

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
MINUTES

Tuesday, April 27, 2021 - 7:30pm
Virtual Meeting via Zoom

Present: Chairman Gerry Mrosla, Commissioners Jennifer Henry, Ed Sanderson, Kristina Smitten, Tim Casey

Absent: Commissioners Ron Brenner, Anna Hagstrom

Citizens present: Juli Hagstrom, Wendy Ward, Mary Burke, Lon Pardun, Glen Mills, Larry Martin, Nancy Cosgriff

Chairman Mrosla called the meeting to order at 7:30 p.m.

Wireless Communications Ordinances

Commissioner Sanderson reviewed Attorney Synder's comments to the 4G wireless ordinance draft: mapping out buffer/exclusion zones, adding existing CUP approval criteria from the zoning code to Section 13 of the ordinance; height demonstration (balloon test); input from the city's engineer on the right-of-way ordinance. Sanderson noted that he had run these by the city's wireless consultant, Carly Kehoe.

Commissioner Sanderson also recapped committee goals that had shaped the existing draft: ensuring proper placement and design of tower facilities; facilitating wireless communications while minimizing adverse visual effects, avoiding damage to adjacent properties; and encouraging the use of existing towers and buildings. All of this within the larger context of limited municipal authority to regulate due to federal regulations. To that end, the draft lays out: the permitting process; setback regulations; co-location requirements with search ring information including radio frequency and propagation maps; fencing and landscape requirements; security bonds for tower removal, height restrictions, and proximity to features such as dwellings, parks, the highway, and the river.

Chairman Mrosla asked about Section 14, and whether FCC regulations would override those, enabling a company to place a tower wherever it wanted. Sanderson said it's not quite that simple, and often tower companies are willing to work with the requests of the community. Sanderson and Smitten noted that this was part of the reason they hope to move the ordinance and RFP process along together. Smitten will try to have a proposal or plan for the commission to look at for the next meeting.

Commissioners Smitten and Sanderson discussed tweaking language to allow a stealth tower in a park or in town, but held the idea for now.

Resident Larry Martin asked whether the commission had considered setbacks beyond 500 feet from where people live. He said a researcher had proposed that towers shouldn't be built within 500 meters from dwellings due to radiofrequency exposure. He warned that this could become a legal liability for the city. Smitten noted that the consultant, Carly Kehoe, had not substantiated claims of health risks, or liability concerns. Martin disagreed, saying Kehoe's goal was to help get towers built. Sanderson noted that others in town had given different viewpoints, and reiterated that the consultant had said these health impacts have not been substantiated. Martin said it was difficult to prove the link without funding, but that scientists are calling for more research. Mroska noted that there would be a public hearing. Martin thought that would be too late, because the council would have made up its mind. After more discussion, Mroska thanked Martin for his comments and moved on.

Smitten noted that Attorney Snyder had suggested adding the city's criteria for granting CUPs from the zoning code. The commission agreed to add a reference to the zoning code in the 4G ordinance to the effect of, "In addition to the requirements of the conditional use permit in code Section 308, the following also apply," and/or add "1. And 308.2 (1-8), Criteria for Granting Conditional Use Permits in the city zoning code."

The commission discussed how to avoid confusion around regulating authority and the 1996 FCC regulations. Commissioner Sanderson suggested using information from the League of Minnesota Cities to create a one-page synopsis on FCC regulations to accompany the draft ordinances. This would brief residents on what the city has the authority to regulate, and what it doesn't. Smitten noted that Consultant Kehoe's power point presentation was another resource they could use in putting the synopsis together.

Sanderson and Smitten noted that the commission would need to develop design guidelines for 5G, but because it's separate from the ordinance, this could be done after the commission had given initial approval for the ordinance.

Smitten moved to set a public hearing for the City of Marine on St. Croix 4G Wireless Communications Ordinance and 5G Right of Way and Small Cell Communications Ordinance, for May 25, 2021. Seconded by Commissioner Henry. Roll call vote: Mroska — Aye; Casey — Aye; Sanderson — Aye; Henry — Aye; Smitten — Aye. Motion passed.

After discussion around the timeline, particularly the DNR's review period, Smitten rescinded her motion to set the hearing in May. Sanderson seconded. Roll call vote: Mroska — Aye; Henry — Aye; Sanderson — Aye; Casey — Aye; Smitten — Aye. Motion passed.

Sanderson moved and Casey seconded to set the public hearing for the City of Marine on St. Croix 4G Wireless Communications Ordinance and 5G Right of Way and Small Cell Communications Ordinance, for Tuesday, June 29. Roll call vote: Mroska — Aye; Smitten — Aye; Sanderson — Aye; Henry — Aye; Casey — Aye. Motion passed unanimously.

Assistant Clerk Suzanne Dammann will double check with Carly to see if her hours are used, and confirm her availability for the June 29 public hearing. If her hours are used, Chair Mroska will

request additional funding not to exceed \$1000 so that Carly can attend the public hearing, assist with the request for proposals (RFP process), and 5G design guide.

New and Old Business

None.

Approval of minutes

March 30 Meeting

Henry moved and Casey seconded approval of the minutes of the March 30 meeting. Roll call vote: Mrosla — Aye; Henry — Aye; Casey — Aye; Smitten — Abstain; Sanderson — Abstain. Minutes approved as drafted.

Adjournment

Smitten moved and Sanderson seconded to adjourn at 8:48 pm. Roll call vote: Mrosla — Aye; Smitten — Aye; Sanderson — Aye; Casey — Aye; Henry — Aye. Motion passed unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk.