

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2006-04

TUESDAY, FEBRUARY 7, 2006

MINUTES

Mr. Ken Brenner, City Council President, called Regular Meeting No. 2006-04 of the Steamboat Springs City Council to order at 5:03pm, Tuesday, February 7, 2006, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Ken Brenner, Susan Dellinger, Towny Anderson, Loui Antonucci, Steve Ivancie, Kevin Kaminski and Paul Strong.

City Staff Members present: Wendy DuBord, Interim City Manager; Anthony B. Lettunich, City Attorney; Julie Jordan, City Clerk; Julie Franklin, Deputy City Clerk; Tom Leeson, Director of Planning Services; Brian Berndt, Assistant Director of Planning Services; George Krawzoff, Interim Deputy City Manager/Director of Transportation Services; Linda Kakela, Director of Intergovernmental Services; Jim Weber, Director of Public Works; Kip Pyle, Computer Services; JD Hays, Director of Public Safety; Chris Wilson, Director of Parks, Recreation and Open Space; and Don Taylor, Director of Financial Services.

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

1. Routt County Planning Commission Report.

Mr. Ayer, Routt County Planning Commission Representative, was present and reported on affordable housing and open space protection. He stated that the County Master Plan doesn't include inclusionary zoning, it strictly encourages affordable housing. He reported on two new subdivisions: Red Hawk Village in Stagecoach which has eight deed restricted units; and the Neighborhood at Young's Peak which will offer 15 lots for purchase to the Housing Authority before they are offered to the public.

He spoke to a Land Preservation Subdivision (LPS) at Elk Mountain, where developers have realized that there is an advantage to incorporating community

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006**

goals into developments. Mr. Ayer noted that the Commissioners recently passed an amendment to the LPS process where the developer can identify non-contiguous remainder parcels to create bonus buildable lots.

UNANIMOUS CONSENT: Council to send a letter of support to the Commissioners.

At this time, Council heard agenda item 14, approval of minutes.

CITY SERVICES UPDATE

INTERIM CITY MANAGER'S REPORT

2. UPDATES:

a. Manager's Report: Ongoing Projects.

Ms. DuBord provided a written update in the packet provided.

1) Haymaker-Sale of Modular Buildings.

Mr. Wilson noted that staff has contacted local groups and there was no interest in purchasing the buildings. He further noted that the Golf Committee supports this sale.

MOTION: Council Member Strong moved and Council Member Antonucci seconded to approve the sale of two modular buildings from the Haymaker to the auction winner, a Bozeman, Montana modular building company, for their bid of \$20,200. The motion carried 7/0.

Discussion during the motion:

Mr. Wilson noted that the sale will include kitchen and furnishing items that couldn't be used in the new clubhouse.

Council Member Kaminski questioned if this had been considered for an interim teen center. Council Member Ivancie explained that Ms. Susan Peterson and representatives from the School District toured the facility with students and there wasn't any interest to use it. The Teen Center need is for a long term, permanent facility, not a temporary fix.

City Council President Pro-Tem Dellinger questioned replacing The Igloo. Mr. Wilson stated that it would be substantial cost to make it work and then it would only a temporary fix.

2) List of Olympians in Torino from Steamboat Springs.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006**

Ms. DuBord noted a list of 20 Olympians who train and live in Steamboat Springs that have been provided \$900 in City support. **DIRECTION:** Staff to put this information on The City Page.

3) Community Torch: Olympic Send-Off Report.

Mr. Mike Lane, Steamboat Ski & Resort Corporation, thanked Council and staff for their support during the Olympic Send Off events. He presented Council with a DVD of the festivities. He also noted that the relighting of the Olympic cauldron will be on the Courthouse lawn, February 10, 2006 at 6:00pm.

4) Pedestrian Awareness/Safety Program.

Ms. DuBord spoke to a new pedestrian and vehicle safety awareness program that staff is promoting. Council Member Anderson suggested expanding the program to include crosswalks on a pilot basis. Council Member Strong voiced concern with the proliferation of signs. **DIRECTION:** Staff to circulate the proposed crosswalk locations and plan to City Council.

City Council President Brenner noted that 3rd Street between the alley and Oak Street is a heavy traffic area. **DIRECTION:** Staff to research.

City Council President Pro-Tem Dellinger would like information on imbedded crosswalks. **DIRECTION:** Staff to research.

5) Community Center Request for Funding Update.

Ms. DuBord stated that staff is seeking approval to hire an architect to provide a building assessment for the Old Jr. High and three other sites for potential locations of a new community center.

MOTION: City Council President Pro-Tem Dellinger moved and Council Member Antonucci seconded to complete the Request For Proposal process and hire a professional architect to complete the building and three site assessments. The motion carried 7/0.

Discussion during the motion:

Council Member Strong spoke to site versus building assessments and questioned the negotiations with the School District. It was noted that the memorandum of understanding with the District gives the City the permission to evaluate the School District site.

City Council President Brenner clarified that although the voters approved the library expansion, the space does not meet the needs of the Community Center.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

REGULAR MEETING 2006-04

February 7, 2006

Further, a Community Center should not to be confused with the Recreation Center.

b. Intergovernmental Services Report.

Ms. Kakela noted that the County would like to be a co-applicant for the grant noted below to the Energy Impact Fund. **UNANIMOUS CONSENT:** City Council President Brenner to attend the presentation to the Commissioners.

MOTION: Council Member Strong moved and Council Member Ivancie seconded to approve submitting a grant application to the Colorado Department of Local Affairs Energy Impact Fund for a grant up to \$600,000 for construction of the community center in 2006-2007. The motion carried 7/0.

MOTION: Council Member Strong moved and Council Member Antonucci seconded to approve submitting a grant application to the Emergency Medical Services Division of the Colorado Department of Public Health and Environment for \$9,150 in grant funds to purchase data collection software. The motion carried 7/0.

MOTION: City Council President Pro-Tem Dellinger moved and Council Member Ivancie seconded to approve submitting a grant application to the United States Department of Justice, Office of Justice Programs Bureau of Justice Assistance Bulletproof Vest Partnership Program for a grant of up to \$5,000 to purchase bulletproof vests for the Steamboat Springs Police Department. The motion carried 7/0.

MOTION: Council Member Ivancie moved and Council Member Kaminski seconded to approve submitting a grant application to the Colorado Division of Wildlife's Fishing is Fun Program for up to \$200,000 for a rehabilitation project on the Yampa River at the Chuck Lewis State Wildlife Area. The motion carried 7/0.

Ms. Kakela further reported on the following: the Northwest Transportation Region of the Colorado Department of Transportation (CDOT) announced additional enhancement grants for 2007-2008 construction of the corridor trail south. She also noted that CDOT is interested a commuter rail study and requested that Union Pacific approve the passenger study. Union Pacific stated that they would like to talk about the issue, although they have concerns.

Ms. Kakela concluded that she will attend a meeting of President Bush's Advisory Council on Preserve America in Denver. She provided a PowerPoint presentation highlighting the following: the goals of Preserve America; Preserve America Community Report 2004-2006; and the Northwest Colorado Cultural Heritage Tourism Initiative.

c. Planning Services Report.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006**

Mr. Leeson introduced Mr. Brian Berndt, the new Assistant Director of Planning Services, who began work on Monday.

Mr. Leeson further reported on formula businesses. The pros and cons and possible regulations will go to the Mainstreet Group and they will do a position statement. Staff will also take this to the Planning Commission and then report to City Council.

Staff will also be bring forward Community Development Code (CDC) changes regarding the lighting code, and Commercial Yampa (CY) zone district revisions.

Mr. Leeson requested Council representation at Planning Commission Worksessions. It was noted that there is a sign-up sheet for this circulating.

Council Member Strong noted downtown revitalization was a topic at a recent Colorado Association of Ski Towns meeting. He also noted that the City of Aspen Retail Study speaks to formula businesses.

UNANIMOUS CONSENT: Staff to bring forward a big box ordinance discussion, separate from the formula business discussion.

Council Member Anderson requested an update on the RRC Nexus Study. Mr. Leeson stated that RRC has distributed the study and the compilation process takes three to four weeks.

City Council President Brenner requested staff provide information on incentives with the second reading of the inclusionary zoning ordinance.

Ms. DuBord further reported on the following:

1. Reported that the February 4, 2006 CDOT meeting was well attended.
2. Distributed a City Council Retreat Report from facilitator Mr. Chad James.

CITY ATTORNEY'S REPORT

Mr. Lettunich reported his work on the following

1. Spoke to a possible State statute regarding safe harbor for liquor licensees, where if an employees serves someone under 21 but has been provided appropriate training, there is safe harbor. This legislation has been introduced, which also speaks to regulating compliance checks.
3. Provided an update on the Sieverding case noting that on February 2, 2006 a judge ordered that she be arrested again and brought back to Colorado for a February 14, 2006 court date. To date she has not been arrested.

CONSENT CALENDAR - GENERAL BUSINESS

3. **RESOLUTION: A resolution adopting an amended and restated Intergovernmental Agreement establishing the Yampa Valley Regional Airport Commission.**

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

This item was approved on consent below.

4. **RESOLUTION: A resolution approving the execution of a grant from Great Outdoors Colorado for open space property acquisition in the Yampa River Legacy Project/West Steamboat Springs Project area, expressing intent to provide matching funds and assurances and to authorize the City Manager to sign and execute the grant contract.**

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

This item was approved on consent below.

5. **FIRST READING OF ORDINANCE: Fourth 2005 supplemental appropriation ordinance.**

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

Council Member Anderson questioned the item regarding affordable housing. Mr. Taylor stated that this is waiver of building permit fees and tap fees that Council authorized for Fox Creek and West End Village. Council Member Anderson questioned the item regarding reclassification of funds for affordable housing subsidies. Mr. Taylor noted that this is appropriated to the grants area of the budget and staff set up a program in the Planning Department to track transfers from one program to another.

MOTION: Council Member Strong moved and Council Member Antonucci seconded to approve the first reading of the Fourth 2005 supplemental appropriation ordinance. The motion carried 7/0.

6. **FIRST READING OF ORDINANCE: First 2006 supplemental appropriation ordinance.**

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

Council Member Anderson questioned the environmental testing item for the

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006**

Craig bus site. Ms. DuBord noted that this was for the City's initial testing.

Council Member Strong questioned the \$34,000 expenditure on the Community Recreation Center. Mr. Taylor stated that this is a carry over from 2005.

MOTION: Council Member Strong moved and Council Member Ivancie seconded to approve the first reading of the First 2006 supplemental appropriation ordinance. The motion carried 7/0.

6.5 FIRST READING OF ORDINANCE: An ordinance approving a contract to buy and sell real estate between the City of Steamboat Springs and James A. Fournier and Mary A. Fournier; authorizing the City Council President or President Pro-Tem to sign all necessary documents; providing for severability; and providing an effective date.

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

MOTION: Council Member Strong moved and Council Member Antonucci seconded to approve items 3, 4, and 6.4 of the Consent Calendar, a resolution adopting an amended and restated Intergovernmental Agreement establishing the Yampa Valley Regional Airport Commission; a resolution approving the execution of a grant from Great Outdoors Colorado for open space property acquisition in the Yampa River Legacy Project/West Steamboat Springs Project area, expressing intent to provide matching funds and assurances and to authorize the City Manager to sign and execute the grant contract; and the first reading of an ordinance approving a contract to buy and sell real estate between the City of Steamboat Springs and James A. Fournier and Mary A. Fournier; authorizing the City Council President or President Pro-Tem to sign all necessary documents; providing for severability; and providing an effective date. The motion carried 7/0.

COMMUNITY REPORTS

7. Public Arts Steering Committee Report. (Kakela)

This item was postponed from the January 24, 2006 agenda. Staff requests this item be postponed to the February 21, 2006 City Council meeting.

MOTION: Council Member Strong moved and Council Member Antonucci seconded to postpone the Public Arts Steering Committee Report to the February 21, 2006 agenda. The motion carried 7/0.

At this time, Council heard agenda item 13, Inclusionary Zoning ordinance.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006
PLANNING COMMISSION**

8. Planning Commission Report.

Mr. Steve Lewis, Planning Commission Representative, was present and had no report.

CONSENT CALENDAR- PLANNING COMMISSION REFERRALS

- 9. FIRST READING OF ORDINANCE:** An ordinance rezoning property legally referred to as the Miller Frazier Addition of Steamboat Springs, Block 4 Lots 7-34, located in the south west $\frac{1}{4}$ of Section 7, Township 6 North, Range 84 West of the 6th P.M. in Routt County; from I (Industrial) Zone District to MF-1 (Multi-Family One Residential Low Density) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date.

This item was denied by the Planning Commission and was not appealed to City Council. Therefore no action is necessary.

- 10. FIRST READING OF ORDINANCE:** An ordinance amending the Community Development Code to authorize the City Council to require a Historic Structure Assessment as an additional submittal requirement for the Development Plan and Final Development Plan application.

This item was indefinitely tabled by the Planning Commission and did not need to be heard by City Council; therefore no action is necessary.

Mr. Spence clarified that this ordinance was tabled to a date uncertain to give staff time to work on the ordinance.

PUBLIC HEARINGS - PLANNING COMMISSION REFERRALS

- 11. PROJECT: Original Town of Steamboat Springs, Blocks 24-26 (Riverwalk)**
PETITION: Development plan for a conditional use for a mobile home park conversion.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006**

LOCATION: A portion of blocks 24, 25 and 26 of the Original Town of Steamboat Springs (Yampa Street between 3rd and 5th Street).
APPLICANT: Riverwalk Steamboat, LLC, P.O. Box 775430, Steamboat Springs, CO; (970) 870-8800.
PLANNING COMMISSION VOTE: Approved 4-1 on 1/12/2006.

This item was heard after item #12. ▼

City Council President Brenner read the project into the record.

MOTION: Council Member Strong moved and Council Member Ivancie seconded to table the Riverwalk development plan to the March 21, 2006 City Council meeting. The motion carried 7/0.

12. PROJECT: Original Town of Steamboat Springs, Blocks 24-26 (Riverwalk)

PETITION: Development plan for a 8 building multi-use project to be developed over 3 years in 3 phases. Preliminary plat to create six building lots.

LOCATION: A portion of blocks 24, 25 and 26 of the Original Town of Steamboat Springs (Yampa Street between 3rd and 5th Street).
APPLICANT: Riverwalk Steamboat, LLC, P.O. Box 775430, Steamboat Springs, CO; (970) 870-8800.
PLANNING COMMISSION VOTE: Approved 4-1 on 1/12/2006.

This item was heard before Item #11. ▲

City Council President Brenner read the project into the record.

Council Member Antonucci disclosed that he had conversations regarding the right-of-way (ROW) over a year ago, but has not had any conversations since. Council felt it appropriate for Antonucci to remain seated.

Council Member Ivancie disclosed that he worked on wetlands mapping for the area over two years ago. Council felt it appropriate for Council Member Ivancie to remain seated.

City Council President Pro-Tem Dellinger disclosed that her company has a client that does business with Vertical Arts (the architectural company for the applicant). Council felt it appropriate for City Council President Pro-Tem Dellinger to remain seated.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

REGULAR MEETING 2006-04

February 7, 2006

City Council President Brenner disclosed that he was contacted by various parties regarding this project but did not discuss it with them. Council felt it appropriate for City Council President Brenner to remain seated.

Council Member Strong requested a list of principals for all future projects in order to help determine conflict of interest. **DIRECTION:** Staff to provide this information.

Mr. Spence, City Planner, was present and noted that staff has worked with the applicant on this project for several years. The project is mixed use and will have three phases over a five-year period. Mr. Spence spoke to some of the variances requested: subdivision standards, lot width; setback and floor area ratio (FAR) standards; average plate and overall height; and parking standards.

Mr. Spence clarified that there is an error in the numbering for the conditions of approval and there are actually 20 (there were two number 17's).

At this time, Council accommodated General Public Comment.

GENERAL PUBLIC COMMENT

Mr. Stuart Lynn was present representing his son Keegan who is at a Jr. Olympics qualifier in Salt Lake City. He is also the Student Body President at Soda Creek Elementary and the students are working on a charitable fundraiser event, similar to the Spirit Challenge. He noted that they are having trouble getting the City to waive Howelsen Hill pass fees for children who can't afford them. **DIRECTION:** Staff to research.

Ms. Kathy Connell voiced concern with the shortage of Commercial Drivers License (CDL) holders in the community. A CDL is required to drive the 24 passenger vans, which most of the lodging community uses. The CDL tester has passed away and there is no testing available to the private sector, except in Denver. She voiced concern that many will start using 15 passenger vans, which don't require a CDL, and there will be too many vans and drivers that are less trained. She noted that the City has a CDL tester, and this could be an income source for the City and could solve long-term issues. **DIRECTION:** Staff to research.

Mr. Kent Vertrees, Trails and River Committee member, spoke to the Yampa River Management Plan and organizing the bullet points and pursuing item 2 of the Management Plan. He supports looking at the rock features to see what is working and looking at incorporating the whole River Management Plan. He would like to be included in the Community Report on February 21, 2006 and suggested having grant staff look into the future of this.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006**

Mr. Rich Levy, Community Alliance, spoke to the inclusionary zoning ordinance and the Housing Authority's direction on items. He stated that he is concerned that the Housing Authority will not address many items. He feels the fee in lieu needs to be structured to include costs of administration and land. He also has concerns with exemptions as they refer to redevelopment, and does not support a blanket exemption.

Ms. Margaret Berglund, Community Alliance, spoke to mobile home parks noting that the Boulder Housing Authority was able to buy a mobile home park and retain it. They are able to insure stable lot rates and get funding sources for upgrades. She stated that the Housing Authority could also buy parks, and place deed restrictions on lots, and then offer the lots for sale back to the park residents.

Mr. John Arminger feels that mobile homes are the only true affordable housing in town, and are now an "endangered species." He feels that the City should act with a three-part action plan: 1. offer incentives for builders to build mobile home parks, 2. have the Housing Authority and the City buy existing parks and zone and deed restrict them, and 3. enact a no net loss ordinance.

Mr. Raymond Uhl noted that the inclusionary zoning ordinance requires that 15 percent of new construction go toward affordable units, and voiced concern that there is no requirement that a developer that is eliminating affordable units do the same.

Ms. Elizabeth Black, Yampa Valley Housing Authority (YVHA), requested that the Council schedule a worksession with the YVHA Board to present their strategic planning presentation and initiate a discussion regarding the intergovernmental agreement for the inclusionary zoning ordinance. **DIRECTION:** Staff to schedule for March 14, 2006.

Ms. Ann Evanoff, Dream Island resident, voiced concern with mobile home owners being evicted without being fairly compensated.

Ms. Leslie Stout, Dream Island resident, stated that she is paying taxes on the home appraisal. She feels that City Council decisions have stagnated the sale of mobile homes. She feels that the money the developer will give to the YVHA should be given to the residents of the mobile home park.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006**

Ms. Shirley Swanson, Fish Creek Trailer Park resident, voiced concern that she can't even afford to live in a trailer park and has no where to go if she were evicted.

Mr. John Spezia, YVHA Board Member, noted that he has researched other no net loss ordinances and asked Council to direct staff to do the same. He feels this ordinance should speak to smaller homes as well as mobile homes and should be apart of the inclusionary zoning ordinance. He feels the current City Mobile Home ordinance is toothless and needs to be revisited. He also noted that there will be a Mobile Home Manufacturing Committee/Affordable Housing Subcommittee meeting at the Colorado Mountain College and invited all to attend on February 8, 2006 at 9:00am.

Mr. Frank Baird feels that mobile homes are a good source of affordable housing.

Mr. Chris Olman voiced concern with "gentrifying the community."

Mr. Dave Tegtmeyer suggested that the proposed 50-year historical ordinance be extended to mobile home parks.

Ms. Sally TeStrake, Community Alliance, invited everyone to attend their annual meeting on February 25, 2006 at 6:00pm in Olympian Hall.

DIRECTION: City Attorney to research no net loss ordinances.

At this time, Council returned to Agenda item 12, the Riverwalk Development Plan.

City Council President Brenner reminded all about Colorado laws on vesting and that once an application is complete Council couldn't change the rules by which it is reviewed.

Mr. Jim Cook, petitioner representing Riverwalk Steamboat, LLC, was present and provided a PowerPoint presentation highlighting the following: property history; right-of-way (ROW) vacations; existing aerial site with proposed site plan overlay; rendered site plan; commercial space, rendered at East End of Yampa Avenue; Walk of Fame example pictures; rendering at pedestrian plaza viewing toward 5th Street Bridge; rendering at pedestrian plaza and 4th Street; enlarged plan and section at 4th Street Plaza; 5th Street and Yampa River Plaza; Yampa River and Spring Creek intersection; Lincoln Alley and pedestrian alley; and the public benefits for the Planned Unit

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

REGULAR MEETING 2006-04

February 7, 2006

Development (PUD): donation and public access, core trail extension, bank restoration, 4th Street improvements, public art/education transfer fee, and the community housing 15 percent commitment.

Mr. Brandt Vanderbosch, Vertical Arts, architect for the applicant, was also present.

Mr. Cook noted that the entire area will be snow melted. City Council President Brenner voiced concern with water drainage from this becoming ice damage elsewhere. Mr. Eric Griepentrog, Landmark Associates, stated that there will be no road interface and all run off will flow towards the river. Further, through a series of inlets, all water will be routed through a water quality device.

Ms. Jill Brabec, attorney for the developer, clarified that the mobile home park will be going away regardless of tonight's outcome. The park has been for sale for 15 years and many of the owners do not live in the park, but rent their mobile homes. She clarified that there is no requirement that the developer pay anything to the park residents, however the developer has offered relocation assistance. She concluded that the mobile homes are in the flood plain and encroach in the right of way.

Discussion took place relative, but not limited to: the transfer fee; connectivity of the core trail; parking; open space dedication; and delivery pull outs/loading zones.

Council Member Anderson spoke to the 5th and Yampa ROW and also discussing the property east or north in order to maintain the ROW all the way to 3rd Street. He questioned why the applicant has asked for the variance to exceed the zoning. Mr. Cook stated that staff encouraged him to "push the envelope."

Council Member Kaminski stated that there is a consensus on Council that the relocation compensation offered to the mobile home owners is inequitable. He proposed that the \$1.25 million proposed to go to the YVHA be given to Council to disperse appropriately amongst the owners, and the remainder to go to the YVHA. For the record, Mr. Cook agreed to this.

Council Member Strong spoke to the difference between using the money for affordable housing and for investments (owners who rent out their mobile homes). Council Member Strong feels that vacating the ROW makes the City a partner in the development. He suggested contributing half of the owner occupied values and having the developer contribute half.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006**

City Council President Brenner is comfortable with the \$250,000 formula divided equally and inviting the developer to match this.

Council Member Antonucci supports the remainder of the money going to the Housing Authority so that the money grows and doesn't go away. This will enable the money to work for the community over and over again.

City Council President Pro-Tem Dellinger feels this is a great proposal but the developer should be mitigating, not the community. She is willing to "divvy up" this money, hoping it would help keep the mobile home owners in the community.

PUBLIC COMMENT:

Ms. Nancy Engelken recommended that Council look at one-to-one replacement ordinance. She noted that many mobile home residents are on disability or have fixed incomes and there needs to be a mechanism that protects them. She stated that the community will be losing a resource, because there may not be a place for these people to go.

Mr. Mark Freirich, attorney representing some of the mobile home owners, stated that conflict of interest can't be determined because Riverwalk Steamboat, LLC will not disclose the entities that are in the LLC. He spoke to Colorado law that states that existing leases in mobile home parks are perpetual. He voiced concern with the requested variances, the displacement of tenants and with the developer raising rents in the park.

Ms. Christine Allevato spoke to a mobile home park situation in San Diego where her cousin was compensated over \$38,000 for relocation. She displayed pictures of her mobile home to demonstrate what a nice home she has. She would like to stay in Steamboat Springs, but may not be able to afford it if she loses her home. She suggested that the proposed transfer tax for the arts and education be used to compensate the mobile home owners over a certain period of time, and then have it go back to the arts and education.

Mr. Peter Lewis requested that Council deny the PUD. He stated that the developer does not own a large portion of the land, the City does. He suggested that the vacation of the ROW issue be dealt with in its entirety before the development plan, the ROW needs to be examined separately because it is an issue of public benefit.

Mr. John Whittum feels that it is only valid to proceed with this project if the monetary offer comes close to replacing the 39 units of low cost housing.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

REGULAR MEETING 2006-04

February 7, 2006

Mr. Ray Uhl feels developers should be held to the same standards when demolishing affordable housing in the community. He stated that the relocation plan is really an eviction and the owners are losing money that they have invested.

Mr. Joe Frisch feels that the ROW vacation decision should be tabled so study can be done on the intersection. He also noted that if the project is approved, Highway 40 and Lincoln Avenue will be resurfaced at the same time as the Riverwalk construction, which would be an issue. He stated that he came to the community because there was the opportunity for affordable housing, and if the development goes through without adequate compensation, he will have to leave.

Mr. Richard Levy feels that the \$1.25 million going to the owners may not be enough. He also voiced concern with the ten variances requested.

Mr. Jim Osbourn, former owner of Westland Park, stated that when the park was put up for sale and all owners were advised; this is not a new issue.

Mr. Ken Porteous stated that their mobile home was a stepping-stone that enabled them to have a life in Steamboat Springs. He stated that it will cost him \$17,000 to relocate his home, and his is the only movable house. He encouraged Council to "do good business."

Ms. Nancy Kramer spoke to the benefits of the project as they relate to the arts. She spoke to the Master Plan of Culture and Livability and program opportunities. She feels this development meets the requirements of the PUD and has added arts benefits. The developer has incorporated the arts that will ensure a role in the community. She noted that the project meets all

of the goals of the Master Plan of Culture and Livability. She supports the Riverwalk project because of the high level of public benefit.

Ms. Lenae South, attorney with Sharp, Steinke and Sherman, stated that the minimum parking requirements are not enough. She voiced concern with the setback of building A, feeling that it does not meet code requirements.

Mr. Dan Woycio, Westland resident, does not support the project. He feels that the people that built this community are being evicted and should be fairly compensated.

Ms. Bobbi Hodge distributed a letter from Mr. Pete Leavin. She suggested that the 11 deed restricted units be offered to the residents of Westland for first right of refusal.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

REGULAR MEETING 2006-04

February 7, 2006

Ms. Kathy Connell feels that the offer of having Council control the \$1.25 million is a window of opportunity to solve many problems.

Ms. Black, YVHA, spoke to the affordable housing component of the 11 deed restricted units and suggested Council have specific deed restricted targets for those units with respect to area median income (AMI).

Mr. Cook noted that they have committed to the 15 percent of affordable housing, but noted that how it is split up needs to be looked at. He supports the \$250,000 going into a fund for the existing owners and Housing Authority having a good amount of money to leverage. He stated that if there is an agreement, he would contribute another \$250,000, and therefore there would be \$500,000 for the mobile home owners.

Mr. Lewis, Planning Commission representative, noted that the Commission was interested in adding smaller units and voiced concern with the affordable free market.

Council discussion on the \$250,000, matched by the developer's \$250,000 towards compensating the current residents:

Council Member Strong supports reimbursing owner occupied units at a divided up assessed 2004 value, and non-owner occupied units at \$1,000 to \$2,000.

City Council President Pro-Tem Dellinger questioned the equity for the ROW vacation. She also stated that the non-owner occupied units are no less of a loss, they still made that initial investment.

Council Member Antonucci questioned if Council wants to make the money contingent upon reinvesting it in another place to live. He stated that the Housing Authority has projects in negotiation that may help some of these people and the Authority can help them leverage money so that they can stay in town.

Council discussion on the variances:

Council Member Strong voiced concern with the height but stated that this is the trade off for achieving density. He supported removing all parking requirements for the riverside of Yampa Avenue. He feels the other variances are minor but does have concern with the project's close interaction with the river.

City Council President Pro-Tem Dellinger voiced concern with the height, the parking and the rear setback.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006

Council Member Antonucci would like to see less height, but noted that the footprint is lower than the Chieftain Building. He does not support more of a setback, nor losing parking spaces.

Council Member Anderson feels the design is "high caliber." He spoke to allowing the applicant to make improvements between 4th Street and the west property boundary, but reserving the ROW.

Council Member Ivancie voiced concern with the height and would like to see less commercial and smaller units. He questioned if the benefits outweigh the ROW the City would be giving up. He voiced concern with the partners in the project not being disclosed.

Council Member Kaminski voiced concern with the variances and doesn't see the public benefit. He feels that affordable housing is a big issue and feels there is no public benefit if 38 families are being displaced.

City Council President Brenner voiced concern with Yampa Avenue between 4th and 5th Streets, the setback for Lot 1, the height, and the parking variances. He would like to see more underground parking.

MOTION: Council Member Strong moved and Council Member Antonucci seconded to table this item to the to March 21, 2006 City Council agenda. The motion carried 6/1. City Council President Pro-Tem Dellinger opposed.

Discussion during the motion:

Council Member Anderson questioned how Council can progress at this point without having ex-parte communications. City Council President Brenner stated that the petitioner, staff and the residents will need to work toward consensus.

Council Member Antonucci noted the need to give clear direction to the petitioner. Mr. Cook concurred that he will need more direction.

City Council President Pro-Tem Dellinger would like the height to meet or exceed the requirements.

Council Member Antonucci noted that the applicant has been acting on good faith working with staff, and implementing the recommendations of staff and the Planning Commission. The affordable housing is a separate issue. His concerns are height, parking, and traffic.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006**

City Council President Brenner feels the project does not meet the benefit criteria for granting a PUD.

Council Member Anderson suggested having a worksession meeting to provide direction on each issue so the developer has clear direction.

UNANIMOUS CONSENT: Staff to accommodate a Special Meeting at Noon on February 13, 2006. Applicant to work with staff to develop a list of specific questions to be answered.

PUBLIC HEARING - GENERAL BUSINESS

13. **SECOND READING OF ORDINANCE: An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code, through the adoption of affordable housing regulations including inclusionary residential requirements.**

Staff requests this item be postponed to the February 21, 2006 City Council meeting.

MOTION: Council Member Strong moved and City Council President Pro-Tem Dellinger seconded to postpone the second reading of an ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code, through the adoption of affordable housing regulations including inclusionary residential requirements to the February 21, 2006 City Council meeting. The motion carried 7/0.

At this time, Council heard Agenda item 8, the Planning Commission report.

APPROVAL OF MINUTES

14. **MINUTES**
 - a. **Special Meeting SP-2006-01, January 5, 2006.**
 - b. **Regular Meeting 2006-01, January 10, 2006.**

Council Member Strong stepped down.

MOTION: City Council President Pro-Tem Dellinger moved and Council Member Antonucci seconded to approve the January 10, 2006 City Council minutes. The motion carried 6/0. Council Member Strong stepped down.

Council Member Strong returned to the meeting.

- c. **Regular Meeting 2006-02, January 17, 2006.**
- d. **Regular Meeting 2006-03, January 24, 2006.**

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2006-04
February 7, 2006**

The following minutes were postponed from the January 24, 2006 meeting.

- e. Regular Meeting 2005-31, December 6, 2005.**
- f. Regular Meeting 2005-32, December 13, 2005.**
- g. Special Meeting SP-2005-14, December 20, 2005.**
- h. Special Meeting SP-2005-15, December 27, 2005.**
- i. Special Meeting SP-2005-12, November 11, 2005.**

Council Member Kaminski provided an amendment, noting that on the January 24, 2006 minutes, page 16, Council Members Kaminski and Andersons names need to be switched on the 3/4 failed motion.

MOTION: City Council President Pro-Tem Dellinger moved and Council Member Kaminski seconded to approve the January 5, 17, 24 (as amended), December 6, 13, 20, 27, and November 11 City Council minutes. The motion carried 7/0.

CITY COUNCIL UPDATE

15. COUNCIL MEMBERS' REPORTS

Council Member Kaminski left the meeting at 11:30pm.

Council Member Ivancie-

- 1. Attended a Water Congress meeting.
- 2. Attended a Water Commission meeting.

Council Member Strong-

- 1. Spoke to the City of Aspen Retail Study.
- 2. Will attend a State Land Board meeting. **UNANIMOUS CONSENT:** Council supported his attendance at this meeting.

Council Member Anderson-

- 1. Noted that it would be helpful before the Monday Special meeting to have a better understanding of the public benefit for a PUD. **DIRECTION:** Staff to provide a brief description of the PUD process at the beginning of the meeting.
- 2. Will attend the Colorado Preservation Conference February 9, 2006.

Council Member Antonucci-

- 1. Will attend Housing Authority meetings.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

REGULAR MEETING 2006-04

February 7, 2006

2. Spoke to the need to have a conversation about the overlap between the Business Resource Development and the Economic Development Councils.

16. AGENDA REVIEW

a. Council agendas for February 14 and February 21, 2005.

DIRECTION: Ms. Jordan to close the February 14 and February 21, 2006 City Council agendas.

ADJOURNMENT

MOTION: Council Member Ivancie moved and Council Member Strong seconded to adjourn Regular Meeting 2006-04 at approximately 11:40pm. The motion carried 6/0. Council Member Kaminski had previously left the meeting.

MINUTES PREPARED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin
Julie Franklin, CMC
Deputy City Clerk

REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Jordan
Julie Jordan, MMC
City Clerk

APPROVED THIS 7th DAY OF March, 2006.