

**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2008-055

A RESOLUTION GRANTING A WIRELESS TELECOMMUNICATION TOWER PERMIT AND APPROVING A LEASE AGREEMENT ALLOWING AT&T TO ATTACH A WIRELESS COMMUNICATIONS ANTENNA ARRAY TO THE EXISTING WATER TOWER AND TO CONSTRUCT AN ACCESSORY EQUIPMENT SHELTER AT 3303 LANGLY COURT NORTH

WHEREAS, Ken Nielson, Agent for AT&T Mobility, has requested approval of a Wireless Telecommunication Tower Permit to attach a wireless communications antenna array to the existing water tower and to construct an accessory equipment shelter at 3303 Langly Court North in a PF zoning district.

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on November 10, 2008, and reviewed and recommended approval of the Wireless Telecommunications Tower Permit based on the following findings:

- 1) The applicant is minimizing adverse visual effects of the antenna and accessory equipment by proposing to make use of the city water tower which is already being utilized for such uses.
- 2) The proposal complies with the city regulations and development standards.
- 3) The proposal does not constitute a nuisance.
- 4) A lease agreement has successfully been negotiated between the city and the applicant.

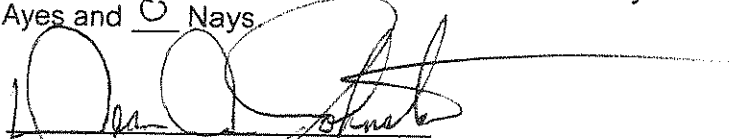
WHEREAS, Section 150.114 of the City Code requires the applicant to enter into a lease agreement with the City; and

WHEREAS, the Lake Elmo City Council reviewed the Wireless Telecommunications Tower Permit and lease agreement at its December 1, 2008 meeting.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby approves a Wireless Telecommunication Tower Permit to attach a wireless communication array to the existing water tower and to construct an accessory equipment shelter at 3303 Langly Court North and authorizes the execution of the lease agreement for this permit subject to the following conditions:

- 1) That the applicant signs the approved lease agreement with the City in accordance with Section 150.114 of the City Code.
- 2) An interference study must be conducted to ensure the proposed frequency will not cause interference with public safety telecommunications.

This resolution was adopted by the City Council of the City of Lake Elmo on the 1st day of December 2008, by a vote of 5 Ayes and 0 Nays


Dean A. Johnston, Mayor

ATTEST:


Susan Hoyt, City Administrator

(SEAL)