

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2006-20

TUESDAY, JULY 25, 2006

MINUTES

Mr. Ken Brenner, City Council President, called Regular Meeting No. 2006-20 of the Steamboat Springs City Council to order at 4:00pm, Tuesday, July 25, 2006, in Centennial Hall, Steamboat Springs, Colorado.

City Staff Members present: Alan D. Lanning, City Manager; Wendy DuBord, Deputy City Manager; Anthony B. Lettunich, City Attorney; Dan Foote, Staff Attorney; Julie Jordan, City Clerk; Julie Franklin, Deputy City Clerk; Brian Berndt, Assistant Director of Planning Services; George Krawzoff, Director of Transportation Services; Suzanne Bott, Senior Planner; Don Taylor, Director of Financial Services; Kent Morrison, Computer Services Manager; Tom Leeson, Director of Planning Services; Ben Beall, Public Works Engineer; Jim Weber; Director of Public Works; and JD Hays, Director of Public Safety.

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

**EXECUTIVE SESSION:** For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a).

**MOTION:** City Council President Pro-Tem Dellinger moved and Council Member Ivancie seconded to adjourn Regular Meeting 2006-20 at approximately 4:00pm for a conference with the City Attorney for the purpose of receiving legal advice on specific questions under C.R.S. Section 24-6-402(4)(b); for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e), and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or

other property interest under C.R.S. Section 24-6-402(4)(a). The motion carried 5/0. Council Members Kaminski and Strong had not yet arrived.

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Council Member Strong arrived at 4:08pm and Council Member Kaminski arrived at 4:10pm.

**MOTION:** City Council President Pro-Tem Dellinger moved and Council Member Ivancie seconded to come out of executive session and reconvene Regular Meeting 2006-20 at approximately 5:06pm. The motion carried 7/0.

City Council President Brenner noted for the record, that if any person who participated in the executive session believes that any substantial discussion of matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that person should state his/her concerns for the record.

No concerns were indicated.

**CITY COUNCIL UPDATE (5:00pm)**

**1. COUNCIL MEMBERS' REPORTS**

City Council President Pro-Tem Dellinger:

1. Spoke to the Community Support Steering Committee request for direction on the amount of involvement in future Community Support grants. She referred to two options. **MAJORITY CONSENT:** Option 1: City Council announce the amount of funding available for the coming fiscal year along with its priority areas for funding then have each coalition make presentations to the Council, as the Human Resource Coalition does, for Council to award that coalition's funds.
2. Will attend a Yampa Valley Economic Development Council meeting in Hayden regarding the Triple Crown/Northwest Colorado Sports Complex.

Council Member Ivancie:

1. Traveled to Creede with Ms. DuBord and Mr. Lanning to present at the Energy Impact Hearing.
2. Will be participating in the interviews for the new director of First Impressions.

Council Member Antonucci:

1. Attended the facilitated Housing Authority retreat on July 21, 2006. They discussed a dedicated source of funding, and funding for administration versus funding for the purchase of land. There was 100 percent support for funding administration.

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Council Member Anderson:

1. Attended a Northwest Colorado Council on Governments meeting.

Council Member Strong:

1. Attended the 1177 Roundtable meeting on July 19, 2006, where there was a presentation from the Colorado Water Congress. He stated that Mr. Dan Craig will contact the City about a meeting to discuss the City's views on water issues.

City Council President Brenner:

1. Attended the Colorado Municipal League "Changing Faces of Colorado" presentation.
2. Noted that the North Portal Charrette will be on July 26-27, 2006.

**2. AGENDA REVIEW**

**a. Council agendas for August 8 and 15, 2006.**

**b. Steamboat Springs Liquor Authority for August 10, 2006.**

**MOTION:** Council Member Strong moved and Council Member Antonucci seconded to change the start time of the August 15, 2006 meeting to 5:00pm. The motion failed 2/5. Council Members Brenner, Kaminski, Dellinger, Anderson and Ivancie opposed.

**DIRECTION:** Ms. Jordan to close the above agendas. Jordan to ensure the August 15, 2006 meeting begins at 4:00pm.

**CITY SERVICES UPDATE (5:30pm)**

**CITY MANAGER'S REPORT**

**3. UPDATES:**

**a. Financial Services Report.**

Mr. Taylor provided the Sales, Use and Accommodation Tax Report, and the Year to Date Activity Report.

**b. City Manager's Report: Ongoing Projects.**

Mr. Lanning further reported on the following:

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1. Noted that there will be a Technical Advisory Committee Open Space and Trails Master Plan meeting on July 26, 2006, however this meeting has not been posted. Council stated that they would like to be notified of these meetings in a timelier manner.

**CITY ATTORNEY'S REPORT** - Lettunich had no report.

**CONSENT CALENDAR - GENERAL BUSINESS**

4. **FIRST READING OF ORDINANCE: Third 2006 supplemental appropriations ordinance.**

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

Council Member Anderson clarified that the first and second supplements were included in the amended budgets presented under the Financial Services Report.

**MOTION:** Council Member Antonucci moved and City Council President Pro-Tem Dellinger seconded to approve the first reading of the Third 2006 supplemental appropriations ordinance. The motion carried 7/0.

*At this time, Council heard agenda item 9 and 10, Public Hearings, General Business.*

**PUBLIC HEARINGS - PLANNING COMMISSION REFERRALS**

5. **PROJECT: Wildhorse Meadows**

PETITION: Development plan and preliminary plat proposal for a 607 unit mixed use development on 47 acres at Tennis Meadows to include high density condominiums, medium density townhomes, and low density single family/duplex residential uses. The plan includes a commercial/cultural center, which incorporate support commercial, publicly accessible

educational and cultural uses, as well as a private gondola, which would connect to the proposed One Steamboat Place project.

*This item was also heard on July 18, 2006.*

City Council President Brenner read the project into the record.

Mr. Leeson noted some additions to the conditions regarding retaining walls, maintaining the utility easement, and single-family house size.

Mr. Leeson spoke to the overall layout regarding the development on Mt. Werner Circle and overall layout in terms of a high-density resort project. He stated that

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the previous plan turned its back on “main street” and had no integration with its principal street. The Planning Commission had struggled with the amount of development on Mt. Werner Circle, which resulted in an improved site plan. He feels it is important to have vibrancy on the road, and a balance with the views and the canyon effect.

Mr. Leeson stated that in order to achieve goals in the Community Development Code and the Community Area Plan, staff worked with the applicant to achieve a cohesive master plan project. The trade off is that there will be higher densities and height variances. The setbacks weren't placed on arbitrary locations; they were placed in relation to open space. Staff does not feel the variances have a significant amount of external impacts.

Mr. Leeson stated that the Community Housing Plan has been revised, and a condition of approval has been added requiring a development agreement.

### COUNCIL DISCUSSION AND QUESTIONS:

Council Member Anderson clarified that there will be front door entrances and pedestrian access along Mt. Werner Circle. He feels that guests may park on Mt. Werner Road to access this front door. Leeson is not aware of the parking restrictions on Mt. Werner Road, but this could be an issue.

City Council President Pro-Tem Dellinger feels the vitality of the street will only be pedestrian from building to building, or walking to the commercial portion. Mr. Leeson stated that there is also a perceived integration of the project, and it is an urban design.

City Council President Brenner feels that the lack of integration with other parcels is the biggest problem with the project. He feels it functions as an enclave without integration into the community. City Council President Brenner feels that on parcels 4 and 5 the setbacks are small and the buildings are large, which creates a canyon effect. Mr. Leeson stated that in terms of functionality, Public Works doesn't have any issues. From a land use perspective they are close together, but this is not necessarily a bad thing and can create a sense of neighborhood. The architecture and layout are very connected and create a “sense of place.”

Mr. Lewis, Planning Commission representative, stated that the Commission would like the spreadsheet (page 14-107 in the packet) that shows the square footage, to be a part of the approval and the development agreement. Mr. Leeson stated that it will be a part of the development agreement, which is not being approved tonight. He stated that this can also be added to condition 5a, to read: “The Development Agreement shall also stipulate the improvements with each phase, *as well as the Wildhorse Meadows Land Use Program square*

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*footage spreadsheet (page 14-107), as revised and presented on July 18 and 25, 2006. UNANIMOUS CONSENT.*

Mr. Whitney Ward, applicant, stated that they have agreed to have the gondola be public, in a fixed grip capacity, in its current location, and they are in agreement with the Steamboat Ski & Resort Corporation on this location. However, they would like to have location flexibility, in the event of a new ski area owner, to have a higher capacity gondola.

Council Member Anderson would like to propose a revision to condition 5c because he has concern with losing the barn view, as it will be dwarfed by the condos and sit at the edge of a parking lot. He feels we will gain more from the historic preservation standpoint if the "Butterfly Barn" is relocated to the intersection of Mt. Werner Drive and Mt. Werner Circle (the grassy knoll below the Steamboat Grand). There could be interpretative signage saying where the barn came from and what ranch it was a part of, and there could be assurances that it would be maintained and repaired in perpetuity by whatever entity is appointed.

Ms. Bott stated that staff met with Laureen Schaffer, the City's Historic Preservation Specialist, and it is staff's position that community heritage will be better served by preserving structures in their historic locations. The applicant has agreed to stabilize the structure and the Steamboat Ski & Resort Corporation has agreed that the additional outbuilding will be preserved as well. The applicant has also agreed to provide a trail that loops

the barn and provide interpretative signage. Ms. Bott stated that the City's Heritage Preservation consultant felt that dismantling and moving the barn was not appropriate; it would not hold up well and would lose integrity.

Mr. Ward stated that they are neutral on the issue, but they do have supporting the structure in their budget, and would donate that to the relocation if needed.

**PUBLIC COMMENT:**

Mr. Bill Jameson feels that there is nothing in Code that says that buildings need to face Mt. Werner Circle; he feels they should be moved down. He supports relocating the "Butterfly Barn," and hopes that the southern connection to the parcel is paved.

Mr. Tony Fraioli is not a proponent of community housing, but feels it is necessary for this project. He spoke to the "risk factor," and feels that the developer should build the affordable housing units themselves and should bear the burden of building them.

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**COUNCIL COMMENT:**

Items to address: orientation to Mt. Werner Road, relocation of the barn, the gondola, and benefit versus variances.

City Council President Pro-Tem Dellinger feels that the community's "sense of place" is the vista, whether there is a building there or not. She prefers to have the buildings back down lower off the road and agrees with Council Member Anderson on the relocating the barn. She does not want public monies to finance the gondola and cautioned against it being so expensive that it can't be completed.

Council Member Ivancie would not like to see parking along Mt. Werner Circle and feels that having the buildings so close to the road may not be the best way to go. The area is almost a natural island and he would like to see it go back to the way it was (further down south). He feels there can't be a streetscape on Mt. Werner Circle as it creates a canyon effect and disturbs views. He agrees with relocating the barn, if the developer is in agreement, because he would rather see it in a green pasture setting. He feels the gondola should be public and he likes it in the current location. He is okay with the variances because they are interior.

Council Member Kaminski feels that the road orientation is okay, and he supports staff's recommendation with respect to the building orientation. He feels the barn should not be relocated, because it is not stable enough. He suggested building another barn in the grassy knoll area. He supports the public gondola.

Council Member Antonucci agrees with Council Member Ivancie on the variances, that they are internal. He supports staff's recommendation on the building orientation, and feels that the barn should be relocated. He feels that the south connector trail should be paved and supports the public gondola location.

Council Member Anderson stated that if the gondola were a higher capacity, it would need to be in the parking area, and then an alternate location for the Gondola Transit Center would need to be assessed. He would like to see the gondola building reconfigured so it is visible from the parking lot. He is concerned with parking on Mt. Werner Road as a result of the building orientation. He supports relocating the barn and feels that collaboration with base area owners would be a greater public benefit.

Council Member Strong stated that with respect to building orientation, there is a trade off, the view for more density, and the City wants density. He has mixed feelings about the streetscape, but feels the density is a fair tradeoff. He is not in favor of relocating the barn, or of building a second "fake barn" on the grassy knoll. He does support moving another historic barn to the grassy knoll. He

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supports the public gondola, and feels that there is public benefit for the variances.

City Council President Brenner agrees with Council Member Strong that density is more important. He supports the public gondola, as long as no public dollars are required. With respect to the barn, he feels this is an opportunity to move a visible structure to a different place. He feels the housing portion is the public benefit, and feels that the home size should be restricted to 3,500 square feet.

Council Member Anderson questioned if staff had discussed having pullouts in front of the units. Mr. Leeson stated that there was no discussion on pullouts; there is no parking allowed along Mt. Werner Road in the winter, and the City can post no parking signs. Council Member Anderson would like to make it friendlier by allowing parking.

Council Member Strong clarified that the space that would be used for pullouts is used for snow storage and the current trail.

City Council President Brenner feels that parking and access on Mt. Werner Road should be allowed. City Council President Pro-Tem Dellinger stated that this would create issues with winter maintenance.

Mr. Leeson clarified that there is already a condition regarding paving the south trail connector.

**CONDITIONS:**

1. Public Works:
  - a. Civil construction plans must be submitted for review and approved prior to approval of the final plat. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval.
  - b. Preliminary Acceptance for the public streets shall not be granted prior to construction of 75% of the total project development accessing the streets or as otherwise agreed to by the City in the Development agreement.
  - c. Phase IA and IB street and utility improvements must be completed prior to the start of any subsequent phase – they cannot be bonded for.
  - d. The developer shall complete a licensing agreement with the City regarding the gondola crossing the right-of-way. The agreement shall be signed and approved by the City prior to recordation of the final plat.

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- e. The developer shall pay his proportionate share of potential future traffic signal improvements at Mt. Werner/ Steamboat Blvd., calculated at XX% of \$250,000 or \$XXXXXX based on the traffic impact study.
- f. The developer shall be responsible for upgrading the vehicle detection on the Pine Grove approaches to the Pine Grove/ Mt Werner signal from in pavement detectors to video detectors as part of the Phase II improvements or sooner.
  
- g. The following items to be identified for each phase on the construction plans and building permit for each phase are considered critical improvements and must be constructed prior issuance of any CO; they cannot be bonded:
  - Public drainage improvements
  - Driveway access improvements
  - Public sidewalk improvements
  - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
- h. Complete the drainage study updates with approval from Public Works prior to City Council hearing.
- i. Complete the traffic study revisions with approval from Public Works prior to City Council hearing.
- j. Approval of the Development Plan and Preliminary Plat is contingent upon issuance of Army Corps of Engineers (ACOE) Wetland Permit. The approved ACOE Wetland Permit shall be submitted to the City prior to final plat, approval of construction plans, or issuance of any grading/building permit. Any changes to the project plans required by the ACOE Wetland Permit shall be made prior to final plat, approval of construction plans, or issuance of any grading/building permit. Any changes to the project plans required by the ACOE Wetland Permit shall be within the provisions of substantial conformance as defined by the CDC. The requirement for submittal of the ACOE Wetland Permit prior to final plat, approval of construction plans, or issuance of any grading/building permit may be waived by written verification by the ACOE.
- k. All garages within the Single Family subdivision will be set back a minimum of 25 feet from the property line in order to afford room for parking in driveways.



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form supplied by the City shall be completed and recorded by the County Clerk's Office.

- b. All required fire dept. access roads and water supply for fire protection shall be installed and approved before any individual building permits will be issued. This includes all utilities in the access roads to insure that the emergency access will not be compromised at a later date.
  - c. A 35-foot wide easement along the western property boundary adjacent to the east side of the Tennis Center is required to be on the preliminary plat.
4. Transportation Services:
- a. A bus stop and shelter shall be installed on Mt. Werner Road according to the requirements of the Transportation Services Director and shall comply with the Base Area Design Standards and URA Pattern book.
5. Planning Services:
- a. Prior to recordation of final plat, issuance of any building/grading permit, approval of construction drawings, or submittal of Final Development Plan application, the applicant shall enter into a Development Agreement providing that the term of the Development Plan approval shall be ten (10) years. The Development Agreement shall also stipulate the improvements with each phase *as well as the Wildhorse Meadows Land Use Program square footage spreadsheet (page 14-107), as revised and presented on July 18 and 25, 2006* The development agreement shall be subject to the review and approval of the City Attorney prior to execution.
  - b. All variances and development parameters approved by the Development Plan shall be adhered to and any subsequent changes or modifications will require new Development Plan review;
  - c. ~~The Butterfly Barn will maintained in place and a landscape plan and interpretive plan will be constructed prior to issuance of final CO~~ *If it is determined feasible and the parties involved agree (the owners of the grassy knoll area and the URA), the Butterfly Barn will be relocated;*
  - d. Parking for the Commercial Uses will be submitted at FDP stage and will meet the minimum requirements of the Community Development Code.
  - e. Site specific analysis of the landscape plan will occur upon FDP submittal for each parcel, and the applicant has will comply with

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mutually agreed upon URA development standards for the entry corridor along Mt Werner Road.

- f. Prior to recordation of final plat, issuance of any building/grading permit, approval of construction drawings, or submittal of Final Development Plan application, the applicant shall submit a revised Development Agreement regarding the approval term that deletes all references to the 10-year approval period for the Preliminary Plat.
- g. Pursuant to Section 26-67. (f)(1-3) of the Community Development Code, approval of a preliminary plat shall be final as of the date of City Council approval. Revisions to the preliminary plat required as a condition of approval must be made within one year from the date of approval. An approved preliminary plat shall lapse and be of no further force and effect if a complete final plat application for the subdivision or a phase of the subdivision has not been submitted within any time-frame established by City Council at the time of preliminary plat approval, or, if no time-frame was established by City Council, then within three (3) years.
- h. The Design Guidelines will be adopted as Design Standards for the Wildhorse Meadows project.
- i. The future roadway access linkage to the property to the south of the single family development off the loop road will be paved as part of the initial Phase 1 road improvements.
- j. Single Family house size is restricted to a maximum of ~~3,999~~ *(Revised by Council)* 3600 square feet.

**MOTION:** Council Member Anderson moved and Council Member Ivancie seconded to approve the Wildhorse Meadows Development Plan and Preliminary Plat with conditions of approval as presented by staff on the yellow, with the addition to condition 5a regarding the Land Use Program square footage spreadsheet; with an addition to condition 5c that if it is determined feasible and the parties involved (the owners of the grassy knoll area and the Urban Renewal Authority), to relocate the barn; and to reconfigure the gondola building to provide a sight line from the Meadows parking to the gondola terminal. The motion carried 7/0.

Discussion during the motion:

**AMENDMENT TO THE MOTION:** Council Member Strong moved and Council Member Antonucci seconded to amend the motion by deleting the portion

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regarding reconfiguring the gondola building (building 9) to provide a sight line, leave this building as it is. The motion carried 7/0.

Discussion during the motion:

City Council President Pro-Tem Dellinger feels there needs to be clarification on the affordable housing numbers. Mr. Leeson stated that this calculation is based on the total number of market rate units.

Council Member Strong feels that the Community Housing Plan satisfies the requirements of the Inclusionary Zoning ordinance, and should not be counted as a public benefit.

City Council President Pro-Tem Dellinger would prefer to see more than 15% affordable housing.

Council Member Ivancie clarified that in the overall master plan; he would like to see a circular cul de sac on private road 2. Mr. Ward stated that they are willing to modify this; it is a trade off for more grass or more pavement.

**AMENDMENT TO THE MOTION:** City Council President Brenner moved and Council Member Anderson seconded to amend the motion by amending condition 5j to state that the maximum single family house size would be 3,500 square feet; **FRIENDLY AMENDMENT:** A friendly amendment to the motion was offered to change to maximum of 3,600 square feet. The motion carried 7/0.

Discussion during the motion:

Mr. Ward stated that there is nothing planned in the project over 3,600 square feet.

*At this time, Council heard agenda item 7, the Community Housing Plan.*

**6. Metro District.**

Mr. Lettunich provided an overview of Metro Districts and spoke to Statewide discussion regarding whether or not we want developers from the Metro District borrowing money to build infrastructure, and then having the purchasers pay this back over a period of time. Is it a financial benefit to the developer, and if yes, then what are the benefits to the community? Time needs to be spent on the details of the Service Plan and the intergovernmental agreement. He recommended that the City hire special council to review these documents. He spoke to the ability to exclude the Community Housing Plan from the Metro District, in order to not burden the

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affordable housing. He further spoke to the water and sewer component, and residential versus commercial.

Mr. Bill Ankele, attorney for White, Bear and Ankele, clarified that they are not here to make a proposal. They were asked for a Service Plan, which has been created, but not yet reviewed. He suggested having a worksession to look at the Service Plan. He stated that with respect to residential, disclosure is an important issue, and that a property owner will always pay part of the infrastructure costs if they are buying something in a development. He feels that a Metro District gives access to the lowest infrastructure cost. He clarified that they are attempting a November 2006 election.

Council Member Strong feels that this November ballot is not realistic for a ballot question. Mr. Lettunich clarified that the Metro District would conduct their own election. The City would be only be approving the Service Plan and an intergovernmental agreement.

Mr. Ankele noted that the affordable housing can be excluded from the Metro District. He further spoke to the intergovernmental agreement between the Urban Renewal Authority (URA) and the Metro District, which would enable them to collect the taxes.

Mr. Ward stated that the Metro District was brought up because of the size of the development and the extraordinary costs. He would like to have a worksession to discuss this. Mr. Lettunich clarified that this needs to be a public meeting.

City Council President Brenner noted that this item has already been on several agendas, and he expected to see more detail tonight.

Council Member Strong does not oppose examining an improvement district, like a General Improvement District (GID), to pay for some of these costs, but does have concerns with a Metro District.

City Council President Pro-Tem Dellinger agrees and voiced concern with there not being enough time to thoroughly review this. She would to see what the differences are between a Metro District and a GID, but does not support doing this prior to this November.

Council Member Ivancie agrees and would like to look at other options.

Mr. Lettunich stated that Council needs to find out what they are offering as public benefit. There would need to be an extra meeting and special counsel would need to be hired.

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Council Member Antonucci is not ready to say no to a Metro District, he would like more information on public benefit as well as other options.

Council Member Anderson stated that the burden of the series of steps is on the applicant, who needs to address the Service Plan and public benefit. He would like to have a worksession and assess from there.

City Council President Brenner is not philosophically in support of a Metro District, he thinks that it is inappropriate, and from a practical standpoint the public benefit needs to be substantial.

**MOTION:** Council Member Strong moved and Council Member Ivancie seconded to not look at a Metro District, review other improvement district options, but not for this November.

Discussion during the motion:

Mr. Ankele reiterated that they have prepared a Service Plan and would like to have it reviewed by Council. He clarified that the District would pay the cost of outside advisors.

*The postponing motion below supercedes the above motion.*

**MOTION:** Council Member Anderson moved and Council Member Kaminski seconded to postpone this issue to a Special meeting on August 17, 2006, at noon. The motion failed 3/4. Council Members Brenner, Dellinger, Ivancie and Strong opposed.

Discussion during the motion:

Council Members Brenner, Dellinger, Ivancie and Strong do not support postponing for further ballot discussion. Council Members Anderson and Antonucci feel that the developer has put in a lot of work and money, and more information is needed.

Discussion on the main motion:

Council Member Antonucci would like to have staff get together with the applicant and come back with a timeframe to look at the information.

Council Member Strong clarified that the applicant can come forward with the information, but not to be considered for this year's ballot.

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**VOTE ON THE MOTION:** Council Member Strong moved and Council Member Ivancie seconded to approve not looking at a Metro District, review other improvement district options, but not for this November. The motion carried 4/3. Council Members Kaminski, Antonucci and Anderson opposed.

*At this time, Council heard agenda item 8, an ordinance amending Article VII, Subdivision Regulations, of the Community Development Code to add provisions relating to extraterritorial major street planning.*

**7. Community Housing Plan.**

Mr. Ward voiced frustration and disappointment about the process that has ensued on this issue, feeling that they got “blind sighted.” He spoke to their support of the creation of the Base Area Redevelopment Coalition (BARC) and the concept of the URA in partnership. He stated that affordable housing has been a huge topic of discussion in the community, and through BARC they supported the inclusionary zoning ordinance. Now they are supporting a funding mechanism proposal to impose taxes on themselves. They were working with staff and the Housing Authority, and one hour before the meeting they received a letter from Mr. Don Taylor stating that the value of the property is \$5.3 million instead of \$1.5 million. He feels there is a disconnect in the methodology Mr. Taylor used to come up with this figure, which “wiped out” the opportunity to negotiate a fee in lieu. He stated that his group intends to be members of the community long-term, and they want to work towards the future and have better communication.

Mr. Ward presented two PowerPoint slides on affordable housing generation, and that the calculations were done according to the Inclusionary Zoning requirements.

**PUBLIC COMMENT:**

Ms. Diane Brower clarified that the Community Alliance is not the group that asked for off site housing and they are not in favor of fee in lieu. She stated that the Wildhorse developers are here to make money, and she voiced concern that they are trying to transplant a concept here that would be more

appropriate in Vail. She feels the proposal is anti-diversity, and the luxury units will generate more service jobs and an increased need for affordable housing. This will create more congestion, and she questioned who will pay for the increased bus service needed from outlying towns. She feels that more affordable housing and transportation funding is needed.

Ms. Elizabeth Black, Yampa Valley Housing Authority (YVHA), stated that the relationship between the Housing Authority and the City that is created by the

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Inclusionary Zoning intergovernmental agreement can alleviate these feelings in the future.

Mr. Reed Morris reminded the petitioner that this is a public hearing and debate with advocacy groups is appropriate. He supports affordable housing on site.

Mr. Bill Atkinson supports the 15 percent affordable housing. He spoke to the canyon effect in the community, noting that he has seen the effects of this on the river basin, with respect to water temperature, storm run-off, and drainage issues.

Ms. Margaret Berglund, Community Alliance, supports the 15 percent affordable housing on site. She feels that the miscommunication is unfortunate, but can sometimes happen in the public process.

Ms. Bobbi Hodge feels that people move to Steamboat Springs for the sense of community. She voiced concern with the amount of second homeowners and tourist that this development would serve. She encouraged more employee housing.

**MOTION:** Council Member Strong moved and Council Member Kaminski seconded to approve the Wildhorse Meadows Community Housing Plan; **FRIENDLY AMENDMENT:** City Council President Pro-Tem Dellinger offered the following friendly amendment: add a minimum of 80 units and a maximum of 90 units. The motion carried 7/0.

Council Member Anderson clarified that this is based on the 900 square foot average.

City Council President Pro-Tem Dellinger spoke to Ward's concerns, stating that Council has been trained to generally distrust developers, and she feels that a worksession for this and other large projects is a good idea. She also feels that the City could offer better communication and process.

*At this time, Council heard agenda item 6, Wildhorse Meadows Metro District.*

- 8. SECOND READING OF ORDINANCE: An ordinance amending Article VII, Subdivision Regulations, of the Community Development Code to add provisions relating to extraterritorial major street planning; providing for severability; repealing all conflicting ordinances; and providing an effective date.**

*This item was postponed from the July 18, 2006 City Council agenda.*

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

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Mr. Foote spoke to reviewing developments outside the boundary, and the ability to determine if a development plan complies with the road plan. The ordinance is intended to fill in the gap. Council could consider extending its authority to the fullest extent. The ordinance can be adopted as proposed, or delete Section c3 and the last paragraph.

PUBLIC COMMENT:

Ms. Mary Brown voiced concern with the ability to deny applications to the County.

Mr. Lettunich clarified that this only applies to major street plans that are agreed upon together with the County.

**MOTION:** Council Member Strong moved and Council Member Antonucci seconded to approve the second reading of an ordinance amending Article VII, Subdivision Regulations, of the Community Development Code to add provisions relating to extraterritorial major street planning; providing for severability; repealing all conflicting ordinances; and providing an effective date; as presented on purple, including c3 and the last paragraph. The motion failed 3/4. Council Members Brenner, Anderson, Dellinger and Ivancie opposed.

Discussion during the motion:

Council Member Anderson stated that the City has the authority and this ordinance could limit that authority, which we have via State Statute. He feels it is a question of whether or not the City will have the same level of collaboration with future Commissioners. He supports an ordinance that allows the City the authority at the State Statute level.

Council Member Strong feels that the City has worked on the relationship with County, and adopting an ordinance that applies outside the boundaries, hurts this relationship. He feels that just because the City can assert more authority, does not mean that it should.

City Council President Pro-Tem Dellinger feels that Council needs to look out for the interests of the City citizens.

City Council President Brenner feels it is the City's responsibility to have the authority enabled by the State Statute. He supports removing Section c3 and the last paragraph.

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**MOTION:** City Council President Pro-Tem Dellinger moved Council Member Ivancie seconded to approve the ordinance eliminating section c3 and the last paragraph. The motion carried 5/2. Council Members Strong and Antonucci opposed.

**PUBLIC HEARING - GENERAL BUSINESS**

- 9. SECOND READING OF ORDINANCE: An ordinance vacating a portion of Yampa Street, Third Street, and Fourth Street adjacent to the real property owned by Riverwalk Steamboat, LLC, more particularly described below; providing an effective date and setting a hearing date.**

*This item was postponed from the July 18, 2006 City Council agenda.*

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

Mr. Lettunich spoke to vacating the right of way, and a portion of 3<sup>rd</sup>, 4<sup>th</sup> and Yampa Street to allow the developer to proceed, and the assurance that the City has available \$1.5 million for public benefit. He stated that he has a signed letter of credit, and the ability to draw on this is conditioned upon the passage of the vacation ordinance. He stated that everything is in place, he has the signed easement and the construction loan has closed. The developer will then come back with a final development plan.

PUBLIC COMMENT: No one appeared for public hearing.

**MOTION:** City Council President Pro-Tem Dellinger moved and Council Member Antonucci seconded to approve the second reading of an ordinance vacating a portion of Yampa Street, Third Street, and Fourth Street adjacent to the real property owned by Riverwalk Steamboat, LLC, more particularly described below; providing an effective date and setting a hearing date. The motion carried 7/0.

**10. Riverwalk Distribution Plan.**

Mr. Lettunich stated that now that money will be available, the Yampa Valley Housing Authority (YVHA) needs to work on the formula for each of the homes. YVHA sent out a letter and instructions to the residents, and they will also have to verify the credits like unpaid taxes, etc.

Ms. Elizabeth Black, YVHA, stated that she anticipates that some residents/owners may disagree with their calculation. She suggested forming a temporary appeals board with two City Council members and the YVHA Chairperson, and scheduling hearings. **UNANIMOUS CONSENT:** YVHA to

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move forward with an appeals board, Ivancie and Dellinger to be Council representatives.

Ms. Black continued that until they get data back from the residents/owners they will not have the amount of money. She stated that the amount may be over \$550,000, in which case they could come back to Council for direction on how to adjust the formula. **UNANIMOUS CONSENT:** YVHA to proceed as recommended above.

She stated that they intend to work one-on-one as much as possible with the residents/owners on their future housing needs. She also noted that YVHA had originally requested \$5,000 to administer this distribution, which will not be enough. **DIRECTION:** YVHA to bring back a proposal.

Mr. Lettunich suggested that YVHA clarify that the residents/owners need to complete the Housing Authority questionnaire in order to receive funds. **UNANIMOUS CONSENT:** YVHA to write this letter.

**PUBLIC COMMENT:** No one appeared for public hearing.

It was clarified that residents/owners will not be held up by others not completing the questionnaire.

**MOTION:** Council Member Strong moved and Council Member Antonucci seconded to set a deadline of 30 days from July 26, 2006 for residents/owners to submit the information/questionnaire to the Yampa Valley Housing Authority, process to be complete by October 1, 2006. The motion carried 7/0.

*At this time, Council heard agenda item 5, Wildhorse Meadows.*

**ADJOURNMENT**

**MOTION:** Council Member Strong moved and Council Member Antonucci seconded to adjourn Regular Meeting 2006-20 at approximately 10:15pm. The motion carried 7/0.

**MINUTES PREPARED AND RESPECTFULLY SUBMITTED BY:**

*Julie Franklin*  
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Julie Franklin, CMC  
Deputy City Clerk

**REVIEWED AND RESPECTFULLY SUBMITTED BY:**

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES  
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*Julie Jordan*  
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Julie Jordan, MMC  
City Clerk

**APPROVED THIS 8th DAY OF August, 2006.**