

CITY OF STEAMBOAT SPRINGS

Regular Meeting NO. 2017-25

Tuesday, September 19, 2017

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

Staff Members present: Gary Suiter, City Manager; Tyler Gibbs, Director of Planning and Community Development; Kim Weber, Director of Financial Services; Julie Franklin, City Clerk; John Overstreet, Director of Parks and Recreation; Dan Foote, City Attorney; Cory Christensen, Chief of Police; Kyrill Kretzschmar, Recreation & Enterprise Manager; Ben Beall, City Engineer; Craig Robinson, Parks, Open Space and Trails Manager; Jon Snyder, Public Works Director; Winnie DelliQuadri, Assistant to the City Manager; Mel Stewart, Fire Chief; Mike Lane, Communications Manager; Alan Lind, Director of General Services; Jennifer Bock, Staff Attorney; Kyrill Kretzschmar, Recreation and Enterprise Manager; Alexis Wolf, Director of Youth Programs; Bob Keenan, City Planner; and Ben Beall City Engineer.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, INTRODUCTIONS, RECOGNITIONS

- 1. PROCLAMATION: A proclamation recognizing September 2017 as the 25th anniversary of Yampatika providing environmental stewardship through education in Steamboat Springs, Colorado.**

Council Member Sloop read the proclamation into the record.

Mr. Joe Haines, Executive Director, was present to accept the proclamation.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

- 2. SECOND READING OF ORDINANCE: An ordinance rezoning a 5.5 acre parcel of land, #ZMA-17-02, from residential estate low density (RE-1) to industrial (I); repealing all conflicting ordinances; providing for severability; setting a hearing date; and providing an effective date.**
PLANNING COMMISSION VOTE: Approved 7-0 on August 24, 2017.

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

PUBLIC COMMENT: No one appeared for public comment.

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MOTION: Council Member Meyer moved and City Council President Pro Tem Lacy seconded to approve an ordinance rezoning a 5.5 acre parcel of land, #ZMA-17-02, from residential estate low density (RE-1) to industrial (I); repealing all conflicting ordinances; providing for severability; setting a hearing date; and providing an effective date.

The motion carried 7/0.

- 3. SECOND READING OF ORDINANCE: An ordinance amending Section 26-183 of the Community Development Code relating to subdivision standards to clarify developer obligations to contribute to offsite road improvements.**

PLANNING COMMISSION VOTE: Approved 7-0 on August 24, 2017.

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

PUBLIC COMMENT: No one appeared for public comment.

MOTION: Council Member Meyer moved and Council Member Petis seconded to approve an ordinance amending Section 26-183 of the Community Development Code relating to subdivision standards to clarify developer obligations to contribute to offsite road improvements.

The motion carried 7/0.

- 4. SECOND READING OF ORDINANCE: An ordinance vacating a portion of right of way within the Campbell's subdivision, Filing No. 5 as shown on the plat of the Campbell's subdivision, Filing No. 5 and reserving easements in the vacated right of way.**

PLANNING COMMISSION VOTE: Ordinance not heard but associated Preliminary Plat approved 7-0 on August 24, 2017.

City Council President Magill stepped down on items 4-5.

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

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PUBLIC COMMENT:

Mr. Mike Shaler, neighbor, stated that Uncochief Circle is part of this subdivision, which was subdivided by Omar Campbell, a pioneer in the community. Campbell will be 92 in October and Shaler read a statement of his behalf. He spoke to the “human touch” of the subdivision and a small triangle of land that is the focus of this item. It’s known as Omar's Park and has been an integral part of the neighborhood for 25 years, though it is not an official park. He urged Council to make a statement that honors and protects this mini park and encourage the owners to be aware of the history of the neighborhood.

Mr. David Schermerhorn, neighbor, stated that this this right of way (ROW) has been a park for 25 years and does not have to be vacated. It will help with the applicant’s setback requirement but the City does not have to give away the land.

Mr. Keenan stated that the area to be vacated is 3,300 square feet and the applicant sees it as an unused ROW and not necessary for the function of the utilities and street. It brings the building closer to the road and gives them more land area.

Mr. Foote stated that the ROW was dedicated for road purposes.

Council Member Crossan asked if the trees could remain. She would like to postpone the item to allow Planning to speak to applicant.

Council Member Petis stated that this is hard as it is the owner’s land and we can’t tell them what to do with it.

MOTION: Council Member Sloop moved and Council Member Petis seconded to approve an ordinance vacating a portion of right of way within the Campbell’s subdivision, Filing No. 5 as shown on the plat of the Campbell’s subdivision, Filing No. 5 and reserving easements in the vacated right of way.

The motion carried 5/1. Council Member Crossan opposed. City Council President Magill stepped down.

Council Member Crossan opposed because she wants to postpone the item.

City Council President Pro Tem Lacy stated that Council does appreciate all that Campbell has done for the community.

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- 5. RESOLUTION: A resolution of the City Council of the City of Steamboat Springs approving an application for a preliminary plat #PP-16-09, Lot 2, Campbell Subdivision, Filing No. 5.**

LOCATION: 1104 Uncochief Circle

APPLICANT: Justin and Felicity Arnold c/o Walter City Council President Magill

PLANNING COMMISSION VOTE: Approved 7-0 on August 24, 2017.

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

PUBLIC COMMENT: No one appeared for public comment.

MOTION: Council Member Sloop moved and Council Member Meyer seconded to approve a resolution of the City Council of the City of Steamboat Springs approving an application for a preliminary plat #PP-16-09, Lot 2, Campbell Subdivision, Filing No. 5.

Council Member Crossan stated that she voted for this item because other one passed.

The motion carried 6/0. City Council President Magill stepped down.

City Council President Magill returned to the meeting.

- 6. RESOLUTION: A resolution of the City Council of the City of Steamboat Springs approving an application for a preliminary plat #PP-17-04, Steamboat Powersports.**

LOCATION: TBD Copper Ridge Circle.

APPLICANT: JJ Cutler

PLANNING COMMISSION VOTE: Approved 6-1 on August 24, 2017.

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

PUBLIC COMMENT: No one appeared for public comment.

CONDITION:

1. A Final Plat consistent with PP-17-04 shall be recorded prior to any development.

MOTION: Council Member Crossan moved and Council Member Petis seconded to approve a resolution of the City Council of the City of Steamboat Springs approving an application for a preliminary plat #PP-17-04, Steamboat Powersports with condition 1.

The motion carried 7/0.

7. RESOLUTION: A resolution of the City Council of the City of Steamboat Springs approving an application for a development plan and final development plan #DPF-17-04, Steamboat Powersports.

LOCATION: TBD Copper Ridge Circle.

APPLICANT: JJ Cutler

PLANNING COMMISSION VOTE: Approved 7-0 on August 24, 2017.

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

PUBLIC COMMENT: No one appeared for public comment.

CONDITIONS:

1. The test track shall only be utilized by employees to test repairs and new builds of vehicles and shall not be used to demo products by the public.
2. The developer shall pay proportionate share of potential future intersection improvements at Downhill Drive/US40 intersection, calculated at 0.4% of current cost basis for intersection improvements (\$6,440,000) or \$25,760. Payment shall be submitted prior to issuance of a Building Permit.
3. The property shall be Final Platted prior to issuance of a building permit.
4. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Planning for review by Engineering, Planning, and City Utilities for review and approval prior to approval of building permit 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.
5. The following items are considered critical improvements and must be constructed prior issuance of CO.
 - a. Drainage infrastructure and Storm water quality features.
 - b. Driveway, and parking areas

MOTION: Council Member Crossan moved and City Council President Pro Tem Lacy seconded to approve a resolution of the City Council of the City of Steamboat Springs approving an application for a development plan and final development plan #DPF-17-04, Steamboat Powersports with conditions 1-5.

The motion carried 7/0.

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

8. Steamboat Springs Climate Action.

Ms. Sarah Jones, Yampa Valley Sustainability Council (YVSC), provided a PowerPoint presentation reviewing the following: purpose; global impacts; state and local climate impacts; warmer temperatures; fewer days of snowfall; flooding; drought; wildfires; impacts to the economy and the environment; climate impact; public health; addressing climate change; mitigating damage; reducing CO2; the need to do more; we are in this together as a state and communities.

City Council President Pro Tem Lacy stated that this could be an upcoming worksession topic.

Council Member Sloop noted the need to recognize that there could be budgetary impacts in terms of staff time for the compact.

Council Member Meyer wants to see what the City has done with the Green Team and studies. Also, how we would measure this and know we are successful.

Council Member Petis noted the urgency to schedule this on a worksession agenda.

PUBLIC COMMENT:

Ms. Diane Miller thanked Council for their time and encouraged local involvement.

Ms. Diane Brower stated that this is one of the most critical issues that humans are going to be dealing with and asked that Council consider this in the budget process.

Ms. Molly Huff, Smartwool, spoke to the importance of the outdoor recreation in the economy of our state. Many jobs are provided in the community and climate action is very important to these businesses. We need to take steps now to make sure tourism and the outdoor economy flourish.

Ms. Natalie Sattler urged Council to take action and invest in the future by participating in the compact.

Mr. Peter Arnold suggested that Council consider wind generation trees.

DIRECTION: Add to the worksession schedule.

9. Presentation of the Routt County Health and Human Services Plan.

Ms. Kate Nowak provided a PowerPoint presentation reviewing the following: five mission areas; basic needs outcomes; early childhood outcomes; youth outcomes; community safety outcomes; health outcomes; basic needs trends; early childhood trends; youth trends; community safety trends; health trends; basic needs goals; early childhood goals; youth goals; community safety goals; and health goals.

Discussion took place relative, but not limited to: 50% goal on C-CAP; and outreach and incorporation of the plan for nonprofits.

10. Presentation on the Local Marketing District (LMD) operating plan and budget.

Mr. Bob Milne provided a PowerPoint presentation reviewing the following: LMD structure; 2017/18 Winter flights; air program highlights; and air service costs.

Discussion took place relative, but not limited to: non contracted seats; increase in the management fee; if they will pursue reinstating the LMD tax; and Airbnb's collecting the LMD tax.

PUBLIC COMMENT: No one appeared for public comment.

11. Accommodations Tax Reserve Committee Recommendation.

City Council President Magill disclosed that his firm has been working on the ice rink project but they donated their services. He thinks he can be impartial. Council felt it was appropriate for City Council President Magill to remain seated.

Mr. Larry Mashaw provided a PowerPoint presentation reviewing the following: history of the Committee; members of the committee; meetings to date; call for projects with timeline; application requirements; project requirements; preferences; 14 proposals; narrowed list; and 3 semifinalists: Arnold Barn, Old Town Hot Springs (OTHS) expansion; and sports facility/ice arena; final vote to fund \$900,000 for multi-purpose facility/ice arena and \$286,000 to Arnold Barn; meeting minutes are on the website as well as video; and a thank you to all the process participants.

Discussion took place relative, but not limited to: the understanding that the money did not have to be spent; how the Arnold Barn drives tourism; the Barn being a urban renewal authority (URA) project; and the OTHS fundraising goal.

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Ms. Arianthé Stettner, Save the Arnold Barn, stated they wanted to separate the preservation and relocation from the entire URA project. The Steamboat Ski & Resort Corporation (Ski Corp.) owns the barn and has agreed to maintain it at the current location for two years. After which they can dismantle it so there is urgency. She stated that this community celebrates its barns and people will use the Arnold Barn as a wayfinding tool and it is a great landmark.

Mr. Rich Lowe, OTHS, stated that whether people are coming here for an event or a mountain vacation, 63-65% say that their amenities are important to their decision to come here. He stated that they had 80,000 visitors last year and that they have 7,000 members and 40 years' worth of data.

Mr. Kerry Shea with the multi-use sports facility stated that this is not a new project. It has been identified in three different master plans and was endorsed by the Parks and Recreation Commission. More events like tournaments are motivating factors to come here and the facility can be used for baseball, soccer and lacrosse in addition to hockey and figure skating. He spoke to the core elements of the project and noted that they have one private donor who is looking for a level of commitment from the City. They have confidence in the projected numbers which include maintenance needs.

GENERAL PUBLIC COMMENT

No one appeared for General Public Comment.

PUBLIC COMMENT:

Mr. Jim Hanson, Yampa Valley Youth Baseball, stated that they are excited about this partnership. The facility will drive tourism and be a great benefit.

Ms. Celina Taylor, Figure Skating Director, spoke to how much the figure skating program and learn to skate programs have grown and that this facility would provide opportunities to have skating camps.

Mr. Jack Trautman loves the idea of an enlarged rink but is concerned with maintenance costs. It is the right thing to do but the Howelsen Hill Master Plan needs to be completed that takes all these things into account. He does not think it is the right year to fund it. The OTHS does a lot for the community but the water and hot springs are the driver there.

Mr. Ernie Thiel, High School Hockey Coach, stated that this community lacks in teaching kids team sports because we do not have the facility to do that.

Mr. Brian Ripley, Director of Hockey, stated that tournaments bring people here in the off season and we need more ice time to expand these tournaments.

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Ms. Debbie Aragon, OTHS Board, stated that they are prepared to handle the maintenance issues and can start their project in 2018. OTHS attracts a wide range of age groups and people come for the springs and the water.

Mr. Rich Levy stated that the Arnold Barn already exists and does not add to tourism. The water at OTHS attracts people but that is not part of their proposal. The ice rink will drive new tourists but he is concerned with the maintenance costs. He stated that the tax was approved for trails and core trail extension and he asked that Council consider saving or reallocating the money.

Mr. Brent Pearson, Pee Wee Hockey, stated that they have a fund to cover maintenance costs and that the roof life is much longer than what they stated.

Mr. Peter VanDeCarr, Ice Rink Advisory Committee member, stated that this community proven to be successful at building and fundraising for ice.

Ms. Ilene Allen stated that she did an informal survey and the people she talked to said the pool drives tourism and should get money.

Ms. Emily Katzman, Historic Routt County, spoke to Steamboat Springs' historical brand and that we have an iconic feature for a brand. This differentiates us from other places and creates a sense of place. This is a shovel ready project with no maintenance burden to the City.

Mr. Kelly Colfer stated that this is not just about ice; he is excited to have baseball batting cages.

Council Member Petis asked if the Barn will be getting URA money versus 2A money. She is struggling with what we fund or if we fund. There is a huge price tag on Howelsen Hill and the core trail needs to be expanded. She likes all three projects; they are all worthy.

City Council President Magill stated that he struggles with the price of the Arnold Barn and does not think it will increase tourism. Also, he does not think it falls under the ballot language. He supports giving \$386,000 to OTHS and the rest to the sports facility.

Council Member Meyer stated that this is a matter of drivers versus satisfiers and this should be seed money that perpetuates additional tourism. There will probably be \$250,000 more next year. She noted that other multipurpose facilities in the State have been very successful and the matching donor is very compelling. She is not convinced that the barn is shovel ready and feels that there will be money in the future to do all 3. She likes City Council President Magill's suggestion, giving most of the money to the second sheet of ice/spot facility and the rest to OTHS; funding the barn next year.

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Council Member Ford stated that the OTHS is valuable asset and the improvements from the funding may incrementally drive additional visitors but not significantly. The barn has been in the URAAC plan and the URA is generating more than enough money to fund the barn. The sports facility will have the ability to drive more and larger tournaments.

City Council President Pro Tem Lacy agrees with Council Member Ford's comments on the barn and OTHS, the growth would be incremental. He is struggling to see that the barn is really a driver and the URA funding is there. The sports facility shows potential for tourism increase, however he struggles with operations and maintenance. He would like to take the time to dive into the numbers and assumptions for the sports facility before the final vote. He would support putting most of the money to the sports facility after looking at the numbers.

Council Member Crossan stated that we can't maintain what we have so to add something new is concerning and agrees with City Council President Pro Tem Lacy about looking at the numbers. The barn should be able to be funded by the URA. She thinks that the sports facility drives tourism more than any of the projects but is concerned that we don't have a plan for Howelsen Hill yet. If we wait we might find other things that we need to address in the Howelsen Hill complex. The core trail needs some money as well; it is the #1 attraction according to the community survey.

Council Member Sloop agrees with City Council President Pro Tem Lacy on getting the numbers, that the barn will get funding from the URA and likes the idea of splitting the money with OTHS. The igloo is a big part (could it be a part of this facility); we need to figure out if we will have a building and if we will continue to provide these services anymore.

Council Member Petis agrees with Council Member Sloop that we need to decide on the Igloo first and agrees with City Council President Pro Tem Lacy that we need to "dive into" the numbers. We also still need the Howelsen Hill Master Plan. She suggested splitting the money between the ice rink and current City projects.

MOTION: City Council President Magill moved and Council Member Meyer seconded take the Committee recommendation modified to fund \$900,000 to the sports facility and \$286,000 to OTHS; Council Member Meyer: **FRIENDLY AMENDMENT:** subject to review of the proforma.

Council Member Crossan wants to wait.

Vote 4/3. Council Members Petis, Sloop and Crossan opposed.

12. Brynn Grey- Roads/Traffic Study.

David O'Neil, Melissa Sherburne and Bill Fox were present.

Ms. Sherburne spoke to Fox's background and the unit mix concept. Mr. Fox spoke to traffic impact study key findings.

Mr. O'Neil would like to focus on the improvements where there is a nexus with West Steamboat Neighborhoods (WSN) and noted that the plan is to pass the impact fee on each market unit.

City Council President Pro Tem Lacy voiced concern that there was no proposal in the packet.

Council Member Meyer is concerned with the timing because there aren't many market units in the first phase.

City Council President Magill noted that there was no school site or commercial parcel identified.

Mr. Snyder provided a PowerPoint presentation reviewing the following: intersections and road segments without Gossard parkway; and with Gossard parkway; WSN traffic contribution; offsite infrastructure prioritization (included in WSN evaluation); administration responsibility; omitted offsite transportation related infrastructure; points of discussion; and point of clarification.

Discussion took place relative, but not limited to: The Colorado Department of Transportation's plan for US 40 downhill drive improvements and sidewalks; secondary access;

Staff's points of clarification:

1. Should the applicant be asked to fund their proportionate share of:
 - None
 - Some, or
 - All of the anticipated road segment improvement and intersection improvement costs?

Unresolved.

2. Should an alternate impact mitigation methodology be considered? If so, what alternative ideas does Council have?

Council was okay with the proposed method.

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3. Are there any offsite transportation infrastructure costs not included in the current WSN evaluation (see slide 8) that Council believes should be included?

No.

4. What should the timing, or phasing, of any payments from the applicant to the City be?

This item is pending, O'Neil to make a proposal.

5. Should costs and/or payments be indexed according to an inflationary factor?

Yes.

6. Does Council have any thoughts on the timing of the Gossard Parkway connection? Or the structure for administration of that project at such time that the connection may be required?

Phase 2.

7. Does Council want to have staff move forward with exploring potential grant opportunities and partnerships with WSN for the multimodal improvements near the "front door"? What should WSN minimum commitment be in this partnership? In the event that a grant award is unsuccessful, should WSN minimum commitment be increased?

Yes.

8. What should WSN contribution be to multimodal improvements not based on traffic generation?

25% of the pedestrian underpass and connection to Snow Bowl Plaza. There was no comment on the Elk River Road and Downhill Drive segment improvements.

Council Member Sloop really needs to see the numbers. City Council President Pro Tem Lacy was expecting more detail tonight.

Mr. Suiter noted the need an annexation agreement which would include many of these details.

Mr. O'Neil suggested that the next step be a side by side comparison to see how far apart we are before the annexation agreement.

PUBLIC COMMENT:

Mr. Bill Jameson stated that the Council has been negotiating against self for 16 months. He urged Council to apply the code.

13. Potential Land Donations/Swaps.

DIRECTION: Arts Council Caboose Land Donation: alternative 2; Gossard upper lots donation/Yampa Valley Land Trust building lease: alternative 2; Rotary River Park and Emerald Park Fishing only conservation easement with the Colorado Division of Wildlife: alternative 1.

14. Igloo Discussion.

Council Member Sloop stated that the numbers provided in the packet are not for what services are provided throughout the year.

Staff needs direction on the following: do we want the building, do we want the programs, and do we put it out to bid?

Council Member Petis stated that the summer programs are in demand.

Council Member Sloop supports the programs but not the building and supports doing a bid.

Ms. Wolf stated that the previous State environmental health inspector stated that we were out of compliance in several areas, however there was a different inspector this year who did not cite any of the same things. She stated that the building is safe.

Council Member Crossan stated that there is land and lots of people with needs. She would like to pull together stakeholders/interested parties to see who can do what? Maybe it could be located at the multi-use facility, or the Boys and Girls Club or Christian Heritage.

City Council President Pro Tem Lacy does not think the facility makes sense at that site and agrees with the need to find partners for a comprehensive solution.

Council Member Meyer agreed that we may end up finding a facility that already exists through reaching out to partners.

Council Member Ford agreed. He noted the need for a deadline for the end of the Igloo so there is impetus.

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MOTION: Council Member Ford moved and City Council President Magill seconded to not move forward with funding the new Igloo facility.

Council Member Petis noted the need to keep the programs that we have.

The motion carried 7/0.

Discussion commenced on programming and whether the \$500,000 could be used to solve the current programming, keeping it alive in a different place.

PUBLIC COMMENT:

Mr. Chuck McConnell does not think this is a true function of City government.

Ms. Dana Duran, Boys and Girls Club, stated that there may be an opportunity to address these needs as well as a permanent home for the Club. Their location is uncertain and Howelsen Hill may be a good place.

Mr. Peter Arnold stated that this is an opportunity to engage partners.

City Council President Magill would like to look at the previous plans for a teen center and form a coalition to bring partners together. Council Members Sloop and Crossan will be Council representatives. Council Member Petis noted the need for the quickest method. Council Members Sloop and Crossan to meet with Overstreet.

CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

- 15. RESOLUTION: A resolution accepting the Routt County Health and Human Services Plan 2018-2021.**

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

- 16. RESOLUTION: A resolution approving the 2018 Local Marketing District Operations Plan and budget for the year 2018.**

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

MOTION: Council Member Sloop moved and City Council President Pro Tem Lacy seconded to approve items 15-16 of the Consent Calendar.

The motion carried 7/0.

17. **FIRST READING OF ORDINANCE:** An ordinance approving a lease agreement at Howelsen Ice Arena, and providing an effective date and setting a hearing date.

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

City Council President Pro Tem Lacy stepped down.

MOTION: Council Member Sloop moved and Council Member Meyer seconded to approve an ordinance approving a lease agreement at Howelsen Ice Arena, and providing an effective date and setting a hearing date.

The motion carried 6/0. City Council President Pro Tem Lacy stepped down.

City Council President Pro Tem Lacy returned to the meeting.

PUBLIC HEARING: MOTIONS, RESOLUTIONS AND ORDINANCES

18. **SECOND READING OF ORDINANCE:** An ordinance adopting the International Building Code, 2015 edition, including Appendix Chapters C and J; International Residential Code, 2015 edition including Appendix Chapter E; International Existing Building Code, 2015 edition; National Electrical Code; International Mechanical Code, 2015 edition; International Energy Conservation Code, 2015 edition; International Plumbing Code, 2015 edition; International Fuel Gas Code, 2015 edition; all regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use height, area and maintenance of all buildings or structures, and building service equipment; repealing all conflicting ordinances; providing for severability; and providing an effective date.

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

PUBLIC COMMENT:

Mr. Rich Levy asked that Council reinstitute the blower door test requirement.

Council Member Petis stated that the test is only \$250; she is confused as to why it wasn't included.

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MOTION: Council Member Crossan moved and Council Member Petis seconded to approve the second reading of an ordinance adopting the International Building Code, 2015 edition, including Appendix Chapters C and J; International Residential Code, 2015 edition including Appendix Chapter E; International Existing Building Code, 2015 edition; National Electrical Code; International Mechanical Code, 2015 edition; International Energy Conservation Code, 2015 edition; International Plumbing Code, 2015 edition; International Fuel Gas Code, 2015 edition; all regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use height, area and maintenance of all buildings or structures, and building service equipment; repealing all conflicting ordinances; providing for severability; and providing an effective date and including the testing blower door test requirement.

Council Member Meyer does not support the motion because the test is required with 2 of the 3 methods.

Council Members Magill and Sloop agree.

The motion carried 4/3. Council Members Sloop, Meyer and Magill opposed.

19. RESOLUTION: A resolution approving conceptual development of Rita Valentine Park as a dog park in the City of Steamboat Springs.

MOTION: Council Member Crossan moved and Council Member Petis seconded to postpone this item to October 10, 2017.

The motion carried 7/0.

20. RESOLUTION: A resolution approving the service plan for Riverview Metropolitan District.

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

Mr. Gibbs stated that staff supports the proposal.

City Council President Magill asked when they will begin the improvements. Mark Scully stated that it is the same plan as the PUD that was approved.

PUBLIC COMMENT: No one appeared for public comment.

MOTION: Council Member Meyer moved and Council Member Crossan seconded to approve a resolution approving the service plan for Riverview Metropolitan District.

The motion carried 7/0.

PARKS AND RECREATION COMMISSION REPORT

No report was provided.

PLANNING COMMISSION REPORT

No report was provided.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

- 21. FIRST READING OF ORDINANCE: An ordinance vacating the westerly 10-foot utility easement located on Lot 2, Campbell's Subdivision, Filing No. 5, and providing an effective date and setting a hearing date.**

City Council President Magill stepped down.

City Council President Pro Tem Lacy read the ordinance title into the record

MOTION: Council Member Meyer moved and Council Member Sloop seconded to approve an ordinance vacating the westerly 10-foot utility easement located on Lot 2, Campbell's Subdivision, Filing No. 5, and providing an effective date and setting a hearing date.

The motion carried 6/0. City Council President Magill stepped down.

City Council President Magill returned to the meeting.

REPORTS

22. City Council

Council Member Crossan stated that they had a positive meeting this week with the Winter Sports Club on the joint use agreement. They will bring back the supplement to the agreement next month.

23. Reports

a. Agenda Review:

- 1. Regular Meeting October 3, 2017.**
- 2. Regular Meeting October 10, 2017.**
- 3. Special Meeting October 17, 2017.**
- 4. Regular Meeting October 24, 2017.**
- 5. Tentative Worksession Schedule.**

Council reviewed the above agendas.

24. Staff Reports

a. City Attorney's Update/Report.

1. 1125 Lincoln Court Order.

Council Members Ford and Lacy stepped down and left the meeting.

Council Member Petis supports the Executive Session; Council needs to know the legal consequences.

Council Member Sloop does not support the Executive Session.

b. City Manager's Report.

Mr. Suiter provided a written report. He further acknowledged Jason Weber for reaching out and making the vehicle donation to Port Arkansas Texas happen. Also kudos to Brian Ashley and Pat O'Connor for their frugal and innovative work on the fiber optic bore from the Public Works Shop to Transit project, with a savings to the City.

Asked if Council is interested in pursuing an offer for a long term lease for the Pilot Building. **UNANIMOUS CONSENT:** No.

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)(b) Conferences with an attorney for the local public body for the purpose of receiving legal advice on specific legal questions. This item pertains to the 1125 Lincoln court order and whether the City should appeal.

MOTION: Council Member Petis moved Council Member Crossan seconded to go into Executive Session for the reason set forth above.

The motion carried 4/1. Council Member Sloop opposed. Council Members Ford and Lacy stepped down.

The Executive Session concluded at 11:05pm.

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Persons attending the Executive Session: Council Members Magill, Petis, Crosson, Meyer, Sloop, Mr. Foote and Mr. Suiter.

City Council President Magill 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.

Mr. Foote stated that the question is whether to challenge Judge Hill's order. If so there are two routes. There is a procedural issue or a direct appeal to the Court of Appeals. There are a few loose ends tie up before either course of action.

City Council President Magill would like to pursue the procedural issue.

Council Member Petis reminded that this is not about the project and stated that she would like to amend the code to make it specific about variances and speak to attainable housing, which is not in the code. She does not support the appeal.

Council Members Sloop, Meyer and Crossan do not support the appeal.

Does Council want to pursue the procedural avenue?

MAJORITY CONSENT: No.

Council Member Petis noted the need to clarify the difference between "special" and "unique" circumstances (make sure that special does not mean unique).

ADJOURNMENT

MOTION: Council Member Meyer moved and Council Member Sloop seconded to adjourn at approximately 11:15pm.

The motion carried 5/0. Council Members Lacy and Ford stepped down and left the meeting.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES
Regular Meeting NO. 2017-25
Tuesday, September 19, 2017

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin

Julie Franklin, CMC
City Clerk

APPROVED THIS 10th DAY OF October, 2017.