

**CITY OF MARINE ON ST. CROIX**  
**PLANNING COMMISSION**  
**MINUTES**

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

Present: Chairman Gerry Mrosla, Commissioners Tim Casey, Jennifer Henry, Kristina Smitten, Anna Hagstrom (via Zoom)

Absent: Commissioner Ed Sanderson

Citizens present: Glen Mills, Roger Lyle, Kevin Nyenhuis, Blair Ransom (Powder River), Wendy Ward

Chairman Mrosla called the meeting to order at 7:32 p.m.

Wireless Communications Ordinances: Review and Recommendation

Commissioner Smitten thanked residents for their input at the public hearing, and reported on work the commission has done since.

Points commissioners heard at the public hearing:

- Broad support for increased service in Marine
- Collocation is desired
- Concerns about location
- Concerns about health
- Frustration about connectivity issues; Smitten noted that these ordinances address cellular coverage and not internet connectivity, but reiterated that the concerns were heard.
- Concerns with restrictions in Section 14, e and f.
- Setbacks related to height and whether those are necessary related to a fall area
- Aesthetic impacts
- Support for Section 14, e and f.
- Concerns that a variance could be needed; Smitten clarified that the towers would be granted through a conditional use permit process. The Planning Commission would review and City Council makes the final decision. No variance needed.

Changes to 5G Ordinance:

Clarification was added regarding the administrative process. Commissioner Smitten noted that the ordinance references design guidelines, and those still need to be created. 5G isn't on the horizon in Marine, but it made sense to lay the groundwork now, through the ordinance.

Changes to 4G Ordinance:

- The 4G ordinance will replace Section 408 of the City's current code instead of adding new chapter. The commission feels the spirit of the existing ordinance is well captured in this one. (5G will also be part of Section 408; 4G will be Part 1 and 5G, Part 2.)

- Clarifies that once a conditional use permit is granted the applicant must then pursue a general building permit.
- More flexibility regarding height and setback limitations.
- Clarifies that screening plans shall comply with existing Section 404 of the Zoning Ordinance.
- In Section 14, “Prohibitions” was changed to "Restrictions," and language was added to allow a reduced setback if an engineer specifies a lower fall zone for the tower.
- Under “e” they removed a redundancy regarding towers taller than 35 feet.

Smitten offered an explanation for why they chose to regulate towers beginning at 35 feet. The city’s consultant thought it was important because we don't know what the technology will be in the future. Towers might be shorter. That number is also consistent with guidance from the League of Minnesota Cities.

#### Audience Questions:

Wendy Ward asked if the commission was planning on making any recommendation to the council regarding ownership. Smitten answered no, they will not make recommendations about ownership of the property or tower. But they do have a recommendation for City Council to follow a process in tandem with passage of the ordinances, which would look at ownership.

The assistant clerk read a comment to the Planning Commission on behalf of Councilman Charlie Anderson: “I am pleased with the revisions to the wireless communications ordinances, specifically to Section 14 of the 4G ordinance, which will provide the Council and community with flexibility in locating suitable sites for a wireless monopole. There is clear and convincing support for a tower, but the citizens of Marine, as is their wont, appreciate and expect thorough process. I applaud the commission, and our consultant, on their work. I look forward to voting in favor of the ordinance, and engaging the commission, community, communications infrastructure committee, and service providers on next steps to identify the best sites possible in order to provide reliable cellular and wireless service to the City of Marine on St Croix.”

*Henry moved to recommend for adoption to the City Council the Wireless Communication Tower Ordinance (4G Ordinance), as presented this evening and provided as part of the agenda packet. Casey seconded. Approved unanimously.*

Smitten noted that they had added clarification around "make ready" language, specifying that any needed site preparation would be the developer’s responsibility, not the City’s.

*Henry moved to recommend for adoption to the City Council the Right of Way and Small Cell Ordinance (5G Ordinance) as presented and provided in the agenda packet. Casey seconded. Approved unanimously.*

*Additionally, the Planning Commission recommends the following steps occur in parallel with adoption of the Wireless Communication Tower Ordinance:*

1. Develop a request for proposals (RFP) or bidding process to provide to tower developers to seek multiple proposals for potential tower sites and designs that meet the needs of the City and the requirements of the ordinance.
2. Obtain the services of a qualified firm or individual such as Carly Kehoe, or the firm SEH who is well versed in the legal and engineering aspects of the tower development process, and impartial to one tower developer over another, to help guide the City. Such topics as City vs.

private property citing, local vs. national tower developer advantages, potential lease structures, and coordination with Washington County FirstNet needs should all be part of the RFP/ bid acceptance process discussions.

Estimate from Carly Kehoe for RFP development, evaluations. and negotiations.

Approximate Hours

8-10 Writing RFP

14-20 Selecting, negotiating, facilitating the Selectee

8-10 Prep for and attending approximately two council meetings

2-4 Additional meetings

4-8 Selectee communication, revisions, submittals, etc. with City direction

Total: 22-30 hours

Cost: at \$152/hour = \$3344 min - \$4560 max

Smitten added that the committee had researched sample RFPs and they contain specific details that are outside the commission's skillset to navigate. They would be happy to share RFP notices they've received with City Council. Jennifer has also talked to SEH, which has assisted a nearby community with this process. Once the ordinance is adopted and the city receives an application the clock starts to tick.

#### New and Old Business

Smitten noted that at the May 25 meeting the commission did not discuss the comments and map attached to the minutes from the "Cellular Infrastructure Subcommittee" (Citizen Communication Infrastructure Committee), which submitted a written comment. The minutes will be revised to clarify the name of the group and that the map and other materials were provided to the clerk as a record of the comment.

Chair Mrosla reported that Commissioner Brenner had submitted a resignation, effective July 22. Mrosla thanked Brenner for his long term of service and said he's been a great resource who will be missed. The commission will start the recruiting process, keeping in mind that other commissioners' terms are also up at the end of the year. He hopes to start looking for replacements in August, and will bring it up to council.

#### Approval of minutes

June 29 Meeting

*Smitten moved and Henry seconded approval of the minutes of the April 27 meeting. Approved unanimously. Minutes approved as drafted.*

#### Adjournment

*Smitten moved and Henry seconded to adjourn at 8:01 pm. Motion passed unanimously.*

Minutes taken by Suzanne Dammann, Assistant City Clerk.