

AGENDA ITEM #15

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 99-03

TUESDAY, FEBRUARY 2, 1999

MINUTES

Mr. Jim Engelken, City Council President Pro Tem, called Regular Meeting No. 99-03 of the Steamboat Springs City Council to order at 5:13 p.m., Tuesday, February 2, 1999, in the Public Safety Building, Steamboat Springs, Colorado.

City Council members present: Jim Engelken, Ken Brenner, Kathy Connell, Paula Cooper Black, Arianthe' Stettner and Steve Weinland. Kevin Bennett was absent.

City staff members present: Paul W. Hughes, City Manager; Anthony B. Lettunich, City Attorney; Julie Jordan-Struble, City Clerk; Kerry McKelvey, Deputy City Clerk; Caroline Lamont, Director of Planning Services; Brian Grubb, Assistant Director of Planning Services; Alison Willets, City Planner; Scott Woodford, City Planner; Leif Myhre, City Planner; Karen Feeney, Director of Financial Services; Susan McIntosh, Accountant II; JD Hays, Director of Public Safety Services; George Krawzoff, Transit Superintendent and Jim Weber, Public Works Manager.

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

1. **WORKSESSION TOPIC: Proposed Business License.**

This worksession was held from 5:15 to 5:50 p.m.

Ms. McIntosh provided an overview of the proposed business license plan. It was clarified that any person operating a business within the City of Steamboat Springs would qualify for a license.

Mr. Weinland supports a business license. Ms. Connell would like to see that the first year of operation provides a reasonable price to encourage compliance.

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Ms. Cooper Black questioned the business license approach to enforcement. It was noted that enforcement had not been addressed, it was recommended by staff to accommodate a level of trust in compliance.

Mr. Lettunich provided the clarification of a fee versus a tax. It was noted a tax would have to be voted in by the people. A fee would cover the cost of administering the license.

Mr. Brenner suggested the initial cost of the business license be reviewed to possibly be a little higher. He supported the business license proposal.

Ms. Stettner suggested a minimum annual review be instituted and possible review of the number of employees and volume of business be considered in the fee process. She questioned the penalties that would be imposed? Ms. Stettner suggested clarification be provided as to who is eligible...would a high school baby-sitter need a license, or is there a minimum amount of income collected before license eligibility is addressed?

Ms. Cooper Black suggested gross sales and employees are included in a sliding scale of a business license fee. She suggested a six month to a one year "grace period" be provided. She supported a code violation fee be instituted.

Ms. Connell supported the business license proposal and suggested seasonality of the business is considered. She stressed keeping the license process simple. Ms. Connell also noted the goal of this license is to assist in collecting community data. She stated the license form provided is crucial to assist in the data desired.

Ms. DuBord noted the data collected would assist in a public safety aspect of the process as well. To have a record of what company is where and how many employees are working in the case of a disaster similar to the Good News Building explosion.

Mr. Dean Vogelaar, Chamber Resort Executive Director, stated the Steamboat Springs Economic Development Council could be consulted on this proposal. He suggested identifying where the monies collected would go.

Mr. Lettunich clarified that the collected fee would need to offset the cost of providing the service and any remainder would need to go into the general fund.

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Ms. Connell suggested those businesses currently paying sales tax be provided with a reduced business license fee.

DIRECTION: City staff to further research the business license proposal incorporating the above suggestions and return to Council for a review of a draft proposal and then proceed to an ordinance reading. Staff to: 1) obtain a copy of the Robert Morris financial book to ensure fair stipulations of charges be accommodated; 2) clarify who is exempt from the proposed license; and 3) to work with the business community (via Steamboat Springs Economic Development Council) to get their input.

CITY COUNCIL HOUR

COUNCIL MEMBERS' REPORTS

Kathy Connell:

1. Noted a Yampa Valley Electric Service Committee meeting and stated the franchise contract is proceeding. **DIRECTION:** Mr. Hughes and Ms. Jordan-Struble to accommodate an executive session for City Council review of negotiations when appropriate.

Steve Weinland:

1. Noted he was not at the American Skiing Company (ASC) presentation but he fully supported the Council comments he read in the follow-up agenda. He supports retail and build out closer to the base area be completed prior to development of Tennis Meadows. Mr. Weinland agreed with ASC being treated fairly in the development practice.
2. Noted a City Street Department Crewmember who took the time to look into a snow cave on the side of a street while plowing. **DIRECTION:** It was suggested a person walk in front of the blowers to ensure all snow caves are empty.

Paula Cooper Black:

1. Noted her attendance at a recent Chamber meeting and indicated the Chamber will provide a policy statement relative to their proposed Political Action Committee.
2. Noted lodging, restaurants and retail within the community are currently low. It was noted that meeting space for the community to draw in conventions and other seminars were of importance.
3. Stressed the importance of the State Tourism Board, noting it should be a priority to tourist communities.
4. **DIRECTION:** Requested Police staff be aware of the speeding on US Highway 40, Walton Creek Road, Steamboat Boulevard and Clubhouse

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Drive. **CONSENSUS:** Council supported Ms. Cooper Black's concern with the amount of community speeding that is occurring.

5. Thanked Public Works for the street widening/pushing back snow banks in old town Steamboat Springs.
6. Explained that the Downtown Development Authority (DDA) is reviewing the Mountain-Town Sub Area Plan.
7. Noted the development community concern that even though projects are being reviewed and approved, contractors are not readily bidding projects.

Ken Brenner:

1. Noted his attendance at a recent CAST meeting. He referenced a few bills at the legislature that they are closely following. He noted an article that stated 51percent of Colorado residents are concerned with the amount of growth the State is receiving. He suggested the Legislative Policy information recently provided be reviewed by City Council.
2. Spoke of collecting fees for planning development reviews. He suggested a deposit be provided and staff draw on that deposit when reviewing projects. Ms. Lamont voiced concern proceeding with the fee collection prior to the completion of the Code re-write due to internal organization and implementation having to be duplicated. Mr. Brenner suggested some items be removed from the Code re-write to be addressed separately to allow for specific review. **DIRECTION:** Planning staff to review the request and return to City Council with information.
3. Attended a Planning Commission worksession on the Community Development Code rewrite and suggested an executive summary be received from these meetings to accommodate a "heads-up" on various items and topics. **DIRECTION:** Mr. Grubb stated that this request could be accommodated on a weekly basis.

Arianthe' Stettner:

1. Routt County Commissioners are going to temporarily fund an administrative person (the monies were collected at the landfill as a tipping fee) for the Household Hazardous Waste Day. It was noted the event would be held on June 5 at the Steamboat Springs Airport.
2. Noted a group of individuals are reviewing the Community Development Code re-write with an attorney and will be providing their own version for review.
3. Yampa Valley Economic Development Committee will be hosting a worksession on Yampa Valley Telecommunication on February 16.
4. Noted her attendance at a Centennial Commission meeting. She explained the Centennial Commission logo contest and a sub-committee that was formed to review Centennial Hall proposals. **DIRECTION:** Ms. Jordan-Struble to provide a copy of Centennial Commission minutes to

City Council.

5. Noted the Elkins parcel (with the Carver Buildings) was accepted by the Routt County Commissioners and the Routt County Historic Preservation Board to be on the Routt County Historic Register.
6. Will attend a Historic Preservation meeting in Denver this weekend to learn more on Steamboat Springs becoming a Certified Local Government (CLG).

Jim Engelken:

1. Noted CAST is moving forward with statewide open space.
2. **DIRECTION:** Re-iterated support for the need for more Police enforcement throughout the community.

CITY ATTORNEY'S REPORT

Mr. Lettunich asked for direction on an industrial bond support request. **CONSENSUS/MAJORITY:** City Manager to proceed as legal suggests. Ms. Cooper Black felt there was some historical significance and partnership that could be accommodated in this situation.

Mr. Lettunich explained that Colorado Municipal League (CML) has a refined position on specific term limits. **DIRECTION:** Ms. Jordan-Struble to have this document available for Council and public review.

CITY MANAGER'S REPORT

2. **UPDATES:**
 - a. **Intergovernmental Services Report.**

Ms. Kakela provided five letters for Council review and support: a thank you to Governor Bill Owens; support of SB99-128 State Income Tax Credit for Preservation of Historic Properties; support of SB99-40 relative to Statewide Transportation Policy; support letter for HR4717 relative to Conservation and Reinvestment Act and support for S2566 relative to Reinvestment and Environmental Restoration Act.

Ms. Kakela also briefed on the following: Colorado Air Quality funds secured; noted Senator Grampsas support for historic preservation, the 1999 Legislative tracking matrix and the Yampa River Legacy Project (Open Space worksession with City Council in April).

Ms. Susan Otis, Yampa Valley Land Trust, and Mr. Mike Tetreault, Nature Conservancy, thanked Council for past support and solicited continued

support for the Legacy project. Ms. Otis noted the "follow-on funding" would identify and build on the original Legacy application. It was noted the initial request would be for \$4 million, with an ending total of \$7 million.

CONSENSUS: Council supported staff's suggestion to proceed with the grant proposal.

b. Board of Adjustment Vacancy.

BY BALLOT VOTE: City Council appointed existing alternate member Stephen Frasier to fulfill the regular vacant position on Board of Adjustment.

c. State Infrastructure Bank loan for development of "Park-n-Ride" and Transit facility at the Lavery Parcel.

Mr. Hughes noted a reduced loan opportunity and this proposal fits in with the Capital Improvement Program to accommodate the needs of the City as identified in the Mobility & Circulation Plan and the Mountain Town Sub Area Plan.

Mr. DuBord provided a drawing of the proposed plan development.

MOTION: Mr. Brenner moved and Ms. Stettner seconded to approve the request to proceed with an application to the Colorado State Infrastructure Bank (SIB) for a \$100,000 loan to complete Phase I of the development of the Lavery parcel for a transit "turn-around" and park-n-ride as presented. The motion carried 4/2. Ms. Cooper Black and Mr. Weinland opposed. Mr. Bennett was absent.

Ms. Cooper Black voiced concern with the lack of financials provided as a comparison against the current debt. She also requested to receive all drawings prior to the meeting time. Mr. Weinland voiced concern with the cost incurred in the project versus the potential of the project to be utilized.

Ms. Stettner felt this was an opportunity to plan for the future. Mr. Engelken felt this project was visionary and proactive in planning for the future.

d. Manager's Report: Ongoing Projects.

Mr. Hughes noted the following:

1. Test of narrowing Mt. Werner Circle. Noted staff suggests the next test period be accommodated after the Grand Summit is completed to allow

for the generation of transportation and pedestrian paths to be evaluated. Ms. Lamont noted that she would like to present to Council a review of the initial conditions to alter to accommodate certain problems at certain opportunities. Ms. Cooper Black noted a plan needs to be developed for the "flow of people" that are anticipated.

2. Yampa Valley Regional Airport request to borrow 40 chairs from the Steamboat Springs Airport.
3. Mid-block Crosswalks. Mr. Hughes noted this was difficult to provide from a liability standpoint. A complete memorandum was provided.

3. AGENDA REVIEW

- a. **Council agendas for February 9 and 16, 1999.**

DIRECTION: Ms. Jordan-Struble to add: an ordinance relative to the Norwest Bank financing of the Elkins property purchase on the February 9 and February 16 agendas; an executive session on February 9 to discuss negotiations and personnel matters; and an ordinance relative to Historic Preservation on February 16.

CONSENT CALENDAR - GENERAL BUSINESS

4. **LIQUOR LICENSE AUTHORITY:** Establish a neighborhood and set a hearing date for Steamboat Grocery, LLC.; dba Clark's Market.
5. **RESOLUTION:** A resolution authorizing the City Manager to enter into an agreement with the State Department of Transportation, Division of Transportation Development, for the provision of public transportation services in non-urbanized areas.

MOTION: Ms. Stettner moved and Ms. Connell seconded to approve the date of March 9, 1999 for Clark's Market liquor hearing and to approve a resolution allowing the City Manager to enter into an agreement with the State Department of Transportation as presented. The motion carried 6/0. Mr. Bennett was absent.

PUBLIC COMMENT

Mr. Robin and Ms. Heather Craigen, Moving Mountain Chalet proprietors, provided a detailed history of their experience in obtaining a development permit. He noted it is their intention to operate within the confines of the

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rules. He requested City Council consider European Chalet lodging and nightly rentals are grouped together as supervised rentals in the Community Development Code rewrite. Mr. Craigen feels their existing chalet establishment has not impacted the neighborhood. He believes if a neighborhood violation occurs, written notification would occur and fines would be imposed.

Ms. Nancy Kramer, 1020 Crawford Avenue resident, voiced support of the Craigen chalet. She does believe the European chalet provided by the Craigen is high quality. Ms. Kramer feels this particular proposal has triggered the effects of community growth and changes.

Ms. Emily Henderson, 2718 Burgess Creek Road resident, would like to see supervised full house rentals. She noted that during the brief time the Craigen chalet has operated, she could not tell when the chalet was being used.

Ms. Robin Allen, Crawford Avenue resident, voiced her support of the Craigen. She felt the Craigen attract the "type" of people Steamboat Springs wants to have as guests.

Ms. Elizabeth Wittemyer, 2750 Burgess Creek Road resident, voiced concern with the development permit process becoming personal and conflicting. She voiced support of low impact opportunities that provide for community guests.

Mr. Greg Cleveland, current guest at Moving Mountain Chalet, noted a two-year relationship with the Craigen and support of the "high quality" establishment the Craigen provide.

Mr. Bill Schurman, Crawford Avenue resident, voiced support of the low impact operation the Craigen have developed.

APPROVAL OF MINUTES

6. MINUTES

- a. **Regular Meeting Number 99-01 (1/12/99).**
- b. **Regular Meeting Number 99-02 (1/19/99).**

MOTION: Mr. Brenner moved and Ms. Connell seconded to approve the minutes for regular meeting 99-01 and 99-02 as presented. The motion carried 5/0. Mr. Weinland stepped down. Mr. Bennett was absent.

PUBLIC HEARINGS - PLANNING COMMISSION REFERRALS

7. PROJECT: Fish Creek Falls Road Subdivision.

Ms. Lamont reported this project is a conceptual review for a 32 lot residential subdivision on 18.87 acres zoned RL (Residential Low Density).

Mr. Jeff Lake, Civil Design Consultants, was present representing the applicant. The following detail was provided, but not limited to: average lot size to be .40 acres; two points of access off Fish Creek Falls Road; amount of open space dedication being 2.98 acres; potential demand and ability to build duplex lots; addressed tree removal and replacement.

Mr. Brenner requested and received clarification relative to the number of duplex lots already allowed. He also requested drainage and vegetation clarification. Mr. Lettunich requested and received confirmation from Mr. Lake that adequate fire flow could be provided in this area.

Ms. Connell voiced concern with snow storage. Mr. Lake felt that adequate snow storage could be provided on the front of each lot as well as along the cul-de-sac.

PUBLIC COMMENT:

Mr. David Lacey, resident east of the proposed subdivision, voiced concern with the size of lots. He felt some houses could be built too large for the lot size and supported a traffic study being compiled (specifically supported a left turn lane to be provided). Mr. Lacey questioned where could the children play and he questioned why open space dedicated was "useless land."

Mr. Chris Atwell, 227 Anglers Drive resident, noted he represents the seller (Katherine Harwig Trust) of the land to the development group. He provided details on the trust document.

COUNCIL COMMENT:

Ms. Cooper Black noted that in-fill has proven to be desirable by the community, as is attainable housing (in the form of duplexes). She supported more open space to be provided in the area; and a greater mixed use of duplexes and single family homes. Ms. Cooper Black suggested building envelopes be provided to save as many trees as possible and is sensitive to provide an adequate and useful trail system. She felt the lot

sizes were adequate and the road could accommodate additional traffic, without a traffic study. Ms. Cooper Black suggested additional berming off Fish Creek Falls Road to allow for neighborhood privacy.

Mr. Weinland supported Ms. Cooper Black's comments. He re-iterated the need for more open space to be provided and agreed there is no need for a traffic study.

Ms. Connell supported quality, strict covenants be provided. She suggested the duplexes be spread out to provide for a mixed use and supported a school bus stop in the area.

Ms. Stettner suggested consideration of the following: building envelopes to consider trees and accommodate neighborhood feeling; accommodate more useable open space; provide a wildlife migration plan; need for strict and enforced covenants; cluster mail box accommodation; limitation of lot coverage in covenants; provision of a tot lot—a convenient open space; concern with density; and a suggestion that more value may be found in a lot if that lot is not so small.

Mr. Brenner supported the consideration of left-hand turn lanes in this area. He also supported a tot lot and possible increased open space in the wetland area. Mr. Brenner supported a mixed-use plan with building envelopes included.

Mr. Engelken supported the school bus stop and noted a future desire to provide City bus service to this area. He noted that the Hilltop Connector is a prerequisite to gain his approval of the project. Mr. Engelken supports the trail, feels zoning and density is adequate.

Ms. Lamont requested and received clarification from Mr. Jeff Lake relative to potential contribution to the East High Water Tank. Mr. Lake confirmed he would research and provide specific clarification.

MOTION: No vote was necessary on this conceptual development review.

8. APPEAL/PROJECT: Holton Duplex.

Mr. Hughes explained this item had been postponed from a previous City Council meeting to accommodate the review of a landscape plan. He noted the City received the landscape drawing earlier today. A copy of this drawing was distributed.

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Mr. Jim Winters, neighboring resident, voiced concern with the late receipt of the landscaping plan and it actually being a conceptual drawing, not a landscape plan. He was dissatisfied with the lack of concern from the Holton's.

Mr. Al Moffett, resident of the neighborhood, voiced concern with the lateness of the landscape plan review.

Ms. Roma Severinghaus, applicant representative, felt the landscaping plan would not satisfy the initial compliant of the duplex. Mr. Engelken explained that the neighbors were concerned with the visual impact of the duplex and requested landscape be provided to mitigate the impact.

Mr. Brenner, Ms. Connell and Mr. Engelken voiced their disappointment in the lack of accountability on the part of the Holton's.

Mr. Weinland requested and received clarification from Mr. Mark Marchus, Routt County Building Department, relative to the building permit approved. It was clarified that the approved plans involved two separate buildings attached by a shed-type structure.

Ms. Cooper Black requested Mr. Lettunich's opinion on requesting a financial commitment to provide for an acceptable and completed landscape plan. Mr. Lettunich clarified that building permit compliance needed to be adhered to.

Mr. John Bohecker, neighbor resident, voiced concern with the structures being referred to as a duplex. He felt a more appropriate landscaping plan needed to be provided.

Ms. Connell voiced frustration that the Holton Duplex did not try to adequately comply. She suggested staff keep an eye on this project to ensure all regulations are complied with. **DIRECTION:** Staff to research the definition of a duplex and provide a revised definition for Council review as soon as possible.

Mr. Jerry Stanford, Blue Sage resident, noted he was disturbed that the Holtons are not coming to the table to adequately address neighborhood concerns.

Ms. Cooper Black requested that should this development seek to be townhomed, it be called up for Council review. Staff confirmed that they have already submitted a townhome request.

RECOMMENDED MOTION: To uphold the issuance of the building permit for this structure, and find that this structure meets the definition of duplex as provided in the Code.

MOTION: Mr. Brenner moved and Ms. Connell seconded to postpone further review of the Holton Duplex to the April 13 City Council meeting to accommodate a complete landscape plan and the townhome request. The motion carried 6/0. Mr. Bennett was absent.

MOTION: Mr. Brenner moved and Ms. Stettner seconded to direct staff to provide a new definition of duplex as previously discussed. The motion carried 6/0. Mr. Bennett was absent.

9. **SECOND READING OF ORDINANCE:** Relative to the Sequoia Club: An ordinance rezoning property legally referred to as, the East 37.5 feet of Lot 2, Block 14, Original Town, 5,250 square feet, from the CT (Commercial Transitional) Zone District to the C (Commercial) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Ms. Cooper Black moved and Ms. Connell seconded to approve the second and final reading of the Sequoia Club property rezoning for the east 37.5 feet of Lot 2, Block 14, Original Town as presented. The motion carried 6/0. Mr. Bennett was absent.

PUBLIC HEARING - GENERAL BUSINESS

10. **LIQUOR LICENSE AUTHORITY:** To review the renewal liquor application for Springs Brewing Company, Inc.; dba Heavenly Daze Brewery & Tavern.

Mr. Guy Crider and Mr. Greg Anderson, representing Heavenly Daze Brewery, were present. Mr. Crider presented a letter to City Council and briefly explained their position.

Mr. Hughes explained that he is interested in the operator's explanation of what the establishment is doing to ensure they are providing enhanced establishment control. He felt it was not police responsibility to act as bouncers of a particular establishment.

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Mr. Crider noted some of the incidents needed to be ruled out as basic police assistance including but not limited to: records check; theft; a weapon in the bar; etc...

Mr. Hays explained that Police Safety Services is concerned with the type of calls, specifically alcohol service to already intoxicated or other visibility intoxicated persons. Mr. Hays requested the establishment adopt a more effective monitoring program or policy.

Ms. Cooper Black requested and received positive clarification from Mr. Crider that all servers of alcohol are alcohol server trained. She also requested if Heavenly Daze does refuse serving visibility intoxicated patrons. Mr. Crider clarified they do refuse service to patrons who are already intoxicated.

Ms. Connell re-iterated internal training classes on alcohol service and supported the establishment's decision to call the Police when needed. She noted that during College Week's group leaders are identified and they could possibly use the group leader to assist with College patrons.

Mr. Crider ensured that they would monitor the establishment and would utilize the police department for specified training.

Mr. Hughes stated a motion was not needed, he was specifically looking for the above conversation to occur.

ADJOURNMENT

MOTION: Ms. Stettner moved and Ms. Connell seconded to adjourn Regular Meeting No. 99-03 at approximately 10:27 p.m. The motion carried 6/0. Mr. Bennett was absent.

MINUTES PREPARED AND RESPECTFULLY SUBMITTED BY:

Lynette Confer
Lynette Confer
Records Clerk

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REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Jordan Struble
Julie Jordan-Struble, CMC/AAE
City Clerk

APPROVED THIS 2nd DAY OF March, 1999.