

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2006-21

TUESDAY, AUGUST 8, 2006

MINUTES

Mr. Ken Brenner, City Council President, called Regular Meeting No. 2006-21 of the Steamboat Springs City Council to order at 4:05pm, Tuesday, August 8, 2006, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Ken Brenner, Towny Anderson, Loui Antonucci; and Kevin Kaminski. Steve Ivancie arrived at 4:08pm and Susan Dellinger arrived at 4:10pm. Paul Strong was absent.

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; Brain Berndt, Assistant Director of Planning Services; Suzanne Bott, Senior Planner; Jonathan Flint, Transit Specialist; Jeni Rae Watson, Computer Services; George Krawzoff, Director of Transportation Services; Jim Weber, Director of Public Works; Don Taylor, Director of Financial Services; Linda Kakela, Director of Intergovernmental Services; Gavin Malia, Geographical Information Services; 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); 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: Council Member Antonucci moved and Council Member Kaminski seconded to adjourn Regular Meeting 2006-21 at approximately 4:05pm 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); 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

4/0. Council Members Dellinger and Ivancie had not yet arrived. Council Member Strong was absent.

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Council Member Ivancie arrived at 4:08pm and City Council President Pro-Tem Dellinger arrived at 4:10pm

MOTION: Council Member Ivancie moved and Council Member Antonucci seconded to come out of executive session and reconvene Regular Meeting 2006-21 at approximately 5:05pm. The motion carried 6/0. Council Member Strong was absent.

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.

1. Routt County Planning Commission Report.

Ms. Diane Mitsch Bush, Routt County Planning Commission representative, was present and reported on the following: the change in Land Preservation Subdivisions on south valley floor; conducting conservations easements on several parcels rather than one; they eliminated most restrictions on home based businesses; and affordable housing in the Stagecoach area.

CITY COUNCIL UPDATE (5:15pm)

2. COUNCIL MEMBERS' REPORTS

Council Member Antonucci:

1. Has attended many Housing Authority meetings. They anticipate finishing the Oak Creek Self Help housing in late September and the Fox Creek Open House is August 25, 2006.

Council Member Anderson:

1. Questioned the status of a letter from the Park Avenue Homeowners Association. **DIRECTION:** City Manager to follow up.
2. Noted that Northwest Colorado Council on Governments will be here for a retreat on August 23-24, 2006, and he thanked staff working out the golf issue at Haymaker. He noted the need to review the City's policy on City owned facilities. **UNANIMOUS CONSENT:** Council Member Anderson to attend the next Golf Committee meeting.

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3. Attended a meeting about the proposed Nordic Center of the Rockies.
4. Questioned the City's policy on using pesticides on City maintained paths and trails. **DIRECTION:** Staff to follow up.

City Council President Brenner:

1. Spoke to the National League of Cities publication about inclusive communities and noted that Steamboat Springs is one of these communities.
2. Spoke to the retirement of Ms. Cathy Shipley, the Department of Local Affairs Field Representative. **DIRECTION:** Staff to accommodate a proclamation and gift at the August 15, 2006 Council meeting.
3. Retreat date: **DIRECTION:** City Clerk to move forward with September 27, 2006.

At this time, Council heard agenda item 4d, HPAC update and discussion on demolition fines.

3. AGENDA REVIEW

- a. **Council agendas for August 15, August 22, and August 29, 2006.**

DIRECTION: Ms. Jordan to close the August 15, 22, and 29 City Council agendas.

- b. **Council policy topic review schedule.**

DIRECTION: Ms. Jordan to move forward with placing items on Policy Topic meeting agendas.

- c. **Steamboat Springs Liquor Authority for August 10, and September 7, 2006.**

DIRECTION: Ms. Jordan to close the August 10 and September 7, 2006 Liquor Authority agendas.

CITY SERVICES UPDATE

CITY MANAGER'S REPORT

4. UPDATES:

- a. **Intergovernmental Services Report.**

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MOTION: Council Member Antonucci moved and City Council President Pro-Tem Dellinger seconded to approve submitting a grant application to the Colorado Department of Transportation for grant funding to carry out pavement maintenance of one runway and to complete the Steamboat Springs Airport Master Plan/Airport Layout Plan; and to the Federal Aviation Administration for \$150,000 in grant funds to carry out pavement maintenance of one runway. The motion carried 6/0. Council Member Strong was absent.

MOTION: Council Member Ivancie moved and City Council President Pro-Tem Dellinger seconded to approve submitting a grant application to the Colorado Liquor Enforcement Division for up to \$43,300 in grant funds for underage drinking enforcement, prevention and education activities. The motion carried 6/0. Council Member Strong was absent.

MOTION: Council Member Antonucci moved and City Council President Pro-Tem Dellinger seconded to approve submitting a grant application to the Rural Law Enforcement Grant Program for \$4,750 in grant funds for Police Officer overtime and regular police activities. The motion carried 6/0. Council Member Strong was absent.

MOTION: City Council President Pro-Tem Dellinger moved and Council Member Ivancie seconded to approve submitting a grant application to Great Outdoors Colorado for up to \$150,000 in Open Space funds for acquisition of a property on the Yampa River. The motion carried 6/0. Council Member Strong was absent.

MOTION: Council Member Ivancie moved and Council Member Kaminski seconded to approve submitting a grant application to Great Outdoors Colorado for up to \$200,000 in Local Government grant funds for acquisition of property on Emerald Mountain. The motion carried 6/0. Council Member Strong was absent.

Ms. Kakela further reported on the following:

1. Noted that Congressman Salazar will be in Steamboat Springs on August 11, 2006 and has suggested a meeting with local municipal officials. She has also invited the Routt County Commissioners and surrounding communities.

b. Financial Services Report.

1. Pre-budget Review

a.) Transportation.

Mr. Taylor provided some general information on this year's City budget process.

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Mr. Krawzoff spoke to the Transit Budget, noting that personnel is about 70% of their budget and fuel is about half of the remainder. He stated that all other line items will have to be cut in order to make the budget target.

Council Member Antonucci feels that the downtown Main Street shuttle was an experiment, and the City needs to revisit it to see if it is working. It may be more of an asset in the summer than in the winter. City Council President Pro-Tem Dellinger noted that it may take more than a year for the shuttle to reach its potential.

DIRECTION: Mr. Krawzoff to research and discuss with Main Street.

Mr. Krawzoff stated that the Airport budget is status quo, and low staffing levels are a concern.

At this time, Council heard agenda item 5, a proclamation recognizing the Year of the Museum.

City Council President Pro-Tem Dellinger questioned how to obtain the transit budget goal, without loss to other departments. Mr. Taylor stated that staff needs to hear Council priorities in order to make comparisons.

City Council President Brenner questioned partnerships with the Lodging Community to expand services. Mr. Krawzoff spoke to The Rockies proposal and the need to follow up on how to best achieve service expansion.

City Council President Brenner questioned if there has been any progress on environmental issues and alternative fuels. Mr. Krawzoff stated that bio-diesel could be pursued, but survey results in the State have not been good and he does not recommend this at this time. The key is to consolidate as many trips as possible on diesel vehicles.

b.) Capital Improvements Projects (CIP) Review.

Mr. Taylor presented the Five Year CIP. He stated that he recommends trimming the 126 projects that are presented in the draft CIP in order to match the projected revenues, so that it is a viable plan.

CIP/General Government:

Utility Underground Old Town-City Council President Brenner asked if this could be deferred. Mr. Taylor stated the 2007 funds are to finish the alleys that have

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already been started. The 2009 funds are new and have to do with Riverwalk project.

Discussion commenced on Historic Preservation/More Barn Stabilization and Preservation and Historic Preservation/Affordable Housing.

Public Works:

New Victory Highway-City Council President Brenner questioned an improvement district. Mr. Taylor stated that it is outside City limits. City Council President Brenner would like to find a way to finance this.

Council Member Antonucci questioned Stormwater Quality. Mr. Weber stated that this is a combination of Federal Stormwater Permits and several projects. City Council President Brenner spoke to a fee that could defer these costs or long-term financing.

Stone Court Connector-City Council President Pro-Tem Dellinger asked if this would cause transportation changes. Mr. Weber indicated yes, Mr. Taylor suggested a Special Improvement District.

Parks, Open Space & Recreation:

Parks Maintenance Shop and Offices Expansion/Renovation-City Council President Brenner questioned the use of modulars. Mr. Wilson stated that there were Colorado Intergovernmental Risk Sharing Agency (CIRSA), employee, and Leadership in Energy and Environmental Design (LEEDS) issues with the use of modulars.

Replace Snowmaking System at Howelsen Ski Area- Mr. Wilson clarified that this is a combination of replacing and enhancing the system.

City Council President Brenner questioned the status of the Alpine Slide. Mr. Taylor stated that this pays the minimum lease amount and has not lived up to its expectations.

DIRECTION: Staff to prioritize the items in this section.

City Council President Pro-Tem Dellinger questioned implementing the recommendations of the Tax Policy Advisory Board (TPAB). **DIRECTION:** Mr. Taylor to define the recommendations.

GENERAL PUBLIC COMMENT

Ms. Diana Capps voiced concern with the planning process required to make a minor improvement to her home. She would like to do a deck extension, for which she has approval from her neighbors and the Homeowners Association. Her building permit was rejected because a portion of the deck would extend into the townhome common area, and she was told that she can't do the extension unless the whole lot is replatted. She would like a waiver to allow the deck to be built. **DIRECTION:** City Manager to follow up.

Mr. Scott Wedel, owner of a home on Walton Creek Road, voiced concern that his tenants may have to move out because there are more than three of them in the home that are not related (this is a Community Development Code requirement). He voiced concern with this regulation. He asked that staff not enforce this regulation, and suggested basing it upon the number of rooms or parking spaces.

Mr. Foote clarified that this is not an inconsistency in Code, rather is a policy question of the occupancy issue. Council Member Antonucci stated that the Community Development Code definition of "family" needs to be discussed at some point to see if it makes sense. **UNANIMOUS CONSENT:** City Clerk to add this as a future policy topic.

Mr. Foote questioned if Council would like staff to not pursue the current enforcement action. Council Member Antonucci would like more information from staff about this particular incident. **DIRECTION:** Staff to provide a memo on this situation as well as a rationale for the requirement. Enforcement to remain in effect for now, Council will review the information.

Ms. Bridget Hannaman, tenant in the above mentioned home, voiced concern that they could be evicted because they have two couples living in a two-bedroom home. She stated that they feel they are good tenants and that they are being attacked.

Mr. Scott Smith, tenant in the above mentioned home, stated that the problems with parties and dogs at large were from the neighbors to the left.

DIRECTION: Staff is looking into the situation and there will be a discussion.

Mr. Patrick Delaney, Historic Routt County!, acknowledged the contributions of City staff to the Agriculture Context of Routt County, that was published in June. He thanked Mr. Malia, Ms. DelliQuadri, Ms. Kakela and Ms. Shaffer for their help.

At this time, Council returned to agenda item 4b, the CIP review.

c. Planning Services Report.

Mr. Berndt provided a written update on: Inclusionary Zoning, City Affordable Housing Plan, Housing Linkage – Rational Nexus Study, Urban Renewal Authority Advisory Committee/Streetscape Urban Design Plan, Big Box, Commercial/Multi-Family/Mixed Use Design Standards, and the August 5, 2006 Policy Topic Meeting.

He further noted that revisions to the Big Box ordinance have been sent to the Planning Commission, and they hope to have a final draft soon.

d. Historic Preservation Advisory Commission (HPAC) update and discussion on demolition fines.

Ms. Duckworth reported on HPAC's recommendation to adopt four new penalties to address demolition without a permit. 1. To adopt an ordinance that imposes up to a 10-year moratorium; 2. Adopt an ordinance that requires an owner to restore property to its former appearance; 3. To

quadruple the permit fees; and 4. To impose a waiting period of up to 90 days.

Council Member Ivancie questioned the definition of a historic structure. Ms. Duckworth clarified that if a person willfully demolished an historic structure without permits, they would be required to restore the structure. Council Member Ivancie stated that there are many old sheds and structures in Old Town where people aren't aware of the historic value. Ms. Duckworth stated that public education will be important.

UNANIMOUS CONSENT: Council Members Anderson and Ivancie to work with staff on an ordinance.

UNANIMOUS CONSENT: To continue the discussion regarding a possible ordinance in the future regarding tear down and a safety net provision.

At this time, Council heard agenda item 3, Agenda Review.

e. Manager's Report: Ongoing Projects.

Mr. Lanning further reported on the following:

1. Stated that he will start providing written reports to Council on August 22, 2006.

CITY ATTORNEY'S REPORT

Mr. Lettunich had no report.

PROCLAMATIONS AND RECOGNITIONS (6:30pm)

5. PROCLAMATION: Year of the Museum.

Council Member Anderson read the proclamation into the record and presented Ms. Candice Lombardo, Tread of Pioneers Museum, and Mr. R.C. Dieckhoff with City of Steamboat Springs woolen blankets.

Ms. Lombardo and Mr. Dieckhoff thanked the City for the opportunity to recognize the contributions of museums to the community.

At this time, Council returned to agenda item 4b-1a, the Transportation Budget review.

CONSENT CALENDAR - GENERAL BUSINESS

- 6. RESOLUTION: A resolution authorizing the conduct of a Special Municipal Mail Ballot Election to be held on Tuesday, November 7, 2006 solely for the purpose of submitting to the qualified registered electors a question relative to establishing a General Improvement District all within the previously established Steamboat Springs Base Area Reinvestment Plan Area boundary.**

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

- 7. RESOLUTION: A resolution of the City Council for the City of Steamboat Springs, Colorado, directing all members of the Steamboat Springs Police Department to cooperate with the State and Federal officials with regards to enforcement of State and Federal laws regarding immigration and further directing all members of the Steamboat Springs, Colorado Police Department to comply with the requirements of Colorado Revised Statutes (C.R.S.) § 29-29-103(2)(a).**

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

- 8. RESOLUTION: A resolution appointing an Election Commission for the City of Steamboat Springs.**

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

- 9. FIRST READING OF ORDINANCE: An ordinance submitting to a vote of the registered electors of the City of Steamboat**

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Springs at the Special Municipal Election (coordinated with Routt County) to be held on November 7, 2006, a proposed amendment to the Steamboat Springs Home Rule Charter relative to City Council compensation.

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

- 10. FIRST READING OF ORDINANCE: An ordinance submitting to a vote of the electors of the City of Steamboat Springs at a Special Election to be held Tuesday, November 7, 2006 a ballot question authorizing the issuance of Clean Renewable Energy Bonds for the purpose of acquiring solar energy systems; fixing a ballot title; and establishing an effective date.**

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

This item was removed from the Consent Calendar for further discussion

Ms. DuBord recognized Mr. Taylor, Mr. Foote and Mr. Malia for their help on this project. Ms. DuBord noted that Ms. Susan Holland, a community resident with experience in this field, and Ms. Allison Mason from SunEdison, were present to answer any questions.

Ms. DuBord stated that staff does not recommend moving forward with this ordinance as a bond issue on the ballot because many things need to be worked out, and it is too complex and confusing. There are lots of unknowns in the worst-case scenarios, and staff would like to investigate other financing options.

Ms. DuBord noted the other programs the City is working on: wind powered operation at Centennial Hall, the Sustainable Management Plan, LEEDS projects, reviewing City policies, and looking at hybrid vehicles.

Ms. Mason spoke to the opportunity to obtain solar energy with low risk.

Council Member Anderson questioned if there has been the same issues with other communities, whether to go to ballot or not. Ms. Mason stated that most communities prefer not to go to an election. She stated that they are negotiating the contracts.

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MOTION: City Council President Pro-Tem Dellinger moved and Council Member Ivancie seconded to deny the first reading of an ordinance submitting to a vote of the electors of the City of Steamboat Springs at a Special Election to be held Tuesday, November 7, 2006 a ballot question authorizing the issuance of Clean Renewable Energy Bonds for the purpose of acquiring solar energy systems; fixing a ballot title; and establishing an effective date. The motion carried 6/0. Council Member Strong was absent.

MOTION: City Council President Pro-Tem Dellinger moved and Council Member Antonucci seconded to approve staff continuing to work with the project details and financing options. The motion carried 6/0. Council Member Strong was absent.

- 11. FIRST READING OF ORDINANCE: An ordinance submitting to a vote of the electors of the City of Steamboat Springs at a Special Election to be held Tuesday, November 7, 2006 a ballot question authorizing the issuance of bonds in amounts up to \$18,000,000 for the purpose of constructing a Recreation Center and authorizing the imposition of a new property tax with first year revenues of up to \$1,600,000, the proceeds of which shall be dedicated to servicing the bond debt; and submitting a ballot question authorizing the imposition of a new property tax with first year revenues up to \$545,000, the proceeds of which shall be dedicated to defraying the operating and maintenance costs of the Recreation Center; fixing ballot titles; and establishing an effective date.**

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

This item was removed from the Consent Calendar for further discussion.

City Council President Brenner disclosed that he operates a business at Health and Recreation and stepped down.

Ms. Peterson stated that the Ad Hoc Committee has been working on their charges and are present to update Council.

Ms. Shannon Lukens, Ad Hoc Committee, stated that according to the Ballard-King study, there is strong support for a new recreation center in the area. She provided a history of studies and meetings. She stated that the pool plans were not well received by Health and Recreation (H&R) members and many people want children and teens incorporated into a community/recreation center. She feels it is crucial to survey the citizens again and stated that the Committee recommends moving forward with polling in the next few weeks, and putting the

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recreation center issue on the ballot.

Ms. Peterson stated that there were four main directives of the Ad Hoc Committee, to build solid partnerships, develop ballot language, find an agreement between H&R and the City, and to ensure the sustainability of H&R.

Ms. Pat Carney, Steamboat Springs Health and Recreation Association, stated that the Board appreciates the time, money and mutual respect that has gone into the facilitated meetings. She read a letter from Bud Romberg (this letter is on file in the City Clerk's Office), which spoke to defining the agreement between H&R and the City, because there are complicated issues and the specifics are unknown. Other partnerships have been identified and contacts made; however the indoor pool need is still unmet. They are interested in working with the group, but need more time to work out details.

Ms. Michele Caragol voiced concern with the timing and feels there is no better time than now. She feels there are youth and teen needs in the community that are not met by H&R and voiced concern that construction and bond costs continue to increase. She feels there is a dedicated group of individuals working to address the questions and concerns.

Ms. Maggie Smith, Parks and Recreation Commission, spoke to the site options: the Ski Town Ball Fields and the Curci-Turner site, of which the City owns both. She stated that the study recommended the Curci-Turner site and spoke to the advantages of this site, as well as the limiting factors of the Ski Town site.

Mr. Mark Fraioli, Ad Hoc Committee, spoke to outside donations and stated that there is commitment to raise \$3 million.

Ms. JoEllen Heydon provided an organizational chart of the Citizens For a Community Recreation Center. She supports moving forward with the first reading of the ordinance and the funding to hire a firm to conduct the polling process.

Council Member Anderson questioned if there has been agreement between H&R and the City regarding protection options.

Ms. Caragol stated that they have been working on addressing these concerns, however it is difficult because H&R is unclear on their needs.

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Ms. Carney stated that they need to see what the plan is with respect to leisure water and fitness, and this has not been specified yet. She stated that they need time to work with the sub committee, and there has not been enough information to come to the table.

Council Member Anderson questioned if the pool issue has this been resolved. Mr. Brad Piske, Steamboat Parents for a Recreation Center Soon (SPARCS), stated that the issue is not the indoor lap pool, but the leisure water element. The leisure water and future fitness elements are unknown and they propose having indoor leisure water for younger children. Future fitness is tough because H&R doesn't know what they are going to need. The group continues to talk about a joint membership.

Council Member Anderson questioned if the survey/poll could be complete before the second reading of the ordinance. Mr. Taylor stated that staff has contacted a firm about conducting a survey, who estimated that it would cost about \$15,000 and take three to four weeks to conduct. This money would be paid for out of bond funds or the underwriter would pay for them.

Mr. Lanning stated that meeting the timeline could be difficult for a variety of reasons. The facility itself needs to be determined, the level of offering and location, as well as the funding appetite for that facility.

PUBLIC COMMENT:

Mr. Irwin Freiburger, speaking as private citizen, does not oppose the recreation center, but feels the funding is skewed. He feels it is improper to ask the citizens to pay for the proposed recreation center. He feels that sales tax is in place so that all residents and voters can help defray the costs of infrastructure improvements. He stated that commercial will pay three times the rate of residential and feels that increasing property taxes in Steamboat Springs will have a significant negative impact. He feels that increasing the sales tax is the best option.

Ms. Leslie Curly, Ad Hoc Committee, feels that it makes sense to move forward with first reading and getting the poll started.

Mr. Richard Levy questioned if the community is ready to stand behind the recreation center current plan. He feels that Council needs to be 100 percent behind the plan before it can be a success. He spoke to affordability of fees, the uniqueness of Steamboat, and citizen tolerance for a tax increase.

Mr. Bill Jameson spoke to the TPAB recommendations and questioned why this recreation center proposal is before City Council at such a late date. He feels that

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timing is an issue and questioned what the equivalent in a sales tax increase would be.

Ms. Tracy Welsh supports moving forward with first reading and polling the citizens.

COUNCIL COMMENT:

Council Member Antonucci feels there is a need for a teen/youth center and more water however, he is sensitive to the needs of H&R. He feels there are other needs that are not included in the H&R business plan. He is concerned with what this will cost the taxpayers. He supports moving forward with a poll, but feels that there are many questions to answer.

MOTION: Council Member Kaminski moved and Council Member Ivancie seconded to approve the first reading of an ordinance submitting to a vote of the electors of the City of Steamboat Springs at a Special Election to be held Tuesday, November 7, 2006 a ballot question authorizing the issuance of bonds in amounts up to \$18,000,000 for the purpose of constructing a Recreation Center and authorizing the imposition of a new property tax with first year revenues of up to \$1,600,000, the proceeds of which shall be dedicated to servicing the bond debt; and submitting a ballot question authorizing the imposition of a new property tax with first year revenues up to \$545,000, the proceeds of which shall be dedicated to defraying the operating and maintenance costs of the Recreation Center; fixing ballot titles; and establishing an effective date; and to include the financial backing to perform the survey. The motion carried 4/1. City Council President Pro-Tem Dellinger opposed. City Council President Brenner stepped down. Council Member Strong was absent.

Discussion during the motion:

Council Member Ivancie supports moving forward, but is concerned with timing. He feels there are a lot of questions to be answered and a lot of education to move forward with.

Council Member Anderson supports moving forward and getting as much done as possible, though this may be an issue for 2007.

City Council President Pro-Tem Dellinger would rather focus on what can be done between now and a year from now. She feels that the location is a big issue and the survey information is needed. She is not comfortable with moving forward and voiced concern with making decisions "on the fly."

Council Member Antonucci shares all these concerns, but noted that there is still

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second reading to further discuss it.

Council Member Antonucci supports an independent study to get an unbiased opinion. Mr. Lanning further stated that the cost of the proposed survey could depend on the speed the survey is done.

DIRECTION: Staff to provide cost and timeline information.

City Council President Brenner returned to the meeting.

- 12. FIRST READING OF ORDINANCE: An ordinance approving a utility easement agreement between the City of Steamboat Springs and Bank of the West; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

- 13. FIRST READING OF ORDINANCE: An ordinance approving a utility easement agreement between the City of Steamboat Springs and Yampa Valley Electric Association; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

- 14. FIRST READING OF ORDINANCE: An ordinance approving a utility easement agreement between the City of Steamboat Springs and Anchor Professional Office Condo Homeowners Association; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

- 15. FIRST READING OF ORDINANCE: An ordinance approving a utility easement agreement between the City of Steamboat Springs and Residences of Old Town Condominium Association; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

This item was removed from the Consent Calendar for further discussion.

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Mr. Jim Kerr, Residence at Old Town Condominium Association, stated that the Association is happy to talk about the original easement, it appears that an additional easement is needed to move a gas line, and it is not clear what the City's needs will be with regards to the Howelsen Place development.

Ms. DuBord suggested tabling this item to the August 22, 2006 City Council meeting.

MOTION: Council Member Ivancie moved and Council Member Antonucci seconded to table to August 22, 2006 the first reading of an ordinance approving a utility easement agreement between the City of Steamboat Springs and Residences of Old Town Condominium Association; repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 6/0. Council Member Strong was absent.

- 16. FIRST READING OF ORDINANCE: An ordinance approving a utility easement agreement between the City of Steamboat Springs and Wescoin, LP; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

- 17. FIRST READING OF ORDINANCE: An ordinance approving a utility easement agreement between the City of Steamboat Springs and Richard L. and Leslie M. Ryan; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

- 18. FIRST READING OF ORDINANCE: An ordinance approving a utility easement agreement between the City of Steamboat Springs and 509 Lincoln, LLC; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

MOTION: Council Member Ivancie moved and Council Member Antonucci seconded to approve items 6, 7, 8, 9, 12, 13, 14, 16, 17, and 18 of the Consent Calendar, a resolution authorizing the conduct of a Special Municipal Mail Ballot Election to be held on Tuesday, November 7, 2006 solely for the purpose of

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submitting to the qualified registered electors a question relative to establishing a General Improvement District all within the previously established Steamboat Springs Base Area Reinvestment Plan Area boundary; a resolution of the City Council for the City of Steamboat Springs, Colorado, directing all members of the Steamboat Springs Police Department to cooperate with the State and Federal officials with regards to enforcement of State and Federal laws regarding immigration and further directing all members of the Steamboat Springs, Colorado Police Department to comply with the requirements of Colorado Revised Statutes (C.R.S.) § 29-29-103(2)(a); a resolution appointing an Election Commission for the City of Steamboat Springs; the first reading of an ordinance submitting to a vote of the registered electors of the City of Steamboat Springs at the Special Municipal Election (coordinated with Routt County) to be held on November 7, 2006, a proposed amendment to the Steamboat Springs Home Rule Charter relative to City Council compensation; the first reading of an ordinance approving a utility easement agreement between the City of Steamboat Springs and Bank of the West; repealing all conflicting ordinances; providing for severability; and providing an effective date; the first reading of an ordinance approving a utility easement agreement between the City of Steamboat Springs and Yampa Valley Electric Association; repealing all conflicting ordinances; providing for severability; and providing an effective date; the first reading of an ordinance approving a utility easement agreement between the City of Steamboat Springs and Anchor Professional Office Condo Homeowners Association; repealing all conflicting ordinances; providing for severability; and providing an effective date; the first reading of an ordinance approving a utility easement agreement between the City of Steamboat Springs and Wescoin, LP; repealing all conflicting ordinances; providing for severability; and providing an effective date; the first reading of an ordinance approving a utility easement agreement between the City of Steamboat Springs and Richard L. and Leslie

M. Ryan; repealing all conflicting ordinances; providing for severability; and providing an effective date; and the first reading of an ordinance approving a utility easement agreement between the City of Steamboat Springs and 509 Lincoln, LLC; repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 6/0. Council Member Strong was absent.

PLANNING COMMISSION

19. Planning Commission Report.

Ms. Meyer, Planning Commission representative, was present and had no report.

CONSENT CALENDAR- PLANNING COMMISSION REFERRALS

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20. PROJECT: Willett Heights Subdivision, Filing 1, Block 5, Lot 1 (Rocky Peak Village)

PETITION: Development plan and final development plan for a 34 unit development (2 tri-plexes and 4 duplexes) and associated improvements.

City Council President Brenner read the project into the record.

This item was pulled from the Planning Consent Calendar for discussion.

Mr. Keenan, City Planner, was present.

Council Member Antonucci clarified that the secondary/emergency access is a condition of approval, mandated by Fire Prevention.

Council Member Antonucci questioned the drainage plan. Mr. Jorge Gonzales, Landmark Consultants, was present and stated that the proposed developer has provided a drainage plan above what was required by Public Works. He stated that all access' are on their property, not the Willett Heights property, and they are looking at limited summer access.

Council Member Anderson questioned if the sump pumps are there because of failure of drainage. Mr. Gonzales stated that this is an on-going issue for Willett Heights, not his proposed project. He is confident that the drainage plan will be a plus to help off set the drainage problem. Mr. Keenan stated that this is a Public Works issue, but staff feels confident.

PUBLIC COMMENT:

Mr. Joe Birkenbine, Willett Heights resident, stated that a fire easement and drainage are concerns. He would like to see more than speed bumps in the area. He stated that snow storage has to be moved north to south as snow piles get big. He feels this project is limiting to their snow storage.

Mr. Billy Gunn, adjoining property owner, agrees with the access concerns because people will naturally take the shortest route. He suggested putting in a four-way stop.

Ms. Meyer, Planning Commission representative, stated that there was a great deal of discussion at Planning Commission, however their purview is limited to architecture and landscaping.

Mr. Keenan stated that a four-way stop is not a requirement of Public Works, but this may need to be looked at in the future. He stated that this project is a use by right in the zone district, and there are no variances.

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Mr. Lettunich stated that an administrative appeal could have been requested, but this did not happen and at this point it is too late for an appeal. Council is limited to discussion on architecture, unless they want to add a condition of approval.

Council Member Antonucci has concerns with the speed bump and access. Mr. Gonzales stated that there are speed bumps and emergency access signs.

City Council President Brenner voiced concern with the process, and there not being adequate means for adjacent property owners to voice concerns. He further voiced concern with the appearance of a "mirrored duplex project." It was noted that no "mirrored duplexes" were found within the project.

CONDITIONS:

1. Civil construction plans must be submitted for review and approved prior to approval of any building permit. 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.
2. Storm water quality features identified on the approved construction plans must be in place prior to issuance of any certificate of occupancy.
3. An Emergency Access Agreement between the applicant and Fish Creek Falls Condominiums must be recorded prior to Grading/Excavation or Building Permit approval.
4. Applicant to pursue with the Fire Department a chain across the Emergency Access.

MOTION: Council Member Antonucci moved and Council Member Ivancie seconded to approve the final development plan for Willet Heights Subdivision, Filing 1, Block 5, Lot 1 (Rocky Peak Village) with 1-3 conditions and the addition of a condition 4: Applicant to pursue with the Fire Department a chain across the emergency access. The motion carried 6/0. Council Member Strong was absent.

Discussion during the motion:

UNANIMOUS CONSENT: Staff and the Planning Commission to discuss the policy for Development Plan purview and use by rights, and report back to Council.

- 21. PROJECT: Walton Creek Park II, Lots 1 & 2 (Aspens and Walton Creek)**

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PETITION: Final development plan for a 28 unit multi-family development with 2 employee units and associated improvements.

City Council President Brenner read the project into the record.

Council Member Ivancie stepped down.

CONDITIONS:

1. The applicant must receive approval through the Army Corps of Engineers for the proposed disturbance to the wetlands prior to issuance of a Grading/Excavation or Building Permit.
2. The applicant must receive approval of a Final Plat that includes the following prior to a Grading/Excavation or Building Permit: ROW dedication at Mariah Court and ROW easement along Walton Creek Road, easement dedications and vacations along the interior property line, emergency access easement, and a lot line elimination.
3. The two Employee Units must receive a Use W/Criteria approval and become deed restricted prior to Building Permit.
4. Final drainage calculations will be required at FDP. Pending the outcome of the drainage analysis, developer may be required to provide surety for removal/resizing of private storm sewer in the future once the planned ditch is constructed and the proposed pipe will only be needed for site drainage.

MOTION: City Council President Pro Tem Dellinger moved and Council Member Kaminski seconded to approve the Final Development Plan for Walton Creek Park II, Lots 1 & 2 (Aspens and Walton Creek) with conditions 1-4. The motion carried 5/0. Council Member Ivancie stepped down. Council Member Strong was absent.

Council Member Ivancie returned to the meeting.

22. PROJECT: Copper Ridge Business Park, Filing 4, Lot 22 (Copperview 22)

PETITION: Final development plan architectural review of a project consisting of two warehouses buildings.

City Council President Brenner read the project into the record.

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CONDITION:

1. The following items to be identified on the building permit are considered critical improvements and must be constructed prior issuance of any CO; surety cannot be posted for these items:
 - a. Public drainage improvements
 - b. Driveway access improvements
 - c. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

MOTION: City Council President Pro-Tem Dellinger moved and Council Member Antonucci seconded to approve the Final Development Plan for Copper Ridge Business Park, Filing 4, Lot 22 (Copperview 22) with condition 1. The motion carried 6/0. Council Member Strong was absent.

At this time, Council heard agenda items 25, 26, and 27, Public Hearing General Business.

PUBLIC HEARINGS - PLANNING COMMISSION REFERRALS (7:30pm)

23. PROJECT: Ski Hill Subdivision, Part of Parcel E (One Steamboat Place)

PETITION: Development plan application for a 500,000 square feet mixed use development at the Steamboat Ski Resort, including a new entry to the ski area and gondola, 90 residential units, and 17,000 square feet of commercial.

City Council President Brenner read the project into the record.

Ms. Bott, Senior Planner, was present and introduced the applicant team.

Mr. Peter Patten provided a PowerPoint presentation highlighting the following: One Steamboat Place goals; pre-application submittal; massing studies; summary of pre application comments; Base Area Master Plan, standards diagram; Promenade and Burgess Creek Master Plan; development plan cover sheet; view to south from existing gondola; and the project overlay for Ski Time Square.

Mr. Robin Schiller continued with: site plan; level 3 floor plan; level 2; level 1; short term drop off area differences since pre application; SSRC future skier services; arrival circle and garage entrance off Mt. Werner Circle; proposed vehicle access; view to the north from Village Drive; massing study at skier plaza; north elevation; plaza design development; east stairs; pedestrian connection

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from the south; Wildhorse Meadows gondola; ski in access for The Dulaney; and environmental issues.

Mr. Patten continued with: Gondola Transit Center proposed improvements; specific variance process; public benefit table; and concluding points.

Mr. Whitney Ward spoke to the Timbers Company, a part of the applicant team, stating that it is an incredible group that has done very unique, environmentally sensitive projects all over the world. He feels this project would bring a level of sophistication to Steamboat Springs.

Mr. Chris Diamond, Steamboat Ski and Resort Corporation, provided a history of the One Steamboat Place parcel. He stated that until today, there hasn't been a developer with the capacity to do this kind of project, and the Steamboat Ski & Resort Corporation is very comfortable with it.

PUBLIC COMMENT:

Mr. Richard Levy is happy that the developer made changes in response to public input. He feels that this is the place for density and feels this is a quality project.

Mr. Bill Jameson feels this is a great group of developers, but it is a big project and he is concerned with the height and the southern view corridors.

Mr. Patrick Delaney stated that the Board of Directors for The Dulaney appreciates the developer's willingness to work with the neighbors and for preserving the ski-in access. They support the project.

Council Member Ivancie likes the architecture and the public lockers, but voiced concern with the height of the building dominating the area, though he acknowledged that this is the area that density is desired. He spoke to public amenities and noted the need for a medical facility at the base of the mountain.

Council Member Kaminski feels the project is big, but not too big. He noted the importance for neighborhood support.

City Council President Pro-Tem Dellinger voiced concern with the height, as well as the large size of the units.

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Council Member Antonucci feels that the developer listened to staff and the Planning Commission. He feels that this is the appropriate place for mass and height.

Council Member Anderson questioned if a fire truck can reach this height. Ms. Bott clarified that the Fire Department is comfortable with the design.

Council Member Anderson spoke to the struggle to balance height with public benefit. He feels that the bridges could be more elegant and could become view corridors.

City Council President Brenner spoke to the size of the units and density. He voiced concern that since half the units are fractional ownership that they will sit empty. He likes the employee housing on site, but encouraged the developer to have a wider variety. He feels the visual corridor has been greatly improved, but is concerned with the height. He questioned if a portion of the roof could be flattened and if various floors could be stepped for articulation. He spoke to a fee to help address the requirement of special fire fighting equipment. He further spoke to the Housing Plan and a real estate transfer tax.

24. Community Housing Plan.

This item was not discussed.

This is the first of two scheduled meetings; this item will also be heard on August 22, 2006.

PUBLIC HEARING - GENERAL BUSINESS

25. SECOND READING OF ORDINANCE: An ordinance adopting the Uniform Election Code of 1992 in lieu of the Municipal Election Code of 1965 as amended, for a Special Municipal Election to be held on November 7, 2006 to permit the City to participate in a coordinated polling place election with Routt County.

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

PUBLIC COMMENT: No one appeared for public hearing.

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MOTION: City Council President Pro-Tem Dellinger moved and Council Member Ivancie seconded to approve the second reading of an ordinance adopting the Uniform Election Code of 1992 in lieu of the Municipal Election Code of 1965 as amended, for a Special Municipal Election to be held on November 7, 2006 to permit the City to participate in a coordinated polling place election with Routt County. The motion carried 6/0. Council Member Strong was absent.

26. SECOND READING OF ORDINANCE: An ordinance approving a one-year extension of the Sports Fields and Facilities License Agreement between the City and Triple Crown Sports, Inc.; providing an effective date; and setting a hearing date.

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

Ms. Sandy Evans Hall, Steamboat Springs Chamber Resort Association, spoke to: the Northwest Colorado Sports Complex; noted that they are looking at non-profit corporation representation from surrounding areas; identifying what revenues would be concessions/usage fees; and play on the fields. She noted that area School Boards have been involved as well. They will look at grants and private contributions, and opportunities with major sports programs. She spoke to having intergovernmental agreements (IGA) and memorandums of understanding (MOU) on a per-benefit basis for operations and maintenance. She stated that they are waiting for the figures from the feasibility study.

Council Member Anderson spoke to a summer tourism study and would like to propose having this extension approved with the agreement that the Chamber and the City will jointly fund a study on the fiscal impacts of all activities. He does not support further extension until these studies are done.

Ms. Evans Hall stated that the Chamber would be happy to cooperate on this type of study.

PUBLIC COMMENT:

Mr. Darrell Randall, Ironhorse Inn, noted that he has heard complaints from some downtown merchants relative to heavy traffic and low sales. However, his establishment has generated good revenues, and he supports the extension.

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Mr. Bill Jameson noted that some of the participants are good, and some are not. He feels the problem is that many children don't behave or have proper supervision.

Mr. Brian Day, Overland Sheepskin, noted that they tracked their sales for a period of time, asking customers if they were here with Triple Crown, and 59 percent of their sales were from Triple Crown participants. He notes that this is a "high end" representation of shopper.

Mr. Richard Levy only supports the one-year extension to find an alternative. He requested statistics from Public Safety and questioned the cost to the community.

Ms. Jan Lomas, Artisans Market, feels that Triple Crown has a tremendous impact on the town and maintaining a strong summer economy. She feels that unless there was an equal replacement, she would go out of business without Triple Crown.

Mr. Chris Corna, Mountain Business Association, stated that the mountain businesses support Triple Crown, and stated that he experiences more problems with local children than Triple Crown children.

Mr. Jeff Little, Ore House, stated that he can't imagine summer revenues without Triple Crown. He supports the extension.

Mr. Scott Marr, Holiday Inn, feels that Triple Crown participants are the perfect customers for this town. He would like to see additional avenues of business, but supports keeping Triple Crown.

MOTION: City Council President Pro-Tem Dellinger moved and Council Member Antonucci seconded to approve the extension the second reading of an ordinance approving a one-year extension of the Sports Fields and Facilities License Agreement between the City and Triple Crown Sports, Inc.; providing an effective date; and setting a hearing date. The motion carried 5/1. City Council President Brenner opposed. Council Member Strong was absent.

Discussion during the motion:

City Council President Brenner questioned where the City is going with Triple Crown Sports, and developing 12 additional fields. Ms. Evans Hall stated that the

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expansion capacity is not known, but many of the current fields need to be replaced due to poor conditions. She feels we need to look at the future potential of sports tourism in the valley. City Council President Brenner questioned if there is talk of an increase in playtime. Ms. Evans Hall stated that she is unaware of this, and that they are talking about the same eight weeks, and no increase in the number of teams. However, they have talked about a longer contract, 15-20 years plus half million dollars to build. City Council President Brenner voiced concern that traffic has gotten worse and noted that there are many other concerns as well. He feels there are many quality of life issues and is not comfortable with the extension.

UNANIMOUS CONSENT: City Manager to move forward with a Request For Proposal for a summer tourism development study. Council Members Anderson and Dellinger to work with Mr. Lanning.

27. SECOND READING OF ORDINANCE: Third 2006 supplemental appropriation ordinance.

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

Mr. Taylor stated that the 23 projects are related to grants that came up after the budget was adopted.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Antonucci moved and City Council President Pro-Tem Dellinger seconded to approve the second reading of the Third 2006 supplemental appropriation ordinance. The motion carried 6/0. Council Member Strong was absent.

At this time, Council heard agenda item 23, One Steamboat Place.

APPROVAL OF MINUTES

28. MINUTES
a. Special Meeting SP-2006-14, July 6, 2006.

Council Members Dellinger and Anderson stepped down.

MOTION: Council Member Kaminski moved and Council Member Ivancie seconded to approve the July 6, 2006 City Council minutes. The motion carried 4/0. Council Members Dellinger and Anderson stepped down. Council Member Strong was absent.

Council Members Dellinger and Anderson returned to the meeting.

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- b. Regular Meeting 2006-19, July 18, 2006.**
- c. Regular Meeting 2006-20, July 25, 2006.**

MOTION: Council Member Kaminski moved and City Council President Pro-Tem Dellinger seconded to approve the July 18 and 25, 2006 City Council minutes. The motion carried 6/0. Council Member Strong was absent.

POLICY REVIEW

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

ADJOURNMENT

MOTION: Council Member Kaminski moved and Council Member Ivancie seconded to adjourn Regular Meeting 2006-21 at approximately 12:15am. The motion carried 6/0. Council Member Strong was absent.

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 5th DAY OF September, 2006.