

CITY OF LAKE ELMO

RESOLUTION NO. 2009-043

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-019 BY TITLE AND SUMMARY**

WHEREAS, the city council of the city of Lake Elmo has adopted Ordinance No. 08-019, an ordinance to amend certain provisions of the zoning ordinance concerning wireless communications facilities; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the city council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Lake Elmo, that the city administrator shall cause the following summary of Ordinance No. 08-019 to be published in the official newspaper in lieu of the entire ordinance:

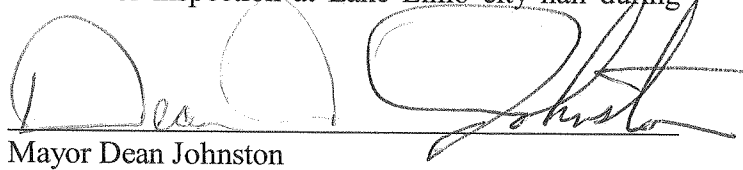
Public Notice

The City Council of the city of Lake Elmo has adopted Ordinance No. 08-019. This ordinance represents a major update to Sections 150.110 through 150.126 regulating wireless communications facilities within the City of Lake Elmo, and incorporates the following significant changes:

- Documentation concerning the proof of need for a new wireless communication facility must be provided as part of the application process. The ordinance provides the City with the authority to hire an outside RF consultant working on behalf of the City to help verify that a new facility would be necessary to provide adequate coverage over a specific search area.

- Definitions have been added to clarify the terms used throughout the ordinance.
- New towers are regulated as a Conditional Use Permit, while installations on existing structures or in a similar low-impact situation can be approved with only an administrative review.
- A list of all zoning districts is provided along with the maximum tower height and minimum parcel size requirements for new facilities. New towers are now permitted in commercial zoning districts.
- A detailed ranking of preferred tower sites is provided, and new facilities can only be approved when higher-ranked sites are considered first.
- Additional standards have been added related to the effects of towers on surrounding property.
- A list of minimum conditions of approval for a new facility is provided and is intended to clarify the expectations of the City while allowing some flexibility to deal with site-specific issues.

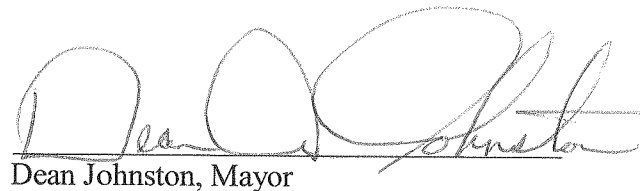
The full text of Ordinance No. 08-019 is available for inspection at Lake Elmo city hall during regular business hours.



Mayor Dean Johnston


BE IT FURTHER RESOLVED by the city council of the city of Lake Elmo that the city administrator keep a copy of the ordinance in his office at city hall for public inspection and that she post a full copy of the ordinance in a public place within the city.

Dated: 11-4, 2009.



Dean Johnston, Mayor

ATTEST:


Bruce Messelt, City Administrator

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

Council Member Park and upon vote being taken thereon, the following voted in favor thereof:

Mayor Johnston and Council Members DeLapp, Emmons, Park and Smith

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

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