



**TOWN OF SUPERIOR
BOARD OF TRUSTEES**

MEETING OF MAY 10, 2021

The Board of Trustees for the Town of Superior met in a regular meeting on May 10, 2021 during a remote Zoom virtual meeting.

CALL TO ORDER

Mayor Clint Folsom called the meeting to order at 6:00 p.m. Due to the Town's Disaster declaration of March 20, 2020 related to the COVID-19 virus the meeting was held with virtual access provided through Zoom.

[Call to Order Regular Meeting of the Town of Superior Board of Trustees](#)

PLEDGE OF ALLEGIANCE

[Pledge of Allegiance](#)

ROLL CALL

Present: Mayor Clint Folsom; Mayor Pro-tem Mark Lacis; Trustees Paige Hennen; Tim Howard; Ken Lish, Neal Shah and Laura Skladzinski; Assistant Town Manager Martin Toth; Town Attorney Kendra Carberry; Town Clerk Phyllis Hardin. Absent: Town Manager Matt Magley.

[Roll Call](#)

APPROVAL OF AGENDA

Mayor Folsom requested moving Agenda Item #7 (Adoption of an Ordinance Amending Section 11-1-90 of the Superior Code, and Amending Chapter 11 of the Superior Municipal Code by the Addition of a New Article V Entitled Mobile Vending) before Agenda Item #4 (Approval of CAPS Recommendation for design direction for south wall mural at 1500 Coalton Road Community Center). Trustee Shah requested Consent Agenda Item #3c (Adoption of a Resolution Approving the Construction Contract with JHL Constructors, Inc. for the 2021 McCaslin Drainage Project) and Mayor Pro-tem Lacis requested Consent Agenda Item #3d (Adoption of a Resolution

approving an Agreement with Earth Green for the 2021 Fence Maintenance) be discussed after the approval of the Consent Agenda. Mayor Pro-tem Lacis moved to approve the Agenda with those changes. Seconded by Trustee Henchen. Roll call vote: Lacis – aye; Lish – aye; Shah – aye; Skladzinski – aye; Folsom – aye; Henchen – aye; Howard – aye. Motion carried.

Approval of Agenda

REPORTS, QUESTIONS AND ISSUES

- Mayor Pro-tem Lacis said he and Trustee Howard attended the May meeting of the Rocky Mountain Metropolitan Airport Community Noise Roundtable. Four out of the five flight schools were present. There was a pretty broad discussion with a lot of different questions and different topics. The most pertinent, and a little disheartening in terms of the responses, was with the regard to touch and go patterns insofar as it can be determined for Superior. There was talk about the potential to vary the flight patterns and essentially what was said was the patterns would not be able to vary because it needs to be standardized given how the runways are set because of the prevailing winds and they are designed that way. There basically would be almost zero chance their traffic control would be interested in making any sort of changes to the flight patterns for the touch and go patterns. The flight schools did talk about the fact they are encouraging landings at other airports and not just focusing in and out of Rocky Mountain Metropolitan Airport. They are trying to make it so they are not necessarily densely populating the skies with 10 planes at a time but are trying to vary it throughout the day so it would be less of an impact. The flight schools are aware of the noise mitigation and the voluntary noise compliance measures the Airport has and they talked about various signage and the communications from the Airport to the instructors and from the instructors to the pilots. In terms of making any changes to the flight patterns he doesn't think that is going to be a possibility. He continued with his comments.
- Trustee Howard said one thing to add to Mayor Pro-tem Lacis' comment on the RMMA Noise Roundtable was that the FAA representative confirmed that if the Part 150 Noise Study is moved forward the normal split is 90/10% federal to local matching dollars, which translates to approximately \$100,000 across a set of jurisdictions involved and not \$50,000 per jurisdiction, as has been repeatedly suggested during public comment.
 - He attended First Friday's last week, along with other Trustees, and the bulk of the discussion was around some construction in Original Town regarding some berming that is affecting drainage. He will follow up with some of these residents and will bring some potential items for consideration to Town Staff in the coming days.
 - In terms of Senate Bill 21-256 the first hearing will be tomorrow at the Capitol at 2:00 p.m. and he plans to testify in support of this bill which is consistent with the resolution from the last meeting, calling for the repeal of this expansion.
 - He attended a meeting at DRCOG (Denver Regional Council of Governments) working group with Trustee Shah. Senate Bill 21-260 is a transportation bill and they are looking for the Town's support. Much like the discussion at the last meeting regarding Superior's support and maintenance of the roads in perpetuity SB-21-260 does this on a State-wide level ensuring the highway road funds that all municipalities depend upon are available going forward in perpetuity.
 - There is a set of building efficiency and clean energy bills, which are working their way through the State legislature. ACES (Advisory Committee for Environmental

Sustainability) will discuss these and may come forward with recommendations at the next Board meeting.

- Trustee Lish said he attended the Finance Committee meeting on April 28th as did the majority of the other Trustees.
- Trustee Skladzinski said on the Coyote Ridge open space with the rains and snow the trails have been pretty decimated by bikes and the foot traffic. There needs to be some signs put up pretty soon warning people if the trail is muddy they really shouldn't be recreating in the space. The paths have all gotten quite wide over the last year because of the pandemic and now are as wide as a road. They are no longer a single track. If people are going to recreate on those trails it is their responsibility to go through the mud and not go around it.
 - Trustee Shah said Boulder County shuts their trails down when it's really muddy and it is something the Town needs to consider for Coyote Ridge. There aren't gates so it is going to create more problems now with heavy rains because it is going to get worse, wider and deeper. Discussion.
- Trustee Henchen thanked the Historical Commission volunteers for their efforts to organize the first opening of the Superior Historical Museum on Saturday since the pandemic began. They opened the museum to visitors and also organized their annual walk through Original Town to the Industrial Mine. She wanted to recognize the persistence and commitment of this group of volunteers through what has been an extremely challenging time for everyone throughout the pandemic and their commitments to preserving and sharing Superior's history has never wavered.
 - She attended the Finance Committee meeting on the 28th where the Town's financial reserve policy was discussed. There will probably be more discussion on that later. They also had a discussion of potential economic incentive programs.
 - She would encourage everyone to participate in the Superior contest, which is going on to celebrate local businesses. This is on the Town website for more information.
- Trustee Shah wanted to thank Boulder County Sheriff's office for kind of setting up shop in the Whole Foods parking lot on the 30th of April to meet with a handful of officers but no one showed up.
 - As Trustee Howard alluded to DRCOG had a special meeting on May 5th to talk about Senate Bill 21-260 which is called the Sustainability of Transportation System. It is focused on identifying additional fees and funding sources for roadways. Representative Matt Gray has been working on this for quite some time and it is finally at a point where he feels comfortable introducing this bill. He has a lot of support. The main thing is historically the Board has wanted to weigh-in before a representative made a plus or minus to support a bill. He believes he has heard enough support from the Board to support DRCOG's position to support this bill. He continued with his comments.
 - He took a tour of 1500 Coalton with Parks Director Leslie Clark and former Trustees Ryan and Hammerly. Everyone is excited about the opportunity the building is going to provide. Programming is such a critical component and there will be a place to do that. He believes the Board needs to double down on the awareness campaign. Only three of the committees have had an opportunity to get involved with the Center. SYLC (Superior Youth Leadership Council) helped to design and name the youth area; CAPS (Cultural Arts and Public Spaces) has been instrumental with the art and PARC (Parks and Recreation Committee) has been looking at a name but neither ACES (Advisory Committee for Environmental

Sustainability) or the Historical Commission have had any direct input. There are three conference rooms on the north side and he thought it would be great to give a green light to name those conference rooms. He would like Staff decide who gets to name which room. More people in the community need to know about this building. He continued with his comments.

- Mayor Folsom said later this week he will release the 2021 State of Superior video. Last year he did the same thing with a video.

Reports, Questions & Issues

PUBLIC COMMENT ON CONSENT AGENDA, PRESENTATIONS AND NON-AGENDA ITEMS

- Matt Koschmann, Superior resident, wanted to offer a few brief comments in support of the Element properties concept and commend the Board on embarking on this project. He has been following this and has reviewed all the files that are posted on the webpage in preparation for this meeting. The Memo of Understanding looks fantastic and the mock-up of the properties look beautiful. He continued with his comments.
- Debbie Haseman, Louisville resident, is in support of the Element development. She talked about the partnership Louisville and Superior have and all the possibilities, specifically with the Regional Housing Partnership involvement. She is present to advocate for those people who would love to live in Superior but can't afford to. She thanked the Town for taking this important first step for affordable housing. She continued with her comments.
- Geof Cahoon, Boulder resident, said he is President of the Boulder Area Labor Council which represents Boulder, Broomfield and Clear Creek Lake in Summit County. They have been active in the community since around the 1860's and is one of the founding members of the Colorado AFL/CIO in 1886. He supports the Element and RTD (Regional Transportation District) proposal and sees this as attainable and affordable housing. They were partnered in the recent series of workshops on affordable housing with both East County Housing Opportunity Coalition or ECHOC. He continued with his comments.
- Natasha Flyer, Superior resident, said regarding the Element proposal she is familiar with some of the property in Boulder and thinks it was done properly. She likes the RTD/Superior Marketplace as it is a good location and the collaboration is nice. She has three main concerns and the biggest concern is the building height of 60'. This would be 5 stories. This would not blend with the surrounding area and it would be really on aesthetics. She doesn't think this should go above 3 stories, which is 40'. Most of Boulder is 35', as an example, and the downtown area is limited to 38'. The industrial areas are limited to 40'. She continued with her comments.
- Johnny Lasker, Superior resident, wanted to speak on behalf of the 4th of July options. This has been a great community event which brought everyone together. Whenever there were people in Town who wanted to know where they pay and how is all this happening. This is free and it is done for the community. This brings everyone closer, people can meet their neighbors, and this is needed more than ever this year. He has a band that played at the 4th of July for 5 years and he wants this to happen. The whole community would do well to have some kind of 4th of July event and if there is live music his band would like to be in the running. He continued with his comments.
- Suzanne Garrett, Superior resident, in support of the Element property proposal. She has lived in Superior as a renter for close to 3 years and at some point, would like to own a

home in the area. She is raising her voice in support of educators to have a greater voice and for more affordable residential options. As of 2019 the median income in Boulder County was \$88,000 a year so if it takes 80% of the median income to qualify her concern is that an educator could not meet that threshold and could potentially be excluded from participating in these topics. It appears the units will be limited to a number too small to address the needs, particularly for educators, to have consistent housing to the community close to where they live. They need access to the schools and the universities they serve. If funds become available from the American Rescue Fund they are committed to increasing the participation in funding this project. She continued with her comments.

- Annmarie Jensen, Director of the East County Housing Opportunity Coalition, said this organization is working in the communities of Louisville, Lafayette, Superior, Longmont and Erie. She thanked the Board for this project and has been watching Superior try to make a difference on affordable and attainable housing for some time now. She knows how difficult it is when housing and land costs so much so to fund and develop any kind of multifamily housing, in particular affordable housing and land costs, this makes it very challenging. She continued with her comments.
- Rachel Tittle, Superior resident, is speaking on behalf of the Superior Organizing Committee of East County Housing Opportunity Coalition or ECHOC. She read a statement from a friend who couldn't attend this meeting, a resident of Superior who gives back in many ways including volunteering. She shared this person's story. She continued with her comments.
- John Willson, Fire Chief for the Louisville Fire Protection District, wanted to answer any questions there might be on the email and letter he sent to the Board and 50 property owners in the Town and who are also in his district.
- Mel Glover, Superior resident, has lived in Superior since 2016 and wanted to talk about the Element proposal. She is for affordable housing, particularly sustainable affordable housing, but has a big concern about the height of the building which would stack people on top of each other. This could be an eyesore and could set a precedent for other developments to have high story buildings. She continued with her comments.
- Terrye Whitaker, Superior resident, talked about senior citizens as people who want to be in Superior because of family and friends. People are probably not going to stay in homes that they lived in before and they might want to downsize. This Element project is a good opportunity for that as it gives the affordable housing and the need for East County Housing Opportunity Coalition working to do this. She continued with her comments.
- Suzanne Sawyer-Ratliff, Superior resident, said this is not the first time she addressed the Board on the topic of affordable housing. She wanted to self-identify as a person who very much supports affordable housing and who may have spent some time looking at various models and various options for affordable housing. When she looked at the Element design she is shocked at the fact given what she remembers in a community where she once lived in Chicago and the horrifying aspects of high-rise ghettoizing of communities who require affordable housing and is bothered by this. She continued with her comments.
- Megan Williams, Superior resident, noticed many Board members chose beautiful backgrounds that reflect the wide-open landscape of the Town, the openness, the space, the land and the ability to see for a long way away when this is a small country town of a few hundred. The Original Town residents are not 100% sure they want 17,000 new homes up the hill and in the years since Rock Creek was developed they were not sure they wanted development to the west, northwest or east. She heard someone speak to the importance

of high density and to increase commerce and simply put “why”. The fact the Town is seeming to be led by developers instead of their conscious leading the growth as a Town. She is not sure why there needs to be more development. She continued with her comments.

[Public comment on Consent Agenda, Presentations and Non-Agenda Items \(limit min./person\)](#)

PRESENTATIONS

Martin Toth, Assistant Town Manager, said the Element properties are back following their initial discussion of the potential affordable housing project at the RTD Park-n-Ride site. Scott Holton, Element Properties, will go over a general concept plan and the draft MOU (Memo of Understanding) is part of the presentation item. This is an informal discussion and an opportunity to provide feedback at a policy level. For clarification there is not a pending application at this time but this is just to look at some opportunities for informal feedback from the Board. Town Attorney, Kendra Carberry, said the MOU is not up for consideration tonight. She wouldn't want the Board to spend a lot of time on it when she hasn't had a chance to look at it yet.

Scott Holton, Element Properties, gave a presentation. A brief summary of his comments are as follows:

- An application was given to RTD almost two years ago in June, 2019. Since then they were given authorization from RTD to go onto the next steps with the unsolicited development proposal process.
- In February RTD's Board adopted the Equitable TOD (Transit Oriented Development) policies as recommended by Staff.
- At the last meeting Element presented a policy and believes the most important and influential partner is the local community in which a project is located.
- After hearing feedback from the February and the April meetings it was thought to modify their approach which is to first consider this non-biding sort of MOU and then do a Concept Plan, which made the most sense. They are seeking some symbolic support through this non-binding MOU and identifying some guiding principles.
- The Concept Plan is to seek qualitative feedback to help craft a plan that adheres to those principles, the needs and the feedback of the community.
- They have had meetings as part of the process with RTD, Brixmor, Boulder County Housing Authority and began crafting some consensus among stakeholders. They integrated some of this early feedback from the meetings into the direction that has been given KTGy, the architect for the Concept Plan. The exercise with KTGy for the Concept Plan was for Element to understand what was possible at the site and to ignite some good discussion, which a little bit has been heard tonight.
- They have done an MOU in two instances and in partnership with local municipalities. There was a bon-a-fide MOU with the City of Boulder with a site that was owned by the Trinity Lutheran Church. They did a version of an MOU, called an option agreement, with the City of Longmont last year.
- Mr. Holton continued with his comments in regard to the MOU.
- Mr. Holton then gave a presentation on the Concept Plan. KTGy was directed to keep the buildings at or below 5 stories, at or below 60', provide for parking and to establish lots of

access to lightning air and to articulate the building as it relates to Highway 36 and also the view sheds to the west in sort of a resonant quality of life.

- They established a project vision statement with KTG and it is kind of a working vision they are holding internally.
- This would be a vibrant walkable inclusion place that invites residents of all walks of life to a warm and modern new residential building with cutting edge design and sustainability.
- They share some architectural concepts which are just ideas. The height, mass and scale lend itself to the appropriateness for a transit-oriented site.
- This would be a project with 250 total units in 5 stories with about 60' in height. The average unit size is 893 square feet, which is fairly average relative to many other new classes of apartment projects up and down the US 36 corridor in Louisville and Broomfield and Westminster.
- They have a diverse offering of one, two and three-bedroom units which is typical of a project like this. They focus on the one-bedroom units that seem to be driven by the marketplace and the behaviors of a lot of renters. A two-bedroom is next and they don't offer a lot of three-bedrooms as that would typically represent about 10 to 15% of the overall number of units.
- They are proposing a parking podium which would be above grade but would be wrapped with other building amenities.
- A request from Brixmor and to be a good neighbor they would not add retail square footage to the Superior Marketplace.
- He continued with his comments in detail.

Discussion by the Board. A summary of the comments are as follows:

- Trustee Shah said personally he doesn't see the need to be a good neighbor to Brixmor but sees the benefit of having the retail footprint there. If a circle is drawn around the 250 units there are 6 restaurants within a few blocks but to cross the bridge in Louisville there are like 10 restaurants. There is no way the Town should be sending all the business to Louisville because they have more restaurants. There is an opportunity to diversity away from the big boxes in Brixmor and force the transition to the small box services, small box retail and bring those restaurants on quicker. He continued with his comments.
- Mayor Folsom wanted to know if the plan is to purchase the land from RTD versus partnering with them for some long-term lease. He understands RTD doesn't, or won't, sell the land and instead retain ownership. Perhaps that changed with their recent move to want more affordable development in proximity to their bus line.
 - Mr. Holton said feedback from RTD on both sides of that coin, was historically they were just looking for land relationships so they could retain the long-term ownership. He heard there could be an opportunity for a fee simple purchase. In terms of the land lease it could be appropriate or workable and it wouldn't be like a non-starter to have to do a land lease. Ultimately that comes down to the preferences and requirements of the capital partners who are going to be putting in the bulk of the capital to the project. He continued with his comments.
- Mayor Pro-tem Laci said in looking at the plans and looking at what the building would look like he understands the vacant lot towards the northwest of the parking lot – north of the Panda Express restaurant and east of Ethan Allen's building, is owned by RTD as well. He was told that lot is owned by Brixmor.

- Mayor Folsom said he thinks Brixmor would prefer to retain ownership and lease something. Historically it has been their preference rather than selling the pad but it's probably up for negotiations.
- Mayor Pro-tem Lacis said regardless of who owns that particular pad right now that could make for a more interesting project and maybe incorporate that parcel. But if Brixmor is not interested then they can't be compelled to do so.
- Mr. Holton said they have proposed that to Brixmor and he wouldn't say they are actively discussing it but it would be interesting to incorporate it in the conversations.
- Mayor Pro-tem Lacis heard mentioned that a traffic study would be included in any land use application submittal and wanted to know if the traffic study would be a precondition to a land use approval of being a necessary component of any proposal that would come before the Board. Mr. Toth said the detailed traffic analysis would be part of the application process and would be required.
- Mayor Pro-tem Lacis said likes the idea of what Element is trying to do and doesn't think he can fully understand and appreciate the sum total impact of what this project would do to the area but wanted to understand what the impact on Marshall Road, both towards Boulder and out to McCaslin Blvd, the impact on Original Town and the Marketplace as a whole, by having 250 units constructed in the Marketplace. That would change the dynamics of the Marketplace and may necessitate some of those parking lots. Someone coming out of Whole Foods at the light at Marshall Road where there maybe 5 cars before the left turn lane light changes so it's not necessarily designed to handle a large number of residents (vehicles). He continued with his comments.
- Trustee Henchen said she has a question about the parking replacement ratio and is that based on some guidance they received or when they were working on the ground floor parking how they arrived at what is in the tentative plan. Mr. Holton said that was directed by KTGy to tell how much parking they could achieve without going underground. The underground parking can be really expensive and cost prohibitive which can make a project infeasible. He continued with his comments.
 - Her other question was around the financing and understands all the dials and this will evolve over time but the project with this baseline would not qualify for any like tech housing or would it qualify for the 4% and the 9%. Mr. Holton said the cutoff for low income housing tax credit subsidy is that 60% AMI or less so at this point, that would not qualify for that subsidy. They have proposed the 80% AMI would take care of that subsidy themselves.
- Trustee Lish said generally he is in favor of a development in this location. This checks two boxes with one being a relatively newer goal of gathering some attainable housing within Superior. The Board has only been working on that for one or two years but this would be a meaningful step in that direction. From a longer-term perspective, a goal that the Town's been working towards is to help anchor the Marketplace better than it currently is. From the perspective of residents, this has not necessarily been successful and there are a lot of vacant storefronts. What really is needed is the population in this area to support those store fronts and this is a step in that direction. This helps in the goal of diversifying the tax base as now that will be able to support those smaller shops by having a captive audience who actually live in the Marketplace. As was heard, traffic is an issue that will need to be addressed upfront and Element is at a disadvantage because Brixmor is a strong

player. He appreciates the reference to the travel demand management plan but make sure the development can complement and enhance the existing neighborhoods and not detract from them. That is a pretty serious concern from the people in Original Town so that means the solution need to be done upfront for how to adjust the traffic engineering in this area. He continued with his comments.

- In looking at the height of the building the massing being proposed it is more akin to something that would be seen in Downton Superior and what has been approved there, rather than what's currently in the Marketplace. He is concerned this will stick out like a sore thumb in this area and thought to either remove a level, or if Brixmor comes forward and they proposal other things, then it becomes more common massing and it doesn't stick out as much. He continued with his comments.
- Trustee Shah said he all for increasing the affordable housing and doesn't know if this project gets as far as is wanted but it just checks a couple of boxes. To increase the number of units, dial up or down the AMI with a 60% target and increase the percentage of affordable housing units that is a win. This goes above the height for the Element Hotel of 47' which this is lower than that. One of the things that was taken off the table was any sort of contribution from the Town. He is okay with the contribution coming from the Town to help solve that but there are so many different levers. There is \$2.8 million and how that is used in a Town that has done exceptionally well through the pandemic. These types of projects help buy down the AMI or up the number affordable housing units is a net positive. He continued with his comments.
- Trustee Skladzinski said she agrees with everything Trustee Lish said. The thing she wants the rest of the Board to be aware of is that as she looks at this it has been on the agenda and the public has come to the meeting saying "yeah, affordable housing is on the agenda". She doesn't think of this as an affordable housing project but as an apartment project, which is great and can diversify the housing stock a little bit more, but this an apartment project that happens to have little uptick from the bare minimum of affordable housing of an increase to 20% from 15%. She understands the dials and the fact that the 20% is a minimum and this could go higher than that but as she said before she wants the Board to be careful about Superior needing to subsidize extra units. While she appreciates Element committing to exploring additional funding sources it is important to her because this is so close to RTD and there are going to be people wanting to live in these apartments who don't intend to spend almost any time in Superior. They want to live right by the transit line and be able to get to Boulder or Denver quickly. She continued with her comments.
- Trustee Howard said this reflects an integration of the feedback from the last meeting that greatly reduces the financial requirement in the Town. He is happy to see the acknowledgement of a traffic impact study up front as that is important. The optionality being provided in terms of getting to deeper into the expanded affordability levels is also appreciated, especially given federal funding that can become available. For any multi-family project of this size, whether it is a bare minimum of 50% affordability component, 80% of AMI or more deeply affordable he would want to see the entire project commit to a more robust set of sustainable measures. Small units like this increase health concerns with gas appliances so he would like to see this be an all-electric plan and avoid natural gas infrastructures on a site like this. He would like to see more specificity on the anticipated EV charging infrastructure that would be available. The architectural concepts that were presented are interesting. As one resident noted it is important to recognize the

placement of this building, whether it is here or at one of the alternate site identified as it is going to provide a first impression of Superior to many folks and that aesthetic is going to be important. He continued with his comment.

- Mayor Folsom said he is happy to see this back with a proposal that the Town doesn't have to spend large amounts of money on and this is the other end of the spectrum. Maybe adjust the dials to where it's somewhere a lit more in-between. He appreciates Element is back and giving alternatives as it's great to have options. Where this is headed is consistent with the Urban Land Institute Study that was completed a couple of years ago that supported housing in the Marketplace as a component to revitalizing it for the next 20 years of its life so this is on the right track in getting some residential in the Marketplace. This proposal supports the regional commitment to be part of the affordable and attainable housing piece. He heard comments like why doesn't Superior let other communities handle this but that is not how the Town works regionally and everyone should all be a part of the lift. He commends the Board for getting there at all. He continued with his comments.
- Trustee Henchen said she doesn't see the need to add more retail in this project and that it can support the retail that is existing. The Town passed a resolution in 2018 supporting that regional housing affordable plan. That plan has a stated a goal of preserving 12% of the region's housing inventory as permanently affordable by 2025. Currently a 5% of the County's housing is permanently affordable, which is 80% of housing in the City Boulder, 4% in Louisville and zero percent in Superior. She feels it is part of the Board's responsibility to work towards more affordable house because the Town does employ over 2,000 people and about half who work in retail and food service. This proposal doesn't cost the Town anything, necessarily, but the Town could chip in something to increase the affordability of the project. She continued with her comments.
- There were additional comments.

Public comments were made by the following;

- David Harper, Superior resident and Planning Commission.
- Bob McCool, Superior resident and Planning Commission.
- There were additional comments including next steps.

[Element Properties Concept Presentation](#)

CONSENT AGENDA

Mayor Pro-tem Lacis moved to approve the Consent Agenda with the following items:

- a. Approval of the Board of Trustees meeting minutes
- b. Acceptance of Meeting notes of the Advisory Committees
 - i. CAPS (Cultural Arts and Public Spaces)
 - ii. OSAC (Open Space Advisory Committee)
 - iii. PARC (Parks and Recreation Committee)
 - iv. Finance Committee

Seconded by Trustee Lish. Roll call vote: Howard – aye; Henchen – aye; Folsom – aye; Skladzinski – aye; Shah – aye; Lish – aye; Lacis – aye. Motion carried.

[Consent Agenda](#)

Consent Agenda Item #3c (Adoption of a Resolution approving the Construction Contract with JHL Constructors, Inc. for the 2021 McCaslin Drainage Project) was discussed. Trustee Shah wanted to know if the bike lane would need to be closed. He has rambled on and on repeatedly about the part cars have in Town. He can see the need to shut down the bike lane where the drain line is but what is going to be done here, such as the northbound traffic would be going 25 mph and the southbound traffic going to be a 45 mph, or maybe lower the speed in both directions. Cars go down this hill faster than bikes. This is not just any bike route but is the Morgul Bismark and like the crown jewel of cycling. Obviously, the downhill part is not part of the normal route but the normal route is to take the wall going uphill. People come from all over the State to ride this route. At a minimum this needs to reach out to the bicycle life and let them know what will be done here and don't ride the loop. He also wants to hear from the construction company as to what their safety record is. What happened in Louisville last year was unacceptable and was unbelievable. It was miscommunication where things weren't marked and a bicyclist died in a construction project.

- Alex Ariniello, Public Works Director, said this is a difficult area because this is one of the only routes that bicyclists can go through. His druthers would be to close this area and not have bicycles at all but everyone knows there will be bicycles coming down. His feeling would be to lower the speed limit and have cars and bikes go down at the same rate. It is the contractor's responsibility to submit a traffic control plan. He may have other ideas such as flaggers that will control traffic. Sometimes with flaggers they are able to hold the cars back but let the bikes go all the way down. The flaggers need to make sure it is safe for bikes to go down. There may be rolling areas where they won't construct the whole thing at one time but just construct several hundred feet a day so it's not going to be closed. He continued with his comments. He will work with the contractor to come up with a traffic control plan and make any changes to make it as safe as possible. Discussion.
- Trustee Lish said in the staff memo it says the street program includes drainage improvements along McCaslin Blvd but then goes to imply that these are much more severe and costly improvements than were originally anticipated. He wanted to know if there is a rough amount for what was thought these would cost versus what are actually looking at with that \$696,000. Mr. Ariniello said he thought this would be on the order of \$400,000 to \$500,000. This has been troubling him for a number of years, knowing there are culverts that were failing and how to replace them. It was originally thought they could be replaced but the concern is that they are 40 to 50' deep so the road isn't cut open and a culvert replaced. It may cost a little bit more but he thinks this is a much safer way of constructing this and getting the drainage to work. He continued with his comments.
- Trustee Lish said from a longevity perspective he assumes it's much easier to make repairs or replacements with this new design in the future than what there is currently if there is ever a failure. Mr. Ariniello said that is correct as they can get to the pipes easily and fix any issues. This is going to have a 60 to 70-year life for the pipes. The pipes currently are corrugated metal pipes and they deteriorate over time so it's hard to replace those. Discussion.
- There was continued comments made by Board members.

Trustee Lish moved to approve Resolution #R-29, Series 2021 A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING A NEW CONSTRUCTION CONTRACT WITH JHL CONSTRUCTORS, INC. FOR THE 2021

MCCASLIN BOULEVARD DRAINAGE PROJECT. Seconded by Trustee Shah. Roll call vote: Shah – aye; Skladzinski – aye; Lish – aye; Lacis – aye; Howard – aye; Henchen – aye; Folsom – aye. Motion carried.

[Adoption of a Resolution Approving the Construction Contract with JHL Constructors, Inc. for the 2021 McCaslin Drainage Project](#)

Consent Agenda Item #3d (Adoption of a Resolution approving an Agreement with Earth Green for the 2021 Fence Maintenance) was discussed. Mayor Pro-tem Lacis said he wanted to raise this issue with the new Board members as this process was discussed last year where this contractor was picked and there was a change to the color in the Rock Creek area from the mustard yellow color that everybody has lived with over the years to a new grayer color that has been painted in the southern section of Rock Creek. Section 1 was done last year and the way the fence maintenance contract is designed there are four sections, three of which are sort of equal in size, about 40,000 square feet, and then there is Section 4. He doesn't have a problem with the proposal and is supportive of going forward with it but wanted to inform everybody the Rock Creek HOA (Homeowners Association) had a turn-over with a third-party contractor and they have been increasing the enforcement with the HOA with respect to fencing so his understanding is about 1/3 of Rock Creek HOA members have been receiving notices that it is time to update their fences. What is going to happen is that this will kind of piecemeal – yellow and gray hodgepodge of fence colors throughout Rock Creek but he thinks the HOA is doing a good job to try to increase private landowners to update their fences sooner rather than later. His proposal would be to see if there is any appetite for the Board of just allowing the contract to run the course over the next four years with section 3 next year and section 4 the year after, and then this would be done. This would be to advance section 4 into next year's proposal in order to do Section 3 and 4 and be done. Alternatively, is there was any appetite to actually try to advance more of the painting more aggressively this year. He continued with his comments.

- Trustee Skladzinski said she would not be a fan of that plan and the reason the four-year cycle is because the fence kind of needs to be painted every four years to maintain it to avoid peeling, etc. so to paint the fence early would be essentially painting over perfectly good paint on the fence. She sees no problem waiting until the end of the four years and doesn't think it is a big deal to have the two different colored fences during that time, and certainly not \$100,000 or \$200,000 work of big deal.
- Trustee Lish said he didn't know if multiple sections need to be done but one thing that caught his eye is that there will be fences maintained by the Town on either side of Rock Creek Parkway, at least, that are opposing colors. If anything, add the additional amount that's on Rock Creek Parkway since it's one of the main arteries just for uniformity or just adjust the map that would be an improvement for this year.
- Trustee Shah said some of the stuff in Zone 3 was just painted last year and to accelerate that to paint it again seems to look perfectly fine right now. His fence looks fine but he got a letter that he has to repaint it. He thought this conversation could be had during the budget discussions to look at what the incremental \$100,000 would for 2022 what would be taken away and if it is worth it. This would be like a zebra strip across Town but it doesn't look as bad as the yellow next to the gray. He continued with his comments.
- Mayor Folsom said it's like painting the Golden Gate Bridge which is done in segments and done over time.

Mayor Pro-tem Lacin moved to Resolution #R-30, Series 2021 A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING AN AGREEMENT WITH EARTH GREEN FENCE PRODUCTS, INC. FOR FENCE PAINTING, STAINING AND REPAIR SERVICES. Seconded by Trustee Lish. Roll call vote: Lacin – aye; Lish – aye; Shah – aye; Skladzinski – aye; Folsom – aye; Henchen – aye; Howard – aye. Motion carried.

[Adoption of a Resolution approving an Agreement with Earth Green for the 2021 Fence Maintenance](#)

ADOPTION OF AN ORDINANCE AMENDING SECTION 11-1-90 OF THE SUPERIOR MUNICIPAL CODE, AND AMENDING CHAPTER 11 OF THE SUPERIOR MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE V, ENTITLED MOBILE VENDING

Martin Toth said this item is to allow mobile vendors and food trucks to operate in Town. The Town Attorney drafted an ordinance that would require a business license from the Town and for Staff to coordinate a permit process for these vendors. There are a number of details in the ordinance including operating hours to not extend past 10:00 p.m. and restrictions to not operate within 50 feet of a restaurant. Ms. Carberry said a lot of these details are based on what some of her clients have done and most is up for the Board's decision making. A lot of this can be changed as the Board sees fit.

- Mayor Folsom said the Board has heard from community that they would like to incorporate some of these events this summer and this is kind of key to making that happen. Once this has passed it would 30 days to take effect. Ms. Carberry said it would be 30 days after publication.
- Trustee Henchen said a request was received from the Colorado Restaurant Association to increase the setback to 175'. She is curious to know if for Downtown Superior, in particular, if that setback can be applied to the restaurants that are in the Sport Stable and would that extend all the way to the Community Park at the other end.
- Trustee Shah said before considering Downtown Superior think about 1500 Coalton which is 70' feet away from Starbucks. To go anything above 70' then Starbucks could say no to food at 1500 Coalton and to him that is the end of 1500 Coalton. There are a couple of empty parcels that if a restaurant comes in they would be the only food vendor then this might just shut down 1500 Coalton. He would like to postpone this until the Board has heard from some of the food and beverage vendors that are trying to come to 1500 Coalton. He would want to hear what any food and beverage provider would consider a reasonable ordinance in order to be successful at 1500 Coalton.
- There was continued discussion regarding the distance between the food trucks and the existing restaurants.
- Ms. Carberry said the 50' is what she pulled from other examples but what this is trying to do is strike a balance between the food trucks and the existing restaurants so as to not want a food truck pulling up in front of an existing brick and mortar restaurant as that could possibility impact that restaurant sales. Typically, there is some set back in which there can't be the food trucks without the restaurants consent. She continued with her comments.
 - Ms. Carberry said there doesn't have to be any setbacks or any permission but is entirely up to the Board. This is just a common tool so as to not inadvertently put existing brick and mortar restaurants in a bad spot by allowing food trucks and that

is why the Colorado Restaurant Association commented on it and even asked for a bigger setback.

- Board members then asked several questions and gave comments.
- There was discussion about having Ms. Carberry make some changes and then adopt this ordinance as an emergency which then it's effective immediately. Some of those changes would be to remove the hour limitation; whether to have long and short-term vendors or just have mobile vending.

Public comments were made by the following:

- Dylan Beeson, Superior resident.

Mayor Folsom said the plan is to have additional discussion with folks between now and the next meeting, have an emergency ordinance presented at the next meeting where it can go into effect immediately. Ms. Carberry said she would take all the suggestions, incorporate all of them and talk to the vendors to see if they have additional recommendations. For now, she is leaving the 50' in and if there are alternative recommendations from the vendor those can be discussed at the next meeting. Trustee Lish said he doesn't see how this is an emergency even though the Board wants to get this in place so the residents can do it but he is not necessarily in favor of calling this an emergency ordinance. Ms. Carberry said it pretty low-bar for the public health, safety or welfare to have something go into effect immediately. Most of the COVID related ordinances, and it is up to the Board whether to relate this back to COVID, but most communities have COVID related emergency ordinances related to restaurants because everyone is trying to save restaurants. Even though this is different as this is for food trucks it is still all about economic development. She will draft this as an emergency and this will need a supermajority vote. If it doesn't pass it can be changed at that time and then just make it a regular ordinance.

[Adoption of an Ordinance amending Section 11-1-90 of the Superior Code, and Amending Chapter 11 of the Superior Municipal Code by the Addition of a New Article V, Entitled Mobile Vending](#)

APPROVAL OF CAPS RECOMMENDATION FOR DESIGN DIRECTION FOR SOUTH WALL MURAL AT 1500 COALTON ROAD COMMUNITY CENTER

Terrye Whitaker, CAPS Chair, said the Board approved this person as the artist for the south wall at the last meeting but there were some discussions about whether or not the lines were wanted or not. The artist came back to talk to CAPS and gave two options. The one without the lines is okay but it seems like it is missing something so that is why the recommendation is to go with the original design which is option 1. This was shown on the screen.

- Ms. Whitaker said when looking at the option without the lines it just looks odd and it looks like something is missing.
- Deana Miller, Town Staff, said the lines are kind of a design aesthetic that offers attention with the mountain range. The mountain range is kind of the contours of the Marshall/Mesa and even though the lines aren't plotted exactly at the peak of every mountain the lines are meant to be offset from the center. From the front door someone will see this as the center of the wall but when they come around the corner the peak is the center of the wall so it offers this tension of the composition.

- Mayor Folsom said this is one of those decisions where he would defer to those who know more about these things than him.
- Trustee Henchen said she would like to defer to CAPS on this. The option of the lines is just more dynamic and it gets attention more especially from the entrance. The mountains by themselves look pretty but they don't kind of grab the attention the same way.
- Mayor Pro-tem Lacis said he spoke out at the last meeting in favor of the design without the lines as it is a little busy and sometimes space doesn't need to be filled. It seems like it's cluttering a little bit. He also didn't like the red coated dots in the other mural but it looks like those are going in anyway.
- Trustee Lish said if there was a star there and it was supposed to connect to the start of the peaks then it would be a different artistic purpose. He maybe could get it but he doesn't feel the artistic purpose the way some others do and would probably land in the option 2 camp.
- Trustee Howard is supportive of CAPS recommendation and would support option 1.
- Trustee Skladzinski said she would support the CAPS recommendation for option 1.
- Trustee Shah said he could go either way and actually likes the lines and, in some respect, they go with the structural steel and the building. There is a vertical pipe on the left-hand side. There is a lot of structural stuff on this wall.
- Trustee Skladzinski said it doesn't cost anything extra to either adding the line or take it away so given that there really isn't a cost implication. She would encourage supporting CAPS recommendation rather than telling them how it should be.

Trustee Lish moved to approve design option one. Seconded by Trustee Henchen. Mayor Folsom said yes being lines and no being no lines. Roll call vote: Skladzinski – aye; Shah – aye; Lish -aye; Lacis – nay; Howard – aye; Henchen – aye; Folsom – aye. The motion was 6 in favor and 1 against. Motion carried.

[Approval of CAPS Recommendation for design direction for south wall mural at 1500 Coalton Road Community Center](#)

ADOPTION OF A RESOLUTION ACCEPTING THE PROST MASTER PLAN

Mike Svetz, PROS Consulting, gave a presentation. A summary of his comments are as follows:

- The first area the Board wanted to focus on was about the prioritized needs such as high, medium and low. The suggestion was to just make them areas of focus.
- There was a opportunity to create a higher level of emphasis on senior programs as well as programs for those with special needs.
- This has been moved into a higher category and eliminated the term priority and the rating system of high medium and low.
- The focused on the park trail amenity areas and instead of priorities they did a five star, four stars or three stars. The five stars have a greater level of unmet need. The things in the middle have a little bit less than unmet needs and the things with the three stars are relatively right sized at this point with the exception of considering any sort of growth.

- With the recreation experiences they have moved the senior programs and programs for people with special needs to the 4 star category. These were the only changes to moving from a three to four or a four to a five.
- In terms of the activity analysis they heard Board asked them to go back to OSAC and PARC and what they heard from them was to incorporate all 25 of their priority recommendations in the Master Plan. They wanted to eliminate the connections that are the primary responsibility of the County and then re-prioritized the connections that are the responsibilities of Town and/or the development community based on implementation timeframe.
- With the trail rankings 1 through 25 they added a column that identifies the responsible entity so who would be primarily responsible for implementing that. It would usually be the County, the Town, the developer or a shared responsibility between the Town and the development community.
- They re-prioritized these based on their original priority but re-prioritized them based on the timeframe of implementation so 1 through 5 would be 1 to 10 years, and could take a little bit longer, and then year 6 through 10. Those were the changes to the connectivity analysis.
- In terms of the Concept Plan regarding the Town 15 site they heard from the Board was to incorporate input from OSAC which was also very similar conversation which was to consider not including the Town 15 concept plans in the body of the report or as part of a recommendation. there are two options – Option A which basically means leave it as open space and then Option B to have it as a developed park. He continued with his comments in detail.
- There were additional comments by the Board members.

Trustee Shah moved to approve Resolution #R-31, Series 2021 A RESOLUTION OF THE BOARD OF TRUSTEES OF TOWN OF SUPERIOR ACCEPTING THE 2021 PARKS, RECREATION, OPEN SPACE AND TRAILS MASTER PLAN. Seconded by Trustee Henchen. Roll call vote: Lish – aye; Lacin – aye; Howard – aye; Henchen – aye; Folsom – aye; Shah – aye; Skladzinski – aye. Motion carried.

[Adoption of a Resolution Accepting the PROST Master Plan](#)

DISCUSSION OF JULY 4TH PARADE

Leslie Clark, PROS Director, said this is to put some options out to get some direction because the 4th of July is right around the corner. As the statistics have improved with COVID-19 it has opened up some doors and things may even seem a little bit brighter now than when these options were put together. She wanted to see which way the Board was leaning as far as events and what would be possible. The estimated dollar amounts in the packet are estimates but there is funding for all of them. There was discussion and comments by Board members.

- Mayor Pro-tem Lacin wanted to know about the plan for Option 2 with the food trucks in terms of where everybody would park and asked if the plan is to park in the parking lot of Community Park or on the ballfield and how many trucks could fit. He wanted to know how to space them appropriately so there wouldn't be a bottleneck problem with the crowds.

- Ms. Clark said she thought the majority of the food trucks would be parked in the parking lot but a big part of this event is also vendor tents and business opportunities. They would focus on making sure to fulfill those needs as well. She hasn't fully scoped out exactly how many food trucks or exactly where they might be parked at this time. Direction is needed so they can dive into one of the options and spend some good planning time on it.
- Deana Miller, Town Staff, said she would see this set up similar to chili-fest where the food is in the parking lot and tents and the music are on the ballfield. The food trucks would be best on the hard surface. Right now, it is not known how many food trucks there would be.
- Trustee Henchen said she likes the idea of #2, would be open to #3 but is not in favor of #1. It is better to let the Community Center opening be on its own, if possible. She would rather do option #3 and save the planning bandwidth for a Community Center opening on a separate date. The idea of doing this event on Saturday instead of Sunday is a nice idea. She continued with her comments.
- Trustee Skladzinski said she feels opposite of Saturday versus Sunday. It is important to do this on the 4th of July as that is tradition and is when people know it is. She thought people might show up on Sunday having missed it the day before. As far as Option #2 versus Option #3 she is supportive of doing the downhill mile in person, however, there are a number of precautions she would want to see taken. She has done 3 in-person races and all have had varying degrees of being COVID conscious. She would want to see a time trial kind of approach where each person would start 10 seconds apart. She continued with her comments.
- Trustee Lish said an email was received from the Chamber of Commerce which said if this was to do Option #1 maybe try to host something at the Community Center as it would cut vendor and exhibitor participation in half compared to the second option. There are ways to maximize vendor participation and he has questions how to get people across Coalton or would Coalton be shut down to make sure to safely get people across the road. If that is done Coalton would be closed anyway so why not just expand the vendor booths onto Coalton.
 - Ms. Clark said the parking lot space at the Community Center is much smaller than at Community Park and there wouldn't be the green space. That was the limitation in size of some of the ability to host vendors. There would still be the need to have to space people apart. There could be some vendors inside but it would be limited. The logistics of crossing Coalton Road are significant and there are a couple different ways. She would want to have a conversation with the Sheriff's office on traffic control and what the best mechanisms and methods would be to shut down Coalton Road completely as that seems really big. An option could be to have the Sheriff's officers stop traffic then people could cross at designed locations.
- Trustee Lish said he likes option #1 as there is more or less a captive audience and if this is to promote 1500 Coalton and get real community by-in and experience this is a perfect way to literally filter the entire parade route and audience into the Community Center. The Governor's office has said that by June anybody in Colorado who is eligible for a vaccine will have had an opportunity to get one. It is fair and appropriate for everybody to have their own risk tolerances and if people don't feel comfortable going into the building and seeing it that is fine but at the same time he thinks this needs to be talked about. The Board needs to start talking about opening up the facilities and utilizing the them.

- Trustee Skladzinski said the tough thing is that people aren't going to be eligible and that's a large population will be at this festival.
- Trustee Shah said he is sure mask ordinances will probably still be in place for indoors so all these kids that have been going to school still wear masks since October and they are accustomed to wearing masks.
- There were continued comments and a lengthy discussion.
- Ms. Clark said she likes the options of keeping the vendor tents and the traditional activities in the park because that allows for greater congregation of people in that area.
- Trustee Henchen said she doesn't think this should be like the 1500 Coalton opening even though no one is proposing at this point but it would be nice to have a grand opening and have a ceremony to recognize all the people who contributed to the project and do something that is special just for 1500 Coalton. She continued with her comments.
- Mayor Folsom said there needs to be a traditional ribbon cutting with the giant scissors and all that fanfare. Maybe this could be after the 4th of July or maybe before but leave that to Staff to figure out. The point of the 4th of July is to take advantage of the number of people that will be in the area that could circulate over and see it. It could be called the 4th of July extravaganza featuring a special guest at 1500 Coalton.
- Ms. Clark asked about having this on the 3rd or the 4th and after a discussion it was decided to have it on July 4th (Sunday). Discussion.

Discussion of July 4th Parade

ADJOURNMENT

Mayor Folsom adjourned the meeting at 10:36 p.m.

Adjournment

Read and Adopted this 24th day of May, 2021.

Clint Folsom, Mayor

ATTEST:

Phyllis L. Hardin, Town Clerk/Treasurer