

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 11/16/2009

ITEM NO: 12.c

Department Approval:

P. Trudgen

City Manager Approval:

Item Description: Request by Clearwire, LLC for approval of a 150-foot telecommunication tower at City Hall Campus, 2660 - 2661 Civic Center Drive, as a **Conditional Use (PF09-031)**

1.0 REQUESTED ACTION

Clearwire is requesting approval of the erection of a 150-foot-tall telecommunication tower on the City Hall Campus as a CONDITIONAL USE, pursuant to §1013 (General Requirements) and §1014 (Conditional Uses) of the City Code.

Project Review History

- Application submitted and determined complete: October 9, 2009
- Sixty-day review deadline: December 8, 2009
- Planning Commission recommendation (6-0 to approve): November 4, 2009
- Project report prepared: November 6, 2009
- Anticipated City Council action: November 23, 2009

2.0 SUMMARY OF RECOMMENDATION

Planning Division staff concurs with the recommendation of the Planning Commission to approve the proposed CONDITIONAL USE, subject to certain conditions; see Section 9 of this report for the detailed recommendation.

3.0 SUMMARY OF SUGGESTED ACTION

Adopt a resolution approving the proposed CONDITIONAL USE, pursuant to §1014.01 (Conditional Uses) of the City Code, subject to conditions; see Section 10 of this report for the detailed action.

19 **4.0 BACKGROUND**

20 4.1 City of Roseville owns the property at 2660 Civic Center Drive, which has a
21 Comprehensive Plan designation of Institutional (IN) and a zoning classification of Park
22 & Open Space (POS).

23 4.2 This CONDITIONAL USE request has been prompted by the applicant's desire to erect the
24 tower, convey it to the City, and lease space for their wireless Internet equipment on and
25 at the base of the tower, which makes the City a potential partner in the application in
26 addition to being the landowner. For this reason, the comments of several departments
27 and divisions of City staff have been included in this report.

28 **5.0 INFORMATION TECHNOLOGY COMMENTS**

29 5.1 Terrence Heiser, Director of Information Technology (IT), explained that Clearwire
30 provides both fixed (i.e., home) Internet access as well as mobile access. Once their
31 system is deployed in the metro area subscribers will be able to take their Internet
32 connection with them if they have a notebook computer, and Twin Citians will have
33 another option in addition to Qwest DSL or Comcast Cable Modem for Internet access.
34 To accomplish this, Clearwire will need hundreds of sites throughout the metropolitan
35 area. Current tower owners were contacted first and, to fill in the holes, Clearwire is
36 exploring the development of new towers, making the question less about *whether* such
37 towers will appear and more about *where* they will be installed.

38 5.2 The current communication technology being used by Clearwire is being called Wi-
39 Max"; a Wi-Max antenna can cover a radius of .3 to 1.2 miles. Given this coverage it is
40 expected that there will be 7 - 9 antenna sites in or around Roseville. Clearwire is specific
41 about the elevation, keeping the antennas about 120' from the ground: in Roseville (and
42 most suburban communities) this creates a challenge since there are very few 10-story
43 buildings to attach antennas. So they need to find free-standing towers. Currently there
44 are 5 free-standing towers in Roseville, three of which are owned by the City and the
45 other two owned by AT&T.

46 5.3 Roseville has completed applications to co-locate Clearwire antennas on two of the
47 City's exiting towers: Fairview (Fire Station #2) and Alta Vista (Reservoir Woods). An
48 engineering analysis has indicated that the third tower – on City Hall Campus, next to the
49 Public Works garage – is at its structural capacity and cannot accommodate the proposed
50 equipment. Another tower on Campus, the former UHF/VHF transmitting/receiving
51 tower adjacent to City Hall, is no longer active. This tower was also evaluated but, at
52 only 80 feet in height, it does not meet Clearwire's needs. This is why a new tower is
53 being proposed. A 120-foot-tower would satisfy Clearwire's minimum height
54 requirements, but such height would most likely preclude other service providers from
55 co-locating on the tower. The proposed tower height is 150 feet, identical to the other
56 active communications tower on Campus.

57 5.4 Mr. Heiser strongly supports the proposed tower at City Hall Campus not only because
58 he's routinely asked by residents about when city-wide wireless Internet service will be
59 available, but also because it would be of significant value in the City's own operations.
60 It would be used for backup wireless connections (pending funding for equipment) to the
61 water booster station, water tower, and Dale Fire Station. The tower would also

62 contribute to the plan to deploy wireless water meter reading that is currently being
63 reviewed by the water department. The project requires a “reader point” on Campus to
64 communicate with radios attached to homes. With the existing tower at capacity, the new
65 tower is key to this project. Finally, Mr. Heiser suggests making the removal of the
66 decommissioned UHF/VHF tower a condition of the approval of the proposed tower.

67 **6.0 PUBLIC WORKS COMMENTS**

68 Duane Schwartz, Public Works Director, indicated that the Public Works Department is
69 supportive of the City Hall Campus location because it will not necessarily impede future
70 use of this site and it does not negatively impact our operations or maintenance of the
71 site.

72 **7.0 COMMUNITY DEVELOPMENT COMMENTS**

73 7.1 Section 1013.10A1 (City-Owned Towers) allows telecommunication towers that are
74 owned by the City as permitted uses in business and industrial districts or as
75 CONDITIONAL USES in all other zoning districts. This provision allows Clearwire to erect a
76 tower, convey ownership of the tower to Roseville, and lease the tower and ground space
77 required for their telecommunication equipment on City Hall Campus as a CONDITIONAL
78 USE in the POS zoning district.

79 7.2 Section 1013.10A3 (Collocation on City Sites) further requires that new
80 telecommunication equipment be mounted on existing towers when it is “technically
81 feasible” to mount the new equipment among or around existing equipment. As noted
82 above, collocation on an existing tower on City Hall Campus is not technically feasible,
83 but this Code provision supports the proposed 150-foot height to enable collocation on
84 the new tower, minimizing the total number of towers on the site as future
85 telecommunication service providers utilize the same location.

86 7.3 Section 1014.01 (Conditional Uses) of the City Code requires the Planning Commission
87 and City Council to consider the following criteria when reviewing a CONDITIONAL USE
88 application:

- 89 **a.** Impact on traffic;
- 90 **b.** Impact on parks, streets, and other public facilities;
- 91 **c.** Compatibility of the site plan, internal traffic circulation, landscaping, and
92 structures with contiguous properties;
- 93 **d.** Impact of the use on the market value of contiguous properties;
- 94 **e.** Impact on the general public health, safety, and welfare; and
- 95 **f.** Compatibility with the City’s Comprehensive Plan.

96 7.4 **Impact on traffic:** The Planning Division has determined that an increase in traffic
97 volume due to the installation of the proposed tower will not be an issue given that such a
98 facility is not the origin or destination of vehicle trips beyond the initial construction and
99 occasional maintenance.

100 7.5 **Impact on parks, streets and other public facilities:** The Planning Division has
101 determined that the only potential impact of a telecommunications tower on the City’s

102 parks, streets, and/or other facilities would be aesthetic. While nothing can be feasibly
103 done to mask the tower itself, the applicant proposes to screen ground-mounted
104 equipment in an enclosure that matches the City Hall building itself.

105 **7.6 Compatibility ... with contiguous properties:** The proposed tower would not change
106 the circulation on the property. While another 150-foot tower on the City Hall Campus
107 might not be aesthetically compatible with the residential uses across Lexington Avenue
108 and County Road C, Planning Division staff believes that the proposed use (i.e., the
109 provision of wireless Internet service itself) would be welcomed by most property owners
110 as a residential amenity.

111 **7.7 Impact of the use on the market value of contiguous properties:** Planning Division
112 staff is unaware of existing market analyses indicating that telecommunications towers
113 like the one currently proposed have a negative impact on the value of properties that are
114 already adjacent to railways, major roadways and electrical transmission towers.

115 **7.8 Impact on the general public health, safety, and welfare:** The Planning Division is
116 unaware of any negative impacts on the general public health, safety, and welfare caused
117 by the provision of wireless Internet service as proposed. Moreover, the Federal
118 Communications Commission (FCC), which is the regulating authority for
119 communications equipment like what is currently proposed, prohibits a local government
120 from denying equipment which complies with FCC technical requirements for reasons
121 pertaining to health.

122 **7.9 Compatibility with the City's Comprehensive Plan:** Although the primary use of the
123 proposed tower is commercial in nature, it would also provide wide-spread benefits of
124 wireless Internet service as well as additional technology infrastructure for City
125 operations, which Planning Division staff believes to be consistent with the
126 Comprehensive Plan's guidance of the property for institutional uses.

127 **8.0 PUBLIC HEARING**

128 The duly noticed public hearing for the CONDITIONAL USE application was held by the
129 Planning Commission on November 4, 2009. No communication was received from the
130 public before or after the public hearing. One person in attendance inquired whether the
131 equipment proposed for the City Hall Campus would improve the cellular phone service
132 in the neighborhood to the south of Acorn Park; the response to this question indicated
133 that new or modified telecommunications equipment at the City Hall Campus would not
134 appreciably improve the cellular phone service in that area. Terre Heiser, Roseville's
135 Director of Information Technology, and Tony Vavoulis, the applicant's representative,
136 answered Planning Commissioners' questions about why the proposed tower site was
137 selected over other potential locations that might have less visual impact and how the
138 tower could be of benefit to regular City operations. Draft minutes of the public hearing
139 are included with this staff report as Attachment D.

140 **9.0 RECOMMENDATION**

141 In its review of the CONDITIONAL USE application, the Planning Commission found that a
142 telecommunication tower in the proposed location would not have adverse impacts
143 pertaining to the criteria to be considered with such requests and voted unanimously (i.e.,
144 6-0) to recommend approval of the proposed CONDITIONAL USE. Based the general

145 consensus of City staff in support of the proposed telecommunication tower indicated in
146 Sections 5-6 of this report and the findings outlined in Section 7 of this report, the
147 Planning Division supports the recommendation of the Planning Commission, subject to
148 the following conditions:

- 149 **a.** The applicant shall provide documentation demonstrating that Clearwire's
150 equipment will operate within the technical requirements of the Federal
151 Communications Commission;
- 152 **b.** The tower and enclosure surrounding the ground-mounted equipment shall be
153 located as shown on the site plan included with this report as part of Attachment
154 C;
- 155 **c.** The top of the proposed monopole tower shall not be higher than 150 feet above
156 the grade at the base of the structure;
- 157 **d.** The enclosure surrounding the ground-mounted equipment shall be 20-feet-by-
158 20-feet in area, 6-and-a-half feet in height, and shall have exterior materials that
159 are similar to the nearby City Hall building;
- 160 **e.** External lights (i.e., those not integral to the equipment itself) shall not be
161 installed on the tower or equipment;
- 162 **f.** Any wiring serving the equipment shall be buried; and
- 163 **g.** The existing, decommissioned UHF/VHF tower shall be removed prior to the
164 construction of the proposed tower.

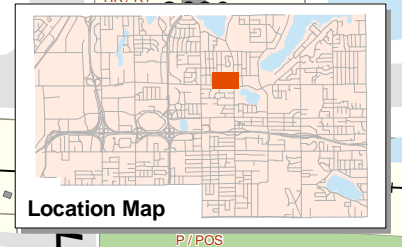
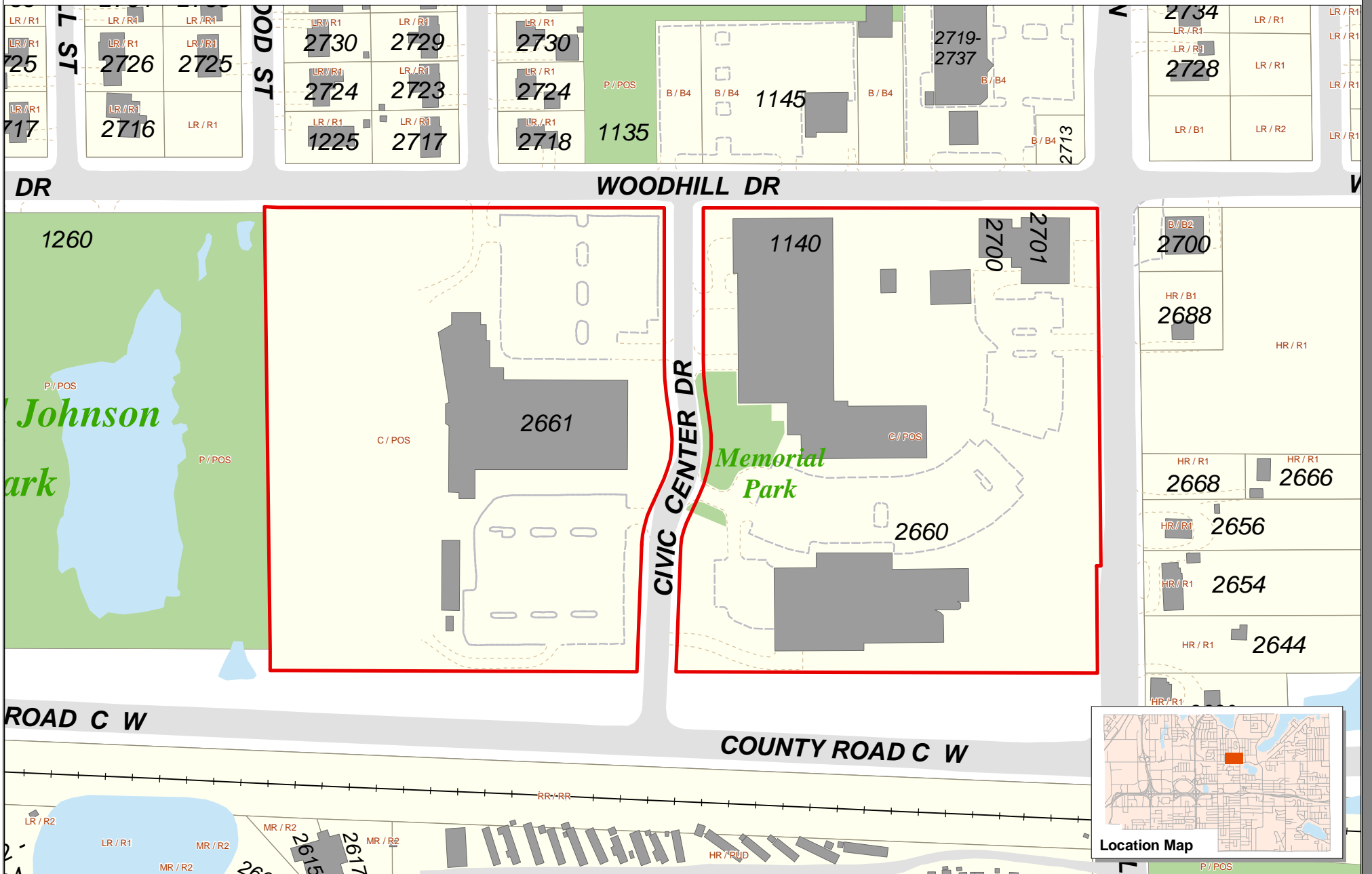
165 **10.0 SUGGESTED ACTION**

166 **By motion, recommend approval of the proposed CONDITIONAL USE** for Clearwire,
167 LLC to allow the construction of a 150-foot telecommunication tower at 2660 Civic
168 Center Drive, based on the comments and findings of Sections 4-8 and the conditions of
169 Section 9 of this report.

Prepared by: Associate Planner Bryan Lloyd (651-792-7073)

Attachments: A: Area map D: Draft Planning Commission minutes
B: Aerial photo E: Draft resolution
C: Proposed plans

Attachment A: Location Map for Planning File 09-031



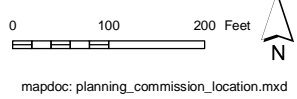
Prepared by:
 Community Development Department
 Printed: October 30, 2009



Site Location
 LR / R1 Comp Plan / Zoning Designations

Data Sources
 * Ramsey County GIS Base Map (9/29/2009)
 For further information regarding the contents of this map contact:
 City of Roseville, Community Development Department,
 2660 Civic Center Drive, Roseville MN

Disclaimer
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



Attachment B: Aerial Map of Planning File 09-031



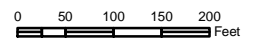
Site Location

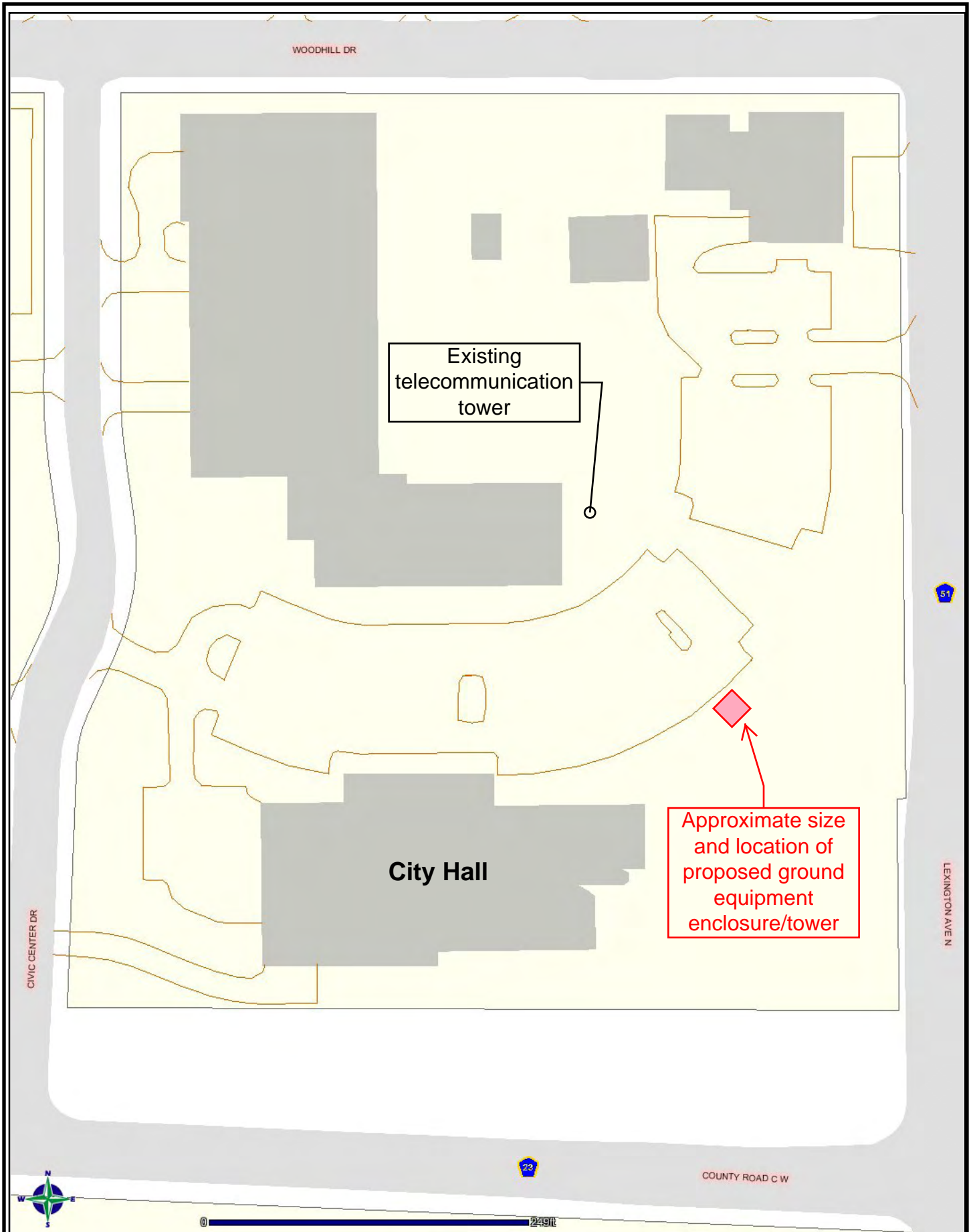
Data Sources
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 * Aerial Data: Pictometry (4/2008)
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Location Map





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SOURCES: City of Roseville and Ramsey County, The Lawrence Group; October 5, 2009 for City of Roseville data and Ramsey County property records data,

1 **Planning File 09-031**

2 **Request by Clearwire, LLC for approval of a 150-foot telecommunication tower on the City Hall Campus,**
3 **2660 – 2661 Civic Center Drive, as a Conditional Use, pursuant to City Code, Sections 1013 (General**
4 **Requirements) and 1014 (Conditional Use)**

5 Chair Doherty opened the Public Hearing for Planning File 09-031 at 7:02 p.m.

6 Mr. Lloyd reviewed the request of the applicant for a Conditional Use to erect the tower, convey it to the City, and
7 lease space for their telecommunication equipment on and at the base of the tower; making the City a potential
8 partner in the application in addition to its being the landowner. Mr. Lloyd advised that Clearwire provides fixed
9 Internet access as well as mobile access; and that this was only one of several hundred proposed towers at sites
10 throughout the metropolitan area; with current tower owners contacted before exploring development of new
11 towers. Mr. Lloyd advised that the existing monopole on the City Hall campus was already at capacity, thus the
12 proposal to construct an additional tower at the proposed location.

13 Mr. Lloyd advised that staff was unable to find any significant negative impact, with wireless transmission
14 equipment providing immediate benefit to City operations, and allowing for potential future benefit for wireless
15 meter reading and other technology.

16 Mr. Lloyd advised that staff in several City departments supported the requested action; and staff recommended
17 APPROVAL of the request by Clearwire, LLC for construction of a 150-foot telecommunication tower on the City
18 Hall Campus, 2660 – 2661 Civic Center Drive as a CONDITIONAL USE, pursuant to City Code, Section 1014.01,
19 and subject to conditions as detailed in Section 9 of the staff report dated November 4, 2009.

20 Discussion among staff and Commissioners included clarification of the actual height of the existing tower (150');
21 similarity of construction to the existing tower; and review of proposed locations other than that being considered,
22 and rationale for dispensing with those other locations.

23 Further discussion included economic incentives for the City to support this new tower; with that potential
24 acknowledged based on lease payments and additional revenues that would provide economic incentives;
25 however, noting that the recommendation at the Planning Commission level needed to be focused on strict land
26 use considerations; with the City Council ultimately considering financial incentives and final approval. Staff
27 advised that, if the request was approved, a contract would need to be negotiated by other City staff with ultimate
28 approval of any such contract by the City Council.

29 Commissioner Doherty opined that, if it was not good economically for the City, he was unsure of his support for
30 the request.

31 Mr. Lloyd suggested that, even if there were no revenue gains from construction of the tower, the City could
32 realize operational benefits for their wireless needs.

33 Mr. Paschke suggested that the discussion refocus on the land use.

34 Commissioner Boerigter concurred, noting that the Planning Commission's charge should focus only on viable
35 land use applicability; and the need for the City Council to make a determination, after that land use approval,
36 whether the tower was economically feasible.

37 **Terre Heiser, City of Roseville's Director of Information Technology (IT)**

38 Mr. Heiser spoke to consideration of other sites on campus, five (5) in all; with two (2) in the OVAL parking lot
39 directly on County Road C, with one location considered in the southwest corner, and one location in the
40 southeast corner; another site on the northwest corner of the Public Works garage along Woodhill Drive; and
41 another behind the existing Public Works salt storage facility. Mr. Heiser noted that the OVAL parking locations
42 would have necessitated elimination of parking spots (8) and restricting and/or impacting traffic flow within the lot.
43 Mr. Heiser advised that the other location along Woodhill Drive, following subsequent review by the Fire
44 Department, Public Works Department, City Manager, and IT staff, would have required realignment of a
45 driveway, which would increase its slope and create problematic access to accommodate equipment. Mr. Heiser
46 advised that the preferred location behind the salt storage lot was problematic since it was currently fully occupied
47 by equipment and construction materials, with no other available storage location. Mr. Heiser noted that, if Fire
48 Station No. 1 had been removed by now, that site could have been considered; however, he noted that this would
49 also seriously restrict any future campus expansion for another facility.

50 Mr. Heiser advised that the proposed location provided enough distance between the two towers to prevent
51 interference between them; with the location chosen based on the parking lot location and pathway and driveway
52 access, as well as the locations of the existing tower and other visible elevations (i.e., high voltage power lines).

53 Mr. Heiser addressed the currently extended tower, and existing service providers and the over \$100,000 in
54 annual revenue realized by the City from that pole. Mr. Heiser advised that engineering analyses put the existing
55 tower at full capacity, creating another issue for existing providers for the next generation of technology, and their
56 pending need to address that even on the current tower. Mr. Heiser advised that the proposed new tower could
57 help accommodate expansion needs of users on the existing tower.

58 Mr. Heiser clarified that the contract would be negotiated before City Council action on this request; with the City
59 Council ultimately having approval rights of the contract, with that consideration providing a full financial and
60 benefit analysis. Mr. Heiser noted that the City currently realized revenue from the City Hall Campus tower, as
61 well as towers at the Fairview water tower, and AltaVista, with current revenues of about \$375,000 in total.

62 Discussion between staff and Commissioners included other tower capacities and their 3-legged construction and
63 height of 180' versus the proposed 150' monopole on the City Hall Campus; desire of this applicant and other
64 providers to locate on existing sites, rather than to pursue less cost-effective construction and time-consuming
65 land use approvals; needs in the area to complete cellular and wireless networks to provide improved coverage
66 for users; additional proposal coming before the Commission at tonight's meeting for consideration of a tower in
67 Acorn Park; and screening and construction materials for the ground equipment.

68 **Applicant Representative, Tony Vavoulis, (740 Linwood Avenue, St. Paul)**

69 Mr. Vavoulis advised that the proposed monopole structure was simple; that negotiations were being initiated with
70 City staff, with Clearwire, if this application was approved, building the tower and then transferring ownership to
71 the City, with the City then having full rights to lease space to whomever the City wished, based on conditions
72 protecting Clearwire's transmission requirements with those of future users; with Clearwire recovering their initial
73 investment through lower lease rates, but ultimately making lease payments similar to other providers. Mr.
74 Vavoulis noted that these contract negotiations were separate from tonight's land use request.

75 Mr. Vavoulis advised that Clearwire was currently looking at space on the Fairview tower, with leases in their final
76 form, as well as at AltaVista; with both contracts being presented to the City Council in the near future for their
77 consideration. Mr. Vavoulis advised that, in addition to the other request on tonight's agenda (at Acorn Park),
78 Clearwire was considering one other private existing monopole in the City that they were hoping to co-locate on,
79 with their company considering four hundred (400) locations throughout the overall metropolitan area to provide
80 high power wireless Internet service network.

81 Discussion between Mr. Vavoulis and Commissioners included types of users on each tower; City Code
82 provisions preferring multi-user towers to avoid additional towers; negotiations of future potential users on the
83 tower would involve the City, not Clearwire; estimated distance of one-and-a-half to two miles from the City Hall
84 Campus to Acorn Park; maximum signal radius distance as detailed in Section 5.2 of the staff report; the overall
85 grid used by Clearwire to determine antennae locations for best coverage; lower power of Internet networks than
86 that of cellular requiring a tighter grid; and the original request of Clearwire for a 120' tower at Acorn Park.

87 Mr. Vavoulis advised that Clearwire only needed a maximum height of 120'; but in attempting to work with the
88 City, based on their Code for multiple users; and their business model in seeking revenue potential, the City was
89 requesting the higher tower (150') to provide a viable product in the market to host multiple users.

90 Commissioner Wozniak sought clarification from Mr. Heiser on technological benefits to the City's Public Works
91 crews in obtaining wireless Internet service at either of the proposed towers or others within the City.

92 Mr. Heiser advised that the City's Water Department had been exploring for years the possibility of AMR for
93 wireless reading of water meters, a task still performed manually by personnel. Mr. Heiser noted that there were a
94 number of products developed over the last few years, allowing for more efficient monitoring of various equipment
95 (e.g., lift stations) within the City; with the City's IT Department more involved in supervisory management of the
96 City's SCADA system for the monitoring. Mr. Heiser further noted that, in addition to the City itself, Roseville
97 supported twenty (20) other cities on their IT network, and involved with each of those cities in monitoring their
98 equipment as well, requiring central locations throughout the community to communicate with home readers. Mr.
99 Heiser advised that the City of Roseville's northwest quadrant was still a challenge, and would probably require a
100 cooperative agreement with the City of St. Anthony or the City of New Brighton to accommodate wireless reading
101 of those meters, since the Fairview water tower didn't have the required "signal reach". Mr. Heiser noted that,
102 among those twenty (20) cities dependent on the City of Roseville's IT Department, that encompassed over sixty-
103 five (65) buildings, as far away as Forest Lake and Lake Elmo, and included fiber construction to the Roseville
104 Area School District as part of the overall City of Roseville network. Mr. Heiser noted that fiber optic access was
105 limited by funding, and made wireless communication a much more economic and available option.

106 Mr. Heiser advised that, while the City is attempting to take advantage of business opportunities for additional
107 revenue sources and keeping taxes as reasonable as possible, it was also attempting to keep the need for 150'
108 towers to a minimum.

109 Chair Doherty requested that Mr. Heiser remain for the next Public Hearing on Acorn Park as well.

110 **Public Comment**

111 **Sarah Heikkila, 2500 Matilda Street (south of Acorn Park)**

112 Ms. Heikkila requested if and how a tower at City Hall would improve service and if it could accommodate other
113 service providers to avoid a tower located at Acorn Park.

114 Mr. Heiser responded that the City Hall tower would allow them to move from the existing tower to the proposed
115 tower, if approved; and noted that providers based their coverage needs on terrain, trees, and other buildings
116 within their coverage radius but would not significantly affect service near Acorn Park.

117 Mr. Heiser encouraged residents having issues or questions about their service to communicate that to
118 Roseville's IT staff, as the City had contact with many tower operators, and if residents were aware of dead spots,
119 the City could alert the operators' engineers. Mr. Heiser advised that his contact information was available on the
120 City website, and advised he would welcome e-mails and comments from residents.

121 Chair Doherty closed the Public Hearing at 7:43 p.m.

122 **MOTION**

123 **Member Boerigter moved, seconded by Member Doherty to RECOMMEND TO THE CITY COUNCIL**
124 **APPROVAL of the CONDITIONAL USE for Clearwire, LLC to allow the construction of a 150'**
125 **telecommunication tower at 2660 Civic Center Drive; based on the information and comments of Sections**
126 **4-7, and the conditions of Section 8 of the project report dated November 4, 2009.**

127 Commissioner Wozniak questioned whether any lights were needed to avoid air traffic.

128 Mr. Vavoulis advised that towers under 200' did not require lights; and further advised that the proposed tower(s)
129 were out of any restricted areas for airports.

130 **Ayes: 6**

131 **Nays: 0**

132 **Motion carried.**

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

1 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of
2 Roseville, County of Ramsey, Minnesota, was held on the 16th day of November 2009, at 6:00
3 p.m.

4 The following Members were present: _____;
5 and the following Members were absent: _____.

6 Council Member _____ introduced the following resolution and moved its adoption:

7 **RESOLUTION NO. _____**
8 **A RESOLUTION APPROVING A 150-FOOT TELECOMMUNICATION TOWER**
9 **FACILITY AS A CONDITIONAL USE IN ACCORDANCE WITH §1013.10 AND**
10 **§1014.01 OF THE ROSEVILLE CITY CODE FOR CLEARWIRE LLC AND CITY OF**
11 **ROSEVILLE (PF09-031)**

12 WHEREAS, City of Roseville owns the property at 2660 Civic Center Drive; and

13 WHEREAS, the subject property is legally described as:

14 **SECTION 3 TOWN 29 RANGE 23 PART S OF WOODHILL DRIVE OF SE 1/4 (SUBJ**
15 **TO RDS) IN SEC 3 TN 29 RN 23**
16 **PIN: 13-29-23-44-0031**

17 WHEREAS, Clearwire LLC in conjunction with the property owner seeks to allow the
18 construction of a 150-foot telecommunication tower to be owned by City of Roseville, which is a
19 conditionally permitted use in the applicable Park & Open Space Zoning District; and

20 WHEREAS, the Roseville Planning Commission held the public hearing regarding the
21 requested CONDITIONAL USE on November 4, 2009, voting 6-0 to recommend approval of
22 the request based on public comment and the comments and findings of the staff report prepared
23 for said public hearing; and

24 WHEREAS, the Roseville City Council has determined that approval of the requested
25 CONDITIONAL USE will not adversely affect the conditions on, or the value of, nearby
26 properties and will not compromise the health, safety, and general welfare of the citizens of
27 Roseville;

28 NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE
29 the request for a CONDITIONAL USE in accordance with Sections §1014.01 and §1013.10 of
30 the Roseville City Code, subject to the following conditions:

- 31 **a.** The applicant shall provide documentation demonstrating that Clearwire's
32 equipment will operate within the technical requirements of the Federal
33 Communications Commission;

- 34 **b.** The tower and enclosure surrounding the ground-mounted equipment shall be
35 located as shown on the site plan included with this report as part of Attachment
36 C;
- 37 **c.** The top of the proposed monopole tower shall not be higher than 150 feet above
38 the grade at the base of the structure;
- 39 **d.** The enclosure surrounding the ground-mounted equipment shall be 20-feet-by-
40 20-feet in area, 6-and-a-half feet in height, and shall have exterior materials that
41 are similar to the nearby City Hall building;
- 42 **e.** External lights (i.e., those not integral to the equipment itself) shall not be
43 installed on the tower or equipment;
- 44 **f.** Any wiring serving the equipment shall be buried; and
- 45 **g.** The existing, decommissioned UHF/VHF shall be removed prior to the
46 construction of the proposed tower.

47 The motion for the adoption of the foregoing resolution was duly seconded by Council
48 Member _____ and upon vote being taken thereon, the following voted in favor: _____;
49 and _____ voted against;

50 WHEREUPON said resolution was declared duly passed and adopted.

