

City Council

Agenda

Tuesday, February 4, 2020

City Hall

749 Main Street

7:00 PM

**Note: The time frames assigned to agenda items are estimates for guidance only.
Agenda items may be heard earlier or later than the listed time slot.**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND ITEMS ON THE CONSENT AGENDA**
Council requests that public comments be limited to 3 minutes. When several people wish to speak on the same position on a given item, Council requests they select a spokesperson to state that position.
5. **CONSENT AGENDA**
The following items on the City Council Agenda are considered routine by the City Manager and shall be approved, adopted, accepted, etc., by motion of the City Council and roll call vote unless the Mayor or a City Council person specifically requests that such item be considered under "Regular Business." In such an event the item shall be removed from the "Consent Agenda" and Council action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading "Consent Agenda" will appear in the Council Minutes in their proper order.
 - A. Approval of Bills
 - B. Approval of Minutes: January 21, 2020
 - C. Approval of Special Meeting on February 11, 2020
6. **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA** (Council general comments are scheduled at the end of the Agenda.)
7. **CITY MANAGER'S REPORT**
8. **REGULAR BUSINESS**

Citizen Information

If you wish to speak at the City Council meeting, please fill out a sign-up card and present it to the City Clerk.

Persons with disabilities planning to attend the meeting who need sign language interpretation, assisted listening systems, Braille, taped material, or special transportation, should contact the City Manager's Office at 303 335-4533. A forty-eight-hour notice is requested.

- 7:05 – 7:15 PM **A. LIFE IN LOUISVILLE PHOTOGRAPHY CONTEST AWARD PRESENTATION**
- Presentation
- 7:15 – 7:45 PM **B. DISCUSSION/DIRECTION/ACTION – AIRPORT NOISE MITIGATION UPDATE & CONSULTANT CONTRACT FOR PHASE II**
- Staff Presentation
 - Public Comments (Please limit to three minutes each)
 - Council Questions & Comments
 - Action
- 7:45 – 8:15 PM **C. ORDINANCE NO. 1789, SERIES 2020 – AN ORDINANCE AMENDING CHAPTER 3.32 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING ADMINISTRATION OF THE RETAIL MARIJUANA FACILITY TAX AND AMENDING CHAPTER 5.11 OF THE LOUISVILLE MUNICIPAL CODE REGARDING RETAIL MARIJUANA SALES TO NONRESIDENTS OF THE STATE OF COLORADO – 2ND READING, PUBLIC HEARING (advertised *Daily Camera 1/26/20*)**
- Mayor Opens Public Hearing and Asks for Disclosures
 - Staff Presentation
 - Public Comments (Please limit to three minutes each)
 - Council Questions & Comments
 - Additional Public Comments (Please limit to three minutes each)
 - Mayor Closes Public Hearing
 - Action
- 8:15 – 8:30 PM **D. ORDINANCE NO. 1790, SERIES 2020 – AN ORDINANCE AMENDING LOUISVILLE MUNICIPAL CODE TITLE 9 REGARDING OFFENSES AGAINST PUBLIC PEACE – 2ND READING, PUBLIC HEARING (advertised *Daily Camera 1/26/20*)**
- Mayor Opens Public Hearing and Asks for Disclosures
 - Staff Presentation
 - Public Comments (Please limit to three minutes each)
 - Council Questions & Comments
 - Additional Public Comments (Please limit to three minutes each)
 - Mayor Closes Public Hearing
 - Action

8:30 – 8:45 PM

E. ORDINANCE NO. 1791, SERIES 2020 – AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE LOUISVILLE MUNICIPAL CODE REGARDING WATER AND SEWER TAP FEES – 2ND READING, PUBLIC HEARING (advertised *Daily Camera* 1/26/20)

- Mayor Opens Public Hearing and Asks for Disclosures
- Staff Presentation
- Public Comments (Please limit to three minutes each)
- Council Questions & Comments
- Additional Public Comments (Please limit to three minutes each)
- Mayor Closes Public Hearing
- Action

9. CITY ATTORNEY’S REPORT

10. COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

- ECONOMIC VITALITY COMMITTEE**
- FINANCE COMMITTEE**
- LEGAL REVIEW COMMITTEE**
- UTILITY COMMITTEE**
- COLORADO COMMUNITIES FOR CLIMATE ACTION**
- COMMUTING SOLUTIONS**
- CONSORTIUM OF CITIES**
- DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE**
- DENVER REGIONAL COUNCIL OF GOVERNMENTS**
- JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE)**
- MAYORS & COMMISSIONERS COALITION**
- METRO MAYORS CAUCUS**
- REVITALIZATION COMMISSION**
- XCEL ENERGY FUTURES**

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City of Louisville, CO
DETAIL INVOICE LIST

P 1
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CASH ACCOUNT: 001000 101001

WARRANT: 123119D 12/31/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
3875	XCEL ENERGY	DEC 19 SPRINKLERS	95.96
3875	XCEL ENERGY	DEC 19 FLASHERS	5.74
3875	XCEL ENERGY	DEC 19 METERED LIGHTS	829.31
3875	XCEL ENERGY	DEC 19 NON-METERED LIGHTS	41,154.58
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	4 INVOICES	WARRANT TOTAL	42,085.59
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CASH ACCOUNT: 001000 101001		WARRANT: 011620	01/16/2020
VENDOR	VENDOR NAME	PURPOSE	AMOUNT
5754	BNSF RAILWAY COMPANY	ROADWAY SURFACING APPLICA	800.00
1115	COLONIAL LIFE INSURANCE	#9711888 JAN 20 EMPLOYEE	173.68
1205	COLORADO DEPT OF REVENUE	4Q 2019 SALES TAX ACCT 01	2,448.35
5255	FAMILY SUPPORT REGISTRY	Payroll Run 1 - Warrant 0	312.49
99999	ELIZABETH REINTHAL	RETURNED ACH PP01, 2020	116.56
99999	NORM MERLO	TRAVEL ADVANCE 1/26-2/1/2	428.50
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6 INVOICES		WARRANT TOTAL	4,279.58
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CASH ACCOUNT: 001000 101001

WARRANT: 123119E 12/31/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
3735	PETTY CASH - TAMMY HAPOLDT	PETTY CASH FRONT DESK	254.36
3875	XCEL ENERGY	DEC 19 GROUP ENERGY	77,452.02
2 INVOICES		WARRANT TOTAL	77,706.38

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CASH ACCOUNT: 001000 101001

WARRANT: 012320 01/23/2020

VENDOR VENDOR NAME	PURPOSE	AMOUNT
5367 DENVER ZOOLOGICAL FOUNDATION O ANIMAL EXPEDITION OUTREAC		575.00
1 INVOICES	WARRANT TOTAL	575.00

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CASH ACCOUNT: 001000 101001

WARRANT: 123119F 12/31/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
8042	A-1 CHIPSEAL CO	2019 Pavement Crack Seal	27,617.21
1006	ALL CURRENT ELECTRIC INC	Building Inspections	6,160.00
14802	ALLIANCE CONSULTING	CLEO DUGOUT ROOF DRAWINGS	2,470.00
14596	AMERICAN ELEVATOR PROFESSIONAL	Elevator Inspections	1,300.00
13724	APPLEONE EMPLOYMENT SERVICES	TEMP SERVICE OPS ADMIN	1,366.95
13724	APPLEONE EMPLOYMENT SERVICES	TEMP SERVICE OPS ADMIN	1,366.95
13724	APPLEONE EMPLOYMENT SERVICES	TEMP SERVICE OPS ADMIN	1,058.25
13721	ASSOCIATED POOL BUILDERS INC	Spray Pad UV Rebuild RSC	6,091.96
14900	BIOCHAR NOW LLC	FILTRATION STOCK WTP	576.00
640	BOULDER COUNTY	BSO OFFICERS TURKEY TROTT	585.00
640	BOULDER COUNTY	DEC 19 RSSL GATE FEE	5,243.35
640	BOULDER COUNTY	NOV 19 RSSL GATE FEE	4,882.15
640	BOULDER COUNTY	BSO OFFICERS STREET FAIRE	10,026.25
14865	BOULDER COUNTY FENCING LLC	Fence Installation Dutch	5,000.00
14865	BOULDER COUNTY FENCING LLC	Fence and Gate Installati	4,000.00
14438	BRANNAN CONSTRUCTION COMPANY	2019 Water Main Replaceme	17,536.66
13344	BROWNS HILL ENGINEERING & CONT	CHEMICAL TANK SENSOR WTP	2,455.00
935	CENTENNIAL PRINTING CO	EMERGENCY REPAIR DOOR HAN	152.21
2220	CHEMTRADE CHEMICALS US LLC	Alum Sulfate WTP	5,191.38
14011	CLOSE ASSOCIATES LLC	Tank Structural Evaluatio	3,100.00
14011	CLOSE ASSOCIATES LLC	Tank Structural Evaluatio	1,350.00
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WWTP	160.50
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WWTP	271.80
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WWTP	160.50
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WWTP	160.50
10916	COLORADO CODE CONSULTING LLC	PLAN REVIEW	3,375.00
1280	COLORADO STATE TREASURER	132653-00-6-194 UMEMPLOYM	1,543.98
13685	DEWBERRY ENGINEERS INC	HMI EDITS WTP	2,425.72
14692	DIGIMATION	DART Studio Software	1,000.00
1505	DPC INDUSTRIES INC	SODIUM BICARBONATE WWTP	1,470.00

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CASH ACCOUNT: 001000 101001 WARRANT: 123119F 12/31/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
14545	ELEANOR LLC	BUSINESS ASSISTANCE REBAT	4,203.37
12270	FASTENAL COMPANY	DRUM FAUCET	169.03
12270	FASTENAL COMPANY	DRUM FAUCET CREDIT	-135.22
12270	FASTENAL COMPANY	PLASTIC TACK WELDER WTP	181.44
14771	FASTSIGNS DTC	SIGNAGE & WINDOW TINTING	2,083.00
6847	GENERAL AIR SERVICE & SUPPLY	CYLINDER RENTAL OPS	84.63
2310	GRAINGER	BOXES WTP	59.74
13856	GREEN CO2 SYSTEMS	BULK CO2 RSC	334.40
13856	GREEN CO2 SYSTEMS	BULK CO2 RSC	314.00
13856	GREEN CO2 SYSTEMS	BULK CO2 RSC	540.38
13856	GREEN CO2 SYSTEMS	BULK CO2 RSC	352.28
13856	GREEN CO2 SYSTEMS	BULK CO2 RSC	260.51
13856	GREEN CO2 SYSTEMS	BULK CO2 RSC	264.00
2405	HACH COMPANY	LAB SUPPLIES WWTP	84.30
14472	HILL AND POLLOCK LLC	DEC 19 WATER LEGAL SERVIC	8,234.50
645	HUMANE SOCIETY OF BOULDER VALL	2019 4Q ANIMAL IMPOUND FE	2,687.50
14706	INTERNATIONAL DIOXCIDE INC	Sodium Chlorite SWTP	13,138.34
11289	JVA INC	WWTP Process Feasibility	1,883.00
11289	JVA INC	Fluoride Equipment Design	2,428.00
9087	LORIS AND ASSOCIATES INC	SH 42 Underpass Design	8,158.00
9087	LORIS AND ASSOCIATES INC	Mgmt Services 2018 Wayfin	2,138.75
13939	LOUISVILLE ARTS DISTRICT	2019 ADVERTISING SUPPORT	1,000.00
5432	LOUISVILLE FIRE PROTECTION DIS	BLOOD DRAW	35.00
5432	LOUISVILLE FIRE PROTECTION DIS	BUILDING PERMIT REVIEW	475.00
14772	M A MEYER CONSTRUCTION INC	2019 Fire Hydrant Paintin	40,590.00
3285	MEURER RESEARCH INC	TRAC VAC HOSE WTP	750.00
13525	MICHAEL BAKER JR INC	CM Contract 42 and Short	36,313.70
14673	NORTHWEST ROOFING	ROOF REPLACEMENT HAIL DAM	129,412.21
14899	OTAK INC	Engineering Services BMX	682.50
10153	PCS MOBILE	NETMOTION LICENSES BLDG S	703.00

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CASH ACCOUNT: 001000 101001

WARRANT: 123119F 12/31/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
13419	ROADSAFE TRAFFIC SYSTEMS CORP	TRAFFIC MITIGATION SIGNS	795.02
13419	ROADSAFE TRAFFIC SYSTEMS CORP	TRAFFIC MITIGATION SIGNS	778.56
12843	SCL HEALTH	PR E-SCREEN	76.50
4300	SILL-TERHAR MOTORS INC	2020 Ford Police Vehicle	34,295.00
14482	SM & RC STRUCTURAL ENGINEERS I	Louisville Pipeline Contr	5,170.00
13957	TADDIKEN TREE COMPANY INC	HONEY LOCUST TRIMMING	2,242.00
14707	THATCHER COMPANY INC	Aluminum Chlorohydrate SW	7,304.82
14856	TRENCH PLATE RENTAL CO	2019 Excavation Shoring B	10,125.00
14856	TRENCH PLATE RENTAL CO	Excavation Shoring Box Mo	1,190.00
4875	UNIVAR USA INC	Caustic Soda SWTP	8,197.58
14373	WEIFIELD GROUP CONTRACTING INC	MIOX TROUBLESHOOTING WTP	400.00
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES RSC	199.60
5115	WL CONTRACTORS INC	Dec 19 Traffic Signal Mai	6,416.21
73 INVOICES		WARRANT TOTAL	452,712.97

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CASH ACCOUNT: 001000 101001		WARRANT: 020420	02/04/2020
VENDOR	VENDOR NAME	PURPOSE	AMOUNT
6866	4 RIVERS EQUIPMENT	FILTERS UNIT 3294	306.74
1	A WAY OF LIFE FITNESS CONSULTI	CONTRACTOR FEES 17001-1	417.90
190	ACE EQUIPMENT & SUPPLY CO	V-PLOW RUBBER BLADE	700.00
12890	ADAMSON POLICE PRODUCTS	TRAFFIC VESTS PD	50.00
14547	ADIDAS AMERICA INC	2020 Resale Merchandise	1,045.64
14890	AED AUTHORITY	AED'S AND CASES PD	4,623.00
14737	ALEX THOELE	CONTRACTOR FEES GUITAR	1,575.00
2012	ANFRM	2020 ANFRM MEMBERSHIP	30.00
13748	ASSOC FOR COMMUNITY LIVING IN	2020 NON-PROFIT GRANT AWA	1,000.00
14567	BEYONDTRUST CORPORATION	REMOTE ACCESS VPN SOFTWARE	2,036.01
11605	BOBCAT OF THE ROCKIES LLC	SOLENOID UNIT 5370	226.56
14029	BOULDER COUNTY CULTIVATE	2020 NON-PROFIT GRANT AWA	2,000.00
13749	BOULDER COUNTY LEGAL SERVICES	2020 NON-PROFIT GRANT AWA	600.00
935	CENTENNIAL PRINTING CO	PERMITTED REVISIONS SIGN	97.20
14036	CENTER COPY BOULDER INC	MUNICIPAL CODE COURTESY N	209.20
980	CENTURY CHEVROLET INC	PARTS UNIT 2211	168.63
14898	CHRISTINE DICKINSON	HISTORIC ASSESSMENT 925 J	4,000.00
14427	CHRISTINE STANDEFER	CONTRACTOR FEES TRI TRAIN	176.40
4025	CINTAS FIRST AID AND SAFETY	FIRST AID SUPPLIES	191.24
6451	CLINICA FAMILY HEALTH SERVICES	2020 NON-PROFIT GRANT AWA	5,400.00
194	COAL CREEK MEALS ON WHEELS	2020 NON-PROFIT GRANT AWA	2,500.00
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WWTP	170.50
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WWTP	103.50
1120	COLORADO ANALYTICAL LABORATORI	BACTERIA TESTING	52.50
1120	COLORADO ANALYTICAL LABORATORI	BACTERIA TESTING	17.50
1120	COLORADO ANALYTICAL LABORATORI	BACTERIA TESTING	17.50
1120	COLORADO ANALYTICAL LABORATORI	BACTERIA TESTING	17.50
1120	COLORADO ANALYTICAL LABORATORI	BACTERIA TESTING	17.50

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CASH ACCOUNT: 001000 101001

WARRANT: 020420 02/04/2020

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
14678	COLORADO AVIAN RESEARCH & REHA	GREAT HORNED OWL CAMERA I	212.44
13820	COLORADO BARRICADE CO	2019 Type I Barricades	8,750.00
11353	COLORADO LIBRARY CONSORTIUM	ABOVE THE TREELINE	1,741.70
11353	COLORADO LIBRARY CONSORTIUM	REFUSA	1,896.12
5519	COMMUNITY FOOD SHARE	2020 NON-PROFIT GRANT AWA	2,500.00
13876	COMPSYCH CORP	2020 GUIDANCE RESOURCES	6,764.55
13370	CRIBARI LAW FIRM, PC	JAN 20 PROSECUTING ATTORN	3,672.50
14877	CRS INSURANCE BROKERAGE INC	2020 INSURANCE RENEWAL	470,421.00
12428	CUMMINS SALES AND SERVICE	GENERATOR MAINTENANCE WWT	2,315.00
6452	DENTAL AID INC	2020 NON-PROFIT GRANT AWA	2,000.00
11468	EMPLOYERS COUNCIL SERVICES INC	DIVERSITY AND INCLUSION T	1,500.00
11468	EMPLOYERS COUNCIL SERVICES INC	2020 LABOR POSTER UPDATE	390.00
249	FLATIRONS INC	2020 Street Project Surve	15,080.00
14888	FRANKLIN COVEY CLIENT SALES IN	UNCONSCIOUS BIAS TRAINING	215.82
7113	GALLS LLC	BOOTS & EQUIPMENT PEREZ	141.39
7113	GALLS LLC	PDU SHIRT MEJIA	164.97
7113	GALLS LLC	Tactical Active Shooter V	14,400.00
2310	GRAINGER	PACKING TAPE WTP	48.92
2310	GRAINGER	COPY PAPER WTP	51.20
2310	GRAINGER	HDMI CABLE WTP	44.78
2310	GRAINGER	LABEL TAPE WTP	41.06
2310	GRAINGER	COPY PAPER WTP	56.86
2310	GRAINGER	WALL CALENDAR WTP	42.20
2310	GRAINGER	DUCT FAN LIB	135.36
2310	GRAINGER	XCEL UTILITY INCENTIVE	-60.00
14760	GRANICUS LLC	2020 Website Hosting Fee	11,138.00
2405	HACH COMPANY	SENSOR CABLE WWTP	486.63
13751	IMAGINE DEVELOPMENT DISABILITI	2020 NON-PROFIT GRANT AWA	1,000.00
11357	IMPACT ON EDUCATION	2020 NON-PROFIT GRANT AWA	2,000.00
13280	INSIGHT PUBLIC SECTOR INC	Microsoft Licensing	35,245.28
13999	INTEGRAL STEPS	CONTRACTOR FEES 12180-1	178.50

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CASH ACCOUNT: 001000 101001 WARRANT: 020420 02/04/2020

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
14204	INTERCAMBIO UNITING COMMUNITIE	2020 NON-PROFIT GRANT AWA	500.00
8622	INTERMOUNTAIN SALES OF DENVER	DISTRIBUTION PUMP	1,915.00
14703	KEN CARYL GLASS INC	Safety Windows PD/Court	3,976.00
14703	KEN CARYL GLASS INC	Safety windows PD/Court	5,637.00
6559	METRO CITY & COUNTY MANAGEMENT	2020 MCCMA MEMBERSHIPS	270.00
14214	MICROAGE	2020 Webroot Antivirus Re	4,788.00
6168	MOTION & FLOW CONTROL PRODUCTS	DISTRIBUTION PARTS	13.27
11061	MOUNTAIN PEAK CONTROLS INC	CTC LIFT STATION SERVICE	437.50
9668	MUNICIPAL CODE CORPORATION	MUNICIPAL CODE 73, UPDATE	1,824.00
9668	MUNICIPAL CODE CORPORATION	MUNICIPAL CODE UPDATE FRE	15.13
14648	OCCUPATIONAL HEALTH CENTERS OF	POST OFFER PHYSICAL	529.00
14648	OCCUPATIONAL HEALTH CENTERS OF	DOT PHYSICAL	68.00
99999	ASBESTOS ABATEMENT INC	BULK WATER METER REFUND	2,300.00
99999	J ROKADIA	ACTIVITY REFUND	12.50
13649	OVERDRIVE INC	ADULT EAUDIO BOOKS	106.98
13649	OVERDRIVE INC	ADULT EAUDIO BOOKS	476.99
14897	PATRICK SMITH	HISTORIC ASSESSMENT 1000	4,000.00
10951	PINNACOL ASSURANCE	WORKERS COMP DEDUCTIBLES	2,085.59
13395	PRECISION CONCRETE CUTTING	SAW CUT SIDEWALK TRIP HAZ	1,793.67
14394	PROS PLUS LLC	VOLLEYBALL OFFICIALS	140.00
14041	RAMEY ENVIRONMENTAL COMPLIANCE	CTC LIFT STATION SERVICE	546.85
6453	SAFEHOUSE PROGRESSIVE ALLIANCE	2020 NON-PROFIT GRANT AWA	1,500.00
14696	SALT LAKE WHOLESALE SPORTS	2019 Ammunition	13,213.00
14859	SHI INTERNATIONAL CORP	COUNCIL LAPTOP EXTENDED S	144.64
4300	SILL-TERHAR MOTORS INC	2020 Ford Police Vehicle	34,295.00
4300	SILL-TERHAR MOTORS INC	BLOWER MOTOR REPAIR UNIT	1,428.25
12234	SISTER CARMEN COMMUNITY CENTER	2020 NON-PROFIT GRANT AWA	9,000.00
14612	SOME LIKE IT GREEN	JAN 20 PLANT SERVICE	80.00

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City of Louisville, CO
DETAIL INVOICE LIST

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CASH ACCOUNT: 001000 101001		WARRANT: 020420	02/04/2020
VENDOR	VENDOR NAME	PURPOSE	AMOUNT
11549	STUDIO NO 6	Design Services for Park	966.66
7917	THE AQUEOUS SOLUTION INC	POOL CHEMICALS RSC	645.72
9481	THE HOME DEPOT	BREAK ROOM SUPPLIES RSC	184.72
3595	THE NEW YORK TIMES	NEW YORK TIMES SUBSCRIPTI	1,248.05
14729	THE PURPLE PIANO LLC	CONTRACTOR FEES 12105-1	336.00
8504	TRU COMMUNITY CARE	2020 NON-PROFIT GRANT AWA	1,500.00
14065	TYLER TECHNOLOGIES INC	Courts RMS	5,408.06
13241	UNITED REPROGRAPHIC SUPPLY INC	OCE PRINTER MAINT AGREEME	1,484.00
11087	UNITED SITE SERVICES OF COLORA	TOILET RENTAL CENTENNIAL	240.36
6509	USA BLUEBOOK	CAL GAS WTP	249.44
5311	VERMONT SYSTEMS INC	2020 REC TRAC MAINTENANCE	6,666.00
14902	VINTAGE MOVES LLC	CONTRACTOR FEES 18106-1	70.00
6454	VOICES FOR CHILDREN CASA	2020 NON-PROFIT GRANT AWA	500.00
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES LIB	154.41
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES RSC	553.68
9511	WESTERN PAPER DISTRIBUTORS INC	BREAK ROOM SUPPLIES RSC	363.52
10884	WORD OF MOUTH CATERING INC	SR MEAL PROGRAM 1/13-1/24	3,250.00
14050	YBA SHIRTS INC	YOUTH BASKETBALL JERSEYS	2,493.60
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105 INVOICES		WARRANT TOTAL	727,734.89
=====		=====	=====

City Council

Meeting Minutes

January 21, 2020
City Hall, Council Chambers
749 Main Street
7:00 PM

Call to Order – Mayor Stolzmann called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: **Mayor Ashley Stolzmann**
 Mayor Pro Tem Dennis Maloney
 Councilmember Kyle Brown
 Councilmember J. Caleb Dickinson
 Councilmember Deborah Fahey
 Councilmember Chris Leh
 Councilmember Jeff Lipton

Staff Present: **Heather Balsler, City Manager**
 Megan Davis, Deputy City Manager
 Kevin Watson, Finance Director
 Rob Zuccaro, Planning & Building Safety Director
 Nathan Mosely, Parks, Recreation, & Open Space Director
 Meredyth Muth, City Clerk

Others Present: **Kathleen Kelly, City Attorney**

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Stolzmann called for changes to the agenda and hearing none Councilmember Leh moved to approve the agenda; seconded by Mayor Pro Tem Maloney. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT AGENDA

None.

APPROVAL OF THE CONSENT AGENDA

Mayor Stolzmann stated staff requests item G be moved to the consent agenda. Mayor Pro Tem Maloney moved to approve the agenda as amended; seconded by Councilmember Fahey. All in favor.

- A.** Approval of Bills
- B.** Approval of Minutes: January 7, 2020; January 13, 2020; January 14, 2020
- C.** Approval of Resolution No. 8, Series 2020 – A Resolution Approving a Change Order for the Playground Replacements Project
- D.** Approval of Resolution No. 9, Series 2020 – A Resolution Approving a First Amendment to Agreement for Interim Municipal Judge Services
- E.** Approval of Resolution No. 10, Series 2020 – A Resolution Amending the City Council Rules of Procedure
- F.** Approval of a Sole Source Agreement with Spronk Water Engineers for 2020 Water Rights Administration
- G.** Approval of the First Amendment to Agreement for Design Build Services for Median Landscape Renovations – **moved to regular agenda**
- H.** Approval of City of Louisville Organizational Assessments Request for Proposals
- I.** Approval of Execution of Agreement with Hilltop Securities for Financial Advisor Services

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER'S REPORT

City Manager Balser stated the City is taking applications to fill the vacancies on the boards and commissions that remain open after the annual appointment process.

REGULAR BUSINESS

RESOLUTION NO. 6, SERIES 2020 – A RESOLUTION APPROVING A THREE-YEAR EXTENSION OF THE APPROVAL OF THE COAL CREEK CORPORATE CENTER 1 PUD AMENDMENT A, LOCATED 826 COAL CREEK CIRCLE; LOT 2, COAL CREEK BUSINESS PARK SUBDIVISION – *continued from 1/7/20*

Mayor Stolzmann reopened the public hearing noting Council had no disclosures when the public hearing was first opened on January 7.

Director Zuccaro stated this is a request for a three-year extension of the approval of the Coal Creek Corporate Center 1 PUD Amendment. This was originally approved in 2017 to

allow a two-phase expansion. He stated there have been no changes in conditions or policies since the original approval and therefore staff recommends approval.

Councilmember Brown asked if staff considered a shorter extension. Director Zuccaro stated there were no concerns about the extension from the community or staff.

Public Comments – None.

Mayor Pro Tem Maloney moved to approve Resolution No. 6; seconded by Councilmember Fahey.

Mayor Stolzmann stated the application meets the criteria as it did for the first approval. Councilmember Fahey agreed; nothing has changed so there is no reason to deny.

Mayor Stolzmann closed the public hearing.

Voice vote: all in favor.

DISCUSSION/DIRECTION – COMMUNITY PARK DOG POND CLOSURE ALTERNATIVES

Director Mosely stated staff needs direction after being informed from the Colorado Department of Public Health and Environment (CDPHE) that regulations now prohibit the City from using reuse water in the dog pond at Community Park. Since this fall, staff has been using potable water to allow use, but that is costly. Staff recommends closing the pond to use by dogs. Most dog parks don't have water amenities and to make it usable under the new rules would be expensive. The Parks Board supports the recommendation.

Mayor Pro Tem Maloney asked if this approach would require filling in the pond or continuing to fill the pond with water. Director Mosely stated the pond is used to irrigate the park with reuse water; the water will need to remain but it will be closed to dogs.

Mayor Stolzmann asked why CDPHE changed the regulations. Director Mosely stated it stems from people fishing in reclaimed water sources and consuming the fish. The CDPHE determined the rule pertains to all recreational uses on reclaimed water, including dog parks.

Mayor Stolzmann stated she wants to make sure there is a good communication to residents explaining this change and why it is necessary.

Public Comments – None.

Councilmember Lipton asked if landscaping will be added to this area. Director Mosely stated there are no plans for additional landscaping just closing access to the pond. Councilmember Lipton stated he would like to see more restoration of the site long-term.

Councilmember Dickinson asked how dogs will be kept out of the pond. City Manager Balsler stated the pond will be made inaccessible for people and dogs.

Councilmember Brown stated if having this type of amenity is a priority for the community we should explore alternatives during the budget process.

Mayor Pro Tem Maloney moved to accept staff's recommendation. He noted the primary purpose of this pond for retention to water the park and that will remain. Councilmember Fahey seconded and reiterated the ponds primary use is for irrigation.

Mayor Stolzmann spoke in favor of the motion and asked staff to include signage on site, explain the changes to the residents, and note the reclaimed water is used in the park.

Councilmember Leh noted the communications should be clear and this is a matter of State regulation and the safety of animals and people.

Voice vote: all in favor.

DISCUSSION/DIRECTION – SUMMER MEETING SCHEDULE

Clerk Muth stated staff provided five options for a summer break in the packet materials.

Public Comment – None.

Councilmember Leh moved to adopt option three giving a four-week break at the end of June into July. Mayor Pro Tem Maloney seconded to motion.

Voice vote: all in favor.

ORDINANCE NO. 1789, SERIES 2020 – AN ORDINANCE AMENDING CHAPTER 3.32 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING ADMINISTRATION OF THE RETAIL MARIJUANA FACILITY TAX AND AMENDING CHAPTER 5.11 OF THE LOUISVILLE MUNICIPAL CODE REGARDING RETAIL MARIJUANA SALES TO NONRESIDENTS OF THE STATE OF COLORADO – 1ST READING, SET PUBLIC HEARING 2/4/20

Mayor Stolzmann introduced the item by title. Councilmember Lipton moved to approve the ordinance on first reading and set the public hearing for 2/4/20; Councilmember Dickinson seconded. All in favor.

ORDINANCE NO. 1790, SERIES 2020 – AN ORDINANCE AMENDING LOUISVILLE MUNICIPAL CODE TITLE 9 REGARDING OFFENSES AGAINST PUBLIC PEACE – 1ST READING, SET PUBLIC HEARING 2/4/20

Mayor Stolzmann introduced the item by title; Mayor Stolzmann noted a typo has been fixed and the copy has been amended.

Councilmember Brown requested the language in this ordinance be amended to include language including the gender binary. Staff will make those changes for second reading.

Mayor Stolzmann stated she would like information on second reading on what prompted the request for these changes.

Councilmember Lipton moved to approve the ordinance as amended on first reading and set the public hearing for 2/4/20; Councilmember Fahey seconded. All in favor.

ORDINANCE NO. 1791, SERIES 2020 – AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE LOUISVILLE MUNICIPAL CODE REGARDING WATER AND SEWER TAP FEES – 1ST READING, SET PUBLIC HEARING 2/4/20

Mayor Stolzmann introduced the item by title. Councilmember Lipton moved to approve the ordinance on first reading and set the public hearing for 2/4/20; Councilmember Dickinson seconded. All in favor.

Approval of the First Amendment to Agreement for Design Build Services for Median Landscape Renovations –moved from consent

City Manager Balsler noted there was a typo on the contract in Section three and it should read “a total not to exceed \$600,000” not \$325,000.

Public Comments – None.

Councilmember Lipton moved to approve the agreement as amended; Councilmember Brown seconded.

Voice vote: all in favor.

CITY ATTORNEY’S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

ECONOMIC VITALITY COMMITTEE – Councilmember Dickinson meeting tomorrow.

FINANCE COMMITTEE – Mayor Pro Tem Maloney noted the group is preparing for budget discussions.

LEGAL REVIEW COMMITTEE – no report

UTILITY COMMITTEE –no report

COLORADO COMMUNITIES FOR CLIMATE ACTION – no report

COMMUTING SOLUTIONS – no report

CONSORTIUM OF CITIES – no report

DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE – Councilmember Lipton planning continues for the summer.

DENVER REGIONAL COUNCIL OF GOVERNMENTS – Mayor Stolzmann stated the organization is looking at legislation, adding she will take a position on an item only if it aligns with the City’s legislative agenda. They are currently looking at proposals that would use organizations such as DRCOG as taxing entities for transportation. This has both pros and cons. She will continue to monitor.

JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE) – no report

MAYORS & COMMISSIONERS COALITION – Mayor Stolzmann stated the group discussed the CDOT funding list for the region. They are also working on their agenda for the upcoming lobbying trip to DC, including meeting with the FAA on airport noise.

METRO MAYORS CAUCUS – Mayor Stolzmann stated the group had its annual retreat and discussed transportation funding and metro districts among other topics.

REVITALIZATION COMMISSION – Councilmember Lipton noted the quarterly report was in the packet.

XCEL ENERGY FUTURES – Mayor Pro Tem Maloney reported a meeting is scheduled for next week.

ADJOURN

Members adjourned at 7:45 pm.

Ashley Stolzmann, Mayor

Meredyth Muth, City Clerk

SUBJECT: APPROVAL OF SPECIAL MEETING ON FEBRUARY 11, 2020

DATE: FEBRUARY 4, 2020

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

Staff recommends changing the study session on February 11 to a special meeting to allow Council to give direction to the consultant assisting with the City Manager's annual evaluation.

FISCAL IMPACT:

None

RECOMMENDATION:

Approve special February 11 at 7 pm.

ATTACHMENT(S):

None

**SUBJECT: LIFE IN LOUISVILLE PHOTOGRAPHY CONTEST AWARD
PRESENTATION**

DATE: FEBRUARY 4, 2020

PRESENTED BY: KATIE ZOSS, ARTS AND EVENTS PROGRAM MANAGER

SUMMARY:

Forty-one Front Range residents submitted photographs depicting “Life in Louisville” for the 12th Annual Photography Contest. These photos chronicle events and daily life in Louisville, Colorado from January 1 to December 31, 2019 and, will be added to the City’s archives to serve as a cultural reference for future generations. All images are available for public viewing on the City’s website and all photographers have given the City permission to utilize the photos for City publications and marketing including the City website, social media, and outside publications.

This year, 153 photos were entered into the contest. We’d like to thank all of the respondents and encourage continued participation in future years. We would like to also thank local photographers Mike Oliver, Erin Cox and Jay Keany for their time spent jurying this annual contest. During the jury process, entries were separated into six major categories: Animals, Downtown, Landscape, People, Sunrise/Sunset and Iconic Images of 2019. Judges selected the winning entries in each category as well as overall awards for Student Photography and the Grand Prize Award.

30 Finalist photos were selected and put on display at the Louisville Rec Center. From January 24 to February 2, the public was invited to view the photos and to vote on the People’s Choice Award winner.

Each of the winning photographs document a subject unique to Louisville and represents the history, community, and sense of place that makes Louisville a great place to live. Certificates will be presented to the winners of each category as we display the awarded images.

(The jury requested that the winners of each category remain unknown until this presentation. Therefore, winners will not be revealed in this packet.)

FISCAL IMPACT:

None

PROGRAM/SUB-PROGRAM IMPACT:

This contest is an important annual activity that helps meet the Cultural Arts and Special Events Sub-Program Goal of providing services, facilities and activities that inform, involve, engage and inspire the community and preserve the community heritage.

RECOMMENDATION:

Staff recommends that Council thank all photographers who have participated in this year's contest and recognize this year's winning entries.

ATTACHMENTS:

None

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input checked="" type="checkbox"/>	 Quality Programs & Amenities
<input checked="" type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

**SUBJECT: DISCUSSION/DIRECTION/ACTION – AIRPORT NOISE
MITIGATION UPDATE & CONSULTANT CONTRACT FOR
PHASE II**

DATE: FEBRUARY 4, 2020

**PRESENTED BY: EMILY HOGAN, ASSISTANT CITY MANAGER FOR
COMMUNICATIONS & SPECIAL PROJECTS
MEGAN DAVIS, DEPUTY CITY MANAGER**

SUMMARY:

In 2019, the City of Louisville partnered with the Town of Superior to address noise from Rocky Mountain Metropolitan Airport (RMMA). Following a number of complaints from residents about noise from RMMA, the City and Town hired aviation consultant ABCx2, which has specialized experience in working with communities and airports to address noise issues. During Phase I of the project, ABCx2 completed a baseline assessment and developed recommended strategies based on their findings.

STRATEGIES UPDATE:

The consultant's recommended strategies are grouped by the following focus areas: flights operations/procedures/practices, community outreach/engagement, industry outreach/engagement, land use planning/zoning/development and regional collaboration. The following work on the recommended strategies has been completed to-date:

Flight Operations/Procedures/Practices

- Encourage quieter operating procedures – in late 2019, RMMA released updated noise abatement procedures to lessen the impact of aircraft activities on adjacent neighborhoods through voluntary measures. ABCx2 worked with RMMA to establish a Noise Task Force that consists of airport officials, business owners and tenants to establish the group and spearhead an updated noise abatement program. City/Town staff has asked ABCx2 to focus on measuring compliance with the voluntary program and impact on noise during Phase II of the project.
- Route aircraft away from dense residential areas – see “encourage quieter operating procedures” update above.
- Increase aircraft altitudes when/near residential areas – see “encourage quieter operating procedures” update above.
- Reduce nighttime operations – see “encourage quieter operating procedures” update above. Additionally, flight schools have voluntarily stopped departures in the evening beginning at 10 pm. Staff will work with the airport and ABCx2 to measure compliance with these voluntary measures and impact on noise.

- Encourage tight patterns for touch and go operations – a routing change will have to be approved by the FAA and vetted through a community noise roundtable that includes all potentially affected municipalities. Staff has been working with the airport and surrounding municipalities to establish a roundtable and start initial discussions of such proposals.
- Early turns to avoid noise sensitive areas for departures – see “encourage tight patterns for touch and go operations” update above.
- Noise friendly departure route to practice area – see “encourage tight patterns for touch and go operations” update above.
- Best angle of climb for departures – see “encourage quieter operating procedures” update above.

Community Outreach/Engagement

- Expand City web content about airport, noise and contact information for City/airport – staff has created a page on the City’s website (<https://www.louisvilleco.gov/residents/rocky-mountain-metropolitan-airport>) that includes contact information for the airport and noise complaints, the updated noise abatement procedures, the City/Town noise mitigation project and other updates (i.e. Denver Metroplex). Contact information is also provided for the City if residents want to ask questions about the project or share concerns.
- Expand airport’s website to include community section for addressing noise issues and provide noise program information – the airport’s website (<https://www.jeffco.us/1695/Living-Near-the-Airport>) includes information on living near the airport, quarterly noise reports, traffic pattern operations and contact information to file noise complaints.
- Establish community roundtable –
 - City/Town staff has been in contact with the airport and surrounding municipalities to establish a community noise roundtable. The FAA suggested that a roundtable be established to address community concerns regarding aircraft operations. A roundtable can bring together airport, community and industry representatives to collaboratively identify and discuss issues of concern and possible resolutions. A roundtable could elect to make recommendations, including possible changes in operations, which address noise. Recommendations are first coordinated with the airport and surrounding communities and then forwarded to the FAA for approval.
 - Proposed members of the roundtable include: RMMA, Jefferson County, Boulder County, City/County of Broomfield, City of Westminster, City of Arvada, Town of Superior and City of Louisville.
 - Next steps for the roundtable include: establishing representation from member communities, establishing meeting times, drafting bylaws and

other governing documents and identifying resources needed to manage the roundtable.

- Jefferson County is leading this effort with the Board of County Commissioners voting to endorse the airport's recommendation to move forward with a roundtable. If approved, the airport will send out a meeting invite to participating municipalities in February.

Industry Outreach/Engagement

- Include noise abatement in flight training curriculum – City/Town staff has asked ABCx2 to focus on continuing to develop relationships with the airport, business owners and tenants and expand education/outreach in an effort to promote voluntary compliance with the updated noise abatement procedures during Phase II of the project.
- Flight instructor briefings – see “include noise abatement in flight training curriculum” update above.
- Noise program brochures - see “encourage quieter operating procedures” update above.
- Expand information on airport website to clarify noise-sensitive areas and practices/procedures for reducing noise – see “expand airport’s website to include community section for addressing noise issues and provide noise program information” update above.
- On-airport signage - see “encourage quieter operating procedures” update above.
- Air traffic controller briefings - City/Town staff has asked ABCx2 to focus on continuing to develop relationships with the airport, business owners and tenants and expand education/outreach in an effort to promote voluntary compliance with the updated noise abatement procedures during Phase II of the project.
- Technical working group to review/collaborate on program – City/Town staff has asked ABCx2 to continue working with the Noise Task Force, providing technical and subject matter expertise, and advocating for City/Town priorities, during Phase II of the project.

Land Use Planning/Zoning/Development

- Consider existing/future noise exposure and flight patterns when addressing land use planning – City staff currently does not do this but can consider it if City Council identifies it as a priority.
- Enact zoning/code requirements for non-compatible development in Airport Influence Area and/or Airport Critical Zones – the City is not located within the Airport Influence Area and/or Airport Critical Zones. As a result, staff does not plan to pursue this.
- Review/comment on planned airport development – the City has been added to the list of neighboring communities that are to be notified of future Master Plan

Updates per RMMA. The Jefferson County Planning Department notifies jurisdictions within 2 miles of a project. The City boundary is barely within 2 miles of the outer airport boundary. Staff will contact Jefferson County to determine how they measure for required notification.

- Coordinate local zoning/development changes with airport to understand potential impacts – the airport recently requested review of the General Development Plan (GDP) for Redtail Ridge (former StorageTek site) even though it is outside of the influence zone. The airport provided comments and stated that it did not need to review any other plans unless the Redtail Ridge plans changed significantly or added more residential uses. The airport only asked to see developments adjacent to 96th Street. Staff does not plan to forward any other referrals to the airport.
- Update website to include Airport Influence Area and flight paths/patterns – City staff has added the airport’s traffic pattern operations map to the City’s website (<https://www.louisvilleco.gov/residents/rocky-mountain-metropolitan-airport>).

Regional Collaboration

- Establish planning meetings with City/Town, Boulder County, Jefferson County and airport to discuss development plans, community concerns, etc. – development plans and community concerns will be discussed by the community noise roundtable.
- Coordinate review of airport and local off-airport land use planning to encourage compatibility – see “establish planning meetings with City/town, Boulder County, Jefferson County and airport to discuss development plans, community concerns, etc.” status above.
- Establish regional planning forum to coordinate airport and local land use planning – see “establish planning meetings with City/town, Boulder County, Jefferson County and airport to discuss development plans, community concerns, etc.” status above.
- Collaborate with Congressional delegation – City staff has engaged with the Congressional delegation to discuss the issue and provided feedback for potential legislative action.

ADDITIONAL INFORMATION:

The following information was requested by City Council at the December 4, 2019 meeting:

- Jurisdictional control – the majority of the airport is located within Jefferson County with a small section of the airfield located in City/County of Broomfield. There are non-aeronautical ground leases located in Broomfield that contain the Ball Corp. and 7-11/Arby’s on Wadsworth. The typical review process for land located in Broomfield applies to these properties.

- Development review – for construction projects in the airfield, Broomfield is only notified if there is a grading and/or stormwater permit required as part of a paving project that involves land located in Broomfield. The airport builds to FAA criteria, which is beyond any requirements considered in municipal regulations for road construction, etc. This information has been verified with the Broomfield Planning Department
- 2019 operations/complaint data – the airport provided operations/complaint data through 3rd quarter 2019. Past data is included for comparison. Final operations/complaint data for 2019 will be available in February.
 - Annual operations through 3rd quarter:
 - 2019 operations – 145,268
 - 2018 operations – 132,482
 - 2017 operations – 126,987
 - 2016 operations – 111,189
 - Noise complaints through 3rd quarter:
 - 2019 noise complaints – 1,199 (206 complaints by household)
 - 412 complaints from Louisville (60 complaints by household)
 - 787 complaints from Superior (146 complaints by household)
 - 2018 noise complaints – 1,292 (67 complaints by household)
 - 260 complaints from Louisville (19 complaints by household)
 - 1,032 complaints from Superior (48 complaints by household)
 - 2017 noise complaints – 323 (93 complaints by household)
 - 57 complaints from Louisville (17 complaints by household)
 - 266 complaints from Superior (76 complaints by household)
 - 2016 noise complaints – 200 (47 complaints by household)
 - 48 complaints from Louisville (16 complaints by household)
 - 152 complaints from Superior (31 complaints by household)



- Future plans for expansion – the airport reports that it does not foresee any new aeronautical development/ground leases occurring in Broomfield. The RMMA Master Plan and Official Development Plan (ODP) consider development towards the south in Jefferson County. The ODP was approved and is under jurisdictional control of Jefferson County (<https://www.jeffco.us/1706/Documents>). Ball Corp. still has some acreage to expand and the airport has a few acres of non-aeronautical land on Wadsworth that can be developed. A new flight school would be considered aeronautical and likely located in Jefferson County.

Major work has occurred in the past few years, including extension of the northwest runway and rerouting of adjacent roads. The 2011 RMMA Master Plan Update also called for extension of a runway by an additional 1,000 feet to the southeast along with additional runway operation improvements and surrounding commercial/industrial development. These improvements have not been implemented.

The airport plans to complete another Master Plan Update in 2022, but this is subject to FAA funding availability. The City will be included in all notifications for the Master Plan Update per RMMA.

NEXT STEPS:

Staff will continue to work on this issue as it is one of the top priorities from the 2020 City Council Work Plan. Staff will continue to implement the recommended strategies listed above and proposes contracting with ABCx2 for Phase II of the project. The consultant would be hired to complete the following:

- Work with City/Town staff to provide subject matter expertise in prioritization of noise abatement recommendations and advocate for implementation through the airport's Noise Task Force. The consultant will attend a prioritization workshop with the Council/Board facilitated by City/Town staff and provide technical and subject matter expertise. Staff will also ask the consultant to review actions items for strategies and ensure that details (i.e. cost, timeline, level of impact, approval process, next steps) are accurately captured prior to the workshop.
- Continue to participate on the Noise Task Force, providing technical and subject matter expertise, and advocating for City/Town priorities.
- Continue to develop relationships with RMMA industry/tenants with a focus on efforts to promote voluntary compliance with noise mitigation measures.
- Encourage industry awareness/training with a focus on aircraft noise impacts and implementation of policies, practices and procedures in alignment with City/Town priorities.
- Develop outreach campaign to reach tenants, airport users and other stakeholders that do not participate in Noise Task Force to encourage compliance with voluntary measures.

RECOMMENDATION:

Staff is recommending approval of the contract with ABCx2 for Phase II of the project. Staff is also requesting that two Councilmembers be appointed to represent the City during the upcoming prioritization workshop and continue to serve as City Council liaisons on this item.

PROGRAM/SUB-PROGRAM IMPACT:

One of the objectives of the Public Information & Involvement Sub-Program is giving residents the opportunity to get involved and influence decision-making. This project incorporates resident input and develops solutions to address concerns regarding airport noise. It also incorporates a collaborative approach with a regional partner to address an issue of mutual interest, which is a Critical Success Factor from the City's Strategic Plan.

FISCAL IMPACT:

Staff estimates that an investment of \$40,000 in 2020 will advance the implementation of Phase II. The City has agreed to split the cost of the project with the Town (\$20,000 each). The consultant contract is for a not-to-exceed total of \$30,000 (including travel expenses) with an additional \$10,000 remaining for unanticipated expenses and resources for the community noise roundtable. Funding for this item will be included in a future budget amendment.

SUBJECT: AIRPORT UPDATE & CONSULTANT CONTRACT FOR PHASE II

DATE: FEBRUARY 4, 2020

PAGE 8 OF 8

ATTACHMENT(S):

1. Consultant's Final Report for Phase I
2. Updated Noise Abatement Procedures
3. RMMA Regional Map
4. Contract for Consultant Services for Phase II



Phase II – Strategy Recommendations

Summary Report

September 2019



Executive Summary

In late 2018, ABCx2 was engaged by the Town of Superior to help identify solutions to the growing impact of aircraft noise attributed to operations at the Rocky Mountain Metropolitan Airport (RMMA). ABCx2 initiated work in November of 2018 and the City of Louisville joined the effort in early 2019.

The consulting team's approach was broken into three phases. Phase I focused on assessing existing conditions including airspace, flight procedures, airport fleet mix, operation levels, etc. This also involved researching community issues and concerns, complaint records, and community input provided to the Airport, Superior, and Louisville. The baseline assessment also included direct community and industry engagement efforts.

Phase II of this effort involved developing a portfolio of strategy recommendations to be implemented by the key stakeholders. These include the Town of Superior, City of Louisville, Jefferson County, Boulder County, the Airport, Airport Tenants, and the Federal Aviation Administration (FAA). While these recommendations will not silence the aircraft operating in and out of RMMA, nor are they expected to eliminate 100% of the community concerns over aircraft operations, they are intended to help both the airport and the surrounding communities co-exist, and to help maintain the quality of life within the region. At the same time, these efforts are intended to help the airport operate in a sustainable and community-friendly way.

The strategic recommendations are broken down into five individual, but interdependent functional areas:

- Flight Procedures, Practices, and Policies
- Community Outreach and Engagement
- Industry Outreach and Engagement
- Land-Use Planning and Development
- Regional Collaboration

Each functional area is described in detail in the report, as are the specific recommendations identified by the consulting team. The multifaceted and comprehensive strategies contained in this document should not be construed to be all encompassing. Rather, this document should be viewed as a starting point for discussions among local and regional stakeholders representing both aviation and community stakeholders as they will be ultimately responsible for acceptance and implementation of the strategies selected and approved. Additionally, this report is intended to be considered a “living” document allowing for new strategies and concepts as well as modifications to those presented, as conditions change, and new technologies and other opportunities arise.

Noise abatement takes dedication, patience, the desire to collaborate and a willingness to compromise in an effort to find solutions to very complex issues. These initial steps and the willingness of so many stakeholders and stakeholder groups to support the effort can serve as a catalyst for future progress toward a more positive quality of life for the citizens of Superior and Louisville.

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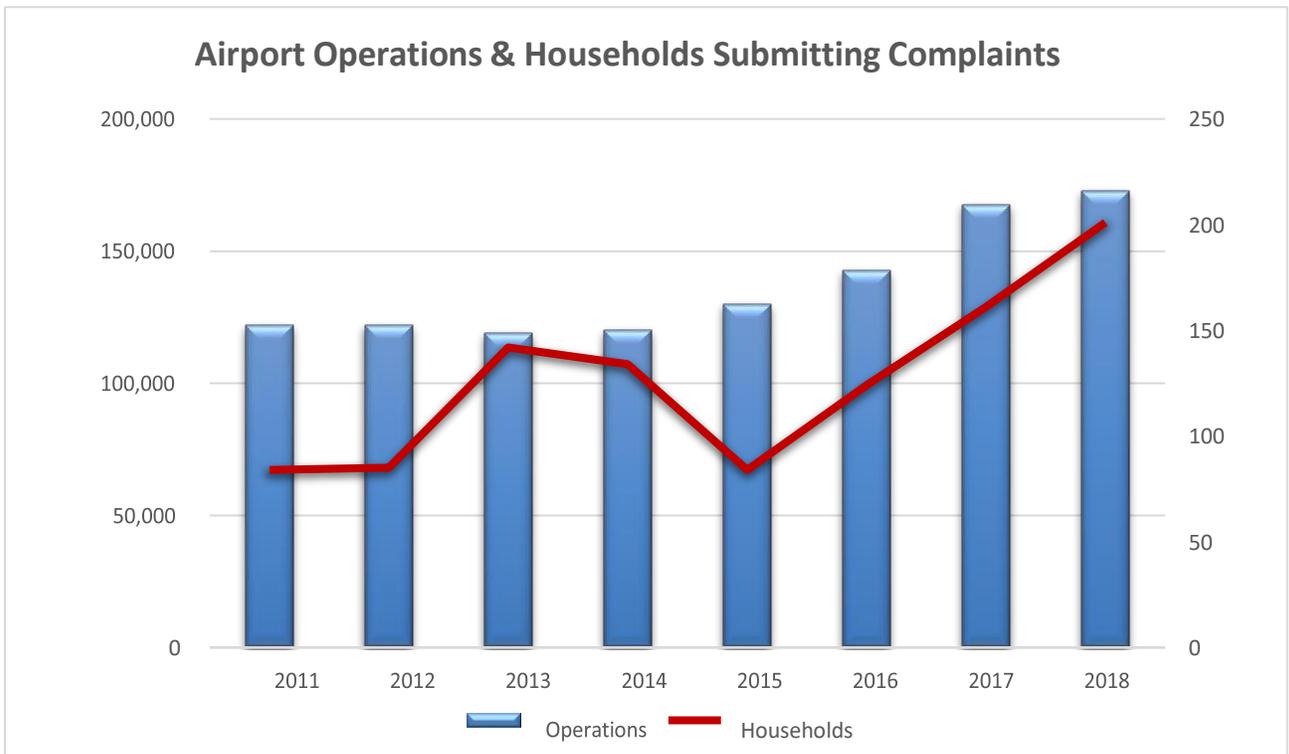
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Introduction

The Rocky Mountain Metropolitan Airport (RMMA) has been experiencing significant growth in operations over the last several years. Federal Aviation Administration (FAA) and industry forecasts suggest this growth will continue both locally and nationwide.

RMMA serves as a reliever airport to Denver International Airport (DEN), hosting much of the general aviation within the region. DEN is simply too busy with large, commercial traffic to efficiently accommodate all the general aviation activity in the area. RMMA is one of several airports in the area serving general aviation activity including business aviation, transient military, flight training, etc.

As operations at RMMA increase, so too are residents' concerns resulting in a growing number of complaints. The Town of Superior reached out to the consulting firm ABCx2, to help address these issues.



This project kicked-off in November of 2018 with three initial objectives:

- Identify ways to reduce the aircraft noise impacts associated with Rocky Mountain Metropolitan Airport
- Help the Town establish collaborative relations with the Airport
- Help the Town more effectively engage the community regarding aviation operations and aircraft noise

The process was broken down into three phases. Phase I (Baseline Assessment) involved assessing the historical and existing conditions to gain a better understanding of the operational conditions, community impacts, and community concerns. Phase II (Strategy Development) consisted of the development of recommendations to help reduce community impacts. Finally, Phase III (Implementation) involves the implementation of recommendations by the responsible stakeholder or organization (i.e. Town of Superior, City of Superior, Jefferson County, Boulder County, the Airport, the Airport Authority (Jefferson County), and the FAA).

Both Phase I and Phase II involved extensive collaboration among the community and industry stakeholders. Activity details are provided within this report. The information collected was essential in the development of recommendations that are feasible (have a high likelihood of implementation) and effective (will address the communities' concerns).

The step in this effort requires selection and prioritization of the recommendations presented. Many of the recommendations can be deployed within the short-term (1-6 months) or medium term (6-12 months). A small number of the recommendations will require much more time and significant funding. As an example, this would include the development of instrument approach or departure procedures to be flown by business aviation aircraft. While these strategies may be effective, the project team suggests an initial focus on the short- and medium-term recommendations which can be implemented more quickly and at a significantly lower cost.

Project Overview and Process

The consulting team proposed a 3-phased approach for addressing the needs of Superior and Louisville. See Figure 1 below. Phase I focused on assessing the current and historical conditions to help the team understand the community impacts and priorities, and to understand the operational conditions and constraints. This included a review of community input and public comments, review of flight operations (aircraft types, flight patterns, local and regional airspace, flight procedures, etc.), and a review of land-use and zoning both on and off the airport. Phase I helped identify focus areas for strategy development in Phase II.

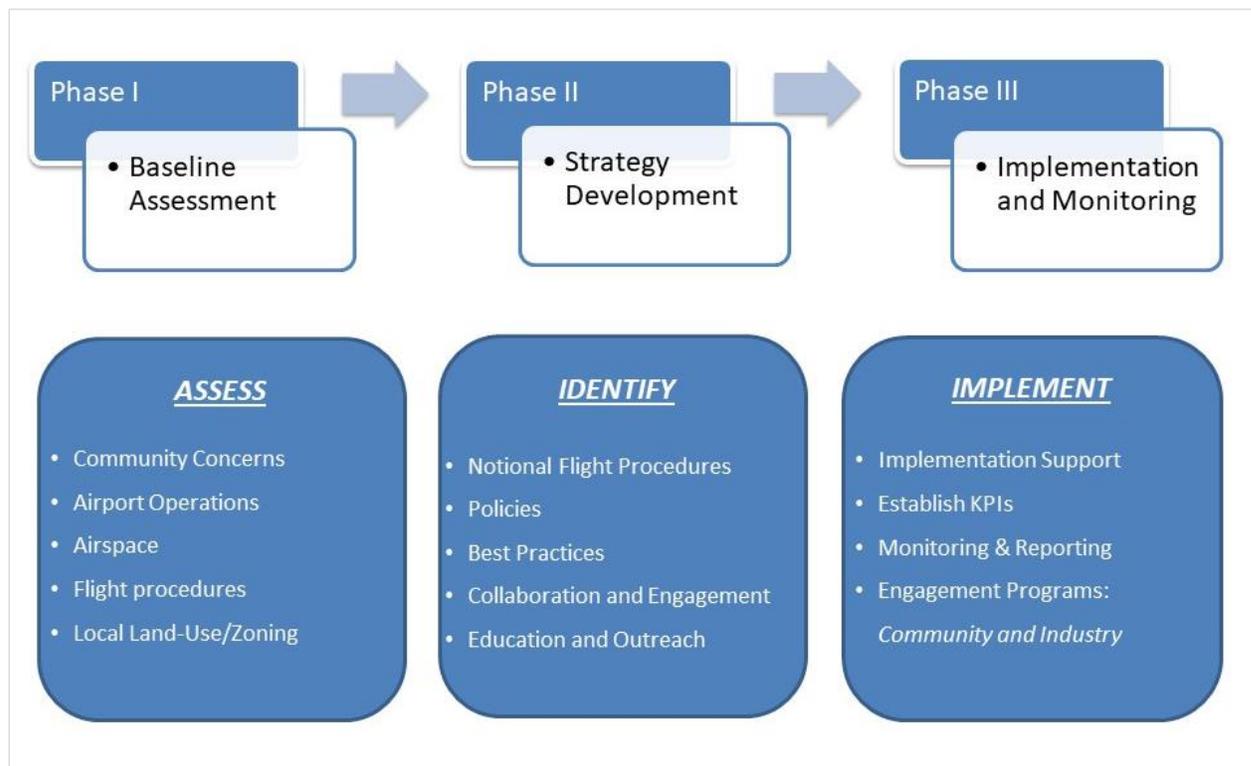


Figure 1 - Project Approach (Three-Phases)

Phase II – Strategy Development focused on identifying specific policies, practices, and procedures intended to reduce the community impacts associated with flight operations

at RMMA. A portfolio of strategies was developed and broken down into five strategic areas. The strategies identified, evaluated, and recommended, are based on the current conditions (i.e. existing community concerns, flight operations, land-uses, etc.).

- Flight Operations and Procedures
- Community Outreach and Engagement
- Industry Outreach and Engagement
- Local Land-Use Planning and Development
- Regional Collaboration and Planning

Identification of strategy recommendations was conducted using a multistep process. Initial brainstorming was led by the ABCx2 team based on input from Superior staff and the Board of Trustees, community input, and the findings in the baseline assessment. Phase I included the facilitation of a Flight Training Workshop which included representation from RMMA management, the RMMA Air Traffic Control Tower, RMMA flight schools, flying clubs, and other airport businesses, and the Aircraft Owners and Pilots Association (AOPA). The workshop included a brainstorming session which resulted in a number of strategies included in this report. Many of the strategies were developed including new and revised operational procedures, recommended practices and policies, and enhanced pilot education and outreach. Strategies identified through the initial brainstorming sessions were then compiled in a list for further analysis and consideration.

The final step in the compilation of strategies was based on a global inventory of airport noise programs and noise abatement best practices. This included a review of noise programs focusing primarily on general aviation airports (similar to RMMA) but did include larger, commercial service airports as well. Noise programs at more than 75 airports were reviewed for this analysis. Program elements with potential benefits and applicability to RMMA were added to the list of potential strategies for further review.

Primary recommendations from each focus area are discussed below. It is understood that conditions change over time. FAA forecasts suggest continued growth in operations nationwide and ABCx2, expects this to apply to RMMA. Changes in total operations, fleet mix, operation types (i.e. flight training, charter operations, etc.), and land-uses and development on and around the airport, may lead to new opportunities to further expand or enhance the strategies employed to improve compatibility between the airport and surrounding communities.

What We Heard – Community and Industry Engagement

Community Engagement

- **There are too many operations and too much noise.**
 - Aircraft are too low.
 - The aircraft are too loud.
 - There are too many flights.
 - The number of operations is rapidly growing.
 - There are too many training flights.
 - There should be limits on operations (i.e. when aircraft fly (curfews), where aircraft fly, total operations, aircraft types and sizes, limits on growth, etc.).
 - There are concerns about the safety of aircraft flying low over homes.
- **Not enough is being done to reduce airport noise impacts.**
 - Most of the flights are over “my” neighborhood. They avoid overflights of Jefferson County.
 - The airport is not doing anything to reduce community noise impacts.
 - The town/city/county needs to do more.
 - There needs to be more community involvement.
 - Nothing is done with complaints to the airport/town/city/county.
 - The flight schools/pilots aren’t even aware of the noise program.
 - No one told us there would be airplanes flying over our home.

Industry Engagement

“Industry” engagement focused on key groups within the aviation industry. Represented groups included: Airport management and staff, RMMA Airport Advisory Board, RMMA Air Traffic Control Tower, airport-based businesses including flight schools, fixed-based operators, aircraft maintenance and service providers, and local pilots.

The purpose of the industry engagement included these objectives:

- 1) To better understand the history and future of RMMA with a focus on operations and community impacts.
- 2) Discuss community impacts and resident concerns attributed to aircraft operations.
- 3) Identify the existing noise abatement program measures; both operational and outreach elements.
- 4) Initiate identification of new/expanded strategies for reducing aircraft noise impacts based on existing and future conditions.
- 5) Encourage collaboration among industry stakeholders.

Engagement with industry continued throughout the process and remained positive and productive. The Airport, Airport Advisory Board, and the FAA Air Traffic Control Tower were particularly supportive. The Airport has since developed a Technical Advisory Group including most participants from the Flight Training Forum. This group has already initiated work toward development and implementation of operational procedures and practices which will reduce noise impacts for nearby residents.

Overview of Strategic Areas

The mitigation strategies identified were organized into five strategic areas: Flight Operations and Procedures, Community Outreach and Engagement, Industry Outreach and Engagement, Local Land-Use Planning and Development, and Regional Planning and Collaboration. While flight operations and procedural changes are the most direct approach to reducing noise exposure, long-term resolution of the issues identified will require a more holistic and comprehensive approach. The recommendations contained

herein represent those remaining after multiple rounds of screening. Screening criteria included regulatory review (is this consistent with current federal, state, and local regulations), will it negatively impact safety, effectiveness, and cost (is it cost-effective?). Recommendations from each strategic area are described in detail in the following sections. Screening of the recommendations included input from the appropriate stakeholder groups to ensure acceptability to those ultimately responsible for implementation. As an example, flight procedures under consideration were reviewed with FAA air traffic control (ATC). Acceptance by ATC would be required as ATC is ultimately responsible for directing aircraft in flight and the overall management of the airspace. Recommendations that conflicted with ATC's mandate would ultimately not be used, therefore, these were rejected from the final recommendations.

Flight Operations and Procedures

Flight procedures and operational practices make up the majority of the recommendations identified by the project team. A specific focus was placed on training operations as this class of operation was identified as a primary source of community noise impacts and subsequent concerns. The ultimate goal of the operational procedures is to reduce noise-exposure for airport-adjacent and nearby communities. In general, these strategies focus on:

- Routing aircraft away from residential areas when possible
- Increasing altitudes when overflying noise-sensitive/residential areas
- Reducing nighttime operations

Operations, regulatory requirements, and noise impacts vary by aircraft category. General recommendations were developed as well as recommendations based on specific aircraft categories (single-engine piston, multi-engine and turboprops, jets, and helicopters). Most operations and community concerns were attributed to flight-training operations, most of which involve single-engine piston aircraft.



Figure 2. Aircraft Categories. (Source of Photos: Wikipedia)

Strategies – General

- Noise-abatement arrival and departure routes (lateral paths)
- Noise-abatement profiles for approaches and departures (vertical paths)
- Design and implement noise-optimized arrival and departure procedures
- Design and implement noise-optimized profiles for approaches and departures
- Preferential runway use (daytime / nighttime)
- Discourage nighttime operations
- Early turns to avoid residential areas
- Design and implement “local” procedures for operations to and from the primary training areas, north of RMMA
- Design and implement “local” procedures for operations to the east, west, and south
- Design and implement preferential ingress/egress routes for RMMA (piston & turboprops)
- Establish “reporting points” for arrivals not utilizing “local” procedures

- Voluntary restraint from flying during late-night and early morning hours
- Avoid overflight of noise sensitive areas when possible (consistent with ATC instructions and safety)
- Approaches: Intercept approach path (i.e. PAPI or ILS) at highest altitude practicable
- Approaches: Remain at or above runway approach path (i.e. PAPI or ILS)
- Assess effectiveness of changes to preferential/calm wind runway use program

Single Engine Piston

- Encourage close-in (tight) patterns for touch-and-go operations
- Implement optimized “departure” profiles: Best angle of climb – climb to 400’-500’ then initiate crosswind turn
- Expedite crosswind turn when operating within airport traffic pattern
- On takeoff, climb at best angle of climb until you cross the airport threshold, then switch to best-rate climb
- Depart from the runway end, rather than intersections, to give you the greatest altitude when leaving the airport threshold and flying over surrounding communities
- When possible, use low-energy, high profile descents. (AOPA recommendation - Low Power / Low Drag)
- Encourage close-in (tight) patterns for touch-and-go operations
- Encourage awareness and application of Aircraft Owners and Pilots Association’s (AOPA) Noise Awareness Steps which can reduce community noise impacts (See Appendix I)

Multi-Engine / Turboprops / Jets

- Follow Fly Quiet procedures provided by aircraft manufacturer
- When aircraft-specific procedures are unavailable, utilize **NBAA Noise Abatement Recommendations**. (See Appendix II)
- Use minimum reverse thrust consistent with safety for runway conditions and available length

Helicopters

- Minimize overflight of residential areas when possible
- When overflying residential areas, maintain as much altitude as possible
- Utilize existing preferential routes for helicopters
- Avoid low-altitude overflight of residential areas to the extent practicable (consistent with ATC instructions and safety)
- Follow Fly Neighborly Guidelines established by HAI and endorsed by FAA and FAA Safety Team (See Appendix III)

Community Outreach and Engagement

Working more effectively with the community and concerned residents was one of the initial goals of the project. While effective engagement does not reduce aircraft noise exposure, understanding the residents' concerns is critical to effectively addressing them. Effective community outreach and engagement requires bi-directional communication. There must be opportunities for residents to express concerns and to get information about the efforts to address their concerns. It is also important to provide general information about aviation operations, regulations, stakeholder roles and authority, etc., in order to establish realistic expectations about what can and cannot be done to address concerns.

RMMA maintains a website with information geared toward the general public and local residents in particular. While there is some information available, the depth and scope of the information provided (for the community) is limited. Recommendations may be

presented to the Airport about opportunities to expand information available on their website focused on community interests. In addition to expanding the Airport's website, the Town of Superior and City of Louisville can also leverage their websites, social media, and other online resources to provide more information of interest to residents.

Goals

- Provide additional and more meaningful opportunities for residents to express concerns and to get information.
- Increase public understanding of airport operations, regulations, stakeholder roles, and what can and cannot be done and why. What is being done to reduce noise impacts?
- Seek input from the community regarding which strategies which are working, and which are not, and recommendations on how to improve.

Strategies

- Expand Superior and Louisville web content concerning:
 - The airport
 - Aviation stakeholder responsibilities and authority
 - Aircraft noise impact mitigation project (ongoing)
 - Contact information for Town/City and airport
 - Content should include Frequently Asked Questions (FAQ) to address common topics

- In addition to expanding the content on Superior and Louisville’s websites, expand the Airport’s website to include more community-focused information including information about the noise program, information about the Airport Influence Area and Airport Critical Zones, basic flight information, aviation stakeholder roles and responsibilities, and complaint process information. Airport flight patterns (closed-traffic) and typical arrival and departure corridors should be clearly depicted. This should include contact information for the appropriate agencies for concerns related to aircraft noise, aviation safety, etc.
- Superior or Louisville should train and dedicate staff (or outside contract support) to provide timely, accurate, information to residents with questions and concerns about aircraft and airport noise issues. Individuals tasked with this should have at least a basic knowledge of aviation and airport noise and an ongoing relationship with the airport staff to enable coordination and information sharing.
- Establish a community noise working group, committee, roundtable, etc., to be hosted by the Airport, Town/City/County, or combination. Such a working group should provide a formal channel for reviewing and addressing community concerns. Make up of the roundtable should include representation from the community, local governments, the Airport, Jefferson County (Airport Authority) and airport tenants/users.
- Community forums or informational sessions could be hosted by the airport or the Town/City. Ideally, this would be a collaborative effort involving both the Town/City and the Airport. Public meetings scheduled on a quarterly basis provides the community with the opportunity to express concerns and access to accurate information dispelling myths and addressing misunderstandings which often exacerbate airport/community conflicts. Roundtable meetings are typically more formal and focused on roundtable business with some time for public comment. Forums would be more informal information sharing where the community can express concerns and ask questions, and the Town/City/Airport can provide information.

- The Airport should establish a “Noise Alerts” system to notify the community about conditions or events expected to change operations or noise impacts. Similar programs are deployed at airports across the country as a way to provide advance notice to residents of special conditions or events that may temporarily increase noise impacts.
- Information about the complaint management process should be provided online, describing for residents how complaints are processed and what is done with the information. Confirmation of complaint receipt and follow-up with an explanation of findings is highly recommended.
- Newsletters / Noise Updates would provide another opportunity to inform the community of progress concerning the noise program expansion efforts. Newsletters can be published by the airport electronically with minimal cost. These could also be distributed through the Superior or Louisville websites and other outreach channels (i.e. mailing lists, social media, etc.) to ensure residents are aware of the efforts and progress. Additionally, content could be curated for specific homeowner associations’ newsletters and websites reaching residents with information of interest to their community.

Industry Outreach and Engagement

Goals

- Inform flight schools, pilots (local and visiting) air traffic control, etc., about the community impacts associated with aircraft operations and noise.
- Expand awareness of practices and procedures to reduce noise impacts.
- Expand awareness of the airport Fly Quiet Program and encourage participation.
- Involve industry in expansion and improvement of the airport noise program.

Strategies

- Develop/enhance flight training curriculum to include noise abatement and Fly Quiet Program awareness to encourage compliance. Include RMMA-specific information as well as noise abatement information in general.
- Develop training curriculum for flight instructors (i.e. train the trainer) and provide training on at least a quarterly basis. Training should be developed for new flight instructors in addition to refresher training.
- Develop noise abatement awareness training curriculum for air traffic controllers. Training should be developed for new controllers in addition to refresher training - provided annually at a minimum.
- Host pilot forums to promote awareness of the RMMA noise abatement program. Pilot forums should be promoted to encourage both local/RMMA-based pilots as well as regional pilots who frequently visit RMMA. Forums may be hosted by the Airport or airport tenants. Forums could also be paired with FAA Safety Team (FAAST) Workshops.
- Expand information on airport website regarding clarity on noise-sensitive areas around RMMA and the practices and procedures for reducing noise impacts.
- Develop a technical working group to include air traffic control, airport staff, Airport Advisory Board, flight schools, other airport businesses. The technical advisory group will focus on technical review of new and refined noise program measures.

Local Land-Use Planning and Development

Goals

- Enable informed decision-making in local land-use planning, zoning, and development, to encourage development that is compatible with the airport and flight operations.
- Encourage compatible land-use planning, zoning, and development in proximity to the airport and areas exposed to high noise exposure and overflights (i.e. Airport Influence Area and Critical Zones).
- Encourage transparency and informed decision-making for developers, real estate brokers, and homebuyers.

Strategies

- Consider existing and future noise exposure/flight patterns when addressing zoning and land-use planning.
- Review and comment on planned airport development to encourage compatibility between long-term development plans of airport and local communities.
- Coordinate local zoning/development changes with Airport to understand potential impacts.
- Update website to include Airport Influence Area and flight paths and patterns. Include content for prospective homebuyers about the airport, flight patterns, etc., to encourage transparency and informed decision-making.
- Ensure long-term local land-use development is compatible with long-term development plans of airport.
- Revise development and building codes to prohibit or discourage noise-sensitive development within the Airport Critical Zones.

- Revise zoning ordinances to require noise disclosure for home sales within Airport Influence Area.

Regional Collaboration and Planning

Goals

- Encourage a collaborative approach to regional land-use planning to leverage benefits of the airport while minimizing community impacts.
- Encourage collaboration among municipal and county governments, land-use authorities, and the airport.
- Pursue win-win approaches to local land-use and zoning, and airport development that supports economic development within the region and improves the quality of life regionally and locally.

Strategies

- Establish (quarterly) meetings with Superior, Louisville, Boulder and Jefferson Counties and the Airport to discuss development plans, community concerns, etc.
- Coordinate review of airport and local (off-airport) land-use planning to encourage compatibility.
- Establish a Regional Planning Forum to coordinate airport and local land-use planning.
- Elected Officials Working Sessions. These would focus on collaborating on development of high-level strategic direction/vision for local communities and the airport. Representation should include Superior, Louisville, Jefferson County (County administration and Airport Authority), Boulder County, etc. The focus would be on establishing long-term policy, direction, prioritization, etc., and direction to staff. These would be held on a scheduled basis (i.e. quarterly or semi-annually).

- **Compatibility Roundtable / Working Group.** This group would have a tactical focus, executing or implementing the direction/vision established through the Elected Officials Working Sessions. Representation would be made up of City Managers, Planners, Economic Development, Community Relations, etc., from Superior, Louisville, Jefferson County, Boulder County, and the airport. Meetings should be scheduled on a bi-monthly or quarterly basis. Focuses for this group would be implementing strategies to address the vision established by the Elected Officials through the working sessions. Specific areas may include long and short-term land use planning and development (on and off airport), airport noise program, airport master planning, regional planning and development. Working together will encourage development that encourages compatibility between the airport and airport users and surrounding communities.
- **Technical Advisory Committee (Noise Task Force).** The Technical Advisory Committee (Noise Task Force) grew out of the Flight Training Forum held at the Airport as part of the baseline assessment. The proposed make-up of this group includes airport staff, air traffic control, flight schools, FBOs, flying clubs, and subject-matter experts (SMEs) advocating on behalf of the community (i.e. ABCx2). The focus of this group would be to develop specific procedures, policies, and other operational noise mitigation program measures. Recommended meeting frequency is monthly or bi-monthly.
- **Airport Community Roundtables (Advisory Committees, etc.)** are common across the US. Community Roundtables provide a formal platform for community members to address concerns and to get information about airport operations, noise, etc. Community roundtables are typically made up of a mix of community and industry representatives. Community representatives may be elected officials, city/town staff, residents, or a combination. Industry representatives typically include the airport, air traffic control, and airport tenants. Roundtables work closely with the community to understand resident concerns and to help identify solutions.

Logistics

Collaboration among key stakeholders including those representing the industry and the local communities are critical in encouraging compatible development, successful and sustainable growth of the airport, and sustainable growth and development and quality of life for the community. Recognizing the importance of collaboration, many airports across the US and abroad have working groups, committees, roundtables, etc., to facilitate the exchange of information among stakeholder groups. Often there are multiple groups fulfilling distinct roles and leveraging the available resources. One such model is depicted in Appendix IV. This presents a graphical representation of working groups and roundtables that could address the existing local and regional needs based on the input received and observations made during this process.

Though this is one of virtually unlimited options and models, the proposal seeks to leverage stakeholder and individual roles, authority, and interests, while providing the opportunity for synergistic thinking and representation of a broad range of interests. Communication would flow among the groups to inform decision-making at all levels. While this may not be the path taken, it is intended to provide a starting point for discussion with local and regional stakeholders in an effort to find a model that best serves those involved.

Appendices

- Appendix I - Aircraft Owners and Pilots Association - Noise Awareness Steps
- Appendix II - National Aviation Business Association – Noise Abatement Program
- Appendix III - Helicopter Association International – Fly Neighborly Program
- Appendix IV – Community Survey and Workshop Comments & Responses
- Appendix V – FAA Guide to Low Flying Aircraft

Appendix I

Aircraft Owners and Pilots Association - Noise Awareness Steps

- If practical, avoid noise-sensitive areas. Make every effort to fly at or above 2,000 feet over such areas when overflight cannot be avoided.
- Consider using a reduced power setting if flight must be low because of cloud cover, overlying controlled airspace or when approaching the airport of destination. Propellers generate more noise than engines; flying with the lowest practical RPM setting will reduce aircraft noise substantially.
- Perform stalls, spins, and other practice maneuvers over uninhabited terrain.
- Familiarize yourself and comply with airport noise abatement procedures.
- On takeoff, gain altitude as quickly as possible without compromising safety. Begin takeoffs at the start of a runway, not at an intersection.
- Use the Precision Approach Path Indicator (PAPI). This will indicate a safe glide path and allow a smooth, quiet descent.
- Retract the landing gear either as soon as a landing straight ahead on the runway can no longer be accomplished or as soon as the aircraft achieves a positive rate of climb. If practical, maintain best-angle-of-climb airspeed until reaching 50 feet or an altitude that provides clearance from terrain or obstacles. Then accelerate to best-rate-of-climb airspeed. If consistent with safety, make the first power reduction at 500 feet.
- Fly a tight landing pattern to keep noise as close to the airport as possible. Practice descent to the runway at low power settings and with as few power changes as possible.
- If possible, do not adjust the propeller control for flat pitch on the downwind leg; instead, wait until short final. This practice not only provides a quieter approach, but also reduces stress on the engine and propeller governor.
- Avoid low-level, high-powered approaches, which not only create high noise impacts, but also limit options in the event of engine failure.
- Flying between 10 p.m. and 6 a.m. should be avoided whenever possible.

Note: *These are general recommendations; some may not be advisable for every aircraft in every situation. No noise reduction procedure should be allowed to compromise flight safety.*

Appendix II

National Aviation Business Association – Noise Abatement Program

DEDICATED TO HELPING BUSINESS ACHIEVE ITS HIGHEST GOALS. 

NBAA NOISE ABATEMENT PROGRAM

Quiet Flying Is Good Business

Founded in 1967, the NBAA Noise Abatement Program promotes safe, standardized and uncomplicated operating procedures that are effective in reducing noise exposure.

www.nbaa.org/quietflying

SAFETY & AIRCRAFT OPERATIONS | LEGISLATION & REGULATORY AFFAIRS | AIRWORKLOAD & SCHEDULES | EDUCATION & CAREER DEVELOPMENT | BUSINESS MANAGEMENT SERVICES
 National Business Aviation Association | 1200 G Street NW, Suite 1100 | Washington, DC 20006 | (202) 783-9000 | www.nbaa.org

NBAA NOISE ABATEMENT PROGRAM

Quiet Flying Is Good Business

NBAA has long believed that quiet flying is good business. NBAA's Noise Abatement Program has been in existence since 1967, establishing objectives and operating procedures that have served the business aviation community well and have proven to be effective in reducing aircraft noise impacts and subsequently, community opposition to business aviation.

NBAA's updated Noise Abatement Program was developed with modern aircraft performance and air traffic control (ATC) requirements in mind. With this revision, NBAA continues to provide operators with guidance to reduce noise impacts that is suited to the current operating environment, as well as new tools for aircraft operators and airports to address the noise concerns of adjacent communities.

The updated program includes:

- Noise abatement best practices for flight crews.
- Updates to NBAA's "close-in" noise abatement departure procedure and approach and landing procedures.
- Noise abatement guidance for other aviation stakeholders, including airports and air traffic control facilities.

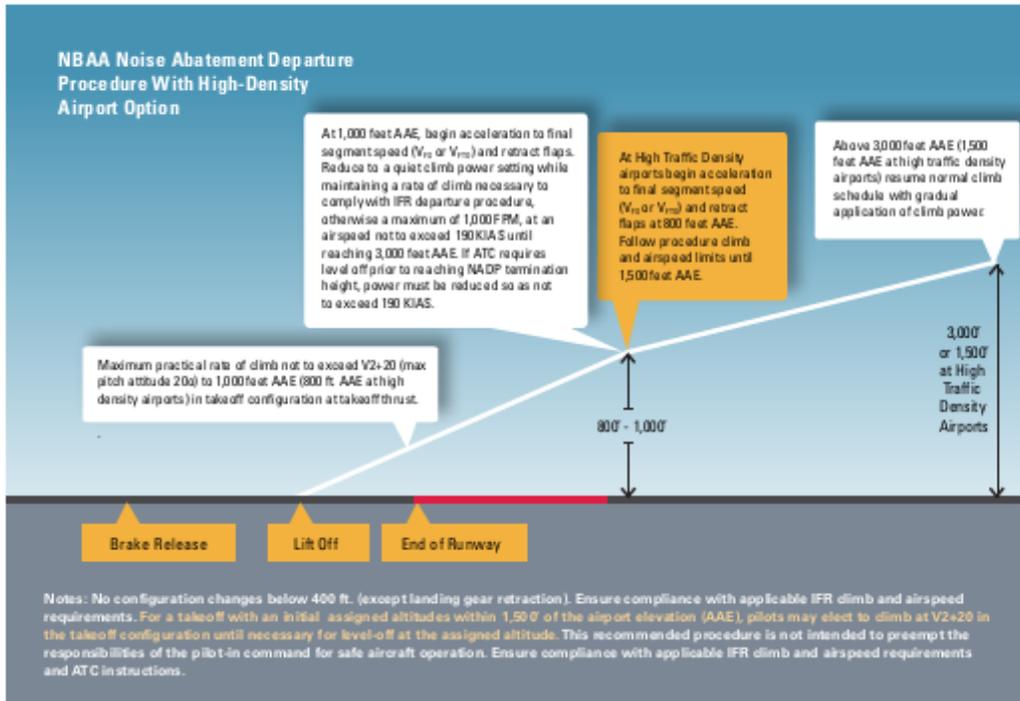
NOISE ABATEMENT BEST PRACTICES FOR FLIGHT CREWS

Pilots should always be mindful of noise impacts at airports. Even the "quietest" modern aircraft may disturb those that live near the airport. Care should be taken to minimize the aircraft's noise profile whenever possible by utilizing noise abatement best practices at all airports, especially during night-time and early-morning hours when aircraft operations may be especially disturbing.

- During the flight-planning process, flight crews should familiarize themselves with the airport's noise abatement policies and any applicable noise abatement procedures (NAPs) for the airport they will be using. These may include:
 - Preferential runway use
 - Preferential approach and departure paths
 - Preferred terminal arrival and departure procedures for noise abatement
 - Other noise-related policies (maximum noise limits, curfews, usage of reverse thrust, engine run-up policies, etc.)
- Contact the airport's Noise Management or Operations department for more information on local noise policies and procedures.
- When available, pilots should utilize their company's recommended departure/arrival NAPs or those recommended by the aircraft manufacturer for their specific aircraft.
- Flight safety and ATC instructions and procedures always have priority over any NAP. NAPs should be executed in the safest manner possible and within all FAA-mandated operating requirements.
- Proper pre-departure and pre-arrival crew briefings are essential to ensuring the safe and effective execution of NAPs.
- When airport or aircraft-specific procedures are unavailable, NBAA provides recommended noise abatement procedures suitable for any aircraft type and airport operating environment (see below).

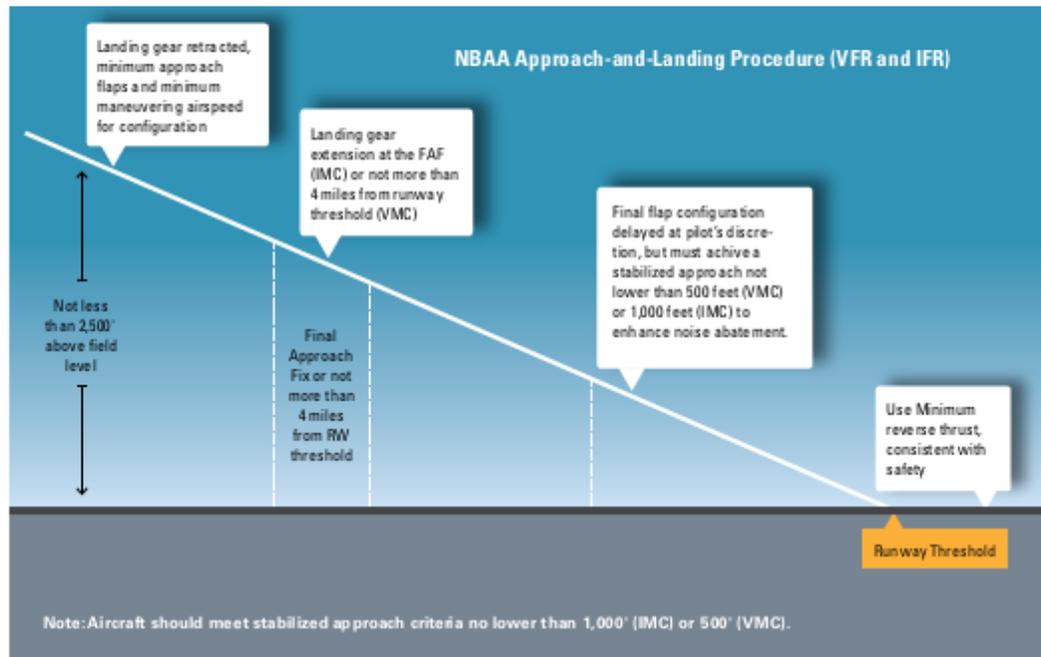
NBAA-RECOMMENDED NOISE ABATEMENT DEPARTURE PROCEDURE WITH HIGH-DENSITY AIRPORT OPTION

1. Climb at maximum practical rate not to exceed V_2+20 KIAS (maximum pitch, attitude 20 degrees) to 1,000 feet AAE (800 ft. AAE at high-density-traffic airports) in takeoff configuration at takeoff thrust.
2. Between 800 and 1,000 feet AAE, begin acceleration to final segment speed (VFS or VFTO) and retract flaps. Reduce to a quiet climb power setting while maintaining a rate of climb necessary to comply with IFR departure procedure, otherwise a maximum of 1,000 FPM, at an airspeed not to exceed 190 KIAS, until reaching 3,000 feet AAE or 1,500 feet AAE at high-density-traffic airports. If ATC requires level off prior to reaching NADP termination height, power must be reduced so as not to exceed 190 KIAS.
3. Above 3,000 feet AAE (1,500 feet at high-density airports) resume normal climb schedule with gradual application of climb power.
4. Ensure compliance with applicable IFR climb and airspeed requirements at all times.



NBAA-RECOMMENDED APPROACH AND LANDING PROCEDURE (VFR AND IFR)

1. Inbound flight path should not require more than a 25 degree bank angle to follow noise abatement track.
2. Observe all airspeed limitations and ATC instructions.
3. Initial inbound altitude for noise abatement areas will be a descending path from 2,500 feet AGL or higher. Maintain minimum maneuvering airspeed with gear retracted and minimum approach flap setting.
4. During IMC, extend landing gear at the final approach fix (FAF), or during VMC no more than 4 miles from runway threshold.
5. Final landing flap configuration should be delayed at the pilot's discretion; however, the pilot must achieve a stabilized approach not lower than 500 feet during VMC or 1,000 feet during IMC. The aircraft should be in full landing configuration and at final approach speed by 500 feet AGL to ensure a stable approach.
6. During landing, use minimum reverse thrust consistent with safety for runway conditions and available length.



COLLABORATION, EDUCATION AND OUTREACH

Effective aircraft noise management requires a collaborative effort between aircraft operators, ATC and airport operators. Minimizing noise impacts is in the best interest of all stakeholders.

Aircraft Operators

- The noise abatement best practices recommended by NBAA are suggested as a national standard for business aircraft operators. They are intended for use at any airport and for any aircraft. They should be used when airport-specific or aircraft-specific procedures are unavailable.
- NBAA members should engage their local airport, particularly with regard to noise issues. Where necessary, support should be provided to assist airport management in adopting procedures which meet the objectives of the NBAA Noise Abatement Program as they relate to operational safety and usability. Every effort should be made to tailor procedures to the specifics of each airport in order to provide the maximum noise reduction consistent with safe and efficient operations.
- When applicable, pilots are encouraged to provide feedback on local NAPs to ATC, the airport operator and local pilot groups.
- Pilot training for business aircraft should include the importance of noise abatement and noise abatement procedures in all types of ratings and ATR flight checks.

Airports

- Specific information should be developed by airport management and made available to pilots and controllers through publication of easily attainable flight manuals, NOTAMS, AIMS, letters to airmen, ATIS messages, charts and explanatory pamphlets. This information should include:
 - Approach and departure paths over least noise-sensitive areas
 - Preferential runway usages, if applicable
 - Use of NBAA's noise abatement best practices
 - General map showing surrounding area and marking places of specific sensitivity, such as residential areas, schools and hospitals
- Airports should provide communities with data to demonstrate current and historic airport noise levels and highlight continued efforts by the airport and aviation industry to minimize noise impacts.
- Airport approach and takeoff paths should be designated on all official zoning maps. This should be done for all airports, existing or proposed, in order that land-use zoning, development and real estate activity are conducted with full awareness of the confines of such areas. Additionally, the land use permitted in these areas should be specified in zoning regulations and building codes in order to protect inhabitants.
- Airport management should investigate the optimal use of visual and electronic approach aids, which can aid noise abatement procedures at an airport. Improvements in both approach aids and runway facilities encourage aircraft to approach over the least noise-sensitive areas.
- Jet aircraft run-up areas should be developed for least noise disturbances to airport tenants and local communities. Blast fences, ground run-up enclosures, etc., should be provided and used where necessary.

- Airport management should evaluate the airport's natural terrain and consider ways in which improvements to landscaping might improve noise conditions around the airport.
- Airport management should post signs in pilot information centers, as well as at conspicuous places along airfield entry points (e.g., walk-through and drive-through gates), the taxiways or runway areas, giving the pilots a last reminder that they are in a noise-sensitive area calling for use of noise abatement procedures.
- Airport management should develop education programs to inform pilots and air traffic controllers as to the need for and procedures associated with noise abatement and good community relations. A more thorough understanding by the pilots and the controllers as to what the procedures are, as well as the reasons behind them, is the key to success.
- Preferential runway use systems that are safe and do not unnecessarily restrict the flow of air traffic should be established at all airports having a need for them.

Air Traffic Control

- The airport and ATC management should conduct a procedures review to recommend and implement new airport noise awareness programs. The recommendations should add a statement such as "use noise abatement procedures" to all ATC clearances issued by control tower operators.
- Control tower operators should be permitted to give any needed special attention to jet aircraft that may, for purposes of noise abatement, be required to land or takeoff using a different runway than the one in use by smaller aircraft.
- Control tower operators should develop procedures that will separate high-performance aircraft from low-performance aircraft as much as possible.
- The air traffic control procedures should keep aircraft more than 3,000 feet AGL over noise-sensitive areas to the extent that this can be accomplished without excessive derogation of air traffic flow.
- It is recommended that high-performance aircraft within reasonable operating limits and consistent with noise abatement policies remain at the highest possible altitude as long as possible when arriving and climb to the requested altitude filed by the pilot as soon as possible after departing.
- SIDs should include references to the use of noise abatement procedures.

About NBAA

Founded in 1947 and based in Washington, DC, the National Business Aviation Association (NBAA) is the leading organization for companies that rely on general aviation aircraft to help make their businesses more efficient, productive and successful. Contact NBAA at (800) FYI-NBAA or info@nbaa.org. Not a Member? Join today by visiting www.nbaa.org/join.

Released in 2015, this updated NBAA Noise Abatement Program was developed in conjunction with industry experts on NBAA's Access Committee. Learn more about the NBAA Access Committee at www.nbaa.org/committees/access.

Appendix III

Helicopter Association International – Fly Neighborly Program

Fly Neighborly

Helicopter Noise Abatement Recommendations

Level Flight:

-  Accelerations are quieter than decelerations
-  Straight flight is quieter than turning flight

Turning Flight:

-  Turning away from the advancing blade (especially when decelerating) is quieter than turning into the advancing blade
-  Level turns are quieter than descending turns

Descending Flight:

-  Straight-in flight is quieter than turning flight
-  Steeper approaches are quieter than shallow approaches

Decelerations:

-  Level flight decelerations are quieter than descending or turning flight decelerations

Maneuvering:

-  Smooth and gentle control inputs are quieter than rapid control inputs

These recommendations are flight tested and scientifically vetted by the U.S. Department of Transportation and NASA to support Fly Neighborly Goals.

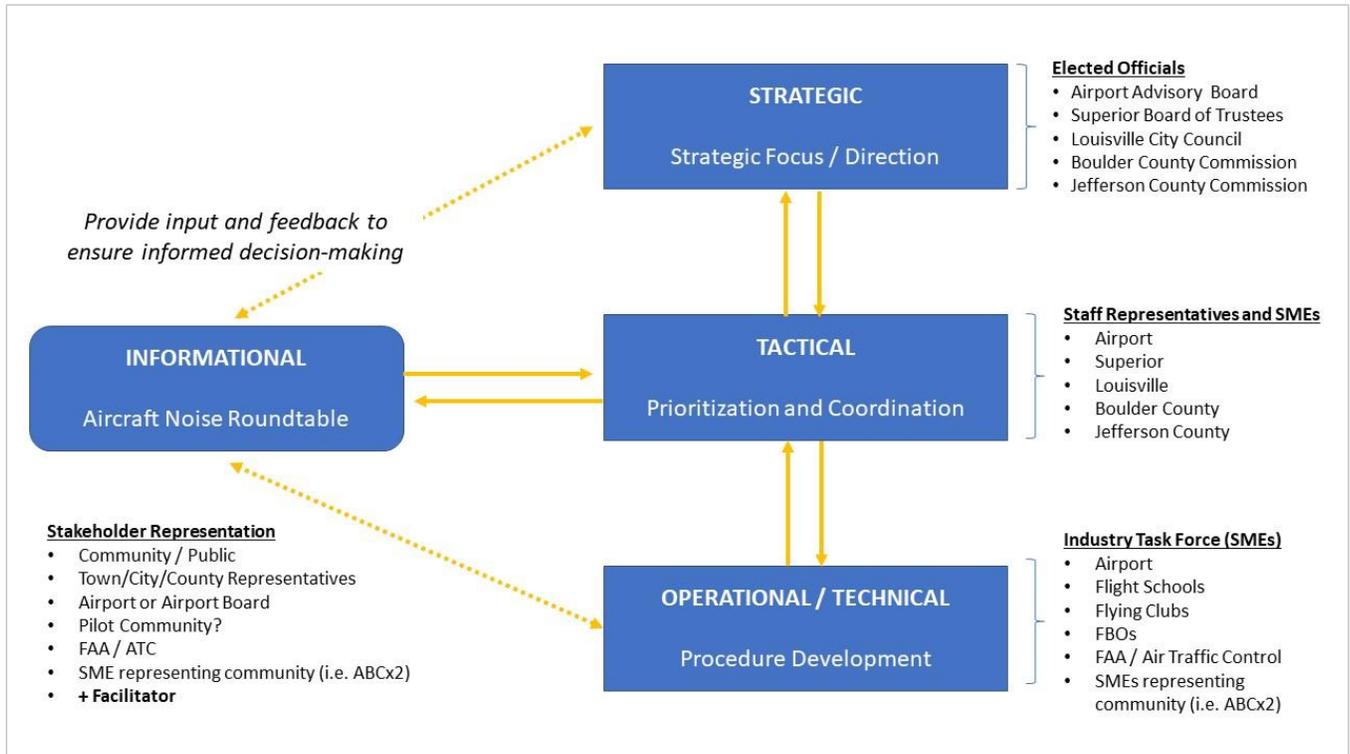
Take the Fly Neighborly training at: <https://go.usa.gov/xQPCW>



Fly Neighborly procedures/recommendations should be executed in the safest manner possible and followed only to the extent that safety is not compromised.



Appendix IV Notional Engagement Model



Appendix V

FAA Guide to Low Flying Aircraft

The Federal Aviation Administration (FAA) is the government agency responsible for aviation safety. We welcome information from citizens that will enable us to take corrective measures including legal enforcement action against individuals violating Federal Aviation Regulations (CFR). It is FAA policy to investigate citizen complaints of low-flying aircraft operated in violation of the CFR that might endanger persons or property.

Remember that the FAA is a safety organization with legal enforcement responsibilities. We will need facts before we conduct an investigation. To save time, please have this information ready if you witness another low-flying aircraft. Please keep your notes: we may request a written statement. Here is the type of information we need:

- Identification – Can you identify the aircraft? Was it military or civil? Was it a high or low wing aircraft? What was the color? Did you record the registration number which appears on the fuselage or tail? (On U.S. registered aircraft, that number will be preceded with a capital "N".)
- Time and Place – Exactly when did the incident(s) occur? Where did this happen? What direction was the aircraft flying?
- Altitude – How high or low was the aircraft flying? On what do you base your estimate? Was the aircraft level with or below the elevation of a prominent object such as a tower or building?

Once we have the appropriate facts, personnel from the Flight Standards District Office (FSDO) will attempt to identify the offending aircraft operator. We can do this in several ways. For example, we can check aircraft flight records with our air traffic control information and/or sightings from other observers, such as local law enforcement officers. We may need to trace and contact the registered aircraft owner, since the owner and operator may be two different people.

Following is Title 14 of the Code of Federal Regulations, Section 91.119 of the General Operating and Flight Rules, which specifically prohibits low flying aircraft.

91.119 Minimum safe altitudes; general

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

- (a) Anywhere – An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.
- (b) Over congested areas – Over any congested area of a city, town, or settlement, or over any open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.
- (c) Over other than congested areas – An altitude of 500 feet above the surface except over open water or sparsely populated areas. In that case, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.
- (d) Helicopters – Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with routes or altitudes specifically prescribed for helicopters by the Administrator.

Helicopter operations may be conducted below the minimum altitudes set for fixed-wing aircraft. The reason: they have unique operating characteristics, the most important of which is their ability to execute pinpoint emergency landings during power-out emergencies. Furthermore, the helicopter's increased use by law enforcement and emergency medical service agencies requires added flexibility.

For more information, or to report a low-flying aircraft, please contact your local FSDO. For a list of FSDO's pertaining to your area, visit:

https://www.faa.gov/about/office_org/field_offices/fsdo/

ABCx2 Responses to Survey and Workshop Comments

Executive Summary

A Bang the Table Online Survey was conducted by The City of Louisville between June 13, 2019 and July 14, 2019. The survey was open to the public. The intent of the survey was to ascertain the impact of airport noise on the communities of Louisville and Superior and to gather recommendations for noise mitigation from community members.

We received a total of 211 responses from the online survey that included comments or recommendations.

In addition to the online survey, a Community Workshop was held on July 24, 2019 at City Hall in Louisville. The meeting was conducted utilizing a Power Point Presentation that explained the current project underway at Louisville and Superior to address the concerns of the communities regarding airport noise. The Power Point also addressed high level strategies that have been considered by the consulting team to mitigate airport noise.

At the end of the presentation by the consultants, a question and answer session was held where attendees were able to ask questions, make comments, and/or recommendations.

Upon reviewing the comments from both the survey and the workshop, the consultants have noted several concerns as well as several recommendations concerning mitigating airport noise. To adequately address all the comments, we have broken down our responses into several sections:

The following sections were comments (S-1 through S-114) concerning the question:
Q16 Do you have any other recommendations or suggestions for how we can reduce the impacts of Rocky Mountain Metropolitan Airport operations on our community?

Section A. - Rocky Mountain Metropolitan Airport – RMMA Comments

Section B. - Superior Comments

Section C - Louisville Comments

Section D. – Other Communities or Community Not Identified - Comments

Section E. – General Comments

The following sections were comments (S-115 through S-211) concerning the question:
Q17 Please provide any additional comments, suggestions, questions, feedback.

Section F. - Rocky Mountain Metropolitan Airport – RMMA Comments

Section G. - Superior Comments

Section H - Louisville Comments

Section I. – Other Communities or Community Not Identified - Comments

Section J. – General Comments

The following section was comments (W-1 through W-52) that were gathered from the Community Workshop held at the Louisville City Hall on July 24, 2019.

Section K: Workshop Comments

Process

First, all comments were de-identified and separated into sections as outlined above.

Then, we parsed through the comments to separate general comments from recommendations. Comments and recommendations were then separated into the individual communities from where they were made, if such community could be identified. If no community could be identified, the comments were grouped together in the “Other Community: Section. We then addressed comments/recommendations made by several individuals that had to do directly with the airport itself or its operations. Finally, we addressed general comments. In this manner, we covered all of the comments that were received from the people who responded to the survey or attended the community workshop.

The consultants then moved on to responses to individual comments and/or topics. Several comments received had multiple recommendations. To address all the recommendations received, a single response may cover several comments with similar subject matter. Each recommendation received a response, however, there were numerous comments that contained no recommendation and no response was given. Responses are numbered and cross referenced with comments/recommendations.

Addressing airport noise impacts to the communities is necessary to come to a common understanding of the existing rules, regulations and procedures and how to mitigate the impact of airport noise upon the community. The consultants have been tasked to provide strategies to address the noise impacts and propose realistic and implementable mitigations to those impacts. Therefore, it is most definitely our responsibility to evaluate the responses received through these two venues to ensure the broadest possible set of solutions

is being considered and to parse them down into meaningful and measurable mitigations that can reasonably and safely be implemented. Mitigations should address the projected traffic demands and not impact the safety or efficiency at RMMA but must address any adverse impact to the surrounding communities.

Numerous comments received were related to concerns over recent increases in noise from aircraft flying Touch & Go patterns. This type of noise typically impacts the residents of Rock Creek the most and is of great concern to those residents. Superior residents also expressed concerns about the safety of aircraft flying low over their houses on arrival and departure.

Another large block of comments concerns aircraft transitioning to and from the Practice Areas to the north. These transitions can account for hundreds of flights per day and can cause a persistent annoyance for residents that underlie the flight path.

Other concerns were expressed about helicopter and jet aircraft overflights. But these comments were noticeably fewer than those concerning aircraft conducting touch & go's and low flying propeller aircraft.

There were also numerous comments received in support of the airport and its operations, citing both the positive economic impact of the airport and the enjoyment that many respondents get from watching the aircraft and having an airport close by.

The following responses to the comments received will address, at a high level, several of the strategies that the consulting team will be proposing to mitigate the concerns of the respective communities. Some of these strategies are already being discussed by the Noise Task Force recently convened by the airport to consider several recommendations already proposed by the consulting team.

Survey Comments & Recommendations

Section A. - Rocky Mountain Metropolitan Airport – RMMA Comments with Responses

(S-1) We need to actually get pilots to respect the noise sensitive areas A map of daily flights shows no respect or understanding of this map We cannot allow the airport to upgrade to passenger traffic – (R-1)(R-2)

(S-2) I was surprised at the amount of anger there was in a class I was in last Friday. Someone was saying that one of the local airports was building more runways. So, there will be more noise. - (R-3)

(S-3) Reduce night flights. Stop low-flying helicopters that are not emergency. – (R-4)(R-5)

(S-6) The Airfield Operations currently has a fly quiet pattern that can and should be used, (Short crosswind turn, over the open space and not the residential area.) when its necessary to use the West Traffic Pattern. The bulk of the training traffic should be using the East Traffic. Also, no early morning, (before 6 am, which there are training flights often by 0500h) or late-night training flights. They can go to nearby, less populated airfields for the touch and go pattern work. This is how training is conducted at many airports. – (R-4)(R-6)(R-7)

(S-8) Do not allow flights before 8am on weekdays and 9am on the weekends. Reroute flights over less populated areas AND/OR reduce the amount of air traffic to another airport that is more remote. Reduce number of flights, period! Either require flights to be at higher altitudes when they fly over local communities or simply reroute them elsewhere. Do not allow noisy types of planes to use this airport. Our communities have chosen the live here for the quality of life, and we pay a premium to do so. The noise from these aircrafts is crazy and has become a HUGE, NOISY and CONSISTENT PROBLEM. – (R-1)(R-4)(R-8)(R-9)

(S-12) Quieter engines, less fly overs especially prop planes, fly higher, stagger the days when they fly over(maybe every fifth day). Vary flight paths, even a three-block space makes a huge difference in noise It seems like they circle around community park - (R-1)

(S-13) I do not think that airport noise requires mitigation at this time. The airport and the economic impact it has is an asset in our community. The impact of the airport in our northern Denver suburban community is overwhelmingly positive. – (NR)

(S-14) Don't have training flights early in the morning. – (R-4)

(S-15) Flight path should go over Jefferson County, including Rocky Flats and surrounding undeveloped area. The tower is visible from all of the areas near the airport so flight training does not need to go over populated areas. It seems particularly dangerous for beginning pilots to be allowed to fly over homes, schools and hospitals. There is adequate undeveloped areas such as Rocky Flats for new pilots to practice over. – (R-1)(R-10)

(S-16) The goals of the airport community to continue to expand their operations are incompatible with the concerns of the local residents for a safe, peaceful, and healthy place to call home. As a homeowner who would prefer to stay here, I recommend we make every effort to close the airport down. – (R-11)

(S-17) Use shorter runway and have the airplanes fly over highway 36 and the open space in Broomfield and Jefferson Counties where the airport resides. – (R-1)(R-7)

(S-18) Please reduce number of flights, require increased altitudes, and have they use different runways and flight paths. It's getting much worse and ruining outdoor activity and waking us up at night. – (R-1)(R-7)(R-8)(R-9)

(S-20) Decrease the number of flights, change the flight pattern to go over less densely populated areas. Move the airport to less populated area. It really seems unfair that the pleasure of a few individuals that enjoy flying impact so many residence. – (R-1)(R-8)

(S-27) RMMA needs to get serious about their Fly Quiet "Program". They don't promote it to the airport tenants. Flight school aircraft should bypass Louisville and Lafayette on their way to and from their training areas between Erie and Greeley. As at Centennial Airport, an Airport Community Noise Roundtable should be established with RMMA that will meet monthly. Also as at Centennial, microphones and a web tracking system of noise generation by aircraft should be installed around RMMA. – (R-1)(R-12)(R-14)

(S-29) Regulate/tax ban loud aircraft. Only allow modern, less noisy, less polluting aircraft at this airport. – (R-15)

(S-31) Re-route aircraft to fly over nonresidential areas; if this airport is owned/operated in Jefferson County, then flight patterns should be inconveniencing their residents instead of those in Boulder County – (R-1)

(S-33) Airport growth should be stopped below current levels. Flights should focus on flying in Jeffco airspace – (R-8)

(S-38) Limit the size of the aircraft to propellers and small executive jets and use the OTHER runways, please!!! – (R-7)(R-8)

(S-39) I've recently noticed that the flight path has changed to come almost directly over our house. Look at what they do at John Wayne airport...limiting takeoff/departures to a shorter day. – (R-4)

(S-42) This survey only allows single answers when many questions could have multiple responses. Work directly with the faa on the growth of this airport. It has quietly increased run way capacity and flight volume over the years with seemingly little input from the communities it impacts. – (R-8)

(S-43) Get Flight school to change its routes. Sell airport property to developers. – (R-1)(R-16)

(S-44) Limit early morning and evening arrivals/departures for jets, involve the community more, actually implement some community suggestions when possible.(R-4)(R-13)

(S-45) Require flight schools to have come to a complete stop. Frequently it's the same 1 or 2 aircraft 10-15 times in a hour that is causing the noise. – (R-17)

(S-54) More information on how flight path decisions are made by the pilots/airport – (R-1)(R-7)(R-13)

(S-55) change flight path? – (R-1)

(S-57) - Don't allow planes that produce noise and pollution to use this airport. Usually older and larger Jets - Don't allow larger planes to land at this airport. - No to commercial airplanes – (R-2)(R-8)

(S-62) Eliminate flights after 11 p.m. and before 6 a.m. Limit number of total flights during the day. Require flying at higher altitude. – (R-4)(R-8)(R-9)(R-18)

(S-64) The airport is in a different city in a different county that don't care about Louisville and Superior. The FAA needs to be engaged in the process since they route the air traffic and make a concerted effort to route air traffic over open space, not neighborhoods. The expansion efforts of the airport should have to be approved by those affected. increasing 737s should not be allowed -- this was supposed to be a regional airport for small planes. – (R-1)(R-2)(R-7)

(S-65) keep flights on high altitude over residential area – (R-9)

(S-66) Less operation before 6am Restrictions on the number of departures/touch and gos – (R-4)(R-8)

(S-68) Quieter planes. No military fighter jets. – (R-8)

(S-71) Maybe changing flight patterns? Touch and go's seem to occur over and over again in the same exact flight pattern right over our house. Doesn't bother me right away but some days it just doesn't stop! – (R-7)

(S-73) Small prop planes are usually ok, it's the Jets taking off and landing that are loud, so not implementing their plan of increasing jet traffic would be helpful. – (R-2)

(S-75) No jets and limit the operations from 7am-6pm on weekdays; 8am-6pm on weekends. – (R-2)(R-4)

(S-81) Rocky Mountain should redirect flight patterns over their own county. They also should complete a noise mitigation plan for all older aircraft. We need a timeline as in a five year plan. Otherwise we will be having this same discussion in 20 years. – (R-7)(R-19)

(S-94) Partner with aviation groups to expose the community to general aviation – (R20)

(S-98) Such high volumes of aircraft should not fly over residential neighborhoods and schools. Many are too low, including propeller ones. Maybe flight paths should be created to fly over Rocky Flats. – (R-1)(R-9)

(S-99) The public needs to be further educated on airport operations and that airports are vital to public safety. – (R-21)

(S-105) RMMA needs to embrace a model similar to that employed by Centennial Airport. Right now we are just getting lip service. – (R-13)(R-22)

(S-109) Take best practices from many other metro areas such as Santa Monica, CA. Shorten runways back to agreed upon easements. Restrict touch & go flights that are less necessary than A- B flights. Instruct flight schools not to fly over populous neighborhoods and avoid flying in evening or on weekends. – (R-1)(R-4)(R-8)(R-23)

(S-111) At least half of all departures and arrivals should be to or from the south. – (R-7)(R-24)

(S-112) Reduce number of flights, increase altitude and discourage night time flights. Implement noise ordinance and quiet hours, for example 10pm - 8am. Can air traffic be directed more over open space or commercial zones around the airport instead over residential areas? – (R-1)(R-4)(R-8)(R-9)(R-18)

(S-113) Reduce night operations – (R-4)

Section B. - Superior Comments with Responses

(S-7) It's frustrating that the questions above only provide the option to give one answer. Planes should fly higher and less frequently. It often seems like the same planes just buzz back and forth across our town and the open spaces for pleasure, or perhaps for training, but they're not actually going anywhere. The benefit that this may provide to the small number of people in the plane does not justify the impact on the thousands of people below. (R-1)(R-8)(R-9)(R-18)

(S-22) I experience periods when aircraft fly low near enough for the noise to bother and the aircraft are spaced a few minutes apart for hours. I need to sleep during the day and can hear these planes despite wearing very good ear plugs. Some planes are so low and loud I fear they will hit my home. Quieter engines help. More time between planes helps. (R-8)(R-9)(R-19)

(S-24) The flight school planes should not be allowed to fly over the rock creek neighborhood. They need to take off and turn prior to the neighborhood and Boulder County boundary. The planes should be assessed for noise output. Some are not very loud and do not cause concern while others should definitely be muffled or updated at the very least to reduce noise impacts. (R-1)(R-6)(R-19)

(S-114) Change the flight paths so that there are fewer planes flying over my home every day. (R-1)(R-6)

(S-41) Change flight patterns to go further South and west on takeoffs and landings so aircraft is at higher elevation when going over the city. This would help the low-flying problem and the noise problem. (R-1)(R-6)(R-18)

(S-46) Have the planes stay over Rte 36 / Sports Stable / Open space going westbound on takeoff, not over our neighborhood which is more to the northwest. (R-1)(R-6)

(S-97) The flight schools (my guess) are causing the problem...constantly circling Superior. The Cessna 172 type planes aren't that loud (usually) but there is one yellow ex-military trainer who circles the neighborhood on weekends. Very loud plane and did it for three solid hours last weekend. There's another guy with a very loud white and blue Bonanza who does the same. This morning, someone has been doing touch and go circles since before 6:30 and has been circling constantly. These pilots can go somewhere else and circle. (R-4)(R-19)

(S-107) Aircraft should take off in the opposite direction so as not to fly over my house. Limit the number of departures and arrivals. Limit any expansion of the airport. (R-2)(R-7)(R-8)

(S-108) It seems that the flight school planes take the same route over Rock Creek. Can they at least consider different flight plans so that one area of the neighborhood doesn't have an inordinate

amount of flights overhead? The constant drone of these planes is very irritating. Especially if you like to enjoy your outside deck and all you hear for hours is planes overhead! (R-1)(R-6)

Section C - Louisville Comments with Responses

(S-9) The number of flights had increased from no issue to everyday being woken up due to jet and propeller aircraft over the 35 years I have been in Louisville. This needs to be quieter to preserve our community. (NR)

(S-23) Flights go primarily over Superior and Louisville. Why can't they fly over Broomfield and Jefferson counties instead. (R-1)

(S-50) Stop flying directly over Louisville-go west or east between cities. (R-1)

(S-51) I rarely heard aircraft fly over my house until the last year or so. Now there are planes all day long and many of them are very low over my home and the noise has increased. They rarely flew over Louisville in the past, why change now? When homeowners buy homes things like airport noise is considered. Life has been peaceful and quiet for over 20 years for us and now the noise is irritating. (R-1)

(S-56) I live in Coal Creek Ranch in Louisville and we love seeing the planes fly overhead, especially the military ones! There has never been noise that bothered us so much that we would complain. (NR)

(S-59) The number of flights has increased dramatically over the last 5 years. The noise causes disruption inside & outside our Louisville home, all hours of the day & evenings. (NR)

(S-60) Rocky mountain airport has increased the number of flights dramatically in recent years. We are not even close to the airport and the noise is out of hand. I can't even read books aloud to my kids because its so loud they can't hear me over the airplane noise and sometimes they pass directly overhead once every 10 minutes. It's extreme. The Airport should not be allowed to hold the entire community's quiet enjoyment of their homes hostage for rich jet owners and airport operators. We do not need all these flights. It's highly disturbing and I live FAR from the airport in Louisville, but it seems like flights literally fly directly over my house dozens of times a day. (R-1)

(S-72) Surely there should be mitigation on the amount of flights over any area. I count flights passing by my house every 1-3 minutes. This is a joke! I'll lived in Louisville for over 6 years and it makes me want to leave the community. When you don't even have to set your alarm in the morning because of the nonstop air noise there's a problem and the city needs to step up to fix it!!! (R-1)

(S-74) I have no concerns about aircraft volume or noise over Louisville. (NR)

Section D. – Other Communities or Community Not Identified - Comments with Responses

(S-21) I would like to see communities pushing for more restrictions on flight operations to minimize noise, something closer to what is required of planes operating out of Boulder Municipal Airport. However, enforcement of RMMA's existing voluntary noise abatement rules might go a long way in reducing noise in my neighborhood. My neighborhood is pretty far from the airport but sees many low flying planes. (R-25)

(S-28) Stop the single engine planes from circling and repetitive passes along the east side of Davidson Mesa. You can hear the same plane making multiple passes along the east side of Mesa crossing the neighborhoods along Coyote Run open space. (R-1)

(S-32) I live on the Davidson Mesa and the planes fly very low directly over my house at all hours of day and night. I can't hold conversations because of the noise. They fly continuously at least 1 every 10 minutes. (R-1)

(S-70) I live in Lafayette. I have no issues with the airport. I was instructed to do this survey by a friend just to quiet her busy body nonsense. Continue business as usual, folks. Have a nice day. (NR)

(S-85) I live in Arvada on the east side of the airport (NR)

(S-103) The number of airplanes traveling over my home seems to be increasing quite significantly. They are loud, low and frequent. Furthermore, there seems to many larger planes in this flight pattern. We moved here for the open space and natural setting and we are hindered by the amount of aircraft overhead to actually be outside and enjoy the area. I am also very concerned about the air quality impacts from all of these airplanes, especially on my children. I did not move to this affluent area to face negative air quality impacts and noise from increased air traffic directly overhead. This is destroying the high quality of life of this neighborhood. (NR)

(S-106) Less flights and perhaps detour departures over less populated areas. (R-1)(R-8)

(S-110) The airplane noise is really annoying. It wakes us up. It is having an impact on our quality of life. We don't have peace in our own home. Enough meetings and talking. Please do something. (R-22)

Section E. – General Comments

(S-4) Ideas to brainstorm: Pass noise regulation legislation and enforce. Move the airport away from population centers or use routes that fly planes away from our homes. Pilots could endeavor to fly less and switch to carbon neutral transportation. Private jet owners could have more conference calls/reduce flying to attend meetings. Move closer to where you work so pollute our skies less. Fly higher and faster with new gen aircraft that has noise mitigating and lower carbon emissions technologies. Reduce use and cancel any and all expansion plans until operations are quiet and carbon neutral. (R-1)(R-8)(R-11)(R-15)(R-25)

(S-5) Restrictions similar to California airports like John Wayne and Santa Monica. Quiet hours where flights are not allowed unless it's an emergency Prescribed flight patterns that don't overfly residential areas Restrictions on the type of aircraft - decibel levels and commercial flights. (R-4)

(S-10) Set minimum altitudes and noise abatement corridors with vigorous penalties that are regularly and uniformly enforced. (R-1)(R-9)

(S-11) Put mufflers on the propeller planes. Have silent hours, for example before 9:00 a.m. and after 10:00 p.m. Close the flight schools. Do not allow expansion to more commercial traffic and large 737 jets. (R-2)(R-4)(R-19)

(S-19) We have lived here for 18 years and have never been worried about airport noise or train noise or music noise. This is a neighborhood dogs bark, kids scream, trains blow their whistle and music plays from downtown in the summer. (NR)

(S-25) Force flights into pathways that are NOT above residential areas. Fine pilots, aircraft owners, and the airport authority when they stray from required pathways. (R-1)(R-25)

(S-26) Reduce number of flight school flights. Require noise reduction on every plane. (R-8)(R-19)

(S30) Love the sound. (NR)

(S-34) There are no obvious impacts. (NR)

(S-35) I don't have a problem with aircraft, noise, or overflights. (NR)

(S-36) I really feel the flight schools need to be held accountable. Leasing 25 year old planes that are old, probably dangerous to fly, extremely loud should not be allowed to invade our neighborhoods beginning before 6AM lasting into the evening. (R-4)

(S-37) Fly over uninhabited areas (R-1)

(S-40) Not sure what govt can do.. If they own the land and are zoned for the anticipated increase, this outreach will have no real effect, except to waste time, money and precious resources. It was a small airport with X number of flights and we knew that when we moved into our home. I never expected to have regular flights and helicopters... Soon, if their plans to expand are approved, we will have more and bigger planes constantly overhead. What will that do to our " small town community" and the value of our homes? (R-2)

(S-47) Explain to people complaining that the airport was here long before they were. It was in existence and operating when they moved here. They chose to live by the airport, not the other way around. (NR)

(S-48) Leave the airport alone. It provides a public service. The complainers are a (vocal) minority and should not drive policy. (NR)

(S-49) I understand that air operations are FAA managed and thus local effects are not paramount. It is unfortunate that the airport is in Jeffco but the FAA routes take-offs over Boulder County/Louisville. (R-7)(R-24)

(S-52) I am not bothered at all by the airport impact. It has been there and operating for the 35 years I have lived here and I do not have concerns. I am directly under the northbound flight path and am not bothered by aircraft. This is part of the urban environment and people need to learn to deal. (NR)

(S-53) The fundamental problem is that while Jefferson County enjoys all the benefits of the economic development of the airport, Boulder County and to a lesser extent Broomfield county resident bare all the costs in terms of noise pollution and danger. Jeffco simply has no incentive to do anything because the residents they represent aren't impacted. This is exacerbated by federal law limiting local control of flights. A law Congress passed in the middle of the night in the 90's after massive lobbying by airplane manufactures which took local control away from airports. Ultimately, the only thing that will have an impact is a committed number of community members involved in a massive lawsuit - which should be supported if not spearheaded by Superior and Louisville. It would take years but a number of communities across the country have had success engaging in this process. As long as Jeffco gets no complaints from its residents - which it never will - either by luck or design, they have no incentive to do anything. Aggressive legal action is the only option (R-26)

(S-58) Yes, there is no evidence that touch-and-gos actually improve pilot performance. We should encourage flight schools to train over open space - including Rocky Flats. (R-1)(R-10)

(S-61) Remind citizens that the airport was here first. Remind pilots to observe FARs and be courteous when overflying communities while taking off and landing. (R-12)

(S-63) We are very lucky to have such a high-quality business airport nearby. The airport has been in operation much longer than most of the houses in Louisville and Superior have been around, and there is NO major problem with noise. Honestly, the road noise from US36, South Boulder Road, McCaslin Blvd, etc is much more noticeable and constant than the airport noise. And trains through town are VERY noisy and disruptive at all hours of the day and night...much worse than any aircraft. The airport is JUST FINE. (NR)

(S-67) I hear airplanes overhead but since we've lived here for over 35 years it has never been an issue. (NR)

(S-69) Totally a biased questionnaire. Many questions do not allow for an answer that equates to no issue with the airport or its speculated noise. Most questions assume there is a problem... Do you really know how to put together a statistically relevant and unbiased survey. How can you get paid to put together something that skews just about all answers towards there being a problem. Are you really going to roll this up into a PowerPoint and present to the city indicating it represents the opinions of the surveyed... With a clear conscience? Go back to school and learn how to do a survey correctly! (NR)

(S-76) The impact we've noticed recently is increased helicopter flight at low altitude. Apparent training flights on cloudy days have been run that produce noise loud enough to damage hearing if it lasted longer. Sound waves can be felt as strong percussion on ears. (R-5)

(S-77) Do not allow aircraft to have full throttle while over neighborhoods. Take offs with full throttle are extremely loud. (R-28)

(S-78) Being respectful of community airspace, working to keep the quiet peaceful atmosphere of our town, and making informed, thoughtful decisions based in community spirit, respect for people's living space and peace as well as thoughtful to a healthful environment (which includes clean air, freedom from constant noise pollution and wildlife care). Please work to have the least negative impact and be respectful of communities well beings (not just profit and convenience). Thank you. (-22)

(S-79) Stop trying... it's a great facility, and people should have thought more fully on their decision to move near an airport in the first place, and should consider moving away if it really bothers them. Heck... maybe someone wants to get away so badly that they'll make me a good deal on their place. (NR)

(S-80) I would like to see the amount of planes flying over reduced and sent another direction. Its constant. There was a plane that flew over our house with a banner 2 days in a row (4 flyovers each day) advertising a contractor for hail damage. We can't have a conversation because its so loud. I've lived here for 30 years and its only been a problem the last few years. (R-1)(R-8)

(S-82) Homes were built long after the airport. I do not notice any issues and the times I do hear the noise its fun to look and see what is overhead. (NR)

(S-83) I'm not worried about the noise from the airport. It's only noticeable on Saturday mornings during nice weather. It was here long before us and we knew about it when we bought our home. We need to spend our time on more pressing issues such as better traffic flow, bike paths, and what the effect of opening up the entire Rocky Flats area to development. (NR)

(S-84) There airport has long been there and has grown with the community. The sound of planes is the sound of our community's success and should be savored. If individuals have an issue with airplane noise in their homes, perhaps their city can help them pay for further sound deadening in their homes. The airport is not the problem. The problem is people who bought homes near an airport and are unhappy about their decision. (NR)

(S-86) The airport is a vital piece of our economy and citizens should educate themselves about the benefits of such a great airport. (NR)

(S-87) Don't move to an area close to an airport if noise is a concern to you. (NR)

(S-88) I LOVE living so close to the airport. I wish there were more military aircraft at RMMA. (NR)

(S-89) the noise from the airport is not an issue. The airport has been here a lot longer, and you don't need to start changing things just because some people don't like the noise of airplanes. (NR)

(S-90) No need. I am frequently near the airport even tho I live in Colorado springs. The noise level is perfectly reasonable and requires no improvement. The airport is a tremendous community asset, generates significant revenue, and should not be getting attached by a tremendously biased survey. You should be ashamed of yourselves. (NR)

(S-91) Communicate to potential home buyers that the property is near the airport BEFORE they buy (R-16)(R-21)

(S-92) Yes, if a person does not like the noise, they should move away. The airport is vital to our area, and people that have issues with it should move to Loveland. (NR)

(S-93) yes if you do not like the sounds of airplanes or the airport why did you move close to one the air port has been there for many years do not cry over the sounds if you can not stand the sounds move (NR)

(S-95) The airport is fine, I have no problems with it. Barking dogs and inconsiderate neighbors are a bigger concern of mine then overflying aircraft. (NR)

(S-96) They don't bother me. I used to enjoy the Air Force training flyovers. Glad we can be helpful during forest fires. (NR)

(S-100) It doesn't bother me at all. (NR)

(S-101) County could buy up homes or condem houses in the route of aircraft (NR)

(S-102) Realize where our homes are located prior to purchasing them. We moved into the airports area, treat our elders with respect! (NR)

(S-104) I think RMM Airport is great and has done wonderful things for our community and economic well-being. (NR)

Section F. - Rocky Mountain Metropolitan Airport – RMMA Comments with Responses

(S-124) I do not think that airport noise requires mitigation at this time. The airport and the economic impact it has is an asset in our community. The impact of the airport in our northern Denver suburban community is overwhelmingly positive. (NR)

(S-136) While I understand the use of this airport for transportation or business, small-plane pleasure flying is not appropriate in this area. It benefits a very few people and has detrimental effect on a great many people who spend time outside. (R-8)

(S-142) Airport should be significantly scaled back. It is now surrounded by more valuable urban development. This is a very serious problem that must be addressed by reducing impact of airport. Airport is of limited value. (R-29)

(S-146) Yearly airshows are great. (NR)

(S-151) During air show, low flying military jets cause percussion that knocks pictures off my walls. Limit size of airplanes that can fly in or else change direction of runways away from residential areas. Change routes to fly over open space. (R-1)(R-7)(R-8)(R-24)

(S-168) Engagement is not the issue because the airport doesn't seem to care how they negatively impact the neighborhoods. They need to be fined, or we need to find ways to legally keep them from degrading our community more. (R-22)

(S-176) Any previous attempts that I've seen with the community voicing complaints to the airport and/or pilots have been met with rudeness and arrogance. That does not help the situation at all. (R-13)(R-22)

(S-181) NO JETS! and limit the operations from 7am-6pm on weekdays; 8am-6pm on weekends. (R-4)(R-8)

(S-182) The airport cannot be allowed to continue to expand and add larger aircraft with more and more flights. There has to be a limit and they must be good neighbors. There seems to be an attitude of "tough, you live next to an airport"! I've lived in Louisville 25 years, and for years the airport/noise was tolerable... Allowing the airport to continue increasing flights, larger aircraft and noise is not being good neighbors. (R-2)(R-29)

(S-188) The airport has been operational now since the late 50's. Aviation and the airport are growing. I new it was here over 20 years ago when purchased our home. I think the airport is great and I don't mind any of the noise! (NR)

(S-189) This is a very one-sided survey clearly angry at airports and noise from them. It is a resident's choice on where to live, and almost every airport was in place before the housing. (NR)

(S-190) I love living across from RMMA. I love seeing all the planes and jets, and wish there were more military aircraft there. My 3 yr old LOVES airplanes too and we always look up when we hear one coming/going. (NR)

(S-192) See above. Lay off the airport, it represents freedom small business and entrepreneurial spirit. (NR)

(S-194) As an aviation enthusiast, I love seeing and hearing aircraft overhead. RMMA has been here far longer than most of us have and it brings tons of benefits to the area. I wish this study wasn't so biased (NR)

(S-205) I do not have any issues with the aircraft types, noises, or overflights of our areas. This airport is the lifeblood of your community and provides many more economic benefits than most people realize; look at the Colorado Division of Aeronautics impact studies if you doubt what I'm saying. Aviation is important and should be supported, not ridiculed or vilified. Also, this is the most biased survey I've ever seen! You should be ashamed of your lack of fairness to all parties! (NR)

(S-208) Regulate flight school traffic. Volumes have increased to intolerable levels, especially with the Pilatus mfg and repair facility installation. Fly over open spaces, not houses, and perhaps respect noise ordinances (evening quiet hours). I respect commercial travel traffic, but not constant, circling prop planes buzzing along that create continuous noise. One should add up the cumulative of 14 prop planes circling for 2 hrs with no break vs a jet engine that passes by in under 1 minute. (R-1)(R-4)(R-8)

Section G. - Superior Comments with Responses

(S-116) I moved to my home in Superior BECAUSE of the airport and it's location. I find it very interesting that the towns are spending our taxpayer dollars by hiring a consultant because of noise complaints about an airport that has existed for decades -- far longer than any resident of the town has lived in the area. In addition, I attended the community outreach meeting at the airport about this issue, where it was explained that in actuality aircraft operations are LESS than they were previously (though they've increased in the past few years. (NR)

(S127) The airport has broken at least two out of the five aviation easement agreements and the HOA for Rock Creek has every right to sue the airport for such egregious behavior. Louisville and Superior need to be included in all discussions pertaining to future airport construction and flight plans. (R-13)

(S-132) The planes start at 6:45 am and are so loud it wakes us up even with windows shut. We cannot enjoy time in our beautiful yard, the planes repeatedly pass over in groups of up to 3 every few minutes. If the planes were updated to be less loud that would help. If the planes turned out earlier and were not flying over the houses that would also help. The planes flying over the houses are many times much too low. My kids get scared that one might crash into the house. We are collecting data on frequency, time, altitude and noise along with videos because we know this is not safe and also likely not legal. A business operating out of JeffCo should not have such a huge negative impact on Boulder County residents who in no way benefit from tax revenue of these operations. They should be taking off and flying over Jefferson County. (R-1)(R-4)(R-6)(R-9)(R-19)(R-26)

(S-170) Please stop wasting taxpayer dollars on this. See comments above. There are many other sources of much more disruption and noise than the very nice local airport. Let's not become like Boulder, where residents complain that jet noise from planes 15,000-feet up and higher is somehow "reverberating" through their neighborhoods and should be re-routed elsewhere (NIMBY), which would of course increase greenhouse gas emissions by using less-than-efficient routing for planes. If you need to spend our dollars on something for our town, please look at how to attract businesses into the many vacant buildings we have available so we have a sustainable tax base well into the future. (NR)

(S-204) As the Town of Superior continues to grow in popularity and development, regularly increasing aircraft noise and disruption is not conducive to the quality of life this town is striving to provide to residents. Please remove jet aircraft from consideration for this RMMA. Growing an airport in a growing affluent suburban area is not the right direction at this time. (R-8)(R-29)

Section H - Louisville Comments with Responses

(S-122) Louisville and southern Boulder County are suffering the constant noise but not receiving any of the economic benefit of the increased flight operations at RMMA. (R-26)

(S-128) I'm a little shocked that the city of Louisville is spending time on this, it just shows how the demographic is changing. My children and I have run out of the house many times to spot the fighter jet or cool helicopter. Louisville needs to spend time supporting its local businesses and protecting those who would have lived here for a long time from the super wealthy and super sensitive newcomers who want to change this lovely community into a gated one. Keep small homeowners safe from developers who only care about profit and not about the neighborhood. (NR)

(S135) The impact of these flights on citizens is all encompassing - not merely a single choice: the noise is distracting, is irritating, disrupts sleep, forces conversations both indoors AND outdoors to stop until the noise ceases and we can hear each other again. AND the environmental impacts of all that fuel/combustion emissions being released is very severe to our homes. Louisville will no longer be a desirable place to live, home sales/values will drop resulting in less of a tax base, and city coffers will be vastly reduced if we do not control/eliminate this hazard before it becomes worse.. (R-4)(R-11)(R-29)

(S-140) Daily from 6 am to 8pm departing and arriving propeller planes are loud and annoying, mostly flying directly over our neighborhood at Mesa Point. (R-1)(R-4)

(S-144) Too many of these questions are written from the point of view of "How does the airport annoy you." The airport does NOT annoy me. If it did, I would not have purchased where I did. Aircraft traffic has not changed substantially since 1993 when I moved to Louisville. (NR)

(S-145) The flight schools cross cross in all directions. Sometimes I have as many as 5 coming and going in all directions. Not ok. Start having these planes head south out of RMMA. Louisville should not be held hostage to a flight school company. This is our home for almost 40 years, and it's sad and distressing to watch this unfolding over us. Sounds like a lawnmower over our neighborhood all day long. Not to mention the environmental issues. What happens when one crashes into our home? (R-1)

(S-153) The route the planes fly must have changed over the past few years. They fly directly over us now and they didn't before. We live near the top of McCaslin and south boulder road, on Sagebrush Drive. It would be nice if the plane routes moved somewhere else (R-1)

(S-156) Most of the time it sounds like a pilot is gunning the engine to gain altitude, but they never climb sharp, they cruise out and let the boulder valley floor drop from under them which means they stay lower over Louisville / Avista hospital. Shakes our house every time they fly our way, very disruptive. (R-28)

(S-157) This seems to mainly be a Superior issue, why after all these years is Louisville engaging on the subject? It would seem like there are issues that are much closer to home that Louisville should be addressing. (NR)

(S-162) This survey is poorly constructed. In each question I answered other, I did so because multiple answers are equally valid. There should have been an option to provide multiple answers. For example, the question In regard to impact - the answer is all of the above. There are days I simply can't be outside, I am unable to sleep with my windows open, etc. My concerns run the gamut from noise, to altitudes, to a military jet crashing in a densely populated suburban development. This survey isn't accurately capture the data you are looking for, This survey has not been adequately promoted. I found out about it by accident. Given Louisville's involvement, this should have Ben promoted via email for those that receive utility bill notifications that way. Notice should have been mailed to every community member, and it should have been mentioned in the community newsletter. It also should have been posted via social media via the 2 very active Facebook groups - The Original 80027 and Oh Oh Anything Goes (R-21)

(S-166) Please do not make this Jeffco airport into something bigger. This is a heavy residential area & we did not move to Louisville to live under an airflight pattern. The planes used to be small prop planes, busy on Saturdays only. Now it is a huge air traffic, large jets, incredible noise in our neighborhood. (R-29)

(S-171) I was part of a small group of community leaders -- Mayor Sisk, Malcolm Fleming, Councilmen -- who went out to the airport 10+ years ago (?) to meet with the airport manager to ask that the flights over Louisville be reduced and that pilots be told not to fly over the neighborhoods. We were told to call the complaint line. I did it daily for 3 months with no results, as did many other people. Please do not tell us to do that again. The FAA doesn't get those complaints and they're the ones in control. (R-13)(R-22)

(S-180) Louisville is becoming extremely noisy from flights! It's hard to sleep or have conversations outside! Just in the time I've done this survey I've clocked at least 1 plane a minute! What are these flights even for??? We can't possibly need to have that many planes flying that frequently. (R-4)(R-8)

(S-210) Flight schools and training should take place in Jefferson County since it is a Jeff Co airport. It appears 90% of flights are routed over Louisville, which is way disproportionate. Do not allow all flights to route directly over downtown Louisville. To be fair out of 360 compass degrees it should only be 1 of every 360 flights routed over downtown Louisville. (R-1)

Section I. – Other Communities or Community Not Identified - Comments with Responses

(S-129) The constant drone of airplane noise is really annoying! It seems like I can never get rid of it; I hear while talking walks, working in my yard, while reading inside my closed up house, laying in bed trying to go to sleep at night. (R-1)

(S-130) I am frustrated by the density of air traffic in this area. It is exceptionally dense and exceptionally loud. I have never been in another area where so many small airports crowd the sky with frequent, noisy flights. I would like to see a regional reduction in air traffic. Please buy land in eastern Colorado somewhere and move all this traffic away from the dense population center.

(S-131) I am frustrated by the density of air traffic in this area. It is exceptionally dense and exceptionally loud. I have never been in another area where so many small airports crowd the sky with frequent, noisy flights. I would like to see a regional reduction in air traffic. Please buy land in eastern Colorado somewhere and move all this traffic away from the dense population center. (R-29)

(S-133) An aircraft passes over my home every 5-7 minutes (I timed it)! That is unacceptable. The noise has made it difficult to enjoy time in my backyard and can be heard throughout my home. These planes are low and extremely distracting to enjoying quality of life in my neighborhood. (R-9)

(S-158) City: Lafayette (NR)

(S-159) I don't understand the amount of complaints about this. We spend a lot of time and with windows open, we hardly notice anything. (NR)

(S-167) This used to be a small airport with some airshows. Now it's getting more jets and more traffic. Its loud and disruptive. Airplane noise can be as early as 7am and as late as 10:30pm. Noise can be heard in the house. Planes tend to circle back over our house after takeoff or circle back for landing approaches. (R-3)(R-29)

(S-169) Our family lives directly under one of the primary Rocky Mountain flight paths on the edge of Davidson Mesa. We accept the aircraft traffic, and find it to be unobtrusive almost always. We also recognize that the airport was here long before our subdivision and our house. It is astounding to see the tempest in a teapot that surrounds the air traffic. It is simply not that big of a deal. Further, this survey is horrible - beyond the first question, all answers are negatively biased. It is very disappointing to see this quality of survey come out of our city. (NR)

(S-178) This morning I was woken up at 6:37 due to a low flying prop plane that was circling, maybe touch and goes? Either way, it was very loud and continuous right over our house. (R-4)

(S-179) I've never minded the propellor plane traffic, and always felt that people who complained about the airport traffic were too sensitive. But lately the jet traffic has been terribly disruptive. (NR)

(S-183) Too many over flights and planes in the air has a direct correlation with decreased health and well being due to noise and air pollution, disruption of daily life and mental health, and can be a constant and inescapable irritant. Please be respectful and contentious in regards to communities and all living creatures. Thank you. (NR)

(S-184) I suggest all the complainers spend a Saturday morning at the terminal watching the planes come and go. Or have a weekday lunch at the Blue Sky Bistro in the terminal. Great food, and nice friendly folks. I regularly go to the airport for exactly these reasons. In fact, my office is on the south edge of the airport and I regularly find excuses to go outside just so I can see what's flying around the airport on a given day. Also, although I currently live in Lafayette, I am very close to Erie airport. I am woken up every morning by the sound of planes flying over and I absolutely love it. I often step outside just to see what type of plane it is. (R20)

(S-199) Although I purchased my home less than a year ago, when I was complaining to a neighbor about the frequent low flyovers and resulting noise, she informed me that she has lived here 25 years and shared with me her similar concerns. She said, "It used to be much quieter here." (NR)

(S-200) More information should be provided to the public about airport operations so that they can be educated on the facts of living or moving near an airport. This airport has been in operation since 1960 and provides jobs, services and public safety operations to a large portion of Colorado. Some examples include aerial firefighting operations, medevac and flight for life maintenance and refueling. Citizens looking to buy homes in areas that are near airports need to understand before they purchase that airports have aircraft and that they may occasionally make noise. The city needs to be proactive in educating citizens about the benefits off and services provided by the aviation industry to help mitigate the conflicts that arise from that lack of education. I have lived in boulder and Westminster and currently work in Louisville and at no time has aircraft overflight been an issue. If anyone who has ever flown on a plane, needed fast medical attention, ordered packages off of Amazon or wanted a massive forest fire put out, they need to realize those operations take place here locally and those pilots are trained here in our state. (R-21)

(S-203) Noise is not an issues. A handful of people is blowing the issue out of control The airport and related aircraft noise has been the center of the Broomfield area for many years. Homeowners/buyers are responsible for researching the area in which they plan to reside, and planning for things such as airports, train stations, etc. We as the more recent neighbors to the area are in no right to alter the operations at hand. (NR)

(S-207) We have noticed a big increase in air traffic since 2013. Not sure what changes the airport made but if we would have known what was coming we never would have spent thousands of dollars investing in a beautiful back deck which we now cannot enjoy. (R-21)

(S-209) We can not sleep well with all this noise. I'm getting sick (literally) because of this noise. (R-4)

Section J. – General Comments

(S-115) This survey forces you to choose one option in several questions when actually all points apply. All types of planes have become bothersome. I am worried about all the impacts on the list. All activities on the list of my daily life have been disrupted (NR)

(S-117) Enlist FAA, federal, state and local reps to support non-private jet owning public who are flying less and striving to reduce their carbon footprints and change tax laws to those designed to reduce rather than favor private plane ownership. Citizens continue to voice complaints to RMMA and officials listed above. (R-27)

(S-118) The airfield operations need to be responsible for the negative externalities. The flights are low and slow, and they are using the Altitude (Density Altitude) and temperatures as an excuse to fly low and slow over the heavily populated residential area. The noise is completely unbearable and often at a frequency of 1 training plane overflight every 30 seconds. The other huge concern is the fact that these aircraft are in a very vulnerable state of flight, over the houses and if any kind of power failure is experienced, it will land in the homes. (I am a former Military and Corporate Pilot) Aircraft are climbing out to the North, at a very slow, low profile and could NOT maintain a glide to clear the homes. (R-9)(R-28)

(S-119) I selected “other” a few times because I wasn’t given the option to select more than one answer. The noise disrupts indoor *and* outdoor activities. The planes should fly higher *and* less frequently. The flights are too low, too loud *and* too frequent. The options for other questions were equally frustrating. I selected “every day” because the next option was just 2 of every 7 days, which was too small. As for what should be done, I do have “an opinion on the matter,” but it’s not about how information should be shared: it’s that actions should be taken. Explaining to the community why there’s noise, no matter how that’s done, doesn’t reduce the noise. (R-22)

(S-120) This survey was annoying in that it limited my responses to one per question. The noise is a BIG problem from the aircraft. And it starts BEFORE 7am. I often hear it before 6, and frequently before 7. The aircraft are too loud, too frequent, and very often too low. This is all kinds of aircraft (I guess taking off as I see them mostly flying north.) They wake me up, even with the windows closed. The problem has gotten much worse in the last 2-3 years. (R-1)(R-4)(R-8)(R-9)

(S-121) It’s taken a long time to act on this, irs been an issue for more than 2 years (NR)

(S-123) It’s only getting worse. We experience planes starting at 6:00 am and they fly over continuously until around 9:00. Then it backs off to about 4/hr. And continue until 10:45 pm. You can’t talk on the phone, sleep in, even hear the tv. We have a swamp cooler, so to survive the heat, have to windows open. (R-4)

(S-125) Many of both takeoff and landing flights go over or very near Avista Hospital at low altitudes. The flight paths for both landings and takeoffs should be directed over areas without homes, schools or hospitals because the altitude for both is low and is dangerous and very noisy. (R-1)

(S-126) I'm concerned with both propeller and jet aircraft. Arrivals, departures and touched goes are all bothersome. The aircraft are too loud, too low and too frequent. Given the inexperience of many of the pilots and the age of many of the aircraft, safety and pollution issues are also of concern. The noise is particularly disruptive if we're outside or have the windows open. I'm also concerned about the effect on property values. Not long ago, while attending an open house on my block, I overheard a young couple - prospective buyers - comment on the noise before deciding to look for a quieter location. I doubt that "more information" is the answer to the problem. My neighbors and I are well aware of the increase in air traffic and the members of the airport community are well aware of our concerns. But as I learned during a recent Airport Advisory meeting, they just don't care. The consensus clearly was that people should have known better than to build houses near an airport and that, as there was nothing we could do about it, they had no reason to change their behavior. They treated the issue of our concerns – particularly the letters of complaint and the airport manager's recent appearance before the Superior Trustees - as a joke. Unfortunately, it seems the two sides are simply at odds. The area has outgrown its ability to accommodate an airport in its midst. There are now so many people (voters) and so many properties that are negatively affected by the noisy toys of the relative few that we should move to shut the airport down. (R-8)(R-9)(R-11)(R-19)(R-22)

(S-134) Type of bothersome aircraft: jet, propeller and helicopter. Nature of impact: distracting/annoying, disrupts indoor activity and disrupts outside activity. Strategies to be beneficial to neighborhood: increase altitudes, decrease number of overflights, discourage nighttime operations. I have noticed that from the 1990's to now, the flights do seem to have increased in altitude and thus the noise is lessened, but still is disruptive. I have great concern about the Broomfield airport's plans to allow larger, commercial jets and to run 24 hour operations. (R-2)(R-4)(R-8)(R-9)(R-18)

(S-137) The consultants should poll companies and businesses in Superior, Louisville, and Lafayette for their use of RMMA for company flights. I volunteer to be a member of an Airport Community Noise Roundtable. (R-13)

(S-138) Jet noise is increasing. 9 AM Monday there are continuous take offs. (NR)

(S-139) I love hearing the airport noise. It has not bothered my family or dogs. The airport was here longer than lots of these people. They knew that it was here and if they didn't want it then they shouldn't have bought homes here or they should move. (NR)

(S-141) Reduce the nber of flights, fly at a higher altitude, get rid of helicopters. (R-8)(R-9)(R-18)

(S-143) Almost every question assumes the respondent has a problem with aircraft noise. Is this survey simply to provide biased data to back up pre-determined conclusions? (NR)

(S-147) Seems like the older jet & propeller planes are the loudest... some newer jets are obviously quieter. Helicopters are not as frequent and of short duration. Busiest times seem to be Friday-Monday as corporate jets fly in/out and I assume for sports events at CU too. How about providing a plane identifier chart so that we can at least tell what kind of planes are going over... more as a game of interest/curiosity (R-19)(R-30)

(S-148) 1. There are meetings for community input, but at them we keep hearing there is nothing that can be changed! And we should get used to the noise because it's only going to get worse as airport operations increase. It doesn't seem like the airport operations will change at all. Are the meetings just to pacify us? More meetings won't help if we keep getting the same answers. 2. We are bothered by both jet and propeller noise. Choosing both was not an option on the above question. 3. We have lived in our house since 1979 and the airport noise has never been a problem until the last few years. The flight paths go right over our house now! 4. I'm just curious about the flight paths of a Jefferson County airport affecting mostly people in Boulder County! There are never any Jeffco county people at the meetings I've attended. Since Jeffco gets the tax dollars, how about moving flight patterns over that County! (R-1)(R-26)

(S-149) Some of the noise is being generated by DIA flight paths that are also low and frequent. I can count the number of Southwest and other similar flights that cross my yard from DIA daily. They are so low I can see details of the planes. It's so frequent that I can no longer work from my deck. The jets taking off in the evening from rm are so frequent I have to close windows in the summer after 10:30 p.m. especially on Sundays. This effort will require more than community input and may require congressional assistance to work with the faa to balance the rights of airports with the rights of citizens to maintain a certain level of noise mitigation. (R-4)(R-27)

(S-150) I would have selected multiple options on some of the questions, in terms of the ways this impacts our lives. All of these apply: The aircraft are too loud The overflights are too frequent The airplanes are too low And all of these apply: Distracting/annoying Disrupts sleep Disrupts indoor activity (i.e. conversation, television, etc.) Disrupts outdoor activity We already know the problem is almost entirely the flight schools. It is a nonstop parade of lowflying, rumbling, clunker prop plans over my house, one after another. Morning to night. I can be inside my house with the windows closed and sometimes I cannot hear someone speaking to me in the same room. It is terrible. I log onto a flight tracking app on my phone and I see it is the same routes going right over my house every day. They come in or take off, go north and do a bunch of practice maneuvers and come back. It's a parade of them all day, making indoor life and especially enjoying our deck or backyard, nearby nature resources, totally miserable. (R-1)(R-22)

(S-152) During air show, low flying military jets cause percussion that knocks pictures off my walls. Limit size of airplanes that can fly in or else change direction of runways away from residential areas. Change routes to fly over open space. anything about air zone restrictions, but on the map, it seems they could fly even just 5 or so miles further west and avoid the neighborhoods, and increase altitude. That won't eliminate the noise completely, but would surely make it more tolerable. Or fly aircraft with better noise suppression. (R-1)(R-7)(R-8)(R-9)(R-24)

(S-154) I've noticed more noise in the past year mainly from the jets across all hours. (NR)

(S-155) Flight schools and the airport needs to be better neighbors. (R-22)

(S-160) Since I started this survey, several I have heard several planes. It's now 4:15 pm. Plane crashes into our homes are quiet a worry. Very rarely do we hear a large jet fly over, they are very high in the sky and not continuous. And the number of those flights has not seemed to increase significantly over the past 25 years. Therefore not irritating. (NR)

(S-161) I am really disturbed that our tax dollars are going to be wasted on this due to people who chose to live here after the airport has been operational. Ridiculous. It's even more ridiculous that the cities and towns surrounding the airport are caving in and wasting tax dollars on this. Please stop. Further, any restrictions placed on the airport or the companies operating out of there will, in general, make them less competitive to other airports in the area. That will hurt all of these communities. (NR)

(S-163) Regular flights at sleep times have been the most bothersome. These flights should be addressed separately. For example, there used to be a 4a flight every weekday that would walk me up. Through some research, I found it was a privately-hired flight for work commuting to Montana. Eventually the company lost that contract or it would still be operating. It never should have been approved. (R-4)

(S-164) I enjoy the aircraft, but sometimes they do seem to be flying very low. (R-9)

(S-165) It seems like people just want to complain about things in today's world. I am sure there are valid complaints, but airport noise is a non-issue for my family (and for my neighbors). (NR)

(S-172) have only noticed a marginal increase in air traffic (and honestly, I don't think I actually have noticed), but a massive increase in online / social media complains :-). Good luck. (NR)

(S-173) I'm a voice over actor and record audiobooks. For my last book I had to record from 10pm-4am to get long chunks of time without airplane noise. (When that happens I have to stop recording which, as you can imagine, ruins both the flow and the sound) (R-4)

(S-174) The survey should have allowed more than one answer, or ranked concerns. (NR)

(S-175) People need to understand that the airport has been in the same location for a long time, we don't live in a bubble. As a side note we also hear the trains as we are 1/2 mile from the tracks and are not bothered by that either. (NR)

(S-177) The majority of the people who complain about the airport settled here after the airport was put in place. Growth at RMMA has been slower than most metro airports in the US. Statistically... 99% of the complaints come from 1% of the households... and that somehow justifies putting all this time and resources into a survey. How stupid can we be? All of Rock Creek buyers acknowledged in their closing that the airport existed and they signed... now somehow they think they can bitch until things go their way? Accept what you signed up for.... Or move. (NR)

(S-185) At the very least, I think there should be a cap put on the decibel level planes are allowed. I read where a lot of the planes are older and a lot noisier. I also read where they want to expand the airport. Please don't let them. I can only hope you guys will take some action. (R-19)(R-29)

(S-186) I was just in Saratoga, Wy and the planes coming and going are much quieter. The flight schools, transportation companies, etc. need to invest in quieter planes. In the last 20 years they have shown zero interest in maintaining a reasonable quality of life. Assuming the former Storage Tek site might have a "corporate campus" the use of Rocky Mountain Airport will likely increase. (R-19)

(S-187) Find a diplomatic way to tell the complainers to chill. (NR)

(S-191) Please stop making very one-sided surveys. There is no way to respond to the survey in a way that shows you don't think airport noise is an issue. This is a very unfair survey. There is no problem with airport noise currently. (NR)

(S-193) This survey is poorly constructed in that nearly all the questions assume that everyone is negatively impacted by aircraft noise: there are no options that apply to those of us who do not find airplanes a nuisance. (NR)

(S-195) The airport has been in this location for a very long time— longer than most of the people that live in close proximity to the airport. The city needs to stop allowing construction that infringes upon airport operations. Also, this survey is ridiculous. The survey should allow for open and honest feedback. Instead, this survey is skewed to arrive at predetermined conclusions, and the people that authorized these questions should have a little integrity and just come out and say that they don't like the airport. This survey is a waste of financial resources for the city. If you need help crafting a survey that will generate honest, unbiased feedback, please email me and I will provide my services. (S-196) Aircraft noise brings me life (R-16)

(S-197) The survey is poorly conducted and unscientific. It provides leading questions that steer answers towards answers that support an anti-airport bias. (NR)

(S-198) Offer a free round trip on a private jet to any of the airports in US they can reach. (R-20)

(S-201) The airplane noise doesn't bother me at all and many of these questions had no option for this. (NR)

(S-202) Noise is not an issue. A handful of people is blowing the issue out of control (NR)

(S-206) Jefferson County seems indifferent to the concerns of adjacent counties. (NR)

(S-211) What aircraft types are the most bothersome? Both Propeller and Jets are bothersome when they are loud. Especially when there is one after another landing, taking off, sometimes it feels like highway over us. What type of operations have the most impact? Arrivals (flights toward the airport) Departures (flights from the airport) Both arrivals and departures Touch-and-goes - All of the above, plus flights in training repeatedly circling above houses. What is your primary concern? The aircraft are too loud The overflights are too frequent The airplanes are too low I have concerns about safety/fear of crashes I have environmental concerns (i.e. air pollution, climate impacts, etc.) - All of the above. What is the nature of the impact? Distracting/annoying Disrupts sleep Disrupts indoor activity (i.e. conversation, television, etc.) Disrupts outdoor activity - All of the above. (NR)

Workshop Comments

- W-1 There is a sentiment that the airport doesn't care (R-22)
- W-2 Larger and larger planes 727/737 are coming in (R-2)
- W-3 Safety in general (NR)
- W-4 Operations projections and Impact on Safety are a concern (R-29)
- W-5 The change over the last 3 years specifically (R-29)
- W-6 Violating FAA rules of low altitude — what are the take off and landing heights? (R-9)
- W-7 Quality of Life is being diminished (NR)
- W-8 Controlling growth (R-29)
- W-9 Flight pattern changes because of change of runway length has affected community negatively (R-1)(R-6)
- W-10 More DIA flights (NR)
- W-11 Flights are coming north into Boulder County more often rather than south (R-1)(R-7)(R-24)
- W-12 Ways to make tighter turns? (R-6)
- W-13 Why do planes have the right to fly over homes? - Airspace does not belong to homeowners (R-1)(R-6)(R-7)(R-24)
- W-14 How do residents get a fair hearing? — Consultant are taking complaints and they say they care (R-13)
- W-15 Who licenses and who is making money off of flight schools? Target the influencers and money makers (NR)
- W-16 Property taxes and home values are impacted (NR)
- W-17 Where are the pressure points? — Please follow the money — Who are the influencers? Jefferson County Commissioners? How do we get a hearing from them? (R-31)
- W-18 Avigation Easements in Rock Creek? Through Town's attorney, this is being looked at
- W-19 Noise suppression on aircrafts? (R-19)
- W-20 How will we know if the strategies will be successful? Measurement and monitoring -- Resident complaints going down
- W-21 Systems to monitor could be installed but are expensive - Flight Quiet Programs are worth looking into? (R-12)(R-14)
- W-22 Runway patterns - Rotation? Preferential runway use, flipping them? (R-7)(R-24)
- W-23 Nighttime – What is considered nighttime? (R-4)
- W-24 How can we strengthen language? Rules are there. Congress would be the one to change the rules. (R-27)

- W-25 Are we trying to reduce operations? No. We are focused on reducing impacts (R-29)
- W-26 Master Plan from Airport – How can we be a part of it? Speak into it? (R-13)(R-32)
- W-27 Noise information needs to be more prominently displayed on RMMA website (R-21)
- W-28 Financial Incentive to help noise for flight schools? — Yes, they would consider it (R-33)
- W-29 How do we influence elections in neighboring counties? (NR)
- W-30 What about taking flight schools out of the airport? (R-34)
- W-31 What about Grant assurances? How can we alter, change these incentives to keep flying, airport growing? (R-29)
- W-32 What can the cities do? Can they build towers, other buildings to help? (NR)
- W-33 What about noise levels? Can we tackle this with noise data? What about instantaneous noise rather than long-term? Noise levels set by FAA based on direction from Congress issue. (R-14)
- W-34 Can we encourage flight simulators? (R-35)
- W-35 Is the Sport Stable bringing in extra air traffic with hockey teams? (NR)
- W-36 Lead concentrations (from gasoline or other sources) concerns in and around the airport? (NR)
- W-37 When will we notice impact change? 6 months for low hanging fruit — Trustees will determine priorities of strategies
- W-38 What other impact realities can we be looking at? environmental, impact to wildlife, etc? (NR)
- W-39 How do we engage more with Jefferson County? (R-31)
- W-40 450 million dollar impact economically to region from airport (NR)
- W-41 “Thank you for doing this for us” - to consultant from resident (NR)
- W-42 “Thank you. You did a great job” - to consultant from resident (NR)
- W-43 “I do appreciate your help” - to consultant from resident (NR)
- W-44 “I feel a debt of gratitude to our elected officials” resident (NR)
- W-45 Who would you approach at a national level? (R-27)
- W-46 Look into Polis amendment to FAA to restore local control (R-27)
- W-47 Check with state general assembly (R-27)
- W-48 Chronic impact of noise over time? Bring in that data as a health factor — useful with policy (R-35)
- W-49 EPA office? (NR)
- W-50 Global climate chaos and continuous burning of fossil fuels is another issue (NR)
- W-51 Demand for pilots is high (NR)

- W-52 What is the effect on ozone levels? (NR)
- W-53 We have been working on this for a year. Nothing seems to be done. (R-22)
- W-54 How was the environmental study done and what are the guidelines? (NR)
- W-55 Why does the airport have to grow for growth sake? (R-29)
- W-56 What is a reliever airport? (R-36)
- W-57 There is a \$450m economic impact (NR)
- W-58 Where has this worked? (R-37)
- a. When the consultant goes away does it stick or does it slide back to what it was like? (R-13)(R-22)
- W-59 It is interesting that the RMMA did not do this on their own (R-22)
- W-60 Jeffco Manager and Airport Manager made it clear they don't care (R-22)
- W-61 Concerned with larger and larger planes are coming in (R-2)(R-8)
- W-62 What are operations projections? What is projected growth? (R-38)
- W-63 The issue is not the aircrafts alone but the change in traffic (NR)
- W-64 Quality of life is diminished (NR)
- W-65 The change in volume but also the change in pattern (R-1)(R-6)
- W-66 Interaction about DIA and RMMA and Jeffco and DIA has increased (NR)
- W-67 Possible low hanging fruit is to change the route (R-1)
- W-68 Look at training area from 2002 - 2017; there were no problems. Now it is a huge problem (NR)
- W-69 Use both runways, make tighter turns and go from 6:00 am - 10:00 pm (R-4)(R-6)(R-7)(R-24)
- W-70 What gives planes the right to fly over my house? (R-39)
- W-71 Planes are flying under the minimum altitudes. Why? (R-9)
- W-72 We've been fighting noise pollution for 2 decades. In 2000 the County put together a board. BCCAN learned there is a lot of finger pointing. (NR)
- W-73 Follow up on Commissioners work from 2000 and understand if the outputs are being enforced (R-35)
- W-74 What is driving the expansion is someone is making money. What about stakeholders here? Who licenses them and who make money off the schools?
- W-75 Homeowner property values are impacted (NR)
- W-76 How can we measure the flights (R-14)
- W-77 Why can't the aircraft the takeoff pattern so that one area is not so heavily impacted? (R-7)(R-24)

- W-78 What is the strategy to reduce night time operations? (R-4)
- W-79 What is meant by night time? (R-4)
- W-80 Can we make a time line? (NR)
- W-81 FAA regulation has night time from dusk to dawn. (NR)
- W-82 Using words like "preferred" rather than "reinforcements" and "laws" and "rules" (NR)
- W-83 A lot of the discussion is about mitigate what there is. Will the airport have to get approval for expansion? (R-29)
- W-84 Currently the only attempt to curb noise at the airport is the noise abatement program, but there is not link or clear posting of it on their site. (R-21)
- W-85 Talk is cheap; let's see results (R-22)
- W-86 There are multiple hanger clubs. Are you going to meet with them? (R-22)
- W-87 There was one flight that flew hundreds of miles of Superior one day. Is there any way to get bad actors down? (NR)
- W-88 A lot of us have complaints but don't submit them. We don't have facts about the flight paths and the decibel levels we are hearing. (R-14)
- W-89 All the growth is taking away from what makes Colorado special (NR)
- W-90 Polis amendment for aviation would have restored local control to regulate the airports (NR)
- W-91 FAA operates from a perspective that they have to grow to meet demand (NR)
- W-92 There is extreme demand for more pilots (NR)
- W-93 Are curfews possible?
- a. No, they are not allowed (R-8)
- W-94 Who is the approving body for the flight schools, airport expansion, etc.?
- a. JeffCo (NR)
- W-95 Navigation easement at Rock Creek – have you looked at this and do you have recommendations on this?
- a. Yes – not attorney. The growth of the airport is not consistent with the easement, however there is nothing that he believes can actually restrict the airport growth. His opinion is that there may not be legal recourse for the residents, but he cannot speak legally. (NR)
- W-96 Is there noise mitigation for the actual airplanes?
- a. They have not found muffling for aircraft but are looking at what might be done to incentivize quieter fleets. (R-19)
- W-97 Centennial airport has a voluntary program that has been successful at mitigating

- noise. Can we do the same?
- a. We can – the RM airport has to agree to the voluntary program.
- W-98 Strategies to address jets taking off as well as the small propeller jets? A. Yes
- W-99 If one or more of these solutions are adopted, how do you know if they are effective/successful? How are the strategies measured and who measures them?
- a. There are programs that can be put in place to measure the success of programs.
- W-100 How can we reduce nighttime operations? (R-4)
- a. Education of flight schools for better times to practice night flying.
 - b. Provide preferential routes for nighttime flights.
- W-101 Can we request the airport rotate the launching pad so that the impacts are split between areas? (R-7)(R-24)
- a. Yes, can flip the runway, runway rotation
- W-102 What makes you think that they are going to do any of these actions? (R-22)
- a. Pilots are human, they are our neighbors, etc. they want to reduce community complaints as well.
- W-103 What about the flight schools – are the doing more flight schools to bump up the numbers so that it looks like it's a busier airport.
- a. Flight training is a detractor to the corporate clients. They actually want more corporate clients. Can't discriminate against any businesses that want to come into the airport. (R-34)
- W-104 Has Superior considered incentives for the flight schools to get rid of noisy planes?
- a. They would be willing to provide some funding to help contribute to addressing the noise issues.
- W-105 Are you educating the cities about restoring local control through ANCA – airport noise control act. The grant agreements make the airports powerless. (R-21)
- W-106 What about safety measures? (NR)
- W-107 Safety is not the best strategy to get at noise impacts. There is little correlation between the two. Websites of the airport and flight schools – the info doesn't appear to be on there at this point. Is that a part of the strategy?
- a. Yes, there will a strategy to get uniform info on web pages, etc.
- W-108 Is there a way to move the flight school flights elsewhere, as they are low-value flights? (R-34)
- W-109 What can we do to prevent them from flying within our limits? High towers? (R-39)
- W-110 Is there data about instantaneous noise available, and noise levels? (R-14)

- W-111 Can we encourage flight simulators instead of actual flight time for training?
- a. Possibly, not sure what the requirements of actual vs. simulated flight time is. (R-35)
- W-112 When are there opportunities in various planning processes to provide input on these issues? (R-32)
- a. For any project with federal funding, which would likely be any capital improvement at the airport, NEPA is required which includes noise impacts.
- b. Also during master planning, if there is a new terminal, etc. there would be public input.
- W-113 What questions should we be asking our congress people? What state and federal organizations can help? (R-27)
- a. Noise – national org helping address air noise
- b. Congressional members
- c. State level advocates
- d. They will include these contacts in their report to the communities.

Responses

All comments are cross referenced with the responses to which they correspond. A single response may address several different comments/recommendations. Some comments have no recommendations and stand on their own or are not within the scope of this project. Therefore, there is no response required and these comments will be annotated with (NR).

(R-1) Consultants have recommended new ingress/egress routes to/from the airport that avoid flying over high density residential areas and concentrate traffic flowing to/from the practice areas along routes that contain low density residential, commercial or industrial land use.

(R-2) There are currently no specific plans for commercial air carrier service at the airport. However, the Airport Master Plan acknowledges the possibility that some time in the future an air carrier may want to provide services at RMMA. The consultants have found no evidence to indicate that the airport is actively seeking commercial air carrier service. (R-3) Currently, there are no plans to build additional runways at RMMA.

(R-4) The Consultants are currently working with the RMMA Noise Task Force to introduce language into the RMMA Fly Quiet Program encouraging pilots to avoid operations at the airport between the hours of 10:00pm and 6:00am. This would be a voluntary compliance initiative as Federal Aviation Regulations severely limit implementation of mandatory “access restrictions” such as curfews at public airports.

(R-5) Under Federal Aviation Regulations, fixed-wing aircraft must remain at least 1,000 feet above congested areas (i.e. flying over a city or town), and 500 feet over other areas. Helicopters are not subject to these requirements. Also, worth noting, these requirements do not apply to fixed-wing aircraft during take-off or landing phases of flight. See Appendix VI.

(R-6) The Consultants are currently working with the RMMA Noise Task Force to introduce language into the RMMA Fly Quiet Program encouraging pilots to turn crosswind as soon as possible to avoid overflying residential areas. This is not always possible due to several factors including, aircraft performance, density altitude, and other traffic and safety considerations.

(R-7) The general runway use system at RMMA is to assign the longest runway (12L/30R) to itinerant traffic and the shorter runway (12R/30L) to local traffic. Tough & Go traffic may be assigned 12L/30R during periods of light traffic, but this is not the norm. Most airports with similar runway configurations operate in a similar fashion. This tends to segregate traffic into like types of aircraft thereby reducing the risk of aircraft conflicts.

(R-8) Operators of public-use airports (such as RMMA) may not impose limits on the types of aircraft or number of operations conducted at the airport for the purpose of noise abatement. Nighttime curfews, limitations on touch-and-go or flight training operations, or limitations based on the size or type of aircraft is prohibited unless imposed for the purposes of safety.

(R-9) When citing FAR 91.119, it is common to overlook the first sentence. “Except when necessary for takeoff and landing...” Most low flying aircraft in the vicinity of RMMA are in the process of takeoff or landing and therefore are exempt from the minimum altitudes in the FAR. For all other instances of low flying aircraft, see – FAA Guide to Low Flying Aircraft – Appendix VI

(R-10) Most aircraft performing practice maneuvers such as steep turns, turns about a point and stall maneuvers utilize practice areas north of RMMA in the vicinity of Longmont. Maneuvers such as the ones listed above are considered acrobatic flight and are not authorized within Class D Airspace (the area within 5 miles of RMMA) or over congested areas.

(R-11) Closing down the airport is outside the control of both Louisville and Superior. Jefferson County is the owner/operator of the airport and our goal is to work collaboratively with Jefferson County leadership and Airport staff to encourage compatibility among airport operations and surrounding communities.

(R-12) RMMA has established a Noise Task Force to evaluate the recommendations evolving out of the Superior/Louisville noise initiative. As part of the implementation of Fly Quiet recommendations approved by the Noise Task Force, briefings and periodic training of tenants and flight schools, as well as getting the word out to surrounding airports whose tenants and flight schools also use RMMA, is a high priority.

(R-13) Establishment of a Noise Roundtable is one of the strategies that the Consultants will recommend in their final report to Superior/Louisville.

(R-14) An airport flight tracking system is normally deployed at larger commercial airports that operate mostly jet aircraft. A system such as this may be cost prohibitive at RMMA, however, there are other more cost-effective alternatives that could be employed at the airport and/or by the municipalities to track aircraft and help to assess noise impact to their respective communities.

(R-15) The Federal Aviation Administration has sole authority over certifying aircraft operated in the United States. This includes consideration and certification of allowable noise levels. Federal regulations prohibit assessing charges (including taxes) or limits in airport access based on noise level.

(R-16) The Consultants recommendations include collaborative land-use development which will encourage compatibility between the airport and surrounding communities. Jefferson County as the owner/operator of the airport controls the land on-which the airport sits. As a public-use airport, federal approval would be required in order to close it.

(R-17) Utilizing stop and go landings instead of touch and go landings is a possible strategy that could be implemented to reduce the overall number of flights per hour in the airspace. Ultimately, this is an air traffic control call and it would be up to the FAA to implement. The current mode of thinking in the FAA today is capacity enhancement, not restricting capacity. Therefore, we believe the likelihood of this strategy being implemented at RMMA to be very low.

(R-18) There was a recommendation put forth to the Noise Task Force to raise the altitude of the traffic pattern use by single engine propeller aircraft to 1000 feet above the ground from the current 800 feet above the ground. However, due to the cascading effect of larger aircraft having to move their pattern altitudes higher, it would ultimately infringe on Denver International's airspace. Therefore, any request to raise the pattern altitude must be approved by the Denver Metroplex team. This coordination is currently underway, but we do not anticipate a favorable outcome.

(R-19) Recommendations on community-friendly routes are included in the recommendations to be presented by the Consultants. Regarding the use of older aircraft, the Federal Aviation Administration has sole authority over the certification of aircraft operated in the United States. This includes the noise levels permitted for each aircraft category. Once approved by the FAA, use of such aircraft may not be restricted by airport operators or local government.

(R-20) There is a recommendation to conduct an open house to allow residents to come to the airport and learn about aviation and possibly even get a ride in an airplane to show residents what pilots have to think about while conducting flights to/from RMMA. This recommendation was briefly discussed at the first meeting the airport had with the consultants and received a warm reception. The Consultants will ensure that this recommendation is carried forward in the proposed strategies in the final report to Superior/Louisville and relayed to the airport.

(R-21) One of the strategies the Consultants will be recommending concerns outreach and public education through social media and other means. This would apply to both the airport and the municipalities.

(R-22) When the Consultants first met with RMMA officials, we presented several strategies and recommendations to the airport and discussed the potential to address several issues considered "low hanging fruit" which could potentially be implemented in the short term. In response to these recommendations, the airport manager, on his own initiative, established a Noise Task Force, comprised of flight schools and other industry technical experts, to address those issues. The Noise Task Force will meet on a quarterly basis to review recommendations and plan for implementation of those recommendations approved by the Noise Task Force. We view this as a very positive step and are encouraged by what we have seen so far.

(R-23) The Consultants are compiling a list of Best Practices that will be included in our Strategy Recommendations.

(R-24) The Consultants addressed take-off direction in the first Noise Task Force meeting held on July 24, 2019 at RMMA. The designated Calm Wind Runway at RMMA is 30L/R. This is due to the prevailing winds at the airport being from the northwest. We asked about implementing an alternating runway use plan. This met with resistance due to the added amount of runway changes that would be required. The feedback from the FAA was that runway changes increase risk. Keeping runway changes to a minimum reduces risk. Since the prevailing wind is from the northwest, utilizing runways 30L/R as the calm wind runway reduces the likelihood of having to change runways when the wind increases above a calm wind.

(R-25) Federal Regulations limit airport and airport operators' authority with respect to restricting flight operations or airport access. Airport noise programs often called, "Fly Quiet" program are voluntary per federal regulation. The Consultants report will include strategies to expand and enhance the RMMA Fly Quiet Program and to incentivize pilot participation. (S-21)(S-25)

(R-26) The State of Colorado conducted an assessment of the economic impact of its airports. The report notes that RMMA is responsible for over 750 local jobs (within the region), over \$28 million in payroll, and over \$77 million in economic impact to the region. The economic impacts are not limited to Jefferson County. The state's report can be found here: https://www.codot.gov/programs/aeronautics/PDF_Files/2013_EconImpact/2013-cdot-eis-rocky-mountain-metropolitan-airport.pdf

(R-27) The Town and City are working with our Federal Delegation to seek support for our efforts to reduce the community impacts of aircraft operations.

(R-28) RMMA has established a Noise Task Force to evaluate the recommendations evolving out of the Superior/Louisville noise initiative. One of the recommendations being discussed is various noise friendly climb profiles.

(R-29) Airport growth is driven primarily by demand and the goal of the airport is to meet the local demand for air travel and general aviation services.

(R-30) There are several commercially available aircraft recognition guides.

(R-31) There are currently efforts underway to engage Jefferson County, Boulder County and several municipalities in a joint effort to address airport impacts (positive & negative).

(R-32) Airport Master Plans require public input and/or environmental studies that require public input.

(R-33) There have been discussions around providing financial incentives for noise reduction/noise impact measures. These discussions will continue as part of this effort.

(R-34) Flight Schools are an important tenant at the Airport and neither the Airport nor Jefferson County (the Airport Operator/Authority) have expressed the desire to remove the flight schools.

(R-35) Recommendation carried forward to final report (See Notes Below)

(R-36) A Reliever Airport is defined as an airport intended to relieve the (high) demand on a primary commercial airport by providing additional capacity to an area. In the case of RMMA, it is a reliever to Denver International Airport where capacity is limited for general aviation operations such as flight training and business aviation.

(R-37) The approach the consultants are taking has worked at airports around the US. The goal of the consultants is to help build collaborative relationships between the Airport and surrounding communities including Jefferson County, Boulder County, the Town of Superior and City of Louisville. They are also developing a list of operational recommendations and programs to

expand community outreach and industry engagement. There may be ongoing technical support needed by the consultants and if so, we will ensure that is available.

(R-38) The projected growth in operations at RMMA is expected to continue. This was addressed in the Baseline Report developed by the Consultants and is available upon request.

(R-39) The FAA is responsible for all the airspace within the United States. The airspace at RMMA is designated Class D Airspace within 5 nautical miles of RMMA from the surface up to but not including 8,000 feet MSL. Flight within all types of airspace are governed by the FARs.

Note – Use both R-7 & R-24 responses as appropriate

Note – We should acknowledge the very many positive comments about the airport.

Note- We should address the opinion of Survey Bias expressed several times in our report.

Note – Workshop Comment - Chronic impact of noise over time? Bring in that data as a health factor — useful with policy

Note - Encourage more use of flight simulators than actual flying – We will add this to our recommended strategies.

Note - Follow up on Commissioners work from 2000 and understand if the outputs are being enforced



ROCKY MOUNTAIN
METROPOLITAN AIRPORT

COMMUNITY FRIENDLY FLYING AT RMMA

RECOMMENDED NOISE ABATEMENT PROCEDURES

Expanded and Explained:

- **Climb out at best angle of climb (Vx).** This ensures that aircraft are as high as possible before leaving the airport perimeter.
- **Reduce RPM when safe.** Lower propeller speeds produce less noise.
- **Fly standard or higher glide path.** Shallow approaches expose neighborhoods to additional noise.
- **Overfly major road corridors and/or open space when able.** Absent ATC instructions to the contrary, choosing routing that avoids residential neighborhoods lessens the impact of aviation operations on surrounding communities.
- **Runway 30R is designated the primary, calm-wind runway.** Westerly prevailing winds favor 30 the majority of the time.
- **No intersection departures.** Using the full length of the runway is both safer and ensures aircraft are as high as possible before leaving the airport perimeter.
- **Maintain pattern altitude of 6,500' for single engine aircraft and 7,000' for twins/turboprops/jets.**
- **No engine maintenance run-ups between 10:00 p.m. and 6:00 a.m. except in an emergency.**

Flight schools, located on field, have voluntarily stopped departures in the evening hours beginning at 10:00 p.m. local time. Aircraft from the flight schools shall not depart after this, excepting when required to do so for currency or training in accordance with federal regulations.

The Rocky Mountain Metropolitan Airport has developed these recommended noise abatement procedures in an effort to be responsive to the concerns of our neighbors. The purpose of these procedures is to minimize the impact of aircraft operations at RMMA on the surrounding communities.

The Noise Abatement Checklist

Avoid disturbing/overflying residential areas if practical by:

- Climbing initially at Vx
- Reducing RPM when safe
- Flying standard or higher glide path
- Overflying major road corridors and/or open space when able

Your cooperation with noise abatement, when able, is appreciated.

Note: The above procedures are recommended for arrivals and departures at RMMA. They are not intended to supersede the responsibility of the pilot for compliance with FARs, ATC clearances and operating parameters of the Aircraft Operations Manual.

ALL recommended procedures are at the pilot's discretion, consistent with safety and ATC instructions. **SAFETY ALWAYS COMES FIRST!**

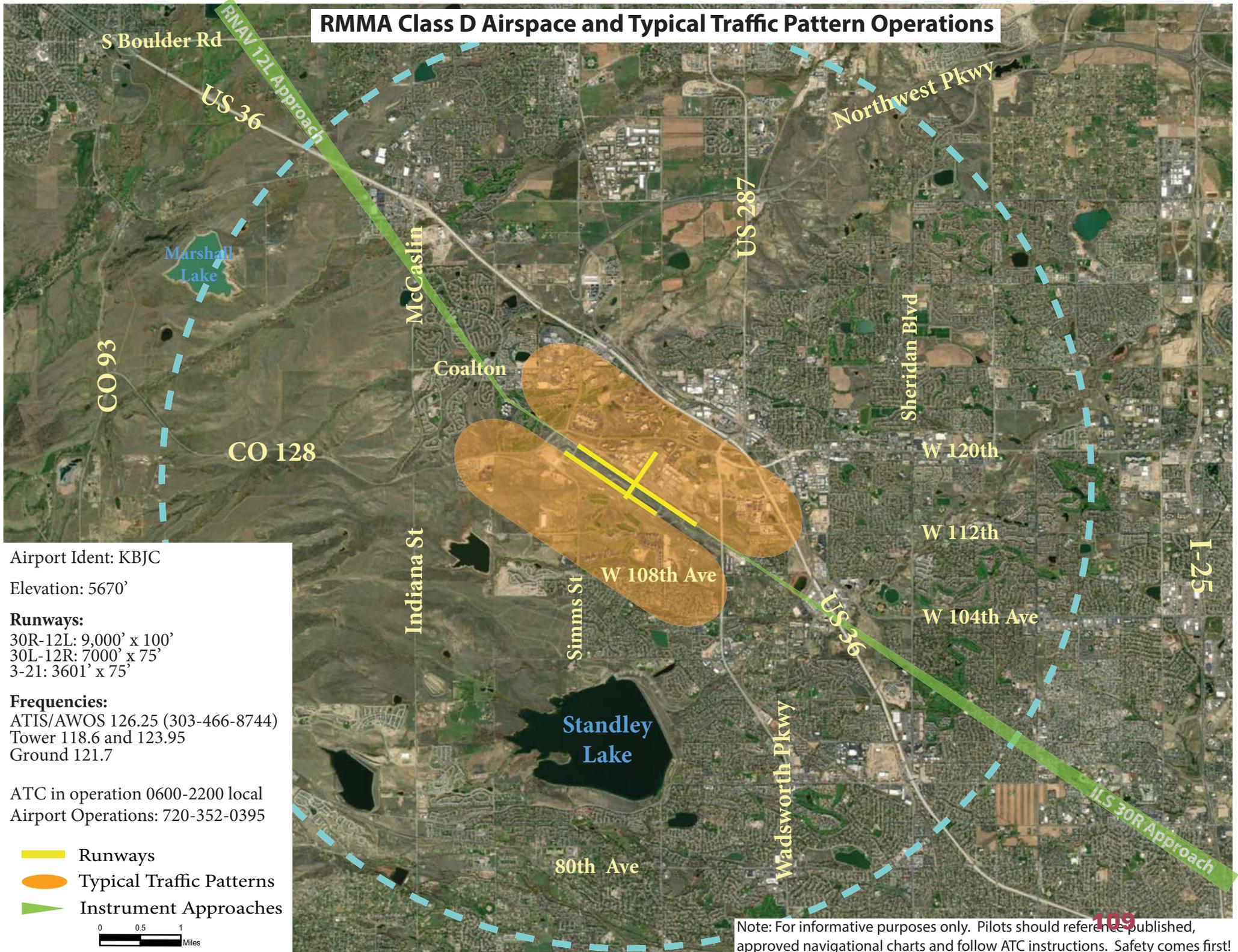


@flyRMMA



ROCKY MOUNTAIN
METROPOLITAN AIRPORT
11755 Airport Way, Broomfield, CO 80021
303-271-4088
www.flyRMMA.com

RMMA Class D Airspace and Typical Traffic Pattern Operations



Airport Ident: KBJC
 Elevation: 5670'
Runways:
 30R-12L: 9,000' x 100'
 30L-12R: 7000' x 75'
 3-21: 3601' x 75'
Frequencies:
 ATIS/AWOS 126.25 (303-466-8744)
 Tower 118.6 and 123.95
 Ground 121.7
 ATC in operation 0600-2200 local
 Airport Operations: 720-352-0395

- ▬ Runways
- ◉ Typical Traffic Patterns
- ▬ Instrument Approaches



Note: For informative purposes only. Pilots should reference published, approved navigational charts and follow ATC instructions. Safety comes first!



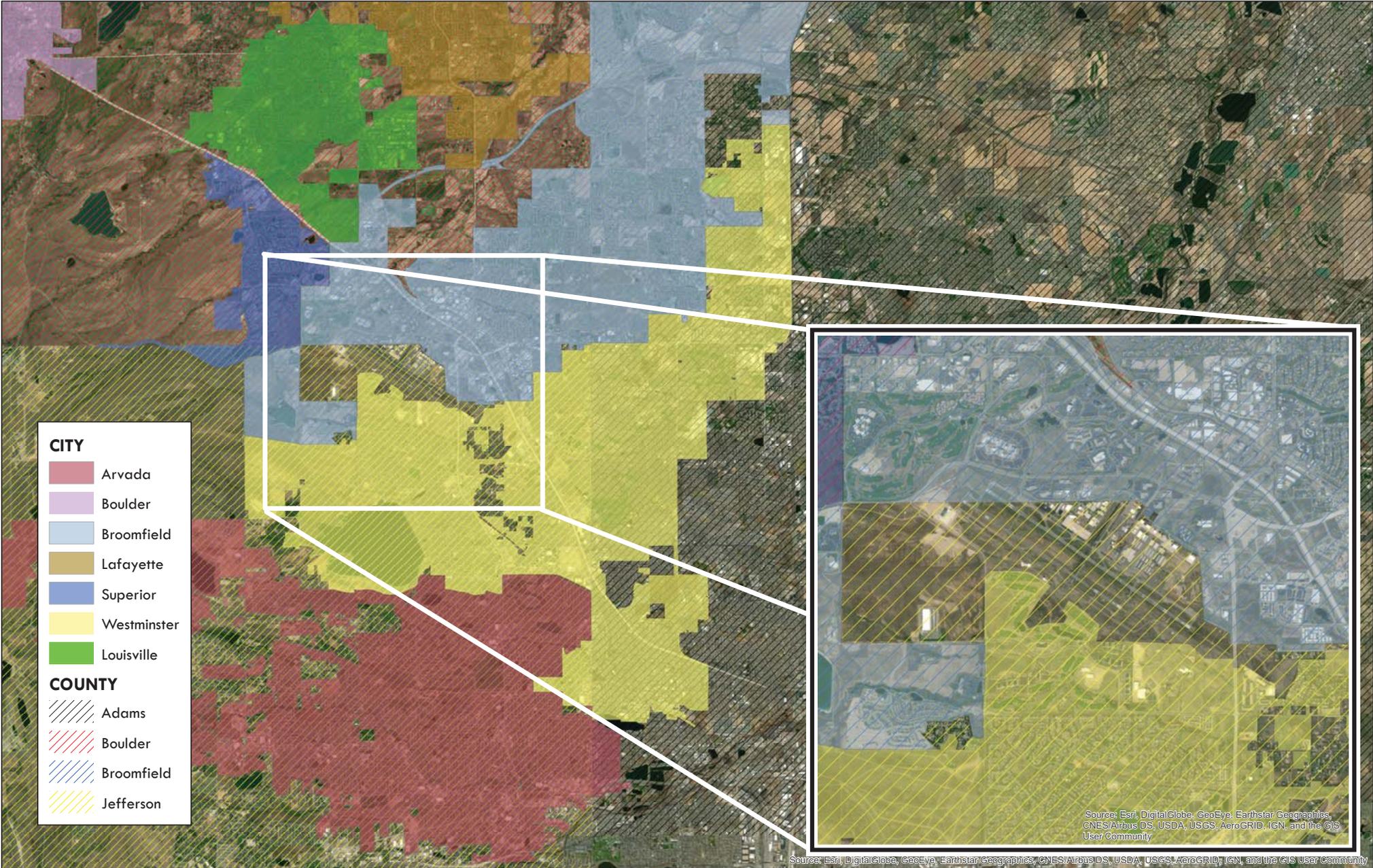
**RESTRICTED
AIRCRAFT
MOVEMENT
AREA**

**ATTENTION PILOTS
FOR NOISE ABATEMENT PURPOSES**

Avoid disturbing surrounding residential areas if practical by:

- Climbing initially at V_x
- Reducing RPM when safe
- Flying standard (or higher) glide path
- Overflying major road corridors and/or open space when able

**FOLLOW ATC INSTRUCTIONS
SAFETY COMES FIRST!**



**AN AGREEMENT BY AND BETWEEN
THE CITY OF LOUISVILLE, THE TOWN OF SUPERIOR,
AND ABCx2, LLC FOR CONSULTING SERVICES**

1.0 PARTIES

This AGREEMENT FOR CONSULTING SERVICES (this “Agreement”) is made and entered into this ____ day of _____, 2020 (the “Effective Date”), by and between the **City of Louisville**, a Colorado home rule municipal corporation (“Louisville”), the **Town of Superior**, a Colorado municipal corporation (“Superior”, and together with Louisville, the “Municipalities”), and **ABCx2, LLC**, a Georgia limited liability company, hereinafter referred to as the “Consultant”.

2.0 RECITALS AND PURPOSE

- 2.1 The Municipalities desire to engage the Consultant for the purpose of providing airport noise mitigation services as further set forth in the Consultant’s Scope of Services (which services are hereinafter referred to as the “Services”).
- 2.2 The Consultant represents that it has the special expertise, qualifications and background necessary to complete the Services.

3.0 SCOPE OF SERVICES

The Consultant agrees to provide the Municipalities with the specific Services and to perform the specific tasks, duties and responsibilities set forth in Scope of Services attached hereto as Exhibit “B” and incorporated herein by reference.

4.0 COMPENSATION

- 4.1 The Municipalities shall pay the Consultant for services under this agreement a total not to exceed the amounts set forth in Exhibit “B” attached hereto and incorporated herein by this reference. For Services compensated at hourly or per unit rates, or on a per-task basis, such rates or costs per task shall not exceed the amounts set forth in Exhibit “B”. The Municipalities shall not pay mileage and other reimbursable expenses (such as meals, parking, travel expenses, necessary memberships, etc.), unless such expenses are (1) clearly set forth in the Scope of Services, and (2) necessary for performance of the Services (“Pre-Approved Expenses”). The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the Consultant’s efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside consultant fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this Agreement. No employee of the Municipalities has the authority to bind the Municipalities with regard to any payment for any services which exceeds the amount payable under the terms of this Agreement.

4.2 The Consultant shall submit monthly, an invoice to each of the Municipalities (Fifty percent (50%) of the total dollar amount shall be charged to each municipality respectively) for Services rendered and a detailed expense report for Pre-Approved Expenses incurred during the previous month. The invoice shall document the Services provided during the preceding month, identifying by work category and subcategory the work and tasks performed and such other information as may be required by the Municipalities. The Consultant shall provide such additional backup documentation as may be required by the Municipalities. The Municipalities shall each pay their respective invoice within thirty (30) days of receipt unless the Services or the documentation therefor are unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefor.

5.0 PROJECT REPRESENTATION

5.1 Louisville shall be responsible for overseeing the Consultant's Services and administering the Agreement. Louisville designates _____ as the responsible staff member to provide direction to the Consultant during the conduct of the Services. The Consultant shall comply with the directions given by _____ and such person's designees.

5.2 The Consultant designates Jason Schwartz as its project manager and as the principal in charge who shall be providing the Services under this Agreement. Should any of the representatives be replaced, particularly James Allerdice and Jason Schwartz, and such replacement require the Municipalities or the Consultant to undertake additional reevaluations, coordination, orientations, etc., the Consultant shall be fully responsible for all such additional costs and services.]

6.0 TERM

6.1 The term of this Agreement shall be from the Effective Date to December 31, 2022, unless sooner terminated pursuant to Section 13, below. The Consultant's Services under this Agreement shall commence on February 10, 2020 and Consultant shall proceed with diligence and promptness so that the Services are completed in a timely fashion consistent with Louisville's requirements.

6.2 Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the Municipalities within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the Municipalities under this Agreement are subject to annual budgeting and appropriation by the Municipalities' respective governing bodies. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation by either of the Municipalities, this Agreement shall terminate effective December 31 of the then-current fiscal year.

7.0 INSURANCE

- 7.1 The Consultant agrees to procure and maintain, at its own cost, the policies of insurance set forth in Subsections 7.1.1 through 7.1.4. The Consultant shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. The coverages required below shall be procured and maintained with forms and insurers acceptable to the Municipalities. All coverages shall be continuously maintained from the date of commencement of services hereunder. The required coverages are:
- 7.1.1 Workers' Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.
 - 7.1.2 General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and TWO MILLION DOLLARS (\$2,000,000) aggregate. The policy shall include the Municipalities, their officers and employees, as additional insureds, with primary coverage as respects the Municipalities, their officers and employees, and shall contain a severability of interests provision.
 - 7.1.3 Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than FOUR HUNDRED THOUSAND DOLLARS (\$400,000) per person in any one occurrence and ONE MILLION DOLLARS (\$1,000,000) for two or more persons in any one occurrence, and auto property damage insurance of at least FIFTY THOUSAND DOLLARS (\$50,000) per occurrence, with respect to each of Consultant's owned, hired or non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision. If the Consultant has no owned automobiles, the requirements of this paragraph shall be met by each employee of the Consultant providing services to the Municipalities under this Agreement.
 - 7.1.4 Professional Liability coverage with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate.
- 7.2 The Consultant's general liability insurance, automobile liability and physical damage insurance, and professional liability insurance shall be endorsed to include the Louisville and Superior, and their elected and appointed officers and employees, as additional insureds. Every policy required above shall be primary insurance, and any insurance carried by the Municipalities, their officers, or employees, shall be excess and not contributory insurance to that provided by the Consultant. Such policies shall contain a severability of interests provision. The Consultant shall be solely responsible for any deductible losses under each of the policies required above.

- 7.3 Certificates of insurance shall be provided by the Consultant as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the Municipalities. No required coverage shall be cancelled, terminated or materially changed until at least 30 days' prior written notice has been given to each of the Municipalities. The Municipalities reserve the right to request and receive a certified copy of any policy and any endorsement thereto.
- 7.4 Failure on the part of the Consultant to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the Municipalities may immediately terminate this Agreement, or upon mutual agreement by the Municipalities, the Municipalities may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the Municipalities shall be repaid by Consultant to the Municipalities upon demand, or the Municipalities may offset the cost of the premiums against any monies due to Consultant from the Municipalities.
- 7.5 The parties understand and agree that the Municipalities are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101 *et seq.*, C.R.S., as from time to time amended, or otherwise available to the Municipalities, their officers, or employees.

8.0 INDEMNIFICATION

To the fullest extent permitted by law, the Consultant agrees to indemnify and hold harmless the Municipalities, and their elected and appointed officers and employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the Services hereunder, if and to the extent such injury, loss, or damage is caused by the negligent act, omission, or other fault of the Consultant or any subcontractor of the Consultant, or any officer, employee, or agent of the Consultant or any subcontractor, or any other person for whom Consultant is responsible. The Consultant shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands. The Consultant shall further bear all other costs and expenses incurred by the Municipalities or Consultant and related to any such liability, claims and demands, including but not limited to court costs, expert witness fees and attorneys' fees if the court determines that these incurred costs and expenses are related to such negligent acts, errors, and omissions or other fault of the Consultant. The Municipalities shall be entitled to their costs and attorneys' fees incurred in any action to enforce the provisions of this Section 8.0. The Consultant's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the Municipalities.

9.0 QUALITY OF WORK

Consultant's professional services shall be in accordance with the prevailing standard of practice normally exercised in the performance of services of a similar nature in the Denver metropolitan area.

10.0 INDEPENDENT CONTRACTOR

It is the expressed intent of the parties that the Consultant is an independent contractor and not the agent, employee or servant of Louisville or Superior, and that:

- 10.1. Consultant shall satisfy all tax and other governmentally imposed responsibilities including but not limited to, payment of state, federal, and social security taxes, unemployment taxes, worker's compensation and self-employment taxes. No state, federal or local taxes of any kind shall be withheld or paid by either of the Municipalities.
- 10.2. **Consultant is not entitled to worker's compensation benefits except as may be provided by the Consultant nor to unemployment insurance benefits unless unemployment compensation coverage is provided by the Consultant or some entity other than the Municipalities.**
- 10.3. Consultant does not have the authority to act for either of the Municipalities, or to bind either of the Municipalities in any respect whatsoever, or to incur any debts or liabilities in the name of or on behalf of either of the Municipalities.
- 10.4. Consultant has and retains control of and supervision over the performance of Consultant's obligations hereunder and control over any persons employed by Consultant for performing the Services hereunder.
- 10.5. The Municipalities will not provide training or instruction to Consultant or any of its employees regarding the performance of the Services hereunder.
- 10.6. Neither the Consultant nor any of its officers or employees will receive benefits of any type from the Municipalities.
- 10.7. Consultant represents that it is engaged in providing similar services to other clients and/or the general public and is not required to work exclusively for the Municipalities.
- 10.8. All Services are to be performed solely at the risk of Consultant and Consultant shall take all precautions necessary for the proper and sole performance thereof.
- 10.9. Consultant will not combine its business operations in any way with the Municipalities' respective business operations and each party shall maintain their operations as separate and distinct.

11.0 ASSIGNMENT

Except as provided in section 22.0 hereof, Consultant shall not assign or delegate this Agreement or any portion thereof, or any monies due or to become due hereunder without each of the Municipalities' prior written consent.

12.0 DEFAULT

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event any party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

13.0 TERMINATION

13.1 This Agreement may be terminated by any party for material breach or default of this Agreement by another party not caused by any action or omission of the terminating party by giving the other parties prior written notice at least thirty (30) days in advance of the termination date. Termination pursuant to this subsection shall not prevent any party from exercising any other legal remedies which may be available to it.

13.2 In addition to the foregoing, this Agreement may be terminated by the Municipalities for their convenience and without cause of any nature by giving written notice to Consultant at least fifteen (15) days in advance of the termination date. In the event of such termination, the Consultant will be paid for the reasonable value of the services rendered to the date of termination, not to exceed a pro-rated daily rate, for the services rendered to the date of termination, and upon such payment, all obligations of the Municipalities to the Consultant under this Agreement will cease. Termination pursuant to this subsection shall not prevent any party from exercising any other legal remedies which may be available to it.

14.0 INSPECTION AND AUDIT

The Municipalities and their duly authorized representatives shall have access to any books, documents, papers, and records of the Consultant that are related to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

15.0 DOCUMENTS

All computer input and output, analyses, plans, documents photographic images, tests, maps, surveys, electronic files and written material of any kind generated in the performance of this Agreement or developed for the Municipalities in performance of the Services are and shall remain the sole and exclusive property of the Municipalities. All such materials shall be promptly provided to the Municipalities upon request therefor and at the time of termination of this Agreement, without further charge or expense to the Municipalities. Consultant shall not provide copies of any such material to any third party without the prior written consent of each of the Municipalities.

16.0 ENFORCEMENT

- 16.1 In the event that suit is brought upon this Agreement to enforce its terms, the prevailing party(ies) shall be entitled to reasonable attorneys' fees and related court costs.
- 16.2 This Agreement shall be deemed entered into in Boulder County, Colorado, and shall be governed by and interpreted under the laws of the State of Colorado. Any action arising out of, in connection with, or relating to this Agreement shall be filed in the District Court of Boulder County of the State of Colorado, and in no other court. Consultant hereby waives its right to challenge the personal jurisdiction of the District Court of Boulder County of the State of Colorado over it.

17.0 COMPLIANCE WITH LAWS; WORK BY ILLEGAL ALIENS PROHIBITED

- 17.1 Consultant shall be solely responsible for compliance with all applicable federal, state, and local laws, including the ordinances, resolutions, rules, and regulations of the Municipalities; for payment of all applicable taxes; and obtaining and keeping in force all applicable permits and approvals.
- 17.2 Exhibit A, the "City of Louisville Public Services Contract Addendum-Prohibition Against Employing Illegal Aliens", is attached hereto and incorporated herein by reference. There is also attached hereto a copy of Consultant's Pre-Contract Certification which Consultant has executed and delivered to Louisville prior to Consultant's execution of this Agreement.
- 17.3 Consultant acknowledges that the City of Louisville Code of Ethics provides that independent contractors who perform official actions on behalf of Louisville which involve the use of discretionary authority shall not receive any gifts seeking to influence their official actions on behalf of Louisville, and that Louisville officers and employees similarly shall not receive such gifts. Consultant agrees to abide by the gift restrictions of Louisville's Code of Ethics.

18.0 INTEGRATION AND AMENDMENT

This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

19.0 NOTICES

All notices required or permitted under this Agreement shall be in writing and shall be given by hand delivery, by United States first class mail, postage prepaid, registered or certified, return receipt requested, by national overnight carrier, or by facsimile transmission, addressed to the party for whom it is intended at the following address:

If to Louisville:

City of Louisville
Attn: City Manager
749 Main Street
Louisville, Colorado 80027
Telephone: (303) 335-4533
Fax: (303) 335-4550

If to Superior:

If to the Consultant:

ABCx2, LLC
162 Brittany Ln.
Senoia, GA 30276
Ph: 678-485-0852

Any such notice or other communication shall be effective when received as indicated on the delivery receipt, if by hand delivery or overnight carrier; on the United States mail return receipt, if by United States mail; or on facsimile transmission receipt. Any party may by similar notice given, change the address to which future notices or other communications shall be sent.

20.0 EQUAL OPPORTUNITY EMPLOYER

- 20.1 Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, disability or national origin. Consultant will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, age, sex, disability, or national origin. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.
- 20.2 Consultant shall be in compliance with the applicable provisions of the American with Disabilities Act of 1990 as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

21.0 NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Municipalities and Consultant, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than the Municipalities or Consultant receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

22.0 SUBCONTRACTORS

Consultant may utilize subcontractors identified in its qualifications submittal to assist with non-specialized works as necessary to complete projects. Consultant will submit any proposed subcontractor and the description of its services to Louisville for approval. The Municipalities will not work directly with subcontractors.

23.0 AUTHORITY TO BIND

Each of the persons signing below on behalf of any party hereby represents and warrants that such person is signing with full and complete authority to bind the party on whose behalf of whom such person is signing, to each and every term of this Agreement.

In witness whereof, the parties have executed this Agreement to be effective on the date first above written.

CITY OF LOUISVILLE,
a Colorado Municipal Corporation

CONSULTANT:

By: _____
Ashley Stolzmann, Mayor

By: _____
James K. Allerdice, Jr.
Title: Managing Partner

Attest: _____
Meredyth Muth, City Clerk

TOWN OF SUPERIOR
a Colorado Municipal Corporation

By: _____
Clint Folsom, Mayor

Attest: _____
Town Clerk

Exhibit A

City of Louisville Public Services Contract Addendum Prohibition Against Employing Illegal Aliens

Prohibition Against Employing Illegal Aliens. Contractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. Contractor shall not enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.

Contractor will participate in either the E-verify program or the Department program, as defined in C.R.S. § § 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the public contract for services. Contractor is prohibited from using the E-verify program or the Department program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

If Contractor obtains actual knowledge that a subcontractor performing work under this Agreement for services knowingly employs or contracts with an illegal alien, Contractor shall:

- a. Notify the subcontractor and the City within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
- b. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this paragraph the subcontractor does not stop employing or contracting with the illegal alien; except that the Contractor shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Contractor shall comply with any reasonable request by the Department of Labor and Employment made in the course of an investigation that the Department is undertaking pursuant to the authority established in C.R.S. § 8-17.5-102(5).

If Contractor violates a provision of this Agreement required pursuant to C.R.S. § 8-17.5-102, City may terminate the Agreement for breach of contract. If the Agreement is so terminated, the Contractor shall be liable for actual and consequential damages to the City.

Pre-Contract Certification in Compliance with C.R.S. Section 8-17.5-102(1)

The undersigned hereby certifies as follows:

That at the time of providing this certification, the undersigned does not knowingly employ or contract with an illegal alien; and that the undersigned will participate in the E-Verify program or the Department program, as defined in C.R.S. § § 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform under the public contract for services.

Proposer:

ABCx2, LLC

By _____

James K. Allerdice, Jr.

Title: Managing Partner

Date

Exhibit B – Scope of Services

Airport Noise Mitigation Project – Phase II Scope of Work

Task 1: Work with City/Town staff to provide subject matter expertise in prioritization of noise abatement recommendations & advocate for implementation through RMMA Noise Task Force

- a. Review action items for strategies described in Phase I recommendations as compiled by City/Town staff and ensure that details (i.e. cost, timeline, level of impact, approval process, next steps) are accurately captured.
- b. Attend prioritization workshop with Council/Board facilitated by City/Town staff and answer questions as subject matter experts.
- c. Continued participation on RMMA Noise Task Force, providing technical and subject matter expertise and advocating for City/Town priorities. Task 1 to include local attendance at one (1) Noise Task Force meeting and regularly calling into Noise Task Force meeting as part of Tasks 1 and 2.

Deliverables:

1. Includes 1 site visit
2. Attendance at Prioritization Workshop and review of City/Town materials prior to workshop
3. Advocacy/support at one (1) Noise Task Force meeting in-person and regularly calling into meetings as part of Tasks 1 and 2.
4. Briefing materials for RMMA Noise Task Force meeting
5. Monthly Status Reports and Summary Reports

Delivery Dates:

Deliverable 1-3 - To Be Determined

Deliverable 4 – Five (5) business days prior to schedule meeting

Deliverable 5 - Monthly Status Reports within 10 business days of last day of month.
Summary reports within 10 business days following each meeting.

Budget (Not to Exceed): \$6,000*

Task 2: Continue to develop relationships with RMMA industry/tenants with focus on efforts to promote voluntary compliance with noise mitigation measures (such as outreach campaign)

- a. Encourage industry awareness/training with focus on aircraft noise impacts and implementation of policies, practices and procedures in alignment with City/Town priorities.
- b. Develop outreach campaign to reach tenants, airport users, and other stakeholders that do not participate in task force to encourage compliance with voluntary measures.

NOTES:

- 1) Task 2 must be accomplished with the cooperation and approval of the RMMA Airport Management.
- 2) This task will include development of an outreach “campaign.” The campaign will include the following elements:
 - a. Identification of key stakeholder groups, organizations, and influencers
 - b. Identification of most effective communication channels
 - c. Identification of strategies for encouraging awareness and participation

Deliverables:

1. Includes 1 site visit
2. One meetings with Airport in-person included
3. One meeting with RMMA Task Force in-person
4. Summary Reports for each Task Force meeting
5. Outreach Campaign Strategy (Report)
6. Participation (via dial-in) for a minimum of 2 additional Noise Task Force meetings

Delivery Dates:

Deliverable 1,2,4 – To Be Determined

Deliverable 3 - Summary Reports within 10 business days following each meeting

Budget (Not to Exceed): \$16,000*

Travel (Not to Exceed): \$8,000 (*Two site visits included in existing scope*)

*** Travel & Travel Expenses:**

Travel to attend meetings, workshops, etc., must be approved in advance by the City and/or Town. When travel is required, Consultant will invoice a minimum of 5 hours (\$1,000) per person per day to the City/Town as appropriate. Both the Municipalities and the Consultant should make every effort to ensure meetings are scheduled so as to make the best use of the Municipalities' time and money.

Costs associated with travel will be invoiced in addition to the enumerated Tasks in Exhibit B and are not included in the Task budget(s). Consultant shall be entitled to invoice the City/Town, as appropriate, for the following out-of-pocket expenses, at Consultant's actual cost:

- Standard Economy Airfare (Refundable Rate)
- Hotel/Lodging (Up to 2-Nights)
- Ground Transportation/Rental Car (One (1) Car Rental per Trip)
- Meals and Incidental Expenses at the current GSA Per Diem Rate for the locality

Budget (Not to Exceed) \$2,000 per person per trip.

***Not to Exceed Amounts**

It is the intention of ABCx2 that this contract will be fulfilled on a Time & Materials basis, invoiced at a rate of \$200/hour Not to Exceed the amounts allocated to each task respectively. ABCx2 will endeavor to accomplish all the tasks within the approved budget, however, this contract should not be construed as being a Fixed Price contract in which all tasks are expected to be completed within the allotted budget. ABCx2 will endeavor to complete each task in a timely manner, efficiently and as fiscally responsible as possible. If a task is completed and we are under budget, the City/Town will not be charged the remainder of the budget. However, given the nature of the work to be performed, we cannot guarantee that all tasks and subtasks will be completed within the existing budget. Therefore, if/when ABCx2 approaches the allocated funds for each task, ABCx2 will provide the City/Town with a Status Report on the project and it will be the responsibility of the City/Town to determine whether additional funds will be allocated to a Task or the Task will be terminated.

SUBJECT: **ORDINANCE NO. 1789, SERIES 2020 – AN ORDINANCE AMENDING CHAPTER 3.32 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING ADMINISTRATION OF THE RETAIL MARIJUANA CULTIVATION FACILITY TAX AND AMENDING CHAPTER 5.11 OF THE LOUISVILLE MUNICIPAL CODE REGARDING RETAIL MARIJUANA SALES TO NONRESIDENTS OF THE STATE OF COLORADO – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 1/26/20)**

DATE: **FEBRUARY 4, 2020**

PRESENTED BY: **KATHLEEN KELLY, CITY ATTORNEY
MEREDYTH MUTH, CITY CLERK**

SUMMARY:

By Ordinance No. 1776, Series 2019, adopted on July 23, 2019, the City Council referred to the City’s voters a TABOR ballot issue imposing an excise tax of up to ten percent (10%) on retail marijuana cultivation facilities beginning January 1, 2020, which tax was to be imposed only if the voters approved a companion question asking whether such cultivation facilities should be permitted within the City. Both measures were approved by the voters at the November 5, 2019 election.

Since the 2019 election, the City Attorney’s Office and the Finance Department have been working together to prepare for implementation of the excise tax. The Finance Department has identified some additional provisions from the City’s sale and use tax code that it desires be added to the administrative procedures for the excise tax, which address record keeping, the confidential nature of tax information, the City’s costs of collection, procedures for tax disputes, taxpayer appeals, and unlawful acts.

No retail marijuana cultivation facilities have opened for business since the approval of the ballot questions by the City’s voters at the 2019 election. Adoption of this ordinance at this time will allow the additional administrative procedures to take effect prior to any such businesses becoming subject to the excise tax.

Additionally, this ordinance removes section 5.11.210.A.5 which currently prohibits retail marijuana stores from selling more than a quarter of an ounce of marijuana or more than a quarter of an ounce equivalent of retail marijuana product during a single transaction to a nonresident of the State of Colorado. This change would align the City’s code with State law related to out of state residents and allow local stores to sell the same as stores in other municipalities.

The quarter ounce sales limitation for out of state residents is a holdover from the initial retail legalization and concern about “pot tourism” in the state. Staff does not know of

any municipalities that still hold to the quarter ounce rule (this includes Boulder, Lafayette, Longmont, and Denver). State rules allow any person over 21 to carry up to one ounce of product, so differentiating between in state and out of state residents for sales is somewhat incongruous with that rule.

The City Council could remove this change if it would like to keep the more restrictive regulations for out of state residents.

FISCAL IMPACT:

None.

PROGRAM/SUB-PROGRAM IMPACT:

This ordinance creates regulations and administrative procedures for any new cultivation business and allows the Finance Department to provide controls to ensure the safeguarding of taxpayer information.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 1789, Series 2020.

ATTACHMENT(S):

1. Ordinance No. 1789, Series 2020
2. Ordinance No. 1776, Series 2019
3. Information from State of Colorado Marijuana Enforcement Division Regarding Laws About Retail Marijuana Sales
4. Public Comments

STRATEGIC PLAN IMPACT:

<input checked="" type="checkbox"/>	 Financial Stewardship & Asset Management	<input type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

**ORDINANCE NO. 1789
SERIES 2020**

**AN ORDINANCE AMENDING CHAPTER 3.32 OF THE LOUISVILLE MUNICIPAL
CODE CONCERNING ADMINISTRATION OF THE RETAIL MARIJUANA
CULTIVATION FACILITY TAX AND AMENDING CHAPTER 5.11 OF THE
LOUISVILLE MUNICIPAL CODE REGARDING RETAIL MARIJUANA SALES TO
NONRESIDENTS OF THE STATE OF COLORADO**

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”); and

WHEREAS, the members of the City Council of the City (the “City Council”) have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer’s Bill of Rights (“TABOR”) requires voter approval for any new tax, any increase in any tax rate, the creation of any debt, and the spending of certain funds above limits established by TABOR; and

WHEREAS, pursuant to Article 12 and Section 4-8 of the City Charter, the City Council may authorize the imposition of new taxes by ordinance and upon approval of the registered electors of the City; and

WHEREAS, pursuant to Section 7-6 of the City Charter, the City Council adopted Ordinance No. 1776, Series 2019, which submitted to a vote of the registered electors of the City Ballot Issue No. 2D, Retail Marijuana Cultivation Facility Excise Tax, and which Ballot Issue was approved by the voters; and

WHEREAS, in addition to submitting the Ballot Issue to the City’s voters, Ordinance No. 1776 added a new Chapter 3.32 to the Louisville Municipal Code concerning the Retail Marijuana Cultivation Facility Tax; and

WHEREAS, the City’s finance department has identified certain provisions that would be helpful to the efficient and effective collection and administration of the tax, and provide better service to the City’s businesses and taxpayers subject to the excise tax; and

WHEREAS, such administrative provisions set forth herein are not intended, and shall not be construed, to extend or increase the application, rate, or amount of tax or constitute a tax policy change directly causing a net tax revenue gain or decrease from the retail marijuana cultivation facility excise tax approved by Ballot Issue No. 2D; and

WHEREAS, House Bill 16-1261, adopted by the Colorado General Assembly and signed into law by the Governor on June 10, 2016, eliminated the quantity restriction contained in the state statutes for retail marijuana sales to nonresidents of the state of Colorado; and

WHEREAS, the City Council desires to eliminate the same restriction contained in Chapter 5.11 of the Louisville Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Section 3.32.050 of the Louisville Municipal Code is hereby amended by the addition of a new subsection E to read as follows:

Sec. 3.32.050. Licensing; filing of returns; recordkeeping.

E. Tax information gained under the provisions of this Chapter 3.32 shall be kept confidential as set forth in Section 3.20.415 of this Code.

Section 2. Section 3.32.060 of the Louisville Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 3.32.060. Books and records to be preserved.

A. Every retail marijuana cultivation facility, for a period of three (3) years, shall keep at each licensed place of business complete and accurate records for that place of business, including itemized invoices of all retail marijuana grown, held, shipped, or otherwise transported or sold to retail marijuana product manufacturing facilities, retail marijuana stores, or other retail marijuana cultivation facilities.

B. The records required by subsection A of this Section shall include the names and addresses of retail marijuana product manufacturing facilities, retail marijuana stores, or other retail marijuana cultivation facilities to which unprocessed retail marijuana is sold or transferred, the inventory of all unprocessed retail marijuana on hand, and other pertinent papers and documents relating to the sale or transfer of unprocessed retail marijuana.

C. A retail marijuana cultivation facility shall keep itemized invoices of all unprocessed marijuana transferred to retail marijuana stores owned or controlled by the owners of the retail marijuana cultivation facility.

D. If a retail marijuana cultivation facility does not provide files in an organized format and the auditors must go through the facility's files, folders, boxes, or other documents or records, in any form, in order to obtain records for audit, or if the facility fails to provide information in a timely fashion, the City

shall be entitled to charge an hourly fee for time spent organizing, gathering, or in any way assembling the facility's records for audit. Such fee shall be set by the City Manager or the Finance Director as the Manager's designee, and shall be based on the actual labor costs incurred by the City for such time spent.

Section 3. Section 3.32.090 of the Louisville Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 3.32.090. Assessment and enforcement of tax liability; liens; dispute resolution; hearings; appeals.

A. The procedure for assessment of excise taxes under this Chapter shall be as set forth in Section 3.20.425 of this Code.

B. The excise tax imposed by this Chapter, together with all interest and penalties pertaining thereto, is a first and prior lien on tangible personal property in which the person responsible to collect and remit the tax has an ownership interest, subject only to valid mortgages or other liens of record at the time or and prior to the recording of a notice of lien as provided in Section 3.20.460 of this Code.

C. The provisions of Sections 3.20.400 (“Authority of Finance Director”), 3.20.455 (“Cost of collection”), 3.20.465 (“Foreclosure by distraint”), 3.20.470 (“Jeopardy assessment”), 3.20.475 (“Recovery by action at law”), 3.20.480 (Certification of delinquent tax to County”), and 3.20.485 (Other remedies; compromise”) of this Code govern the authority of the Finance Director to collect the taxes, penalties, and interest imposed by this Chapter and to impose the cost of collection of the same.

D. The provisions of 3.20.500 (“Tax disputes”), 3.20.510 (“Procedure for refund of disputed tax”), 3.20.520 (“Administrative hearings”), and 3.20.530 (“Time limitation for hearing requests”) of this Code govern disputes and hearings for the same that arise under this Chapter.

E. A taxpayer aggrieved by the final decision of the Finance Director after a hearing may have the same reviewed by the District Court. The procedure of review shall be in accordance with Rule 106 of the Colorado Rules of Civil Procedure. The petition or complaint for District Court review must be filed within 30 days from the date of the final decision of the Finance Director. Any party, including the City, may appeal the final order or decision of the Finance Director and, also, the decision of the District Court (or such other tribunal having jurisdiction), using all judicial, appellate, and extraordinary proceedings available.

Section 4. Chapter 3.32 of the Louisville Municipal Code is hereby amended by the

addition of a new Section 3.32.100 to read as follows:

Sec. 3.32.100. Unlawful acts.

It shall be unlawful for any retailer, consumer or any other person subject to this Chapter:

- A. To fail to make any required return by the due date;
- B. To make any false or fraudulent return or other filing under this chapter;
- C. To make any false statements in any return or in any other filing permitted or required by this chapter;
- D. To fail to make payment to the finance director by the due date of any taxes collected or due the City, or any interest or penalty due the City;
- E. To evade the collection or payment of any taxes collected or due the city or the payment of interest or penalty due the City;
- F. To fail to pay by the due date such tax, interest, penalty;
- G. To aid or abet another in any attempt to evade payment of such tax, interest, or penalty;
- H. To issue to the City a check in payment of any taxes collected or due the City or in payment of penalty or interest due the City, which check is dishonored by the drawee of the check. In any prosecution for a violation of this subsection, introduction of the check dishonored by the drawee, bearing notice of such dishonor from the drawee, shall constitute in evidence a prima facie showing that such check was issued by the drawer at a time when the drawer had on deposit with the drawee insufficient funds to allow the drawee to honor the check on presentment; or
- I. To violate any other provision of this Chapter.

Section 5. Chapter 5.11 of the Louisville Municipal Code, Retail Marijuana, is hereby amended by the repeal of subsection 5.11.210.A.5.

Section 6. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares it would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 7. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 21st day of January, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 4th day of February, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

**ORDINANCE NO 1776
SERIES 2019**

AN ORDINANCE IMPOSING AN EXCISE TAX OF UP TO TEN PERCENT ON RETAIL MARIJUANA CULTIVATION FACILITIES BEGINNING JANUARY 1, 2020, TO BE IMPOSED ONLY IF THE REGISTERED ELECTORS OF THE CITY APPROVE A BALLOT QUESTION PERMITTING SUCH CULTIVATION FACILITIES WITHIN THE CITY, AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE REGULAR ELECTION TO BE HELD NOVEMBER 5, 2019

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”), and

WHEREAS, the members of the City Council of the City (the “City Council”) have been duly elected and qualified, and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer’s Bill of Rights (“TABOR”) requires voter approval for any new tax, any increase in any tax rate, the creation of any debt, and the spending of certain funds above limits established by TABOR, and

WHEREAS, pursuant to Article 12 and Section 4-8 of the City Charter, the City Council may authorize the imposition of new taxes by ordinance and upon approval of the registered electors of the City; and

WHEREAS, pursuant to Section 7-6 of the City Charter, the City Council may submit any measure to a vote of the registered electors of the City, without receipt of any petition, and

WHEREAS, the City will hold a regular election on November 5, 2019 as a coordinated election pursuant to the Uniform Election Code of 1992, as amended, and

WHEREAS, TABOR requires that the City submit ballot issues, as defined in TABOR, to the City’s registered electors on specified election days before action can be taken on such ballot issues, and

WHEREAS, November 5, 2019, is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the City pursuant to TABOR, and

WHEREAS, the City Council is of the opinion that it should refer to the voters at the November 5, 2019 election a TABOR ballot issue concerning the imposition of an excise tax on retail marijuana cultivation facilities to begin January 1, 2020, to be imposed only if retail

marijuana cultivation facilities are permitted within the City, with the net proceeds of the excise tax to be used for those municipal purposes as further stated in this ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO

Section 1. A regular municipal election will be held in the City of Louisville, County of Boulder, State of Colorado on Tuesday, November 5, 2019, between the hours of 7:00 a.m. and 7:00 p.m. (the "Election")

Section 2. Pursuant to the applicable provisions of the laws of the State of Colorado and the City Charter, the City Council hereby submits to the registered electors of the City at the Election the ballot issue specified in Section 3 of this ordinance

Section 3. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the City and shall appear on the ballot of the Election.

BALLOT ISSUE NO _____

RETAIL MARIJUANA CULTIVATION FACILITY EXCISE TAX

SHALL CITY OF LOUISVILLE TAXES BE INCREASED BY \$200,000 IN 2020 (THE FIRST FULL FISCAL YEAR OF SUCH TAX INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING, EFFECTIVE JANUARY 1, 2020, A NEW TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY AT THE RATE OF FIVE PERCENT (5%) OF THE AVERAGE MARKET RATE, WHICH IS THE AVERAGE PRICE OF UNPROCESSED RETAIL MARIJUANA THAT IS SOLD OR TRANSFERRED FROM A RETAIL MARIJUANA CULTIVATION FACILITY, WITH THE TAX REVENUES BEING USED TO PAY OR REIMBURSE THE CITY FOR DIRECT AND INDIRECT COSTS INCURRED OR EXPENDED BY THE CITY FOR TRAINING, ENFORCEMENT, AND ADMINISTRATION OF ALL APPLICABLE MARIJUANA LAWS AND REGULATIONS, TO SUPPORT LOCAL DRUG AND ALCOHOL PROGRAMS AND FACILITIES, AND FOR OTHER GENERAL PURPOSES OF THE CITY, WITH THE RATE OF THE TAX BEING ALLOWED TO BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED TEN PERCENT (10%), IN ACCORDANCE WITH ANY ORDINANCES HEREAFTER APPROVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, PROVIDED THAT ANY SUCH TAX SHALL BE IMPOSED ONLY IF RETAIL MARIJUANA CULTIVATION FACILITIES ARE PERMITTED WITHIN THE CITY, AND SHALL THE CITY BE AUTHORIZED TO COLLECT AND SPEND SUCH REVENUE AS A

VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION, AND SHALL ORDINANCE NO 1776, SERIES 2019, WHICH IMPOSES THE TAX, BE APPROVED?

YES _____

NO _____

Section 4. If a majority of the registered electors voting at the Election vote “yes” in response to the ballot issue specified in Section 3 of this ordinance, the issue shall be deemed to have passed and the Louisville Municipal Code shall be amended as set forth in Section 5 of this ordinance.

Section 5. Title 3 of the Louisville Municipal Code is hereby amended by a new Chapter 3.32 to read as follows

TITLE 3 – REVENUE AND FINANCE

Chapter 3.32 – Retail Marijuana Cultivation Facility Tax

Sec. 3.32.010. Legislative intent.

The City Council intends that an additional excise tax be imposed on the first sale or transfer of marijuana by a retail marijuana cultivation facility, as licensed by Section 5 11 030.A.4 of this Code. The purpose of this tax is to increase the revenue base for the City to pay or reimburse the City for direct and indirect costs incurred or expended by the City for training, enforcement, and administration of all applicable marijuana laws and regulations, to support local drug and alcohol programs and facilities, and for other general purposes of the City] Revenues from the tax shall be deposited in the general fund and shall be available to pay for the expenses as set forth in this Chapter

Sec. 3.32.020. Definitions.

As used in this Chapter, unless the context clearly demonstrates otherwise, words and phrases shall have the meanings as defined in Section 5 11 020 of this Code. In addition, the following words and phrases shall have the following meanings.

A. *Average market rate* means the amount determined by the State of Colorado Department of Revenue pursuant to C.R.S § 39-28 8-101(1), or such alternate amount as may be determined by the Finance Director as the average price of unprocessed retail marijuana that is sold or transferred from a retail marijuana cultivation facility to a retail marijuana products, manufacturer, retail marijuana store or another retail marijuana cultivation facility

B. *Retail marijuana* shall have the same meaning as defined in C.R.S. § 39-28 8-101(7)

C. *Sale* means any exchange or barter, in any manner or by any means whatsoever, for consideration.

D. *Transfer* means to grant, convey, hand over, assign, sell, exchange, or barter, in any manner or by any means, with or without consideration, any unprocessed retail marijuana or retail marijuana product from one licensee to another or to a consumer. A transfer includes the movement of retail marijuana or retail marijuana product from one licensed premises to another, even if both premises are contiguous, and even if both premises are owned by a single entity or individual or group of individuals and also includes a virtual transfer that is reflected on the Marijuana Inventory Tracking Solution (“MITS”) system, even if no physical movement of the retail marijuana occurs.

E. *Unprocessed retail marijuana* means all retail marijuana that is first transferred by a retail marijuana cultivation facility to a retail marijuana store or a retail marijuana products manufacturing facility, even though it may have gone through some processing, and even though it may be subject to further processing by another licensee

Sec. 3.32.030. Imposition and rate of tax, vendor liable for tax.

A. In addition to any other tax imposed by law, there is levied and shall be paid and collected an excise tax of five percent (5%) on the average market rate of unprocessed retail marijuana that is first sold or transferred from a retail marijuana cultivation facility located within the City. The excise tax shall be levied and owed irrespective of where delivery takes place

B. Each retail marijuana cultivation facility shall collect, remit, and pay the excise tax on the first sale or transfer of unprocessed retail marijuana.

Sec. 3.32.040. Taxes collected are held in trust.

All sums of money paid by a person as the additional excise tax imposed by this Chapter are public monies that are the property of the City. The person required to collect and remit the additional excise tax shall hold such monies in trust for the sole use and benefit of the City until paying them to the City

Sec. 3.32.050 Licensing; filing of returns, recordkeeping.

A. Every person with a duty to collect the excise tax imposed by this Chapter shall obtain a license as set forth in Section 3.20 402 of this Code to

collect the tax, report such taxes collected on forms prescribed by the Finance Director, remit such taxes to the City on or before the twentieth (20th) day of the month for the preceding month under report, and file such returns as provided in Section 3.20 406 of this Code. Any due date, payment date, or deadline for paying tax due, providing information, or taking other action that falls on a Saturday, Sunday, or legal holiday recognized by either the federal government or State of Colorado shall be extended to the first business day following such weekend or holiday

B Date of payment shall be evidenced by the postmark date if mailed or by the date the City receives confirmation that the funds have been received through ACH payment; otherwise, date of payment shall be evidenced by the date on the receipt issued by the City cashier. For good cause shown, and upon written request of the excise taxpayer, the Finance Director may extend the time for making returns and paying tax due. The request must be received by the Finance Director no later than two (2) days prior to the date the return is due. The Finance Director may also, upon advance written request of the excise taxpayer and in the Finance Director's sole discretion, authorize the filing of returns and payment of taxes at such intervals as will better accommodate the convenience of the taxpayer. The Finance Director may grant such request if it is determined, in the Finance Director's sole discretion, that the collection of the tax will not be jeopardized, that the realization of amounts owed will not be delayed, and that administrative hardship to the City will not be caused by reason of the granting of such request. Authorization for such alternate method of reporting may be revoked by the Finance Director if the taxpayer becomes delinquent or if the Finance Director otherwise determines in the Finance Director's sole discretion that such alternative method will jeopardize collection of the tax, result in delay of amounts owed, or otherwise cause administrative hardship to the City. Immediately following notice of such revocation, the taxpayer shall file returns and pay tax as otherwise required by this Chapter

C The excise tax license issued pursuant to Section 3.20 402 of this Code shall be valid so long as the business remains in continuous operation and the business holds a valid optional premises cultivation license or retail marijuana cultivation facility license from the City. Such license may be revoked as provided in Section 3.20 402 and is subject to all other conditions and requirements of Section 3.20 402. Requirements with regard to acquisition, inception, and cessation of a marijuana cultivation facility shall be as set forth in Section 3.20 410 of this Code.

D An excise taxpayer engaged in business at two or more locations within the City may file one return for all such locations, when accompanied by a supplemental schedule showing the gross sales of unprocessed marijuana at each location and the excise tax due for each location.

Sec. 3.32.060. Books and records to be preserved.

A. Every retail marijuana cultivation facility shall keep at each licensed place of business complete and accurate records for that place of business, including itemized invoices of all retail marijuana grown, held, shipped, or otherwise transported or sold to retail marijuana product manufacturing facilities, retail marijuana stores, or other retail marijuana cultivation facilities.

B The records required by subsection A of this Section shall include the names and addresses of retail marijuana product manufacturing facilities, retail marijuana stores, or other retail marijuana cultivation facilities to which unprocessed retail marijuana is sold or transferred, the inventory of all unprocessed retail marijuana on hand, and other pertinent papers and documents relating to the sale or transfer of unprocessed retail marijuana.

C A retail marijuana cultivation facility shall keep itemized invoices of all unprocessed marijuana transferred to retail marijuana stores owned or controlled by the owners of the retail marijuana cultivation facility

Sec. 3.32.070. Interest and penalties for failure to file tax return or pay tax.

Penalties and interest for failure of a person to collect the excise tax imposed by this Chapter or to make a return and remit the correct amount of tax required by this Chapter and the procedures for enforcing such penalties shall be as set forth in Section 3.20 430 of this Code (“Penalties and interest for failure to file tax return or pay tax.”)

Sec. 3.32.080. Refunds.

Procedures for refunds for overpayment of excise taxes paid under this Chapter are as set forth in Section 3.20 420 of this Code.

Sec. 3.32.090. Assessment and enforcement of tax liability; liens.

A. The procedure for assessment of excise taxes under this Chapter shall be as set forth in Section 3.20 425 of this Code

B The excise tax imposed by this Chapter, together with all interest and penalties pertaining thereto, is a first and prior lien on tangible personal property in which the person responsible to collect and remit the tax has an ownership interest, subject only to valid mortgages or other liens of record at the time or and prior to the recording of a notice of lien as provided in Section 3.20 460 of this Code.

C The provisions of Sections 3.20 400 (“Authority of Finance Director”), 3.20 465 (“Foreclosure by distraint”), 3.20 470 (“Jeopardy assessment”), 3.20 475 (“Recovery by action at law”), 3.20 480 (Certification of delinquent tax to County”), and 3.20 485 (Other remedies, compromise”) govern the authority of the Finance Director to collect the taxes, penalties, and interest imposed by this Chapter

Section 6. City tax revenues are estimated to increase by up to \$200,000 the first full fiscal year in which the excise tax provided for in this ordinance is in effect. However, the revenues from said sales and use tax may be collected and spent, regardless of whether said revenues, in any year after the first full year in which said sales and use tax is in effect, exceed the estimated dollar amount stated above, and without any other limitation or condition, and without limiting the collection or spending of any other revenues or funds by the City of Louisville, under Article X, Section 20 of the Colorado Constitution or any other law

Section 7 The provisions of this ordinance shall take effect, following passage and approval thereof as provided in Section 4, on January 1, 2020

Section 8. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council and the registered voters of the City hereby declare that they would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid. The tax established by this measure is intended to be authorized under any lawful means of taxation.

Section 9 The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 10. Pursuant to Article XX of the Colorado Constitution and the City Charter, all state statutes that might otherwise apply in connection with the provisions of this ordinance (including, without limitation C.R.S § 31-11-111) are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this ordinance and such statutes. Any such inconsistency or conflict is intended by the City Council and shall be deemed made pursuant to the authority of Article XX of the Colorado Constitution and the City Charter

Section 11. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 9th day of July, 2019

Ordinance No 1776, Series 2019
Page 7 of 8

Robert P Muckle

Robert P Muckle, Mayor

ATTEST

Meredy Muth

Meredy Muth, City Clerk



APPROVED AS TO FORM.

Kelly PC

Kelly PC
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 23rd day of July, 2019

Robert P Muckle

Robert P Muckle, Mayor

ATTEST

Meredy Muth

Meredy Muth, City Clerk





Laws about marijuana use

The laws described on this page may not apply to medical marijuana. [Visit our medical marijuana page for more information.](#)

[Buying and selling](#) | [Using and having](#) | [Making hash oil](#) | [Point-of-sale regulations](#) | [Pregnant women](#) | [Marijuana taxes](#)

Now that retail marijuana is legal in Colorado, we all have a few things to know.

Check local laws and policies

The laws listed here are for the state. Cities, counties, schools, universities and employers may set their own rules and consequences. Check how marijuana laws differ in each [county](#) or [town](#) before you use.

Buying and selling

- You must be 21:
 - It's illegal for people under 21 to buy, have or use retail marijuana.
 - It's a felony for anyone to give or sell to, or share marijuana with, anyone under 21.
 - You must present a valid ID proving you're 21 or older.
- Limits to buying:
 - Buy retail marijuana only from licensed retail stores.
 - Adults over the age of 21 can buy and possess up to 1 ounce of marijuana at a time.
- Limits to selling:
 - Only licensed retailers can sell marijuana products.
 - Adults over 21 can give up to 1 ounce of marijuana to another adult 21 or older, but can't sell marijuana. This includes homegrown product.

Learn more about the [health effects of marijuana use](#) and [tips for responsible use](#).

Using and having

- No more than 1 ounce:
 - Adults 21 and older can have up to 1 ounce of marijuana. Having more can result in legal charges and fines.
- Public use is illegal:
 - Using marijuana in any way – smoking, eating or vaping – isn't allowed in public places. This includes the following outdoor and indoor areas, and many more:
 - Sidewalks.
 - Parks and amusement parks.
 - Ski resorts.
 - Concert venues.
 - Businesses.
 - Restaurants, cafes or bars.
 - Common areas of apartment buildings or condominiums.
- Use on federal land is illegal:
 - Since marijuana is still illegal under federal law, you can't use on federal land, including national parks and national forests. This includes ski slopes.
- Where you CAN use:
 - Private property is your best bet. However, [property owners](#) can ban the use and possession of marijuana on their properties. If you rent, you may not be allowed to use marijuana in your home.
 - Hotel owners can ban the use and possession of marijuana on their properties, so you may not be able to use in a hotel room. Be sure to research the places you'll be staying in Colorado.
- Drug testing at work:
 - Despite legalization, employers can still test for marijuana and make employment decisions based on drug test results. Be sure you know your workplace policies before you use.

Learn more about the [health effects of marijuana use](#) and [tips for responsible use](#).

[Back to top](#)

Making hash oil

- Don't use flammables:

- It's illegal to make marijuana hash oil or concentrates using substances like butane, propane, ether or alcohol.
- [Learn more about safer alternatives for making hash oil.](#)

Point-of-sale regulations

- You must present a valid ID proving you're at least 21 years old, so be prepared.
- No minors allowed:
 - According to the retail marijuana rules passed by the Department of Revenue, no one under 21 is allowed in the restricted portion of a retail store.
- Limited hours of sale:
 - Under [state rules](#), retail marijuana businesses can be open only between 8 a.m. and midnight. Municipalities can require stricter hours of operation, so be sure to check local laws before you head to a retailer.
- Packaging requirements:
 - [Retail and medical marijuana businesses are required](#) to sell all marijuana products in packaging that's resealable, child-resistant and not see-through. The packaging protects children, teens and adults from accidentally eating something that they don't realize contains marijuana. Using the packaging from the store is an important first step in [safe storage](#).
- Labeling requirements:
 - The [Department of Revenue](#) requires that all retail marijuana products use the symbol pictured here on packaging. Teach your kids not to eat or drink anything with this symbol on the package. Also, adults who can't read the ingredient label can use this symbol as a warning that the product contains marijuana.

[Back to top](#) symbol.png

Pregnant women

- [Marijuana use during pregnancy is unsafe](#) and may have legal consequences.
 - Some hospitals test babies after birth for drugs. If your baby tests positive for THC at birth, Colorado law requires hospitals to notify child protective services.
 - Talk to your doctor early in your pregnancy about any marijuana use and safer alternatives if you were using to help with nausea.

Marijuana taxes

- Colorado voters passed Proposition AA in November 2013 to add a 10 percent sales tax to retail marijuana on top of the state's 2.9 percent standard sales tax rate. In

addition, a 15 percent excise tax was added to the wholesale price of retail marijuana (between cultivators and businesses).

- These taxes don't apply to medical marijuana.
- Learn more about the taxes from the [Colorado Department of Revenue](#).

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[Shareable resources](#)

More information on these laws for pregnant women, youth, parents, tourists, residents and more

Meredyth Muth

From: Mark Cathcart <m_cathcart@yahoo.co.uk>
Sent: Tuesday, January 21, 2020 2:37 PM
To: City Council; Heather Balser
Cc: Meredyth Muth
Subject: ORDINANCE NO. 1789, SERIES 2020 - Retail Majijuna Sales to Nonresidents

Importance: High

Mayor, Councilors, City Manager,

I've read through this proposal and find it troubling for a number of reasons. While I understand that there are some benefits to the harmonization of laws between jurisdictions, especially state and city, I find it most concerning that this recommendation comes with no impact analysis, and especially, oddly, claims no fiscal impact. Which begs the question why make the change?

Are we on a path to ceded all local law to the state, when we can claim there is no impact, but provide no evidence to support that claim?

An analysis should at least show municipalities that have the same or different regulations for nonresident purchases. For example, does this mean that people will be driving to Louisville from out of state, from the airport, or are we a lone hold out in restricting sales to nonresidents?

An analysis could also show the likely number of nonresident purchases before and after this change. Also, amounts likely to be purchased of retail marijuana before and after the change and support the claim that there is no financial impact.

I hope that this oversight can be addressed prior to the public hearing, if not, the city should deny the approval of Ordinance 1789 Series 2020. An alternative would be to split the items in this ordinance and let them stand alone for the public hearing.

++Mark.

<https://markcathcart.com/about/>

From: [Scott McElroy](#)
To: [City Council](#)
Subject: Opposition to the repeal of 5.11.210.A.5
Date: Sunday, January 19, 2020 5:24:13 PM

I live at 1873 Sweet Clover Lane and am opposed to the proposed repeal of the provisions of the City Code limiting the quantities of marijuana that non-residents may purchase. My concern arises because the proposed retail marijuana facility at 1411 Hecla Way is immediately adjacent to our neighborhood and thus any change in the operations of that facility may adversely affect the neighborhood.

The change to the City's zoning laws to allow additional marijuana retail facilities (which allowed for the proposed facility on Hecla Way) and the issuance of the current marijuana retail licenses occurred with the current limitation on the quantity of sales to non-residents in place. No reason other than conforming to the provisions of other jurisdictions is given for lifting that limitation now. There is no analysis of how a repeal of the existing limitation will affect the operation of retail facilities in the City. The Council should not repeal existing limitations on retail sales without an objective analysis of how the change will affect the operations of the retail facilities and a compelling need for any such change.

Thank you for your consideration of these concerns.

Scott McElroy
303-641-3089

From: [Rob Zuccaro](#)
To: [Meredyth Muth](#)
Subject: FW: Please keep section 5.11.210.A.5
Date: Tuesday, January 28, 2020 8:28:04 AM

Robert Zuccaro, AICP
Planning & Building Safety Director
rzuccaro@louisvilleco.gov
303-335-4590 (direct)
303-335-4592 (office)



From: Lazar Gintchin <lazar.gintchin@gmail.com>
Sent: Monday, January 27, 2020 6:44 PM
To: Rob Zuccaro <rzuccaro@louisvilleco.gov>
Subject: Please keep section 5.11.210.A.5

Dear Mr. Zuccaro,

As a concerned Louisville resident I am writing to inform you that I disagree with the removal of section 5.11.210.A.5 which currently prohibits retail marijuana stores from selling more than a quarter of an ounce of marijuana or more than a quarter of an ounce equivalent of retail marijuana product during a single transaction to a nonresident of the State of Colorado.

I strongly request that this section NOT be removed for the city of Louisville. A brand new marijuana store is scheduled to be built right next our townhome building and personally I am very much against it.

Thank you,

--
Lazar Gintchin
lazar.gintchin@gmail.com

From: [Rob Zuccaro](#)
To: [Meredyth Muth](#)
Subject: FW: Removing 5.11.210.A.5
Date: Tuesday, January 28, 2020 8:54:42 AM

Robert Zuccaro, AICP
Planning & Building Safety Director
rzuccaro@louisvilleco.gov
303-335-4590 (direct)
303-335-4592 (office)



From: bil <bilchamberlin@gmail.com>
Sent: Tuesday, January 28, 2020 8:54 AM
To: Rob Zuccaro <rzuccaro@louisvilleco.gov>
Subject: Removing 5.11.210.A.5

Please don't remove limitations on the amount of marijuana one can buy.
There is no need.

Thanks

bil Chamberlin

SUBJECT: **ORDINANCE NO, 1790, SERIES 2020 – AN ORDINANCE
AMENDING LOUISVILLE MUNICIPAL CODE TITLE 9
REGARDING OFFENSES AGAINST PUBLIC PEACE – 2nd
READING, PUBLIC HEARING (advertised *Daily Camera* 1/26/20)**

DATE: **FEBRUARY 4, 2020**

PRESENTED BY: **COLETTE CRIBARI, MUNICIPAL PROSECUTOR**

SUMMARY:

The first portion of the attached ordinance includes changes to Chapter 9.32 of the City's Municipal Code, Offenses against Public Peace, including Section 9.32.010 Disorderly Conduct, Sec. 9.32.030 Harassment, Sec. 9.32.035 Indecent Exposure, and 9.32.050 Use of Fighting Words.

A second portion of the attached ordinance amends Section 9.34.010, Disturbances. These changes are made to simplify the Code and to change the language in the Code to more closely track similar language under the Colorado statutes for similar charges under Colorado law. The amendments are as follows:

DISORDERLY CONDUCT

The first change would amend Title 9, Chapter 9.32 Disorderly Conduct by changing the title from "Disorderly Conduct" to "Offenses against Public Peace, Order and Decency". The title of Sec. 9.32.010 would be changed from "Defined, prohibited" to "Disorderly Conduct". In addition, Sec. 9.32.030 "Harassment" would be amended. Language is also added to Sec. 9.32.035 "Indecent Exposure" to include intent. Finally, Sec. 9.32.050 "Use of Fighting Words" is deleted in its entirety because the language is added to the section on "Disorderly Conduct" and "Harassment".

The language within all the named sections is amended to more closely follow language under Colorado statutes regarding similar offenses. The current language under the Municipal Code regarding these various sections violates provisions of the First Amendment Constitutional right to free speech, according to Colorado court decisions.

The second change would amend Title 9 Chapter 9.34 Disturbances by adding language that exempts city employees, volunteers, contractors, firefighters, emergency and rescue personnel and law enforcement officers from the prohibitions of the Code regarding disturbances.

PROPOSED SECOND READING AMENDMENTS

At City Council's January 21 meeting, Councilmember Brown raised the issue of ensuring the City's ordinances use gender neutral pronouns. The City Attorney's Office has prepared an updated ordinance (with proposed second reading amendments) to

SUBJECT: ORDINANCE NO. 1790, SERIES 2020

DATE: FEBRUARY 4, 2020

PAGE 2 OF 2

replace gendered pronouns with gender neutral terms, which the City Council could choose to adopt.

FISCAL IMPACT:

None

PROGRAM/SUB-PROGRAM IMPACT:

The changes help the Court meeting the goal of having a justice system that is fair, effective, and efficient.

RECOMMENDATION:

Staff recommends the City Council approve Ordinance No. 1790, Series 2020 on second reading (with or without second reading amendments).

ATTACHMENT(S):

1. Ordinance No. 1790, Series 2020 (with proposed 2nd reading amendments)
2. Ordinance No. 1790, Series 2020 (as adopted on 1st reading)

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

Second Reading Amendments

Ordinance No. 1790, Series 2020 is revised to read as follows (amendments are shown in **bold underline** and **~~bold-strikeout~~**):

**ORDINANCE NO. 1790
SERIES 2020**

**AN ORDINANCE AMENDING LOUISVILLE MUNICIPAL CODE TITLE 9
REGARDING OFFENSES AGAINST PUBLIC PEACE**

WHEREAS, the City of Louisville is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

WHEREAS, the City Council is authorized by the City Charter and state law, including without limitation C.R.S. § 31-15-401 et seq., to adopt and enforce regulations which may be necessary for the promotion of public safety and peace and to impose penalties upon parties who affect the health, safety and peace of others; and

WHEREAS, the City Council desires to amend various provisions of Title 9 of the Louisville Municipal Code to update its offenses against public peace, including without limitation amendments to the Louisville Municipal Code to define offenses against public peace punishable by the Louisville Municipal Court;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Chapter 9.32 of the Louisville Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

~~Chapter 9.32—DISORDERLY CONDUCT~~ OFFENSES AGAINST PUBLIC PEACE,
ORDER AND DECENCY

Sec. 9.32.010.	Defined; prohibited. <u>Disorderly Conduct</u>
Sec. 9.32.020.	Assault
Sec. 9.32. 025 <u>030</u>	Threat of reprisal
Sec. 9.32. 030 <u>040</u>	Harassment
Sec. 9.32. 035 <u>050</u>	Indecent exposure
Sec. 9.32. 040 <u>060</u>	Urinating in public prohibited
Sec. 9.32.050.	Use of fighting words

Sec. 9.32.010. ~~Defined; prohibited.~~ Disorderly Conduct

A. It shall be unlawful for any person to commit any act which constitutes disorderly conduct as defined in this section.

- B. A person commits “disorderly conduct” if ~~he or she~~ **such person** intentionally, knowingly or recklessly:
1. ~~Fights or brawls with another person~~ Fights with another in a public place except in an amateur or professional contest of athletic skill; or
 2. Makes loud or unreasonable noise in a public place or near a private residence that ~~he or she~~ **such person** has no right to occupy; or
 3. Abuses or threatens another person or repeatedly makes coarse and obviously offensive utterances, gestures, or displays in a public place in such a manner as to cause the likelihood of a fight or brawl; and the abuse, threat or utterance, gesture, or display tends to incite an immediate breach of the peace; or
 4. Commits any act which is likely to lead to an immediate breach or disturbance of the peace; or
 5. Permits any conduct in any house or upon any premises owned or possessed by ~~him~~ **such person** or under ~~his~~ **such person’s** management or control, and within ~~his~~ **such person’s** power to prevent, so that others in the vicinity are disturbed thereby, or
 6. Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting or the ritual discharge of blank ammunition cartridges as an attendee at a funeral for a deceased person who was a veteran of the armed forces of the United States.
- C. ~~It is an affirmative defense to prosecution under subsection B of this section that the actor had significant provocation for his abusive or threatening conduct.~~

9.32.020 **Assault** *(no additional changes to this section of the Code)*

9.32.025-030 **Threat of reprisal** *(no additional changes to this section of the Code)*

9.32.030 040 **Harassment**

It is unlawful for any person, with the intent to harass, annoy or alarm another person, to:

- A. Follow a person in or about a public place; or
- B. ~~(Reserved)~~ Directly or indirectly initiate communication with a person, or direct language toward another person, anonymously or otherwise, by telephone, telephone network, computer, computer network, or computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily injury or property damage, or make any comment, request, suggestion or proposal by telephone, computer, computer network, or computer system or other interactive electronic medium that is obscene; or
- C. Make a telephone call or cause a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

- D. Make repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another’s home or private residence or other private property; or
- E. Strike, shove, kick or otherwise touch or subject another person to physical contact; or
- F. ~~In a public place, direct obscene language or make an obscene gesture to or at another person. Repeatedly insult, taunt, challenge, or make communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response. If the person to who such insult, taunt or challenge is directed is a police officer, there is no violation of this section until the police officer requests the person to cease and discontinue the conduct, and the person repeats or continues the conduct.~~
- G. As used in this section, unless the context otherwise requires, “obscene” means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.
- H. Any act prohibited by paragraphs B or C of this section may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail, or other electronic communication was either made or received.

9.32.035050 Indecent Exposure

It is unlawful for any person to ~~indecently expose himself or herself. A person commits indecent exposure if he/she~~ knowingly exposes his or her such person’s genitals to the view of any other person under circumstances in which such conduct is likely to cause affront or alarm to such other person, with the intent to arouse or to satisfy the sexual desire of any person.

9.32.040060 Urinating in public prohibited. *(no additional changes to this section of the Code)*

~~9.32.050 Use of fighting words.~~

~~It is unlawful for any person to insult, taunt or challenge another person in a manner likely to provoke a violent or disorderly response. If the person to who such insult, taunt or challenge is directed is a police officer, there is no violation of this section until the police officer requests the person to cease and discontinue the conduct, and the person repeats or continues the conduct.~~

Section 2. Section 9.34.010 of the Louisville Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

Sec. 9.34.010 Disturbance of the peace.

- A. It is unlawful for any person to disturb or tend to disturb the peace and quiet of others by violent, tumultuous, offensive or obstreperous conduct or loud or unusual noises.
- B. The following acts are declared to be loud, disturbing or unnecessary noises in violation of this section: but shall not be deemed to be exclusive or limiting;
 - 1. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, or other device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for any persons in the structure or vehicle in which the device is operated and who are voluntary listeners thereto. The operation of any such device between the hours of 12:00 midnight and 6:00 a.m. in such manner as to be plainly audible at a distance of 50 feet from the structure or vehicle in which it is located is prima facie evidence of a violation of this section.
 - 2. Yelling, shouting, hooting, whistling or singing, particularly between the hours of 12:00 midnight to 6:00 a.m. or at any time or place as to annoy or disturb the quiet, comfort, or response of any persons in the vicinity.
 - 3. City employees, city volunteers, city contractors, firefighters, emergency and rescue personnel, and law enforcement officers acting in the lawful performance of their duties are exempt from the prohibition in section 9.34.010.

Section 3. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 4. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this 21st day of January, 2020.**

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly, PC, City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING this 4th day of
February, 2020.**

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

**ORDINANCE NO. 1790
SERIES 2020**

**AN ORDINANCE AMENDING LOUISVILLE MUNICIPAL CODE TITLE 9
REGARDING OFFENSES AGAINST PUBLIC PEACE**

WHEREAS, the City of Louisville is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

WHEREAS, the City Council is authorized by the City Charter and state law, including without limitation C.R.S. § 31-15-401 et seq., to adopt and enforce regulations which may be necessary for the promotion of public safety and peace and to impose penalties upon parties who affect the health, safety and peace of others; and

WHEREAS, the City Council desires to amend various provisions of Title 9 of the Louisville Municipal Code to update its offenses against public peace, including without limitation amendments to the Louisville Municipal Code to define offenses against public peace punishable by the Louisville Municipal Court;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Chapter 9.32 of the Louisville Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

Chapter 9.32—~~DISORDERLY CONDUCT~~ OFFENSES AGAINST PUBLIC PEACE,
ORDER AND DECENCY

Sec. 9.32.010.	Defined; prohibited. <u>Disorderly Conduct</u>
Sec. 9.32.020.	Assault
Sec. 9.32. 025. <u>030</u>	Threat of reprisal
Sec. 9.32. 030. <u>040</u>	Harassment
Sec. 9.32. 035. <u>050</u>	Indecent exposure
Sec. 9.32. 040. <u>060</u>	Urinating in public prohibited
Sec. 9.32.050.	Use of fighting words

Sec. 9.32.010. ~~Defined; prohibited.~~ Disorderly Conduct

- A. It shall be unlawful for any person to commit any act which constitutes disorderly conduct as defined in this section.
- B. A person commits “disorderly conduct” if he or she intentionally, knowingly or recklessly:
 1. ~~Fights or brawls with another person~~ Fights with another in a public place except in an amateur or professional contest of athletic skill; or

2. Makes loud or unreasonable noise in a public place or near a private residence that he or she has no right to occupy; or
 3. Abuses or threatens another person or repeatedly makes coarse and obviously offensive utterances, gestures, or displays in a public place in such a manner as to cause the likelihood of a fight or brawl; and the abuse, threat or utterance, gesture, or display tends to incite an immediate breach of the peace; or
 4. Commits any act which is likely to lead to an immediate breach or disturbance of the peace; or
 5. Permits any conduct in any house or upon any premises owned or possessed by him or under his management or control, and within his power to prevent, so that others in the vicinity are disturbed thereby, or
 6. Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting or the ritual discharge of blank ammunition cartridges as an attendee at a funeral for a deceased person who was a veteran of the armed forces of the United States.
- ~~C. It is an affirmative defense to prosecution under subsection B of this section that the actor had significant provocation for his abusive or threatening conduct.~~

9.32.020 **Assault** *(no additional changes to this section of the Code)*

~~9.32.025-030~~ **Threat of reprisal** *(no additional changes to this section of the Code)*

9.32.030 040 **Harassment**

It is unlawful for any person, with the intent to harass, annoy or alarm another person, to:

- A. Follow a person in or about a public place; or
- B. ~~(Reserved)~~ Directly or indirectly initiate communication with a person, or direct language toward another person, anonymously or otherwise, by telephone, telephone network, computer, computer network, ~~or~~ computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily injury or property damage, or make any comment, request, suggestion or proposal by telephone, computer, computer network, ~~or~~ computer system or other interactive electronic medium that is obscene; or
- C. Make a telephone call or cause a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
- D. Make repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
- E. Strike, shove, kick or otherwise touch or subject another person to physical contact; or

- F. ~~In a public place, direct obscene language or make an obscene gesture to or at another person. Repeatedly insult, taunt, challenge, or make communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response. If the person to who such insult, taunt or challenge is directed is a police officer, there is no violation of this section until the police officer requests the person to cease and discontinue the conduct, and the person repeats or continues the conduct.~~
- G. As used in this section, unless the context otherwise requires, “obscene” means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.
- H. Any act prohibited by paragraphs B or C of this section may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail, or other electronic communication was either made or received.

9.32.035050 **Indecent Exposure**

It is unlawful for any person to indecently expose himself or herself. A person commits indecent exposure if he/she knowingly exposes his or her genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to such other person, with the intent to arouse or to satisfy the sexual desire of any person.

9.32.040060 **Urinating in public prohibited.** *(no additional changes to this section of the Code)*

~~9.32.050 **Use of fighting words.**~~

~~It is unlawful for any person to insult, taunt or challenge another person in a manner likely to provoke a violent or disorderly response. If the person to who such insult, taunt or challenge is directed is a police officer, there is no violation of this section until the police officer requests the person to cease and discontinue the conduct, and the person repeats or continues the conduct.~~

Section 2. Section 9.34.010 of the Louisville Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

Sec. 9.34.010 Disturbance of the peace.

- A. It is unlawful for any person to disturb or tend to disturb the peace and quiet of others by violent, tumultuous, offensive or obstreperous conduct or loud or unusual noises.
- B. The following acts are declared to be loud, disturbing or unnecessary noises in violation of this section: but shall not be deemed to be exclusive or limiting;

1. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, or other device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for any persons in the structure or vehicle in which the device is operated and who are voluntary listeners thereto. The operation of any such device between the hours of 12:00 midnight and 6:00 a.m. in such manner as to be plainly audible at a distance of 50 feet from the structure or vehicle in which it is located is prima facie evidence of a violation of this section.
2. Yelling, shouting, hooting, whistling or singing, particularly between the hours of 12:00 midnight to 6:00 a.m. or at any time or place as to annoy or disturb the quiet, comfort, or response of any persons in the vicinity.
3. City employees, city volunteers, city contractors, firefighters, emergency and rescue personnel, and law enforcement officers acting in the lawful performance of their duties are exempt from the prohibition in section 9.34.010.

Section 3. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 4. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this ____ day of _____, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly, PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this _____ day of _____, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

SUBJECT: **ORDINANCE NO 1791, SERIES 2020 – AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE LOUISVILLE MUNICIPAL CODE REGARDING WATER AND SEWER TAP FEES – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 1/26/20)**

DATE: **JANUARY 21, 2020**

PRESENTED BY: **KURT KOWAR, PUBLIC WORKS**

SUMMARY:

Staff recommends approval of the proposed changes to the municipal code to allow for water right dedication as a replacement to a portion of the water tap fees.

At the November 25, 2019 City Council meeting information about the establishment of City water tap fees was provided. As outlined at this meeting, Staff proposed modifications to the municipal code to allow for an alternative of providing water rights in lieu of the water resource portion of the tap fee.

The water resources portion of the tap fee provides funding for the City to acquire the appropriate supplies to serve the anticipated usage needs of the water utility connection. The water resource portion makes up approximately 74% of the proposed 2020 fee and continues to be the largest contributor for the last two tap fee increases. This alternative method will provide an equivalent option to utilize free-market conditions for those interested in development within the City.

FISCAL IMPACT:

The tap fees impact help support the City's cost to purchase water, as well as the costs associated with water facilities and capital projects, such as pipes, water treatment, water storage, and water pumping. Water rights in lieu of cash payments will have a zero net impact to the utility system.

PROGRAM/SUB-PROGRAM IMPACT:

This item impacts the Utilities program area, Water sub-program. Tap fees help the city fulfill the goal of ensuring safe, reliable, great tasting water.

RECOMMENDATION:

Approve Ordinance No. 1791, Series 2020 on second reading.

ATTACHMENT(S):

1. Ordinance No. 1791, Series 2020
2. [Link to November 25, 2019 Meeting Packet Discussing Tap Fee Calculations](#)

SUBJECT: ORDINANCE NO. 1791, SERIES 2020

DATE: FEBRUARY 4, 2020

PAGE 2 OF 2

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

**ORDINANCE NO. 1791
SERIES 2020**

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE LOUISVILLE
MUNICIPAL CODE REGARDING WATER AND SEWER TAP FEES**

WHEREAS, the City Council is authorized by the Louisville Home Rule Charter and state law, including but not limited to Charter Section 13-2 and C.R.S. §§ 31-15-708 and 31-35-101 *et seq.*, to regulate the use of the City water system, to establish the requirements for use of such system, and to from time to time fix, establish, maintain, and provide for the collection of rates, fees, and charges for water services furnished by the City; and

WHEREAS, the City Council has determined that it is appropriate to revise certain provisions of the Louisville Municipal Code regarding water and sewer tap fees as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Section 13.12.040.A of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

- A. Except as set forth in subsection E below, the ~~The~~ tap fee shall be computed by reference to the provisions of this chapter and set forth in a table of fees established by the city manager. The city manager shall by order enacted and effective on the effective date of Ordinance No. 1633, Series 2013, and thereafter on January 1 of each year, establish a table of city water tap fees.

Section 2. Section 13.12.040 of the Louisville Municipal Code is hereby amended by the addition of a new subsection E to read as follows:

- E. If the city manager or superintendent finds the municipal water utility would be benefited by the receipt of water rights instead of cash payments for water resources and water supply, the city manager or superintendent may determine that applicants obligated to make cash payments for water resources may instead dedicate water rights as set forth in this subsection E.
1. The dedication and conveyance of all water rights shall be complete, without any conditions or contractual clauses, outstanding assessments, liens or encumbrances.
 2. The applicant shall be responsible for reimbursing the city for all costs and fees, including transfer fees, associated with transferring into the city's municipal water system, any water rights dedicated by the applicant.
 3. All parties who dedicate units of CBT water to the city to meet the water resources portion of the tap fee shall calculate the number of CBT units to

dedicate to the city by the formula referenced in the table of fees established by the city manager in accordance with section 13.12.040. “CBT” means an allotment contract entitling the holder to a share of the water supply from the Colorado Big Thompson Project administered by the Northern Colorado Water Conservancy District (“NCWCD”). Other water rights may be considered on a case by case basis and shall be determined solely and exclusively by the city.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 21st day of January, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 4th day of February, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk