

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, November 17, 2015 at 6:30 p.m.  
At the Village Center

Mayor Laura Christman called the meeting to order at 6:30 p.m.

**ROLL CALL**

Mayor Laura Christman, Councilors Mark Griffin, Earl Hoellen, Mike Gallagher, Klasina VanderWerf, and Katy Brown were present on silent roll call. Also present were Interim City Manager and Public Works Director Jay Goldie, City Attorney Linda Michow, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Commander Pat Weathers, Human Resource Analyst Kathryn Ducharme, Public Works Project and, and City Clerk Laura Smith.

Councilor Alex Brown arrived at 7:27 p.m.

Absent: none

**PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

**AUDIENCE PARTICIPATION PERIOD**

None

**CONSENT AGENDA**

Councilor Griffin moved, seconded by Councilor Gallagher to approve the following items on the Consent Agenda:

- a. Approval of Minutes – November 17, 2015

Councilor K. Brown asked if it was appropriate for Councilors not present at a meeting to abstain from approval of those minutes.

City Attorney Michow replied that abstention was appropriate but not necessary.

The motion passed 4 yes, 0 no, 1 abstention.

**ITEMS REMOVED FROM CONSENT AGENDA**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**2016 Proposed Budget**

Director Proctor presented the 2016 proposed budget and public hearing. She noted that department heads had met with their Council liaisons and staff was presenting a

balanced budget for Council's consideration. She explained that the 2016 General Fund budget was balanced with revenues equal to expenditures in the amount of \$6,993,629 and an ending fund balance of approximately \$3.6 million. In the Capital Fund expenditures exceeded revenues by (\$753,181). The Capital Fund was expected to have an ending balance in 2016 of approximately \$6.6 million dollars. The Parks and Recreation Fund budget was balanced with revenue equal to expenditures in the amount of \$1,789,146 and an ending fund balance of approximately \$2.3 million.

Director Proctor noted that a few changes had been made to the proposed budget since the October 6<sup>th</sup> study session. The largest change was the addition of Bond proceeds in amount of \$3.5 million and interest only expenses for the financing of the new Public Works Facility.

Councilor VanderWerf noted that the list of budget priorities was challenging and exciting. She asked if staff had considered that interest rates might increase when budgeting the interest revenue on page 3 of the budget.

Director Proctor replied that she had used a conservative estimate for interest revenue.

Councilor VanderWerf asked if on page 10 of the budget the Public Safety expenses for overtime related to dignitary visits was high enough.

Commander Weathers replied that it was.

Councilor VanderWerf asked what the acoustic panels listed on page 14 of the budget under the Capital Fund would be used for.

Councilor Griffin replied that acoustic panels were needed for the Briefing Room in the Joint Public Safety, which had not been built with acoustics in mind and was currently very loud during meetings.

Councilor VanderWerf asked on page 15 of the budget if the amount budgeted for the trail near Denver First Church assumed the City would not receive any grants for that project.

Interim City Manager/Director Goldie confirmed that was correct and that staff hoped to offset that expenditure with grants.

Councilor VanderWerf asked on page 18 of the budget if the expenditures budgeted for the Little Dry Creek bank stabilization were for a specific project.

Interim City Manager/Director Goldie replied the funds were a specific project at Woodie Hollow Park.

Councilor Gallagher asked about other projects on Little Dry Creek.

Interim City Manager/Director Goldie replied that there was one project at Cherrymoor bridge and another at Tufts bridge. One project would be funded out of the Arapahoe County Open Space Fund and the other out of the Capital Fund.

Councilor VanderWerf asked if the \$5,000 budgeted for sewer maintenance and repairs was enough.

Interim City Manager/Director Goldie replied that it was an estimate and that expenditures for that line item were under budget in 2015.

Councilor Griffin asked on page 13 of the budget why expenditures for the Public Art Commission (PAC) were \$20,000 instead of staying at the 2015 level of \$15,000.

Director Proctor replied that there had been a request at the October 5<sup>th</sup> study session to increase the expenditures for the PAC to \$20,000 for 2016.

Councilor VanderWerf explained that the additional expenses were needed for the Butterfield horse sculpture, *Charlo*. The PAC expected to landscape both in the winter and spring and add lighting. They also wanted to hold a sizable dedication since they had over 200 donors.

Councilor Griffin noted that there was public sentiment against spending public funds on art.

Councilor VanderWerf suggested that there was some very vocal public sentiment against public art but that it was not the majority.

Councilor Griffin agreed that the sculpture should be lit, but warned that Council could get push-back from residents.

Councilor K. Brown noted that Council had approved expenditures to support PAC functions and installation costs in the past.

Mayor Christman asked about the expenditure of \$45,000 for an asphalt roller.

Interim City Manager/Director Goldie replied that the City's current asphalt roller was 25 years old and while staff would use it for as long as possible a larger asphalt roller was needed to accomplish the in-house repairs that the department performed.

Councilor Griffin asked what the depreciation time was for public works equipment.

Director Proctor replied that it was five to ten years.

Councilor K. Brown reported that the Centennial Airport Community Noise Roundtable (CACNR) was working on a Memorandum of Understanding regarding their operations and was contemplating a fee-based membership. She explained that currently the CACNR was funded by the airport which was a potentially unstable funding source. The fee-based membership would likely be \$1,000 per community. She indicated that it was not necessary to earmark those funds in the 2016 budget but wanted Council and staff to be aware of that possibility.

Director Proctor noted that there was \$3,000 in the budget for unknown Council membership and training expenditures that could be used for the CACNR.

Mayor Christman opened the Public Hearing at 6:46 p.m. Hearing no comments the Public Hearing was closed at 6:47 p.m.

Councilor Griffin moved, seconded by Councilor Gallagher to approve Council Bill 7, Series 2015; A Bill for an Ordinance Adopting a Budget and Levying Property Taxes for the City of Cherry Hills Village, Colorado for Fiscal Year 2016 on first reading.

The following votes were recorded:

Gallagher	yes
Griffin	yes
VanderWerf	yes

K. Brown                      yes  
Hoellen                        yes

Vote on the Council Bill 7-2015: 5 ayes. 0 nays. The motion carried.

Councilor Griffin moved, seconded by Councilor Gallagher to approve Council Bill 8, Series 2015; A Bill for an Ordinance of The City Council of the City of Cherry Hills Village, Colorado Authorizing Appropriations for Fiscal Year 2016 on first reading.

The following votes were recorded:

Griffin                        yes  
VanderWerf                yes  
K. Brown                    yes  
Hoellen                      yes  
Gallagher                  yes

Vote on the Council Bill 8-2015: 5 ayes. 0 nays. The motion carried.

Council Bill 9-2015; A Bill for an Ordinance Amending Chapter 7 of the Municipal Code to Add a New Article VII, Concerning Regulations Applicable to the Operation of Unmanned Aircraft Systems (first reading)

City Attorney Michow presented Council Bill 9, Series 2015 on first reading. She explained that the proposed ordinance would establish regulations for unmanned aircraft systems (UAS), also known as drones and inclusive of model aircraft. She indicated that she had received initial input from staff and the Mayor on the draft. The proposed ordinance was in response to the growing population of UAS and usage by the general public, while acknowledging that the Federal Aviation Administration (FAA) is the ultimate authority in regulating its navigable airspace. The purpose was not to preempt any current or future Federal regulations. Congress had authorized the FAA to adopt regulations on drones through the FAA Modernization and Reform Act of 2012, but the FAA had not yet drafted final regulations. The FAA had proposed regulations including a maximum speed of 100 miles per hour; a maximum altitude of 500 feet; a maximum weight of 55 pounds including payload and any extra additions; unaided visual line of sight is required; no interference with manned aircraft; minimum age of 17 for operators; no careless or reckless operation; operation only during daylight hours; and no operation over anyone other than people directly involved in the operation.

Councilor Hoellen asked if the proposed FAA rulemaking had been noticed in the Federal Register and received public comments.

City Attorney Michow replied that they had.

Mayor Christman noted that the City's proposed ordinance would only apply to hobby drones. She indicated that the FAA had received tens of thousands of comments. She stated that the community had a right to reasonable safety regulations.

City Attorney Michow explained that the purpose of the proposed ordinance was to establish baseline regulations to protect residents and public area users. She noted that the proposed ordinance did not prohibit drones but did establish regulations and a registration process. She indicated that the registration process could be likened to the dog licensing process. She noted that enforcement would be complaint-based. She explained that commercial drones, FAA exempted drones, and drones used by law enforcement or public agencies would be exempt from the City's regulations. The prohibited acts in the proposed ordinance mirrored in large part the proposed federal

regulations with the additions of requiring written authorization from the City Manager to fly drones on public property, prohibiting harassment of animals, and prohibiting operation while under the influence. Violations would be a municipal offense and would be issued a municipal ticket heard in municipal court. The Police Department would likely establish a procedure of public education and warnings prior to issuing a ticket.

Mayor Christman noted that drones only needed to be registered with the City if they were going to be operated within the City.

Councilor Gallagher asked if non-residents visiting the City on vacation, for example, would have to register their drones.

City Attorney Michow replied that they would and that enforcement would be on a complaint-driven basis.

Councilor Hoellen stated that ordinances should be passed with the intent to enforce, and questioned whether the City would really fully enforce this drone ordinance. He noted that the federal regulations were expected soon and questioned whether this ordinance was premature.

Councilor K. Brown indicated that the FAA Modernization and Reform Act of 2012 distinguishes between commercial and model (hobby) aircraft use and prohibits the FAA from placing regulations around model aircraft as defined by the guidelines. UAS are considered aircraft and are required to comply with the FAA's general regulations for aircraft. While the FAA cannot establish rules specific to model aircraft use they can establish rules that apply to all aircraft, including UAS, such as the requirement to operate in a safe manner. The FAA was currently working on rules that would primarily affect commercial aircraft and thus would not address the concerns Council had with hobby drones. They were also considering a registration process that would apply to all UAS.

Councilor Griffin agreed with Councilor Hoellen that the law should be enforced.

Councilor Hoellen stated that public education was important to enforce the registration requirement and questioned whether and how the City planned to advise residents of this.

Mayor Christman indicated that this process would be handled similarly to how the City currently licensed dogs and home security alarms where lack of registration is not normally known unless there is an issue with that dog or alarm. She noted that the federal government was not enforcing its regulations.

Councilor K. Brown noted that the City could not regulate airspace.

Mayor Christman replied that a homeowner had a right to build a house within regulated airspace.

Councilor K. Brown indicated that case law supported that property owners were entitled to the amount of airspace they could use.

Councilor Hoellen noted that, as he understood, the Supreme Court case *U.S. v Causby* established that 500 feet and above was FAA regulated, 83 feet and below was for property owner use, and between 83 and 500 feet was unsettled or open to interpretation.

Councilor K. Brown agreed that a homeowner could probably take a case to court of a drone flying over their property, but questioned the appropriateness of the City taking on the litigation liability on behalf of homeowners. She noted that the National Park Service rules prohibited "launching, landing or operating on". Using the word "over" might result in issues with the FAA's jurisdiction. She noted that this language combined with the line-of-sight regulation would cover most issues. She noted that one of the model aircraft definitions was operation in compliance with community based standards that were outlined at knowbeforeyoufly.org. She expressed concern with the ninth and tenth whereas clauses in the proposed ordinance because although the FAA was taking a while to pass regulations they were entitled to do so; their slowness does not give the City authority to pass regulations. She also indicated there were regulations in place for model aircraft use already. She indicated that the Law Enforcement Guidance for Suspected Unauthorized UAS Operations from the FAA, referenced on page 2 of the proposed ordinance, states that the FAA retains the responsibility for enforcing FAA regulations including those applicable to UAS, and intends to help local law enforcement cooperate with the FAA to provide FAA enforcement of FAA regulations.

Mayor Christman indicated that the FAA was unlikely to enforce their regulations. She stated that the proposed ordinance would create safety regulations and give citizens some enforcement rights if violations do occur.

Councilor K. Brown stated that "operating" in a park was not the same as "flying over". She noted that she could fly a drone from her residence to Dahlia Hollow Park without losing line of sight.

Councilor Griffin replied that the proposed ordinance prohibited operation of UAS on or over any City property including public streets and parks without express prior written authorization from the City Manager.

Councilor K. Brown indicated that the FAA's website stated that "The FAA is responsible for the safety of U.S. airspace from the ground up."

Councilor Gallagher asked if any other municipalities had passed regulations.

City Attorney Michow indicated that the Town of Parker had passed general regulations. She noted that the FAA was unlikely to regulate or enforce regulations of hobby drones and the proposed ordinance limited the City's scope to hobby operators. She indicated that the phrase "or over" could be removed from the proposed ordinance.

Councilor Hoellen noted that, again, under U.S. v Causby, the airspace up to the height that a homeowner can reasonably say is necessary to their enjoyment of their property was not regulated by the FAA, and that this height was 83 feet. The regulatory authority for the airspace between that height and 500 feet was unsettled.

City Attorney Michow replied that 83 feet and below was for property owner use.

Councilor Hoellen indicated that if the City wanted to pass this ordinance then it should be enforced and residents should be educated about the registration process.

Councilor Gallagher agreed that communication with residents was important. He noted that regulations were needed because of issues involving life safety, privacy and vicarious liability.

Councilor K. Brown indicated that she was not sure the liability existed now because in order to be considered a model aircraft user you have to be operating within community safety guidelines which prohibited underage operation.

Councilor Gallagher indicated that practically speaking, underage operation will occur as children receive hobby drones as holiday gifts. He suggested that the City communicate to residents now that Council is considering this ordinance.

Councilor Griffin indicated that the 18<sup>th</sup> whereas clause should be amended to state "above ground level". He expressed concern with the Police Department's ability to enforce the proposed regulations such as line-of-sight, age limit and speed.

Mayor Christman replied that enforcement would be complaint driven.

Councilor Hoellen indicated he had issues with approving an ordinance for the purpose of complaints.

Councilor VanderWerf indicated that residents needed protections against improper drone operation. She suggested that the City could ban drone operation except in specific areas.

Councilor Gallagher stated that the important thing to keep in mind was consistency with the Master Plan.

Councilor K. Brown noted that she was cautious about regulating what someone could do on their own private property. She indicated that as it was currently worded, the intent of the ordinance was to deal with the safety, privacy and nuisance issues that might result from drone operation, but the wording involved restricting aircraft operation and she suggested that the City could receive significant legal push back that they did not have the authority to restrict aircraft operation. She noted that using aircraft for surveillance was already prohibited by the FAA. She added that Council was considering a Traffic Study that involved surveillance of license plates. She indicated that the City's noise ordinance would apply to drones and suggested that could be amended if needed instead of a new ordinance. She indicated that she was more comfortable amending the current Code to deal with the issues of safety, privacy and nuisance rather than restricting aircraft operation which she considered legally tenuous.

Councilor Griffin noted that the generation 2 drones could navigate via GPS.

Councilor Hoellen agreed that privacy was an important issue.

Mayor Christman indicated that the current Code did not protect from a drone flying over private property. She added that a drone flying near a horse was a potentially dangerous situation and the City had a right to protect its citizens.

Councilor Griffin noted that the proposed ordinance would only allow drone operation on the drone owner's property.

Mayor Pro Tem A. Brown added that drones could be operated on other property with permission.

Councilor K. Brown indicated that she was not opposed to drone registration but felt that it was more appropriate at the federal or state level. She did not feel that registering drones at the municipal level was appropriate.

Mayor Christman stated that many people's first reaction to a drone on their property was to shoot it down. She indicated that if drone operation posed a legitimate safety issue and concern then it was incumbent on the City to keep citizens safe. She noted that if a drone runs out of battery power it would fall from the sky.

Councilor Griffin added that if one motor malfunctioned the drone would lose control.

Councilor Hoellen agreed that there were safety, privacy and nuisance issues, but indicated that he was concerned with what City could do and what it was prepared to enforce. He added that education of residents was also important.

Mayor Christman noted that the proposed ordinance was subject to federal and state regulations.

Councilor Griffin indicated that Council should not burden the Police Department with regulations they could not enforce.

Mayor Pro Tem A. Brown indicated that enforcement would be an issue when there are repeat offenders as with many other of the City's ordinances.

Councilor Hoellen indicated that if the ordinance were adopted, the City should educate its citizens with a widespread notice about the registration process and new regulations.

City Attorney Michow stated that the plan was to hold a public hearing during second reading of the proposed ordinance at the December 9<sup>th</sup> meeting.

Councilor Gallagher noted that the City was not ahead of the curve on this issue as the holidays were coming soon and many drones would be given as gifts. He suggested notifying residents of the proposed ordinance and public hearing in the December issue of the Village Crier.

Mayor Christman expressed concern that residents would operate drones in parks instead of on their own property.

Councilor K. Brown asked why drones should be registered if they were only allowed on the owner's property.

Mayor Christman replied that if a drone shows up on a different property the registration will allow communication between the drone owner and the property owner.

Councilor VanderWerf noted that drones could be a danger to birds as well. She suggested that the public could turn against drones if they became very common. She agreed that an article should be included in the Crier.

Councilor K. Brown reiterated that the City did not have the authority to regulate aircraft operations.

City Attorney Michow replied that it was an open question. She noted that she and the Mayor had participated in several legal discussions regarding the level of local authority on this issue. She explained that according to Colorado experts there was some room for regulation of drones by municipalities, although the exact extent was unknown. She noted that the proposed ordinance included a severability clause to cover that unknown aspect.

Councilor K. Brown asked if any local regulations had been legally challenged.

City Attorney Michow replied that there were not many municipal ordinances yet.

Mayor Christman noted that other mayors were interested in seeing the City's ordinance.

Councilor K. Brown indicated that she did not disagree that there were issues of safety and privacy associated with drone operation, but that it was a bigger problem on a bigger scale. She questioned how long the City's registration would be valid if the FAA planned to implement its registration process by April 2016. She suggested that the City ask CML to sponsor statewide legislation instead of regulating at a municipal level since UAS can cross jurisdictional boundaries so easily. She stated that a statewide level was the minimum granularity that she felt drone legislation could be effective.

Councilor Hoellen indicated that although the regulation of aircraft was authorized to the FAA, the consequences of drone operation such as safety, privacy, noise and property damage were the City's concern and questioned whether the City already had laws that addressed those consequences that could be applied to drones.

Mayor Pro Tem A. Brown indicated that if a drone flew five feet over a rider it would startle the horse and create a serious safety issue, but that was not covered by the current Code.

Councilor K. Brown suggested that the City amend its harassment laws to encompass that situation. She noted that the negative impacts of safety, privacy and nuisance were not limited to drones.

Councilor VanderWerf suggested that the City prohibit all drones until the FAA passes its regulations.

City Attorney Michow noted that staff could amend the proposed ordinance to focus on general requirements rather than operating characteristics, maintain that operation was not permitted on public property, and modify the criminal/nuisance sections of Chapter 10.

Councilor Griffin suggested amending the ordinance to allow drone operation on the operator's property only.

Councilor Gallagher noted that the proposed ordinance might encourage drone operators to go elsewhere.

Councilor K. Brown noted that if everyone banned drones there wouldn't be anywhere to operate them. She indicated that the City's right to regulate airspace was a legitimate legal question. She added that protection of wildlife was not included in the proposed ordinance. She asked if it was illegal to harass animals and indicated that if it was already illegal then the City did not need another ordinance addressing that issue.

Councilor Hoellen indicated that the Council's job was to help the community operate in the manner it wants to operate.

Mayor Christman noted that the horse vs drone issue could be compared to the horse vs dog issue where dogs harass horses.

Councilor K. Brown noted that the City encouraged residents to harass coyotes.

Mayor Christman noted that people likely cared more about the safety of their dogs than their drones. She indicated that the FAA did not have the manpower or funds to enforce their hobby drone regulations.

Councilor Hoellen added that if the FAA failed to promulgate guidelines for hobby use then the FAA's pre-emption would no longer apply, and municipalities would be in a better position to regulate drones operated by hobbyists.

Councilor Griffin indicated that drones pose a public safety issue and Council had to take some action.

City Attorney Michow stated that she was happy to work with Councilor K. Brown on the whereas clauses of the proposed ordinance and make other revisions that the Council suggested for consideration at second reading.

Councilor K. Brown indicated that the City could regulate noise, nuisance and privacy in general instead of passing a specific drone ordinance.

Councilor Griffin disagreed.

Councilor VanderWerf disagreed.

Councilor Gallagher indicated that Council had a responsibility to the community to follow the Master Plan.

Councilor K. Brown noted that at 100 feet you would not hear or see a drone and it would not interfere with anyone's quiet enjoyment.

Councilor Gallagher stated there was an opportunity for abuse and user error.

Councilor K. Brown noted that surveillance was already illegal and Council had been concerned with the possibility of the proposed guard house at Cherry Hills Farm appearing to be surveillance.

Mayor Pro Tem A. Brown indicated that he had no confidence in the FAA to enforce their regulations related to hobby drones.

Councilor K. Brown agreed that the FAA may be ineffective, but they retained the responsibility to enforce UAS violations.

Mayor Christman indicated that the City's proposed ordinance was not meant to enforce FAA regulations but rather establish City regulations.

City Attorney Michow added that the proposed ordinance was not inconsistent with the FAA regulations.

Councilor Griffin suggested that Mayor Christman write an article for the Crier about this issue while Council worked on this issue.

Councilor Hoellen indicated that the issues the City wanted to regulate and had the right to regulate were the potential impact of drone operation on noise, privacy, and property damage rather than operation of drones in and of itself, and that should be explained in the Crier article.

Councilor K. Brown suggested that the community safety guidelines at [knowbeforeyoufly.org](http://knowbeforeyoufly.org) be included in the article.

City Attorney Michow indicated that the proposed ordinance could reference the community safety guidelines.

Councilor Griffin suggested the proposed ordinance be simplified to only allow drone operation on private property.

Councilor Gallagher indicated that section 7-7-40 General Requirements for Hobby Operators should be kept.

City Attorney Michow indicated that section 7-7-50 Prohibited Acts could be removed and other sections of the City Code could be amended to cover those issues.

Councilor K. Brown indicated that the 18<sup>th</sup> whereas clause should be amended as the Council did not desire to control UAS but rather to protect safety and privacy.

Mayor Pro Tem A. Brown suggested that a minimum altitude be added to drones passing between properties.

Councilor Griffin asked if rockets were regulated.

Councilor K. Brown replied they are considered model aircraft but the definition of UAS in the proposed ordinance would not include rockets.

Council discussed the article for the Crier advising the public of the public hearing on December 9<sup>th</sup>.

Councilor Gallagher moved, seconded by Councilor Griffin to approve Council Bill 9, Series 2015; Amending Chapter 7 of the Municipal Code to Add a New Article VII, Concerning Regulations Applicable to the Operation of Unmanned Aircraft Systems on first reading, and to schedule a public hearing and second reading on December 9, 2015, with modifications discussed to simplify the language.

The following votes were recorded:

A. Brown	yes
VanderWerf	yes
K. Brown	no
Hoellen	yes
Gallagher	yes
Griffin	yes

Vote on the Council Bill 9-2015: 5 ayes. 1 nay. The motion carried.

## **REPORTS**

### **Mayor's Report**

Mayor Christman reported that she continued to work on various open space acquisition projects.

### **Members of City Council**

Councilor Gallagher had no report.

Councilor Griffin reported that the BOAA met in November and approved their request. He noted that there would not be a December BOAA meeting.

Mayor Pro Tem A. Brown had no report.

Councilor VanderWerf reported that fundraising for the Butterfield horse sculpture *Charlo* was going well and the PAC was close to raising enough to purchase the piece. She indicated that the PAC planned to have a large celebration and dedication once the piece was purchased. She noted that they had received some wonderful comments about the piece. She also reported that she had attended last week's Parks, Trails and Recreation Commission (PTRC) meeting at which the proposed fence ordinance was discussed. She noted that the Planning and Zoning Commission (P&Z) and the PTRC were coming from different orientations and so had different recommendations which would likely come to Council as two separate versions for consideration.

Councilor K. Brown reported that she had attended the CDOT Transportation Matters Summit at which they had presented their RoadX strategic plan for the next 20 years. She noted that driverless cars were likely to be an issue in the near future. She also reported that she had represented the CACNR at the National Organization to Insure a Sound-controlled Environment (NOISE) Conference in Nashville. She noted that there was a lot of frustration at the conference about the FAA's heavy-handed approach. She explained that the FAA was implementing next generation (NextGen) GPS flight systems which allowed pinpointed flight paths. A speaker from the Boston area related his experience with flights over his community increasing exponentially as a result of NextGen implementation. She noted that there was little communities could do to mitigate that change and it had been disheartening. She hoped that the City was not in the NextGen flight paths for Centennial Airport. She noted that the NextGen flight paths were worse for some people and better for others.

Mayor Christman asked Councilor K. Brown to write an article for the Crier.

Councilor K. Brown also reported that the CML Policy Committee would be meeting in early December and asked Council to advise her if they were concerned about any proposed legislation.

Councilor Hoellen had no report.

### **Members of City Boards and Commissions**

None

### **City Manager & Staff**

Interim City Manager/Director Goldie indicated that department monthly reports and unaudited financial statements were included in Council packets. He distributed a letter from the Technical Advisory Committee (TAC) to Denver Water regarding their rate increases.

Councilor Griffin asked staff to include a summary of the letter in the Crier.

Interim City Manager/Director Goldie distributed a worksheet outlining options from the traffic study consultants. He indicated that he would review the options with Mayor Pro Tem A. Brown and Director Zuccaro and return to Council with suggestions.

Mayor Pro Tem A. Brown noted that the consultants had lowered their rates 10% in response to Council's concerns.

Interim City Manager/Director Goldie distributed the Public Works Facility draft report from Maintenance Design Group (MDG). He indicated that the estimated cost for the new facility was much higher than anticipated at \$7.5 million, but that staff would work to lower that number. He noted that he had just received the report earlier today so

needed more time to review it, but that he had called several other contractors and had confirmed the square foot prices that MDG had used were accurate at \$250 per heated square foot at \$100 per unheated square foot. He would discuss the other costs with MDG. He noted that the initial space analysis showed that the 1.25 acres available at the City of Englewood site was not enough space.

Councilor Hoellen indicated he would like to be involved in the discussions with MDG if schedules permitted.

Interim City Manager/Director Goldie replied that he hoped to meet with MDG before Thanksgiving. He noted that the Joint Public Safety Facility had been built at \$212 per square foot and that contractors were expecting a 5 to 6% increase per year on the cost of materials.

#### City Attorney

None

#### ADJOURNMENT

Mayor Pro Tem A. Brown moved, seconded by Councilor VanderWerf to enter into Executive Session pursuant to CRS 24-6-402(4)(b) for the purpose of seeking legal advice concerning the Cooper v. Cherry Hills Village litigation, and pursuant to C.R.S. Sec. 24-6-402(4)(a) for the purpose of discussing matters related to the acquisition of real property and pursuant to C.R.S. Sec. 24-6-402(4)(e) to develop strategy for negotiations and to instruct negotiators relating to possible acquisition of real property, and upon completion of the Executive Session the Council will be adjourned.

The following votes were recorded:

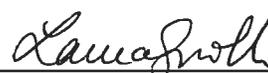
VanderWerf	yes
K. Brown	yes
Hoellen	yes
Gallagher	yes
Griffin	yes
A. Brown	yes

Vote on the Executive Session: 6 ayes. 0 nays. The motion carried.

The executive session began at 8:39 p.m.

The meeting adjourned at 9:52 p.m.

  
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 Laura Christman, Mayor

  
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 Laura Smith, City Clerk