

**WAYZATA PLANNING COMMISSION
WORKSHOP MEETING MINUTES
FEBRUARY 4, 2013**

AGENDA ITEM 1. Call to Order, Roll Call and Approval of Minutes.

Chair Gonzalez called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Cooper, Crowder, Gonzalez, Iverson, Pearson, Ramy Jr., and Vanderheyden. Absent and excused: None. City Planner Gadow and Mayor Willcox were also present.

Commissioner Vanderheyden made a motion, seconded by Commissioner Cooper, to approve the January 28, 2013 meeting minutes as submitted. The motion passed 7/0.

AGENDA ITEM 2. Workshop Items:

a. Discussion of Telecommunications Ordinance

City Planner Gadow stated the purpose of tonight's discussion is to bring the newly appointed Commissioners, as well as the entire Commission, up to speed on the draft Telecommunications Ordinance. He explained this is something the Planning Commission has been working on for at least a year and a half, noting it is a complex topic with nuances they are trying to "hammer out" prior to providing a recommendation to the City Council, holding public hearings, and the City Council's formal review. City Planner Gadow encouraged the Commissioners to ask questions relating to the ordinance, point out issues that need a stronger review, or questions on the consultant's study.

Commissioner Pearson asked if the City has thought about where the technology is going. He stated he did some research and it indicated cell phone towers may not be around in five years so he wondered if the City has thought about being proactive. Commissioner Pearson also asked whether future technology would result in cellular towers on light poles instead of having one large tower. City Planner Gadow stated over the course of the year and a half, that has been in the forefront, writing the ordinance as the situation exists today as well as addressing substantial change in technology that cannot be predicted for the future years. He noted language is included in the draft referencing the need for vendors to continually update technology so the equipment does not become antiquated. They have also talked about the issue of whether it will move away from the tower model (monopole) to having antennas on utility poles. In addition, staff has asked equipment vendors for their thoughts on the change in technology. Those vendors had indicated "cube" type technology may be coming but it is difficult for them to predict when it is in development phase and could be utilize, thinking it may be more than five years.

Chair Gonzalez stated in her research, she came across the FCC website where it addresses the accumulative effect of several antennas. She asked if that is something of concern if located

1 close to a residential area and if so, how the City can find out the threshold when “safe is no
2 longer safe.” City Planner Gadow stated in reading that information from the FCC and
3 University of Tennessee, he interpreted the FCC is the body that does the analysis as to whether
4 or not multiple antennas on one site creates an issue. That analysis is not done on the State or
5 City level, it is a Federal issue. When the FCC does its permitting process for the vendors, they
6 are required to follow that process. Secondly, the material talked about the horizontal effect of
7 radio frequencies and if under the Radio Frequency (RF) rays instead of within the line of sight,
8 there is less likelihood of being affected by RF rays due to the manner in which the rays travel.
9 If talking about locating structures, there is far less impact if located high enough above to be out
10 of the line of sight. He indicated the City can ask the FCC to conduct that analysis but it is not
11 known whether they would do so.

12
13 Chair Gonzalez stated the City encourages co-location to bundle antennas but the question is
14 whether doing so creates health hazards for those living near by. City Planner Gadow noted the
15 FCC addressed that question in its paper and recognizes they push for co-location and there are
16 concerns on the local level about RF rays so the FCC conducts that analysis as to whether the
17 City should be concerned as to the location of the tower and height from other structures. That
18 report said an antenna would be exempt if more than 33 feet from the ground and as far as he is
19 aware, the present antennas on the City’s water tower meet that criteria. The issue is if the City
20 requires relocation to another location, such as the Public Works site, to assure that requirement
21 is met as well.

22
23 Commissioner Cooper noted the consultant addressed that question and said if 100 feet in the air,
24 due to horizontal effect, no one under or near would be impacted. She asked whether the City
25 would believe that comment. City Planner Gadow answered in the affirmative, noting that is the
26 consultant’s area of expertise and had indicated the real danger of RF rays is with the workers on
27 the tower so they wear protective clothing or the antennas are turned off, or a combination of the
28 two. He had the same opinion that the horizontal effect is the area of concern, not those under
29 the tower per se.

30
31 Commissioner Vanderheyden thanked Chair Gonzalez for the information provided and quoted a
32 comment within the University of Tennessee information indicating: “Local ordinances may not
33 impose more stringent ‘environmental effects’ limits on radio frequency emissions than those
34 adopted by the Federal Communications Commission (FCC).” He stated that seems to be a
35 reasonable standard and one that should be included in some form. He stated another document
36 referred to the line of sight issue where it was a more explicit concern with rooftop mountings
37 where roof top patios may be within the line of sight. Commissioner Vanderheyden stated he
38 felt comfortable with what had been drafted thus far.

39
40 Chair Gonzalez stated it would be helpful to have a clean draft of the ordinance so she is not
41 distracted by areas of addition and/or deletion. City Planner Gadow stated he can provide that
42 document but had provided an annotated version so the Commissioners can track the changes
43 made.

44

1 Commissioner Vanderheyden stated he would like both versions maintained. City Planner
2 Gadow concurred and explained that even after adoption of the final version, the annotated
3 version is maintained for reference purposes.

4
5 City Planner Gadow referenced Section 31 a summary of the ordinance as it exists today, noting
6 it does not say much about telecommunications, which drove the discussion to address that issue.
7 He explained that over the last year and a half, the Commission has repurposed this ordinance to
8 address commercial communication facilities (i.e., existing antennas on the City's water tower or
9 future Public Works site) and residential accessory devices (i.e., television dishes). The SEH
10 consultant had indicated it was confusing to him in how that melded and found there was need
11 for more distinction between commercial towers and residential accessory devices.

12
13 City Planner Gadow Purpose referenced the draft ordinance, Section 1. Purpose and Intent,
14 noting it lays out for future vendors, citizens, agencies, why this effort was being undertaken and
15 issues to mitigate. The definitions were updated after looking at ordinances from adjacent
16 communities, metro communities, and other areas in the country to determine how they dealt
17 with specific issues. He noted the City is still struggling with how to deal with mitigating
18 negative adverse impacts to near by residential properties. City Planner Gadow stated he has not
19 seen anything that gives a measurement of "negative adverse impact," with the exception of
20 noise that can be measured. An adverse visual impact is more difficult to quantify so that should
21 be considered for future discussions and staff will provide information, if found, from other
22 communities.

23
24 City Planner Gadow referenced Section 2. Definitions, noting the definitions come from a
25 multitude of different ordinances. He explained the SEH report addressed use of the terms
26 "applicant" and "lessee," finding that "lessee" relates to current contracts and "applicant" relates
27 to future applications. SEH recommended the ordinance focus on "applicant." City Planner
28 Gadow stated that while he understands that comment, he wants to make sure the City does not
29 lose sight that there are agreements with existing tenants that provide guidance in how they are
30 dealt with over the next couple of years. The ordinance addresses how to deal with vendors
31 when those leases expire to force the vendor to meet the City's current requirements, including
32 re-location to a new site and/or upgraded or stealth equipment.

33
34 City Planner Gadow referenced Section 5. Minimum Requirements for Commercial Facility.
35 He explained that an analysis for putting up a new tower will apply in all cases, whether a new or
36 existing tenant, and it had been decided to break up this process into a couple of different land
37 use paths to make it easier to navigate. City Planner Gadow noted it acknowledges the existing
38 facility, so when a lease is up for renewal, that lessee would need to meet existing requirements.
39 Another process is for an administrative approval assuming the City builds a new tower facility
40 at another site. Then instead of going through a formal CUP process for a new vendor at the new
41 facility, it will be an administrative process since the City would have already gone through the
42 public hearing process to locate the new site. If there is a new vendor that locates to a new
43 tower, there would then be a formal CUP process with public hearings held before the City could
44 approve that CUP to create a new telecommunications site. Within that CUP process, it is
45 broken down into ranking of land uses where it would be appropriate for a new
46 telecommunications tower and where it would be not permissible. City Planner Gadow stated

1 the City's land use map was reviewed and when ranking the land uses, it was found there are
2 only a handful of parcels where one could conceivably have a new telecommunication facility
3 and one of the prime candidates is the City's Public Works site. However, staff wanted a process
4 in place should someone want to locate a new tower since such a process does not exist in the
5 City's current ordinance.

6
7 Chair Gonzalez asked if someone could put antennas on top of a church steeple or the tall
8 buildings of the Bay Center. City Planner Gadow stated that would be addressed in Section 5,
9 Minimum Requirements for Commercial Telecommunication Facilities, c., Conditional Use
10 Permits, ii, where priority ranking of land uses suitable for potential new telecommunication
11 facilities is detailed. He noted that the highest priority would be: "a) City Owned Property that
12 is adjacent to highway rights-of-way and not adjacent to or adjoining residential property."

13
14 Chair Gonzalez noted that is the problem if located next to or near a residential property. City
15 Planner Gadow stated there was a strong statement from the Commission that it wanted to
16 exclude towers from residential properties so this language would limit, as much as possible, that
17 type of property.

18
19 Chair Gonzalez referenced FCC regulations and stated it is her understanding that this is like
20 "adult entertainment" that can be regulated reasonably but not made impossible. Her concern is
21 whether these limitations may cause trouble. City Planner Gadow explained there could be
22 antenna on the roof of a commercial building, but not the Bay Center due to its mixed use with
23 residential. He noted that along Wayzata Boulevard, at the eastern end before the highway, there
24 is one 55-foot tall monopole behind the car wash that is located on private property. Something
25 like that may be a possibility depending on the height needed.

26
27 Commissioner Iverson asked if there are any studies on anticipated growth within the Wayzata
28 area related to the number of antennas. City Planner Gadow stated his sense from conversations
29 with vendors is that it may actually be the reverse due to consolidation of vendors; however,
30 there may be a short-term increase in antennas when technology changes such as from 3G to 4G.
31 During that period of transition, both antennas may be present until the new system is functional.

32
33 Commissioner Pearson asked whether the 4G antennas are smaller in size than the 3G antennas.
34 City Planner Gadow stated he is not sure.

35
36 Commissioner Ramy asked if there is competition from surrounding communities if the leases
37 provide the City with a revenue stream, or is it the goal of the City to continue the existing leases
38 and maintain those relationships. City Planner Gadow indicated that would be a policy decision
39 of the City Council. He stated the leases provide the City with revenue of about \$250,000
40 annually so if it goes away, that amount would have to be off set.

41
42 Commissioner Vanderheyden asked what is the notice period on the leases. City Planner Gadow
43 stated the leases are on staggered terms and he thinks the soonest without an automatic renewal
44 is 2017. Commissioner Vanderheyden asked if there was a one-year prior or two-year prior
45 notice to the lessee if the City will not be providing the same facilities. City Planner Gadow
46 stated it may be six months to one year.

1
2 City Planner Gadow noted in June of 2012 there had been significant discussions about the
3 existing site and, setting aside the public policy question of whether to relocate the site, the
4 Commission asked whether something could be added to the ordinance to require burying the
5 equipment under ground at the current site. He noted SEH had provided cost estimates and that
6 avenue will continue to be looked at to determine whether it is feasible.
7

8 Chair Gonzalez noted the clause within Section 7, General Standards for Commercial
9 Telecommunication Facilities, f., Underground Equipment Storage, addresses that situation. She
10 asked if anything can be done to at least require proper screening of existing equipment if it
11 cannot be required to be placed under ground.
12

13 Commissioner Vanderheyden noted the current ordinance requires some screening. City Planner
14 Gadow stated it does but not to the degree the City wants. Commissioner Vanderheyden stated
15 he was referring to enforcement of the existing ordinance even if nothing else changed.
16

17 Chair Gonzalez referenced Section 7, General Standards for Commercial Telecommunication
18 Facilities, k., Security Fencing and Screening, and asked why the language requires a wood
19 fence since there may be other environmentally sound materials that may be better. She
20 indicated she did not like specificity as long as it is a quality material and provides proper
21 screening.
22

23 Commissioner Iverson stated she would not want the language left too “open” and her concern
24 would be using a product that does not meet the City’s Design Standards. She felt adding
25 specificity would assure adequate aesthetics and save the City from having to negotiate it on the
26 back end.
27

28 Commissioner Pearson stated the language indicates: “...shall be constructed of a well designed
29 wood fence...” He asked how it would be decided whether it is a “well designed wood fence.”
30

31 Commissioner Iverson stated the standards can be tightened to define what that would mean.
32

33 Commissioner Pearson stated he thinks there is a “happy middle” somewhere that can be
34 considered. City Planner Gadow suggested added language indicating: “...wood fence or other
35 environmentally sound materials...”
36

37 Commissioner Cooper stated this topic relates to screening of equipment and it is her
38 understanding that these vendors each need a generator in the event of power outages, noting a
39 screen will not address the noise generated by the generators. City Planner Gadow stated that is
40 being looked into, whether there can be sharing of technical ground equipment. Staff is also
41 looking into whether the City can require a shelter in addition to screening so the equipment is
42 inside a structure that would dampen noise, such as generator noise, and that the shelter meet
43 Design Standards and reflect/match the character of the area it is within.
44

1 Commissioner Vanderheyden noted the generator would only run while power is out so it should
2 be a minimal impact. In addition, the consideration is that new equipment would not go into a
3 residential neighborhood, which should further protect those interests.

4
5 Commissioner Vanderheyden referenced Section 1, Purpose and Intent, third line indicating:
6 "...within the city while protecting the public against any adverse impacts..." He stated this
7 seems like a very high standard and offered language indicating: "...within the city while
8 minimizing adverse impacts against the public..."

9
10 Commissioner Vanderheyden referenced Section 1, Purpose and Intent, c., indicating: "Phase
11 out the siting of existing Telecommunications Facilities in or adjacent to residential or park
12 areas." He stated he read 58 zoning ordinances yesterday and found there is not a single purpose
13 statement in any ordinance that would be similar to this. Commissioner Vanderheyden felt this
14 one failed the "Sesame Street" test because it relates to "specifying, protecting, minimizing,
15 requiring, avoiding, ensuring, and providing" but not phasing out. He perceived the ordinance
16 should be prospective and not explicitly try to change the past, presuming the past just becomes
17 nonconforming at some point. Commissioner Vanderheyden stated he sensed this is a recurring
18 theme, that the City is trying to fix something, and he preferred to do so prospectively and
19 positively rather than retrospectively and negatively.

20
21 Chair Gonzalez stated the phasing out aspect could be negotiated as part of any lease renewal.

22
23 Commissioner Pearson noted that just because no one else has it, does not mean it should not be
24 included. He stated the issue of phasing out has been a recurrent issue of discussion and the
25 general consensus is that it is a goal and he was unsure of the downside of stating it explicitly.

26
27 Commissioner Iverson concurred, noting that is what the Planning Commission has heard from
28 the Commissioners that served before them and did a lot of the "leg work," that it was important
29 to include.

30
31 Commissioner Vanderheyden stated he is not defending the position except to indicate he had
32 read all of the purpose statements within the ordinances and would be surprised if some were not
33 also trying to correct something, but none explicitly stated it was trying to correct something.

34
35 Chair Gonzalez stated that is a good point because it may be a policy goal and should not be
36 included in the ordinance.

37
38 Commissioner Vanderheyden stated he is fine if it is in but found it did not fit the rest of the
39 standards, as he viewed the standards.

40
41 Commissioner Iverson asked if the issue was with the wording and it should be phrased
42 differently. City Planner Gadow stated he will think about how this could be worded more
43 proactively.

44
45 Chair Gonzalez invited Mayor Willcox to join in the conversation and provide guidance.

1 Mayor Willcox stated he did not want to “steer” the conversation but had also found the
2 language to be very prescriptive and since the City does not even know if it is possible to move
3 the site, stating the purpose is to move it is to ignore reality that it may not be movable. At the
4 very least, it should be written “if feasible and prudent.” Mayor Willcox stated he also agreed
5 with Commissioner Vanderheyden that it seems odd in the ordinance, for in the future, that one
6 of the purposes is to correct past actions.

7
8 Chair Gonzalez thanked Mayor Willcox for his comments.

9
10 Commissioner Iverson asked Commissioner Crowder if he has insights to share since he has
11 considered this draft ordinance for the longest period of time.

12
13 Commissioner Crowder stated this issue is discussed every six months and in between, you
14 forget three-fourths of what had been discussed. He preferred the ordinance be put on a tract
15 where it can be given attention, completed, and referred to the City Council instead of discussing
16 it only when there is nothing else on the agenda. Commissioner Crowder stated he would like to
17 get this issue concluded.

18
19 Commissioner Pearson noted that in 2012, three new Commissioners joined the Planning
20 Commission and each had to get up to speed. Then, again in 2013, there are three new
21 Commissioners. He stated Commissioner Crowder has the longest experience with this and
22 there is a continuing re-education process so it is a bit like treading water.

23
24 Chair Gonzalez agreed with the need to move this consideration along and asked the
25 Commissioners for comment relating to Section 1, Purpose and Intent, c., indicating: “Phase out
26 the siting of existing Telecommunications Facilities in or adjacent to residential or park areas.”

27
28 Commissioner Vanderheyden noted the SEH recommendation document indicates this language
29 is a one-time thing and if the facility is moved, this language is no longer needed. He found
30 “reasonable and prudent” to be a decent term, but agreed it was subjective.

31
32 Chair Gonzalez asked if it should be deleted.

33
34 Commissioner Iverson stated she would prefer to have it recorded.

35
36 Commissioner Crowder agreed, noting the City does not want it to be located by residential, if at
37 all possible. Chair Gonzalez agreed that is the case for future sites but clarified this language
38 relates to existing facilities so relocation could be part of the negotiation of lease renewal. The
39 question is whether it belongs in this section, should be removed, or reworded.

40
41 Commissioner Pearson suggested language indicating: “c. Encourage the phasing out of the
42 siting of existing...”

43
44 Commissioner Iverson stated her understanding there has been a voice from the community to
45 get this equipment out of residential areas. She asked where this language can be located if this
46 is not the correct location in the ordinance to keep that voice alive and have the equipment

1 moved, if feasible. Commissioner Iverson stated people have spent many hours to get that
2 equipment moved and she does not want that voice lost.

3
4 Commissioner Crowder stated he finds those residents have a legitimate concern because of the
5 way it evolved and if he lived in that area, he would also be upset. He felt the City has a
6 responsibility to those neighbors.

7
8 Mayor Willcox indicated it is a statement of orientation and policy, not ordinance, to get rid of
9 something so it would be better located in a Comprehensive Plan amendment. However, it is not
10 yet known whether the equipment can be moved.

11
12 City Planner Gadow stated Mayor Willcox has suggested one place to include the language is a
13 Comprehensive Plan Amendment or, as an alternative, it would be a policy statement adopted by
14 resolution that would go with any application, sent to all existing lessees, and to future applicants

15
16 Commissioner Vanderheyden asked whether, to Commissioner Iverson's point to keep the voice
17 alive, the language could be included within Section 5, Minimum Requirements for Commercial
18 Telecommunication Facilities, and indicate: "future telecommunication facilities shall not be
19 located...."

20
21 Chair Gonzalez stated the language does not need to address future facilities and could indicate:
22 "telecommunication facilities shall not be located in or adjacent to residential or park areas."
23 She felt the rest of the language was acceptable.

24
25 City Planner Gadow stated that language would be fine because it is mitigating against a future
26 situation.

27
28 Commissioner Iverson asked if this ordinance moves forward, would the City have legal rights to
29 help persuade vendors to move their equipment out of that area. City Planner Gadow stated that
30 is a legal question and when the leases come up, the City has the ability to require them to meet
31 the current ordinances. Commissioner Iverson noted those vendors are existing and asked
32 whether they would be grandfathered-in. City Planner Gadow stated when the leases come up,
33 the City will have more persuasion and political pressure to use but he is unsure about financial
34 "hooks."

35
36 Chair Gonzalez asked if there was support for language in Section 1, Purpose and Intent, c.,
37 indicating: "Telecommunication Facilities shall not be located in or adjacent to residential or
38 park areas."

39
40 Commissioner Cooper asked if this ordinance change came about because of wanting to relocate
41 the equipment. City Planner Gadow stated it came about as a result of concerns raised by
42 neighbors to the existing facility. Commissioner Cooper asked if the ordinance was being
43 written independent of that or was that issue being brought into the ordinance.

44
45 Commissioner Vanderheyden agreed it was hard for a new Commissioner to separate those
46 issues. City Planner Gadow indicated this ordinance is being written to address future situations

1 that may arise and while the history of this topic is useful, it is not the only thing that would
2 guide discussions. He clarified the ordinance is not being written for any one particular location
3 in Wayzata.

4
5 Commissioner Iverson stated she would be all right with removing Section 1, Purpose and Intent,
6 c. She stated if she is hearing correctly, it relates to existing equipment and not future uses.

7
8 City Planner Gadow stated the suggested language indicating “Telecommunication Facilities
9 shall not be located in or adjacent to residential or park areas” is not a purpose statement but a
10 mandate or directive and is referenced in Section 1, Purpose and Intent, b. “Protect residential,
11 recreational and park areas from encroachment by commercial operations, including but not
12 limited to Telecommunication Facilities and Towers.”

13
14 **The consensus of the Planning Commission was to remove Section 1, Purpose and Intent, c.**
15 **and reletter remaining subsections.**

16
17 Commissioner Vanderheyden referenced Section 1, Purpose and Intent, i., “Anticipate the
18 potential adverse impacts that poorly or unregulated Telecommunication Facilities and Towers
19 could have on public health, safety, and welfare.” He asked how that could be anticipated.

20
21 Commissioner Pearson asked whether the whole exercise of the ordinance is trying to anticipate.
22 He stated he does not have a strong view, but thinks that was the intent at the time it was
23 discussed.

24
25 Chair Gonzalez noted the word “anticipate” replaced the word “overcome” but another word
26 could be used if there was a better way to make that statement. She stated the whole thing is
27 regulated by Federal and State law and asked if this subsection is even needed. Commissioner
28 Vanderheyden noted the ordinance does speak elsewhere about limiting potential adverse
29 impacts.

30
31 Mayor Willcox noted all ordinances adopted by the City are based on protecting the health and
32 welfare of the City. Chair Gonzalez noted that is already stated in Section 1. Purpose and Intent.

33
34 **The consensus of the Planning Commission was to remove Section 1, Purpose and Intent, i.**
35 **and reletter remaining subsections.**

36
37 Commissioner Vanderheyden suggested the following insertion into Section 2. Definitions., b.,
38 indicating: “...ordinance for the construction, installation, replacement, or alteration of wireless
39 communication facility or any adjacent component thereof.” He noted this is the case for
40 existing facilities to include installation.

41
42 **The consensus of the Planning Commission was to agree with this revision.**

43
44 Chair Gonzalez asked whether Section 2. Definitions., c., should indicate: “digital signals”
45 rather than “digital signs.” City Planner Gadow answered in the affirmative.
46

1 **The consensus of the Planning Commission was to agree with this revision.**

2
3 Commissioner Vanderheyden referenced Section 2. Definitions., j., and asked whether amateur
4 radios should be addressed in this section or were addressed elsewhere. City Planner Gadow
5 stated it should be added to this section since there is a distinction between commercial antennas
6 and amateur ham radio antennas.

7
8 Commissioner Vanderheyden suggested the following insertion into Section 2. Definitions., j.,
9 indicating: "...radio antennas, amateur ratio antennas, and similar communication
10 transmission/reception devices..."

11
12 **The consensus of the Planning Commission was to agree with this revision.**

13
14 Commissioner Vanderheyden referenced Section 5., Minimum Requirements for Commercial
15 Telecommunication Facilities, i., indicating: "The antennas/lessee or tower will not interfere
16 with the purpose for which the City owned property is intended." He asked whether this
17 determines that only City-owned property is used for antennas. City Planner Gadow explained
18 that determination is not indicated since it may be the case if someone cannot co-locate on the
19 existing tower or a new tower is created at Public Works, they can go through the CUP process
20 that, presumably, would not be located on City property.

21
22 Commissioner Vanderheyden asked if this presumes antennas are only allowed on City property.
23 City Planner Gadow indicated that is the case with the way it is currently written.

24
25 Commissioner Pearson suggested removing the second "the" from the sentence so it indicates:
26 "...not interfere with the purpose for which City owned property is intended." City Planner
27 Gadow suggested removing the words "City owned." It would then read: Section 5., Minimum
28 Requirements for Commercial Telecommunication Facilities, i., "The antennas/lessee or tower
29 will not interfere with the purpose for which the property is intended."

30
31 **The consensus of the Planning Commission was to agree with this revision.**

32
33 Chair Gonzalez referenced Section 4. Permitting for Commercial Telecommunication Facilities.,
34 indicating: Telecommunication facilities are permitted only with completion of a permit
35 application and approval of City Staff and the City Council..." She stated she does not like idea
36 of saying a permit application can be approved by City staff and thinks only the City Council can
37 approves things. Chair Gonzalez suggested removing the words "City Staff and" from that
38 sentence. City Planner Gadow asked the Planning Commission to keep in mind there may be a
39 circumstance where there is administrative approval for telecommunication facilities if at a new
40 facility at Public Works. Chair Gonzalez stated the language should then indicate: "at the
41 direction of City Council."

42
43 Commissioner Pearson noted the language indicates: "and the City Council" which presumes it
44 would not be an administrative approval only. He asked if the language should be changed to
45 indicate: "approval of City Staff or the City Council..."

46

1 Chair Gonzalez stated she wanted to assure the decision was made by the City's elected officials
2 and not City staff. City Planner Gadow noted there may be circumstances where it has been
3 delegated to staff within this draft, such as if a new tower is built at Public Works. It would be
4 an administrative approval. Chair Gonzalez stated she is not comfortable with that language.

5
6 Commissioner Vanderheyden stated in reading other cities ordinances, he can imagine a scenario
7 where there is an existing facility and a new vendor that wants to co-locate. He found that in
8 some cases, that scenario is allowed to be an administrative permit.

9
10 Commissioner Iverson asked if there should there be a public hearing for such a case.

11
12 Commissioner Vanderheyden stated the language could include "as required by ordinance;"
13 however, that should be presumed.

14
15 Commissioner Pearson stated the wording "City Staff and City Council" seems inconsistent if
16 the intent is to allow an administrative approval so he would change the word "and" to the word
17 "or" and include language indicating: "as required in the ordinance."

18
19 Chair Gonzalez stated it should also indicate: "as directed by the City Council" to address her
20 concern.

21
22 Commissioner Pearson noted that issue comes up elsewhere, as indicated by City Planner
23 Gadow, that there is a procedure for staff approval.

24
25 City Planner Gadow referenced Section 6. Towers and Commercial Telecommunication
26 Facilities Building and Design Standards., b., Administrative Approval, noting it only lists one
27 for administrative approval and that is new telecommunication towers located on the Public
28 Works facility. This insinuates there has been a policy decision to have a new tower at Public
29 Works and in that case, it could be considered under an administrative approval process.

30
31 Commissioner Pearson noted that subsection also indicates: "with the exact location determined
32 at the sole discretion of the Wayzata City Council," which means it is not a true administrative
33 approval process. City Planner Gadow explained staff would only consider an administrative
34 approval if the City Council had selected the site on which a new tower could be located. Then
35 staff could consider an administrative approval for an antenna to go on that tower. City Planner
36 Gadow noted under the current language, that is the only scenario under which staff could grant
37 an administrative approval.

38
39 Commissioner Ramy asked Chair Gonzalez if she is against an administrative approval even if
40 the Council approved the Public Works site for a tower and a vendor wanted to co-locate an
41 antenna to that tower.

42
43 Chair Gonzalez stated she may agree if it is a co-location but the language under discussion is
44 about building towers. Mayor Willcox noted the language is addressing telecommunication
45 facilities and relates to equipment that may be on the ground. Chair Gonzalez stated the
46 language talks about: "...new telecommunication towers may be located on the following

1 parcels” and she would rather have things out in the open with the public informed about what is
2 being considered and the Council having to “face the music” when they try to get re-elected.

3
4 Commissioner Pearson stated they need City Council approval to have four dogs and putting up
5 a cellular tower should not be less of a consideration than having four dogs.

6
7 Commissioner Iverson asked Chair Gonzalez if she supported eliminating the entire section or
8 only reference to “City staff” because it may be a potential loophole. Chair Gonzalez answered
9 in the affirmative, noting current staff is very helpful but that may not always be the case.
10 Commissioners Iverson and Cooper stated their agreement with the position of Chair Gonzalez.

11
12 City Planner Gadow indicated Subsection j. could not be eliminated but could be written. He
13 stated he will work to redraft that section to talk about City Council approval exclusively and it
14 can be discussed at the next workshop.

15
16 Commissioner Ramsey referenced Section 2. Definitions., m., the definition of “tower.” He
17 noted the definition includes many types of structures and suggested wording be added
18 indicating: “...including but not limited to supporting lines, cables...” so it also addresses other
19 options.

20
21 **The consensus of the Planning Commission was to agree with this revision.**

22
23 Commissioner Iverson referenced Section 5. Minimum Requirements for Commercial
24 Telecommunications Facilities, a.,ii., indicating: “The antennas or tower will have no adverse
25 impact on surrounding private properties, including but not limited to: noise, visual, odor, or
26 diminishment of property values...” She asked whether the City needed to set a standard as to
27 the level of impact, such as noise thresholds, what is considered visual or odor. City Planner
28 Gadow indicated as this ordinance has been reviewed over the last year and a half, it was found
29 there is not a good way to define those things.

30
31 Commissioner Vanderheyden stated in the ordinances he read, no one attempts to do this. He
32 indicated it is almost an impossible standard to have language indicating: “The antennas or
33 tower will have no adverse impact...” Commissioner Vanderheyden stated he found in other
34 ordinances that the most restrictive language was: “The antennas or tower will not have an
35 unreasonable negative impact.”

36
37 Commissioner Iverson asked how that would be enforced if there are no benchmarks.

38
39 Commissioner Pearson offered language indicating: “The antennas or tower will have no
40 material adverse impact.” He agreed it was again a subjective standard but not as impossible as
41 indicating: “The antennas or tower will have no adverse impact...”

42
43 Commissioner Iverson asked if this language was written to protect the neighbors.

44
45 Commissioner Pearson stated language written to protect the neighbors needs to also be
46 enforceable. He indicated that while he has heard the input and reviewed the mailings, he

1 believed the Planning Commission had a broader responsibility and charge to the entire City
2 beyond a vocal neighborhood. Commissioner Pearson noted the language at the end of this
3 section had been inserted to address his concern about documenting diminishment of property
4 values by a qualified real estate appraiser or professional.

5
6 Chair Gonzalez asked who would pay for that professional opinion. Commissioner Pearson
7 noted the language indicates: "as provided by the cellular provider."

8
9 Commissioner Vanderheyden stated many other ordinances were written to indicate that the
10 towers and antennas shall be designed to minimize adverse impacts on surrounding property
11 values, versus private properties. He stated his tactical concern is that if a new tower were built
12 at the Public Works facility, he could see the County Club not liking it. He asked whether the
13 City was also protecting the impact to the Country Club's visual lines, which theoretically the
14 City has to do. Commissioner Vanderheyden noted if someone says the value of the Country
15 Club is diminished because there is a tower in front of it, it would establish damages.

16
17 Commissioner Crowder stated it will always be a balancing act and agreed that "no adverse
18 impacts" is too rigid.

19
20 Commissioner Vanderheyden noted Deephaven and/or Minnetonka ordinances require stealth
21 designs to minimize this specific impact that is being contemplated.

22
23 Commissioner Pearson stated his preference for language indicating "minimize adverse impacts"
24 rather than "material adverse impacts" as he had earlier suggested since it would have more
25 flexibility.

26
27 Chair Gonzalez stated she had opposed the subsection the last time it was discussed, finding it too
28 vague and prescriptive.

29
30 Commissioner Cooper and Iverson agreed it is vague and subjective.

31
32 Commissioner Crowder cautioned about using language that is too specific.

33
34 Chair Gonzalez noted the City has an ordinance to address nuisances if it gets too bad.

35
36 Commissioner Iverson recommended this be rewritten to indicate: "The antennas or tower will
37 have a minimum adverse impact" and then remove the rest of the language because it is too
38 subjective.

39
40 Commissioner Vanderheyden offered language indicating: "The antennas or towers will be
41 designed and installed to minimize adverse impact on surrounding private properties."
42 Commissioner Iverson stated support for this language.

43
44 Commissioner Crowder asked what is being gained by removing the rest of the language.
45 Commissioner Iverson stated her concern is that if the language is included, the threshold needs
46 to be defined. Commissioner Crowder stated he does not know how to define it, but knows it

1 when he sees it or smells it. If he is given the facts, he can determine whether it is not acceptable
2 noise or odor but it is impossible to write into the ordinance.

3
4 Commissioner Iverson asked how the City will enforce it if they do not have a level of
5 measurement.

6
7 Commissioner Pearson stated he is also concerned about ordinance language that says “including
8 but not limited to” because it implies there are other things that are actually prohibited but the
9 City is not telling you what they are. Commissioner Crowder stated that language is just
10 indicating the City cannot think of every possibility but lists the items they can think of.
11 Commissioner Pearson asked why then make a list at all.

12
13 Commissioner Cooper stated if you interpret an adverse affect, it is a matter of interpretation.

14
15 Commissioner Iverson asked if the existing nuisance ordinance can be referenced. Chair
16 Gonzalez stated it does not need to be referenced. City Planner Gadow stated it does not need to
17 be cross referenced but would inform potential vendees of the minimum requirements.

18
19 Commissioner Iverson asked if it should be written in more detail into the leases. Chair
20 Gonzalez stated she suspects property values is not part of the ordinance nuisance.
21 Commissioner Cooper stated it would be part of the adverse impacts.

22
23 Chair Gonzalez noted “residential uses” is the language of the Comprehensive Plan, or it could
24 indicate “adjacent properties” but there may also be commercial properties. City Planner Gadow
25 asked what is wrong with the term, “private property” since it encompasses residential and
26 commercial. Chair Gonzalez stated the City would not want a tower to impact its public
27 property either. Commissioner Vanderheyden noted it may be best to use “surrounding
28 properties.”

29
30 Mayor Willcox stated this language will be reviewed by the staff and City Council and will not
31 happen after-the-fact.

32
33 **The consensus of the Planning Commission was to support language indicating: “The**
34 **antennas or towers will be designed and installed to minimize adverse impact on**
35 **surrounding properties.”**

36
37 Commissioner Vanderheyden referenced Section 5. Minimum Requirements for Commercial
38 Telecommunications Facilities, a.,iii., relating to liability insurance requirements for the
39 applicant/lessee. He stated support for eliminating the entire subsection.

40
41 Chair Gonzalez concurred, noting that language should be part of the lease agreement.

42
43 Commissioner Pearson noted this section had been discussed by the Planning Commission on
44 June 18, 2012, and asked what that discussion entailed. City Planner Gadow stated it related to
45 an effort to establish fees.

46

1 **The consensus of the Planning Commission was to remove Section 5. Minimum**
2 **Requirements for Commercial Telecommunications Facilities.,a.,iii.**

3
4 Commissioner Crowder asked if Subsections 5.,a.,iv. and 5.,a.,v. should also be removed.

5
6 Commissioner Vanderheyden stated he does not object to including Subsection v. since it
7 requires submission of a fall zone analysis report, was relevant, and had been included in other
8 ordinances he had read.

9
10 City Planner Gadow recommended those two Subsections remain in the ordinance.

11
12 **The consensus of the Planning Commission was to leave Section 5. Minimum Requirements**
13 **for Commercial Telecommunications Facilities, a.,iv. and 5.,a.,v. as written.**

14
15 Commissioner Vanderheyden referenced Section 5. Minimum Requirements for Commercial
16 Telecommunications Facilities, a.,viii. relating to reimbursement to the City and stated if he were
17 an applicant, it would create concern.

18
19 Commissioner Crowder asked whether the City wanted the applicant to reimburse the City for
20 any costs and where that authority should be included if not here. City Planner Gadow stated it
21 can be included in the formal application process. Commissioner Crowder stated if it is
22 redundant, he would support taking it out. Commissioner Vanderheyden stated there is also a
23 specific request in a following section that asks for reimbursement for the City's professional
24 engineer to review their plans.

25
26 Commissioner Pearson stated he does not have a point of view on this but asked if a generic
27 section should be included indicating that a lease agreement shall include issues like
28 reimbursement for City costs, adequate insurance, and letter of credit.

29
30 Commissioner Iverson asked whether the Planning Commission needs to review a lease.
31 Commissioner Pearson stated the City Council will review and approve leases.

32
33 Chair Gonzalez suggested staff ask the City Attorney about Section 5. Minimum Requirements
34 for Commercial Telecommunications Facilities, a.,viii., and if a generic clause should be
35 included.

36
37 **The consensus of the Planning Commission was to agree with this suggestion.**

38
39 Commissioner Vanderheyden asked whether the City leases other things and if so, whether the
40 ordinances that govern those things include lease provisions.

41
42 Commissioner Vanderheyden referenced Section 6. Towers and Commercial
43 Telecommunication Facilities Building and Design Standards., a.i. indicating "...Once the leases
44 for existing Telecommunications Facilities expire or are otherwise terminated..." and asked
45 whether that language needs to be included in the ordinance. City Planner Gadow explained the

1 intent is when leases expire or come up for renewal, there is a way to force them to meet the new
2 standards, whatever they may be.

3
4 Commissioner Crowder stated support to retain that language. Commissioner Pearson stated the
5 intent for this language is to indicate there is no grandfathered clause for existing leases once
6 they expire. Commissioner Iverson stated that is a good intent and she supports retaining that
7 language.

8
9 Commissioner Vanderheyden asked if the City knows whether it is legally possible given the
10 language of the leases, thinking the lease provisions will prevail and not the ordinance. City
11 Planner Gadow agreed that under the current leases that is the case, but this language addresses
12 when the lease expires because, at some point, the City wants them to meet the current criteria.
13 Commissioner Vanderheyden stated that will not be the case if the vendor has perpetual
14 evergreen rights to those facilities for as long as the facility exists.

15
16 City Planner Gadow stated he would provide additional information on this language.

17
18 Commissioner Crowder stated the City can only do the best it can and if the federal regulations
19 trump it, the City will have to live with that.

20
21 Commissioner Vanderheyden referenced Section 6. Towers and Commercial
22 Telecommunication Facilities Building and Design Standards., a.,ii.,c) indicating the height
23 limitations. He noted the SEH engineer had suggestion if a new tower was built on City
24 property, it would be 150-200 feet in height so it seemed the language of this subsection sets too
25 high of a standard in terms of limiting the feet. He indicated the information from the University
26 of Tennessee indicated if you limit feet and altitude of site, you are subject to legal challenge
27 based on limiting coverage.

28
29 Chair Gonzalez noted the height will also depend on FAA and FCC regulations.

30
31 Commissioner Vanderheyden stated if the intent is to guide to a site, he would suggest not to
32 exceed 200 feet, which was recommended by the SEH Engineer at 190 feet to stay way from the
33 FAA.

34
35 City Planner Gadow stated he will ask the City Attorney about this provision.

36
37 Commissioner Vanderheyden referenced Section 6. Towers and Commercial
38 Telecommunication Facilities Building and Design Standards., c. Conditional Use Permits., iii.,
39 New Telecommunication Facilities shall be prohibited in the following land use categories: b)
40 “Parcels guided and utilized for Park or Public Open Spaces.” He asked what is a “public open
41 space.” City Planner Gadow indicated it would be something like a City-owned wetland or
42 Nature Center where it will have no activity.

43
44 Commissioner Pearson asked whether capitalized terms are defined in another document. City
45 Planner Gadow stated the terms are identified in the Comprehensive Plan, and that could be

1 added. Commissioner Pearson stated a capitalized term should reference a specific definition
2 and the Ordinance include that reference.

3
4 Chair Gonzalez noted it is saying they cannot put it on private property, only on City-owned
5 property if you exclude the Central Business District, Mixed Residential, multifamily, or an
6 antenna on a rooftop. City Planner Gadow noted this list does not include the commercial land
7 use guidance along the Wayzata Boulevard corridor so they would be potential properties if not
8 adjacent to residentially zoned properties.

9
10 Mayor Willcox noted an antenna could be put on the medical building or bank building.

11
12 Commissioner Vanderheyden indicated he was just asking for a definition of “public open
13 space.”

14
15 Commissioner Vanderheyden referenced Section 7. General Standards for Commercial
16 Telecommunication Facilities, f., Underground Equipment Storage; and g. Ground-mounted
17 equipment. He suggested one or both be defined terms and stated he was an advocate for
18 underground equipment storage and it appeared, as proposed, that it would be the only option
19 until he read the paragraph g., indicating: “Ground-mounted accessory equipment or buildings
20 shall be architecturally designed to blend in with the surrounding environment...” City Planner
21 Gadow explained the preferred standard is under ground but if that is not feasible, subparagraph
22 g. addresses an option.

23
24 Chair Gonzalez stated they should be designed and compliant with the Design Standards.

25
26 Commissioner Pearson suggested language at the beginning of Subsection h, indicating: “If
27 deemed infeasible by the City Council to construct underground, ground-mounted accessory
28 equipment or buildings shall be...” so it is clear this is the exception category.

29
30 **The consensus of the Planning Commission was to agree with this revision.**

31
32 Chair Gonzalez referenced Section 7. General Standards for Commercial Telecommunication
33 Facilities, h., Ground-mounted equipment., indicating: “...Any structures built above or below
34 ground shall be designed and built for multipurpose, in the event that the telecommunications
35 facility is abandoned, and reverts back to City Ownership.” She suggested that sentence be
36 removed since any building abandoned will be repurposed.

37
38 Commissioner Vanderheyden asked if this language requires the abandoned building to be
39 removed. City Planner Gadow stated that is not always the case and the purpose is in the event
40 some equipment is abandoned, there would be some ability for the City to use it without
41 spending an exorbitant amount to repurpose it.

42
43 Chair Gonzalez noted the applicant would have no idea what to do with that structure.

44

1 Commissioner Pearson stated he would agree that just about any structure can have more than
2 one purpose but he would not know how to build that. He asked how you would know how it
3 should be built so it can be repurposed in the future, unless for something like storage.

4
5 Chair Gonzalez noted the lease agreement could contain a clause to provide for compensation to
6 the City to repurpose an abandoned building. Commissioner Vanderheyden stated the ordinance
7 could require removal of the building at the City's discretion and noted that language is
8 contained elsewhere in the ordinance. City Planner Gadow confirmed that is the case. Chair
9 Gonzalez stated that language was then not needed.

10
11 **The consensus of the Planning Commission was to agree with this revision.**

12
13 Chair Gonzalez referenced Section 7. General Standards for Commercial Telecommunication
14 Facilities, h., Ground-mounted equipment., and questioned the need for language indicating:
15 "Design of the building or equipment cabinet, screening and landscaping are subject to a site
16 plan review by City staff, Planning Commission, and City Council, and any applicable Design
17 Standards criteria under Section 801.09 of the Wayzata Zoning Ordinance." City Planner
18 Gadow advised that language is needed because it does not fall into a multi-family or
19 commercial use.

20
21 Commissioner Vanderheyden referenced Section 7. General Standards for Commercial
22 Telecommunication Facilities, i. Construction., indicating: "...A telecommunication tower shall
23 be designated and certified..." He suggested the word "designated" be changed to the word
24 "designed."

25
26 **The consensus of the Planning Commission was to agree with this revision.**

27
28 Commissioner Vanderheyden referenced Section 7. General Standards for Commercial
29 Telecommunication Facilities, n., Sensitive Habitats., indicating: "No telecommunication facility
30 shall be located in an environmentally sensitive habitats..." He suggested removing the word
31 "an" from this sentence.

32
33 **The consensus of the Planning Commission was to agree with this revision.**

34
35 Commissioner Vanderheyden referenced Section 7. General Standards for Commercial
36 Telecommunication Facilities, t., Assignment, indicating it is a limit and change of control
37 provision and asked if it should be a lease term provision. City Planner Gadow indicated it could
38 be.

39
40 Commissioner Iverson referenced the side notation indicating this was added based on the
41 Columbia Heights language. City Planner Gadow stated it was thought to be useful since it did
42 not currently exist.

43
44 Chair Gonzalez stated the City did not want to be dealing with one company and then having to
45 deal with another due to a sale. City Planner Gadow agreed it was to keep the City "in the loop"
46 when there is a change.

1
2 Commissioner Vanderheyden stated it seems like a lease provision instead of ordinance
3 provision. Commissioner Pearson stated if that is the guiding standard, many sections in this
4 draft relate to lease provisions. He suggested a general principle in how much guidance should
5 be included in the ordinance and what should be included in the lease.
6

7 Commissioner Vanderheyden agreed and asked whether staff should get a reflection from the
8 City Attorney on whether there should be any or no lease provisions within the ordinance.
9

10 Chair Gonzalez stated she would leave in this clause. Commissioner Cooper stated then perhaps
11 all of the lease clauses should be left in the ordinance.
12

13 Commissioner Pearson explained his comment was if this clause is being removed on the
14 principle that it is a lease term, then perhaps the Planning Commission should go back and look
15 at the whole ordinance. He stated support to leave the clause subject to excising all lease terms
16 from the ordinance.
17

18 City Planner Gadow noted an SEH concern with the draft was the abundance of lease-related
19 terminology so perhaps removing that from the ordinance and including it elsewhere would clear
20 things up. He stated he will consult with the City Attorney about this question.
21

22 Commissioner Crowder stated the City needs to make sure then that the lease provisions are all
23 covered elsewhere. If not, those terms should be left in the ordinance.
24

25 Commissioner Vanderheyden stated he also thinks Section 7. General Standards for Commercial
26 Telecommunication Facilities, bb. Insurance, is a lease term.
27

28 Commissioner Vanderheyden referenced Section 8. Applications for Commercial
29 Telecommunications Facilities, Antennas, and Towers, and stated this principle was found in the
30 Deephaven document and several others and referenced in the Wales, Maine, document. He
31 noted the principle is requesting the vendors demonstrate the need for the facilities. However,
32 when he and several others were watching the engineer's presentation on varying coverage maps
33 of the current facilities, he had no context for the coverage within Wayzata independent of the
34 tower resident in Wayzata. Commissioner Vanderheyden explained the principle is that you are
35 requiring the vendors, in their application, to submit surrounding coverage maps so you can
36 determine the level and placement of need. He referenced the Wales, Maine document, Section
37 3.2 Application for Planning Board Approval, c), indicating: "A USGS 7.5 minute topographic
38 map showing the location of all structures and wireless telecommunications facilities above 150
39 feet in height above ground level, except antennas located on roof tops, within a five (5) mile
40 radius of the proposed facility, unless this information has been previously made available to the
41 municipality." Commissioner Vanderheyden noted the Deephaven description is far less
42 proscriptive and indicates: "...demonstrate the technical need by providing coverage maps of
43 the surrounding area."
44

45 City Planner Gadow stated he will review those definitions.
46

1 Commissioner Vanderheyden referenced Section 15. Residential Accessory Uses. a., indicating:
2 “They are for use by the residence upon which the Communication Devices are located.” He
3 suggested it be revised to indicate: “They are for use by residents upon whose property the
4 Communication Devices are located.”

5
6 **The consensus of the Planning Commission was to agree with this revision.**

7
8 Chair Gonzalez asked staff to bring these revisions back to a Workshop as soon as possible.

9
10 Commissioner Vanderheyden supported setting a goal to push this over the finish line by the first
11 of June. Commissioner Pearson concurred with the need to address this ordinance in a timely
12 manner, noting next year there may be more new members.

13
14 City Planner Gadow indicated it is a reasonable goal to finish this ordinance by the first of June
15 and it will be scheduled for discussion in March.

16
17 Chair Gonzalez questioned the wording used in Section 8. Applications for Commercial
18 Telecommunications Facilities, Antennas, and Towers., noting it is not the usual language used
19 in the City’s ordinances. City Planner Gadow explained that language documents the applicant’s
20 requirements for submittal and if not included in this section, would need to be located
21 elsewhere.

22
23 Commissioner Pearson questioned the process and whether the lease agreement would be
24 negotiated prior to presentation of the application. City Planner Gadow indicated the lease
25 would be negotiated and presented after the application is reviewed and approved.
26 Commissioner Pearson stated in that case, the lease terms are appropriately included in the
27 ordinance so expectations are stated up front.

28
29 Commissioner Vanderheyden noted the lease terms are only relevant if located on City-owned
30 property. City Planner Gadow confirmed that was correct since the City would not get involved
31 with lease terms if on privately-owned property. Commissioner Vanderheyden stated in that
32 case, the City would also not require insurance nor the other provisions. He suggested if lease
33 terms are included in the ordinance, they be grouped and delineate it is when City-owned
34 property is at play.

35
36 **AGENDA ITEM 3. Other Items**

37
38 **a. Review of Development Activities**

39 City Planner Gadow reminded Commissioners of the February 5, 2013, 6 p.m. Workshop on the
40 Plaza Block. He noted the next Planning Commission meeting will be rescheduled to
41 Wednesday, February 20, 2013 due to the holiday and that agenda will include the Plaza Block
42 Registered Land Survey.

43
44 City Planner Gadow informed the Commissioners of a minor correction the surveyor requested
45 to the West Block First Floor RLS, to provide two spaces for pedestrians to get from Lake Street
46 to Tract D and Superior Boulevard.

1
2 **b. Other Items**

3 Chair Gonzalez stated a Planning Commissioner used to attend and provide updates on Heritage
4 Preservation Board (HPB) meetings. City Planner Gadow indicated the HPB meets in the
5 evening on the second Tuesday and at 7 a.m. on the fourth Tuesday of each month. He stated he
6 attends and can report on the fourth Tuesday HPB meetings.
7

8 Chair Gonzalez asked if any Commissioners are available to attend either HPB meeting on a
9 rotating basis to keep the Planning Commission updated. It was noted that HPB meetings are
10 informal and not televised or audio taped but meeting minutes are taken.
11

12 The Planning Commission expressed an interest in receiving copies of the HPB meeting minutes.
13

14 **AGENDA ITEM 4. Adjournment.**
15

16 There being no further business, Commissioner Pearson made a motion, seconded by
17 Commissioner Crowder, to adjourn the meeting. The motion passed unanimously.
18

19 The meeting was adjourned at 9:04 p.m.
20

21 Respectfully submitted,
22
23

24 Carla Wirth

25 Recording Secretary

26 *TimeSaver Off Site Secretarial, Inc.*