

**APPROVED MINUTES
OF THE SPECIAL MEETING
CITY OF EAST GRAND FORKS
TUESDAY, MARCH 27, 2018 – 5:00 PM**

CALL TO ORDER:

The Special Meeting of the East Grand Forks City Council for Tuesday, March 27, 2018 was called to order by Council President Olstad at 5:00 P.M.

CALL OF ROLL:

On a Call of Roll the following members of the East Grand Forks City Council were present: Mayor Steve Gander, Council President Mark Olstad, Council Vice President Chad Grassel, Council Members Clarence Vetter, Mike Pokrzywinski, Tim Riopelle, Henry Tweten, and Marc DeMers.

Nancy Ellis, City Planner; Steve Emery, City Engineer; Ron Galstad, City Attorney; Paul Gorte, Economic Development Director; Charlotte Helgeson, Library Director; Reid Huttunen, Parks and Recreation Superintendent; David Murphy, City Administrator/Clerk-Treasurer; Megan Nelson, City Clerk; and Jason Stordahl, Public Works Director.

DETERMINATION OF QUORUM:

The Council President Determined a Quorum was present.

1. Discussion on special use permit application submitted by Verizon Wireless and Valley Golf Association.

Council President Olstad asked Mr. Galstad if he had any opening remarks. Mr. Galstad said he did not other than this was the continuation of an adjourned meeting so if there was any more discussion it could be allowed.

Mr. Eddie Buell stated that he was representing Verizon Wireless on the application and he wanted to respond to some of the comments made at the last meeting. He said there was a question on the accuracy of the measurements in the picture compared to the trees in the area. He explained he had went and measured the trees that afternoon and found that the pine tree was 42 feet and the taller deciduous tree measured at 62 feet. He said the location and angle of the picture determined the relativity of the trees compared to the tower structure, the simulation was prepared by a licensed engineer, and they feel that they are accurate. He continued on the comment about the height of the tower. He stated that Verizon had redesigned the foundation of the tower to accommodate to additional users but they were not going to be increasing the height of the tower which had been suggested by the third party consultant hired by the City. He explained where Verizon and two other possible carriers could be located on the tower. He continued with the point of using the location at the current club house and city staff thought that location didn't have any natural screening or buffer so that would not have been the least conspicuous location and it had been their opinion that this location is the least conspicuous. He said it had been confirmed by their maps, the RF frequency statements, and by the third party engineer that no existing structures in the city work to fill this gap in coverage and all of the information had been provided to the City. Mr. Buell stated that the Planning Commission did decide the application met the code, recommended to approve the

application on a 5-2 vote, and he was here hoping that the City Council agrees.

Mr. Dan Parker, 1723 21st St NW, commented that the oak tree in the picture of the tower no longer exists. He continued saying that Verizon has not proven the area discussed is the only area that would fill their needs. He stated that at a previous planning commission meeting Mr. Buell had agreed there could be possible other locations of locating the tower in a discussion that included himself, Mr. Buell, and Mr. Galstad. He said they had looked at an aerial map, how it was said other areas would be sufficient to place the tower, asked why were these other areas looked into, and how the current location is not aesthetically pleasing. He said at a previous Planning Commission meeting Mr. Gary Christianson commented that if the tower was moved by the club house it would be in his front yard. Mr. Parker continued saying that he learned today there is a relative of a council member that lives in the townhomes by the golf course. He added that this monstrosity should not be located in any front or rear yards. He added that this tower may not need to be located on Valley Golf property, how they need to work on growing their membership, and up to this point the only person who said this was a good idea was Mr. Buell. He asked that the entire Council deny this application.

Mr. Ben Horken, 1919 20th St NW, handed out a map and explained he had done some survey work recently. He explained the map showed the proposed site location, the site that had been discussed by the current club house, and how there is a difference in elevation. He stated that there is a higher elevation at the club house and how it would make sense to have this located at a higher elevation, have it located in an area where it is not located close to homes, and he asked the Council to deny the application because there is a better location for this tower.

Mr. Murphy stated there was an ash tree located in the area of the proposed tower location that is 59 feet tall and that the oak tree is no longer there. He added that the golf course is an applicant, much of the property they use is leased, and they are not allowed to sub-lease the property without approval first from the city so at this time they would not be allowed to locate the tower on leased land.

Mr. Gerard Neil, 1838 20th St NW, stated he went through the zoning code at the last meeting and explained how this application does not meet current city code requirements. He said again the tower is supposed to be located in the least conspicuous place while providing reasonable access, how the Owl Engineering report said the tower height would need to increase to accommodate other users, and if the tower was higher than 65 feet it would violate city code because the tower is not supposed more than 30 feet higher than other structures in the area. He continued saying the need for a buffer was removed from the city code and how planning and zoning thought the other site was incompatible because there was no natural screening. He stated again how the proposed site isn't the right place for this tower, he has offered to do the legal work for free so it could be placed in an area that is least obstructive for everyone. He added there are other sites available and there are many code violations so the application has to be denied.

Mr. Buell informed the Council that they had looked at all of the other suggested locations. He said some were located on the wet side of the levee and couldn't be used because no development is allowed on that side of the levee. He stated another location couldn't work because there is a large natural gas pipeline that went through the area and no commercial development is allowed in cemeteries in Minnesota. He added that elevation is not an issue and they need to locate the tower in an area where it best meets the need. He added that they do not need to increase the height of the tower to make space available for other carriers.

Council member DeMers said the map had been updated and how an area of need would be closer to the tech school. Mr. Buell said he couldn't speak to that. He said the tower located at 20th and 3rd could possibly be used for capacity but cannot be used for this coverage issue. Council member DeMers commented how there had been a change and asked what the motive was. Mr. Buell said he was not privy to that information and added that Verizon would not be asking to put up a tower if it wasn't needed.

Mr. Randy Galstad, 1816 20th St NW, is has always been proud to be an eastsider and the Council should be looking at what is best for the City and its residents. He commented how a proposed tower for University Park in Grand Forks had been voted down and he hopes it is the same here as well. He stated he is very disappointed in Valley Golf who has only ever had one representative present at some of these meetings. He commented how there needs to be more involvement at the golf course and how they may need to hold a fundraiser. He said he feels there is some nepotism in regards to some of the things that have gone on with people on the commission, how there are some that are related to people on the council, and how that application was pulled. He thanked the Council for their time and asked them to vote no on this application

Mayor Gander said he didn't know how the Council was going to vote on this. He stated that cellular infrastructure has become just as important as other utilities and the use of cell phones will only be increasing. He commented how there is a gap in coverage, how devices have to use more power for signal strength, and they say it is safe but we are unsure at this time how it will affect us. He continued saying if the Council denies the application he challenges everyone to find another location which works for everyone because they all have to agree there is a gap in coverage and they will work to fill the gap for the betterment of everyone.

Council President Olstad asked if there was anyone else who would like to address the Council. There was no one. He then asked for a motion to close the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER GRASSEL, TO CLOSE THE PUBLIC HEARING.

Voting Aye: Olstad, Grassel, DeMers, Vetter, Pokrzywinski, Riopelle, and Tweten.

Voting Nay: None.

Council member DeMers asked Ms. Ellis to remind him about what happened with this application. Ms. Ellis said the original application was withdrawn to look at other locations. Council member DeMers asked if it was denied. Ms. Ellis said the application has never been denied, again it was first withdrawn to look at other locations and it had been brought back in 2015 but was withdrawn because the ordinance had to be updated because at that time it was not a permitted use. Council member DeMers asked if the proposed tower could be placed by the current club house. Ms. Ellis said it would have to come back for another hearing but yes, it could go there. She said when the application came back it was for the current proposed site, not but the current club house. Mr. Murphy reviewed the timeline. Council member DeMers said it had been said there was a theme that the City and Planning and Zoning had denied the application and wouldn't allow it to be located by the current club house. Ms. Ellis said this application had never been denied and wasn't denied based on a proposed location. She added just to clarify the buffer zone was not removed from the ordinance, amendments were made to 152.317 section D only, the buffer yard is in a separate section so the landscaping requirement is still a requirement.

2. Consider motion to either approve or deny the special use permit application submitted by Verizon Wireless and Valley Golf Association.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER RIOPELLE, TO MOVE TO DENY BECAUSE THE APPLICANT HAS NOT DEMONSTRATED THE APPLICATION SATISFIES CODE SECTION 152.022 THE SPECIAL USE PERMIT IS NOT SUFFICIENTLY COMPATIBLE WITH ADJACENT LAND USES, IS UNSIGHTLY, NOT IN THE LEAST CONSPICUOUS PLACEMENT, AND WILL POTENTIALLY AFFECT THE ORDERLY AND HARMONIOUS DEVELOPMENT OF THE DISTRICT IN THE FUTURE.

Voting Aye: Olstad, Grassel, DeMers, Vetter, Riopelle, and Tweten.

Voting Nay: Pokrzywinski.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER DEMERS, TO ADJOURN THE MARCH 27, 2018 SPECIAL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:34 P.M.

Voting Aye: Olstad, Grassel, DeMers, Vetter, Pokrzywinski, Riopelle, and Tweten.

Voting Nay: None.

David Murphy, City Administrator/Clerk-Treasurer