Is that where the applicant is thinking about putting employee housing?

Mr. Weber: We are not too sure exactly where the housing is going to be but that is an area of consideration.

Tom S: The lift the DOW is requesting being closed on the March 15th date is only the surface lift from the Icon building but the rest of the lifts would be open?

Mr. Weber: Yes that is correct. The rest of the area will be opened until April 1st.

Hawkeye: What monetary effect will that have on the ski area?

Mr. Weber: I don't think it will be a major impact monetarily but it will have an affect the people owning houses on the top of the mountain and the ski-in ski-out factor.

Tom S: I think closing on March 15th is fine.

Shelley B: The rest will be open and that should be fine to close that lift and ski runs on the 15th.

Hawkeye: Does the DOW want to close the lift and the runs in that area within the buffer zone?

Mr. Andre: Yes. I believe we just agreed on the two issues and we are using the DOW date and change the language.

Anne Castle – Attorney for Holland and Hart; Here on behalf of the Town of Minturn:
We discussed the water agreement with the applicant and we are in agreement on the suggested changes. Also the applicant agreed to have the Town make the final decision for the placement of the master water meter.

Hawkeye: The board brought up the GID months ago and expressed the importance to the Town for having this as a safety net guaranteeing the funding of the operations and maintenance of the new facilities until the revenue from the project can cover the costs so the citizens don't feel the brunt of the cost. The applicant may be right that the revenue may be able to cover the operating and maintenance costs but we cannot accept maybe. If the applicant cannot agree with the Towns proposed GID then there will not be a vote tonight on the annexation tonight. All council was in agreement.

Mr. Weber: I just saw the chart for the authorized debt limit for the Town of Minturn GID at 7pm tonight so this is a hard question to answer. We are in general agreement with the concept also within a few dollars of what is being requested. The major issue the applicant has is the language of perpetuity. Again, we are good with the concept and dollars. I would still like the Council to vote tonight and have the attorneys work on it within the next 24 hours. If the revenue that is projected doesn't come into Town the applicant will continue to pay for the operations and maintenance and have some type of perpetuity fall back.

Tom S: What if there was a time frame and then we would assess the revenue at that point in the time frame.

Mr. Weber: That is kind of what the applicant is getting at. I think our lawyers can come up with a time line and come to an agreement.

Hawkeye: Have we reached an agreement on the amount on the Mill levy?

Mary Joe Dougherty – McGeady Sisneros Law Firm 450 E. 17th Avenue Denver, CO; Here on behalf of the Town of Minturn:

Mill levy cap to the debt service to this and what would be voted would be a maximum amount of revenue that would be raised from the mill levy. There would be a mill levy cap but more of a dollar amount. You don't know what your assessed valuation is going to be so it is difficult to vote a mill for O and M.

Hawkeye: can we work those deals out before next week?

Mrs. Dougherty: Yes.

Kelly B: I want to make sure we have a safety net of funding for the "if" things that may come up in the future. Is the option to have an assessment at the end of the decided amount of years?

Mrs. Dougherty: I think the mill levy would continue unless you came to an agreement after the decided number of years to review the revenue from the project and decide if it is sufficient enough to cover the O and M costs.

Hawkeye: The other option is to consider the issuance of a property tax or mill levy reduction in Town or maybe give a credit. If we reduce it can we raise it the next year if we need it?

Mrs. Dougherty: Yes, on the Ginn property not in the Town.

Tom S: I think it's worth giving the project a try but it may be hard to craft something in the next 2 days to satisfy everyone involved. We should not be penalized for their lawyers not doing their job. We can give it a try and then maybe not vote on it on the second reading. I want to make sure the residents don't feel this in the long run.

Shelley B: The GID is the major hold up and the Council has not been quiet about that fact. I am willing to give it a try and have the lawyers come up with some language in the next few days before the second vote.

Mr. Weber: The issue is to have the Town be successful but the applicant has to be successful in order for that to happen. We have heard the Council and have been working on it diligently.

Jerry B: Is there an option to renew this after a certain amount of years after assessing the amount of revenue and then maybe drop the mill levy if we still need some funding?

Mrs. Doherty: Yes we have plenty of options. And it could be done without a Town vote.

Hawkeye: Just for clarification; The Town Council is going to be the board to implement the GID funds.

George B: The worse thing we could do for the Town is to get these amenities for the Town and then have to shut it down in 2 years because the Town doesn't have the funds to run them. We will get revenue funding from the project but the Town has current needs they will have to address with the new revenue from this project. We want to get new things and keep them nice and improve on the things we currently have. I am willing to try it out.

Hawkeye: What does each Council Member want to do?

Tom S: I say we close the public hearing and vote on it.

Shelley B: I say we close the public hearing and vote on it.

Kelly B: I feel uncomfortable with the language in the GID. I don't like the concept of termination at a specific year but more of a revisit and assess situation with the GID. I say tonight we close and vote and see what the lawyers come up with and see if we will vote the next meeting.

Jerry B: I say we close the public hearing and vote on it. I think we can get it worked out.

George B: I say we close the public hearing and vote on it.

Hawkeye: I say we close the public hearing and vote on it.

Arthur "Boots" Ferguson: We can change the language of the Ordinances between the two readings if we need to.

Hawkeye closed the public hearing on the petitions for annexation of the Battle Mountain Area.

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

Motion by George Second by Shelley to approve Resolution 8 – Series 2008: A Resolution Approving the Three Mile Plan; *all voted in favor (Note: Bill B. was absent/excused).*

9. 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 Tom S, Second Jerry B, by to approve Resolution 9 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #1; *all voted in favor (Note: Bill B. was absent/excused).*

10. 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 Kelly B, to approve Resolution 10 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #2; *all voted in favor (Note: Bill B. was absent/excused).*

11. 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 Kelly S, Second by Jerry B, to approve Resolution 11 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #3; *all voted in favor (Note: Bill B. was absent/excused).*

12. 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 George B, Second Jerry B, by to approve Resolution 12 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #4; *all voted in favor (Note: Bill B. was absent/excused).*

13. 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 Jerry B, Second by Kelly B, to approve Resolution 13 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #5; *all voted in favor (Note: Bill B. was absent/excused).*

14. 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 George B, to approve Resolution 14 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #6; *all voted in favor (Note: Bill B. was absent/excused).*

15. 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 Tom S, Second by Shelley B, to approve Resolution 15 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #7; *all voted in favor (Note: Bill B. was absent/excused).*

16. 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 Kelly B, Second by George B, to approve Resolution 16 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #8; *all voted in favor (Note: Bill B. was absent/excused).*

17. 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 Tom S, to approve Resolution 17 – Series 2008: A Resolution Approving the Findings and Conclusions for the Annexation of Battle Mountain Parcel #9; *all voted in favor (Note: Bill B. was absent/excused).*

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

Motion by George B, Second by Shelley B, to approve Ordinance 1 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #1; *all voted in favor (Note: Bill B. was absent/excused).*

19. 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 Tom S, to approve Ordinance 2 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #2; *all voted in favor (Note: Bill B. was absent/excused).*

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

Motion by Jerry B, Second by Shelley B, to approve Ordinance 3 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #3; *all voted in favor (Note: Bill B. was absent/excused).*

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

Motion by Kelly B, Second by Shelley B, to approve Ordinance 4 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #4; *all voted in favor (Note: Bill B. was absent/excused).*

22. 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 Jerry B, to approve Ordinance 5 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #5; *all voted in favor (Note: Bill B. was absent/excused).*

23. 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 George B, to approve Ordinance 6 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #6; *all voted in favor (Note: Bill B. was absent/excused).*

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

Motion by George B, Second by Shelley B, to approve Ordinance 7 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #7; *all voted in favor (Note: Bill B. was absent/excused).*

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

Motion by Jerry B, Second by Kelly B, to approve Ordinance 8 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #8; *all voted in favor (Note: Bill B. was absent/excused).*

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

Motion by Kelly B, Second by Jerry B, to approve Ordinance 9 – Series 2008 (First Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #9; *all voted in favor (Note: Bill B. was absent/excused).*

27. 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 George B, to Approve Ordinance 10 – Series 2008 (First Reading): An Ordinance Approving the Annexation Agreement and Vesting Rights; *all voted in favor (Note: Bill B. was absent/excused).*

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

Motion by George B, Second by Jerry B, to approve Ordinance 11 – Series 2008 (First Reading): An Ordinance Approving the Water Service Agreement for Battle Mountain; *all voted in favor (Note: Bill B. was absent/excused).*

The second reading on Ordinances 1-11 Series – 2008 will be held at the next Town Council Meeting to be held on February 27, 2008 at 7:00PM in the Town Council Chambers.

Motion by Tom S, second by Shelley 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 27, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

29. 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 Tom S, 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 February 27, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

30. 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? He then closed the public hearing on this file.

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

Chris C: Staff recommends approval with conditions agreed upon.

Motion by Jerry B, Second by Shelley B, to approve Ordinance 12 – Series 2008 (First Reading): An Ordinance Approving the Amendment to Zone District Map and to be read for second reading to be held at the next town council meeting on February 27, 2008; *all voted in favor (Note: Bill B. was absent/excused).*

Motion by Hawkeye, second by George B, to continue the public hearing and second reading of Ordinance 12 – Series 2008 at the next regular Town Council Meeting to be held on February 27, 2008; *all voted in favor (Note: Bill B. was absent/excused).*

32. 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 Shelley B, second by George 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 27, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

FUTURE AGENDA ITEMS

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

- Ginn Petitions for Annexation – Continued from: 2/20/08 – 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: 2/20/08 – 2/27/08
- 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: 2/20/08 – 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: 2/20/08 – 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 – 3/5/08
- Town Council Member Wages – 3/5/08

34. Set Future Meeting Dates

- a) Council Meetings
 - 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

35. Adjournment

Motion by Shelley B, second by Tom S, to adjourn the February 20, 2008 Town Council Meeting at 9:22pm; *all voted in favor (Note: Bill B. absent/excused).*

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk