



MEETING OF THE • MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street • Minturn, CO 81645 • (970) 827-5645
February 27, 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 called the meeting to order at 4:13P.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 and Kelly B. arrived late*).

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: (3 Hours)

- Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen, Arthur “Boots” Ferguson, Elizabeth Mitchell, Mary Jo Dougherty 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; *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.)

There was not direction given to Staff or Attorneys preceding the Executive Session.

STANDING ITEMS

7:00 PM

4. Approval of Agenda (5 min).

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

- Add Resolution 20 – Series 2008; a Resolution establishing procedures regarding referendum petitions as item number 7a.

Change the order of the agenda:

- Move Item 18, Ordinance 10 – Series 2008 to number 8a.
- Item #21 will be considered with #20
- Item #25 will be considered with Item #24
- Delete Item #22 (This file was closed at the February 20, 2008 Council Meeting).

Motion by George B, second Jerry B, to approve the February 27, 2008 Council Meeting Agenda as amended; *all voted in favor (Note: Bill Burnett was absent/excused)*.

5. Approval of Minutes (5 Min).

- February 20, 2008

Shelley B: On item #30 page 16 of the packet – There was no motion indicated to continue the public hearing.

Motion by Shelly B, second by George B, to table the, February 20, 2008 Council Meeting Minutes as amended until the 3/5/08 Regular Town Council Meeting; *all voted in favor (Note: Bill B. was absent/excused)*

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

7. Discussion/action of Emergency Items, if necessary

DISCUSSION, HEARINGS AND ACTION ITEMS

7a. Discussion/Action Item - Resolution No. 20 – Series 2008: A Resolution Establishing Procedures Regarding Referendum Petitions (5 Min)

Hawkeye: He introduced the Resolution and then opened the public hearing.

Frank Lorenti - 1081 Main St. Minturn, CO:

He stated that he believes it is not fair that the Council will not allow the public to vote on the Ginn annexation. He went on to inform the public on the procedures for the petition for referendum and referred them to a website.

Kelly B: She questioned why the Council Board was elected if they are not allowed to vote on issues such as these. Council has sat through the past 2 years getting all of the right information and making sound decisions and negotiations. There is a procedure to put this to a vote. If the citizens want to vote I am all for it.

Mr. Lorenti: He thought the problem was that citizens didn't get the information they asked for.

Shelley B: It is your job as a citizen to organize a petition to get this issue to a referendum and a public vote. Council has reviewed documents regarding this for the past 2 years and the public doesn't have the information the Council has from the executive sessions. That information is just coming out to the public right now. A town vote is the citizens right but Council has thoroughly reviewed the materials for the past 2 years.

George B: In my opinion and the position the Council Members are in we have put our time to make the best decision for the Town and its citizens.

Fred Haslee - 25 Pine St. Minturn, CO:

I am glad to see the vote come and commend the Council for spending the time on this and he thanked them for their hard work and dedication.

Matt Scherr - 511 Main St. Minturn, CO:

I think its great how much work the town has put into this process and project. Regardless of citizen's approval or disapproval the Council has spent the time to make sure the citizens are protected and benefit from this project if approved.

Mark Tamberino – 2344 Draw Spur Avon CO:

He commended the Council on the time they have put in and their knowledge of the issue at hand. He then thanked them for their time.

Hawkeye: He closed the public hearing on Resolution 20 Series 2008.

Motion by George B, second by Shelley B, to approve Resolution No. 20 – Series 2008: A Resolution Establishing Procedures Regarding Referendum Petitions; *all voted in favor*
(*Note: Bill B. was absent/excused*)

8. 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 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 20, 2008.

Tom S: He has had random questions regarding the annexation and he told them Council approved the first reading but there are a lot of details to work out. I also spoke to a reporter from the Denver Post.

Shelley B: On the evening of February 20, 2008, I was approached by at the Minturn Saloon by one of the outside attorneys for the Ginn Entities, who stated that more revisions were being suggested to the annexation agreement. One of Minturn's attorneys who was also present informed this Ginn attorney that the Minturn Town Council members represented by counsel. No negotiations or substantive discussions occurred and I withdrew from the conversation shortly thereafter.

On February 24 2008 I spoke to Michael Gallagher who asked if he could help with anything. I also mentioned the discussion that ensued at the Saloon.

Today a resident asked about the annexation agreement and asked if it would go to referendum. I spoke to Planning Commissioner Lynn Teach and also Public Radio called.

Kelly B: I was also present at the Saloon when the conversation ensued with the Ginn attorney. Several people asked about the first reading and if we will approve it and I told them we are still in negotiations.

Jerry B: 2-3 local people asked about the first Ordinance vote. I explained the voting process. Colorado public radio called and asked questions and I gave them answers to the public record questions.

George B: A few general discussions with people and he invited them to the meeting.

Hawkeye: He was approached by a citizen who thanked the Council for their work and hoped the Town would benefit if the annexation goes through.

8a. Discussion/Action Item – Ordinance 10 – Series 2008 (Second Reading): An Ordinance Approving the Annexation Agreement and Vesting Rights – Cerimele (5Min).

Hawkeye: He explained the Ordinance and asked if there was anything to add.

Arthur “Boots” Ferguson: Yes, there are changes to the documents and there are amendments to the Ordinance and the Annexation Agreement.
As scripted in the Municipal Code he read over the amendments to the Ordinance and the Annexation Agreement for the public record.

Mary Joe Dougherty – McGeedy Sisneros Law Firm 450 E. 17th Avenue Denver, CO; Here on behalf of the Town of Minturn:
She then took over and continued reading the amendments to the Annexation Agreement.

Arthur “Boots” Ferguson: He continued reading the amendments to the Annexation Agreement.

Jim Borgel - Attorney for Holland and Hart; Here on behalf of the Town of Minturn:
He finished reading the amendments to the Annexation Agreement for the public record.

Mrs. Doherty: She explained the amendments to exhibit #3 to the Annexation Agreement and to the General Improvement District.

Kelly B: Should we read the changes to the PUD Guide and Traffic Plan?

Hawkeye: Council adjourned for a brief recess.

Hawkeye: He opened the public hearing on Ordinance 10 – Series 2008.
Arthur “Boots” Ferguson: He added items to the public record.

Chris C: He added to the public record:
- A letter from ERWSD
- A comment received from Susan Melvin
- A memo from the Minturn Chief of Police

Sarah Baker – 1914 Beard Creek Trail Edwards, CO; Here on behalf of the applicant:
The applicant would like to add exhibits to the public record

Hawkeye: He opened the public comment on Ordinance 10 – Series 2008.

Darrel Wegert – 1716 Main St. Minturn, CO:

This is not the first annexation the Town of Minturn has had. We have doubled the size of the Town in a couple of annexations. This Council has a lot of knowledge on this project and has answered a lot of questions. He thanked the Council for being thorough in this process.

Tim Parks – 236 Eagle St. Redcliff

We are surrounded by 3 sides of the proposed project. What will happen if Minturn doesn't vote to approve the annexation for the project? He then spoke of options and what may not happen if it doesn't get approved and what benefit will be lost. He commended the Council for doing a good job and protecting the citizens of Minturn. He recommended a yes vote on the project allowing the Town of Minturn to control the project.

John Rosenfeld – Main st. Minturn, CO:

I agree with Tim Parks and believe this is a positive project for the town. He then thanked the Council and Town Staff for their hard work. Council is elected by the citizens and the Council has done a great job to protect the citizens in this proposed project. He encouraged a yes vote on the proposed project.

Jim Kleckner – 660 Main St. Minturn, CO:

I want to thank the Town for their hard work. I am concerned about the long term infrastructure support. Also I have concerns about traffic mitigation from the impacts. He is also concerned about the elk migration mitigation. I don't think this should go to a vote to the people but have Council explain why they voted a certain way.

Rob Singer – Jacobs, Carter and Burgess; here on behalf of the applicant:

I can address the long term traffic mitigation for Mr. Kleckner. There are 4 traffic impact studies and the long term 20 year is in the traffic impact analysis. It addresses the level of service and how to keep that level of service at a minimum over time. There are a lot of penalties to the applicant if they go over their trip budget, which acts as a safety net for the desired level of service.

Gary S: I spoke to CDOT about the road permits and they were leaning towards a round about at the T-intersection of the project on Battle Mountain as well as the entrance to the Town. They were also pleased with our traffic mitigation plans.

Bill Andre – Department of Wildlife (DOW): The applicant has moved most of their homes from the migration pattern of the Elk. Our concern was maintaining the winter range. The biggest problem is the golf course and Bolts Lake Character Area because those areas will be flat and difficult for them to move through the accumulated snow. Also the increase of traffic from the project would affect them. Also night and winter activities have been restricted in those areas to address the elk population in the area.

Earl Bidez – 449 Main St. Minturn, CO:

I am here in support of the project and have been following it since the beginning. Initially I was concerned about the size of the project. My main concern was the traffic impact and I have looked at the traffic mitigation plan and I think it has been worked on the best it can be. I feel it is important for the Town to go through with the annexation so the Town has control of the future of the Town.

Randy Milhoan 141 Williams St. Minturn, CO:

What I keep thinking about is how Gypsum has benefited from the new infrastructure and how Minturn could benefit from this project. I think we need to approve this project so we can control the future of our Town.

Mr. Andre: I am not sure of the exact language in the Wildlife Mitigation Plan. The DOW is still in disagreement with the applicant on the buffer zone below the cliff ban.

Shelley B: Because highway 24 has been used for years while there were Peregrine Falcons present why are we trying to extent the buffer zone to below highway 24?

Mr. Andre: The Peregrine Falcons began nesting there with the current disturbances of highway 24 but not a ski lift or housing units. The buffer below has always been included in the discussions but not in the final draft.

Mrs. Baker: The DOW proposed buffer would include an area of the Eco Trail as well.

Kelly B: The ½ mile buffer above the cliffs intruded into a proposed development site and the applicant compromised and the units, how many units had to be moved?

Bill Weber – 164 Rail Road Ave. Suite 150 Minturn, CO; on behalf of the applicant:
We moved about 10-12 homes in that area. And, considering the Peregrine Falcon have lived with the highway we believe the Eco Trail would not affect it their nesting patters.

Arthur “Boots” Ferguson: What sections are we talking about on highway 24 that would be in the buffer zone?

Mr. Andre: The current structure of highway 24 from each the lower section and higher section.

Shelley B: What is the problem?

Mr. Andre: The Eco Trail would impede into the buffer along side the road.

Tom S: Is it development RH and RI?

Mr. Andre: Yes, he then passed out to the Council the DOW proposed buffer zone map compared to the applicants.

Shelley B: What is the current density?

Mrs. Baker: Currently the density is 0 but there is a provision that there could be a transfer of 5 units per acre. RH and RI are areas that are proposed for possible employee housing but no decisions have been made at this point.

Kelly B: I remember the Peregrine Falcon specialist stated the upper area of the cliff bans are the most important areas to protect for nesting.

Mr. Andre: You are correct but the magnitude of this project is something the Peregrine Falcons in the area has never had to overcome to nest in the area. They have nested with the traffic as well as the train but not a project with impacts of this size.

George B: I am inclined to restrict the building season in those areas just like the limitation on skiing in that area.

Tom S: I do remember him saying below the cliff ban it will affect the Peregrine Falcon and RH and RI are both in that buffer zone.

Shelley B: Is there a compromise to this buffer concern?

Mr. Weber: I believe the applicant can work with the DOW on the buffer zone.

Arthur “Boots” Ferguson: We can amend the Annexation Agreement and Vesting Rights and continue to work on it and present it with the Final Development Plan.

Mr. Andre: We can work on it together and come to an agreement.

Shelley B: Regarding the Wildlife Mitigation Fund; Town representative were reduced to 1 from 2 why?

Mr. Weber: The applicant decided to add the DOW to the Wildlife Mitigation Fund Board.

Kelly B: I have concerns about the language for the construction traffic mitigations/limitations. It is suppose to be no construction traffic with special acceptations by the Council. The proposal states “truck deliveries” and I want it changed to no “construction traffic” on Sundays at all. She then read off to the public the restrictions of the construction traffic.

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

We will change it to the language desired by Council Member Brinkerhoff.

Hawkeye: What did the applicant find out about the Post Office?

Mr. Weber: We have inquired but haven’t gotten answers. They have stated there is room for 500 more PO Boxes in the current location and that they would look into an alternative location on the property for another building.

Hawkeye: What about trash locations?

Mr. Weber: The buildings will have centralized trash locations along with recycling and we are looking for other locations for centralized trash receptacles.

Hawkeye: What about the rail road?

Mr. Weber: He read a letter from UP and stated they are working well with them on coming to an agreement.

Hawkeye: What about the light rail?

Mr. Weber: We have been trying and will continue to try and work this deal out. Once this is done there will be other parties interested that may persuade UP.

Kelly B: I thought there was suppose to be a change on the conditions regarding planning. We discussed having immediate access to the bridge funding when the USFS parcels become available.

Arthur “Boots” Ferguson: It has been changed in the latest conditions handed to the Council tonight.

Mrs. Baker: The applicant wanted to change something in the conditions and she continued to explain the applicant’s desired changes.

Arthur “Boots” Ferguson: We agree with that change. They continued to go through the conditions and make changes agreed upon by the applicant and the Council.

Hawkeye: He then closed the public hearing on Ordinance 10 – Series 2008

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

George B: He then read to the audience what benefits the Town would gain from the approval of the proposed annexation and what the Council has taken into consideration of this project to ensure the best possible outcome for the Town and the Citizens. These are the reasons for him to vote yes on the annexation

Tom S: Minturn residents usually like Minturn to stay the way it is. I don't see that is an option here. The applicant has options to be annexed by the Town of Redcliff or Eagle County. We have gotten a good deal here and we need to take advantage of it. I intend to vote yes on the project.

Shelley B: The Town and the applicant have worked well together to get the best deal for the Town and look out for the Town's best interest in the long run. We will all be impacted by this project. The mitigation plans we have worked on will help everyone in Town. The benefits to the Town will be on going and without this we cannot afford to provide the necessary needs of the Town. The project will happen and we have the opportunity to annex the project to protect the residents and control the project and our destiny. I also plan to approve this project.

Kelly B: Over the past 2 years reviewing the project I have thought about a few main issues. Minturn is the only one who can look out for Minturn and take control of this project. We will be able to provide basic services for the Town. Also traffic is an issue. If it is not approved then we don't get any of the benefits that George listed. I think if Minturn doesn't annex it and another entity does we will be impacted without the benefits. We have worked very hard on the traffic mitigation and I think it's the best deal we could come up with. I have also thought about all the contracts and the mitigation plans and the benefits. These 3 things helped me decide to vote yes on this project. This will help the Town of Minturn.

Jerry B: We have been in the process for over 2 years and I want to thank everyone on the Council for working together and work through these things. I think the applicant is one of the better developers that we could have gotten. I have witnessed first hand that they are a good neighbor and come through with their promises. My number one reason for approval on this project is the Scholarship Fund for children to go to college who cannot afford it. They will have an opportunity to educate themselves and the fund will continue to grow. The Wildlife Mitigation Fund is \$3 million and that is unheard of in the state. The funds stay in the Town. The employee housing is at 50% and that has not done in the County to this day. I know I will have to wait to pull my car out onto Main St. from traffic. The applicant has brought specialist for each part of this project and gotten information from them as well as attorneys and the applicant has paid for it. Everyone has worked hard on this and I want to thank the public for their patience on this issue. I will vote yes to approve this project.

Hawkeye: The one question I ask myself is if this is the right thing or wrong thing for the town. I think it's the right thing for the town.

Motion by Hawkeye, second by George B, to thank the Staff, Citizens, surrounding communities and the applicant for their participation in this process, for working hard on this project and welcoming Ginn into the Town of Minturn; *all voted in favor (Note: Bill B. was absent/excused).*

Mr. Weber: The applicant thanked the Staff, Council and Consultants for the efforts, time and many other reasons. I stated before that Ginn has a better product because of the Council and the joint efforts on the project.

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

Hawkeye: He introduced Ordinance 1 – Series 2008 and asked if Staff had any changes to induct into the public record.

Guy Patterson – Timberline Consulting: The Staff changed dates on the Ordinance and the date of the public hearing on the second reading. They also changed the information regarding publication.

Hawkeye opened the public hearing on Ordinance 1 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008 and Ordinance 10 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

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

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

Hawkeye: He introduced Ordinance 2 – Series 2008 and asked if Staff had any changes to induct into the public record.

Guy Patterson – Timberline Consulting: The Staff changed dates on the Ordinance and the date of the public hearing on the second reading. They also changed the information regarding publication.

Hawkeye opened the public hearing on Ordinance 2 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008, Ordinance 1 – Series 2008 and Ordinance 10 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

Motion by Shelley B, Second by Kelly B, to approve Ordinance 2 – Series 2008 (Second Reading): An Ordinance Approving the Annexation of Battle Mountain Parcel #2; *all voted in favor (Note: Bill B. was absent/excused).*

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

Hawkeye: He introduced Ordinance 3 – Series 2008 and asked if Staff had any changes to induct into the public record.

Guy Patterson – Timberline Consulting: The Staff changed dates on the Ordinance and the date of the public hearing on the second reading. They also changed the information regarding publication.

Hawkeye opened the public hearing on Ordinance 3 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008 Ordinances 1 – 2 Series 2008 and Ordinance 10 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

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

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

Hawkeye: He introduced Ordinance 4 – Series 2008 and if Staff had any changes to induct into the public record.

Guy Patterson – Timberline Consulting: The Staff changed dates on the Ordinance and the date of the public hearing on the second reading. They also changed the information regarding publication.

Hawkeye opened the public hearing on Ordinance 4 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008 Ordinances 1 – 3 Series 2008 and Ordinance 10 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

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

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

Hawkeye: He introduced Ordinance 5 – Series 2008 and asked if Staff had any changes to induct into the public record.

Guy Patterson – Timberline Consulting: The Staff changed dates on the Ordinance and the date of the public hearing on the second reading. They also changed the information regarding publication.

Hawkeye opened the public hearing on Ordinance 5 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008 Ordinances 1 – 4 Series 2008 and Ordinance 10 – 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

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

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

Hawkeye: He introduced Ordinance 6 – Series 2008 and asked if Staff had any changes to induct into the public record.

Guy Patterson – Timberline Consulting: The Staff changed dates on the Ordinance and the date of the public hearing on the second reading. They also changed the information regarding publication.

Hawkeye opened the public hearing on Ordinance 6 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008 Ordinances 1 – 5 Series 2008 and Ordinance 10 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

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

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

Hawkeye: He introduced Ordinance 7 – Series 2008 and asked if Staff had any changes to induct into the public record.

Guy Patterson – Timberline Consulting: The Staff changed dates on the Ordinance and the date of the public hearing on the second reading. They also changed the information regarding publication.

Hawkeye opened the public hearing on Ordinance 7 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008 Ordinances 1 – 6 Series 2008 and Ordinance 10 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

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

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

Hawkeye: He introduced Ordinance 8 – Series 2008 and asked if Staff had any changes to induct into the public record.

Guy Patterson – Timberline Consulting: The Staff changed dates on the Ordinance and the date of the public hearing on the second reading. They also changed the information regarding publication.

Hawkeye opened the public hearing on Ordinance 8 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008 Ordinances 1 – 7 Series 2008 and Ordinance 10 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

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

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

Hawkeye: He introduced Ordinance 9 – Series 2008 and asked if Staff had any changes to induct into the public record.

Guy Patterson – Timberline Consulting: The Staff changed dates on the Ordinance and the date of the public hearing on the second reading. They also changed the information regarding publication.

Hawkeye opened the public hearing on Ordinance 9 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008 Ordinance s1 – 8 Series 2008 and Ordinance 10 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

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

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

Hawkeye: He introduced Ordinance 11 – Series 2008 and Water Service Agreement and asked if Staff had any changes to induct into the public record.

Anne Castle – Attorney for Holland and Hart; Here on behalf of the Town of Minturn: Yes there are changes to the Ordinance and Water Service Agreement. She went through the amendments to Ordinance 11 – Series and the Water Service Agreement.

Hawkeye opened the public hearing on Ordinance 11 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008 Ordinances 1 –10 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

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

19. 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 and Discussion/Action Item – Resolution 18 – Series 2008: A Resolution Approving the Battle Mountain Preliminary Development Plan – Cerimele (5 Min).

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

Arthur “Boots” Ferguson: The public record from Resolution 20 – Series 2008 and Ordinances 1 – 11 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

Motion by Jerry B, second by George B, to approve Resolution 18 – Series 2008: A Resolution Approving the Battle Mountain Preliminary Development Plan; *all voted in favor (Note: Bill B. was absent/excused).*

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

Hawkeye: He introduced Ordinance 12 – Series 2008 and asked if there have been any changes from first reading.

Arthur “Boots” Ferguson: He added two of the conditions of approval have been taken out of the conditions and added to the body of Ordinance 12 – Series 2008

Guy Patterson – Timberline Consulting: The Staff changed dates on the Ordinance and the date of the public hearing on the second reading. They also changed the information regarding publication.

Hawkeye opened the public hearing on Ordinance 12 – Series 2008

Arthur “Boots” Ferguson: The public record from Resolutions 18 and 20 – Series 2008 Ordinance 1 – Series 2008 and Ordinance 11 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

Motion by Shelley B, Second by George B, to approve Ordinance 12 – Series 2008 (Second 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, 2007; *all voted in favor (Note: Bill B. was absent/excused).*

21. 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 and Discussion/Action Item – Resolution 19 – Series 2008: A Resolution Approving the Battle Mountain Preliminary Subdivision Plat – Cerimele (5 Min).

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

Arthur “Boots” Ferguson: The public record from Resolutions 18 and 20 – Series 2008 Ordinances 1 – 12 – Series 2008 are here by incorporated into this public hearing file

Hawkeye: He closed the public hearing.

Motion by Jerry B, second by Kelly B, to approve Resolution 19 – Series 2008: A Resolution Approving the Battle Mountain Preliminary Subdivision Plat all voted in favor.

FUTURE AGENDA ITEMS

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

- 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
- Consideration of Council Member Payment for Serving on Council – 3/5/08

23. Set Future Meeting Dates

a) Council Meetings

- March 5
- March 19
- April 2

b) Planning & Zoning Commission Meetings

- March 12
- March 26
- April 9

c) Other

24. Adjournment

Motion by Jerry B, second by George B, to adjourn the February 27, 2008 Town Council Meeting at 12:11P.M.; *all voted in favor (Note: Bill B. absent/excused).*

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk