

CITY OF STEAMBOAT SPRINGS
AGENDA
REGULAR MEETING NO. 2009-14
TUESDAY, MAY 12, 2009
4:00 P.M.

WORKSESSION MEETING LOCATION: Citizens' Meeting Room, Centennial Hall; 124 10th 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 10th 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.**

A. ROLL CALL (4:00 P.M.)

EXECUTIVE SESSION (4:00 PM): To discuss the topics set forth below. The specific citation to the provision or provisions of C.R.S. §24-6-402, subsection (4) that authorize the City Council to meet in an executive session are also set forth below. The following stated topics identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized:

- a. The Steamboat 700 Fiscal Impact, including fiscal impact scenarios regarding operating and capital impacts, and what positions to take concerning the Annexation Agreement.
- b. 360 Village - Pre-Annexation Agreement issues subject to further negotiation.

The executive session is authorized pursuant to the following statutory sections; with all of the below sections applying to this item:

- a. §24-6-402(4)(b). "Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection (4)."
- b. §24-6-402(4)(e). "Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators."

B. CITY COUNCIL REVIEW TOPIC (5:00 P.M.)

1. **Update on NEPA Study.** (Shelton/Anderson)
2. **Water/Wastewater Master Plan and Rate Study update.** (Shelton)
3. **Affordable Housing discussion (Inclusionary Zoning).** (Lettunich/Engelken)
4. **Possible changes to the Home Rule Charter.** (Lettunich)

C. ADJOURNMENT

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

AGENDA ITEM # 1

CITY COUNCIL COMMUNICATION FORM

FROM: Laura Anderson, Project Engineer

THROUGH: Philo Shelton, Public Works Director

DATE: May 12, 2009

RE: West US 40 NEPA Study Update

NEXT STEP: The Project Working Group will be presenting a Preferred Alternative on May 20th at our Open House from 4 to 7 pm at the Community Center. The project team will then review input received from the public, adjust the designs if necessary and then present them to our decision makers, the City Council and the Routt County Commissioners, in June.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

Update City Council on the Preferred Alternative discussion from the West US 40 NEPA Study.

II. RECOMMENDED ACTION:

No action.

III. FISCAL IMPACTS:

To be determined after a preferred alternative is selected.

IV. **BACKGROUND INFORMATION:**

Project Summary: The West US 40 NEPA Study began in November 2008 with our hiring of the Jacobs firm. This project aligns with the goals of the WSSAP and was initiated by the annexation request from the Steamboat 700 development. The NEPA process is followed due to CDOT's interest in the corridor, to accommodate potential federal funding eligibility and to ensure identified improvements meet future needs. The first project Open House was held in January to introduce the project and solicit comments and suggestions from the Public. The Project Working and Management Groups are made up of City, County, CDOT and FHWA representatives. We have been meeting every 2 weeks to define our Purpose & Need, survey environmental issues throughout the corridor and review design alternatives.

Purpose and Need: The overall purpose of this project is to best accommodate future travel on West US Highway 40 between 12th Street and the Urban Growth Boundary by reducing congestion, balancing multimodal use, and providing effective access.

The following transportation needs have been identified:

- Meet existing and future operational needs along West US 40 in the Study Area.
- Provide access control consistent with the US 40 Access Control Plan.
- Promote alternative modes of travel along West US 40 by providing attractive mobility options.

Public Outreach: There is on-going public outreach via our web site at www.us40west.com; the project team continues small group meetings with area developers, the Chamber Transportation Group and Routt County Commissioners to keep them informed of our progress. Our second Open House is scheduled for May 20th from 4–7 pm at the Community Center (1605 Lincoln Avenue). Both KRAI and the Steamboat Today have carried stories with updated information regarding this corridor study.

Design Alternatives: The Project Working and Management Groups have finalized our approach to traffic volumes based on our City Council and Planning Commission discussions on density in the West of Steamboat area. Since the design year for this project is 2035, we will use a 26 year building projection versus a full build out analysis. The consultant team should be finalizing the traffic projections this week.

We are currently reviewing a 4 lane design of US 40 from 12th Street west to Sloop Circle with separated 10' sidewalks.

- The intersection of US 40/CR 129 has an at-grade option with double left turns for southbound traffic and a potential grade separated pedestrian crossing;

- The intersection of US 40/13th Street has 4 lane intersection design with double westbound left turn lanes;
- The Transit alternative includes an extension of the Red line along US 40 to the Steamboat II Regional stop and an extension of the Blue line along New Victory Parkway with service to 360 Village;

As a Project Working Group we have screened out several options (that will be documented at the Public Meeting in May), including; 6 lane corridor, reversible HOT lanes, one-way pairs, grade separated intersections, a roundabout design at US 40/CR 129 and a Florida-T intersection design at US 40/13th Street.

Next Steps: The Project Working Group will be presenting a Preferred Alternative on May 20th at our Open House from 4 to 7 pm at the Community Center. The project team will then review input received from the public, adjust the designs if necessary and then present them to our decision makers, the City Council and the Routt County Commissioners, in June.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None at this time. Environmental Surveys will identify impacts and mitigation measures to wetlands, historic properties, parks and environmental justice populations (Dream Island, Riverside, Whitehaven, and Sleepy Bear) along the corridor.

VII. SUMMARY AND ALTERNATIVES:

City Council and the Routt County Commissioners will be asked to take action (at the next joint meeting) on a Preferred Alternative for West US 40 corridor resulting from the NEPA Study and public meeting on May 20th.

AGENDA ITEM # 2

CITY COUNCIL COMMUNICATION FORM

FROM: Philo Shelton, Director of Public Works
James Weber, Special Projects manager

THROUGH: Jon Roberts, City Manager

DATE: May 12, 2009

RE: Water and Wastewater Master Plan and Rate Study

NEXT STEP: Provide direction and input to staff relative to the preparation of the Water and Wastewater Master Plan, Water and Wastewater Utility Rates and Stormwater fees.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

City Staff is preparing a guidance document for long term water and wastewater utility needs and a reliable funding source to meet the Utility needs.

II. RECOMMENDED ACTION:

Provide direction and input to staff relative to the preparation of the Water and Wastewater Master Plan, Water and Wastewater Utility Rates and Stormwater fees.

III. FISCAL IMPACTS:

Not applicable at this time. Improvements from the Master Plan will be identified in future CIP requests and will be funded through Utility Rates. There will be a new stormwater utility fund proposed for the City to handle stormwater quality, drainage and flood control projects.

IV. BACKGROUND INFORMATION:

In an effort to provide a dependable water distribution and wastewater collection system to the customer/citizens of the City Utility District and accommodate growth within the City Limits a quality guiding document and a dependable rate structure to fund system maintenance and improvements is a necessity. Prior to this request there has not been an adopted Water and Wastewater Master Plan. Staff has identified system needs and developed projects based on available funding. To address Utility funding needs a rate study was completed and implemented in 2003 and there was an increase approve for January 1, 2009.

Beginning in 2003 the City of Steamboat Springs was identified as a “NPDES Phase 2” community and permitted as an MS4 by the State of Colorado. The City recently completed an audit of our stormwater program and used this as a basis of our permit renewal with the State of Colorado for the next 5 years. The City has approximately 200 lane miles of roads and alleys that are supported by either an open ditch or piped conveyance systems. The City has adopted Drainage Criteria and is preparing an “Old Town Drainage Study” that will identify potential collection systems within the Old Town area for future CIP projects. Funding for stormwater projects and implementation of the NPDES requirements have come from the City’s General Fund and staff is looking for an additional funding option.

V. LEGAL ISSUES:

Not Applicable at this time.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None identified at this time.

VII. SUMMARY AND ALTERNATIVES:

Staff and the consultant, McLaughlin Water Engineers, will be providing information covering the following:

- Introduction
- Proposed schedule (detailed)
- A walk-through of the scope of the project
- Clear and distinct project description
- Discuss Rate-study issues and opportunities

**WATER AND WASTEWATER MASTER PLAN UPDATES
and
UTILITIES RATE STUDY
CITY COUNCIL WORK SESSION**



Submitted by:



May 12, 2009

Water and Wastewater System Master Plan Updates

Project Description/Purpose

A Master Plan should serve as a long range planning tool, guiding implementation of future capital improvements to provide system reliability and meet future growth needs. It presents recommended system improvements, designed so that any facilities constructed in the near future will be integrated with long-term planning, thus providing long-term value.

The Steamboat Master Plans are intended to represent optimum system design. They will consider the functional value of the City's investment in existing water facilities – and provide overview guidance for extension of service for projected ultimate development.

A Master Plan is schematic in nature; and revised development, street layouts, etc. may result in facility designs that are somewhat different from those illustrated on the Master Plan – but which still effectively accomplish the intended function.

The **Project Scope** of these reports includes:

- ✚ Evaluating comprehensive planning, projected growth and development to predict future water demands and wastewater flows for the City.
- ✚ Updating the existing water system computer model and creating a wastewater collection system model.
- ✚ Evaluating existing facilities.
- ✚ Determining optimum improvements needed to provide service at projected ultimate development of the City.
- ✚ Assigning priorities to the proposed improvements.
- ✚ Providing Water and Wastewater System Master Plan drawings illustrating the proposed improvements.

Water, Wastewater and Drainage Utilities Rate Studies

The **Primary Purposes** of the Studies will be to:

- ✚ Estimate total income levels necessary to sustain the utility on a continuing basis, and
- ✚ Allocate the design income to different users as equitably as practicable.

Project Scope includes all work needed to produce recommended rate/fee schedules for the utilities. The proposed fees will correlate to consensus management policies, be practical to implement, and incorporate rational fundamentals so as to have long-term applicability.

Significant work items will include:

1. Collect, review, analyze and excerpt documents re: existing practices, to include:
 - ▶ City Ordinances and policies relating to the utilities.
 - ▶ Contractual service agreements with outside utilities.
 - ▶ 5 years (approximate) of past operations. Breakdown cost records by function (for analysis), and separate as to O & M and capital.
2. Collect, review, analyze and synopsise planning/engineering documents as needed to prepare CIP projections.
 - ▶ Obtain management goals and criteria.
 - ▶ Develop proposal(s) for fiscal management approaches.
 - ▶ Summarize policies and procedures used by other comparable Colorado utilities and discuss applicability to Steamboat.
 - ▶ Meet with staff and Council to resolve and select best approach.
3. Project idealized (average) Operation and Maintenance budget.
 - ▶ Review/analyze past utilities' budgets.
 - ▶ Consult with staff.
 - ▶ Prepare O & M budgets, accounting for predicted growth (but not inflation).
4. Determine appropriate system development fee levels for each utility. Fee levels would be calculated using the equity approach and/or the growth-pays-its-own-way approach, as determined appropriate.
5. Develop appropriate service charge schedules for each utility. The methodology and resulting rates should provide adequate revenue to sustain operation, but should also equitably allocate costs, based on accrual costs to serve. Note that, for the Drainage utility, multiple schedules may be found appropriate for different areas or basins (e.g. Mt. Werner area).

**CITY OF STEAMBOAT SPRINGS
WATER & WASTEWATER MASTER PLAN UPDATES
and Utility Rate Studies
Project Schedule**

	April	May	June	July	August	September
Notice to Proceed (April 6, 2009)						
Kickoff Meeting/Data Collection Council Work Sessions	▲	▲	▲	▲	▲	▲
Water & Wastewater Master Plans						
Task 1 - Review Existing Information Tour Facilities	↔	▲				
Task 2 - Establish Design Criteria		↔				
Task 3 - Exist. Facilities Evaluation Meeting with staff		↔	▲			
Task 4 - Hydraulic Modeling Update Water Model Create Wastewater Model Meeting with staff		↔		↔	▲	
Task 5 - Recommend Improvements Estimate Costs Capital Improvement Program (CIP)			↔			
Task 6 - Recommendations/Master Plan Submit final draft plan				↔	↔	▲
Finalize Publish Master Plan					↔	↔

**UTILITY RATE STUDIES
Project Schedule**

	April	May	June	July	August	September
Rate Studies						
Task 1 - Review & Analyze Existing Practices Ordinances/Policies Outside Service Agreements Past costs - O&M and capital Meeting with staff						
Task 2 - Coordinate w/ Planning/Engineering Info. Meeting with staff Costs & CIP from Master Plan Studies						
Task 3 - Determine SDF's (One time fee) Meeting with staff						
Task 4 - Determine Service Charges (ongoing) Equitably allocate costs Drainage basin allocations Meeting with staff						
Task 5 - Present Draft Rates/Report						
Finalize/Publish Final Reports Water & Wastewater Utilities Drainage Utility						

CITY OF STEAMBOAT SPRINGS STORM WATER RATE STUDY

Proposal: Manage Storm Water Utility

(Analogous to water and sewer enterprise utilities).

Basic: Rational rate studies must coordinate with management policies.

Proposal:

- Create Storm Drainage Utility (Enterprise Fund)
- Initiate:
 - ✚ Developers to build and contribute local storm drainage infrastructure.
 - ✚ Service Charge to all residents – for operations, maintenance and replacements.
 - ✚ System Development Fees – for all new customers. Primarily to cover capital cost of regional infrastructure.
 - ✚ Master Planning for all new development areas (and existing if deficiencies exist).
 - ✚ New utility to manage MS4 storm water program. (Significant new cost mandated by EPA).

**STEAMBOAT SPRINGS
PROPOSED DRAINAGE UTILITY
FACILITIES CLASSIFICATIONS**

<u>CUSTOMER</u>	<u>DESIGN RESPONSIBILITY</u>	<u>REVIEW/INSPECTION RESPONSIBILITY</u>	<u>CAPITAL COST</u>	<u>MAINTENANCE/REPLACEMENT RESPONSIBILITY</u>
<ul style="list-style-type: none"> ✚ Building Subdrain ✚ Roof Drains ✚ Leaders to Collection System 	Customer (Builder)	City Inspector	Customer	Customer
<u>LOCAL</u> ("Retail")				
Collection System				
<ul style="list-style-type: none"> ✚ Storm Water Inlets/Catch Basins ✚ Curb and Gutter 	Developer's Engineer	City's Engineer/Inspector	Developer	City (Street Department)
<ul style="list-style-type: none"> ✚ Storm Drainage Collection Piping ✚ Small Water Quality Ponds ✚ Small Detention Ponds 				City (Storm Drainage Department)
<u>REGIONAL</u> ("Wholesale")				
<ul style="list-style-type: none"> ✚ Trunk Storm Sewer (serves over 100 acres) ✚ Drainageway (channels, river, tributary streams) ✚ Regional (larger) Water Quality/Detention Ponds 	City's Engineer	City's Engineer/Staff	City CIP-Use SDF Income	City (Storm Drainage Department)

AGENDA ITEM # 3

Affordable Housing/Inclusionary Zoning discussion

This item will be provided under separate cover.

AGENDA ITEM # 4

CITY COUNCIL COMMUNICATION FORM

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

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

DATE: Tuesday, May 12, 2009

RE: Discussion about possible amendments to City Charter with particular reference to petitions for initiative and referendum. (Lettunich)

NEXT STEP: Return to City Council with Ordinance for First Reading to place Charter Amendment question on November Ballot

INFORMATION
 MOTION
 ORDINANCE

I. REQUEST OR ISSUE:

To discuss changes to the City Charter concerning petitions for initiative and referendum.

II. RECOMMENDED ACTION:

Give direction to the City Attorney as to language for the Charter Amendment to be brought back as an Ordinance for first reading to place the Charter Amendment question on the November ballot.

III. BACKGROUND INFORMATION:

In order to refer an ordinance back to the City Council, and ultimately to a vote of the registered electors, the City's Charter currently requires a petitioners' committee to collect signatures equaling at least twenty (20%) per cent of the total number of electors "qualified" to vote at the last regular municipal election. However, the Colorado constitution states that, although municipalities may provide for the manner of exercising the

initiative and referendum powers, they may not require that more than ten (10%) per cent of the registered electors are needed to refer a matter back to the City Council. This conflict has arisen several times over the last few years in the City and City Staff recommends that the City Council submit these changes to the voters in an effort to end the conflict and bring the City's requirements into conformity with the Colorado constitution.

In addition, the City Charter currently prohibits the referral of ordinances that zone or re-zone specific real property. This prohibition is contrary to law and it would be appropriate to eliminate that provision to bring the Charter into conformity with well established law.

City Staff recommends changing "qualified" elector to "registered" elector for the entire Charter, not just Article 8 dealing with the Initiative and Referendum process. Leaving the requirement that "qualified" electors can initiate an ordinance or refer an ordinance back to the City Council creates an ambiguity in that it is difficult to confirm whether a signatory to petition is a "qualified" elector. However, it becomes easier to confirm whether a signatory is a "registered" elector. To be a "registered" elector, one must demonstrate he or she is a "qualified" elector, that is over eighteen (18) years of age and a resident of his or her district for at least thirty (30) days, and then complete the registration process with the Routt County Clerk & Recorder.

Another section that the City Council might address deals with the definition of the gross number from which the percentage is derived. Currently, the City Charter requires twenty (20%) per cent of the registered electors at the last regular municipal election. City Staff has concluded that the number of registered electors that can be verified with the Routt County Clerk & Recorder at any give time is much higher than the true number of presently qualified electors. For example, the number of registered electors at the last regular municipal election was between 8500 and 9000. Since the population of the City is in the neighborhood of 11,000, the purported number of registered electors seems artificially high. This can be attributed to the delay between when a registered elector leaves town and when that person's name is expunged from the roll of registered electors. One way to remedy that problem would be to make the gross number the number of total votes cast at the immediately preceding regular municipal election. That number would be easily ascertainable but would obviously be lower than the total number of qualified/registered voters. It appears to be a policy issue as to the degree to which the City Council wants to make the referendum process easier or more difficult to attain.

IV. LEGAL ISSUES:

The current conflict between the City Charter and the state constitution is problematic and could lead to time consuming and expensive litigation in addition to delaying the resolution of important legislative matters adopted by the City Council. This conflict should be resolved by a corrective amendment to the City Charter.

A Charter Amendment can be submitted to the voters pursuant to an ordinance adopted by the City Council proposing the new language and followed by adoption of the new language by the registered electors at the November election.

V. SUMMARY AND ALTERNATIVES:

Give direction to City Staff as to the drafting of the amended language to be submitted to the registered electors in November 2009. Article 8 of the City Charter dealing with the Initiative and Referendum process is attached with proposed redline changes for discussion.

End of Communication Form

ARTICLE 8 -- INITIATIVE AND REFERENDUM

Section 8.1-- General Authority:

- (a) *Initiative:* The ~~qualified-registered~~ electors of the City shall have the power to propose any ordinance to the Council, in accordance with the provisions of this article of the Charter, except ordinances concerning budget, capital program, appropriation of any revenues, or levy of taxes, or salaries of City officers or employees. In the event Council fails to adopt said proposed ordinance without any change in substance, the said proposed ordinance shall be submitted to qualified electors at a City election for their acceptance or rejection.
- (b) *Referendum:* The ~~qualified-registered~~ electors of the City shall have the power to require reconsideration by the Council of any ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a municipal election, in accordance with the provisions of this article of this Charter; provided that such power shall not extend to the budget, capital program, appropriation of any revenues, levy of taxes, calling a special election, or authorizing the issuance of securities (except as provided in Section 10.9), ~~ordinances for the zoning or rezoning of specific real property~~ or ordinances to meet the contractual obligations of the City.

Section 8.2-- Petitioners' Committee; Affidavit:

Any five (5) ~~qualified-registered~~ electors of the City may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 8.3-- Petitions:

- (a) *Number of Signatures:* Initiative petitions must be signed by ~~qualified-registered~~ electors of the City in number to at least fifteen (15) per cent of the total number of electors ~~registered to vote who cast votes~~ at the last regular municipal election. Referendum petitions must be signed by ~~qualified-registered~~ electors of the City equal in number to at least ~~twenty (20)~~ ten (10) per cent of the total number of electors ~~registered to vote who cast votes~~ at the last regular municipal election.

- (b) *Form and Content:* All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) *Affidavit of Circulator:* Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) *Time for Filing Referendum Petitions:* Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinance sought to be reconsidered, except as otherwise provided in this Charter.