



**MEETING OF THE • MINTURN TOWN COUNCIL**  
**Minturn Town Center, 302 Pine Street • Minturn, CO 81645 • (970) 827-5645**  
**February 6, 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 4:11P.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, Hawkeye and Shelley B. were late*).

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

**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 Kelly 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 negotiations on the annexation agreement and any other items pertaining to the public hearings

**7:00 PM**

**STANDING ITEMS**

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

- Items to be pulled or added
- Order of the Agenda Items

Motion by George B, second Jerry B, to approve the February 6, 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).**

- January 30, 2008

Shelley: On page 10 of the packet is should read there might not be someone living on site full time who is working Emergency services.

Motion by George B, second by Shelley B, to approve the, January 30, 2008 Council Meeting Minutes as amended; *all voted in favor (Note: Bill B. and Tom S. did not vote due to absence of that meeting).*

- Action Item Memo

Shelley B: Will Vail Honeywagon be changing the trash day?

Gary S: It will be changed to Wednesday and the Staff will inform the citizens.

**6. Liquor License**

- Chili Willy’s of Vail Hotel and Restaurant Liquor License Annual Review; 101 Main St., Al Brown Manager – Brunvand

Jay B: This is an annual renewal for Chilly Willy's, Al Brown is present to represent the establishment. I see no issue and Chief wanted to thank the establishment for their service to the community.

Motion by Tom S, second by Jerry B, to approve the annual liquor license renewal for Chilly Willy's of Vail Hotel and Restaurant; 101 Main St.

7. **Special Presentation/Individual Introductions/Citizen Recognition/Project Update**
8. **Public comments on items, which are NOT on the agenda (3 minute time limit per person).**
9. **Discussion/action of Emergency Items, if necessary**
10. **Discussion Item - Town Administrator's Report (10 Min)**

Gary S: Announcement, Ashley King (The Economic Development Director) submitted her resignation today to take a job closer to home. The Town appreciates her services to the Town and community.

Executive Search: The executive search committee and I have received and reviewed approximately 35 resumes. We picked out our top 3 and they were the same. Council requested qualifications of a seasoned professional and there were no applicants that meet those qualifications. I am continuing to pursue the goal of highly qualified applicants.

We removed snow and ice from the town center, thank you Michael Boyd and Master Sealers for their service. We are looking at contracting a maintenance company to service the building.

We received our \$100k check for little beach.

We have officially contracted an appraiser for the USFS properties and are continuing to work on obtaining those properties.

We are working on moving the solid waste service for Town to Vail Honeywagon and the Staff is putting a PR campaign to inform citizens of the change and logistics.

Per Council's request we attached the Planning Commission rules regarding terms and replacing seats on the commission.

Comcast will begin a rate increase at of March 2008 per certain services and service rate increase.

Rob S – Jacobs, Carter and Burgess: The rate of water loss has gone down to 36% which is not indicated in your Council update.

Hawkeye: How is the telemetry?

Mr. Singer: The main tank is up and running from the readings. On the second tank we need to make an adjustment but the snow fall is hindering us from getting on the top of the tank to make those adjustments.

Jerry B: Are we able to get to the individual water meters for readings?

Jay B: Yes they are able to obtain access the individual water meters. If they can't then we would send the bill from another month as two months of readings.

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

## DISCUSSION, HEARINGS AND ACTION ITEMS

**12. Discussion/Action Item – A Public Hearing will be held for file CU 07-08 (Conditional Use) and to consider Resolution 6 – Series 2008. Minturn One, LLC is seeking Conditional Use approval for a 34-unit condominium building in the South Town Character Area – Cerimele (30 min.)**

Note: Council Member Tom S. recused himself from the public hearing.

None of the Council members have had contact with the public regarding this public hearing on Conditional Use (CU) 07-08.

Chris C: This is a proposal for a 34 unit development in the south part of Minturn. The Planning Commission denied the applicant's proposal on the second public hearing. The Planning Commission on the first hearing asked for conditions and the applicant came back with some answers to those requested conditions and at the January 23, 2008 Planning Commission meeting the board stated it was too dense of a project and they denied the proposed project. The four members in attendance unanimously the proposed 34 unit development. Community members were present and spoke out against it the proposed 34 unit development.

Lesley Melzer - 227 Cottonwood Grove; Partner of Minturn One, LLC:

We are proposing a 34 unit development on the property in south Minturn owned by Minturn One, LLC. This is zoned for commercial use currently occupied with run down trailers and a commercial unit. We are not asking for a change in the zoning of the property but to have a CU for a residential building. As we can tell this is the only property in Minturn that can be a multi family complex with underground parking. We have spoke to Chris C. and discussed the entirety of the project and got notice that Chris C. (Minturn's Town Planner) is recommending approval of the project. The Planning Commission on the first hearing was very responsive to our proposal and seemed good accept for a few concerns. We addressed Planning Commission's concerns at the second hearing held on January 23, 2008 where many people including Council Member Sullivan spoke out against our project. Most of these people didn't even attend the first Planning Commission Meeting. The size and density of the project was the major reason Commissioner Woodruff and others stated was the reason the project was turned down. We have researched their reason and found no reason why it was used to deny this project. We believe this is a unique and good project for the Town of Minturn. The applicant then compared current multi family developments and they stated their project is smaller in density and in comparison to some other multi family developments they would be able to have up to 70 plus units on that property. Prices of the units will range from \$400K to \$800k, consistent to current market values in Minturn. The project traffic consultant researched the project and stated that with a residential building there is would create 30% less traffic than if there was a commercial building there.

**Built Green Efforts:**

Christen Lester - Headwaters Energy and Finance; Meadow Drive, Vail CO.  
The applicant is committed to high level and efficient building and facilities.

**Residential Energy Service Network (RESNET):**

RESNET is an industry not for profit memberships corporation and national standards making body for building energy efficient rating systems. Mortgage, financial, Federal Government and States recognize RESNET.

**Home energy rating system (HERS) 0-100:**

Normal standards for current projects are at 81% efficiency.

Built Green: High standards for high efficiency in the State of Colorado. Time tested by having over a decade of studies. All registered homes would require 75 points on the built green check list and the Cross Creek Project will meet over 120 pts on the built green checklist.

**Energy Star: Registered Requirements**

- Effective insulation – thermal bypass inspection
- High performance windows – energy star certified
- Tight construction ducts
- Efficient heating and cooling equipment
- Efficient products – appliances, fixtures and lighting
- Third Party Verification

Energy Star: Advanced lighting package, 20% CFL's within each unit committed.

By achieving these certifications buyers can qualify for energy efficient mortgages.

Economic benefits: High density aids the community and businesses as well as more municipal revenue. Environmental Benefits: Higher density scenarios create less storm water runoff per house.

Kurt Segerberg – Architect for Minturn One LLC Project:

The project will take out two of the front buildings currently for access the property entrance and drive into a drop off that will access the underground parking garage associated with the project. There are 9 extra surface parking areas in the front as well as the main elbow joint entrance including handicap parking. There will be a combination of 2 bedrooms + a loft and a few corner units with one bedroom. Each unit will have 2 parking spots underground avoiding snowing in of cars and cars in the way of Main Street snow plowing. The lower units will have some ground level patios as well as a few picnic common areas. The second level units will have decks. The project meets the residential requirements of the Town of Minturn.

Architect wise it blends into the mountain side and landscape of the area. Part of the building will be underground and shifted to create a more aesthetic appealing building. The scale, mass and appearance fits in this community, kind of like a lodge type of building.

He then presented a material board example of what the project would consist of.

George B: How does the parking and person flow work?

Mr. Segerberg: There is an elevator in the core of the structure that will access both ends of the parking under the building with exiting stairs on each end.

Jerry B: Where do you plan to store your snow?

Mr. Segerberg: There is storage in the front of the building on the lawn. There is also some storage on the Southwest end? Half the driveway will also be heated.

Jerry B: If you have your storage next to the street is that dangerous?

Mr. Segerberg: If we have to remove it because of a hazard we will.

Hawkeye: Is there a sidewalk in the front?

Mr. Segerberg: They will have to walk the drive way but, there is a walk way that accesses the entire backside of the building.

Shelley B: Have you done an analysis on flooding in the underground parking?

Tom Marson - Marson Engineering:

We had LPP do a soils report and the level is way below our parking level. Everything will be engineered to accommodate the drainage. Most of the drainage will drain behind the building as it historically has in the past and how it does with the current structures there.

Bruce Chapman – Attorney representing the applicant:

We anticipate times of water and we will engineer sum-pumps and the drainage will be diverted from the parking structure.

Hawkeye: Where are we draining the runoff from behind the building?

Mr. Marson: We are draining it in the historic low site behind the building and maintaining the current drainage system.

Hawkeye: But it has to drain to the river on the other side of the road. We need to make sure the Staff agrees with the engineered drainage.

Kelly B: Why did the Planning Commission deny the application? Why is it a CU and not a PUD?

Mr. Chapman: The setbacks and criteria the project has to meet the multi residential project required by the town. There is nothing in the Town code that puts forth any kind of a ratio and no legal or factual basis for any specific ratio. We followed the CU route because that is what was suggested to us by the Town Planner for this project.

Kelly B: What were the Planning Commissions suggestions?

Mr. Segerberg: We looked at a lot of options and this is what the Town and the Applicant thought would work best with the Town.

Kelly B: What is the maximum square footage?

Ed Smith - Architect for Minturn One LLC Project:

Range is 934-1,800 square feet. The 1,800 is a top unit with a loft.

Kelly B: Will the public have access to the FS land via the driveway.

Ms. Melzer: The main access to the FS land behind the project is down the road.

Shelley B: The highway 24 access is being changed; you will have to ask CDOT.

Applicant: They have agreed to our proposal.

Kelly B: I would like to see something less dense with more greenery between, a couple condos and single family homes.

Shelley B: I agree, there is no open space for people to create a community but separate living spaces.

Mr. Chapman: This is a small piece of land and maybe it would be better if it was a larger piece of land. We don't have that luxury or option.

Here are some Code Criteria for this project as indicated by the Town as well as some other aspects of the project that help the projects overall affect on the Town:

- Provide a variety of housing and income levels and needs
- This project meets all legal aspects of the code
- The project provides a variety of housing for different family level incomes
- We could put individual houses in that area but they would go for over 1 million a house and it will drive up the cost of smaller older houses and this project does not do that
- Its low visual affect compared the Eagle River Enclave
- It is a lower building than the enclave, the lofts and so on
- This project is higher density with lower visual effects
- The effect on traffic will be less than it would be in a commercial traffic and located in the south part of Minturn not down town.
- The project is containing all of our parking, plus additional parking for overflow thus not having people parking the right of way
- Revenue to the Town from transfer tax as well as water tap fees and others will create over 500k in revenue for the Town.
- The Town Planner agrees that we meet the criteria of the Town and if the Council wants something different then I suggest you review your code because this project is allowed by the code of Minturn

Hawkeye: If you have to pump the water from the parking where are you going to divert it?  
Mr. Marson: We will divert is to the historic drainage patterns of that area.

Shelley B: Is this building going to have sprinklers? Yes.

Hawkeye: This public hearing is now open to public testimony and please be sure to hold public comments to 5 minutes and if you would like more time we will have you submit it to the Town Planner in writing and it will be included in the public record.

Mike Gallagher – 475 Pine St. Minturn CO:

This is too big of a project and the density is 25.5 units per acre. If the code doesn't address this then the Council needs look at the code and change it. Regardless of seeing it from the street the neighbors will be able to see it and it is way too large for that piece of property. I would like to state in the code that it should not affect the character of the area and the use of the land. I recommend not approving this project and change the code if it allows for projects such as this.

Stacey Shoeham:

I am here because the property I bought was affordable and we enjoy the community. I think if you don't allow attainable and housing property then you won't get people like us moving into Town who really appreciate the make up and feel of the Town and its dynamics.

Mike Peck: Lions lane Minturn CO:

I prefer Minturn over any of the other place I own property in and that includes Vail. My understanding is that the project was conditionally approved and the conditions were met and then the Planning Commission denied the project, I am not sure what is going on. In Boulder, you cannot build anything else, meaning you cannot afford to live in that area.

What ever you put up in this area is going to be the cornerstone to redevelopment of the area. I hope the council approves this project.

Randy Quintana:

My property is right next to this project. This project covers the entire lot next to ours and this would block out the sun from my entire lot. The property goes down hill, so is the applicant going to accommodate the building to the slope or are they going to fill it? If they fill it the water would drain directly into my yard. I believe the project is too big.

Matt Shure 511 Main St. Minturn CO:

I have no problem with density. But this doesn't create a community feel and looks like a hotel in the area. I hope this would be the last time a developer comes in and has guess what the Council wants in a project because the code is not comprehensive and there is no long term plan. I do not support this project because it is not a creative way have this density. I applaud the green building but believe the Town should require and adopt a more and higher standard practice of building. We also need to require more affordable housing as a Town.

Robert Martinez; 800 S. Main St.

I am against the project. No one has addressed the concern of roof snow and the damage it could create to the Quintana property. There is going to be a problem with drainage and push the water flow into the Quintana property.

Christina Wyatt: Main St. Minturn CO:

I am apposed to the project because it is massive and the amount of cars in Town produced by this size of residence would not be addressed. Now is the time to address the Town's code and what needs to be fixed and changed.

Genaro Magano - 20 River Ranch Rd. Edwards, CO:

No one is addressing the guidelines and I am for the project because it may create affordable housing. The price of the units may go up and they may go down but they are relevant to the entire Valley. We need dense building because we don't have the land to build spaced housing. But I think we need some guidelines to projects like this. We need this for the businesses and create some economic development.

Hawkeye: Public Testimony on this public hearing is closed; it is now time for the applicant response portion of the public hearing.

Mr. Chapman: there is mixed use zoning in south Minturn and it is very diverse. What is the character of the area? There is no character to the area, everything is different and there is no main character to the area. I am sure the Town Staff will make sure the drainage will be adequate before we get permits. The code requires 2 parking spaces and we have those as well as the extra 9 as a condition from the Planning Commission. Mr. Shure agrees with the density but doesn't agree with the creativity. The applicant has attempted to be as creative as possible and not cheap out on the materials. I also thought the codes of the Town were kind of odd and my clients have spent hundreds of Thousands of dollars on recommendations from the Planning Staff, who recommends approval of this project.

Chris C: The drainage report from the project was reviewed by Enter Mountain Engineering. After discussion Staff suggests refining a more detailed report as a condition to this project.

Hawkeye: Where is the drainage exit point?

Chris C: There is a drainage ditch and there won't be excessive drainage on to the Quintana property.

Shelley B: Is there going to be communal trash pick up?

Mr. Segerberg: There will be trash locations in the garage and the dumpster will be picked up there.

Jerry B: If you cut the structure into 3 parts you would lose a few units, but it would be more appealing. With the setbacks between the buildings it would be on a loss of 20 ft.

Mr. Segerberg: If we broke this up we would be duplicating the circulation for each building. You would have to have elevators on each of the buildings as well as a massive project cost increase.

Hawkeye: We need to find out what the water rights are in this project. Also as far as the code not working; the code is working as how it is suppose to. In the past we looked at properties that are large such as this and the question was asked is this what we want Minturn to look like. The decision was no and if it were yes then we would allow projects like this without having to obtain a conditional use. These thoughts may change with another Council who sees this land needing to be used in such a way. The Town hasn't required impact fees to the library or emergency services which you should be paying into. The applicant should take these fees into consideration as well fees for the school.

Mr. Chapman: We discussed the PUD process and it wouldn't get us anywhere from now because you are stating this isn't the type of building the Town wants.

Hawkeye: I believe the PUD would open up some ideas as apposed to a CU.

Motion by George B, second by Hawkeye, to table Resolution 6 – Series 2008; A Resolution Approving Land Use Application CU 07-08 to the March 5, 2008 Town Council Meeting; *all voted in favor 5-0 (Note: Bill B. was absent/excused).*

**13. 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 January 16, 2008.

Tom S: He has had questions on when the Council will vote on the project and I told them soon once the materials have been reviewed and conditions are met.

Shelley B: She has had general questions on when there will be a vote and she told them soon, once the materials have been reviewed and agreements are made

Kelly B: Matt Shure asked about the LEED Certification and if we need assistance. Also he expressed concerns that the ECO Trail was just a short section being addressed at the last meeting.

Jerry B: General questions regarding the voting period.

George B: General questions regarding the voting period.

Hawkeye: He has not been approached by the public regarding this public hearing since the last public hearing held on January 30, 2008.

Chris C: Community outreach document needs to be submitted to the record that provides a time line to the project. Also we need to submit the annexation impact report. We also have a letter from the Town of Redcliff we need to submit to the record. Also, Staff response to public comment needs to be submitted. Chris then went through some of the questions from the public and reviewed the answers given to the public questions.

Conditions Review:

Boots: We are going to continue with the updated conditions being recommended by Staff.

Town of Redcliff conditions will be incorporated into the annexation. These are recommendations from the Planning Commission that derived from representatives of Redcliff and subsequent with the applicant. The recommended conditions from the Planning Commission are still the same and recommended by Staff. We will address the Redcliff conditions at the February 13, 2008 Town Council Meeting.

Tom S: I agree. I don't think its appropriate to comment on something you just received.

Boots: We will get out something to Council this Friday for the next meeting.

Council agreed to continue with the current applicant conditions and put the Redcliff conditions on the February 13, Town Council Meeting Agenda.

Kelly B: There seems to be a major issue with addressing phases of the project but there are no dates addressing the beginning and ending of those phases. Council wants to accomplish certain things within certain time periods of the project and we need to know what those phases represented in dates.

Shelley B: I agree that we need dates in reference to these phases.

Boots: I believe we are waiting for the PUD Final Plat for the first phase approval and then we can address what needs to be accomplished during those phases. There are certain criteria for certain phases of a project such as 100 homes require a level of emergency services. At

this juncture it is premature to say what needs to happen and when. The bike trail would be included and constructed during the first phase.

Shelley B: My concern is the purchasing of the USFS sites, I thought we were dealing with only 4 sites not 5. I thought we were excluding the Dowd Junction site because we were unsure of when it would be up for sale. Also I thought we didn't want to zone them as open space.

Boots: This has been moved to the planning section of the conditions and the sites will not be deemed at open space.

Hawkeye: We need to keep all 5 in the conditions regardless of when it comes to sale, it is the entrance to the town and we need to have control of it.

Boots: We need to put in as a condition all the parcels coming up for sale and a provision stating options of purchase of future USFS sites coming up for sale with some other type of funding mechanism.

Hawkeye: Have the applicant addressed the parking on Tigiwon Road for people accessing the USFS land?

Bill Weber – On behalf of the applicant; 160 RR Ave. Minturn CO:  
There will be parking provided for the access to the wilderness area.

Kelly B: I want to make sure that the employees of Town of Minturn and Town of Redcliff have access to employee housing accommodations.

Mr. Weber: We have committed to the 50%-50%-50% concept in our plans. We will treat the Town's employees the same way we are going to treat our employees across the board.

Boots: The Environmental and Superfund conditions are going to have a few language changes to clean it up and expand on the provisions and will be incorporated in the next meeting conditions.

George B: I am concerned of the commitment of the applicant to clean up the superfund site.  
Mr. Weber: If the EPA approves remediation proposal and the Town approves the annexation agreement we are legally obligated to clean up the site whether or not the project continues.

Council, Staff, Attorneys and the Applicant proceeded to review the conditions for annexation and revise them with clarification, further details and what Council deemed as necessary as conditions to the project. The conditions for annexation review will continue at the next regular meeting of the Minturn Town Council.

Motion by Shelley B, and second by George B, to continue the public hearing on Petitions for Annexation for Battle Mountain Annexation Parcels No. 1-9 for the annexation of territory to the Town of Minturn, Colorado for the purposes of determining and finding whether the areas proposed to be annexed as the Battle Mountain Annexation Parcels No. 1-9 comply with the applicable requirements of the Municipal Annexation Act of 1965, as amended, and is considered eligible for annexation to the February 13, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

**14. 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 Shelley B, second by George B, to continue the public hearing on file PUD PDP 06-01 (File #1) Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report-PUD Preliminary Development Plan-Battle Mountain to the February 13, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused)*.

**15. 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 13, 2008 Town Council Meeting; *all voted in favor (Note: Bill B. was absent/excused)*.

**16. 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 13, 2008 Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

**17. Discussion/Action Item – A Public Hearing will be held for file MS 08-01 (Minor Subdivision) and to consider Resolution 7 – Series 2008. John and Lisa Powers are seeking Minor Subdivision approval for property at 272 Main Street. – Cerimele (15 min.)**

Note: Council member Sullivan recused himself

Chris C: This public hearing is to subdivide the property located at 272 Main St. into two lots. The applicant meets the requirements for a subdivision as deemed in the Municipal Code. The property with the dwelling unit currently on it will have access to Main St. the empty lot will have access to Eagle St. Staff recommendation is to approve the minor subdivision.

Tom Sullivan is the representative for the applicant:

The applicant has been looking for a vacant lot in Town to build on and there aren't really any up for sale at this point. I believe the applicant is going to subdivide the property, sell off the parcel with the house on it and build on the vacant lot.

Hawkeye: This is zoned mixed use correct?

Chris C: Old town allows for commercial and residential uses.

Hawkeye: Does that mean a business could go in this lot?

Chris C: Yes, but it would be a very small business that could occupy that lot.

Hawkeye: He then opened the public hearing on MS 08-01 to public testimony.

There was no public testimony on MS 08-01 and Hawkeye closed the public testimony portion of the public hearing.

Motion by Shelley B, second by George B, to approve Resolution 7 – Series 2008; A Resolution Approving MS 08-01 located at 272 Main St; *all voted in favor 5-0 (Note: Bill . was absent/excused)*

## FUTURE AGENDA ITEMS

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

- Ginn Petitions for Annexation – Continued from: 2/6/08-2/13/08
- 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: 2/6/08-2/13/08

- 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: 2/6/08-2/13/08
- 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: 2/6/08-2/13/08
- Reconsider Funding Request for Non-Profit Organizations in 2008 – Date Unspecific

## 19. Set Future Meeting Dates

### a) Council Meetings

- February 13
- March 5
- March 19

### b) Planning & Zoning Commission Meetings

- February 27
- March 12
- March 26

### c) Other

## 20. Adjournment

Motion by George B, second Jerry B, to adjourn the February 6, 2008 Town Council Meeting at 11:33P.M; *all voted in favor (Note: Bill B. and Tom S. were absent/excused).*

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Hawkeye Flaherty, Mayor

ATTEST:

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Jay Brunvand, Town Clerk