

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2011-03 TUESDAY, FEBRUARY 1, 2011

5:05P.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.**

Steamboat Springs Redevelopment Authority Meeting 5:00pm.

A. ROLL CALL (5:05pm)

B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. Update on winter dog park closures. (Wilson)

2. **Information regarding changes to the City's tax rules and regulations.** (Weber) (15 minutes)
 3. **CIP and Accommodations Tax Updates.** (Hinsvark)
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C. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

LEGISLATION

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

4. **MOTION:** To approve the contract between the City and Wendy DuBord to be Interim City Manager on the terms and conditions set forth in the agreement; and to further ratify and affirm all of Wendy DuBord's actions as Interim City Manager from January 3, 2011, the date Ms. DuBord assumed the duties of Interim City Manager; and to further authorize Wendy DuBord to appoint a current City employee to be the Interim Deputy City Manager to become acting City Manager when Ms. DuBord leaves the area. (Lettunich)
5. **MOTION:** Motion to approve a grant to Habitat for Humanity for \$75,000 from the Community Housing Fund to acquire property in Steamboat Springs and to develop a grant agreement with Habitat regarding use of the funds. (DelliQuadri)
6. **RESOLUTION:** A resolution approving the submittal of a grant application to Great Outdoors Colorado for the Howelsen Hill Snowmaking Project, expressing intent to provide matching funds and intent to provide annual maintenance of the proposed snowmaking. (DelliQuadri)
7. **RESOLUTION:** A resolution approving the submittal of a grant application to Great Outdoors Colorado for the Howelsen Hill Rodeo Facility Site Plan Project, expressing intent to provide matching funds. (DelliQuadri)
8. **FIRST READING OF ORDINANCE:** An ordinance amending sections of the City Sales & Use Tax Code to improve clarity and consistency, to capitalize defined terms, and to correct spelling or typographical errors. (Weber)

9. **FIRST READING OF ORDINANCE:** First Supplemental Budget Appropriation Ordinance of 2011. (Hinsvark)
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D. PUBLIC HEARING: ORDINANCE SECOND READINGS

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

10. **SECOND READING OF ORDINANCE:** An ordinance approving a Land Management Agreement between the City of Steamboat Springs and Howelsen Emerald Park, Inc., a Colorado non-profit corporation; authorizing execution of the agreement; providing for severability; and providing an effective date. (Lettunich)
11. **SECOND READING OF ORDINANCE:** 2010 Supplemental Budget Appropriation Ordinance to appropriate funds associated with the Series 2010 Certificates of Participation (COPs) which refunded the Series 2001 COPs. (Hinsvark)
-

- 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:

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.**

12. **Planning Commission Report.** (Lacy)
13. **FIRST READING OF ORDINANCE:** An ordinance rezoning property located in Casey's Pond Subdivision, parcels A and C; from RR-1 (Resort Residential One – Low Density) Zone District to MF-3 (Multi-Family Three – high density) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Peasley)
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PLANNING
PROJECTS

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.**

14. PROJECT: Sandefur Subdivision, Lot 1, Mid Valley Business Center, Lot 6 (Walgreens at City South)

PETITION: Appeal to City Council of denial by Planning Commission for preliminary plat subdivision for a two lot subdivision requesting variances to the required open space, sidewalks and trails.

LOCATION: Pine Grove Road at Highway 40.

APPLICANT: Brian Olson, P.O. Box 882597, Steamboat Springs, CO; 970-846-2614.

PLANNING COMMISSION VOTE: Denied 4-2 on January 27, 2011.

15. PROJECT: Sandefur Subdivision, Lot 1, Mid Valley Business Center, Lot 6 (Walgreens at City South)

PETITION: Appeal to City Council of denial by Planning Commission for development plan/final development plan and PUD for the construction of a 16,450 square foot retail building for a Walgreens. The applicant is requesting variances to the Commercial Over 12,000 Square Foot Design Standards, the Entry Corridor and Urban Design Standards, front setbacks and landscape requirements.

LOCATION: Pine Grove Road at Highway 40.

APPLICANT: Brian Olson, P.O. Box 882597, Steamboat Springs, CO; 970-846-2614.

PLANNING COMMISSION VOTE: Denied 4-2 on January 27, 2011.

H. REPORTS

16. Economic Development Update.

17. City Council

18. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for February 15, 2011.
 - 2.) City Council agenda for March 1, 2011.

19. Staff Reports

- a. City Attorney's Update/Report. (Lettunich)
 - b. Manager's Report: Ongoing Projects. (DuBord)
 - 1.) Council compensation.
-

I. OLD BUSINESS

20. Minutes (Franklin)

- a. Regular Meeting 2011-01, January 4, 2011.
 - b. Special Meeting SP-2011-01, January 13, 2011.
 - c. Regular Meeting 2011-02, January 18, 2011.
-

J. ADJOURNMENT

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

AGENDA ITEM # 1

CITY COUNCIL COMMUNICATION FORM

FROM: Chris Wilson, Parks, Open Space and Recreational Services Director
(Ext. 317)
Danielle M. Domson, Colorado Division of Wildlife District Wildlife
Manager Steamboat Springs South

THROUGH: Wendy DuBord, Acting City Manager (Ext. 219)

DATE: February 1, 2011

ITEM: Update on winter dog park closure at Rita Valentine Park

NEXT STEP: Direct staff on preferred direction based on this discussion

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

Investigate the closure of the off leash dog park at Rita Valentine Park for the balance of the winter.

II. RECOMMENDED ACTION:

A voluntary closure for the balance of the winter is being recommended.

III. FISCAL IMPACTS:

Proposed Expenditure: \$100.00 Signage and installation

Funding Source: Existing departmental budgets

IV. BACKGROUND INFORMATION:

A herd of elk, which recently moved out of the Anglers neighborhood, had been congregating at 1167 Anglers Drive foraging and seeking cover for approximately two

weeks. The Colorado Division of Wildlife feels that they may have been driven there by heavy snowfall and low temperatures at higher elevations. Wildlife interface issues are familiar to this neighborhood and others including moose sightings. This voluntary closure would reduce potential conflicts that might lead to deterioration of the elk's condition.

Parks, Open Space and Recreational Services staff have been monitoring the use of the Rita Valentine Off Leash Dog Park on an ongoing basis. Although user numbers are not high, they are consistent. During monitoring, only one moose sighting has been recorded as well as one sighting of the afore mentioned elk herd. As the off leash Dog Park, at Rita Valentine Park, has little in the way of cover and forage for elk and moose so these low numbers are understandable. While the Rita Valentine Park does not provide an abundance of cover during the winter months, it is valuable wildlife habitat due to its undeveloped state, food sources in this urban environment and its proximity to the Fish Creek drainage.

Recreational users have included runners, hikers along with dog owners and keepers. Generally they use the trail that transects the park from the parking lot on Anglers Drive to the neighborhoods across Hilltop Parkway and a loop trail that leaves the parking lot along the transect trail then returns to lot. No wildlife dog interactions have been reported in the off leash dog park.

V. LEGAL ISSUES:

City Ordinance No. 2343 allows for this voluntary closure.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

Multiple uses of the area will be impacted by a voluntary closure of the Off Leash Dog Park at Rita Valentine Park.

VII. SUMMARY AND ALTERNATIVES:

City Council may choose to:

1. Approve a voluntary closure for the balance of the winter.
2. Decide to not close for the balance of the winter.
3. Decide to defer and continue monitoring with a scheduled update.

ATTACHMENTS:

Attachment 1. Public Comment e-mails.

Anja Tribble

From: Anja Tribble
Sent: Monday, January 10, 2011 9:59 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: [City Council] Please close the dog park in Rita Valentine Park today, January 7, 2011

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

From: Anja Tribble
Sent: Monday, January 10, 2011 9:56 AM
To: 'judithctravis@yahoo.com'
Subject: RE: [City Council] Please close the dog park in Rita Valentine Park today, January 7, 2011

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

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

(970) 871-8225
atribble@steamboatsprings.net

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

From: webmaster@steamboatsprings.net [mailto:webmaster@steamboatsprings.net] On Behalf Of judithctravis@yahoo.com
Sent: Friday, January 07, 2011 3:21 PM
To: Anja Tribble
Subject: [City Council] Please close the dog park in Rita Valentine Park today, January 7, 2011

Judith Travis sent a message using the contact form at http://steamboatsprings.net/contact/City_Council.

You should have all the evidence, both photographic and written, of why you need to close RVP for use as a dog park. It is unconscionable that you are causing this large elk herd to suffer especially because this particular winter is so difficult for them anyway. Could you please move this to the top of your agenda? It is so easy to stop what you have started in RVP at least for the winter? Judith Travis

Previously e-mailed

Anja Tribble

From: Anja Tribble
Sent: Monday, January 10, 2011 10:04 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: [City Council] city council responsibility for damaged landscape on Anglers Dr.

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

From: Anja Tribble
Sent: Monday, January 10, 2011 10:04 AM
To: 'judithctravis@yahoo.com'
Subject: RE: [City Council] city council responsibility for damaged landscape on Anglers Dr.

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

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

(970) 871-8225
atribble@steamboatsprings.net

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

From: webmaster@steamboatsprings.net [mailto:webmaster@steamboatsprings.net] On Behalf Of judithctravis@yahoo.com
Sent: Saturday, January 08, 2011 1:18 PM
To: Anja Tribble
Subject: [City Council] city council responsibility for damaged landscape on Anglers Dr.

Judith Travis sent a message using the contact form at
http://steamboatsprings.net/contact/City_Council.

How much do you suppose you will be responsible for if this elk herd is not allowed to return to RVP?
With all the documentation you have received and the way you continue to ignore the issue, I would say all of it.
Judith Travis

Anja Tribble

From: Anja Tribble
Sent: Monday, January 10, 2011 10:09 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: Elk use of Rita Valentine Park vs. human/dog use

From: Anja Tribble
Sent: Monday, January 10, 2011 10:08 AM
To: 'judithctravis@yahoo.com'
Subject: RE: Elk use of Rita Valentine Park vs. human/dog use

Dear Judith
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: Judith Travis [mailto:judithctravis@yahoo.com]
Sent: Sunday, January 09, 2011 12:18 PM
To: Julie Franklin
Subject: Fw: Elk use of Rita Valentine Park vs. human/dog use

----- Forwarded Message -----

From: Judith Travis <judithctravis@yahoo.com>
To: KATE GMEINER <kate1801@msn.com>; Art Judson <art.judson@gmail.com>; jim.haskins@state.co.us; bentley.meg@gmail.com
Cc: cari hermacinski <tag1@frii.com>
Sent: Sat, January 8, 2011 1:20:06 PM
Subject: Re: Elk use of Rita Valentine Park vs. human/dog use

landscape costs on 1167 Anglers Dr.

city council:

How much do you suppose you will be responsible for if this elk herd is not allowed to return to RVP?

With all the documentation you have received and the way you continue to ignore the issue, I would say all of it.

Judith Travis

From: Judith Travis <judithctravis@yahoo.com>
To: KATE GMEINER <kate1801@msn.com>; Art Judson <art.judson@gmail.com>; jim.haskins@state.co.us; bentley.meg@gmail.com
Cc: cari hermacinski <tag1@frii.com>
Sent: Sat, January 8, 2011 1:03:56 PM
Subject: Re: Elk use of Rita Valentine Park vs. human/dog use

Enclosed a photo taken today, December 8, 2011 at 1167 Anglers Dr. This herd is at least 35 animals today.

Judith Travis

From: KATE GMEINER <kate1801@msn.com>
To: Art Judson <art.judson@gmail.com>; jim.haskins@state.co.us; bentley.meg@gmail.com; Judith Travis <judithctravis@yahoo.com>
Sent: Fri, January 7, 2011 2:39:26 PM
Subject: Elk use of Rita Valentine Park vs. human/dog use

We also viewed and photographed the elk yesterday between 3:15p-4:30p, just before you photographed, Art, and from a good distance. The one elk appeared to act as a sentry waiting for a quiet time to move to RVP yesterday. With the fresh snow, we guessed correctly and at approx. 9am this morning took pictures, with unfortunately very flat light, of evidence of the elk migration from Don Valentine's property across Anglers Drive to RVP and up the draw. There were multiple entry points into RVP along an estimate 200' of frontage along Anglers Drive. After photographing the tracks and some park users, we drove NW up Anglers along the draw and spotted two areas where the elk were moving this morning.

Paste this link in your browser to view the pictures: <http://www.facebook.com/album.php?aid=2100299&id=1260900593&l=d8525df4b5>

It seems unconscionable to leave RVP as an unfettered use area for dogs/humans with this large herd of elk needing this area. As Judith Travis has pointed out, having the large-animal activity in this area is unheard of, much less the numbers of the large animals. The snow pattern may contribute although records do show the switch from 70 degrees & dry conditions to opening Howelsen in 14 days, by Nov 2nd, has occurred in the past. There needs to be protection for the wildlife who have obviously limited choice at the moment for survival in comparison to humans/dogs with multitudes of areas to recreate and exercise.

Please act now to close RVP until this herd, and the moose, vacate the area. If it takes all winter, then so be it, and then re-evaluate this uncontrolled land use change depending on what occurs. The elk movement yesterday and pictures taken leave no doubt that the wildlife is dependent on RVP for protection and food.

Kate Gmeiner
1801 Anglers Drive
Steamboat Springs, CO

Date: Thu, 6 Jan 2011 18:00:04 -0700

Subject: Proximity report -- Elk herd and unleashed dogs on Rita Valentine Park
From: art.judson@gmail.com
To: jim.haskins@state.co.us; bentley.meg@gmail.com; kate1801@msn.com; art.judson@gmail.com;
judithctravis@yahoo.com

Jim et al,

At approximately 1650 hours January 6, 2011 I photographed an elk herd (see attached) just off Anglers drive (~25 yards) and roughly ESE of the junction of Anglers Ct and Anglers Drive. The elk are on property owned by Don Valentine. At the same time 3 cars were parked at the mail box entrance to Rita Valentine Park. People and two unleashed dogs were traveling near the cars in the Park. A bit earlier one person with a red parka was in the Park with his/her dog west of my residence at the same time the elk were bedded down off Anglers CT.

This note and picture documents the fact that unleashed dogs in Rita Valentine Park were in close proximity to ~ 40 elk in the neighborhood. There was no evidence that the dogs were harassing the elk but it is my opinion that the elk were alerted on the dogs judging from their behavior captured in my digital picture. I was quietly photographing he elk from about 70 yards distant.

There have been numerous sightings of elk and some moose in this area recently. The animals and dogs close together present the scenario for trouble. My neighbors have sent recent information and pictures of elk in the subdivision to City Council. I have further supporting documentation to be presented later.

Art Judson
1154 Anglers Drive
Steamboat Springs, CO
970-879-8440

Previously e-mailed

Anja Tribble

From: Anja Tribble
Sent: Monday, January 10, 2011 10:12 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: 1-9-11/elk exceedingly braver and more desperate



elk exceedingly
desperate - 1....



elk exceedingly
desperate - 2....



elk exceedingly
desperate - 3....

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

From: Anja Tribble
Sent: Monday, January 10, 2011 10:10 AM
To: 'judithctravis@yahoo.com'
Subject: RE: 1-9-11/elk exceedingly braver and more desperate

Dear Judith

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

Sincerely,

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

(970) 871-8225
atribble@steamboatsprings.net

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

From: Judith Travis [mailto:judithctravis@yahoo.com]
Sent: Sunday, January 09, 2011 12:19 PM
To: Julie Franklin
Subject: Fw: 1-9-11/elk exceedingly braver and more desperate

----- Forwarded Message -----

From: Judith Travis <judithctravis@yahoo.com>
To: art judson <art.judson@gmail.com>; kate gmeiner <katel801@msn.com>; Meg Bentley <bentley.meg@gmail.com>; jim.haskins@state.co.us
Cc: cari hermacinski <>tag1@frie.com>
Sent: Sun, January 9, 2011 12:12:59 PM
Subject: 1-9-11/elk exceedingly braver and more desperate

They are right outside my door now. It is 12:10pm. Judith Travis 1167
Anglers Dr.

Previously e-mailed



Previously e-mailed



Anja Tribble

From: Anja Tribble
Sent: Monday, January 10, 2011 10:24 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: Elk use of Rita Valentine Park vs. human/dog use

From: Anja Tribble
Sent: Monday, January 10, 2011 10:22 AM
To: Julie Franklin
Subject: RE: Elk use of Rita Valentine Park vs. human/dog use

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Sincerely,

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

(970) 871-8225
atribble@steamboatsprings.net

From: Judith Travis [<mailto:judithctravis@yahoo.com>]
Sent: Sunday, January 09, 2011 12:47 PM
To: art judson; kate gmeiner; Meg Bentley; jim.haskins@state.co.us; Julie Franklin
Subject: Fw: Elk use of Rita Valentine Park vs. human/dog use

----- Forwarded Message -----
From: Judith Travis <judithctravis@yahoo.com>
To: jfranklin@steamboatsprings.net
Sent: Sun, January 9, 2011 12:18:03 PM
Subject: Fw: Elk use of Rita Valentine Park vs. human/dog use

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From: Judith Travis <judithctravis@yahoo.com>
To: KATE GMEINER <kate1801@msn.com>; Art Judson <art.judson@gmail.com>; jim.haskins@state.co.us; bentley.meg@gmail.com
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To: KATE GMEINER <kate1801@msn.com>; Art Judson <art.judson@gmail.com>; jim.haskins@state.co.us; bentley.meg@gmail.com
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Enclosed a photo taken today, December 8, 2011 at 1167 Anglers Dr. This herd is at least 35 animals today.

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To: Art Judson <art.judson@gmail.com>; jim.haskins@state.co.us; bentley.meg@gmail.com; Judith Travis <judithctravis@yahoo.com>
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Kate Gmeiner
1801 Anglers Drive
Steamboat Springs, CO

1/27/2011

Date: Thu, 6 Jan 2011 18:00:04 -0700
Subject: Proximity report -- Elk herd and unleashed dogs on Rita Valentine Park
From: art.judson@gmail.com
To: jim.haskins@state.co.us; bentley.meg@gmail.com; kate1801@msn.com; art.judson@gmail.com; judithctravis@yahoo.com

Jim et al,

At approximately 1650 hours January 6, 2011 I photographed an elk herd (see attached) just off Anglers drive (~25 yards) and roughly ESE of the junction of Anglers Ct and Anglers Drive. The elk are on property owned by Don Valentine. At the same time 3 cars were parked at the mail box entrance to Rita Valentine Park. People and two unleashed dogs were traveling near the cars in the Park. A bit earlier one person with a red parka was in the Park with his/her dog west of my residence at the same time the elk were bedded down off Anglers CT.

This note and picture documents the fact that unleashed dogs in Rita Valentine Park were in close proximity to ~ 40 elk in the neighborhood. There was no evidence that the dogs were harassing the elk but it is my opinion that the elk were alerted on the dogs judging from their behavior captured in my digital picture. I was quietly photographing he elk from about 70 yards distant.

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Art Judson
1154 Anglers Drive
Steamboat Springs, CO
970-879-8440

Previously e-mailed



Previously e-mailed

Anja Tribble

From: Anja Tribble
Sent: Monday, January 10, 2011 10:29 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: herd at 1167 Anglers Dr. grows larger

From: Anja Tribble
Sent: Monday, January 10, 2011 10:27 AM
To: 'judithctravis@yahoo.com'
Subject: RE: herd at 1167 Anglers Dr. grows larger

Dear Judith
Thank you for your comment and picture. 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: Judith Travis [mailto:judithctravis@yahoo.com]
Sent: Sunday, January 09, 2011 2:01 PM
To: art judson; kate gmeiner; Meg Bentley; jim.haskins@state.co.us; Julie Franklin
Cc: mstensland@steamboatpilot.com
Subject: herd at 1167 Anglers Dr. grows larger

Let's all turn and gaze longingly at RVP where we used to winter.....

This is completely pathetic.

From: Judith Travis <judithctravis@yahoo.com>
To: art judson <art.judson@gmail.com>; kate gmeiner <kate1801@msn.com>; Meg Bentley <bentley.meg@gmail.com>; jim.haskins@state.co.us; jfranklin@steamboatsprings.net
Sent: Sun, January 9, 2011 12:46:35 PM
Subject: Fw: Elk use of Rita Valentine Park vs. human/dog use

----- Forwarded Message -----

From: Judith Travis <judithctravis@yahoo.com>
To: jfranklin@steamboatsprings.net
Sent: Sun, January 9, 2011 12:18:03 PM
Subject: Fw: Elk use of Rita Valentine Park vs. human/dog use

----- Forwarded Message -----

From: Judith Travis <judithctravis@yahoo.com>
To: KATE GMEINER <kate1801@msn.com>; Art Judson <art.judson@gmail.com>; jim.haskins@state.co.us; bentley.meg@gmail.com
Cc: cari hermacinski <tag1@frii.com>
Sent: Sat, January 8, 2011 1:20:06 PM
Subject: Re: Elk use of Rita Valentine Park vs. human/dog use

landscape costs on 1167 Anglers Dr.

city council:

How much do you suppose you will be responsible for if this elk herd is not allowed to return to RVP? With all the documentation you have received and the way you continue to ignore the issue, I would say all of it.

Judith Travis

From: Judith Travis <judithctravis@yahoo.com>
To: KATE GMEINER <kate1801@msn.com>; Art Judson <art.judson@gmail.com>; jim.haskins@state.co.us; bentley.meg@gmail.com
Cc: cari hermacinski <tag1@frii.com>
Sent: Sat, January 8, 2011 1:03:56 PM
Subject: Re: Elk use of Rita Valentine Park vs. human/dog use

Enclosed a photo taken today, December 8, 2011 at 1167 Anglers Dr. This herd is at least 35 animals today.

Judith Travis

From: KATE GMEINER <kate1801@msn.com>
To: Art Judson <art.judson@gmail.com>; jim.haskins@state.co.us; bentley.meg@gmail.com; Judith Travis <judithctravis@yahoo.com>
Sent: Fri, January 7, 2011 2:39:26 PM
Subject: Elk use of Rita Valentine Park vs. human/dog use

We also viewed and photographed the elk yesterday between 3:15p-4:30p, just before you photographed, Art, and from a good distance. The one elk appeared to act as a sentry waiting for a quiet time to move to RVP yesterday. With the fresh snow, we guessed correctly and at approx. 9am this morning took pictures, with unfortunately very flat light, of evidence of the elk migration from Don Valentine's property across Anglers Drive to RVP and up the draw. There were multiple entry points into RVP along an estimate 200' of frontage along Anglers Drive. After photographing the tracks and some park users, we drove NW up Anglers along the draw and spotted two areas where the elk were moving this morning.

Paste this link in your browser to view the pictures: <http://www.facebook.com/album.php?aid=2100299&id=1260900593&l=d8525df4b5>

It seems unconscionable to leave RVP as an unfettered use area for dogs/humans with this large herd of elk needing this area. As Judith Travis has pointed out, having the large-animal activity in this area is

1/27/2011

unheard of, much less the numbers of the large animals. The snow pattern may contribute although records do show the switch from 70 degrees & dry conditions to opening Howelsen in 14 days, by Nov 2nd, has occurred in the past. There needs to be protection for the wildlife who have obviously limited choice at the moment for survival in comparison to humans/dogs with multitudes of areas to recreate and exercise.

Please act now to close RVP until this herd, and the moose, vacate the area. If it takes all winter, then so be it, and then re-evaluate this uncontrolled land use change depending on what occurs. The elk movement yesterday and pictures taken leave no doubt that the wildlife is dependent on RVP for protection and food.

Kate Gmeiner
1801 Anglers Drive
Steamboat Springs, CO

Date: Thu, 6 Jan 2011 18:00:04 -0700
Subject: Proximity report -- Elk herd and unleashed dogs on Rita Valentine Park
From: art.judson@gmail.com
To: jim.haskins@state.co.us; bentley.meg@gmail.com; kate1801@msn.com; art.judson@gmail.com; judithctravis@yahoo.com

Jim et al,

At approximately 1650 hours January 6, 2011 I photographed an elk herd (see attached) just off Anglers drive (~25 yards) and roughly ESE of the junction of Anglers Ct and Anglers Drive. The elk are on property owned by Don Valentine. At the same time 3 cars were parked at the mail box entrance to Rita Valentine Park. People and two unleashed dogs were traveling near the cars in the Park. A bit earlier one person with a red parka was in the Park with his/her dog west of my residence at the same time the elk were bedded down off Anglers CT.

This note and picture documents the fact that unleashed dogs in Rita Valentine Park were in close proximity to ~ 40 elk in the neighborhood. There was no evidence that the dogs were harassing the elk but it is my opinion that the elk were alerted on the dogs judging from their behavior captured in my digital picture. I was quietly photographing he elk from about 70 yards distant.

There have been numerous sightings of elk and some moose in this area recently. The animals and dogs close together present the scenario for trouble. My neighbors have sent recent information and pictures of elk in the subdivision to City Council. I have further supporting documentation to be presented later.

Art Judson
1154 Anglers Drive
Steamboat Springs, CO
970-879-8440

Previously e-mailed



Previously e-mailed

Anja Tribble

From: Anja Tribble
Sent: Monday, January 10, 2011 10:31 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: 1-10-11

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

From: Anja Tribble
Sent: Monday, January 10, 2011 10:30 AM
To: 'judithctravis@yahoo.com'
Subject: RE: 1-10-11

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

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

(970) 871-8225
atribble@steamboatsprings.net

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

From: Judith Travis [mailto:judithctravis@yahoo.com]
Sent: Monday, January 10, 2011 8:06 AM
To: Julie Franklin
Subject: 1-10-11

Julie:

The elk herd in my yard this morning is astoundingly large and hungry. I have mature landscape, very old trees, that I may or may not be able to restore this spring and summer because of the damage they are causing.

I am pleading with the city to restore the open space called Rita Valentine Park, which according to the DOW is elk wintering grounds and has been usurped by dogs running loose and chasing the elk across the road into my yard. To my understanding, dog parks are not designed for dogs to run loose eliminating usage by humans and wildlife. They are supposed to be fenced or otherwise contained. This is a residential neighborhood in the middle of which city council is causing havoc with the results of dogs running loose. It's too early in the morning to deal with the fecal matter that will be left come spring.

In crossing Anglers Drive the elk also pose a danger to automobile and pedestrian traffic.

I am urging at least a temporary emergency closure to see if the elk will return to RVP and not cause any more damage at 1167 Anglers Dr.

Thank you, Judith Travis

From: Julie Franklin
Sent: Monday, January 10, 2011 12:29 PM
To: Anja Tribble
Subject: FW: Elk Herd Damage

From: RICHARD TONNESON [mailto:tonnesonr@msn.com]
Sent: Monday, January 10, 2011 12:09 PM
To: City Council
Cc: jimhaskins@state.co.us; bentley.meg@gmail.com
Subject: Elk Herd Damage

We have recently returned from vacation to our home at 2156 Anglers Drive. It is clear that elk have been living in our yard periodically and have come back several nights since our return. The fouling of the yard and damage to our landscaping, trees and natural areas is hard to evaluate due to the snow that has fallen since our return but the damage obviously will be substantial if they continue to use our yard as habitat. We understand that there is persuasive evidence that the incursion of these elk into a residential area is due partially or entirely to the Council's decision to allow dogs to run free in Rita Valentine Park, resulting in the elk seeking less threatening ground. We also understand that the DOW recommended against this decision by the Council since the Park has been a wintering grounds for the elk and warned of the unintended consequences we are now experiencing that are harmful to both the elk and the neighborhood.

We understand that this matter has been brought to the attention of the City Council by some of our neighbors but no action has been taken. We urge the Council to take emergency measures to close the Park to dogs and take other appropriate measures recommended by the DOW, if any, to encourage the elk to return to their natural wintering grounds.

In the Spring the Council may want to revisit their decision to sacrifice natural space and cause property damage to neighborhoods in the interests of a few dog owners.

Sincerely,

Richard and Judie Tonneson

Previously e-mailed

Anja Tribble

From: Anja Tribble
Sent: Tuesday, January 11, 2011 9:12 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: elk herd 1/10/11



l1 elk herd at 1167
Anglers D...

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

From: Anja Tribble
Sent: Tuesday, January 11, 2011 9:10 AM
To: 'judithctravis@yahoo.com'
Subject: RE: elk herd 1/10/11

Dear Judith

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

Sincerely,

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

(970) 871-8225
atribble@steamboatsprings.net

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

From: Judith Travis [mailto:judithctravis@yahoo.com]
Sent: Monday, January 10, 2011 4:33 PM
To: Julie Franklin
Subject: elk herd 1/10/11

The herd has not gotten up to eat the trees all day. They must be weakening.
Judith Travis

Previously e-mailed



Previously e-mailed

Anja Tribble

From: Anja Tribble
Sent: Tuesday, January 11, 2011 9:26 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: Unleashed Dogs on Rita Valentine Park Forcing Wildlife Out Of Park And Into Anglers Drive Neighborhoods

From: Anja Tribble
Sent: Tuesday, January 11, 2011 9:21 AM
To: 'art.judson@gmail.com'
Subject: RE: Unleashed Dogs on Rita Valentine Park Forcing Wildlife Out Of Park And Into Anglers Drive Neighborhoods

Dear Art

Thank you for your comment and pictures. 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: Art Judson [<mailto:art.judson@gmail.com>]
Sent: Monday, January 10, 2011 4:46 PM
To: Julie Franklin; buddy king; Paul Stettner; judyrichtremaine@msn.com; Judith Travis; KATE GMEINER; RICHARD TONNESON; GARRETTSON DULIN JR; georgehresko@hotmail.com; lucast@ticus.com; Gerry Roberts; Jean Stratton; mildred judson; art.judson@gmail.com; dmmcirvin@aol.com; Mary Darcy
Subject: Unleashed Dogs on Rita Valentine Park Forcing Wildlife Out Of Park And Into Anglers Drive Neighborhoods

To: Julie Franklin
For: City Council and the Management Team

Julie,

Please forward the attached note and pics to City Council and the Management Team.

The indiscriminate spread of unleashed dog parks across Steamboat Springs is adversely affecting wildlife and forcing them into our neighborhoods. The Fish Creek Meadows Elk herd is an example we can learn from. We ask City Council for reasoned decisions based on D.O.W. testimony -- let science be your guide. Please revisit your decision to make all of Rita Valentine Park home to unleashed dogs where the only enforcement is closure. Elk fear wolves; our wolves come in the form of unleashed dogs. The herd avoids this Park, day and night. It stays on our properties which makes

good viewing with unintended
consequences.

We have many pictures; please look at three (upper Anglers Drive; last pic shows tracks in Judson trees
1154 Anglers).

Sincerely,

Art Judson, 1154 Anglers Drive, Steamboat Springs, CO

Previously e-mailed



Previously e-mailed

Previously e-mailed



Previously e-mailed

Anja Tribble

From: Anja Tribble
Sent: Tuesday, January 11, 2011 9:33 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Management Team; Craig Robinson
Subject: FW: Anglers Drive Elk Herd damaging trees at 1154 Anglers Drive late afternoon Monday January 10, 2011

From: Anja Tribble
Sent: Tuesday, January 11, 2011 9:31 AM
To: 'art.judson@gmail.com'
Subject: RE: Anglers Drive Elk Herd damaging trees at 1154 Anglers Drive late afternoon Monday January 10, 2011

Dear Art

Thank you for your e-mail. It has been forwarded to City Council and the Management Team, like the previous one from 1/10/11.

Sincerely,

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

(970) 871-8225
atribble@steamboatsprings.net

From: Julie Franklin
Sent: Tuesday, January 11, 2011 8:26 AM
To: Anja Tribble
Subject: FW: Anglers Drive Elk Herd damaging trees at 1154 Anglers Drive late afternoon Monday January 10, 2011

From: Art Judson [<mailto:art.judson@gmail.com>]
Sent: Tuesday, January 11, 2011 4:18 AM
To: Julie Franklin; KATE GMEINER; RICHARD TONNESON; Judith Travis; Meg Bentley; jim.haskins@state.co.us
Subject: Anglers Drive Elk Herd damaging trees at 1154 Anglers Drive late afternoon Monday January 10, 2011

Julie,

Please send this email to City Council and the management team. In the attached picture the herd is beginning to graze on Judson's Ponderosa Pine trees. They soon moved into his Lodgepole Pine stand eating their way through it. The herd consists primarily of females with a few young males with small racks. Both lateral and terminal growth on seedlings were trimmed. About a week earlier a group of these elk moved within 20 inches of our sliding downstairs west bedroom doors, while we stood next to

1/27/2011

the glass.

This email belongs with a previous one dated January 10, 2011 where three additional pictures were attached.

Art Judson
1154 Anglers Drive
Steamboat Springs, CO 80487

Previously e-mailed



Previously e-mailed

Previously e-mailed

Anja Tribble

From: Anja Tribble
Sent: Wednesday, January 12, 2011 8:53 AM
To: 'Bart Kounovsky'; 'Cari Hermacinski'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: 1167 Anglers Dr./large elk herd/January 12, 2011

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

From: Anja Tribble
Sent: Wednesday, January 12, 2011 8:52 AM
To: 'judithctravis@yahoo.com'
Subject: RE: 1167 Anglers Dr./large elk herd/January 12, 2011

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

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

(970) 871-8225
atribble@steamboatsprings.net

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

From: Judith Travis [mailto:judithctravis@yahoo.com]
Sent: Wednesday, January 12, 2011 8:15 AM
To: art judson; kate gmeiner; Meg Bentley; jim.haskins@state.co.us; tonnesonr@msn.com; Chris Wilson; Julie Franklin
Subject: 1167 Anglers Dr./large elk herd/January 12, 2011

Julie:

The elk are in my yard today as usual destroying my private property. Chris Wilson visited the extensive damage yesterday. I understand there is no immediate action or relief in sight .

Please forward this to the city council.

Thank you, Judith Travis

Anja Tribble

From: Wendy DuBord
Sent: Wednesday, January 12, 2011 9:53 AM
To: Anja Tribble; Bart Kounovsky; Cari Hermacinski; Jon Quinn; Kenny Reisman; Meg Bentley2; Scott Myller; Walter Magill2; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin; Chris Wilson; jim.haskins@state.co.us
Subject: RE: 1167 Anglers Dr./large elk herd/January 12, 2011

Dear City Council:

Jim Haskins, Regional DOW officer has been in contact with Judith Travis. Wild game damage and wildlife issues are DOW jurisdiction. Chris Wilson and I talked with Jim yesterday. The DOW is trying to decide what actions to take. Moving the elk may not be practical and may stress the herd more, feeding them is an option; however, they do not generally feed elk in Routt County.

The DOW will develop some kind of plan and they are coordinating with Parks & Rec. This is not an area that the City can control or has jurisdiction; however, we are certainly open to your comments and suggestions.

I believe Jim indicated that the dog park issue is not as relevant to the situation as the extremely cold temperatures and depth of snow so early in the season.

Wendy DuBord
Deputy City Manager
City of Steamboat Springs
PO Box 775088
Steamboat Springs, CO 80477
970-871-8219

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

From: Anja Tribble
Sent: Wednesday, January 12, 2011 8:53 AM
To: Bart Kounovsky; Cari Hermacinski; Jon Quinn; Kenny Reisman; Meg Bentley2; Scott Myller; Walter Magill2; Wendy DuBord; Tony Lettunich; Chris Wilson; Craig Robinson
Cc: Julie Franklin
Subject: FW: 1167 Anglers Dr./large elk herd/January 12, 2011

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

From: Anja Tribble
Sent: Wednesday, January 12, 2011 8:52 AM
To: 'judithctravis@yahoo.com'
Subject: RE: 1167 Anglers Dr./large elk herd/January 12, 2011

Dear Judith

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

Sincerely,

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

(970) 871-8225
atribble@steamboatsprings.net

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

From: Judith Travis [mailto:judithctravis@yahoo.com]

Previously e-mailed

Sent: Wednesday, January 12, 2011 8:15 AM

To: art judson; kate gmeiner; Meg Bentley; jim.haskins@state.co.us; tonnesonr@msn.com; Chris Wilson; Julie Franklin

Subject: 1167 Anglers Dr./large elk herd/January 12, 2011

Julie:

The elk are in my yard today as usual destroying my private property. Chris Wilson visited the extensive damage yesterday. I understand there is no immediate action or relief in sight .

Please forward this to the city council.

Thank you, Judith Travis

AGENDA ITEM # 2

CITY COUNCIL COMMUNICATION FORM

FROM: Kim Weber, Manager of Budget and Tax (Ext. 250)

THROUGH: Deb Hinsvark, Director of Financial Services (Ext. 240)
Wendy DuBord, Acting City Manager (Ext. 219)

DATE: February 1, 2011

RE: Information to the City Council regarding updates to the Regulations in the City of Steamboat Springs Sales & Use Tax Code, which are being implemented for improved understanding and clarity of our Sales & Use Tax Code.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. **REQUEST OR ISSUE:**

The purpose of this communication form is to inform City Council that the City Finance Department is amending certain Regulations in the City of Steamboat Springs Sales and Use Tax Code. These amendments include changes to improve clarity and consistency, to address contemporary taxation issues, to remove outdated terminology, to capitalize words used throughout the document that are formally defined in the Code, and to correct spelling or typographical errors.

II. **RECOMMENDED ACTION:**

No action is necessary.

III. **FISCAL IMPACTS:**

None.

IV. **BACKGROUND INFORMATION:**

The City of Steamboat Springs Sales and Use Tax Code was originally adopted in 1973. The City of Steamboat Springs Finance Department suggests that taxpayers will benefit from revised regulations that address current issues, and that have clear and consistent language.

V. **LEGAL ISSUES:**

None – these changes will not extend or reduce Tax Code authority or alter the intent of any statute; they are simply changes to correct, clarify, and condense portions of the existing administrative regulations. All changes have been reviewed and approved by the City of Steamboat Springs Staff Attorney. Section 22-102 of the Revised Municipal Code authorizes the City Treasurer, with the approval of the City Manager, to adopt rules and regulations for the administration of the Tax Code.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:**

None.

VII. **SUMMARY AND ALTERNATIVES:**

The City of Steamboat Springs Finance Department intends to update the Regulations in the City of Steamboat Springs Sales and Use Tax Code.

AGENDA ITEM # 3

CIP and Accommodations Tax
Updates.

This item will be distributed under
separate cover.

AGENDA ITEM # 4

CITY COUNCIL COMMUNICATION FORM

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

THROUGH: Wendy DuBord, Interim City Manager (Ext. 228)

DATE: Tuesday, February 1, 2011

RE: Motion: To approve a contract between the City and Wendy DuBord appointing Ms. DuBord as Interim City Manager. (Lettunich)

NEXT STEP: Pass the Motion and have the parties execute the Agreement

Information
 Motion

I. PURPOSE FOR AGENDA ITEM:

To pass a motion approving the attached contract appointing Wendy DuBord as Interim City Manager while Jon Roberts recovers from his injuries.

II. FISCAL IMPACTS:

The Agreement provides an increase in salary for Wendy DuBord pending the return of the existing City Manager, Jon Roberts, who is on extended leave recovering from serious injuries.

III. ADDITIONAL INFORMATION:

The contract appoints Wendy DuBord to be the Interim City Manager until (a) Jon Roberts returns, or (b) until June 30, 2011, whichever first occurs. Ms. DuBord has served as Interim City Manager on two prior occasions and has agreed to assume the duties of Interim City Manager. She will be compensated at Jon Roberts' salary level pending his return.

IV. NEXT STEP:

Motion:

To approve the contract between the City and Wendy DuBord to be Interim City Manager on the terms and conditions set forth in the agreement; and to further ratify and affirm all of Wendy DuBord's actions as Interim City Manager from January 3, 2011, the date Ms. DuBord assumed the duties of Interim City Manager; and to further authorize Wendy DuBord to appoint a current City employee to be the Interim Deputy City Manager to become acting City Manager when Ms. DuBord leaves the area.

ATTACHMENTS:

Attachment 1. Interim City Manager - Agreement For Professional Services.

End of Communication Form

**Interim City Manager
Agreement For Professional Services**

This Agreement is made and entered into as of February____, 2011 by and between the City of Steamboat Springs, State of Colorado, a municipal corporation, (hereinafter "City"), and Wendy DuBord, (hereinafter) Ms. DuBord.

WHEREAS, City Manager Jon Roberts is recovering from a serious accident and is currently unable to resume his duties; and

WHEREAS, during Mr. Roberts' recovery period the City desires to employ the services of Ms. DuBord, previously, the Deputy City Manager, as the Interim City Manager of the City of Steamboat Springs, as provided for by the Steamboat Springs Home Rule Charter and Municipal Code; and

WHEREAS, it is the desire of the parties to establish certain conditions of employment and to set working conditions of Ms. DuBord; and

WHEREAS, it is the intention of the parties to fully comply with the provisions of the Home Rule Charter and Municipal Code; and

WHEREAS, Ms. DuBord is agreeable to assuming the duties of City Manager during Mr. Roberts recover;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

Section 1. Duties

City hereby employs Ms. DuBord as Interim City Manager of the City and Ms. DuBord accepts the employment and agrees to perform the functions and duties of the City Manager as specified in the Home Rule Charter and the Municipal Code, and to perform other legally permissible and proper duties and function as the City Council shall from time to time assign.

Section 2. Term

A. This agreement shall be effective as of January 3, 2011 and shall be in full force and effect until (a) Jon Roberts is able to resume his duties as City Manager, or (b) June 30, 2011, whichever shall first occur.

B. Pursuant to Section 4.1 of the Home Rule Charter, the parties acknowledge and agree that the City Manager serves at the pleasure of the City Council, that there exists no contract for or right to employment, either expressed or implied, with the sole exception of the provisions contained herein, and that the City Council may terminate

the employment of Ms. DuBord with or without cause at any time without notice, and without the necessity of paying any severance.

C. Ms. DuBord may terminate the employment with or without cause with a minimum of 30 days notice.

Section 3. Salary

City agrees to pay Ms. DuBord for her services at the rate currently being paid to Jon Roberts and hereby authorizes the Finance Director to execute the appropriate Personnel Action Form (PAF) to put the pay raise into effect as of January 3, 2011.

Section 5. Benefits

The provisions of the City Charter, Municipal Code, and the Personnel and Administrative Regulations Manual of the City ("PARM") shall continue to apply to Ms. DuBord, including, without limitation, all provisions relating to Paid Time Off ("PTO"), retirement system benefits and contributions, group health and life insurance benefits and contributions, holidays and other fringe benefits and working conditions as the same may now exist or may hereafter be amended. Any benefits paid to Ms. DuBord in her capacity as Deputy City Manager, including, without limitation, car allowance, shall continue to be paid to Ms. DuBord in the same amount.

Section 6. General Provisions

A. The text herein and attachments hereto shall constitute the entire Agreement between the parties.

B. If any provisions, or any portion thereof, contained in the Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, The City of Steamboat Springs, State of Colorado, has caused this Agreement to be signed and executed in its behalf by its Council President or President Pro-Tem and duly attested by its City Clerk, and Ms. DuBord has signed and executed this Agreement, both in duplicate, the day and year set forth in the notary acknowledgement.

FOR THE CITY:

Cari Hermacinski, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, City Clerk

Wendy DuBord

STATE OF COLORADO)
)ss.
COUNTY OF ROUTT)

The foregoing instrument was subscribed to and acknowledged before me by Cari Hermacinski, City Council President, and attested to by Julie Franklin, City Clerk, for the City of Steamboat Springs, Colorado, on the ____ day of _____, 2011.

WITNESS my hand and official seal.

Notary Public
My commission expires:_____

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was subscribed to and acknowledged before me by Wendy DuBord on the ____ day of _____, 2011.

WITNESS my hand and official seal.

Notary Public
My commission expires: _____

AGENDA ITEM # 5

CITY COUNCIL COMMUNICATION FORM

FROM: Winnie DelliQuadri, Grants Analyst (Ext. 157)
Chris Wilson, Director, Parks, Open Space, and Recreation Svcs (x317)
Philo Shelton, Director, Public Works (x204)
Tyler Gibbs, Director, Planning and Community Development (x244)

THROUGH: Wendy B. DuBord, Interim City Manager (Ext. 219)

DATE: February 1, 2011

RE: Habitat for Humanity request for \$75,000 grant from the Community Housing Fund to acquire property in Steamboat Springs.

NEXT STEP: MOTION: To approve a grant to Habitat for Humanity for \$75,000 from the Community Housing Fund to acquire property in Steamboat Springs and to develop a grant agreement with Habitat regarding use of the funds.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

Habitat for Humanity Board members and staff have had extensive conversations with City staff over the past five months regarding their interest in securing funding from the City from the Community Housing Fund to purchase land in Steamboat Springs on which to construct a duplex home for two local low income families. The target property comprises approximately 1.89 acres, including a ½ acre building site, as well as wetlands and some US Highway 40 frontage. Habitat for Humanity is interested in the buildable portion of the property and will commit to constructing a duplex in 2012. Philo Shelton, Public Works Director, has indicated his interest in the wetlands portion of the property for future wetlands mitigation in conjunction with future work on Highway 40. Chris Wilson, Parks, Open Space, and Recreation Director, has expressed his interest in the portion of the property that fronts Highway 40 as this would enable the City to provide a future Core Trail connection in this area. Habitat for Humanity proposes to buy this entire parcel with City support, and to deed to the City all of the parcel less the 1/4 acre building site that fronts Honeysuckle.

II. RECOMMENDED ACTION:

Given the benefit of the project, staff recommends that Council approve the Motion.

Motion: To approve a grant to Habitat for Humanity for \$75,000 from the Community Housing Fund to acquire property in Steamboat Springs and to develop a grant agreement with Habitat regarding use of the funds.

III. FISCAL IMPACTS:

Proposed Revenues:

City funding:	\$ 75,000	*Community Housing Fund Grant
Habitat Match	<u>75,000</u>	*Habitat funds
Total Revenue	\$150,000	

Proposed Expenditure:

Land Acquisition	\$130,000
Due diligence/closing costs	5,000
Initial design work	<u>15,000</u>
Total Expense	\$150,000

* As per Deb Hinsvark, Finance Director, the City has received linkage funds into the Community Housing Fund of \$368,539 and spent \$197,419 for Funding Partners loans and loans and operating costs at YVHA. This leaves \$171,120 available and unrestricted.

IV. BACKGROUND INFORMATION:

The local affiliate of Habitat International has completed 8 home builds over the past 11 years. This proposed project would result in a duplex that would serve two low-income working families who could not become homeowners by any other means. Typically Habitat families have 3-to-5 adults and children and have household incomes ranging from \$35,000-\$48,000 (based on area median incomes of 50% or less based on family size). The family must complete 350 hours of sweat equity with Habitat, and participate in an equity-share (50/50) with a maximum of 4% appreciation a year over life of a mortgage for up to 38 years. Habitat maintains first right to purchase the home during the life of the loan so that it can be resold to another low-income family.

Habitat's financial guidelines require that land purchase price cannot exceed \$40,000/unit land cost or else our homes become unaffordable to the families we serve. With the City's support, Habitat would be able to buy and build again in Steamboat in 2012 - without it, they would either lose this parcel, or would not be able to raise the funds to build on it for 3 years at a minimum.

Habitat has provided an appraisal for the property from Gil Ramierez, as well as a soils report from NWCC stating that the 1/4-acre parcel is buildable with a pier system and stating that the appropriate US Army Corp of Engineers permits are in place for the fill project.

V. LEGAL ISSUES:

City staff propose to develop a grant contract with Habitat regarding use of the funds. The grant contract would require that the property be acquired by the end of the year, that design work be initiated and design funds encumbered by the end of the year, that the wetlands and trail corridor be conveyed to the City by the end of the year, and that the proposed duplex be constructed and occupied within a five year period.

City staff have spoken with Habitat staff and board members and they are in agreement with these terms. Habitat initially proposed that it convey the wetlands mitigation and trail corridor portions of the property to the City. The City's Planning Department is still in the process of determining the exact mechanism that would best suit this transaction. As with all residential development, Habitat will be required to go through the regular building permit process for construction of the proposed duplex.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None at this time.

VII. SUMMARY AND ALTERNATIVES:

City staff are supportive of Habitat for Humanity's request for \$80,000 from the Community Housing Fund for acquisition of a duplex lot in the Riverside neighborhood.

City Council may choose to:

- approve the request for funding.
- deny the request for funding.
- defer the request to a future date.

ATTACHMENTS:

Attachment 1. Habitat letter requesting \$75,000 in funding



January 11, 2011

Steamboat Springs City Council
PO Box 775088
Steamboat Springs, CO 80477

RE: Request for \$75,000 from the Community Housing Fund

Dear City Council Members,

Routt County Habitat for Humanity respectfully requests a grant of \$75,000 from the Community Housing Fund to purchase a parcel of land at 2750 Honeysuckle Lane in the Riverside neighborhood. The property is zoned for a duplex and funding from the City to acquire the land and begin design work would enable Habitat to construct a duplex on the property in 2012.

This property offers the potential for a unique partnership with the City that would accomplish City goals while also furthering our organization's mission to create housing for low income families.

Habitat for Humanity Board members and staff have had extensive conversations with City staff over the past five months regarding this request and proposed project. The target property comprises approximately 1.89 acres, including a .25-acre building site, as well as wetlands and some US Highway 40 frontage. Habitat for Humanity is interested in the buildable portion of the property and will commit to constructing a duplex beginning next summer. Philo Shelton, Public Works Director, has indicated his interest in the wetlands portion of the property for future wetlands mitigation in conjunction with future work on Highway 40. Chris Wilson, Parks, Open Space, and Recreation Director, has expressed his interest in the portion of the property that fronts Highway 40 as this would enable the City to provide a future Core Trail connection in this area.

Habitat for Humanity proposes to buy this entire parcel with City support, and to convey/deed to the City all of the parcel less the ¼-acre building site that fronts Honeysuckle. City funding of \$75,000 would be matched with \$55,000 from Habitat. Funds would be utilized to purchase the property at appraised value (\$130,000), complete all closing costs, and begin initial design work for the proposed duplex on the property.

With the City's generous support, Habitat would be able to buy and build again in Steamboat in 2012 - without it, we would either lose this parcel, or would not be able to raise the funds to purchase and build on it for 3 years at a minimum. As with all our home builds (8 over the last 11 years), our local affiliate of Habitat International, plans to serve two low-income working families who could not become homeowners by any other means. Typically they are families of 3-to-5 (adults and children) and have household incomes ranging from \$35,000-\$48,000 (based on area median incomes of 50% or less based on family size). They must complete 350 hours of sweat equity with Habitat, and participate in an equity-share (50/50) with a maximum of 4% appreciation a year over life of a mortgage for up to 38 years. Our affiliate maintains first right to purchase the home during the life of the loan so that it can be resold to another low-income family.

The foreclosure crisis has created the mistaken impression that there is no longer an affordable housing problem for our area's lowest income residents. To be sure, there are deals for 1 and 2-bedroom condos in Steamboat and outlying communities, but those simply do not accommodate a family of any size. While in larger metro areas of Colorado Habitat affiliates have been able to pick up properties and older houses at great prices, the same is not true in Steamboat Springs. Land prices in Steamboat Springs are still entirely outside our ability to buy independent of community support. Habitat guidelines state that we should not charge a family mortgage, insurance and tax payments in excess of 30% of their net take home pay. Consider what that low Habitat mortgage payment means in terms of increasing a family's buying power for other necessities like food, health insurance and child care.

Attached please find the appraisal from Gil Ramierez, as well as a soils report from NWCC stating that the 1/4-acre parcel is "buildable" with a pier system and stating that the appropriate US Army Corp of Engineers permits are in place for the fill project. We are happy to answer any questions you might have on this project.

Sincerely,



Jody Patten

Executive Director

Bud Romberg
Board Vice President

P.O. Box 772012
718 Oak Street
Steamboat Springs, CO 80477
(970) 871-6101

Board of Directors: Ken Otterman, president; Bud Romberg, vice president; Kathi Meyer, treasurer; Jill Brabec, Dan Ellison, Lee Findell, David Freseman, Marissa Jaime, Holly Rogers and Bain White.

AGENDA ITEM # 6

CITY COUNCIL COMMUNICATION FORM

FROM: Winnie DelliQuadri, Grants Analyst (Ext. 157)
Chris Wilson, Director, Parks, Open Space, and Recreation Svcs (x317)

THROUGH: Wendy B. DuBord, Interim City Manager (Ext. 219)

DATE: February 1, 2011

RE: A RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO GREAT OUTDOORS COLORADO FOR THE HOWELSEN HILL SNOWMAKING PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS AND INTENT TO PROVIDE ANNUAL MAINTENANCE OF THE PROPOSED SNOWMAKING.

NEXT STEP: If approved, grant application will be submitted to GOCO.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

The City of Steamboat Springs has the opportunity to apply for Great Outdoors Colorado (GOCO) Local Government grant funds to support the expansion of snowmaking capacity at Howelsen Hill. The proposed snowmaking project is a part of the Howelsen Hill Centennial Campaign. GOCO requires a City Council resolution as a part of its application process.

II. RECOMMENDED ACTION:

Given the benefit of the project, staff recommends that Council approve the resolution.

Motion: APPROVE A RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO GREAT OUTDOORS COLORADO FOR THE HOWELSEN HILL SNOWMAKING PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS AND INTENT TO PROVIDE ANNUAL MAINTENANCE OF THE PROPOSED SNOWMAKING.

III. FISCAL IMPACTS:

Proposed Revenues:

Grant Request:	\$200,000
City Match	<u>\$ 86,000</u> *private funds & city 2011 match
Total Revenue	\$286,000

Proposed Expenditure:

Snowmaking	\$286,000
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IV. BACKGROUND INFORMATION:

This project will utilize GOCO grant dollars to purchase and install new snowmaking pumps and guns at Howelsen Hill. At present, snowmaking capacity is constrained by the gravity fed inflow of water into the snowmaking pumphouse. This project would increase water capacity by adding pumps and snowmaking guns to the existing system. Operationally, snowmaking activities will occur more intensely over a shorter period of time, with the end result being that portions of the hill open earlier than what is experienced with the current system.

The project is a part of the Howelsen Hill Centennial Campaign. It is anticipated that matching funds will be provided through private contributions, and approximately half of the match is currently in place. City staff anticipate additional private dollars being donated to cover the remaining match portion, however if private contributions fall short, the gap in matching funds would come from the City's 2011 Capital Improvement budget for grant match.

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

Howelsen Hill is currently listed as an Historic District on the City of Steamboat Springs Register of Historic Places, the Routt County Register of Historic Properties and the Colorado Register of Historic Places. Designation at the County level is honorary and conveys no specific benefits other than eligibility.

V. LEGAL ISSUES:

The Division of Intergovernmental Services works closely with Legal Services on issues associated with grant funded projects. We anticipate review by Planning Commission, Historic Preservation Commission, City Council, the Colorado Historical Society and the State Historical Fund. Because the City is requesting State

funds, there is a process of review for projects that alter a Colorado Historic Register listed site. If the proposals are not approved by any of the above entities, options to the City include:

- Amending the plan to get approval
- Returning grant money to the funding source
- De-listing the property at the State level - It should still be possible to seek individual historic designation of historically intact buildings at Howelsen Hill.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None at this time.

VII. SUMMARY AND ALTERNATIVES:

City Council may choose to:

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

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO GREAT OUTDOORS COLORADO FOR THE HOWELSEN HILL SNOWMAKING PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS AND INTENT TO PROVIDE ANNUAL MAINTENANCE OF THE PROPOSED SNOWMAKING.

WHEREAS, the City of Steamboat Springs supports the expansion of snowmaking capacity at Howelsen Hill to support early and ongoing use of the facility; and

WHEREAS, the City of Steamboat Springs is requesting a grant of \$200,000 from Great Outdoors Colorado for the Howelsen Hill Snowmaking project in Steamboat Springs.

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

Section 1. The City Council of the City of Steamboat Springs hereby approves and strongly supports submitting the grant application to Great Outdoors Colorado for the Howelsen Hill Snowmaking project.

Section 2. The City of Steamboat Springs owns the Howelsen Hill property in fee title.

Section 3. The City of Steamboat Springs has the capacity and expertise to successfully complete this project as evidenced by successful completion of other GOCO funded projects such as the recent construction of restrooms in Little Toots Park.

Section 4. The City of Steamboat Springs has appropriated or will appropriate or otherwise make available in a timely manner all funds, if any, that are required to be provided for this project under the terms and conditions of the grant application.

Section 5. This resolution to be in full force and effect from and after its passage and approval.

Section 6. The City of Steamboat Springs will provide proper maintenance for the snowmaking at Howelsen Hill after project completion.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2011.

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

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

FROM: Winnie DelliQuadri, Grants Analyst (Ext. 157)
Chris Wilson, Director, Parks, Open Space, and Recreation Svcs (x317)

THROUGH: Wendy B. DuBord, Interim City Manager (Ext. 219)

DATE: February 1, 2011

RE: RESOLUTION: A RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO GREAT OUTDOORS COLORADO FOR THE HOWELSEN HILL RODEO FACILITY SITE PLAN PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS.

NEXT STEP: To develop and submit a grant application to Great Outdoors Colorado requesting \$35,000 in grant funds for Rodeo Site Planning.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

The City of Steamboat Springs has the opportunity to apply for Great Outdoors Colorado (GOCO) Local Government grant funds to develop the next level of planning for the Rodeo grounds – specifically a detailed site plan, which will support cost estimates and implementation of the master plan.

II. RECOMMENDED ACTION:

Given the benefit of the project, staff recommends that Council approve the resolution.

Motion: APPROVE A RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO GREAT OUTDOORS COLORADO FOR THE HOWELSEN HILL RODEO FACILITY SITE PLAN PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS.

III. FISCAL IMPACTS:

Proposed Revenues:

Grant Request:	\$35,000
City Match	<u>15,000</u> * 2011 CIP
Total Revenue	\$50,000

Proposed Expenditure:

Rodeo Site Plan	\$50,000
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IV. BACKGROUND INFORMATION:

This project will utilize GOCO grant dollars to develop a detailed site plan for the rodeo facility. GOCO funding assisted with developing a master plan for the facility. This proposed site planning project would provide the next needed level of detail in the planning process and would enable staff to work with stakeholders to launch a fundraising campaign for the facility.

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

V. LEGAL ISSUES:

None at this time.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None at this time

VII. SUMMARY AND ALTERNATIVES:

City Council may choose to:

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

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO GREAT OUTDOORS COLORADO FOR THE HOWELSEN HILL RODEO FACILITY SITE PLAN PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS.

WHEREAS, the City of Steamboat Springs supports development of a site plan for the City’s Rodeo Facility; and

WHEREAS, the City of Steamboat Springs is requesting a grant of \$35,000 from Great Outdoors Colorado for the Howelsen Hill Rodeo Facility Site Plan project in Steamboat Springs.

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

Section 1. The City Council of the City of Steamboat Springs hereby approves and strongly supports submitting the grant application to Great Outdoors Colorado for the Howelsen Hill Rodeo Facility Site Plan project.

Section 2. The City of Steamboat Springs owns the Howelsen Hill Rodeo property in fee title.

Section 3. The City of Steamboat Springs has the capacity and expertise to successfully complete this project as evidenced by successful completion of other GOCO funded projects such as the recent master plan for the Howelsen Hill Rodeo/Equestrian Facility.

Section 4. The City of Steamboat Springs has appropriated or will appropriate or otherwise make available in a timely manner all funds, if any, that are required to be provided for this project under the terms and conditions of the grant application.

Section 5. This resolution to be in full force and effect from and after its passage and approval.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2011.

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

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

FROM: Kim Weber, Manager of Budget and Tax (Ext. 250)

THROUGH: Deb Hinsvark, Director of Financial Services (Ext. 240)
Wendy DuBord, Acting City Manager (Ext. 219)

DATE: February 1, 2011

RE: **FIRST READING OF ORDINANCE: AN ORDINANCE AMENDING SECTIONS OF THE CITY SALES & USE TAX CODE TO IMPROVE CLARITY AND CONSISTENCY, TO CAPITALIZE DEFINED TERMS, AND TO CORRECT SPELLING OR TYPOGRAPHICAL ERRORS.**

INFORMATION
 MOTION
 ORDINANCE

I. **REQUEST OR ISSUE:**

The purpose of this communication form is to adopt an ordinance making amendments to the City Sales & Use Tax Code. These amendments include changes to improve consistency with the way the Code is being enforced, to capitalize words used throughout the document that are formally defined in the Code, and to correct spelling or typographical errors. Because of the change in capitalization of defined terms, every page of the Code is affected by this ordinance. I apologize for providing you with all of the pages of the Code, but to ensure the proper changes are made we needed to provide the whole document.

The industrial enterprise zone language is being deleted because of the expiration January 1, 2010. If there is a desire in the future by City Council to put an enterprise zone in place there will need to be language added and all TABOR issues will need to be addressed at that time. This particular part of the Code is no longer applicable and needs to be eliminated.

II. **RECOMMENDED ACTION:**

Staff recommends the adoption of the amendments to the Tax Code.

III. **FISCAL IMPACTS:**

Minimal impacts.

IV. **BACKGROUND INFORMATION:**

The City of Steamboat Springs Sales and Use Tax Code was originally adopted in 1973. The City of Steamboat Springs Finance Department advocates that taxpayers will benefit from a revised code that reflects current enforcement procedures and that has clear and consistent language. As a part of this we are capitalizing all of the defined terms. Therefore, there all of the pages of the Code are affected by this ordinance. I apologize for providing you with all of the pages of the Code, but to ensure the proper changes are made we needed to provide the whole document.

V. **LEGAL ISSUES:**

These changes will not extend Tax Code authority. All changes have been reviewed and approved by the City of Steamboat Springs Staff Attorney.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:**

None.

VII. **SUMMARY AND ALTERNATIVES:**

The City of Steamboat Springs Finance Department requests that City Council approve the proposed amendments of the Tax Code by adopting the Ordinance.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE CITY SALES & USE TAX CODE TO IMPROVE CLARITY AND CONSISTENCY, TO CAPITALIZE DEFINED TERMS, AND TO CORRECT SPELLING OR TYPOGRAPHICAL ERRORS.

WHEREAS, City Council wishes to benefit taxpayers by providing an updated and accurate Sales and Use Tax Code.

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

Section 1. The City's Sales and Use Tax Code is amended as attached in Exhibit A.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2011.

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

ATTEST:

**Julie Franklin, CMC
City Clerk**

Note: Words struck out (~~word~~) are to be removed.

Words highlighted in yellow are to be added.

Words highlighted in pale blue are newly capitalized, because they are defined terms or phrases.

Words highlighted in maroon are formatted as such in the Municipal Code and those highlights do not indicate any changes we are making.

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >>

Chapter 22 - TAXATION ^[58]

ARTICLE I. - IN GENERAL

ARTICLE II. - ENTERPRISE ZONES

ARTICLE III. - SALES, USE AND ACCOMMODATIONS TAXES

ARTICLE IV. - TELEPHONE OCCUPATION TAX

. FOOTNOTE(S):

⁽⁵⁸⁾ **Cross reference**— Finance, ch. 8; Licenses, permits and miscellaneous Business regulations, ch. 12. [\(Back\)](#)

⁽⁵⁸⁾ **State Law reference**— Municipal Taxation and Finance, C.R.S. § 31-20-101 et seq. [\(Back\)](#)

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE I. - IN GENERAL >>

ARTICLE I. - IN GENERAL

Secs. 22-1—22-25. - Reserved.

Secs. 22-1—22-25. - Reserved.

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE II. - ENTERPRISE ZONES >>

ARTICLE II. - ENTERPRISE ZONES

DIVISION 1. - GENERALLY

DIVISION 2. - COMMERCIAL ENTERPRISE ZONES

DIVISION 3. - INDUSTRIAL ENTERPRISE ZONES

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE II. - ENTERPRISE ZONES >> DIVISION 1. - GENERALLY >>

DIVISION 1. - GENERALLY

Secs. 22-26—22-35. - Reserved.

Secs. 22-26—22-35. - Reserved.

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE II. - ENTERPRISE ZONES >> DIVISION 2. - COMMERCIAL ENTERPRISE ZONES >>

DIVISION 2. - COMMERCIAL ENTERPRISE ZONES

Sec. 22-36. - Title of division.

Secs. 22-37—22-44. - Reserved.

Secs. 22-45—22-55. - Reserved.

Sec. 22-36. - Title of division.

This division shall be known and may be cited as the Commercial Enterprise Zone Ordinance of the **City**.

(Code 1975, § 4.18.010)

Secs. 22-37—22-44. - Reserved.

Editor's note— Ord. No. 2269, § 1, adopted Aug. 18, 2009, deleted §§ 22-37—22-44, which pertained to commercial enterprise zones and derived from Code 1975, §§ 3.18.020, 4.18.070, 4.18.080, 4.18.090, 4.18.030—4.18.060.

Secs. 22-45—22-55. - Reserved.

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE II. - ENTERPRISE ZONES >> DIVISION 3. - INDUSTRIAL ENTERPRISE ZONES >>

DIVISION 3. - INDUSTRIAL ENTERPRISE ZONES

Sec. 22-56. - Title of division.

Sec. 22-57. - Findings.

Sec. 22-58. - Enforcement of division; authority to prescribe additional regulations.

Sec. 22-59. - Effect on zoning regulations.

Sec. 22-60. - Program term.

Sec. 22-61. - Designation of **Businesses**.

Sec. 22-62. - Benefits authorized; period of eligibility.

Sec. 22-63. - Applicability of benefits for **Businesses** with multiple locations.

Sec. 22-64. - Termination of benefits.

Secs. 22-65—22-85. - Reserved.

Sec. 22-56. - Title of division.

This division shall be known and may be cited as the Industrial Enterprise Zone Ordinance of the **City**.

(Code 1975, § 4.20.010)

Sec. 22-57. - Findings.

The **City Council** hereby finds and declares that:

(1)

The peace, health, safety and welfare of the citizens of the **City** are dependent upon the continued encouragement, development and expansion of opportunities for employment in the private sector of the **City**;

(2)

The economy of the **City** is highly dependent upon one industry as a destination ski resort; and

(3)

The **City** needs new employment opportunities to overcome conditions of unemployment, underemployment, chronic and repeated economic distress and sudden and severe economic dislocations which from time to time exist within the **City** because of the dependency of the economy of the **City** upon one industry.

It is therefore declared to be the policy of the **City**, in order to provide incentives for private enterprise to expand and for new **Businesses** to locate within the **City** and to provide more job opportunities for **Residents** of the **City**, to establish a program for **Tax** incentives and other assistance for enterprises in designated areas of the **City** known as industrial enterprise zones.

(Code 1975, § 4.20.020)

Sec. 22-58. – Enforcement of division; authority to prescribe additional regulations.

The Director of Finance of the City is charged with the enforcement of the provisions of this division and is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations pertaining thereto.

(Code 1975, § 4.20.070)

Sec. 22-59. – Effect on zoning regulations.

Nothing in this division shall affect any zoning measure of the City.

(Code 1975, § 4.20.080)

Sec. 22-60. – Program term.

From and after the designation of the first industrial enterprise zone under this division, this division shall be nonrepealable, and the benefits set forth in section 22-62 shall be nonamendable until January 1, 2010. The period of time from the date of the adoption of this division to January 1, 2010, shall, for the purposes of this division, be considered the program term. It is the intention of the City Council that this program should be reviewed, evaluated, amended, continued or discontinued upon completion of the program term.

(Code 1975, § 4.20.090)

Sec. 22-61. – Designation of Businesses.

The provisions of this division shall apply to such Businesses located within industrial zoned areas within the City as the City Council shall from time to time designate by resolution.

(Code 1975, § 4.20.030)

Sec. 22-62. – Benefits authorized; period of eligibility.

(a)

Each Business designated under this division shall be entitled to the following benefits:

(1)

Exemption from Sales and Use Taxes on Purchases. Purchases of Construction Materials, parts, equipment, machinery, machine tools, trucks, automobiles, construction machinery, construction equipment and utilities for the sole and exclusive Use of such Businesses shall be exempt from Taxation under article III of this chapter. For the purposes of this section, the term "Purchases" shall include all acquisitions, whether by lease or outright Purchase.

(2)

Exemption from Sales and Use Taxes on Sales. Sales of parts, equipment, machinery or machine tools by such Businesses shall be exempt from taxation under article III of this chapter.

(b)

Each Business so designated shall be entitled to the Sales and Use Tax Exemptions set forth in this section for the shorter of a period of twenty (20) years from and after designation by the City Council, or the remaining term of the program as defined in section 22-60, unless sooner terminated in accord with section 22-64.

(Code 1975, § 4.20.040)

Sec. 22-63. – Applicability of benefits for Businesses with multiple locations.

Should any Business designated under this division have more than one Business location within the City, the benefits set forth in this division shall only apply to those Business activities which are solely and exclusively related to and conducted on that Business location which is located within industrial zoned areas annexed to the City in 1989. For the purpose of this section, a construction site is not considered a Business location.

(Code 1975, § 4.20.050)

Sec. 22-64. - Termination of benefits.

The transfer of ownership or any part thereof in a **Business** designated under this division shall not result in the termination of benefits, nor shall a change in **Business** structure result in the termination of benefits. However, the benefits set forth in this division shall terminate upon the happening of any one of the following events:

(1)

*Material change in operation of **Business**.* Within the resolution of designation, the **City Council** shall set forth the elements of the **Business** operation qualifying the **Business** for designation. A material change in these elements of the **Business** operation shall result in a termination of the benefits under this division.

(2)

*Termination of **Business** or change in location of **Business**.* Should the **Business** cease to operate or should the **Business** relocate to another site, including relocation to another industrial-zoned location within the **City**, it shall result in a termination of the benefits under this division, but would not prohibit the **Business** from reapplying for designation at its new location.

(Code 1975, § 4.20.060)

Secs. 22-65—22-85. - Reserved.

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE III. - SALES, USE AND ACCOMMODATIONS TAXES >>

ARTICLE III. - SALES, USE AND ACCOMMODATIONS TAXES ^[59]

DIVISION 1. - GENERALLY

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

DIVISION 3. - SALES TAX

DIVISION 4. - USE TAX

DIVISION 5. - PUBLIC ACCOMMODATIONS TAX

DIVISION 6. - EXCISE TAX ON NEW CONSTRUCTION

. FOOTNOTE(S):

⁽⁵⁹⁾ **Editor's note**— Ord. No. 1246, Part 1, adopted Nov. 19, 1991, repealed Code 1975, Title 4, Chapter 16, from which the provisions of former Art. III, relative to **Sales, Use and Accommodations Taxes**, derived. Said Ord. No. 1246 enacted new provisions relative to similar subject matter which have been included herein within the substantive sections of new Art. III. See the Code Comparative Table for a specific derivation of these ordinance provisions. ([Back](#))

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE III. - SALES, USE AND ACCOMMODATIONS TAXES >> DIVISION 1. - GENERALLY >>

DIVISION 1. - GENERALLY

Sec. 22-86. - Definitions.

Sec. 22-87. - Intent of article.

Secs. 22-88—22-100. - Reserved.

Sec. 22-86. - Definitions.

When not clearly otherwise indicated by the context, the following terms, words, and phrases as used in this article shall have the following meanings:

Capitalized words or phrases used in Article III are defined below. Any capitalized terms used in this Article, not defined in this section, shall have the meaning defined in other sections of the Steamboat Springs Municipal Code.

(1)

Sales Tax defined. The Steamboat Springs Sales Tax is levied on all **Sales**, leases and rentals at **Retail** on the basis of, the **Purchase or Sale Price on Purchases of Tangible Personal Property** and specific services **Taxable** hereunder. All **Sales and Purchases of Tangible Personal Property** are subject to the **Tax**, except as specifically exempted, **Sales and Purchases** of services as specifically set forth in section 22-182 are subject to the **Tax**. The **Tax** is in reality imposed on the **Purchaser**. The duty is imposed on the seller to collect and remit the **Tax** to the **City** under the

penalties for failure to do so as prescribed herein.

(2)

Use Tax defined. Means the Tax paid or required to be paid by a Consumer for Using, Storing, Distributing or otherwise Consuming Tangible Personal Property or Taxable Services inside the City. The Steamboat Springs Use Tax is levied upon the privilege of Using, Storing, Distributing or otherwise Consuming Taxable Tangible Personal Property and Taxable Services (as described in section 22-197) in the City of Steamboat Springs which property or service is Purchased, leased or rented at Retail and not subjected to the Steamboat Springs Sales Tax, without regard to whether the property or service is Purchased either from sources within or without the City. Nonresident Persons Engaged in Business in Steamboat Springs as defined, are required to collect and remit the Use Tax on Taxable transactions.

(3)

Distinction between Sales and Use Tax. The primary distinction between the Sales Tax and Use Tax is that the Sales Tax is collected by Persons Engaged in Business in the City from the Purchaser or Consumer, and such Person pays the Tax to Steamboat Springs, while in the absence of that Tax charge, then the Use Tax is levied directly upon the Person who Purchases the commodities or services and Uses the same in Steamboat Springs, which Person must make remittance of the Tax, together with Returns showing the Purchase and the Use of articles which are subject to the Tax, directly to the City of Steamboat Springs.

(4)

Accommodations means the transaction of furnishing rooms or Accommodations by any Person, partnership, association, corporation, estate, receiver, trustee, assignee, lessee, or Person acting in a representative capacity or any other combination of individuals by whatever name known to a Person who for a consideration Uses, possesses, or has the right to Use or possess any room in a hotel, motel, home, condominium, campsite, inn, bed and breakfast residence, apartment hotel, lodging house, motor hotel, guest house, guest ranch, trailer coach, mobile home, auto camp, or trailer court and park, or similar establishment, under any concession, permit, right of access, license to Use, or other agreement, or otherwise.

(5)

Access Services means the services furnished by a local exchange company to its customers who provide Telecommunications Services which allow them to provide such Telecommunications Services.

(6)

Auction Sale means any Sale where Tangible Personal Property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.

(7)

Automotive Vehicle means any vehicle, including every device in, upon, or by which any Person or property is or may be transported or drawn upon a public highway, or any device Used or designed for aviation or flight in the air. Automotive Vehicle includes, but is not limited to, motor vehicles, trailers, or semi-trailers, and mobile homes. Automotive Vehicle shall not include devices moved by human power or Used exclusively upon stationary rails or tracks. (See also section 22-86(34), Mobile Machinery and Self-Propelled Construction Equipment.)

(8)

Business means all activities engaged in or caused to be engaged in with the object of gain, benefit, or advantage, direct or indirect.

(9)

Capital Expenditure as used in this article, means an expenditure made by the City of Steamboat Springs for the purpose of providing a permanent addition or improvement to property of the City made with the expectation of existence for an indefinite period. The term furthermore includes those expenditures for that category of items which, when privately owned, are treated as depreciable by the United States Internal Revenue Service for income Tax purposes, including but not limited to, the Purchase of major equipment and motor vehicles.

(10)

Charitable Organization means any entity organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

(11)

City means the City of Steamboat Springs or its jurisdictional limits, as the case may be.

(12)

City Council means the elected legislative body of the City of Steamboat Springs.

(13)

City Manager or *Manager* means the City Manager of the City of Steamboat Springs or any duly authorized agent or representative acting in his/her stead or behalf.

(14)

City Treasurer or *Finance Director* means the City Treasurer or Finance Director of the City of Steamboat Springs or such other Person designated by the municipality; "City Treasurer or Finance Director" shall also include such

- Person's** designee.
- (15) *Code* means the Sales and Use Tax Code of the City of Steamboat Springs or any of the adopted Codes of the City of Steamboat Springs as the context indicates.
- (16) *Construction Materials* means **Tangible Personal Property** which, when combined with other **Tangible Personal Property**, loses its identity to become an integral and inseparable part of a completed structure. Materials, when used for forms, or other items which do not remain as an integral or inseparable part of a completed structure or project are not **Construction Materials**.
- (17) *Consumer* means (A) any individual **Person** or (B) **Person Engaged in Business in the City** who **Uses, Stores, Distributes** or otherwise **Consumes** in the **City** **Tangible Personal Property** or **Taxable Services Purchased** from sources inside or outside the **City**.
- (18) *Consumption* means the act or process of **Consuming**; it includes waste, destruction, or **Use**. Consumption is the normal **Use** of property for the purpose for which it was intended.
- (19) *Department of Finance* or *Department* means the **Department of Finance** of the City of Steamboat Springs, of which is responsible for the administration of the **City Sales** and **Use Tax Codes**.
- (20) *Distribution* means the act of **Distributing** any article of **Tangible Personal Property Purchased** at **Retail** for **Use** or **Consumption**, which may include, but not be limited to, the **Distribution** of advertising gifts, shoppers guides, catalogues, directories, or other property given as prizes, premiums, or for goodwill or in conjunction with the **Sales** of other commodities or services.
- (21) *Drugs Dispensed in Accordance with a Prescription* means drugs dispensed in accordance with any order in writing, dated and signed by a licensed practitioner of the healing arts, or given orally by a practitioner, and immediately reduced to writing by the pharmacist, assistant pharmacist, or pharmacy intern, specifying the name and address of the Person for whom the medicine, drug or poison is offered and directions, if any, to be placed on the label.
- (22) *Engaged in Business in the City* means performing or providing services or selling, leasing, renting, delivering or installing **Tangible Personal Property** for **Storage, Use** or **Consumption** within the **City**. Engaged in **Business** in the **City** includes, but is not limited to, any one of the following activities by a **Person**:
- a. Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of **Business** within the taxing jurisdiction;
 - b. Sends one or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit **Business** or to install, assemble, repair, service, or assist in the **Use** of its products, or for demonstration or other reasons;
 - c. Maintains one or more employees, agents or commissioned sales persons on duty at a location within the taxing jurisdiction;
 - d. Owns, leases, rents or otherwise exercises control over real or Personal Property within the taxing jurisdiction;
 - e. Makes more than one delivery into the taxing jurisdiction within a twelve-month period; or
- (23) *Excess Tax* means that amount of **Tax** collected during a reporting period that is in **Excess** of four (4) percent the imposed percentage rate of Sales and Use Tax as defined in Section 22.181 and Section 22.196, of **City Net Taxable Sales and Services**, and which excessive collection must be remitted to the **City** using the method prescribed herein.
- (24) *Exempt Commercial Packaging Materials* means containers, labels and shipping cases sold to a **Person** engaged in **Manufacturing**, compounding, wholesaling, jobbing, retailing, packaging, **Distributing** or bottling for **Sale**, profit or **Use** that meets all of the following conditions: (i) is **Used** by the manufacturer, compounder, **Wholesaler**, jobber, **Retailer**, packager, distributor or bottler to contain or label the finished product; (ii) is transferred by said **Person** along with and as a part of the finished product to the **Purchaser**; and (iii) is not returnable to said **Person** for reuse.
- (25) *Exemptions* means those deductions from adjusted **Gross Sales and Services** in order to arrive at a **Taxable** base, which **Exemptions** may include exempt transactions (in whole or in part), **Sale** or **Purchase** of exempt commodities, articles or services, or **Sale** to exempt "**Persons**" who may either be exempt on their direct **Purchase** or exempt on the

- type of commodity, articles or services **Purchased**, all as set forth in section 22-183.
- (26) *Farm **Closeout Sale*** means full and final disposition of all **Tangible Personal Property** previously **Used** by a farmer or rancher in farming or ranching operations which are being abandoned.
- (27) *Food* means **Food** for domestic home **Consumption** as defined in 7 U.S.C. section 2012(g) as amended, for purposes of the federal **Food** stamp program as defined in 7 U.S.C. section 2012(h), as amended, except that "**Food**" does not include carbonated water marketed in containers; chewing gum; seeds and plants to grow **Food**; prepared salads and salad bars; cold sandwiches; deli trays; and **Food** or drink vended by or through machines or non-coin operated coin collecting **Food** and snack devices on behalf of a **Vendor**.
- (28) *Gross **Sales and service** or **Gross Taxable Sales*** means the total amount received in money, credit, property or other consideration valued in money for all **Sales**, leases, or rentals of **Tangible Personal Property** or services.
- (29) *License* means a City of Steamboat Springs **Sales** and **Use Tax License**.
- (30) *Linen **Services*** means services involving provision and cleaning of linens, including but not limited to rags, uniforms, coveralls and diapers.
- (31) *Lodging **Services***: (See "Accommodations")
- (32) *Manufacturing* means the application of manual labor or machinery time to materials to produce a usable item of **Tangible Personal Property** or to provide a service. Sales to and **Purchases** of **Tangible Personal Property** by a **Person** engaged in the **Business** of **Manufacturing**, compounding for **Sale**, profit or **Use**, any article, substance, or commodity, which **Tangible Personal Property** enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished, and the container, label, or the furnished shipping case thereof, shall be deemed to be **Wholesale Sales** and shall be exempt from **Sales Tax**.
- (33) *Medical **Supplies*** means **Drugs Dispensed in Accordance with a Prescription**; insulin in all its forms dispensed pursuant to the direction of a licensed physician; glucose useable for treatment of insulin reactions; urine and blood-testing kits and materials; insulin measuring and injecting devices, including hypodermic syringes and needles; **Prosthetic Devices**; wheelchairs and hospital beds; drugs or materials when furnished by a doctor as part of professional services provided to a patient; and corrective eyeglasses, contact lenses, or hearing aids.
- (34) ***Mobile Machinery and Self-Propelled Construction Equipment*** means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of **Persons** or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of **Persons** or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of **Persons** or cargo but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly **Used** in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches. (See also section 22-86(7), Automotive Vehicle.)
- (35) *Net **Taxable Sales and Services*** means adjusted **Gross Sales and Services** less authorized "**Exemptions**" therefrom.
- (36) *Newspaper* means a publication, printed on newsprint, intended for general circulation, and published regularly at short intervals, containing information and editorials on current events and news of general interest. The term **Newspaper** does not include: magazines, trade publications or journals, credit bulletins, advertising inserts, circulars, directories, maps, racing programs, reprints, **Newspaper** clipping and mailing services or listings, publications that include an updating or revision service, or books or pocket editions of books.
- (37) *Notice*. All **Notices** required to be given under the provisions of this article shall be in writing and given personally or by postpaid first class mail to the addressee's last known address, in which event **Notice** shall be sufficient for the purpose of this article unless context indicates otherwise.
- (38) ***Pay Television*** shall include, but not be limited to, cable, microwave or other television service for which a charge is imposed.
- (39) *Person*. means any individual, firm, partnership, joint venture, corporation, estate or trust, receiver, trustee, assignee, lessee or any **Person** acting in a fiduciary or representative capacity, whether appointed by court or otherwise, or any group or combination acting as a unit.
- (40) ***Preprinted Newspaper Supplements*** shall mean inserts, attachments or supplements circulated in **Newspapers** that: (1) are primarily devoted to advertising; and (2) the **Distribution**, insertion, or attachment of which is commonly paid for

by the advertiser.

(41)

Prescription Drugs for Animals means drugs dispensed in accordance with any order in writing, dated and signed by a practitioner, or given orally by a practitioner, specifying the animal for which the medicine or drug is offered and directions, if any, to be placed on the label.

(42)

Price or **Purchase Price** means the **Price** to the **Consumer**, exclusive of any direct **Tax** imposed by the federal government or by this article, and, in the case of all **Retail Sales** involving the exchange of property, also exclusive of the fair market value of the property exchanged at the same time and place of the exchange, if:

a.

Such exchanged property is to be sold thereafter in the usual course of the **Retailer's Business**, or

b.

Such exchanged property is a vehicle and is exchanged for another vehicle and both vehicles are subject to licensing, registration, or certification under the laws of this state, including, but not limited to, vehicles operating upon public highways, off-highway recreation vehicles, watercraft, and aircraft. Any money or other consideration paid over and above the value of the exchanged property is subject to **Tax**.

Price or **Purchase Price** includes:

a.

The amount of money received or due in cash and credits.

b.

Property at fair market value taken in exchange but not for resale in the usual course of the **Retailer's Business**.

c.

Any consideration valued in money, such as trading stamps or coupons whereby the manufacturer or someone else reimburses the **Retailer** for part of the **Purchase Price** and other media of exchange.

d.

The total **Price** charged on credit **Sales** including finance charges which are not separately stated. An amount charged as interest on the unpaid balance of the **Purchase Price** is not part of the **Purchase Price** unless the amount added to the **Purchase Price** is included in the principal amount of a promissory note; except the interest or carrying charge set out separately from the unpaid balance of the **Purchase Price**. An amount charged for insurance on the property sold and separately stated is not part of the **Purchase Price**.

e.

Installation, deliver and wheeling-in charges included in the **Purchase Price** and not separately stated.

f.

Transportation and other charges to effect delivery of **Tangible Personal Property** to the **Purchaser**.

g.

Indirect federal manufacturers', excise taxes, such as taxes on automobiles, ~~and tires and floor stock~~.

h.

The gross **Purchase Price** of articles sold after **Manufacturing** or after having been made to order, including the gross value of all the materials **Used**, labor and service performed and the profit thereon.

i.

Any consideration valued in money, such as trading stamps, coupons, and other media of exchange, and any labor and services rendered in exchange for any **Tangible Personal Property** and **Taxable Services**, as defined herein.

Price or **Purchase Price** shall not include:

a.

Any **Sales** or **Use Tax** imposed by the State of Colorado or by any political subdivision thereof.

b.

The fair market value of property exchanged if such property is to be sold thereafter in the **Retailer's** usual course of **Business**. This is not limited to exchanges in Colorado. Out of state ~~trade-in's~~ **trade-ins** are an allowable adjustment to the **Purchase Price**.

c.

Discounts from the original **Price** if such discount and the corresponding decrease in **Sales Tax** due is actually passed on to the **Purchaser**. An anticipated discount to be allowed for payment on or before a given date is not an allowable adjustment to the **Price** in reporting gross **Sales**.

(43)

Prosthetic Devices means any artificial limb, part, device or appliance for human **Use** which aids or replaced a bodily function; is designed, manufactured, altered or adjusted to fit a particular individual; and is prescribed by a licensed practitioner of the healing arts. **Prosthetic Devices** include but are not limited to prescribed auditory, ophthalmic or ocular, cardiac, dental, or orthopedic devices or appliances, oxygen concentrators and oxygen with related accessories.

(44)

Purchase or **Sale** means the acquisition for any consideration by any **Person** or **Tangible Personal Property** or

Taxable Services that are **Purchased**, leased, rented, sold, **Used**, **Stored**, **Distributed**, or **Consumed**, but excludes a bona fide gift of property or services. These terms include capital leases, installments and credit **Sales**, and property and services acquired by:

- a. Transfer, either conditionally or absolutely, of title or possession or both to **Tangible Personal Property**;
- b. A lease, lease-purchase agreement, rental or grant of a license, including royalty agreements, to **Use Tangible Personal Property** or **Taxable Services**; the utilization of coin operated devices, except coin-operated telephones, which do not vend articles of **Tangible Personal Property** shall be considered short term rentals of **Tangible Personal Property**;
- c. Performance of **Taxable Services**; or
- d. Barter or exchange for other property or services including coupons;
- e. The right to continuous possession or **Use** of **Tangible Personal Property** is granted under a lease or contract. The terms **Purchase** and **Sale** do not include:
 - a. A division of partnership assets among the partners according to their interests in the partnership;
 - b. The formation of a corporation by the owners of a **Business** and the transfer of their **Business** assets to the corporation in exchange for all the corporation's outstanding stock, except qualifying shares, in proportion to the assets contributed;
 - c. The transfer of assets of shareholders in the formation or dissolution of professional corporations;
 - d. The dissolution and the pro rata distribution of the corporation's assets to its stockholders;
 - e. A transfer of a partnership interest;
 - f. The transfer in a reorganization qualifying under section 368(a)(1) of the Internal Revenue Code of 1954, as amended;
 - g. The formation of a partnership by the transfer of assets to the partnership or transfers to a partnership in exchange for proportionate interests in the partnership;
 - h. The repossession of Personal Property by a chattel mortgage holder or foreclosure by a lienholder;
 - i. The transfer of assets from a parent corporation to a subsidiary corporation or corporations which are owned at least eighty (80) percent by the parent corporation, which transfer is solely in exchange for stock or securities of the subsidiary corporation;
 - j. The transfer of assets from a subsidiary corporation or corporations which are owned at least eighty (80) percent by the parent corporation to a parent corporation or to another subsidiary which is owned at least eighty (80) percent by the parent corporation, which transfer is solely in exchange for stock or securities of the parent corporation or the subsidiary which received the assets;
 - k. The transfer of assets between parent and closely held subsidiary corporations, or between subsidiary corporations closely held by the same parent corporation, or between corporations which are owned by the same shareholders in identical percentage of stock ownership amounts, computed on a share-by-share basis, when a **Tax** imposed by this article was paid by the transferor corporation at the time it acquired such assets, except to the extent that there is an increase in the fair market value of such assets resulting from the **Manufacturing**, fabricating, or physical changing of the assets by the transferor corporation. To such an extent any transfer referred to in this paragraph k. shall constitute a **Sale**. For the purposes of this paragraph k., a closely held subsidiary corporation is one in which the parent corporation owns stock possessing at least eighty (80) percent of the total combined voting power of all classes of stock entitled to vote and owns at least eighty (80) percent of the total number of shares of all other classes of stock.

(45)

Purchaser or **Consumer** means any **Person** to whom **Taxable** service has been rendered or who shall have leased, rented, or **Purchased** at **Retail**, **Taxable Services** or **Tangible Personal Property** which is **Purchased**, delivered, **Used**, **Stored**, **Distributed** or **Consumed** in the **City** upon which a **Tax** is imposed hereby.

(46)

Resident means, for the purposes of the taxation provisions herein, a **Person** who resides or maintains his domicile within the City of Steamboat Springs or who maintains one or more places of **Business** within the **City** at the time of a **Taxable** transaction as defined herein. A **Person** may have dual residency, or other places of residence or domicile, or place of **Business** outside the **City** prior to, during or after the occurrence of the **Taxable** transaction and be a "**Resident**" according to the terms of this definition.

(47)

Retail Sale or *Purchased at Retail* means all **Sales** except **Wholesale Sales**.

(48)

Retailer or *Vendor* means any **Person** selling, leasing or renting **Tangible Personal Property** or services at **Retail**. Retailer shall include any:

a.

Auctioneer;

b.

Salesperson, representative, peddler or canvasser, who makes **Sales** as a direct or indirect agent of or obtains such property or services sold from a dealer, distributor, supervisor or employer;

c.

Charitable **Organization** or governmental entity which makes **Sales** of **Tangible Personal Property** to the public, notwithstanding the fact that the merchandise sold may have been acquired by gift or donation or that the proceeds are to be **Used** for charitable or governmental purposes.

(49)

Return means the **Sales** and **Use Tax** reporting form used to report **Sales** and **Use Tax**.

(50)

School means an educational institution having a curriculum comparable to grade, grammar, junior high, high school or college, or any combination thereof, requiring daily attendance, **and** having an enrollment of at least forty (40) students, ~~and charging a tuition fee.~~

(51)

Security System Services means electronic **Security System Services**. Such term does not include non-electronic security services such as consulting or human or guard dog patrol services.

(52)

Special Accounting Basis or *Estimated Percentage Basis* means the permission to pay **City Sales** or **Use Tax** liability on a percentage of gross **Sales** or gross **Purchases**, and which is granted to facilitate **Tax** reporting to qualified **Consumers** or **Vendors** upon petition to the **City Manager** or his agent on basis prescribed in section 22-143 and elsewhere herein.

(53)

Storage means any keeping or retention of, or exercise or dominion or control over, or possession, or **Use** for any length of time, of **Tangible Personal Property** when leased, rented or **Purchased** at **Retail** from sources either within or without the **City** from any **Person** or **Vendor**.

(54)

Tangible Personal Property or *Personal Property* means corporeal Personal Property, including but not limited to **Automotive Vehicles** as herein defined, which may be seen, weighed, measured, or felt or touched, or is in any manner perceptible to the senses and for the purposes of the **Sales** and **Use Tax** and where referred to throughout this article, shall also mean and does include the specific services set out as **Taxable** in section 22-182.

(55)

Tax means the **Use Tax** due from a **Consumer** or the **Sales Tax** due from a **Retailer** or the sum of both due from a **Retailer** who also **Consumes**.

(56)

Tax Deficiency means any amount of **Tax** that is not reported or not paid on or before the due date.

(57)

Taxable Sales means gross **Sales** less any **Exemptions** and deductions specified in this article.

(58)

Taxable Services means services subject to **Tax** pursuant to this article.

(59)

Taxpayer means any **Person** obligated to collect and/or pay **Tax** under the terms of this article.

(60)

Telecommunications Services means the transmission of any two-way interactive electromagnetic communications including but not limited to voice, image, data and any other information, by the **Use** of any means but not limited to wire, cable, fiber optical cable, microwave, radio wave or any combinations of such media. "Telecommunications **Service**" includes but is not limited to basic local exchange telephone service, toll telephone service and teletypewriter service, including but not limited to residential and business service, directory assistance, cellular mobile telephone or **Telecommunication Service**, **Access Services**, specialized mobile radio and two-way pagers and paging service, including any form of mobile two-way communication. "Telecommunication **Service**" does not include separately stated non transmission services which constitute computer processing applications **Used** to act on the information to be transmitted.

(61)

Total Tax Liability means the total of all **Tax**, penalties or interest owed by a **Taxpayer** and shall include **Sales Tax** collected in **Excess** of such **Tax** computed on total **Sales**.

(62)

Use means the exercise, for any length of time, by any **Person** within the **City** of any right, power or dominion over **Tangible Personal Property** when rented, leased or **Purchased** at **Retail** from sources either within or without the **City**, from any **Person** or **Vendor**.

(63)

Wholesale Sale or **Wholesale Purchase** or **Sales for Taxable Resale** means **Sales** to **Licensed Retailers**, jobbers, dealers or **Wholesalers** for resale. **Sales** by **Wholesalers** to **Consumers** are not **Wholesale Sales**. **Sales** by **Wholesalers** to non-**Licensed Retailers** are not **Wholesale Sales**.

(64)

Wholesaler means any **Person** selling to **Retailers**, jobbers, dealers, or other **Wholesalers**, for resale, and not for **Storage, Use, Consumption, or Distribution**.

(Ord. No. 1246, § 16.11, 11-19-92)

Sec. 22-87. - Intent of article.

(a)

Regarding the **Use** of **Personal Property** and **Taxable Services**. It is hereby declared to be the legislative intent of the City of Steamboat Springs that for the purposes of this article, every **Person** who **Stores, Uses, Distributes,** or consumes in the **City** any article of **Tangible Personal Property,** or **Taxable Services Purchased,** leased or rented at **Retail,** as herein defined, is exercising a taxable privilege (refer to division 4 of this article pertaining to **Use Tax**).

(b)

Regarding the **Sale** of **Personal Property** and **Taxable Services.** It is hereby declared to be the legislative intent of the City of Steamboat Springs that, for the purposes of this article, every **Person** who is **Engaged in Business in the City,** as herein defined, and who shall deliver or cause to be delivered to the **Purchaser** in the **City,** any property or services **Taxable** herein is exercising a taxable privilege and shall collect the **Tax** imposed by this **Code** on the total **Purchase Price** of such article or articles of **Tangible Personal Property** or **Taxable Services** that are **Purchased,** sold, leased or rented at any time by or to every customer or buyer, in the manner hereinafter set forth (refer to division 3 of this article pertaining to **Sales Tax**).

(c)

Constitutional preclusion from Steamboat Springs Sales and Use Tax. All the **Sales, Uses** and other transactions which the **City** is prohibited from Taxing under the Constitution and laws of the United States, or under the Constitution of the State of Colorado are exempt hereunder.

(Ord. No. 1246, § 16.9, 11-19-92)

Secs. 22-88—22-100. - Reserved.

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE III. - SALES, USE AND ACCOMMODATIONS TAXES >> DIVISION 2. - ADMINISTRATION AND ENFORCEMENT >>

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

[Subdivision I. - General Provisions](#)

[Subdivision II. - Licenses](#)

[Subdivision III. - Reports and Accounts](#)

[Subdivision IV. - Collection Rights and Remedies](#)

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE III. - SALES, USE AND ACCOMMODATIONS TAXES >> DIVISION 2. - ADMINISTRATION AND ENFORCEMENT >> Subdivision I. - General Provisions >>

Subdivision I. - General Provisions

[Sec. 22-101. - Authority of Department of Finance.](#)

[Sec. 22-102. - Adoption of additional regulations.](#)

[Sec. 22-103. - Powers and duties of City Treasurer.](#)

[Sec. 22-104. - Powers and duties of City Manager.](#)

[Sec. 22-105. - Records.](#)

[Sec. 22-106. - Restrictions on employment of City employees engaged in Tax administration.](#)

[Sec. 22-107. - Liability of Vendor and Purchaser.](#)

[Sec. 22-108. - Assessment of penalties and interest.](#)

[Sec. 22-109. - Interest on overpayments and erroneous refunds.](#)

[Sec. 22-110. - Refunds generally.](#)

[Sec. 22-111. - Hearings.](#)

[Sec. 22-112. - Appeals.](#)

[Sec. 22-113. - Coordinated audit procedure.](#)

[Sec. 22-114. - Intercity claims for recovery.](#)

[Sec. 22-115. - Notices of Sales and Use Tax ordinance amendment.](#)

[Sec. 22-116. - Participation in simplification meetings; requirements.](#)

[Secs. 22-117—22-125. - Reserved](#)

[Sec. 22-101. - Authority of Department of Finance.](#)

The Department of Finance is hereby given responsibility for administration and implementation of this article under the direction of the City Manager.

(Ord. No. 1246, § 16.26(A)(1), 11-19-92)

[Sec. 22-102. - Adoption of additional regulations.](#)

The City Treasurer, with the approval of the City Manager, shall adopt rules and regulations for the administration of this article.

(Ord. No. 1246, § 16.26(A)(2), 11-19-92)

[Sec. 22-103. - Powers and duties of City Treasurer.](#)

(a)

In order to effectuate the purposes of this article, the City Treasurer, under the direction of the City Manager, shall prescribe necessary forms for the making of Returns (see section 22-142(a)), for the ascertainment, assessment, and collection of the Taxes imposed and for the proper administration and enforcement thereof, and to permit uniform methods of adding the Tax, or the average equivalent thereof, to the Purchase Price.

(b)

The City Treasurer shall have power and authority to amend, or rescind such rules and regulations adopted pursuant to section 22-102 not inconsistent with the provisions of this article, for the purpose of ascertaining the correctness of any Return or for the purpose of making an estimate of the Tax due from any Taxpayer, the City Treasurer shall have the power to examine or cause to be examined by any employee, agent or representative designated by him for that purpose, any book, papers, records or memoranda bearing upon the matters required to be included in the Return.

(Ord. No. 1246, § 16.26(B)(1), 11-19-92)

[Sec. 22-104. - Powers and duties of City Manager.](#)

The City Manager shall appoint such Persons to make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end. The City Manager shall determine his own organization and methods of procedure in accordance with the provisions of this article. Subject to the provisions of this article, the City Manager is authorized to appoint and prescribe the duties and powers of such officers, accountants, experts, and other Persons as may be necessary in the performance of his duty. The City Manager may delegate to any such Person so appointed, such power and authority as he deems reasonable and proper for the effective administration of this article, and in his discretion shall bond, in a sufficient amount, any Person handling money under this article.

(Ord. No. 1246, § 16.26(B)(2), 11-19-92)

[Sec. 22-105. - Records.](#)

(a)

Duties of Taxpayer.

(1)

Retention of records. It shall be the duty of every Person, firm or corporation liable to the City of Steamboat Springs for any Tax imposed on Sales, and Use Taxes, to keep and preserve for a period of three years such books, accounts, and records as may be necessary to determine the amount of such Tax liability.

(2)

Availability of records to City Treasurer. All such books, accounts, and records shall be open for examination at any time by the City Treasurer or his duly authorized agents. If such Person keeps or maintains his books, accounts and other records, or any thereof, outside of the State of Colorado, upon demand by the City Treasurer he shall make the same available at a suitable place within the State of Colorado, to be designated by the City Treasurer for examination, inspection, and audit by the City Treasurer or his duly authorized agents. The City Treasurer in his discretion may make, permit, or cause to be made the examination, inspection, or audit of books, accounts and other records so kept or maintained by such Person outside of the State of Colorado at the place where the same will be made available, provided such Person shall have entered into a binding agreement with the City of Steamboat Springs to reimburse it for all costs and expenses incurred by it in order to have such examination inspection, or audit made in such place.

(3)

Subpoena to secure records. If any Taxpayer shall refuse voluntarily to furnish any of the foregoing information when requested by the City Treasurer or his employee, agent, or representative, the City Treasurer by subpoena issued under his hand, may require the attendance of the Taxpayer and the production by him of any of the foregoing information in his possession, and may administer an oath to him and take his testimony. If the Taxpayer fails or refuses to respond to said subpoena and give testimony, the City Treasurer may apply to any judge of the District Court of the State of Colorado for a citation against such Taxpayer as for contempt, and said judge may cause arrest of such Person, and upon hearing, said judge shall have, for the purpose of enforcing obedience to the requirements of said subpoena, power to make such order as, in his discretion, he deems consistent with the law for punishment of contempt.

(4)

Subpoena to secure evidence If the City Treasurer is unable to secure from the Taxpayer information relating to the correctness of the Taxpayer's Return or the amount of the income of the Taxpayer, the City Treasurer may apply to any judge of the District of the State of Colorado for the issuance of subpoenas to such other Persons as the City Treasurer believes may have knowledge in the premises, and upon making a showing satisfactory to the court, that the Taxpayer cannot be found, or evades service of subpoena, or fails or refuses to produce his records or give testimony, or is unable to furnish such records or testimony, the judge shall have power, to cause the issuance of subpoenas under the seal of the court to the Persons sought to be so summoned requiring them or any of them to appear before said City Treasurer and give testimony relating to said Taxpayer's Return or income; and in case any of said Persons so served with subpoena shall fail to respond thereto, the judge may proceed against such Persons as in cases of contempt.

(b)

Preservation of records by City; access to records.

(1)

Preservation of records. All reports and Returns of Taxes received by the Department of Finance covered by this article shall be preserved for three (3) years and thereafter until the City Treasurer orders them to be destroyed.

(2)

Confidential nature of Returns. Except in accordance with judicial order or as otherwise provided by law, the City Treasurer, his agents, clerks and employees shall not divulge, or make known in any way any information disclosed in any document, report, or Return filed in connection with any of the Taxes covered by this article. The officials charged with the custody of such documents, reports, and Returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the City Treasurer in any action or proceeding under the provisions of any such taxing statutes when the report of facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of any may admit in evidence, so much of said reports, or of the facts shown thereby, as are pertinent to the action or proceeding, and no more.

(3)

Availability to Taxpayer. Nothing in this section contained shall be construed to prohibit the delivery to a Person or his duly authorized representative of a copy of any Return or report filed in connection with his Tax, and such copies may be certified by the City Treasurer or his agent or representative and when so certified shall be evidence equally with and in like manner as the originals and may be received by the courts of this state as evidence of the contents.

(4)

Publication of statistics; Return available to City attorney. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or Returns and the items thereof, or the inspection of Returns by the City attorney or other legal representative of the City.

(5)

Availability to authorized parties. Notwithstanding the provisions of this section, the City Treasurer in his discretion may furnish to the taxing officials of any other state and its political subdivisions and to the United States any

information contained in **Tax Returns** and related schedules and documents filed pursuant to this article, or in the report of an audit or investigation made with respect thereto provided that said jurisdiction enters into an agreement with the **City Treasurer** to grant similar privileges to the **City** and, provided further, that such information is to be used only for **Tax** purposes.

(Ord. No. 1246, § 16.26(C),(D), 11-19-92; Ord. No. 1636, § 1, 11-10-98; Ord. No. 2269, § 1, 8-18-09)

Sec. 22-106. - Restrictions on employment of **City employees engaged in **Tax** administration.**

It shall be unlawful for any officer or employee of the **City** engaged in any administration which is governed by this article, to engage in the **Business** or profession of **Tax** accounting or to accept employment, with or without consideration, from any **Person**, firm or corporation for the purpose, directly or indirectly, of preparing **Tax Returns** or reports required by the laws of the City of Steamboat Springs, by the State of Colorado, by any other state, or by the United States Government, or to accept any employment for the purpose of advising, preparing materials or data, or the auditing of books or records to be used in an effort to defeat or cancel any **Tax**, or part thereof, that has been assessed by any **City** of the State of Colorado, any other state, or its political subdivisions, or by the United States Government.

(Ord. No. 1246, § 16.26(E), 11-19-92)

Sec. 22-107. - Liability of **Vendor and **Purchaser**.**

- (a) *Proof of exemption.* The burden of proving that any **Vendor**, **Retailer**, **Consumer** or **Purchaser** is exempt from collecting or paying the **Tax** upon any goods sold or **Purchased**, paying the same to the **City Treasurer**, or from making such **Returns**, shall be on the **Vendor**, **Retailer**, **Consumer**, or **Purchaser** under such reasonable requirements of proof as the **City Treasurer** may prescribe.
- (b) *Vendor responsibility for collection of **Tax**.* Every **Retailer** or **Vendor** engaged in **Business** and selling at **Retail** as the same are defined in this article shall, irrespective of the provisions of subsection 22-181(b), be liable and responsible for the payment of an amount equivalent to ~~four (4) percent~~ **the imposed percentage rate of Sales and Use Tax as defined in Section 22.181 and Section 22.196**, of all **Sales** made by him of commodities or services as specified in section 22-182.
- (c) *Vendor responsibility for remittance of **Tax**.* Every **Retailer** or **Vendor** engaged in **Business** and selling at **Retail** as the same are defined in this article shall file a **Return** as prescribed herein with the **City Treasurer** on or before the twentieth (20th) day of the month for the preceding month or months under report and remit an amount equivalent to ~~said four (4) percent~~ **the imposed percentage rate of Sales and Use Tax as defined in Section 22.181 and Section 22.196**, of such **Sales** and also any **Excessive Tax** collections over ~~said four (4) percent~~ **the imposed percentage rate of Sales and Use Tax as defined in Section 22.181 and Section 22.196**, as provided in subsection (f) of this section. The **Retailer** shall add the **Tax** as a separate and distinct item and such **Tax** shall be a debt from the **Consumer** to the **Retailer** and shall be recoverable at law in the same manner as other debts.
- (d) *Purchase of **Businesses**.*
- (1) *Acquisition of **Business** property.* The Steamboat Springs Tax shall be remitted on the **Price** paid for **Tangible Personal Property** which is acquired with the **Purchase** of a **Business**, and for **Use** in the operation of such **Business**. The **Tax** shall be based on the **Price** paid for such chattels as recorded in the bill of **Sale** or agreement and constituting a part of the total transaction at the time of the **Sale** or transfer, provided the valuation is as great or greater than the fair market value of such merchandise or chattels. Where the transfer of ownership is a package deal made by a lump sum transaction, the **Tax** shall be paid on the book value set up by the **Purchaser** for income **Tax** depreciation purposes, or fair market value if no determination has been made. When a **Business** is taken over in **Return** for the assumption of outstanding indebtedness owed by former owners, the **Tax** shall be paid on the fair market value of all **Taxable Tangible Personal Property** acquired by the **Purchaser**. (See also section 22-157, **Sale** or termination of **Business**.)
- (2) *Liability of **Purchaser** for unpaid **Tax**.* Purchasers of a **Business** are liable for any unpaid **Tax** of a predecessor. Vendors having outstanding accounts on which **Sales Tax** has not been remitted must compute and pay the **Tax** at the time of the **Sale**.
- (3) *Liability of seller.* The **Taxpayer** shall report such **Tax** on the Steamboat Springs Sales Tax Return as prescribed. The seller or his agent will be held liable for **Sales Tax** remittance on the **Sale** of a **Business** in the event the **Purchaser** fails to remit the **Tax** due on the **Purchase**.

- (e) *Tax on credit Sales and similar Sales.* Whenever **Tangible Personal Property** is sold, including that sold in conjunction with the **Sale** of a **Business**, which is **Taxable** hereunder, under a conditional **Sales** contract or **Purchase** contract whereby the seller retains title as security for all or part of the **Purchase Price**, or whenever the seller takes a chattel mortgage on such **Tangible Personal Property** to secure all or part of the **Purchase Price**, the total **Tax** based on the total selling **Price** shall become immediately due and payable. The **Tax** shall be charged, or collected and remitted by the **Vendor**. No refund or credit shall be allowed to either party to the transaction in case of repossession.
- (f) *Excess collections; failure to remit collections.* If any **Vendor** shall, during any reporting period, collect as a **Tax** an amount in **Excess** of ~~four (4) percent~~ **the imposed percentage rate of Sales and Use Tax as defined in Section 22.181 and Section 22.196**, of his total **Taxable Sales**, he shall remit to the **City** the full net amount of the **Tax** herein imposed and also such **Excess**. ~~If record~~ **the calculation or percentage of City and state Sales Tax collections are kept identified separately on the invoice**, the **Vendor** will remit **Excess of City Tax** collected over and above ~~four (4) percent~~ **the appropriate percentage of City Net Taxable Sales and Service**, if there is no separate ~~record kept~~ **identification of City and state Tax collections** and it is not possible to determine the **Excess** to be remitted to each, the **Vendor** shall remit ~~fifty-seven (57) percent of such the~~ **proportionate amount of the Excess to the City of Steamboat Springs, with the proportion being calculated based on the City's portion of the combined Tax rate (all Taxes due to any taxing entity)**. The retention by the **Vendor** of any **Excess of Tax** collections ~~over four (4) percent of the total Taxable Sales~~ of such **Vendor**, or the intentional failure to remit punctually to the **City** the full amount required to be remitted by the provisions of this article, is hereby declared to be a violation of this article.
- (g) *Advertisement of absorption of Tax prohibited.* It shall be unlawful for any **Taxpayer** or **Vendor** to advertise or hold out or state to the public or to any customer, directly or indirectly, that the **Tax** or any part thereof imposed by this article will be assumed or absorbed by the **Vendor** or **Taxpayer** or that it will not be added to the selling **Price** of the property sold, or, if added, that it or any part thereof will be refunded. Any **Person** violating this provision of this article shall be subject to the penalties herein provided.

(Ord. No. 1246, § 16.22(A), (C)—(H), 11-19-92)

Sec. 22-108. - Assessment of penalties and interest.

- (a) *Generally.* If any **Person** or **Taxpayer** or **Vendor** fails, neglects or refuses to collect the **Tax** or to make a **Return** and pay the **Tax** as required by this article or should fail to remit the proper amount of **Tax** or underpays the **Tax** because of negligence, fraud, or on a regular basis, penalties and interests plus any costs of collection shall be added and imposed in accordance with the following provisions and in the event the **Person**, **Taxpayer**, or **Vendor** fails to pay the additions to **Tax** penalties and interest as required by this article then the **City Treasurer** on such information as is available, shall make an estimate of the **Tax** and additions thereto and shall give to the delinquent **Taxpayer**, **Person** or **Vendor** written **Notice** of final determination—assessment and demand for payment, which assessment of deficiency amount will be due and payable ~~ten (10)~~ **twenty (20)** days after such notice.
- (b) *Failure to file Tax Return; failure to pay Tax; deficiency due to negligence.* If any **Taxpayer** or **Vendor** fails to file a **Return** or to pay the **Tax** on any **Return** required by this article on the date prescribed, therefore, the **City Treasurer** shall make an estimate of the **Tax** and shall serve on the **Taxpayer** or **Vendor** a written **Notice** of final determination—assessment, and demand for payment. A penalty of fifteen dollars (\$15.00) or ten (10) percent, whichever is greater, and interest of one percent per month of the **Tax** due shall be charged on all overdue accounts. Waiver of all such charges except interest at six (6) percent per annum may be made by the **City Treasurer** upon presentation of justifiable cause for late payment of **Taxes** due. If such **Tax Deficiency** amount, penalty and interest is not paid, or no request for hearing under section 22-111 is made ~~within~~ **twenty (20) days after written Notice** of final determination—assessment, and demand for payment is mailed to the **Taxpayer**, he shall waive his right of protest of such amount (see subsection 22-111(f)).
- (c) *Mathematical error on Tax Returns.* In the event that the amount of **Tax** is understated on the **Taxpayer's Return** due to a mathematical error, the **City** shall notify the **Taxpayer** in writing of the amount of **Tax** in **Excess** of that shown in the **Return** which is due. **At the discretion of the City Treasurer, if the Taxpayer fails to pay outstanding Tax due, they may be notified** by written **Notice** of final determination—assessment and demand for payment of the amount of **Tax** in **Excess** of that shown in the **Return** which is due and has been assessed. The **Taxpayer** shall have no right of protest of appeal as in the matter of other assessments but shall pay the **Tax** due and assessed or file an amended **Return** to show the true amount of **Tax** due within ~~ten (10)~~ **twenty (20)** days from such assessment.
- (d) *Interest.* If any amount of **Sales** or **Use Tax** is not paid on or before the last date prescribed for payment without regard to extensions in time for payment of the **Tax**, interest on such amount at the rate of twelve (12) percent per annum shall be paid for the period from such last date to the date paid. In the case of **Taxes** in which the last date for payment is not otherwise prescribed, the last date of payment shall be deemed to be the date the liability for **Tax** arises, and in no event shall it be later than the date **Notice** and demand for the **Tax** is made by the **City Treasurer** or his representative.

- (e) *Fraud with intent to evade Tax.* If any **Taxpayer** or **Vendor** fails to file a **Return** or pay the **Tax** on any **Return** required under this article on the date prescribed therefore, determined with regard to any extension of time for filing, and any part of the deficiency is due to fraud with the intent to evade the **Tax**, then there shall be added fifty (50) percent of the total amount of the deficiency and in such case, the whole amount of the **Tax** unpaid, including the additions, shall become due and payable ~~ten (10)~~ **twenty (20)** days after written **Notice** of final determination-assessment and demand for payment by the **City Treasurer** and an additional one percent per month on said amount shall be added from the date the **Return** was due until paid.
- (f) *Special penalty for returned checks.* If a **Taxpayer** pays for any **Tax** imposed pursuant to this article by check for which there are insufficient funds to cover such check, then the **Finance Director** may assess a penalty against such **Taxpayer** as follows:
- (1) Fifteen dollars (\$15.00) for the first violation;
 - (2) Thirty dollars (\$30.00) for the second violation; and
 - (3) Fifty dollars (\$50.00) for each additional violation.
- If a penalty of thirty-five dollars (\$35.00) or more has been assessed against a **Taxpayer** by the **Finance Director**, then the **Finance Director** may require such **Taxpayer** to pay all **Tax** payments, whether due or to be due in the future, by certified funds, cashier's check or cash. The penalty imposed by this subsection (f) above is in addition to all other penalties imposed pursuant to this article.
- A returned check is considered non-payment and is subject to applicable non-sufficient fund penalties and Tax penalties.**
- (g) *Special penalty recurring distraint warrants.* If any **Person**, **Taxpayer** or **Vendor** liable for the payment of a **Tax** imposed by this article has repeatedly failed, neglected, or refused to pay the same within the time specified for such payment, and the **Department of Finance** has been required to exercise its enforcement proceedings three (3) or more times through the issuance of a distraint warrant to enforce collection of any such **Taxes** due, the **City Treasurer** is hereby authorized to assess and collect the amount of such **Taxes** due together with all the interest and penalties thereon provided by law and also an additional amount for recurring warrants to compensate the **Department** for administrative and collection costs incurred in collecting such delinquent **Taxes** as follows.
- (1) Two (2) or three (3) consecutive distraint warrants issued: fifteen (15) percent of the delinquent **Taxes**, interest and penalties due or the sum of twenty-five dollars (\$25.00), whichever is greater;
 - (2) Four (4) or more consecutive distraint warrants: thirty (30) percent of the delinquent **Taxes**, interest, and penalties due or the sum of fifty dollars (\$50.00), whichever amount is greater.
- (h) *Special penalty for court summons.* If any **Person**, **Taxpayer** or **Vendor** liable for the payment of a **Tax** imposed by this article has failed, neglected, or refused to pay the same within the time specified for such payment, and the **Department of Finance** has been required to issue a court summons for the violation of this article, the **City Treasurer** is hereby authorized to assess and collect the amount of such **Taxes** due together with all the interest and penalties thereon provided by law and an additional amount equal to fifty (50) percent of the delinquent **Taxes**, accumulated penalties and interest or the sum of fifty dollars (\$50.00), whichever amount is greater, to compensate the **Department** for administrative and collection costs.
- (i) *Special penalty for incorrect registration of motor vehicle.* If the **City Treasurer** determines that a **Person** has registered or caused to be registered a motor vehicle outside the **City** and that such motor vehicle should have been registered at an address in the **City**, the **City Treasurer** is authorized to assess a civil penalty of five hundred dollars (\$500.00) against the **Person**. A written **Notice** of the penalty assessment shall be issued, paid and protested in the same manner as provided in this chapter for the collection of **Tax** due. Assessment and collection of the penalty shall not preclude the collection of any **Tax** due or fee or the imposition of any civil or criminal penalty provided by law.
- (j) *Authority to waive penalty.* The **City Treasurer** is hereby authorized to waive, for good cause shown, any penalty assessed as in this article provided.
- (1) *Interest assessment.* Interest prescribed under this section shall be paid upon **Notice** and demand, and shall be assessed, collected and paid in the same manner as the **Tax** to which it is applicable.
 - (2) *No interest assessed on credit.* If any portion of a **Tax** is satisfied by credit of an overpayment, then no interest shall be imposed under this section on the portion of the **Tax** so satisfied for any period during which, if the credit had not been made, interest would have been allowed with respect to such overpayment.
 - (3) *Interest assessment period.* Interest prescribed under this section on any **Tax** may be assessed and collected at any time during the period within which the **Tax** to which such interest relates may be assessed and collected.

Sec. 22-109. - Interest on overpayments and erroneous refunds.

- (a) Interest shall not be allowed and paid upon any overpayment in respect of any **Sales** or **Use Tax**.
- (b) Any portion of a **Sales** or **Use Tax**, or any interest, assessable penalty, additional amount, or addition to **Tax**, which has been erroneously refunded, shall bear interest at the rate of twelve (12) percent per annum from the date of the payment of the refund.

(Ord. No. 1246, § 16.28, 11-19-92)

Sec. 22-110. - Refunds generally.

- (a) *Assignment.* The right of any **Person** to a refund under this article shall not be assignable and such application for refund must be made by the same **Person** who **Purchased** the goods and paid the **Tax** thereon as shown in the invoice of the **Sale** thereof except in subsection (i) of this section.
- (b) *Proof of exemption.* The burden of proving that **Sales**, services and commodities, on which **Tax** refunds are claimed, are exempt from taxation under section 22-183 or were not at **Retail**, shall be on the one making such claim under such reasonable requirements of proof as the **City Treasurer** may prescribe.
- (c) *Disputes regarding exemption.* Should a dispute arise between the **Purchaser** and seller as to whether or not any **Sale**, service, or commodity is exempt from taxation under this article, nevertheless, the seller shall collect and the **Purchaser** shall pay the **Tax** and the seller shall issue to the **Purchaser** a receipt or certificate, on forms prescribed by the **City Treasurer** showing the names of the seller and the **Purchaser**, the items **Purchased**, the date, **Price**, amount of **Tax** paid, and a brief statement of the claim of exemption.
- (d) *Application for refund of disputed Tax.* A refund shall be made, or a credit allowed, for the **Tax** so paid under dispute by any **Purchaser** who has an exemption as in this article provided. Such refund shall be made by the **Director** of **Finance** after compliance with the following conditions precedent: Applications from refund must be made within sixty (60) days after the **Purchase** of the goods whereon an exemption is claimed; and must be supported by the affidavit of the **Purchaser** accompanied by the original paid invoice or **Sales** receipt and certificate issued by the seller; and be made upon such forms as shall be prescribed and furnished by the **City Treasurer** which forms shall contain such information as said **City Treasurer** shall prescribe.
- (e) *Determination by Treasurer regarding disputed Tax.* Upon receipt of such application, the **City Treasurer** shall examine same with all due speed and shall give **Notice** to the applicant by order in writing of his decision thereon. Aggrieved applicants, within twenty (20) days after such decision is mailed to them, may petition the **City Treasurer** for a hearing on the claim in the manner provided in section 22-111 and may appeal to the district courts in the manner provided herein.
- (f) *Payment of refund.* If the **City Treasurer** discovers from the examination of a **Return** within the time periods provided for the filing of refunds, or upon claim duly filed by the **Taxpayer**, or upon final judgment of a court, that the **Tax**, penalty, or interest paid by any **Taxpayer** is in excess of the amount due or has been illegally or erroneously collected, then the **City Treasurer** shall rule in favor of the **Taxpayer** for refund of such illegally collected **Tax**, penalty, or interest, regardless of whether or not such sum was paid under protest. The **City Treasurer** shall issue a warrant for the payment to the **Taxpayer**, out of the reserve of the appropriate **City** fund; provided therefore; provided, that the **City Treasurer** shall keep in his files a duplicate of said voucher and also a statement which shall set forth the reason why such refund shall have been ordered.
- (g) *Refund to offset previous Tax due.* Whenever it is established that any **Taxpayer** has, for any period open under the statutes overpaid a **Tax** imposed by this article, and that there is an unpaid balance of **Tax** and interest accrued according to the records of the **City Treasurer**, owing by the **Taxpayer** for any other period, so much of the overpayment of **Tax** plus interest allowable thereon as does not exceed amount of such unpaid balance, shall be credited thereto and any excess of the overpayment shall be refunded.
- (h) *Undercollection of Tax.* If any **Retailer** can demonstrate to the reasonable satisfaction of the **City Treasurer** or his authorized agent, that consistent, diligent application and adherence by the **Retailer** of the equivalent of ~~four (4) percent~~ **the imposed percentage rate of Sales and Use Tax as defined in Section 22.181 and Section 22.196**, bracket system rates results in actual undercollection of the **Sales Tax** by the **Retailer**, then the **City Treasurer** is authorized to allow said **Retailer** either a credit against future **Tax** liability or a refund of such undercollection, as the **City Treasurer** may determine.

- (i) *Refunds by governmental units.* The foregoing notwithstanding, however, applications for refunds submitted by the United States Government, the State of Colorado, its **Department**s or institutions, and the political subdivisions thereof, including the City of Steamboat Springs shall be submitted within eighteen (18) months after **Purchase** of the **Tangible Personal Property Purchased** by any **Person**, firm or corporation furnishing work and materials under contract, with the above governmental units on any of their properties located within the corporate limits of the City of Steamboat Springs provided, however, that the refund to the said above governmental units of all **Sales** and **Use Taxes** received by the City of Steamboat Springs in the manner aforesaid shall not exceed ninety-six (96) percent of said receipts.
- (j) *Making false or fraudulent claim.* Any applicant for refund under the provisions of this section, or any other **Person** who shall make any false statement in connection with an application for a refund of any **Taxes** shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as provided herein.
- (k) *Recovery of refunds from **Person** convicted of violation.* If any **Person** be convicted under the provisions of this section, such convictions shall be "prima facie" evidence that all refunds received by such **Person** during the current year were obtained unlawfully and the **City Treasurer** is hereby empowered and directed to bring appropriate action for recovery of such refunds.
- (l) *Credit for **Tax** previously paid to another municipality.* The **Sales Tax** shall not apply to the **Sale** of **Tangible Personal Property** at **Retail** or the furnishing of services if the transaction was previously subjected to a **Sales** or **Use Tax** lawfully imposed on the **Purchaser** or **User** by another statutory or home rule municipality equal to or in excess of **the imposed percentage rate of Sales and Use Tax as defined in Section 22.181 and Section 22.196**. A credit shall be granted against the **City's Sales Tax** with respect to such transaction equal in amount to the lawfully imposed local **Sales** or **Use Tax** previously paid by the **Purchaser** or **User** to the previous statutory or home rule municipality. The amount of credit shall not exceed **four (4) percent the imposed percentage rate of Sales and Use Tax as defined in Section 22.181 and Section 22.196**
- (m) *Limitations of actions.* An application for refund of a **Sales** or **Use Tax** paid under dispute by a **Purchaser** or **User** who claims an exemption under this article shall be made within sixty (60) days after the **Purchase**, **Storage**, **Use** or **Consumption** of the goods or services for which the exemption is claimed. An application for refund of **Tax** moneys paid in error or by mistake shall be made within three (3) years.
- (n) *Senior citizen **Sales Tax** rebate.* Upon yearly application to the **City Treasurer**, a two hundred dollar **Sales Tax** rebate shall be made available to each individual who, prior to such application, has been a **Resident** of the **City** for at least one year, who is at least sixty-two (62) years of age or who is certified by a licensed physician of the state to be one hundred (100) percent disabled and who meets the low income adjusted income limit for one **Person** (or two (2) **Persons** if a joint federal income **Tax Return** is filed) as published by the Farmers Home administration/Housing and Urban Development for Routt County, with the exception that individuals who had participated in the program prior to January 1, 1998, will be allowed to continue provided that they continue to meet the residency requirement.
Participants in the program must be able to demonstrate that they meet the requirements when making application for the new year. The **City Treasurer** shall prescribe the necessary forms and proof requirements sufficient to make a reasonable determination of qualification.

(Ord. No. 1246, § 16.29, 11-19-92; Ord. No. 1594, § 1, 2-17-98; Ord. No. 1831, § 1, 1-22-02)

Sec. 22-111. - Hearings.

- (a) *Request for hearing.* Any **Taxpayer** may request a hearing on any proposed **Tax** by reason of **Notice** of final determination-assessment and demand for payment or by reason of denial of his claim for refund by application to the **City Treasurer** within twenty (20) days of the mailing of a **Notice** of deficiency, assessment or denial of refund. The request for hearing shall set forth the **Taxpayer's** reasons for, and the amount of, the requested changes in the deficiency, assessment or denial of refund.
- (b) *Hearing time and place.* The **City Treasurer** shall notify the **Taxpayer** in writing of the time and place for such hearing fifteen (15) days prior thereto. In all cases, the hearing shall be held in Steamboat Springs, Colorado, at the office of the **City Treasurer**.
- (c) *No second hearing.* After a hearing under this section, the **Taxpayer** shall not be entitled to a second hearing before the **City Treasurer** on the matters set forth in his previous request for hearing.
- (d) *Conduct of hearing.* The hearing shall be held before the **Treasurer**. The **City Treasurer** is hereby authorized to administer oaths and take testimony. At the hearing, the **Taxpayer** may assert any facts, make any arguments and file any briefs and affidavits he believes pertinent to his cause.

- (e) *Request for extension of time; request for reconsideration without hearing.* In lieu of filing a request for hearing within the twenty-day period provided, the **Taxpayer** may (a) make a written request for an extension of time for hearing or (b) file a written brief and other pertinent written materials or documents and request that the **City Treasurer** reconsider the deficiency or denial of the refund claim without a hearing. Any extension of time for hearing shall not exceed ten (10) additional days, or a total of thirty (30) days from the mailing of the **Notice** of final determination—assessment and demand for payment, or final denial of refund. Any written material submitted in lieu of a hearing shall be used by the **City Treasurer** to reconsider the deficiency or the denial of refund, in the same manner as if the material had been presented at a formal hearing (see subsection 22-111(e)). Any brief must be submitted in duplicate for each assessment, deficiency or denial of refund, and must be subscribed and sworn to by the **Taxpayer** or his agent under the penalty of perjury.
- (f) *Time limit for request for hearing.* After the expiration of twenty (20) days from the mailing of the **Notice** of final determination—assessment and demand for payment or denial of refund, if the **Tax** has not been paid or if no request for hearing, or extension for hearing has been requested, or no written brief has been filed by the **Taxpayer**, then the **Notice** of final determination—assessment and demand for payment previously mailed, shall constitute a final assessment of the amount of the **Tax** specified, together with interest, additions to **Tax** penalties or shall constitute a final denial of refund, as the case may be except only for such amounts as to which the **Taxpayer** has filed a protest with the **City Treasurer**.
- (g) *Authority to adjust **Tax** or approved refund.* Based on the evidence presented at any hearing or filed in support of the **Taxpayer's** contentions at any hearing, the **City Treasurer** may modify and abate in full the **Tax**, penalty and interest questioned at the hearing or may approve a refund.
- (h) *Notice of determination.*
- (1) Upon rejection, in whole or in part, of the claim for refund or upon the finding by the **City Treasurer** that, on hearing the evidence, an assessment in whole or in part has been made against **Taxpayer** validly, the **City Treasurer** shall send a hearing determination **Notice** to the **Taxpayer** setting forth the amount of claim for refund denied or the amount of deficiency assessment of **Taxes** found due, stating therein the grounds for allowance or rejection in whole or in part.
 - (2) Unless an appeal be taken as provided in section 22-112, the **Tax**, together with interest thereon and penalties, if any, shall be paid within thirty (30) days after mailing of the hearing determination **Notice** to **Taxpayer**.
 - (3) This section shall not prevent a **Taxpayer** from suing for a refund or a **Taxpayer** appealing the **City Treasurer** determination as provided for in section 22-112.

(Ord. No. 1246, § 16.30, 11-19-92; Ord. No. 2269, § 1, 8-18-09)

Sec. 22-112. - Appeals.

- (a) *Right of appeal.* The **Taxpayer** may appeal the hearing determination **Notice** of the **City Treasurer** issued pursuant to section 22-111 provided such appeal is taken within thirty (30) days of the mailing of **Notice** of the hearing determination. The **Taxpayer** may request a hearing before the executive director of the state department of revenue or the delegate thereof as provided in C.R.S. 29-2-106.1 or may file such appeal with the District Court of Routt County.
- (b) *Venue.* Venue and jurisdiction to hear and determine appeals is hereby conferred on the Routt County District Court.
- (c) *Taxpayer and **City's** proof requirements.* The District Court of Routt County shall have original jurisdiction to review the proceedings, such review being conducted in accordance with Rule 106 (a)(4) of the Colorado Rules of Civil procedure.
- (d) *Bond or deposit.* Within fifteen (15) days after filing of the **Notice** of appeal, the **Taxpayer** shall file with the district court a bond in twice the amount of the **Taxes**, interest, and other charges stated in the final determination by the **City Treasurer** which are contested on appeal; provided, that the **Taxpayer** may at his option deposit the disputed amount with the **City Treasurer** in lieu of posting bond. If such amount is so deposited, no further interest shall accrue on the deficiency contested during the pendency of the action. At the conclusion of the action or the time for such appeal has expired, the funds deposited shall be, at the direction of the court either retained by the **City Treasurer** and applied against the deficiency or returned in whole or in part to the **Taxpayer**. No claim for refund of amount so deposited with the **City Treasurer** need be made by the **Taxpayer** in order for such amounts to be repaid in accordance with the direction of the court.
- (e) *Judgment on appeal.* The final decision made in such appeal shall be entered as a judgment as in other civil cases against the **Taxpayer** or against the **City Treasurer** as the case may be.

(Ord. No. 1246, § 16.31, 11-19-92)

Sec. 22-113. - Coordinated audit procedure.

- (a) *Eligibility.* Any **Taxpayer Licensed** in this **City** pursuant to sections 22-126 through 22-130, and holding a similar **Sales Tax License** in at least four other Colorado municipalities that administer their own **Sales Tax** collection, may request a coordinated audit as provided herein.
- (b) *Request.* Within fourteen (14) days of receipt of **Notice** of an intended audit by any municipality that administers its own **Sales Tax** collection, the **Taxpayer** may provide to the **Finance Director** of this **City**, by certified mail, return receipt requested, a written request for a coordinated audit indicating the municipality from which the **Notice** of intended audit was received and the name of the official who issued such **Notice**. Such request shall include a list of those Colorado municipalities utilizing local collection of their **Sales Tax** in which the **Taxpayer** holds a current **Sales Tax License** and a declaration that the **Taxpayer** will sign a waiver of any passage-of-time based limitation upon this **City's** right to recover **Tax** owed by the **Vendor** for the audit period.
- (c) *Audit limitation.* Except as provided in paragraph (g), any **Taxpayer** that submits a complete request for a coordinated audit and promptly signs a waiver of section 22-170(a) may be audited by this **City** during the twelve (12) months after such request is submitted only through a coordinated audit involving all municipalities electing to participate in such an audit.
- (d) *Notice to other municipalities.* If this **City** desires to participate in the audit of a **Taxpayer** that submits a complete request for a coordinated audit pursuant to paragraph (c), the **Finance Director** shall so notify the **Finance Director** of the municipality whose **Notice** of audit prompted the **Taxpayer's** request for a coordinated audit. The **Finance Director** shall then cooperate with other participating municipalities in the development of arrangements for the coordinated audit, including arrangement of the time during which the coordinated audit will be conducted, the period of time to be covered by the audit, and a coordinated **Notice** to the **Taxpayer** of those records most likely to be required for completion of the coordinated audit.
- (e) *Audit coordinator.* If the **Taxpayer's** request for a coordinated audit was in response to a **Notice** of audit issued by this **City**, this **City's Finance Director** shall facilitate arrangements between this **City** and other municipalities participating in the coordinated audit unless and until an official from some other participating municipality agrees to assume this responsibility. The **Finance Director** shall cooperate with other participating municipalities to, whenever practicable, minimize the number of auditors that will be present on the **Taxpayer's** premises to conduct the coordinated audit on behalf of the participating municipalities. Information obtained by or on behalf of those municipalities participating in the coordinated audit may be shared only among such participating municipalities.
- (f) *Taxpayer notice.* If the **Taxpayer's** request for a coordinated audit was in response to a **Notice** of audit issued by this **City**, this **City's Finance Director** shall, once arrangements for the coordinated between the **City** and other participating municipalities are completed, provide written **Notice** to the **Taxpayer** of which municipalities will be participating, the period to be audited and the records most likely to be required by participating municipalities for completion of the coordinated audit. The **Finance Director** shall also propose a schedule for the coordinated audit.
- (g) *Restrictions.* The coordinated audit procedure set forth in this section shall not apply:
- (1) When the proposed audit is a jeopardy audit;
 - (2) To audits for which a **Notice** of audit was given prior to the effective date of this section;
 - (3) When a **Taxpayer** refuses to promptly sign a waiver of the statute of limitations per section 22-170(a) or;
 - (4) When a **Taxpayer** fails to provide a timely and complete request for a coordinated audit as provided in paragraph (b) of this section.

(Ord. No. 1246, § 16.35, 11-19-92)

Sec. 22-114. - Intercity Claims For Recovery.

The intent of this section is to streamline and standardize procedures related to situations where **Tax** has been remitted to the incorrect municipality. It is not intended to reduce or eliminate the responsibilities of the **Taxpayer** or **Vendor** to correctly pay, collect, and remit **Sales** and **Use Taxes** to the **City**.

- (1) *Definition.* As used herein, "**Claim For Recovery**" means a claim for reimbursement of **Sales** and **Use Taxes** paid to the wrong taxing jurisdiction.
- (2) *Notification of improper **Tax** collections and/or remittances.* When it is determined by the **Director** of **Finance** of the

City that Sales and Use Tax owed to the City has been reported and paid to another municipality, the City shall promptly notify the Vendor that Taxes are being improperly collected and remitted, and that as of the date of the Notice the Vendor must cease improper Tax collections and remittances.

(3)

Claim For Recovery. The City may make a written Claim For Recovery directly to the municipality that received Tax and/or penalty and interest owed to the City, or, in the alternative, may institute procedures for collection of the Tax from the Taxpayer or Vendor. The decision to make a Claim For Recovery lies in the sole discretion of the City. Any Claim For Recovery shall include a properly executed release of claim from the Taxpayer and/or Vendor releasing its claim to the Taxes paid to the wrong municipality, evidence to substantiate the claim, and a request that the municipality approve or deny in whole or in part, the claim within ninety (90) days of its receipt. The municipality to which the City submits a Claim For Recovery may, for good cause, request an extension of time to investigate the claim, and approval of such extension by the City shall not be reasonably withheld.

(4)

Response to claim. Within ninety (90) days after receipt of a Claim For Recovery, the City shall verify to its satisfaction whether or not all or a portion of the Tax claimed was improperly received, and shall notify the municipality submitting the claim in writing that the claim is either approved or denied in whole or in part, including the reasons for the decision. If the claim is approved in whole or in part, the City shall remit the undisputed amount to the municipality submitting the claim within thirty (30) days of approval. If a claim is submitted jointly by a municipality and a Vendor or Taxpayer, the check shall be made to the parties jointly. Denial of a Claim For Recovery may only be made for good cause.

(5)

Denial of claim. The City may deny a claim on the grounds that it has previously paid a Claim For Recovery arising out of an audit of the same Taxpayer.

(6)

Limitation. The period subject to a Claim For Recovery shall be limited to the thirty-six (36) month period prior to the date the municipality that was wrongly paid the Tax receives the Claim For Recovery.

(Ord. No. 1246, § 16.36, 11-19-92)

Sec. 22-115. - Notices of Sales and Use Tax ordinance amendment.

(a)

Control register initiation. In order to initiate a central register of Sales and Use Tax ordinances for municipalities that administer local Sales Tax collection, the Finance Director of the City shall file with the Colorado Municipal League prior to the effective date of this section of a copy of the City Sales and Use Tax ordinance reflecting all provisions in effect on the effective date of this section.

(b)

Control register maintenance. In order to keep current the central register of Sales and Use Tax ordinances for municipalities that administer local Sales Tax collection, the Finance Director of the City shall file with the Colorado Municipal League prior to the effective date of any amendment a copy of each Sales and Use Tax ordinance amendment enacted by the City.

(c)

Failure to file. Failure of the City to file such ordinance or ordinance amendment pursuant to the section shall not invalidate any provision of the Sales and Use Tax ordinance or any amendment thereto.

(Ord. No. 1246, § 16.37, 11-19-92)

Sec. 22-116. - Participation in simplification meetings; requirements.

The Finance Director shall cooperate with and participate on an as needed basis with permanent statewide Sales and Use Tax committee convened by the Colorado Municipal League which is composed of state and municipal Sales and Use Tax officials and Business officials. Said committee will meet for the purpose of discussing and seeking resolution to Sales and Use Tax problems which may arise.

(Ord. No. 1246, § 16.38, 11-19-92)

Secs. 22-117—22-125. - Reserved

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Subdivision II. - Licenses

[Sec. 22-126. - License required; issuance; term.](#)

[Sec. 22-127. - Tax-exempt institutions.](#)

[Sec. 22-128. - Retailer Licenses.](#)

[Sec. 22-129. - Single event License.](#)

[Sec. 22-130. - Occasional or isolated Sales.](#)

[Secs. 22-131—22-140. - Reserved.](#)

[Sec. 22-126. - License required; issuance; term.](#)

It shall be unlawful for any Person to engage in the Business of selling at Retail or purchasing at Retail, as the same is defined in this article, Tangible Personal Property and services subject to the Tax imposed by this article, without first having obtained a License therefore, which License shall be granted and issued by the City Treasurer, without fee, and shall be in force and effect until November 31st of the year in which it was issued unless sooner terminated or revoked.

(Ord. No. 1246, § 16.23(A), 11-19-92)

[Sec. 22-127. - Tax-exempt institutions.](#)

(a) No exempt institution, including quasi-governmental, religious, Charitable, or other type institutions may Purchase Tax free in Steamboat Springs, or Use in Steamboat Springs, Tangible Personal Property or Taxable property or Taxable Services Tax free unless:

(1)

Application for exempt License. The exempt group furnishes a copy of their State of Colorado Exemption Institution License to any the Vendor prior to the allowance of a Tax free Purchase. applies for a City of Steamboat Springs "Exempt Institution License Number" which shall be furnished by the institution to any Vendor prior to the allowance of a Purchase Tax free. The institution must have applied for and received a state exempt institution number prior to issuance of a City number.

(2)

Conditions to granting exempt License. The institution must agree, as a condition of receipt of that exempt institution License number to make a regular and complete report of all Purchases, both those ultimately Taxable, including but not limited to those resold to members and others and those Used for other than the exempt purpose of the institution, and those also found non-taxable.

(b)

Any exempt enterprise whether or not having secured an exempt License number, may be subject to audit as would be any other Steamboat Springs Retailer or Consumer.

(Ord. No. 1246, § 16.23(B), 11-19-92)

[Sec. 22-128. - Retailer Licenses.](#)

(a)

Application; content. City Retailer Licenses shall be granted only upon application stating the name and address of the Person desiring such License, the name of such Business and the character thereof, the location, including the street number of such Business and such other facts as may be required by the City Treasurer. Any Person doing Business as a Wholesaler shall obtain a Retailer's License if any Sales are made at Retail as defined herein.

(b)

Multiple locations. Each retail establishment to be Licensed in case Business is transacted at two (2) or more separate places by one Person, a separate License for each place of Business shall be required; however, consolidated Tax Returns may be filed for those various locations as set forth in section 22-142.

(c)

Form; transfer. Each License shall be numbered and shall show the name, residence, mailing address, and place and character of Business of the licensee and shall be posted in a conspicuous place in the place of Business for which it is issued. No License shall be transferable.

(d)

Engaging in Business without License. Any Person Engaged in Business in City as defined in the article, without having secured a License therefore, except as specifically provided herein, shall be guilty of a violation of this article.

(e)

Revocation. The City Treasurer may on a reasonable Notice and after full hearing, revoke the License of any Person found by the City Treasurer to have violated any provision of this article. After revocation of the License, no further Business, as defined herein, may be conducted within the City, and the City attorney shall institute such legal action as may be necessary to preclude such conduct of a Business.

- (f) *Appeal of revocation.* Any finding and order of the **City Treasurer** revoking the **License** of any **Person** shall be subject to Judicial Review in accordance with Rule 106 (a)(4) of the Colorado Rules of Civil Procedure.
- (g) *Exemption.* No **License** shall be required for any **Person** engaged exclusively in the **Business** of selling commodities which are exempt from taxation under this article.
- (h) *Sale or transfer of **Business** interest.* Any **Sale**, transfer or **Purchase** of an interest in a **Business** enterprise by any **Persons**, as defined, where the respective interest of the **Person** purchasing or selling as a result of the transaction has changed in any degree, requires, in the case of a **Retailer** or other **Person** required to be **Licensed** under this article, the issuance of a new **License**.
- (Ord. No. 1246, § 16.23(C), 11-19-92)

Sec. 22-129. - Single event License.

A **Person** conducting a singular **Sales** event may apply to the **City** for a **License** to engage in the **Business** of selling at **Retail** for a temporary period of time. The application shall state the name and address of the **Person** applying for such **License**, the name and location of the **Person's** organization, including the street number of such organization, and such other information as the **City Treasurer** may require. (Refer to section 22-143(f).)

(Ord. No. 1246, § 16.23(D), 11-19-92)

Sec. 22-130. - Occasional or isolated Sales.

An individual having an occasional or isolated **Sale** of **Tangible Personal Property** is not required to have a **Retail Sales Tax License**. Such **Sales** must be made from the private residences of such individuals and the aggregate dollar amount of such **Sales** may not exceed one thousand dollars (\$1,000.00) for any one calendar year. In addition the following conditions must be met:

- (1) Neither the seller nor any member of his household may be engaged in a trade or **Business** where similar items are sold;
- (2) An annual report of casual **Sales** must be filed with the **City** by every individual making such **Sales** and the **Sales Tax** due must be remitted on forms provided by the **Treasurer**, showing in detail all such **Sales** made during the year; and
- (3) All such **Returns** shall be subscribed by the **Taxpayer** or his agent and shall contain written declaration that they are being made under the penalties of perjury in the second degree.

(Ord. No. 1246, § 16.23(E), 11-19-92)

Secs. 22-131—22-140. - Reserved.

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Subdivision III. - Reports and Accounts

[Sec. 22-141. - Authority to require records and reports.](#)

[Sec. 22-142. - Returns.](#)

[Sec. 22-143. - Special Accounting.](#)

[Sec. 22-144. - Payment of Taxes on installment basis.](#)

[Sec. 22-145. - Special Accounting—Sales by qualified non-profit organizations.](#)

[Secs. 22-146—22-155. - Reserved.](#)

Sec. 22-141. - Authority to require records and reports.

The **City Treasurer**, may require any **Person**, by regulation or **Notice** served on such **Person**, to make such **Return**, render such statement or keep and furnish such records, or make such information reports as the **City Treasurer** may deem sufficient to show whether or not such **Person** is liable under this act for payment or collection of the **Tax** imposed herein.

In addition, when in the opinion of the **Treasurer** it is necessary for the efficient administration of this section to treat any salesman, representative, peddler, or canvasser as the agent of the **Vendor**, distributor, supervisor, or employer under whom he operates or from whom he obtains **Tangible Personal Property** sold by him or for whom he solicits **Business**, the **Treasurer** may treat such agent as the **Vendor** jointly responsible with his principal, distributor, supervisor, or employer for the collection and payment of the **Tax**.

(Ord. No. 1246, § 16.22(B), 11-19-92)

Sec. 22-142. - Returns.

- (a) *Contents; form.* The **Returns** to be filed by the **Taxpayer**, or his duly authorized agent, shall be the standard municipal **Sales** and **Use Tax** reporting form as adopted by the executive director of the Colorado Department of Revenue and shall contain such information and be completed in such manner as the **City Treasurer** may prescribe.
- (b) *Consolidation of Returns.* A **Vendor** doing **Business** in two (2) or more places or locations, whether in or without the **City**, and collecting **Taxes** hereunder, may file one **Return** covering all such places or locations, when accompanied by a supplemental report showing the **Gross Sales and Service** and **Net Taxable Sales and Service** and **Taxes** collected thereon for each such place or location. Under collections and over-collections may not be offset between locations.
- (c) *Reporting periods.* If the accounting methods regularly employed by the **Vendor** or **Licensed Consumer** in the transaction of his **Business**, or other conditions, are such that the **Returns** aforesaid made on a calendar month basis, will impose unnecessary hardship, the **City Treasurer** may, upon request of the **Vendor**, or **Licensed Consumer**, accept **Returns** at such intervals as will, in his opinion, better suit the convenience of the **Taxpayer** and will not jeopardize the collection of the **Tax**.
- (d) *Timely payment; computation of dates.*
- (1) *Date received.* Timely payment shall be evidenced by the postmark date if mailed; otherwise timely payment shall be evidenced by the **City** cashier validation date.
- (2) *Due date exceptions.* Any due date; payment date; or deadline for paying **Tax** due, providing information or taking other action; which falls on a Saturday, Sunday or legal holiday recognized by either the federal government or State of Colorado shall be extended to the first business day following such weekend or holiday.

(Ord. No. 1246, § 16.24, 11-19-92)

Sec. 22-143. - Special Accounting.

- (a) *Alcoholic beverage Sales by the drink.* Any **Retailer** selling malt, vinous, or spirituous liquors by the drink may include in his **Sales Price** the **Tax** levied under this section; provided, that no such **Retailer** shall advertise or hold out to the public in any manner, directly or indirectly, that such **Tax** is not included as a part of the **Sales Price** to the **Consumer**.
- (b) *Vending machine Sales.* Any vending machine operator may include in his **Sales Price** the **Tax** levied under this section, provided that no such **Retailer** shall advertise or hold out to the public in any manner, directly or indirectly, that such **Tax** is not included as a part of the **Sales Price** to the **Consumer**.
- (c) *Combined Sales of services and Personal Property.* Every contractor or **Vendor** conducting a **Business** in which the transaction between the **Vendor** and the **Consumer** or **Purchaser** consists of the supply of **Tangible Personal Property** and services in connection with the maintenance or servicing of same, shall be required to pay the **Tax** levied under this article upon the full contract **Price**, unless application is made to the **City Treasurer** for permission to use a percentage basis or reporting the **Tangible Personal Property** sold and the services supplied under such contract. The **City Treasurer** is hereby authorized to determine the percentage based upon the ratio of the **Tangible Personal Property** included in the consideration as it bears to the total of the consideration paid under said combination contract or **Sale** which shall be subject to the **Tax** levied pursuant to the provisions of this article. The section shall not be construed to include terms upon which the **Tax** is imposed on the full **Purchase Price** as defined in subsection 22-86(42), nor shall it be construed as an allowance for the **Vendor** to fail to itemize to the customer the **Taxable**, and non-taxable portions of the bill.
- (d) *Building contractors.* Every contractor who shall build, construct, alter, expand, modify, or improve any building, dwelling or other structure, or improvement to real property in this **City** and who shall **Purchase** lumber, fixtures, or any other building materials and supplies **Used**, therefore, and every owner, or lessee of realty situate in the **City** and of improvements and structures located upon realty, situate in the **City**, upon which any article or articles of **Tangible Personal Property** acquired from sources within (or without) the **City**, are attached or affixed shall pay the Steamboat Springs Building Use Tax by:

- (1) Applying for the proper **Building Permits** issued through the regional building department ;
 - (2) Paying a deposit, prior to issuance of a **Permit**, based on a percentage of the building department's valuation of the cost of the work to be done; and
 - (3) Filing a final cost report with the **City** on the prescribed form remitting any **Tax** due or requesting a refund of deposit in excess of actual **Tax** liability.
- (e) *Special Food promotions.* Vendors providing special **Food** promotions at pricing lower than **Food** cost must report and pay **Tax** on the difference between the selling **Price** less **Tax** and the cost of the **Food** as "**Tax** on inventory taken for own **Use**".
- (f) *Occasional Sales; single events.* Business, organizations or individuals selling **Taxable Tangible Personal Property** or services on an occasional or isolated basis are required to collect the **Sales Tax** imposed by this article and must comply with all licensing requirements per section 22-130. Vendors making such occasional or isolated **Sales** may elect to include in the **Sales Price** the **Tax** levied under this section, provided that such **Vendor** posts in a conspicuous location, so that any **Purchaser** may see, notice that the **Tax** is included in the **Price**, and provided that the **Vendor** meets the following:
- (1) The **Vendor** does not have a permanent **Business** location from which walk-in **Business** is conducted or orders are processed, whether located within or without of the **City**;
 - (2) The number of consecutive days for which the **Sale** or activity is conducted in the **City** does not exceed fourteen (14) days; and
 - (3) If required, a transient seller's permit is applied for and approved.

(Ord. No. 1246, § 16.25(A)–(F), 11-19-92; Ord. No. 2269, § 1, 8-18-09)

Sec. 22-144. - Payment of Taxes on installment basis.

The **City Treasurer** shall have the discretion to enter into an agreement with **Taxpayers** to allow for payment of required **Taxes** on an installment basis when such a method would be equitable for the **Taxpayer** and the **City**.

(Ord. No. 1246, § 16.25(G), 11-19-92)

Sec. 22-145. - Special Accounting—Sales by qualified non-profit organizations.

Non-profit organizations selling **Taxable Tangible Personal Property** or services as defined by this Code must collect **Sales Tax** and **Purchasers** must pay **Sales Tax** on such **Sales**, subject to the conditions set forth below. It is the desire of the City Council of Steamboat Springs that the **Taxes** collected by qualified non-profit organizations be retained by that organization as a contribution of additional funds to be used in the course of that organization's charitable service to the community. Therefore, organizations are not required to remit or report **Sales Tax** collections to the **City** provided that the organization meets the following criteria:

- (1) The organization has been authorized in writing by the Internal Revenue Service as a Section 501(c)(3) organization or has been approved in writing by the **Treasurer** as being a voluntary, not for profit organization whose fund raising activities are primarily for the providing of services; and
- (2) The **City Sales Tax** shall be included in the stated selling **Price** and the total proceeds of the **Sale of Taxable Tangible Personal Property** or services shall be retained and expended by the qualifying organization to provide charitable services; and
- (3) The activity at which **Taxable Tangible Property** or **Service** is being sold is an occasional **Business** activity specifically held for fund raising; and
- (4) The organization applies to the **City Treasurer** on an annual basis for a special **License** to be conspicuously displayed at all eligible fund raising events and provides access to any financial records or documents necessary to determine compliance with this section.

(Ord. No. 1246, § 16.25(H), 11-19-92)

Secs. 22-146—22-155. - Reserved.

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Subdivision IV. - Collection Rights and Remedies

[Sec. 22-156. - Tax to constitute lien.](#)

[Sec. 22-157. - Sale or termination of Business.](#)

[Sec. 22-158. - Status of unpaid Tax in bankruptcy, receivership, etc.](#)

[Sec. 22-159. - Unpaid Taxes on construction improvements.](#)

[Sec. 22-160. - Notice of final determination-assessment and demand for payment.](#)

[Sec. 22-161. - Notice of lien.](#)

[Sec. 22-162. - Jeopardy assessment and distraint.](#)

[Sec. 22-163. - Seizure and Sale of property.](#)

[Sec. 22-164. - Recovery by action of law.](#)

[Sec. 22-165. - City as party defendant.](#)

[Sec. 22-166. - Certificate of discharge.](#)

[Sec. 22-167. - Summons to court for violation of article.](#)

[Sec. 22-168. - Closing agreements.](#)

[Sec. 22-169. - Evasion of collection or payment of Tax.](#)

[Sec. 22-170. - Time limit for action to collect.](#)

[Sec. 22-171. - Trust status of Tax possession of Retailer.](#)

[Secs. 22-172—22-180. - Reserved.](#)

Sec. 22-156. - Tax to constitute lien.

The Sales and Use Tax plus penalties, interest and costs of collection shall be a first and prior lien on the Tangible Personal Property sold, Purchased, Stored, Used, Distributed, or Consumed, and when such Tax is collected by Retailers or agents, then, the Sales or Use Tax imposed by sections hereunder shall be a first and prior lien upon the goods and Business fixtures of or Used by any Retailer under lease, title retaining contract or other contract arrangement, and shall take precedence on all such property over other liens or claims of whatsoever kind or nature.

(Ord. No. 1246, § 16.32(A), 11-19-92)

Sec. 22-157. - Sale or termination of Business.

(a)

Filing of Return; withholding of Taxes from Purchase money. Any Person who shall sell out his Business or stock of goods, or shall quit Business, shall be required to make out the Return as provided in this article, within ten (10) days after the date he sold his Business or stock of goods, or quit Business, and his successor in Business shall be required to withhold sufficient of the Purchase money to cover the amount of said Taxes due and unpaid until such time as the former owner shall produce a receipt from the City Treasurer showing that the Taxes have been paid, or a certificate that no Taxes are due. (See also subsection 22-107(d), Purchase of Business.)

(b)

Liability for payment of Tax. If the Purchase of a Business or stock of goods shall fail to withhold the Purchase money as above provided and the Taxes shall be due and unpaid after ten (10) day period allowed, he, as well as the seller, shall be personally liable for the payment of the Taxes unpaid by the former owner. Likewise, anyone who takes any stock of goods or Business fixtures of or Used by any Person under lease, title retaining contract or other contract arrangement, by Purchase, foreclosure Sale, or otherwise, takes same subject to the lien for any delinquent Sales Taxes owed by such Person, and shall be liable for the payment of all delinquent Sales Taxes of such prior owner, not, however, exceeding the value of the property so taken or acquired.

(Ord. No. 1246, § 16.32(B), 11-19-92)

Sec. 22-158. - Status of unpaid Tax in bankruptcy, receivership, etc.

Whenever the Business or property of any Taxpayer subject to this article shall be placed in receivership, bankruptcy or

assignment for the benefit of creditors, or seized under distraint for property **Taxes**, all **Taxes**, penalties and interest imposed by this article and for which said **Retailer** is in any way liable under the terms of this article, shall be a prior and preferred lien against all the property of said **Taxpayer**, and no sheriff, receiver, assignee, or other officer shall sell the property of any **Person** subject to this article under process or order of any court, without first ascertaining from the **City Treasurer** the amount of any **Taxes** due and payable under this article, and if there be any such **Taxes** due, owing or unpaid, it shall be the duty of such officer to first pay the amount of said **Taxes** out of the proceeds of said **Sale** before making payment of any moneys to judgment creditor or other claims of any nature whatsoever.

(Ord. No. 1246, § 16.32(C), 11-19-92)

Sec. 22-159. - Unpaid **Taxes on construction improvements.**

(a)

Liens. The full amount of unpaid **Taxes** arising from and required to be reported on Personal Property affixed to real property under this article, together with interest, penalties, and collection costs as herein provided, shall be and constitute a first and prior lien, which lien shall have precedence over all other liens of whatsoever kind and nature, except as to liens for general **Taxes** created by state law.

(b)

Prerequisite for final inspection or issuance of certificate of occupancy. No final inspection shall be made by the **City** building inspector, or, no certificate of occupancy shall be issued unless all **Taxes** due as provided in the **City Retail Sales and Use Tax Code**, on all lumber, fixtures, and any other building materials and supplies **Used** in or connected with the construction, reconstruction, alteration, expansion, modification or improvement of any building, dwelling or other structure or improvement to real property within the **City** have been paid or arrangements therefor made with the **City Treasurer**.

(Ord. No. 1246, § 16.32(D), 11-19-92)

Sec. 22-160. - Notice of final determination-assessment and demand for payment.

(a)

If any **Person** or **Taxpayer** or **Vendor** fails, neglects, or refuses to collect the **Tax** or make a **Return** and pay the **Tax** as required by this article or should fail to remit the proper amount of **Tax** or underpays the **Tax** because of negligence, fraud or on a regular basis, the **City Treasurer** shall make an estimate based upon such information as may be available and shall add thereto the additions to **Tax**, penalty and interest as set forth in section 22-108 herein and promptly thereafter give to the delinquent **Taxpayer** written **Notice** of such estimated **Taxes**, penalty and interest which **Notice** of assessment shall be served personally or by certified or registered mail and which **Notice** of final determination-assessment and demand for payment shall be due and payable ~~ten (10)~~ **twenty (20)** days from such service.

(b)

The provisions as to hearings and appeals as set forth in sections 22-111 and 22-112 shall apply to such **Notice** of final determination-assessment and demand for payment.

(Ord. No. 1246, § 16.32(E), 11-19-92)

Sec. 22-161. - Notice of lien.

(a)

If any **Taxes**, penalty or interest imposed by this article and shown due by **Returns** filed by the **Taxpayer** or as shown by assessments duly made as provided herein, are not paid within ~~ten (10)~~ **twenty (20)** days after the same are due, the **City** shall issue a **Notice** to the **Taxpayer** by certified mail, setting forth the name of the **Taxpayer**, the amount of the **Tax**, penalties and interest, the date of the accrual thereof, and **Tangible Personal Property** of the **Taxpayer**.

(b)

Said **Notice** shall be on forms prescribed by the **City Treasurer** and shall be verified by him or his duly qualified representative whose duties are the collection of such **Tax**, and may be filed in the office of the clerk and recorder of any county in the state in which the **Taxpayer** owns real or **Tangible Personal Property**, and the filing of such **Notice** shall create such lien on such property in that county and constitute **Notice** thereof. After said **Notice** has been filed, or concurrently therewith, or at any time when **Taxes** due are unpaid, whether such **Notice** be filed or not, the **City Treasurer** may issue a distraint warrant as provided in section 22-163.

(Ord. No. 1246, § 16.32(F), (G) 11-19-92)

Sec. 22-162. - Jeopardy assessment and distraint.

(a)

If the **City Treasurer** finds that collection of the **Tax** will be jeopardized by delay in his discretion, he may declare the **Taxable**

period immediately terminated, determine the **Tax**, and issue **Notice** and demand for payment thereof, and having done so, the **Tax** shall be due and payable forthwith, and the **City Treasurer** may proceed immediately to collect such **Tax** as provided in subsection 22-161(b).

(b)

In any other case wherein it appears that the revenue is in jeopardy, the **City Treasurer** may immediately issue demand for payment; and, regardless of the provisions of section 22-111 and 22-112, the **Tax** shall be due and payable forthwith and, in his discretion, the **City Treasurer** may proceed immediately to collect said **Tax** as provided in section 22-163.

(c)

Collection under either subsection (a) or (b) of this section may be stayed if the **Taxpayer** gives such security for payment as shall be satisfactory to the **City Treasurer**.

(Ord. No. 1246, § 16.32(H), 11-19-92)

Sec. 22-163. - Seizure and Sale of property.

(a)

Issuance of distraint warrant. The **City Treasurer** may issue a warrant under his own hand directed to any employee, agent, or representative of the **Department of Finance**, sometimes in this section referred to collectively as "agent," or "revenue collector," or "sheriff" of any county of the state, commanding him to distraint, seize, and sell the Personal Property of the **Taxpayer**, except such Personal Property as is exempt from execution and **Sale** by any statute of this state, for the payment of the **Tax** due together with penalties and interest accrued thereon and cost of execution.

(1)

When any deficiency in **Tax** is not paid within ~~ten (10)~~ **twenty (20)** from the mailing of **Notice** of final determination-assessment and demand for payment thereof and no hearing has been requested and no appeal from such deficiency assessment has been docketed with any district court of this state within said period; or

(2)

When any other amount of **Tax**, penalty, or interest is not paid within ~~ten (10)~~ **twenty (20)** days from the mailing of assessment and demand for payment thereof; or

(3)

Immediately upon making of a jeopardy assessment or of the issuance of a demand for payment, as provided in section 22-162.

(b)

Account of goods distrained; Notice of Sale; redemption of property. The agent charged with the collection shall make or cause to be made an account of the goods or effects distrained, a copy of which signed by the agent making such distraint, shall be left with the owner or possessor, or at his usual place of abode with some member of his family over the age of eighteen (18) years, or at his usual place of **Business** with his stenographer, bookkeeper, or chief clerk, or if the **Taxpayer** is a corporation, shall be left with any officer, **Manager**, general agent, or agent for process, with a note of the sum demanded and the time and place of **Sale**; and shall forthwith cause to be published a **Notice** of the time and place of **Sale**, together with a description of the property to be sold in a legal **Newspaper** within the county wherein distraint is made, or, in lieu thereof and in the discretion of the **City Treasurer** the agent or sheriff shall cause such **Notice** to be publicly posted at the court house of the county wherein such distraint is made, and copies thereof to be posted in at least two other public places within said county. The time fixed for the **Sale** shall not be less than ten (10) days nor more than sixty (60) days from the date of such notification to the owner or possessor of the property and the publication or posting of such notices. Said **Sale** may be adjourned from time to time by said agent or sheriff if he deems it advisable, but not for a time to exceed in all ninety (90) days from the date first fixed for the **Sale**. When any Personal Property is advertised for **Sale** under distraint as aforesaid, the agent or sheriff making the seizure shall proceed to sell such property at public auction, offering the same at not less than a fair minimum **Price**, including the expenses of making the seizure and of advertising the **Sale**, and if the amount bid for the property at the **Sale** is not equal to the fair minimum **Price** so fixed, the agent or sheriff conducting the **Sale** may declare the same to be **Purchased** by him for the **City**. The property so **Purchased** may be sold by the agent or sheriff under such regulations as may be prescribed by the **City Treasurer**. In any case of distraint for the payment of **Taxes**, the goods, chattels, or effects so distrained shall be restored to the owner or possessor, if prior to the **Sale**, the amount due is paid, together with the fees and other charges or may be redeemed by any **Person** holding a chattel mortgage or other evidence of right of possession.

(c)

Certificate of Sale; evidence of Purchase. In all cases of **Sale**, the agent or sheriff making the **Sale** shall issue a certificate of **Sale** to each **Purchaser**, and such certificate shall be prima facie evidence of the right of the agent or sheriff to make such **Sale**, and the conclusive evidence of the regularity of his proceedings in making the **Sale**; and shall transfer to the **Purchase** all right, title, and interest of such delinquent in and to the property sold; and where such property consists of certificates of stock in the possession of the agent or sheriff, the certificate of **Sale** shall be notice, when received, to any corporation, company, or association of said transfer, and said certificate of such **Sale** shall be authority for such corporation, company, or association to record the transfer on its books and records; and where the subject of **Sale** is securities or other evidences of debt, in the possession of the agent or sheriff, the certificate of **Sale** shall be good and valid evidence of title in the **Person** holding the same, as against any other **Person**. Any surplus remaining above the **Taxes**, penalties, interest, costs, and expenses of making the seizure and of advertising the **Sale**, shall be returned to the owner, or such other **Person** having a legal right thereto, and, on demand, the **City Treasurer** shall render an account in writing of the **Sale**.

(d)

Filing and release of lien. Any employee, agent, or representative of the **City Manager** to whom a warrant has been issued may file a **Notice** of lien in such forms as the **City Treasurer** may prescribe with the **Person** in possession of any Personal Property or right to property belonging to the **Taxpayer**, and if not previously recorded, the filing of such **Notice** of lien shall operate from the date of such filing. The **City Treasurer** may release said lien as to any part or all of the property or rights to property covered by any such lien upon such terms as he may deem proper.

(e)

Release of lien. Any lien for **Taxes** as shown on the records of the county clerk and recorder as herein provided, upon payment of all **Taxes**, penalties and interest covered thereby, shall be released by the **City Treasurer** in the same manner as mortgages and judgments are released.

(Ord. No. 1246, § 16.32(I), 11-19-92)

Sec. 22-164. - Recovery by action of law.

(a)

Generally. The **City Treasurer** may also treat any such **Taxes**, penalties, interest, or collection costs due and unpaid as a debt due the **City** from the **Taxpayer**. In case of failure to pay the **Tax**, or any portion thereof, or any penalty or interest thereon when due, the **City Treasurer** may receive at law the amount of such **Taxes**, penalties, interest, and collection costs. **Venue for such an action shall be** in such the **County** or **District Court** of the **Routt County** wherein the **Taxpayer** resides or has his principal place of **Business** having jurisdiction of **over** the amounts sought to be collected. The **Return** of the **Taxpayer** or the assessment made by the **City Treasurer** as herein provided, shall be prima facie proof of the amount due.

(b)

Writs of attachment. Such actions may be actions in attachment, and writs of attachment may be issued to the sheriff, and in any such proceedings, no bond shall be required of the **City Treasurer** nor shall any sheriff require of the **City Treasurer** an indemnifying bond for executing the writ of attachment, or writ of execution upon any judgment entered in such proceedings; and the **City Treasurer** may prosecute appeals or writs of error, in such cases without the necessity of providing bond therefore. It shall be the duty of the **City** attorney, when requested by the **City Treasurer** to commence action for the recovery of **Taxes** due under this article, and this remedy shall be in addition to all other existing remedies or remedies provided in this article.

(c)

Civil action to enforce lien. In any case where there has been a refusal or neglect to pay any **Tax** due the City of Steamboat Springs and statement or **Notice** shall have been filed, which under law, creates a lien upon any real property for such **Tax**, the **City Treasurer** may cause a civil action to be filed in the district court of the county in which is situated any real property which is subject to said lien, to enforce the lien of the City of Steamboat Springs for such **Tax** upon the real property situated in that county or in any other county in the state which may be subject to such lien or to subject any real property or any right, title, or interest in real property to the payment of such **Tax**. The court shall decree a **Sale** of such real property and distribute the proceeds of such **Sale**, according to the findings of such court in respect to the interest of the parties and of the City of Steamboat Springs the proceedings in such action and the manner of **Sale**, the period for and manner of redemption from such **Sale** and the execution of deed of conveyance shall be in accordance with the law and practice relating to foreclosures of mortgages upon real property. In any such action, the court may appoint a receiver of the real property involved in such action if equity so requires.

(Ord. No. 1246, § 16.32(J), 11-19-92)

Sec. 22-165. - City as party defendant.

In any action affecting the title to real estate or the ownership or rights to possession of Personal Property, the City of Steamboat Springs may be made a party defendant for the purpose of obtaining an adjudication or determination of its lien upon the property involved therein, and in any such action service of summons upon the **City Treasurer** or any **Person** in charge of the **Department of Finance** or any other **Person** permitted by law, shall be sufficient service and binding upon the **City**.

(Ord. No. 1246, § 16.32(K), 11-19-92)

Sec. 22-166. - Certificate of discharge.

(a)

Generally. If any property, real or personal, under the law, shall be subject to a lien for the payment of any **Tax** due the City of Steamboat Springs, the **City Treasurer** may issue a certificate of discharge of any part of the property subject to the lien if he finds that the fair market value of that part of such property remaining unsatisfied in respect to such **Tax** and the amount of all prior liens upon such property.

(b)

Partial satisfaction of liability. If any property, real or personal, under the law, shall be subject to a lien for the payment of any

Tax due the City of Steamboat Springs the **City Treasurer** may issue a certificate of discharge of any part of the property subject to the lien if there be paid over to the **City Treasurer**, in part, satisfaction of the liability in respect to such **Tax** an amount determined by the **City Treasurer** which shall not be less than the value, as determined by him, of the interest of the **City** in the part to be so discharged.

(c) *Determination of values.* In determining such values, the **City Treasurer** shall give consideration to the fair market value of the part to be so discharged and to such lien thereon as have priority to the lien of the **City**.

(d) *Effect.* A certificate of release or of partial discharge issued under subsection (a) of this section shall be held conclusive in order that the lien of the **City** upon the property release therein is extinguished, but shall not extinguish, nor release, any portion of the lien nor property not specified in the release.

(Ord. No. 1246, § 16.32(L), 11-19-92)

Sec. 22-167. - Summons to court for violation of article.

The **City Treasurer** or his duly authorized agent may, at the discretion of the **City Treasurer** summons to Steamboat Springs Municipal Court any **Person** who may be in violation of this article as set forth in section 22-169 and elsewhere herein. (See section 22-108(h) for Special Penalty.)

(Ord. No. 1246, § 16.32(M), 11-19-92)

Sec. 22-168. - Closing agreements.

(a) *Satisfaction of liability.* For the purpose of facilitating the settlement and distribution of estates, trusts, receiverships, other fiduciary relationships, and corporations in the process of dissolution or which have been dissolved, the **City Treasurer** may agree with the fiduciary or director upon the amount of **Taxes** due from the decedent, or from the decedent's estate, the trust, receivership, or other fiduciary relationship, or corporation, for any of his or its taxable periods, under the provisions of the **Taxes** covered by this article and except upon a showing of fraud, malfeasance or misrepresentation of a material fact, payment in accordance with such agreement shall be full satisfaction of the **Taxes** for the taxable periods to which the agreement related.

(b) *Personal liability.* Except as provided in subsection (d) of this section, any personal representative of a decedent, or of the estate of a decedent, or any trustee, receiver, or other **Person** acting in a fiduciary capacity, or any director of a corporation in the process of dissolution or which has been dissolved, who distributes the estate or fund in his control without having first paid any **Taxes** covered by this article due from such decedent, decedent's estate, trust estate, receivership, or corporation, covered by this article and which may be assessed within the time limited by this article.

(c) *Notification of liability.* The distributee of a decedent's estate, or a trust estate or fund or the stockholder of any dissolved corporation who receives any of the property of such decedent's estate, trust estate, fund, or corporation, shall be liable to the extent of the decedent, trust estate, fund, or corporation, covered by this article and which may be assessed within the time limited by this article. Notice to such distributee or stockholder shall be given in the same manner and within the time limit which would have been applicable had there been no distribution.

(d) *Limitation of liability.*

(1)

In case the **Tax** imposed by this article is due from a decedent, or of his estate, or by a corporation, in order for personal liability under subsection (b) of this section to remain in effect, determination of the **Tax** due shall be made and **Notice** and demand therefore shall issue within eighteen (18) months after written request for such determination, filed after the filing of the decedent's final **Return** or filed after the filing of the **Return** of the decedent's estate with respect to which such request is applicable, by any personal representative of such decedent, or by the corporation, filed after the filing of its **Return**; but a request under this provision shall not extend the period of limitation otherwise applicable.

(2)

This subsection (d) will not apply in the case of a corporation unless;

a.

Such request notifies the **City Treasurer** that the corporation contemplates dissolution at or before the expiration of such eighteen-month period;

b.

The dissolution is begun in good faith before the expiration of such eighteen-month period; and

c.

The dissolution is completed.

(3)

Upon the expiration of said eighteen-month period, without determination being made and **Notice** and demand being issued, the personal representative or representatives of the decedent, and the directors of the corporation no longer will be liable under the provisions of subsection (b) of this section.

(Ord. No. 1246, § 16.32(N), 11-19-92)

Sec. 22-169. - Evasion of collection or payment of Tax.

(a)

Violations. It shall be a violation of this article for any **Retailer, Vendor, Consumer, Purchaser,** or any other **Person** subject to the **Tax** levied by the **City Retail Sales and Use Tax Code** to refuse to make any **Return** provided to be made by this article, or to make any false or fraudulent **Return**, or any false statements in any **Return**, or to fail or refuse to make payment to the **City Treasurer** of any **Taxes** collected or due the **City**, or in any manner to evade the collection and payment of the **Tax**, or fail or refuse to pay such **Tax** or evade the collection and payment of the **Tax**, or any part thereof, imposed by this article, or for any **Person** or **Purchaser** to fail or refuse to pay such **Tax** or evade the payment thereof, or to aid or abet another in any attempt to evade the payment of the **Tax** imposed by this article. Any corporation, partnership, association or **Person** making a false **Return** or a **Return** containing a false statement shall have violated this article and shall be subject to prosecution and the imposition of penalties as provided by law. Any **Person** in violation of this article shall be subject to these same penalties.

(b)

Penalty. Any **Person**, corporation, partnership, or association who shall violate any of the provisions of this article shall be guilty of any violation thereof and shall be punished by fine and or imprisonment in accordance with section 1-15 of this Code, and if any such **Person** is an employee or officer of the **City**, such violation shall be grounds for dismissal from his office or employment.

(c)

Continuing violations. Each and every twenty-four (24) hours continuation of any violation shall constitute a distinct and separate offense.

(Ord. No. 1246, § 16.33, 11-19-92)

Sec. 22-170. - Time limit for action to collect.

(a)

Except as provided in this section, the **Taxes** for any period, together with the interest thereon and penalties with respect thereto, imposed by this article shall not be assessed, nor credit taken, nor shall any **Notice** of lien be filed, or distraint warrant issued, or suit for collection be instituted, or any other action to collect the same be commenced, more than three (3) years after the date on which the **Tax** was or is payable; nor shall any lien continue after such period, except for **Taxes** assessed before the expiration of such period, **Notice** of lien with respect to which has been filed prior to the expiration of such period, in which case such lien shall continue only for one year after the filing of **Notice** thereof. In the case of a false or fraudulent **Return** with intent to evade **Tax**, the **Tax** together with interest and penalties thereon, may be assessed, or proceedings for the collection of such **Taxes** may be begun at any time. Before the expiration of such period of limitation, the **Taxpayer** and the **Treasurer** may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing. In the case of failure to file a **Return**, the **Sales Tax** or **Use Tax** may be assessed and collected at any time.

(b)

For purposes of this section a **Tax Return** filed before the last day prescribed by law or by regulation promulgated pursuant to law for the filing thereof, shall be considered as filed on such last day.

(c)

Where, before the expiration of the time prescribed in this section for the assessment of **Tax**, both the **City Treasurer** and the **Taxpayer** have consented in writing to any assessment after such time, the **Tax** may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(d)

Nothing in this section shall be construed to limit any right accrued or to revive any liability barred by any statute at the date this article becomes effective.

(Ord. No. 1246, § 16.34(A), 11-19-92)

Sec. 22-171. - Trust status of Tax possession of Retailer.

All sums of money paid by the **Purchaser** to the **Retailer** as **Taxes** imposed by this article shall be and remain public money, the property of Steamboat Springs in the hands of such **Retailer** and he shall hold the same in trust for the sole use and benefit of the City of Steamboat Springs until paid to the **City**, and for failure to so pay to the **City** such **Retailer** shall be punished as provided by law.

Secs. 22-172—22-180. - Reserved.

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE III. - SALES, USE AND ACCOMMODATIONS TAXES >> DIVISION 3. - SALES TAX >>

DIVISION 3. - SALES TAX

Sec. 22-181. - Imposed; rate.

Sec. 22-182. - Taxable transactions, commodities and services.

Sec. 22-183. - Exempt transactions and commodities.

Secs. 22-184—22-195. - Reserved.

Sec. 22-181. - Imposed; rate.

(a)

Imposition of Tax. There is hereby levied and there shall be collected and paid a Tax on the Purchase Price paid or charged for Tangible Personal Property and Taxable Services when Purchased or sold at Retail, by every Person exercising the taxable privilege as defined in section 22-87, by the Sale, lease, rental, Purchase, Use, Storage, Distribution or Consumption of Tangible Personal Property and Taxable Services.

(b)

Rate of Tax. Commencing on ~~December 1, 1997~~ January 1, 2010 and continuing through December 31, 2004 2019, the amount of the Tax hereby levied is four and one-half (4.5) percent (4.5%) of the Purchase Price as herein defined of such Tangible Personal Property and Taxable Services sold or Purchased at Retail; after December 31, 2004 2019 the amount of the Tax hereby levied shall be four (4) percent of the Purchase Price unless the qualified electors of the City shall authorize an extension. Said Tax shall be computed in accordance with schedules or systems approved by the executive director of the Colorado Department of Revenue.

(Ord. No. 1246, § 16.12, 11-19-92; Ord. No. 1354, § 1, 8-17-93; Ord. No. 1525, § 1, 7-7-97)

Sec. 22-182. - Taxable transactions, commodities and services.

(a)

It shall be a violation of this article for any seller to fail to collect or any Purchaser to fail to pay a Tax levied by this article, and on Sales on which exemption is disputed.

(b)

Should a dispute arise between the Purchaser and seller as to whether or not any such Sale is exempt from taxation hereunder, nevertheless, the seller shall collect and the Purchaser shall pay such Tax; the Purchaser thereafter may apply to the City Treasurer for a refund of such Taxes paid as provided herein.

(c)

There is hereby levied and there shall be collected and paid, a Tax as stated in section 22-181, by every Person exercising the taxable privilege defined in section 22-86 hereof as follows:

(1)

Tangible Personal Property. On the Purchase Price paid or charged upon the Sale, Purchase, lease, rental, or grant of License to Use, or on the Use, Storage, Distribution or Consumption of Tangible Personal Property Purchased at Retail as herein defined, and on the subsequent lease, rental or Sale of Tangible Personal Property by any Person to every Consumer or Purchaser regardless that the Person so purchasing and subsequently leasing, renting or selling that Personal Property paid the Tax imposed herein on his initial Purchase and Use of the said property so acquired which is subsequently leased, rented or sold;

(2)

Telecommunication, telephone and telegraph service.

a.

Upon Telecommunication Services, including Access Services sold by local telephone exchange companies to providers of Telecommunication Services for Use in providing such services, whether furnished by public or private corporations or enterprises, for all intrastate Telecommunication Services originating from or received on the telecommunication equipment in the City if the charge for the service is billed to Person(s) in the City or billed to an affiliate or division of such Person(s) in the City on behalf of a Person in the City.

b.

Upon Access Services sold by local telephone exchange companies to providers of Telecommunication

Services for Use in providing such services, whether furnished by public or private corporations or enterprises for all interstate Telecommunication Services originating from or received on telecommunication equipment in the City if the charge for the service is billed to a Person in the City, or billed to an affiliate or division of such Person in the City on behalf of a Person in the City;

- (3) Gas, electric and heating services. On the Purchase Price paid or charged for steam or other heat, for gas and electric services, for steam, heat, gas and electricity furnished and sold for domestic or commercial Consumption and not for Taxable resale;
- (4) Pay, cable and subscription television service. On the Purchase Price paid or charged for pay, cable, or subscription (including microwave) television services sold, Purchased, leased, rented, furnished or Used;
- (5) Room and accommodation services. On the Purchase Price paid or charged on the lease, rental or on the transaction of furnishing rooms or Accommodations, subject to section 22-183(d)(11)a.;
- (6) Meal service, cover, door and other related charges. On all cover charges, door or other similarly termed and related charges, and on the Purchase Price paid for or charged for all meals furnished in or by restaurants, cafes, lunch counters, cafeterias, hotels, drugstores, social clubs, nightclubs, cabarets, resorts, snack bars, caterers, carry-out shops, and other like places of Business at which prepared Food or drink is regularly sold, including Sales from pushcarts, motor vehicles, and other mobile facilities.
Meals sold in School cafeterias are exempt from taxation. Meals served by senior citizen organizations are exempt from taxation, with prior approval of the City Treasurer.
- (7) Personal Property rentals. On the Purchase Price paid or charged or for consideration given for the furnishing of Tangible Personal Property when the right to possession or Use of any Tangible Personal Property is granted under a written or verbal lease or contract, and such transfer of possession would be Taxable under this article if an outright Sale were made, then such lease or contract shall be considered the Sale of such article, and the Tax shall be computed and imposed on each individual lease or contract payment as they occur as though an outright Sale Taxable under this article were occurring upon each payment. The payment of the Sales Tax shall be made by the lessee or contracting party to the lessor or other contracting party. The lessor, as trustee, shall make payment of any Sales Tax obligation to the City in the manner provided by this article; (Refer to sections 22-183(d)(11) k. and l. for exempt transactions.)
- (8) Bad debts collection. On the amount of collection, during the current taxable period, of bad debts that had, during a previous taxable period, been deducted.

- (d) Every Retailer located within or without the City shall collect the Tax imposed by this article notwithstanding that the Purchase order or Sale is delivered to the Retailer outside the City as a result of solicitation by the Retailer, the Purchase order or Sale is made outside the City before the Tangible Personal Property enters the City, the property is procured or manufactured outside the City and shipped directly to the Purchaser, said property is mailed to the Purchaser in the City from a point outside the City, or said property is delivered directly to the Purchaser at a point outside the City, provided however that the property is intended to be brought into the City for Use, Storage or Consumption.

(Ord. No. 1246, § 16.13, 11-19-92)

Sec. 22-183. - Exempt transactions and commodities.

- (a) It shall be a violation of this article for any seller to fail to collect, or any Purchaser to fail to pay a Tax levied by this article, and on Sales on which exemption is disputed.
- (b) Should a dispute arise between the Purchaser and seller as to whether or not any such Sale is exempt from taxation hereunder, nevertheless, the seller shall collect and the Purchaser shall pay such Tax; the Purchaser thereafter may apply to the City Treasurer for a refund of such Taxes paid as provided herein.
- (c) The Purchase and Sale of articles of Tangible Personal Property not otherwise exempt are subject to the Sales Tax imposed herein as well as those specific services cited as Taxable in section 22-182, the list of exempt commodities or articles cannot be increased by implication or similarity. In all cases, the burden of proof is upon the Taxpayer to establish that a Sale is Tax-exempt.
- (d) The following are exempted from the Tax imposed by this division:

- (1) Nontaxable service Sales. The amount equal to the consideration received for labor or services sold, if the

consideration for such services are separately stated from the consideration received for the **Tangible Personal Property** in the **Retail Sale**, or that proportionate percentage approved by the **City Treasurer**, of the **City** on combined **Sales** of services and **Tangible Personal Property**, that is deductible as the service or labor portion of that total **Sale**, or the total amount paid on the **Sale** or **Purchase** of exclusively nontaxable services.

(2)

*Sales for **Taxable** resale (**Wholesale**).*

a.

Component parts. The **Purchase Price** paid or charged on the **Sales** to and **Purchase** of **Tangible Personal Property** by a **Person** engaged in **Manufacturing** or compounding for **Use**, profit or **Sale**, shall be deemed a **Wholesale Sale** when it meets all of the following conditions:

1.

Is actually and factually transformed by the process of manufacture;

2.

Becomes by the **Manufacturing** processes a necessary and recognizable ingredient, component and constituent part of the finished product; and

3.

Its physical presence in the finished product is essential to the **Use** thereof in the hands of the ultimate **Consumer**.

b.

Commercial packaging materials. The **Sales** to and **Purchases** of **Tangible Personal Property** for **Use** as **Commercial Packaging Materials** by a **Person** engaged in **Manufacturing** or compounding for **Sale**, profit or **Use**, shall be deemed a **Wholesale Sale**. (See section 22-86(24).)

c.

Newsprint, printer's ink. The **Sales** to and **Purchases** of newsprint and printer's ink for **Use** by publishers of **Newspapers** and commercial printers shall be deemed to be **Wholesale Sales**.

d.

*To other **Licensed Retailers**.* The **Sale** by **Wholesalers** or **Retailers** to a **City of Steamboat Springs** or **State of Colorado Licensed Retailer**, jobber, dealer or other **Wholesaler** for purposes of **Taxable** resale, and not for the **Retailer's**, jobber's, dealer's or **Wholesaler's** own **Consumption**, **Use**, **Storage** or **Distribution**, shall be deemed to be **Wholesale Sales**.

(3)

*Delivery outside **City**.*

a.

Shipments out of state. The **Sales** of **Tangible Personal Property** shall be exempted from the operation of this division if both the following conditions exist:

1.

The **Sales** are to those who reside or do **Business** outside the state; and

2.

The articles **Purchased** are to be delivered to the **Purchaser** outside the state by common, contract, or commercial carrier, who is employed to effect delivery by the seller, or by the conveyance of the seller, or by mail, provided, however, that the article so **Purchased** and so delivered is to be **Used**, **Stored**, **Distributed** or **Consumed** outside the state.

b.

*Deliveries to nonresident outside **City**.* The **Sales** of **Tangible Personal Property** shall be exempted from the operation of this article if both the following conditions exist:

1.

The **Sales** are to those who reside or do **Business** outside the **City**; and

2.

The articles **Purchased** are to be delivered to the **Purchaser** outside the **City** by common, contract, or commercial carrier who is employed to effect delivery by the seller, or by the conveyance of the seller, or by mail, provided however, that the article so **Purchased** and so delivered is to be **Used**, **Stored**, **Distributed** or **Consumed** outside the **City**.

(4)

Bad debts charged off. The amount of gross **Sales** which are represented by accounts not secured by conditional **Sale** contract or chattel mortgage and which are found to be worthless and are actually and properly charged off as bad debts for the purpose of the income **Tax** imposed by the laws of the State of Colorado may be credited upon a subsequent payment of the **Tax** herein. However, if any such accounts are hereafter collected by the **Taxpayer**, the **Tax** shall be paid upon the amount so collected. Provided, such credit shall not be allowed with respect to any account or item therein arising from the **Sale** of any article under a conditional **Sale** contract, other title retention agreements for all or part of the **Purchase Price** or from the **Sale** of any article when the seller takes a chattel mortgage on the **Tangible Personal Property** to secure all or part of the **Purchase Price**.

(5)

Trade-ins for taxable resale. The amount equal to the fair market value of any exchanged or traded in property which

is to be resold thereafter in the usual course of the **Retailer's Business**, if included in the full **Price** of an article sold, shall be exempted from the operation of this division.

(6)

Sales of gasoline or cigarettes.

a.

Sale of gasoline. The **Purchase Price** paid or charged on commodities or motor fuel which has accrued or has been paid the motor fuel tax prescribed by the Colorado Motor Fuel Tax Law of 1933, article 27 of title 39, C.R.S. 1973.

b.

Sales of cigarettes. The **Sale** or **Purchase** of cigarettes shall be exempted from the operation of this division.

(7)

Sales to governmental units; Sales to religious, Charitable and quasigovernmental organizations.

a.

Sales to federal government, the state, and its subdivisions. The **Purchase Price** paid or charged on direct **Sales** to, and direct **Purchases** by the United States Government; to the State of Colorado, its departments or institutions, and the political subdivisions thereof, including Steamboat Springs in their governmental functions and activities only.

b.

Sales to religious, Charitable and quasigovernmental organizations. The **Purchase Price** paid or charged on direct **Sales** to, and direct **Purchases** by religious, **Charitable**, and quasi-governmental corporations, in the conduct of their regular religious, **Charitable**, and quasi-governmental capacities only, provided that the said organizations and corporations have applied for, been assigned, and do furnish to the **Vendor** their State of Colorado Exempt Institution License Number. In the event no such exempt number is furnished, the **Vendor** is to charge the **Tax**.

(8)

returned goods; discounts.

a.

Returned goods. The amount equal to the **Sale Price** of property returned by the **Purchaser** when the full **Sale Price** including the **Tax** levied is refunded, either in cash or by credit.

b.

Discounts and allowances. The amount of discount from the original selling **Price** if such discount or decrease in **Purchase Price** and the corresponding decrease in **Sales Tax** due is actually passed on to the **Consumer**. An anticipated cash discount to be allowed for payment on or before a given date is not an allowable adjustment to the selling **Price** in determining **Gross Taxable Sales** on any **Vendor's Return** prior to the date when the customer actually receives the discount. Any adjustments in **Sale Price** such as allowable discounts, rebates, and credits cannot be anticipated and the **Tax** must be based upon the original **Price** unless such adjustments have actually been made prior to the filing of the **Return** wherein such **Sale** is reported. Provided, if the **Price** upon which the **Tax** was computed and paid to the **City** by the **Vendor** is subsequently readjusted, prior to the payment of the **Tax** by the **Purchaser**, a proper credit may be taken against the **Tax** due on the next subsequent **Return**.

(9)

Prescription drugs and Prosthetic Devices and Medical Supplies. The **Sale** or **Purchase** of **Medical Supplies** for human **Consumption** and **Prescription Drugs for Animals**.

(10)

Food stamp or federal special supplement program Sales. The **Sales** and **Purchases** of **Food**, as specified in 7 U.S.C. § 2012(g), as such section exists on October 1, 1987, or is thereafter amended, which is **Purchased** with **Food** stamps pursuant to the Federal Food Stamp Program and; the **Sales** and **Purchases** of **Food**, as specified in 42 U.S.C. § 1786, as such section exists on October 1, 1987, or is thereafter amended, which is **Purchased** with WIC vouchers or checks pursuant to the Federal Special Supplemental Program for Woman, Infants, and Children are exempt from the Steamboat Springs Sales Tax.

(11)

Other deductions.

a.

Monthly rentals of rooms. The **Sales** and **Purchases** of commodities and services under the provisions of section 22-182(c)(5) hereof to any occupant who is a permanent **Resident** of any hotel, apartment hotel, lodging house, motor hotel, guest house, guest ranch, mobile home, auto camp, trailer court or park, or any other place and who enters into or has entered into a written agreement for occupancy of a room or rooms or **Accommodations** for a period of at least thirty (30) consecutive days during the calendar year or preceding year. This exemption shall not apply to the **Sale** or **Sales** of any goods, services or commodities other than the furnishing of rooms and **Accommodations**, unless such goods, services or commodities are otherwise exempt from the **Tax** as provided herein.

b.

Finance charges. The amount paid by any **Purchaser** as, or in the nature of, interest or finance charges on account of credit extended in connection with the **Sale** of any **Tangible Personal Property** if the interest or

Finance charges are separately stated from the consideration received for the **Tangible Personal Property** transferred in the **Retail Sale**, and if included in report of **Gross Sales and Services** are deductible therefrom.

c.

Newspapers. The amount paid or charged for **Newspapers** as legally defined by the Colorado Revised Statutes, 1973, § 24-70-102 shall be exempted from the operation of this division.

d.

Cattle, sheep and other animals; farm auctions. The **Sale** or **Purchase** of meat cattle, sheep, lambs, swine and goats and **Purchases** of mares and stallions for breeding purposes; and all **Farm Close-out Sales** (see section 22-86(26)).

e.

Sales to contractors who have deposited the Tax. The **Sales** to and **Purchases** by contractors of building materials only for installation, **Use** or **Consumption** on job sites or building construction addresses, on which a **City Building Permit** or other document has been issued which indicates that the **Tax** has been deposited or obligated for, whether it be for Steamboat Springs or any other municipality, provided that:

1.

The **Construction Materials** were included items in determining the valuation of the construction for purposes of issuance of the **City Building Permit**;

2.

The **Vendor** records on the **for every** invoice of **Sale** the job site address and **City Building Permit** number;

3.

The contractor presents a validated copy of the **Building Permit** and has deposited the **Tax** with the **City** on the estimated basis based on a percentage of the building or construction valuation on the issuance of that permit.

f.

Sales to contractors for exempt organizations. Sales of **Construction** and building materials to contractors and subcontractors for **Use** in the building, erection, alteration, or repair of structures, highways, roads streets, and other public works owned and used by:

1.

The United States government, the State of Colorado, its department s and institutions, the political subdivisions thereof in their governmental capacities only;

2.

Charitable **Organizations** in possession of a **Colorado Exempt Institution License number**, and used in the conduct of their regular charitable functions and activities (refer to section 22-86(10)); or

3.

Schools, other than **Schools** held or conducted for private or corporate profit (refer to section 22-86(52)); shall be exempted from the operation of this division.

g.

Livestock feed; seeds; orchard trees. The **Sale** or **Purchase** of feed for livestock or poultry, all **Sales** and **Purchases** of seeds for resale crop production and all **Sales** and **Purchases** of orchard trees.

h.

Factory built housing. Forty-eight (48) percent of the **Purchase Price** of factory-built housing defined as; any structure, or component thereof, designed primarily for residential occupancy, either permanent or temporary, including a mobile home which is wholly or in substantial part made, fabricated, formed, or assembled in **Manufacturing** facilities for installation, or assembly and installation, on the building site, shall be exempt from taxation.

i.

Vending machines. The **Sale** of Personal Property through coin-operated vending machines with an individual selling **Price** of fifteen (\$0.15) cents or less are exempt from the **Tax** imposed by this division.

j.

Consumable items for Food Vendors. Any **Sale** of any article, container or bag to a **Retailer** or **Vendor** of **Food**, meals, or beverages, which is to be furnished to a **Consumer** or user for **Use** with other articles of **Tangible Personal Property** which have been **Purchased** at **Retail**; such articles, containers or bags are exempt if:

1.

A separate charge is not made for the article, container or bag to the **Consumer** or user, together with the **Food**, meals or beverages **Purchased**; and

2.

Sales **Tax** is paid on the **Retail Purchase**.

k.

Commercial Linen Services. The lease or rental by commercial **Linen Services** of linens are exempt from the **Tax** imposed by this division.

l.

Non-vending coin operated devices. The gross **Sales** from the **Use** of non-vending, coin-operated devices are exempt from the **Tax** imposed by this division.

m.

Sale of firewood. Firewood sold at **Retail** or **Wholesale** to be used to provide heat is exempt from taxation under this division.

(12)

Building materials used for renovation of historic buildings. Sales of building materials used for the preservation or restoration of structures or buildings located within Routt County and listed in the Routt County Historic Register. This exemption shall only apply to materials used for rehabilitation projects which preserve the historic character and significance of such structure or building and comply with the U.S. Secretary of the Interior's Standards for Rehabilitation and any other applicable state or local design guidelines.

a.

The exemption provided by this paragraph shall not affect a seller's obligation to collect and a **Purchaser's** obligation to pay the **Sales Tax** levied by this division.

b.

Persons paying the **Sales Tax** on materials exempted under this paragraph may obtain a refund of the **Sales Tax** paid by application to the **City Treasurer**. Such applications shall be processed by the **City Treasurer** in accordance with the provisions of section 22-110 and shall be supported by a written certificate from the Steamboat Springs Historic Preservation Advisory Commission that the completed rehabilitation project preserves the historic character and significance of the structure or building and complies with the U.S. Secretary of the Interior's Standards for Rehabilitation and any other applicable state or local design guidelines.

c.

Any other provision of this Code notwithstanding, application for a refund under this subsection shall be made within sixty (60) days of the date of Steamboat Springs Historic Preservation Advisory Commission approval of the completed project.

(Ord. No. 1246, § 16.14, 11-19-92; Ord. No. 1252, § 1(a), 2-18-92; Ord. No. 1273, § 1(c), 5-19-92; Ord. No. 1649, § 2, 12-1-98; Ord. No. 1737, § 2, 5-16-00)

Secs. 22-184—22-195. - Reserved.

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE III. - SALES, USE AND ACCOMMODATIONS TAXES >> DIVISION 4. - USE TAX >>

DIVISION 4. - USE TAX

[Sec. 22-196. - Imposed; rate.](#)

[Sec. 22-197. - Taxable transactions, commodities and services.](#)

[Sec. 22-198. - Exempt transactions, commodities and Persons.](#)

[Secs. 22-199—22-210. - Reserved.](#)

[Sec. 22-196. - Imposed; rate.](#)

There is hereby imposed, commencing on ~~December 1, 1997~~ **January 1, 2010**, and continuing through December 31, ~~2004~~ **2019**, on the privilege of **Storing, Using or Consuming Construction** and building materials of every kind and form and all **Automotive Vehicles** Purchased outside of the **City** for **Use or Consumption** within the **City**, a **Use Tax** of four and one-half (4½) percent (4.5%) of the **Retail Purchase Price** of said **Construction** and building materials and motor vehicles; after December 31, ~~2004~~ **2019**, the amount of the **Tax** hereby levied shall be four (4) percent (4%) of the **Retail Purchase Price** unless the qualified electors of the **City** shall authorize an extension.

(Ord. No. 1246, § 16.15, 11-19-92; Ord. No. 1354, § 2, 8-17-93; Ord. No. 1525, § 2, 7-7-97)

Sec. 22-197. - Taxable transactions, commodities and services.

The **Tax** imposed by this division is applicable as follows:

(1)

Automotive Vehicles. On the **Purchase Price** paid or charged on the **Sale** or the **Purchase** for **Use** or **Storage** of an **Automotive Vehicle** or **Mobile Machinery** and **Self-Propelled Construction Equipment** to a **Resident** of this **City** (refer to subsections 22-86(7) and 122-86(34) for definitions).

(2)

Construction Materials. On the **Purchase Price** paid or charged on the **Sale** or **Purchase** of **Construction Materials** for **Use** or **Consumption** within the **City** limits of Steamboat Springs. Every contractor who shall build, construct, alter, expand, modify, or improve any building, dwelling or other structure, or improvement to real property in this **City** and who shall **Purchase** lumber, fixtures, or any other **Construction Materials** and supplies **Used** therefore, and every owner, or lessee of realty situate in the **City** and of improvements and structures located upon realty, situate in the **City**, upon which any article or articles of **Tangible Personal Property** acquired from sources within (or without) the **City**, are attached or affixed shall pay the Steamboat Springs Construction Use Tax as the ultimate **Consumer**.

a.

An estimated deposit for construction **Use Tax** will be paid directly to the **City Treasurer** or his/her designee prior to the issuance of any construction permit for **Use** in the **City**.

b.

The estimated construction **Use Tax** deposit will be computed by taking fifty (50) percent of the estimated cost of construction times the current **Use Tax** rate.

c.

Should the estimated deposit exceed the **Tax** due on the actual cost of **Construction Materials Used** for the construction approved by the associated **Building Permit**, the construction contractor having applied for and received such permit may apply to the **City Treasurer** for a refund of all **Excess Tax** paid by submitting, in writing, a request for such refund and by providing any documentation as required by the **City Treasurer**.

d.

Nothing here mentioned shall preclude the **City** from performing an audit of construction costs to ascertain the actual **Tax** liability for **Construction Materials**. However, upon the issuance of a certificate of occupancy, the estimated **Use Tax** deposit assessed and paid with the issuance of a **Building Permit** plus any subsequent adjustments will be accepted as full payment for the extinguishment of all **Use Tax** liability associated with the materials and fixtures incorporated into the real property as allowed by the permit.

(3)

Factory built housing. On fifty-two (52) percent of the **Purchase Price** paid for factory-built housing defined as; any structure, or component thereof, designed primarily for residential occupancy, either permanent or temporary, including a mobile home, which is wholly or in substantial part made, fabricated, formed, or assembled in **Manufacturing** facilities for installation, or assembly and installation, on a building site within the **City**, upon which the Steamboat Springs **Sales Tax** has not been previously paid.

(Ord. No. 1246, § 16.16, 11-19-92; Ord. No. 1273, § 1((a), (b), 5-19-92; Ord. No. 2038, § 2, 1-10-06)

Sec. 22-198. - Exempt transactions, commodities and Persons.

(a)

Use or Storage of Automotive Vehicle by nonresident. The **Use** or **Storage** in the **City** of **Automotive Vehicles** is exempt hereunder if:

(1)

The owner is or was, at the time of **Purchase**, a nonresident of Steamboat Springs; and

(2)

He **Purchased** the vehicle outside of this **City** for **Use** outside of this **City**, and actually so **Used** it for a substantial and primary purpose for which it was acquired; and

(3)

He registered, titled and licenses said motor vehicle outside of the **City**.

(b)

Sales to the federal government, the state, and its subdivisions. The **Purchase Price** paid or charged on direct **Sales** to, and direct **Purchases** by the United States Government; to the State of Colorado, its departments or institutions, and the political subdivisions thereof, including Steamboat Springs in their governmental functions and activities only.

(c)

Sales to religious, Charitable, and quasi-governmental organizations. The **Purchase Price** paid or charged on direct **Sales** to, and direct corporations, in the conduct of their regular religious, charitable, and quasi-governmental capacities only, provided that the said organizations and corporations have applied for, been assigned, and do furnish to the **Vendor** their State of Colorado Exempt Institution License Number. In the event no such exempt number is furnished, the **Vendor** is to charge the **Tax**.

(d)

Construction Use Taxes collected by other municipalities. **Sales Tax** shall not apply to the **Sale** of **Construction** and building materials if such materials are picked up by the **Purchaser** and the **Purchaser** presents the **Retailer** a **Building Permit** or other documentation evidencing that a municipal **Use Tax** has been paid or is required to be paid.

(e)

Storage of Construction and building Materials. The **Use Tax** shall not apply to the **Storage** of **Construction** and building **Materials**.

(f)

Business not liable for auto **Use Tax** on **Use** in **City**. The **Use** or **Storage** in the **City** of pick-up trucks, commercial vans, heavy equipment and other commercial vehicles are exempt hereunder if:

- (1) The vehicle is titled and registered to a **Business** entity located within a designated enterprise zone of Steamboat Springs; and
- (2) The vehicle is essential for the carrying on of the **Business's** usual and ordinary activities; and
- (3) The vehicle is for the sole and exclusive **Use** of the **Business** not to include personal non-business activities.

(g)

Building materials Used for renovation of historic buildings. The **Use Tax** imposed by subsection 22-197(2) shall not apply to building materials **Used** for the rehabilitation of structures or buildings located within Routt County and listed in the Routt County Historic Register. This exemption shall apply only to materials **Used** in rehabilitation projects which preserve the historic character and significance of such structure or building and comply with U.S. Secretary of the Interior's Standards for Rehabilitation and any other applicable state or local design guidelines.

- (1) The exemption provided by this subsection shall not affect any **Person's** obligation to pay the estimated **Use Tax** provided in subsection 22-197(2).
- (2) Persons exempt from the payment of the **Use Tax** may obtain a refund of the estimated **Tax** paid by application to the **City Treasurer**. Such applications shall be processed by the **City Treasurer** in accordance with the provisions of section 22-110 and shall be supported by a written certificate from the Steamboat Springs Historic Preservation Advisory Commission that the completed rehabilitation project preserves the historic character and significance of the structure or building and complies with the U.S. Secretary of the Interior's Standards for Rehabilitation and any other applicable state or local design guidelines.
- (3) Any other provision of this Code notwithstanding, application for a refund under this subsection shall be made within sixty (60) days of the date of Steamboat Springs Historic Preservation Advisory Commission approval of the completed project.

(Ord. No. 1246, § 16.17, 11-19-92; Ord. No. 1252, § 1(b), 2-18-92; Ord. No. 1517, § 1, 12-3-96; Ord. No. 1649, § 1, 12-1-98; Ord. No. 1737, § 1, 5-16-00)

Secs. 22-199—22-210. - Reserved.

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE III. - SALES, USE AND ACCOMMODATIONS TAXES >> DIVISION 5. - PUBLIC ACCOMMODATIONS TAX >>

DIVISION 5. - PUBLIC ACCOMMODATIONS TAX

[Sec. 22-211. - Findings.](#)

[Sec. 22-212. - Imposed; rate; **Tax** cumulative.](#)

[Sec. 22-213. - Taxable transactions, commodities and services.](#)

[Sec. 22-214. - Exempt transactions and commodities.](#)

[Secs. 22-215—22-219. - Reserved.](#)

Sec. 22-211. - Findings.

The **City Council** hereby finds and declares that the creation of **City** capital improvements and amenities which will enhance the viability of the **City** as a premiere destination resort is of primary importance in maintaining the community identity, environmental desirability and economic health of the **City**. The **City Council** further finds that it is appropriate to fund amenities to be **Used** by tourists, and which will promote tourism within the **City**, by revenue generated from activities enjoyed by tourists and citizens in the **City** and that it is therefore necessary and appropriate to impose a **Tax** on lodgings in the **City** in order to preserve, promote and enhance the community identity, environmental desirability and economic health of the **City**.

(Ord. No. 1246, § 16.18, 11-19-92)

Sec. 22-212. - Imposed; rate; **Tax cumulative.**

On and after May 1, 1987, there is and shall be paid and collected an excise **Tax** of one percent on the **Price** paid for the leasing or rental of any hotel room, motel room, or other public accommodation located in the **City**. Said public **Accommodations**

Tax shall be in addition to the **Sales Tax** currently charged for said leasing or rental.

(Ord. No. 1246, § 16.19, 11-19-92)

Sec. 22-213. - Taxable transactions, commodities and services.

Leasing or rental of any hotel room, motel room, or other public accommodation in any hotel, apartment hotel, motel, lodging house, condominium, guest house, guest ranch, mobile home or trailer court or park or any similar place to any **Person**, who, for a consideration, ~~uses~~ **Uses**, possesses or has the right to **Use** or possess such room or other accommodation for a total continuous duration of less than thirty (30) days (refer to section 22-182(c)(5)).

(Ord. No. 1246, § 16.20, 11-19-92)

Sec. 22-214. - Exempt transactions and commodities.

(a)

Lodging term of thirty (30) days or more. The **Sales** and **Purchases** of commodities and services under the provisions of subsection 22-182(c)(5) hereof to any occupant who is a permanent **Resident** of any hotel, apartment hotel, lodging house, motor hotel, guest house, guest ranch, mobile home, auto camp, trailer court or park, or any other place and who enters into or has entered into a written agreement for occupancy of a room or rooms or **Accommodations** for a period of at least thirty (30) consecutive days during the calendar year or preceding year. The following entities and transactions are exempt from the duty to pay **Tax** under this article but not the duty to collect and remit the **Tax** levied hereby:

(b)

Sales to federal, state and local governments. The United States Government, the State of Colorado, its departments and institutions, and the political subdivisions thereof including the **City**, when acting in their governmental capacities and performing governmental functions and activities.

(c)

*Sales to religious, **Charitable** and quasi-governmental organizations.* Religious, **Charitable**, and quasi-governmental organizations but only in the conduct of their regular religious, **Charitable**, and quasi-governmental capacities and only if such organizations have obtained an exempt organization license and furnish the exempt **Tax** license to the **Person** who rents or leases public **Accommodations** to the organization.

(Ord. No. 1246, § 16.21, 11-19-92)

Secs. 22-215—22-219. - Reserved.

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DIVISION 6. - EXCISE TAX ON NEW CONSTRUCTION

[Sec. 22-220. - Short title.](#)

[Sec. 22-221. - Intent and findings.](#)

[Sec. 22-222. - Definitions.](#)

[Sec. 22-223. - Excise **Tax**.](#)

[Sec. 22-224. - Separate fund.](#)

[Sec. 22-225. - Dedication of funds.](#)

[Sec. 22-226. - Exemptions.](#)

[Secs. 22-227—22-235. - Reserved.](#)

Sec. 22-220. - Short title.

This division shall be known as the excise **Tax** on **New Construction**.

(Ord. No. 1868, § 1, 9-3-02)

Sec. 22-221. - Intent and findings.

The **City Council** hereby finds and declares that:

(1)

New **Construction**, including renovations and expansions to existing structures, should be charged for the impacts that such **New Construction** places on the **City's** existing capital improvements and infrastructure;

(2)

Continued demands on the **City's** capital improvements and infrastructure, without commensurate financial contribution, would adversely affect the public health, welfare, safety, peace, and prosperity in the community;

(3)

Charging 1.2% of the value of the **New Construction** is rationally related to the **City's** legitimate governmental purpose of ensuring that the level and quality of the **City's** capital improvements and infrastructure are not diminished as **New Construction** occurs;

(4)

As the value of **New Construction** increases, there is a corresponding increase in demand on the **City's** capital improvements and infrastructure;

(5)

An excise **Tax** will help defray the costs of replacing, and improving the **City's** existing capital improvements and infrastructure to keep pace with the increased demands caused by **New Construction** and will permit the accrual of funds for the construction of new capital improvements and infrastructure as needed;

(6)

An excise **Tax** is a better way of mitigating the impacts of **New Construction** than the current impact fee; and

(7)

It is in the best interest of the public health, safety and general welfare of the citizens of the City of Steamboat Springs to create an excise **Tax** on **New Construction** so that **New Construction** will help pay for the impacts that it creates.

(Ord. No. 1868, § 2, 9-3-02)

Sec. 22-222. - Definitions.

Building Permit: A **Building Permit** issued by the Routt County Regional Building Department ("building department ") permitting the construction of a building or structure within the City of Steamboat Springs.

City: The City of Steamboat Springs, Colorado.

City Council: The City Council of Steamboat Springs, Colorado.

Excise Tax Payer: A **Person** commencing **New Construction** who is obligated to pay the excise tax in accordance with the terms of this division, or who would be obligated to pay the excise tax except for an exemption provided for in this division.

New Construction: **New Construction** shall mean any activity that requires the issuance of a **Building Permit**, including, without limitation, the construction of residential, multi-family, commercial, industrial, and any other construction activity. **New Construction** shall include, without limitation, renovations or expansions, or both, to existing structures.

Qualifying Unit: Every newly constructed single-family, duplex, or multi-family unit with a value, as calculated for purposes of issuing a **Building Permit**, of \$250,000.00 or less.

Capitalized terms used in this division, not defined in this section, shall have the meaning defined in other sections of the Steamboat Springs Municipal Code.

(Ord. No. 1868, § 3, 9-3-02)

Sec. 22-223. - Excise Tax.

As a condition precedent to the issuance of a **Building Permit** for any **New Construction**, the **Person** seeking the issuance of the **Building Permit**, the **Excise Tax Payer**, shall pay an excise tax to the **City** equal to 1.2% of the valuation of the **New Construction**, as that value is established by the building department .

(Ord. No. 1868, § 4, 9-3-02)

Sec. 22-224. - Separate fund.

The **Director** of **Financial Services** ("**Director**") shall deposit the proceeds of the excise tax on **New Construction** into the

City's capital project fund to be used in accordance with the provisions of this division.

(Ord. No. 1868, § 5, 9-3-02)

Sec. 22-225. - Dedication of funds.

The revenues generated from the excise tax shall be used only for the construction of capital improvements and infrastructure needs of the City, including, without limitation, new capital improvements and major repairs, replacement of existing capital improvements and infrastructure, and for no other purpose.

(Ord. No. 1868, § 6, 9-3-02)

Sec. 22-226. - Exemptions.

The following categories of New Construction are exempt from the payment of the excise tax established in this division:

(1)

New Construction to be built by the federal government, the State of Colorado, the City, Routt County, or the RE-2 School District.

(2)

New Construction of a dwelling unit in which the Excise Tax Payer will reside in the dwelling unit, if the Excise Tax Payer meets all of the following requirements:

a.

If the dwelling unit is also a Qualifying Unit, the first \$150,000.00 of the Building Permit value shall be exempt from the excise tax;

b.

The dwelling unit will be the sole residence of the Excise Tax Payer or the Person(s) purchasing from the Excise Tax Payer; and

c.

The Excise Tax Payer, or Person(s) purchasing from the Excise Tax Payer, must be employed or self-employed in Routt County. Where the Excise Tax Payer is unable to verify to the satisfaction of the City, at the time of the issuance of the Building Permit, that the Purchaser of the dwelling unit qualifies for an exemption under the provisions of this section, the Excise Tax Payer shall pay the excise tax but may apply for and receive a rebate of the exemption amount at the time of Sale of the dwelling unit to a Person(s) qualifying for an exemption under this section.

(3)

The City Council shall have the authority, in its sole discretion, to adopt regulations requiring the recapture of exempted and unpaid excise tax if, within three years of the issuance of a Building Permit for a Qualifying Unit, the Qualifying Unit is sold (a) to a Person for whom the Qualifying Unit is not the "sole residence", or (b) to a Person who is not employed or self-employed in Routt County.

(Ord. No. 1868, § 7, 9-3-02)

Secs. 22-227—22-235. - Reserved.

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 22 - TAXATION >> ARTICLE IV. - TELEPHONE OCCUPATION TAX >>

ARTICLE IV. - TELEPHONE OCCUPATION TAX ^[60]

[Sec. 22-236. - Interpretation of article.](#)

[Sec. 22-237. - Tax in lieu of other occupation taxes and in lieu of free service to City.](#)

[Sec. 22-238. - Levy.](#)

[Sec. 22-239. - Time of payment.](#)

[Sec. 22-240. - Statement of accounts.](#)

[Sec. 22-241. - Failure to pay.](#)

[Sec. 22-242. - Inspection of records.](#)

Sec. 22-236. - Interpretation of article.

The tax provided in this article is upon occupations and **Businesses** in the performance of local functions and is not a tax upon those functions relating to interstate commerce. It is expressly understood that none of the terms of this article shall be construed to mean that any telephone utility company is issued a franchise by the **City**.

(Code 1975, § 4.24.070)

Sec. 22-237. - Tax in lieu of other occupation taxes and in lieu of free service to **City.**

The tax provided in this article shall be in lieu of all other occupation taxes or taxes on the privilege of doing **Business** in the **City** on any telephone utility company subject to the provisions of this article, and in addition shall be in lieu of any free service furnished the **City** by any such telephone utility.

(Code 1975, § 4.24.080)

Sec. 22-238. - Levy.

There is levied on and against each telephone utility company operating within the **City** a tax on the occupation and **Business** of maintaining a telephone exchange and lines connected therewith in the **City** and of supplying local exchange telephone service to the inhabitants of the **City**. The amount of the tax levied shall be one dollar and fifty cents (\$1.50) per telephone account per quarter beginning with the second calendar quarter for the year 1979. The amount of tax due and payable for each calendar quarter shall be computed on the basis of the number of telephone accounts for which local exchange service is provided within the corporate limits of the **City**. The computation shall use the number of telephone accounts in existence as of the first day of the calendar quarter: January 1, April 1, July 1 or October 1.

(Code 1975, § 4.24.010)

Sec. 22-239. - Time of payment.

The tax levied by this article shall begin to accrue on the first day of each calendar quarter and shall be due and payable by the last day of each calendar quarter.

(Code 1975, § 4.24.020)

Sec. 22-240. - Statement of accounts.

Each telephone utility company subject to this article shall file with the **City** clerk **Finance Department**, in such form as the clerk **Finance Department** may require, a statement showing the total telephone accounts for which local exchange service was provided within the corporate limits of the **City** on the first day of each calendar quarter. Such statement shall accompany payment for the appropriate calendar quarter.

(Code 1975, § 4.24.030)

Sec. 22-241. - Failure to pay.

If any telephone utility company subject to the provisions of this article shall fail to pay the taxes as provided in this article, the full amount thereof shall be due and collected from such company, and the same, together with an addition of ten (10) percent of the amount of taxes due, shall be, and is declared to be, a debt due and owing from such company to the **City**.

(Code 1975, § 4.24.040)

Sec. 22-242. - Inspection of records.

The **City** and its officers, agents or representatives shall have the right, at all reasonable hours and times, to examine the books and records of the telephone utility companies which are subject to the provisions of this article, and to make copies of the entries or contents thereof.

(Code 1975, § 4.24.060)

. FOOTNOTE(S):

- ⁽⁶⁰⁾ **Cross reference**— Emergency telephone service fee, § 12-1. [\(Back\)](#)

AGENDA ITEM # 9

CITY COUNCIL COMMUNICATION FORM

FROM: Debra Hinsvark, Director of Financial Services (Ext 240)
THROUGH: Wendy DuBord, Acting City Manager (Ext. 219)
DATE: February 1, 2011
ITEM: **ORDINANCE: First Supplemental Budget Appropriation Ordinance of 2011**
NEXT STEP: Approve at second reading

ORDINANCE
 INFORMATION

I. REQUEST OR ISSUE:

This communication form is to recognize revenues and reserves related to affordable housing, and to approve the transfer of these same revenues from the General Fund, into the Community Housing Fund. These revenues and reserves precede the formation of the Community Housing Fund.

II. RECOMMENDED ACTION:

Adoption at first reading.

III. FISCAL IMPACTS:

Revenues / Reserves, General Fund:	\$ 469,856.07	
Expenditures, General Fund (via transfer to Community Housing Fund):		\$469,856.07
Revenue, Community Housing Fund:	\$ 469,856.07	

IV. BACKGROUND INFORMATION:

The City recently received \$193,856.07 from the release of funds held in escrow, for the completion of the Fish Creek Mobile Home Park railroad crossing project. These monies were used to reduce the balance of a loan used to assist the Yampa Valley Housing Authority with their purchase of the mobile home park. The release of these funds from escrow served to reduce the YVHA loan balance from \$954,000 to \$760,143.93.

The City also has maintained a restricted reserve in the General Fund, for the Joint City / County Affordable Housing Revolving Loan Fund (jointly with Routt County). This reserve totaled \$275,284.26 as of 12/31/10, and will accrue interest in the General Fund until it is transferred to the Community Housing Fund. Interest on the reserve will then accrue in the Community Housing Fund.

The Finance Department requests movement of these housing-related funds to the Community Housing Fund.

V. LEGAL ISSUES:

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

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None noted.

VII. SUMMARY AND ALTERNATIVES:

Appropriations may be revised, deleted or approved.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

**FIRST SUPPLEMENTAL BUDGET APPROPRIATION
ORDINANCE OF 2011.**

WHEREAS, the City of Steamboat Springs has received revenues and maintains certain reserves from several sources, related to affordable housing:

General Fund – Revenue from the release of funds held in escrow, related to the Fish Creek Mobile Home Park railroad crossing, in the amount of \$193,856.07;

General Fund – Revenue from the joint Routt County / City of Steamboat Springs Affordable Housing Revolving Loan Fund, up to \$276,000; and

WHEREAS, the revenues were originally accounted for, in the General Fund; and

WHEREAS, the City of Steamboat Springs wishes to transfer these funds into the Community Housing Fund, in order to put all affordable housing resources in one place; and

WHEREAS, the City of Steamboat Springs does not wish to appropriate the expenditure of these funds at this time.

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

Section 1. Supplemental Revenue. That the following supplemental revenues are available in the stated amounts:

General Fund - RR crossing escrow funds	\$ 193,856.07
General Fund – Revolving Loan fund reserves	276,000.00
Community Housing Fund – via transfer from GF:	\$ 469,856.07

Section 2. 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:

General Fund – transfer to Community Housing Fund: \$ 469,856.07

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 _____, 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**

AGENDA ITEM # 10

CITY COUNCIL COMMUNICATION FORM

FROM: Anthony B. Lettunich, City Attorney (879-0100)
Winnie DelliQuadri, Grants Manager (ext 257)

THROUGH: Wendy DuBord, Interim City Manager (Ext. 228)

DATE: Tuesday, February 1, 2011

RE: Ordinance – Second Reading: AN ORDINANCE APPROVING A LAND MANAGEMENT AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND HOWELSEN EMERALD MOUNTAIN PARK, INC., A COLORADO NON-PROFIT CORPORATION; AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Lettunich)

NEXT STEP: Adopt Ordinance at second reading or give further direction to staff.

Information
 Ordinance

I. PURPOSE FOR AGENDA ITEM:

To discuss and possibly adopt at second reading an ordinance approving a Land Management Agreement (“LMA”) between the City and Howelsen Emerald Mountain Park, Inc. (“HEMP”), in which the City will delegate certain rights and HEMP will assume certain obligations regarding management of the 586-acre parcel (“Property”), currently under contract to be purchased by the City from Ortons on Emerald Mountain, LLC (“Ortons”), to HEMP.

II. FISCAL IMPACTS:

No fiscal impacts. HEMP proposes to manage the Property through gifts, bequests, and donations without any financial obligation on the part of the City.

III. ADDITIONAL INFORMATION:

The contract in which the Ortons have agreed to sell the Property to the City contains a condition that the City and HEMP enter into a an LMA for the management and operation of the Property by HEMP. The condition requires that the City approve the LMA by ordinance at least ten days prior to a yet to be established closing date.

The City Council approved an earlier version of the LMA by motion in order to provide GOCO some documentation of the management agreement, which GOCO could review as part of their approval and extension process. The attached version of the LMA has been substantially revised by removing material no longer relevant to the transaction and to clarify, among other revisions and clarifications, the following:

- (a) The Property will be open to the public without restriction and without charge with the exception of specific circumstances or events that would be approved in advance by the City.
- (b) No improvements, including structures, may be placed on the Property without being approved in advance by the City.
- (c) Termination of the Agreement by either party upon six (6) months notice to the other party.

In addition, following the discussion at first reading, several changes have been made to the LMA, which appear in redline attached to the ordinance. Upon approval, the redline changes will be incorporated into the final document for execution.

IV. NEXT STEP:

To discuss and either (a) adopt the ordinance at second reading approving the LMA as presented and revised, or (b) give direction as to what further changes would be acceptable to the City Council.

End of Communication Form

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE APPROVING A LAND MANAGEMENT AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND HOWELSEN EMERALD MOUNTAIN PARK, INC., A COLORADO NON-PROFIT CORPORATION; AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Steamboat Springs ("City") is under contract with Ortons on Emerald Mountain, LLC, a Colorado limited liability company (collectively "Ortons") to purchase approximately 586.37 acres on Emerald Mountain (the "Property"); and

WHEREAS, the contract between the City and Ortons requires, as a condition of closing, that the City enter into a Land Management Agreement with Howelsen Emerald Mountain Park, Inc., a Colorado non-profit corporation ("HEMP") to maintain, operate, and improve the Property for the use and benefit of the public.

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

Section 1. The City Council hereby ratifies and approves the Land Management Agreement attached hereto as Exhibit A.

Section 2. The City Council President, the City Council President Pro Tem, and the City Manager are hereby authorized to execute the Land Management Agreement attached hereto as Exhibit A.

Section 3. This ordinance shall take effect five (5) days after publication following final passage.

Section 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section 5. 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 6. A public hearing on this ordinance shall be held on the 1st day of February, 2011, at any time after the meeting is called to order at approximately 5:00 P.M. in the City Council Chambers at Centennial Hall, at the corner of 10th St. and Oak St., 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**

**ORTONS ON EMERALD MOUNTAIN PROPERTY
LAND MANAGEMENT AGREEMENT**

THIS AGREEMENT, effective the ____ day of _____, 2011, is made by and between the City of Steamboat Springs, Colorado, a Colorado Municipal Corporation (“City”), and Howelsen Emerald Mountain Park, Inc., a 501(c)3 non-profit organization (“HEMP”).

WHEREAS the City, through a Contract to Buy and Sell Real Estate dated 18 of October, 2010 (“Contract”), has agreed to purchase approximately 586.37 acres of real property on Emerald Mountain, as more fully identified on Exhibit A attached hereto (“Property”); and

WHEREAS the Property is subject to a Deed of Conservation Easement (“Conservation Easement”) granted to the Yampa Valley Land Trust (YVLT) on or about December 31, 1996, for purposes of forever conserving the open space character, scenic qualities and wildlife habitat on the Property. The parties acknowledge that the Conservation Easement will be amended, restated and rerecorded based on the subdivision of the larger parcel required to create the Property. Any references to the Conservation Easement shall be to the Amended and Restated Conservation Easement (which is required due to the subdivision of the larger parcel); and

WHEREAS the Property will be subject to a Land Management Plan developed by the City as required by Great Outdoors Colorado; and

WHEREAS the Colorado State Forest Service, Steamboat Springs office, will have completed a Forestry Management Plan paid for by the seller on or before closing; and

WHEREAS the City has contracted to purchase the Property to conserve and preserve public access and recreational activities on Emerald Mountain; and

WHEREAS the City desires to acquire the Property to ensure perpetual public access and to develop, maintain and preserve certain summer and winter recreational activities, while complying with conservation guidelines as set forth in the Conservation Easement; and

WHEREAS the City desires HEMP, at ~~its own~~ HEMP’s sole expense, to maintain and operate the Property to preserve and enhance the recreational activities associated with the Property for the public, while complying with City and land trust guidelines and requirements under the Conservation Easement, the Forestry Management Plan, and the Land Management Plan; and

WHEREAS the City and HEMP now desire to enter into and establish a relationship which will ensure the maintenance, operation, improvement, and continued public use of the Property for recreational activities allowed under the Conservation Easement, the Forestry Management Plan, and the Land Management Plan;

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

1. Purpose. This agreement delegates to HEMP the right and obligation to maintain, operate, and improve the Property for the use by and benefit of the public, as permitted by the Conservation Easement, the Forestry Management Plan, the Land Management Plan, and the City, as more specifically set forth below.

2. Description of the Present Condition of the Property. In accordance with Yampa Valley Land Trust Deed of Conservation Easement Requirements, the City of Steamboat Springs will develop by December 31, 2011 a Baseline Report detailing the present condition of the property. Upon approval by HEMP, the City, and the Yampa Valley Land Trust, which approval shall not be unreasonably withheld, the Baseline Report will be the prevailing document regarding the condition to which the property must be maintained to conform to the requirements of the Deed of Conservation Easement.

3. HEMP Board of Directors. The HEMP Board of Directors shall be a self-perpetuating board of directors of a Colorado non-profit corporation consisting of up to fifteen (15) members, but no fewer than seven (7) members. At least one Director shall be appointed from each of the following groups: 1) which shall be the Director of the City's Department of Parks, Open Space and Recreational Services ("Director") or such other representative as may be designated by the Director; 2) and a representative from Rocky Mountain Youth Corp; and 3) a member of the Steamboat Springs City Council as designated by the City Council. Should any of these entities cease to exist or decline to appoint a Board member to HEMP, the Hemp Board shall use its best efforts to appoint a replacement Board member from a Steamboat Springs based non-profit organization with a valid IRS §501(c)(3) designation formed for similar purposes. The remaining Directors may include a representative from the YVLT, the Steamboat Springs Nordic Council, the Steamboat Springs Winter Sports Club, the Routt County Riders, and any other group or persons as the HEMP Board may deem appropriate in serving its purpose.

4. City's Delegation of Rights and Obligations to HEMP. The Property provides the public with substantial regular and ongoing opportunities for recreational activity and possesses natural, scenic, ecological, historic, and open space values, as well as native habitat for plants and animals, all of which is of great importance to the YVLT, the City of Steamboat Springs, the people of Routt County and the State of Colorado. Therefore, to accomplish the purposes of this Agreement and conform to the terms and conditions of the Conservation Easement, the Forestry Management Plan, and the Land Management Plan, the City hereby delegates to HEMP, through its Board of Directors, the following specific rights and obligations with respect to the Property, which include, but shall not be limited to:

- a. To maintain, operate and improve the Property at its own expense in accordance with the Conservation Easement, the Forestry Management Plan, and the Land Management Plan, and all federal, state or local laws, codes and ordinances; provided, however, if HEMP desires to improve the Property by the construction of any buildings or structures, HEMP must receive prior approval from the City for any and all such improvements, which approval may be withheld in the City's sole discretion.

- b. To employ staff and to contract with such vendors as necessary to facilitate the operation, maintenance, preservation and improvement of the Property. Any such employment or contract shall be with HEMP and not the City. As a recipient of public benefits, HEMP must conform to all requirements of Colorado State Statute 8-17.5 which prohibits hiring or contracting with illegal aliens.
- c. To prevent any activity on or use of the Property that is inconsistent with the purposes and terms of this Agreement, the Conservation Easement, the Forestry Management Plan, or the Land Management Plan, or which may be reasonably expected to have a material adverse impact on the Property protected herein, together with the requirement that HEMP restore such areas or features of the Property that are materially damaged by any inconsistent activity or use undertaken by HEMP.
- d. To identify, preserve and protect, and to restore to its natural condition following damage, those conservation values of the Property as particularly described under the Conservation Easement while working with YVLT accordingly.
- e. To allow the public to enter and use the Property for the purposes of hiking, equestrian for individual use, mountain biking, snow shoeing, cross-country skiing and other non-motorized recreational activities. This right shall include the authority to regulate, administer, and control, with the consent of the City (which shall be given, if at all, by the Director or other designated representative from the Parks, Open Space and Recreational Services), the Public's access to and use of the Property for any outdoor recreation purpose defined herein,. HEMP may permit overnight camping, by permission only, which is not inconsistent with the purposes of the Conservation Easement. HEMP has the right to construct and maintain various soft-surfaced trails for the non-motorized low impact recreational and educational uses of the Property consistent with the Conservation Easement, the Forestry Management Plan, and Land Management Plan. Public access to and use of the Property shall be restricted to foot, non-commercial equestrian use, bicycles, snow shoes, cross-country skis and other non-motorized transportation. Furthermore, HEMP agrees to consider designating the Property as an "off-leash" dog.
- f. To engage in motorized vehicular travel on the Property for administrative, maintenance and management purposes (e.g. as related to the construction and maintenance of the soft-surfaced trails as mentioned above, including winter grooming of ski trails) and consistent with the Conservation Easement, the Forestry Management Plan, and the Land Management Plan.
- g. To maintain the property consistent with the Conservation Easement, the Forestry Management Plan, and the Land Management Plan. As per the Conservation Easement, HEMP has the right to remove material that HEMP believes to be trash, litter, garbage, old fencing, or junk that has been dumped, abandoned, or otherwise deposited on the Property and the responsibility to control weeds

consistent with section 4(F) of the Conservation Easement. In addition, HEMP shall provide trash containers at entry points to the Property from Blackmer Drive and shall remove refuse from the trash containers as needed.

5. The City's Retained Rights and Obligations. The City retains the right and obligation to enter upon, access, and inspect the Property without notice at any and all times by foot and motorized vehicle in order to monitor compliance with and otherwise enforce the terms of this Agreement, the Conservation Easement, and the Land Management Plan. The City shall have the right to review in advance and, if appropriate, approve any fees to be charged for use of the Property and any proposals to control access by the Public to the Property that is inconsistent with the terms of this Agreement or that is inconsistent with any other restrictions on access by the Public put in place by the City. The City retains the right to approve any improvements to the Property.

6. Annual Report. HEMP will present for City Council review by October 1 of each year, a budget for the next calendar year. The budget shall include upcoming plans for management and operation of the property, all estimated associated costs and identification of resources to cover such costs. No later than May 1 of each year, HEMP will provide the City Finance Director with a report of the financial results of the prior calendar year. Such report shall include a balance sheet, report of revenues and expenditures and a report of actual versus budget revenues and expenses.

7. Prohibited Uses and Practices. The Conservation Easement, the Forestry Management Plan, and the Land Management Plan provide (though not an exhaustive recital of prohibited uses or practices) guiding information regarding prohibited uses and practices on the Property. The HEMP Board and the Director shall maintain a list of prohibited uses and practices and make that list readily available to the public.

8. Access. One of the primary purposes of the City's acquisition of this Property is to provide the Public with permanent perpetual access to the Property for recreational purposes as defined herein. Therefore, the City and HEMP shall be prohibited from denying the Public the right to access the Property for recreational purposes, and in particular shall be prohibited from denying the Public the right to hike, mountain bike, horse ride for personal use, snow shoe and cross-country ski on the Property, except that the City or HEMP may restrict the Public's access to the Property to conform to the terms of this Agreement or the Conservation Easement or for safety reasons or whatever other restrictions the State may have placed on public access. The right to restrict public access may include, as an example and without limitation, the use of the Property for sports competitions.

9. Costs and Taxes. The City shall pay any and all real property taxes and assessments levied by competent authority on the Property, if any. HEMP shall bear all costs of operation, upkeep, and maintenance associated with its activities undertaken on the Property.

10. Assignment of HEMP Interest. HEMP may assign its rights and obligations under this Agreement with certain limitations. HEMP may only assign its rights and obligations to a duly qualified organization with a current IRS 501(c)(3) designation, that has a mission, vision, and

overall governing structure similar to that of HEMP; provided, however, such assignment shall only be valid with the prior written consent of the ~~YVLT~~ and the City, which consent shall be in the City's sole discretion. As a condition of such transfer, HEMP shall require the transferee to expressly agree, in writing, to carry out and uphold the conservation purposes of this Agreement and the Conservation Easement and otherwise assume all of the obligations of HEMP as set forth herein.

11. Insurance. HEMP shall procure and maintain Worker's Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance for any/all of its employees. Evidence of qualified self-insured status may be substituted. In addition, HEMP shall procure and maintain General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000.00) each occurrence and TWO MILLION DOLLARS (\$2,000,000.00) aggregate. The policy shall include the City of Steamboat Springs, its officers and its employees, as additional insured, with primary coverage as respects the City of Steamboat Springs, its officers and its employees, and shall contain a severability of interests provision. All coverages shall be continuously maintained to cover all liability, claims, demands, and other obligations assumed by HEMP pursuant to this Agreement. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured by HEMP to maintain such continuous coverage. A certificate of insurance shall be completed by HEMP's insurance agent(s) as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the City's General Services Director.

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

12. Term. This Agreement shall be for one year from the date of this Agreement where upon this Agreement shall be automatically renewed for each successive year thereafter unless terminated pursuant to paragraph ~~15~~ 13 below.

13. Termination. Either party may terminate this Agreement for any reason or no reason at all with six (6) months advance notice to the other party; provided, however, in the event of termination HEMP shall remain obligated to defend and hold the City harmless against all claims arising during HEMP's control of the Property during the effective period of this Agreement.

14. Amendment. If the circumstances arise under which an amendment to or modification of this instrument would be appropriate, the City and HEMP are free to jointly amend this instrument; provided that no amendment shall be allowed that will affect this instrument under any applicable laws. Any amendment must be consistent with the conservation purposes of this instrument and may not affect ~~its~~ the perpetual duration of the conservation easement. Any amendment must be in writing, signed and notarized by both parties hereto, and recorded in the records of the Clerk and Recorder of Routt County, Colorado.

15. Miscellaneous.

a. Application to Successors. The terms “City” and “HEMP” wherever used herein, and any pronouns used in place thereof, shall mean and include the above named and its successors and assigns, and transferees.

b. Severability. If any provisions of this Agreement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Agreement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

c. Controlling law. The interpretation and performance of this Easement shall be governed by the laws of the State of Colorado.

d. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Agreement shall be liberally construed in favor of the rights granted to affect the purposes of this Agreement. If any provision in this Agreement is found to be ambiguous, an interpretation consistent with the purpose of this Agreement that would render the provision valid shall be favored over any interpretation that would render it invalid.

e. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Agreement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Agreement, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies such provision above.

f. Successors. The covenants, terms, conditions, and restrictions of this Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns as may be permitted under section 10, above.

g. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

h. Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the first recorded counterpart shall be controlling.

i. No Third Party Rights. This instrument creates no enforcement or other rights in persons or entities not parties to this Agreement.

j. Attorneys’ Fees. If legal action shall be brought by either party for the breach of any term, covenant or provision of this Agreement, each party shall be responsible for its own attorney fees and the prevailing party shall not be entitled to attorney’s fees, costs or other associated expenses.

16 Notices. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give under this Easement shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows or to such other address as either party from time to time shall designate by written notice to the other.

If to the City:

The City of Steamboat Springs
Attn: City Manager
137 10th Street
P.O. Box 775088
Steamboat Springs, Colorado 80477

With a copy to:

Anthony B. Lettunich III, Esq.
Steamboat Springs City Attorney
Lettunich & Vanderbloemen, LLC
P.O. Box 773990
Steamboat Springs, CO 80477

If to Howelsen Emerald Mountain Park, Inc.:

Dan Smilkstein, President
1475 Pine Grove Road
Steamboat Springs, CO 80487

With a copy to:

Feldmann Nagel, LLC
Attn: Sherri L. Sweers
P.O. Box 775628
Steamboat Springs, CO 80477

17. Defend and Hold Harmless. HEMP shall defend and hold harmless the City against claims arising from the alleged negligent acts or omissions of HEMP and its employees which occurred or are alleged to have occurred during the performance of their duties and within the scope of their employment, except where such acts or omissions are willful and wanton.

To the extent permitted by Colorado law, the City shall defend and hold harmless HEMP against claims arising from the alleged negligent acts or omissions of the City and its employees which occurred or are alleged to have occurred during the performance of their duties and within the scope of their employment, except where such acts or omissions are willful and wanton. Such claims shall be subject to the limitations of the “Colorado Governmental Immunity Act,” §§ 24-10-101 to 24-10-120, C.R.S., as now or hereafter amended.

18. Equal Opportunity Employer. HEMP will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, disability or national origin.

HEMP will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, age, sex, disability, or national origin. Such action shall include but not be limited to the following; employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. HEMP agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

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

IN WITNESS WHEREOF, the parties have executed this Agreement as to the date first set forth above.

CITY OF STEAMBOAT SPRINGS

ATTEST:

By: Jon B. Roberts, City Manager

Julie Franklin, City Clerk

HOWELSEN EMERALD MOUNTAIN PARK, INC.

By: Dan Smilkstein, President

STATE OF COLORADO)
)ss.
COUNTY OF ROUTT)

The foregoing instrument was subscribed to and acknowledged before me by Jon B. Roberts, City Manager, and attested to by Julie Franklin, City Clerk, for the City of Steamboat Springs, Colorado, on the _____ day of _____, 2011.

WITNESS my hand and official seal.

Notary Public

My commission expires:

STATE OF COLORADO)
)ss.
COUNTY OF ROUTT)

The foregoing instrument was subscribed to and acknowledged before me by _____ on the _____ day of _____, 2011.

WITNESS my hand and official seal.

Notary Public

My commission expires:

AGENDA ITEM # 11

COUNCIL COMMUNICATION FORM

FROM: Deb Hinsvark, Director of Financial Services (Ext. 240)
THROUGH: Wendy DuBord, Interim City Manager
DATE: February 1, 2011
ITEM: Supplemental Budget Ordinance for Series 2010 COPs.
NEXT STEP: Budget documents will be adjusted to reflect appropriation.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

City Council is requested to recognize revenue and appropriate expenditures associated with the Series 2010 Certificates of Participation which refunded the 2001 COPs.

II. RECOMMENDED ACTION:

Approval.

III. FISCAL IMPACTS:

Fiscal 2010

Revenues:

COP Refunding \$3,983,266

Expenditures:

COP Refunding \$3,983,266

IV. BACKGROUND INFORMATION:

The City issued its Series 2010 Refunding Certificates of Participation in December 2010 for the purpose of refunding for savings, the 2001 Certificates. The City will recognize a cash flow savings of \$50,000 in each of the next three years as a result of this refunding.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

Council approved the refunding and the transaction has already occurred. There are really no alternatives other than appropriately accounting for the transaction now.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

**2010 SUPPLEMENTAL BUDGET APPROPRIATION
ORDINANCE TO APPROPRIATE FUNDS ASSOCIATED WITH
THE SERIES 2010 CERTIFICATES OF PARTICIPATION
(COPs) WHICH REFUNDED THE SERIES 2001 COPs.**

WHEREAS, the City of Steamboat Springs in accordance with Ordinance No. 2344 issued its Series 2010 Certificates of Participation; and

WHEREAS, the City was able to refund, for savings, its Series 2001 Certificates of Participation; and

WHEREAS, the City wishes to recognize the revenues and to appropriate the funds associated with this Series 2010 Certificates of Participation transaction:

General Fund:

Source	COP Funds	Comment
Bond Proceeds	\$3,785,000	Par amount of the Certificates
Bond Premium	45,766	The Certificates sold at a premium
Debt Service Reserve Fund	441,000	Release from restricted reserves
Total Sources	<u>\$4,271,766</u>	

Use	COP Funds	Comment
Redemption Escrow	\$3,796,659	To redeem 2001 COPs
Debt Service Reserve	378,500	Re-establish a restricted reserve
Underwriter Discount	26,495	Piper Jaffray
Costs of Issuance	70,112	Other transaction costs, such as Moody's & Escrow Verification
Total Uses	<u>\$4,271,766</u>	Amount without DS Reserve (which does not require an appropriation) is \$3,983,266

WHEREAS, the City Council believes that such appropriations are important to the economic health and welfare of the community.

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

Section 1. Supplemental Revenue. That the following supplemental revenues are available in the stated amounts, from the sources listed above:

General Fund	\$ 3,893,266
--------------	--------------

Section 2. 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 projects named above:

General Fund	\$ 3,893,266
--------------	--------------

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 _____, 2011.

**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 # 12

PLANNING COMMISSION UPDATE – FEBRUARY 1, 2011

During the month of January, the Planning Commission engaged in further review of the “infill and capacity analysis” that has been prepared by planning staff. The focus of our discussion centered around two (2) important items:

- 1) Whether the assumptions made by planning staff in preparing the “infill and capacity analysis” were appropriate?
- 2) Whether any additional information could be derived from this analysis that could assist Planning Commission and/or City Council in future policy discussions?

On the first item, planning staff prepared its analysis of capacity based on the absolute maximum build-out that would be possible based on current zoning. In order to reach this number, staff had to make many assumptions as part of its analysis. Planning Commissioners felt it would be appropriate to also include information which depicted the lowest amount of building possible based on current zoning, as well as a “medium range” of building that could occur. This would give the public a better opportunity to see the entire range of building capacity that the city might incur over the foreseeable future. Planning staff agreed that this would be appropriate and will revise the analysis accordingly. Obviously, none of these infill scenarios will be 100% accurate as to the building that actually occurs in the future. However, this capacity analysis will be a good start to assist in helping the City to shape policies based on what is known at the current time.

Planning Commissioners also pointed out that it would be important to include some kind of analysis of “re-development potential” of current city properties to assist in policy guidance. Planning staff agreed with this point and they will endeavor to include this in future revisions to the capacity analysis.

In regard to the second item, several Planning Commissioners noted that it would be very useful to combine this capacity analysis with a transit analysis. It would be more efficient for these two items to be looked at together in order to help determine where transit is being best utilized now, where it could be better utilized, and where the opportunities exist for possibly more efficient transit.

In the end, Planning Commissioners feel that this capacity analysis will be a useful tool both now and in the future to assist in guiding policy decisions and to help with the update to the Steamboat Springs Area Community Plan.

AGENDA ITEM # 13

CITY COUNCIL COMMUNICATION FORM

FROM: Jason K. Peasley, City Planner (Ext. 229)
Tyler Gibbs AIA, Director of Planning and Community Development
(Ext. 244)

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

DATE: February 1, 2011

ITEM: First Reading of the Casey's Pond Subdivision, Parcels A and C Official
Zoning Map Amendment (#ZMA-10-05)

NEXT STEP: If approved, the Second Reading is scheduled for February 15, 2011

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Casey's Pond Subdivision, Parcels A and C (#ZMA-10-05)

PETITION: Official Zoning Map Amendment to change the zoning from Resort Residential One, Low Density (RR-1) to Multi-Family Three, High Density (MF-3) for a 5.52 acre parcel known as Casey's Pond Subdivision, Parcels A and C.

LOCATION: Casey's Pond Subdivision, Parcels A and C (Corner of Walton Creek Road and Owl Hoot Trail)

APPLICANT: Casey's Pond, LLC c/o Michael JK Olsen Architects, PO Box 772385, Steamboat Springs, CO 80477

PC ACTION: On January 27, 2011 the Planning Commission voted 7-0 to approve the application.

CITY COUNCIL COMMUNICATION FORM

Casey's Pond Subdivision, Parcels A and C #ZMA-10-05

February 1, 2011

1. Background

The subject parcel is a 5.52 acre parcel of land currently platted as Casey's Pond Subdivision, Parcels A and C. The property is rectangular in shape and is bordered by City owned park land (Casey's Pond) on the west and the recently constructed extension of Owl Hoot Trail on the east. Walton Creek Road borders the site on the south side and an undeveloped lot in the Wildhorse Meadows subdivision borders the site to the north. Burgess Creek runs through this site on its southern boundary, adjacent to Walton Creek Road. Wetlands exist on this site near Burgess Creek and have been delineated in cooperation with the Army Corp of Engineers.

2. Planning Commission Discussion:

The Planning Commission discussed the proposed rezoning and the applicable design standards for the new zone district.

3. Public Comment:

Public comment was received at the meeting in support of the requested zone change.

4. New Information:

No new information at this time.

5. Motion:

Planning Commission finds this Official Zoning Map Amendment to change the zoning from Resort Residential One, Low Density (RR-1) to Multi-Family Three, High Density (MF-3) for a 5.52 acre parcel known as Casey's Pond Subdivision, Parcels A and C to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment:

1. Justification
2. Compatibility with surrounding development
3. Advantages versus disadvantages
4. Consistent with the purpose and standards of the zone district
5. Effects on natural environment

LIST OF ATTACHMENTS:

Attachment 1- Staff report dated January 27, 2011.

Attachment 2- Draft PC minutes from January 27, 2011.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM #4:	
Project Name:	Casey's Pond Subdivision, Parcels A and C #ZMA-10-05
Prepared By:	Jason K. Peasley, AICP City Planner (Ext. 229)
Through:	Tyler Gibbs AIA, Director of Planning and Community Development (Ext. 244)
Planning Commission (PC):	January 27, 2011
City Council (CC):	February 1, 2011 First Reading February 15, 2011 Second Reading
Existing Zoning:	Resort Residential One, Low Density (RR-1)
Applicant:	Casey's Pond, LLC c/o Michael JK Olsen Architects, PO Box 772385, Steamboat Springs, CO 80477
Request:	Official Zoning Map Amendment to change the zoning from Resort Residential One, Low Density (RR-1) to Multi-Family Three, High Density (MF-3) for a 5.52 acre parcel known as Casey's Pond Subdivision, Parcels A and C.

Project location

Corner of Walton Creek Road and Owl Hoot Trail

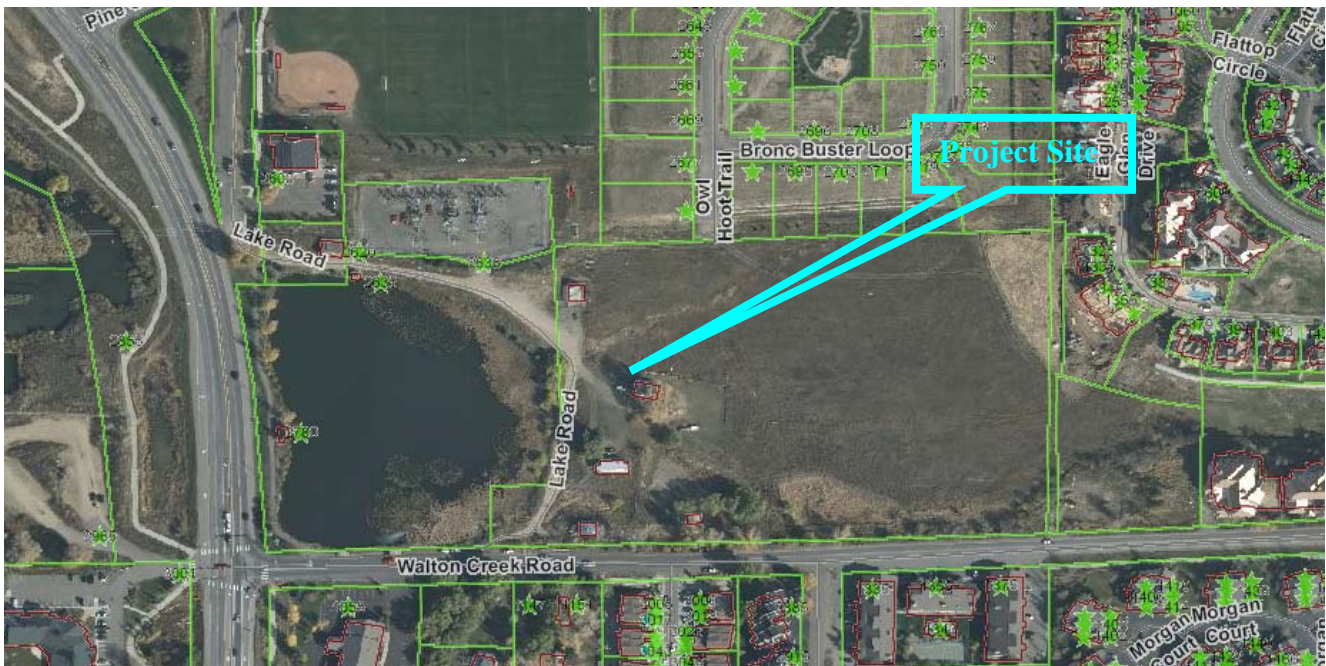
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Staff Report - Table of Contents		
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II.	Project Location	4-2
III.	Background Information	4-2
IV.	Project Description	4-2
V.	Staff Analysis	4-3
VI.	Staff Findings and Motion	4-5
VII.	Attachments	4-6

I. STAFF FINDING

Staff finds this Official Zoning Map Amendment to change the zoning from Resort Residential One, Low Density (RR-1) to Multi-Family Three, High Density (MF-3) for a 5.52 acre parcel known as Casey's Pond Subdivision, Parcels A and C to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

II. PROJECT LOCATION



III. BACKGROUND INFORMATION

The subject property is a 5.52 acre parcel of land currently platted as Casey's Pond Subdivision, Parcels A and C. The property is rectangular in shape and is bordered by City owned park land (Casey's Pond) on the west and the recently constructed extension of Owl Hoot Trail on the east. Walton Creek Road borders the site on the south side and an undeveloped lot in the Wildhorse Meadows subdivision borders the site to the north. Burgess Creek runs through this site on its southern boundary, adjacent to Walton Creek Road. Wetlands exist on this site near Burgess Creek and have been delineated in cooperation with the Army Corp of Engineers.

IV. PROJECT DESCRIPTION

The proposed Zoning Map Amendment intends to rezone Parcels A and C of the Casey's Pond Subdivision from RR-1 to MF-3. The proposed rezoning allows for the site to be developed with more sensitivity towards the City's entry corridor.

V. STAFF ANALYSIS

A. Zone District Comparison

CDC Standard	Existing Zoning	Proposed Zoning
	RR-1	MF-3
Lot Coverage	0.50	0.45
Units Per Lot	None	None
Floor Area Ratio	No Max.	0.50
Building Height		
Overall Height	63 feet (with significant variations in building height, including differences of multiple stories, is required in an effort to break up the mass of structures)	57 feet (for Multi-Family structures) 63 feet (with underground parking)
Average Plate Height	n/a	35 feet (for Multi-Family structures) 41 feet (with underground parking)
Front Setback	20 feet (principal structure 1 st and 2 nd story) 25 feet (principal structure 3 rd story)	15 feet (principal structure 1 st and 2 nd story) 20 feet (principal structure 3 rd story)
Side Setback	15 feet (principal structure)	10 feet (principal structure)
Rear Setback	15 feet (principal structure)	10 feet (principal structure)
Permitted Uses	Multi-Family Dwellings Institutional Uses	Multi-Family Dwellings Institutional Uses
Design Standards	Mountain Base Area Design Standards	Entry Corridor Design Standards

B. Criteria for Review and Approval

In considering any petition for amendment to the Official Zoning Map, the following criteria contained in Section 26-62 shall govern unless otherwise expressly required by the CDC. The ordinance approving the rezoning amendment shall be approved and adopted only if it appears by *clear and convincing* evidence presented during the public hearing before City Council that the following conditions exist:

1. **Justification.** One of the following conditions exists:
 - a) The rezoning is necessary to correct a mistake in the current zoning map; or

- b) The amendment to the overlay zone district was an error; or
- c) The rezoning is necessary to respond to changed conditions since the adoption of the current zoning map; or
- d) The rezoning will substantially further the Community Plan's Preferred Direction and Policies, or specific area plans, and the rezoning will substantially conform to the Community Plan Land Use Map designation for the property, or is accompanied by an application for an amendment to the Community Plan Land Use Map and the amendment is approved prior to approval of the requested zoning map amendment.

Staff Finding: Consistent

Staff finds this request is consistent with justifications (d). The site of the proposed rezoning is identified in the Steamboat Springs Area Community Plan Future Land Use Plan as Resort Residential, however the applicant has proposed to amend the Future Land Use Plan to designate the property as Neighborhood Residential - Medium (see CP-10-01). The SSACP suggests RN-1, RN-2, RN-3, MF-1, MF-2 or MF-3 as the appropriate zone districts to be applied to parcels identified as Neighborhood Residential - Medium on the Future Land Use Plan.

2. Compatibility with Surrounding Development. The type, height, massing, appearance and intensity of development that would be permitted by the proposed amendment will be compatible with surrounding zone districts, land uses, and neighborhood character, and will result in a logical and orderly development pattern within the community.

Staff Finding: Consistent

Staff finds the proposed zone change is compatible with surrounding development and neighborhood character. Surrounding sites including the Aspens at Walton Creek, Walton Creek Condos and other developments along Walton Creek Road are zoned MF-1 and MF-3 and are multi-family developments. The adjacent developments in Wildhorse Meadows and on Eagle Glen Drive are zoned RR-1. The adjacent City owned park land is zoned OR.

3. Advantages vs. Disadvantages. The advantages of the zone district proposed substantially outweigh the disadvantages to the community and/or neighboring land occasioned by the zoning amendment; and

Staff Finding: Consistent

Staff finds the advantages of rezoning the property outweigh the disadvantages to the community and/or neighboring lands. The rezoning of this parcel to MF-3 requires that the

site be developed according to the Entry Corridor Design Standards rather than the Mountain Base Area Design Standards. The proposed rezoning allows for the site to be developed with more sensitivity towards the City's entry corridor as it is highly visible from US Highway 40.

4. Consistent with Purpose and Standards of Zone District. The amendment will be consistent with the purpose and standards of the zone district to which the property is proposed to be designated.

Staff Finding: Consistent

Staff finds this amendment to be consistent with the purpose and standards of the Multi-Family Three, High Density (MF-3) Zone District. The Purpose and Intent of the MF Zone District states:

“Purpose and intent. The multi-family residential zone district is intended primarily to provide areas for development of multi-family housing in a range of densities. Such housing may include townhouses, condominiums, and apartments. These developments shall take measures to ensure compatibility with adjacent properties of lower densities, as well as to provide adequate open space.”

The proposed rezoning is consistent with the general description of the MF Zone District with respect to providing multi-family housing that is compatible with adjacent properties of lower densities. This parcel is required to provide 15% open space at the time of site development.

5. Effects on Natural Environment. That the proposed amendment will not result in significant adverse effects on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.

Staff Finding: Consistent

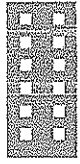
The proposed amendment will not result in any significant adverse effects on the natural environment. Future development of the site will be subject to existing regulations, including waterbody setback and construction site management BMPs that are intended to mitigate the effects on the natural environment.

VI. STAFF FINDINGS AND MOTION

Staff finds this Official Zoning Map Amendment to change the zoning from Resort Residential One, Low Density (RR-1) to Multi-Family Three, High Density (MF-3) for a 5.52 acre parcel known as Casey's Pond Subdivision, Parcels A and C to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

VII. LIST OF ATTACHMENTS

1. Applicants Narrative
2. Existing Zoning and Future Land Use Plan Map



MICHAEL J.K. OLSEN
ARCHITECTS

1169 HILLTOP PKWY, SUITE #205B
P.O. BOX 772385
STMBT. SPRGS., CO 80477
PHONE: 970-870-1584
FAX: 970-871-0217
mjko@mjkoarch.com

December 13, 2010

City of Steamboat Springs
Department of Planning & Community Development
124 10th Street
P.O. Box 775088
Steamboat Springs, Colorado 80477
Ph: 970-879-2060

RE: Zone Change Request
Casey Pond Subdivision
Proposed Parcel A & Parcel C (Outlot)

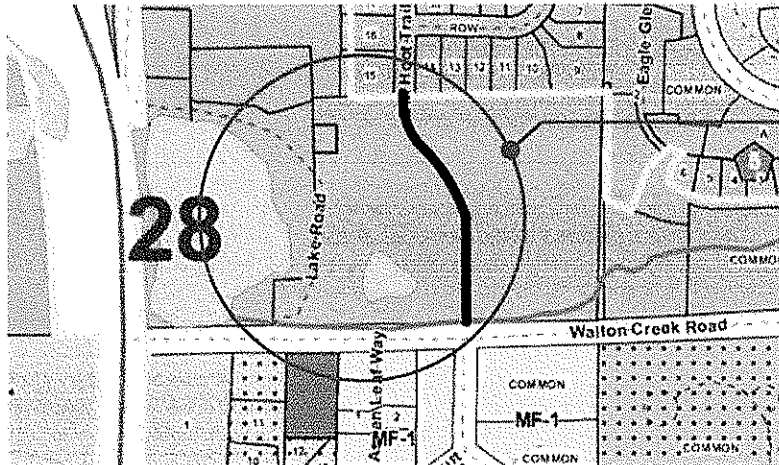
To Whom It May Concern:

The subject Parcel A & Parcel C (Outlot) are defined in the pending approval of the Final Plat of Casey's Pond Subdivision. The total proposed area is located to the west of the newly constructed Owl Hoot Road and overlooks the City's Open Space parcel known as Casey's Pond. The total subject area is 5.35 acres. The applicant is requesting a zone change to MF-3, Multi-Family, from the current zoning RR-1, Resort Residential.

The proposed zone change meets the following Steamboat Springs Community Development Code's criteria for approval under Section 26-62 Official Zoning Map Amendments.

1.) Justification.

Review of the two subject parcels note them in the RR-1 Zone District and thus subject to the Mountain Base Area Design Guidelines overlay zone district. However, the location of the subject parcels in along Highway 40 Corridor make the Urban Design Standards and Entry Corridor Concepts overlay zone district the appropriate zone district. Therefore, the appropriate zoning is MF-3 requiring inclusion into the appropriate overlay zone district noted above. See graphic below of existing zoning map. Planning staff is aware of this condition and will be updating the City of Steamboat Springs Future Land Use Map upon updating the Community Plan.



Subject Area

Rezoning the subject parcel to MF-3 will additionally further the Land Use and Policy Goals of the Steamboat Community Plan as outlined herein.

Land Use Goals and Policies

Goal LU-3: The Steamboat Springs community will continue to support and plan for cohesive and mixed-use neighborhoods that serve year-round residents and visitors.

The Multi-Family creates a compatible zone district with the Resort Residential and is currently used as transition zone district to the Resort Residential along the southern boundary of the resort area.

Goal LU-4: Our community will promote the development of compact Commercial Activity Nodes and a mixed-use corridor along US 40 between commercial nodes.

The subject parcel is located overlooking Hwy 40 behind Casey's Pond, therefore, commercial activity is not appropriate in this location as would parcels with direct access. The Multi-Family Zone District does not allow commercial activity.

Goal LU-5: Our community will plan and implement land use patterns that support an efficient transportation system and alternative transportation modes.

A bus stop currently exists along the southern frontage of this parcel at Walton Creek. In addition pedestrian circulation routes defined by the Mobility Circulation Plan will not be compromised by the change in zoning to Multi-Family.

2.) Compatibility with Surrounding Development.

The proposed Multi-Family Zone District is compatible with a proposed amendment to the City of Steamboat Springs Future Land Use Map by City Planning Staff. This proposed amendment is due to the subject Parcels location and the appropriate Urban Design Standards and Entry Corridor Concepts overlay zone district.

3.) Advantages versed Disadvantages.

The advantages of creating a zone district subject to the Urban Design Standards and Entry Corridor Concepts will require the subject parcels to the identical overlay zone district as other parcels along the entry corridor. Thus, facilitating the creation of a cohesive urban fabric as one passes thru this corridor. The Mountain Base Area Design Standards define a non-consistent urban fabric.

4.) Consistent with Purpose and Standards of Zone District.

The proposed zone change will allow for multi-family housing that is compatible with the surrounding development. Allowable housing types include: townhouses, condominiums, and apartments. The MF-3, multi-family high density, allows for the highest density within the Multi-Family Zone District and this density although somewhat less than the Resort Residential allows for a transition to the Multi-Family zoning to the south.

5.) Effects on Natural Environment.

The proposed zone change will not result in significant adverse effects on the natural environment. To clarify there should be no discernable differential impact between the Muti-Family and Resort Residential Zone Districts. The subject area does have wetlands which are currently being delineated by the Army Corps of Engineers. Upon completion of delineation these will become incorporated into the Final Plat of Casey's Pond Subdivision.

There are no known critical wildlife species or vegetation currently inhabiting the site.

It is felt the proposed zone change's benefits far outweigh any potential negatives based upon each argument noted above. If you have any questions please do not hesitate to contact me.

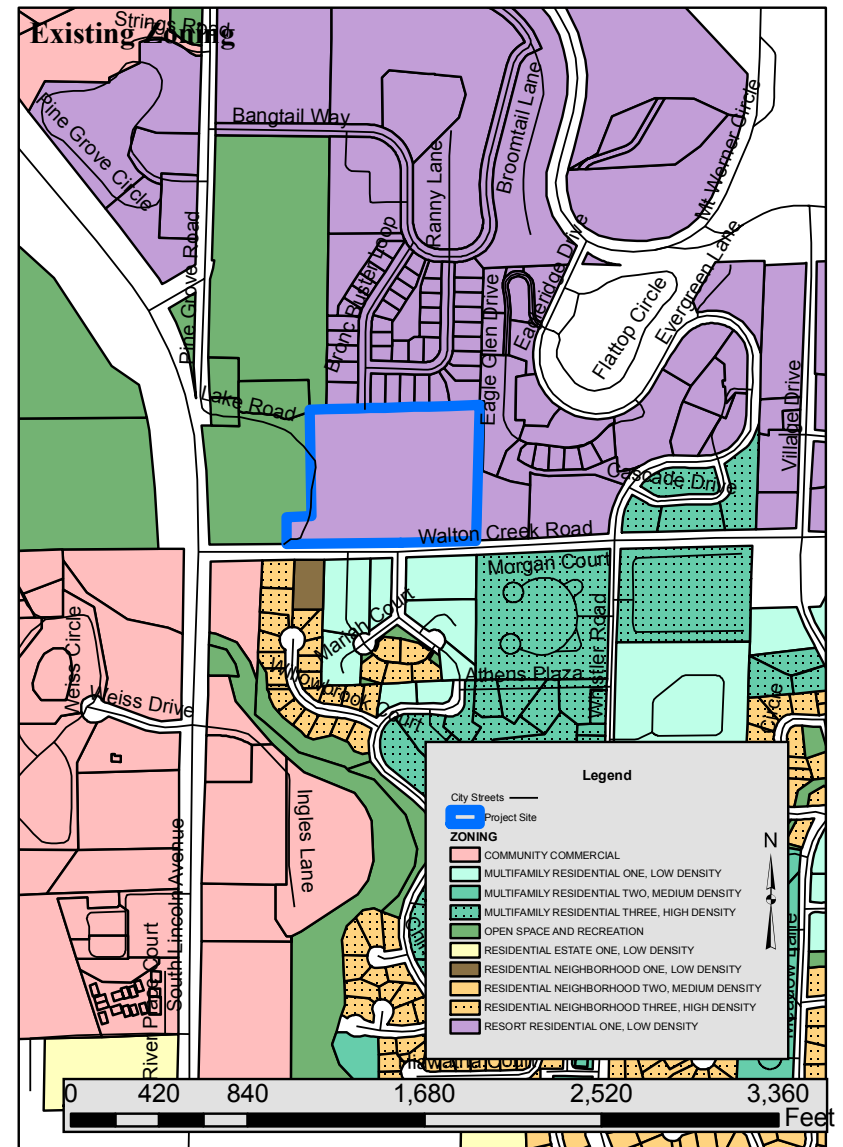
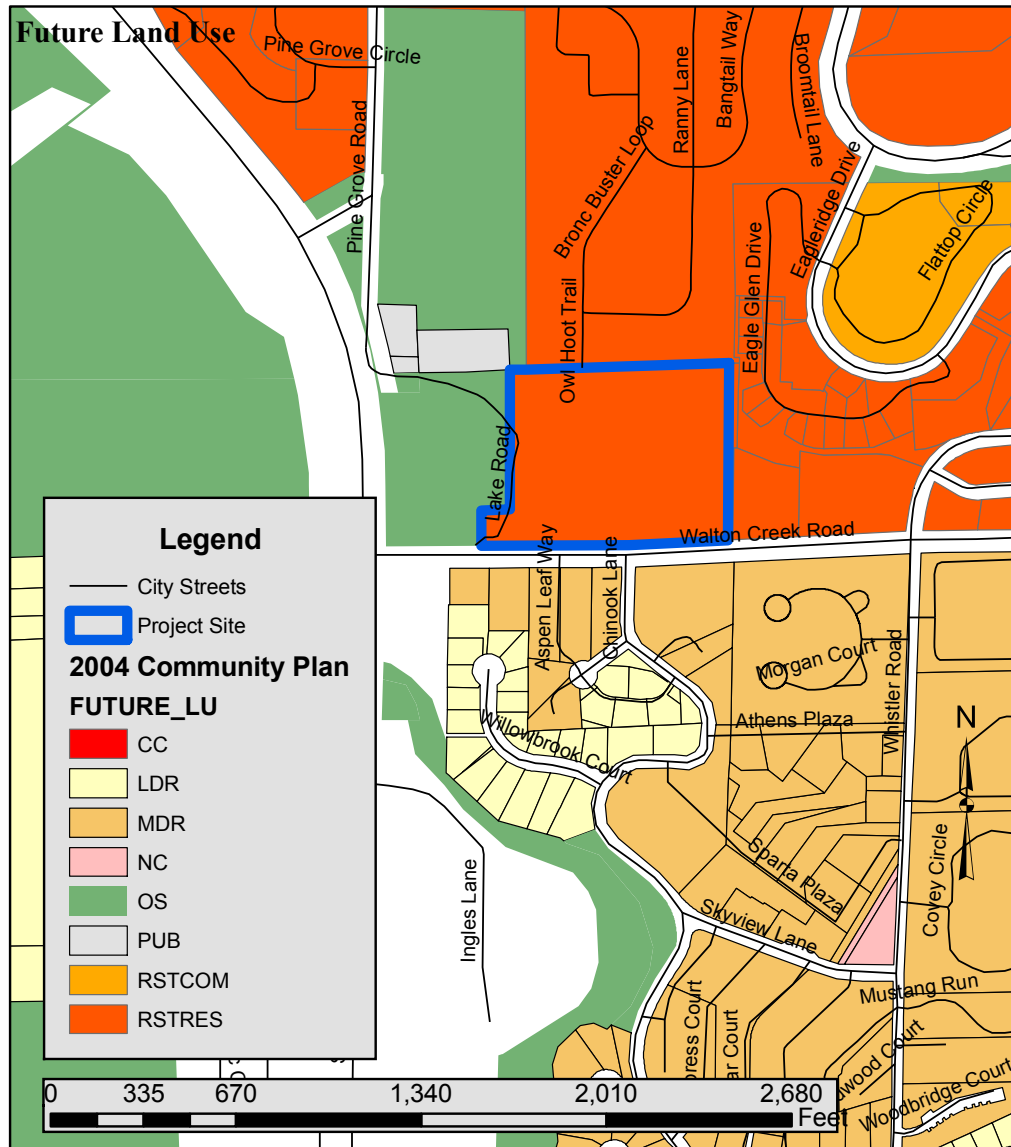
Sincerely,



Michael Olsen, AIA
Principal

cc/
Jon Peddie, Casey's Pond, LLC
Charles Gee, Colorado Senior Residences, LLC

ZMA-10-05 Casey's Pond Subdivision, Parcels A and C



ATTACHMENT 2

Draft Planning Commission Minutes from January 27, 2011

This item will be provided under
separate cover.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE REZONING PROPERTY LOCATED IN CASEY'S POND SUBDIVISION, PARCELS A AND C; FROM RR-1 (RESORT RESIDENTIAL ONE – LOW DENSITY) ZONE DISTRICT TO MF-3 (MULTI-FAMILY THREE – HIGH DENSITY) ZONE DISTRICT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Chapter 26, Art. III, Div. 2, Section 26-62 of the Steamboat Springs Revised Municipal Code, a rezoning has been initiated by the property owner to rezone the subject properties from RR-1 (Resort Residential One – Low Density) to MF-3 (Multi-Family Three – High Density); and

WHEREAS, the Steamboat Springs Area Community Area Plan Future Land Use Map has designated this area as Neighborhood Residential - Medium. The Neighborhood Residential - Medium use classification encourages a wide range of residential uses; and

WHEREAS, the Steamboat Springs Area Community Area Plan supports properly designed, infill development that achieves quality mixed-use neighborhoods by compatible character and scale with the surrounding neighborhood; and

WHEREAS, the Planning Commission of the City of Steamboat Springs has considered the same and recommended approval of the rezoning; and finds that the request is in compliance with all of the rezoning criteria of Section 26-62(d) of the Community Development Code; and

WHEREAS, the City Council of the City of Steamboat Springs has considered the Planning Commission recommendation and finds that the request is in compliance with all of the rezoning criteria of Section 26-62(d) of the Community Development Code; and

WHEREAS, the City Council considers that it is in the public interest to rezone the subject property in accordance with the provisions of this Ordinance.

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

Section 1. The City Council specifically finds that the procedures for an Official Zoning Map Amendment within the City of Steamboat Springs as prescribed in Chapter 26 of the Steamboat Springs Revised Municipal Code, have been fulfilled, and the Council hereby approves the rezoning for the subject property as set forth below. The City Council also finds that this ordinance is necessary for the health, safety, and welfare of the community.

Section 2. Pursuant to Chapter 26, Art. III, Div. 2, Section 26-62 of the Steamboat Springs Revised Municipal Code, Casey's Pond Subdivision, Parcels A and C is hereby rezoned from RR-1 (Resort Residential One – Low Density) to MF-3 (Multi-Family Three – High Density).

Section 3. In accordance with Chapter 26, Art. III, Div.2, Section 26-62 of the Steamboat Springs Revised Municipal Code, the Director of Planning Services is hereby directed to modify and amend the Official Zoning Map of the City to indicate the zoning specified above.

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

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

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

Section 7. This Ordinance shall take effect 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 _____, 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**

AGENDA ITEM # 14

CITY COUNCIL COMMUNICATION FORM

FROM: Bob Keenan, Senior Planner (Ext 260)

THROUGH: Tyler Gibbs, AIA, Director of Planning Services (Ext. 244)
Wendy DuBord, Acting City Manager (219)

DATE: February 1, 2011

ITEM: Sandefur Subdivision, Lot 1, Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06

NEXT STEP: The applicant may apply for a Final Plat.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Sandefur Subdivision, Lot 1, Mid Valley Business Center, Lot 6 \ (City South Subdivision) #PP-10-06

PETITION: A Preliminary Plat application to reconfigure two existing lots to accommodate the proposed development of a Walgreens. Through this application the applicant is requesting the following two variances to the subdivision standards: 1) 15% open space and location of required open space; 2) 8' sidewalk along Pine Grove Rd. and Hwy. 40 and 8' concrete trail for Fish Creek trail corridor.

APPLICANT: Brian Olson, PO Box 882597, Steamboat Springs, CO 80488, Email: brian@olsondev.com, Phone: 970-846-2619

PC ACTION: On January 13, 2011, Planning Commission recommended approval the Preliminary Plat application by a vote of 6-1.

I. RECOMMENDED MOTION

On January 13, 2011, Planning Commission recommended approval of the Preliminary Plat application with the following conditions:

1. At time of final plat, a bus/transit shelter and snow storage easement shall be dedicated to the City.
2. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and Mt. Werner for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval. The construction plans shall include:
 - i. A Striping and Signing plan for Pine Grove Road
 - ii. A Bus shelter design with details. Coordinate with Public Works to determine design parameters
 - iii. A final drainage study.
 - iv. Provide separation between storm sewer and sanitary sewer manhole in entrance drive.
 - v. Full design of Pine Grove Road from the intersection of US40 to the railroad tracks
 - vi. Modify sidewalk design or work with utility companies to reconfigure easement so that retaining wall is not located within the utility easement.
 - vii. Modify the sidewalk design so that all required sidewalks terminate at existing sidewalk connections or existing path alignments.
 - viii. Confirm roundabout design will accommodate adjacent business delivery vehicles
3. The following revocable permits shall be obtained prior to approval of final plat or prior to issuance of CO whichever comes first. These permits may be included in a single legal instrument which meets the intent of Public Works' revocable permit template:
 - i. Revocable permit and maintenance agreement for landscaping and irrigation located within the ROW including the center island of the roundabout and along US 40.
 - ii. Revocable permit and maintenance agreement for snowmelt located within the to-be-dedicated bus shelter easement and public right of way
 - iii. Revocable permit and maintenance agreement for the retaining wall and pedestrian guardrail within the utility easement along west property line
 - iv. Revocable permit and maintenance agreement for lighting fixtures located within the public right of way

4. The following items for the subdivision to be identified on the construction plans are considered critical improvements and must be constructed prior to final plat or an improvements agreement executed with required collateral provided:
 - i. Public drainage improvements
 - ii. Public sidewalk improvement
 - iii. Installation of street, pedestrian, and traffic control signs, any signals improvements) and all roadway striping
 - iv. Access drive, driveway, and parking areas
 - v. Public roadway and intersection improvements at Mid Valley Drive/Pine Grove Road.
 - vi. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
5. The project will be required to follow all current Rules, Regulations, Specifications and site Specific Requirements (as identified in the November 23, 2010 TAC Development Review Comments) of the Mount Werner Water District.
6. A Floodplain Development Permit will be required prior to any development activities within the floodplain.
7. A plat note shall be required at the time of Final Plat indicating that remaining required open space, sidewalks and trails for the subdivision will be the responsibility of the developer of lot 1 and that said improvements will be tied to any Final Development Plan or any Preliminary Plat for said lot.
8. The developer of City South Subdivision Lot 1 shall amend the final plat to include the required open space prior to building permit for lot 1.
9. At the time of Final Plat, the applicant shall include a plat note that the open space lots are not developable and may only be used consistent with the open space requirements set forth in the Community Development Code.
10. **The timing and installation of sidewalks along US Hwy 40 and Pine Grove Rd. will be specified in a development agreement (see attached exhibit 2-14). A development agreement that address the timing and location of the sidewalks/trails shall be completed prior to approval o of the Final Plat for this subdivision. Staff shall indicate on exhibit 2-14 the sidewalks that were discussed and clarified at the meeting. The completion of the connecting sidewalk to the Fish Creek underpass shall take place no later than 1 year after the engineering specifications as delivered by the City.**

II. PLANNING COMMISSION DISCUSSION

Commissioner discussion pertained to the request for variances to the location and size of the required open space as well as the variance to the sidewalks and trails. Planning Commission added a tenth condition of approval, as shown above, that requires the installation of sidewalks along Hwy. 40 and Pine Grove road with a requirement that the

Hwy. 40 sidewalk connect to the Fish Creek pedestrian underpass. *Please see the attached meeting minutes for more information.*

III. PUBLIC COMMENT

There was limited public comment for this application and pertained to the need for pedestrian connections. *Please see attached meeting minutes for more detail.*

IV. NEW INFORMATION

There is no new information except for the additional condition of approval.

V. LIST OF ATTACHMENTS

Attachment 1 – January 13, 2011 Planning Commission Report.

Attachment 2 - January 13, 2011 Planning Commission Draft Minutes.

Attachment 3 - Exhibit 2-14 Sidewalk “mark-up”.

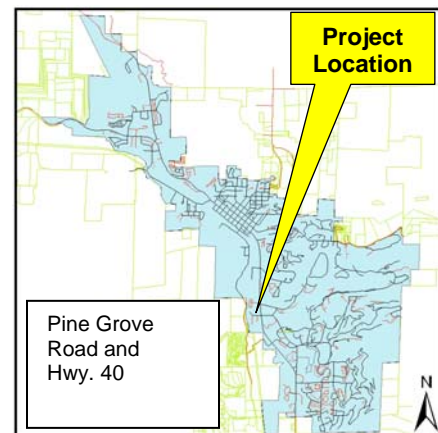
Attachment 4 – Additional Public Comment.

Attachment 5 - January 27, 2011 Planning Commission Draft Minutes.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM #: 2	
Project Name:	Sandefur Subdivision, Lot 1, Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06
Prepared By:	Bob Keenan, Senior Planner (Ext 260)
Through:	Tyler B. Gibbs, AIA Department of Planning and Community Development Director (Ext. 244)
Planning Commission (PC):	January 13, 2011
City Council (CC):	February 1, 2011
Zoning:	Community Commercial (CC)
Applicant:	Brian Olson, PO Box 882597, Steamboat Springs, CO 80488, Email: brian@olsondev.com , Phone: 970-846-2619
Location:	Sandefur Subdivision, Lot 1, Mid Valley Bus. Center, Lot 6 (Corner of Pine Grove Road and Hwy. 40)
Request:	Preliminary Plat application to reconfigure two existing lots to accommodate the proposed development of a Walgreens. Through this application the applicant is requesting the following two variances to the subdivision standards: 1) 15% open space and location of required open space; 2) 8' sidewalk along Pine Grove Rd. and Hwy. 40 and 8' concrete trail for Fish Creek trail corridor.



Development Statistics - Overview		Staff Report - Table of Contents	
Area:	216,855	Section	Pg
Number of Lots:	2	I.	Staff Finding 2-2
Lot 1 Size	156,816 sq. ft.	II.	Project Location 2-3
Lot 2 Size	50,965.2 sq. ft.	III.	Background Information 2-3
		IV.	Project Description 2-4
		V.	Staff/Agency Analysis 2-5
		VI.	Staff Findings and Conditions 2-9
		VII.	Attachments 2-11

I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

CDC - SECTION 26-67(E): NO PRELIMINARY PLAT SHALL BE APPROVED UNLESS THE CITY COUNCIL FINDS THAT THE PLAN MEETS ALL OF THE FOLLOWING CRITERIA:

Subsection		Consistent			Notes
		Yes	No	NA	
1)	Conformity with the Community Development Code		<input checked="" type="checkbox"/>		Does not meet variance approval criteria.
2)	Verification of Developable Lots	<input checked="" type="checkbox"/>			
3)	Conformance with other Applicable Regulations	<input checked="" type="checkbox"/>			
4)	Conformity with Community Plan		<input checked="" type="checkbox"/>		Does not further goals and policies.
5)	Compatible with Surrounding Area	<input checked="" type="checkbox"/>			
6)	Suitable for Development	<input checked="" type="checkbox"/>			
7)	Phasing			<input checked="" type="checkbox"/>	To be developed in one phase.
8)	Variance		<input checked="" type="checkbox"/>		Does not meet variance criteria.

Staff Finding: Staff finds that the Preliminary Plat for Sandefur Subdivision, Lot 1, Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06 is **not** in consistent with the CDC criteria for approval of a Preliminary Plat. (See principal discussion items section of this report for more information.)
(Detailed policy analysis is located in Section V; Staff Findings and Conditions are in Section VI)



II. BACKGROUND INFORMATION

There are currently no valid development or subdivision approvals for the site. All previous development and subdivision approvals for the site have expired. Only the platting for the existing lots remains.

In 2001, Steamboat Crossings (MD-01-03), a Major Development Permit and PUD, was approved. The Development Permit included the subject property and the undeveloped portion of the Steamboat Crossings development to the south, across Pine Grove Road. The Development Permit was for an eight (8) lot commercial subdivision and the construction of a 5,986 square foot daycare building on Lot 1 and a 21,410 square foot office building on Lot 7. The request included a 19 space parking variance and setback variances on the commercial lots. Please note that the Development Permit was approved under the previous version of the Community Development Code (CDC).

Only a small portion of this approved Development Permit was constructed and/or platted. The daycare building (Young Tracks) was constructed, and Lot 1 was platted. The remaining lots were not platted, and the office building was not constructed.

In 2006 an application for a Preliminary Plat and Final Development Plan was submitted for this site consisting of 10 buildings including one 11,130 square foot retail building, one 5,000 square foot retail building, two 3,000 square foot retail/office buildings, three residential buildings with 24 units and three garage style buildings with residential on the second floor. This application was tabled, 6-0, at the November 16th meeting of the Planning Commission.

Since 2006 there have been two other proposals for the subject lots but they never made it to a public hearing.

More information about these previous projects will be made available upon request.

III. PROJECT DESCRIPTION

The applicant is requesting approval of a Preliminary Plat application for the reconfiguration of the two existing lots and proposed variances to the required open space, sidewalks, and trails to facilitate the development of a Walgreens (see next agenda item). *The variances will be further described in sections IV and V below.*

The applicant proposes creating two developable lots, two dedicated open space outlots and dedication of right-of-way. The applicant is also proposing street improvements to Pine Grove Road that include a roundabout (with landscaping), bus lane, bus stop, and other associated improvements.

The size of the proposed lot 2 has been specifically designed to accommodate the future development of a Walgreens building. At this time the applicant is unsure what will be developed on the proposed lot 1.

IV. PRINCIPAL DISCUSSION ITEMS

In this section Planning Staff has highlighted parts of the proposed development that significantly differ from direction and standards set forth by the Community Development Code and related documents. Staff finds that the following areas of non-compliance require consideration by the Planning Commission and City Council.

A. Sidewalks and Trails

The applicant is requesting variances to both the sidewalk and trail requirements for this proposed subdivision. The Community Development Code requires that new subdivisions provide necessary pedestrian infrastructure that will serve future development of the lots and surrounding developments.

In this particular case, the applicant is required to build an 8' sidewalk along Hwy. 40 and Pine Grove Road and to extend the Fish Creek trail from the Hwy. 40 underpass to Pine Grove Road along Fish Creek. The City has received grant funding for design in 2011 and construction in 2012 of an underpass for the Fish Creek Trail. This underpass will provide for a continuous trail corridor from Rolling Stone Drive to the subject property.

The applicant would like to defer all of these improvements to Final Development Plan for the individual lots. In other words, the applicant would like to have the developer of lot 2 (Walgreens) be responsible for building only the sidewalks adjacent to that lot and the developer for lot 1 be responsible for the sidewalks directly adjacent to that lot and the Fish Creek trail, whenever they are to be developed. There are currently no development plans for lot 1.

Staff finds that applicant's proposed plan for sidewalks and trails to be deficient. The need for pedestrian connectivity for this area already exists. It is problematic to have the Walgreens site install sidewalks that do not make connections to adjacent properties as this does not provide the necessary pedestrian connections for a project of this scale.

At a minimum, staff requests that the developer install 8' sidewalks along Hwy. 40 and Pine Grove Road, as shown on the plan, which provides a connection to the City planned pedestrian Hwy. 40 Fish Creek underpass and a connection to the adjacent property to the north along the top of the Fish Creek culvert. Planning staff would then be supportive of deferring construction of the remainder of the Fish Creek trail (as shown) until development of proposed lot 1. *This should be added as a condition of approval if Planning Commission is supportive.*

B. Required Open Space

The applicant is requesting a variance to the location of the open space and to the required amount of 15% open space.

The applicant is proposing to locate part of the required open space at the corner of Pine Grove Road and Hwy. 40, shown as Open Space 1 or lot 3 on site plan. Locating part of

the required open space in this area conflicts with the intent of the CC zone district and the Urban Design Standards. The intent of these standards is to have buildings frame corners and create a presence along the street which is consistent with the CC zone requirements for a build-to area of between 5'-20' from the property line. It is for this reason that staff cannot support locating the open space in this area.

Staff, however, is supportive of allowing the applicant to defer the remaining required open space to the development of the proposed lot 1. This will give the developer of proposed lot 1 the flexibility in site planning to better coordinate the open space with the entire site at the time they have a proposed development. The applicant is providing 13% as currently proposed, 3% in Open Space 1 and 10% in Open Space 2.

Staff recommends that the open space 1 parcel be removed and the requirements for remaining open space be provided with the development of the proposed lot 1. *This should be added as a condition of approval if Planning Commission is so inclined.*

V. STAFF / AGENCY ANALYSIS

Criteria for Review and Approval.

Preliminary Plats shall be approved only where the plat, supporting materials and documentation, and any testimony and evidence presented during a public hearing (where applicable), establishes that all of the following criteria have been met:

1. **Conformity with Community Development Code.** The proposed Preliminary Plat substantially conforms to all applicable requirements of the Community Development Code (CDC).

*Staff Analysis: **Not Consistent.*** The proposed preliminary plat does not conform to all applicable requirements of the CDC as the proposal does not meet the criteria of approval for variances. The applicant has requested variances to two of the standards that were previously mentioned in the Principal Discussion Items section. *Please see review of Preliminary Plat variances below.*

2. **Verification of Developable Lots.** Each lot proposed for development in the subdivision has demonstrated, to the satisfaction of the director, that it is developable. Elements reviewed for developability include a demonstrated ability to meet the requirements of this Community Development Code in terms of zone district standards, development standards, and subdivision standards:

*Staff Analysis: **Consistent.*** The proposed subdivision has demonstrated that the proposed lots are developable as they meet the definition of usable lot area. There are no wetlands or steep slopes on the proposed developable lots.

3. **Conformance with other Applicable Regulations.** The proposed subdivision conforms with applicable regulations and requirements including but not limited to provisions of state law, Steamboat Springs Municipal Code, and any requirements set by any capital improvement plan or program, or any approved subdivision improvements agreement or development agreement for the property.

Staff Analysis: **Consistent.** It appears that the proposed two lot subdivision conforms to all other applicable regulations.

4. **Conformity with Community Area Plan.** The proposed subdivision shall conform to the preferred direction and any applicable policies of the community area plan.

Steamboat Springs Area Community Plan (SSACP)

FUTURE LAND USE CLASSIFICATION

The subject site is located within the Commercial Activity Node land use classifications, which states:

Land Uses: This classification emphasizes retail, cultural, and entertainment uses that serve the residential base of the community and also serve visitors.

Locational Criteria: Commercial Activity Nodes are indicated on the Future Land Use Plan at major intersections along US 40.

Character: While the Community Commercial classification is auto-oriented, development is still intended to place a strong emphasis on pedestrian connections. These nodes should evolve over time to become more intense in development than they are now. They should be attractive in appearance and accessible by all transportation modes (including transit), with a mixture of land uses and activities.

Zone Districts: CC – Community Commercial; and CS – Commercial Services (City).

OTHER APPLICABLE POLICIES

1. **T-1.1 – New development, including infill, shall be designed to achieve walkable communities and limit trip generation.**
2. **T-1.3 – Investments in transit infrastructure shall be maximized through the land use approval process.**
3. **1-1.4 – New development shall incorporate transit friendly design.**

Staff Analysis: **Not Consistent.** Staff finds that the proposed subdivision is not in conformance with the overall vision of the SSACP as it does not further all of the above listed goals and policies. The proposal does agree with the transit friendly design and transit infrastructure, in fact, the construction of the roundabout in Pine Grove Road is a

significant investment that facilitates bus access to this location. However, the pedestrian improvements that will help achieve a walkable community are incomplete and thus the proposal falls short of fulfilling the SSACP goals and policies.

The Future Land Use classification for this area supports a wide range of commercial uses but is lacking the “strong emphasis on pedestrian connections.”

- 5. Compatibility with Surrounding Area.** The proposed subdivision shall be compatible with the character of the existing land uses in the area and shall not adversely affect the future development of the surrounding area.

Staff Analysis: **Consistent.** The proposed subdivision is compatible with character of existing land uses in the vicinity. The land uses in the surrounding area are primarily commercial.

- 6. Suitability for Development.** The land proposed for subdividing shall be physically suitable for development, considering its topography (the presence of steep or unstable slopes), natural resource features (such as wetlands, floodplains, and sensitive wildlife habitat areas), and any environmental hazards (such as avalanche or landslide paths, rockfall hazard areas, or wildfire hazard areas) that may limit the property’s development potential.

Staff Analysis: **Consistent.** The land proposed for subdivision is physically suitable for development as it has no impact to environmentally sensitive areas.

- 7. Phasing.** If the proposed development is to be developed in phases, then each phase shall contain the required streets, utilities, landscaping, and other improvements that are necessary and desirable for residents of the project for that phase. Each phase of the phasing plan shall meet the requirements of the CDC on its own unless a variation is granted. If the development incorporates any amenities for the benefit of the City, such as trail connections, these shall be constructed in the first phase of the project, or, if this is not practical, then as early in the project as is reasonable.

Staff Analysis: **Not Applicable. To be developed in one phase.**

- 8. Variance criteria.** Preliminary plats seeking variation from up to two (4) subdivision standards listed in article VII, subdivision standards, where such variances do not qualify as minor adjustments shall meet the following criteria for approval in addition to the criteria in subsections 26-67(e)(1)--(7):

Variance 1: Section 26-140 Sidewalks and Trails - The applicant is seeking relief from the requirement that sidewalks and trails be provided. The applicant is proposing to defer construction of all sidewalks and trails until Final Development Plan for each individual lot. As discussed in the Principal Discussion Items section of this report, Planning Staff has identified that a need for pedestrian connectivity in this area already exists. It is

important to note that unless both proposed lots are developed simultaneously, there will be no sidewalk continuity for the proposed development. In other words, if the proposed lot 2 Walgreens site develops and proposed lot 1 does not, then the sidewalk improvements for Walgreens will not provide a connection to adjacent properties surrounding the subdivision.

- a. **Legal Use:** *Staff Analysis:* **Consistent;** There is no proposed use of this property through this application. The applicant is proposing a commercial use of the property through a Final Development Plan. Commercial uses are allowed under the existing zoning.
- b. **Injury to Adjoining Property Mitigated:** *Staff Analysis:* **Not Consistent;** Staff finds that the proposed variance to the sidewalk and trail requirements will adversely impact adjoining properties. The adjoining property to the south has installed sidewalks. Adjoining properties may expect that adjacent development will provide the same pedestrian connectivity that they have provided. Pedestrians from adjoining properties will be negatively impacted if there are not adequate connections through the subject property.
- c. **Advantages Outweigh Disadvantages:** *Staff Analysis:* **Not Consistent;** Staff finds that the advantages of allowing variations to the sidewalk and trail requirement, beyond the alternative described in section IV. A. of this report, do not outweigh disadvantages. Staff finds that it would be advantageous to the community to have the applicant install necessary pedestrian improvements for this area.
- d. **Superior Development:** *Staff Analysis:* **Not Consistent;** Staff finds that proposed variation will not result in a superior development and the applicant has not effectively demonstrated otherwise.
- e. **Minimum Relief:** *Staff Analysis:* **Not Consistent;** Staff does not find that the requested variation is the least modification possible. As previously mentioned, staff would support deferring a portion of the Fish Creek trail but not the necessary pedestrian connections.

Variance 2: Section 26-185 (d) Open Space – The applicant is requesting relief from the required 15% open space and the location of the required open space. As previously mentioned in the Principal Discussion Item section of this report, Planning Staff is supportive of deferring some of the requirements for open space to the development of proposed lot 1.

Staff, however, is not supportive of locating the open space, as depicted, at the corner of Pine Grove Road and Hwy. 40 as this area is intended for buildings. Per the CC zone district and Urban Design Standards, buildings shall frame corners and buildings shall be constructed between 5'-20' from the property line.

- a. **Legal Use:** *Staff Analysis:* **Consistent;** There is no proposed use of this property through this application. The applicant is proposing a commercial use of the property through a Final Development Plan. Commercial uses are allowed under the existing zoning.

- b. Injury to Adjoining Property Mitigated:** *Staff Analysis:* **Consistent;** Staff finds that the proposed variance to the required open space will not adversely impact legal conforming uses with this application.
- c. Advantages Outweigh Disadvantages:** *Staff Analysis:* **Not Consistent;** Staff finds that the advantages of allowing variations to the location of the required open space do not outweigh disadvantages. Locating the open space at this intersection does not create any advantages to the community.
- Planning staff finds that the advantages of deferring the remainder of the required open space to the development of lot 1 may create advantages to the developer and the community as it provides flexibility for that development. It also allows the open space to be located in a compatible manner with the future development.
- d. Superior Development:** *Staff Analysis:* **Not Consistent;** Staff finds that proposed variation to the location of the open space area will not result in a superior development and the applicant has not affectively demonstrated otherwise.
- Staff finds that the by deferring the location of the required open space to the development of proposed lot 1 may help create a more superior development by giving the developer the flexibility to located the open space in area where it will be most useful.
- e. Minimum Relief:** *Staff Analysis:* **Not Consistent;** Staff does not find that the requested variation to the open space location is the least modification possible as staff is in support of locating the required open space somewhere on proposed lot 1 at the time of development of said lot.

VI. STAFF FINDING & CONDITIONS

Recommended Finding

Staff finds that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06 is **not consistent** with the required findings for approval for a Preliminary Plat. Planning Staff recommends that the Planning Commission **deny** Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06.

Alternative Motion #1

Should Planning Commission find that the applicant should make changes to the proposed development to be recommended for approval then the Planning Commission should **table** the proposed application with recommendations to achieve approval.

Alternative Motion #2

Should the Planning Commission find that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06 **is consistent** with the required findings for approval for a Preliminary Plat, the following conditions should apply:

1. At time of final plat, a bus/transit shelter and snow storage easement shall be dedicated to the City.
2. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and Mt. Werner for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval. The construction plans shall include:
 - i. A Striping and Signing plan for Pine Grove Road
 - ii. A Bus shelter design with details. Coordinate with Public Works to determine design parameters
 - iii. A final drainage study.
 - iv. Provide separation between storm sewer and sanitary sewer manhole in entrance drive.
 - v. Full design of Pine Grove Road from the intersection of US40 to the railroad tracks
 - vi. Modify sidewalk design or work with utility companies to reconfigure easement so that retaining wall is not located within the utility easement.
 - vii. Modify the sidewalk design so that all required sidewalks terminate at existing sidewalk connections or existing path alignments.
 - viii. Confirm roundabout design will accommodate adjacent business delivery vehicles
3. The following revocable permits shall be obtained prior to approval of final plat or prior to issuance of CO whichever comes first. These permits may be included in a single legal instrument which meets the intent of Public Works' revocable permit template:
 - i. Revocable permit and maintenance agreement for landscaping and irrigation located within the ROW including the center island of the roundabout and along US 40.
 - ii. Revocable permit and maintenance agreement for snowmelt located within the to-be-dedicated bus shelter easement and public right of way
 - iii. Revocable permit and maintenance agreement for the retaining wall and pedestrian guardrail within the utility easement along west property line
 - iv. Revocable permit and maintenance agreement for lighting fixtures located within the public right of way
4. The following items for the subdivision to be identified on the construction plans are considered critical improvements and must be constructed prior to final plat or an improvements agreement executed with required collateral provided:
 - i. Public drainage improvements
 - ii. Public sidewalk improvement
 - iii. Installation of street, pedestrian, and traffic control signs, any signals improvements) and all roadway striping

- iv. Access drive, driveway, and parking areas
 - v. Public roadway and intersection improvements at Mid Valley Drive/Pine Grove Road.
 - vi. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
5. The project will be required to follow all current Rules, Regulations, Specifications and site Specific Requirements (as identified in the November 23, 2010 TAC Development Review Comments) of the Mount Werner Water District.
 6. A Floodplain Development Permit will be required prior to any development activities within the floodplain.
 7. A plat note shall be required at the time of Final Plat indicating that remaining required open space, sidewalks and trails for the subdivision will be the responsibility of the developer of lot 1 and that said improvements will be tied to any Final Development Plan or any Preliminary Plat for said lot.
 8. The developer of City South Subdivision Lot 1 shall amend the final plat to include the required open space prior to building permit for lot 1.
 9. At the time of Final Plat, the applicant shall include a plat note that the open space lots are not developable and may only be used consistent with the open space requirements set forth in the Community Development Code.

VII. ATTACHMENTS

1. Preliminary Plat Plan
2. Applicant's Narrative and Variance Criteria Analysis

PRELIMINARY PLAT

LOT 6, MID-VALLEY BUSINESS CENTER AND LOT 1, SANDEFUR SUBDIVISION, LOCATED IN THE SE $\frac{1}{4}$, OF THE NE $\frac{1}{4}$ AND THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 84 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF STEAMBOAT SPRINGS, COUNTY OF ROUTT, STATE OF COLORADO,

ALSO KNOWN AS CITY SOUTH

CONTAINING 4.97 ACRES MORE OR LESS

PROJECT CONTACT LIST

OWNER

STEAMBOAT CROSSINGS, LLC.
P.O. BOX 882919
STEAMBOAT SPRINGS, CO 80488 (970) 879-6895
ATTN: BRIAN OLSON

CIVIL ENGINEER

LANDMARK CONSULTANTS, INC.
141 9TH STREET, P.O. BOX 774943
STEAMBOAT SPRINGS, CO 80477 (970) 871-9494
ATTN: RYAN SPAUSTAT, P.E.

SURVEYOR

LANDMARK CONSULTANTS, INC.
141 9TH STREET, P.O. BOX 774943
STEAMBOAT SPRINGS, CO 80477 (970) 871-9494
ATTN: JEFF GUSTAFSON, P.L.S.

CITY (ROAD & DRAINAGE)

CITY OF STEAMBOAT SPRINGS, PUBLIC WORKS
137 10TH STREET
STEAMBOAT SPRINGS, CO 80477 (970) 879-2060
ATTN: JANET HRUBY, P.E.

SANITARY SEWER & WATER

MOUNT WERNER WATER
3310 CLEAR WATER TRAIL
STEAMBOAT SPRINGS, CO 80488 (970) 871-9494
ATTN: RICHARD BUCCINO, P.E.

FIRE DISTRICT

STEAMBOAT SPRINGS FIRE PREVENTION SERVICES
840 YAMPA STREET
STEAMBOAT SPRINGS, CO 80477 (970) 876-0700
ATTN: DOUG SHAFFER

ELECTRICITY

YAMPA VALLEY ELECTRIC COMPANY
32 10TH STREET
STEAMBOAT SPRINGS, CO 80477 (970) 8791-2282
ATTN: LARRY BALL

GAS

ATMOS ENERGY
30405 DOWNHILL DRIVE
STEAMBOAT SPRINGS, CO 80477 (970) 879-3223
ATTN: CLAY RUSSELL

TELEPHONE

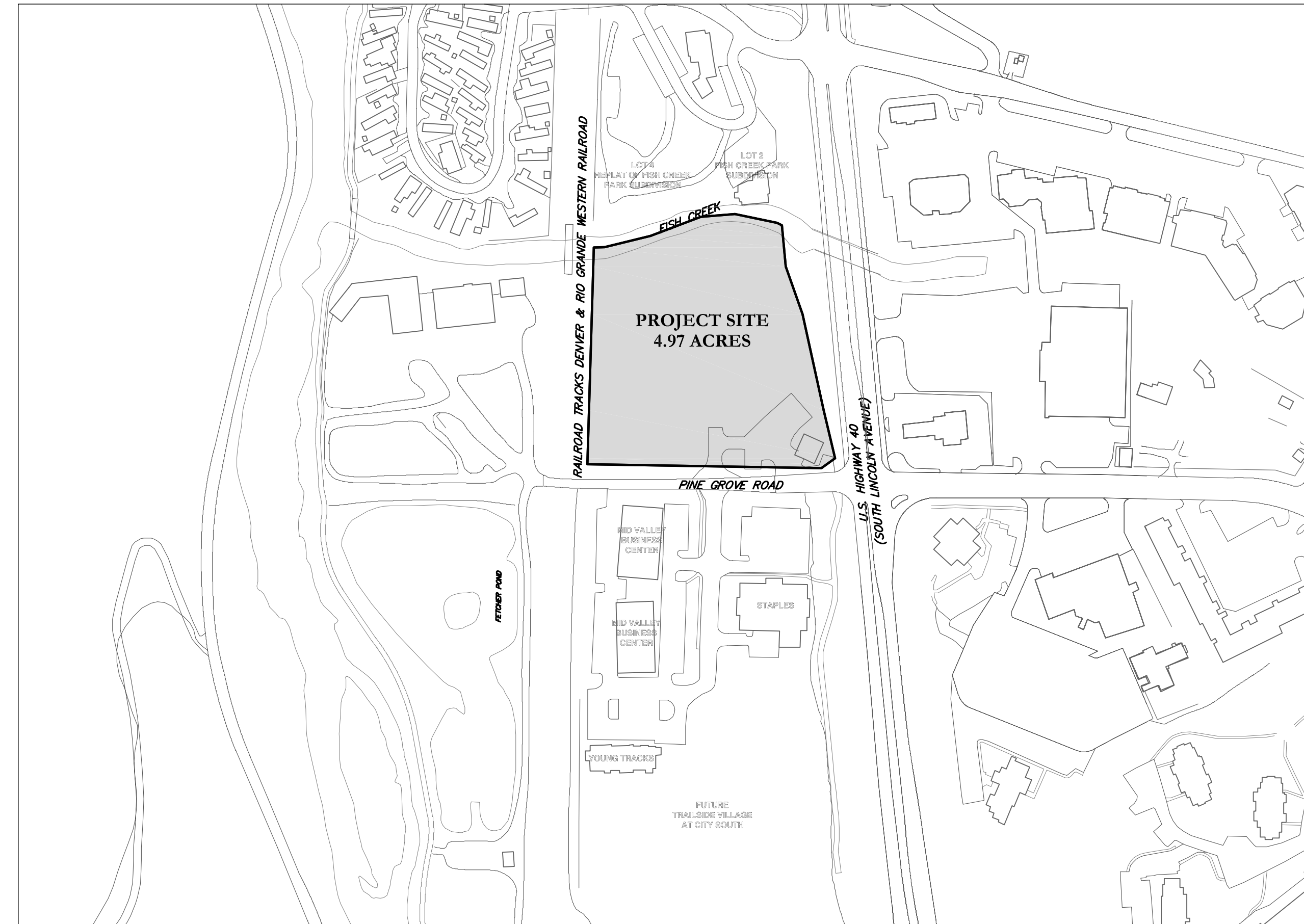
QWEST
138 7TH STREET
STEAMBOAT SPRINGS, CO 80477 (970) 879-3661
ATTN: CHAD HENKEL

CABLE TELEVISION

COMCAST
SUNDANCE PLAZA
STEAMBOAT SPRINGS, CO 80487 (970) 418-0844
ATTN: ROBERT KORTUM

UTILITY NOTIFICATION CENTER OF COLORADO

CALL 2 BUSINESS DAYS BEFORE YOU DIG,
GRADE OR EXCAVATE FOR THE MARKING
OF UNDERGROUND MEMBER UTILITIES (800) 922-1987



VICINITY MAP
SCALE 1"=300'



141 9th Street, P.O. Box 774943
Steamboat Springs, Colorado 80477
Phone (970) 871-9494 Fax (970) 871-9299
www.LANDMARK-CO.com

Original Submittal: October 26, 2010
Revised: November 18, 2010
Revised: December 21, 2010

CONDITIONS OF APPROVAL

CONDITION NUMBER	DESCRIPTION	DEPARTMENT PLACING CONDITION

SHEET INDEX

SHEET 1 - COVER SHEET
SHEET 2 - PRELIMINARY PLAT
SHEET 3 - GRADING PLAN

GENERAL NOTES

- THIS PROJECT IS PROPOSED TO BE CONSTRUCTED PER THE APPROVED DEVELOPMENT AND FINAL DEVELOPMENT PLANS FOR LOTS 1 AND 2.
- EXISTING CONDITIONS MAPPING PREPARED BY LANDMARK CONSULTANTS, INC.

OWNER

NAME: STEAMBOAT CROSSINGS, LLC
ATTN: BRIAN OLSON
ADDRESS: P.O. BOX 882919
STEAMBOAT SPRINGS, CO 80488

SIGNATURE DATE

ENGINEER

NAME: LANDMARK CONSULTANTS, INC.
ATTN: RYAN SPAUSTAT, P.E.
ADDRESS: P.O. BOX 774943
STEAMBOAT SPRINGS, CO 80477

SIGNATURE DATE

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

NAME: TYLER GIBBS
TITLE: DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
ADDRESS: P.O. BOX 775088
STEAMBOAT SPRINGS, CO 80477

SIGNATURE DATE

APPROVALS

PLANNING SUBMITTAL: 10-26-10

-PLANNING COMM HEARING DATE: _____

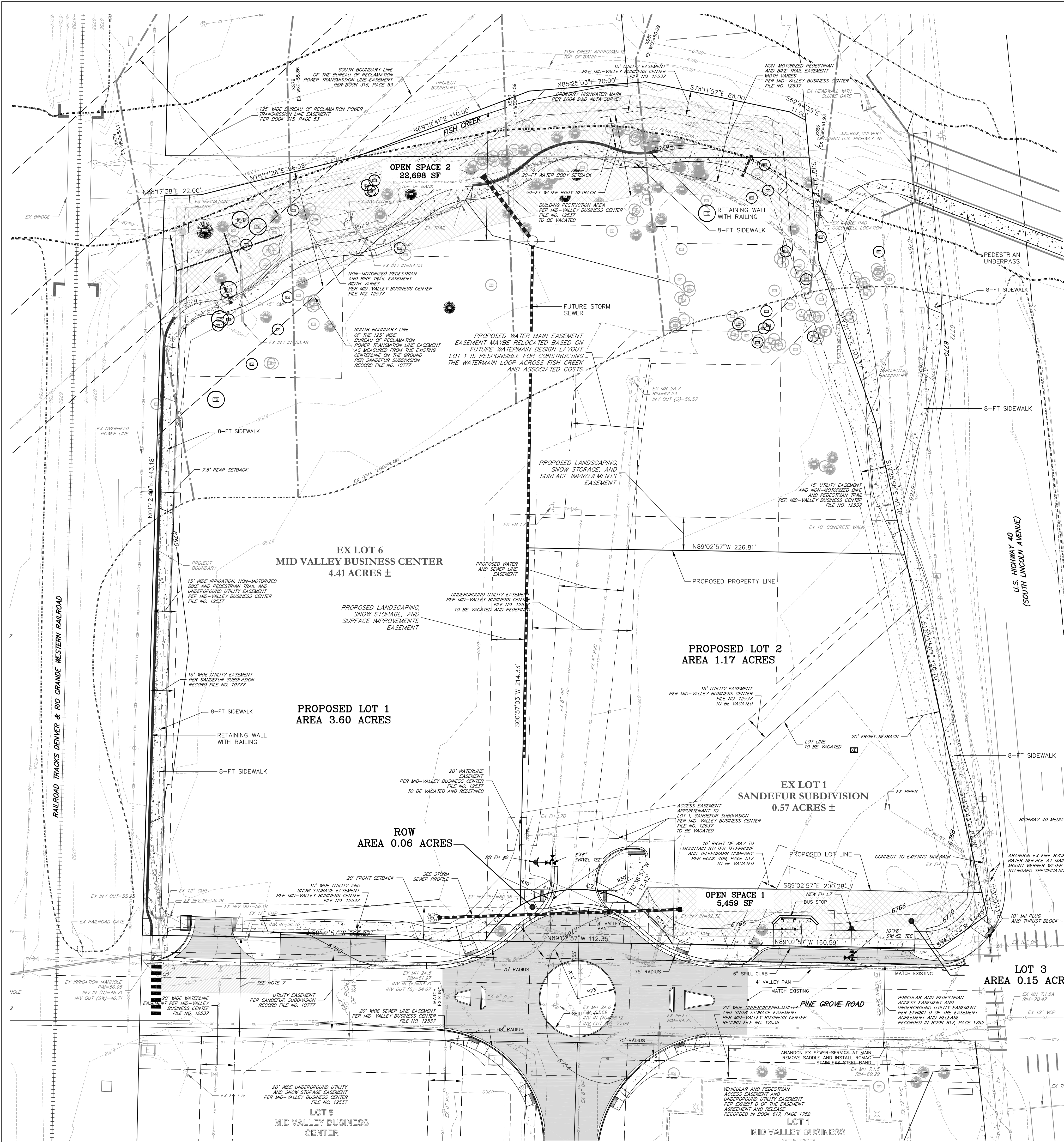
-CITY COUNCIL HEARING DATE: _____

PERMIT VALIDITY DATES APPROVAL DATE: _____

EXPIRATION DATE: _____

THE ATTACHED PRELIMINARY PLAT FOR CITY SOUTH WAS APPROVED ON _____, 2010 BY _____ AND EXPIRES ON _____



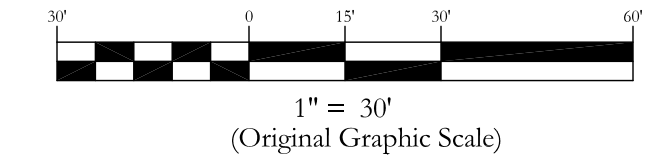


PROJECT DATA TABLE

STANDARDS	CC ZONE DISTRICT REQUIREMENTS
LOT AREA	NO MAX/NO MIN
LOT WIDTH	NO MAX/25 FT MIN
LOT COVERAGE	NO MAX/NO MIN
UNITS PER LOT	DETERMINED BY F.A.R./NO MIN
FLOOR AREA RATIO	NO MAX 1,400 SF MAX DWELLING UNIT 2ND STORY 75% OF 1ST STORY FLOOR GROSS SF
BUILDING HEIGHT	CH - 63 FT MAX FRONTAGE AREA HEIGHT 20 FT MIN GROUND FLOOR CEILING HEIGHT 14 FT MIN
FRONT SETBACK	P/ACC - 20 FT MAX 5 FT MIN P/ACC - 20 FT MIN
SIDE SETBACK	P/ACC - NO MAX P/ACC - 7.5 FT MIN OR 0 FT MIN
REAR SETBACK	P/ACC - NO MAX P/ACC - 7.5 FT MIN

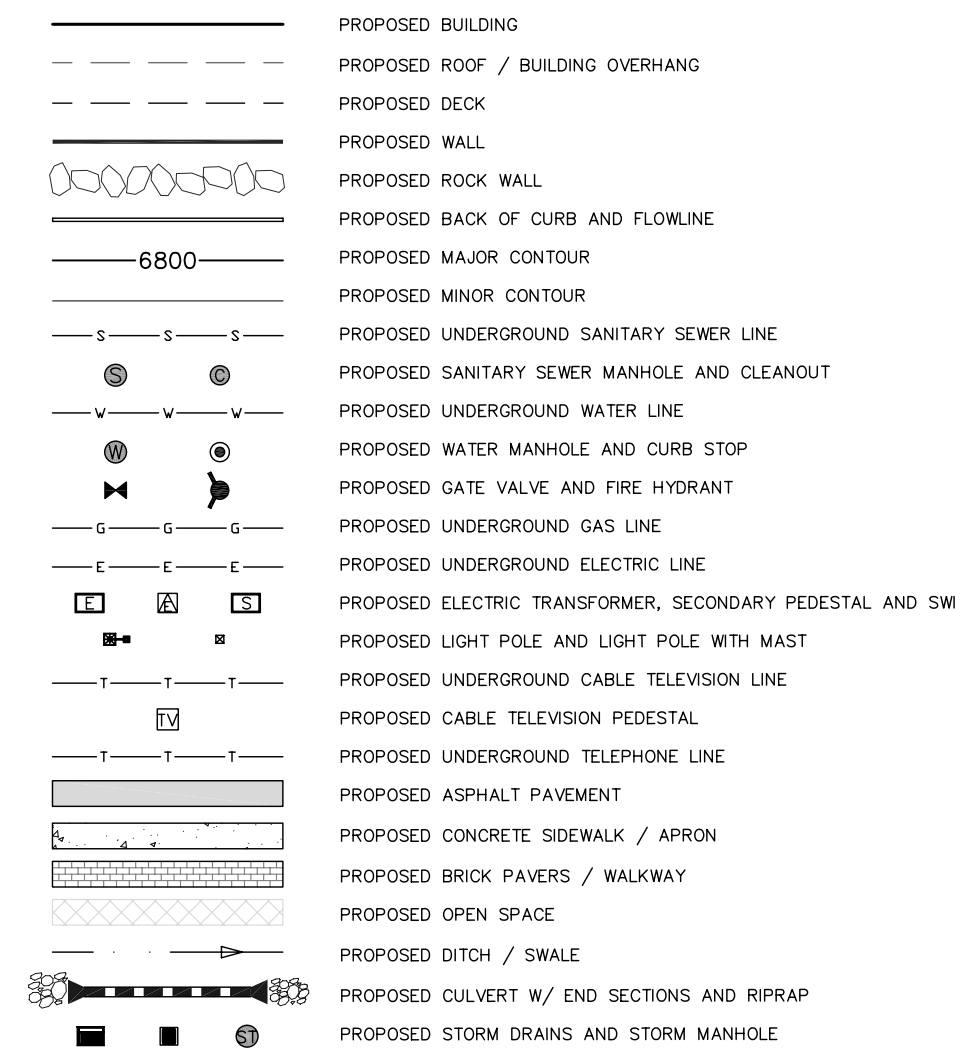
NOTES:

- THIS DRAWING IS FOR OBTAINING PLANNING APPROVAL ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR CONTRACTING PURPOSES.
- IF THIS DRAWING IS PRESENTED IN A FORMAT OTHER THAN 24"x36", THE GRAPHIC SCALE SHOULD NOT BE UTILIZED.
- FIELD SURVEYING WAS COMPLETED BY D&D, INC. AND SUPPLEMENTED WITH RECORD PLAN RESEARCH AND FIELD WORK BY LANDMARK CONSULTANTS, INC.
- PROPERTY DESCRIPTION: LOT 6, MID-VALLEY BUSINESS CENTER AND LOT 1, SANDEFUR SUBDIVISION, CITY OF STEAMBOAT SPRINGS, COUNTY OF ROUTT, STATE OF COLORADO.
- THE SITE'S EXISTING ZONING IS COMMUNITY COMMERCIAL. ADJACENT ZONING TO THE NORTH, EAST, AND SOUTH IS COMMUNITY COMMERCIAL AND ADJACENT ZONING TO THE WEST, ACROSS FROM THE DENVER & RIO GRANDE RAILROAD TRACKS, IS INDUSTRIAL.
- A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE OF THE FLOODPLAIN PER FEMA FIRM MAP NUMBER 0810708790 DATED FEBRUARY 4, 2005.
- PORTIONS OF PINE GROVE ROAD AS DEDICATED BY THE PLAT OF MID VALLEY BUSINESS CENTER, FILE NO. 12537 MAY BE SUBJECT TO THE FOLLOWING EASEMENTS:
 - ROADWAY AND ACCESS EASEMENTS PER BOOK 588 AT PAGE 525, BOOK 385 AT PAGE 42, BOOK 569 AT PAGE 272, BOOK 582 AT PAGE 355 AND BOOK 403 AT PAGE 344 AND CORRECTION DEEDS RECORDED IN BOOK 473 AT PAGES 1110 AND 1113 AND THE TELEPHONE EASEMENT PER BOOK 409 AT PAGE 517.
 - LOTS 6, 7, AND 8 AND PINE GROVE ROAD AS DEDICATED BY THE PLAT OF MID VALLEY BUSINESS CENTER, FILE NO. 12537 MAY BE SUBJECT TO THE PARK CITY DITCH #1 RECORDED AT FILE NO. 233 AND THE MILL DITCH RECORDED AT FILE NO. 26.
- ALL PRIVATE ROADWAYS AND INTERNAL DRIVEABLE SURFACES ON LOTS 1, 2, & 3 ARE SUBJECT TO AND DEDICATED AS PUBLIC ACCESS, EMERGENCY ACCESS, AND DRAINAGE EASEMENTS.
- LOT 3 IS SUBJECT TO A TRANSIT AND BUS SHELTER AND SNOW STORAGE EASEMENT DEDICATED TO THE CITY OF STEAMBOAT SPRINGS.
- ALL PRIVATE TRAILS AND SIDEWALKS ARE SUBJECT TO AND DEDICATED AS PUBLIC PEDESTRIAN ACCESS EASEMENTS DEDICATED TO THE CITY OF STEAMBOAT SPRINGS.
- PRIMARY ACCESS TO LOT 2 SHALL BE FROM THE PUBLIC ACCESS EASEMENT ACROSS LOT 1. A SECONDARY ACCESS FROM PINE GROVE ROAD MAY ALSO SERVICE LOT 2.
- THE HOA IS RESPONSIBLE FOR MAINTAINING THE LANDSCAPING IN THE ROUND ABOUT AND ON LOT 3.

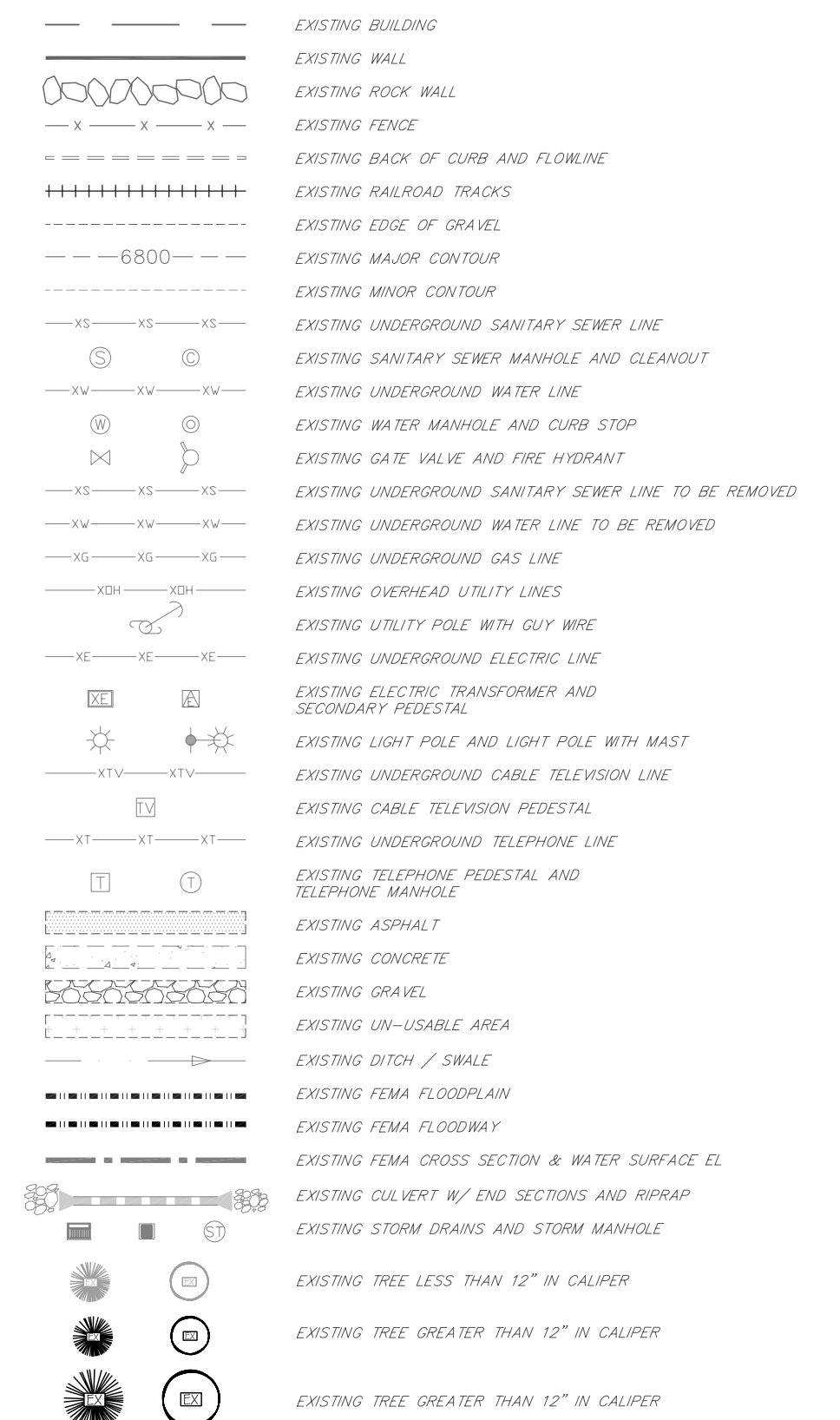


NOMENCLATURE:
 CMP - CORRUGATED METAL PIPE
 DIP - DUCTILE IRON PIPE
 EX - EXISTING
 FH - FIRE HYDRANT
 INV - INVERT
 MH - MANHOLE
 RCP - REINFORCED CONCRETE PIPE
 TRP - TO BE REMOVED
 VCP - VITRIFIED CLAY PIPE

PROPOSED GENERAL LEGEND



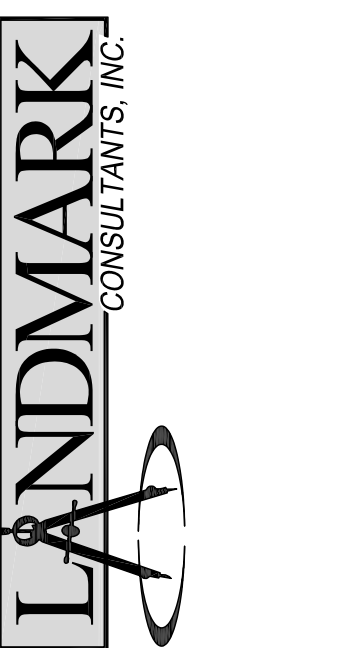
EXISTING GENERAL LEGEND



STANDARDS	LOT SUMMARY
TOTAL LOTS	3
AVERAGE LOT SIZE	1.64 ACRES
MAX LOT SIZE	3.60 ACRES
MIN LOT SIZE	0.15 ACRES

OPEN SPACE REQUIRED	
TOTAL LOT AREA	216,855 SF
REQUIRED (15%)	32,528 SF
OPEN SPACE 1	5,459 SF
OPEN SPACE 2	22,239 ACRES
TOTAL PROVIDED	27,698 ACRES

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH BEARING	CH. LENGTH
C1	30.30'	65.52'	26°29'36"	S45°10'30"W	30.03'
C2	73.12'	65.52'	63°56'36"	N89°36'24"W	69.39'
C3	31.57'	65.52'	27°36'29"	N43°49'51"W	31.27'



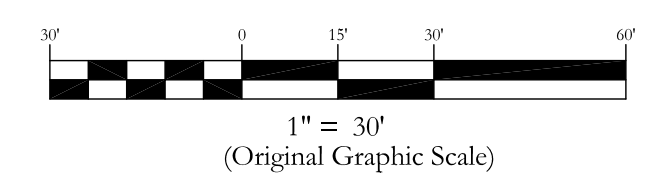
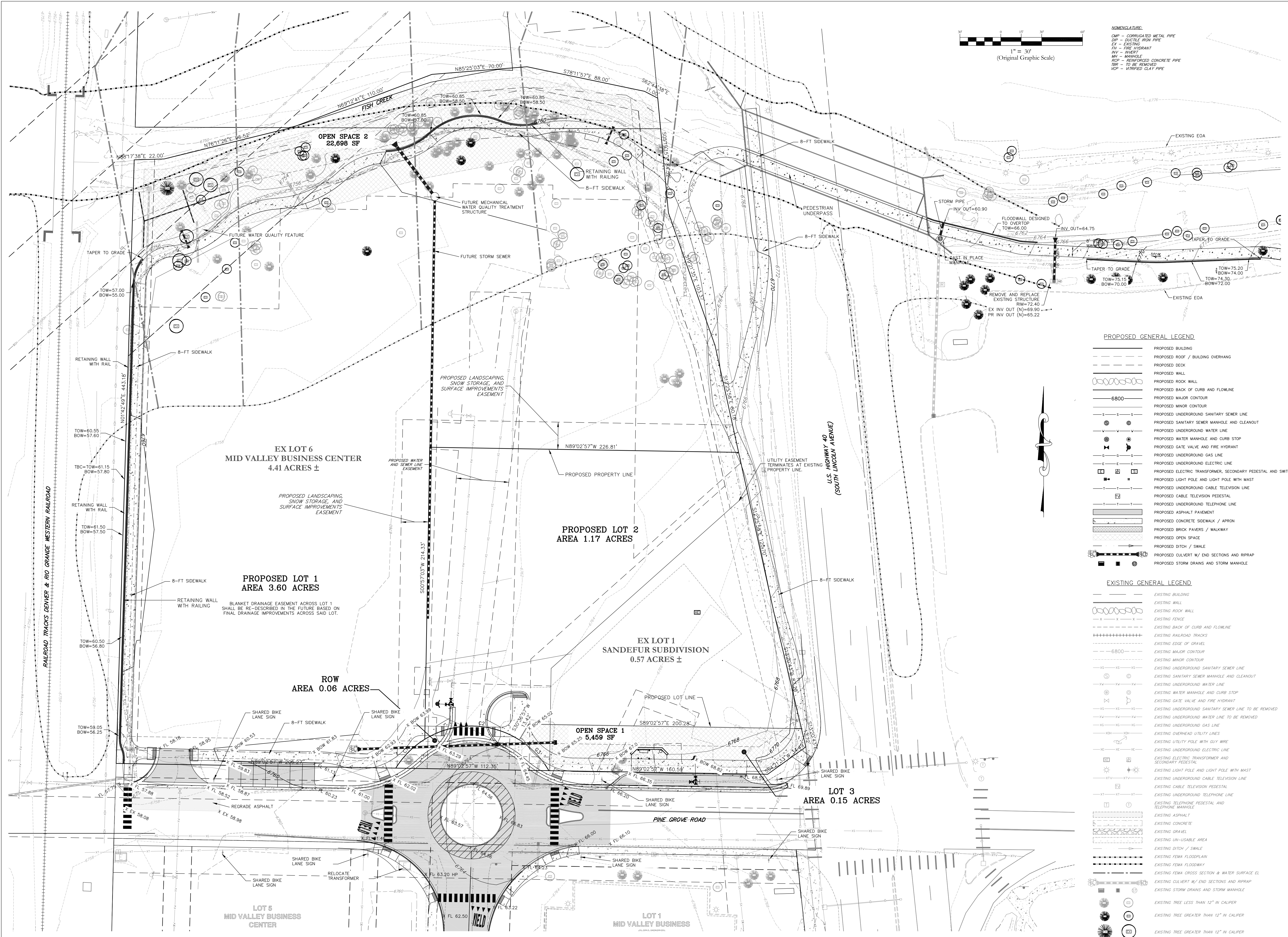
I HEREBY CERTIFY THAT THIS PLAN AND ALL INFORMATION PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF COLORADO AS SIGNIFIED BY MY HAND AND SEAL.

NO.	DATE	BY	DESCRIPTION	REVISIONS
1	10-11-10	RS	DEVELOPMENT PLAN	
2	11-18-10	RS	DEVELOPMENT PLAN	
3	12-21-10	RS	DEVELOPMENT PLAN	

NO.	DATE	BY	DESCRIPTION	REVISIONS
1	10-11-10	RS	DEVELOPMENT PLAN	
2	11-18-10	RS	DEVELOPMENT PLAN	
3	12-21-10	RS	DEVELOPMENT PLAN	

PRELIMINARY PLAT
 STORE NUMBER 15022
WALGREENS
 HIGHWAY 40 & PINE GROVE RD.
 STEAMBOAT SPRINGS, COLORADO
 Entitlements

CADD PLOT:
 2025-006-WEC.dwg
 DRAWN BY:
 RS
 DATE: 9-29-10
 REVIEWED:
 RS



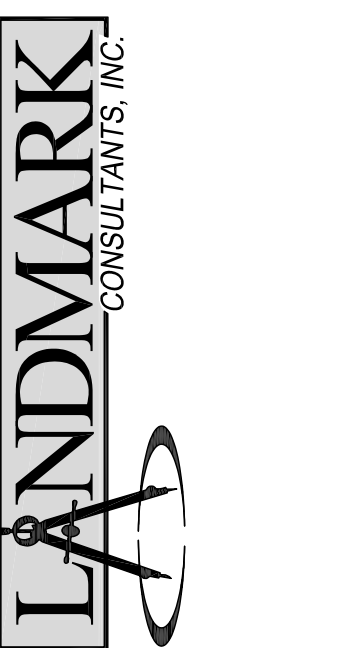
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 MM - MANHOLE
 RCP - REINFORCED CONCRETE PIPE
 ROR - TO BE REMOVED
 VCP - VITRIFIED CLAY PIPE

PROPOSED GENERAL LEGEND

- PROPOSED BUILDING
- PROPOSED ROOF / BUILDING OVERHANG
- PROPOSED DECK
- PROPOSED WALL
- PROPOSED ROCK WALL
- PROPOSED BACK OF CURB AND FLOWLINE
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED UNDERGROUND SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE AND CLEANOUT
- PROPOSED UNDERGROUND WATER LINE
- PROPOSED WATER MANHOLE AND CURB STOP
- PROPOSED GATE VALVE AND FIRE HYDRANT
- PROPOSED UNDERGROUND GAS LINE
- PROPOSED UNDERGROUND ELECTRIC LINE
- PROPOSED ELECTRIC TRANSFORMER, SECONDARY PEDESTAL AND SMT
- PROPOSED LIGHT POLE AND LIGHT POLE WITH MAST
- PROPOSED UNDERGROUND CABLE TELEVISION LINE
- PROPOSED CABLE TELEVISION PEDESTAL
- PROPOSED UNDERGROUND TELEPHONE LINE
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE SIDEWALK / APRON
- PROPOSED BRICK PAVERS / WALKWAY
- PROPOSED OPEN SPACE
- PROPOSED DITCH / SWALE
- PROPOSED CULVERT W/ END SECTIONS AND RIPRAP
- PROPOSED STORM DRAINS AND STORM MANHOLE

EXISTING GENERAL LEGEND

- EXISTING BUILDING
- EXISTING WALL
- EXISTING ROOF WALL
- EXISTING FENCE
- EXISTING BACK OF CURB AND FLOWLINE
- EXISTING RAILROAD TRACKS
- EXISTING EDGE OF GRAVEL
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING UNDERGROUND SANITARY SEWER LINE
- EXISTING SANITARY SEWER MANHOLE AND CLEANOUT
- EXISTING UNDERGROUND WATER LINE
- EXISTING WATER MANHOLE AND CURB STOP
- EXISTING GATE VALVE AND FIRE HYDRANT
- EXISTING UNDERGROUND SANITARY SEWER LINE TO BE REMOVED
- EXISTING UNDERGROUND GAS LINE
- EXISTING OVERHEAD UTILITY LINES
- EXISTING UTILITY POLE WITH GUY WIRE
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING ELECTRIC TRANSFORMER AND SECONDARY PEDESTAL
- EXISTING LIGHT POLE AND LIGHT POLE WITH MAST
- EXISTING UNDERGROUND CABLE TELEVISION LINE
- EXISTING CABLE TELEVISION PEDESTAL
- EXISTING UNDERGROUND TELEPHONE LINE
- EXISTING TELEPHONE PEDESTAL AND TELEPHONE MANHOLE
- EXISTING ASPHALT
- EXISTING CONCRETE
- EXISTING GRAVEL
- EXISTING UN-USABLE AREA
- EXISTING DITCH / SWALE
- EXISTING FEMA FLOODPLAIN
- EXISTING FEMA FLOODWAY
- EXISTING FEMA CROSS SECTION & WATER SURFACE EL.
- EXISTING CULVERT W/ END SECTIONS AND RIPRAP
- EXISTING STORM DRAINS AND STORM MANHOLE
- EXISTING TREE LESS THAN 12" IN CALIPER
- EXISTING TREE GREATER THAN 12" IN CALIPER



I HEREBY CERTIFY THAT THIS PLAN AND ANY SPECIFICATIONS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF COLORADO AS SIGNIFIED BY MY HAND AND SEAL.

NO.	DATE	BY	DESCRIPTION	REVISIONS
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2	11-18-10	RS	DEVELOPMENT PLAN RESUBMITTAL	
3	12-21-10	RS	DEVELOPMENT PLAN RESUBMITTAL	

PRELIMINARY PLAT GRADING PLAN
 STORE NUMBER 15022
WALGREENS
 HIGHWAY 40 & PINE GROVE RD.
 STEAMBOAT SPRINGS, COLORADO

CADD PLOT: 2025-006-WECD.dwg
 DRAWN BY: RS
 DATE: 9-25-10
 REVIEWED: RS

December 21, 2010

Mr. Robert Keenan
City Planning
Planning Department
City of Steamboat Springs
124 10th Street
Steamboat Springs, CO 80477

Re: Sandefur Subdivision, Lot 1, Mid Valley Bus. Center, Lot 6 (Walgreens) #DPF-10-05 and #PP-10-06

Dear Bob:

CDC section 26-81(d) requires a PUD such as Walgreens @ City South to provide four public benefits. If one were to speak to the public benefits this project would provide, many would come to mind. If one were to speak to economic stimulation and job creation, the benefits are multiplied. The project has already employed professionals such as Civil Consultants, Architectural Consultants, Traffic Professionals and Planning Staff just to name a few. Once the project moves to the construction phase, many additional tradesman jobs will be created and at completion, up to 35 permanent jobs. We understand that it is difficult to identify the exact economic impact, in these hard economic times; however, the impact is certainly more significant in how it relates to public benefit.

The four more tangible public benefits we will provide are the bus turnout, bus stop, community open space by the bus stop, a roundabout with landscaping and maintenance of landscaping in the roundabout. While these may seem small on the surface, the financial commitment and the benefit to the surrounding businesses and traffic flow in the area are significant. The project wants to encourage public transportation and connectivity while improving the flow of these services; an ultimate community vision.

One of the main goals of the project is also to create a project with high architectural design standards to better enhance the main entry corridor into Steamboat. While we recognize this is not meeting some of the intent of the CDC, these standards are difficult to follow on this site given that the adjacent property owners have already developed under different standards. The project is striving to keep with and even exceed the standard created by the newer Ski Haus. The project includes elements such as two story construction and some of the highest grades of construction materials found in Steamboat's commercial district such as stone and wood timbers.

While we understand your difficulty in providing full support for the project, we hope you recognize the constraints we are working under and that we tried to address as many of your concerns as we could, without making it impossible to move forward on the project. These are challenging and changing times, and the current code was written in a time of

abundance. It is now more difficult to attract tenants and through this application we have tried to maintain the integrity of the entire site and ultimately provide an attractive site for future growth. We feel that this tenant will provide the community with a stable employer who has a history of success that will in turn attract other new users to the area and create the vibrant community meeting center we envision for the future.

Below please find specific written responses to the City's December 1, 2010 Letter regarding the application listed above. Additionally, the enclosed materials supplement the written responses and include:

- Revised Plans
- Fox Higgins Memorandum, Date December 21, 2010
- Second Amendment to Declaration of Covenants, Conditions and Restrictions for Mid-Valley Business Center.

Thank you for your time and attention to this matter.

Brian Olson
Olson Development, Inc

DRAFT

Sandefur Subdivision Lot 1 Mid Valley Business Park Lot 6 #PP-10-06 (Walgreens) The Applicant is requesting approval of a Preliminary Plat Subdivision for the construction of a 16, 450 square foot retail building for a Walgreens. Through the Preliminary Plat application, the applicant is requesting variances to the required open space, sidewalks, and trails.

Discussion on this agenda item started at approximately 7:46 p.m.

STAFF PRESENTATION

Bob Keenan –

The applicant has a variance for the open space and sidewalk and trails requirement. They're not meeting the required open space area. They've provided the majority of the required space for open space. They're providing 13% of the required 15% for open space. They would like to defer the remaining 2% to the development of lot 2. Staff doesn't find any issues with allowing that as a condition. They proposed to locate the other part of the open space in between the new Walgreens building and the property line along the street frontage. That conflicts with the Urban Design Standards that require buildings to be located close to the street between 5' and 20'. For that reasoning staff isn't recommending approval of the open space variance. Staff doesn't support the variance for the sidewalk and trails; because staff finds that there is currently a need that exists in this area for better pedestrian connectivity. They've provided a sidewalk just to this property line. Staff finds that if this sidewalk is to be connected that it will be connected to this new underpass that's been discussed that will connect under Fish Creek and would provide a connection to the trail network. He mentioned the different connections that the sidewalk and trail would ultimately make. Staff suggest that it may be appropriate to differ the construction of the Fish Creek trail that would go along the open space along Fish Creek along the length of the property along the north until the development of lot 2. Staff is in support of the rest of the components of the subdivision, but can't recommend approval based on the noncompliance of these variances.

APPLICANT PRESENTATION

Eric Smith –

We're amiable to doing whatever we need to do on Lot 2. I wasn't aware of staff's position about the trail along the railroad or creek. There are three sections of that underpass that handles Fish Creek under the hwy. One thought is to take a section and create the core trail through that connection through the underpass. We've been told that there are only funds for the engineering, but not for the construction of the underpass yet. We don't have a problem with building this trail connection as soon as this underpass is funded and we have something to connect to. I think that the two trails that go along the railroad and along the creek should be tied to the development of Lot 2.

COMMISSIONER QUESTIONS

Commissioner Meyer –

Can Bob Keenan respond to that, because you just told us earlier tonight I thought and I asked the question that there are grants that have already been obtained for the engineering for 2011 and the construction in 2012.

1/13/11

DRAFT

Bob Keenan –

That's what Public Works has indicated. We have grant funding this year to do the design in 2011. I've been told that there will be grant money for the construction in 2012.

Commissioner Lacy –

The design work has not actually occurred.

Bob Keenan –

If you look on pg 2-14 this has been discussed at various points. The conceptual design has already been thought up. There's a fork that goes up along Hwy 40 and another one that goes down to the railroad tracks and yet another that will connect to the underpass. What came in was not doing any kind of sidewalks. On the fly we could say a condition of approval that there's a development agreement that outlines when this trail connection will be done. That piece won't connect directly to Kum and Go right now that will rise up to the top of the priority list for immediate connections that we'll need to get grant money for. We're going to try to make these sidewalks that go nowhere to go somewhere. There are other options that could be explored.

Brian Olson –

I'm all in support of the sidewalks. Philo left me a voicemail telling me that the funding wasn't in place yet for the construction and that we might have enough for the design.

Commissioner Levy –

What about this portion along Hwy 40 and across the bridge? Are you prepared to build that with this approval?

Brian Olson –

We're willing to do something like that.

Commissioner Brookshire –

When there's a sidewalk built across CDOT's property do they convey an easement to the City? Is there a written document?

Bob Keenan –

No, we don't typically do that since it's a public right of way.

Commissioner Hanlen –

How come you didn't take all of the open space and place it directly adjacent based off of the water body setback? You have about 22,000' of open space by default along the river.

Brian Olson –

It's about 11 ½% of the total area. We're short of just using the water body setback.

Commissioner Levy –

It seems like this open space along Pine Grove Rd exasperates the setback conditions that we saw earlier. I don't understand why we would make that problem even worse with placing the open space where we are. I'd be more amenable to put it all on another lot as

1/13/11

DRAFT

long as we're going to get the open space and give you the creativity. This doesn't really seem to give you any creativity. It just makes the setback on Pine Grove Rd worse.

Eric Smith –

It doesn't change the setback, because of the turn movements for the trucks to get in here we can't push this any further since that's the tightest that the template works to get that turn movement. It forces the parking to be there for that reason.

Brian Olson –

Tyler Gibbs recommended that we have more of a pedestrian friendly area out on that corner and so that's where that came from. There's a bus stop out there and it was decided that it might be a more pedestrian friendly area with more space out there.

Commissioner Robbins –

The part that's being deferred until the engineer's drawing is done, is that something that we can require some kind of surety or letter of credit in a subdivision in an improvement's agreement?

Commissioner Meyer –

That's a condition of approval.

Bob Keenan –

We need to craft that condition carefully.

Commissioner Levy –

I want you to comment on Commissioner Hanlen's comment about how the open space is being used or the other way around where the turning radius justified to why this open space is placed where it is and if that was part of your consideration that this is an inappropriate place for open space to be placed or is this a new consideration that you hadn't considered?

Bob Keenan –

It doesn't meet the standards for the building to meet the corner and brought to the corner. I'm thinking in the context from what Tyler Gibbs had recommended for that area could be used more for pedestrian activity. We're not supporting the open space to be located where it is, because it sets for the building to be more setback and it doesn't meet those standards.

PUBLIC COMMENTS:

Bill Jameson –

Pg 2-14 isn't what's being presented from my understanding. I'd ask that you table this to the 27th also and get some specific language on what sidewalks are specifically going to be constructed as part of lot 1 versus lot 2. (Using pg 2-14 he explained his understanding of what's being presented tonight).

1/13/11

DRAFT

The applicant corrected Bill Jameson regarding the sidewalks and they do plan to build the sidewalk to Kum and Go and the other part of the sidewalk to the railroad tracks. The only sidewalk that's not going to be built until funding is in place is the underpass connection.

Bill Jameson –
I'm for your decision on the sidewalks.

FINAL STAFF COMMENTS

Bob Keenan –
As far as deferring the sidewalk connection to the Fish Creek corridor and that would be a condition of approval. Do we have the applicant enter into a surety to make sure that connection happens or do we have them enter into a development agreement?

Eric Smith –
I think that would work out to put that into a development agreement.

FINAL COMMISSIONER COMMENTS

Commissioner Meyer –
I'm going to suggest that we add item 10 to the requirements and it would state 'timing and installation of sidewalks along US 40 and Pine Grove Rd would be specified in a development agreement. See attached exhibit 2-14.' What I would expect you to do is to color those sections of sidewalk that are included in the discussion tonight. If staff wants to talk about surety in the case that those sidewalks aren't installed then we would put that in the development agreement. If the timing and installation are spelled out that still puts the requirement to installment.

Commissioner Hanlen –
I think that it's important to note that we don't put a time deadline on it by itself. It needs to be triggered by the underpass. You've got about 230' of sidewalk and trying to get the grades correct. You wouldn't want to take it down the last 10' and all of a sudden you can't makeup what seems to be a small amount of topography of 5' and all of a sudden you can't keep to the code, because you have to tear out a sidewalk to make that work.

Commissioner Meyer –
I would like this whole thing of the engineering clarified since you've spoken to Public Works and you both got two different answers. I'd like Public Works to set the timing of when they think the engineering will be done.

Commissioner Brookshire –
The installation is completed in 1 year from the engineering. If you say the completion of engineering then who gets the engineering? Within one year from the receipt of completed engineering plans. Is that what we're waiting for from the City? In 1 year from planning, receiving, and completing the engineering plans for the tunnel this sidewalk gets built within one year.

Commissioner Robbins –
I think that I would like to make sure that we see some kind of surety in there too just in case it's available or isn't available from the funds to do it at that time.

Commissioner Meyer –
Doesn't the City have a policy that any improvements that aren't completed have to be funded through surety? That's in the development code.

Bob Keenan –
Right.

RECOMMENDED MOTION

Recommended Finding

Staff finds that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06 is **not consistent** with the required findings for approval for a Preliminary Plat. Planning Staff recommends that the Planning Commission **deny** Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06.

Alternative Motion #1

Should Planning Commission find that the applicant should make changes to the proposed development to be recommended for approval then the Planning Commission should table the proposed application with recommendations to achieve approval.

Alternative Motion #2

Should the Planning Commission find that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06 is consistent with the required findings for approval for a Preliminary Plat, the following conditions should apply:

1. At time of final plat, a bus/transit shelter and snow storage easement shall be dedicated to the City.
2. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and Mt. Werner for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval. The construction plans shall include:
 - i. A Striping and Signing plan for Pine Grove Road
 - ii. A Bus shelter design with details. Coordinate with Public Works to determine design parameters
 - iii. A final drainage study.
 - iv. Provide separation between storm sewer and sanitary sewer manhole in entrance drive.
 - v. Full design of Pine Grove Road from the intersection of US40 to the railroad tracks
 - vi. Modify sidewalk design or work with utility companies to reconfigure easement so that retaining wall is not located within the utility easement.
 - vii. Modify the sidewalk design so that all required sidewalks terminate at existing sidewalk connections or existing path alignments.
 - viii. Confirm roundabout design will accommodate adjacent business delivery vehicles

DRAFT

3. The following revocable permits shall be obtained prior to approval of final plat or prior to issuance of CO whichever comes first. These permits may be included in a single legal instrument which meets the intent of Public Works' revocable permit template:
 - i. Revocable permit and maintenance agreement for landscaping and irrigation located within the ROW including the center island of the roundabout and along US 40.
 - ii. Revocable permit and maintenance agreement for snowmelt located within the to-be-dedicated bus shelter easement and public right of way
 - iii. Revocable permit and maintenance agreement for the retaining wall and pedestrian guardrail within the utility easement along west property line
 - iv. Revocable permit and maintenance agreement for lighting fixtures located within the public right of way
4. The following items for the subdivision to be identified on the construction plans are considered critical improvements and must be constructed prior to final plat or an improvements agreement executed with required collateral provided:
 - i. Public drainage improvements
 - ii. Public sidewalk improvement
 - iii. Installation of street, pedestrian, and traffic control signs, any signals improvements) and all roadway striping
 - iv. Access drive, driveway, and parking areas
 - v. Public roadway and intersection improvements at Mid Valley Drive/Pine Grove Road.
 - vi. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
5. The project will be required to follow all current Rules, Regulations, Specifications and site Specific Requirements (as identified in the November 23, 2010 TAC Development Review Comments) of the Mount Werner Water District.
6. A Floodplain Development Permit will be required prior to any development activities within the floodplain.
7. A plat note shall be required at the time of Final Plat indicating that remaining required open space, sidewalks and trails for the subdivision will be the responsibility of the developer of lot 1 and that said improvements will be tied to any Final Development Plan or any Preliminary Plat for said lot.
8. The developer of City South Subdivision Lot 1 shall amend the final plat to include the required open space prior to building permit for lot 1.
9. At the time of Final Plat, the applicant shall include a plat note that the open space lots are not developable and may only be used consistent with the open space requirements set forth in the Community Development Code.

MOTION

Commissioner Meyer moved to approve the PP-10-06 Midvalley business center Lot 6 together with conditions 1-10 with 10 as follows 'the timing and installation of sidewalks along US Hwy 40 and Pine Grove Rd. will be specified in a development agreement (see attached exhibit 2-14). I would direct staff to indicate on that exhibit the sidewalks that we're talking about and clarified at the meeting. The timing would be triggered no later than 1 year after the engineering specifications as delivered by the City. Commissioner Brookshire seconded the motion.

DISCUSSION ON MOTION

Eric Smith –
He clarified the motion.

1/13/11

DRAFT

Commissioner Brookshire –

What happens if the City doesn't finish the plans? I don't know if Public Works is going to do this or not. If staff is comfortable with that then I'm comfortable with it.

Commissioner Levy –

I'm glad that we worked out the sidewalk. It makes me feel a lot better. All along I've had a problem with the circulation plan. The open space along Pine Grove Rd while it does accommodate the turning radius of a delivery truck I have a problem that this whole scenario needs to have circulation all the way around the building. That is in direct conflict with the idea of pedestrian friendly development. For me pedestrian friendly development is being able to walk into the building without crossing a parking lot. That's why I asked about parking on two sides of the building. Other people can get away without it. Because they created the smallest sized lot they could to fit the building and the parking there is no other transportation mode. If we would have used more space then there is probably a way that you can get a truck out in the parking lot whether you use part of Lot 2 or shared somebody else's space and swing it around without the truck having to go all the way around the building, which precludes pedestrian friendliness in my mind. That is what justifies the open space location, which further removes the building from the public interface. While I'm happy with the sidewalk processions, I'm not happy with the location of the open space lot so I won't be supporting the motion.

Commissioner Hanlen –

I agree with Commissioner Levy that the location of the open space is less than ideal. One of the things that I was hoping to clear up with the designation of open space was to remove the little worthless vacant strips around the building and try to add that up and count that as a percentage of the site. The one thing that this is achieving is that it's a contiguous usable rectangle. Usable doesn't mean that it's actively usable. It's just more usable than a worthless vacant strip around the building. I would prefer it to be located in 1 position for the entire site, but given that it's a contiguous rectangle goes more along the lines of what I was hoping to achieve.

VOTE

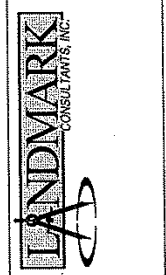
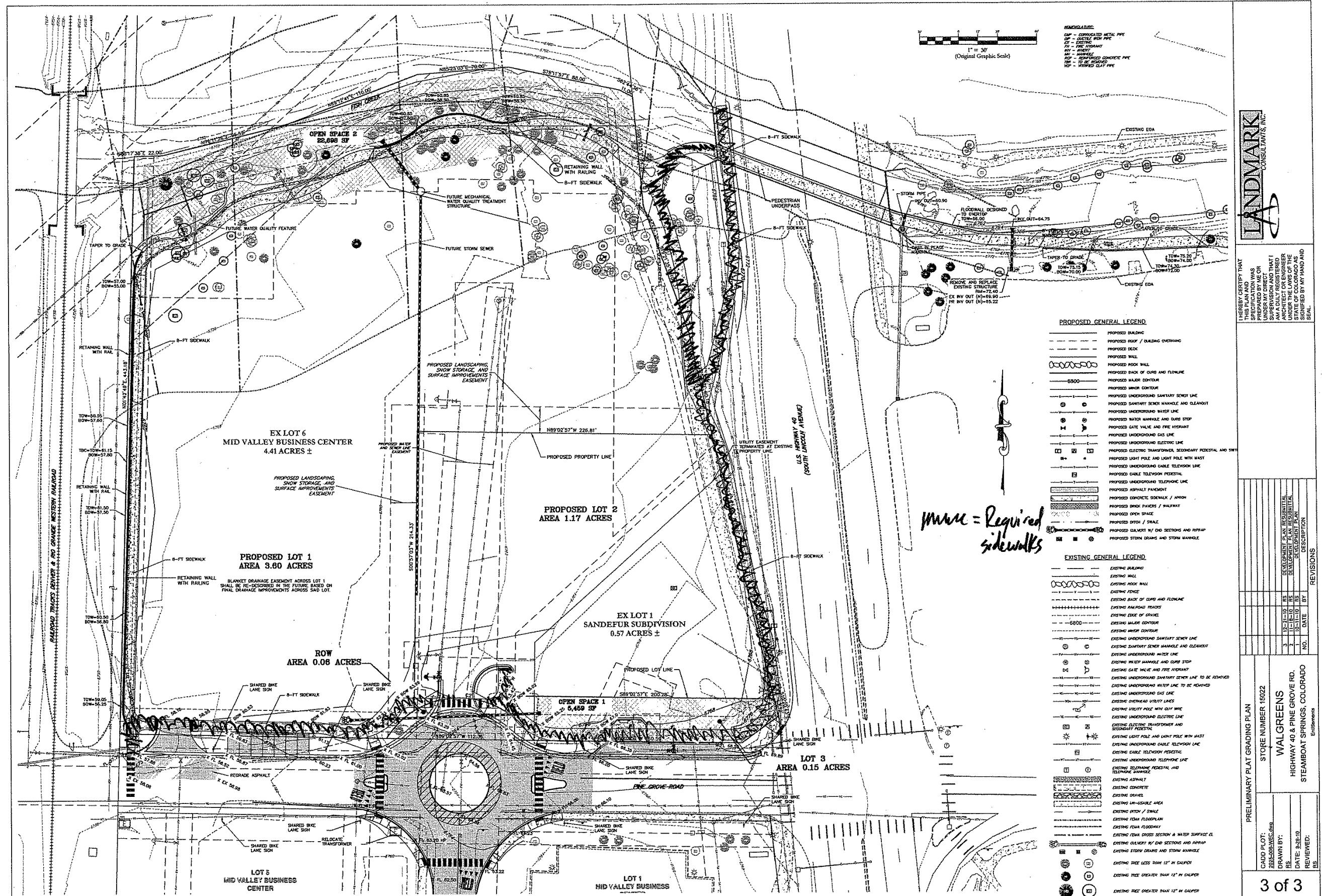
Vote: 6-1

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Meyer, Robbins and Slavik

Voting against the motion to approve: Levy

Absent: Beauregard

Discussion on this agenda item ended at approximately 8:21 p.m.



I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF COLORADO AS SHOWN BY MY HAND AND SEAL.

NO.	DATE	BY	DESCRIPTION
1	02-28-10	RS	DEVELOPMENT PLAN
2	03-11-10	RS	DEVELOPMENT PLAN
3	03-11-10	RS	DEVELOPMENT PLAN

PRELIMINARY PLAT GRADING PLAN
 STORE NUMBER 15022
WAL GREENS
 HIGHWAY 40 & PINE GROVE RD.
 STEAMBOAT SPRINGS, COLORADO

CADD PLOT: 2/28/2010
 DRAWN BY: RS
 DATE: 2-28-10
 REVIEWED: RS

e111-p002-13cug10

ERNST CORSER ASSOCIATES
Community Planning and Design
1370 Bob Adams Dr Ste 308
Steamboat Springs, CO 80487
(970) 870-8624

January 25, 2011

Steamboat Springs Planning Commission
Steamboat Springs City Council

Dear Planning Commission and City Council:

I am an urban planning consultant and former planning commissioner for the City of Steamboat Springs and am writing in regards to the proposed Walgreens store on Pine Grove Road. While serving on the planning commission in the early 1990's, we worked very hard to develop and enforce design guidelines to ensure that Highway 40 did not continue to build out as a commercial strip development. Although many structures had already been developed at that point, the new structures, such as the Hampton Inn, were required to address the highway and to build their parking in the rear of the structure.

I feel it would be extremely unfair and undesirable to allow Walgreens any variances that would allow paving between the highway and the building. In a community dependent on tourist dollars, it would be extremely short-sighted to compromise the guidelines that prevent the entry to our community from being another strip commercial district. When people leave major urban areas to visit Steamboat they do not want to see more suburban-style development. Our community has done an excellent job in recent years with developments such as Ski Haus and Wildhorse Marketplace. Lets not negate these efforts by granting variances to Walgreens that would degrade the entry to our community.

Thank you for considering these comments.

Sincerely,

Susan Ernst Corser

ATTACHMENT 5

January 27, 2011 Planning Commission Draft Minutes.

This attachment will be e-mailed to Council as well as provided under separate cover.

AGENDA ITEM # 15

CITY COUNCIL COMMUNICATION FORM

FROM: Bob Keenan, Senior Planner (Ext 260)

THROUGH: Tyler Gibbs, AIA, Director of Planning Services (Ext. 244)
Wendy DuBord, Acting City Manager (219)

DATE: February 1, 2011

ITEM: Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6
(Walgreens) #DPF-10-05 (PUD)

NEXT STEP: The applicant may obtain a building permit and start construction after recordation of a Final Plat for the subdivision.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6
(Walgreens) #DPF-10-05 (PUD)

PETITION: Approval of a 16,450 square-foot commercial building and proposed variances to the development and architectural design standards.

APPLICANT: Brian Olson, PO Box 882597, Steamboat Springs, CO 80488, Email: brian@olsondev.com, Phone: 970-846-2619

PC ACTION: On January 13, 2011, Planning Commission tabled this item to the January 27th Planning Commission meeting so that the applicant could provide more information and make changes suggested by the Planning Commission. **The January 27th Planning Commission summary is included in the “January 27, 2011 Council Communication Form Addendum” (Attachment 4 hereto). Minutes will be e-mailed to you as soon as they are available, and will also be included in your rainbow agenda.**

*On January 27, 2011, the Planning Commission voted 4-2 to deny #DPF-0-05.
(Please see Addendum to this communication form –Attachment 4 hereto.)*

CITY COUNCIL COMMUNICATION FORM

Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD)

February 1, 2011

I. RECOMMENDED MOTION

On January 13, 2011, Planning Commission tabled this item to the January 27th Planning Commission meeting so that the applicant could provide more information and make changes suggested by the Planning Commission. **The January 27th Planning Commission summary is included in the “January 27, 2011 Council Communication Form Addendum” (Attachment 4 hereto). Minutes will be e-mailed to you as soon as they are available, and will also be included in your rainbow agenda.**

II. PLANNING COMMISSION DISCUSSION

Commissioner discussion pertained to the site planning of the Walgreens, the architecture of the building where it faces Hwy. 40, the variances proposed, and the lack of information provided in regards to the required public benefit and Economic Impact Analysis. *Please see the attached meeting minutes for more information.*

III. PUBLIC COMMENT

There were quite a few members of the public that spoke in support of the project with a few of them raising concerns regarding pedestrian connectivity. *Please see attached meeting minutes for more detail.*

IV. NEW INFORMATION

The applicant will be providing new information for the January 27th Planning Commission meeting. This information is provided as Attachment 2 to the “January 27, 2011 Council Communication Form Addendum” (attached hereto as Attachment 4).

V. LIST OF ATTACHMENTS

Attachment 1 – January 13, 2011 Planning Commission Report.

Attachment 2 - January 13, 2011 Planning Commission Draft Minutes.

Attachment 3 – Additional Public Comment.

Attachment 4 – January 27, 2011 Council Communication Form Addendum and attachments.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM #: 3	
Project Name:	Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD)
Prepared By:	Bob Keenan, Senior Planner (Ext 260)
Through:	Tyler B. Gibbs, AIA Department of Planning and Community Development Director (Ext. 244)
Planning Commission (PC):	January 13, 2011
City Council (CC):	February 1, 2011
Zoning:	Community Commercial (CC)
Applicant:	Brian Olson, PO Box 882597, Steamboat Springs, CO 80488, Email: brian@olsondev.com , Phone: 970-846-2619
Location:	Sandefur Subdivision, Lot 1, Mid Valley Bus. Center, Lot 6 (Corner of Pine Grove Road and Hwy. 40)
Request:	Approval of a 16,450 square-foot commercial building and proposed variances to the development and architectural design standards.

Development Statistics - Overview	
Lot Area:	50,965
Lot Coverage:	.23
Floor Area Ratio:	.32
Residential Units:	none
Parking Spaces:	44 off-street
Building Height	
Overall Height (OH):	33'4" at highest
Average Plate Height (APH)	Not applicable

Staff Report - Table of Contents		
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III	Project Description	3-3
IV	Principle Review Issues	3-5
V	Overview of Dimensional & Development Standards	3-8
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VIII	Staff Findings & Conditions	3-18
IX	Attachments	3-19

I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

CDC - SECTION 26-66(D): NO FINAL DEVELOPMENT PLAN SHALL BE APPROVED UNLESS THE PLANNING COMMISSION AND CITY COUNCIL FIND THAT THE PLAN MEETS ALL OF THE FOLLOWING CRITERIA:

Subsection		Consistent			Notes
		Yes	No	NA	
1)	Conformity with Community Plan		<input checked="" type="checkbox"/>		Does not further goals and policies.
2)	Consistency with Surrounding Uses	<input checked="" type="checkbox"/>			
3)	Conformity with Building and Architectural Design Standards		<input checked="" type="checkbox"/>		Does not meet Entry Corridor Standards or Dimensional Standards.
4)	Minimize Adverse Impacts		<input checked="" type="checkbox"/>		Does not minimize adverse impacts.
5)	Access	<input checked="" type="checkbox"/>			
6)	Minimize Environmental Impacts	<input checked="" type="checkbox"/>			
7)	Phasing			<input checked="" type="checkbox"/>	To be developed in one phase.
8)	Compliance With Other Standards		<input checked="" type="checkbox"/>		Does not meet PUD or Commercial >12,000 sq. ft. criteria for approval.
9)	Variance Criteria		<input checked="" type="checkbox"/>		Does not meet variance criteria.

Staff Finding: Staff finds that proposed 16,450 square-foot commercial building and associated improvements for Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD) is **not consistent** with the required findings for approval for a Development Plan/Final Development Plan (PUD). Planning Staff recommends that the Planning Commission **deny** Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD).



II. PROJECT DESCRIPTION

The applicant is requesting approval of a Development Plan, Final Development Plan, and PUD for the construction of a 16,450 square-foot retail building that will house a Walgreens. Through this application the applicant is requesting variances to the Commercial over 12,000 square feet Standards, the Entry Corridor and Urban Design Standards, front setback, and landscape screening requirements.

This application is contingent upon approval of a Preliminary Plat that creates the lots for the subject development proposal.

III. APPLICABLE COMMUNITY DEVELOPMENT CODE AND URBAN DESIGN STANDARDS

PUD

A PUD review is required for any single tenant commercial buildings larger than 12,000 square feet. Through this PUD the applicant is required to provide one or more public benefits for a building between 12,000 square feet and 20,000 square feet and three additional public benefits when more than six variances are approved, for a total of four required public benefits. The applicant is requesting a total of eleven variances.

“The purpose of the planned unit development (PUD) is to provide flexibility from the strict application of certain standards of this CDC so as to encourage innovative site planning and, thereby, to achieve a more desirable environment than would be possible through the strict application of the minimum standards of this CDC. Specifically, it is the purpose of a PUD to:

- *Allow creativity.* Allow a creative approach to the development and use of land and related physical facilities to produce better developments, obtain amenities for the public and/or the users of the project, and to maximize choice in the type of environments available in the city.
- *Permit integrated and efficient land use patterns.* Permit the integration rather than the separation of land uses, to provide opportunities for traditional community living, so commercial, recreational, and educational facilities can be conveniently located in relation to a mix of housing types, establish land use patterns that promote and expand opportunities for public transportation, and for street and utility networks that are safe, compact, and efficient.
- *Preserve valued features.* Encourage better siting of development that preserves valued environmental and cultural resource lands, minimizes the disturbance of natural hazard areas, and increases the amount of functional open space within the development or creates functional public spaces.
- *Authorize variations.* Provide authority to grant variations from certain standards of the CDC that cannot be obtained through a minor adjustment in section 26-69, preliminary plat

in section 26-67, or with a development plan in section 26-65, provided such variations are consistent with the community plan, and allow the project to achieve one or more of the public purposes for PUDs described in subsection 26-81(e).

- *Commercial over twelve thousand (12,000) square feet, PUD review required.* Provide authority to review any single tenant commercial tenant over twelve thousand (12,000) square feet and any multiple commercial tenants in a single building twenty thousand (20,000) square feet or greater.

Community Commercial (CC) Zone District Standards

The property is zoned Community Commercial (CC) which is supported by the Steamboat Springs Community Area Plan Future Land Use designation of Commercial Activity Node. The purpose and intent of CC zone district is described as follows: “The community commercial zone district is designed and intended primarily to provide nodes for commercial services and sale of goods for residents and visitors, as well as nodes for office, lodging and residential development. An emphasis shall be placed on minimizing the impact of vehicular traffic through the provision of low intensity commercial development, encouraging a mix of complementary uses that might reduce single-purpose automobile trips, mitigation of the aesthetic impact of parking lots, utilization of joint access between properties, and the provision of safe, efficient and well-connected pedestrian, bicycle and transit facilities. Along U.S. Highway 40, development and redevelopment is encouraged to allow visual and physical connections to the Yampa River and Yampa River Core Trail and to present a high-quality street frontage with landscaped buffers and open space areas. Consideration shall be given to providing a quality entryway into the city, reducing visual clutter with respect to signage and lighting and discouraging strip commercial type of development. Commercial development is intended to be focused around signalized intersections with concentrations of low intensity office, residential and lodging development between those signalized intersections.”

Future Land Use Map

The future land use designation as Commercial Activity Node is described as follows:

- Land Uses: This classification emphasizes retail, cultural, and entertainment uses that serve the residential base of the community and also serve visitors.
- Locational Criteria: Commercial Activity Nodes are indicated on the Future Land Use Plan at major intersections along US 40.
- Character: While the Community Commercial classification is auto-oriented, development is still intended to place a strong emphasis on pedestrian connections. These nodes should evolve over time to become more intense in development than they are now. They should be attractive in appearance and accessible by all transportation modes (including transit), with a mixture of land uses and activities.
- Zone Districts: CC – Community Commercial; and CS – Commercial Services (City).

IV. PRINCIPAL REVIEW ISSUES

The applicant is proposing to place a 16,450 square foot commercial building intended to house a Walgreens at the intersection of US 40 and Pine Grove Road, within the community's defined Southern Entry Corridor.. The proposed use and structure are subject to review through the Development Plan, Final Development Plan (PUD) process and may be permitted if found to meet the public purposes and criteria for approval of a PUD. Criteria for approval of the PUD include mitigation of potential impacts (including economic impacts), conformance with all architectural, dimensional, and design standards and/or approval of variances where advantages are found to outweigh disadvantages and that the proposed variances help achieve a more desirable environment than would be possible through the strict application of the minimum standards of the CDC.

In this section Planning Staff has analyzed the proposed development relative to the standards set forth by the Community Development Code and related documents as defined in CDC Section 26-66. Staff finds that the following areas of non-compliance require further review by the Planning Commission and City Council.

A. Conformity with Community Plan (Sec. 26-66(D)(1))

Planning Commission is required to make findings regarding the proposed Walgreen's development compliance with the following applicable community plan goals and policies.

The following Community Plan language reflects the community's desire for high quality architectural design and site planning. These goals and policies were the genesis behind the adoption of the Entry Corridor Urban Design Standards, and the standards for commercial development over 12,000 square feet.

- 1. CD-1.4 – Encourage High Quality Site Planning and Design** – “It is important to reinforce development quality, particularly in the built-up urban core of the community. New development should convey a positive image for the community-particularly through high quality design of residential and commercial buildings...”
 - a.** CD-1.4(a) Assess Design Standards –“In 2001, the city adopted design standards. These current standards in the code, while having more influence than guidelines, do not tend to promote the level of design quality desired by the community because they are too generic. Assess whether the standards address design issues adequately, especially for landscaping, pedestrian –oriented site planning, visual impacts of lighting, historic preservation, parking lot design, other outdoor areas.”
 - b.** CD-1.4(b) Assess Site Planning Standards – “Assess, amend and strengthen the site planning standards for new development...”
 - c.** CD-1.4(d) Assess Commercial Design Standards

- d. CD-1.4(e) Develop “Big Box” Design Standards – “Amend the code to include “big box” design standards that would apply to all new retail users that are larger than 12,00 square feet.”
2. **CD-4 – Our Community will maintain and improve the appearance of its corridors and gateways and will continue to have vibrant spaces.** - “Corridors through the community and the entryway points “or gateways” are the first and last impressions of Steamboat Springs, so maintaining a high quality and appearance of these places is important...”
 - a. CD-4.1 – Major Highways and arterials shall maintain a high quality of design.
 - b. CD-4.4 – New commercial development shall incorporate high quality public spaces.
3. **T-1.1 – New development, including infill, shall be designed to achieve walkable communities and limit trip generation.**
4. **T-1.3 – Investments in transit infrastructure shall be maximized through the land use approval process.**
5. **1-1.4 – New development shall incorporate transit friendly design.**

B. Conformity with Building and Architectural Design Standards (Sec. 26-66(D)(3))

1. Site Planning and Building Orientation

a. Building Location, Setback and Building Orientation – Variance Requested

The applicant is proposing a greater front setback to Hwy. 40 than what is allowed by code. Code requires new buildings be setback minimum of 5’ from property lines and a maximum of 20’. The applicant has requested a front setback of 41’ at the closest point of the building to the property line and 64’ at its furthest.

The applicant has proposed a drive aisle that will serve the drive-thru lane and access to the service area in-between the building and the front property line thus creating the non-conforming setback. The location of service, loading, trash and drive through facilities are not permitted to be oriented toward US 40 per the adopted Urban Design and Entry Corridor Standards (See below).

The purpose of the minimum and maximum setback for this area is to allow some flexibility in building locations while creating greater presence along the street than what would be achieved without a maximum setback. This is especially important for this corner lot located along a prominent intersection with the defined Entry Corridor.

The Urban Design Standards require that new buildings “frame” the corner of adjacent street intersections or entry point to the development. This application proposes a building that is setback from the intersection with parking located between the Pine Grove Road front façade as well as the previously mentioned drive isle between Hwy. 40 and the front façade.

The intent of the site planning and building orientation requirements is to:

- Ensure that the primary building entrances for commercial development are clearly distinguishable and easily accessible from primary streets, pedestrian pathways, public plazas, and parking areas
- To minimize the visual impact of surface parking lots on public streets, trails, and open space corridors.
- To provide for a range of appropriate building orientation scenarios based on the size, location, and context of each development site.

Section 26-150 Standard for Commercial Development over 12,000 square feet requires that when primary buildings are to be located further from the public street smaller “pad” buildings or out lots shall be located closer to the street to meet the intent of the zoning and urban design standards.

Planning Staff has suggested alternatives to the applicant that would help achieve their goals while meeting the intent of the site planning requirements.

b. Service Area and Drive-through Location - Variance Requested

The applicant proposes to locate the service area for the building along the most prominent US 40 street frontage. The service area includes a loading dock and trash/recycling enclosure. The Urban Design Standards prohibit service areas from being located adjacent to Hwy. 40. The proposed landscape screening along this frontage does not meet the landscape requirements required within a 30’ landscape setback/buffer.

Note: Per the Standards for Commercial over 12,000 square feet, street oriented building frontage is required to provide transparent storefront windows and/or entrances and other architectural design features (see below).

The proposal also sites the pharmacy drive-through along the north elevation, and without adequate screening, is readily visible from Hwy. 40.

c. Landscaping - Variance Requested

The proposal lacks sufficient landscaping to meet the Entry Corridor Design Standards landscaping requirements of 30’ landscape setback/buffer for Hwy. 40. While the applicant is proposing to plant the required number of trees and shrubs, they are proposed to be planted in a narrow strip 9’ wide. This narrow strip of landscaping will not provide sufficient screening of the service area as would be achieved by meeting the intent of the landscape setback/buffer requirements.

Staff finds that this issue is exacerbated by the lot size proposed through the Preliminary Plat. In other words, the lot size could be enlarged to provide a greater landscape buffer.

C. Minimize Adverse Impacts (Sec. 26-66(D)(4))

Impact Assessment Analysis and Mitigation Plan

Per the Commercial over 12,000 square feet Standards, the applicant is required to provide an impact assessment mitigation plan by a City approved consultant with the appropriate experience to complete the necessary work. The director may waive any or all of the associated impact assessment analysis. The director has waived all impact analysis assessment other than provision of a brief economic impact analysis, including anticipated number of jobs created, ranges of associated wages, and description of goods and services to be provided that will be new or unique in the Steamboat Springs market. (For more information on what is required please see Community Development Code (CDC) Section 26-150)

The applicant has not provided the required economic impact analysis but has briefly touched on the subject in the attached narrative. *See attachment 2 for applicant's narrative.*

D. Compliance with Other Standards (Sec. 26-66(D)(8))

Public Benefit required for PUD

Commercial buildings over 12,000 square feet are required to obtain PUD approval. Public benefit is required for PUDs and is based upon the number of variances requested as previously described. In this case, the applicant is required to **provide four public benefits** as described in Section 26-81. The code requires that public benefit be quantified monetarily and be equal to or greater than one percent of the project's land and construction cost valuation as determined by the Routt County Regional Building Department.

The applicant contends that the development will provide significant public benefit but has not provided staff with an analysis on how it equates to the public benefit requirements. Specifically, the applicant has not demonstrated the monetary equivalent of the proposed public benefits.

The applicant is proposing the following public benefits: bus turnout, bus stop, bus shelter, community open space by the bus stop, and roundabout with landscaping and landscape maintenance. *Please see attachment 2 for applicant's explanation of public benefit.*

Planning Staff agrees that the bus stop, bus shelter, bus turnout, and roundabout are acceptable public benefits but is unable to determine whether these improvements meet the requirements for approval due to the lack of information regarding the monetary value.

** A detailed analysis of the proposed variances and public benefit provided is provided below in VI-C and VII-B,C.*

V. OVERVIEW OF DIMENSIONAL AND DEVELOPMENT STANDARDS – CC ZONE

The following list was compiled by the project planner to provide an overview of key standards applicable to the project. Items in **bold** in the proposed column do not comply with applicable standards; refer to Project Analysis section for additional information. Interested parties are encouraged to review the Community Development Code (CDC) or contact the project planner for a comprehensive list of all applicable standards.

DIMENSIONAL STANDARDS – CDC Section 26-132			
Standard	Maximum	Minimum	Proposed
<i>Lot Area</i>	None	None	50,965 (proposed through Preliminary Plat)
<i>Lot Width</i>	No maximum	25'	120'
<i>Lot Coverage</i>	None	None	.23
<i>Units per Lot</i>	Determined per FAR	None	No units are proposed
<i>Floor Area Ratio (FAR)</i>	None	None	.32
<i>Building Height</i> Overall Height (OH)	OH-63'	26' (two story)	OH – 33'-4"
<i>Building Intensity</i> <i>2nd Story</i>	None	75% of 1 st Floor gross sq. ft. (Comm. >12k 100% of 1 st Floor)	2nd Story is 38% of 1st Floor
<i>Setbacks</i>			
<i>Front (Hwy 40)</i>	20'	5'	41' - 64'
<i>Front (Pine Grove Rd.)</i>	20'	5'	100'
<i>Side (North)</i>	None	7.5'	12'
<i>Rear</i>	None	7.5'	64'

DEVELOPMENT STANDARDS		
Standard	Requirement	Proposed
<i>Parking and Loading Design Standards (Sec. 26-139).</i>	Maximum allowed is 55 spaces No minimum for CC zone.	44 off-street spaces
<i>Snow Storage (Sec. 26-144).</i>	Snow storage areas shall be located so that snow storage can be done in a reasonable and feasible manner.	Storage located on other side of landscaping (west) and in dense landscaping (north). Not feasible in some areas.
<i>Landscaping Standards (Sec. 26-137) & Entry Corridor Standards</i>	Landscape entry corridor setback/buffer equal to actual setback is required. Entry Corridor Category - One tree per 200 sq. ft. of front landscape setback area.	Drive isle is located within entry corridor landscape setback/buffer thus limiting the landscape setback/buffer to 9'. Applicant has provided required number of plantings.
<i>Lighting Standards (Sec. 26-138)</i>	Downcast, screened and shielded lighting	Exterior lighting to be downcast and shielded.
<i>Sidewalks, Trails and Walkways (Sec. 26-140).</i>	8' sidewalks along Pine Grove and Hwy. 40.	8' sidewalks along Pine Grove and Hwy. 40

VI. PROJECT ANALYSIS

A. CRITERIA FOR APPROVAL

CDC - Section 26-66(d): No Final Development Plan shall be approved unless the planning commission and city council find that the plan meets all of the following criteria:

The following section provides staff analysis of the application as it relates to key sections of the CDC. It is intended to highlight those areas that may be of interest or concern to planning commission, city council, staff or the public. For a comprehensive list of standards and requirements applicable to this proposal please refer to this staff report or contact the staff planner for relevant CDC references.

CDC - Section 26-66(d)(1): Conformity with Community Plan

Staff Analysis: Not Consistent; The proposed development does not further the following goals and policies:

1. CD-4 – Our Community will maintain and improve the appearance of its corridors and gateways and will continue to have vibrant spaces.
2. CD-4.1 – Major Highways and arterials shall maintain a high quality of design as further defined by the adopted Urban Design Standards and Entry Corridor Concepts, which state that “loading docks, truck parking, trash collection, drive-through facilities and other service functions shall be located away from Highway 40.”
3. CD-4.4 – New commercial development shall incorporate high quality public spaces.
Analysis: Due to the developments non-compliance with this the Entry Corridor and Urban Design Standards and the Standards for Commercial over 12,000 square feet, staff finds that the proposed development does not contribute positively to the goals policies listed above. Specifically, Minimize the visual impacts of surface parking lots by “framing the corner of an adjacent street intersection” and, “framing and enclosing on at least three sides parking areas, public spaces or site amenities.
4. T-1.1 – New development, including infill, shall be designed to achieve walkable communities and limit trip generation.
Analysis: While this application is providing sidewalks along its road frontages required by the code, the proposal requests deferral of the desired connections to the pathways that lead to the Yampa River Core Trail as well as completion of a sidewalk along Hwy. 40 towards Fish Creek. (The applicant has requested variances for these pedestrian improvements through the Preliminary Plat process.)

Staff finds that the proposed development is **consistent** with the following goals and policies:

1. T-1.3 – Investments in transit infrastructure shall be maximized through the land use approval process.
2. 1-1.4 – New development shall incorporate transit friendly design.
Analysis: The proposed development does contribute to these goals and policies by providing transit infrastructure and some components of transit friendly design.

In summary, staff finds that the proposal overall does not significantly further the goals and policies of the Community Plan.

CDC – Section 26-66(d)(2): Consistency with Surrounding Uses

Staff Analysis: **Consistent;** The surrounding uses of the subject property are commercial and are consistent with the proposed retail building.

CDC – Section 26-66(d)(3) Conformity With Building and Architectural Standards

Staff Analysis: **Not Consistent;** Staff finds that the proposed development is not consistent with the required building and architectural designs standards. Please see the variance section below for more information regarding areas of noncompliance with standards.

CDC – Section 26-66(d)(4) Minimize Adverse Impacts

Staff Analysis: **Not Consistent;** Staff finds that the adverse impacts from the proposed retail building are primarily visual. The location of the service area along Hwy. 40, significant building setback

from Hwy. 40 and Pine Grove Road, and the lack of required landscaping all contribute to the adverse visual impacts that may result from this project.

CDC – Section 26-66(d)(5) Access

Staff Analysis: **Consistent;** Access to the subject property is from Pine Grove Road. The applicant plans to improve the access with a roundabout. Public Works has reviewed the proposed access from Pine Grove and has found it acceptable.

CDC – Section 26-66(d)(6) Minimize Environmental Impacts.

Staff Analysis: **Consistent;** It does not appear that this project will create any negative environmental impacts to the site or surrounding areas.

CDC – Section 26-66 (d)(7) Phasing

Staff Analysis: **N/A;** The project will be developed in one phase.

CDC – Section 26-66 (d)(7) Compliance With Other Standards

Staff Analysis: **Not Consistent;** As stated in other sections of this report the proposed development is not in compliance with a variety of development and design standards.

B. KEY ISSUES/DEVELOPMENT STANDARDS

CDC Section 26-133(d)(1) Architectural Materials and Function

Staff Analysis: **Consistent;** Materials have been chosen for their durability and appearance. They are as follows: brick, natural stone, precast stone, metal roofing, heavy timber, and cement board siding. Transparent glass is to be used for all windows but it is unclear to staff whether the view through these windows will be blocked by something behind the glass.

Roof areas have been designed for snowshed considerations and incorporate snow and ice guards.

CDC Section 26-133(d)(2) Context & Orientation

Staff Analysis: **Not Consistent;** The proposed building and related parking have not been oriented, “so that the primary presence along the street frontage is the building, not the parking lot.” The parking area and drive aisle have been designed between the building and the street and thus does not meet the intent of this section.

CDC Section 26-133(d)(3) Mass, Scale and Articulation/Modulation

Staff Analysis: **Not Consistent;** The applicant has made efforts to design a building that creates an attractive façade by reducing the perceived mass and visual impacts of the building,. However, the CDC specifically requires roof forms, particularly the shed roof elements in this case, to be integrated with the overall form so as not to appear to be “tacked on”.

CDC Section 26-135 (c) CC Zone District Standards (Urban Design Standards and Commercial over 12,000 square feet Standards)

Staff Analysis: **Not Consistent, Variance Requested.** The proposed development does not meet several of the Urban Design Standards and the Commercial over 12,000 square feet Standards)

or the criteria for approval for a variance to these standards. The areas of noncompliance are listed in the variance section below.

Please see the variance section below for analysis of all variances requested.

C. VARIANCES

The following is an analysis the proposed variances and how they compare to the criteria for approval for variances processed under a Development Plan. Please see below for additional analysis of the height and setback variances which are specifically called out in the PUD criteria for approval. Due to the numerous variance requests Staff has created the following table to provide analysis of the variance criteria for approval.

This area intentionally left blank.

Variance	Staff Findings Legal Use	Injury to Adjoining Property Mitigated	Advantages Outweigh Disadvantages	Superior Development	Minimum Relief	Staff Analysis	
Development Standards							
Front Setback > 20'	Not Consistent	Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	Request for a greater setback from the front property line does not result in a superior development relative to what could be achieved by meeting the build-to requirements. The building should frame the corner to provide a better presence along the street frontage. The building could be designed in other ways that meet the intent of the of this standard and the desing goals of the applicant.
Landscape entry corridor buffer (Hwy. 40)	Not Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	Not Consistent	Request for a 9' landscape buffer will not adequately screen the service area and building from Hwy. 40 nor does the proposed buffer provide the desired relationship to the community gateway on Hwy. 40.
Snow Storage (location in a reasonable and feasible manner) west lot line	Not Consistent	Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	The applicant has not adequately demonstrated how snow storage can be conducted in a feasible manner along the west landscape island as the storage area is located behind a row of landscaping.
Urban Design Standards							
Building to Frame Corner and Enclose Parking	Not Consistent	Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	The proposed development sites the building 41'-61' away from Hwy. 40 and 100' from Pine Grove Road and thus does not help frame the corner of Pine Grove Road & Hwy. 40 nor does it enclose the parking. Staff finds that the request does not meet the criteria for approval because it does not help to provide a development that would be superior to the minimum design standards.
Service Area to located away from Hwy. 40 frontage	Not Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	Not Consistent	The proposed development site planning has been configured in such a way that the service area (loading dock and trash enclosure) is the primary presence along the Hwy. 40 street frontage. Staff finds that a variance to this standard is not acceptable because it does not provide for a superior development and does not provide advantages to the community.
Parking is prohibited between front façade and street	Not Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	Not Consistent	Parking could have been configured in a manner that met the requirements of this standard and the design goals of the applicant. Staff finds that a variance to this standard will not result in a development that is superior to the minimum design standards.

Variance	Staff Findings Legal Use						Staff Analysis
	Staff Findings	Legal Use	Injury to Adjoining Property	Advantages	Outweigh Disadvantages	Superior Development	
2/3 of roof area must be at least a 3:12 pitch	Not Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	Not Consistent	The development proposes a building with primarily flat roofs with secondary shed roof elements pitched. Staff finds that the request does not provide for a superior development. A building with primary pitched roofs of at least 3:12 that are better integrated with the overall building form would provide for a building that better met the intent of the architectural design standards.
Façade (north) shall provide architectural features that break-up blank expanse of wall including 25%-40% transparency	Not Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	Not Consistent	The proposed building lacks sufficient architectural features to break up the blank expanse of wall along the north elevation. Staff finds that the proposed variance to this standard does not meet the criteria for approval as it does not provide for a superior development or any advantages to the community.
Commercial over 12,000 square feet Standards							
Must achieve LEED Certification	Not Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	Not Consistent	The code requires LEED certification for all commercial buildings larger than 12,000 square feet. The applicant is proposing to "incorporate sustainable design approaches in keeping with the LEED program. The developer and the user cannot commit to achieving LEED certification." Staff finds that by not achieving LEED certification the applicant has not provided advantages that outweigh disadvantages to not providing LEED certification. Not achieving LEED certification does not result in a superior development. Note: Other Walgreens stores have achieved LEED certification.
2 Story Building Minimum	Not Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	Not Consistent	Two-story building is required by the Commercial over 12,000 Standards. Staff finds that the proposed 2nd story that covers only a third of the building does not meet the criteria for approval of a variance as it does not provide for a superior development than what would be achieved by meeting the requirement. Locating the 2 story portion of the building toward Hwy. 40 does address the intent.
Where buildings are proposed to be distant from the public street the overall development design shall include smaller buildings on pads or out lots closer to the street.	Not Consistent	Consistent	Not Consistent	Not Consistent	Not Consistent	Not Consistent	The proposed development sites the building 41'-61' away from Hwy. 40 and 100' from Pine Grove Road. The applicant has not proposed to located smaller buildings closer to the street to help mitigate the impacts of having the building setback so far. Planning staff finds that the proposed site planning and location of the building has not created a more desirable development than what would be achieved by meeting the standard.

VII. ANALYSIS OF PUD APPROVAL CRITERIA

Pursuant to Sec. 26-81 (PUD) of the Community Development Code (CDC), Commercial buildings over 12,000 square feet are required to be processed as a PUD.

The PUD process is intended to allow variations as a means of providing flexibility, allowing creativity and preserving features valued by the community. In return for flexibility, the requirement of the PUD process is that the extent of the variances requested shall have a direct and proportional relationship to the magnitude of the benefit that is received by the community at large or to the users of the project. The categories of benefits and public purposes are specified in the Sec. 26-81(e).

A. CDC Section 26-81(f) Criteria for review of all PUDs.

All PUDs shall comply with the following criteria. If the PUD proposes variations from standards of this Code, then the PUD shall also comply with the applicable criteria for review of particular types of variations stated in subsection (g).

1. **Criteria for review and approval:** *Staff Analysis:* **Not Consistent;** The proposal does not meet the criteria for approval of a development/final development plan. Specifically, the application does not meet the development and architectural design standards and approval criteria for variances.

2. **Advantages outweigh disadvantages:** *Staff Analysis:* **Not Consistent;** Staff finds that the advantages of approving this development are not commensurate with the disadvantages to the community of failing to meet other adopted development standards. Staff finds that there are significant disadvantages to the community in allowing this development to move forward as proposed without addressing the community's design goals for these types of large scale commercial developments.

3. **Legal Instrument Required:** *Staff Analysis:* **Not applicable.**

B. Public Purposes for PUDs (Public Benefit):

CDC Section 26-81(e)(2) Contributions to public benefits and improvements.

If more than six variations are approved, the applicant shall provide at least three of the public benefits listed under this section. For any commercial building between 12,000 and 20,000 square feet one or more of the public benefits described in subsections (2)a. through (2)g. shall be provided.

The applicant is proposing **eleven** variances and is proposing a commercial building of 16,450 square feet and therefore must provide at least **four** of the community benefits described in this section.

The code requires that public benefit be quantified monetarily and be equal to or greater than one percent of the project's land and construction cost valuation as determined by the Routt County Regional Building Department.

Staff Analysis: Undetermined; The applicant proposes that the development will provide significant public benefit but has not provided staff with an analysis on how it equates to the public benefit requirements as defined in the CDC. Specifically, the applicant has not demonstrated the monetary equivalent of the proposed public benefits.

The applicant is proposing the following public benefits: bus turnout, bus stop, bus shelter, community open space by the bus stop, and roundabout with landscaping and landscape maintenance.

Planning Staff agrees that the bus stop, bus shelter, bus turnout, and roundabout are acceptable public benefits but is unable to determine whether these improvements meet the requirements for approval due to the lack of information regarding the monetary value.

Planning staff does not agree that the community open space as defined in this proposal is a public benefit. It is a requirement of any development to provide a minimum of 15% open space. The open space proposed to be credited as a part of this development is simply unused, remainder area between the parking lot and US 40 and is not suitable to be considered a community open space amenity.

Please see Attachment 2 for the applicant's public benefit narrative.

C. CDC Section 26-81(g) Criteria for review of particular types of variances.

Review of variances not covered under this section has been reviewed in the previous section through the Development Plan criteria for approval of variances found in VI-C.

Criteria for review of setback variations. *Front setbacks (Hwy. 40 and Pine Grove Rd.) variance requested.*

The applicant is requesting to set the building back further than what is allowed by the CC zone district. Code requires buildings in this district to be built 5'-20' from the front property line. The applicant has sited the building 41'-61' away from Hwy. 40 and 100' from Pine Grove Road.

a. **Emergency Vehicle Access.** *Staff Analysis:* **Consistent**; There is adequate access for emergency access to all sides of the building and Fire Prevention services has no issues with the proposal.

b. **Environmental Sensitivity and land use compatibility.** *Staff Analysis:* **Not Consistent**; Staff finds that the proposed building is not appropriately oriented to public streets due to the significant setback proposed. Staff finds that this is not compatible with the intent of both the

Urban Design Standards and Entry Corridor Concepts or the Commercial over 12,000 square feet Standards.

There are no environmentally sensitive areas on the propose building site.

c. **Light, air, and solar access.** *Staff Analysis:* **Consistent;** Staff finds that the proposed setback variance does not have any adverse impacts on light, air, and solar access.

d. **Waterbody Setbacks.** *Staff Analysis:* **N/A;** Not adjacent to a body of water.

VIII. STAFF FINDING & CONDITIONS

Recommended Finding

Staff finds that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD) is **not consistent** with the required findings for approval for a Development Plan/Final Development Plan (PUD). Planning Staff recommends that the Planning Commission **deny** Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD).

Alternative Motion #1

Should Planning Commission find that the applicant should make changes to the proposed development to be recommended for approval then the Planning Commission should **table** the proposed application with recommendations to achieve approval.

Alternative Motion #2

Should the Planning Commission find that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD) **is consistent** with the required findings for approval for a Development Plan/Final Development Plan (PUD), the following conditions should apply:

1. Submit the approved access permit and any other permits required from CDOT prior to approval of civil construction drawings.
2. The following items to be identified on the construction plans are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
 - i. Public drainage improvements
 - ii. Public sidewalk improvements
 - iii. Installation of street, pedestrian, and traffic control signs, any signals improvements) and all roadway striping
 - iv. Access drive, driveway, and parking areas
 - v. Public roadway and intersection improvements at Mid Valley Drive/Pine Grove Road.

- vi. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
3. Landscaping must be installed prior to building occupancy.
4. Approval of this application does not constitute approval for any signage.
5. A Final Plat for City South must be completed prior to building permit.
6. Lighting must comply with City standards.
7. The project will be required to follow all current Rules, Regulations, Specifications and site Specific Requirements (as identified in the November 23, 2010 TAC Development Review Comments) of the Mount Werner Water District.

IX. ATTACHMENTS

Attachment 1 – Full Plan Set

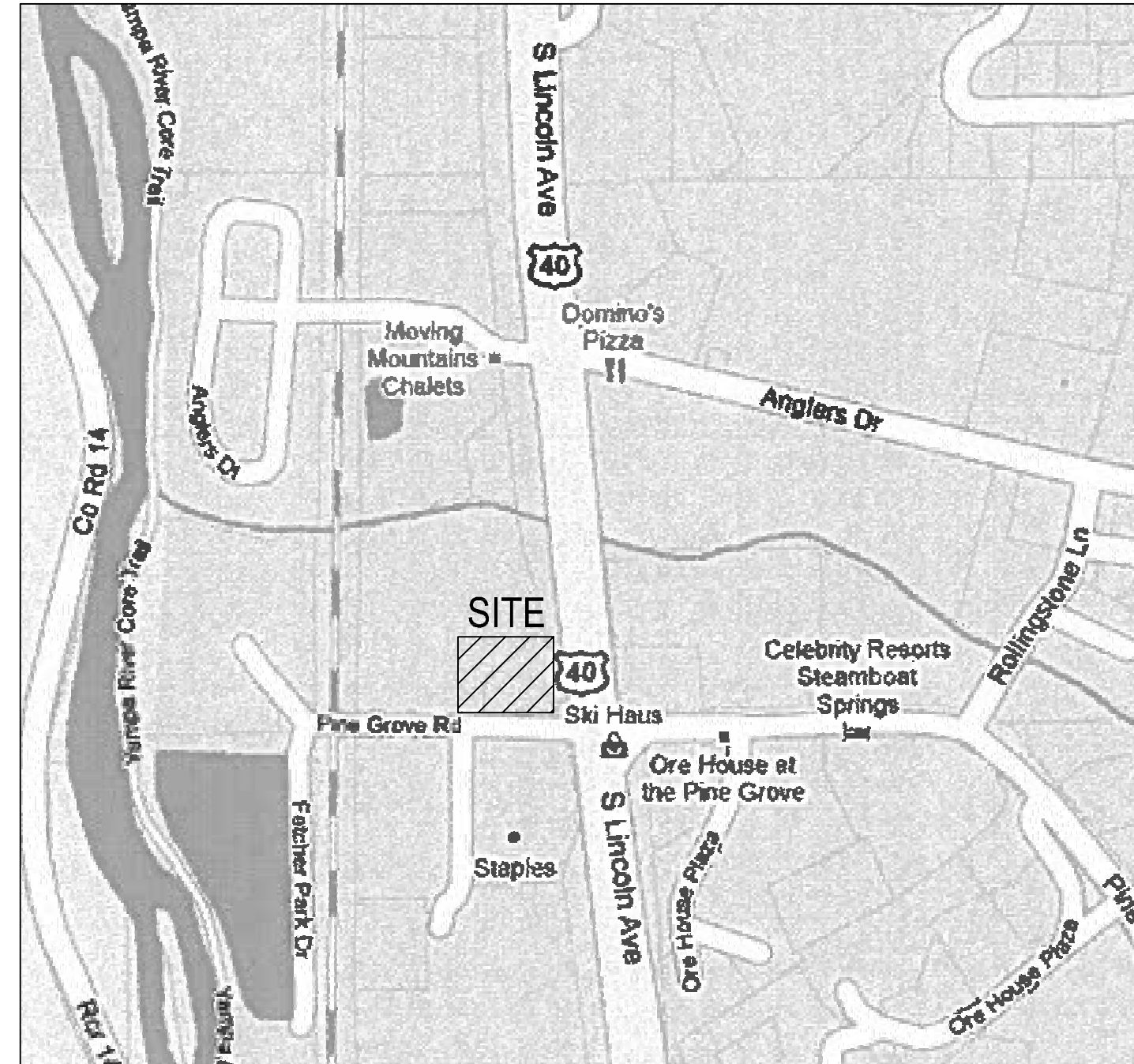
Attachment 2 – Applicant Narrative and Public Benefit

Attachment 3 – Background on Previous Proposals for this Site

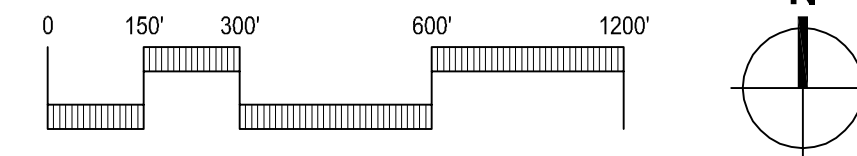
DEVELOPMENT PLAN / FINAL DEVELOPMENT PLAN (PUD)
 FOR
LOT 6 - MID-VALLEY BUSINESS CENTER AND LOT 1 - SANDEFUR SUBDIVISION
CITY OF STEAMBOAT SPRINGS, ROUTT COUNTY, COLORADO
 ALSO KNOWN AS
WALGREENS AT CITY SOUTH



677 S Colorado Blvd
 Suite 200
 Denver CO 80246
 303 220 8900
 303 220 0708 Fax
 www.SEMarchitects.com



VICINITY MAP
 1" = 300'



SIGNATURE BLOCKS

PROPERTY OWNER & APPLICANT:
 STEAMBOAT CROSSINGS LLC
 Attn: BRIAN OLSON
 2130 RESORT DRIVE, SUITE 400
 STEAMBOAT SPRINGS, COLORADO 80487

SIGNATURE _____ DATE: _____

PREPARER OF FINAL DEVELOPMENT PLAN:
 SEM ARCHITECTS INC.
 Attn: TODD DECKER
 677 S. COLORADO BOULEVARD, SUITE 200
 DENVER, COLORADO 80246

SIGNATURE _____ DATE: _____

DIRECTOR OF PLANNING SERVICES:
 MR. TYLER GIBBS
 Title: DIRECTOR OF PLANNING SERVICES
 P.O. BOX 775088
 STEAMBOAT SPRINGS, COLORADO 80477

SIGNATURE _____ DATE: _____

EXPIRATION DATE

THE ATTACHED FINAL DEVELOPMENT PLAN FOR WALGREENS AT CITY SOUTH WAS APPROVED ON _____, 2010, BY _____.
 THE FINAL DEVELOPMENT PLAN EXPIRES ON _____, 20__.

I HEREBY CERTIFY THAT THIS PLAN AND WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF COLORADO AS SIGNIFIED BY MY HAND AND SEAL.

CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

PHASING

DEVELOPMENT SHOWN IN THIS PLAN IS A SINGLE PHASE

ZONING AND ZONE DISTRICT REQUIREMENTS

EXISTING ZONING: COMMUNITY COMMERCIAL (CC)

PRINCIPAL USE: COMMERCIAL OVER 12,000 S.F.

STANDARDS	ZONE DISTRICT REQUIREMENTS	FINAL DEVELOPMENT PLAN
LOT AREA:	NO MINIMUM	50,814.22 S.F. OR 1.17 ACRES
LOT COVERAGE:	NO MAXIMUM	11,920 S.F. / 23%
FLOOR AREA RATIO:	NO MAXIMUM	16,500 S.F. = 0.32
BUILDING HEIGHT:	26' MIN* / 63' MAX.	26'-4" MIN / 33'-4" MAX / 2-STORY
FRONT SETBACK:	5' MIN. / 20' MAX*	41' MINIMUM / 110' MAXIMUM
SIDE SETBACK:	30' MIN	39' MINIMUM
REAR SETBACK:	20' MIN.	25'
BUILDING SEPARATION:	NO REQUIREMENT	N/A
UNIT SIZE:	N/A	N/A
NUMBER OF UNITS:	N/A	N/A

SHEET INDEX

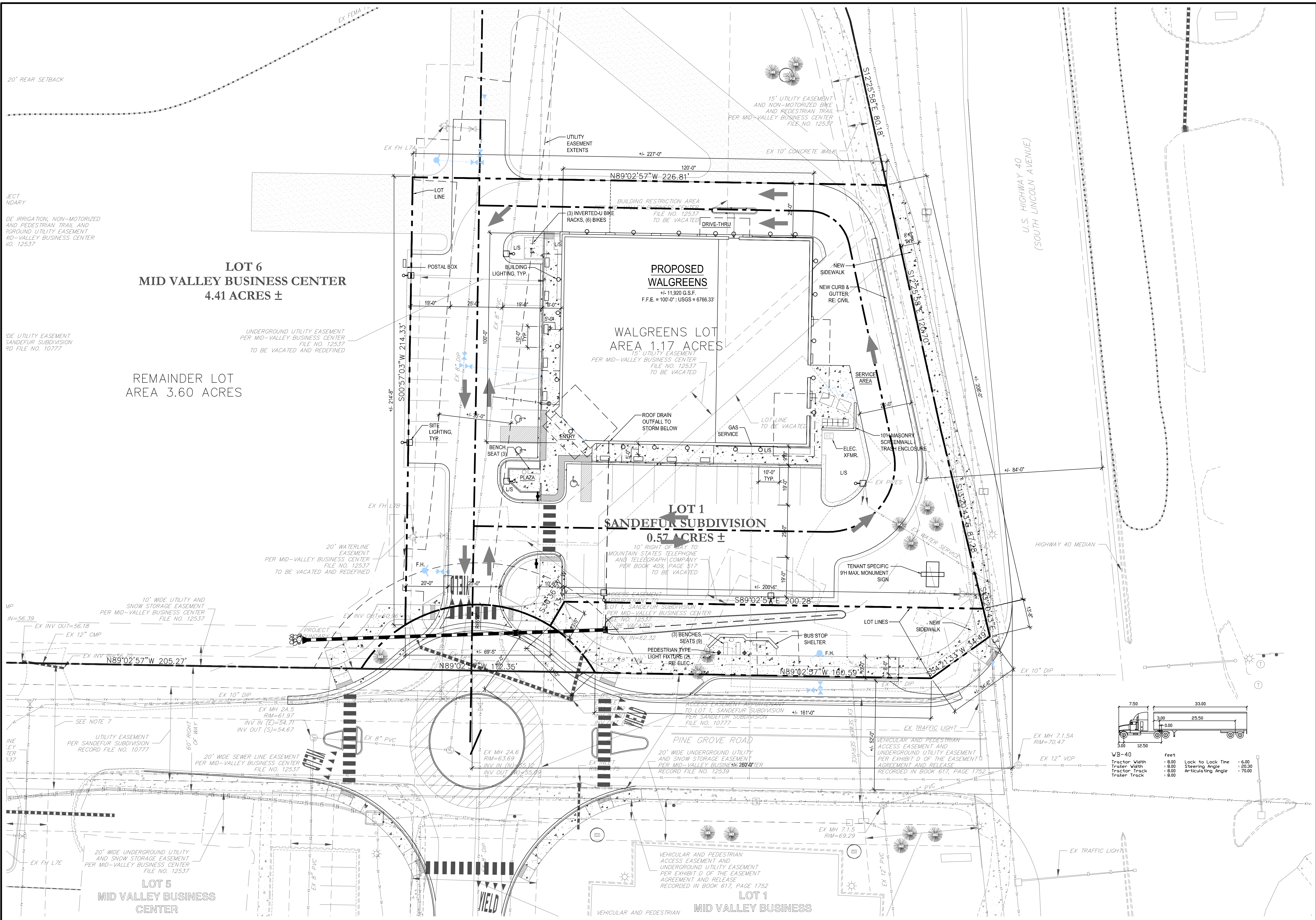
NO.	DATE	BY	DESCRIPTION
SHEET 1 OF 14			COVER SHEET
SHEET 2 OF 14			SITE PLAN
SHEET 3 OF 14			BUILDING ELEVATIONS
SHEET 4 OF 14			COLOR ELEVATION AND MASSING MODELS
SHEET 5 OF 14			LANDSCAPE PLAN
SHEET 6 OF 14			LANDSCAPE PLAN
SHEET 7 OF 14			EXISTING CONDITIONS PLAN
SHEET 8 OF 14			UTILITY PLAN
SHEET 9 OF 14			GRADING / DRAINAGE PLAN
SHEET 10 OF 14			SHADOW PLAN
SHEET 11 OF 14			FIRST FLOOR AND SECOND FLOOR PLANS
SHEET 12 OF 14			ROOF PLAN
SHEET 13 OF 14			SITE PHOTOMETRICS PLAN
SHEET 14 OF 14			SITE PHOTOMETRICS DETAILS

NO.	DATE	BY	DESCRIPTION

COVER SHEET
 STORE NUMBER 15022
WALGREENS
 HIGHWAY 40 & PINE GROVE RD.
 STEAMBOAT SPRINGS, COLORADO
 #####

CADD PLOT:
 10080_10114_Cover
 DRAWN BY:
 DJD/JRH
 DATE: 11/18/10
 REVIEWED:
 DTD

I HEREBY CERTIFY THAT
THIS PLAN AND ALL
EASEMENTS WERE
PREPARED BY ME OR
UNDER MY DIRECT
SUPERVISION AND THAT I
AM A DULY REGISTERED
ARCHITECT OR ENGINEER
UNDER THE LAWS OF THE
STATE OF COLORADO AS
SIGNIFIED BY MY HAND AND
SEAL.



1 SITE PLAN
1" = 20'-0"

NO.	DATE	BY	DESCRIPTION

SITE PLAN - LEASE EXHIBIT

STORE NUMBER 15022

WALGREENS

HIGHWAY 40 & PINE GROVE RD.

STEAMBOAT SPRINGS, COLORADO

####

CADD PLOT:
10060.2014 Shop Plan

DRAWN BY:
JRH

DATE: 12/20/10

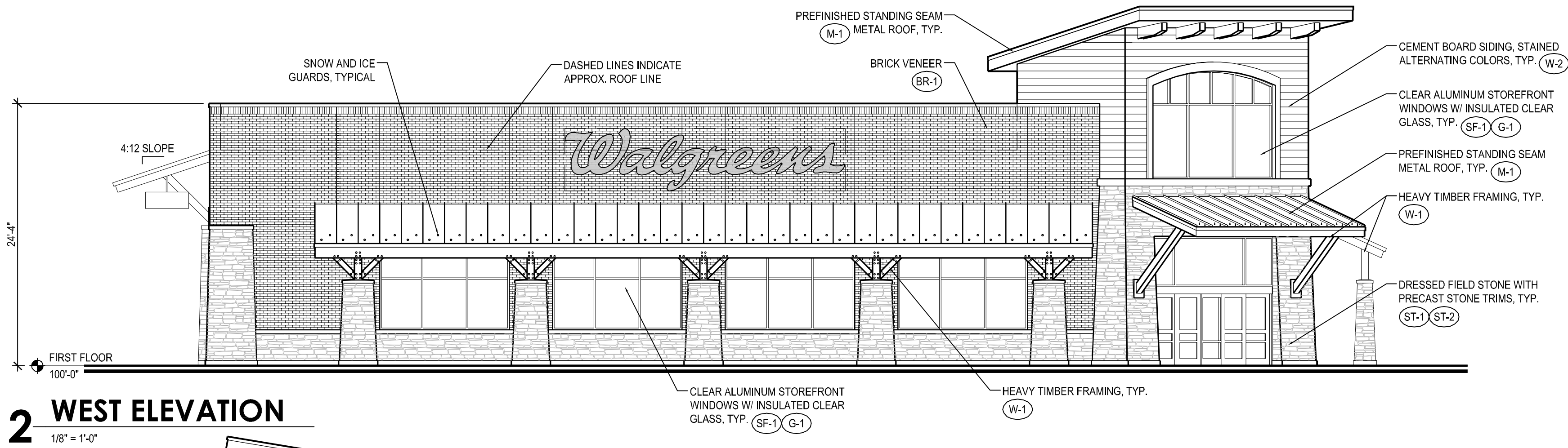
REVIEWED:
DTD



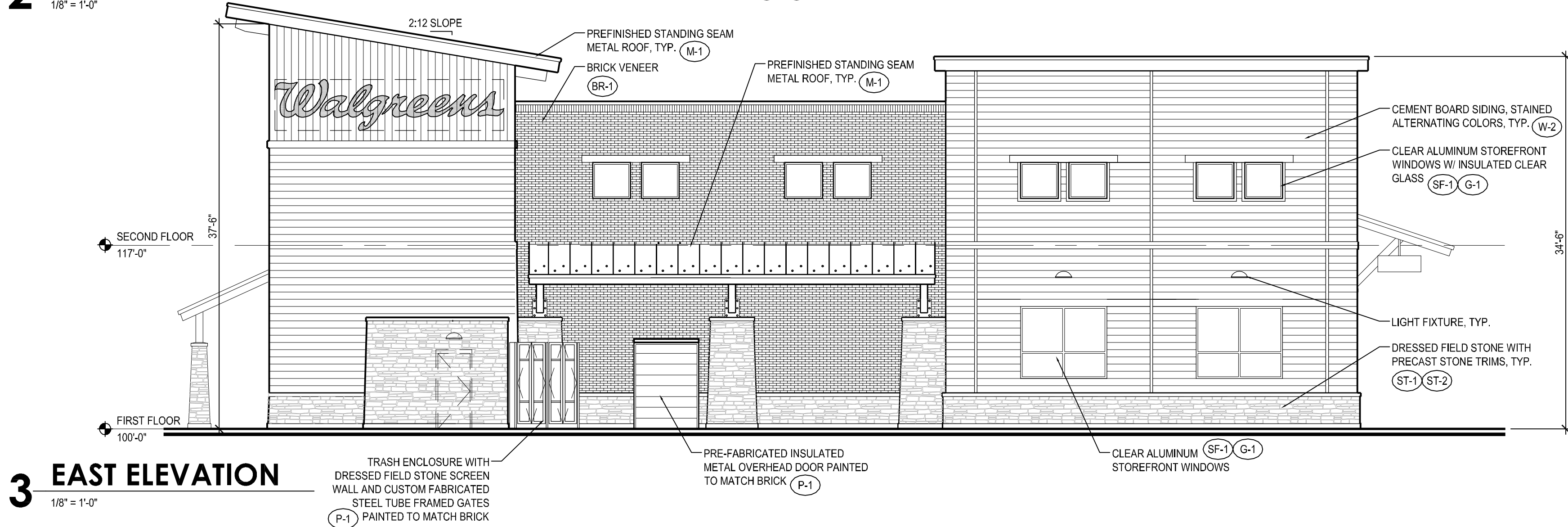
5 ENTRY ELEVATION
1/8" = 1'-0"



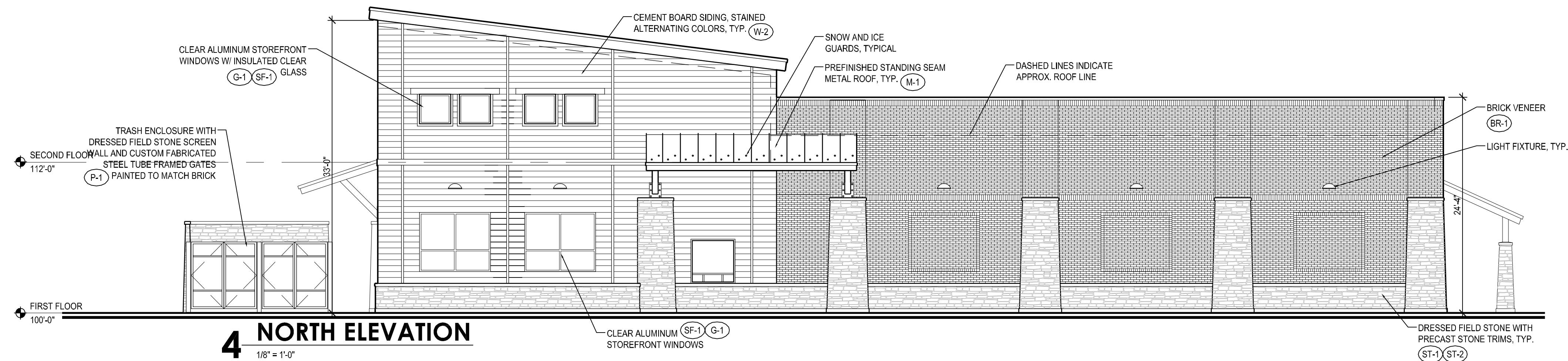
1 SOUTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"



4 NORTH ELEVATION
1/8" = 1'-0"

FINISH LEGEND	
(BR-1)	BRICK - COLISEUM BY ROBINSON
(ST-1)	NATURAL STONE
(ST-2)	PRECAST STONE - CAMEL
(SF-1)	STOREFRONT - CLEAR
(M-1)	METAL ROOFING - CHARCOAL GREY
(G-1)	GLAZING - CLEAR
(W-1)	HEAVY TIMBER - RED CEDAR STAIN
(W-2)	JAMES HARDY BOARD - CUSTOM STAIN
(P-1)	PAINT - BENJAMIN MOORE HC-44 LENOX TAN

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATIONS WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF COLORADO AS SIGNIFIED BY MY HAND AND SEAL.

NO.	DATE	BY	DESCRIPTION

EXTERIOR BUILDING ELEVATIONS
STORE NUMBER 15022
WALGREENS
HIGHWAY 40 & PINE GROVE RD.
STEAMBOAT SPRINGS, COLORADO
####

CADD PLOT:
10/06/2014 14:44:00
DRAWN BY:
KKJ/JRH
DATE: 12/20/10
REVIEWED:
KKJ/DTD

WE HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATIONS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF COLORADO. MY PROFESSIONAL SEAL IS SIGNIFIED BY MY HAND AND SEAL.

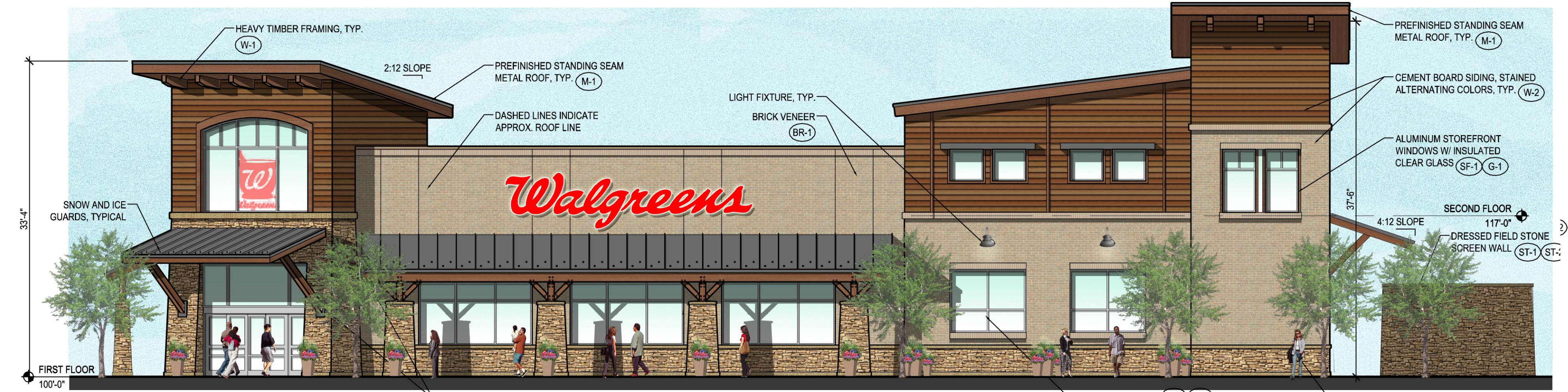
NO.	DATE	BY	DESCRIPTION

EXTERIOR BUILDING ELEVATIONS
STORE NUMBER 1502Z
WALGREENS
HIGHWAY 40 & PINE GROVE RD,
STEAMBOAT SPRINGS, COLORADO
###

CADD PLOT: 10060_38r14 Ext Elevs
DRAWN BY: KJK/JRH
DATE: 12/20/10
REVIEWED: KJK/DTD



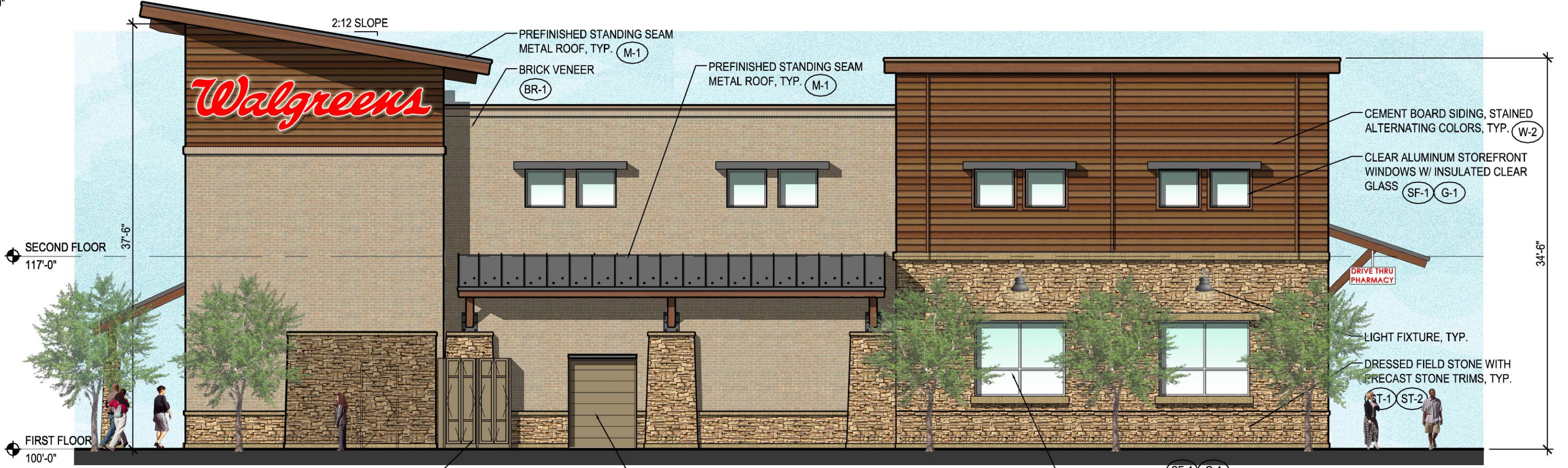
5 ENTRY ELEVATION
1/8" = 1'-0"



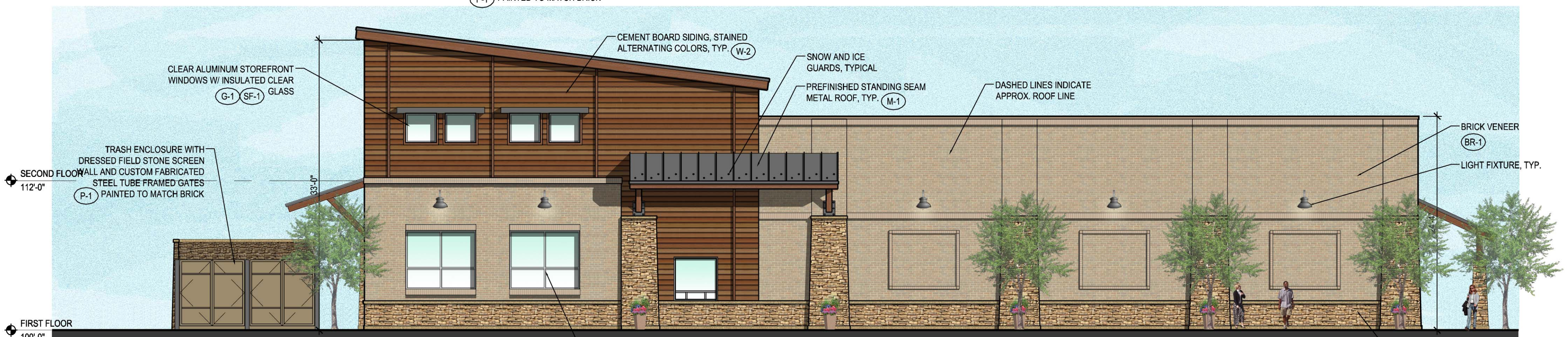
1 SOUTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"

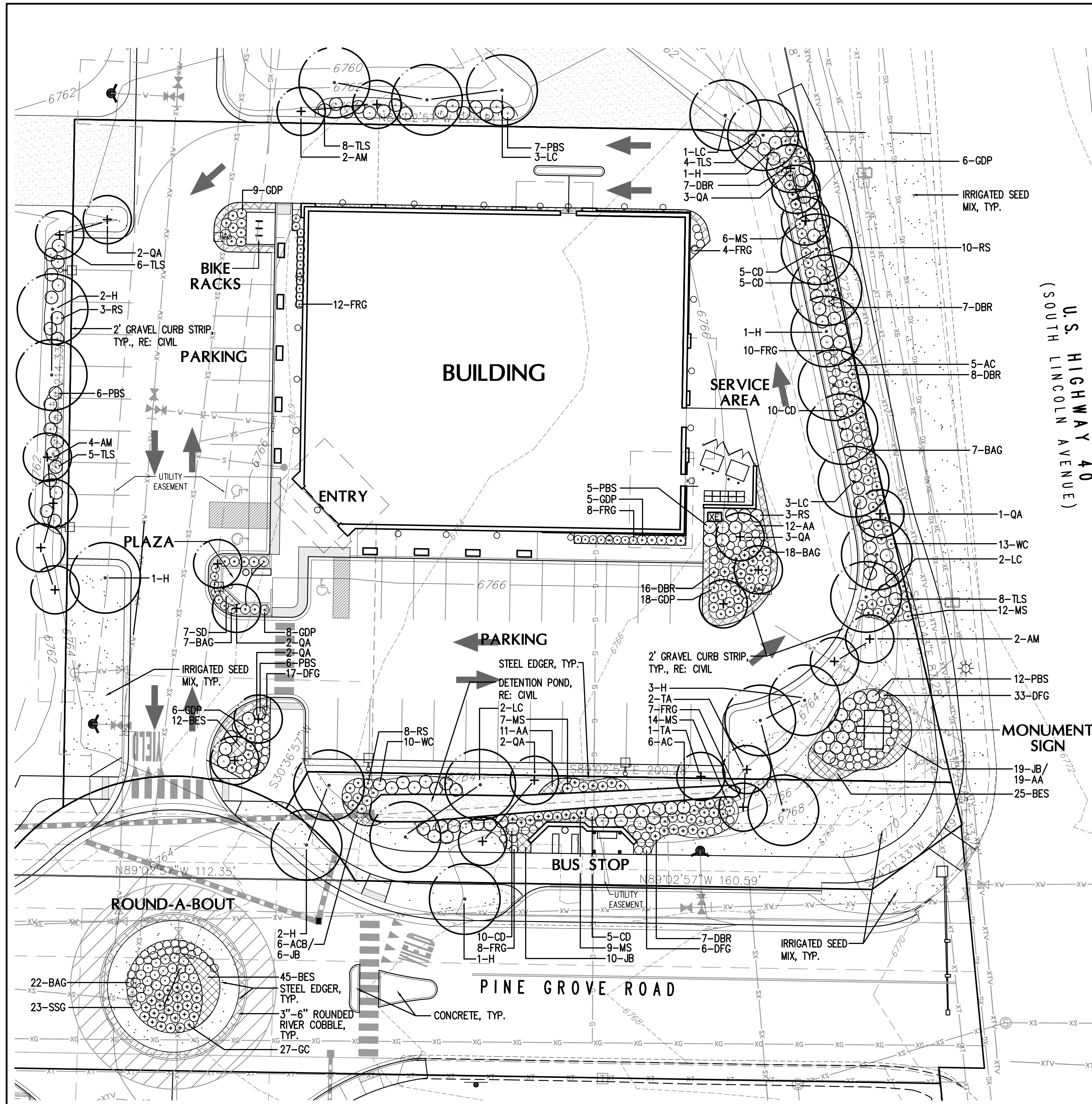


3 EAST ELEVATION
1/8" = 1'-0"



4 NORTH ELEVATION
1/8" = 1'-0"

FINISH LEGEND	
(BR-1)	BRICK - COLISEUM BY ROBINSON
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(W-1)	HEAVY TIMBER - RED CEDAR STAIN
(W-2)	JAMES HARDY BOARD - CUSTOM STAIN
(P-1)	PAINT - BENJAMIN MOORE HC-44 LENOX TAN



PLANT LIST

SYM.	QTY.	COMMON/ BOTANIC NAME	SIZE	COMMENTS
DECIDUOUS SHADE TREES				
LC	13	Lanceleaf Cottonwood <i>Populus aluminata</i>	2 1/2" cal.	Specimen quality, full crown, B&B, staked
H	11	Hackberry <i>Celtis occidentalis</i>	2 1/2" cal.	Specimen quality, full crown, B&B, staked
ORNAMENTAL TREES				
QA	15	Quaking Aspen <i>Populus tremuloides</i>	2" cal.	Specimen quality, clump form, B&B, staked
AM	8	Amur Maple <i>Acer ginnia</i>	2" cal.	Specimen quality, clump form, B&B, staked
TA	3	Thinleaf Alder <i>Alnus tenuifolia</i>	2" cal.	Specimen quality, clump form, B&B, staked
DECIDUOUS SHRUBS				
DBR	45	Dwarf Blue Rabbitbrush <i>Chrysothamnus nauseosus</i> 'Dwarf Blue'	5 gal.	container, 5 cones min. plant 3' o.c.
GDP	52	Gold Drop Potentilla <i>Potentilla 'Gold Drop'</i>	5 gal.	container, 5 cones min. plant 3' o.c.
WC	23	Wax Currant <i>Ribes cereum</i>	5 gal.	container, 5 cones min. plant 3' o.c.
MS	48	Mountain Snowberry <i>Symphoricarpos oreophilus</i>	5 gal.	container, 5 cones min. plant 3' o.c.
GC	27	Golden Currant <i>Ribes aureum</i>	5 gal.	container, 5 cones min. plant 3' o.c.
PBS	36	Pawnee Buttes Western Sandcherry <i>Prunus besseyi</i> 'Pawnee Buttes'	5 gal.	container, 5 cones min. plant 4' o.c.
AC	11	Alpine Currant <i>Ribes alpinum</i>	5 gal.	container, 5 cones min. plant 4' o.c.
TLS	31	Three-leaf Sumac <i>Rhus trilobata</i>	5 gal.	container, 5 cones min. plant 4' o.c.
CD	30	Cardinal Dogwood <i>Cornus sericea</i> 'Cardinal'	5 gal.	container, 5 cones min. plant 4' o.c.
RS	24	Regent Serviceberry <i>Amelanchier 'Regent'</i>	5 gal.	container, 5 cones min. plant 4' o.c.
PERENNIALS/ORNAMENTAL GRASSES				
BES	82	Black-Eyed Susan <i>Rudbeckia fulgida</i> 'Goldsturm'	1 gal.	container, plant 18" o.c.
JB	35	Jupiter's Beard <i>Centranthus ruber</i>	1 gal.	container, plant 18" o.c.
ACB	6	Alpine Columbine <i>Aquilegia alpina</i>	1 gal.	container, plant 18" o.c.
AA	42	Alpine Aster <i>Aquilegia alpina</i>	1 gal.	container, plant 18" o.c.
SD	7	Shasta Daisy <i>Lucaanthemum x superbum</i>	1 gal.	container, plant 18" o.c.
FRG	49	Feather Reed Grass <i>Calamagrostis acut.</i> 'Karl Foerster'	1 gal.	container, plant 24" o.c.
BAG	51	Blue Avena Grass <i>Helictotrichon sempervirens</i>	1 gal.	container, plant 24" o.c.
DFG	56	Dwarf Fountain Grass <i>Pennisetum alopecuroides</i> 'Homein'	1 gal.	container, plant 24" o.c.
SSG	23	Shenandoah Switch Grass <i>Panicum virgatum</i> 'Shenandoah'	1 gal.	container, plant 36" o.c.

GROUNDCOVER LEGEND

SYMBOL	IRRIGATED GRASS SEED VARIETY	% OF MIX
[Stippled Box]	SLENDER WHEATGRASS	25%
[Stippled Box]	MOUNTAIN BROME	20%
[Stippled Box]	BLUE GRAMA	20%
[Stippled Box]	IDAHO FESCUE	15%
[Stippled Box]	BUFFALOGRASS	10%
[Stippled Box]	GREEN NEEDLEGRASS	5%
[Stippled Box]	INDIAN RICEGRASS	5%

APPLICATION RATE; 20 LBS. PER ACRE

- ### LANDSCAPE NOTES
- THIS LANDSCAPE ARCHITECTURAL SITE PLAN IS TO BE USED IN CONJUNCTION WITH THE CIVIL, MECHANICAL, ELECTRICAL AND ARCHITECTURAL SITE PLANS TO FORM COMPLETE INFORMATION REGARDING THIS SITE.
 - THE IRRIGATED TURF AREAS, AS WELL AS THE SHRUB/PERENNIAL BEDS, SHALL BE ROTOTILLED WITH CLASS 1 ORGANIC COMPOST AT A RATE OF 4 CUBIC YARDS PER 1,000 SQUARE FEET. THIS PREPARATION SHALL BE THOROUGHLY INCORPORATED INTO THE TOP 6" OF SOIL.
 - ALL DECIDUOUS AND EVERGREEN TREES ARE TO BE APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION. ANY PLANT NOT MEETING THE LANDSCAPE ARCHITECT'S APPROVAL WILL BE REJECTED AT ANY TIME PRIOR TO FINAL ACCEPTANCE.
 - ALL TREES TO BE STAKED OR GUYED AS PER PLANT LIST AND DETAILS.
 - ALL TREE AND SHRUB BED LOCATIONS ARE TO BE STAKED OUT ON SITE FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
 - ALL SHRUB/PERENNIAL/ORNAMENTAL GRASS BEDS SHALL BE MULCHED WITH 4" DEPTH WESTERN RED CEDAR WOOD MULCH. DO NOT PLACE FILTER FABRIC UNDER WOOD MULCH.
 - REFER TO CIVIL PLANS FOR 2' GRAVEL CURB SPECIFICATIONS AND DETAILS.
 - ALL STORM WATER RUN-OFF AREAS WITHIN LANDSCAPE AREAS NOTED ON THIS PLAN AND THE CIVIL PLANS SHALL BE MULCHED WITH 12" DEPTH 6"-12" ROUNDED RIVER COBBLE OVER SPECIFIED FILTER FABRIC.
 - ALL SHRUB BEDS AND MULCH AREAS ARE TO BE CONTAINED WITH STEEL EDGER W/ ROLLED CAP (NOT REQUIRED AT CURB, WALKS OR BUILDING).
 - STEEL EDGER W/ ROLLED CAP SHALL BE USED TO SEPARATE WOOD AND ROCK MULCHES WITHIN SHRUB BEDS.
 - ALL LANDSCAPE AREAS INCLUDING THE IRRIGATED SEEDING WILL BE WATERED WITH AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM. ALL TURF AREAS LESS THAN 25' WILL HAVE A POP-UP SPRAY SYSTEM AND ALL TURF AREAS GREATER THAN 25' WILL HAVE A ROTARY POP-UP SYSTEM PROVIDING HEAD TO HEAD COVERAGE. ALL SHRUB AND PERENNIAL BEDS WILL HAVE FULL COVERAGE WITH DRIP IRRIGATION. ALL TREES IN IRRIGATED TURF AND SEED AREAS SHALL HAVE A SEPARATELY ZONED DRIP SYSTEM. THE IRRIGATION SYSTEM SHALL HAVE A RAIN SENSOR SHUTOFF INSTALLED. THE LANDSCAPE CONTRACTOR SHALL SUPPLY AN IRRIGATION SYSTEM DESIGN AND SUBMITTALS FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

LANDSCAPE REQUIREMENTS

	LOT 1	LOT 1 AREA = 50,814 S.F.
ENTRY CORRIDOR	REQUIRED	PROVIDED
HIGHWAY 40 30' SETBACK AREA*	5,430 s.f.	8,244 s.f.
TREE EQUIVALENTS (1 PER 200 S.F.)	27	
PERENNIALS/ ORN. GRASSES AREA	(75%) 4,072 s.f.	(72%) 3,919 s.f.
LARGE DECIDUOUS TREES	11	11
ORNAMENTAL TREES	6-10	6
SHRUB AREA	(15%) 1,030 s.f. (35%) 2,402 s.f.	(31%) 1,656 s.f.
PINE GROVE ROAD 15' SETBACK AREA*	2,852 s.f.	7,487 s.f.
TREE EQUIVALENTS (1 PER 200 S.F.)	15	
PERENNIALS/ ORN. GRASSES AREA	(75%) 2,139 s.f.	(61%) 4,598 s.f.
LARGE DECIDUOUS TREES	6	6
ORNAMENTAL TREES	3-5	5
SHRUB AREA	(15%) 428 s.f. (35%) 998 s.f.	(33%) 928 s.f.
PARKING LOTS* (1,240 S.F.)		
TREES	7	7
SHRUBS	25	26
ON-SITE FOUNDATION LANDSCAPING**		
30% OF TOTAL BUILDING PERIMETER	125 L.F.	129 L.F.
TREES	13	1
SHRUBS	50	50

* AS REQUIRED BY THE CITY OF STEAMBOAT SPRINGS URBAN DESIGN STANDARDS
 ** AS REQUIRED BY THE CITY OF STEAMBOAT SPRINGS COMMUNITY DEVELOPMENT CODE, 26-150 COMMERCIAL OVER 12,000 S.F.,(c),(13).

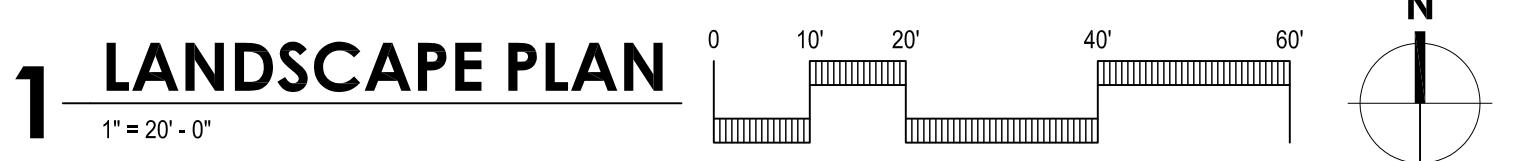
I HEREBY CERTIFY THAT THIS PLAN AND ALL WORKS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF COLORADO AS SIGNIFIED BY MY HAND AND SEAL.

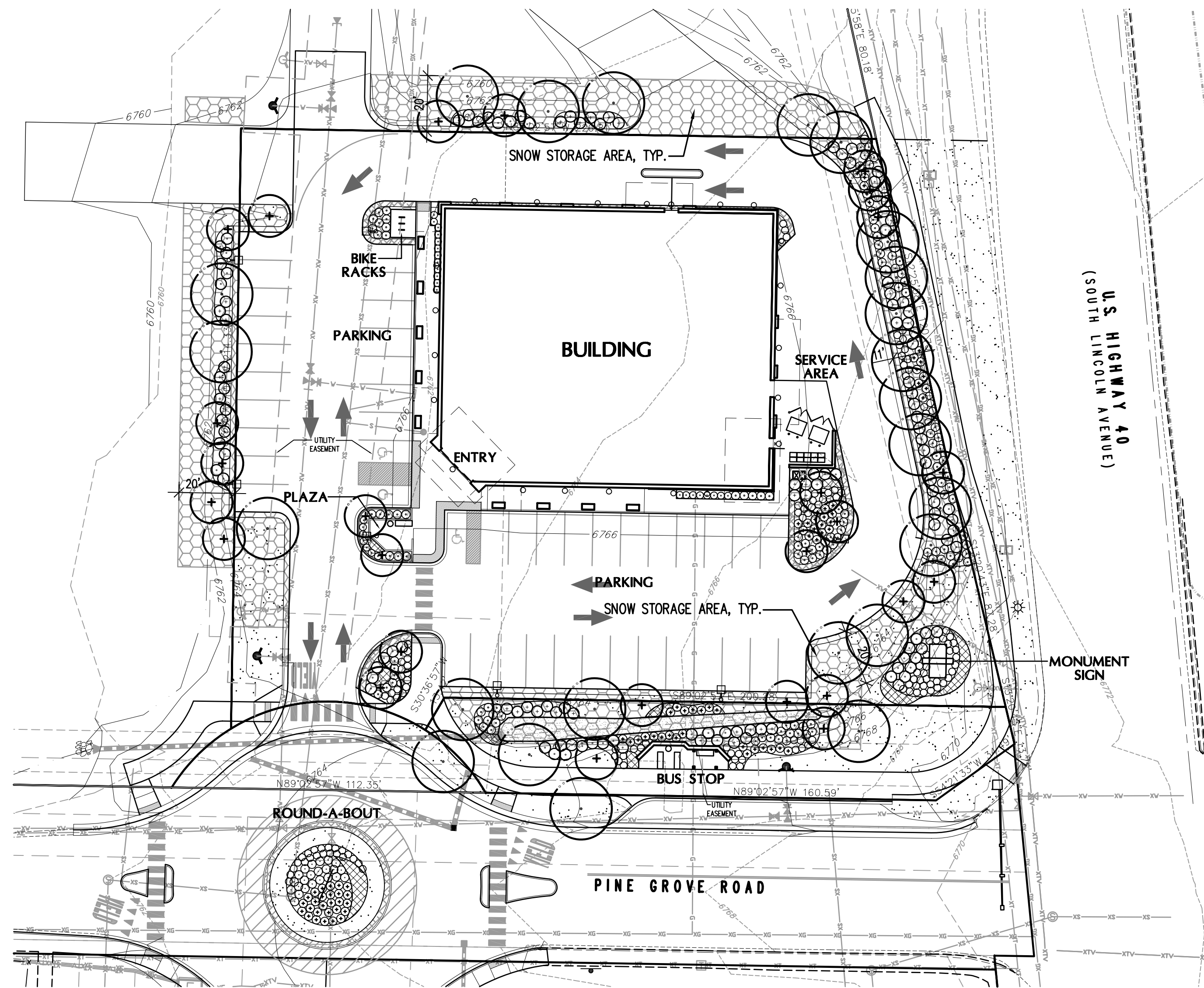
NO.	DATE	BY	DESCRIPTION

LANDSCAPE PLAN
 STORE NUMBER 15022
WALGREENS
 HIGHWAY 40 & PINE GROVE RD.
 STEAMBOAT SPRINGS, COLORADO
 ###

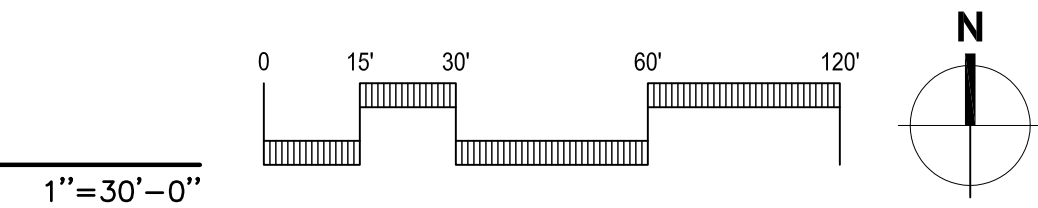
CADD PLOT: _____
 FILENAME: _____
 DRAWN BY: _____
 DATE: 08/28/2010
 REVIEWED: _____
 KTS

REFER TO SHEET 6 FOR SNOW STORAGE PLAN AND LANDSCAPE DETAILS

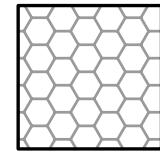


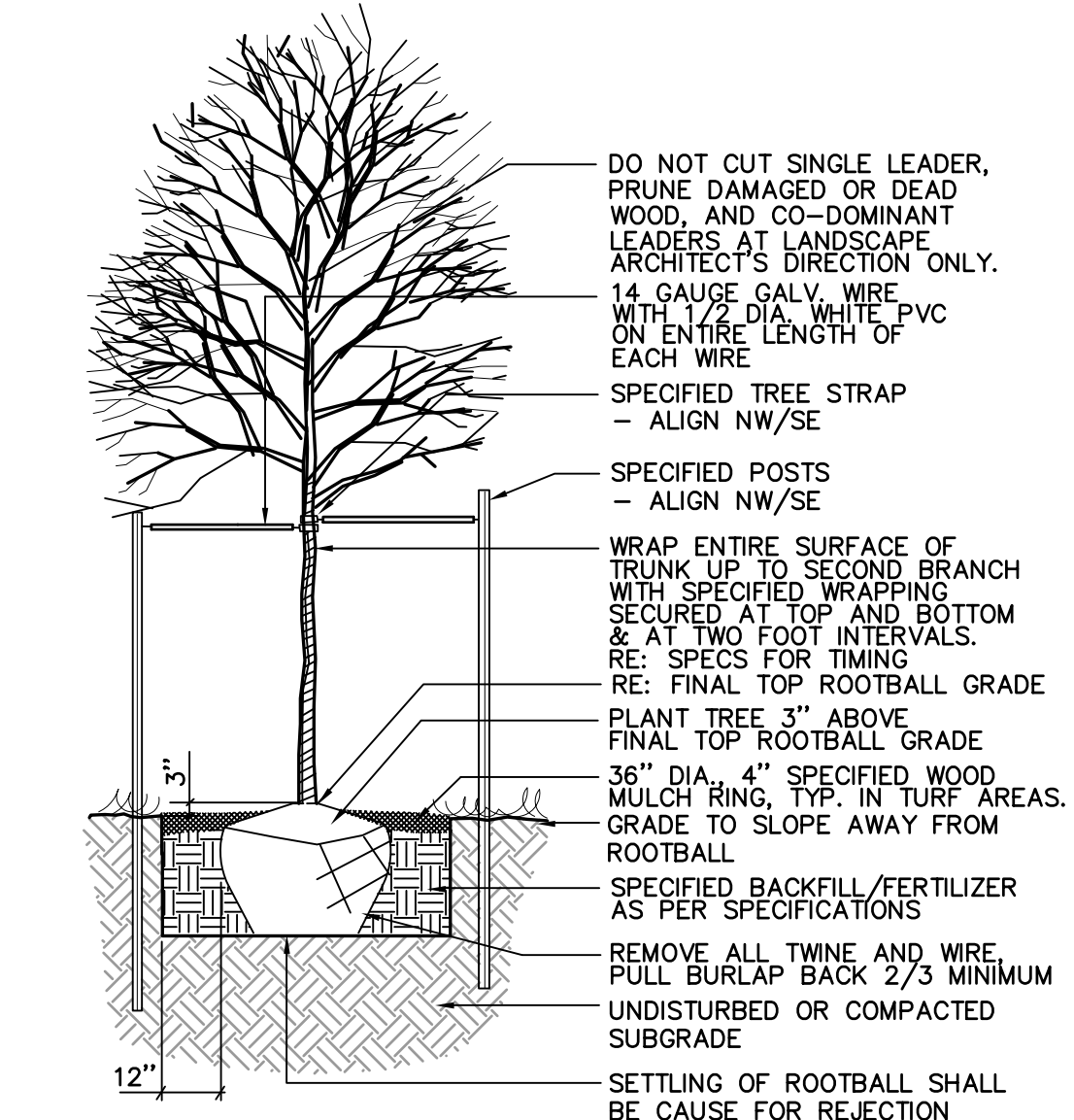


SNOW STORAGE PLAN

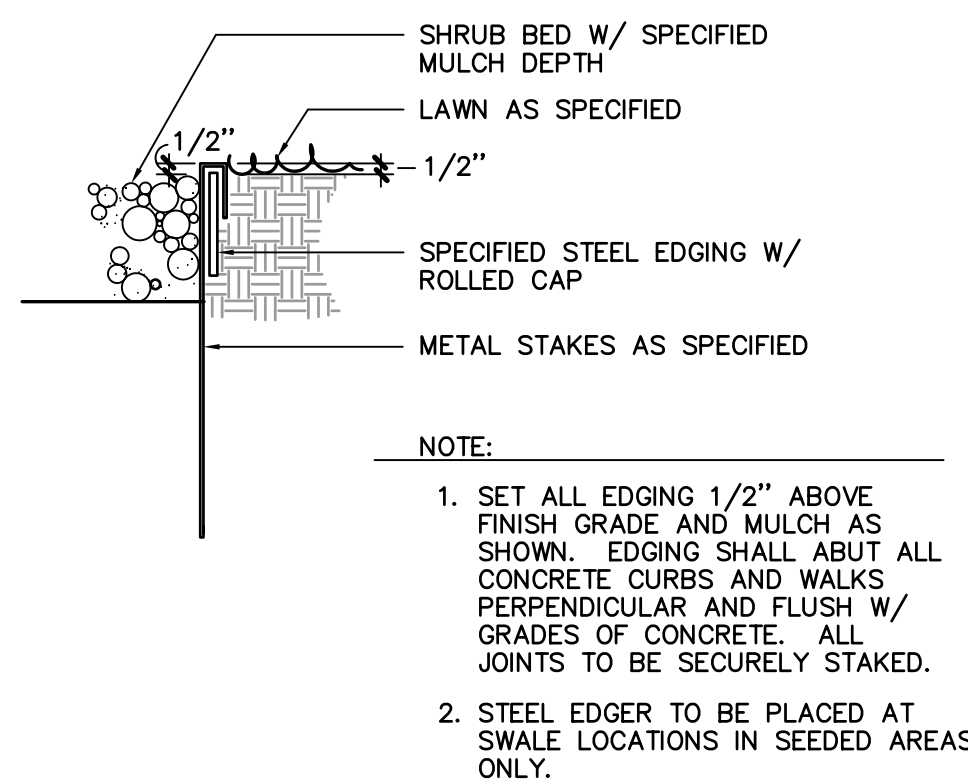


SNOW STORAGE CALCULATIONS

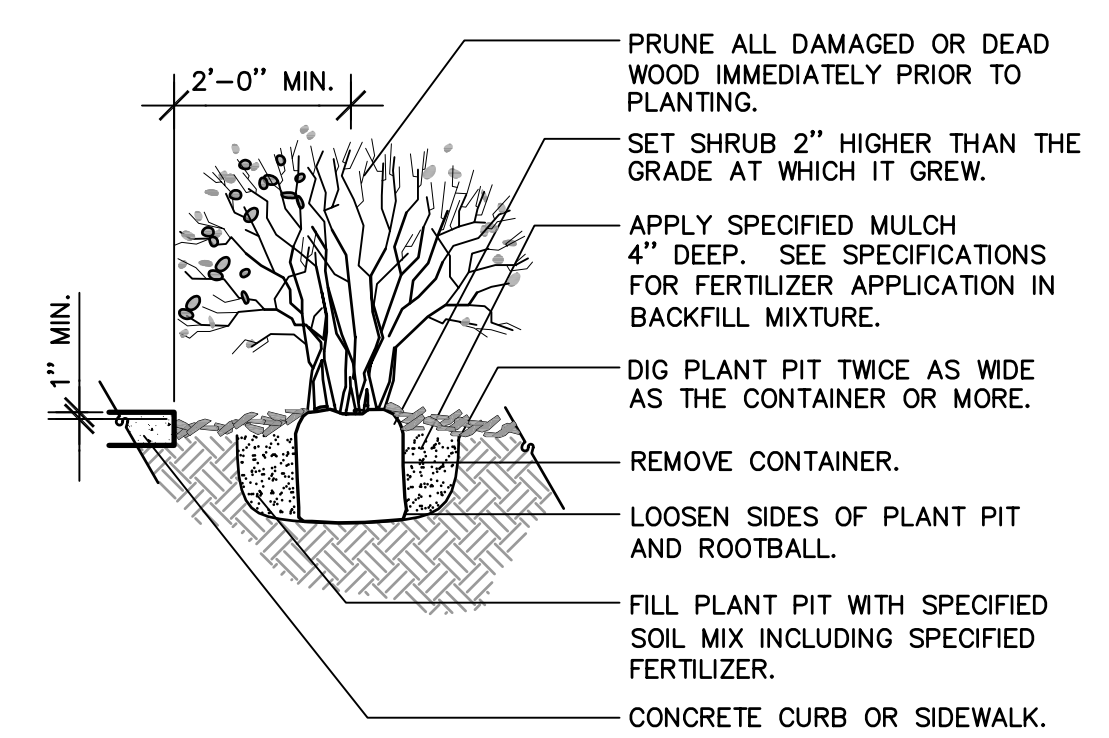
	TOTAL SITE PAVED AREA	29,500 S.F.
	TOTAL SNOW STORAGE AREA REQUIRED	14,774 S.F.
	PROVIDED	14,916 S.F.



1 DECIDUOUS TREE PLANTING N.T.S.



4 STEEL EDGER DETAIL N.T.S.



- NOTES:
 1. ANY BROKEN OR CRUMBLING ROOTBALL WILL BE REJECTED. REMOVING THE CONTAINERS WILL NOT BE AN EXCUSE FOR DAMAGED ROOTBALLS.
 2. HOLD GRADE 1" BELOW EDGE OF WALK OR CURB. THIS DETAIL SHALL ALSO APPLY TO PERENNIAL FLOWERS IN CONTAINER.
 3. ALL JUNIPER PLANTS SHOULD BE PLANTED SO TOP OF ROOT MASS OCCURS AT FINISH GRADE OF MULCH LAYER.

3 SHRUB PLANTING DETAIL N.T.S.

REFER TO SHEET 5 FOR LANDSCAPE PLAN, NOTES AND PLANT LIST

2 LANDSCAPE DETAILS

SEM ARCHITECTS
 677 S Colorado Blvd
 Suite 200
 Denver CO 80246
 303.320.8900
 303.320.0708 Fax
 www.SEMarchitects.com

meuran designgroup
 site design
 landscape architecture
 site planning
 700 colorado boulevard, suite 131
 denver, colorado 80206
 303.512.0549 fax 303.320.5322

I HEREBY CERTIFY THAT THIS PLAN AND ALL WORKS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF COLORADO AS SIGNIFIED BY MY HAND AND SEAL.

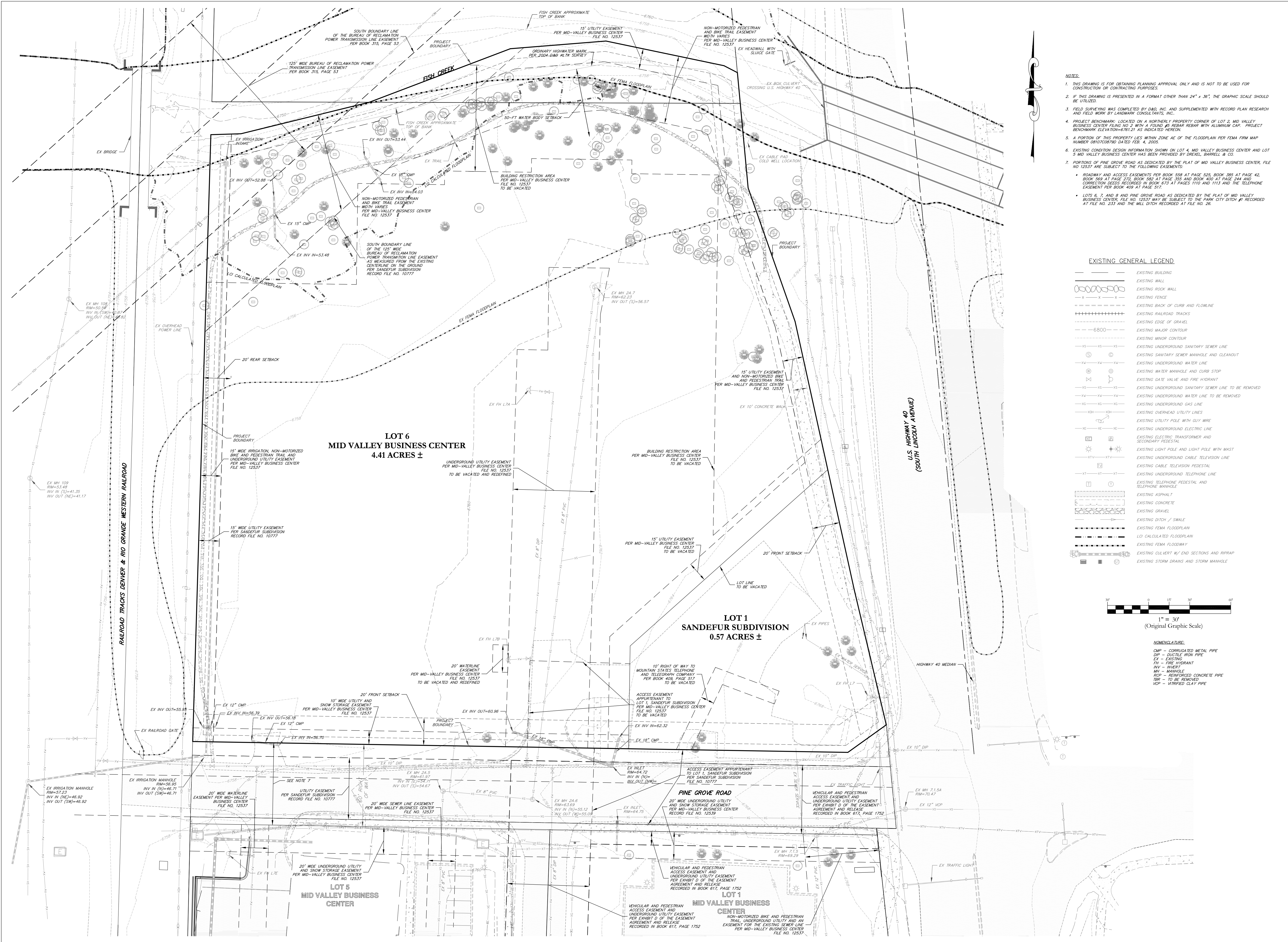
NO.	DATE	BY	DESCRIPTION	REVISIONS
3	12-20-10	KJS	DEVELOPMENT PLAN, RESUBMITTAL	
2	11-18-10	KJS	DEVELOPMENT PLAN, RESUBMITTAL	
1	10-11-10	KJS	DEVELOPMENT PLAN	

LANDSCAPE PLAN
 STORE NUMBER 15022
WALGREENS
 HIGHWAY 40 & PINE GROVE RD.
 STEAMBOAT SPRINGS, COLORADO
 ###

CADD PLOT: FILENAME: DRAWN BY: DATE: 08/28/2010 REVIEWED: KJS

6 of 14

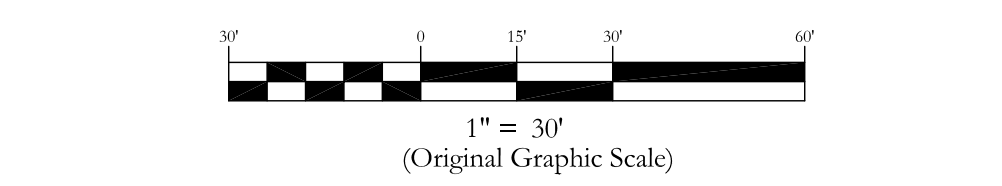
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- NOTES:**
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 2. IF THIS DRAWING IS PRESENTED IN A FORMAT OTHER THAN 24" x 36", THE GRAPHIC SCALE SHOULD BE UTILIZED.
 3. FIELD SURVEYING WAS COMPLETED BY D&D, INC. AND SUPPLEMENTED WITH RECORD PLAN RESEARCH AND FIELD WORK BY LANDMARK CONSULTANTS, INC.
 4. PROJECT BENCHMARK: LOCATED ON A NORTHERLY PROPERTY CORNER OF LOT 2, MID VALLEY BUSINESS CENTER, PLAT NO. 2 WITH A FOUND EX BENCH MARK WITH ALUMINUM CAP. PROJECT BENCHMARK ELEVATION=6761.21 AS INDICATED HEREON.
 5. A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE OF THE FLOODPLAIN PER FEMA FIRM MAP NUMBER 080702070D DATED FEB. 4, 2005.
 6. EXISTING CONDITION DESIGN INFORMATION SHOWN ON LOT 4, MID VALLEY BUSINESS CENTER AND LOT 5 MID VALLEY BUSINESS CENTER HAS BEEN PROVIDED BY DREXEL, BARRELL & CO.
 7. PORTIONS OF PINE GROVE ROAD AS DEDICATED BY THE PLAT OF MID VALLEY BUSINESS CENTER, FILE NO. 12537 ARE SUBJECT TO THE FOLLOWING EASEMENTS:
 - ROADWAY AND ACCESS EASEMENTS PER BOOK 358 AT PAGE 326, BOOK 388 AT PAGE 42, BOOK 389 AT PAGE 272, BOOK 402 AT PAGE 355 AND BOOK 401 AT PAGE 144 AND CORRECTION DEEDS RECORDED IN BOOK 673 AT PAGES 1110 AND 1113 AND THE TELEPHONE EASEMENT PER BOOK 409 AT PAGE 217.
 - LOTS 6, 7, AND 8 AND PINE GROVE ROAD AS DEDICATED BY THE PLAT OF MID VALLEY BUSINESS CENTER, FILE NO. 12537 MAY BE SUBJECT TO THE PARK CITY DITCH #1 RECORDED AT FILE NO. 233 AND THE MILL DITCH RECORDED AT FILE NO. 26.

EXISTING GENERAL LEGEND

[Symbol]	EXISTING BUILDING
[Symbol]	EXISTING WALL
[Symbol]	EXISTING ROCK WALL
[Symbol]	EXISTING FENCE
[Symbol]	EXISTING BACK OF CURB AND FLOWLINE
[Symbol]	EXISTING RAILROAD TRACKS
[Symbol]	EXISTING EDGE OF GRAVEL
[Symbol]	EXISTING MAJOR CONTOUR
[Symbol]	EXISTING MINOR CONTOUR
[Symbol]	EXISTING UNDERGROUND SANITARY SEWER LINE
[Symbol]	EXISTING SANITARY SEWER MANHOLE AND CLEAOUT
[Symbol]	EXISTING UNDERGROUND WATER LINE
[Symbol]	EXISTING WATER MANHOLE AND CURB STOP
[Symbol]	EXISTING GATE VALVE AND FIRE HYDRANT
[Symbol]	EXISTING UNDERGROUND SANITARY SEWER LINE TO BE REMOVED
[Symbol]	EXISTING UNDERGROUND WATER LINE TO BE REMOVED
[Symbol]	EXISTING UNDERGROUND GAS LINE
[Symbol]	EXISTING OVERHEAD UTILITY LINES
[Symbol]	EXISTING UTILITY POLE WITH GUY WIRE
[Symbol]	EXISTING UNDERGROUND ELECTRIC LINE
[Symbol]	EXISTING ELECTRIC TRANSFORMER AND SECONDARY PESTAL
[Symbol]	EXISTING LIGHT POLE AND LIGHT POLE WITH MAST
[Symbol]	EXISTING UNDERGROUND CABLE TELEVISION LINE
[Symbol]	EXISTING CABLE TELEVISION PEDESTAL
[Symbol]	EXISTING UNDERGROUND TELEPHONE LINE
[Symbol]	EXISTING TELEPHONE PEDESTAL AND TELEPHONE MANHOLE
[Symbol]	EXISTING ASPHALT
[Symbol]	EXISTING CONCRETE
[Symbol]	EXISTING GRAVEL
[Symbol]	EXISTING DITCH / SWALE
[Symbol]	EXISTING FEMA FLOODPLAIN
[Symbol]	LCI CALCULATED FLOODPLAIN
[Symbol]	EXISTING FEMA FLOODWAY
[Symbol]	EXISTING CULVERT W/ END SECTIONS AND RIPRAP
[Symbol]	EXISTING STORM DRAINS AND STORM MANHOLE



NOMENCLATURE:

CMP - CORRUGATED METAL PIPE
 DIP - DUCTILE IRON PIPE
 EX - EXISTING
 FH - FIRE HYDRANT
 HW - HVERT
 MH - MANHOLE
 RCP - REINFORCED CONCRETE PIPE
 TR - TO BE REMOVED
 VCP - VITRIFIED CLAY PIPE

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	11-18-10	RS	DEVELOPMENT PLAN RESUBMITTAL
2	10-11-10	RS	DEVELOPMENT PLAN

EXISTING CONDITIONS PLAN
 STORE NUMBER 15022
WALGREENS
 HIGHWAY 40 & PINE GROVE RD.
 STEAMBOAT SPRINGS, COLORADO
 DPFPP Submittal

CADD PLOT:
 2025-006-WEC.dwg
 DRAWN BY:
 RS
 DATE: 10-11-10
 REVIEWED:
 RS

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NO.	DATE	BY	REVISIONS
1	10-29-10	RS	DEVELOPMENT PLAN, RESUBMITTAL
2	11-22-10	RS	WATER MAIN PROFILE
3	11-18-10	RS	DEVELOPMENT PLAN, RESUBMITTAL
4	10-11-10	RS	DEVELOPMENT PLAN

UTILITY PLAN
STORE NUMBER 15022
WALGREENS
HIGHWAY 40 & PINE GROVE RD.
STEAMBOAT SPRINGS, COLORADO

CADD PLOT:
2025-006-WUT.dwg
DRAWN BY:
RS
DATE: 9-29-10
REVIEWED:
RS

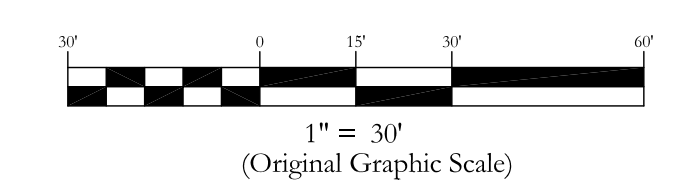
PROPOSED GENERAL LEGEND

- PROPOSED BUILDING
- PROPOSED ROOF / BUILDING OVERHANG
- PROPOSED DECK
- PROPOSED WALL
- PROPOSED ROCK WALL
- PROPOSED BACK OF CURB AND FLOWLINE
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED UNDERGROUND SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE AND CLEANOUT
- PROPOSED UNDERGROUND WATER LINE
- PROPOSED WATER MANHOLE AND CURB STOP
- PROPOSED GATE VALVE AND FIRE HYDRANT
- PROPOSED UNDERGROUND GAS LINE
- PROPOSED UNDERGROUND ELECTRIC LINE
- PROPOSED ELECTRIC TRANSFORMER, SECONDARY PEDESTAL AND SWITCH GEAR
- PROPOSED LIGHT POLE AND LIGHT POLE WITH MAST
- PROPOSED UNDERGROUND CABLE TELEVISION LINE
- PROPOSED CABLE TELEVISION PEDESTAL
- PROPOSED UNDERGROUND TELEPHONE LINE
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE SIDEWALK / APRON
- PROPOSED BRICK PAVERS / WALKWAY
- PROPOSED DITCH / SWALE
- PROPOSED CULVERT W/ END SECTIONS AND RIPRAP
- PROPOSED STORM DRAINS AND STORM MANHOLE

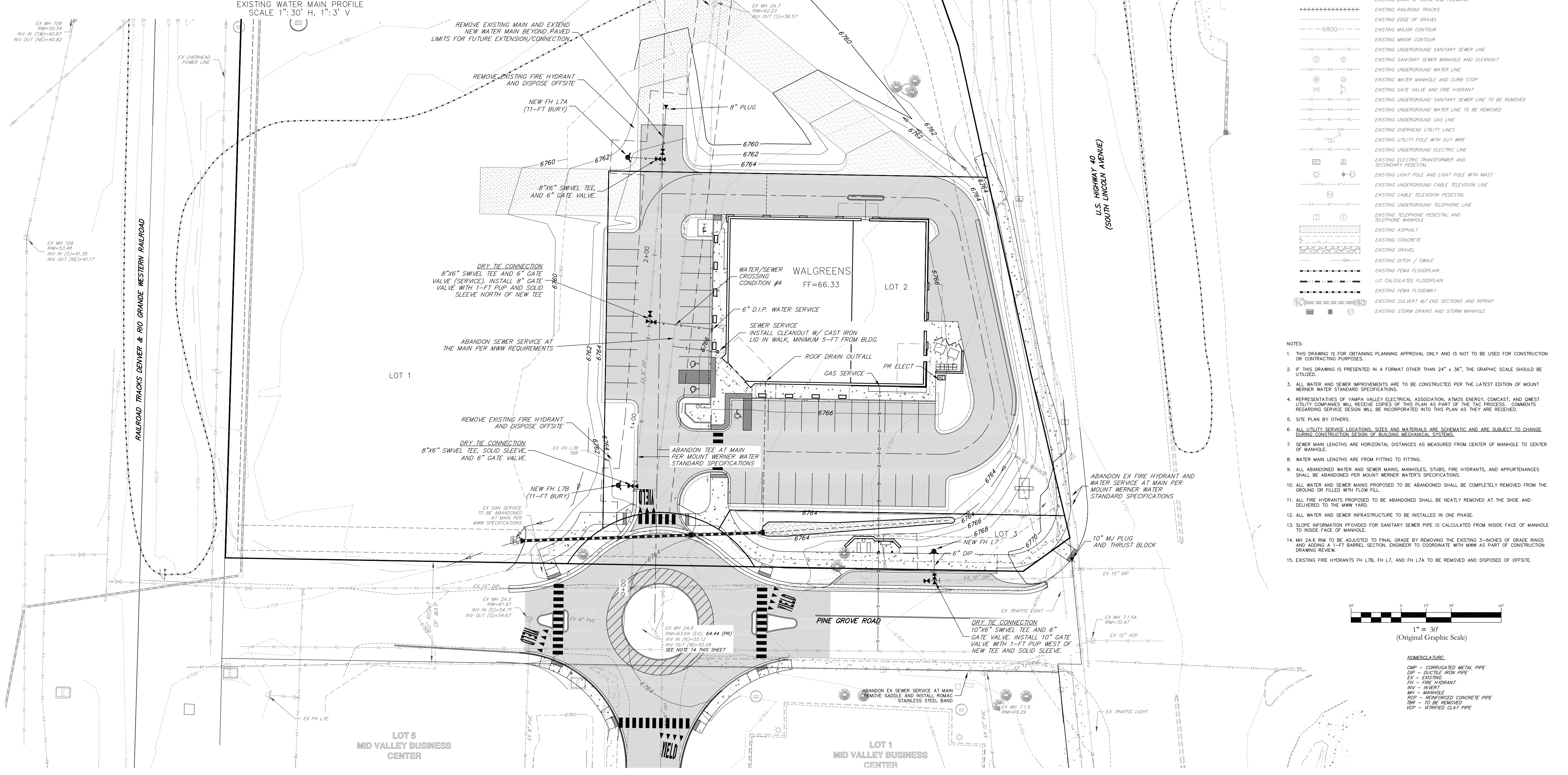
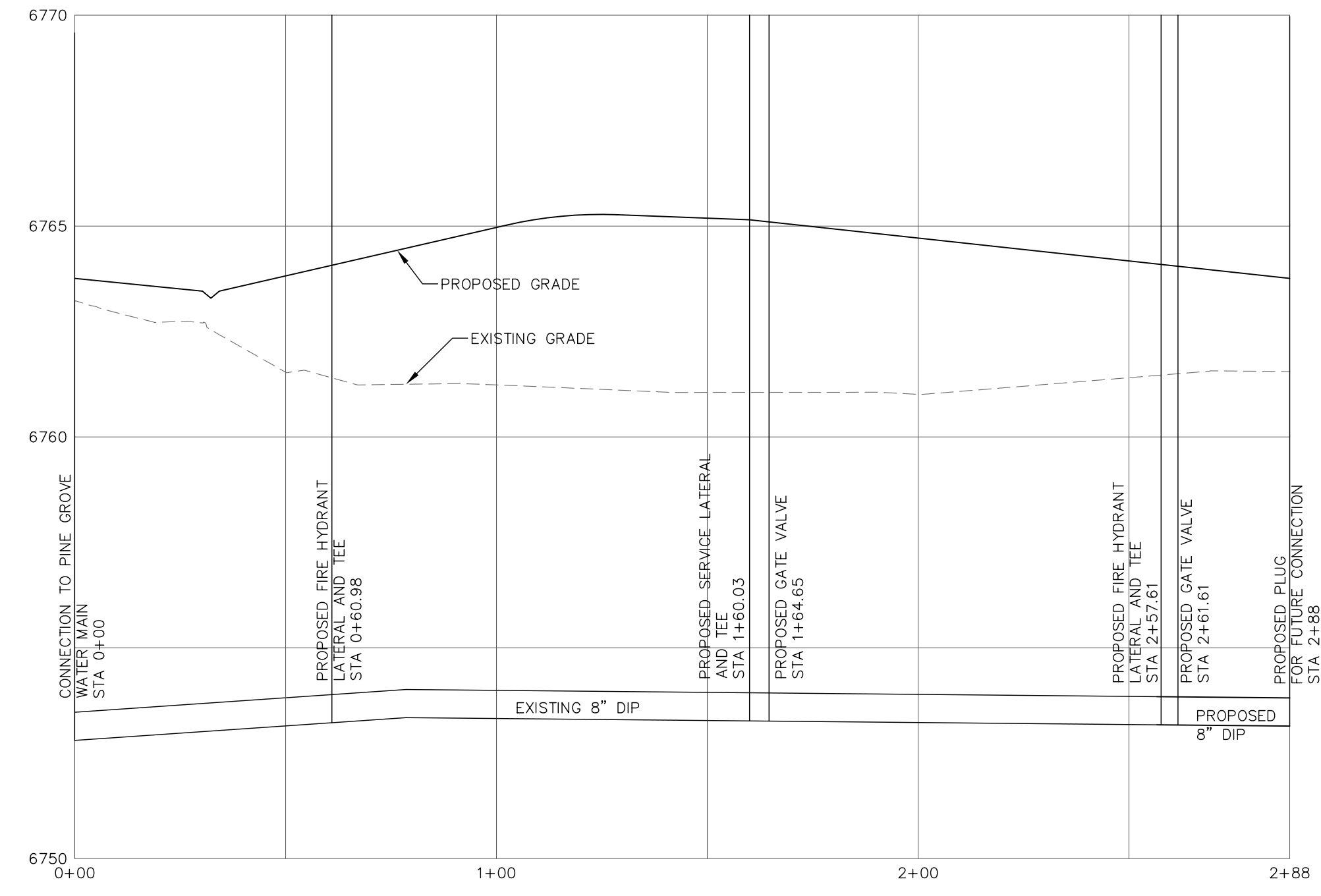
EXISTING GENERAL LEGEND

- EXISTING BUILDING
- EXISTING WALL
- EXISTING ROCK WALL
- EXISTING FENCE
- EXISTING BACK OF CURB AND FLOWLINE
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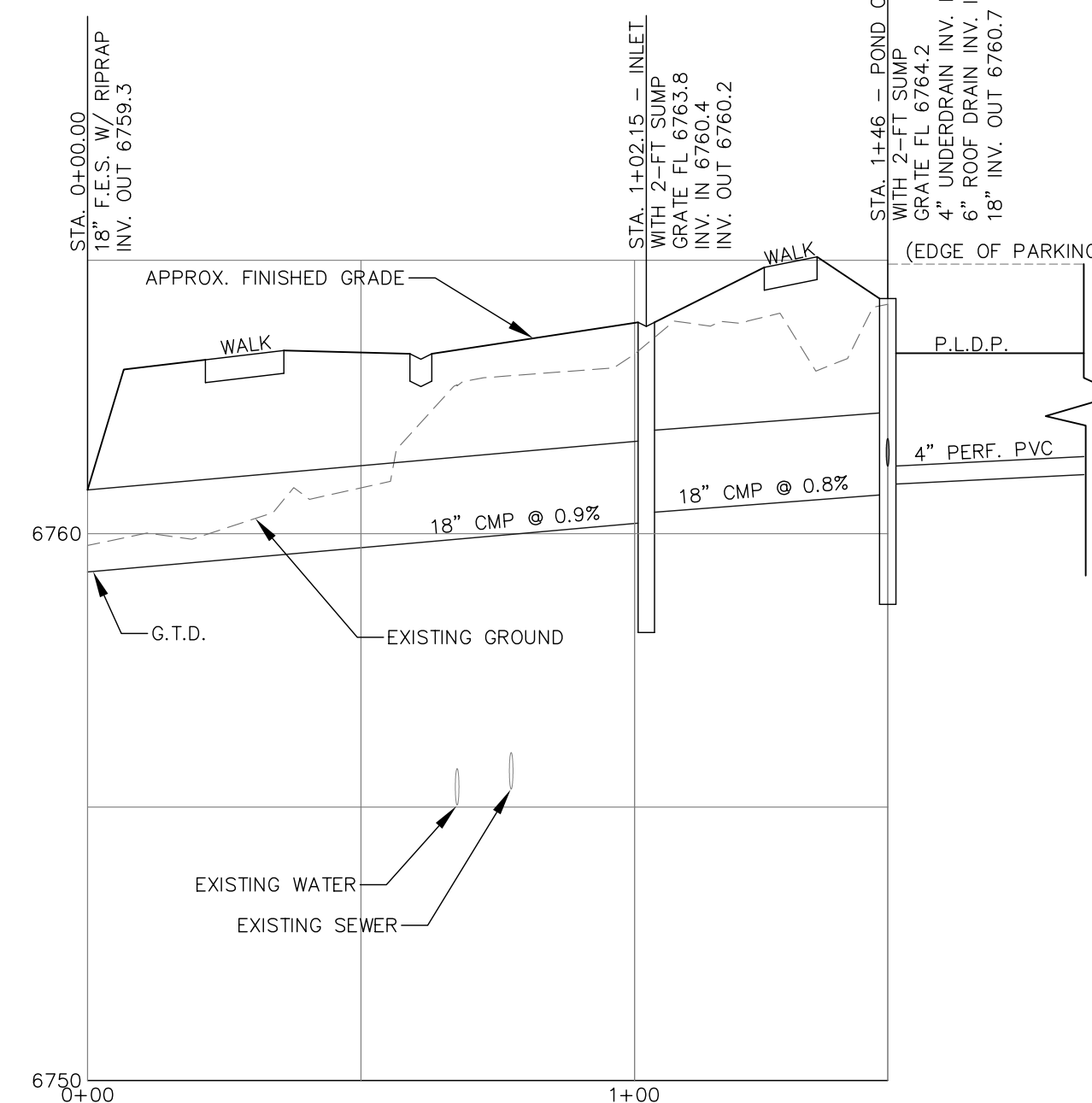
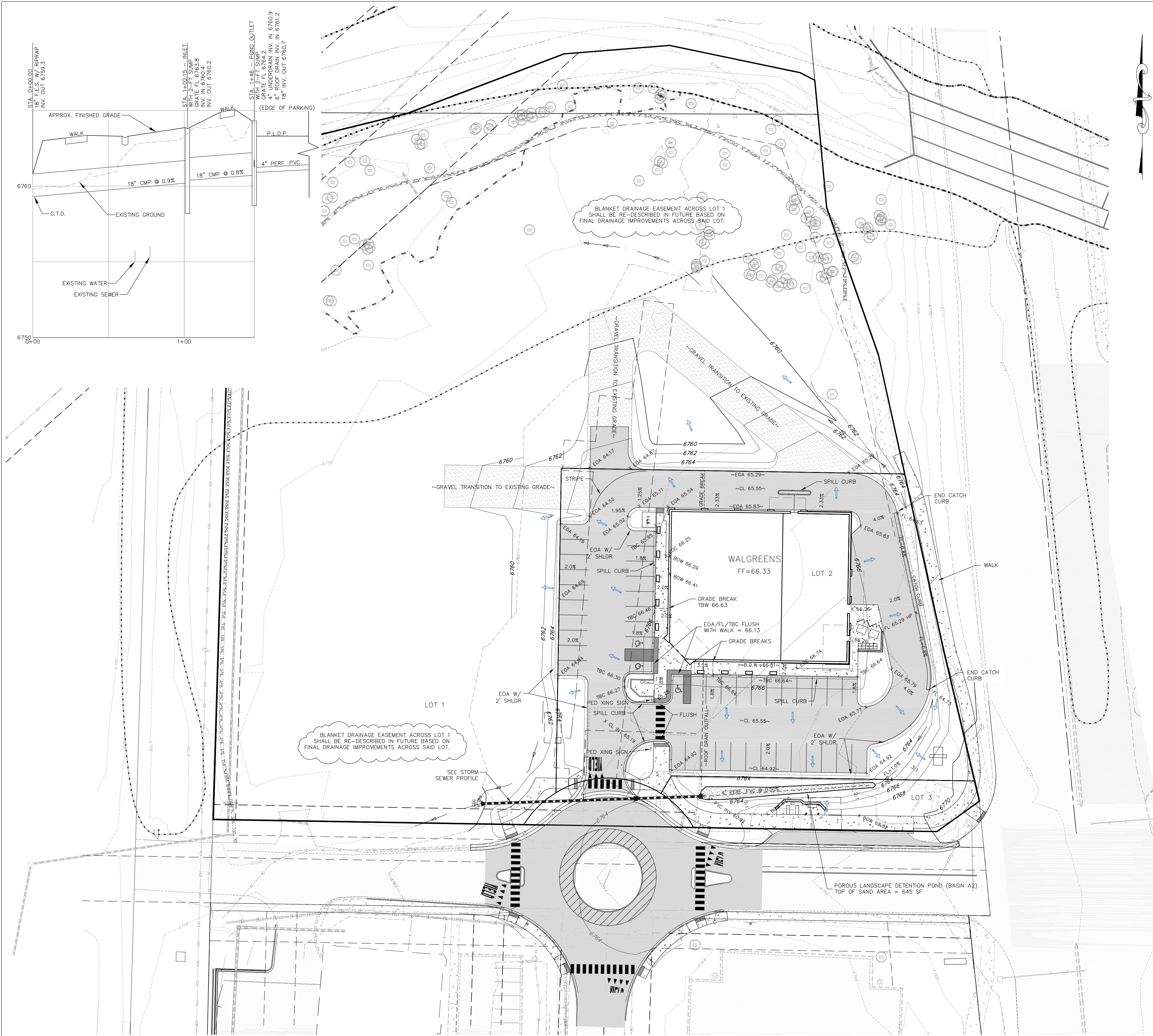
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 - IF THIS DRAWING IS PRESENTED IN A FORMAT OTHER THAN 24" x 36", THE GRAPHIC SCALE SHOULD BE UTILIZED.
 - ALL WATER AND SEWER IMPROVEMENTS ARE TO BE CONSTRUCTED PER THE LATEST EDITION OF MOUNT WERNER WATER STANDARD SPECIFICATIONS.
 - REPRESENTATIVES OF YAMPA VALLEY ELECTRICAL ASSOCIATION, ATMOS ENERGY, COMCAST, AND QWEST UTILITY COMPANIES WILL RECEIVE COPIES OF THIS PLAN AS PART OF THE TAC PROCESS. COMMENTS REGARDING SERVICE DESIGN WILL BE INCORPORATED INTO THIS PLAN AS THEY ARE RECEIVED.
 - SITE PLAN BY OTHERS.
 - ALL UTILITY SERVICE LOCATIONS, SIZES AND MATERIALS ARE SCHEMATIC AND ARE SUBJECT TO CHANGE DURING CONSTRUCTION DESIGN OF BUILDING MECHANICAL SYSTEMS.
 - SEWER MAIN LENGTHS ARE HORIZONTAL DISTANCES AS MEASURED FROM CENTER OF MANHOLE TO CENTER OF MANHOLE.
 - WATER MAIN LENGTHS ARE FROM FITTING TO FITTING.
 - ALL ABANDONED WATER AND SEWER MAINS, MANHOLES, STUBS, FIRE HYDRANTS, AND APPURTENANCES SHALL BE ABANDONED PER MOUNT WERNER WATER'S SPECIFICATIONS.
 - ALL WATER AND SEWER MAINS PROPOSED TO BE ABANDONED SHALL BE COMPLETELY REMOVED FROM THE GROUND OR FILLED WITH FLOW FILL.
 - ALL FIRE HYDRANTS PROPOSED TO BE ABANDONED SHALL BE NEATLY REMOVED AT THE SHOE AND DELIVERED TO THE MWW YARD.
 - ALL WATER AND SEWER INFRASTRUCTURE TO BE INSTALLED IN ONE PHASE.
 - SLOPE INFORMATION PROVIDED FOR SANITARY SEWER PIPE IS CALCULATED FROM INSIDE FACE OF MANHOLE TO INSIDE FACE OF MANHOLE.
 - MH 2A.6 RM TO BE ADJUSTED TO FINAL GRADE BY REMOVING THE EXISTING 3-INCHES OF GRADE RINGS AND ADDING A 1-FT BARREL SECTION. ENGINEER TO COORDINATE WITH MWW AS PART OF CONSTRUCTION DRAWING REVIEW.
 - EXISTING FIRE HYDRANTS FH L7B, FH L7, AND FH L7A TO BE REMOVED AND DISPOSED OF OFFSITE.



NOMENCLATURE:
CMP - CORRUGATED METAL PIPE
DIP - DUCTILE IRON PIPE
EX - EXISTING
FH - FIRE HYDRANT
INV - INVERT
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RCP - REINFORCED CONCRETE PIPE
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VCP - VITRIFIED CLAY PIPE



I HEREBY CERTIFY THAT THIS PLAN AND ALL WORK PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF COLORADO AS SIGNIFIED BY MY HAND AND SEAL.



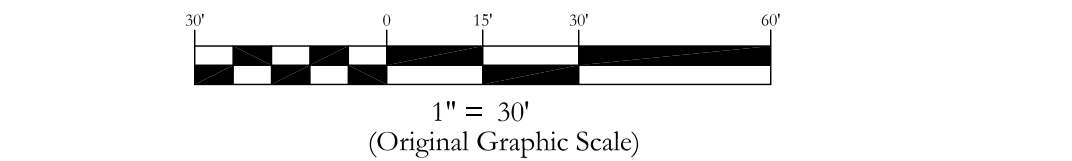
PROPOSED GENERAL LEGEND

[Symbol]	PROPOSED BUILDING
[Symbol]	PROPOSED ROOF / BUILDING OVERHANG
[Symbol]	PROPOSED DECK
[Symbol]	PROPOSED WALL
[Symbol]	PROPOSED ROCK WALL
[Symbol]	PROPOSED BACK OF CURB AND FLOWLINE
[Symbol]	PROPOSED MAJOR CONTOUR
[Symbol]	PROPOSED MINOR CONTOUR
[Symbol]	PROPOSED UNDERGROUND SANITARY SEWER LINE
[Symbol]	PROPOSED SANITARY SEWER MANHOLE AND CLEANOUT
[Symbol]	PROPOSED UNDERGROUND WATER LINE
[Symbol]	PROPOSED WATER MANHOLE AND CURB STOP
[Symbol]	PROPOSED GATE VALVE AND FIRE HYDRANT
[Symbol]	PROPOSED UNDERGROUND GAS LINE
[Symbol]	PROPOSED UNDERGROUND ELECTRIC LINE
[Symbol]	PROPOSED ELECTRIC TRANSFORMER, SECONDARY PEDESTAL AND SWITCH GEAR
[Symbol]	PROPOSED LIGHT POLE AND LIGHT POLE WITH MAST
[Symbol]	PROPOSED UNDERGROUND CABLE TELEVISION LINE
[Symbol]	PROPOSED CABLE TELEVISION PEDESTAL
[Symbol]	PROPOSED UNDERGROUND TELEPHONE LINE
[Symbol]	PROPOSED ASPHALT PAVEMENT
[Symbol]	PROPOSED CONCRETE SIDEWALK / APRON
[Symbol]	PROPOSED BRICK PAVERS / WALKWAY
[Symbol]	PROPOSED DITCH / SWALE
[Symbol]	PROPOSED CULVERT W/ END SECTIONS AND RIPRAP
[Symbol]	PROPOSED STORM DRAINS AND STORM MANHOLE

EXISTING GENERAL LEGEND

[Symbol]	EXISTING BUILDING
[Symbol]	EXISTING WALL
[Symbol]	EXISTING ROCK WALL
[Symbol]	EXISTING FENCE
[Symbol]	EXISTING BACK OF CURB AND FLOWLINE
[Symbol]	EXISTING RAILROAD TRACKS
[Symbol]	EXISTING EDGE OF GRAVEL
[Symbol]	EXISTING MAJOR CONTOUR
[Symbol]	EXISTING MINOR CONTOUR
[Symbol]	EXISTING UNDERGROUND SANITARY SEWER LINE
[Symbol]	EXISTING SANITARY SEWER MANHOLE AND CLEANOUT
[Symbol]	EXISTING UNDERGROUND WATER LINE
[Symbol]	EXISTING WATER MANHOLE AND CURB STOP
[Symbol]	EXISTING GATE VALVE AND FIRE HYDRANT
[Symbol]	EXISTING UNDERGROUND SANITARY SEWER LINE TO BE REMOVED
[Symbol]	EXISTING UNDERGROUND WATER LINE TO BE REMOVED
[Symbol]	EXISTING UNDERGROUND GAS LINE
[Symbol]	EXISTING OVERHEAD UTILITY LINES
[Symbol]	EXISTING UTILITY POLE WITH GUY WIRE
[Symbol]	EXISTING UNDERGROUND ELECTRIC LINE
[Symbol]	EXISTING ELECTRIC TRANSFORMER AND SECONDARY PEDESTAL
[Symbol]	EXISTING LIGHT POLE AND LIGHT POLE WITH MAST
[Symbol]	EXISTING UNDERGROUND CABLE TELEVISION LINE
[Symbol]	EXISTING CABLE TELEVISION PEDESTAL
[Symbol]	EXISTING UNDERGROUND TELEPHONE LINE
[Symbol]	EXISTING TELEPHONE PEDESTAL AND TELEPHONE MANHOLE
[Symbol]	EXISTING ASPHALT
[Symbol]	EXISTING CONCRETE
[Symbol]	EXISTING GRAVEL
[Symbol]	EXISTING DITCH / SWALE
[Symbol]	EXISTING FEMA FLOODPLAIN
[Symbol]	LCI CALCULATED FLOODPLAIN
[Symbol]	EXISTING FEMA FLOODWAY
[Symbol]	EXISTING CULVERT W/ END SECTIONS AND RIPRAP
[Symbol]	EXISTING STORM DRAINS AND STORM MANHOLE

- NOTES:**
- THIS DRAWING IS FOR OBTAINING PLANNING APPROVAL ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR CONTRACTING PURPOSES.
 - IF THIS DRAWING IS PRESENTED IN A FORMAT OTHER THAN 24" x 36", THE GRAPHIC SCALE SHOULD BE UTILIZED.
 - FIELD SURVEYING WAS COMPLETED BY D&D, INC. AND SUPPLEMENTED WITH RECORD PLAN RESEARCH AND FIELD WORK BY LANDMARK CONSULTANTS, INC.
 - PROJECT BENCHMARK: LOCATED ON A NORTHERLY PROPERTY CORNER OF LOT 2, MID VALLEY BUSINESS CENTER FILING NO. 2 WITH A FOUND #8 REBAR WITH ALUMINUM CAP. PROJECT BENCHMARK ELEVATION=6761.21 AS INDICATED HEREON.
 - A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE OF THE FLOODPLAIN PER FEMA FIRM MAP NUMBER 08107C0879D DATED FEB. 4, 2005.
 - EXISTING CONDITION DESIGN INFORMATION SHOWN ON LOT 4, MID VALLEY BUSINESS CENTER AND LOT 5 MID VALLEY BUSINESS CENTER HAS BEEN PROVIDED BY DREXEL, BARRELL & CO.
 - PORTIONS OF PINE GROVE ROAD AS DEDICATED BY THE PLAT OF MID VALLEY BUSINESS CENTER, FILE NO. 12537 ARE SUBJECT TO THE FOLLOWING EASEMENTS:
 - ROADWAY AND ACCESS EASEMENTS PER BOOK 558 AT PAGE 525, BOOK 385 AT PAGE 42, BOOK 569 AT PAGE 272, BOOK 582 AT PAGE 355 AND BOOK 400 AT PAGE 244 AND CORRECTION DEEDS RECORDED IN BOOK 673 AT PAGES 1110 AND 1113 AND THE TELEPHONE EASEMENT PER BOOK 405 AT PAGE 517.
 - LOTS 6, 7, AND 8 AND PINE GROVE ROAD AS DEDICATED BY THE PLAT OF MID VALLEY BUSINESS CENTER, FILE NO. 12537 MAY BE SUBJECT TO THE PARK CITY DITCH #1 RECORDED AT FILE NO. 233 AND THE MILL DITCH RECORDED AT FILE NO. 26.
 - ALL OFFSITE GRADING AND DISTURBANCES REQUIRES THE PERMISSION OF THE ADJACENT PROPERTY OWNERS.
 - DRAINAGE IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO, WATER QUALITY FEATURES AND PROPOSED EASEMENTS ARE SUBJECT TO MODIFICATION AND RELOCATION BASED ON FUTURE APPROVALS FOR DEVELOPMENT OF LOT 1.



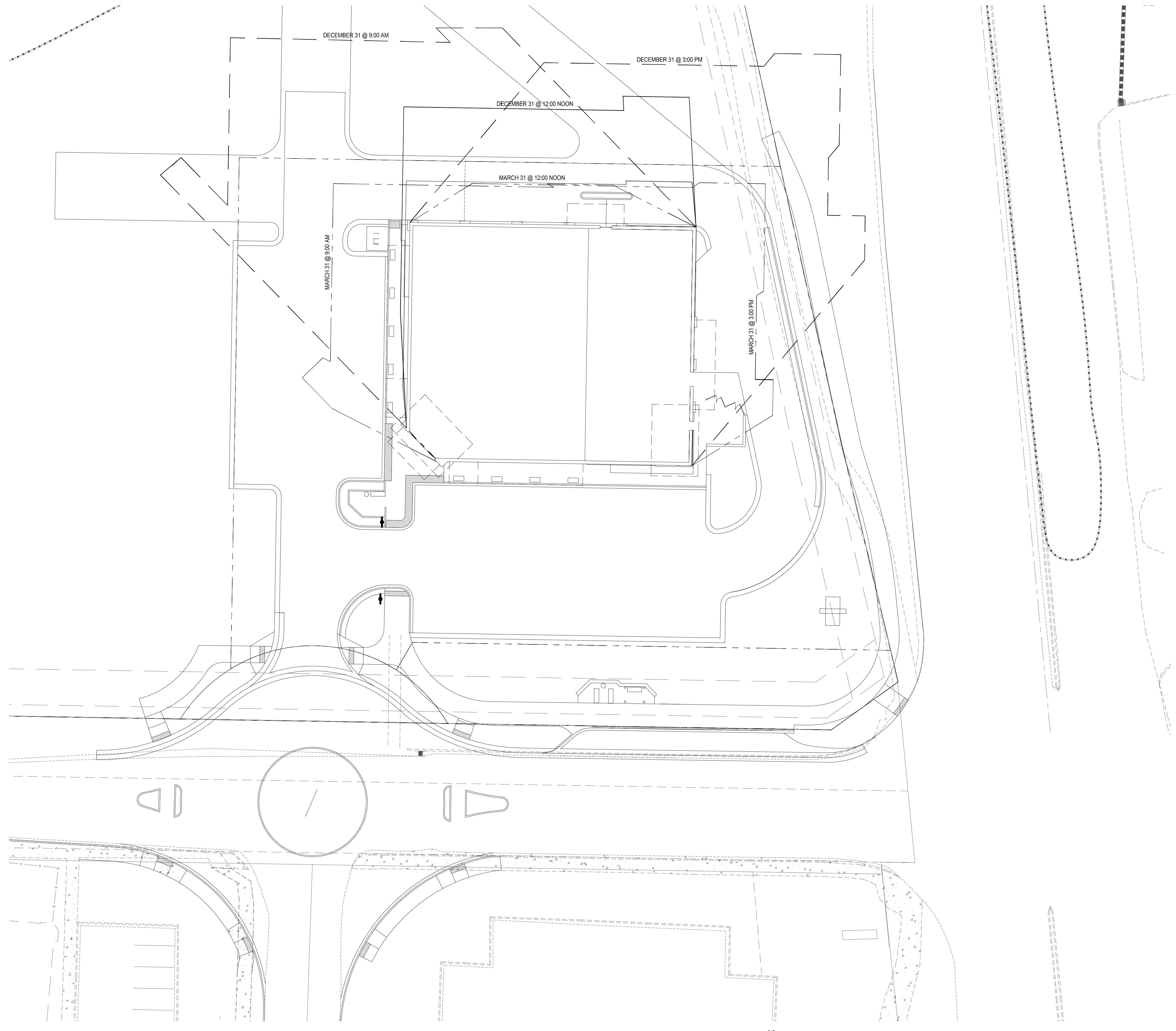
NOMENCLATURE:

BOW	BACK OF WALK
BW	BOTTOM OF WALL
CMP	CORRUGATED METAL PIPE
DIP	DUCTILE IRON PIPE
EOA	EDGE OF ASPHALT
EX	EXISTING
FL	FLOORING
FLV	FIRE VALVE
INV	INVERT
MW	MANHOLE
RCP	REINFORCED CONCRETE PIPE
SHLDR	SHOULDER
TBC	TOP BACK OF CURB
TBR	TO BE REMOVED
TW	TOP OF WALL
VCP	VITRIFIED CLAY PIPE

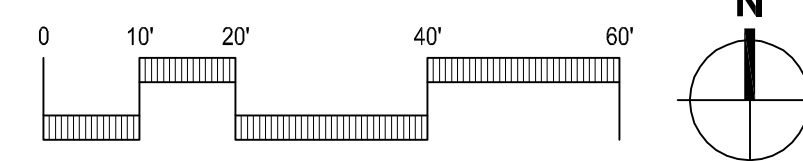
NO.	DATE	BY	DESCRIPTION	REVISIONS
1	12-21-10	RS	DEVELOPMENT PLAN RESUBMITTAL	
2	11-18-10	RS	DEVELOPMENT PLAN SUBMITTAL	
3	10-11-10	RS	DEVELOPMENT PLAN	

GRADING PLAN
STORE NUMBER 15022
WALGREENS
HIGHWAY 40 & PINE GROVE RD.
STEAMBOAT SPRINGS, COLORADO

CADD PLOT:
2025-006-WGSD.dwg
DRAWN BY:
RS
DATE: 9-29-10
REVIEWED:
RS



1 SHADOW PLAN
1" = 20' - 0"



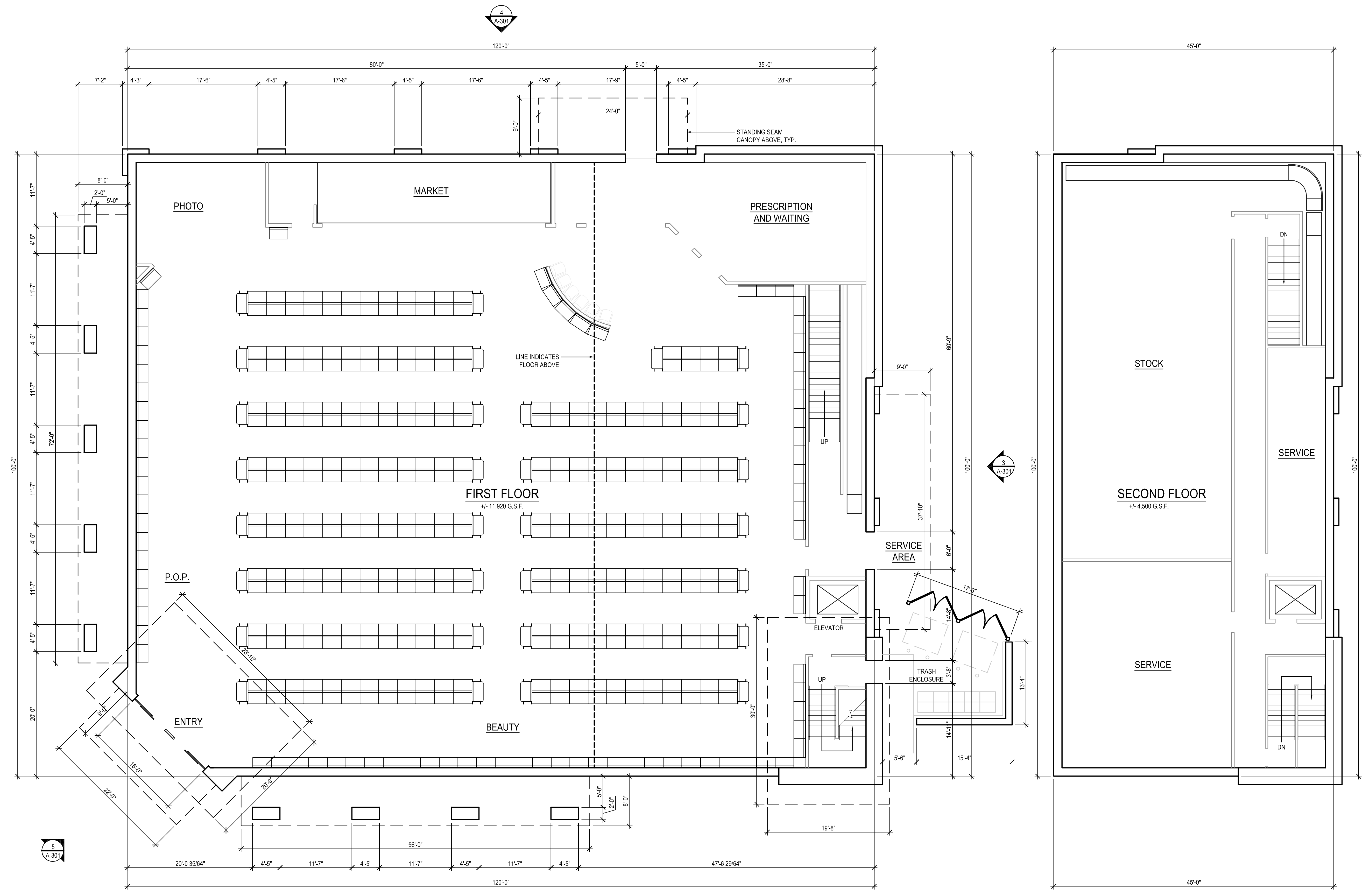
I HEREBY CERTIFY THAT
THIS PLAN AND WAS
PREPARED BY ME OR
UNDER MY DIRECT
SUPERVISION AND THAT I
AM A DULY REGISTERED
ARCHITECT OR ENGINEER
IN THE STATE OF COLORADO
SIGNIFIED BY MY HAND AND
SEAL.

NO.	DATE	BY	DESCRIPTION

SHADOW PLAN
STORE NUMBER 15022
WALGREENS
HIGHWAY 40 & PINE GROVE RD.
STEAMBOAT SPRINGS, COLORADO
####

CADD PLOT:
10060_10a114 Shadow Plan
DRAWN BY:
D/DJ/JRH
DATE: 12/20/10
REVIEWED:
D/TD

I HEREBY CERTIFY THAT
THIS PLAN AND WAS
PREPARED BY ME OR
UNDER MY DIRECT
SUPERVISION AND THAT I
AM A DULY REGISTERED
ARCHITECT OR ENGINEER
LICENSED IN THE STATE
OF COLORADO AS
SIGNIFIED BY MY HAND AND
SEAL.



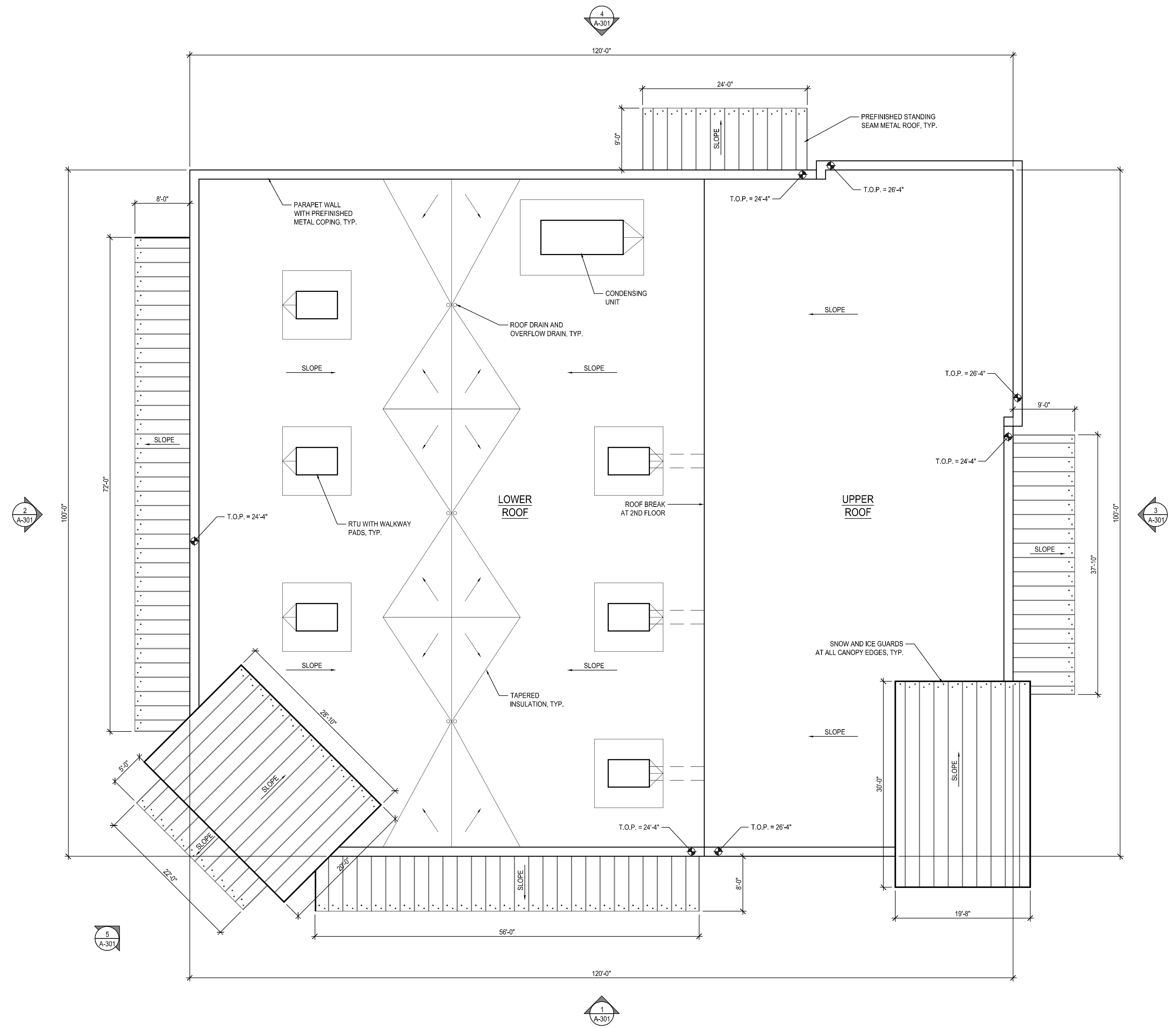
1 FIRST FLOOR PLAN
1/8" = 1'-0"

2 SECOND FLOOR PLAN
1/8" = 1'-0"

NO.	DATE	BY	DESCRIPTION	REVISIONS

FIRST FLOOR AND SECOND FLOOR PLANS
STORE NUMBER 15022
WALGREENS
HIGHWAY 40 & PINE GROVE RD.
STEAMBOAT SPRINGS, COLORADO
####

CADD PLOT:
10/06/11 10/14 Floor Plans
DRAWN BY:
JRH
DATE: 11/18/10
REVIEWED:
D.T.D.



1 ROOF PLAN
1/8" = 1'-0"

I HEREBY CERTIFY THAT THIS PLAN AND ALL WORK PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF COLORADO AS SIGNIFIED BY MY HAND AND SEAL.

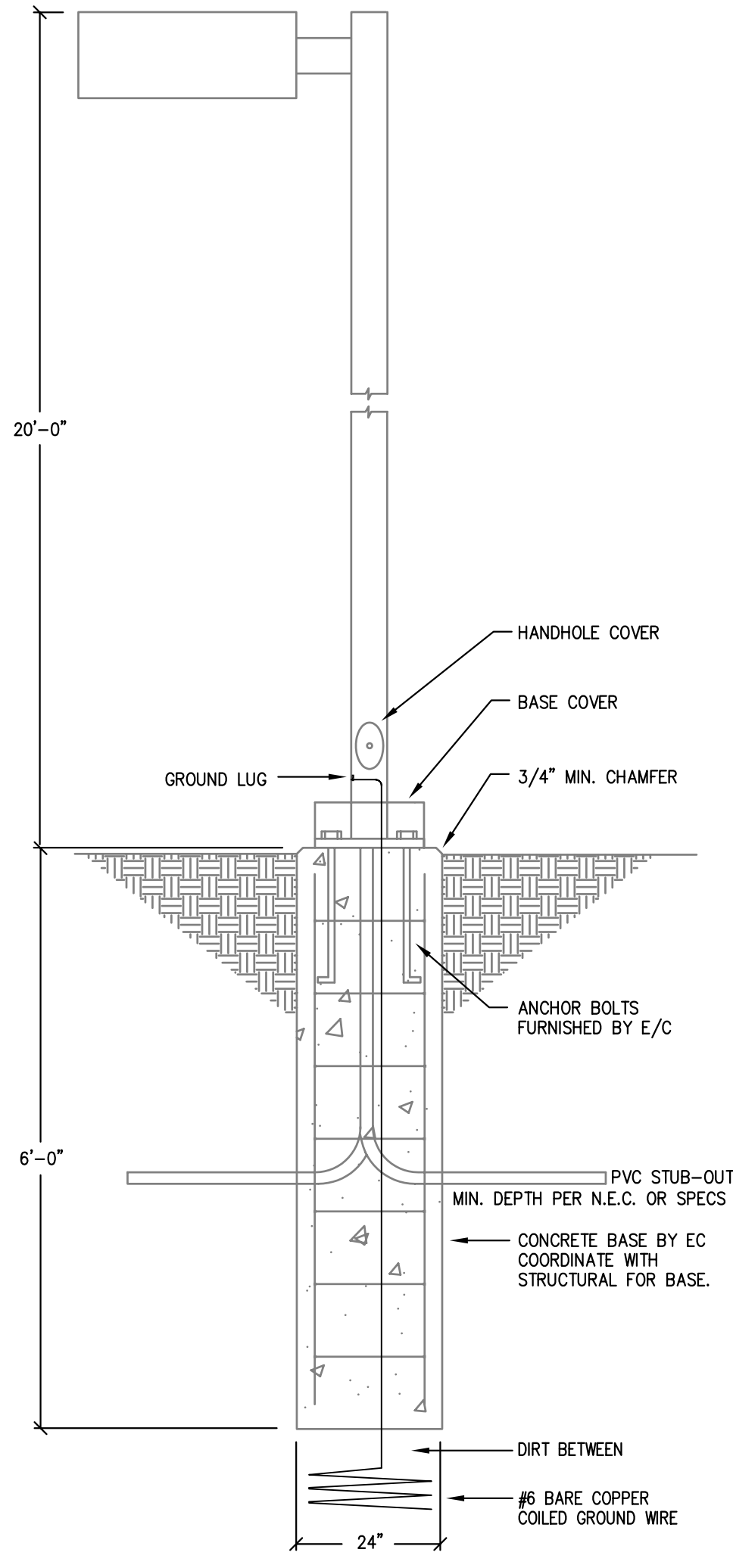
NO.	DATE	BY	DESCRIPTION

ROOF PLAN
STORE NUMBER 15022
WALGREENS
HIGHWAY 40 & PINE GROVE RD.
STEAMBOAT SPRINGS, COLORADO

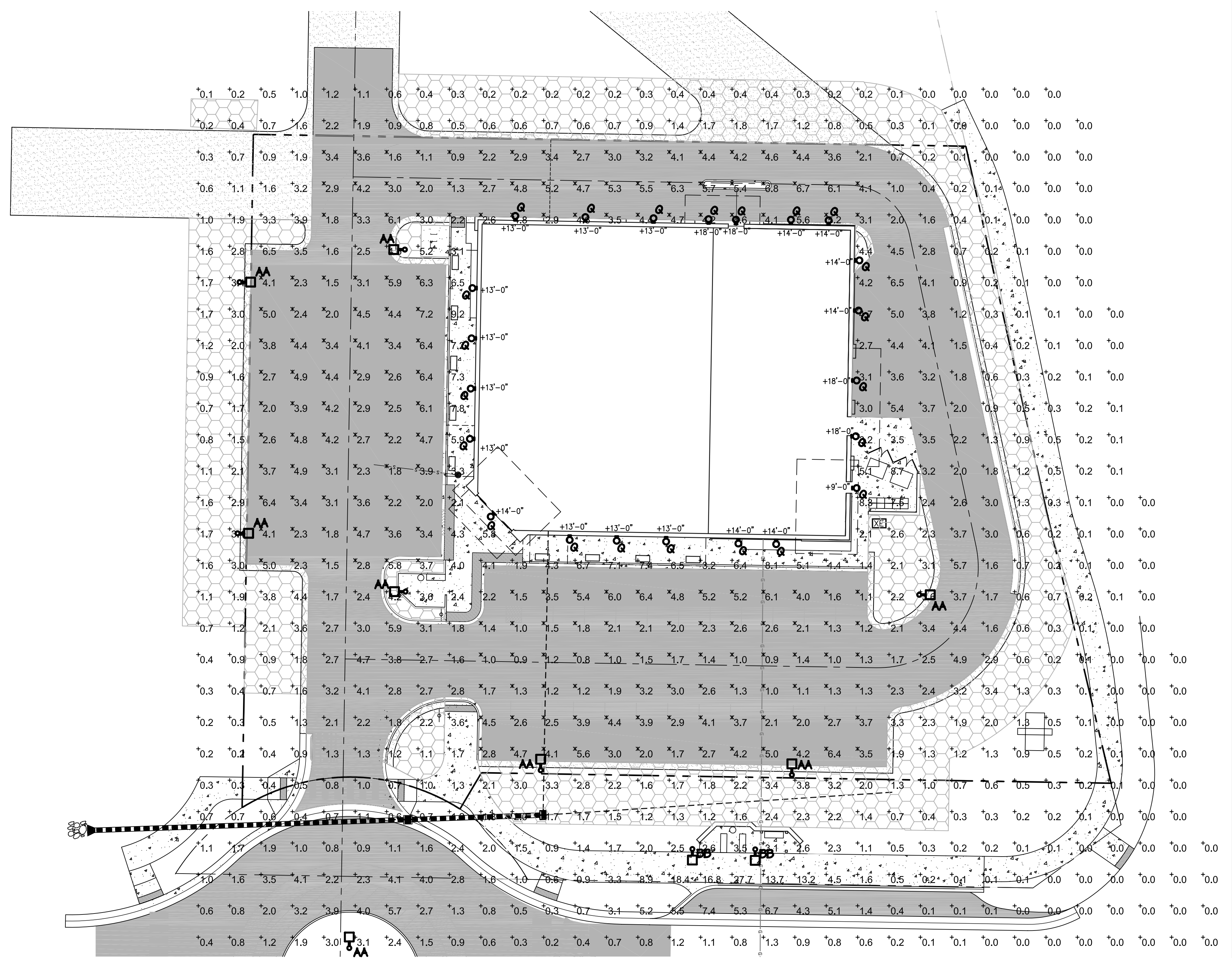
CADD PLOT:
10/06/12 2:14 Roof Plan
DRAWN BY:
JRH
DATE: 11/18/10
REVIEWED:
DTD



I HEREBY CERTIFY THAT
THIS PLAN AND
SPECIFICATIONS WERE
PREPARED BY ME OR
UNDER MY DIRECT
SUPERVISION AND THAT I
AM A DULY REGISTERED
ARCHITECT OR ENGINEER
IN THE STATE OF COLORADO AS
SIGNIFIED BY MY HAND AND
SEAL.



POLE BASE DETAIL - TYPE AA
NOT TO SCALE



SITE PHOTOMETRIC PLAN
SCALE: 1" = 20'-0"

WALGREENS NOTE: THE SECURITY LEVEL AT THIS STORE IS 1, WHICH WILL REQUIRE NO ADDITIONAL MEASURES TO BE TAKEN BEYOND CRITERIA.

SITE LIGHTING FIXTURE SCHEDULE									
TYPE	MANUFACTURER	CATALOG NUMBER	DESCRIPTION	MOUNTING	LAMPS	LAMP LUMENS	LAMPS/FIXTURE	FIXTURE QTY	TOTAL LUMENS
AA	LITHONIA OR EQUAL	AS2-250M-R3-TB-SPA-SOWA-DBL-L/LP	SINGLE HEAD PARKING LOT FIXTURE - FULL CUTOFF TYPE III ASYMMETRIC DISTRIBUTION FLAT CLEAR GLASS LENS, 4" SQUARE POLE BLACK FINISH, SOWA PULSE START BALLAST	POLE AT +20'-0"	(1) 250W MH METAL HALIDE	20000	1	8	160000 SHELDLED
BB	LITHONIA OR EQUAL	AS2-250M-R3-TB-SPA-SOWA-HS-DBL-L/LP	SINGLE HEAD FIXTURE - FULL CUTOFF TYPE III ASYMMETRIC DISTRIBUTION FLAT CLEAR GLASS LENS, 4" SQUARE POLE BLACK FINISH, SOWA PULSE START BALLAST	POLE AT +12'-0"	(1) 250W MH METAL HALIDE	20000	1	2	40000 SHELDLED
Q	LITHONIA OR EQUAL	WSQ-100M-FT-TB-AD-L/LP ADVANCED BALLAST	WALL SCONCE - FULL CUTOFF FORWARD THROW DISTRIBUTION, BLACK FINISH.	WALL HEIGHT VARIES, SEE PLANS	(1) 100W MH METAL HALIDE	8500	1	22	187000 SHELDLED

TOTAL LUMINOUS AREA = 75,385 sq. ft.

TOTAL SHIELDED LUMENS UTILIZED = 347,000
TOTAL (SOURCE LUMENS / LUMINOUS AREA) = 0.22

NO.	DATE	BY	DESCRIPTION

SITE PHOTOMETRIC PLAN
STORE NUMBER 15022
WALGREENS
HIGHWAY 40 & PINE GROVE RD.
STEAMBOAT SPRINGS, COLORADO

CADD PLOT:
EP-1.dwg
DRAWN BY:
JCC
DATE: 11-17-10
REVIEWED:
JCC



FEATURES & SPECIFICATIONS

INTENDED USE — Streets, walkways, parking lots and surrounding areas. CONSTRUCTION — Rugged, die-cast, single-piece aluminum housing with nominal wall thickness of .18". Die-cast door frame has impact-resistant, tempered, glass lens (3/16" thick). Door frame is fully gasketed with one-piece tubular silicone. US Patent No. D417,298, Canada Patent No. 84224. FINISH — Standard finish is dark bronze polyester powder finish. Additional architectural colors are available; see www.lithonia.com/archcolors.

OPTICAL SYSTEM — Anodized segmented reflectors for superior uniformity and control. Reflectors attach with tool-less fasteners and are rotatable and interchangeable. Five full cutoff distributions available: Type II (roadway), Type III (asymmetric), Type IV (forward throw), Type IV (wide, forward throw) and Type V (symmetric square).

ELECTRICAL SYSTEM — Ballast: Constant wattage autotransformer. Metal Halide: Super CWA (pulse start ballast), 88% efficient and EISA legislation compliant, is required for 175-400W (SCWA option) for US shipments only. CSA, NOM or INTL required for probe start shipments outside of the US. Pulse-start ballast (SCWA) required for 200W, 320W, or 350W. Ballast is 100% factory-tested. All ballasts are mounted on a removable power tray with tool-less latch and have positive locking disconnect plug.

Socket: Porcelain, horizontally-mounted, mogul-base socket with copper alloy, nickel-plated screw shell and center contact. Depth: 8.3 (21.0). *Weight: 40 lbs (18.2 kg). **Weight as configured in example below.

LISTING — UL Listed (standard), CSA Certified (see Options). UL listed for 25°C ambient and wet locations. IP65 Rated.

NOTE: Specifications subject to change without notice.

ORDERING INFORMATION

For shortest lead times, configure product using standard options (shown in bold).

Table with columns for AS2, 250M, SR3, 208, SPA, SCWA, DBL, L/LP. Includes wattage, voltage, mounting, ballast, options, finish, and lamp details.

- Notes 1-16: Lower wattages available, Must be ordered with SCWA, Not available with SCWA, Must specify CWA for use in Canada, Optional multi-tap ballast, Consult factory for available wattages, Mounted in lens-up orientation, Shipped separately, Maximum allowable wattage lamp included, Additional architectural colors available, Must be specified, These wattages do not comply with California Title 20 regulations, These wattages require the REGC1 option to be chosen for shipments into California for Title 20 compliance, 300M REGC1 is not available in 141 or 480V.

Outdoor Sheet #: AS2-M-S AL-130

FIXTURE - TYPE AA NOT TO SCALE



FEATURES & SPECIFICATIONS

INTENDED USE — Streets, walkways, parking lots and surrounding areas. CONSTRUCTION — Rugged, die-cast, single-piece aluminum housing with nominal wall thickness of .18". Die-cast door frame has impact-resistant, tempered, glass lens (3/16" thick). Door frame is fully gasketed with one-piece tubular silicone. US Patent No. D417,298, Canada Patent No. 84224. FINISH — Standard finish is dark bronze polyester powder finish. Additional architectural colors are available; see www.lithonia.com/archcolors.

OPTICAL SYSTEM — Anodized segmented reflectors for superior uniformity and control. Reflectors attach with tool-less fasteners and are rotatable and interchangeable. Five full cutoff distributions available: Type II (roadway), Type III (asymmetric), Type IV (forward throw), Type IV (wide, forward throw) and Type V (symmetric square).

ELECTRICAL SYSTEM — Ballast: Constant wattage autotransformer. Metal Halide: Super CWA (pulse start ballast), 88% efficient and EISA legislation compliant, is required for 175-400W (SCWA option) for US shipments only. CSA, NOM or INTL required for probe start shipments outside of the US. Pulse-start ballast (SCWA) required for 200W, 320W, or 350W. Ballast is 100% factory-tested. All ballasts are mounted on a removable power tray with tool-less latch and have positive locking disconnect plug.

Socket: Porcelain, horizontally-mounted, mogul-base socket with copper alloy, nickel-plated screw shell and center contact. Depth: 8.3 (21.0). *Weight: 40 lbs (18.2 kg). **Weight as configured in example below.

LISTING — UL Listed (standard), CSA Certified (see Options). UL listed for 25°C ambient and wet locations. IP65 Rated.

NOTE: Specifications subject to change without notice.

ORDERING INFORMATION

For shortest lead times, configure product using standard options (shown in bold).

Table with columns for AS2, 250M, SR3, 208, SPA, SCWA, DBL, L/LP. Includes wattage, voltage, mounting, ballast, options, finish, and lamp details.

- Notes 1-16: Lower wattages available, Must be ordered with SCWA, Must use reduced jacket lamp, Not available with SCWA, Must specify CWA for use in Canada, Optional multi-tap ballast, Consult factory for available wattages, Mounted in lens-up orientation, Shipped separately, Maximum allowable wattage lamp included, Additional architectural colors available, Must be specified, These wattages do not comply with California Title 20 regulations, These wattages require the REGC1 option to be chosen for shipments into California for Title 20 compliance, 300M REGC1 is not available in 141 or 480V.

Outdoor Sheet #: AS2-M-S AL-130

FIXTURE - TYPE BB NOT TO SCALE



FEATURES & SPECIFICATIONS

INTENDED USE For building and wall-mounted applications. CONSTRUCTION Rugged, die-cast, single piece aluminum housing. Die-cast doorframe has a 1/8" thick tempered glass lens. Doorframe is fully gasketed with one-piece solid silicone. FINISH Standard finish is textured dark bronze (DOB1) corrosion resistant polyester powder finish with other architectural colors available.

OPTICAL SYSTEM Segmented reflectors for superior uniformity and control. Reflectors are interchangeable. Three full cutoff distributions available: FT (forward throw), MD (medium throw) and WT (wide throw).

ELECTRICAL SYSTEM 50W-150W utilizes a high reactance, high power factor ballast. 35S utilizes a reactance high power factor ballast. 175W utilizes a constant-wattage auto transformer ballast. Quick disconnect plug easily disconnects reflector from ballast. Ballasts are copper wound and 100% factory tested. Porcelain, medium-base socket with copper alloy, nickel-plated screw shell and center contact. UL listed 600V, 600V 4KV pulse rated.

INSTALLATION Universal mounting mechanism with integral mounting support allows fixture to hinge down. Bubble level provides correct alignment with every installation.

NOTE: Specifications subject to change without notice.

ORDERING INFORMATION

Choose the ballast/option information that best suits your needs and write it on the appropriate line.

Table with columns for WSQ, 100M, FT, TB, AD (ADVANCE BALLAST) L/LP. Includes wattage, voltage, distribution, and options.

Outdoor Sheet #: WSQ-M-S BM-140

FIXTURE - TYPE Q NOT TO SCALE



677 S Colorado Blvd Suite 200 Denver CO 80246 303 220 8900 303 220 0708 Fax www.SEMarchitects.com



M.E.P. ENGINEERING 1865 S. W. 10th Ave. Denver, CO 80202 (303) 333-3299 info@mep-eng.com www.mep-eng.com

THIS PLAN AND SPECIFICATIONS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF COLORADO AS SIGNIFIED BY MY HAND AND SEAL.

Table with columns for NO., DATE, BY, DESCRIPTION, REVISIONS.

SITE PHOTOMETRIC DETAILS STORE NUMBER 15022 WALGREENS HIGHWAY 40 & PINE GROVE RD. STEAMBOAT SPRINGS, COLORADO



VIEW LOOKING NORTHEAST FROM PINE GROVE ROAD



VIEW LOOKING SOUTH FROM HIGHWAY 40



VIEW LOOKING WEST FROM EAST SIDE OF HIGHWAY 40





VIEW LOOKING WEST FROM INTERSECTION OF PINE GROVE & HIGHWAY 40



VIEW LOOKING WEST FROM WEST SIDE OF HIGHWAY 40



December 21, 2010

Mr. Robert Keenan
City Planning
Planning Department
City of Steamboat Springs
124 10th Street
Steamboat Springs, CO 80477

Re: Sandefur Subdivision, Lot 1, Mid Valley Bus. Center, Lot 6 (Walgreens) #DPF-10-05 and #PP-10-06

Dear Bob:

CDC section 26-81(d) requires a PUD such as Walgreens @ City South to provide four public benefits. If one were to speak to the public benefits this project would provide, many would come to mind. If one were to speak to economic stimulation and job creation, the benefits are multiplied. The project has already employed professionals such as Civil Consultants, Architectural Consultants, Traffic Professionals and Planning Staff just to name a few. Once the project moves to the construction phase, many additional tradesman jobs will be created and at completion, up to 35 permanent jobs. We understand that it is difficult to identify the exact economic impact, in these hard economic times; however, the impact is certainly more significant in how it relates to public benefit.

The four more tangible public benefits we will provide are the bus turnout, bus stop, community open space by the bus stop, a roundabout with landscaping and maintenance of landscaping in the roundabout. While these may seem small on the surface, the financial commitment and the benefit to the surrounding businesses and traffic flow in the area are significant. The project wants to encourage public transportation and connectivity while improving the flow of these services; an ultimate community vision.

One of the main goals of the project is also to create a project with high architectural design standards to better enhance the main entry corridor into Steamboat. While we recognize this is not meeting some of the intent of the CDC, these standards are difficult to follow on this site given that the adjacent property owners have already developed under different standards. The project is striving to keep with and even exceed the standard created by the newer Ski Haus. The project includes elements such as two story construction and some of the highest grades of construction materials found in Steamboat's commercial district such as stone and wood timbers.

While we understand your difficulty in providing full support for the project, we hope you recognize the constraints we are working under and that we tried to address as many of your concerns as we could, without making it impossible to move forward on the project. These are challenging and changing times, and the current code was written in a time of

abundance. It is now more difficult to attract tenants and through this application we have tried to maintain the integrity of the entire site and ultimately provide an attractive site for future growth. We feel that this tenant will provide the community with a stable employer who has a history of success that will in turn attract other new users to the area and create the vibrant community meeting center we envision for the future.

Below please find specific written responses to the City's December 1, 2010 Letter regarding the application listed above. Additionally, the enclosed materials supplement the written responses and include:

- Revised Plans
- Fox Higgins Memorandum, Date December 21, 2010
- Second Amendment to Declaration of Covenants, Conditions and Restrictions for Mid-Valley Business Center.

Thank you for your time and attention to this matter.

Brian Olson
Olson Development, Inc

Background on Previous Proposals
Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens)

There are currently no valid development or subdivision approvals for the site. All previous development and subdivision approvals for the site have expired. Only the platting for the existing lots remains.

In 2001, Steamboat Crossings (MD-01-03), a Major Development Permit and PUD, was approved. The Development Permit included the subject property and the undeveloped portion of the Steamboat Crossings development to the south, across Pine Grove Road. The Development Permit was for an eight (8) lot commercial subdivision and the construction of a 5,986 square foot daycare building on Lot 1 and a 21,410 square foot office building on Lot 7. The request included a 19 space parking variance and setback variances on the commercial lots. Please note that the Development Permit was approved under the previous version of the Community Development Code (CDC).

Only a small portion of this approved Development Permit was constructed and/or platted. The daycare building (Young Tracks) was constructed, and Lot 1 was platted. The remaining lots were not platted, and the office building was not constructed.

In 2006 an application for a Preliminary Plat and Final Development Plan was submitted for this site consisting of 10 buildings including a 11,130 square foot retail building, one 5,000 square foot retail building, two 3,000 square foot retail/office buildings, three residential buildings with 24 units and three garage style buildings with residential on the second floor. This application was tabled, 6-0, at the November 16th meeting of the Planning Commisison.

Since 2006 there were a couple other proposals for the subject lots but they never made it to a public hearing.

More information about these previous projects will be made available upon request.

1/13/11

DRAFT

Sandefur Subdivision Lot 1 Mid Valley Business Park Lot 6 #DPF-10-05 (Walgreens) The Applicant is requesting approval of a Development Plan/Final Development Plan and PUD for the construction of a 16,450 square foot retail building for a Walgreens. For the Development Plan/Final Development Plan application, the applicant is requesting variances to the Commercial Over 12,000 Square Foot Design Standards, the Entry Corridor and Urban Design Standards, front setbacks and landscape requirements.

Discussion on this agenda item started at approximately 5:05 p.m.

Commissioner Levy –

If the development permit was approved and the preliminary plat is not approved I would assume that setbacks, etc. are going to change. Would the DP still be valid if the current proposed preliminary plat was not approved and had to be changed?

Bob Keenan –

That would be a condition of approval.

Commissioner Levy –

If it's this preliminary plat then I don't see why we would change it. I could see where you would say that the applicant could say that it could be any preliminary plat, but anyone could look even if it's marginally different than the proposal. The layout of the lots would change the setbacks, etc. would change, which are all part of the DP.

Bob Keenan –

The preliminary plat would have to be this preliminary plat and not just any preliminary plat.

Eric Smith –

We don't have any problem with that. There's no reason to move forward with this preliminary plat if the building isn't approved.

STAFF PRESENTATION

Bob Keenan –

To answer some of Planning Commissions questions from work session: The sidewalk that's proposed in the right of way is ok with CDOT. That's standard practice with CDOT.

The underpass that's proposed to be along Fish Creek is grant funded. The transit connections that are proposed are within the vision of the transit system. The stop in front of Wendy's would allow passengers who are going to Walgreens to cross via the future underpass and safely cross Hwy. 40. We will see what kind of ridership they would have at this location. If it has strong ridership the bus would cross Hwy. 40 go around the roundabout and then take a left onto Hwy. 40 and continue on its way downtown.

Planning Staff isn't able to make a recommendation for approval based on the findings in the staff report that's not in conformance with different areas of the CDC. The applicant has proposed to locate the service area for Walgreens and the associated loading dock

1/13/11

DRAFT

along the primary frontage. The narrow 9' landscaping strip does not meet the CDC. The service area isn't allowed along the primary street frontage. The CDC requires commercial buildings over 12,000 square feet to provide an assessment analysis. This analysis includes a variety of potential impacts to a community. It would give an analysis of how this Walgreens would affect local sales tax, jobs creations, etc. The applicant has taken a stab at it in the narrative, which is located in the attachment. Staff finds that it's inadequate for us to give feedback to the Planning Commission on what those impacts are. We had asked for a more in depth analysis than they provided.

On pg 3-5 Encourage High Quality Site Planning and Design, at the time that the CDC was adopted in 2004 the community felt that there was a strong need to have design standards that better addressed the development in our community. They specifically talked about creating commercial design standards for retail buildings over 12,000 square feet.

Another area of noncompliance is the location of the building. The Urban Design Standards require the buildings to be brought to the corner to provide a presence along the street rather than setting the building back a great distance. The proposed Walgreens is 41' from Hwy. 40 and 64' from Pine Grove. This is further than the required amount.

The location of the parking shouldn't be located between a building and the street frontage.

APPLICANT PRESENTATION

Brian Olson –

He gave a brief background of the project. Walgreens has conceded on several items. Walgreens has not done a 2 story building since 2005, which is a requirement in the CDC. They conceded on parking spaces. There are a lot of things that Walgreens has done to be flexible.

Eric Smith –

There is one issue that we're talking about tonight and that's building location. There are a number of criteria to the Walgreens model in order to make it functional. One of those critical components is the drive-up window. They're dealing with a lot of elderly people, sick children, etc.

Walgreens has some very big trucks that come in with deliveries and need to have a fairly large space to take turns and to get turned around. They don't want to make those turning movements anywhere around where pedestrians will be walking or getting out of vehicles. Unfortunately some of those requirements have put us in conflict with some of the items in the CDC relative to building location, parking location, and service area location. The suggestion that staff has made of pulling this building up to the corner and not having any parking off of Pine Grove or Hwy. 40 puts the parking on the west side and the north side of the building. By doing that we don't have an area where we can do deliveries or have a drive-up window.

If you look at the front setback issues, or the landscape issues, or the building framing the intersections, or the service area locations, or parking locations all of these criteria that staff mentions really comes down to one thing and that's the building location on this site.

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This roundabout is directly in line with the access drive that comes down into the mid-valley. It provides a benefit to traffic on Pine Grove at this location. One thing that we feel is very important is reinforced by the CDC as well as the design guidelines for the urban design standards. That is trying to orient an entry with good visual relationships in connection to the arrival points on the site.

If we were to put the parking on the western and northern side of the building then it forces the entrance to be on that side so that the entrance isn't even visible from the primary entrance point to the site. All of the improvements such as the bus stop, the turnout lane for the bus stop, the roundabout which provides a turnaround for the bus cost \$350,000. These are not a requirement. We feel that the location of the entrance currently is not only beneficial from a visual standpoint, but creates the parking on the south and west sides of the building where the sun hits the most and allows for some natural snowmelt.

Walgreens is anticipating deliveries once a week. No trailers are left onsite. We want to make sure that the pick-up occurs on the driver's side. We can't push the building any further south and still have enough room for the trucks to make their turns off of Pine Grove Rd.

He showed the existing bus route around where the new Walgreens is being proposed on the overhead. He showed the proposed bus route on the overhead. He showed the setbacks on the overhead. He explained how Staples is further from Hwy 40 than the proposed Walgreens. He showed the entry elevation of the proposed Walgreens. He showed the different views of the proposed Walgreens.

The first variance issue on pg 3-14, the front setback, we have looked at this and can't do this since the building is designed to have counterclockwise traffic and the trucks need the room in order to maneuver around the building. If the building is pushed closer to the road then either a setback variance or a landscape variance would be required. We have adjusted the snow storage to staff's recommendation.

He showed the CDC 26-150(4) 'Public building entrances should be clearly defined to orient customers and give character to the building'. We feel that by placing the entrance at the southwest corner that we have achieved this goal. 'Entrances should be located closest to the off-street parking and in the center of the site and shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns'. CDC 26-143 (2) talks about buildings being designed so the primary pedestrian access is off of the street frontage and side of the building. CDC 26-133(d)(1)f talks about buildings shall avoid shadowing on driveways, pedestrian walkways, public areas, and adjoining walkways. It mentions that the service area is to be located away from Hwy. 40, which we can't do due to how this building is oriented. The truck will only be there once a week as well as the trash truck. The service area is going to be invisible to people along Hwy. 40. The CDC mentions that no more than 30% of the parking shall be located between the front façade and street.

One of the variances in the staff report says that 2/3 of roof area must be at least a 3:12 pitch. Some language taken right out of the Urban Design Standards on pg 42 says that 'buildings located within the northern corridor or entry corridor that have a floor plate of

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more than 12,000' shall meet the following criteria of a minimum of 1/3 of the roof shall have a 3:12 pitch'. This is not a variance in this application.

The building must achieve LEED Certification. That kind of certification for a building of this size costs anywhere from \$75,000-\$100,000 and it changes nothing on how green this building is or the design standards. We have no problem building this to LEED standards, but we do have a problem with spending the money for the certificate.

The 2 story minimum on the building, we have over 1/3 of our FAR on our 2nd floor. It is impractical to do a 100% 2 story building. Most big box stores don't have a 2 story, but rather sky lights at the 2 story level instead. The 2 story portion of the building is located on the Hwy. 40 side of the building.

The site isn't large enough to accommodate additional pad sites.

COMMISSIONER QUESTIONS

Commissioner Slavik –

Is the building itself a boiler plate design that the loading is on the side and the drive thru is on the next side? Are they designating that, because of what's inside and how the layout is? If we would like to have some changes and you say that you can't pull the building into the corner. Is there a way to change the loading area and the drive-up window or is that dictated by the interior of Walgreens and their boiler plate that they give you?

Eric Smith –

A lot of it is dictated by Walgreens interior operation. They want that pharmacy towards the back. If we were to flip the drive-up and loading then you might have to wait behind a maneuvering vehicle.

Commissioner Slavik –

You have some of that same problem with vehicles trying to get around the maneuvering trucks to get to the drive-up window.

Eric Smith –

Vehicles can get past the parked truck and get to the drive-up window, but if flipped then it makes it more difficult. By putting the loading in the current location it puts the loading dock so that it's in the center of the 2 story structure rather than to the side of it.

Commissioner Slavik –

What you're saying is that is dictated by the site more than Walgreens.

Eric Smith –

The 2 work very well together.

Commissioner Slavik –

What about pedestrian access along Hwy. 40 to the building? There's no real access straight across. You have to go all the way around.

Eric Smith –

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You could walk straight across, but we don't want pedestrians walking across where the loading dock and service area are. We don't want the service vehicles to be maneuvering where the pedestrians are located.

Commissioner Robbins –

Did you say that there was a passing lane on the backside of the building so other vehicles can get around another vehicle that is parked?

Eric Smith –

We've got a lane where vehicles can park, but then we have another lane on the side so other vehicles can get around.

Commissioner Hanlen –

I'm under the impression that we were allowing alternatives to the LEED certification. Was that just in the base area?

Bob Keenan –

You're correct. The base area standards require LEED or Green Globes and that's different than the requirement for the commercial over 12,000' design standards.

Commissioner Hanlen –

Is that because we didn't update it?

Bob Keenan –

It wasn't discussed in that concept. We were talking about the base area and not LEED in general.

Commissioner Hanlen –

When we were talking about changes to the base area standards I didn't realize that we didn't make changes over the whole CDC where it said LEED. The idea at the time was that maybe LEED wasn't the best option. Would staff be amenable to an alternative to LEED or something similar based off of that same discussion?

Bob Keenan –

Yes. How do you achieve that environmental sustainability? When the applicant says that they want to go through the LEED process that's great, but what's lacking is the confirmation that it's being done in that way. Without the certification you have no way of know that's being done.

Commissioner Hanlen –

Is there an alternative compliance method or a process that you would find acceptable besides LEED?

Eric Smith –

He explained how they send the paperwork over to the building department that has all of the rating points through the LEED process.

Commissioner Hanlen –

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Is there a way to produce a piece of paper to help the City be happy?

Eric Smith –

Every time we do one of these we produce the point system for LEED certification and they're backed up by the blueprints, which can be checked by anyone.

Commissioner Hanlen –

Is there an alternative that the City is willing to check or does it have to be LEED certified?

Bob Keenan –

We would be willing to accept an alternative that the Planning Commission is willing to propose. To check the blueprints for LEED isn't in the City staff's purview or expertise.

Commissioner Hanlen –

The building department isn't going to want to monitor LEED.

Eric Smith –

We typically have to certify pay applications for third parties related to construction applications. That we can do without any additional costs. We have a lot of LEED accredited professionals in our office.

Commissioner Hanlen –

In addition to that I would like the City to look into alternatives to LEED certification. This isn't the only time that this is going to be coming up where people are avoiding the third party verification for no other reason than cost. This isn't surprising what it actually costs for the certification. We're achieving the same results and all that we're missing is a little plaque on the wall and that would be the hang up for the City. I would like this to be reviewed through the whole CDC so we have consistency with what we achieved in the base area.

Bob Keenan –

What we're dealing with here is a vacant 5-6 acre parcel. (He explained what would have to happen in order for a lot of the variances to go away). The snow storage is a little bit different than what was provided in the staff report. (He mentioned some other things that were new information not presented in the staff report). We had changed the 30' entry landscape corridor to just entry corridor allowing buildings to go from 5-20'. That landscape buffer is whatever's remaining between the 5-20' from the property line. The 30% parking is contained in the CDC, but this particular item needs to be reviewed to the urban design standards, which states that the parking needs to be located away from the building and property line.

Public Comment was taken.

Commissioner Brookshire –

Could you talk about the ability to stack up behind that drive-up and how much space you have?

Eric Smith –

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We've got stacking of at least 6 vehicles before we get to the loading dock.

Commissioner Brookshire –

I thought that a portion of your traffic plan was that customers could use that to exit the site or is that just going to be service and drive-up?

Eric Smith –

Customers that are exiting the site through this back alley way are probably customers that are leaving from the drive-up.

Commissioner Brookshire –

From the northeast corner the driving surface would allow enough space in there for 2 cars to pass if you did end up with a customer trying to exit around the building.

Eric Smith –

You can drive all the way around the outside of this building.

Commissioner Robbins –

I know that you just got some new information from Eric Smith regarding the snow storage and the numbers for the cost of the bus turnout, etc. In your staff report you have an undetermined open space criteria do you think that with the information that you now have that you could come up with a more solid determination of that criteria or do you need more information from them in order to make a clear determination?

Bob Keenan –

Not at the moment. I'm not sure what the value of the land and construction costs are. Each variance is required to provide that 1%.

Eric Smith –

The building is essentially 16,000 square feet. (He explained the different numbers that shows that they do meet the 1% range required).

Commissioner Meyer –

To continue along that whole concept of trying to determine public benefit since the way I count public benefit is economic and transit. I'm only getting 2. I'm not going to count 4 different components of economic or transit. Is Pine Grove Rd. a public or private road? Who owns Pine Grove Rd. on that side?

Bob Keenan –

It's public.

Commissioner Meyer –

What I'm looking at are improvements in a public right of way or improvements that we would probably require if that whole site was built out anyways.

Eric Smith –

This is something that's been suggested by the applicant.

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Commissioner Meyer –

I understand the roundabout. We've done roundabouts in the City so there's a way to put a dollar amount. What about something as simple as a bus stop, which is really going to benefit Walgreens as far as dropping off customers? That bus stop is probably in the right of way, is it not?

Eric Smith –

This is in the right of way. (He showed on the overhead what they're proposing).

Commissioner Hanlen –

The comment that was made regarding the landscape requirements, I wasn't clear. Are you saying that we resolve the language and that there isn't a conflict in regards to the 30' landscape buffer?

Bob Keenan –

The code was updated so recently that it hasn't made it into the newer CDC. The landscape will be required where ever the setback is and the property line.

Commissioner Hanlen –

Does that remove the variance?

Bob Keenan –

No, the drive aisle prevents them from creating the landscape buffer all the way to the building.

Commissioner Hanlen –

Currently we allow the sidewalks to go into the Hwy. 40 right of way. When we were talking about the changes to the CS and CC there were a couple of instances where we had excessive sections of right of way where we talked about the potential of having frontage roads in addition to the sidewalks. If we're concerned about 9' of landscape buffer and all of a sudden we ballooned this excessive right of way width would it be acceptable to have part of the landscape buffer within the right of way?

Bob Keenan –

It would. In this case just over the property line and into the CDOT right of way there are a handful of utilities. CDOT wouldn't give the applicant approval to put landscaping in that area.

Commissioner Hanlen –

Wet or dry utilities?

Bob Keenan –

Dry utilities.

Commissioner Hanlen –

I thought that part of the new street standards allowed trees to exist within the utility easements and we were starting to get some direction so we didn't have these conflicts?

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Bob Keenan –

We allow low growth shrubs within the utility easements, but not trees.

Jason Peasley –

That is true that is the case, but the unfortunate thing is that our street standards don't have anything to do with the CDOT right of way.

Commissioner Hanlen –

CDOT isn't going to allow anything?

Jason Peasley –

It's up to CDOT in that case.

Eric Smith –

CDOT's position is that they won't give an easement for that. He mentioned other projects where it has been done and hasn't posed a problem.

Commissioner Hanlen –

Part of the problem when we changed from CS to CC zone district was trying to create more urban frontage. Recognizing that Hwy. 40 is never going to be downtown Mainstreet and by acknowledging that by placing a sidewalk out front of the landscaping it's more or less naked to the edge of the asphalt. The addition of trees acts more like a buffer between the sidewalk and vehicular traffic. In a case like this is that something where we prefer landscaping?

Eric Smith –

We plan to landscape out past that sidewalk.

Bob Keenan –

CDOT hasn't been able to put in writing regarding the landscaping on the other side of the sidewalk yet. There may be some issues involving that.

Commissioner Hanlen –

If we're going to be placing sidewalks out on Hwy 40 then in order to make them safe we need to push CDOT into allowing landscaping between the sidewalk and the street. With regards to the transparency in the glass and based off of the location, in the Urban Design Standards is there a requirement that the glass cannot be mirrored but has to be clear?

Bob Keenan –

It's not specific. We feel that the intent is so someone can look in through the window. That's our interpretation.

Commissioner Hanlen –

If we're looking at it from the façade articulation, with the 2nd story because we have 8' of topographical change from asphalt down to the building so it hunkers down about ½ of that 1st story. What we're seeing primarily from Hwy. 40 is that 2nd story do they have a problem adding larger glass up there, but allowing it to be mirrored recognizing that it's a storage function based off of the floor plan?

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Bob Keenan –

It has to be transparent glass and can't be mirrored.

Commissioner Hanlen –

We have a bunch of transparent glass facades, but with boxes stacked right behind them with the doors locked since nobody accesses those. In a case like this I'm asking this since I didn't see a specific reference in the code would that be allowed and would that improve the façade articulation sufficiently enough to meet the transparency requirements if the transparency requirements aren't just about being able to see in, but also about façade articulation?

Eric Smith –

You can see right through the glass. He explained the windows and what they're trying to do with them. We could make those windows larger.

Commissioner Hanlen –

If we're going to have it mirrored I'd rather have it mirrored or if you were able to bump it up to 366 glass where you really can't see it from a distance. I don't want to see a bunch of boxes.

Eric Smith –

It's not mirrored like some of the office buildings, but it does have a fairly reflective surface that doesn't allow you to just look inside it.

Commissioner Hanlen –

Would that address part of the intent of what we're trying to meet with the transparency? If that term is a broad term to improve the façade articulation rather than having blank walls.

Bob Keenan –

The intent is to serve both purposes.

Commissioner Hanlen –

Unlike downtown and T1 or T2 where we specifically prohibit it here we don't really call that out specifically.

Bob Keenan –

No, here it specifically says transparency glass.

Commissioner Hanlen –

They can still provide transparent glass and have a reflective finish.

Bob Keenan –

The code isn't that specific.

Commissioner Levy –

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The PUD specifically calls out a submittal requirement for economic analysis and you have chosen not to provide one even though it was scaled down by the director. Can you give us reasoning for that?

Brian Olson –

I did talk to Scott Ford about that and he didn't provide a complete analysis of sales tax revenue. He did provide based off of Walgreens 26 jobs.

Commissioner Levy –

Has that been submitted to staff for review?

Brian Olson –

No.

Commissioner Levy

You have parking on 2 sides. Is that required or just Walgreens vision? Wal-Mart was able to get away with parking on 1 side. It seems like a possibility and would help out with some of the setback issues. I was wondering if you had thought about that and where that comes from.

Eric Smith –

We are required to have a certain number of parking spaces. If we were to put it all on one side then we have some deeper areas of parking. It's more appealing to not have double stacked parking.

Commissioner Levy –

You mentioned that several of these variances are caused by location. Did you look at other lot configurations that could have helped with the setbacks?

Eric Smith –

The challenge is to have a separate area for deliveries. We felt that this was the best option for that reasoning.

Commissioner Hanlen –

Going back to when we were altering the zone district standards for CS and CC and recognizing that Hwy 40 was never going to function as Mainstreet downtown. I was driven by two primary goals when we changed the front setback goals for Hwy 40. The 1st one was to quit squandering land by having excessive setbacks. The 2nd one was trying to establish a consistent frontage for a series of buildings, hence the minimum and maximum. I'm wondering with the right of way not being parallel with the road in this case and trying to create a consistent frontage for the facades. At what point are we meeting the intent of what we're trying to do? At what point have we met the intent by being able to subdivide the property. We've eliminated the setbacks so we haven't wasted the whole property with excessive setbacks. Viewing the lot contextually, this lot within the larger parcel, does it meet the intent once built out based off of the way the building is laid out?

Jason Peasley –

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I'm not certain whether it meets the intent or not. The reason why we had those variances was to accommodate for some of those varying right of way widths. He discussed whether or not it's meeting the intent. I don't feel that intent is being met by bringing the building closer to the street and eliminating the parking adjacent to our right of ways.

Commissioner Hanlen –

Is there still a 30' setback requirement for the parking? This is the first project that's come before us since we changed those standards and the biggest problem I felt was the hang-up when we were changing those standards was how are these going to work based off of the nature of Hwy 40, the varying width of the right of way, and the realities of the suburb and frontage and altering that into more of an urban frontage? The potential inconsistencies where if you meet one then you don't meet the other. This needs to be part of a broader discussion of how we donate that with another large piece of land and we end up with a dysfunctional building as a result.

Jason Peasley –

Right now that 30' is what the regulations say. I agree that we need to home in on what we really want to see out of these sites. He discussed the front setback.

Commissioner Hanlen –

Acknowledging in there that we can't have a steadfast rule that if you meet 1 standard then all of a sudden you're in noncompliance with another standard. Recognizing the difficulty that we're faced with Hwy 40 by trying to alter the standards. It just seems like a whole lot of things are cropping up that may be unrealistic, but it needs to be a part of a bigger discussion.

Commissioner Slavik –

I remember that we had different concerns at intersections or certain intersections than we had at other areas. The Logger's Lane thing isn't necessarily the best analogy for this property. This is at an activity node. Those particular locations are where we talked about wanting to be very specific of the potential for pedestrian activity and more activity at those locations. I'm asking in terms of variances or changes that we made to the code were we looking at parts of Hwy 40 that are long and non-accessed where Logger's Lane is or are we talking about the intersection nodes where we really wanted to have the 2nd story, 3rd story, or the more intensity right at the corner as an entry corridor or node location?

Commissioner Hanlen –

When we talked about wanting more at the intersections and we talked about the potential of requiring 2nd and 3rd stories and pushing for more intensity we ended up backing off from requiring it. I felt like this was a compromise. Somebody can in a site like this where they have a big parcel and they can't utilize the whole site, because of the economics today. At least they don't have to squander the whole site. By eliminating the excessive setbacks they can utilize a smaller site than what would have been required under the original setbacks for CS and CC.

Commissioner Slavik –

That would have taken priority over the density of that location?

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Commissioner Hanlen –

No, over time we would still see a final result based off of the premise that it's unrealistic and way too onerous to say 'though shall build a 3 story building at every corner'. Short of requiring that the idea would be we'll allow them to parcel off smaller chunks. Utilize that smaller chunk of what they can use today, but they haven't wasted the whole site.

Commissioner Slavik –

It doesn't necessarily meet the goal for that corner. You can't meet those other goals at the other part of the property.

Commissioner Hanlen –

The idea was that we had these other strips of land.

Commissioner Brookshire –

Can you talk about the conflicts that Eric Smith referred to between the Urban Design Standards? It seemed like the petitioner bullet pointed many of the variances that you've put into your report. Briefly if you can help me out with his interpretation of a variance that's not really a variance, because of this code and that code.

Bob Keenan –

He may have been looking at different parts of the code that didn't pertain to 12,000 square foot buildings.

Commissioner Robbins –

Are you talking about the difference from the 1/3, 2/3, and 3:12?

Commissioner Brookshire –

Correct.

Bob Keenan –

The code will have certain requirements for those particular zone districts. I think that's part of the confusion.

Commissioner Brookshire –

If the petitioner was specifically looking at different points within zone districts for the code that was in conflict and therefore was the Planning Commission trying to decide this one applies, this is a variance, and that's a variance.

Bob Keenan –

I don't think that's your purview to decide, but rather that's staff's job.

Eric Smith –

It says in the Urban Design Standards that it's 1/3 for buildings over 12,000 square feet and 2/3 for buildings less than 12,000 square feet. I don't think that this is vague. We've got a very confusing code in this community. There are a lot of contradictions in this code. A PUD is there, because there will be discrepancies in the code.

Bob Keenan –

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You are correct, it is 1/3 over 12,000 square feet. (He discussed the conflicts with the code and the fact that it is regularly updated). When there is a conflict between the CDC and Urban Design standards then the Urban Design Standards apply.

PUBLIC COMMENTS

Charles McConnell –

A business like this would provide a significant benefit to the community. In the paper this morning there was an article that was back to back with how the City Council was going to discuss the economy. They talked about how they're spending many dollars to plan for economic development. This is a form of that economic development and it's being done by private industry. The private industry is bringing their own shareholders money here and spending it in Steamboat Springs and providing for economic development. The more competition there is in a community the lower their prices will be. This is an additive to competition. The construction of this building would provide some stonework for a stone masonry who I know that's been out of work for several months since nothings being built. There will be some white collar and nonwhite collar jobs associated with this business. I hope that the Planning Commission and staff could work together for the benefit of the community to solve whatever problems need to be solved. Let's bring this company to Steamboat Springs.

Paul Berge –

There's a tremendous economic development for Steamboat Springs. One of the challenges as a seasonal residence is the ability to transfer prescriptions. The drive thru provides a convenience particularly for people who can drive, but have a disability. I'm very impressed with the way that this building is laid out.

Ian Prichard –

I think that Walgreens would provide a lot of public benefit. In this economy to have a development that's this thought out I think would be a great opportunity. It would be really unfortunate for something like this to go away; because of the chances of something like this coming back could be a long ways down the road. The bus stop I don't think should be overlooked and brings a tremendous amount of public benefit. There are vibrant businesses over there that would benefit from this bus stop. It's a significant challenge to get from the current bus stop to get to Staples'.

Michael Buccino –

Most people are thinking economics. The HOA for the property that's adjacent to this property are all for this proposed Walgreens. Hearing Eric Smith's reasoning for the building being positioned and located the way it is there's a lot of common sense that would supersede the CDC. Their job and your job is to be black and white and to stick with what the CDC says. I would like for you to look at the CDC and see that there are some flaws. There are some variances that are put in place. There's a bigger parking lot that has bigger problems. I hope that you speak favorably to the City Council regarding Walgreens.

Brian Tikely –

The changing setback along Hwy. 40 used to be 50'. We've since changed the CDC and now they're asking for a closer setback. We tend to look at the last 2 letters and not the first. The first is the community. Look at what this will do for the community. He

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mentioned the fact that the Community Center is LEED certified. If you pull the parking and have it on the shaded side of the building then you're going to have problems with ice.

Ed McArthur –

The public benefit on this with the turnaround and bus stops and what it does with the circulation on Hwy. 40 is an important thing to look at. I know that there was a building approved on the other side of town where the City gave some pretty substantial financial incentives to get a building put in based off of economics. This building isn't asking for any of that. When you look at the loading dock, which is in back I haven't heard of anyone complaining about any other business such as City Market or Wal-Mart with their big trucks parked out back. We just came out of a time when the CDC was written when things were flying high. Some of the things that we put in at a time when there was so much stuff being built that we thought that we were protecting ourselves from anyone who wanted to put something in there that was wrong. This isn't wrong, but is the right thing. I didn't know that you had to pay someone to come in and give you a LEED certificate so you can hang it up on your wall. If we're asking someone to pay a huge amount of money to put a plack up on the wall then we're way off base.

Jim Koler –

He asked how many in the room were in construction. Nearly all of the public raised their hand. Economy is horrible for the construction workers. The construction is only short term, but the jobs created once this building is built will be very long term. I would like your support for this project.

Jim Lorenz –

The main thing that I really hope is that you get the gist of what this really means in a lot of aspects. I would like to think that based off of those facts that the Planning Commission, the applicant and staff can work together and make this work so we don't lose this potential. This is a business that can last a long time and bring a lot of benefits. Competition is good.

Bill Jameson –

Competition is good, but you have standards that need to be upheld. If they're going to put this building in then people can ride their bikes to it and people can use the core trail. As designed and as requested it doesn't do the job. Before you approve this building they should be required to put in their infrastructure and that means connecting it to the core trail. If that is done then the turnaround is nice and it does a lot. You have a code, enforce it. If you don't like the code then amend it. It shouldn't take 3-4 tries for an applicant to come in and get approval. Get it right so that it's a long term asset to the community. I don't know how much more competition that another pharmacy is going to add to the community.

Hunter Townsend –

These are going to be short term construction jobs. It would give as many as 25 families a job. It would bring people into our area and down our road. I'm in support of it and I think it's a good thing.

Evlyn Berge –

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As far as the core trail goes I use it a lot. From the sidewalk at Mid Valley to the sidewalk where the core trail starts over by the railroad tracks it is really short. It's miserable to walk along Hwy 40. I'm in total support of Walgreens.

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

Commissioner Robbins –

I agree that the PUD process does provide for a substantial amount of flexibility and I do agree that we should work with the applicant. I'm a little bit troubled with making an actual determination of whether I would approve or not. It seems like there are a lot of issues that are undetermined or new information that's been brought to staff that I would like to hear back from staff about what they now think with the new information that's been provided to them.

RECOMMENDED MOTION

Recommended Finding

Staff finds that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD) is **not consistent** with the required findings for approval for a Development Plan/Final Development Plan (PUD). Planning Staff recommends that the Planning Commission **deny** Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD).

Alternative Motion #1

Should Planning Commission find that the applicant should make changes to the proposed development to be recommended for approval then the Planning Commission should table the proposed application with recommendations to achieve approval.

Alternative Motion #2

Should the Planning Commission find that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD) is consistent with the required findings for approval for a Development Plan/Final Development Plan (PUD), the following conditions should apply:

1. Submit the approved access permit and any other permits required from CDOT prior to approval of civil construction drawings.
2. The following items to be identified on the construction plans are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
 - i. Public drainage improvements
 - ii. Public sidewalk improvements
 - iii. Installation of street, pedestrian, and traffic control signs, any signals improvements) and all roadway striping
 - iv. Access drive, driveway, and parking areas
 - v. Public roadway and intersection improvements at Mid Valley Drive/Pine Grove Road.

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- vi. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
3. Landscaping must be installed prior to building occupancy.
4. Approval of this application does not constitute approval for any signage.
5. A Final Plat for City South must be completed prior to building permit.
6. Lighting must comply with City standards.
7. The project will be required to follow all current Rules, Regulations, Specifications and site Specific Requirements (as identified in the November 23, 2010 TAC Development Review Comments) of the Mount Werner Water District.

MOTION

Commissioner Robbins has moved to table the motion to the next Planning Commission meeting on January 27th and Commissioner Meyer seconded the motion.

DISCUSSION ON MOTION

Commissioner Levy –

I would like to hear from staff on whether they would be able to come up with a different interpretation. I would prefer to hear some of the missing items such as the construction cost evaluation. Otherwise we can't do a public benefit evaluation. Whether the applicant is willing to give that information to staff to review that and what information is going to be reevaluated and looked at and what additional information would be provided by the applicant to make a tabling effective for me.

Bob Keenan –

We can work with the applicant with those inconsistencies. As far as the quantifying of the public benefit we had asked for that prior to this meeting.

Robert Weiss –

The contractual agreements that we have require us to meet certain time frames. A tabling is equivalent to denial. Our preference would be that you either approve or deny.

Commissioner Lacy –

Your next City Council meeting is at the beginning of February, right?

Robert Weiss –

Right.

Commissioner Lacy –

You wouldn't be willing to supplement for our next Planning Commission meeting on January 27?

Robert Weiss –

We have to be at the City Council meeting on February 1st. We're not prepared to supplement.

Commissioner Robbins –

You said that you're not prepared. Does that mean that you don't have the information available so you can't supplement it? If we were able to accommodate you on the 27th and the 1st do you have the information to provide to staff?

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Robert Weiss –

It depends on what information.

Commissioner Robbins –

The economic impact analysis and the information needed in order to determine the public benefit.

Commissioner Brookshire –

One of my concerns about this building is the way it looks from Hwy 40. Without trying to be a design person I would feel that there are architectural elements that could hopefully be incorporated into the building on the Hwy side. I think staff did a good job in the report. I understood exactly what they were conveying to us. I appreciate that. I understand that the applicant is asking for an awful lot of variances. For me I think I could accept the majority of those variance requests. Whether I can support it or not has to do with the 90% of the public's initial reaction to this building. It's going to be how it looks from Hwy 40. If they come back to us I want to see something that adds a window, adds character, blank walls and sterile bricks on the highway side of the building.

Commissioner Hanlen –

It seems like a lot of the review is on staff's part as far as reviewing the snow storage and several of the other items. Is that the case that we're not looking for any new or additional information? It sounded to me that the interpretation wasn't the same as in the staff's report.

Bob Keenan –

It comes down to what the Planning Commission wants to do.

Commissioner Lacy –

I'd be in support of Commissioner Meyer and Commissioner Robbins motion to table. I feel like we need more information. I don't know if the applicant feels like they can provide it within the 2 week window.

Brian Olson –

I think that we can provide it within the 2 week window. My concern is with City Council and whether they will have enough time to review it after Planning Commission's next meeting. Is that something City Council is willing to do? It's either happening or not happening. We've had disagreements with the staff's requirements. We've spent a lot of money on this. The economic analysis was going to cost us even more money and staff was still not going to be in support of us and so some decisions had to be made. The decision was to go to the Planning Commission and get some public hearings.

Commissioner Lacy –

City Council does get a supplemental package before the meeting even though the original package would go out on the 27th.

Bob Keenan –

There have been circumstances where the City Council has said that there are some timing issues and that they aren't going to get their packet a week in advance. The applicant is up

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against the deadline. It doesn't mean that you have to make a rash decision based off of the applicant's timeline.

Commissioner's motion still stands.

Commissioner Meyer –

Over and above what the expectations are of the group. I want to make sure what everybody's hot button is to make sure that the meeting in 2 weeks that the applicant has a clear understanding from the majority of what they expect.

Commissioner Levy –

I had mentioned the economic impact analysis that I didn't request, but was required by the CDC. I happened to point out that it was missing. The construction cost evaluation and the estimated cost benefit for the public benefit that they're providing so that way we can analyze the public benefit whether it equates the 4% required and not the 1%. If they truly are giving us 3 xs the public benefit required then that's certainly going to skew my view of the variances. I'm willing not to support the motion unless we can guarantee the applicant that City Council will be happy with late submittals.

Brian Olson –

We would like to have the opportunity to address your concerns. I would like to have your support on this. If it means tabling this then we'd rather have a denial. I'm not asking for the motion to be withdrawn, but rather if City Council will really be willing to accept the tabling.

There was a discussion between Planning Commissioner's, staff, and the applicant regarding the motion to table.

Commissioner Lacy –

We have a motion to table on the floor and a second. We're looking for additional information for our next meeting, which would include economic impact analysis. It would also include monetary analysis based off of public benefit. A little bit more analysis on superior development from the north and east of this project.

Commissioner Robbins –

If you have more information from CDOT that would be helpful too.

Brian Olson –

We've been successful in getting that from them in the past. They don't normally approve until at the time of construction.

Commissioner Robbins –

I know that Bob Keenan mentioned some site visibility issues from Hwy 40. Maybe if you put some landscaping in that right of way that you could then show that it's not going to be a make impact on the site visibility.

Commissioner Hanlen –

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I don't feel that it's the Planning Commission's purview to review what business is going in. It's more of the land use and what the building looks like. If at the end of the day we can get the best looking building possible. If by the end of the day we can properly screen the building by having some landscaping existing in the right of way then I feel that the objective has been met.

Commissioner Meyer –

I think that the building design is appropriate and meets all of the criteria for the architecture, materials, and color except for the loading dock side. That is a very important side for me. I would like to see what you come back with for the economic impact analysis especially if you feel that Walgreens economic development and jobs is so important. We're looking for your best effort in identifying those economic benefits and putting them in writing as well as analyzing them.

Commissioner Lacy –

We're not saying to go out and hire some consultant.

Robert Weiss –

An issue has come up from staff that if you were to deny this on the 27th that it would have to be an appeal and couldn't be heard by City Council on February 1st due to the noticing requirements for an appeal.

Took a 5 minute break.

Eric Smith –

We will be for the tabling of the motion.

VOTE

Vote: 7-0

Voting for approval of motion to table: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Slavik

Absent: Beauregard

Discussion on this agenda item ended at approximately 7:46 p.m.

ERNST CORSER ASSOCIATES
Community Planning and Design
1370 Bob Adams Dr Ste 308
Steamboat Springs, CO 80487
(970) 870-8624

January 25, 2011

Steamboat Springs Planning Commission
Steamboat Springs City Council

Dear Planning Commission and City Council:

I am an urban planning consultant and former planning commissioner for the City of Steamboat Springs and am writing in regards to the proposed Walgreens store on Pine Grove Road. While serving on the planning commission in the early 1990's, we worked very hard to develop and enforce design guidelines to ensure that Highway 40 did not continue to build out as a commercial strip development. Although many structures had already been developed at that point, the new structures, such as the Hampton Inn, were required to address the highway and to build their parking in the rear of the structure.

I feel it would be extremely unfair and undesirable to allow Walgreens any variances that would allow paving between the highway and the building. In a community dependent on tourist dollars, it would be extremely short-sighted to compromise the guidelines that prevent the entry to our community from being another strip commercial district. When people leave major urban areas to visit Steamboat they do not want to see more suburban-style development. Our community has done an excellent job in recent years with developments such as Ski Haus and Wildhorse Marketplace. Lets not negate these efforts by granting variances to Walgreens that would degrade the entry to our community.

Thank you for considering these comments.

Sincerely,

Susan Ernst Corser

CITY COUNCIL COMMUNICATION FORM
ADDENDUM

FROM: Bob Keenan, Senior Planner (Ext 260)

THROUGH: Tyler Gibbs, AIA, Director of Planning Services (Ext. 244)
Wendy DuBord, Acting City Manager (219)

DATE: **January 28, 2011 Addendum for** February 1, 2011 City Council Meeting

ITEM: **Appeal of a Planning Commission Decision to Deny** Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD)

NEXT STEP: If **the denial is overturned** the applicant may obtain a building permit and start construction after recordation of a Final Plat for the subdivision.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD)

PETITION: **Appeal of Planning Commission decision to deny** a 16,450 square-foot commercial building and proposed variances to the development and architectural design standards.

APPLICANT: Brian Olson, PO Box 882597, Steamboat Springs, CO 80488, Email: brian@olsondev.com, Phone: 970-846-2619

PC ACTION: **Denied 4-2.** The Planning Commission voted 4-2 to deny #DPF-10-05.

CITY COUNCIL COMMUNICATION FORM **ADDENDUM**

Appeal of a Planning Commission Decision to Deny Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD)
February 1, 2011

I. RECOMMENDED MOTION

On January 27, 2011, with a 4-2 vote, the Planning Commission recommends denial of the application known as #DPF-10-05

II. PLANNING COMMISSION DISCUSSION

Commissioner discussion pertained to the site planning of the building, specifically the location of the service area that faces Hwy. 40, the parking between the building and Pine Grove Road, building orientation, and setbacks. They also briefly discussed the public benefit being provided and the economic impacts.

Most of the Planning Commissioners agreed that the public benefit that is provided meets and exceeds the requirements but had mixed feeling about whether the proposed development will provide positive or negative economic impacts to the community.

Please see the attached meeting minutes for more information.

III. PUBLIC COMMENT

There were several members of the public that spoke at public comment. Most of the comments were in opposition to the project but a few spoke in favor of it.

There was also three letters written prior to the Planning Commission meeting. A copy of these letters can be found as an attachment to the Planning Commission Memorandum.

Please see attached meeting minutes for more detail on the public comment at the meeting.

IV. NEW INFORMATION

The applicant has provided new information since the January 13th Planning Commission meeting and prior to the January 27th Planning Commission meeting. *This new information is summarized and analyzed by Planning Staff in attachment 1. .*

V. LIST OF ATTACHMENTS

Attachment 1 – January 27, 2011 Planning Commission Memo – New Information
Attachment 2 - January 27, 2011 Planning Commission Draft Minutes



**DEPARTMENT OF PLANNING AND COMMUNITY
DEVELOPMENT**

M E M O R A N D U M

DATE: January 26, 2011
TO: The Planning Commission
FROM: Bob Keenan, Senior Planner
SUBJECT: Walgreens DPF-10-05 (PUD) - New Information

At the direction of the Planning Commission at the January 13th hearing, the applicant for the Walgreens project has provided new information regarding economic impacts, public benefit, revised landscaping, revised building elevations, and revised perspectives.

Planning Staff has prepared this memo to highlight the new information provided and to provide a brief analysis on how it complies with the Community Development Code for those particular areas. Staff has also provided a brief analysis on the new information provided by the applicant at the January 13th hearing which included revised snow storage and roof pitch information showing compliance with roof pitch standards for buildings 12,000 square feet and larger.

The new information has not changed staff's findings from the original staff report. The proposal is not consistent with the required findings for approval of a Development Plan, Final Development Plan, and PUD. However, the new information provided has brought the application closer to compliance.

Staff has included the January 13th draft Planning Commission meeting minutes as *attachment 5* and public comment letters as *attachment 6*.

Please notice that the applicant's letter (attachment 1, New Info) is missing Exhibit B. Exhibit B has changed since the applicant has sent the letter and is now contained as attachment 2 to this memo.

Staff Analysis

Economic Impact Analysis –

The applicant has provided further analysis regarding the economic impacts to the community from the proposed Walgreens. It provides information on the number of jobs created, the salaries of those jobs, sales tax revenue assumptions, and direct and secondary economic impacts.

Walgreens projects that 15-25% of their annual sales will be in the form of new sales. In other words, 75-85% of the sales will be derived from competing businesses in town.

Please see attachment 1 for more information.

Public Benefit -

The applicant has provided more information regarding the estimated cost of construction of the proposed building, the estimated land costs of the proposed lot 2, and the estimated cost for the public benefit proposed (bus stop and roundabout).

Staff finds that the applicant's proposed public benefit meets and exceeds the required public benefit of 4% of the project's land and construction costs and, therefore, meets the requirements of the CDC.

Please see attachment 1 for more information.

Revised Landscaping –

As suggested by the Planning Commission, the applicant has provided additional landscaping into the CDOT right of way in front of the proposed Walgreens building. This additional landscaping is subject to approval of CDOT. Approval of this landscaping will not be known until construction drawings have been developed and prior to building permit.

Staff finds that the additional landscaping helps buffer the sidewalk from the street as well as providing better screening of the service area.

Please see attachment 2 for more information.

Revised Building Elevations -

The applicant has revised the north and east elevations with additional windows, shed roofs, and a roof over the trash/recycling enclosure.

Staff finds that these additional architectural appurtenances have helped create a more attractive façade. In particular the additional windows on the south side of the east elevation have mitigated the visual impacts of the blank façade underneath the Walgreens sign. Also, the shed roofs over the windows on the north elevation have helped provide an appropriate level of finish on what would otherwise be a "rear" façade with prominent visibility from Hwy. 40.

Please see attachment 3 for more information.

Revised Project Perspectives / View Study –

The applicant has updated the perspectives or view study to include the most recent façade and landscape changes.

Please see attachment 4 for more information.

Variations No Longer Requested – Due to New Information

At the January 13th meeting the applicant presented some new information that Planning Staff had not had an opportunity to review. The following summarizes the pertinent new information that was provided and provides a brief analysis. In both cases this new information has removed the need for a variance to the standards. The applicant requested variances has now been reduced to nine from the original eleven proposed.

Revised Snow Storage –

The applicant has revised the snow storage plan to move the snow storage to a more feasible location than was originally shown on west side of development.

Staff finds that the revised snow storage plan now conforms to the requirements of the CDC and no variance is needed.

Please see attachment 2 for more information.

Roof Pitch -

The applicant has pointed out that the Planning Commission Staff Report incorrectly states that the applicant is not meeting the requirement that 2/3 of the roof shall have a minimum roof pitch of 3:12. The requirement for commercial over 12,000 square feet requires that 1/3 of the roof have a minimum of 3:12 pitch.

Staff finds that the applicant is meeting this standard and therefore no variance is needed.

Attachments

- Attachment 1: Applicant's New Information Letter
- Attachment 2: Revised Landscape Plan
- Attachment 3: Revised Building Elevations
- Attachment 4: Revised Perspectives / View Study
- Attachment 5: Draft Planning Commission Meeting Minutes 1/13/11
- Attachment 6: Public Comment

January 24, 2011

Mr. Bob Keenan
City Planning
Planning Department
City of Steamboat Springs
124 10th Street
Steamboat Springs, CO 80477

RE: #DPF-10-05 (Walgreens)

Dear Bob,

Pursuant to the Planning Commission's request for additional information. The following attached Exhibits A-D should help to answer questions, and address comments.

Exhibit A. Public Benefit:

The attached documents will demonstrate that the public benefits go well beyond the required 1% monetary value of overall project costs. The actual costs of the public improvements/public benefits equal 9.1% of overall project costs.

- Attached: 16 division overall project cost breakdown including site work.
- Land Content value.
- Attached: Breakdown of the costs for public Round-about turn around, bus stop, pedestrian plaza, connecting sidewalks.

Exhibit B. Revised Landscape Plan:

As shown on the included Landscaping plan, the project intends to incorporate landscaping along the east side of the site between US Highway 40 and the building, including landscaping in the US Hwy 40 Right-of Way. Unfortunately CDOT doesn't review or approve entitlement or planning documents. They permit landscaping in the ROW via a Utility/Special Use Permit Application. This Application requires:

- Construction Drawing Plans
- A Construction Schedule
- Traffic Control Plans
- Insurance from the Permittee
- Insurance from the Contractor

Additionally, CDOT does not review or approve Special Use Permits during the winter while there is snow in the Right-of-Way.

CDOT has approved landscaping in the Right-of-Way in numerous other locations throughout the city and we have no reason to believe that they won't approve additional landscaping as part of this project. We will work with them during the upcoming construction season to accomplish the proposed work.

Exhibit C. Economic Analysis:

Attached you will find:

- Sec: 1
 - Walgreens Staffing schedules/Staffing Assumptions and wages for a Steamboat Springs store.
- Sec: 2
 - Over-all annual staffing payroll, and how that equates to local spending. The direct impact and secondary impact of the local spending and how it relates to sales tax collections.
- Sec: 3
 - Walgreens total annual sales projections of \$5 million, and how that relates to potential new sales tax generation.

Exhibit D. Elevation Revisions:

Attached you will find Elevation revisions that I think mostly speak for themselves. The majority of the revisions were made to the North and East elevations.

Thank you for the opportunity to provide additional information and make revisions. I sincerely hope that the provided information helps you go further in making an informed decision.

Sincerely,

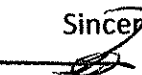

Brian Olson
Project Developer

Exhibit A . PUBLIC BENEFIT

Over-all project costs/how that relates to the required 1% monetary value associated with proposed project public benefit/improvements.

Project Costs

Building Budget (includes 5% contingency)	\$2,574,266.00
Sitework Estimate (Includes about\$28,000 in R.O.W. walks/wall	\$618,527.00
Land Content based on 51,000sqft or 1.17 acres @ \$14 per sqft Latest appraisal figures	<u>\$714,000.00</u>
TOTAL projected project costs	\$3,906,793.00

Projects associated public benefits/improvements

Drive Circle	\$279,485.00
Bus Stop Pricing	<u>\$75,915.00</u>
Total projected improvement costs	\$355,400

$$\$355,400/\$3,906,793 = 9.1\%$$

You will find all supporting documentation attached.

Exhibit C. Sec: 1

STAFFING SCHEDULE AT STABILIZED OCCUPANCY

Walgreens – Steamboat Springs / Staffing Assumptions

SALARY AND WAGE EXPENSES

Full Time Equity Hours/ Month

	Full Time	Annual	Jobs above Routt County Median Annual Wage of		
<u>Type 1 Household Creation</u>		<u>Equiv</u>	<u>Wage</u>	<u>\$41,600</u>	<u>Total Annual Aggregate</u>
Pharmacist		2.00	\$118,271	yes	\$236,542
Retail Sales Manager		4.00	\$48,870	Yes	\$195,480
Number of Jobs		6.00			\$432,022
				Average Per Job	\$72,004
<u>Type 2 Household Creation</u>					
Retail Sales Personnel/ LTC Admissions Manager			20.00	\$22,091 No	\$441,820
					\$441,820
				Average Per Job	\$22,091

Exhibit C.

Brian Olson

Sec: 2

From: Scott L. Ford [scottford@springsips.com]
 Sent: Wednesday, January 12, 2011 7:06 PM
 To: brian@olsondev.com
 Subject: Quick-n-Dirty Estimated Economic Impact Walgreens
 Attachments: Walgreens - Steamboat Springs Economic Impact Model.xls

Hi Brian –

As you will see the focus of this work-up is on the jobs and the wages/salaries that Walgreen will create when they come to town. I take into account both direct and secondary impact. These impacts are on-going each year.

Direct:

- New Jobs = 26
- Annual Payroll = \$874,000
- Aggregate Household Disposal Incomes as a result of these new jobs and annual payroll = \$1.7 Million
- Projected local spending by these households = \$702,731

Total Local Spending Est.	Colo Sales Tax Collections	Routt County Sales Tax Collections	City of Steamboat Springs Sales Tax Collections	Steamboat Springs School District RE-2 Sales Tax Collections
\$ 246,088	\$ 4,801	\$ 1,722	\$ 8,078	\$ 1,010
\$ 456,643	\$ 8,972	\$ 3,218	\$ 15,097	\$ 1,887
\$ 702,731	\$ 13,773	\$ 4,940	\$ 23,175	\$ 2,897

Secondary Impact:

Summary of Secondary Activity as Result of Walgreens Created Household Spending

Wages/Salaries	\$ 177,334
Jobs Created (FTEs)	4
Local Spending	\$ 81,008
Sales Tax Collections	\$ 2,358
State of Colorado	\$725
Routt County	\$260
City of Steamboat Springs	\$1,220
Steamboat Springs School District RE-2	\$153

Construction Impact (Direct/Secondary):

Best guess is that the construction will result in about \$210K of direct and indirect wages. These wages will result in about \$100K in local spending and about #3K in sales taxes between all the taxing entities.

Exhibit C. Sec: 3

Walgreens estimates total annual Sales for a Steamboat Springs store location at \$5,000,000.00

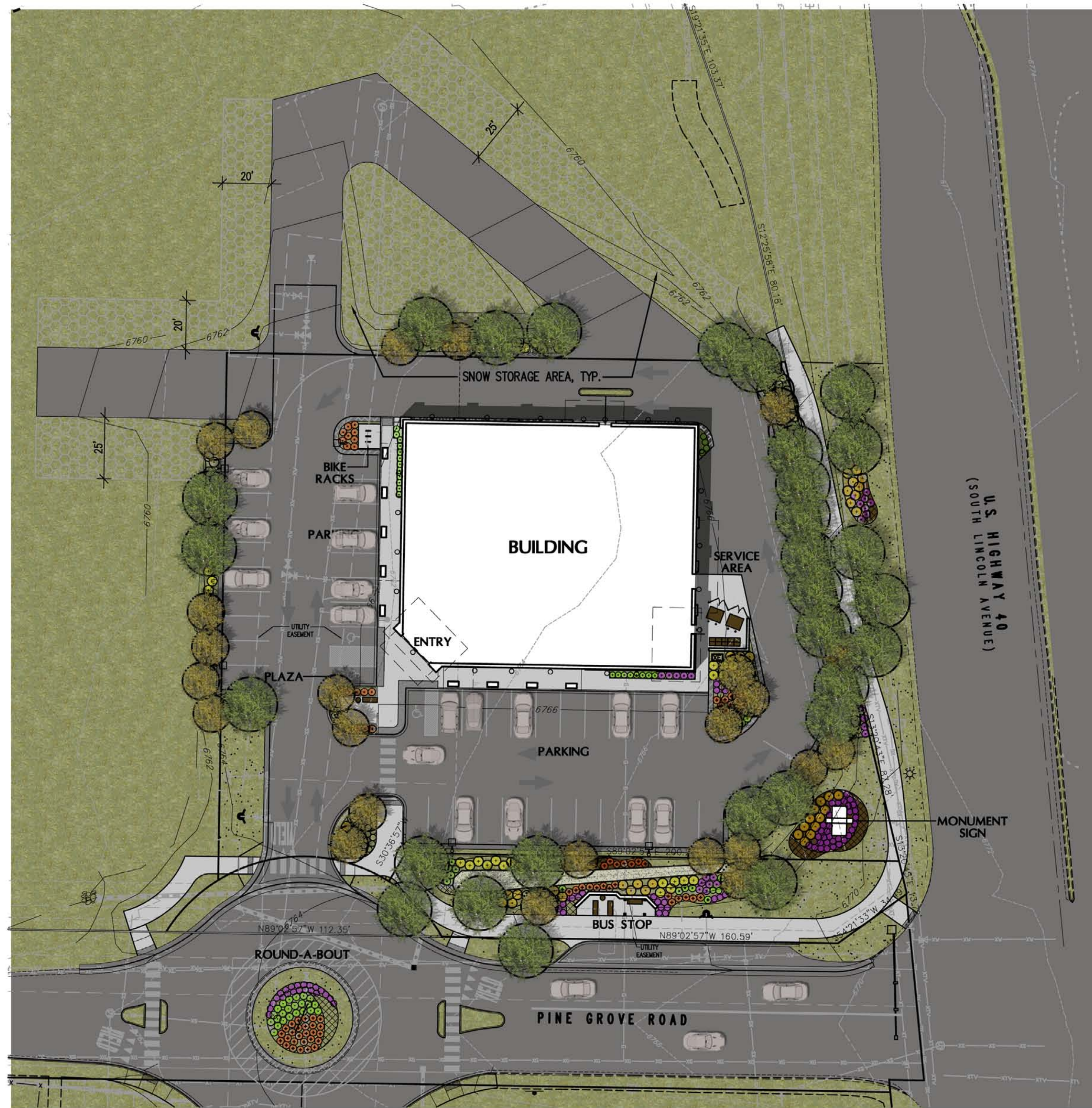
Walgreens is generally able to make pretty accurate sales assumptions based on a model that has proven very effective in almost 7,000 different store locations.

Steamboat Springs/Routt County has been carefully compared to similar population basis, and economic demographics to come to the estimated \$5 mil figure.

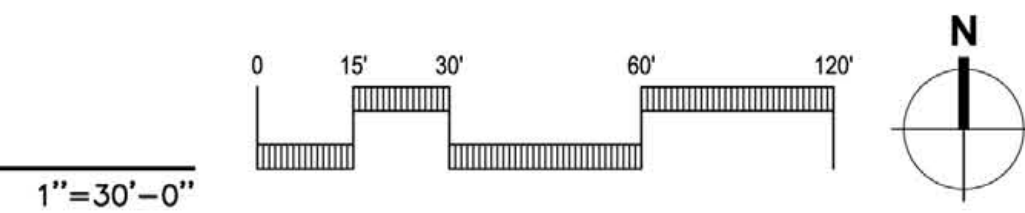
Based on further general studies done by Walgreens, and more specifically market studies with demographics, and locations such as Steamboat Springs/Routt County. It has been determined that conservative estimates would find that 15% to 25%, of the overall annual sales figure of \$5 million would be new sales. These estimates help to further the potential overall economic impact.

\$5,000,000.00 X 15% new sales = \$750,000.00
\$5,000,000.00 X 25% new sales = \$1,250,000.00

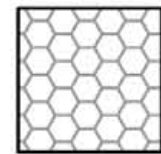
Total	Colo Sales Tax	Routt County Sales	City of Steamboat	Steamboat Spgs
Local new spending	Collections	Tax Collections	Springs Sales Tax	School District
			Collections	RE-2 tax collect
@15% \$750,000.00	\$21,750	\$7,500	\$30,000	\$3,750
@ 25% \$1,250,000.00	\$36,250	\$12,500	\$50,000	\$6,250

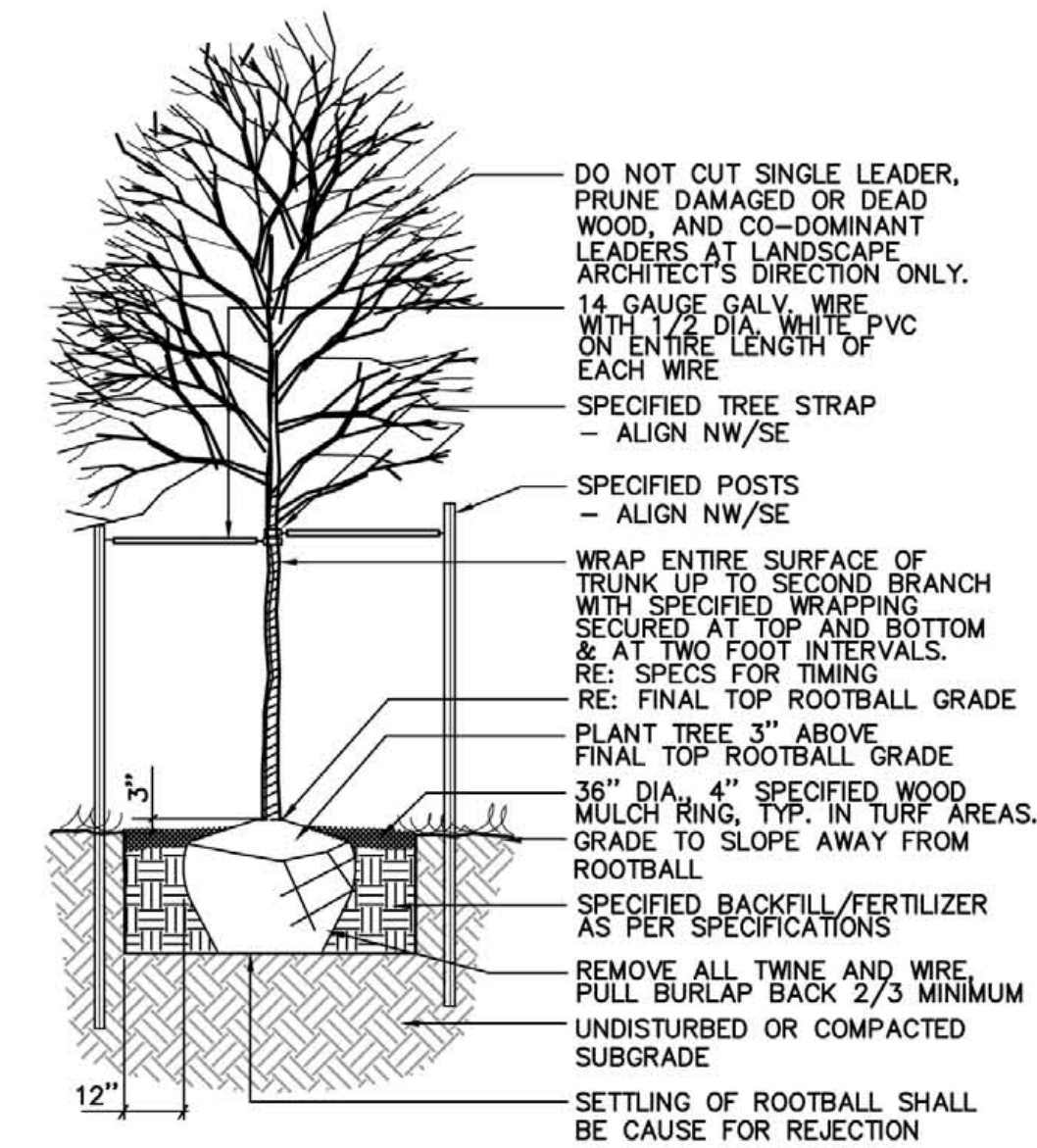


SNOW STORAGE PLAN

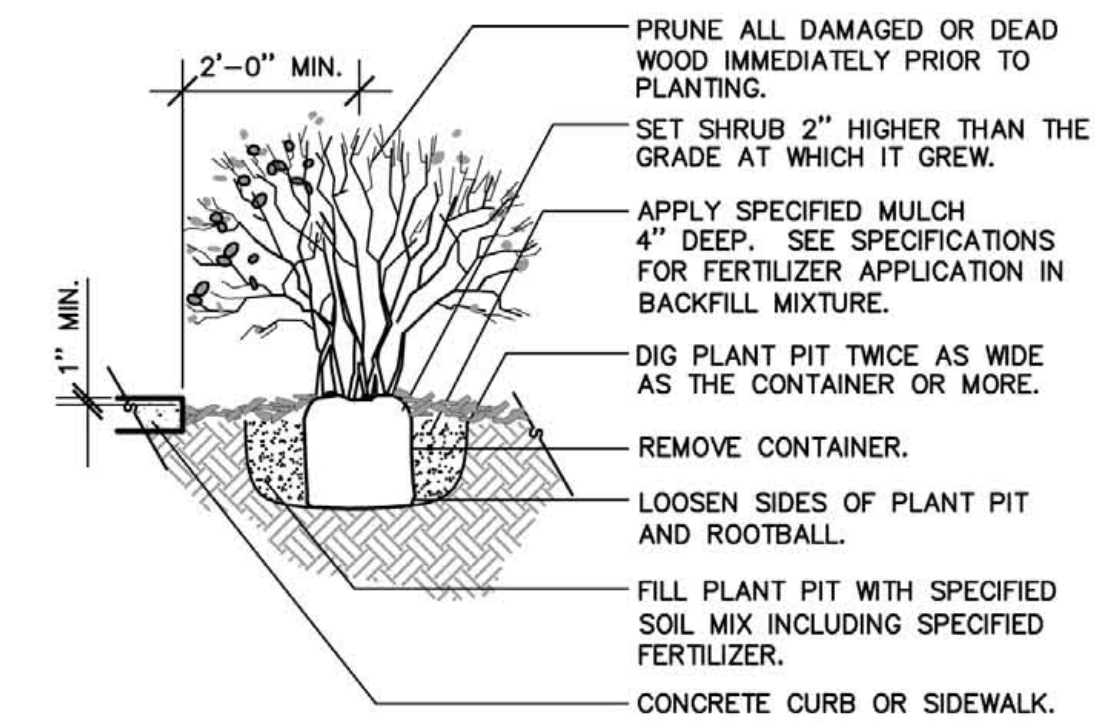


SNOW STORAGE CALCULATIONS

	TOTAL SITE PAVED AREA	29,500 S.F.
	TOTAL SNOW STORAGE AREA REQUIRED	14,774 S.F.
	PROVIDED	14,829 S.F.

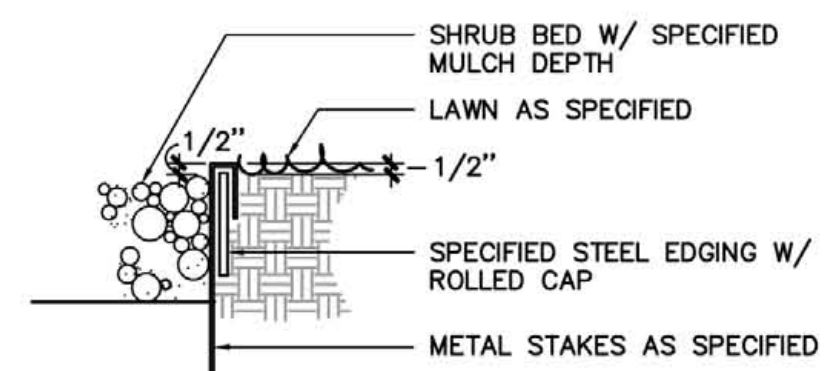


1 DECIDUOUS TREE PLANTING N.T.S.



- NOTES:**
- ANY BROKEN OR CRUMBLING ROOTBALL WILL BE REJECTED. REMOVING THE CONTAINERS WILL NOT BE AN EXCUSE FOR DAMAGED ROOTBALLS.
 - HOLD GRADE 1" BELOW EDGE OF WALK OR CURB. THIS DETAIL SHALL ALSO APPLY TO PERENNIAL FLOWERS IN CONTAINER.
 - ALL JUNIPER PLANTS SHOULD BE PLANTED SO TOP OF ROOT MASS OCCURS AT FINISH GRADE OF MULCH LAYER.

3 SHRUB PLANTING DETAIL N.T.S.



- NOTE:**
- SET ALL EDGING 1/2" ABOVE FINISH GRADE AND MULCH AS SHOWN. EDGING SHALL ABUT ALL CONCRETE CURBS AND WALKS PERPENDICULAR AND FLUSH W/ GRADES OF CONCRETE. ALL JOINTS TO BE SECURELY STAKED.
 - STEEL EDGER TO BE PLACED AT SWALE LOCATIONS IN SEEDED AREAS ONLY.

4 STEEL EDGER DETAIL N.T.S.

I HEREBY CERTIFY THAT THIS PLAN AND WORK WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER AND THE LANDSCAPE DESIGN OF THIS PROJECT WAS SIGNIFIED BY MY HAND AND SEAL.

NO.	DATE	BY	DESCRIPTION
1	10-11-10	ME	DEVELOPMENT PLAN
2	11-18-10	ME	DEVELOPMENT PLAN SUBMITTAL
3	12-17-10	ME	DEVELOPMENT PLAN SUBMITTAL
4	12-17-10	ME	PUB. REVISIONS
5	1-26-11	ME	PUB. REVISIONS

LANDSCAPE PLAN
 STORE NUMBER 15022
WALGREENS
 HIGHWAY 40 & PINE GROVE RD.
 STEAMBOAT SPRINGS, COLORADO
 ###

CADD PLOT: _____
 FILENAME: _____
 DRAWN BY: _____
 DATE: 08/28/2010
 REVIEWED: _____
 KTS

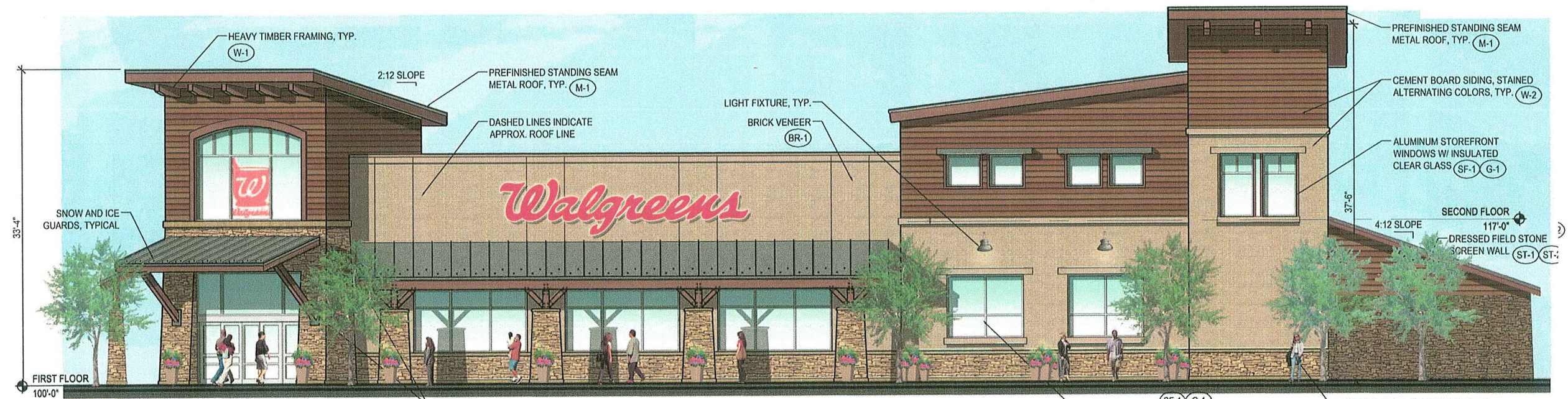
REFER TO SHEET 5 FOR LANDSCAPE PLAN, NOTES AND PLANT LIST

2 LANDSCAPE DETAILS

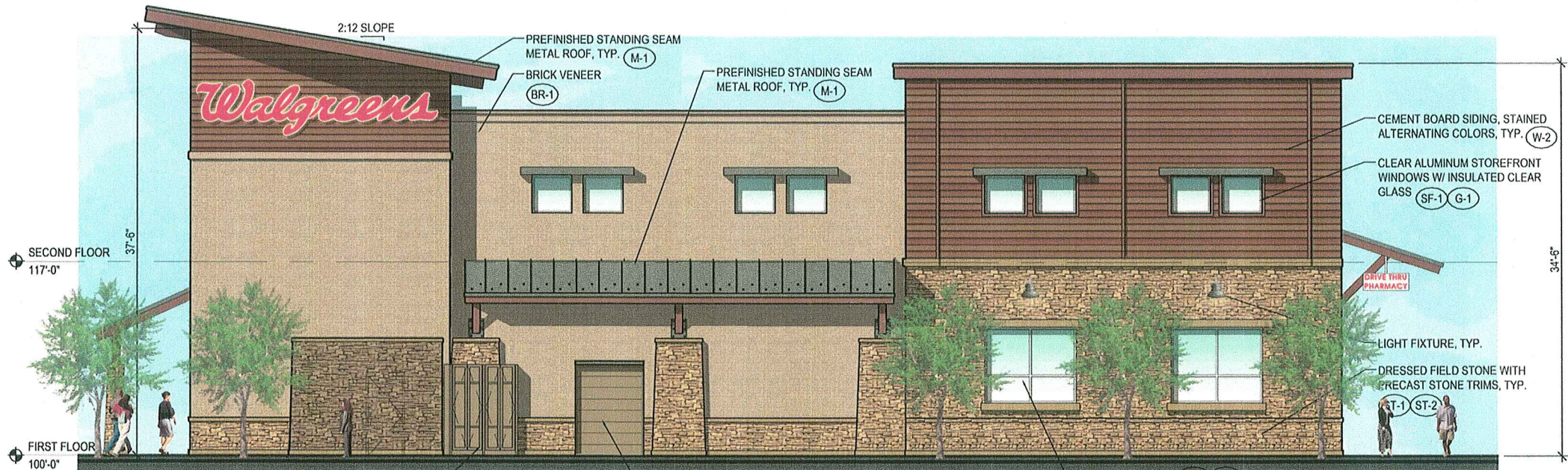
Exhibit D.



1 SOUTH ELEVATION
1/8" = 1'-0"



1 SOUTH ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"

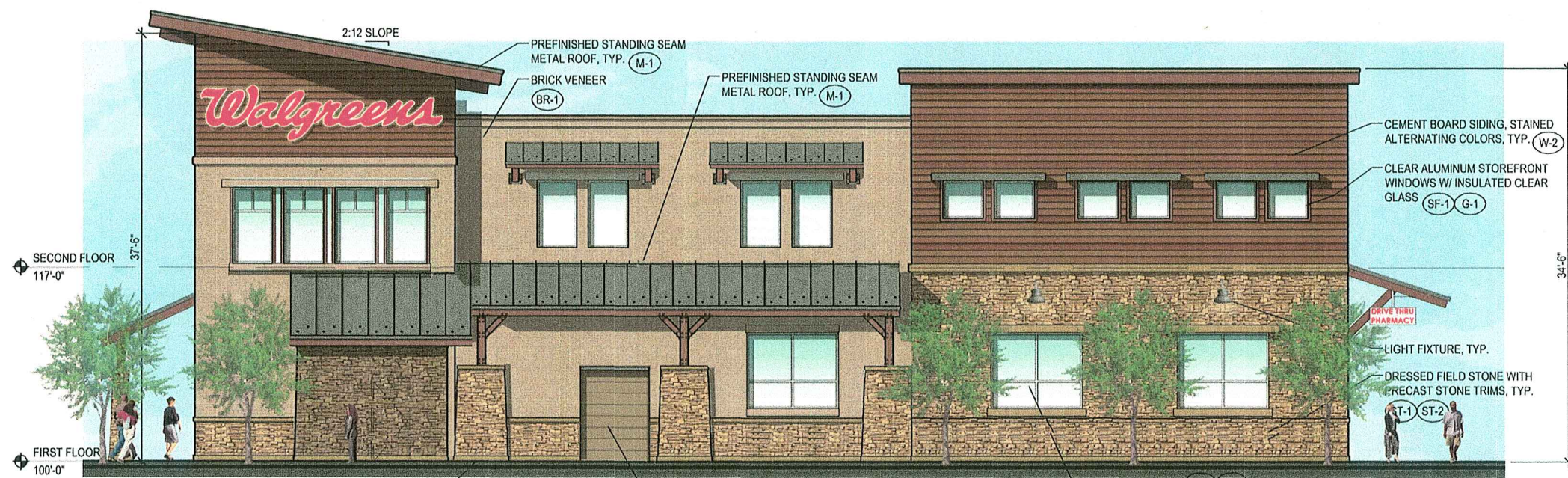
TRASH ENCLOSURE WITH DRESSED FIELD STONE SCREEN WALL AND CUSTOM FABRICATED STEEL TUBE FRAMED GATES (P-1) PAINTED TO MATCH BRICK

PRE-FABRICATED INSULATED METAL OVERHEAD DOOR PAINTED TO MATCH BRICK (P-1)

CLEAR ALUMINUM (SF-1) (G-1) STOREFRONT WINDOWS

CEMENT BOARD SIDING, STAINED ALTERNATING COLORS, TYP. (W-2)
CLEAR ALUMINUM STOREFRONT WINDOWS W/ INSULATED CLEAR GLASS (SF-1) (G-1)

LIGHT FIXTURE, TYP.
DRESSED FIELD STONE WITH PRECAST STONE TRIMS, TYP. (ST-1) (ST-2)



3 EAST ELEVATION
1/8" = 1'-0"

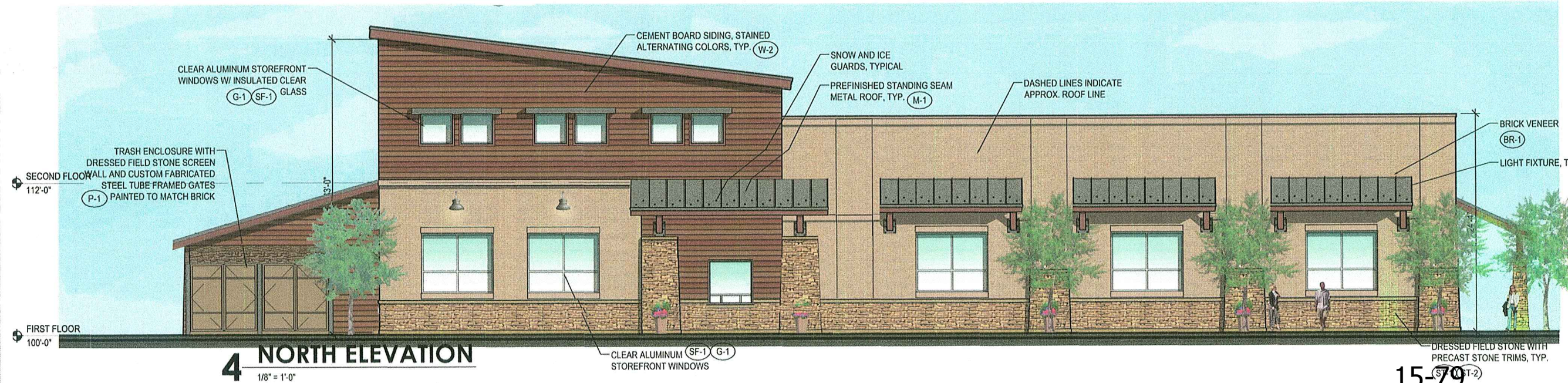
TRASH ENCLOSURE WITH DRESSED FIELD STONE SCREEN WALL AND CUSTOM FABRICATED STEEL TUBE FRAMED GATES (P-1) PAINTED TO MATCH BRICK

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CEMENT BOARD SIDING, STAINED ALTERNATING COLORS, TYP. (W-2)
CLEAR ALUMINUM STOREFRONT WINDOWS W/ INSULATED CLEAR GLASS (SF-1) (G-1)

LIGHT FIXTURE, TYP.
DRESSED FIELD STONE WITH PRECAST STONE TRIMS, TYP. (ST-1) (ST-2)





2 WEST ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"



VIEW LOOKING NORTHEAST FROM PINE GROVE ROAD



VIEW LOOKING SOUTH FROM HIGHWAY 40



VIEW LOOKING WEST FROM EAST SIDE OF HIGHWAY 40



VIEW LOOKING WEST FROM INTERSECTION OF PINE GROVE & HIGHWAY 40

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STEAMBOAT SPRINGS PLANNING COMMISSION MINUTES JANUARY 13, 2011

The special meeting of the Steamboat Springs Planning Commission was called to order at approximately 5:04 p.m. on Thursday, January 13, 2011, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Planning Commission members in attendance were Chairman Jason Lacy, Troy Brookshire, Brian Hanlen, Rich Levy, Kathi Meyer and Cindy Slavic (alternate Jennifer Robbins). Absent: Cedar Beauregard

Staff members present were Director of Planning & Community Development Tyler Gibbs, Senior Planner Bob Keenan and Staff Assistant Tami Heskett.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

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Sandefur Subdivision Lot 1 Mid Valley Business Park Lot 6 #DPF-10-05 (Walgreens) The Applicant is requesting approval of a Development Plan/Final Development Plan and PUD for the construction of a 16, 450 square foot retail building for a Walgreens. For the Development Plan/Final Development Plan application, the applicant is requesting variances to the Commercial Over 12,000 Square Foot Design Standards, the Entry Corridor and Urban Design Standards, front setbacks and landscape requirements.

Discussion on this agenda item started at approximately 5:05 p.m.

Commissioner Levy –

If the development permit was approved and the preliminary plat is not approved I would assume that setbacks, etc. are going to change. Would the DP still be valid if the current proposed preliminary plat was not approved and had to be changed?

Bob Keenan –

That would be a condition of approval.

Commissioner Levy –

If it's this preliminary plat then I don't see why we would change it. I could see where you would say that the applicant could say that it could be any preliminary plat, but anyone could look even if it's marginally different than the proposal. The layout of the lots would change the setbacks, etc. would change, which are all part of the DP.

Bob Keenan –

The preliminary plat would have to be this preliminary plat and not just any preliminary plat.

Eric Smith –

We don't have any problem with that. There's no reason to move forward with this preliminary plat if the building isn't approved.

STAFF PRESENTATION

Bob Keenan –

To answer some of Planning Commissions questions from work session: The sidewalk that's proposed in the right of way is ok with CDOT. That's standard practice with CDOT.

The underpass that's proposed to be along Fish Creek is grant funded. The transit connections that are proposed are within the vision of the transit system. The stop in front of Wendy's would allow passengers who are going to Walgreens to cross via the future underpass and safely cross Hwy. 40. We will see what kind of ridership they would have at this location. If it has strong ridership the bus would cross Hwy. 40 go around the roundabout and then take a left onto Hwy. 40 and continue on its way downtown.

Planning Staff isn't able to make a recommendation for approval based on the findings in the staff report that's not in conformance with different areas of the CDC. The applicant has proposed to locate the service area for Walgreens and the associated loading dock

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along the primary frontage. The narrow 9' landscaping strip does not meet the CDC. The service area isn't allowed along the primary street frontage. The CDC requires commercial buildings over 12,000 square feet to provide an assessment analysis. This analysis includes a variety of potential impacts to a community. It would give an analysis of how this Walgreens would affect local sales tax, jobs creations, etc. The applicant has taken a stab at it in the narrative, which is located in the attachment. Staff finds that it's inadequate for us to give feedback to the Planning Commission on what those impacts are. We had asked for a more in depth analysis than they provided.

On pg 3-5 Encourage High Quality Site Planning and Design, at the time that the CDC was adopted in 2004 the community felt that there was a strong need to have design standards that better addressed the development in our community. They specifically talked about creating commercial design standards for retail buildings over 12,000 square feet.

Another area of noncompliance is the location of the building. The Urban Design Standards require the buildings to be brought to the corner to provide a presence along the street rather than setting the building back a great distance. The proposed Walgreens is 41' from Hwy. 40 and 64' from Pine Grove. This is further than the required amount.

The location of the parking shouldn't be located between a building and the street frontage.

APPLICANT PRESENTATION

Brian Olson –

He gave a brief background of the project. Walgreens has conceded on several items. Walgreens has not done a 2 story building since 2005, which is a requirement in the CDC. They conceded on parking spaces. There are a lot of things that Walgreens has done to be flexible.

Eric Smith –

There is one issue that we're talking about tonight and that's building location. There are a number of criteria to the Walgreens model in order to make it functional. One of those critical components is the drive-up window. They're dealing with a lot of elderly people, sick children, etc.

Walgreens has some very big trucks that come in with deliveries and need to have a fairly large space to take turns and to get turned around. They don't want to make those turning movements anywhere around where pedestrians will be walking or getting out of vehicles. Unfortunately some of those requirements have put us in conflict with some of the items in the CDC relative to building location, parking location, and service area location. The suggestion that staff has made of pulling this building up to the corner and not having any parking off of Pine Grove or Hwy. 40 puts the parking on the west side and the north side of the building. By doing that we don't have an area where we can do deliveries or have a drive-up window.

If you look at the front setback issues, or the landscape issues, or the building framing the intersections, or the service area locations, or parking locations all of these criteria that staff mentions really comes down to one thing and that's the building location on this site.

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This roundabout is directly in line with the access drive that comes down into the mid-valley. It provides a benefit to traffic on Pine Grove at this location. One thing that we feel is very important is reinforced by the CDC as well as the design guidelines for the urban design standards. That is trying to orient an entry with good visual relationships in connection to the arrival points on the site.

If we were to put the parking on the western and northern side of the building then it forces the entrance to be on that side so that the entrance isn't even visible from the primary entrance point to the site. All of the improvements such as the bus stop, the turnout lane for the bus stop, the roundabout which provides a turnaround for the bus cost \$350,000. These are not a requirement. We feel that the location of the entrance currently is not only beneficial from a visual standpoint, but creates the parking on the south and west sides of the building where the sun hits the most and allows for some natural snowmelt.

Walgreens is anticipating deliveries once a week. No trailers are left onsite. We want to make sure that the pick-up occurs on the driver's side. We can't push the building any further south and still have enough room for the trucks to make their turns off of Pine Grove Rd.

He showed the existing bus route around where the new Walgreens is being proposed on the overhead. He showed the proposed bus route on the overhead. He showed the setbacks on the overhead. He explained how Staples is further from Hwy 40 than the proposed Walgreens. He showed the entry elevation of the proposed Walgreens. He showed the different views of the proposed Walgreens.

The first variance issue on pg 3-14, the front setback, we have looked at this and can't do this since the building is designed to have counterclockwise traffic and the trucks need the room in order to maneuver around the building. If the building is pushed closer to the road then either a setback variance or a landscape variance would be required. We have adjusted the snow storage to staff's recommendation.

He showed the CDC 26-150(4) 'Public building entrances should be clearly defined to orient customers and give character to the building'. We feel that by placing the entrance at the southwest corner that we have achieved this goal. 'Entrances should be located closest to the off-street parking and in the center of the site and shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns'. CDC 26-143 (2) talks about buildings being designed so the primary pedestrian access is off of the street frontage and side of the building. CDC 26-133(d)(1)f talks about buildings shall avoid shadowing on driveways, pedestrian walkways, public areas, and adjoining walkways. It mentions that the service area is to be located away from Hwy. 40, which we can't do due to how this building is oriented. The truck will only be there once a week as well as the trash truck. The service area is going to be invisible to people along Hwy. 40. The CDC mentions that no more than 30% of the parking shall be located between the front façade and street.

One of the variances in the staff report says that 2/3 of roof area must be at least a 3:12 pitch. Some language taken right out of the Urban Design Standards on pg 42 says that 'buildings located within the northern corridor or entry corridor that have a floor plate of

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more than 12,000' shall meet the following criteria of a minimum of 1/3 of the roof shall have a 3:12 pitch'. This is not a variance in this application.

The building must achieve LEED Certification. That kind of certification for a building of this size costs anywhere from \$75,000-\$100,000 and it changes nothing on how green this building is or the design standards. We have no problem building this to LEED standards, but we do have a problem with spending the money for the certificate.

The 2 story minimum on the building, we have over 1/3 of our FAR on our 2nd floor. It is impractical to do a 100% 2 story building. Most big box stores don't have a 2 story, but rather sky lights at the 2 story level instead. The 2 story portion of the building is located on the Hwy. 40 side of the building.

The site isn't large enough to accommodate additional pad sites.

COMMISSIONER QUESTIONS

Commissioner Slavik –

Is the building itself a boiler plate design that the loading is on the side and the drive thru is on the next side? Are they designating that, because of what's inside and how the layout is? If we would like to have some changes and you say that you can't pull the building into the corner. Is there a way to change the loading area and the drive-up window or is that dictated by the interior of Walgreens and their boiler plate that they give you?

Eric Smith –

A lot of it is dictated by Walgreens interior operation. They want that pharmacy towards the back. If we were to flip the drive-up and loading then you might have to wait behind a maneuvering vehicle.

Commissioner Slavik –

You have some of that same problem with vehicles trying to get around the maneuvering trucks to get to the drive-up window.

Eric Smith –

Vehicles can get past the parked truck and get to the drive-up window, but if flipped then it makes it more difficult. By putting the loading in the current location it puts the loading dock so that it's in the center of the 2 story structure rather than to the side of it.

Commissioner Slavik –

What you're saying is that is dictated by the site more than Walgreens.

Eric Smith –

The 2 work very well together.

Commissioner Slavik –

What about pedestrian access along Hwy. 40 to the building? There's no real access straight across. You have to go all the way around.

Eric Smith –

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You could walk straight across, but we don't want pedestrians walking across where the loading dock and service area are. We don't want the service vehicles to be maneuvering where the pedestrians are located.

Commissioner Robbins –

Did you say that there was a passing lane on the backside of the building so other vehicles can get around another vehicle that is parked?

Eric Smith –

We've got a lane where vehicles can park, but then we have another lane on the side so other vehicles can get around.

Commissioner Hanlen –

I'm under the impression that we were allowing alternatives to the LEED certification. Was that just in the base area?

Bob Keenan –

You're correct. The base area standards require LEED or Green Globes and that's different than the requirement for the commercial over 12,000' design standards.

Commissioner Hanlen –

Is that because we didn't update it?

Bob Keenan –

It wasn't discussed in that concept. We were talking about the base area and not LEED in general.

Commissioner Hanlen –

When we were talking about changes to the base area standards I didn't realize that we didn't make changes over the whole CDC where it said LEED. The idea at the time was that maybe LEED wasn't the best option. Would staff be amenable to an alternative to LEED or something similar based off of that same discussion?

Bob Keenan –

Yes. How do you achieve that environmental sustainability? When the applicant says that they want to go through the LEED process that's great, but what's lacking is the confirmation that it's being done in that way. Without the certification you have no way of know that's being done.

Commissioner Hanlen –

Is there an alternative compliance method or a process that you would find acceptable besides LEED?

Eric Smith –

He explained how they send the paperwork over to the building department that has all of the rating points through the LEED process.

Commissioner Hanlen –

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Is there a way to produce a piece of paper to help the City be happy?

Eric Smith –

Every time we do one of these we produce the point system for LEED certification and they're backed up by the blueprints, which can be checked by anyone.

Commissioner Hanlen –

Is there an alternative that the City is willing to check or does it have to be LEED certified?

Bob Keenan –

We would be willing to accept an alternative that the Planning Commission is willing to propose. To check the blueprints for LEED isn't in the City staff's purview or expertise.

Commissioner Hanlen –

The building department isn't going to want to monitor LEED.

Eric Smith –

We typically have to certify pay applications for third parties related to construction applications. That we can do without any additional costs. We have a lot of LEED accredited professionals in our office.

Commissioner Hanlen –

In addition to that I would like the City to look into alternatives to LEED certification. This isn't the only time that this is going to be coming up where people are avoiding the third party verification for no other reason than cost. This isn't surprising what it actually costs for the certification. We're achieving the same results and all that we're missing is a little plaque on the wall and that would be the hang up for the City. I would like this to be reviewed through the whole CDC so we have consistency with what we achieved in the base area.

Bob Keenan –

What we're dealing with here is a vacant 5-6 acre parcel. (He explained what would have to happen in order for a lot of the variances to go away). The snow storage is a little bit different than what was provided in the staff report. (He mentioned some other things that were new information not presented in the staff report). We had changed the 30' entry landscape corridor to just entry corridor allowing buildings to go from 5-20'. That landscape buffer is whatever's remaining between the 5-20' from the property line. The 30% parking is contained in the CDC, but this particular item needs to be reviewed to the urban design standards, which states that the parking needs to be located away from the building and property line.

Public Comment was taken.

Commissioner Brookshire –

Could you talk about the ability to stack up behind that drive-up and how much space you have?

Eric Smith –

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We've got stacking of at least 6 vehicles before we get to the loading dock.

Commissioner Brookshire –

I thought that a portion of your traffic plan was that customers could use that to exit the site or is that just going to be service and drive-up?

Eric Smith –

Customers that are exiting the site through this back alley way are probably customers that are leaving from the drive-up.

Commissioner Brookshire –

From the northeast corner the driving surface would allow enough space in there for 2 cars to pass if you did end up with a customer trying to exit around the building.

Eric Smith –

You can drive all the way around the outside of this building.

Commissioner Robbins –

I know that you just got some new information from Eric Smith regarding the snow storage and the numbers for the cost of the bus turnout, etc. In your staff report you have an undetermined open space criteria do you think that with the information that you now have that you could come up with a more solid determination of that criteria or do you need more information from them in order to make a clear determination?

Bob Keenan –

Not at the moment. I'm not sure what the value of the land and construction costs are. Each variance is required to provide that 1%.

Eric Smith –

The building is essentially 16,000 square feet. (He explained the different numbers that shows that they do meet the 1% range required).

Commissioner Meyer –

To continue along that whole concept of trying to determine public benefit since the way I count public benefit is economic and transit. I'm only getting 2. I'm not going to count 4 different components of economic or transit. Is Pine Grove Rd. a public or private road? Who owns Pine Grove Rd. on that side?

Bob Keenan –

It's public.

Commissioner Meyer –

What I'm looking at are improvements in a public right of way or improvements that we would probably require if that whole site was built out anyways.

Eric Smith –

This is something that's been suggested by the applicant.

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Commissioner Meyer –

I understand the roundabout. We've done roundabouts in the City so there's a way to put a dollar amount. What about something as simple as a bus stop, which is really going to benefit Walgreens as far as dropping off customers? That bus stop is probably in the right of way, is it not?

Eric Smith –

This is in the right of way. (He showed on the overhead what they're proposing).

Commissioner Hanlen –

The comment that was made regarding the landscape requirements, I wasn't clear. Are you saying that we resolve the language and that there isn't a conflict in regards to the 30' landscape buffer?

Bob Keenan –

The code was updated so recently that it hasn't made it into the newer CDC. The landscape will be required where ever the setback is and the property line.

Commissioner Hanlen –

Does that remove the variance?

Bob Keenan –

No, the drive aisle prevents them from creating the landscape buffer all the way to the building.

Commissioner Hanlen –

Currently we allow the sidewalks to go into the Hwy. 40 right of way. When we were talking about the changes to the CS and CC there were a couple of instances where we had excessive sections of right of way where we talked about the potential of having frontage roads in addition to the sidewalks. If we're concerned about 9' of landscape buffer and all of a sudden we ballooned this excessive right of way width would it be acceptable to have part of the landscape buffer within the right of way?

Bob Keenan –

It would. In this case just over the property line and into the CDOT right of way there are a handful of utilities. CDOT wouldn't give the applicant approval to put landscaping in that area.

Commissioner Hanlen –

Wet or dry utilities?

Bob Keenan –

Dry utilities.

Commissioner Hanlen –

I thought that part of the new street standards allowed trees to exist within the utility easements and we were starting to get some direction so we didn't have these conflicts?

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Bob Keenan –

We allow low growth shrubs within the utility easements, but not trees.

Jason Peasley –

That is true that is the case, but the unfortunate thing is that our street standards don't have anything to do with the CDOT right of way.

Commissioner Hanlen –

CDOT isn't going to allow anything?

Jason Peasley –

It's up to CDOT in that case.

Eric Smith –

CDOT's position is that they won't give an easement for that. He mentioned other projects where it has been done and hasn't posed a problem.

Commissioner Hanlen –

Part of the problem when we changed from CS to CC zone district was trying to create more urban frontage. Recognizing that Hwy. 40 is never going to be downtown Mainstreet and by acknowledging that by placing a sidewalk out front of the landscaping it's more or less naked to the edge of the asphalt. The addition of trees acts more like a buffer between the sidewalk and vehicular traffic. In a case like this is that something where we prefer landscaping?

Eric Smith –

We plan to landscape out past that sidewalk.

Bob Keenan –

CDOT hasn't been able to put in writing regarding the landscaping on the other side of the sidewalk yet. There may be some issues involving that.

Commissioner Hanlen –

If we're going to be placing sidewalks out on Hwy 40 then in order to make them safe we need to push CDOT into allowing landscaping between the sidewalk and the street. With regards to the transparency in the glass and based off of the location, in the Urban Design Standards is there a requirement that the glass cannot be mirrored but has to be clear?

Bob Keenan –

It's not specific. We feel that the intent is so someone can look in through the window. That's our interpretation.

Commissioner Hanlen –

If we're looking at it from the façade articulation, with the 2nd story because we have 8' of topographical change from asphalt down to the building so it hunkers down about ½ of that 1st story. What we're seeing primarily from Hwy. 40 is that 2nd story do they have a problem adding larger glass up there, but allowing it to be mirrored recognizing that it's a storage function based off of the floor plan?

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Bob Keenan –

It has to be transparent glass and can't be mirrored.

Commissioner Hanlen –

We have a bunch of transparent glass facades, but with boxes stacked right behind them with the doors locked since nobody accesses those. In a case like this I'm asking this since I didn't see a specific reference in the code would that be allowed and would that improve the façade articulation sufficiently enough to meet the transparency requirements if the transparency requirements aren't just about being able to see in, but also about façade articulation?

Eric Smith –

You can see right through the glass. He explained the windows and what they're trying to do with them. We could make those windows larger.

Commissioner Hanlen –

If we're going to have it mirrored I'd rather have it mirrored or if you were able to bump it up to 366 glass where you really can't see it from a distance. I don't want to see a bunch of boxes.

Eric Smith –

It's not mirrored like some of the office buildings, but it does have a fairly reflective surface that doesn't allow you to just look inside it.

Commissioner Hanlen –

Would that address part of the intent of what we're trying to meet with the transparency? If that term is a broad term to improve the façade articulation rather than having blank walls.

Bob Keenan –

The intent is to serve both purposes.

Commissioner Hanlen –

Unlike downtown and T1 or T2 where we specifically prohibit it here we don't really call that out specifically.

Bob Keenan –

No, here it specifically says transparency glass.

Commissioner Hanlen –

They can still provide transparent glass and have a reflective finish.

Bob Keenan –

The code isn't that specific.

Commissioner Levy –

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The PUD specifically calls out a submittal requirement for economic analysis and you have chosen not to provide one even though it was scaled down by the director. Can you give us reasoning for that?

Brian Olson –

I did talk to Scott Ford about that and he didn't provide a complete analysis of sales tax revenue. He did provide based off of Walgreens 26 jobs.

Commissioner Levy –

Has that been submitted to staff for review?

Brian Olson –

No.

Commissioner Levy

You have parking on 2 sides. Is that required or just Walgreens vision? Wal-Mart was able to get away with parking on 1 side. It seems like a possibility and would help out with some of the setback issues. I was wondering if you had thought about that and where that comes from.

Eric Smith –

We are required to have a certain number of parking spaces. If we were to put it all on one side then we have some deeper areas of parking. It's more appealing to not have double stacked parking.

Commissioner Levy –

You mentioned that several of these variances are caused by location. Did you look at other lot configurations that could have helped with the setbacks?

Eric Smith –

The challenge is to have a separate area for deliveries. We felt that this was the best option for that reasoning.

Commissioner Hanlen –

Going back to when we were altering the zone district standards for CS and CC and recognizing that Hwy 40 was never going to function as Mainstreet downtown. I was driven by two primary goals when we changed the front setback goals for Hwy 40. The 1st one was to quit squandering land by having excessive setbacks. The 2nd one was trying to establish a consistent frontage for a series of buildings, hence the minimum and maximum. I'm wondering with the right of way not being parallel with the road in this case and trying to create a consistent frontage for the facades. At what point are we meeting the intent of what we're trying to do? At what point have we met the intent by being able to subdivide the property. We've eliminated the setbacks so we haven't wasted the whole property with excessive setbacks. Viewing the lot contextually, this lot within the larger parcel, does it meet the intent once built out based off of the way the building is laid out?

Jason Peasley –

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I'm not certain whether it meets the intent or not. The reason why we had those variances was to accommodate for some of those varying right of way widths. He discussed whether or not it's meeting the intent. I don't feel that intent is being met by bringing the building closer to the street and eliminating the parking adjacent to our right of ways.

Commissioner Hanlen –

Is there still a 30' setback requirement for the parking? This is the first project that's come before us since we changed those standards and the biggest problem I felt was the hang-up when we were changing those standards was how are these going to work based off of the nature of Hwy 40, the varying width of the right of way, and the realities of the suburb and frontage and altering that into more of an urban frontage? The potential inconsistencies where if you meet one then you don't meet the other. This needs to be part of a broader discussion of how we donate that with another large piece of land and we end up with a dysfunctional building as a result.

Jason Peasley –

Right now that 30' is what the regulations say. I agree that we need to home in on what we really want to see out of these sites. He discussed the front setback.

Commissioner Hanlen –

Acknowledging in there that we can't have a steadfast rule that if you meet 1 standard then all of a sudden you're in noncompliance with another standard. Recognizing the difficulty that we're faced with Hwy 40 by trying to alter the standards. It just seems like a whole lot of things are cropping up that may be unrealistic, but it needs to be a part of a bigger discussion.

Commissioner Slavik –

I remember that we had different concerns at intersections or certain intersections than we had at other areas. The Logger's Lane thing isn't necessarily the best analogy for this property. This is at an activity node. Those particular locations are where we talked about wanting to be very specific of the potential for pedestrian activity and more activity at those locations. I'm asking in terms of variances or changes that we made to the code were we looking at parts of Hwy 40 that are long and non-accessed where Logger's Lane is or are we talking about the intersection nodes where we really wanted to have the 2nd story, 3rd story, or the more intensity right at the corner as an entry corridor or node location?

Commissioner Hanlen –

When we talked about wanting more at the intersections and we talked about the potential of requiring 2nd and 3rd stories and pushing for more intensity we ended up backing off from requiring it. I felt like this was a compromise. Somebody can in a site like this where they have a big parcel and they can't utilize the whole site, because of the economics today. At least they don't have to squander the whole site. By eliminating the excessive setbacks they can utilize a smaller site than what would have been required under the original setbacks for CS and CC.

Commissioner Slavik –

That would have taken priority over the density of that location?

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Commissioner Hanlen –

No, over time we would still see a final result based off of the premise that it's unrealistic and way too onerous to say 'though shall build a 3 story building at every corner'. Short of requiring that the idea would be we'll allow them to parcel off smaller chunks. Utilize that smaller chunk of what they can use today, but they haven't wasted the whole site.

Commissioner Slavik –

It doesn't necessarily meet the goal for that corner. You can't meet those other goals at the other part of the property.

Commissioner Hanlen –

The idea was that we had these other strips of land.

Commissioner Brookshire –

Can you talk about the conflicts that Eric Smith referred to between the Urban Design Standards? It seemed like the petitioner bullet pointed many of the variances that you've put into your report. Briefly if you can help me out with his interpretation of a variance that's not really a variance, because of this code and that code.

Bob Keenan –

He may have been looking at different parts of the code that didn't pertain to 12,000 square foot buildings.

Commissioner Robbins –

Are you talking about the difference from the 1/3, 2/3, and 3:12?

Commissioner Brookshire –

Correct.

Bob Keenan –

The code will have certain requirements for those particular zone districts. I think that's part of the confusion.

Commissioner Brookshire –

If the petitioner was specifically looking at different points within zone districts for the code that was in conflict and therefore was the Planning Commission trying to decide this one applies, this is a variance, and that's a variance.

Bob Keenan –

I don't think that's your purview to decide, but rather that's staff's job.

Eric Smith –

It says in the Urban Design Standards that it's 1/3 for buildings over 12,000 square feet and 2/3 for buildings less than 12,000 square feet. I don't think that this is vague. We've got a very confusing code in this community. There are a lot of contradictions in this code. A PUD is there, because there will be discrepancies in the code.

Bob Keenan –

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You are correct, it is 1/3 over 12,000 square feet. (He discussed the conflicts with the code and the fact that it is regularly updated). When there is a conflict between the CDC and Urban Design standards then the Urban Design Standards apply.

PUBLIC COMMENTS

Charles McConnell –

A business like this would provide a significant benefit to the community. In the paper this morning there was an article that was back to back with how the City Council was going to discuss the economy. They talked about how they're spending many dollars to plan for economic development. This is a form of that economic development and it's being done by private industry. The private industry is bringing their own shareholders money here and spending it in Steamboat Springs and providing for economic development. The more competition there is in a community the lower their prices will be. This is an additive to competition. The construction of this building would provide some stonework for a stone masonry who I know that's been out of work for several months since nothings being built. There will be some white collar and nonwhite collar jobs associated with this business. I hope that the Planning Commission and staff could work together for the benefit of the community to solve whatever problems need to be solved. Let's bring this company to Steamboat Springs.

Paul Berge –

There's a tremendous economic development for Steamboat Springs. One of the challenges as a seasonal residence is the ability to transfer prescriptions. The drive thru provides a convenience particularly for people who can drive, but have a disability. I'm very impressed with the way that this building is laid out.

Ian Prichard –

I think that Walgreens would provide a lot of public benefit. In this economy to have a development that's this thought out I think would be a great opportunity. It would be really unfortunate for something like this to go away; because of the chances of something like this coming back could be a long ways down the road. The bus stop I don't think should be overlooked and brings a tremendous amount of public benefit. There are vibrant businesses over there that would benefit from this bus stop. It's a significant challenge to get from the current bus stop to get to Staples'.

Michael Buccino –

Most people are thinking economics. The HOA for the property that's adjacent to this property are all for this proposed Walgreens. Hearing Eric Smith's reasoning for the building being positioned and located the way it is there's a lot of common sense that would supersede the CDC. Their job and your job is to be black and white and to stick with what the CDC says. I would like for you to look at the CDC and see that there are some flaws. There are some variances that are put in place. There's a bigger parking lot that has bigger problems. I hope that you speak favorably to the City Council regarding Walgreens.

Brian Tikely –

The changing setback along Hwy. 40 used to be 50'. We've since changed the CDC and now they're asking for a closer setback. We tend to look at the last 2 letters and not the first. The first is the community. Look at what this will do for the community. He

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mentioned the fact that the Community Center is LEED certified. If you pull the parking and have it on the shaded side of the building then you're going to have problems with ice.

Ed McArthur –

The public benefit on this with the turnaround and bus stops and what it does with the circulation on Hwy. 40 is an important thing to look at. I know that there was a building approved on the other side of town where the City gave some pretty substantial financial incentives to get a building put in based off of economics. This building isn't asking for any of that. When you look at the loading dock, which is in back I haven't heard of anyone complaining about any other business such as City Market or Wal-Mart with their big trucks parked out back. We just came out of a time when the CDC was written when things were flying high. Some of the things that we put in at a time when there was so much stuff being built that we thought that we were protecting ourselves from anyone who wanted to put something in there that was wrong. This isn't wrong, but is the right thing. I didn't know that you had to pay someone to come in and give you a LEED certificate so you can hang it up on your wall. If we're asking someone to pay a huge amount of money to put a plack up on the wall then we're way off base.

Jim Koler –

He asked how many in the room were in construction. Nearly all of the public raised their hand. Economy is horrible for the construction workers. The construction is only short term, but the jobs created once this building is built will be very long term. I would like your support for this project.

Jim Lorenz –

The main thing that I really hope is that you get the gist of what this really means in a lot of aspects. I would like to think that based off of those facts that the Planning Commission, the applicant and staff can work together and make this work so we don't lose this potential. This is a business that can last a long time and bring a lot of benefits. Competition is good.

Bill Jameson –

Competition is good, but you have standards that need to be upheld. If they're going to put this building in then people can ride their bikes to it and people can use the core trail. As designed and as requested it doesn't do the job. Before you approve this building they should be required to put in their infrastructure and that means connecting it to the core trail. If that is done then the turnaround is nice and it does a lot. You have a code, enforce it. If you don't like the code then amend it. It shouldn't take 3-4 tries for an applicant to come in and get approval. Get it right so that it's a long term asset to the community. I don't know how much more competition that another pharmacy is going to add to the community.

Hunter Townsend –

These are going to be short term construction jobs. It would give as many as 25 families a job. It would bring people into our area and down our road. I'm in support of it and I think it's a good thing.

Evlyn Berge –

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As far as the core trail goes I use it a lot. From the sidewalk at Mid Valley to the sidewalk where the core trail starts over by the railroad tracks it is really short. It's miserable to walk along Hwy 40. I'm in total support of Walgreens.

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

Commissioner Robbins –

I agree that the PUD process does provide for a substantial amount of flexibility and I do agree that we should work with the applicant. I'm a little bit troubled with making an actual determination of whether I would approve or not. It seems like there are a lot of issues that are undetermined or new information that's been brought to staff that I would like to hear back from staff about what they now think with the new information that's been provided to them.

RECOMMENDED MOTION

Recommended Finding

Staff finds that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD) is **not consistent** with the required findings for approval for a Development Plan/Final Development Plan (PUD). Planning Staff recommends that the Planning Commission **deny** Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD).

Alternative Motion #1

Should Planning Commission find that the applicant should make changes to the proposed development to be recommended for approval then the Planning Commission should table the proposed application with recommendations to achieve approval.

Alternative Motion #2

Should the Planning Commission find that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (Walgreens) #DPF-10-05 (PUD) is consistent with the required findings for approval for a Development Plan/Final Development Plan (PUD), the following conditions should apply:

1. Submit the approved access permit and any other permits required from CDOT prior to approval of civil construction drawings.
2. The following items to be identified on the construction plans are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
 - i. Public drainage improvements
 - ii. Public sidewalk improvements
 - iii. Installation of street, pedestrian, and traffic control signs, any signals improvements) and all roadway striping
 - iv. Access drive, driveway, and parking areas
 - v. Public roadway and intersection improvements at Mid Valley Drive/Pine Grove Road.

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- vi. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
3. Landscaping must be installed prior to building occupancy.
4. Approval of this application does not constitute approval for any signage.
5. A Final Plat for City South must be completed prior to building permit.
6. Lighting must comply with City standards.
7. The project will be required to follow all current Rules, Regulations, Specifications and site Specific Requirements (as identified in the November 23, 2010 TAC Development Review Comments) of the Mount Werner Water District.

MOTION

Commissioner Robbins has moved to table the motion to the next Planning Commission meeting on January 27th and Commissioner Meyer seconded the motion.

DISCUSSION ON MOTION

Commissioner Levy –

I would like to hear from staff on whether they would be able to come up with a different interpretation. I would prefer to hear some of the missing items such as the construction cost evaluation. Otherwise we can't do a public benefit evaluation. Whether the applicant is willing to give that information to staff to review that and what information is going to be reevaluated and looked at and what additional information would be provided by the applicant to make a tabling effective for me.

Bob Keenan –

We can work with the applicant with those inconsistencies. As far as the quantifying of the public benefit we had asked for that prior to this meeting.

Robert Weiss –

The contractual agreements that we have require us to meet certain time frames. A tabling is equivalent to denial. Our preference would be that you either approve or deny.

Commissioner Lacy –

Your next City Council meeting is at the beginning of February, right?

Robert Weiss –

Right.

Commissioner Lacy –

You wouldn't be willing to supplement for our next Planning Commission meeting on January 27?

Robert Weiss –

We have to be at the City Council meeting on February 1st. We're not prepared to supplement.

Commissioner Robbins –

You said that you're not prepared. Does that mean that you don't have the information available so you can't supplement it? If we were able to accommodate you on the 27th and the 1st do you have the information to provide to staff?

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Robert Weiss –

It depends on what information.

Commissioner Robbins –

The economic impact analysis and the information needed in order to determine the public benefit.

Commissioner Brookshire –

One of my concerns about this building is the way it looks from Hwy 40. Without trying to be a design person I would feel that there are architectural elements that could hopefully be incorporated into the building on the Hwy side. I think staff did a good job in the report. I understood exactly what they were conveying to us. I appreciate that. I understand that the applicant is asking for an awful lot of variances. For me I think I could accept the majority of those variance requests. Whether I can support it or not has to do with the 90% of the public's initial reaction to this building. It's going to be how it looks from Hwy 40. If they come back to us I want to see something that adds a window, adds character, blank walls and sterile bricks on the highway side of the building.

Commissioner Hanlen –

It seems like a lot of the review is on staff's part as far as reviewing the snow storage and several of the other items. Is that the case that we're not looking for any new or additional information? It sounded to me that the interpretation wasn't the same as in the staff's report.

Bob Keenan –

It comes down to what the Planning Commission wants to do.

Commissioner Lacy –

I'd be in support of Commissioner Meyer and Commissioner Robbins motion to table. I feel like we need more information. I don't know if the applicant feels like they can provide it within the 2 week window.

Brian Olson –

I think that we can provide it within the 2 week window. My concern is with City Council and whether they will have enough time to review it after Planning Commission's next meeting. Is that something City Council is willing to do? It's either happening or not happening. We've had disagreements with the staff's requirements. We've spent a lot of money on this. The economic analysis was going to cost us even more money and staff was still not going to be in support of us and so some decisions had to be made. The decision was to go to the Planning Commission and get some public hearings.

Commissioner Lacy –

City Council does get a supplemental package before the meeting even though the original package would go out on the 27th.

Bob Keenan –

There have been circumstances where the City Council has said that there are some timing issues and that they aren't going to get their packet a week in advance. The applicant is up

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against the deadline. It doesn't mean that you have to make a rash decision based off of the applicant's timeline.

Commissioner's motion still stands.

Commissioner Meyer –

Over and above what the expectations are of the group. I want to make sure what everybody's hot button is to make sure that the meeting in 2 weeks that the applicant has a clear understanding from the majority of what they expect.

Commissioner Levy –

I had mentioned the economic impact analysis that I didn't request, but was required by the CDC. I happened to point out that it was missing. The construction cost evaluation and the estimated cost benefit for the public benefit that they're providing so that way we can analyze the public benefit whether it equates the 4% required and not the 1%. If they truly are giving us 3 xs the public benefit required then that's certainly going to skew my view of the variances. I'm willing not to support the motion unless we can guarantee the applicant that City Council will be happy with late submittals.

Brian Olson –

We would like to have the opportunity to address your concerns. I would like to have your support on this. If it means tabling this then we'd rather have a denial. I'm not asking for the motion to be withdrawn, but rather if City Council will really be willing to accept the tabling.

There was a discussion between Planning Commissioner's, staff, and the applicant regarding the motion to table.

Commissioner Lacy –

We have a motion to table on the floor and a second. We're looking for additional information for our next meeting, which would include economic impact analysis. It would also include monetary analysis based off of public benefit. A little bit more analysis on superior development from the north and east of this project.

Commissioner Robbins –

If you have more information from CDOT that would be helpful too.

Brian Olson –

We've been successful in getting that from them in the past. They don't normally approve until at the time of construction.

Commissioner Robbins –

I know that Bob Keenan mentioned some site visibility issues from Hwy 40. Maybe if you put some landscaping in that right of way that you could then show that it's not going to be a make impact on the site visibility.

Commissioner Hanlen –

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I don't feel that it's the Planning Commission's purview to review what business is going in. It's more of the land use and what the building looks like. If at the end of the day we can get the best looking building possible. If by the end of the day we can properly screen the building by having some landscaping existing in the right of way then I feel that the objective has been met.

Commissioner Meyer –

I think that the building design is appropriate and meets all of the criteria for the architecture, materials, and color except for the loading dock side. That is a very important side for me. I would like to see what you come back with for the economic impact analysis especially if you feel that Walgreens economic development and jobs is so important. We're looking for your best effort in identifying those economic benefits and putting them in writing as well as analyzing them.

Commissioner Lacy –

We're not saying to go out and hire some consultant.

Robert Weiss –

An issue has come up from staff that if you were to deny this on the 27th that it would have to be an appeal and couldn't be heard by City Council on February 1st due to the noticing requirements for an appeal.

Took a 5 minute break.

Eric Smith –

We will be for the tabling of the motion.

VOTE

Vote: 7-0

Voting for approval of motion to table: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Slavik

Absent: Beauregard

Discussion on this agenda item ended at approximately 7:46 p.m.

DRAFT

Sandefur Subdivision Lot 1 Mid Valley Business Park Lot 6 #PP-10-06 (Walgreens) The Applicant is requesting approval of a Preliminary Plat Subdivision for the construction of a 16, 450 square foot retail building for a Walgreens. Through the Preliminary Plat application, the applicant is requesting variances to the required open space, sidewalks, and trails.

Discussion on this agenda item started at approximately 7:46 p.m.

STAFF PRESENTATION

Bob Keenan –

The applicant has a variance for the open space and sidewalk and trails requirement. They're not meeting the required open space area. They've provided the majority of the required space for open space. They're providing 13% of the required 15% for open space. They would like to defer the remaining 2% to the development of lot 2. Staff doesn't find any issues with allowing that as a condition. They proposed to locate the other part of the open space in between the new Walgreens building and the property line along the street frontage. That conflicts with the Urban Design Standards that require buildings to be located close to the street between 5' and 20'. For that reasoning staff isn't recommending approval of the open space variance. Staff doesn't support the variance for the sidewalk and trails; because staff finds that there is currently a need that exists in this area for better pedestrian connectivity. They've provided a sidewalk just to this property line. Staff finds that if this sidewalk is to be connected that it will be connected to this new underpass that's been discussed that will connect under Fish Creek and would provide a connection to the trail network. He mentioned the different connections that the sidewalk and trail would ultimately make. Staff suggest that it may be appropriate to differ the construction of the Fish Creek trail that would go along the open space along Fish Creek along the length of the property along the north until the development of lot 2. Staff is in support of the rest of the components of the subdivision, but can't recommend approval based on the noncompliance of these variances.

APPLICANT PRESENTATION

Eric Smith –

We're amiable to doing whatever we need to do on Lot 2. I wasn't aware of staff's position about the trail along the railroad or creek. There are three sections of that underpass that handles Fish Creek under the hwy. One thought is to take a section and create the core trail through that connection through the underpass. We've been told that there are only funds for the engineering, but not for the construction of the underpass yet. We don't have a problem with building this trail connection as soon as this underpass is funded and we have something to connect to. I think that the two trails that go along the railroad and along the creek should be tied to the development of Lot 2.

COMMISSIONER QUESTIONS

Commissioner Meyer –

Can Bob Keenan respond to that, because you just told us earlier tonight I thought and I asked the question that there are grants that have already been obtained for the engineering for 2011 and the construction in 2012.

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Bob Keenan –

That's what Public Works has indicated. We have grant funding this year to do the design in 2011. I've been told that there will be grant money for the construction in 2012.

Commissioner Lacy –

The design work has not actually occurred.

Bob Keenan –

If you look on pg 2-14 this has been discussed at various points. The conceptual design has already been thought up. There's a fork that goes up along Hwy 40 and another one that goes down to the railroad tracks and yet another that will connect to the underpass. What came in was not doing any kind of sidewalks. On the fly we could say a condition of approval that there's a development agreement that outlines when this trail connection will be done. That piece won't connect directly to Kum and Go right now that will rise up to the top of the priority list for immediate connections that we'll need to get grant money for. We're going to try to make these sidewalks that go nowhere to go somewhere. There are other options that could be explored.

Brian Olson –

I'm all in support of the sidewalks. Philo left me a voicemail telling me that the funding wasn't in place yet for the construction and that we might have enough for the design.

Commissioner Levy –

What about this portion along Hwy 40 and across the bridge? Are you prepared to build that with this approval?

Brian Olson –

We're willing to do something like that.

Commissioner Brookshire –

When there's a sidewalk built across CDOT's property do they convey an easement to the City? Is there a written document?

Bob Keenan –

No, we don't typically do that since it's a public right of way.

Commissioner Hanlen –

How come you didn't take all of the open space and place it directly adjacent based off of the water body setback? You have about 22,000' of open space by default along the river.

Brian Olson –

It's about 11 ½% of the total area. We're short of just using the water body setback.

Commissioner Levy –

It seems like this open space along Pine Grove Rd exasperates the setback conditions that we saw earlier. I don't understand why we would make that problem even worse with placing the open space where we are. I'd be more amenable to put it all on another lot as

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long as we're going to get the open space and give you the creativity. This doesn't really seem to give you any creativity. It just makes the setback on Pine Grove Rd worse.

Eric Smith –

It doesn't change the setback, because of the turn movements for the trucks to get in here we can't push this any further since that's the tightest that the template works to get that turn movement. It forces the parking to be there for that reason.

Brian Olson –

Tyler Gibbs recommended that we have more of a pedestrian friendly area out on that corner and so that's where that came from. There's a bus stop out there and it was decided that it might be a more pedestrian friendly area with more space out there.

Commissioner Robbins –

The part that's being deferred until the engineer's drawing is done, is that something that we can require some kind of surety or letter of credit in a subdivision in an improvement's agreement?

Commissioner Meyer –

That's a condition of approval.

Bob Keenan –

We need to craft that condition carefully.

Commissioner Levy –

I want you to comment on Commissioner Hanlen's comment about how the open space is being used or the other way around where the turning radius justified to why this open space is placed where it is and if that was part of your consideration that this is an inappropriate place for open space to be placed or is this a new consideration that you hadn't considered?

Bob Keenan –

It doesn't meet the standards for the building to meet the corner and brought to the corner. I'm thinking in the context from what Tyler Gibbs had recommended for that area could be used more for pedestrian activity. We're not supporting the open space to be located where it is, because it sets for the building to be more setback and it doesn't meet those standards.

PUBLIC COMMENTS:

Bill Jameson –

Pg 2-14 isn't what's being presented from my understanding. I'd ask that you table this to the 27th also and get some specific language on what sidewalks are specifically going to be constructed as part of lot 1 versus lot 2. (Using pg 2-14 he explained his understanding of what's being presented tonight).

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The applicant corrected Bill Jameson regarding the sidewalks and they do plan to build the sidewalk to Kum and Go and the other part of the sidewalk to the railroad tracks. The only sidewalk that's not going to be built until funding is in place is the underpass connection.

Bill Jameson –
I'm for your decision on the sidewalks.

FINAL STAFF COMMENTS

Bob Keenan –
As far as deferring the sidewalk connection to the Fish Creek corridor and that would be a condition of approval. Do we have the applicant enter into a surety to make sure that connection happens or do we have them enter into a development agreement?

Eric Smith –
I think that would work out to put that into a development agreement.

FINAL COMMISSIONER COMMENTS

Commissioner Meyer –
I'm going to suggest that we add item 10 to the requirements and it would state 'timing and installation of sidewalks along US 40 and Pine Grove Rd would be specified in a development agreement. See attached exhibit 2-14.' What I would expect you to do is to color those sections of sidewalk that are included in the discussion tonight. If staff wants to talk about surety in the case that those sidewalks aren't installed then we would put that in the development agreement. If the timing and installation are spelled out that still puts the requirement to installment.

Commissioner Hanlen –
I think that it's important to note that we don't put a time deadline on it by itself. It needs to be triggered by the underpass. You've got about 230' of sidewalk and trying to get the grades correct. You wouldn't want to take it down the last 10' and all of a sudden you can't makeup what seems to be a small amount of topography of 5' and all of a sudden you can't keep to the code, because you have to tear out a sidewalk to make that work.

Commissioner Meyer –
I would like this whole thing of the engineering clarified since you've spoken to Public Works and you both got two different answers. I'd like Public Works to set the timing of when they think the engineering will be done.

Commissioner Brookshire –
The installation is completed in 1 year from the engineering. If you say the completion of engineering then who gets the engineering? Within one year from the receipt of completed engineering plans. Is that what we're waiting for from the City? In 1 year from planning, receiving, and completing the engineering plans for the tunnel this sidewalk gets built within one year.

Commissioner Robbins –
I think that I would like to make sure that we see some kind of surety in there too just in case it's available or isn't available from the funds to do it at that time.

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Commissioner Meyer –
Doesn't the City have a policy that any improvements that aren't completed have to be funded through surety? That's in the development code.

Bob Keenan –
Right.

RECOMMENDED MOTION

Recommended Finding

Staff finds that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06 is **not consistent** with the required findings for approval for a Preliminary Plat. Planning Staff recommends that the Planning Commission **deny** Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06.

Alternative Motion #1

Should Planning Commission find that the applicant should make changes to the proposed development to be recommended for approval then the Planning Commission should table the proposed application with recommendations to achieve approval.

Alternative Motion #2

Should the Planning Commission find that Sandefur Subdivision, Lot 1 & Mid Valley Business Center, Lot 6 (City South Subdivision) #PP-10-06 is consistent with the required findings for approval for a Preliminary Plat, the following conditions should apply:

1. At time of final plat, a bus/transit shelter and snow storage easement shall be dedicated to the City.
2. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and Mt. Werner for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval. The construction plans shall include:
 - i. A Striping and Signing plan for Pine Grove Road
 - ii. A Bus shelter design with details. Coordinate with Public Works to determine design parameters
 - iii. A final drainage study.
 - iv. Provide separation between storm sewer and sanitary sewer manhole in entrance drive.
 - v. Full design of Pine Grove Road from the intersection of US40 to the railroad tracks
 - vi. Modify sidewalk design or work with utility companies to reconfigure easement so that retaining wall is not located within the utility easement.
 - vii. Modify the sidewalk design so that all required sidewalks terminate at existing sidewalk connections or existing path alignments.
 - viii. Confirm roundabout design will accommodate adjacent business delivery vehicles

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3. The following revocable permits shall be obtained prior to approval of final plat or prior to issuance of CO whichever comes first. These permits may be included in a single legal instrument which meets the intent of Public Works' revocable permit template:
 - i. Revocable permit and maintenance agreement for landscaping and irrigation located within the ROW including the center island of the roundabout and along US 40.
 - ii. Revocable permit and maintenance agreement for snowmelt located within the to-be-dedicated bus shelter easement and public right of way
 - iii. Revocable permit and maintenance agreement for the retaining wall and pedestrian guardrail within the utility easement along west property line
 - iv. Revocable permit and maintenance agreement for lighting fixtures located within the public right of way
4. The following items for the subdivision to be identified on the construction plans are considered critical improvements and must be constructed prior to final plat or an improvements agreement executed with required collateral provided:
 - i. Public drainage improvements
 - ii. Public sidewalk improvement
 - iii. Installation of street, pedestrian, and traffic control signs, any signals improvements) and all roadway striping
 - iv. Access drive, driveway, and parking areas
 - v. Public roadway and intersection improvements at Mid Valley Drive/Pine Grove Road.
 - vi. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
5. The project will be required to follow all current Rules, Regulations, Specifications and site Specific Requirements (as identified in the November 23, 2010 TAC Development Review Comments) of the Mount Werner Water District.
6. A Floodplain Development Permit will be required prior to any development activities within the floodplain.
7. A plat note shall be required at the time of Final Plat indicating that remaining required open space, sidewalks and trails for the subdivision will be the responsibility of the developer of lot 1 and that said improvements will be tied to any Final Development Plan or any Preliminary Plat for said lot.
8. The developer of City South Subdivision Lot 1 shall amend the final plat to include the required open space prior to building permit for lot 1.
9. At the time of Final Plat, the applicant shall include a plat note that the open space lots are not developable and may only be used consistent with the open space requirements set forth in the Community Development Code.

MOTION

Commissioner Meyer moved to approve the PP-10-06 Midvalley business center Lot 6 together with conditions 1-10 with 10 as follows 'the timing and installation of sidewalks along US Hwy 40 and Pine Grove Rd. will be specified in a development agreement (see attached exhibit 2-14). I would direct staff to indicate on that exhibit the sidewalks that we're talking about and clarified at the meeting. The timing would be triggered no later than 1 year after the engineering specifications as delivered by the City. Commissioner Brookshire seconded the motion.

DISCUSSION ON MOTION

Eric Smith –
He clarified the motion.

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Commissioner Brookshire –

What happens if the City doesn't finish the plans? I don't know if Public Works is going to do this or not. If staff is comfortable with that then I'm comfortable with it.

Commissioner Levy –

I'm glad that we worked out the sidewalk. It makes me feel a lot better. All along I've had a problem with the circulation plan. The open space along Pine Grove Rd while it does accommodate the turning radius of a delivery truck I have a problem that this whole scenario needs to have circulation all the way around the building. That is in direct conflict with the idea of pedestrian friendly development. For me pedestrian friendly development is being able to walk into the building without crossing a parking lot. That's why I asked about parking on two sides of the building. Other people can get away without it. Because they created the smallest sized lot they could to fit the building and the parking there is no other transportation mode. If we would have used more space then there is probably a way that you can get a truck out in the parking lot whether you use part of Lot 2 or shared somebody else's space and swing it around without the truck having to go all the way around the building, which precludes pedestrian friendliness in my mind. That is what justifies the open space location, which further removes the building from the public interface. While I'm happy with the sidewalk processions, I'm not happy with the location of the open space lot so I won't be supporting the motion.

Commissioner Hanlen –

I agree with Commissioner Levy that the location of the open space is less than ideal. One of the things that I was hoping to clear up with the designation of open space was to remove the little worthless vacant strips around the building and try to add that up and count that as a percentage of the site. The one thing that this is achieving is that it's a contiguous usable rectangle. Usable doesn't mean that it's actively usable. It's just more usable than a worthless vacant strip around the building. I would prefer it to be located in 1 position for the entire site, but given that it's a contiguous rectangle goes more along the lines of what I was hoping to achieve.

VOTE

Vote: 6-1

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Meyer, Robbins and Slavik

Voting against the motion to approve: Levy

Absent: Beauregard

Discussion on this agenda item ended at approximately 8:21 p.m.

APPROVAL OF DECEMBER 2, 2010 MEETING MINUTES

MOTION

Commissioner Meyer moved to approve the Planning Commission Meeting minutes from December 2, 2010. Commissioner Slavik seconded the motion.

VOTE

Vote: 7-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Slavik

Absent: Beauregard

Abstaining:

DIRECTOR'S REPORT

Commissioner Lacy –

Our meeting is on Tuesday instead of Monday due to Martin Luther King Day. We'll be discussing the infill analysis. We'll see everyone Tuesday.

Commissioner Slavik –

I won't be there.

Commissioner Levy –

Is this the same report that we saw at the previous work session where we talked about infill?

Jason Peasley –

There is nothing new in here. We just wanted to talk to you to see if we really needed that.

ADJOURNMENT

Commissioner Levy moved to adjourn the meeting at approximately 8:23 p.m.

Commissioner Meyer seconded the motion.

VOTE

Vote: 7-0

Voting for approval of motion to adjourn: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Slavik

Absent: Beauregard

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1370 Bob Adams Dr Ste 308
Steamboat Springs, CO 80487
(970) 870-8624

January 25, 2011

Steamboat Springs Planning Commission
Steamboat Springs City Council

Dear Planning Commission and City Council:

I am an urban planning consultant and former planning commissioner for the City of Steamboat Springs and am writing in regards to the proposed Walgreens store on Pine Grove Road. While serving on the planning commission in the early 1990's, we worked very hard to develop and enforce design guidelines to ensure that Highway 40 did not continue to build out as a commercial strip development. Although many structures had already been developed at that point, the new structures, such as the Hampton Inn, were required to address the highway and to build their parking in the rear of the structure.

I feel it would be extremely unfair and undesirable to allow Walgreens any variances that would allow paving between the highway and the building. In a community dependent on tourist dollars, it would be extremely short-sighted to compromise the guidelines that prevent the entry to our community from being another strip commercial district. When people leave major urban areas to visit Steamboat they do not want to see more suburban-style development. Our community has done an excellent job in recent years with developments such as Ski Haus and Wildhorse Marketplace. Lets not negate these efforts by granting variances to Walgreens that would degrade the entry to our community.

Thank you for considering these comments.

Sincerely,

Susan Ernst Corser

January 25, 2011

Bob Keenan
Senior Planner, City of Steamboat Springs Planning Commission
124 10th Street
Steamboat Springs, CO 80487

Re: Sandefur Subdivision (Walgreens Project)

Dear Bob and Members of the Planning Commission:

It is with great respect for our Planning Commission Members and our City Council that we request you consider the viewpoint of Lyon Drug as a “competing community interest”. As you would expect, we are concerned about Walgreens coming into Steamboat Springs and competing with our business. We would like to take this opportunity to point out the economic value of locally owned businesses and their worth to our local economy.

As a locally owned business, we are proud to be among those entities that recirculate more money back into the local economy than national chains. Studies have demonstrated the following:

- * For every \$100 in consumer spending with a local firm, \$68 remains in the local economy vs. \$43 for spending at a chain store, where the rest flows to out-of-state suppliers and back to corporate headquarters.¹
- * Local businesses procure local goods and services at more than twice the rate of chains.²
- * Small businesses contribute more to local charities and fundraisers than their national counterparts.³

Lyon Drug can substantiate these findings as we support local businesses in our daily operations and in offering locally made products. We are frequently asked to help with local charities and are happy to donate when asked. We are also the only pharmacy in Steamboat that works with local agencies like Lift-Up and the VNA Indigent Program to help provide services to needy individuals. We do it because we care about our community and its members.

Mr. Olsen’s application for this development states that their main goal is to “create a project with high architectural design standards to better enhance the main entry corridor into Steamboat”. We ask, “How is the backside view of a Walgreens facing Highway 40 a high standard?” We do not see that the proposed benefits outweigh the negative impact that would result from granting an excess of variances.

It is our hope that you will not depart from the standards that our community has come to know in the development of properties. We ask that you do not grant the many variances for which this applicant is asking. Who will feel the impact of this building decision if different sets of rules are applied to this project? What will be the cost of this decision on the next generation?

Respectfully,

Wendy Lyon, Jennifer Campbell, and Tahnee Miller,
Lyon Drug pharmacists and part-owners

¹ Andersonville Study of Retail Economics – October 2004 by Civic Economics

² Andersonville Study of Retail Economics – October 2004 by Civic Economic

³ NFIB Small Business Policy Guide, Charitable Contributions Comparison, January 2003

Dear Mr. Keenan and Members of the Planning Commission:

With all due respect if you think that you would be doing Steamboat Springs and its people any good by allowing these parasites a foot hold in our beautiful town, first read the accompanying comments by Walgreens employees and perhaps rethink before making a final decision.

Walgreens prices for all their products including prescriptions are the highest in the industry. The primary purpose of the drive up window is to make money faster for Walgreens not for customer convenience. Personally, I would rather have the opportunity to discuss my medications with the pharmacist face to face rather than to have to rush off because, "someone is behind me."

The only economic benefits that would result from allowing Walgreens into our town would be to Walgreens. In order to open a new store they would have to bring in experienced help from existing Walgreens so there would not be that much employment opportunity for locals. What jobs were available to locals would be at or near minimum wage with minimal benefits if any. Job security? Try calling off when weather conditions prevent you from getting to work. Walgreens loves to brag about "owning" a town!

People come from all over the world to experience Ski Town, USA not to be exposed to another clone of the corner drugstore they could see at home. And if they forget their medication, a simple phone call from one of our existing pharmacies ,of which there are more than enough , would effect a transfer.

I am not the only resident who feels this way. I have discussed this with many of my friends and neighbors and they have similar feelings. Please don't let this happen to Ski Town, USA.

Sincerely,

Rosemary Snodgrass

A handwritten signature in cursive script that reads "Rosemary Snodgrass". The signature is written in black ink and is positioned below the typed name.

Not one Walgreens employee has anything good to say about Walgreens!

Colorado Springs Coupons
1 ridiculously huge coupon a day.
Get 50-90% off CO Springs's best!
www.Groupon.com/Colorado-Springs

Employee Benefits Denver
Denver Based Employee Benefits
Firm Over 20 Yrs Exp, Excellent
Service
DiscoveryOutsourcing.com

Paychex Payroll Services
For All Your Payroll Service Needs.
Learn More about Options at
Paychex
www.Paychex.com/Payroll_Services
Ads by Google

Home Submit Complaint Latest Reviews Consumer Advocacy Reviews & Pictures Sample Complaint

-username- Remember Me?

Search

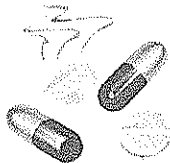
Forgot your password?

Home » Consumer Reviews » Drugs » Taking Away Employee Benefits

Ads by Google Employee Walgreens Can a Employee Employee In It

User Submitted Review

More



TAKING AWAY EMPLOYEE BENEFITS
Walgreens Complaint by Greg D. Wasson

Article Index
Taking Away Employee Benefits
Page 2

Review #: 149474
Posted by: Greg D. ...
Posted On: 2009-06-02
Total hits: 3119
Comments: 17

Page 1 of 2

Comment

Walgreens sent out their benefits update for May 2009. In big letters it said "Combining Good Business Practices with Caring for Our People", which would lead you to believe they are going to improve employee benefits. Instead it was about how they are taking away employees retirement medical and prescription drug plans. This will not just affect people who have just started but many who have been with Walgreen's for years. People who had been promised these benefits are now having them taken away. One of the comments in the paper was, "Our goal is to reallocate our money to provide benefits to the greatest number of individuals at Walgreens." Does that mean the CEO, board members, and the upper levels or management? Hey Walgreens for a business that promotes families you do a really bad job for your employees!!!

Health Plans - Colorado
Find Cheap Colorado Insurance Plans Get
Instant Health Quotes Online.

Walgreens Employment
Full and Part Time Positions Open at
Walgreens Near You. Apply Here!

Ads by Google

Comments (17)

1. Written by Kim rebees, on 05-01-2011 11:10

I am a Pharmacist, that works for Walgreen. I recently had a severe medical condition. Was told I had to work even with a Doctors excuse. This is the worst company I have every worked for. The couple of days I was forced to work by my district supervisor, several other store employee also got the same condition I had. We are a health care company? Please

Report

2. Written by walgreens ***, on 07-11-2010 18:00

Gregory watson is the worst person on the face of this earth. He took away over time, cut salaries, fired people, and took away christmas gifts. while this is happening has making bonuses and pocketing extra money while were fighting for hours. He is the worst Ceo on the face of this planet. He needs to get a clue.

Report

3. Written by Kermie Crawford, on 25-10-2010 20:33

Frustrated wag lifer | 30 min ago | Reply

Ok. Walgreens employees have been put through many morale crushing situations over the past two years. Let's

Advertisement for the book 'The Soul of Leadership' by Deepak Chopra. Text includes 'Become the kind of leader the world needs most today' and 'BUY NOW'. Also mentions 'MAMMINKY BOOKS' and 'Also available on an eBook'.

Recently Discussed

Walgreens - 1 days 20 hrs 21 min ago
Walgreens misleading pricing

Walgreens - 1 days 23 hrs 17 min ago
Once again getting treated like a 2nd rate citizen for needing to fill pain medication.

Walgreens - 3 days 9 hrs 8 min ago
Walgreens drug dealer!!!

Rain Soft - 4 min ago
Biggest scam going!!! Big time rip off!!!

Thank You America Promotion - 5 min ago
Fly the US Skies Thank You America Promotion Didn't Pay

Zeus Mortgage - 7 min ago
Refinancing investment property have A+ credit, 130 days later still not closed, was prequalified.

ER Solutions - 7 min ago
Rude, Rude, Rude

Most Active Users



Pissed Consumer on Facebook
Like

3,988 people like Pissed Consumer



Facebook social plugin
Pissed Consumer on Facebook

start 1st with Walgreens ousting jeffery rein as CEO because he didn't want to fire 25 percent of his workforce, then they Collins that bad decision by promoting the max headroom's of CEO in greggy wason. This guy is clueless.

So we get past that mess, then comes rewire for growth. Ever see office space? Here's the skinny, hire an outside consultant to evaluate your entire business model, make recommendations on what the "vision" for the future and what needs to stay and what needs to go. Tell the employees that new blood from the outside will bring new fresh ideas and get us to where we need to be. Ok, as an employee we bought it. Then the company went about hiring all this fresh new blood from the outside, while at the same time completely changing the benefits and pay structure for the rest of us. During the time all of these new people were being hired from the outside, most regular employees have to reinterview for their jobs, you know the drill "why do you feel you are importN to Walgreens" etc. Let's look back at some of the "new" blood they hired. Jeff zavada- head of sales. Hired his buddies company to retrain the entire sales staff on a new sales method, was having an affair with his new sales lead, and then conducts himself illegally when trying to secure cook county contracts. Hmm. New blood, new sales strategy.... Wow! Well they fired his incompetent waste of a career. Then they hire a new CFO, you know the guy, the one that helped run Goldman sachs to bankruptcy. Well now..... Mr big shot, new blood, CFO has a second DUI within 12 months. Wow new ideas? New blood (or bac over .08). Great hire greggy. That's the guy I want handling our companies finances. Now today we hear that they Are auctioning off their pbm which will cause a mass loss of jobs as well. They have been lying to their employees about their commitment to the pbm for 5 years. Greggys last real job with Walgreens was head of the pbm, where he failed miserably to help grow the business or make any tough decisions. Probably because he smelled CEO succession. Just know this Walgreens employees..... Greggy and his ignorance are not done and you may be next.

Report

4. Written by Tasha, on 13-08-2010 15:34

This comment is towards angryphramist.

If you do not want to do vaccinations then quit your job. You obviously don't want to do what is required and want don't want to do your job. let someone else work for you who wants to work.

Report

5. Written by duttestwun, on 13-08-2010 01:29

AT AngryPharmacist as an employee for walgreens as well, it is illegal for them to make you do that and you can take legal actions against them...I studied law in college and going into law school..so I say take them for a ride.

Report

6. Written by AngryPharmacist, on 28-06-2010 21:08

As a pharmacist who DOES NOT want to do vaccinations, I am completely pissed off at being forced into it. Aside from the fact that I am terrified of needles and blood, I am also angry that we are expected to provide this service with no extra hours, no extra help, and no extra compensation. Karma will get you, Walgreens. As a side note, I'd like to say that Greg D. Wasson is one of the most despicable people I've ever met. If you've ever had the displeasure of meeting him, you know what a smarmy and unappealing soul he really is.

Report

7. Written by Former Walmart LP, on 23-06-2010 06:18

be thankful you weren't one of us 1000s of assistants who were fired, challenged for unemployment benefits, etc due to their "rewiring for growth" crap. Corporate got severance packages. We got thrown in the trash without even a good recommendation. Thanks walgreens

Report

8. Written by Irish, on 18-06-2010 14:56

"Our goal is to reallocate our money to provide benefits to the greatest number of individuals at Walgreens." Does that mean the CEO, board members, and the upper levels or management? Hey Walgreens for a business that promotes families you do a really bad job for your employees!!!"

No it means general everyday employees who should not have to pay for the same benefits as wyu.

Report

9. Written by m., on 18-06-2010 14:45

A new idea by our regional manager has employee's upset at store i work at. We now have to ask every single customer if they woul like to buy our suggestive selling item for the month, if we are caught not doing so we get a verbal warning. Then if we get caught again it goes to a write up then if it happens again we get suspended..then you guessed it we get fired. A trick they are using is that they offer a customer a free bottle of water if cashier doesn't ask them about item, once that happens the processw begins. Not only are they inforcing this they had store mangers



Hot Topics

Allcare Dental
Closed the office no warning

Thank You America Promotion
Fly the US Skies Thank You America Promotion Didn't Pay

Bankers Life And Casualty Company
Interview Scam

Tutor Vista
TutorVista scam?

Allcare Dental
Allcare closed chic location w out notifying employees or patients

IBM Lender
IBM Lender Business Process Services LBPS scam

IOffer
IOffer is running a complete scam.

+More Complaints with comments ...

Categories

- AUCTIONS
- AUTO
- COMPUTER
- CONS
- COMMUNICATIONS
- CONSUMER
- DELIVERY
- EDUCATION
- FINANCE
- FOOD
- GOVERNMENT
- HEALTH

have meetings with employee's and have them sign a form??? Now tell me is this fair for a person who has been working for the company of 25yrs and can get fired for such *** reason!!!

Report

10. Written by front lines, on 19-02-2010 02:59

Its a bad situation...they take away the HMO and say hey we have no money for it then they turn around and buy another chain of drug stores. So its ok to cut employee hours and benefits but lets go out and buy more stores. Thats like saying im not going to pay for my health insurance instead im going to go out and buy a house...if you treat the employees that deal with customers(who pay all the company bills) like garbage then you will get garbage back in the form of customer complaints and poor customer service. Get ready for poor performance and loss of profits and an endless loop of lay everyone off and cut benefits to save more money and somehow you'll still lose money in the process. Read newsweek! Also "concerned" must work for a different company because benefits and positions have been cut!

Report

- OTHER
- PERSONAL
- SERVICE
- TRAVEL

In Press

- **CNN Money** - Sept 13, 2010
How to get what you want from customer service.
- **Inc.com** - Aug 24, 2010
Who's Talking about Your Company Online?
- **CBS MoneyWatch** - Aug 23, 2010
Tax Lady Roni Deutch Sued for "Heartless Scheme"
- **ABC 7 News** - July 30, 2010
Checking Out Your Dentist.
- **MSNBC - Red Tape** - June 8, 2010
Online whining: Does it really work?
- **New York Times** - June 7, 2010
Tips for Searching for Complaints Online

Comments on Taking Away Employee Benefits

Consumer Forum is another great place to discuss consumer concerns **NOT RELATED** to this article.

Name: _____

Comment: _____



Code:*

I wish to be contacted by email regarding additional comments

Prev - Next >>

Searching for walgreens employee?
Employees!
Useful links for Employees.
<http://www.InternetCorkboard.com>

Chitika | Premium

Walgreens Reviews

Date	Recent Company Reviews	Hits
Anonymous	Walgreens misleading pricing Walgreens shows their sale prices on the shelf. But when you get the register, they charge you a higher price. You have to watch them like a hawk and tell them they overcharged you...	24
Jan 12, 2011		
Anonymous	Once again getting treated like a 2nd rate citizen for needing to fill pain medication. I have had nothing but problems trying to fill my pain medication at Walgreens. Last month there was a new pharmacy manager that refused to fill my scripts because i live 2 miles f...	45
Jan 10, 2011		
Anonymous	Walgreens drug dealer!!! I know a local walgreens store hired a girl who wasnt even qualified as a pharmacist or tech to work in their pharmacy... Turns out she been swipping pills in small quantities at a...	101
Dec 31, 2010		
Dummy	The Walgreens Pharmacy in Selma Alabama I have used the Selma Walgreens Pharmacy several times. I have never gotten good service. I call my rx in early in morning & pick up after five pm. It is never ready. It's ...	35
Dec 30, 2010		
	MY server is FINE!	95

Our Blog

Our White Papers

We Recommend

Topics of the Moment

- Avesil Side Effects
- Capatrex
- Cvs Sells Crap
- Zencore Plus
- lipofuze
- Rite Aid Pharmacy
- Cvs Pharmacist Lawsuits
- Zencore Plus Side Effects
- Easy Closets
- Simple Mobile Reviews
- Acn Company Lawsuits
- Eyemasters
- Baja Doodle Bug Parts
- Ge Fridge
- Tracker Boats
- One Source Talent Rip Off
- Palace Resorts Reviews
- Lipofuze
- Orkin Reviews For Bats
- Bag Borrow And Steal
- Attnet
- Cricket Communications
- Centrum Jobs

ATTACHMENT 2 to CC Form Addendum

**January 27, 2011 Planning
Commission Draft Minutes.**

This attachment will be e-mailed to Council as well as provided under separate cover.

AGENDA ITEM # 18a1

*****TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 15, 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. 2011-04 TUESDAY, FEBRUARY 15, 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. PROCLAMATIONS:

- 1. PROCLAMATION:** A proclamation recognizing five musicians from the Steamboat Springs High School who auditioned and made one of the All-State bands. (Franklin)
-

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 15, 2011*****
This agenda is tentative and the information is subject to change until the agenda is finalized.

C. JOINT MEETING WITH THE COUNTY COMMISSIONERS (5:00-6:30PM)

2. Discussion and consideration of suspending the acceptance of applications for amendment to the Urban Growth Boundary (UGB) until the finalization of the update to the Steamboat Springs Area Community Plan (SSACP) since the update will consist of a review and possible changes of the current UGB and the criteria for considering amendments to the UGB.
3. If City Council and County Commissioners decide not to suspend the acceptance applications for amendment to the UGB during the SSCAP update process, should planning staff advertise for acceptance of applications with a specific application deadline?

D. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

4. **Fire District Consolidation discussion.** (1 hour)
5. **Update on State water Bills/issues.** (1 hour) (Holleman)

E. 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.

LEGISLATION

6. **MOTION:** Motion to approve the Chamber Special Events Funding as recommended/Approval of Special Event Funding. (Givnish/Chamber)
7. **RESOLUTION:** Crawford Spur road restrictions. (Lorson)

F. 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.

8. **SECOND READING OF ORDINANCE:** An ordinance amending sections of the City Sales & Use Tax Code to improve clarity and

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 15, 2011******

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consistency, to capitalize defined terms, and to correct spelling or typographical errors. (Weber)

9. **SECOND READING OF ORDINANCE:** First Supplemental Budget Appropriation Ordinance of 2011. (Hinsvark)
-

- G. **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

- H. **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.

10. **PROJECT:** Casey's Pond Subdivision, Parcels A & C.
PETITION: Community Plan Future Land Use Map amendment to change the future land use designation of Casey's Pond Subdivision, Parcels A and C from Resort Residential to Neighborhood Residential- Medium.
LOCATION: Casey's Pond Subdivision, Parcels A and C (at the corner of Walton Creek Road and Owl Hoot Trail).
APPLICANT: Casey's Pond, LLC, c/o Michael JK Olsen Architects, PO Box 772385, Steamboat Springs, CO 80477, (970) 870-1584.
PLANNING COMMISSION VOTE: To be heard January 27, 2011.
-

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

PUBLIC HEARING FORMAT:

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

11. **SECOND READING OF ORDINANCE:** An ordinance rezoning property located in Casey's Pond Subdivision, parcels A and C; from RR-1 (Resort Residential One – Low Density) Zone District to MF-3

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 15, 2011*****
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(Multi-Family Three – high density) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Peasley)

J. REPORTS

12. Economic Development Update.

13. City Council

14. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for March 1, 2011.
 - 2.) City Council agenda for March 15, 2011.

15. Staff Reports

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

K. ADJOURNMENT

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

AGENDA ITEM # 18a2

*****TENTATIVE AGENDA FOR TUESDAY, MARCH 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. 2011-05

TUESDAY, MARCH 1, 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.

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A. ROLL CALL

B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. **Grand Futures Report on the Healthy Kids Colorado Survey results.** (Lacy) (20 minutes)
2. **Teen Council Update.** (Lightner) (15 minutes)

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

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

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: Medical Marijuana. (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:

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.**

6. FIRST READING OF ORDINANCE: Amend CDC Use Chart. (Lorson)

7. FIRST READING OF ORDINANCE: Amend CMC outdoor storage. (Peasley)

7. PROJECT: Howelsen Place, Unit B-104

PETITION: Development Plan to process a Conditional Use, office on the pedestrian level in Commercial Old Town zone district.

LOCATION: 703 Lincoln Avenue.

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

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

APPLICANT: Mark Scully, P.O. Box 774137, Steamboat Springs, CO;
970-870-0552.

PLANNING COMMISSION VOTE: To be heard February 10, 2011.

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.**

At this time, there are no items on this portion of the agenda.

H. REPORTS

8. Economic Development Update.

9. City Council

10. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for March 15, 2011.
 - 2.) City Council agenda for April 5, 2011.

11. Staff Reports

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

J. OLD BUSINESS

12. Minutes (Franklin)

- a. Regular Meeting 2011-03, February 1, 2011.
 - b. Regular Meeting 2011-04, January 15, 2011.
-

I. ADJOURNMENT

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

AGENDA ITEM # 19b

City Manager Report

To: City Council President and Members
From: Wendy DuBord, Interim City Manager
Date: Feb. 1, 2011
Subject: City Manager Update

Items discussed, direction given or follow-up from previous Council Meetings:

- **Banner Installation:** Street banners will not be installed until after 9:00 am on Lincoln Ave.
- **Water Conservation Plan:** Public Works/Utility staff will review the action items with more details and better financial analysis and provide information when the resolution for adoption is presented in March.- Plan online for public review.
- **Iron Horse:** City operating Iron Horse- RFP deadline is Feb. 14
- **Traffic Study by staff for CMC/Crawford Spur Road-** Engineer staff to provide with resolution for Development Agreement.
- **New Land Use/Capacity Map:** Distributed to City Council – Jan. 20
- **Water Rate study to John Fielding:** Philo offered him a copy

Council/Communications:

- Regular Agenda Meetings (Tuesdays) and Management Staff Meetings (Thursdays)
- Media updates- Every Thursday at 11:00- Meeting with Mike Lawrence (most Mondays 11:00)
- City Lights Radio Show- rotates to every Department Head- Monday's at 11:00

Economic Development:

- Quiznos Challenge Bike Race- Coordination meetings ongoing
- Bike Town USA- Project and possible Tax Increment Financing (TIF) meetings ongoing-
- Governor's Regional Economic Development initiative- first meeting- Jan. 14
- IGS and IT staff to attend Regional Broadband meeting in Craig- Feb. 3

Finance/Budget:

- CIP and Accommodation Tax- begin update and public process
- City Health Insurance Renewal
- New Finance Software implementation, training, internal controls, grant administration, etc.

Fire:

- Fire District Consolidation: Next meeting Feb. 2- 1:30- Room 113/114 in Centennial Hall-meeting with Fire District at Feb. 15 City Council Meeting.

IGS:

- Normal Grant seeking, contracting and administration
- Many meetings regarding the Bike Town USA initiative and possible application to State of Colorado to develop a Sales Tax Increments Financing (TIF) for various bike improvements in and around Steamboat Springs.

Parks, Open Space, and Recreational Services:

- Coordination with and update from DOW re: Rita Valentine Park and off-leash dog park- Feb. 1
- New internal controls and software for the Parks & Rec. – Ice Arena

Planning/Public Works:

- Philo and Ty working with staff and public re: enforcement of Secondary Unit rentals. Report to follow.

AGENDA ITEM # 19b1

Steamboat Springs, Colorado, Code of Ordinances >> PART II - STEAMBOAT SPRINGS REVISED MUNICIPAL CODE >> Chapter 2 - ADMINISTRATION >> ARTICLE I. - CITY COUNCIL >> DIVISION 1. - GENERALLY >>

DIVISION 1. - GENERALLY

[Sec. 2-1. - Authority of president of council to convey real estate.](#)

[Sec. 2-2. - Compensation of members.](#)

[Sec. 2-3. - Time and place of meetings.](#)

[Sec. 2-4. - Posting places designated.](#)

[Secs. 2-5—2-30. - Reserved.](#)

Sec. 2-1. - Authority of president of council to convey real estate.

Pursuant to section 13.6 of the Charter, the president of the city council or the president pro tem of the council is authorized to convey any real estate belonging to the city by executing a deed for such real property, which shall be attested to by the city clerk or deputy city clerk, subject to the effective date provisions for any sale of property provided in the Charter.

(Code 1975, § 2.04.020)

Sec. 2-2. - Compensation of members.

Pursuant to section 3.11 of the Charter, each member of the city council shall be paid six hundred dollars (\$600.00) per month during the member's term of office; provided, however, that the council president shall receive eight hundred dollars (\$800.00) per month during the president's term as council president; and provided, further, that the council president pro tem shall receive seven hundred dollars (\$700.00) per month during his or her term as council president pro tem. Such compensation may be paid annually or in such increments, as the council may deem advisable. Effective January 2003, and continuing each January thereafter, the monthly compensation set forth in this section shall be increased by the percentage increase in the Denver-Boulder Consumer Price Index for the twelve-month period most recently computed by the U.S. Department of Labor.

(Code 1975, § 2.04.030; Ord. No. 1809, § 1, 9-4-01)

Sec. 2-3. - Time and place of meetings.

The city council shall hold its regular meetings on the first, second and third Tuesdays of each month, commencing at 4:45 p.m., in Centennial Hall located at 124 10th Street, Steamboat Springs, Colorado. The place and time of any regular meeting may be changed by the council president, or, in his or her absence, the president pro tem, when the president deems it necessary; provided that notice shall be given to all members of the time and place of the meeting, in the same manner as provided by Charter for notice of special meetings.

(Code 1975, § 2.04.010; Ord. No. 1390, § 1, 6-21-94; Ord. No. 1459, § 1, 10-10-95; Ord. No. 1888, § 1, 2-25-03)

Sec. 2-4. - Posting places designated.

- (a) The posting places for all public notices and ordinances posted by the city council shall be as follows:
- (1) Centennial Hall;
 - (2) City Market;
 - (3) Inside of the post office.
- (b) Failure to give notice as provided shall not invalidate any action taken by the council, and such provision shall not apply at all to emergency meetings.

(Code 1975, § 1.16.010; Ord. No. 1210, § 1, 5-21-91; Ord. No. 1865, § 1, 9-3-02)

Charter reference— Posting procedures, § 13.11.

Secs. 2-5—2-30. - Reserved.

AGENDA ITEM # 20a

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2011-01

TUESDAY, JANUARY 4, 2011

MINUTES

Ms. Cari Hermacinski, City Council President, called Regular Meeting No. 2011-01 of the Steamboat Springs City Council to order at 5:00pm, Tuesday, January 4, 2011, 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: 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; Mike Schmidt, Computer Services; Steve Hoots, Facilities Maintenance; Dan Foote, Staff Attorney; Jay Muhme, Fire Marshall; Seth Lorson, City Planner; Chris Wilson, Director of Parks, Recreation and Open Space; Ron Lindroth, Fire Chief; and JD Hays, Director of Public Safety.

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

- a. A discussion of personnel matters. This discussion is authorized under the following provisions:

§26-6-402(4)(f)(I), which permits an executive session to discuss “[p]ersonnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.”

City Council President Hermacinski reported that this Executive Session was cancelled and did not take place.

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. Yampa Valley Partners: Year-end report and economic forecast.

Ms. Kate Nowak, Yampa Valley Partners, was present and provided a PowerPoint presentation highlighting the following: types of data; collaboration; GEO Programs and Involvement; world marketed energy consumption, 1990-2035; U.S. Energy consumption by fuel; energy consumption; team members; vision; mission; five main goals; regional strategic issues; transportation; building energy use; water conservation; waste minimization, recycling and composting; alternative energy sources; and Partners is a healthy organization.

Council Member Bentley sees the strategic plan as a way to bring information in, consolidate it, build on what other people have started and then take it regional. It starts the conversation in our area and we will all be richer for it.

City Council President Pro-Tem Quinn commended the work of Partners and supports maintaining this balanced approach. He noted the importance of safety in industry practices and quality of life.

City Council President Hermacinski asked about the effect of House Bill 1365. Ms. Nowak stated that it is being taken very seriously and they want to go back to the old coal conference.

City Council President Hermacinski asked when there will be another Energy Summit. Ms. Nowak stated that she is not sure. She can do smaller workshops in Steamboat Springs, but she is not doing a renewable energy conference in Craig.

Council Member Magill stated that this is good regional input, and a great program that he supports continuing to partner with.

Kenny Council Member Reisman asked if there are other groups doing similar type of work, and are they cohesive enough? Ms. Nowak stated that she participates in all of their meetings and sees her function as supporting them in their efforts. They all have a little different focus and compliment each other.

PUBLIC COMMENT: No one appeared for public comment.

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

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.

City Council President Hermacinski read the motion into the record.

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.**

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

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.**

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

MOTION: City Council President Pro-Tem Quinn moved and Council Member Bentley seconded to approve items 2-4 of the Consent Calendar; a 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; the first reading of 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; and a first reading of 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. The motion carried 7/0.

PUBLIC HEARING: ORDINANCE SECOND READINGS

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

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

Ms. Hinsvark noted the good ridership numbers for Steamboat Springs transit and the success of the additional after hours service.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Reisman seconded to approve the second reading of an ordinance supplementally appropriating funds in 2010 and appropriating reserves therefrom for 2011 for after hours transit service. The motion carried 7/0.

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.

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

Mr. Lorson stated that staff and CMC are in agreement and have addressed the concerns of both parties and the adjacent property owners.

Council Member Magill asked if it is necessary to quantify what kind of landscaping will be required. Mr. Lorson stated that this has been discussed but the size of the area for the landscape needs to be defined. He stated that staff would approve the type of landscaping prior to road construction.

Council Member Reisman asked what details should be included in the development agreement. City Council President Pro-Tem Quinn stated that he had the same concern, but really we are not designing the use of the road. We are accepting it as a City road and then the City can decide how the road will be used in the future. The City will not be limiting its options with this development agreement.

Mr. Lettunich stated if the road is dedicated to the City as a public road then the City can regulate the use of it via an ordinance. It would be inappropriate to leave it to CMC to regulate the use of the road because they have no enforcement powers. The ultimate authority is with the City.

City Council President Pro-Tem Quinn stated that his concerns are not 100 percent satisfied, but he supports approving this with further direction to have an ordinance addressing the road use.

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Council Member Bentley stated that she is somewhat placated as long as the ordinance is detailed and addresses the concerns. She believes that it is very important to limit the access on the road.

Council Member Kounovsky supports approving this and asking staff to come back with a plan. If the plan does not work then council can fix it without needing to get an agreement from the college.

Mr. Lettunich noted the importance of having the flexibility to restrict or loosen regulations.

Council Member Kounovsky asked if staff will include the adjacent property owners when talking about the landscaping. Mr. Lorson stated yes. Council Member Kounovsky asked if the City could require more landscaping. Mr. Lorson stated that this could be "a gray area".

PUBLIC COMMENT:

Ms. Sarah Katherman voiced concern that there is a disparity between what was approved on December 21 and what went into the development agreement. She asked Council to consider the difference between discouraging something and saying that it is prohibited. Making the Crawford Spur public will compromise the safety of her home and be dangerous to the public using that road. She asked what is the public safety benefit of allowing the public to use the road. She is asking for good signage at both ends stating that the road is for emergency vehicles only. She would also like the language regarding the landscaping to be strengthened to include specified standards and ongoing maintenance.

Mr. Robert Ellsworth stated that this will negatively impact his property and reminded Council that this is a very important decision. He appealed to Council to use their elected powers to protect the neighbors. He would like limited use of the road and supports maintaining oversight group over developers.

Ms. Jill Brabec, representing the Sloweys (adjacent property owners), agrees with the comments that have been made. She stated that the purpose of the agreement is to make sure that everyone has an understanding of the expectations. She stated that the intensity of the landscaping is important and the Sloweys are hoping that it is dense and is of a maturity and scale to mitigate the impacts. The existing IGA has language about 10-12 foot trees. The on site lighting also needs to be addressed. She stated that there is a gap from the Crawford Spur to the Sloweys' property that is shown as a driveway; this needs to be a dedicated easement or public ROW. She also pointed out that the ordinance does not say that the development agreement needs to be signed.

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Mr. Lorson stated that there is already a signed agreement. Mr. Foote noted that it will need to be changed to address some of Ms. Brabec's comments; however the City Manager will sign the document when the City is satisfied with the terms.

Mr. Davis Smith stated that he appreciates that the college is a vital part of the community; however adding a 50,000 square foot building to CMC will dramatically increase traffic. He asked if this should this really be the main entrance to the college. He supports using 13th street and does not support terminating the IGA.

Mr. Tom Rayburn stated that he is impressed with the agreement that is proposed and supports the ordinance.

Mr. Andy Picking stated that his street, Crawford Avenue, gets a significant amount of college traffic because it is a "straight shot" to the college and having the Spur as an access to the college may increase that traffic. He stated that most residents on Crawford are families and he is concerned with increased traffic. He suggested a change in the traffic pattern, like possibly making it one way.

Mr. Harry Dike noted that he owns the property that was originally proposed as an entrance and he does not think it is a good idea to terminate the IGA. He believes that this expansion is only the beginning and does not believe that the Spur access is reasonable. It is only a "band aid" to the problem.

Mr. Robert Ralston believes that 13th Street is the appropriate entrance. There is also the opportunity to install a nice trail from the campus down to the library and the 13th Street light. He voiced concern with rushing into dissolving this agreement and urged Council to address the safety issues in an agreement with the college.

Ms. Sandy Evans Hall reminded all of the economic value that the college brings to the community and the importance of keeping them in the current location. Particularly because of the potential that CMC will become a 4 year school.

Ms. Heather DeVos believes that 13th Street is the right access for life safety reasons. She stated that she does not believe that CMC will leave this community and does not believe that money is an issue for them. The new agreement has flaws in the wording and clarified that the work "consult" is not the same as "control". She believes that the agreement is based on zero growth and there will be increased traffic and more growth. She encouraged Council to take a step back and make sure the agreement is tight and clear.

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Mr. Stan Jenson, President of CMC, stated that their objective is to serve this community and they seek to do that in the future as well. They are looking for a win/win partnership and so far they have given the City everything asked for. They were denied on the 13th street access and stand to spend a lot of money on second access and are discouraged to hear that the type of access may be changed. He noted that it is a possibility that CMC would leave this community and money is an issue. He stated that they need to move forward tonight without delay.

City Council President Hermacinski stated that if a development agreement is approved then staff can bring back an ordinance to address concerns regarding signage, lighting, etc. Mr. Jenson stated that they are generally in agreement with that and would like to deal with the City in good faith. The public access is staff's recommendation that they have agreed to.

Council Member Magill stated that he is struggling with this because it is a long term decision that needs more time. The Crawford Spur access is a huge impact on the neighbors. He does not believe that this is a good access and that the sidewalks are a "band aid".

MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to approve the second reading of an ordinance approving the termination of an Intergovernmental Agreement between the City of Steamboat Springs and the Colorado Mountain College; and approve the development agreement. The motion carried 5/2. Council Member Magill and Council Member Bentley opposed.

Discussion during the motion:

City Council President Pro-Tem Quinn noted that many small colleges do have residential entrances. He believes that it is important to follow through on this; CMC has worked with the City diligently. This is a difficult decision that is not going to make the neighbors happy. He believes that this access is in the best interest in the long run.

Council Member Magill does not support this and feels that the City has "backed itself into a corner." He does not feel comfortable with a decision of this magnitude.

Council Member Reisman thanked everyone for the input. He noted that he did not support the 13th Street access; Crawford Spur is not the greatest solution but he will vote for it because it is better than 13th Street. He has concerns with the road being public which he would like to address in the future.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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Council Member Kounovsky also thanked everyone and noted that this is not the perfect solution, however he supports the motion.

Council Member Myller stated that some may prefer the 13th Street access, but it was not feasible. He stated that the development agreement satisfies him and noted the need to figure out how to work with our economic partners.

Council Member Bentley stated that she sees both sides of the story as well. This will be an impossible traffic situation; however she will reluctantly not support the motion.

City Council President Hermacinski noted the need to put the college on equal footing with the community and reminded that CMC has fulfilled what was required by the IGA. She noted that the Crawford Spur area is a public ROW that has been there a long time. She stated that Council talks a lot about economic development and if Council can't partner with a college that wants to offer a four year degree, they may as well "put up gates at the end of town."

Mr. Lettunich stated that staff will come up with some options and then bring them back as a discussion item.

City Council President Hermacinski asked about the timing of an ordinance. Mr. Jensen stated that they would like to have clarity on some details. He stated that ordinance readings in February would be acceptable.

Council Member Bentley noted the need to address the Sloweys driveway and easement. She would like no trucks and no buses allowed access.

It was clarified that there will be changes to the agreement and the IGA will not be dissolved until the City Manager signs the development agreement.

Mr. Sam Skramstad stated that they are trying to promote a "wait and see scenario" so that they can build the road and then decide what type of landscaping will be appropriate.

Council Member Bentley asked that as construction starts CMC start intense public information to let the whole town know what they are doing and keep everyone in the loop.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

PLANNING
PROJECTS

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

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

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

REPORTS

7. Economic Development Update.

City Council President Hermacinski noted that individual Council members have been meeting with Mr. Roger Good in preparation for the retreat.

GENERAL PUBLIC COMMENT

Ms. Sarah Katherman voiced concern with City process and the fact that the CMC development agreement was not available for review until the weekend before. This is doing the City a real disservice, is bad planning and bad government.

Return to the Economic Development Update:

Ms. DuBord noted that bus ridership is up. Yearly it is down, which is unfortunate but also tracks with the economy. It was a huge success to add that late night bus service which is an economic development service to the downtown community.

Council Member Reisman asked if yearly ridership is compared to sales tax. Mr. Shelton stated that there is not a direct correlation, but there is some connection. He stated a good segment of the community is transit dependent. He has noticed that on the regional bus there are a lot of hospitality workers that come from Craig; that ridership has been down but there was an "uptick" in the last month. This is an indicator that some of these jobs are coming back. He stated that you have to "marry" all the indicators together to look at the health of the City as a whole.

Council Member Magill noted that NWCCOG is seeking economic development district standards and he will distribute a survey to Council.

Council Member Kounovsky stated that he is excited about the retreat and to start making progress on economic development.

8. City Council

- a. Letters of support for Colorado Transit Coalition statewide request for funding.**

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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City Council President Hermacinski spoke to the "dreaded" word "earmark" and noted that this funding does come from the gas tax and is stipulated for this kind of use. Mr. Shelton further explained that the Federal gas tax is supposed to be an enterprise fund and the dollars go to highways and transit; however not every community has transit so this has been done through the earmark process. The City asks for statewide allocation because it can't "spend it out" through a formula.

UNANIMOUS CONSENT: City Council President Hermacinski to sign the letters.

Council Member Kounovsky:

1. Noted that the light at 3rd and Lincoln is not functioning properly. Mr. Shelton stated that staff has notified CDOT. He stated that the traffic signal upgrade is not complete and the temporary fix has not "held up."

Council Member Myller:

1. Noted that the Stockbridge light is also not functioning properly.

Council Member Reisman:

1. Commended Mr. Wilson on the Ice Rink. The programs are flawless and they were also open on New Years Eve past midnight, which is a great benefit to the youth community.
2. Asked that the City Clerk not use the "filler pages" in the packet in order to save paper.

9. Reports

a. Agenda Review:

- 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.**

Council reviewed the above agendas.

10. Staff Reports

a. City Attorney's Update/Report.

Mr. Lettunich reported on the following:

1. TPAB requested that he give his thoughts on the issue of exemption on the first level of valuation of mil levy. **UNANIMOUS CONSENT:** Mr. Lettunich to provide this information.
2. The City received the promissory note on the deferred rent for the Iron Horse.

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3. Has been working on the provisions for insurance indemnification for the Quiznos Pro Challenge, and hopes to have that resolved by the end of the month.

b. Manager's Report: Ongoing Projects.

Ms. DuBord reported on the following:

1. Noted that the City has sent out the RFP for the Iron Horse.

GENERAL PUBLIC COMMENT

Mr. Ron Lindroth spoke representing his wife who would like to start a local fire fighter's auxiliary and community foundation. This will start with the first annual Firefighter's Ball on January 28, 2011. He handed out invitations to all of Council.

OLD BUSINESS

11. Minutes

a. Regular Meeting 2010-22, December 7, 2010.

MOTION: Council Member Bentley moved and Council Member Reisman seconded to approve the December 7, 2010 minutes. The motion carried 7/0.

b. Regular Meeting 2010-23, December 21, 2010.

Council Member Magill stepped down.

MOTION: Council Member Bentley moved and Council Member Reisman seconded to approve the December 21, 2010 minutes. The motion carried 6/0. Council Member Magill stepped down.

Council Member Magill returned to the meeting.

ADJOURNMENT

MOTION: Council Member Myller moved and Council Member Bentley seconded to adjourn Regular Meeting 2011-01 at approximately 7:06pm. The motion carried 7/0.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS _____ DAY OF _____, 2011.

AGENDA ITEM # 20b

CITY OF STEAMBOAT SPRINGS

SPECIAL MEETING NO. SP-2011-01

THURSDAY, JANUARY 13, 2011

MINUTES

Ms. Cari Hermacinski, City Council President, called Special Meeting No. SP-2011-01 of the Steamboat Springs City Council to order at 4:10pm, Thursday, January 13, 2011, in Olympian Hall, Steamboat Springs, Colorado.

City Council Members present: Cari Hermacinski, Jon Quinn, Meg Bentley; Bart Kounovsky, Scott Myller and Kenny Reisman. Walter Magill arrived at 4:11pm.

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; Winnie DelliQuadri, Government Programs Manager; Mike Schmidt, Computer Services; Chris Wilson, Director of Parks, Recreation and Open Space; Ron Lindroth, Fire Chief; and JD Hays, Director of Public Safety.

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

CITY COUNCIL RETREAT

1. Update on 2010 goals and accomplishments.

Ms. DuBord noted that staff's accomplishments for 2010 were presented in the packet.

Discussion commenced on the competitive grant arena and that most grants are for capital, like for buses, fire trucks, and airports. Ms. DuBord noted that \$10 million spent on capital is a normal amount, and that the 2011 Capital Improvements Program (CIP) is reasonable but 2012 will be constrained.

City Council President Pro-Tem Quinn noted the need to add the recent upgrade to bus service as economic development.

2. Report on what the City currently does in terms of economic development.

Ms. DuBord noted the money spent in 2010 on economic development, which totaled \$10 million. The major item was refinancing and additional funding for the Steamboat Springs Redevelopment Authority (SSRA).

Council Member Riesman stated that Mr. Roberts had been meeting with local businesses, and asked if that has continued and what were his impressions? Ms. DuBord stated that Mr. Roberts initiated this outreach because he wanted to introduce himself and she is not sure of any other direction from that process. She stated that the people he met with were pleasantly surprised.

PUBLIC COMMENT:

Charles McConnell stated that the City has an opportunity to have a private company come to town and hire people, and by allowing this it will portray a "business friendly" community. Walgreens is the "here and now" and jobs and money will benefit the community.

Mr. Jim Cook spoke to an economic development commission that that he was involved in that existed in Steamboat in 1991. This Commission heard of a company that was leaving town and when he conducted an exit interview, they thanked him for the visit because it was the first time anyone from the City had visited them. He stated that this is not "keeping the pulse of the business community." He stated that the City has the opportunity to develop a lot of things in technology and the opportunity to develop activity oriented "spin off" businesses like BAP!, etc. He noted that increasing sales tax revenues does not necessarily mean developing big box retail and if we create better jobs people will have more money to spend. He also spoke to the importance of art in the community and noted that it does not cost a lot to support it. He concluded that there is a better use for the Iron Horse.

Mr. Mark Scully agrees with Cook and encouraged planning and strategy. This is a critical point of being proactive or just "letting it happen"; he encouraged Council to not get lost in the minutia.

Mr. Chris Diamond believes that recreation is the anchor and core business for the City. He thanked Council for supporting the SSRA; investments in the base area were \$13-14 million, which was more than matched by the Steamboat Ski & Resort Corporation. He thinks that the priority should be to put dollars in areas where it can successfully leverage private dollars. Additionally, the Howelsen Hill Centennial Fund is a priority.

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Mr. Bill Butler stated that Steamboat is a very special place, and even more special are the people. He is the developer of the Alpine Land Company and has been in the development business for 46 years, mostly in hotels and industrial development. He would like to help with a strategic approach. He is impressed with all the young professional people here, most of which have three jobs. He has pondered what could change that and that "white collar" jobs are the key. He stated that there is any number of opportunities that could be strategically approached. For instance, a high quality office park on the end of town. He suggested developing a task force to study this and to attract white collar jobs.

3. Economic development discussion with Roger Good.

Mr. Good noted the need to figure out what the Council wants long term in terms of economic development. An important step was separating tax policy from economic development. Council also needs to come up with a definition of economic development. He asked each Council member to come up with two or three goals and then state examples of other locales having success with that.

Council Member Magill noted high speed broadband is key to businesses and an investment in infrastructure. He does not have a specific example.

Ms. DuBord noted that when she was working for Routt County they did not have any internet access. They had talked to Qwest and knew there was fiber in the ground. They partnered with the region and worked with the State and seeded grant funds to this area. They were able to get a company to bring high speed into the community and as soon as they started to "light their line", then all of a sudden two other companies came forward with internet.

City Council President Pro-Tem Quinn noted that the City does have broadband but it is not "up to par" and does affect decisions to operate here as a location neutral business. He noted an architectural firm that can't get the kind of internet service they need here in order to work with their main office New York.

Council Member Kounovsky stated that long term he would like to have an economic development group, similar to the Grand Junction Economic Partnership.

Council Member Reisman would like to be known as a community that is efficient to do business with. There are a lot of "hoops and hurdles" businesses have to jump through to be successful and he would like to make certain that we are efficient and clear in how we do business as a government. An example is Smartwool; they did socks right and then they expanded. We need to be a solid government that is efficient to work with.

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City Council President Hermacinski would like to see the City increase the diversity of jobs as a long term goal. Steamboat has done a good job of using its ranching and Olympic heritage in the ski industry. The City needs to preserve its assets and the businesses that are already here. An example is the relocation program in Whistler.

City Council President Pro-Tem Quinn stated that growing location neutral businesses is an excellent long term goal for the community. In the short run the biggest liability is that we have too much product in terms of condos and second homes. He would like to focus on marketing Steamboat and encouraging tourism and to have a strong focus on what our competitive market is. He thinks we may "oversell" the western theme and not really deliver on it. We are more modern than we give ourselves credit for. An example is the turnaround that Denver has seen lately with the 16th Street Mall.

Council Member Myller thinks that government should "get out of the way" rather than starting new programs. The Grand Junction Economic Partnership "goes to bat" for businesses and helps ease the situation when businesses have to interact with government.

City Council President Hermacinski stated that the City has structural flaws that do not allow us to interact with our businesses; however we are small enough to make the structural changes necessary to fix this.

Council Member Bentley noted the importance of education and broadband service. If there are funds to get broadband to take off, that will make the business environment inviting enough so that people will be able to move here and run their businesses. She agrees that there is a structural problem; this is the "low hanging fruit" that can be changed.

City Council President Hermacinski stated that the internet and the airport were the two things that she needed in order to run her business here. She also noted that we are a water rich community and need to keep our "eyes on that ball". The limiting factor of growth in the west will be water.

Council Member Bentley agrees that water is very important but does not think it is economic development.

Council Member Reisman wondered how much money leaks out of our community because of the things we don't have and what we need in our community. There is the question of big box and the challenge of maintaining character as opposed to increasing revenue.

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Mr. Good stated that what falls into economic development is a very broad spectrum and Council needs to prioritize and come up with some definitions. He is hearing: infrastructure, efficiency, diversity and careers and education. Also, the engine that we have in place today, preservation of existing assets, and business retention.

Discussion commenced on how to evaluate the economic development proposals that come through the door. What do we do to get broadband in place? Infrastructure, government efficiency and preservation of existing assets have to be "rock solid" before we can go after economic diversity and careers.

PUBLIC COMMENT:

Ms. Sandy Evans Hall spoke to the Biketown USA Initiative and developing infrastructure help us expand our ability to create the recreation experience. We do not need to change who we are, just make it better. We need to keep tourism in the best shape possible to continue to draw businesses here and we need tell tourists about the assets that are here. The ability to fly in is hugely important and we may have a problem providing jet service here.

Mr. Scott Ford stated that there is not a location neutral business going that did not come here as a visitor first. He noted that second homeowners are part time residents who are looking to live here fulltime at some point. We need to focus on what makes this a great place to live, understand the balance, and not "overcook" economic development efforts.

Below is a synopsis of what was recorded on the "whiteboard" during the retreat. The actual documents are on file in the City Clerk's office.

Long Term Economic Development Goals

1. Infrastructure

- Broadband Infrastructure
 - *Like Beanpole project but next layer*
 - *Need to have broadband up to par with urban & metro areas, especially upload capacity*
 - *Need to have costs on par with urban areas – e.g. 100 Mb for \$190/month.*
- Transportation
 - *Reliable Air Service*
- Cell Phone Coverage
- Education
- Water resources/rights

2. Preservation of Existing Assets

- Tourism (& utilization of existing assets/infrastructure)
 - Marketing Steamboat
- Business retention
- Recreational assets
- Arts, culture, aesthetic assets
- Environmental assets
- Minimize retail and service leakage for quality of life considerations

3. Government Efficiency

- Community is efficient for businesses who want to do business here
 - *Clear in how we do business as a government*
 - *Solid as a governing entity*
 - *Examples: City layoffs/restructuring, new vision for government/transparency*

4. Economic Diversity

- More job categories/business categories
- Nice distribution of categories
- Increase diversity of jobs/careers
 - *Goal of more higher pay/white collars jobs*
 - *Goal of Location Neutral Jobs*
 - *Example: Whistler's targeted program for relocation of location neutral jobs*
- Long Term Strategic Business Friendly Environment
 - *Example – Grand Junction Economic Partnership*

5. Careers

- Increased income generation / average wage source income

Filters for Decision Making

Preserve existing assets

Leverage existing infrastructure

Increase diversity

Increase income generation

Would these have changed how the City spent its \$10 million in 2010? Should we put Government processes through the same filters?

Timeline

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Long term plan to be “fleshed out” by the end of February, 2011 (two more meetings). Short term/mid term plan – one meeting to “bull’s-eye”, six weeks to flesh out.

Council Member Kounovsky voiced concern that people are hurting right now; is Council going to talk about short term goals? Is there some way we can “jump start” some commercial?

City Council President Hermacinski believes that Council needs to set long term goals first in order to figure out the short term goals. Currently we have no framework to evaluate requests, this needs to be accomplished.

Mr. Good stated that it is important to take the appropriate amount of time on the long term goals. He believes that the end of February is appropriate end date for setting the long term plan.

City Council President Pro-Tem Quinn believes it is impossible for government to look at a diverse economy and career paths in Steamboat. He would like to use measurements as a barometer and try to create more opportunities.

It was noted that there is no absolute formula but we do want a “coarse filter”.

City Council President Pro-Tem Quinn would like to focus on infrastructure, because that is what government is good at but does not directly impact diversity and careers.

Council Member Magill spoke to situations when businesses need to jump to the top of the Technical Advisory Committee process; he referenced Colorado Mountain College being “stuck in planning” for a year and a half.

Council Member Bentley spoke to leveraging our fixed assets and the need to narrowly define the concept of economic development so it does not include late night bus service. When looking at an economic development proposal, does it move us towards or away from diversity?

Council Member Kounovsky stated that tourism is the engine that is here right now. Should Council take an event like the Quiznos bike race and run it through a filter tool?

DIRECTION: Discussion commenced on applying the filters to the economic development items that the City spent money on in 2010 and see how it would have been prioritized.

DIRECTION: Staff to look at the current wage income and try to put together an aggregate tourism percentage using the five assumptions.

4. City Council goals and priorities.

Council Member Bentley noted the updated goals from the July 20, 2010 meeting:

Council Member Reisman: sustainability, youth, ensuring public safety.

Council Member Magill: Community Area Plan, Core Trail extension, Emerald Field access.

Council Member Myller: bypass, Community Area Plan.

City Council President Pro-Tem Quinn: bypass, building fees, Tax Policy Advisory Board.

Council Member Bentley: job creation, sustainability, Community Area Plan.

On November 9, 2010 City Council President Hermacinski added water.

Council Member Bentley noted her thoughts for today: Economic development (work with Mr. Good); define economic development; set procedure through which our "findings" can be moved forward; sustainability; Community Area Plan; fenced dog park by the Justice Center or the airport; setting goals for each Advisory Board; appoint Council representation to Parks and Recreation and to Ice Rink Advisory Committee; and simplify procedures limiting business opportunities and start ups.

Council Member Reisman would like to add to the goals increasing communication with the public; and staff reporting back on direction given from Council.

Discussion commenced on having better communication with the technology industry. City Council President Hermacinski stated that Council should be using the City's Information Technology staff for this. Ms. DuBord stated that the City funds the local Economic Development Commission and maybe we need to do a better job of telling them what we need from them.

DIRECTION: City Clerk to schedule the next meeting with Mr. Good.

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ADJOURNMENT

MOTION: Council Member Reisman moved and City Council President Pro-Tem Quinn seconded to adjourn Regular Meeting SP-2011-01 at approximately 7:30pm. The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS _____ DAY OF _____, 2011.

AGENDA ITEM # 20c

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2011-02

TUESDAY, JANUARY, 2011

MINUTES

Ms. Cari Hermacinski, City Council President, called Regular Meeting No. 2011- of the Steamboat Springs City Council to order at 5:03pm, Tuesday, January 18, 2011, 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: 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; Kim Weber, Manager of Budget and Tax; Seth Lorson, City Planner; Chris Wilson, Director of Parks, Recreation and Open Space; Rachelle Summers, Sales Tax Auditor; Ben Beall, City Engineer; Ron Lindroth, Fire Chief; and JD Hays, Chief of Police.

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

EXECUTIVE SESSION (5:05 P.M.)

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

- a. A discussion of personnel matters. This discussion is authorized under the following provisions:

§26-6-402(4)(f)(I), which permits an executive session to discuss “[p]ersonnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.”

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MOTION: City Council President Pro-Tem Quinn moved and Council Member Magill seconded to adjourn Regular Meeting 2011-02 at approximately 5:03pm to go into Executive Session for the reason set forth above. The motion carried 7/0.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Magill seconded to come out of Executive Session and reconvene the Regular Meeting 2011-02 at approximately 5:37pm. The motion carried 7/0.

Persons attending the Executive Session: Cari Hermacinski, Jon Quinn, Meg Bentley, Walter Magill, Scott Myller, Bart Kounovsky, Kenny Reisman, Anthony B. Lettunich, and Wendy DuBord.

City Council President Hermacinski noted for the record, that if any person who participated in the executive session believes that any substantial discussion of matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that person should state his/her concerns for the record.

No concerns were indicated.

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. Presentation of enhanced Draft Community Water Conservation Plan.

Mr. Shelton noted that Mr. Jay Gallagher, Ms. Lyn Haliday and Ms. Laura Frolich were present.

Ms. Frolich provided a PowerPoint presentation highlighting the following: 2010 Community Water Conservation Plan, Draft II; Why make a Water Conservation Plan?; Why Conserve Water?; main priority; current conservation activities; future program selection process; 2011 implementation goals; future programs; water savings targets – total of 15 percent reduction by 2035; approximate water savings; water savings, potential capital deferments; and What the Plan needs for success.

Discussion commenced on budgeting based on success of conservation; growth projections from Department of Local Affairs (DOLA); bill stuffers; and the grant match.

PUBLIC COMMENT:

Mr. John Fielding believes that it is a great idea to conserve, however his water bill in the summer is 200 dollars; the basic water rate is twice what he pays in Utah. He encouraged Council to look at penalty rate when a user uses over a certain amount.

Mr. Shelton spoke to the new water rate structure and the tiered penalty rate meant to discourage high water use.

Mr. Fielding stated that the penalty rate applies only to residential and does not distinguish when a person is wasting water or just has a large need. He asked Council to reexamine this.

Mr. Gallagher stated that he enjoyed working with the City on this; the Plan is in final form thanks to Ms. Frolich and Ms. Haliday. We now have a way to prepare the community for draught.

2. Direction in regards to enforcement of three sections in the Tax Code.

Ms. Weber stated that there have been two staff members reviewing the entire tax code and they have cleared the suggested changes with the legal department.

1. Exempt institutions, company exempt from paying sales tax: The Code says they must apply to get an exempt license number. Staff has never enforced this and the City's Code is more restrictive than the State code. Staff has always honored the State's code. **UNANIMOUS CONSENT:** Move forward option two, to revise the City's Code and accept the State's.
2. Non-profits sell items throughout the year for fundraising. The Code says they need a special license to collect the tax; however they can keep the tax and not remit back to the City. Staff does not issue a special license; however this does not preclude the City from auditing them. Does Council want staff to issue these licenses?

Council Member Bentley suggested not collecting the tax. Ms. Weber stated that staff does not want to exempt a certain group from the tax code.

City Council President Pro-Tem Quinn asked if we are concerned with discrimination. Ms. Weber stated that it is more that this would be an easier method to make sure that their books are auditable.

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UNANIMOUS CONSENT: Move forward with option two, to remove the requirement for a special license and to clarify that "occasional" means once a year.

3. The Code says that all meals that are sold shall be taxed. Staff does not enforce this with schools and senior citizens. Staff suggests changing the Code to exempt schools, student meals at colleges and senior citizens.
UNANIMOUS CONSENT: Staff to move forward with option two to exempt schools and senior citizens, including the cafeteria at CMC.

PUBLIC COMMENT:

Mr. John Fielding noted the need to clarify the duration of the event because his non-profit has one event a year, but it lasts five months.

3. Options for vehicle restrictions on Crawford Spur/CMC access.

Mr. Lorson presented a few options for potential restrictions to Crawford Spur. Staff recommends 2a, as is done in the Brooklyn neighborhood, restricting commercial vehicles according to weight.

PUBLIC COMMENT:

Mr. Mark Walker, Bob Adams Drive resident, stated that Bob Adams is a dangerous road with high traffic. With the growth of the college and the possibility of a four year program, he is concerned with even larger capacity on the road. He urged Council to make sure the road is as user friendly as possible. He would also like to see sidewalks on Bob Adams Drive. City Council President Hermacinski asked for a show of hands of those in the audience that agree with these statements. Several people raised their hands.

Ms. Mellissa Vanguardsdale voiced concern with the impact to Bob Adams Drive. She suggested making it a one-way loop using Bob Adams Drive and the Crawford Spur.

Mr. Kurt Kellogg, Bob Adams Drive, stated that he concurred with the comments in the letter Council received from Mr. Dan Bonner. He believes that the best long term solution would have been the 13th Street access because there will be increased traffic with the expansion of the college.

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Mr. John Fielding, 12th and Oak, stated that the Crawford Spur access has a large impact on very few people; however he does not believe the City should restrict the use of the route (it should be full use access).

Ms. Sarah Katherman distributed a map and reiterated that she has never opposed the construction of the road and understands the need for a second access. She has concerns with the quantity and size of the vehicles that will use it and believes that it will be a very dangerous intersection. She urged Council not to sacrifice safety for convenience.

Ms. Heather DeVos believes that the best choice is 13th Street access and does not see how any option of full use of the Crawford Spur is possible. She urged Council to remove the "loopholes" and cost limitations for the sidewalks. She believes that there are many missing items in the IGA that are still relevant, like the lighting, dorm use restrictions, building codes, and the soccer field.

Mr. John Fielding believes that the City needs to be talking about what it can do to help the college with this like offering to build the sidewalks; or the City could build the road and the sidewalks for the college.

Mr. Shelton spoke to the sidewalks on the east versus west side noting that the right of way varies and gets narrow at some points. The west side is the preferred alternative.

Council Member Reisman asked about the number of commercial vehicles.

Dr. Perhac, CMC, stated that there is UPS every day, food service, occasional semis garbage trucks and buses.

City Council President Hermacinski clarified that there will be a construction management plan.

City Council President Pro-Tem Quinn asked about the Slowey's alternative Plan. Mr. Shelton stated that staff reviewed it and the issue is that it is better to align the intersection to opposing streets. He clarified that there is no room to stripe a bike lane. He stated that Katherman's driveway is steep, and asked if there are any alternatives to changing this access. Mr. Shelton stated that staff looked at geography of the driveway which is at a right angle and does meet our standards.

Council Member Bentley does not understand the alignment to the opposing streets and believes that overall, safety needs to be more important than the principal of aligning the streets. Mr. Shelton clarified that aligning the streets is

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safer, if you push it further away from the driveway it would actually make it steeper.

Council Member Reisman stated that this is about trying to find a solution that is not going to be perfect, in the end it will be one big compromise.

MOTION: Council Member Reisman moved and Council Member Bentley moved to adopt a road that restricts all commercial vehicles on the Spur as in option 2b. The motion failed 2/5. City Council President Hermacinski, City Council President Pro-Tem Quinn, Council Member Myller, Council Member Magill and Council Member Kounovsky opposed.

Discussion during the motion:

City Council President Pro-Tem Quinn noted the need to further define commercial, like would a taxi service be allowed?

Mr. Lettunich also noted delivery of pizza in passenger vehicles and suggested restricting over a certain size.

City Council President Pro-Tem Quinn suggested waiting to see what the road turns out like and then make this decision. Mr. Lettunich stated that this is an option; Council could defer and see how the road operates.

Mr. Lorson noted that restricting commercial delivery would also restrict the Sloweys from getting these types of deliveries as well.

City Council President Pro-Tem Quinn believes that this is a potential enforcement nightmare and does not support the motion believing that it is too premature to make the call.

City Council President Hermacinski noted that the college and the neighbors are looking for some sort of direction and CMC has been in the process for awhile. She noted that the regulations can be changed later if needed. She suggested making it full public access.

Council Member Bentley does not support waiting to decide on the type of restriction.

Council Member Myller does not support the motion and supports option 3.

Council Member Magill stated that the motion does not address transit; transit should be able to use the road.

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Council Member Kounovsky would like to enforce via vehicle weight. He supports option 2a.

MOTION: Council Member Myller moved and City Council President Pro-Tem Quinn seconded to move forward with option 3. The motion failed 3/4. Council Member Magill, Council Member Kounovsky, Council Member Bentley and Council Member Reisman opposed.

MOTION: Council Member Kounovsky moved and Council Member Magill seconded to move forward with option 2a. The motion carried 7/0.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to clarify that City buses are exempt from the restrictions. The motion carried 6/1. Council Member Reisman opposed.

GENERAL PUBLIC COMMENT:

Mr. Chris Ward, Aloha's in Milner, asked Council to consider permitting a fourth medical marijuana dispensary in Steamboat. He has gathered several hundred signatures in support of another dispensary and has found a location.

Mr. Lettunich noted that staff has completed the revisions ordinance. They will go to the Planning Commission and is scheduled with the Council on March 1, 2011.

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

4. **FIRST READING OF ORDINANCE: An ordinance approving a Land Management Agreement between the City of Steamboat Springs and Howelsen Emerald Park, Inc., a Colorado non-profit corporation; authorizing execution of the agreement; providing for severability; and providing an effective date.**

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

Council Member Bentley suggested several changes:

UNANIMOUS CONSENT: The 7th "whereas" should read "...at HEMP's own expense..."

UNANIMOUS CONSENT: Howelsen Emerald Mountain Partnership (HEMP) Board of Directors shall include a Council member.

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Council Member Bentley suggested that the HEMP Board may designate the Blackmere Drive entry and public lands to the west as an off leash dog area. Also to include winter grooming of ski trails and the maintenance of trash containers at the Quarry and near the Blackmere entry point.

Council Member Magill suggested that the land management board should work on this, not council.

City Council President Hermacinski stated that the HEMP Board and user groups should consider this and make a recommendation.

UNANIMOUS CONSENT: Prohibited uses: add a list of prohibited uses that would be maintained by Mr. Wilson.

MOTION: Council Member Bentley moved and Council Member Myller seconded to approve the first reading of an ordinance approving a Land Management Agreement between the City of Steamboat Springs and Howelsen Emerald Park, Inc., a Colorado non-profit corporation; authorizing execution of the agreement; providing for severability; and providing an effective date, with the above noted amendments. The motion carried 7/0.

5. **FIRST READING OF ORDINANCE: 2010 Supplemental Budget Appropriation Ordinance to appropriate funds associated with the Series 2010 Certificates of Participation (COPs) which refunded the Series 2001 COPs.**

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

MOTION: Council Member Reisman moved and Council Member Kounovsky seconded to approve the first reading the 2010 Supplemental Budget Appropriation Ordinance to appropriate funds associated with the Series 2010 Certificates of Participation (COPs) which refunded the Series 2001 COPs. The motion carried 7/0.

PUBLIC HEARING: ORDINANCE SECOND READINGS

6. **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.**

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

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Reisman moved and Council Member Myller seconded to approve the second reading of 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. The motion carried 7/0.

7. **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.**

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 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. The motion carried 7/0.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

PLANNING
PROJECTS

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

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

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

REPORTS

8. **Economic Development Update.**

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Ms. DuBord provided a written update on her interaction with state officials, as well as an Regional Transit Authority (RTA).

9. City Council

Council Member Bentley:

1. Noted that the water quality monitoring system that has been in place for 10 years will discontinue unless the City funds it at \$10,000. Mr. Shelton noted that staff has applied for a grant for a database that will be completed in April and then there will be no more funding. Staff has identified 4-6 sites that it would continue to monitor. He stated that Mr. Mike Zopf will be making a proposal for funding.
2. Asked for an update on having Council members attend Parks and Recreation and IRAC meetings. **DIRECTION:** Ms. Franklin to get the schedules and send out sign up sheets.

City Council President Pro-Tem Quinn:

1. Received a complaint about staff switching out the street banners at 8:00am. **DIRECTION:** Staff to look into scheduling during a lower traffic time.
2. Attended a Rotary Lunch and gave a presentation on First Impressions. He stated that it is their goal to have a better outreach campaign this year.

Council Member Reisman:

1. Asked about the turnaround time for Walgreens from Planning Commission to Council. Will Council get all the information in time for their meeting? Mr. Gibbs stated staff will make every effort to make sure Council has the information.

Council Member Kounovsky:

1. Asked why the hybrid buses don't have ski racks. Mr. Shelton stated that the new standard bus design is wider and there were conflicts with car mirrors so the racks were removed.
2. Stated that the traffic flow on 12th, Crawford and Bob Adams needs to be studied. **DIRECTION:** Staff to take a cursory look at the plans and estimate traffic flow.

Council Member Myller:

1. Spoke to a grant from the Colorado Office of Tourism for a project that would leverage future sales tax increases for tourism. The Bike Town USA Initiative has data that can prove sales tax growth. Ms. DuBord stated that this is an opportunity to go after State tax increment funding (TIF)

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funds and the County is interested in partnering with City. Council Member Myller suggested looking at continuing the core trail; also there are gaps in the trail system, there is a need for way finding signs, and additional downhill and expert trails.

10. Reports

a. Agenda Review:

- 1.) City Council agenda for February 1, 2011.**
- 2.) City Council agenda for February 15, 2011.**

Council reviewed the above agendas.

11. Staff Reports

a. City Attorney's Update/Report.

Mr. Lettunich reported on the following:

1. Reported that the he attended meeting last week regarding the termination of the agreement with New West Inns and as of now the City took over the operation. Ms. DuBord stated that staff has transferred the employees to the City's payroll along with the vendors and bills. It is being operated as nightly rentals and the long term units are rented. RFP's are due back February 14 and will be evaluated at the end of February. City Council President Pro-Tem Quinn asked about the promissory note. Mr. Lettunich noted that the first payment was due January 15, 2011.

b. Manager's Report: Ongoing Projects.

Ms. DuBord:

1. Provided an update on direction to staff: Regarding Rita Valentine Park complaints staff has contacted the DOW; With respect to the Building Department she met with Mr. Sullivan and Mr. Dunham they are not willing to push off fees to a later date, the City can change the due date of its fees but would have to change the City's ordinance.

Discussion commenced on the Building Department overhead costs and the fact that they will be insolvent in 2016.

1. CTC Trip to Washington DC.

Mr. Shelton stated that this trip is February 28-March 3 and is to ask for support for the Statewide transit request. Council Member Magill and Council Member Myller will check their schedules.

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c. Downtown and Stockbridge Traffic Signal Update.

An update was provided in the packet.

ADJOURNMENT

MOTION: Council Member Myller moved and Council Member Bentley seconded to adjourn Regular Meeting 2011-02 at approximately 8:25pm. The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS _____ DAY OF _____, 2011.