

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 30-R-2005**

**A RESOLUTION REGARDING THE REVIEW OF THE PROPOSED USE BY
SPECIAL REVIEW FOR A 65-FOOT POLE-MOUNTED ANTENNA AND
GROUND MOUNTED EQUIPMENT STORAGE CABINET TO BE LOCATED
AT 406 5TH STREET, TO SUPPORT A QWEST WiMAX TECHNICAL TRIAL,
ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS
FAVORABLE TO THE GRANTING OF THE USE BY SPECIAL REVIEW.**

WHEREAS, the Board of Trustees of the Town of Mead, Colorado, on Monday, October 10, 2005, reviewed the application of Qwest Wireless, LLC, 1801 California Street, Denver, Colorado 80202, for a use by special review for the following real property to allow the temporary location of a 65' wooden pole and mounted antennas to be used for a technical trial of a wireless Internet system (called "WiMax") within the Town of Mead; to wit:

Lot 22 and Lot 24, Block, Town of Mead, also known as 406 - 5th Street, Mead, CO 80542.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Findings of Fact.

- a. Notice of the Public Hearing was published and mailed to adjacent property owners as required by Section 16-4-40 of the *Mead Municipal Code*.
- b. The applicant's application and supporting documents are in substantial compliance with "*Chapter 16, Land Use Regulations, of the Mead Municipal Code.*"
- c. The proposed use by special review, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.
- d. The use by special review, if granted, is the minimum variance that will afford relief and is the least modification possible of this "*Chapter 16, Land Use Regulations, of the Mead Municipal Code.*"
- e. The use by special review, if granted, will be for a limited duration, not to exceed 190 days from the date of commencement, following which time the wooden pole and ancillary equipment will be removed from the site.

Section 2. Conclusions and Order Approving the Use by Special Review for Lot 22 and Lot 24, Block, Town of Mead, also known as 406 - 5th Street, Mead, CO 80542.

- a. The proposed use by special review complies with the applicable sections of "*Chapter 16, Land Use Regulations, of the Mead Municipal Code.*"

- b. The use by special review shall be subject to the following conditions:
- (1) The use shall be for the purpose of testing new technology only, for a period not to exceed 190 days from the date the pole and ancillary equipment are installed and operational.
 - (2) Upon the expiration of the 190 day trial, the pole and ancillary equipment are to be removed from the site.
 - (3) A temporary, 65-foot wooden pole with mounted antenna, and an adjacent equipment storage cabinet may be erected near the northwest corner of the Qwest Communications building at 406 - 5th Street, Mead, Colorado.
 - (4) The equipment storage cabinet and the base of the pole shall be placed behind the front of the Qwest Communications building and screened from the street and from the adjacent property.
 - (5) The pole installation and WiMAX communication is subject to FCC license approval. If the FCC license is not approved by March 31, 2006, this use by special review shall be automatically revoked.
 - (6) The pole and adjacent equipment storage cabinet will be removed not later than 190 calendar days after the date of the pole and equipment storage cabinet installation.
 - (7) Qwest will provide free Internet service including customer equipment, installation, and customer service for up to 200 customers during the 180 day period, and at the end of that period will offer comparable service to those customers at current applicable rates. It is recommended that the free service during the trial period not be offered to any current members of the Board of Trustees.
 - (8) If Qwest conducts a customer satisfaction survey of the recipients of this WiMax service, the survey results will be shared with the Town of Mead in accordance with federal and state privacy laws and Qwest's privacy policies.
 - (9) Qwest will post a \$2,000 cash deposit with the Town of Mead to be held in non-interest escrow by the Town of Mead to be used by the Town if Qwest does not remove the pole and adjacent equipment storage cabinet at the end of the 190 day period. If the pole and adjacent equipment storage cabinet is removed by Qwest, the escrowed amount will be returned to Qwest without interest.
 - (10) The pole and adjacent equipment storage cabinet installation at the Qwest Building, 406 - 5th Street, will require a Town of Mead building permit.
 - (11) Landscaping on 5th Street affected by the installation will be either maintained or

replaced by Qwest.

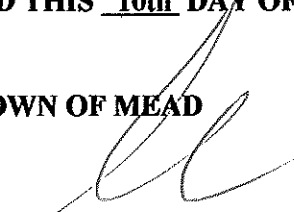
- (12) This approval grants a temporary exception to Sections 16-19-60(3) and 16-19-90(5) of the Mead Municipal Code.
- c. The proposed use by special review of 406 - 5th Street, Mead, Colorado for the temporary installation of a pole mounted antenna and ground equipment storage cabinet for the purpose of a WiMax technical trial, subject to the above conditions, is hereby granted approval.

INTRODUCED, READ, PASSED, AND SIGNED THIS 10th DAY OF October, 2005.

ATTEST:

By Marcia David
Marcia David, Acting Town Clerk

TOWN OF MEAD

By 
Richard E. Kraemer, Mayor