

# AGENDA ITEM #21a.

## CITY OF STEAMBOAT SPRINGS

Regular Meeting NO. 2016-24

Tuesday, December 13, 2016

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

Staff Members present: Gary Suiter, City Manager; Tyler Gibbs, Director of Planning and Community Development; Kim Weber, Director of Financial Services; Sabrina James, Deputy City Clerk; John Overstreet, Director of Parks and Recreation; Chuck Anderson, Director of Public Works; Dan Foote, City Attorney; Cory Christensen, Chief of Police; Winnie DelliQuadri, Assistant to the City Manager; Mel Stewart, Fire Chief; Shelly St. Pierre, Interim Director of General Services; Jennifer Bock, Staff Attorney; and Annette Doplick, Police Commander.

### **PLEDGE OF ALLEGIANCE**

### **JOINT CITY COUNCIL/COUNTY COMMISSIONER**

Commissioners present: Monger, Hermacinski and Corrigan.

#### **1. Community Housing Steering Committee Presentation.**

Mr. Dan Pirrallo, Steamboat Springs Chamber Resort Association, introduced the individuals that volunteer on the Steering Committee which was commissioned in March 2016. Individuals that volunteer to be on the Steering Committee: Jason Peasley, Yampa Valley Housing Authority; Sheila Henderson, Human Resource Coalition; Doug Monger, Routt County Commissioner; Kathi Meyer, City Council; Roger Ashton, Yampa Valley Housing Authority Board; Charlie MacArthur, Native Excavating; Angela Ashby, Steamboat Springs Board of Realtors; Tom Fox, Fox Construction, and Sonja Fidler, Yampa Valley Medical Center.

Mr. Pirrallo provided a PowerPoint presentation reviewing the following: the housing market in Routt County. He noted that the Steering Committee recommends the following solutions to help support the demand of housing: Funding - Establish a funding committee to establish a permanent funding source to support the Yampa Valley Housing Authority (YVHA); Planning and Zoning Process - Create a process to amend the codes review process and review timeline to facilitate the housing supply; Public Works Infrastructure - Fund and construct infrastructures to support future development in the Urban Growth Boundary;

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Transportation and Infrastructure - Invest in the roadways for transportation and create additional transportation options for the increased demand for transportation.

Council Member Crossan asked if there was any data on the second homes and how often they are occupied and if there could be any incentive to the homes used instead of sitting empty. Mr. Pirrallo stated that he did not think there was a way to incentivize homeowners to allow that for housing.

Commissioner Corrigan voiced concern with making changes in the code for safety reasons.

Commissioner Hermacinski asked how the Committee wanted the Commissioners and City Council to address these issues. Mr. Pirrallo suggested they take the recommendations back to their meetings and discuss how they can help and support the recommendations.

City Council President Magill believes a Funding Committee is a great idea.

**PUBLIC COMMENT:**

Ms. Jody Acres stated that she has friends that have had to leave Steamboat because of the lack of affordable housing. She believes that there should be a little more emphasis on the locals and not just on the Ski Corporation workers. She also noted that she lives on Buena Vista Court and would like to make suggestions on snow storage and parking. City Council President Magill noted that that discussion will be on the January 17, 2017 agenda. **DIRECTION:** City Manager to have Public Works staff to look into the snow storage on Buena Vista Court.

Mr. Tom Clacky stated that Steamboat is a wonderful, but difficult place to live. He asked that the City follow up on the parking issues and code enforcement.

Ms. Angela Ashby encouraged City Council and the County Commissioners to talk to all the people who worked on putting this report together and tap into the knowledge that they have to assist in moving forward.

Ms. Sarah Jones, Yampa Valley Sustainability Council, thanked City Council and the County Commissioners for addressing these issues. She asked that when looking at building affordable housing they not neglect energy efficiency.

Mr. Tyler Goodman believes a Funding Committee is a great idea.

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Mr. Jeff Pettis asked City Council and the County Commissioners to take the lead on the great ideas and opportunities that were presented tonight. He suggested the City Council approve the memorandum of understanding (MOU) that Brynn Grey is proposing later this evening.

Mr. David Josfan stated that it is very difficult to build affordable units because of all the fees and regulations. Mr. Josfan asked the Commissioners and Council to help out with the fees and strict regulations and also asked for more bus trips to and from Hayden and Craig to help out with transportation.

Mr. Ulrich Salzburg stated that we are “behind the curve” with respect to affordable housing and something needs to be done now. There are a lot of people that are here to help.

Discussion took place relative, but not limited to: funding; processes; programs and how to move forward.

Council Member Meyer suggested looking at future agendas to have a discussion on the recommendations that were given in the report to come up with a plan.

Council Member Crossan agrees with Council Member Meyer. She said that something needs to be done to keep the vibrancy of young people in our community and to keep our community growing.

City Council President Pro Tem Lacy stated that the issues are difficult, because of the funding obstacles and Council is going to have to get serious about how to fund these issues. He agrees with Council Member Meyer on having a works session in January to discuss this. Council Member Ford also agreed with this.

Commissioner Hermacinski stated that she would like to have a joint meeting in February to discuss the solutions that group has presented.

Commissioner Corrigan stated that he would like the Commissioners to address how to incentivize public transportation.

Council Member Connell stated that wages need to be higher and we invest in people.

City Council President Magill stated that Council will get back to the Committee at a later date to give their recommendations.

**COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:**

**2. West Steamboat Neighborhoods Revised MOU.**

Mr. David O'Neill and Ms. Mellissa Sherburne with Brynn Grey Partners gave a presentation on the revised MOU pre-annexation agreement. Mr. O'Neill asked Council to direct Mr. Suiter to sign the nonbinding MOU so that the project can move forward.

Council Member Connell asked why they felt that putting a limit of 52 units a year in the MOU would be in Brynn Grey Partners best interest.

Mr. O'Neill said that 52 units a year is a predictable range.

Council Member Connell stated he really appreciated the commercial element of the plan. He asked if in their other developments the contribution for transportation or that infrastructure is often some kind of bonding or some kind of upfront or some kind of extra sales tax in that area which helps pay for the infrastructure. He asked if that is the model they used in Frisco.

Mr. O'Neill stated Frisco had a different situation.

Council Member Meyer asked if they have planned on meeting with other boards and commissions that would have input, like Planning and Parks and Recreation. Mr. O'Neill stated they have not. They will touch base with other stake holders prior to pre-annexation. Council Member Meyer stated that it would be better to touch base with the other commissions sooner than later.

Council Member Crossan asked about the 80% of the homes being for locals, with "locals" meaning a 30 hour work week in Routt County. She asked about location neutral or retired individuals that have worked here but are now retired.

Mr. O'Neill stated that there is a whole month set out for housing discussion and that the council would help Brynn Grey Partners lay out bench marks for the location neutral and retirees.

Council Member Connell stated that staff estimated 190 hour for the \$10,000 written in the MOU. He asked Mr. O'Neill if that is a correct estimate and Mr. O'Neill agreed that was correct.

**PUBLIC COMMENT:**

Mr. Kevin Sanky stated that Brynn Grey has reached out to the community and he is impressed that they took the time to learn about the community.

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Mr. Jim Boylan encouraged Council to move forward with the MOU.

Mr. Matt Lyat stated that the gates cannot be closed to Steamboat. He has met with Mr. O'Neill and Ms. Sherburne and they are level headed and goal orientated. He encouraged Council to move forward and adopt the non-binding MOU.

Mr. Bill Jameson suggested that Council listen to the whole community and not just the "cheerleaders". He believes that the MOU time schedule needs to be addressed and revised. The water issues need to be looked at and Council needs a longer time frame to address the issues.

Mr. Tyler Goodman stated that there are a lot of people in the community that are in support of this and are looking for leadership from Council.

Ms. Angela Ashby stated that we have a shortage of housing supply and she believes that we owe it to Brynn Grey Partners to support the MOU. She encouraged anyone that has questions or concerns to go visit the site. Let's work together as a community and not make this such a cumbersome process.

Ms. Sheila Henderson stated that any supply would be helpful, because the trickle down affect is helpful.

Ms. Carol Davidson stated that she works at Smartwool and that qualified people who have applied to work at Smartwool can't move to Steamboat because they cannot afford the housing.

Mr. Jeff Pettis suggested that the Community housing fund could help pay if the discussion goes over the suggested time table.

Cedar Beauregard cautioned Council that not one developer or property is going to solve the housing problem.

Council Member Sloop asked Mr. Gibbs if the \$10,000 for staff time is going to cover 190 hours' worth of work. Also it may not take 190 hours. Mr. Gibbs stated that it is a blended rate of staff time.

Council Member Sloop asked Mr. O'Neill if it is possible to assess monthly what costs are rather than "writing a blank check" for \$10,000. She is concerned with going over that amount and the City paying money that is not budgeted.

Mr. O'Neill stated that the blank check shows commitment.

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City Council President Pro Tem Lacy believes that this is a great opportunity and it is a non-binding MOU which makes it easier. He would like the \$10,000 up front and would like to move forward.

Council Member Connell supports moving forward. He feels that Brynn Grey did listen to what Council asked for.

Council Member Meyer voiced concern that the \$10,000 may be a deal breaker. Will Brynn Grey have “deep pockets” when the bigger issues come up like infrastructure and water?

Council Member Crossan supports the MOU and she believes that this is a great opportunity for the City to move forward.

Council Member Ford stated he has confidence in this developer to move ahead.

**MOTION:** Council Member Crossan moved and City Council President Pro Tem Lacy seconded to approve the MOU as written.

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

**PUBLIC COMMENT:**

Mr. Cedar Beauregard commented on the issues when Walgreens was built. The evergreen tree removed from the tree ordinance and the 10% rule for infill. He would like City Council to revisit those two issues when looking at development. He also wanted to be there for the goat ordinance.

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

3. **FIRST READING OF ORDINANCE: A ordinance revising Revised Municipal Code Sections 4-2, 4-3, 4-4, 4-5, 4-7, 4-9, 4-10, 4-10.2, 4-11, 4-12, 4-15, 4-18, 4-19, 4-20, 4-22, and 4-23 of the Animal Code; providing an effective date and repealing all conflicting ordinances.**

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

**PUBLIC COMMENT:**

Ms. Maggie Smith, Routt County Humane Society, thanked everyone for working so hard on the ordinance.

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Ms. Alexis Pagoulatos with Routt County Humane Society (RCHS) spoke to two issues. The first is the contract with the City and noted that it does not include livestock. The contract with the City states that they serve all companion animals, this does not include livestock, wildlife or exotic animals. The concern is that the pigs would be considered a companion animal and not livestock. The second issue is all animal shelters and other animal facilities are required to follow the Department of Agriculture's Pet Animal Care Facilities Act (PACFA). PACFA is a licensing and inspection program dedicated to protecting the care and wellbeing of the animals. The Humane Society is required to be in compliance with PACFA per the contract with the City. Per the PACFA requirements different species are required to be housed in different rooms. Pigs would be required to be in a large kennel like the ones that are used for dogs but dogs and pigs can't be housed in the same room. The current building only has one kennel area and cannot accommodate pigs when dogs are present. If the ordinance passes, the contract will need to be amended to state that the Animal Shelter located at 760 Critter Court only include traditional companion animal species and not animal species traditionally considered livestock or wildlife. They would also like to make a small amendment to section 40-20(a) and omit the word nonrefundable in regard to animal being adopted. They do offer a five day refundable return policy.

Ms. Sarah Katherman voiced concern with section 4.10.2, unattended animals. She feels that as that section is written it might create some issues in the community. She asked that Council consider changing the wording to allow short stops, so people can leave their dogs tied outside of a building for a short time period.

Ms. Kathy Connell is in full support of the proposed changes in the ordinance. Any changes can be addressed in between first and second reading.

City Council President Magill struggles with the way the ordinance is currently written. He believes that domestic pigs should be discussed separately. He would like pigs removed from the ordinance.

Council Member Ford feels they are getting close to moving forward with this ordinance.

Mr. Christensen stated that he would agree with the issues the Humane Society has voiced. He does not have any concerns with how the ordinance is written.

Council Member Connell asked Mr. Christensen if there was a plan in place if there was a "pig at large" where would it be taken, because it cannot go to the Humane Society. Mr. Christensen stated that they are sensitive to the PACFA rule and they will find accommodations if they have a pig at large.

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Council Member Meyer voiced concern with leash length (unlimited length). Mr. Christensen stated that it is the responsibility of the dog owner.

Council Member Crossan asked Mr. Foote if the City would be held liable if something happened with an animal that is on a leash when the ordinance states unlimited length. Mr. Foote stated no.

Ms. Alexis Pagoulatos stated that there are licensing implications for licensing goats and pigs for instance vaccinations. RCHS does not currently have a system that would be able to license goats and pigs and that would fall back on the City.

**MOTION:** Council Member Ford moved and Council Member Crossan seconded to approve the first reading of an ordinance revising Revised Municipal Code Sections 4-2, 4-3, 4-4, 4-5, 4-7, 4-9, 4-10, 4-10.2, 4-11, 4-12, 4-15, 4-18, 4-19, 4-20, 4-22, and 4-23 of the Animal Code; providing an effective date and repealing all conflicting ordinances. City Council President Pro Tem Lacy made a **FRIENDLY AMENDMENT** to the motion that between first and second reading staff work out the contractual issues with Routt County Humane Society in regard to PACFA and deleting nonrefundable out of 40-20(a).

The motion carried 6/1. City Council President Magill opposed.

**PUBLIC HEARING: MOTIONS, RESOLUTIONS AND ORDINANCES**

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

**PUBLIC COMMENT: PUBLIC COMMENT WILL BE PROVIDED AT 7 P.M., OR AT THE END OF THE MEETING, (WHICHEVER COMES FIRST).**

Mr. Cedar Beauregard spoke to the “tree ordinance” and that the Evergreen tree has been removed from the ordinance. He also spoke to the “10% rule” with infill.

**PARKS AND RECREATION COMMISSION REPORT**

No report was provided.

**PLANNING COMMISSION REPORT**

No report was provided.

**CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:**

4. **PROJECT:** WS-16-01 Original Town of Steamboat Springs, Block 10, Lot 1.  
**PETITION:** A variance to the 50' waterbody setback.  
**LOCATION:** TBD Pine Street.  
**APPLICANT:** Carol Finnoff Corporation  
**PLANNING COMMISSION VOTE:** Approved 7-0 on November 17, 2016.

City Council President Magill stepped down.

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

**MOTION:** Council Member Meyer moved and Council Member Sloop seconded to approve the variance to the 50' waterbody setback for Original Town of Steamboat Springs, Block 10, Lot 1.

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

City Council President Magill returned to the meeting.

**PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

5. **APPEAL:** DP-16-10 Buena Vista Chalet.  
**PETITION:** Conditional use to convert duplex to 4 unit multiple-family building.  
**LOCATION:** 514 & 516 Buena Vista Court.  
**APPLICANT:** Loren Buntrock and Ann Barbier  
**PLANNING COMMISSION VOTE:** Denied 5-2 on November 17, 2016.

*Staff is requesting this item be postponed to the January 17, 2017 Council meeting.*

Ms. Bessy noted that the projects need to be postponed because an applicant was not available.

**MOTION:** City Council President Pro Tem Lacy moved and Council Member Ford seconded to postpone items 5-7 the January 17, 2017 Council meeting.

The motion carried 7/0.

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6. **APPEAL:** DP-16-12 Christine Townhomes at Buena Vista Court.  
**PETITION:** Conditional use to convert duplex to 3 unit multiple-family building.  
**LOCATION:** 508 & 506 Buena Vista Court.  
**APPLICANT:** Jan Kusy  
**PLANNING COMMISSION VOTE:** Denied 6-1 on November 17, 2016.

*Staff is requesting this item be postponed to the January 17, 2017 Council meeting.*

See above motion.

7. **APPEAL:** DP-16-13 Buena Vista Villa Townhomes.  
**PETITION:** Conditional use to convert duplex to 3 unit multiple-family building.  
**LOCATION:** 518 & 520 Buena Vista Court.  
**APPLICANT:** Jody Corey  
**PLANNING COMMISSION VOTE:** Denied 4-3 on November 17, 2016.

*Staff is requesting this item be postponed to the January 17, 2017 Council meeting.*

See above motion.

**REPORTS**

8. **City Council**

No written reports were provided.

City Council President Magill voiced concern with a section of sidewalk missing on Highway 40 from the bus stop going to the Iron horse. He suggested talking to The Iron Horse buyer to see if they want to add it or if Council should look at it as a public improvement.

Council Member Connell stated that he and Council Member Crossan talked to them about adding a sidewalk and they did not see the benefit. They also talked to the other businesses on Highway 40, and they were not 100% on board.

City Council President Magill noted there was a Nordic Combine event on Howelsen on the weekend and thanked the Parks and Recreation Department staff for all their work.

City Council President Magill suggested that the Planning Commissioners get iPads to save on staff time and paper waste. Council Member Meyer stated that the only problem is getting the big drawings on the iPad is hard to read, but maybe a few Planning Commissioners would like to test it out. Council Member Connell believes that using iPads would help with sustainability goals. Mr. Suiter stated that Mr. Gibbs had talked to the Planning Commissioners about using the iPads and they did not reach consensus. He added that there are a few individuals that are willing to try the iPad and he suggested offering it to them.

**9. Reports**

**a. Agenda Review:**

- 1. Regular Meeting January 3, 2017.**
- 2. Special Meeting January 10, 2017.**
- 3. Regular Meeting January 17, 2017.**

Council reviewed the above agendas.

**10. Staff Reports**

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

- 1. Open Records Request, November 15, 2016 Executive Session.**

City Council President Pro Tem Lacy stepped down.

Mr. Foote stated that ordinarily this discussion would not be disclosed but there is a disagreement on the discussion. City Council President Magill stated that he is in favor of the releasing the Executive Session transcript to the Newspaper, but he does not want to set a precedent of doing this.

Council Member Connell stated that there is a reason that the Colorado Statue States allow Executive Session and do not require their release. He also does not want this to be a precedent.

**MOTION:** Council Member Ford moved and Council Member Connell seconded to approve releasing the November 15, 2016 Executive Session transcript.

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

City Council President Pro Tem Lacy returned to the meeting.

**b. City Manager's Report.**

Mr. Suiter provided a written report. He further noted that the City was notified that the \$50,000 supplemental grant was not funded. He also noted that Council Member Meyer is going on a "ride along" in the Transportation Supervisor's car on New Year's Eve.

Mr. Beall gave an update on the Downtown Improvements.

Council Member Sloop asked about original costs with the project bids, what the specific change orders were, what has been spent to date, and the percent completion.

Mr. Beall stated that he is going to meet with Mr. Suiter and Mr. Anderson about the Capital Improvements Program (CIP) expectations. Council Member Sloop gave her personal expectations that she would like to see the bid tab. She stated that Council is not micromanaging; she wants this information so that if asked by the public she can answer the questions with the correct information.

Council Member Sloop asked about lighting and Yampa Valley Electric Association (YVEA). Mr. Beall stated that they are in constant contact with Yampa Valley Electric about the lighting issues. He provided a Yampa Street update including Phase I that is complete and incomplete street lighting.

Mr. Suiter stated that this is an evolving discussion on the lighting issues. There is a follow up meeting on the 24th with YVEA and the City.

Council Member Sloop asked Mr. Beall if he is going to have a discussion with Duckles Construction about the second phase and if there is going to be a time when the City "pulls the plug" and bids it out again. She asked what his time frame is for that. Mr. Beall stated that he plans on discussing the issues with Duckles. He said that they are looking at Mid-January to see where they stand.

Council Member Sloop asked if the Blakely representative is going to stay on or if the City will be using the new hired Public Relations Manager. Mr. Beall stated that they plan on keeping Blakely for next year. Council Member Sloop asked why and for how much?

Mr. Suiter stated for a large project like Yampa Street and the Downtown Improvement project and the millions of dollars that the City is putting into that, he believes it is an investment in the project and the community to keep getting the information out. Blakely has spent a good amount of time resolving a lot of problems. He said that he understands it is a lot of money, but public relations is not cheap.

City Council President Magill asked where we are overall on the \$11 million spent. Mr. Beall stated that they are still on budget for the project.

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Mr. Beall stated that he understands that Council would like more information from them as they go through the process so that Council has their “finger on the pulse” of how the project is moving along and what issues may arise.

Council Member Crossan asked that Mr. Beall keep Council better informed of the project so that they have all the information for when issues arise they are not surprised.

**ADJOURNMENT**

**MOTION:** Council Member Sloop moved and Council Member Meyer seconded to adjourn at approximately 9:30pm.

The motion carried 7/0.

**MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:**

Julie Franklin, CMC  
City Clerk

**APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_, 2017.**