

AGENDA ITEM #13A.

CITY OF STEAMBOAT SPRINGS

Regular Meeting NO. 2018-04

Tuesday, February 6, 2018

City Council Members present: City Council President Lacy, Council Member Crossan, Council Member Ford City Council President Pro Tem Meyer, Council Member Sloop, Council Member Petis and Council Member Macys.

Staff Members present: Gary Suiter, City Manager; Kim Weber, Director of Financial Services; Julie Franklin, City Clerk; John Overstreet, Director of Parks and Recreation; Dan Foote, City Attorney; Jerry Stabile, Police Commander; Jon Snyder, Public Works Director; Winnie DelliQuadri, Assistant to the City Manager; Mike Lane, Communications Manager; Chuck Cerasoli, Deputy Fire Chief; Alan Lind, Director of General Services; Rebecca Bessey, Principal Planner; Toby Stauffer, City Planner; and Dmitry Chase, Ice Arena Manager.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS AND INTRODUCTIONS

1. **INTRODUCTIONS: Emily Medlock, Kim Aldrich, Christina Stewart, and Laura Graham. Police Department Administration.**

Mr. Christensen introduced Christina Stewart and Laura Graham, Police Department Administration (Emily Medlock was not able to attend) and Officers Chris Holloway and Brian Arthur both who have just completed field training.

REPORTS

2. **City Council**
 - a. **Policy for Council signing letters.**

City Council President Lacy stated that the previous Council had a working agreement for not signing letters unless all Council agreed, but it was not formalized. City Council President Pro Tem Meyer feels that there is more power in group support and Council can sign letters as an individual. When Council responds to a comment or an email they should use a disclaimer that it is an individual opinion and not that of the whole council. Council Member Petis is okay with Council signing letters as an individual Council member; it is important to have that opportunity. Council could decide whether it wants to sign as a whole first. Council Member Crossan suggested signing letters with the disclaimer. Council Member Macys agrees with Council Member Petis, requiring

a disclaimer curtails free speech. Council Member Sloop agrees with City Council President Pro Tem Meyer.

Discussion commenced.

DIRECTION: Mr. Suiter to add some language to Council's working agreements and bring it back under City Manager's Report.

b. Letter to the Attorney General regarding the Cole memo.

Council Member Petis wants to sign the letter but is not sure what effect it will have at this point. Council Member Macy wants to sign the letter; she is concerned with Federal interference on local control issues.

Mr. Christensen noted that the United States Attorney General has stated that he has no intention of interfering with the Colorado constitution.

City Council President Lacy has no issues with signing the letter but is not sure it will have any effect.

City Council President Pro Tem Meyer stated that the voters approved this change and she will stand by the Constitution. She is okay with sending the letter but is not sure what difference it will make.

DIRECTION: Staff to draft the letter.

MOTION: Council Member Macys moved and Council Member Petis seconded to send the same letter that the County Commissioners recently sent to the Attorney General.

The motion carried 7/0.

Council Member Ford provided a written report and further spoke to the recent Urban Renewal Authority Advisory Committee meeting where they had a discussion about the future of the activities planned and unique features of the tax increment financing (TIF) that will result in funds being generated by both the School District and Yampa Valley Housing Authority being redirected to the mountain area. He got a good understanding of TIF's and will discuss at Coffee with Council this Friday.

Council Member Ford also provided an economic analysis of the recent High School bike race.

Council Member Sloop noted that she and Council Member Crossan attended a rodeo board meeting and have been attending the multi-purpose facility meetings.

Council Member Sloop discussed a possible phasing plan for a youth facility that could house the service that the Igloo provided. Phase 4 could also be a second floor teen center. She would like Council to support taking the next step of a design scope. **UNANIMOUS CONSENT:** Staff to provide a scope of work.

Council Member Macys attended the Colorado Compact Communities meeting and Steamboat is one of only three cities that were recognized for having the Sustainable Tracking, Assessment and Rating (STAR) designation. She is concerned with the amount of money the City spends on electricity and would like to see that decrease. She also noted that Department of Local Affairs was impressed with the tour of the Combined Law Enforcement Facility (CLEF) and the relationship between the City and County.

c. Agenda Review:

- 1.) Regular Meeting February 13, 2018.**
- 2.) Regular Meeting February 27, 2018.**
- 3.) Regular Meeting March 13, 2018.**
- 4.) Regular Meeting March 20, 2018.**
- 5.) Worksession Schedule.**

Council reviewed the above agendas.

3. Staff Reports

a. City Manager's Report.

Mr. Suiter provided a written report. He further recognized Dave Jarvis for his retirement after 39 years with the Wastewater Treatment Plant. Noted that he will continue with the next steps for replacing the Howelsen Hill lift. Overstreet added that the consultant will evaluate the type of stands that are needed and the alignment. Mr. Suiter stated that staff and Gold Committee members are in the process of interviewing for a golf pro. He acknowledged Katie O'Hara and Jim Sheppard and Wendy Friden for their work on this process.

Discussion took place relative, but not limited to: fat bike trails; renovating locker rooms; dog park signs; and budgeting for water main breaks.

b. Combined Law Enforcement Facility Overview.

Mr. Lind provided a PowerPoint presentation reviewing the following: CLEF team; monthly report; grants; the intergovernmental agreement (IGA); master schedule; estimated project funding; master budget; design dates; energy efficiency; and project risks.

Discussion commenced on the cost of solar panels.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

4. **RESOLUTION: A resolution of the City Council of the City of Steamboat Springs approving an application for a Final Development Plan FDP-17-06, Old Town Hot Springs Addition.**
PETITION: A Final Development Plan for Old Town Hot Springs addition and remodel.
LOCATION: 136 Lincoln Ave.
APPLICANT: Adam Wright, Steamboat Architectural, Old Town Hot Springs, Pat Carney.
PLANNING COMMISSION VOTE: Approved 7-0 on January 25, 2018.

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

Ms. Stauffer provided a revised condition that makes the terminology consistent. The applicant has agreed to the revision.

CONDITIONS:

1. Existing mature landscaping shown to meet requirements for this project on the approved plan set shall be maintained and preserved. Should any required landscaping be removed that was not indicated on the approved plan set, the plant material shall be replaced with a similar size and type within 1 year of removal, construction completion and/or prior to certificate of occupancy.
2. Snow Hauling shall be conducted as indicated on the approved plan set and per the operational plan indicated on page 3 of 7 in the applicant's TAC response letter dated November 10, 2017.
3. An approved floodplain development permit is required in conjunction with Civil Plan approval.
4. Prior to CO the applicant shall secure a USACE permit for work within Spring Creek and shall complete all required approved streambank stabilization work as indicated on the approved Final Development Plans, Civil Plans, and/or Streambank Stabilization plans for the project.
5. A re-vegetation plan shall be provided for the stream improvements including: a Boulder Wall and vegetation of the under-, mid- and overstory using one or more of the Improvement Techniques listed on Pages 22-25 of the Yampa River Structural Master Plan.
6. The applicant shall provide an executed agreement with the City for trail sign maintenance, ownership and other necessary information prior to CO for the project.
7. The applicant shall apply for an encroachment license from CDOT for existing and/or proposed private improvements that are within CDOT ROW prior to Building Permit approval. The license shall be executed

- within 3 years of CO for the addition or OTHS shall modify landscaping and parking improvements. If OTHS has applied for and CDOT has not executed the license agreement within 3 years of CO, the Community Development Director may extend the deadline if OTHS demonstrates a good faith effort toward completing the application process.
8. As part of the OTHS FDP, the applicant has identified a corridor of its property and will make such property available for a trail providing public access from the underpass at Spring Creek Trail and Fish Creek Falls Road, traveling along the north side of the OTHS pools and connecting to Old Fish Creek Falls Road. Land for the trail is demarcated on Sheet C.104 Signage and Bike Circulation Plan for use at any future time when the City determines that development of the trail becomes viable. Applicant OTHS agrees to dedicate an easement for the trail within the corridor or other location agreed upon by applicant OTHS and the City.
 9. A sidewalk easement shall be prepared and executed by the applicant for the portion of sidewalk along Lincoln Avenue property frontage that is not within ROW. The easement shall be executed and approved prior to CO for the addition.
 10. The developer shall pay proportionate share of adaptive signal project on Lincoln Avenue, calculated at 0.07% of \$500,000 or \$350. Payment shall be submitted prior to issuance of a Building Permit.
 11. Old Town Hot Springs Staff will post “no parking, stopping or standing signs” and will educate patrons and actively enforce no stopping or standing in the driveway area to keep it unobstructed for safe operation of the driveway and the connection onto US 40.
 12. The following items are considered critical improvements and must be constructed prior issuance of CO:
 - i. Drainage infrastructure and storm water quality features.
 - ii. Driveway, and parking areas
 13. A complete set of final approved plans, with any changes required by City Council, shall be provided to the Planning Department within 1 week of City Council approval of the project or prior to civil plan approval, whichever occurs first.
 14. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and City Utilities for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. 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.
 15. Prior to issuance of building permit, the applicant shall amend the administrative approval #AFDP-17-01, via a revised site plan, to

reduce the amount of parking spaces used for temporary snow storage to no more than 13 spaces.

16. Prior to issuance of building permit, the applicant shall amend sheet C.102 to depict four (4) parking spaces dedicated to temporary parking spaces instead of the 8 currently shown. The applicant shall also amend the note on sheet C.102 to accurately reflect the four parking spaces proposed.

MOTION: City Council President Pro Tem Meyer moved and Macys seconded to approve a resolution of the City Council of the City of Steamboat Springs approving an application for a Final Development Plan FDP-17-06, Old Town Hot Springs Addition with conditions 1-16 and revised condition 8.

The motion carried 7/0.

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

5. Chamber Special Event Funding.

Ms. DelliQuadri introduced Kara Stoller and Sarah Leonard with the Chamber.

Ms. Leonard provided a PowerPoint presentation reviewing the following: what, why and how; judging criteria; funding allocations; and 2018 Chamber Marketing goals.

Discussion took place relative, but not limited to: Lost Art Revival event (new event); requiring self-sustaining (sponsorship); visitor versus local attendance; the funding process for Ride the Rockies (RTR); the \$2,000 administrative fee; and Run Rabbit Run.

**CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES
FIRST READINGS**

6. **RESOLUTION: A resolution of the City Council of the City of Steamboat Springs, Colorado adopting the 2018 Chamber Special Event funding recommendations.**

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

Council Member Ford suggested that the \$2,000 administration fee could be used to offset RTR. Council Member Sloop voiced concern with the costs for law enforcement and community service officers (CSO's). Ms. Leonard noted that RTR provides stipends for host municipalities for CSO's and facilities. Council Members Lacy and Macys are concerned with the administration fees because it opens the door to the community support process. All agreed.

MOTION: Council Member Macys moved and Council Member Ford seconded to approve a resolution of the City Council of the City of Steamboat Springs, Colorado adopting the 2018 Chamber Special Event funding recommendations with the \$2000 going toward to RTR.

Council Member Sloop does not support the motion due to the unknown cost of CSO's.

The motion carried 5/2. Council Members Meyer and Sloop opposed.

Council Member Macys would like to look at contingency budgets for cost recovery for RTR. **DIRECTION:** Mr. Suiter to look into where it can come from.

GENERAL PUBLIC COMMENT

No one appeared for General Public Comment.

7. **RESOLUTION: A resolution to rename the Howelsen Ice Arena as the Howelsen Ice Complex, and naming the internal arenas the Olympic Arena and the Craig Scheckman Youth Sports Arena.**

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

Council Member Petis voiced concern that there may be trademark infringement issues with the "Olympic Arena" name.

Council Member Crossan asked about the public notice for naming the complex. Ms. DelliQuadri stated that the City's policy does not call for public process. It was however, on the meeting agenda and no one showed up.

MOTION: Council Member Sloop moved and Council Member Crossan seconded to approve a resolution to rename the Howelsen Ice Arena as the Howelsen Ice Complex, and naming the internal arena the Craig Scheckman Youth Sports Arena, amended to remove the Olympic Arena.

The motion carried 7/0.

8. **RESOLUTION: A resolution approving a Memorandum of Understanding between the City of Steamboat Springs and the Craig-Scheckmans for the Multi-Purpose Facility expansion to the Howelsen Ice Arena.**

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

Council Member Sloop asked if the Parks and Recreation Commission vetted the ice time for user groups because it seems that the figure skaters may need more. Mr. Chase stated that equitable ice usage was a priority; however youth hockey does get more as a condition of the donation. There will be increase in public hours on the weekend.

MOTION: Council Member Sloop moved and Council Member Crossan seconded to approve a resolution approving a Memorandum of Understanding between the City of Steamboat Springs and the Craig-Scheckmans for the Multi-Purpose Facility expansion to the Howelsen Ice Arena.

The motion carried 7/0.

9. RESOLUTION: A resolution approving an intergovernmental agreement between the City and Routt County for the construction of a Combined Law Enforcement Facility.

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

Council Member Sloop stepped down.

City Council President Pro Tem Meyer stated that she attended the County Commissioner meeting where they passed the IGA without changes. There were questions on next steps.

Mr. Foote stated that the IGA originally had 9 pages of drawings attached but they do not all need to be included. All but pages 9-21 through 9-23 will be deleted.

MOTION: City Council President Pro Tem Meyer moved and Council Member Ford seconded to approve a resolution approving an intergovernmental agreement between the City and Routt County for the construction of a Combined Law Enforcement Facility as amended.

The motion carried 6/0. Council Member Sloop stepped down.

Council Member Sloop returned to the meeting.

10. FIRST READING OF ORDINANCE: An ordinance authorizing and approving the execution and delivery by the City of a site and improvement lease and a lease purchase agreement and related documents, concerning the leasing by the City of certain property owned by the City to finance a law enforcement facility; setting forth certain parameters and restrictions; ratifying action previously taken; and providing other matters related thereto.

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

11. FIRST READING OF ORDINANCE: Second Supplemental Budget Appropriation of 2018 (Accommodation Tax Fund)-2017 Carryforward.

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

MOTION: Council Member Sloop moved and City Council President Pro Tem Meyer seconded to approve items 10 & 11 of the Consent Calendar.

The motion carried 7/0.

PUBLIC HEARING: MOTIONS, RESOLUTIONS AND ORDINANCES

12. SECOND READING OF ORDINANCE: First Supplemental Budget Appropriation Ordinance of 2018– Combined Law Enforcement Facility.

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

Ms. Weber stated that this is a “substantially correct” budget as it has been over a year and some items have changed. City Council President Pro Tem Meyer noted that the renovation of the existing Sherriff’s office could bring up more costs.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: City Council President Pro Tem Meyer moved and Council Member Crossan seconded to approve the First Supplemental Budget Appropriation Ordinance of 2018– Combined Law Enforcement Facility.

The motion carried 7/0.

13. SECOND READING OF ORDINANCE: An ordinance approving a contract to buy and sell real estate relating to the site for the Combined Law Enforcement Facility.

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: City Council President Pro Tem Meyer moved and Council Member Ford seconded to approve an ordinance approving a contract to buy and sell real estate relating to the site for the Combined Law Enforcement Facility.

The motion carried 7/0.

PARKS AND RECREATION COMMISSION REPORT

No report was provided.

PLANNING COMMISSION REPORT

A written report was provided.

Council Member Petis spoke to the discussion on Planning Commission authority and variances. **DIRECTION:** Mr. Gibbs to clarify.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

- 14. FIRST READING OF ORDINANCE: An ordinance repealing Section 428 of the Community Development Code relating to Community Housing and Inclusionary Zoning requirements; providing an effective date; and setting a hearing date.**

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

Mr. Gibbs stated that he misunderstood and thought that Council had requested an ordinance repealing inclusionary zoning (IZ). That was staff's recommendation at the last presentation but is not the recommendation tonight. He reviewed the alternatives noting that staff recommends alternative B, to continue the suspension to consider incentives. Incentives are typically paired with an obligation on the developer through deed restrictions.

Council Member Macys noted the need to clarify deed restrictions because they keep getting released. Mr. Gibbs stated that releasing restrictions will always be at the discretion of Council because it depends on the type of deed restrictions.

PUBLIC COMMENT:

Mr. John Spezia feels that staff does not have enough time and money to do a good job researching incentives. Other organizations are mainstreaming IZ and linkage and we need something to help us catch up. The new tax has spread some of the burden out but we need to look at the impacts to the community.

Ms. Diane Brower suggested suspending the ordinance to allow staff to gather all the information to allow for a knowledgeable decision. This is used in other communities.

Council Member Petis feels that suspension is the only option in order to get information. This needs to come back on a regular agenda so Council can vote and make a decision.

Council Member Crossan agrees but Council needs to have a good conversation at a worksession and then have a regular meeting. She supports extending the suspension for a year.

City Council President Pro Tem Meyer stated that she was on the Planning Commission when IZ was enacted. The community was struggling at that time with funding and lack of supply. Now we have 5A that will generate \$8 million over 10 years. She suggested suspending IZ for two years to put a sense of urgency on the Housing Authority to build and increase supply. The Zucker Report provides the broad goal of having a highly functioning development process between the City and County; these are all positive steps and the City can still move forward with incentives.

Council Members Ford and Crossan support a two year suspension.

Council Member Petis struggles with two years because Council needs to do something. There could be a whole new Council in two years. Council Member Macys agrees.

Mr. Foote stated that the two years can be reversed if Council desires.

Council Member Macys spoke to why this keeps coming back over and over and not resolved. Times have changed and the community wants something to be done. What will Council see when this comes back to help them make a decision? Mr. Gibbs stated that staff can do an analysis of what has already been discussed and provide information on the different incentive options and calibration with feedback from developers. This could be done in April or May with an ordinance to follow. Council Member Sloop suggested suspending for six months and again if needed.

Council Members Macys, Lacy and Petis agree with that. City Council President Lacy wants the policy mix that is eventually adopted to truly incentivize the 4 housing groups that were identified (seasonal, low income, entry level and move up). His concern with the current ordinance is that it acts as a deterrent to the creation of move up housing.

Council Member Ford voiced concern that this is a “back door tax” and it gets passed on to the buyer. He believes that the market will cycle and will work.

Council Member Macys stated that there is information lacking in some of these perceptions. We have the data to know what the actual costs would be that are

passed on to the customer. It needs to be referenced with how much the home actually costs.

MOTION: Council Member Sloop moved and Council Member Petis seconded to suspend until August 31, 2018 Section 428 of the Community Development Code relating to Community Housing and Inclusionary Zoning requirements; providing an effective date; and setting a hearing date.

Discussion during the motion:

Mr. Foote noted the need to replace the word “repeal” with “suspend” throughout the ordinance.

Council Member Macys stated that she will support suspension for the first time because Council has identified this as a problem that needs to be resolved.

City Council President Pro Tem Meyer stated that young people supported 5A and the community chose to tax itself; that’s how you get supply. Council Member Macys voiced concern that houses for purchase will not be resolved with the 5A funds. City Council President Pro Tem Meyer noted the need to focus on supply.

The motion carried 4/3. Council Members Meyer, Ford and Crossan opposed.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

- 15. SECOND READING OF ORDINANCE: An ordinance amending Chapter 26 of the Revised Municipal Code by amending Sections 231, 232, 233, 306, 600 and 702 to correct errors, and by amending Section 703 to revise the property posting requirement for Zone Map Amendments; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

Ms. Bessey provided a brief overview of this amendment to the Community Development Code which is one substantive change and the rest is housekeeping. The substantive change is a slight change to public notice for large scale, broad rezonings.

PUBLIC COMMENT: No one appeared for public comment.

MOTION: City Council President Pro Tem Meyer moved and Macys seconded to approve an ordinance amending Chapter 26 of the Revised Municipal Code by

amending Sections 231, 232, 233, 306, 600 and 702 to correct errors, and by amending Section 703 to revise the property posting requirement for Zone Map Amendments; repealing all conflicting ordinances; providing for severability; and providing an effective date.

The motion carried 7/0.

REPORTS

- 16. Staff Reports**
 - a. City Attorney's Update/Report.**
 - 1.) Proposed changes to Chapter 2 of the Code: Administration.**

Mr. Foote stated that this would be a housekeeping cleanup of the open meetings rules and executive sessions to be consistent with State law.
DIRECTION: Staff to bring back an ordinance.

OLD BUSINESS

- 17. Minutes**
 - a. Regular Meeting, December 19, 2017**
 - b. Regular Meeting, January 9, 2018.**
 - c. Regular Meeting, January 16, 2018.**
 - d. Regular Meeting, January 23, 2018.**

MOTION: City Council President Pro Tem Meyer moved and Macys seconded to approve the above minutes.

The motion carried 7/0.

ADJOURNMENT

MOTION: Council Member Sloop moved and Macys seconded to adjourn at 8:30pm.

The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS ____ DAY OF ____, 2018.

DRAFT