

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2008-16

TUESDAY, JUNE 3, 2008

MINUTES

Mr. Loui Antonucci, City Council President, called Regular Meeting No. 2008-16 of the Steamboat Springs City Council to order at 5:07pm, Tuesday, June 3, 2008, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Loui Antonucci, Cari Hermacinski, Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller, and Jon Quinn.

City Staff Members present: Alan Lanning, City Manager; Wendy DuBord, Deputy City Manager; Anthony B. Lettunich, City Attorney; Julie Jordan, City Clerk; Julie Franklin, Deputy City Clerk; Anja Tribble, Staff Assistant; Lisa Rolan, Director of Financial Services; Jim Weber, City Engineer; Tom Leeson, Director of Planning Services; Seth Lorson, City Planner; Philo Shelton, Director of Public Works; Joel Rae, Police Captain; Chris Wilson, Director of Parks, Recreation and Open Space; and JD Hays, Director of Public Safety.

NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.

1. Community Reports

a. Mainstreet Update.

City Council heard the Consent Agenda prior to this item.

Tracy Barnett and Towny Anderson were present.

Mr. Anderson provided a PowerPoint presentation relative, but not limited to: Future funding for Mainstreet; three years of funding; initiatives; business development; events; Downtown Business Association activities; downtown sales tax revenue; typical Mainstreet funding; use of funds; investment return; recommended promotion and operations for the Resource Team; future challenges to downtown redevelopment; streetscape improvements; multi-modal transit center and parking garage; sources of revenue; financing and ownership of a parking structure; recommendations for design; and economic restructuring.

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Mr. Anderson further spoke to Mainstreet's funding request/annual investment of \$100,000. He stated that they will match whatever the City contributes 1 to 1, up to \$100,000; and if they raise less than that amount, the City contribution could match what they raised. He stated that they feel that it is not the right time for another Business Improvement District (BID) election; rather they will look for other sources of funding and partnerships.

He further spoke to the downtown area bridging the sales tax gap created by the construction on the mountain.

Discussion took place relative, but not limited to: the amount of the County's contribution; return on the \$100,000 investment; looking at the request in light of the base area and the economy; expanding the boundaries of the BID; and paid parking.

Mr. Anderson stated that Mainstreet would like to schedule a worksession to discuss financing options for a downtown parking garage.

City Council President Pro-Tem Hermacinski stated that she would like to consider the \$100,000 request during the budget process. As far as the worksession, she would like Mainstreet to put together an infrastructure plan and then come back to Council to discuss funding options.

UNANIMOUS CONSENT: Mainstreet to work with Rolan.

PUBLIC COMMENT:

Mr. John Fielding feels that the City should seek a revenue source for Mainstreet that is similar to an Urban Renewal Authority. He further noted the need for a bypass.

**CONSENT CALENDAR: RESOLUTIONS AND ORDINANCES FIRST
READINGS**

- 2. MOTION: A motion approving the appointment of Randall W. Klauzer as a Steamboat Springs Municipal Judge for a day on two occasions.**

City Council President Antonucci read the motion into the record.

Council Member Quinn stepped down.

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MOTION: Council Member Myller moved and City Council President Pro-Tem Hermacinski seconded to approve the motion approving the appointment of Randall W. Klauzer as a Steamboat Springs Municipal Judge for a day on two occasions. The motion carried 6/0. Council Member Quinn stepped down.

Council Member Quinn returned to the meeting.

3. **FIRST READING OF ORDINANCE:** An ordinance vacating a 12.5 foot wide snow removal easement located on a parcel of land known as Lot C, Valley View Lodges Townhomes, as shown by the plat filed for record, October 26, 2007, at Reception No. 665923 and in File No. 13784, Routt County, Colorado, and providing an effective date and setting a hearing date.

City Council President Antonucci read the ordinance title into the record.

4. **FIRST READING OF ORDINANCE:** An ordinance amending Chapter 3: Alcoholic Beverages of the Steamboat Springs Revised Municipal Code by noting the Local Liquor Licensing Authority is divided into two divisions: Administrative and Compliance; noting these amendments reflect the duties of the Compliance Division; repealing all conflicting ordinances; providing an effective date, and setting a hearing date.

City Council President Antonucci read the ordinance title into the record.

MOTION: Council Member Ivancie moved and Council Member Myller seconded to approve items 3 and 4 of the Consent Calendar; the first reading of an ordinance vacating a 12.5 foot wide snow removal easement located on a parcel of land known as Lot C, Valley View Lodges Townhomes, as shown by the plat filed for record, October 26, 2007, at Reception No. 665923 and in File No. 13784, Routt County, Colorado, and providing an effective date and setting a hearing date; and the first reading of an ordinance amending Chapter 3: Alcoholic Beverages of the Steamboat Springs Revised Municipal Code by noting the Local Liquor Licensing Authority is divided into two divisions: Administrative and Compliance; noting these amendments reflect the duties of the Compliance Division; repealing all conflicting ordinances; providing an effective date, and setting a hearing date. The motion carried 7/0.

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5. **FIRST READING OF ORDINANCE:** An ordinance amending Chapter 2, Article IV, Division 1, Section 2-201(a) of the Steamboat Springs Revised Municipal Code to allow out of the City residents residing within Routt County the ability to apply for and serve on all City boards, committees or commissions (excluding Planning Commission and Board of Adjustment); repealing all conflicting ordinances; providing for severability; and providing an effective date.

City Council President Antonucci read the ordinance title into the record.

Council Member Myller noted an error relative to the RE-2 boundary versus County boundary. Ms. Jordan noted that this will be corrected for second reading.

MOTION: Council Member Myller moved and City Council President Pro-Tem Hermacinski seconded to approve the first reading of an ordinance amending Chapter 2, Article IV, Division 1, Section 2-201(a) of the Steamboat Springs Revised Municipal Code to allow out of the City residents residing within Routt County the ability to apply for and serve on all City boards, committees or commissions (excluding Planning Commission and Board of Adjustment); repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 7/0.

6. **FIRST READING OF ORDINANCE:** An ordinance adopting the 2006 International Energy Conservation Code regulating and governing energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Steamboat Springs; providing for the issuance of permits and the collection of fees therefore; repealing all conflicting ordinances; providing for severability; and providing an effective date.

City Council President Antonucci read the ordinance title into the record.

Council Member Ivancie would like to postpone this item until after the Mainstreet presentation because Carl Dunham will be here to speak to the item.

UNANIMOUS CONSENT: To postpone this item until later in the meeting.

At this time Council heard the Mainstreet Update.

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Council Member Ivancie stated that he is a proponent of the Energy Code provision, but has concerns with some of the language. He would like the ordinance to take effect on July 1, 2008, and that plans submitted after the July 1 date are subject to the ordinance (plans that are in the pipeline before that date are not effected).

Ms. Jordan stated that the ordinance takes affect on June 28, but staff can still write language into the ordinance to make it effective July 1, 2008.

Mr. Dunham, Building Official, was present and stated that this is an unfunded State mandate; and the County is also going with the July 1 effective date.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Ivancie moved and Council Member Myller seconded to approve the first approve the first reading of an ordinance adopting the 2006 International Energy Conservation Code regulating and governing energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Steamboat Springs; providing for the issuance of permits and the collection of fees therefore; repealing all conflicting ordinances; providing for severability; and providing an effective date; making the effective date July 1, 2008 and noting plans submitted before that date are not effected. The motion carried 7/0.

PUBLIC HEARING: ORDINANCE SECOND READINGS

- 7. SECOND READING OF ORDINANCE: An ordinance approving a Facility Use Agreement between the City of Steamboat Springs and the Routt County Council on Aging for use of the Steamboat Springs Community Center, and authorizing the City Manager to sign the agreement.**

City Council President Antonucci read the ordinance title into the record.

City Council President Pro-Tem Hermacinski provided some additional language to the termination clause.

PUBLIC COMMENT: No one appeared for public hearing.

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Ms. Shelley Orrell, Routt County Council on Aging, noted that they applied for and were awarded the United Way Arthur E. Anderson Impact Grant in the amount of \$25,000. She stated that they would like the money to be used toward the costs of coolers and dishwashers and presented the grant check to the City.

MOTION: City Council President Pro-Tem Hermacinski moved and Council Member Ivancie seconded to approve the second reading of an ordinance approving a Facility Use Agreement between the City of Steamboat Springs and the Routt County Council on Aging for use of the Steamboat Springs Community Center, and authorizing the City Manager to sign the agreement; as amended. The motion carried 7/0.

8. SECOND READING OF ORDINANCE: An ordinance amending Construction Site Management regulations contained in Chapter 36 of the International Building Code; providing an effective date; and setting a hearing date.

City Council President Antonucci read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Ivancie moved and Council Member Myller seconded to approve the second reading of an ordinance amending Construction Site Management regulations contained in Chapter 36 of the International Building Code; providing an effective date; and setting a hearing date. The motion carried 7/0.

9. SECOND READING OF ORDINANCE: An ordinance approving lease forms for Iron Horse housing units; setting a hearing date; and providing an effective date.

City Council President Antonucci read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Bentley moved and Council Member Myller seconded to approve the second reading of an ordinance approving lease forms for Iron Horse housing units; setting a hearing date; and providing an effective date. The motion carried 7/0.

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- 10. SECOND READING OF ORDINANCE: An ordinance adding to Chapter 2, Division 8, Section 2-411 through Section 2-435 of the Steamboat Springs Revised Municipal Code, acknowledging the Urban Redevelopment Authority Advisory Committee.**

City Council President Antonucci read the ordinance title into the record.

MOTION: Council Member Ivancie moved and City Council President Pro-Tem Hermacinski seconded to amend the ordinance to take out the term Mountain Business Association member and add business owner in the mountain area. The motion carried 7/0.

PUBLIC COMMENT:

Mr. Jack Ferguson spoke to the number of representatives stating that the original make-up had four at-large members. He felt that this helped the Committee to have an outside perspective that may not have been seen due to conflict of interest. He voiced concern that decreasing the Committee number to nine eliminates two at-large members.

MOTION: City Council President Pro-Tem Hermacinski moved and Council Member Ivancie seconded to approve the second reading of an ordinance adding to Chapter 2, Division 8, Section 2-411 through Section 2-435 of the Steamboat Springs Revised Municipal Code, acknowledging the Urban Redevelopment Authority Advisory Committee, as amended above, and as written relative to 9 Committee members. The motion carried 6/1. Council Member Quinn opposed.

PLANNING
PROJECTS

PLANNING COMMISSION REPORT

There was no Planning Commission representative present.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

- 11. PROJECT: St. Cloud Sales Center**
PETITION: Development plan conditional use permit to operate a Real Estate Sales Office in the G-2 zone district.

City Council President Antonucci read the project into the record.

Council Member Bentley clarified that with approving this development plan, the sales center can't open until the development plan for the St. Cloud project is approved.

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PUBLIC COMMENT: No one appeared for public hearing.

CONDITIONS:

1. The use will be allowed to remain in operation for a maximum of 4 years from the date that Certificate of Acceptance is granted at the sales center proposed location.
2. This real estate sales office will be used to promote one development only, specifically the St. Cloud Resort & Spa development.
3. Operation of the sales center is contingent upon approval by City Council of a Development Plan for the St. Cloud Resort & Spa.

MOTION: Council Member Myller moved and Council Member Ivancie seconded to approve the development plan for the St. Cloud Sales Center with conditions 1-3. The motion carried 7/0.

12. PROJECT: Edgemont Access Road

PETITION: Final development plan application for an access road to the Edgemont project from Ski Trail Lane through adjacent lots.

City Council President Antonucci read the project into the record.

Council Member Quinn stepped down.

PUBLIC COMMENT: No one appeared for public hearing.

CONDITIONS:

1. Surety will be posted for the following items prior to issuance of building Permits and/or Grading and Excavation Permits
 - a. Water and sewer improvements
 - b. Public drainage improvements
 - c. Landscaping and revegetation
 - d. Private drainage channel relocation (18" RCP, headwall, outlet, rip rap, ditch, etc)
 - e. Public sidewalk improvements
 - f. Installation of street and traffic control signs
 - g. Access drive, driveway, and parking areas
 - h. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

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2. The applicant will provide a payment in lieu for the final 8' of sidewalk required to reach the southern extent of the applicant's property (Southern border of outlot). The required amount of cash-in-lieu payment will be consistent with the requirements outlined in Sec. 26-138 (e) of the CDC and will be used for the installation of public sidewalks. Should the applicant construct the portion of the sidewalk in question by the time of completion of the other improvements, the payment-in-lieu will be refunded.
3. All sewer and water facilities shall meet Mount Werner Water standards and specifications for design and construction.
4. Prior to the release of the required Surety, the applicant will either construct, or provide documentation of easements or other legal agreements that allow a third party who is not part owner of the outlot, the ability to construct a sidewalk on the outlot that will connect with the southern terminus of the applicant's sidewalk.
5. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and City Utilities/Mt. Werner for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval.
6. Submit a revised final drainage study addressing outstanding City comments to the City for review and approval prior to approval of the civil construction drawings.
7. A two-year warranty will be required for the proposed storm water energy dissipater.

MOTION: Council Member Ivancie moved and Council Member Myller seconded to approve the final development plan for the Edgemont access road, with conditions 1-7. The motion carried 6/0. Council Member Quinn stepped down.

Council Member Quinn returned to the meeting.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

- 13. SECOND READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code to reorganize and reformat Articles 3, 4, and 5 and to add definitions to Article 20, all of which is commonly referred to as the Steamboat Springs Community Development Code.

City Council President Antonucci read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Ivancie moved and Council Member Myller seconded to approve the second reading of an ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code to reorganize and reformat Articles 3, 4, and 5 and to add definitions to Article 20, all of which is commonly referred to as the Steamboat Springs Community Development Code. The motion carried 7/0.

REPORTS

14. City Council

Council Member Magill:

1. Attended the Economic Summit.

Council Member Quinn:

1. Spoke to the recent cancellation of the Carnival. He provided some background information on the fundraiser for Elementary Schools Americans with Disabilities Act compliant playgrounds. He requested that the City donate \$1,000 to this cause (the City was going to give an in-kind donation of \$700). Council Member Ivancie suggested increasing this donation to \$2,000. **MOTION:** Council Member Quinn moved and Council Member Ivancie seconded to donate \$2,000 to the Universal Playground fundraiser. The motion carried 7/0.

Council Member Ivancie:

1. Attended the recent New Urbanism field trip to Stapleton and Lowry and stated that it was well attended and informational.
2. Noted that the First Impressions Board is considering putting the half cent sales tax renewal on the ballot in 2008.

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Council Member Bentley:

1. Would like to have a discussion to define “density on the mountain”. Council discussion commenced on building heights, the Code and maintaining flexibility. **DIRECTION:** Mr. Leeson to provide an update on density on the mountain and then Council will decide whether to have a worksession on the topic.

INTRODUCTION OF TOPICS FOR FUTURE WORK SESSION AGENDAS:

a. **City Council Introduction and Discussion:**

Any Council Member may request discussion of any issue. Items cannot be added for action at this meeting.

b. **City Staff Introduction and Discussion:**

Any staff member may request discussion of any issue at a future meeting only. Items cannot be added for action at this meeting. Staff will forward a specific request, stating the issue, anticipated outcome, time frame and requested direction from a majority of the Council.

15. Reports

a. **Agenda Review:**

- 1.) **SSRA agenda for June 10, 2008.**
- 2.) **City Council agenda for June 10, 2008.**
- 3.) **City Council agenda for June 17, 2008.**

DIRECTION: Ms. Jordan to close the above agendas.

b. **Staff Reports**

The following written staff reports were provided: Internal Services/Deputy City Manager; Parks and Recreation; Public Safety; and Public Works.

1.) Stormwater Permit renewal.

Mr. Shelton stated that this permit needs to be renewed every five years. Council can consider if it wants to do additional capital improvements, but presently the City is only doing what is mandated by the State.

MOTION: City Council President Pro-Tem Hermacinski moved and Council Member Ivancie seconded to submit the Stormwater Plan to the State of Colorado. The motion carried 7/0.

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- c. City Attorney's Update/Report.**
 - * 1.) Railroad Crossing Upgrade - Fish Creek Mobile Home Park - discussion/ action regarding position of Steamboat Springs Chamber Resort Association.**

Mr. Lettunich spoke to the obligation to upgrade the railroad crossing at the Fish Creek Mobile Home Park to a public crossing. This is in the Public Utilities Commission process; however the road between Kum & Go and the Steamboat

Springs Chamber Resort Association to the park needs to be a public road. Staff has received a deed of dedication from Kum & Go and is working with Chamber. The Chamber has requested that a second access be available if their property was redeveloped, and that the land dedicated to the City be counted in density if the property is redeveloped. Council was in agreement with the Chamber's request.

Mr. Lettunich further provided an update on the Telluride case court which was decided yesterday relative to Telluride purchasing the valley floor via a condemnation ordinance. Previously the Courts stated that a Home Rule City can't condemn land outside territorial boundaries for park and open space. Telluride appealed that and the court decided it can condemn inside and outside of territorial limits.

GENERAL PUBLIC COMMENT

Ms. Donna Howell, Yampa Valley Housing Authority, provided an update on the Housing Market Demand Analysis and the Housing Needs Assessment noting that they are on schedule. The final work session will take place on August 4; they may have a public meeting in August after Labor Day. As far as the Needs Assessment goes, they have selected a consultant. They sent their grant application to the Colorado Division of Housing and it will be reviewed on June 26, 2008.

Ms. Kathy Connell was present representing the lodging community and voiced concern with the Sign Code. She feels that the Code is not meeting the need and stated that the real estate community needs to project that things are for sale. She proposed putting together a committee to review the ordinance and feels that the resort management community needs to be involved as well. She requested that Council consider waiving the fines that have been issued in the interim.

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City Council President Antonucci noted that the City Manager will be meeting June 4, 2008 with a real estate representative, and then if appropriate, Mr. Lanning can call Ms. Connell and set up another meeting.

Mr. Patrick Delaney, Historic Routt County!, invited Council to their June 12, 2008 annual meeting at the Mesa School House.

Mr. Brian Kelly, surveyor, voiced concern with the City's Request For Proposal process with respect to a recent alley project. He stated that he was the low bidder but was not awarded the project, and voiced concern that it was awarded to an out of town company.

Mr. John Fielding noted that he attended a meeting of bypass supporters and provided a report of the meeting.

- d. Manager's Report: Ongoing Projects.**
 - 1.) Community Support Monies Committee.**

This item has been withdrawn until after June 27, 2008 application deadline.

OLD BUSINESS

16. Minutes

- a. Regular Meeting 2008-10, April 1, 2008.**
- c. Special Meeting SP-2008-07, May 10, 2008.**
- d. Regular Meeting 2008-14, May 13, 2008.**
- f. Regular Meeting 2008-15, May 20, 2008.**

MOTION: Council Member Ivancie moved and City Council President Pro-Tem Hermacinski seconded to approve the April 1, May 10, May 13 and May 20, 2008 City Council minutes. The motion carried 7/0.

- b. Regular Meeting 2008-13, May 6, 2008.**

City Council President Pro-Tem Hermacinski stepped down.

MOTION: Council Member Ivancie moved and Council Member Myller seconded to approve the May 6, 2008 City Council minutes. The motion carried 6/0. City Council President Pro-Tem Hermacinski stepped down.

City Council President Pro-Tem Hermacinski returned to the meeting.

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e. Special Meeting SP-2008-08, May 19, 2008.

Council Members Quinn and Bentley stepped down.

MOTION: Council Member Myller moved and Council Member Ivancie seconded to approve the May 19, 2008 City Council minutes. The motion carried 5/0. Council Members Quinn and Bentley stepped down.

Council Members Quinn and Bentley returned to the meeting.

ADJOURNMENT

MOTION: Council Member Myller moved and Council Member Ivancie seconded to adjourn Regular Meeting 2008-16 at approximately 7:25pm; **APPROVED.** The motion carried 7/0.

MINUTES PREPARED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin

Julie Franklin, CMC
Deputy City Clerk

REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Jordan

Julie Jordan, MMC
City Clerk

APPROVED THIS 1ST DAY OF July, 2008.