

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 1/11/2010

ITEM NO: 12.b

Department Approval:



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: January 6, 2010
- Anticipated City Council action: January 11, 2010

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.

4.0 BACKGROUND

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

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

4.3 The City Council originally reviewed this proposal at its meeting of November 16, 2009; an excerpt of the meeting minutes are included with this staff report as Attachment E. Because Councilmembers were uncertain whether the proposed location for the telecommunication facility was the best option on the City Hall Campus, the Council tabled the discussion to give the applicant time to work with staff to reevaluate other possible locations on Campus, focusing on the area in and around the Public Works yard. A possible alternative location was identified between the Public Works yard and Woodhill Drive; illustrations of this possible alternative location are included with this staff report in Attachment C, and is further discussed in this report.

5.0 INFORMATION TECHNOLOGY COMMENTS

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

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

5.3 Roseville has completed applications to co-locate Clearwire antennas on two of the City's exiting towers: Fairview (Fire Station #2) and Alta Vista (Reservoir Woods). An engineering analysis has indicated that the third tower – on City Hall Campus, next to the Public Works garage – is at its structural capacity and cannot accommodate the proposed equipment. Another tower on Campus, the former UHF/VHF transmitting/receiving tower adjacent to City Hall, is no longer active. This tower was also evaluated but, at only 80 feet in height, it does not meet Clearwire's needs. This is why a new tower is

62 being proposed. A 120-foot-tower would satisfy Clearwire's minimum height
63 requirements, but such height would most likely preclude other service providers from
64 co-locating on the tower. The proposed tower height is 150 feet, identical to the other
65 active communications tower on Campus.

66 5.4 Mr. Heiser strongly supports a tower at City Hall Campus not only because he is
67 routinely asked by residents about when city-wide wireless Internet service will be
68 available, but also because it would be of significant value in the City's own operations.
69 It would be used for backup wireless connections (pending funding for equipment) to the
70 water booster station, water tower, and Dale Fire Station. The tower would also
71 contribute to the plan to deploy wireless water meter reading that is currently being
72 reviewed by the water department. The project requires a "reader point" on Campus to
73 communicate with radios attached to homes. With the existing tower at capacity, the new
74 tower is key to this project. Finally, Mr. Heiser suggests making the removal of the
75 decommissioned UHF/VHF tower a condition of the approval of the proposed tower.

76 5.5 In comparing the proposed tower location with the potential alternative location, Mr.
77 Heiser has the following comments:

- 78 a. The proposed location is in closer proximity to City Hall and will reduce the
79 installation cost of future city owned radio equipment on the tower.
- 80 b. Servicing a tower in the proposed location can be accomplished from the City
81 Hall parking lot. The alternate location on Woodhill Drive would require the
82 crane truck to operate from the street, although this may not a major concern as
83 Woodhill Drive is a 4 lane road in that area, so vehicle movement would not be
84 greatly impacted.
- 85 c. The proposed location provides more opportunities for expanding the use of the
86 tower since there is more ground space available than at the alternate location.
87 This, however, may have been among the Councilmembers' concerns in that the
88 site may become cluttered with equipment and that what is approve today might
89 not be the same in the future.
- 90 d. Despite the advantages of the proposed location, the alternate site is a viable
91 location as well. Depending on the future of the Fire Station building, the
92 alternate location might be preferable in terms of expanding the ground space
93 size. Without a building directly to the east of the pole, any expansion of ground
94 space can be accomplished by moving east; absent the removal of the building,
95 equipment can still be added directly to the north of the pole, along the eastern
96 wall of the Public Works yard.

97 5.6 Whichever location is ultimately selected, Mr. Heiser stresses the importance of
98 expeditiousness in the decision. Once the City commits to a location, Clearwire can
99 return with exact site sketches and a lease agreement for Council review at an upcoming
100 meeting – ideally before the end of January.

101 6.0 PUBLIC WORKS COMMENTS

102 Duane Schwartz, Public Works Director, indicated that the Public Works Department is
103 supportive of the City Hall Campus location because it will not necessarily impede future

use of this site and it does not negatively impact our operations or maintenance of the site.

7.0 COMMUNITY DEVELOPMENT COMMENTS

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

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

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

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

7.4 **Impact on traffic:** The Planning Division has determined that an increase in traffic volume or impact to traffic flow due to the installation of a tower in either of the locations being discussed will not be a significant issue given that such a facility is not the origin or destination of vehicle trips beyond the initial construction and occasional maintenance.

7.5 **Impact on parks, streets and other public facilities:** The Planning Division has determined that the only potential impact of a telecommunications tower on the City’s parks, streets, and/or other facilities would be aesthetic, aside from minor, periodic disruptions to traffic on Woodhill Drive if the alternate location is selected. While nothing can be feasibly done to mask the tower itself, the applicant proposes to screen ground-mounted equipment in an enclosure that matches the City Hall building itself.

7.6 **Compatibility ... with contiguous properties:** A tower in either of the locations considered would not change the circulation on the property. While another 150-foot tower on the City Hall Campus might not be aesthetically compatible with the residential uses across Lexington Avenue and County Road C, Planning Division staff believes that

145 the proposed use (i.e., the provision of wireless Internet service itself) would be
146 welcomed by most property owners as a residential amenity.

147 **7.7 Impact of the use on the market value of contiguous properties:** Planning Division
148 staff is unaware of existing market analyses indicating that telecommunications towers
149 like the one currently proposed have a negative impact on the value of properties that are
150 already adjacent to railways, major roadways and electrical transmission towers.

151 **7.8 Impact on the general public health, safety, and welfare:** The Planning Division is
152 unaware of any negative impacts on the general public health, safety, and welfare caused
153 by the provision of wireless Internet service as proposed. Moreover, the Federal
154 Communications Commission (FCC), which is the regulating authority for
155 communications equipment like what is currently proposed, prohibits a local government
156 from denying equipment which complies with FCC technical requirements for reasons
157 pertaining to health.

158 **7.9 Compatibility with the City's Comprehensive Plan:** Although the primary use of the
159 proposed tower is commercial in nature, it would also provide wide-spread benefits of
160 wireless Internet service as well as additional technology infrastructure for City
161 operations, which Planning Division staff believes to be consistent with the
162 Comprehensive Plan's guidance of the property for institutional uses.

163 **8.0 PUBLIC HEARING**

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

176 **9.0 RECOMMENDATION**

177 **9.1** In its review of the CONDITIONAL USE application, the Planning Commission found that a
178 telecommunication tower in the proposed location would not have adverse impacts
179 pertaining to the criteria to be considered with such requests and voted unanimously (i.e.,
180 6-0) to recommend approval of the proposed CONDITIONAL USE.

181 **9.2** Based the general consensus of City staff in continued support of the proposed location
182 (as opposed to the possible alternate location) of the telecommunication tower indicated
183 in Sections 5-6 of this report and the findings outlined in Section 7 of this report, the
184 Planning Division supports the recommendation of the Planning Commission, subject to
185 the following conditions:

- 186 **a.** The applicant shall provide documentation demonstrating that Clearwire's
187 equipment will operate within the technical requirements of the Federal
188 Communications Commission;
- 189 **b.** The tower and enclosure surrounding the ground-mounted equipment shall be
190 located in the proposed location as shown in the plans included with this report as
191 part of Attachment C;
- 192 **c.** The top of the proposed monopole tower shall not be higher than 150 feet above
193 the grade at the base of the structure;
- 194 **d.** The enclosure surrounding the ground-mounted equipment shall be 20-feet-by-
195 20-feet in area, 6-and-a-half feet in height, and shall have exterior materials that
196 are similar to the nearby City Hall building;
- 197 **e.** External lights (i.e., those not integral to the equipment itself) shall not be
198 installed on the tower or equipment;
- 199 **f.** Any wiring serving the equipment shall be buried; and
- 200 **g.** The existing, decommissioned UHF/VHF tower shall be removed prior to the
201 construction of the proposed tower.

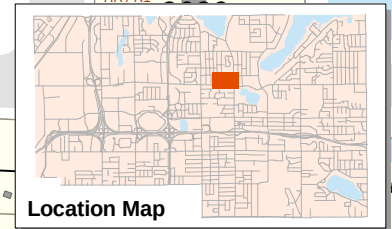
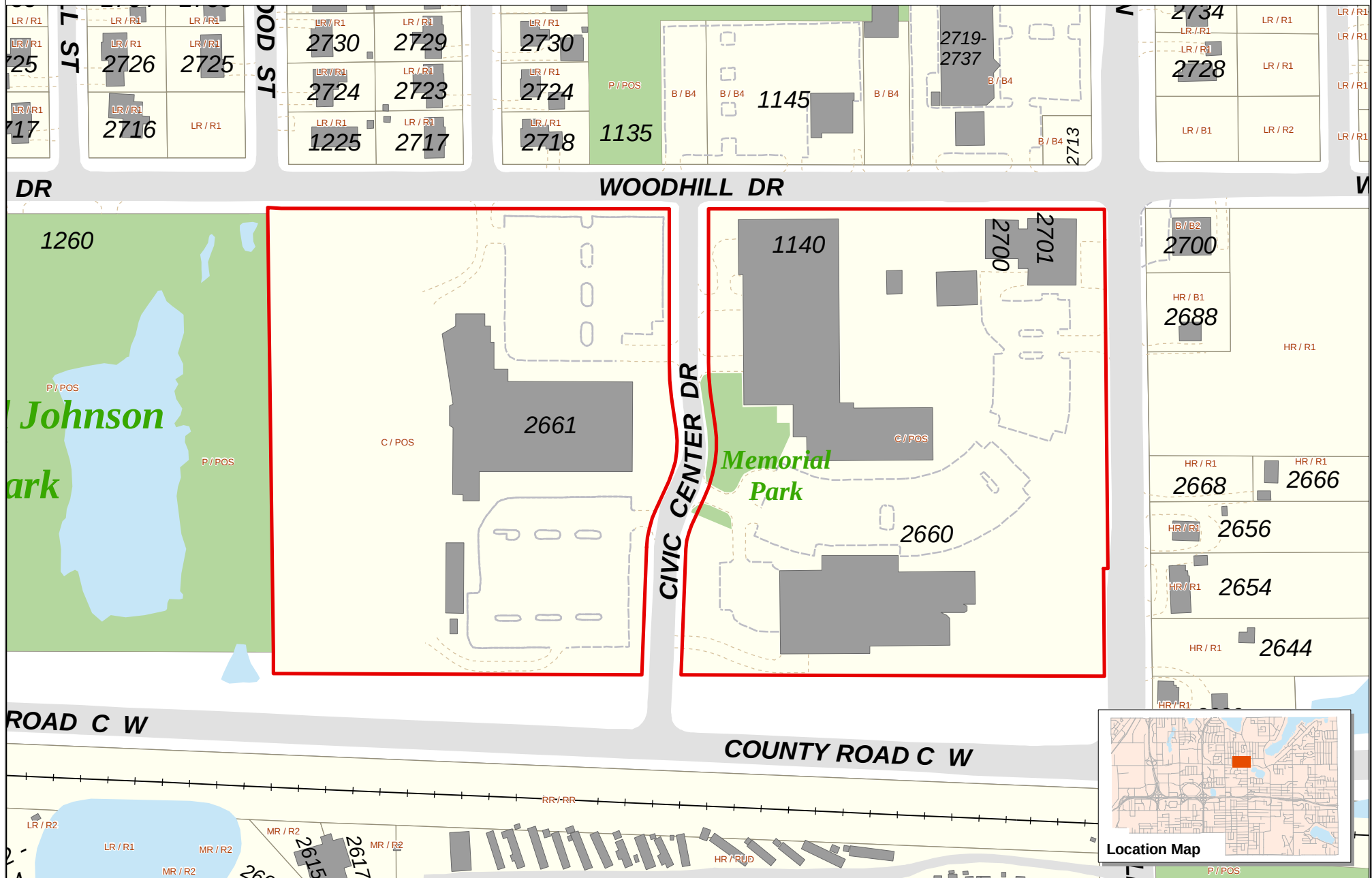
202 **10.0 SUGGESTED ACTION**

203 **Adopt a resolution approving the proposed CONDITIONAL USE** for Clearwire, LLC to
204 allow the construction of a 150-foot telecommunication tower at 2660 Civic Center
205 Drive, based on the comments and findings of Sections 4-8 and the conditions of Section
206 9 of this report.

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

Attachments:	A: Area map	D: 11/4/2009 Planning Commission minutes
	B: Aerial photo	E: 11/16/2009 City Council minutes
	C: Proposed/alternate plans	F: Draft resolution

Attachment A: Location Map for Planning File 09-031



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



Site Location

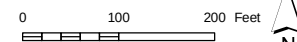
Comp Plan / Zoning
Designations

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.



mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 09-031



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



Site Location

Data Sources

* Ramsey County GIS Base Map (9/28/2009)

* Aerial Data: Pictometry (4/2008)

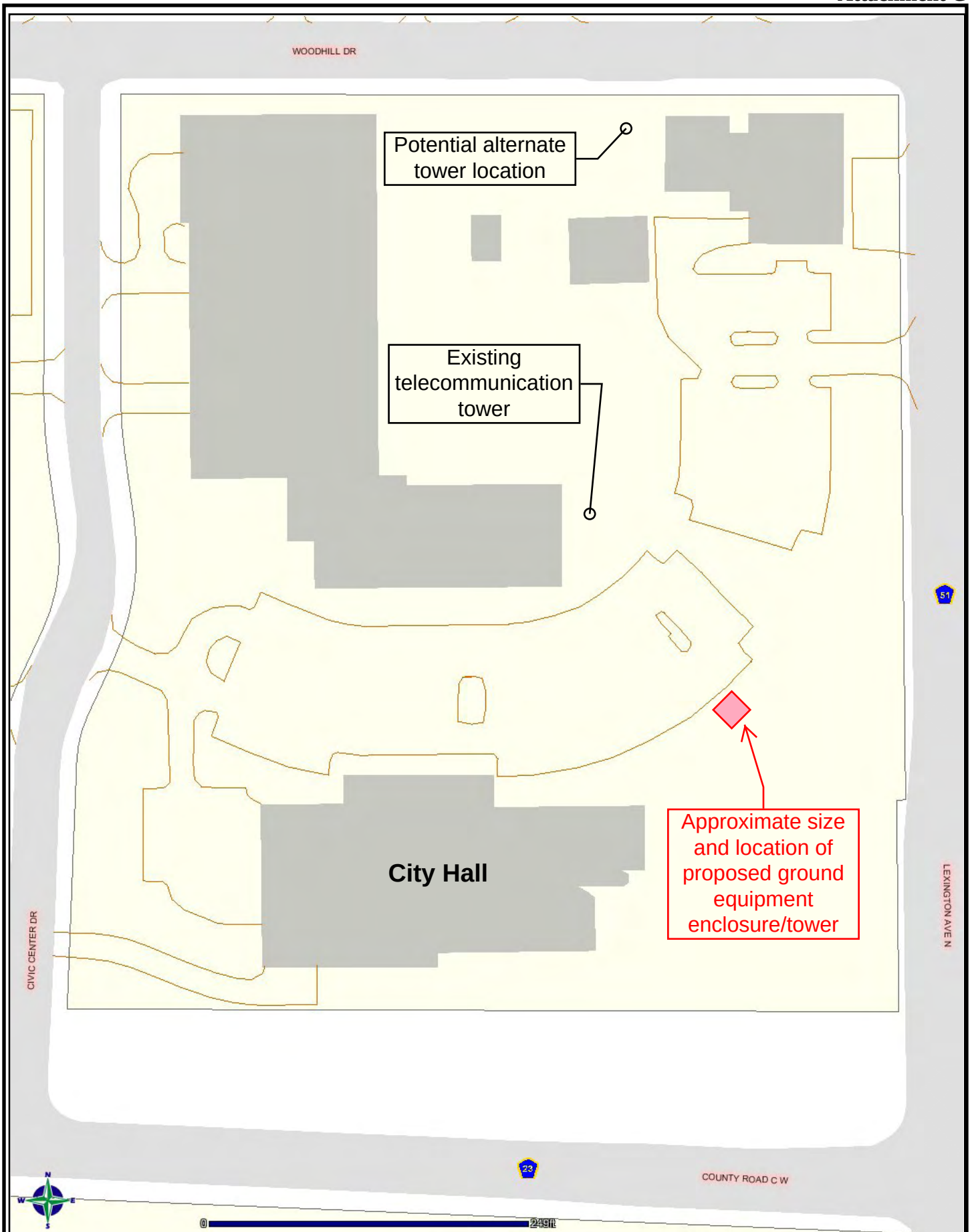
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

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 651-792-7065. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2009), 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.

0 50 100 150 200 Feet





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.

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

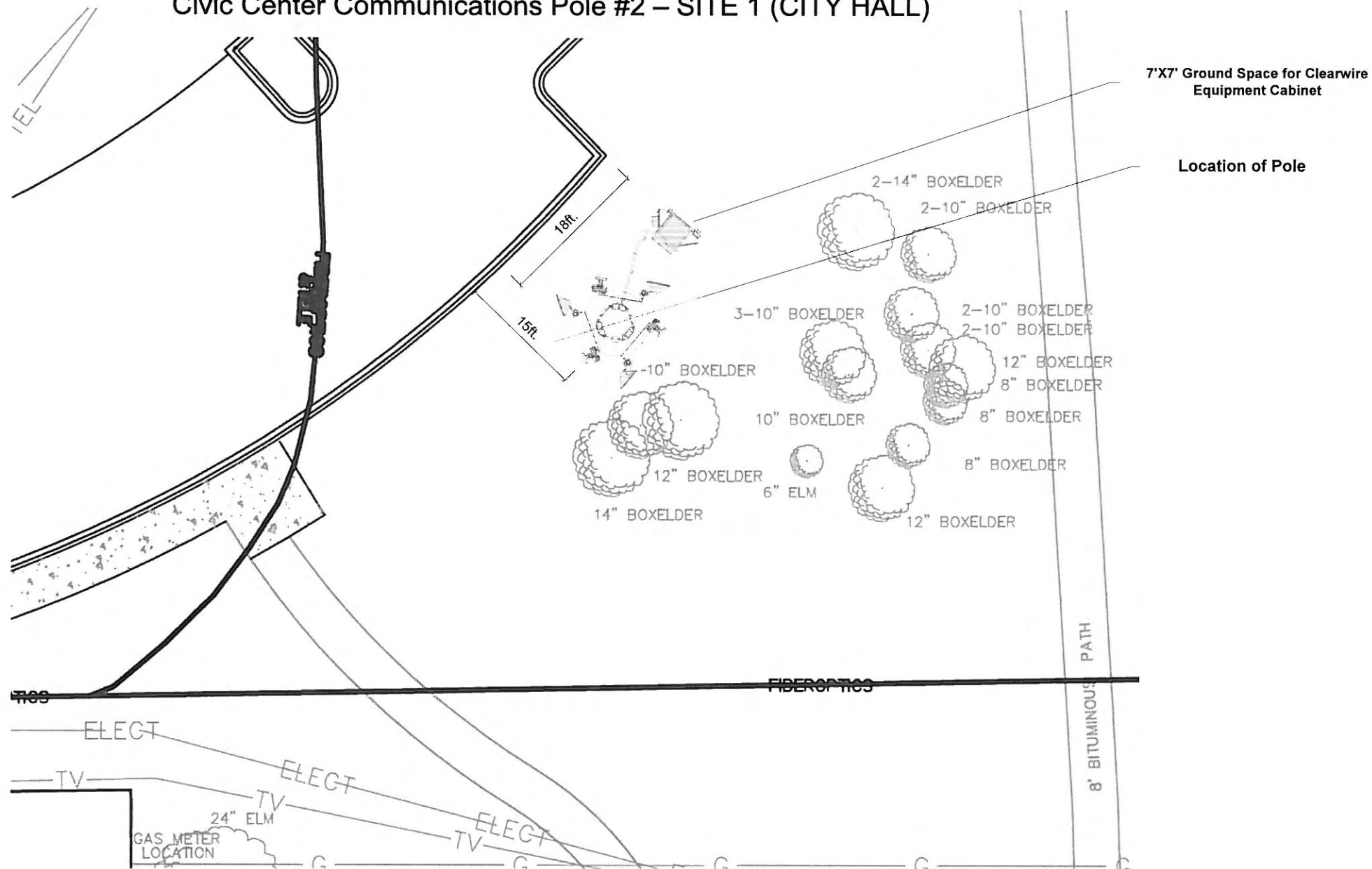


SITE 2 (Woodhill)

SITE 1 (City Hall)

Civic Center Communication Pole #2

Civic Center Communications Pole #2 – SITE 1 (CITY HALL)





SITE 1 - Civic Center Campus – Current View facing East



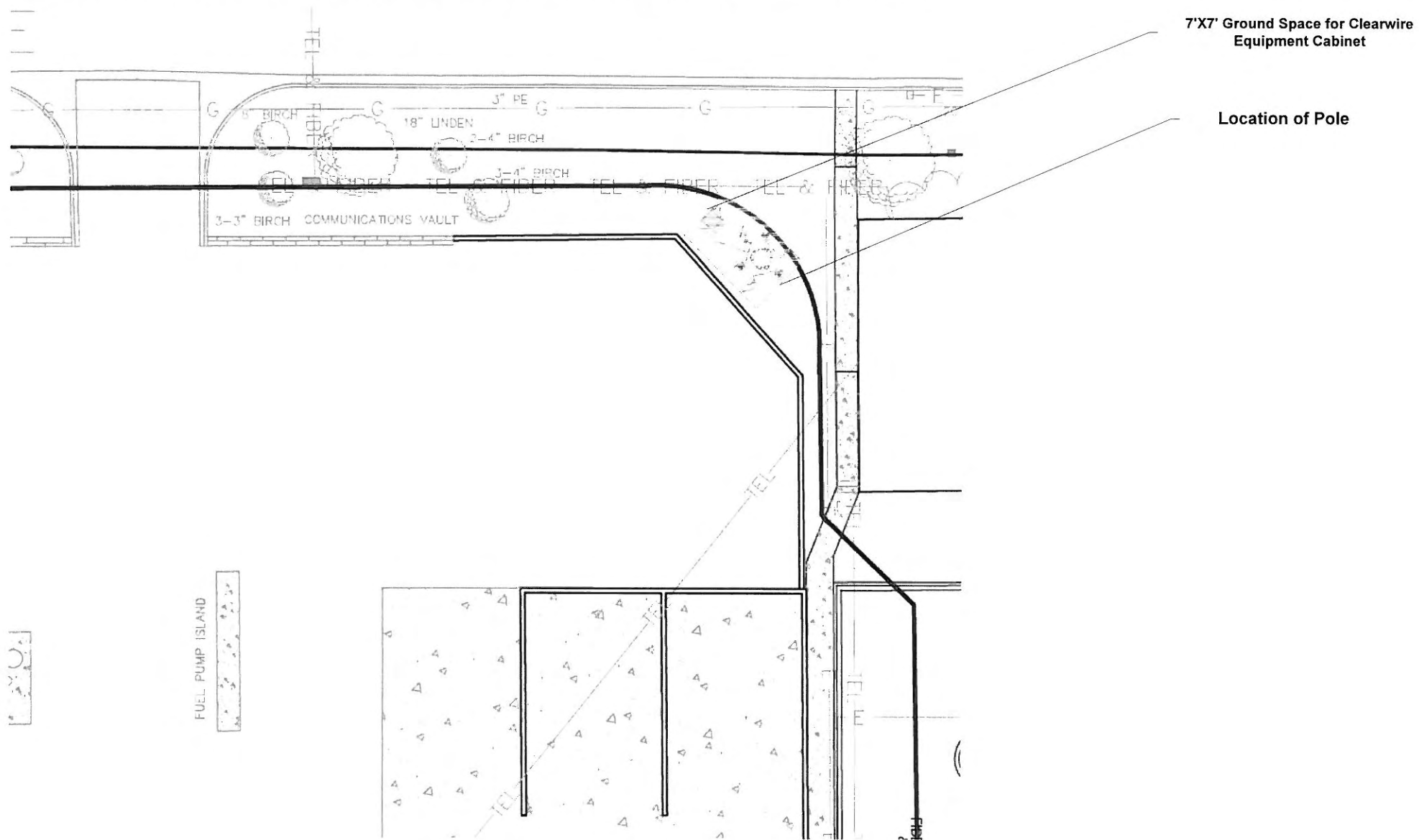
SITE 1 - Civic Center Campus – Proposed 150' Wireless Telecommunications Pole





SITE 1: Additional Photo-simulation - Ground View in parking lot.

Civic Center Communications Pole #2 – SITE 2 (WOODHILL DRIVE)





SITE 2 - Civic Center Campus Pole – Current View from Public Works Yard



SITE 2 - Civic Center Campus Pole – Base section of 150' pole at ground view in yard.





SITE 2: Additional Photo-simulation - Viewing northwest from Fire Station driveway (Lexington)



Planning File 09-031**Request by Clearwire, LLC for approval of a 150-foot telecommunication tower on the City Hall Campus, 2660 – 2661 Civic Center Drive, as a Conditional Use, pursuant to City Code, Sections 1013 (General Requirements) and 1014 (Conditional Use)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Comment

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

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

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

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

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

MOTION

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

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

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

Ayes: 6

Nays: 0

Motion carried.

Approve the Request by Clearwire, LLC for approval of a Conditional Use for a 150 foot telecommunication tower at City Hall Campus (PF09-031)

Community Development Director Patrick Trudgeon summarized the request of Clearwire for erection of a 150' tall telecommunication tower on the City Hall Campus as a CONDITIONAL USE, with staff recommending approval, with concurrence of the Planning Commission. Mr. Trudgeon clarified that this was a land use issue before the City Council at this time, along with the City serving in their role as property owner. Mr. Trudgeon advised that staff's recommendation for approval was based on whether it met code, Conditional Use criteria, and was predicated on staff's analysis as detailed in Section 7 of the report dated November 16, 2009. Mr. Trudgeon advised that, if approved, future discussion by the City Council on lease terms and other items would then be forthcoming. Mr. Trudgeon noted that a representative of Clearwire was present at tonight's meeting.

Discussion included lack of public comment at the Planning Commission Public Hearing related to this request, and focused on the proposed tower at Acorn Park.

Councilmember Pust expressed concern on the proposed location of the tower on the campus and visual aesthetics; opining that there must be another location on campus that would accommodate the tower and be less visible; while speaking in support of the commercial enterprise. Councilmember Pust spoke in opposition to this proposed location, opining that it would be an eyesore and that she didn't want that presentation to the community.

Mr. Trudgeon reviewed four other locations on campus that were considered by several staff members, with this being the recommended location.

Mayor Klausing recognized Councilmember Pust's concerns, and the original requirement that the towers be located on public land to allow greater control and discretion as to their locations.

Mr. Trudgeon advised that they were not required to be located on public land, but as a Conditional Use on industrial, business or commercial properties as well.

Mayor Klausing noted that the City would lose revenue if the tower were located on land other than public land; however, noted that that this didn't factor into the land use analysis and understood the aesthetic issues, while recognizing the viability of them as a utility and needing accommodation. Mayor Klausing questioned whether the balance in additional revenue served as a trade-off for aesthetics, in addition to providing a public service.

Councilmember Johnson opined that, while supporting the tower on campus, aesthetically this was the worst possible location and suggested consideration be given to placing the tower within the Public Works yard.

Tony Vavoulis, Clearwire Representative

Mr. Vavoulis summarized the review of four other sites on campus, with all, including the proposed location, driven by staff review and recommendation. Mr. Vavoulis noted that the existing tower had been determined to be at capacity structurally; and reviewed the needs in locating the firm's internet antenna evenly throughout the community, and their preference to co-locate on existing towers rather than constructing new towers.

Attachment E

Discussion among staff, Mr. Vavoulis and Councilmembers included various schematics of the tower in consideration of aesthetics; inability to increase the structural capacity of the existing tower based on engineering specifications; consideration of frequencies and potential conflicts; additional companies seeking to co-locate and applicable provisions; citizen needs to have a nice-looking City Hall campus versus commercial needs of Clearwire; and various perspectives of individual Councilmembers as to the aesthetics of the tower location.

Councilmembers concurred that they were supportive of working with Clearwire to find a space on campus to make it work, but not necessarily that location.

Pust suggested denial of this Conditional Use request.

Mr. Trudgeon suggested that, rather than denying the request, they table action to allow additional work between staff and the application for an alternate location; recognizing that as a land owner, the City Council would make the final decision.

Pust moved, Johnson seconded, TABLING consideration of a Conditional Use for locating a 150' telecommunication tower facility for Clearwire, LLC, for further staff discussion with the applicant on alternate locations on the City Hall campus.

Mayor Klausing encouraged individual Councilmembers to physically review the site and visual impacts of the proposed location from the street.

Roll Call

Ayes: Roe; Pust; Johnson; Ihlan; and Klausing.

Nays: None.

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

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 11th day of January 2010, at 6:00 p.m.

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

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

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

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

WHEREAS, the subject property is legally described as:

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

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

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

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

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

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

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

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

49 WHEREUPON said resolution was declared duly passed and adopted.

[illegible]

WITNESS MY HAND officially as such Manager this 11th day of January 2010.

(SEAL)