

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
January 19, 2010**

CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on January 19, 2010, at 7:03 p.m.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the flag.

ROLL CALL

The following members were present: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart.

APPROVAL OF AGENDA

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to approve the January 19, 2010 agenda as submitted.

VOTE: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

There were none.

CITIZEN COMMENTS

There were none.

COUNCIL COMMENTS

Mayor Martin:

Congratulations to the City's Finance Director, Jeanne Haapala who has once again been awarded the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting. Ms. Haapala has received this award for over 15 consecutive years. The City is very fortunate to have this kind of expertise and competence in the Finance Department.

Councilmember Wickstrom

Thank you to staff for all the work on the new website. It is professional and easy to navigate. She encouraged residents to check it out.

The Paint-A-Thon will be the first week of August. If any seniors or disabled persons need their house painted, call 612-721-8687, extension 321. There are income qualifications. The deadline to apply is March 7, 2010.

The Environmental Quality Committee will be starting educational seminar classes on January 21, 2010. The theme of the classes this year is protecting lakes and ground water. The classes will be held in the City Council Chambers at 7:00 p.m.

CONSENT AGENDA

Councilmember Withhart stated he was pleased to see that augmentation to Snail Lake raised the lake by six inches this fall, and he hopes that much again can be gained in the spring.

MOTION: by Councilmember Quigley, seconded by Councilmember Huffman to adopt the consent agenda of January 19, 2010 approving the necessary motions and resolutions:

1. January 4, 2010 City Council Meeting Minutes
2. Receipt of Committee/Commission Minutes
 - Bikeways and Trails Committee, December 3, 2009
 - Environmental Quality Committee, December 28, 2009
3. Monthly Reports:
 - Administration
 - Community Development
 - Finance
 - Public Works
 - Park and Recreation
4. Verified Claims in the Amount of \$1,403,182.74
5. Purchases
6. Licenses
7. Adoption of Administrative Penalties for Tobacco Violation - Gina Arcand and North Suburban BP, 415 W. Highway 96
8. Approval of Change Order #2 - Snail Lake Augmentation Screening Facility, CP 09-04

VOTE: Ayes - 5

Nays - 0

PUBLIC HEARINGS

There were none.

GENERAL BUSINESS

CO-LOCATION OF WIRELESS TELECOMMUNICATIONS PERMITS

**4615 N. Victoria Street
5880 Lexington Avenue**

Presentation by City Planner Kathleen Nordine

Clearwire Legacy (Clearwire) has requested two Wireless Telecommunications Facility Permits to locate their equipment on the monopole at the Maintenance Center on Victoria and at the north water tower on Lexington. This is part of Clearwire's Phase 1 build out plan in the Twin Cities. When Phase 2 begins, the City will receive more applications. Clearwire is developing a network in the Twin Cities to offer 3G and 4G networks to customers. Both the monopole and north water tower are in overlay districts where wireless equipment is permitted. As the City owns both sites, a ground lease will be required for each for placement of ground equipment. There is a closed fenced area at the north water tower where Clearwire proposes to locate its equipment. The antenna on the tower will be at a height of 90 feet. Other antennae from other providers are at higher elevations. At the Maintenance Center monopole, there is an enclosed area on the south portion of the site where Clearwire proposes to place its equipment. The monopole is owned by another provider, but the grounds are owned by the City. The antenna would be placed at a height of 110 feet.

The applications comply with the site standards, landscaping and co-location regulations of the City. There is no interference with public safety telecommunications or RF interference. The City's consultant, OWL Engineering, tested for RF interference and found none. Once installed, RF emissions will be tested again to verify compliance with FCC requirements. The application was reviewed by Public Works and it has been determined that placement of the equipment will not interfere with City operations at either of these sites.

The Planning Commission reviewed the application at their November 24th meeting and recommended approval of both applications.

Property owners within 350 feet of both sites were notified of the applications. No comments were received. Neither proposal includes a generator. A battery system is used for emergency backup power.

Both leases are for an initial five-year term with three renewal periods of five years for a total of 20 years. The lease rate is \$25,000 per year for the north water tower and \$9,500 for the ground space at the monopole site. Each has a 5% annual rent escalator. Staff is recommending approval with the conditions outlined in the staff report.

Mayor Martin asked if there is a limit to the number of co-locations at a site. Ms. Nordine stated that there is no fixed number. It is based on the capacity of each structure. There is an engineer's report to verify the number.

Councilmember Huffman asked if the City needs to know how many more providers can be placed at these sites in the future. Mr. Schwerm stated that other cities have many more antennae on similar sites. The capacity of these sites in Shoreview is greater than what is currently there.

Councilmember Withhart noted that this location is not far from Bucher Park. He asked why the applicant would consider both sites. Mr. Schwerm stated that the distance is approximately 2 to 2.5 miles. Both are needed to get coverage and signal strength in certain areas.

Mayor Martin stated that in the past there has been an escrow to make sure equipment is removed if it is not used. Mr. Schwerm referred the Council to page 12, where it states the applicant is putting up a performance bond to cover site restoration at 125% of the Engineer's cost estimate.

Councilmember Wickstrom asked what conditions would cut off the signal--rain, fog?

Mr. Gyan Pandey, Radio Frequency Engineer for Clearwire, stated that Wimax is not affected by the weather. The key is to make sure there is no blockage in the line of sight. The speed will be three to four times faster and there will be various plans available. The range of a single tower is 1.5 to 2 miles, depending on the number of buildings. These two sites will cover 10 to 12 square miles. Clearwire's footprint is small compared to the other carriers.

Councilmember Withhart asked if a tree would block the signal. **Mr. Pandey** stated that there should not be a tree between two sites. The entire network of all sites should be able to communicate with each other. However, Wimax to customers will not be affected by trees. The signals easily penetrate brick and mortar. Sometimes there is a problem with glass because it contains metal.

Councilmember Wickstrom asked if a computer with Clearwire can be used in the basement, and would a user need a special modem? **Mr. Pandey** stated that the signal will be available in basements. No special modem is necessary. Councilmember Wickstrom asked about taking a laptop to another city. **Mr. George Dutchman**, Consultant for Clearwire, stated that Clearwire has plans to cover nine markets.

Councilmember Huffman asked when it will be available in Shoreview. **Mr. Dutchman** answered, in July. It will be advertised in the City in August.

City Attorney Filla noted there are two different leases. The one for the north water tower is using both the ground and tower owned by the City, and restoration is included. He would suggest adding a condition No. 10 of an amount to be determined by the City Engineer to be reflected in 15B of the lease. In the lease for the monopole, the space rented is 7' x 7' on the ground and the City Engineer does not believe it is necessary to require restoration. The City does not own the monopole.

MOTION: by Councilmember Quigley, seconded by Councilmember Withhart to approve two Wireless Telecommunications Facility Permit (WTFP) applications for 4615 Victoria Street and 5880 Lexington Avenue for Clearwire Legacy to collocate antennae and equipment at the existing structures subject to the conditions listed in Exhibit C of the Site Lease Agreement for each site, and to authorize the execution of the ground leases for these sites, with the addition of condition No. 10, as specified by the City Attorney, for an amount for restoration to be determined by the City Engineer to be reflected in 15B of the lease.

This approval is based on the following finding:

1. The WTFP collocations comply with adopted City standards for Wireless Telecommunications Facilities, as specified in Section 207.040 of the Municipal Code.

ROLL CALL: Ayes: Huffman, Quigley, Wickstrom, Withhart, Martin
Nays: None

AMENDMENT TO LEASE - CROWN CASTLE/SPRING, 4615 VICTORIA STREET

The monopole at the Maintenance Center is owned by Crown Castle International. The Crown Castle and T-Mobile leases are in their third renewal period. One of the amendments proposed is to add three additional 5-year terms to those lease agreements, which would otherwise expire in 2013. Extension of the lease terms will provide the City with additional security for revenue flow from those facilities. The amendments also include a 10-foot utility ground easement from Highway 96 to the monopole.

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to approve the amendments to the ground leases for Crown Castle and T-Mobile for 4615 Victoria Street, and to authorize execution of the amendments.

ROLL CALL: Ayes: Quigley, Wickstrom, Withhart, Huffman, Martin
Nays: None

ADJOURNMENT

MOTION: by Councilmember Quigley, seconded by Councilmember Huffman to adjourn the meeting at 7:40 p.m.

ROLL CALL: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 1st DAY OF FEBRUARY 2010.

Terry C. Schwerm
City Manager