

Meeting Minutes

RMMA Community Noise Roundtable – Regular Meeting No. 14

March 14, 2022 - 9:00 AM

Approved at the April 11, 2022 Regular Meeting No. 15

1. Call to Order, Roll Call

The March 14, 2022, RMMA Community Noise Roundtable Regular Meeting was called to order by Chairperson Mark Lacis at approximately 9:00 A.M. A quorum (at least 5 Members present) was Present, the roll was as follows:

Town of Superior	Mark Lacis, Mayor Pro-Tem
Town of Arvada	John Marriott, Councilmember
Boulder County	Matt Jones, County Commissioner
City and County of Broomfield	Deven Shaff, Councilmember
Jefferson County	Tracy Kraft-Tharp, County Commissioner
City of Westminster	David DeMott, Mayor
City of Louisville	Kyle Brown, Councilmember
City of Lafayette	Tonya Briggs, Councilmember

2. Approval of the Agenda

John Marriott made a motion to approve the agenda, seconded by Tracy Kraft-Tharp. The motion passed unanimously.

3. Approval of the Minutes for February 14, 2022 RMMA Community Noise Roundtable Regular Meeting No. 13

John Marriott moved for approval of the minutes, seconded by Tracy-Kraft Tharp. The motion passed unanimously.

4. Public Comment

Bri Lehman, City of Lafayette
Brad Walker, Town of Superior
Babette Andre, City and County of Broomfield
Elizabeth Heidl, Skystone
Charlene Wiley (comments provided by Bri Lehman), City of Westminster

5. Roundtable Agenda Items

- D. *Update on RMMACNR Consulting Services*
 - i. Moderating Services (CDR has withdrawn)
 - ii. Visual Flight Rules (VFR) Routing Noise Abatement Procedures

Matt Jones expressed concerns over hiring HMMH due to a potential conflict of interest. Boulder County's request is that the RMMACNR reissue the RFP, with a requirement to disclose potential conflicts of interest, as well as a revised scope of work that incorporates a requirement to consider the equitable distribution of flights among communities. Matt Jones found it concerning that the HMMH consultant did not disclose that they were a potential expert witness for Jefferson County as part of a lawsuit with the Rock Creek Homeowners Association.

Ben Miller, RMMA Senior Planner, responded that through his research, three qualified firms were recommended for this type of work. When HMMH responded, he was unaware that HMMH was placed on a witness list as part of the Jeffco lawsuit. Kyle Brown also expressed concerns about the potential or perceived conflict of interest.

Mark Laxis responded that he was less concerned about using an expert witness that may have represented Jefferson County, as it was common in the legal profession for expert witnesses to serve many sides. However, it may be worth confirming with HMMH that they can serve the RMMACNR in an unbiased capacity. The other potential firm, ABCx2 could also be perceived to have a bias based on their previous work with the Town of Superior and City of Louisville. His main goal was to not have the RMMACNR get bogged down in the selection process when there is likely a limited selection of firms in the country.

Matt Jones clarified that Boulder County was good with paying for the facilitation costs but will make a decision on participating towards the aviation consulting costs based on the actions of the RMMACNR towards reissuing the RFP.

Mark Laxis asked for clarification on the type of testimony HMMH was retained to provide in the lawsuit for Jefferson County. Airport staff clarified the topic of the lawsuit, which involved specific conditions of an aviation easement. The court found that one of the conditions was violated in that the noise levels identified in the referenced easements had been exceeded for some portions of the easement.

Kyle Brown also expressed concerns about justifying the hiring of HMMH to his constituents. John Marriott stated that the potential task of HMMH was independent of any previous work of HMMH. He also expressed concerns about reissuing an RFP with a premise on an equitable distribution of flights due to that predicating the results. Tracy Kraft-Tharp mentioned that the community has been expecting this roundtable to move forward towards results. However, she would like to withdraw her previous motion due to the concerns of Boulder County and suggested that the RMMACNR refocus on the work plan.

Kyle Brown expressed concerns over a double-standard in that some members had issues over a potential bias with ABCx2, but other members' concerns over a bias with HMMH are being minimized. David DeMott asked for clarification on the

expectations for the consultant, given reissuing the RFP would create even further delays.

Mark Lacis noted that the roundtable needs the funding for substantive expertise in order to advance desired work products. The ask from last meeting was to increase member dues from \$3,600 per member to \$11,410 per member in order to pay for \$66,280 in HMMH and \$25,000 for facilitation services. CDR Associates has since notified the roundtable that they would not be able to provide facilitation services.

Jefferson County, the City of Lafayette, City of Westminster, Town of Arvada, and City of Louisville have or is about to approve the dues increase. The City and County of Broomfield and Boulder County have not yet approved the increase.

John Marriott suggested that since the roundtable does not have unanimous participation in the process and funding, he would agree with Tracy Kraft-Tharp to table her motion and continue to develop the work plan.

Matt Jones said that Boulder County would be willing to participate if the RMMACNR honored their request to reissue the RFP with the previously referenced conditions. John Marriott made a motion to table the VFR Routing Noise Abatement Procedures study until a further date. Tracy Kraft-Tharp seconded the motion and suggested that after a review of the work plan, this study could be initiated at a later date.

Kyle Brown suggested that the further the roundtable delays, the further this process benefits the airport. He has concerns over the conflict of interest with HMMH. Paul Anslow clarified that the recommendation of the firms presented was a result of advice from the FAA, and that the airport does not make additional revenue due to a delay in this process.

Tracy Kraft-Tharp mentioned that at her request, Paul Anslow reviewed the recommendations of the Superior/Louisville noise study and identified this study as one that might have potential results for the communities. Kyle Brown is fighting a perception in his community that the roundtable process is a sham.

Mark Lacis urged that the roundtable vote no on the motion as he wants the roundtable to move forward, and in addition, the airport is willing to work with the roundtable on this study. He requested that Ben Miller ask HMMH and ABCx2 to rebid the study, and have the roundtable be comfortable selecting a firm at the next meeting.

A vote was called on the motion from John Marriott. The Town of Arvada, City and County of Broomfield, and Jefferson County voted for the motion. The City of Louisville, Town of Superior, Boulder County, City of Westminster and City of Lafayette voted against the motion. The motion failed.

Airport director Paul Anslow said that the airport would not support a revised scope of work requiring the equitable distribution of flights among communities. This would pre-dispose the results of the study in an unrealistic manner.

Tracy Kraft-Tharp inquired as to the process going forward. Mark Lacin proposed that the Chair/Vice-Chair of the roundtable work with airport staff to rebid the process and bring back consultants to the April meeting for interview and selection. Tracy Kraft-Tharp suggested that we would essentially end up in the same place and wanted clarity before airport staff go through the process again.

Mark Lacin acknowledged that the RMMACNR may not be achieve unanimity in this process, and also acknowledged that the Boulder County request for the revised scope would predispose the study. David DeMott asked how he would insure accountability for the communities that already have approved funding. His community approved funding based on the specific RFP, and revised language may need to be reapproved by the City of Westminster. Matt Jones mentioned that his primary concern was the potential conflict of interest with HMMH.

Ben Miller provided his input that the RMMACNR, in hindsight, has been underfunded and could have made good use of an on-call aviation consultant from the beginning of the roundtable. As a result, much of the expertise has been asked from airport staff, which will inevitably be viewed with bias.

Mark Lacin proposed that the general funding increase request be viewed separate from the specific scope of work. When the roundtable determines the amount of funding available, members can then determine the best path forward towards hiring a consultant (or refund member dues if no study is initiated).

John Marriott expressed concerns that Boulder County is attempting to leverage their position on funding towards equitable distribution of flights. If the purpose is ultimately to direct 50 percent of traffic north and south, with five members of the roundtable north of the airport, the Town of Arvada is not ok with that.

Matt Jones clarified that his requested language included “equitable distribution of flights so that no one area have a disproportionate number of flights and corresponding noise.” He wants equitable distribution of flights to be on par with safety. John Marriott said that this language did not address his concerns. Kyle Brown suggested that this language may be appropriate, especially if it’s not typically a consideration in aviation studies.

Mark Lacin again suggested rebidding the RFP for VFR Routing Noise Abatement Procedures. John Marriott supported this if the rebid was based on the original scope of work, but that certainty of funding was even more important. Kyle Brown was not as concerned with the actual language of the scope of work but wanted to be sure that the distribution of flights was addressed in the process as seriously as any other concern.

Mark Lacin suggested tabling the discussion for now and set this topic on next month's agenda, but requested that members continue to seek the requested increase in dues.

B. *RMMACNR Financial Update*
Addressed above.

C. *Consideration and Adoption of Roundtable Workplan*
Postponed.

A. *Airport Director Update*

i. *Strategic Business Plan*

Airport Director Paul Anslow gave a presentation on the process and final result of the airport's Strategic Business Plan, with a focus on its relationship to other airport planning documents, and the way aircraft noise and environmental qualities were addressed in the plan.

ii. *Update on Noise Complaints Received*

Paul Anslow also reviewed the noise complaint data from 2021 and related it to previous years data. There were 201,426 airport operations in 2021, along with 2,845 noise complaints from 402 different households.

6. Committee or Board Member Reports

Tracy Kraft-Tharp – Requested that an airport tour be scheduled for current and new members of the roundtable.

7. Future Agenda Items

The Airport Director and Financial Update will become a regular part of the agenda. Next month's agenda will include a discussion of the RMMA Work Plan and next steps on the Visual Flight Rules (VFR) Routing Noise Abatement Procedures.

9. Adjourn

Mr. Lacin adjourned at 11:13 a.m.