

**JOINT WAYZATA PLANNING COMMISSION AND CITY COUNCIL
WORKSHOP MEETING MINUTES
AUGUST 17, 2015**

AGENDA ITEM 1. Call to Order.

Mayor Willcox called the joint workshop meeting to order at 5:30 p.m.

Present at roll call were Commissioners: Gonzalez, Gnos, Ramy, Gruber, and Iverson. Absent and excused were: Commissioners Vanderheyden and Young. Mayor Willcox, Councilmember McCarthy, Councilmember Tyacke, Director of Planning and Building Gadow and Management, City Attorney David Schelzel, Director of Public Service Dave Dudinsky, City Manager Heidi Nelson and Management and Planning Intern Jason Peters were also present.

AGENDA ITEM 2. Joint Planning Commission and City Council Workshop Items:

a. Update on Telecommunications Ordinance and Discussion of Feedback from Telecommunications Vendors

Mr. Gadow stated as part of the Telecommunications Study, the City Council and Planning Commission are updating the City's Telecommunications Ordinance in order to better regulate the location of new cellular towers and other equipment. At the July 21, 2015 meeting, the City Council asked Staff to provide a copy of the working draft of the Telecom Ordinance to each of the four (4) Telecom vendors for their review and comment. Staff and the City Attorney will review any feedback received on the draft ordinance, make any necessary or advisable modifications, and schedule the ordinance for a formal public hearing in September. He clarified Staff has been struggling with if there is a designated preferred site for the telecommunication towers and equipment, how does the City deal with a vendor wanting to place additional equipment outside of this location in terms of zoning and location. He reviewed the proposed process for locating new equipment in the identified locations and the process for locating equipment in other areas of the City. He reviewed the draft Conditional Use Permit process for equipment outside of the designated locations. He clarified Telecom towers and equipment would be allowed with only a permit or license in the designated areas only, but a CUP would be required for other locations in the City.

Councilmember Tyacke stated there have been requests for micro-sites in Wayzata. He asked how the Zoning Ordinances addressed this.

Mr. Gadow stated the City favors micro-sites and there may be an opportunity to use this technology on existing City utility poles. There is some language in the draft ordinance that addresses micro-sites and City utility poles and these would be handled through a license or permit process.

1 Mayor Willcox asked what was unique about the draft Ordinance being presented and other
2 Telecommunication Ordinances for other cities.

3
4 Mr. Gadow stated other cities did not restrict having this equipment located adjacent to residential
5 or City Park areas and Wayzata does not have an industrial park area.

6
7 Councilmember Tyacke asked if the City would involve the telecommunication vendors in the
8 design of the equipment for the macrosite.

9
10 Mr. Gadow stated they would discuss the design with the vendors to ensure it is compatible and
11 would work for their needs but they City has not determined if this would be something the vendors
12 would get final approval on.

13
14 Councilmember McCarthy stated the draft ordinance states vendors should provide a report every
15 3-years on non-proprietary stealth technology. She stated every 3-years would be too long because
16 this technology is changing quickly and everything is always being redesigned and refocused.

17
18 Mr. Gadow stated Verizon had provided information that there was a recent Federal Law change
19 on what cities can ask for in terms of additional information from an applicant. The City would
20 look into what its ability would be for requesting this type of information.

21
22 Councilmember McCarthy stated they had recently done a service level study and found that not
23 all residents are receiving the same level of service. She asked if they could require a specific
24 level of service from vendors or require an audit from vendors so the City knows what the level of
25 service is.

26
27 Mr. Gadow stated Staff could look into this for the draft and also if the contract language of the
28 City's lease with vendors for the macrosite allows the City to request this information.

29
30 Ms. Valerie Bergman, AT&T, reviewed the key recommendations and changes they would
31 recommend based on other cities ordinances. Section 6.409 had been put together by a work group
32 of constituents, members of the National League of Cities, and other Government organizations.
33 She stated many of the revisions proposed by Verizon are in line with what AT&T would
34 recommend. She clarified for cellular service to work well the macrosite would need to be as high
35 as possible to ensure they are able to provide coverage. She explained the difference between
36 coverage and capacity and in order to accommodate the capacity there may be a need for additional
37 antenna. At this time, AT&T does not have plans for micro-cells at this time. Micro-cells cannot
38 replace a macro-cell location. Micro-cells are designed to work for a defined area where there is
39 high capacity. In order to be effective telecommunication towers do need to be located where
40 people are located. She also stated both homes and businesses are relying on wireless coverage.
41 She stated when putting in towers they consider height and location, in terms if where their
42 customers are.

43
44 Mr. Jason Hall, AT&T, clarified their recommendations were from their Engineering Department,
45 External Affairs, and Legal Department. The draft contains a priority ranking for where towers
46 can go and they would like to see this removed. Their network does not always work solely on

1 public property. There may be other land uses that would work better in order to achieve coverage
2 and capacity. They would recommend a market priority versus a location priority. From a
3 practical stand, requiring ground mounted equipment, equipment placed underground, and only
4 one shelter built for each tower does not work well. Each provider has their own proprietary
5 equipment and they would not like to have this equipment accessible by other providers.

6
7 Commissioner Gonzalez asked what the optimum height of a macrosite tower would be to provide
8 service in Wayzata.

9
10 Mr. Hall stated in a suburban community there is typically a height restriction of 195-feet. The
11 FAA requires a light on the tower if it is over 200-feet. The draft ordinance specifies 150-feet for
12 maximum height and they would request a maximum height of 190-feet.

13
14 Commissioner Iverson asked if AT&T currently had towers located at schools and if there have
15 been vandalism problems.

16
17 Mr. Hall stated AT&T does have towers located at schools. He clarified he is not in operations
18 and cannot speak directly to vandalism but he is not aware of any major problems.

19
20 Commissioner Gruber pointed out AT&T had several strike-outs in the draft ordinance. She asked
21 if they were working with the League of Minnesota Cities on a universal Telecommunications
22 Ordinance.

23
24 Ms. Bergman clarified in response to the new FCC regulations, the work group had prepared a
25 check list and model ordinance. This work group looked how to make this ordinance work at the
26 federal, state, and local levels. AT&T had two (2) attorneys look at the draft ordinance proposed
27 by Wayzata and they provided their input. The attorneys are also willing to work with the City
28 and City Attorney on this ordinance.

29
30 Mr. McMannin, Project Manager for T-Mobile, echoed the concerns of AT&T regarding ground
31 mounted and underground equipment. He stated balloon testing was an outdated means of
32 visualizing the height of equipment. He would request this be removed. He stated the things that
33 drive where they place macro-cells are topography and customer usage, not who owns the land.
34 He would like to see the Ordinance written flexible enough so that it does not have to be rewritten
35 every couple of years. He recommended providing more flexibility on where towers and cells
36 could be located.

37
38 Ms. LeBlanc, Senior Development Manager for T-Mobile, stated where cell towers and equipment
39 are located will determine where the best service areas are. Currently they have equipment that is
40 centrally located but once they are moved to the northwest corner of the City there would be less
41 coverage in the eastern portion of the City. Using small cells would not address this problem
42 because small cells are used to address capacity not to provide additional coverage.

43
44 Commissioner Iverson asked how technology was expected to improve over the next 5-years. She
45 asked how much companies are putting toward researching new equipment and looking for ways
46 to lessen the impact to residents and neighborhoods.

1
2 Ms. LeBlanc stated she would like to see smaller equipment. The lower the frequency the higher
3 the tower needs to be and more users means more capacity, which means more equipment. They
4 are seeing growth in data transmitting. She explained the smaller the antenna, the less coverage
5 it provides so more antennas are needed.

6
7 Mr. Simmon, Senior RF Engineer for T-Mobile, explained they are working on new frequencies
8 and bandwidths but these would require higher antenna to be effective. He explained there would
9 be fewer carriers on a stealth antenna due to its size than a standard antenna.

10
11 Councilmember Tyacke asked if there would be a need for additional towers since they would be
12 moving the macrosite location from the water tower to the school.

13
14 Mr. Simmon stated the maximum height allowed in the Ordinance has changed from 190-feet to
15 150-feet with this change. They would request this be increased to 190-feet to accommodate future
16 demand.

17
18 Ms. LeBlanc stated they would also request the provisions regarding underground equipment be
19 removed from the Ordinance due to safety concerns and potential equipment problems.

20
21 Councilmember McCarthy asked if having the equipment stored underground was just not
22 practical in Minnesota or if it was something that was not preferred by the vendors.

23
24 Mr. Simmons stated underground storage and equipment was not prevalent in Minnesota due to
25 safety concerns.

26
27 Mr. Ron Gunderson, Sprint, stated that one macro-cell at the school would be a reasonable
28 location. He said they may be able to locate something in Minnetonka that would assist in coverage
29 in the eastern portion of Wayzata with this macro-cell relocation. In order to establish a standard
30 of coverage the City may be looking at more antennas than they would want in order to achieve
31 this goal. He asked if the tower went to the Middle School would the City acquire property and
32 the vendors work with the City only or would vendors have to work with the City and the School
33 District.

34
35 Mr. Dudinsky stated the City is working with the School District to finalize an agreement. The
36 intention is that the City would purchase or lease the property and vendors would work with the
37 City.

38
39 Mr. Gunderson stated there are minor issues in Section B for new telecommunications facilities.
40 In Section 2A, he would recommended changing "approved telecommunications equipment" to
41 "previously approved telecommunications equipment".

42
43 Commissioner Iverson asked what safety precautions would be taken at the Middle School location
44 to ensure the kids are safe. The City has expressed concerns about having these facilities in parks
45 but the schools are used more by kids.

46

1 Mr. Gunderson, stated there is an antenna at Central Middle School and they have not had any
2 issues at that location. They also have towers or antenna located at schools in other communities
3 and they have not had any problems with these.

4
5 Mr. Dudinsky stated safety would be reviewed as part of the feasibility study but they are looking
6 at locating this near the highway closer to the edge of the school property.

7
8 Councilmember McCarthy asked if the City was still considering a site near the lift station in the
9 east side of Wayzata for these vendors to utilize if they needed to provide additional coverage in
10 that area.

11
12 Mr. Dudinsky stated the developer has shown some interest in this opportunity. If the Middle
13 School site does not move forward there may be other possibilities.

14
15 Commissioner Gruber stated she liked the idea of locating a site in Minnetonka along the border
16 to meet the needs of both communities.

17
18 Mr. Gunderson stated if the businesses are not interested in working with the vendor then they are
19 not able to put a site there.

20
21 Ms. Amy Dresch, Jacobs Engineering, stated Verizon had previously submitted their comments to
22 the draft ordinance and she would like to comment in regards to site acquisition. The macro-sites
23 include sites such as the water tower and the proposed site at the school. Micro-sites are usually
24 located on utility poles and are shorter. These are meant to address capacity needs not to provide
25 coverage where there was no coverage. You must have a macro-site to support a micro-site.
26 Verizon's coverage in Wayzata has suffered since they lost their equipment at the Anchor Bank
27 site due to redevelopment. She expressed concerns about the ability to place a tower on a parcel
28 adjacent to a residentially zoned parcel. This significantly limits what is available for vendors to
29 use in Wayzata.

30
31 Mr. Gadow clarified the way the ordinance is currently drafted it encompasses wireless
32 telecommunications facilities, which is defined to include both antennas and mono-poles. If the
33 concern is the City is limiting the ability to place antennas then these could be separated out to
34 outline where antennas and associated ground equipment would be allowed.

35
36 Councilmember McCarthy asked if the City would be able to make a distinction between antennas
37 and macro-sites.

38
39 Ms. Dresch clarified a macro-site could be on a tower or rooftop and is the main site with all the
40 standard equipment and typically small cells or micro-sites do not have ground equipment and
41 these are meant to fill in capacity or a service gap.

42
43 Mr. Gadow stated the distinction that would need to be made in the ordinance would be to break
44 out towers versus antennas. It could be specified that towers could not be located adjacent to
45 residential property or parks and allow antennas in commercial areas but not in single-family
46 residential areas. There would have to be some flexibility for ground equipment because in some

1 cases not all of the equipment can be located on the interior of the building. He stated the next
2 steps would be to review the feedback and work with the City Attorney on what changes would be
3 in the best interest of the City. A revised draft ordinance would be prepared and reviewed by the
4 Planning Commission. There will be another opportunity for public comment at a formal public
5 hearing that would be held prior to adoption by the City Council.

6
7 Mayor Willcox stated the City is aware of the urgency to resolve the Telecommunications
8 Ordinance and have something in place so that vendors can begin to look at options for additional
9 macro-cells and antennas.

10
11 The joint meeting of the City Council and Planning Commission ended at 6:58 p.m.

12
13 Respectfully submitted,

14
15  10/20/2015

16
17 Becky Malone
18 Deputy City Clerk

19
20 Drafted by Tina Borg
21 *TimeSaver Off Site Secretarial, Inc.*

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26 Approved by the Wayzata Planning Commission: October 5, 2015