

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2011-01 TUESDAY, JANUARY 4, 2010

5:00 P.M.

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

B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. **Yampa Valley Partners:** Year-end report and economic forecast.
(Nowak)

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.

2. **MOTION:** Motion to re-appoint Fire Chief Ron Lindroth and Police Captain Joel Rae to serve as the City representatives on the Routt County Communication Advisory Board for the year 2011. (Franklin)
3. **FIRST READING OF ORDINANCE:** An ordinance ratifying a Revocable Permit and Easement Agreement between the City of Steamboat Springs and Fifth and Yampa, LLC; establishing a hearing date; and providing an effective date. (Foote)
4. **FIRST READING OF ORDINANCE:** An ordinance revising Revised Municipal Code Sections 25-216, 25-218, 25-219, 25-220, relating to City water and sewer tap investment fees, service rates as it applies to the City and its wholesale customers, Mt. Werner Water and Sanitation District, Tree Haus Water and Sanitation District, and Steamboat II Metropolitan District. Providing an effective date and repealing all conflicting ordinances. (Foote)

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.

5. **SECOND READING OF ORDINANCE:** An ordinance supplementally appropriating funds in 2010 and appropriating reserves therefrom for 2011 for after hours transit service. (Hinsvark)
 6. **SECOND READING OF ORDINANCE:** An ordinance approving the termination of an Intergovernmental Agreement between the City of Steamboat Springs and the Colorado Mountain College. (Lorson)
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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. 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.

There are no items scheduled for this portion of the agenda.

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.**

There are no items scheduled for this portion of the agenda.

H. REPORTS

- 7. Economic Development Update.**
- 8. City Council**
 - a. Letters of support for Colorado Transit Coalition statewide request for funding.
- 9. Reports**
 - a. Agenda Review (Franklin):
 - 1.) City Council Retreat agenda for January 13, 2011.
 - 2.) City Council agenda for January 18, 2011.
 - 3.) City Council agenda for February 1, 2011.

10. Staff Reports

- a. City Attorney's Update/Report. (Lettunich)
 - b. Manager's Report: Ongoing Projects. (Roberts)
-

J. OLD BUSINESS

11. Minutes (Franklin)

- a. Regular Meeting 2010-22, December 7, 2010.
 - b. Regular Meeting 2010-23, December 21, 2010.
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I. ADJOURNMENT

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

AGENDA ITEM # 1

CITY COUNCIL COMMUNICATION FORM

FROM: Kate Nowak, Executive Director, Yampa Valley Partners

THROUGH: Meg Bentley (City Council) and Steve Hoots (Facilities)

DATE: 1/4/2011

ITEM: Yampa Valley Partners Year-end report, discuss regional energy efficiency plan with request for ratification.

NEXT STEP: Requires Council direction or motion.
The year-end report is informational only.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

Yampa Valley Partners (YVP) has been working with community members from Routt, Moffat and Rio Blanco counties since May 2010 to develop a regional strategic energy plan. Steve Hoots from the city has been a key member of our team and has been instrumental in the plan development. We have connected with the city water folks to include the same goals as the city has in their updated water plan in our plan. We do not want to duplicate efforts, rather support the good efforts that are out there and enhance energy efficiency in the region. Please find the attached energy strategic plan to be discussed.

II. RECOMMENDED ACTION:

Yampa Valley Partners recommends the city adopt this plan or ratify the plan. In order to get the community involved in supporting and working on the plan, we need support from the council and the city staff.

III. FISCAL IMPACTS:

Proposed Expenditure: Some city staff time in participating in working groups. I would like to leave the door open to discuss a workshop sponsorship down the road if it makes sense for the city to be involved.

Funding Source: Governor's Energy Office grant to Yampa Valley Partners

IV. BACKGROUND INFORMATION:

Please see attached energy plan.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

N/A.

LIST OF ATTACHMENTS

Attachment 1. Northwest Colorado Regional Energy Strategic Plan.



Northwest Colorado Energy Steering Committee

Regional Strategic Energy Plan

Kate Nowak
Executive Director

A decorative graphic consisting of overlapping, semi-transparent light blue and grey geometric shapes, resembling a stylized arrow or a series of connected blocks, positioned at the bottom of the page.

2010

REGIONAL ENERGY STRATEGIC PLAN

INTRODUCTION

The Northwest Colorado Energy Steering Committee has created a 5 year Regional Energy Strategic Plan that addresses energy efficiency through energy use, distribution and production in Moffat, Rio Blanco and Routt Counties. The steering committee consists of stakeholders across the county, including representatives from the nonprofit industry, city and county governments, the energy service industry, businesses, workforce and educational institutions. The process of creating the Northwest Colorado Energy Strategic Plan was facilitated by Yampa Valley Partners and includes: a mission and vision, conducting an environmental scan and gap analysis, benchmarking, identifying strategic issues and goals, developing action items, and ensuring plan implementation.

Energy Steering Committee Members

Moffat County City of Craig	Audrey Danner, Commissioner Ray Beck, City Council Member Terry Carwile, City Council Member Jim Ferree, City Manager
Rio Blanco County Town of Meeker Town of Rangely	Kai Turner, Commissioner Pat Hooker, County Manager NA Vicky Pfennig, Enforcement
Routt County City of Steamboat Springs Town of Hayden Yampa/Oak Creek	Tim Winter, Facilities Manager Tom Sullivan, County Manager Meg Bentley, City Council Member Steve Hoots, Facilities Manager Stef Nijsten, Hayden EDC NA
Higher Education	CMC - NA Gene Bilodeau, CNCC
Utility Companies	Dale Dunbar, White River Electric Association Jim Chappell, Yampa Valley Electric Association
Business	Susan Holland, Emerald Mountain Energy Forest Luke, Trapper Mine
Non-Profit	Audrey Williams/Angela Ashby, Yampa Valley Sustainability Council Sasha Nelson, Colorado Environmental Coalition

REGIONAL ENERGY STRATEGIC PLAN

Workforce Development	Linda Dill, Craig Workforce: Labor & Employment Specialist
Economic Development	Richard Beason, Member of Craig Moffat Economic Development Council
Facilitator	Kate Nowak, Executive Director, Yampa Valley Partners

PLAN FRAMEWORK

The following areas will be addressed in this plan, according to priorities set by the steering committee

- Building energy use: residential, commercial, government, industrial
- Transportation
- Water use
- Waste minimization, recycling and composting
- Alternative energy

ENERGY EFFICIENCY: STATEMENT OF NEED

Energy efficient solutions, including renewable energy, have the potential to:

- Save energy and money
- Assess our building stock to improve energy efficiency
- Reinvest energy savings in local economies
- Reduce carbon and other harmful emissions
- Improve quality of life and
- Revitalize building trades through construction growth focused on improvement and innovation.

A comprehensive community-based approach across sectors in Northwest Colorado Counties will identify baseline data, cost effective solutions and address potential barriers to these solutions. Potential barriers might include: cost, lack of incentives, incomplete information, and inaccurate valuation of long-term, social or environmental benefits. The regional energy plan is focused on creating a more energy literate community through data access, information on success stories, or providing project impetus. Many of these problems can be met at a local level, and the solutions have local benefit. Local efforts can currently be matched by a variety of

REGIONAL ENERGY STRATEGIC PLAN

incentive opportunities from the state and federal government, and energy service providers. The role of Yampa Valley Partners will be to initiate action on the plan goals utilizing the energy steering committee as well as current community groups and proposed working groups. Some efforts are already well on their way and it will be our initiative to support these efforts and work with existing groups. A regional strategy in energy education and programs will save resources because our counties have integrated economies and workforce.

Energy efficiency goals and solutions have been identified by the steering committee. They reflect **three interdependent parts to sustainability: economy, environment and society.**

Success

A successful plan will yield concrete results, create systematic change throughout several functional areas, and institutionalize change as part of ongoing business, official policies and practices.

Vision

A vision refers to the ideal state we wish to achieve. The vision of our Northwest Colorado energy initiatives is to have a vibrant all-energy economy, educated public and integrated energy efficient business, government and residential communities throughout the region.

Mission

The mission of Northwest Colorado Energy Steering Committee (NCESC) is to educate, communicate and promote sustainable and energy efficient practices so that our tri-county area will utilize our resources effectively and help our local economies.

Regional Strategic Issues

We identified our regional strategic issues as cost & financing, education, regulations and incentives, communication and economic development.

Timeline Codes

- ± = Accomplish in 2 year
- ¥ = Accomplish in 3years
- £ = Accomplish in 5 years

Goal # 1 Building Energy Use

Goal: To reduce energy consumption per capita by 10% by 2015

REGIONAL ENERGY STRATEGIC PLAN

±A. Educate residential users and their children about behavioral changes and ways to save energy.

Promote the use of low cost or no cost energy saving practices.

What to educate:

1. Lighting: turn lights off when not using, use more efficient fixtures.
2. Heating: use only when needed, use of thermostats, service equipment, insulated delivery systems. Promote the use of high efficient cooling and heating units.
3. Insulation: seal the house; insulate ceilings, walls and windows.
4. Sunlight & window usage: e.g. let sun in winter; keep it out in the summer, open windows during day, close at night and vice versa.

How to educate:

1. Identify 5 teachers (one in each district) interested in using energy and sustainability education to children with possible partnership with CSU extension services/4H.
2. Create an energy efficient brochure and circulate to government buildings, libraries, chambers, grocery stores and other places of heavy public use.
3. Promote existing YVEA, WREA and Atmos Energy audit programs. Find out what the baseline is (how many are currently being done) and aim for improvement. Work with energy utility companies to use Energy Audits in the community: Have 10 energy audits in Routt, 5 energy audits in Moffat and Rio Blanco by end of 2011. Energy audits can be through utility companies or private companies.
4. Partner with YVEA and WREA to provide outreach to community members on how they can implement the audit's energy efficiency recommendations through financing, rebates, etc.
5. Have 2 to 4 educational events per year with local partners.

£ B. Implement changes to residential energy code. (building code enforcement)

1. Work with city and county teams to require insulation inspections as part of the inspection program through educational partnership with DOLA.
2. Establish working groups for improving construction methods.
 - a. Talk with all planning departments about the possibility of implementing Energy Star requirements for new construction. This could entail educating planning departments on Energy Star requirements.
 - b. Talk with all planning departments about using green building points system as part of permitting process (scrutinize design: day lighting, insulation, task lighting, equipment, etc.) Support development of working groups in each county to aim for a resolution to be passed by city and county governments.
 - c. In design phase, promote education of LEED and ENERGY STAR programs as one of the educational events.

±C. Promote available funding options for energy efficiency projects in existing residences

1. Energy audit rebate
2. Grants for improvement projects: equipment renewal, insulation, house sealing and windows. www.rechargecolorado.com

REGIONAL ENERGY STRATEGIC PLAN

Y D. Commercial building use

1. Help educate where energy use is consumed using chamber lists, newsletter and local media.
 - a. Develop baseline data for 3 actual case studies to use in educational material.
 - b. Target tenants and property owners.
 - c. Review actual case study base usage every 2 years and educate businesses on results.
2. Facilitate financial incentives to conserve commercial energy use.
 - a. Utilize performance contractors and financial partners in Rangely/Meeker, Craig and Steamboat Springs..
 - b. Utilize the Main Street process to begin informing businesses on energy saving investments and loans for upgrades.
 - c. Target tenants and property owners with lessons learned from Main Street Efficiency program.
3. Recommend to YVEA and WREA to perform commercial audits as part of their customer service program.

Y E. Government building use

1. Educate each city and county government on the state's Greening Government program, specifically on energy use and building new construction. Set up a working group of sustainability representatives from each entity to discuss opportunities. Specifically provide education on Green purchasing, Energy Performance Contracting and Transportation
2. Set up educational sessions with GEO Greening Government Program Manager or other sustainability managers to help identify opportunities for cost savings.
3. Discuss options for goal setting and achieving goals with working group and report on working group results yearly to each entity.
4. Provide education and support for achieving mutually determined sustainability goals such as:
 - a. Energy: Encouraging the use of alternative transportation. Find ways to reduce emissions from employee commuting. Promote green construction in new and existing city and county buildings.
 - b. Procurement: Support sustainable purchasing practices.
 - c. Waste Reduction : Office paper and electronic recycling.
 - d. Water Conservation: Promote water conservation.
 - e. Transportation: Examine employee commuting patterns and city and county fleet.

£ F. Industrial building use – We feel that our industrial businesses in our counties are often the leaders in energy conservation.

1. Visit with the 3 largest energy consumption industrial companies in each county to discuss their energy plans. Solicit good examples of dollars saved to communicate best practices to other businesses.

Y G. Facilitate baseline GHG data in Moffat and Rio Blanco counties.

REGIONAL ENERGY STRATEGIC PLAN

Goal # 2 Transportation

Goal: increase uses of multi-modal transportation systems and alternative fuels.

- £1. Provide 3 educational events in 2 years to promote uses of multi-modal opportunities and use of alternative fuels for transportation. Potential partners are Transitions, Yampa Valley Sustainability Council and Regional Transportation Committee
 - a. Examples of Multi-Modal Uses: mass-transit, car-pooling and cycling for commuting to work.
 - b. Examples of alternative fuels: multi-agency compressed natural gas (CNG) fueling stations for fleet uses.
 - c. Example of promotions: Market the Steamboat Springs Transit system and the Craig Bus route with a promotional weekend commute for shopping with a round trip bus ride from Steamboat Springs to Craig and Craig to Steamboat Springs for shopping opportunities in each City.

- £ 2. Identify opportunities to educate and promote car-pooling or other mass-transit uses at places of employment or areas of high pedestrian traffic.
 - a. Explore with existing transportation groups the potential of a regional car-pooling website and an informal park & ride system throughout the region.
 - b. Example: identify large employers and educate employees about opportunities and means to car-pool and/or determine ridership for mass-transit trips to the Mine.

Goal #3 Water

Goal: Increase water conservation by 10% by 2015

- ± A. Collect baseline water data from each county. (water distribution and enterprise zones)

- £ B. Coordinate regional water district symposium to discuss water conservation.
 - 1. Discuss tiered water rates for each municipality.
 - 2. Discuss how to educate homeowners and municipalities to reduce water consumption in the summer months.
 - 3. Discuss potential incentives such as rate structure.
 - 4. Discuss how to educate households on installing toilets and showerheads that use less water.

- ¥ C. Water Conservation Education
 - 1. Educate ranchers on agriculture efficient pivots – work with Community Ag alliance, CSU extension and Ed Brannon from Maybell.

REGIONAL ENERGY STRATEGIC PLAN

2. Explore implementation of a Xeriscape program at local community college or other organization.
3. Create or use existing pamphlet education for homeowners on xeriscape and watering grass.

£ D. Codes

1. Host workshop on new water legislation regarding catchment for residences and ranches.
2. Research best practices on codes for subdivision catchments and roll out to each municipality and county or water district.

Goal #4 Waste Minimization, recycling and composting

Goal: Educate and promote recycling and waste reduction

¥ A. Educate the public on waste minimization, recycling and composting

1. Research and document BEST PRACTICES in the three county areas
2. Develop a media campaign. Share lessons learned. Educate on care and efficient appliances (refrigerators and freezers). For example: what is the cost of repair and upkeep of old appliances versus buying new appliances.
3. Measure waste and recycling poundage or penetration and communicate results yearly.

¥ B. Determine the recycling efforts in Moffat and Rio Blanco counties

1. Talk with main cities to see if curbside recycling can be implemented or alternative recycling program developed. Explore the idea of a survey to households to determine interest.
2. Work with local organizations (Deep Roots) and colleges to host composting workshops in each county.

Goal #5 Alternative energy sources

Goal: Promote and educate homeowners and business on alternative energy sources

- £ A. Develop a section of the Yampa Valley Partners website that will be a resource for people to find out about solar, biomass and other alternative energy sources locally. This website section will include expert's contact information and contractors in the region.
- £ B. Integrate alternative energy education and awareness in the regional plan literature, meetings we attend and workshops we develop. Goal is to have each alternative energy source covered in written format and in an educational workshop or presentation.

AGENDA ITEM # 2

CITY COUNCIL COMMUNICATION FORM

FROM: Julie Franklin, CMC (Ext. 248)
City Clerk

THROUGH: Jon B. Roberts, City Manager

DATE: January 4, 2011

ITEM: APPOINTMENT OF ROUTT COUNTY COMMUNICATIONS
ADVISORY BOARD REPRESENTATIVES.

NEXT STEP: **MOTION:** Motion to re-appoint Fire Chief Ron Lindroth and
Police Captain Joel Rae to serve as the City representatives on the
Routt County Communication Advisory Board for the year 2011.

X MOTION

I. REQUEST OR ISSUE:

To re-appoint Fire Chief Ron Lindroth and Police Captain Joel Rae to serve
as the City representatives (one for Fire and one for Police) on the Routt
County Communications Advisory Board for the year 2011.

II. RECOMMENDED ACTION:

Staff recommends the appointment.

III. BACKGROUND INFORMATION:

Fire Chief Ron Lindroth and Captain Joel Rae have served on this board
and wish to continue their services.

AGENDA ITEM # 3

CITY COUNCIL COMMUNICATION FORM

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

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

DATE: January 4, 2011

ITEM: AN ORDINANCE RATIFYING A REVOCABLE PERMIT AND EASEMENT AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND FIFTH AND YAMPA, LLC; ESTABLISHING A HEARING DATE; AND PROVIDING AN EFFECTIVE DATE (Foote)

NEXT STEP: Introduce the ordinance on first reading.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

Introduce an ordinance ratifying a revocable permit and easement agreement between the City of Steamboat Springs and Fifth and Yampa, LLC.

II. RECOMMENDED ACTION:

Introduce the ordinance.

III. BACKGROUND INFORMATION:

Fifth and Yampa, LLC developed the Olympian project on the northeast corner of the intersection of Fifth and Yampa Streets. After completion of construction of the building it was discovered that the face of the building encroached up to eight inches into the Fifth Street right of way.

Fifth and Yampa, LLC requested that the City enter into a revocable permit and easement agreement to permit the encroachment. Public Works staff determined that the limited

area of the encroachment would not interfere with pedestrian uses of the sidewalk or with the operation and maintenance of Fifth Street.

The City and Fifth and Yampa, LLC executed the agreement on November 3, 008. The City Council President executed the agreement on behalf of the City.

On July 12, 2010 Fifth and Yampa, LLC entered into a contract to sell a condominium unit in the Olympian to Yoo Hoo Frieda, LLC. Yoo Hoo Frieda, LLC's attorneys identified the encroachments as a potential title problem because the revocable permit and easement agreement was not approved by ordinance. Yoo Hoo Frieda, LLC demanded as a condition of the sale that Fifth and Yampa, LLC seek and obtain the City Council's approval of the revocable permit and easement agreement by ordinance.

Fifth and Yampa, LLC, accordingly, now requests that the City ratify the revocable permit and easement agreement by ordinance.

Public Works staff has again reviewed the agreement and has no objection to its ratification.

IV. LEGAL ISSUES.

None relating to the City. The City is under no legal obligation to ratify the revocable permit and easement agreement.

V. FISCAL IMPACTS.

None.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE RATIFYING A REVOCABLE PERMIT AND EASEMENT AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND FIFTH AND YAMPA, LLC; ESTABLISHING A HEARING DATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fifth and Yampa, LLC owned and developed a parcel of land described as Lot 1, Olympian Subdivision with a mixed use condominium structure, portions of which encroached up to eight (8) inches onto rights of way for 5th Street and Yampa Ave., which are owned by the City of Steamboat Springs; and

WHEREAS, the City of Steamboat Springs and Fifth and Yampa, LLC entered into an agreement titled Easement and Revocable Permit Agreement and recorded at Reception No. 681381 of the records of the Routt County Clerk and Recorder (the "Agreement") that acknowledges the encroachments and permits Fifth and Yampa, LLC and its successors to maintain the encroaching improvements; and

WHEREAS, the City Council finds it necessary and appropriate to the preservation of the public health safety and welfare to adopt this ordinance ratifying the Agreement.

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

Section 1. The agreement recorded at Reception No. 681381 of the records of the Routt County Clerk and Recorder is hereby ratified. A copy of the Agreement is attached as hereto Exhibit "A".

Section 2. 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 3. 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 13.6 of the Steamboat Springs Home Rule Charter.

Section 4. A public hearing on this ordinance shall be held on _____, 2011, at 5:15 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 _____, 2011.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2011.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

Blumberg No. 5119
EXHIBIT
A

RECEPTION# 68138, 12/17/2008 at 02:59:25 PM, 1 OF 4, R \$21.00 Doc Code: EAS
Kay Weinland, Routt County, CO

5th Street Encroachment

EASEMENT AND REVOCABLE PERMIT AGREEMENT

THIS EASEMENT AND REVOCABLE PERMIT AGREEMENT is made as of the 3rd day of November, 2008, by and between the City of Steamboat Springs, Colorado, a municipal corporation ("Grantor") and Fifth and Yampa, LLC, ("Grantee").

Recitals:

The following recitals of fact are a material part of this instrument:

- A. The Grantee is the owner of a parcel of land legally described as Lot 1, Olympian Subdivision ("Grantee's Property").
- B. The Grantor is the owner of the rights of way adjacent to Grantee's Property known as Yampa Street and 5th Street ("Rights of Way").
- C. Certain portions of a structure ("Improvements") located on Grantee's Property were placed over Grantee's Property boundary line into City Rights of Way and Grantor is willing to grant Grantee an easement for said improvements.

NOW, THEREFORE, in consideration of Five Hundred Dollars (\$500.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

Easement

1. Grant of Easement. Grantor hereby grants to Grantee, its successors and assigns, as an easement appurtenant to and for the benefit of Grantee's Property for as long as the Improvements to exist (including periods of repair but not including replacement of said Improvements), a non-exclusive easement in, under and on City Rights of Way for said Improvements and for access to said Improvements for maintenance and repair thereof (but not for purposes of replacement), said easement being located on the portion of City Rights of Way more particularly described on Exhibit A and by this reference made a part hereof and more particularly set forth as shown on the drawing attached hereto as Exhibit B and by this reference made a part hereof (the "Easement Property").
2. Construction and Maintenance. Grantee agrees that said Improvements have been constructed and installed on the Easement Property exclusively for the benefit of Grantee's Property, and Grantee shall have sole responsibility for maintenance, repair and replacement of said Improvements at its sole expense.
3. Liability and Insurance. Grantee shall continuously maintain in effect liability insurance with limits not less than \$1,000,000 bodily injury, \$500,000 property damage in coverage forms approved by the City Attorney and protecting the City of Steamboat Springs against accidents, damages or injuries occurring in the City Rights of Way which are related to or caused by use of the Easement Property by Grantee and its employees, agents, invitees and guests or by Grantee's maintenance of the Improvements in the Easement Property. The policy will provide that the City shall be notified by certified mail at least 30 days in advance of any reduction in coverage, termination or cancellation of the policies. Grantee agrees to indemnify and hold Grantor harmless from and against all liability, claims, demands, and expenses, including court costs and attorney fees, on account of any injury, loss, or damage, arising out of or claimed to arise out of Grantee's use or maintenance of the Improvements in the Easement Property.

4. Release of Easement. Grantee may terminate this Easement Agreement by recording a release in recordable form with directions for delivery of same to Grantor at its last address given pursuant hereto whereupon all rights, duties and liabilities hereby created shall terminate. Grantee shall terminate the easement granted herein by recording a release in recordable form in the appropriate Routt County real estate records in the event the Improvements encroaching upon Grantor's property are substantially destroyed or removed from the Easement Property. If Grantee fails to terminate the easement as described herein, then the easement granted herein shall automatically terminate, without further act by any party, upon the filing for record with the appropriate Routt County real estate records office by Grantor or Grantee or one of their respective successors in title, of an affidavit under oath and upon penalty of perjury based upon a licensed surveyor's certificate, that the Improvements no longer exist upon Grantor's property because they have been destroyed or removed. For convenience such instrument may run to "the Owner or Owners and parties interested" in City Right of Ways. In the event of partial destruction or removal of the Improvements the easement granted herein shall terminate as to the related portion of the Easement Property.

General Conditions

5. Attorney Fees. In the event of any dispute arising hereunder, the prevailing party shall be entitled to an award of all costs, expenses and fees (including reasonable attorneys' fees, whether suit be instituted or not, and if suit is instituted, such fees shall be fixed by the court) incurred by it in protecting or enforcing its rights hereunder.

6. Governing Law. This Easement and Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

7. Running of Benefits and Burdens. All provisions of this Easement and Agreement, including benefits and burdens, run with the land and are binding upon and inure to the benefit of the successors and assigns of the parties hereto.

8. Successors and Assigns. Whenever reference is made in this Easement and Agreement to Grantor or to Grantee, such reference shall include their successors and assigns.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands and seals this 3rd day of November 2008.

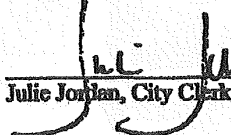
GRANTOR:

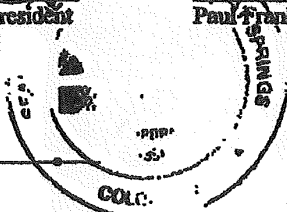
5th and YAMPA, LLC:


Paul Antonucci, City Council President


Paul Franklin, Manager

ATTEST:


Julie Jordan, City Clerk

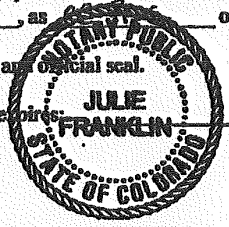


STATE OF COLORADO)
) ss.
COUNTY OF ROUTT)

ACKNOWLEDGED, SUBSCRIBED AND SWORN to before me this 3 day of Nov, 2008,
by PAUL MATHEN VELLI, as MANAGER of the City of Steamboat Springs.

Witness my hand and official seal.

My Commission expires:



Julie Franklin
Notary Public

My Commission Expires 08-01-2012

STATE OF COLORADO)
) ss.
COUNTY OF ROUTT)

ACKNOWLEDGED, SUBSCRIBED AND SWORN to before me this 28 day of Oct, 2008,
by Paul Franklin as MANAGER for 5th and Yampa, LLC.

Witness my hand and official seal.

My Commission expires: 11/30/2011

[Signature]
Notary Public

AGENDA ITEM # 4

CITY COUNCIL COMMUNICATION FORM

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

THROUGH: Jon Roberts, City Manager (Ext. 228)
Philo Shelton, Director of Public Works (Ext. 204)
Deb Hinsvark, Director of Financial Services (Ext. 240)

DATE: January 4, 2011

ITEM: AN ORDINANCE REVISING REVISED MUNICIPAL CODE SECTIONS 25-216, 25-218, AND 25-220, RELATING TO CITY WATER AND SEWER SERVICE RATES AS IT APPLIES TO THE CITY AND ITS WHOLESALE CUSTOMERS, MT. WERNER WATER AND SANITATION DISTRICT, TREE HAUS WATER AND SANITATION DISTRICT, AND STEAMBOAT II METROPOLITAN DISTRICT; PROVIDING AN EFFECTIVE DATE AND REPEALING ALL CONFLICTING ORDINANCES. (Foote)

NEXT STEP: Introduce the ordinance on first reading.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

Introduce an ordinance revising the City's rate structure for water and sewer service.

II. RECOMMENDED ACTION:

Introduce the ordinance.

III. BACKGROUND INFORMATION:

On September 21, 2010 the City Council adopted Ordinance No. 2334 for the purpose of implementing the findings of the “2010 Water and Wastewater Rate Study” dated August, 2010, and prepared by Red Oak Consulting, a Division of Malcom Pirnie. In the course of updating the City’s billing software to incorporate the new rate structure, Finance Services and Public Works Department staff discovered a clerical error in the rate structure for mixed commercial and residential uses.

The 2010 Water and Wastewater Rate Study recommended charged mixed users a single commercial service charge plus the greater of either a service charge for each residential unit or a usage or quantity charge calculated at commercial rates. As adopted, Ordinance 2334 imposed the greater of the total number of units multiplied by the commercial service charge rate or the commercial usage or quantity charge.

The proposed ordinance corrects the rate language relating to mixed uses. The deleted language is the last sentence in Section 25-16(c) and is shown in strikethrough. The replacement language is the new Section 25-216(e) and is shown underlined.

Sections 25-216(a) and (b) have been revised to clarify that each meter generates a separate bill regardless of whether it meters a premises (a building that may consist of multiple units) or an individual unit or units. This change was made to clarify the application of the mixed use rates in the case where a property owner has installed multiple meters on the same premises.

Finally, in the process of reviewing this information staff realized that the terms service charge (i.e. the flat monthly charge applied on a per unit basis) and usage or quantity charge (i.e. a variable monthly charge determined by the quantity of water used) were used in inconsistent and confusing ways. The use of these terms has been harmonized.

IV. LEGAL ISSUES.

Mixed use buildings will be subject to billing that is not consistent with the 2010 Water and Wastewater Rate Study until the revised language is adopted.

V. FISCAL IMPACTS.

The revision may increase some bills and decrease others. It is unclear what the net impact will be at this time.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE REVISING REVISED MUNICIPAL CODE SECTIONS 25-216, 25-218, 25-219, 25-220, RELATING TO CITY WATER AND SEWER TAP INVESTMENT FEES, SERVICE RATES AS IT APPLIES TO THE CITY AND ITS WHOLESALE CUSTOMERS, MT. WERNER WATER AND SANITATION DISTRICT, TREE HAUS WATER AND SANITATION DISTRICT, AND STEAMBOAT II METROPOLITAN DISTRICT; PROVIDING AN EFFECTIVE DATE AND REPEALING ALL CONFLICTING ORDINANCES.

WHEREAS, the City Council has reviewed and accepted the recommendations of the "2010 Water and Wastewater Rate Study" dated August, 2010, prepared by Red Oak Consulting, a Division of Malcom Pirnie and has incorporated them into Chapter 25 of the City of Steamboat Springs Revised Municipal Code; and

WHEREAS, in the process of implementing the revised service rate the City has discovered inconsistencies in the use of defined terms relating to service and usage or quantity charges and inconsistencies between the rate study and the adopted rates for mixed residential and commercial billings; and

WHEREAS, the City Council wishes to revise the rates for mixed residential and commercial uses in order to bring the City's rate structure into conformance with the 2010 Water and Wastewater Rate Study and to harmonize the use of defined terms in Chapter 25.

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

Section 1. Subsections 25-201, 25-203, 25-216, 25-218, 25-219 and 25-220 of the City of Steamboat Springs Revised Municipal Code is hereby revised to read as follows:

Sec. 25-201. Calculation of water tap investment fee.

(a) The water plant investment fee for new construction, remodels entailing installation of additional fixtures, and additions to existing structures has separate water system and water rights components and shall be determined by counting the various fixtures and other determining factors set forth in subsection (b) of this section; multiplying the counted items times the fixture value set forth in subsection (b) of this section to determine the number of water points for each factor; adding all of the calculated water points for each factor; adding all of the calculated water points to determine the total

number of water points applicable to the proposed construction; and, multiplying the total water points times the sum of twenty-five dollars and fifty five cents (\$25.55) for the water system component and thirty-seven dollars and thirty one cents (\$37.31) for the water rights component for a total of sixty two dollars and eighty-six cents (\$62.86) for 2011 and adjusted annually by the Engineering News Record Construction Cost Index (ENR-CCI), Denver index each calendar year thereafter when published to adjust for the cost of inflation. Steamboat II Metropolitan District (“SIIMD”) and the City of Steamboat Springs (“City”) have agreed pursuant to a Settlement Agreement executed May 7, 2003 and subsequently approved by the district court, that SIIMD will pay to the City an amount equal to ½ of the total water system and water rights plant investment fee that would have been paid to the City if the property connecting to the District’s system had been in the corporate limits of Steamboat Springs at the time of connection.

Sec. 25-203. Calculation of wastewater tap investment fee.

(a) Within the municipal water utility service area and within the corporate boundaries of the city, the wastewater plant investment fee for new construction, remodels entailing additional fixtures, and additions to existing structures shall be determined by counting the various fixtures and other determining factors set forth in subsection (b); multiplying the counted items times the factor weight set forth in subsection (b) to determine the number of wastewater points applicable to the proposed construction; and, multiplying the total wastewater points times the sum of thirty seven dollars and eighty eight cents (\$37.88) for 2011 and adjusted annually by the Engineering News Record Construction Cost Index (ENR-CCI), Denver index each calendar year thereafter when published to adjust for the cost of inflation. Within the boundaries of the Mt. Werner Water and Sanitation District and the Tree Haus Water and Sanitation District, the wastewater plant investment fee for new construction, remodels entailing additional fixtures, and additions to existing structures shall be determined by counting the various fixtures and other determining factors set forth in subsection (b); multiplying the counted items times the factor weight set forth in subsection (b) to determine the number of wastewater points applicable to the proposed construction; and, multiplying the total wastewater points times the sum of thirty three dollars and thirty-four cents (\$33.34) for 2011 and then and adjusted annually by the Engineering News Record Construction Cost Index (ENR-CCI), Denver index each calendar year thereafter when published to adjust for the cost of inflation. SIIMD and the City have agreed pursuant to a Settlement Agreement executed May 7, 2003 and subsequently approved by the district court, that SIIMD will pay to the City a wastewater tap investment fee equal to 86.85% of the wastewater tap investment fee charged for similar development in the City limits at the time of connection.

Sec. 25-216. Water service and usage charges.

(a) ~~Each water consumer shall be billed~~The City shall bill for water service on a monthly basis for ~~water usage on the premises~~each metered premises or metered unit(s).
(b) Charges for water service shall consist of a monthly service charge, as provided in subsection (c), and a ~~quantity usage~~ charge determined by the quantity of water used, as provided in subsection (d). Additionally, charges for water service may consist of additional surcharges as set forth in section 25-219. In the case where a meter registers

water usage for commercial and residential units or for a unit that is both a residential unit and a commercial unit, charges shall be determined as provided in subsection (e).

(c) Each ~~water-owner or~~ consumer, for solely residential water ~~usage~~service, shall pay a monthly service charge of seventeen dollars and twelve cents (\$17.12) for 2011, nineteen dollars and forty three cents (\$19.43) for 2012 and twenty one dollars and ninety six cents (\$21.96) for 2013 and each water consumer, for solely commercial water ~~usage~~service, shall pay a monthly service charge of twenty dollars and fifty cents (\$20.50) for 2011, twenty one dollars and fifty nine cents (\$21.59) for 2012, and twenty two dollars and seventy eight cents (\$22.78) for 2013. ~~For combined or mixed use residential and commercial water usage, the customer shall pay the greater of a monthly service charge of twenty dollars and fifty cents (\$20.50) for 2011, twenty one dollars and fifty nine cents (\$21.59) for 2012, and twenty two dollars and seventy eight cents (\$22.78) for 2013 times the number of commercial and residential units or the monthly quantity fee described in section (d).~~

(d) Each ~~water-owner or~~ consumer, for solely residential water usage, shall pay a monthly ~~quantity-usage~~ charge calculated per dwelling unit as follows: one dollar and eighty cents (\$1.80) for 2011, two dollars and four cents (\$2.04) for 2012, and two dollars and thirty cents (\$2.30) for 2013 per one thousand (1,000) gallons for the number of gallons used from one thousand (1,000) to four thousand (4,000) gallons ("block 1"); two dollars and seventy cents (\$2.70) for 2011, three dollars and six cents (\$3.06) for 2012, and three dollars and forty five cents (\$3.45) for 2013 per one thousand (1,000) gallons for the number of gallons used from five thousand (5,000) to twelve thousand (12,000) gallons ("block 2"); and four dollars and fourteen cents (\$4.14) for 2011, four dollars and sixty nine cents (\$4.69) for 2012, and five dollars and twenty eight cents (\$5.28) for 2013 per one thousand (1,000) gallons for the number of gallons used from thirteen thousand (13,000) gallons to twenty thousand (20,000) gallons ("block 3"); and five dollars and thirty nine cents (\$5.39) for 2011, six dollars and eleven cents (\$6.11) for 2012, and six dollars and eighty nine cents (\$6.89) for 2013 per one thousand (1,000) gallons for the number of gallons used from twenty-one thousand (21,000) gallons to twenty-eight thousand (28,000) gallons ("block 4"); and eight dollars and nine cents (\$8.09) for 2011, nine dollars and seventeen cents (\$9.17) for 2012, and ten dollars and thirty four cents (\$10.34) for 2013 per one thousand (1,000) gallons for the number of gallons used in excess of twenty-nine thousand (29,000) gallons ("block 5"). Each water consumer, for solely commercial water usage or mixed use residential and commercial water usage, shall pay a monthly ~~quantity-usage~~ charge calculated as follows: four dollars and seventeen cents (\$4.17) per one thousand (1,000) gallons. Where meters cannot be read, account billings may be estimated. Regarding bulk water charges by the City to SIIMD, nothing in this ordinance purports to change the terms and provisions of the 1993 Agreement for Sale and Purchase of water, recorded in Book 687 at Page 1477 of the records of the Routt County Clerk & Recorder ("1993 Agreement), except as they may have been modified by the Settlement Agreement executed May 7, 2003 and subsequently approved by the district court.

(e) In the case where a meter registers water usage for both dwelling and commercial units or for a unit that is both a commercial unit and a dwelling unit, the owner or consumer shall pay a single monthly service charge for commercial use as set forth in subsection (c) plus the greater of i) the number of residential units multiplied by the

monthly service charge for residential use as set forth in subsection (c) or ii) the commercial or mixed use usage fee of four dollars and seventeen cents (\$4.17) per one thousand (1,000) gallons set forth in subsection (d).

Sec. 25-218. Sewer service and usage charges--Generally.

(a) Wastewater rates shall be set to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system and to pay all capital costs for the complete wastewater system if required. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the wastewater facility. Factors such as strength (BOD and SS), volume average volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of costs to each user or user class.

(b) Each sewage works user shall pay a monthly service fee determined as follows:

(1) *Residential.* The owner of each dwelling unit within the city service area (all areas outside of special district boundaries) using the sewage works shall pay a monthly service charge of twenty nine dollars and twenty five cents (\$29.25) for 2011, thirty one dollars and twenty six cents (\$31.26) for 2012, and thirty three dollars and ten cents (\$33.10) for 2013. In the case of premises containing more than one dwelling unit, the owner of the premises may instead be billed a total monthly fee determined by aggregating the fees that would otherwise be owed by the owners of each dwelling unit in the premises.

(2) *Commercial use.* The owner of each commercial unit within the city service area (all areas outside of special district boundaries) using the sewage works shall pay, for solely commercial ~~water usageservice~~, a monthly service charge of twenty four dollars and sixty five cents (\$24.65) for 2011, twenty five dollars and fifty three (\$25.53) for 2012, and twenty six dollars and thirty five cents (\$26.35) for 2013 plus a quantity-usage fee of four dollars and ninety eight cents (\$4.98) for 2011, four dollars and ninety nine cents (\$4.99) for 2012 and five dollars and no cents (\$5.00) for 2013 per one thousand (1,000) gallons of water used per month, provided, however, that for the months of April through September the monthly quantity-usage fee for each commercial user shall be based on the average monthly quantity-usage fee for the months of October through March of the preceding year. In the case of premises containing more than one commercial unit, the owner of the premises may instead be billed a total monthly fee determined by aggregating the fees that would otherwise be owed by the owners of each commercial unit in the premises.

(3) *Commercial and residential uses combined.* The owner of premises containing dwelling units and commercial units or containing a unit or units that are both a commercial unit and a dwelling unit shall pay ~~the greater of~~ a monthly service charge of twenty four dollars and sixty five cents (\$24.65) for 2011, twenty five dollars and fifty three (\$25.53) for 2012, and twenty six dollars and thirty five cents (\$26.35) for 2013 per unit plus the greater of i) the number of residential units multiplied by the monthly service charge for residential use as set forth in paragraph (b)(1) or ii) or the monthly quantity-commercial or mixed use usage fee described in ~~subsection-paragraph (b)(2).~~

(c) The Mount Werner Water and Sanitation District (district) shall pay wastewater services charges as follows:

(1) The district shall pay for each residential wastewater user within their respective special district boundary a monthly service charge of ten dollars and eighty four cents (\$10.84) for 2011, eleven dollars and five cents (\$11.05) for 2012, and eleven dollars and twenty five cents (\$11.25) for 2013 per dwelling unit.

(2) The districts shall pay for each commercial and combined wastewater user within their respective special district boundary a monthly service-usage charge in the amount of three dollars and forty eight cents (\$3.48) for 2011, four dollars and sixteen cents (\$4.16) for 2012, and four dollars and seventy nine cents (\$4.79) for 2013 per thousand gallons of water used per month, provided, however that for the months of April through September the districts shall pay a monthly charge for each commercial customer in the amount of three dollars and forty eight cents (\$3.48) for 2011, four dollars and sixteen cents (\$4.16) for 2012, and four dollars and seventy nine cents (\$4.79) for 2013 per thousand gallons of the customer's average monthly water use for the months of October through March of the preceding year.

(3) For each commercial wastewater user that also contains residential units within the same structure, the districts shall pay the greater of:

a. An amount equal to the sum of total commercial units and residential dwelling units times a monthly service charge of ten dollars and eighty four cents (\$10.84) for 2011, eleven dollars and five cents (\$11.05) for 2012, and eleven dollars and twenty five cents (\$11.25) for 2013 per dwelling unit; or

b. Three dollars and forty eight cents (\$3.48) for 2011, four dollars and sixteen cents (\$4.16) for 2012, and four dollars and seventy nine cents (\$4.79) for 2013 per thousand gallons of water used. The greater amount per user shall be determined and remitted to the city monthly.

(d) Tree Haus Water and Sanitation District (Tree Haus) shall pay wastewater services charges as follows:

(1) Tree Haus shall pay for each residential wastewater user within their respective special district boundary a monthly service charge of fifteen dollars and eighty seven cents (\$15.87) for 2011, twenty dollars and thirty five cents (\$20.35) for 2012, and twenty four dollars and forty five cents (\$24.45) for 2013 per dwelling unit.

(e) The Steamboat II Metropolitan District (SIIMD) shall pay wastewater services charges as follows:

(1) SIIMD shall pay for each residential wastewater user within their respective special district boundary a monthly service charge of sixteen dollars and twenty two cents (\$16.22) for 2011, twenty three dollars and ninety eight cents (\$23.98) for 2012, and thirty one dollars and ten cents (\$31.10) for 2013 per dwelling unit.

(2) SIIMD shall pay for each commercial wastewater user within its special district boundary a monthly service-usage charge in the amount of three dollars and forty one cents (\$3.41) for 2011, four dollars and three cents (\$4.03) for 2012, and four dollars and sixty cents (\$4.60) for 2013 per thousand gallons of water used per month, provided, however, that for the amounts of April through September SIIMD shall pay a monthly charge for each commercial customer in the amount of three dollars and forty one cents (\$3.41) for 2011, four dollars and three cents (\$4.03) for 2012, and four dollars and sixty

cents (\$4.60) for 2013 times the customer's average water use per thousand gallons for the months of October through March of the preceding year.

(3) For each commercial wastewater user that also contains residential units within the same structure, SIIMD shall pay the greater of:

a. An amount equal to the sum of total commercial units and residential dwelling units times sixteen dollars and twenty two cents (\$16.22) for 2011, twenty three dollars and ninety eight cents (\$23.98) for 2012, and thirty one dollars and ten cents (\$31.10) for 2013 per dwelling unit or:

b. Three dollars and forty one cents (\$3.41) for 2011, four dollars and three cents (\$4.03) for 2012, and four dollars and sixty cents (\$4.60) for 2013 per thousand gallons of water used. The greater amount per user shall be determined and remitted to the city monthly.

(f) Additionally, charges for wastewater service may consist of additional surcharges as set forth in sections 25-219.

(g) New accounts or summer only accounts shall have charges estimated based on first month readings and other information available to the finance director. Commercial wastewater users may appeal to the finance director for application of average winter consumption or, an average summer consumption, or other suitable estimate if the user can show that billing based on current water use will result in unfair treatment a gross injustice. In all cases in which users of said wastewater system are not supplied with water from the city water system, the charge for use of the wastewater system shall be determined by the city manager.

(Ord. No. 2016, § 1(Exh. A), 10-11-05; Ord. No. 2216, § 1, 11-18-08; Ord. No. 2229, §§ 1, 2, 2-3-09)

Sec. 25-219. Septage Haulers and Surcharge for above-normal-strength wastes.

(a) Septage haulers base rate shall be two point six cents (\$0.026) for 2011, three point one cents (\$0.031) for 2012, and three point five cents (\$0.035) for 2013 per gallon.

(b) For Surcharge for above-normal-strength wastes , the city engineer will determine the average total suspended solids and five-day biochemical oxygen demand daily loadings for the average residential user or, in lieu of such a determination, will consider the average residential strength wastes to be two hundred (200) milligrams per liter BOD and two hundred fifty (250) milligrams per liter soluble solids. The city engineer will assess a surcharge rate for all nonresidential users discharging wastes with BOD and soluble solids strengths greater than the average residential user. The surcharge will be sufficient to cover the costs of treating such users' above-normal-strength wastes. such users will pay an additional service charge of ten cents (\$0.10) per one thousand (1,000) gallons for each twenty-five (25) milligrams per liter over two hundred (200) milligrams per liter of BOD and nine cents (\$0.09) per one thousand (1,000) gallons for each twenty-five (25) milligrams per liter over two hundred fifty (250) milligrams per liter of soluble solids.

| Sec. 25-220. Review of water and wastewater service and usage charges.

The city shall review the total annual cost of operation and maintenance of both the water and wastewater system as well as each user's water and wastewater cost of service in 2013 in preparing the next rate schedule for 2014 and forward, and will revise the cost of service approach as necessary to ensure that sufficient funds are obtained to adequately operate and maintain the water and wastewater works.

Section 2. 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 3. 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 4. This ordinance shall take effect five days after publication following final passage as provided in Section 7.6(h) of the City of Steamboat Springs Home Rule Charter.

Section 5. 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.

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 _____, 2011.

ATTEST:

**Cari Hermacinski, President
Steamboat Springs City Council**

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2011.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 5

COUNCIL COMMUNICATION FORM

FROM: Deb Hinsvark, Interim Director of Financial Services (Ext. 240)
Philo Shelton, Director of Public Works (Ext. 204)

THROUGH: Jon Roberts, City Manager

DATE: January 4, 2011

ITEM: Supplemental Budget Ordinance for Late Night Transit Service

NEXT STEP: Finance Department will budget for the items as approved.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

The City has surplus mineral lease and severance tax revenues and wishes to use those surplus 2010 revenues to support late night transit services for the 2010/11 ski season. This ordinance approves the use of these surplus revenues in 2010 and then the reserves from these revenues in 2011.

II. RECOMMENDED ACTION:

Approval.

III. FISCAL IMPACTS:

Fiscal 2010

Revenues:

Surplus Revenue \$6,350

Expenditures:

Late Night Transit \$6,350

Fiscal 2011

Revenues

Reserves \$38,650

Expenditures

Late Night Transit \$38,650

IV. BACKGROUND INFORMATION:

Mineral Lease and Severance Tax revenues were budgeted at \$30,000 in 2010. Actual revenues totaled \$238,780 for an excess of \$208,780. \$65,000 of the excess was appropriated as grant matches in November 2010. More than \$45,000 remains to support this late night transit service. Since the service will run past the fiscal year, a portion of the surplus will be used in 2010 and the reserves created from the remainder needed (estimated to be \$38,650) will be used in 2011.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

Council may choose to approve the use of excess mineral lease tax receipts for this purpose; they can amend the appropriation or can deny it.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE SUPPLEMENTALLY APPROPRIATING FUNDS IN 2010 AND APPROPRIATING RESERVES THEREFROM FOR 2011 FOR AFTER HOURS TRANSIT SERVICE.

WHEREAS, the City of Steamboat Springs City Council has the ability to supplementally appropriate funds during the fiscal year and to appropriate reserves and carryovers in the subsequent fiscal year; and

WHEREAS, the Steamboat Springs City Council has determined that it would be in the best interest of the City and its many visitors to provide late night transit services; and

WHEREAS, transit services currently end at 1am and with these newly appropriated funds will be able to run until 2:20am for the duration of the 2010-11 ski season, beginning December 16, 2010 and running through April 9, 2011; and

WHEREAS, the City has received surplus mineral lease and severance tax payments from the State of Colorado sufficient to cover the entire cost of this service.

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

Section 1. Supplemental Appropriation. That pursuant to Section 9.10 (a) of the City of Steamboat Springs Home Rule Charter, the City Council hereby appropriates the following sums of money or that portion necessary for the purposes herein named:

	<u>General Fund</u>
Expenditure:	
Late Night Transit Service	<u>\$ 45,000</u>
Total Expenditures to be Appropriated:	<u>\$ 45,000</u>

Section 2. The Steamboat Springs City Council further appropriates 2010 reserves remaining from the surplus revenues in 2010 and as yet unused for the specific purpose of running a late night transit to be used in the fiscal year 2011. Such amount is estimated to be \$38,650 of the total \$45,000.

Section 3. 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 4. 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 5. 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 6. 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 _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of
_____ 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 6

CITY COUNCIL COMMUNICATION FORM

FROM: Planning and Community Development Staff

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

DATE: January 4, 2011

ITEM: Second Reading of an ordinance to dissolve the intergovernmental agreement (IGA) between the City and Colorado Mountain College (CMC)

NEXT STEP: CMC shall comply with new development agreement and Colorado Revised Statutes as it pertains to development in the City of Steamboat Springs.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

Background

On December 7, 2010 City Council approved the first reading of an ordinance to dissolve the IGA with CMC. Approval of the second reading is contingent upon a successful drafting of a development agreement that addresses issues with the proposed improvement of Crawford Spur and impacts created by new development.

Development Agreement

City Staff and CMC have drafted a mutually agreeable development agreement based on the direction given by City Council on December 7, 2010. Below is a brief synopsis of the development agreement (attached):

- Improvement of Crawford Spur Road to City standards, and;
 - Landscaping to buffer impact on neighbors, and;
 - Retaining walls designed with natural materials, and;
 - Lighting plan conforming to city standards, and;
 - Restore old unused asphalt to vegetation.
- Crawford Spur Road shall be public and CMC shall discourage commercial use by notifying delivery personnel and creating signage.
- The City shall accept Crawford Spur Road as ROW.
- CMC shall construct and maintain sidewalks along Bob Adams Drive, Crawford Spur Road, and 12th Street.

CITY COUNCIL COMMUNICATION FORM

CMC Access Road and IGA

January 4, 2011

- CMC shall provide the City with a construction site and traffic management plan for Crawford Spur Road and future development.
- CMC shall consult with City Planning Commission and City Council, and provide public notice.
- CMC shall not provide vehicular access via Buckskin Drive.
- As a result of CMC's development impact CMC shall be responsible for any improvements to Hwy 40 required by CDOT.
- CMC shall fire sprinkle all buildings current and future.
- CMC shall allow a photo survey of existing buildings prior to demolition.

II. ATTACHMENTS:

- Attachment 1. Development agreement with exhibits.
Attachment 2. Public Comment.

DEVELOPMENT AGREEMENT

This Development Agreement is made this __ day of _____, 201_ by and between the Colorado Mountain Junior College District, a Colorado statutory junior college district (“CMC”) and the City of Steamboat Springs, a Colorado home rule municipal corporation (“City”).

WHEREAS, CMC owns and operates the Steamboat Springs campus of Colorado Mountain College on real property located in the City of Steamboat Springs and identified in the records of the Routt County Assessor by Property Identification Numbers 936082001 and 936083001 (“CMC Property”); and

WHEREAS, the parties on March 18, 1997 entered into an Intergovernmental Agreement (“IGA”) recorded in the records of the Routt County Clerk and Recorder at Book 731 Page 897 in which the City agreed to annex and provide water and sewer service to the CMC Property in exchange for CMC’s agreement to submit certain aspects of then proposed and future development to review by the City and, in particular, agreed that future development would require the construction of a second access to the CMC Property; and

WHEREAS, CMC proposes to demolish one or more existing buildings on the CMC property and to construct one or more new buildings on the CMC property (the “Project”) and the parties have reached an agreement as to the application of the IGA to the Project and wish to set forth the terms of that agreement in this Development Agreement; and

WHEREAS, numerous provisions of the IGA relate to acts already performed by one or both parties, have been superseded by the agreement of the parties as to the application of the IGA to the Project, or create an undesirable level of involvement of the City in the administration and development of the CMC Steamboat Springs campus; and

WHEREAS, the parties wish to terminate the IGA under the terms and conditions set forth in this Development Agreement.

NOW, THEREFORE, in consideration of the following mutual covenants and promises, the parties agree as follows:

1. PROJECT ACCESS. CMC agrees to improve the existing access to the CMC Property from 12th St. via Crawford Spur. The improvements shall be constructed to City standards and specifications for public roads. Any variances to such standards and specifications shall be requested by CMC. These variances are subject to review and approval by the Director of Public Works. CMC shall submit construction drawings to the City for approval prior to construction of the Crawford Spur improvements. The City shall review the construction drawings for conformance with City standards and specifications. The construction drawings shall include the entirety of the Crawford Spur, 12th Street, and Bob Adams Drive improvements regardless of whether they are

located on City property or on the CMC Property. The construction drawings shall include the following:

- a.) A plan for landscaping, including irrigation, and/or berming to buffer road impacts on the owners of property adjacent to the Crawford Spur improvements, which may include provisions to phase the landscaping improvements over a period of two years;
- b.) Retaining walls shall be constructed with natural textures or materials and shall not consist of unrelieved concrete;
- c.) A lighting plan conforming to City standards and specifications;
- d.) Identification of the proposed boundaries of that portion of the road right of way located on the CMC Property;
- e.) Removal of unnecessary asphalt portions of the existing driveway accesses to private property served by the Crawford Spur and revegetation of disturbed areas;

2. USE OF CRAWFORD SPUR. CMC shall dedicate the Crawford Spur to public use. The City shall operate the Crawford Spur access as a public street. CMC shall discourage the use of the Crawford Spur by commercial vehicles. At a minimum, CMC shall install and maintain signage directing commercial vehicles, and shall instruct its vendors to direct their drivers, to use Bob Adams Drive to access the CMC Property.

3. MAINTENANCE OF CRAWFORD SPUR. City shall accept and maintain the Crawford Spur in accordance with the provisions of Section 26-205 of the Community Development Code, as it may be amended from time to time. CMC shall be responsible for maintenance of the Crawford Spur landscaping.

4. PROJECT SIDEWALKS. CMC shall construct and maintain (including snow removal) sidewalks along Crawford Spur, Bob Adams Drive and that portion of 12th St. between Bob Adams Drive and Lincoln Avenue for which construction cost shall not exceed the cost estimate with contingency as shown on the Engineer's Cost Estimate for Sidewalk Improvements attached hereto as Exhibit B. CMC shall construct the sidewalks generally in the locations shown on the map attached hereto as Exhibit A. CMC's obligation to construct those portions of the sidewalks located on property not owned by the City or CMC is conditioned upon the City's acquisition of easements from the owners of such property.

5. PROJECT CONSTRUCTION SITE MANAGEMENT. CMC shall submit a construction site and traffic management plan for building and road construction for City approval. The plan shall conform to the amendments to the International Building Code, 2003 edition, set forth in Section 5-3 of the City of Steamboat Springs Revised Municipal Code.

6. DUTY TO CONSULT. CMC shall comply with provisions of C.R.S. 23-71-122(1)(v) as it may be amended from time to time with respect to consulting with the

City prior to construction of the Project or the acquisition of land or the construction of buildings relating to any future project in order to ensure that the proposed Project conforms to the adopted plan of the community insofar as is feasible. CMC's duty to consult hereunder shall include public hearings before the Steamboat Springs City Council and Planning Commission. CMC shall comply with public notice requirements set forth in Section 26-51 of the City's Community Development Code for the public hearings before the City Council and Planning Commission, which shall have the authority to review and comment on CMC's plans pursuant to C.R.S. 23-71-122(1)(v). CMC shall no later than fourteen (14) days prior to the Planning Commission hearing submit documents to the Director of Planning and Community Development for review by the Technical Advisory Committee according to the City's applicable submittal requirements for property development.

CMC shall not provide vehicular access to the CMC Property via Buckskin Drive.

7. US HIGHWAY 40 IMPACTS. At the discretion of the Director of Planning and Community Development and/or the Director of Public Works, CMC shall provide a traffic study assessing the impacts of development of the CMC Property or future additions to the CMC campus on US Highway 40. CMC shall be responsible for funding its share of any improvements to US Highway 40 that are required by the Colorado Department of Transportation. The City shall not require a traffic study for the Project and shall not require CMC to make any improvements to US Highway 40 to address Project impacts as the Project is not creating a net increase in square footage or capacity at the campus.

8. FIRE PROTECTION. CMC shall cause all buildings currently owned by CMC or to be constructed in the future to be fitted with a fire sprinkler system conforming to City standards and specifications. This fire sprinkler requirement applies only to buildings that would be subject to the building permit requirements of the City's building code if they were not exempted from those requirements by C.R.S. 23-71-122(1)(v). The City Fire Marshal may waive this requirement with respect to any individual building upon a finding that a fire sprinkler system is not necessary for the protection of campus users due to the nature of the building's construction, its occupancy type, or other characteristics. If CMC disagrees with the decision of the Fire Marshal, CMC may appeal to the City Council by written notice made within ten (10) days of receipt of the Fire Marshal's decision. CMC acknowledges that Bob Adams Drive and the Crawford Spur, as it is proposed to be redesigned in connection with the Project, do not meet City standards for emergency vehicle access to the CMC Property and that the fire sprinkler system requirement set forth in this section is a reasonable method of mitigating the site's emergency vehicle access deficiencies. CMC shall continue to implement the wildfire mitigation plan prepared by CMC and approved by the City per the terms of the IGA.

9. PHOTO SURVEY. One or more buildings on the CMC Property scheduled to be demolished as part of the Project are of architectural and historic interest. CMC agrees to permit access to the buildings to be demolished for purposes of creating a photographic survey. City agrees that the photo survey shall be scheduled so as not to interfere with

CMC's demolition and construction schedule. The City acknowledges that none of the buildings scheduled for demolition are currently eligible to be subject to City regulations relating to the demolition of historic structures.

10. IGA. The IGA is hereby terminated and its provisions shall have no further force and effect as of the date of execution of this Development Agreement.

11. TERM. The term of this Development Agreement shall commence as of its date of execution and shall continue until modified or terminated by written agreement of the parties. CMC shall be deemed to have satisfied its obligations per Section 1 of this Development Agreement when CMC obtains final acceptance of the Crawford Spur improvements as outlined in Section 26-205 of the Community Development Code.

12. DEFAULT. In the event of a default by either party hereunder, the party asserting default shall give written notice to the other party. Thereafter within 30 days of such notice, the City and CMC shall meet and negotiate in good faith and with due diligence to resolve such assertion of default. If, notwithstanding such negotiation, either party declares in writing to the other that impasse has occurred in such negotiations, then thereafter the non-defaulting party shall be entitled to exercise all remedies permitted at law or in equity. In the event of any litigation between the parties with respect to this Agreement, each party shall be responsible for all of its costs and expenses of such litigation, including reasonable attorneys fees, and the prevailing party shall not be entitled to an award of its costs and expenses of such litigation, including reasonable attorneys fees.

13. AMENDMENT. This Agreement may be amended only by a written document approved by resolution of both parties' governing bodies.

14. SEVERABILITY. If any part of this Agreement is determined to be invalid by a court of competent jurisdiction, the remaining portions of this Agreement shall remain in full force and effect, and the parties shall attempt to amend this Agreement to carry out the intent of the invalid provision as closely as possible and in accordance with applicable law.

15. RECORDING/BINDING ON SUCCESSORS. This Development Agreement shall be recorded and shall be a servitude running with the land. Every provision of this Development Agreement that applies to CMC or the City shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interests may appear. CMC's rights and obligations under this Development Agreement terminate upon transfer of CMC's interest in the CMC Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer. In the event CMC transfers the CMC Property to an entity that is not a school district or other entity exempted from compliance with City's development regulations by C.R.S. 23-71-122(1)(v) or other similar statute, this Development Agreement shall not affect the applicability of the City's development regulations.

16. NONAPPROPRIATION. All financial obligations of the CMC or the City under this Development Agreement subsequent to the fiscal year in which this Development Agreement is executed are contingent upon funds for such purposes being appropriated, budgeted and otherwise made available by the CMC Board of Trustees or City Council. This Development Agreement shall not be deemed to create any multiple fiscal year direct or indirect debt or other financial obligation whatsoever for purposes of Section 20 of Article X of the Colorado Constitution. CMC represents to the City that CMC has appropriated funds sufficient to construct the improvements herein required in relation to the Project, including, without limitation, the Crawford Spur and sidewalk improvements.

17. TITLE. CMC warrants that title to the CMC Property is in the name of CMC. CMC warrants that no lien or encumbrance exists on the Property as of the date hereof except for matters of record in the title documents. CMC shall immediately cause any lien or claim of lien that may hereafter come to exist against the CMC Property which would have priority over any of the rights, title or interest hereunder of City, to be subordinated to the rights, title and interest of City.

18. NOTICES.

Notices to the City provided for herein shall be sufficient if sent by certified mail, postage prepaid addressed to:

City Manager
City of Steamboat Springs
137 10th St.
P.O. Box 775088
Steamboat Springs, CO 80477

Notices to CMC provided for herein shall be sufficient if sent by certified mail, postage prepaid, addressed to:

Dean, Alpine Campus
Colorado Mountain College
1370 Bob Adams Dr.
P.O. Box 775288
Steamboat Springs, CO 80477

President
Colorado Mountain College
831 Grand Avenue
Glenwood Springs, CO 81601

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first written above.

CITY OF STEAMBOAT SPRINGS

Cari Hermacinski
City Council President

ATTEST:

Julie Franklin, City Clerk

**COLORADO MOUNTAIN JUNIOR
COLLEGE DISTRICT**

By: _____
Dr. Stanley E. Jensen, President

ATTEST:

Executive Assistant to the President

Notaries on following page

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2010, by _____, as President of the Steamboat Springs City Council.

Witness my hand and official seal.

My commission expires: _____
Notary Public

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2010, by Dr. Stan Jensen, as _____ of the Colorado Mountain Junior College District.

Witness my hand and official seal.

My commission expires: _____
Notary Public

I:\3730-008C-CMC-Secondary Access Road-Design\Planning-Prelim-Design\City 12th Street-Sidewalk Plans\cde-12thSt-sidewalk-12-22-10.dwg, 50 scale - 100 scale @ 11x17 (2), 12/23/2010 3:32:17 PM, Tab

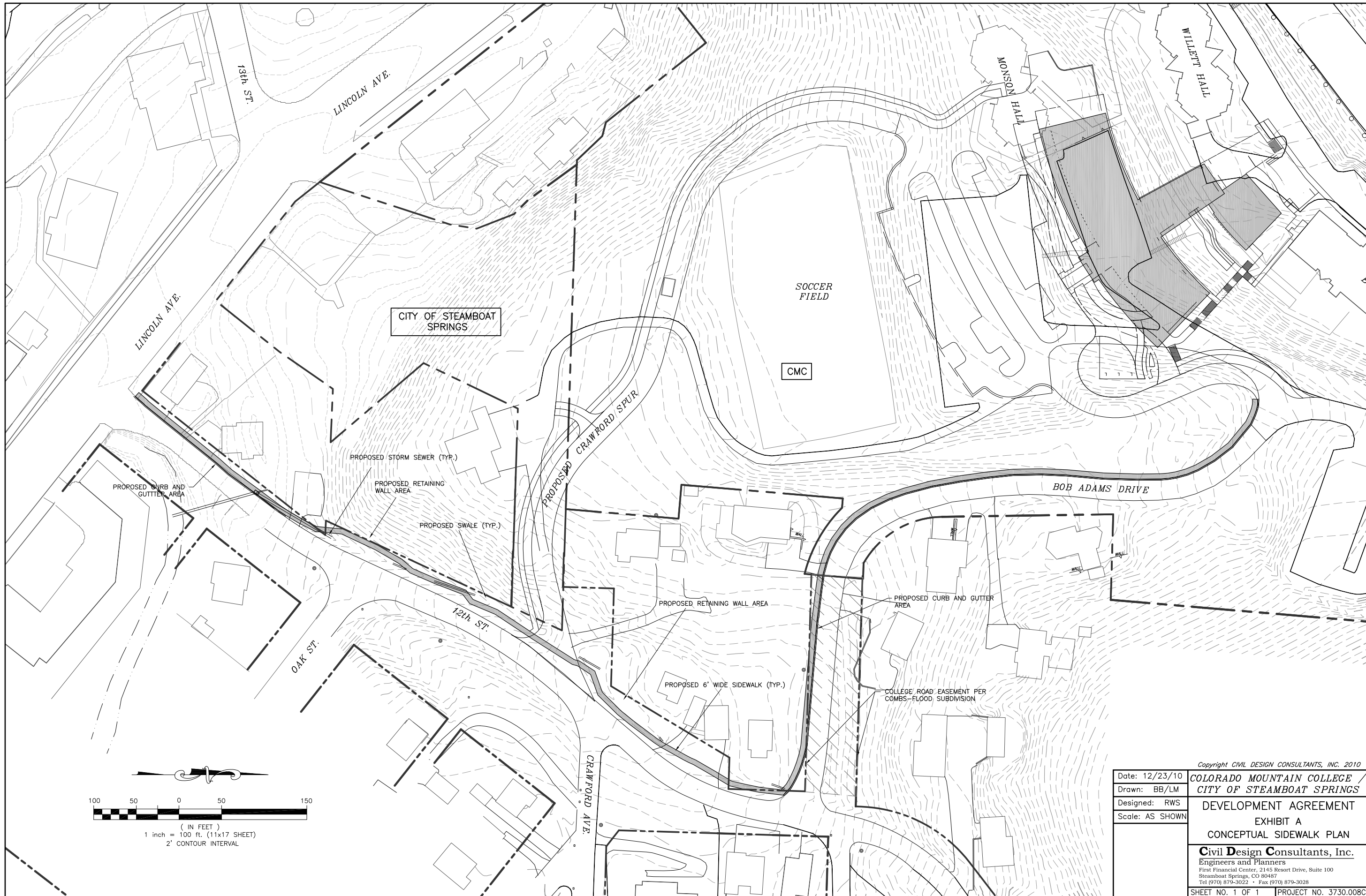


Exhibit A

Copyright CIVIL DESIGN CONSULTANTS, INC. 2010	
Date: 12/23/10	COLORADO MOUNTAIN COLLEGE / CITY OF STEAMBOAT SPRINGS
Drawn: BB/LM	DEVELOPMENT AGREEMENT
Designed: RWS	EXHIBIT A
Scale: AS SHOWN	CONCEPTUAL SIDEWALK PLAN
Civil Design Consultants, Inc. Engineers and Planners First Financial Center, 2145 Resort Drive, Suite 100 Steamboat Springs, CO 80487 Tel (970) 879-3022 • Fax (970) 879-3028	
SHEET NO. 1 OF 1	PROJECT NO. 3730.008C

**Colorado Mountain College/
City of Steamboat Springs
Development Agreement
Exhibit B
Conceptual Sidewalk Plan
Engineer's Opinion of Probable Construction Costs
December 29, 2010**

Item No.	Item Description	Meas. Unit	Est. Quant.	Unit Price	Extended Item Price
1	Clearing and Grubbing	LS	1	\$ 10,400	\$ 10,400
2	Unclassified Excavation	CY	500	\$ 6	\$ 3,000
3	Muck Excavation	CY	0	\$ 12	-
4	Rock Excavation - without explosives - rip/gouge	CY	0	\$ 25	-
5	Embankment (Complete in Place) (Incl. Proof Rolling, Compaction and Water)	CY	800	\$ 4	\$ 3,200
6	Off-site borrow	CY	350	\$ 10	\$ 3,500
7	Waste - on-site	CY	400	\$ 4	\$ 1,600
8	Topsoil (Including Stripping, Temp. Stockpile, and Replacement)	CY	600	\$ 15	\$ 9,000
9	Wetland Topsoil (Including Stripping, Temp. Stockpile and Replacement)	CY	0	\$ 35	-
10	Erosion Log (8")	LF	1,500	\$ 4	\$ 6,000
11	Pipe Inlet Protection	EA	0	\$ 150	-
12	Stabilized Construction Entrance	EA	0	\$ 1,500	-
13	Seeding (Native) & Fertilizer	AC	0.4	\$ 1,800	\$ 720
14	Mulching (Weed Free Hay)	AC	0.4	\$ 1,200	\$ 480
15	Deciduous Shrub (5-Gallon Container)	EA	0	\$ 50	-
16	Deciduous Tree 2.5" cal.	EA	0	\$ 500	-
17	Evergreen Tree 8' b&b	EA	0	\$ 600	-
18	Aspen Tree 1.5" cal.	EA	0	\$ 250	-
19	Perennial Vine 1 Gal. Container	EA	0	\$ 25	-
20	Shredded Cedar Wood Mulch	CY	0	\$ 75	-
21	Irrigation System	LS	0	\$ 18,000	-
22	Soil Retention Blanket (Straw/Coconut)	SY	0	\$ 3	-
23	Aggregate Base Course Shouldering Class 7 (Incl. Compaction and Water)	CY	0	\$ 40	-
24	Aggregate Base Course Class 6 (Incl. Compaction and Water)	CY	0	\$ 45	-
25	Aggregate Base Course Class 3 (Incl. Compaction and Water)	CY	0	\$ 30	-
26	Hot Mix Asphalt First Lift (Grading SX) (75) (PG 58-28) (2-inch)	SY	0	\$ 12	-
27	Hot Mix Asphalt Second Lift (Grading SX) (75) (PG 58-28) (2-inch)	SY	0	\$ 12	-
28	Emulsified Asphalt (Prime Coat) @ 0.5 GAL/SY	GAL	0	\$ 4	-
29	Riprap (12")	CY	0	\$ 90	-
30	Pedestrian Railing (Steel)	LF	0	\$ 250	-
31	4-Inch Perforated Pipe Underdrain	LF	0	\$ 50	-
32	Concrete Sidewalk (5-Inch + 4-Inch Base Course)	SY	1,140	\$ 58	\$ 66,120
33	Curb and Gutter Type 2 (Section I-M)	LF	1,100	\$ 15	\$ 16,500
34	Construction Surveying	LS	1	\$ 10,000	\$ 10,000
35	Pavement Marking Paint (@1.0 GAL/ 100 SF) (Waterborne)	GAL	0	\$ 30	-
36	Retaining walls - Fill Side - MSE (Incl. Block Facing)	SF	0	\$ 45	-
37	Retaining walls - Cut Side - Soil Nail (Incl. Landslide Mitigation)	SF	0	\$ 48	-
38	Retaining walls - Cut Side - Block Facing	SF	500	\$ 33	\$ 16,500
39	Landslide Mitigation - Soil Nail Below Fill Walls	SF	0	\$ 60	-
40	Hot Springs Mitigation - Bentonite Cut-off Wall	LS	0	\$ 111,430	-
41	Guard Rail - Type 3 (6-3), Corrosion Resistant	LF	0	\$ 30	-
42	Guard Rail - End Anchorage	EA	0	\$ 2,500	-
43	Storm Sewer - 18" cmp	LF	150	\$ 70	\$ 10,500
44	Storm Sewer - 30" cmp	LF	100	\$ 100	\$ 10,000
45	Manholes	EA	0	\$ 3,000	-
46	Catch Basins - Type C	EA	0	\$ 2,500	-
47	Catch Basins - 4' X 6' Type R Inlet	EA	1	\$ 4,000	\$ 4,000
48	Flared End Sections - 18"	EA	4	\$ 250	\$ 1,000
49	Flared End Sections - 30"	EA	2	\$ 250	\$ 500
50	Signage	LS	1	\$ 2,000	\$ 2,000
51	Detention Basins	EA	0	\$ 10,000	-
52	Rock Check Dams	LS	0	\$ 5,000	-
53	Roadside Swale Lining	LF	700	\$ 4	\$ 2,800
				SUB-TOTAL	\$ 177,820
	Mobilization (Incl. Insurance, Bonding, Permitting, Fees) - 5% of SUB-TOTAL				\$ 8,891
				TOTAL	\$ 186,711
	Contingency (Conceptual Design) - 25% of SUB-TOTAL				\$ 46,678
	Construction Engineering (Observation and Materials Testing)				\$ 10,000
	TOTAL WITH CONTINGENCY & CONSTRUCTION ENGINEERING				\$ 243,389
Notes:					
1. Engineer's Opinion of Probable Cost is based upon Conceptual Sidewalk Plan sheet dated December 23, 2010. Quantities include proposed 12th Street and Bob Adams Drive sidewalks as shown.					
2. Retaining wall design is included in unit prices.					
3. Line items with estimated quantity of 0 are assumed to not be included in scope of improvements but represent examples of potential additional costs, depending upon final design.					

Previously e-mailed

Attachment 2

Anja Tribble

From: Anja Tribble
Sent: Monday, December 13, 2010 1:46 PM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Jon Roberts; Tony Lettunich; Seth Lorson; Tyler Gibbs
Cc: Julie Franklin
Subject: FW: CMC project

From: Anja Tribble
Sent: Monday, December 13, 2010 1:46 PM
To: 'George Lund'
Subject: RE: CMC project

Dear George and Alice
 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

From: George Lund [<mailto:galund@me.com>]
Sent: Sunday, December 12, 2010 1:39 PM
To: Anja Tribble
Cc: Seth Lorson
Subject: Fwd: CMC project

From: George Lund <galund@mac.com>
Date: December 11, 2010 5:22:32 PM MST
To: kristinslowey@gmail.com
Subject: CMC project

Hello City Council members and Staff

We did not attend the Dec 7 City council meeting but we did listen carefully to the discussion about the IGA and the directives given to the staff as you move forward to a probable vote on Jan 4. We are writing you with our concerns/suggestions regarding the document and the standards to which the college will be held. A recent reading of CMC e-mail shows that the college has not been totally forthright in revealing all of their future plans to the city.

LONG TERM - Establish an appropriate development agreement with CMC for their 30 year

Previously e-mailed

6-12

12/30/2010

Previously e-mailed

plan. The college is not located in a new development but it is an integral part of several neighborhoods, i.e. Buckskin Dr, Bob Adams Dr, Crawford Ave and 12th Street.

Protect the rights of these citizens.

SHORT TERM - CRAWFORD SPUR * City regulation of traffic: Allow only cars and pedestrians...no deliveries, buses or construction

vehicles now or in the future.

the cars as well as the speeding

* Seasonal SPEED BUMPS as on Pamela Lane....slow down

skateboarders and bikers.

*City patrol to assure compliance and safety standards

and UPS

*Crawford spur residences will need services such as trash

high standard in regard to landscaping and * Require CMC to plan and fully implement a mitigation of noise and light.

maintenance as regards to CMC vs. City responsibility.

Pay particular attention to homeowners'

driveway intersections.

Include all sidewalks including 12th street

12th STREET TRAFFIC PLAN making.

Conduct a TRAFFIC STUDY to assist decision

pedestrians.

* Consider which side of 12th is best for

disallow skateboards

* Consider safety for bikers (bike lane ?) and

* Consider a traffic light at 12th and Crawford

Lincoln and Oak

* Consider making 12th one way between

We implore you to take the time and effort to insure the right decisions are made for the future.

Respectively yours, George and Alice Lund

Previously e-mailed

6-13

12/30/2010

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE TERMINATION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND THE COLORADO MOUNTAIN COLLEGE.

WHEREAS, on March 18, 1997 the City and the Colorado Mountain College ("CMC") entered into an Intergovernmental Agreement ("IGA") addressing the annexation of CMC property, the provision by the City of water and sewer service to such property, and the terms under which the CMC property would be developed by CMC; and

WHEREAS, the parties are currently discussing access and other issues associated with the planned construction by CMC of one or more new buildings to the existing CMC campus, which is located on the property that is subject to the IGA, and the parties have agreed that the terms of the IGA are no longer helpful in guiding the parties' expectations as to the manner in which the CMC property should be developed; and

WHEREAS, the parties wish to terminate the IGA.

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

Section 1. The termination of the IGA is hereby approved. The City Manager is authorized to execute any document or documents necessary to terminate the IGA.

Section 2. 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 3. This ordinance shall take effect immediately upon the expiration of thirty (30) days from and after its publication following final passage, as provided in Section 13.6 of the Steamboat Springs Home Rule Charter.

Section 4. A public hearing on this ordinance shall be held on _____, 2010, at 5:15 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 _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 7

Economic Development Update

This item is a discussion only.

AGENDA ITEM # 8a

January 3, 2011

The Honorable Michael Bennet
United States Senate
702 Hart Senate Office Building
Washington, DC 20510

Subject: Authorization for Colorado Transit Coalition

Dear Senator Bennet,

As the Steamboat Springs City Council President, I am writing to express my support of the Colorado Transit Coalition request for a statewide transit request under the Federal Transit Administrations Section 5309 Bus and Bus Related grant program for FY 2012 and the SAFETEA-LU Reauthorization. The Colorado Transit Coalition is a group of transit agencies in a statewide, cooperative effort to support local public transportation throughout Colorado.

The City of Steamboat Springs Transit (SST) carries over 1 million passengers per year, significantly reducing the traffic and delays on US 40. SST will use the funding, if allocated, to purchase new hybrid buses to be used in their routes. Hybrid (diesel/electric) buses will be more fuel efficient and will produce fewer emissions which will improve the air quality and decrease congestion in our city. The buses are also integral to the economic stability of Steamboat Springs as they provide the means for residents to get to and from work and other businesses in town.

The City of Steamboat Springs appreciates your consideration of this request. Your support will produce many immediate and long-term benefits for our citizens, the many visitors to our communities and the State of Colorado as a whole.

Sincerely,

Cari Hermacinski, President
Steamboat Springs City Council

January 3, 2011

Scott Tipton
326 Cannon House Office Building
Washington, DC 20510

Subject: Authorization of Colorado Coalition

Dear Representative Tipton,

As the Steamboat Springs City Council President, I am writing to express my support of the Colorado Transit Coalition request for a statewide transit request under the Federal Transit Administrations Section 5309 Bus and Bus Related grant program for FY 2012 and the SAFETEA-LU Reauthorization. The Colorado Transit Coalition is a group of transit agencies in a statewide, cooperative effort to support local public transportation throughout Colorado.

The City of Steamboat Springs Transit (SST) carries over 1 million passengers per year, significantly reducing the traffic and delays on US 40. SST will use the funding, if allocated, to purchase new hybrid buses to be used in their routes. Hybrid (diesel/electric) buses will be more fuel efficient and will produce fewer emissions which will improve the air quality and decrease congestion in our city. The buses are also integral to the economic stability of Steamboat Springs as they provide the means for residents to get to and from work and other businesses in town.

The City of Steamboat Springs appreciates your consideration of this request. Your support will produce many immediate and long-term benefits for our citizens, the many visitors to our communities and the State of Colorado as a whole.

Sincerely,

Cari Hermacinski, President
Steamboat Springs City Council

January 3, 2011

The Honorable Mark Udall
317 Hart Senate Office Building
Washington, DC 20510

Subject: Authorization for Colorado Transit Coalition

Dear Senator Udall,

As the Steamboat Springs City Council President, I am writing to express my support of the Colorado Transit Coalition request for a statewide transit request under the Federal Transit Administrations Section 5309 Bus and Bus Related grant program for FY 2012 and the SAFETEA-LU Reauthorization. The Colorado Transit Coalition is a group of transit agencies in a statewide, cooperative effort to support local public transportation throughout Colorado.

The City of Steamboat Springs Transit (SST) carries over 1 million passengers per year, significantly reducing the traffic and delays on US 40. SST will use the funding, if allocated, to purchase new hybrid buses to be used in their routes. Hybrid (diesel/electric) buses will be more fuel efficient and will produce fewer emissions which will improve the air quality and decrease congestion in our city. The buses are also integral to the economic stability of Steamboat Springs as they provide the means for residents to get to and from work and other businesses in town.

The City of Steamboat Springs appreciates your consideration of this request. Your support will produce many immediate and long-term benefits for our citizens, the many visitors to our communities and the State of Colorado as a whole.

Sincerely,

Cari Hermacinski, President
Steamboat Springs City Council

AGENDA ITEM # 8

City Council Updates

Additional reports may be provided at the meeting.

AGENDA ITEM # 9a1

*******TENTATIVE AGENDA FOR THURSDAY, JANUARY 13, 2011*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

CITY OF STEAMBOAT SPRINGS

AGENDA

SPECIAL MEETING NO. SP-2011-01

THURSDAY, JANUARY 13, 2010

4:00 P.M.

MEETING LOCATION: Olympian Hall
Steamboat Springs, CO

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

A. ROLL CALL

B. CITY COUNCIL RETREAT

1. Update on 2010 goals.(15 minutes)
 2. Presentation on Management Team's 2011 goals. (30 minutes)
 3. Economic Development discussion with Roger Good. (1 hour)
 4. City Council goals and priorities. (1 hour)
-

C. ADJOURNMENT

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

AGENDA ITEM # 9a2

*****TENTATIVE AGENDA FOR TUESDAY, JANUARY 18, 2011***

This agenda is tentative and the information is subject to change until the agenda is finalized.

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2011-02

TUESDAY, JANUARY 18, 2011

5:00 P.M.

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

B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. **Presentation of enhanced Draft Community Water Conservation Plan.** (Shelton/Frolich)
2. **Update on State water Bills/issues.** (Holleman)

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.

3. RESOLUTION:

4. FIRST READING OF ORDINANCE:

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.

5. SECOND READING OF ORDINANCE: An ordinance ratifying a Revocable Permit and Easement Agreement between the City of Steamboat Springs and Fifth and Yampa, LLC; establishing a hearing date; and providing an effective date. (Foote)

6. SECOND READING OF ORDINANCE: An ordinance revising Revised Municipal Code Sections 25-216, 25-218, 25-219, 25-220, relating to City water and sewer tap investment fees, service rates as it applies to the City and its wholesale customers, Mt. Werner Water and Sanitation District, Tree Haus Water and Sanitation District, and Steamboat II Metropolitan District. Providing an effective date and repealing all conflicting ordinances. (Foote)

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.

F. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

PLANNING
PROJECTS

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.

*******TENTATIVE AGENDA FOR TUESDAY, JANUARY 18, 2011*****
This agenda is tentative and the information is subject to change until the agenda is finalized.

- 7. PROJECT:**
PETITION:
LOCATION:
APPLICANT:
PLANNING COMMISSION VOTE:
-

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.**

- 8. PROJECT:**
PETITION:
LOCATION:
APPLICANT:
PLANNING COMMISSION VOTE:
-

H. REPORTS

- 10. Economic Development Update.**
- 11. City Council**
- 12. Reports**
- a. **Agenda Review (Franklin):**
 - 1.) **City Council agenda for February 1, 2011.**
 - 2.) **City Council agenda for February 15, 2011.**
- 13. Staff Reports**
- a. **City Attorney’s Update/Report. (Lettunich)**
 - b. **Manager’s Report: Ongoing Projects. (Roberts)**
 - c. **Update on off leash dog parks and winter wildlife. (Wilson)**
-

I. ADJOURNMENT

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

AGENDA ITEM # 9a3

*****TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 1, 2011*****

This agenda is tentative and the information is subject to change until the agenda is finalized.

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2011-03

TUESDAY, FEBRUARY 1, 2010

5:00 P.M.

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

B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. **Changes to the Tax Code.** (Hinsvark)

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.

3. RESOLUTION:
 4. FIRST READING OF ORDINANCE:
 5. FIRST READING OF ORDINANCE:
-

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.

6. SECOND READING OF ORDINANCE: Easement agreement with Fifth and Yampa, LLC. (Foote)
 7. SECOND READING OF ORDINANCE:
-

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

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.

8. FIRST READING OF ORDINANCE:
-

G. PUBLIC HEARING – PLANNING COMMISSION REFERRALS

PUBLIC HEARING FORMAT:

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 1, 2011*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

- **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.**

- 9. **PROJECT:**
PETITION:
LOCATION:
APPLICANT:
PLANNING COMMISSION VOTE:

H. REPORTS

- 10. **Economic Development Update.**
- 11. **City Council**
- 12. **Reports**
 - a. **Agenda Review (Franklin):**
 - 1.) **City Council agenda for February 15, 2011.**
 - 2.) **City Council agenda for March 1, 2011.**
- 13. **Staff Reports**
 - a. **City Attorney's Update/Report. (Lettunich)**
 - b. **Manager's Report: Ongoing Projects. (Roberts)**

J. OLD BUSINESS

- 14. **Minutes (Franklin)**
 - a. **Regular Meeting 2011-01, January 4, 2010.**
 - b. **Regular Meeting 2011-02, January 18, 2010.**

I. ADJOURNMENT

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

AGENDA ITEM # 10a

City Attorney's Report

A report will be provided at the meeting.

AGENDA ITEM # 10b

City Manager's Report

A report will be provided at the meeting.

AGENDA ITEM # 11a

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2010-22

TUESDAY, DECEMBER 7, 2010

MINUTES

Ms. Cari Hermacinski, City Council President, called Regular Meeting No. 2010- of the Steamboat Springs City Council to order at 5:25pm, Tuesday, December 7, 2010, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Cari Hermacinski, Jon Quinn, Meg Bentley; Bart Kounovsky, Walter Magill, Scott Myller and Kenny Reisman.

Staff Members present: Jon B. Roberts, City Manager; Anthony B. Lettunich, City Attorney; Julie Franklin, City Clerk; Philo Shelton, Director of Public Works; Tyler Gibbs, Director of Planning and Community Development; Deb Ms. Hinsvark, Director of Financial Services; Steve Hoots, Facilities Maintenance; Dan Foote, Staff Attorney; Jason Peasley, City Planner; Chris Wilson, Director of Parks, Recreation and Open Space; Seth Lorson, City Planner; Anne Small, Risk Management and Purchasing Manager; Ron Lindroth, Fire Chief; and Joel Rae. Police Captain.

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

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. Discussion of Complete Streets Ordinance.

Ms. Hruby presented a PowerPoint presentation highlighting the following: complete streets discussion; What is a complete street?; considering all modes; fit surroundings; Who wants complete streets?; the growing movement; Why are they important?; benefits of capacity; existing policies; changing how people think; and providing clear expectations.

Discussion commenced on: identifying key corridors; maintenance and retrofit projects; following the City's Master Plan; covering large scale developments all the way down to residential; the Wildhorse Meadows development; identifying integral corridors; and the fact that the Colorado Department of Transportation (CDOT) is working on a design manual.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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Mr. Shelton clarified that City Council adopted the Mainstreet Master Plan which included retrofit projects.

PUBLIC COMMENT:

Ms. Diane Mitsch Bush, Chair of Northwest Colorado Transportation Planning Region, urged Council to move ahead on this. She stated that this is an economic development tool and that complete street communities are attractive to people.

Mr. Gibbs stated that the Planning and Public Works Departments are partnered on this in support of complete streets. He also noted that this is a National effort and collaboration.

Mr. Mike Kortas spoke to his lots that he is trying to sell and asked that Council not go forward with requiring off site sidewalks.

Mr. Michael Lomas, Routt County Riders Board Member, supports this ordinance. He stated that the use of bikes for transportation depends on the ease and safety of that use.

Ms. Lane Malone, Biketown USA initiative, stated that the complete streets ordinance and approach is one of the top goals of the initiative and the group is well poised to help with the process. She urged Council to move forward.

City Council President Hermacinski asked for more information on how far off a property would be required.

Mr. Gibbs clarified that he met with Mr. Kortas on his development and noted that the intent was not to require that a single property build 1,000 feet of sidewalk. He stated that staff is working with Mr. Kortas.

Mr. Roberts suggested that the language state that streets and alleys be designed in accordance with City street standards.

Council Member Reisman would like to see integral corridors in the ordinance so there is direction as to how move forward.

UNANIMOUS CONSENT: Council would like to see staff bring an ordinance forward.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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Council Member Reisman suggested having a complete streets master plan at same time as ordinance that are separate from each other and reference the Plan in the ordinance.

Council Member Kounovsky encouraged staff to analyze the costs.

DIRECTION: Take the ordinance to the Planning Commission.

City Council President Pro-Tem Quinn does not want this to require unnecessary costs or "red tape" in the process. He encouraged staff to be careful and be specific.

Ms. Hruby stated that there are other communities that have had trouble with "inter-departmental hurdles" and is happy to say that staff supports this, and have already worked through a lot of it with Steamboat 700.

2. **Community Support Steering Committee:** Funding recommendations.

Mr. Mark Anderson stated that this is the second year of this process and it has run smoothly. He thanked Kelly Stanford, Anne Mudgett and Nancy Kramer for their work.

Ms. Hinsvark stated that if Council is in agreement, they could direct the City Manager to distribute the money in this order. She noted that last year it was done in two distributions.

MOTION: Council Member Kounovsky moved and City Council President Pro-Tem Quinn seconded to approve the distribution in January as recommended by the Community Support Steering Committee. The motion carried 7/0.

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

3. **RESOLUTION:** A resolution amending the Steamboat Springs Regular Employee Pension Board regular meeting schedule.

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

Council Member Kounovsky asked if it is necessary to meet at all. Mr. Roberts stated that it is a requirement to meet to ensure that the fund is being properly monitored. Ms. DuBord stated that a meeting is required in the by laws.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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MOTION: City Council President Pro-Tem Quinn moved and Council Member Kounovsky seconded to approve a resolution amending the Steamboat Springs Regular Employee Pension Board regular meeting schedule. The motion carried 7/0.

4. **RESOLUTION:** A resolution appointing Trustees to the East Routt Library District Board.

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

5. **RESOLUTION:** A resolution acknowledging appointments to the Planning Commission.

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

6. **RESOLUTION:** A resolution for a Steamboat Springs Community Area Plan (SSACP) Minor Amendment to change the Future Land Use Designation of SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential. (#CP-09-02).

Staff is requesting this item be postponed to the December 21, 2010 City Council meeting.

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

MOTION: Council Member Myller moved and City Council President Pro-Tem Quinn seconded to postpone this item to the December 21, 2010 agenda. The motion carried 7/0.

7. **FIRST READING OF ORDINANCE:** An ordinance amending Section 14-41 of the Steamboat Springs Revised Municipal Code, which relates to a Municipal Court surcharge, and providing an effective date.

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

MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to approve items 4, 5 and 7 of the Consent Calendar; a resolution appointing Trustees to the East Routt Library District Board; a resolution acknowledging appointments to the Planning Commission; and the first reading of an ordinance amending Section 14-41 of the Steamboat Springs Revised Municipal Code, which relates to a Municipal Court surcharge, and providing an effective date. The motion carried 7/0.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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- 8. FIRST READING OF ORDINANCE:** An ordinance approving the termination of an Intergovernmental Agreement between the City of Steamboat Springs and the Colorado Mountain College.

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

Mr. Lorson noted that he provided information on the Crawford Spur public access that is just informational and not a part of this ordinance.

Council Member Magill noted the need to talk about the construction route's impact on streets and neighborhoods.

Mr. Lettunich stated that if the intergovernmental agreement (IGA) is terminated then the City will have little control over what Colorado Mountain College (CMC) does, though they will be required to follow State requirements. If the City wants further control over sidewalks, etc. the City will need a development agreement. The primary reason for enacting the IGA initially was to require CMC to comply with fire safety issues and sprinkler the dorms. Whether City Council can deny an application from CMC is an open question.

City Council President Hermacinski supports terminating the IGA with protections going forward for things like the sidewalk and landscaping.

Mr. Lettunich stated that the City needs to identify what is important for CMC to commit to and get it in an agreement when terminating the IGA.

PUBLIC COMMENT:

Ms. Sarah Katherman stated that the whole process has been disappointing, and no one listens to what neighbors have to say. She would like the access to the road to be limited and feels that cost should not influence City Council decision on the usage of a road and its safety. She does not want delivery, garbage trucks, buses and commercial vehicles to be allowed to use the road.

Ms. Jill Brabec voiced concern with terminating the IGA because the City will have no control for any promises that have been made and impacts. She supports a new agreement before terminating the IGA to hold CMC to City standards. With respect to the road she stated that there is no requirement that that road be public and she encouraged Council to revisit that issue.

Ms. Susan Dorsey agrees with Brabec's comments. She urged Council to not dissolve the IGA until there is another agreement in place to protect the citizens.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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Mr. Robert Ellsworth voiced concern with public access on the road and asked that the worst aspects of that be disallowed.

Ms. Heather DeVos encouraged Council not to dissolve the IGA, feeling that there are no incentives for that. She spoke to how the IGA originally came about and stated that there is no reason to not have them walk through the process.

City Council President Hermacinski asked for more information on why the road needs to have full public access. Mr. Roberts stated that the existing IGA does not require full public access but does require a 24 foot wide road dedicated to City and requires that the CMC maintain it and keep it clear. Currently the Spur is not a 24 foot road which it has to be to be a fire apparatus road. Public access is a recommendation of the Fire Chief.

Council Member Magill suggested tabling this item to get these questions answered. He wants an agreement in place; he would like to see them follow our code.

City Council President Hermacinski noted that the original intent of the IGA was met; however the City does need some thing in place to "memorialize" some items. She supports repealing the IGA after a development agreement is in place that speaks to roads, sidewalks, and landscaping.

Mr. Lorson stated that staff is working on a development agreement prior to second reading.

City Council President Pro-Tem Quinn stated that it is Council's job to represent CMC and the neighbors. The old IGA is not completely relevant; however it still their responsibility to mitigate the impacts.

Council Member Kounovsky supports revisiting the 1997 agreement, and if it is dissolved then have something else in place to make sure all sides are okay.

Council Member Bentley agrees with Council Member Magill, there is no reason to rush and dissolve the IGA; however the "players" are in the room tonight so she would like to keep working on it.

Council Member Reisman supports tabling the item because the agreement can't be drafted in a hurry. He stated that he appreciates Ms. Katherman being involved in the issue; however, he disagrees with her and believes that this process builds faith in the government process and has moved forward because of a lot of open dialog.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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Mr. Roberts stated that the IGA does require CMC to comply with City procedures. What is different from normal is the manner of enforcement. The City has "police powers" over development and does not have that with CMC. The remedy that is outlined in the IGA is arbitration and litigation.

Mr. Muhme stated that the Fire Code is not as "black and white" as he'd like it to be. He spoke to a 20 foot road versus 24 foot fire apparatus road and the issue of private or public. The Code does not use either term, but says that the appropriate access road encompasses everything from private to public and is up to the Fire Chief. Staff felt it in the best interest of fire/life/safety that there be a second access to the property and that the access should be public.

City Council President Pro-Tem Quinn asked if private access guarantees that road is always clear. Mr. Muhme stated that they have tried private access and gates, but if the road is not open 24 hour a day, 7 days a week then it would be the last road to get plowed.

Council Member Magill stated that the road could be posted for no commercial vehicles or deliveries. Mr. Shelton stated that there are enforcement issues with this, but we could post the signs. Council Member Magill stated that this is a public right of way and he would rather see it posted no commercial vehicles.

Ms. Sara Laura, consultant for CMC, stated that CMC feels that they are being treated as a developer and wants to be treated as a school district. Their Board requires that they go thru a public process and would still consult with the City. They prefer to work on agreement between first and second reading because each delay is a detriment to the project overall.

MOTION: Council Member Reisman moved and Council Member Bentley seconded to postpone this item to the January 4, 2011 agenda. The motion failed 2/5. City Council President Hermacinski, Council Member Magill, Council Member Myller, Council Member Kounovsky and City Council President Pro-Tem Quinn opposed.

Discussion during the motion:

Council Member Reisman wants an agreement in place regarding the sidewalk, landscaping, the road, maintenance and signage. Council Member Myller noted that there are lots of conditions of approval in the report.

City Council President Pro-Tem Quinn opposes the motion. He supports keeping the process moving and postponing the second reading. He wants a development agreement that speaks to a sidewalk put in and maintained by

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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CMC, signage directing people to Bob Adams Drive, landscaping and sound buffers.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to approve first reading with direction to staff to work on a development agreement with all items discussed above and the bullet points in the communication form, second reading to be January 4, 2011. The motion carried 5/2. Council Member Bentley and Council Member Reisman opposed.

Discussion during the motion:

Council Member Reisman believes the road should be private because it affects the neighborhood and would create a safe venue for students not in cars.

City Council President Hermacinski supports abiding by the decision of Fire Chief for a public road.

GENERAL PUBLIC COMMENT

Mr. Ken Brenner stated that at the 1177 Roundtable there is talk about the potential of the Roundtable asking for funds for a study regarding the Yampa pump back. He asked the Council to send a letter asking the Roundtable not proceed with such a study because it is not in the best interest of the basin. City Council President Hermacinski asked Mr. Brenner to make sure that staff is aware of this.

PUBLIC HEARING: ORDINANCE SECOND READINGS

9. **SECOND READING OF ORDINANCE: Sixth Supplemental Budget Appropriation Ordinance, 2010; Central Service Fund Collapse.**

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Bentley moved and City Council President Pro-Tem Quinn seconded to approve the second reading of the Sixth Supplemental Budget Appropriation Ordinance, 2010; Central Service Fund Collapse. The motion carried 7/0.

10. **SECOND READING OF ORDINANCE: A 2010 Supplemental Appropriation Ordinance authorizing the termination of the Funding Partners Agreement and appropriating \$100,000 in Down Payment Assistance to the Yampa Valley Housing Authority.**

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Bentley moved and City Council President Pro-Tem Quinn seconded to approve the second reading of the 2010 Supplemental Appropriation Ordinance authorizing the termination of the Funding Partners Agreement and appropriating \$100,000 in Down Payment Assistance to the Yampa Valley Housing Authority. The motion carried 7/0.

11. **SECOND READING OF ORDINANCE: Eighth Supplemental Budget Appropriation Ordinance, 2010.**

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Bentley seconded to approve the second reading of the Eighth Supplemental Budget Appropriation Ordinance, 2010. The motion carried 7/0.

12. **SECOND READING OF ORDINANCE: Supplemental Appropriation Ordinance number 9, Chamber Summer Marketing, 2010.**

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Kounovsky seconded to approve the second reading of the Supplemental Appropriation Ordinance number 9, Chamber Summer Marketing, 2010. The motion carried 7/0.

13. **SECOND READING OF ORDINANCE:** An ordinance approving a hangar lease to Paul A. Heimbach at the Steamboat Springs Airport and authorizing City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date.

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Bentley moved and Council Member Reisman seconded to approve the second reading of an ordinance approving a hangar lease to Paul A. Heimbach at the Steamboat Springs Airport and authorizing City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 7/0.

14. **SECOND READING OF ORDINANCE:** An ordinance approving a hangar lease to Geoffrey C. Murray at the Steamboat Springs Airport and authorizing City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date.

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Bentley moved and City Council President Pro-Tem Quinn seconded to approve the second reading of an ordinance approving a hangar lease to Geoffrey C. Murray at the Steamboat Springs Airport and authorizing City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 7/0.

15. **SECOND READING OF ORDINANCE:** An ordinance approving a hangar lease to Jonathan Sawyer at the Steamboat Springs Airport and authorizing City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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City Council President Hermacinski read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Bentley moved and City Council President Pro-Tem Quinn seconded to approve the second reading of an ordinance approving a hangar lease to Jonathan Sawyer at the Steamboat Springs Airport and authorizing City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 7/0.

- 16. SECOND READING OF ORDINANCE: An ordinance approving an agreement by the City to grant an Option To Lease certain land owned by the City at Bob Adams Field to Aviation Development Group; providing for severability; and providing an effective date.**

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Bentley moved and City Council President Pro-Tem Quinn seconded to approve the second reading of an ordinance approving an agreement by the City to grant an Option To Lease certain land owned by the City at Bob Adams Field to Aviation Development Group; providing for severability; and providing an effective date. The motion carried 7/0.

- 17. SECOND READING OF ORDINANCE: An ordinance authorizing the release of an affordable housing deed restriction encumbering Unit #1508, Sunray Meadows Condominium Phase XIV; providing for severability; and providing an effective date.**

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

Ms. Kathy Connell, representing the Miller family, stated that when they purchased this unit they hoped to live here. However the market "flipped" and now they are just trying to get out alive. This unit can't be sold because it is deed restricted and that is impossible in this market. If the restriction is not released their only option is foreclosure. She asked that that be removed and leave in an option for a short sale.

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Staff provided an amended ordinance that includes the language "or any partial payment or other negotiations resulting in the Colorado Mountain Housing Authority's release of its deed of trust encumbering the Unit."

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Reisman to approve the second reading of an ordinance authorizing the release of an affordable housing deed restriction encumbering Unit #1508, Sunray Meadows Condominium Phase XIV; providing for severability; and providing an effective date; as amended. The motion carried 7/0.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

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- 18. FIRST READING OF ORDINANCE: An ordinance rezoning property located in SCE Subdivision, Lot 2; from RE-1 (Residential Estate One – Low Density) Zone District to RR-1 (Resort Residential One – Low Density) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

This item was postponed from the November 16, 2010 City Council meeting.

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

Council Member Reisman stepped down.

PUBLIC COMMENT:

Mr. Ron Smith, representing The Bronze Tree and The Ranch, oppose this rezone because it is not compatible with the surrounding development; the disadvantages outweigh the advantages; the height and topography are not suitable; there is concern with adding density to the Burgess Creek Road area; and there is a safety risk to the current residents.

Mr. Bill Jameson opposes rezone. He stated that the density difference of one floor does not make it safe. He stated that the Fire Chief has concerns. He voiced concern with the one way in and out access and urged Council to deny this request for upzoning.

Mr. Bill Moser stated that it appears that there will be gridlock in the area and a second access is possible. He does not support this unless the petitioner puts

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money towards a second access or has a plan in place for a second access. He stated that the safety of the residents is the most important thing.

Mr. Tegan Murray stated that he is opposed to this project.

Mr. Joe Beard stated that he is strongly in favor of this ordinance and does not see the downside to approving it. He stated that we want "warm beds" and density at the base of the ski area and he believes this is a correction of zoning. He urged Council to approve this ordinance.

Mr. Eric Smith, representing the petitioner, was present and stated that they have a presentation ready.

Council Member Bentley stated that both the Future Land Use Map and the existing Zoning Map are 2 dimensional and don't show the "natural landforms". She stated that the rezone does not appear to be logical and orderly. She spoke to aggregating the property values for all private holdings off Burgess Creek Road and asked whose bottom line is most important, close to 100 pre-existing private investors or a developer who took risks in a tenuous economy? She does not want to disregard the topography and valid public safety concerns and stated that this is not in the best interest of Steamboat Springs. There are others on the road and there are safety issues. There needs to be a second access; she feels that it is unwise to move forward and allow this development because it is not in the interests of the visitors/citizens/taxpayers of Steamboat Springs.

City Council President Pro-Tem Quinn stated that this is a zone change not a development application and he believes it is correcting an error in the current zoning. He believes that a higher density is appropriate and it is important to acknowledge that owners have a right to develop their property.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to approve the first reading of an ordinance rezoning property located in SCE Subdivision, Lot 2; from RE-1 (Residential Estate One – Low Density) Zone District to RR-1 (Resort Residential One – Low Density) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date; Fire Chief to clarify concerns prior to second reading. The motion carried 5/1. Council Member Bentley opposed. Council Member Reisman stepped down.

Discussion during the motion:

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City Council President Hermacinski supports the motion. Council is not evaluating a development, rather a zone change and Council can not decide or consider if a person deserves to develop.

Council Member Magill agrees that RE1 is not the correct zoning and he wants to see the zone change. He supports this zone change noting that there is still an issue on Burgess Creek Road, but this can be addressed at the time of development.

Council Member Reisman returned to the meeting.

- 19. FIRST READING OF ORDINANCE: An ordinance rezoning property located in a portion of Lot 10a, Walton Creek Park Estates (Skyview Subdivision); from MF-3 (Multi-Family Three, High Density) Zone District to CN (Commercial Neighborhood) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

Peasley clarified that the parcel on the corner is zoned CN at the moment.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to approve the first reading of an ordinance rezoning property located in a portion of Lot 10a, Walton Creek Park Estates (Skyview Subdivision); from MF-3 (Multi-Family Three, High Density) Zone District to CN (Commercial Neighborhood) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 7/0.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

- 20. SECOND READING OF ORDINANCE: SCE Subdivision Lot 2 zoning map amendment.**

Staff is requesting this item be postponed to the December 21, 2010 City Council meeting.

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

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MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to postpone this item to the December 21, 2010 agenda. The motion carried 7/0.

21. **SECOND READING OF ORDINANCE: An ordinance vacating two utility easements within Lot 10A of Walton Creek Park Estates (Skyview Subdivision), and providing an effective date and setting a hearing date.**

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Bentley moved and Council Member Myller seconded to approve the second reading of an ordinance vacating two utility easements within Lot 10A of Walton Creek Park Estates (Skyview Subdivision), and providing an effective date and setting a hearing date. The motion carried 7/0.

REPORTS

22. **Economic Development/Water Update.**

City Council President Hermacinski spoke to Mr. Holleman reviewing the Yampa River Structures Master Plan. Mr. Roberts stated that he is reviewing the boating park and existing C and D structures and the RICD ensuring that there is adequate water in the boating park.

It was noted that there is nothing in the Plan about expanding the existing park.

Mr. Wilson stated that the identified "areas of interest" include two structures being enhanced as possible features. He stated that staff will continue to work with the Friends of the Yampa.

PUBLIC COMMENT:

Mr. Ken Brenner, Friends of the Yampa, noted that they are focused on the potential of enhancing the Z and A hole. With respect to improvements to the existing water rights, he suggested that the City look into an enterprise fund on water and set aside a line item. City Council President Hermacinski noted that the City has already done this.

Council Member Magill asked about Elk River development. Mr. Shelton stated that staff is still exploring opportunities. He stated that this fall there was a call

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on the Elk River from CWBC, so the idea to firm our use of the Elk would couple with storage. He also noted that Erin Light, Colorado Division of Water Resources, has invited all to a meeting regarding Elk River being over appropriated.

Mr. Roberts stated that he walked the City's existing water rights with Mr. Shelton and Mr. Holleman and noted that there is still threat from Front Range diversion. The City needs to be aware of that and remain involved. Mr. Shelton stated that staying on top of this issue is a continuous process.

23. City Council

Council Member Magill:

1. Would like to look at DOW closures for off leash dog parks.
2. Noted that the NWCCOG membership item is on the December 21, 2010 agenda and he will not be there. He noted that some of the services they provide for the dues are weatherization and the elevator inspection program.
3. Spoke to Lot 3 of the Moos Subdivision, which is an 8 acre parcel west of town on the river. He noted that the owner of this parcel contacted him wanting to know what the best use of this property would be. He asked if Council would be willing to have staff look at this. **DIRECTION:** Staff to add this to a later agenda.

Council Member Kounovsky:

1. Asked for an update on economic development. City Council President Hermacinski stated that Council/staff is working on the noise ordinance, late night bus service, the Airport Plan and water update. Mr. Roberts stated that staff will be providing the first economic development update on December 21, 2010.
2. Asked for an update on the Mr. Francis Abate ice cream truck issue. Mr. Gibbs stated that they are reviewing the cost of the permit and will contact Mr. Abate.
3. **DIRECTION:** Staff to contact the City of Boulder regarding naming rights of public spaces.

Council Member Reisman:

1. Spoke to a recent hockey tournament that hosted six teams and stated that he does not feel that we are doing enough marketing for these types of visitors; to get them to stay an extra day and partake in activities and guaranteeing that they will come back. More of an "ambassador" effort is needed. Discussion commenced on the Chamber taking this role. City

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Council President Pro-Tem Quinn noted that the City would need to give them more money for this.

2. Stated that Lincoln Avenue looks beautiful.
3. Attended the Transition Steamboat transportation seminar.

City Council President Hermacinski:

1. Noted that VNA has requested that she sign a letter of support for their Routt County New Access Point Application. She noted that she would like to remove the language regarding continued financial support.
UNANIMOUS CONSENT: City Council President Hermacinski to sign the letter.

City Council President Pro-Tem Quinn:

1. Noted that the Merry Mainstreet event is December 11, 2010.
2. **DIRECTION:** Staff to move trash cans closer to the bus shelters.

Council Member Myller:

1. Will attend an APCC meeting December 8, 2010.
2. Will attend a Chamber Board Meeting on December 9, 2010.

Council Member Bentley:

1. Noted that the Community Power Corp. BioMax systems is going for a pilot program in Routt County for turning beetle kill pine into electricity and/or diesel.
2. Noted that Ski Corp. has initiated a listserv regarding the Eco Fund and tax deductible donations for non profits.
3. Spoke to the success of the Yampa Valley Recycles Community Drop Off day. Additionally they will be adding a dumpster for cardboard only to the Green Machine sites starting now through the holidays.
4. Stated that the Vision 2030 Stewardship Committee is preparing the first annual report of progress measured in all the focus areas that is due out in January.

24. Reports

a. Agenda Review:

- 1.) **City Council agenda for December 21, 2010.**
- 2.) **City Council agenda for January 4, 2011.**

Council reviewed the above agendas.

City Council President Hermacinski spoke to Council's upcoming retreat and having it at Howelsen Hill on a week night for three hours. This will include time

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with the Management Team, as well as the Planning Commission and Parks and Recreation Commission.

Council Member Bentley noted the need to go over the goals for all the Boards and Commissions, particularly if there is an IGA, like the Airport Commission.

25. Staff Reports

a. City Attorney's Update/Report.

Mr. Lettunich had no report.

b. Manager's Report: Ongoing Projects.

Mr. Roberts reported on the following:

1. There will be fire engines in the Merry Mainstreet parade.
2. Noted that staff has been talking with a company who converts beetle kill to fuel.

OLD BUSINESS

26. Minutes

- a. Regular Meeting 2010-19, October 19, 2010.
- b. Regular Meeting 2010-20, November 2, 2010.
- c. Regular Meeting 2010-21, November 16, 2010.

Council Member Council Member Bentley provided amendments to the November 16, 2010 minutes.

MOTION: Council Member Bentley moved and City Council President Pro-Tem Quinn seconded to approve the October 19, 2010. The motion carried 7/0.

Council Member Bentley stepped down.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Magill seconded to approve the November 2, 2010 minutes. The motion carried 6/0. Council Member Bentley stepped down.

Council Member Bentley returned to the meeting.

MOTION: Council Member Reisman moved and Council Member Kounovsky seconded to approve the November 16, 2010 minutes, as amended. The motion carried 7/0.

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ADJOURNMENT

MOTION: Council Member Reisman moved and Council Member Myller seconded to adjourn Regular Meeting 2010-22 at approximately 9:15pm. The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS _____ DAY OF _____, 2010.

AGENDA ITEM # 11b

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2010-23

TUESDAY, DECEMBER 21, 2010

MINUTES

Ms. Cari Hermacinski, City Council President, called Regular Meeting No. 2010-23 of the Steamboat Springs City Council to order at 5:00pm, Tuesday, December 21, 2010, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Cari Hermacinski, Jon Quinn, Meg Bentley; Bart Kounovsky, Scott Myller and Kenny Reisman. Walter Magill was absent.

Staff Members present: Wendy DuBord, Deputy City Manager; Anthony B. Lettunich, City Attorney; Julie Franklin, City Clerk; Philo Shelton, Director of Public Works; Tyler Gibbs, Director of Planning and Community Development; Deb Hinsvark, Director of Financial Services; Jason Peasley, City Planner; Chris Wilson, Director of Parks, Recreation and Open Space; Ron Lindroth, Fire Chief; and Joel Rae, Police Captain.

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

PROCLAMATIONS:

- 1. PROCLAMATION: A proclamation recognizing Superintendent Shalee Cunningham and the Steamboat Springs School District for being accredited with Distinction by the Colorado Department of Education.**

City Council President Pro-Tem Quinn read the proclamation into the record.

Ms. Shalee Cunningham, District Superintendant, was present to accept the proclamation with Ms. Robin Crosson, President of the Board of Education. Ms. Cunningham thanked Council for the proclamation. She stated that they are honored and proud.

City Council President Hermacinski spoke to Steamboat's quality of life and noted that schools are a big part of that.

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

2. Discussion of adopting Division of Wildlife (DOW) closures on off leash dog parks.

Ms. Danielle Domson, DOW, was present to discuss closures for the dog parks because elk use the areas very heavily in the winter.

Council Member Reisman asked what would be an ideal area for a dog park in the winter. Ms. Domson stated that in the winter areas closer to river are better, like by the rodeo grounds and Fetcher Park. For the rest of the year a fenced in dog park is preferable in any park location. Rita Valentine Park would be good for this.

PUBLIC COMMENT: No one appeared for public comment.

Mr. Wilson noted that staff recommends alternative 2, which is to enforce, educate and monitor wildlife use, and continue to work with the DOW on the possibility of future closures.

Council Member Bentley asked about the timeframe. Mr. Wilson stated throughout this winter. He stated that there is a wide open area in Rita Valentine Park which is the main portion that is used. Staff is monitoring it; however they want to do more public education on interfacing with wildlife. Currently, they are not seeing a lot of use of the park. He stated that staff will provide an update.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to move forward with alternative 2, continue to work with the DOW, monitor and update Council at the second meeting in January. The motion carried 5/1. Council Member Bentley opposed. Council Member Magill was absent.

Discussion during the motion:

Council Member Bentley believes that Rita Valentine Park needs to be closed it right now. She is hearing from the residents about the problems that they have had up there and she does not believe that it is an appropriate place for an off leash dog park.

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

LEGISLATION

3. **RESOLUTION:** A resolution of the City Council of the City of Steamboat Springs, Colorado, finding the change of the Future Land Use designation of the parcel of land known as SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential to be in compliance with the criteria for approval of a minor amendment to the Steamboat Springs Area Community Plan.

This item was postponed from the December 7, 2010 City Council meeting.

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

Council Member Reisman stepped down.

PUBLIC COMMENT:

Mr. Bill Jameson voiced concern that this was considered by the Planning Commission without the Fire Chief's opinion about fire safety. He believes that this should be referred back to the Planning Commission; it is premature and the density is inappropriate for the site without a secondary access.

Mr. Joe Bier clarified that agenda item #9 will be where the bulk of the discussion will take place, and he will comment then.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to approve a resolution of the City Council of the City of Steamboat Springs, Colorado, finding the change of the Future Land Use designation of the parcel of land known as SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential to be in compliance with the criteria for approval of a minor amendment to the Steamboat Springs Area Community Plan. The motion carried 4/1. Council Member Bentley opposed. Council Member Reisman stepped down. Council Member Magill was absent.

Council Member Reisman returned to the meeting.

4. **RESOLUTION: A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$600,000 grant for the Yampa Valley: River to Ridges Legacy Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.**

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

5. **RESOLUTION: A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$200,000 grant for the Howelsen Hill Ski Area Night Lighting project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.**

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

Council Member Kounovsky asked the status is of raising the \$150,000. Ms. DelliQuadri stated that presently there is \$30,000 of already dedicated funding and \$80,000 of private funding; \$40,000 of private funding is still needed. If that is not achieved there are a few options: in 2011 there is \$250,000 funding that has already been allocated for grant matches; or staff can look for more private grants.

6. **RESOLUTION: A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for A \$700,000 grant for the Howelsen Hill Summer Ski Jump and Snowmaking Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.**

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

Ms. DelliQuadri stated that the City has \$715,000 in grant funds, \$300,000 City funds and \$108,000 in cash and pledges. The total outstanding is \$377,000; and she believes that the private fundraising campaign will be successful.

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MOTION: Council Member Myller moved and City Council President Pro-Tem Quinn seconded to approve items 5 and 6 of the Consent Calendar. The motion carried 6/0. Council Member Magill was absent.

7. **FIRST READING OF ORDINANCE:** An ordinance supplementally appropriating funds in 2010 and appropriating reserves therefrom for 2011 for after hours transit service.

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

MOTION: Council Member Bentley moved and Council Member Kounovsky seconded to approve items 4 and 7 of the Consent Calendar. The motion carried 6/0. Council Member Magill was absent.

PUBLIC HEARING: ORDINANCE SECOND READINGS

8. **SECOND READING OF ORDINANCE:** An ordinance amending Section 14-41 of the Steamboat Springs Revised Municipal Code, which relates to a Municipal Court surcharge, and providing an effective date.

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Myller moved and City Council President Pro-Tem Quinn seconded to approve the second reading of an ordinance amending Section 14-41 of the Steamboat Springs Revised Municipal Code, which relates to a Municipal Court surcharge, and providing an effective date. The motion carried 6/0. Council Member Magill was absent.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

PLANNING
PROJECTS

There were no items scheduled for this portion of the agenda.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

9. **SECOND READING OF ORDINANCE: An ordinance rezoning property located in SCE Subdivision, Lot 2; from RE-1 (Residential Estate One – Low Density) Zone District to RR-1 (Resort Residential One – Low Density) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

This item has been postponed from the December 7, 2010 City Council meeting.

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

Council Member Reisman stepped down.

Mr. Peasley provided an additional public comment.

Mr. Eric Smith, representing the applicant, was present and provided a PowerPoint presentation highlighting the following: new ownership; rezoning application only; significantly reduced potential project size; why RR zoning?; Future Land Use Plan; property included in the Urban Renewal Authority (URA) boundary; designated as future base area redevelopment sites; infill development; pedestrian access to the base area; other properties that have/had access from Burgess Creek Road; distances to single family residences; emergency access from The Ranch; traffic study; justification; compatibility; advantages and disadvantages; consistent with purpose of the zone district; mitigating the effects on natural environment; open space parcel; and heights and setbacks.

Council Member Myller asked what the plan is for Lot 1. Smith stated that they are not looking at a rezone; Lot 1 will be developed consistent with the G1 zoning.

PUBLIC COMMENT:

Mr. Ron Smith, representing The Bronze Tree and The Ranch, opposes the rezoning. He spoke to the memo from the Fire Chief recommending a secondary access. There are issues with life safety, water mains, road closures, car accidents and wild land fires. A rezone requires that five conditions be fulfilled with clear and convincing evidence. There are no advantages that outweigh the disadvantages of life safety issues with no secondary access. He asked that Council not defer this issue to the development permit process and deny this rezone.

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Mr. Bill Moser noted that in the past Mr. Jeremy MacGray was not granted the higher density. He asked that Council take into account the Fire Chief's concerns regarding the need for a secondary access. The road is dangerous and he believes that the five criteria for approval have been misinterpreted. He does not support the rezone.

Mr. Bill Jameson stated that to ignore the Fire Chief's concerns and rezone this parcel to RR1 is unbelievable. Denying it is the only position that is consistent with the criteria. He spoke to the base area plan, noting that just because the parcel is in the URA area does not mean it is entitled to be zoned RR1. He stated that this rezone is inappropriate unless there is a secondary access.

Mr. Joe Bier is in favor of the rezone. He believes that life/safety issues are important; however he has lived here for 22 years and he does not think that Burgess Creek Road has changed in that time. Therefore these conditions have existed for 22 years and to require this applicant to come up with a solution for the whole area up there is "kind of radical". He urged Council to give consideration to this and the future plans for this road, beginning at Storm Meadows Drive.

Mr. Lindroth stated that this unit development will not be "the straw that broke the camel's back"; however this is a good time to have the discussion about a secondary access into the area. Staff visited the areas and believes that it can physically be done. This should be looked at as density increases in the area with this development, future redevelopment or the development of the remaining 28 lots on the road. Council should "put it on the radar screen" to look at second access as well as a funding mechanism.

Mr. Smith stated that the applicant has no concern with contributing a pro rata share for a second access. However he does not believe that it is incumbent on this specific developer to solve the road problem. He further clarified that the open space was set aside in exchange for a high density development that was already approved.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Kounovsky seconded to approve the second reading of an ordinance rezoning property located in SCE Subdivision, Lot 2; from RE-1 (Residential Estate One – Low Density) Zone District to RR-1 (Resort Residential One – Low Density) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 4/1. Council Member Bentley opposed. Council Member Reisman stepped down. Council Member Magill was absent.

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Discussion during the motion:

Council Member Myller noted that there is a mistake in the communication form and clarified that this is a rezone to RR1. He supports the change because it meets the Future Land Use Plan, other planning documents and there are traffic studies that support that density. He supports charging the applicant their fair share of the costs of a second access.

Council Member Bentley stated that on a map this makes sense, and she knows that this is just a zone change. However, if you look at a topographic map the parcel is not connected to the base area and there is no impact to the base area. There is a pedestrian easement, but the parcel is not connected to the base area by streets. A higher density in this area will not increase the vitality of the base area. She stated that two wrongs do not make a right so she can not support the reasoning that the road has always been dangerous. With more density the road has become more dangerous and will continue to do so. She stated that City Council President Pro-Tem Quinn talked about property rights, and she pointed that the other residents on the road have property rights too and the rights of the last person in the door should not outweigh all the others. She believes that this is an inappropriate zoning, especially because of the compromised public safety.

City Council President Pro-Tem Quinn stated that this is a zone change, not a development application. The RE1 zoning was there when all zone districts were done, but not because it was the right zoning. The Future Land Use Map was supposed to determine the appropriate zoning. The need for a second access is there with or without this development. Everyone has the right to enjoy their property in safe way, but the last person in is not responsible for the safety of everyone.

Council Member Reisman returned to the meeting.

- 10. SECOND READING OF ORDINANCE: An ordinance rezoning property located in a portion of Lot 10a, Walton Creek Park Estates (Skyview Subdivision); from MF-3 (Multi-Family Three, High Density) Zone District to CN (Commercial Neighborhood) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

PUBLIC COMMENT: No one appeared for public hearing.

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MOTION: City Council President Pro-Tem Quinn moved and Council Member Bentley seconded to approve the second reading of an ordinance rezoning property located in a portion of Lot 10a, Walton Creek Park Estates (Skyview Subdivision); from MF-3 (Multi-Family Three, High Density) Zone District to CN (Commercial Neighborhood) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 6/0. Council Member Magill was absent.

REPORTS

**11. Economic Development Update.
a. Update.**

City Council President Hermacinski stated that she wants to have a short discussion about things that the City is already doing very well. For example open space is very important and the City is making great strides in that area. There are a lot of things that staff is working on; however she is concerned that a lot of good ideas are being thrown out, but it is like the "blind leading the blind". She believes that it is important to say what Council's short, mid and long term goals are and then have someone who has expertise to implement them. There has been talk about the City's website and relocation materials, but she is not sure if Council should be making these decisions, but rather making the goals. She believes that Council needs a facilitator otherwise it won't get anywhere. She wants to be able to set goals as a group at the upcoming retreat and have a facilitator there. She would like to give direction and latitude to staff to find out who that facilitator should be.

Council Member Bentley was initially was in favor of hiring a facilitator, and she still is but thinks it should be someone local because there isn't a "cookie cutter" that matches Steamboat Springs. There are many local experts in economic development, like Roger Good, and some that are already funded by the City, like Scott Ford.

City Council President Hermacinski does not want to narrow the field yet. She would prefer someone local, but does not want to narrow it.

Council Member Kounovsky agrees with setting the policy but is anxious to start laying out some concrete objectives and take the steps for a short term plan, and possibly have two different processes going on simultaneously. He would like to see more information from other communities, like what staff provided from Boulder. He does not feel that Council is ready for an request for proposal because it does not know what it wants. He would like to put the burden on staff to put more information together and then set a short term timeframe.

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City Council President Hermacinski stated that the information from Boulder is a plan, and Council needs to set a policy first. For example for short term capitalize on the City's current assets, like the tourist economy and the need to continue to drive tourism here. In the mid term build a community richer in careers and location neutral businesses, and possibly long term will be about water development. She would like to set policy for short, mid and long term goals at the retreat with a facilitator.

For the short term Council Member Kounovsky would like to work with any businesses that are here in town, focusing on what is already here, not just tourism. He would like to get more information from other places to get a better understanding of what is out there.

Ms. DuBord stated that staff has contacted Grand Junction and there are many others that staff can get information from on plans and policies. What staff is struggling with is what Council's vision is for Steamboat Springs and how to get there.

Ms. Hinsvark noted that Council created the URA, which is economic development, as well as the enterprise zone. However staff needs Council's vision on more than the tools to use.

Council Member Reisman noted the need to figure out how to keep businesses here.

Does Council want a facilitator? **UNANIMOUS CONSENT: Yes.**

Mr. Scott Ford, Routt County Economic Development Cooperative, stated that a facilitator can help Council define what economic development is for Steamboat Springs and integrate measurements for diversity. A good step was creating Tax Policy Advisory Board (TPAB) without getting economic development involved, they should be separate.

GENERAL PUBLIC COMMENT

Ms. Candace Noriega voiced concerned with the new bus stops, and with cars pulling into the bus stops. She suggested adding signage that designates the area a bus stop.

Mr. Steven Caragol, Moxie Home Consignments, voiced concern with the sign code. He stated that he had to stop their sign order because they found out that they needed a halo sign, and they would like to use temporary signs until their sign comes in. He stated that it is very difficult to comply with the "one size fits

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all” regulations and it is especially difficult because they are in an industrial area. They are asking for flexibility to use temporary signs and to waive the permit and variance fees to comply with the sign code.

Mr. Gibbs noted that he did meet with Ms. Caragol and spoke to the specifics of the sign code. He stated that they made progress and it is his intent to continue to work with the Caragols.

Mr. Caragol stated that they will get a halo sign, but need to use temporary signs in the process.

City Council President Hermacinski stated that there are problems with the Code, and voiced concern with making it difficult for people to do business in the community. She believes that there needs to be flexibility within every ordinance.

Council Member Bentley agreed, but feels that until Council has a discussion about the sign code, it needs to uphold it.

Mr. Gibbs clarified that staff is not moving forward with a fine and are working on a solution.

DIRECTION: Mr. Gibbs to work with Caragol on a fair and equitable solution.

Ms. Jody Patten, Routt County Habitat for Humanity, thanked Council for the generous funding through the Human Resource Coalition. She stated that they hope to construct an additional bedroom on a house in Steamboat Springs, Oak Creek or Hayden. She presented Council with a yellow brick which represents a program to build 1,000 homes in Colorado in next three years.

Return to the economic development discussion:

UNANIMOUS CONSENT: Staff to contact Mr. Roger Good about being a facilitator for the January 13, 2011 retreat. Mr. Good to meet with each Council Member and Management Team prior to the retreat. Involve Mr. Steve Hofman later in the process as part of a Commission. Wait on answering the five questions included in the communication form.

b. Naming Rights process for public facilities.

Ms. DuBord provided information from Boulder’s policy. She stated that Boulder’s policy is very new, and they have not sold any naming rights yet. She also noted that Steamboat Springs has an ordinance that prohibits commercial names on

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parks and recreation facilities, which would need to be repealed if Council decided to move forward.

Council Member Bentley does not support this, feeling that it is like “prostituting ourselves” and would erode our sense of community.

City Council President Hermacinski agrees.

City Council President Pro-Tem Quinn agrees, feeling that it would compromise what is “core” about Steamboat Springs.

Council Member Reisman agrees, but asked if there are opportunities with Triple Crown and the outfield walls on ballfields.

Wilson stated that the City has an agreement with the Chamber who does the advertising and takes the funding for advertising on ballfields walls.

Ms. DuBord stated that the City does sell advertising, which is different that naming rights, and has guidelines for that.

UNANIMOUS CONSENT: To not move forward with naming rights.

12. City Council

a. AGNC and NWCCOG Membership 2011.

Ms. DuBord asked if Council feels that it is worthwhile to maintain these memberships. She stated that by being a member the City makes services available to businesses at a reduced cost which is a small economic development tool.

UNANIMOUS CONSENT: To maintain these memberships.

Council Member Kounovsky:

1. Asked who to call in regards to moose in populated areas. It was noted to call the Division of Wildlife.

Council Member Reisman:

1. Attended a Lodging Committee meeting where they discussed decreasing seats on flights and the potential of losing Steamboat’s market share.
2. Met with Sandy Evans Hall to discuss the need to have more communication and relationships with organizers of sports tournaments in an effort to make the experience better. **DIRECTION:** Mr. Wilson to organize a future meeting with stakeholders.

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3. Spoke to the downtown shuttle bus stops and the fact that they are often located in the alley and are not lit. Discussion commenced on the shuttles sharing the stops with the City buses, which Mr. Shelton stated is problematic. Mr. Shelton noted that this was discussed by the Transportation Solutions group. They decided to try the shuttle stops, which have been successful and he noted that maybe it is time to make some improvements on the shuttle stops. **DIRECTION:** Mr. Shelton to bring this up at the next meeting.
4. Asked about the ticketing of cars that are left parked overnight. Mr. Shelton noted that there are eight hour parking lots that accommodate overnight parking.

City Council President Hermacinski:

1. Noted that Council had 33 meetings since November 2009 and only three Executive Sessions.

Council Member Myller:

1. Attended an Area Plan Coordinating Committee meeting where he thought they had a "breakthrough". They decided that City and County Planning Staffs will prepare a thorough, item by item, status book of the plan's "action plan". Through this process issues will surface that will merit debate and this may be a good process in lieu of a rewrite.
2. Attended a Chamber Board meeting where Mr. Bob Larson talked about TPAB.

13. Reports

a. Agenda Review:

- 1.) **City Council agenda for January 4, 2011.**
- 2.) **City Council retreat agenda for January 13, 2011.**
- 3.) **City Council agenda for January 18, 2011.**

Council reviewed the above agendas.

14. Staff Reports

a. City Attorney's Update/Report.

Mr. Lettunich had no report.

b. Manager's Report: Ongoing Projects.

Ms. DuBord had no report.

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ADJOURNMENT

MOTION: Council Member Myller moved and City Council President Pro-Tem Quinn seconded to adjourn Regular Meeting 2010-23 at approximately 8:01pm. The motion carried 6/0. Council Member Magill was absent.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS _____ DAY OF _____, 2010.