

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, January 19, 2016 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 Earl Hoellen, Mike Gallagher, Klasina VanderWerf, and Katy Brown were present on 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 Chief Michelle Tovrea, Human Resource Analyst Kathryn Ducharme, and City Clerk Laura Smith.

Absent: Councilors Mark Griffin and Alex Brown

**PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

**AUDIENCE PARTICIPATION PERIOD**

None

**CONSENT AGENDA**

Councilor VanderWerf moved, seconded by Councilor Hoellen to approve the following items on the Consent Agenda:

- a. Approval of Minutes – January 5, 2016
- b. Highway User Tax Funds (HUTF) Mileage Certification

The motion passed unanimously.

**ITEMS REMOVED FROM CONSENT AGENDA**

None

**UNFINISHED BUSINESS**

**Council Bill 2, Series 2016; Authorizing a Supplemental Appropriation for Grant Fund Expenditures for the John Meade Park Master Plan (second and final reading)**

Director Proctor presented Council Bill 2, Series 2016 on final reading. She explained that the proposed council bill would authorize a supplemental appropriation for the expenditure of \$29,130 in grant funds that were carried over from 2014 to 2015 for the John Meade Park Master Plan. She noted that no changes had been made since first reading.

Councilor Hoellen moved, seconded by Councilor VanderWerf to approve Council Bill 2, series 2016 on final reading; A bill for an ordinance of the City of Cherry Hills Village, authorizing a supplemental appropriation in the 2015 budget for grant fund expenditures for the John Meade Park Master Plan.

The following votes were recorded:

Gallagher	yes
VanderWerf	yes
K. Brown	yes
Hoellen	yes

Vote on the Council Bill 2-2016: 4 ayes. 0 nays. The motion carried.

### **NEW BUSINESS**

#### **Resolution 2, Series 2016; Amending the City Council Rules of Procedure**

City Clerk Smith presented Resolution 2, Series 2016, amending the City Council Rules of Procedure. She explained that the proposed amendments to the Rules included removing the first Tuesday in July as a regular meeting and noted that from 2000 to 2015 only two of the meetings scheduled for the first Tuesday in July were not cancelled; clarifying that comments left on the City's Facebook page and other social media were not guaranteed to be entered into the public record of a public hearing; and other clarifications as suggested by City Attorney Michow.

Councilor Hoellen questioned the proposed amendment to Article 1 of the Rules, which stated "Deviation from these Rules that do not violate the Charter or any law may be permitted at the discretion of the Mayor."

City Attorney Michow explained that would give the Mayor flexibility for slight deviations from normal procedures during a Council meeting.

Mayor Christman directed staff to include an article in the Crier to advise the public of the change regarding comments submitted to the City's Facebook page or other social media.

Councilor VanderWerf moved, seconded by Councilor K. Brown to approve Resolution 2, Series 2016; amending the City Council Rules of Procedure as submitted in Exhibit A of the January 19, 2016 staff memorandum.

The motion passed unanimously.

#### **Council Bill 3, Series 2016; A Bill for an Ordinance Amending Article VII of Chapter 7 concerning Unmanned Aircraft Systems (first reading)**

City Clerk Smith presented Council Bill 3, Series 2016 to amend Article VII of Chapter 7 on first reading. She explained that based on Council direction at the January 5<sup>th</sup> meeting staff was suggesting several amendments including mirroring the federal registration threshold of 0.55 pounds and clarifying that the City would accept the federal registration certificate with the City's contact information form. The proposed bill also included the addition of a definition for 'Recreational or hobby use' as recommended by City Attorney Michow.

Councilor K. Brown noted her general objection to regulation of drones. She expressed concern with the proposed additional definition for 'Recreational and hobby use' and suggested it might form a loophole for drones operated for commercial use in violation of the FAA. She suggested removing the new definition.

City Attorney Michow replied that the proposed definition was intended to assist in the distinction between hobby drone operators versus owners related to the City's registration requirement.

Councilor K. Brown indicated that the intention was to require anyone not exempted by Section 7-7-30 to register with the City and the additional definition was not needed. She suggested removing the definition and wording from Sections 7-7-40(a) and 7-7-40(a)(1).

City Attorney Michow suggested further wording amendments to Section 7-7-40.

Councilor Hoellen stated that the reference to "hobby operator" was not needed because all operators not exempted under Section 7-7-30 were required to register.

Mayor Christman asked about the City's current registration process.

City Clerk Smith explained that currently the City was accepting a copy of the federal registration certificate along with the City's contact information form and not charging drone owners a City registration fee. She noted that if in the future the FAA stopped its registration program the City would have the option of resuming the City registration program including the \$10 registration fee.

Councilor K. Brown suggested clarifying that the City may waive the registration fee in Section 7-7-40(1)(3).

Councilor K. Brown moved to approve Council Bill 3, Series 2016; amending Article VII of Chapter 7 concerning Unmanned Aircraft Systems on first reading, with the following amendments:

- Section 7-7-20 Definitions: Remove the new definition for "Recreational or hobby use"
- Section 7-7-40 General requirements for Hobby Operators and Owners: correct the title to read "Owners" instead of "Own"
- Section 7-7-40(a) Registration required: amend the section to read "Registration of UAS is required for all owners of UAS operating within City Airspace unless exempted under Section 7-7-30."
- Section 7-7-40(a)(1) Registration: amend the section to read "The required registration must occur prior to operating an unmanned aircraft system within City Airspace. The City registration requirements set forth in subsections (a)(2) through (a)(4) shall apply if no federal registration is required for UAS. The City shall accept a federal registration and waive the registration fee upon owner's presentation to the City of a certificate of federal registration and submission of owner contact information on a City-issued form. The City Council may establish other registration requirements by resolution."
- Section 7-7-40(a)(3) Registration fee: add the sentence "The City shall waive the registration fee upon owner's presentation to the City of a certificate of federal registration and submission of owner contact information on a City-issued form."

Mayor Christman suggested that Section 7-7-40(a)(3) could read "The registration fee shall be ten dollars (\$10.00) for each UAS unless waived pursuant to Section 7-7-40(a)(1) above..." instead of the duplication of the sentence.

Councilor K. Brown accepted the amendment.

Councilor Gallagher seconded the motion as amended.

The following votes were recorded:

VanderWerf	yes
K. Brown	no
Hoellen	yes
Gallagher	yes

Vote on the Council Bill 3-2016: 3 ayes. 1 nays. The motion carried.

## **REPORTS**

### **Mayor's Report**

Mayor Christman had no report.

### **Members of City Council**

Councilor Gallagher reported that staff had presented the Trail Inventory Project at the last Parks, Trails and Recreation Commission and would present the Project at the February 16<sup>th</sup> Council meeting. He noted that the project was well done, thorough, and included pertinent next steps and a wealth of knowledge.

Councilor VanderWerf expressed deep sorrow at the loss of Public Art Commissioner Teresa Harbaugh. She thanked the staff members who were able to attend the memorial service. She noted that the Public Art Commission (PAC) was not meeting in January but that lights would be installed on *Charlo* shortly.

Councilor K. Brown noted that the latest Colorado Municipal League newsletter included an article about tree tracking software that staff might be interested in, and an article about a poster contest for Colorado 5<sup>th</sup> graders with the theme "Celebrate Trees in Our Community." She suggested the contest information be relayed to St. Mary's Academy and Cherry Hills Village Elementary School.

Mayor Christman asked staff to communicate the poster contest to the City's schools.

Councilor Hoellen reported that he had met with Interim City Manager/Director Goldie to review and discuss the Public Works Facility Plan.

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

None

### **City Manager & Staff**

Interim City Manager/Director Goldie reported that department monthly reports and unaudited financial statements were available in Council packets. He noted that the City had a vacancy on the PAC and would advertise the position to solicit applications. He reported that he had met with Councilor Hoellen regarding the Public Works Facility Plan and they had conducted site visits, reviewed operational needs, and evaluated current space versus proposed square footage. He added that he had researched pre-fabricated steel building manufacturers in an effort to reduce costs. After this review the estimated price for the new facility was currently \$2 to \$3 million and the heated square footage had been reduced from 14,000 to 7,000.

Mayor Christman noted that estimate did not include land costs.

Interim City Manager/Director Goldie agreed the estimate did not include the lease of Englewood land or the shared use of Englewood facilities.

Councilor VanderWerf noted that the new facility should be built to last 30 years as was the normal expectation for public buildings.

Interim City Manager/Director Goldie agreed and noted that staff was taking future growth into account when planning the facility. He indicated that due to a short timeline staff may not be able to have paper copies of the City Manager search consultant's packet available for Council on Friday in preparation for Council's special meeting on Monday. He stated that staff would pass on the consultant's packet electronically to Council and would have paper copies available on Friday if time allowed and no later than at the Monday meeting.

#### Public Art Commission Vacancy

City Clerk Smith asked Council to appoint two members to assist with the PAC recruitment process.

Council appointed Councilor VanderWerf and Mayor Christman to assist with the PAC recruitment process.

#### **City Attorney**

City Attorney Michow noted that it was too early in the state legislative session to report on potential legislation but that she would report at future meetings.

#### **ADJOURNMENT**

Councilor Hoellen moved, seconded by Councilor K. Brown 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 adjourn immediately thereafter.

The following votes were recorded:

K. Brown	yes
Hoellen	yes
Gallagher	yes
VanderWerf	yes

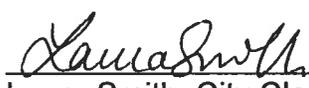
Vote on the Executive Session: 4 ayes. 0 nays. The motion carried.

The executive session began at 7:05 p.m.

The meeting adjourned at 7:15 p.m.



  
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 Laura Christman, Mayor

  
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 Laura Smith, City Clerk