

# CITY OF STEAMBOAT SPRINGS

## **AGENDA**

### REGULAR MEETING NO. 2010-16 TUESDAY, SEPTEMBER 7, 2010

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 4:00pm**

##### **1. Swearing in of Bart Kounovsky.**

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**EXECUTIVE SESSION: 4:00 P.M.** 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(s) the City Council to meet in an executive session are also set forth below. The stated topic identifies the particular matter to be discussed in as

much detail as possible without compromising the purpose for which the executive session is authorized.

- a. Litigation - West Acres Tenants v. City – update – discussion with City Attorney about next steps, seeking direction and answering questions from City Council.
- b. Litigation - Johnson v. City – update – discussion with City Attorney about next steps, seeking direction and answering questions from City Council.
- c. Sales Tax Enforcement – update on possible upcoming litigation.
- d. Land Acquisition – Possible Open Space acquisition with GOCO grant funds – update – questions for City attorney and direction from City Council.
- e. Legal issues related to possible change of use of park land; questions for City Attorney and direction from City Council.
- f. Personnel – update from City Manager; questions for City Attorney and direction from City Council.
- g. Statutory Authorization to meet in executive session:

§24-6-402(4)(a). "The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer, or sale;" **Applies to a., b., and d. above.**

§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)." **Applies to a., b., c., d., e., and f., above.**

§24-6-402(4)(e). "Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators." **Applies to a., b., c., d., and e., above.**

§24-6-402(4)(f). "Personnel matters." **Applies to f., above.**

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## 5:00pm LIQUOR AUTHORITY HEARING

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### 2. **JOINT MEETING WITH ROUTT COUNTY COMMISSIONERS. (5:05PM)**

- a. Presentation of Yampa Valley Housing Authority's Annual Report.
- b. Update on County-wide meetings to discuss proposed TDR regulations.
- c. Core Trail extension.
- d. Building Department/Building Fees.
- e. Discussion regarding the City/County Cooperative Planning IGA.

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

3. **Noon Whistle.** (Hoots)
4. **Colorado Mountain College:** Pre-application and discussion of proposed access road and administrative building. (45 minutes) (Lorson)
5. **ACZ Laboratories expansion:** Economic incentives for development. (Roberts)

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## C. **CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS**

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. **FIRST READING OF ORDINANCE:** An ordinance approving an amendment to the commercial lease agreement between the City of Steamboat Springs and New West Inns, LLC; providing an effective date; and repealing all conflicting ordinances and resolutions. (Small)
  7. **FIRST READING OF ORDINANCE:** An ordinance revising Revised Municipal Code Sections 25-201, 25-203, 25-216, 25-218, 25-219, 25-220, relating to City water and sewer tap investment fees, service rates as it applies to the Steamboat II Metropolitan District; providing an effective date, and repealing all conflicting ordinances. (Shelton)
  8. **FIRST READING OF ORDINANCE:** An ordinance authorizing the execution of a quitclaim deed to Michael Kortas; establishing a hearing date; and providing an effective date. (Foote)
  9. **FIRST READING OF ORDINANCE:** An ordinance approving the grant of a conservation easement to Colorado Preservation, Inc.; establishing a hearing date; and providing an effective date. (Foote)
  10. **FIRST READING OF ORDINANCE:** An ordinance approving the 2011 Replacement/2010 Purchase of a Prinoth snow cat for the Howelsen Hill Ski Area and supplemental appropriation ordinance therefore. (Hinsvark)
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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.

11. **SECOND READING OF ORDINANCE:** Fifth 2010 Supplemental Appropriation Ordinance. (Hinsvark)
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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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**F. PLANNING COMMISSION REPORT**

- 12. PLANNING COMMISSION:** Written report. (Hanlen)
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**G. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS**

- 13. FIRST READING OF ORDINANCE:** Walton Creek Park Estates Replat of Lot 4 (Truslow Replat) zoning map amendment. (Lorson)

*Staff is requesting this item be postponed to the September 21, 2010 meeting.*

**14. PROJECT: Majestic Valley Revised Condition of Approval**

PETITION: Final Development Plan amendment to a condition of approval to place a three year sunset on the requirement to provide \$12,000 towards an offsite sidewalk adjacent to the townhome development.

LOCATION: 847 Majestic Circle.

APPLICANT: Majestic Valley Townhomes, LLC. c/o Chuck Dunagin, 1500 Blue Sage Drive, Steamboat Springs, CO; 970-846-5633.

PLANNING COMMISSION VOTE: To be heard August 12, 2010.

*Staff is requesting this item be postponed to the September 21, 2010 meeting.*

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**H. 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.**

**15. PROJECT: Willett Heights Filing 1, Block 5, Lot 2 (Rocky Peak Village)**

PETITION: Preliminary Plat, subdivision application to allow 14 duplex lots on the remainder portion of Lot 2, Block 5, Willett Heights Subdivision Filing 1 (Rocky Peak Village). This proposed application, if approved, will nullify the existing approved Development Permit for the remaining two triplexes and 11 duplexes. This new proposal creates individual duplex lots where the previously approved duplexes and triplexes would have been. The applicant is requesting the following variances: lot coverage, floor area ratio, front setback, private drive serves more than 4 lots, substandard lot size, corner lots shall have 15% greater lot area, required open space, and usable lot area.

LOCATION: 206-214 Willett Heights Trail & 437-459 Willett Heights Court.

APPLICANT: Rocky Peak Development, LLC c/o Landmark Consultants, Inc. Ryan Spaustat, P.O. Box 774943, Steamboat Springs, CO 80477; 970-871-9494.

PLANNING COMMISSION VOTE: Approved 3-1 on July 22, 2010.

*This item was postponed from the August 3, 2010 City Council meeting.*

**16. PROJECT: Willett Heights Filing 1, Block 5, Lot 2 (Rocky Peak Village)**

PETITION: Development plan application to allow 14 duplex lots on the remainder portion of Lot 2. This would nullify the existing approved development permit for the remaining two triplexes and 11 duplexes. The applicant is requesting approval of a conditional use to allow a duplex use within a multi-family zone district.

LOCATION: 206-214 Willet Heights Trail & 437-459 Willets Heights Court.

APPLICANT: Rocky Peak Development, LLC c/o Landmark Consultants, Inc. Ryan Spaustat, P.O. Box 774943, Steamboat Springs, CO 80477; 970-871-9494.

PLANNING COMMISSION VOTE: Approved 3-1 on July 22, 2010.

*This item was postponed from the August 3, 2010 City Council meeting.*

- 17. APPEAL:** Rocky Peak Village, Filing 2, Community Housing Plan, Appeal of Planning Commission decision.  
PETITION: Community Housing Plan for related 14 duplex lots subdivision on the remainder portion of Lot 2, Block 5, Willett Heights Subdivision Filing 1 (Rocky Peak Village)  
LOCATION: 206-214 Willet Heights Trail & 437-459 Willets Heights Court.  
APPLICANT: Rocky Peak Development, LLC c/o Landmark Consultants, Inc. Ryan Spaustat, P.O. Box 774943, Steamboat Springs, CO 80477; 970-871-9494.  
PLANNING COMMISSION VOTE: Denied 4-0 on July 22, 2010.
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**I. REPORTS**

**18. City Council**

**19. Reports**

- a. Agenda Review (Franklin):
- 1.) City Council agenda for September 21, 2010.
  - 2.) SSRA agenda for September 21, 2010.
  - 3.) City Council agenda for October 5, 2010.

**20. Staff Reports**

- a. City Attorney's Update/ Report. (Lettunich)
- b. Manager's Report: Ongoing Projects. (Roberts)
- 1.) 5<sup>th</sup> Street Bump-out.
  - 2.) Quiznos Pro Challenge Letter of Support.
- c. City Clerk
- 1.) Appointment to the CML Policy Committee.
  - 2.) Council Assignment list: replace Engelken and appoint representative to City Fire District Oversight Committee.
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**J. OLD BUSINESS**

**21. Minutes (Franklin)**

- a. Regular Meeting 2010-13, July 6, 2010.
  - b. Regular Meeting 2010-14, July 20, 2010.
  - c. Regular Meeting 2010-15, August 3, 2010.
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**K. ADJOURNMENT**

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