

January 4, 2011

A regular meeting of the Scandia City Council was held on the above date. The first order of business was the swearing in of the newly elected mayor and council members. City Administrator Anne Hurlburt administered the Oath of Office to Council members Sally Swanson and James Schneider and Mayor Randall Simonson. MaryLou Simonson presented the Mayor with a gavel which was used by his Great-Grandfather Joseph Schorr when he served as the Mayor of North St. Paul from 1931 to 1933.

Mayor Randall Simonson called the meeting to order at 7:10 p.m.

Following the Pledge of Allegiance, roll call was taken. The following council members were present: Council members Connie Amos, Chris Ness, Jim Schneider, Sally Swanson, and Mayor Randall Simonson. Staff present: City Administrator Anne Hurlburt, City Attorney Dave Hebert, Building Official/Public Works Supervisor Steve Thorp, Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA

Ness, second by Swanson, moved to approve the agenda as presented. The motion carried 5-0.

SET DATES FOR 2011 BOARD OF APPEALS AND EQUALIZATION MEETINGS

Amos, second by Ness, moved to set April 11, 2011 from 5:00 p.m. to 6:00 p.m. as the date for the 2011 Board of Appeal and Equalization meeting. The motion carried 5-0.

Schneider, second by Amos, moved to set April 19, 2011 at 6:30 p.m. as the continuation date for the 2011 Board of Appeal and Equalization meeting. The motion carried 5-0.

SET DATES AND AGENDA FOR COUNCIL WORK SESSIONS

Mayor Simonson has requested that the council hold a work session to discuss the city's snowplow and ice control policy and procedures, and also to review Ordinance No. 91 (council by-laws and procedures). **Swanson, second by Ness, moved to hold a special council meeting on January 11, 2011 at 6:00 p.m. for the discussion of the snowplow policy and Ordinance No. 91. The motion carried 5-0.**

ADVISORY COMMITTEE AND COMMISSION VACANCIES AND OTHER COUNCIL APPOINTMENTS

The city began advertising for applicants in November 2010 for those committees which have terms expiring in February 1, 2011, and for those that have existing vacancies. Several applications were received by the December 30 deadline. Mayor Simonson directed staff to continue to advertise with notices on the website and through a press release. It was agreed to extend the application period to January 14. The council will discuss the process of appointments at the January 11, 2011 special council workshop meeting.

There is an immediate vacancy on the Forest Lake Cable Commission as former Council member Dolores Peterson has resigned. The joint powers agreement requires that an elected official from Scandia serve on the board. Mayor Simonson offered to fill this position. **Ness,**

second by Schneider, moved to appoint Mayor Simonson to serve on the Forest Lake Cable Commission Board. The motion carried 5-0.

The council recessed at 7:25 p.m.

The Planning Commission meeting was called to order at 7:30 p.m. The following members were present: Commission Chair Christine Maefsky, Commissioners Tom Krinke, Steve Philippi, Susan Rodsjo and Peter Schwarz. Staff present: City Planner Sherri Buss, TKDA.

PUBLIC HEARING: ORDINANCE NO. 124 AMENDING DEVELOPMENT CODE, STANDARDS FOR WIRELESS COMMUNICATION ANTENNAS AND TOWERS IN THE GENERAL RURAL (GR) DISTRICT. CITY OF SCANDIA, APPLICANT.

City Planner Sherri Buss introduced the recommendation that the Development Code be amended to appropriately include performance standards for Wireless Communication Antennas and Towers in the General Rural District. As staff began the review of the AT&T application for a new cell tower in Scandia, it was discovered that wireless towers are included as an allowed use in the GR zoning district, but the performance standards for this use were inadvertently left out of Chapter 2, Section 4.30 (standards for Wireless Communication Antennas and Towers).

Staff proposed a “housekeeping” amendment to the Development Code to include the GR district in two locations, Paragraph 7(A) and 9(A). In paragraph 9, staff proposed that the GR district be included with the group of districts that require a five-acre minimum lot size.

Planning Commission Chair Maefsky opened the public hearing for comments on draft Ordinance No. 124. There were no public comments, and the hearing was closed.

Commissioner Philippi suggested that a minimum lot size of 2½ acres is too small even in the Industrial Park (IP) District and the Rural Commercial (R COMM) District, as allowed in Paragraph 9(A). Planner Buss explained the rationale of infrastructure being more compatible in the IP and R COMM districts.

Chair Maefsky stated that the commercial districts should not be eliminated because constructing towers in these districts is less obtrusive to residents.

The Planning Commission recommended to the Council that draft Ordinance No. 124 be approved as presented.

Amos, second by Ness, moved to approve Ordinance No. 124, Amending Ordinance No. 122, the City of Scandia Development code. The motion carried 5-0.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR WIRELESS COMMUNICATION TOWER AT 23877 MANNING TRAIL. AT&T/NEW CINGULAR WIRELESS, APPLICANT

City Planner Sherri Buss presented the planner’s report regarding AT&T’s application for a Conditional Use Permit for the construction of a monopole telecommunications tower and shelter

at 23877 Manning Trail. The location of the proposed facilities is on property owned by James and Nancy Beimert, which is approximately 20 acres in size. The property is zoned General Rural. A map showing the proposed location was viewed. An existing private driveway will be used to access the tower.

Planner Buss explained that the proposed tower location meets the required setbacks from parks, the St. Croix River District, and lakes and rivers, but does not meet the ¼-mile setback from County Road 15 (Manning Trail). The ordinance requires that towers within ¼-mile of County Roads demonstrate through visual impact simulation that the tower will be visually inconspicuous as viewed from the road on a year-round basis. Planner Buss presented the simulated photos provided by the applicant.

Planner Buss discussed the issue of questioning the environmental and health impacts of cell towers. Under federal law, potential environmental impacts cannot be used to rule on the issuance of permits for telecommunication towers. They are classified as “categorically exempt from review” in regards to requiring an EAW or EIS.

Planner Buss presented draft resolution number 01-04-11-01 which outlined a number of conditions that are recommended for approval of the permit. These included requiring that the tower be light gray in color, screening the compound area with native trees and shrubs, having no lights or reflectors on the tower, installing a 6-foot chain link fence around the monopole and shelter structures, and various other conditions.

Planning Commission Chair Maefsky opened the hearing for public comment.

Steve Stulz, representative of AT&T: Mr. Stulz stated that a new tower is needed in order to provide adequate coverage for cellular services in the northwest Scandia area. The company’s engineers were not able to identify an existing tower for collocation of antennas to provide the necessary coverage. The proposed site best meets the service needs and regulatory requirements. Mr. Stulz indicated that the tower design will allow for future co-location of at least three additional antennas. Although the site does not meet the County Road setback, the proposed tower will be located in a low point on the property, to best minimize the visual impact. By positioning the tower to the east (farther from County 15/Manning Trail), it would be at a higher elevation. In addition, the proposed location is partially screened by trees along County 15.

Council member Ness questioned Mr. Stulz about lowering the height of the tower. Mr. Stulz replied that perhaps a 10 or 15-foot decrease could be made, but that the effectiveness is greatly reduced beyond this. It is also more difficult to provide space for future co-locates at a reduced height. In addition, a slight decrease in height would not greatly affect the visual impact.

Commissioner Krinke asked about the expected service range this tower would provide. Mr. Stulz answered that coverage of two to four miles is anticipated, with the signal falling off after two miles.

Adam Nelson, 11051 240th Street: Mr. Nelson stated that he is the property owner of the lot adjacent to the east and is opposed to the construction of a cell tower at this site. Mr. Nelson

stated that AT&T should instead look into options of co-locating on the electric transmission lines that run south of the proposed site. Mr. Nelson indicated that he has adequate coverage with the AT&T service that he currently has, and doesn't see the need for the construction of a new tower. Mr. Nelson also commented that the site does not meet the County Road setback and should be denied because of this. Mr. Nelson also noted that residents of Chisago County did not receive notice of the hearing.

Mayor Simonson asked Mr. Nelson to expand on his comment of the power line option. Mr. Nelson explained that it is allowable to locate within the easement of a high voltage overhead transmission line or to locate an antenna on the power poles themselves. The line runs approximately one mile south of the site.

Planner Buss explained that it is not a variance from the County Road that is being considered, but a conditional request pertaining to the visual impact.

Mr. Stulz addressed the power line option and concluded that it would not be feasible in this case. The coverage goals could not be met when co-locating on the transmission poles, or building a tower within the easement.

Commissioner Rodsjo asked if a landscape plan for screening was submitted. Mr. Stulz replied that the company will agree to what city staff requires or asks for, rather than submitting an initial plan and then having to make changes. Condition #7 stated that the compound area be screened with native trees and shrubs, and that the final landscape plan be approved by the City Administrator.

Adam Nelson, 11051 240th Street: Mr. Nelson suggested that the applicant consider the placement of the tower along a ridgeline approximately one mile straight west of the proposed site. At a higher elevation, it may be possible to lower the height of the tower.

Rebecca Jones, 11051 240th Street: Ms. Jones stated that cellular signal strength does not seem to be a problem with the neighbors she spoke with. She also suggested that the company research alternate locations at which to construct the tower which would have less impact to residents.

Commissioner Krinke questioned Mr. Stulz regarding the need to provide coverage in this particular area. Mr. Stulz responded that extensive research for cell tower placement is done based on customer complaints, usage, future growth, feasibility and many additional factors. It is not practical to survey the individual needs of customers. Mr. Stulz stated that the application presented is the best plan to meet the zoning code.

Chair Maefsky closed the public hearing at 8:40 p.m.

Commissioner Schwarz asked City Attorney Hebert if the permit for the tower could be legally denied. Attorney Hebert replied that if the application meets the code requirements and is as visually inconspicuous as possible, it would be very difficult to deny. Findings to deny the permit would have to be very strong to hold up in court.

Commission Chair Maefsky questioned the possibility of the 20-acre parcel being divided in the future. Administrator Hurlburt stated that conditions addressing the setbacks and 5-acre minimum requirements would be added to the permit to ensure that these critical requirements are met if the land is subdivided in the future.

Commissioner Krinke stated that the plans do not show evidence of the tower being visually inconspicuous.

Commissioner Rodsjo addressed the view of the proposed tower from the roadways. Rodsjo stated that there is no screening along 240th Street and suggested that the applicant provide a plan for the addition of trees along the property lines, which could limit the view of the first 30 to 40 feet of the tower. Rodsjo suggested that action on the application be postponed until a landscape plan can be reviewed and a visual simulation showing the screening be provided by the applicant.

Mr. Stulz replied that photo simulations could be provided by the date of the next Planning Commission meeting (February 1, 2011). Regarding the request to locate the building site further from County Road 15, Mr. Stulz stated that this placement would result in more visibility of the tower. The proposed site has natural screening and is a lower elevation than moving east towards the center of the field where the elevation is twenty feet higher. The landowners have offered to be open to any screening proposed along property lines.

City Administrator advised that the application may be extended an additional 60 days beyond the February 11 review period deadline to allow sufficient time for the applicant to provide the requested information.

Commission Chair Maefsky agreed that a postponement would be favorable. It would allow the city to provide notice of the application to residents north of the county line.

The Planning Commission approved a motion to postpone action on the hearing to February 1, 2011 and to request that the applicant provide the following: 1) A site plan and photo simulations showing the tower meeting all setback requirements along with proposed screening; and 2) Photo simulations of views showing screening along the 240th Street and Manning Trail roadways and views of screening along neighboring property lines.

REQUEST FOR FUTURE AGENDA ITEM, DAN WILLIUS

Dan Willius, 23577 Quentin Avenue, addressed the Commission and Council with a request that they schedule time at a future meeting to view a video by the Conservation Fund, "The Dollars and Sense of Preserving Community Character". Mr. Willius felt it would provide valuable information to the Commission and Council in their decision making. The date of January 25, 2011 at 6:30 p.m. was selected for a joint meeting of the Planning Commission and City Council to view the video.

ADJOURNMENT

Ness, second by Schneider, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 9:28 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk