

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

April 5, 2010

The City Council of the City of Grand Junction convened into regular session on the 5th day of April 2010 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. The Thunder Mountain Composite Squadron of Cadet Civil Air Patrol posted the colors and then led in the Pledge of Allegiance. That was followed by a moment of silence.

Council President Hill announced the recent State Championship won by the squadron and asked the squadron to come forward and introduce themselves. The squadron was recognized with a round of applause.

Proclamations/Recognitions

Proclaiming April 11 through April 18, 2010 as “Days of Remembrance” in the City of Grand Junction

Proclaiming April 16, 2010 as “National Health Care Decision Day” in the City of Grand Junction

Proclaiming April 2010 as “Child Abuse Prevention Month” in the City of Grand Junction

Proclaiming April 2010 as “Month of the Young Child” in the City of Grand Junction

Proclaiming April 2010 as “Month of the Military Child” in the City of Grand Junction

Introduction of New Police Chief John Camper/Oath of Office

City Manager Laurie Kadrich introduced Police Chief John Camper. Chief Camper spoke to the City Council providing a little background and expressed appreciation for the trust placed in him in his position. City Clerk Stephanie Tuin administered the Oath of Office to Chief Camper.

Presentation

Colorado Association Chiefs of Police Accreditation Presentation

Chief Camper introduced Keith Ikeda, Chief of Police for Basalt, CO and the Secretary/Treasurer for CACP, who presented the Chiefs of Police Accreditation to

Grand Junction Police Chief John Camper. Chief Ikeda advised that only about thirty agencies in the State of Colorado are accredited. The Police Department was audited by their CACP assessors and was found to have met or exceeded the 180 standards of the accreditation. He presented Chief Camper with a plaque of certification.

Appointments

To the Horizon Drive Association Business Improvement District

Councilmember Beckstein moved to reappoint Dale Reece and appoint Lynne Sorlye and Brenda Brock to the Horizon Drive Business Improvement District for four year terms to expire April 2014. Councilmember Coons seconded the motion. Motion carried by roll call vote.

To the Commission on Arts and Culture

Councilmember Coons moved to appoint Joy Potter, Felicia Renee Sabarinelli, and Gary Smith for three year terms expiring February 2013, and appoint Randall Cupp for a one year term to expire February 2011, all to the Commission on Arts and Culture. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

To the Forestry Board

Councilmember Kenyon moved to appoint Richard "Ike" Ellison, Robert Johnston, and Cliff Sprinkle to the Forestry Board for three year terms to expire November 2012. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Council Comments

There were none.

Citizen Comments

Bill Merkel, 2345 Yellow Cat Court, addressed the City Council on street lighting and his desire to enjoy the dark. There are three major street lights within fifty feet of his house. It really pollutes his house with light. He made several calls to try to determine how this happened. He described quite an ordeal trying to get an answer. He asked for more contemporary lights, not as tall and with the lighting more controlled. He suggested lights similar to the lights along Riverside Parkway. He asked the City Council to direct him in the right direction. Council President Hill directed Dr. Merkel to City Staff.

CONSENT CALENDAR

Councilmember Kenyon read the Consent Calendar and then moved to approve items #1 through #10. Councilmember Palmer seconded the motion. Council President Hill noted that a letter will be part of the record that Councilmember Beckstein has a client that was mentioned in the Consent Agenda.

Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the March 15, 2010 Regular Meeting

2. **Outdoor Dining Lease for 314 Main, LLC, DBA Dream Cafe, Located at 314 Main Street**

The owners of the Dream Cafe are requesting an Outdoor Dining Lease for the property located at 314 Main Street. They have been conditionally approved for a Sidewalk Cafe Permit to serve food outside in an area measuring 25ft. by 15ft. across the sidewalk from the front of the property. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area.

Resolution No. 15-10—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to the Dream Cafe

Action: Adopt Resolution No. 15-10

3. **Setting a Hearing on the Pepper Ridge Right-of-Way Vacation, Located at the South End of W. Indian Creek Drive** [File # FP-2008-136]

Applicant is requesting to vacate a portion of an existing, improved right-of-way in order to facilitate a residential development.

Proposed Ordinance Vacating Excess Right-of-Way for West Indian Creek Drive Located Within Pepper Tree Filing No. 3

Action: Introduction of Proposed Ordinance and Set a Public Hearing for May 3, 2010

4. **Setting a Hearing on the Extension Request for the Mesa State Outline Development Plan, Located at 29 Road and Riverside Parkway** [File # ODP-2008-154]

This is a request for a two-year extension of the approved Mesa State Outline Development Plan. This request would extend the date that the Developer has to apply for a Preliminary Development Plan from December 15, 2010 to December 15, 2012.

Proposed Ordinance Amending Ordinance No. 4314 Zoning the Mesa State Development to PD (Planned Development) Located at 2899 D ½ Road

Action: Introduction of Proposed Ordinance and Set a Public Hearing for April 19, 2010

5. **Drake Subdivision Vacation of Easement, Located at 488 23 Road** [File # VE-2009-153]

A request to vacate and relocate a 15-foot irrigation easement across Lot One, Lamplite Subdivision located at 488 23 Road.

Resolution No. 16-10—A Resolution Vacating a Portion of an Irrigation Easement Located on Lot One, and Relocating it on the Northern End of Lot One, Lamplite Subdivision, 488 23 Road

Action: Adopt Resolution No. 16-10

6. **Construction Contract for the Easter Hill Sewer Improvement District**

Upon completion of the Easter Hill Sewer Improvement District, seven properties will be able to connect to the Persigo Waste Water Treatment Plant and abandon their existing septic systems. The property owners and Persigo will share in the cost of providing the sewer service. Infrastructure will also be in place so that, at a future date, an additional 27 properties may be served by the Persigo System.

Action: Authorize the City Purchasing Division to Enter into a Construction Contract for the Easter Hill Sewer Improvement District with Sorter Construction Company, Inc. in the Amount of \$106,585. Award is to be Contingent on Formation of the District by the Mesa County Board of County Commissioners

7. **Contract for Hot Mix Asphalt for Streets Division 2010**

This request is for the purchase of approximately 2,000 tons of hot mix asphalt for the Streets Division to be used for road work and repairs for 2010. This material will be used to pave, re-pave, and repair numerous streets and roads throughout the City.

Action: Authorize the Purchasing Division to Purchase Approximately 2,000 Tons of Hot Mix Asphalt, on behalf of the Streets Division, from Elam Construction for an Estimated Amount of \$121,980

8. **Contracts for Aggregate and Road Material for Streets and Water Divisions 2010**

This request is for a contract award for the purchase of various sizes of aggregate and road materials for the City's Streets and Water Divisions for 2010. The Streets Division will use the aggregate and road materials for chip sealing as well as providing a stronger longer lasting base on which to apply the chip seal process. The Water Division also uses aggregate materials for installation and repair of water lines.

Action: Authorize the Purchasing Division to Enter into a Contract with Whitewater Building Materials and Grand Junction Concrete Pipe Co. to Provide Aggregate and Road Materials for the Streets Division, as well as a Contract with Gary Rinderle Construction to Provide Aggregate for the Water Division, for a Combined Estimated Amount of \$147,300

9. **Schuckman Boundary Line Agreement**

The City Council Property Committee has recommended that the Schuckman's (829 West Main Street) and the City (803 West Colorado Avenue) determine and fix a common boundary line between the properties.

Action: Authorize the City Manager to Sign the Proposed Boundary Line Agreement

10. **Saccomanno Property Farm Lease**

The Saccomanno property (H and 26 ½ Roads) has been leased and farmed by Frank Fisher for a number of years. Mr. Fisher and the City wish to renew the lease for the next two years.

Resolution No. 17-10—A Resolution Authorizing a One-Year Farm Lease of the

“Saccomanno Park Property” to Frank M. Fisher

Action: Adopt Resolution No. 17-10

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—KD Annexation and Zoning, Located at 823 22 Road [File # ANX-2010-006]

Request to annex and zone 10.12 acres, located at 823 22 Road, to I-1 (Light Industrial). The KD Annexation consists of one (1) parcel and is a two part serial annexation.

The public hearing was opened at 7:46 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. He asked that the Staff Report and attachments be entered into the record. The annexation meets the criteria for annexation. The Planning Commission recommended approval at their March 9, 2010 meeting. The representative does not need to do a presentation unless the City Council has questions. Mr. Rusche noted the applicant is not present.

There were no public comments.

The public hearing was closed at 7:47 p.m.

a. Accepting Petition

Resolution No. 18-10—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the KD Annexation, Located at 823 22 Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4417—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, KD Annexation, Approximately 10.12 Acres, Located at 823 22 Road

c. Zoning Ordinance

Ordinance No. 4418—An Ordinance Zoning the KD Annexation to I-1 (Light Industrial), Located at 823 22 Road

Councilmember Coons moved to adopt Resolution No. 18-10 and Ordinance Nos. 4417 and 4418 and ordered them published. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Memorandum of Understanding with CDOT for Highway 6 (North Avenue) Swap and Riverside Parkway/US Highway 50 Interchange

This Memorandum of Understanding (MOU) is a clarification of the Intergovernmental Agreement (IGA) 05HA300062 that was signed with the Colorado Department of Transportation (CDOT) on October 31, 2005 as part of CDOT's approval of the Highway 50/Riverside Parkway interchange. The IGA called for CDOT to maintain the three Riverside Parkway structures constructed by the City at Highway 50 interchange in exchange for the City taking over the Highway 6 (North Ave) from Bozarth's on the west to I-70B on the east. The main points of the MOU are to clarify the legal limits of the North Avenue swap as well as the limits of the structures, walls, and ramps to be maintained by CDOT.

Tim Moore, Public Works and Planning Director, presented this item. This subject came forward during the approvals of the Riverside Parkway. The Colorado Department of Transportation was trying to reduce the number of lane miles that they had responsibility for. The original agreement was entered into in 2005. The City's responsibility on North Avenue would run from the bridge near Lilac Park on the west to the intersection with I-70 Business Loop on the east. In exchange, CDOT will be responsible for the three bridge structures on the Riverside Parkway. The City will still be responsible for landscaping, the nonstructural landscape retaining walls, the ramps, graffiti cleanup, lighting, signing and traffic signals. The City will no longer receive the revenues paid by CDOT in the past for the maintenance of North Avenue of about \$90,000 and will be paying for the lighting at a cost of \$7,000 but the City will not have to maintain and ultimately replace the three big bridge structures.

Councilmember Palmer asked about the statement that the signs will fall under the Brooks Law. Mr. Moore deferred to the City Attorney.

City Attorney John Shaver said it will depend on the particular type of sign. There are on-premise outdoor advertising signs and off-premise outdoor advertising signs. The Federal Statutes, including the Highway Beautification Act and the Brooks Law, refer specifically to off-premise advertising which is prohibited. The on-premise signs, specifically the electronic signs, are addressed to ensure the signs do not flash and distract drivers.

Council President Hill asked if the Brooks Law is a Federal Law that the State Law has to apply. City Attorney Shaver confirmed that to be correct.

Councilmember Palmer asked if the current electronic signs on North Avenue will have to be removed. City Attorney Shaver said they can stay.

Councilmember Beckstein asked about the accrual costs identified in the agreement for the replacement of the bridge structures. Public Works and Planning Director Moore said that is how the City would accrue to replace those structures. It is uncertain how CDOT will provide those replacement costs.

Councilmember Coons asked why CDOT still has jurisdiction over the signs when the street is transferred. She expressed concern on the bridge replacement costs, and asked how the City can be assured that CDOT will have the money when the bridges need to be replaced.

Mr. Moore said the federal government would be concerned if the bridge structures were deficient over their highway system. The Federal Highway Administration watches that very closely.

Councilmember Susuras had similar concerns; the City will lose the revenue and there is concern whether the State will have the money to replace the bridges when needed.

Councilmember Kenyon was concerned that the contract is coming from a low level in CDOT and asked if the Transportation Director Russ George has approved the agreement. Mr. Moore said the Transportation Commission had to approve the original agreement.

Councilmember Palmer asked Mr. Moore to outlay the benefits to the City with this agreement. Mr. Moore said it gives the City ownership, the ability to partner with developers to make improvements to the roadway and the ability to make the decisions on access plans.

Council President Hill expressed that the Brooks Law being applied to North Avenue when the City has jurisdiction is overreaching. Mr. Moore agreed it was not in the original agreement. Council President Hill said he is not opposed to helping the businesses from knowing the State Law but he is opposed to the City taking responsibility for enforcement.

City Attorney Shaver explained the connection and a prior agreement between the State and the Federal government that brings this law forward and, according to the State, the City takes on that responsibility when it takes over a State Highway.

Councilmember Kenyon expressed that the City is trying to gain some control over North Avenue where CDOT being involved makes it more difficult, yet they can throw in this string attached.

City Attorney Shaver advised that, although they recommend the agreement, the City Council does not have to accept the agreement.

Council President Hill asked about any examples where things have not gone forward due to CDOT's involvement. Mr. Moore said access issues can be a concern. He did not have a specific example.

Councilmember Pitts said he has not had a problem with CDOT declining access in his experience with properties along State Highways.

Councilmember Coons asked what the City loses if the agreement is not accepted. Mr. Moore said CDOT will continue to monitor the sign code. The deficiencies on North Avenue affect pedestrians and bus improvements. CDOT will not likely participate in those improvements.

Councilmember Beckstein asked Mr. Moore why his department is bringing this forward. She asked if keeping CDOT involved is adding an extra layer of bureaucracy in the development of the North Avenue Corridor Plan. Mr. Moore concurred, especially taking a long range view, the City would like to control the destiny of North Avenue and does not want the responsibility of replacing the three bridges on the Riverside Parkway.

Councilmember Coons asked what the likelihood is of CDOT to challenge that provision in the agreement. City Attorney Shaver said he is not sure, the City instead made adjustments to the Sign Code Amendments. CDOT did make it clear that it is their belief that the City must accept the responsibility.

Councilmember Beckstein asked how onerous is it to step into CDOT's shoes regarding enforcement. City Attorney Shaver said it would not be, the body of law is there and the mechanism to enforce it is there.

Councilmember Susuras asked if there is a deadline on making a decision on the MOU. Council President Hill said there is not.

Resolution No. 19-10—A Resolution Authorizing a Memorandum of Understanding Between the City of Grand Junction and the Colorado Department of Transportation (CDOT) Regarding the Transfer of Highway 6 (North Avenue) in Exchange for CDOT Maintenance and Eventual Replacement of the Three Bridge Structures Associated with the Riverside Parkway/State Highway 50 Interchange

Councilmember Beckstein moved to adopt Resolution No. 19-20. Councilmember Palmer seconded the motion.

Councilmember Pitts said the agreement has been in the mill for quite some time and this agreement will eliminate a layer of government. There is a North Avenue Plan, it will be easier if they won't have to continue to check with CDOT on rolling out that plan.

Councilmember Kenyon said he has concerns that neither CDOT nor the City has the money to do this work. He has little confidence that CDOT will have the ability to perform. He would like to agree with Councilmember Pitts but CDOT kept the Sign Code so they kept control. That keeps him from supporting the agreement.

Councilmember Palmer has issue with Brooks Law and the loss of revenue. He doesn't think the City is gaining with the loss of revenue and the looming obligation. He therefore does not support the agreement.

Councilmember Susuras said if CDOT retains control, they control all the signage that can be seen from the road and that is a detriment. He would like to see it continued or else he will have to vote no. Council President Hill said saying no doesn't mean it won't come back.

Councilmember Coons said she doesn't like the current form of the agreement but she sees some benefits and agrees with Councilmember Pitts on developing North Avenue. She is therefore torn. She is concerned about the structure of the MOU as written. She would have to vote no and hope it comes back in a different form.

Council President Hill said it made sense in 2005 but this current agreement does not make sense. The Sign Code stays either way, so the City does not gain and actually loses, and the City will have to enforce it. There is no net gain. CDOT does not have sufficient funding to take on the bridge replacements. The reality is the North Avenue Plan is a good one and he does not believe CDOT will be a barrier to that development.

Motion failed by roll call vote with Council President Hill and Councilmembers Susuras, Coons, Kenyon and Palmer voting NO.

Council President Hill called a recess at 8:37 p.m.

The meeting reconvened at 8:43 p.m.

Public Hearing—Adoption of the Zoning and Development Code [File # TAC-2010-020]

Proposed ordinance to repeal the 2000 Zoning and Development Code, certain sections of the Transportation Engineering Design Standards Manual, and adoption of the 2010 Zoning and Development Code.

The public hearing was opened at 8:43 p.m.

Tim Moore, Public Works and Planning Director, introduced this item. Mr. Moore stated this process has taken sixteen months and this comes forward with a recommendation of approval from the Planning Commission. He then introduced Lisa Cox, Planning Manager, to review the changes.

Lisa Cox, Planning Manager, stated the purpose of the changes to the Zoning and Development Code was to be able to implement the Comprehensive Plan. The Planning Division worked with a consultant and the key stakeholders in the community. They first developed five key objectives to shape or frame the updating of the Code:

- Implement the Vision and Goals of the Comprehensive Plan
- Remove barriers to development and redevelopment
- Reduce the burden of nonconformities
- Streamline the development review process
- Reorganize and reformat the Code to make it more user friendly

In order to become one of the most livable communities in the Rockies, one of the key focuses of the plan is to grow inward and upward. There are six guiding principles developed to help the shape the future growth of the community. Some of the major changes designed to implement the Vision and Goals of the new Plan are:

- Encourage special consideration for Centers, Downtown and Mixed Use Opportunity Corridors (amendment process, form based districts, Alternative Parking Plan, etc.)
- Eliminated or reduced minimum lot size for most residential zone districts
- Old Code combined nonconforming use, sites and structures...new format separates each into its own section to be more user-friendly
- Staff administered review and approval of subdivisions, condominium plats and lease holdings
- Made changes in Code organization/reformatting, consolidate similar topics (ie: fence provisions, group homes)

The sole purpose was to make it consistent with the Comprehensive Plan.

Ms. Cox then reviewed the process for the development of the changed Code. The Planning Commission reviewed the proposed Code on March 9, 2010. There are three slight changes since then. They are:

- To ensure that minimum density can be achieved in the R-4 zone district, Staff proposes that the minimum lot size be reduced from 8,000 square feet to 7,000 square feet and that the minimum lot width be reduced from 75 feet to 70 feet. The proposed change is found in Section 21.03.040(e).
- Because the market may not be ready for the density/intensity that the Comprehensive Plan anticipates (particularly in new Village and Neighborhood

Centers) Staff proposes that an interim land use (temporary) be allowed as a Special Permit. As an example, allowing an interim use would permit a property owner to gain use and value from their property until the market is ready for the growth anticipated by the Comprehensive Plan. The proposed change is found in Section 21.02.120.

- If a trail(s) has been constructed in addition to the construction of required sidewalks, the owner may request an offset or credit for the cost of construction of the trail(s) against the Open Space Fee. The proposed change is found in Section 21.06.020(c).

The Planning Commission did recommend approval of the Zoning and Development Code. There was a discussion to eliminate a bar/nightclub use in an I-1 zone district but Staff recommends that they still be allowed.

Council President Hill suggested that the Code be considered as originally presented and the four amendments can be considered separately.

Council President Hill asked for public comments.

Mark Abbott, 399 West Valley Circle, and also a Planning Commissioner, said he is for adoption of the Code and, as a private citizen, does not believe alcohol and bars should be in any industrial zone. There are hazards in an industrial zone and workers should not be able to walk to a bar and go back to work. Also after work they have further to drive home and are close to the interstate, thus creating more risk.

Ted Ciavonne, 474 North Sherwood Drive, said the process has gone on longer than sixteen months as it started in 2006. Band-aid changes were made then and he is pleased to see the document finally come forward. He supported adoption.

There were no other public comments.

The public hearing was closed at 9:01 p.m.

Councilmember Susuras felt that Mr. Abbott's comment conflicts with the first goal of the Comprehensive Plan. Council President Hill asked Councilmember Susuras to hold that thought.

Councilmember Beckstein lauded the Staff for their work and their ability to listen to the Council comments during the process. She supports the changes made.

Councilmember Coons thanked the Staff as well as the committee including Ted Ciavonne. She appreciated their attention to detail.

Councilmember Pitts said he thinks there are pro's and con's in the new Code. Some things he does not like are the matrix, the zoning areas, it is not strict enough, he does not like density credits or the clustering for undevelopable ground, liquor should not be in industrial zoning, and there is no definition of neighborhood compatibility. Things he does like are the reduced number of pages, the latitude given to the Planners, the requirement for neighborhood meetings and the requirement that the Planner be there, and the attention that will be given to the citizen concerns. He is in favor of adoption.

Council President Hill said this change coupled with the new software will be a significant change. It is too bad there is not more development at this time but that will return. Adjustments will need to be made, Mr. Moore, the Director of Public Works and Planning, has been given authority to make decisions but he shouldn't feel like he has to always make the same decision, as things change. As things come up and adjustments are needed, adjust and move back as needed. If something in the Code is noticed that is not working, bring it forward to Council.

Ordinance No. 4419—An Ordinance Repealing the 2000 Zoning and Development Code, Repealing Certain Sections of the Transportation Engineering Design Standards Manual, and Adopting the 2010 Zoning and Development Code

Councilmember Kenyon moved to adopt Ordinance No. 4419 and ordered it published in pamphlet form. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Council President Hill asked for comments on the proposed amendments.

Councilmember Susuras questioned eliminating bars in I-1 as it is inconsistent to keep it only out of I-1 and leave in the other industrial zones.

Councilmember Beckstein agreed with Councilmember Susuras but added that bars do not fit in I-1 or I-2 zoning areas. Bars are not a good fit for valuable and limited industrial areas.

Councilmember Pitts agreed with Councilmember Beckstein.

Councilmember Kenyon said it will be brought forward on a case by case basis and evaluated when brought forward.

Councilmember Coons agreed; it is up to the landowner to determine whether the land is reserved for industrial use and it is up to them to decide the highest and best use. City Council will review them on a case by case basis.

Council President Hill called for motion.

Councilmember Beckstein moved to amend the Code so that bars and nightclubs are not allowed in IO, I-1, or I-2 zone districts. Councilmember Pitts seconded. Discussion ensued.

Councilmember Kenyon said he would want the property owner to decide the best use for the land and Council will review any applications, so he will not support the amendment.

Councilmember Susuras agreed with Councilmember Kenyon.

Council President Hill cautioned Council about disallowing the use to the point where it would not be allowed anywhere.

Motion failed with Council President Hill, and Councilmembers Kenyon, Palmer, Susuras, and Coons voting NO.

Council President Hill suggested that the other three amendments be taken back through the process as the Planning Commission had not reviewed them.

Councilmember Palmer moved to refer the other items proposed for change to the Zoning and Development Code back to the Planning Commission. Councilmember Kenyon seconded. Motion carried by roll call vote.

Public Hearing—Sign Code Amendment [File # TAC-2009-251] **(Continued from March 1, 2010)**

Proposed amendment to repeal and reenact Section 21.06.070(b)(6) and amend Section 21.06.070(g)(4) of the Zoning and Development Code regarding lighted, moving and changeable copy on and off premise signs.

The public hearing was opened at 9:22 p.m.

Lisa Cox, Planning Manager, presented this item. This is the first amendment to the newly adopted Zoning and Development Code. She explained that it pertains to signs that are electronic and have motion and also to off-premise signs. The sign code is outdated and does not recognize the new technologies. The current code only allows electronic signs to make changes once every 24 hours. This affects business owners and the City at its facilities. The proposal references State Law for the guiding regulations. The amendment will be more permissive for the community, but if on a State or Federal highway, it will be subject to State enforcement. Staff recommends adoption.

Councilmember Pitts asked if this changes the City's appearance likened to Las Vegas.

Ms. Cox said she did not think so.

Councilmember Coons asked about the other remaining restrictions and does this only affect how digital signs change. Ms. Cox said the tri-vision signs will also be affected. The other regulations such as height, size, etc. stay intact.

Council President Hill asked for public comments.

Bud Preuss, 978 24 Road, owner of Bud's Signs, thanked the City Planners for keeping the Sign Code the way it is. He thought the change to the electronic signs is a good thing. He favored it as a citizen and a business owner.

There were no other comments.

The public hearing was closed at 9:30 p.m.

Councilmember Kenyon said it is an improvement and eliminates provisions that inhibit the use of signs. He is in favor.

There were no other Council comments.

Ordinance No. 4420—An Ordinance Regarding Lighted, Moving and Changeable Copy On and Off Premise Signs

Councilmember Palmer moved to adopt Ordinance No. 4420 and ordered it published. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 9:32 p.m.

Stephanie Tuin, MMC
City Clerk