

**GRAND JUNCTION CITY COUNCIL**  
**MINUTES OF THE REGULAR MEETING**  
**June 1, 2016**

The City Council of the City of Grand Junction convened into regular session on the 1<sup>st</sup> day of June, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Martin Chazen, and Council President Phyllis Norris. Councilmembers Barbara Traylor Smith and Rick Taggart were absent. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Kennedy led the Pledge of Allegiance which was followed by a moment of silence.

**Proclamation**

Proclaiming the Month of June and Wednesday, June 22, 2016 as “Bike Month and Bike to Work Day” in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Kristen Heumann, Chair of the Urban Trails Committee, and David Lehmann, Vice Chair of the Urban Trails Committee, were present to receive the proclamation. They were accompanied by several others representing Bike Month. Ms. Heumann thanked City Council for the proclamation noting the event is growing in popularity. She listed a number of bike related events.

**Appointments**

**To the Forestry Board**

Councilmember Kennedy moved to appoint Mollie Higginbotham as 2<sup>nd</sup> alternate to the Forestry Board for the remaining portion of a three year term expiring November 2018. Councilmember Chazen seconded the motion. The motion carried by roll call vote.

**To the Downtown Development Authority/Downtown Grand Junction Business Improvement District (DDA/BID)**

Councilmember Chazen moved to appoint Tom LaCroix to the Downtown Development Authority/Downtown Grand Junction Business Improvement District for a four year term expiring June 2020. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

---

### **Certificates of Appointment**

#### **To the Horizon Drive Association Business Improvement District**

Councilmember Boeschenstein presented a certificate of appointment to Chuck Keller to the Horizon Drive Association Business Improvement District. Mr. Keller thanked City Council for their support.

#### **To the Parks and Recreation Advisory Board**

Councilmember Kennedy presented a certificate of reappointment to Bob Wiig and certificates of appointment to Abby Landmeier and Sam Susuras to the Parks and Recreation Advisory Board. They all thanked City Council.

### **Citizen Comments**

Bruce Lohmiller, 536 29 Road, spoke to Council regarding what he referred to as "Poison for Profit" in relation to the energy industry and using alternative sources of energy; relaxed standards are being proposed that would benefit both the environment and consumers. Also, he felt the two week homeless shelter program, held at Cashman Center during the Christmas season by the City of Las Vegas, was helpful.

Ed Kowalski, 2871 Orchard Avenue, said he felt compelled to address sidewalks and safety. He questioned how he could get the Council to listen. He spoke with the Principal of Nisley Elementary School who feels safety for kids getting to school is of the utmost importance. There are no sidewalks from the Pathways development to the school. He questioned if everything that can be done is being done.

Richard Swingle, 443 Mediterranean Way, addressed the City Council and presented a slide show titled "Welcome and Go Find a Rock". He welcomed the coming of the new City Manager Greg Caton. He then talked of his experience with a manager at a previous job. He compared the story with the City Council, Best Practices, and what is wrong with City Councils.

### **Council Comments**

Councilmember McArthur had no comments.

Councilmember Boeschenstein listed the meetings he attended including the Grand Junction Economic Partnership's (GJEP) Western Colorado 2016 Economic Summit he attended that day.

Councilmember Chazen said he did a ride-along with the Grand Junction Police Department (GJPD); it was an eye opening experience and he encouraged all citizens

to register their bicycles with the GJPD. He listed other meetings he attended which included the DDA/BID, where they settled on a new structure for the DDA/BID. He went to the Junior College Baseball World Series (JUCO) Banquet; it was a good program on past and present participants. He also went to the Veterans Ceremony at the Veterans Memorial Cemetery of Western Colorado on Memorial Day.

Councilmember Kennedy said the Grand Junction Off-Road and Music Festival was a great event and he thanked all those involved. He recognized all veterans and wished them and their families a retrospective Memorial Day.

Council President Norris said she went to the Police Week Memorial which was well attended.

### **Consent Agenda**

Councilmember McArthur read the Consent Calendar items #1 through #9 and moved to adopt the Consent Calendar. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Summaries of the May 2, 2016 and May 9, 2016 Workshops, the Minutes of the May 18, 2016 Regular Meeting, and the Minutes of the May 23, 2016 Special Session*

2. **Setting a Hearing Amending Sections of the Zoning and Development Code to Add a New Category for Stand-Alone Crematories**

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by adding a new category for stand-alone crematories.

Proposed Ordinance Amending Section 21.04.010 Use Table, Section 21.06.050(c) Off-Street Required Parking, and Section 21.10.020 Terms Defined Concerning Crematories

*Action: Introduce a Proposed Ordinance and Set a Public Hearing for June 15, 2016*

3. **Setting a Hearing for the PIA Zone of Annexation, Located at 2757 Hwy 50**

A request to zone 2.784 acres located at 2757 Hwy 50 from a County C-2 to a City C-2 (General Commercial) zone district in conjunction with the property being annexed into the City.

Proposed Ordinance Zoning the PIA Annexation to C-2 (General Commercial), Located at 2757 Highway 50

*Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for June 15, 2016*

4. **Setting a Hearing on the Retherford Annexation, Located at 2089 Broadway**

A request to annex 0.84 acres located at 2089 Broadway. The Retherford Annexation consists of one parcel of land (0.48 acres in size) and 0.36 acres of public right-of-way of Broadway (Hwy. 340) and Jesse Way.

Resolution 22-16 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Retherford Annexation, Located at 2089 Broadway

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Retherford Annexation, Located at 2089 Broadway, Consisting of One Parcel and 0.36 Acres of Broadway and Jesse Way Rights-of-Way

*Action: Adopt Resolution No. 22-16, Introduce a Proposed Annexation Ordinance, and Set a Hearing for July 20, 2016*

5. **Setting a Hearing on an Ordinance Approving a Loan Contract with the Colorado Water Conservation Board for the Hallenbeck No.1 Downstream Slope Repair, Relating to a Loan in the Maximum Principal Amount of \$1,010,000 Payable from Net Revenues of the City's Water Activity Enterprise**

The City Water Department has applied for a loan from the Colorado Water Conservation Board to facilitate repair of the Hallenbeck No. 1 Dam (Purdy Mesa). The dam experienced a structural failure in June of 2014 and has been drained since that time. City Council approved debt funding for this project during the 2016 budget review process.

Proposed Ordinance Approving a Loan from the Colorado Water Conservation Board to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Contract and a Promissory Note to Evidence Such Loan; Authorizing the Execution and Delivery of Certain Documents Related Thereto, Including a Security Agreement; and Prescribing Other Details in Connection Therewith

*Action: Introduce a Proposed Ordinance, Set a Hearing for June 15, 2016, and Authorize the President of the Council to Enter into the Contract for a Loan up to \$1,010,000*

6. **Outdoor Dining Lease for Just Be, LLC dba Barons, Located at 539 Colorado Avenue**

Barons, located at 539 Colorado Avenue, is requesting a first-time Outdoor Dining Lease for an area measuring approximately 480 square feet directly in front of the building. The lease would permit the business to include the leased area in their licensed premise for alcohol sales.

Resolution No. 23-16 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Just Be, LLC dba Barons, Located at 539 Colorado Avenue

*Action: Adopt Resolution No. 23-16*

7. **Outdoor Dining Lease for Las Marias, Inc. dba Las Marias, Located at 118 S. 7<sup>th</sup> Street**

Las Marias, located at 118 S. 7<sup>th</sup> Street, is requesting a first-time Outdoor Dining Lease for an area measuring 304 square feet directly in front of the building. The lease would permit the business to include the leased area in their licensed premise for alcohol sales.

Resolution No. 24-16 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Las Marias, Inc. dba Las Marias, Located at 118 S. 7<sup>th</sup> Street

*Action: Adopt Resolution No. 24-16*

8. **Vistas at Tiara Rado Phase II, Multi-Purpose Easement Vacation, Located at 2063 S. Broadway**

The applicant, Hatch Investments LLC, requests approval to vacate a public multi-purpose easement in anticipation of the next phase of development at Vistas at Tiara Rado. The proposal is to vacate the encumbered area where the existing multi-purpose easement is located in order to accommodate new building footprint designs and rededicate a new multi-purpose easement on the proposed subdivision plat.

Resolution No. 25-16 – A Resolution Vacating a Multi-Purpose Easement for the Vistas at Tiara Rado, Phase II Residential Development, Located at 2063 S. Broadway

*Action: Adopt Resolution No. 25-16*

9. **Contract to Install the HVAC for City Hall IT Server Room**

This request is to award a contract for the supply and installation of a new HVAC system for the upcoming relocation of the City's IT Server Room at City Hall.

*Action: Authorize the Purchasing Division to Enter into a Contract with Arctic Cooling and Heating, Grand Junction, to Provide and Install a New HVAC System at City Hall for the New IT Server Room in the Amount of \$189,408*

### ITEMS FOR INDIVIDUAL CONSIDERATION

#### **Application for US Department of Justice Annual Justice Assistance Grant (JAG) for Technology Enhancements for Information Sharing**

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance program of the US Department of Justice to apply for an annual grant for 2016 in the amount of \$28,487. If awarded, these funds will be used toward the annual contract maintenance of SmartForce software that provides a platform to access data from several information systems involved in operations. (The SmartForce software was approved/purchased utilizing last year's JAG grant). In addition, the remaining funds (\$4,487) will be used to purchase upgrades to current technology for the Investigations Unit.

As part of the application process, the Bureau of Justice Assistance requires that City Council review and authorize receipt of the grant, and provide an opportunity for public comment. Therefore, a public comment opportunity is requested for the purpose of satisfying this requirement.

John Camper, Police Chief, presented this item and the reason for the request. The funding will be used for the maintenance of software purchased last year with a portion to be used for technology enhancements. The JAG is for \$28,487. The grant does require an opportunity for public comment.

There were no public comments.

Councilmember Boeschstein moved to authorize the Interim City Manager to apply for these funds, and if awarded, to manage \$28,487. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

#### **Sole Source Approval to Purchase Econolite's Advanced Transportation Management System, Centracs, as a Replacement for the Current System**

The centralized management system software that is used to operate and program individual traffic signal controllers is referred to as an Advanced Transportation Management System (ATMS). The Transportation Engineering Division has utilized ATMS software for over two decades, and is currently using an outdated and obsolete version of Econolite's system. This purchase would update the system to the current version of Econolite's ATMS, which is named Centracs.

Greg Lanning, Public Works Director, presented this item, the use of the system for traffic management, and the reasons why the request is for a Sole Source purchase with Econolite. The original system was donated to the City twenty years ago and the sole source product is compatible with the existing hardware. Other systems were reviewed and compared. The amount is budgeted for the purchase.

Councilmember Chazen asked how long this system is anticipated to last. Mr. Lanning said it should last at least five years, but it is hard to say due to the speed at which technology is changing. This purchase price includes the annual maintenance and support.

Councilmember Boeschstein asked if each signal will require modification. Mr. Lanning said the software at the control station allows for 25 additional licenses. Each signal does have a component that needs to be changed and that will be a phased project.

Councilmember Chazen moved to authorize the City Purchasing Division to Sole Source the purchase of Centracs, an Advanced Transportation Management System, from Econolite, in the amount of \$122,710. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

### **Public Hearing – Studt Annexation and Zoning, Located at 227 29 Road**

A request to annex property located at 227 29 Road and zone the 0.9 acre parcel from a County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

The public hearing was opened at 7:40 p.m.

Senta Costello, Senior Planner, presented this item. She described the site, the location, the surrounding zoning, and the request. No concerns were expressed during the neighborhood meeting held on January 25, 2016. The Planning Commission recommended approval at their May 10, 2016 meeting.

Councilmember McArthur asked if the lot to be annexed is comparable in size to the surrounding lots and if a City sewer connection is available. Ms. Costello said it is a little deeper and narrower, but meets the minimum lot requirements and a City sewer connection is available.

Council President Norris commented that she felt this will be a good development for the area.

There were no public comments.

The public hearing was closed at 7:44 p.m.

Resolution No. 26-16 – A Resolution Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings, and Determining that Property Known as the Studt Annexation, Located at 227 29 Road, is Eligible for Annexation

Ordinance No. 4699 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Studt Annexation, Consisting of One Parcel of 0.9 Acres, Located at 227 29 Road

Ordinance No. 4700 – An Ordinance Zoning the Studt Annexation to R-4 (Residential 4 du/ac), Located at 227 29 Road

Councilmember Kennedy moved to adopt Resolution No. 26-16 and Ordinance Nos. 4699 and 4700 on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing – Petition to Include Properties Located at 735, 737, and 749 South Avenue and 821 First Avenue in the Boundaries of the Downtown Development Authority (DDA)**

LOJO Partnership, LLP has submitted a petition to include 735, 737, and 749 South Avenue and 821 First Avenue in the boundaries of the Downtown Development Authority. The properties have been consolidated and replatted as a part of 630 S. 7<sup>th</sup> Street, which is already within the DDA boundary.

The public hearing was opened at 7:45 p.m.

Kathy Portner, Interim Downtown Development Authority Director, presented this item and described the request.

Councilmember Kennedy said it is great to see the Downtown Development Authority (DDA) expanding its boundaries to the south. Councilmember Boeschstein agreed noting that the 7<sup>th</sup> Street Corridor needs to be redeveloped to the south.

Councilmember Chazen said he is very supportive of the request. He asked Ms. Portner to describe the impact this inclusion will have on the City.

Ms. Portner said the inclusion of the property into the DDA boundary will trigger an additional mill levy to the DDA. The additional TIF (tax increment financing) assessment comes into play when improvements to the property are made.

Council President Norris asked if the alleys are included in the request. Ms. Portner advised that the alleys were previously vacated so yes they will be included.

There were no public comments.



The public hearing was closed at 7:49 p.m.

Ordinance No. 4701 – An Ordinance Expanding the Boundaries of the Grand Junction, Colorado, Downtown Development Authority to Include 735 South Avenue, 737 South Avenue, 749 South Avenue, and 821 First Avenue

Councilmember Chazen moved to adopt Ordinance No. 4701 on final passage and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

### **Public Hearing – Hoesch Street Vacation, Located West of 723 W. White Avenue**

A request to vacate the undeveloped portion of Hoesch Street located south of W. White Avenue and west of the property located at 723 W. White Avenue.

The public hearing was opened at 7:50 p.m.

Senta Costello, Senior Planner, presented this item. She described the request and the location.

Councilmember McArthur asked how the property is currently zoned. Ms. Costello said it is zoned I-1 and has been developed as an industrial supply company.

Councilmember Chazen asked what is south of this vacation. Ms. Costello said it is the portion of right-of-way for 635 W. White Avenue which is east of this property.

Councilmember Boeschstein asked if a utility easement should be maintained. Ms. Costello said no, there aren't any utilities located in this area.

There were no public comments.

The public hearing was closed at 7:55 p.m.

Ordinance No. 4702 – An Ordinance Vacating Right-of-Way for Hoesch Street, Located West of 723 W. White Avenue

Councilmember Boeschstein moved to adopt Ordinance No. 4702. Councilmember McArthur seconded the motion. Councilmember Boeschstein amended his motion to include on final passage and ordered final publication in pamphlet form. Councilmember McArthur seconded the amended motion. Motion carried by roll call vote.

---

**Public Hearing – Amending Title 31, Comprehensive Plan, of the Grand Junction Municipal Code by Adding Section 31.12 Wireless Master Plan**

The proposed ordinance amends Title 31, of Volume III: Comprehensive Plan of the Grand Junction Municipal Code (GJMC) by adding Section 31.12, Wireless Master Plan. The purpose of the amendment is to adopt the Wireless Master Plan (WMP) as an element of the Comprehensive Plan (CP).

The public hearing was opened at 7:56 p.m.

Jim Finlayson, Information Technology Director, presented this item and explained the purpose which is to provide wireless coverage while minimizing the visual impacts of having that coverage.

Susan Rabold, Project Manager for CityScape Consultants, explained how an infrastructure inventory was developed, frequency gap areas were identified, and stakeholder preferences were documented. This information is designed to help wireless companies maximize the use of existing towers and identify new sites for better coverage. Then they did some modeling for the high and low frequency needs and identified areas where there is no coverage. They have modeled the areas and the different kinds of coverage that will be needed in the future. They don't anticipate companies will fill in gaps in remote/ rural areas based on their business models. Ms. Rabold reviewed stakeholder preferences on tower utilization and concealment and the requirements for priority sites (public and private) to be determined along with the recommended design criteria for each site. It was estimated 40 new sites will be needed over the next 10-15 years.

David Thornton, Principal Planner, reviewed the WMP criteria and recommendations regarding the City's CP, the Economic Development Plan, and the Zoning and Development Code concluding the amendments are consistent with the purpose and intent of the WMP, the criteria for the Code has been met, and both the City and County Planning Commissions approved the WMP.

Councilmember McArthur noted the study area (1.5 miles beyond Mesa County's border) exceeded the City/Persigo 201 Boundary and asked if the County was involved. Mr. Finlayson said the County has been involved throughout the process. At the beginning of the project it was determined public safety communications would benefit the most from wireless improvements; the County agreed and funding was then coordinated through the 911 Center.

Councilmember Boeschstein appreciated that the WMP was included in the CP. He then asked if there were tower utilization requirements. Mr. Thornton said that is addressed in the proposed Zoning Ordinance which is the next item and would require a regulation. Mr. Finlayson added the WMP explains what needs to be done and the

ordinance, which will amend the Code, addresses how things need to be done with details like priority preferences.

Councilmember Chazen clarified that a joint City/County Planning Commission meeting was held on the WMP; the County adopted it and the City unanimously recommended it to Council.

Councilmember Kennedy asked how many private property sites identified by the City as needing a tower, met all the site requirements. Mr. Finlayson said this information was not gathered and explained site areas would be determined by carriers wanting to add coverage.

Councilmember Kennedy then asked if other municipalities within Mesa County have been involved and/or looking to adopt a similar plan. Mr. Thornton said throughout the process they were invited to join this effort; he does not think any have moved forward to adopt any changes to their Codes, but they could use the City's information as a starting point. The County, however, is working on adopting changes to their Code.

Councilmember Kennedy asked when remote areas might see enhanced coverage due to the adoption of the WMP. Mr. Finlayson said they have been working with the 911 Board to determine areas needing coverage, what kind of technology can be added now, and if commercial carriers would contribute towers/equipment for mutual benefit. It is hoped progress could be realized within the next six months.

Ms. Rabold said they got a great response from some in the industry and they are aware of the desire to add infrastructure to these remote areas.

Councilmember Kennedy said he enthusiastically supports this item and the next one.

Council President Norris thanked everyone involved and said she attended many of the meetings where there was a lot of public comment which was handled well. She expressed concern regarding public safety and would like to move this forward faster so responders can maintain communication throughout the County.

Richard Swingle, 443 Mediterranean, said he read the WMP and is concerned by the lack of fiber to the towers and asked the consultant to comment. Ms. Rabold said the lack of cable and how much microwave currently being used in the area was a surprise. One of the recommendations to promote broadband is to expand the fiber base and installing fiber is one of the action items.

The public hearing was closed at 8:39 p.m.

Councilmember Boeschstein noted the Museum of the Western Colorado is listed twice as a non-public site on the priority list, but it is a public site. He said they are anxious to get cell service in their tower.

City Attorney Shaver said the Museum's designation doesn't change the process, but it will be noted and the designation reviewed.

Ordinance No. 4703 – An Ordinance Adopting the Wireless Master Plan as an Element of the Grand Junction Comprehensive Plan Amending Title 31, Comprehensive Plan, of the Grand Junction Municipal Code by Adding Section 31.12 Wireless Master Plan

Councilmember Kennedy moved to adopt Ordinance No. 4703 on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Council President Norris called a recess at 8:40 p.m.

The meeting reconvened at 8:49 p.m.

### **Public Hearing – Amending the Zoning and Development Code Sections of the Grand Junction Municipal Code Governing Development of Telecommunications Facilities**

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by amending the City's regulations for telecommunications facilities, implementing the Wireless Master Plan (WMP), and bringing the regulations into compliance with Federal law.

Council President Norris noted a reduced number of Council was present and if a majority could not be reached the item would be carried over to the next meeting.

The public hearing was opened at 8:50 p.m.

David Thornton, Principal Planner, introduced this item and the CityScape consultant Anthony Lepore.

Mr. Lepore explained this is the enabling legislation that will allow the WMP goals to be accomplished. Reasons to update the Code include changes to federal legislation and regulations; the underlying sentiment is to allow local governments to regulate the placement of facilities. The proposed Code amendment goals are: implement the WMP; conform local to federal regulations governing telecommunications; limit/manage unnecessary proliferation of towers; and establish standards to encourage safe and effective wireless facilities while minimizing their impact on land use and enhancing emergency communications. The ordinance encourages the maximization of co-location, infrastructure concealment, and siting preferences to name a few. The WMP lists a hierarchy of options with priority sites being identified for reasons of public safety, aesthetics, and revenue. The listed hierarchies would not prevent an applicant from using a lower ranked preference, but the mechanism will require them to demonstrate

why higher ranked options will not work. He showed a number of examples of concealed facilities. Mr. Lepore recommended the Code Amendments, as proposed by Staff be adopted.

Mr. Thornton explained that the City Planning Commission (PC) reviewed the proposed ordinance and recommended a modified ordinance which removed the priority siting preference (Section 5); both ordinance versions are provided in the materials.

Mr. Thornton then reviewed the Findings of Fact and Conclusions and said Staff Attorney Shelly Dackonish wrote the ordinance and can answer questions on it.

Councilmember McArthur asked if the PC recommended eliminating public sites for tower use. Ms. Dackonish said just the preference was removed. She understood the PC felt it wouldn't be fair to prefer public over private property. Councilmember McArthur asked if there was a federal requirement for public property. Ms. Dackonish said there was not, the preference was identified as a tool to provide more control and encourage co-locating. Councilmember McArthur asked if there were required tower distance restrictions. Ms. Dackonish said federal requirements state carriers be allowed to implement their networks and that type of restriction might also conflict with coverage needs. Councilmember McArthur then asked if this restriction could be applied unless a coverage need was demonstrated. Mr. Lepore said federal regulation prohibits spacing requirements, which is why communities are utilizing preference tools which have worked well. Councilmember McArthur asked if the hierarchy preference is a way to help control the number of towers in one area. Mr. Lepore said it is a tool that is still allowed.

Councilmember Boeschstein said he thought public sites would have a preference. Ms. Dackonish said the Staff version gives preference to public sites; the PC requested another version also be proposed that does not include that preference. Staff felt it would be beneficial for towers to be on public property as it would allow for other uses such as a whip for 911 communications and it would also create revenue.

Councilmember Chazen asked if the two versions of the ordinance have different numbers. City Attorney Shaver said they do not; at the time of voting, the version, Staff or PC, would need to be indicated. Councilmember Chazen referred to the Use Table and asked what the abbreviation "CSR" stood for. City Attorney Shaver said it stood for Community Services Recreational zone district. Councilmember Chazen noted most parks are within this zone district and concluded towers could then be located in parks. Councilmember Chazen then asked at what workshop was this topic discussed. Mr. Thornton said it was discussed at the May 16<sup>th</sup> Council workshop. Councilmember Chazen noted the Joint City/County PC met on April 26<sup>th</sup> and Section 5, the preference of public over private property, was discussed in depth with County Planning Commissioner Rusty Price expressing his concern over it. On May 10<sup>th</sup> the City PC

adopted the recommendation with the modification of removing Section 5. He then asked why only the Staff version was presented to Council at the May 16<sup>th</sup> workshop when both PC's had found exception to it and the City PC had recommended the modification to eliminate Section 5 from the ordinance. Mr. Finlayson said he led the presentation and explained both sides were presented. Councilmember Chazen said he now remembered that both were presented and asked why both versions are being submitted for consideration tonight since the PC only recommended it without the preference. Mr. Thornton said the study was a yearlong process that had a lot of public input; Staff felt it would be irresponsible not to present what came out of the study so Council could make an informed decision. He noted the PC is not as engaged as Council and it was felt Council needed to see both versions. Councilmember Chazen commented the PC's recommendation still allows for towers to be on public property. Mr. Thornton explained the PC still allowed for a preference, it is just not as strong of a preference as Staff felt the study and the public recommended. Councilmember Chazen said the PC's concern was the original recommendation would give an advantage to City owned property regarding revenue creating anti-competitive barriers through government regulation. For example, if someone had a private site, the private entity would have the burden to prove through a regulatory process why their site is better for a tower. Mr. Thornton said that was discussed. Ms. Dackonish read Section 5, subsection 5 (same in both versions) which explains what a tower builder would need to show for a lower ranked preference site to be used. Councilmember Chazen said Planning Commissioner Ehlers' concern was that a private party would have to prove, with clear and convincing evidence, why their site would be a better choice and asked why they should have to do that. Mr. Finlayson said the tower builder will determine the best location for a tower based on needed coverage and as the applicant, they will have to justify choosing a lower ranked property, not a private land owner. Mr. Lepore gave an example of sufficient justification from another community. Councilmember Chazen disagreed with the necessity of the justification process, stating it is not a level playing field. Mr. Lepore said this hierarchy is the only mechanism available to implement desired community objectives. Councilmember Chazen said those standards were just approved to be included in the CP; he voted for them. Mr. Lepore clarified that approval of this ordinance is the only way to implement and enforce those standards. Councilmember Chazen said using a regulatory mechanism to tip favor toward the City erects a barrier to a free market solution; he supports the PC's recommendation. He then asked if the construction standards for Class 3 and Class 2 sites were discussed by the PC. Mr. Thornton said the PC requested more information, but it was not provided, so the standards were not included in the requested ordinance changes.

Councilmember Kennedy said there is a philosophical disagreement on the Council; he agreed with the Staff recommendation which reflected more of the community's input regarding tower placement. He felt providers will welcome pre-vetted sites as they will be more cost effective and easier to implement the technology improvements. He

doesn't feel there is anything in the Staff recommendation that tilts the playing field since it is a community preference, not a mandate. The location site will be the choice of the tower builder or provider and be run through their engineering department.

Council President Norris asked why there are two recommendations; this is the first time she has seen the PC request a different version rather than deny the recommendation. City Attorney Shaver said there have not been a lot of text amendments that have come before Council; the PC is a recommending body only and since this ordinance will implement changes to the CP; it is within their legal purview to bring this before Council. Council President Norris clarified that with the Staff recommended version, the City will have input regarding appearance and co-location options; if towers are on private property, the City would not be able to apply this type of direction. City Attorney Shaver said to implement the public policy goals, it is the opinion of Staff and the consultant, that the Staff recommended version of the ordinance is the best way to implement them. The PC version will still implement the plan, just differently. Council President Norris said the public safety is the most important aspect and the community expects them to look nice.

Councilmember McArthur was concerned the City is stepping in front of the public's ability to have access to this revenue; he tried to think of other viable options, but felt this may just be an unintended consequence.

Ms. Dackonish said the public pays for City services and this alternative revenue source could help reduce the overall costs of City services. City Attorney Shaver said another justification is that the number of sites necessary to build the infrastructure coverage will be relatively small. Councilmember McArthur clarified there are not enough public sites to provide the needed coverage. City Attorney Shaver said that is correct.

Council President Norris said sites are needed all over and there may be areas where only private sites are available. Mr. Lepore said a larger pool of private sites will be needed in order to provide the desired coverage and coverage needs will determine which sites are built on first.

Councilmember Chazen said the concealment preferences are defined in CP and the ordinance put forward by the PC has specific siting preferences which will allow the City to compete.

There were no public comments.

The public hearing was closed at 9:40 p.m.

Ordinance No. 4704 – An Ordinance Amending the City's Zoning and Development Regulations Relating to Telecommunications Facilities of the Grand Junction Municipal Code

Councilmember Chazen moved to adopt Ordinance No. 4704, the PC's recommended version, on final passage and ordered final publication in pamphlet form.

Councilmember McArthur seconded the motion. Motion failed with Councilmembers Boeschstein, Kennedy, and Council President Norris voting NO.

Councilmember McArthur said he is really torn; he understands the objectives and does not think the intent is to step in front of the private property owner. He felt the City needs to go forward; he will support the Staff version.

Councilmember Kennedy moved to adopt Ordinance No. 4704, the Staff recommended version, on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried with Councilmember Chazen voting NO.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

There was none.

### **Adjournment**

The meeting was adjourned at 9:45 p.m.

Stephanie Tuin, MMC  
City Clerk