

# CITY OF STEAMBOAT SPRINGS

## **AGENDA**

REGULAR MEETING NO. 2009-12  
TUESDAY, APRIL 21, 2009

5:05 P.M.

**MEETING LOCATION:** Citizens' Meeting Room, Centennial Hall;  
124 10<sup>th</sup> Street, Steamboat Springs, CO

**MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Comment; and 2) Comments no longer than three (3) minutes on all scheduled public hearing items will be heard **following** the presentation by Staff or the Petitioner. Please wait until you are recognized by the Council President. With the exception of subjects brought up during Public Comment, on which no action will be taken or a decision made, the City Council may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion". It is City Council's goal to adjourn all meetings by 10:00 p.m.

A City Council meeting packet is available for public review in the lobby of City Hall, 137 10<sup>th</sup> Street, Steamboat Springs, CO.

**PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

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**A. ROLL CALL**

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**B. COMMUNITY REPORTS/COUNCIL DISCUSSION TOPIC:**

- 1. CIP Review. (1 hour) (Litzau)**
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## C. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

### LEGISLATION

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. ANY MEMBER OF THE COUNCIL OR THE PUBLIC MAY WITHDRAW ANY ITEM FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION AT ANY TIME PRIOR TO APPROVAL.

2. **MOTION:** Motion to submit a grant application to the US Department of Justice COPS program for \$614,085 in American Recovery and Reinvestment Act funds to pay for three years salary and benefits for three new police officers. (DelliQuadri)
3. **MOTION:** Motion to submit a loan application to the Colorado Water Quality Division for \$584,650 in federal stimulus funding of a water main project. (DelliQuadri)
4. **MOTION:** Motion to submit a loan application to the Colorado Water Quality Division seeking \$6,000,000 in American Recovery and Reinvestment Act funds for a wastewater maintenance project. (DelliQuadri)
5. **MOTION:** Motion to submit a grant application to the Colorado Department of Transportation requesting \$4,999 in grant funding for "Share the Road" activities and promotions in summer 2009. (DelliQuadri)
6. **MOTION:** Motion to participate in a consolidated American Recovery and Reinvestment Act grant application through the Colorado Association of Transit Agencies to the Federal Transit Administration Greenhouse Gas Reduction and Energy Efficiency (TIGGER) program for \$1,573,828 in grant funding for energy efficiency and renewable energy projects. (DelliQuadri)
7. **MOTION:** Motion to partner with Routt County on a grant application to the US Department of Justice Rural Law Enforcement grant program for up to \$1.5 million in American Recovery and Reinvestment Act funds to pay for a new CAD/RMS system. (DelliQuadri)
8. **MOTION:** Motion to submit a grant application to the Colorado Department of Transportation Enhancements Program for \$130,301 in American Recovery and Reinvestment Act funds for the Yampa River Core Trail South extension project. (DelliQuadri)

9. **MOTION:** Motion to submit a grant application to the Federal Transit Administration seeking \$257,462 in grant funding from the 5309 grant program for purchase of a hybrid bus. (DelliQuadri)
10. **RESOLUTION:** A resolution of the Steamboat Springs City Council agreeing to act as a reviewing entity for the State Income Tax Credit Program for qualifying rehabilitation projects under Colorado House Bill 90-1033 (C.R.S. §39-22-514, as amended). (Schaffer)
11. **RESOLUTION:** A resolution designating recent Enterprise Zone Applicants as Industrial Enterprise Zone Licensees. (Parry)
12. **RESOLUTION:** A resolution approving the execution of a grant from Great Outdoors Colorado for the Yampa River Core Trail Bridge Project, expressing intent to provide matching funds and assurances, and to authorize the City Manager to sign and execute the grant contract. (DelliQuadri)
13. **RESOLUTION:** A resolution accepting the Memorandum of Understanding for joint use and management of athletic fields by the Town of Hayden, Colorado and the City of Steamboat Springs, Colorado and the right to use the ballfields for Triple Crown and other competitions. (Wilson)
14. **FIRST READING OF ORDINANCE:** An ordinance approving a lease between the City of Steamboat Springs and Yampatika Outdoor Awareness Association and authorizing City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Robinson)
15. **FIRST READING OF ORDINANCE:** An ordinance known as "Social Host" requiring persons owning, leasing, or otherwise controlling private property to prevent the use of the property by minors possessing or consuming alcoholic beverages; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Foote)

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**D. PUBLIC HEARING: ORDINANCE SECOND READINGS**

THE CITY COUNCIL PRESIDENT OR PRESIDENT PRO-TEM WILL READ EACH ORDINANCE TITLE INTO THE RECORD. PUBLIC COMMENT WILL BE PROVIDED FOR EVERY ORDINANCE.

- 16. SECOND READING OF ORDINANCE:** An ordinance creating a regulatory framework authorizing the City to review and monitor service plans prepared pursuant to the Special District Act codified in Title 32, Colorado Revised Statutes; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)

*Staff is requesting this item to be postponed to the May 5, 2009 City Council meeting.*

- 17. SECOND READING OF ORDINANCE:** An ordinance creating a water dedication policy to ensure that water service required for new development outside of the existing City municipal water system does not interfere with service to existing customers and does not interfere with the City's ability to meet reasonably anticipated future water supply needs; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)

*Staff is requesting this item to be postponed to the May 5, 2009 City Council meeting.*

- 18. SECOND READING OF ORDINANCE:** An ordinance creating a policy requiring adequate water supply for new development; implementing the requirements of House Bill 08-1141, which directs local governments to deny development applications where there is not a demonstration of adequate water supply to serve the proposed development; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)

*Staff is requesting this item to be postponed to the May 5, 2009 City Council meeting.*

- 19. SECOND READING OF ORDINANCE:** An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" (The Porches II) for an additional time period of six months, repealing all conflicting ordinances; providing for severability; and providing an effective date. (Leeson)

- 20. SECOND READING OF ORDINANCE:** An ordinance approving the purchase of property from Union Pacific Railroad Company by the City of Steamboat Springs, and authorizing the City Council President to sign all documents necessary for purchasing the property; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)
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- E. PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**
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**PLANNING  
PROJECTS**

- F. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:**  
ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE OR NO COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. A CITY COUNCIL MEMBER MAY REQUEST AN ITEM(S) BE REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION. **ALL ORDINANCES APPROVED BY CONSENT SHALL BE READ INTO THE RECORD BY TITLE.**

**21. PROJECT: Southside Station**

PETITION: Change to condition of approval concerning groundwater monitoring report. The request to remove this condition has been approved by Mt. Werner Water.

LOCATION: 905 Weiss Drive.

APPLICANT: Southside Station, LLC; P.O. Box 772144, Steamboat Springs, CO 80477; 970-879-2677.

PLANNING COMMISSION VOTE: Approved 6-0 on March 26, 2009.

**22. PROJECT: Copper Ridge Business Park, Filing 4, Lot 11 (The Claims at Copper Ridge)**

PETITION: Final development plan to construct a 15,552 square foot mixed use building consisting of 9,667 square feet of warehouse space and four dwellings.

LOCATION: 2642 Copper Ridge Circle.

APPLICANT: Defenbau Development Services, c/o Craig Seitz, Alpen Architek, 3341 Willowbrook Court, Steamboat Springs, CO; 970-871-6282.

PLANNING COMMISSION VOTE: Approved 6-0 on April 9, 2009.

**23. PROJECT: Miller Frazier addition to Steamboat Springs (Public Works Shop Expansion)**

PETITION: Development plan and final development plan for a 3,600 square foot addition to the City Public Works Shop and 1,800 square foot addition to the City scoria shed.

LOCATION: 850 Critter Court.

APPLICANT: City of Steamboat Springs, c/o Philo Shelton, P.O. Box 775088, Steamboat Springs, CO; 970-879-2060.

PLANNING COMMISSION VOTE: Approved 5-0 on April 9, 2009.

**24. FIRST READING OF ORDINANCE:** An ordinance vacating the 10 foot utility easement located on the south property line of Copper Ridge Business Park, Filing 4, Lot 11, and providing an effective date and setting a hearing date. (Peasley)

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**G. PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

**PUBLIC HEARING FORMAT:**

- **Presentation by the Petitioner (estimated at 15 minutes). Petitioner to state name and residence address/location.**
- **Presentation by the Opposition.** Same guidelines as above.
- **Public Comment by individuals (not to exceed 3 minutes). Individuals to state name and residence address/location.**
- **City staff to provide a response.**

**25. APPEAL: True Mountain Homes**

PETITION: Improvements agreement for Longview Park, Filing 1.

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**H. REPORTS**

**26. City Council**

**INTRODUCTION OF TOPICS FOR FUTURE WORK SESSION AGENDAS:**

a. **City Council Introduction and Discussion:**

*Any Council Member may request discussion of any issue. Items cannot be added for action at this meeting.*

b. **City Staff Introduction and Discussion:**

*Any staff member may request discussion of any issue at a future meeting only. Items cannot be added for action at this meeting. Staff will forward a specific request, stating the issue, anticipated outcome, time frame and requested direction from a majority of the Council.*

**27. Reports**

- a. Agenda Review (Franklin):
  - 1.) City Council agenda for May 5, 2009.
  - 2.) City Council agenda for May 12, 2009.
  - 3.) City Council agenda for May 19, 2009.
- b. Staff Reports
- c. City Attorney's Update/Report. (Lettunich)
- d. Manager's Report: Ongoing Projects. (Roberts)

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**I. ADJOURNMENT**

**BY: JULIE FRANKLIN, CMC  
CITY CLERK**

# AGENDA ITEM # 1

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Bob Litzau, Interim Director of Financial Services (Ext 239)

**THROUGH:** Jon B. Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**ITEM:** Review of 2009 Capital Projects Budget

**NEXT STEP:** Approve at second reading

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DIRECTION  
 INFORMATION

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**I. REQUEST OR ISSUE:**

This communication form is to let you know what the management team is recommending in changes to the 2009 Capital Projects Fund budget and seeking direction on whether Council feels further changes are needed.

**II. RECOMMENDED ACTION:**

Adoption at first reading.

**III. FISCAL IMPACTS:**

Total expenditures and revenues: See attached worksheet

**IV. BACKGROUND INFORMATION:**

City Council adopted the 2009 Budget in November 2008 and in April approved the First 2009 Supplemental Appropriation Ordinance. This ordinance includes projects carried over from 2008 and several new projects for 2009. In addition, the management team has reviewed this budget and is recommending the removal of several projects from the budget. The fiscal impact of all these changes is shown on the attached worksheet. Information sheets for most individual projects are attached.

Council requested that we bring back for further discussion the \$87,500 for the Ice Arena Expansion project for Youth/Teen space. This amount is not currently in the 2009 budget.

There is one project that is not in the Capital Projects Fund budget on which staff seeks direction. The City has a fund for the operation of the Rehder building. This fund currently has reserves of approximately \$545,000 which has been budgeted for improvements to the Rehder building. These reserves include \$72,940 of accrued grant revenue. In addition the City has \$77,000 in additional grant funding available for these renovations. The City is in process of negotiating a lease with the Steamboat Art Museum(SAM) for a long-term lease



on the building, the terms of which would include the Museum's acceptance of responsibility for all future repairs and maintenance of the building. Does Council wish to proceed with the renovations before leasing the building to SAM. The alternative is to allow SAM to complete the renovations and the City would return the grant funds of \$150,000 and would return the balance of approximately \$472,000 in the Rehder Building Fund to either the City's General Fund or Capital Projects Fund.

**V. LEGAL ISSUES:**

Supplemental Appropriations allowed per section 9.10 of the Home Rule Charter.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None noted.

**VII. SUMMARY AND ALTERNATIVES:**

Council can approve changes in the 2009 Capital Projects Fund, request further changes, or request no changes at this time. Council could also direct staff to include \$87,500 for the Ice Arena project in the 2009 Capital Projects Fund Budget

Council can direct staff to proceed with the Rehder building renovations prior to leasing the building the SAM.

**CITY OF STEAMBOAT SPRINGS  
CAPITAL PROJECTS FUND  
2009 BUDGET REVIEW**

	2007 ACTUAL	2008 ACTUAL (UNAUDITED)	2009 BUDGET	2008 CARRYOVER TO 2009	ADDITIONAL 2009 PROJECTS	2009 PROJECTS ELIMINATED	REVISED 2009 BUDGET	2009 GRANT FUNDING	2009 OTHER OUTSIDE FUNDING
<b>FUND BALANCE, JANUARY 1</b>	\$ 7,005,764	\$ 14,312,318	\$ 8,944,546				\$ 8,944,546		
<b>REVENUES</b>									
Building Use Tax	5,739,650	2,074,034	1,500,000	-	-	(1,000,000)	500,000		
Excise Tax	3,654,415	1,225,160	1,000,000	-	-	(400,000)	600,000		
Franchise Fees - Undergrounding	157,614	176,291	155,000	-	-	-	155,000		
Government Grants	1,121,572	4,142,233	2,052,250	437,866	496,552	(880,000)	2,106,668		
State Lottery Apportionment	110,763	113,158	110,000	-	-	-	110,000		
Other Intergovernmental Revenue	-	-	33,645	-	-	-	33,645		
Charges for Services	415,014	695,923	360,000	-	-	-	360,000		
Contributions	-	-	1,855,000	-	-	(140,000)	1,715,000		
Proceeds from Issuance of Debt	520,062	419,896	250,000	-	-	-	250,000		
Other	3,130,700	25,500	-	-	-	-	-		
Transfers	-	-	-	-	-	-	-		
<b>TOTAL REVENUES</b>	14,849,790	8,872,195	7,315,895	437,866	496,552	(2,420,000)	5,830,313		
<b>TOTAL AVAILABLE</b>	21,855,554	23,184,513	16,260,441	437,866	496,552	(2,420,000)	14,774,859		
<b>EXPENDITURES</b>									
Accounting/Finance Software	-	-	500,000	-	-	-	500,000		
Ball Field Improvements	94,970	-	90,000	-	-	-	90,000		15,000
Botanic Park building	-	726,017	-	-	-	-	-		
Bus Washing Machine Replacement	-	-	500,000	-	93,862	-	593,862	475,090	
Chuck Lewis State Wildlife Area	281,998	16,851	-	-	-	-	-		
Community Development Code	65,262	333	-	-	-	-	-		
Cultural Heritage Tourism	30,119	67,028	-	7,500	-	-	7,500		
Depot Rehab and Restoration	30,823	-	-	-	-	-	-		
Documents Management System	687	-	60,000	-	-	-	60,000		
Downtown Historic Survey and Guidebook	25,608	29,900	-	-	-	-	-		
Downtown Improvements	383,982	213,854	2,100,000	124,000	-	-	2,224,000		
Electrical Undergrounding	-	2,694	-	-	76,844	-	76,844		
Emerald Mountain Trail Linkage	3,366	-	-	-	-	-	-		
Engineering specifications	48,590	14,445	-	21,100	-	-	21,100		
Fire/EMS Equipment	-	910,494	254,207	-	-	-	254,207	152,250	33,645
Fire Trucks	-	123,511	-	-	-	-	-		
Fish Creek Falls Road underpass	770,724	769,773	1,500,000	122,381	-	(1,500,000)	122,381		
General Paving Program	702	-	1,110,000	-	-	(400,000)	710,000		
Gravel road paving	26,113	-	-	-	-	-	-		
Historic Renov. Of Ranch Compound	-	28,215	-	-	-	-	-		
Ice rink improvements	-	-	-	-	-	-	-		
Irrigation System Replacement	-	4,025	-	-	-	-	-		
Mesa Schoolhouse	5,573	-	-	-	-	-	-		
More Barn Stabilization and Preservation	126,903	-	-	-	-	-	-		
Mountain area road improvements	-	-	-	-	-	-	-		
New Community Center	2,503,217	847,981	-	-	-	(1,515,000)	-		662,000
New Public Safety Building	4,000	-	1,515,000	-	-	-	1,800,000		
New Victory Highway	460,057	294,263	1,800,000	-	-	-	200,000	120,000	
Open Space Acquisition & Grant Match	10,548	1,051,537	640,000	-	-	(440,000)	740,000		
Open Space Master Plan	7,405	2,782,312	-	740,000	-	-	740,000		
P&R Maintenance shop & Offices Exp/Reno	130,849	-	-	-	-	-	-		
Parks Facilities Development	-	78,900	-	-	-	-	-		
Parks master plan	-	121,209	-	11,100	-	-	11,100		
Parks playground improvements	-	40,901	-	-	-	-	-		
Public art	-	-	-	-	-	-	-		

CITY OF STEAMBOAT SPRINGS  
CAPITAL PROJECTS FUND  
2009 BUDGET REVIEW

	2007 ACTUAL	2008 ACTUAL (UNAUDITED)	2009 BUDGET	2008 CARRYOVER TO 2009	ADDITIONAL 2009 PROJECTS	2009 PROJECTS ELIMINATED	REVISED 2009 BUDGET	2009 GRANT FUNDING	2009 OTHER OUTSIDE FUNDING
Recreation Center	\$ 156,736	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Refurbish Transit Coaches	35,207	-	-	-	-	-	-	-	-
Regional Bus Facility	498,545	1,937,967	-	-	-	-	-	-	-
Replace Pony Lift	134,735	-	-	-	-	-	-	-	-
River restoration	2,954	-	50,000	-	-	-	50,000	-	-
Riverwalk Improvements	-	755,000	-	175,000	-	-	175,000	-	-
Secure Our Schools - Pass-through	-	265,988	-	-	-	-	-	-	-
Sidewalk Improvements	80,806	414,520	-	20,000	-	-	20,000	-	-
Secure Our Schools Pass Through	-	-	-	-	-	-	-	-	-
Snowmaking system	3,700	-	-	-	-	-	-	-	-
Snowmaking/Lighting/Communications/Timi	713,545	261,155	150,000	-	-	-	150,000	-	-
South extension of Legacy Trail	-	42,230	-	575,766	-	-	575,766	437,866	-
Spring Creek Project	8,176	-	-	-	-	-	-	-	-
Spring Creek Culvert Upgrades	-	27,619	-	-	-	-	-	-	-
Steamboat skatepark	-	9,000	305,000	50,000	-	-	355,000	-	200,000
Steamboat Springs Area Community Plan	-	-	75,000	-	-	(75,000)	-	-	-
Storm Water Modifications	75,879	67,859	360,000	57,000	-	-	417,000	-	-
Teen Center	-	118,839	-	-	-	-	-	-	-
Tennis Center Improvements	1,050	-	-	-	-	-	-	-	-
Tennis Court Resurfacing	28,850	-	-	-	-	-	-	-	-
Traffic Signal at US 40 & 11th Street	2,495	-	-	-	-	-	-	-	-
Traffic Signal at Mt Werner & Stimbt Blvd	-	-	-	-	-	-	-	-	-
Trails construction	-	-	75,000	-	-	-	75,000	-	-
Transit Coach Replacement	-	-	800,000	-	351,828	-	1,151,828	921,462	-
Transit fleet expansion	-	536,440	-	-	-	-	-	-	-
US 40 Access Control Plan for West Steamt	87,774	68,913	-	-	-	-	-	-	-
US 40 Corridor Improvements	-	-	1,000,000	-	-	-	1,000,000	-	1,000,000
US 40 Medians	1,135	-	-	-	-	-	-	-	-
US-40 Underpass Sidewalk	4,546	19,267	-	91,187	-	-	91,187	-	-
Utility Undergrounding	63,394	-	150,000	-	-	-	150,000	-	-
Whistler Park North Field Renovation	28,778	32,778	-	-	-	-	-	-	-
World Cup improvements	4,932	-	-	6,500	-	-	6,500	-	-
Yahmonite Bridge replacement	45,038	452,382	-	-	-	-	-	-	-
Yampa River Botanic Park Building	79,132	-	-	-	-	-	-	-	-
Yampa River Legacy Trails	22,300	210,573	-	-	-	-	-	-	-
Yampa River Structural Master Plan	58,928	9,776	-	-	-	-	-	-	-
Yampa Valley Facility Upgrades	-	-	81,250	-	-	-	81,250	-	-
Yampa Valley Regional Airport	50,000	-	-	-	-	-	-	-	-
Yampa Valley Regional Airport - Terminal	50,000	-	-	-	-	-	-	-	-
Youth/Teen Center	212,097	-	-	-	-	-	-	-	-
Transfers	-	777,962	-	-	-	-	-	-	-
Other	81,008	-	-	-	-	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>7,543,236</b>	<b>14,132,511</b>	<b>13,115,457</b>	<b>2,001,534</b>	<b>522,534</b>	<b>(3,930,000)</b>	<b>11,709,525</b>	<b>2,106,668</b>	<b>1,910,645</b>
<b>FUND BALANCE, DECEMBER 31</b>	<b>\$ 14,312,318</b>	<b>\$ 9,052,002</b>	<b>\$ 3,144,984</b>	<b>\$ (1,563,668)</b>	<b>\$ (25,982)</b>	<b>\$ 1,510,000</b>	<b>\$ 3,065,334</b>		

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: ACCOUNTING/FINANCE SOFTWARE & RELATED HARDWARE, CONVERSION AND TRAINING**

**DEPARTMENT: FINANCIAL SERVICES CONTACT PERSON: LISA ROLAN  
BOB LITZAU**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2012	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 500,000	\$ 700,000	\$ -			\$ 1,200,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 500,000</b>	<b>\$ 700,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,200,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2007	2008	2009	2010	2011	2012	FIVE YEAR TOTAL
CONSTRUCTION							
ARCHITECT. & ENGINEERING							
EQUIPMENT							
LAND ACQUISITION							
OTHER		\$ 500,000	700,000	\$ -			\$ 1,200,000
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 500,000</b>	<b>\$ 700,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,200,000</b>

**PROJECT DESCRIPTION**

Replacing the Financial Accounting System would provide for General Ledger Accounting, Payroll, Human Resources, Fixed Assets, Purchasing, Grants Management, Utility Billing, Sales Tax Collection and Cash receipting functions. The project includes the cost of software, hardware, training and implementation.

This project would replace software that is currently purchased and supported by 7 to 10 different vendors operating on a variety of platforms. This would integrate all these into one central accounting and financial system..

**PROJECT JUSTIFICATION**

The Accounting and Financial system software currently used by the City was purchased in 1994. Financial and accounting software has improved dramatically since then and the City's financial information needs have increased significantly as well. Since that time the City's population has increased 40% and the number of employees has increased over 50%. Modern financial systems today are often referred to as Enterprise Resource Planning (ERP) software and are the heart of a city's management information system. New software would create efficiencies by:

- Providing for electronic workflow. Documentation and approvals occur electronically including purchase ordering and approvals, personnel actions and even payments for services.
- Drill down and roll up of accounting information so that costs can be instantly analyzed at any level, from transactional to organizational.
- Provide internet customer account and payment options.
- Integration of human resource, utility billing, sales tax and accounts receivable systems to the Financial Management System.
- Ability to provide single point cashiering for utility billing, sales tax, municipal court and other receipting functions..

**PROJECT PRIORITY: A / B  
START DATE:**

**EST. TIME TO COMPLETE:**

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: BALLFIELD IMPROVEMENTS**

**DEPARTMENT: PARKS, OPEN SPACE  
AND RECREATIONAL SERVICES**

**CONTACT PERSON: CHRIS WILSON  
ERNIE JENKINS**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 375,000
GRANTS							-
DEBT							-
PRIVATE		15,000	15,000	15,000	15,000	15,000	75,000
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 90,000</b>	<b>\$ 90,000</b>	<b>\$ 90,000</b>	<b>\$ 90,000</b>	<b>\$ 90,000</b>	<b>\$ 450,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	20130	FIVE YEAR TOTAL
CONSTRUCTION		\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000	\$ 450,000
ARCHITECT. & ENGINEERING							-
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 90,000</b>	<b>\$ 90,000</b>	<b>\$ 90,000</b>	<b>\$ 90,000</b>	<b>\$ 90,000</b>	<b>\$ 450,000</b>

**PROJECT DESCRIPTION**

2009 - Continued improvements detailed in 2004 Howelsen Park Ballfield Master Plan.  
 2010 - Continued improvements detailed in 2004 Howelsen Park Ballfield Master Plan.  
 2011 - Continued improvements detailed in 2004 Howelsen Park Ballfield Master Plan.  
 2012 - Continued improvements detailed in 2004 Howelsen Park Ballfield Master Plan.  
 2013 - Continued improvements detailed in 2004 Howelsen Park Ballfield Master Plan.

**PROJECT JUSTIFICATION**

Ballfield lights are antiquated and require a crane for maintenance.  
 Backstops, dugouts and other fencing are deteriorating and will need to be replaced to keep safe.  
 Drainage system design and installation.

**\*This is combined with the pumphouse and irrigation system replacement project.**

PROJECT PRIORITY:

START DATE:

EST. TIME TO COMPLETE:

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: BUS WASHING MACHINE REPLACEMENT**

**DEPARTMENT: PUBLIC WORKS  
TRANSPORTATION**

**CONTACT PERSON: PHILO SHELTON**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 100,000					\$ 100,000
GRANTS		400,000					400,000
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 500,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 500,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION		\$ 150,000					\$ 150,000
ARCHITECT. & ENGINEERING							-
EQUIPMENT		350,000					350,000
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 500,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 500,000</b>

**PROJECT DESCRIPTION**

Replace the bus washing machine, adding the undercarriage washing function, with a new machine.

The grant funds indicated in this CIP have not yet been secured. SST will pursue 5309 capital grants for this project.

**PROJECT JUSTIFICATION**

The bus washing machine is essential to keeping the SST fleet running beyond just looking good. Mag chloride has become a serious problem for vehicle maintenance so an undercarriage bus washer has become essential. Bus manufacturers have warned their customers failure to remove road salts will lead to premature replacement of their fleets. SST's current fleet would cost over \$6 million to replace today. The current machine does not wash the undercarriages of the buses.

**PROJECT PRIORITY:**

**START DATE:**

**EST. TIME TO COMPLETE:**

**2008 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT:** CULTURAL HERITAGE TOURISM - INTERPRETIVE INFORMATION  
**DEPARTMENT:** INTERGOVERNMENTAL SERVICES **CONTACT PERSON:** LINDA KAKELA  
 WINNIE DELLIQUADRI

**SOURCE OF FUNDS**

REVENUE SOURCES	Revised 2007	2008	2009	2010	2011	2012	FIVE YEAR TOTAL
CURRENT REVENUES	\$ 50,000	\$ 56,000					\$ 56,000
GRANTS	5,000						-
DEBT							-
PRIVATE	5,000						-
OTHER	65,163						-
<b>TOTAL</b>	<b>\$ 125,163</b>	<b>\$ 56,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 56,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	Revised 2007	2008	2009	2010	2011	2012	FIVE YEAR TOTAL
CONSTRUCTION							
ARCHITECT. & ENGINEERING							
EQUIPMENT							
LAND ACQUISITION							
OTHER	\$ 125,163	\$ 56,000					\$ 56,000
<b>TOTAL</b>	<b>\$ 125,163</b>	<b>\$ 56,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 56,000</b>

**PROJECT DESCRIPTION**

This project will complete the Cultural Heritage Tourism Interpretive Project, which is funded in part by the 2006 Preserve America Grant to the City and Ski Corp Contribution Fund grants.  
 The projects implements the *City of Steamboat Springs Cultural Heritage Interpretive Plan and Stockbridge Park Interpretive Master Plan* was completed and then adopted by the Steamboat Springs City Council on May 15, 2007. The project includes research, design, manufacture and installation of 7 Trail Markers/Interpretive signs (@\$7,925 each). Locations will include City-owned properties such as Mesa School, Howelsen Hill, Stockbridge Center and Stockbridge Agricultural Heritage Site, Yampa River Legacy Project, First National Bank/Rehder Building, and More Barn.

**PROJECT JUSTIFICATION**

City plans for economic development include support of cultural heritage tourism. The Signage Project will implement the 2007 *City of Steamboat Springs Cultural Heritage Interpretive Plan and Stockbridge Park Interpretive Master Plan*. The Plan calls for development and installation of trails markers/interpretive signs to tell the story of the community. Infrastructure analysis for cultural heritage tourism has identified the need for interpretive information and signage to tell the story of our community to the cultural heritage traveler. A portion of the project will partner with ranchers to develop interpretive information at the Stockbridge site as a part of the Stockbridge Agricultural Heritage Revitalization project. Finally, this project will continue the interpretive work started through the 2006 Preserve America grant.

**PROJECT PRIORITY:** A  
**START DATE:** 06/01/2006 **EST. TIME TO COMPLETE:** 12/31/2008

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: DOCUMENT MANAGEMENT SYSTEM**

**DEPARTMENT: CITY CLERK**

**CONTACT PERSON:**

**JULIE JORDAN  
MICHAEL SCHMIDT**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 60,000		\$ 150,000	\$ 150,000	\$ 150,000	\$ 510,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 60,000</b>	<b>\$ -</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ 510,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION							\$ -
ARCHITECT. & ENGINEERING							-
EQUIPMENT		60,000		30,000	15,000	5,000	110,000
LAND ACQUISITION							-
OTHER				120,000	135,000	145,000	400,000
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 60,000</b>	<b>\$ -</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ 510,000</b>

**PROJECT DESCRIPTION**

The purpose of this project is to create a Centralized Electronic Document Management System and build a technology infrastructure to support the CEDMS which will have the ability to store all permanent and Archived documents plus future growth. By having a CEDMS the City will come into compliance with the adopted Colorado Municipal Records Retention Schedule.

The existing and planned development projects necessitate immediate implementation to prepare for expected flux of new growth. Estimated useful life of these systems is 5-7 years and the documents, with the related data will be stored in an open format which is useable for an indefinite period of time.

2009 - Building the technical hardware infrastructure for storage space that will have the capability to hold all of the city's records will be complete. Decision on a software system will be complete.

2010 - Begin implementation of the new software system in the City Clerks office. Beta testing the new system in the City Clerk office. This will help identify any problems before implementing the system in Financial Services office.

2011 - Implement and beta test the system in Financial Services and begin implementing the system throughout the City.

2012 - Begin destroying documents in all departments per the approved retention schedule from the State of Colorado Archivist.

2013 - Begin work flow in other departments and acquire additional hardware and software. Complete the implementation in all Departments and evaluation of completion.

**PROJECT JUSTIFICATION**

The driving factors for the implementation of a Document Management Policy are as follows: 1) Developing and Implementing a CDMS will address the City's current document imaging needs and grow with the City to encompass more growth. 2) Improving document security and disaster recovery capabilities. 3) To have a reliable document management repository that is easily accessed by the City staff. 4) Improving customer service quality and timelines. 5) Limit the off-site storage space, thus reducing storage costs. 6) Eliminating the over use of paper which will reduce the Carbon Footprint of the City.

PROJECT PRIORITY: High  
START DATE: Jan-09

EST. TIME TO COMPLETE: 5 YEARS



**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: DOWNTOWN IMPROVEMENTS**

**DEPARTMENT: Public Works**

**CONTACT PERSON: Philo Shelton  
Janet Hruby**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 2,100,000	\$ 3,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	11,100,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 2,100,000</b>	<b>\$ 3,000,000</b>	<b>\$ 2,000,000</b>	<b>\$ 2,000,000</b>	<b>\$ 2,000,000</b>	<b>\$ 11,100,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION		\$ 1,750,000	\$ 1,750,000	\$ 1,750,000	\$ 1,750,000	\$ 1,750,000	8,750,000
ARCHITECT. & ENGINEERING		350,000	250,000	250,000	250,000	250,000	1,350,000
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 2,100,000</b>	<b>\$ 2,000,000</b>	<b>\$ 2,000,000</b>	<b>\$ 2,000,000</b>	<b>\$ 2,000,000</b>	<b>\$ 10,100,000</b>

**PROJECT DESCRIPTION**

This project is a continuation of the 2008 Downtown Streetscape project. The design for Lincoln Avenue is to be completed in 2008, with subsequent design for Oak and Yampa during 2009.

In 2009, some construction (bulb outs, new traffic signal at 11th Street, spot curb and sidewalk improvements, drainage improvements, signal conduit, etc) will be required to occur in conjunction with CDOT's Lincoln Ave repaving project.

Construction of the other portions of the project will occur as redevelopment occurs or with a City project est. for 2010 - 2013.

**PROJECT JUSTIFICATION**

The City initiated a project in coordination with the Main Street Group to improve the streetscape, drainage, vehicle travel, and alternate mode facilities in the downtown corridor.

**PROJECT PRIORITY:**  
**START DATE:**

**EST. TIME TO COMPLETE:**

**2008 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: ENGINEERING SPECIFICATIONS**

**DEPARTMENT: PUBLIC WORKS**

**CONTACT PERSON: JIM WEBER  
JANET HRUBY**

**SOURCE OF FUNDS**

REVENUE SOURCES	2007	2008	2009	2010	2011	2012	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 75,000					\$ 75,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 75,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 75,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2007	2008	2009	2010	2011	2012	FIVE YEAR TOTAL
CONSTRUCTION							
ARCHITECT. & ENGINEERING		\$ 75,000					\$ 75,000
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 75,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 75,000</b>

**PROJECT DESCRIPTION**

This is the third project that will complete the City's efforts to upgrade engineering standards (Drainage and Road standards to be completed in 2007). The project will include the development of standard engineering construction specifications and standard details.

**PROJECT JUSTIFICATION**

The lack of consistent standards requires significant additional review time for staff. There is inconsistency in the quality of construction and it is inequitable that different projects use different standards of care for construction. This project will help to define consistent, economical, and effective construction practices that will aid in creating consistent infrastructure. Developer design time and engineering review time will be significantly reduced with standard specifications and details.

**PROJECT PRIORITY:**  
**START DATE:**

**EST. TIME TO COMPLETE:**

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT:** Ambulance

**DEPARTMENT:** Public Safety - Fire Suppression

**CONTACT PERSON:** Bob Struble  
Mel Stewart

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES					\$ 138,308		\$ 138,308
GRANTS -State EMS							-
DEBT							-
PRIVATE							-
OTHER - SSRFPD					68,122		68,122
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 206,430</b>	<b>\$ -</b>	<b>\$ 206,430</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION							\$ -
ARCHITECT. & ENGINEERING							-
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**PROJECT DESCRIPTION**

Completely equipped ambulance to replace 1988 ambulance.

**PROJECT JUSTIFICATION**

Replace 1988 ambulance.

**PROJECT PRIORITY:** 1  
**START DATE:** 01/01/2012

**EST. TIME TO COMPLETE:** 1 year

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT:** Ambulance

**DEPARTMENT:** Public Safety - Fire Suppression

**CONTACT PERSON:** Bob Struble  
Mel Stewart

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 65,406					\$ 65,406
GRANTS -State EMS		69,847					69,847
DEBT							-
PRIVATE							-
OTHER - SSRFPD		32,214					32,214
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 167,467</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 167,467</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION							\$ -
ARCHITECT. & ENGINEERING							-
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**PROJECT DESCRIPTION**

Additional fully equipped ambulance added to fleet.

**PROJECT JUSTIFICATION**

This ambulance will be an addition to the fleet. 1988 ambulance will be kept as a reserve ambulance to be used when other ambulances are out of service and for special events

**PROJECT PRIORITY:** 1  
**START DATE:** Jan-09

**EST. TIME TO COMPLETE:** 1 year

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT:** FISH CREEK FALLS UNDERPASS

**DEPARTMENT:** Public Works

**CONTACT PERSON:**

Philo Shelton  
Jon Snyder

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 1,500,000					1,500,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 1,500,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,500,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION		\$ 1,465,000					1,465,000
ARCHITECT. & ENGINEERING		35,000					35,000
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 1,500,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,500,000</b>

**PROJECT DESCRIPTION**

Design and construction of an underpass under Fish Creek Falls Road to improve safety and provide a more direct trail connection from spring creek to the core trail.

**PROJECT JUSTIFICATION**

The Trails Master Plan identifies providing a connection between the existing trail to Spring Creek and the Core Trail as an underpass to provide a direct trail connection, improving safety by eliminating the at-grade road crossing. . One phase of this connection is to provide a connection under Fish Creek Falls Road. This project has also been requested by the Steamboat Springs Health and Recreation Center.

**PROJECT PRIORITY:**

**START DATE:**

**EST. TIME TO COMPLETE:**

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT:** Pavement Maintenance Program

**DEPARTMENT:** Public Works  
Streets

**CONTACT PERSON:** Doug Marsh

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES	\$ 1,110,000	\$ 1,110,000	\$ 1,155,000	\$ 1,155,000	\$ 1,155,000	\$ 1,155,000	\$ 5,730,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ 1,110,000</b>	<b>\$ 1,110,000</b>	<b>\$ 1,155,000</b>	<b>\$ 1,155,000</b>	<b>\$ 1,155,000</b>	<b>\$ 1,155,000</b>	<b>\$ 5,730,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION	\$ 1,110,000	\$ 1,110,000	\$ 1,155,000	\$ 1,155,000	\$ 1,155,000	\$ 1,155,000	\$ 5,730,000
ARCHITECT. & ENGINEERING							-
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ 1,110,000</b>	<b>\$ 1,110,000</b>	<b>\$ 1,155,000</b>	<b>\$ 1,155,000</b>	<b>\$ 1,155,000</b>	<b>\$ 1,155,000</b>	<b>\$ 5,730,000</b>

**PROJECT DESCRIPTION**

Asphalt overlays are scheduled for 10 - 12 years for collector roads and 12 -15 for residential streets. All roads will be evaluated every 2 years with a Pavement Management System to determine the priority. Chip/Seals are scheduled on a 5 - 7 year program to extend the pavement lifecycle.

**PROJECT JUSTIFICATION**

Without proper and timely maintenance roads will deteriorate more quickly with more potholes occurring, more reflective cracking and more structural deficiencies. Industry standards suggest an average overlay in 12 - 20 year intervals.

**PROJECT PRIORITY:**  
**START DATE:**

**EST. TIME TO COMPLETE:**



**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT:** NEW VICTORY HIGHWAY and CR 129 STREET IMPROVEMENTS

**DEPARTMENT:** Public Works

**CONTACT PERSON:** Philo Shelton  
Janet Hruby

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 500,000	\$ 350,000	\$ 300,000	\$ 250,000	\$ 375,000	1,775,000
GRANTS							-
DEBT							-
PRIVATE		500,000	300,000	312,000	270,000	375,000	1,757,000
OTHER (2008 carryover)		800,000					800,000
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 1,800,000</b>	<b>\$ 650,000</b>	<b>\$ 612,000</b>	<b>\$ 520,000</b>	<b>\$ 750,000</b>	<b>\$ 4,332,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION			\$ 435,000	\$ 480,000	\$ 400,000	\$ 600,000	1,915,000
ARCHITECT. & ENGINEERING			65,000	72,000	60,000	90,000	287,000
EQUIPMENT							-
LAND ACQUISITION			150,000	60,000	60,000	60,000	330,000
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 650,000</b>	<b>\$ 612,000</b>	<b>\$ 520,000</b>	<b>\$ 750,000</b>	<b>\$ 2,532,000</b>

**PROJECT DESCRIPTION**

Project includes design and construction of a complete street from Overlook Park to CR 129/US 40 to extend the New Victory Highway to the WSSAP area per the WSSAP plan and to complete the 129 street cross-section to serve all modes of travel to City limits.

2009 - complete design and construct NVH (\$1.8M) from downhill drive to Overlook Park (This portion in conjunction with the Overlook Development extending the road thru their site.)

2010 - add bike lanes and sidewalks to existing Downhill Drive between CR 129 and the new NVH (approx 1500 ft); add auxiliary lanes at Downhill Drive/ CR 219 intersection

2011 - add bike lanes and sidewalk to CR 129 from US 40 to Downhill Drive (approx 2400 ft)

2012 - add bike lanes and sidewalk to CR 129 from Downhill Drive to Airport Meadows (approx 2000 ft)

2013 - add bike lanes and sidewalk (one side) to CR 129 from Airport Meadows to the Airport. (approx 3000 ft)

note this cip item does not include CR 129/ US 40 intersection improvements - see other project

**PROJECT JUSTIFICATION**

The WSSAP identified the need for an alternate roadway from the WSSAP area to town. In 2008 design and ROW acquisition were initiated for the portion of the NVH from downhill drive to the Overlook development, with construction planned for 2009. The Overlook development is funding the design of that portion of the roadway. Previous City councils agreed to fund the NVH portion of the roadway and it is expected that in addition to future city funding, WSSA developments will help fund extending the complete streets along downhill drive and 129 to connect to the existing network.

**PROJECT PRIORITY:**

**START DATE:**

**EST. TIME TO COMPLETE:**



**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: Land Acquisitions**

**DEPARTMENT: Financial Services**

**CONTACT PERSON: Linda Kakela**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES	\$ 1,684,943	\$ 2,750,000	\$ 1,500,000				\$ 4,250,000
GRANTS	2,222,300	250,000	1,000,000				1,250,000
DEBT							-
PRIVATE		140,000					140,000
OTHER							-
<b>TOTAL</b>	<b>\$ 3,907,243</b>	<b>\$ 3,140,000</b>	<b>\$ 2,500,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,640,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION							\$ -
ARCHITECT. & ENGINEERING							-
EQUIPMENT							-
LAND ACQUISITION	3,907,243	3,140,000	2,500,000				5,640,000
OTHER							-
<b>TOTAL</b>	<b>\$ 3,907,243</b>	<b>\$ 3,140,000</b>	<b>\$ 2,500,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,640,000</b>

**PROJECT DESCRIPTION**

**2008: Parks, Open Space & Recreation:** Complete grant-leveraged acquisitions of key parcels of land on Emerald Mountain and along the Yampa River in Steamboat Springs for open space, and public access including trails.

**2009: Public Works/Transportation Services:** Purchase two urban parcels for purpose of future transportation improvements, drainage remediation projects, and park expansion. Est. cost \$3,000,000; est. grants \$250,000 (6/2009)

**Public Safety Services:** Receive private donation of 40 acres of land (or cash equivalent) west of city for purpose of future development of a regional law enforcement training range for local, state, and federal agencies with law enforcement responsibilities, including Routt County, City of Steamboat Springs and other municipalities, Colorado Division of Wildlife, Colorado State Parks, U.S. Forest Service. Est. cost \$140,000; est. donations \$140,000

**2010: Public Works/Transportation Services:** Purchase parcel of land on south U.S. Highway 40 for future development of transit facilities. Est. cost \$2,500,000; est. grants and partner funding \$1,000,000. (6/2009)

**PROJECT JUSTIFICATION**

Carry out goals and priorities of the *Steamboat Springs Area Community Plan, West of Steamboat Springs Area Plan, 2004 Yampa River Management Plan, Open Space Master Plan (2008)*, and City Council's 2008 Visions:

**Achieving livability:** provides land for quality of life infrastructure including parks, open space, recreation, and trails; public safety facilities; and protection of the environment

**Achieving City financial sustainability:** continues the City's successful track record in leveraging large grants and resources to accomplish City Council's vision and community goals

**Maintaining public infrastructure:** provides land for future transportation and public works projects

PROJECT PRIORITY: A

START DATE: 01/01/2009

EST. TIME TO COMPLETE: 3 years

**2008 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: PARKS MAINTENANCE SHOP AND OFFICES EXPANSION/RENOVATION**

**DEPARTMENT: PARKS, OPEN SPACE,  
AND RECREATIONAL SERVICES**

**CONTACT PERSON: CHRIS WILSON  
ERNIE JENKINS  
BOB ROBICHAUD**

**SOURCE OF FUNDS**

REVENUE SOURCES	2007	2008	2009	2010	2011	2012	FIVE YEAR TOTAL
CURRENT REVENUES	\$ 130,000	\$ 896,419					\$ 896,419
GRANTS		750,000					750,000
DEBT		2,000,000					2,000,000
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ 130,000</b>	<b>\$ 3,646,419</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,646,419</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2007	2008	2009	2010	2011	2012	FIVE YEAR TOTAL
CONSTRUCTION		\$ 3,181,419					\$ 3,181,419
ARCHITECT. & ENGINEER	\$ 130,000	332,000					332,000
EQUIPMENT		133,000					133,000
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ 130,000</b>	<b>\$ 3,646,419</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,646,419</b>

**PROJECT DESCRIPTION**

Expansion and remodel of the Parks & Recreation Administration/Maintenance facility including:

- 6,600 sf of new construction for equipment storage, maintenance, office space and shared staff space
- Remodel 2,000 sf of existing space to include staff break room, locker rooms and redesign of the entire shop
- Upgrade the entire facility mechanical and electrical systems
- Sustainability design will be used for development of a high performance building

A grant application was submitted to DOLA in June, 2007.

**Cost Estimate:**

Renovate existing 2,000 sf at \$175/sf	\$350,000	Furniture, Fixtures & Equipment (5%)	\$133,000
New construction additions of 6,600 sf at \$350/sf	\$2,310,000	Phone & Data Wiring	\$40,000
Architectural and Engineering (12%)	\$319,200	Paving renovation	\$20,000
Testing	\$15,219	Environmental investigations and abatement	\$25,000
Surveying	\$10,000	Contingency (15%)	\$399,000
Landscaping	\$25,000	<b>TOTAL COST ESTIMATE</b>	<b>\$3,646,419</b>

**PROJECT JUSTIFICATION**

Building is shared by Parks, Open Space, Recreation, Howelsen Hill and Rodeo staffs. The Space Needs Analysis performed in 2005 indicates a need to expand and remodel the existing facility to accommodate the current staffing, equipment storage and equipment maintenance areas.

**PROJECT PRIORITY:**

**START DATE:** January, 2007

**EST. TIME TO COMPLETE:** 3 years

**2008 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: PARKS MASTER PLAN**

**DEPARTMENT: PARKS, OPEN SPACE  
AND RECREATIONAL SERVICES**

**CONTACT PERSON: CHRIS WILSON  
ERNIE JENKINS**

**SOURCE OF FUNDS**

REVENUE SOURCES	2007	2008	2009	2010	2011	2012	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 50,000					\$ 50,000
GRANTS		25,000					25,000
DEBT							-
PRIVATE							-
OFFSITE IMP FEES							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 75,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 75,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2007	2008	2009	2010	2011	2012	FIVE YEAR TOTAL
CONSTRUCTION							
ARCHITECT. & ENGINEERING							
EQUIPMENT							
LAND ACQUISITION							
OTHER		\$ 75,000					\$ 75,000
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 75,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 75,000</b>

**PROJECT DESCRIPTION**

Hire a consultant to prepare a Parks and Recreation Master Plan for the Steamboat Springs area's needs. Included in the Plan would be an inventory of existing facilities, an analysis of the community needs with recommendations and establishment of levels of service for implementation of the Plan.

The grant request would be to Great Outdoors Colorado for a planning grant of \$25,000.

**PROJECT JUSTIFICATION**

The Steamboat Springs Area Community Plan (adopted in 2004) set a policy to establish an appropriate amount of park lands according to population and demands of the community. One strategy to accomplish this is developing a Parks and Recreation Master Plan for the established planning area. Currently, there is not a formal Parks and Recreation Plan and one is needed as the area faces population growth and increased visitation to the community.

**PROJECT PRIORITY:**

**START DATE:** Jan-08

**EST. TIME TO COMPLETE:** 1 year

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: RIVER RESTORATION**

**DEPARTMENT: PARKS, OPEN SPACE  
AND RECREATIONAL SERVICES**

**CONTACT PERSON: CHRIS WILSON  
CRAIG ROBINSON**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 1,000,000
GRANTS							
DEBT							
PRIVATE							
DESIGNATED REVENUES							\$ -
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 1,000,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION		\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	750,000
ARCHITECT. & ENGINEERING		50,000	50,000	50,000	50,000	50,000	250,000
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							\$ -
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 1,000,000</b>

**PROJECT DESCRIPTION**

Requested funds are spent on ongoing river restoration and improvements based on the Yampa River Management Plan and the Action Plan identified within the plan. Additionally, the 2008 DRAFT Yampa River Structures Master Plan will prioritize new river improvement projects for river health and recreation.

Currently, commercial river operators on the Yampa River are required to give the City 5% of revenues generated from river operations (estimated at \$9,000 annually). These revenues are deposited into general fund and are designated for river enhancement projects, monitoring and enforcement. City staff decides how the money is spent with input from commercial operators and other interested parties.

2009 - Dr. Rich Weiss Park

2010 - TBD by Master Plan and River Steering Group

**PROJECT JUSTIFICATION**

These improvements are necessary to maintain water quality, improve the biological integrity of the river and to improve recreational opportunities for all river users.

**PROJECT PRIORITY:**

**START DATE:**

**EST. TIME TO COMPLETE:**



**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: SNOWMAKING/LIGHTING/COMMUNICATION/TIMING**

**DEPARTMENT: PARKS, OPEN SPACE,  
AND RECREATIONAL SERVICES**

**CONTACT PERSON: CHRIS WILSON  
JEFF NELSON**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 150,000	\$ 100,000	\$ 55,000	\$ 60,000	\$ 65,000	\$ 430,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 150,000</b>	<b>\$ 100,000</b>	<b>\$ 55,000</b>	<b>\$ 60,000</b>	<b>\$ 65,000</b>	<b>\$ 430,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION		\$ 150,000	\$ 30,000				\$ 180,000
ARCHITECT. & ENGINEERING							-
EQUIPMENT			20,000				20,000
LAND ACQUISITION							-
OTHER			50,000	\$ 55,000	\$ 60,000	\$ 65,000	230,000
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 150,000</b>	<b>\$ 100,000</b>	<b>\$ 55,000</b>	<b>\$ 60,000</b>	<b>\$ 65,000</b>	<b>\$ 430,000</b>

**PROJECT DESCRIPTION**

2009 - Complete existing Terrain Park with Snowmaking/Lighting replacement and improvements.  
 2010 - Complete jumping facility with Lighting/Communication including inrun lighting.  
 2011 - Repairs, upgrades and replacements to existing equipment.  
 2012 - Repairs, upgrades and replacements to existing equipment with increase due to industry increases.  
 2013 - Repairs, upgrades and replacements to existing equipment with increase due to industry increases.

**PROJECT JUSTIFICATION**

All improvements in this plan are replacing original installation from as early as 1981, as well as, new improvements.  
 These estimated dollar amounts were researched by Steamboat Springs Winter Sports Club and not yet confirmed by City staff.  
 Equipment needs upgraded and/or replaced.

PROJECT PRIORITY:  
START DATE:

EST. TIME TO COMPLETE:

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: STEAMBOAT SKATEPARK**  
**DEPARTMENT: PARKS, OPEN SPACE AND RECREATIONAL SERVICES**      **CONTACT PERSON: CHRIS WILSON**

**SOURCE OF FUNDS**

REVENUE SOURCES	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES	\$ 105,000	\$ 118,250				\$ 223,250
GRANTS		231,750				231,750
DEBT						-
PRIVATE	200,000					200,000
OTHER						-
<b>TOTAL</b>	<b>\$ 305,000</b>	<b>\$ 350,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 655,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION	\$ 305,000	\$ 305,000				\$ 610,000
ARCHITECT. & ENGINEERING						-
EQUIPMENT						-
LAND ACQUISITION						-
OTHER						-
<b>TOTAL</b>	<b>\$ 305,000</b>	<b>\$ 305,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 610,000</b>

**PROJECT DESCRIPTION**

Engineering and construction of an approximately 20,000 square foot organic skatepark.

**PROJECT JUSTIFICATION**

The Skate Park Alliance is actively seeking funds for this community amenity. This will provide a central site for youth and adults to recreate in several wheeled sports.

PROJECT PRIORITY:  
START DATE:

EST. TIME TO COMPLETE:

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT:** Steamboat Springs Area Community Plan

**DEPARTMENT:** Planning & Community Development

**CONTACT PERSON:** Tom Leeson

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 75,000	\$ 75,000				\$ 150,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 150,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION							\$ -
ARCHITECT. & ENGINEERING							-
EQUIPMENT							-
LAND ACQUISITION							-
OTHER		75,000	75,000				150,000
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 150,000</b>

**PROJECT DESCRIPTION**

The Steamboat Springs Area Community plan was adopted in 2004 and there has been significant progress with respect to the prioritized action items. There needs to be a formal process to re-evaluate the remaining action items, as well as a re-prioritization. The community has based land use decisions on the policies and goals contained within the plan and it is time to "check-in" with the community to evaluate the validity of those policies.

Furthermore, many of the land use policies were based on an in-depth Land Use Capacity and Build Out Analysis. Based on the level of development activity, an update to that analysis is warranted. This will include an update the the demographic information include population estimates and forecasts.

Additionally, in an effort to respond to community input and national trends, it is incumbent upon us to include an additional chapter that establishes goals and policies related to environmental sustainability.

**PROJECT JUSTIFICATION**

The following language is contained with the SSACP: "It is intended that a Comprehensive Update of the Community Area Plan take place at least every five (5) years unless otherwise directed by the City Council and Board of County Commissioners.

Given the level of developmenr activity the community has experienced during the past five years, a comprehensive review of the vision, goals, policies, and strategies contained within the Plan is warranted.

**PROJECT PRIORITY:** A

**START DATE:** Summer, 2009

**EST. TIME TO COMPLETE:** 12-18 months



**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: STORM WATER SYSTEM IMPROVEMENTS**

**DEPARTMENT: Public Works**

**CONTACT PERSON: Philo Shelton  
Janet Hruby  
Greg Gunn**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES							-
GRANTS							-
DEBT							-
PRIVATE							-
OTHER		360,000	360,000	360,000	360,000	360,000	1,800,000
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 360,000</b>	<b>\$ 360,000</b>	<b>\$ 360,000</b>	<b>\$ 360,000</b>	<b>\$ 360,000</b>	<b>\$ 1,800,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION		\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	1,500,000
ARCHITECT. & ENGINEERING		60,000	60,000	60,000	60,000	60,000	300,000
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 360,000</b>	<b>\$ 360,000</b>	<b>\$ 360,000</b>	<b>\$ 360,000</b>	<b>\$ 360,000</b>	<b>\$ 1,800,000</b>

**PROJECT DESCRIPTION**

Construction of Downtown storm water system designed in 2008. This includes pipe, manholes, inlets, and storm water quality. Construction per the downtown master drainage study will be phased to include design and construction in each year. In addition to the storm water system upgrades, the project includes the wall replacement and pedestrian bridge connection on Yampa across butcherknife, storm water quality improvements at the City shop, and bank improvements/guardrail on Soda Creek at 12th Street.

It is anticipated that these improvements will be funded via a storm water fee; thus the revenue source is listed as other. If the fee is not approved, the expenses will be from the general fund. The fee is expected to be presented in late 2008 or early 2009 as part of a storm water ordinance. Creation of the ordinance is a requirement of our NPDES Phase II permit.

**PROJECT JUSTIFICATION**

The existing storm drain system in Downtown is sporadic, in spots undersized, and existing roof drains are tied into the sanitary sewer instead of the storm system. To improve management of storm water, reduce I & I at the wastewater plant, and provide a connection for redevelopment foundation drains (versus on-site drywells or haphazard private storm connections) the storm system needs to be upgraded. Improvements in the system will minimize the potential for damage to properties and impacts to infrastructure. Additionally the project will include construction of storm water quality improvements, a requirement of our Phase II NPDES permit and important improvement to help maintain the quality of the Yampa River.

**PROJECT PRIORITY:**  
**START DATE:**

**EST. TIME TO COMPLETE:**

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: TRAIL IMPROVEMENTS**

**DEPARTMENT: PARKS, OPEN SPACE AND RECREATIONAL SERVICES      CONTACT PERSON: CHRIS WILSON  
CRAIG ROBINSON**

**SOURCE OF FUNDS**

REVENUE SOURCES	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 375,000
GRANTS						-
DEBT						-
PRIVATE						-
OTHER						-
<b>TOTAL</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ 375,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ 350,000
ARCHITECT. & ENGINEER	5,000	5,000	5,000	5,000	5,000	25,000
EQUIPMENT						-
LAND ACQUISITION						-
OTHER						-
<b>TOTAL</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ 375,000</b>

**PROJECT DESCRIPTION**

Trail replacement, upgrades and connections to and between new and existing development is ongoing.

**PROJECT JUSTIFICATION**

This funding is needed to provide for safety and an efficient/effective trail system.

PROJECT PRIORITY:  
START DATE:

EST. TIME TO COMPLETE:

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: TRANSIT COACH REPLACEMENT/REFURBISHMENT**

**DEPARTMENT: PUBLIC WORKS CONTACT PERSON: PHILO SHELTON  
TRANSPORTATION**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,500,000
GRANTS	240,000	500,000	500,000	500,000	500,000	500,000	2,500,000
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ 540,000</b>	<b>\$ 800,000</b>	<b>\$ 800,000</b>	<b>\$ 800,000</b>	<b>\$ 800,000</b>	<b>\$ 800,000</b>	<b>\$ 4,000,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION							\$ -
ARCHITECT. & ENGINEERING							-
EQUIPMENT	540,000	800,000	800,000	800,000	800,000	800,000	4,000,000
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ 540,000</b>	<b>\$ 800,000</b>	<b>\$ 800,000</b>	<b>\$ 800,000</b>	<b>\$ 800,000</b>	<b>\$ 800,000</b>	<b>\$ 4,000,000</b>

**PROJECT DESCRIPTION**

Our 5 mini-buses also known as the Escort FE buses and Unit 40, which has become the Yellow Line (Main Street Shuttle) are scheduled for replacement at an anticipated cost of \$150,000 each. SST has applied for an 80/20 5311 grant for these vehicles but that grant program is unlikely to fund more than one or two vehicles per year. Fleet replacement is required each year and the City is looking to convert to hybrid buses to save on fuel costs.

**PROJECT JUSTIFICATION**

This program is to implement a regular fleet replacement, upgrades and expansions to SST.

PROJECT PRIORITY:  
START DATE:

EST. TIME TO COMPLETE:

**2007 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: HIGHWAY 40 UNDERPASS SIDEWALK**

**DEPARTMENT: PARKS, OPEN SPACE  
AND RECREATIONAL SERVICES/  
PUBLIC WORKS**

**CONTACT PERSON: CHRIS WILSON  
JIM WEBER**

**SOURCE OF FUNDS**

REVENUE SOURCES	2006	2007	2008	2009	2010	2011	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 75,809					\$ 75,809
GRANTS							-
DEBT							-
PRIVATE							-
OTHER (Reserves)		39,191					39,191
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 115,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 115,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2006	2007	2008	2009	2010	2011	FIVE YEAR TOTAL
CONSTRUCTION		\$ 80,000					\$ 80,000
ARCHITECT. & ENGINEERING		35,000					35,000
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 115,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 115,000</b>

**PROJECT DESCRIPTION**

Provide a connection of a missing link of sidewalk along Mt. Werner Road as it passes under Highway 40. The costs associated with this project are high due to Colorado Department of Transportation design specifications, difficulty of existing conditions and other associated factors.

Reserves are revenue paid in 2004-2006 by Wildhorse Marketplace.

**PROJECT JUSTIFICATION**

The Sidewalk Master Plan has identified this project as priority number two (2) and City Council has identified it as a priority as well.

PROJECT PRIORITY:

START DATE:

EST. TIME TO COMPLETE:

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: US40 CORRIDOR IMPROVEMENTS**

**DEPARTMENT: Public Works**

**CONTACT PERSON: Philo Shelton  
Janet Hruby**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES			\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	8,000,000
GRANTS							-
DEBT							-
PRIVATE		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 1,000,000</b>	<b>\$ 3,000,000</b>	<b>\$ 3,000,000</b>	<b>\$ 3,000,000</b>	<b>\$ 3,000,000</b>	<b>\$ 13,000,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION			\$ 2,250,000	\$ 2,250,000	\$ 2,600,000	\$ 2,750,000	9,850,000
ARCHITECT. & ENGINEERING		1,000,000	250,000	250,000	250,000	250,000	2,000,000
EQUIPMENT							-
LAND ACQUISITION			500,000	500,000	150,000		1,150,000
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 1,000,000</b>	<b>\$ 3,000,000</b>	<b>\$ 3,000,000</b>	<b>\$ 3,000,000</b>	<b>\$ 3,000,000</b>	<b>\$ 13,000,000</b>

**PROJECT DESCRIPTION**

2009 - Continue working on and target completion of the Environmental Clearance document started in 2008. That document will outline the specific improvements to be completed in the following years. It is estimated that these improvements will include capacity improvements; intersection improvements; and transit, ped, and bicycle improvements. The improvements will also incorporate changes identified in the US 40 access control plan.  
 2010 - Phase I US 40 capacity improvements (est. such as CR 129/ US 40 intersection)  
 2011 - Phase II US 40 capacity improvements (est. such as 13th street to downhill drive, Stockbridge signal relocation)  
 2012 - Phase II US 40 capacity improvements (tbd)  
 2013 - Phase III US 40 capacity improvements (tbd)

**PROJECT JUSTIFICATION**

The community plan identifies road improvements needed to US 40 to increase capacity to meet existing and projected future travel demand along the main corridor through town. Private funds are estimated for the environmental clearance document and 1/3 of the improvements.

**PROJECT PRIORITY:**

**START DATE:**

**EST. TIME TO COMPLETE:**

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT:** UTILITY UNDERGROUNDING

**DEPARTMENT:** Public Works

**CONTACT PERSON:**

Philo Shelton  
Jon Snyder

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 500,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 1,100,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 500,000</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ 1,100,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION		\$ 450,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 1,050,000
ARCHITECT. & ENGINEERING		50,000					50,000
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 500,000</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ 1,100,000</b>

**PROJECT DESCRIPTION**

2009: 4th to 10th Street on the Alley; Between Lincoln and Oak to include conduits coordinated with Sewer Project  
 2010: Next phase - Yampa Street

Other items include surveys, easements, miscellaneous administrative services, legal services, etc.

**PROJECT JUSTIFICATION**

Undergrounding of utilities has been planned and requested by citizens and Council for many years and is now part of the YVEA Franchise Agreement and 1% additional fee.

**PROJECT PRIORITY:**  
**START DATE:**

**EST. TIME TO COMPLETE:**

**2007 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: YAHMONITE BRIDGE REPLACEMENT**

**DEPARTMENT: PUBLIC WORKS  
ENGINEERING**

**CONTACT PERSON: JIM WEBER  
JANET HRUBY**

**SOURCE OF FUNDS**

REVENUE SOURCES	2006	2007	2008	2009	2010	2011	FIVE YEAR TOTAL
CURRENT REVENUES	\$ 50,000	\$ 390,000					\$ 390,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ 50,000</b>	<b>\$ 390,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 390,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2006	2007	2008	2009	2010	2011	FIVE YEAR TOTAL
CONSTRUCTION		\$ 380,000					\$ 380,000
ARCHITECT. & ENGINEER	\$ 50,000	10,000					10,000
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ 50,000</b>	<b>\$ 390,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 390,000</b>

**PROJECT DESCRIPTION**

Construct a new bridge over Soda Creek to accommodate two-way traffic and pedestrians.

**PROJECT JUSTIFICATION**

Current bridge needs reconstructive maintenance and is too narrow to accommodate two-way traffic and provides limited access for pedestrians. This bridge has received an "obsolete" conditional rating from State Inspectors the last several inspections.

**PROJECT PRIORITY:**

**START DATE: SPRING 2006**

**EST. TIME TO COMPLETE: 365 DAYS**

**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: YAMPA RIVER LEGACY TRAILS**

**DEPARTMENT: PARKS, OPEN SPACE AND RECREATIONAL SERVICES**      **CONTACT PERSON: CHRIS WILSON  
CRAIG ROBINSON  
LINDA KAKELA**

**SOURCE OF FUNDS**

REVENUE SOURCES	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 400,000
GRANTS		100,000	300,000	100,000	100,000	600,000
DEBT						-
PRIVATE						-
OTHER						-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 200,000</b>	<b>\$ 400,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 1,000,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CONSTRUCTION		\$ 180,000	\$ 360,000	\$ 180,000	\$ 180,000	\$ 900,000
ARCHITECT. & ENGINEERING		20,000	40,000	20,000	20,000	100,000
EQUIPMENT						-
LAND ACQUISITION						-
OTHER						-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 200,000</b>	<b>\$ 400,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 1,000,000</b>

**PROJECT DESCRIPTION**

Annual City funds of \$100,000 per year leverage Transportation Enhancement grants (TEA-21 and SAFETEA-LU) of approximately \$300,000 every three years and more than \$100,000 per year from State Trails grants to continue constructing the Yampa River Corridor Trail west toward the West Steamboat Area and south toward Highway 131, Legacy Ranch and Haymaker Golf Course as rights-of-way, grants and matching funds become available. Current schedule is:  
 2008-2009 - Bridge crossing (West Lincoln Park to Steamboat Springs depot) and approaches (SAFETEA-LU \$370,000)  
 2010-2011 - Legacy Ranch area and enhance Corridor Trail in downtown area

**PROJECT JUSTIFICATION**

Since the inception of the project in 1992, the City has systematically constructed more than 7 miles of Yampa River Corridor Trail through downtown Steamboat, west to Bear River Park and south up Walton Creek and across Walton Creek. The Core Trail is considered one of the City's most popular capital projects and is regarded by the Colorado Department of Transportation as one of the highest quality bike-pedestrian trails on the Western Slope. The project continues to carry out City Council goals for multi-modal transportation and recreation by extending the trail south to Highway 131, Legacy Ranch and Haymaker Golf Course and west toward Steamboat II. The project implements the 2004 Steamboat Springs Area Community Plan Update (OS-3.1i, LU-5.2a, T-2.2a, OS-3.1e, OS-5.1b), the Mountain Town Sub-Area Plan, the Yampa Corridor Multi-Modal Transportation Plan and all City Surveys. To date, City matching funds of approximately \$100,000 per year have leveraged grants from federal ISTEA and TEA-21 funds, GOCO Legacy Project, Stockbridge Multi-Modal Center and State Trails. The trail project was initiated with the City recreation bond issue in 1990 which funded

PROJECT PRIORITY:  
START DATE:

EST. TIME TO COMPLETE:  
319



**2009 BUDGET  
FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM - CAPITAL COST**

**PROJECT: YAMPA VALLEY FACILITY UPGRADES**

**DEPARTMENT: PARKS, OPEN SPACE  
AND RECREATIONAL SERVICES**

**CONTACT PERSON: CHRIS WILSON  
ERNIE JENKINS**

**SOURCE OF FUNDS**

REVENUE SOURCES	2008	2009	2010	2011	2012	2013	FIVE YEAR TOTAL
CURRENT REVENUES		\$ 1,386,500	\$ 481,000	\$ 178,000	\$ 578,500	\$ 452,000	\$ 3,076,000
GRANTS							-
DEBT							-
PRIVATE							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 1,386,500</b>	<b>\$ 481,000</b>	<b>\$ 178,000</b>	<b>\$ 578,500</b>	<b>\$ 452,000</b>	<b>\$ 3,076,000</b>

**COST BREAKDOWN**

COST DESCRIPTIONS	2008	2009	2010	2011	2012	20130	FIVE YEAR TOTAL
CONSTRUCTION		\$ 1,386,500	\$ 481,000	\$ 178,000	\$ 578,500	\$ 452,000	\$ 3,076,000
ARCHITECT. & ENGINEERING							-
EQUIPMENT							-
LAND ACQUISITION							-
OTHER							-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 1,386,500</b>	<b>\$ 481,000</b>	<b>\$ 178,000</b>	<b>\$ 578,500</b>	<b>\$ 452,000</b>	<b>\$ 3,076,000</b>

**PROJECT DESCRIPTION**

2009 - Complete Dry Creek Park Complex started by Town of Hayden. Complete lighting, irrigation and drainage improvements to Adams and Simillion Fields at Howelsen Park.  
 2010 - Irrigation, drainage, infield, fencing and parking improvements to Ski Town Park fields, Klumker and Vanatta fields.  
 2011 - Improvements to Oak Creek fields.  
 2012 - Improvements to City of Craig fields.  
 2013 - Improvements to Loudy-Simpson Park (Moffat County) fields.

**PROJECT JUSTIFICATION**

Baseball field improvements for Triple Crown Sports Contract Extension. Budget estimates by American Civil Constructors, Steamboat Springs Sports Field Evaluation proposal. Based on Triple Crown Sports Yampa Valley Facility upgrade requests.

PROJECT PRIORITY:

START DATE:

EST. TIME TO COMPLETE:

# AGENDA ITEM # 2

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Grants Analyst (Ext. 257)  
Bob Litzau, Interim Director of Financial Services (Ext. 239)  
JD Hays, Director of Public Safety (x113)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** Direction to submit a grant application to the US Department of Justice COPS program for \$614,085 in American Recovery and Reinvestment Act funds to pay for three years salary and benefits for three new police officers.

**NEXT STEP: MOTION:** To submit a grant application to the US Department of Justice COPS program for \$614,085 in American Recovery and Reinvestment Act funds to pay for three years salary and benefits for three new police officers.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

As part of the American Recovery and Reinvestment Act (ARRA), the US Department of Justice, COPS program has a competitive grant program that will provide full funding for an entry level police officer for three years. The City has three frozen, unfunded police officer positions that would be eligible for this funding opportunity.

**II. RECOMMENDED ACTION:**

Given the substantial benefit of the grant and project to the City, staff recommends that City Council proceed with submitting the grant application.

**MOTION:** To submit a grant application to the US Department of Justice COPS program for \$614,085 in American Recovery and Reinvestment Act funds to pay for three years salary and benefits for three new police officers.

**III. FISCAL IMPACTS:**

**Proposed Revenues:**

Grant Application: \$ 614,085

**Proposed Expenditure:**

Salary and Benefits for  
3 police officers for 3 yrs \$ 614,085

City Departments: Public Safety  
Project Manager: Joel Rae, Captain

**IV. BACKGROUND INFORMATION:**

The American Recovery and Reinvestment Act (ARRA) provides funding for law enforcement hiring through the US Department of Justice's COPS program. The COPS program utilizes ARRA funds to provide full funding of entry level police officer benefits and salary for three years. Eligible positions are sworn police officer positions that are currently frozen or unbudgeted for in the current year. The City has three eligible positions. The City will be expected to retain all three police officers after the three year period of the grant.

**V. LEGAL ISSUES:**

None at this time. The Intergovernmental Services Division continues to work closely with Legal Services on issues associated with grant-funded projects.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this report.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- approve submittal of the grant application.
- decide not to submit the grant application.
- defer until a future round of funding.

# AGENDA ITEM # 3

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Grants Analyst (Ext. 257)  
Bob Litzau, Interim Director of Financial Services (Ext. 239)  
Philo Shelton, Director of Public Works (x204)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** Direction to submit a loan application seeking \$584,650 in American Recovery and Reinvestment Act funds for a water main project to the Colorado Water Quality Division.

**NEXT STEP: MOTION:** To submit a loan application to the Colorado Water Quality Division seeking \$584,650 in American Recovery and Reinvestment Act funds for a water main project.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

As part of the American Recovery and Reinvestment Act (ARRA), the Colorado Water Quality Division is accepting loan applications for water projects. Instead of a typical grant process to distribute ARRA funds, the Colorado Water Quality Division requires a loan application, with ARRA funds used to “forgive” a portion of the loan and to enable the remainder of the loan to be for 20 – 30 years at a 0% interest rate.

**II. RECOMMENDED ACTION:**

Given the substantial benefit of the loan and project to the City, staff recommends that City Council proceed with submitting the loan application.

**MOTION:** To submit a loan application to the Colorado Water Quality Division seeking \$584,650 in American Recovery and Reinvestment Act funds for a water main project.

### III. **FISCAL IMPACTS:**

#### **Proposed Revenues:**

Loan Application: \$ 584,650

#### **Proposed Expenditure:**

Water Main replacement \$ 584,650

City Departments: Public Works

Project Manager: Jim Weber, Special Projects Engineer

The Colorado Water Quality Division (CWQD) is distributing American Recovery and Reinvestment Act (ARRA) funds through its regular loan program. If selected for stimulus funding, this project would be offered a 20 – 30 year 0% loan, with “loan forgiveness” for a portion of the amount of the loan.

### IV. **BACKGROUND INFORMATION:**

The American Recovery and Reinvestment Act (ARRA) provides funding for water, wastewater, and storm water projects through the existing mechanisms provided by the Colorado Water Quality Division revolving loan programs. ARRA funded loans would be a 20 – 30 year loan with 0% interest, with “loan forgiveness” for a portion of the loan, up to \$2 million per project.

Securing an ARRA loan through the CWQD process requires several steps, including providing a preliminary engineering report, submitting a loan application, holding a public meeting about the project, submitting a complete engineering report, submitting an environmental report or information that the project qualifies as a categorical exclusion from the environmental process, and submitting complete plans and specifications for the project.

The first round of ARRA loan awards will be made on May 11, 2009. Staff do not anticipate that the City will receive any funding through this first round of awards. However, our strategy is to continue through the process so that we are well positioned to receive redistributed funds in September 2009 and February 2010.

### V. **LEGAL ISSUES:**

None at this time. The Intergovernmental Services Division continues to work closely with Legal Services on issues associated with grant-funded projects.

### VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this report.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- approve submittal of the loan application.
- decide not to submit the loan application.
- defer until a future round of funding.

# AGENDA ITEM # 4

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Grants Analyst (Ext. 257)  
Bob Litzau, Interim Director of Financial Services (Ext. 239)  
Philo Shelton, Director of Public Works (x204)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** Direction to submit a loan application to the Colorado Water Quality Division seeking \$6,000,000 in American Recovery and Reinvestment Act funds for a wastewater maintenance project.

**NEXT STEP: MOTION:** To submit a loan application to the Colorado Water Quality Division seeking \$6,000,000 in American Recovery and Reinvestment Act funds for a wastewater maintenance project.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

As part of the American Recovery and Reinvestment Act (ARRA), the Colorado Water Quality Division is accepting loan applications for wastewater projects. Instead of a typical grant process to distribute ARRA funds, the Colorado Water Quality Division requires a loan application, with ARRA funds used to “forgive” a portion of the loan and to enable the remainder of the loan to be for 20 – 30 years at a 0% interest rate.

**II. RECOMMENDED ACTION:**

Given the substantial benefit of the loan and project to the City, staff recommends that City Council proceed with submitting the loan application.

**MOTION:** To submit a loan application to the Colorado Water Quality Division seeking \$6,000,000 in American Recovery and Reinvestment Act funds for a wastewater maintenance project.

### III. **FISCAL IMPACTS:**

#### **Proposed Revenues:**

Loan Application: \$ 6,000,000

#### **Proposed Expenditure:**

Wastewater system \$ 6,000,000

City Departments: Public Works

Project Manager: Jim Weber, Special Projects Engineer

This proposed project includes replacing the liner at the polishing pond, replacing pumps and bar screens at the wastewater treatment plant, lagoon biosolids removal, construction of a .5 MG Digester, and replacing wastewater interceptor lines.

The Colorado Water Quality Division (CWQD) is distributing American Recovery and Reinvestment Act (ARRA) funds through its regular loan program. If selected for stimulus funding, this project would be offered a 20 – 30 year 0% loan, with “loan forgiveness” for a portion of the amount of the loan.

### IV. **BACKGROUND INFORMATION:**

The American Recovery and Reinvestment Act (ARRA) provides funding for water, wastewater, and storm water projects through the existing mechanisms provided by the Colorado Water Quality Division revolving loan programs. ARRA funded loans would be a 20 – 30 year loan with 0% interest, with “loan forgiveness” for a portion of the loan, up to \$2 million per project.

Securing an ARRA loan through the CWQD process requires several steps, including providing a preliminary engineering report, submitting a loan application, holding a public meeting about the project, submitting a complete engineering report, submitting an environmental report or information that the project qualifies as a categorical exclusion from the environmental process, and submitting complete plans and specifications for the project.

The first round of ARRA loan awards will be made on May 11, 2009. Staff do not anticipate that the City will receive any funding through this first round of awards. However, our strategy is to continue through the process so that we are well positioned to receive redistributed funds in September 2009 and February 2010.

### V. **LEGAL ISSUES:**

None at this time. The Intergovernmental Services Division continues to work closely with Legal Services on issues associated with grant-funded projects.



**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this report

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- approve submittal of the loan application.
- decide not to submit the loan application.
- defer until a future round of funding.

# AGENDA ITEM # 5

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Grants Analyst (Ext. 257)  
Bob Litzau, Interim Director of Financial Services (Ext. 239)  
Philo Shelton, Director of Public Safety (x203)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** Direction to submit a grant application to the Colorado Department of Transportation (CDOT) for \$4,999 in grant funding for “Share the Road” activities and promotions in summer 2009. No matching funds are required.

**NEXT STEP: MOTION:** To submit a grant application to the Colorado Department of Transportation for \$4,999 in grant funding for “Share the Road” activities and promotions in summer 2009.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

The Colorado Department of Transportation (CDOT) is continuing its state-wide “Share the Road” campaign to raise awareness of the need for pedestrians, bicyclists, and automobile drivers to “Share the Road”. Grant funds would enable the City to fund a portion of the bicycle rodeo, and to place print and television ads in summer 2009. No matching funds are required.

**II. RECOMMENDED ACTION:**

Given the substantial benefit of the grant and project to the City, staff recommends that City Council proceed with submitting the grant application.

**MOTION:** To submit a grant application to the Colorado Department of Transportation for \$4,999 in grant funding for “Share the Road” activities and promotions in summer 2009.

**III. FISCAL IMPACTS:**

**Proposed Revenues:**

Grant Application: \$ 4,999

**Proposed Expenditure:**

Share the Road Public Outreach \$ 4,999

City Departments: Public Works and Public Safety

Project Manager: Joan Murphy, Public Works Staff Assistant

**IV. BACKGROUND INFORMATION:**

The Colorado Department of Transportation (CDOT) is continuing its state-wide “Share the Road” campaign to raise awareness of the need for pedestrians, bicyclists, and automobile drivers to “Share the Road”. CDOT will provide up to \$4,999 in funds for communities to carry out marketing, public awareness, and educational activities. Participation in the program provides health and safety benefits to the community and helps to maintain a positive relationship with the Colorado Department of Transportation.

**V. LEGAL ISSUES:**

None at this time. The Intergovernmental Services Division continues to work closely with Legal Services on issues associated with grant-funded projects.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this report.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- approve submittal of the grant application
- decide not to submit the grant application
- defer until a future round of funding.

# AGENDA ITEM # 6

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Grants Analyst (Ext. 257)  
Bob Litzau, Interim Director of Financial Services (Ext. 239)  
Philo Shelton, Director of Public Works and Transportation (x317)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** Direction to participate in a consolidated American Recovery and Reinvestment Act grant application through the Colorado Association of Transit Agencies to the Federal Transit Administration Greenhouse Gas Reduction and Energy Efficiency (TIGGER) program for \$1,573,828 in grant funding for energy efficiency and renewable energy projects.

**NEXT STEP: MOTION:** To participate in a consolidated American Recovery and Reinvestment Act grant application through the Colorado Association of Transit Agencies to the Federal Transit Administration Greenhouse Gas Reduction and Energy Efficiency (TIGGER) program for \$1,573,828 in grant funding for energy efficiency and renewable energy projects.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

American Recovery and Reinvestment Act funding to the Federal Transit Administration includes funding of the Greenhouse Gas Reduction and Energy Efficiency program (TIGGER). The Colorado Association of Transit Agencies (CASTA) is submitting a coalition grant to this new grant program. City participation would enable the City to request funding for two hybrid buses, solar electric systems for the Steamboat, Craig, and Stockbridge Transit centers, and energy efficiency improvements at the Steamboat Transit center.

**II. RECOMMENDED ACTION:**

Given the substantial benefit of the grant and project to the City, staff recommends that City Council proceed with submitting the grant application.

**MOTION: To participate in a consolidated American Recovery and Reinvestment Act grant application through the Colorado Association of Transit Agencies to the Federal Transit Administration Greenhouse Gas Reduction and Energy Efficiency (TIGGER) program for \$1,573,828 in grant funding for energy efficiency and renewable energy projects.**

**III. FISCAL IMPACTS:**

**Proposed Revenues:**

City Request in  
Consolidated Application:     \$ 1,573,828             No matching funds are required

**Proposed Expenditure:**

2 Hybrid Buses	\$1,151,828
25 kW solar @ Stmbt transit	200,000
5 kW solar @ Craig transit	47,000
10 kW solar @ Stockbridge	80,000
Energy efficient lighting	72,000
Steamboat transit HVAC	23,000

TOTAL                             \$ 1,573,828

City Departments:     Internal Services / Transportation  
Project Manager:     Steve Hoots, Sustainability Coordinator  
                              Jonathan Flint, Transit Operations Manager

**IV. BACKGROUND INFORMATION:**

The American Recovery and Reinvestment Act (ARRA) provides funding for a new program which focuses on reducing greenhouse gas emissions and improving energy efficiency in transit. The new program will be extremely competitive and will likely fund fewer than 6 projects across the US. Colorado transit agencies are, for the most part, participating in this grant process through a coalition application through the Colorado Association of Transit Agencies (CASTA). CASTA is gathering project information from agencies and combining these into the federal grant application. Although it is unlikely that the City will realize any funding out of this particular grant request, staff feels that it will not hurt to participate in the consolidated grant application, as the information staff will need to develop and provide to CASTA for this project will also be needed when we apply directly to the Governor's Energy Office and to the Department of Energy for energy efficiency block grant funding.

**V. LEGAL ISSUES:**

None at this time. The Intergovernmental Services Division continues to work closely with Legal Services on issues associated with grant-funded projects.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this report

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- approve submittal of the grant application.
- decide not to submit the grant application.
- defer until a future round of funding.

# AGENDA ITEM # 7

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Grants Analyst (Ext. 257)  
Bob Litzau, Interim Director of Financial Services (Ext. 239)  
JD Hays, Director of Public Safety (x113)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** Direction to partner with Routt County on a grant application to the US Department of Justice Rural Law Enforcement grant program for up to \$1.5 million in American Recovery and Reinvestment Act funds to pay for a new CAD/RMS system.

**NEXT STEP: MOTION:** To partner with Routt County on a grant application to the US Department of Justice Rural Law Enforcement grant program for up to \$1.5 million in American Recovery and Reinvestment Act funds to pay for a new CAD/RMS system.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

As part of the American Recovery and Reinvestment Act (ARRA), the US Department of Justice, has a competitive Rural Law Enforcement grant program that will provide full funding for projects which focus on rural law enforcement information sharing. The joint City/County Computer Aided Dispatch/Records Management System is in need of replacement and would be eligible for funding.

**II. RECOMMENDED ACTION:**

Given the substantial benefit of the grant and project to the City, staff recommends that City Council proceed with partnering with Routt County on the grant.

**MOTION:** To partner with Routt County on a grant application to the US Department of Justice Rural Law Enforcement grant program for up to \$1.5 million in American Recovery and Reinvestment Act funds to pay for a new CAD/RMS system.

**III. FISCAL IMPACTS:**

**Proposed Revenues:**

Grant Application:                      \$ 1,500,000                      estimate

**Proposed Expenditure:**

Total project:                              \$ 1,500,000                      estimate

The final budget for this project is still being developed. Grant funds will be requested to cover the full cost of the project. Costs include hardware, software, training, database development, data migration, and staffing. Staff costs to be covered through the grant include a contract Project Manager as well as an Information Services Specialist. The Project Manager will be contracted for by the County and will implement the project and carry out grant reporting. The Information Services Specialist will be hired by the City, and will be a city employee paid with grant funds during the two year period of the project. The City would be expected to continue this position for a year (funded by the City) after the project. The Information Services Specialist position is an existing unfunded/frozen position within the City. The decision to include this position as an employee, as opposed to contract, position is because the grant guidance notes that grant applications will be significantly more competitive if the project involves creation of jobs that will be retained after the project period.

City Departments:      Public Safety / Information Services  
Project Manager:      Routt County

**IV. BACKGROUND INFORMATION:**

The City and County share a Computer Aided Dispatch / Records Management System. The system does not meet all record keeping needs, does not meet current information technology standards, and causes issues within recordkeeping for all public safety agencies who utilize the system. Both the City and County have included replacement of the CAD/RMS system in

As part of the American Recovery and Reinvestment Act (ARRA), the US Department of Justice, has a competitive Rural Law Enforcement grant program that will provide full funding for projects which focus on rural law enforcement information sharing. The joint City/County Computer Aided Dispatch/Records Management System is in need of replacement and would be eligible for funding.

**V. LEGAL ISSUES:**

None at this time. The Intergovernmental Services Division continues to work closely with Legal Services on issues associated with grant-funded projects.



**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this report.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- approve partnering on the grant application.
- decide not to partner on the grant application.
- defer until a future round of funding.

# AGENDA ITEM # 8

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Grants Analyst (Ext. 257)  
Bob Litzau, Interim Director of Financial Services (Ext. 239)  
Chris Wilson, Director of Parks, Open Space, and Recreation (x317)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** Direction to submit a grant application to the Colorado Department of Transportation (CDOT) Enhancements Program for \$130,301 in American Recovery and Reinvestment Act funds for the Yampa River Core Trail south extension project.

**NEXT STEP: MOTION:** To submit a grant application to the Colorado Department of Transportation Enhancements Program for \$130,301 in American Recovery and Reinvestment Act funds for the Yampa River Core Trail south extension project.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

CDOT has received Enhancement funds as part of the American Recovery and Reinvestment Act (ARRA) and has decided to allocate these funds to existing, open enhancement projects. This request would provide additional funding to the City's open project – the southern extension of the Yampa River Core Trail – and would enable this extension to be upgraded from a soft surface to a hard surface trail.

**II. RECOMMENDED ACTION:**

Given the substantial benefit of the grant and project to the City, staff recommends that City Council proceed with submitting the grant application.

**MOTION:** To submit a grant application to the Colorado Department of Transportation Enhancements Program for \$130,301 in American Recovery and Reinvestment Act funds for the Yampa River Core Trail south extension project.

**III. FISCAL IMPACTS:**

**Proposed Revenues:**

Grant Application: \$ 130,301

**Proposed Expenditure:**

Trail hard surfacing \$ 130,301

City Departments: Parks, Open Space, and Recreation

Project Manager: Craig Robinson, Open Space and Trails Manager

**IV. BACKGROUND INFORMATION:**

The American Recovery and Reinvestment Act (ARRA) provides Transportation Enhancement funds through the Colorado Department of Transportation. Rather than carrying out a new round of grants, CDOT is instead seeking to increase funding to existing, open Enhancement projects. The City is requesting ARRA Enhancement funds to upgrade the Yampa River Core Trail southern extension project from a soft surface trail to the core trail standard of a hard surface trail.

**V. LEGAL ISSUES:**

None at this time. The Intergovernmental Services Division continues to work closely with Legal Services on issues associated with grant-funded projects.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this report.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- approve submittal of the grant application.
- decide not to submit the grant application.
- defer until a future round of funding.

# AGENDA ITEM # 9

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Grants Analyst (Ext. 257)  
Bob Litzau, Interim Director of Financial Services (Ext. 239)  
Philo Shelton, Director of Public Works and Transportation (x317)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** Direction to submit a grant application to the Federal Transit Administration seeking \$257,462 in grant funding from the 5309 grant program for purchase of a hybrid bus. Matching funds of \$64,366 are required.

**NEXT STEP: MOTION:** To submit a grant application to the Federal Transit Administration seeking \$257,462 in grant funding from the 5309 grant program for purchase of a hybrid bus.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

The City of Steamboat Springs participates in the Colorado Association of Transit Agencies (CASTA) process to seek grant earmarks from the Federal Transit Administration each year. The City has earmarked funds available for transit projects, but must submit a grant application to access and utilize these funds. The City's project is to purchase a hybrid bus to replace an existing bus that has reached the end of its lifecycle. Grant funds from the 5311 program (already in hand) will also be used for the bus purchase.

**II. RECOMMENDED ACTION:**

Given the substantial benefit of the grant and project to the City, staff recommends that City Council proceed with submitting the grant application.

**MOTION:** To submit a grant application to the Federal Transit Administration seeking \$257,462 in grant funding from the 5309 grant program for purchase of a hybrid bus.

**III. FISCAL IMPACTS:**

**Proposed Revenues:**

FTA 5309	\$ 257,462
City Cash	64,366
FTA 5311	<u>254,172</u>
Total	\$576,000

**Proposed Expenditure:**

2 Hybrid Buses	\$576,000
TOTAL	\$ 576,000

City Departments: Transportation  
Project Manager: Jonathan Flint, Transit Operations Manager

**IV. BACKGROUND INFORMATION:**

The City of Steamboat Springs has the 2009 Salazar earmark and a portion of the regular 2008 earmark from the FTA 5309 grant program available for transit projects. Staff recommend that the City utilize these funds, combined with FTA 5311 program funds already in hand, to purchase an additional hybrid bus as a replacement for a vehicle that has reached the end of its useful life. Grant funds pay 80% of the total cost of the bus. The cost of a hybrid bus is approximately \$200,000 more than a similar diesel vehicle, however staff have determined that the hybrid bus handles better and is more functional than the diesel bus previously used by the City. In addition, the cost of operating the vehicle, over the useful life of the vehicle, ends up penciling out in terms of the increased cost.

**V. LEGAL ISSUES:**

None at this time. The Intergovernmental Services Division continues to work closely with Legal Services on issues associated with grant-funded projects.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this report.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- approve submittal of the grant application.
- decide not to submit the grant application.
- defer until a future round of funding.

# AGENDA ITEM # 10

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Laureen Schaffer, Historic Preservation Coordinator (Ext. 278)  
Tom Leeson, AICP, Director of Planning & Community Development  
(Ext. 244)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** A resolution authorizing the City, through the Steamboat Springs Historic Preservation Commission, to act as the reviewing entity for the State income tax credit program for qualifying historic rehabilitation projects.

**NEXT STEP:** MOTION TO APPROVE the attached resolution authorizing the City, through the Steamboat Springs Historic Preservation Commission, to act as the reviewing entity for the State income tax credit program for qualifying historic rehabilitation projects.

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\_\_\_\_\_ ORDINANCE  
xxx RESOLUTION  
xxx MOTION  
\_\_\_\_\_ DIRECTION  
\_\_\_\_\_ INFORMATION

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**I. REQUEST OR ISSUE:**

This resolution will update the language of the 2009 resolution by replacing Historic Preservation Advisory Commission with Historic Preservation Commission. This will allow the newly formed Historic Preservation Commission to facilitate the process for local owners of historic properties to receive State income tax credits for approved rehabilitation/restoration work on their properties. City Council has authorized this action for the previous ten years. This resolution will be a wording change to the tenth annual authorization. The 2009 resolution differs from the previous resolutions in that it does not need to be renewed annually. In 2007-08, HPAC reviewed state income tax credit projects for the Maxwell Squire Building at 840 Lincoln Ave. for approximately \$50,000 and the Pioneer Building at 737 Lincoln Ave. for approximately \$15,000.

**II. RECOMMENDED ACTION:**

Given the benefit of State income tax credits to property owners, staff recommends that Council move to approve the resolution.

**III. FISCAL IMPACTS:**

Facilitation of the rehabilitation tax credit process will not result in additional use of City dollars (other than staff time). The resolution requires that the City establish a “preservation fund”. Application fees for each tax credit project (which are set by the State) will be contributed to the fund. Dollars in the fund can be used to administer the program and provide information and education to the community within the context of historic preservation.

**IV. BACKGROUND INFORMATION:**

The City Council work session of December 1, 1998 addressed historic preservation in Steamboat Springs and introduced the benefits and requirements of Certified Local Government designation. On December 15, 1998, City Council passed a resolution expressing intent to become a Certified Local Government (CLG). In August 1999, the City received notification that it had been designated as a Certified Local Government. A CLG is a local government having a partnership agreement with the State Historic Preservation Office (SHPO) in the Colorado Historical Society and the National Park Service in the United States Department of Interior, as detailed in the 1980 amended National Historic Preservation Act.

One of the benefits of designation as a Certified Local Government is the ability to facilitate the process for local owners of historic properties to receive State income tax credits for approved restoration and rehabilitation work. For projects over \$5,000, the Colorado State tax credit gives property owners a tax credit equal to the value of 20% of the dollars spent on approved restoration and rehabilitation work on a designated historic property. This tax credit has been cited as an incentive for conducting substantive restoration work on important historical buildings.

**V. LEGAL ISSUES:**

The legal department has reviewed the resolution and no legal issues have been identified at this time.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None. Passage of this resolution will represent the tenth annual reauthorization.

**VII. SUMMARY AND ALTERNATIVES:**

The attached resolution authorizes the City, through the Steamboat Springs Historic Preservation Commission, to act as the reviewing entity for the State income tax credit program for qualifying historic rehabilitation projects. The State tax credit can provide a valuable incentive for property owners to restore or rehabilitate their designated historic property. A Colorado Historical Society survey indicates that the tax credit has only been used in communities where the local government has facilitated the State tax credit process.



**CITY OF STEAMBOAT SPRINGS, COLORADO**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE STEAMBOAT SPRINGS CITY COUNCIL AGREEING TO ACT AS A REVIEWING ENTITY FOR THE STATE INCOME TAX CREDIT PROGRAM FOR QUALIFYING REHABILITATION PROJECTS UNDER COLORADO HOUSE BILL 90-1033 (C.R.S. §39-22-514, AS AMENDED).**

**WHEREAS**, the City of Steamboat Springs Historic Preservation Commission and the City Council support the creation of incentives to assist in the preservation and protection of historically significant resources; and

**WHEREAS**, Colorado House Bill 90-1033 (C.R.S. § 39-22-514, as amended) was signed into law April 20, 1990, establishing tax credits for historic structures throughout the state; and

**WHEREAS**, the City of Steamboat Springs, as a Certified Local Government, pursuant to the provisions of 16 U.S.C. § 470 (a) (C) (1), as amended, is eligible to review such rehabilitation tax credit projects as a reviewing entity as defined by C.R.S. § 39-22-514 (12) (1); and

**WHEREAS**, the provisions of C.R.S. § 39-22-514 (10) (a) require that each Certified Local Government adopt annually a resolution stating whether such Certified Local Government will act as a reviewing entity during the following twelve (12) months; and

**WHEREAS**, the Steamboat Springs Historic Preservation Commission, as the City of Steamboat Springs' official review board for historic resources, endorses rehabilitation project reviews at the local level, which provide an increased level of preservation service to our community.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:**

Section 1. The City of Steamboat Springs, through the Steamboat Springs Historic Preservation Commission, hereby agrees to act as a reviewing entity for the purposes of subsections (3) and (6) of C.R.S. § 39-22-514 for calendar year 2009 and all subsequent years. The City will maintain the "preservation fund" as required by C.R.S. § 39-22-514 (11) (a), for use in administering the program and to provide information and education to the community within the context of historic preservation.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
City Clerk**

# AGENDA ITEM # 11

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Brad Parry, Sales Tax Auditor (Ext. 251)  
Bob Litzau, Finance Director (Ext. 239)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** A Resolution Designating a Recent Enterprise Zone Applicant as Industrial Enterprise Zone Licensee

**NEXT STEP:** Adopt the Resolution

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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I. **REQUEST OR ISSUE:**

Section 22-61 (Industrial Enterprise Zone) provides that Council is to designate businesses for Enterprise Zone status through the passage of a resolution:

**Section 22-61. Designation of Businesses.** The provisions of this division shall apply to such businesses located within industrial zoned areas within the City *as the City Council shall from time to time designate by resolution* (emphasis added).

This section points to the original intention of the legislation that each business receives its designation through the passage of a resolution, giving Council control over which businesses are given Enterprise Zone status.

The purpose of this resolution is for City Council to designate recent Enterprise Zone applicants as Industrial Enterprise Zone licensees, as one is listed in **Attachment A** of the resolution.

II. **RECOMMENDED ACTION:**

Adopt the resolution, designating the attached business as an Industrial Enterprise Zone licensee.

III. **FISCAL IMPACTS:**

None.

IV. **BACKGROUND INFORMATION:**

In 1989, the Steamboat Springs City Council enacted two ordinances (Ord. No's. 1091 and 1092) giving certain sales tax exemptions to businesses located in the newly annexed West side of town. These exemptions vary depending on whether the business has a Commercial Enterprise Zone license or an Industrial Enterprise Zone license. The purpose of the Ordinances was two-fold. The Ordinances were a negotiation tool used by City Council at that time so that the businesses located in the West end of town would agree to the annexation. The Ordinances also serve a greater purpose, to encourage commercial and industrial growth on the West end of town to reduce the community's dependence on the Ski industry. The Commercial Enterprise Zone provisions expired on January 1, 2005. The Industrial Enterprise Zone provisions are set to expire on January 1, 2010, unless the Council chooses to extend the deadline at that time.

V. **LEGAL ISSUES:**

None.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:**

None.

VII. **SUMMARY AND ALTERNATIVES:**

Any alternatives would involve an amendment to the Municipal Code. The City Code provides that the Enterprise Zone provisions are non-repealable; thus, eliminating the exemption entirely is not possible.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DESIGNATING RECENT ENTERPRISE ZONE APPLICANTS AS INDUSTRIAL ENTERPRISE ZONE LICENSEES.**

**WHEREAS**, on the 7<sup>th</sup> of November, 1989, the Steamboat Springs City Council adopted Ordinance number 1092, creating the Steamboat Springs Industrial Enterprise Zone; and

**WHEREAS**, the intention of this ordinance was to create an incentive for businesses to locate on the West end of the City, to create jobs for the citizens of this town, and to reduce the community's dependency on the ski industry; and

**WHEREAS**, ordinance 1092 requires that the City Council designate a business by resolution in order for that business to receive the benefits of operating in the Enterprise Zone; and

**WHEREAS**, the business in Attachment A has applied for an Industrial Enterprise Zone license.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:**

Section 1. The business listed on Attachment A is hereby granted a City Industrial Enterprise Zone license and are entitled to all of the benefits provided thereby.

Section 2. The business listed on Attachment A is entitled to said benefits as provided in Ordinance 1092.

Section 3. Termination of said benefits shall be in accordance with the provisions of Ordinance 1092.

**PASSED, ADOPTED, AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

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**Paul Antonucci, President  
Steamboat Springs City Council**

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**Julie Franklin, CMC  
City Clerk**

**Attachment A**  
**Enterprise Zone Applicant April 2009**

<b>Zone</b>	<b>Business Name</b>	<b>Physical Address</b>	<b>Type of Business</b>	<b>Business Products for Sale/Lease</b>
Industrial	Elk Mountain Automotive	2570 South Copper Frontage #10	Service	Automotive Repair

# AGENDA ITEM # 12

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Grants Analyst (Ext. 257)  
Chris Wilson, Director of Parks, Open Space, and Recreation Svs (x317)  
Bob Litzau, Interim Director of Financial Services (x239)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**RE:** Resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$163,321 grant for funding the Yampa River Core Trail Bridge Project.

**NEXT STEP:** Motion: To approve a Resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$163,321 grant for the Yampa River Core Trail Bridge Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

The City has been awarded \$163,321 in grant funds from Great Outdoors Colorado (GOCO) to enable the City to construct a bridge over the Yampa River for the Yampa River Core Trail at West Lincoln Park in the vicinity of the Depot. GOCO requires the City to pass a Resolution approving the grant as a part of its contract execution process.

**II. RECOMMENDED ACTION / NEXT STEP:**

Given the benefit of the project to the city and community, staff recommends approval of the attached Resolution through the following motion:



**Motion: To approve a Resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$163,321 grant for the Yampa River Core Trail Bridge Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.**

**III. FISCAL IMPACTS:**

**Proposed Revenues:**

Grant Request:	\$ 163,321	Great Outdoors Colorado
Match:	370,000	CDOT Enhancement Grant
	<u>5,000</u>	City In-Kind (CYC, POSR staff)
Total Project Cost:	\$ 538,321	

**Proposed Expenditure:**

Bridge	\$ 533,321	
Revegetation	2,500	CYC in-kind
Administration	<u>2,500</u>	POSR in-kind
Total Project	\$ 538,321	

City Department: Parks, Open Space, and Recreational Services  
Project Manager: Chris Wilson, Director

**IV. BACKGROUND INFORMATION:**

**Great Outdoors Colorado:** At the direction of City Council, staff applied for and received grant funding from GOCO. This project will utilize GOCO grant dollars to construct a bridge over the Yampa River for the Yampa River Core Trail within West Lincoln Park, in the vicinity of the Depot. The bridge is needed in order to create a pedestrian/bicycle connection between two existing segments of the core trail. The new bridge will eliminate public safety issues and user conflict issues on 13<sup>th</sup> street bridge. GOCO grant policies require that city council pass a resolution authorizing the city to enter into a grant contract with GOCO.

GOCO provides funding to help communities and organizations to develop new outdoor recreational opportunities in Colorado. Since the inception of GOCO in 1994, the City of Steamboat Springs, GOCO, and public and private partners have received substantial grant funding to help acquire, protect, and provide public access to greenways, stream corridors, scenic corridors, and natural areas in our community and region.

**V. LEGAL ISSUES:**

None at this time. The Division of Intergovernmental Services works closely with Legal Services on issues associated with grant-funded projects.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this report.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- Approve the Resolution to support the Agreement for a grant from GOCO.
- Decline to approve the Resolution and not accept the GOCO grant.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING THE EXECUTION OF A GRANT FROM GREAT OUTDOORS COLORADO FOR THE YAMPA RIVER CORE TRAIL BRIDGE PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS AND ASSURANCES, AND TO AUTHORIZE THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT CONTRACT.**

**WHEREAS**, the City of Steamboat Springs supports the development of a the Yampa River Core Trail through construction of a bridge over the Yampa River in West Lincoln Park in the vicinity of the Depot building; and

**WHEREAS**, the City of Steamboat Springs has received a grant award of \$163,321 from Great Outdoors Colorado for the project; subject to the execution of a grant agreement; and

**WHEREAS**, the City of Steamboat Springs will provide the required cash match to meet the terms and obligations of the grant agreement and application; and

**WHEREAS**, the City Council of the City of Steamboat Springs, Colorado, desires to enter into a grant contract with Great Outdoors Colorado to complete the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:**

Section 1. The City Council of the City of Steamboat Springs hereby approves of the grant from Great Outdoors Colorado for the Yampa River Core Trail Bridge Project; and

Section 2. The City has appropriated or will appropriate or otherwise make available in a timely manner all funds, if any, that are required to be provided for this project under the terms and conditions of the grant Contract; and

Section 3. The City Council hereby authorizes the City Manager to execute the grant contract on behalf of the City.

Section 4. This resolution to be in full force and effect from and after its passage and approval.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
City Clerk**

# AGENDA ITEM # 13

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Chris Wilson, Parks, Open Space, and Recreational Services Director (Ext. 317)  
Ernie Jenkins, Parks Supervisor (Ext. 325)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 14, 2009

**ITEM:** Reading of a Resolution approving a Memorandum of Understanding for joint use and management of athletic fields between the City of Steamboat Springs and the Town of Hayden, Colorado. (Wilson)

**NEXT STEP:** A motion to approve the reading of a resolution approving a Memorandum of Understanding for joint use and management of athletic fields between the City of Steamboat Springs and the Town of Hayden, Colorado.

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ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

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**I. REQUEST OR ISSUE:**

A motion to approve the reading of a resolution approving a Memorandum of Understanding (MOU) for joint use and management of athletic fields between the City of Steamboat Springs (City) and the Town of Hayden, Colorado.

**II. RECOMMENDED ACTION:**

Given the community's desire to support the planning, production, and promotion of youth baseball tournaments for the enjoyment and enrichment to the visitors and citizens of Steamboat Springs, the Town of Hayden and Routt County, it is the City's desire to enter into this MOU.

### III. FISCAL IMPACTS:

**Proposed Expenditure:** \$81,500 that goes directly to the Town of Hayden to assist with the improvements and completion of three athletic fields located in the Town of Hayden and known as Dry Creek Park.

**Funding Source:** Budgeted line item in the present 2009 Capital Improvement Project list.

### IV. BACKGROUND INFORMATION:

The City and the Town of Hayden have worked together with Triple Crown Sports, Inc. over the course of 25 years to provide for the use of sports fields and related facilities owned or controlled by the two entities for the scheduling of sporting events at their associated facilities. The second amendment to the Sports Field and Facilities License Agreement between the City and Triple Crown Sports, Inc. describes each party's obligations and responsibility in relationships to the original documents while extending the agreement through and including the 2009 and 2010 summer events.

The second amendment to the agreement also stipulates that Triple Crown may terminate this agreement for the 2010 season if it does not receive written confirmation by October 1, 2009 that four additional playing fields will be constructed or available for use by Triple Crown for play in the 2010 season. The three fields at Dry Creek Park help toward meeting this need while being available to Hayden locals, county residents and other competitions. This second amendment to the agreement also provides for the City to choose one or any combination of the following to accommodate Triple Crown for 2009 and 2010: (a) restructure its local leagues so that Triple Crown may use the Howelsen, Ski Town and any newly built ball fields for extended play on Wednesday and Thursday evenings; or (b) provide sufficient funds for local ball field improvements; or (c) complete the Dry Creek Park Complex in 2009 and 2010. The City shall have the sole discretion to decide which option or combination of options it will select to satisfy this promise.

As noted the MOU takes the step of completing ball fields at the Dry Creek Complex. We look forward to a continued partnership with the Town of Hayden and Triple Crown Sports, Inc. in providing this event to the community.

### V. LEGAL ISSUES:

The MOU has been drafted by the City of Steamboat Springs' Legal Department, reviewed by the Town of Hayden and no legal issues have been identified at this time.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

There are no environmental issues identified at this time. Conflicts could occur involving use and scheduling, yet the MOU mitigates these conflicts to the benefit of all parties.

**VII. SUMMARY AND ALTERNATIVES:**

The attached Resolution and MOU were developed to establish an accurate document illustrating the City's support of the Town of Hayden's Dry Creek Park development and its continued participation with Triple Crown Sports, Inc.

Alternatives

1. To approve the reading of the resolution approving the MOU between the City of Steamboat Springs and the Town of Hayden.
2. Deny the reading of the resolution for the MOU and direct staff to draft a new MOU with established changes and return for adoption.
3. Deny the reading of the resolution.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ACCEPTING THE MEMORANDUM OF UNDERSTANDING FOR JOINT USE AND MANAGEMENT OF ATHLETIC FIELDS BY THE TOWN OF HAYDEN, COLORADO AND THE CITY OF STEAMBOAT SPRINGS, COLORADO AND THE RIGHT TO USE THE BALLFIELDS FOR TRIPLE CROWN AND OTHER COMPETITIONS.**

**WHEREAS**, Steamboat wishes to assist Hayden with the improvement of three athletic fields located in the Town of Hayden and known as Dry Creek Park (together with "Ballfields") in exchange for the right to use the Ballfields for Triple Crown and other competitions on the terms and conditions set forth herein; and

**WHEREAS**, Steamboat and Hayden wish to enter into this Memorandum of Understanding governing the joint use, management, and improvement of certain athletic fields located within the Town of Hayden.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:**

Section 1. The City hereby accepts the signed Memorandum of Understanding, attached hereto as Exhibit A, for joint use and management of athletic fields by the Town of Hayden, Colorado and the City of Steamboat Springs, Colorado for the right to use the ballfields in Hayden, Colorado.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
City Clerk**



Exhibit "A"

**MEMORANDUM OF UNDERSTANDING FOR JOINT USE AND MANAGEMENT OF ATHLETIC FIELDS BY THE TOWN OF HAYDEN, CO AND THE CITY OF STEAMBOAT SPRINGS, CO**

This Memorandum of Understanding is entered into by and between the City of Steamboat Springs, a Colorado home rule municipality, ("Steamboat") and the Town of Hayden ("Hayden"), a Colorado statutory town.

**WHEREAS**, Steamboat wishes to assist Hayden with the improvement of three athletic fields located in the Town of Hayden and known as Dry Creek Park (together with "Ballfields") in exchange for the right to use the Ballfields for Triple Crown and other competitions on the terms and conditions set forth herein, and

**WHEREAS**, Steamboat and Hayden wish to enter into this Memorandum of Understanding governing the joint use, management, and improvement of certain athletic fields located within the Town of Hayden.

**NOW, THEREFORE**, the parties agree as follows:

**1. TERM.** The term if this Memorandum of Understanding shall be for a period of two (2) years, beginning June 15, 2009 and terminating on August 31, 2010. The parties shall have the option to renew this agreement for three additional one (1) year terms after the two (2) year term of this Memorandum of Understanding expires.

**2. FIELDS AND IMPROVEMENTS.** The parties acknowledge that the Town of Hayden has appropriate funds sufficient to construct and prepare Field #1 in a condition adequate for Triple Crown tournament play by June 15, 2009. Fields #2 and #3 require the expenditure of approximately \$81,500 and \$45,000, respectively, for the installation of backstops, fencing, dugouts, bleachers, field equipment, and infield improvements in order to be ready for Triple Crown tournament play. Steamboat agrees to pay the Town of Hayden the sum of \$81,500 on or before \_\_\_\_\_, 2009 for the purpose of funding the Town of Hayden's construction of Field #2. Town of Hayden agrees to construct said Field #2 and prepare it for Triple Crown tournament play by June 15, 2009. Steamboat further agrees to pay the Town of Hayden the sum of \$45,000 on or before April 1, 2010 for the purpose of funding the Town of Hayden's construction of Field #3. The Town of Hayden agrees to construct said Field #3 and prepare it for Triple Crown tournament play on or before June 15, 2010.

**3. STANDARDS FOR IMPROVEMENTS.** The Town of Hayden shall construct the fields to the following standards:

The field specifications will meet the following minimum requirements. The fields shall include twenty foot (20') by twenty foot (20') backstops with sideline fences and dugouts. Dugouts dimensions shall be five feet (5') by thirty feet (30'). Each field shall have bleacher seating accommodating eighty people. Infield surfaces shall consist of red stabilizer mix or equivalent, four inches (4") deep and irrigated. Outfield surfaces shall consist of irrigated turf. Each field shall be equipped with four hundred feet (400') of portable home fun fence.

**4. FIELD USE AND MAINTENANCE.** The Town of Hayden agrees to permit Steamboat to use the Ballfields during the period from June 15 through August 31 each year during the term of

this MOU (“Steamboat Use Period”). Steamboat shall be entitled to schedule the use of the Ballfields during the Steamboat Use Period for youth and adult recreation, including Triple Crown events. The Town of Hayden will perform all maintenance and master scheduling of the fields and provide and maintain public restrooms or portable toilets. Hayden reserves the right to limit use of any field for additional routine maintenance or repairs as needed. Steamboat’s right to use the Ballfields during the month of June shall be limited to the hours of 8:00 a.m. to 2:00 p.m., Monday through Friday. Steamboat’s right to use the Ballfields shall otherwise extend from 9:00 a.m. to dusk Monday through Saturday. Sundays will be scheduled only on an as needed basis for overflow games and/or rainouts.

Dry Creek Park together with the “Ballfields” will be unavailable during the Hayden Daze Celebration in July for two (2) days and the Dry Creek Park “Parking Area” will be unavailable in August for ten (10) days during the Routt County Fair.

**5. LIABILITY AND INSURANCE.** During the term of this Agreement, each Party hereto shall take all steps necessary to extend coverages under its general liability and other insurance policies to the real property and improvements subject to this Agreement and owned by that Party, and to that Party’s activities on its property or pursuant to this Agreement. Each Party shall designate the other as an “additional insured” on such policies. The Parties shall exchange certificates of insurance or other documentation that such policies have been extended to the properties and facilities described by this Agreement with in ten (10) days following request for the same from the other Party.

**6. NO WAIVER OF IMMUNITY.** The parties hereto understand and agree that each party is relying on, and do not waive or intend to waive by any provision of this agreement, the monetary limitations (presently \$150,000.00 per person and \$600,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101 *et seq.*, C.R.S., as from time to time amended, or otherwise available to the parties, their officers, or their employees.

**CITY OF STEAMBOAT SPRINGS**

\_\_\_\_\_  
Jon Roberts, City Manager

**ATTEST:**

\_\_\_\_\_  
Julie Franklin, Interim City Clerk

**TOWN OF HAYDEN**

\_\_\_\_\_  
Lorraine Johnson, Mayor

# AGENDA ITEM # 14

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Craig Robinson, Open Space Supervisor (Ext. 334)  
Chris Wilson, Director of Parks, Open Space and Recreational Services, (Ext. 317)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 7, 2009

**ITEM:** First Reading of an Ordinance to Approve a Lease of Hay Meadow Ranch Buildings (aka Legacy Ranch) to Yampatika

**NEXT STEP:** Make a Motion to Approve the First Reading of an Ordinance to Approve a Lease of Hay Meadow Ranch Buildings to Yampatika

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

On February 3, 2009, staff sought and received direction from City Council to execute a Request for Proposals to lease Hay Meadow Ranch (aka Legacy Ranch). Yampatika has been selected as the desired lessee from this process. Staff is requesting City Council make a motion to approve the first reading of the attached Ordinance to approve a lease of Hay Meadow Ranch Buildings to Yampatika (attached).

**II. RECOMMENDED ACTION:**

Staff recommends City Council make a motion to approve the first reading of an Ordinance to approve a lease of Hay Meadow Ranch Buildings to Yampatika.

**III. FISCAL IMPACTS:**

**Proposed Expenditure:** Staff time to execute and oversee lease provisions  
**Funding Source:** Departmental Operating Budgets

**IV. BACKGROUND INFORMATION:**

In 1999, the City of Steamboat Springs purchased the 132 acre Hay Meadow Ranch (aka Legacy Ranch) with GOGO funds and other grants. In order to protect the conservation values of the property (agriculture, natural, scenic and open space condition) a conservation easement was placed on the property with the Yampa Valley Land Trust (YVLT). The Ranch House, Bunk House and other buildings on site have been restored with grants from

the Colorado State Historical Fund. Yampatika contacted the City to inquire about the possibility of leasing the Ranch House and Bunk House to provide a public Environmental Learning Center and site interpretation.

Yampatika submitted the only proposal in response to the RFP issued by the City. The proposal addresses the specific needs of the City and the various limitations for use of the buildings. This includes: type of services, parking, CDOT Highway Access Permit (in progress), Routt County Special Use Permit (in progress), need to accommodate City storage in some buildings, accommodation of separate City hay lease activities, etc. The proposed uses of environmental education programs and interpretation at the site still need approvals from CDOT and Routt County Planning Commission. The appropriate steps are being taken with these agencies to address their needs, with a goal for summer activities on site in June 2009. If approvals are not granted, Yampatika may choose not to sign the lease for 2009.

Yampatika's proposal does not include a rental fee to be paid to the City. However, there will be a cost savings for the City as they have agreed to be responsible for all utility, landscaping and snow removal (if applicable) costs. Additionally, it will be advantageous to have a tenant on site that will be able to address building maintenance concerns as they arise (using the grant funded Legacy Ranch Conservation Maintenance Plan). Many letters of support were submitted in support of Yampatika's proposal, including the YVLT.

**V. LEGAL ISSUES:**

The lease of the buildings to Yampatika will need approval of a first and second reading of the Ordinance by City Council. Staff attorney has reviewed the lease and Ordinance.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

There are no known conflicts or environmental issues.

**VII. SUMMARY AND ALTERNATIVES:**

Yampatika has submitted a proposal to the City of Steamboat Springs in response to the Request for Proposal to lease Hay Meadow Ranch Buildings. City staff recommends executing a lease with Yampatika via ordinance. Staff is requesting City Council make a motion from the following alternatives:

1. Approve the first reading of the attached Ordinance to approve a lease of Hay Meadow Ranch Buildings to Yampatika.
2. Table the item and provide alternate direction to staff.
3. Deny this request.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO \_\_\_\_\_**

**AN ORDINANCE APPROVING A LEASE BETWEEN THE CITY OF STEAMBOAT SPRINGS AND YAMPATIKA OUTDOOR AWARENESS ASSOCIATION AND AUTHORIZING CITY COUNCIL PRESIDENT TO SIGN LEASE DOCUMENTS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Steamboat Springs owns certain real property and improvements, including designated historic buildings, collectively known as Hay Meadow Ranch; and

**WHEREAS**, the City’s vision for the Hay Meadow Ranch is to preserve a working agricultural landscape at the entrance to the community while integrating appropriate public access, passive recreation and historic preservation of the ranch property; and

**WHEREAS**, Yampatika is engaged in the interpretation of the Yampa Valley’s cultural heritage and providing environmental educational services to visitors and citizens of Steamboat Springs and Routt County, Colorado; and

**WHEREAS**, the City and Yampatika now desire to enter into and establish a relationship which will ensure the continued use of the Ranch by Yampatika and the City for beneficial purposes, maintain the integrity of the buildings, preserve the Ranch as an agricultural and historic property, and foster and promote environmental education in Steamboat Springs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. The City Council of the City of Steamboat Springs hereby approves the Lease with Yampatika Outdoor Awareness Association a copy of which is attached hereto as Exhibit A and by this reference made part of.

Section 2. The City Council of the City of Steamboat Springs authorizes the City Council President to execute such Lease Agreement.

Section 3. In accordance with Section 13.6 of the Home Rule Charter of the City of Steamboat Springs, the effective date of the Lease Agreement shall be at least thirty (30) days after the passage of this Ordinance, and the City Council President shall not sign the Lease Agreement prior to this thirty (30) day period.

Section 4. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 5. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 6. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservations of the public peace, health and safety.

**INTRODUCED, READ AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, Colorado, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
City Clerk**

**LEASE AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND  
YAMPATIKA OUTDOOR AWARENESS ASSOCIATION FOR THE RANCH HOUSE  
AND BUNK HOUSE AT HAY MEADOW RANCH**

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2009, by and between the City of Steamboat Springs, Colorado, a Colorado Municipal Corporation (“City”), and Yampatika Outdoor Awareness Association, (“Yampatika”) a Colorado nonprofit corporation, and provides as follows:

**WHEREAS**, the City owns real property and improvements in Steamboat Springs which are known as “Hay Meadow Ranch (Legacy) Ranch” (hereafter “Ranch”), acquired by the City as a part of the larger project to conserve the Yampa Valley Land and Cattle property on Emerald Mountain; and

**WHEREAS**, the City’s vision for the Hay Meadow Ranch is to preserve a working agricultural landscape at the entrance to the community while integrating appropriate public access, passive recreation and historic preservation of the ranch property; and

**WHEREAS**, the City received several grants in support of this vision and solicited proposals from non-profit organizations and/or community groups to utilize and manage the Ranch in accordance with the City’s vision, conservation easements and grant requirements; and

**WHEREAS**, Yampatika is engaged in the interpretation of the Yampa Valley’s cultural heritage and providing educational services to visitors and citizens of Steamboat Springs and Routt County, Colorado; and

**WHEREAS**, Yampatika proposes to create an Environmental Learning Center at the Ranch using the site as a destination for educational programming on topics related to the property’s conservation, agricultural and historic values; and

**WHEREAS**, the City and Yampatika now desire, by this Lease, to enter into and establish a relationship which will ensure the continued use of the Ranch by Yampatika and the City for beneficial purposes, maintain the integrity of the buildings, preserve the Ranch as an agricultural and historic property, and foster and promote environmental education in Steamboat Springs.

**NOW, THEREFORE**, in consideration of the covenants and agreements contained in this Lease, the parties agree as follows:

- 1. LEASE OF PREMISES.** The City hereby leases to Yampatika the real property and improvements thereon located in the City of Steamboat Springs, Routt County, Colorado, which is described in the attached Exhibit “A” (“Lease Premises”).
- 2. TERM.** This Lease shall be for a term of twelve months, commencing on June 1, 2009 and terminating on May 31, 2010, unless otherwise terminated or extended according to the terms of this Lease. This lease shall automatically renew for additional term of one year upon Yampatika’s written notice to the City given between thirty (30) and ninety (90) days prior to the expiration of the initial term, unless City declines to renew by written notice given prior to the expiration of the initial term.



3. **RENT.** The rent for the entire term of this Lease shall be waived in recognition of expected stewardship of the Ranch by Yampatika.
4. **USE OF PREMISES.** Yampatika shall use the Lease Premises in conformity with the Request for Proposal issued March 9, 2009, a copy of which is attached hereto as Exhibit "B" and Yampatika's proposal, dated March 19, 2009, a copy of which is attached hereto as Exhibit "C". The Lease Premises shall not be used for any purpose prohibited by the laws of the United States, the State of Colorado or the ordinances of the City of Steamboat Springs, Colorado. Yampatika's use of the Leased Premises is limited to the ranch house, bunk house, coal shed and parking area. Yampatika shall be responsible for securing any and all permits required from the Colorado Department of Transportation for access onto and from US Highway 40.
5. **ASSIGNMENT, SUBLETTING AND RENTAL.** Yampatika shall not assign or sublet the Lease Premises without the written consent of the City Manager. The Lease Premises shall not be used for residential purposes.
6. **REPAIRS AND MAINTENANCE.** Except as otherwise provided in this paragraph 6, Yampatika shall, at all times during the term of this Lease maintain, at Yampatika's expense, the Lease Premises in good and safe condition, and shall promptly and diligently perform maintenance and repairs in accordance with the Legacy Ranch Conservation Maintenance Plan, including but not limited to major interior, exterior, yard cleaning, landscape and irrigation maintenance, removal of snow and ice, paint and repair interior and exterior surfaces, repair broken glass, maintain electrical fixtures, replace light bulbs, maintain plumbing fixtures such as sinks, faucets, toilets, sump pumps, water well and generally maintain and promptly order the repair of the roof, structural walls, plaster, drywall, masonry, structural floors, other structural parts and all pipes, wiring, conduit, furnace, mechanical duct work, and foundation. Prior to making any repairs, Yampatika must obtain the City's approval. It is the responsibility of Yampatika to pay for all costs involved for electric utility, trash removal and recycling. Recycling shall include co-mingle, newspaper/magazines, office paper and cardboard.
7. **INSURANCE.** Yampatika shall procure and maintain Worker's Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance for any/all of its employees. Evidence of qualified self-insured status may be substituted. In addition, Yampatika shall procure and maintain General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000.00) each occurrence and TWO MILLION DOLLARS (\$2,000,000.00) aggregate. The policy shall include the City of Steamboat Springs, its officers and its employees, as additional insured, with primary coverage as respects the City of Steamboat Springs, its officers and its employees, and shall contain a severability of interests provision. All coverages shall be continuously maintained to cover all liability, claims, demands, and other obligations assumed by Yampatika pursuant to this Agreement. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured by Yampatika to maintain such continuous coverage. A certificate of insurance shall be completed by Yampatika's insurance agent(s) as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the City's Internal Services Director.

The parties hereto understand and agree that the City is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations (presently \$150,000 per person and \$600,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity act, 24-10-101 et seq., 10 C.R.S., as from time to time amended, or otherwise available to the City, its officers, or its employees.

- 8. INDEMNIFICATION.** Yampatika agrees to indemnify and hold harmless the City, and its officers and its employees, from and against all liability, claims, demands, and expenses, including court costs and attorney fees, on account of any injury, loss, or damage, which arise out of or are in any manner connected Yampatika's use and possession of Lease Premises pursuant to this agreement, if such injury, loss, or damage is caused by, or is claimed to be caused by, the act, omission, or other fault of Yampatika or any officer or employee of Yampatika. The obligations of this Section 9 shall not extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the City.
- 9. ENTRY FOR INSPECTION AND IMPROVEMENTS.** Yampatika agrees that the City, its agents or employees, may enter upon the Lease Premises at any time during the term of this Lease for the purpose of inspection, preparation of plans, construction of improvements or repairs, with the understanding that said work will be performed in such a manner so as to cause a minimum of interference with the use of the lease premises by the Yampatika.
- 10. FIRE INSURANCE.** The City of Steamboat Springs will execute a fire insurance policy on the Lease Premises (excluding contents, which shall be insured by Yampatika) for damage to the premises caused by fire. A certified copy of this policy will be delivered to Yampatika within thirty (30) days of the date of this Lease and will be kept in force during the term of this Lease.
- 11. DESTRUCTION BY FIRE.** Notwithstanding anything herein to the contrary, in the event Lease Premises are destroyed by fire or other casualty, in whole or part, the City shall be under no obligation to replace or rebuild the premises.
- 12. NONAPPROPRIATION.** Each party hereto agrees that the revenues and expenditures hereunder shall constitute current expenditures and revenues payable and receivable in the fiscal years for which funds are appropriated for the payment thereof. The obligations of the City under this agreement shall be from year to year only and shall not constitute a multiple-fiscal year direct or indirect debt or other financial obligation or any obligation payable in any fiscal year beyond the fiscal year for which funds are appropriated for the payment thereof or payable from any funds other than funds appropriated for the payment of current expenditures. No provision of this agreement shall be construed to pledge or to create a lien on any class or source of the City's monies.
- 13. DEFAULT.** In the event that Yampatika shall be in default in the performance of any of the terms or conditions of this Lease, then the City must serve Yampatika with a Notice of Default specifying the nature of the default and allowing Yampatika thirty (30) days to cure the default. In the event the default is not cured with the thirty (30) day period, or if the default is of such a nature that it cannot reasonably be cured within such thirty (30) day period, if Yampatika has not commenced curing such default within such thirty (30) day period and diligently taken all steps necessary to complete the curing of such default within a reasonable time thereafter, then the City may give Yampatika written notice of the termination



layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Yampatika agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

**20. AMERICANS WITH DISABILITIES ACT.** Yampatika shall comply with the applicable provisions of the Americans with Disabilities Act of 1990 as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

IN WITNESS WHEREOF, the parties hereto have placed the signatures of their duly authorized representatives effective this day and year first written above.

CITY OF STEAMBOAT SPRINGS,  
A Municipal Corporation

\_\_\_\_\_  
Paul Antonucci  
City Council President

ATTEST:

\_\_\_\_\_  
Julie Franklin, City Clerk

YAMPATIKA OUTDOOR AWARENESS  
ASSOCIATION

By: \_\_\_\_\_  
Lindarose Berkley, President  
Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary

# AGENDA ITEM # 15

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Dan Foote, Staff Attorney (Ext. 223)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009

**ITEM:** AN ORDINANCE REQUIRING PERSONS OWNING, LEASING, OR OTHERWISE CONTROLLING PRIVATE PROPERTY TO PREVENT THE USE OF THE PROPERTY BY MINORS POSSESSING OR CONSUMING ALCOHOLIC BEVERAGES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Foote)

**NEXT STEP:** INTRODUCE THE ORDINANCE ON FIRST READING.

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ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

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### **I. REQUEST OR ISSUE:**

Introduce an ordinance prohibiting the hosting of gatherings at which persons under the age of twenty one years possess or consume alcoholic beverages.

### **II. RECOMMENDED ACTION:**

N/A.

### **III. BACKGROUND INFORMATION:**

On April 14, 2009 the City Council directed staff to schedule hearings for the adoption of the social host ordinance previously considered by the City Council in December of 2008. City Council requested several revisions to the ordinance. The ordinance proponents also proposed several revisions on April 15, 2009. The revised version was

not available at time of publication of this packet. It will be provided under separate cover on April 21, 2009.

**IV. LEGAL ISSUES.**

None.

**V. FISCAL IMPACTS.**

Some increase in municipal court expenses is possible. The likelihood and amount of increased expenses is uncertain.

DRAFT

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE KNOWN AS “SOCIAL HOST” REQUIRING PERSONS OWNING, LEASING, OR OTHERWISE CONTROLLING PRIVATE PROPERTY TO PREVENT THE USE OF THE PROPERTY BY MINORS POSSESSING OR CONSUMING ALCOHOLIC BEVERAGES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council finds that the consumption of alcohol by minors is a significant and ongoing problem in the community which current regulations address by prohibiting the sale or distribution of alcoholic beverages to minors and the possession or consumption of alcoholic beverages by minors; and

**WHEREAS**, current regulations do not impose any duty upon the owner, renter, leaser or any other person in control of private property to prevent the use of such property by minors possessing or consuming alcoholic beverages; and

**WHEREAS**, law enforcement agencies are generally unable to detect or prevent the possession or consumption of alcoholic beverages by minors on private property before said consumption leads to behavior that poses a threat to the public health, safety and welfare, to wit: excessive noise, driving while intoxicated or under the influence, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, vandalism, and disturbances, all of which often require a response from law enforcement; and

**WHEREAS**, the City Council finds that the threat posed to the public health, safety and welfare by minors possessing and consuming alcohol on private property requires owners of or persons in control of private property to ensure that minors do not use the private premise or property for the purpose of possessing or consuming alcoholic beverages.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:**

Section 1. Chapter 10, Article VI of the Steamboat Springs Revised Municipal Code is hereby revised by the addition of the following (Section 10-206):

**“Section 10-206. Providing premises to minors possessing or consuming**

**alcoholic beverages, also known as a Social Host, is unlawful.”**

**(a) DEFINITIONS.**

**(1) Alcoholic Beverage:** Shall have the same meaning as “alcohol beverage” per C.R.S. 12-47-103(2).

**(2) Minor:** Is any person less than twenty-one years of age.

**(3) Private Premise:** Is privately owned land, including any buildings or structures or appurtenances.

**(4) Private Residence:** Is the place where one actually lives, or has his or her home.

**(5) Social Host:** Is any person who knows, reasonably should know, or permits a party or gathering where one or more minors obtain, possess, or consume any alcoholic beverage or any amount of an alcoholic beverage on the property owned, rented, leased or controlled by the person.

**(b) PROHIBITION.** No person who owns, rents, leases or controls a private residence or private premise shall allow a party or gathering to take place or continue at said residence or on the premises if a minor at the party obtains, possesses, or consumes any alcoholic beverage and the person knows or reasonably should know that the minor has obtained, possesses or is consuming alcoholic beverages anywhere on the property or premises under his or her control.

**(c) PRIMA FACIA EVIDENCE.** Whenever a person having control of the residence or premises is present at that residence or premises at the time that the minor obtains, possesses, or consumes any alcoholic beverage, it shall be prima facie evidence that such person had the knowledge or should have had the knowledge, that the minor obtained, possessed, or consumed an alcoholic beverage at the party.

**(d) SEPARATE VIOLATIONS FOR EACH INCIDENT.** Each incident in violation of this ordinance shall constitute a separate offense.

**(e) ENFORCEMENT AUTHORITY.** All City of Steamboat Springs Police Services Officers are authorized to administer and enforce the provisions of this ordinance.

**(f) PENALTIES FOR VIOLATION.** Any person over eighteen years or age who is found guilty or pleads guilty or nolo contendere, in Steamboat Springs Municipal Court to violating this Social Host Ordinance shall be punished by a fine not less than \$500.00 for the First Offense, not less than \$750.00 for the Second Offense, and not less than \$999.00 for the Third Offense; and the person shall be required to perform not than less twenty-four (24) hours of community service; and the person shall be required to complete an alcohol



education program paid for by the offender; and the person may be sentenced to the Routt County Jail for a term of no more than 180 days at the discretion of the Municipal Court Judge. No portion of the fines shall be deferred and community service must be completed during hours when the person is not employed and is not attending school.

In addition, one half of the revenue received and collected by the City of Steamboat Springs as fines from violators of this ordinance (10-206) will be directed toward Community alcohol prevention and education programs.

Any person under eighteen years of age, acting as a Social Host and who permits alcoholic beverages to be obtained, possessed or consumed by a minor guest; and is in control of a private premise or private residence, with no parents or guardians present, shall be guilty of violating this Social Host Ordinance and shall be subjected to penalties prescribed by the Steamboat Springs Municipal Court Judge. The Municipal Court Judge shall not impose any sentence of incarceration for the violation of this ordinance by a person who was under the age of eighteen years at the time of the violation.

**(g) EXCEPTION.** This section shall not apply to conduct involving the use or possession of alcoholic beverages by a minor authorized by C.R.S. 18-13-122(3)(a) and (7); which read:

...(3) It shall be an affirmative defense to the offense described in subsection (2) of this section that the ethyl alcohol was possessed or consumed by a person under twenty-one years of age under the following circumstances:

(a) While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his parent or legal guardian who was present during such possession or consumption; or...

...(7)...This subsection (7) shall not be construed to permit any establishment which is or is required to be licensed pursuant to article 46, 47, or 48 or title 12, C.R.S., or any members, employees, or occupants of any such establishment to give, provide, make available, or sell ethyl alcohol to a person under twenty-one years of age."

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this

Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6(h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
**Louie Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Jordan, MMC  
City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
**Louie Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Jordan, MMC  
City Clerk**

Previously e-mailed

## Anja Tribble

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**From:** Anja Tribble  
**Sent:** Wednesday, April 15, 2009 3:49 PM  
**To:** Cari Hermacinski; Jon Quinn; Loui Antonucci; Meg Bentley; Scott Myller; Steve Ivancie; Walter Magill; Jon Roberts; Wendy DuBord; Tony Lettunich; Dan Foote; JD Hays; Joel Rae  
**Cc:** Julie Franklin  
**Subject:** FW: [City Council] Social Host Ordinance

-----Original Message-----

From: Anja Tribble  
Sent: Wednesday, April 15, 2009 3:48 PM  
To: 'jameen@sssd.k12.co.us'  
Subject: RE: [City Council] Social Host Ordinance

Dear John

Thank you for your comment. Your e-mail has been forwarded to City Council and the appropriate staff members.

Sincerely,

Anja Tribble-Husi  
Staff Assistant  
City Clerk's Office  
Steamboat Springs, Colorado

(970) 871-8225  
atribble@steamboatsprings.net

-----Original Message-----

From: webmaster@steamboatsprings.net [mailto:webmaster@steamboatsprings.net] On Behalf Of jameen@sssd.k12.co.us  
Sent: Wednesday, April 15, 2009 6:55 AM  
To: Anja Tribble  
Subject: [City Council] Social Host Ordinance

John Ameen sent a message using the contact form at [http://steamboatsprings.net/contact/City\\_Council](http://steamboatsprings.net/contact/City_Council).

Hello:

My name is John Ameen and I'm a social studies teacher and head girls' basketball coach at SSSHS. I attended April 14th's meeting for about 45 minutes before having to leave for an open gym with the girls. I understand the possible issue of redundancy regarding the SHO, but let me give you a different perspective regarding this issue and the perspective that would run through teenagers' minds if you did not pass this.

In 1965, Congress passed the Voting Rights Act. Technically, it didn't need to. The 15th amendment SHOULD HAVE taken care of voting rights. But due to historic racism, the federal government thought another step should be taken.

And while I'm not comparing this SHO to this historic act, I think by passing the SHO this town can take another step in stopping underage drinking and giving the police different enforcement power.

The other perspective comes from the kids. I spend more time with kids than probably most parents do--I'm in school over 8 hours a day, I run open gyms 4 days a week in the offseason, there's practice, long bus rides, camps during the summer, and even private workouts. I teach Psychology and am always interested in the state of the human mind, especially the adolescent mind.

If the city council does not pass this ordinance, kids will think, "Well, it must not be that big of an issue. If the city council doesn't think underage drinking is that big of a deal, who cares?" Now, from the few council members that I heard speak on the 14th,

## Previously e-mailed

this is not how you feel. But, this is the message you will be sending. Trust me. I don't know how many times in my 7 years of teaching that I wanted to send a message to a kid but they looked at it from a total different perspective; thus, totally eliminating its effectiveness.

The statistics that you read are real. I've taught and coached at other high schools in Colorado. The kids in this town have more sense of entitlement and lack of self-control, which leads to our alcohol and drug problems. Take another step to stop this by passing the SHO. It will only help the cause.

John Ameen  
Steamboat Springs High School

**AGENDA ITEM # 16**

**Second reading of Ordinance:**  
**Special Districts**

Staff is requesting this item to be postponed to the May 5, 2009 City Council meeting.

## **AGENDA ITEM # 17**

### **Second reading of Ordinance: Water Dedication Policy**

Staff is requesting this item to be postponed to the May 5, 2009 City Council meeting.

## **AGENDA ITEM # 18**

### **Second reading of Ordinance: Adequate Water Supply**

Staff is requesting this item to be postponed to the May 5, 2009 City Council meeting.

# AGENDA ITEM # 19

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Tom Leeson, AICP, Director of Planning & Community Development (Ext. 244)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)

**DATE:** April 21, 2009.

**ITEM:** Vesting Extension for Montenero at Steamboat Springs (Porches II): An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" (The Porches II) for an additional time period of six months, repealing all conflicting ordinances; providing for severability; and providing an effective date.

**NEXT STEP:** If the Second Reading of the Ordinance is passed, the project will be vested until November 2, 2009.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" (The Porches II) for an additional time period of six months, repealing all conflicting ordinances; providing for severability; and providing an effective date.

**II. RECOMMENDED ACTION:**

Staff recommends City Council pass the ordinance at Second Reading.



**III. FISCAL IMPACTS:**

None.

**IV. BACKGROUND INFORMATION:**

The City Council approved the Montenero at Steamboat Springs Final Development Plan, a 17-unit townhome project consisting of seven duplexes and one tri-plex, on May 2, 2006. The project's term of approval expires on May 2, 2009.

The project is located at the intersection of Mt. Werner Drive and Steamboat Boulevard, and is currently known as Porches II (See Attachment 1).

The project was approved with multiple buildings in a single phase, and the project has installed the water and sewer infrastructure and received Preliminary Acceptance from the Mt. Werner Water and Sanitation District. Per the Community Development Code, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval.

However, the project has four (4) duplexes and one (1) triplex remaining for which building permits will be required and will not be applied for prior to the May 2, 2009 expiration date.

The City of Steamboat Springs is currently reviewing standard vesting periods for all site specific development plans but will not have a final decision prior to May 2, 2009 expiration date for the project. An extension of the project's vesting period would allow any final decision regarding standard vesting to apply to Montenero at Steamboat Springs.

**V. LEGAL ISSUES:**

None.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None.

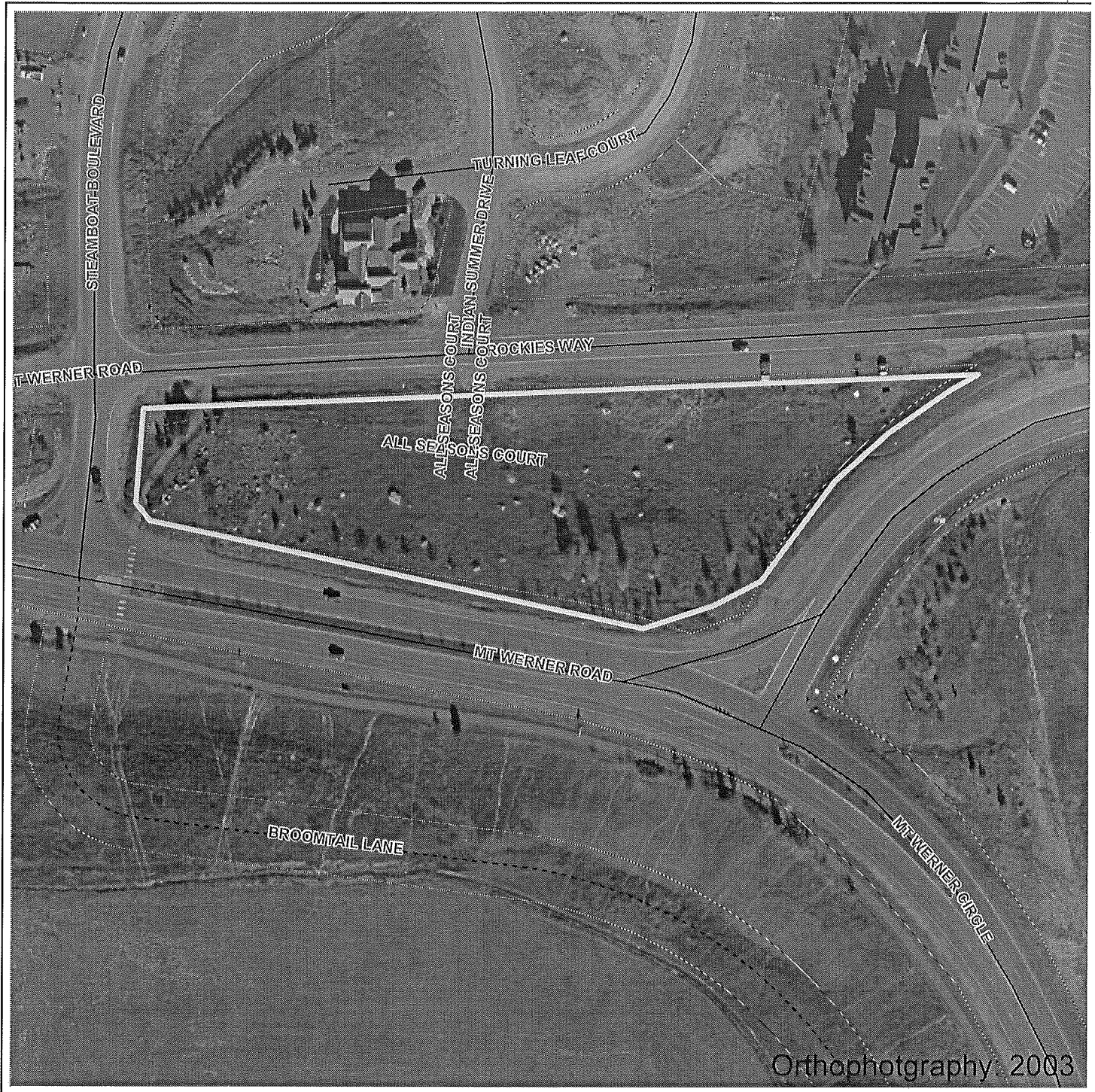
**VII. SUMMARY AND ALTERNATIVES:**

The ordinance extends the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" for an additional time period of six months while the City of Steamboat Springs reviews standard vesting periods for all site specific development plans.

**LIST OF ATTACHMENTS**

Attachment 1:        Location Map  
Attachment 2:        Site Plan

# Montenero at Steamboat Springs #DP-06-02, #FDP-06-02



City of  
**Steamboat Springs**   
Prepared by: Planning Services

## Attachment 1

19-4



**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, EXTENDING THE VESTING PERIOD FOR A SITE SPECIFIC DEVELOPMENT PLAN ORIGINALLY APPROVED AS "MONTENERO AT STEAMBOAT SPRINGS" (THE PORCHES II) FOR AN ADDITIONAL TIME PERIOD OF SIX MONTHS, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council approved the Final Development Plan for the site specific development plan known as Montenero at Steamboat Springs, a 17-unit townhome project consisting of seven duplexes and one tri-plex, on May 2, 2006; and

**WHEREAS**, the approval of a Final Development Plan remains effective for a period of three (3) years; and

**WHEREAS**, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval; and

**WHEREAS**, the site specific development plan known as Montenero at Steamboat Springs has four (4) duplexes and one (1) triplex remaining for which building permits will be required and will not be applied for prior to the May 2, 2009 expiration date, and

**WHEREAS**, the site specific development plan known as Montenero at Steamboat Springs has installed all the necessary infrastructure for the project and has received Preliminary Acceptance for the infrastructure; and

**WHEREAS**, the City of Steamboat Springs is currently reviewing standard vesting periods for site specific development plans but will not have a final decision prior to Montenero at Steamboat Springs' May 2, 2009 expiration date; and

**WHEREAS**, the City of Steamboat Springs City Council finds it in the community's best interest to extend Montenero at Steamboat Springs vesting period to allow any final decision regarding standard vesting to apply to Montenero at Steamboat Springs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. The term of approval for the site specific development plan originally approved as Montenero at Steamboat Springs (#FDP-06-02) shall be extended to November 2, 2009.

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
City Clerk**

# AGENDA ITEM # 20

## CITY COUNCIL COMMUNICATION FORM

---

**FROM:** Anthony B. Lettunich, City Attorney (879-0100)

**THROUGH:** Jon Roberts, City Manager (Ext. 228)  
Winnie DelliQuadri, Intergovernmental Services  
(Ext. 257)  
Wendy DuBord, Deputy City Manager (Ext. 219)

**DATE:** Tuesday, April 21, 2009

**ITEM:** **SECOND READING OF AN ORDINANCE:** AN ORDINANCE APPROVING THE PURCHASE OF PROPERTY FROM UNION PACIFIC RAILROAD COMPANY BY THE CITY OF STEAMBOAT SPRINGS, AND AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN ALL DOCUMENTS NECESSARY FOR PURCHASING THE PROPERTY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.. **(Lettunich)**

---

ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

---

### **I. REQUEST OR ISSUE:**

Public Hearing of an ordinance at second reading that would approve a Letter of Understanding (hereafter "LOU") between the City and the Union Pacific Railroad Company ("Union Pacific"), providing for the purchase by the City and the sale by Union Pacific of 14.53 acres adjacent to and underneath the Yampa River.



## **II. RECOMMENDED ACTION:**

Adopt the ordinance at second reading approving the LOU and the purchase by the City of the Property.

## **III. BACKGROUND INFORMATION:**

Union Pacific owns real estate up and down the length of its tracks beyond what the company needs to operate the railroad. Union Pacific has been attempting, over time, to inventory its "excess" property and sell it to municipalities such as the City of Steamboat Springs who could utilize such property for open space and river access.

Two parcel parcels comprise the 14.53 acres. This is a minor change from the first reading due to revised survey work. The first parcel is 8.34 acres and extends north (downstream) from the Old Stockbridge to a point just south of the James Brown Bridge. A GIS map is attached that shows the 8.34 acre parcel. The second parcel is 6.19 acres and extends north (downstream) from approximately 3<sup>rd</sup> St. to the 13<sup>th</sup> St. Bridge. A GIS map is attached that shows the 6.19 acre parcel. All of the land is north and east of a line 50' from and parallel to the main line of the Union Pacific tracks. This is the buffer that Union Pacific feels it needs to safely operate.

In order to use the GOCO grant funds, the City must close this purchase by June 12, 2009. Therefore, if the second reading of the ordinance is approved on April 21<sup>st</sup>, we will be able to close the transaction in the last week of may after the expiration of the mandatory 30-day waiting period required by the City Charter.

Although there was some uncertainty as to the specific acreage, square footage, and price per square foot at the first reading, the LOU attached to the ordinance has the correct and final acreage, square footage, and price per square foot (see below in Fiscal Impact section).

One additional change, requested by GOCO after first reading, contained in the ordinance, designates the land being acquired as "Public Park", which, based on requirements in the City Charter, would prohibit any sale of the land being acquired in the absence of an affirmative vote of the City's registered electors. Since it is highly unlikely this land could or would ever be sold, staff feels this additional requirement is of no substantive impact.

Acquisition of this property will enhance the City's ability to manage the Yampa River as an important recreational and open space resource.

**IV. FISCAL IMPACT**

Debits to City:

Sales Price -	\$177,219
Stewardship to YVLT -	10,000
Fencing	10,000
Title Insurance/Closing	2,000
Phase I Environmental	3,200
Geologists Letter	<u>1,100</u>
	\$203,519

Credits to City:

GOCO Grant	<u>\$122,000</u>	
	81,519	Total Cost to City

The LOU recites the final and accurate acreage as 14.53 acres of land being sold for \$.28/square foot.

**V. LEGAL CONSIDERATIONS**

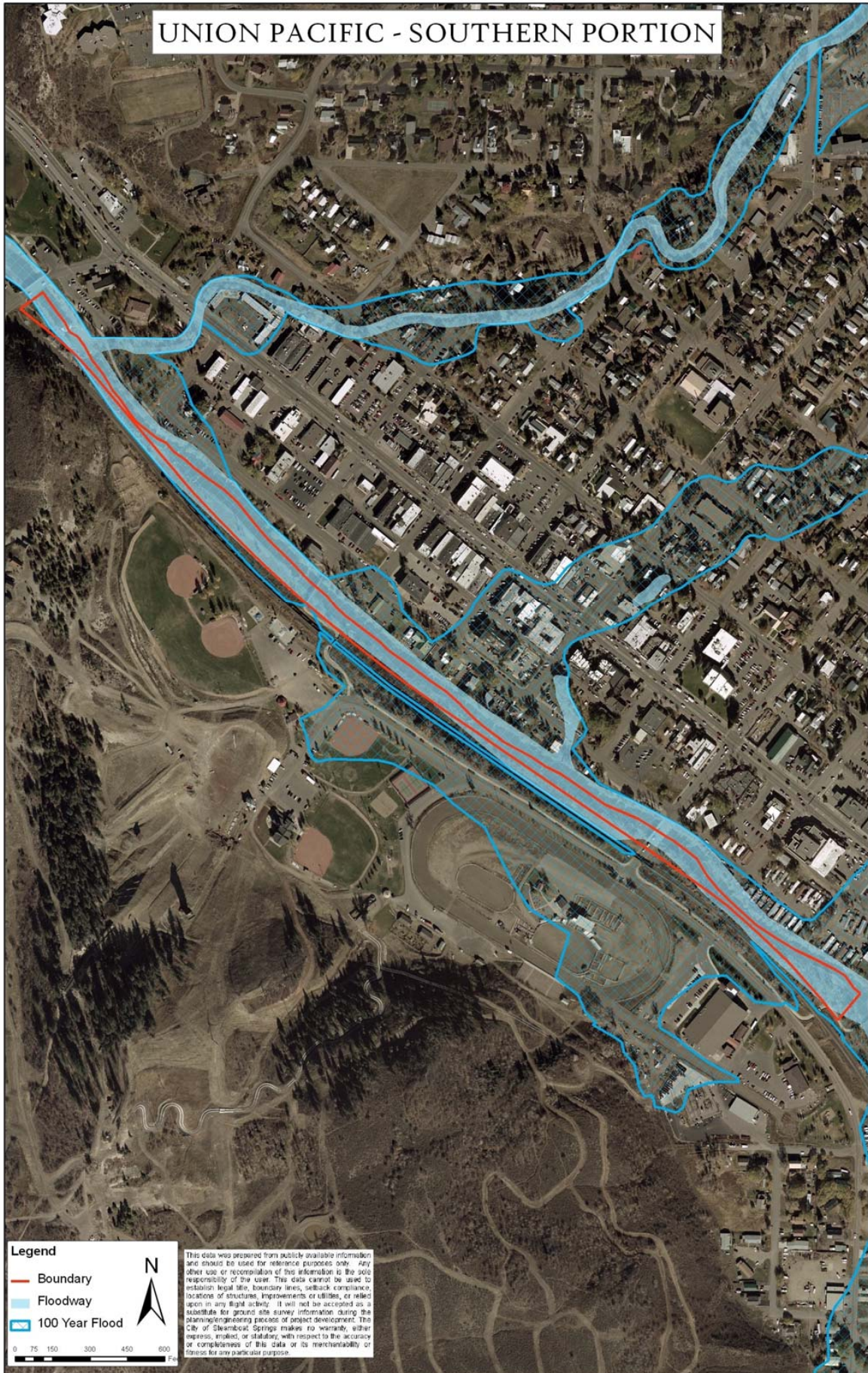
If approved at second reading this evening, the City Council President or President Pro-Tem may sign the LOU on it will be set for public hearing at second reading at the regular City Council meeting on May 22, 2009, and provided all of the other due diligence is positive, the City will close on the purchase sometime in the last week of May or the first week in June.

**VI. SUMMARY AND ALTERNATIVES**

The City Council can (a) approve, with or without changes, (b) deny, or (c) table the ordinance at second reading. Anything other than an approval would most likely jeopardize the grant from GOCO and the ability to acquire this real estate.

**END OF COMMUNICATION FORM**





**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING THE PURCHASE OF PROPERTY FROM UNION PACIFIC RAILROAD COMPANY BY THE CITY OF STEAMBOAT SPRINGS, AND AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN ALL DOCUMENTS NECESSARY FOR PURCHASING THE PROPERTY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Union Pacific Railroad Company ("Union Pacific") owns approximately 14.53 acres of real property, comprised of two parcels, which parcels are adjacent to and under the Yampa River, and are between 3<sup>rd</sup> St. on the southeast and James Brown Bridge to the north and west (the "Property"); and

**WHEREAS**, Union Pacific has determined that they no longer need the Property, which is north and west of a point 50 feet from and parallel to the centerline of the existing railroad tracks; and

**WHEREAS**, the City of Steamboat Springs ("City") believes that purchasing the Property would provide the City with critical control over and access to the Yampa River and would be in the best interests of the City and its residents; and

**WHEREAS**, the City already has funds budgeted and available for acquisition of Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. The City Council of the City of Steamboat Springs hereby approves the "Letter of Understanding" attached hereto as Exhibit A, which document describes the Property to be purchased and the terms and conditions under which the City will purchase and Union Pacific will sell the Property.

Section 2. The City Council President and the City Council President Pro Tem are hereby authorized to sign all documents necessary to fully execute the attached Letter of Understanding thirty days following the adoption of this ordinance at second reading, if a valid referendum petition has not been filed with the City Clerk's office; and are further authorized to make any non-substantive changes recommended by the City Attorney without the necessity of

bringing this matter back to the City Council; and are further authorized to sign all documents necessary to satisfy the City's obligations under the Letter of Understanding, including, without limitation, and without further action by the City Council, the Assignment and Assumption Agreement, and all closing documents and other documents related to the closing on the City's purchase of the Property.

Section 3. Upon the closing, the Property shall, without further action of the City Council, be designated Public Park and, pursuant to the City Charter, shall not be sold without the approval of the City's qualified electors.

Section 4. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 5. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 6. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 7. This Ordinance shall take effect at least thirty (30) days after passage by Council, as provided in Section 13.6 of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
**Paul Antonucci, President**  
**Steamboat Springs City Council**

\_\_\_\_\_  
**Julie Franklin, CMC**  
**City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
City Clerk**



April 3, 2009  
Folder: 02251-18

**U.S. CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

CITY OF STEAMBOAT SPRINGS  
ATTN: TONY LETTUNICH  
P.O. BOX 5088  
STEAMBOAT SPRINGS CO 80477

Dear Mr. Lettunich:

This letter ("Agreement") confirms our understandings covering the possible sale by Union Pacific Railroad Company ("Seller") to STEAMBOAT SPRINGS, CITY OF ("Buyer") of Seller's interest in certain real property in Steamboat Springs, Colorado.

The undersigned will recommend to Seller's Management a sale of the Property on the following terms and conditions:

**Article 1. Description of Property:**

- A. The Property is approximately **14.53 acres (632,927 square feet)** as shown on the prints dated March 13, 2009 and attached hereto as Exhibits A-1 and A-2 and made a part hereof. The legal description of the Property will be determined by Seller. Survey will be at the sole cost and expense of Buyer. Survey will depict all facilities affecting the property.
- B. Before finalizing any survey, Buyer shall submit the draft survey to Seller for review and approval. Computer files of the survey and legal descriptions shall be sent via e-mail to GALARSEN@UP.COM, with a subject line referencing the UPRR Folder Number 02251-18 assigned to this document. Buyer shall deliver a certified copy of the completed survey to Seller within **Fifteen (15) days** after Buyer's execution of this Agreement ("Survey Period"). Delay in obtaining or furnishing the survey to Seller shall in no event give Buyer the right to extend the Closing Date (as defined in the 'Closing - Default:' Article 9).



**Article 2. Sale Price:**

- A. The sale price ("Sale Price") for the Property shall be **One Hundred Seventy Seven Thousand Two Hundred Nineteen and 50/100 Dollars (\$177,219.50)**.
- B. The Sale Price is computed as follows:  
**14.53 acres (632,927sf) x \$0.28 per square foot = \$177,219.50**
- C. The Sale Price will be adjusted on the basis set forth in Article 2-B if the area of the Property, as determined by Seller's Senior Manager Engineering Services or his authorized representative, or as determined by the survey, differs from the area set forth in Article 1-A.

**Article 3. Feasibility Review/Right of Entry:**

- A. **From the date of execution of this Agreement by Buyer up to May 30, 2009 ("Feasibility Review Period")**, Buyer and its agents and contractors may enter upon the Property to perform environmental audits, soil tests, engineering and feasibility studies of the Property. If the results of such audits, tests or studies, or Buyer's review of title or any other matters relating to the Property are unsatisfactory, Buyer may terminate this Agreement by giving Seller written notice before the end of the Feasibility Review Period. If no such written notice of termination is given before the end of the Feasibility Review Period, the Property will be deemed suitable for Buyer's purposes. In the event of such termination by Buyer, then Buyer shall surrender to Seller copies of all audits, soils, engineering and any other reports prepared for Buyer pertaining to the Property and such reports will become the sole property of Seller without cost or expense of Seller and this Agreement will terminate without any further force and effect, and without further obligation of either party to the other.
- B. Buyer's right to enter upon the Property pursuant to Article 3-A is subject to the following:
1. Buyer will indemnify, defend and save harmless Seller and/or Seller's affiliates (Seller's affiliates means any corporation which directly or indirectly controls or is controlled by or is under common control with Seller), their officers, agents and employees, against and from any and all liability, loss, costs and expense of whatsoever nature growing out of personal injury to or death of persons whomsoever, or loss or destruction of or damage to property whatsoever, where such personal injury, death, loss, destruction or damage arises in connection with the entry upon the Property by Buyer, its agents or contractors prior to Closing.
  2. Buyer and Buyer's agents and contractors (collectively "Contractors") will maintain in confidence all information, reports, and evaluations generated in connection with any environmental assessments and will not make disclosure without the prior written consent of Seller. If Buyer discovers hazardous or toxic substances or materials, Buyer will immediately notify Seller.
  3. Buyer will promptly deliver to Seller the results and copies of any and all reports, evaluations, tests and studies generated in connection with any environmental assessments. Prior to the issuance of any final environmental report, Seller will

Article 13. Seller's Management Approval:

BUYER ACKNOWLEDGES THAT NEITHER THIS AGREEMENT NOR THE NEGOTIATIONS LEADING TO THIS AGREEMENT CREATE ANY OBLIGATION ON THE PART OF SELLER TO SELL THE PROPERTY TO BUYER UNLESS THIS AGREEMENT IS APPROVED IN ACCORDANCE WITH SELLER'S MANAGEMENT POLICY STATEMENT. IF SUCH APPROVAL IS NOT GIVEN AND COMMUNICATED TO BUYER BY THE CLOSING DATE, THIS AGREEMENT WILL TERMINATE AND NEITHER PARTY WILL HAVE ANY FURTHER OBLIGATION.

Article 14. Condemnation:

If, prior to Closing, a governmental agency commences or imminently threatens in writing to commence any eminent domain proceedings to take any material portion of the Property, Buyer and Seller shall each have the unilateral right, exercisable by giving notice of such decision to the other party within thirty (30) days after receiving written notice of such actual or threatened condemnation proceedings, to terminate this Agreement. In the event of such termination, this Agreement will be without any further force and effect and without further obligation of either party to the other. If neither party elects to terminate pursuant to this Article 14 - Condemnation, the Sale Price will be determined as though such condemnation had not occurred, and the net proceeds of condemnation awards paid or payable to Seller by reason of such condemnation of the Property shall be paid or assigned to Buyer at Closing.

If you agree with the foregoing terms and conditions with respect to the possible purchase of the Property, please indicate your acceptance of these terms and conditions by signing in the acceptance space provided below and returning one copy to Gregg A. Larsen at the address listed on the bottom of the first page of this letter, in order that it is received by Seller no later than **May 1, 2009**. Please also indicate below how you wish to take title. If you should have any questions, please call Gregg A. Larsen at (402) 544-8552.

Sincerely,

Chris D. Sell  
General Director - Real Estate

26 *cds*

ACCEPTED AND AGREED THIS \_\_\_ DAY OF \_\_\_\_\_, 2009

CITY OF STEAMBOAT SPRINGS

By: \_\_\_\_\_  
Its: \_\_\_\_\_

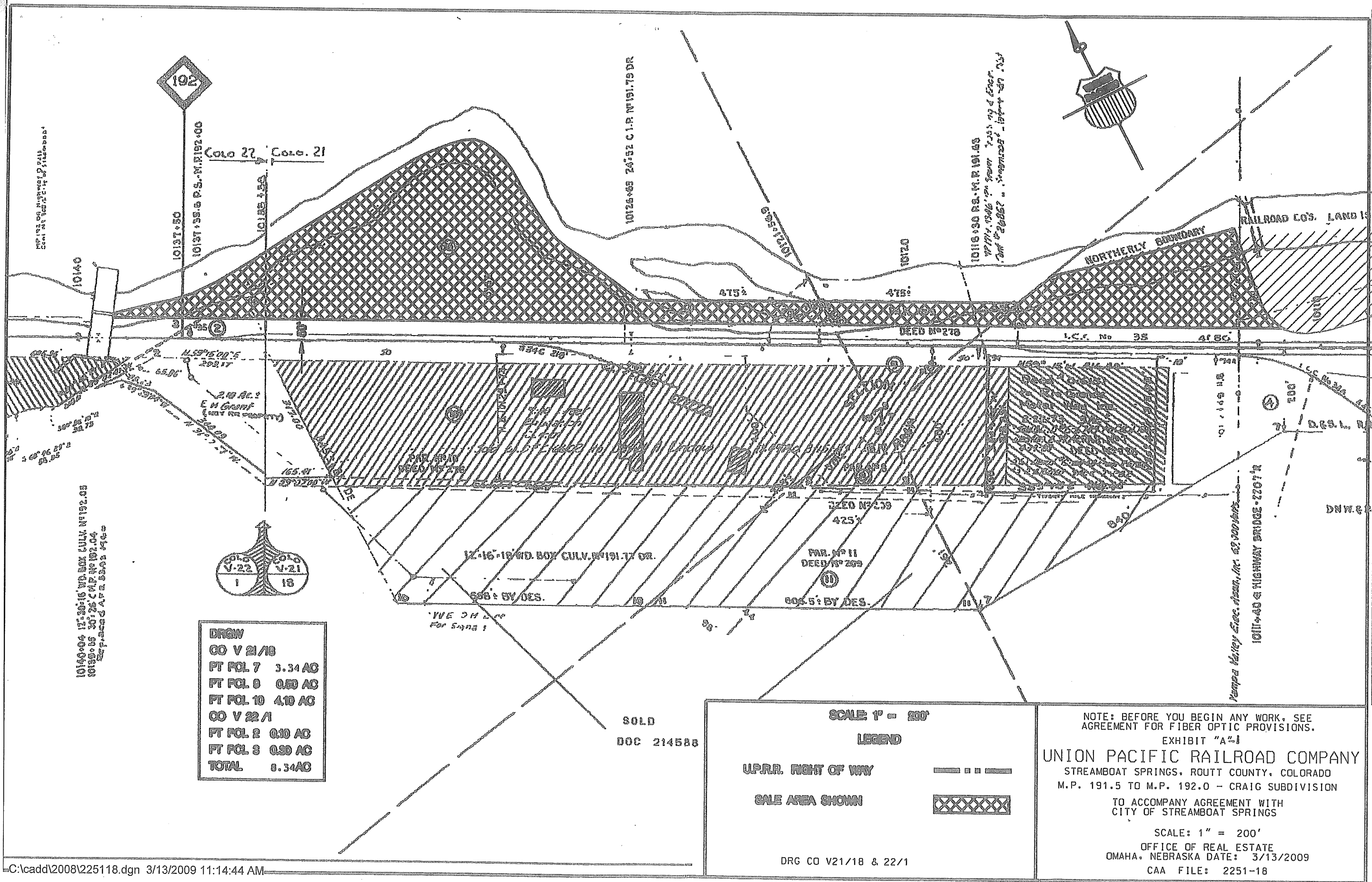
Title to the Property will be taken as follows:

\_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

8



10140004 12-30-16 WD. BOX CULV. N°192.03  
 10135005 30-25-16 CAP. NO. 101.04  
 10135006 30-25-16 CAP. NO. 101.04  
 10135007 30-25-16 CAP. NO. 101.04

DRAW	
CO V 21/18	
PT FCL 7	3.34 AC
PT FCL 8	0.50 AC
PT FCL 10	4.10 AC
CO V 22/1	
PT FCL 2	0.10 AC
PT FCL 3	0.50 AC
TOTAL	8.34 AC

SOLD  
 DOC 214588

SCALE: 1" = 200'

LEGEND

UP.R.R. RIGHT OF WAY

SALE AREA SHOWN

DRG CO V21/18 & 22/1

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.  
 EXHIBIT "A-1"

**UNION PACIFIC RAILROAD COMPANY**  
 STREAMBOAT SPRINGS, ROUTT COUNTY, COLORADO  
 M.P. 191.5 TO M.P. 192.0 - CRAIG SUBDIVISION

TO ACCOMPANY AGREEMENT WITH  
 CITY OF STREAMBOAT SPRINGS

SCALE: 1" = 200'  
 OFFICE OF REAL ESTATE  
 OMAHA, NEBRASKA DATE: 3/13/2009  
 CAA FILE: 2251-18



## D & D INC.

A PROFESSIONAL LAND SURVEYING AND PLANNING CO.  
2145 RESORT DR. SUITE 105, STEAMBOAT SPRINGS, CO 80487  
(970) 879-2715 • FAX (970) 879-3028

December 19th, 2004

Description of a parcel of land located in the NW1/4SE1/4, SW1/4NE1/4, and the E1/2NW1/4 of Section 7, T6N, R84W, of the 6th P.M., Routt County, Colorado.

Said parcel being all that part of those certain tracts of land as described as Parcel II in deed recorded with the Routt County Clerk and Recorder appearing in Book 65 at Page 477 and as described by deed recorded with the Routt County Clerk and Recorder appearing in Book 59 at Page 397 lying northerly of a line being northerly of, parallel with and 50 feet distant from the center line of the main line of the Union Pacific Railroad Company railway, and all that part of that certain tract of land as described as Parcel I in deed recorded with the Routt County Clerk and Recorder appearing in Book 65 at Page 477 lying northerly of a line being northerly of, parallel with and 50 feet distant from the center line of the main line of the Union Pacific Railroad Company railway and lying westerly of the following described line;

Beginning at the NW corner of a tract of land as described by deed recorded with the Routt County Clerk and Recorder appearing in Book 750 at Page 1077, and more particularly as Parcel No. 1 in Exhibit A and from which the NW corner of Section 7 bears N 55°15'53" W 4223.65 feet;  
Thence S 16°10'26" W 121.53 feet along the west line of said tract;  
Thence S 16°25'08" E 91.45 feet along the west line of said tract;  
Thence S 31°24'00" W 35.08 feet to the above said line being northerly of, parallel with and 50 feet distant from the center line of the main line of the Union Pacific Railroad Company railway.

Containing 8.34 Acres more or less.

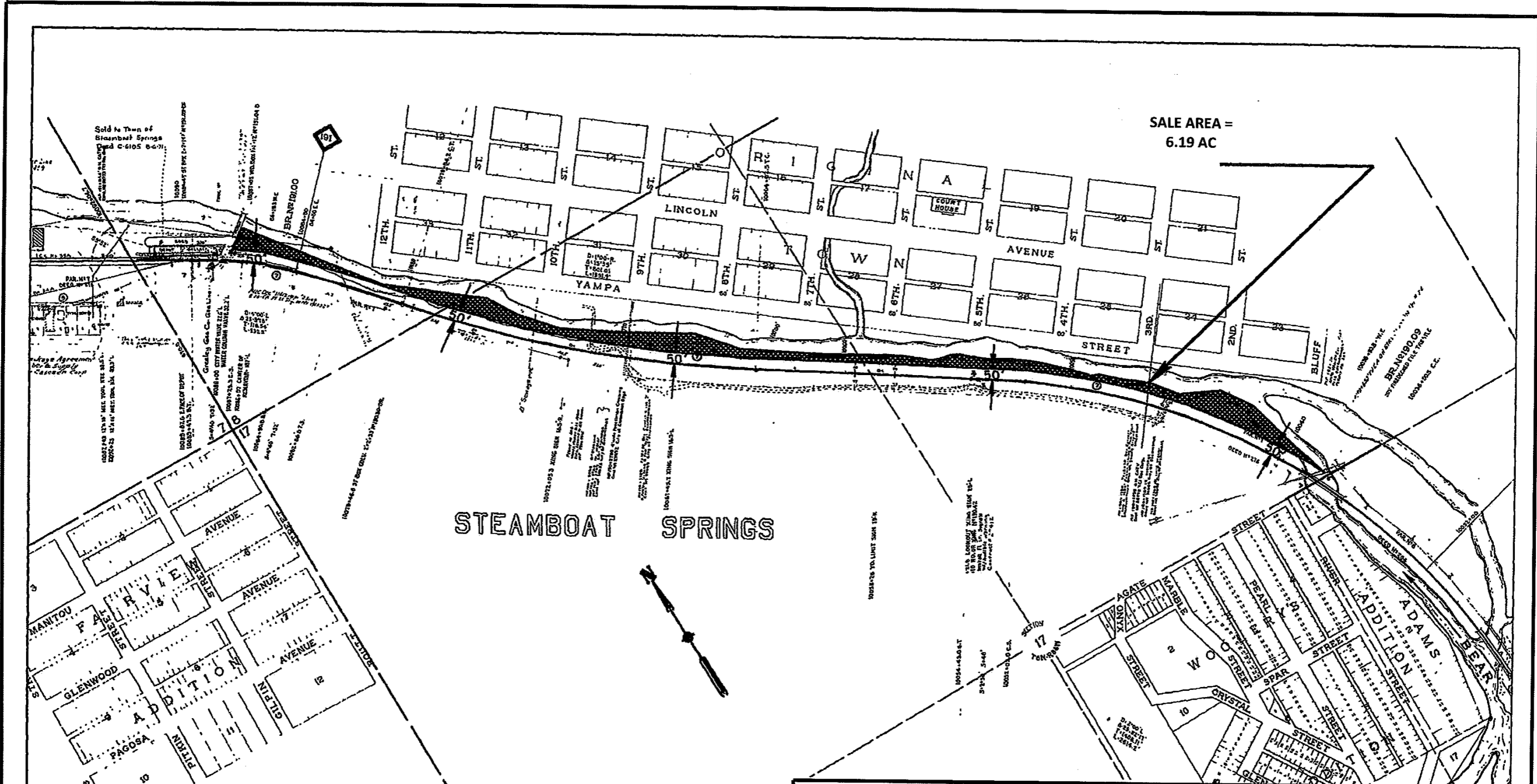
Bearings are based upon the east line of the SE1/4 of Section 7 being N 01°35'16" E.

C:\PW\SSUPAC.LEG

This legal description was prepared by R.C. Moon, Colorado  
Registration No. 13221, at D&D Inc., a Professional Land  
Surveying and Planning Co., 2145 Resort Drive, Suite 105  
Steamboat Springs, CO. 80487-8807  
970-879-2715



Page 2 of 2  
SSUPAC.LEG



SALE AREA =  
6.19 AC

STEAMBOAT SPRINGS



THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY		
VALUATION SECTION	MAP NUMBER	PARCEL NUMBER(S)
21	18	7

V-21  
18

LEGEND:	
SALE AREA SHOWN	
UPRRCO. R/W OUTLINED	
CADD FILENAME	c:/cadd/2008/225118.dgn
SCAN FILENAME	g:/share/cag/streamboat2.tif (DX=14378.8,6797.2)

NOTE: BEFORE YOU BEGIN ANY WORK, SEE  
AGREEMENT FOR FIBER OPTIC PROVISIONS.  
EXHIBIT "A-Z"  
**UNION PACIFIC RAILROAD COMPANY**  
STREAMBOAT SPRINGS, ROUTT COUNTY, COLORADO  
M.P. 190.1 TO M.P. 191.04 - CRAIG SUBDIVISION  
TO ACCOMPANY AGREEMENT WITH  
CITY OF STREAMBOAT SPRINGS

SCALE: 1" = 400'  
OFFICE OF REAL ESTATE  
OMAHA, NEBRASKA DATE: 3/13/2009  
CAA FILE: 2251-18

August 20th, 2006  
Revised April 13th, 2009

A parcel of land located in the S1/2SE1/4 of Section 8 and in the N1/2 of Section 17, T6N, R84W of the 6th P.M., Routt County, Colorado, more particularly described as follows:

Beginning at a point on the northeasterly right-of-way line for the Union Pacific Railroad from which the NW corner of Section 17 bears N 59°34'14" W 4316.96 feet. Said right-of-way line being 50 feet northeasterly of and distant from and parallel with the center line of the existing main track;

Thence N 40°24'00" E 139.96 feet to the center line of the Yampa (Bear) River;

Thence along said center line the following fifty nine (59) calls;

1. Thence N 52°48'01" W 32.00 feet;
2. Thence N 34°54'25" W 62.31 feet;
3. Thence N 57°28'29" W 46.97 feet;
4. Thence N 63°03'13" W 89.58 feet;
5. Thence N 63°56'24" W 88.22 feet;
6. Thence N 58°39'40" W 90.78 feet;
7. Thence N 56°31'17" W 97.76 feet;
8. Thence N 48°17'18" W 114.95 feet;
9. Thence N 45°27'49" W 91.90 feet;
10. Thence N 38°54'25" W 77.63 feet;
11. Thence N 31°05'06" W 76.42 feet;
12. Thence N 52°37'03" W 118.68 feet;
13. Thence N 58°41'00" W 31.77 feet;
14. Thence N 57°40'28" W 66.42 feet;
15. Thence N 58°32'17" W 67.91 feet;
16. Thence N 66°30'30" W 144.82 feet;
17. Thence N 54°44'25" W 149.31 feet;
18. Thence N 56°30'14" W 70.31 feet;
19. Thence N 63°57'25" W 64.77 feet;
20. Thence N 55°57'35" W 65.38 feet;
21. Thence N 61°14'59" W 130.22 feet;
22. Thence N 53°59'37" W 96.60 feet;
23. Thence N 50°05'47" W 57.04 feet;
24. Thence N 43°46'07" W 82.10 feet;
25. Thence N 47°54'21" W 70.42 feet;
26. Thence N 55°24'33" W 77.47 feet;
27. Thence N 53°21'17" W 114.05 feet;
28. Thence N 55°02'40" W 92.34 feet;
29. Thence N 45°02'38" W 55.59 feet;
30. Thence N 52°50'12" W 166.91 feet;
31. Thence N 48°15'02" W 52.47 feet;
32. Thence N 37°17'20" W 60.53 feet;
33. Thence N 49°34'26" W 100.06 feet;
34. Thence N 42°40'10" W 105.88 feet;
35. Thence N 46°01'37" W 109.24 feet;
36. Thence N 43°36'57" W 67.97 feet;
37. Thence N 37°28'12" W 76.23 feet;
38. Thence N 39°55'36" W 66.84 feet;

39. Thence N 47°05'10" W 74.27 feet;  
40. Thence N 56°31'07" W 66.09 feet;  
41. Thence N 53°00'17" W 79.34 feet;  
42. Thence N 47°41'13" W 50.95 feet;  
43. Thence N 55°14'49" W 51.31 feet;  
44. Thence N 41°37'46" W 49.70 feet;  
45. Thence N 63°43'33" W 38.24 feet;  
46. Thence N 51°10'36" W 71.31 feet;  
47. Thence N 51°14'04" W 36.74 feet;  
48. Thence N 38°54'32" W 43.65 feet;  
49. Thence N 34°28'16" W 61.99 feet;  
50. Thence N 39°15'56" W 51.49 feet;  
51. Thence N 31°21'51" W 75.81 feet;  
52. Thence N 37°25'39" W 70.35 feet;  
53. Thence N 29°20'37" W 66.86 feet;  
54. Thence N 35°25'33" W 51.67 feet;  
55. Thence N 58°40'37" W 33.23 feet;  
56. Thence N 26°03'37" W 44.06 feet;  
57. Thence N 38°17'25" W 52.53 feet;  
58. Thence N 35°01'02" W 93.56 feet;  
59. Thence N 40°55'56" W 4.25 feet to the southeasterly  
boundary line of Parcel 2 of Exhibit A attached to  
that certain deed as filed with the Routt County Clerk  
and Recorder appearing in Book 750 at Page 1077;  
Thence S 53°22'57" W 113.81 feet along said southeasterly  
boundary line to the northeasterly right-of-way  
line for the Union Pacific Railroad.  
Said right-of-way line being 50 feet northeasterly of and  
distant from and parallel with the center line of the  
existing main track;

Thence along said right-of-way line the following  
twenty-six (26) calls;

1. Thence S 51°53'00" E 176.74 feet;  
2. Thence S 46°17'12" E 123.15 feet;  
3. Thence S 42°38'13" E 110.07 feet;  
4. Thence S 40°05'00" E 411.53 feet;  
5. Thence S 40°57'11" E 194.56 feet;  
6. Thence S 42°52'41" E 125.35 feet;  
7. Thence S 44°16'33" E 188.23 feet;  
8. Thence S 46°13'38" E 115.73 feet;  
9. Thence S 47°39'01" E 231.63 feet;  
10. Thence S 49°49'53" E 224.58 feet;  
11. Thence S 51°23'29" E 141.13 feet;  
12. Thence S 52°49'53" E 92.37 feet;  
13. Thence S 54°44'37" E 222.02 feet;  
14. Thence S 55°49'28" E 241.91 feet;  
15. Thence S 55°38'13" E 297.86 feet;  
16. Thence S 55°34'05" E 358.42 feet;  
17. Thence S 55°47'52" E 245.21 feet;  
18. Thence S 54°26'32" E 143.88 feet;  
19. Thence S 54°26'33" E 26.46 feet;  
20. Thence S 52°26'50" E 72.31 feet;  
21. Thence S 48°46'47" E 163.97 feet;  
22. Thence S 45°57'05" E 54.70 feet;  
23. Thence S 45°57'05" E 108.42 feet;



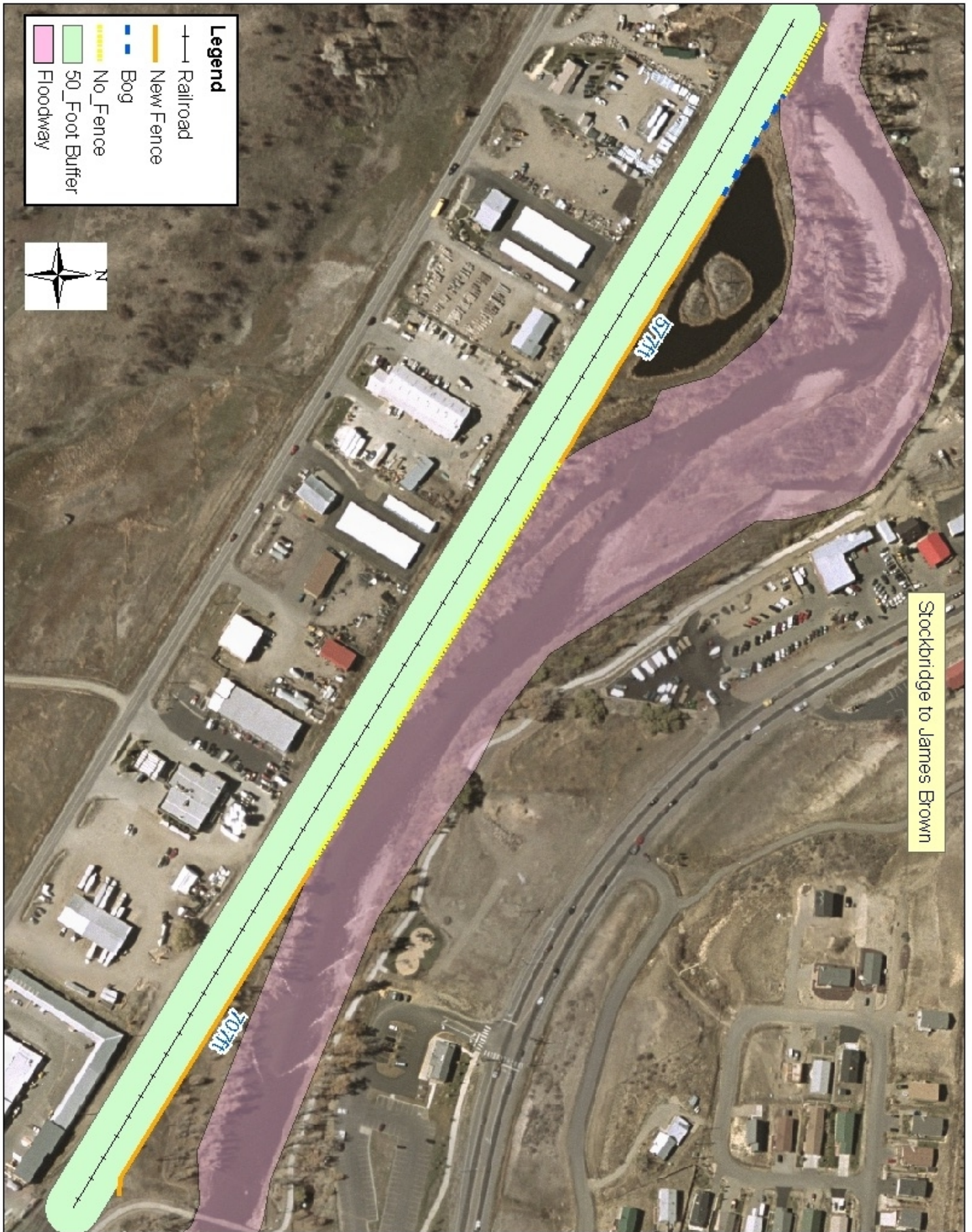
24. Thence S 43°33'37" E 54.70 feet;
25. Thence S 40°58'33" E 167.07 feet;
26. Thence S 38°22'11" E 91.43 feet to the Point of Beginning.

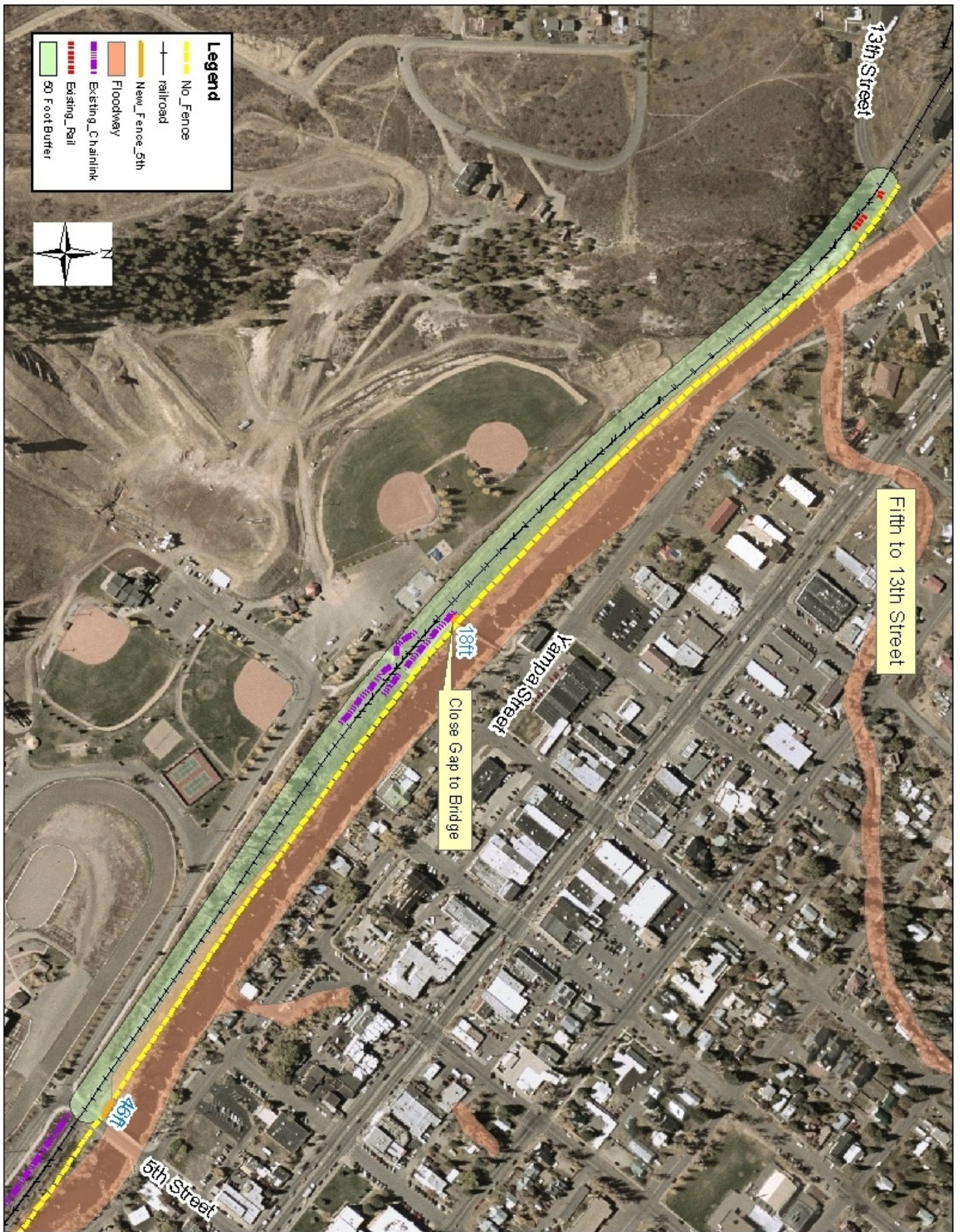
Containing 6.19 Acres more or less.

Bearings are based upon the east line of the SE1/4 of Section 7 being N 01°35'16" E.

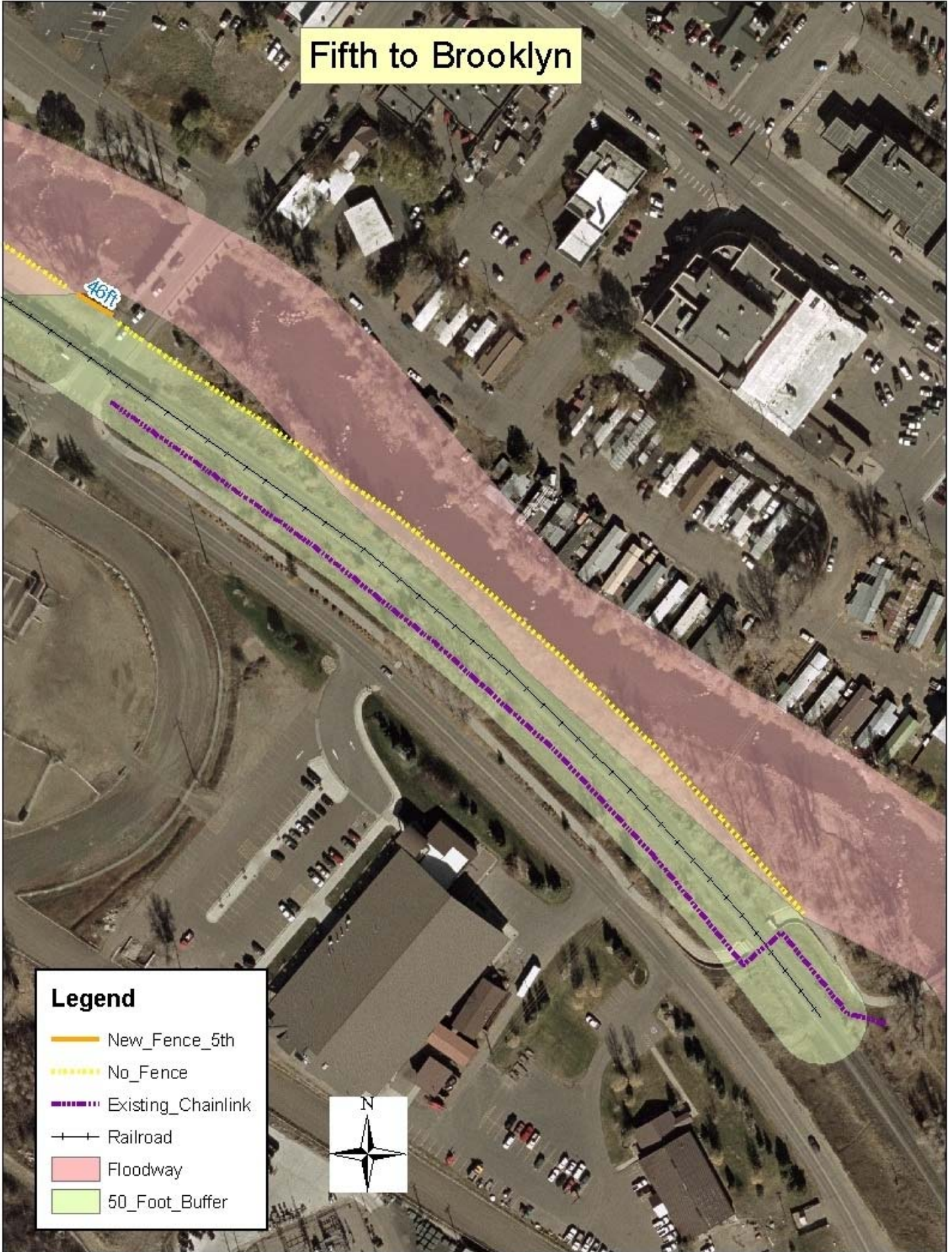
disk 20 cityeast.leg

This legal description was prepared by R.C. Moon, Colorado Registration No. 13221, at D&D Inc., a Professional Land Surveying and Planning Co., 2145 Resort Drive, Suite 105 Steamboat Springs, CO. 80487-8807  
970-879-2715





# Fifth to Brooklyn



**Legend**

- New\_Fence\_5th
- - - No\_Fence
- - - Existing\_Chainlink
- + + Railroad
- Floodway
- 50\_Foot\_Buffer



# AGENDA ITEM # 21

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Jonathan Spence, Senior Planner (Ext. 224)  
John Eastman AICP, Planning Services Manager (Ext. 275)

**THROUGH:** Jon Roberts, City Manager, (Ext.228)

**DATE:** April 21, 2009

**ITEM:** Southside Station #DP-02-02

**NEXT STEP:** None

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**ORDINANCE**  
 **RESOLUTION**  
 **MOTION**  
 **DIRECTION**  
 **INFORMATION**

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**PROJECT NAME:** Southside Station #DP-02-02

**PETITION:** Revise existing condition of approval related to groundwater monitoring. Remove groundwater monitoring requirement and replace with requirement that the monitoring wellheads remain accessible and are not paved over.

**LOCATION:** 1480 Pine Grove Road, Selbe Subdivision Lot #6

**APPLICANT:** Southside Station, LLC ATTN: Denise Peterson, Manager P O BOX 772144 Steamboat Springs, CO 80477-2144

**PC ACTION:** March 26, 2009: The Planning Commission recommended approval by a vote of 6-0. **Commissioners voting for approval:** Meyer, Curtis, Dixon, Ernst, Beauregard and Fox. **Commissioners Absent:** Levy and Hanlen

**1. Planning Commission (PC) Discussion:**

Planning Commission held a brief discussion on the applicant's request. The meeting minutes are included as Attachment B.

**2. Public Comment:**

None.

**3. New Information:**

None.

**4. Recommended Motion:**

Planning Commission recommends approval of revisions to Southside Station #DP-02-02 conditions of approval as follows:

DELETE

1. The applicant shall submit a - yearly groundwater monitoring report to the Mount Werner Water Department, the City of Steamboat Springs Water Department and the Routt County Environmental Health Department on a date established by the Mount Werner Water District. - The report shall include a written narrative explaining the industry standards and interpreting the data for general public review. If the groundwater monitoring report indicates soil and/or groundwater contamination as a result of leakage or spillage related to the gasoline service station use, the owner assumes all responsibility for containment remediation and removal of any contaminated soil, materials and/or underground storage tanks, if necessary. The applicant is to pay all legal (including City and/or Mt. Werner Water), engineering, and construction costs associated with such required remediation. Failure to submit the report on the required dates will be a violation of the conditions of approval for the development permit and will result in the issuance of a citation and/or the development permit being revoked.

ADD

1. The applicant will maintain access to the groundwater monitoring wells and will at no time pave over the wells.

**LIST OF DOCUMENTS:**

Attachment A – March 26, 2009 Planning Commission Report & attachments  
Attachment B – March 26, 2009 Draft Planning Commission Minutes



**DEPARTMENT OF PLANNING AND COMMUNITY  
DEVELOPMENT STAFF REPORT**

**PLANNING COMMISSION AGENDA ITEM # 3:**

<b>Project Name:</b>	<b>Southside Station #DP-02-02</b>	
<b>Prepared By:</b>	Jonathan Spence, Senior Planner (Ext. 224)	
<b>Through:</b>	John Eastman AICP, Planning Services Manager (Ext. 275)	
<b>Planning Commission (PC):</b>	March 26, 2009	
<b>City Council (CC):</b>	April 21, 2009	
<b>Zoning:</b>	Community Commercial (CC)	
<b>Applicant:</b>	Steve and Denise Peterson, Wescoin, L.P. P.O. Box 772658, Steamboat Springs, CO 80477 (970) 879-2677	
<b>Request:</b>	Revise existing condition of approval related to groundwater monitoring. Remove groundwater monitoring requirement and replace with requirement that the monitoring wellheads remain accessible and are not paved over.	

<b>Development Statistics - Overview</b>	
<b>Lot Area:</b>	2.16 acres
<b>Gross Floor Area:</b>	4,460 sf
<b>Floor Area Ratio</b>	.05
<b>Lot Coverage:</b>	.05
<b>Average Plate Height</b>	16'
<b>Overall Height:</b>	20'
<b>Parking Spaces</b>	27

<b>Staff Report - Table of Contents</b>		
<b>Section</b>		<b>Pg</b>
I.	Background	3-2
II.	Proposal	3-2
III	Staff Findings & Conditions	3-2
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## I. BACKGROUND

Southside Station located at 955 Weiss Drive, received approval of a Development Plan in 2002 for a conditional use for a service station. A condition of approval required quarterly groundwater reports from monitoring wells installed down gradient from the gasoline storage tanks. This condition was modified in 2005 to require the reports annually as opposed to quarterly. After five years of monitoring, it has been determined that the monitoring is unnecessary due to the hydrological dynamics of region. The groundwater does not flow toward Mt. Werner Water District's wellheads as previously thought.

## II. PROPOSAL

The proposal is to remove the condition requiring annual groundwater monitoring reports and replace it with a condition that the monitoring wells remain accessible and are not paved over. The proposal is best reviewed in the context of the following development standard:

**Minimize Environmental Impacts.** The proposed development shall minimize its adverse impacts on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.

Mt. Werner Water District's consulting hydrologist, Tom Cavanaugh of O&G reviewed the chemical analyses and static water levels from ten rounds of sampling of the four monitoring wells during the five years between August, 2003 and September, 2008 and concurred with the applicants hydrologist, Paragon that:

1. No contamination has been detected since the installation of the fuel storage tanks;
2. Static water levels indicate a groundwater flow under the influence of the local flow regime north and away from the District and City infiltration galleries which are located 1000 feet to the southwest.

It is for these reasons that Mt. Werner Water District has agreed to the proposal to remove the condition requiring annual groundwater monitoring reports and replace it with a condition that the monitoring wells remain accessible and are not paved over. Please refer to Attachment 2 for a more detailed explanation of Mt. Werner Water District's position.

Staff finds that the proposed changes to the conditions of approval **are consistent** with this development standard

## III. STAFF FINDINGS AND CONDITIONS

Staff finds that the proposal to revise the conditions of approval for Southside Station #DP-02-02 is consistent with the criteria for approval. The following motion is recommended.



**Motion**

Planning Commission recommends approval of revisions to Southside Station #DP-02-02 conditions of approval as follows:

**DELETE**

1. The applicant shall submit a - yearly groundwater monitoring report to the Mount Werner Water Department, the City of Steamboat Springs Water Department and the Routt County Environmental Health Department on a date established by the Mount Werner Water District. - The report shall include a written narrative explaining the industry standards and interpreting the data for general public review. If the groundwater monitoring report indicates soil and/or groundwater contamination as a result of leakage or spillage related to the gasoline service station use, the owner assumes all responsibility for containment remediation and removal of any contaminated soil, materials and/or underground storage tanks, if necessary. The applicant is to pay all legal (including City and/or Mt. Werner Water), engineering, and construction costs associated with such required remediation. Failure to submit the report on the required dates will be a violation of the conditions of approval for the development permit and will result in the issuance of a citation and/or the development permit being revoked.

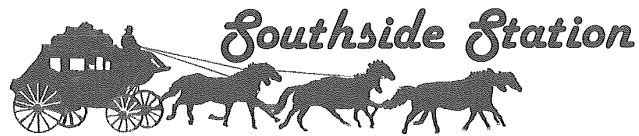
**ADD**

1. The applicant will maintain access to the groundwater monitoring wells and will at no time pave over the wells.

**IV. ATTACHMENTS**

Attachment 1 – Applicant’s letter of request, February 23, 2009

Attachment 2 – Correspondence with Mt. Werner Water District, March 16, 2009



February 23, 2009

Jonathan Spence  
Senior Planner  
Department of Planning & Community Development  
P.O. Box 775088  
Steamboat Springs, CO 80477

RE: Sampling Frequency  
Southside Station at Walton Creek  
905 Weiss Drive  
Steamboat Springs, Colorado  
Project Number 1002055

Dear Jonathan,

I am formally requesting the annual groundwater sampling requirement at Southside Station be eliminated. I will look forward to hearing from you in regards to agenda scheduling with Planning and City Council. Thank you for your time and attention.

Regards,

Denise Peterson  
Southside Station LLC



March 16, 2009

Jonathan Spence  
City Planning, City of Steamboat Springs  
PO Box 775088  
Steamboat Springs, CO 80477

Re: Southside Station

Dear Mr. Spence,

The District has received a request from the Southside Station for relief from the annual water sampling requirement of the Wellhead Protection Plan Agreement of October, 2003 as amended in January, 2005.

I referred their request along with sampling data to the District's consulting hydrologist, Tom Cavanaugh of O&G. Mr. Cavanaugh has reviewed the chemical analyses and static water levels from ten rounds of sampling of the four monitoring wells during the five years between August, 2003 and September, 2008 and concurs with Paragon's conclusions:

- 1) no contamination has been detected since the installation of the fuel storage tanks;
- 2) static water levels indicate a groundwater flow under the influence of the local flow regime north and away from the District and City infiltration galleries which are located 1000 feet to the southwest.

Furthermore, at construction, Southside Station installed a leak detection system which monitors the five tanks; this daily monitoring frequency exceeds the state's monthly monitoring frequency requirement. The station manager maintains this system as a part of routine maintenance.

These findings support relief from annual sampling; however, the District will want the station to ensure that the monitoring wellheads remain accessible and are not paved over or damaged. All other provisions of the 2003 Wellhead Protection Plan Agreement remain in place.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Gallagher", written in black ink.

James R.L. Gallagher  
General Manager

Encl.

Electronic cc: Denise Peterson, Owner, Southside Station  
Philo Shelton, Director of Public Works, City of Steamboat Springs  
Mike Zopf, Director, Routt County Dept of Environmental Health  
Tom Cavanaugh, O&G Consulting

Dave Rau, Paragon Consulting

**From:** Tom Cavanaugh [tomc@ogenv.com]  
**Sent:** Monday, February 02, 2009 12:07 PM  
**To:** Jay Gallagher  
**Subject:** RE: Southside Station

Jay,

I left you a phone message. Basically we don't see any reversal of the groundwater flow direction to the south or southwest that could impact the infiltration galleries. The seasonal recharge and overloading of the system with flows to the north will further prevent any long term south component of flow and there are a couple other probably components to prevent a southward flow of ground water. Look at the bedrock high east of the galleries as shown in Plate 1 of the Nov 2004 Water Table Investigation. It is likely that shelf extends northward under the Southside Station area, reducing the thickness and quality of shallow aquifer which would have to transport contaminants from the station to the gallery. If galleries G & H were run for a lengthy period, they would draw mostly from the south, and as the available groundwater would be in the thicker and more porous and permeable Yampa River aquifer water would preferentially come from the river.

The Yampa River is the nearest recharge to the infiltration gallery system. As the cone of depression deepens and flattens with pumping, it will reach the sediments beneath the river prior to extending to the north-northeast towards the station. The Yampa is 250 southwest of gallery G and about 600 feet west-southwest of Gallery H, versus 800+ feet from the station.

Also as described in the Well Head Protection Plan, if you continuously pump the galleries, they will draw down to a low pumping rate, or drop to the pump intakes and start sucking air. The seasonal recharge of the aquifer is critical to meeting the summer water demands.

And the last item is the high degree of confidence in the new tanks and leak detection equipment at the Southside Station. It is the current state of the art and should perform as promised, including a failsafe feature that should notify the station if the detector stops working.

Tom Cavanaugh  
O & G Environmental Consulting, LLC  
720-529-9777

3/26/09

**DRAFT****Southside Station Change to Condition of Approval #DP-02-02 Request to amend original condition of approval of South Side Station at Walton Creek / #DP-02-02 concerning groundwater monitoring report. Applicant is requesting the removal of this condition. This has been approved by the Mt. Werner Water District.**

Discussion on this agenda item started at approximately 6:27 p.m.

**STAFF PRESENTATION**

Jonathan Spence –

I used the original '02 application as some of my template. The owner and applicant of Southside Station is LLP. It's located at 905 and not 955 Weiss Drive. This is a request of change of approval that was originally approved in '02. What was originally approved was ground water monitoring and this was changed in '05. It has been found that the monitoring is not necessary. Staff recommends that we delete the condition to ground water monitoring.

**COMMISSIONER QUESTIONS**

Commissioner Curtis –

The existing 3 monitoring wells are those the ones that are going to be maintained?

Jonathan Spence –

Yes.

Commissioner Ernst –

Why are you leaving an opening? Is that so you can go back and test them or is the testing over?

Jonathan Spence –

The testing is over Mt Werner Water District so that they will have the capability to do testing if they need to.

**PUBLIC COMMENTS**

None

**FINAL APPLICANT COMMENTS**

Denise Peterson –

I feel that the packet you have is self-explanatory and highlights all of the important parts.

**FINAL STAFF COMMENTS**

None

**RECOMMENDED MOTION:**

Staff finds that the proposal to revise the conditions of approval for Southside Station #DP-02-02 is consistent with the criteria for approval. The following motion is recommended.

3/26/09

**DRAFT**

Planning Commission recommends approval of revisions to Southside Station #DP-02-02 conditions of approval as follows:

**DELETE**

The applicant shall submit a yearly groundwater monitoring report to the Mount Werner Water Department, the City of Steamboat Springs Water Department and the Routt County Environmental Health Department on a date established by the Mount Werner Water District. The report shall include a written narrative explaining the industry standards and interpreting the data for general public review. If the groundwater monitoring report indicates soil and/or groundwater contamination as a result of leakage or spillage related to the gasoline service station use, the owner assumes all responsibility for containment remediation and removal of any contaminated soil, materials and/or underground storage tanks, if necessary. The applicant is to pay all legal (including City and/or Mt. Werner Water), engineering, and construction costs associated with such required remediation. Failure to submit the report on the required dates will be a violation of the conditions of approval for the development permit and will result in the issuance of a citation and/or the development permit being revoked.

**ADD**

The applicant will maintain access to the groundwater monitoring wells and will at no time pave over the wells.

**MOTION**

Commissioner Dixon moved to approve the recommended motion with the stated deletion and stated addition. Commissioner Fox seconded the motion.

**DISCUSSION ON THE MOTION**

None

**VOTE**

Vote: 6-0

Voting for approval of motion: Meyer, Beaugard, Curtis, Dixon, Ernst, and Fox

Absent: Levy and Hanlen

Discussion on this agenda item concluded at approximately 6:31 p.m.

# AGENDA ITEM # 22

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Jason K. Peasley, City Planner (Ext. 229)  
John Eastman, AICP, Planning Services Manager (Ext. 275)

**THROUGH:** Jon Roberts, City Manager, (Ext. 228)

**DATE:** April 21, 2009

**ITEM:** Copper Ridge Business Park, Filing 4, Lot 11 - #FDP-07-04

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ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

---

**PROJECT NAME:** Copper Ridge Business Park, Filing 4, Lot 11 - #FDP-07-04

**PETITION:** A Final Development Plan to construct a 15,552 square foot mixed use building consisting of 9,667 square feet of industrial warehouse and four dwelling units.

**LOCATION:** Physical Address: 2642 Copper Ridge Circle. Legal Description: Copper Ridge Business Park, Filing 4, Lot 11

**APPLICANT:** Defenbau Development Services, LLC, c/o Craig Seitz, Alpen Architek, LLC, 3314 Willowbrook Court, Steamboat Springs, CO 80487, (970) 871-6282

**PC ACTION:** Recommended Approval with Conditions on April 9, 2009 by a 6-0 vote. Meyer, Fox, Hanlen, Curtis, Dixon, and Ernst voting in favor. Levy and Beauregard absent.

**1. Planning Commission Discussion:**

The Planning Commission had a brief discussion regarding the proposed building material and site layout. Minutes from the April 9, 2009 Planning Commission meeting are attached with this report.

**2. Public Comment:**

None.

**3. New Information:**

No new information has been provided since the Planning Commission hearing.

**4. Recommended Motion:**

Planning Commission recommended APPROVAL of the Final Development Plan to construct a 15,552 square foot mixed use building consisting of 9,667 square feet of industrial warehouse and four dwelling units with the following Conditions of Approval:

1. Provide a copy of an easement from the Copper Ridge Owners Association for soil nail intrusion into the adjacent Open Space parcel to the south to the Planning and Community Development Department prior to Building Permit application.
2. Vacate the southern, 10 ft Utility easement via final plat for private wall encroachment prior to Building Permit application.
3. Future placement of an outdoor dumpster must be screened per CDC Section 26-142 and its location approved by the Planning and Community Development Department.
4. At time of building permit an engineered wall design must be provided for the future wall to South of the live/work units. No portion of the wall, including sub-surface soil nail embedment, footings, etc. will be allowed to encroach on adjacent property without the necessary wall easement acquisition.
5. At the time of final grading, no more than 4 feet of temporary shoring may be exposed above grade.
6. At time of building permit, provide an engineered design for any wall(s) greater than 4 ft in height or ensure 2:1 max grading can be met. Any grades steeper than 2:1 are considered engineered slopes and either requires soils testing to confirm that 2:1 grades can be exceeded or retaining systems are installed.
7. At time of building permit, provide a plan for mitigating disturbance to the “no disturbance area” and/or wetlands.
8. The following items are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
  - Public drainage improvements
  - Access drive, driveway, and parking areas
  - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design)



**LIST OF ATTACHMENTS**

- Attachment 1 – April 9, 2009 Planning Commission Report
- Attachment 2 – April 9, 2009 *Draft* Planning Commission Minutes



## PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 3: FDP-07-04	
<b>Project Name:</b>	Copper Ridge Business Park, Filing 4, Lot 11 (The Claims at Copper Ridge)
<b>Prepared By:</b>	Jason K. Peasley, City Planner (Ext. 229)
<b>Through:</b>	John Eastman, AICP, Planning Services Manager (Ext. 275)
<b>Planning Commission (PC):</b>	April 9, 2009
<b>City Council (CC):</b>	April 21, 2009
<b>Zoning:</b>	Industrial (I)
<b>Applicant:</b>	Defenbau Development Services, LLC, c/o Craig Seitz, Alpen Architek, LLC, 3341 Willowbrook Court, Steamboat Springs, CO 80487, (970) 871-6282
<b>Request:</b>	Final Development Plan (FDP) to construct a 15,552 square foot mixed use building consisting of 9,667 square feet of industrial warehouse and four dwelling units.

Development Statistics – Overview	
<b>Lot Area:</b>	31,799 square feet (.73 acres)
<b>Lot Coverage:</b>	6,336 square feet (21%)
<b>Floor Area Ratio:</b>	0.40
<b>Residential Units:</b>	4
<b>Parking Spaces:</b>	20 (14 spaces required)
<b>Building Height</b>	
Average Plate Height (APH):	23 feet
Overall Height (OH):	32 feet

Staff Report - Table of Contents		
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II.	Background	3-3
III.	Project Description	3-3
IV.	Overview of Dimensional & Development Standards	3-3
V.	Project Analysis	3-4
VI.	Community Housing Plan	3-6
VII.	Staff Findings & Conditions	3-6
VIII.	Attachments	3-7

**I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY**

**CDC - SECTION 26-66 (D):** NO FINAL DEVELOPMENT PLAN SHALL BE APPROVED UNLESS THE PLANNING COMMISSION AND CITY COUNCIL FIND THAT THE PLAN MEETS ALL OF THE FOLLOWING CRITERIA:

Subsection		Consistent			Notes
		Yes	No	NA	
1)	Conformity with Community Plan and other approved Master Plans	<input checked="" type="checkbox"/>			
2)	Consistency with Surrounding Uses	<input checked="" type="checkbox"/>			
3)	Conformity with Building and Architectural Standards	<input checked="" type="checkbox"/>			
4)	Minimize Adverse Impacts	<input checked="" type="checkbox"/>			
5)	Access	<input checked="" type="checkbox"/>			
6)	Minimize Environmental Impacts	<input checked="" type="checkbox"/>			
7)	Phasing			<input checked="" type="checkbox"/>	
8)	Compliance With Other Standards	<input checked="" type="checkbox"/>			

**Staff Finding:**

Staff finds the Final Development Plan for Copper Ridge Business Park, Filing 4, Lot 11 (The Claims at Copper Ridge) **consistent** with the criteria for approval in Section 26-66 (d).



## II. BACKGROUND

Copper Ridge Business Park, Filing 4, Lot 11 is located at the back of the Copper Ridge Business Park adjacent to the City/ County boundary. The lot slopes from south to north and contains wetlands on along its northern property line. The lot is bordered to the south by an open space parcel owned by the Copper Ridge Owners Association.

## III. PROJECT DESCRIPTION

The applicant has proposed a 15,552 square foot mixed use building consisting of 9,667 square feet of industrial warehouse and four dwelling units. The building is placed along the southern portion of the lot and spans the depth of the lot. The building will be built into the hillside and will require the use of temporary shoring for the construction of the southern foundation wall. While this temporary shoring is greater than 4 feet in height and is located within the setback, at final grading no more than 4 feet of the soil nailed wall will be visible. A paved drive aisle is located to the north and west of the building and does not impact the adjacent wetlands.

The building will be split into four mixed use units each containing ground floor industrial warehouse. The second story of Unit 1 will consist of a single family dwelling, while Units 2, 3 and 4 will contain a combination of office/accessory use and a 1,000 square foot employee unit.

## IV. OVERVIEW OF DIMENSIONAL AND DEVELOPMENT STANDARDS – INDUSTRIAL (I) ZONE

The following list was compiled by the project planner to provide an overview of key standards applicable to the project. Items in **bold** do not comply with applicable standards; refer to Project Analysis section for additional information. Interested parties are encouraged to review the Community Development Code (CDC) or contact the project planner for a comprehensive list of all applicable standards.

<b>DIMENSIONAL STANDARDS – CDC Section 26-132</b>			
<b>Standard</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Proposed</b>
<b><i>Lot Area</i></b>	No Max.	No Min.	31,799 square feet (.73 acres)
<b><i>Lot Coverage</i></b>	0.60	No Min.	4,344 SF(23%)
<b><i>Units per Lot</i></b>	Determined by F.A.R.	No Min.	4
<b><i>Floor Area Ratio (FAR)</i></b>	0.60	No Min.	0.40

<b>DIMENSIONAL STANDARDS – CDC Section 26-132</b>			
<b>Standard</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Proposed</b>
<b><i>Building Height</i></b>	APH - 28 ft.	No Min.	23 ft.
	OH - 32 ft.	No Min.	32 ft.
<b><i>Setbacks</i></b>			
<b><i>Front (west)</i></b>	No Max.	P/acc. – 15 ft.	50 ft.
<b><i>Side (south)</i></b>	No Max.	10 ft.	15 ft.
<b><i>Side (north)</i></b>	No Max.	10 ft.	50 ft.
<b><i>Rear (east)</i></b>	No Max.	10 ft.	15 ft.

<b>DEVELOPMENT STANDARDS</b>		
<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>
<b><i>Parking and Loading Design Standards (Sec. 26-139).</i></b>	14 spaces (9 industrial spaces, 2 single family spaces, 3 employee unit spaces)	20 total spaces (8 in garages, 12 under car ports)

**V. PROJECT ANALYSIS**

**A) CRITERIA FOR APPROVAL**

**CDC - Section 26-66 (d) – Final Development Plan: No final development plan shall be approved unless the City Council finds that the plan meets all of the following criteria:**

The following section provides staff analysis of the application as it relates to key sections of the CDC. It is intended to highlight those areas that may be of interest or concern to Planning Commission, City Council, staff or the public. For a comprehensive list of standards and requirements applicable to this proposal please refer to the CDC or contact the staff planner.

**CDC - Section 26-66(d)(1): Conformity with community plan.**

*Staff Analysis:* **Consistent;** Current zoning and proposed use of the property is consistent with the SSACP’s future land use map.

**CDC – Section 26-66(d)(2): Consistency with surrounding uses.**

*Staff Analysis:* **Consistent;** The proposed development is in an industrial district surrounded by other industrial uses such as warehouses, service garages, and storage.

**CDC – Section 26-66 (d)(3): Conformity with the building and architectural standards.**

Staff Analysis: **Consistent;** The proposed development is consistent with all architectural and building standards as provided by the city. Please see section B of this report.

**CDC – Section 26-66(d)(4): Minimize adverse impacts.**

Staff Analysis: **Consistent;** The temporary shoring required to install the southern foundation wall will require soil nailing into the adjacent open space parcel. An easement from the Copper Ridge Owners Association for the soil nail intrusion is required as a condition of approval.

**CDC – Section 26-65(d)(5): Access.**

Staff Analysis: **Consistent;** Access to the proposed development is consistent with all city grading and drainage policies and has been approved by Public Works. The plan provides access for trash removal, snow removal, and adequate access from adjacent streets.

**CDC – Section 26-65 (d)(6): Minimize environmental impacts.**

Staff Analysis: **Consistent;** While wetlands do exist on the project site, no development has been proposed that will impact the integrity of those wetlands. Wetland delineation and fencing will be required as part of the Construction Site Management Plan.

**CDC – Section 26-65 (d)(7): Phasing.**

Staff Analysis: N/A; The proposed project will be developed in one phase.

**CDC – Section 26-65 (d)(8): Compliance with other standards.**

Staff Analysis: **Consistent;** The proposed development is consistent with all requirements of the CDC without any modifications by variance and is not subject to any PUD regulations.

**B) DEVELOPMENT STANDARDS**

**CDC Section 26-133. Building and Architectural Design Standards**

Staff Analysis: **Consistent;** The proposed building consists of board and batten siding, asphalt shingles for the roof, and cedar for fascia and trim. The roofs are sloped to send any falling snow away from pedestrian and vehicular activity. The proposed building has windows, covered parking areas and 2<sup>nd</sup> story balconies that all contribute to breaking up of blank walls and providing visual interest.

**C) STEAMBOAT SPRINGS AREA COMMUNITY PLAN (SSACP)**

Copper Ridge Business Park, Filing 4, Lot 11 is consistent with the following- SSACP policies and goals:

Land Use Classifications and Location Criteria

**Industrial**

Location Criteria: Industrial areas should be located away from populated areas, and traffic generated should not pass through residential areas. Industrial sites should have access to one or more major arterials.

*Staff Analysis:* **Consistent;** The proposed development is in a zone district that is currently zoned industrial and slated to remain so in the future land use map in the SSACP. It is also on Copper Ridge, an industrial area with quick access to Highway 40 and very little residential uses in the area.

*Character:* Industrial uses should be developed attractively with landscaping and buffering along key entry corridors to the community. Furthermore, development should minimize environmental impacts, including noise. Storage, loading, and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses), and along all public streets.

*Staff Analysis:* **Consistent;** The proposed development is oriented so that loading and garage doors are away from the primary street. Also, landscaping is provided between the primary street and the proposed development.

## VI. COMMUNITY HOUSING PLAN

### **CDC Section 26-149**

*Staff Analysis:* Inclusionary Housing is not applicable because the proposed development is not creating three (3) or more residential units (employee units are exempt from Inclusionary Zoning).

## VII. STAFF FINDING & CONDITIONS

### **Recommended Finding**

Staff finds that Copper Ridge Business Park, Filing 4, Lot 11 (The Claims at Copper Ridge) is **consistent** with the findings for approval. Staff recommends the Planning Commission **APPROVE** #FDP-07-04.

### **Motion**

1) Planning Commission recommends approval of Copper Ridge Business Park, Filing 4, Lot 11 #FDP-07-04 with the findings that the proposal is consistent with the Final Development Plan criteria for approval in Sections 26-66 (d) with the following conditions of approval:

1. Provide a copy of an easement from the Copper Ridge Owners Association for soil nail intrusion into the adjacent Open Space parcel to the south to the Planning and Community Development Department prior to Building Permit application.
2. Vacate the southern, 10 ft Utility easement via final plat for private wall encroachment prior to Building Permit application.
3. Future placement of an outdoor dumpster must be screened per CDC Section 26-142 and its location approved by the Planning and Community Development Department.
4. At time of building permit an engineered wall design must be provided for the future wall to South of the live/work units. No portion of the wall, including sub-

- surface soil nail embedment, footings, etc. will be allowed to encroach on adjacent property without the necessary wall easement acquisition.
5. At the time of final grading, no more than 4 feet of temporary shoring may be exposed above grade.
  6. At time of building permit, provide an engineered design for any wall(s) greater than 4 ft in height or ensure 2:1 max grading can be met. Any grades steeper than 2:1 are considered engineered slopes and either requires soils testing to confirm that 2:1 grades can be exceeded or retaining systems are installed.
  7. At time of building permit, provide a plan for mitigating disturbance to the “no disturbance area” and/or wetlands.
  8. The following items are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
    - Public drainage improvements
    - Access drive, driveway, and parking areas
    - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design)
  9. The applicant shall enter into a revocable permit with the City acknowledging private liability for the removal, relocation, and/or replacement of all improvements located within all public utility easements when such improvements are damaged, destroyed, or removed by the City or other authorized parties operating or maintaining public utilities within the utility easement. This agreement must be finalized prior to application for a building permit.

## VIII. ATTACHMENTS

- Attachment 1 – Application Material
- Attachment 2 – Color Elevations



# THE CLAIMS

at

# COPPER RIDGE BUSINESS PARK

LOT 11, FILING 4  
 COPPER RIDGE BUSINESS PARK  
 2642 COPPER RIDGE CIRCLE  
 STEAMBOAT SPRINGS, COLORADO

## FINAL DEVELOPMENT PLAN

### CONDITIONS OF APPROVAL

- BOULT COUNTY REGIONAL BUILDING DEPARTMENT**
- \* PLANS, SPECIFICATIONS AND THE WORK TO BE PERFORMED SHALL COMPLY WITH ALL APPLICABLE CODES AND STANDARDS AS ADOPTED BY THE CITY OF STEAMBOAT SPRINGS.
  - \* ARCHITECTURAL STAMP REQUIRED
  - \* ACCESSIBILITY REQUIRED TO AT GRADE UNITS PER IBC
  - \* FIRE SPRINKLERS REQUIRED PER IFC
  - \* FLOOR DRAINS TO SAND/OIL SEPARATORS REQUIRED FOR WAREHOUSE UNITS.
  - \* SANITATION REQUIRED FOR WAREHOUSE UNITS.
  - \* 48" WIDE STAIRWAYS REQUIRED FOR ALL COMMERCIAL USES.
  - \* NATURAL LIGHT AND VENTILATION REQUIRED FOR RESIDENTIAL UNITS.
  - \* SPANNERED ELECTRICAL AND MECHANICAL PLANS REQUIRED.
- CITY ENGINEERS**
- \* NO WORK IN WETLANDS.
  - \* PROVIDE DRAFT DRAINAGE REPORT. UPON CITY REVIEW OF THE DRAFT REPORT, PROVIDE A FINAL REPORT AND DESIGN INCORPORATING CITY REVIEW COMMENTS.
  - \* WETLANDS CANNOT BE USED FOR STORM WATER QUALITY.
  - \* AT TIME OF BUILDING PERMIT A FORMAL RETAINING WALL DESIGN MUST BE PROVIDED FOR PUBLIC WORKS SUB-SURFACE SOIL NAIL, EMBEDMENT, FOOTINGS, ETC.
  - \* WILL BE ALLOWED TO ENDOCK ON ADJACENT PROPERTY. THE DESIGN MUST ALSO CONSIDER WATER CAPTURE DRAINAGE FROM THE REAR SLOPE APPROVED DESIGN.
  - \* AT TIME OF BUILDING PERMIT INCLUDE A TEMPORARY CONSTRUCTION FENCE ON PLANS TO BE INSTALLED AT NO DISTURBANCE AREA LINE TO PREVENT WORK MITING THIS AREA FROM OCCURRING.
  - \* THE FOLLOWING ITEMS ARE CONSIDERED CRITICAL IMPROVEMENTS AND MUST BE CONSTRUCTED PRIOR TO THE ISSUANCE OF ANY TCO OR CO. THEY CANNOT BE BONDED.
  - \* DRAINAGE IMPROVEMENTS
    - i. ACCESS DRIVE DRIVEWAY AND PARKING AREAS
    - ii. STORM WATER QUALITY FEATURES
    - iii. VEGETATION MUST BE ESTABLISHED PRIOR TO CO WHEN REQUIRED AS PART OF THE FEATURE DESIGN.)

- CITY UTILITIES**
- \* THE APPLICANT SHALL ENTER INTO A LICENSE AGREEMENT WITH THE CITY ACKNOWLEDGING PRIVATE LIABILITY FOR THE REMOVAL, RELOCATION AND/OR REPLACEMENT OF ALL IMPROVEMENTS LOCATED WITHIN ALL PUBLIC UTILITY EASEMENTS WHEN SUCH IMPROVEMENTS ARE DEVELOPED/INSTALLED FOR PARTIES OPERATING OR MAINTAINING PUBLIC UTILITIES WITHIN THE UTILITY EASEMENT. THIS AGREEMENT MUST BE FINALIZED PRIOR TO APPLICATION FOR A BUILDING PERMIT.
  - \* CONSTRUCTION OR PLACEMENT OF ANY IMPROVEMENTS WITHIN A PUBLIC UTILITY EASEMENT, INCLUDING BUT NOT LIMITED TO TREES, BOUNDERS, FENCES, BERRS, STRUCTURES, PRIVATE UTILITY EASEMENTS, SHALL BE REVIEWED AND APPROVED BY THE UTILITY DIVISION. THIS UTILITY DIVISION WILL NOT SUPPORT THIS PROPOSAL, TYPING FORWARD TO PUBLIC HEARING UNTIL A WATER AND SEWER SERVICE PLAN IS SUBMITTED TO THE DIVISION.
  - \* EACH UNIT IN THE BUILDING REQUIRES SEPARATE WATER/SEWER SERVICES FROM THE RESPECTIVE UNIT TO THE COMMON PROPERTY.
  - \* REVIEW OF THE UTILITY SYSTEM FOR DEVELOPMENT AREAS IS CONCEPTUAL ONLY AND DOES NOT INCLUDE ALL APPLICABLE TAP FEES SHALL BE PAID PRIOR TO BUILDING PERMIT APPROVAL.
  - \* PLANS SUBMITTED FOR BUILDING PERMIT APPROVAL MUST INCLUDE AN ACCEPTABLE WATER AND SEWER SERVICE PLAN.
  - \* BUILDING REQUIRES FLOOR DRAINAGE CONNECTED TO SAND AND OIL SEPARATOR(S). SAND AND OIL SEPARATORS SHALL BE SIZED AND CONFIGURED ACCORDING TO THE IFC, SAND AND OIL SEPARATOR CONSTRUCTION BEING APPROVED BY THE UTILITY DIVISION PRIOR TO ISSUANCE OF A BUILDING PERMIT AND SHALL BE INSPECTED AND APPROVED BY THE UTILITY DIVISION UPON CONSTRUCTION AND PRIOR TO RELEASE OF WATER SERVICE.
  - \* STORM DRAINAGE FROM SOURCES SUCH AS FOUNDATION DRAINS, PERIMETER DRAINS, ROOF DRAINS, OR ANYTHING SUBJECT TO SURFACE WATER OR GROUND WATER CANNOT BE CONVEYED TO THE FOUNDATION DRAINAGE/PERIMETER DRAINAGE/ROOF DRAINS ON THE BUILDING CONSTRUCTION PLANS.
- FIRE PREVENTION SERVICES**
- \* FIRE SPRINKLERS REQUIRED PER SECTION 903.3 OF THE IFC AND FIRE ALARM AND MONITORING PER SECTION 903.4 OF THE IFC.
  - \* ACCESS DRIVE WILL BE REQUIRED TO BE FIRE DEPARTMENT ACCESS. SIGNAGE STATING FIRE LANE, NO PARKING, TOW AWAY ZONE WILL BE REQUIRED.
  - \* ALL FIRE DEPARTMENT ACCESS ROADS SHALL BE DEDICATED TO THE CITY OF STEAMBOAT SPRINGS AS 'EMERGENCY ACCESS EASEMENTS' AND SHALL BE NOTED ON THE FINAL PLAT. DEDICATION OF EASEMENT FORM SUPPLIED BY THE CITY SHALL BE COMPLETED AND RECORDED BY THE COUNTY CLERK'S OFFICE.
  - \* FIRE ALARM AND SPRINKLER PLANS AND PERMITS FOR ALL BUILDINGS SHALL BE RECEIVED BY FIRE PREVENTION BEFORE FULL BUILDING PERMIT SIGNOFF.
- PARKS, OPEN SPACE AND RECREATION**
- \* ALL NONVOID WEDDS WILL BE CONTROLLED, MANAGED AND PREVENTED IN ACCORDANCE WITH THE BEST PRACTICES PER BOULT COUNTY NEED DEPARTMENT OCCUPANTS.
- PLANNING SERVICES**
- \* EMPLOYEE UNITS MUST BE DEED RESTRICTED.
  - \* ALL LANDSCAPING TO BE 'MODERATE' CATEGORY AND IRRIGATED AS REQUIRED.
  - \* NO SNOW STORAGE TO IMPACT THE WETLANDS AREA.

STANDARDS	ZONE REQUIREMENTS	FINAL DEV. PLAN
LOT AREA	NO MAX / NO MIN	79 ACRES / 31799 SF
LOT COVERAGE	60 MAX / NO MIN	21 / 636 SF
FLOOR AREA RATIO	60 MAX / NO MIN	40 / 12672 SF
BUILDING HEIGHT	APH = 28 / OH = 32	APH= 29 / OH= 32
FRONT SETBACK	MIN. 10' / NO MAX	50'- WEST
SIDE SETBACK	MIN. 10' / NO MAX	15' SOUTH / 60'- NORTH
REAR SETBACK	MIN. 10' / NO MAX	15' EAST
BLDG SEPARATION	N/A	N/A
UNIT SIZE	DETERMINED BY F.A.R.	DETERMINED BY F.A.R.
NUMBER OF UNITS	DETERMINED BY F.A.R.	DETERMINED BY F.A.R.
PAVED AREA	NO MAX	7,666 SF
PARKING	2 SPACES / UNIT	5 SP. PER UNIT (2 @ GAR)
SNOW STORAGE	1 SF / 2 SF PAVED AREA	4,120 SF / 3,828 SF REQ
LANDSCAPING SETBACK	MODERATE CATEGORY	820 SF / (2) TREES REQ

### SHEET INDEX

NO.	DESCRIPTION	DATE	BY	REVISIONS
1	TAC-RESPONSE	12/28/2021	ALPEN ARCHITECT	REVISIONS
2	TAC-RESPONSE	06/12/2022	ALPEN ARCHITECT	REVISIONS
3	TAC-RESPONSE	10/02/2022	ALPEN ARCHITECT	REVISIONS
4	TAC-RESPONSE	06/12/2022	ALPEN ARCHITECT	REVISIONS

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4	TAC-RESPONSE	06/12/2022	ALPEN ARCHITECT	REVISIONS

**PROPERTY OWNER**  
 DEFENBAU DEVELOPMENT SERVICES, LLC  
 MICHEL DEFENBAU  
 P.O. BOX 77409  
 STEAMBOAT SPRINGS, CO 80487

Michel Defenbau

**APPLICANT**  
 ALPEN ARCHITECT, LLC  
 CRAIG SETTZ  
 3341 WILLOWBROOK COURT  
 STEAMBOAT SPRINGS, CO 80487

Craig Settz

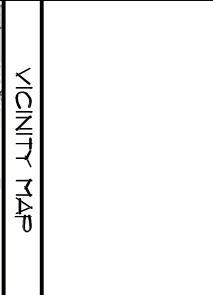
**FINAL DEVELOPMENT PLAN PREPARATION**  
 ALPEN ARCHITECT, LLC  
 CRAIG SETTZ  
 3341 WILLOWBROOK COURT  
 STEAMBOAT SPRINGS, CO 80487

Craig Settz

**DIRECTOR OF PLANNING SERVICES**  
 NAME \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_

**FINAL DEVELOPMENT PLAN**  
 Approval Date \_\_\_\_\_  
 Expiration Date \_\_\_\_\_

**EXISTING ZONING**  
 INDUSTRIAL - (I)



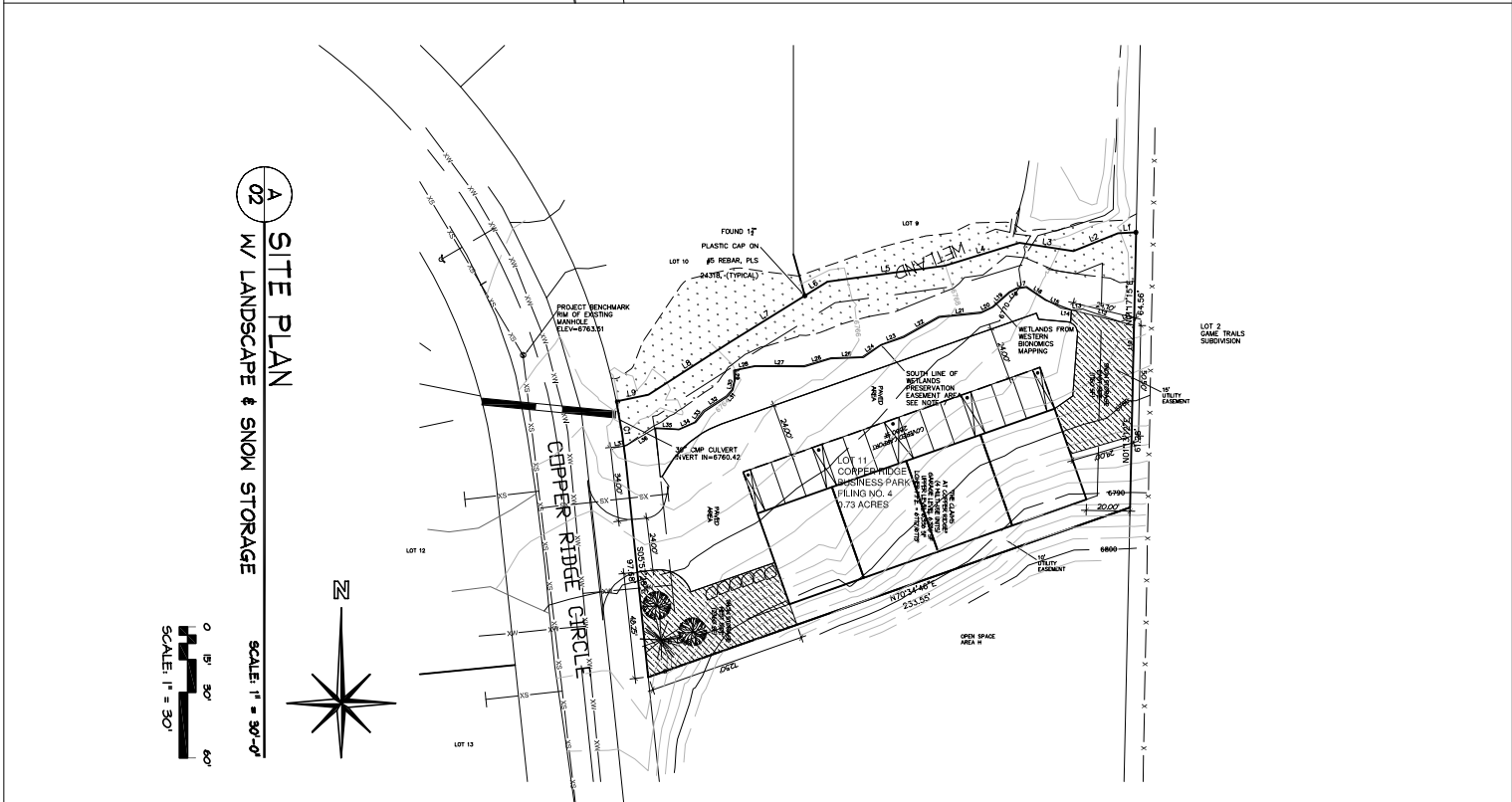
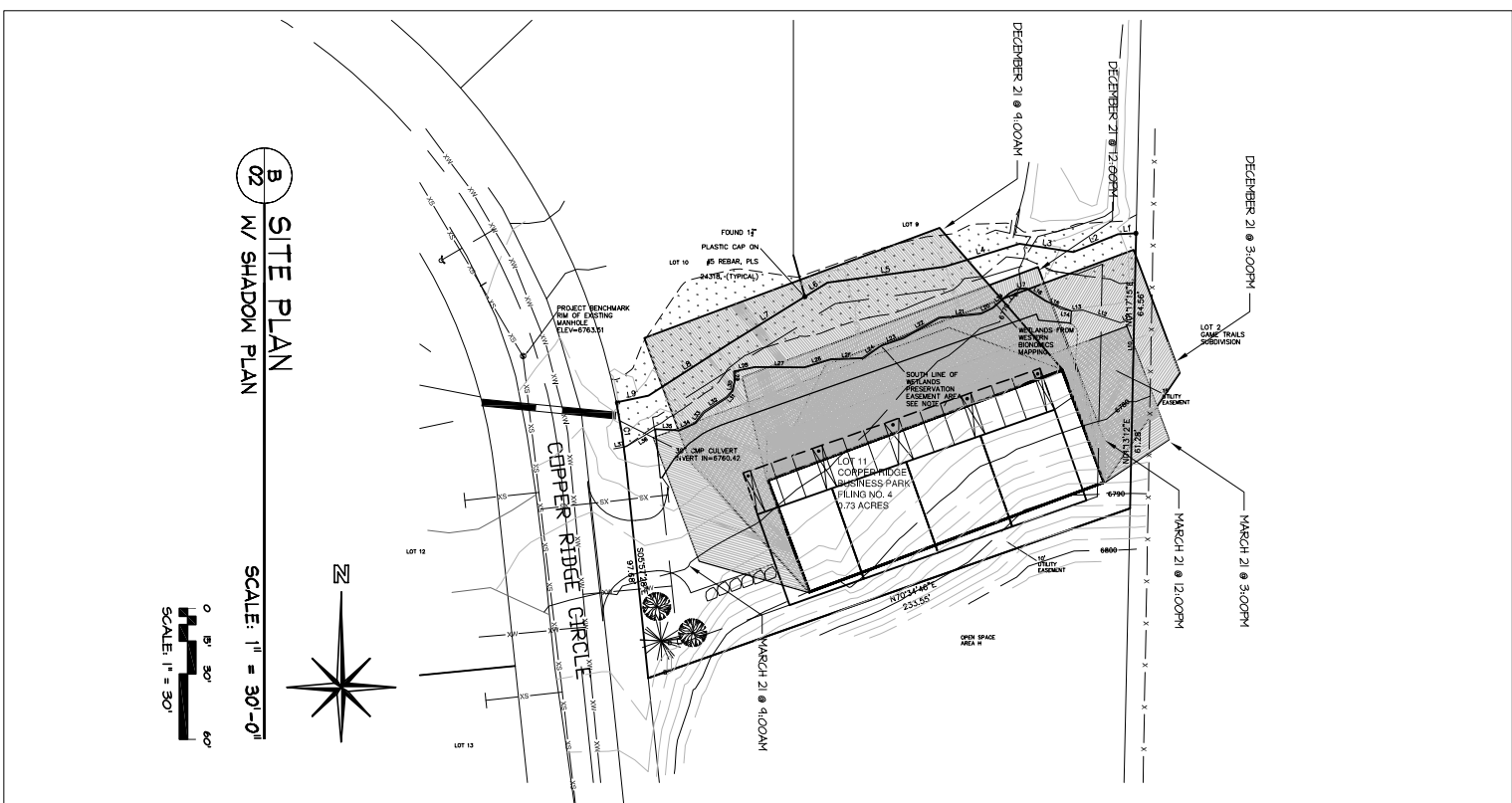
**ALPEN ARCHITECT, LLC**  
 3341 Willowbrook Court  
 Steamboat Springs, CO 80487  
 970.971.6262  
 www.alpenarchitect.com

**THE CLAIMS at COPPER RIDGE**  
 2642 COPPER RIDGE CIRCLE  
 LOT 11, FILING 4, COPPER RIDGE BUSINESS PARK  
 STEAMBOAT SPRINGS, COLORADO

**ALPEN ARCHITECT, LLC**  
 3341 Willowbrook Court  
 Steamboat Springs, CO 80487  
 970.971.6262  
 www.alpenarchitect.com

**PROJECT DEVELOPER:** DEFENBAU SERVICES, LLC  
**CLIENT:** MICHEL DEFENBAU  
**DATE:** 06/12/2022  
**SCALE:** 1/8" = 1'-0"  
**DRAWN BY:** ALPEN ARCHITECT  
**CHECK BY:** ALPEN ARCHITECT  
**PROJECT SHEET:** FINAL DEVELOPMENT PLAN

**SHEET TITLE:** COVER SHEET  
**SHEET NUMBER:** 01



DEVELOPMENT INFORMATION

PARCEL ID# 24440011  
 STREET ADDRESS 2642 COPPER RIDGE CIRCLE  
 LEGAL DESCRIPTION 0.73 ACRES OF LAND, BEING PART OF THE COPPER RIDGE BUSINESS PARK  
 LOT AREA 31,798 SF / 73 AC ±  
 LOT COVERABLE AND ALLOWED / 21 ACTUAL (14,025 / 21,000 ± = 44)  
 FLOOR AREA RATIO AND ALLOWED / 21 ACTUAL (4,025 / 21,000 ± = 44)  
 SUB-TOTAL (GROSS) 19,982 SF  
 CARPORT 2,660 SF  
 FLOOR AREA (NET) 14,027 SF  
 EMPLOYEE UNIT CALC GROSS FLOOR AREA 15,592 SF  
 INDUSTRIAL ZONE PERCENTAGE 23.82%  
 EMPLOYEE UNIT TOTAL SF 23,820 SF  
 MAX ALLOWABLE SF PER UNIT 4000 SF  
 EMPLOYEE ACCESS CALC GROSS FLOOR AREA 15,592 SF  
 TOTAL UNITS 5.94 UNITS  
 EMPLOYEE PER UNIT (MAX) 4000 SF  
 ACCESSORY SF PER UNIT (MAX) 255 SF  
 SETBACKS BY FRONTAGE / W/ SIDES / R/ BACK  
 AVERAGE PLATE HEIGHT BY ALLOWED / 21 ACTUAL  
 EXISTING AREA 7,648 SF  
 PARKING REQUIREMENTS GAR/MULI: 4,029 SF (ONE SPACE / 800 SF) 5 SPACES REQ'D  
 OFFICE: 1,239 SF (ONE SPACE / 300 SF) 4 SPACES REQ'D  
 EMPLOYEE UNIT (ONE SPACE / UNIT) 3 SPACES REQ'D  
 SINGLE FAMILY UNIT (TWO SPACES / UNIT) 2 SPACES REQ'D  
 PARKING TOTALS 4 SPACES REQUIRED / 20 SPACES PROVIDED

LANDSCAPE CALCULATIONS

PER CDC 24-38(2)  
 TOPOSURVEY LANDSCAPING  
 10' LANDSCAPE STRIP  
 100 SF LANDSCAPE SETBACK AREA  
 (2) TREES REQUIRED LANDSCAPE SETBACK AREA  
 (3) TREES PROVIDED AS FOLLOWS:  
 (1) EVERGREEN, SPRUCE (8-9 FEET TALL)  
 (2) EVERGREEN, SPRUCE (2' CALIBER), NARROW-LEAF COTTONWOOD  
 IRRIGATION AS REQUIRED  
 GROUND COVER TO CONSIST OF IRRIGATED SOD AND NATIVE GRASSES.

LANDSCAPE LEGEND

- EVERGREEN- SPRUCE (8-9 FEET TALL)
- EVERGREEN- SPRUCE (4-7 FEET TALL)
- LARGE DECIDUOUS- NARROW-LEAF COTTONWOOD (2' CALIBER)

UTILITIES LEGEND

- CABLE TV LINES
- TELEPHONE LINES
- ELECTRIC LINES
- GAS
- SANITATION SEWER
- WATER LINE
- STORM SEWER



3341 UTELO Brook, Colorado  
 801271  
 303.426.8900  
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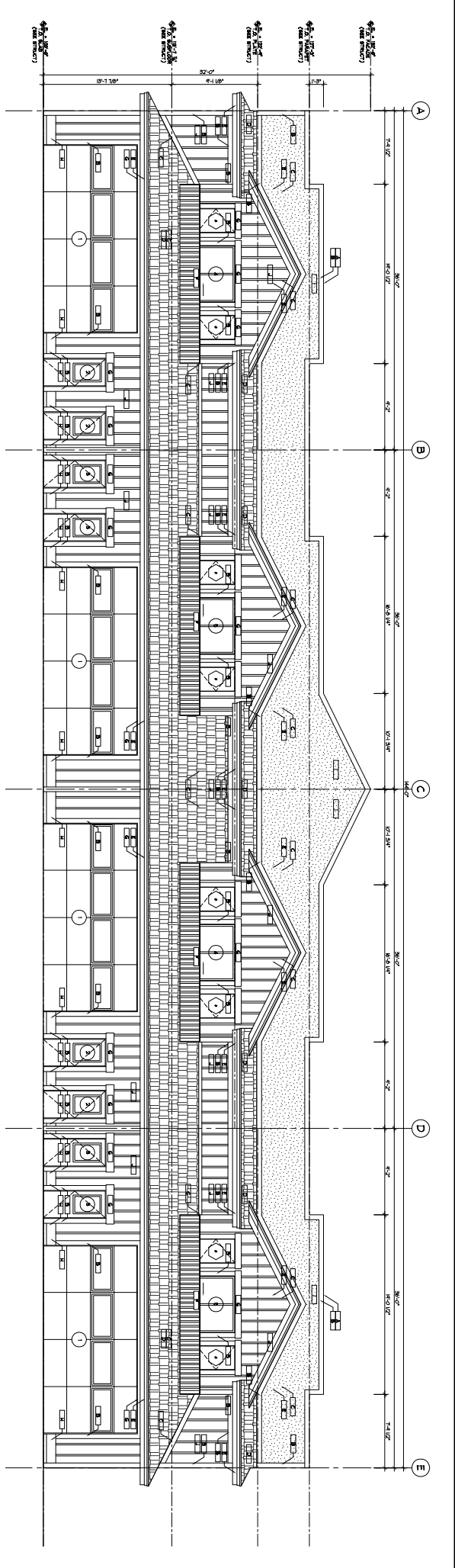
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THE CLAIMS at COPPER RIDGE  
 2642 COPPER RIDGE CIRCLE  
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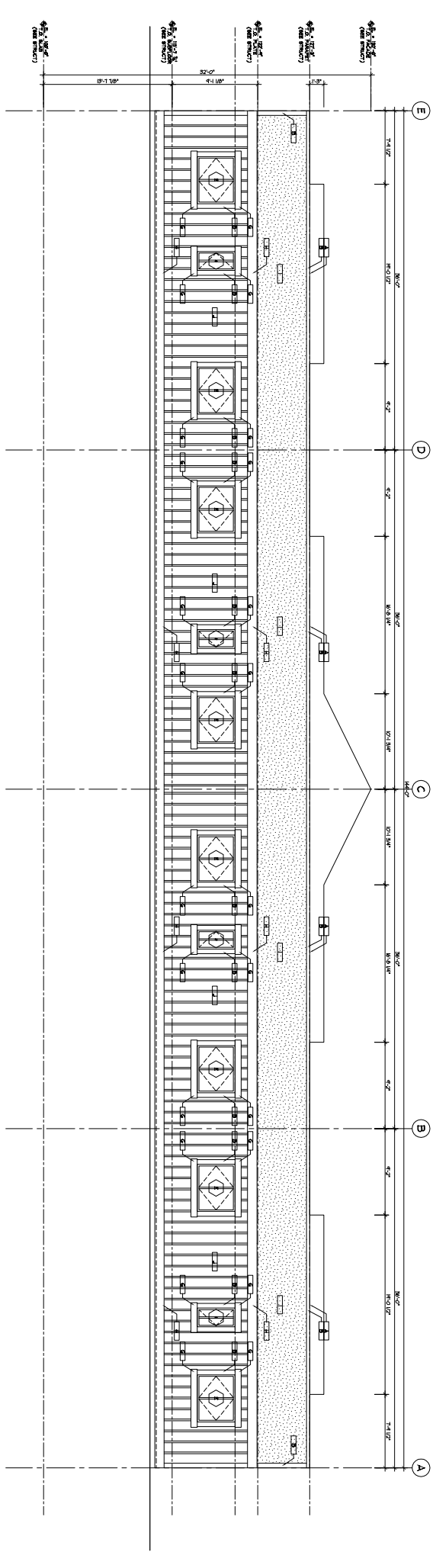
PROJECT: DEVELOPMENT  
 ARCHITECT: ALAN ARCHITECT  
 DATE: 01/11/09  
 SHEET TITLE: LANDSCAPE  
 SHEET NUMBER: 02





**A** NORTH ELEVATION  
SCALE: 3/16" = 1'-0"

**KEY NOTES**

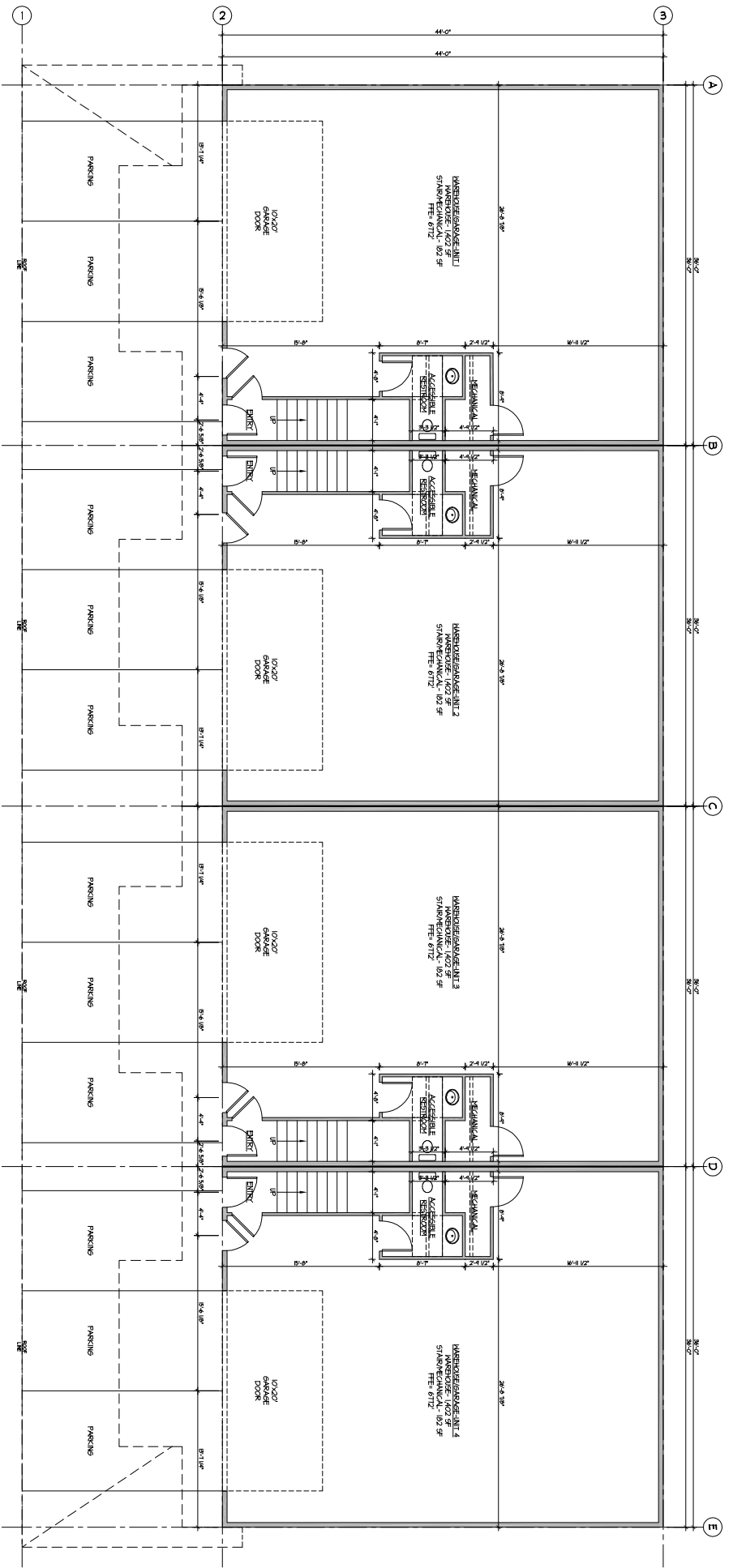
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**B** SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"

	<p><b>THE CLAIMS at COPPER RIDGE</b> 2642 COPPER RIDGE CIRCLE LOT 11, FILING 4, COPPER RIDGE BUSINESS PARK STEAMBOAT SPRINGS, COLORADO</p>	<p><b>REVISIONS</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>22SEP2007</td> <td>TAC-RESPONSE</td> </tr> <tr> <td>2</td> <td>30JAN2008</td> <td>TAC-RESPONSE</td> </tr> <tr> <td>3</td> <td>14OCT2008</td> <td>TAC-RESPONSE</td> </tr> <tr> <td>4</td> <td>30JAN2009</td> <td>TAC-RESPONSE</td> </tr> </tbody> </table>	No.	DATE	DESCRIPTION	1	22SEP2007	TAC-RESPONSE	2	30JAN2008	TAC-RESPONSE	3	14OCT2008	TAC-RESPONSE	4	30JAN2009	TAC-RESPONSE
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2	30JAN2008	TAC-RESPONSE															
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4	30JAN2009	TAC-RESPONSE															
	<p><b>ALDEN ARCHITECTS, LLC</b> 3341 Ute Loop, Suite 200 Steamboat Springs, Colorado 80487 970.871.4262 Phone/Fax www.aldenarchitects.com</p>	<p><b>ALDEN ARCHITECTS, LLC</b> 3341 Ute Loop, Suite 200 Steamboat Springs, Colorado 80487 970.871.4262 Phone/Fax www.aldenarchitects.com</p>															
<p><b>03</b></p>	<p><b>PROJECT:</b> DEVELOPMENT <b>CLIENT:</b> ALDEN ARCHITECTS <b>DATE:</b> 05/04 <b>SCALE:</b> 3/16" ARCHITECT <b>PROJECT PHASE:</b> FINAL DEVELOPMENT PLAN <b>OWNER:</b> INDUSTRIAL (I)</p>	<p><b>SHEET NUMBER:</b> ELEVATIONS</p>															





**A LOWER LEVEL FLOOR PLAN**  
 05 SCALE: 3/16" = 1'-0"

**DEVELOPMENT INFORMATION**

<b>PANEL LINE 2440001</b>
<b>STREET ADDRESS 2642 COPPER RIDGE CIRCLE</b>
<b>LEGAL DESCRIPTION LOT 11, FILING 4, COPPER RIDGE BUSINESS PARK</b>
<b>LOT AREA 91,799 SF / 79 AC ±</b>
<b>LOT COVERAGES AND ALLOWED / 21 ACTUAL</b>
<b>FLOOR AREA RATIO AS ALLOWED / 21 ACTUAL (14,000 / 21,799 = .44)</b>
<b>WAREHOUSE CALC GROSS FLOOR AREA</b>
SUB-TOTAL (GROSS) 19,592 SF
STORAGE (UPPER) 0 SF
TOTAL WAREHOUSE SF 19,592 SF
<b>EPICOTE UNIT CALC GROSS FLOOR AREA</b>
SUB-TOTAL (GROSS) 18,592 SF
STORAGE (UPPER) 0 SF
TOTAL EPICOTE UNIT SF 18,592 SF
<b>INDUSTRIAL ZONE PERFORMANCE</b>
TOTAL GROSS FLOOR AREA 38,184 SF
TOTAL PER UNIT 1.00 SF
<b>MAX ALLOWABLE SF PER UNIT</b>
TOTAL GROSS FLOOR AREA 38,184 SF
TOTAL PER UNIT 1.00 SF
<b>EPICOTE ACCESS CALC GROSS FLOOR AREA</b>
TOTAL GROSS FLOOR AREA 38,184 SF
TOTAL PER UNIT 1.00 SF
<b>ALLOWABLE TOTAL SF</b>
TOTAL GROSS FLOOR AREA 38,184 SF
TOTAL PER UNIT 1.00 SF
<b>EPICOTE SF PER UNIT (MAX)</b>
TOTAL GROSS FLOOR AREA 38,184 SF
TOTAL PER UNIT 1.00 SF

**ARCHITECTURAL FIRM**  
 3341 Little Rock Court  
 Ste 201  
 8701 26th Avenue, NW  
 Denver, CO 80234  
 Phone: 303.755.1100  
 Fax: 303.755.1101  
 www.claimsarchitect.com

REVISIONS	
No.	DATE DESCRIPTION
1	22SEP2021 TAC-RESPONSE
2	30JAN2022 TAC-RESPONSE
3	14OCT2022 TAC-RESPONSE
4	30JAN2023 TAC-RESPONSE

**THE CLAIMS at COPPER RIDGE**  
 2642 COPPER RIDGE CIRCLE  
 LOT 11, FILING 4, COPPER RIDGE BUSINESS PARK  
 STEAMBOAT SPRINGS, COLORADO

**ARCHITECTURAL FIRM**  
 3341 Little Rock Court  
 Ste 201  
 8701 26th Avenue, NW  
 Denver, CO 80234  
 Phone: 303.755.1100  
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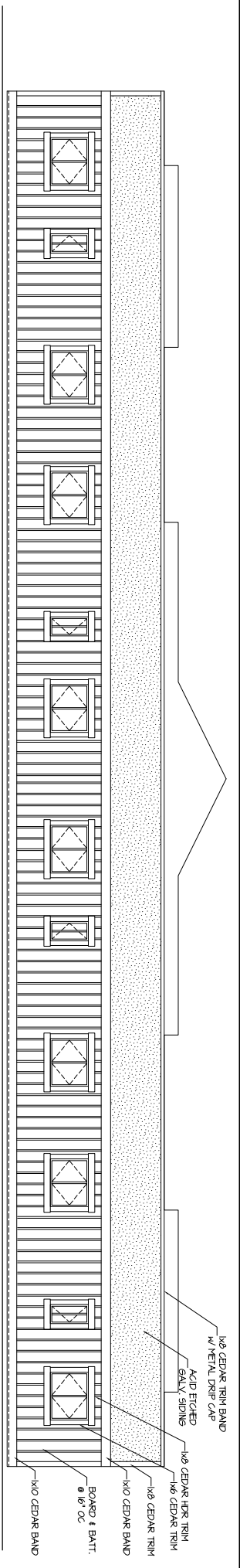
**PROJECT INFORMATION**

PROJECT: DEVELOPMENT  
 CLIENT: ALLEN ARCHITECTS  
 PROJECT MANAGER: ALLEN ARCHITECTS  
 FINAL DEVELOPMENT PLAN  
 CONVEYANCE INSTRUMENT (I)

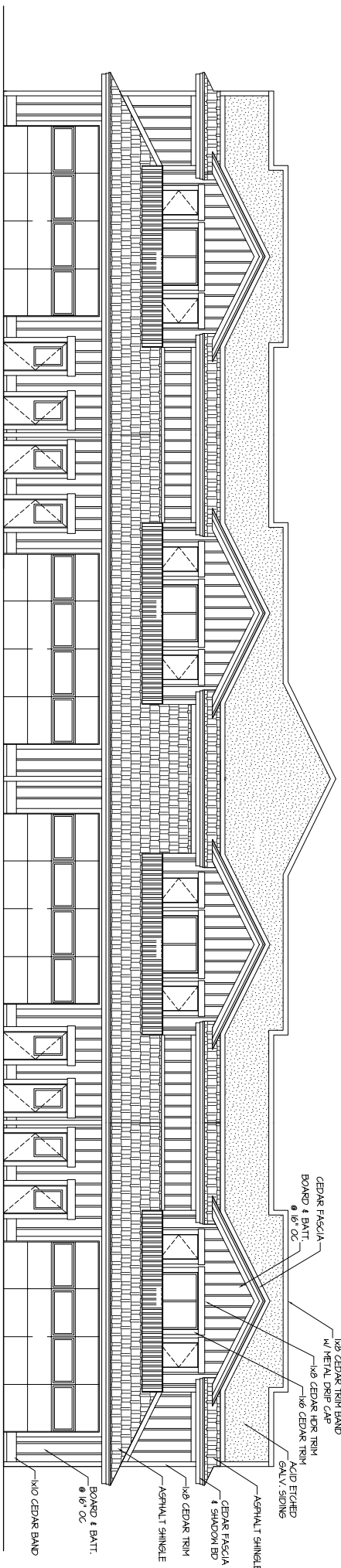
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SHEET TITLE: LOWER LEVEL  
 SHEET NUMBER: 05

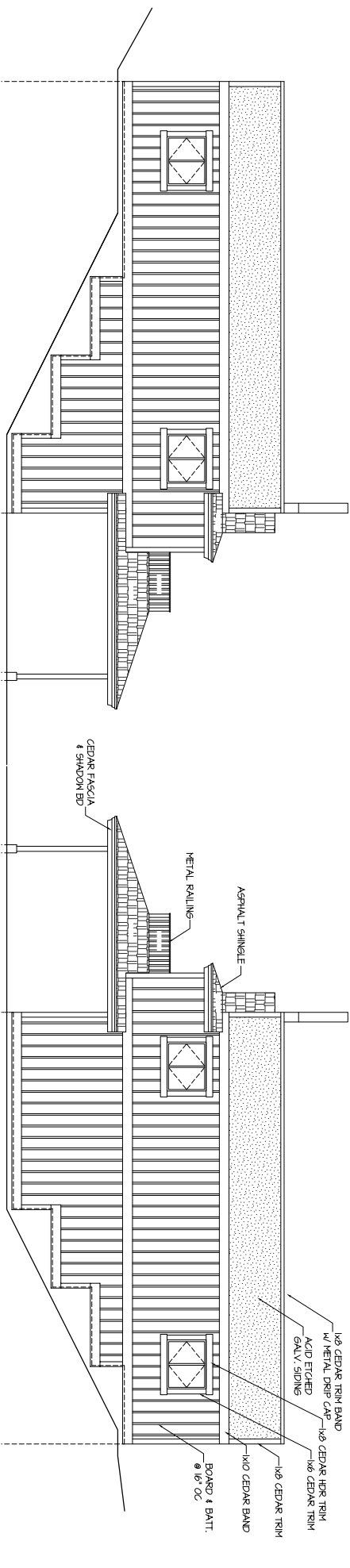




**SOUTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**NORTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**EAST ELEVATION**  
SCALE: 3/16" = 1'-0"

**WEST ELEVATION**  
SCALE: 3/16" = 1'-0"

**ALPEN ARCHITECTURE, LLC**  
3341 Little Bear Road, Colorado Springs, CO 80904  
719.571.4262 Phone/Fax  
www.alpenarch.com  
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**REVISIONS**

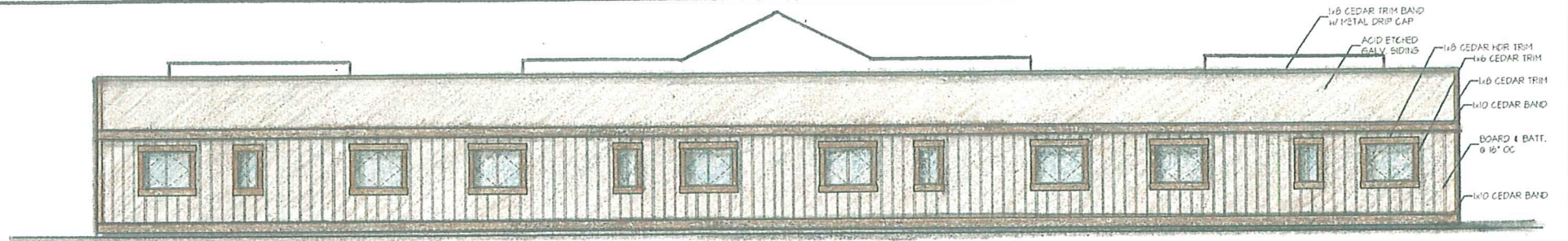
No.	DATE	DESCRIPTION
1	22SEP2021	TAC-RESPONSE
2	30JAN2022	TAC-RESPONSE
3	10OCT2022	TAC-RESPONSE
4	30JAN2023	TAC-RESPONSE

**THE CLAIMS at COPPER RIDGE**  
2642 COPPER RIDGE CIRCLE  
LOT 11, FILING 4, COPPER RIDGE BUSINESS PARK  
STEAMBOAT SPRINGS, COLORADO

**ALPEN ARCHITECTURE, LLC**  
3341 Little Bear Road, Colorado Springs, CO 80904  
719.571.4262 Phone/Fax  
www.alpenarch.com  
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PROJECT: DEVELOPMENT  
CLIENT: ALPEN ARCHITECTURE  
DATE BY: ALPEN ARCHITECTURE  
DATE BY: ALPEN ARCHITECTURE  
PROJECT PHASE: FINAL DEVELOPMENT PLAN  
ZONING: INDUSTRIAL (I)

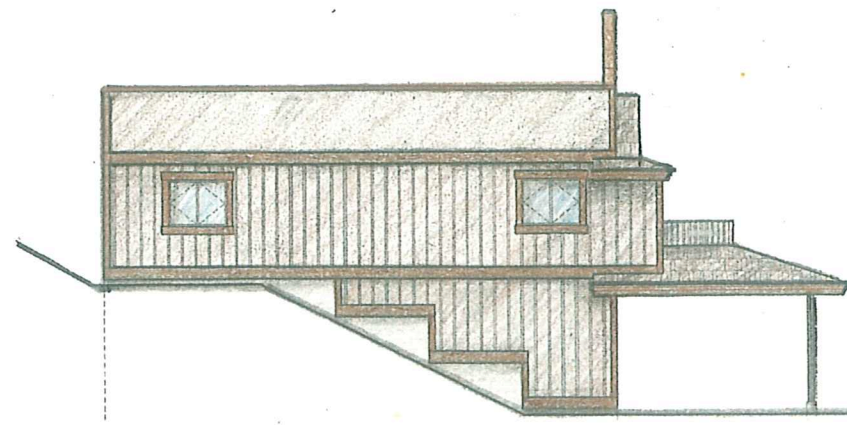
SHEET TITLE: ELEVATIONS  
SHEET NUMBER: 01



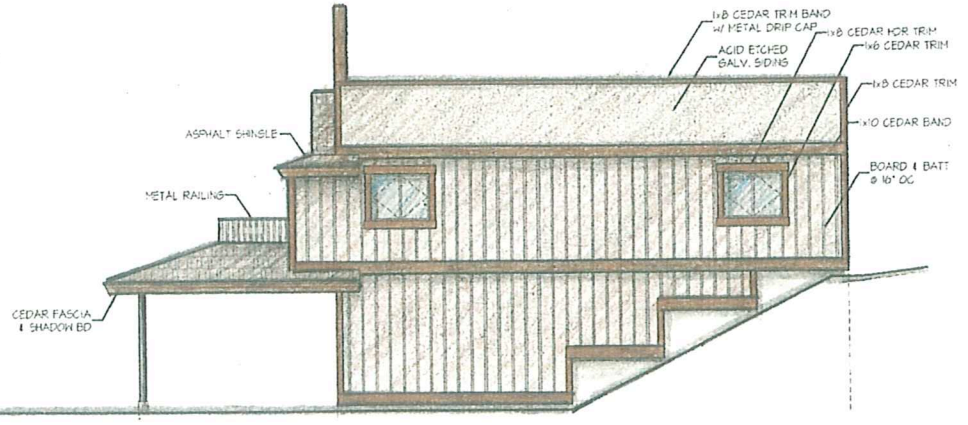
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SCALE: 3/16" = 1'-0"



**NORTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**EAST ELEVATION**  
SCALE: 3/16" = 1'-0"



**WEST ELEVATION**  
SCALE: 3/16" = 1'-0"



**THE CLAIMS at COPPER RIDGE**  
2642 COPPER RIDGE CIRCLE  
LOT 11, FILING 4, COPPER RIDGE BUSINESS PARK  
STEAMBOAT SPRINGS, COLORADO



3341 Willow Brook Court  
Steamboat Springs, CO 80427  
970.871.2282 phone/fax  
© 2004 alpenn.com, LLC

PROJECT: DEFENSE/FOP  
ALPEN ARCHITEX: 02104  
DWG DATE:  
DWG BY: ALPEN ARCHITEX  
CHK BY: ALPEN ARCHITEX  
PROJECT NAME:  
FINAL DEVELOPMENT PLAN  
ZONING- INDUSTRIAL (I)

SHEET TITLE:  
ELEVATIONS  
COLOR

SHEET NUMBER:  
**01**



**DRAFT****COPPER RIDGE BUSINESS PARK, FILING 4, LOT 11 (The Claims @ Copper Ridge) #FDP-07-04**

Discussion on this agenda item started at approximately 6:10 p.m.

**STAFF PRESENTATION**

Jason Peasley –

There's a letter from Medora Fralick regarding the easement to the open space parcel. There's a materials board for the project.

**APPLICANT PRESENTATION**

Michael Defenbau –

We're one of the last parcels in Copper Ridge. There's already a precedence there with live/work. We're trying to build a high quality project that will enhance the neighborhood. We reduced the units from 6 to 4 units due to some wetland issues.

**COMMISSIONER QUESTIONS**

Commissioner Curtis –

I see the color board, but I don't see on the color board the color of the garage doors.

Craig Seitz –

They will be a cedar similar to the siding. I neglected to put that in there.

Commissioner Curtis –

Could you point out on that out on the board?

Craig Seitz –

He pointed to the siding material. It will be lighter than that.

Commissioner Curtis –

Will it be a board or vinyl material?

Craig Seitz –

It will be a steel door, because of the size.

Commissioner Curtis –

Looking on the architectural drawings on pg 3-14 I see that you have 4 sets of doors on one side and 4 sets of doors on the other side. I understand the reason for that. It seems like there's an awful lot of doors there and that a couple of those doors could have been moved to the inside. Is there a specific reason for this?

Craig Seitz –

Just for the spacing and to allow for a man door into the warehouse without accessing into the upper level.

Commissioner Curtis –

Would those doors be the same color as the garage doors?

Craig Seitz –

Yes, they will be an accompanying color to the siding. It won't be white.

**PUBLIC COMMENTS**

None

**FINAL STAFF COMMENTS**

None

**FINAL APPLICANT COMMENTS**

None

**RECOMMENDED MOTION:**

Recommended Finding

Staff finds that Copper Ridge Business Park, Filing 4, Lot 11 (The Claims at Copper Ridge) is consistent with the findings for approval. Staff recommends the Planning Commission APPROVE #FDP-07-04.

Recommended Motion

- 1) Planning Commission recommends approval of Copper Ridge Business Park, Filing 4, Lot 11 #FDP-07-04 with the findings that the proposal is consistent with the Final Development Plan criteria for approval in Sections 26-66 (d) with the following conditions of approval:
  1. Provide a copy of an easement from the Copper Ridge Owners Association for soil nail intrusion into the adjacent Open Space parcel to the south to the Planning and Community Development Department prior to Building Permit application.
  2. Vacate the southern, 10 ft Utility easement via final plat for private wall encroachment prior to Building Permit application.
  3. Future placement of an outdoor dumpster must be screened per CDC Section 26-142 and its location approved by the Planning and Community Development Department.
  4. At time of building permit an engineered wall design must be provided for the future wall to South of the live/work units. No portion of the wall, including sub-surface soil nail embedment, footings, etc. will be allowed to encroach on adjacent property without the necessary wall easement acquisition.
  5. At time of building permit, provide an engineered design for any wall(s) greater than 4 ft in height or ensure 2:1 max grading can be met. Any grades steeper than 2:1 are considered engineered slopes and either requires soils testing to confirm that 2:1 grades can be exceeded or retaining systems are installed.
  6. At time of building permit, provide a plan for mitigating disturbance to the "no disturbance area" and/or wetlands.

4/09/09

## **DRAFT**

7. The following items are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
  - Public drainage improvements
  - Access drive, driveway, and parking areas
  - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design)

### **MOTION**

Commissioner Fox moved to approve the Copper Ridge Business Park, Filing 4, Lot 11 (The Claims @ Copper Ridge) #FDP-07-04 with the 7 conditions of approval. Commissioner Dixon seconded the motion.

### **DISCUSSION ON THE MOTION**

Commissioner Curtis –

I support the motions and I think that the architecture is fine. The only concern I have is the 4 doors. It does seem like it's a little bit repetitive. We do have in the architectural guidelines for windows we have a requirement that all of the windows should not all be the same. We have all the same doors here. It's too bad that we couldn't do something a little bit different. I think that we're a little bit redundant on that.

### **VOTE**

Vote: 6-0

Voting for approval of motion: Meyer, Curtis, Dixon, Fox, Hanlen and Levy.

Absent: Beauregard and Ernst.

Discussion on this agenda item concluded at approximately 6:16 p.m.

# AGENDA ITEM # 23

## CITY COUNCIL COMMUNICATION FORM

---

**FROM:** Seth Lorson, City Planner (Ext. 280)  
Tom Leeson, AICP, Director of Planning Services (Ext. 244)

**THROUGH:** Jon Roberts, City Manager, (Ext. 228)

**DATE:** April 21, 2009

**ITEM:** Final Development Plan for City of Steamboat Springs Public Works shop expansion at 850 Critter Court.

**NEXT STEP:** If City Council approves the application, the applicant can apply for a building permit and begin construction.

---

ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

---

**PROJECT NAME:** Public Works Shop Expansion - FDP-09-02

**PETITION:** Approval of a Final Development Plan for a 3,600 square foot addition to the Public Works shop and a 1,200 square foot addition to the scoria shed.

**LOCATION:** Physical Address: 850 Critter Court. Legal Description: Miller-Frazier Addition to Steamboat Springs.

**APPLICANT:** City of Steamboat Springs c/o Philo Shelton, Public Works Director, PO Box 775088, Steamboat Springs, CO 80477

**PC ACTION:** Approved unanimously on April 9, 2009: 6-0

**EXECUTIVE SUMMARY:**

**1. Planning Commission Discussion:**

The proposed development received a favorable review by the Planning Commission with very little discussion on the nature of the proposal.

**2. Public Comment:**

Planning Staff did receive a public comment before the Planning Commission hearing in regards to lighting and the applicant is in full compliance with lighting standards. There was one public comment at the hearing in reference to the sidewalk and grading. The public was satisfied with the response by the applicant and staff.

**3. New Information:**

No new information has been provided since the Planning Commission hearing.

**4. Recommended Motion:**

Motion #1:

Planning Staff and Planning Commission recommend **approval** of the Final Development Plan for a 3,600 square foot addition to the Public Works shop and a 1,200 square foot addition to the scoria shed #FDP-09-02 with the findings that the proposal is consistent with the Final Development Plan criteria for approval in Sections 26-66 (d) with the following conditions of approval:

1. 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/Mt. Werner 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.
2. At time of civil construction plan submittal, provide a Final Drainage Study.
3. Submit the permit for modifications to the wetlands/ waters of the state from Army Corp of Engineers prior to approval of a building permit or grade and fill permit. It appears a Storm Water Management Plan (SWMP) will also be required by the State.
4. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
  - Public drainage improvements
  - Public sidewalk improvements
  - Access drive, driveway, and parking areas
  - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

**LIST OF ATTACHMENTS**

**Attachment A** – Planning Commission Report

**Attachment B** – Draft 4/9/09 Planning Commission Minutes



## PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 4 : FDP-09-02	
<b>Project Name:</b>	Public Works Shop Expansion – Miller-Frazier Addition to Steamboat Springs at 850 Critter Court
<b>Prepared By:</b>	Seth E. Lorson, City Planner (Ext. 280)
<b>Through:</b>	John Eastman, AICP, Planning Services Manager (Ext. 275)
<b>Planning Commission (PC):</b>	April 9, 2009
<b>City Council (CC):</b>	April 21, 2009
<b>Zoning:</b>	Industrial (I)
<b>Applicant:</b>	City of Steamboat Springs c/o Philo Shelton P.O. Box 775088 Steamboat Springs, CO 80477
<b>Request:</b>	Final Development Plan (FDP) for a 3,600 square foot addition to the Public Works shop and a 1,200 square foot addition to the scoria shed.

Development Statistics – Overview	
<b>Lot Area:</b>	236,530 square feet(5.43 acres)
<b>Building Height</b>	
Average Plate Height (APH):	Shop: 21' 1" Shed: 15' 4"
Overall Height (OH):	Shop: 23' 4" Shed: 22' 2"

Staff Report - Table of Contents		
Section		Pg
I.	CDC –Staff Analysis Summary	4-2
II.	Principal Discussion	4-2
III.	Background	4-3
IV.	Project Description	4-3
V.	Overview of Dimensional & Development Standards	4-3
V.	Project Analysis	4-4
VI.	Community Housing Plan	4-5
VII.	Staff Findings & Conditions	4-6
VIII.	Attachments	4-6

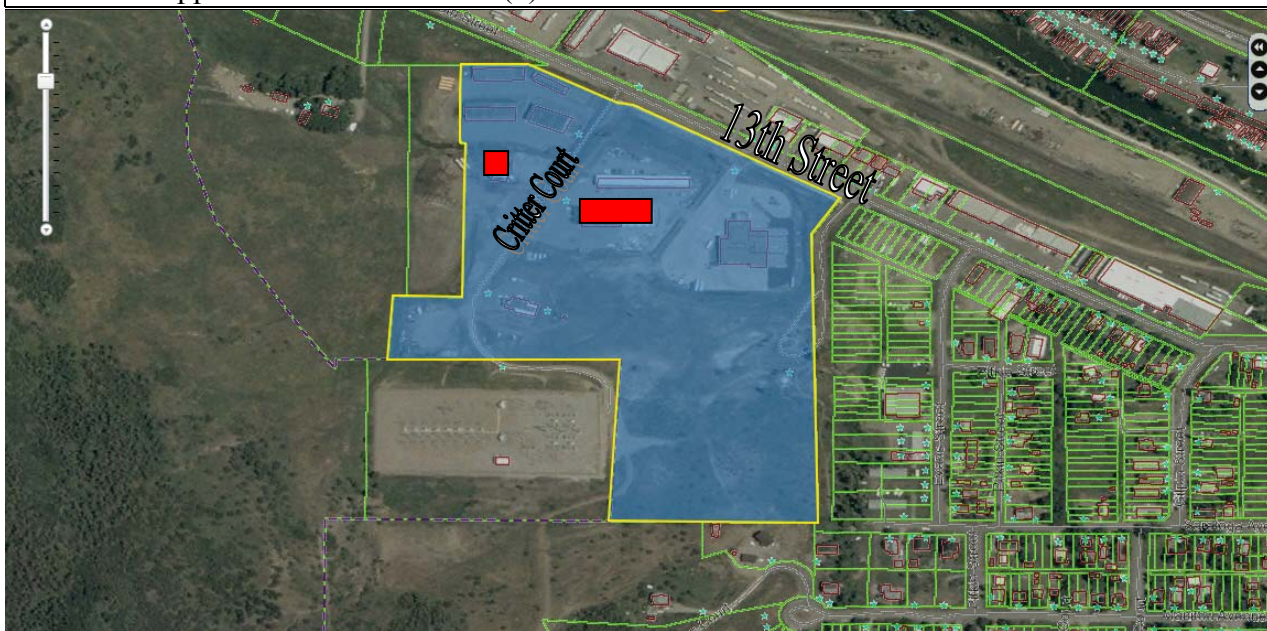
**I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY**

**CDC - SECTION 26-66 (D):** NO FINAL DEVELOPMENT PLAN SHALL BE APPROVED UNLESS THE PLANNING COMMISSION AND CITY COUNCIL FIND THAT THE PLAN MEETS ALL OF THE FOLLOWING CRITERIA:

Subsection	Consistent			Notes
	Yes	No	NA	
1) Conformity with Community Plan and other approved Master Plans	<input checked="" type="checkbox"/>			
2) Consistency with Surrounding Uses	<input checked="" type="checkbox"/>			
3) Conformity with Building and Architectural Standards	<input checked="" type="checkbox"/>			
4) Minimize Adverse Impacts	<input checked="" type="checkbox"/>			
5) Access	<input checked="" type="checkbox"/>			
6) Minimize Environmental Impacts	<input checked="" type="checkbox"/>			
7) Phasing			<input checked="" type="checkbox"/>	
8) Compliance With Other Standards	<input checked="" type="checkbox"/>			
9) Variance Criteria			<input checked="" type="checkbox"/>	

**Staff Finding:**

Staff finds the Final Development Plan for Public Works shop expansion **consistent** with the criteria for approval in Section 26-66 (d).



**II. PRINCIPAL DISCUSSION**

This development proposal was approved in 2005 with less square feet than being proposed now: **2005: 2,640 s.f. shop expansion; 200 s.f. scoria shed expansion.** Current proposal: 3,600 s.f. shop expansion; 1,200 s.f. scoria shed expansion. Staff does not find it to have



greater impact due to the increase in square footage. In addition to the square footage increase, a new sidewalk and fire hydrant will be installed to meet CDC standards.

Staff received a public comment in regards to lighting, please see attachment. All lighting for the proposed additions is compliant with CDC Sec. 26-138 and should not contribute to the perceived nuisance noted in the public comment.

### **III. BACKGROUND**

In 2005 the City of Steamboat Springs was approved by Planning Commission and City Council for a 2 phase Public Works Shop Expansion (DP-05-01). Phase 1 was completed and the vesting expired (March 1, 2007) before phase 2 could be constructed. Phase 2 as proposed was to be basically the same as the current proposal with different square footages.

### **IV. PROJECT DESCRIPTION**

#### Public Works Shop

The proposal for an expansion of the Public Works (PW) shop includes a 2,400 s.f. 2-bay maintenance and storage garage with doors large enough to accommodate all Utility Division equipment on the first floor and another 1,800 s.f. of office space for Utility Division staff. The design of the addition is made to match the existing building.

#### Scoria Shed

The proposed addition to the existing scoria shed is 1,800 s.f. to provide storage for equipment, pipes, parts and material. The proposed siding and roof material matches the existing material.

#### Lot

The City of Steamboat Springs owns the lot on which the Public Works shop and scoria shed share with the City Transit building, Public Works vehicle storage building, and the Steamboat Springs Animal Shelter. The City of Steamboat Springs agreed to add a sidewalk along the east side of Critter Court from 13<sup>th</sup> Street to the Public Works driveway as part of this proposal.

### **V. OVERVIEW OF DIMENSIONAL AND DEVELOPMENT STANDARDS – INDUSTRIAL (I) ZONE**

The following list was compiled by the project planner to provide an overview of key standards applicable to the project. Items in **bold** do not comply with applicable standards; refer to Project Analysis section for additional information. Interested parties are encouraged to review the Community Development Code (CDC) or contact the project planner for a comprehensive list of all applicable standards.

<b>DIMENSIONAL STANDARDS – CDC Section 26-132</b>			
<b>Standard</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Proposed</b>
<b>Lot Area</b>	No Max.	No Min.	236,530 s.f. (5.43 acres)
<b>Building Height</b>	APH - 28 ft. OH - 32 ft.	No Min. No Min.	Shop APH: 21' 1" Shed APH: 15' 4" Shop OH: 23' 4" Shed OH: 22' 2"
<b>Setbacks</b>			
<b>Front</b>	No Max.	P/acc. – 15'	Shop: 250' Shed: 22' 2"
<b>Side</b>	No Max.	10'	Shop: 375' 6" Shed: 220' 3"
<b>Rear</b>	No Max.	10'	Shop: 1,045' 5" Shed: 635' 6"

<b>DEVELOPMENT STANDARDS</b>		
<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>
<b>Landscaping standards and revegetation (Sec. 26-137)</b>	10' adjacent to any public right-of-way. Moderate.	Approved by DP-05-01
<b>Sidewalks, Trails and Walkways (Sec. 26-140).</b>	All properties shall provide sidewalks in accordance with city street standards, the mobility and circulation plan.	Sidewalk to be built along east side of Critter Court from 13 <sup>th</sup> Street to driveway of PW Shop.

**VI. PROJECT ANALYSIS**

**A) CRITERIA FOR APPROVAL**

**CDC - Section 26-66 (d) – Final Development Plan: No final development plan shall be approved unless the City Council finds that the plan meets all of the following criteria:**

The following section provides staff analysis of the application as it relates to key sections of the CDC. It is intended to highlight those areas that may be of interest or concern to Planning Commission, City Council, staff or the public. For a comprehensive list of standards and requirements applicable to this proposal please refer to the CDC or contact the staff planner.

**CDC - Section 26-66(d)(1): Conformity with community plan.**

Staff Analysis: **Consistent;** Current zoning is consistent with the SSACP's future land use map.

**CDC – Section 26-66(d)(2): Consistency with surrounding uses.**

Staff Analysis: **Consistent;** Public Works shop is on 13<sup>th</sup> Street in an industrial district surrounded by other industrial uses such as warehouses, service garages, and storage.

**CDC – Section 26-66 (d)(3): Conformity with the building and architectural standards.**

Staff Analysis: **Consistent;** The proposed addition is designed to match the current building and was previously approved by DP/FDP-05-01.

**CDC – Section 26-66(d)(4): Minimize adverse impacts.**

Staff Analysis: **Consistent;** It is not anticipated that this development will have any adverse impacts on surrounding property.

**CDC – Section 26-65(d)(5): Access.**

Staff Analysis: **Consistent;** Access between the Public Works shop and the Transit building will be maintained by removing and paving over the dividing embankment. No other access is changing per this proposal.

**CDC – Section 26-65 (d)(6): Minimize environmental impacts.**

Staff Analysis: **Consistent;** The City has met with an Army Corp of Engineers representative and is in the process of applying for a wetland permit.

**CDC – Section 26-65 (d)(7): Phasing.**

Staff Analysis: N/A; The proposed project will be developed in one phase.

**CDC – Section 26-65 (d)(8): Compliance with other standards.**

Staff Analysis: **Consistent;** The proposed project is consistent with all requirements of the CDC without any modifications by variance and is not subject to any PUD regulations.

**B) DEVELOPMENT STANDARDS**

**CDC Section 26-133. Building and Architectural Design Standards**

Staff Analysis: **Consistent;** The proposed building additions consist of material that will match exactly with the existing structures: PW shop: brick and metal; scoria shed: metal and wood. (see material board)

**CDC Section 26-138. Lighting standards.**

Staff Analysis: **Consistent;** The proposed lights will be downcast as required.

**VII. COMMUNITY HOUSING PLAN**

**CDC Section 26-149**

Staff Analysis: Inclusionary Housing is not applicable because the proposed development is not creating three (3) or more residential units.

## VIII. STAFF FINDING & CONDITIONS

### Recommended Finding

Staff finds that Public Works shop expansion is **consistent** with the findings for approval. Staff recommends the Planning Commission **APPROVE** the Public Works shop expansion #FDP-09-02.

### Motion

Planning Commission recommends approval of the Public Works shop expansion #FDP-09-02 with the findings that the proposal is consistent with the Final Development Plan criteria for approval in Sections 26-66 (d) with the following conditions of approval:

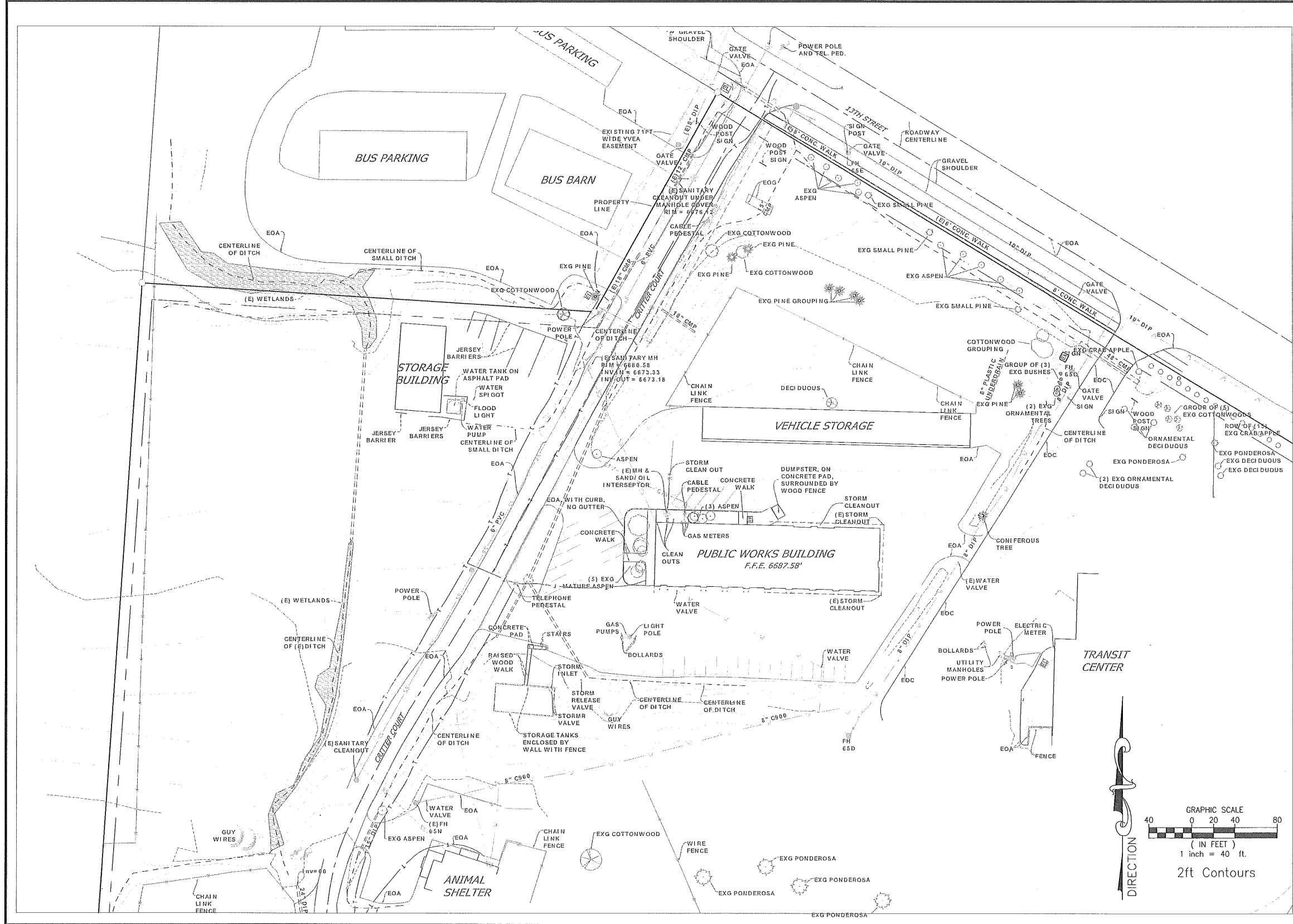
1. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and City Utilities/Mt. Werner for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start 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.
2. At time of civil construction plan submittal, provide a Final Drainage Study.
3. Submit the permit for modifications to the wetlands/ waters of the state from Army Corp of Engineers prior to approval of a building permit or grade and fill permit. It appears a Storm Water Management Plan (SWMP) will also be required by the State.
4. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
  - Public drainage improvements
  - Public sidewalk improvements
  - Access drive, driveway, and parking areas
  - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

## IX. ATTACHMENTS

Attachment 1 – Proposed Plans

Attachment 2 – Staff Report and Minutes from FDP-05-01/DP-05-01

Attachment 3 – Public Comment



REVISIONS		DATE	BY
NO.	DESCRIPTION	1/9/09	BEN BEALL
1	PLANNING SUBMITTAL	1/9/09	PROJECT DESIGN ENGINEER
2	REVISED TAC SUBMITTAL	3/5/09	DESIGN
		1/9/09	DRAWN
		1/9/09	SURVEY

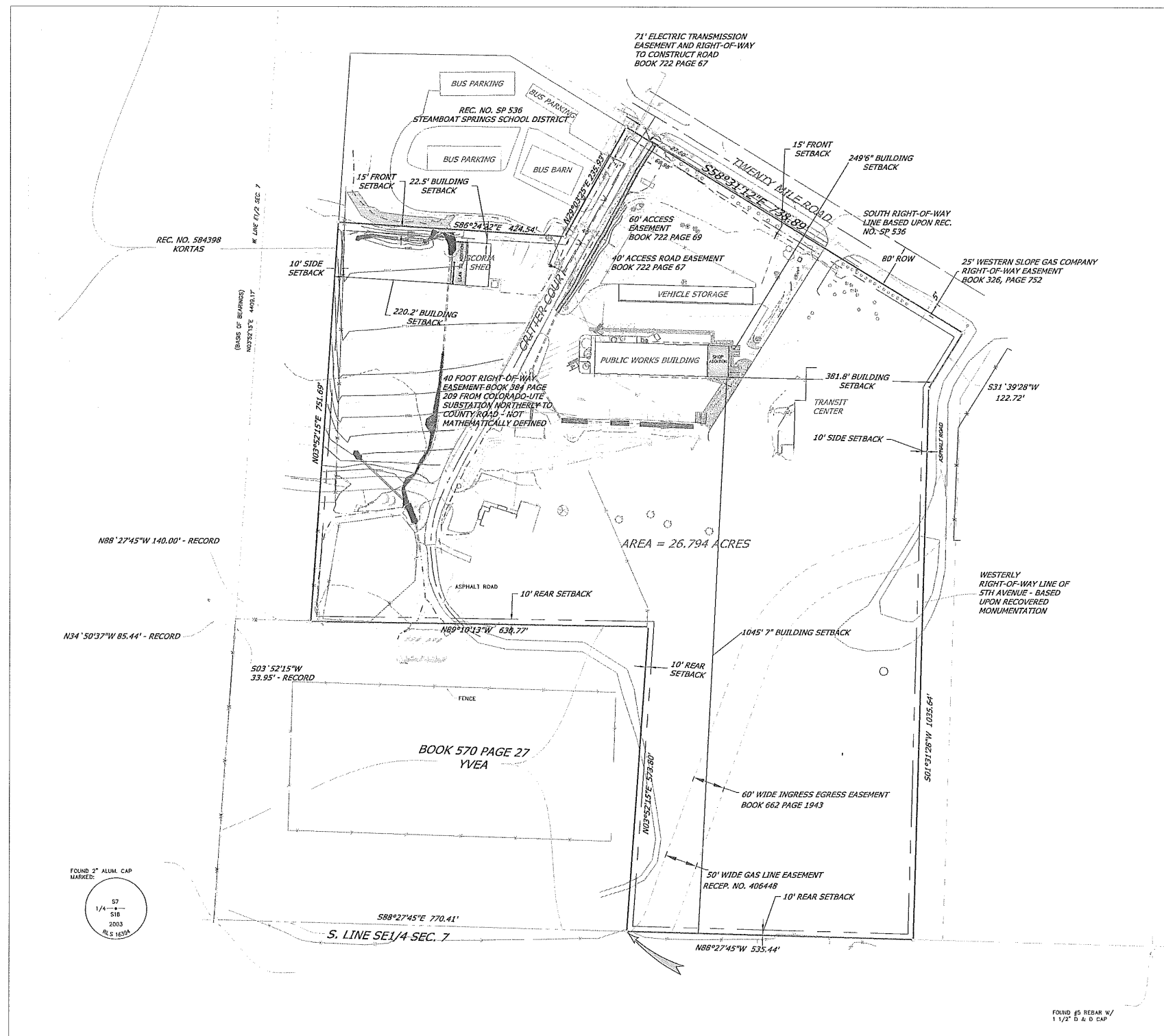
  

City of Steamboat Springs	
PUBLIC WORKS EXPANSION	PO BOX 775088
UTILITY DEPARTMENT	STEAMBOAT SPRINGS, CO
EXISTING CONDITIONS	(970) 879-2060 FAX (970) 879-8851

SHEET NO.	7
-----------	---

Attachment 1



**NOTES**

- EXISTING & PROPOSED ZONE DISTRICT
- INDUSTRIAL
- EXISTING LANDSCAPING SHOWN, NO ADDITIONAL LANDSCAPING PROPOSED AT THIS TIME.

**PARKING REQUIREMENTS**

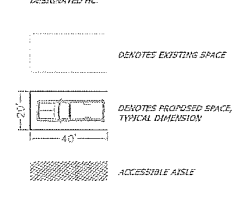
PARADISUS REQUIREMENTS FOR INDUSTRIAL USE:

OPT A - (2) SPACES / (2) EMPLOYEES MAX (8) EMPLOYEES PROVIDE (4) SPACES

OR:

OPT B - OFFICE SPACE: 1 SPACE / 300 SF NET 1067 SQ FT NET / 300 = 3.55 PROVIDE (4) SPACES

PLAN PROVIDES (6) ADDITIONAL SPACES, (1) DESIGNATED VIC.



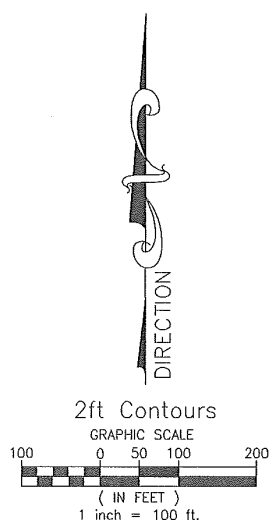
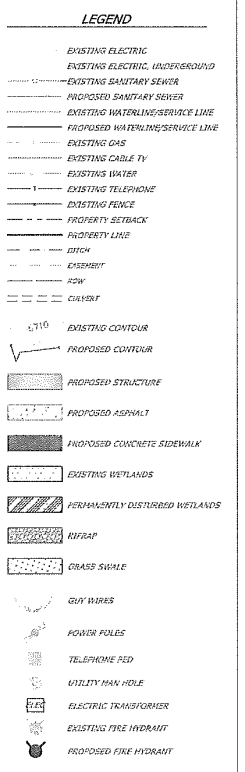
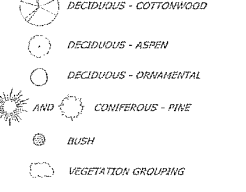
**SNOW STORAGE REQUIREMENTS**

AMPLE SNOW STORAGE EXISTS ON SITE.

**OPEN SPACE REQUIREMENTS**

AMPLE OPEN SPACE EXISTS ON SITE.

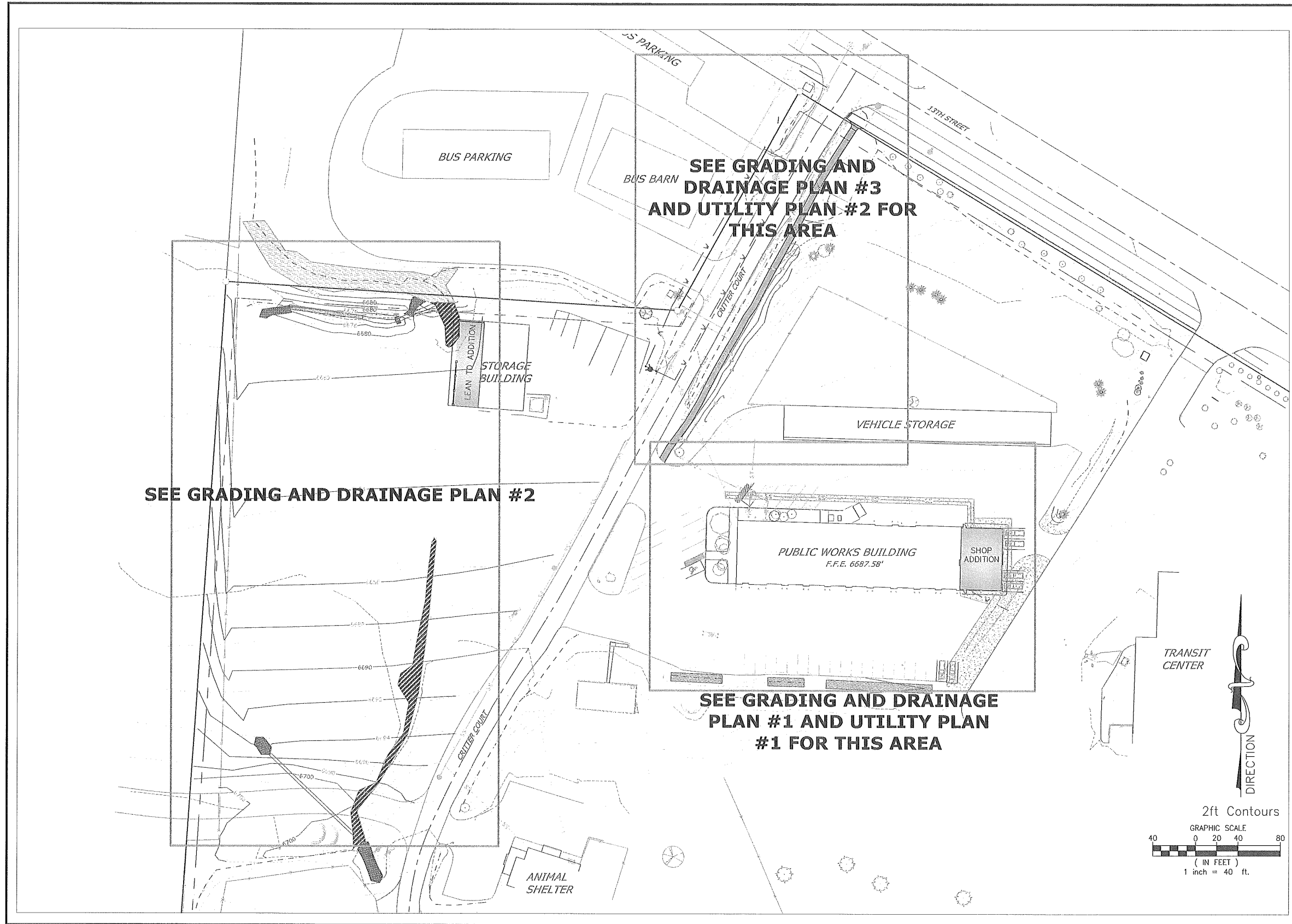
**EXISTING LANDSCAPING**



REVISIONS	NO.	DESCRIPTION	DATE	BY	DATE	BY
	1	PLANNING SUBMITTAL	1/9/09	BEN BEALL	1/9/09	BEN BEALL
	2	REVISED TAC SUBMITTAL	3/5/09	BEN BEALL	1/9/09	BEN BEALL

City of Steamboat Springs PO BOX 775088 STEAMBOAT SPRINGS, CO (970) 879-2060 FAX (970) 879-8851	
PUBLIC WORKS EXPANSION UTILITY DEPARTMENT SITE OVERVIEW PLAN	SHEET NO. 2



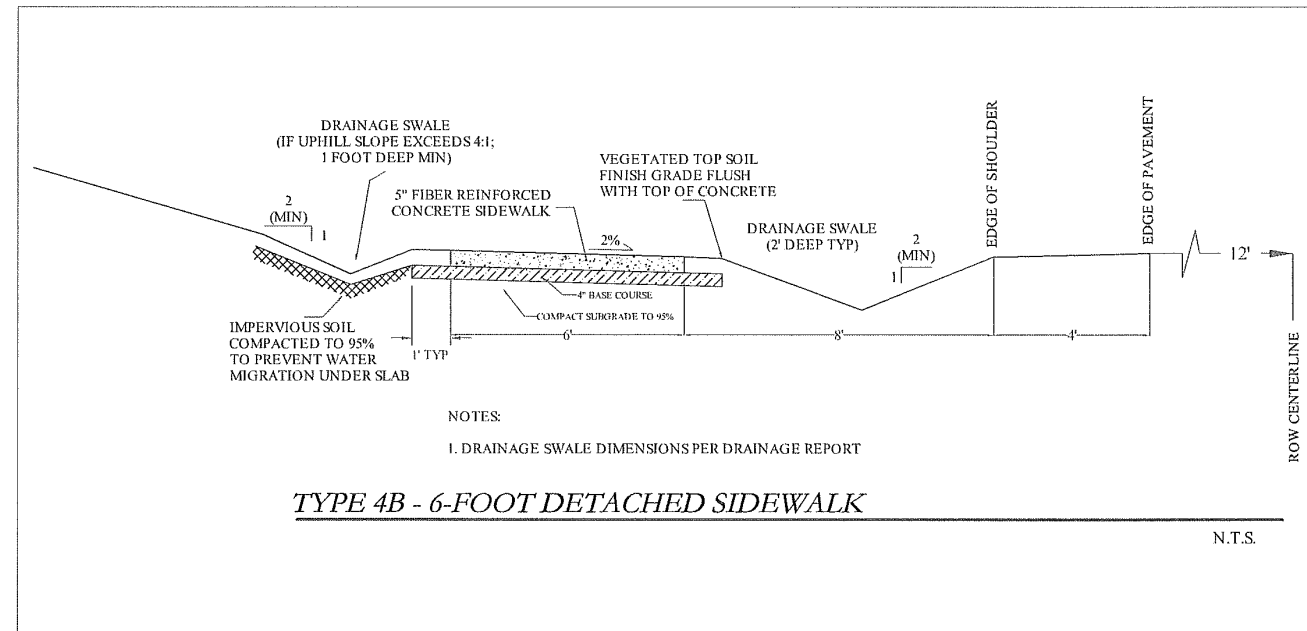
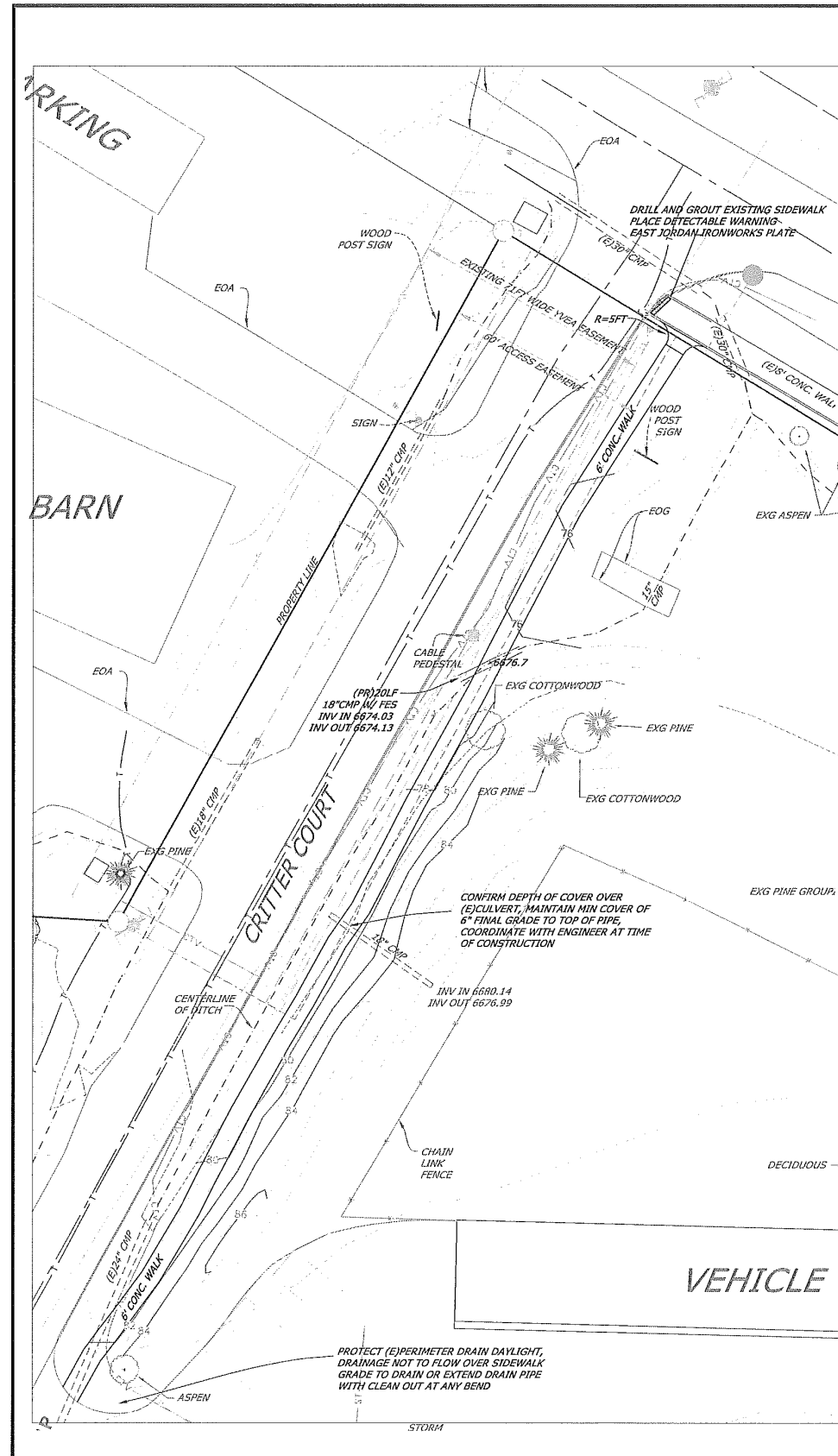
NO.	DESCRIPTION	DATE	BY
1	PLANNING SUBMITTAL	1/9/09	BEN BEALL
2	REVISED TAC SUBMITTAL	3/6/09	PROJECT DESIGN ENGINEER

PO BOX 775088  
 STEAMBOAT SPRINGS, CO  
 (970) 879-2060 FAX (970) 879-8851

City Of  
**Steamboat Springs**

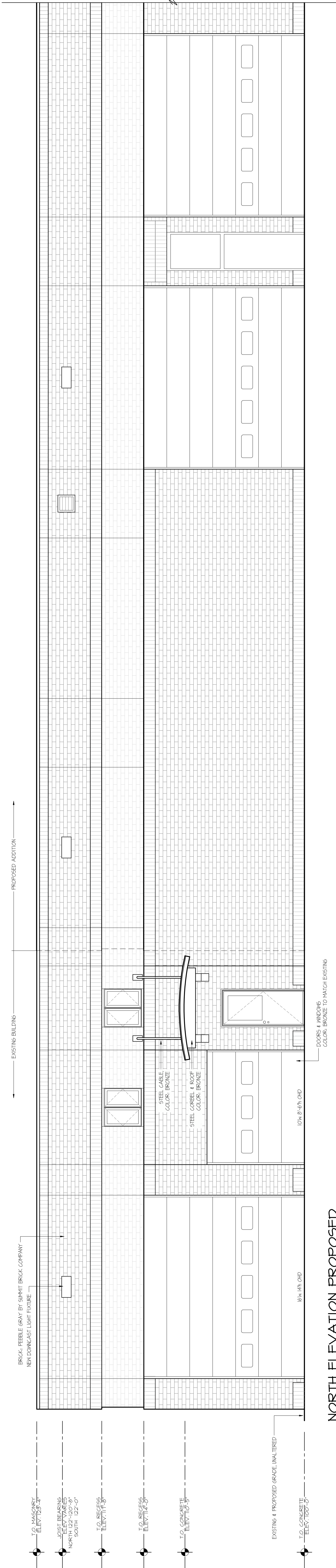
PUBLIC WORKS EXPANSION  
 UTILITY DEPARTMENT  
 SITE PLAN

SHEET NO. **3**



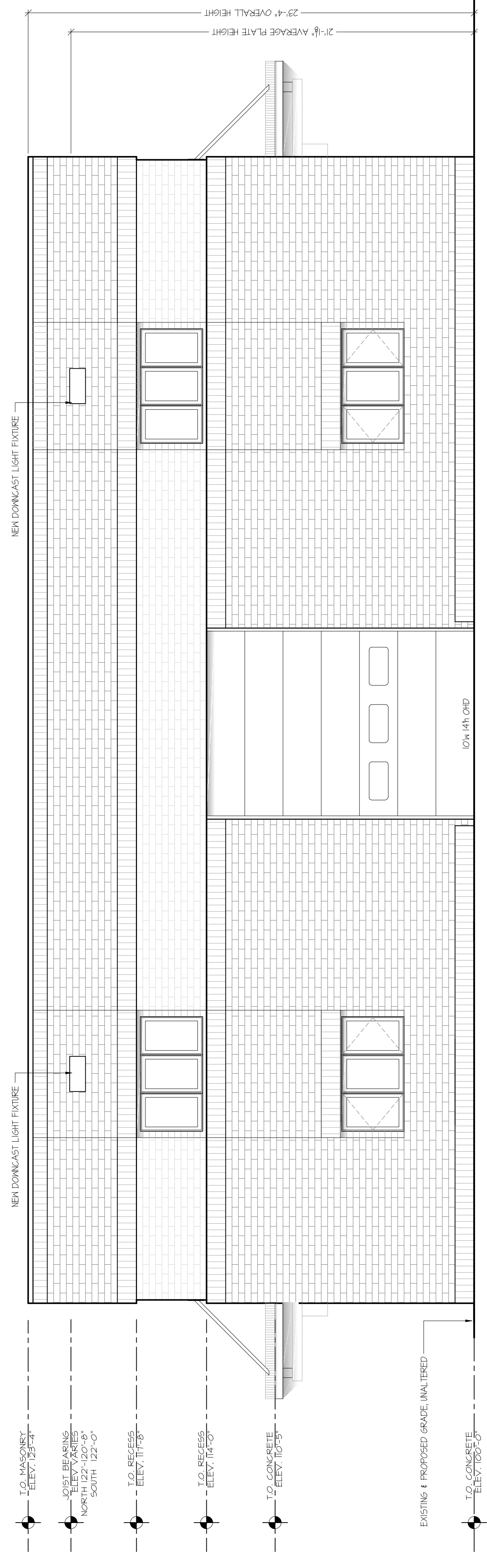
REVISIONS NO. DESCRIPTION DATE 1 PLANNING SUBMITTAL 1/9/09 2 REVISED TAC SUBMITTAL 3/5/09		1/9/2009 BEN BEALL DATE PROJECT DESIGN ENGINEER
PUBLIC WORKS EXPANSION UTILITY DEPARTMENT GRADING AND DRAINAGE #3		PO BOX 775088 STEAMBOAT SPRINGS, CO (970) 879-2060 FAX (970) 879-8851
CITY OF <b>Steamboat Springs</b>		SURVEYOR: BARRELL
SHEET NO. 11		DESIGN: BB_1/9/09 DRAWN: BB_1/9/09





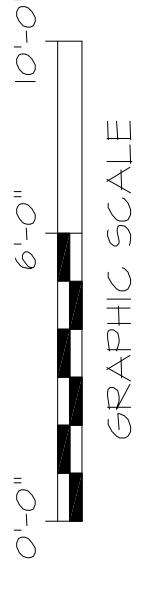
**NORTH ELEVATION PROPOSED**

SCALE: 1/4" = 1'-0"

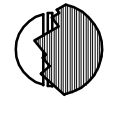


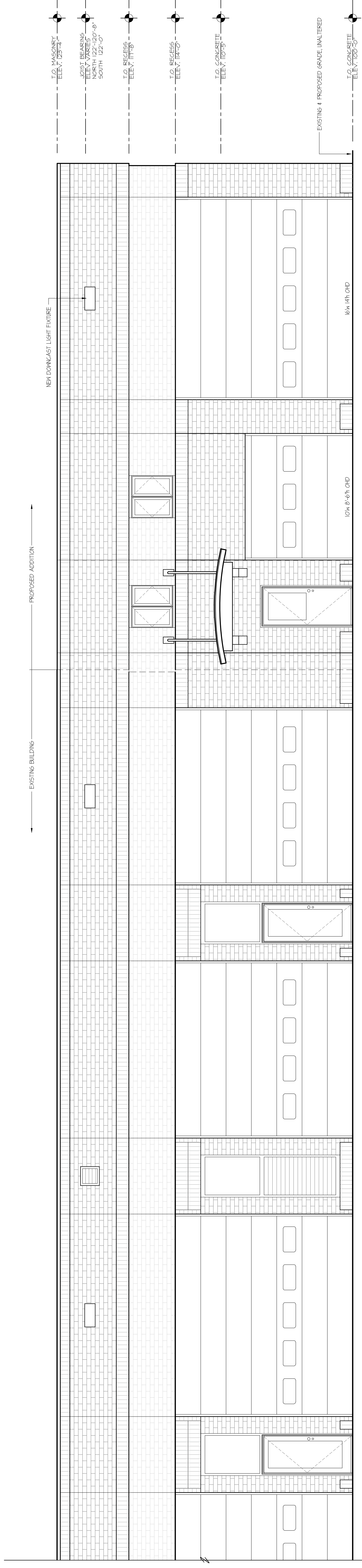
**EAST ELEVATION PROPOSED**

SCALE: 1/4" = 1'-0"



GRAPHIC SCALE

 <p><b>MOUNTAIN ARCHITECTURE</b> DESIGN GROUP P.C.</p> <p><b>EDWARD BRECKEN, V.P.</b> ARCHITECT</p> <p><small>1000 N. W. 10TH AVE. SUITE 100 DENVER, CO 80202 303.733.1111 www.mountainarch.com</small></p>	<p><b>A Development / Final Development Plan for the</b> <b>CITY OF STEAMBOAT SPRINGS</b> PUBLIC WORKS SHOP EXPANSION 850 Critter Court Steamboat Springs, Colorado</p>	<p><b>TITLE</b> SECTION THREE <b>ELEVATIONS</b> SHOP: NORTH, EAST</p> <p>JOB NO. 0835 DRAWN: 8/20/19 CHECKED: jmk DATE: 01/16/04 REVISED:</p>
	<p><b>DRAWING NUMBER</b> <b>4</b></p> <p>OF 14 DRAWINGS</p>	



**SOUTH ELEVATION PROPOSED**

SCALE: 1/4" = 1'-0"  
 0'-0" 6'-0" 10'-0"  
 GRAPHIC SCALE

TITLE  
 SECTION THREE  
**ELEVATIONS**  
 SHOP: SOUTH

JOB NO. 0825  
 DRAWN: 5/20/19  
 CHECKED: JMK  
 DATE: 01.16.19  
 REVISED:

DRAWING NUMBER  
**5**  
 OF 14 DRAWINGS

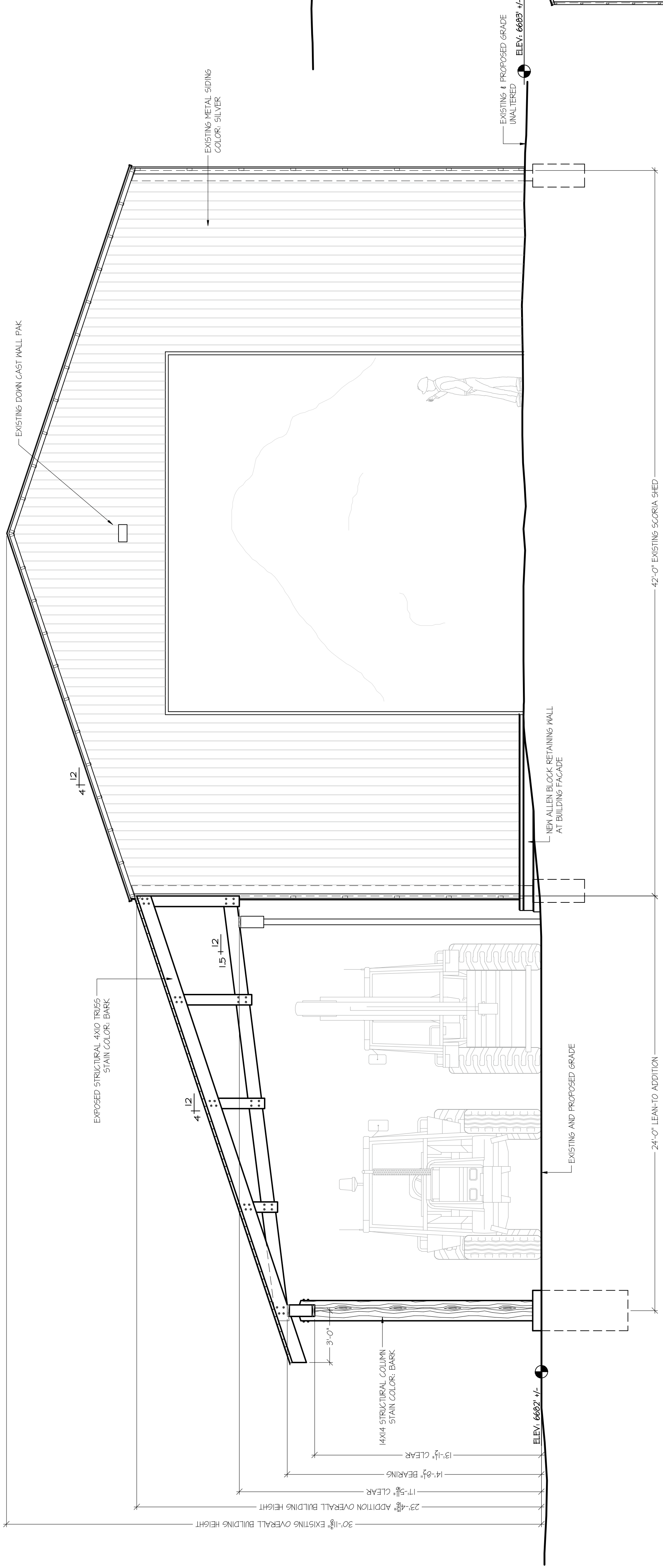
**A Development / Final Development Plan for the  
 CITY OF STEAMBOAT SPRINGS  
 PUBLIC WORKS SHOP EXPANSION  
 250 Critter Court  
 Steamboat Springs, Colorado**

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HOWARD J. HENDERSON, V.P.  
 ARCHITECT

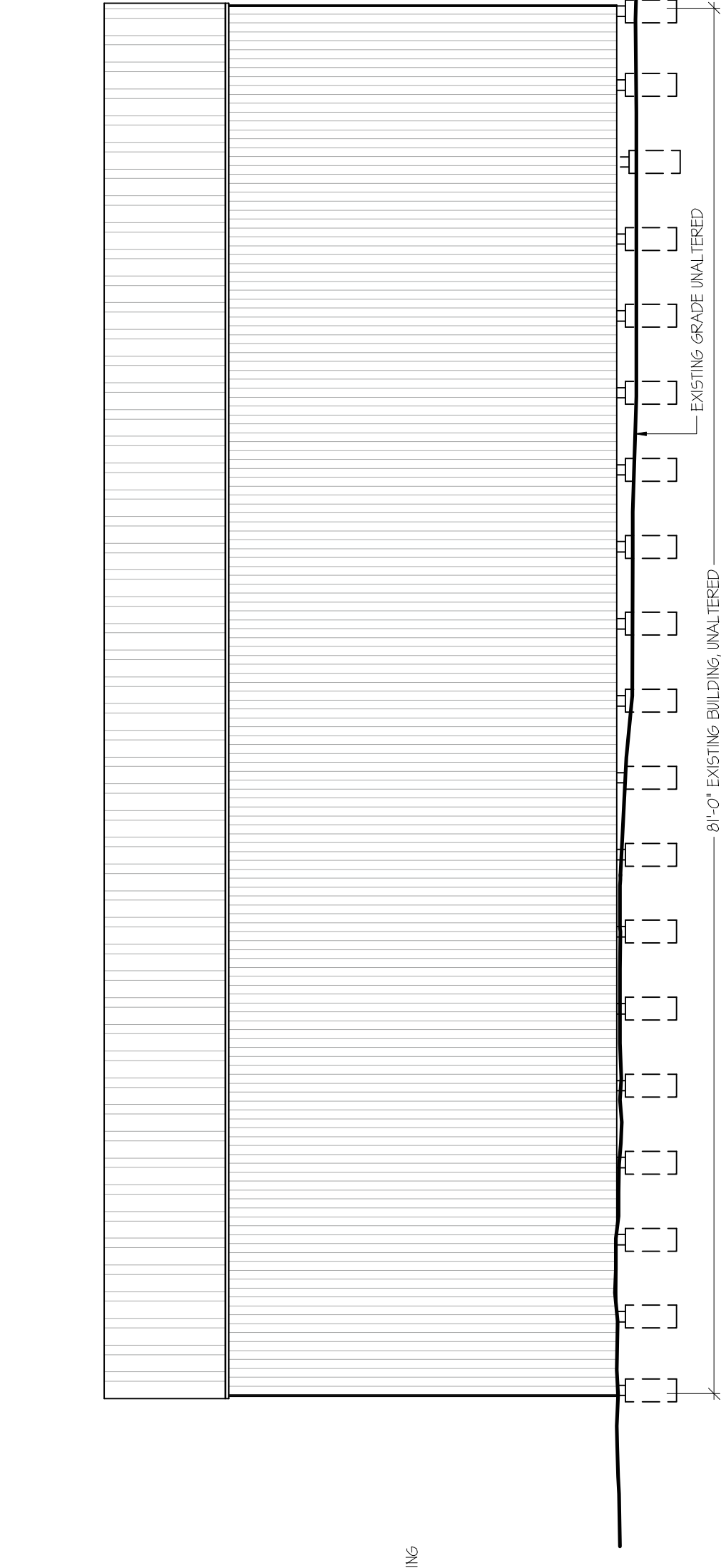
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 DESIGN  
 GROUP  
 P.C.

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 STEAMBOAT SPRINGS, CO 80487  
 970.839.5204 FAX  
 970.839.5205  
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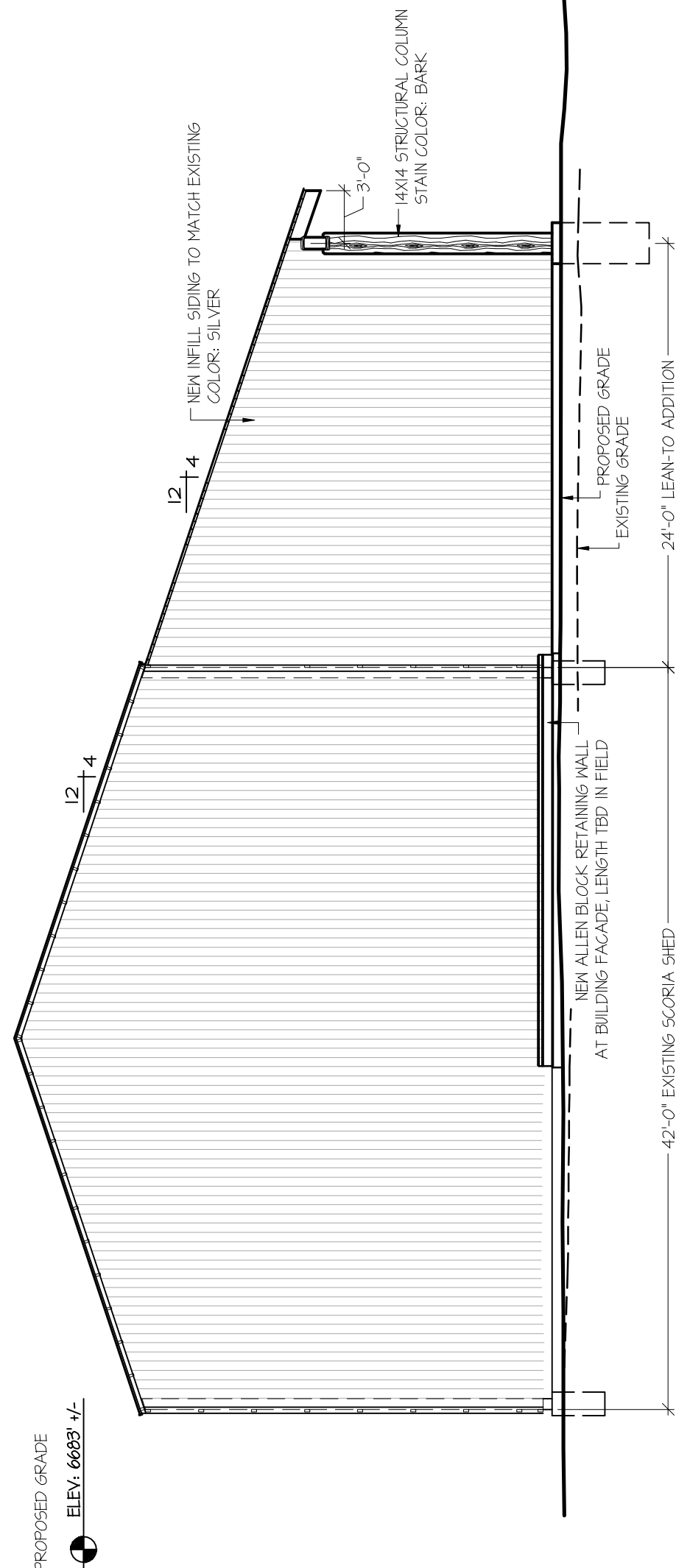
**SOUTH ELEVATION: SCORIA SHED**

SCALE: 1/4" = 1'-0"



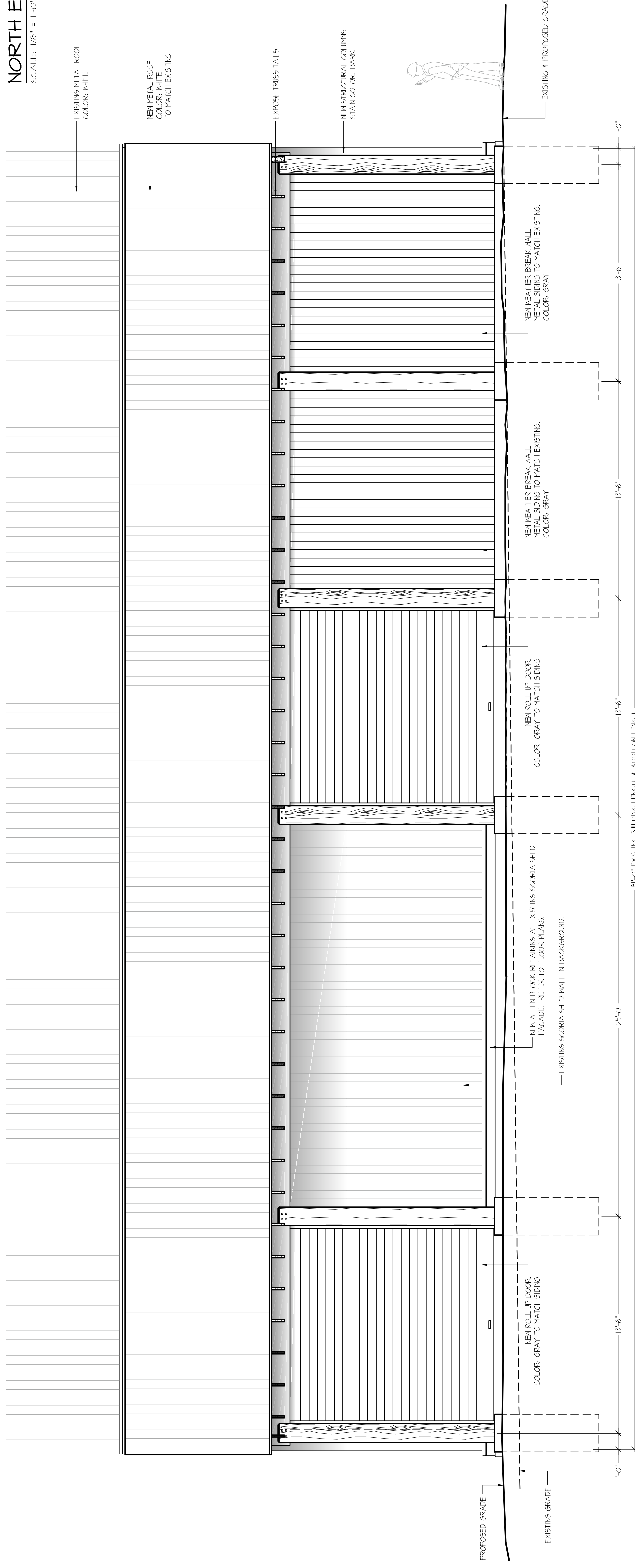
**EAST ELEVATION: SCORIA SHED**

SCALE: 1/8" = 1'-0"



**NORTH ELEVATION: SCORIA SHED**

SCALE: 1/8" = 1'-0"



**WEST ELEVATION: SCORIA SHED**

SCALE: 1/4" = 1'-0"



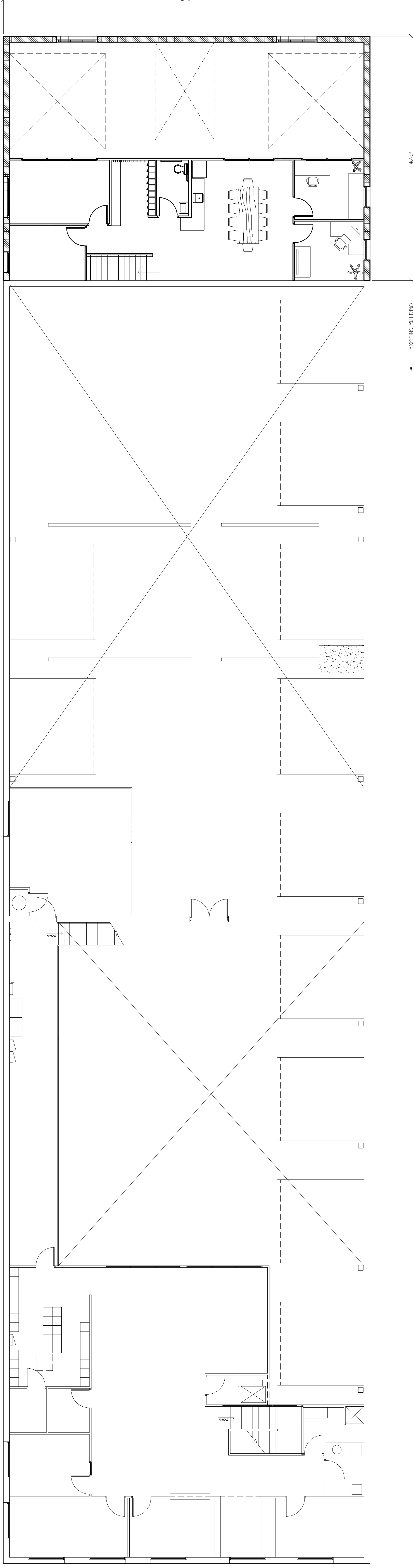
**MOUNTAIN ARCHITECTURE DESIGN GROUP P.C.**

EDWARD J. BREWER, P.E.

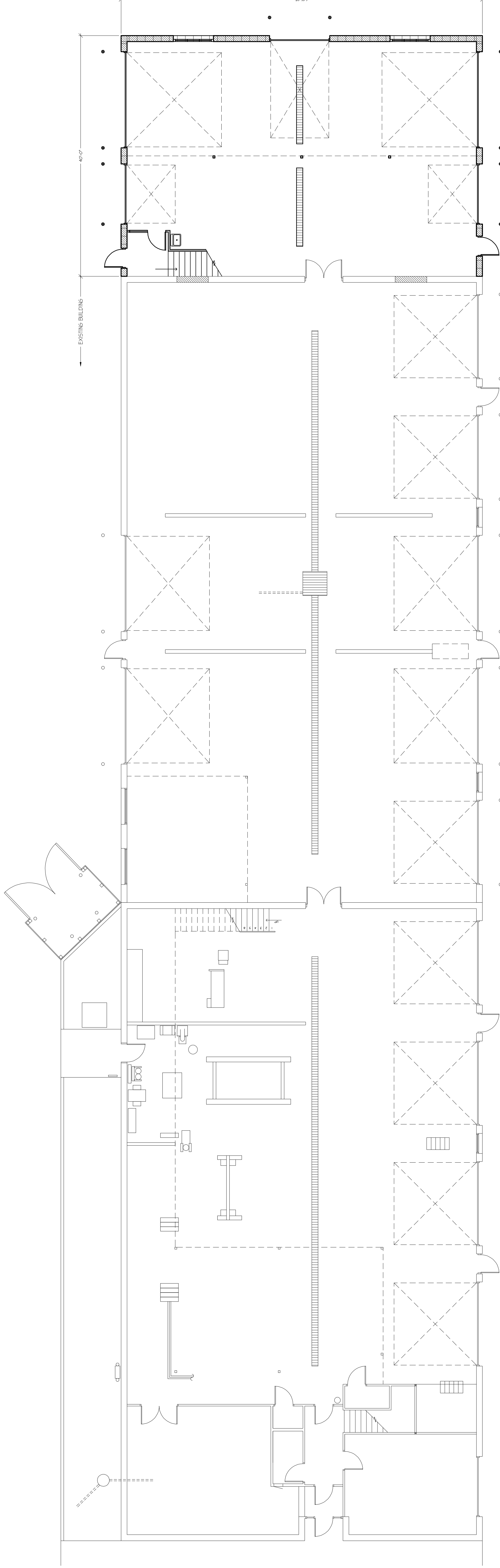
ARCHITECT  
1500 N. 10TH ST.  
STEAMBOAT SPRINGS, COLORADO 80487  
P: 970.838.5188 F: 970.838.5189  
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**A Development / Final Development Plan for the CITY OF STEAMBOAT SPRINGS**  
PUBLIC WORKS SCORIA SHED ADDITION  
850 Critter Court  
Steamboat Springs, Colorado

TITLE	SECTION THREE
ELEVATIONS	SCORIA SHED
JOB NO.	0835
DRAWN	sp/cig
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DATE	01.16.04
REVISED	

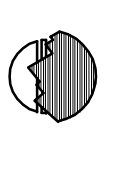


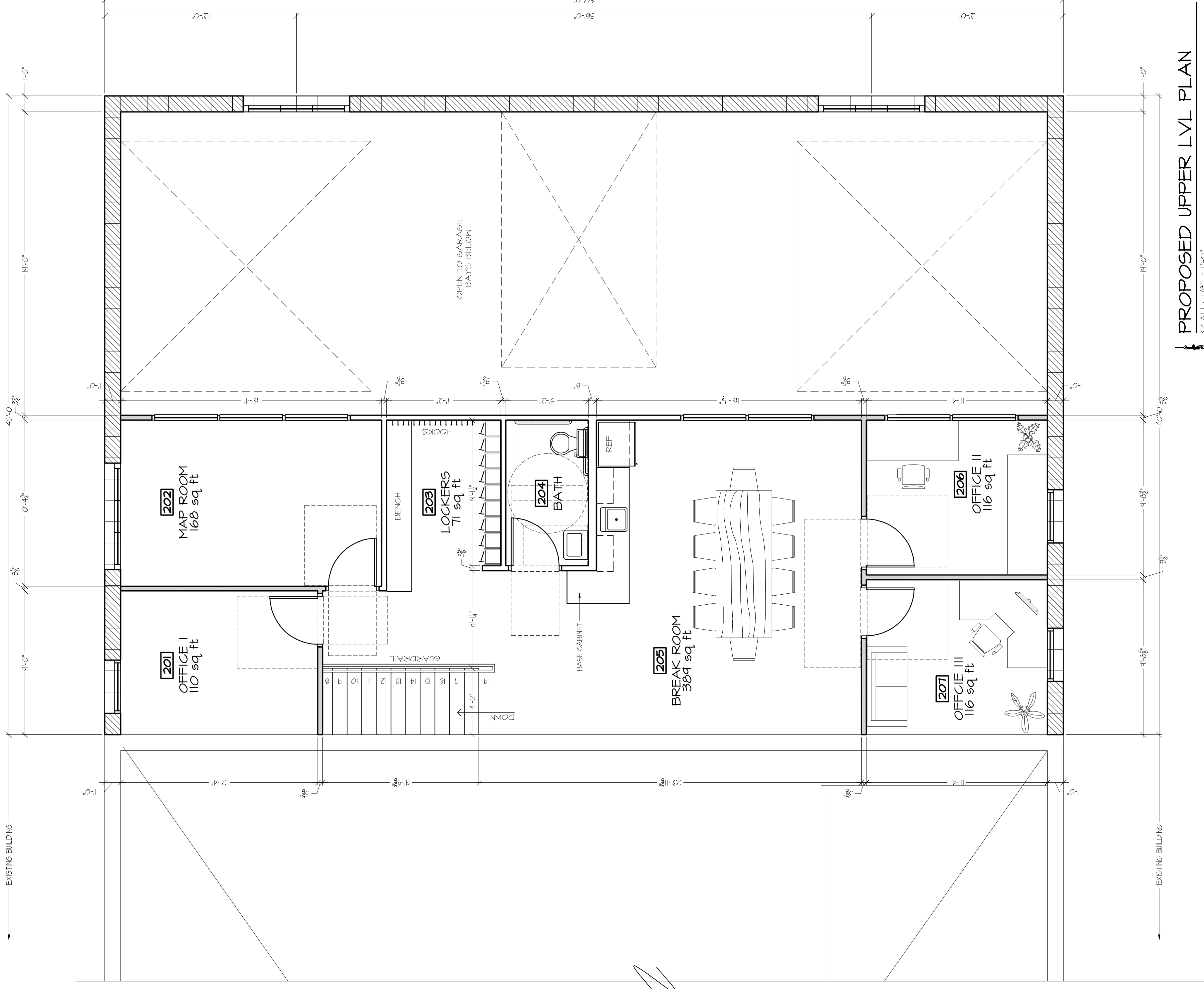
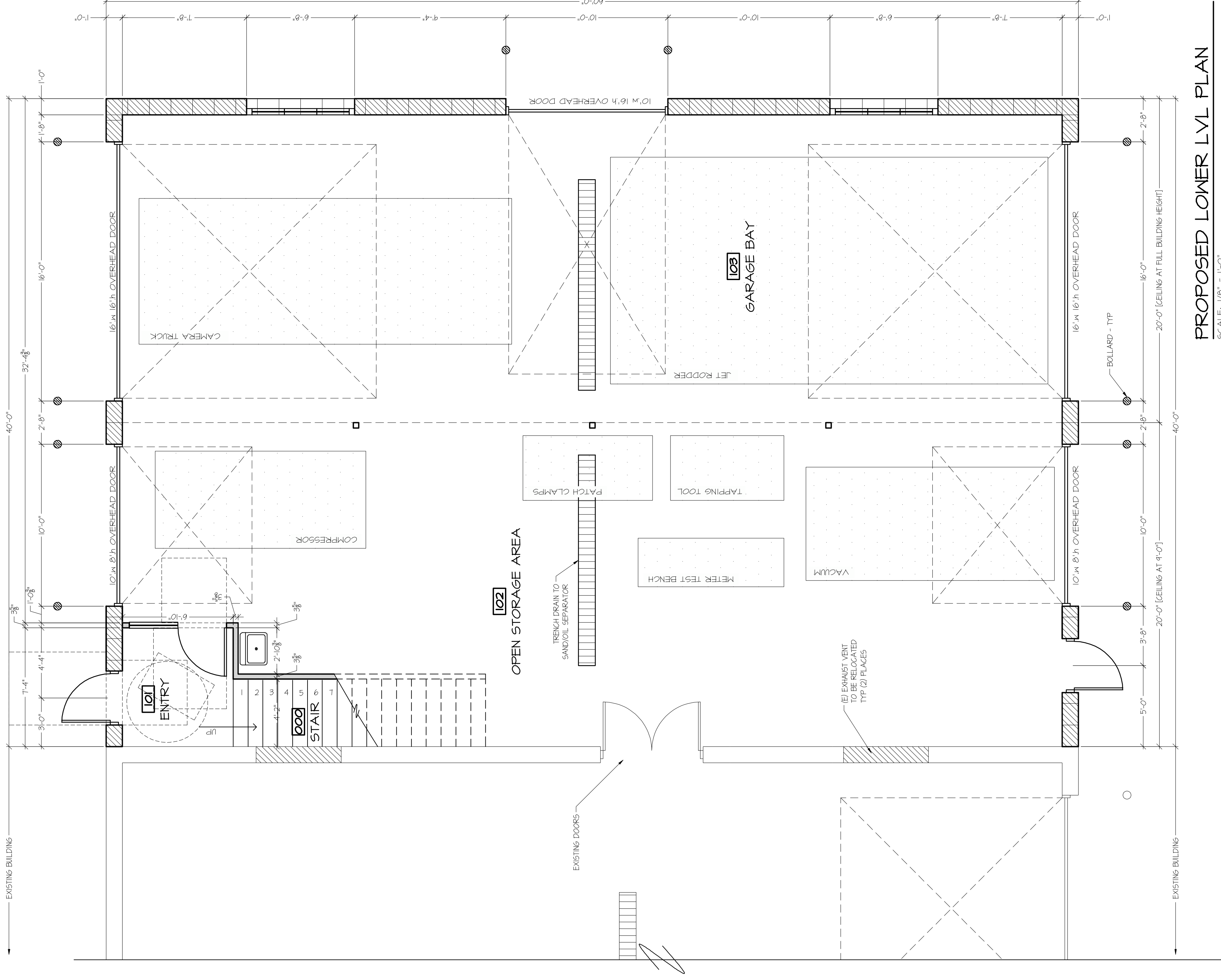
**PROPOSED UPPER LEVEL PLAN**  
 SCALE: 1/8" = 1'-0"  
 NOTE: SEE PAGE 13, FLOOR PLANS FOR ENLARGED ADDITION PLAN.



**PROPOSED LOWER LEVEL PLAN**  
 SCALE: 1/8" = 1'-0"  
 NOTE: SEE PAGE 13, FLOOR PLANS FOR ENLARGED ADDITION PLAN.

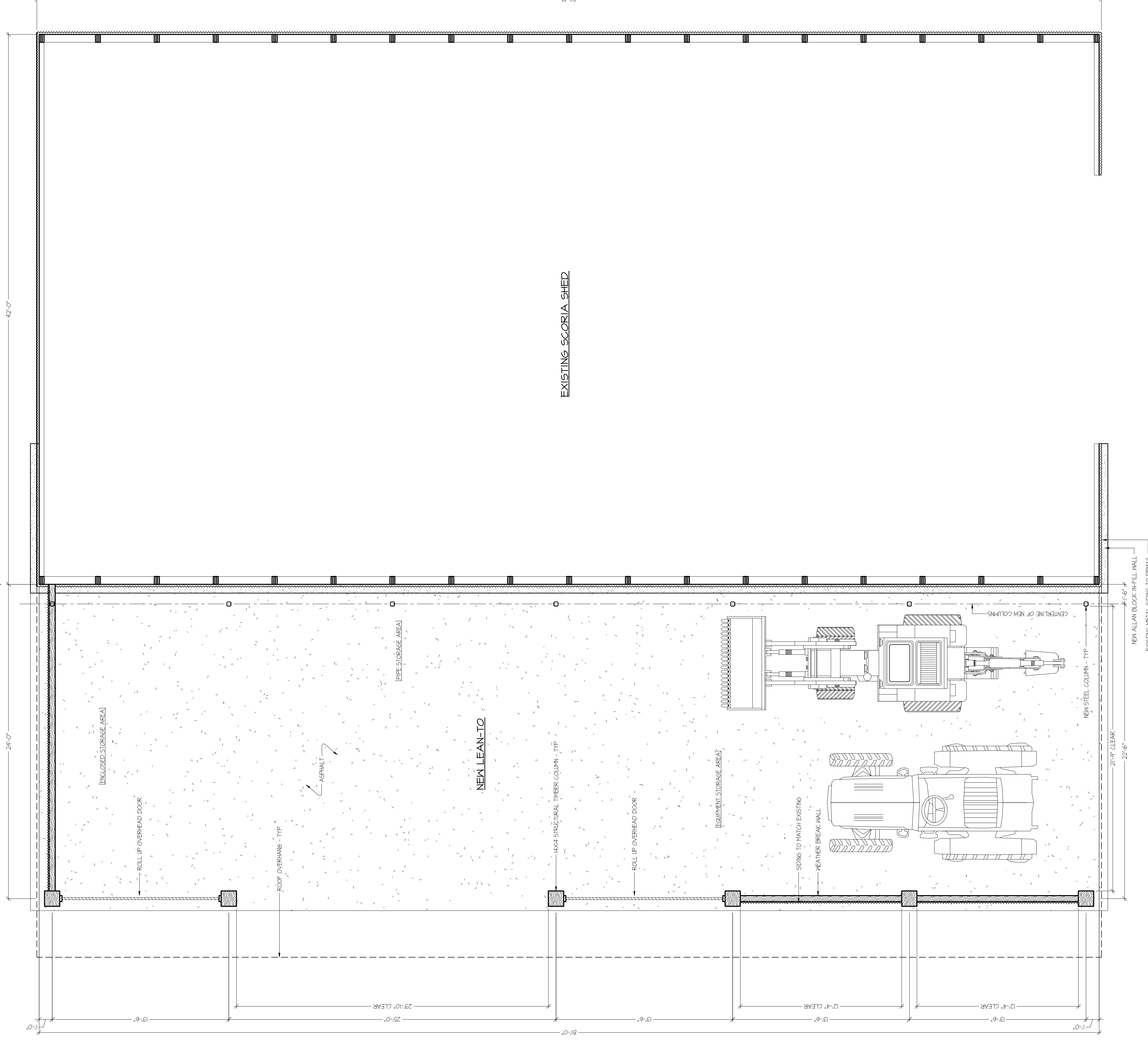


 <b>MOUNTAIN ARCHITECTURE DESIGN GROUP P.C.</b> EDWARD L. BECKER, V.P. ARCHITECT <small>P.O. BOX 102620          DENVER, COLORADO 80202          PHONE: 303.733.1234          FAX: 303.733.1235          WWW.MOUNTAIN-ADG.COM</small>	A Development / Final Development Plan for the <b>CITY OF STEAMBOAT SPRINGS</b> <b>PUBLIC WORKS SHOP EXPANSION</b> 850 Critter Court Steamboat Springs, Colorado	TITLE SECTION TEN <b>FLOOR PLANS</b> SHOP: WHOLE BLDG
	JOB NO. 0835 DRAWN sbw/clg CHECKED jmk DATE 01.16.04 REVISED 03.03.04	DRAWING NUMBER <b>12</b> OF 15 DRAWINGS



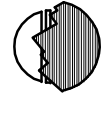
← ADDITION →

← EXISTING SCORIA SHED →



FLOOR PLAN: SCORIA SHED

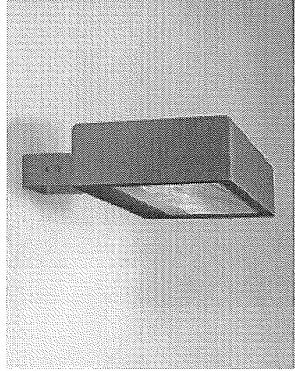
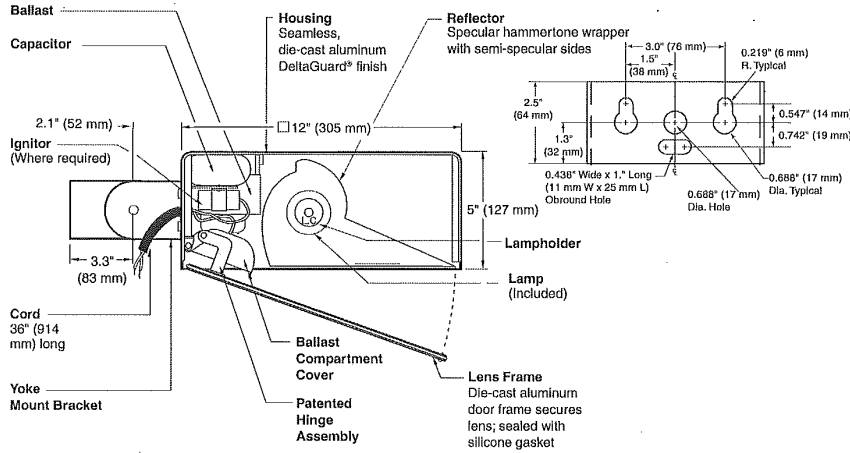
SCALE: 1/4" = 1'-0"

 <p><b>MOUNTAIN ARCHITECTURE DESIGN GROUP P.C.</b> EDWARD L. BREWER, P.E. ARCHITECT</p> <p>410 16th Street Steamboat Springs, Colorado 80413 Phone: 970.839.5800 - FAX: 970.839.5801 www.mountainarch.com - Email: edward@mountainarch.com</p>	<p>©</p> <p>A Development / Final Development Plan for the <b>CITY OF STEAMBOAT SPRINGS</b> PUBLIC WORKS SCORIA SHED ADDITION 850 Critter Court Steamboat Springs, Colorado</p>	<p>TITLE</p> <p>SECTION TEN <b>FLOOR PLANS</b> SCORIA SHED</p> <p>JOB NO. 0035 DRAWN: 4/20/19 CHECKED: JMK DATE: 01/16/04 REVISED: 03/03/04</p>
	<p>DRAWING NUMBER</p> <p><b>14</b></p> <p>OF 15 DRAWINGS</p>	

YOKE MOUNT

12" (305 mm) AREA CUTOFF LIGHT

AC4-12 SERIES



Notes

SPEC #	WATTAGE	CATALOG #
<b>PULSE START METAL HALIDE</b>		
SPEC #	125W PSMH	MAC4612-(a)(b)
SPEC #	150W PSMH	MAC4615-(a)(b)
<b>METAL HALIDE</b>		
SPEC #	50W MH	MAC4405-(a)(b)
SPEC #	70W MH	MAC4407-(a)(b)
SPEC #	100W MH	MAC4410-(a)(b)
SPEC #	175W MH	MAC4417-(a)(b)
<b>HIGH PRESSURE SODIUM</b>		
SPEC #	35W HPS	MAC4503-(a)(b)
SPEC #	50W HPS	MAC4505-(a)(b)
SPEC #	70W HPS	MAC4507-(a)(b)
SPEC #	100W HPS	MAC4510-(a)(b)
SPEC #	150W HPS	MAC4515-(a)(b)

Specify (a) Voltage & (b) Options.

(a) VOLTAGE SUFFIX KEY	
<b>D</b>	120/277V (Standard: 125W PSMH; 50 – 100W MH; 50W HPS)
<b>M</b>	120/208/240/277V (Standard: 150W PSMH; 175W MH; 70 – 150W HPS)
<b>T</b>	120/277/347V (Canada Only) (Standard: 150W PSMH; 70 – 175W MH; 70 – 150W HPS)
<b>1</b>	120V (Standard: 35W HPS)
<b>2</b>	277V
<b>27</b>	277V Reactor (150W PSMH Only)
<b>3</b>	208V
<b>4</b>	240V
<b>5</b>	480V (175W MH; 70 – 150W HPS)
<b>6</b>	347V (Canada Only)

For voltage availability outside the US and Canada, see Bulletin TD-9 or contact your Ruud Lighting authorized International Distributor.

(b) OPTIONS (factory-installed)	
<b>-(a)F</b>	Fusing
<b>-(a)P</b>	Button Photocell
<b>-5P</b>	External Photocell (for 480V)
<b>Q</b>	Quartz Standby (includes 100W quartz lamp) (N/A on 277V Reactor)

Specify (a) Single Voltage — See Voltage Suffix Key

**GENERAL DESCRIPTION**

60° forward throw sharp cutoff luminaire for HID lamp, totally enclosed. Housing is seamless, die-cast aluminum. Yoke mounting is a hinged steel bracket measuring 5" (127 mm) wide by 2.5" (64 mm) high, which allows vertical tilt of fixture and double locks in 5° increments from 0° to 90° above horizontal. Bracket attaches to housing with two 5/16" black stainless-steel bolts. Bracket bolts are supplied with sealing washer to prevent water leakage. A 36" (914 mm) flexible cord is provided for electrical connection. Lens assembly consists of rigid aluminum frame and high-impact, clear-tempered glass.

**ELECTRICAL**

Fixture includes clear, medium-base lamp. Pulse-rated porcelain enclosed, 4kv-rated screw-shell-type lampholder. Lamp ignitor included where required. All ballast assemblies are high-power factor and use the following circuit types:

*Reactor (277V PSMH)*  
150W PSMH

*Reactor*  
120V: 35 – 150W HPS

*HX — High Reactance*  
50 – 100W MH; 50 – 150W HPS

*CWA — Constant Wattage Autotransformer*  
125 & 150W PSMH; 175W MH

**LABELS**

ANSI lamp wattage label supplied, visible during relamping. UL Listed in US and Canada for wet locations and enclosure classified IP65 per IEC 529 and IEC 598.

**FINISH**

Exclusive DeltaGuard® finish features an E-coat epoxy finish with medium bronze ultra-durable powder topcoat, providing excellent resistance to corrosion, ultraviolet degradation and abrasion. The finish is covered by our seven-year limited warranty.

**ACCESSORIES**

**FWG-12** Wire Guard  
**SBL-12** Backlight Shield

**PATENT**

US 4,689,729

9201 Washington Avenue Racine, Wisconsin 53406-3772 USA  
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www.ruudlighting.com

FAX (262) 884-3309  
05/15/08



# AGENDA #10

FILE COPY

## CITY COUNCIL COMMUNICATION FORM

---

**FROM:** Jonathan Spence, City Planner (Ext. 224)  
Steve Stamey, AICP Director of Planning Services (Ext. 229)

**THROUGH:** Paul W. Hughes, City Manager, (Ext. 228)

**DATE:** March 1, 2005

**ITEM:** Public Works Shop Expansion/ #DP-05-01

---

ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

---

**PROJECT NAME:** Public Works Shop Expansion /#DP-05-01

**PETITION:** Development Plan application for two phase project. Phase 1 includes a 6,240 square feet expansion to the existing Public Works Shop. Phase 2 includes an additional 2,640 square foot addition to the shop and an approximately 200 square foot addition to the existing scoria shed. A Final Development Plan application for Phase 1 is being reviewed concurrently.

**LOCATION:** 850 Critter Court, Part of Blocks 8, 9 and 13, Miller Frazier Addition to Steamboat Springs

**APPLICANT:** City of Steamboat Springs Public Works Department, P.O. Box 775088, Steamboat Springs, CO 80477, (970) 879-2060, Jim Weber, Public Works Director  
C/o Robert S. Ralston & Associates Architects, P.O. Box 773627, Steamboat Springs, CO 80477, (970) 879-2727, Attn: Robert Ralston

**PC ACTION:** On February 10, 2005 the Planning Commission recommended approval of the Public Works Shop Expansion /#DP-05-01 by a vote of 5-0. The February 10, 2005 Planning Commission minutes are included as Attachment B.

Attachment 2

10-1

23-21



FILE COPY

FILE COPY

# AGENDA ITEM #4 PLANNING COMMISSION COMMUNICATION FORM

FROM: Jonathan Spence, City Planner (Ext. 224) *JCS*

THROUGH: Steve Stamey, AICP Director of Planning Services (Ext. 229) *SS*

DATE: February 10, 2005

ITEM: Public Works Shop Expansion/ #DP-05-01

- ORDINANCE
- RESOLUTION
- MOTION
- DIRECTION
- INFORMATION

PROJECT NAME: Public Works Shop Expansion /#DP-05-01

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C/o Robert S. Ralston & Associates Architects, P.O. Box 773627, Steamboat Springs, CO 80477, (970) 879-2727, Attn: Robert Ralston

10-2

ATTACHMENT #

### RECOMMENDED MOTION

Staff recommends APPROVAL of the Development Plan #DP-05-01 based on findings of compliance with Section 26-25(e) of the Community Development Code with no conditions.

### I. BACKGROUND INFORMATION

The Public Works Shop industrial use was originally approved in 1988 for the purpose of providing operating facilities for the City's Streets, Utilities, and Fleet departments. The needs of the departments have increased with the growth of the City and its population, and expansion of the existing facilities is necessary to ensure smooth functioning of these critical city services.

### II. STAFF / AGENCY ANALYSIS

#### **A. Principal Discussion Items**

1. **Variation to CDC development standards:** The applicant has requested one variation to the development standards in the Community Development Code. The requested variation is to the automatic irrigation requirement. The applicant proposes to plant the supplemental landscaping in areas identified as wetlands. A further discussion of this request can be found later in this report.

#### **B. Criteria for Review and Approval**

No Development Plan shall be approved unless the Planning Commission and City Council find that the plan meets all of the following criteria:

1. **Complete Application.** The Development Plan and supporting application materials are complete.

*Staff Analysis:* **Complies.** The applicant has submitted all the required plans and supporting application materials.

2. **Conformity with Community Plan.** The Development Plan significantly furthers the preferred direction and policies outlined in the Community Plan or approved master plans.

*Staff analysis:* **Complies.** The following preferred direction and policies outlined in the Community Plan or approved master plans apply to the proposed Public Works Shop Expansion Development Plan:

- a. **Land Use:** The site lies within the Industrial classification on the Future Land Use Map. This classification is intended for light and general industrial uses.

*Staff analysis:* **Complies.** The existing facility is an industrial use and the expansion supports that use.

- b. **Future Land Use Direction #5:** Ensure adequate industrial lands and uses.

*Staff Analysis:* **Complies.** The proposed expansion utilizes existing industrial lands for necessary industrial services.

PLANNING COMMISSION COMMUNICATION FORM

Public Works Shop Expansion/ #DP-05-01

February 10, 2005

- c. **Future Land Use Direction #17:** Promote internal parking orientation within developments and strong pedestrian orientation throughout development.  
*Staff Analysis: Complies.* The site locates parking internal to the site and the applicant will construct a sidewalk across the project site's 13<sup>th</sup> Street frontage.
- d. **Future Land Use Direction #20:** Encourage controlled use of on-site lighting to minimize light pollution.  
*Staff Analysis: Complies.* Lighting is utilized on site in an efficient manner and complies with lighting regulations.
3. **Consistency with Surrounding Uses.** The proposed development shall be consistent with the character of the immediate vicinity of the parcel proposed for development, or shall enhance or compliment the mixture of uses, structures and activities present in the immediate vicinity.  
*Staff Analysis: Complies.* The expansion of the industrial use is buffered on all sides by City-owned lands that are utilized for an animal shelter, snow storage, and transit operations facility.
4. **Minimize Adverse Impacts.** The design and operating characteristics of the proposed development shall minimize any adverse impacts on surrounding uses and shall not cause a nuisance, considering factors such as proposed setbacks, planned hours of operation, and the potential for odors, noise, smoke, dust, glare, vibrations, shadows, and visual impacts from the proposed development.  
*Staff Analysis: Complies.* The proposed expansions have very limited visibility from public right-of-ways, there is a large berm along 13<sup>th</sup> Street, and mature landscaping is on site. There are no shadowing impacts created by this expansion and the noise, dust, and sounds created by this use will not be increased by the additional square footage.
5. **Access.** Access to the site shall be adequate for the proposed development, considering the width, grades, and capacities of adjacent streets and intersections and the entrance to the site. The adequacy of the facilities provided for any necessary service delivery, parking and loading, and trash removal shall also be considered. When appropriate, public transportation or other public or private transportation services and appropriate pedestrian facilities shall be made available to serve the use.  
*Staff Analysis: Complies.* The site plan for the expansion meets all the standards for ingress and egress. The project is providing adequate facilities for parking and for pedestrian movements around the site. The trash dumpster is in a location that is accessible to the waste management provider and a dumpster enclosure will be constructed in accordance with the CDC regulations.
6. **Minimize Environmental Impacts.** The proposed development shall minimize its adverse impacts on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.  
*Staff Analysis: Complies.* The expansion areas are all located adjacent to existing structures and no adverse environmental impacts will be created by the expansion. Water quality is addressed through the provision of sand-oil interceptors to collect pollutant runoff.

10-4

7. **Compliance with Other Standards.** The proposed development shall comply with all other applicable requirements of the CDC.

A. **Dimensional Standards**

*Staff Analysis:* **Complies.** The following table summarizes how the Public Works Shop Expansion corresponds to the Dimensional Standards contained within Section 26-132 of the Community Development Code.

Industrial Zoning District Standards Table				
STANDARD	MAXIMUM	MINIMUM	PROPOSED	COMPLIES?
Lot Area	No Max.	No Min.	Project Boundary 8.75 acres 381,150 sf.	Yes
Lot Coverage	.60	No Min.	.07	Yes
Lot Width	No Max.	30 ft.	430 ft.	Yes
Units per Lot	Determined by FAR	No Min.	N/A	N/A
Floor Area Ratio	.35	No Min.	.084	Yes
Building Height	APH - 28 ft. OH - 32 ft.	No Min.	Shop APH - 23' 4" OH - 23' 4" Scoria Shed APH - 23' OH - 29' 8 3/4"	Yes
<b>Setbacks</b>				
Front	No Max.	15 ft.	25 ft. (scoria shed)	Yes
Side	No Max.	10 ft.	60 ft. (equipment shed)	Yes
Rear	No Max.	10 ft.	150 ft. (Shop Building)	Yes

**B. Development Standards.**

The following table summarizes how the Public Works Shop Expansion complies with the Development Standards contained within the Community Development Code:

STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Mass and Scale (Sec. 26-133)	Articulation, variation in rooflines, consistency with surrounding uses.	Articulation, variation in rooflines, consistency with surrounding uses	YES
Landscaping Standards (Sec. 26-135)	10' Landscape strip – Moderate Category	13 Supplemental Trees with natural irrigation	No, Variance Requested
Lighting Standards (Sec. 26-136)	Downcast, screened and shielded lighting	Downcast, screened and shielded lighting proposed	YES
Parking and Loading Design Standards (Sec. 26-137)	2 spaces per 3 employees	32 Spaces	YES
Sidewalks, Trails and Walkways (Sec. 26-138)	Collector Road, 8' Wide Sidewalk	8' Wide Sidewalk	YES
Phasing (Sec. 26-139)	Phasing Described	Two Phase	YES, All critical improvements will be part of Phase 1.
Refuse Management (Sec. 26-140)	Fully enclosed and screened containers	Fully enclosed and screened container	YES
Snow Storage (Sec. 26-142)	37,422 sf.	47,708 sf	YES

10-6

8. Variance Criteria.

Requested Variance: The CDC requires a 10' Landscape Setback at the moderate category with automatic irrigation. Because of the location of a natural drainage/wetland area on the property, the applicant is proposing to use the natural water as opposed to the installation of an automatic irrigation system.

Development Plans seeking variation from up to two (2) of dimensional standards, development or subdivision standards shall meet the following Criteria:

A. **Legal Use.** The property and the use of such property for which the variance is requested is in full compliance with all requirements of the zone district in which the property is located, or there is a legal nonconforming structure or lot, or there is a conforming structure housing a legal nonconforming use. No variance may be granted which would permit or expand any unlawful use of property.

Staff Analysis: **Consistent.** The property and the proposed use of the property are in full compliance with the Industrial Zoning District. There are no illegal nonconforming uses or structures located on the property, and no variance is being requested that would permit or expand an unlawful use of the property.

B. **Injury to Adjoining Property Mitigated.** The Variance will not permanently injure or adversely impact legal conforming uses of adjacent property; or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts. In making this determination, the City Council shall begin with the assumption that variations from development standards create impacts on adjacent properties, and shall place the burden of proof on the applicant to show:

1. Impacts to adjacent properties are presumed.
2. That there are no impacts, or that the impacts have been adequately mitigated. Unsupported opinions of impacts from surrounding property owners shall not be conclusive evidence of impacts.

Staff Analysis: **Consistent.** The adjacent properties would not be injured by the approval of this variance.

C. **Advantages Outweigh Disadvantages.** The applicant shall bear the burden of proof and demonstrate that the advantages of the Variance substantially outweigh its disadvantages to the community and to neighboring lands.

Staff Analysis: **Consistent.** Staff finds that the use of the natural drainage to provide water to the trees saves potable water and lessens site disturbance resulting from the installation of automatic irrigation.

D. **Superior Development.** The applicant shall demonstrate that the requested variation(s) from the dimensional or development standards will result in a development which better meets the intent of the underlying zone district and adopted plans.

*Staff Analysis:* **Consistent.** The requested variance results in a development that meets the intent of the underlying zone district.

E. **Minimum Relief.** The applicant shall demonstrate that the requested variation(s) is (are) the least modification possible of the CDC that will meet the design goals of the development.

*Staff Analysis:* **Consistent.** The existing wetland area will provide sufficient water to the new trees.

### III. SUMMARY

In summary, staff finds that the Public Works Shop Expansion/ #DP-05-01 is consistent with the criteria for approval of a Development Plan, as well as the criteria for approval for a landscape variance.

### IV. LIST OF ATTACHMENTS

1. Project Site Map
2. Application Materials for Development Plan/Final Development Plan including Site Plan, Building Elevations and Supporting Information

10-8

Public Works Garage Expansion  
Development and Final Development Plan  
#DP-05-01, #FDP-05-01



February 10, 2005



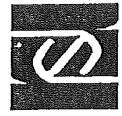
Prepared by: Planning Services

Attachment A

10-9  
23-29



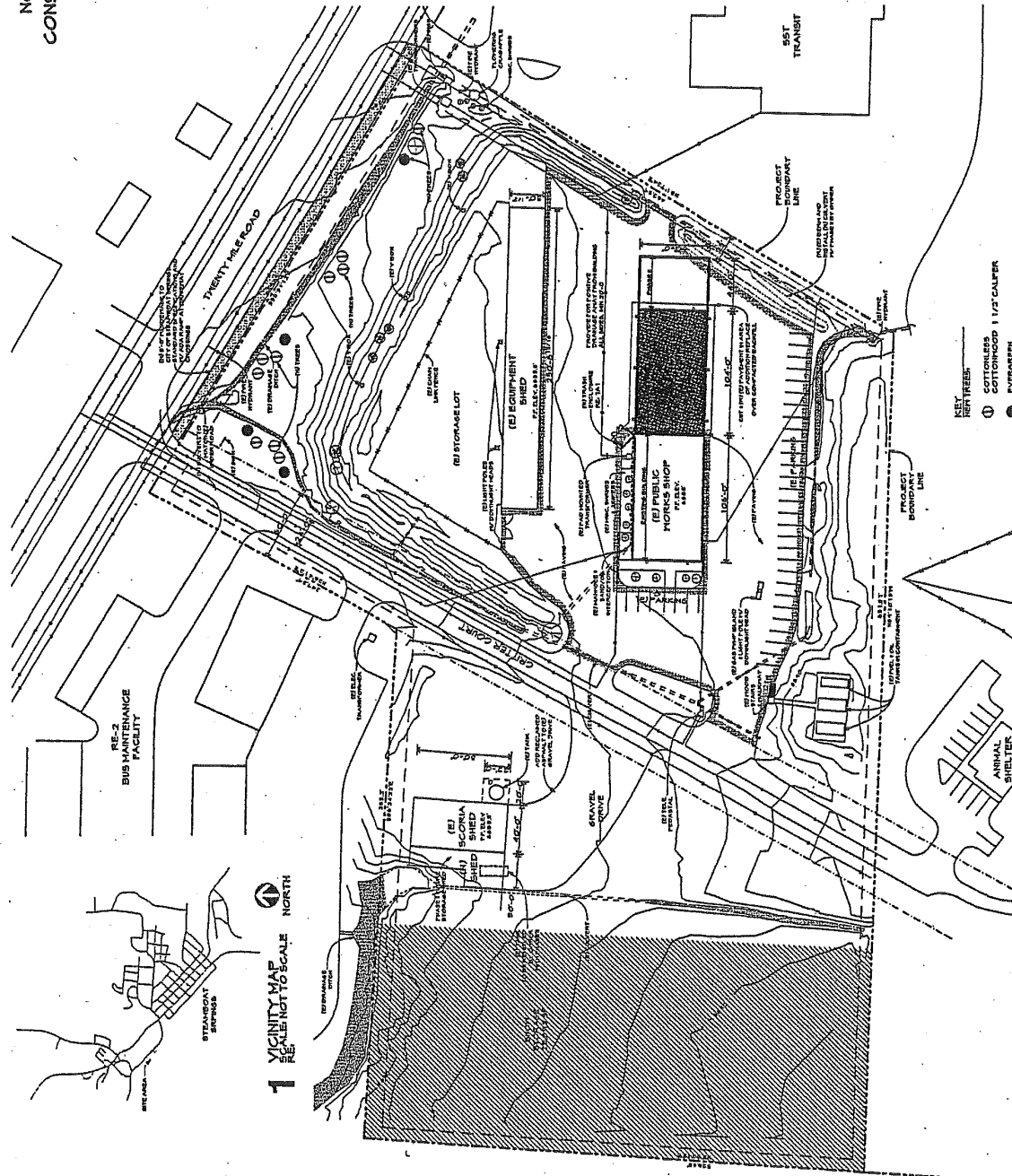
NOT FOR CONSTRUCTION



ROBERT H. HALSTON & ASSOCIATES, ARCHITECTS  
1000 WEST 10TH AVENUE  
STEAMBOAT SPRINGS, CO 80487

CITY OF STEAMBOAT SPRINGS  
PUBLIC WORKS SHOP EXPANSION

STEAMBOAT SPRINGS  
CITY ENGINEER  
DATE: 11/17/09  
SCALE: AS SHOWN  
PROJECT NO. 09-011  
SHEET NO. A1



4-9

**DEVELOPMENT PLAN**  
**FINAL DEVELOPMENT PLAN**  
FOR  
ADDITION TO STEAMBOAT SPRINGS &  
VACATED PORTION OF SPRINGS ST TR IN  
M25E4, M2M25E4SE4 SECTION T-6-B-4  
ALSO KNOWN AS  
**PUBLIC WORKS SHOP EXPANSION**  
STEAMBOAT SPRINGS, CO 80487

**INDEX**

SECTION	LOCATION
1	COVER SHEET
2	SITE PLAN
3	LANDSCAPE PLAN
4	PHASING PLAN
5	FINAL ENGINEERED UTILITY PLAN
6	FINAL GRADING/DRAINAGE PLAN
7	FLOOR PLANS
8	SITE CROSS SECTION AND PERSPECTIVE SKETCH
9	TRAFFIC IMPACT ANALYSIS REPORT
10	SOILS AND GEOTECHNICAL REPORT
11	HAZARD IDENTIFICATION AND AVAILABILITY CALCULATIONS
12	LIGHTING PLAN
13	PHOTOGRAPHIC MONITORING OR COMPUTER MONITORING
14	PLANNING INFORMATION

**1 VICINITY MAP**  
SCALE: NOT TO SCALE NORTH

**2 SITE PLAN**  
SCALE: 1" = 100' NORTH

**3 BUILDING TO BE DESIGNED TO COMPLY WITH 2009 INTERNATIONAL BUILDING CODE PER ROUTT COUNTY REGIONAL BUILDING DEPARTMENT**

**10-10**

**NOT FOR CONSTRUCTION**

**23-30**

NOT FOR  
CONSTRUCTION



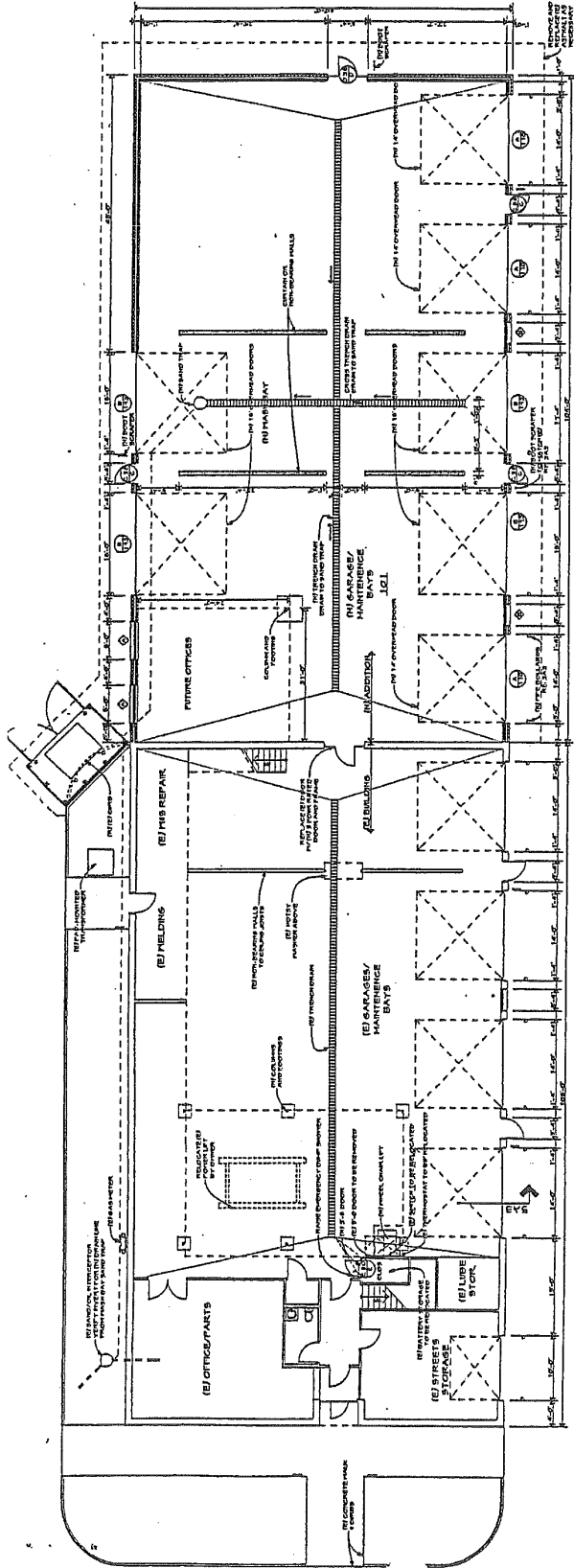
ROBERT'S  
ASSOCIATES  
ARCHITECTS  
P.C.

CITY OF  
STEAMBOAT  
SPRING

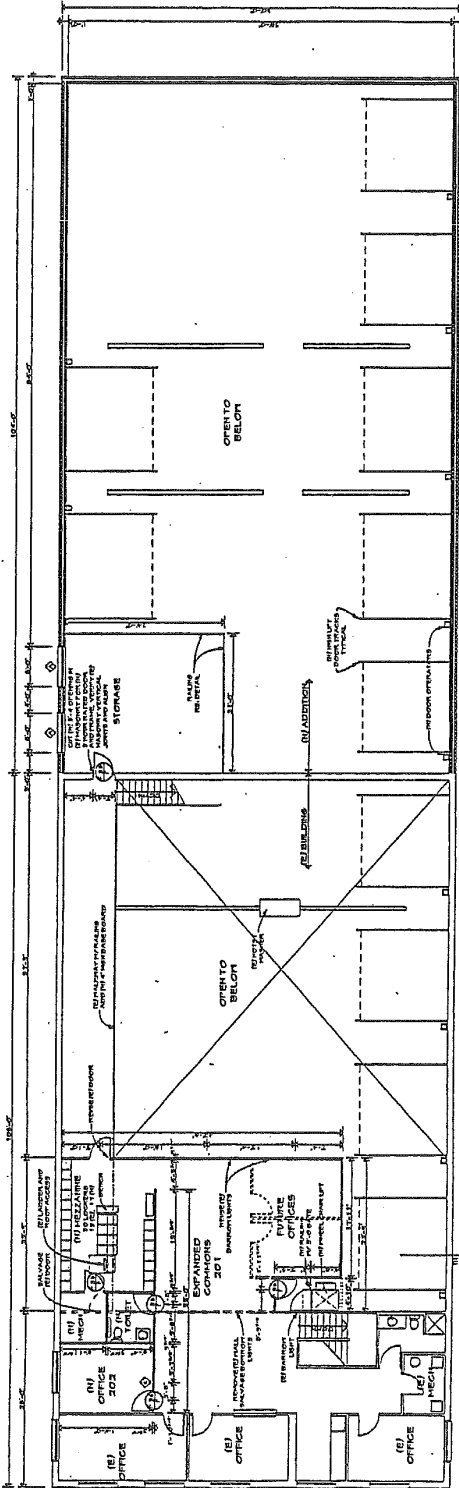
PUBLIC  
WORKS  
STATION  
EXPANSION

ROBERT'S  
ASSOCIATES  
ARCHITECTS  
P.C.

DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
SCALE: \_\_\_\_\_  
SHEET NO. **A2**  
OF 2 SHEETS



**1** FIRST FLOOR PLAN  
SCALE 1/8" = 1'-0"



**2** SECOND FLOOR PLAN  
SCALE 1/8" = 1'-0"



A-10

10-11  
23-31



DRAFT

**Public Works Shop Expansion Development Plan (#DP-05-01) –**

Development Plan application for two (2) phase project. Phase 1 includes a 6,360 square feet expansion to the existing Public Works Shop. Phase 2 includes an additional 2,640 square foot addition to the shop and an approximately 200 square foot addition to the existing scoria shed. The Final Development Plan application is for Phase 1.

Discussion on this agenda item started at approximately 6:06 p.m.

**STAFF PRESENTATION**

Jonathan Spence –

This is the same project that was reviewed two (2) years ago. The change is to how much square footage is built in Phase 1 versus Phase 2. The applicant is requesting a landscaping variance. The Community Development Code requires a 10-foot landscape setback at the moderate category with automatic irrigation. Because of the location of the natural drainage/wetland area on the property, the applicant is proposing to use the natural water as opposed to the installation of an automatic irrigation system. The applicant proposed to plant the supplemental landscaping in areas identified as wetlands.

Staff recommends approval based on findings of compliance with Section 26-25(e) of the Community Development Code with no conditions. Staff finds that the Public Works Shop Expansion is consistent with the criteria for approval of a Development Plan, as well as the criteria for approval for a landscape variance.

**APPLICANT PRESENTATION**

None.

**COMMISSIONER QUESTIONS**

Commissioner Curtis –

Asked for clarification relative to the variance criteria and what the applicant is requesting.

Commissioner Curtis –

Relative to the equipment shed, was there any consideration given to reducing the length of that?

Jim Weber –

No. That is currently fully utilized.

10-13

DRAFT

**PUBLIC COMMENTS**

None.

**FINAL APPLICANT COMMENTS**

None.

**FINAL STAFF COMMENTS**

None.

**RECOMMENDED MOTION**

Staff recommends approval of the Public Works Shop Expansion Development Plan (#DP-05-01) based on findings of compliance with Section 26-25(e) of the Community Development Code with no conditions.

**MOTION**

Commissioner Barnett moved to recommend approval of the Public Works Shop Expansion Development Plan (#DP-05-01) based on findings of compliance with Section 26-25(e) of the Community Development Code with no conditions. Commissioner Hermacinski seconded the motion.

**DISCUSSION ON THE MOTION**

Commissioner Curtis –  
Asked if a condition is required relative to the replacement of landscaping/trees that may die.

Jonathan Spence –  
There is a provision in the code which already requires that.

Commissioner Stopher –  
Voiced a problem with allowing a variance relative to the automatic irrigation. We expect everyone else to do it. We've had this discussion before. I feel the City needs to step up and do what we ask everyone else to do.

Commissioner Curtis –  
Asked for further clarification relative to the variance request.

Jonathan Spence –  
I think it's pretty clear.

10-14

DRAFT

Jim Weber –

In the area adjacent to the drainage and the wetlands we have a very high ground water level, so although the area where we're planting the trees does not necessarily fall within the wetland limits, the soils are of such a condition that they have adequate moisture all year long. If we have to, we'll go through and put an irrigation system in. With water being a difficult commodity these days, we felt this was a viable alternative with the soil conditions as they are that it wasn't a necessity to put the irrigation system in.

Commissioner Barnett –

If the trees die or even look like they're starting to die, are there funds in reserve to be able to replace those. We should be able to know that within one (1) planting season.

Jim Weber –

If the trees fail, we will go in and install whatever is necessary to make sure that they do survive.

Commissioner Barnett –

Do we need that in writing?

Jonathan Spence –

Offered the following condition:

1. The proposed landscaping in the natural drainageway will be examined after one (1) full growing season to determine the longevity and livelihood of the plant material. If it is found that the survival rate is poor, a natural irrigation system will be installed.

Commissioner Barnett agreed to the added condition of approval, as did Commissioner Hermacinski.

## VOTE

Vote: 5/0

Voting for approval of motion to approve: Baldinger, Barnett, Curtis, Stopher and Hermacinski

Absent: Meyer, Hannaway and Myller

Discussion on this agenda item concluded at approximately 6:15 p.m.

TEMPORARY ADJOURNMENT

10-15

Planning Commission Minutes  
2/10/05

DRAFT

Commissioner Stopher moved to temporarily adjourn the meeting at approximately 6:15 p.m. Commissioner Hermacinski seconded the motion.

**VOTE**

Vote: 5/0

Voting for approval of motion to adjourn: Baldinger, Barnett, Curtis, Stopher and Hermacinski

Absent: Meyer, Hannaway and Myller

The meeting was reconvened at approximately 6:20 p.m.

10-16

MARCH 2 2009  
CITY of Steamboat Springs  
SETH LORSON, City Planner

RE: Application for Public Works Shop Expansion  
Miller-FRAZIER # FDP-09-01

This letter is a follow up to our conversation  
Tuesday Feb 17<sup>th</sup> at your office concerning  
the Public Works Shop Expansion in  
the Fairview Area.

My main concern is the type and  
amount of visual light emissions being  
considered on the external walls and  
garage door bays. The light levels at  
the new Public Works Shop are more  
desirable than the excessive wattage  
and color (very visible light pollution) on  
the City Transit Center.

Also do they all have to be on  
from dusk to dawn?

I hope you take these concerns  
in upon approving the project.

879-8946

Thank you  
Stephen A. Cobb  
500 Bearview Ct.  
(Fairview-Miller-Frazier)  
Steamboat Springs Co. 80487



**DRAFT**

**MILLER FRAZIER ADDITION TO STEAMBOAT SPRINGS (Public Works Shop Expansion)**  
**#FDP-09-02**

Discussion on this agenda item started at approximately 6:16 p.m.

Disclosure:

Commissioner Fox stepped down.

**STAFF PRESENTATION**

Seth Lorson –

The proposal is a final development plan for an addition of 3,600 square feet to the Public Works shop and 1,200 square feet to the scoria shed. The DP/FDP from 2005 was an addition to the first part of the Public Works shop. During that development plan it was considered a phase II, which had expired. Now they are coming up with another FDP that is on the exact same lines as phase II from 2005. In 2005 phase II was an addition of 2,600 square feet of a Public Work shop expansion and 200 square feet for the scoria shed. It really has no bearing on this project for the comparison.

**APPLICANT PRESENTATION**

None

**COMMISSIONER QUESTIONS**

Commissioner Dixon –

On pg 4-9 there is a site plan and where your shop addition is there's some conflict there between the birm and the actual access way and a water line. Is that an oversight on this submittal?

Philo Shelton –

Part of that birm is being removed.

Commissioner Dixon –

What about the water line? Is there a problem with the fire line? Will that curb cut be widened?

Jan Kaminski –

That old part of the birm that's stippled there will be removed. The water line is underground so it has no impact.

Commissioner Dixon –

You don't have any structure sitting over that? It's just a parking space?

Jan Kaminski –

Correct.

Public Comment was taken.

Commissioner Dixon –

4/09/09

## **DRAFT**

There was a letter relating to the lighting that's included in our staff package. There's a comment in our staff report that the proposed lighting complies with the CDC?

Seth Lorson –  
It does.

Commissioner Dixon –  
The letter references the lighting on the new Public Works shop as desirable than that on the City Transit Center.

Seth Lorson –  
It's the same lighting that already at the Public Works shop.

Commissioner Curtis –  
Is there additional landscaping that's going in? Do you know the status on that?

Seth Lorson –  
The landscaping is adequate for this application.

Commissioner Curtis –  
There was a discussion in our meeting minutes when we had the meeting a couple of years ago about landscaping and I was just wondering if there was any additional landscaping proposed.

Seth Lorson –  
It is adequate for the proposal that they're offering.

Commissioner Dixon –  
Related to the sidewalk and the section of the City owned property that is not being improved in terms of sidewalk. What would trigger that improvement past to the animal shelter?

Seth Lorson –  
Either an addition to our CIP budget or additional development on this property.

Commissioner Dixon –  
The entire parcel isn't required just because one section of the parcel is being modified?

Tom Leeson –  
The site is all owned by the City. We would bring the sidewalk all the way up to the animal shelter. Mike Kortas does own the property adjacent to this. What would trigger an improvement would be if he were to develop on his property.

Commissioner Hanlen –  
Would he be required to pay for it then?

Tom Leeson –

4/09/09

## **DRAFT**

No.

Seth Lorson –

The sidewalks that are being put in are directly proportional to what's being developed.

Commissioner Curtis –

What would be the distance to the animal shelter?

Commissioner Dixon –

I don't know the distance because this site plan on pg 4-9 shows the entire site of the City parcel.

Commissioner Curtis –

What is the additional City property that's owned where there is not a sidewalk already in place?

Tom Leeson –

If you continue that line all the way the animal shelter is at the bottom of the page.

### **PUBLIC COMMENTS**

Mike Kortas –

I didn't see an elevation of the scoria shed. I'm curious to what the elevation is. Is it going to be less than the existing building?

Commissioner Dixon –

Pg 4-13 shows the elevation.

Mike Kortas –

Is there any work proposed for Critter Court from 13<sup>th</sup> all the way to the animal shelter?

Seth Lorson –

The City is putting in a sidewalk from 13<sup>th</sup> all the way to the entrance of the Public Works shop.

Mike Kortas –

As for the street going from Critter Court over to my property is any of that included in this application? What about any work to the snow storage area?

Tom Leeson –

It's not a part of this application.

### **FINAL STAFF COMMENTS**

None

### **FINAL APPLICANT COMMENTS**

None

### **RECOMMENDED MOTION:**

## **DRAFT**

### Recommended Finding

Staff finds that Public Works shop expansion is **consistent** with the findings for approval. Staff recommends the Planning Commission **APPROVE** the Public Works shop expansion #FDP-09-02.

### Recommended Motion

Planning Commission recommends approval of the Public Works shop expansion #FDP-09-02 with the findings that the proposal is consistent with the Final Development Plan criteria for approval in Sections 26-66 (d) with the following conditions of approval:

1. 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/Mt. Werner 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.
2. At time of civil construction plan submittal, provide a Final Drainage Study.
3. Submit the permit for modifications to the wetlands/ waters of the state from Army Corp of Engineers prior to approval of a building permit or grade and fill permit. It appears a Storm Water Management Plan (SWMP) will also be required by the State.
4. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
  - Public drainage improvements
  - Public sidewalk improvements
  - Access drive, driveway, and parking areas
  - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

### **MOTION**

Commissioner Hanlen moved to approve the Miller Frazier Addition to Steamboat Springs (Public Works Shop Expansion) #FDP-09-02 with the four listed conditions of approval. Commissioner Dixon seconded the motion.

### **DISCUSSION ON THE MOTION**

None

### **VOTE**

Vote: 5-0

Voting for approval of motion: Meyer, Curtis, Dixon, Hanlen and Levy.

Stepped down: Fox

Absent: Beauregard and Ernst.

Discussion on this agenda item concluded at approximately 6:29 p.m.

# AGENDA ITEM # 24

## CITY COUNCIL COMMUNICATION FORM

---

**FROM:** Jason K. Peasley, City Planner (Ext. 229)  
John Eastman, AICP, Planning Services Manager (Ext. 275)

**THROUGH:** Jon Roberts, City Manager, (Ext. 228)

**DATE:** April 21, 2009

**ITEM:** Easement Vacation for Copper Ridge Business Park, Filing 4, Lot 11 -  
#FP-09-06

---

ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

---

**PROJECT NAME:** Easement Vacation for Copper Ridge Business Park, Filing 4, Lot 11 –  
#FP-09-06

**PETITION:** A request to vacate the 10' utility easement located on south property line of  
Copper Ridge Business Park, Filing 4, Lot 11.

**LOCATION:** Physical Address: 2642 Copper Ridge Circle. Legal Description: Copper  
Ridge Business Park, Filing 4, Lot 11

**APPLICANT:** Defenbau Development Services, LLC, c/o Craig Seitz, Alpen Architek,  
LLC, 3314 Willowbrook Court, Steamboat Springs, CO 80487, (970) 871-  
6282

**EXECUTIVE SUMMARY:**

**1. Background Information:**

The applicant is requesting to vacate the 10' utility easement located on south property line of Copper Ridge Business Park, Filing 4, Lot 11 as described in the accompanying ordinance. The applicant is requesting the vacation to construct temporary shoring necessary to develop the site. The applicant has received a recommendation of approval from the Planning Commission for the development of a 15,552 square foot mixed use building consisting of 9,667 square feet of industrial warehouse and four dwelling units.

The applicant has provided sign-offs from all of the applicable utility companies. Easements are required to be vacated by an ordinance as well as through recordation of a Final Plat. This is the first reading of this ordinance.

**2. Recommended Motion:**

Staff recommends approval of the ordinance vacating the 10' utility easement located on south property line of Copper Ridge Business Park, Filing 4, Lot 11.

**3. Project Location Map**

Copper Ridge Business Park, Filing 4, Lot 11



**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING THE 10 FOOT UTILITY EASEMENT LOCATED ON THE SOUTH PROPERTY LINE OF COPPER RIDGE BUSINESS PARK, FILING 4, LOT 11, AND PROVIDING AN EFFECTIVE DATE AND SETTING A HEARING DATE.**

**WHEREAS**, in accordance with Chapter 20, Art. I, Div. 3 of the Steamboat Springs Revised Municipal Code, the owners of Copper Ridge Business Park, Filing 4, Lot 11, wish to vacate the 10 foot utility easement and located on the south property line said lot, as depicted in Exhibit A; and

**WHEREAS**, the Public Utility providers having reviewed the request and determined that the subject drainage and utility easements are not a necessary part of the District's public utility system; and

**WHEREAS**, the City Council finds that vacating the subject utility easements will promote the public interest by clarifying the easement boundary.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. That the utility easement as depicted in the attached Exhibit A is hereby vacated.

Section 2. That pursuant to Section 7-11 of the Charter of the City of Steamboat Springs, Colorado, the second publication of this ordinance may be by reference, utilizing the ordinance title.

Section 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section 4. The City Council hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter or recordation of the Copper Ridge Business Park, Filing 4, Lot 11 Final Plat.

Section 6. A public hearing on this ordinance shall be held on \_\_\_\_\_, 2009 at 5:00 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

**INTRODUCED, READ AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
City Clerk**

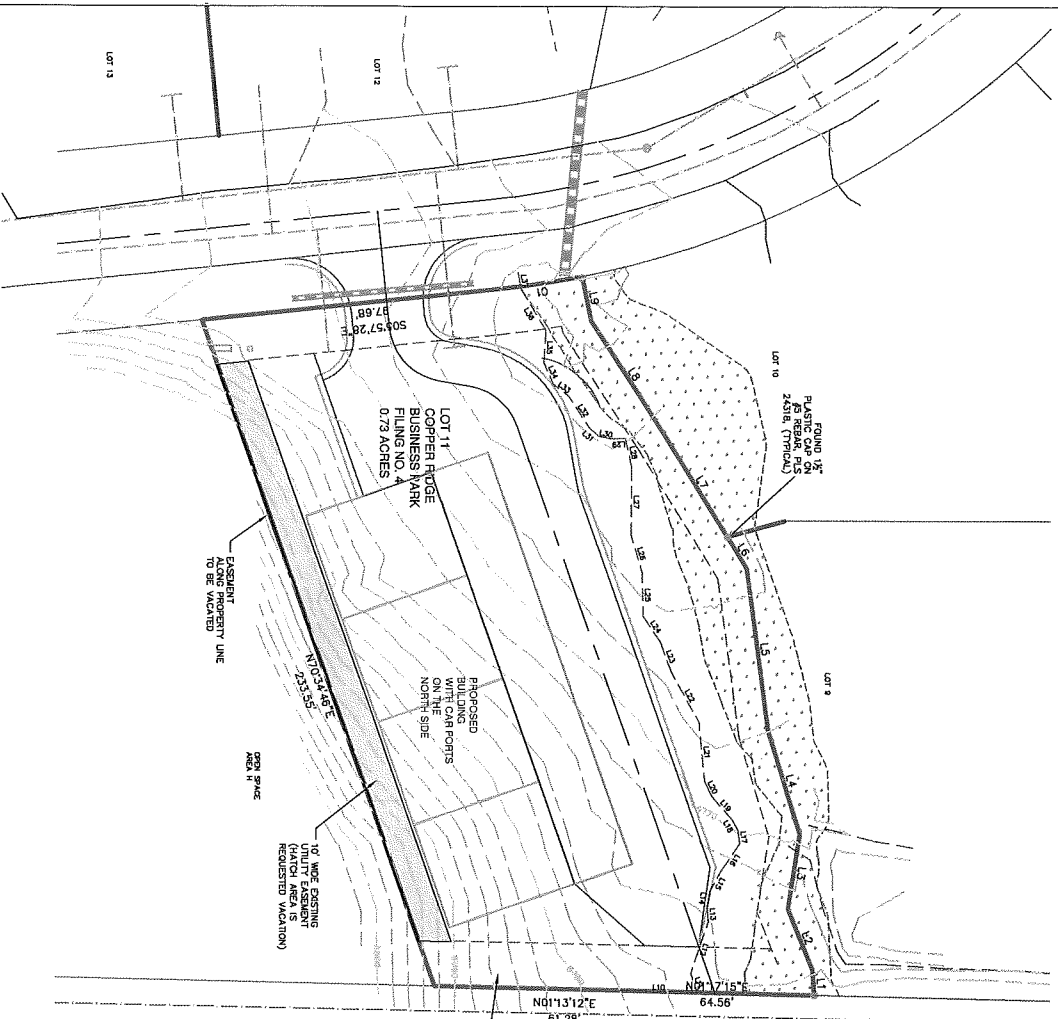
**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
City Clerk**





LOT 2  
GOLF TRAILS  
SUBDIVISION

15' WIDE EXISTING  
EASEMENT  
TO REMAIN

EASEMENT  
TO BE VACATED

15' WIDE EXISTING  
EASEMENT  
(HATCH AREA IS  
REQUESTED VACATION)

LOT 11  
COPPER RIDGE  
BUSINESS PARK  
FILING NO. 4  
0.73 ACRES

OPEN GRAZE  
AREA

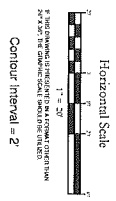
**EASEMENT VACATION NOTES:**

1. LOT 11, COPPER RIDGE BUSINESS PARK ACCORDING TO THE FINAL PLAT AS RECORDED AT FILE NO. 13237 OF ROUTT COUNTY RECORDS AS RECORDED ON JANUARY 29, 2003.



**EASEMENT VACATION EXHIBIT**

**LOT 11, COPPER RIDGE BUSINESS PARK FILING NO. 4**



NO.	DATE	REVISION	BY

**Four Points Surveying and Engineering**

2121 Burgess Creek Road, Suite 1, 2nd Floor  
Steamboat, CO 80487  
(970) 874-5772  
www.fourpointssurveying.com

**FOUR POINTS SURVEYING AND ENGINEERING**

SHEET NO. **C1**  
OF 3

## AGENDA ITEM # 25

### CITY COUNCIL COMMUNICATION FORM

---

**FROM:** Jason K. Peasley, City Planner (Ext. 229)  
Dan Foote, Assistant City Attorney (Ext. 223)  
Tom Leeson, AICP, Director of Planning and Community Development  
(Ext. 244)

**THROUGH:** Jon Roberts, City Manager, (Ext. 228)

**DATE:** April 21, 2009

**ITEM:** Appeal: True Mountain Homes (Longview Park, Filing 1 Improvements Agreement)

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ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

---

**PROJECT NAME:** Longview Park, Filing 1, aka Longview Subdivision, Phase 2 (#MD-99-04)

**PETITION:** Appeal of an administrative decision to draw on the letter of credit held in surety to complete the remaining improvements required for Longview Park, Filing 1 under the improvements agreement dated July 14, 2004.

**LOCATION:** High Point Drive and Parkview Drive

**APPLICANT:** True Mountain Homes, Inc, c/o Jack Nesbitt,

**1. Background:**

Longview Subdivision, Phase 2 was approved by the City Council on July 13, 1999 and consists of 64 townhome units (32 duplexes) fronting on Parkview Drive with associated sidewalks and landscaping. On June 14, 2004 the Developer (True Mountain Homes, Inc.) and the City entered into a Subdivision Improvements Agreement (SIA) to secure the remaining improvements that were not completed at the time. The improvements secured under this agreement were:

- Culverts and End Sections
- 5' Wide Sidewalks
- 1.5" leveling Course
- 2" lift of Asphalt
- Road Shouldering
- Adjust Manholes
- Landscaping
- Revegetation of disturbed areas
- Misc. Road Work
- Misc. Water and Sewer Work

Per the SIA the improvements were to be completed and accepted no later than June 2, 2006. The required improvements were not completed on June 2, 2006 and since then, the Department of Planning and Community Development has been working with the developer to complete the required improvements with little success. Over the past three years, significant staff time has been devoted to working with the developer and his representatives to facilitate the timely completion of the required improvements. While some work has been completed, much of that work, particularly landscaping, has been partially and/or unsatisfactorily completed. Throughout this process, the Longview Park homeowners have become increasingly frustrated with the lack of progress on the required improvements and have put pressure on the City to complete the work.

To date, the following items have been completed:

- Irrigation installation in the fronts of each unit and in the common area along High Point Drive.
- Landscaping in the fronts of each unit and in the common area along High Point Drive.
- Revegetation in the fronts of each unit and in the common area along High Point Drive.
- Sidewalks along High Point Drive, Parkview Drive and portions of Parkview Place (see Attachment 3).
- Landscaping along the perimeter of the project (with substandard trees and incorrect species)
- Partial installation of irrigation system along the perimeter of the project (inoperable and unburied irrigation system installed).
- Installed 1.5" Leveling Course and 2" lift of Asphalt
- Installed culverts and end sections

To date, the following items have yet to be completed and are the subject of the draw on the letter of credit:

- Landscaping on the perimeter of the project totaling 93 trees
- Revegetation on the perimeter of the project
- Irrigation installation on the perimeter of the project
- Portions of the required 5' wide sidewalk in the common area, a section along High Point Drive and Parkview Place totaling 250 linear feet

In addition, the following items are not completed and are not subject to the draw on the letter of credit:

- Road Shouldering
- Re-grading of the stormwater quality pond
- Cleanout of ditches
- Water and Sewer final acceptance
- Asphalt density and core testing (required for final acceptance)

The Director of the Department of Planning and Community Development met with the Developer on February 20, 2009 to inform them that we intended to draw on the letter of credit to complete the above mentioned items required under the SIA dated June 14, 2004. The City put the required improvements out to bid on February 26, 2009 and received two competitive bids, choosing one. The Developer is appealing the Director's decision to draw on the letter of credit to complete the required improvements.

## **2. Public Comment:**

Public Comments are attached with this report (Attachment 2).

## **3. Legal Issues:**

True Mountain Homes' attorney challenges the City's authority to draw on the letter of credit and construct the improvements. True Mountain Homes claims that the City has not observed the terms of Paragraph 12 of the subdivision improvements agreement. Paragraph 12 requires the City to give written notice to the developer of noncompliance and to negotiate reasonable schedules for the correction of the developer's noncompliance.

### **Road and Drainage Improvements**

Staff believes that further discussions between Public Works staff and True Mountain Homes are warranted with respect to the road shoulder work, the re-grading of the storm water quality pond, the cleaning out of silted ditches and culverts, the water and sewer punch list items, and the asphalt density and core testing. Staff intends to propose an August 1, 2009 deadline for the completion of these items.

### **Sidewalk and Landscaping Improvements**

Staff believes that True Mountain Homes has been given more than fair notice with respect to its failure to install the remaining 250 linear feet of sidewalk, to install trees per the approved landscaping plan, to revegetate disturbed areas, and to install a drip irrigation system in the perimeter landscape areas (“Sidewalk and Landscaping Improvements”). The remainder of this section details staff’s compliance with the notice provisions of Paragraph 12 of the Improvements Agreement.

**Sidewalk.** With respect to the 250 linear feet of sidewalk, True Mountain Homes’ president, Jack Nesbitt, agreed in letters dated May 16 and June 12, 2007 to construct the sidewalk sometime between June and September, 2007.

Mr. Nesbitt did not follow through on his representations. Janet Hruby, from the City’s Public Works staff, noted this deficiency in a July 12, 2007 memo and a January 23, 2008 memo copied to Mr. Nesbitt and his project manager, Al Choy. Mr. Nesbitt has since taken no action to complete these improvements.

**Revegetation and Landscaping.** With respect to revegetation and landscaping, Toby Keeton, formerly of the City’s Planning Staff, notified Mr. Nesbitt of his failure to complete the project landscaping by letters dated April 11, 2007 and May 3, 2007. The April 11 letter also related to the revegetation requirement.

Mr. Nesbitt agreed in letters dated May 16, 2007 and June 12, 2007 to plant the required trees and revegetate disturbed areas sometime between June and September, 2007. The required species and tree sizes are identified in the approved landscape plan. Mr. Nesbitt to date is still 93 trees short of the trees identified in the approved landscape plan, has not revegetated disturbed areas in the perimeter landscape area, and needs to remedy some spotty areas in the home sites and interior of the development.

**Irrigation.** With respect to the irrigation system, Mr. Keeton notified Mr. Nesbitt of his failure to complete these improvements in the April 11, 2007 and May 3, 2007 letters. Mr. Nesbitt generally denied any responsibility to construct an irrigation system in letters dated April 12, May 16, and May 29, 2007. Ultimately, Mr. Nesbitt installed irrigation in the home sites. However, he did not install the required drip irrigation to trees in the perimeter landscape area.

In addition to representations regarding drip irrigation in four letters from Mr. Nesbitt’s landscape consultant, there are several references in the July 13, 1999 City Council staff report to the developer’s obligation to install drip irrigation to water the required trees and shrubs. In fact, it appears from these reports that Mr. Nesbitt received a density bonus in exchange for his promise to install drip irrigation to water the trees and shrubs in the perimeter landscaping.

Staff attempted two years ago to induce Mr. Nesbitt to install the required drip irrigation and was met with flat denials of responsibility. The City is fully justified in these circumstances to withdraw from the letter of credit and contract for the construction of the drip irrigation system.

### **2008 Followup**

Gavin McMillan sent a letter dated June 11, 2008 to Mr. Nesbitt notifying him of True Mountain Homes' continuing noncompliance with its obligations per the Subdivision Improvements Agreement. Mr. McMillan had several meetings in 2008 with True Mountain Homes representatives to urge them to complete the Sidewalk and Landscaping Improvements. The Director of Planning Services, Tom Leeson, met with Mr. Choy on the site in the summer of 2008, during which he informed Mr. Choy that True Mountain Homes continued to be out of compliance and that they would not be credited for planting undersized trees and incorrect species trees. Mr. Leeson also informed True Mountain Homes during this period that the City would draw on the letter of credit and contract for the construction of the improvements if True Mountain Homes continued to delay construction.

All of the 2007 correspondence referred to in this section is attached to True Mountain Homes' appeal letter, which is Attachment 4 to this report. The 2007 and 2008 Janet Hruby memoranda are Attachment 5. The 1999 letters and staff report are Attachment 6. Mr. McMillan's letter is Attachment 7.

### **4. Recommended Action:**

Staff recommends that the City Council find that 1) True Mountain Homes is in default of its obligation to construct the Sidewalk and Landscaping Improvements, 2) that True Mountain Homes has received adequate written notice of noncompliance and has failed to correct its noncompliance per the schedule agreed upon in May and June of 2007, and 3) that staff is authorized to draw on the letter of credit and contract for the completion of the Sidewalk and Landscaping Improvements.

True Mountain Homes requested in their March 3 letter from Mr. Jarchow that they be given until June 30, 2009 to complete the Sidewalk and Landscaping Improvements. Staff is generally opposed to further delays in the completion of these improvements due to the impact on the residents. Staff is extremely skeptical of True Mountain Homes' ability to complete the improvements by June 30, 2009. True Mountain Homes has demonstrated an unwillingness to contract with professional landscape contractors and has instead attempted to complete this site work with its own forces. Those forces have repeatedly proved to be unable to complete improvements in timely fashion and/or to City standards.

CITY COUNCIL COMMUNICATION FORM

Appeal: True Mountain Homes (Longview Park, Filing 1 Improvements Agreement)

April 21, 2009

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**LIST OF ATTACHMENTS**

- Attachment 1 – Subdivision Improvements Agreement dated June 14, 2004
- Attachment 2 – Public Comments
- Attachment 3 – Improvements Diagram
- Attachment 4 – True Mountain Home Appeal Letter
- Attachment 5 – Janet Hraby Memoranda
- Attachment 6 – 1999 Staff Report and Landscape Consultant Letters
- Attachment 7 - 2008 McMillan letter
- Attachment 8 – Submittals by Bruce L. Jarchow on behalf of True Mountain Homes, Inc.



**IMPROVEMENTS AGREEMENT**  
**FOR**  
**LONGVIEW PARK FILING #1**

THIS AGREEMENT is entered into this 14<sup>th</sup> day of JUNE, 2004 between True Mountain Homes, Inc., a Colorado Corporation (hereinafter referred to as "Developer") and the CITY OF STEAMBOAT SPRINGS, COLORADO, a Colorado municipal corporation (hereinafter referred to as "City").

WHEREAS, Developer is the developer of the real property development known and described as Longview Park Filing #1, located in Steamboat Springs, Colorado; and

WHEREAS, the Community Development Code requires the execution of an Improvements Agreement between the City and Developer whereby Developer shall agree to construct certain improvements, the completion of which are guaranteed to the City; and

WHEREAS, the City and Developer have entered into this Agreement in consideration of the promises contained herein for the benefit of the public;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Construction of Improvement. Developer agrees to enter into a contract with such person, firm, or corporation as is chosen by Developer, subject to approval by the City, to construct the required improvements described in Exhibit A which is attached to and incorporated in this Agreement, and to construct any and all improvements as shown or required pursuant to the development permit, to City or other governing agency standards. Both the plans and specifications are retained in the offices of the City Department of Public Works. Development permit plans are retained in the offices of the Department of Planning Services. Before any contracts are let for any of the construction, the City shall have the right to inspect and approve or disapprove such contracts.

2. Regulations and Specifications. The required improvements shall be designed and constructed in accordance with the City's regulations and specifications in effect as of the date of this Agreement, other applicable state or federal regulations, if any, the Final Plat of the subdivision, Development Permit Conditions of approval, and the approved Plans and Specifications retained by the Department of Public Works, all of which are hereby incorporated herein by reference and made a





part of this Agreement. All Plans and Specifications shall have been submitted to and reviewed by the Director of Public Works prior to recording the final plat.

3. Infrastructure Installation/Construction: shall be designed, surveyed and staked by a professional engineering firm. The developer shall provide a field engineer on site to observe and document the physical installation and construction and at the same time supervise the contractor. Engineering notes and documentation related to the performance of the work shall be submitted for review prior to preliminary acceptance by the City. To ensure inspection will be adequate, the developer or its designated representative shall submit to the city a proposal stipulating the name of the engineer and a scope of services which he is responsible for. This submittal shall be received by the City Director of Public Works seven (7) days prior to construction. Modifications to the level of engineering and inspection as proposed may be made at the discretion of the Director of Public Works.

4. Completion Date. The required improvements shall be completed and accepted no later than June 2, 2006, unless the City, in its sole discretion grants in writing an extension of this completion date to Developer. A written extension agreement shall be signed by the City Council President and Developer. No less than sixty (60) days prior to the above scheduled completion date, or any extension thereof, Developer shall notify the Director of Planning of the City in writing of the upcoming completion deadline and include a progress report which shall include a statement of whether Developer expects to complete the required improvements by the completion date. Developer's failure to provide this notice shall be grounds for the City to withdraw from the commitment guarantee in accordance with paragraph 12 below.

5. Estimated Cost. The cost of constructing the improvements is estimated to be \$301,699.61 This estimated construction cost includes the estimated present construction cost, plus a 25% contingency, which includes 10% for an estimated inflation factor determined by the City and calculated to the completion date, and a 15% retainage for guarantee of work for the subdivision improvements completed prior to recording the final plat. If change orders are required during the course of construction which increases the cost by more than five percent (5%) of the estimated cost or of any subsequently agreed amount which may result from increased costs of material or labor, the amount of the commitment guarantee shall be adjusted accordingly. The Developer shall notify the City in writing of any such change and supply the City with evidence of the adjusted commitment guarantee.

6. Commitment Guarantee. Developer's performance under this Agreement is guaranteed by COMMUNITY FIRST NAT. BANK. The commitment  
Steamboat Springs, CO 80477  
LOC # 5077

guarantee will be retained by the City until released or used as provided in this Agreement. Should the improvements not be completed and accepted by the City at least 30 days prior to the expiration of any commitment guarantee, the Developer agrees to the extension of said guarantee and designates the City his agent to request said extension. Developer shall pay all costs of guarantee extension. It is mutually understood and agreed that the City will pay no interest to Developer on the commitment guarantee.

7. Transfer of Title. Before commencing the construction of any of the required improvements, Developer shall acquire, at its own expense, good and sufficient title to all lands and facilities traversed by any required improvements in which the City is to have any ownership interest or maintenance responsibility pursuant to the Final Plat and approved subdivision plan. All such lands and facilities so required to be acquired shall be conveyed to the City and all necessary documents of conveyance shall be furnished to the City for recording with the Final Plat.

8. Release of Liability: Insurance. Except for improvements constructed by the City, Developer shall indemnify and save harmless the City from any and all suits, actions, or claims of every nature and description caused by, arising from, or on account of the construction process, and pay any and all judgments rendered against the City on account of any such suit, action, or claim, together with all reasonable expenses and attorney's fees incurred by the City in defending such suit, action or claim.

9. Insurance. Developer shall assure that all contractors and other employees engaged in the construction of the required improvements will maintain workmen's compensation insurance. Before proceeding with any construction of the required improvements, Developer shall provide the City Attorney with written evidence of Public Liability Insurance with limits not less than Five Hundred Thousand Dollars (\$500,000.00) bodily injury, One Hundred Thousand Dollars (\$100,000.00) property damage in coverage forms approved by the City Attorney and protecting the City against any and all claims for damages to persons or property resulting from construction and installation of any required improvements. The policy will provide that the City shall be notified at least thirty (30) days in advance of any reduction in coverage, termination or cancellation of the policies. Such notice shall be sent certified mail. Developer also warrants that any contractors engaged by or for Developer to construct the required improvements shall maintain Public Liability Insurance coverage in limits not less than those mentioned above.



10. Warranty. Developer hereby warrants that all required improvements will be installed in a good and workmanlike manner and in accordance with the provisions of Section 1 and 2 hereof.

11. Release of Commitment Guarantee. From time to time, as required improvements are completed, Developer may apply in writing to the Director of Planning Services and Director of Public Works for a partial release of the commitment guarantee. The application must show:

- (a) Dollar amount of commitment guarantee;
- (b) Work completed, including dollar value;
- (c) Work not completed, including dollar value;
- (d) Amount of previous releases; and
- (e) Amount of commitment guarantee requested released.

Upon receipt of the application, the City or its agent shall inspect the improvements both completed and those incomplete. If the City determines from the inspection that the improvements shown on the application as being completed have been completed as provided herein, a portion of the commitment guarantee shall be released. The release shall be made in writing signed by the Director of Planning Services and approved by the Director of Public Works. The amount to be released shall be the total amount of the commitment guarantee less (i) fifteen percent (15%) of the original amount of the cost of completed improvements, and (ii) one hundred-twenty five percent (125%) of the projected costs of the improvements not completed. Notwithstanding the foregoing provisions, Developer shall not apply for a partial release of the commitment guarantee in the amount less than twenty percent (20%) of the total original amount, except for the last such release.

12. Failure to Comply with Specifications -- Agreement Cancellation. If the required improvements are not constructed in accordance with the Plans and Specifications provided to and approved by the Director of Public Works pursuant to paragraph 2 above, the City shall notify the Developer of noncompliance setting forth in writing the reasons for noncompliance. Reasonable schedules for correction of noncompliance shall be established by mutual agreement of the parties. Should the City determine at any time that the guarantee on deposit is insufficient to complete construction of said improvements, the City may require developer to deposit additional funds which the City deems necessary to complete the public improvements. If the City determines the Developer will not construct any or all of the improvements in accordance with this Agreement, the City may cancel and annul this Agreement with respect to such improvements upon written notification to Developer and the commitment guarantor, and without the necessity of public



hearing, withdraw from the commitment guarantee such funds as may be necessary, in the opinion of the City, to construct or complete said improvements in accordance with the agreed specifications.

13. Completion Procedures and Inspection. Upon completion of the improvements, or any logical separable portion thereof, Developer shall notify the Department of Planning Services and Department of Public Works in writing and request preliminary inspection of the completed improvements or part thereof. The City or its agent shall inspect said improvements and shall notify Developer in writing of non-acceptance or preliminary acceptance of the completed improvements. If the improvements are not acceptable, the reasons for non-acceptance shall be stated in writing and corrective measures shall be developed by the City with the assistance of Developer and at Developer's sole expense. Should the developer fail to take corrective measures required by the City, the City at its discretion, may revoke preliminary acceptance of the public improvements.

The period of preliminary acceptance shall be two years for all improvements or until final inspection may occur. Inspection shall only occur in the months of June through October. All periods of preliminary acceptance shall run from the date of written notification of preliminary acceptance. During the period of preliminary acceptance, Developer shall, at its own expense, make all needed repairs or replacements due to defective materials or workmanship and be responsible for all maintenance of said improvements. For publicly accepted streets and infrastructure, it is specifically understood that Developer will be responsible for road maintenance or care, except for snow removal or street cleaning, until the same is finally accepted. In the event of default or any of these obligations by Developer, the City, without notice to Developer, may do the same at the sole expense of Developer and withdraw from the commitment guarantee to pay for such expenses.

Upon preliminary acceptance by the City of all improvements, the security may be reduced pro rata in accordance with the provisions of paragraph 11 above to fifteen percent (15%) of the amount estimated for said improvements. Said fifteen percent retention shall be for the purpose of insuring the correction of the improvements due to deficiencies in workmanship and/or material during the ensuing one-year period by Developer. As-built engineering drawings shall be submitted for all utility and roadway installments and prior to request for, or issuance of, preliminary acceptance. Nothing herein shall be construed to require the City to make inspections during periods when climatic conditions make thorough inspection unfeasible.

14. Final Acceptance and Maintenance for Public Improvements. Following the period of preliminary acceptance for the improvements, the City or its agent shall inspect said improvements for final acceptance upon written request by the owner. Inspection shall only occur in the months of June through October, except that landscaping shall be inspected only in the month of July and at least three (3) months after preliminary acceptance. The City shall notify Developer in writing of non-acceptance or final acceptance. If the improvements are not acceptable, the reasons for non-acceptance shall be stated in writing and corrective measures shall be developed by the City, with the assistance of Developer and at Developer's sole expense.

If the City infrastructure improvements are found to be acceptable, the City, following a Resolution of Acceptance of improvements by the City Council, shall release the remaining retained balance of the commitment guarantee for such accepted improvements and shall, as of the date of such Resolution, assume such maintenance responsibility for the public improvements as would normally accrue to the City according to the Steamboat Springs Municipal Code.

15. Recording Agreement. Developer shall record this Agreement with the Clerk and Recorder of Routt County, Colorado concurrently with the approved final plat. However, this Agreement shall be submitted to the Director of Planning Services for final review immediately prior to recording.

16. Enforcement. If the City determines that there is a violation of present State Laws, City ordinances, Planning Commission regulations and requirements, and/or the terms and provisions of this Agreement, the City Manager may issue a cease and desist order. Thereafter, Developer acknowledges irreparable harm and injury to the City for purposes of an application by it to the Courts for a restraining order hereunder. Should the City deem the collateral on deposit insufficient to guarantee completion of required improvements, the City may require developer or successors to post additional collateral to guarantee completion of improvements. The City has the right to pursue and remedy provided by law and, if the City obtains any such remedy, attorney's fees and costs. As an alternative to the remedies provided by this paragraph and paragraph 12, the City has the right to withdraw its approval of the Developer's real property development in accordance with the procedures set forth in the Steamboat Springs Municipal Code; provided, however, that the City need not determine that false or inaccurate information was provided upon which the approval was based.

17. Miscellaneous. This Agreement runs with the land, and is binding on and inures to the benefit of the heirs, representatives, transferees, successors and assigns







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Kay Weinland Routt County, CO SUB IMPROR 71.00 D 0.00

EXHIBIT A  
TO THE  
IMPROVEMENTS AGREEMENT FOR  
LONGVIEW PARK FILING #1

This Exhibit A constitutes a summary of the required improvements for the real property development known and described as Longview Park Filing #1, located in the City of Steamboat Springs, Colorado, which are to be constructed in accordance with the Subdivision Improvements Agreement to which this Exhibit is attached. This Exhibit A also constitutes a certification that true and correct copies of the Plans and Specifications for the required improvements have been submitted to the Department of Public Works of the City of Steamboat Springs for retention in accordance with the Subdivision Improvements Agreement. The submitted Plans and Specifications have been signed and dated by the developer or an authorized representative of the developer. The required improvements for this development are summarized as follows:

**SEE ATTACHED ESTIMATE DATED JUNE 2, 2004  
FROM YAMPA VALLEY CONSULTING AND DESIGN, INC.**

25% Contingency may be used for correction of a defect of any improvement described in Paragraph 1 of this agreement, which is not specifically listed in Exhibit A.

We the undersigned certify that this Exhibit constitutes a complete and accurate list of improvements yet to be completed, along with accurate cost estimates based upon industry standards and adjusted for local conditions.

True Mountain Homes, Inc., a Colorado Corporation

By: Jack Nesbitt, President  
Jack Nesbitt, President

BY ALFRED CHOI  
AS ATTORNEY IN FACT  
FOR TRUE MTN. HOMES, INC.  
A COLORADO CORP.






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Key Weinland Routt County, CO SUB IMPROR 71.00

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Reviewed and Approved

 6/14/04

Stephen L. Stamey, AICP  
Director of Planning Services /Date

Reviewed and Approved

 6/14/04

James Weber, P.E.  
Director of Public Works /Date

City of Steamboat Springs

*Yampa Valley Consulting & Design, Inc.*

P.O. Box 772192  
1794 Kamar Plaza  
Steamboat Springs, Colorado 80477  
970.870.9229

RECEIVED

JUN - 2 2004

City of Steamboat Springs  
Planning Department  
PO Box 775088  
Steamboat Springs, CO. 80477

02 June, 2004  
REV. A

Attn.: Chris Rundall

RE: Longview Park Subdivision, Filing I, Lots 1, 2, 15-22, 41 & 42 - Request for acceptance of Final Plat.

Dear Chris:

Please accept the following as a record of estimate of those items yet to be completed for Long View Park, Filing I.

Also enclosed is a lump sum contract for the construction of Phase 2, (Longview Park). The water and sewer items are a total of \$298,955.00 and completed road work items are \$129,860.76. The 1.5" leveling course will be accomplished by September 3, 2004.

Revised Estimates of Costs:

			<u>Completed</u>	<u>to be installed</u>	<u>Totals</u>
1. Culverts and End sections	\$750.00 x 11	=	\$ 8,250.00		
	750.00 x 20	=		\$15,000.00	
2. 5' Wide Sidewalks	29.00 x 1800 LF	=		52,200.00	
3. 1.5" Leveling Course	65.00/ton x 350 tons	=		22,750.00	
4. 2" lift of Asphalt	8.50 x 4,120 SY+\$1,000.00	=		36,020.00	
5. Road Shouldering *	25.00 x 154 CY	=		3,850.00	
6. Adjust Manholes *	100.00 x 14	=		1,400.00	
7. Landscaping	see plan & Quote			44,682.00	
8. Revegetation of disturbed areas	\$2000/acre x 7 acres	=		14,000.00	
					189,902.00 x 125% = \$237,377.50



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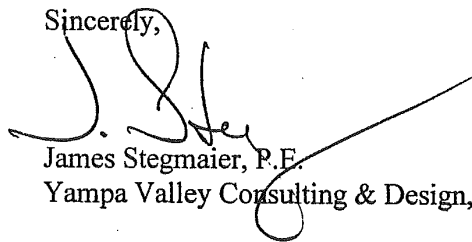
		<u>Completed</u>	<u>to be installed</u>	<u>Totals</u>
<b>9. Road Work *</b>				
Patch Repairs	(see enclosed)	= 41,636.76		
Riprap in ditch	40.00 x 975 CY	= 39,000.00		
Road/Sub grade Prep		15,000.00		
Pit Run	17.00 x 1302 CY	= 22,134.00		
Road Base	19.50 x 620 CY	= <u>12,090.00</u>		
		129,860.76 x 15% =		19,479.11
<b>10. Water and Sewer *</b>				
8" DIP Water main	29.00 x 2455 LF	= 71,195.00		
Live Trees	3,700 x 2	= 7,400.00		
8" Bends	340.00 x 13	= 4,420.00		
Corp Stops	900.00 x 64	= 57,600.00		
8" Sewer main	30.00 x 2155 LF	= 64,650.00		
4" Sewer Service	23.00 x 1880 LF	= 43,240.00		
Manholes	2,000.00 x 14	= 28,000.00		
Air Release Valve	2,400.00 x 1	= 2,400.00		
Disconnect 12" DIP	500.00 x 1	= 500.00		
Fire Hydrants	3,500.00 x 3	= 10,500.00		
8"x 8"x 8" Tee	250.00 x 5	= 1,750.00		
8" Gate Valves	850.00 x 6	= 5,100.00		
Blow Off Valves	1,100.00 x 2	= <u>2,200.00</u>		
		298,955.00 x 15% =		<u>44,843.00</u>

Total Security Required \$301,699.61

\* Per Duckel's contract paid, see attached.

If you have any questions or comments, please do not hesitate to call.

Sincerely,

  
James Stegmaier, P.E.  
Yampa Valley Consulting & Design, Inc.



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Kay Weinland Routt County, CO SUB IMPROR 71.00

D 0.00

**Native Eco Systems, Inc.**  
 38600 Klein Road  
 Steamboat Springs, CO. 80487  
 phone (970)-879-1264 fax

**Estimate**

DATE	ESTIMATE #
2/29/2004	200291

NAME / ADDRESS
Longview Subdivision Yampa Valley Consulting & Design Inc. 1794 Kamar Plaza /P.O.Box 772192 Steamboat Springs, Co. 80477

DESCRIPTION	QTY	COST	PROJECT
			TOTAL
Maple, Ginnala 1.5" installed (Acer ginnala)	28	305.00	8,540.00
Maple Rocky Mountain 1.5" installed (Acer glabrum)	22	250.00	5,500.00
Hawthorn, Thornless Cockspur 1.5" installed (Crataegus crus galli 'Inermis')	15	280.00	4,200.00
Ash, Summit 2.5" installed (Fraxinus pennsylvanica 'Summit')	22	435.00	9,570.00
#5 Juniper, Rocky Mt. #5 installed (Juniperus scopulorum)	12	48.00	576.00
Cedar, Eastern Red #5 installed (Juniperus virginiana)	13	48.00	624.00
Pine, Austrian 5' installed (Pinus nigra)	10	285.00	2,850.00
Pine, Austrian 8' installed (Pinus ponderosa)	3	495.00	1,485.00T
Pine, Ponderosa 6' installed (Prunus americana)	10	325.00	3,250.00
Pine, Ponderosa 8' installed	5	495.00	2,475.00T
Plum, American 1.5" installed	22	240.00	5,280.00
Sales Tax		8.40%	332.64
<b>TOTAL</b>			<b>\$44,682.64</b>

SIGNATURE \_\_\_\_\_



**603405**

Page: 13 of 14  
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Key Weinland Routt County, CO SUB IMPRQR 71.00



# Community First

National Bank • P.O. Box 772948 • Steamboat Springs, Colorado 80477-2948 (970) 879-4040 FAX: (970) 879-7385

LETTER OF CREDIT #5077

JUNE 15, 2004

City of Steamboat Springs  
P O Box 775088  
Steamboat Springs, CO. 80477



603405

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06/21/2004 10:11

D 0.00

Key Weinland Routt County, CO SUB IMPROR 71.00

Re: True Mountain Homes, Inc. – Longview Highlands Subdivision

To Whom It May Concern:

At the request of our client, True Mountain Homes, Inc., we hereby establish and issue this our Irrevocable Letter of Credit No. 5077 in favor of the City of Steamboat Springs for an amount up to and including but not exceeding the aggregate sum of \$301,699.61 effective immediately and expiring at our counters at 2:00 p.m. (MST) on June 15, 2005.

We undertake to honor your drafts on this Letter of Credit when accompanied by a statement signed on behalf of the City of Steamboat Springs certifying that funds in the amount specified in the statement are due and payable to the City of Steamboat Springs under the provisions of the Subdivision Improvements Agreement between True Mountain Homes, Inc. and the City of Steamboat Springs

All drafts must be marked "Drawn under Letter of Credit No. 5077, dated June 15, 2004." Drafts must be presented to our Collection Department at Community First National Bank Steamboat Springs no later than 2:00 p.m. (MST) on June 15, 2005.

Except so far as otherwise states, this letter of credit is subject to the "Uniform Customs and Practice for Documentary Credits" (1993 revision International Chamber of Commerce Publication No. 500.)

We hereby agree with the drawers, endorsers, and bona fide holders of drafts drawn under and in compliance with the terms of this letter of credit, that drafts will be duly honored on presentation to us.

Sincerely,

COMMUNITY FIRST NATIONAL BANK

Paul Clavadetscher  
President

PC/cc

Located: 555 Lincoln Avenue • Steamboat Springs, Colorado 80477

EOE

April 14, 2009

Greg Danziger, Board Member  
Longview Park Home Owners Association  
Unit 64, 606 Parkview Drive  
Steamboat Springs, Colorado 80487  
(970) 846-7292

Steamboat Springs City Council  
City of Steamboat Springs  
124 10<sup>th</sup> Street  
Steamboat Springs, Colorado 80487

Dear City Council:

Please accept my apology for not being present in person, but I had plans on this date prior to the movement of this meeting to this evening. While looking through my files to help in completing this letter I found the letter I had previously submitted to the Steamboat Springs Planning Department (City) dated May 9, 2007. I find it pertinent as we are here to talk about these same issues tonight nearly two years later. I purchased unit 64 in the Longview Park in March 2005 and have been a board member on the Longview Park Home Owners Association (HOA) for the past year. With my first-hand knowledge of the project as owner and resident and my experiences on the board of the HOA, I would strongly urge the City of Steamboat Springs City Council to retain the surety bond put in place at the outset of this development and follow through with the proposal to complete the landscaping plan of this project with no exceptions. I would also request the City to ensure that all work under this proposal be completed to meet or exceed city planning and development requirements and common industry standards and practices.

Since the purchase of my unit at Longview Park in 2005, the developer has never completed construction punch list items associated with our fully executed contract. I have since completed many of those items myself or given up on them entirely. Although I cannot speak for the other owners in the development, I'm certain you would find a consistent theme among their experiences relating to completion of construction of their individual units and the landscaping progress to date. Meanwhile, Mr. Nesbitt (Developer) and his 'crews' have spent the past four years avoiding implementation of the landscape plan that he agreed and bonded to during the planning process. In addition, the developer has repeatedly been in violation of City Code related to use and storage on open lots adjacent to or within the development. In sum, these items demonstrate a consistent and defiant pattern of behavior and it is my personal opinion that the Developer does not intend to complete the Longview Park project per his agreement with the City and its residents. If allowed, he would leave the HOA with the responsibility of completing his work at our expense. The surety bond in question is the last remaining leverage that ensures completion of the project.

In summary, it is my recommendation that Council rule to retain the surety bond and proceed with the bid for proposal to complete the landscaping at Longview Park. Based on performance, I would also encourage the Council deny any further construction projects submitted to the planning process by this Developer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Danziger', written in a cursive style.

Greg Danziger

cc: Jim Landers, Steamboat Property Association Management  
Greg Fritz, Longview Park Home Owners Association  
Meredith McFarlane, Longview Park Home Owners Association  
Jason Peasley, City of Steamboat Springs Planning Department

**KLAUZER & TREMAINE, LLC**

*Attorneys at Law*

P.O. Box 774525, Steamboat Springs, CO 80477

320 Lincoln Avenue – Second Floor

Phone: (970) 879-5003 Fax: (970) 879-1131

**www.ktlaw.com**

Randall W. Klauzer  
Member, Colorado Bar

J. Richard Tremaine  
Member, Colorado, D.C., Virginia Bars

Claire E. Sollars  
Member, Colorado and Wyoming Bars



James "Sandy" Horner  
Member, Colorado and Wyoming Bars

Jessica A. Manney  
Colorado Bar

Tammy L. Jenson  
Colorado and California Bars

April 2, 2008

Tom Leeson  
Director of Planning Services  
City of Steamboat Springs  
P.O. Box 775088  
Steamboat Springs, CO 80477

Re: Longview Park- Subdivision Improvements

Dear Tom:

This firm has been retained by the Longview Park Owners Association. The Association has requested that this firm contact you with respect to a surety bond that was previously posted by True Mountain Homes to insure the completion of landscaping, irrigation and paving at the Longview Park Subdivision. The Association wishes to be notified of any change of status with respect to the surety bond or any other requirements imposed by the City on the Longview Park Subdivision. In the event the City deems it necessary to inspect any of the improvements, the Association would like to receive advance notice so as to be present at the inspection.

Please direct any notification to the undersigned. Thank you in advance for your attention to this matter.

Yours Truly,

James "Sandy" Horner

cc: Longview Park Owners Association  
Atten: Anne Slothower

JAH/kd



May 9, 2007

Mr. Greg Danziger  
P.O. Box 881148  
Unit 64, 606 Longview Park  
Steamboat Springs, Colorado 80488  
(970) 846-7292

Mr. Tom Leeson, AICP  
Director of Planning Services  
City of Steamboat Springs  
Dept. of Planning Services  
124 10<sup>th</sup> Street  
Steamboat Springs, Colorado 80487

Dear Mr. Leeson:

I have been an owner in the Longview Park subdivision since purchasing Unit 64, 606 Parkview Drive in March 2005. My original intent was to provide you with a letter highlighting my personal concerns regarding the construction and completion of landscaping at the Longview Park development by Jack Nesbitt of True Mountain Homes, Inc (the Developer). However, I was recently provided with copies of two letters from your office dated April 11, 2007 and May 1, 2007, summarizing your plans to seek completion to the outstanding construction and landscape issues at Longview Park with the developer. Since receiving this letter, I would strongly urge the City of Steamboat Springs and your office (the City) to force the developer to complete the construction and landscaping components of this project per your agreement by the June 30<sup>th</sup> date in your letters with no exceptions. I would also encourage the City to ensure that all work conducted within this time frame related to fulfillment of the agreement be completed to meet or exceed common industry standards and practices.

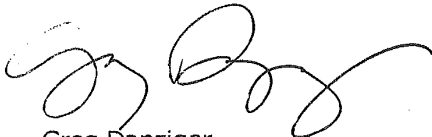
Since purchasing my unit at Longview Park more than two years ago, the developer has yet to complete construction punch list items associated with our contract signed at closing. In addition, this neglect is consistent with discussions I have had with every other owner I have spoken to in the development. Although I cannot speak for the other owners, I'm sure you would find a consistent theme among their experiences relating to completion of construction of their individual units. I can only presume that Mr. Nesbitt is in breach of contract with every owner at Longview Park. Of course these items are not of your concern, but they do demonstrate a consistent and defiant pattern of behavior. It is my personal opinion that the developer does not intend to complete the Longview Park project per his agreement with the individual owners or the City. If allowed, he will leave our Homeowner's Association with the responsibility of completing his work at our expense. Based on my previous experience, I'm certain of it. The surety bond with the City and revocation of building permits is the only leverage that ensures completion of the project.

As a manager at Ski Haus and having been involved in at least two other building projects in the City, Mountain Vista Townhomes and Ski Haus at Pine Grove Road, I have perceived a disparity between the guidelines for residential and commercial projects. The Ski Haus building was held to a very high architectural and landscape standard while the out-of-state developer for Mountain Vista was allowed to landscape the project in such a state that the owners were left to complete or repair the work at their own expense over the course of several years. It is my hope that the type of scrutiny applied to the Ski Haus expansion, a business with a 37 year history of community service and involvement, will be applied to evaluate completion guidelines for the Longview Park development and future similar residential developments.

In summary, please consider these thoughts as you determine the course of action regarding the completion of construction and landscaping at Longview Park. Please do the right thing and pull the bond and revoke the building permits and force the Developer to complete at least one component of this project as he originally agreed.

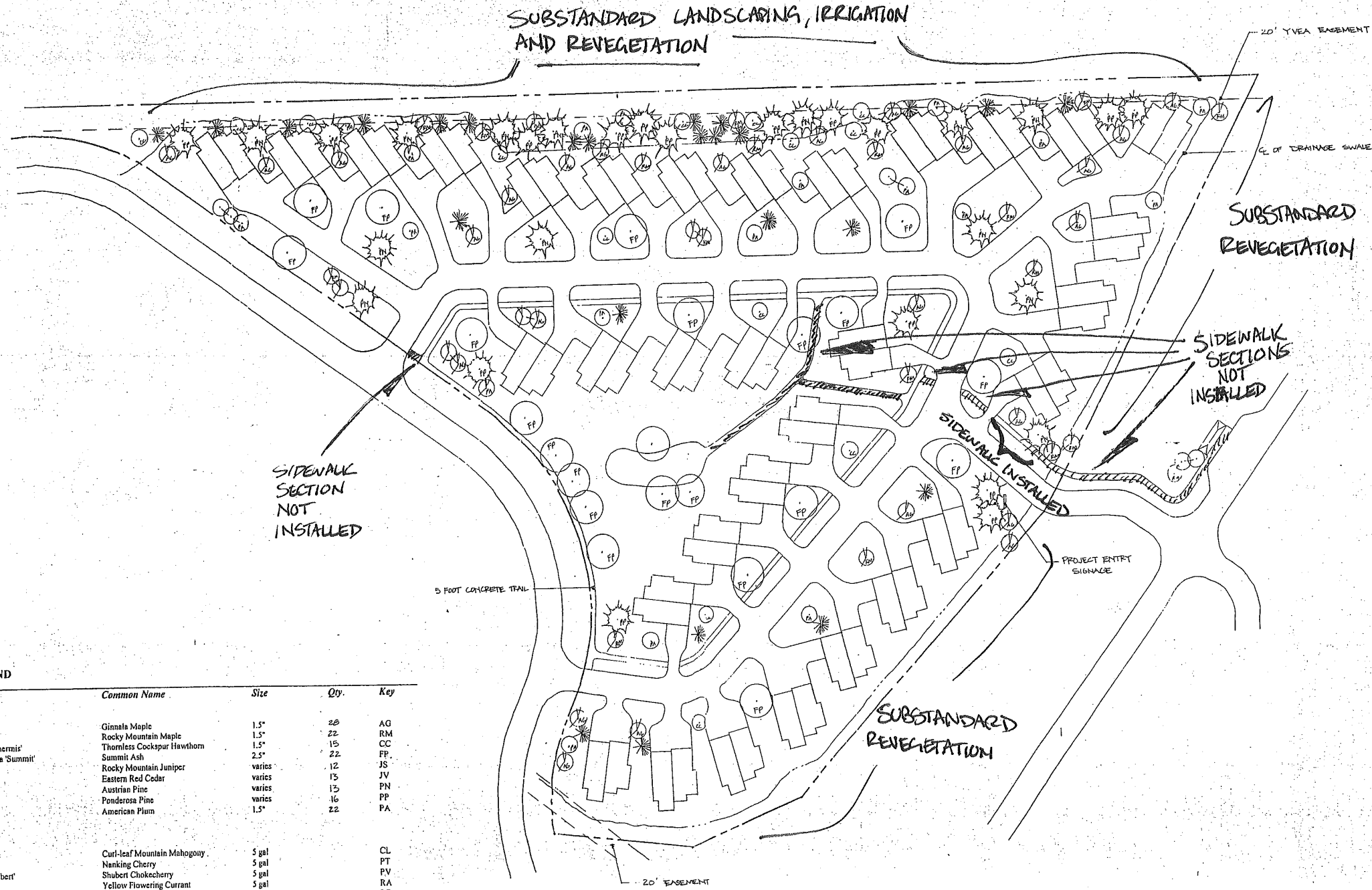
If you have any questions or require further information please contact me at the numbers above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Danziger', with a stylized flourish at the end.

Greg Danziger

cc: Russell Frinks, Board Member, Longview Park Homeowner's Association  
Toby Keeton, Construction Site Manager, City of Steamboat Springs



**PLANT LEGEND**

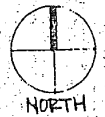
Botanical Name	Common Name	Size	Qty.	Key
<i>Trees*</i>				
<i>Acer ginnala</i>	Ginnala Maple	1.5"	28	AG
<i>Acer glabrum</i>	Rocky Mountain Maple	1.5"	22	RM
<i>Crategeus crus-galli 'Inermis'</i>	Thornless Cockspur Hawthorn	1.5"	15	CC
<i>Fraxinus pennsylvanica 'Summit'</i>	Summit Ash	2.5"	22	FP
<i>Juniperus scopulorum</i>	Rocky Mountain Juniper	varies	12	JS
<i>Juniperus virginiana</i>	Rocky h Red Cedar	varies	13	JV
<i>Pinus nigra</i>	Austrian Pine	varies	13	PN
<i>Pinus ponderosa</i>	Ponderosa Pine	varies	16	PP
<i>Prunus americana</i>	American Plum	1.5"	22	PA
<i>Shrubs**</i>				
<i>Cercocarpus ledifolius</i>	Curl-leaf Mountain Mahogany	5 gal		CL
<i>Prunus tomentosa</i>	Nanking Cherry	5 gal		PT
<i>Prunus virginiana 'Shubert'</i>	Shubert Chokecherry	5 gal		PV
<i>Ribes aureum</i>	Yellow Flowering Currant	5 gal		RA
<i>Rosa foetida 'Persiana'</i>	Persian Yellow Rose	5 gal		RF
<i>Rosa glauca</i>	Red Leaved Rose	5 gal		RG
<i>Rubus deliciosus</i>	Thimbleberry	5 gal		RD
<i>Symphoricarpos albus</i>	Snowberry	5 gal		SA
<i>Symphoricarpos orbiculatus</i>	Indian Currant	5 gal		SO

**LAURA FREY ARCHITECT**

P.O. BOX 772176 • 710 AMETHYST DR.  
STEAMBOAT SPRINGS, COLORADO 80477  
(970) 879-4831 • FAX (970) 879-4982

**HIGHLAND DESIGNS & CONSULTING**  
Phone/Fax: 970.870.4384  
1144 S. Hwy. 103, Owner  
Steamboat Springs, CO 80477  
P.O. Box 772335

LONGVIEW SUBDIVISION, PHASE II



SCALE: 1" = 50'-0"

DATE: 14 MAY 1999

L-1

SHEET

Comm

Ginnala  
Rocky h  
Thornless  
Summit  
Rocky h  
Eastern  
Austrian  
Ponderosa  
American

Curl-leaf  
Nanking  
Shubert  
Yellow  
Persian  
Red Le  
Thimble  
Snowb  
Indian

**BRUCE L. JARCHOW**

*Attorney at Law*

P.O. BOX 775106, STEAMBOAT SPRINGS, COLORADO 80477  
THE SEQUOIA CLUB BUILDING  
141 NINTH STREET

Phone: 970-879-4100

[brucejarchow@yahoo.com](mailto:brucejarchow@yahoo.com)

Fax: 970-879-4101

March 3, 2009

City of Steamboat Springs  
City Clerk's Office  
Attention: Julie Franklin  
137 10<sup>th</sup> Street; P.O. Box 775088  
Steamboat Springs, CO 80477

**Via Hand Delivery**

Re: Notice of Appeal – Request for Hearing Section 26-204(h)  
Applicant: True Mountain Homes  
Matter: Improvements Agreement For Longview Park, Filing No. 1,  
Routt County, Colorado

Dear Ms. Franklin:

Please let this letter serve as the above-named Applicant's written request for a hearing before City Council on the Planning Department's decision to draw on the collateral deposited with the City pursuant to the Subdivision Improvements Agreement for Longview Park Filing No. 1, Routt County, Colorado recorded June 21, 2004 at Reception No. 603405, attached hereto as Exhibit A.

On or about February 24, 2009, the Applicant met with Tom Leeson, the Director of Planning for the City, and Mr. Leeson informed the Applicant that the bid process was started on February 8, 2009 and advertisements for bids were published on February 8 and February 15, 2009. Mr. Leeson expressed his intent to take bids for the work, to enter into a contract with a Contractor for the work, and to draw on the Letter of Credit which was provided to the City as the Commitment Guarantee under the Improvements Agreement. By letter dated February 25, 2009, attached hereto as Exhibit B, the Applicant requested that the City follow the requirements of the Improvements Agreement by giving proper written notice to the Applicant prior to taking the action mentioned above.

The Applicant's letter pointed out the requirements of the Improvements Agreement:

Paragraph 12 of the Improvements Agreement provides "If required improvements are not constructed in accordance with the Plans and Specifications as provided to and approved by the Director of Public Works pursuant to paragraph 2 above, the City shall notify the Developer of noncompliance setting forth in writing the reasons for noncompliance. Reasonable schedules for correction of noncompliance shall be established by mutual agreement of the parties."

In order to comply with the above provision, the City is first obligated to give True Mountain Homes written notice listing the items not in compliance, and second the City and True Mountain Homes are obligated to establish reasonable schedules for correction of the noncompliance by mutual agreement. Both parties agree that subject to a timely resolution of the matters herein, a reasonable schedule for completion is to commence work as soon as weather and ground conditions permit this spring, but no later than May 15, 2009, with substantial completion on or about June 30, 2009.

The response from the City Attorney's office dated February 26, 2009 attached hereto as Exhibit C, stated that "the City is fully justified in pulling surety and contracting for the completion of the work" The Response indicated that certain letters from Toby Keeton, the Construction Site Manager sent to the Applicant in the spring of 2007 complied with the required notice of noncompliance and schedule for correction. However, the Response from the City Attorney's office omitted the fact that the items under discussion in 2007 were substantially completed that year. The items completed included:

1. Culverts and End Sections;
2. 1500 linear feet of 5' wide sidewalks;
3. 1.5" leveling course;
4. 2" lift of Asphalt;
5. Road shouldering;
6. Manholes adjusted;
7. Landscaping substantially complete (243 trees and 137 shrubs were planted);
8. Irrigation System was started in 2007 and completed in 2008 (except for Unit 31 and 32 in the Northwest corner of the Subdivision that are in the process of being completed). Normally the irrigation system is installed after the buildings are completed and the lot is graded.

The items that the Planning Department have listed in the bid documents are substantially different from the items under discussion in 2007 and should have been subject to a new notice of noncompliance to the Applicant as required by the Improvements Agreement. The Planning Department had prepared the new list of items in October of 2007 but never provided that list to the Applicant until the Bid documents were provided to the Applicant on February 24, 2009.

The Applicant submits as its grounds for appeal that the Planning Department abused its discretion, acted in an arbitrary and capricious manner and acted in bad faith as follows:

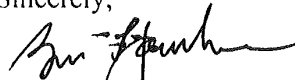
- (i) by failing to give written notice of the items not in compliance as required by Section 12 of the Improvements Agreement;
- (ii) by failing to establish by mutual agreement of the parties, reasonable schedules for correction of the items not in compliance;
- (iii) by failing to allow the Applicant time to correct the items not in compliance based on the agreed schedule for correction;

- (iv) by failing to take into consideration the reasonable substitutions made to the landscaping plan as mentioned in the letters from Laura L. Frey, Architect and Steven Buccino, Landscape Architect attached hereto as Exhibits D and E;
- (v) by advertising for bids for the work prior to giving written notice of the items not in compliance;
- (vi) by advertising for bids listing the wrong subdivision;
- (vii) by advertising for bids for work not located within Longview Park;
- (viii) by advertising for bids for work not described in the Improvements Agreement;
- (ix) by applying more stringent standards than are the norm;
- (x) by using quantities in the bid that are far greater than are required to complete the work;
- (xi) by considering matters which were irrelevant and immaterial to the criteria for withdrawal of funds from the commitment guarantee;
- (xii) by failing to timely respond to the Applicant's requests for direction as to items not in compliance prior to the cutoff date for inspections in November, 2008;
- (xii) by erroneously interpreting and applying the Community Development Code in relation to the totality of the facts and circumstances of this situation resulting in undue hardship and damage to the Applicant.

In conclusion, before funds can be withdrawn from the Commitment Guarantee, the Improvements Agreement requires that written notice listing the items not in compliance must be given to the Applicant. Following written notice, the City and Applicant must agree upon a reasonable schedule for correction of noncompliance and the Applicant must be given a reasonable period of time to correct the items not in compliance. In the event that some items are not in compliance at the expiration of the deadlines agreed to by the parties then the City can take steps to withdraw funds from the Letter of Credit to complete the improvements listed on the Improvements Agreement. Upon completion of the items listed in the bid documents we expect final acceptance of the completed improvements and release of the letter of credit.

Enclosed herewith is my check in the amount of \$250.00 to be applied to the fee for filing this appeal. Please place this matter on the City Council's agenda and give me notice of the date for the hearing. Thank you for your assistance and please do not hesitate to contact this office should you have any questions or require anything in addition to what I have provided.

Sincerely,



Bruce L. Jarchow

BLJ/mab

cc: Tom Leeson, Planning Director  
Jon Roberts, City Manager  
Dan Foote, City Attorney  
True Mountain Homes, Inc.



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part of this Agreement. All Plans and Specifications shall have been submitted to and reviewed by the Director of Public Works prior to recording the final plat.

3. Infrastructure Installation/Construction: shall be designed, surveyed and staked by a professional engineering firm. The developer shall provide a field engineer on site to observe and document the physical installation and construction and at the same time supervise the contractor. Engineering notes and documentation related to the performance of the work shall be submitted for review prior to preliminary acceptance by the City. To ensure inspection will be adequate, the developer or its designated representative shall submit to the city a proposal stipulating the name of the engineer and a scope of services which he is responsible for. This submittal shall be received by the City Director of Public Works seven (7) days prior to construction. Modifications to the level of engineering and inspection as proposed may be made at the discretion of the Director of Public Works.

4. Completion Date. The required improvements shall be completed and accepted no later than June 2, 2006, unless the City, in its sole discretion grants in writing an extension of this completion date to Developer. A written extension agreement shall be signed by the City Council President and Developer. No less than sixty (60) days prior to the above scheduled completion date, or any extension thereof, Developer shall notify the Director of Planning of the City in writing of the upcoming completion deadline and include a progress report which shall include a statement of whether Developer expects to complete the required improvements by the completion date. Developer's failure to provide this notice shall be grounds for the City to withdraw from the commitment guarantee in accordance with paragraph 12 below.

5. Estimated Cost. The cost of constructing the improvements is estimated to be \$301,899.61. This estimated construction cost includes the estimated present construction cost, plus a 25% contingency, which includes 10% for an estimated inflation factor determined by the City and calculated to the completion date, and a 15% retainage for guarantee of work for the subdivision improvements completed prior to recording the final plat. If change orders are required during the course of construction which increases the cost by more than five percent (5%) of the estimated cost or of any subsequently agreed amount which may result from increased costs of material or labor, the amount of the commitment guarantee shall be adjusted accordingly. The Developer shall notify the City in writing of any such change and supply the City with evidence of the adjusted commitment guarantee.

6. Commitment Guarantee. Developer's performance under this Agreement is guaranteed by COMMUNITY FIRST NAT. BANK. The commitment  
Steamboat Springs, CO 80437  
LOC # 5077



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guarantee will be retained by the City until released or used as provided in this Agreement. Should the improvements not be completed and accepted by the City at least 30 days prior to the expiration of any commitment guarantee, the Developer agrees to the extension of said guarantee and designates the City his agent to request said extension. Developer shall pay all costs of guarantee extension. It is mutually understood and agreed that the City will pay no interest to Developer on the commitment guarantee.

7. Transfer of Title. Before commencing the construction of any of the required improvements, Developer shall acquire, at its own expense, good and sufficient title to all lands and facilities traversed by any required improvements in which the City is to have any ownership interest or maintenance responsibility pursuant to the Final Plat and approved subdivision plan. All such lands and facilities so required to be acquired shall be conveyed to the City and all necessary documents of conveyance shall be furnished to the City for recording with the Final Plat.

8. Release of Liability: Insurance. Except for improvements constructed by the City, Developer shall indemnify and save harmless the City from any and all suits, actions, or claims of every nature and description caused by, arising from, or on account of the construction process, and pay any and all judgments rendered against the City on account of any such suit, action, or claim, together with all reasonable expenses and attorney's fees incurred by the City in defending such suit, action or claim.

9. Insurance. Developer shall assure that all contractors and other employees engaged in the construction of the required improvements will maintain workmen's compensation insurance. Before proceeding with any construction of the required improvements, Developer shall provide the City Attorney with written evidence of Public Liability Insurance with limits not less than Five Hundred Thousand Dollars (\$500,000.00) bodily injury, One Hundred Thousand Dollars (\$100,000.00) property damage in coverage forms approved by the City Attorney and protecting the City against any and all claims for damages to persons or property resulting from construction and installation of any required improvements. The policy will provide that the City shall be notified at least thirty (30) days in advance of any reduction in coverage, termination or cancellation of the policies. Such notice shall be sent certified mail. Developer also warrants that any contractors engaged by or for Developer to construct the required improvements shall maintain Public Liability Insurance coverage in limits not less than those mentioned above.





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10. Warranty. Developer hereby warrants that all required improvements will be installed in a good and workmanlike manner and in accordance with the provisions of Section 1 and 2 hereof.

11. Release of Commitment Guarantee. From time to time, as required improvements are completed, Developer may apply in writing to the Director of Planning Services and Director of Public Works for a partial release of the commitment guarantee. The application must show:

- (a) Dollar amount of commitment guarantee;
- (b) Work completed, including dollar value;
- (c) Work not completed, including dollar value;
- (d) Amount of previous releases; and
- (e) Amount of commitment guarantee requested released.

Upon receipt of the application, the City or its agent shall inspect the improvements both completed and those incomplete. If the City determines from the inspection that the improvements shown on the application as being completed have been completed as provided herein, a portion of the commitment guarantee shall be released. The release shall be made in writing signed by the Director of Planning Services and approved by the Director of Public Works. The amount to be released shall be the total amount of the commitment guarantee less (i) fifteen percent (15%) of the original amount of the cost of completed improvements, and (ii) one hundred-twenty five percent (125%) of the projected costs of the improvements not completed. Notwithstanding the foregoing provisions, Developer shall not apply for a partial release of the commitment guarantee in the amount less than twenty percent (20%) of the total original amount, except for the last such release.

12. Failure to Comply with Specifications - Agreement Cancellation. If the required improvements are not constructed in accordance with the Plans and Specifications provided to and approved by the Director of Public Works pursuant to paragraph 2 above, the City shall notify the Developer of noncompliance setting forth in writing the reasons for noncompliance. Reasonable schedules for correction of noncompliance shall be established by mutual agreement of the parties. Should the City determine at any time that the guarantee on deposit is insufficient to complete construction of said improvements, the City may require developer to deposit additional funds which the City deems necessary to complete the public improvements. If the City determines the Developer will not construct any or all of the improvements in accordance with this Agreement, the City may cancel and annul this Agreement with respect to such improvements upon written notification to Developer and the commitment guarantor, and without the necessity of public



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hearing, withdraw from the commitment guarantee such funds as may be necessary, in the opinion of the City, to construct or complete said improvements in accordance with the agreed specifications.

13. Completion Procedures and Inspection. Upon completion of the improvements, or any logical separable portion thereof, Developer shall notify the Department of Planning Services and Department of Public Works in writing and request preliminary inspection of the completed improvements or part thereof. The City or its agent shall inspect said improvements and shall notify Developer in writing of non-acceptance or preliminary acceptance of the completed improvements. If the improvements are not acceptable, the reasons for non-acceptance shall be stated in writing and corrective measures shall be developed by the City with the assistance of Developer and at Developer's sole expense. Should the developer fail to take corrective measures required by the City, the City at its discretion, may revoke preliminary acceptance of the public improvements.

The period of preliminary acceptance shall be two years for all improvements or until final inspection may occur. Inspection shall only occur in the months of June through October. All periods of preliminary acceptance shall run from the date of written notification of preliminary acceptance. During the period of preliminary acceptance, Developer shall, at its own expense, make all needed repairs or replacements due to defective materials or workmanship and be responsible for all maintenance of said improvements. For publicly accepted streets and infrastructure, it is specifically understood that Developer will be responsible for road maintenance or care, except for snow removal or street cleaning, until the same is finally accepted. In the event of default or any of these obligations by Developer, the City, without notice to Developer, may do the same at the sole expense of Developer and withdraw from the commitment guarantee to pay for such expenses.

Upon preliminary acceptance by the City of all improvements, the security may be reduced pro rata in accordance with the provisions of paragraph 11 above to fifteen percent (15%) of the amount estimated for said improvements. Said fifteen percent retention shall be for the purpose of insuring the correction of the improvements due to deficiencies in workmanship and/or material during the ensuing one-year period by Developer. As-built engineering drawings shall be submitted for all utility and roadway installments and prior to request for, or issuance of, preliminary acceptance. Nothing herein shall be construed to require the City to make inspections during periods when climatic conditions make thorough inspection unfeasible.



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14. Final Acceptance and Maintenance for Public Improvements. Following the period of preliminary acceptance for the improvements, the City or its agent shall inspect said improvements for final acceptance upon written request by the owner. Inspection shall only occur in the months of June through October, except that landscaping shall be inspected only in the month of July and at least three (3) months after preliminary acceptance. The City shall notify Developer in writing of non-acceptance or final acceptance. If the improvements are not acceptable, the reasons for non-acceptance shall be stated in writing and corrective measures shall be developed by the City, with the assistance of Developer and at Developer's sole expense.

If the City infrastructure improvements are found to be acceptable, the City, following a Resolution of Acceptance of improvements by the City Council, shall release the remaining retained balance of the commitment guarantee for such accepted improvements and shall, as of the date of such Resolution, assume such maintenance responsibility for the public improvements as would normally accrue to the City according to the Steamboat Springs Municipal Code.

15. Recording Agreement. Developer shall record this Agreement with the Clerk and Recorder of Routt County, Colorado concurrently with the approved final plat. However, this Agreement shall be submitted to the Director of Planning Services for final review immediately prior to recording.

16. Enforcement. If the City determines that there is a violation of present State Laws, City ordinances, Planning Commission regulations and requirements, and/or the terms and provisions of this Agreement, the City Manager may issue a cease and desist order. Thereafter, Developer acknowledges irreparable harm and injury to the City for purposes of an application by it to the Courts for a restraining order hereunder. Should the City deem the collateral on deposit insufficient to guarantee completion of required improvements, the City may require developer or successors to post additional collateral to guarantee completion of improvements. The City has the right to pursue and remedy provided by law and, if the City obtains any such remedy, attorney's fees and costs. As an alternative to the remedies provided by this paragraph and paragraph 12, the City has the right to withdraw its approval of the Developer's real property development in accordance with the procedures set forth in the Steamboat Springs Municipal Code; provided, however, that the City need not determine that false or inaccurate information was provided upon which the approval was based.

17. Miscellaneous. This Agreement runs with the land, and is binding on and inures to the benefit of the heirs, representatives, transferees, successors and assigns




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of the parties. The paragraph headings are descriptive only and neither amplify nor limit the substantive material. The failure to enforce or the waiver of any specific requirements of this Agreement by either party shall not be construed as a general waiver of the Agreement or any provision herein, nor shall such action act to stop either party from subsequently enforcing this Agreement according to the terms hereof. This Agreement shall be subject to and deemed to incorporate all present and future ordinances of the City applicable thereto. Should any section, paragraph, clause or provision of this Agreement be declared by a court of competent jurisdiction to be invalid, said decisions shall not affect the validity of this Agreement as a whole or any part hereof other than the part declared to be invalid, and the parties hereby affirm that they would have entered into this Agreement and each of its provisions independently of each of its other provisions. Neither party shall assign its rights and obligations hereunder without the written consent of the other party.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives and made effective on the day and time first above written.

CITY OF STEAMBOAT SPRINGS

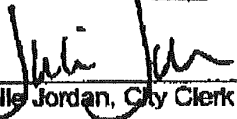
BY:



Paul A. Strong  
 City Council President



ATTEST:



Julie Jordan, City Clerk

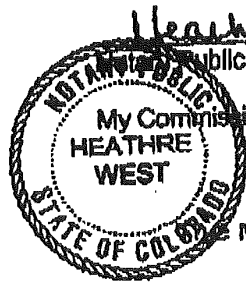
STATE OF COLORADO )  
                                 ) SS)  
 COUNTY OF ROUTT )

Subscribed, sworn to and acknowledged before me this 16 day of June, by Paul A. Strong, as City Council President of City of Steamboat Springs City Council and Julie Jordan, as City Clerk of the City of Steamboat Springs.

WITNESS my hand and official seal.



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Heathre West  
Notary Public

My Commission Expires: 9/8/07

Mountain Homes, Inc., a Colorado Corporation

My Commission Expires 9-8-07

By: Jack Nesbitt, PRESIDENT  
Jack Nesbitt, President

BY M.A.M. P.O.A.  
AS ATTORNEY IN FACT  
FOR TONE MTN HOMES, INC.  
A COLORADO CORP.

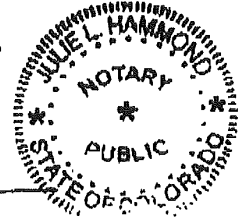
STATE OF COLORADO )  
                                  ) ss  
COUNTY OF ROUTT )

Subscribed, sworn to and acknowledged before me this 14<sup>th</sup> day of June 04, by Jack Nesbitt as President of and on behalf of Park Place Steamboat, LLC, a Colorado corporation as manager of and on behalf of Park Place Steamboat, LLC, a Colorado limited liability company.

WITNESS my hand and official seal.

Julie L. Hammond  
Notary Public

My Commission Expires: 12-7-2004





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**EXHIBIT A  
TO THE  
IMPROVEMENTS AGREEMENT FOR  
LONGVIEW PARK FILING #1**

This Exhibit A constitutes a summary of the required improvements for the real property development known and described as Longview Park Filing #1, located in the City of Steamboat Springs, Colorado, which are to be constructed in accordance with the Subdivision Improvements Agreement to which this Exhibit is attached. This Exhibit A also constitutes a certification that true and correct copies of the Plans and Specifications for the required improvements have been submitted to the Department of Public Works of the City of Steamboat Springs for retention in accordance with the Subdivision Improvements Agreement. The submitted Plans and Specifications have been signed and dated by the developer or an authorized representative of the developer. The required improvements for this development are summarized as follows:

**SEE ATTACHED ESTIMATE DATED JUNE 2, 2004  
FROM YAMPA VALLEY CONSULTING AND DESIGN, INC.**

25% Contingency may be used for correction of a defect of any improvement described in Paragraph 1 of this agreement, which is not specifically listed in Exhibit A.

We the undersigned certify that this Exhibit constitutes a complete and accurate list of improvements yet to be completed, along with accurate cost estimates based upon industry standards and adjusted for local conditions.

True Mountain Homes, Inc., a Colorado Corporation

By: Jack Nesbitt, President  
Jack Nesbitt, President

BY ALFRED CHAO  
AS ATTORNEY IN FACT  
FOR TRUE MTN. HOMES, INC.  
A COLORADO CORP.



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Reviewed and Approved

*Stephen L. Stamey* 6/14/04  
Stephen L. Stamey, AICP  
Director of Planning Services / Date

Reviewed and Approved

*James Weber* 6/14/04  
James Weber, P.E.  
Director of Public Works / Date

City of Steamboat Springs

May 29 2007 9:11

BRUCE JARCHOW

9708794101

p.12

**Yampa Valley Consulting & Design, Inc.**

P.O. Box 772192  
1794 Kumar Plaza  
Steamboat Springs, Colorado 80477  
970.870.9229

RECEIVED  
JUN - 2 2004

City of Steamboat Springs  
Planning Department  
PO Box 775088  
Steamboat Springs, CO. 80477

02 June, 2004  
REV. A

Attn: Chris Randall

RE: Longview Park Subdivision, Filing I, Lots 1, 2, 15-22, 41 & 42 - Request for acceptance of Final Plat.

Dear Chris:

Please accept the following as a record of estimate of those items yet to be completed for Long View Park, Filing I.

Also enclosed is a lump sum contract for the construction of Phase 2, (Longview Park). The water and sewer items are a total of \$298,955.00 and completed road work items are \$129,860.76. The 1.5" leveling course will be accomplished by September 3, 2004.

Revised Estimates of Costs:

		Completed	to be installed	Totals
1. Culverts and End sections	\$750.00 x 11 750.00 x 20	\$ 8,250.00	\$15,000.00	
2. 5' Wide Sidewalks	29.00 x 1800 LF		52,200.00	
3. 1.5" Leveling Course	65.00/ton x 350 tons		22,750.00	
4. 2" lift of Asphalt	8.50 x 4,120 SY + \$1,000.00		36,020.00	
5. Road Shouldering *	23.00 x 154 CY		3,850.00	
6. Adjust Manholes *	100.00 x 14		1,400.00	
7. Landscaping	see plan & Quote		44,682.00	
8. Revegetation of disturbed areas	\$2000/acre x 7 acres		14,000.00	
			189,902.00 x 125% =	\$237,377.50



603405  
Page: 11 of 14  
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D 0.00

Key Mainland Route County, CO SUB 100000 71.00

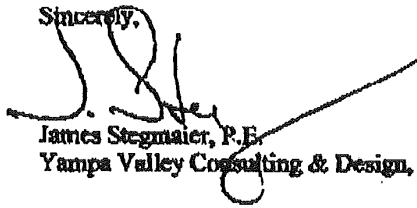


		<u>Completed</u>	<u>to be installed</u>	<u>Totals</u>
<b>9. Road Work *</b>				
Patch Repairs	(see enclosed)	= 41,636.76		
Riprap in ditch	40.00 x 975 CY	= 39,000.00		
Road/Sub grade Prep		= 15,000.00		
Pit Run	17.00 x 1302 CY	= 22,134.00		
Road Base	19.50 x 620 CY	= 12,090.00		
			129,860.76 x 15% =	19,479.11
<b>10. Water and Sewer *</b>				
8" DIP Water main	29.00 x 2455 LF	= 71,195.00		
Live Trees	3,700 x 2	= 7,400.00		
8" Bends	340.00 x 13	= 4,420.00		
Corp Stops	900.00 x 64	= 57,600.00		
8" Sewer main	30.00 x 2155 LF	= 64,650.00		
4" Sewer Service	23.00 x 1880 LF	= 43,240.00		
Manholes	2,000.00 x 14	= 28,000.00		
Air Release Valve	2,400.00 x 1	= 2,400.00		
Disconnect 12" DIP	500.00 x 1	= 500.00		
Fire Hydrants	3,500.00 x 3	= 10,500.00		
8"x 8"x 8" Tee	250.00 x 5	= 1,750.00		
8" Gate Valves	850.00 x 6	= 5,100.00		
Blow Off Valves	1,100.00 x 2	= 2,200.00		
			298,955.00 x 15% =	44,843.00

Total Security Required \$301,699.61

\* Per Deckel's contract paid, see attached.

If you have any questions or comments, please do not hesitate to call.

Sincerely,  
  
 James Stegmaier, P.E.  
 Yampa Valley Consulting & Design, Inc.



603405

Page: 12 of 14  
05/21/2004 10:11

Key Mainland Routt County, CO BUS IMPROR 71.00 - 0 8.00

FROM :NATIVE ECO

FAX NO. :9708791264

Mar. 12 2004 01:16PM P3

**Native Eco Systems, Inc.**  
 38600 Klein Road  
 Steamboat Springs, CO, 80487  
 phone (970)-879-1264 fax

### Estimate

DATE	ESTIMATE #
2/20/2004	200291

NAME / ADDRESS
Longview Subdivision Yampa Valley Consulting & Design Inc. 1794 Kamaar Plaza P.O.Box 772192 Steamboat Springs, Co. 80477

DESCRIPTION	QTY	COST	PROJECT
			TOTAL
Maple, Oriental 1.5" installed ( <i>Acer glabrum</i> )	28	305.00	8,540.00
Maple Rocky Mountain 1.5" installed ( <i>Acer glabrum</i> )	22	250.00	5,500.00
Hawthorn, Thornless Cockspur 1.5" installed ( <i>Crataegus crus galli 'incarnis'</i> )	15	280.00	4,200.00
Ash, Summit 2.5" installed ( <i>Fraxinus pennsylvanica 'Summit'</i> )	22	435.00	9,570.00
#5 Juniper, Rocky Mt. #3 installed ( <i>Juniperus scopulorum</i> )	12	48.00	576.00
Cedar, Eastern Red #5 installed ( <i>Juniperus virginiana</i> )	13	48.00	624.00
Pine, Austrian 5" installed ( <i>Pinus nigra</i> )	10	285.00	2,850.00
Pine, Austrian 8" installed ( <i>Pinus ponderosa</i> )	3	495.00	1,485.00
Pine, Ponderosa 6" installed ( <i>Pinus ponderosa</i> )	10	325.00	3,250.00
Pine, Ponderosa 8" installed	5	495.00	2,475.00
Plum, American 1.5" installed	22	240.00	5,280.00
Sales Tax		8.40%	332.64
<b>TOTAL</b>			<b>544,682.64</b>

SIGNATURE \_\_\_\_\_



**603405**  
 Page: 13 of 14  
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# Community First

National Bank • P.O. Box 772948 • Steamboat Springs, Colorado 80477-2948 (970) 879-4040 FAX: (970) 879-7385

LETTER OF CREDIT #5077

JUNE 15, 2004

City of Steamboat Springs  
P O Box 775088  
Steamboat Springs, CO. 80477



603405

Page: 14 of 14  
06/21/2004 10:11  
D 0.00

Ray Meinland Routt County, CO 816 IMPROV 71.00

Re: True Mountain Homes, Inc. - Longview Highlands Subdivision

To Whom It May Concern:

At the request of our client, True Mountain Homes, Inc., we hereby establish and issue this our Irrevocable Letter of Credit No. 5077 in favor of the City of Steamboat Springs for an amount up to and including but not exceeding the aggregate sum of \$301,699.61 effective immediately and expiring at our counters at 2:00 p.m. (MST) on June 15, 2005.

We undertake to honor your drafts on this Letter of Credit when accompanied by a statement signed on behalf of the City of Steamboat Springs certifying that funds in the amount specified in the statement are due and payable to the City of Steamboat Springs under the provisions of the Subdivision Improvements Agreement between True Mountain Homes, Inc. and the City of Steamboat Springs

All drafts must be marked "Drawn under Letter of Credit No. 5077, dated June 15, 2004." Drafts must be presented to our Collection Department at Community First National Bank Steamboat Springs no later than 2:00 p.m. (MST) on June 15, 2005.

Except so far as otherwise states, this letter of credit is subject to the "Uniform Customs and Practice for Documentary Credits" (1993 revision International Chamber of Commerce Publication No. 500.)

We hereby agree with the drawers, endorsers, and bona fide holders of drafts drawn under and in compliance with the terms of this letter of credit, that drafts will be duly honored on presentation to us.

Sincerely,

COMMUNITY FIRST NATIONAL BANK

Paul Clavadetscher  
President

PC/cc

Located: 359 Lincoln Avenue • Steamboat Springs, Colorado 80477

EOE

**BRUCE L. JARCHOW**

*Attorney at Law*

P.O. BOX 775106, STEAMBOAT SPRINGS, COLORADO 80477  
THE SEQUOIA CLUB BUILDING  
141 NINTH STREET

Phone: 970-879-4100

Fax: 970-879-4101

[brucejarchow@yahoo.com](mailto:brucejarchow@yahoo.com)

February 25, 2009

City of Steamboat Springs  
Planning Department  
137 10<sup>th</sup> Street  
Steamboat Springs, CO 80477  
Attention: Dan Foote, City Attorney

**Via Hand Delivery**

Re: True Mountain Homes  
Longview Park, Routt County, Colorado

Dear Dan:

I represent True Mountain Homes, Inc. ("True Mountain Homes") with regard to The Improvements Agreement For Longview Park Filing No. 1 recorded on June 21, 2004, Reception No. 603405, Routt County, Colorado (the "Improvements Agreement"). As you may be aware, True Mountain Homes learned last week that the City has advertised for bids for the completion of certain work described as:

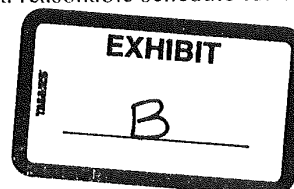
"the supply and installation of 93 trees; completing the irrigation system installation; construction of 250 linear feet of 5' sidewalk; corrections to manhole and valve box installations; clean up of culverts, ditches and the storm water quality pond; and regarding road shoulders (the "work")."

My understanding is that Tom Leeson met with representatives of True Mountain Homes on Friday, February 24, 2009, at which time he expressed his intent to take bids, enter into a contract with a contractor for the work and to draw on the Letter of Credit which has been provided to the City as a Commitment Guarantee under the Improvements Agreement.

The purpose of this letter is twofold: (i) to discuss the rights and obligations of the parties to the Improvements Agreement and (ii) to point out discrepancies in the Advertisement For Bid.

Paragraph 12 of the Improvements Agreement provides "If required improvements are not constructed in accordance with the Plans and Specifications provided to and approved by the Directors of Public Works pursuant to paragraph 2 above, the City shall notify the Developer of noncompliance setting forth in writing the reasons for the noncompliance. Reasonable schedules for correction of noncompliance shall be established by mutual agreement of the parties."

In order to comply with the above provision, the City is first obligated to give True Mountain Homes written notice listing the items not in compliance, and second the City and True Mountain Homes are obligated to establish reasonable schedules for correction of the noncompliance by mutual agreement. It is suggested that a reasonable schedule for completion is



to commence work as soon as weather and ground conditions permit this spring, but no later than May 15, 2009, with substantial completion on or about June 30, 2009.

The proper procedure then is as follows:

1. The City gives True Mountain Homes written notice of the items not in compliance;
2. The City and True Mountain Homes establish reasonable schedules for correction of the items not in compliance;
3. True Mountain Homes has the opportunity to correct the items not in compliance based on the agreed schedule;
4. In the event that some items are not in compliance at the expiration of the deadlines agreed to by the parties then the City can take steps to draw on the Letter of Credit to complete the improvements listed on the Improvements Agreement.

The Bid Opening on February 26, 2009 as advertised in the Advertisement for Bids should be cancelled for several reasons:

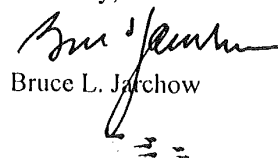
(a) The Advertisement for Bids should not be undertaken until the requirements of paragraph 12 of the Improvements Agreement (discussed above) have been met and True Mountain Homes has an opportunity to correct the items not in compliance according to the reasonable schedules agreed to by the parties; and

(b) The Advertisement for Bids contains fatal errors including, but not limited to, the wrong subdivision being described in the bid documents. The bid documents refer to "Longview Subdivision" not to "Longview Park." Longview Subdivision actually is an older subdivision recorded on December 19, 1995 at File No. 12286 in the Routt County, Colorado records.

I believe that the objectives of the City can be achieved without resorting to the contemplated bid procedure and that the errors and misinformation contained in the Advertisement For Bid would subject the City to unintended liabilities and unnecessary litigation expense.

Please let me know whether you are in agreement with the above mentioned notice requirements and reasonable schedules for correction of noncompliance. Your prompt response to this letter would be appreciated.

Sincerely,



Bruce L. Jarchow

BLJ/mab

cc: Tom Leeson, Planning Director  
Jon Roberts, City Manager  
Jason Peasley, City Planner  
True Mountain Homes, Inc.

City of  
**Steamboat Springs** 

City Attorney's Office

February 26, 2009

Bruce L. Jarchow  
P.O. Box 775106  
Steamboat Springs, CO 80477  
The Sequoiah Club Building  
141 Ninth St.  
Steamboat Springs, CO 80487

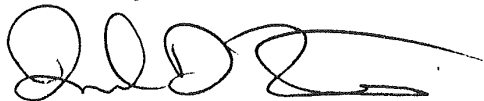
Re: True Mountain Homes/Longview Park

Dear Bruce:

Please find attached copies of correspondence relating to notice of noncompliance and schedules for correction. As you can see, the schedules for correction called for the work to be completed in 2007. It now being 2009, the City is fully justified in pulling surety and contracting for the completion of the work.

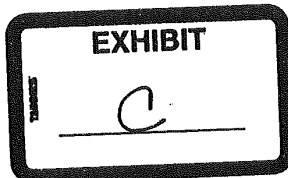
Thank you for pointing out the discrepancy in the bid documents. I will make sure we correct the subdivision reference before going to contract.

Sincerely,



Daniel D. Foote  
Staff Attorney

Cc: John Robert, City Manager (w/o attachment)  
Tom Leeson, Director of Planning Services (w/o attachment)  
Jason Peasley, City Planner (w/o attachment)



City of  
**Steamboat Springs** 

Department of Planning Services

January 18, 2005

Al Choy  
True Mountain Homes  
1024 Longview Circle  
Steamboat Springs, CO 80487

Re: Irrigation Requirements

Dear Al,

In response to numerous inquiries from homeowners in the Longview Park Subdivision, please accept this letter as a formal response to their request for clarification of the irrigation requirement. Per Section 26-135 of the Community Development Code, automatic irrigation is required in the MF Zone for both the interior of the site and the required landscape setback area.

Please contact me if you have any further questions.

Sincerely,



Jonathan Spence  
Planner

CC: Chron  
File

TRUE MOUNTAIN HOMES INC.  
410 Industrial Drive  
Milton, Ontario, Canada L9T 5A6

Tel: (905) 693-8525 Fax: (905) 693-1103  
Colorado Tel: (970) 870-0697 Fax: (970) 870-0786

---

April 12, 2007

City of Steamboat Springs  
124 10<sup>th</sup> Street  
P.O. Box 775088  
Steamboat Springs, CO 80477-5088

Attention: Toby Keeton  
Construction Site Manager

VIA FAX 970-871-8285

RE: Your letter of April 11, 2007  
Longview Park -- Subdivision Improvements [Agreement]

Dear Toby,

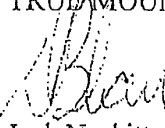
Please be advised that we have had Tony Connell and his forces to our site to prepare for paving works within the subdivision.

The balance of the work will be handled by mostly our own forces and I have asked Al Choy to meet with you to discuss the timing of same. Naturally, the weather will be a large factor since we have an abundance of top soil stored on the site and intend moving same onto the subdivision to a depth of about 6". Normally the weather would not allow this work to proceed prior to June 1st. We therefore agree with the first sentence of the second paragraph of the above letter "the work outlined in the [Improvements] agreement must be performed immediately as site conditions and construction phasing allow."

However, I find the next sentence of paragraph two "Specifically, the irrigation, landscaping, and revegetation of disturbed areas of the site must be completed." confusing. I have reviewed the Improvements Agreement and find no mention of an irrigation system.

Please meet with Al Choy to discuss scheduling of the works, after which same can be provided in writing if required.

Yours truly,  
TRUE MOUNTAIN HOMES INC.

  
per. Jack Nesbitt, president





Department of Planning Services

April 11, 2007

Jack Nesbitt  
True Mountain Homes, Inc.  
410 Industrial Drive  
Milton, Ontario  
Canada  
L9T5A6  
VIA Certified Mail & Facsimile (905) 693-1103

**RE: Longview Park--Subdivision Improvements**

Dear Mr. Nesbitt:

This letter is to inform you that the Improvements Agreement for the above referenced project expired on June 2, 2006. However, the associated letter of credit in the amount of three hundred one thousand seven hundred dollars (\$301,700) will expire on November 24, 2007.

The work outlined in the agreement must be performed immediately as site conditions and construction phasing allows. Specifically, the irrigation, landscaping, and revegetation of disturbed areas of the site must be completed. The Director of Planning Services has mandated that the work associated with the irrigation, landscaping, and revegetation be complete by June 30, 2007.

If the work is not complete by this date, the City of Steamboat Springs will have no other choice than to contact Millennium Bank and request a release of the funds from your Letter of Credit to the City. This will allow the City to have the improvements constructed or completed in accordance with the agreed specifications stated in the Improvements Agreement for True Mountain Homes and the Longview Park Subdivision Phase II.

A schedule of the irrigation, landscaping, and revegetation improvements must be submitted to the City no later than Friday, April 13, 2007. The schedule must note the following with respect to each job activity: activity identification and location, activity duration, activity early start and late finish times. A progress report must be submitted to the Director on May 15 and June 15, 2007. A final inspection of the work must be scheduled on or before June 30, 2007.

Sincerely,  
CITY OF STEAMBOAT SPRINGS



Toby Keeton, Construction Site Inspector  
(970) 871-8273

CC: Chronological File  
Tom Leeson, Director of Planning Services  
Alan Lanning, City Manager  
Dan Foote, Assistant City Attorney  
Al Choy, True Mountain Homes, (970) 870-0786 fax  
Longview Park HOA 871-1099 FAX

**TRUE MOUNTAIN HOMES, INC.**

410 Industrial Drive  
Milton, Ontario L9T5A6  
Canada

Tel: (905) 639-8525 Fax: (905) 639-1103  
Colorado Tel: (970) 870-0414 Fax: (970) 870-2970

---

April 13<sup>th</sup> 2007

City Of Steamboat Springs  
Dept. of Planning Services  
124 10<sup>th</sup> St.  
Steamboat Springs, CO 80487

Attn: Toby Keaton

Dear Toby,

Thank you for your inquiry as to the progress of the project. As you know some of the referenced activities were started last fall to maximize their success. Others were started this spring as weather had permitted.

As per your letter dated April 11<sup>th</sup> 2007, I have compiled information as requested. Please also consider all this work will be conducted simultaneously with the completion of the last six buildings, (last 12 units), of which have services to be installed.

<u>Location</u>	<u>Activity</u>	<u>Early Start</u>	<u>Late Finish</u>
Spur road	tap into main	May 15 <sup>th</sup>	June 15 <sup>th</sup>
Units			
51-64	driveway prep	April 13 <sup>th</sup>	June 30 <sup>th</sup>
51-64	surface prep, 1 <sup>st</sup> seed, straw, irr. conduit	April 5 <sup>th</sup>	June 30 <sup>th</sup>
1-6	driveway prep	April 18 <sup>th</sup>	June 30 <sup>th</sup>
1-6	surface prep, 1 <sup>st</sup> seed, straw, irr. conduit	April 7 <sup>th</sup>	June 30 <sup>th</sup>
13-24	driveway prep	April 11 <sup>th</sup>	June 30 <sup>th</sup>
13-24	surface prep, 1 <sup>st</sup> seed, straw, irr. conduit	April 7 <sup>th</sup>	June 30 <sup>th</sup>

33-42	driveway prep	April 23 <sup>rd</sup>	June 30 <sup>th</sup>
33-42	surface prep, 1 <sup>st</sup> seed, straw, irr. conduit	April 10 <sup>th</sup>	June 30 <sup>th</sup>
43-50	driveway prep	April 23 <sup>rd</sup>	June 30 <sup>th</sup>
43-50	surface prep, 1 <sup>st</sup> seed, straw, irr. conduit	April 20 <sup>th</sup>	June 30 <sup>th</sup>
9-12	Not sold yet	April 10 <sup>th</sup>	June 30 <sup>th</sup>
33-50	sidewalk prep, forming, pouring	April 30 <sup>th</sup>	June 30 <sup>th</sup>

25-32 may realistically need to be phased separately, for they have not been completely serviced, and are easily segmented from the rest of the project. Although, we will start the work in mid May, and completion will be before the end of summer.

Yours Truly,

TRUE MOUNTAIN HOMES, INC.



Al Choy, Project Supervisor



Department of Planning Services

May 3, 2007

Jack Nesbitt  
True Mountain Homes, Inc.  
410 Industrial Drive  
Milton, Ontario  
Canada  
L9T5A6  
VIA Mail & Facsimile (905) 693-1103

**RE: Longview Park--Subdivision Improvements**

Dear Mr. Nesbitt:

This serves as a follow up to the letter dated April 11, 2007, and a summary of the site meeting at the Longview construction site on May 1, 2007. The director of planning services Tom Leeson, Al Choy, and myself met to discuss the progress relating to the required subdivision improvements and the June 30 deadline outlined in the April 11<sup>th</sup> letter.

While a minimal amount of progress was noticed at the site, the City is concerned that the required completion of the work will not occur by the deadline set forth. The City recommends that the work associated with landscaping and irrigation be outsourced to a professional landscape and irrigation company.

As stated in the April 11<sup>th</sup> letter, if the deadline isn't met, the City will request a release of the funds from your letter of credit and have the work completed. In addition to this, the City will seek to revoke the Development Permit and all active building permits per the terms of the Improvements Agreement and Section 26-3 (b) (4) of the Community Development Code.

If you have any questions or concerns regarding this matter, I can be reached at the number below.

If you have any questions or concerns regarding this matter, I can be reached at the number below.

Sincerely,  
CITY OF STEAMBOAT SPRINGS



Toby Keeton, Construction Site Manager  
(970) 871-8273

CC: Chronological File  
Tom Leeson, Director of Planning Services  
Alan Lanning, City Manager  
Dan Foote, Assistant City Attorney  
Al Choy, True Mountain Homes, (970) 870-0786 fax  
Longview Park HOA (970) 871-~~9001~~ fax

1099

TRUE MOUNTAIN HOMES INC.  
410 Industrial Drive  
Milton, Ontario, Canada L9T 5A6

RECEIVED  
6.7.07

Tel: (905) 693-8525 Fax: (905) 693-1103  
Colorado Tel: (970) 870-0697 Fax: (970) 870-0786

---

May 16, 2007

City of Steamboat Springs  
124 10<sup>th</sup> Street  
P.O. Box 775088  
Steamboat Springs, CO 80477-5088

Attention: Toby Keeton  
Construction Site Inspector

VIA FAX 970-871-8285

RE: Your letter of May 3, 2007  
Longview Park – Subdivision Improvements [Agreement]  
Your demand for completion by June 30, 2007

Dear Toby,

I have received your letter of May 3, 2007 and thank you for meeting on site with Al Choy as I had requested in my letter of April 12, 2007.

I agree that the amount of site work completed in April is minimal (125 loads of topsoil now moved) namely because we cannot fully utilize our forces without being sure of good weather to complete the following work as shown in the Improvements Agreement (schedule attached). The following items remain to be completed:

Item 2	5' wide sidewalks
Item 4	2' asphalt lift
Item 5	Road Shouldering
Item 6	Adjust manholes
Item 7	Landscaping
Item 8	Revegetation

Items 1, 3, 9 & 10 are complete except as to maintenance. Our own personnel are preparing to start Item 2. Connell has quoted on Items 4 & 6. We have ordered plant material for Item 7. We are in touch with a contractor to hydroseed to complete Item 8.

However, before Items 4, 5, 6, 7 & 8 can begin, we first need to final grade the subdivision using the top soil that is stored on site. This could be 1000 loads of top soil. A big job. A very good

bull dozer operator (said personnel available on site only after June 1, 2007) is important for this final grade operation, not a landscape contractor as mentioned in your above letter. We have our own equipment but good weather is imperative to fully utilize our personnel.

Once the subdivision is brought up to final grade our crew of laborers will rake out the top soil and plant the plant material to complete Item 7. At the same time as the final grading is proceeding the driveways can be paved and Item 2 completed in sections leaving access points for needed material movements. Upon completion of the Final Grading, Driveways, Item 2 and Item 7, we can then Hydroseed the subdivision.

At this point we could now proceed with Items 6 and 4 as quoted by Connell. Upon completion of Item 4, Item 5 would likely be completed by our own personnel.

Until your letter of April 11, 2007 I had not heard of any demand as captioned above even though we have been consistently in communication with you since June 2, 2004\*. I am sure you knew of the progress of the Subdivision and therefore knew that previously it was impossible to even start the above mentioned site work with over half of the homes under construction.

Assuming you are familiar with normal Steamboat weather, surely you know that we are being reasonable to schedule the beginning of June to fully utilize our personnel to final grade the subdivision and complete Items 2, 4, 5, 6, 7 & 8. Your expected completion date of all of the above work of June 30, 2007 would then give us 30 days to complete same. While this may be substantially possible, we believe this to be an unreasonable demand. Surely what should be most important to the City is the quality of the work which will be assumed by the City, not whether it is completed in June, July, August or September. None of the Buyers in the subdivision have complained to us except for the odd "grouch" (the person who will never be pleased no matter what is done, and/or the one who is trying to make money quickly). We have experienced at least one of these people in all of our subdivisions no matter what the circumstance or the location of the subdivision and we prefer to not sell to this type of person. In fact the Buyers have agreed in their Contracts that they understand the needed timeliness of construction activity on the site. Most of our Buyers have expressed and continue to express their appreciation that we are intending to and are getting the job done properly, and would realize that the risk of an improper job is increased in the event that the City draws down on its Letter of Credit to complete the work. In the event that Buyers are complaining to you that we are unaware of, we would be happy to talk to them if you would relay their names to us.

When the new development code was passed, we asked that our subdivision be phased to allow more time to complete each phase without an expiry of our approval. Same was refused by your Planning Department. Had it been approved we would have had the time and the obligation to complete the landscaping in phases. Last year we closed on 17 units, the year before closing on 23 and previous to that 9. Surely the time it takes to build should be less important than the quality, in fact time is one ingredient that helps create quality.

Surely what is reasonable in this situation is to allow us the time to complete the job properly provided a reasonable amount of effort is being put forward in the completion of the subdivision.



Please keep in mind that there are numerous services within the area which would be expensive to repair if proper caution is not observed. Same includes; water, gas, electric and very expensive fiberoptic cable. We intend to take proper care in proceeding with the above work rather than to rush to meet an artificial deadline that could jeopardize portions of the existing infrastructure.

In addition to the above mentioned work, you also have made the demand in your letter of April 11, 2007 that we install an irrigation system before June 30, 2007 by stating the following: "The work outlined in the agreement must be performed immediately as site conditions and construction phasing allows. Specifically, the irrigation, landscaping and revegetation of disturbed areas of the site must be completed. The Director of Planning Services has mandated that the work associated with the irrigation, landscaping, and revegetation be complete by June 30, 2007."

I answered in my letter of April 12, 2007 by stating the following: "However, I find the next sentence of paragraph two "Specifically, the irrigation, landscaping, and revegetation of disturbed areas of the site must be completed." confusing. I have reviewed the Improvements Agreement and find no mention of an irrigation system."

Since your letter of May 3, 2007 does not address the issue of the irrigation system I expect that this demand is no longer being made. However, I would like to tell you that we are preparing the subdivision (by installing conduit under the driveways before they are paved) so that an irrigation system can be more easily installed at a later time.

Yours truly,

TRUE MOUNTAIN HOMES INC.



Jack Nesbitt, president

P.s Thank you for your letter of even date dealing with the irrigation system, be advised that I will respond to same as soon as possible.

\* Date set for completion of work in Improvements Agreement



May 16, 2007

Jack Nesbitt  
True Mountain Homes, Inc.  
410 Industrial Drive  
Milton, Ontario  
Canada  
L9T5A6  
Facsimile (905) 693-1103

**RE: Longview Park—Irrigation Requirement**

Dear Mr. Nesbitt:

In response to numerous inquiries from homeowners in the Longview Park Subdivision, please accept this letter as a formal response to their request for clarification of the irrigation requirement. Per section 26-135 of the Community Development Code, automatic irrigation is required in the MF Zone for both the interior of the site and the required landscape setback area.

Please contact me at the number listed below if you have any further questions.

Sincerely,  
CITY OF STEAMBOAT SPRINGS

A handwritten signature in black ink, appearing to read "Toby Keeton".

Toby Keeton, Construction Site Inspector  
(970) 871-8273

CC: Chronological File  
Tom Leeson, Director of Planning Services  
Al Choy, True Mountain Homes, (970) 870-0786 fax

*CSM File*

# City of Steamboat Springs

May 22, 2007

Jack Nesbitt  
True Mountain Homes, Inc.  
410 Industrial Drive  
Milton, Ontario  
Canada  
L9T5A6  
Facsimile (905) 693-1103

**RE: Longview Park Subdivision**

Dear Mr. Nesbitt:

Thank you for your letter dated May 16, 2007. It is understood by the City that site conditions and construction phasing affect the scheduling and completion of the remaining improvements. The City feels the amount of time granted for the completion of the subdivision improvements and the irrigation installation is quite adequate.

Site *and* weather conditions have been favorable for the work outlined for several weeks. The minimal progress is not due to weather and site conditions, but rather the inadequate equipment and workforce at the site. Again, the City recommends that once final grade is achieved, a professional landscape firm be hired to complete the revegetation and landscaping.

In conclusion, the City stands by the completion date of June 30, 2007.

I can be contacted at the number listed below with any comments or concerns.

Sincerely,  
CITY OF STEAMBOAT SPRINGS



Toby Keeton, Construction Site Inspector  
(970) 871-8273

CC: Chronological File  
Tom Leeson, Director of Planning Services  
Dan Foote, City Attorney

TRUE MOUNTAIN HOMES INC.  
410 Industrial Drive  
Milton, Ontario, Canada L9T 5A6  
Tel: (905) 693-8525 Fax: (905) 693-1103  
Colorado Tel: (970) 870-0697 Fax: (970) 870-0786

---

May 29, 2007

City of Steamboat Springs  
124 10th Street  
P.O. Box 775088  
Steamboat Springs, CO 80477-5088

Attention: Toby Keeton  
Construction Site Inspector

VIA FAX 970-871-8285

RE: Your letter of May 16, 2007  
Longview Park – Subdivision Improvements [Agreement]

Dear Toby,

In your letter of May 16, 2007 you state that you have had numerous inquiries from homeowners in the Longview Park Subdivision. Enclosed is a chart listing all of the homes which have been sold in said Subdivision. I have labeled the columns 1 thru 5 and will explain the significance of each below.

**Column 1.**

Each Agreement to Buy and Sell Real Estate Longview Park A Colorado Common Interest Community contains the following paragraph:

6. (a) Plans and Specifications. Seller shall construct the Residence in substantial conformity with the approved development plans for the Project and with construction plans and specifications (the "Plans") on file in the offices of the Seller in Steamboat Springs, Colorado. Seller reserves the right at Seller's option to make minor modifications to the Plans, including, without limitation, walkouts, narrowed driveway entrances, decks, side porches or a reverse layout (mirror image) as the Seller deems necessary or advisable, or the City requires, without Buyers prior consent, as long as the quality and value of the Residence is not impaired. Buyer acknowledges that certain features, items and equipment, such as the color, paint, tile, cabinets and appliances to be furnished with the Residence are subject to design changes by the manufacturer and are further subject to shading and color variations and accordingly may vary from samples that may have been shown to Buyer. Buyer acknowledges that Buyer has reviewed and approved the design drawings and/or plans. Buyer covenants and agrees he shall have no claims against Seller for any higher or better standards of workmanship or materials, and Buyer agrees that the foregoing may be pleaded by Seller as an estoppel in any action brought by Buyer or his successors in title against the Seller. The Seller may from time to time, change, vary or modify in its sole discretion or at the insistence of any governmental authority or the holders of a deed of trust encumbering the Property, any elevations, building specifications or site plans to conform with any City Permit. Such changes may be to the plans and specifications existing at the time the Buyer entered into this Agreement, or as illustrated on any sales brochures, models or otherwise.

Per the above paragraph all Buyers have agreed that they have reviewed and approved the design drawings and/or development plans. There has never been a plan for an irrigation system within the subdivision. And further, the Buyer covenants and agrees he shall have no claims against Seller for any higher or better standards of workmanship or materials, this of course would include an irrigation system.

## Column 2.

The following paragraph is included in 26 of the Agreements where the homes have closed, 7 Agreements where homes are sold but not yet closed, and will be included in the remaining 5 Agreements. Therefore this paragraph is in a majority of the Agreements:

6. (i) **Common Elements.** Upon recording of the Plat for that portion of the Project on which the Residence is located Seller shall be deemed to have completed the Common Elements as defined in the Declaration. Seller may elect not to pave such roads, driveways and parking areas until completion of other improvements within the Project that require the use of heavy construction equipment, or until such completion can be most economically performed pursuant to Seller's construction schedule. Buyer acknowledges that an irrigation system is not included in the development plans for the Project and that an irrigation system will not be provided by Seller. In the event that the City requires the installation of an irrigation system, or if the Association elects to install an irrigation system, Buyer as a member of the Longview Park Owners Association may be subject to an assessment for a portion of the cost of the irrigation system equal to such cost multiplied by the Allocated Interest of Buyer's Unit as set forth in the Declaration for the Project as amended and supplemented.

Per the above paragraph the Buyers have acknowledged that an irrigation system is not included in the development plans for the Project and that an irrigation system will not be provided by Seller.

## Column 3.

Each Agreement includes an Exhibit "B". The Exhibit "B" lists the features that are included in the purchase price of the home. Items which are not included in the Exhibit "B" would require a Change Order and would increase the Contract Sales price accordingly. There is no mention of an irrigation system in any Exhibit "B" attached to the Agreements to Buy.

## Column 4.

The following paragraph is included in all Agreements:

7. **Declaration and Owner's Association Documents.** Buyer acknowledges receipt of preliminary, unsigned copies of the present version of the Declaration for Longview Park (the "Declaration") and the Articles of Incorporation and Bylaws of Longview Park Association, a Colorado nonprofit corporation ("Association"), all of which Buyer represents he or she had read. Buyer agrees to be subject to the provisions of the Declaration as recorded and to be a member of the Association and be governed by the Articles of Incorporation as filed with the Colorado Secretary of State and Bylaws of the Association as any of the same may be amended from time to time and to comply with rules and regulations, resolutions and decisions of the Association properly adopted, so long as Buyer remains an owner of the Property. Buyer shall be deemed to have consented to any amendments of an insubstantial nature to the Declaration, Articles, Bylaws and Rules and Regulations made by Seller at any time prior to Closing. If Buyer objects to an amendment in any such documents, and such amendment is not of an insubstantial nature, Buyer shall be entitled to terminate this Agreement if notice of such objection and termination is given to Seller no later than ten (10) days following notice of such amendment given from Seller to Buyer.

Therefore, each Buyer is subject to the provisions of the Declaration and subsequent Amendments as recorded. Please see Column 5 with respect to the filings.

**Column 5.**

The dates of filing of the Declaration, the First and Second Amendments are as per the Special Warranty Deeds recorded at closing. We have listed the Units which are subject to each filing according to the dates where ownership was transferred to the Homeowner. With respect to an irrigation system each document states the following:

**The Declaration** – recorded June 21, 2004 at Reception No. 603406 states:

in Section 7.02... The Association shall be responsible for the administration, management, maintenance, repair and replacement of the landscaping on the Common Elements and on the area surrounding the Townhomes and the irrigation of such landscaping. Section 7.03 provides that the Association has an easement on, over, across and above all Units "for access to and the installation... of improvements and landscaping on the Common Elements and the area around the Townhomes including, without limitation, an irrigation system..."

**The First Amendment** : - recorded September, 2004 at Reception No. 607290 added the following:

Section 7.03 of the Declaration is hereby amended by the addition of the following:

"The Association shall have an easement on, over, across and above all Units for access to the water faucets located on exterior walls of the Units and use of water therefrom for the purpose of irrigation of the lawns and landscaping located on the Units and Common Elements provided, however, the use of water from any Unit shall be limited to an area within one hundred (100) feet of the exterior boundaries of such Unit."

**The Second Amendment** - recorded February 18, 2005 at Reception No. 614737 added the following:

Section 7.02 of the Declaration is hereby amended by the addition of the following:

"An underground irrigation system is not included in the development plans for the Project and such irrigation system will not be provided by the Declarant. In the event that the City of Steamboat Springs requires installation of an irrigation system or if the Association elects to install an irrigation system, the costs of installation, construction, administration, management, repair, maintenance, replacement, and reconstruction of such irrigation system shall be Common Expenses assessed against all Units in accordance with the Allocated Interest of each Unit for Common Expenses as set forth in the Declaration."

Finally, in response to your letter of May 16, 2007, as the Developer / Builder of Longview Park, True Mountain Homes is not responsible for the installation of an irrigation system for the following reasons:

1. No promise/Agreement was ever made with any Buyer to do so. (Exhibit B).
2. All Buyers have agreed to have no claim for any higher or better standard of workmanship or material than set out in the Development Plans (par. 6a). Same have been approved by the City and Steamboat Sewer and Water.
3. The majority of the Buyers have agreed specifically that an irrigation system is not included in the purchase price and that if installed/required, will pay extra for it (par. 6i).
4. Every Buyer has agreed to be bound by the Declaration which is recorded on title and which obliges the Association to the irrigation of landscaping, said Declaration being on title prior to any and all closings. The Second Amendment to the Declaration specifically states that "an irrigation system is not included in the Development Plans and will not be provided by the Declarant, same being on title prior to 53 closings". All owners are bound by the Amendments regardless of the closing date. Although it is true that Section 26-135 does say "Automatic irrigation is required", the point is that it

was not required in the Improvements Agreement for Longview Park Filing # 1 (SIA), so if required by the City the cost will be a Common Expense (paid by the Owners) as provided in the Second Amendment to the Declaration.

5. The Development Permit contains no requirement to obligate the Developer / Builder to install an irrigation system.
6. The Subdivision Improvements Agreement contains no provision to obligate the Developer / Builder to install an irrigation system.
7. Paragraph 5 & 6 above are reasonable and logical since the Development Permit was issued long before Section 26-135 of the Community Development Code came into being or in fact was ever conceived.
8. We have closed or entered into contracts to sell all of the homes (except 5) in the Subdivision on the above basis and have priced the product accordingly.
9. To retrofit servicing into a subdivision after the initial design has been approved and mostly constructed is less efficient, more expensive and less effective than planning for it from the start.

Yours truly,

TRUE MOUNTAIN HOMES INC.

Jack Nesbitt, president

Encl.

\* 12 of which occur at a later time

Sale	Unit	Civic	Purchaser	Closed	1		3			4	5		2nd Amend. 18-Feb-05	
					Par 6a	Par 6i	Exhibit B			Par 7	Declaration			
					Yes	Yes	No	Type 1	Type 2	Type 3	Yes	Recorded 21-Jun-04		1st Amend. 2-Sep-04
1	42	597	Bidgood	24-Jun-04	X		X	X			X			
2	21	430	Allan	30-Aug-04	X		X		X		X			
3	22	428	Henninger/Driscoll	20-Sep-04	X		X	X			X	X		
4	15	492	O'Leary	8-Oct-04	X		X	X			X	X		
5	16	490	Shaw	8-Oct-04	X		X	X			X	X		
6	1	598	Karen Wogsland	15-Oct-04	X		X	X			X	X		
7	2	596	Wogsland	22-Oct-04	X		X	X			X	X		
8	18	476	Cavanaugh	19-Nov-04	X		X	X			X	X		
9	19	454	Loveland	22-Nov-04	X		X	X			X	X		
10	20	452	Walsh	5-Jan-05	X		X	X			X	X		
11	17	478	Driscoll	10-Jan-05	X		X	X			X	X		
12	63	608	Johnson	22-Mar-05	X		X	X			X	X	X	
13	62	618	Boynnton	25-Mar-05	X		X	X			X	X	X	
14	64	606	Danziger	25-Mar-05	X		X	X			X	X	X	
15	61	620	Terry	4-Apr-05	X		X	X			X	X	X	
16	60	632	Woodworth	8-Apr-05	X		X	X			X	X	X	
17	3	594	Barrientez	15-Apr-05	X	X			X		X	X	X	
18	59	634	Morton/Rust	18-Apr-05	X		X	X			X	X	X	
19	4	592	Ross	4-May-05	X		X	X			X	X	X	
20	5	580	Brown	23-May-05	X		X	X			X	X	X	
21	6	568	O'Connor	31-May-05	X		X	X			X	X	X	
22	52	696	Rodriguez	24-Jun-05	X		X	X			X	X	X	
23	51	698	Hackman	11-Jul-05	X		X	X			X	X	X	
24	57	648	Kelly	18-Jul-05	X		X	X			X	X	X	
25	41	595	Regan	1-Aug-05	X	X			X		X	X	X	
26	58	646	Walke	24-Aug-05	X		X	X			X	X	X	
27	8	544	Allan	2-Sep-05	X		X	X			X	X	X	
28	7	546	Paoli	6-Sep-05	X		X	X			X	X	X	
29	53	686	Nguyen	6-Sep-05	X	X		X			X	X	X	
30	54	674	Tierney/Kilburn	7-Sep-05	X		X	X			X	X	X	
31	56	660	Frinks	29-Sep-05	X	X			X		X	X	X	
32	55	662	Pharris	30-Sep-06	X	X		X			X	X	X	
33	23	406	Loepfert	15-Mar-06	X	X			X		X	X	X	
34	44	603	Langstreet	7-Apr-06	X	X			X		X	X	X	
35	43	601	Kreutz	14-Apr-06	X	X			X		X	X	X	
36	46	617	Kraft	28-Apr-06	X	X			X		X	X	X	
37	48	631	Bird	11-May-06	X	X			X		X	X	X	
38	47	629	Pett	2-Jun-06	X	X			X		X	X	X	
39	50	645	Paraskewich/Johnson	5-Jun-06	X	X			X		X	X	X	
40	45	615	Roman	6-Jun-06	X	X			X		X	X	X	
41	49	643	Burns	29-Jun-06	X	X			X		X	X	X	
42	33	405	Slothower	27-Jul-06	X	X			X		X	X	X	
43	34	407	Joyce	8-Aug-06	X	X			X		X	X	X	
44	36	429	Kopatz	18-Sep-06	X	X			X		X	X	X	
45	38	453	Bervy	28-Sep-06	X	X			X		X	X	X	
46	37	451	Pace Ward	19-Oct-06	X	X			X		X	X	X	
47	35	427	Dykema	15-Nov-06	X	X			X		X	X	X	
48	39	475	Hare	17-Nov-06	X	X			X		X	X	X	
49	40	477	Sturges	15-Dec-06	X	X			X		X	X	X	
50	13	504	O'Neill/Barrett	19-Jan-07	X	X			X		X	X	X	
51	14	502	Schaefer	28-Feb-07	X	X			X		X	X	X	
52	11	518	Wigfield/MacDonald	14-Jun-07	X	X			X		X	X	X	
53	12	510	Barrett / O'Neill		X	X			X		X	X	X	
54	24	404	KFT Investment LLC		X	X			X		X	X	X	
55	26	372	Givnish		X	X			X		X	X	X	
56	10	530	Laboslere		X	X			X		X	X	X	
57	28	350	Wolf / Dargevics		X	X			X		X	X	X	
58	29	328	Garner		X	X			X		X	X	X	
59	30	326	Garner		X	X			X		X	X	X	
60	9	532			X	X			X		X	X	X	
61	25	374			X	X			X		X	X	X	
62	27	352			X	X			X		X	X	X	
63	31	314			X	X			X		X	X	X	
64	32	312			X	X			X		X	X	X	
				Not Closed										
TOTALS				12	64	38	26	21	8	35	64	64	62	53



Exhibit "B-1"

*Type 1*

LONGVIEW PARK TOWNHOMES STANDARD APPOINTMENTS

Exterior Features

- Real Wood Siding
- High Profile Asphalt Shingles
- Stone Accents
- Paved Driveway
- Rear Deck
- Sectional Garage Doors
- Screens on Operating Windows
- Garage & Exterior Hose Bib
- Glass Door to Deck & "Man" Door to Lower Level Walkout (where grade permits)

Interior Features

- Fireplace with Tile Surround
- Quality Carpet
- Painted Finish Trim, Doors & Window Jambs
- Six Panel Interior Doors
- Insulated Double Pane Windows
- Knock Down Textured Walls on Main Level
- Ceramic Tile in Foyer, Powder Room, Kitchen and Baths
- Telephone and Cable TV Jacks in Bedrooms and Living Area (4 of each total)
- Pre-Wire for Ceiling Fans in Living Room and Master

Kitchen Features

- Maple Cabinets w/Formica Counters and Wood Edge
- Double Stainless Steel Sink
- Single Lever Faucet
- Black or White Appliances:
- Range/Oven, Microwave/Fan Combination Over Range, Side by Side Refrigerator w/Icemaker, Dishwasher

Bathroom Features

- Ceramic Wall Tile at Tub Enclosure and Shower Stalls
- Generous Mirror Treatment
- Maple Vanities with Formica Counters and Wood Edge

Energy Saving Features

- Steel Insulated Front Entry Door
- Hot Water Gas Fired Boiler with Hydronic In-Floor Heating
- 40 Gallon Side-Arm Style Water Heater

Features subject to change without notice.

April 10, 2004  
Date  
4-10-04

[Signature]  
Buyer  
[Signature]

EXHIBIT  
B-1

2004 17:52

Type 3

**Exhibit "B"**  
**Longview Park Quality Appointments**

Exterior Features

- Wood siding as per plans and elevations
- Asphalt paved driveway
- Concrete patio slabs to front porch with deck at rear
- fully seeded and/or sodded lot
- Wood fascia and plywood soffits
- 40 year self sealing asphalt shingles over ice & water shield membrane
- Sectional overhead garage doors
- Screens on all operating windows
- Exterior hose bibs, in garage and rear yard
- Glass door to deck and optional lower level walk-out where applicable

Interior Features

- Gas fireplace on main floor with ceramic and pine surround painted white
- Six panel interior doors with colonial trim painted white
- Sprayed and knocked down textured ceilings and walls
- Mush 40 oz. Broadsloom throughout lower and main floors except as noted below
- Ceramic tiles in foyer, powder room, kitchen, main bathroom and ensuite bathroom
- 3/4" water service
- Kitchen potable water system and ABS or PVC drains
- Prewired for telephone and cable TV

Kitchen Features

- Custom styled cabinets with formica counter top and matching wood edging
- Double stainless steel sink in kitchen
- Two speed combination kitchen hood fan vented to exterior with microwave oven
- Dishwasher and range installed as shown on floor plans
- 22 cubic foot side by side refrigerator installed with ice maker
- Single lever chrome faucet on kitchen sink

Bathroom and Laundry Features

- Ceramic wall tiles at tub enclosure in main and ensuite bathrooms, and shower stall where applicable
- Bathroom vanities, main and ensuite bathtub and ensuite shower as per floor plan (all fixtures white)
- Generous mirror treatment in main and ensuite bathrooms
- Custom styled vanities with formica counter tops and matching wood edging in main and ensuite bathrooms.
- Vanity with sink and mirror in powder room
- Single lever chrome faucet on vanity sinks
- Vanity drawer or medicine cabinet in ensuite and main bathroom
- Washer and dryer connections provided

Electrical Features

- Exterior electrical outlet and ground fault interrupter
- 100 amp electrical service with copper electrical wiring and circuit breaker
- Heavy duty wiring and plug for dryer with vent sleeve and cap
- Smoke detectors as per the Building Code standards
- Wiring for future door chimes
- Interior light fixtures excluding living room and family room, bedrooms to be preselected by Seller dining room pre-wired and capped
- Living Room and Master Bedroom to be pre-wired and capped for future ceiling fan

Energy Saving Features

- Exterior walls and ceiling fully insulated
- Steel clad insulated front entry door
- All vinyl casement windows double glazed and sealed with paint grade wood jambs.
- Hot water gas fired boiler with hydronic in-floor heating and quick recovery domestic side arm 50 gallon hot water tank

2/3/04  
Date

Buyer

Date  
Buyer

Buyer

**EXHIBIT**  
**B**

Seller



Type 3

**EXHIBIT "B"**  
**(Quality Appointments)**

**EXTERIOR FEATURES**

Prestained cedar siding as per plans and elevations  
Asphalt paved driveway.  
Concrete patio slabs to front porch with deck at rear.  
Fully seeded and/or sodded lot\*. ✱  
Cedar fascia, and plywood soffits.  
10 year self sealing asphalt shingles over ice & water shield membrane.  
Sectional overhead garage doors.  
Exterior hose bibs, in garage and rear yard.  
Glass door to deck and "man" Door to lower level walk out (where grade permits).

**INTERIOR FEATURES**

Gas fireplace on main floor with pine painted mantle.  
Six Panel interior doors with painted colonial trim  
Sprayed and knocked down textured ceilings and walls.  
Plush Broadloom throughout lower and main floors except in foyer, powder room, kitchen, main bathroom and ensuite.  
Ceramic tiles in foyer, powder room, kitchen, main bathroom and ensuite bathroom.  
4" Water service.  
Cooper potable water system and ABS or PVC drains.  
Rewired for telephone and cable TV.

**KITCHEN FEATURES**

Custom Styled cabinets with formica counter top and wood edging at counter corner.  
Double stainless steel sink in kitchen with in sink disposal.  
Combination kitchen hood fan vented to exterior with microwave oven.  
Dishwasher and range installed as shown on floor plans.  
2 cubic foot side by side refrigerator installed with ice maker.  
Single lever chrome faucet on kitchen sink.

**BATHROOM AND LAUNDRY FEATURES**

Ceramic wall tiles at tub enclosure in main and ensuite bathrooms, and shower stall where applicable.  
Bathroom vanities, main and ensuite bathtub and ensuite shower as per floor plan. (all fixtures white)  
Generous mirror treatment in main and ensuite bathrooms.  
Custom styled vanities with formica counter tops and wood edging at counter corner in main and ensuite bathrooms.  
Vanity with sink and mirror in powder room.  
Single lever chrome faucet on vanity sinks.  
Vanity drawer or medicine cabinet in ensuite and main bathroom.  
Washer and dryer connections provided.

**ELECTRICAL FEATURES**

Exterior electrical outlet and ground fault interrupter.  
100 amp electrical service with copper electrical wiring and circuit breaker.  
Heavy duty wiring and plug for dryer with vent sleeve and cap.  
Smoke detectors as per the Building Code standard.  
Wiring for future door chimes.  
Interior light fixtures excluding living room and family room, bedrooms to be preselected by Seller, dining room pre-wired and capped.  
Living Room and Master Bedroom to be pre-wired and capped for future ceiling fan.

**ENERGY SAVING FEATURES**

Exterior walls and ceiling fully insulated.  
Steel clad insulated front entry door.  
Weather stripping on all exterior doors.  
All vinyl casement windows double glazed and sealed with paint grade wood jambs.  
Hot water gas fired boiler with hydronic in-floor heating and quick recovery domestic side arm hot water tank.

after seeded. Homeowners or Homeowners Association to water and maintain.



Initials  
Seller Buyer

06/12/2007 14:32 5196585501

DEBBIE

PAGE 01/01

TRUE MOUNTAIN HOMES INC.  
410 Industrial Drive  
Milton, Ontario, Canada L9T 5A6  
Tel: (905) 693-8525 Fax: (905) 693-1103  
Colorado Tel: (970) 870-0697 Fax: (970) 870-0786

---

June 12, 2007

City of Steamboat Springs  
124 10<sup>th</sup> Street P.O. Box 775088  
Steamboat Springs, CO 80477-5088

Attention: Toby Keaton  
Construction Site Inspector

VIA FAX 970-879-8851

RE: Your letter of May 22, 2007  
Longview Park - Subdivision Improvements [Agreement]

Dear Toby,

We are in receipt of your letter of May 22, 2007 received in this office just last week. Since the mail between Canada and the US can take up to three weeks for delivery please in future fax your correspondence to our Head Office at 905-693-1103 and to my personal assistant's home office at 519-658-5501. Same will ensure delivery in a timely manner.


Your above mentioned letter criticizes the "minimal progress" that we had been making even though the weather was good. In my letter of April 12, 2007, faxed to you the same day, I explained to you that we would not be fully mobilized until June, the period at which we thought we could count on good weather conditions in Steamboat. I trust that at this point you are happy with our progress.

The following is our schedule of progress (pending weather) with respect to the items in the Subdivision Improvements Agreement:

1. Culverts and End Sections - Complete
2. 5' Wide Sidewalks - Will be complete by the end of June 2007
3. 1.5" Leveling Course - Complete
4. 2" Lift of Asphalt - Scheduled by Council Resources for September 7, 2007
5. Road Shouldering - Shortly after September 7, 2007
6. Adjust Manholes - Prior to September 7, 2007
7. Landscaping - 100% of the trees will be on site this week, to be planted after achieving final grade which is expected before the end of the month.
8. Revegetation of disturbed areas - Shortly after achieving final grade.

With respect to the irrigation installation mentioned in your letter of May 22, 2007, I trust that you have received our letter of May 29, 2007 faxed to you the same day.

Yours truly,  
TRUE MOUNTAIN HOMES INC.

  
Jack Nesbitt, president

**LAURA FREY ARCHITECT P.C.**

PLANNING SUBMITTALS - COMMERCIAL & RESIDENTIAL DESIGN - CONSTRUCTION DOCUMENTS

February 25, 2009

True Mountain Homes, Inc.  
410 Industrial Drive  
Milton, Ontario, CANADA L9T 5A6

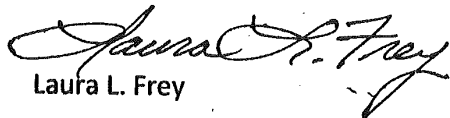
RE: Longview Park

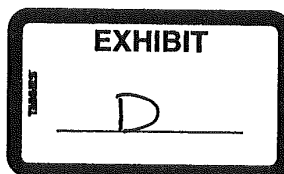
Dear Jack,

At my request, Landscape Architect Steven Buccino has completed a preliminary review of the landscape plan for Longview Park. Please refer to the attached letter from Steven for my recommendation for progressing with the landscaping plan and installation. After reviewing the plan, Steven feels that the trees that were chosen ten years ago by Lisa Subry of Highland Designs and Consulting were not the best to achieve what is desired for this project. He feels the trees he has suggested for replacement would thrive better and grow faster at this climate. Most of these trees are what you have already planted.

The original plan called for 150 trees and you have planted 243 trees. An accurate accounting of sizes cannot occur until the snow has melted. At this time, if any deficiencies are apparent, we will be happy to work with you and planning to resolve the matter in a timely manner to the satisfaction of those involved.

Please call if you have any questions.

  
Laura L. Frey





**BUCCINO ASSOCIATES**  
Landscape Architecture

True Mountain Home Inc.  
410 Industrial Drive  
Burlington, Ontario, Canada, L9T5A6

February 25, 2009

I'm writing to you in regards to Longview Park landscape plan. My name is Steven Buccino. I have been a Landscape Architect for 27yrs. I started my career in Landscape design in Southern California in 1982-1993 designing high end country club developments, commercial designs, and residential designs. I worked as a designer in Vail Colorado from 1993-1996 designing multi residential level development. I moved to Steamboat Springs in 1996 and have done landscape development here also, and have experience in the planning process with landscape architecture.

The Longview Park 2 landscape plan that was approved for construction permits in my opinion is not the correct plant material to be used for this area. The plants that were approved for this project are not considered high density plant mitigation. The plants selected will not thrive in Steamboat Springs. My recommendation for high density plant mitigation is as follows;

<u>Botanical Name</u>	<u>Common Name</u>
Picea Spruce	Spruce
Populus Tremuloides	Aspen
Populus	Poplar Narrow leaf
Acer Glabrum	Rocky Mountain Maple
Prunus Virginiana	Choke Cherry
Amelanchier	Service Berry

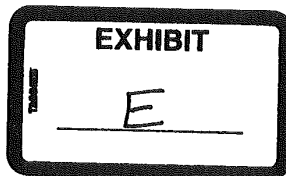
The plant material that is planted on site are as follows;

<u>Botanical Name</u>	<u>Common Name</u>	<u>Quainties</u>	<u>Size</u>
Picea Spruce	Spruce	28	6' to 12'
Pseudtsuga Menziesii	Douglas Fir	26	6' to 12'
Populus Tremuloides	Aspen	168	1-1/4" to 1-1/2"
Acer Glabrum	Rocky Mountain Maple	1	
Populus.	Poplar Narrow leaf	13	
Ficus Sycomors	Sycamore	7	

Total number of trees	243
Total number of trees approved on plan	150

My recommendation is view the sight as soon as possible as the snow melts, and I am able to view the plant material that is already in place to make an accurate judgment of improvements to that sight.

Thank you, Steven Buccino



**From:** "Win Park" <kinnikinnick3046@msn.com>  
**To:** <skimetothemoon@yahoo.com>  
**Sent:** Friday, July 20, 2007 6:36 AM  
**Subject:** RE: Longview Park Irrigation

Al,  
Yes this sounds good for the start and completion of the irrigation to areas specified. We will with good intent start the first day of August 2007.

Win Park  
Kinnikinnick Lawn and Garden Inc  
970-846-1856

>From: "Alf C." <skimetothemoon@yahoo.com>  
>To: kinnikinnick3046@msn.com  
>Subject: Longview Park Irrigation  
>Date: Thu, 19 Jul 2007 12:40:06 -0700 (PDT)  
>  
>Kinnikinnick Lawn and Garden Inc.  
> 3046 County Rd. 129  
> Steamboat Springs, CO 80487  
>  
> Dear Winn,  
>  
> I want to follow up on our conversations over the past two months.  
>Confirming your commitment to install our irrigation system. The rate you  
>gave me, I have discussed with Jack, and he finds it acceptable. I have  
>recently completed the installation of the conduits for the crossings under  
>the driveways. And the paving crew will be out of your way at the end of  
>July. We discussed a start date of the beginning of August, with  
>completion by August 31st.  
>  
> If all this sounds as we have discussed please contact me confirming,  
>and I will see you next week with your head guy, to outline those other  
>preliminary details so your start at the first of August is most efficient.  
>  
> Sincerely,  
>  
>  
> Alfred Choy, Project Supervisor  
> True Mountain Homes Inc.  
>  
>  
>-----  
>Building a website is a piece of cake.  
>Yahoo! Small Business gives you all the tools to get online.

7/20/2007



**TO:** John Eastman, Assistant Planning Director

**FROM:** Janet Hruby, City Engineer

**Cc:** Al Choy, Tru Mountain Homes  
Jack Nesbitt, Tru Mountain Homes  
Jim Steigmeyer, Yampa Valley Engineering  
Janet Dunham, Administrative Assistant

**DATE:** January 23, 2008

**RE:** Longview Surety Reduction Request

I was notified today by Planning staff that surety has lapsed for Longview, and Planning would like to hold release of further Certificate's of Occupancy until surety is renewed. As required by the CDC, improvements must be completed or surety posted prior to issuance of Certificates of Occupancy (CO). Public Works supports issuing no further CO's until surety is renewed in the full amount listed on the current improvements agreement.

On October 26, 2007, Jack Nesbitt submitted a letter requesting a surety reduction and an inspection. Public Works cannot approve a reduction in surety until the following documentation is provided and approved:

- ① Provide a letter from a professional engineer (not the project owner) summarizing the status of complete and incomplete public and major private improvements (streets, sidewalk, drainage, landscaping, etc). The letter shall state the constructed improvements were built in substantial conformance with approved plans (cite construction plan title and date) or detail any variances. For any variances from the approved design (including but not limited to modifications to the storm water quality ponds, retaining wall at unit 312, berms under the power lines, and driveways that don't include required swale), letter shall indicate if the variance is acceptable and if not recommend mitigation.
- 2. Include a cost estimate for incomplete/not accepted improvements on the City's standard cost template. Note that for this site in addition to the incomplete items updated to current costs, the cost estimate must be updated to include the required engineering testing and inspection, erosion control, and mob/demob line items.



Public Works conducted an inspection in early November. had completed a lot of work since our last visit, but there are still a few outstanding items per our inspection:

- culverts installed and cleaned – will need to check again prior to final acceptance as sedimentation observed due to lack of vegetation in ditches; retain some surety
- Complete regrade of the ditches and replacement of cobble. (Note where justified by engineer, Public Works will consider alternate cross-section removing cobble.)
- Complete the sidewalk construction ( ex section extending to Highpoint Drive)
- Regrade the shoulders where needed ( 4 ft road base shoulders required)
- Driveways were paved, but many did not include the required swale. For many the cross-slope may be adequate to facilitate proper drainage. We will require retaining this surety and extending a warranty for 2 years to evaluate the impacts from the improper construction construct the swale when the final lift of asphalt is installed on the roads.
- Complete revegetation of disturbed areas.
- Check w/ planning to confirm all landscape requirements have been met
- Contact City Public Works to request final acceptance of the road improvements once the 1 year warranty period after installation of final lift of asphalt has expired.
- The above items are all for Phase II. We did not complete the inspection for Phase 1, but did note one drainage item that should be addressed as soon as possible. The ditch along highpoint drive between 996 and 988 is not properly draining and has standing water. Provide a survey of the culvert invert elevations for the road and driveway culverts and have the site's engineer submit a proposal to correct the drainage. (Note the city coordinated w/ AI to do some ditch regrading, but it appears additional modifications are required to eliminate the standing water.)

Please call if you have any questions.

# City of Steamboat Springs

Post-it® Fax Note	7671	Date	8/3/07	# of pages	2
To	ALCHOY	From	JANET		
Co./Dept.	TRUMTN	Co.	CROSS		
Phone #		Phone #	871-8226		
Fax #	870 0786	Fax #			

**TO:** Tom Leeson, Planning Director

**FROM:** Janet Hruby, Assistant City Engineer

**Cc:** Al Choy, Tru Mountain Homes  
 Jack Nesbitt, Tru Mountain Homes  
 Ben Beall, Public Works Engineer  
 Sid Rivers, Planner II

**DATE:** July 27, 2007

**RE:** Longview Surety Inspection

→ FAXED 8/3/07

Per your request, Public Works has performed an inspection of the outstanding improvements at Longview Phase 2. Final acceptance has not been issued for roads or water/sewer and there are a number of outstanding items. The existing improvements agreement (\$301,699.61 surety) in our file expired 6/6/06. The contractor is currently working to complete many items and has indicated the grading and ditch work is scheduled for completion at the end of August '07 with paving to be completed in September '07. The following items need to be completed:

- As soon as possible a) clean out all culverts so drainage can flow thru the site, b) contact your engineer to review the pond design requirements of the site's drainage study and reconstruct the ponds that have been filled in by recent grading.
- Submit a letter from the site's professional engineer certifying that improvements have been constructed in accordance with the approved plans. The letter must note any improvements that are incomplete and any improvements that have not been constructed in conformance with the plans – including a note as to if they are acceptable or if not what mitigation is required.
- Complete regrade of the ditches. Have the site's professional engineer contact Public Works to revise the ditch cross-section to remove the cobble prior to any more cobble being placed or replaced in the ditches. Public works requests the cross-section be revised to remove the cobble from those ditches that have yet to be repaired (approx half of the ditches) due to maintenance concerns.

Public Works Department 970.879.2060  
 P.O. Box 775088 137 10<sup>th</sup> Street Steamboat Springs CO 80477

- Have your engineer document changes from approved plans (ex rock retaining wall by unit 312, regrading near park, change in location/configuration of berm along the power lines, etc)
- Submit a new improvements agreement with updated surety for those improvements not completed. Confirm surety expiration dates w/ planning, the site is required to maintain a valid agreement and surety.
- Complete sidewalk installation (ex section extending to Highpoint Drive)
- Regrade shoulders where needed (4 ft shoulders, road base required)
- Regrade the swale between the homes and the power line berm so that there are not trees located within the swale.
- Driveways were paved, but many did not include the required swale. For many the cross-slope may be adequate to facilitate proper drainage. We will require retaining this surety and extending a warranty for 2 years to evaluate the impacts from the improper construction. A few driveways, such as 475/77, 451/53, 427/29, and 406/428 must be repaired to create a swale. As discussed with Al and Erik Marsh, Connell indicated they may be able to construct the swale when the final lift of asphalt is installed on the roads.
- Install final lift of asphalt on the roadways (contact City Utilities 1 week prior to paving for a utility locate to confirm valve box and manhole covers are identified prior to paving)
- Complete revegetation of disturbed areas.
- Check with planning to confirm that all landscape requirements have been met.
- Contact City water department to schedule a final inspection of water and sewer.
- Once road infrastructure improvements are complete, contact City Public Works to schedule final inspection

We did not complete the inspection for Phase 1, but did note one drainage item that should be addressed as soon as possible. The ditch along highpoint drive between 996 and 988 is not properly draining and has standing water. Provide a survey of the culvert invert elevations for the road and driveway culverts and have the site's engineer submit a proposal to correct the drainage. (Note the city coordinated w/ Al to do some ditch regrading, but it appears additional modifications are required to eliminate the standing water.)

1LE COPY

# AGENDA ITEM #6

## CITY COUNCIL COMMUNICATION FORM

**FROM:** Scott Woodford, City Planner (Ext. 260) *SW*  
 Caroline Lamont, Director of Planning Services (Ext. 260) *CL*

**THROUGH:** Paul W. Hughes, City Manager (Ext. 228) *PWH*

**DATE:** July 13, 1999

**ITEM:** Longview Subdivision Phase II / #MD-99-04

**NEXT STEP:** If the application is approved, the applicant can apply for a building permit.

- ORDINANCE
- RESOLUTION
- MOTION
- DIRECTION
- INFORMATION

**PROJECT NAME:** Longview Subdivision Phase II / #MD-99-04

**PETITION:** Major Development Permit and PUD for a 64 unit, 110,290 square foot townhome project in 32 buildings.

**LOCATION:** A tract of land located in the NW¼, NW¼ of Section 21 and a portion of the NE ¼, NE¼ of Section 20, T6N, R84W of the 6th P.M.; located at the end of Highpoint Drive.

**APPLICANT:** True Mountain Homes, Inc., c/o Laura Frey Architect, P.O. Box 772176, Steamboat Springs, Co., 80477; 970/879-4831

**PC ACTION:** 6/10/99: Vote: 7-1; Voting for approval: Walker, Baldinger, Fogliano, Meyer, Miller, Stopher, and Curtis. Voting against: Hooper. Stepped down: Connell. Absent: Pastachak.

# PROJECT LOCATION MAP

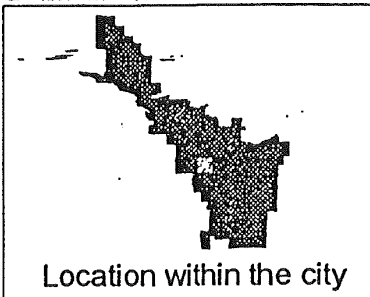
Longview Subdivision

Phase II


MD 99-04



N. T. S.



Location within the city

 Longview2.shp

City of  
Steamboat Springs   
Orthophotography: October 25, 1999

Prepared by:  
Planning Services

July 13, 1999

v:\gis\users\lwoodfor\longview2

6-2

25-76

PROJECT OWNER/REPRESENTATIVE INFORMATION  
(INFORMATION IN THE APPROPRIATE CATEGORY MUST BE COMPLETED)

OWNER(S) INFORMATION

INDIVIDUALS: \_\_\_\_\_

CORPORATION (LIST ALL SHAREHOLDERS, DIRECTORS, OFFICERS):  
TRUE MOUNTAIN HOMES, INC. - JACK NESBITT

SOLE SHAREHOLDER, PRESIDENT & SECRETARY

PARTNERSHIP (LIST ALL PARTNERS): \_\_\_\_\_

LIMITED LIABILITY COMPANY (LIST ALL MANAGERS, MEMBERS): \_\_\_\_\_

LIMITED PARTNERSHIP (LIST GENERAL PARTNER, LIMITED PARTNERS): \_\_\_\_\_

JOINT VENTURE (LIST ALL JOINT VENTURE MEMBERS): \_\_\_\_\_

OTHER: \_\_\_\_\_

PROJECT CONSULTANTS INFORMATION

ATTORNEY: BRUCE JARCHOW PHONE: 879-4100

ARCHITECT: LAURA L FREY PHONE: 879-4831

ENGINEER: YAMPA VALLEY CONSULTING PHONE: 870-9229

PLANNER: METROPOLITAN PLANNING & ENGR. PHONE: 905-637-2926

OTHER: \_\_\_\_\_ PHONE: \_\_\_\_\_

CITY COUNCIL COMMUNICATION FORM  
Longview Subdivision Phase II / #MD-99-04  
July 13, 1999

I. RECOMMENDED MOTION:

Recommend approval of the Major Development Permit and PUD for a 64 unit, 110,290 square foot townhome project in 32 buildings, subject to the following conditions:

- 1 Final construction plans including grading and drainage plans, drainage report, utility plans, pedestrian pathway plans, final landscape plan and irrigation plan shall be submitted for review and approval by the Director of Planning Services and the Director of Community Services three weeks prior to issuance of a Building or Grading Permit.
3. The minimum setbacks in the project shall be as indicated on the site plan. The project shall be developed in accordance with all the provisions of the PUD plan submitted to the Department of Planning Services with this application, or as amended in the future. The PUD plan or notice of PUD, in accordance with Section 26-1606 of the Revised Municipal Code, shall be recorded prior to issuance of a building permit for the project.
4. Final project covenants will be submitted for acceptance by the Directors of Planning Services and Community Services prior to approval of the final plat or recording of P.U.D. These documents shall provide for the continued maintenance of the exterior of the buildings, roadway, landscaping, sidewalks and grounds in a unified fashion. The covenants shall assess and clearly state that the owners are responsible for the maintenance and any future replacement of the private water and wastewater mains and all associated on site path, sidewalk, and drainage systems.
5. Disturbed areas shall be adequately revegetated or temporary erosion control measures implemented, to the satisfaction of the Directors of Planning and Community Services, prior to leaving site for the winter, or November 30, whichever occurs first.
6. Exterior lighting shall comply with City ordinances. Proof of compliance with the ordinance shall be done prior to issuance of a Certificate of Occupancy.
- 7: = Non-point source mitigation shall be included as an element of design for the final grading and drainage plan. This plan shall include temporary construction and permanent measures to maintain water quality.

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CITY COUNCIL COMMUNICATION FORM  
Longview Subdivision Phase II / #MD-99-04  
July 13, 1999

8. All trail and sidewalk connections indicated on the site plan shall be constructed to City standards prior to Certificate of Occupancy or final plat, or surety shall be posted. The pedestrian connections shall be maintained year round by the applicant. A public access easement, with provisions for maintenance, shall be dedicated to the City for public use of all interior sidewalk and trails. Covenants shall address maintenance issues.
9. Prior to receiving water service, the applicant shall dedicate easements on all water and sewer mains for the purpose of routine maintenance and enter into a recorded agreement for the applicant/owner to be responsible for all non-routine maintenance and replacements of water and sewer mains.
10. Engineered water and wastewater main plans and specifications are required to be submitted and approved by Steamboat Springs Water three weeks prior to start of construction or the signing of a building permit.
11. Easements for new water or sewer mains or any existing water or sewer mains currently without easements are to be dedicated prior to "Release for Service" or approval of the final plat, whichever comes first.
12. Profiles over existing water and sewer lines are to be provided where the existing mains are impacted by grading (cut or fill). These profiles are to be provided with the construction plans and specifications.
13. As discussed with the project engineer for the project, Steamboat Springs Water prefers the water main currently proposed to be on the west side of High Pint Drive to be located in the road. We believe that an easement was obtained for the placement of water and sewer lines in this road by the Fish Creek Water and Sanitation District. The development should research this easement.
14. Construction plans and specifications shall be approved by an engineer licensed in the State of Colorado and submitted to Steamboat Springs Water for approval three weeks prior to planned construction start.
15. The Construction plans are to include a landscape plan showing proposed and existing mains and proposed and existing easements as well as a preliminary plat.



CITY COUNCIL COMMUNICATION FORM  
Longview Subdivision Phase II / #MD-99-04  
July 13, 1999

16. All water and sewer mains must be granted "Release for Service" prior to the approval of building permits.
17. All driveways accessing more than two units shall be roughed in to grade with driveway culverts installed along with subdivision infrastructure work. This information shall be shown on the construction plans.
18. The public street system as proposed ties into a private street system. We would like to see an agreement reached with the owner of High Point Drive for upgrading to City standards so that the private facilities can be accepted as public so the City can maintain the street system for continuity purposes.
19. Verification for the granting of the Solar and Energy Conservation bonus points shall be required and specifically delineated with the Building Permit plans.
20. As a condition precedent to the City authorizing the issuance of a building permit or approval of the construction plans, the developer must receive an approved Construction Site Management Plan ("CSMP") from the Director of Planning Services. The developer shall submit to the Director a proposed CSMP, which shall include, at a minimum, the following (when applicable):
  - a) External Traffic Control Plan which shall stipulate: truck schedule (#movements per day/activity); points of ingress and egress to public and private right of ways; route and source for importing materials on-site; route and destination of exporting materials off-site; pedestrian conflicts and mitigation; traffic conflicts and mitigation; construction within the public right-of-way and traveled way; use of public right of way (staging, parking, loading); crane use details (row encroachment, swing, and loading locations); and right of way cleaning program.
  - b) Internal Traffic Control Plan, which shall stipulate: access surfacing; internal routes; emergency access; and crane details (construction/dismantling technique, swing, loading).
  - c) Construction Site Plan which shall stipulate: the location of staging areas, storage areas, stockpiling, dumpsters, sanitary facilities, loading, parking (including #employee parking stalls), fencing, field offices, trailers, and trees protection areas; the number of employees (per construction phase) and extent of site disruption caused by the construction activities.
  - d) Drainage Plan which shall stipulate: location of all on-site or adjacent water channels; treatment of all on-site or adjacent water channels on

CITY COUNCIL COMMUNICATION FORM  
Longview Subdivision Phase II / #MD-99-04  
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site and plans of interruption and diversion; construction details; and the location and description of any dams, or other erosion control measures. Provide supporting design calculations for pipe size and flows.

- e) Erosion and Sediment Control Plan for both construction and post construction phases (as well as winter mitigation).
  - f) Grading Plan, which shall stipulate the location of disruption and change of grades, considering existing drainage situations.
  - g) Sign Plan, which shall indicate any directional signs to assist in the construction site management.
  - h) Special Events which shall indicate any conflicts with any special community and resort events, and mitigation proposed.
21. The applicant developing Longview Subdivision Phase III shall be entirely responsible for the re-permitting of the Highway access at High Point Drive and US 40 with CDOT. "Phase III" shall also be financially responsible for any improvements in connection with this access point and the upgrading of High Point Drive due to the site-specific impacts of the Phase III. A note shall be placed on the Phase II final plat stipulating this requirement.

II. BACKGROUND INFORMATION:

The Longview Subdivision has been in and out of the planning process for the last several years in a few different forms. On January 3, 1995, City Council reviewed a Conceptual Plan for development of the approximate 38 acre parcel as nine single-family lots, four four-plex lots, and one commercial lot. On April 16, 1996, the City Council reviewed a Conceptual Plan on the same parcel for 201 units of single-family residential and multi-family residential as fee simple lots and townhomes. On October 14, 1997, City Council reviewed a revised Conceptual Plan Review for 177 units of single-family residential and multi-family residential. At that time, the applicant decided to separate the 38 acre parcel into three different development phases. On July 7, 1998, City Council approved the first phase, a Major Development Permit for a twenty-seven (27) lot residential subdivision. This current proposal seeks to gain approval for the second phase of the overall Longview development area. A third phase, which is proposed to be a higher density multi-family project, will likely be submitted sometime in the future.

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CITY COUNCIL COMMUNICATION FORM  
Longview Subdivision Phase II / #MD-99-04  
July 13, 1999

III. DESCRIPTION:

This proposal is for a duplex townhome project, consisting of 64 units and 110,290 square feet in 32 structures situated around a looped drive.

A. Site Plan Design:

Location: Adjacent to the Overlook Hotel, Longview Subdivision Phase I and the Hilltop Connector.

Layout/Site Design: The design of the project clusters multiple duplex structures around a looped drive. Open space and park space is accommodated in the center of the project. The driveways and garages area laid out to reduce the effect of the garagescape.

Open Space: The Code requires 15% open space. The overall site plan provides 35% open space. Open space was dedicated underneath the power lines at time of approval for the 27 lot single-family/duplex project.

B. Development Statistics:

Lot Area: 12.05 acres

Units: 64 townhome units, in 32 structures with an average unit size of 1,730 square feet and consisting of 3 bedroom units.

Gross Floor Area: 110,290 sq. ft.

Height: Two-three stories

Average Unit Size: 1,780 sq. ft.

Density: 5.3 Units Per Acre (64 units / 12 acres)

Unit Types: Multi-Family Residential

Snow Storage:

Required: 47,790 sq. ft.

Provided: 49,231 sq. ft.

C. Architecture:

General Description: The proposed materials are pre-finished wood siding, decorative pre-finished wood trim, pre-finished wood soffits and fascias, asphalt roof shingles, and stone veneer around the base of the structures. The impact of a garagescape is greatly reduced by the orientation of the garages at 45 degree angles. This results in only one garage door being visible from vehicles proceeding down the street. All entrances to the structures are protected from snowshed. Exterior lighting has not been proposed yet, however, it shall comply

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CITY COUNCIL COMMUNICATION FORM  
Longview Subdivision Phase II / #MD-99-04  
July 13, 1999

with current City lighting ordinance. A variety of colors are proposed to provide visual variety. The four primary stucco colors are Vanilla, Gull Gray, Peach, Driftwood with different stains for the wood siding. The trim and fascia colors will be a variety of complementary colors, including Gray, Ash, Granite, and Juniper Berry. Material samples will be available at the meeting.

D. Landscaping:

Existing Vegetation: Native grasses, weeds

Landscape Category: Dense. In addition, extra landscaping quantities will be installed to help screen the skyline impacts of the project from the area along US 40 and Trafalgar Drive. The applicant is requesting 4% density bonus points for an approved xeriscape landscape plan and automatic irrigation. Plant species will be drought tolerant and the drip irrigation will be used for trees and shrubs.

Buffering/Screening/Berming: The landscape plan indicates that the proposed landscaping adequately buffers the townhomes along the north property line.

Irrigation Proposed: An automatic irrigation system will be installed.

Landscape Maintenance: The Homeowners Association will be responsible for all maintenance of the landscaping.

E. Circulation:

Adjoining Roads/Project Access: The subject site is accessed via a public street off of High Point Drive.

Parking:

Required: 173 (.9 spaces per bedroom for units with 3 or more bedrooms)  
Provided: 256 (128 garaged spaces, 128 spaces in driveway)

Trailsystem Master Plan Compliance: There are no trails required through the Trail System Master Plan.

Pedestrian Circulation: The pedestrian circulation in the area will be enhanced with the addition of a 8' wide, detached sidewalk along High Point Drive and a 5' wide, detached concrete sidewalk along the interior of the loop drive. A sidewalk connection will be made between the units and the cluster mailboxes.

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CITY COUNCIL COMMUNICATION FORM  
Longview Subdivision Phase II / #MD-99-04  
July 13, 1999

**III. SUMMARY AND CONCLUSIONS:**

In summary, staff feels that the proposal fulfills the requirements of the Community Development Code and meets the applicable policies of the Community Plan, specifically by providing infill residential development.

**IV. PRINCIPAL DISCUSSION ITEMS:**

1. *Architecture – The Planning Commission liked the proposed architecture, especially the fact that the garage faces would be oriented at angles to the street, thus reducing the garagescape effect.*

With the exception of some minor variety, most of the units are the same size, mass, and character. Given that there are 64 units with roughly the same design, the discussion should center on whether there is enough visual variety within the project. The applicant has successfully avoided the concern regarding mirrored duplexes by mixing architectural details and by orienting the structures on an angle towards the street.

2. *Site Design – As noted above, the Commission was appreciative of the effort to reduce the garagescape along the interior streets and were, therefore, less concerned about the setback uniformity.*

Staff feels that the applicant has done a commendable job in reducing the impact of the garagescape by orienting the garages towards the street at a 45-degree angle and by sharing driveways. This alone will greatly improve the visual quality of the neighborhood. A bit of a concern is the uniformity with which the buildings line the interior street. Some effort has been made to jog the buildings along the northern portion of the project.

3. *US 40 Intersection Improvements – Several Commissioners were concerned about approving the density associated with this project prior to having the intersection improvements completed at High Point Drive and US 40. In light of this, the Commission approved a motion encouraging the City Council to pursue requiring the owners of 1120 South Lincoln building to complete the intersection improvements prior to commencement of construction on this site.*

The approval of the 1120 South Lincoln Building required improvements to the High Point Drive/US 40 intersection, including a deceleration lane. The owners of 1120 bonded for the improvements and have not yet completed them. In the

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CITY COUNCIL COMMUNICATION FORM  
Longview Subdivision Phase II / #MD-99-04  
July 13, 1999

course of the past Longview applications, the owners of 1120 S. Lincoln have broached the possibility of the Longview developments participating in the costs of the intersection improvements, however, Longview has no legal requirement to do so.

4. *Skyline – Of the few Commissioners who commented on the subject, it was felt that the skyline in question was not significant enough to enforce the strict interpretation of the skyline ordinance.*

The project is partially encumbered by a skyline knoll. As with some other recent projects, staff does not feel that the skyline knoll is significant enough to warrant the complete restriction of development, however, feel that some limiting precautions should be adhered to, including increased landscaping. The “jogging” of the structures in this area reduces the impact of a wall of buildings, as viewed from US 40 near the Iron Horse Inn. Staff recommends that the Council Members view the site from this area to determine whether or not they feel this is a significant ridgeline/knoll worth protecting.

V. CONFLICTS OR PROBLEMS:

None identified at this time.

VI. LEGAL CONSIDERATIONS:

None identified at this time.

VII. STAFF/AGENCY ANALYSIS:

1. **Planning Services:**

- a.) **Steamboat Springs Area Community Plan:** Staff could not find any land use policies in contradiction to the proposal.

**Current Land Use Designation:** Community Residential

**Purpose:** This classification emphasizes a wide range of residential uses predominantly for full-time local residents. Uses may range from single family development to multi-family development. Some resort uses exist and expansion may occur if compatible with adjacent land uses. As community residential transitions to resort accommodations or commercial development, smooth transitions should be made utilizing landscape buffers, transitions in lot

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 July 13, 1999

sizes, as well as architectural orientation to protect existing neighborhoods. Neighborhood commercial uses are also appropriate within this classification.

Request Appropriate in Current Land Use Designation: Yes

b.) Zoning:

RML Zone District Requirements:

Requirement	RML Allowed	Longview Phase II
Minimum Setbacks from Property Lines	25' front and 15' side and back; also average setback	A PUD has been requested as average setback is 29' and proposed is 25'
Building Height	3 stories	2 stories
Minimum Lot Area	1 dwelling unit / 6,000 sq. ft.	10.2 acres

Surrounding Zoning and Land Use:

	Existing Use	Future Land Use	Zoning
North	Fox Creek Subdivision / Lower Hilltop	Community Residential	CH
East	Rita Valentine Park	Open Lands/Recreational	AR
South	Selbe Subdivision	Community Residential/ Community Commercial	RML/CH
West	Overlook Hotel	Community Residential	RML

Draft 3 Code Analysis: The following is a comparison of how this project would compare to the requirements of the Draft 3 CD Code:

MF Zone District:	Maximum	Minimum	Proposed
<b>STANDARDS</b>			
Lot Size	No Maximum	12,000 SF	10.2 acres
Lot Coverage MF-1	.35	No Minimum	.15
Lot Width	No Maximum	40 ft	1,000 +
Floor Area Ratio - (Gross Floor Area) MF-1	.40	No Minimum	.25

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MF Zone District:	Maximum	Minimum	Proposed
<b>STANDARDS</b>			
MF-2	.45	No Minimum	N/A
MF-3	.50	No Minimum	N/A
Floor Area Per Unit MF-1	2,500 sf	Per UBC	1,700 approx.
Building Height	3 Stories	1 Story	2 stories
Principal Structure			
Front (1 <sup>st</sup> and 2 <sup>nd</sup> Story)	No Maximum	20'	20'
Front (3 <sup>rd</sup> Story)	No Maximum	25	n/a
Front (1story porch)	No Maximum	15	no porch
Side	No Maximum	15	15'
Rear	No Maximum	15	20'
Accessory Structure			
Front	No Maximum	25	N/A
Side	No Maximum	5	
Rear	No Maximum	5	
Rear	No Maximum	15	N/A
Parking Lot Setback	No Maximum	35	N/A

c.) Density Bonus System Analysis:

Gross Project Density: 64 Dwelling Units (DU) / 12 AC = 5.3 DU/AC  
 Base Density: 6.308 DU/AC  
 Average Unit Size: 1,700 sq. ft.  
 Floor Area Adjustment: .674

	<u>Bonus Item</u> (Max. Bonus%)	<u>Applicant</u> Requested	<u>Staff</u> Recommended
1.	Employee Housing (5%)	0%	0%
2.	Internal Amenities (10%)	2%	2%
3.	Landscaping (10%)	4%	4%
4.	Master Planning (20%)	0%	0%
5.	Offsite Improvements (10%)	0%	0%
6.	Open Space (10%)	10%	10%
7.	Parking (10%)	7%	7%
8.	Ped/Transit Access (10%)	10%	10%
9.	PUD (28%)	10%	10%
10.	Senior Citizen Housing	0%	0%
11.	Shadows (10%)	0%	0%

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12. Solar, Water, Energy (15%)	7%	7%
13. Views (10%)	0%	0%
14. Affordable Housing (15%)	<u>0%</u>	<u>0%</u>
TOTAL	50%	50%

A bonus of 50% results in the following allowable density:

Base Density (6.308) X Bonus (1.50) = Allowable Density (9.46)  
 Allowable Density (9.46) X FAR (.674) = Adjusted Density (6.37)  
 Adjusted Density (6.37) X Net Acres (10.2) = Total Units (65)

The applicant is proposing 5 different type of units, ranging in unit size from 1,380 square feet to 2,070 square feet. As the applicant prefers to let the market dictate the type of units that actually get constructed, they are not specifying how many of each different units there will be. Therefore, it is difficult to calculate an average unit size and determine the allowed number of units with the Residential Density Bonus System. In order to determine an allowable density, yet provide flexibility to the applicant, staff has calculated the bonus system assuming a variety of the unit sizes will be constructed. Due to the need for less expensive housing, staff feels that more of the smaller units will be constructed. If this is the case, then the Floor Area Adjustment will go up, therefore, allowing a higher density.

Following is a summary of the applicants' requested bonuses and staff's recommendation:

1. Internal Amenities (10% possible): A 2% bonus was received for providing playground equipment and picnic tables in the park area. Bonus points granted: 2%.
2. Landscaping (10% possible): 4% bonus points were granted for providing automatic irrigation system (2%) and for providing drought tolerant plants in xeriscape plan submitted by the landscape architect (2%). Bonus points granted: 4%.
3. Open Space (10% possible): A bonus of one percent shall be allowed for each one percent the effective open space designated on the development plan exceeds that required under section 17-158. The site plan provides 35% open space, which is 20% more than required. Bonus points granted: 10%.

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4. **Parking (10% possible):** The applicant is requesting 7% bonus points for providing two-car garages and well screened overflow parking. **Bonus points granted: 7%.**
  5. **Pedestrian/Transit Access (10%):** A 10% bonus can be achieved if an uninterrupted pedestrian/non-vehicular path is provided for public use (minimum 100' in length) connecting the development to an off-site transit stop/shelter, or to an existing trail corridor which may provide access to an off-site transit stop/shelter. The applicant is providing a trail around the interior perimeter drive, which connects to a trail along High Point Drive. That trail provides access to the Hilltop Connector. Neither High Point Drive nor the Hilltop Connector has transit service at this time however, service is a strong possibility in the future when the density of the area is built out. Staff though it reasonable to grant bonus points in anticipation of this future service. **Bonus points granted: 10%.**
  6. **PUD (28%-43% max.):** A 10% bonus was received for every acre (12 acres) of this development subject to a PUD. The applicant could qualify for 12% bonus points, however, the additional 2% bonus points would give the project over 50% bonus points and thus, automatically require that the Off-Site Improvement Fee be paid. **Bonus points granted: 10%.**
- d.) **Applicable PUD Criteria:** The applicant is requesting a PUD overlay on the project to vary the average setback requirements. Sections 26-1602 and 26-1604 of the Revised Municipal Code provide performance criteria for planned unit developments as follows:
- "The planned unit development or PUD is a procedure which allows variance from strict adherence to some of the zoning regulations of this chapter. The purpose of this article is to encourage flexibility, innovation and variety in the development of land, and to provide performance criteria for planned unit development, which will:
- (1) Allow flexibility in the type, design and siting of structures to preserve and take advantage of the site's unique natural resource or scenic features and to avoid or mitigate any hazardous areas;
  - (2) Allow more efficient use of land and public streets, utilities and governmental services by allowing zero lot lines and cluster developments;

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- (3) Allow greater variety in the types, design and siting of buildings, and allow mixed residential and commercial use development;
- (4) Achieve a compatible and beneficial land use relationship with surrounding areas and allow density transfers from one lot to another contiguous lot or, where approved by the council, to noncontiguous lots.

**Compliance with the PUD criteria:** Staff feels that the project meets the basic intent of the PUD performance criteria and qualifies for relief to the average setback requirements from the front property line. Specifically, staff feels the request helps achieve, "a compatible and beneficial land use relationship with surrounding areas" by orienting the buildings in a diagonal manner so that surrounding properties are not faced with the full view of the structure. It also allows a greater variety in the siting of the buildings.

- e.) **Building and Architectural Design Guidelines:** Staff feels like the design for the townhomes is in compliance with the Architectural Design Guidelines. Specifically, the building design is innovative in avoiding the classic "garagescape" effect, which is an instance whereby the streetscape is adorned only with the face of the garage doors. By orienting the garage entrances at an angle to the street, the garagescape is vastly reduced. In addition, the applicant is providing several different unit styles, materials, and colors to provide visual variety in a development with 32 similarly designed buildings. The rooflines are well broken up with many different roof elements and all pedestrian areas appear to be protected from snow shed.
- f.) **Variances Requested:** The applicant is requesting a variance to the average setback for encroachment into the required setback from the front property line.

g.) **Parking:**

**Required:** 173 (.9 spaces per bedroom for units with 3 or more bedrooms)  
**Provided:** 256 (128 garaged spaces, 128 spaces in driveway)

g.) **Environmental:**

**Existing Drainages:** There are three existing drainage areas-one which flows toward Longview Subdivision Phase I, another toward the north, and the final one flows toward High Point Drive and down to US Highway 40. The proposed drainage is essentially the same.

**Existing Wetlands/Impacts:** None.

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**Floodplain Considerations:** None.

**Soils/Geologic Considerations:** Soils information was submitted and found to be suitable within the recommendations made in the study.

**Grading Concept:** The grading plan indicates that there will be over lot grading for the street, driveways, and building sites.

2. **Public Works:** The public street system as proposed ties into the private High Point Drive street system. Public Works would like to see an agreement reached with the owner of High Point Drive for upgrading to City standards so that the private facilities can be accepted as public. This will allow the City to maintain the street system for continuity purposes. The applicant has not yet been able to secure this agreement, however, is working towards that end. If an agreement is not secured, this will not greatly affect the service to the site and will not impact the approval of the project.
3. **Fire:** Fire Prevention Services has no outstanding concerns with the plan. The existing fire lane between High Point Drive and Longview Phase I will continue with this development.
4. **Army Corps:** n/a.

VIII. **PROJECT PHASING:** The applicant has not indicated that the project will not be phased. If phasing is proposed, then the phasing plans will need to be reviewed by staff, and specifically Steamboat Fire Protection to insure public safety requirements are met, and that necessary site improvements are completed with the initial phase.

IX. **PROJECT COVENANTS:** Covenants to be submitted at time of final plat, including provisions for limiting the impact of the structures along the skyline ridge.

X. **PROJECT HISTORY:**

June 10, 1999

Planning Commission approved Major Development Permit and PUD for a 64 unit, 110,290 square foot townhome project in 32 buildings.

July 7, 1998

City Council approved Major Development Permit for a twenty-seven (27) lot residential subdivision.

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- June 25, 1998 Planning Commission approved Major Development Permit for a twenty-seven (27) lot residential subdivision.
- October 14, 1997 City Council reviewed a Conceptual proposal for 177 single family and multi-family units.
- September 11, 1997 Planning Commission reviewed a Conceptual proposal for 177 single family and multi-family units.
- April 16, 1996 City Council reviewed a Conceptual proposal for 201 single family and multi-family residential units.
- March 28, 1996 Planning Commission reviewed a Conceptual proposal for 201 single family and multi-family residential units.
- November 23, 1980 Planning Commission approved the Sketch Subdivision/Conceptual PUD for the Snowcreek development, which proposed the development of 400 dwelling units and associated recreational amenities.
- December 1983, 84 One-year extensions of the Sketch Subdivision/Conceptual PUD for the Snowcreek development were granted.
- November 23, 1985 The approval for the Sketch Subdivision/Conceptual PUD expired.
- December 15, 1994 A conceptual plan was taken to Planning Commission for consideration of a development on approximately 38 acres to include nine single family lots, four fourplex lots, and one commercial lot.

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## HIGHLAND DESIGNS AND CONSULTING

Landscape and Planning Services P.O. Box 772235 Steamboat Spgs., CO. 80477 870-8584

March 25, 1999

Planning Staff  
City of Steamboat Springs  
P.O. Box 775088  
Steamboat Springs, CO 80477

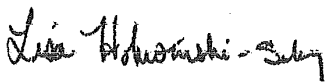
Dear Planning Staff member,

Please find attached, landscape calculations for Longview Subdivision, Phase II. The calculations include: 1) the required (per the current City CDC) number of trees for the perimeter and interior landscaping and 2) shrub exchanges per the landscape guidelines. The project was designed for the *moderate* landscape category and no additional density bonus points for landscaping are needed to meet the density of the project as proposed.

The project has been designed utilizing drought tolerant species. The tree and shrub areas along the project perimeter will be irrigated with a drip irrigation system. The front landscape setback has been calculated for all the frontages (interior loop road) of the townhomes. All grass areas as indicated on the plan will be seeded.

Since the project has more than the minimum open space required, the required number of trees is significantly higher. We feel that the landscape plan as submitted has too many trees and we would like to work with staff on how we can reduce the number of required trees for the project. Thank you for your attention to this matter.

Sincerely,



Lisa Holewinski-Subry

MD.99.04

# HIGHLAND DESIGNS AND CONSULTING

Landscape and Planning Services P.O. Box 772235 Steamboat Spgs., CO. 80477 870-8584

March 25, 1999

## *Landscape Calculations*

### 1. REQUIRED LANDSCAPING

#### **Landscaped Setback requirements:**

a.) *Trees required for landscaped setback - 72 total trees*

*Interior Loop Road for Townhomes -1,442 LF*

1,442 LF X 15' = 21,630 SF

21,630 SF / 300 SF = 72 (72.10) Trees

b.) *Tree breakdowns - evergreen and deciduous*

*Interior Loop Road - 72 total trees*

72 X .33 = 24 Evergreen trees

30%, 7-8' = 7

50%, 9-10' = 12

20%, 11-12' = 5

24 total evergreens

72 - 24 = 48 Deciduous trees

Lge. Decid. CAL, 2.5" Ornamental CAL, 2"

20%, Large Decid. = 10

Ornamentals = 38

48 total deciduous

#### **Interior requirements:**

a.) *Trees required for interior - 326 total trees*

Interior Landscape Area: 162,895 SF

162,895 SF / 500 SF = 326 total trees

b.) *Tree breakdowns - evergreen and deciduous*

326 X .33 = 108 Evergreen Trees

30%, 7-8' = 32

50%, 9-10' = 54

20%, 11-12' = 22

108 total evergreens

326 - 108 = 218 Deciduous trees

Lge. Decid. CAL, 2.5" Ornamental CAL, 2"

20%, Large Decid. = 44

Ornamentals = 174

218 total deciduous

#### **Totals:**

Evergreens = 132

Large Deciduous = 54

Ornamentals = 212

Total number of trees required: 398

2. PROPOSED PLAN, SHRUB ANALYSIS AND EXCHANGES

<u>Required</u>	<u>Proposed Shrub Exchanges</u>	
132	120	Evergreens
54	47	Large Deciduous
212	192	Ornamentals

**Totals:**

Total number of required trees: 398

Total number of proposed trees w/shrub exchanges: 359

a.) The shrub exchanges for the required trees come from additional shrub areas and/or additional shrubs added to the planting beds around the buildings of the project. The shrubs were added to create focal areas, enhance project entry areas, and to provide better screening in combination with the trees on the project site. We are not proposing any shrub exchanges for the landscaped setback area, rather we are proposing that the shrub exchanges occur within the interior landscaped areas.

We propose a 10% reduction in the required trees in exchange for an additional 143 shrubs.

143 total shrubs (65 medium height shrubs and 78 large height shrubs).

Therefore,  $65/5 = 13$  trees and  $78/3 = 26$  trees for a total of 39 trees to be exchanged.

3. PROPOSED REDUCTION IN THE NUMBER OF TREES

Even with the shrub exchanges, we feel that the tree requirement is too high. We therefore, would like to work with staff on an acceptable solution. The submitted plan, reflects a tree count that is 61 trees short of the required numbers (w/shrub exchanges), and we feel this is still too many trees.

Since there is more open space for this project than the minimum required, the landscape guidelines require significantly more trees. We suggest that perhaps the tree count could be calculated on the minimum open space requirement and see where that would put the number of trees and work with staff from there. We look forward to your input.

4. PROPOSED GRASS AREAS

All grass areas will be seeded. The central open space area which includes the playground area may be seeded with a fescue blend, while the outlying open space areas will be seeded with a native grass blend.

5. PROPOSED ADDITIONAL PROJECT AMENITY

The applicant proposes to add a playground amenity (or tot lot) area for the project in the central open space. The soft surface trail will connect into this space for access by everyone in the subdivision.

MD 99.04<sup>B</sup>



## HIGHLAND DESIGNS AND CONSULTING

Landscape and Planning Services P.O. Box 772235 Steamboat Spgs., CO. 80477 870-8584

May 12, 1999

Scott Woodford  
City of Steamboat Springs  
P.O. Box 775088  
Steamboat Springs, CO 80477

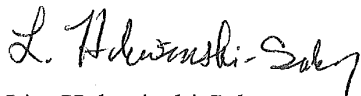
Dear Scott,

Please find attached, revised landscape calculations for Longview Subdivision, Phase II. The calculations include: 1) the required (per the current City CDC) number of trees for the perimeter and interior landscaping and 2) shrub exchanges per the landscape guidelines. The project was designed for the *moderate* landscape category and bonus points for landscaping are part of the revised submittal for Longview Subdivision.

The project has been designed utilizing drought tolerant (xeric) species. The tree and shrub areas along the project perimeter will be irrigated with a drip irrigation system. The front landscape setback has been calculated along the frontages (interior loop road) of the townhomes. All grass areas as indicated on the plan will be seeded with native grasses.

Please contact me should you have any questions on the landscape plan. Thank you.

Sincerely,



Lisa Holewinski-Subry

# HIGHLAND DESIGNS AND CONSULTING

Landscape and Planning Services P.O. Box 772235 Steamboat Spgs., CO. 80477 870-8584

May 12, 1999

## ***Revised Landscape Calculations***

### 1. REQUIRED LANDSCAPING

#### **Landscaped Setback requirements:**

a.) *Trees required for landscaped setback - 72 total trees*

*Interior Loop Road for Townhomes -1,442 LF*

1,442 LF X 15' = 21,630 SF

21,630 SF / 300 SF = 72 (72.10) Trees

b.) *Tree breakdowns - evergreen and deciduous*

*Interior Loop Road - 72 total trees*

72 X .33 = 24 Evergreen trees

30%, 7-8' = 7

50%, 9-10' = 12

20%, 11-12' = 5

24 total evergreens

72 - 24 = 48 Deciduous trees

Lge. Decid. CAL, 2.5" Ornamental CAL, 2"

20%, Large Decid. = 10

Ornamentals = 38

48 total deciduous

#### **Interior requirements:**

a.) *Trees required for interior - 326 total trees*

Interior Landscape Area: 66,788 SF

66,788 SF / 500 SF = 134 total trees

b.) *Tree breakdowns - evergreen and deciduous*

134 X .33 = 44 Evergreen Trees

30%, 7-8' = 13

50%, 9-10' = 22

20%, 11-12' = 9

44 total evergreens

134 - 44 = 90 Deciduous trees

Lge. Decid. CAL, 2.5" Ornamental CAL, 2"

20%, Large Decid. = 18

Ornamentals = 72

90 total deciduous

#### **Totals:**

Evergreens = 68

Large Deciduous = 28

Ornamentals = 110

Total number of trees required: 206

2. PROPOSED PLAN, SHRUB ANALYSIS AND EXCHANGES

<u>Required</u>	<u>Proposed Shrub Exchanges</u>	
68	68	Evergreens
28	18	Large Deciduous
110	99	Ornamentals

**Totals:**

Total number of required trees: 206

Total number of proposed trees w/shrub exchanges: 185

a.) The shrub exchanges for the required trees come from additional shrub areas and/or additional shrubs added to the planting beds around the buildings of the project. The shrubs were added to create focal areas, enhance project entry areas, and to provide better screening in combination with the trees on the project site. We are not proposing any shrub exchanges for the landscaped setback area, rather we are proposing that the shrub exchanges occur within the interior landscaped areas.

We propose a 10% reduction in the required trees in exchange for 63 shrubs.

**63 total shrubs, therefore, 63/3 (large height) = 21 total trees to be exchanged.  
206 trees required - 21 trees exchanged = 185 total trees**

3. PROPOSED GRASS AREAS

All grass areas will be seeded with native grasses.

4. PROPOSED ADDITIONAL PROJECT AMENITY

The applicant proposes to add a playground amenity (or tot lot) area for the project in the central open space. The five foot concrete trail will connect into this space for access by everyone in the subdivision.

5. DENSITY BONUS POINTS

We are asking for 4% bonus points for the xeriscape landscape plan and for automatic irrigation. Plant species are drought tolerant species and drip irrigation will be used for trees and shrubs.

## PLANT LEGEND

<i>Botanical Name</i>	<i>Common Name</i>	<i>Size</i>	<i>Qty.</i>	<i>Key</i>
<i>Trees*</i>				
Acer ginnala	Ginnala Maple	1.5"	31	AG
Acer glabrum	Rocky Mountain Maple	1.5"	24	RM
Crataegus crus-galli 'Inermis'	Thornless Cockspur Hawthorn	1.5"	18	CC
Fraxinus pennsylvanica 'Summit'	Summit Ash	2.5"	28	FP
Juniperus scopulorum	Rocky Mountain Juniper	varies	17	JS
Juniperus virginiana	Eastern Red Cedar	varies	17	JV
Pinus nigra	Austrian Pine	varies	17	PN
Pinus ponderosa	Ponderosa Pine	varies	17	PP
Prunus americana	American Plum	1.5"	26	PA
<i>Shrubs**</i>				
Cercocarpus ledifolius	Curl-leaf Mountain Mahogany	5 gal		CL
Prunus tomentosa	Nanking Cherry	5 gal		PT
Prunus virginiana 'Shubert'	Shubert Chokecherry	5 gal		PV
Ribes aureum	Yellow Flowering Currant	5 gal		RA
Rosa foetida 'Persiana'	Persian Yellow Rose	5 gal		RF
Rosa glauca	Red Leaved Rose	5 gal		RG
Rubus deliciosus	Thimbleberry	5 gal		RD
Symphoricarpos albus	Snowberry	5 gal		SA
Symphoricarpos orbiculatus	Indian Currant	5 gal		SO

\* The tree quantities reflect the required number of trees, less the shrub exchanges.

\*\*Shrubs will be five gallon sizes. The shrubs listed here are for the shrub exchanges, 63 shrubs will be exchanged for 21 trees. Shrubs have not been indicated on the plan at this time, however, shrubs will be incorporated into the perimeter landscaping.

## HIGHLAND DESIGNS AND CONSULTING

Landscape and Planning Services P.O. Box 772235 Steamboat Spgs., CO. 80477 870-8584

May 17, 1999

Scott Woodford  
City of Steamboat Springs  
P.O. Box 775088  
Steamboat Springs, CO 80477

Dear Scott,

I found an error in my revised landscape calculations for Longview Subdivision, Phase II. Here's what we have done with the revisions: 1) The front landscape setback has remained the same, 2) the interior open space number used is 15% open space and 3) from the 15% open space, we subtracted the front landscape setback area, then calculated the interior landscape requirements from this final number.

I am sorry for any inconvenience this causes. Thanks for your attention to this matter. If you have any questions you can call Laura Frey or myself.

Sincerely,



Lisa Holewinski-Subry

# HIGHLAND DESIGNS AND CONSULTING

Landscape and Planning Services P.O. Box 772235 Steamboat Spgs., CO. 80477 870-8584

May 17, 1999

## **Revised Landscape Calculations**

### 1. REQUIRED LANDSCAPING

#### **Landscaped Setback requirements:**

a.) *Trees required for landscaped setback - 72 total trees*

*Interior Loop Road for Townhomes -1,442 LF*

1,442 LF X 15' = 21,630 SF

21,630 SF / 300 SF = 72 (72.10) Trees

b.) *Tree breakdowns - evergreen and deciduous*

*Interior Loop Road - 72 total trees*

72 X .33 = 24 Evergreen trees

30%, 7-8' = 7

50%, 9-10' = 12

20%, 11-12' = 5

24 total evergreens

72 - 24 = 48 Deciduous trees

Lge. Decid. CAL, 2.5" Ornamental CAL, 2"

20%, Large Decid. = 10

Ornamentals = 38

48 total deciduous

#### **Interior requirements:**

a.) *Trees required for interior - 91 total trees*

Interior Landscape Area: 66,788 SF - 21,630 SF (front setback area) = 45,158 SF

45,158 SF / 500 SF = 91 total trees

b.) *Tree breakdowns - evergreen and deciduous*

91 X .33 = 30 Evergreen Trees

30%, 7-8' = 9

50%, 9-10' = 15

20%, 11-12' = 6

44 total evergreens

91 - 30 = 61 Deciduous trees

Lge. Decid. CAL, 2.5" Ornamental CAL, 2"

20%, Large Decid. = 12

Ornamentals = 49

61 total deciduous

#### **Totals:**

Evergreens = 54

Large Deciduous = 22

Ornamentals = 87

Total number of trees required: 163

2. PROPOSED GRASS AREAS

All grass areas will be seeded with native grasses.

3. PROPOSED ADDITIONAL PROJECT AMENITY

The applicant proposes to add a playground amenity (or tot lot) area for the project in the central open space. The five foot concrete trail will connect into this space for access by everyone in the subdivision.

4. DENSITY BONUS POINTS

We are asking for 4% bonus points for the xeriscape landscape plan and for automatic irrigation. Plant species are drought tolerant species and drip irrigation will be used for trees and shrubs.

## HIGHLAND DESIGNS AND CONSULTING

Landscape and Planning Services P.O. Box 772235 Steamboat Spgs., CO. 80477 870-8584

June 3, 1999

Scott Woodford  
City of Steamboat Springs  
P.O. Box 775088  
Steamboat Springs, CO 80477

Dear Scott,

Attached please find revised calculation sheet for Longview Subdivision, Phase II. Previous revisions indicated the wrong evergreen tree sizes for the moderate landscape category. I had mistakenly called out the tree height requirements for dense. I must be more use to that category, my apologies.

Thanks, good luck with the staff reports.

Sincerely,

Lisa Subry



# HIGHLAND DESIGNS AND CONSULTING

Landscape and Planning Services P.O. Box 772235 Steamboat Spgs., CO. 80477 870-8584

June 1, 1999

## Revised Landscape Calculations

### 1. REQUIRED LANDSCAPING - Moderate Landscape

#### Landscaped Setback requirements:

a.) Trees required for landscaped setback - 72 total trees

Interior Loop Road for Townhomes -1,442 LF

1,442 LF X 15' = 21,630 SF

21,630 SF / 300 SF = 72 (72.10) Trees

b.) Tree breakdowns - evergreen and deciduous

Interior Loop Road - 72 total trees

72 X .33 = 24 Evergreen trees

30%, 6-7' = 7

50%, 8-9' = 12

20%, 9-10' = 5

24 total evergreens

72 - 24 = 48 Deciduous trees

Lge. Decid. CAL, 2.5" Ornam. CAL, 1.5"

20%, Large Decid. = 10

Ornamentals = 38

48 total deciduous

#### Interior requirements:

a.) Trees required for interior - 91 total trees

Interior Landscape Area: 66,788 SF - 21,630 SF (front setback area) = 45,158 SF

45,158 SF / 500 SF = 91 total trees

b.) Tree breakdowns - evergreen and deciduous

91 X .33 = 30 Evergreen Trees

30%, 6-7' = 9

50%, 8-9' = 15

20%, 9-10' = 6

44 total evergreens

91 - 30 = 61 Deciduous trees

Lge. Decid. CAL, 2.5" Ornam CAL, 1.5"

20%, Large Decid. = 12

Ornamentals = 49

61 total deciduous

#### **Totals:**

Evergreens = 54

Large Deciduous = 22

Ornamentals = 87

Total number of trees required: 163

2. PROPOSED GRASS AREAS

All grass areas will be seeded with native grasses.

3. PROPOSED ADDITIONAL PROJECT AMENITY

The applicant proposes to add a playground amenity (or tot lot) area for the project in the central open space. The five foot concrete trail will connect into this space for access by everyone in the subdivision.

4. DENSITY BONUS POINTS

We are asking for 4% bonus points for the xeriscape landscape plan and for automatic irrigation. Plant species are drought tolerant species and drip irrigation will be used for trees and shrubs.



June 11, 2008

Jack Nesbitt  
True Mountain Homes Inc.  
410 Industrial Dr.  
Milton, ON, Canada  
L9T 5A8  
*Sent via Certified Mail*

Mr. Nesbitt,

The Subdivision Improvements Agreement between the City of Steamboat Springs and True Mountain Homes for Longview Park, Filing 1 outlines improvements which were to be completed by June 2, 2006. The completion date for these improvements had been extended until November 24, 2007 with a Letter of Credit in the amount of \$302,700 issued by Millenium Bank.

The improvements outlined in the Subdivision Improvements Agreement have not been completed, and the Letter of Credit has expired. At this time, a new Letter of Credit in the amount of \$302,700 needs to be secured immediately in favor of the City of Steamboat Springs.

If a new Letter of Credit in favor of the City of Steamboat Springs in the amount of \$302,700 is not secured by June 25, 2008, True Mountain Homes will be considered to be in violation of the Improvements Agreement for Longview Park Filing 1, and further work on the property will not be enabled to continue.

If you have any questions on this matter, I can be reached at 970-871-8274.

Sincerely,  
City of Steamboat Springs

A handwritten signature in black ink, appearing to read "Gavin J. McMillan".

Gavin J. McMillan  
City Planner

**BRUCE L. JARCHOW**

*Attorney at Law*

P.O. BOX 775106, STEAMBOAT SPRINGS, COLORADO 80477  
THE SEQUOIA CLUB BUILDING  
141 NINTH STREET

Phone: 970-879-4100  
Fax: 970-879-4101

[brucejarchow@yahoo.com](mailto:brucejarchow@yahoo.com)

April 14, 2009

City of Steamboat Springs  
City Clerk's Office  
Attention: Julie Franklin  
137 10<sup>th</sup> Street; P.O. Box 775088  
Steamboat Springs, CO 80477

**Via Hand Delivery**

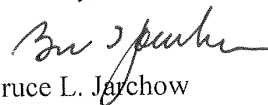
Re: Notice of Appeal – Request for Hearing Section 26-204(h)  
Applicant: True Mountain Homes  
Matter: Improvements Agreement For Longview Park, Filing No. 1,  
Routt County, Colorado

Dear Ms. Franklin:

Enclosed for Inclusion in the City Council packet is a letter from True Mountain Homes, Inc. regarding the above appeal to City Council and 7 copies of a Plat showing existing landscaping from Steven Buccino.

Please provide me with a cop of the final packet as soon as the same is available. (I will have not need copies of the True Mountain Homes letter or the Steven Buccino Plat).

Sincerely,



Bruce L. Jarchow

BLJ/mab

cc: True Mountain Homes, Inc.

TRUE MOUNTAIN HOMES INC.  
410 Industrial Drive  
Milton, Ontario, Canada L9T 5A6  
Tel: (905) 693-8525 Fax: (905) 693-1103  
Colorado Tel: (970) 870-0697 Fax: (970) 870-0786

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April 14, 2009

City of Steamboat Springs  
137 10<sup>th</sup> Street  
P.O. Box 775088  
Steamboat Springs, CO 80477

RE: Appeal to Council, Longview Park

Dear Council Members,

Appearing before council in this serious matter was my intention, however since we were asked by Ms. Franklin to delay this hearing in order to reduce the size of the agenda for the April 7, 2009 meeting and re-schedule same to April 21, 2009, I am unable to attend. This letter therefore outlines the issues.

Longview Park is a 13.10 acre subdivision located slightly southeast of Hilltop Parkway and US 40. It is a P.U.D. containing 32 duplex buildings or 64 homes, all at least 3 bedrooms, all with double car heated garages and double paved driveways. The homes range in size from 1490 to 2180 square feet. The subdivision has been well received with only 5 homes remaining to be sold.

City staff has stated that it has taken too long to complete the subdivision and therefore they wish to draw on our letter of credit to complete the following list of items which they have itemized as follows:

In addition, I have included my comments on each item.

1. Mobilization:

We have our own equipment on site and if we are allowed to complete the work this expense could be saved.

2. Sidewalk:

A small amount of sidewalk outside of the subdivision (but part of Longview Park subdivision improvements) is remaining. We estimate the length to be about 200 feet. Same is mostly formed up and ready to pour. Cost of concrete \$2,000.00, cost of finishing \$1,800.00, (on site labor to complete forming \$500.00), total of \$4,300.00.

**Timing – Complete before June 30, 2009**

3. Road Shouldering:

Complete. Spring cleanup will be required, our cost \$800.00. (not the 35 yards the City has quoted, 2 yards at the most) Material is already at the site and we have our own equipment.

**Timing – Complete before June 30, 2009**

4. Re-grade storm water quality pond:

We have never been asked to re-grade this pond. Since the City is asking that this be done it indicates that the site has been re-vegetated so that the pond is no longer required and that the City is satisfied with said re-vegetation for erosion control. We assume that this is to be graded simply to eliminate said pond. We have our own equipment and material on site to complete this work. Our Cost less than \$2,000.00.

**Timing – Complete before June 30, 2009**

5. Clean out silted ditches and culverts:

This is spring cleanup only. Our Cost \$300.00

**Timing – Complete before June 30, 2009**

6. Final acceptance of water and sewer items:

There are no sewer items to be corrected in Longview Park.

Two hydrants need to be raised and we have on hand the material to complete this job except for two rods. We purchased extension rods to do this job however Joe Zimmerman wanted a one piece rod. Said rods are on order. We have been told not to

touch this job but to call Joe when the rods became available. Cost of two rods about \$300.00.

Valve box cover for water hydrant and blow off valves to be secured as per Joe Zimmerman. Approximate cost to secure covers \$250.00

**Timing – call Joe when rods come in.**

7. Trees: Supply and Install:

Our original landscape plan called for 162 trees and shrubs. We have installed a total of 398 trees and shrubs, more than twice the original requirement. We have installed the following trees:

Aspens 1 ½” or larger	112	(there are 65 Aspens which have 3 or more trees coming from 1 root, an additional 130 trees)
Aspens 1 ¼” or smaller	56	
Cottonwoods	13	
Sycamore	7	
Cherry	6	
Plum	11	
Oak	1	
Maple	1	
Blue Spruce	28	
Douglas Fir	26	
Shrub Oak	9	Total Trees installed = 270
<u>Total Trees</u>	270	(does not include the additional 130 trees mentioned above)
Total Shrubs	<u>128</u>	Total Shrubs installed = 128
<u>Total trees and shrubs</u>	<u>398</u>	

We have also been able to engage a landscape architect (Steve Buccino) to review the work which has been completed. His preliminary opinion based upon the installation of the trees as mentioned is that we have more than met the conditions of approval for landscaping. We have asked him to complete a review of the site and prepare a report of same, at the earliest possible date.

6% of the trees were installed in 2006, 61% in 2007 and the balance in 2008. We did not complete a final grade of the site until summer of 2007 which was not unusual as this was not a phased project, and as such, tree planting would have normally begun in 2008. The

trees that were planted in 2006 and 2007 were the only trees available upon the immediate demand of the City to install same. We felt it unwise to order trees prior to achieving final grade. We were able to plant trees in 2006 in the few places that we knew the grade would not change. At the beginning of 2008 Al Choy was looking to the City for direction as to what they would require to complete the landscaping requirements, and even though they had been on site and were aware of the trees that were installed in 2006 and 2007 **contemporaneously** with their installation, they refused to provide any direction to allow Al to complete the job to their satisfaction. Al did his best to complete the job by purchasing trees that are best known to thrive in this area and at this altitude. It seems to me that he has done a good job since our landscape architect has endorsed the work he has done.

Steve Buccino has also endorsed Al's decision to eliminate the following trees: Ginnala Maple, Rocky Mountain Maple, Thornless Cockspur Hawthorn, Summit Ash, American Plum, Rocky Mountain Juniper, Eastern Red Cedar, Austrian Pine, and Ponderosa Pine, as they either do not do well in this area, do not do the job for which they were intended or will become diseased and adversely affect other trees as time goes on.

Since our landscape architect has endorsed the work, we feel that we have, at least to this point, completed the job satisfactorily and same should be acceptable.

**Timing – See Report by Steven Buccino, Landscape Architect**

8 & 9. Asphalt density testing and Asphalt core testing:

See letter from N.W.C.C. attached hereto. We have never before had a request from the City to do this work. Cost about \$2,000.00

**Timing – Complete before June 30, 2009**

10. Re-vegetation of disturbed areas:

Upon deduction of roads, driveways, sidewalks and houses and undisturbed outlots the balance in Longview Park is about 4 acres of which over 95% has been re-vegetated. Only a small amount of work remains in the northwest corner of the subdivision where we are continuing to work. We estimate less than \$2,000.00 to complete the re-vegetation of remaining area of Longview Park.

**Timing – Complete before June 30, 2009**



11. Irrigation system completion:

An irrigation system was not a condition of subdivision approval and is not listed in the Improvements Agreement and therefore not a part of the subdivision Improvements Agreement. To date we have spent \$93,419.57 (including labour) on the irrigation system and expect to spend less than \$2,000.00 to complete same in the northwest corner of the subdivision.

**Timing – Complete before June 30, 2009**

The Subdivision Improvements Agreement for the first filing of Longview Park was entered into June 14, 2004 (Exhibit A attached thereto was amended by way of a letter of credit reduction in July 2008 and upon completion of the work described herein, we expect and request a further substantial reduction of our letter of credit); therefore we have substantially completed the Project in less than 5 years. We have built about 108 thousand square feet of residential housing at an average sale price of less than \$245.00 per square foot. Said numbers include the remaining unsold homes at current market pricing. Given the housing types and the quality and affordability of the product we believe that we have acted responsibly and in a timely manner.

We respectfully request that we be given a reasonable period of time to complete the work as shown and that we be given credit for the trees that have already been planted. We estimate that the total cost of completion of the items listed above is less than \$15,000.00. The Project is a \$26,000,000.00 Project. Please receive and accept the report by Steven Buccino regarding the landscaping for Longview Park.

Yours truly,

TRUE MOUNTAIN HOMES INC.

Jack Nesbitt, president

Encl.

Note 1: Find attached hereto communication by City staff to third parties regarding the matters herein, same being withheld from True Mountain Homes.

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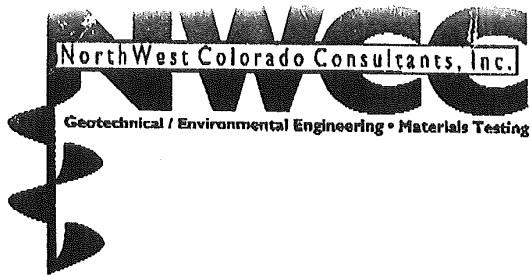
Yours truly,

TRUE MOUNTAIN HOMES INC.

  
Jack Nesbitt, president

Encl.

Note 1: Find attached hereto communication by City staff to third parties regarding the matters herein, same being withheld from True Mountain Homes.



March 11, 2009

Jack Nesbitt  
True Mountain Homes  
410 Industrial Drive  
Milton, Ontario, Canada L9T5A6

Subject: City of Steamboat Springs Asphalt  
Pavement Testing Requirements and Costs,  
Longview Park Subdivision, Steamboat Springs,  
Colorado

Gentlemen:

As requested, NWCC, Inc. has prepared this letter outlining Asphalt Testing Requirements and costs for performing these activities at the Longview Park Subdivision in accordance with our telephone conversation on March 10, 2009.

Among other materials testing requirements, the City of Steamboat Springs Hot Mix Asphalt Specifications require asphalt density and thickness measurements at a minimum of frequency of one test per 300 lineal feet of lane. This is typically accomplished by obtaining 4-inch diameter cores from the mat by rotary coring method and returning the cores to our laboratory for thickness measurement and density determination.

The costs associated with the coring and laboratory testing are shown in the attached fee schedule and outlined below as follows:

Core Rig Rental: \$80/hour + \$3/inch cored  
Engineering Technician: \$60/hour  
Bulk Specific Gravity & Core Sample Thickness: \$25/each  
Engineering Technician Mobilization: \$0.50/mile

We would be glad to prepare an itemized cost proposal for your review when a scope of work can be determined. If you have any questions concerning the specifications or associated testing costs, or if we may be of any further service, please contact this office

Sincerely,  
NWCC, INC.,

A handwritten signature in black ink, appearing to read "Harold N. Schlicht". The signature is written in a cursive style with a horizontal line underneath.

Harold N. Schlicht, P.E.

(970) 879-7888 • Fax (970) 879-7891

**Jason Peasley**

---

**From:** Gavin McMillan  
**Sent:** Thursday, October 09, 2008 10:36 AM  
**To:** [jlanders@steamboatassociations.com](mailto:jlanders@steamboatassociations.com)  
**Cc:** Jason Peasley  
**Subject:** RE: Longview

Jim,

I spoke with our purchasing department today and they expect to complete the RFP within a month from now. Also, Jason Peasley will be the new contact person for this project as I will be leaving the City. I will be here until next Tuesday if you have any questions. Jason can be reached by e-mail at [jpeasley@steamboatsprings.net](mailto:jpeasley@steamboatsprings.net) or by phone at 871-8229.

Thanks,

Gavin

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**From:** Jim Landers [<mailto:jlanders@steamboatassociations.com>]  
**Sent:** Wednesday, October 08, 2008 12:02 PM  
**To:** Gavin McMillan  
**Subject:** Longview

When do you anticipate the RFP going out to the public?

Jim

10/09/2008

25-115

## Jason Peasley

---

**From:** Gavin McMillan  
**Sent:** Thursday, October 09, 2008 10:31 AM  
**To:** Anne Small  
**Cc:** Jason Peasley; Tom Leeson  
**Subject:** RE: Longview

Thanks Anne,

Jason Peasley will be taking over the project. I have told the HOA that the work won't get completed until the spring, but they are curious as to when the RFP will be issued. I'm trying to keep them in the loop. I will let them know that we expect to issue the RFP within a month and would select a contractor next Spring. Thank you for your help.

Gavin

---

**From:** Anne Small  
**Sent:** Thursday, October 09, 2008 10:13 AM  
**To:** Gavin McMillan  
**Subject:** RE: Longview

I haven't issued the RFP yet. I hope to work on it within the next two weeks. Obviously the work won't get completed until the Spring. Who will be taking over this project?

Anne

---

**From:** Gavin McMillan  
**Sent:** Thursday, October 09, 2008 8:58 AM  
**To:** Anne Small  
**Cc:** Tom Leeson  
**Subject:** Longview

Anne,

I don't believe I've told you, but I will be leaving the city to take a job in the front range. My last day of work will be next Tuesday 10/14.

I am going to pass the Longview Highlands project on to someone else and was hoping that you could give me an update on the progress of the RFP.

Thanks Anne!

Gavin McMillan  
City Planner  
City of Steamboat Springs  
PO Box 775088  
124 10th Street  
Steamboat Springs, CO 80477  
p: 970-879-2060 x274  
f: 970-871-8285

**True Mountain Homes Appeal: Plat  
of existing landscaping from  
Steven Buccino.**

This full size plat is available for review  
with the City Clerk's Office upon  
request.

## **AGENDA ITEM # 26**

### **City Council Updates**

A report will be provided at the meeting.

# AGENDA ITEM # 27a1

\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, MAY 5, 2009\*\*\*\*\*

This agenda is tentative and the information is subject to change until the agenda is finalized.

## CITY OF STEAMBOAT SPRINGS

### AGENDA

REGULAR MEETING NO. 2009-13

TUESDAY, MAY 5, 2009

5:00 P.M.

**MEETING LOCATION:** Citizens' Meeting Room, Centennial Hall;  
124 10<sup>th</sup> Street, Steamboat Springs, CO

**MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Comment; and 2) Comments no longer than three (3) minutes on all scheduled public hearing items will be heard **following** the presentation by Staff or the Petitioner. Please wait until you are recognized by the Council President. With the exception of subjects brought up during Public Comment, on which no action will be taken or a decision made, the City Council may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion". It is City Council's goal to adjourn all meetings by 10:00 p.m.

A City Council meeting packet is available for public review in the lobby of City Hall, 137 10<sup>th</sup> Street, Steamboat Springs, CO.

**PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

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**A. ROLL CALL**

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**B. PROCLAMATIONS AND RECOGNITIONS:**

**1. Historic Preservation Month.** (Schaffer)

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**C. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:**



\*\*\*\*\***TENTATIVE AGENDA FOR TUESDAY, MAY 5, 2009**\*\*\*\*\*

This agenda is tentative and the information is subject to change until the agenda is finalized.

2. **2009 Chamber Marketing Plan presentation.** (Broyles)
3. **Steamboat Springs Fire Rescue "Career Day".** (Funston)
4. **Rural Philanthropy Days.**
5. **Steamboat 700 & 360 Village annexation update.**

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

**LEGISLATION**

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. ANY MEMBER OF THE COUNCIL OR THE PUBLIC MAY WITHDRAW ANY ITEM FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION AT ANY TIME PRIOR TO APPROVAL.

6. **MOTION:** Motion to submit a grant application to the Colorado Department of Transportation requesting \$\_\_\_\_\_ in grant funding to support Steamboat Springs Transit operations, administration and capital purchases. (DelliQuadri)
6. **RESOLUTION:** Changing IGA City- Rural Fire Protection District. (Foote)

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**E. PUBLIC HEARING: ORDINANCE SECOND READINGS**

THE CITY COUNCIL PRESIDENT OR PRESIDENT PRO-TEM WILL READ EACH ORDINANCE TITLE INTO THE RECORD. PUBLIC COMMENT WILL BE PROVIDED FOR EVERY ORDINANCE.

7. **SECOND READING OF ORDINANCE:** An ordinance creating a regulatory framework authorizing the City to review and monitor service plans prepared pursuant to the Special District Act codified in Title 32, Colorado Revised Statutes; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)

*This item was postponed from the April 21, 2009 City Council meeting.*

8. **SECOND READING OF ORDINANCE:** An ordinance creating a water dedication policy to ensure that water service required for new development outside of the existing City municipal water system does not interfere with service to existing customers and does not interfere with the City's ability to meet reasonably anticipated future water supply needs; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, MAY 5, 2009\*\*\*\*\***

This agenda is tentative and the information is subject to change until the agenda is finalized.

*This item was postponed from the April 21, 2009 City Council meeting.*

- 9. SECOND READING OF ORDINANCE:** An ordinance creating a policy requiring adequate water supply for new development; implementing the requirements of House Bill 08-1141, which directs local governments to deny development applications where there is not a demonstration of adequate water supply to serve the proposed development; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)

*This item was postponed from the April 21, 2009 City Council meeting.*

- 
- F. PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

PLANNING  
PROJECTS

- 
- G. PLANNING COMMISSION REPORT**

- 
- H. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS**

- 10. PROJECT:**  
PETITION:  
LOCATION:  
APPLICANT:  
PLANNING COMMISSION VOTE:

- 
- I. PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

**PUBLIC HEARING FORMAT:**

- **Presentation by the Petitioner (estimated at 15 minutes). Petitioner to state name and residence address/location.**
- **Presentation by the Opposition.** Same guidelines as above.
- **Public Comment by individuals (not to exceed 3 minutes). Individuals to state name and residence address/location.**
- **City staff to provide a response.**

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, MAY 5, 2009\*\*\*\*\***

This agenda is tentative and the information is subject to change until the agenda is finalized.

- 11. PROJECT: Wildhorse Meadows** (tentatively scheduled for this date; moved from 4/21 per request from applicant; lengthy public hearing 45 minutes+; not a PC referral but coming to CC directly)  
PETITION: Revised Community Housing Plan.  
LOCATION:  
APPLICANT:
  
- 12. PROJECT: Ski Hill Subdivision, Parcel D. (Thunderhead)**  
PETITION: Final development plan application for two condo/hotel buildings with 100 residential units, seven commercial/retail units, and associates improvements within the proposed 390,112 square feet of floor area. The applicant is requesting a height variance for Building A.  
LOCATION: Ski Hill Subdivision, Parcel D.  
APPLICANT: The Atira Group, P.O. Box 880639, Steamboat Springs, CO; 970-870-9800.  
PLANNING COMMISSION VOTE: Approved 5-1 on 1/22/09.

*This item was postponed from the February 17, and April 7, 2009 City Council meetings.*

- 13. APPEAL:** Highlands Pointe Subdivision. (Peasley)
  
- 14. SECOND READING OF ORDINANCE:** Text amendment industrial zone and single family. (Peasley)

*Staff requests that this item be postponed indefinitely.*

- 15. Steamboat 700 Fiscal Impact Model.**

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**J. REPORTS**

**16. City Council**

**INTRODUCTION OF TOPICS FOR FUTURE WORK SESSION AGENDAS:**

a. **City Council Introduction and Discussion:**

*Any Council Member may request discussion of any issue. Items cannot be added for action at this meeting.*

b. **City Staff Introduction and Discussion:**

*Any staff member may request discussion of any issue at a future meeting only. Items cannot be added for action at this meeting. Staff will forward a specific request, stating the issue, anticipated outcome, time frame and requested direction*

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, MAY 5, 2009\*\*\*\*\***

This agenda is tentative and the information is subject to change until the agenda is finalized.

*from a majority of the Council.*

**17. Reports**

- a. Agenda Review (Franklin):
  - 1.) City Council agenda for May 12, 2009
  - 2.) City Council agenda for May 19, 2009.
- b. Staff Reports
  - 1.) Water/Wastewater Master Plan and Rate Study update. (Shelton)
- c. City Attorney's Update/ Report. (Lettunich)
- d. Manager's Report: Ongoing Projects. (Roberts)
  - 1.) Update on the Rehder Building.

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**K. OLD BUSINESS**

**18. Minutes** (Franklin)

- a. Regular Meeting 2009-10, April 7, 2009.
- b. Regular Meeting 2009-11, April 14, 2009.
- c. Regular Meeting 2009-12, April 21, 2009.

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**L. ADJOURNMENT**

**BY: JULIE FRANKLIN, CMC**  
**CITY CLERK**

# AGENDA ITEM # 27a2

\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, MAY 12, 2009\*\*\*\*\*

This agenda is tentative and the information is subject to change until the agenda is finalized.

## CITY OF STEAMBOAT SPRINGS AGENDA REGULAR MEETING NO. 2009-14 TUESDAY, MAY 12, 2009 5:00 P.M.

**WORKSESSION MEETING LOCATION:** Citizens' Meeting Room, Centennial Hall; 124 10<sup>th</sup> Street, Steamboat Springs, CO

**WORKSESSION MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the work session meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Comment; and 2) Comments no longer than three (3) minutes on all scheduled work session meeting items will be heard **following** the presentation or the internal deliberation. Please wait until you are recognized by the Council President. With the exception of subjects brought up during Public Comment, on which no action will be taken or a decision made, the City Council may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion". It is City Council's goal to adjourn all meetings by 9:00 p.m.

A City Council work session meeting packet is available for public review in the lobby of City Hall, 137 10<sup>th</sup> Street, Steamboat Springs, CO.

**PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, whichever comes first.** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

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**A. ROLL CALL (5:00 P.M.)**

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**B. CITY COUNCIL REVIEW TOPIC**

- 1. Affordable Housing discussion (Inclusionary Zoning).  
(Engelken)**
- 2. Possible changes to the Home Rule Charter.**

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**C. ADJOURNMENT**

**BY: JULIE FRANKLIN, CMC  
CITY CLERK**

# AGENDA ITEM # 27a3

\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, MAY 19, 2009\*\*\*\*\*

This agenda is tentative and the information is subject to change until the agenda is finalized.

## CITY OF STEAMBOAT SPRINGS

### AGENDA

REGULAR MEETING NO. 2009-15

TUESDAY, MAY 19, 2009

4:00 P.M.

**MEETING LOCATION:** Citizens' Meeting Room, Centennial Hall;  
124 10<sup>th</sup> Street, Steamboat Springs, CO

**MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Comment; and 2) Comments no longer than three (3) minutes on all scheduled public hearing items will be heard **following** the presentation by Staff or the Petitioner. Please wait until you are recognized by the Council President. With the exception of subjects brought up during Public Comment, on which no action will be taken or a decision made, the City Council may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion". It is City Council's goal to adjourn all meetings by 10:00 p.m.

A City Council meeting packet is available for public review in the lobby of City Hall, 137 10<sup>th</sup> Street, Steamboat Springs, CO.

**PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

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#### A. ROLL CALL

**Interviews for Boards Committees, Commissions (4 – 5 PM)**

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#### B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

- 1. CDOT construction phasing for Lincoln Avenue pavement replacement. (Shelton)**

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, MAY 19, 2009\*\*\*\*\***

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

**LEGISLATION**

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. ANY MEMBER OF THE COUNCIL OR THE PUBLIC MAY WITHDRAW ANY ITEM FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION AT ANY TIME PRIOR TO APPROVAL.

**2. RESOLUTION:**

**3. FIRST READING OF ORDINANCE:**

**4. FIRST READING OF ORDINANCE: SAM lease. (Lettunich)**

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**D. PUBLIC HEARING: ORDINANCE SECOND READINGS**

THE CITY COUNCIL PRESIDENT OR PRESIDENT PRO-TEM WILL READ EACH ORDINANCE TITLE INTO THE RECORD. PUBLIC COMMENT WILL BE PROVIDED FOR EVERY ORDINANCE.

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**E. PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

**PLANNING PROJECTS**

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**F. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:**

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE OR NO COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. A CITY COUNCIL MEMBER MAY REQUEST AN ITEM(S) BE REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION. **ALL ORDINANCES APPROVED BY CONSENT SHALL BE READ INTO THE RECORD BY TITLE.**

**5. FIRST READING OF ORDINANCE:**

**6. PROJECT:**

PETITION:

LOCATION:

APPLICANT:

PLANNING COMMISSION VOTE:

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, MAY 19, 2009\*\*\*\*\***

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**G. PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

**PUBLIC HEARING FORMAT:**

- **Presentation by the Petitioner (estimated at 15 minutes). Petitioner to state name and residence address/location.**
- **Presentation by the Opposition.** Same guidelines as above.
- **Public Comment by individuals (not to exceed 3 minutes). Individuals to state name and residence address/location.**
- **City staff to provide a response.**

**7. PROJECT:**  
PETITION:  
LOCATION:  
APPLICANT:  
PLANNING COMMISSION VOTE:

**8. PROJECT:**  
PETITION:  
LOCATION:  
APPLICANT:  
PLANNING COMMISSION VOTE:

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**H. REPORTS**

**9. City Council**

**INTRODUCTION OF TOPICS FOR FUTURE WORK SESSION AGENDAS:**

a. **City Council Introduction and Discussion:**

*Any Council Member may request discussion of any issue. Items cannot be added for action at this meeting.*

b. **City Staff Introduction and Discussion:**

*Any staff member may request discussion of any issue at a future meeting only. Items cannot be added for action at this meeting. Staff will forward a specific request, stating the issue, anticipated outcome, time frame and requested direction from a majority of the Council.*

**10. Reports**

- a. Agenda Review (Franklin):
- 1.) City Council agendas for June 2, 2009.
  - 2.) City Council agenda for June 9, 2009.
  - 3.) City Council agenda for June 16, 2009.



**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, MAY 19, 2009\*\*\*\*\***

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- b. Staff Reports
    - 1.) Update on furlough/budget status.
    - 2.) Update on NEPA Study alternatives.  
(Shelton/Anderson)
  - c. City Attorney's Update/Report. (Lettunich)
  - d. Manager's Report: Ongoing Projects. (Roberts)
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**I. ADJOURNMENT**

**BY: JULIE FRANKLIN, CMC  
CITY CLERK**

## **AGENDA ITEM # 27b**

### **Staff Reports**

There are no staff reports scheduled for this meeting.

**AGENDA ITEM # 27c**

**City Attorney's Report**

A report will be provided at the meeting.

## **AGENDA ITEM # 27d**

### **City Manager's Report**

A report will be provided at the meeting.