

Meredyth Muth

From: Chris Gabriel <chrisgabriel101@gmail.com>
Sent: Wednesday, February 21, 2024 8:28 AM
To: City Council
Subject: Thanks for the yes on redbail ridge

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Hello

Just wanted to thank-you for allowing the development to go through despite a minority of angry residents who seem to want Louisville to be kept in amber and nothing to ever get built again.

Thanks for allowing Louisville to keep moving forward.

Chris Gabriel
217 Short Pl.

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From: [Laura Page](#)
To: [Rob Zuccaro](#)
Cc: [City Council](#); [Parks and Rec](#)
Subject: Follow-up questions on RTR
Date: Wednesday, February 21, 2024 1:43:07 PM

Director Zuccaro,

Sorry. The questions never end, but most of these require only yes or no answers.

Regarding the Redtail Ridge development, I'm wondering if the city staff or Council has any more ability to control what happens on the property before the final plat is approved. There are some big issues, in my opinion, that are unresolved, or at least unstated. Perhaps my issues of concern are routinely handled during the construction process so would not come before the Council, but they are questions I would still appreciate the answers to.

It would be nice if you could respond by *next* Thursday the 29th. Thank you!

I know the Council will have some further control at the PUD process, but my questions pertain to the property before any PUD is submitted and to the public dedications. I have bolded the topics of concern along with my questions below. The background for my questions is in plain text; you can skip those sections if you prefer.

1. Safe passage

Two Councilors suggested that the plat would NOT pass muster if it did not provide for safe passage across Campus Road near the schools. The initial requirement subsequently placed by Council on the applicant apparently only required that the applicant show the crossing on the final plat. Sadly, I don't believe the condition stated that the City would make the final decision about whether their design was adequate. I would have much preferred that the Council *mandate* an underpass as that would maximize safety.

The two other underpasses planned for this property were easy for the applicant to incorporate because they'll double as a drainage point (and thus potentially flood regularly as underpasses in Louisville, Lafayette, and Superior have done). An underpass under Campus Drive adjacent to the schools would be more challenging and should be accounted for in the grading and drainage plans.

Will the City be able to deny the final plan and mandate a different crossing - potentially, an underpass - if it deems the applicant's final design is insufficient to maximize the safety of the children crossing Campus Road?

2. Public land-dedication timing

Given that the applicant was unwilling to specify nor illustrate the extent to which they have reduced the areas that will be graded, it must be assumed that the vast majority of what will be commuted to the public will be wiped clean of all plant and animal life and the soil structure and microbiology destroyed. It's much easier to amend the environment than to try to rebuild it.

The ability to rejuvenate the land will be hugely hampered by our region's change in precipitation patterns. Long gone are the daily showers that used to be common. Instead, more typical are single-day downpours interspersed with months-long drought. It will not be enough

to toss seed into the lifeless soil and expect it will grow and thrive. Even drought-resistant varieties need a year or two of consistent watering before they can handle water stressors. I confirmed last night in a talk I had with the representative from High Points that rehabilitation will be a years-long effort.

We were told that the property has a significant invasion of noxious weeds. I have no doubt that's true, undoubtedly much more so in the areas that were previously developed because those areas had no competing vegetation. But the extent of invasion *will* be worse if the beneficial plants are not nurtured.

We need only look at our Daughenbaugh open space for an example. Decades ago, that area was the same monoculture of brome left over from agricultural use that Warembourg still is. I believe in an attempt to naturalize the Daughenbaugh property, the land was tilled and sown with a more diverse mix of seed. The attempt was an abject failure, even though soil health was largely unaffected during preparation. The land is now covered with what I would guess is a *majority* of noxious weeds. Recovery is NOT easy.

At what stage and in what state will the City take ownership? Will the City be gifted barren land and be responsible for seeding?

Can the transfer of ownership be delayed a few years to ensure the vegetation is sustainable and as represented in the conceptual drawings?

3. Excavation

It is hard to swallow that the applicant is making "... appropriate use of **natural** contours [16.16.010]. The most recent excavation plans available to the public convey the extent of grading.

- Removal of the high points: 1,230,796 cubic yards. That's an amount equal to 50% of the soil removed to subside I-70.
- Filling in of the low points with the dirt removed from the high points: 981,489 CY

It is unclear to me what will happen to the 250,000 CY of soil left over, though the applicant apparently represents they will keep it on site. That is a volume that approximates 10 football fields filled 15 feet deep.

What are the applicant's plans for the 250,000 cubic feet of excess dirt from the excavation?

Can the applicant be required to set aside the irreplaceable topsoil from the undeveloped land north of Disc Drive for reapplication on the public open space areas that undergo grading?

Many residents are assuming this plan will yield them a large public park with playing fields. The reality is that the City already has suitable locations in town, closer to the population, that have yet to be funded. But if the ultimate goal *is* to develop playing fields, given that the land in that corner of the property undulates and rises significantly so would cost an extraordinary amount to develop, it would behoove the City to have the developer grade the site along with the rest of the property.

Personally, I would prefer that the area currently designated for a park be left as open space. There are more suitable locations closer to residential areas that would suffice.

Is the City committed to putting playing fields in the area designated for a park?

If so, should/can the City require that the area be graded concurrently with the rest of the property?

Boulder County advised the City to ensure that the proposed management of stormwater (the drainage) not adversely affect trails. The County's main concern was with drainage in Tract A, but a similar caution should be applied to all the trails. We do not want to constantly be repairing/rebuilding trails after high-water events such as are occurring with greater frequency.

Will City staff independently confirm that the proposed drainage routes will *not* expose any of the trails to damage during reasonably-anticipated high-precipitation events?

4. Wildlife

The applicant did not directly answer the question about whether poison will be used to exterminate the animals that have been living on this property undisturbed for decades. Thousands of prairie dogs - a keynote species upon which numerous other animals and raptors depend for their survival, *will* be killed. The applicant's environmental consultant recommended that no anticoagulant rodenticides be used to kill the prairie dogs.

Will the applicant be required to submit a wildlife/prairie dog "management" plan that adheres to the most humane practices - e.g. no anticoagulant rodenticides - and will such a plan be put into place before grading begins and buries alive the colonies?

5. Environmental surveys

The burrowing owl is categorized as threatened in Colorado. They often live in prairie dog colonies such as those that cover a vast amount of the RTR property. As far back as 2019, Boulder County staff had strongly recommended that initial burrowing owl and raptor surveys used to establish baseline conditions be continued for several years *before* development was planned in potential habitat.

As far as I know, that didn't happen so we do not have the information necessary to make informed decisions. Even the initial surveys appeared insufficient because they did not assess conditions and populations through all seasons. Unfortunately, we can't undo that oversight.

We were told last night that there would be continued environmental surveys. It would be instructive to analyze the impact of this development on the environment.

Are these additional environmental surveys going to take place over the next four months - a very brief time - before the populations are wiped out by grading?

How long and at whose expense will they continue?

Is the applicant required to consult with the Colorado Department of Wildlife and with the US Fish and Wildlife Service (for endangered species) regarding the results of their survey(s)?

6. Environmental buffers

Boulder County recommended that the final master drainage report include defined setbacks (per Louisville's determination) from all water features including lakes, creeks, wetlands, and ditches to provide a buffer between wildlife and humans.

Is the City mandating a minimum distance between water features and development, such as paths/trails to reduce the impact on wildlife?

7. Herbicides

High Plains recommended avoiding broadcast application of herbicides such as glyphosate, now prohibited on some of our public land. Instead, they advised that weeds be spot-treated with aminopyralid.

Will the City be able to prohibit, during development, the use of certain herbicides, notably glyphosate, as it has on certain public lands within the City?

8. Tree preservation

The preliminary plat was required by law to show the existing trees and other natural features (but failed to?) and our code requires that preservation of the natural landscape be maximized. There was mention at the last meeting of perhaps only 10 trees worth keeping on the property, though High Plains recommended that even the dead trees be left for wildlife habitat, unless there is a safety issue. I assume several, if not all of these few trees are mature cottonwoods that will be vital to any bird and wildlife recovery.

At a minimum, in order to support these trees' recovery, their root zones will need to be fenced off to avoid disturbance and compaction. The City's arborist would probably be best suited to convey the precautions needed.

Will the applicant be required to implement a protection plan for these trees BEFORE grading?

Will some wildlife-beneficial dead trees also be retained?

9. Contribution to exterior transportation upgrades

It's not clear to me if the applicant is committing a fixed dollar amount to necessary upgrades on impacted roads outside the property, or simply conveying the current *value* of their contribution. Inflation will devalue any monetary contributions made to the City in advance of construction.

Is the applicant only committing to a certain dollar amount or are they being required to pay a certain percentage, or even full cost, of the *final* cost of infrastructure upgrades *outside* the property that are necessary to prevent premature failure of roadways/intersections due to the development?

10. Internal community park

Without any commitment to add housing to this property, the last-minute addition of the small

community and dog parks in the southeast corner has dubious value to the community at large. I don't think, actually I hope, people will not drive to this location. Because the value of these additions will be to the employees, not the residents, I do not think Louisville should take ownership and be responsible for the upkeep of these amenities. Rather, it should be up to the Metro District.

Louisville wisely declined to accept public dedication of the 18 acres of land that borders US 36 that were offered to bolster the open space commitment.

Can - and will - the City decline to accept these amenities? If not, will the applicant be responsible for developing them or will that be another financial burden placed on the City?

11. To the extent possible...

Our code requires that certain things, like the preservation of natural features, happen "to the extent possible." This extent depends in large part on the built environment. The insane amount of grading that's required by this development is due to the need to channel water that was once absorbed by the land that will now be covered by structures. With less development, there would be less drainage to account for and thus more preservation of natural features possible.

To date, the City has allowed the *applicant* to establish just what is possible. It may have been possible for the applicant to still have a profitable development with less buildout and thus less destruction. After all, at first they said they needed over 6MM sq ft to make a go of it. Then they put their foot down at 3.1MM sq ft. Yet they have continued to pursue development at the original 2.6MM sq ft limit. Without an independent economic-feasibility study, the City had no bargaining power. Louisville continued to take the applicant's word on what was possible.

Will there be any *independent* verification, prior to development, that the applicant is protecting the natural environment to the extent possible?

12. Emissions

During deliberations over the application for an amended GDP, in keeping with the City's goal of sustainability, the previous Council was able to garner agreements from the applicant for minimal use of natural gas.

The applicant has now committed to approximately the same solar energy generation per sq ft as was promised in the amended GDP agreement, which is laudable. It would be even better, given that the applicant has not reduced their projected footprint, to match the total 3kW generation promised in the amended GDP application.

The LEED Silver certification for ALL buildings (except the hospital) is an improvement over the previous Certified LEED promise. But...

Will this Council, during PUD deliberations, be able to mandate limits on natural gas use?

Will Council be able to mandate the installation of geothermal energy sources, if they so choose?

Will Council, during PUD reviews, be able to require more solar-energy generation if the buildings would be capable of accomodating the additional hardware?

13. Parking

Boulder County provided some excellent suggestions regarding parking that could discourage single-vehicle trips and reduce the extent of hardscape.

During PUD discussions, can Council choose to reduce the current City parking capacity regulations?

14. Construction staging and soil storage

I'd like to remind the City that Boulder County previously warned against the applicant's use of Tract A for staging and storage as that would defy the requirement to provide an undeveloped buffer to Paradise Lane per the 1999 and 2010 IGAs. The County made the reasonable suggestion that staging and soil storage be located within a tract destined for development.

Can/does the City mandate the location of the construction staging area, construction trailer, and soil storage area?

If so, will the City require that none of these functions impact the areas that will not be graded?

Will the City disallow a mountain of dirt to remain on the property past a certain number of years that would be an eyesore such as the one off US 42 in front of Steel Ranch where promises of retail never materialized?

A related question regards construction traffic on the public roads to be built. Maintenance for these roads will ultimately fall to the City. If construction traffic is allowed on these new roads, they will degrade quickly.

Can the City mandate that there be a separate entrance to the property for construction vehicles and that all heavy vehicles be kept off the public roads within the development once the roads are completed?

15. North open space

The applicant made a promise to OSAB to remove the existing structures on the open space dedication located north of the property in Boulder County. Has that promise been formalized?

In what state, other than the removal of structures, will those lots be in when the City (and County?) take possession? Will the lots be revegetated?

16. Document expirations

I found the code that delineates when PUDs expire. I cannot find similar language regarding PCZD's and I'm at a loss to understand how a PCZD could expire since I believe it shapes the GDP.

You have stated before that the GDP specifies the zoning. The 2010 GDP specifies that the zoning for this property is PCZD Commercial [with PUD-C Overlay - now expired]. This question is relevant because, last night, I *think* the applicant was claiming that the Agreement that accompanied the GDP - the PCZD Zoning Agreement/ConocoPhillips Colorado Campus General Development Plan - has expired.

Can you please link me to the language in the Municipal Code that states if and when a PCZD and a PCZD agreement expire?

If the Agreement *has* expired thus removing the allowance for overlot grading prior to approval of the final plat, what are the existing regulations regarding the timing of the onset of grading relative to that final approval?

Mr. Zuccaro, I have greatly appreciated your responsiveness throughout this process and fully expect that will continue.

Thank you so much for your answers.

Laura Page

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From: [Laura Page](#)
To: [City Council](#); [Rob Zuccaro](#)
Subject: NW Parkway conditional agreement for RTR
Date: Friday, February 23, 2024 8:43:05 AM

Dear Director Zuccaro and City Council,

If I understand correctly, the approval of the final plat for Redtail Ridge is conditional on the applicant receiving permission from the NW Parkway Authority to locate the 96/Campus Drive intersection where it is currently shown on the applicant's plans. The applicant said the Authority has offered approval if certain conditions are met.

I do hope that you will look past any approval by the Authority to the actual conditions required by the Authority. Please ensure that the conditions placed on the applicant do not prevent any of the road improvements that are necessary to avoid the intersection failures that are projected to be caused or accelerated by the RTR development.

Thank you for your diligence.

Laura Page

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From: [Laura Page](#)
To: [City Council](#)
Cc: [Rob Zuccaro](#); [Josh Cooperman](#)
Subject: Minimizing parking at RTR
Date: Saturday, February 24, 2024 7:53:17 AM

Some people who received this message don't often get email from lpage53@gmail.com. [Learn why this is important](#)

Dear Council,

Louisville has goals of reducing vehicular traffic in order to reduce pollution and road congestion and increase sustainability.

Boulder County offered the following suggestions to the previous Council when they were deliberating the initial Redtail Ridge amended GDP. I support these suggestions and wonder if you do too. If so, it might be helpful to Sterling Bay to convey this early on so they can incorporate these suggestions (or mandates?) into their designs.

- Reduce the amount of parking required for this development by providing the developer with variances to the City's parking minimums. The developer's proposed Transportation Demand Management (TDM) plan outlines ambitious goals for reducing single occupant vehicle travel within and to the site, but these goals will be easily undermined by the amount of parking the developer is currently required to build (3.9-4 spaces/ 1,000 S.F.).
- Permit or require the developer to utilize shared parking so that every site does not require its own dedicated parking lot. That would reduce the project costs and the percentage of the overall site dedicated to parking.
- Build surface parking instead of garage parking. If all of the constructed parking does not end up being necessary, it is much easier to convert surface parking to alternate uses than structured parking. It will also reduce the project costs, resulting in lower costs passed along to future tenants and owners.

Laura Page

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From: [Susan Robertson](#)
To: [City Council](#)
Subject: Avista Hospital/Redtail Ridge
Date: Wednesday, February 28, 2024 4:33:26 PM

Some people who received this message don't often get email from docsue13@gmail.com. [Learn why this is important](#)

As a 33 year resident of Louisville and a retired physician, I strongly encourage you to find a way to keep Avista Hospital in Louisville. The hospital has needed better access for many years. A location off Highway 36 in Redtail Ridge, will be a huge benefit to the hospital. My practice was in Broomfield, and after Good Samaritan Hospital opened, it was a challenge to get the paramedics to take the patients to Avista especially if it was in the morning or afternoon when the Monarch traffic was at its worst. The community benefits from having this large employer, caring staff and physicians.

Susan Robertson, MD
583 W Sagebrush Ct
Louisville

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From: [tamar krantz](#)
To: [City Council](#)
Subject: RTR roadway review -- potential conflict of interest
Date: Sunday, July 7, 2024 4:19:45 PM

Dear City Council Members,

Would you please take item E: "Award Contract For Development Review Of Civil Roadway Plans For Redtail Ridge Development" off of your consent agenda to allow further discussion?

I am concerned that the action to award a review contract to FHU involves too much influence from the applicant. The staff memo states, "Staff recommends award of the contract to FHU per the request of the developer for Redtail Ridge (see attachment #1) based on familiarity with the project." In attachment 1, Ryan Amos of Sterling Bay states, "Sterling Bay requests the city hire FHU per their proposal attached."

I appreciate that the staff memo explains that "FHU has previously worked for staff on Redtail Ridge and is familiar with the project" and I appreciate that the developer is willing to pay for the review. Still, this level of applicant involvement in their own review appears to be a conflict of interest.

Could you please take time to discuss precedents for this type of expedited review paid for by a developer?

Also, could you please request that the proposals from Kimley Horn, AECOM, and ICON be shared with you and with the public as part of the city council packet? This way, the public will have the opportunity to see what was included in the other proposals that might have been missed in FHU's proposal and visa-versa. If the developer is paying for an expedited review, the best proposal and not the cheapest should be considered.

I don't have enough information to say that the city should hire one of the contractors that was NOT recommended by the applicant. But, with the limited information in the packet, it appears that the city should not hire a contractor that was recommended by the applicant without discussion by the council.

Thanks in advance for considering and discussing this!

I know this has been a busy time. Thanks for all you do!

Tamar Krantz
Louisville

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From: [Kurt Kowar](#)
To: tamarkrantz@gmail.com
Cc: [City Council](#); [Rob Zuccaro](#); [Kathleen Kelly](#); [Samma Fox](#)
Subject: Re: RTR roadway review -- potential conflict of interest
Date: Monday, July 8, 2024 9:33:42 AM
Attachments: [Outlook-s2weh21k.png](#)

Tamar,

Thank you for reaching out with your concerns.

City Staff have worked with FHU on a variety of projects and utilize them as an on-call 3rd Party review consultant to supplement our capabilities and expertise.

They have previously work with the City on matters such as Dillon Road Traffic Study, Campus Drive Realignment with Superior, and South Boulder Road Access Management.

FHU was selected by the City for this effort not by the Redtail Developer. FHU works for the City. FHU has previously reviewed and represented the City regarding the Redtail Traffic Study and various roadway topics and therefore is familiar with the project and the City's interests, including attending meetings with significant public meeting input on Redtail Ridge

The City Staff have reviewed and determined that FHU is the most qualified firm to supplement City Staff on this matter. The City Attorney has reviewed this matter and determined there is not a conflict of interest or legal issue concerning the agreement.

Ultimately, Public Works and Utilities staff approve any final set of plans and/or drawings that will result in the construction of Redtail Ridge.

Proposals can be made available through the City Clerks for review through records request.

If you have further concern, please feel free to reach out to me on my cell at 303-419-7445. I am happy to answer any additional concerns or questions related to this consent agenda item.

Thanks,

Kurt Kowar

Director
Public Works & Utilities

kurtk@LouisvilleCO.gov

749 Main Street
Louisville, CO 80027



LouisvilleCO.gov

From: tamar krantz <tamarkrantz@gmail.com>
Sent: Sunday, July 7, 2024 4:19:28 PM
To: City Council <Council@louisvilleco.gov>
Subject: RTR roadway review -- potential conflict of interest

Dear City Council Members,

Would you please take item E: "Award Contract For Development Review Of Civil Roadway Plans For Redtail Ridge Development" off of your consent agenda to allow further discussion?

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Thanks in advance for considering and discussing this!

I know this has been a busy time. Thanks for all you do!

Tamar Krantz

Louisville

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From: [Kurt Kowar](#)
To: tamarkrantz@gmail.com
Cc: [City Council](#); [Rob Zuccaro](#); [Kathleen Kelly](#); [Samma Fox](#); [Cameron Fowlkes](#); [Meredyth Muth](#)
Subject: Re: RTR roadway review -- potential conflict of interest
Date: Monday, July 8, 2024 2:23:45 PM
Attachments: [Outlook-s2weh21k.png](#)
[Consultant summary.xlsx](#)
[Kimley-Horn - Redtail Design Review Proposal.pdf](#)
[Louisville Redtail Review Support - ICON.pdf](#)
[Redtail Ridge Proposal 20240515.pdf](#)
[Redtail Ridge Review Assistance Proposal 051724.pdf](#)
[Outlook-mmchrlc1.png](#)

Tamar,

Thank you for reaching out by phone. I am following up with the information you requested and answers to your questions you posed:

1. Can you have a copy of the plan review proposals. Proposals attached.
2. Why is there such a price difference?

A: Different consultants estimate different amounts of time or have different hourly rates that results in pricing differences. FHU is very familiar with the City Staff and the Redtail Ridge Development therefore they are able to review with less effort than others.

3. Can staff meet with the public regularly to keep them apprised of Redtail activities?

A: No. The development review process has specific City Council milestones that provide for public input and feedback. The City does not meet with the general public on a regular basis for development review check ins or information updates.

The public records request process is the approved manner in which to submit questions and/or document requests.

4. When will a grading permit be issued for Redtail?

A: The Ball is in the developers court. They can apply any day. Staff estimates it is possible that grading could begin at Redtail in August. These timelines are just estimates at this point.

5. Will the City create a condition on the grading permit to not utilize Rodenticides?

A: The City relies on State requirements. The City has sent the request to not use Rodenticides to the developer but as we do not have this in our City adopted requirements it is not something we would regulate or place conditions upon for private property. This is from the Redtail developer:

“We’ve discussed to this with our environmental consultant. Who noted the rodenticides, as well as fumigants, were allowable through the state regulations (CDOA). Hope this helps.

The below is according to CSU extension and Referenced by Colorado Department of Agricultural (CDOA), several different types of pesticides can be used for prairie dog control in Colorado, including grain baits and products that generate poison gases (fumigants). All of these products are federally restricted use pesticides, except for the USDA gas cartridge. Colorado Parks and Wildlife defers to CDOA on what control methods are acceptable.

Rodenticides (Poison baits)

Rodenticide typically refers to Poison Grain Baits. Two types of poison grain baits can be used for prairie dog control in Colorado: zinc phosphide baits, and those containing an anticoagulant poison. All poison grain baits for prairie dog control are restricted use pesticides, due to the hazard to other species of animals. Many of the restrictions and limitations on use are necessary to prevent death or injury to non-target birds and mammals, including wildlife, pets, and livestock. These baits can only be used for prairie dogs on rangeland, rangeland and pasture, or rangeland and adjacent non-crop areas (depending on the specific product label). Licensed contractors know the regulations and apply these baits per label requirements.

Fumigants

Two types of fumigants can be used for prairie dog control in Colorado: those containing aluminum phosphide or the USDA gas cartridge. Aluminum phosphide products are classified as restricted use pesticides and gas cartridges are classified for general use. Fumigants are most effective when used in moist soils in early spring. They are generally less effective in dry soil.

Carbon monoxide (as a fumigant) is also an accepted control used for prairie dogs, either as a gas cartridge or some contractors pump the gas directly into burrows. The gas cartridge is the only pesticide for prairie dog control that is not a restricted use pesticide. Gas cartridges are ignited with a fuse and burn, producing smoke. Prairie dogs are killed primarily by the carbon monoxide produced. It can be used in open fields, non-crop areas, rangelands, reforested areas, lawns and golf courses.

More detail is available at <https://extension.colostate.edu/topic-areas/natural-resources/managing-prairie-dogs-6-506/#:~:text=Poison%20Grain%20Baits,those%20containing%20an%20anticoagulant%20poison.>

Thanks,

Kurt Kowar

Director

Public Works & Utilities

kurtk@LouisvilleCO.gov

749 Main Street

Louisville, CO 80027



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Sent: Monday, July 8, 2024 9:33 AM
To: tamarkrantz@gmail.com <tamarkrantz@gmail.com>
Cc: City Council <Council@louisvilleco.gov>; Rob Zuccaro <rzuccaro@louisvilleco.gov>; Kathleen Kelly <kathleen@kellypc.com>; Samma Fox <sfox@louisvilleco.gov>
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Public Works & Utilities

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Subject: RTR roadway review -- potential conflict of interest

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Would you please take item E: "Award Contract For Development Review Of Civil Roadway Plans For Redtail Ridge Development" off of your consent agenda to allow further discussion?

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Could you please take time to discuss precedents for this type of expedited review paid for by a developer?

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council.

Thanks in advance for considering and discussing this!

I know this has been a busy time. Thanks for all you do!

Tamar Krantz

Louisville

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From: [tamar krantz](#)
To: [Kurt Kowar](#)
Cc: [City Council](#); [Rob Zuccaro](#); [Kathleen Kelly](#); [Samma Fox](#); [Cameron Fowlkes](#); [Meredyth Muth](#)
Subject: Re: RTR roadway review -- potential conflict of interest
Date: Tuesday, July 9, 2024 3:27:18 PM
Attachments: [Outlook-s2weh21k.png](#)
[Outlook-mmchrlc1.png](#)

Kurt,

Thanks for taking the time to respond to my e-mail to the city council and to share your response with them.

I also appreciate you taking my phone call and sending a follow up email after our conversation.

I'm copying council as well so that this e-mail chain will become part of the council packet for tonight's meeting. In response to your points:

(1) Thanks for the plan review proposals and for not making me wait to go through the public records request process. I think that it is useful for city council members to see the other proposals. The letter from the developer requesting FHU creates the appearance of a conflict of interest.

(2) When I asked why the price difference, you said that the main reason that FHU was cheaper was because they are already familiar with the project and could get up to speed. Now that I can see the proposals, I see that FHU's is the only one that doesn't include review of the drainage plan. Is that a significant difference in scope?

(3) Though you say you can't meet with the public outside of the development review milestones that provide public input, you were very friendly and helpful on the phone. I am very appreciative!

I also tried to explain my reason for asking for a meeting. During the RTR referendum election campaign, those opposed to the referendum promised a worse development if proponents of the referendum won. Spokespeople for the referendum campaign promised to serve as guardrails through the process to ensure a better development. I don't speak for anyone else right now, but it seemed preferable to talk with you than to involve large groups of people and initiate letter writing campaigns, especially when we don't have complete information.

The other two questions were an aside and are not necessarily relevant to tonight's city council meeting.

(4) When you say that the developer can apply any day, does that mean that any day, you might receive the applicant's [overlot grading permit](#) ? Does that mean that they have completed the Stamped Erosion Control Plans , SWMP Report and State Stormwater Permit (CDPHE) as mentioned on the permit? How long will it take between when they submit and when you review and get the city manager signature? Would you be willing to let me know when you receive the permit application? My reason for trying to follow this is to understand how and when prairie dogs will be moved or removed.

(5) I appreciate that Cameron made the request to the developer not to use rodenticides. I am not fully in agreement that the city cannot make any request beyond what is strictly required by law. If you can't put the requirement in the permit, can you put it in the referral letter? I mentioned in our conversation that prairie dogs don't know where the private lots begin and the open space ends. If prairie dogs need to be exterminated, rodenticide is a terrible option. How can I (or others who know more than me) get involved in this process? Residents may be willing to pay for carbon monoxide or relocation to prevent rodenticides from affecting the ecosystem.

Overall, I still hope this can be moved to the regular agenda and that city council will take the time to consider the appearance of a conflict of interest. I hope they are interested in the difference between

proposals regarding drainage plan review. Acknowledging my lack of technical expertise, I still suggest using a consultant other than the one recommended by Sterling Bay.

Thanks so much,

Tamar

On Mon, Jul 8, 2024 at 2:23 PM Kurt Kowar <kurtk@louisvilleco.gov> wrote:

Tamar,

Thank you for reaching out by phone. I am following up with the information you requested and answers to your questions you posed:

1. Can you have a copy of the plan review proposals. Proposals attached.
2. Why is there such a price difference?

A: Different consultants estimate different amounts of time or have different hourly rates that results in pricing differences. FHU is very familiar with the City Staff and the Redtail Ridge Development therefore they are able to review with less effort than others.

3. Can staff meet with the public regularly to keep them apprised of Redtail activities?

A: No. The development review process has specific City Council milestones that provide for public input and feedback. The City does not meet with the general public on a regular basis for development review check ins or information updates.

The public records request process is the approved manner in which to submit questions and/or document requests.

4. When will a grading permit be issued for Redtail?

A: The Ball is in the developers court. They can apply any day. Staff estimates it is possible that grading could begin at Redtail in August. These timelines are just estimates at this point.

5. Will the City create a condition on the grading permit to not utilize Rodenticides?

A: The City relies on State requirements. The City has sent the request to not use Rodenticides to the developer but as we do not have this in our City adopted requirements it is not something we would regulate or place conditions upon for private property. This is from the Redtail developer:

"We've discussed to this with our environmental consultant. Who noted the rodenticides, as well as fumigants, were allowable through the state regulations (CDOA). Hope this helps.

The below is according to CSU extension and Referenced by Colorado Department of Agricultural (CDOA), several different types of pesticides can be used for prairie dog control in Colorado,

including grain baits and products that generate poison gases (fumigants). All of these products are federally restricted use pesticides, except for the USDA gas cartridge. Colorado Parks and Wildlife defers to CDOA on what control methods are acceptable.

Rodenticides (Poison baits)

Rodenticide typically refers to Poison Grain Baits. Two types of poison grain baits can be used for prairie dog control in Colorado: zinc phosphide baits, and those containing an anticoagulant poison. All poison grain baits for prairie dog control are restricted use pesticides, due to the hazard to other species of animals. Many of the restrictions and limitations on use are necessary to prevent death or injury to non-target birds and mammals, including wildlife, pets, and livestock. These baits can only be used for prairie dogs on rangeland, rangeland and pasture, or rangeland and adjacent non-crop areas (depending on the specific product label). Licensed contractors know the regulations and apply these baits per label requirements.

Fumigants

Two types of fumigants can be used for prairie dog control in Colorado: those containing aluminum phosphide or the USDA gas cartridge. Aluminum phosphide products are classified as restricted use pesticides and gas cartridges are classified for general use. Fumigants are most effective when used in moist soils in early spring. They are generally less effective in dry soil.

Carbon monoxide (as a fumigant) is also an accepted control used for prairie dogs, either as a gas cartridge or some contractors pump the gas directly into burrows. The gas cartridge is the only pesticide for prairie dog control that is not a restricted use pesticide. Gas cartridges are ignited with a fuse and burn, producing smoke. Prairie dogs are killed primarily by the carbon monoxide produced. It can be used in open fields, non-crop areas, rangelands, reforested areas, lawns and golf courses.

More detail is available at <https://extension.colostate.edu/topic-areas/natural-resources/managing-prairie-dogs-6-506/#:~:text=Poison%20Grain%20Baits,those%20containing%20an%20anticoagulant%20poison.>

Thanks,

Kurt Kowar

Director
Public Works & Utilities

kurtk@LouisvilleCO.gov

749 Main Street
Louisville, CO 80027



LouisvilleCO.gov

From: Kurt Kowar <kurtk@Louisvilleco.gov>

Sent: Monday, July 8, 2024 9:33 AM

To: tamarkrantz@gmail.com <tamarkrantz@gmail.com>

Cc: City Council <Council@Louisvilleco.gov>; Rob Zuccaro <rzuccaro@Louisvilleco.gov>; Kathleen Kelly <kathleen@kellypc.com>; Samma Fox <sfox@Louisvilleco.gov>

Subject: Re: RTR roadway review -- potential conflict of interest

Tamar,

Thank you for reaching out with your concerns.

City Staff have worked with FHU on a variety of projects and utilize them as an on-call 3rd Party review consultant to supplement our capabilities and expertise.

They have previously work with the City on matters such as Dillon Road Traffic Study, Campus Drive Realignment with Superior, and South Boulder Road Access Management.

FHU was selected by the City for this effort not by the Redtail Developer. FHU works for the City. FHU has previously reviewed and represented the City regarding the Redtail Traffic Study and various roadway topics and therefore is familiar with the project and the City's interests, including attending meetings with significant public meeting input on Redtail Ridge

The City Staff have reviewed and determined that FHU is the most qualified firm to supplement City Staff on this matter. The City Attorney has reviewed this matter and determined there is not a conflict of interest or legal issue concerning the agreement.

Ultimately, Public Works and Utilities staff approve any final set of plans and/or drawings that will result in the construction of Redtail Ridge.

Proposals can be made available through the City Clerks for review through records request.

If you have further concern, please feel free to reach out to me on my cell at 303-419-7445. I am happy to answer any additional concerns or questions related to this consent agenda item.

Thanks,

Kurt Kowar

Director

Public Works & Utilities

kurtk@LouisvilleCO.gov

749 Main Street
Louisville, CO 80027



LouisvilleCO.gov

From: tamar krantz <tamarkrantz@gmail.com>
Sent: Sunday, July 7, 2024 4:19:28 PM
To: City Council <Council@louisvilleco.gov>
Subject: RTR roadway review -- potential conflict of interest

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