

**PLANNING COMMISSION  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

The Ramsey Planning Commission conducted a regular meeting on Thursday, July 10, 2008, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Michael Nixt (arrived at 7:14 p.m.)  
  Commissioner Ralph Brauer  
  Commissioner Teresa Cleveland  
  Commissioner Ralph Hunt  
  Commissioner Gary Levine  
  Commissioner Gary Van Scoy  
  Commissioner Bryan Rogers

Members Absent:                   None

Also Present:                       Community Development Director Amber Miller  
  Assistant Community Development Director Sylvia Frolik  
  Associate Planner Breanne Dalnes  
  Associate Planner Tim Gladhill

**CALL TO ORDER**

Acting Chairperson Levine called the regular meeting to order at 7:10 p.m.

**CITIZEN INPUT**

John Enstrom, 8702 – 181<sup>st</sup> Avenue, stated he has been dealing with an issue affecting him and hundreds of other residents because of the power line that was constructed last season across the north half of Ramsey. He stated that he was given a letter and told they would be installing new power poles on the existing power easement because the old poles had been there many years. However, Enstrom believed the power poles did not need to be replaced. He explained the 40 foot high power poles were replaced with 60 foot high poles so they now show above the tree line. He stated these power lines are in his back yard and he finds them to be obnoxiously tall. Mr. Enstrom stated another concern is that the 67,000 kilovolt line is now in excess of 100,000 kilovolts, which is why the poles had to be higher.

Mr. Enstrom stated he believes he has been lied to and that this new power line impacts the safety and health of the City of Ramsey. He suggested a zoning or some type of permit should be required and the utility company should be honest about the project they are undertaking. He advised the project also impacted the park land, making it more dangerous with holes, that were not restored.

Mr. Enstrom pointed out that should one these taller power poles fall down during a storm, it will fall outside of the easement area. He again stated the utility companies should be required to obtain a permit, or variance, for their projects and asked the City to seriously look into this matter because it impacts and harms residents.

Acting Chairperson Levine asked if there is a permitting process.

Assistant Community Development Director Frolik stated these comments can be brought to the Public Works Committee to be addressed.

Chairperson Nixt arrived at 7:14 p.m.

Mr. Enstrom stated the existing easement compensated for the old poles but the newly installed higher poles should require a wider easement or underground installation so it is not a health hazard.

Commissioner Brauer questioned whether this may already be in violation of the City's code due to the height.

Assistant Community Development Director Frolik clarified that the City Code contains a section on permitted encroachments and utility poles are exempt.

Community Development Director Miller stated that is correct unless the area is within an airport height limitation overlay zone.

Commissioner Brauer noted another concern is voltage and there has been mention of potential health hazards for higher kilovolt power lines.

Assistant Community Development Director Frolik stated the Public Works Committee will address that issue and their deliberations will be reported to the Planning Commission with the next agenda.

Acting Chairperson Levine turned the meeting over to Chairperson Nixt.

## **APPROVAL OF AGENDA**

Associate Planner Gladhill recommended that Case #1 be removed from the agenda to allow time for staff to address a code enforcement issue on the property. He advised that Staff will repost the public hearing for a future meeting.

Motion by Chairperson Nixt, seconded by Commissioner Levine, to approve the agenda as revised to remove Case #1.

Motion Carried. Voting Yes: Chairperson Nixt, Commissioners Levine, Brauer, Cleveland, Hunt, Van Scoy, and Rogers. Voting No: None. Absent: None.

## **APPROVE PLANNING COMMISSION MINUTES**

Motion by Commissioner Van Scoy, seconded by Commissioner Levine, to approve the following minutes as presented:

- 1) Planning Commission public hearing and regular meeting minutes dated June 5, 2008.

Motion Carried. Voting Yes: Chairperson Nixt, Commissioners Van Scoy, Levine, Brauer, Cleveland, Hunt, and Rogers. Voting No: None. Absent: None.

## **NOTE CITY COUNCIL MINUTES**

The following Council minutes were noted:

- 1) City Council regular meeting minutes dated May 27, 2008
- 2) City Council regular meeting minutes dated June 10, 2008

## **PUBLIC HEARINGS/COMMISSION BUSINESS**

**Case #1: Public Hearing – Request for a Conditional Use Permit for a Private Dog Kennel to Maintain Four or More Dogs on a Parcel; Case of Lynette and David Randall**

This item was removed from the agenda upon adoption.

**Case #2: Public Hearing – Discuss Ordinance to Amend Section 9.12 (Signs) of City Code to Incorporate “Dynamic Display” Sign Regulations; Case of City of Ramsey**

Chairperson Nixt closed the regular portion of the Planning Commission meeting at 7:19 p.m. in order to call the public hearing to order.

### **Public Hearing**

Chairperson Nixt called the public hearing to order at 7:19 p.m.

### **Presentation**

Associate Planner Dalnes reviewed that the Planning Commission met on June 5, 2008, to discuss the options for amending the sign ordinance and directed staff to use the City of Minnetonka’s sign ordinance as basis for revisions, and to research Ramsey businesses’ use of timing on existing electronic signs. The proposed ordinance was included in meeting packet with major change being to the definition for “dynamic display” for present signs and encompasses future technology.

Associate Planner Dalnes presented the specifics of the ordinance as it relates to brightness, size and duration of message. General language has been included for brightness to indicate that no sign may be of such intensity of brilliance that it interferes with the effectiveness of an official traffic sign, device or signal, or that distracts a motor vehicle driver. The size of dynamic display is proposed to be limited to 35% of total signage allowed, or about 35 square feet for most business and industrial districts. In terms of duration, staff is recommending that the sign is limited to changing at no more than once per three seconds, which is what banks in the community are currently following. This speed appears reasonable to allow owners enough use of the messages without being distracting from flashing or scrolling. Also staff is presenting, for discussion, a revision that if a business installs a functioning dynamic display sign, the use of temporary signs would no longer be permitted. However, multi-tenant centers would be permitted to install one temporary sign instead of three if they also have a dynamic display. Associate Planner Dalnes stated that Staff recommends the Planning Commission recommend approval of the proposed ordinance.

Chairperson Nixt stated this language appears to be straight forward.

Commissioner Levine asked if there will be impact to current signs.

Associate Planner Dalnes stated the impact will be minimal and businesses that were contacted indicated the speed of the sign message can easily be set to different intervals.

Commissioner Van Scoy asked about the desire of businesses for a scrolling or flashing signs.

Associate Planner Dalnes stated she talked with two banks and they indicated that flashing is not an effective way to relay their message because it is too quick to be read. The purpose of their signage is to convey a message, not attract attention.

Commissioner Van Scoy referred to Page 15 where the definitions mention flashing signs or lights and says: "other than a changeable copy sign." He asked what that means.

Associate Planner Dalnes explained it is defined in the sign ordinance as a sign where the message has slide-out lettering that is changed manually, not electronically. She stated that technology has changed so the Code definition will be clarified to indicate it is changed "manually" and not a dynamic display.

Chairperson Nixt asked whether it should be included if the entire face of the sign automatically changes by rotation, noting that is not a manual message change. He suggested that level of distinction be incorporated into the definition.

Associate Planner Dalnes stated staff will make that language clarification.

## **Citizen Input**

Dennis Carpenter, BOB FM community radio, stated they will be operating by Monday and hope to invite the Planning Commissioners to see their new location. He asked about staff research that was conducted beyond talking with two banks.

Associate Planner Dalnes explained that SRF Consulting prepared a report addressing 10 to 12 scientific studies on signage. That report was prepared on behalf of the City of Minnetonka due to a lawsuit and their need to determine the level of distraction "dynamic display" signs had to the driver due to brightness and size of letters.

Mr. Carpenter stated he is unfamiliar with the SRF study but knows studies have been conducted, which is what he wanted to address tonight. He read a prepared statement indicating he wants to assure the new sign ordinance is crafted on a scientific basis, not personal opinion. He commented that if each of the Planning Commissioners is to positively impact the community they need to do so under the mastery of the subject under consideration, namely signs in the roadside environment. Mr. Carpenter suggested that this knowledge will allow the Planning Commission to take command of this process and have a truly positive impact on businesses and the community. He urged the Planning Commission to take into careful consideration the desires of the municipality for a visually pleasant and safe landscape but also the free speech rights of the individual and business. He noted that some businesses want to convey a certain unique image, but not all are like banks and have an individual identity.

Mr. Carpenter stated there is some verifiable research available beyond what staff relied upon. On line he found the United States Sign Council (USSC) has done research and clearly shown that signs do not cause traffic accidents and when properly sized and placed, contribute to traffic safety. Research shows that in most municipalities, signs are not too big but need to be bigger to account for the increased need for rapid legibility in high speed traffic environments. He suggested that the facts are clear that signs provide vitally needed info in extremely complex landscapes without which motorists may not find their destination. He advised that the United States Sign Council research is funded by the United States government and all studies done by impartial universities, unbiased researchers, and scientists. He suggested there is an unprecedented level of acceptance for these scientific studies and organizations have come to utilize them including the American Planning Association who just adopted the USSC study for illuminated signs. Other organizations include the International Code Council, Transportation Research Board of the National Academies of Science and Engineering, the American Society of Civil Engineers, and Illuminating Engineering Society of North America.

Mr. Carpenter stated he wanted to share this information to encourage the Planning Commission and staff to look into this research, to step back for a moment, and not vote in favor of the ordinance change tonight but to wait until staff has an opportunity to study the research so a proper sign ordinance can be crafted using the latest scientific data for illuminated signs.

Mr. Carpenter explained that as a radio communication company, they take it seriously to serve the public interest and are charged by the Federal Government to do so. He explained that in the

future they want to erect an illuminated pylon sign at their building with one face towards Highway 10 and hope, when budget allows, that it can be a state-of-the-art, full motion video sign. The sign will be utilized to not only deliver up-to-date radio information but also provide valuable weather information, weather alerts and warnings, and Amber Alerts through new technology. Mr. Carpenter suggested that the banks may not want to utilize scrolling signs but in downtown St. Paul the brand new \$64 million Minnesota Public radio facility has a banner around their building, scrolling the latest news headlines. He noted that in New York City you will see the same type of technology being used. He stated that providing information is vital to the community and they want to be able to use their sign to provide that service. Mr. Carpenter stated they will not be selling an item but providing information that people need. He stated in his industry the availability of scrolling is important because the public relies on his company to provide information. He stated they made a huge investment to move to Ramsey, enjoy the community, and want to be able to erect the best sign they can to provide the best quality information.

Mr. Carpenter asserted that scientific study has found that such a sign does not cause accidents. What causes accidents, they have found, is if the sign is too small and drivers cannot read it. He suggested that at 100 yards, a 35 square foot sign is too small and cannot be read. He stated if illuminated signs are the major cause of accidents, there would be gridlock in Los Vegas, Nevada; however, they have one of the lowest number of car traffic accidents in the United States yet have the most illuminated signs. He suggested the City give the public credit that they live in a fast paced society and can process information quickly and move on. But, if you make it difficult they will become frustrated and it could cause problems. He urged the Planning Commission to reevaluate before moving forward. He offered his services, free of charge, to provide information or to help in any way he can to assure the Planning Commission bases its decision on scientific studies not personal opinion. He closed by saying he appreciates the Planning Commission listening to his comments and is proud to be part of Ramsey.

Commissioner Brauer asked Mr. Carpenter, since he had read the scientific study, what is in the scientific studies that are contradictory to the draft ordinance.

Mr. Carpenter stated he has not had time to read all of the studies but spent about an hour and a half on the internet to research available scientific studies. He stated he would be happy to share this information with staff.

Associate Planner Dalnes pointed out that the SRF lit review included a countless number of studies and is easy to download from the Minnetonka website.

Commissioner Brauer stated that information was previously provided to the Planning Commission.

Associate Planner Dalnes explained the SRF study looked at signs where the message was up long enough to read it and where the driver had to consistently look at the sign to read the message over a longer period of time than allowed. The study was not specific to scrolling signs but signs where you needed to look at them beyond a certain criteria. She stated that information

is included in the lit review by SRF and can be reviewed by the Planning Commission to draw their own conclusions.

Chairperson Nixt noted that with scrolling signs, you have to take your eye off the road for a period of time to read the message and that results in causing driver distraction for a prolonged or extended period of time.

Associate Planner Dalnes stated that is correct; the conclusion of the study is that driver distraction occurs if you have to take your eyes off the road consistently for a period of time to get the whole message, such as with a scrolling sign.

Chairperson Nixt pointed out that speed is also a factor, as is the nature of the highway, amount of vehicular traffic, and time of day. He noted Highway 10 is 65 mph and indicated he does not believe you can extrapolate literally and say that the level of distraction caused by signage in Los Vegas is the same as Highway 10 at rush hour.

Associate Planner Dalnes concurred and advised that the SRF study also addressed the size of the letters based on the speed of the traffic, because they are related. She noted that issue was discussed last month and that it was impossible to enforce so it was eliminated from the Code. However, it can be included if desired by the Planning Commission.

Associate Planner Dalnes stated small businesses in Ramsey want to utilize dynamic display billboards too.

Chairperson Nixt asked what research was included in the SRF study.

Associate Planner explained that the SRF study was a literature review of all the studies done, some from the 1970s, others more recent, and drew on studies done by transportation departments and engineers. The study dealt with what causes driver distraction and was not geared to a sign or type of sign.

Chairperson Nixt stated it appears the SRF study was a survey compilation of studies previously conducted.

Motion by Chairperson Nixt, seconded by Commissioner Van Scoy, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Nixt, Commissioners Van Scoy, Brauer, Cleveland, Hunt, Levine, and Rogers. Voting No: None. Absent: None.

The public hearing closed at 7:48 p.m.

### **Commission Business**

Chairperson Nixt called the regular meeting of the Planning Commission back to order at 7:48 p.m.

Chairperson Nixt stated he missed the benefit of last month's discussion and while he feels enough study has been considered, he is not opposed to reconsideration if and when other research is presented. He noted staff has addressed concerns raised by the Planning Commission and when an application and the applicant can show it is appropriate to make an ordinance amendment, it can be considered at that point.

Chairperson Nixt stated that in the interest of public safety, he believes the three second standard provides plausible relationship to safety of residents and allows businesses to present products and businesses. He stated he understands the request for flexibility for full motion sign, beyond scrolling, to a level he may not feel comfortable with. He explained that he has seen drivers watching full motion video in their front seat and that those vehicles often times veer over the line, which he finds to be a safety issue.

Commissioner Levine stated the City needs to follow technology, see how the signs are working nationally, and new scientific data. Then if a change or amendment is needed, it can be considered and a recommendation made to the City Council. He agreed the Planning Commission has discussed this at length and adequate research has been conducted.

Motion by Commissioner Levine, seconded by Commissioner Van Scoy, to recommend that City Council adopt the proposed ordinance to amend sign regulations to establish dynamic display standards and provide further clarification to the language addressing mechanical versus automated changes.

Further discussion: Commissioner Brauer stated he will inform staff of two typographic errors.

Motion Carried. Voting Yes: Chairperson Nixt, Commissioners Levine, Van Scoy, Brauer, Cleveland, Hunt, and Rogers. Voting No: None. Absent: None.

Commissioner Brauer commended staff for its detailed scientific research and drafting of the ordinance.

Chairperson Nixt advised those present that this item will be considered by the City Council on July 22, 2008.

**Case #3: Public Hearing – Consider Ordinance to Amend City Code Section 9.15 Towers; Case of City of Ramsey**

Chairperson Nixt closed the regular portion of the Planning Commission meeting at 7:55 p.m. in order to call the public hearing to order.

### **Public Hearing**

Chairperson Nixt called the public hearing to order at 7:55 p.m.

### **Presentation**

Associate Planner Gladhill noted the item before the Commission is several revisions to the ordinance that regulates the placement of towers in Ramsey. He explained that a moratorium on the construction of cell towers is currently in effect until September 17, 2008.

Associate Planner Gladhill reviewed staff's research of current tower location, identification of gaps in coverage, and need for additional towers. The southern half of Ramsey will be adequately served based on the current ordinance. However, areas in the northern half of Ramsey show gaps in coverage and there are no significant commercial or industrial parcels within that area so an ordinance amendment to the Tower Overlay District is recommended to cover those gaps. Staff studied lot sizes and site conditions (natural resources) to determine the new overlay district and found opportunity for co-location on existing utility power poles. However, this cannot be required because the City does not own the poles.

Associate Planner Gladhill presented the following proposed ordinance changes and provided an explanation for each:

- Antennas may be co-located on existing structures in parks; however, no new towers may be constructed within parks
- Height limits have been adjusted to 100 feet in all zoning districts; an additional 20' may be granted if a minimum of two services are co-located on the tower
- The 10 acre requirement for lot size has been eliminated; lot size will be regulated by setback, which is the height of the tower plus 10 feet
- Towers must still be designed to accommodate three users
- Towers will not be allowed to be constructed in the Critical River Overlay District or Town Center Zoning Districts; however, antennas will be allowed to be mounted on existing structures in these areas
- Towers and antennas will not be allowed to be constructed in the H-1 Highway Business District; this area is reserved for future Highway 10 alignment and construction of towers would result in added relocation costs
- Towers will be allowed to be constructed in the Public/Quasi-Public Zoning District

Associate Planner Gladhill explained that questions came up from property owners who asked if this ordinance means they will get a tower. However, that will be up to the property owner. The ordinance will allow them to lease or sell property to wireless providers, but it does not require them to do so. Also, there has been discussion of wind turbines but they are typically addressed through a separate section of City Code because the needs for that type of tower are greatly different. Staff has received no written comments and recommends approval of the proposed ordinance amending City Code Section 9.15.

Commissioner Van Scoy asked about the proposed tower overlay districts.

Associate Planner Gladhill explained the map on display also identifies wetland resources. Staff does not want a tower on property that is encumbered by natural resources and based the

language on how Elk River handles their overlay district. He noted that Ramsey will provide more options with this overlay district, which abides by 1996 FCC guidelines.

Commissioner Van Scoy asked whether Staff started with the existing overlay district and eliminated wetlands.

Associate Planner Gladhill stated that is correct and staff also addressed gaps in service areas based on bandwidth. He noted that many people now use cellular telephones instead of landlines so it is also a matter of public safety.

Chairperson Nixt stated the overlay districts identified on the revised map anticipates providing sufficient co-location capabilities to provide wireless coverage at a reasonable level and meets the 1996 FCC Act.

Chairperson Nixt noted there are different levels of coverage based on proximity to the tower. He asked whether Staff, while designing the overlay districts, considered signal quality inside a structure as opposed to inside a vehicle.

Associate Planner Gladhill that Bloomington changed their ordinance because in higher populated areas, towers need to be shorter. In rural areas, the tower can be higher, based on the number of users. He explained that as density increases, towers may be shorter but more towers may be needed. He explained Slimera technology, which is well camouflaged. Staff hopes communication companies will consider this new technology, which doesn't require the need for a high tower, thus reducing the cost.

### **Citizen Input**

John Enstrom, 8702 – 181<sup>st</sup> Avenue, stated he has more bearing on power poles than anyone in the City of Ramsey because 1.5 miles of power poles and the tallest structure in Ramsey are on his property. He reported that many utility companies want to put antennas on his 280 foot tower. However, he believes this use would be detrimental to his property value because they would need 24-hour access to the tower and he does not want that to happen on this property. He stated Ramsey has power lines all over and tall aluminum towers where the antennas can be placed. He stated he lives in the country to get away from the phone and does not care if Ramsey does not have enough cellular phone coverage in his area of Ramsey. He stated he talked with the Elk River Mayor and learned they are accepting cell towers so he would suggest they go there. Mr. Enstrom stated he attended Nowthen's first City Council meeting and learned they will accept towers and Nowthen is just across the road from his property. He suggested requiring a minimum lot size for the towers, noting it does not add to the value of the property. He stated he believes it tremendously devalues property, which may also impact residents that live one-quarter of a mile away who can see the flashing red lights. He supported the existing ordinance and to require service providers to place antennas on existing towers. Mr. Enstrom stated the financial offers are minimal, about a tank of gas a month, and questioned why you would ruin your land for that low amount. He stated the service provider needs electricity, 24-hour service

to the tower, and an enclosed screen on the base to keep terrorists away so it involves more than just having tower in the air.

Associate Planner Gladhill agreed Ramsey can work closely with adjoining cities but pointed out that by the Federal Communication Act, Ramsey has to provide adequate coverage to all of its residents.

Chairperson Nixt asked what consideration was given to proximity to municipal services such as accessibility and electric power.

Associate Planner Gladhill stated staff did look at those needs when the sites were identified. He noted that larger landlocked lots will not be easy to access so staff identified topography and existing utilities. Since larger residential parcels were identified, it will not impact too many existing neighbors.

Andy Hillebregt, 17061 Bison Street, stated it was indicated that the identified parcels are not landlocked, but his parent's property is landlocked. He asked why towers cannot be in the Ramsey Town Center and if they are too ugly to be located there.

Associate Planner Gladhill explained that the Ramsey Town Center density restricts the setbacks from being applicable. He further explained the setback around the tower would make it difficult to fit in the Ramsey Town Center.

Andries Hillebregt, 16926 Bison Street, stated that is correct and is the same as the property next to it that is owned by the City.

Andy Hillebregt, stated there are other landlocked parcels as well.

Chairperson Nixt stated no wireless provider companies will select a parcel of land if there is no legal public access so those types of parcels will automatically be excluded from their consideration.

Andy Hillebregt, stated he is concerned that staff has done research but are coming up short by saying nothing is landlocked when it is. He suggested that more in-depth research is needed.

Chairperson Nixt clarified that identifying a property as a potential site in the overlay district does not give a service provider the right to place a tower at that location. It is the landowner's right to determine if they want to enter into such a lease or give an outright deed to the property.

Chairperson Nixt stated the topic under consideration tonight is not landlocked properties and how or if access should be provided since that is a legal process completely independent of whether it is a tower location or other public improvement. He emphasized that he will not entertain any discussion of eminent domain or public purpose tonight because it has no bearing on this agenda item.

Andries Hillibregt asked whether a cable company can require the City to give them access if they want to put in a tower and the property owner has not given permission. He requested that his property be removed from the list and instead identify the adjacent City's landlocked property so a tower can be located there.

Associate Planner Gladhill stated the City parcel is encumbered by natural resources.

Andraes Hillibregt stated the City site is buildable and again requested that his parcel be removed from the list.

Associate Planner Gladhill stated the Planning Commission can consider the request to remove the Hillibregt parcel in its recommendation.

Chairperson Nixt asked whether staff has identified an alternate parcel in that vicinity.

Associate Planner Gladhill stated staff can do more research to make that determination. He noted staff chose several parcels for gaps in coverage, not one parcel, just in case one of the owners is not interested in having a tower on their property.

Commissioner Van Scoy asked if it is possible for someone to put up a tower in a location that is not identified in the overlay district.

Associate Planner Gladhill stated they would not be able to build a tower without making application for inclusion in the overlay district.

Chairperson Nixt stated the objective is to provide adequate coverage areas to comply with the Telecommunications Act of 1996. He asked if the moratorium can be extended, if needed.

Associate Planner Gladhill stated that the moratorium can be extended but it is "frowned upon" since it is an Act from 1996. However, some property owners in the northern section of Ramsey have already been approached so if brought to court, the judge may rule against the City.

Chairperson Nixt noted there are two levels of coverage: coverage that is adequate; and, coverage the service provider's desire. The City has an obligation to provide reasonable coverage, but not desirable coverage in all instances.

Associate Planner Gladhill stated service providers have not identified any critical area but it is known that more coverage is needed in the northern area.

Chairperson Nixt inquired about public comment, noting written materials have not been presented by residents. Tonight, the Commission heard comments by Mr. Hillibregt and Mr. Enstrom.

Chairperson Nixt stated the ordinance can be sent back to staff for further research on the overlay district to address issues raised tonight and to see if there is an alternate but that seems

deminimus in terms of what we are trying to accomplish. Or, the Planning Commission can recommend approval with the exclusion of the overlay section and direct staff to identify a replacement parcel. Chairperson Nixt stated since the moratorium is up in September, the preferred course of action would be to make a recommendation to the City Council.

Associate Planner Gladhill stated the other overlay areas may adequately cover even with the exception of this one parcel.

Dennis Carpenter reported that at the recent NAB convention, a manufacturer was showing new monopole designs that look like big white pine trees and you cannot see the antennas. He offered to share that information with staff. He informed Mr. Enstrom that red lights are not required if the tower is under 200 feet in height.

Andy Hillibregt asked about the overlay system and why the City did not leave it up to the individual landowners. He stated that a 2.5 acre lot will accommodate such a tower and it should be left up to the property owner if they want a tower.

Associate Planner Gladhill explained that a 2.5 acre commercial or industrial lot may be appropriate but it would not be appropriate within a residential area. He noted that residential parcels were excluded except for areas where needed to provide coverage. He stated he believes there would be a lot public feedback against doing such with a residential parcel.

Andy Hillibregt noted some of the areas could be developed in the future and when that happens the tower would be in the middle of the residential area anyway.

Andy Hillibregt stated his preference to allow the property owners to make the decision whether they want to be included in the overlay district since they better know their property.

Chairperson Nixt stated leaving it open to that level of discretion would end with a result that residents and the City would not be pleased with, in aggregate.

Andy Hillibregt suggested they work with the residents to decide which parcels should be identified. He noted that as density increases the towers will be lowered and more will be needed.

Associate Planner Gladhill stated staff tried to anticipate that, noting the additional locations along the Mississippi River areas. The gaps in service in the central area of Ramsey were also identified. He noted that technology will be changing and the City will have to adjust the ordinances accordingly.

Commissioner Brauer asked who defines the coverage area and adequacy.

Associate Planner Gladhill explained providers are required to research locations within a one-mile radius and that is the basis for determining the overlay. He stated staff talked with service providers about their service areas, which is the basis for the one-mile radius.

Commissioner Brauer stated the cellular telephone industry is being driven, to a large extent, by movement towards broadband capabilities which require a different type of transmission and reception. He asked whether the gaps may be there for broadband reception but not for regular reception, and questioned how much is driven by change in technology for broadband.

Associate Planner Gladhill stated he does not know but could do additional research on broadband technology.

Commissioner Brauer explained that the bandwidth needed to carry pictures is wider than needed for voice transmission. He noted that cellular companies are selling technologies to watch a television feed on your cellular telephone that requires different signal delivery and bandwidth. He asked who and what defines the "gap." The 1996 FCC Act requires Ramsey to provide service for all residents to access a cellular telephone but wondered whether it requires Ramsey to also provide, in addition, broadband service. He also asked whether getting one bar on their telephone is adequate service.

Associate Planner Gladhill stated the additional uses gets down to additional use of bandwidth. He stated he does not have additional information about the difference in bandwidth needed to answer a call and additional bandwidth needed to watch wireless streaming video on a cellular telephone.

Commissioner Brauer asked where the data comes from and whether, in the long run, the City has to rely on the service provider to say where they want the towers. He also asked if Ramsey can find a means to get the data independently on tower placements.

Associate Planner Gladhill noted that in past tower requests, the applicant provided engineering specs for their service coverage but it may not have indicated how much was needed for the phone, and how much for streaming video. Staff can determine if the request is appropriate for additional bandwidth or adequate coverage.

Community Development Director Miller stated staff can determine if additional information is needed beyond the engineering specs provided by the applicant.

Chairperson Nixt stated his belief that the City is better off to design overlay districts that are established and based on reasonable review. That puts the City in a favorable position should a wireless provider want a tower in an area not designated as an overlay district or otherwise permitted site and properly shift the burden to the wireless provider to demonstrate the City has not provided it with adequate access required under Federal law. At that point, it is fair to say if the City believes this ordinance identifies overlay districts based on current information to accomplish that objective, to provide reasonable coverage, it seems prudent to move the ordinance forward to the City Council for consideration and adoption. He noted that standards, technology, and needs may change but the Planning Commission has to look at standards for today; the current situation not future situation.

John Enstrom stated he has 3.5 of the most desirable sites in Ramsey on his property and if Central Park is not a good spot, Veterans Lake is not a good site either and he wants it eliminated from consideration. He noted one of the towers straddles his property and his neighbor's property to the west. However, he does not want an antenna on the west half of that tower either.

Community Development Director Miller clarified that the antennas allowed in Central Park are co-located on the 100-foot tall lights, adding an additional 20 feet as opposed to adding new towers.

Motion by Commissioner Levine, seconded by Commissioner Van Scoy, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Nixt, Commissioners Levine, Van Scoy, Brauer, Cleveland, Hunt, and Rogers. Voting No: None. Absent: None.

The public hearing closed at 8:48 p.m.

### **Commission Business**

Chairperson Nixt called the regular meeting of the Planning Commission back to order at 8:48 p.m.

Chairperson Nixt stated that given the amount of work his firm does for service providers, he will be abstaining from discussion.

Commissioner Van Scoy questioned the language about minimum setback.

Associate Planner Gladhill explained that the design of the monopole is to fall straight down, not to the side and in looking at the design of the tower, the setbacks should be adequate. He reviewed the zoning districts where towers are allowed and setback standards for the various zoning districts.

Commissioner Van Scoy asked if towers can be 35 feet from a structure.

Associate Planner Gladhill stated it can be within 35 feet from the property line if in an industrial zoning.

Commissioner Van Scoy stated he believes it is not appropriate to locate a tower close to a property line when next to residential because the tower could fall on someone's house. He asked that consideration of the neighboring use be addressed in the setbacks.

Associate Planner Gladhill suggested adding language to indicate that when adjacent to a residential area, they are subject to the height of tower plus ten feet.

Commissioner Brauer stated he will also abstain from this vote.

Motion by Commissioner Hunt, seconded by Commissioner Levine, to recommend that City Council amend the Tower regulations in Section 9.15 of City Code, subject to the following:

1. Excluding the Andries Hillibregt landlocked parcel from the overlay district
2. Excluding the Enstrom parcel from the overlay district
3. Including language to indicate that setbacks for Commercial and Industrial properties, if next to Residential property, shall be the greater of the setback in the residential district or commercial/industrial districts
4. Staff to work with Mr. Enstrom to address his concern regarding the tower being located on his property and his neighbor's property

Commissioner Cleveland stated it is still possible to work with neighboring cities in location of towers to provide coverage.

Associate Planner Gladhill stated that staff will encourage service providers to look beyond Ramsey's boundaries when addressing tower locations.

Motion Carried. Voting Yes: Commissioners Hunt, Levine, Cleveland, Van Scoy, and Rogers. Voting No: None. Absent: None. Abstain: Chairperson Nixt and Commissioner Brauer.

**Case #4: Staff Update**

**1) Associate Planner Dalnes' Last Meeting**

Associate Planner Dalnes informed the Planning Commission that this will be her last meeting as she has accepted a position with the City of Minnetrista.

The Planning Commission thanked Ms. Dalnes for her work with Ramsey and wished her well at Minnetrista.

**2) Associate Planner Gladhill**

Assistant Community Development Director Frolik advised that this is the first official meeting for Mr. Gladhill as Associate Planner.

The Planning Commission congratulated Mr. Gladhill on his promotion from Management Intern to Associate Planner.

**3) Joint City Council / Planning Commission Workshop**

Assistant Community Development Director Frolik notified the Planning Commission that a joint Planning Commission and City Council meeting has been scheduled for Tuesday, August 12, 2008, from 5:30 – 7:00 p.m. This will provide an opportunity for the Comprehensive Plan consultant to present scenarios and land use information for the Comprehensive Plan update.

**Case #5: Zoning Bulletin**

The Zoning Bulletin was noted.

**OTHER COMMISSION BUSINESS**

**1) Community Center Focus Group**

Associate Planner Gladhill advised of the upcoming community center focus group meetings on Wednesday, July 16, 2008 at 6:00 p.m. and July 17, 2008 at 2:00 pm. Information on this matter, including meeting dates and questions to be asked, will be in the *Ramsey Resident* and the next utility billing.

The Planning Commission asked staff to also include this information on the City's website.


**ADJOURNMENT**

Motion by Chairperson Nixt, seconded by Commissioner Levine, to adjourn the meeting.

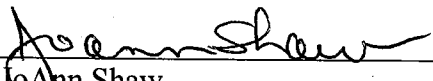
Motion Carried. Voting Yes: Chairperson Nixt, Commissioners Levine, Brauer, Cleveland, Hunt, Van Scoy, and Rogers. Voting No: None. Absent: None.

The regular meeting of the Planning Commission adjourned at 9:03 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Sylvia Frolik  
Assistant Community Development Director

ATTEST:

  
\_\_\_\_\_  
JoAnn Shaw  
Community Development Secretary

Drafted by Carla Wirth  
*TimeSaver Off Site Secretarial, Inc.*