

AGENDA ITEM #18B.

CITY OF STEAMBOAT SPRINGS

Regular Meeting NO. 2018-01

Tuesday, January 9, 2018

City Council Members present: City Council President Lacy, Council Member Crossan, Council Member Ford City Council President Pro Tem Meyer, Council Member Sloop, Council Member Petis and Council Member Macys.

Staff Members present: Gary Suiter, City Manager; Kim Weber, Director of Financial Services; Julie Franklin, City Clerk; Dan Foote, City Attorney; Cory Christensen, Chief of Police; Jon Snyder, Public Works Director; Winnie DelliQuadri, Assistant to the City Manager; Mike Lane, Communications Manager; Mel Stewart, Fire Chief; Alan Lind, Director of General Services; Jennifer Bock, Staff Attorney; Craig Robinson, Parks, Open Space and Trails Manager; Rebecca Bessey, Principal Planner; and Chuck Cerasoli; Deputy Fire Chief.

PLEDGE OF ALLEGIANCE

Liquor Licensing Authority Meeting – After roll call, the City Council will adjourn and reconvene in their capacity as the Steamboat Springs Liquor Licensing Authority and follow the attached Liquor Licensing Authority agenda.

PROCLAMATIONS AND INTRODUCTIONS

REPORTS

1. City Council

Council Member Ford provided a written report and further discussed the “net promoter score”. Further discussion commenced on Chamber funding and a list of potential ballot questions.

Council Member Sloop attended a Youth Sports Complex meeting where they discussed the timing of contracts, the memorandum of understanding (MOU) and fundraising. The preliminary design schedule and construction documents “roll out” in June but we will not know the real cost until July. She also noted that she gave a City Hall tour to the Webelos.

2. Staff Reports
a. City Manager's Report.

Mr. Suiter provided a written report. He further gave kudos to Finance for the Comprehensive Annual Financial Report (CAFR), which received the Colorado Government Finance Officers Association Award for Excellence in Financial Reporting. Also kudos to Emily Hines and Parks and Recreation staff for issuing tickets for the free ski day at Howelsen Hill. Lastly, kudos to John Overstreet for being named to the University of West Florida's Outstanding Recreational Sports Alumni award.

Mr. Suiter further spoke to: implementing the Zucker Report; the signed MOU with the Scheckman Foundation for the second sheet of ice; advertised for the Haymaker head golf pro; Howelsen Hill ski free day was a success; meetings of the Outdoor Lighting Task Force; renewing the contract with Ralph Walton Steamboats Springs Redevelopment Authority Project Manager; monitoring compliance with back in diagonal parking on Yampa; repeating the dinner with Durango at the CML Conference; emergency preparedness training is April 6, 2018; update on the network breakdown; and that there have been substantive changes proposed to the joint use agreement (JUA) and the group needs to meet.

Discussion took place relative, but not limited to: update on the River Queen; break down on the local versus tourist participation in the free ski day; and reporting back on the Continental Cup numbers.

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

3. Planning Commission and Board of Adjustments-Interviews.

Council interviewed Tom Ptach and Paul Weese for the Planning Commission and David Levine for the Board of Adjustment. By ballot vote Council selected Tom Ptach for the regular Planning Commission seat and Paul Weese as alternate, and David Levine for the Board of Adjustment seat.

4. Spring Creek Park Dam Project Update and Discussion.

Mr. Robinson spoke to the fiscal impacts to capital and operating budgets and provided a background history of the site and the project.

Ms. Dana Miller, State Dam Engineer, was present and stated that in 2012 the discussions regarding needing to address safety issues at the dam started. This has been in the process for a while however the direction has changed a few times. Ultimately the agreement was for construction in 2018. The liability associated with the dam is small but when we store water above the existing

grade we are creating hazards and an unacceptable level of risk with the spill way. Every year it is more of a risk. The 8 feet of freeboard on the spillway is partially plugged with stone debris from the side wall. Capacity is hindered. Heavy spring run offs create significant concern downstream and could damage the structure on the road. There are seepage issues as well that are taxing the embankment.

Discussion took place relative, but not limited to: conditions dependent on run off; the State asking for mitigation of the risk; water rights; concerns with the current dog park; coliform testing; overuse of the park; other uses; use of the County Road; wildlife impacts; and potential other sites for the amphitheater.

PUBLIC COMMENT:

Mr. Stuart Handloff stated that he supports the Parks and Recreation recommendation to amend the plan and look at an outdoor performance space along with that. The space would be managed by a nonprofit board and there is the ability to leverage the City's dollars. He asked that Council direct staff to get input from all the stakeholders over a 30 day period. There could be controlled uses with a plan.

City Council President Pro Tem Meyer voiced concern with the liability, hazard and life safety issues present or potential and that the City has been on notice since 2014. She is also concerned with water quality and water rights. Additionally the group has no plan. Council is responsible to move ahead on the project. She does not want to create any expectation that this is a good location for a performance venue. The City needs to move forward with this project.

Council Member Petis agrees. Council has a lot on its plate this year and this is a distraction. The City needs to do what it needs to do for safety and if there is a future vision for a performing arts space it should be in the Parks and Recreation Master Plan.

Council Member Crossan agrees. It is not a safe environmental and the City needs to move forward with the project.

Council Member Sloop is not worried about a safe environment; her concern is the wetlands. Also there is no information on costs; she does not want to rush in to it.

Council Member Macys agrees with the need to move forward with the project. She would like to see some water quality testing. She likes the ampetheater concept but it should be explored with the master plan process.

City Council President Lacy agrees. He would love to see an ampetheater somewhere but supports moving forward with the project (option 1).

DIRECTION: Mr. Suiter to provide a cost benefit analysis on water quality testing.

GENERAL PUBLIC COMMENT

Mr. John Lanterman voiced concern that the fireworks in the downtown area are completely out of control. He suggested that outreach newspaper articles about the impacts may help.

City Council President Lacy suggested running a story on The City Page.

Ms. Lindsey Simbeye, Executive Director of Grand Futures, was present and spoke to substance abuse and policy.

Mr. Joe Hanes, Yampatika, thanked the City for the funding support. He spoke to new programs at the Legacy Ranch, like the Winter Discovery Day. He stated the City currently has a great nonprofit funding process but it could use “some tweaking”. His concern is when organizations get more than they asked for in the process; it makes him question the process. The allocations should be based on the information provided during the process. He thinks there is a lack of accountability.

CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

- 5. RESOLUTION: A resolution approving an off-leash dog recreation license and adding certain Mount Werner Water property to the off-leash pilot program.**

City Council President Lacy read resolution title into the record.

Mr. Foote noted the need to clarify the restrictions on land use and annexation are not permanent. There are 2 other amendments:

In Paragraph 3, added a final sentence: The remaining provisions of this agreement shall terminate with the termination of the License as provided in this Section 3. In Paragraph 8, changed references to 2(n) to 2(m). In last paragraph beginning with “In Witness Hereof,” change “ordinance” to “resolution”.

PUBLIC COMMENT:

Ms. Kathy Connell, Steamboat Digs Dogs (SDD), stated that they support the license agreement and they will continue to be stewards of the area. They will be trained by the Police Department as dog safety volunteers on voice control and jumping dogs. They are concerned with this resolution with respect to the winter

use of the path because it is not what was agreed to (the whole area being on leash all winter). The lower half should still be off leash, which is what was agreed to. She stated that they really want to be involved in the process.

Council Member Sloop agreed that the signage is inadequate and asked about SDD helping to fund the signs. Connell stated that they want to use temporary signs to see how they work and what the best locations are. Council Member Sloop stated that she is concerned with the signage regarding where is on and off leash.

Mr. Robinson stated that the Mt. Werner water property off leash times were not addressed because there was not agreement with Mt. Werner Water and the resolution allows staff to make changes as needed. Colorado Department of Parks and Wildlife recommended a fenced area in this area. Staff has hashed through the comments and worked with the School District and made recommendations based on Parks and Wildlife. The signs are at both entry points; to move the signs would require additional staff.

Council Member Macys stated that she lives in the area and uses the site and noted that removing the trash cans has been an issue. She does agree that there needs to be winter closure because of moose encounters and the trails leading down to the area are steep and there is trail erosion. She supports staff's recommendation and Parks and Wildlife. We need to protect the resources and the area needs a break. There does need to be better signage; the ambassadors are very effective; and there can be modifications after the pilot program.

Mr. Frank Alfone, Mt. Werner Water, stated that this is procedural and wants to make sure they get the opportunity to work with Mr. Foote to agree with the suggested new language. This is private land and there has never been formal approval to allow people or dogs on the land; with that said, it has always been allowed and they want to continue to do that. SDD has done a great job but trash cans and more signs are needed. They support this agreement with the City.

MOTION: Council Member Macys moved and Council Member Petis seconded to approve a resolution approving an off-leash dog recreation license and adding certain Mount Werner Water property to the off-leash pilot program as amended and working with Mt. Werner Water on the amendments.

The motion carried 7/0.

6. RESOLUTION: A resolution designating the public places for posting notices of Regular and Special meetings.

City Council President Lacy read resolution title into the record.

7. **RESOLUTION: A resolution acknowledging appointments to the Accommodations Tax 2A Trails Committee.**

City Council President Lacy read resolution title into the record.

MOTION: Council Member Macys moved and Council Member Sloop seconded to approve items 6 and 7 of the Consent Calendar.

The motion carried 7/0.

PUBLIC HEARING: MOTIONS, RESOLUTIONS AND ORDINANCES

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

PARKS AND RECREATION COMMISSION REPORT

No report was provided.

PLANNING COMMISSION REPORT

A written report was provided.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

8. **FIRST READING OF ORDINANCE: An ordinance vacating a 10-foot utility easement located on Lot 3, Hinsdale Subdivision, and providing an effective date and setting a hearing date.**

City Council President Lacy read ordinance title into the record.

MOTION: Council Member Macys moved and City Council President Pro Tem Meyer An ordinance vacating a 10-foot utility easement located on Lot 3, Hinsdale Subdivision, and providing an effective date and setting a hearing date.

The motion carried 7/0.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

9. **SECOND READING OF ORDINANCE: An ordinance ratifying and adopting the official zone map of the City of Steamboat Springs; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

City Council President Lacy read ordinance title into the record.

Ms. Bessey clarified that this is not changing the zoning of anyone's property. This is to update the Community Development Code and create new naming conventions.

Council Member Macys asked if there were concerns from property owners. Ms. Bessey stated no.

MOTION: Council Member Macys moved and City Council President Pro Tem Meyer seconded to approve an ordinance ratifying and adopting the official zone map of the City of Steamboat Springs; repealing all conflicting ordinances; providing for severability; and providing an effective date.

The motion carried 7/0.

REPORTS

10. Reports

a. Agenda Review:

- 1.) Regular Meeting January 16, 2018.**
- 2.) Regular Meeting January 23, 2018.**
- 3.) Regular Meeting February 6, 2018.**
- 4.) Regular Meeting February 13, 2018.**
- 5.) Worksession Schedule.**

Council reviewed the above agendas.

11. Staff Reports

a. City Attorney's Update/Report.

- 1.) Quarterly Report on Litigation and Administrative Matters.**

Mr. Foote stated that the City's quarterly litigation update was provided and he had received questions as to why the notice of claims aren't included. For the most part, they get filed and there is no action. He does have misgivings about including them because of privacy implications. Council Member Ford would like them included just to know when something is in the works.

Mr. Foote further noted that the Howelsen Hill JUA is on the January 23, 2018 agenda but may need to be pushed back.

OLD BUSINESS

12. Minutes

- a. Regular Meeting, December 5, 2017.**
- b. Regular Meeting, December 12, 2017.**

MOTION: Council Member Macys moved and Council Member Sloop seconded to approve the above minutes.

The motion carried 7/0.

ADJOURNMENT

MOTION: Council Member Sloop moved and City Council President Pro Tem Meyer seconded to adjourn at approximately 8:30pm.

The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS _____ DAY OF _____, 2018.