



AGENDA
TOWN OF SUPERIOR BOARD OF TRUSTEES
AND
SUPERIOR URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
AND
SUPERIOR MCCASLIN INTERCHANGE METROPOLITAN DISTRICT
BOARD OF DIRECTORS
AND
SUPERIOR METROPOLITAN DISTRICT #1 BOARD OF DIRECTORS
JANUARY 10, 2011
7:00 PM
BOARD CHAMBERS, TOWN HALL

- 1) Call to Order Regular Meeting of the Town of Superior Board of Trustees; the Superior Urban Renewal Authority Board of Commissioners; the Superior McCaslin Interchange District Board of Directors and the Superior Metropolitan District #1 Board of Directors; (7:00)
- 2) Calling of the Roll
- 3) Approval of Agenda
- 4) Reports, Questions & Issues (7:05)
 - A. Mayor and Board Members
 - B. Manager
 - C. Attorney
 - D. Clerk
- 5) Public comment on Consent Agenda and Non-Agenda Items (limit 5 min./person) (7:35)

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| <ol style="list-style-type: none">a) Speakers shall wait to be recognized by the Mayorb) speakers shall address the Town Board as a wholec) speakers shall provide their name and place of residence for the public recordd) speakers shall limit their comments to a maximum of five minutese) speakers shall refrain from personal attacksf) speakers shall provide ten copies of any exhibits to the Town Clerkg) the Mayor shall decide whether a response to the question or comment is appropriate; or may thank the speaker for their question or commenth) if a response is deemed appropriate, the Mayor may respond on behalf of the Town Board or refer the matter to the Town Manageri) if a response is to be made at a later time, the respondent (i.e. Mayor, Manager or staff) shall bring the matter back to the Town Board for closure |
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- 6) Presentations (7:45)
 - A. Proclamation for James MacInnis
 - B. Proclamation for Jason Hinkle

- 7) Consent Agenda (7:50)
 - A. Approval of the minutes of the December 13, 2010 meeting
 - B. Adoption of Resolutions regarding Public Posting locations for the Town, Superior Urban Renewal Authority, Superior McCaslin Interchange Metropolitan District, and Superior Metropolitan District #1
 - The Colorado Open Records Law requires municipalities designate an official location for posting of meeting notices. The resolutions meet the state law requirement for each of these entities.
 - C. Approval of a Liquor License Renewal for Sushi Yoshi Restaurant
 - Every year, each liquor license holder has to renew their liquor license for the next 12 months
 - D. Approval of a Liquor License Renewal for Conoco Store
 - Every year, each liquor license holder has to renew their liquor license for the next 12 months
 - E. Adoption of a Resolution approving the appointment of a Director and an Alternate Director to the Rocky Flats Stewardship Council
 - This resolution appoints one director from the Town, who shall be an elected official, and one alternate director to the Rocky Flats Stewardship Council
 - F. Preliminary Approval of an Ordinance amending Section 10-8-50 of the Superior Municipal Code regarding possession of Marijuana and Marijuana Concentrate
 - The State Legislature has amended the standard for a petty offense for the possession of marijuana and marijuana concentrate from one ounce or less to two ounces or less. This ordinance amends the Superior Municipal Code to meet the new standard

- 8) Discussion of an Agreement with Gladys Forshee regarding ADA Mediation (8:00)
 - An Agreement to have automatic handicap door opening equipment installed for the entrance at Town Hall

- 9) Discussion regarding parking capacity at Coalton Trailhead (8:15)
 - Discussion regarding the capacity of the parking lot at the new Coalton Trailhead facility, which includes 33 spaces in the first phase

- 10) Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. §24-6-402(4)(e) and an Executive Session to consider personnel matters, pursuant to C.R.S. §24-6-402(4)(f) (8:45)

- 11) Adjourn the meetings (9:15)



ITEM NO. 6A & 6B

INFORMATION FOR MEETING OF THE SUPERIOR BOARD OF TRUSTEES

AGENDA ITEM NAME: Presentation of Proclamations to James MacInnis and Jason Hinkle

MEETING DATE: January 10, 2011

PRESENTED BY: Matt Magley, Interim Town Manager

PRESENTED FOR: Action

BACKGROUND:

It has been the Town's practice to recognize former members of the Town Board, Planning Commission, and committees for their service at a regular Board meeting. Proclamations have been prepared to recognize James MacInnis and Jason Hinkle for their years of service on the Planning Commission.

The Town appreciates their service to the residents of Superior through their commitment of personal time to serve on the Commission. Their service will be missed by the members of the Commission, the Mayor and Board of Trustees and by Town Staff. This Proclamation serves to officially recognize them for their service to the Town of Superior and its residents.

RECOMMENDED ACTION:

Presentation of Proclamations to James MacInnis and Jason Hinkle for their years of service to the Town of Superior.

ATTACHMENTS:

- Proclamations

**A PROCLAMATION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR
IN APPRECIATION OF THE SERVICE OF
JAMES MACINNIS**

WHEREAS, James MacInnis is a resident of the Town of Superior and has been a strong advocate for the citizens of Superior; and

WHEREAS, James MacInnis was appointed to the Planning Commission in 2000 and continued to serve on the Planning Commission until 2010; and

WHEREAS, The Town of Superior has benefited from Mr. MacInnis's time and energy and thoughtful participation on the Planning Commission; and

WHEREAS, During James MacInnis' tenure, the Planning Commission reviewed and approved plans for the Sagamore Subdivision, the Superior Marketplace, the Boulder Valley Hockey Facility at Superior, the Calmante Subdivision, Superior Pointe, Superior Professional Office Park, Coal Creek Crossing Subdivision, Guardian Storage, and the Discovery Office Park. In addition, the Planning Commission participated in two comprehensive plan updates, and a major revision and update of the Land Use Code.

THE TOWN OF SUPERIOR HEREBY PROCLAIMS ITS APPRECIATION TO JAMES MACINNIS FOR HIS SIGNIFICANT CONTRIBUTION TO THE COMMUNITY AND FOR HIS SERVICE ON THE PLANNING COMMISSION.

ADOPTED this 10th day of January, 2011.

Andrew Muckle, Mayor

ATTEST:

Phyllis L. Hardin, Town Clerk

**A PROCLAMATION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR
IN APPRECIATION OF THE SERVICE OF
JASON HINKLE**

WHEREAS, Jason Hinkle is a resident of the Town of Superior and has been a strong advocate for the citizens of Superior; and

WHEREAS, Jason Hinkle was appointed to the Planning Commission in 2001 and continued to serve on the Planning Commission until 2010; and

WHEREAS, The Town of Superior has benefited from Mr. Hinkle's time and energy and thoughtful participation on the Planning Commission; and

WHEREAS, During Jason Hinkle's tenure, the Planning Commission reviewed and approved plans for the Sagamore Subdivision, the Superior Marketplace, the Boulder Valley Hockey Facility at Superior, the Calmante Subdivision, Superior Pointe, Superior Professional Office Park, Coal Creek Crossing Subdivision, Guardian Storage, and the Discovery Office Park. In addition, the Planning Commission participated in two comprehensive plan updates, and a major revision and update of the Land Use Code.

THE TOWN OF SUPERIOR HEREBY PROCLAIMS ITS APPRECIATION TO JASON HINKLE FOR HIS SIGNIFICANT CONTRIBUTION TO THE COMMUNITY AND FOR HIS SERVICE ON THE PLANNING COMMISSION.

ADOPTED this 10th day of January, 2011.

Andrew Muckle, Mayor

ATTEST:

Phyllis L. Hardin, Town Clerk

**TOWN OF SUPERIOR BOARD OF TRUSTEES
SUPERIOR METROPOLITAN DISTRICT #1 BOARD OF DIRECTORS
AND
SUPERIOR URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS**

MINUTES OF DECEMBER 13, 2010

The Board of Trustees for the Town of Superior, Colorado, the Board of Directors for Superior Metropolitan District #1, and the Board of Commissioners for Superior Urban Renewal Authority met in a regular meeting on December 13, 2010 at the Town Hall, 124 E. Coal Creek Drive, Superior, Colorado.

CALL MEETING TO ORDER

Mayor Andrew Muckle called the meeting to order at 7:00 p.m.

CALLING OF THE ROLL

Present: Mayor Andrew Muckle; Mayor Pro-tem Elia Gourgouris; Trustees Joe Cirelli, Chris Hanson, Sandy Pennington, Lisa Skumatz, Debra Williams; Interim Town Manager Matt Magley; Town Attorney Kendra Carberry; Town Clerk Phyllis Hardin.

APPROVAL OF AGENDA

Trustee Pennington requested Consent Agenda Item #7E (Adoption of a Resolution approving an Agreement with the YMCA of Boulder Valley for Youth Sport Services) and Consent Agenda Item #7G (Adoption of a Resolution approving an Agreement with Green Earth Fence Products, Inc. for Fence Painting and Maintenance) be discussed after the approval of the Consent Agenda. Trustee Cirelli said there was a typo in the November 22, 2010 minutes. It should be "Hank Dalton" and not "Matt Dalton". Trustee Williams requested Consent Agenda Item #7I (Adoption of a Resolution for Superior Metropolitan District #1 amending the Agreement with Southwest Water Company for Water and Wastewater Treatment Plant Operations) be discussed after the approval of the Consent Agenda. Trustee Skumatz moved to approve the Agenda with those changes. Seconded by Trustee Gourgouris. Ayes – 7 (Cirelli, Gourgouris, Hanson, Muckle, Pennington, Skumatz, Williams). Motion carried.

REPORTS, QUESTIONS AND ISSUES

Mayor and Board Member's Reports

- Trustee Pennington said she attended, along with Trustee Williams, the National League of Cities Congress in Denver.
- Trustee Pennington attended the Rock Creek Homeowners Association's (HOA) annual meeting. She wanted to compliment Trustee Gourgouris and said it was an excellent meeting. She was also impressed with the quality of the Board.
- Trustee Pennington attended a Chamber of Commerce holiday event.

- Trustee Pennington said at the last meeting there was discussion about the Clearwire tower not extending service into Original Town and asked Matt Magley to clarify what happened after that meeting. Mr. Magley said Clearwire actually has an antenna on the Superior Pointe building who leases space to Clearwire so that extends the coverage north into Original Town. Mayor Muckle said that issue was specifically asked of the Clearwire representative as to whether or not they co-located or whether they had anything else in Town and the answer was no they don't. Mr. Magley said the individual at the meeting that night was brought in at the last minute. Mr. Magley said he didn't think he wasn't familiar with the situation. He said it also escaped his memory as well. Mayor Muckle said he is dissatisfied with that and had he and the Board knew that it could have been different. He doesn't think anything is going to change but he just wanted to comment about his displeasure with the testimony.
- Trustee Pennington said she was impressed with the packet and with all the Advisory Committee minutes and wanted to say thanks.
- Trustee Gourgouris said the Rock Creek HOA had their elections a couple of weeks ago and there are some big changes. President Steve Smith resigned about a month ago and Trustee Gourgouris' term as Vice-President ended as of last week after serving 6 years. He said Jim Paine was appointed as a Director. The HOA will have their first meeting in January so there will be new leadership. He suggested that after the election the Town and the HOA get together and continue to collaborate.
- Trustee Gourgouris said he attended the Colorado Mormon Chorale on Saturday night. There were civic leaders from the Cities of Louisville, Broomfield and Lafayette.
- Mayor Muckle thanked Trustee Gourgouris for all his service to the HOA.
- Trustee Williams said she attended the HOA meeting. She said there was discussion about the Town sharing an email data base with the HOA. She hopes both parties can work together and maybe garner more email coverage. Discussion.
- Trustee Williams said she would like to have the Historical Commission look at creating a commemorative plaque of some sort regarding the history of the old railroad that ran through Original Town years ago, and also where they think that plaque should be placed. Discussion.
- Trustee Williams said she attended a DRCOG (Denver Regional Council of Governments) meeting at which time CDOT (Colorado Department of Transportation) reported on House Bill 10-1405. This bill details the transfer of power between State Highways that are commuter highways to local governments for ownership and maintenance. At this time the CDOT staff is not expected to have the Transportation Commission recommend any commuter highways transfer to local governments. There was discussion that Marshall Road is a State Highway as well as Highway 128. A portion of Highway 128 is annexed to the Town. Discussion.
- Trustee Williams said DRCOG is hosting a series of three short courses on transportation, metro vision and aging for the Denver Metro Area so if anyone is interested let her know.
- Trustee Williams said she attended the National League of Cities Annual Congress of Cities Expo. She felt the seminars were excellent but the workshops were not quite as informative and not well run. She and Trustee Pennington attended a social media and networking and there were a number of interesting things about that. They had what they called changing technology, since technology is always changing. An example

was that street sweepers ticket parked cars while they are doing the street sweeping instead of the police giving the tickets and taking the time and resources to do that. The technology they have is in front of the sweeper and takes pictures of someone's license plate as they are driving along. Then that loads to a data base in the Town/City or the Police Department. The ticket is then issued via mail. They also mentioned using Facebook and mobile aps to connect to residents on issues like reporting crime, repair issues for roads, etc., so residents can talk to the Town and vice versa. She also attended some workshops on volunteer data base technology and financial stewardship. Since there is a Board Retreat tomorrow night she would probably be presenting several new ideas then. Discussion.

- Mayor Muckle asked if someone could give a report on the Transportation and Safety Committee (TSC) meeting that was held earlier this evening. Trustee Pennington said they talked in theory about what the TSC wants to do, is expected to do, etc. Public Works Director, Kurt Kowar, was given a list of things to follow up on. Trustee Williams gave an update on the situation regarding Eldorado K-8 and that continues to be worked on. The next meeting will be on January 6th at 3:15 p.m. at the Eldorado K-8 school. Trustee Pennington said they specifically addressed a complaint or two that has been received regarding Weldona Way. The decision was to have that monitored, as well as asking residents to do some monitoring, and to get back in touch with Mr. Kowar to get an idea on the severity of the situation before anything is actually done.
- Mayor Muckle said he attended a US 36 Mayors and Commissioners meeting. The current work program is trying to encourage RTD (Regional Transportation District) to spend some of the FasTracks money in the northern area and lobbying for that. There is about \$300 million that was saved in the public/private partnership program. They are lobbying for having, at least a significant chunk of that, be spent on the US 36 Bus Rapid Transit. Discussion.
- Mayor Muckle said he copied all the Board members on his letter to Commissioner Toor, as well as the representative of the Jefferson Parkway, describing the Town's concerns and hope they will reconsider where exactly their interchanges are going to be located on Highway 128.
- Trustee Skumatz said she attended the National League of Cities Conference and would prepare a couple of sentences for the rest of the Board members on the sessions she attended. She also attended the Chamber event that was previously mentioned.
- Trustee Skumatz said she attend the Consortium of Cities meeting. They discussed a number of things but in particular the legislative agenda. She would talk about that at the Board Retreat tomorrow.
- Trustee Skumatz said she attended a CML (Colorado Municipal League) policy meeting. A number of things that are potentially coming up for consideration by the legislature were discussed. CML also discussed whether or not they would be supporting them or opposing them.
- Trustee Cirelli said he attended the Chamber event and the HOA meeting. He echoes the comments of the Trustees regarding both of those meetings.
- Trustee Cirelli said one thing he did purely for fun with his grandchildren was attend the "Skating with Santa" on Saturday. A lot of residents of the Town were there. His kudos to everyone at Boulder Valley Ice and the Chamber volunteers - Heather and Pam.

- Trustee Hanson said there was a quorum at the HOA meeting but they didn't talk about town business at all.
- Trustee Hanson also attended the Chamber function.
- Trustee Hanson said he met with the Boy Scout patrol that attended the meeting on November 22nd. They were at the meeting as part of a requirement for their merit badges. Then they had to follow up with a government official. They were very inquisitive about the public comment part. They were disappointed there wasn't any controversy. He thanked Sgt. Chamberlin who is meeting with a Cub Scout den and talking about law enforcement, how to be safe in the community and how to be safe at home.
- Trustee Hanson asked if would be possible to get the packets on Wednesdays instead of Thursdays. He knows this has come up before but one extra day would certainly help prepare for Monday night – providing it isn't too much trouble for Staff. Matt Magley said the history is that they were done on Fridays but went to Thursdays. To prepare them one day ahead puts that much more strain on Staff. Discussion.
- Trustee Pennington asked if the Board Retreat was posted and she was told yes.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS **CONSENT AGENDA**

Diana Clyker, 2936 Coneflower Court, said she would like to bring attention to the fact that in the school zones on Rock Creek Parkway when someone is in the left hand lane and there happens to be a larger vehicle in the right lane that person can't see the light if it is blinking. She feels that is an issue. She wanted to know out of curiosity and interest for the safety of the children how to go about getting a light in the medium so people going in both directions in the left hand lane would not have obstructed vision of the light when it is blinking. Mayor Muckle suggested that be given to the TSC to have them look at that at their January 6th meeting. Mayor Muckle said there was request from residents to make sure all the school zones leading to the schools are posted saying they are entering a school zone. He was told perhaps on Eldorado Drive there isn't one. He suggested the TSC look at this as well.

Matt Magley said for Consent Agenda Item #7H (Adoption of the Resolution approving the naming of a field at Town 9 Park for John D. Kupfner) he wanted to mention that there were members of John's family in the audience and wanted to thank them for coming down to the meeting.

CONSENT AGENDA

- Trustee Skumatz moved to approve the Consent Agenda for the following items.
- Item #7A - Approval of the minutes of the November 22, 2010 Board of Trustees meeting.
 - Item #7B - Acceptance of the minutes of the Historical Commission, Open Space Advisory Committee and the Parks, Recreation, Open Space and Trails Advisory Committee meetings
 - Item #7C – Approval of a Liquor License for Colorado Wok 2 (East Thai Asian Bistro)
 - Item #7D – Approval of a Liquor License Renewal for Safeway Store #1656

- Item #7F – Adoption of a Resolution approving an Agreement with Quality Water Biosystems, Inc. for Pond Maintenance – Resolution #R-81, Series 2010 A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING AN AGREEMENT WITH QUALITY-WATER BIOSYSTEMS, INC. FOR TOWN POND MAINTENANCE
- Item #7H – Adoption of the Resolution approving the naming of a field at Town 9 Park for John D. Kupfner – Resolution #R-83, Series 2010 A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING THE NAMING OF A PARK FOR JOHN D. KUPFNER

Seconded by Trustee Cirelli. Trustees Williams and Gourgouris abstained from the approval of the minutes as they were absent at that meeting. Roll call vote: Cirelli – aye; Gourgouris – aye; Hanson – aye; Muckle – aye; Pennington – aye; Skumatz – aye; Williams – aye. Motion carried.

Consent Agenda Item #7E (Adoption of a Resolution approving an Agreement with YMCA of Boulder Valley for Youth Sport Services) was discussed. Trustee Pennington thanked the Staff who responded to requests for additional information as to program evaluations for flag football, basketball and soccer. Those are the three programs in question. The evaluations were all very positive but unfortunately they did not segregate out Superior. Staff has agreed to try to get that for next year. She said her reason for discussing this item was simply to put in a plug for using the e-blast and hopefully any advanced communications that might emanate from tomorrow's meeting to actually solicit resident opinion going into votes like this. She would like to have residents participate in these programs and as a Trustee she would encourage the Board to have as much resident ability to give input before the Board faces a decision. Over the CAC there were some pretty serious comments, very limited in scope, of the problems that a particular resident had with the Y program. Mayor Muckle said there are some many opportunities for youth sports so people can self-select to go to the Y if they want to be in a Y type of program and people that want more competitive type of venue to go to other programs. Trustee Pennington moved to approve Resolution #R-80, Series 2010 A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING AN AGREEMENT WITH YMCA OF BOULDER VALLEY FOR YOUTH SPORTS SERVICES. Seconded by Trustee Gourgouris. Roll Call vote: Gourgouris – aye; Hanson – aye; Muckle – aye; Pennington – aye; Skumatz – aye; Williams – aye; Cirelli – aye. Motion carried.

Consent Agenda Item #7G (Adoption of a Resolution approving an Agreement with Green Earth Fence Products, Inc., for Fence Painting and Maintenance) was discussed. Trustee Pennington said she was very encouraged to see that there is already in the agreement a requirement to monitor the quality of work that's done and she wanted a little more elaboration on how that's to be done. Matt Magley said one of the employees from the Parks and Recreation Department will oversee that contract and have daily interaction with the contractor to monitor their progress as well as the work they are doing and their interaction with residents. Discussion. Trustee Pennington moved to approve Resolution #R-82, Series 2010 A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING AN AGREEMENT WITH GREEN EARTH FENCE PRODUCTS, INC. FOR

FENCE STAINING AND REPAIR. Seconded by Trustee Gourgouris. Roll Call vote: Hanson – aye; Muckle – aye; Pennington – aye; Skumatz – aye; Williams – aye; Cirelli – aye; Gourgouris – aye. Motion carried.

Consent Agenda Item #7I (Adoption of a Resolution for Superior Metropolitan District #1 amending the Agreement with Southwest Water Company for Water and Wastewater Treatment Plant Operations) was discussed. Director Williams said she wanted to talk about a bullet point in the cover memo which read “incorporation of operational changes to eliminate the need for improvements or 3rd party contract hauling expenses related to water treatment plant sludge disposal”. She wanted to know who does the hauling, did the Town used to haul it, does a 3rd party haul it, etc. Kurt Kowar, Public Works Director, said it was a function done every three or four years and would be put out for a bid with the low bidder hauling it to the landfill. Superior Maintenance had done it previously. Director Williams asked if this is now being done in-house and Mr. Kowar said he has worked with Southwest Water Company to have them operate the clarifiers better so there isn’t as much sludge going into the backwash ponds and the sludge that is there is being sent into the sanitary sewer system. The pond is being manually cleaned where before it would be left to sit and there would be so much that it would have to be hauled off. There is no need to haul anymore. There is less being created and what is there is being dealt with at the wastewater treatment plant. Trustee Williams asked if most communities handle the sludge in this way. Mr. Kowar said some do, some have facilities dedicated like a belt press that squeezes the sludge together and dewateres it on site. Discussion. Director Williams moved to approved Resolution #SMD#1-12, Series 2010 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUPERIOR METROPOLITAN DISTRICT #1 APPROVING AN EXTENSION OF AN AGREEMENT FOR PROFESSIONAL SERVICES WITH SOUTHWEST WATER COMPANY FOR WATER AND WASTEWATER TREATMENT PLANT OPERATIONS. Seconded by Director Skumatz. Roll call vote: Muckle – aye; Pennington – aye; Skumatz – aye; Williams – aye; Cirelli – aye; Gourgouris – aye; Hanson – aye. Motion carried.

PUBLIC HEARING AND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 16 OF THE SUPERIOR MUNICIPAL CODE

Mayor Muckle opened the public hearing. For the record, proof of publication was submitted. Matt Magley, Town Staff, said tonight is the final reading and consideration of an ordinance amending Chapter 16, also known as the Land Use Code of the Superior Municipal Code. The cover memo lists from the meeting on November 22nd the follow up items that the Board had questions on, which he briefly reviewed as followed:

- Definitions – the term “domestic partnership” is included in the definition of “family” so it needs to be defined. That term is used in the definition for “family” and because it is used in that definition it needed to be defined.
- Definition for Ground Level was redundant and was deleted from the definition section.
- Section 16-7-40(a) – there was a requirement of a minimum of 5 board members required for a voting requirement to change that section. That was changed back to 2/3 of the Board because there wouldn’t always 7 board members at meetings. It was decided it would better to have 2/3.

- Section 16-19-170(a)(3) – signs in the public rights-of-way – that was changed back to 3 square feet. It had been changed to 4 square feet.
- Section 16-19-170(a)(4)(a) and (4)(b) – this had to do with signs and their location at an intersection. That was reworded and clarified.
- Article XVII – There was a discussion about “mountable” curb and gutter in the Roadway Design Criteria Standards. This is not used in the Roadway Design Standards but just calls out for vertical curb and gutter.
- Article XXIX – mobile homes. This is a policy discussion for the Board to consider.
- Included in the packet is a clean copy of the new Chapter 16, the ordinance, and the Superior development standards. Discussion.

There was a discussion about Section 16-7-40(a). There needs to be a clarification of the intent and to make sure that not all 7 board members need to be present. If the intent is to have 2/3 of all Board members then it should be changed to 5. Trustee Pennington said the reason it was changed to 5 was that it was presumed 7 would be required. It was then changed back coming off that presumption. The attempt was to clarify rather than just using 2/3 of all members – just say 5 so it was clear that 5 voter were needed. In the current code it says “a favorable vote of 2/3 of all members”. If it is 2/3 of all members then 5 should be put back in. Discussion. It was decided this section would be a favorable vote of two-thirds of all members of the Board of Trustees.

Section 16-19-170(4) a) and (b) on page 113 was discussed. It now reads “the sign is not located within 50 feet of a street intersection; and the top of the sign is not more than 3 ½ feet above the ground”. Trustee Pennington said the semi-colon causes her problems. She believes the language should read “not located within 50 feet of a street intersection when the top of the sign is more than 3 ½ feet above the ground”. Kendra Carberry, Town Attorney, said that changes the meaning and makes it opposite. Discussion. It was decided that the wording in (4) (a) would be “located more than fifty (50) feet from a street intersection and the top of the sign is three and one-half (3 ½) feet or less above the ground; or (b) located within fifty (50) feet of an intersection and the top of the sign is two and on-half (2 ½) feet or less above the ground”.

Trustee Williams said Section 16-260 reads “the distance to notify property owners of a public hearing to 1,000 feet or a minimum of 50 houses”. She wanted to know where the 50 houses came from. Kendra Carberry said the determination was made after a long discussion. Trustee Pennington said the Board wanted to error on the side of more homeowners being notified rather than less. This was decided by the Board. Discussion.

Trustee Cirelli said on page 15 there is a definition of a large total care facility. He thinks that has been paired down too much. For example, a fraternity or sorority could meet that definition and he doesn’t believe that is what the Board had in mind. It previously read “community based residential facility intermediate care institutions and nursing care institutions”. The “intermediate care institutions and nursing care institutions” was taken out. After a lengthy discussion it was decided that it would read “large total care facility means a state licensed residential facility providing medical or nursing care and treatment for 4 or more adults”. Small total care facility will read the same but it would read 3 or less. There was a

discussion about whether to say “adults” or “persons”. It was decided to use “persons” instead of “adults”.

Trustee Cirelli said on Page 35, paragraph e, it reads “if the manager determines that a violation of this chapter is not such as to impose immediate danger”. He suggested that be changed to “if the manager determines that a violation of this chapter does not impose immediate danger”.

Trustee Cirelli said Section 16-20-80(1) is not a full sentence – Sidewalk widths shall comply with the Town of Superior Roadway Design Criteria and Standards must be separated from the flowline by a landscaped strip. After a discussion it was decided to eliminate everything after the word Standards. It would now read “Sidewalk widths shall comply with the Town of Superior Roadway Design Criteria and Standards”.

Mayor Muckle said apparently there isn’t anything in the Design Standards regarding mountable curbs and gutters. It seems that the Town only allows vertical curb types. In order to allow those, the Roadway Designs Standards would have to be amended. Trustee Cirelli said he would like that to do be since nobody has curb and gutter except the people that don’t want it. Mayor Muckle said he didn’t think anything needed to be done tonight but he would like to see something come back after the first of the year with that particular section of the Design Standards changed.

Trustee Hanson asked about the definition of “domestic partnership”. He has an issue with “exclusive committed relationships”. He thinks it should “domestic partnership means two persons over the age of 18 years who are unrelated by blood and who are living together but are not joined in any type of legal partnership, marriage or civil union”. He wanted to know if it has to say “exclusive committed relationship”. Kendra Carberry said yes it does, to try to match “marriage”. Discussion.

Trustee Pennington said at the end of the last Board meeting it was specifically mentioned that anybody who wanted to address the mobile homes provision needed to be at this public hearing to talk about that as it has been a bit contentious.

Public comments were made by the following:
George Kupfner, 109 So. 4th Avenue, Superior
George Leo Kupfner, 7520 W. Coal Creek Drive, Superior

The Board then discussed the comments made by Mr. Kupfner about his concern to allow a mobile home to be removed and replaced with a new one. Matt Magley said the way the current code reads for mobile homes is that there has to be a mobile home district but there aren’t any properties within the Town with that zoning designation. Any mobile homes that currently exist in Original Town are in the Residential Low Density District or Medium Density District and are basically a legal non-conforming use because they were grandfathered in when the Land Use Code was adopted. If a property owner has a mobile home on their lot and they want to pull it off and bring a new one in then they have to bring it up to the current code which requires a foundation, pitched roof, minimum width size, and siding. He thinks

Mr. Kupfner is talking about residents who own mobile homes to be able to take the old one off and put a new (or different) one back on with blocks and tie downs, etc. Mr. Magley said there have been property owners who had mobile homes and they have pulled them off but they had to put them on a foundation and do those types of things to bring it up to Code. Mr. Magley said this section of the Code has not changed. If the Board wanted to do something it would require changing the Code. Discussion.

Mayor Muckle said he thought the Board could commit to Mr. Kupfner that this particular issue would be discussed in the near future. Trustee Cirelli suggested that Mr. Kupfner set up a meeting with Mr. Magley outlining his changes. Mr. Magley wanted to know if the Board wanted this subject to go to the Planning Commission for their review first and he was told yes. Discussion.

Mayor Muckle closed the public hearing. Trustee Skumatz moved to approve Ordinance #O-10, Series 2010 AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR REPEALING AND REINACTING IN ITS ENTIRELY CHAPTER 16 OF THE SUPERIOR MUNICIPAL CODE with the changes that were crafted by the Town Attorney. Seconded by Trustee Williams. Ayes – 7 (Cirelli, Gourgouris, Hanson, Muckle, Pennington, Skumatz, Williams). Motion carried.

PUBLIC HEARING AND APPROVAL OF RESOLUTIONS AMENDING THE 2010 TOWN, SUPERIOR METROPOLITAN DISTRICT #1 AND THE SUPERIOR URBAN RENEWAL AUTHORITY BUDGETS

Mayor Muckle opened the public hearings for the Town of Superior Board of Trustees, Superior McCaslin Interchange Metropolitan District Board of Directors, and the Superior Urban Renewal Authority Board of Commissioners. Proofs of publication were submitted by the Town Clerk. Matt Magley said there are three items for this agenda item – the three involve amendments to the Town’s General Fund Capital Improvement budget regarding to the land purchase the Town made in 2010 for the ten acre ice facility. The second one is in regard to the Superior Metropolitan District #1 budget – for the solar panel purchases and installations at the Water Treatment Plant and Wastewater Treatment plant. The last one is with regard to the Superior Urban Renewal Authority budget and that amendment is due to the excess revenue received in 2010.

Paul Nilles, Finance Director, said all of these are procedural in nature. All three of these budget amendments are required by State Statutes to insure that for fiscal year 2010 the Town doesn’t spend more than funds were budgeted. The Board traditionally has taken these actions at the end of the fiscal year even though some happened in February, July or later. Typically the Town waits until the end of the fiscal year to make the budget clean-ups. Discussion.

Public comment

George Leo Kupfner, 7520 W. Coal Creek Drive, Superior

Mayor Muckle closed the public hearing. Trustee Gourgouris moved to approve Resolution #R-84, Series 2010 A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING A SUPPLEMENTAL BUDGET AND APPROPRIATIONS FOR FISCAL YEAR 2010. Seconded by Trustee Skumatz. Ayes – 7 (Cirelli, Gourgouris, Hanson, Muckle, Pennington, Skumatz, Williams). Motion carried.

Director Gourgouris moved to approve Superior Metropolitan District #1 Resolution #SMD1-13, Series 2010 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUPERIOR METROPOLITAN DISTRICT #1 APPROVING A SUPPLEMENTAL BUDGET AND APPROPRIATIONS FOR FISCAL YEAR 2010. Seconded by Director Skumatz. Ayes – 7 (Cirelli, Gourgouris, Hanson, Muckle, Pennington, Skumatz, Williams). Motion carried.

Commissioner Gourgouris moved to approve Superior Urban Renewal Authority Resolution SURA-3, Series 2010 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SUPERIOR URBAN RENEWAL AUTHORITY APPROVING A SUPPLEMENTAL BUDGET AND APPROPRIATIONS FOR FISCAL YEAR 2010. Seconded by Commissioner Williams. Ayes – 7 (Cirelli, Gourgouris, Hanson, Muckle, Pennington, Skumatz, Williams). Motion carried.

EXECUTIVE SESSIONS TO HOLD A CONFERENCE WITH THE TOWN'S ATTORNEY TO RECEIVE LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS, PURSUANT TO C.R.S. §24-6-402(4)(b) AND TO DETERMINE POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOP A STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCT NEGOTIATORS, PURSUANT TO C.R.S. §24-6-402(4)(e)

Trustee Skumatz moved to go into executive session to hold a conference with the Town's Attorney to receive legal advice on specific legal questions and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators. Seconded by Trustee Williams. Executive sessions were held. Trustee Gourgouris moved to come out of the executive sessions. Seconded by Trustee Williams. Ayes – 7 (Cirelli, Gourgouris, Hanson, Muckle, Pennington, Skumatz, Williams). Motion carried.

ADJOURNMENT

Mayor Muckle adjourned the meeting.

READ AND APPROVED this _____ day of _____, 2010.

Andrew Muckle, Mayor

ATTEST:

Phyllis L. Hardin, Town Clerk/Treasurer



ITEM NO. 7B

**INFORMATION FOR MEETING
OF THE SUPERIOR BOARD OF TRUSTEES
SUPERIOR URBAN RENEWAL AUTHORITY
SUPERIOR/MCCASLIN INTERCHANGE METROPOLITAN DISTRICT
SUPERIOR METROPOLITAN DISTRICT #1**

AGENDA ITEM NAME: Adoption of Resolutions regarding Public Posting Locations for the Town, Superior Urban Renewal Authority, Superior/McCaslin Interchange Metropolitan District and Superior Metropolitan District #1

MEETING DATE: January 10, 2011

PRESENTED BY: Phyllis Hardin, Town Clerk

PRESENTED FOR: Action

BACKGROUND:

The Colorado Open Records Law requires that municipalities designate an official location for posting of meeting notices. Meeting notices for the Town, Superior Urban Renewal Authority, Superior/McCaslin Interchange Metropolitan District and Superior Metropolitan District #1 are required to officially designate such posting places. The attached resolutions meet the state law requirement for each of these entities.

The location for the posting of Town and SURA notices is at Town Hall and the location for the posting of SMID and SMD #1 is at Town Hall and at 3 public places with the boundaries of the districts which is the Superior Marketplace. Copy of the notices for SMID and SMD #1 shall also be sent to the Boulder County Clerk and Recorder's Office.

RECOMMENDED ACTION:

Approval of resolutions establishing a place for the posting of meeting notices for the Town of Superior, the Superior Urban Renewal Authority, the Superior /McCaslin Interchange Metropolitan District and Superior Metropolitan District #1 as required by the Colorado Open Records Law.

MOTION:

There are four separate motions to be made. The first motion is for a Board of Trustees member to approve Resolution #R-1, Series 2011; the second motion is for a Superior Urban Renewal Authority Commissioner to approve Resolution #SURA-1, Series 2011; the third motion is for a Board of Director for Superior Metropolitan Interchange Metropolitan District to approve Resolution #SMID-1, Series 2011 and the fourth is for a Board of Director for Superior Metropolitan District #1 to approve Resolution #SMD1-1, Series 2011.

ATTACHMENTS:

- Resolution for the Town
- Resolution for Superior Urban Renewal Authority
- Resolution for Superior/McCaslin Interchange Metropolitan District
- Resolution for Superior Metropolitan District #1

TOWN OF SUPERIOR
RESOLUTION #R-1
SERIES 2011

A RESOLUTION OF THE BOARD OF TRUSTEES OF
THE TOWN OF SUPERIOR ESTABLISHING A
DESIGNATED PUBLIC PLACE FOR THE POSTING OF
MEETING NOTICES AS REQUIRED BY THE
COLORADO OPEN MEETINGS LAW

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR, COLORADO, as follows:

The Superior Town Hall at 124 E. Coal Creek Drive,
Superior, shall constitute the designated public place for
the posting of meeting notices as required by the Colorado
Open Meetings Law. The Town Clerk shall be responsible for
posting the required notices no later than twenty-four (24)
hours prior to the holding of the meeting. All meeting
notices shall include specific agenda information, where
possible.

ADOPTED this 10th day of January, 2011.

Andrew Muckle, Mayor

ATTEST:

Phyllis L. Hardin, Town Clerk/Treasurer

SUPERIOR URBAN RENEWAL AUTHORITY
RESOLUTION #SURA-1
SERIES 2011

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE SUPERIOR URBAN RENEWAL AUTHORITY
ESTABLISHING A DESIGNATED PUBLIC PLACE FOR
THE POSTING OF MEETING NOTICES AS REQUIRED
BY THE COLORADO OPEN MEETINGS LAW

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE SUPERIOR RENEWAL AUTHORITY, as follows:

The Superior Town Hall at 124 E. Coal Creek Drive, Superior, shall constitute the designated public place for the posting of meeting notices as required by the Colorado Open Meetings Law. The Town Clerk shall be responsible for posting the required notices no later than twenty-four (24) hours prior to the holding of the meeting. All meeting notices shall include specific agenda information, where possible.

ADOPTED this 10th day of January, 2011.

Andrew Muckle, Chairman

ATTEST:

Matt Magley, Interim Secretary

SUPERIOR/MCCASLIN INTERCHANGE METROPOLITAN DISTRICT

RESOLUTION NO. SMID-1
SERIES 2011

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SUPERIOR MCCASLIN INTERCHANGE
METROPOLITAN DISTRICT DESIGNATING THE
PUBLIC PLACES FOR POSTING OF THE
MEETING NOTICES AS REQUIRED BY COLORADO
LAW

WHEREAS, Colorado law requires the District to post notices of its meetings in at least three public places within the boundaries of the District; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTOR OF THE SUPERIOR MCCASLIN INTERCHANGE METROPOLITAN DISTRICT as follows:

Section 1. Notices of SMID meetings shall be posted in conjunction with the Board of Trustees meeting to occur on the same date in the following locations:

- a. In the glass case attached to the outside wall of the building adjacent to the front entrance of Town Hall, 124 E. Coal Creek Drive, Superior, Colorado;
- b. In at least 3 public places within the boundaries of the District.

A copy of the notice shall also be sent to the Boulder County Clerk and Recorder's Office.

ADOPTED this 10th day of January, 2011.

Andrew Muckle, President

ATTEST:

Phyllis L. Hardin, Secretary

SUPERIOR METROPOLITIAN DISTRICT NO. 1

RESOLUTION NO. SMD#1 - 1
SERIES 2011

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SUPERIOR METROPOLITAN DISTRICT #1
DESIGNATING THE PUBLIC PLACES FOR POSTING
OF THE MEETING NOTICES AS REQUIRED BY
COLORADO LAW

WHEREAS, Colorado law requires the District to post notices of its meetings in at least three public places within the boundaries of the District; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SUPERIOR METROPOLITAN DISTRICT #1 as follows:

Section 1. Notices of SMD #1 meetings shall be posted in conjunction with the Board of Trustees meeting to occur on the same date in the following locations:

- a. In the glass case attached to the outside wall of the building adjacent to the front entrance of Town Hall, 124 E. Coal Creek Drive, Superior, Colorado;
- b. In at least 3 public places within the boundaries of the District.

A copy of the notice shall also be sent to the Boulder County Clerk and Recorder's Office.

ADOPTED this 10th day of January, 2011.

Andrew Muckle, President

ATTEST:

Phyllis L. Hardin, Secretary



ITEM NO. 7C

INFORMATION FOR MEETING OF THE SUPERIOR BOARD OF TRUSTEES

AGENDA ITEM NAME: Approval of a Liquor License Renewal for Sushi Yoshi Restaurant

MEETING DATE: January 10, 2011

PRESENTED BY: Phyllis Hardin, Town Clerk

PRESENTED FOR: Action

BACKGROUND:

Attached is a copy of the renewal application from the State of Colorado for the Sushi Yoshi restaurant which expires on March 8, 2011. The Board of Trustees can refer the renewal request to the liquor license authority or allow it to renew automatically pursuant to Section 6-61 of the Superior Municipal Code. This also depends on whether or not the Boulder County Sheriff's Department approves or disapproves the renewal. In the case of Sushi Yoshi the Sheriff's Department has recommended approval of the renewal (see attached).

RECOMMENDED ACTION:

Allow the renewal application for Sushi Yoshi to occur automatically pursuant to Section 6-61 of the Superior Municipal Code

PROS:

- Keeping the business in the Town

MOTION:

Approve the renewal of the liquor license for Sushi Yoshi.

ATTACHMENTS:

- Liquor Licensing Investigation Report (Board only)
- Liquor License Renewal Application (Board only)



ITEM NO. 7D

INFORMATION FOR MEETING OF THE SUPERIOR BOARD OF TRUSTEES

AGENDA ITEM NAME: Approval of a Liquor License Renewal for Conoco Store/Circle K

MEETING DATE: January 10, 2011

PRESENTED BY: Phyllis Hardin, Town Clerk

PRESENTED FOR: Action

BACKGROUND:

Attached is a copy of the renewal application from the State of Colorado for the Conoco Store/Circle K #2706529 which expires on February 21, 2011. The Board of Trustees can refer the renewal request to the liquor license authority or allow it to renew automatically pursuant to Section 6-61 of the Superior Municipal Code. This also depends on whether or not the Boulder County Sheriff's Department approves or disapproves the renewal. In the case of the Conoco Store, the Sheriff's Department has recommended approval of the renewal (see attached).

RECOMMENDED ACTION:

Allow the renewal application for the Conoco Store to occur automatically pursuant to Section 6-61 of the Superior Municipal Code

PROS:

- Keeping the business in the Town

MOTION:

Approve the renewal of the liquor license for the Conoco Store/Circle K.

ATTACHMENTS:

- Liquor Licensing Investigation Report (Board only)
- Liquor License Renewal Application (Board only)



ITEM NO. **7E**

INFORMATION FOR MEETING OF THE SUPERIOR BOARD OF TRUSTEES

AGENDA ITEM NAME: Resolution -- Appointing Rocky Flats Stewardship Council Director and Alternate Director

MEETING DATE: January 10, 2011

PRESENTED BY: Matt Magley, Interim Town Manager

PRESENTED FOR: Action

BACKGROUND:

Appointments to the Rocky Flats Stewardship Council (RFSC) are made at the beginning of each calendar year. The Intergovernmental Agreement (IGA) establishing the RFSC requires each party to the IGA to “appoint one director who shall be an elected official of the Party, and up to two alternate directors, who may be either an elected official or a staff member of the party.”

Most recently, Trustee Cirelli has served as the Town’s Director, and Trustee Hanson has served as the Town’s Alternate Director. Both have expressed their willingness to continue serving in this capacity.

PROS:

- Continues the Town’s participation in the Council
- Continues the Town’s involvement with site planning, preservation, allowed uses, and ongoing monitoring
- Continues the Town’s involvement with ongoing issues such as the proposed museum for the site and potential impacts of the proposed Jefferson Parkway to the site

CONS:

- None

BUDGET IMPLICATIONS: The Town’s 2011 contribution to RFSC will be \$1,000.00.

MOTION: Move to adopt the Resolution appointing a Director and Alternate Director to the Rocky Flats Stewardship Council.

ATTACHMENTS:

- Resolution

TOWN OF SUPERIOR

RESOLUTION #R-2
SERIES 2011

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE
TOWN OF SUPERIOR APPOINTING A DIRECTOR AND
AN ALTERNATE DIRECTOR TO THE ROCKY FLATS
STEWARDSHIP COUNCIL

WHEREAS, in accordance with the Intergovernmental Agreement establishing the Rocky Flats Stewardship Council and Article II of the Bylaws, the Directors shall be appointed for a term of one year commencing February 1st of each year; and

WHEREAS, the Town of Superior is required to appoint one director who shall be an elected official of the Party, and up to two Alternate Directors, who may be either an elected official or a staff member of the Party.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, that:

Section 1. Joe Cirelli is appointed as the Elected Official and Chris Hanson is appointed as the Alternate to the Rocky Flats Coalition of Local Governments for the year 2011.

ADOPTED this 10th day of January, 2011.

Andrew Muckle, Mayor

ATTEST:

Phyllis L. Hardin, Town Clerk/Treasurer



ITEM NO. 7F

INFORMATION FOR MEETING OF THE SUPERIOR BOARD OF TRUSTEES

AGENDA ITEM NAME: Ordinance – Amending Chapter 10 / General Offenses of the Superior Municipal Code

MEETING DATE: January 10, 2011

PRESENTED BY: Matt Magley, Interim Town Manager

PRESENTED FOR: First Reading

BACKGROUND:

The State Legislature has amended the standard for a petty offense for the possession of marijuana and marijuana concentrate. The standard for a petty offense was amended from possession of one ounce or less to two ounces or less. Current language found in Section 10-8-50 of the Superior Municipal Code matches the old requirement and thus must be updated to meet the new State standard because the Town is a statutory municipality.

The recommend changes do not effect the Town's prohibition of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses that was adopted last year.

RECOMMENDED ACTION:

To approve the preliminary reading of the Ordinance; and schedule the final approval on January 24th.

PROS:

- Updates language within the Code to match what is stipulated in State Statute
- Does not effect the Town's prohibition of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses

CONS:

- None

ALTERNATIVES CONSIDERED:

- Make no change

BUDGET IMPLICATIONS:

- None

MOTION:

Move to approve the preliminary reading of an Ordinance amending Chapter 10 of the Municipal Code.

ATTACHMENTS:

- Ordinance

TOWN OF SUPERIOR
ORDINANCE NO. O-____
SERIES 2011

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE
TOWN OF SUPERIOR AMENDING SECTION 10-8-50 OF
THE SUPERIOR MUNICIPAL CODE REGARDING
POSSESSION OF MARIJUANA AND MARIJUANA
CONCENTRATE

WHEREAS, the Colorado General Assembly has amended C.R.S. § 18-18-406(1) making it a class 2 petty offense to possess two (2) ounces or less of marijuana; and

WHEREAS, to be consistent with state law, the Board of Trustees has determined to make conforming changes to Section 10-8-50 of the Superior Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO:

Section 1. Section 10-8-50 of the Superior Municipal Code is hereby amended as follows:

Sec. 10-8-50. Possession of ~~eannabis~~ marijuana.

(a) For purposes of this Section, the term ~~eannabis~~ *marijuana* shall include all parts of the plant *Cannabis sativa L.*, whether growing or not; the seed thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from its stalks, oil or cake or the sterilized seed of such plant, which is incapable of germination. The term ~~eannabis~~ *marijuana concentrate* means hashish, tetrahydrocannabinols or any alkaloid, salt derivative, preparation, compound or mixture, whether natural or synthesized, or tetrahydrocannabinols.

(b) It is unlawful to possess, *consume or use* ~~one (1)~~ *two (2)* ounces or less of ~~eannabis or eannabis~~ *marijuana or marijuana concentrate*, and, upon conviction thereof or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(c) It is unlawful *to* openly and publicly ~~to~~ display, ~~or~~ *consume or use* ~~one (1)~~ *two (2)* ounces or less of ~~eannabis~~ *marijuana concentrate*, and, upon conviction thereof or plea of guilty or no contest thereto, punishment shall be by a fine of one hundred dollars (\$100.00) and by imprisonment not exceeding fifteen (15) days.

(d) It shall be unlawful to transfer or dispense two (2) ounces or less of marijuana to another person for no consideration, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(de) This Section shall not apply to any person who possesses or uses cannabis or cannabis concentrate pursuant to the Dangerous Drugs Therapeutic Research Act.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this
_____ day of _____, 2011.

Andrew Muckle, Mayor

ATTEST:

Phyllis L. Hardin, Town Clerk-Treasurer

TOWN OF SUPERIOR
RESOLUTION #R-____
SERIES 2011

A RESOLUTION OF THE BOARD OF TRUSTEES
OF THE TOWN OF SUPERIOR APPROVING KEY
BRIDGE FOUNDATION - ADA MEDIATION
AGREEMENT BETWEEN THE TOWN AND GLADYS
FORSHEE

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
TRUSTEES OF THE TOWN OF SUPERIOR, that

Section 1. The Key Bridge Foundation - ADA
Mediation Agreement between the Town and Gladys Forshee, in
substantially the same form as attached hereto, is hereby
approved subject to final approval by the Town Attorney.

ADOPTED this 10th day of January, 2011.

Andrew Muckle, Mayor

ATTEST:

Phyllis L. Hardin, Town Clerk-Treasurer

KEY BRIDGE FOUNDATION ADA MEDIATION PROGRAM

RESOLUTION AGREEMENT

This agreement of complaint #DRS 11DRS-10-32, 2CO094 is entered into by the parties, Gladys Forshee (complainant) and the Town of Superior, Colorado (respondent) to settle the above-referenced complaint. Ms. Forshee and the Town of Superior, Colorado agree that this document represents their mutual agreement about how they will resolve their differences. Further, this agreement constitutes a full, complete, and final settlement of all claims identified in the complaint by the complainant.

The mediation participants agree that the rules to mediate and contract to mediate are incorporated by reference in this agreement.

The complaint arose from: (brief description of the complaint that was filed with the DOJ)

Ms. Forshee filed a complaint on July 24, 2010 addressing handicap access to the Superior Town Hall, specifically addressing lack of an automatic door opener and width on the exterior doors.

No other terms to this agreement, written or oral, exist aside from the text of this agreement. The parties are entering into this agreement without any admission of discrimination, or any other unlawful acts.

NOW THEREFORE, the Parties agree as follows:

I. Main Issues Discussed in Mediation

(Please summarize the main issues remembering to list each item identified in the complaint, in addition to those brought up in mediation, e.g., ramp, door.)

Town Hall automatic door opener and width of exterior doors.

Agreement: Forshee vs. Town of Superior, Colorado, Mediation Date December 21, 2010

II. Respondent's Obligations

(Please describe the respondent's obligations remembering to list each item identified in the complaint in addition to those brought up in mediation. Include completion time frames.)

The Town of Superior, Colorado agrees to the following actions to address issues specified in the Complaint:

An automatic, push button door opening system, compliant with ADA standards will be installed on the exterior and vestibule doors in the Town Hall by February 15, 2011.

Interim Town Manager Matt Magley will contact door and electrical contractors as soon as possible to obtains bids on this work.

III. Complainant's Obligations

(Please describe the complainant's obligations remembering to list each item identified in the complaint in addition to those brought up in mediation.)

Complainant agrees to file a separate complaint or complaints to address any additional ADA concerns she has with any facilities within the Town of Superior.

IV. Joint Obligations

(Please describe any jointly agreed upon obligations, i.e., anything the parties agree to carry out together for the smooth functioning of the agreement.)

The Parties agree to review and sign this Agreement by January 1, 2011 and return a signed copy to the mediator by that date.

The Parties agree that this agreement is confidential and agree that its terms shall not be disclosed to anyone other than the Key Bridge Foundation and anyone who must help carry out it's implementation. The fact that the participants used mediation to resolve the complaint is not bound by any confidentiality agreement unless the participants decide to the contrary.

The Parties agree to cooperate to implement this agreement. They further agree to abide by its terms. Any concerns about the implementation of the agreement should be communicated to the mediator or the Key Bridge Foundation.

V. Legal Review of Agreement

Complainant and respondent acknowledge that they have been advised to consult with an attorney or advocate prior to entering into this agreement. Each mediation participant will be given a reasonable period of time to decide whether the agreement terms sufficiently address the complaint filed with the U.S. Department of Justice.

VI. Conditions for Implementation of Agreement

(State specific conditions including dates for completion of the implementation of agreement remembering to address each item listed in the complaint in addition to those brought up and agreed upon in the mediation.)

See elsewhere in the Agreement.

Complainant and respondent agree that the complainant must indicate to the mediator his or her satisfaction with the implementation of parts of the agreement. They further agree that if all or part of the agreement is not implemented, the mediator will be contacted to continue mediation for the purpose of resolving any remaining issues. In the instance whereby both parties are not in agreement that the mediation should continue, and the conditions of the agreement are not implemented within a reasonable time period, the mediator will notify the Key Bridge Foundation. The Key Bridge Foundation will subsequently notify the U.S. Department of Justice that the case will be returned.

Signature and Print Name of Complainant

Date

Signature and Name of Complainant's Attorney/Representative

Date

Signature and Print Name of Respondent

Date

Signature and Name of Respondent's Attorney/Representative

Date

Respondent's approval of this Agreement is subject to approval by the Town of Superior Board of Trustees. The Agreement is currently scheduled for the January 10, 2011 Board of Trustees meeting



ITEM NO. 9

INFORMATION FOR MEETING OF THE SUPERIOR BOARD OF TRUSTEES

AGENDA ITEM NAME: Discussion – Parking Capacity at the Coalton Trailhead

MEETING DATE: January 10, 2011

PRESENTED BY: Martin Toth, PROS Director

PRESENTED FOR: Action

BACKGROUND:

In September 2007, Boulder County, the Town of Superior, and the City of Boulder finalized an extensive management plan for the Marshall-Superior-Coalton trail corridor. A significant amount of public outreach, staff interaction, and elected official and citizen committee dialogue from all three jurisdictions contributed to this plan. The Coalton Trailhead is a direct recommendation from this plan, and the work to construct this facility on Boulder County property should be substantially complete this month. Staff would like to share information about the capacity of the parking lot at the facility (33 spaces), and the process the County would use to consider expansion.

Once the overall management plan was completed in 2007, Town staff worked extensively with Boulder County staff to assemble plans and start construction of the roundabout and trailhead facilities. Boulder County staff worked to move up the timeline and funding for this component of the larger plan at Superior's request. The County's design review and approval process was expedited to help this project stay on a concentrated construction schedule.

At 33 parking spaces with additional space for horse trailers, the Coalton Trailhead was designed to Boulder County's standards for trailhead facilities. The planning process to arrive at this total took into account the potential need for future expansion. The configuration allows the facility to expand to twice its current size using vacant area immediately north of the parking lot. The facility's size and site layout were determined after consideration of the potential uses of the area, topography and drainage constraints, surrounding land uses, trail system usage patterns, County staff's experience with these facilities and other factors.

The Coalton Trailhead parking area is in the middle of the range for County trailhead facilities. This size was determined to be appropriate as a starting point, with the capacity to expand if necessary. For reference, attached is a list of parking space totals for County park and open space facilities.

Town staff has discussed with Boulder County staff the process the County would employ to look at increasing parking at the Coalton Trailhead. Once the facility is open and usage survey data is collected, County staff analyzes trip trigger data to determine if expansion is merited. If expansion was determined to be necessary, then County land use policy would require a special use review process, which typically requires four to six months. Boulder County has stated that they do not currently have funding or staff resources available to expand the facility at this point in time. The County's experience has been that new trailheads are rarely at capacity upon opening. The current plan is for Town staff and County staff to coordinate on monitoring use of the facility and address capacity issues as they come up. Town staff is working on contingency plans for off-street parking and signage needs if this should be necessary.

For additional reference, below is parking space information for four nearby trailheads:

| Trailhead | Parking Spaces |
|-------------------|----------------------------|
| Dowdry Draw | 26 + 3 horsetrailer spaces |
| Marshall Mesa | 40 + 3 horsetrailer spaces |
| Greenbelt Plateau | 22 + 0 horsetrailer spaces |
| Davidson Mesa | 18 + 0 horsetrailer spaces |

Staff spoke with City of Boulder staff, and their policy is to generally minimize parking to discourage overuse and potential "de-naturing" of natural open space and trail areas.

ATTACHMENTS:

- Parking space inventory for Boulder County park and open space facilities

| Boulder County Park/Open Space Area | Parking Spaces - Car | Parking Spaces - Handicap | Parking Spaces - Bus | Parking Spaces - Horse Trailer | Parking Spaces - Boat Trailer | Parking Spaces - Total |
|---|----------------------|---------------------------|----------------------|--------------------------------|-------------------------------|------------------------|
| Ag. Heritage Center at Lohr | 20 | 2 | 2 | | | 24 |
| Ann U White | 5 | | | | | 5 |
| Bald Mountain | 16 | | | | | 16 |
| Beech Open Space | 25 | 2 | | | | 27 |
| Betasso Preserve | 43 | 2 | 1 | 1 | | 47 |
| Bummers Rock Lot | 10 | | | | | |
| Canyon Loop Lots | 33 | 2 | 1 | 1 | | |
| Boulder Canyon Trail | 10 | | | | | 10 |
| Caribou Ranch | 25 | 1 | 2 | | | 28 |
| Carolyn Holmberg/Rock Creek Farm | 15 | | | 2 | | 17 |
| Coal Creek-Rock Creek Trail | | | | | | |
| Coalton Road Trail | | | | | | |
| Dodd Lake | 4 | 1 | | | | 5 |
| Fairgrounds ¹ | 2150 | 25 | | 130 | | 2305 |
| Fairgrounds Parks | 45 | 3 | | | | 48 |
| Fairgrounds Lake | 35 | 2 | | | | 37 |
| Cattail Pond | 10 | 1 | | | | 11 |
| Flagg Park | 8 | | | | | 8 |
| Gunbarrel Estates (Cottontail Trail) | | | | | | |
| Hall Ranch | 59 | 3 | | 6 | | 68 |
| Antelope Drive Parking Lot | 8 | | | | | |
| Bitterbrush/Nighthawk Parking Lot | 51 | 3 | | 6 | | |
| Harney-Lastoka | 20 | 1 | | | | 21 |
| Heatherwood Notch | | | | | | |
| Heatherwood-Walden | 9 | | | | | 9 |
| Heil Valley Ranch | 79 | 4 | | 7 | | 90 |
| Geer Canyon Parking Lot | 54 | 2 | | 4 | | 60 |
| Picture Rock Parking Lot (under construction) | 25 | 2 | | 3 | | 30 |
| Homestead Sub-division | | | | | | |
| Lagerman Reservoir | 25 | 2 | | | 5 | 32 |
| Lefthand Valley Grange | 30 | 2 | | | | 32 |
| Legion Park | 26 | | | | | 26 |
| Little Gaynor Lake (Wildview) | 5 | | | | | 5 |
| Mayhoffer-Singletree | | | | | | |
| Mud Lake | 23 | 2 | | 4 | | 29 |
| Niwot/Dry Creek Trail | 33 | 2 | | | | 35 |
| Hillside Estates Parking Lot | 13 | 1 | | | | 14 |
| Monarch Park Parking Lot | 20 | 1 | | | | 21 |
| Pella Crossing | 28 | 1 | | | 2 | 31 |
| Marlatt | | | | | | |
| Pella Crossing | 28 | 1 | | | 2 | 31 |

| Boulder County Park/Open Space Area | Parking Spaces - Car | Parking Spaces - Handicap | Parking Spaces - Bus | Parking Spaces - Horse Trailer | Parking Spaces -Boat Trailer | Parking Spaces - Total |
|--|----------------------|---------------------------|----------------------|--------------------------------|------------------------------|------------------------|
| Rabbit Mountain | 39 | 2 | | 4 | | 45 |
| Twin Lakes/Red Fox Hills Sub-divisions | | | | | | |
| Twin Lakes | | | | | | |
| Walden Ponds | 32 | 4 | 2 | | | 38 |
| Cottonwood Marsh Parking Lot | 20 | 2 | 2 | | | |
| Wally Toevs Parking Lot | 12 | 2 | | | | |
| Walker Ranch | 104 | 4 | | | | 108 |
| Ethel Harrold Parking Lot | 18 | | | | | |
| Meyers Homestead Parking Lot | 38 | 2 | | | | |
| Walker Loop Parking Lot | 48 | 2 | | | | |
| Willows Sub-division | | | | | | |
| | | | | | | |
| Park Totals | 728 | 38 | 7 | 24 | 7 | 804 |

Notes: 1. Quantities not included in Park Totals.