

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2006-29

TUESDAY, OCTOBER 17, 2006

MINUTES

Mr. Ken Brenner, City Council President, called Regular Meeting No. 2006-29 of the Steamboat Springs City Council to order at 4:30pm, Tuesday, October 17, 2006, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Ken Brenner, Towny Anderson, Loui Antonucci, Steve Ivancie, Karen Post and Paul Strong.

City staff members present: Alan Lanning, City Manager; Anthony B. Lettunich, City Attorney; Julie Jordan, City Clerk; Laurie Manning, City Clerk's Office; Dan Foote, Staff Attorney; Tom Leeson; Anne Small, Purchasing/Contracts and Risk Manager; Joel Rae, Police Captain; George Krawzoff, Director of Transportation Services; Brian Berndt, Assistant Director of Planning Services; Sid Rivers, City Planner; Jim Weber, Director of Public Works; Jon Snyder, City Engineer

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

EXECUTIVE SESSION: 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 Ivancie moved and Council Member Antonucci seconded to adjourn Regular Meeting 2006-29 at approximately 4:30pm 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 6/0.

MOTION: City Council President Brenner moved and Council Member Antonucci seconded to come out of executive session and reconvene Regular Meeting 2006-23 at approximately 5:16pm. The motion carried 6/0.

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.

**STEAMBOAT SPRINGS CITY COUNCIL MEETINGS
REGULAR MEETING 2006-29
October 17, 2006**

No concerns were indicated.

CURRENT PROJECT STATUS

1. Steamboat Ski & Resort Corporation Contributions Committee appointment. City Council decided to select two members from the three applications. Those selected to serve on the committee were Deb Olson and Phillip Durian.
2. Agenda Review: Ms Jordan reviewed Council agendas for October 24, November 7 and November 14, 2006.

CITY COUNCIL UPDATE

1. COUNCIL MEMBERS' REPORTS

Council Member Ivancie:

Attended the Area Plan Coordinating Committee (APCC) and saw a pre-view of the Joint City/County meeting discussing the West Steamboat Springs Area Plan. Also, attended the Igloo Open House and the Airport Meeting afterwards.

Council Member Post: No report.

Council Member Antonucci:

Attended the Yampa Valley Housing Authority (YVHA) meeting. They're continuing with the affordable USDA and Fannie Mae house closings.

Council Member Anderson:

Attended the Northwest Colorado Council of Government meeting where he met Doug Westenscal, the staff person who is doing the survey work. He asked for council to join him to get input for the kinds of needs they see for Steamboat Springs in terms of survey and poling requirements. **DIRECTION:** President Brenner asked staff to make sure the meeting is posted. Council Member Anderson also reported the second phase of the Homesteader survey has been finalized and this could be administered next year. The Main Street Board had training with the Colorado Community Revitalization Authority (CCRA), which accredits them with the national Main Street Program.

The Vision 20/20 Committee submitted a memo regarding a proposal of the 2007 budget request. President Brenner requested a response from Planning Staff as how they see the document integrating into the process and used as a working document.

Council Member Strong:

STEAMBOAT SPRINGS CITY COUNCIL MEETINGS
REGULAR MEETING 2006-29
October 17, 2006

The Colorado Department of Transportation (CDOT) did an annual briefing to the County Commissioners and stated that the budget is so tight that in two to three years they will have no money for improvements and will only be able to do statewide maintenance on the roads.

City Council President Brenner:

Thanked Council for sending him to the Aspen Climate Conference. He explained that 10 percent of the time was spent surrounding global warming and what community governments are doing in response. Additionally City Council President Brenner noted that the Trappers Crossing structure currently being built is a good example of what the city should not have let happen.

CITY STAFF REPORT

a. City Attorney's Report:

Mr. Lettunich clarification regarding the comments in the article in Steamboat Today relative to City Council method of handling ballot votes. He stated the vote is within the confines of the law as long as the tabulation is immediately compiled by the City Clerk and open to the public (Which is the method followed by the city).

b. Staff Reports:

Ms. Linda Kakela provided the Intergovernmental Services (IGS) report, asking for direction on two grant applications.

- a. The Office of Smart Growth grant for \$50,000.00 in funds to develop a green building code as a project for the City. They will provide 100 hours of support for \$4500.00.

MOTION: Council Member Antonucci moved and Council Member Ivancie seconded to approve The Office of Smart Growth grant for \$50,000.00 in funds to develop a green building code as a project for the City. They will provide 100 hours of support for \$4500.00. The motion carried 6/0

- b. Apply to Environmental Systems Research Institute (ESRI) and Stratus Technologies for a Geographic Information Systems (GIS) server to provide network through a server rather than a desktop base. This server will be more efficiently synthesized. The equipment costs approximately \$90,000.00 and the City will maintain it.

MOTION: Council Member Antonucci moved and Council Member Post Seconded to approve applying for grant. The motion carried 6/0

**STEAMBOAT SPRINGS CITY COUNCIL MEETINGS
REGULAR MEETING 2006-29
October 17, 2006**

Mr. Taylor provided the Financial Services Report. He stated that revenues are tracking slightly ahead of last year and expenditures are slightly ahead as well. Additionally, the Sales Tax Report for August is up just under 10 percent over last year and 12.25 percent above last year's Year-to-date. The Building Use Tax has been tracking below last year for last few months. It is down 18 percent from last year, (which was a record year). The Accommodations Tax is up 13 percent for August.

Steamboat Springs Redevelopment Authority Base Area Financing
Discussions took place relative but not limited to an update on work towards the bond issue to finance public improvements: resetting the interest rate when the market place setting the interest rate. The significant risk because this is a 20-year financing tool with unforeseen costs and no fixed rate; a flexibility. Mr. Taylor introduced Mr. Steve Jeffers bond Counsel, and offered his expertise to answer any questions.

Mr. Jeffers clarified that the bonds are set up so they can be put into a variable rate mode which is adjusted weekly, monthly, annually or semi annually then can be moved to a fixed rate.

Council Member Strong questioned the remarketing of these bonds and the cost.

c. Manager's Report:

Ms. Anne Small, Purchasing/Contracts and Risk Manager, explained that the City will continue with the Cluster Box Unit (CBU) installation however, the Post Master will not take care of addressing issues.

MOTION: Council Member Strong moved and Council Member Antonucci seconded to move forward with the cluster mailbox installation on Short Street and have City Staff take care of addressing issues. The motion carried 6/0

COMMUNITY REPORTS

2. Affordable Housing Work Group

The Affordable Housing Work Group has been working on Land Acquisition, No Net Loss and the Affordable Housing Matrix. Mr. Leeson reported that when the Inclusionary Zoning (IZ) Ordinance was drafted, three items were pulled; no net loss of existing affordable units, a concept of land acquisition funds and sales of lots to affordable households. Leeson reported on the following: The Land Acquisition Fund: the concept essentially is an effort to create a fund in the City budget of not less than \$1 million dollars for land acquisition for public housing, with a self-revolving fund with Payment in Lieu to purchase lands. The

**STEAMBOAT SPRINGS CITY COUNCIL MEETINGS
REGULAR MEETING 2006-29
October 17, 2006**

Developers would pay in advance a payment in lieu if the project is phased or being developed in the future.

Public Comment:

Ms. Audrey Mandell, of 2793 Timber Lane Steamboat Springs voiced concern of taking an Inclusionary Zoning Ordinance as some housing set aside as affordable housing built concurrently onsite. This essentially means that no affordable housing will be built on the mountain. In lieu of fee should not become a right. She thinks housing should be built. Ms. Mandell felt a fee in lieu should be harder earned, and the last resort for a developer.

Ms. Margaret Bergland agreed with all said above.

Ms. Jane Blackstone speaking for property owners and developers in the Ski Time Square area. Supports the overall recommendations of the committee. She noted that developers could make sales margins to offset the cost of affordable housing. Additionally, she supports a land bank and feels the future need is to purchase land.

Ms. Bobbi Hodye works near the ski mountain, and she would like to live where she works.

At this point, City Council did not have consensus on the fee in lieu of payment.

Next item for discussion was No Net Loss of Affordable Units. Discussion took place relative but not limited to not allow a loss of affordable units, as it relates to mobile homes and other existing affordable housing units within community.

PUBLIC COMMENT:

Mr. Bob Enever asked the Council to compare a piece of land presently being used for housing mobile homes with piece of land not being used as any contribution to affordable housing. He questioned penalizing the piece that is now and has been providing affordable housing for 40 years and not penalize the piece of land next door.

Ms. Hodge felt that it takes less energy to preserve an existing home then to build a new one.

Ms. Bergland submitted a letter asking consideration for a resolution supporting the Colorado Air Quality Board in passing a new rule to regulate oil and gas emissions.

Discussion on No Net Loss resumed with Council Member Strong suggesting a priority on the right of first refusal.

**STEAMBOAT SPRINGS CITY COUNCIL MEETINGS
REGULAR MEETING 2006-29
October 17, 2006**

Council Member Anderson stated that the Committee did consider right of first refusal and would be willing to revisit it, noting the problem is really with the owner and the provision to sell.

The third issue for discussion is the Redevelopment Exemption. The group felt the IZ Ordinance says inclusionary zoning is only based on number of units. The Committee recommends revisiting the ordinance to take into account square footage.

Community members, Ms. Bergland and Ms. Mandell both opposed the redevelopment exemption.

City Council clarified that if the sales to eligible households are taken out of the Inclusionary Zoning Ordinance it would allow compliance for flexibility to allow developer to sell households directly to a qualified buyer. The consensus is that it is too difficult to administer. Council recommends that it remain out of the inclusionary housing provision.

Council discussion on Affordable Housing Incentives took place, noting it is existing currently in the Community Development Code allowing a waiver of development fees.

Community member, Bill Jameson felt that the matrix attached doesn't understand how overall height works since there's no cap.

MOTION: Brenner suggested a friendly amendment to direct staff to bring it back as a first reading of an ordinance to amend the Inclusionary Zoning Ordinance; Vote 4/1 to bring back as an ordinance. Antonucci voted No.

INTRODUCTION OF TOPICS FOR FUTURE WORK SESSION AGENDAS:

d. City Council Introduction and Discussion:

Brenner supports preparing a resolution on Air and Water Quality.

MOTION: Council Member Ivancie moved and Council Member Antonucci seconded to respond favorably providing this resolution in the October 24 City Council Agenda. The motion carried 5/0. Council Member Strong had left the meeting.

MOTION: Council Member Ivancie moved and Council Member Antonucci seconded to put Vacation Home Rental on as a topic on a future City Council agenda. The motion carried 5/0. Council Member Strong had left the meeting.

STEAMBOAT SPRINGS CITY COUNCIL MEETINGS
REGULAR MEETING 2006-29
October 17, 2006

e. City Staff Introduction and Discussion:

1. How to proceed for the National Registry Nomination for the Steamboat Laundry Building. Staff wants Council's approval to write a letter of support for the national registry nomination for the Laundry Building. **DIRECTION:** Staff to prepare a letter for City Council consideration.
2. The Historic Preservation Advisory Commission submitted a request for a joint worksession. Linda reported that HPAC met with Council Member Anderson and Council Member Antonucci and identified a number of items, which are listed and indicated they would like to have a work session with Council. Ms. Jordan stated that they currently schedule two meetings per year usually in January and June.
3. Joint Meeting with Recreation Center Committee. This is an Adhoc Committee formalized by the Citizens for the Recreation Center. This group has kept the momentum going based on a decision to continue to fund the project. They request a work session to discuss ideas, community feedback etc. Ms. Jordan suggested tentatively scheduling for November 14th.
4. T.I.P.S. Ordinance: Ms. Jordan to place on the next Liquor License Authority meeting, November 2, 2006.

ACTION TO APPROVE THE FOLLOWING CONSENT ITEMS:

5. **RESOLUTION: A resolution finding and declaring a public necessity and public purpose in the acquisition of rights of way necessary for the construction and maintenance of public roads to be known as the New Victory Highway and Abbey Road; to authorize the acquisition of said rights of way by negotiation or proceeding in eminent domain; and directing attorneys employed by the City to commence, conduct, and conclude such proceedings as may be required or necessary to acquire the rights of way necessary for such purposes.**

City Council President Brenner asked to remove this item.

The intent is to ask for six different parcels to be used and easements constructed. The salmon is for the fifth and two associated construction easements. Council should recognize exhibits A-J instead of A-I. The sixth parcel is the parcel that is off the alignment.

**STEAMBOAT SPRINGS CITY COUNCIL MEETINGS
REGULAR MEETING 2006-29
October 17, 2006**

MOTION: Council Member Ivancie moved and Council Member Antonucci seconded to approve the resolution with the aforementioned amendment relating to the Resolution exhibits. The motion carried 5/0. Council Member Strong had left the meeting.

- 4. RESOLUTION: A resolution designating recent Enterprise Zone applicants as Industrial Enterprise Zone licensees.**

MOTION: Council Member Ivancie moved and Council Member Antonucci seconded to approve a resolution designating recent Enterprise Zone applicants as Industrial Enterprise Zone licensees. The motion carried 6/0. Council Member Strong had left the meeting.

ORDINANCES – 1ST READINGS

- 5. FIRST READING OF ORDINANCE: An ordinance approving the City Café in Centennial Hall concession license agreement between the City of Steamboat Springs and Laura Stamp and authorizing the City Manager to sign the agreement.**
- 6. FIRST READING OF ORDINANCE: An ordinance approving a Hangar lease to Headwinds LTD, Bruce Shugart at the Steamboat Springs Airport and authorizing the City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

MOTION: Council Member Antonucci moved and Council Member Anderson seconded to approve an ordinance approving the City Café in Centennial Hall concession license agreement between the City of Steamboat Springs and Laura Stamp and authorizing the City Manager to sign the agreement. The motion carried 5/0. Council Member Strong had left the meeting.

MOTION: Council Member Antonucci moved and Council Member Anderson to approve An ordinance approving a hangar lease to Headwinds LTD, Bruce Shugart at the Steamboat Springs Airport and authorizing the City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 5/0. Council Member Strong had left the meeting.

ORDINANCES – 2ND READINGS/PUBLIC HEARINGS

- 7. SECOND READING OF ORDINANCE: An ordinance vacating the non-exclusive easements for utilities, guy wires, and access located on lots 10, 11, 12, 13 & 14 of More's Corner, Filing 2; providing an**

effective date and setting a hearing date.

MOTION: Council Member Ivancie moved and Council Member Antonucci seconded to approve An ordinance vacating the non-exclusive easements for utilities, guy wires, and access located on lots 10, 11, 12, 13 & 14 of More's Corner, Filing 2; providing an effective date and setting a hearing date. The motion carried 6/0. Council Member Strong had left the meeting.

8. LOCAL LIQUOR LICENSING AUTHORITY

- a. All Seasons Golf, LLC; dba All Seasons Golf – New Beer & Wine Liquor License.

MOTION: Council Member Ivancie moved and Council Member Antonucci seconded to approve the New Beer and Wine liquor license application for All Seasons Golf, LLC; dba All Seasons Golf based upon items 1-7, 8A, D and F, 9, 10 and 13 all being met and items 11 and 12 not being met, for All Seasons Golf, LLC, to be located at 2851 Riverside Plaza Unit #13. The motion carried 5/0. City Council President Pro-Tem Dellinger and Council Member Strong were absent.

9. Planning Commission Report.

Mr. Dick Curtis, Planning Commissioner reviewed the PUD report. He thanked Council for allowing them to attend the Planning Conference in Telluride. They are looking forward to the joint meeting on October 24th regarding the future of the Planning Commissions role.

CONSENT CALENDAR- PLANNING COMMISSION REFERRALS

There were no items heard on this section of the agenda.

PUBLIC HEARINGS - PLANNING COMMISSION REFERRALS

10. PROJECT: Emerald Knoll-Peddie Subdivision, Parcel A (Fulton Ridge Subdivision)

Public Comment: None

Planning Commission noted the two descending votes were concerned with articulation and modulation. They felt there was not enough varying in exterior of building.

MOTION: Council Member Anderson moved and Council Member Antonucci seconded to approve with stipulation conditions as recommended on green memo (payment in lieu) staff will come back with recommendation that will differentiate between partial payment and payment in lieu and the community housing plan. The motion carried 5/0.

11. PROJECT: One Steamboat Place- Community Housing Plan.

Mr. Jim Wells stated that they came before Council with a development plan with the condition that they come back with a community-housing plan. They had a work session with Council to discuss various opportunities. The onsite obligation is 14 units. The offsite obligation is 14 units X 125% X the adopted payment in lieu, at the 2006 rate. He gave a PowerPoint presentation. Tom Leeson had nothing to add but reminded Council that what they are proposing falls under the alternative compliance portion of the Inclusionary Zoning Ordinance. Mr. Wells asked Council to allow him to come away with some kind of resolution tonight.

PUBLIC COMMENT:

Ms. Audrey Mandell felt the proposal created “a gated mountain, an exclusive mountain,” and opposed the proposal. She urged City Council to not be swayed by the “cash offer”.

Mr. Bill Jameson, Burgess Creek Road, resident has no trouble asking for 14 units in the building. However he felt the 14 units are not going to be part of the community, they won't be allowed amenities and will be second-class citizens within this community. He did not support the Fee in Lieu proposal as a solution.

Ms. Margaret Bergland stated that if the applicant couldn't find land to build these units, where would the city find the land? She felt the IZ is not the tool to make this work. She prefers integrated people who live here, rather than segregating them.

Ms. Bobbi Hodge stated that the Community Area Survey states that people like to come to Steamboat Springs, because of the sense of community.

MOTION: Council Member Ivancie moved and Council Member Post seconded to deny proposal. The motion carried 4/1. Council Member Antonucci opposed. Council Member Strong had left the meeting.

Mr. Wells stated that 14 units at that time was a significantly different building. Since then, they have lowered the east wing by two stories and lowered the bridge by two stories. The Architect cannot redesign, we've already got an approved building. YVHA has a lot better chance than we do at finding land and having money, so they can provide affordable housing.

City Council President Brenner felt that the developer has a much greater financial incentive to build than the YVHA, noting “This is your challenge, we're asking you, the developer to solve this for us.”

**STEAMBOAT SPRINGS CITY COUNCIL MEETINGS
REGULAR MEETING 2006-29
October 17, 2006**

ADJOURNMENT

MOTION: Council Member Anderson moved and Council Member Ivancie seconded o adjourn Regular Meeting 2006-29 at approximately 10:56pm. The motion carried 5/0.

MINUTES PREPARED AND RESPECTFULLY SUBMITTED BY:

Sabrina Archuleta
Sabrina Archuleta
Acting Deputy City Clerk

REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Jordan
Julie Jordan, MMC
City Clerk

APPROVED THIS 5th DAY OF December, 2006.