

CITY OF STEAMBOAT SPRINGS

AGENDA

Regular Meeting NO. 2012-14
Tuesday, July 03, 2012

5:00 PM

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.

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.

ROLL CALL (5:00 PM)

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. 2012 Salary Survey follow up. (Small/Weber)

CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

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

- 2. RESOLUTION:** A resolution by the City Council of the City of Steamboat Springs, Colorado, denying the Conditional Use Development Plan for a Medical Marijuana Center to be located at Sore Saddle Condominiums, Unit 2 (1136 Yampa Street); Application No. DP-12-03. (Keenan)
- 3. RESOLUTION:** A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$300,000 grant for the Yampa River System Legacy: Continuing the Legacy of the Yampa River project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract. (Delliquadri)
- 4. FIRST READING OF ORDINANCE:** An ordinance approving the Third Supplemental Budget Appropriation of 2012. (Weber)

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. EMERGENCY ORDINANCE:** An emergency ordinance imposing Stage II fire restrictions within the boundaries of the City of Steamboat Springs; repealing all conflicting ordinances; and providing an effective date. (Stewart)
- 6. SECOND READING OF ORDINANCE:** An ordinance approving a lease agreement between the City of Steamboat Springs and New Cingular Wireless; providing an effective date; and setting a hearing date. (Foote)
- 7. SECOND READING OF ORDINANCE:** An ordinance approving an amendment to the lease between the City of Steamboat Springs and Smartwool LLC and authorizing the execution of the amendment to the lease; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Hinsvark)

Staff has required that this item be postponed to the July 17, 2012 agenda.

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 COMMISSION REPORT

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

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

- 8. FIRST READING OF ORDINANCE:** An ordinance rezoning property located in the northwest corner of Elk River Road and Airport Circle from RE-1 (Residential Estate One – Low Density) Zone District to I (Industrial) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Keenan)

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.
- 9. SECOND READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code by amending Section 26-140, Sidewalks, Trails and Walkways, Section 26-144, Snow Storage and Section 26-132, Dimensional Standards to establish administrative criteria for providing sidewalk cash-in-lieu, establish administrative criteria for alternative compliance for required sidewalks, establish new snow storage location criteria and correct an error in the Residential Old Town dimensional standards to

reestablish the maximum lot size; providing for severability; providing and effective date; repealing all conflicting ordinances; and setting a hearing date. (Peasley)

REPORTS

10. City Council

11. Reports

- a. Agenda Review: (Franklin)
 - 1. City Council agenda for July 17, 2012.
 - 2. City Council agenda for August 7, 2012.

12. Staff Reports

- a. City Attorney's Update/Report. (Lettunich)
- b. Manager's Report: Ongoing Projects. (Roberts)
 - 1. Director's response.
 - 2. Core Trail Update. (Wilson)
 - 3. River Closures. (Wilson)
- c. Update on Boards and Commissions. (Franklin)
- d. Sunray Meadows Deed Restriction Request. (Gibbs)

OLD BUSINESS

13. Minutes (Franklin)

- a. Regular Meeting 2011-11, June 5, 2012.
- b. Regular Meeting 2012-12, June 19, 2012.

ADJOURNMENT

BY: JULIE FRANKLIN, CMC

CITY CLERK

AGENDA ITEM # 1

CITY COUNCIL COMMUNICATION FORM

FROM: Anne Small, Director of General Services (ext. 249)
Kim Weber, Director of Finance (ext. 250)

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

THROUGH: Deb Hinsvark, Deputy City Manager (ext. 240)

DATE: July 3, 2012

ITEM: 2012 Salary Survey Follow-Up.

☒ INFORMATION
☐ DIRECTION

I. REQUEST OR ISSUE:

Information City Council requested during a presentation on June 19, 2012 related to the City employee salaries, benefits and historical personnel costs.

II. RECOMMENDED ACTION/NEXT STEP:

None – information only.

III. FISCAL IMPACTS:

None noted.

IV. BACKGROUND INFORMATION:

Early in 2012 City Council was presented with a report from ICMA regarding the Fire Department. At that time there were discussions at the Council level regarding inadequate pay for Fire Department employees. Management Team indicated that a full salary survey was going to be completed for all City staff. City Council requested that information be presented to them when it was completed. The survey was completed and the information was presented to City Council on June 19, 2012. Additional information was requested by City Council at that meeting. This communication form and its attachments provide the additional information requested.

At the June 19, 2012 meeting, staff presented a proposed compensation plan. The pay plan was developed after surveying 10 cities and comparing salary levels for similar positions. Council requested staff to provide additional information regarding benefit comparison with the 10 cities, personnel costs in 2002 compared to 2011, historical data comparing personnel costs with all revenue sources and costs of attrition.

Attached to this communication form are the following exhibits that provide the bulk of the requested information:

- Graph depicting all revenue sources compared to personnel costs from 1992 to 2011
- Charts and data comparing personnel costs and FTE's by department for years 2002 and 2011
- Health insurance matrix comparing health benefits to 10 surveyed cities
- Retirement plan matrix comparing types of plans and contributions by city and employee
- Graph showing the City's attrition rate

Attrition costs vary by type of position. For instance the police department provided the following hard cost estimates for recruiting and training a police officer:

| | |
|---------------------------------|----------|
| Non-certified officer: | \$38,788 |
| Certified out of state officer: | \$26,903 |
| Certified in-state officer: | \$23,222 |

The hard cost estimate to hire and train a new firefighter is \$39,430.

The transit division estimates it costs \$4,000 to train a bus driver.

Please note that there are soft costs involved with replacing any employee including recruitment, lost knowledge, lost training costs, coverage, productivity loss, screening, onboarding costs and time, training and productivity ramp-up.

COMPRESSION:

The largest contributing factor to the issue of compression started between 1999 and 2005. Salary surveys were conducted in 1999, 2001, 2003 and 2005. Each survey identified a need to upwardly adjust City's salaries. While the pay scale moved up, salaries of incumbent employees remained the same. Each adjustment to the pay plan exacerbated the compression issue. Another contributing factor is that new employees have been hired into the same positions at a higher rate of pay than existing employees. In 2008, the City hired a professional consultant to perform a survey and develop a plan to address compression. The 2009 proposed plan to bring salaries to the current market value and address compression came at a cost of \$1.5 million. Then the economy began its downward spiral and the budget could not accommodate this correction. In 2009 all salaries were frozen only adding to the compression problem.

V. LEGAL ISSUES:

None

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

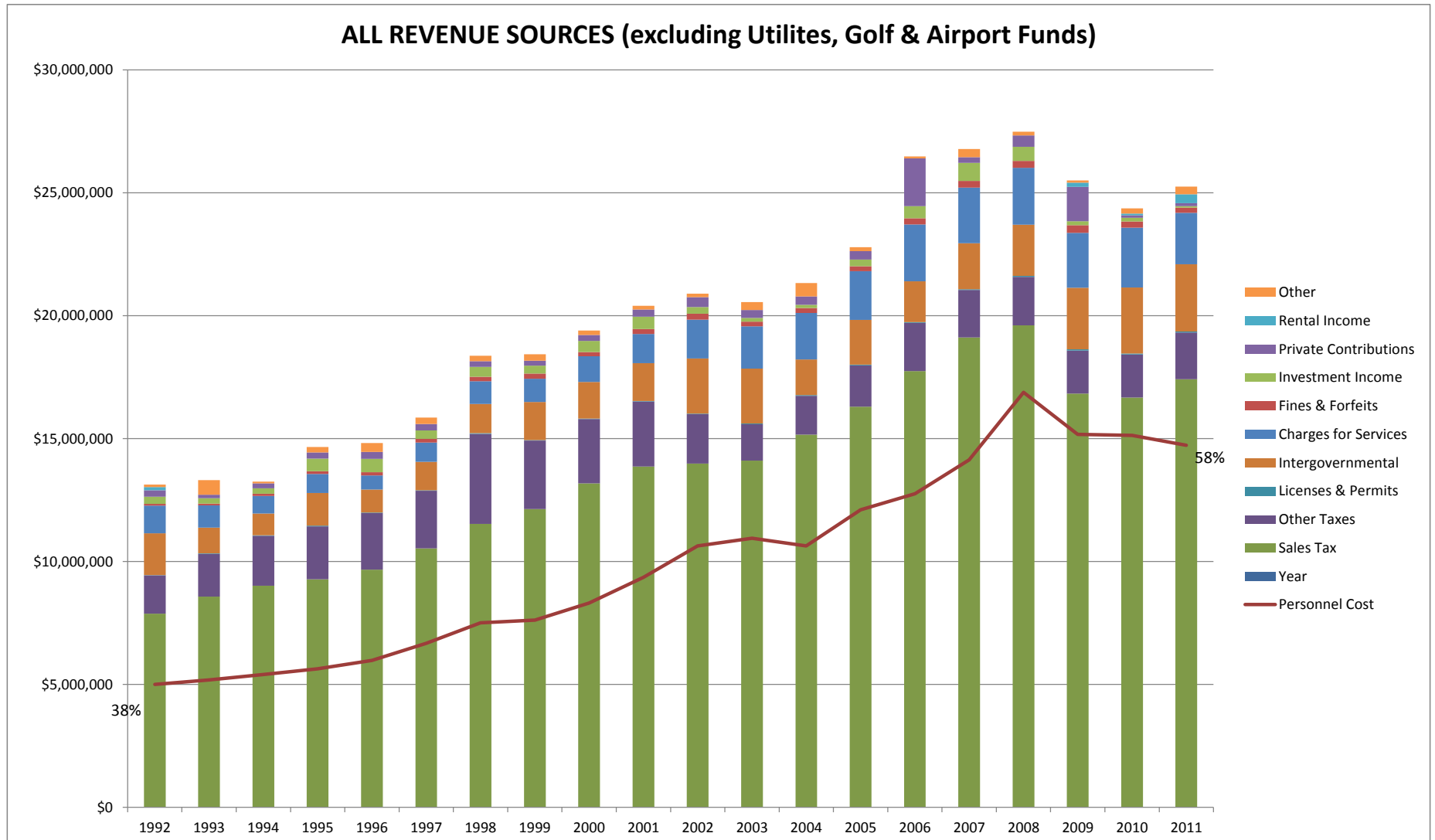
VII. SUMMARY AND ALTERNATIVES:

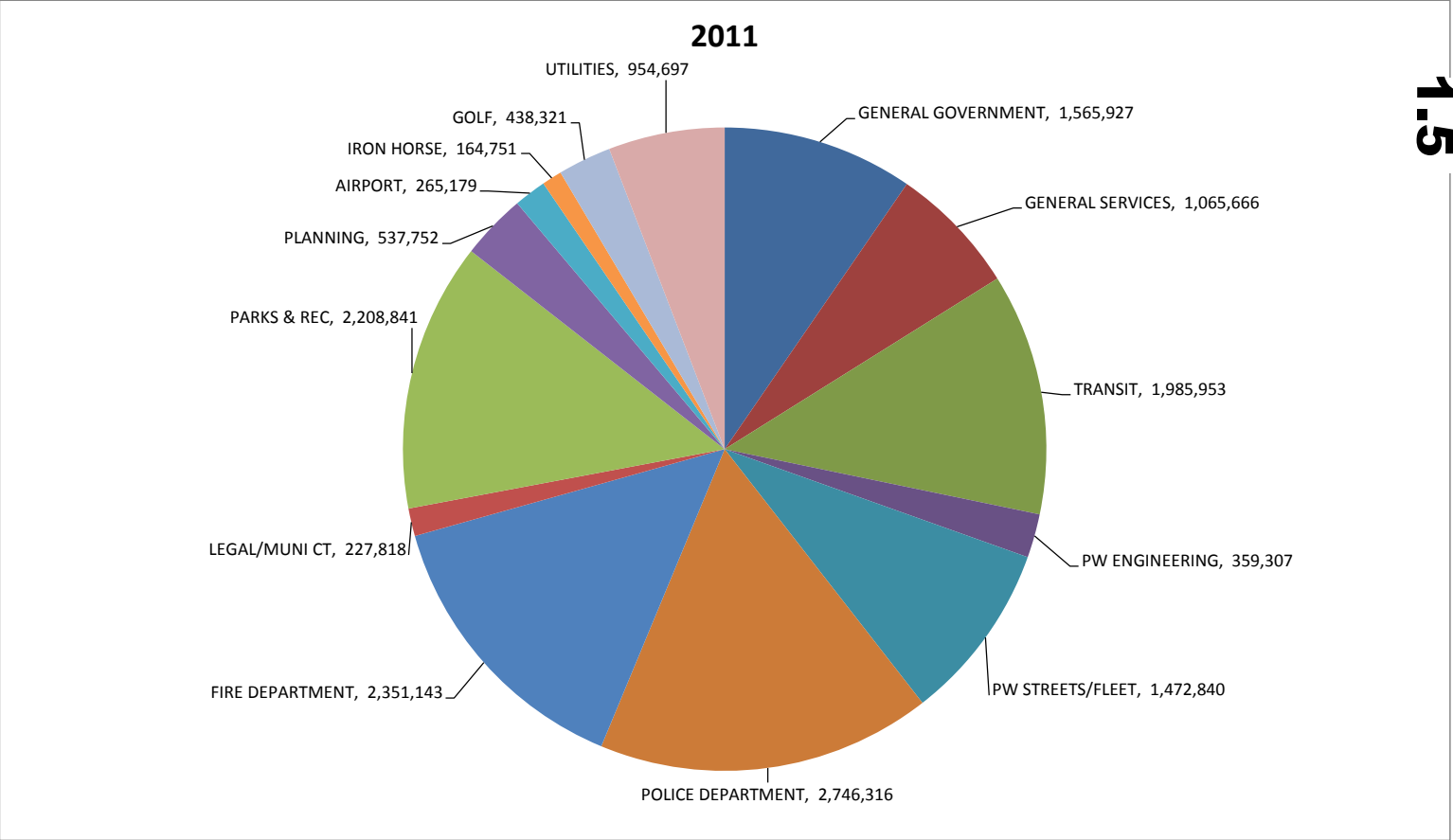
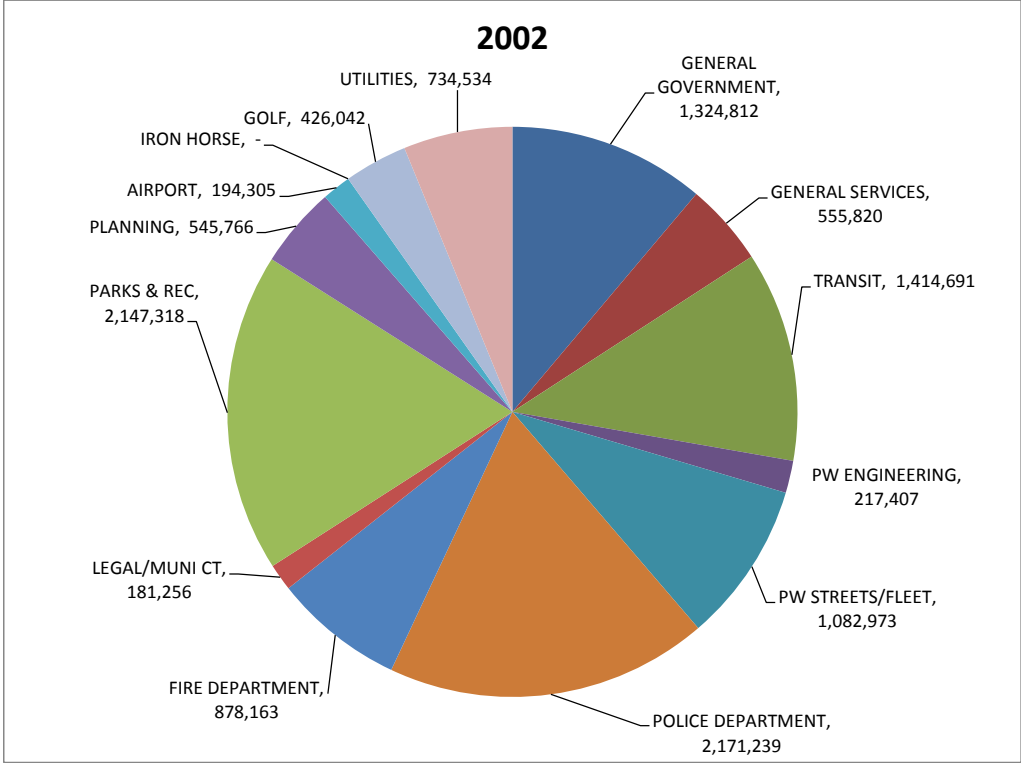
Information only.

LIST OF ATTACHMENTS

- Attachment 1 -** Revenue to personnel (Graph depicting all revenue sources compared to personnel costs from 1992 to 2011)
- Attachment 2 -** 2002 – 2012 Personnel history (Charts and data comparing personnel costs and FTE's by department for years 2002 and 2011)
- Attachment 3 -** Insurance Matrix (Health insurance matrix comparing health benefits to 10 surveyed cities)
- Attachment 4 -** Retirement Matrix (Retirement plan matrix comparing types of plans and contributions by city and employee)
- Attachment 5 -** Attrition Rate (Graph showing the City's attrition rate)

4





| FTE CHANGE | | | | |
|--------------------|--------|-------|------------|----------|
| | 2002 | 2011 | FTE CHANGE | % CHANGE |
| GENERAL GOVERNMENT | 27.97 | 23.7 | -4.27 | -15.27% |
| GENERAL SERVICES | 9 | 14.65 | 5.65 | 62.78% |
| TRANSIT | 35.49 | 35.29 | -0.2 | -0.56% |
| PW ENGINEERING | 3.75 | 4 | 0.25 | 6.67% |
| PW STREETS/FLEET | 19.37 | 20.23 | 0.86 | 4.44% |
| POLICE DEPARTMENT | 40.02 | 37.13 | -2.89 | -7.22% |
| FIRE DEPARTMENT | 20.95 | 31.8 | 10.85 | 51.79% |
| LEGAL/MUNI CT | 3.08 | 3.05 | -0.03 | -0.97% |
| PARKS & REC | 60.91 | 44.7 | -16.21 | -26.61% |
| PLANNING | 10.4 | 7.05 | -3.35 | -32.21% |
| AIRPORT | 4 | 4.3 | 0.3 | 7.50% |
| IRON HORSE | 0 | 3.63 | 3.63 | N/A |
| GOLF | 14.84 | 12.47 | -2.37 | -15.97% |
| UTILITIES | 12.6 | 12.6 | 0 | 0.00% |
| | 262.38 | 254.6 | -7.78 | -2.97% |

| 2002 FTE'S BY TYPE | | | | |
|--------------------|-----------|----------|----------|--------|
| | FULL TIME | CONT. PT | SEASONAL | TOTAL |
| GENERAL GOVERNMENT | 26 | 1.5 | 0.47 | 27.97 |
| GENERAL SERVICES | 9 | | | 9 |
| TRANSIT | 24 | | 11.49 | 35.49 |
| PW ENGINEERING | 3 | 0.75 | | 3.75 |
| PW STREETS/FLEET | 16 | 0.75 | 2.62 | 19.37 |
| POLICE DEPARTMENT | 37 | 2.25 | 0.77 | 40.02 |
| FIRE DEPARTMENT | 13 | 1.25 | 6.7 | 20.95 |
| LEGAL/MUNI CT | 3 | | 0.08 | 3.08 |
| PARKS & REC | 36.94 | | 23.97 | 60.91 |
| PLANNING | 10 | | 0.4 | 10.4 |
| AIRPORT | 3 | | 1 | 4 |
| IRON HORSE | | | | 0 |
| GOLF | 6.06 | | 8.78 | 14.84 |
| UTILITIES | 12 | 0.6 | | 12.6 |
| | 199 | 7.1 | 56.28 | 262.38 |

| PERSONNEL COST CHANGES | | | | |
|------------------------|---------------|---------------|--------------|----------|
| | 2002 | 2011 | \$ CHANGE | % CHANGE |
| GENERAL GOVERNMENT | \$ 1,324,812 | \$ 1,565,927 | \$ 241,115 | 18.20% |
| GENERAL SERVICES | 555,820 | 1,065,666 | 509,846 | 91.73% |
| TRANSIT | 1,414,691 | 1,985,953 | 571,262 | 40.38% |
| PW ENGINEERING | 217,407 | 359,307 | 141,900 | 65.27% |
| PW STREETS/FLEET | 1,082,973 | 1,472,840 | 389,867 | 36.00% |
| POLICE DEPARTMENT | 2,171,239 | 2,746,316 | 575,077 | 26.49% |
| FIRE DEPARTMENT | 878,163 | 2,351,143 | 1,472,980 | 167.73% |
| LEGAL/MUNI CT | 181,256 | 227,818 | 46,562 | 25.69% |
| PARKS & REC | 2,147,318 | 2,208,841 | 61,523 | 2.87% |
| PLANNING | 545,766 | 537,752 | (8,014) | -1.47% |
| AIRPORT | 194,305 | 265,179 | 70,874 | 36.48% |
| IRON HORSE | - | 164,751 | 164,751 | N/A |
| GOLF | 426,042 | 438,321 | 12,279 | 2.88% |
| UTILITIES | 734,534 | 954,697 | 220,163 | 29.97% |
| | \$ 11,876,328 | \$ 16,346,521 | \$ 4,470,184 | 37.64% |

| 2011 FTE'S BY TYPE | | | | |
|--------------------|-----------|----------|----------|-------|
| | FULL TIME | CONT. PT | SEASONAL | TOTAL |
| GENERAL GOVERNMENT | 22.1 | 1.6 | | 23.7 |
| GENERAL SERVICES | 13.4 | | 1.25 | 14.65 |
| TRANSIT | 28.5 | | 6.79 | 35.29 |
| PW ENGINEERING | 4 | | | 4 |
| PW STREETS/FLEET | 16.76 | 0.68 | 2.79 | 20.23 |
| POLICE DEPARTMENT | 35 | 1.36 | 0.77 | 37.13 |
| FIRE DEPARTMENT | 28.8 | 0.5 | 2.5 | 31.8 |
| LEGAL/MUNI CT | 2.8 | | 0.25 | 3.05 |
| PARKS & REC | 23.11 | 1.18 | 20.41 | 44.7 |
| PLANNING | 6.8 | | 0.25 | 7.05 |
| AIRPORT | 2.8 | | 1.5 | 4.3 |
| IRON HORSE | 3 | 0.63 | | 3.63 |
| GOLF | 3.7 | 0.76 | 8.01 | 12.47 |
| UTILITIES | 12 | 0.6 | | 12.6 |
| | 202.77 | 7.31 | 44.52 | 254.6 |

| WHAT MAKES UP THE PERSONNEL COST CHANGE | |
|---|---|
| \$4.1 M | SALARY & OVERTIME INCREASES 2002 to 2008 |
| (\$1.2 M) | SALARY DECREASE 2008 TO 2011 |
| .5 M | BENEFIT INCREASE (EXCLUDING HEALTH INSURANCE) |
| \$1.1 M | INCREASE IN MEDICAL CLAIMS PAID 2002 TO 2011 |
| \$4.5 M | APPROXIMATE CHANGE |

Note: 2.34 FTE's for Facilities Maintenance moved from P&R to General Services between 2002 & 2011.

| FTE CHANGES FROM 2002-2011 | | | | |
|----------------------------|-----------|----------|----------|--------|
| | FULL TIME | CONT. PT | SEASONAL | TOTAL |
| | -3.9 | 0.1 | -0.47 | -4.27 |
| | 4.4 | 0 | 1.25 | 5.65 |
| | 4.5 | 0 | -4.7 | -0.2 |
| | 1 | -0.75 | 0 | 0.25 |
| | 0.76 | -0.07 | 0.17 | 0.86 |
| | -2 | -0.89 | 0 | -2.89 |
| | 15.8 | -0.75 | -4.2 | 10.85 |
| | -0.2 | 0 | 0.17 | -0.03 |
| | -13.83 | 1.18 | -3.56 | -16.21 |
| | -3.2 | 0 | -0.15 | -3.35 |
| | -0.2 | 0 | 0.5 | 0.3 |
| | 3 | 0.63 | 0 | 3.63 |
| | -2.36 | 0.76 | -0.77 | -2.37 |
| | 0 | 0 | 0 | 0 |
| | 3.77 | 0.21 | -11.76 | -7.78 |

Attachment 3

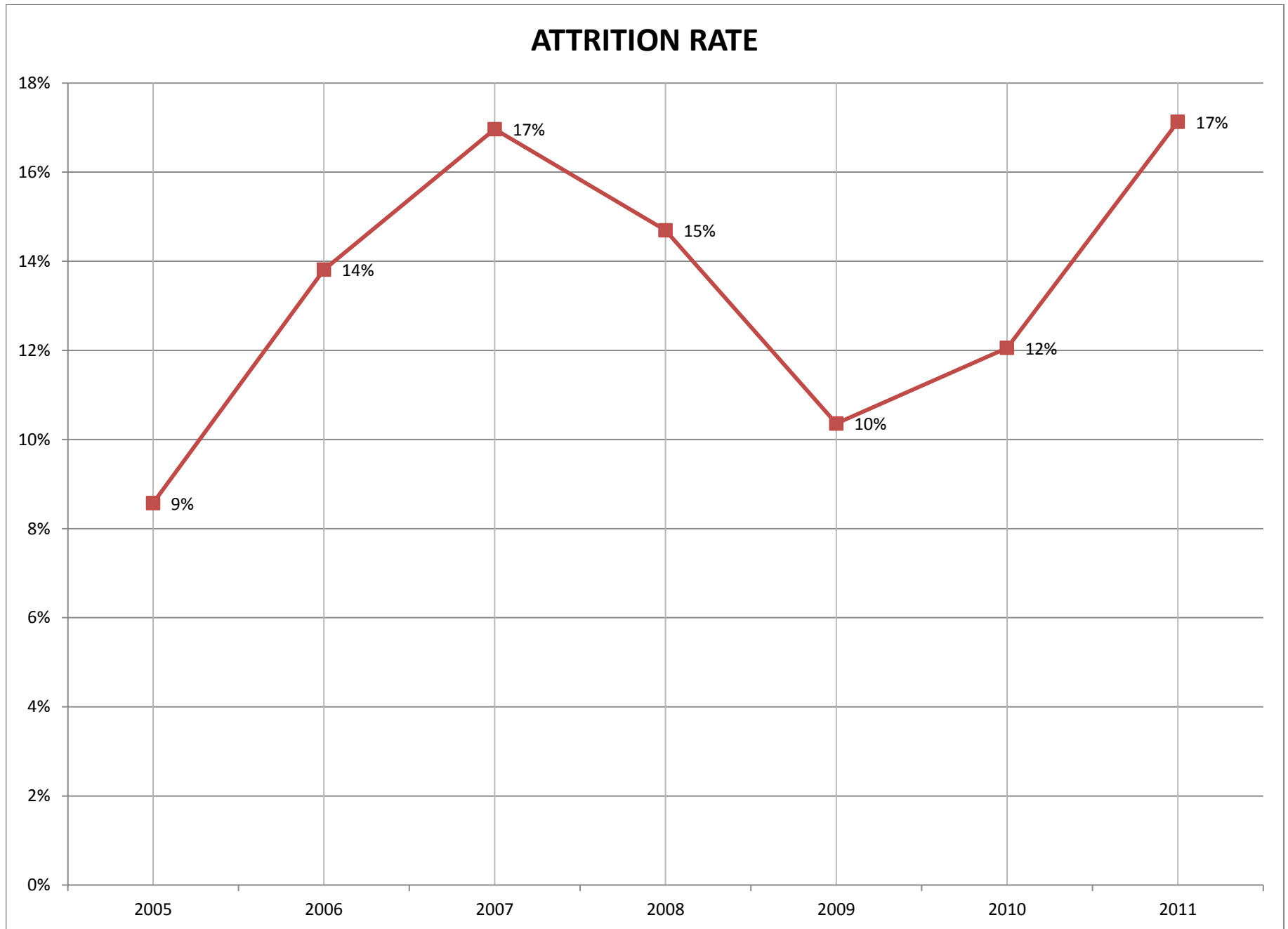
Health Insurance

| Agency | Employee Only | | | Employee + Spouse | | | Employee + 1 Dependent | | | Employee + Family | | |
|-------------------|---------------|--------------|------------|-------------------|--------------|------------|------------------------|--------------|------------|-------------------|----------------|------------|
| | Premium | Employer\$ | Employer % | Premium | Employer\$ | Employer % | Premium | Employer\$ | Employer % | Premium | Employer\$ | Employer % |
| Breckenridge | \$474 | \$445 | 93.8% | \$1,038 | \$891 | 85.8% | \$1,347 | \$1,110 | 82.4% | \$1,600 | \$1,335 | 83.4% |
| Carbondale | \$698 | \$698 | 100.0% | \$1,488 | \$1,291 | 86.0% | \$1,433 | \$1,249 | 87.0% | \$1,773 | \$1,505 | 84.8% |
| Delta | \$486 | \$452 | 93.0% | | | | \$973 | \$896 | 92.0% | \$1,290 | \$1,109 | 86.0% |
| Durango | \$421 | \$421 | 100.0% | \$998 | \$921 | 92.0% | \$998 | \$921 | 92.0% | \$998 | \$921 | 92.0% |
| Glenwood Springs | \$446 | \$446 | 100.0% | \$892 | \$816 | 91.5% | \$825 | \$860 | 92.0% | \$1,242 | \$1,106 | 89.0% |
| Golden | \$488 | \$429 | 87.9% | \$1,136 | \$956 | 84.0% | \$958 | \$803 | 83.0% | \$1,393 | \$1,103 | 79.0% |
| Grand Junction | \$480 | \$374 | 78.0% | | | | \$956 | \$746 | 78.0% | \$1,265 | \$987 | 78.0% |
| Louisville | \$452 | \$389 | 86.0% | \$1,004 | \$813 | 81.0% | | | | \$1,356 | \$1,049 | 77.0% |
| Vail | \$434 | \$347 | 80% | | | | | | | \$1,193 | \$1,073 | 80% |
| Wheatridge | \$441 | \$399 | 90.0% | \$0 | \$0 | 0.0% | \$927 | \$793 | 85.5% | \$1,340 | \$1,018 | 75.9% |
| Steamboat Springs | \$591 | \$591 | 100.0% | \$1,123 | \$973 | 86.6% | \$1,123 | \$973 | 86.6% | \$1,625 | \$1,425 | 87.6% |
| Average | \$492 | \$454 | 92% | \$960 | \$833 | 76% | \$1,060 | \$928 | 87% | \$1,370 | \$1,148 | 83% |

Attachment 4

Retirement Plans

| Agency | 401 or 457 | | Mandatory Employee % | Mandatory Employer % | Years to 100% 401 vesting | FT Social Security? |
|-------------------|------------|-----------|----------------------------------|---|---|---------------------------|
| | Vol. | Req | | | | |
| Breckenridge | 457 | 401 | 0% up to 6 years 1% 7 years + | 7% up to 6 years 9% 7 years + | 5 years | Yes |
| Carbondale | 457 | 401 | 0% | 3% | 5 years | Yes No - Police |
| Delta | 457 | 401 | 3% | 5% | | Yes |
| Durango | 457 | 401 | 9% | 11% | | |
| Glenwood Springs | | 401 | 0% | 4% (401) will match up to 2% of employee contribution to 457 | 5 years | Yes |
| Golden | 457 | 401 | 2% | 5% (401) will match up to 3% of employee contribution to 457 | 5 years | Yes No for Police |
| Grand Junction | 457 | 401 | 6% | 6% | 5 years | Yes No - Police & Fire |
| Louisville | 457 | 401 | 4.50% | 5% | | Yes |
| Vail | 457 | 401 | 0% | 11.15% 1st year 16.15% 2nd + | 5 years | No |
| Wheatridge | 457 | 401 | 4% | 4% 5% Dept Directors | 5 years Immediate - Dept Directors 10 years - Police | Yes No for Police |
| Steamboat Springs | | 457 & 401 | 3% | 6% | 5 years | Yes No - Police & Fire |



AGENDA ITEM # 2

CITY COUNCIL COMMUNICATION FORM

FROM: Bob Keenan, Senior Planner (Ext. 260)
Tyler Gibbs, AIA, Director of Planning and Community Development (Ext. 244)

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

DATE: July 3, 2012

ITEM: A resolution by the City Council of the City of Steamboat Springs, Colorado, denying the Conditional Use Development Plan for a Medical Marijuana Center to be located at Sore Saddle Condominiums, Unit 2 (1136 Yampa Street); Application No. DP-12-03.

NEXT STEP: None.

☐ ORDINANCE
☒ RESOLUTION
☐ MOTION
☐ DIRECTION
☐ INFORMATION

PROJECT NAME: Sore Saddle Condos, Unit 2 (D and C, LLC); #DP-12-03.

PETITION: Resolution confirming the City Council action at the June 19, 2012 meeting to denying the applicant's Conditional Use application for a Medical Marijuana Dispensary to be located in Unit 2 of the Sore Saddle Condominiums (1136 Yampa Street).

APPLICANT: D and C, LLC, PO Box 772214, Steamboat Springs, CO 80477; 970-870-2941.

EXECUTIVE SUMMARY:

On May 16, 2012 the applicant, D and C, LLC, submitted a Development Plan application to the Department of Planning and Community Development for a Medical Marijuana Center to be located at 1136 Yampa Street. The Planning Commission heard this petition at their June 14, 2012 public hearing and voted to deny this application, #DP-12-03. The applicant appealed the Planning Commission decision to the City Council at their regularly scheduled meeting held June 19, 2012. The City Council heard the appeal and voted to uphold the Planning Commission decision to deny the proposed medical marijuana center citing non-compliance with the Development Plan criteria for approval.

For the record, Planning and Legal Staff have prepared a resolution confirming the denial of D and C, LLC's application for locating a Medical Marijuana Center in Unit 2, Sore Saddle Condominiums (1136 Yampa Street).

Per Section 26-48(b)(2)b.5 of the Community Development Code "denial of an application by council is final and shall be accompanied by a resolution stating the reasons for denial."

The attached resolution confirms the actions of the City Council in denying the above referenced application and cites specific code provisions in which the City Council cited for denial of the application.

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, DENYING THE CONDITIONAL USE DEVELOPMENT PLAN FOR A MEDICAL MARIJUANA CENTER TO BE LOCATED AT SORE SADDLE CONDOMINIUMS, UNIT 2 (1136 YAMPA STREET); APPLICATION NO. DP-12-03.

WHEREAS, the applicant, D and C, LLC, submitted an application for a Development Plan on May 16, 2012, to allow a Conditional Use Vacation Home Rental (hereafter referred to as "Development Application"); and

WHEREAS, public hearing notices were mailed to adjacent property owners, posted on the subject property, and published in the Steamboat Pilot, consistent with the requirements of Section 26-51 of the Steamboat Springs Community Development Code ("CDC"); and

WHEREAS, the City of Steamboat Springs City Council held a public hearing on the Development Application, on June 19, 2012, at which time the applicant and interested persons had an opportunity to submit evidence and to testify either in support or opposition to the proposal, consistent with the requirements the CDC; and

WHEREAS, the City of Steamboat Springs City Council has jurisdiction and authority pursuant to Section 26-48 of the CDC to recommend approval or conditional approval, to deny, or to table development applications; and

WHEREAS, the City of Steamboat Springs City Council had a motion to deny the applicant's appeal and uphold the Planning Commission decision to deny the Development Application by a vote of 5-2 ; and

WHEREAS, any vote of denial by the Steamboat Springs City Council shall be considered a final decision.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings of Fact.

The Sore Saddle Condominium, Unit 2 Development Plan, # DP-12-03 reviewed under CDC Section 26-65(d) of the CDC is not consistent with the required findings for approval; areas of non-conformance with the required findings include but are not limited to the following:

CDC – Section 26-65(d)(2): Consistency with Surrounding Uses - The proposed development shall be consistent with the character of the immediate vicinity of the parcel proposed for development, or shall enhance or compliment the mixture of uses, structures and activities present in the immediate vicinity.

The proposed development does not satisfy the consistency requirements of Section 26-65(d)(2) due to the proximity of the proposed development to Little Toots Park and its playground.

Section 26-402 of the CDC defines two parcels of land as “adjacent” if they share a common lot line or would share a common lot line but for the presence of a street. The site of the proposed development is separated from the Little Toots Park and the playground by the sixty foot wide 12th Street right of way. The proposed development is in the immediate vicinity of and is also adjacent to Little Toots Park. The Little Toots Park playground is located in the area of the park nearest to the proposed development.

The City Council finds that medical marijuana center operations are not consistent with the character of parcels used for children’s activities.

The principal use of Little Toots Park and, in particular, its playground, is children’s recreational activities. The Little Toots Park playground is heavily used by young children. The proposed development is not consistent with the character of its immediate vicinity because it is adjacent to Little Toots Park.

Section 2. Application Denial.

Based upon the findings as adopted by the City Council immediately above, a Conditional Use Development Plan to allow a Medical Marijuana Center at Unit 2, of the Sore Saddle Condominiums (1136 Yampa Street), application number DP-12-03 is hereby denied.

Section 3. Ratification.

Any act consistent with the authority and prior to the effective date of the resolution is hereby ratified and affirmed.

Section 4. Effective Date.

This resolution shall be effective immediately upon passage by the City of Steamboat Springs City Council.

DULY AND REGULARLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THIS 3RD DAY OF JULY, 2012, BY A VOTE OF:

AYES: ____ NAYES: ____ ABSENT: ____ ABSTAIN: ____.

Bart Kounovsky, President
Steamboat Springs City Council

ATTEST:

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, TYLER GIBBS, AIA

APPROVED AS TO FORM:

CITY ATTORNEY, ANTHONY B. LETTUNICH

FILED WITH THE CITY CLERK:
RESOLUTION NO. _____

AGENDA ITEM # 3

CITY COUNCIL COMMUNICATION FORM

FROM: Winnie DelliQuadri, Government Programs Manager (Ext. 257)
Chris Wilson, Director of Parks, Open Space, and Recreational Services (Ext. 317)

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

DATE: July 3, 2012

RE: A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$300,000 grant for the Yampa River System Legacy: Continuing the Legacy of the Yampa River project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

NEXT STEP: Motion: To approve a Resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$300,000 grant for the Yampa River System Legacy: Continuing the Legacy of the Yampa River project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

| | |
|-------------------------------------|-------------|
| <input type="checkbox"/> | DIRECTION |
| <input type="checkbox"/> | INFORMATION |
| <input type="checkbox"/> | ORDINANCE |
| <input checked="" type="checkbox"/> | MOTION |
| <input checked="" type="checkbox"/> | RESOLUTION |

I. REQUEST OR ISSUE:

The City has been awarded \$300,000 in grant funds from Great Outdoors Colorado

(GOCO) to enable the City to address river channel, stream bank erosion, and river access issues at the Fournier Open Space and Weiss Park. GOCO requires the City to pass a resolution approving the grant as a part of its contract execution process.

II. RECOMMENDED ACTION / NEXT STEP:

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

Motion: To approve a Resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$300,000 grant for the Yampa River System Legacy: Continuing the Legacy of the Yampa River project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

III. FISCAL IMPACTS:

Proposed Revenues:

| | | | | |
|--------------------------------|---------------|------|-----------|---------------|
| GOCO Grant | \$ 300,000 | | | |
| AGO: BLM Grant | 150,000 | | | |
| City funds (for design) budget | <u>15,000</u> | City | Manager's | discretionary |
| Total Revenue: | \$465,000 | | | |

Proposed Expenditure:

| | |
|--------------------------|---------------|
| Yampa River @ Fournier | \$278,399 |
| Yampa River @ Weiss Park | 156,720 |
| River Access points | 15,000 |
| Contingency | <u>14,881</u> |
| Total Project Cost | \$465,000 |

| | |
|------------------|--|
| City Department: | Parks, Open Space, and Recreational Services |
| Project Manager: | Craig Robinson |

IV. BACKGROUND INFORMATION:

This project will utilize Great Outdoors Colorado grant dollars and America's Great Outdoors grant dollars to carry out riparian, river channel, streambank and river access improvements to the Yampa River in Steamboat Springs. Project activities will directly address critical and urgent needs as determined in the Yampa River Structural Master Plan and will enhance wildlife habitat and public recreation.

V. LEGAL ISSUES:

Project activities will take place in riparian areas and all proposed work must receive a 404 Permit from the Army Corps of Engineers. Design and permitting for proposed work is included in the project scope of work.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

As a part of the GOCO application process, the Colorado Division of Wildlife reviewed proposed project activities and completed an environmental assessment of the proposed project. The overall findings were that although the proposed activities would negatively impact wildlife and habitat during construction, the project as a whole would be a benefit to wildlife and wildlife habitat.

VII. SUMMARY AND ALTERNATIVES:

City Council may choose to:

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

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION SUPPORTING THE AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR A \$300,000 GRANT FOR THE YAMPA RIVER SYSTEM LEGACY: CONTINUING THE LEGACY OF THE YAMPA RIVER PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS AND TO AUTHORIZE THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT CONTRACT.

WHEREAS, the City of Steamboat Springs supports the improvement of the Yampa River and associated City lands in Steamboat Springs; and

WHEREAS, the City of Steamboat Springs has been awarded a grant of \$300,000 from Great Outdoors Colorado for the Yampa River System Legacy: Continuing the Legacy of the Yampa River project in Steamboat Springs, subject to the execution of a grant agreement; and

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

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

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

Section 1. The City Council of the City of Steamboat Springs hereby approves of the grant from Great Outdoors Colorado for the Yampa River System Legacy: Continuing the Legacy of the Yampa River project; and

Section 2. The City has appropriated or will appropriate or otherwise make available in a timely manner all funds that are required to be provided for this project to meet the terms and obligations of the grant agreement and application; and

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

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

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2012.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 4

CITY COUNCIL COMMUNICATION FORM

FROM: Kim Weber, Finance Director (Ext. 250)

THROUGH: Deb Hinsvark, Deputy City Manager (Ext. 240)

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

DATE: July 3rd, 2012

ITEM: First reading of an ordinance approving the Third Supplemental Budget Appropriation of 2012.

NEXT STEP: Approve.

 X ORDINANCE
 X INFORMATION

I. REQUEST OR ISSUE:

This communication form is to recognize additional expenditures from the Rainbow Bridge Fund to cover medical needs for Steamboat Springs/Routt County Animal Shelter animals, additional revenues and expenditures due to a grant received from the Colorado Historical Society, and additional revenues and expenditures from private contributions to match a government grant from DOLA for the purchase of recycling containers for Lincoln Avenue and software for MainStreet Steamboat Springs. In addition, it is to recognize an increase in personnel expenditures to address personnel compression, using additional sales tax revenues.

II. RECOMMENDED ACTION:

Approval at first and second readings.

III. FISCAL IMPACTS:

Revenues:

| | |
|-----------------------------|------------|
| Sales Tax | \$ 350,000 |
| State Historical Fund Grant | \$ 1,300 |
| DOLA Grant | \$ 11,876 |
| Private Contributions | \$ 19,220 |

Use of Reserves:

| | |
|-------------------------|------------|
| Rainbow Bridge Reserves | \$ 5,000 |
| Total | \$ 387,396 |

Expenditures:

| | |
|---|------------|
| Personnel | \$ 350,000 |
| Animal Shelter Crematorium Operations | \$ 5,000 |
| Planning – Training/Travel/Meetings | \$ 1,300 |
| Non-Capital Equipment – Recycling Containers & Software | \$ 31,096 |
| Total | \$ 387,396 |

IV. BACKGROUND INFORMATION:

Crematorium Fund dollars are to be spent for direct expenses incurred for the care in health, welfare and adoption of Animal Shelter animals, as determined by the Crematorium Fund Committee. The Routt County Humane Society recently determined they would not fund medical care for the Steamboat Springs Animal Shelter. This does not include spay/neuters, but only unexpected medical costs. This change necessitates a budget increase to cover the cost of those medical expenses.

The City of Steamboat Springs participated in the NAPC Forum which is one of two projects of the Certified Local Government Grants that was awarded. Due to the participation, a grant was awarded to help pay for the training/travel expenses.

The City of Steamboat Springs has received a grant from DOLA and private contributions from YVCF for the grant match to purchase 22 recycle bins and software and tech support for MainStreet Steamboat Springs.

At the June 19th City Council Meeting, Council voted to approve additional funding to address the personnel compression issues within our current payplan. This will be funded with additional sales tax revenue received in excess of the budget. We have currently collected over \$800,000 more in sales tax than we budgeted on a monthly basis.

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. _____

**AN ORDINANCE APPROVING THE THIRD SUPPLEMENTAL
BUDGET APPROPRIATION OF 2012.**

WHEREAS, there are additional expenses for the Animal Shelter Crematorium; and

WHEREAS, there are corresponding revenues and expenditures from the Colorado Historical Society; and

WHEREAS, the City has received a grant through DOLA and private contributions from Yampa Valley Community Foundation for MainStreet Steamboat Springs; and

WHEREAS, the City wishes to additionally fund personnel in order to resolve compression; and

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:

| | | |
|--|----|---------|
| General Fund – Sales Tax | \$ | 350,000 |
| General Fund – Colorado Historical Society Grant | \$ | 1,300 |
| General Fund – DOLA Grant | \$ | 11,876 |
| General Fund – Private Contributions | \$ | 19,220 |

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, Personnel | \$ | 350,000 |
| General Fund, Crematorium Operations | \$ | 5,000 |
| General Fund, Planning Travel/Training/Meetings | \$ | 1,300 |
| General Fund, Non-Capital Equipment | \$ | 31,096 |

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 _____, 2012.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this ____ day of _____, 2012.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 5

CITY COUNCIL COMMUNICATION FORM

FROM: Dan Foote, Staff Attorney (Ext. 223)
Mel Stewart, Fire Chief (879-7170)

THROUGH: Tony Lettunich, City Attorney

DATE: July 3, 2012

ITEM: An emergency ordinance imposing Stage II fire restrictions within the boundaries of the City of Steamboat Springs; repealing all conflicting ordinances; and providing an effective date.

NEXT STEP: Adopt the ordinance on first reading.

☒ ORDINANCE
☐ RESOLUTION
☐ MOTION
☐ DIRECTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Adopt an emergency ordinance imposing Stage II fire restrictions in the City of Steamboat Springs.

II. RECOMMENDED ACTION:

Approve the ordinance on first reading.

III. BACKGROUND INFORMATION:

The City participates in regional fire management as part of the Northwest Colorado Fire Management Unit. Each of the participating agencies has agreed that increasing fire hazards in the region warrant the imposition of Stage II fire restrictions.

Stage II restrictions include outright bans on all open fires, including charcoal grills and other cooking fires, with the exception of natural gas, propane, or other petroleum fueled heating and lighting devices.

The restrictions also ban outdoor smoking, outdoor welding and cutting torch use, use of explosives, and the use of internal combustion engines without spark arresting devices.

The use of fireworks is already banned by the statewide ban promulgated by Governor Hickenlooper.

Stage II restrictions allow the City's Fire Chief to permit exceptions on a case by case basis.

IV. CONFLICTS OR PROBLEMS.

Stage II fire restrictions prohibit many common activities and will affect many City residents and visitors.

V. LEGAL ISSUES.

None. The Charter permits the adoption of emergency ordinances. This emergency ordinance will expire ninety days after its passage.

VI. FISCAL IMPACTS.

There will be no direct fiscal impacts to the City.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE IMPOSING STAGE II FIRE RESTRICTIONS WITHIN THE BOUNDARIES OF THE CITY OF STEAMBOAT SPRINGS; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Steamboat Springs is located in the jurisdiction of the Northwest Colorado Fire Management Unit; and

WHEREAS, the representatives of the members of the Northwest Colorado Fire Management Unit have determined that severe fire danger exists in the Unit that warrant the imposition of Stage II fire restrictions; and

WHEREAS, the City Council of the City of Steamboat Springs hereby determines that it is necessary to the preservation of the health, safety, and welfare of the citizens of the City to impose Stage II fire restrictions as an emergency measure.

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

Section 1. The following Stage II fire restrictions are hereby effective within the corporate limits of the City of Steamboat Springs:

1. All open fires, cooking fires (including charcoal grills), and campfires are prohibited regardless of the type of fuel used, except that the use of petroleum fueled grills, stoves, lanterns, and heating devices for their designed purpose in accordance with manufacturer's specifications is permitted.
2. Smoking is restricted to enclosed vehicles and buildings.
3. All chainsaws and other internal combustion engines, including motorcycles and ATVs, must be equipped with spark arresting devices that are properly installed and in working order.
4. Use of explosives is prohibited.
5. Exterior use of welding and cutting torches is prohibited.

6. The following persons shall not be deemed to be in violation of this ordinance:

- a) Persons with a valid, written permit issued by the City of Steamboat Springs Fire Chief after the date of this ordinance that specifically authorizes the otherwise prohibited act. Any permit issued by the Steamboat Springs Fire Chief prior to the effective date of these fire restrictions is rescinded until the restrictions are lifted by the City Council of the City of Steamboat Springs.
- b) Persons conducting activities in designated areas where the activity is specifically authorized by a written notice posted by the City of Steamboat Springs Fire Chief.
- c) Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

Section 2. A violation of any of the provisions of this ordinance is a violation of the Steamboat Springs Revised Municipal Code pursuant to Section 1-15(a)(1) of the Steamboat Springs Revised Municipal Code. Persons violating this ordinance may be issued a summons and complaint to appear in the Steamboat Springs Municipal Court. The Municipal Court judge may impose a fine not exceeding \$999 upon convicting any person of a violation of this ordinance.

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. This ordinance shall take effect immediately upon passage, as provided by Section 7.7 of the City of Steamboat Springs Home Rule Charter, and shall be posted or published immediately after passage. This ordinance shall be effective for a term of ninety (90) days.

Section 5. The City Council hereby finds, determines and declares that this emergency ordinance is necessary for the immediate preservation of the public peace, health, and safety.

INTRODUCED, READ, FINALLY PASSED AND APPROVED, 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 July, 2012.

Bart Kounovsky, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, CMC
City Clerk

AGENDA ITEM # 6

CITY COUNCIL COMMUNICATION FORM

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

THROUGH: Tony Lettunich, City Attorney

DATE: July 3, 2012

ITEM: An ordinance approving a lease agreement between the City of Steamboat Springs and New Cingular Wireless; providing an effective date; and setting a hearing date.

NEXT STEP: Adopt the ordinance on second reading.

☒ ORDINANCE
☐ RESOLUTION
☐ MOTION
☐ DIRECTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Adopt an ordinance approving and Option and Land Lease Agreement allowing New Cingular Wireless to construct and operate a communications facility on the City's wastewater treatment plant property. New Cingular Wireless is a subsidiary of AT&T.

II. RECOMMENDED ACTION:

Adopt the ordinance on second reading. Approving the Option and Land Lease Agreement will allow AT&T to improve its cellular service, which both the City Council and the Board of County Commissioners has identified as a joint economic development goal.

III. BACKGROUND INFORMATION:

New Cingular Wireless PCS seeks approval of an Option and Land Lease Agreement that would allow the construction of a communication facility, i.e. cell tower, at the City's wastewater treatment plant.

The terms of the agreement give New Cingular Wireless two one year option periods during which they may investigate the feasibility of the site for the proposed communication facility use. New Cingular Wireless will pay the City an option payment of \$1,000 for the first option term and an additional \$1,000 for the second. Their representatives indicate it is likely New Cingular Wireless will exercise the option sometime this summer.

If New Cingular Wireless elects to proceed with its project and exercises its option the City will lease to New Cingular Wireless approximately 2,500 sq. ft. of its wastewater treatment plant property. In addition, the City will grant a construction easement over lands located within 100 yards of the lease premises.

The site will be located adjacent to the Impoundment Reservoir as shown on the Site Diagram attached hereto.

The proposed lease term is five years. New Cingular Wireless may extend the lease for four additional five year terms. Thus, the lease is a twenty five year commitment on the part of the City.

New Cingular Wireless will pay a base rent of \$1,000 per month. Rent will increase by 10% at the commencement of each five year renewal period.

IV. CONFLICTS OR PROBLEMS.

None.

V. LEGAL ISSUES.

None. The Option and Land Lease Agreement is a long term lease of City property that must be approved by ordinance.

VI. FISCAL IMPACTS.

Approval of the Option and Land Lease Agreement will result in increased revenues to the City in the form of rental payments.

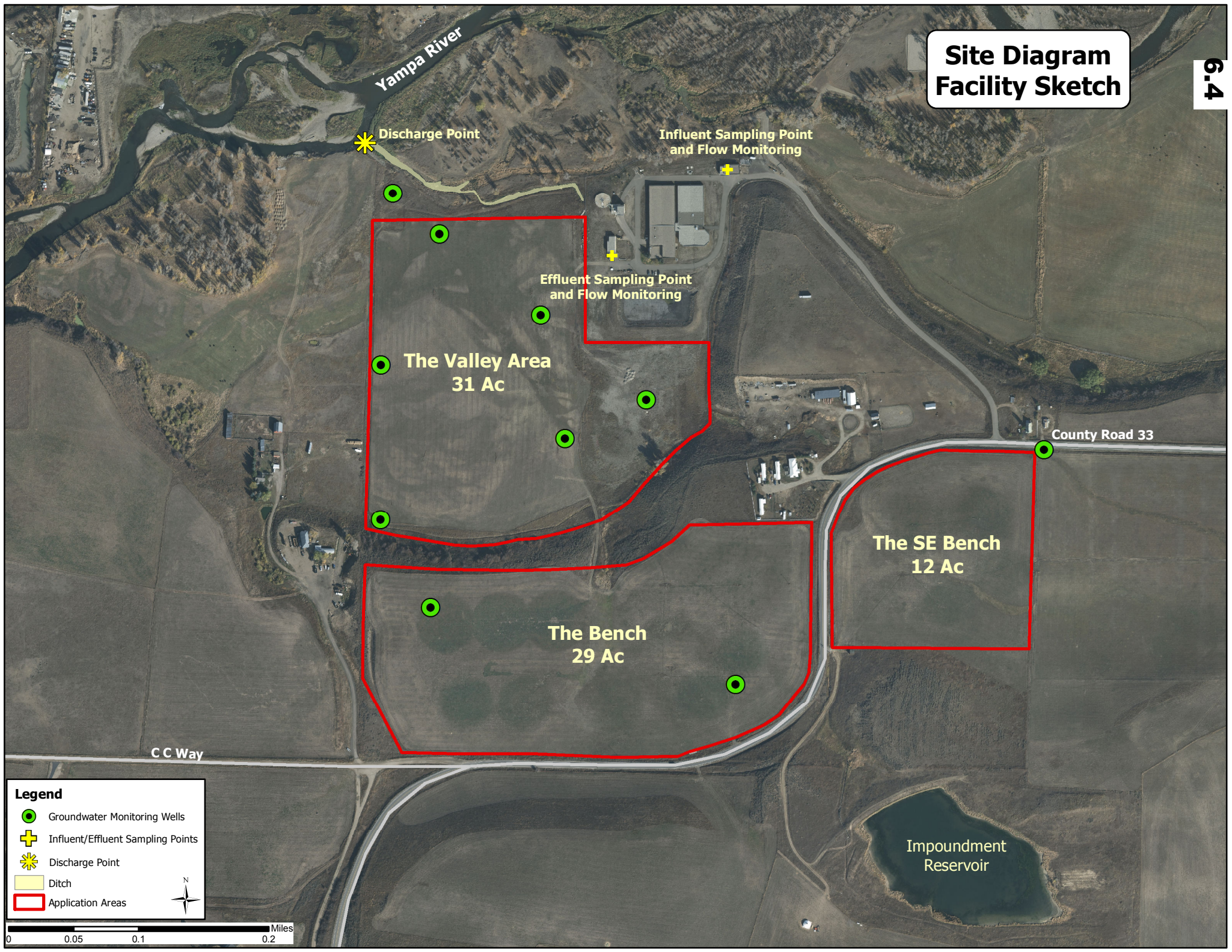
Monitoring New Cingular Wireless's performance and billing for utilities will consume minor amounts of staff time. The City will not incur any costs in connection with the Option and Land Lease Agreement as the City has no obligation to construct or maintain roads or other improvements.

LIST OF ATTACHMENTS

Attachment 1 - Site Diagram Facility Sketch

Site Diagram Facility Sketch

6.4



Legend

- Groundwater Monitoring Wells
- Influent/Effluent Sampling Points
- Discharge Point
- Ditch
- Application Areas



0 0.05 0.1 0.2 Miles

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A LEASE AGREEMENT
BETWEEN THE CITY OF STEAMBOAT SPRINGS AND NEW
CINGULAR WIRELESS; PROVIDING AN EFFECTIVE DATE;
AND SETTING A HEARING DATE.**

WHEREAS, the City of Steamboat Springs owns a parcel of real property identified in the records of the Routt County Clerk and Recorder by PIN 9371002005 on which it operates a wastewater treatment plant ("the Property"); and

WHEREAS, New Cingular Wireless PCS proposes to enter into a one year option agreement to lease approximately 2,500 square feet of the Property for a term of five years with four additional five year extension for the purpose of constructing, maintaining, and operating communication facilities; and

WHEREAS, the terms of the option to lease are set forth in the Option and Land Lease Agreement attached hereto as Exhibit "A"; and

WHEREAS, the City Council finds it necessary and appropriate to the preservation of the public health, safety, and welfare to enter into the Option and Land Lease Agreement.

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

Section 1. The Option and Land Lease Agreement attached hereto as Exhibit "A" is hereby approved. The City Council President or President Pro Tem are hereby authorized to execute the Option and Land Lease Agreement and other documents required to be executed by the terms of the Option and Lease Agreement.

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

Section 3. That pursuant to Section 7-11 of the Charter of the City of Steamboat Springs, Colorado, the second publication of this ordinance may be by reference, utilizing the ordinance title.

Section 4. This ordinance shall take effect immediately upon the expiration of thirty (30) days from and after the date of final approval, as provided by Section 13.6 of the City Charter.

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.

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 _____, 2012.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

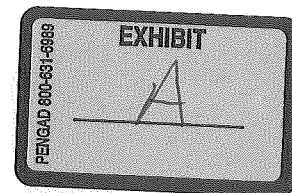
**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this ____ day of _____, 2012.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**



Market: _____
Cell Site Number: _____
Cell Site Name: _____
Fixed Asset Number: _____

OPTION AND LAND LEASE AGREEMENT

THIS LAND LEASE AGREEMENT ("**Agreement**"), dated as of the latter of the signature dates below (the "**Effective Date**"), is entered into by _____, a _____, having a mailing address of _____ ("**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 ("**Tenant**").

BACKGROUND

Landlord owns or controls that certain plot, parcel or tract of land together with all rights and privileges arising in connection therewith, located at _____, in the County of _____, State of _____ (collectively, the "**Property**"). Tenant desires to use a portion of the Property in connection with its federally licensed communications business. Landlord desires to grant to Tenant the right to use a portion of the Property in accordance with this Agreement.

The parties agree as follows:

1. **OPTION TO LEASE.**

(a) Landlord grants to Tenant an option (the "**Option**") to lease a certain portion of the Property containing approximately _____ square feet including the air space above such ground space for the placement of Tenant's Communications Facility as described on attached **Exhibit 1** (the "**Premises**").

(b) During the Option period and any extension thereof, and during the term of this Agreement, Tenant and its agents, engineers, surveyors and other representatives will have the right to enter upon the Property to inspect, examine, conduct soil borings, drainage testing, material sampling, radio frequency testing and other geological or engineering tests or studies of the Property (collectively, the "**Tests**"), to apply for and obtain licenses, permits, approvals, or other relief required of or deemed necessary or appropriate at Tenant's sole discretion for its use of the Premises and include, without limitation, applications for zoning variances, zoning ordinances, amendments, special use permits, and construction permits (collectively, the "**Government Approvals**"), initiate the ordering and/or scheduling of necessary utilities, and otherwise to do those things on or off the Property that, in the opinion of Tenant, are necessary in Tenant's sole discretion to determine the physical condition of the Property, the environmental history of the Property, Landlord's title to the Property and the feasibility or suitability of the Property for Tenant's Permitted Use, all at Tenant's expense. Tenant will not be liable to Landlord or any third party on account of any pre-existing defect or condition on or with respect to the Property, whether or not such defect or condition is disclosed by Tenant's inspection. Tenant will restore the Property to its condition as it existed at the commencement of the Option Term (as defined below), reasonable wear and tear and casualty not caused by Tenant excepted. In addition, Tenant shall indemnify, defend and hold Landlord harmless from and against any and all injury, loss, damage or claims arising directly out of Tenant's Tests.

(c) In consideration of Landlord granting Tenant the Option, Tenant agrees to pay Landlord the sum of _____ and No/100 Dollars (\$_____.00) within thirty (30) business days of the Effective Date. The Option will be for an initial term of one (1) year commencing on the Effective Date (the "**Initial Option Term**") and may be renewed by Tenant for an additional one (1) year upon written notification to Landlord and the payment of an additional _____ and No/100 Dollars (\$_____.00) no later than ten (10) days prior to the expiration date of the Initial Option Term.

(d) Tenant will have the right to assign, sell or transfer its interest under this Agreement without the approval or consent of Landlord, to Tenant's Affiliate or to any entity which acquires all or substantially all of the Tenant's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition, or other business reorganization. Upon notification to Landlord of such assignment, transfer or sale, Tenant will be relieved of all future performance, liabilities and obligations under this Agreement. Tenant shall have the right to sublease the Premises, in whole or in part, without Landlord's consent. Tenant may not otherwise assign this Agreement without Landlord's consent, Landlord's consent not to be unreasonably withheld, conditioned or delayed.

(e) During the Initial Option Term and any extension thereof, Tenant may exercise the Option by notifying Landlord in writing. If Tenant exercises the Option then Landlord leases the Premises to the Tenant subject to the terms and conditions of this Agreement. If Tenant does not exercise the Option during the Initial Option Term or any extension thereof, this Agreement will terminate and the parties will have no further liability to each other.

(f) If during the Initial Option Term or any extension thereof, or during the term of this Agreement if the Option is exercised, Landlord decides to subdivide, sell, or change the status of the zoning of the Premises, Property or any of Landlord's contiguous, adjoining or surrounding property (the "Surrounding Property," which includes (without limitation) the remainder of the structure) or in the event of foreclosure, Landlord shall immediately notify Tenant in writing. Any sale of the Property shall be subject to Tenant's rights under this Agreement. Landlord agrees that during the Initial Option Term or any extension thereof, or during the Term of this Agreement if the Option is exercised, Landlord shall not initiate or consent to any change in the zoning of the Premises, Property or Surrounding Property or impose or consent to any other restriction that would prevent or limit Tenant from using the Premises for the uses intended by Tenant as hereinafter set forth in this Agreement.

2. **PERMITTED USE.** Tenant may use the Premises for the transmission and reception of communications signals and the installation, construction, maintenance, operation, repair, replacement and upgrade of its communications fixtures and related equipment, cables, accessories and improvements, which may include a suitable support structure, associated antennas, equipment shelters or cabinets and fencing and any other items necessary to the successful and secure use of the Premises (collectively, the "**Communication Facility**"), as well as the right to test, survey and review title on the Property; Tenant further has the right but not the obligation to add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including, but not limited to, emergency 911 communication services, at no additional cost to Landlord (collectively, the "**Permitted Use**"). Landlord and Tenant agree that any portion of the Communication Facility that may be conceptually described on **Exhibit 1** will not be deemed to limit Tenant's Permitted Use. If **Exhibit 1** includes drawings of the initial installation of the Communication Facility, Landlord's execution of this Agreement will signify Landlord's approval of **Exhibit 1**. For a period of ninety (90) days following the start of construction, Landlord grants Tenant, its subtenants, licensees and sublicensees, the right to use such portions of Landlord's contiguous, adjoining or surrounding property (the "**Surrounding Property**") as are located within one hundred yards of the Premises during construction and installation of the Communications Facility. Tenant shall comply with all applicable Routt County stormwater and construction site management regulations and shall submit its construction site and stormwater management plans to Landlord for review prior to commencing construction. After completion of construction, Tenant shall restore the Surrounding Property to its pre-construction condition. Tenant has the right to install and operate transmission cables from the equipment shelter or cabinet to the antennas, electric lines from the main feed to the equipment shelter or cabinet and communication lines from the Property's main entry point to the equipment shelter or cabinet, and to make Property improvements, alterations, upgrades or additions appropriate for Tenant's use ("**Tenant Changes**"). Tenant Changes include the right to construct a fence around the Premises and undertake any other appropriate means to secure the Premises at Tenant's expense. Tenant agrees to comply with all applicable governmental laws, rules, statutes and regulations relating to its use of the Communication Facility on the Property. Tenant has the right to modify, supplement, replace, upgrade, expand the equipment, increase the number of antennas or relocate the Communication Facility within the Premises at any time during the term of this Agreement. Tenant will be allowed to make such alterations to the Property in order to accomplish Tenant's Changes or to insure that Tenant's Communication Facility complies with all applicable federal, state or local laws, rules or regulations.

3. **TERM.**

(a) The initial lease term will be five (5) years ("**Initial Term**"), commencing on the Effective Date. The Initial Term will terminate on the fifth (5th) anniversary of the Effective Date.

(b) This Agreement will automatically renew for four (4) additional five (5) year term(s) (each five (5) year term shall be defined as an "**Extension Term**"), upon the same terms and conditions unless Tenant notifies Landlord in writing of Tenant's intention not to renew this Agreement at least sixty (60) days prior to the expiration of the existing Term.

(c) If, at least sixty (60) days prior to the end of the final Extension Term, either Landlord or Tenant has not given the other written notice of its desire that the term of this Agreement end at the expiration of the final Extension Term, then upon the final Extension Term this Agreement shall continue in force upon the same covenants, terms and conditions for a further term of one (1) year, and for annual terms thereafter ("**Annual Term**") until terminated by either party by giving to the other written notice of its intention to so terminate at least six (6) months prior to the end of any such Annual Term. Monthly rental during such annual terms shall be equal to the rent paid for the last month of the final Extension Term. If Tenant remains in possession of the Premises after the termination of this Agreement then Tenant will be deemed to be occupying the Premises on a month-to-month basis (the "**Holdover Term**"), subject to the terms and conditions of this Agreement.

(d) The Initial Term, any Extension Terms, any Annual Terms and any Holdover Term are collectively referred to as the Term ("**Term**").

4. **RENT.**

(a) Commencing in the month following the date that Tenant commences construction (the "**Rent Commencement Date**"), Tenant will pay Landlord on or before the fifth (5th) day of each calendar month in advance, _____ and No/100 Dollars (\$_____.00) (the "**Rent**"), at the address set forth above. In any partial month

occurring after the Rent Commencement Date, Rent will be prorated. The initial Rent payment will be forwarded by Tenant to Landlord within forty-five (45) days after the Rent Commencement Date.

(b) In year one (1) of each Extension Term, the monthly Rent will increase by ten percent (10 %) over the Rent paid during the previous Term.

(c) All charges payable under this Agreement such as utilities and taxes shall be billed by Landlord within one (1) year from the end of the calendar year in which the charges were incurred; any charges beyond such period shall not be billed by Landlord, and shall not be payable by Tenant. The foregoing shall not apply to monthly rent which is due and payable without a requirement that it be billed by Landlord. The provisions of this subsection shall survive the termination or expiration of this Agreement.

5. APPROVALS.

(a) Landlord agrees that Tenant's ability to use the Premises is contingent upon the suitability of the Premises and Property for Tenant's Permitted Use and Tenant's ability to obtain and maintain all governmental licenses, permits, approvals or other relief required of or deemed necessary or appropriate by Tenant for its use of the Premises, including without limitation applications for zoning variances, zoning ordinances, amendments, special use permits, and construction permits (collectively, the "**Government Approvals**"). Landlord authorizes Tenant to prepare, execute and file all required applications to obtain Government Approvals for Tenant's Permitted Use under this Agreement and agrees to reasonably assist Tenant with such applications and with obtaining and maintaining the Government Approvals. In addition, Tenant shall have the right to initiate the ordering and/or scheduling of necessary utilities.

(b) Tenant has the right to obtain a title report or commitment for a leasehold title policy from a title insurance company of its choice and to have the Property surveyed by a surveyor of its choice.

(c) Tenant may also perform and obtain, at Tenant's sole cost and expense, soil borings, percolation tests, engineering procedures, environmental investigation or other tests or reports on, over, and under the Property, necessary to determine if Tenant's use of the Premises will be compatible with Tenant's engineering specifications, system, design, operations or Government Approvals.

(d) Tenant acknowledges that Landlord is a government agency but that Landlord's property is located outside of Landlord's geographical limits and that Landlord has no authority or ability to influence the decisions of any other government agency with respect to any Government Approval.

6. TERMINATION. This Agreement may be terminated, without penalty or further liability, as follows:

(a) by either party on thirty (30) days prior written notice, if the other party remains in default under Section 15 of this Agreement after the applicable cure periods;

(b) by Tenant upon written notice to Landlord, if Tenant is unable to obtain, or maintain, any required approval(s) or the issuance of a license or permit by any agency, board, court or other governmental authority necessary for the construction or operation of the Communication Facility as now or hereafter intended by Tenant; or if Tenant determines, in its sole discretion that the cost of obtaining or retaining the same is commercially unreasonable;

(c) by Tenant, upon written notice to Landlord, if Tenant determines, in its sole discretion, due to the title report results or survey results, that the condition of the Premises is unsatisfactory for its intended uses;

(d) by Tenant upon written notice to Landlord for any reason or no reason, at any time prior to commencement of construction by Tenant; or

(e) by Tenant upon sixty (60) days' prior written notice to Landlord for any reason or no reason, so long as Tenant pays Landlord a termination fee equal to three (3) months' Rent, at the then-current rate, provided, however, that no such termination fee will be payable on account of the termination of this Agreement by Tenant under any one or more of Sections 5 Approvals, 6(a) Termination, 6(b) Termination, 6(c) Termination, 8 Interference, 11(d) Environmental, 18 Condemnation, 19 Casualty, or 24 (l) Severability of this Agreement.

7. INSURANCE. During the Term, Tenant will carry, at its own cost and expense, the following insurance: (i) "All Risk" property insurance for its property's replacement cost; (ii) Workers' Compensation Insurance as required by law; and (iii) commercial general liability (CGL) insurance with respect to its activities on the Property, such insurance to afford minimum protection of Three Million Dollars (\$3,000,000) combined single limit, per occurrence and in the aggregate, providing coverage for bodily injury and property damage. Tenant's CGL insurance shall contain a provision including Landlord as an additional insured with respect to any claims against Landlord for property damage, personal injury, or death resulting from or alleged to result from Tenant's use of the premises pursuant to this agreement. Notwithstanding the foregoing, Tenant shall have the right to self-insure against the risks for which Tenant is required to insure against in this Section. In the event Tenant elects to self-insure its obligation to include Landlord as an additional insured as permitted by the previous sentence, the following provisions shall apply: (1) Landlord shall promptly and no later than fourteen (14) days after notice thereof provide Tenant with written notice of any claim, demand, lawsuit or the like for which it seeks coverage pursuant to this Section and provide Tenant with copies of any demands, notices, summonses, or legal papers received in connection with such claim, demand, lawsuit or the like and Tenant shall thereafter be responsible for providing a defense to

such claim, demand, or lawsuit against Landlord; (2) Landlord shall not settle any such claim, demand, lawsuit or the like without the prior written consent of Tenant; (3) Landlord shall fully cooperate with Tenant in the defense of the claim, demand, lawsuit or the like;; and (4) such obligation shall not apply when the claim or liability arises from the negligent or intentional act or omission of Landlord, its employees, agents, or independent contractors.

8. INTERFERENCE.

(a) Where there are existing radio frequency user(s) on the Property, Landlord will provide Tenant, upon execution of this Agreement, with a list of all existing radio frequency user(s) on the Property to allow Tenant to evaluate the potential for interference. Tenant warrants that its use of the Premises will not interfere with existing radio frequency user(s) on the Property so disclosed by Landlord, as long as the existing radio frequency user(s) operate and continue to operate within their respective frequencies and in accordance with all applicable laws and regulations.

(b) Landlord will not grant, after the date of this Agreement, a lease, license or any other right to any third party for the use of the Property, if such use may in any way adversely affect or interfere with the Communication Facility, the operations of Tenant or the rights of Tenant under this Agreement. Landlord will notify Tenant in writing prior to granting any third party the right to install and operate communications equipment on the Property.

(c) Landlord will not use, nor will Landlord permit its employees, tenants, licensees, invitees, agents or independent contractors to use, any portion of the Property in any way which interferes with the Communication Facility, the operations of Tenant or the rights of Tenant under this Agreement. Landlord will cause such interference to cease within twenty-four (24) hours after receipt of notice of interference from Tenant. In the event any such interference does not cease within the aforementioned cure period, Landlord shall cease all operations which are suspected of causing interference (except for intermittent testing to determine the cause of such interference) until the interference has been corrected. Tenant acknowledges that Landlord operates a public wastewater treatment facility on other property owned by Landlord that adjoins the Property. The installation, maintenance and operation of the Communication Facility will not interfere with the operation of Landlord's wastewater treatment facility. In the event Tenant's installations interfere with the Landlord's equipment or operations, Tenant will immediately cease such interference, after notice thereof until it is able to resolve the problem. If the interference cannot be resolved, either party will be entitled to terminate this Agreement.

(d) For the purposes of this Agreement, "interference" may include, but is not limited to, any use on the Property or Surrounding Property that causes electronic or physical obstruction with, or degradation of, the communications signals from the Communication Facility.

10. WARRANTIES.

(a) Tenant and Landlord each acknowledge and represent that it is duly organized, validly existing and in good standing and has the right, power and authority to enter into this Agreement and bind itself hereto through the party set forth as signatory for the party below.

(b) Landlord represents, warrants and agrees that: (i) Landlord solely owns the Property as a legal lot in fee simple; (ii) as long as Tenant is not in default then Landlord grants to Tenant sole, actual, quiet and peaceful use, enjoyment and possession of the Premises; (iii) Landlord's execution and performance of this Agreement will not violate any laws, ordinances, covenants or the provisions of any mortgage, lease or other agreement binding on Landlord; and (iv) if the Property is or becomes encumbered by a deed to secure a debt, mortgage or other security interest, Landlord will provide promptly to Tenant a mutually agreeable subordination, non-disturbance and attornment agreement.

11. ENVIRONMENTAL.

(a) Landlord represents and warrants that, to the best of Landlord's knowledge, except as may be identified in Exhibit 11 attached to this Agreement, (i) the Property, as of the date of this Agreement, is free of hazardous substances, including asbestos-containing materials and lead paint, and (ii) the Property has never been subject to any contamination or hazardous conditions resulting in any environmental investigation, inquiry or remediation. Landlord and Tenant agree that each will be responsible for compliance with any and all applicable governmental laws, rules, statutes, regulations, codes, ordinances, or principles of common law regulating or imposing standards of liability or standards of conduct with regard to protection of the environment or worker health and safety, as may now or at any time hereafter be in effect, to the extent such apply to that party's activity conducted in or on the Property

(d) In the event Tenant becomes aware of any hazardous materials on the Property, or any environmental, health or safety condition or matter relating to the Property, that, in Tenant's sole determination, renders the condition of the Premises or Property unsuitable for Tenant's use, or if Tenant believes that the leasing or continued leasing of the Premises would expose Tenant to undue risks of liability to a government agency or third party, Tenant will have the right, in addition to any other rights it may have at law or in equity, to terminate this Agreement upon written notice to Landlord.

12. **ACCESS.** At all times throughout the Term of this Agreement, and at no additional charge to Tenant, Tenant and its employees, agents, and subcontractors, will have twenty-four (24) hour per day, seven (7) day per week pedestrian and vehicular access ("Access") to and over the Property, from an open and improved public road to the Premises, for the installation, maintenance and operation of the Communication Facility and any utilities serving the Premises. Landlord's responsibility to provide Access shall be limited to permitting Access between the public road and the Premises and shall not include responsibility for constructing or maintaining any road improvements. As may be described more fully in **Exhibit 1**, Landlord grants to Tenant an easement for such access and Landlord agrees to provide to Tenant such codes, keys and other instruments necessary for such access at no additional cost to Tenant. Landlord acknowledges that in the event Tenant cannot access the Premises, Tenant shall incur significant damage. If Landlord fails to provide the access granted by this Section 12, such failure shall be a default under this Agreement. In connection with such default, in addition to any other rights or remedies available to Tenant under this Agreement or at law or equity, Landlord shall pay Tenant, as liquidated damages and not as a penalty, \$500.00 per day in consideration of Tenant's damages until Landlord cures such default. Landlord and Tenant agree that Tenant's damages in the event of a denial of access are difficult, if not impossible, to ascertain, and the liquidated damages set forth above are a reasonable approximation of such damages. Upon Tenant's request, Landlord will execute a separate recordable easement evidencing this right. Landlord shall execute a letter granting Tenant access to the Property substantially in the form attached as **Exhibit 12**; upon Tenant's request, Landlord shall execute additional letters during the Term.

13. **REMOVAL/RESTORATION.** All portions of the Communication Facility brought onto the Property by Tenant will be and remain Tenant's personal property and, at Tenant's option, may be removed by Tenant at any time during the Term. Landlord covenants and agrees that no part of the Communication Facility constructed, erected or placed on the Premises by Tenant will become, or be considered as being affixed to or a part of, the Property, it being the specific intention of the Landlord that all improvements of every kind and nature constructed, erected or placed by Tenant on the Premises will be and remain the property of the Tenant and may be removed by Tenant at any time during the Term. Within one hundred twenty (120) days of the termination of this Agreement, Tenant will, to the extent reasonable, restore the Premises to its condition at the commencement of the Agreement, reasonable wear and tear and loss by casualty or other causes beyond Tenant's control excepted. Footings, foundations, and concrete will be removed to a depth of two-feet below grade. Notwithstanding the foregoing, Tenant will not be responsible for the replacement of any trees, shrubs, or other vegetation, nor will Tenant be required to remove from the Premises or the Property any underground utilities. Tenant's responsibility to restore the property shall include revegetation of disturbed areas by re-seeding.

14. **MAINTENANCE/UTILITIES.**

(a) Tenant will keep and maintain the Premises in good condition, reasonable wear and tear and damage from the elements excepted. Landlord will maintain and repair the Property and access thereto and all areas of the Premises where Tenant does not have exclusive control, in good and tenantable condition, subject to reasonable wear and tear and damage from the elements. Landlord will be responsible for maintenance of landscaping on the Property, including any landscaping installed by Tenant as a condition of this Agreement or any required permit.

(b) Tenant will be responsible for paying on a monthly or quarterly basis all utilities charges for electricity, telephone service or any other utility used or consumed by Tenant on the Premises. In the event Tenant cannot secure its own metered electrical supply, Tenant will have the right, at its own cost and expense, to submeter from Landlord. When submetering is required under this Agreement, Landlord will read the meter and provide Tenant with an invoice and usage data on a monthly basis. Landlord agrees that it will not include a markup on the utility charges. Landlord further agrees to provide the usage data and invoice on forms provided by Tenant and to send such forms to such address and/or agent designated by Tenant. Tenant will remit payment within forty-five (45) days of receipt of the usage data and required forms. As noted in Section 4(c) above, any utility fee recovery by Landlord is limited to a twelve (12) month period. If Tenant submeters electricity from Landlord, Landlord agrees to give Tenant at least twenty-four (24) hours advanced notice of any planned interruptions of said electricity. Landlord acknowledges that Tenant provides a communication service which requires electrical power to operate and must operate twenty-four (24) hours per day, seven (7) days per week. If the interruption is for an extended period of time, in Tenant's reasonable determination, Landlord agrees to allow Tenant the right to bring in a temporary source of power for the duration of the interruption. Landlord will not be responsible for interference with, interruption of or failure, beyond the reasonable control of Landlord, of such services to be furnished or supplied by Landlord.

(c) Landlord hereby grants to any utility company providing utility services to Tenant an easement over the Property, from an open and improved public road to the Premises, and upon the Premises, for the purpose of constructing, operating and maintaining such lines, wires, circuits, and conduits, associated equipment cabinets and such appurtenances thereto, as such utility companies may from time to time require in order to provide such services to the Premises. Landlord's responsibility to provide Access shall be limited to permitting Access between the public road and the Premises and shall not include responsibility for constructing or maintaining any road improvements. Upon Tenant's or a utility company's request, Landlord will execute a separate recordable easement evidencing this grant, at no cost to Tenant or the public utility.

15. DEFAULT AND RIGHT TO CURE.

(a) The following will be deemed a default by Tenant and a breach of this Agreement: (i) non-payment of Rent if such Rent remains unpaid for more than thirty (30) days after receipt of written notice from Landlord of such failure to pay; or (ii) Tenant's failure to perform any other term or condition under this Agreement within forty-five (45) days after receipt of written notice from Landlord specifying the failure. No such failure, however, will be deemed to exist if Tenant has commenced to cure such default within such period and provided that such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Tenant. If Tenant remains in default beyond any applicable cure period, Landlord will have the right to exercise any and all rights and remedies available to it under law and equity.

(b) The following will be deemed a default by Landlord and a breach of this Agreement: (i) failure to provide access to the Premises or to cure an interference problem within twenty-four (24) hours after receipt of written notice of such default; or (ii) Landlord's failure to perform any term, condition or breach of any warranty or covenant under this Agreement within forty-five (45) days after receipt of written notice from Tenant specifying the failure. No such failure, however, will be deemed to exist if Landlord has commenced to cure the default within such period and provided such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Landlord. If Landlord remains in default beyond any applicable cure period, Tenant will have: (i) the right to cure Landlord's default and to deduct the costs of such cure from any monies due to Landlord from Tenant, and (ii) any and all other rights available to it under law and equity.

16. ASSIGNMENT/SUBLEASE. Tenant will have the right to assign, sell or transfer its interest under this Agreement without the approval or consent of Landlord, to Tenant's Affiliate or to any entity which acquires all or substantially all of the Tenant's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition, or other business reorganization. Upon notification to Landlord of such assignment, transfer or sale, Tenant will be relieved of all future performance, liabilities and obligations under this Agreement. Tenant shall have the right to sublease the Premises, in whole or in part, without Landlord's consent. Tenant may not otherwise assign this Agreement without Landlord's consent, Landlord's consent not to be unreasonably withheld, conditioned or delayed.

17. NOTICES.

(a) All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows:

If to LANDLORD: _____

If to TENANT: New Cingular Wireless PCS, LLC
Attn: Network Real Estate Administration
Re: Cell Site # _____
Cell Site Name: _____
Fixed Asset #: _____
12555 Cingular Way, Suite 1300
Alpharetta, GA 30004

With copy to: New Cingular Wireless PCS, LLC
Attn: Legal Department
Re: Cell Site # _____
Cell Site Name: _____
Fixed Asset #: _____

(U.S. Mail) P.O. Box 97061
Redmond, WA 98073-9761
(overnight courier) 16331 NE 72nd Way, RTC1
Redmond, WA 98052

The copy sent to the Legal Department is an administrative step which alone does not constitute legal notice. Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

(b) In the event of a change in ownership, transfer or sale of the Property, within ten (10) days of such transfer, Landlord or its successor will send the documents listed below in this subsection (b) to Tenant. Until Tenant receives all such documents, Tenant shall not be responsible for any failure to make payments under this Agreement and reserves the right to hold payments due under this Agreement.

- i. Old deed to Property
- ii. New deed to Property
- iii. Bill of Sale or Transfer
- iv. Copy of current Tax Bill
- v. New IRS Form W-9
- vi. Completed and Signed AT&T Payment Direction Form
- vii. Full contact information for new Landlord including all phone number(s)

18. **CONDEMNATION.** In the event Landlord receives notification of any condemnation proceedings affecting the Property, Landlord will provide notice of the proceeding to Tenant within thirty (30) days. If a condemning authority takes all of the Property, or a portion sufficient, in Tenant's sole determination, to render the Premises unsuitable for Tenant, this Agreement will terminate as of the earlier of the date the condemning authority takes possession or the date the title vests in the condemning authority. The parties will each be entitled to pursue their own separate awards in the condemnation proceeds, which for Tenant will consist of, where applicable, the value of its Communication Facility, moving expenses, prepaid Rent, and business dislocation expenses. Tenant shall not be entitled to any portion of the condemnation proceeds attributable to the Property. Tenant will be entitled to reimbursement for any prepaid Rent on a prorata basis.

19. **CASUALTY.** Landlord will provide notice to Tenant of any casualty or other harm affecting the Property within forty-eight (48) hours of the casualty or other harm. If any part of the Communication Facility or Property is damaged by casualty or other harm as to render the Premises unsuitable, in Tenant's sole determination, then Tenant may terminate this Agreement by providing written notice to Landlord, which termination will be effective as of the date of such casualty or other harm. Upon such termination, Tenant will be entitled to collect all insurance proceeds payable to Tenant on account thereof and to be reimbursed for any prepaid Rent on a prorata basis. Landlord agrees to permit Tenant to place temporary transmission and reception facilities on the Property, but only until such time as Tenant is able to activate a replacement transmission facility at another location; notwithstanding the termination of this Agreement, such temporary facilities will be governed by all of the terms and conditions of this Agreement, including Rent. If Landlord or Tenant undertakes to rebuild or restore the Premises and/or the Communication Facility, as applicable, Landlord agrees to permit Tenant to place temporary transmission and reception facilities on the Property at no additional Rent until the reconstruction of the Premises and/or the Communication Facility is completed. Tenant may request the Landlord rebuild or restore the Premises. If Landlord determines not to rebuild or restore the Premises, Landlord will notify Tenant of such determination within sixty (60) days after receipt of Tenant's request. If Landlord does not so notify Tenant, then Landlord will promptly rebuild or restore the Premises to substantially the same condition as existed before the casualty or other harm. Landlord agrees that the Rent shall be abated until the Premises are rebuilt or restored, unless Tenant places temporary transmission and reception facilities on the Property.

20. **WAIVER OF LANDLORD'S LIENS.** Landlord waives any and all lien rights it may have, statutory or otherwise, concerning the Communication Facility or any portion thereof. The Communication Facility shall be deemed personal property for purposes of this Agreement, regardless of whether any portion is deemed real or personal property under applicable law; Landlord consents to Tenant's right to remove all or any portion of the Communication Facility from time to time in Tenant's sole discretion and without Landlord's consent.

21. **TAXES.** Tenant acknowledges that the Property is exempt from ad valorem taxation when used by Landlord for governmental purposes. In the event Tenant's use of the Premises result in a change in the tax status of the Property, Tenant shall be responsible for payment of all ad valorem taxes levied upon the lands, improvements and other property of Landlord. Tenant shall be responsible for all taxes levied upon Tenant's leasehold improvements (including Tenant's equipment building and tower) on the Premises. Landlord shall provide Tenant with copies of all assessment notices on or including the Premises immediately upon receipt, along with sufficient written documentation detailing any assessment increases attributable to the leasehold improvements, but in no event later than thirty (30) days after receipt by Landlord. If Landlord fails to provide such notice within such time frame, Landlord shall be responsible for all increases in taxes for the year covered by the assessment, and all subsequent years to the extent (a) Landlord continues to fail in providing notice, or (b) Tenant is precluded from challenging such assessment with the appropriate government authorities. Tenant shall have the right to contest, in good faith, the validity or the amount of any tax or assessment levied against the Premises by such appellate or other proceedings as may be appropriate in the jurisdiction, and may defer payment of such obligations, pay same under protest, or take such other steps as Tenant may deem appropriate. This right shall include the ability to institute any legal, regulatory or informal action in the name of Landlord, Tenant, or both, with respect to the valuation of the Premises. Landlord shall cooperate in the institution and prosecution of any such proceedings and will execute any documents required therefor. The expense of any such proceedings shall be borne by Tenant and any refunds or rebates secured as a result of Tenant's action shall belong to Tenant.

22. **SALE OF PROPERTY.**

(a) Landlord shall not be prohibited from the selling, leasing or use of any of the Property or the Surrounding Property except as provided below.

(b) If Landlord, at any time during the Term of this Agreement, decides to rezone or sell, subdivide or otherwise transfer all or any part of the Premises, or all or any part of the Property or Surrounding Property, to a purchaser other than Tenant, Landlord shall promptly notify Tenant in writing, and such rezoning, sale, subdivision or transfer shall be subject to this Agreement and Tenant's rights hereunder. In the event the Property is transferred, the new landlord shall have a duty at the time of such transfer to provide Tenant with a completed IRS Form W-9, or its equivalent, and other related paperwork to effect a transfer in Rent to the new Landlord.

(c) Landlord agrees not to sell, lease or use any areas of the Property or Surrounding Property for the installation, operation or maintenance of other wireless communications facilities if such installation, operation or maintenance would interfere with Tenant's Permitted Use or communications equipment as determined by radio propagation tests performed by Tenant in its sole discretion, any such testing to be at the expense of Landlord or Landlord's prospective purchaser, and not Tenant. If the radio frequency propagation tests demonstrate levels of interference unacceptable to Tenant, Landlord shall be prohibited from selling, leasing or using any areas of the Property or the Surrounding Property for purposes of any installation, operation or maintenance of any other wireless communications facility or equipment.

(d) The provisions of this Section shall in no way limit or impair the obligations of Landlord under this Agreement, including interference and access obligations.

23. RENTAL STREAM OFFER. If at any time after the date of this Agreement, Landlord receives a bona fide written offer from a third party seeking an assignment of the rental stream associated with this Agreement ("**Rental Stream Offer**"), Landlord shall immediately furnish Tenant with a copy of the Rental Stream Offer. Tenant shall have the right within twenty (20) days after it receives such copy and representation to match the Rental Stream Offer and agree in writing to match the terms of the Rental Stream Offer. Such writing shall be in the form of a contract substantially similar to the Rental Stream Offer. If Tenant chooses not to exercise this right or fails to provide written notice to Landlord within the twenty (20) day period, Landlord may assign the rental stream pursuant to the Rental Stream Offer, subject to the terms of this Agreement.

24. MISCELLANEOUS.

(a) **Amendment/Waiver.** This Agreement cannot be amended, modified or revised unless done in writing and signed by Landlord and Tenant. No provision may be waived except in a writing signed by both parties. The failure by a party to enforce any provision of this Agreement or to require performance by the other party will not be construed to be a waiver, or in any way affect the right of either party to enforce such provision thereafter.

(b) **Memorandum/Short Form Lease.** Contemporaneously with the execution of this Agreement, the parties will execute a recordable Memorandum or Short Form of Lease substantially in the form attached as **Exhibit 24b**. Either party may record this Memorandum or Short Form of Lease at any time during the Term, in its absolute discretion. Thereafter during the Term of this Agreement, either party will, at any time upon fifteen (15) business days' prior written notice from the other, execute, acknowledge and deliver to the other a recordable Memorandum or Short Form of Lease.

(c) **Limitation of Liability.** Except for the indemnity obligations set forth in this Agreement, and otherwise notwithstanding anything to the contrary in this Agreement, Tenant and Landlord each waives any claims that each may have against the other with respect to consequential, incidental or special damages, however caused, based on any theory of liability.

(d) **Bind and Benefit.** The terms and conditions contained in this Agreement will run with the Property and bind and inure to the benefit of the parties, their respective heirs, executors, administrators, successors and assigns.

(e) **Entire Agreement.** This Agreement and the exhibits attached hereto, all being a part hereof, constitute the entire agreement of the parties hereto and will supersede all prior offers, negotiations and agreements with respect to the subject matter of this Agreement. Exhibits are numbered to correspond to the Section wherein they are first referenced.

(f) **Governing Law.** This Agreement will be governed by the laws of the state in which the Premises are located, without regard to conflicts of law.

(g) **Interpretation.** Unless otherwise specified, the following rules of construction and interpretation apply: (i) captions are for convenience and reference only and in no way define or limit the construction of the terms and conditions hereof; (ii) use of the term "including" will be interpreted to mean "including but not limited to"; (iii) whenever a party's consent is required under this Agreement, except as otherwise stated in the Agreement or as same may be duplicative, such consent will not be unreasonably withheld, conditioned or delayed; (iv) exhibits are an integral part of this Agreement and are incorporated by reference into this Agreement; (v) use of the terms "termination" or "expiration" are interchangeable; (vi) reference to a default will take into consideration any applicable notice, grace and cure periods; (vii) to the extent there is any issue with respect to any alleged, perceived or actual ambiguity in this Agreement, the ambiguity shall not be resolved on the basis of who drafted the Agreement; and (viii) the singular use of words includes the plural where appropriate.

(h) **Affiliates.** All references to "Tenant" shall be deemed to include any Affiliate of New Cingular Wireless PCS, LLC using the Premises for any Permitted Use or otherwise exercising the rights of Tenant pursuant to this Agreement. "Affiliate" means with respect to a party to this Agreement, any person or entity that (directly or indirectly) controls, is controlled by, or under common control with, that party. "Control" of a person or entity means the power (directly or

indirectly) to direct the management or policies of that person or entity, whether through the ownership of voting securities, by contract, by agency or otherwise.

(i) **Survival.** Any provisions of this Agreement relating to indemnification shall survive the termination or expiration hereof. In addition, any terms and conditions contained in this Agreement that by their sense and context are intended to survive the termination or expiration of this Agreement shall so survive.

(j) **W-9.** Landlord agrees to provide Tenant with a completed IRS Form W-9, or its equivalent, upon execution of this Agreement and at such other times as may be reasonably requested by Tenant.

(k) **No Electronic Signatures/No Option.** The submission of this Agreement to any party for examination or consideration does not constitute an offer, reservation of or option for the Premises based on the terms set forth herein. This Agreement will become effective as a binding Agreement only upon the handwritten legal execution, acknowledgment and delivery hereof by Landlord and Tenant.

(l) **Severability.** If any provision of this Agreement is held invalid, illegal or unenforceable by a court or agency of competent jurisdiction, (a) the validity, legality and enforceability of the remaining provisions of this Agreement are not affected or impaired in any way if the overall purpose of the Agreement is not rendered impossible and the original purpose, intent or consideration is not materially impaired; and (b) the parties shall negotiate in good faith in an attempt to agree to another provision (instead of the provision held to be invalid, illegal or unenforceable) that is valid, legal and enforceable and carries out the parties' intentions to the greatest lawful extent. If any such action or determination renders the overall performance of this Agreement impossible or materially impairs the original purpose, intent or consideration of this Agreement, and the parties are, despite the good faith efforts of each, unable to amend this Agreement to retain the original purpose, intent and consideration in compliance with that court or agency determination, either party may terminate this Agreement upon sixty (60) days' prior written notice to the other party.

(m) **Counterparts.** This Agreement may be executed in two (2) or more counterparts, all of which shall be considered on and the same agreement and shall become effective when one or more counterparts have been signed by each of the parties. All parties need not sign the same counterpart.

(n) **WAIVER OF JURY TRIAL.** EACH PARTY, TO THE EXTENT PERMITTED BY LAW, KNOWINGLY, VOLUNTARILY AND INTENTIONALLY WAIVES ITS RIGHT TO A TRIAL BY JURY IN ANY ACTION OR PROCEEDING UNDER ANY THEORY OF LIABILITY ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT OR THE TRANSACTIONS IT CONTEMPLATES.

IN WITNESS WHEREOF, the parties have caused this Agreement to be effective as of the last date written below.

LANDLORD:

By: _____
Print Name:
Its:
Date:

TENANT:

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation
Its: Manager

By: _____
Print Name:
Its:
Date:

EXHIBIT 1

DESCRIPTION OF PREMISES

Page ____ of ____

to the Option and Land Lease Agreement dated _____, 201__, by and between _____, as Landlord, and _____, New Cingular Wireless PCS, LLC, as Tenant.

The Premises are described and/or depicted as follows:

Property Legal Description:

Lease Area Sketch or Survey:

Notes:

1. This Exhibit may be replaced by a land survey and/or construction drawings of the Premises once received by Tenant.
2. Any setback of the Premises from the Property's boundaries shall be the distance required by the applicable governmental authorities.
3. Width of access road shall be the width required by the applicable governmental authorities, including police and fire departments.
4. The type, number and mounting positions and locations of antennas and transmission lines are illustrative only. Actual types, numbers and mounting positions may vary from what is shown above.

COLORADO LANDLORD REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by _____, the _____ of _____.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

COLORADO LANDLORD INDIVIDUAL ACKNOWLEDGEMENT

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by _____.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

AT&T ACKNOWLEDGEMENT

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by _____, the _____ of AT&T Mobility Corporation.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

UTAH LANDLORD REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF UTAH)
)ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, the _____ of _____, known or identified to me to be the person whose name is subscribed to the within instrument, and in due form of law acknowledged that he/she is authorized on behalf of said company to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said company. Witness my hand and official seal.

Notary Seal

(Signature of Notary)

UTAH LANDLORD INDIVIDUAL ACKNOWLEDGEMENT

STATE OF UTAH)
)ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged that he/she/they executed the same. Witness my hand and official seal.

Notary Seal

(Signature of Notary)

AT&T ACKNOWLEDGEMENT

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by _____, the _____ of AT&T Mobility Corporation.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

IDAHO LANDLORD REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF IDAHO)
)ss.
COUNTY OF _____)

On this ____ day of _____, 20____, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, the _____ of _____, known or identified to me to be the person whose name is subscribed to the within instrument, and in due form of law acknowledged that he/she is authorized on behalf of said company to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said company.

| |
|-------------|
| Notary Seal |
|-------------|

(Signature of Notary)

My Commission Expires: _____

IDAHO LANDLORD INDIVIDUAL ACKNOWLEDGEMENT

STATE OF IDAHO)
)ss.
COUNTY OF _____)

On this ____ day of _____, 20____, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same.

| |
|-------------|
| Notary Seal |
|-------------|

(Signature of Notary)

My Commission Expires: _____

AT&T ACKNOWLEDGEMENT

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 201____, by _____, the _____ of AT&T Mobility Corporation.

| |
|-------------|
| Notary Seal |
|-------------|

(Signature of Notary)

My Commission Expires: _____

EXHIBIT 11

ENVIRONMENTAL DISCLOSURE

Landlord represents and warrants that the Property, as of the date of this Agreement, is free of hazardous substances except as follows:

1. NONE.

[Landlord Letterhead]

DATE

Building Staff / Security Staff
Landlord, Lessee, Licensee
Street Address
City, State, Zip

Re: Authorized Access granted to AT&T

Dear Building and Security Staff,

Please be advised that we have signed a lease with AT&T permitting AT&T to install, operate and maintain telecommunications equipment at the property. The terms of the lease grant AT&T and its representatives, employees, agents and subcontractors ("representatives") 24 hour per day, 7 day per week access to the leased area.

To avoid impact on telephone service during the day, AT&T representatives may be seeking access to the property outside of normal business hours. AT&T representatives have been instructed to keep noise levels at a minimum during their visit.

Please grant the bearer of a copy of this letter access to the property and to leased area. Thank you for your assistance.

Landlord Signature

Prepared by, and after recording

Return to:

New Cingular Wireless PCS, LLC

12555 Cingular Way, Suite 1300

Alpharetta, GA 30004

Attn: Network Real Estate Administration

Grantor:
Grantee: New Cingular Wireless PCS, LLC, a Delaware limited liability company
Legal Description: Official legal description attached as Exhibit 1
Tax Serial No.:
Cell Site Name & #: Fixed Asset #:
State: County:

MEMORANDUM OF LEASE

This Memorandum of Lease is entered into, effective on the latest signature date below, by and between _____, a _____, having a mailing address of _____ (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 (hereinafter referred to as "**Tenant**").

1. Landlord and Tenant entered into a certain Option and Land Lease Agreement ("**Agreement**") on the _____ day of _____, 201____, for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing are set forth in the Agreement.
2. The initial lease term will be five (5) years ("**Initial Term**") commencing on the Effective Date of written notification by Tenant to Landlord of Tenant's exercise of the Option, with four (4) successive five (5) year options to renew.
3. The portion of the land being leased to Tenant (the "**Premises**") is described in **Exhibit 1** annexed hereto.
4. This Memorandum of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Lease and the provisions of the Agreement, the provisions of the Agreement shall control. The Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the day and year written below.

LANDLORD:

By: _____
Print Name:
Its:
Date:

Prepared by:

SAC NAME

SAC FIRM

FIRM ADDRESS

CITY, STATE ZIP

TENANT:

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation
Its: Manager

By: _____
Print Name:
Its:
Date:

EXHIBIT 1

DESCRIPTION OF PREMISES

Page _____ of _____

to the Memorandum of Lease agreement dated _____, 201__, by and between
_____, as Landlord, and _____, a _____ liability
company, as Tenant.

The Premises are described and/or depicted as follows:

Property Legal Description:

Lease Area Sketch or Survey:

COLORADO LANDLORD REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF COLORADO)

)

)ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____ 201__, by _____, the _____ of _____.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

COLORADO LANDLORD INDIVIDUAL ACKNOWLEDGEMENT

STATE OF COLORADO)

)

)ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____ 201__, by _____.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

AT&T ACKNOWLEDGEMENT

STATE OF COLORADO)

)

)ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____ 201__, by _____, the _____ of AT&T Mobility Corporation.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

UTAH LANDLORD REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF UTAH)
)ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, the _____ of _____, known or identified to me to be the person whose name is subscribed to the within instrument, and in due form of law acknowledged that he/she is authorized on behalf of said company to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said company. Witness my hand and official seal.

Notary Seal

(Signature of Notary)

UTAH LANDLORD INDIVIDUAL ACKNOWLEDGEMENT

STATE OF UTAH)
)ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged that he/she/they executed the same. . Witness my hand and official seal.

Notary Seal

(Signature of Notary)

AT&T ACKNOWLEDGEMENT

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by _____, the _____ of AT&T Mobility Corporation.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

IDAHO LANDLORD REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF IDAHO)
COUNTY OF _____)ss.
_____)

On this _____ day of _____, 20____, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, the _____ of _____, known or identified to me to be the person whose name is subscribed to the within instrument, and in due form of law acknowledged that he/she is authorized on behalf of said company to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said company.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

IDAHO LANDLORD INDIVIDUAL ACKNOWLEDGEMENT

STATE OF IDAHO)
COUNTY OF _____)ss.
_____)

On this _____ day of _____, 20____, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

AT&T ACKNOWLEDGEMENT

STATE OF COLORADO)
COUNTY OF _____)ss.
_____)

The foregoing instrument was acknowledged before me this _____ day of _____, 201____, by _____, the _____ of AT&T Mobility Corporation.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

12-1-2010 Option and Land Lease

AGENDA ITEM # 7

SECOND READING OF ORDINANCE: An ordinance approving an amendment to the lease between the City of Steamboat Springs and Smartwool LLC and authorizing the execution of the amendment to the lease; repealing all conflicting ordinances; providing for severability; and providing an effective date.

Staff has requested that this item be postponed to the July 17, 2012 agenda.

AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

FROM: Bob Keenan, Senior Planner (Ext. 260))
Tyler Gibbs, AIA, Director of Planning and Community Development
(Ext. 244)

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

DATE: July 3, 2012

ITEM: An ordinance rezoning property located in the northwest corner of Elk River Road and Airport Circle from RE-1 (Residential Estate One – Low Density) Zone District to I (Industrial) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date.

NEXT STEP: If approved on first reading, a second reading is scheduled for July 17, 2012.

☒ ORDINANCE
☐ RESOLUTION
☒ MOTION
☐ DIRECTION
☐ INFORMATION

PROJECT NAME: Aviator North #ZMA-12-02.

PETITION: Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) to Industrial (I) for a 4.98 acre parcel located at the northwest corner of Elk River Road and Airport Circle.

APPLICANT: Airport South, LLC, c/o Brian Olson, P.O. Box 882597, Steamboat Springs, CO 80488, (970) 879-6891.

CITY COUNCIL COMMUNICATION FORM

Aviator North #ZMA-12-02

July 3, 2012

PC ACTION: On June 28, 2012 the Planning Commission recommended approval of the Aviator North #ZMA-12-02 by a vote of 5-0.

EXECUTIVE SUMMARY:

1. Planning Commission Discussion:

Planning Commission had questions on what the future land use designation is for this property. Staff responded by stating that there seems to be an error as the Future Land Use Map refers to the West of Steamboat Area Plan for this designation and the West of Steamboat Area Plan does not have any designation for this area. Staff restated that the believe the future land use designation for this area is Industrial.

2. Public Comment:

None

3. New Information:

None

4. Recommended Motion:

The Planning Commission recommends approval Aviator North #ZMA-12-02 an Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) to Industrial (I) for a 4.98 acre parcel located at the northwest corner of Elk River Road and Airport Circle.

LIST OF ATTACHMENTS

Attachment 1 - June 28, 2012 Planning Commission Report

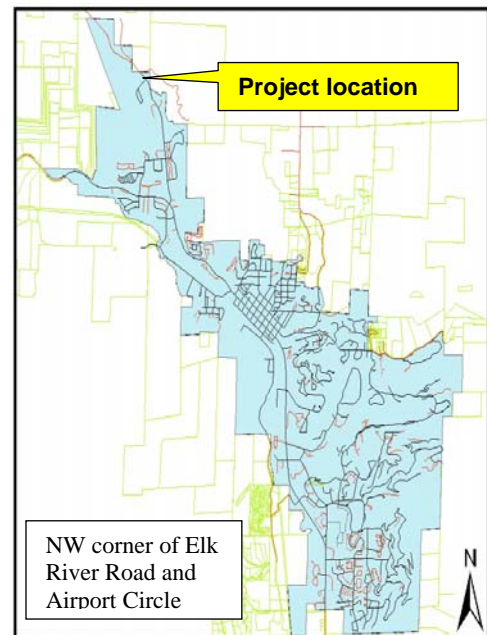
Attachment 2 - Planning Commission Minutes from June 28, 2012 (To be received prior to the meeting with rainbow items)

Attachment 1



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

| PLANNING COMMISSION AGENDA ITEM # 2: | |
|--------------------------------------|---|
| Project Name: | Aviator North #ZMA-12-02 |
| Prepared By: | Bob Keenan, Senior Planner (Ext. 260) |
| Through: | Tyler Gibbs, AIA, Director of Planning and Community Development (Ext. 244) |
| Planning Commission (PC): | June 28, 2012 |
| City Council (CC): | July 3, 2012 First Reading July 17, 2012 Second Reading |
| Existing Zoning: | Residential Estate One, Low Density (RE-1) |
| Proposed Zoning: | Community Commercial (CC) |
| Applicant: | Airport South, LLC, c/o Brian Olson, P.O. Box 882597, Steamboat Springs, CO 80488, (970) 879-6891 |
| Request: | Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) to Industrial (I) for a 4.98 acre parcel located at the northwest corner of Elk River Road and Airport Circle. |



| Staff Report - Table of Contents | | |
|----------------------------------|------------------------|-----|
| Section | | Pg |
| I. | Staff Finding | 2-2 |
| II. | Project Location | 2-2 |
| III. | Background Information | 2-2 |
| IV. | Project Description | 2-3 |
| V. | Staff/Agency Analysis | 2-3 |
| VI. | Attachments | 2-5 |

I. STAFF FINDING

Staff finds Zoning Map Amendment #ZMA-12-02 to rezone from Residential Estate One, Low Density (RE-1) to Industrial (I) for a 4.98 acre parcel located at the northwest corner of Elk River Road and Airport Circle to be in compliance with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

II. PROJECT LOCATION



III. BACKGROUND INFORMATION

The subject parcel is a 4.98 acre tract of unplatted property located at the northwest corner of Elk River Road and Airport Circle. The site is relatively flat and contains no improvements.

The Resort Residential One, Low Density (RE-1) zoning for the property was established in 2001 with the adoption of the new CDC. Prior to 2001, the parcel was zoned Agricultural and Recreations (AR). The 2001 process to adopting new zoning districts eliminated the AR Zone and converted all privately held parcels zoned AR to RE-1.

IV. PROJECT DESCRIPTION

The proposed Zoning Map Amendment intends to rezone a 4.98 acre parcel of land located at the northwest corner of Elk River Road and Airport Circle from Resort Residential One, Low Density (RE-1) to Industrial (I).

V. STAFF / AGENCY ANALYSIS

Zone District Comparison

| CDC Standard | RE-1 | I |
|----------------------|---------------------------------|--|
| Lot Coverage | 0.25 | 0.60 |
| Units Per Lot | 2 | None |
| Floor Area Ratio | No Max. | 0.60 |
| Building Height | | |
| Overall Height | 40 feet | 32 feet (40 feet for special work areas) |
| Average Plate Height | 28 feet | 28 feet (40 feet for special work areas) |
| Front Setback | 25 feet (principal structure) | 15 feet (principal structure) |
| Side Setback | 25 feet (principal structure) | 10 feet (principal structure) |
| Rear Setback | 25 feet (principal structure) | 10 feet (principal structure) |
| Permitted Uses | Single-Family w. secondary unit | Industrial Uses Multi-Family |

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:

Staff finds this request is consistent with justifications (c). The proposed amendment is in response to the changing nature of lands adjacent to the Steamboat Springs Airport. Increased airport use has resulted in increased demand for industrial uses, particularly warehousing within close proximity to the airport.

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:

Staff finds the proposed zone change is consistent with surrounding development and neighborhood character. The site is adjacent to parcels zoned Industrial which contain warehouse uses such as hangars.

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:

Staff finds the advantages of rezoning the property outweigh the disadvantages to the community and/or neighboring lands. The rezoning and potential industrial use of the property provides a benefit to the City of Steamboat Springs and the surrounding area.

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:

This amendment will be consistent with the purpose and standards of the Industrial (I) Zone District which is intended to provide “industrial uses with varying degree of impacts.”

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:

The proposed change of Zoning will not have any adverse effect on the natural environment. Site development will be required to comply with all applicable environmental standards established by the City.

V. LIST OF ATTACHMENTS

1. Applicant Narrative
2. Vicinity Map and Legal Description
3. Draft Ordinance (by request)

6/4/2012

The purpose of this letter is to further describe a request for an amendment to the City of Steamboat Springs official zoning map.

The subject Property is located on the Northwest corner of Elk River Road/RCR 129 and Airport Circle. The property is currently zoned RE 1 = Residential Estate one low density. The proposed zoning is Industrial.

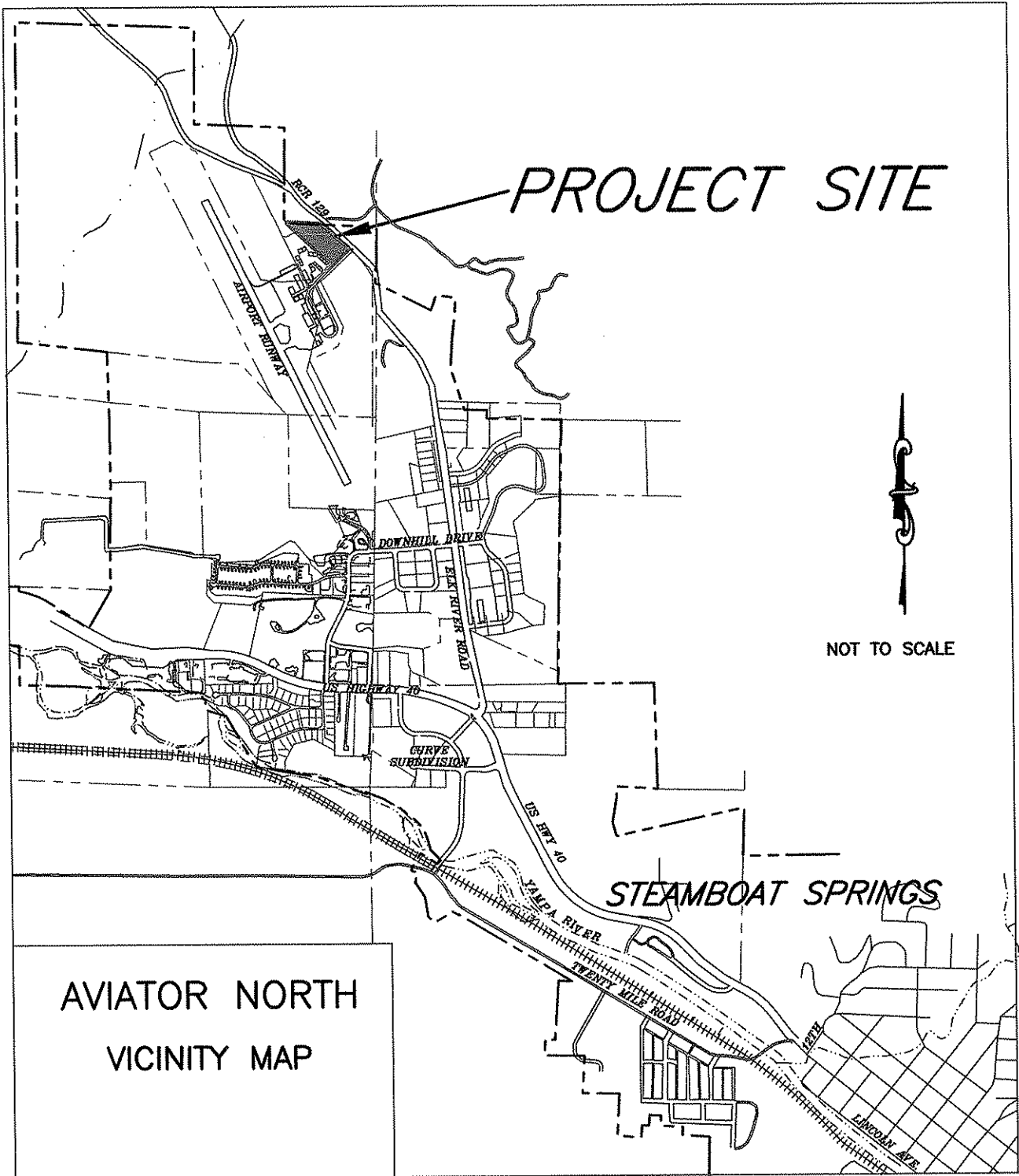
The purpose of this request is to bring this site into a zone district that is more comparable, and more supportive of the current goals of the community plan, and that of the future land use map.

The property is adjacent the Steamboat springs airport and is mostly characterized by Industrial use.

The future intended use of the property is for light industrial development that will further support the future growth of Steamboat Springs and its surrounding areas.

Thank you for your consideration.

Applicant



LEGAL DESCRIPTION

PARCEL 2D AS SHOWN AND DESCRIBED ON THE PLAT ENTITLED "PLAT OF LANDS OWNED BY THE CITY OF STEAMBOAT SPRINGS AND THE DENNEN TRUST LOCATED IN SECTION 36, T7N, R85W, AND IN LOT 1 OF SECTION 1, T6N, R85W, ALL OF THE 6TH P.M., ROUTT COUNTY, COLORADO, AND AS FILED BY PLAT WITH THE ROUTT COUNTY CLERK AND RECORDER APPEARING AT FILE NO.11243.

Revised
Date: 05-31-12
Drawn: BOAPORT.DW
File: SSAPORT2.WG
Scale: 1"=200'

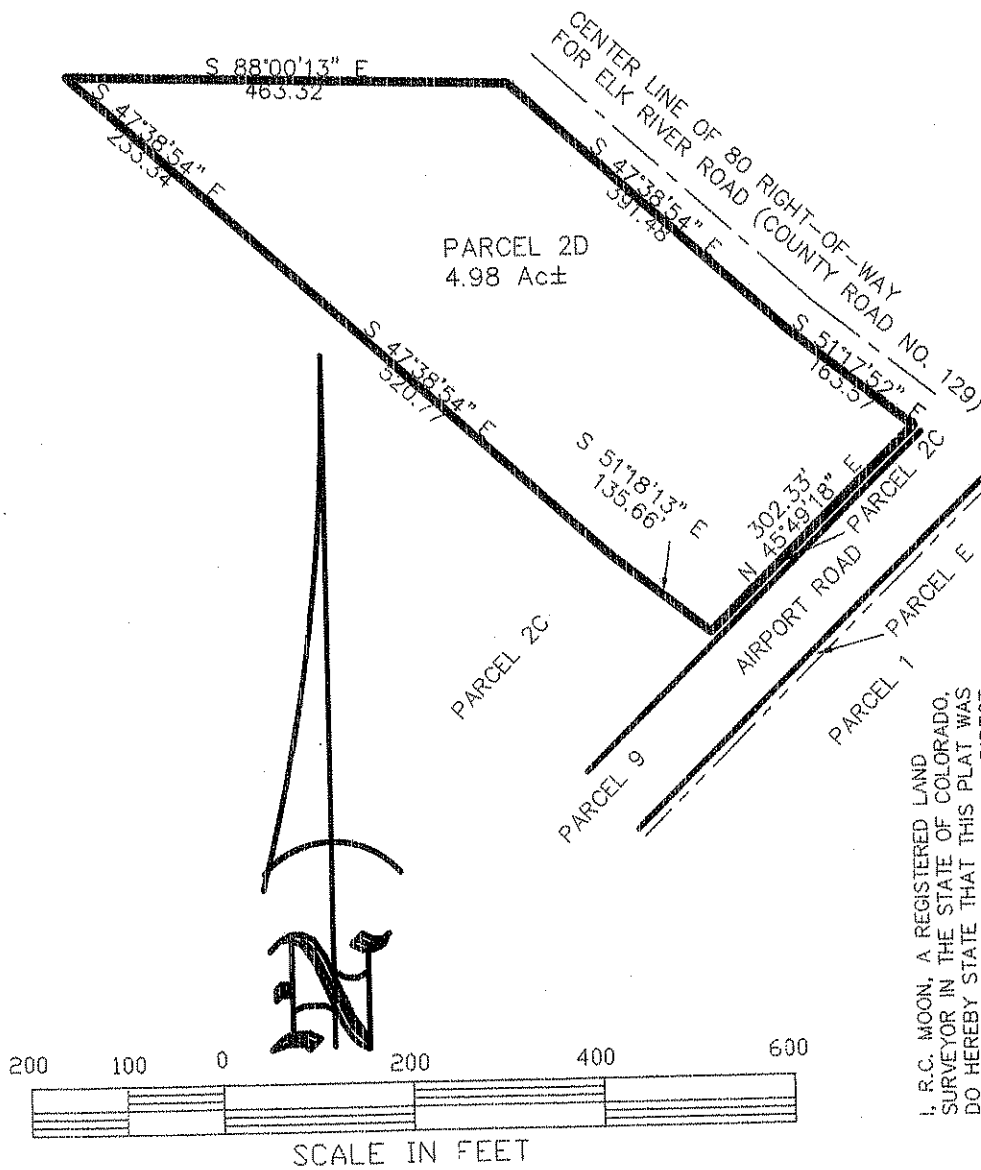
OLSON DEVELOPMENT

PLAT OF PARCEL 2D PER LEGAL DESCRIPTION SHOWN HEREON



D & D, Inc.
PROFESSIONAL LAND SURVEYING & PLANNING CO.
P.O. Box 176008 Steamboat Springs, Co. 80477
(970) 879-2715

Sheet No. of Project No. 4429-4



I, R.C. MOON, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND FURTHER STATE SAME TO BE ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MAY 31ST, 2012
R.C. MOON, LS NO. 13221

NOTICE: ACCORDING TO COLORADO LAW YOU MUST CORRESPOND ANY WRITTEN STATEMENT TO THE STATE OF COLORADO, DEPARTMENT OF REVENUE, DIVISION OF LAND AND MINES, 1000 EAST 17TH AVENUE, DENVER, CO 80202. IF YOU HAVE ANY QUESTIONS OR NEED ASSISTANCE, PLEASE CALL (303) 861-2715. THIS NOTICE IS BASED UPON THE DATE OF THE CERTIFICATION SHOWN HEREON.

C:\DWG12\BOAPORT 05/31/12 15:55

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE REZONING PROPERTY LOCATED IN THE NORTHWEST CORNER OF ELK RIVER ROAD AND AIRPORT CIRCLE FROM RE-1 (RESIDENTIAL ESTATE ONE – LOW DENSITY) ZONE DISTRICT TO I (INDUSTRIAL) 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 RE-1 (Residential Estate One – Low Density) to I (Industrial); and

WHEREAS, the nature of development adjacent to the Steamboat Springs Airport has changed to demand more land zoned Industrial (I); 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 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, the property located at the northwest corner of Elk River Road and Airport Circle described in Attachment 1 is hereby rezoned from RE-1 (Residential Estate One – Low Density) to I (Industrial).

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 _____, 2012.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

Julie Franklin, CMC
City Clerk

FINALLY READ, PASSED AND APPROVED this ____ day of _____,
2012.

Bart Kounovsky, President
Steamboat Springs City Council

ATTEST:


Julie Franklin, CMC
City Clerk

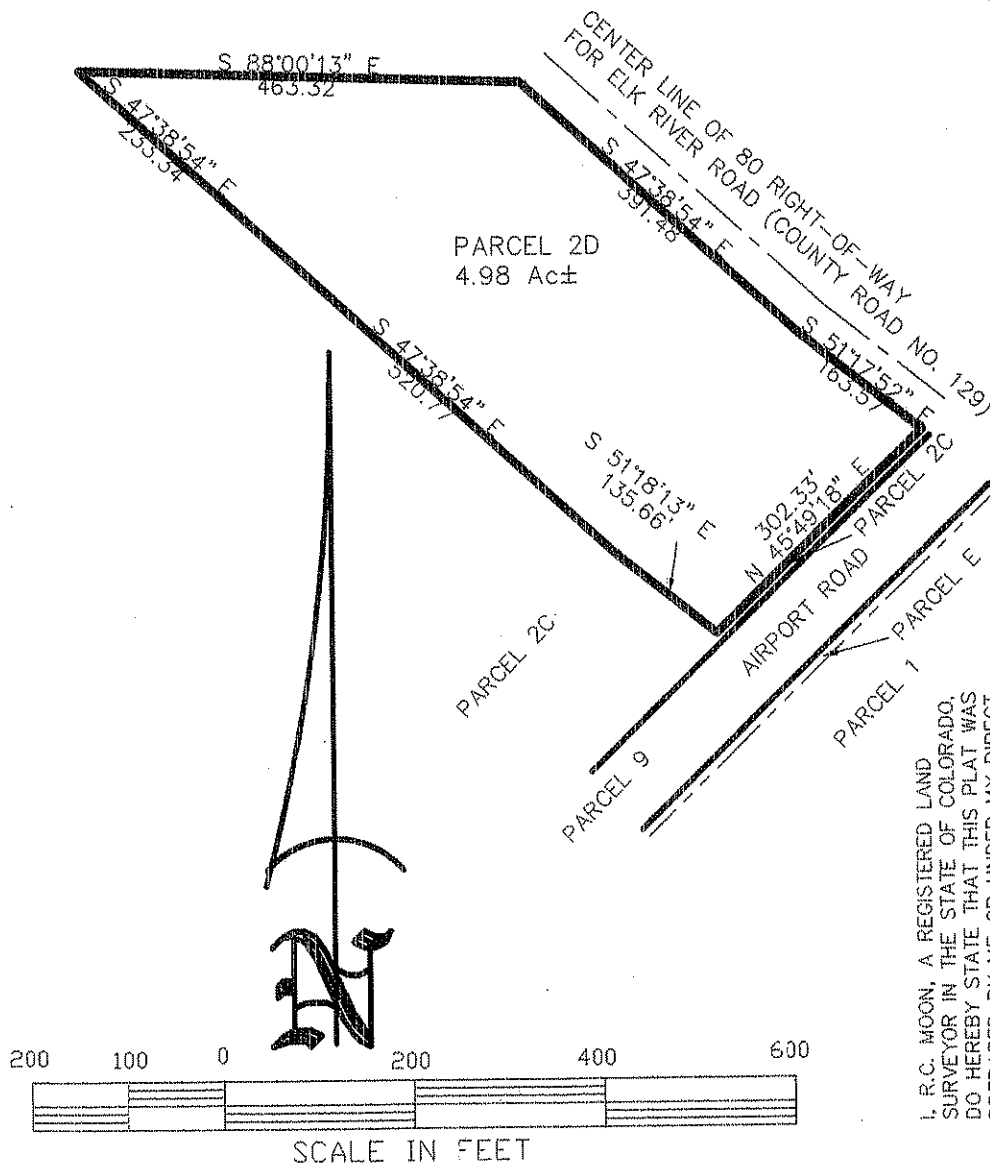
Attachment 1

Legal Description

LEGAL DESCRIPTION

PARCEL 2D AS SHOWN AND DESCRIBED ON THE PLAT ENTITLED "PLAT OF LANDS OWNED BY THE CITY OF STEAMBOAT SPRINGS AND THE DENNEN TRUST LOCATED IN SECTION 36, T7N, R85W, AND IN LOT 1 OF SECTION 1, T6N, R85W, ALL OF THE 6TH P.M., ROUTT COUNTY, COLORADO, AND AS FILED BY PLAT WITH THE ROUTT COUNTY CLERK AND RECORDER APPEARING AT FILE NO.11243.

| | | | |
|--|--------------------|--|---------------------------------|
| OLSON DEVELOPMENT | |  D & D, Inc. A PROFESSIONAL LAND SURVEYING & PLANNING CO. P.O. Box 775008 Steamboat Springs, Co. 80477 (303) 879-2715 | Sheet No. of Project No. 4429-4 |
| PLAT OF PARCEL 2D PER LEGAL DESCRIPTION SHOWN HEREON | | | |
| Revised | Description | | |
| Date: 05-31-12 | DENNIS BOAPORT.DWG | | |
| File: SSAPORT2.WC | Scale: 1"=200' | | |



NOTES: ACCORDING TO COLORADO LAW YOU MUST OBTAIN A LICENSE TO SURVEY IN THE STATE OF COLORADO. ANY UNLICENSED SURVEYOR WHO PREPARES A SURVEY OR PLAT WITHOUT A LICENSE IS VIOLATING THE COLORADO SURVEYING ACT. ANY SUCH VIOLATION IS A CRIME UNDER COLORADO LAW. ANY SUCH VIOLATION MAY BE PROSECUTED IN ANY COURT OF COMPETENT JURISDICTION. ANY SUCH VIOLATION MAY BE PROSECUTED IN ANY COURT OF COMPETENT JURISDICTION. ANY SUCH VIOLATION MAY BE PROSECUTED IN ANY COURT OF COMPETENT JURISDICTION.

I, R.C. MOON, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND FURTHER STATE SAME TO BE ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MAY 31ST, 2012

R.C. Moon
R.C. MOON, LS NO. 13221

BEARINGS ARE BASED UPON THE MONUMENTED EAST LINE OF LOT 1, SECTION 1 BEING N 01°07'52" E

C:\DWG12\B0APORT 05/31/12 15:55

AGENDA ITEM # 9

CITY COUNCIL COMMUNICATION FORM

FROM: Jason K. Peasley, AICP, City Planner (Ext. 229)
Tyler Gibbs, AIA, Director of Planning & Community Development
(Ext. 244)

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

DATE: July 3, 2012

ITEM: An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code by amending Section 26-140, Sidewalks, Trails and Walkways, Section 26-144, Snow Storage and Section 26-132, Dimensional Standards to establish administrative criteria for providing sidewalk cash-in-lieu, establish administrative criteria for alternative compliance for required sidewalks, establish new snow storage location criteria and correct an error in the Residential Old Town dimensional standards to reestablish the maximum lot size; providing for severability; providing an effective date; repealing all conflicting ordinances; and setting a hearing date.

NEXT STEP: If approved on Second Reading, the amendments will be codified in the CDC.

| | |
|-------------------------------------|--------------------|
| <input checked="" type="checkbox"/> | ORDINANCE |
| <input type="checkbox"/> | RESOLUTION |
| <input checked="" type="checkbox"/> | MOTION |
| <input type="checkbox"/> | DIRECTION |
| <input type="checkbox"/> | INFORMATION |

PROJECT NAME: Sidewalk Cash-in-lieu, sidewalk alternative compliance and snow storage location criteria - #TXT-12-02.

PETITION: An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code Section 26-140, sidewalks, trails and walkways, Section 26-144, snow storage and Section 26-132, Dimensional standards to establish administrative criteria for providing sidewalk cash-in-lieu, establish administrative criteria for

CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-12-02

July 3, 2012

alternative compliance for required sidewalks, establish new snow storage location criteria and correct an error in the Residential Old Town dimensional standards to reestablish the maximum lot size.

APPLICANT: City of Steamboat Springs, Department of Planning and Community Development, c/o Jason K. Peasley, AICP, City Planner, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

PC ACTION: On June 14, 2012 the Planning Commission recommended approval of the Text Amendments to the Community Development Code, #TXT-12-02 by a vote of 5-0.

I. RECOMMENDED MOTION

The Planning Commission recommends approval of the text amendment ordinance to establish administrative criteria for providing sidewalk cash-in-lieu, establish administrative criteria for alternative compliance for required sidewalks, establish new snow storage location criteria and correct an error in the Residential Old Town dimensional standards to reestablish the maximum lot size.

II. PLANNING COMMISSION DISCUSSION

Planning Commission discussed the proposed language amendment to the snow storage requirements and recommended a change that requires the Director of Planning and Community Development to determine if an alternative snow storage plan meets the newly created criteria. The Planning Commission also discussed adding a provision that would require that easements or land be left available for a future sidewalk on properties paying cash-in-lieu or building off-site alternative compliance sidewalks. This provision was not supported by a majority of the Planning Commission and was not recommended in the approval motion.

III. BACKGROUND INFORMATION

Approval of sidewalk cash-in-lieu is currently at the discretion of City Council. Staff is proposing to establish administrative criteria for the acceptance of cash-in-lieu and alternative sidewalk construction. The intent of this change is to eliminate the need for variances in the development process that are consistently approved. The proposed change integrates into the Complete Streets concepts currently implemented by City Engineering and City Planning.

The CDC currently requires that all snow storage be located within 20 feet of the paved surface. In order to utilize snow storage outside of 20 feet a variance is required. With

CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-12-02

July 3, 2012

an increased emphasis on infill, staff suggests the establishment of criteria to allow for unique on-site snow storage solutions that will facilitate greater site utilization of existing infill lots.

Staff discovered recently that the maximum lot size in the RO zone district did not get included in the newly updated dimensional standards. The proposed text amendment will replace the existing RO diagram with one that includes the maximum lot size, leaving all other standards unchanged.

IV. PUBLIC COMMENT

No public comment was received on this application.

V. NEW INFORMATION

No new information at this time

LIST OF ATTACHMENTS

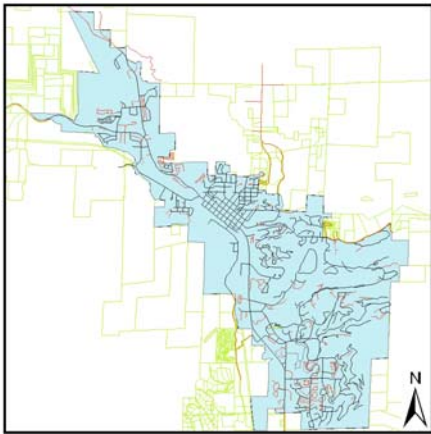
Attachment 1 - Planning Commission Report dated June 14, 2012

Attachment 2 - Planning Commission Minutes from June 14, 2012

Attachment 1



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

| PLANNING COMMISSION AGENDA ITEM # 4 | | |
|-------------------------------------|---|---|
| Project Name: | Sidewalk Cash-in-lieu, sidewalk alternative compliance and snow storage location criteria - #TXT-12-02 | |
| Prepared By: | Jason Peasley, AICP, City Planner (Ext. 229) |  |
| Through: | Tyler Gibbs, AIA, Director of Planning and Community Development (Ext. 244) | |
| Planning Commission (PC): | June 14, 2012 | |
| City Council (CC): | 1 st Reading: June 19, 2012 2 nd Reading: July 3, 2012 | |
| Location: | All properties in the City of Steamboat Springs required to install sidewalks and provide snow storage. | |
| Request: | Community Development Code Text Amendment to Section 26-140, sidewalks, trails and walkways, Section 26-144, snow storage and Section 26-132, Dimensional standards to establish administrative criteria for providing sidewalk cash-in-lieu, establish administrative criteria for alternative compliance for required sidewalks, establish new snow storage location criteria and correct an error in the Residential Old Town dimensional standards to reestablish the maximum lot size. | |

| Staff Report - Table of Contents | | |
|----------------------------------|-------------------------------|-----|
| Section | | Pg |
| I. | Staff Finding | 4-2 |
| II. | Project Location | 4-2 |
| III | Background Information | 4-2 |
| IV. | Staff/Agency Analysis | 4-5 |
| V. | Staff Findings and Conditions | 4-5 |
| VI. | Attachments | 4-6 |

I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

CDC - SECTION 26-61(D): CRITERIA FOR APPROVAL. APPROVAL OF THE AMENDMENT SHALL BE GRANTED ONLY IF IT APPEARS BY CLEAR AND CONVINCING EVIDENCE PRESENTED DURING THE PBULCI HEARING BEFORE PLANNING COMMISSION OR CITY COUNCIL THAT THE FOLLOWING CONDITIONS ESIST:

| Subsection | Consistent | | | Notes |
|--|-------------------------------------|----|----|-------|
| | Yes | No | NA | |
| 1) Conformity with the community plan. | <input checked="" type="checkbox"/> | | | |
| 2) Error or goal/objective. | <input checked="" type="checkbox"/> | | | |
| 3) Public safety | <input checked="" type="checkbox"/> | | | |

Staff Finding: Staff finds that the proposed Community Development Code Text Amendment, #TXT-12-02, to amend Section 26-140, sidewalks, trails and walkways, Section 26-144, snow storage and Section 26-132, Dimensional standards to establish administrative criteria for providing sidewalk cash-in-lieu, establish administrative criteria for alternative compliance for required sidewalks, establish new snow storage location criteria and correct an error in the Residential Old Town dimensional standards to reestablish the maximum lot size is consistent with the approval criteria in CDC Section 26-61 (d).

(Detailed policy analysis is located in Section IV; Staff Findings and Conditions are in Section V)

II. LOCATION

All properties in the City of Steamboat Springs required to install sidewalks and provide snow storage.

III. BACKGROUND INFORMATION

Approval of sidewalk cash-in-lieu is currently at the discretion of City Council. Staff is proposing to establish administrative criteria for the acceptance of cash-in-lieu and alternative sidewalk construction. The intent of this change is to eliminate the need for variances in the development process that are consistently approved. The proposed change integrates into the Complete Streets concepts currently implemented by City Engineering and City Planning.

The CDC currently requires that all snow storage be located within 20 feet of the paved surface. In order to utilize snow storage outside of 20 feet a variance is required. With an increased emphasis on infill, staff suggests the establishment of criteria to allow for unique on-site snow storage solutions that will facilitate greater site utilization of existing infill lots.

Staff discovered recently that the maximum lot size in the RO zone district did not get included in the newly updated dimensional standards. The proposed text amendment will replace the existing RO diagram with one that includes the maximum lot size, leaving all other standards unchanged.

PROJECT DESCRIPTION

CDC Section 26-140 (e)

(e) *Cash-in-lieu*. An applicant may make a cash payment in lieu of providing sidewalk construction where ~~city council~~ **the Director of Planning and Community Development** determines that application of the sidewalk regulations would be impractical, or inconsistent with the intent of the CDC. The option for cash-in-lieu ~~will~~ **may** be considered **when all of the following conditions are present:**

1. **The required sidewalk would not be part of a connected pedestrian network due to the lack of adjacent sidewalks on developed properties and due to limited demand for pedestrian circulation in the area.**
2. **Greater community benefit will be gained by accepting cash-in-lieu for the required sidewalk and constructing a sidewalk of similar scope in a different area of the community than constructing the sidewalk on site.**

~~a variance to a development standard and must meet subsection 26-65(d)(8) a, b, c and e, excepting d, superior development.~~ The required amount of cash-in-lieu payment will be **based on** the cost to **construct** of the required sidewalk **on-site** with an additional ten (10) percent administrative fee. The cost of the required sidewalk improvements shall be determined by cost estimates provided by the developer in the form of ~~an~~ **the City's Standard Cost Estimate Form** ~~engineer's estimate~~ or construction bids. All cost estimates are subject to review and approval by the director ~~and of~~ public works. Upon rejection of any estimate, the director or public works may obtain an estimate from a licensed engineer in the state, which shall be binding upon the developer for purposes of determining the cost of the required improvements. All monies collected shall be used by the city only for the installation of public sidewalks.

(f) *Alternative Compliance*. An applicant may construct a sidewalk of similar scope than the required sidewalk on a property in the vicinity of the proposed project where the Director of Planning and Community Development determines that the application of the sidewalk regulation on-site would be impractical or inconsistent with the intent of the CDC. The option for alternative compliance may be considered when all of the following conditions are present:

1. **The required sidewalk would not be part of a connected pedestrian network due to the lack of adjacent sidewalks on developed properties and due to limited demand for pedestrian circulation in the area and the proposed sidewalk would be part of a connected pedestrian network.**
2. **Greater community benefit will be gained by accepting the alternative sidewalk location than constructing the sidewalk on site.**

Snow Storage

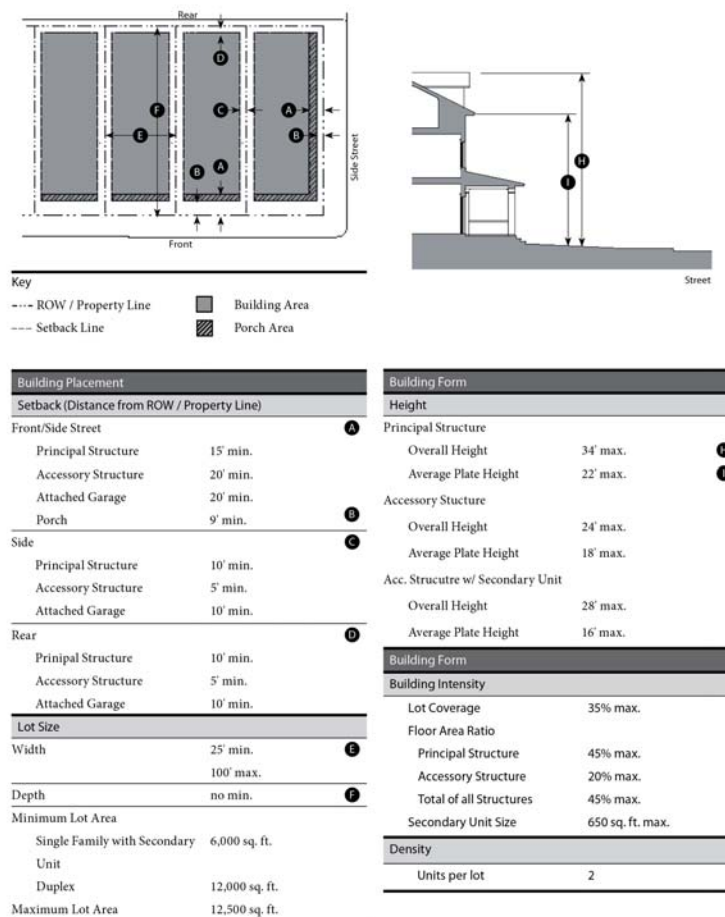
CDC Section 26-144 (c) (2)

All snow storage shall be adjacent to the pavement area to be served. ~~No area located a distance of more than twenty (20) feet from the edge of pavement to be served shall be considered for snow storage.~~ **Snow storage should be located no more than twenty (20) feet from the edge of pavement unless it has been demonstrated that an alternative snow storage location can meet the following criteria:**

- The alternative snow storage area contains enough unencumbered space to accommodate the necessary snow storage;**
- The snow storage area is configured to adequately facilitate the proposed snow storage without damage to landscaping, sidewalks or other site amenities;**
- Snow can be moved to the alternative snow storage area on-site through the use of commonly accessible equipment or machinery.**

CDC Section 26-132

RO: Residential Old Town



IV. STAFF / AGENCY ANALYSIS

Criteria for Review and Approval.

(d) *Criteria for approval.* In considering any application for amendment to the CDC, the following criteria shall govern unless otherwise expressly required by the CDC. Approval of the amendment shall be granted only if it appears by clear and convincing evidence presented during the public hearing before planning commission or city council that the following conditions exist:

- (1) *Conformance with the community plan.* The amendment to the CDC will substantially conform with and further the community plan's preferred direction and policies.

*Staff Analysis: **Consistent:*** The proposed CDC Text Amendments are consistent with the following Steamboat Springs Area Community Plan policy:

- *Policy T-2.1: New development shall include an interconnected pedestrian and bicycle system.*

- (2) *Error or goal/objective.* The amendment to the CDC will correct an error, or will further a public goal or objective.

*Staff Analysis: **Consistent:*** The proposed CDC Text Amendments will further the public goal of creating interconnected pedestrian systems and will correct an error.

- (3) *Public safety.* The amendment to the CDC is necessary to ensure public health, safety and welfare.

*Staff Analysis: **Consistent:*** The proposed CDC Text Amendments is necessary to ensure the public health, safety and welfare by furthering the goals and policies of the Steamboat Springs Area Community Plan.

V. STAFF FINDING & CONDITIONS

Finding

Staff finds that the proposed Community Development Code Text Amendment, #TXT-12-02, to amend Section 26-140, sidewalks, trails and walkways, Section 26-144, snow storage and Section 26-132, Dimensional standards to establish administrative criteria for providing sidewalk cash-in-lieu, establish administrative criteria for alternative compliance for required sidewalks, establish new snow storage location criteria and correct an error in the Residential Old Town dimensional standards to reestablish the maximum lot size is consistent with the approval criteria in CDC Section 26-61 (d).

VI. LIST OF ATTACHMENTS

Attachment 1: Ordinance

CITY OF STEAMBOAT SPRINGS

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE BY AMENDING SECTION 26-140, SIDEWALKS, TRAILS AND WALKWAYS, SECTION 26-144, SNOW STORAGE AND SECTION 26-132, DIMENSIONAL STANDARDS TO ESTABLISH ADMINISTRATIVE CRITERIA FOR PROVIDING SIDEWALK CASH-IN-LIEU, ESTABLISH ADMINISTRATIVE CRITERIA FOR ALTERNATIVE COMPLIANCE FOR REQUIRED SIDEWALKS, ESTABLISH NEW SNOW STORAGE LOCATION CRITERIA AND CORRECT AN ERROR IN THE RESIDENTIAL OLD TOWN DIMENSIONAL STANDARDS TO REESTABLISH THE MAXIMUM LOT SIZE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING A HEARING DATE.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City of Steamboat Springs committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

WHEREAS, the City Council has recognized the importance of a streamlined and efficient development review process; and

WHEREAS, the Steamboat Springs Area Community Plan Policy T-2.1 supports the development of sidewalks adjacent to new development; and

WHEREAS, the City Council finds it appropriate to allow for the administration of cash-in-lieu and alternative compliance for required sidewalks that will result in a more connected pedestrian network; and

WHEREAS, the Steamboat Springs Area Community Plan Policy LU-1.2 supports compact mixed-use neighborhoods; and

WHEREAS, the City Council finds it appropriate to allow greater flexibility in the storage of snow to facilitate the development of compact mixed-use neighborhoods; and

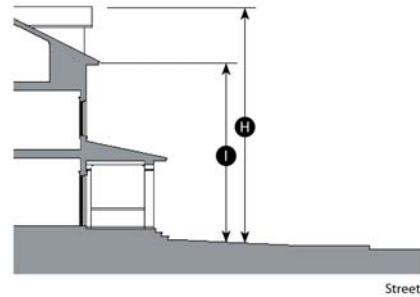
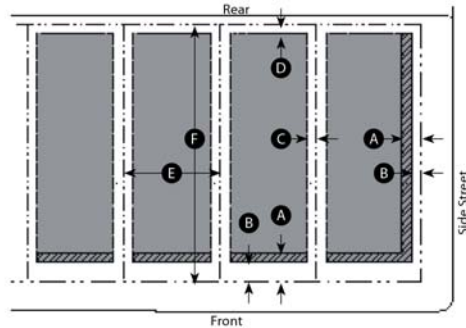
WHEREAS, the City Council finds it appropriate to correct errors in the Community Development Code.

NOW, THEREFORE, the City Council of the City of Steamboat Springs ordains as follows:

SECTION 1

Section 26-132: Dimensional Standards. The Residential Old Town page shall be replaced with:

RO: Residential Old Town



Key

| | |
|-------------------------|-----------------|
| --- ROW / Property Line | ■ Building Area |
| --- Setback Line | ▨ Porch Area |

| Building Placement | | |
|--|----------------|---|
| Setback (Distance from ROW / Property Line) | | |
| Front/Side Street A | | |
| Principal Structure | 15' min. | |
| Accessory Structure | 20' min. | |
| Attached Garage | 20' min. | |
| Porch | 9' min. | B |
| Side C | | |
| Principal Structure | 10' min. | |
| Accessory Structure | 5' min. | |
| Attached Garage | 10' min. | |
| Rear D | | |
| Principal Structure | 10' min. | |
| Accessory Structure | 5' min. | |
| Attached Garage | 10' min. | |
| Lot Size | | |
| Width E | | |
| | 25' min. | |
| | 100' max. | |
| Depth F | | |
| | no min. | |
| Minimum Lot Area | | |
| Single Family with Secondary Unit | 6,000 sq. ft. | |
| Duplex | 12,000 sq. ft. | |
| Maximum Lot Area | 12,500 sq. ft. | |

| Building Form | | |
|----------------------------------|------------------|---|
| Height | | |
| Principal Structure | | |
| Overall Height | 34' max. | H |
| Average Plate Height | 22' max. | I |
| Accessory Structure | | |
| Overall Height | 24' max. | |
| Average Plate Height | 18' max. | |
| Acc. Structure w/ Secondary Unit | | |
| Overall Height | 28' max. | |
| Average Plate Height | 16' max. | |
| Building Form | | |
| Building Intensity | | |
| Lot Coverage | 35% max. | |
| Floor Area Ratio | | |
| Principal Structure | 45% max. | |
| Accessory Structure | 20% max. | |
| Total of all Structures | 45% max. | |
| Secondary Unit Size | 650 sq. ft. max. | |
| Density | | |
| Units per lot | 2 | |

NOTE: Remainder of Dimensional Standards unchanged.

SECTION 2

Sec.26-140: Sidewalks, Trails and Walkways shall be amended as follows:

(e) *Cash-in-lieu.* An applicant may make a cash payment in lieu of providing sidewalk construction where ~~city council~~ **the Director of Planning and Community Development** determines that application of the sidewalk regulations would be impractical, or inconsistent with the intent of the CDC. The option for cash-in-lieu ~~will~~ **may** be considered **when all of the following conditions are present:**

- 1. The required sidewalk would not be part of a connected pedestrian network due to the lack of adjacent sidewalks on developed properties and due to limited demand for pedestrian circulation in the area.**
- 2. Greater community benefit will be gained by accepting cash-in-lieu for the required sidewalk and constructing a sidewalk of similar scope in a different area of the community than constructing the sidewalk on site.**

~~a variance to a development standard and must meet subsection 26-65(d)(8) a, b, c and e, excepting d, superior development.~~ The required amount of cash-in-lieu payment will be **based on the cost to construct** ~~of the required sidewalk on-site~~ with an additional ten (10) percent administrative fee. The cost of the required sidewalk improvements shall be determined by cost estimates provided by the developer in the form of ~~an~~ **the City's Standard Cost Estimate Form** ~~engineer's estimate~~ or construction bids. All cost estimates are subject to review and approval by the director ~~and of~~ public works. Upon rejection of any estimate, the director or public works may obtain an estimate from a licensed engineer in the state, which shall be binding upon the developer for purposes of determining the cost of the required improvements. All monies collected shall be used by the city only for the installation of public sidewalks.

(f) *Alternative Compliance.* **An applicant may construct a sidewalk of similar scope than the required sidewalk on a property in the vicinity of the proposed project where the Director of Planning and Community Development determines that the application of the sidewalk regulation on-site would be impractical or inconsistent with the intent of the CDC. The option for alternative compliance may be considered when all of the following conditions are present:**

- 1. The required sidewalk would not be part of a connected pedestrian network due to the lack of adjacent sidewalks on developed properties and due to limited demand for pedestrian circulation in the area and the proposed sidewalk would be part of a connected pedestrian network.**
- 2. Greater community benefit will be gained by accepting the alternative sidewalk location than constructing the sidewalk on site.**

NOTE: Remainder of section unchanged.

SECTION 3

Sec. 26-144: Snow Storage shall be amended as follows:

CDC Section 26-144 (c) (2)

All snow storage shall be adjacent to the pavement area to be served. ~~No area located a distance of more than twenty (20) feet from the edge of pavement to be served shall be considered for snow storage.~~ **Snow storage should be located no more than twenty (20) feet from the edge of pavement unless it has been demonstrated that an alternative snow storage location can meet the following criteria:**

- a. **The alternative snow storage area contains enough unencumbered space to accommodate the necessary snow storage;**
- b. **The snow storage area is configured to adequately facilitate the proposed snow storage without damage to landscaping, sidewalks or other site amenities;**
- c. **Snow can be moved to the alternative snow storage area on-site through the use of commonly accessible equipment or machinery.**

NOTE: Remainder of section unchanged.

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.

SECTION 8

A public hearing on this ordinance shall be held on June 19, 2012, at 5:00 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2012.

Bart Kounovsky, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, City Clerk

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2012.

Bart Kounovsky, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, City Clerk

06/14/12

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Attachment 2

Snow Storage, Sidewalk Fee in Lieu #TXT-12-02

Peasley- Thank you, Jason Peasley, City Planner. The Text Amendment that you have in front of you is essentially four parts. The first is sidewalk cash-in-lieu, for allowing applicants to provide cash-in-lieu instead of establishing a sidewalk on site where certain circumstances exist and that is essentially the two criteria that we've established. We also through that process of establishing cash-in-lieu identified that there would be value in an alternative compliance for sidewalks. you don't necessarily need to build it on your site but if you built it on the other side of the street where a connection is necessary, we felt tat meeting some of those valuable criteria would be something else to add to the code. The third part is adding some flexibility into the snow storage location. Allowing for a little bit of flexibility in the 20 ft. away from the paved area where snow storage could be accommodated, hoping that will allow some flexibility on some unique sites and allow for greater utilization of the land. And the last is to fix a mistake that we made a while back in omitting the maximum lot size in the RF zone district which we want to reinstitute that in our codes. Ultimately the purpose of these is along the lines of trying to create more administrative processes. Trying to take things that work from a logical standpoint, that are fair and that meet the standards and help better the community - try to get those into an administrative process, provide for more flexibility in that development review process. We worked with Public Works extensively on these, specifically the sidewalk and snow storage. We really wanted to make sure that they were on board with this and partners in this complete streets concept. Our hope that this dovetails in with this requirement that we recently adopted. I have a whole lot more of what I could talk about but I wanted to open it up to you guys to have a discussion of the proposed changes and what you guys think of those.

Chairman Lacy- Thank you. Questions?

Commissioner Robbins- I think you did a great job.

Commissioner Meyer- I would just like to add that I like the way we are going on these. Looking back on some specific projects, had they been in place, it would have eliminated a public hearing that didn't really serve any purpose but to just go through an additional layer. And because there is still public notice in our administrative processes, I think that if there is any issues, the neighbors or an aggrieved party could come forward and address consideration or a hearing. I'm fine with this; I like it.

Chairman Lacy- Yes. Any concerns with the language? I just had a comment on 4-3, on the alternative compliance language, subpart F, you say that the applicant may construct a sidewalk of similar scope. Would it be more appropriate to say equal or greater scope.

06/14/12

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Peasley- Yes, we had a lot of conversations about that and we had originally started with equal or greater scope, but we got off of that. Because one of the circumstances we were thinking about was when maybe on one side of the road you've got a lot of logistical challenges to put in a sidewalk. Yet on the other side, it is pretty easy and it is needed. So the scopes would be dramatically different. you you required an equal scope you might be building a length of sidewalk that is six times longer. If that is the way we want to go, but we thought it would be fine to build a like sidewalk as far distance is concerned.

We didn't want to get into this equal or greater than because, if it is a necessary connection and it is really important and it happens to be 20 ft. shorter, we don't want it to be caught on technicality. We don't want it to be abused, so I understand the trade-off there. But that is kind of the conversation we had at a TAC level about that particular section.

Chairman Lacy- That makes sense. And then on 4.4 on the top, in the bold language. It says, snow storage should be located no more that 20 ft. from the edge of pavement unless it has been demonstrated that alternative snow storage...should we change that to say, unless the Director of Planning determines?

Peasley- Yes. O.K. It would read, unless the Director of Planning, Community Development...

Chairman Lacy- ...determines that an alternative snow storage location can meet the following criteria...

Peasley- O.K.

Commissioner Brookshire- Why is pavement the operative word?

Chairman Lacy- It is because the storage has to be off of the pavement area. They measure it from the edge.

Keenan- Yes.

Commissioner Meyer- And they are not talking street pavement, they are talking hard surface pavement.

Keenan- Yes.

Commissioner Brookshire- There is no maximum then. If you start storing snow 20 ft. from the pavement, you can still store it 200 ft. from the edge of the pavement?

Peasley- Yes. And that is part of our intent. Say for example that you have a hill that is south-facing that you cannot build on but you could blow snow all over that hillside for your snow storage. That in our opinion, is a great utilization of that

06/14/12

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particular lot. The Aviator Project up by the airport that hasn't been built, had a similar circumstance, where they had a south-facing slope that was on the downward side of the flat area. That was where the majority of their snow storage was going to be located.

Commissioner Brookshire- Right on to the neighbor?

Keenan- They own it to the bottom of the hill.

Commissioner Brookshire- But when that melts, it is going to drain downhill.

Commissioner Robbins- It would drain, no matter where the snow storage is.

Commissioner Brookshire- But with no plain for drainage, you would flood your neighbor.

Peasley- And that is part of our drainage criteria that is reviewed at the time of development permits. If from a drainage standpoint, there is going to be a need for improvement because of snow storage, then you do that so you are not flooding your downstream neighbor.

Chairman Lacy- Other questions or comments?

Commissioner Turek- On the sidewalk-in-lieu, has there been any thought to still requiring an applicant to reserve an area for a potential sidewalk. There could be a situation where a sidewalk right now is impractical but at a future date it could make sense. Is there a way to require an applicant to plan for a sidewalk easement or acknowledge that a sidewalk might be needed in the future?

Peasley- We also did discuss that in some pretty good detail. We struggled with that because if we are determining that it is not appropriate, it is typically because of both need and some physical constraints that make it quite difficult. And so, if we require them to design in a sidewalk, they are probably just going to build it. Because there is really no reason or cost benefit for them not to build it.

Commissioner Turek- If in the future they are not building it because they have already funded it, but for whatever reason we have a new trail system. Putting in the language in here, you can always waive it. If you don't put the language in here, you can't ask for it later. I mean you can, but you are asking for something that is not in your statute.

Peasley- Do you have some proposed language that you think that would be helpful and would get to the intent of what you are talking about?

Commissioner Turek- Not right now.

Commissioner Robbins- I think that it would end up being problematic because you are the developer and you have to pay a sidewalk fee-in-lieu and you also

06/14/12

DRAFT

have to make a reservation for a sidewalk, you are not going to want to do both. There is not advantage for you so you aren't going to do the fee-in-lieu, you are just going to put in a useless sidewalk.

Commissioner Turek- I don't agree. I think that there are times when the developer is happy to write a check and even though there is a hill right here, in a future date when you want to put a sidewalk in, and you figure out how to do it...trail connectivity should now be zoned out. And if at some point, maybe it is not a sidewalk but a trail, I think that leaving out that potential for linear trail connectivity is a mistake.

Commissioner Robbins- Won't that change all of the setbacks and the lot area that you would be using?

Chairman Lacy- And it really creates an unclear approval for obligations that the developer would be really locked into. I don't think that I would feel comfortable with that.

Commissioner Meyer- This is just for sidewalks, it doesn't apply to trails.

Commissioner Turek- I'm saying that a sidewalk that would be on private property...these would be on private property, correct?

Peasley- Not necessarily, sometimes you are required to provide a sidewalk because it is actually built in the right-of-way.

Commissioner Turek- Well then certainly then you wouldn't need a sidewalk easement. But in cases where it is on someone's private property, and it isn't possible today or may not ever be constructed as a paved way, it could potentially be a trail in the future. You can always waive it. If a potential developer or applicant comes in, and says I want to pay the fee-in-lieu, it is not a constructible sidewalk, and I don't think it would really make sense for us to put a reservation in for a public access, but you will never get it later. This is the time to say we would like to have it as a condition of your approval or we are willing to waive it. I don't see why building a sidewalk and having a pedestrian right away reserved are mutually exclusive.

Chairman Lacy- To vote on this tonight, we would need you to have some language to consider.

Peasley- There are two options, if there is the general consensus from you guys that you want that in here, we can table this and I can integrate this, go through the TAC process, and come back to you with some suggested language. Or, you can go on the fly with suggesting some language.

Chairman Lacy- Does anybody else feel strongly about Norbert's suggestion?

Commissioner Robbins- I don't actually agree with Norbert's suggestion.

06/14/12

DRAFT

Commissioner Brookshire- I'm not either. It's either you pay or you build.

Commissioner Robbins- It is not up to the applicant, it is up to the Director of Planning. The Director of Planning is dictating whether you put a sidewalk in or pay a fee-in-lieu.

Chairman Lacy- Right. And it is not related to trails, that is not really even a factor here.

Commissioner Turek- I understand that there is a fee-in-lieu. But I also think that if you waive a sidewalk where there could potentially be one in the future, you are giving up something that you will never get again.

Chairman Lacy- Unless the property re-develops in the future and it possible then to require a sidewalk at that time.

Commissioner Robbins- Or the city could do a taking.

Commissioner Turek- It's not a taking, it is something else. I think that requiring it as a condition for approval would make sense. It seems like the Director of Planning could do on the fly, but it would be best to have this integrated.

Chairman Lacy- I don't think we have any consensus on that. Unless there are any other points that anyone had on that, I think we have to leave it as is. Any other questions, comments, changes to Peasley's language? No comments from staff. No public comment.

Peasley- That is it. I will include what Norbert is suggesting in the City Council packets, just so they are aware that it was the dominant topic of our conversation.

Chairman Lacy- O.K. And you are looking for us to approve.

MOTION

Motion by Commissioner Robbins to approve #TXT-12-02 with the recommended changes from Jason Lacy and a second by Commissioner Meyer.

Chairman Lacy- Further discussion on the motion? I will call to question.

VOTE

Vote: 5; 0

Voting for approval of motion: Lacy, Brookshire, Meyer, Turek and Robbins.

Absent: Levy and Hanlen

One alternate position is vacant.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE BY AMENDING SECTION 26-140, SIDEWALKS, TRAILS AND WALKWAYS, SECTION 26-144, SNOW STORAGE AND SECTION 26-132, DIMENSIONAL STANDARDS TO ESTABLISH ADMINISTRATIVE CRITERIA FOR PROVIDING SIDEWALK CASH-IN-LIEU, ESTABLISH ADMINISTRATIVE CRITERIA FOR ALTERNATIVE COMPLIANCE FOR REQUIRED SIDEWALKS, ESTABLISH NEW SNOW STORAGE LOCATION CRITERIA AND CORRECT AN ERROR IN THE RESIDENTIAL OLD TOWN DIMENSIONAL STANDARDS TO REESTABLISH THE MAXIMUM LOT SIZE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING A HEARING DATE.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City of Steamboat Springs committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

WHEREAS, the City Council has recognized the importance of a streamlined and efficient development review process; and

WHEREAS, the Steamboat Springs Area Community Plan Policy T-2.1 supports the development of sidewalks adjacent to new development; and

WHEREAS, the City Council finds it appropriate to allow for the administration of cash-in-lieu and alternative compliance for required sidewalks that will result in a more connected pedestrian network; and

WHEREAS, the Steamboat Springs Area Community Plan Policy LU-1.2 supports compact mixed-use neighborhoods; and

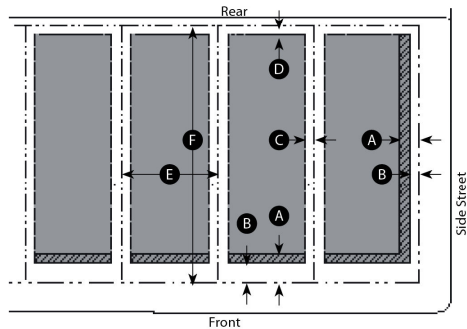
WHEREAS, the City Council finds it appropriate to allow greater flexibility in the storage of snow to facilitate the development of compact mixed-use neighborhoods; and

WHEREAS, the City Council finds it appropriate to correct errors in the Community Development Code.

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

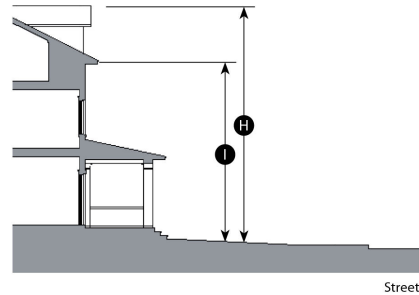
Section 1. Section 26-132: Dimensional Standards. The Residential Old Town page shall be replaced with:

RO: Residential Old Town



Key

| | |
|-------------------------|-----------------|
| --- ROW / Property Line | ■ Building Area |
| --- Setback Line | ▨ Porch Area |



| Building Placement | | |
|---|----------------|----------|
| Setback (Distance from ROW / Property Line) | | |
| Front/Side Street A | | |
| Principal Structure | 15' min. | |
| Accessory Structure | 20' min. | |
| Attached Garage | 20' min. | |
| Porch | 9' min. | B |
| Side C | | |
| Principal Structure | 10' min. | |
| Accessory Structure | 5' min. | |
| Attached Garage | 10' min. | |
| Rear D | | |
| Principal Structure | 10' min. | |
| Accessory Structure | 5' min. | |
| Attached Garage | 10' min. | |
| Lot Size | | |
| Width | 25' min. | E |
| | 100' max. | |
| Depth | no min. | F |
| Minimum Lot Area | | |
| Single Family with Secondary Unit | 6,000 sq. ft. | |
| Duplex | 12,000 sq. ft. | |
| Maximum Lot Area | 12,500 sq. ft. | |

| Building Form | | |
|----------------------------------|------------------|----------|
| Height | | |
| Principal Structure | | |
| Overall Height | 34' max. | H |
| Average Plate Height | 22' max. | I |
| Accessory Structure | | |
| Overall Height | 24' max. | |
| Average Plate Height | 18' max. | |
| Acc. Structure w/ Secondary Unit | | |
| Overall Height | 28' max. | |
| Average Plate Height | 16' max. | |
| Building Form | | |
| Building Intensity | | |
| Lot Coverage | 35% max. | |
| Floor Area Ratio | | |
| Principal Structure | 45% max. | |
| Accessory Structure | 20% max. | |
| Total of all Structures | 45% max. | |
| Secondary Unit Size | 650 sq. ft. max. | |
| Density | | |
| Units per lot | 2 | |

NOTE: Remainder of Dimensional Standards unchanged.

Section 2. Sec.26-140: Sidewalks, Trails and Walkways shall be amended as follows:

(e) *Cash-in-lieu.* An applicant may make a cash payment in lieu of providing sidewalk construction where ~~city council~~ **the Director of Planning and Community Development** determines that application of the sidewalk regulations would be impractical, or inconsistent with the intent of the CDC. The option for cash-in-lieu ~~will~~ **may** be considered **when all of the following conditions are present:**

1. **The required sidewalk would not be part of a connected pedestrian network due to the lack of adjacent sidewalks on developed properties and due to limited demand for pedestrian circulation in the area.**
2. **Greater community benefit will be gained by accepting cash-in-lieu for the required sidewalk and constructing a sidewalk of similar scope in a different area of the community than constructing the sidewalk on site.**

~~a variance to a development standard and must meet subsection 26-65(d)(8) a, b, c and e, excepting d, superior development.~~ The required amount of cash-in-lieu payment will be **based on** the cost **to construct** ~~of~~ the required sidewalk **on-site** with an additional ten (10) percent administrative fee. The cost of the required sidewalk improvements shall be determined by cost estimates provided by the developer in the form of ~~an~~ **the City's Standard Cost Estimate Form** ~~engineer's estimate or construction bids.~~ All cost estimates are subject to review and approval by the director ~~and~~ **of** public works. Upon rejection of any estimate, the director or public works may obtain an estimate from a licensed engineer in the state, which shall be binding upon the developer for purposes of determining the cost of the required improvements. All monies collected shall be used by the city only for the installation of public sidewalks.

(f) *Alternative Compliance.* **An applicant may construct a sidewalk of similar scope than the required sidewalk on a property in the vicinity of the proposed project where the Director of Planning and Community Development determines that the application of the sidewalk regulation on-site would be impractical or inconsistent with the intent of the CDC. The option for alternative compliance may be considered when all of the following conditions are present:**

1. **The required sidewalk would not be part of a connected pedestrian network due to the lack of adjacent sidewalks on developed properties and due to limited demand for pedestrian circulation in the area and the proposed sidewalk would be part of a connected pedestrian network.**
2. **Greater community benefit will be gained by accepting the**

alternative sidewalk location than constructing the sidewalk on site.

NOTE: Remainder of section unchanged.

Section 3. Sec. 26-144: Snow Storage shall be amended as follows:

CDC Section 26-144 (c) (2)

All snow storage shall be adjacent to the pavement area to be served. ~~No area located a distance of more than twenty (20) feet from the edge of pavement to be served shall be considered for snow storage.~~ **Snow storage should be located no more than twenty (20) feet from the edge of pavement unless the Director of Planning and Community Development has determined that an alternative snow storage location can meet the following criteria:**

- a. **The alternative snow storage area contains enough unencumbered space to accommodate the necessary snow storage;**
- b. **The snow storage area is configured to adequately facilitate the proposed snow storage without damage to landscaping, sidewalks or other site amenities;**
- c. **Snow can be moved to the alternative snow storage area on-site through the use of commonly accessible equipment or machinery.**

NOTE: Remainder of section unchanged.

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.

Section 8. A public hearing on this ordinance shall be held on June 19, 2012, at 5:00 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2012.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2012.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 10

CITY COUNCIL UPDATES

This is a discussion item only

*****TENTATIVE AGENDA FOR TUESDAY, JULY 17, 2012*****

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

AGENDA ITEM # 11

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2012-13

TUESDAY, JULY 17, 2012

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, or on our website at http://steamboatsprings.net/city_council/council_meetings. The e-packet is typically available by 1pm on the Friday before the meeting.

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

*******TENTATIVE AGENDA FOR TUESDAY, JULY 17, 2012*******

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

B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. Presentation from the Location Neutral Workforce. (Scott Bideau)
(15 minutes)
 2. Community Support Policies. (Hinsvark)
-

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

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

3. **FIRST READING OF ORDINANCE:** Lease with the Depot.
(Small)
-

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.

4. **SECOND READING OF ORDINANCE:** Supplemental. (Weber)
 5. **SECOND READING OF ORDINANCE:** An ordinance approving an amendment to the lease between the City of Steamboat Springs and Smartwool LLC and authorizing the execution of the amendment to the lease; repealing all conflicting ordinances; providing for severability; and providing an effective date.
(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. PLANNING COMMISSION REPORT

G. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE OR NO COUNCIL

*******TENTATIVE AGENDA FOR TUESDAY, JULY 17, 2012*******

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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. PROJECT: Original Addition Steamboat Springs, Block 24, Lots 4-6

PETITION: Development plan/conditional use application to allow for a variety of outdoor sales including garden retailers, holiday retailers, and fruit and vegetable retailers to take place at 235 Lincoln Avenue.

LOCATION: 235 Lincoln Avenue (3rd and Lincoln).

APPLICANT: Mark Scully, P.O. Box 774137, Steamboat Springs, CO. (312) 446-5533.

PLANNING COMMISSION VOTE: To be heard June 28, 2012.

H. PUBLIC HEARING – PLANNING COMMISSION REFERRALS

PUBLIC HEARING FORMAT:

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

7. SECOND READING OF ORDINANCE: Aviator North zoning map amendment. (Keenan)

I. REPORTS

8. City Council

9. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for August 7, 2012.
 - 2.) City Council agenda for September 4, 2012.

10. Staff Reports

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

*******TENTATIVE AGENDA FOR TUESDAY, JULY 17, 2012*******

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

J. ADJOURNMENT

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

*******TENTATIVE AGENDA FOR TUESDAY, AUGUST 7, 2012*******

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

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2012-14 TUESDAY, AUGUST 7, 2012

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

A. ROLL CALL

B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

*******TENTATIVE AGENDA FOR TUESDAY, AUGUST 7, 2012*******

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

- 1. Audit Presentation by David DeZutter with EideBailly (City's Audit firm) (Weber)(20 minutes)**
-

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

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

- 2. RESOLUTION:**

- 3. FIRST READING OF ORDINANCE:**
-

D. PUBLIC HEARING: ORDINANCE SECOND READINGS

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

- 4. 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.**
-

F. PLANNING COMMISSION REPORT

G. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

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

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

*******TENTATIVE AGENDA FOR TUESDAY, AUGUST 7, 2012*******

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

H. PUBLIC HEARING – PLANNING COMMISSION REFERRALS

PUBLIC HEARING FORMAT:

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

6. SECOND READING OF ORDINANCE:

I. REPORTS

7. City Council

8. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for September 4, 2012.
 - 2.) City Council agenda for September 18, 2012.

9. Staff Reports

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

J. OLD BUSINESS

10. Minutes (Franklin)

- a. Regular Meeting 2011-13, July 3, 2012.
 - b. Regular Meeting 2012-14, July 17, 2012.
-

K. ADJOURNMENT

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

AGENDA ITEM # 12

STAFF REPORTS:

- 12a.) City Attorney's Update/Report
- 12b.) Manager's Report: Ongoing Projects
 - 1.) Director's response.
 - 2.) Core Trail Update.
 - 3.) River Closures.

The above are discussion items

- 12c.) Update on Boards and Commissions.

Material following this page

- 12d.) Sunray Meadows Deed Restriction Request.

This is a discussion item

AGENDA ITEM # 12c

CITY COUNCIL COMMUNICATION FORM

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

THROUGH: Jon Roberts, City Manager (Ext. 218)

DATE: July 3, 2012

ITEM: Information on the boards and commissions that have openings to be filled.

NEXT STEP: Review applicants and appoint positions.

☐ DIRECTION
☒ INFORMATION
☐ ORDINANCE
☐ MOTION
☐ RESOLUTION

I. REQUEST OR ISSUE:

Information and applications to be provided regarding the positions available for the following boards and commissions:

*Urban Redevelopment Authority Advisory Committee
Parks and Recreation Commission
Ice Rink Advisory Committee
Board of Adjustment*

II. RECOMMENDED ACTION:

Review applications and appoint positions.

III. FISCAL IMPACTS:

None

IV. BACKGROUND INFORMATION:

Urban Redevelopment Authority Advisory Committee

- Three 3 year term regular positions available
- Three 2 year term regular positions available
- Two 3 year term alternate positions available

The city received 8 applications for 8 vacancies on the URAAC board. 6 of those are incumbents willing to serve another term, 2 are seats where incumbents are not returning; those seats and the proposed applicants are:

Starwood Business seat: previously held by the General Manager who relocated, the new General Manager Dan Pirrallo has applied.

Base Area Business – Alternate seat: Ellie McAtee of One Steamboat Place and board member of the Mountain Village Partnership has applied. There is currently no one from OSP or an MVP board member on the Board.

The URAAC recommends reappointing incumbents and filling the seats with the submitted applicants.

David Baldinger, Jr., Chris Diamond and Brent Pearson have reapplied for 3 year term regular positions.

Peter Patten and Jon Wade have reapplied for 2 year term regular positions.

Jim Schneider has reapplied for a 3 year term alternate position.

New applicants include:

Daniel Pirrallo (General Manager of Starwood Resorts) has applied for a 2 year term regular position.

Ellie McAtee has applied to serve on this committee.

See attachment 1 for URAAC applications.

Parks and Recreation Commission

- Four 2 year term regular positions available

Four positions open, 4 applications received (Alan Koermer being one of the

applicants who already holds a position as an alternate on the Commission).

Kara Givnish and *JoEllen Heydon* have reapplied for these positions.

Alan Koermer has reapplied for a regular position. Alan currently holds an alternate position on this commission.

Frank Dolman has applied to serve on this commission.

See attachment 2 for Parks and Recreation Commission applications.

Ice Rink Advisory Committee

- Four 2 year term regular positions available

Four positions open, 3 applications received.

Tripp Hartigan and *Sarah Katherman* have reapplied for these positions.

Rachelle Summers has applied to serve on this committee.

See attachment 3 for IRAC applications.

Board of Adjustment

- One 3 year term regular position available
- One 3 year term alternate position available

There have been no applicants for these positions.

V. LEGAL ISSUES:

None

LIST OF ATTACHMENTS

Attachment 1 - Applications for the Urban Redevelopment Authority Advisory Committee: David Baldinger, Jr., Chris Diamond, Brent Pearson, Peter Patten, Jon Wade, Jim Schneider, Daniel Pirrallo, and Ellie McAtee.

Attachment 2 - Applications for the Parks and Recreation Commission: Kara Givnish, JoEllen Heydon, Alan Koermer, and Frank Dolman.

Attachment 3 - Applications for the Ice Rink Advisory Committee: Tripp Hartigan, Sarah Katherman, and Rachelle Summers.

Attachment 1

City of Steamboat Springs

RECEIVED

JUL 15 2009

APPLICATION FOR THE Urban Redevelopment Authority Advisory Committee

DEADLINE TO SUBMIT APPLICATION TO CITY CLERK:

Please type or print with black ink. If you have questions or need more information, contact Julie Jordan, City Clerk at 871-8231. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

NAME: David Baldinger, Jr.

RESIDENCE ADDRESS: 815 Conifer Circle, Steamboat Springs

MAILING ADDRESS: P.O. Box 775364, Steamboat Springs 80477

HOME PHONE: 879-4010

WORK PHONE: 879-7800 ext. 103

FAX: 879-8750

E-MAIL ADDRESS: dbaldinger@steamboatvillage
brokers.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS? 39 Years

**WHAT AREA OF REPRESENTATION DO YOU HAVE IN THE URAAC
BOUNDARY?**

BARC Member, Business Owner, Base Area property owner, at large, or
development community

CURRENT OCCUPATION/EMPLOYER:

Owner, Steamboat Village Brokers, Ltd. - Real Estate

PREVIOUS WORK EXPERIENCE:

WHAT SPECIAL QUALIFICATIONS DO YOU HAVE APPLICABLE TO URAAC:

- Currently serving as a URAAC appointee
- Founder of Base Area Reinvestment Coalition (BARC)
- Served 8 years on Steamboat Springs City Planning Commission (1997-2005)
- Former President and Current Board Member-Steamboat Chamber Resort Assn. (2000-present)
- Current board member, Yampa Valley Construction Trades Association (2000-present)
- 2007 Navigator Award Recipient - Business Leader of the Year

WHY DO YOU WANT TO SERVE ON THE URAAC?

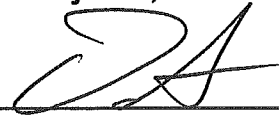
To help make Steamboat's base area the best that it can be.

OTHER COMMENTS:

Happy to serve another term!

Please attach any documentation that would enhance your application.

All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office

 07-09-08

Signature
DAVID S. BALDINGER JR

RECEIVED

City of Steamboat Springs

APR 15 2009

APPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

BOARD/COMMISSION APPLYING FOR: VRAC

NAME: Chew Diamond

RESIDENCE ADDRESS: 37245 William William, Steamboat Springs, CO

MAILING ADDRESS: P.O. Box 774763, Steamboat Springs, CO 80477

HOME PHONE: 871-0007 WORK PHONE: 871-5400

FAX: _____ E-MAIL ADDRESS: cdiamond@steamboat.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS? 10⁺ years

CURRENT OCCUPATION/EMPLOYER:

President, Steamboat Ski & Resort Corp.

PREVIOUS WORK EXPERIENCE:

President, Killington Ski Resort
" , Mount Snow Resort

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

Yampa Valley Airport Commission

Yampa Valley Community Foundation

President, Steamboat Springs Chamber Resort Assn.

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

Board level development experience

WHY DO YOU WANT TO SERVE ON THE URAC?
(Board or commission applying for)

Ensure base area project proceed as quickly as possible and that projects are well coordinated with private initiatives.

WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES
FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE
BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

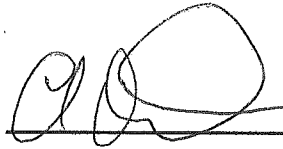
- (1) Finding the money
- (2) Prioritizing projects
- (3) Delivering projects on time and on budget

OTHER COMMENTS:

Please attach any documentation that would enhance your application.

All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office

Signature



Date

7/31/09

City of Steamboat Springs

**APPLICATION FOR THE URBAN REDEVELOPMENT AUTHORITY
ADVISORY COMMITTEE (URAAC)**

DEADLINE TO SUBMIT APPLICATION TO CITY CLERK:

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

NAME: H Brent Pearson

RESIDENCE ADDRESS: 805 Conifer Circle, 80487

MAILING ADDRESS: PO 771759, Steamboat Springs, 80477

HOME PHONE: 970 879 6613 WORK PHONE: 970 819 0275

E-MAIL ADDRESS: bpearson@resortventureswest.com FAX: 970 8792775

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS? 4yr.

WHAT AREA OF REPRESENTATION DO YOU HAVE IN THE URAAC BOUNDARY? (Please check all applicable options.)

- ☒ Base Area Reinvestment Coalition (BARC)
- ☒ Base Area Business Person
- ☒ Base Area Property Owner
- ☐ Design Professional
- ☒ Development Community
- ☐ Starwood
- ☐ Steamboat Ski and Resort Corporation
- ☒ Community Member At-Large

CURRENT OCCUPATION/EMPLOYER:

Resort Ventures West, LLC

PREVIOUS WORK EXPERIENCE:

The Cordillera Group, 2003-2005 Chief Financial Officer – Development Company, Edwards Colorado

Intrawest, LLC 1992-2003

Intrawest Retail Group, -General Manager 1999 -2003 – Retail and Food and Beverage Operator. 60 locations in 8 states

Whistler/Blackcomb – Financial Controller, 1992-1999 – Resort Operator/Developer Whistler, British Columbia, Canada

WHAT SPECIAL QUALIFICATIONS DO YOU HAVE APPLICABLE TO URAAC:

I am an individual that has worked in resort development, resort operations, accounting and finance for more than 18 years. I have been involved in various levels and capacities of development in 8 different major resort developments across the continent. These developments are all resort developments and have been largely cold weather ski locations. All of our developments included working with municipal regulatory bodies and large groups of extremely diverse stakeholders.

WHY DO YOU WANT TO SERVE ON THE URAAC?

I would like to assist to ensure that the base area improvements maximize the customer/guest experience. The capital must be deployed at the base area/URA boundary in a appropriate manner as to enrich the customer experience and thereby aid in fulfilling the customer value chain. If this is successfully completed all the members of the URA will benefit.

OTHER COMMENTS:

Please attach any documentation that would enhance your application.

All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office



Signature



Date

*A. Peter Patten, Jr.
2145 Resort Drive Suite 110
Steamboat Springs, CO 80487
(970) 871-9111*

December 22, 2005

Tom Leeson, Director of Planning Services
City of Steamboat Springs
Steamboat Springs, CO 80477
Delivered by e-mail

Dear Tom:

I would appreciate consideration by City Council for appointment on the Urban Renewal Authority Advisory Committee (URAAC) under the "design professional" category.

As one of the original members of the BARC group, I have been integrally involved with the creation of the Urban Renewal Authority since the very beginning. I have been an active participant in the process of the updated Mountain Town Sub-Area Plan as well as the recently adopted PUD Ordinance and Base Area Design Standards. Additionally, my work as a land planner and project manager for several large base area development projects in the past 7 years has provided me with valuable experience and knowledge of the issues with the various aspects of developing at our base area. My overall experience with mountain resort base area planning and design extends throughout the past three decades in Colorado, California and the Pacific Northwest.

I believe I can play a positive role in getting the URA off the ground and moving it forward in this critical early phase. Thanks for the consideration.

Sincerely,

Peter Patten

RECEIVED
DEC 23 2005

City of Steamboat Springs

APPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

DEADLINE TO SUBMIT APPLICATION TO CITY CLERK:

Please type or print with black ink. If you have questions or need more information, contact Julie Jordan, City Clerk at 871-8231. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

BOARD/COMMISSION APPLYING FOR: URAAC

NAME: Jon Wade

RESIDENCE ADDRESS: 65 Valverdant Circle

MAILING ADDRESS: POB 775430 Steamboat Springs, CO 80477

HOME PHONE: _____ WORK PHONE: cell 970-819-6930

FAX: 866-848-3032 E-MAIL ADDRESS: jon@mybrokers.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS? 3 yr

CURRENT OCCUPATION/EMPLOYER:

Real Estate Broker at Colorado Group Realty, LLC
Managing partner for the Alpiner Lodge

PREVIOUS WORK EXPERIENCE:

Hewlett Packard Company - Business Planning and financial management for Multi-Billion \$ printing business, Competitive analysis, startup team & product development for 5 businesses totalling over \$3B in yearly sales. Extensive experience in project management, budgeting & cash flow analysis, risk analysis, working across boundaries of all types, accountability for results, and negotiating complex high stakes transactions.

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

- Active participant in community discussions that I feel are pivotal to our future
- Volunteer for the Hospital Foundation
- Working on some more entrepreneurial fund raising ideas
- Looking to step up my involvement where I can make a meaningful difference

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

- Knowledge of many base area intricacies and the decisiveness to act in a timely manner.
- Strong analytical skills along with the ability to think out of the box and bring diverse interests together
- Negotiation skills and the desire to look for wins for Steamboat and our guests
- Understanding of community interests and how those can intersect positively with property owner interests. As a previous visitor I understand the magic Steamboat holds for our guests and want to keep that down to earth Steamboat feel while enhancing the quality of the base area.
- Time in a large variety of successful and unsuccessful base areas
- Ability to assimilate a large amount of data, evaluate it critically and draw the conclusions needed to make good decisions.

WHY DO YOU WANT TO SERVE ON THE URAAC?
(Board or commission applying for)

My wife Wendy and I moved to Steamboat to raise our family here and be a long term residents so I have a strong interest in building the best base area possible for Steamboat. I have a lot of energy around keeping the feel and environment that makes Steamboat special while making the base a great area for locals and visitors alike. I know that thinking about the experience we are looking for and creating places people want to spend time will give the best result for Steamboat as a whole.

I am willing to spend the time it takes to contribute to the process of revitalizing our base so I can enjoy hanging out up there with family and friends for the next 50 years. I have followed what the committee has been up to by reading minutes and other conversations and have pretty in-depth knowledge of the moving parts at the base from bidding on so many projects up there including the bigger ones so I feel I can get up to speed and contribute quickly. Just so you know I do not have any interests in projects at the base and I believe I can be objective in my goal of working towards the best base area for everyone.

**WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES
FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE
BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?**

- The prioritization and timing of improvements to give us the best base area possible
- Bringing together diverse interest to achieve goals that will benefit us all
- Understanding the broader context of the decisions that need to be made so the improvements will be successful in the long term

OTHER COMMENTS:

Please attach any documentation that would enhance your application.

**All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office**



Signature

July 11th, 2008

Date

City of Steamboat Springs

APPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

BOARD/COMMISSION APPLYING FOR: Urban Renewal Authority Advisory Committee – "URAAC"

NAME: Jim Schneider

RESIDENCE ADDRESS: 1355 Harwig Circle, Steamboat Springs, CO 80487

MAILING ADDRESS: Same

HOME PHONE: 970-870-9267 **WORK PHONE:** 970-871-5381

FAX: 970-871-5378 **E-MAIL ADDRESS:** jschneider@steamboat.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS? 27y

CURRENT OCCUPATION/EMPLOYER:

- Steamboat Ski & Resort Corporation (1982-present)
 - Current Vice President - Skier Services

PREVIOUS WORK EXPERIENCE:

- Routt County Landscaping – (1982-96)
 - Laborer then Managing partner
- USFS – Bob Marshall Wilderness – (1980-82)
 - Trail tech. then Wilderness Guard
- Misc. other positions over the years (pre 1980)

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

- URAAC Alternate (Ski Area representative) – since inception
- Steamboat Springs Chamber Resort Assoc. Summer Marketing Committee (Vice-Chair)
- G.I.D. Task force committee
- Geo-Thermal task force committee

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

- Familiarity with the projects contemplated by this committee
- Experience in leading the Operations and Maintenance discussions related to these projects

WHY DO YOU WANT TO SERVE ON THE URAAC ?

(Board or commission applying for)

- I would like to continue the momentum of the efforts that I've been a part of thus far with this committee and relevant subcommittees


WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

- Ability to fund and continue the momentum of projects is key to the overall economic sustainability of the Steamboat resort community
- Resolving the Operations and Maintenance processes
- Proper design and appropriate energy use solutions

OTHER COMMENTS:

Please attach any documentation that would enhance your application.

All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office

Signature  _____

Date: March 27, 2009

City of Steamboat Springs

APPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

BOARD/COMMISSION APPLYING FOR: URAAC Board

NAME: Daniel A. Pirrallo

RESIDENCE ADDRESS: 2200 Village Inn Circle, SS 80487

MAILING ADDRESS: PO Box 774808, SS. CO 80487

HOME PHONE: 303-434-3403 WORK PHONE: 970-879-1343

FAX: 970-879-4684 E-MAIL ADDRESS: Dan.Pirrallo@sheraton.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS? 1mo

CURRENT OCCUPATION/EMPLOYER:

General Manager - Sheraton Resort & Villas

PREVIOUS WORK EXPERIENCE:

General Manager - Harvest House in Boulder

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

please see attached document of
attached community involvement

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

please see attached document of qualifications

WHY DO YOU WANT TO SERVE ON THE URAAC?
(Board or commission applying for)

To continue representing the interest of the owners and visitors of the Sheraton Resort,

Having an office that directly sits in the middle of the URAAC projects, I will have the ability to know on a first hand basis any issues that may present themselves in the future and be able to be pro-active in solutions.

Most importantly, having the opportunity to serve on a board with other Mountain Village Leaders and gain valuable insight to the businesses that are our neighbors.

WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

- ① Vitality of the Mountain Village
- ② Keeping Steamboat competitive to other destination Resorts
- ③ Master planning for long term guest enhancement & enjoyment of the base area

OTHER COMMENTS:

although I am new to the area, I believe fresh eyes & a fresh perspective adds an element & perspective that often is not seen.

Please attach any documentation that would enhance your application.

All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office


Signature

6/20/12
Date

- Adjunct Instructor - Johnson and Wales University, Denver Campus
- Vice Chair, Boulder Economic Council
- Boulder Convention and Visitors Board
- Boulder County Business Hall of Fame Board
- Past President, Boulder Hotel Motel Association
- Past President, Colorado Hotel and Lodging Association
- Colorado Exchange Director, American Hotel and Lodging Association
- Inductee, Boulder County Business Hall of Fame - 2007
- Colorado Hotel and Lodging Association Hotelier of the year -2009
- American Hotel and Lodging Association Leadership award - 2011

RECEIVED
JUN 04 2012

City of Steamboat Springs

APPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

BOARD/COMMISSION APPLYING FOR: Committee Representative

NAME: Ellie McArree

RESIDENCE ADDRESS: One Steamboat Place

MAILING ADDRESS: 2230 Aspen Ski Way

HOME PHONE: 846-0620 WORK PHONE: 870-5106

FAX: 870-5111 E-MAIL ADDRESS: emcarree@onesteamboatplace.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS? 16 years

CURRENT OCCUPATION/EMPLOYER:

Lead Resort Manager
One Steamboat Place

PREVIOUS WORK EXPERIENCE:

Hotel, Catering & Institutional Management
& operations

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

MVP Treasurer

Yoga on the lawn / by donation for reengagement
of business on the mountain

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

16 years living in the Steamboat community.
Property management with 10 years for
two different companies.

WHY DO YOU WANT TO SERVE ON THE URAAC?
(Board or commission applying for)

As an additional voice for the
Mountain Village partnership &
participating businesses.

WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

Uniformity - Having a solid theme in Steamboat
both downtown & the Mountain.
(Bike Paths, Trash Cans, Recycling etc.)
Attracting Funds - To coerce new funds to
Steamboat to support local businesses
& allow the community to thrive
To ensure what is occurring in Steamboat is
what is best for the community as a whole.

OTHER COMMENTS:

Please attach any documentation that would enhance your application.

All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office



Signature

6/4/2012

Date

APR 04 2011

City of Steamboat SpringsAPPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

BOARD/COMMISSION APPLYING FOR: Parks + Recreation

NAME: Kara Givnish

RESIDENCE ADDRESS: 372 Parkview Dr., Steamboat Springs CO 80487

MAILING ADDRESS: PO Box 880227, Steamboat Springs CO 80488

HOME PHONE: 267-625-1570 WORK PHONE: 875-7002

FAX: 879-2543 E-MAIL ADDRESS: kara@steamboat-chamber.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS? 4 years

CURRENT OCCUPATION/EMPLOYER:

Special Events Director, Steamboat Springs Chamber Resort Assoc.

PREVIOUS WORK EXPERIENCE:

Event Producer, ESM Productions, Philadelphia, 2005-2007

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

Leadership Steamboat
Tour de Steamboat Volunteer

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

People in and out of the community contact me with questions about events they are working on. I talk to the event producers about what Steamboat has to offer their group, most importantly, event locations. I have a good feel for what people are looking for that we may or may not have.

WHY DO YOU WANT TO SERVE ON THE Parks and Rec ?
(Board or commission applying for)

I would like to be able to pass along the information I receive in regards to the needs of current and potential events taking place in Steamboat. I think a tighter, more succinct communication of this information will benefit the short and long-term direction of the Parks and Rec Commission.

WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

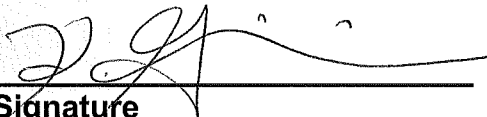
- ① Biking - Steamboat is rallying around the Bike Initiative and Parks + Rec has a big hand in this newly marketed asset of Steamboat.
- ② Current Events - Keeping the events and tournaments we currently have in town overly satisfied with the quality of amenities and facilities they use.
- ③ Recruitment / Sales of new events - Events / tournaments are such strong sales tax revenue makers. We need to be high on the list for future events.

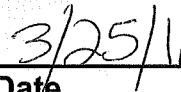
OTHER COMMENTS:

I hope that my experience would be a benefit to this Commission, thus, this community.

Please attach any documentation that would enhance your application.

**All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office**


Signature


Date

APR 15 2009

City of Steamboat Springs

APPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

DEADLINE TO SUBMIT APPLICATION TO CITY CLERK:

April 15, 2009

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, Interim City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

BOARD/COMMISSION APPLYING FOR: Parks & Recreation Commission

NAME: Joellen Heydon

RESIDENCE ADDRESS: 45 Woods Dr

MAILING ADDRESS: POB 771107

HOME PHONE: 9-6499 WORK PHONE: —

FAX: — E-MAIL ADDRESS: joellenheydon @

yahoo.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS?

11 yrs.

CURRENT OCCUPATION/EMPLOYER:

homemaker

PREVIOUS WORK EXPERIENCE:

office manager - True Value
lab technician / chemist - Acz Labs.

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

- parent volunteer in the classroom - SPE
- parent volunteer in Faith Formation - Holy Name Catholic Church.
- children very involved in many of the Parks & Recreation Dept. offerings (as well as my husband & myself)

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

- Served as the chairperson on the Citizens for a Community Recreation Center
- Currently sitting on the Parks & Recreation Commission

WHY DO YOU WANT TO SERVE ON THE P&R Commission ?

(Board or commission applying for)

As I mentioned above,

I am currently on this commission and have really enjoyed the work thus far.

The group of people I am working with are very committed, intelligent & totally engaged and therefore a joy to work with.

Currently we are working on a few "hot" topics that I would like to make sure I get to see come to fruition & that is why I would really appreciate the opportunity to continue to be a member of this commission.

WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES
FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE
BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

Since beginning my involvement
with this commission I think the
priorities have shifted a little due to
the economic climate of our community.
That being said I believe the three most
pressing are:

- OTHER COMMENTS:
- 1) prioritizing for budget - sake - (maximizing the benefit to all in the community)
 - 2) continue a level of park offerings to our public because they have come to expect it in this "resort" community
 - 3) maintaining & growing partnerships & volunteerism within our community so as to continue offering some interests that may have been cut otherwise.

Please attach any documentation that would enhance your application.

All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office

Signature

Date

City of Steamboat Springs

APPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

BOARD/COMMISSION APPLYING FOR: PARKS & REC. COMMISSION

NAME: ALAN KOERMER

RESIDENCE ADDRESS: 2515 APRES SKI WAY

MAILING ADDRESS: PO BOX 880212 SBS CO 80488

HOME PHONE: 970 879 9654 WORK PHONE: 970 846 1955

FAX: 970-879 3317 E-MAIL ADDRESS: alan.koermer@wyn.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS? 14 YRS

CURRENT OCCUPATION/EMPLOYER:

ASSISTANT RESORT MANAGER
WYNDHAM VACATION OWNERSHIP
THE VILLAGE AT STEAMBOAT

PREVIOUS WORK EXPERIENCE:

HAYMAKER GOLF COURSE - GUEST SERVICES MANAGER
STEAMBOAT SKI & RESORT CORP. - F & B MANAGER
SNOW PHOTO - SPECIAL EVENTS SUPERVISOR

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

BOARD MEMBER - COLORADO Mtn. COLLEGE
RESORT MANAGEMENT ADVISORY BOARD
BOARD MEMBER - HILLSIDER CONDOMINIUMS

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

BA POLITICAL SCIENCE, BA ENVIRONMENTAL SCIENCE, CERTIFIED MANAGER OF COMMUNITY ASSOCIATIONS, RECORDING SECRETARY FOR: THE VILLAGE AT STEAMBOAT CONDOMINIUM ASSOCIATION INC & THE VILLAGE AT STEAMBOAT VACATION PROPERTY OWNERS ASSOCIATION INC, FLUENT IN MICROSOFT OFFICE (EXCEL, WORD, & POWER POINT), AND AHHA CERTIFICATIONS.

WHY DO YOU WANT TO SERVE ON THE PARKS & REC ?

(Board or commission applying for)

FOR MANY RESIDENTS & VISITORS TO OUR CITY, PUBLIC SPACES ARE A BIG DRAW AND ALLOW FOR AN ABUNDANCE OF OUTDOOR RECREATIONAL ACTIVITIES. MY INTEREST IN THE PARKS AND REC COMMISSION IS TIED INTO THE PASSION I HOLD FOR OUTDOOR RECREATION AND COMMUNITY INVOLVEMENT. IT IS WELL KNOWN THAT A SUBSTANTIAL CHUNK OF OUR SUMMER TOURISM INDUSTRY CENTERS ON THE WELL MAINTAINED BALL FIELDS THAT OUR COMMUNITY HAS TO OFFER. VISITORS FROM ALL OVER THE WORLD COME TO STEAMBOAT TO ENJOY OUR OPEN SPACES, BIKE PATHS, AND RECREATION AREAS. BEING ABLE TO ATTRACT VISITORS ULTIMATELY HAS EFFECTS ON OUR COMMUNITY AS A WHOLE AND SHOULD PROVIDE OPPORTUNITIES FOR RESIDENT- AND VISITORS ALIKE.

WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

- 1) GENERATING REVENUE & TAX DOLLARS FOR OUR COMMUNITY
- 2) PROVIDING SAFE & ENJOYABLE RECREATION ACTIVITIES FOR BOTH RESIDENTS & VISITORS
- 3) CREATING AN ENVIRONMENT THAT SETS STEAMBOAT SPRINGS AT THE TOP OF RESORT TOWN RECREATION EXCELLENCE.

OTHER COMMENTS:

STEAMBOAT SPRINGS IS AN INTERNATIONAL DESTINATION WITH MANY OPPORTUNITIES TO OFFER. AS WITH ANY COMMUNITY WE ALWAYS HAVE THE ABILITY TO IMPROVE & FIND WAYS TO ATTRACT EVENTS & VISITORS TO OUR CITY.

Please attach any documentation that would enhance your application.

All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office

AEK

Signature

1/22/2011

Date

ALAN KOERMER CMCA, AMS

P.O. BOX 880212
HOME:(970) 879-9654
akoermer@hotmail.com

STEAMBOAT SPRINGS, CO 80488
WORK CELL:(970) 846-1955
alan.koermer@wyndhamvo.com

CELL:(970) 846-9285

EXPERIENCE

2006 – PRESENT WYNDHAM VACATION OWNERSHIP COLORADO **ASSISTANT RESORT MANAGER**

- Responsible for day-to-day operations including: front office operations, overseeing housekeeping and maintenance departments, human resources, payroll, and accounting functions for a multiple ownership timeshare HOA.
- Assist with annual budgets, HOA board meetings, and annual owner's meetings.
- Designated "Hospitality Coach" and trainer for all existing and new resort staff.

2000 – 2006 HAYMAKER GOLF COURSE COLORADO **GUEST SERVICES MANAGER – Seasonal Summer***

- Managed clubhouse operations including: retail ordering, inventory, daily, monthly and annual accounting, food and beverage contracts, tournament schedules, group events, tee-time management, and payroll.
- Responsibilities included: human resource management for pro-shop and outside service staff, communication lines between pro-shop operations, food and beverage operations, maintenance operations, and guest relations.
- Aided with Steamboat Springs Golf Committee meetings and proposals for clubhouse and golf course expansions.

1999 – 2006 STEAMBOAT SKI & RESORT CORP. COLORADO **ASSISTANT FOOD AND BEVERAGE MANAGER – Seasonal Winter***

- Successfully completed the opening operations for the Four Diamond Steamboat Grand Resort Hotel and Conference Center – oversaw three restaurants, room service, pool side café, and banquet operations.
- Managed a food and beverage staff of 50 + employees with duties that included: scheduling, payroll, orientation, training, and hiring procedures.
- Responsibilities included: beverage inventory, beverage ordering, quarterly and annual budget review, Micros programming, and special event planning.

EDUCATION

2007 – PRESENT COMMUNITY ASSOCIATION INSTITUTE U.S.A.
CMCA CERTIFICATION 2/2008 & AMS CERTIFICATION 5/2008
CURRENTLY PURSUEING: PCAM CERTIFICATION

2004 – 2006 COLORADO MOUNTAIN COLLEGE COLORADO
A.A.S RESORT MANAGEMENT
AHLA INTERNATIONAL RESORT MANAGEMENT CERTIFICATION
AHLA CERTIFICATE OF SPECIALIZATION – HOSPITALITY OPERATIONS
AHLA CERTIFICATE OF SPECIALIZATION – CLUB MANAGEMENT

1993 – 1997 UNIVERSITY OF DENVER COLORADO
B.A. POLITICAL SCIENCE & ENVIRONMENTAL SCIENCE

RECEIVED

MAY 21 2012

City of Steamboat SpringsAPPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

DEADLINE TO SUBMIT APPLICATION TO CITY CLERK:

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, Interim City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477. Fax 879-8851

BOARD/COMMISSION APPLYING FOR:

Parks & Rec

NAME:

Frank Dolman

RESIDENCE ADDRESS:

2652 LONGTHORNG RD

MAILING ADDRESS:

2652 LONGTHORNG RD

HOME PHONE:

870 8793

WORK PHONE:

846 4318

FAX:

E-MAIL ADDRESS:

Dolman @
CMN.NET

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS?

17 YRS

CURRENT OCCUPATION/EMPLOYER:

Retired

PREVIOUS WORK EXPERIENCE:

U.S. steel
SINGER sewing machine
Textron Lycoming
owned 6 businesses
in Steamboat
marketing & manufacturing
experience

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

Ski Patrol Director Howelsen Hill - 1996-Present
ERC committee main street
Chamber Ambassador - 8 yrs - ran 80 mixers
Over the Hill Gang Guide - 17 yrs
Over the Hill Gang PR chairman

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

inquisitive
patient
research oriented

WHY DO YOU WANT TO SERVE ON THE

Help my town

(Board or commission applying for)

support & expand in park &
Rec Services cost effectively.

WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

- How to utilize our Park & Rec Assets to their fullest.
- Reduce City Subsidies or transfer subsidies to new things

OTHER COMMENTS:

Please attach any documentation that would enhance your application.

All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office


Signature

5/19/12
Date

Attachment 3

RECEIVED

APR 29 2010

City of Steamboat Springs

APPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

DEADLINE TO SUBMIT APPLICATION TO CITY CLERK:

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, Interim City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477. Fax 879-8851

BOARD/COMMISSION APPLYING FOR: Ice Rink Advisory

NAME: Tripp Hartigan

RESIDENCE ADDRESS: 230 James St.

MAILING ADDRESS: PO Box 771647

HOME PHONE: 970 846 8015 WORK PHONE: _____

FAX: _____ E-MAIL ADDRESS: Tripphartigan@hotmail.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS?

_____ 8 years

CURRENT OCCUPATION/EMPLOYER: Eight Street Steakhouse (Waiter)
Mambo Italiano (Doorman/Security)

PREVIOUS WORK EXPERIENCE: 10 years of Restaurant Experience
Chicago, IL and Steamboat Springs
10 years as a teacher
New Mexico State University
Oregon State University
Red Cloud Indian High School
Pine Ridge, SD

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

Volunteer for Adult Leagues Scorekeeping and Recruiting
Volunteer Scorekeeper and Concession Stand for youth hockey tournaments.

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

- Have been the director for La Sociedad para Los Artes - an arts organization in Las Cruces, NM. Worked on all aspects of development, organization, operations, and helped establish an endowment.
 - Served on the board of the Mesilla Valley Film Society.
 - Have an intimate knowledge of Howelsen Ice Arena, it's staff, its operation, and the ways that it serves the community
- WHY DO YOU WANT TO SERVE ON THE Ice Rink Advisory?**

(Board or commission applying for)

The Howelsen Ice Arena is the central reason why I continue to live in Steamboat Springs.

Since moving to Steamboat in September 2002, I have skated or played hockey at Howelsen probably three to five times a week. I have played in every hockey league (the first few years I played in both the A & B leagues) since moving to town. I helped start an inclusive A-B-C league that welcomes adult players @ every level to participate in the same game.

The longer I live here the more compelled I am to give back to this community. I feel like **12.40g**
on the Ice Rink Advisory Commission is a logical next step for me.

WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES
FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE
BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

- 1) Continue to grow the community-wide interest and use of the ice arena. The ice rink seems to be as popular as ever; ^{it seems} the more users/skaters the better the facility and its staff are able to serve the community.
 - 2) Look for sources (both public and private) of funding to provide sensible, reasonable and responsible expansion of the arena
 - 3) Investigate opportunities to keep the rink open year round, if feasible.
- OTHER COMMENTS:

I often refer to the ice rink as my church. I am passionate about what a treasure and world-class facility the Howelsen Ice Arena is, and would love the opportunity to serve on a commission that supports the Ice Arena.

Please attach any documentation that would enhance your application.

References or Resume Available Upon Request.

All applications must be turned into City Hall, 137 10th Street,

Attn: City Clerk's Office


Signature

4/27/10
Date

RECEIVED

APR 22 2010

City of Steamboat Springs

APPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

BOARD/COMMISSION APPLYING FOR: IRAC

NAME: Sarah Katherman

RESIDENCE ADDRESS: 1238 Crawford Ave

MAILING ADDRESS: P.O. Box 882181

HOME PHONE: 879. 4939

WORK PHONE: same

cell
FAX: 819-6166

E-MAIL ADDRESS: sbkatherman@gmail.com

HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS?

20 + yrs.

CURRENT OCCUPATION/EMPLOYER:

Routt County - minute taker/research - 15 yrs
Ellsworth Management - admin. - 10 yrs.
freelance writer / editor

PREVIOUS WORK EXPERIENCE:

teaching @ college level (Baltimore)
asst. financial analyst (NYC)
restaurants - L'Apogée; Dos Amigos

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

Coed. Rec hockey
Stmbt. Storm Women's hockey
R.C. Humane Society
P-DOGS
IRAC
Yampa Valley Sustainability Council

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

I show up for meetings. I am organized.
I spend a lot of time at the rink.
I am currently a hockey player, but grew up figure skating and understand the needs of both programs.

WHY DO YOU WANT TO SERVE ON THE IRAC?
(Board or commission applying for)

To maintain continuity on the committee, to represent the adult and women's hockey communities and to work toward accomplishing the goals of improving the facility, reducing costs and increasing revenues while maintaining excellent customer service.

WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

- Build teen center / ice rink addition + plan for a second sheet of ice
- Reduce Utility costs
- Maintain quality in difficult economic environment

OTHER COMMENTS:

Although I would very much like to continue serving on IRAC, I also believe in the value of new blood in the system - so if there are others interested in serving, they should be given the opportunity to do so.

Please attach any documentation that would enhance your application.

**All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office**



Signature

4.22.10

Date

RECEIVED

JUN 14 2012

City of Steamboat Springs**APPLICATION FOR BOARDS/COMMITTEES/COMMISSIONS**

Please type or print with black ink. If you have questions or need more information, contact Julie Franklin, City Clerk at 871-8248. Return completed application to City Clerk's Office, City Hall, 137 10th Street, Post Office Box 775088, Steamboat Springs, CO 80477.

BOARD/COMMISSION APPLYING FOR: IRAC**NAME:** RACHELLE SUMMERS**RESIDENCE ADDRESS:** 165 STEAMBOAT BLVD., S.S., CO 80487**MAILING ADDRESS:** SAME**HOME PHONE:** 970-819-2200 **WORK PHONE:** SAME**FAX:** — **E-MAIL ADDRESS:** chellesummers@msn.com**HOW LONG HAVE YOU BEEN A RESIDENT OF STEAMBOAT SPRINGS?** 9 YEARS**CURRENT OCCUPATION/EMPLOYER:** SELF**PREVIOUS WORK EXPERIENCE:**

- CITY OF STEAMBOAT SPRINGS (AUDIT)
- ORACLE (SOFTWARE APPLICATIONS EDUCATION)
- AEROSPACE/DEFENSE COMPANIES (ACCOUNTING, FINANCE, . AUDIT)

APPLICABLE COMMUNITY ACTIVITIES/VOLUNTEER WORK:

- LOTS OF TIME AT DINK " CHUCKY, KIDS' ACTIVITIES)
- PARKS AND REC COMMISSION FOR ABOUT 5 YEARS

SPECIAL QUALIFICATIONS APPLICABLE TO THE BOARD/COMMISSION:

MY CAREER HAS BEEN HEAVY ON FINANCE, ACCOUNTING, BUDGETING, FORECASTING, COST ACCOUNTING, AUDITING, AND SOFTWARE. I THINK THESE AREAS WILL HELP ME WITH WORKING WITH SOME OF THE ISSUES THIS COMMISSION RESOLVES.

WHY DO YOU WANT TO SERVE ON THE IRAC?
(Board or commission applying for)

I MISS THE CITY ☺

I LOVED WORKING THERE (W FINANCE) FOR THREE YEARS, AND I LOVED SERVING ON THE PARKS AND REC COMMISSION BEFORE THAT.

I AM A NEW HOCKEY ADDICT AND I LOVE BEING AT THE RINK.

WHAT, IN YOUR OPINION, ARE THE THREE MOST PRESSING ISSUES FACING THE CITY OF STEAMBOAT SPRINGS RELATIVE TO THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

- MAXIMIZE PROFITABILITY OF RINK
- DETERMINE FUTURE OF SECOND SHEET OF ICE (INCLUDING FUNDING, PLANNING, BUILDING)
- NOT SURE OF # 3... I WANT TO GET INVOLVED AND FIND OUT :)

OTHER COMMENTS:

Please attach any documentation that would enhance your application.

All applications must be turned into City Hall, 137 10th Street,
Attn: City Clerk's Office



Signature

6/13/12

Date

AGENDA ITEM # 13

CITY OF STEAMBOAT SPRINGS

Regular Meeting NO. 2012-10

Tuesday, June 05, 2012

City Council Members present: City Council President Kounovsky, City Council President Pro-Tem Myller, Council Member Kaminski, Council Member Macys, Council Member Magill, and City Council President Pro Tem Reisman. Council Member Hermacinski was absent.

Staff Members present: Jon Roberts, City Manager; Deb Hinsvark, Deputy City Manager; Philo Shelton, Director of Public Works; Anne Small, Director of Internal Services; Tony Lettunich, City Attorney; Tyler Gibbs, Director of Planning and Community Development; Kim Weber, Director of Financial Services; Julie Franklin, City Clerk; and Joel Rae, Chief of Police.

5:00PM LLA MEETING.

ROLL CALL (5:05PM)

PROCLAMATIONS:

- 1. A proclamation recognizing the Steamboat Springs Teen Councils' 2012 Teens of the Month in Steamboat Springs, Colorado.**

Council Member Reisman read the proclamation into the record.

Ms. Brooke Lightner and Teen Council members were present. Mallory Richey, January Teen of the Month; Brooke Metzler, February; Skyler Kauf, March; Carter Kounovsky, April; and Quinn Cain, May Teen of the Month.

Council Member Reisman thanked the teens for showing respect for their leadership and generally behaving as outstanding teens.

City Council President Kounovsky also recognized Mr. Philo Shelton for his service to the City of Steamboat Springs. Mr. Shelton is leaving to work for the City of Los Alamos, New Mexico.

He presented Mr. Shelton with a certificate of appreciation and a light up yield sign (Shelton is responsible for putting these signs on City buses). Mr. Shelton thanked all.

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

2. Short informational presentation regarding fleet management and savings opportunities. (5 minute presentation, no action required)

Ms. Suzie Romig from the Clean Cities Group was present.

She thanked the city for being a member in 2010 and hopes that they will be a member again in the future. She noted that the State legislature recently passed a law that allows businesses to sell electricity to customers to charge electric vehicles.

She stated that the City needs an efficient fleet policy for no idling, etc. She spoke to "bio diesel basics" and noted that the city can choose to run it in City fleets. It is made domestically, is a renewable fuel and produces fewer emissions. Steamboat Springs Transit is using 5 percent biodiesel in buses.

Ms. Romig encouraged Council to use them as a resource.

Mr. Shelton thanked Romig for the information. Thanks to her, Transit is using the 5 percent biodiesel. There are other benefits, and the city is taking a step in the right direction.

3. Routt County Bridges Initiative. (10 minutes)

Ms. Kelly Stanford, Executive Director of the Routt County United Way, was present to speak to the "Bridges Out of Poverty" initiative. The goal of this program is to help people move toward economic self sufficiency. It is a collaborative effort with Lift Up, the United Way, Routt County Human Services, and others.

They wanted to do something proactive to help people before they are in need of emergency assistance to build networks and resources. The "Getting Ahead" class gives people a plan to make changes in lives.

The self sufficiency level for a family of four in Routt County is \$78,000. 12 people have taken the program and the next step for this group is to try to implement the plans they have developed. They do have a waiting list for the next class and they hope to get the community (banks, etc.) to respond and help these people get on track.

She invited Council to the event on June 20, 2012 at 6:30pm at the Community Center where the class participants will be recognized for finishing the program.

Council Member Macys asked if the participants are young adults or was there a

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

Regular Meeting NO. 2012-10

Tuesday, June 05, 2012

certain demographic represented? Ms. Stanford stated that it was an eclectic group ranging from 18 year olds to middle aged people with families and different ethnicities.

4. Education Fund Annual Update.

Ms. Kristi Brown provided a written report. Council had no questions.

CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

5. MOTION: To approve the extension of the due date of the promissory note from Alan D. Lanning and Sharol L. Lanning to the City of Steamboat Springs, including an amendment to the deed of trust securing repayment of the promissory note.

City Council President Kounovsky read the motion into the record.

6. RESOLUTION: A resolution to acknowledge the 2012 City of Steamboat Springs fee structure.

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

This item was pulled from the Consent Calendar for further discussion.

Council Member Macys does not think that approving each City fee is in Council's purview. Rather it is the City Manager's responsibility. Mr. Roberts stated that he has the Management Team and the City's Commissions to provide feedback on fees, this is just informational. Council Member Macys does not think this should be coming to Council. Additionally, if Council were going to approve each fee then they would need more information on whether the fees are in line with what other communities are charging and if the fees have varied from one year to the next.

Council Member Magill thinks this is good information, but agrees that Council should not be approving the fees.

Ms. Weber stated that staff is not asking for approval, simply giving Council the information and the resolution to acknowledge the fees. The City has never had a complete list of fees. The fees will also be included in the budget process.

Mr. Roberts stated that the code provides the City Manager the authority to regulate fees. This agenda item simply provides Council an opportunity to give input on the fees.

Council Member Kaminski wants staff to keep Council in the loop but does not want to micro manage.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

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PUBLIC COMMENT: No one appeared for public comment.

Council Member Reisman supports the resolution as a precursor to the budget season.

MOTION: City Council President Pro-Tem Myller moved and Council Member Kaminski seconded to approve a resolution to acknowledge the 2012 City of Steamboat Springs fee structure.

The motion carried 4/2. Council Members Macys and Magill opposed. Council Member Hermacinski was absent.

7. RESOLUTION: A resolution acknowledging appointments to the Historic Preservation Commission.

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

8. FIRST READING OF ORDINANCE: An ordinance changing Howelsen Hill Ski Area Fund, Rodeo Fund, Ice Arena Fund, and Tennis Center Fund from Enterprise Funds to General Funds.

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

MOTION: Council Member Kaminski moved and Council Member Magill seconded to approve items 5, 7 and 8 of the Consent Calendar.

The motion carried 6/0. Council Member Hermacinski was absent.

PUBLIC HEARING: ORDINANCE SECOND READINGS

9. FIRST READING OF ORDINANCE: An ordinance releasing a deed restriction prohibiting the sale of Lots 27-30, Block 5, Fairview Addition and adjoining vacated streets and alleys separately from Lots 1-4, Block 5, Fairview Addition and adjoining vacated streets and alleys; providing an effective date; and setting a hearing date.

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

Council Member Magill stepped down.

Council Member Kaminski disclosed that his business is in the area but knows people on both sides of the issue. Council felt it was appropriate for Council Member Kaminski to remain seated.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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Mr. Foote provided some background on the issue. The issue came out of the 1998 west Steamboat annexation process. If the residents supported the annexation agreement there was a provision that the City would sell lots in the subdivision with deed restrictions that prohibited the lots to be sold separately. The lots were offered for sale and marketed as having "back lots" for sale.

When Council deliberated this issue in 2006 it decided that there was nothing that prohibited the development of the back lots, but they were not to be sold separately. The Rabesas have submitted an application to replat their lot into 2 lots, which the City has done in the past with the Flood Subdivision. Mr. Foote clarified that if this provision was violated the back lots would revert back to the City.

Ms. Samantha Rabesa, applicant, was present and noted that they are asking for the deed restriction to be lifted. They have owned their lot since 2005 and love the neighborhood. However, they want to be able to build on the back lot that backs up to Emerald Mountain. This is why the property was purchased in the first place; they want this to be their "forever home". They feel this dream would be viable if they can sell the front house at some point. They have no desire to put anything other than home on back lot.

She believes that the Flood Subdivision decision set a precedent on Manitou and is a separate issue from the other lots. The Flood Subdivision deed restriction language is almost identical to their deed restriction, noting that the front and back lots needed to be conveyed together. The Flood application was a request to be reconveyed, which in turn went against the spirit of the original deed restriction. Ultimately the deed was amended and the applicant was allowed to reconfigure. She believes that they are entitled to two buildable lots. This is what the Community Development Code (CDC) calls for infill. They do not want to alter the aesthetic of the neighborhood. The lots were always buildable lots and there was never language that restricted development.

Council Member Reisman asked what is the maximum number of structures/units that can be built on this parcel. Mr. Keenan stated that it is zoned Residential Old Town, which is a dense zone district. There is potential for four single family dwellings with a secondary unit, or two duplex lots.

City Council President Kounovsky clarified that they have the right to build the density but could not convey it separate. Mr. Keenan stated that there currently is no access to back lots, but yes it could be built to those densities. The maximum lot size is 12,500 square feet so the Rabesas would need relief from the maximum lot size.

Ms. Patty Rockwood is concerned that this will keep coming up and the residents need to be able to trust in Council to uphold what has already been decided. Additionally, they weren't told that this was happening, they just heard through the grapevine.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

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Ms. Patricia Rada Sidinger opposes lifting the deed restriction. She is not opposed to building on the back lots but is opposed to subdividing.

Mr. Scott Tracy supports amending the deed restriction for the Rabesas because the potential for how they could develop would be worse. He supports coming up with a solution to allow them to do what they want.

Ms. Sheryl Omen is opposed to changing the deed restriction. There was a show of hands of those who also are opposed. There is no ill for the Rabesas but she disagrees with what they want to do. Why should the city's promise be broken based on financial viability when others have not been able to benefit?

Mr. Rick Flax voiced concern that this is a "Pandora's box". The decision that was made in 2006 was a compromise that the lots were buildable but not allowed to be subdivided. He asked Council to consider the history, the expense of mediation and the animosity that was created in the neighborhood.

Mr. Paul Ferguson asked how many times the residents have to go through this? He has lots he can develop that he didn't get to buy for \$1000 each. The deed restrictions were put in place for a specific reason, to not allow subdividing. To allow the Rabesas to subdivide and sell at a windfall is unfair.

Mr. Erik Rabesa stated that they don't want to stir up animosity or set a precedent. Their goal is to follow the precedent set by the Flood Subdivision. This is not a windfall as they paid market value for the property. He clarified the situation where the previous owner sued the city because they improperly attempted to subdivide. They tried to convey property to their son and have a mortgage on the property. He questions the argument that these should all be open space. He stated that they do not want to tear down the front house but they want to live on the back lot because it is a better lot. They did email and write letters to their neighbors to inform them of their intentions. He concluded that they are open to amending the deed restriction as opposed to lifting it.

Ms. Annie Sachs voiced concern that they found out about this randomly and there was no communication from the city or the Rabesas. She read the Flood's deed restriction and it is significantly different from the rest.

City Council President Kounovsky asked about the Rabesas ability to divide and sell the lot in a side by side manner. Mr. Foote stated that if the Rabesas tried to sell in a side by side manner there would be nothing that the City could do.

Mr. Foote also clarified that if the deed was released then the enforcement provision reverting the lot back to the city would be eliminated.

City Council President Pro-Tem Myller spoke to how the city conveyed the ten lots opposed to the others and the continuance of how the neighborhood was developed. Mr. Foote stated that there is a question about reference in the annexation

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

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agreement to lots 1 and 4 and no other lots. There is no explanation for this.

Council Member Reisman asked how many more lots there are with the issue. Foote stated that there is potential for it to happen again.

City Council President Kounovsky understands what the Rabesas want to do but supports upholding the deed restriction.

Council Member Macys believes that the deed restriction travels with the property. This is an encumbered property and other neighbors have honored the deed restriction. This is not a question of the integrity of the applicant and the value of the lot is not in question. The applicant has not demonstrated the need to lift the restriction.

Council Member Kaminski believes that the 2006 decision and resolution were made for a reason and supports upholding them in perpetuity. He hopes that the neighborhood can come to a compromise.

Council Member Reisman clarified that the city has released deed restrictions in the past, so they are not "iron clad". There is potential for this situation to come up again because that is the nature of government. People have the right to apply. The reality is that what makes the most sense is to modify the deed. He would be concerned that the lot could be "over-densified".

City Council President Pro-Tem Myller feels like Council's direction did state that the back lots were intended for the parties of the annexation agreement and these lots are in a whole different area. Additionally, the Rabesas have the right to divide side by side which could be worse. It would be a better neighborhood pattern to allow the front to back subdivision. He can see why this request was made.

MOTION: Council Member Macys moved and Council member Kaminski seconded to deny the first reading of an ordinance releasing a deed restriction prohibiting the sale of Lots 27-30, Block 5, Fairview Addition and adjoining vacated streets and alleys separately from Lots 1-4, Block 5, Fairview Addition and adjoining vacated streets and alleys; providing an effective date; and setting a hearing date.

The motion carried 4/1. City Council President Pro-Tem Myller opposed. Council Member Magill stepped down and Council Member Hermacinski was absent.

10. SECOND READING OF ORDINANCE: An ordinance vacating two utility easements located in Selbe Subdivision, Filing 3, Lots 1 and 2 and providing an effective date and setting a hearing date.

MOTION: City Council President Pro-Tem Myller moved and Council Member Macys seconded to approve the second reading of an ordinance vacating two utility

STEAMBOAT SPRINGS CITY COUNCIL MINUTES

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Tuesday, June 05, 2012

easements located in Selbe Subdivision, Filing 3, Lots 1 and 2 and providing an effective date and setting a hearing date.

The motion carried 6/0. Council Member Hermacinski was absent.

11. SECOND READING OF ORDINANCE: An ordinance approving the Second Supplemental Budget Appropriation of 2012.

MOTION: Council Member Macys moved and Council Member Kaminski seconded to approve the second reading of an ordinance approving the Second Supplemental Budget Appropriation of 2012.

The motion carried 6/0. Council Member Hermacinski was absent.

PLANNING COMMISSION REPORT

12. Written report.

A written report was provided and there were no questions.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

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

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

13. PROJECT: Adams Addition to Steamboat Springs, Block 2, Lot 30 #PP-12-01.

Kounovsky read the project title into the record.

CONDITIONS:

1. Prior to final plat, the developer shall provide each lot with a separate water service line and a separate sewer service line.
2. Prior to final plat, the developer shall complete legal non-conforming registrations for the side setback encroachments for the existing homes.
3. On the Final Plat, the access easement to Lot 2 shall be a width of sixteen (16) feet.

MOTION: Council Member Kaminski moved and City Council President Pro-Tem City Council President Pro-Tem Myller seconded to approve the Adams Addition Preliminary Plat application with conditions 1-3.

The motion carried 6/0. Council Member Hermacinski was absent.

REPORTS

14. City Council

a. Planning Commission applicants.

City Council President Kounovsky noted that there three Planning Commission applications for three positions. There are two incumbents and one new applicant and there are two regular positions and one alternate.

MOTION: Council Member Magill moved and City Council President Pro-Tem Myller seconded to reappoint the incumbents and appoint the new applicant to the alternate positions.

The motion carried 6/0. Council Member Hermacinski was absent.

b. Update on applicants to the Urban Redevelopment Authority Advisory Committee (URAAC).

Ms. Franklin spoke to the URAAC positions and applications. **DIRECTION:** Staff to bring this item back at the June 19 or July 3 meeting.

GENERAL PUBLIC COMMENT:

No one appeared for General Public Comment.

c. Boards and Commission Benefits.

Ms. Franklin noted that Management Team's recommendation for Boards and Commission benefits was included in the packet.

Council Member Magill voiced concern that the passes may have more value than the gift certificates. Additionally the Recycling Committee, which may not be as active receiving the same benefits as other committees, is questionable.

MOTION: Council Member Kaminski moved and City Council President Pro-Tem City Council President Pro-Tem Myller seconded to approve these changes knowing that there may be changes to the Golf Committee benefits.

Discussion during the motion:

Council Member Macys is not comfortable with the Golf Committee and the Planning

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Commission getting golf and ski passes without offering that to the other commissions.

Council Member Magill stated that the workload and commitment of the Planning Commission is significantly more than other boards and commissions. Additionally they need to have a greater understanding of our code. Many of the other boards meet on an "on call" basis because they have less of a workload.

The motion carried 6/0. Council Member Hermacinski was absent.

d. Request for Ideas (RFI) for Steamboat Springs Accommodations Tax.

Council Member Reisman provided an update on the accommodations tax Request for Ideas (RFI). He stated that the RFI is designed to be brief with the basic parameters of the proposal. It will be due August 1, 2012. If Council agrees with the RFI it will be released immediately. The Accommodations Tax Committee will craft the more detailed Request for Proposal over next couple weeks and will be due back September 1, 2012.

The thought is that at that time the proposer will make a presentation in person to Council. **UNANIMOUS CONSENT:** Committee to release the RFI.

e. Fire Commission Update.

City Council President Kounovsky noted that the Fire Protection Commission has been meeting to look at the intergovernmental agreement (IGA). They have a mission statement and long range goals of improved governance and minimizing response times. They hope to model the Commission after the Yampa Valley Airport Commission. Council Member Magill stated that the biggest challenge is consolidation and the question of who reports to whom. They would also like to reduce redundancy.

Council Member Macys asked if they have discussed where money comes from. City Council President Kounovsky stated that will come with consolidation. Council Member Magill stated that the next step is to see how to get the Protection Commission into the IGA and remove the Oversight Committee. The Commission would make recommendations on budgets but individual entities would make the decisions.

Continued Council Member Reports:

Council Member Macys:

1. Stated that she is the Associated Governments of Northwest Colorado representative, there is not an alternate and she can't make all the meetings. The group meets monthly around the region and there is the possibility to meet

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by phone. **DIRECTION:** Franklin to get the meeting details out to Council.

2. Attended a Colorado Municipal League Policy Committee meeting. They discussed changing the definition of "transportation" to include transit.
3. Thanked Ms. Hinsvark for making sure that Council is aware of Chamber ribbon cuttings. She attended one at Nature's Path and Shell Oil.
4. Has attended some of the Chamber's Economic Development Forum Series.
5. Attended the ground breaking for the Casey's Pond project. Mr. Peasley and Mr. Wilson were recognized for being very helpful.
6. Attended Cabaret. It was at The Depot and they were pleased to be back at that venue.
7. Attended a Lodging Committee meeting where they discussed how to encourage greater participation from lodging community.
8. Attended the Historic Preservation Committee's historic district luncheon. She wondered when there might be discussion of this at a Council level. Mr. Gibbs stated that this first effort was outreach regarding a proposal for national register district. As this proceeds he will update Council.
9. Thanked Mr. Shelton for his service to the community and hopes that staff can move forward with his creative and greener direction for transit.
10. Noted that Council had encouraged Mr. Roberts to have more communication with employees and asked for an update on this. Mr. Roberts stated that he has been meeting on a regular basis with departments in "lunch with the City Manager" meetings.
11. Noted that it is "Bike to Work" month.

Council Member Kaminski:

1. Asked Mr. Gibbs to provide an update on sidewalk space for bike racks and clarify the rules for sandwich boards. Mr. Gibbs stated that staff is working on clarifying these guidelines and also sponsorship opportunities for bike racks. They will continue to work on this and update Council.
2. Attended a Colorado Department of Transportation event where Mr. Shelton and Mr. Baker made a presentation on the Airport. There is no funding available but it was good information.
3. Met with Mainstreet and discussed how to get people from Art in the Park to the Balloon Rodeo, while still getting people to spend time downtown. Possibly open up some parking and have a shuttle. **DIRECTION:** Roberts to look into.

Council Member Reisman:

1. Noted that Adult Soccer is down from 13 teams to 7. **DIRECTION:** Staff to look into.
2. Noted that last weekend was the first for Triple Crown and it was a great

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weekend.

3. Commended Mr. Foote and Mr. Keenan for knowledge and understanding of the Fairview issue.
4. Attended a meeting on iCast. **DIRECTION:** Mr. Gibbs to keep Council updated on this.
5. Noted that June 11 is the Teen Council BBQ as well as lunch with the City Manager. Suggested that they attend the BBQ instead.

Council Member Magill:

1. Commended the Chamber and the City for the Marathon and River Fest events.
2. Attended a Routt County Riders and noted that they would like to coordinate with the Police Department on better enforcement of laws like riding abreast and not following traffic laws. **DIRECTION:** Staff to follow up on.
3. Would like to see better trail markings on Howelsen Hill. **DIRECTION:** Staff to follow up on.
4. Noted that the Routt County Council on Aging's spelling bee is this Saturday, as well as Retree Steamboat, Grand Futures Scavenger Hunt and the Cayuse Classic.
5. Voiced concern with Parks and Recreation's policy of not opening restrooms until Memorial Day. The bathrooms by the rodeo were closed at the last bike race too. With the weather this year the pipes won't freeze and there is a need for portolets at Howelsen Beach and Blackmere Drive. **UNANIMOUS CONSENT:** Council to pay for portolets for Howelsen Beach and Blackmere Drive out of their contingency fund.

15. Reports

a. Agenda Review:

1. **City Council agenda for June 19, 2012.**
2. **City Council agenda for July 3, 2012.**

It was noted that there will be an Executive Session on June 19, 2012.

16. Staff Reports

a. City Attorney's Update/Report.

Mr. Lettunich had no report.

b. Manager's Report: Ongoing Projects.

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1. Update on 4th of July Fireworks.

Mr. Mel Stewart stated that the state is dry and it is remarkable that we have not had a fire in the last few weeks. The County has fire restrictions in place and staff is leaning toward not having a show at this point.

City Council President Kounovsky asked if staff has discussed this with other fire chiefs? Mr. Stewart stated that all situations are different. We shoot fireworks off of Howelsen Hill which has a lot of potential dangers due to the dry grasses. Mr. Stewart stated that he will start to let people know about this change.

Council Member Kaminski noted that our fireworks are an amazing economic driver. He urged staff to keep its options open if we have significant rain.

Mr. Stewart stated that there was a northwest Colorado conference call this morning it is expected to see stage one restriction in the National Forest this week. If it progresses to stage two then no fires allowed in the national forest and at that point he will ask for a city wide fire ban.

Mr. Roberts reported on the following:

1. He has been studying the Yampa River flow and it appears that we are experiencing the same drought conditions as 2002 where the flow was so low it threatened wildlife resources. The River Management Plan says that under these conditions the City can restrict use of the Yampa. He has been meeting with Mr. Peter VanDeCarr trying to seek out alternate solutions. The Upper Yampa Conservancy District possesses 4,000 feet of water in Stagecoach and Mr. Kevin McBride has offered this water for purchase and release into the Yampa.

Ms. Amy Bebee of the Colorado Water Trust is interested in purchasing all of this water and has asked that the City participate in a partnership on this purchase in an effort to enhance habitat and maintain recreational activity. Mr. VanDeCarr has offered \$10,000 to be used for this.

Mr. Roberts suggests matching this offer dollar for dollar each dollar to be used in partnership with the Colorado Water Trust.

Mr. Peter VanDeCarr spoke to everything that is involved and that there is so much at stake. As an outfitting community there potential loss is significant so they have stepped up to the plate and there may be other businesses interested in helping as well.

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Council Member Macys asked about the timing of the release; how many CFS 4,000 acre feet of water will get us and for what period of time. Mr. VanDeCarr stated that it will happen if the river goes below 100 or 85 CFS. This is the point that it is dangerous for fish. He thinks that time will come after July 4, 2012.

Mr. McBride stated that he has discussed this with Mr. Roberts extensively. The Yampa River is currently flowing at half of what it did this time in 2002. 4,000 CSF is not enough to guarantee flows of magnitude. He will be looking at an adaptive management strategy to best use this water to balance the needs now and the potential for long term drought.

Mr. Roberts stated that Ms. Bedee would like to have approval for this purchase by July 1.

Council Member Macys asked about fire mitigation. Mr. Roberts stated that the city already owns 552 acre feet at Stagecoach for an emergency situation.

Council Member Reisman asked if there are regulations in the Management Plan that speak to who can engage in commercial tubing because it seems there are some companies that have found ways to get around it. **DIRECTION:** Staff to look into this.

Mr. Roberts asked for Council support to match Mr. VanDeCarr's contribution for every dollar raised up to \$10,000.

He would like to let Ms. Bebee know that she can count on the city for up to \$20,000. **UNANIMOUS CONSENT:** Move ahead with the City portion.

Mr. VanDeCarr stated that the City can call on the Recreational In Channel Diversion (RICD) in worst case scenario.

Mr. McBride stated that the RICD might enable a legal way for a diversion but will not get much water.

OLD BUSINESS

17. Minutes

a. Regular Meeting 2011-09, May 1, 2012.

MOTION: Council Member Macys moved and Council Member Reisman seconded to approve the May 1, 2012 Minutes.

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The motion carried 6/0. Council Member Hermacinski was absent.

ADJOURNMENT

MOTION: City Council President Pro-Tem Myller moved and Council Member Kaminski seconded to adjourn at 8:02pm.

The motion carried 6/0. Council Member Hermacinski was absent.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS _____ DAY OF _____, 2012.

CITY OF STEAMBOAT SPRINGS

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City Council Members present: City Council President Kounovsky, City Council President Pro Tem Myller, Council Member Hermacinski, Council Member Council Member Kaminski, Council Member Macys, Council Member Magill, and Council Member Reisman.

Staff Members present: Jon Roberts, City Manager; Deb Hinsvark, Deputy City Manager; Janet Hruby, Interim Director of Public Works; Anne Small, Director of Internal Services; Tony Lettunich, City Attorney; Tyler Gibbs, Director of Planning and Community Development; Kim Weber, Director of Financial Services; Julie Franklin, City Clerk; Chris Wilson, Director of Parks, Recreation and Open Space Services; Joel Rae, Chief of Police; Danny Paul, Staff Engineer; Craig Robinson, Open Space/Howelsen Hill Supervisor; Courtney Gill, Recreation Coordinator; Steve Jegtvig, Parks and Recreation Crew Leader; Ernie Jenkins, Parks Supervisor; Jason Peasley, Planner II; Mel Stewart, Fire Chief; Thorman Idzahl, Transit/Dispatch Supervisor; Winnie DelliQuadri, Government Programs Manager; Kim Symalla, Staff Assistant III; Barb Wheeler, Code Enforcement Officer; Carl Sandelin, Water Maintenance Worker III; Forest Yeager, Evidence Technician; Jill Lamb, Police Records Technician; Mike Arce, Firefighter Captain; Brian Shively, Firefighter EMT; Christina Freeman, Police Records Supervisor; Alexis Eiland, Historic Preservation Planner; Barb Simms, Assistant to the Chief of Police; Jennifer Valora, Human Resources Specialists; Jon Snyder, Utility Engineer II; Susan Peterson, Recreation Supervisor; Ben Beall, Staff Engineer II; Christy Abney, Account Technician II; Bob Keenan, Planner III; Kim White, Staff Assistant; and Shelley St. Pierre, Contract/Risk Analyst.

ROLL CALL (5:00 PM)

EXECUTIVE SESSION 5:00PM

EXECUTIVE SESSION: To discuss the topics set forth below. The specific citations to the 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:

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a. A discussion regarding possible acquisition and sale of real property related to the relocation of the fire department and police department.

b. A discussion as to the status of pending or threatened litigation.

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

§24-6-402(4)(b). Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection; and

§24-6-402(4)(e). Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

MOTION: City Council President Pro Tem Myller moved and Council Member Magill seconded to adjourn into Executive Session at approximately 5:00pm, for the reasons set forth above.

The motion carried 7/0.

MOTION: City Council President Kounovsky moved and City Council President Pro-Tem Myller seconded to adjourn the Executive Session and reconvene the regular meeting at approximately 6:10pm.

The motion carried 7/0.

Persons attending the Executive Session: Bart Kounovsky, Scott Myller, Cari Hermacinski, Kevin Council Member Kaminski, Sonja Macys, Walter Magill, Kenny Reisman, Joel Rae, Tony Lettunich, Deb Hinsvark, Dan Foote and Jon Roberts.

City Council President Kounovsky 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/Discussion of Haymaker Management Model.

Mr. John Vanderbloemen, chair of the Golf Committee, was present along with Committee members Butch Boucher, Barbara Robinson and Bill Whelihan, Course Superintendant and Tom Taylor, Golf Pro.

The packet material includes information on management models, how we got to where we are and the current model versus other options. The Committee believes that this self examination has been useful and they do not expect to take any action or make any changes mid season. Operations were improved this year and they have modified Taylor's role to also being the "go to" person at the course. They believe this has improved communication. Additionally, the new food concessionaire (Ski Corp.) has been a huge improvement.

Council Member Reisman thanked the group for their effort and believes there is great leadership at the course with Mr. Taylor and Mr. Whelihan.

City Council President Kounovsky stated that he appreciates the options and believes that the committee is heading down a path of selecting a preferred option.

Council Member Macys also noted that the background information was very helpful.

2. 2012 Salary Survey.

Mr. Roberts stated that in 2007 the nation began a deep economic recession that impacted every city in the country, including Steamboat Springs. At that time Council directed staff to take action to avert a fiscal calamity. Given that personnel was the vast majority of expenditures staff responded by focusing on that. Roberts had the unenviable task of explaining the situation to employees. Ultimately employees were asked to step up with a reduction in hours while maintaining service levels and quality of life. He is proud to say that employees accomplished this with frozen salaries and reduced pay.

Unfortunately the recession is deeper and longer than anyone expected and Steamboat Springs weathered the storm better than most. We saw a drop in sales tax revenue, which has now leveled out. Management Team feels it is time to consider a salary adjustment.

Even with the leveling out the city has a long term fiscal problem to deal with. Management Team is confident that it can address these and close "the gap". Additionally, Management Team has volunteered to forego any salary adjustment at this time.

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Ms. Weber and Ms. Small provided a PowerPoint presentation. Ms. Weber stated that this presentation has been completely vetted by the Management Team and reviewed by staff.

Ms. Weber began with employee buying power and supply and demand. Ms. Small continued with information about employees who have stepped down from the City for better paying positions. Ms. Weber spoke to full time equivalents (FTE's) and population. Ms. Small spoke to compensation philosophy and the benefits package.

Mr. Rae spoke to Police and Fire retirement, noting that they opt out of FICA but are the same in terms of employee costs.

It is recognized that longevity in the Police and Fire Departments is harder to achieve due to the physical demands of the job.

Ms. Small continued with: benefits continued; new compensation plan objectives; survey process; developing the plan; sample pay plan; pay plan structure; and compensable factors.

Ms. Weber spoke to the cost to implement the plan and the sales tax utilized to pay General Fund personnel.

Council Member Hermacinski asked about the increase in personnel costs? Ms. Weber stated that it is due to salaries, insurance and workman's compensation. Ms. Small also noted that in 2002 the City started having paid firefighters.

Ms. Weber explained "the gap", what it is made up of, and unrestricted reserves.

Ms. Small spoke to employee feedback and Ms. Weber presented Management Team's recommended implementation alternatives.

Council Member Hermacinski is concerned with the gap and even with a conservative approach; this year there is a \$500,000 shortfall in firefighter pension. She asked what the true liability is with that defined benefit and potential pensions.

Ms. Hinsvark stated that yes; the defined benefit plan caught the City off guard. The number has been larger for a good period of time. Staff thought it would adjust itself and fix itself, but it has become worse. The City has a small number of volunteer firefighters and is in a better position with the 2012 extra payment and the issue will resolve over time with another surplus payment. With respect to pensions for regular firefighters, they participate in a state pool that is very healthy and has a lot of "backstops" in it, nonetheless, if the pool ran into trouble it would be the City's obligation.

GENERAL PUBLIC COMMENT

Mr. Peter VanDeCarr spoke to the 2003 Yampa River Management Plan and the limitations and restrictions on his business which causes him to be limited in terms of marketable services. They were informed that they will be given a five day recovery period when the river goes below 85 CSF. The Legacy Project just got \$2.4 million from GOCO and he would like help keeping the river flowing so they can continue the tubing season.

Mr. Paul Strong, Pro Rodeo Board, spoke to the long standing partnership with the City and how the rodeo ends earlier on the 4th of July to help with the timing of fireworks. Since fireworks were cancelled they have been trying to do something else like a dance or a band. The new free concert on that night concerns them because their attendance goes down dramatically on concert night. The start of the concert has been moved to 8:30 to offset this, but they are still concerned about the financial impact. He suggested having the concert on Thursday night instead.

Ms. Hinsvark stated that the interested parties met to talk about timing of the concert and the goal is to dovetail the events and enhance the rodeo experience. For most part they believe they will accomplish that. The group will be meeting again and will discuss the possibility of moving the concert. She noted that the City is paying for the concert out of the fireworks budget.

Mr. Rick DeVos stated that they will have jumping on Howelsen from 12:30 to 3:00 on the 4th so they will need to coordinate the timing of concert set up.

Return to the Salary Survey Presentation.

Council Member Macys thanked Weber and Small for the presentation. She has observed the remaining employees absorbing job duties of others; is the City going to try to bring back the positions that have been cut? Ms. Weber stated that at this point, the City is trying to take care of the employees that we have.

Mr. Roberts clarified that the department director determines the number of FTE's needed to carry out the job.

Council Member Reisman asked the total number per employee. Ms. Weber stated that each employee and position was looked at separately, including benefits.

Ms. Weber stated that it ranges from \$0-15,000 per year. Ms. Small stated that there are 23 employees that would see no increase because at they are at market and 11 would see less than \$900 a year.

Ms. Weber stated that they looked at employees within the range that are eligible for an increase if the criteria are met.

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City Council President Kounovsky asked for a definition of compression. Ms. Weber gave an example of someone who was hired at entry and then the City had a pay freeze. That employee works for the City for several years and become more valuable to the city but their pay is still frozen. Then someone new is hired at the same rate.

Ms. Small noted that probably 60% of employees are affected by compression.

Ms. Hinsvark stated that compression is a "monster issue" for the city made up of the last ten years. The problem was exacerbated by a pay plan in the past that would move the grid up, but leave incumbents at their current pay, thus it was possible for the next hire to come in at a salary greater than the incumbent.

PUBLIC COMMENT:

No one appeared for public comment.

City Council President Kounovsky wants to see a breakout of FTE's from 2002 to current and the increase in personnel costs for the same number of individuals. He would also like to see information on the City's benefits.

Council Member Hermacinski is disappointed to not to see job security included as a benefit. People are drawn to government because there are good benefits and job security. Council Member Hermacinski voiced concern that this is a \$1.5 million "morale problem" that will multiply every year.

Council Member Macys stated that money is just one piece of a solution to the morale problem.

Council Member Magill stated that the real issue is the loss of good employees. Additionally, this money re-circulates in the community. This needs to be addressed in some way and would like to schedule an agenda item.

Council Member Kaminski knows that personnel are his number one asset and the City is hurting its employees in more than one way. He voiced concern that the City grew its reserves on the backs of employees. He would like to give back to those are here. The percentage does concern him; he supports alternative 1.

City Council President Pro-Tem Myller agrees with Council Member Kaminski but is also concerned but 92% is not sustainable. Weber clarified that the 92% is of sales tax which is 70% of General Fund revenue. City Council President Pro-Tem Myller would like to see the percentage of personnel versus the whole revenue number.

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Council Member Macys agrees with Council Member Kaminski and thinks that this needs to be addressed immediately. The City has built its reserves on the backs of employees and there is a huge cost to the City when it loses good people. The concern with ongoing costs is legitimate but compression is real and problematic. He supports addressing compression and market right of way.

Council Member Hermacinski stated that the employees have done tremendous job with cutting the budget and maintaining service levels but 2013 will be a difficult year because of the Iron Horse and the CIP. Plus there is no development therefore no use tax. She is also concerned about the European crisis. Though she agrees that the reserves are healthy that needs to be saved for capital. She is hesitant to "pull the trigger". Does this require global implementation? It seems that there are three particular departments that have more compression. She does not support the \$1.5 million.

City Council President Kounovsky stated that this evening is a work session. He acknowledged that Council needs to solve the problem but that may not happen tonight. He noted the need to recognize employees but he is concerned with the multiplying number.

Ms. Weber asked what other information Council would like to see. Why the 40% increase in personnel costs without more employees? More information on attrition, benefits, department breakdown of compression, personnel cost by department in aggregate, personnel over total revenue and a break down of the total general fund.

Council Member Reisman asked about the cost of attrition/training. He appreciates that employees have come to the meeting tonight. There have been a lot of cuts at the expense of employees. But from the City's standpoint to put money into salaries right now would almost defeat what has been accomplished. He believes that compression needs to be addressed immediately but the salary plan is too quick for him. He is happy with the step process, but it seems pretty easily attainable and could be accomplished quickly. Could the plan be more spread out?

Ms. Weber noted that between the 2009 survey and now the number went up by CPI. Putting compression off may just prolong the problem unless the City changes the services it offers.

Council Member Reisman noted that maybe not all departments need to be treated equally and spoke to the perception that it is difficult to remove a City employee from their position. Ms. Weber stated that Management Team has discussed how to "weed out" non performers and the Team feels that this new pay plan has objective qualities so the employees would have to perform in order to move on.

Council Member Reisman stated that there is a certain number to spend, and it might not get split up equally. There are three departments that are vital and when and employees are lost it costs the City so much more. There may be a need to prioritize.

Council Member Magill would like to see personnel costs versus sales tax project out further.

Council Member Macys does not agree with treating departments differently.

MOTION: Council Member Macys moved and Council Member Council Member Kaminski seconded to address compression at current at \$600,000.

Discussion during the motion:

Ms. Weber clarified that this would be \$350,000 now and \$700,000 annually. Mr. Roberts stated that he is comfortable that this can be absorbed in the budget.

City Council President Kounovsky does not support the motion, he is not ready yet.

Council Member Hermacinski stated that it may not be fair, but water/sewer, police and fire are “need to haves” and Parks, Recreation and Planning are “want to haves”.

The motion carried 4/3. Council Members Myller, Hermacinski and Kounovsky opposed.

Ms. Weber report back July 3, 2012.

CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

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

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

4. **FIRST READING OF ORDINANCE: An ordinance approving a lease agreement between the City of Steamboat Springs and New Cingular Wireless; providing an effective date; and setting a hearing date.**

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

Council Member Hermacinski stepped down.

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MOTION: Council Member Magill moved and City Council President Pro-Tem Myller seconded to the first reading of an ordinance approving a lease agreement between the City of Steamboat Springs and New Cingular Wireless; providing an effective date; and setting a hearing date.

The motion carried 6/0. Council Member Hermacinski stepped down.

Council Member Hermacinski returned to the meeting.

- 5. FIRST READING OF ORDINANCE: An ordinance approving an amendment to the lease between the City of Steamboat Springs and Smartwool LLC and authorizing the execution of the amendment to the lease; repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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

MOTION: Council Member Magill moved and Council Member Kaminski seconded to approve items 3 and 5 of the Consent Calendar.

The motion carried 7/0.

PUBLIC HEARING: ORDINANCE SECOND READINGS

- 6. SECOND READING OF ORDINANCE: An ordinance changing Howelsen Hill Ski Area Fund, Tennis Center Fund, Ice Arena Fund, and Rodeo Fund from Enterprise Funds to General Funds.**

MOTION: Council Member Magill moved and Council Member Macys seconded to approve the second reading of an ordinance changing Howelsen Hill Ski Area Fund, Tennis Center Fund, Ice Arena Fund, and Rodeo Fund from Enterprise Funds to General Funds.

The motion carried 7/0.

PLANNING COMMISSION REPORT

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

7. **FIRST READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code by amending Section 26-140, Sidewalks, Trails and Walkways, Section 26-144, Snow Storage and Section 26-132, Dimensional Standards to establish administrative criteria for providing sidewalk cash-in-lieu, establish administrative criteria for alternative compliance for required sidewalks, establish new snow storage location criteria and correct an error in the Residential Old Town dimensional standards to reestablish the maximum lot size; providing for severability; providing an effective date; repealing all conflicting ordinances; and setting a hearing date.

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

MOTION: Council Member Magill moved and Council Member Kaminski seconded to approve the first reading of an ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code by amending Section 26-140, Sidewalks, Trails and Walkways, Section 26-144, Snow Storage and Section 26-132, Dimensional Standards to establish administrative criteria for providing sidewalk cash-in-lieu, establish administrative criteria for alternative compliance for required sidewalks, establish new snow storage location criteria and correct an error in the Residential Old Town dimensional standards to reestablish the maximum lot size; providing for severability; providing an effective date; repealing all conflicting ordinances; and setting a hearing date.

The motion carried 7/0.

8. **APPEAL: Appeal Planning Commission Decision of Denial: Sore Saddle Condominiums, Unit 2 (D and C, LLC); #DP-12-03.**

City Council President Kounovsky read the appeal into the record.

Mr. Keenan stated that the Planning Commission denied this relocation request 3-2. The majority of the discussion was about the proximity to Little Toots Park and residential units. Staff recommended approval based on the criteria for the location and the zone district. This use is not allowed on the pedestrian level or near schools, but parks were not included in the restrictions.

Mr. Daryl Levin stated that they feel they have met all the criteria and their use is consistent with surrounding uses. They have been looking to relocate for about four months and it has been difficult because there are so many restrictions. He stated that if problems arose in this location they would agree to move. They feel that they have followed all the rules and fit the criteria. He asked that Council overturn the Planning Commission's denial and also asked that if any Council member is biased against medical marijuana that they abstain from voting.

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Council Member Macys asked what the lease term is. Mr. Levin stated that it is year to year and they have already paid because the State requires that as part of the application process.

Mr. Levin distributed some photos showing that there is no opening to the park and the windows are mirrored so people can't see in. He confirmed that this location will not be a grow operation.

PUBLIC COMMENT:

Ms. Kathy Olson, Lotus Designs, is concerned about the location and that there was conflicting information about where the product would be kept and the store hours. She thinks this is too close to the park and would rather be proactive than deal with problems that may occur as a result of the relocation. A lot of people use that alley as an entryway.

City Council President Kounovsky asked about consistency with uses. Mr. Keenan stated that staff found the use is consistent with Code standard. There is a possible conflict with the park but there is nothing in the Code that prohibits them from locating near a park. The business is unobtrusive and is not on the ground floor.

Council Member Kaminski stated he has been to the shop and they run a class operation. This is not a question of whether they have the right to run a dispensary, which was approved by voters. This is only about the location by the park. It is a very high use park and the fear of issues is legitimate. He does not support the relocation.

Council Member Magill stated that D&C's current location is across from his office where there is also a karate studio. There are no issues with the clientele. However, a park is a different issue and this is an inconsistent location because of the park and the library. He does not support the relocation.

Council Member Macys voiced concern that there is a designated use area and parks were not adequately considered. There may need to more forethought into boundaries. The proposal fits the code and the law and she feels that the Planning Commission decision was made subjectively.

City Council President Pro-Tem Myller stated that he can't find a place in the code that prohibits so he can't support the denial.

Council Member Reisman supports the denial. There needs to be a balance between medical marijuana dispensaries and families and this location is not right.

City Council President Kounovsky understands that they have the right to do business, but he does not believe that this is a consistent use with use in this location.

MOTION: Council Member Reisman moved and Council Member Magill seconded to uphold the Planning Commission denial.

The motion carried 5/2. Council Members Myller and Macys opposed.

9. PROJECT: Airport Hanger – FDP-12-01.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

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

REPORTS

10. City Council

Council Member Magill :

1. Asked if the porto-lets have been delivered to Howelsen Beach and Blackmere Drive. Wilson state yes.

City Council President Kounovsky:

1. He and Council Member Magill will meet with the Fire Commission next Tuesday.

Council Member Kaminski:

1. Received a request from a Tax Policy Advisory Board (TPAB) member that their report be revisited. This group spent 1,000 hours to produce this report and they do not think it "got a fair shake". Council Member Hermacinski stated that staff went through all the recommendations with Council. Are their specific parts that they believe are not being implemented? Council Member Kaminski suggested "giving them the floor". Council Member Hermacinski suggested having them work with staff to see what the outstanding issues are. **DIRECTION:** Staff to work with TPAB. Ms. Weber clarified that she has been working on benchmarking and has implemented an ongoing operational budget. The report has not been forgotten and she would like to hear what has not been addressed.

Macys:

1. Attended the "Valley Voice" ribbon cutting.
2. Noted that there is a new sign on Highway 40 for the Legacy Ranch and a self guided walking tour brochure.
3. Voiced concern with escalating problems with bears in the community and would like to see if the City can partner more affectively to resolve problems and actively enforce the bear ordinance. She would like to see more money in education, enforcement and outreach. Council Member Reisman supports more enforcement but not money for education because he does not see that as City government's responsibility. There are other entities that are more appropriate for that, like Yampatika. Council Member Macys would just like Council to acknowledge that this is a problem and be more proactive to resolve issues. City Council President Kounovsky believes that enforcement is stepped up.
4. Spoke to the Yampa River release and the fact that it most likely will not have much impact on tubing and other recreational users. Peter VanDeCarr will not have the opportunity to raise the money that he offered so that needs to be noted.
5. With respect to "the gap" that was discussed earlier, is there anywhere that the City is leaving money on the table? Could we lobby state and federal delegations? Are there opportunities with energy efficient facilities?

11. Reports

a. Agenda Review:

1. **City Council agenda for July 3, 2012.**
2. **City Council agenda for July 17, 2012.**

Council reviewed the above agendas.

12. Staff Reports

a. City Attorney's Update/Report.

Mr. Lettunich had no report.

b. Manager's Report: Ongoing Projects.

Mr. Roberts stated that he is still in discussions on the purchase and release of water for the Yampa River. The Colorado Water Trust wants the release prior to it being approved by the board and wondered if Council would consider giving the \$10,000 that was previously approved. He would like to tell the Upper Yampa District that the money is available in the event that the Colorado Water Trust Board does not approve the money.

Council Member Macys asked if it will be a sustained release over a two month period. Mr. Roberts stated yes. Council Member Magill asked what this will do for the fish. Roberts stated that he has not heard a concrete opinion but generally man will do as much as possible to help mother nature. Council Member Macys stated that recreation gets hit first, then the fisheries. She believes we need to focus on a sustained release and not spike the flow to meet recreational needs.

Council Member Kaminski asked what VanDeCarr was speaking of in terms of the 2003 Yampa River Management Plan. Mr. Roberts stated that the plan does not have a hard and fast cut off. The decision is made in the field based on the conditions. We won't know the affect on recreation until we move forward. **DIRECTION:** Okay for staff to move forward. Council Member Macys asked that staff work with users and that if there is a closure that all user groups lift the closures at same time.

Mr. Wilson stated that staff does coordinate with the Division of Wildlife and will include Mr. VanDeCarr as well.

Mr. Stewart provided an update on 4th of July fireworks noting that interested parties met at the Knoll Lot to assess that as an alternate site. After discussion it was agreed that it is not worth it. And it has gotten dryer since then. Mr. Roberts stated that rather than have a mediocre show the City will save the fireworks money for winter carnival.

Ms. Hinsvark stated she has met with Mr. Kern and others about having a family concert on the 4th. They are working with the Free Summer Concert Series and the goal was to enhance the rodeo by starting the concern later. The rodeo has been looking into having a dance but a dance does not expand beyond the rodeo and a concert incorporates more people. The downtown vendors were happy with the idea and it does not impede the schedule for Winter Sports Club jumping.

1. Skate Park road access / GOCO grant.

Ms. DelliQuadri noted the City was awarded \$300,000 from Great Outdoors Colorado (GOCO) and the City would match GOCO funds with \$150,000 in awarded Americas Great Outdoors funds and with \$15,000 for design from the City Manager's budget. The GOCO project will not include the Skate Park access road. Skate Park access road funds are frozen for grant match for the GOCO grant; however they are not needed for that purpose. As a result, staff seeks Council direction regarding the frozen funds for the skate park access road.

Ms. Hruby noted that a full road with a sidewalk built by the City would be about \$300,000. The City could do most of the work for \$200,000 including a "lift of asphalt" and could do the rest in 2013.

MOTION: City Council President Pro-Tem Myller moved and Council Member Magill seconded to "unfreeze" the \$200,000 for the road and to add \$50,000 to the Capital Improvements Program for the second layer of asphalt. The motion carried 5/2. Council Members Kounovsky and Hermacinski opposed.

2. Shuttle service from Balloon Rodeo to Art in the Park.

Ms. Hruby noted that she spoke with Ms. Tracy Barnett about a shuttle from Art in the Park to the Balloon Rodeo and the effort to integrate the two events. It is too late to do anything this summer but they would like to focus on having more parking downtown and encouraging people to walk downtown and take a shuttle to the rodeo. They will add signage on the streets and core trail and will discuss more bus circulation for next year.

c. Director's response.

Mr. Rae spoke enforcement of traffic laws for bikers. He stated that they have stepped up enforcement in Brooklyn but are only enforcing the more egregious violations.

Mr. Wilson stated that a new mp is going up on Howelsen Hill and they are working on the design for a sign with a "QR" code that people can scan with their phones.

City Council President Kounovsky noted that more needs to be done. He runs up there at lunch and is often giving people directions.

Mr. Wilson spoke to the "illegal tubing" allegations and stated that between the Planning Department and the legal department the City does monitor businesses and is not aware of a problem.

STEAMBOAT SPRINGS CITY COUNCIL MINUTES
Regular Meeting NO. 2012-11
Tuesday, June 19, 2012

With respect to the decline in adult soccer teams, there needs to be further discussion about pricing and timing.

Lastly, he will be meeting with the Colorado Parks and Wildlife to talk about river closures.

d. Steamboat Springs Heritage Award.

With a show of hands, Council selected Bob and Audrey Enever as the recipients on the 2012 Heritage Award. The vote was 5/2. Council Members Magill and Myller voted for the Sehlers.

ADJOURNMENT

MOTION: Council Member Macys moved and Council Member Reisman seconded to adjourn Regular Meeting 2012-11 at approximately 9:25pm. The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS _____ DAY OF _____, 2012.