

AGENDA ITEM #18D.

CITY OF STEAMBOAT SPRINGS

Regular Meeting NO. 2018-03

Tuesday, January 23, 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; John Overstreet, Director of Parks and Recreation; Dan Foote, City Attorney; Jerry Stabile, Police Commander; 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; Ben Beall, City Engineer; Wendy Friden, Human Resources Manager; Rebecca Bessey, Principal Planner; and Sue Davies, Budget and Tax Supervisor.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, INTRODUCTIONS, RECOGNITIONS:

REPORTS

1. City Council

Council Member Ford provided a written report. Noted that he would like to recognize Howelsen Hill as the oldest operational ski area in America with a banner (it is also on the National Historic Register). **UNANIMOUS CONSENT:** Fund out of the Council Contingency budget.

Council Member Sloop reported that she attended the recent Colorado Association of Ski Towns (CAST) meeting. Telluride Ski and Golf gave a presentation on what has worked and not worked in a "slow snow start". They also discussed the Arts District.

Council Member Crossan reported on the recent internal joint use agreement (JUA) meeting where they reviewed the redlined JUA. Mr. Foote stated that he had a conversation with the Steamboat Springs Winter Sports Club's attorney in Denver who has not reviewed it yet.

Council Member Macys would like to have a discussion about signing the letter to the Attorney General regarding the Cole memo as a Council. She feels that Council should stand and advocate for local control and state's rights. Council

Member Crossan would like to see this on an agenda before it is discussed and would like to review the past Council discussion on signing letters. Council Member Macys would like to consider the letter at that time as well. **DIRECTION:** Add to the next agenda.

Council Member Macys and Ford attended the Chamber Special event funding meeting.

Council Member Petis noted that the fire subcommittee met today. They discussed the pros and cons of a district and what the process would be.

City Council President Lacy noted that he met with the Upper Yampa Water District and the contract for water will expire next year. **UNANIMOUS CONSENT:** He and Council Member Macys to start meeting regarding the contract.

It was noted that this Saturday is the Olympic sendoff event.

2. Staff Reports

a. City Manager's Report.

Mr. Suiter provided a written report. He further gave kudos to Steamboat Springs Transit employees Ashley Boulter and Robb Hull for staying overnight to provide the "shelter bus" for the evacuation due to carbon monoxide alarm at the Waterside. Also kudos to Ms. DelliQuadri who while attending a Combined Law Enforcement Facility (CLEF) grant meeting with Department of Local Affairs (DOLA) asked for funding for the downtown planning project and was awarded it. Noted that staff and the Golf Committee have started interviews for the Haymaker golf pro. Provided an economic report on last summer's high school bike race, provided the numbers from the Howelsen Hill ski free day and the costs of the Continental Cup. Additionally, Howelsen Hill will be hosting the Jr. National qualifier for Nordic skiing. Reported that the Routt County Regional Building Department has started collecting separate checks for the City which saves the City significantly in treasurer's fees. Also provided an update on the River Queen process.

Discussion took place relative, but not limited to: sales tax projections for the winter; and the River Queen project going from a playground to a performing arts venue.

b. Parks and Community Services Update.

Mr. Overstreet provided a PowerPoint presentation reviewing the following: highlights of 2017; challenges faced in 2017; and 2018 opportunities and challenges.

Discussion commenced on looking at open space and trails and a current analysis of those costs.

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

3. Community Support Coalition Process & Procedures.

Mark Andersen, Yampa Valley Community Foundation, Kate Nowak Routt County United Way, Kim Keith, Steamboat Springs Arts Council, and Todd Hagenbuch, Colorado State Extension were present.

Ms. Weber provided a brief overview of the process and the concern with the two over-allocations. The Allocations chairs solicit applications, create the committees and submit conflict of interest statements. The City allocate 1.46% of the General Fund to Community Support. The Committees complete and submit the score sheets, provide a recommendation, submit a final report and then the City issues the payment.

City Council President Meyer voiced concern with conflict of interest; Ms. Keith with the Arts Council is on the committee that grants the money and is an applicant as well. Mr. Andersen stated that they look for “umbrella organizations” that have an understanding of non-profits and the process. The allocation chairs just manage the process, they have no say in the allocation that is up to the committee.

Council Member Macys stated that at the time this process started the Arts Council was not a recipients of the funds.

Ms. Weber stated that there was a gap in funding to the Arts Council because they had a large private donor and therefore did not apply.

Discussion took place relative, but not limited to: how the criteria were selected; the scoring matrix; how the criteria fit with the City's goals; if a nonprofit reduces a service that the City would otherwise need to provide; the integrity of the process, and Council member participation.

Council Member Macys voiced concern with giving more than what was requested. That is not a standard practice and that money has not been through a competitive process. There is not transparency and it is a questionable use of tax payer dollars. It could also be said that there is not a transparent process for selecting the committee members. Perhaps Council needs to select the committees, but she does not want to do that. However, if the City allows over allocations we may need a more public process.

Mr. Andersen stated that it is tough to find volunteers and “cast a wide net”. He noted that sometimes council members participate and that they would take guidance on the committee selection process.

Council Member Sloop remembered that the over allocations were due to what the County was going to fund; the County did not give what was asked so the City gave more to compensate. The current process is good but we need to see what “the ask” is and what the County funded.

Council Member Petis agrees that over allocating is a concern due to lack of accountability and feels that it may be good to have a Council member on the committees.

Council Member Ford supports alternative 2, not changing the process but not allowing over allocations.

Council Member Macys asked if the Human Resource Coalition (HRC) would be different because of County funding. A Council member involved in this process may be appropriate; the County is putting in time for HRC and we do not match that. It seems irresponsible and remiss to not provide financial oversight.

MAJORITY CONSENT: No over allocation on any request, including the HRC.

Should a Council participate in the collaborative County funding? Ms. Nowak stated that most of the funding is 50/50 and they would welcome Council participation. **UNANIMOUS CONSENT.**

UNANIMOUS CONSENT: Allocation chairs to provide input on the matrix and a recommendation on the reporting.

City Council President Meyer noted that the Arts Council received less than 5% when Ms. Keith became Allocation chair and now they get 20%. The Committee is self-appointed maybe we need to see if there is a person that is not as vested in the process.

Ms. Betse Grassby, Steamboat Art Museum, supports the process and is impressed with the group. There is an incredible amount of transparency and she urged Council to trust the process; the Committees are amazing and put in a lot of time.

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

4. **RESOLUTION: A resolution adopting City Council Goals for 2018-2019.**

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

City Council President Meyer would like to add “all things Fire” under fiscal sustainability. Council Member Crossan would like to change the goal to “clarifying” JUA.

MOTION: Council Member Sloop moved and City Council President Meyer seconded to approve a resolution adopting City Council Goals for 2018-2019.

The motion carried 7/0.

5. **RESOLUTION: A resolution acknowledging appointments to the Board of Adjustment and Planning Commission.**

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

6. **RESOLUTION: A resolution adopting a new street name in the City of Steamboat Springs: Marble Court.**

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

MOTION: Council Member Macys moved and Council Member Crossan seconded to approve items 5-6 of the Consent Calendar.

The motion carried 7/0.

7. **FIRST READING OF ORDINANCE: First Supplemental Budget Appropriation Ordinance of 2018– Combined Law Enforcement Facility.**

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

Council Member Sloop stepped down on items 7 & 8.

Council Member Macys asked if energy efficiency and source was considered. City Council President Meyer stated yes, there is and that can be updated for second reading.

MOTION: Council Member Crossan moved and Council Member Macys seconded to approve the first reading of the First Supplemental Budget Appropriation Ordinance of 2018– Combined Law Enforcement Facility.

The motion carried 6/0. Council Member Sloop stepped down.

8. **FIRST READING OF ORDINANCE: An ordinance approving a contract to buy and sell real estate relating to the site for the Combined Law Enforcement Facility.**

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

MOTION: City Council President Meyer moved and Council Member Ford seconded to approve the first reading of an ordinance approving a contract to buy and sell real estate relating to the site for the Combined Law Enforcement Facility.

The motion carried 6/0. Council Member Sloop stepped down.

Council Member Sloop returned to the meeting.

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

No report was provided.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

9. **FIRST READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Revised Municipal Code by amending Sections 231, 232, 233, 306, 600 and 702 to correct errors, and by amending Section 703 to revise the property posting requirement for Zone Map Amendments; repealing all conflicting ordinances; providing for severability; and providing an effective date.

PLANNING COMMISSION VOTE: Approved 6-0 on January 11, 2018.

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

MOTION: Council Member Sloop moved and City Council President Meyer seconded to approve the first reading of an ordinance amending Chapter 26 of the Revised Municipal Code by amending Sections 231, 232, 233, 306, 600 and 702 to correct errors, and by amending Section 703 to revise the property posting requirement for Zone Map Amendments; repealing all conflicting ordinances; providing for severability; and providing an effective date.

The motion carried 7/0.

10. RESOLUTION: A resolution of the City Council of the City of Steamboat Springs approving an application for a development plan DP-17-09, Torian Plum Condos, Unit C-A.

PETITION: A development plan for a conditional use for ground-floor office use in the G-2 District.

LOCATION: 1875 Ski Time Square Drive, Unit C-A

APPLICANT: Old House Lane Corporation, Eric McClelland

PLANNING COMMISSION VOTE: Approved 6-0 on January 11, 2018.

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

Council Member Petis stated that there was an interesting discussion by the Planning Commission about the future at the base. A three year term may make more sense than five because of the new owner of the ski area; there may be lots of change.

Mr. Gibbs stated that the zone is intended to be high intensity commercial. The areas was a primary access but there has not been much activity since the close of Ski Time Square. It lacks visibility, critical mass and traffic. Given the lack of redevelopment it should be recognized that conditions are not improving. There are subtle distinctions of what is viable commercial space and this is not visible from the ski area. The Planning Department is not aware of any future plans or discussions for changes at Ski Time Square. The new base area plan will kick off in about a year. Staff believes that allowing the conditional use for a time is appropriate and five years is not out of line.

It was noted that Terry Sports has restricted covenants that include a non-compete clause in the leases that prohibits any ski related retail or real estate.

PUBLIC COMMENT:

Ms. Jill Brabec, representing the owner advocate, asked that Council keep in mind that it is only a 600 square foot space and the location will not make the critical mass to impact other retails. Additionally, there is no floor drain so it can't be a restaurant. It can be an active office space and that sends people to restaurants nearby. She stated that the five years is important to the applicant.

Mr. Chris Paoli suggested ten years. Ski Time Square is not even under contract and 600 square feet is not worth discussing again.

City Council President Meyer asked how Council will deal with other owners asking for the same thing. Mr. Gibbs stated that there will be many different situations and Council will need to look at them individually. City Council President Meyer stated that the difference for her is that this is an existing

conditional use and there has not been many requests in the last five years. Council Member Petis stated that these changes could impact the other retail units and there could be a domino effect. Where does it stop before we kill the area?

Council Member Macys stated that five years seems like a long time but the market conditions did allow for a change. If you look at what is in the pipeline five years does not seem like a long time.

CONDITION:

1. The conditional use for office is limited to a term of five years from the date of the approval. Any future request shall be subject to the requirements and processes listed in the CDC current at the time of any future request.

MOTION: Council Member Macys moved and Council Member Sloop seconded to approve a resolution of the City Council of the City of Steamboat Springs approving an application for a development plan DP-17-09, Torian Plum Condos, Unit C-A, with condition 1.

The motion carried 7/0.

GENERAL PUBLIC COMMENT

Mr. Stuart Handloff stated that he appreciates the support Council has given to all the arts organizations.

Mr. Chris Paoli stated that retail space is a common theme and there is not great data to make decisions on. He suggested a retail index and to monitor the success of the events and who comes to town. **DIRECTION:** Ms. Weber, Mr. Suiter and Council Member Ford to look at.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

11. **SECOND 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.**
PLANNING COMMISSION VOTE: N/A

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

PUBLIC COMMENT: No one appeared for public comment.

MOTION: City Council President Meyer moved and Council Member Macys seconded to approve 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.

REPORTS

12. Reports

a. Agenda Review:

- 1.) Regular Meeting, February 6, 2018.**
- 2.) Regular Meeting, February 13, 2018.**
- 3.) Regular Meeting, February 27, 2018.**
- 4.) Regular Meeting, March 6, 2018.**
- 5.) Tentative Worksession Schedule.**

Council reviewed the above agendas.

13. Staff Reports

a. City Attorney's Update/Report.

Mr. Foote had no report.

EXECUTIVE SESSION

To discuss the topic 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 is set out below. The description of the topic is intended to identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized:

1. C.R.S. 24-6-402(4)(f)(I) Personnel matters except if the employee who is the subject of the session has requested an open meeting.

This item pertains to the City Attorney employee evaluation and salary review.

MOTION: Council Member Macys moved and City Council President Meyer seconded to go into executive session for the reason set forth above at approximately 7:40pm.

The motion carried 7/0.

The executive session concluded at 8:55pm.

Persons attending the Executive Session: Council Members Lacy, Petis, Crosson, Meyer, Ford, Macys and Sloop, Mr. Foote and Ms. Friden.

City Council President Lacy 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.

City Council President Lacy reported on the employee review for the City Attorney and noted that Council is pleased with his work. The rating scale is 0-5 and Mr. Foote received an overall 4.02 and will receive a 3% salary increase.

City Council President Meyer stated that Mr. Foote will set out his goals for 2018 and Council will clarify them and make sure they are measurable. Council Member Crosson also noted the need to define the rating system and the questions. Council Member Macys noted the need to document the policy for evaluating the City Attorney and the City Manager.

Council Member Macys also gave a “shout out” to the Employee Appreciation Committee for a great celebration at the Winter Gala. It was a great event.

ADJOURNMENT

MOTION: Council Member Macys moved and City Council President Meyer seconded to adjourn at 9:00pm.

The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS ____ DAY OF ____, 2018.