

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2008-18

TUESDAY, JUNE 17, 2008

MINUTES

Mr. Loui Antonucci, City Council President, called Regular Meeting No. 2008-18 of the Steamboat Springs City Council to order at 4:03pm, Tuesday, June 17, 2008, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Loui Antonucci, Cari Hermacinski, Meg Bentley, Steve Ivancie, and Jon Quinn. Walter Magill and Scott Myller arrived at 4:15pm.

City Staff Members present: Alan Lanning, City Manager; Anthony B. Lettunich, City Attorney; Wendy DuBord, Deputy City Manager; Julie Franklin, Deputy City Clerk; Anja Tribble, Staff Assistant; Lisa Rolan, Director of Financial Services; Tom Leeson, Director of Planning Services; Philo Shelton, Director of Public Works; Jason Peasley, City Planner; and Ernie Jenkins, Parks Supervisor.

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

**EXECUTIVE SESSION:** To discuss the topics set forth below. The specific citation to the provision or provisions of C.R.S. §24-6-402, subsection (4) that authorize(s) the City Council to meet in an executive session are also set forth below. The stated topic identifies the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

- a. A discussion regarding Steamboat 700 and the City's position regarding the Pre-Annexation Agreement.

This discussion is authorized under the following provisions:

§26-4-402(4)(b), which permits an executive session to have "[c]onferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions;" and

§26-4-402(4)(e), which permits an executive session for the purpose of "[d]etermining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;"

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**MOTION:** Council Member Ivancie moved and City Council President Pro-Tem Hermacinski seconded to adjourn Regular Meeting No. 2008-18 at approximately 4:03pm to go into Executive Session for the reasons set forth above. The motion carried 5/0. Council Members Myller and Magill had not yet arrived.

Council Members Myller and Magill arrived at 4:15pm.

**MOTION:** Council Member Ivancie moved and City Council President Antonucci seconded to come out of Executive Session and reconvene the Regular Meeting 2008-18 at approximately 5:46pm. The motion carried 7/0.

Persons attending the Executive Session: Loui Antonucci, Cari Hermacinski; Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller, Jon Quinn, Tony Lettunich, Alan Lanning, Tom Leeson, Jason Peasley, Wendy DuBord, Lisa Rolan, Philo Shelton, and Gerry Dahl.

City Council President Antonucci noted for the record, that if any person who participated in the executive session believes that any substantial discussion of matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that person should state his/her concerns for the record.

No concerns were indicated.

**1. Community Reports**

**a. Steamboat 700 Update.**

Council discussed items that were listed in a letter to Council from Steamboat 700.

1. Light Industrial:

City Council President Antonucci noted that Council would like to leave the options open on this item to allow staff to work on the criterion.

2. Vested Rights Trigger:

City Council President Antonucci stated that Council feels the numbers are too low and would like to have staff research it further relative to pods. He noted that with respect to a moratorium the Council would not support one that is

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limited to non land use planning health and safety issues, and would like it to be City-wide.

3. Highway 40 Environmental Assessment:

City Council President Antonucci stated that Council expects Steamboat 700 to pay 100% of the assessment as it relates to the project schedule. There would be a reimbursement agreement for the cost of the assessment. Council would like to instruct the negotiating team to work with Steamboat 700 to develop models.

City Council President Pro-Tem Hermacinski spoke to the possibility of implementing tax increment financing for large format retail.

City Council President Antonucci stated that Council would be willing to accept a draft environmental assessment, as it relates to the schedule.

Mr. Weiss stated that they are willing to fund the assessment but are concerned that even a draft will take too long; and they are concerned with this being a condition of the annexation. They are ready to commit to a formula that involves payments for the assessment but don't want to be held hostage to having the assessment finished prior to the annexation.

City Council President Pro-Tem Hermacinski voiced concern that when the assessment lists the improvements, the City doesn't know what the cost will be and what its portion will be. If there is a formula worked out, then the City's concerns can be alleviated. The less the City has to bear, the more comfortable it will be moving forward without the assessment.

Council Member Bentley suggested that the Steamboat 700 come back with examples of how a pro-rata formula would work. Weiss stated that this is a reasonable request.

Council Member Myller feels that if the City and Steamboat 700 can agree to a formula, this is a great way to speed things up.

Council Member Ivancie would like to see examples of how a pro-rata would work.

Council Member Quinn stated that he is sensitive to schedule issues, and agrees that the large format retail component and light industrial will help. He is on board with moving forward with the annexation without the assessment as long as there is a formula.

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Council Member Magill feels that Council needs to take a hard look at what the true costs are before moving forward with annexation.

Mr. Lettunich stated that it is necessary to have the improvements complete to allow the density.

City Council President Antonucci agrees, and noted that Council realizes that the schedule is important. There is trepidation as to what liability the City ends up with and that it may not be able to afford the improvements.

Mr. Weiss stated that they recognize that there is developer obligation. They are hoping that there are reimbursement mechanisms in place to deal with that if they have to advance more than their share in the beginning.

4. Revenue Neutrality:

City Council President Antonucci stated that the original West Steamboat Springs Area Plan had a cost number per unit, and the majority of Council at that time felt it should be spread throughout the community. This City Council feels the project should be revenue neutral to the City. Council feels that a real estate transfer fee to go to the City to help fund the impact would be appropriate. They would like to instruct the negotiating team to get more clarification on how the 1% would be spent.

Council Member Ivancie stated that the fee essentially needs to cover the actual costs; and the affordable units should be exempt from this fee. The fee should start from day one with the original sale.

City Council President Pro-Tem Hermacinski stated that Council is not in agreement with the fee expiring if not renewed by ordinance every two years.

City Council President Pro-Tem Hermacinski stated that when the fiscal impact study is done, she will not be comfortable if there are non-revenue generated benefits because they are not able to be quantified.

Council Member Bentley clarified again that any affordable housing will be exempt from the fee.

5. Schedule:

City Council President Antonucci stated that the Planning staff schedule shows October of 2009, and Steamboat 700 wants June of 2009. City Council President Antonucci stated that having a "target date" is different than committing that it

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can be done. The City can't control when studies will be complete, and there has to be time for staff to interpret the information. He stated that Council is comfortable with setting June 2009 as a target date, but this is not a promise. (It was further noted that the target date will be 12 months from when the draft environmental assessment is started).

Mr. Weiss stated that City staff had noted that there could be a staff person dedicated solely to the assessment.

Mr. Shelton stated that if there is a reimbursement agreement in place the City can commit to a level of staffing and the Steamboat 700 would fund that position.

Mr. Weiss reminded Council that this is a million dollar commitment, which is huge when they are not yet annexed. He stated that there has to be trust on both sides.

City Council President Antonucci also reminded all that this could still go to a vote.

Mr. Patten asked for clarification regarding the vested rights benchmark and pods. City Council President Pro-Tem Hermacinski stated that the City does not want to tie it to the development of the pods. She asked that they help the City to pick the percentage, possibly using a percentage of building permits. Council feels it should be higher than 10 or 15 percent. Council Member Quinn suggested looking at 30 percent.

Mr. Patten stated that there may be a significant difference in time between getting the environmental assessment started and writing scopes of work for the RFP process, etc. City Council President Antonucci stated that Mr. Lettunich and the negotiating will refine that.

Mr. Shelton stated that the assessment needs to get started regardless of the annexation timeline because it allows the City to pursue additional funding from the Federal Transit Administration. Mr. Lanning stated that the funding may end up being a very critical piece for all of this.

Mr. Weiss stated that they would like to sign a reimbursement agreement this week.

City Council President Antonucci reemphasized the important of getting the assessment started.

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PUBLIC COMMENT:

Mr. Steve Aigner voiced concern that there is a draft pre-annexation agreement when there are still several important items left to be decided. He questioned where the City is with regard to the urban growth boundary; acreage for schools, daycare; and the specific liabilities regarding the formula.

City Council President Antonucci stated that the pre-annexation agreement is drafted and is meant to be broad; the specifics will be addressed in the annexation agreement, which will include public input.

Mr. Peasley stated that the urban growth boundary amendments will be addressed at the August 12, 2008 joint meeting with the County Commissioners.

Mr. Bill Jameson questioned whether the formula without the assessment will have a cap.

Mr. John Fielding voiced concern with the specific formula for cost sharing in the assessment and the changes the parameters.

City Council President Antonucci clarified that the intent is that the developer pays for the capital improvements.

**GENERAL PUBLIC COMMENT**

Mr. John Fielding stated that supporters of the bypass will meet with the Chamber June 18, 2008 at 4:00pm and invited Council to attend.

City Council President Pro-Tem Hermacinski stated that she will attend this meeting.

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

LEGISLATION

2. **MOTION:** Motion to approve submittal of a grant application to Great Outdoors Colorado requesting up to \$250,000 for funding of trail development in Steamboat Springs.

City Council President Antonucci read the motion into the record.

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- 3. MOTION: Motion to approve submittal of a grant application to the Colorado Department of Transportation for \$3,000 in grant funds to pay for a "Share the Road" campaign in summer 2008.**

City Council President Antonucci read the motion into the record.

- 4. MOTION: Motion to approve submittal of a grant application to the Steamboat Ski and Resort Corporation's Employee Environmental Fund for a \$10,000 grant to carry out river restoration activities on the Yampa River.**

City Council President Antonucci read the motion into the record.

- 5. RESOLUTION: A resolution adopting a street name in the City of Steamboat Springs: Sunburst Court.**

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

- 6. RESOLUTION: A resolution adopting a street name in the City of Steamboat Springs: Citation Place.**

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

Council Member Myller stated that this name sounds like an aviation trade name and asked that staff verify the legal status of this.

**MOTION:** Council Member Myller moved City Council President Pro-Tem Hermacinski seconded to approve the resolution adopting a street name in the City of Steamboat Springs: Citation Place; if it is determined that there is no legal issues. The motion carried 7/0.

- 7. RESOLUTION: A resolution designating recent Enterprise Zone applicants as Industrial Enterprise Zone licensees.**

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

- 8. RESOLUTION: A resolution acknowledging the 2008 annual appointment of boards, committees and commissions for the City of Steamboat Springs, Colorado.**

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

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- 9. FIRST READING OF ORDINANCE: An ordinance amending Chapter 3: Alcoholic Beverages of the Steamboat Springs Revised Municipal Code by the addition of an Art Gallery Permit and the fees and regulations pertaining thereto; repealing all conflicting ordinances; providing an effective date, and setting a hearing date.**

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

- 10. FIRST READING OF ORDINANCE: An ordinance adding to Chapter 2, Division 11, Sections 2-486 through 2-488 of the Steamboat Springs Revised Municipal Code, creating a Steamboat Springs Water 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 approve items 2, 3, 4, 5, 7, 8, 9, and 10 of the above Consent Calendar. The motion carried 7/0.

**PUBLIC HEARING: ORDINANCE SECOND READINGS**

- 11. SECOND 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.

PUBLIC COMMENT: No one appeared for public hearing.

**MOTION:** Council Member Myller moved and Council Member Bentley seconded to approve the second 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. The motion carried 7/0.

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- 12. SECOND 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.

PUBLIC COMMENT: No one appeared for public hearing.

**MOTION:** Council Member Ivancie moved and Council Member Bentley seconded to approve the second 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.

- 13. SECOND 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 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.

PUBLIC COMMENT: No one appeared for public hearing.

Council Member Quinn questioned if there should be a cap on the number of out of City residents allowed to serve. It was noted that this is addressed in the ordinance.

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**MOTION:** Council Member Quinn moved and Council Member Magill seconded to approve the second 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 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.

- 14. SECOND 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.

PUBLIC COMMENT: No one appeared for public hearing.

**MOTION:** Council Member Bentley moved and Council Member Ivancie seconded to approve the second 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. The motion carried 7/0.

#### **PLANNING COMMISSION REPORT**

PLANNING  
PROJECTS

There was no Planning Commission representative present.

#### **CONSENT CALENDAR - PLANNING COMMISSION REFERRALS**

There were no items scheduled for this portion of the agenda.

#### **PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

There were no items scheduled for this portion of the agenda.

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**REPORTS**

**15. City Council**

City Council President Pro-Tem Hermacinski:

1. Stated that she has heard from constituents that it is hard to hear several Council members on the dial-in system. **DIRECTION:** Staff to research.

Council Member Bentley:

1. Attended the National Economic Gardening Conference and provided Council with her notes.

Council Member Ivancie:

1. Noted that the opening of the Rodeo was well attended.
2. Participated in the Colorado Municipal League (CML) Golf Tournament.
3. Will attend the Community Center opening.
4. Encouraged Council to attend the CML Conference.
5. Noted that community member David Engle recently passed away due to smoke inhalation in a house fire. He stated that Mr. Engle was an animal lover and suggested that any donations made be given to the Humane Society in his name.

**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.

**16. Reports**

a. **Agenda Review:**

- 1.) **City Council agenda for July 1, 2008.**
- 2.) **SSRA agenda for July 8, 2008.**
- 3.) **LLA-Administrative Division for July 8, 2008**
- 4.) **City Council agenda for July 8, 2008.**

**DIRECTION:** To close the above agendas.

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**b. Staff Reports**

No reports were provided.

Ms. DuBord reminded Council of the grand opening of the Community Center on June 18, 2008. She also noted the need for a Council person to attend the Energy Impact Hearing in Canon City on July 24-25, 2008.

**c. City Attorney's Update/Report.**

Mr. Lettunich reported on the following:

1. **MOTION:** Council Member Ivancie moved and Council Member Bentley seconded to approve staff submitting an Energy Impact grant application for the acquisition of real estate. The motion carried 7/0.
2. Spoke to the Gunnison court case regarding linkage fees.

**d. Manager's Report: Ongoing Projects.**

Mr. Lanning reported on the following:

1. Noted that the City is hosting this year's Colorado Municipal League convention. He congratulated the Haymaker Golf Course staff for its work on today's CML golf tournament. The course was in great shape and they were great hosts.

**ADJOURNMENT**

**MOTION:** Council Member Ivancie moved and City Council President Pro-Tem Hermacinski seconded to adjourn Regular Meeting 2008-18 at approximately 7:40pm. The motion carried 7/0.

**MINUTES PREPARED AND RESPECTFULLY SUBMITTED BY:**

*Julie Franklin*

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Julie Franklin, CMC  
Deputy City Clerk

**REVIEWED AND RESPECTFULLY SUBMITTED BY:**

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*Julie Jordan*

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Julie Jordan, MMC  
City Clerk

**APPROVED THIS 1<sup>st</sup> DAY OF July, 2008.**